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*Economic, social and cultural rights
and the internet*



ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS (APC)
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Economic, social and cultural rights and the internet

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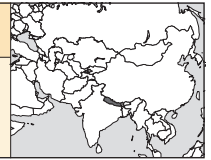
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Introduction

A mega-earthquake struck Nepal on a Saturday morning 25 April 2015, claiming 8,786 lives across several districts in the country. There were over 22,300 injuries. Many villages were completely flattened. The disaster left the Nepalese people mentally and emotionally drained.¹

After the earthquake, Facebook’s Safety Check tool² kicked in. A little blue-and-white notification asked: “Are you safe?” Facebook’s Safety Check is just one of several tools developed both by service providers and government. A number of these help persons affected by disasters post their safety statuses online. This serves as a record of displaced persons and helps family members and friends trace them. This report offers a personal reflection on the usefulness of safety-check tools in a country like Nepal.

Background

Nepal is a landlocked country of over 28 million people³ in Southeast Asia, and constitutionally a federal democratic republic. Its neighbouring countries are China to the north and India to the east, west and south. In this peaceful and holy place, on 25 April 2015, at exactly 11:56 a.m. local time, the earthquake struck. It had a magnitude of 7.6 on the Richter scale, with an epicentre in Barpak in the Gorkha district. It lasted for approximately 55 seconds. This was Nepal’s biggest natural disaster in 80 years and was followed by around 500

aftershocks with a magnitude greater than 4. Four of these aftershocks were greater than magnitude 6, including one measuring 6.8 that took place 17 days after the first big earthquake.⁴ The economic losses from the earthquake were estimated at USD 10 billion by the US Geological Survey.⁵

The internet is increasingly becoming an important enabler of economic, social and cultural rights (ESCRs). Fundamental to the realisation of many ESCRs is the right to access information, in which the internet has a critical role to play. Information is also central to any relief effort during a natural disaster, and can be formulated as a right. For example, the UN’s Inter-Agency Standing Committee has formulated Operational Guidelines on Human Rights and Natural Disasters.⁶ Among these are the requirement that: “All communities affected by the disaster should be entitled to easily accessible information concerning the nature of the disaster they’re facing, possible mitigation measures that can be taken, early warning information, and information about ongoing humanitarian assistance.”⁷

The newly drafted Constitution of Nepal (2015), in its Article 27, endorses the right to information, allowing every citizen to have the right to seek facts and information on any problems of concern to her or him. Article 51 F (5) calls for the development and expansion of communications infrastructure in Nepal, making it easier and simpler for the general public to use, while also maximising its use for national development. It speaks about developing an integrated national identity management information system. This would include all kinds of information and statistics relating to citizens, and would be used to more effectively deliver services by the state in line with national development planning.

1 Hayes, G. (2015). The April-May 2015 Nepal Earthquake Sequence. earthquake.usgs.gov/learn/topics/Nepal_Slides.pdf

2 Summers, N. (2014, 16 October). Facebook “Safety Check” helps you tell friends and family you’re safe during natural disasters. *The Next Web*. thenextweb.com/facebook/2014/10/16/facebook-safety-check-helps-tell-friends-family-youre-safe-natural-disaster/#gref

3 National Population and Housing Census 2011, Central Bureau of Statistics.

4 Government of Nepal. (2015). *Nepal Earthquake 2015: Post Disaster Needs Assessment*.

5 Hayes, G. (2015). Op. cit.

6 Inter-Agency Standing Committee. (2006). *Protecting Persons Affected by Natural Disasters: IASC Operational Guidelines on Human Rights and Natural Disasters*. https://www.brookings.edu/wp-content/uploads/2016/06/11_natural_disasters.pdf

7 Ferris, E. (2010, 3 March). Natural Disasters, Conflict, and Human Rights: Tracing the Connections. *Brookings*. <https://www.brookings.edu/on-the-record/natural-disasters-conflict-and-human-rights-tracing-the-connections>

Yet only 19.9% of the people in Nepal are internet users.⁸ Among 75 districts, 66 have 3G coverage. This means that the country's internet access is still not at a point where safety-check tools can serve as a resource for most people during natural disasters.

"I felt a sense of welcome relief in a time of deep crisis"

Facebook's Safety Check is just one of several similar tools available. After Hurricane Katrina hit the United States, multiple websites were created that included safety-check tools and databases to help search for people.⁹ Twitter was also used in New Zealand to reach those displaced by the Christchurch earthquake, while Google's Person Finder tool was used after the earthquake in Haiti in 2010 with the purpose of reuniting people who had been separated during the disaster. Similarly, a safety checker was developed in Japan following the devastating Tohoku Earthquake in 2011. It allowed users to call or text each other over the internet.¹⁰

Facebook's tool is the social-networking site's application that is activated whenever the user appears to be located in an area hit by a natural disaster. An internet user can then mark "I am safe" or "I am not". A user may also mark their friends or family as safe. I personally found it a useful application, offering a welcome relief in a time of deep crisis. During the earthquake, I had 917 Facebook friends, among them 735 friends who used Safety Check and marked themselves as "safe", in turn asking their friends to share their safety status. I felt an intense happiness when notifications told me that a friend was safe. My personal experience is that the safety-check tool was important during the disaster.

However, these sorts of tools depend on public collaboration, and on sincere engagement. One challenge is misinformation. For example, a number of Facebook users in the United State and around Europe were using the application to mark themselves as "safe" following the Nepal earthquakes. The only problem was they were not in Nepal. The Facebook tool misidentified them as being in the

disaster-affected area. These types of posts garnered harsh criticism from social media users.

Another "dark side" of relying on safety-check tools is that when there is a collapse of communications infrastructure, users can easily panic when they hear nothing about the safety statuses of friends and family. In this way the tools can achieve the complete opposite of what they are intended to achieve.

Moreover, in a country like Nepal, the low level of internet access is a challenge. This is particularly important for poor people who do not have internet access and who are often disproportionately affected by natural disasters. I was able to access the tool using mobile data – a relatively expensive option. Safety-check tools offered by the likes of Facebook have their limitations, and authorities need to keep this in mind when selecting communication channels to help those affected by disasters.

In summary, some of the key limitations to the tool were:

- A lack of access to the internet, whether through the collapse of a communications system, or due to there being no internet access in an affected area.
- A collapse of other essential infrastructure such as the electricity grid: During a natural disaster such as a hurricane or an earthquake, electric power may fail, impacting on service providers who may not have the necessary battery backup, and on individuals' ability to recharge their laptops and phones.
- People who do not use social media: Older generations or marginalised communities may not be as familiar with social media as younger generations. People also need to be relatively computer literate to use new applications offered by service providers.
- Rumours: False information and rumours can spread quickly over social media and there is no way to verify them easily.
- Unrealised potential: Some governments do not yet see the potential of social media in disaster management and also do not have proper information programmes in place to cope with such disasters. They have yet to understand this information as a right for those affected by the disaster.
- Unrealistic expectations: It is important not to have unrealistic expectations regarding what the internet can achieve in times of crisis. It can only go so far, and its limitations as well as its potential need to be recognised.

8 Internet World Stats. Internet usage in Asia. www.internetworldstats.com/stats3.htm

9 Olivarez-Giles, N. (2011, 2 April). Google Person Finder: a tool born of disaster, from Hurricane Katrina to Japan's quake, tsunami. (2011). *Los Angeles Times*. latimesblogs.latimes.com/technology/2011/04/google-person-finder-started-after-haiti-hurricane-katrina-seen-advancement-in-japan-earthquake-tsunami.html

10 Ibid.

Conclusion

In the case of the Nepal earthquake, it is important to realise that this was a citizen-led process of sharing information about the earthquake. Despite policies safeguarding access to information, nobody in government took responsibility in providing citizens with crucial information at the time. Yet the need for communication is heightened during a disaster, and is most critical both for those people in the affected areas and for their relatives, friends, and families who were anxious for news. Many people, both inside the country and internationally, were worried, and looking for updates on earthquake. Timely information about the safety of family and friends was the foremost need at that time. While it is positive that this information was shared between citizens, ideally safety checking tools should be offered as a public service and in this regard need to be developed in consultation and collaboration with the disaster preparedness and response community.

Action steps

There is a need for a multistakeholder, robust and wide-ranging discussion on the importance of the internet as an enabler of ESCRs, and in particular, on how the internet can be used during natural disasters. This discussion needs to gather diverse experiences around the same table, including those of the people likely to be affected most by natural disasters, and the disaster response authorities and services.

Developers of safety-check tools need to be involved in this discussion. Their tools need to be further developed, but in consultation with those most affected by natural disasters. Their information needs, levels of access to technology, and skills need to be taken into account. There is a body of research on how people affected by natural disasters behave, and the challenges they immediately face. This research needs to inform policy planning, and the further development of safety-check apps by service providers.

The specific needs of women during natural disasters require forward-thinking policy planning. Research has shown that women are the most affected by natural disasters,¹¹ and the potential role of the internet in mitigating this needs to be understood. The limitations of safety-check tools in Nepal, given the level of internet access, need to be recognised. While authorities can use social media to share important information with the public, offline forms of assistance and communication remain crucial. During the disaster, mobile data was effective. This suggests that it is the most robust communications network. Regarding the challenges faced by other internet service providers, such as a lack of battery back-up systems, these need to be attended to in order to secure the communications network during disaster. This requires government planning, and infrastructure risk analysis.

¹¹ "Natural disasters exacerbate existing gender inequalities and pre-existing vulnerabilities. The majority of those who die in natural disasters are women. Women also tend to have less access to essential resources for preparedness, mitigation, and rehabilitation." Ferris, E. (2010, 3 March). Op. cit.

Economic, social and cultural rights and the internet

The 45 country reports gathered here illustrate the link between the internet and economic, social and cultural rights (ESCRs). Some of the topics will be familiar to information and communications technology for development (ICT4D) activists: the right to health, education and culture; the socioeconomic empowerment of women using the internet; the inclusion of rural and indigenous communities in the information society; and the use of ICT to combat the marginalisation of local languages. Others deal with relatively new areas of exploration, such as using 3D printing technology to preserve cultural heritage, creating participatory community networks to capture an “inventory of things” that enables socioeconomic rights, crowdfunding rights, or the negative impact of algorithms on calculating social benefits. Workers’ rights receive some attention, as does the use of the internet during natural disasters.

Ten thematic reports frame the country reports. These deal both with overarching concerns when it comes to ESCRs and the internet – such as institutional frameworks and policy considerations – as well as more specific issues that impact on our rights: the legal justification for online education resources, the plight of migrant domestic workers, the use of digital databases to protect traditional knowledge from biopiracy, digital archiving, and the impact of multilateral trade deals on the international human rights framework.

The reports highlight the institutional and country-level possibilities and challenges that civil society faces in using the internet to enable ESCRs. They also suggest that in a number of instances, individuals, groups and communities are using the internet to enact their socioeconomic and cultural rights in the face of disinterest, inaction or censure by the state.

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