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What It Takes to Take the “Right Photo” 2020 - 2021

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It is said that a picture is worth more than a thousand words. One photo can be enough to arouse certain emotions, expose the truth, or even trigger revolutions. The importance of photojournalism has increased more than ever before and similarly, the violations happening to hinder its process have likewise increased. This report provides an in-depth understanding of the problems faced by photographers, videographers, and reporters while practising their jobs in the field of journalism. The report first elaborates who photographers, videographers, and reporters are and their work nature. It then discusses the treaties and international laws that have been set to protect their rights. The report afterwards states the violations they face daily. These facts are then applied to the United States of America with examples of harassment happening to photographers, videographers, and reporters in the country. Finally, the report puts some recommendations through to help protect the rights of the ones who are most vulnerable to these harassments. The field of photojournalism remains fertile land for many human rights violations with its workers being exposed to many hazards every single day.

Photojournalists and Reporters

Photojournalism is a form of journalism that uses images, and sometimes videos, to deliver a news story. It is not a not recent practice; photographs have been used to illustrate news stories since the nineteenth century. The first photograph to be used in a newspaper story was taken in 1848 at a barricade in Paris. However, the modern sense of photojournalism began with the first pictures of war published in newspapers during the Crimean War and the American Civil War. As the days went by people started to realize how a single photo can lead the story not just enhance the text.

Press photographers or photojournalists are the ones behind the cameras responsible for making the magic happen by capturing timely and honest photos to create newsworthy stories to be used on television or in magazines, newspapers, and other publications. Their mission is to capture the right moment. Additionally, photojournalists have to make the conscious decision of which photos to post to protect their victims' identities and ensure that these photos will not harm anyone or put the victim at risk when posted. Reporters who cover ongoing protests should invest time to understand the demographics of the group involved. They often need to strike a balance between the responsibility of portraying the visceral realities of an often-devastating world and the humanity of the people they photograph.

The work of photojournalists, whether they are working on a freelance basis or for a reputable publishing house or television company, is of major importance. Even more than journalists, press photographers must have an 'eye' for stories. They need to be in the right place at the right time. They are usually required to travel to different and sometimes dangerous places to cover natural disasters or military conflicts. A single image can in some cases be so powerful, that it changes public opinion or has a real political impact. Photojournalists give voices to those unheard. Their pictures raise awareness regarding the struggles of people that were left alone otherwise in addition to raising awareness of current global issues and drawing attention to the plight of those who are truly suffering. The power of their photographs is so great that they can be used in propaganda to broadcast a certain point of view and misusing such a characteristic can cause major conflicts.

News reporters likewise play a major role in disseminating ideas and informing the public. The United States Bureau of Labor Statistics defines a reporter as someone who informs the public of international and regional events. They can likewise be employed by a newspaper, magazine, or television company to collect and report news or broadcasts news.

The nature of the work of photojournalists is as difficult as their duties. "Whenever there is a volatile situation, people run away from it, but it is the photojournalists who run towards it to cover it for the world," said Javed Dar, a photojournalist who has covered the conflict in Kashmir for over a decade. Photojournalists are always at risk of being hit by bullets or tear gas as they have to go through each clash to get the best angle for taking pictures. To cover breaking stories, photojournalists put themselves in contexts of war, conflict, and natural disasters in addition to covering issues such as protests, crime, pandemics, police attacks, crises, racial tensions, and elections. Journalists mostly work on reports on corruption, human rights abuses, and political unrest; thus, they often are the first to experience the wrath of society. Photojournalists have also been at the receiving end of the outrage of the public as they are usually the first to reach the spot of the incident.

Efforts to Protect the Rights of Photojournalists and Reporters

In recent years, the protection of journalists of all kinds has significantly increased due to the major grave hazards they can be subjected to because of their work nature. The protection of journalists has been underscored in several regional and international laws and treaties including:

- The Universal Declaration of Human Rights in 1948: This declaration sheds light on the fundamental human rights that each individual should have. Its nineteenth article highlights freedom of expression and opinion for all human beings. Additionally, Article 3 guarantees the “right to life, liberty and security of person” while Articles 5 and 9 mention the right not to be subjected to “torture or to cruel, inhuman or degrading treatment or punishment” or "arbitrary arrest". All of which are the basis of the work of any journalist.
- International Humanitarian Law: It develops several provisions regarding the protection of war journalists. If war journalists do not engage in hostilities or are accredited with the armed forces then they are entitled to the same protection as regular civilians.
- Geneva Conventions (1949) and Additional Protocol I to the Geneva Conventions (1977): The Geneva Conventions and Article 79 of Protocol I consider media professionals as civilians under the International Humanitarian Law. They have the right to be protected in armed conflict, provided that they do not directly engage in hostilities. Freelance journalists can also enjoy general protections that apply to civilians in the combat zone.
- International Covenant on Civil and Political Rights (1966): It is a legally binding global agreement and framework in which the international community guarantees basic human rights to all human beings to strive for the ‘ideal of free human beings enjoying civil and political freedom’.
- United Nations Human Rights Council Resolutions:
 - UNHRC Resolution A/HRC/RES/12/16 on Freedom of Opinion and Expression adopted in October 2009 calling that the exercise of the right to freedom of opinion and expression is one of the cornerstones of a democratic society. It also expresses concern regarding the violations of these rights that

continue to occur against persons who exercise, seek to promote or defend these rights, including journalists, writers and other media workers.

- The UN Human Rights Council Resolution A/HRC/21/12 on the Safety of Journalists adopted by consensus on September 2012 strongly condemning all attacks and violence against journalists.
- United Nations Security Council Resolutions:
 - UNSC Resolution 1738 adopted in 2006 condemning attacks on journalists in conflicts emphasising “the responsibility of States to comply with the relevant obligations under international law to end impunity and to prosecute those responsible for serious violations of International Humanitarian Law” and that “journalists, media professionals and associated personnel engaged in dangerous professional missions in areas of armed conflict shall be considered civilians, to be respected and protected as such”.
 - UNSC Resolution 2222 on the Protection of Journalists, Media Professionals and Associated Personnel in Armed Conflicts adopted in 2015 stating the importance of identifying and reporting possible situations that may cause crimes against humanity and violations of International Humanitarian Law. It also calls for the immediate and unconditional release of journalists, media professionals, and related staff who have been kidnapped or held hostage in armed conflicts.
- The Council of Europe: has been involved in the protection of journalists in situations of conflict and tension since 1996 in accordance with Resolution 1702 and Resolution 1438 on the freedom of the press and the working conditions of journalists in conflict zones, the Guidelines of the Committee of Ministers of the Council of Europe on protecting freedom of expression and information in times of crisis and the Declaration by the Committee of Ministers on the protection and promotion of investigative journalism.
- Regional Instruments: Including the African Charter on Human and Peoples' Rights 1981, the Declaration of Principles on Freedom of Expression in Africa adopted in 2002, the American Declaration of the Rights and Duties of Man, the American Convention of Human Rights 1969, the Arab Charter on Human Rights and The European Convention on Human Rights 1950.

Furthermore, many experts and non-governmental organizations have exerted major efforts to improve the situation of journalists around the world and worked on creating more binding protocols to protect journalists such as:

- Reporters Without Borders:
 - The Charter for the Safety of Journalists Working in War Zones or Dangerous Areas in 2002 ensuring eight principles that need to be adopted by media houses to help prevent and mitigate risks to media workers which are commitment, free will, experience, preparation, equipment, insurance, psychological counselling and legal protection.
 - The Declaration on the Safety of Journalists and Media Personnel in Situations Involving Armed Conflicts was drafted on 20 January 2003 during a workshop attended by representatives of the international committee of several entities. The declaration recalls the principles of international humanitarian law protecting journalists and media personnel during armed conflicts and proposes improvements to the law in regard to the recent events.
 - Initiatives to aid the journalists working in conflict areas with efforts such as lending bulletproof vests and helmets, offering a free press SOS hotline for journalists in trouble and training for reporters going to war zones in addition to working with UNESCO on a *Handbook for Journalists* including guidelines and safety tips for those going to dangerous parts of the world.
- The International Committee of the Red Cross: Setting up a hotline to aid journalists on dangerous assignments, helping them obtain the information in conflicts, passing the information on to their families and enabling them to exchange family news. Besides, the ICRC organizes regular International Humanitarian Law training sessions for journalists.
- The International Federation of Journalists: Promoting international action in advocating freedom of the press and social justice through a strong, free, and independent trade union of journalists as well as protecting journalists' safety and fighting impunity. The organisation represents approximately 600,000 members in over 131 countries making it the largest organisation for journalists.

Journalists are further protected if they got captured according to the Fourth Geneva Convention. War journalists have the right to contact their family members, receive humane treatment and visits from the International Committee of the Red Cross as well as protection from torture, collective penalties, looting and hostage-taking. They are additionally granted certain rights if they were declared as prisoners of war such as the right to humane treatment, medical care, not to answer when being questioned, to possess personal objects, and to receive the minimum norms regarding housing, food, clothing, and circumstances of the captivity. However, the legal protection of journalists working on the battlefield, while theoretically sufficient, is not respected in practice.

Human Rights Violations Photojournalists and Reporters Face

Reporters and media professionals represent the lens through which the world can be informed about armed conflicts and the human cost they cause. The nature of their profession puts them in violent situations, leaving them in a very vulnerable position.

Journalists are often subjected to violence, abuse, fear, brutality, sexual harassment, arbitrary arrests, imprisonment, threats, torture and discrimination because of their gender, race, ethnicity, class, or ability. Journalists' possessions, such as filmed material and cameras, may also be confiscated or destroyed as a measure of control or frightfulness. Journalists also live under the constant fear of being deliberately targeted. These targeted attacks come in different shapes, such as targeted killings, arbitrary detention, kidnappings or governmental prosecutions based on rigorous laws on the media or anti-terrorism laws.

According to the Committee to Protect Journalists, the main groups of journalists affected are the print reporters (28 per cent), the broadcast reporters (24 per cent), the editors (16 per cent), the camera operators (14 per cent) and photographers (9 per cent).

However, the attacks are mostly targeted at local journalists. According to the CPJ analysis, 85% of all journalists killed were not foreign correspondents working in war zones, but local journalists doing their work. They were typically murdered not on assignment, but in their offices, on their commutes, or in their homes. CPJ found that Nine out of 10 murders, had the hallmarks of premeditation such as careful planning, groups of assailants, and gangland-style executions. In the media coverage, however, the killing of foreign journalists receives a lot more attention and ignites international outrage. In fact, UNESCO has recorded the killings of

67 journalists in countries experiencing armed conflict, 23 of whom took direct part in reporting hostilities on the battlefield between 2018 and 2019 compared to 89 journalists killed in countries with no armed conflict.

However, the actual number of deliberate attacks against journalists is probably higher than the statistics suggest as not all journalists report attacks committed against them because they fear this will increase their vulnerability. Additionally, many facets cannot be measured in precise statistics and numbers as the psychological damage war journalists face.

The struggles in the journalism career extend even further. Journalism is a male-dominated profession that involves working in some of the most violent, unstable and patriarchal societies, thus, women journalists are exposed to extreme danger every single day. According to an interview on *Weekend Edition Sunday* with NPR's Lulu Garcia-Navarro, 85 to 90 per cent of the news imagery are created by men. In fact, 90 per cent of the lead images on the front pages of *The New York Times* newspaper were taken by men in 2017. In interviews with more than 50 people, in a CJR investigation spanning more than five months, photojournalists described behaviour from editors and colleagues that ranged from assault to unwanted advances to comments on their appearance during work. Many women have accepted such behaviour believing that it is simply one of the realities of working as a woman in that field. Additionally, women of colour are particularly vulnerable targets for harassment. Photojournalists say another factor that allows harassment to flourish is the heavy reliance on freelancers as building relationships is crucial in the work of freelance photographers which consequently gives editors and well-known photographers significant power. Sadly, this is not a new subject. In 2005 the International News Safety Institute in Brussels surveyed female war reporters and found that of the 29 respondents who took part, over half reported sexual harassment.

However, most of the attacks usually render unsolved with the preparators running freely. According to the International Freedom of Expression Exchange IFEX, nine out of ten cases of journalist attacks do not result in compensation or legal prosecution and the perpetrators of these crimes are never prosecuted.

Impunity, which is the exemption from punishment or freedom from the injurious consequences of an action, has been a major issue in recent days. The Committee to Protect Journalists has an annual Impunity Index that shows which countries have the deadliest and unpunished violence against journalists. In 2020, Somalia, Syria, Iraq, and South Sudan

occupied the worst four spots on the list. The Committee reported that there was complete impunity in 83% of those cases and that no perpetrators have been successfully prosecuted.

The main issue is found in the national legal system that is why countries where a lot of journalists are the objects of attack, are generally the ones with high impunity rates. The problems lie in the corruption of government officials and in prosecutors who do not have enough safety guarantees to work independently. In addition to the fact that the perpetrators of the attacks are often governmental officials themselves henceforward, most reform calls fall on deaf ears.

Thus, despite many plans and resolutions being adopted to limit impunity such as the UN Plan of Action on Safety of Journalists and the Issue of Impunity adopted by UNESCO in April 2012, data shows that unless governments are willing to follow up on the resolution, reporters on the ground increasingly find themselves in harm's way.

Photojournalists and Reporters in the United States of America

The United States of America grants its residents freedom of expression in the first amendment of the constitution which means that the government does not have the right to limit how the citizens get to express themselves. However, that is not the case in reality as the government has systematically hindered that freedom.

In 2020, the US Press Freedom Tracker, a non-profit organization that tracks incidents of violence against journalists covering the protests, documented 139 arrests or detainments of journalists, 427 journalists assaulted and 37 journalists/new organizations subpoenaed. In 2021, the Tracker documented 54 arrests or detainments of journalists, 83 journalists assaulted and nine journalists/new organizations subpoenaed.

Over the course of the past two years, there have been several incidents in which photojournalists and reporters have been assaulted for doing their jobs. The most significant of which was during the protests against discrimination after the death of George Perry Floyd, an African American man who has been killed by a police officer during an arrest after a store clerk suspected he may have used a counterfeit \$20 bill in Minneapolis. After that incident many protests have occurred under the slogan Black Lives Matter, however, the freedom of expression was constricted and many journalists covering such protests were handcuffed, shoved, and shot at with less-lethal ammunition. Despite how peaceful protests might be, law

enforcement has gone off and beyond to constrain them. Photojournalists and reporters have likewise been greatly impacted as despite being clearly identified as a part of the press industry, they were subjected to severe violence largely by law enforcement. The US Press Freedom Tracker has verified that an unprecedented number of journalists have been assaulted, arrested or prevented from documenting the events with more than 930 reported incidents across 79 cities. This shows how far the government has gone to silence the voices of journalists in addition to exerting their utmost efforts to conceal the discrimination occurring in the country by preventing people from showing the real atrocities happening.

Violations to Reporters and Photojournalists covering Black Lives Matter Protests in 2020 and 2021

No	Date	Area	Name	Violation	Job Title
1	March 8, 2021	Los Angeles	Vishal Singh	Police officers struck him more than two dozen times with batons	Videographer who works on Netflix documentaries
2	May 2020	Minneapolis	Carolyn Cole	Fired with pepper spray and rubber bullets	Photographer at Los Angeles Times
3	May 2020	Minneapolis	Julio-Cesar Chavez	Hit by rubber bullets, and sprayed with pepper spray and teargas	Cameraman at Reuters
4	May 2020	Las Vegas	Bridget Bennett	Arrested	Freelance Photographer and Former Review-Journal Employee
5	May 29, 2020	Minneapolis	Omar Jimenez	Arrested on air	CNN Correspondent
6	May 29, 2020	Minneapolis	Leonel Mendez	Arrested	CNN Photojournalist
7	May 29, 2020	South Minneapolis	Tom Aviles	Struck by a rubber bullet and taken into custody	WCCO's Veteran Photographer
8	May 30, 2020	Minneapolis	Linda Tirad	Hit in the face with a rubber bullet by a police officer, leaving her permanently blind in one eye	Freelance Journalist and Author
9	May 30, 2020	New York	Dennis Nett	Shoved to the ground by a police officer, suffered scrapes and bruises and two broken camera lenses	Syracuse.com News Photographer
10	May 31, 2020	Los Angeles	Barbara Davidson	Police Department Officer shoved her to the ground breaking a camera lens	Freelance Photographer
11	June 2020	New York	Robert Bumsted	Police officers surrounded, shoved him and yelled at him with expletives	Video journalist at Associated Press
12	June 2020	New York	Maye-E Wong	Surrounded by police officers, shoved and yelled at with expletives	Photographer at Associated Press
13	July 2020	Portland, Oregon	Eddy Binford-Ross	Tear-gassed several nights, had three stun grenades lobbed in her direction, shoved against a wall by police and had a federal officer repeatedly point a gun at her	The editor in chief for South Salem High School's Clypian
14	Aug 2020	Portland, Oregon	JD Barnes	Shot in the chest by federal ordinance	Photojournalist

15	Nov. 4, 2020	Los Angeles	Vishal Singh	Arrested	Videographer who works Netflix documentaries and covers protests
16	Jan. 5, 2021	Oregon	Sean Bascom	Arrested	Independent photojournalist whose work has been published by outlets such as the Portland Mercury and the Portland State Vanguard
17	April 13, 2021	Minnesota	Adam Gray	Pushed to the ground, handcuffed, and cited with failure to follow a lawful order	Chief Photojournalist for UK-based South West News Service
18	April 13, 2021	Minnesota	Joshua Rashaad McFadden	Law-enforcement officers hit him with batons and hitting his camera like they were trying to break it	Freelance Photojournalist on Assignment for the New York Times
19	April 16, 2021	Minnesota	Tim Evans	Assaulted by multiple law enforcement officers and detained	Freelance Photojournalist.
20	April 16, 2021	Minnesota	Joshua Rashaad McFadden	Detained and hit by law enforcement officers	Freelance Photojournalist on assignment for The New York Times

Violations to Reporters and Photojournalists covering in Minnesota 2021

Protestors have lured the streets of Minnesota demanding justice after the fatal police shooting of 20-year-old Daunte Wright. Several photojournalists and reporters have been assaulted during the events.

No.	Date	Name	Violation	Job Title
21	April 12	Mark Vancleave.	Struck in the hand with a rubber bullet	Star Tribune Photojournalist
22	April 13	Adam Gray	Pushed to the ground, handcuffed, and cited with failure to follow a lawful order	Chief Photojournalist for UK-based South West News Service
23	April 13	Kim Hyatt	Grabbed by law enforcement and ordered to disperse	Star Tribune Reporter
24	April 14	Miguel Marquez	Harassed and assaulted by a group of individuals	CNN Senior National Correspondent
25	April 16	Les Baker	Detained by police	Fox News National Photojournalist
26	April 16	Jon Farina	Pulled and shoved by a law enforcement officer	Independent Photojournalist
27	April 16	Joshua Rashaad McFadden	Detained and hit by law enforcement officers	Freelance Photojournalist
28	April 16	Eléonore Sens	Pepper-sprayed by law enforcement	Agence France-Presse Video Correspondent
29	April 16	Chandan Khanna	Pepper-sprayed by law enforcement	Agence France-Presse Photojournalist
30	April 16	Robin Legrand	Pepper-sprayed by law enforcement	Agence France-Presse Reporter

Other Violations to Reporters and Photojournalists

No.	Date	Area	Name	Violation	Job Title	Reason
31	March 25, 2021	Los Angeles	James Queally	Arrested	Los Angeles Times Reporter	Documenting demonstrations near Echo Park Lake against the city's plan to clear a large homeless encampment
32	April 10, 2021	Michigan	Brendan Gutenschwager	Assaulted by people who claimed to be "acting as security"	Freelance Videographer	Covering anti-evictions protest in Detroit
33	April 16, 2021	Chicago, Illinois	Colin Boyle	Assaulted by a Chicago police officer	Block Club Chicago Reporter and Photojournalist	Covering protests demanding justice for 13-year-old Adam Toledo
34	April 16, 2021	Chicago, Illinois	Colin Boyle	Assaulted by a Chicago police officer	Block Club Chicago reporter and photojournalist	Covering a protest in front of the city's Logan Square to demand justice for 13-year-old Adam Toledo
35	May 15, 2021,	Miami	Ebenezer Mends	Attacked, hit, and sprayed with alcohol	Photojournalist for CBS4 News	Working on a story about rising crime rates in South Beach
36	May 15, 2021	Miami	Bobeth Yates	Attacked, hit, and sprayed with alcohol	A reporter for CBS4 News	Working on a story about rising crime rates in South Beach
37	May 22, 2021	California	Sean Beckner-Carmitchel	Police hit with crowd-control munitions	Independent Videographer	Covering a viral TikTok gathering
38	June 5, 2021	New York City	Gabe Quinones	Assaulted by a New York City Police Department officer	Independent Photojournalist	Covering demonstrations in Washington Square Park
39	June 25, 2021	Portland, Oregon	Mason Lake	A police officer shoved him with a baton and damaged his on-camera microphone	Independent Video Journalist	Filming protestors gathered near the Oregon Convention Center after a Portland police officer shot and killed a man outside a Motel 6
40	July 5, 2021	San Antonio, Texas	Dillon Collier	Shots fired at him	A Reporter for KSAT News 12 in San Antonio	Covering a house fire
41	July 5, 2021	San Antonio, Texas	Joshua Saunders	Shots fired at him	Television Video Journalist	Covering a house fire

Recommendations

In the highlight of the recent incidents happening to journalists and the violations they face every day; several organisations have made recommendations to journalists to help them lessen the risk in the performance of their duties. For example, the Reporters Committee for Freedom of The Press has published several tips for journalists to help them stay safe before and during covering protests including identifying and preparing for potential threats, having lawyer's number ready, researching riot control tactics in the area, bringing personal protective equipment as appropriate, teaming up with other reporters, bringing government-issued identification cards and cash, wearing press credentials and assessing the situation and the exits in the area.

Furthermore, The Committee to Protect Journalists has published a safety guide to help journalists covering dangerous areas prepare both physically and emotionally. It included tips such as participating in security training for journalists teaching personal-awareness skills related to combating risks and battlefield hazards as well as emergency first aid. Furthermore, journalists should be fully equipped with protective gear appropriate to the situation. In extreme circumstances, this could involve wearing suits, helmets, body armours and bulletproof vests as well as carrying detectors, or ingesting oral tablets to block possible biological, chemical, or nuclear agents. Additionally, journalists should carefully choose the vantage from which they will observe the conflict by researching the politics, history, and behaviour of all armed groups active in an area. The Committee to Protect Journalists further emphasized the dangers of reporting terrorist attacks. While covering such incidents, journalists need to understand the dynamics of the attacks and their threats as well as being prepared for any possible secondary attack that might happen. They additionally need to choose the areas where they stand carefully to be able to escape any unexpected threat, minimize their time at the scene and remain mobile at all times. The organisation has further stressed the importance of learning all checkpoint procedures in advance, such as the warning signals used by military forces and the protocol expected of approaching vehicles and urged journalists to reduce speed as they approach a checkpoint, remove sunglasses, show free hands, and be respectful to stay safe and remove any suspicion. Moreover, journalists need to be cautious and avoid using satellite phones, even if they are encrypted, as they are easy to track. It is recommended to keep the calls brief, avoid transmitting from the same location, turn the device off when it's not in use and avoid using it from a location that cannot be easily evacuated in case of attack.

Moreover, it is essential to build cooperation and coalitions between civil society, media organisations, the United Nations, academia, judiciary and governments in order to build a comprehensive and functional safe media framework that protects photojournalists, videographers and reporters covering crises around the world.

Conclusion

This brief has highlighted the human rights violations that photojournalists and reporters face every day because of their tough work nature. Photojournalists and reporters are responsible for documenting incidents and events that would otherwise remain unknown to the public yet their jobs are full of obstacles that they have to deal with. Several international laws and treaties have been set to protect their rights such as The Universal Declaration of Human Rights, International Humanitarian Law, Geneva Conventions and Protocols, International Covenant on Civil and Political Rights in addition to several resolutions adopted by the United Nations Human Rights Council, The United Nations Security Council and The Council of Europe. Furthermore, there have been significant regional efforts done in that matter as well as efforts by non-governmental organisations such as Reporters Without Borders, The International Committee of the Red Cross, and The International Federation of Journalists. However, the violence photojournalists and reporters face remains a major global issue as along with their difficult work conditions covering war and hazardous situations. They are also subjected to harassment, abuse, and violence with most of their cases rendering unsolved. Furthermore, The United States of America has witnessed major incidents of violence against photojournalists and reporters in the past two years especially those covering protests and mass demonstrations. In the light of all the incidents, several entities have come forward and presented guidelines and recommendations to help keep journalists worldwide safe. Journalists are civilians whose duties are of major importance, attacks against them in this context are war crimes thus utmost efforts should be done to protect their safety.