

» Privacy vs Awareness in emergencies

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On September 2, 2015 a picture, the image of a Syrian child who was lying placidly on the beach while his face was gently caressed by the sea waves stirred up feelings in the collective European conscience. It was not a macabre image, but a hard snapshot. Extremely hard, I would say. His Western clothes and the fact that he was lying on a Turkish beach made him one of us. In fact, any parent who saw the image was immediately shaken by it. Aylan was three years old. As pointed out by journalist Ramón Lobo, the shipwreck, which affected both him and his family, has been a severe blow to the European conscience. The consequences of the image were immediate. The brutal impact on the public opinion triggered an instantaneous reaction in two of the most important governments of the Union: Germany and France. The refugee policy was about to change. But the question remained unanswered: Is it justifiable to publish such images? Should we protect the right to privacy at all costs or, on the contrary, raise awareness about the disasters around us to generate a reaction among the public opinion?

The picture of Aylan's death, taken by Turkish photojournalist Nilüfer Demir, has gone around the world –just like many others did before this particular snapshot took over the global news on this matter-. For four days we had been seeing, day in day out, extremely bloody images of the Syrian conflict. However, the death of Aylan has become an iconic image which summarizes, without any blood, all the previous pictures. A photograph which, in its simplicity, is really cruel.



However, recognized Spanish journalists such as Iñaki Gabilondo doubt that this photograph stirred up any feelings in the minds of those who had not been touched previously by other pictures. Rather, he considers that if this photo has entailed a policy change in relation to hosting refugees it is due to the fact that the massive influx of Syrian immigrants does not merely involve “the filthy south but also the rich and prosperous northern Europe”.

Be that as it may, the truth is that the aforementioned picture is still present in everyone's mind and has been the trigger of the changes in the refugee policy and has channeled social unrest through protests that are increasingly taking place in the streets of major European cities. Politicians like Angela Merkel and Françoise Hollande explicitly referred to the events on the following day and decided to drastically increase the refugees' quotas of each country and establish the necessary budgets to implement it. In Spain, President Mariano Rajoy made the following statement on Cadena Cope: “The picture is truly dramatic, it is horrifying. He was a little boy and this is happening on a daily basis”.

A reaction which, before anywhere else, could be felt on social networks. Thousands and thousands of conversations. Hundreds of memes about the death of the Syrian child. The ears of politicians had to be burning and, in addition, the media were witnessing the huge impact that the image was having on the network in real-time. Twitter, once again, became the best information market to detect potential trends and news.

The online madness reached such a level that, as usually occurs on the Internet, there were several hoaxes and rumors claiming that the body had been moved from its original location to achieve a more impacting picture. Fake information that was rapidly disproved by Internet users themselves. Again, the Network behaves like a *self-cleaning oven* which removes the traces of excess fat.

However, not all the media agreed on which picture to show. Certainly, this particular news was the main topic among the national and international media. In Spain, the debate on which image to publish was the trend in all Editorial Boards. *El País* and *ABC* decided to not publish the photo of the boy lying on the sand and instead used a snapshot in which a lifeguard was carrying Aylan's corpse. The Director of *ABC* himself, Bieito Rubido, wrote an editorial on the following day explaining his decision and personal doubts in relation to the non-publication of the picture.

Meanwhile, newspaper *El Mundo*, headed by his Director, David Jiménez, had an unusual idea: setting up a stream on various social networks broadcasting the full meeting of the Editorial Board. In this way, everybody could understand the reasons which led the flagship of Unedisa to publish the picture of the dead child on the sand.

NOT A UNIQUE CASE

Contemporary history is full of iconic images that reflect the great tragedies that our world has witnessed. Some are linked to anthropogenic events, such as wars and terrorist attacks; others are related to natural and technological disasters.

The image that might have had the largest impact as regards changing an entire state policy is that of the Vietnamese girl photographed in 1972 by AP photojournalist Nick Ut. In the aforementioned picture, the girl, named Kim Phúc, was running naked amid her brother and other kids after suffering severe skin damage due to a recent attack with napalm bombs. This photo contributed to the end of the military conflict.

There are other pictures which stirred consciences around the world. The famine in Sudan in 1993 was illustrated by Kevin Carter in the New York Times through a photograph of an alleged girl that was being stalked by a vulture. After capturing the image Carter left the child there. For a long time, the public opinion accused the photojournalist of doing nothing for her and letting her die, although nobody had proofs of her passing away. Carter, distressed, ended up committing suicide. In 2011, a team of newspaper *El Mundo* found the girl. She was not a girl but a male named Kong Nyong who had managed to survive thanks to the help of Doctors of the World. He was already being aided back in 1993. In fact, the band that the aid workers had placed on his wrist can be seen in the picture taken by Kevin Carter.

Wars have entailed other iconic pictures. In the 20th Century, the Spanish Civil War was masterfully illustrated in a single photograph. *The Falling Soldier* reflects like no other image the horrors of a conflict which ultimately ended up being the prologue of WWII. In this case, the photojournalist was Robert Capa. His camera captured the exact moment in which a bullet passed through the head of the anarchist militiaman Federico Borrell while he fell to the ground. The magazine *Life* popularized the picture one year after the event.

PICTURE MANAGEMENT IN SPANISH LAW

The Spanish Constitution of 1978 recognizes in article 20 the right to information. This fundamental right is contrary to article 18, which establishes the right to honor, personal and family privacy and the own image. The Organic Law arranged by article 18 is absolutely clear. Image refers to the recognizable and identifiable image of a person. Thus, if the face of the person in question cannot be identified, no right is violated. Therefore, many faces are pixelated in the images of incidents. However, this does not affect people who are not the main subject of the incident. For example, the rights of the firefighter who rescues a wounded person or those of a volunteer holding a serum bag would not be violated, since the main subject would be the injured person.

Thus, it could be argued whether deceased persons should preserve these rights. The Spanish Constitutional Court was very clear in the judgment of the known as the "Paquirri Case". His widow, Isabel Pantoja, complained about the publication of the images of the bullfighter's death in the infirmary of the Pozo Blanco bullring. The High Court noted in its judgment that fundamental rights are personal and no longer apply after the death of the person. However, it also pointed out that the right to privacy and honor of the family itself prevails and, in this case, it had been violated.

11-M TERRORIST ATTACKS

The 11-M terrorist attacks entailed the dissemination of several photos of injured citizens. One of these pictures became iconic. It is the image of a young man, Sergio Gil, sitting with his back against a tree. His face is full of blood. He is looking at his mobile phone. If we take into account the previous description, had Sergio Gil decided to complain about the publication of his image, he would have had a good chance of being compensated due to a violation of his fundamental rights.

The examining magistrate of the case, Judge Del Olmo, had to act back then due to the disclosure of a video of the attack which

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showed corpses lying on the train platform of the Pozo Del Tio Raimundo station. The police investigation led to the arrest of two health professionals, which were held liable for recording and publishing it.

ALVIA RAILWAY ACCIDENT IN SANTIAGO DE COMPOSTELA

On December 24, 2013, an Alvia train derailed in Santiago de Compostela. 79 people were killed. The neighbors of Angrois, a town near the location where the accident took place –3 km away from the railway station– came quickly to the rescue. Many emergency professionals helped as well. Among the various snapshots we could see a child being rescued by a firefighter. This image was published by a prestigious regional newspaper. In social networks, VOST teams

had been suggesting, from the very first moment, not to share harsh images. The photograph in question was not bloody, but it clearly showed the face of the child. On the following day, the FAPE (Federation of Press Associations of Spain) publicly asked through Twitter to adopt an ethical attitude in relation to the images of the accident. Even the Unit of Trauma, Crisis and Conflicts of Barcelona insisted on the potential secondary victimization that this type of images can cause among relatives of the victims.

GLOBAL PICTURE MANAGEMENT. FROM 9/11 TO CHARLIE HEBDO

The September 11 terrorist attacks were the beginning of a new era. The collapse of the Global Trade Center has become part of everyone's consciousness. Everybody remembers perfectly what they were doing at the time of the attack. Even though we can relive the collapse of both buildings again and again, we cannot remember the faces of the wounded and dead people. The U.S. took great care not to show it. However, there is an image that we all remember. Several people were jumping from the windows of the skyscrapers. A terrible and distant image that clearly shows the anguish and suffering of the victims.

Jihadism had attacked the West in its own territory for the first time ever. Then it was Madrid's turn, and then London's and after both attacks lone wolves would start operating in France. Undoubtedly, the attack against the offices of Charlie Hebdo was the latest and most shocking attack in recent times. In this case, the most striking image is that of the terrorists executing a policeman in cold blood on the street. Another example of an image that went around the world and which certain media censored, while others showed the full recording.

BROADCAST OF IMAGES BY EMERGENCY SERVICES

In Spain two public services usually collect images of the accidents and share them with the media or publish these images on their online assets. The first one is Madrid's Emergency Information Service 112. Since 1998, this service has accompanied firefighters and health professionals to record their emergencies. They collect images of fires, rescues, searches or accidents and seek to raise awareness about the risks and enhance the culture of civil protection. In certain occasions, the images are ruthless, for example, showing destroyed vehicles in traffic accidents. However, they are really careful not to violate any fundamental rights by publishing personal data. They never show the face of any citizen or gory images of the victims' wounds.

The Emergency Information Service of the Council of Madrid carries out a similar task by collecting images of the work of local firefighters and health professionals (SAMUR). The work of both services has been publicly recognized and awarded and has certainly contributed to the enhancement of the civil protection culture.

AS A CONCLUSION

Thus, it might be wondered where exactly are the limits on freedom of expression at the moment. To what extent is law the only factor that should govern our actions as communicators? Should moral (everyone has their own values) play a role in this field? Should we perhaps ask ourselves whether images such as Aylan's really help to stir up feelings and promote policy changes? Do they really have an impact on our consciences or are we already immune to this type of suffering?

In his blog, Arturo Pérez Reverte published an article on the Syrian war in 2012 which read: "...it is Syrians themselves who risk everything to take journalists there and, thus, force the world to witness horrors that, otherwise, would remain hidden and often unpunished."

What seems clear is that, while we continue debating, thousands of people are still drowning in the Mediterranean Sea in what has become the largest mass grave of the beginning of the 21st century.



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