Cameras Everywhere: Ubiquitous Video Documentation of Human Rights, New Forms of Video Advocacy, and Considerations of Safety, Security, Dignity and Consent

SAM GREGORY*
WITNESS
80 Hanson Place
Brooklyn NY 11222
sam@witness.org

Abstract

Peter Gabriel and other allies created WITNESS nearly 20 years ago — shortly after the Rodney King incident in Los Angeles. At the time, our founders asked: ‘What if every human rights worker had a camera in their hands? What would they be able to document? What would they be able to change?’ Since 1992 WITNESS has engaged with the risks, opportunities and possibilities for action that emerge from the power of moving images — training and supporting human rights activists worldwide to create real change through our methodology of ‘video advocacy’. Yet now an increasing number of people worldwide have cameras. Participants, witnesses and perpetrators are all filming. Videos (particularly mobile video) make it possible to document and publicize human rights struggles — from monks marching for freedom in Rangoon and the election protestors in Tehran, to individual voices speaking out against injustice on YouTube. However, despite the growing online circulation of images of human rights violations, of victims and survivors, there is limited discussion of crucial safety, consent and ethical concerns — particularly for people who are filmed. Issues around consent, representation and re-victimization and retaliation have emerged even more clearly in an open and networked online environment. Video is being reworked, remixed and recirculated by many more people. New possibilities for action by a global citizenry have arisen, but these carry with them real dangers. The human rights and technology communities can help lead the way in confronting these challenges. The article concludes with suggestions for approaches based on norms, technology solutions, and other ideas that could be deployed to begin to address these emerging issues.

* Sam Gregory is a video producer, trainer, and human rights advocate. He is Program Director at WITNESS, which trains and supports people to use video in human rights advocacy. He has worked with human rights activists — particularly in Latin America and Asia, including the Philippines, Burma and Indonesia, integrating video into campaigns on human rights issues. He was lead editor of WITNESS’s book Video for Change: A Guide for Advocacy and Activism (Pluto Press, 2005). He developed WITNESS’s Video Advocacy Institute, an intensive two-week training program, and has taught on human rights advocacy using video at the Harvard Kennedy School.
In shaky footage, police officers strike a man lying on the ground with their batons – and then begin kicking him.

With minor variations, this footage could have been (and indeed, has been) filmed in multiple places around the world in the past year. As I write this, a clip has come to light of policemen in East Timor punching and kicking a suspect they are arresting in broad daylight on a beach on the island of Atauro, near Dili. However, the case I am describing above is the ‘Rodney King incident’ – filmed in March 1991 on a street in Lake View Terrace, Los Angeles, by a citizen observer, George Holliday.

WITNESS was created just under 20 years ago, arising out of that moment. Captured by Mr Holliday from his apartment window, the footage of Rodney King – an African-American man – being beaten by officers of the Los Angeles Police Department following a traffic violation is familiar across the world. To our founders – Peter Gabriel and the Lawyers Committee for Human Rights – it confirmed the power of video cameras in the hands of a bystander/witness. At the time, they asked the question: ‘What if every human rights worker had a camcorder in their hand? What untold stories, what visual evidence, would be captured and shared?’ Our assumptions were that you could enable a new way of mobilizing action for genuine change if you could place the capacity to film in the hands of the people who chose to be ‘in the wrong place at the right time’ and were not just accidental observers – that is, human rights advocates and activists around the world living and working with communities affected by violations.

Lessons Learned from the Past; Meeting Present Challenges

Our work since 1992 has focused on how best to enable human rights defenders to use video in their advocacy and activism, and has integrated training and intensive support to local groups on their campaigns, as well as developing multimedia platforms for informed dissemination of human rights media. Along the way we have learned that the technology in itself is insufficient in the absence of the capacity to film capably – or to tell stories effectively with the resulting material. Without technical training you can shoot raw video, but you cannot create the finished narratives that are of value in most advocacy contexts – outside of providing direct eyewitness material to the news media or circulating it to existing communities of interest. We have also had initial assumptions challenged that television would be as amenable and open to most human rights footage as it was to the Rodney King material – and that evidentiary usages of video would predominate. As a consequence, we have had to think about different audiences for advocacy video. We have seen that ‘seeing is believing’ does not necessarily apply in all
instances, and that nuanced storytelling and incorporation of video into other advocacy strategies often produces the most effective results. Training on the strategic structuring, distribution and use of video documentation is as important – if not more important – than technical skill sets.

As a consequence of the difficulties of using video in the media and in judicial processes, WITNESS and its human rights partner groups have looked for new advocacy audiences for visual evidence and testimony. The majority of our work has focused on incorporating video into a range of human rights advocacy and organizing venues that have hitherto seen little use of video. We have done this in partnership with a range of locally-based human rights groups, which we support through the process of developing camera and production skills, and in developing and implementing plans for effective audience targeting, messaging, storytelling, and advocacy distribution. WITNESS’s work has always blurred the line between amateurs and professionals in terms of using video – training human rights workers, and now, increasingly, concerned citizens, to use video as an everyday facet of their work, a vernacular for effective communication, rather than attempting to turn them into high-end documentary film-makers.

Frequently our approach has focused on ‘smart narrowcasting’ (McLagan, 2006) – speaking to a particular audience at a particular time, and seeking a distinct change in policy, behavior or practice. We work with partners to craft videos for sequenced and targeted distribution, and always as part of a continuum of action – and as a strategy rather than a stand-alone product or event. Primarily the work has been in the middle ground between the extremes of undifferentiated mass media attention and direct evidence in the courts. These potential audiences might include:

1. evidentiary settings such as a courtroom or international war crimes tribunal, where video could function as direct, contextualizing, or circumstantial evidence;
2. quasi-judicial settings, including many of the bodies that monitor compliance with international human rights law but have limited enforcement power, including the UN Human Rights Committee, or other UN charter and treaty bodies, as well as institutions at a regional level. For example, WITNESS recently worked with a group in Kenya, CEMIRIDE, to produce the first-ever video submission to the African Commission on Human and Peoples’ Rights on a land rights case affecting the Endorois people of Kenya;
3. direct-to-decision-maker contexts, meaning that in some cases video needs to be shown directly to a key decision maker or decision-making body so that they can ‘witness’ human rights violations or ‘meet’ the victims. For example, our partners have done screenings with senior officials of the International Criminal Court to convince them of the need to prioritize the recruitment of child soldiers in the eastern Congo in their investigations;
community mobilizing campaigns in which video is shown within a community to mobilize it to take action on a specific issue, or to demonstrate the capacity of individuals and communities to challenge abuses and alter the context in which these abuses happen. An example here would be showing a video on voluntary recruitment of child soldiers in villages across eastern Congo to stimulate community dialogue around the circumstances in which this occurs, and the consequences for the children recruited;

(5) activist and participatory organizing within a community or virtual community of solidarity, increasingly via the internet, and integrating participant creation of video content.

Videos always provide a ‘space for action’ by the audience, encouraging them to participate in solving the problem.

Fundamental to all this campaign partnership work – as well as our extensive training work with broader human rights networks – has been a focus on three elements of video usage in human rights contexts: a) that it be ethical in its creation, storytelling and distribution; b) that it be effective in its advocacy usage; and c) that it does not recklessly endanger those who participate in creating it or who are filmed.

These concerns – which could also be expressed in terms of questions of authenticity, efficacy for action and safety – have only been magnified in an environment of radically increased participation in visual documentation and testimony of human rights violations.

It is this final element of safety, security and consent that this paper primarily explores – in a new environment of radically increasing numbers of creators of human rights content.

A Billion Potential Observers to the ‘Rodney King’ or ‘Tiananmen Tank-man’ of 2010

In 2010 we can reconsider the Rodney King moment, and WITNESS’s genesis, in a new light. The growing reality of this decade is the possibility of not only every human rights defender having a camera in their hand, but that a significant and growing minority of all people have on their person the capacity to document or record human rights violations.

If we think back to March 3, 1991, multiple elements came together fortuitously to create what we now know as the ‘Rodney King’ incident. There was George Holliday, the accidental witness, with a camera to hand. When he came to distribute the material, its graphic nature and its media saliency was of interest to the gatekeepers of distribution at that time – the network and cable television stations.

If 20 years ago a camera was a luxury item, now many mobile phones come with a video-camera built in – and the most recent statistics show that there is now one cell phone account for every one and a half people on
As a consequence, in many industrialized countries and in much of the Global South a growing number of individual citizens now possess the technological capacity to film using a cell phone or mobile device – which they carry with them at all times. Many other activists worldwide – even in less cell phone friendly environments – could be empowered with a device such as a Flip Video camera that records reasonably high-quality video images for less than $100.² We’re in a world of a billion potential observers to the Rodney King incidents of 2010, or to the contemporary equivalent of the brave man confronting the tanks in Tiananmen Square in 1989.

As a consequence, technological capacity and the ‘ready witness’ are now commonplace. Simultaneously, the ability to share material without as many gatekeepers (at least around choice of issue – gate keepers still exist around graphic nature or controversial political content) has increased with the advent of both online video-sharing networks like YouTube and DailyMotion, and social networking sites like Facebook, Orkut, Twitter and others, as well as the ‘i-witness’ appeals of networks from CNN to the BBC. Not to be underestimated, there is also growing media literacy among certain sectors of a younger generation about how to create and share moving images.

This potential presence of a camera in every concerned citizen’s hand creates powerful opportunities for the future of human rights video and human rights advocacy. At the same time, it raises significant questions of agency, action and audience. As we anticipate a continuing growth of cameras in the hands of potential witnesses and observers, it is time for the human rights community to work out how to grapple with, harness and engage with the potential of these tools to contribute to effective documentation and advocacy.

WITNESS’s founder Peter Gabriel has repeatedly talked of his vision of Big Brother in reverse. This is a situation where, rather than Big Brother watching, there are a million Little Sisters and Little Brothers – each with the capacity to have their voice heard, to let no human rights abuse go undocumented, and to hold their oppressors accountable.

So what is out there now in terms of human rights material? I’m going to draw many examples from a recent WITNESS project – the Hub,³ a pioneering participatory media website for human rights launched as a subsection of the Global Voices blogging site in September 2006, and operated by WITNESS since late 2007. The Hub was conceived as an online human rights community focused around safety, context and action, as well as knowledge-sharing on what worked in using video and related tools for human rights advocacy.

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² For example, the Pure Digital Flip cameras that WITNESS currently provides to some trainees.
A selection of some of the online videos which surfaced in both the pilot and the last two years of the project gives a flavor of the human rights video documentation that is starting to be created as a result of technological ubiquity and electronic peer-to-peer and online distribution opportunities.

In Malaysia, in what has been called ‘Squatgate’, police filmed the humiliation of a semi-naked young woman of Chinese-Malaysian origin and emailed it to each other. In Egypt, police sodomized and slapped detainees on cell phone cameras and shared it. In China, anonymous watchers documented the scale of protest in small towns – challenging state control of public knowledge about dissent. In Canada, First Nations protestors filmed their stand-off with government officials – while in repressive Guinea-Conakry in West Africa, footage showed the army firing on student protestors.

In the United States, passersby on a subway platform used cell phones to capture the shooting of an unarmed African-American man by police. In Guatemala and Cambodia, communities facing displacement from their land by mining and commercial development videoed their moments of resistance. Activists attending key UN meetings took advantage of a digital camera to provide daily updates from the field to campaigners back home who were unable to be present – demystifying the process. Leaders of the monks’ protest in Burma spoke directly to the camera to share mobilizing messages one year on from the Saffron Revolution – and a survivor of a still unpunished prison massacre in Brazil made an impassioned call for accountability 16 years on. Sex worker advocates from Southeast Asia remixed and reworked popular songs and images from anti-trafficking

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campaigns into their own mobilizing films, and labor advocates from Philippines incorporated video into their organizing in a hospital where nurses were forced to work excessive hours.

One of the most viewed and most notorious videos on the Hub is a redacted version of the footage shot by Egyptian police in which they humiliate a Cairo bus driver by slapping him repeatedly. These images, as well as other more graphic videos that include the sodomizing of another driver, were filmed by the police themselves. Subsequently they were used to humiliate the victims (for example, by sending the images to other drivers) and to intimidate other people by demonstrating what would happen if they didn’t follow police orders. They share many similarities with the psychology of what have been called happy-slapping videos (in which someone is caught by surprise and assaulted on camera): the triple humiliation of the assault, the act of documentation, and the subsequent preservation and distribution.

Similar cases have galvanized debate in Greece – where two Albanian immigrants were forced to slap each other on camera (a case extensively discussed by Nelli Kambouri and Pavlos Hatzopoulos (2008)), as well as in Malaysia (the infamous Squatgate case mentioned above) and a number of other countries (including, most recently, East Timor). And of course, footage is also shot increasingly by governments to document and apprehend protestors and dissidents. In the United States, there has been a contentious suit related to arrests of protestors at the Republican National Convention in New York in 2004, highlighting the contradictory accounts of these arrests that videos shot by both the New York Police Department and activists provide – while more recently we can see official cameramen in the footage of protests from Burma, Iran and Tibet.

As can be seen from the examples cited above, in the growing world of human rights video online, it is both the abuser and the abused, the implicated and the observer who are documenting. The outputs are both produced and raw. There is a mix of ‘witness journalism’ – the raw footage from the sites of tragedy, whose variants news organizations are currently pursuing through their user-generated media programs. There are produced citizen or NGO advocacy videos that are constructed and edited together with a narrative or rhetorical framework. There is activist and human rights defender witnessing in less structured formats – but with advocacy and/or documentation intention. And there is also perpetrator-shot footage. It is

16 http://www.youtube.com/watch?v=gCc7xc8hxDQ.
a world of commentators and remixers, of virtual witnesses and viral witnesses – as much as it is a world of direct observers.

And the circulation of these visual images is pervasive. Last year I was sitting in a shared taxi in an authoritarian country in the Middle East, half way down a long rural road. A man leaned back and offered his cell phone to me, asking: ‘Change?’ It seemed odd since my old Nokia was far less impressive than his latest Spiderman-themed phone. Then he started to show me the clips he had filmed or had received from others – including a series of ‘happy-slapping’ sequences. I realized he wanted to swap what I would term abuse videos.

These videos also circulate to ultimate positive effect – in some cases, when they are assigned new meanings and new contexts and framings. In Egypt, bloggers and journalists led by Wael Abbas\textsuperscript{17} and Hossam el-Hamalawy\textsuperscript{18} distributed the leaked cell phone videos to challenge repeated denials by the government of responsibility for police brutality and torture. By circulating the videos, and connecting online to both a local and international audience, they were able to generate media attention, and to force an official response. Although the government initially tried to discredit the activists, it was very hard to deny the truth of the images or the public exposure, and, for the first time, there was an investigation into the conduct of police officers in two of the leaked videos – leading to a prosecution.\textsuperscript{19}

Increasingly, one of the skill sets demanded of a human rights group conducting advocacy is the ability to mobilize, foment, aggregate, shape and/or curate this content created by others. So, in relation to WITNESS’s new campaign models we are increasingly looking to this approach. For example, with our ‘100 Voices’\textsuperscript{20} component of a campaign for the rights of the elderly in the United States – where participants in a campaign in multiple states are encouraged to create their own individualized video messages to specific legislators on key Congressional Committees relevant to legislation.

The circulation and re-appropriation of images shot by others is a key aspect of contemporary online culture – namely, its participatory nature which allows consumers to ‘archive, annotate, appropriate and re-circulate media content in powerful new ways’ (Jenkins, 2006, p. 18). Some of the most powerful political commentary in the United States over the past decade has featured remixes of news, archival and user-generated footage,

\textsuperscript{17} For the blogging and video work of Wael Abbas, see http://www.youtube.com/user/waelabbas.

\textsuperscript{18} For the blogging and video work of Hossam el-Hamalawy, see http://www.arabawy.org.


especially during the Bush Administration and its actions in Iraq.\textsuperscript{21} Similarly, groups that WITNESS has worked with at a local and regional level around the world have used karaoke remix formats to communicate effectively around human rights issues. One example of the karaoke remix style I’ve seen in Southeast Asia is a video by one of our Video Advocacy Institute alumni from the Asia-Pacific Network of Sex Workers that remixes U2 songs for sex worker advocacy.\textsuperscript{22}

WITNESS itself has recently started to experiment with providing video for remix and re-use and looking at how collaborative creation can be used for advocacy. In one very open-ended experiment we provided footage for a video contest organized by Enough (an NGO that works to end genocide and crimes against humanity) in collaboration with YouTube’s ‘Video for Change’ initiative. The contest, entitled ‘Come Clean 4 Congo’, encouraged people to create videos highlighting the link between ‘conflict minerals’ used in cell phones and the war in Democratic Republic of Congo (DRC). We provided a compilation of short footage clips shot by one of our partners in the DRC depicting, amongst other elements, conditions in militia camps as well as in rural and urban areas. Where the footage was used it was often as emotive background or ‘wallpaper’ footage – for example, transposed onto a computer screen that is seen intercut with a young woman answering her phone to receive a text about the campaign in a video uploaded by YouTube user CheFoo10.\textsuperscript{23}

We have also been working with the student anti-genocide coalition STAND on a more bounded remix experiment within their Pledge2Protect project. Here we provided a template re-editable video making the call for effective legislation to prevent genocide – as well as selected and carefully reviewed short clips from inside potentially genocidal situations worldwide. We then supported student chapters around the US to create customized videos that spoke to the particular interests of their Senator, and that incorporated additional footage and local voices from their State. My colleague Chris Michael has written more about this project on the WITNESS blog.\textsuperscript{24}

In his words: ‘We wanted to see how video could not only be made for a group of key decision makers – but individualized for each decision maker. We wanted to integrate video into this campaign to see how a decentralized, motivated network could quickly create, share and edit multimedia content

\textsuperscript{21} For examples of this genre, see http://www.politicalremixvideo.com, including examples focused on the Bush Administration at http://www.politicalremixvideo.com/tag/bush.


targeted to key decision makers – in this case U.S. Senators’.\textsuperscript{25} So, for example, students from Florida, gathered not only their own voices to introduce the video, and made personal appeals to their and his Christian faith, but also identified Lost Boys from Sudan living in Jacksonville, Florida who could speak from their own personal experience in the video – making a direct request to their Senator. Videos from California and Wisconsin expressed personal thanks to their respective Senators for their actions to date through montages of high school and college student voices; highlighted prominent community figures who the Senators would know and respect (for example, a respected academic and an award-winning humanitarian); and urged them on to do more. Other videos ranged from fully remixed videos to direct-to-camera video introductions and calls to action from student and influential community leaders in the Senators’ States.\textsuperscript{26}

Remix uses – like these, and like many others that are occurring – particularly challenge us to question how to balance creativity and effectiveness in a participatory environment with human rights concerns. From a human rights advocacy point of view, the positive dimensions of this are clear – as participation is at the heart of any mobilizing activity. For particular communities – for example, the so-called ‘digital native’ youth of today’s connected Northern societies – the most active forms of participation are taking place in these online spaces and on these online terms. Additionally, there is a possibility to benefit from the creativity and capacity of a distributed network of peer production that can rework the raw audiovisual material to appeal to diverse communities of interest, and within which the opportunity to be a (co)-producer rather than just a viewer may promote sustained engagement. The challenge lies in how this remix ethos relates to a human rights culture concerned for the dignity and integrity of victims and survivors and about the role of ethical witnessing – a culture that also has a strong sense of control over its material. Many may have enjoyed seeing George W. Bush remixed, but where would we draw the line?

\textbf{A New Ethics of Ubiquitous Video}

So how does and how could this evolving culture of online and ubiquitous video relate to human rights values and to human rights practice? What would it mean if the principles of the Universal Declaration of Human Rights (UDHR) were written into the ‘terms of service’ and user interfaces of online video platforms and other Web 2.0 initiatives (as suggested by the blogger Dan McQuillan)? How could we place key human rights values at

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\item \textsuperscript{25} ‘Pledge On Camera: How Anti-Genocide Student Activists are Ushering-In a New Era of Video Advocacy’, posted November 4, 2009. \url{http://hub.witness.org/STAND} (referenced March 1, 2010).
\item \textsuperscript{26} To see a sample of the videos see \url{http://hub.witness.org/en/STAND-SPOTLIGHT} (referenced March 1, 2010).
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the forefront of people’s minds as they turned their cell phones on each other to film and capture evidence?

Many of the values of online communities already fit closely with the values of human rights around freedom of expression (UDHR Article 19: ‘Everyone has the right to freedom of expression’) and access to science and culture (UDHR Article 27(1): ‘Everyone has the right freely to participate in the cultural life of the community’). However, instead of focusing on these already shared values, in this article I want to focus on one idea that is the heart of human rights – namely respect for the dignity, agency, worth and integrity of every person, and particularly for rights-holders in the midst of crisis.

In this context, from a human rights perspective there are two sets of directly parallel concerns about an increased creation and circulation of visual imagery in a participatory culture of everyday witnesses – as well as in a world where image-making is not controlled by the government or ‘professionals’. The first of these concerns relates to the potential increase in the absence of consent, or failure to secure fully informed consent, and of retaliation and repercussions to victims and human rights defenders whose words and actions can be circulated with greater and greater ease. A second, related concern is around psychological re-victimization and the preservation of human dignity. I will not reflect so much in this paper on an additional set of concerns which relate to how we protect the increasing number of people who take a stand for human rights (as human rights defenders) by creating visual media and circulating material via the internet as their primary advocacy tools. This is a subject of vital concern to WITNESS and others who uphold, support and protect freedom of expression, the right to communicate and human rights defenders’ rights. However, this paper and its concerns are more focused on the people ‘on film’ rather than on those who capture images and events on video.

Human rights values emphasize the importance of the integrity and dignity of the individual survivor of abuse in line with the primary principle that every human being is possessed of ‘inherent dignity’ – a concept that runs through every right included in the UDHR.

A particular concern in the victim/survivor-centered human rights model is the avoidance of re-victimization either directly or indirectly (as can happen when an image is distributed and exploited inappropriately). The most graphic violations – violent attacks, or even sexual assault – are seen as the material that most easily translates into a loss of dignity, privacy, and agency, and which carries with it the potential for real re-victimization. Individuals who are featured in videos who are not victims or survivors, but bystanders or witnesses, are also understood to be in positions of vulnerability and risk. Video distribution in and of itself can also contribute to creating further layers of victimization: the individuals in the torture videos shot by authorities are already being doubly humiliated – in the first instance

27 Preamble to the UDHR.
by what happens to them in custody, and in the second, by the act of filming. They are then further exposed as the footage achieves widespread circulation.

Contemporary thinking on testimony, witnessing and trauma also places a heavy emphasis on the responsibility of the witness to abuse to represent it responsibly and with ethical integrity – to be, so to speak, the ‘ethical witness’. As Frances Guerin and Roger Hallas note in the introduction to their recent book *The Image and the Witness* (2007): ‘images which appropriate and expropriate existing visual representations of public trauma respond to the immense ethical responsibility which burdens the image… Ethical responsibility to the integrity of the victim is one of the defining criteria of authentic witnessing to trauma. This is especially urgent when the sufferer is no longer able to speak. Thus, the one who carries the continued memory of suffering also carries the responsibility to do so in a manner that empathizes with, rather than violates, the silent victim’. It is incumbent on us to promote a culture of empathy and ethical sharing rather than perpetuating any violation of the ‘silent victim’.

Both of the principles mentioned above – that of the integrity of the victim/survivor’s experience, and that of the role of the ethical witness – are made problematic by the possibilities for remixing, re-appropriation and recirculation. These possibilities pull the material farther and farther from its source testifier and/or witness and from its original context – even as that process of translation may increase the chances that the footage will find an audience (even an unexpected one) that may be willing and able to respond.

WITNESS has wrestled for years with how to ensure that people filmed in human rights contexts understand how the video will be used, and the implications both positive and negative, devoting a whole chapter to the subject in the recent book, *Video for Change* (Gregory et al., (eds.) 2005). Our model focuses on supporting individuals to make informed choices about if, how, where, and when their image is used. When that is impossible we support an assessment based either on objective, established principles (termed ‘a professional practice’) – or carried out by a well-informed individual who seeks to determine what a person who has not given explicit consent might be expected to grant (‘a reasonable person’ guideline). We also consider relevant international human rights and humanitarian law (for example, the Third Geneva Convention forbidding the exhibition of prisoners of war). It is an extremely thorough approach to informed consent that harks back to social science and medical protocols. WITNESS’s policies – based on an ideal paradigm of consent – encourage groups it works with (in an approach common to most human rights organizations[28]) to take into account principles of disclosure (where the individual is informed why they have been filmed and for what purpose); voluntariness (where the individual agrees to

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28 See, for example, internal documentation produced by organizations like Amnesty International.
be filmed without pressure or coercion); comprehension (where the person filmed understands the implications of being filmed, how the video will be used, and particularly, the worst case scenario); and competence (where the person is capable of making these judgments).

Within these frameworks of consent, WITNESS always emphasizes that in a digital era it should be assumed that a piece of media will circulate if it is shown – even if only once. If it can be circulated, then it should be assumed that it will be seen by your oppressor or opponent. As a consequence our model relies upon presenting worst-case scenarios for impact, assuming that media will circulate, and seeking to enable genuinely informed consent to be given. The risks associated with shooting and circulating video have been clearly reinforced in recent events. In Burma, for example during and after the Saffron Revolution, when thousands took courageously to the streets, intelligence agents scrutinized photographs and video footage to identify demonstrators and bystanders. In Iran, the government took to crowd-sourcing identification of protestors via facial pictures grabbed from YouTube and placed on a website with a request to the public to identify them.29

The same circulatory risks apply (and will continue to grow over the next few years) in less prominent incidents of human rights documentation that do not make the banner headlines on CNN. So in rural eastern Burma, far from the urban protests seen on television, the ordinary civilian speaking out against government attacks on ethnic minority villages – for example, in the videos shot by WITNESS partner Burma Issues30 – should assume that she could be seen and heard by the local military commander. And although one tendency of advocacy videos may be to make of the witness an iconic, emblematic figure, separated from an individual identity and standing in for a class of victims, Naw Paw Paw (not her real name), who speaks in two of the videos that Burma Issues has produced, is not just a representative ‘Burmese villager’. She is a schoolteacher from a specific community of people on the run in eastern Burma, speaking at risk of execution, displacement or imprisonment in a region where the military junta is currently conducting a devastating offensive. In a digital era we should assume that once a clip re-circulates, and indeed even more so if it successfully re-circulates on any scale (and Naw Paw Paw’s videos have been seen close to a million times on YouTube), then there is a good chance that the video will be seen by those in power – such as the military junta in Burma. This is why it is incumbent on


the person filming to tell someone the worst-case scenario, not the best-case scenario, and enable them to make decisions on whether to speak, and what to include or exclude, and what measures to take to conceal their own identity. That is the only way for someone to give truly informed consent.

However, this ‘worst-case scenario’ model of consent is difficult enough to promote in the ‘professional’ documentary world (and also heavily contested (Winston, 2000; Aufderheide et al., 2009)), as well as in the human rights community, and impossible to sustain in the online participatory culture context of user-generated media. Within our own practice, WITNESS can emphasize consent through front-and-center prompts as people upload, via training materials that provide relevant guidance, and via a system of review on the Hub site that looks for obvious egregious examples of absent consent and danger to an individual filmed. But consent can never be assured in a world of uploaded content from relatively anonymous sources. So what comes next?

A Forward-looking Perspective from WITNESS: Which Ethical Frameworks and Technology Solutions Can Contribute to a Ubiquitous Video Culture of Dignity and Justice?

The use of video will continue to expand across the range of human rights documentation and advocacy activities, both professional and citizen, over the coming years. From WITNESS’s vantage point at the intersection of human rights, media and technology, with allies and stakeholders from the worlds of local and global human rights organizations, social media, academia, technology, archive and documentary film, we see a pressing need for collective engagement between these disparate sectors to create a more conducive environment for impact-generating video – supporting changes in norms, policies and practices, and promoting effective solutions across disparate sectors.

As an initial starting point in our own work, we are focusing on how to ensure that the evolving online, mobile and ubiquitous video environment becomes safer for human rights defenders and for those who experience or witness human rights abuses. At the heart of this challenge is the question of how we establish online and participatory cultures that create and share social justice and human rights material in a manner that balances the right to privacy (and the integrity of the person) with the right to freedom of expression – balancing the urge to expose human rights violations with a consideration of the very real dangers to human rights defenders and victims or survivors. By its very nature, this will always be a dynamic and evolving process. But we have taken some initial steps to reach out to the human rights, technology, privacy law, and media literacy communities – as well as, most importantly, the online communities where video is being shared – in order to identify common ground in terms of ethical and normative
frameworks, to see where there is scope for test projects, and to identify how we can all best communicate around these concerns.

With our respective expertise, experiences and vantage points, we hope to identify the optimal combination of norms and code/architecture, as well as potentially law and market approaches (to borrow from Lawrence Lessig’s (2006) outline of potential regulatory approaches) to promote a safer, more effective world of ubiquitous human rights video. Key to that combination will be finding a way to discuss how the ethical frameworks and learning around consent, safety, and human dignity from established human rights practice – including those discussed in this article – are accessible and relevant to broader online culture and the digital media literacy of a new generation of ‘digital natives’ worldwide. How does the ‘professional’ learning and experience of human rights organizations on an issue like informed consent translate into guidelines that will work in a space like YouTube, or into 30-second pieces of spreadable media that will circulate online? What role can human rights organizations play in terms of supporting focused curation of human rights material to promote understanding, literacy and debate around key issues of human rights protection in a Web 2.0 era, and in supporting test-case projects within their own practice that demonstrate what can be achieved – balancing participation, openness and safety? How do we develop broadly-agreed codes of conduct and ethics on online video and human rights that speak to the needs, constituencies and understandings of different sectors?

Much of this needs to be informed by collaboration and dialogue with the technology providers of services, hardware and software; online and in the mobile arena. These actors play a critical role in the growing ubiquity of video. In addition, it requires participation in the Web 2.0 spaces these providers facilitate. There are potential technology approaches and innovations within these spaces that can help address challenges around consent, representation and safety – balancing openness and transparency with a proactive response to real risks. These approaches include adjustments to site governance and review policies in video-sharing sites and social networks to allow better handling of sensitive human rights footage. They also include the development, promotion and dissemination of learning materials, spreadable guides to security approaches, and tools that can better enable safe documentation. To give two examples, tools that enable concealment of identity with blurring could be developed for devices that shoot video (for example, smartphone applications) as well as the platforms where video is shared. Likewise, interfaces and applications on filming devices and during upload experiences designed for human rights content, could provide prompts on consent during those filming/upload processes.

All this needs to be done while retaining a very concrete understanding of danger as experienced on the ground in real-life spaces (and not in our safer online environments), and an understanding of what constitutes truly informed consent. For although there may be a generalizing assumption that
privacy is being de-emphasized in favor of openness and transparency (see, for example, recent debates prompted by the founder of Facebook observing that social norms are evolving towards more information sharing), the realities of human rights risk have not necessarily changed in tandem.

And doing this cross-sectoral work soon is critical – because soon we will have to translate these concerns and challenges into an environment of simultaneous live-cast rather than asynchronous after-the-fact distribution. Already ‘eventcasting’ or ‘live-casting’, facilitated by technologies like Qik and Flixwagon, permits live user-generated streaming of media (including documentation of human rights abuses) directly from a cell phone or other mobile device to an online public. In this case, those human-based review processes that are currently used in some human rights spaces (for example, the process we have used on the Hub) to sift through footage to assess potential risk to those featured, will be impossible to maintain. These live-casting technologies will have powerful positive implications for sharing footage and engaging constituencies immediately, but at the same time consent and security norms will become even more critical once more video is streamed immediately rather than edited/uploaded after the fact.

At this stage in the movement towards ubiquitous video, it is vitally important to support emerging norms in online culture that promote respect, tolerance, and an understanding of risks, as well as to think about how we take proactive educational steps to provide the next generation of digital natives with experience and understanding on these issues. This is a key need, only brought home more and more as we increasingly experience both globally-circulated human rights crises – Burma, Tibet, Iran – and a multitude of less prominent situations of human rights violations, via imagery and testimony circulated online.

To watch the video version of this article and to contribute to the conversation visit http://hub.witness.org/cameraseverywhere; we welcome your feedback and ideas.

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32 http://www.qik.com
33 http://www.flixwagon.com
34 See also such current options as Stickam, Justin.tv, and Bambuser.
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