

United Nations
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Department of Political Affairs
Department of Field Support
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Guidelines

Taking, Publication and Distribution of Images of Persons in Custody

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DPKO/DPA/DFS GUIDELINES ON TAKING, PUBLICATION AND DISTRIBUTION OF IMAGES OF PERSONS IN CUSTODY

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A. PURPOSE

1. These guidelines provide guidance on the taking, publication and distribution of images of persons in custody in host countries of United Nations peacekeeping operations and special political missions, to ensure respect for the dignity of those persons and their rights, including their rights to security of the person and to privacy.
2. These guidelines do not confer authority on any mission personnel to take images of persons in custody. United Nations personnel in field operations should only take images of persons in custody as and when so authorized by a competent authority and when the person in custody has not objected to be part of an image. Images of persons in custody should under no circumstances be taken for private, non-official purposes.

B. SCOPE

3. These guidelines shall apply to all mission personnel of the Department of Peacekeeping Operations (DPKO), the Department of Field Support (DFS) and the Department of Political Affairs (DPA).
4. These guidelines apply to the taking, the publication and the distribution of images of all persons in custody.
5. These guidelines do not apply, and shall be without prejudice, to the taking of images for official administrative use in prisons.
6. Any taking, publication or distribution of images of persons in custody shall comply with obligations under international law, including human rights and humanitarian law¹.

¹ See Section F on "References" below.

7. The Head of Mission may issue supplementary guidance consistent with these guidelines and in compliance with international law including human rights and humanitarian law.

8. These guidelines are not intended to establish or override existing international or national legal obligations, but rather to provide internal operational guidance for mission personnel in United Nations peacekeeping operations and special political missions.

9. As far as human rights components are concerned, these guidelines are to be read in conjunction with the guidance available for their regular monitoring, reporting and advocacy work on detention facilities and prison conditions, which is conducted in accordance with OHCHR established methodologies and professional standards.

C. RATIONALE

10. The United Nations at times uses images of detention facilities, including images of persons in custody, in official documents and publications². No United Nations guidance currently exists on the taking, publication and distribution of such images. Guidance in this regard is therefore required to ensure respect for the dignity of those persons in custody and to protect their rights.

D. PROCEDURE

General provisions

11. All persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person (ICCPR art. 10). Accordingly, no image should be taken, published or distributed at any time of persons in custody in a situation in which their dignity may be compromised, or in which their privacy should be respected, such as during showers or visits to sanitary facilities. Particular consideration should be given to any cultural or other sensitivities regarding the taking of images. Images of sanitary facilities may be taken only if they do not include persons in custody. Images should not depict the sexual organs of a male or female.

12. In the event that national law(s) or regulation(s) addressing the taking, publication and distribution of images of persons in custody are more restrictive than the provisions in these guidelines, the national law(s) or regulation(s) shall be applied. Mission personnel should identify relevant national laws and regulations prior to taking images.

Taking of Images of persons in custody

13. Images of persons in custody should not be taken for private, non-official purposes.

² In certain situations, images of persons in custody are taken and published to attract the attention of policy makers and donors. Such images may be included in United Nations reports and publications, concerning, for example inadequate prison infrastructure and poor conditions in detention facilities. The publication and distribution of such images may be beneficial for drawing specific attention to conditions of detention in the context of peacekeeping operations and special political missions. Such attention may be critical for mobilizing support to ameliorate inhumane conditions in detention facilities.

14. Where appropriate, mission personnel should consult and obtain approval from the prison director, the officer in charge of the police holding cell or detention facility or other competent national authority prior to taking images in any kind of detention facility.

15. Every person in custody has the right to refuse to be part of an image and should be given adequate time to react and the opportunity to leave before the image is taken. Mission personnel should ensure that the person in custody is not forced to be part of an image.

16. Mission personnel should take all reasonable measures to ensure that the person(s) whose image will be taken has been informed of the purpose for the taking of the image. Mission personnel should explain that any identifying features will be obscured prior to publication and distribution. If possible an example of an obscured image should be shown to the persons concerned.

17. Where images would involve children, the parent(s) or guardian of the child concerned, if present, should be informed of the purpose for which the images will be used, and may refuse to allow the child to be part of an image.

18. The information as required in paragraphs 15 to 17 above should be given to persons in custody in a language they understand, preferably the native language of the person concerned. A translator may be used for this purpose.

Publication and distribution of Images of persons in custody

19. The publication and distribution of images taken in detention facilities by mission personnel should be authorized by the head of their respective mission component or other competent United Nations authority³. The publication and distribution of such images should respect the dignity of the persons concerned and their human rights.

20. Mission personnel in possession of a hard copy, film or electronic copy containing an image which has not yet been obscured should ensure that the image is stored securely, and cannot be accessed by, or circulated to, unauthorized persons. Images which are not obscured and not meant for publication or distribution should be destroyed in a timely manner.

21. Images of persons in custody should only be published and distributed if identifying features have been obscured. Those responsible for the publication and distribution should ensure that all identifying features of persons in custody, including but not limited to faces, birthmarks, tattoos and piercings, are fully obscured prior to publication and distribution. The persons featured in the images should not be recognizable.

³ See Section G on "Monitoring and Compliance" below.

E. TERMS AND DEFINITIONS

<i>Person in custody</i>	Any person deprived of his/her liberty. This includes persons in police custody, those in pre-trial detention, persons who have been convicted of a criminal offence and children of those detained.
<i>Children</i>	All persons under 18 years of age.
<i>Mission personnel</i>	All United Nations personnel in United Nations peacekeeping operations and special political missions, including members of the military components, government-provided police, justice and corrections officers, contractors and visiting DPKO, DFS and DPA Headquarters staff.
<i>Publication and/or distribution</i>	To circulate internally or externally to individuals, print or otherwise disseminate to the public at large, including in virtual communities and networks.
<i>Image</i>	Any visual medium, including photography and film, available in printed or digital publications. This also includes images published on any website including social media sites.

F. REFERENCES

Normative or superior references

- Standard Minimum Rules for the Treatment of Prisoners (1955)
- International Covenant on Civil and Political Rights (1966)
- Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
- Convention on the Rights of the Child (1989)

Related procedures or guidelines

- DPKO Policy on Video-Audio Recording and Photography in United Nations Peacekeeping Missions (2001)
- UNICEF Principles for Reporting on Children (2002)
- DPKO Policy Directive on Prison Support in United Nations Peacekeeping Operations (2005)
- DPKO/DFS Interim Standard Operating Procedure on Detention in United Nations Peacekeeping Operations (2010)
- OHCHR/DPKO/DFS Policy on Human Rights in United Nations Peace Operations and Political Missions (2011)

- SGB ST/SGB/2007/6 on Information sensitivity, classification and handling (2007)

G. MONITORING AND COMPLIANCE

22. All mission public information offices are requested to establish, in coordination with the police, justice, corrections, human rights, child protection and any other relevant substantive offices in the mission, practices or procedures in order to ensure compliance with these guidelines.

23. The Head of Mission or his/her designate shall be responsible to monitor the implementation of these guidelines.

24. Images taken prior to the entry in force of these guidelines shall, when published or distributed, be obscured in line with the provisions of these guidelines prior to publication and distribution. Such images should also be stored according to the present guidelines.

25. Mission personnel shall ensure that that other United Nations and non-United Nations personnel and/or entities are informed about the contents and intention of these guidelines when taking part in an activity under the auspices of the United Nations relevant to these guidelines.

I. CONTACT

26. The point of contact for issues arising under these guidelines is the Criminal Law and Judicial Advisory Service (CLJAS) of the Office for Rule of Law and Security Institutions (OROLSI) of DPKO.

J. HISTORY

27. This is the first version of these guidelines.

APPROVAL SIGNATURE:

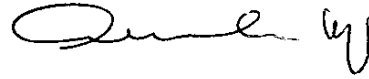
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