

The Practicalities of Informed Consent in Development Photography



This is the product of a qualitative research project undertaken in late 2014 by Save the Children. The project covered both urban and rural sites. All identifying information has been removed to protect the participants' privacy.

Author:

Nabila Idris

For more information:

nabila.idris@savethechildren.org



Contents

What is informed consent?	1
Why does it matter?	2
Why should development practitioners care about this?	3
How does all of this work in real life?	4
How can we solve this problem?	6
Bibliography	12

What is informed consent?

In the development field, informed consent is when subjects allow project staff to intervene in their lives (e.g. by gathering information, taking photos, delivering services, etc.) only after being made fully aware of the consequences of their participation. Informed consent is necessary for researchers, photographers, and project staff, as well as a plethora of other stakeholders. Proper informed consent must consider “capacity, disclosure, understanding, voluntariness, and

permission” (Joffe et al., 2001, p. 139). This is not only an ethical necessity—to save subjects from exploitation—it provides legal protection to all stakeholders as well. Unfortunately, informed consent collection processes, especially in the developing world, remain consistently weak (Bhutta, 2004; Miller and Bell, 2012).

Unlike researchers, journalists do not usually even attempt to obtain informed consent, citing instead the supremacy of public interest over individual rights. The NGO community, which uses development communication for outreach work, maintains a sensitive balancing act between these two worlds, i.e. the researchers and the journalists. It deals with vulnerable communities but does so, in many cases, within the sphere of public relations. There is thus a crucial tension between doing core public relations work while protecting the NGO’s vulnerable clients. For example, clichéd photos of the ‘beneficiary child’: to what degree does the child consent to being photographed, and then being made into a trope?



Why does it matter?

This is not just an academic debate; the real life consequences of powerless people appearing in the public sphere are considerable.

In March 2015, Washington Post reported the plight of a minimum wage worker in the US who lost her job for talking to a reporter (Harlan, 2015). This issue is further compounded when taking photographs, which are frequently a novelty in underdeveloped communities.

Early 2015 in Bangladesh, for example, a huge controversy arose about the role of photojournalists in covering vulnerable hospitalized patients (Dhaka Tribune, 2015): In the burn unit of a public hospital, a photographer asked ill patients to pose in front of a black background to make his photos vivid. He faced immediate criticism for ‘exploiting’ burn patients, despite his protestations that they had willingly posed for him; and since there were other photographers already present in the

hospital ward, he rightly felt he was not uniquely responsible for the health risks.

What was interesting here was not so much the journalist taking the photos, but the patients’ willingness to forego their physical discomfort and pose for him. This stems from a culture where powerless people automatically accede to voices of authority, which, coupled with the excitement of being photographed, makes them compliant.



Why should development practitioners care about this?

Development communication, specifically NGO outreach communications material, straddles contradictory domains—in an increasingly competitive, media savvy world, non-profits must have sleek communication material that showcases their work with the vulnerable, while trying to minimize the harm to the vulnerable. As with journalism, “The real tension here, then, is not so much between duty to the public interest and duty to the subject, but between the vulnerable subject

and good old storytelling” (Levine et al., 2014).

Development workers deal with incredibly vulnerable groups of people who are dependent on them for many benefits, including income, healthcare, education, etc. This makes the power imbalance between the two groups enormous: “whoever has the gold makes the rules” (Cash, 2006, p. 40). It is not enough to bank on the benevolence of NGO workers to ensure subjects’ wishes are followed in their pristine form because as Nuland observed in the case of doctors (which applies equally to NGO workers): “A doctor’s altruism notwithstanding, his agenda and value system are not the same as those of the patient” (Katz, 1994, p. 75). NGO workers are therefore in the precarious position of balancing two worlds: whilst their outreach work is public relations in nature, with the element of ‘public interest’ that journalists deal with, the fact that they work almost exclusively with vulnerable people means they also need to abide by the ethical boundaries researchers and the medical community adhere to.



How does all of this work in real life?



During my field research, I came across several vivid examples of the dilemma that arise from inadequate informed consent. In one case, to help illustrate the scourge of child marriage for advocacy purposes, I was given a photo of an underage bride from a project area, accompanied by the following caption:

“This girl, our neighbour, is 12-13 years old. Her father’s low income and ignorance brought child marriage into her life... Since she doesn’t understand family life yet, she is tortured regularly. Her husband, father in law, and mother in law, don’t see her in a good light. Now she spends every day crying.”

Although it was very compelling—and I was told that the girl had ostensibly consented to being photographed and interviewed—the photo was discarded from publications due to confusion over *how* informed the girl’s consent had been. She was a minor in an abusive (and, in the eyes of the law, illegal) marriage. To the project’s officers, including this author, it seemed risky to expose her to the potential wrath of the four people specifically

mentioned in the caption should the freely available advocacy material (e.g. leaflet) fall in their hands.

However, by unilaterally deciding not to run the photo, she was also denied her agency. She could very well just be “perceived (though not essentially self-defined) as vulnerable” (Miller and Bell, 2012, p. 64), and this may have been her sincere attempt at getting her voice heard. It has, after all, been frequently noted that participation, in this case by telling her story, can sometimes be “therapeutic” (*ibid.*, p. 68). Nevertheless, all of us involved chose to err on the side of caution by not publishing the photo. In my subsequent interviews with her, I found that she had in fact *not* considered the implications of having her photograph published, and so discarding it had been the correct decision.

It was thus obvious that although subjects were giving permission, they did not really understand what they were permitting, even in serious cases where they would be exposed to potentially significant risks, like the wrath of a powerful family member. After all, once the photo was taken and the consent form was signed, there was no legal obligation for any party to desist from using the photo

however they may want. The subjects of the photos were remarkably unaware of the risks this posed for them.

Photographers and staff members also don't always realize the gravity of the situation. This is not due to any malice or irresponsibility on their part. Instead, it is sometimes a result of ‘practical’ reasoning such as this one I was told:

“Will we actually use these photos for any kind of publication? [We take many photos that are never used for anything afterwards.] If not, why bother confusing these people [by explaining possible consequences of taking and publishing the photos]? If we say these things [i.e. give these explanations about consequences], people will get frightened and then refuse to have their photos taken.”

This happens when development photographers do not have an adequate grounding in photography ethics, are unaware of what happens to photos once they are ‘passed up the chain’, and have a misplaced focus on getting the job done, rather than ensuring the process of getting the job done is up to par. In many cases, consent is consistently viewed as a simple organizational formality, and not as an ethical conundrum.

How can we solve this problem?



In order to tackle this multi-pronged problem, three strategies were deployed: sensitizing photographers through face-to-face discussions, devising a unique stakeholder test, and developing a simple informed consent guideline.

Sensitizing through face-to-face discussions



I built rapport with the key photography instructors and then spent time—especially in the hours and days before they took photos—discussing with them photo ethics and the techniques of getting truly informed consent from their subjects. The idea was to show them that ‘informed consent is a process, not a form’ and that ‘being informed gets priority over getting consent’. Particularly useful were examples to illustrate the necessity of informed consent; the example of the child bride proved very effective.

Stakeholder test

This proved to be the most unique and effective intervention. The idea behind the stakeholder test is simple: since the subjects are unable to understand the potential repercussions of publishing their photos, the photographer ought to try and clarify it to them in easy words, possibly by painting a scenario through a question. Given that these possible repercussions would mostly stem from the stakeholders in the subjects’ lives, such as families, social circles, acquaintances, etc., the scenario would need to vividly but concisely paint a possible picture of the future. Simply called the ‘stakeholder test’, in written instructions to the staff this was described as:

Ask if it is okay to publish the pictures. Be aware that subject don’t always understand what this means. So it is better to phrase the question, *If this was published in a poster in your area, or in a leaflet, is that okay?*



Be aware that subjects do not always consider the impact of consent. Follow up with questions like, *Would it be okay if your mother-in-law saw this photo in a leaflet? Would your friends make fun of you?*

When the stakeholder test was conducted, it yielded excellent results, such as this example from my field notes:

When the team wanted to take photo of a very young bride, she was hesitant but willing. When the facilitator did the stakeholder test though, the response was that the husband might have problems with the photo being taken and published, and she did not want to create problems with her husband. Due to this information, the photo was staged so as not to reveal her face.

Guidelines to ensure informed consent

The guidelines are produced below in full.

Policy statements

*Informed consent is a process, not a form.
Being informed gets priority over getting consent.*

Why informed consent?

Every photography subject deserves to be treated as an autonomous human being, capable of making independent decisions. In case of children, we also need to ensure their parents' consent. We need to be constantly aware of our position in the power hierarchy — in the development world, in many cases, we control the subject's access to money, schooling, opportunities, and even fun. So they may defer to us by default, and it is our responsibility to not take advantage of this. It is our duty to protect the subjects from harm, and to ensure they enjoy every possible benefit of participating in our activity.

Litmus test

'If this were me or my child, would I be happy with giving this much information and receiving this behavior?'

For interviewers

Begin by stating why you are speaking to the interviewee.

Explain why you are using the tape recorder (if any), e.g., *I can't write very fast, so can I record this conversation to write it down later?*

Offer to answer their questions at the beginning or end of the interview to establish a reciprocal relationship. Answer honestly.

The generally available informed consent collection forms are usually written in difficult language; be aware of this and offer to explain what is written to the subject.

Share your contact details (for ease, use your business card) in case they want to change any information, or take back their consent.

For facilitators

Workshops with photographers on the use of cameras also provide an opportunity to discuss the power and ethics of camera use. The discussion can be led by the following questions:

What is an acceptable way to approach someone to take their picture?

Can you take pictures of other people without their knowledge?

When would you not want to have your picture taken?

To whom might you wish to give the photographs? And what might be the implications of disseminating them?



For photographers

Ask if it is okay to take the subject's pictures.

Ask if it is okay to publish the pictures. Be aware that subjects of photos don't always understand what this means. So it is better to phrase the question, *If this was published in a poster in your area, or in a leaflet, is that okay?*

Be aware that subjects do not always consider the impact of consent. Follow up with the stakeholder test, i.e. questions like, *Would it be okay if your mother-in-law saw this photo in a leaflet? Would your friends make fun of you?*

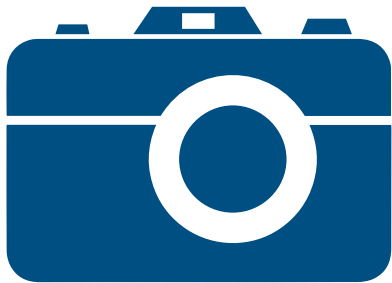
If the subject says it is not okay, offer to take the photo without

their face or any identifying characteristics. Record that the subject refused to be photographed, and why you think this is so, or seek an explanation from the subject. This information itself tells its own story.

Share your contact details (e.g. your business card) so they can retract their consent if they wish.

If the picture is sensitive: *Stage the scenarios* they want to show through photography. This may be a good option if the topic they want to capture is sensitive and/or ethically problematic to capture 'in real life'. This may include sexual abuse of children, child marriage, disabilities, etc.

If you are still completely unable to take the photo, you can encourage the subject to draw the situation and take a photo of the drawing.



What happens if you don't take informed consent?

Not only is it ethically wrong, the information you spend so much time collecting cannot be used by anyone. We will always wonder if that story or photograph will potentially harm a subject, and preemptively discard them from our publications. All your effort will be in vain; you might even be asked to return and do it all over again! So it is better to get it right the first time.

What increases your chances of getting informed consent?

Build rapport. The friendlier you are, the better your chances.

Be honest. Sometimes sharing your limitations can help the subjects come up with innovative ways to help you.

Do your homework. Visit the area and talk to the people beforehand. It is harder to trust a stranger than a known face.

Seek gatekeepers. They may not trust you, but may trust the gatekeeper, i.e. influential people who can give you access to the right person. Be aware though that gatekeepers can misuse their power over the subjects as well, so it is important to get the subject's informed consent more than the gatekeeper's informed consent.

Bibliography

- Bhutta, Z. A. (2004). Beyond informed consent. *Bulletin of the World Health Organization*, 82 (10), 771-777.
- Cash, R. A. (2006). What is owed to the community before, during and following research: an ethical dialogue. *Eastern Mediterranean Health Journal*, 12 (1), 37-41.
- Dhaka Tribune. (2015, February 9). *Freelance photographer asks burn victims to pose for shoot*. Retrieved May 20, 2015, from Dhaka Tribune: <http://www.dhakatribune.com/bangladesh/2015/feb/08/freelance-photographer-asks-burn-victims-pose-shoot>
- Harlan, C. (2015, March 30). *After a story is published, a minimum wage worker loses her job*. Retrieved May 20, 2015, from The Washington Post: <http://www.washingtonpost.com/blogs/wonkblog/wp/2015/03/30/after-a-story-is-published-a-minimum-wage-worker-loses-her-job/>
- Joffe, S., Cook, F. E., Cleary, P. D., Clark, J. W., & Weeks, J. C. (2001). Quality of Informed Consent: a New Measure of Understanding Among Research Subjects. *Journal of the National Cancer Institute*, 93 (2), 139-147.
- Katz, J. (1994). Informed Consent – Must It Remain a Fairy Tale? *The Journal of Contemporary Health Law and Policy*, 10 (1994), 69-91.
- Levine, M., English, K., Enkin, E., & Sher, J. (2014). *On the record: Is it really informed consent without discussion of consequences-A report of the Ethics Advisory Committee of the Canadian Association of Journalists*. The Canadian Association of Journalists. <http://www.caj.ca/on-the-record-is-it-really-informed-consent-without-discussion-of-consequences/>
- Miller, T., & Bell, L. (2012). Consenting to what? Issues of access, gate-keeping and ‘informed’ consent. In T. Miller, M. Birch, M. Mauthner, & J. Jessop (Eds.), *ETHICS IN QUALITATIVE RESEARCH* (2nd ed., pp. 61-75). London: SAGE.

Author's note

I was forced to coin the term ‘development photography’ when I saw that—in its absence—this little book would have to be called “The practicalities of taking informed consent for photos when working with vulnerable people in a development context”. Coining a new term seemed a small price to pay to avoid that hideous title!

This is the product of in depth qualitative research done in Bangladesh in late 2014. Albeit not an easy feat, whittling down the 15,000-word document to this bite size version was necessary to ensure proper dissemination. In the development field, we juggle two competing priorities: we need to protect our vulnerable clients while bringing them and their causes into the limelight. Add to this mix a culture where privacy is a nebulous concept, literacy is not guaranteed, and photography is a novelty—and it becomes clear why contextual guidelines like this are needed.

There are two crucial takeaways I want to highlight: a) not taking truly informed consent can have harmful and unforeseeable consequences for subjects; and b) the ‘stakeholder test’ is a simple technique to explain to subjects the possible consequences of their consent. I hope development practitioners will find these useful in their work.

My heartfelt gratitude to all those whose efforts made this possible – my family and my colleagues deserve special mention. Dr Julie Newton, Dr Muzaffar Ahmed, Rakesh Katal, Fazlur Rahman, Rafiqul Islam Sarkar, Abdullah Al-Harun, Eliza Islam, Shaheedul Islam, Bilkis Ara Begum, Oli Md Abdullah Chowdhury, Suralini Fernando and Sharon Hauser are but some of the people who have been incredibly helpful with this project.

Sincerely,

Nabila Idris

Deputy Manager, Research, Policy and Practice,
Food Security and Livelihoods, Save the Children



Published By
Save the Children

© Save the Children International, 2015

Printed in
Dhaka, Bangladesh

This publication is copyright, but may be reproduced by any method without fee or prior permission for teaching purposes, granted that due source of reference appears in all copies, but not for resale. For copying in any other circumstances, prior written permission must be obtained from the publisher.

All photos © S M Imran Hassan/Save the Children

Design and Layout: Raiyan Abdul Baten