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### Photography and media - ethical issues

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# Photography and media - ethical issues

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**Abstract.** Photography has had and continues to have a great impact on the communication that the media builds with the general audience and it has increased the level of credibility. But the biggest difficulty in maintaining ethics lies in the images that are transmitted in the electronic media by anyone and anytime. In reporting cases of people with special needs, public figures, crimes, accidents, cases of ill-treatment or abuse, the photographed subject loses privacy and the media interferes in the privacy of the person. Taking into account these elements, this paper will be given recommendations on ethics in photojournalism and personal data protection, as well as conclusions that will be presented through the treatment of various cases related to this topic.

**Keywords:** Photography, photojournalism, ethics, media, public.

## 1. Introduction

Photography has revolutionized a lot since its inception. With the development of chemistry and technology, it got a big boost. As today, 170 years ago, on August 19, 1839, the President of the French Academy, the scientist Arago (Dominique - Françoise Arago, 1786-1853) officially announced the birth of photography in a special session. The decision recognized the inventors Nicefor Nipsa (Niepce, 1765-1833) after his death and Louis Dager (Daguerre, 1787-1851) the patent for the photography. Since then, this date is kept as the birthday of photography and is commemorated everywhere. (Willkins, Patterson 2009)

Truthfulness is the key element in the large number of articles published every day, many of them even fake. Audience needs to be convinced for the realness of events, so photography more than anything else, provides strong evidence and documentation. The impact of photography over the years has been growing and their presence will be appreciated more and more as the time passes.

Meanwhile, the basic task of photography is to report all kinds of new facts that belong to a category of journalism. The development of journalistic photography gained momentum, especially in the late 20s of the last century with the invention of the small camera.

Photojournalism is a photographic image in the form of ongoing events in press coverage. Photojournalism is the main tool of disseminating information, mainly relying on full capture, while its purpose is to explain the event, to spread the word and to create impact. In addition, photojournalism is generally accompanied by a brief text description of the incident in order to introduce background and processes. (Willkins, Patterson 2009)

([khr.https://irsaruci.wordpress.com/2012/01/27/fotogazetaria-dhe-etika/?fbclid=IeAR37\\_buUXb9BFxDPF4qu6IKi0lVtG66qUkMHA5MgEGUNicVgvFP65EE2yio](https://irsaruci.wordpress.com/2012/01/27/fotogazetaria-dhe-etika/))

Besides shooting the photographs, journalists must take into consideration many other factors, since a carelessness can destroy everything. The greatest difficulty in maintaining ethics lies in the images that are transmitted from the media.

Many awards have been given to photographs that have had an impact on the public and most of them are selected photographs or photographs that express violence. It has happened to every photojournalist to interfere in someone's privacy through photo images.

What justifies photojournalists is the fact that they often happen to be under the pressure of time and new media, which spreads the news very quickly and all around. If the pictures make you think about the ethics in such a thing when it happens, if you can miss that photography event. But this does not justify subjectivism and photojournalists. When they choose to photograph from one angle, they have rejected other perspectives. As P. Patterson and L. Wilkins put it, photography makes the

subjective recreation of the world, and this thanks to the imagination of photojournalists; this can be done manipulating the light, to save, as well as the subject itself.

What would justify photojournalists is the fact that they are often under the pressure of time and new media, which spread the news very quickly to a large number of viewers. If the photographers would think about ethics in the moment when something important happens, they might miss that specific event. However, this does not justify the subjectivism of photojournalists. When they choose to photograph from one angle, they have rejected other perspectives. As P. Patterson and L. Wilkins say, photography makes the subjective recreation of the world, and this thanks to the imagination of photojournalists; can lead to the manipulation of light, of dimensions, as well as of the subject itself.

(<https://irsaruci.wordpress.com/2012/01/27/fotogazetaria-dhe-etika/>? fbclid = IëAR37\_buUXb9BFxDPF4qu6IKi0lVtG66qUkMHA5MgEGUNicVgvFP65EE2yio)

It is already accepted that the fundamental rights of the individual are not unrestricted and the limitation lies exactly where the right of the individual is first and foremost in conflict with the concrete right of another individual, or when the scales are significantly skewed by the public interest rather than the interest close to the individual. In this sense, anyone who processes personal data solely for the purposes of journalism, literature or art will in the first place face the right of the individual, subject to these personal data, to protect them.

Maintaining confidentiality as a fundamental right of the individual for the protection of its data should not appear as a secondary obstacle to the right to liberty of the journalist or any other entity provided under this article. It is true that freedom of expression is not subject to prior censorship, but this censorship is not about the individual not having the right to protect its personal data. It should be borne in mind that the right to privacy is in line with the rules governing freedom of expression.

The right to freedom of expression of the journalist is regulated and limited by the law on protection of personal data and the Code of Ethics of the journalist, which will set a standard in the conduct of journalists and will be a protection for the journalist himself.

(see: [https://www.idp.al/wp-content/uploads/2016/11/manual\\_per\\_median\\_dhe\\_mbrotjen\\_e\\_te\\_dhenave\\_personal\\_e.pdf](https://www.idp.al/wp-content/uploads/2016/11/manual_per_median_dhe_mbrotjen_e_te_dhenave_personal_e.pdf))

## **2. Purpose of the research**

The primary purpose of this paper is to put attention in the importance and role given to the photojournalism profession. Since the biggest difficulty and dilemma in this profession is the application of ethical principles, this paper aims to elaborate on some cases, which helps to expand the knowledge on professional ethics in photojournalism and personal data protection.

## **3. Methodology**

The following methods used to realize this work are descriptive method, through which the theoretical analysis of this topic is done, the review of the base literature and the observation method, which is used in all the constituent parts of the work.

## **4. Presentation and analysis of results**

Hundreds of photos are served to the public every day. Photography has had and continues to have a major impact on the communication that media builds with the wider audience and it has increased the level of credibility to the audience. The impact of photography increases especially in the case of crisis-related reporting, not only at the local level, but also in international crises of periods of war, peace, images of poverty and triumph, crime, etc. However, the element that brings a lot of discussion is if these photos respect ethical rules. Media coverage should be in line with general standards of privacy protection, in particular, with the principles of accuracy, proportionality and transparency in the security of personal data.

### **4.1 Crime and reporting**

The public has the right to be informed about the crimes committed. The media should avoid publicly portraying a person as guilty before he/she is convicted by a court. In particular, the report should specify whether the accused person pleads itself

guilty. The photograph or name of a suspect or accused (or any other detail that will enable the identification) can only be published if there is a public interest in the identification.

Publication of personal data of suspected, charged or convicted teenagers, unless such a description is necessary for a full and proper reporting of crimes committed or court proceedings. With the exception of public figures, the personal data of the victim of a crime should not be published without the consent of the victim or, if the victim was killed, without the consent of a relative. (For more see: [https://www.idp.al/wp-content/uploads/2016/11/manual\\_per\\_median\\_dhe\\_mbrojtjen\\_e\\_te\\_dhenave\\_personal\\_e.pdf](https://www.idp.al/wp-content/uploads/2016/11/manual_per_median_dhe_mbrojtjen_e_te_dhenave_personal_e.pdf)).

Almost every photojournalist has dealt with an issue related to intrusion into someone's privacy. Gary Bryant (1987), a Salt Lake City Desert News photographer, offers us a list of questions he always asks himself when he is in front of an event and needs to decide as soon as possible: Should this moment be made public? Will it cause trauma to the photographed subjects? Am I at the right distance not to worry? Am I acting compassionately? To this list, Bryant adds this saying: Society needs to understand that photographers act instinctively. We are not journalists gathering facts. We are simply photographers who have to grab images.



**Figure 1. Eddie Adams, Saigon, 1968**

Eddie Adams was an Associated Press photojournalist. He photographed the riots in Vietnam and one day met Brigadier General Nguyen Ngoc Loan, Head of the National Police. Adams thought he was watching the interrogation of a bound prisoner. However, as he looked through the eye of his camera, Loan calmly raised his handgun with the pistol fired a bullet into Lem's head. (Read: <http://100photos.time.com/photos/eddie-adams-saigon-execution>)

The pressure of time, the speed of news in the new media are the elements that are justifying the photojournalists, and if they think about ethics in these moments, it would not be possible to realize the photos which have made history and which have had a great impact to the general public.



**Figure 2. ABD DOUMANY/AFP, Getty Images, 2015**

A photo taken on August 16, 2015 shows lifeless bodies lined up on the ground after airstrikes by Syrian Government Forces on a market east in Damascus. At least 70 people were killed and 200 were left injured.

(Read: <https://www.gettyimages.co.nz/photos/syrian-civil-war-bodies?phrase=syrian%20civil%20war%20bodies&sort=mostpopular>)

The main purpose of photojournalists is to present only the truth to the public; however, this does not mean that there were no occasional dilemmas as to what should be photographed and what should be selected for publication.

#### **4.1 Children**

The media is an important factor in promoting children's rights. The Code of Ethics provides for all the principles confirmed in the CRC for the protection of the rights and dignity of children and the protection of privacy and personal data. According to this Code: journalists may not publish information about a child's private life only if it is a matter of public interest, journalists should not interview children under the age of 14 for personal matters, in the absence or without the consent of the parents, or people responsible for the child.



(See:

https:

//www.rca.al/sites/default/fil



BALLINA LAJME COVID-19 BOTA KOSOVA SHQIPËRIA MAQEDONIA SI

**LAJME**

## **Ky është djaloshi që u vra nga daja i tij në Klinë**

MË: 11 SHKURT 2018 NË ORA: 15:54



es/publications/1.%20ASHMDF.pdf

**Figure 3. Fotolajm, Bota Sot**



**Figure 4. Fotolajm, Gazeta Express**

In the two cases where the pictures are attached, it is clear that the media has violated the codes of ethics, since the publication of these photos of minors has no evidence that has been confirmed by their parents, is not a necessity and is not even in the interest of public their identification.

Meanwhile, children should not be portrayed as victims of poverty. They must be protected from discrimination and any kind of harm in the future. The media should not use them to illustrate the stereotypes of the poor and vulnerable.

(See: [https://resourcecentre.savethechildren.net/node/14992/pdf/media\\_ethics\\_and\\_the\\_protection\\_of\\_childrens\\_rights\\_in\\_the\\_media\\_-\\_inside\\_-\\_alb\\_-\\_press\\_2.pdf](https://resourcecentre.savethechildren.net/node/14992/pdf/media_ethics_and_the_protection_of_childrens_rights_in_the_media_-_inside_-_alb_-_press_2.pdf))

[https://resourcecentre.savethechildren.net/node/14992/pdf/media\\_ethics\\_and\\_the\\_protection\\_of\\_childrens\\_rights\\_in\\_the\\_media\\_-\\_inside\\_-\\_alb\\_-\\_press\\_2.pdf](https://resourcecentre.savethechildren.net/node/14992/pdf/media_ethics_and_the_protection_of_childrens_rights_in_the_media_-_inside_-_alb_-_press_2.pdf)

## Pa shtëpi e pa bukë vuan familja Vitia (VIDEO+FOTO)



Figura 5. Gazeta Zëri

(For more, see: <http://www.arbresh.info/lajmet/pa-shtepi-e-pa-buke-vuan-familja-vitia-videofoto/?fbclid=IwAR3k8cZr4KtSIk0GauPkeJvNTIwWoZkX4Ca45IBlx-4LQc6Qn5cHgJc0tFk> )

### 4.1 Ordinary persons

Photographing and filming people in private places is not allowed without their consent. In public places (for example, on the street, on public transport) individuals can be photographed and filmed without their consent, if these persons are part of a crowd and do not focus specifically on it. At the same time, it is permissible to photograph and film individuals who intentionally attract attention by their actions, appearance or otherwise, as well as those who participate in public events (conferences, protests, etc.), and to distribute such photos and video material. In potentially sensitive locations, such as clinics, hospitals, schools and prisons, the consent of the manager is also required.

Following the publication of the article with the photos of the coronavirus victims, inside the morgue of the capital, a public debate was opened on the ethics of the media, whether or not these photos should be published, whether or not it was ethical to publish these photos.



**Figura 4. Fotolajm, Portali Faktor**

Supporters of the Socialist Party were against the publication of these photos, and some media did not publish them, the opposite happened with other media, they published the photos.

"It would be an ethical violation if the faces of the victims were published. Nevertheless, the fact that they only put pictures of the morgue, and did not take out individuals, so we can not identify them. A social issue is being raised there, of great importance, the fact that there is no more space in the morgue, and someone must be held accountable for this. These photos help to understand what is happening, at a time when there is no reliable official information about these facts; in this case, I do not consider it an ethical violation.

It is in the public interest, and the interest of public health, but since they are serious images, they should always be marked "Beware of serious images!". This is news that needs to be addressed. ", Emphasized Koloreto Cukali, Head of the Albanian Media

*"In the conditions of an unusual event, such as the Pandemic and the response with common instruments such as covid hospitals - PHOTOS of the morgue full of victims are evidence of a lost battle for days. Publishing photos of lifeless citizens, in white shroud, I think that they are within the framework of work ethic in the media as long as they are verified that they are not fake. There are no names of the victims in the photo, no identification numbers, and no photos of the face or limbs. There is a picture of reality that we do not like. For example, for comparison, the issue of photos of prison tortures in Abu Ghraib, Iraq, if it was ethical or unethical to publish the faces of the victims. I think the media appreciated giving the truth. It is inevitable for a journalist to face a factual condition of hospital buildings beyond our capacity. On the other hand, more than the opposition to prove the increase in the number of deaths, from Covid-19, the publication of photos actually "helps" the government to sensitize more, more strongly a part of our society that does not believe that there is a pandemic, or they neglect the most minimal measures, such as keeping masks indoors or respecting the physical distance in gatherings." said Lavdrim Lita, Communication expert.*

(For more, see: [https://www.faktor.al/2020/11/21/flasin-ekspertet-a-ishte-shkeljetike-publikimi-i-fotove-te-viktimave-te-covid-19-nga-morgu/?fbclid=IëAR2F6uVOtkh3VsLo4T7wg43axfLVe4-0hljEVUCnKeAocNFwvRoz4Y\\_Ufow](https://www.faktor.al/2020/11/21/flasin-ekspertet-a-ishte-shkeljetike-publikimi-i-fotove-te-viktimave-te-covid-19-nga-morgu/?fbclid=IëAR2F6uVOtkh3VsLo4T7wg43axfLVe4-0hljEVUCnKeAocNFwvRoz4Y_Ufow))

Photographs and filmed sequences designed to illustrate a subject but representing people or situations that are not directly related to the people cited in the article or program, must be justified as such. They must be clearly distinguished from photographs and sequences filmed of an informative or documentary nature with a direct impact on the facts reported. Photo and video montages can only be justified when they shed light on an event, illustrate an assumption, offer a critical perspective, or contain a satirical element. However, these montages must be clearly understood as such so that readers and viewers are protected from any risk of confusion. It is also permissible to photograph and film representatives of public authorities (eg police officers, civil servants, prosecutors), while they are performing their duties.

(See: [https://www.idp.al/wp-content/uploads/2016/11/manual\\_per\\_median\\_dhe\\_mbrojtjen\\_e\\_te\\_dhenave\\_personal\\_e.pdf](https://www.idp.al/wp-content/uploads/2016/11/manual_per_median_dhe_mbrojtjen_e_te_dhenave_personal_e.pdf) ↗)

## **5 Conclusions**

Findings gained through monitoring media reporting and image launches show that ethical issues are still a dilemma we are facing almost every day. Also, during the observation of cases, there has been a significant improvement in reporting, which violates the private and personal right of the individual compared to the previous two years. The media today are more careful in reporting cases of people with special needs, public figures, crimes, accidents, cases of ill-treatment or abuse, in photographing the subject who may lose privacy. For a long time, even today, the question remains whether photography is a rigorous technical process or an emotional artistic activity. Words can never represent the whole reality of events at the level presented by photographs, so photojournalism in the future is a profession that will serve the broad mass of providing the truth and is a large part of our daily lives. The professionalism of a photojournalist lies when he is in the right place and at the right time, even risking the life to do its precious job. Codes of ethics and laws are regulated in such a way that reporting can be done in the best possible way without violating the rights of any individual. Now the main responsibility remains with the editors who have the duty to take care of what should be published.

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<https://www.epokaere.com/fotogazetaria-e-luftes-ne-revisten-kombi/> (Access: 05.12.2020)

<https://www.gettyimages.co.nz/photos/syrian-civil-war-bodies?phrase=syrian%20civil%20war%20bodies&sort=mostpopular> (Access: 12.12.2020)

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