

# Human rights challenges of IT-led democratization

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The thesis of this paper is immediately problematic: Internet<sup>1</sup> and the other weapons of information and communication technologies (ICTs),<sup>2</sup> of globalization, serving as tools for democratization? At the outset, the problem may not seem apparent, due to the obvious, recognized potentials for democratization and human rights promotion<sup>3</sup> of the Internet. In Philippine context, however, where Internet aficionados (who constitute only one percent or 146,516 of households as of 1999,<sup>4</sup> expected to grow by 1.3 million in 2004<sup>5</sup>) like telephone users, are not yet as substantially democratized as they should be given its population of 76.5 million<sup>6</sup>—this proposition could at best be valid only up to a certain extent, since taken further, as to disregard the reality of the marginalization<sup>7</sup> of a large segment of Philippine society—deprived of Internet access—this would be erroneous as it is self-contradictory. For the consequential digital divide could all the more sharpen the exclusion of the hitherto powerless and voiceless sectors of its citizenry from the “wired” mainstream society.

Gargantuan barriers need to be hurdled for democratization to be achieved in society *via* the Internet route, specifically the provision of infrastructure services as basic as electricity and telephone,<sup>8</sup> and most importantly, education and expertise.<sup>9</sup> That the language of the cyberspace remains to be predominantly in a foreign tongue, for them, could also impede the poor's access<sup>10</sup> to this technology.

Further, while the “information superhighway”<sup>11</sup> really holds potentials for surfing towards democratization, other tools are available, if not more effective, in a sense, as well, given its specific milieu, especially characterized by rural areas who benefit the least from the supposedly “trickle down effect” of a “level playing field” type of development.

<sup>1</sup> Internet “can be define as a global pool of information and services, accessible locally through individual computer stations that are each part of a global system of interconnected computer networks.” Edward Halpin, Steven Hick and Eric Hoskins, *Introduction, Human Rights and the Internet*, para. 1, p. 6

<sup>2</sup> Halpin, et.al., para. 2, p. 8

<sup>3</sup> Halpin et.al., last para., p. 7

<sup>4</sup> Toral, Janette, 150,000 Philippine homes have access to the internet, *InternetNews*, <http://www.asia.internet.com/1999/4/1902-phil.html>  
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<sup>5</sup> Office of Telecommunications Technologies, *Telecommunications Market Review*, para. 3, p. 1  
<http://infoserve2.ita.doc.gov/ot/mktctry.nsf/504ca249c786e20f85256284006da7ab/f0a15fe5c3>  
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<sup>6</sup> This is as of May 2000. National Statistics Office  
*Philippines Official Website*  
<http://www.census.gov.ph>

<sup>7</sup> The median annual family income of Filipinos amounts to P74,146 as of 1997 and the inflation rate as of March 2001 is 6.7 percent. National Statistics Office.

<sup>8</sup> “Nationwide telephone density increased from 1.4 per 100 in 1993 to 10 by the end of 1999. In Manila, there are almost 20 phones per 100 people.” Telephone density is pegged at 2.38 in 1999. Office of Telecommunications, para. 2, p. 3 and 4

<sup>9</sup> The Philippines has a functional literacy rate of 83.8 percent as of 1994. National Statistics Office,  
<sup>10</sup> Hick, Steven and Teplitsky, Ariel, *Internet Solidarity: Grassroots Movement Struggles for Human Rights*, in *Human Rights and the Internet*, paras. 3-4, p. 61

<sup>11</sup> Impacts of National Information Technology Environments on Business, *Information Technology in the Philippines*, para. 2, p. 1  
para. 2, p. 2  
<http://www.georgetown.edu/users/connallb/INITEB/internet.html>  
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## Netizen power

The Internet could be credited as a juggernaut right-to-free-speech propeller by rendering handy and available with just the tick of a cursor for millions of global netizens its free, unbridled exercise in “an anarchic environment, unrestrained, unregulated and accessible.”<sup>12</sup> This enables practically anyone to instantly reach out to an audience (estimated at 147 million people who logged in at least once a week in 1998<sup>13</sup>) dispersed throughout more than 160 countries,<sup>14</sup> that rapidly grows at the rate of 12 percent per month.<sup>15</sup> Without proselytizing, this revolutionary technology, on account of its “enigma factor,”<sup>16</sup> is leapfrogging towards unparalleled heights the access-to-information and free speech guarantees of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights by according global netizens—averaging one per 38 people<sup>17</sup>—a censorship-defying weapon to reach out and connect to a world audience in a flash.<sup>18</sup>

There is a very recent phenomenon, the Edsa II people power, that in a very real sense, had harnessed and advanced this revolutionary tool of human rights-cum-globalization towards the task of deposing then President Joseph Ejercito Estrada, popularly known as Erap, a democratically elected president in the middle of his term, through the “intra constitutional”<sup>19</sup> might of netizen-cum-people power exercising and bringing the internationally recognized rights to freedom of expression, association, and assembly—crucial in the quest for people empowerment and democratization—into cyberspace, creating a hitherto unknown arena of direct political action called the cyber-parliament of the streets.

Internet and text messaging as communication tools have emerged as catalysts for democratization, at least among members of the Filipino middle<sup>20</sup> and upper classes who could afford to pay the exorbitant cost of the equipment and Internet services,<sup>21</sup> considered to be “relatively expensive at \$22 for 80 hours in a country with a per capita income of \$988.”<sup>22</sup> This, by serving as mediums for an open, democratic, and even humorously irreverent dialogue permeated with the Filipinos’ penchant for political satire, such as

*Erap and Marcos are both:  
Both have large eye bugs [sic]  
... and they differ because...  
One is rich, one is pretending to be poor<sup>23</sup>*

<sup>12</sup> Halpin et.al., para. 3, p. 6

<sup>13</sup> Katz-Lacabe, Michael and Lacabe, Margarita, *Doing Human Rights Online: The Derechos' Cyberbirth*, para. 3, p. 66

para. 2, p. 68

<sup>14</sup> Alvarez, Juan Carlos, *The New Frontier: Freedom of Expression and the Internet*, para. 4, p. 1 [http://www.codewan.com.ph/hrnow/theory/h000331\\_the\\_new.htm](http://www.codewan.com.ph/hrnow/theory/h000331_the_new.htm) downloaded 5/7/01

<sup>15</sup> Sharpe, Wayne, *Rebel Internet: Human Rights and the New Technology*, in *Human Rights and the Internet*, para. 4, p. 45

<sup>16</sup> Sharpe, last para., p. 44

<sup>17</sup> Sharpe, para. 3, p. 45

<sup>18</sup> Sharpe, para. 4, p. 44

<sup>19</sup> Supreme Court of the Philippines, en banc, *Joseph E. Estrada vs. Aniano Desierto, et. Al.*, G.R. Nos. 146710-15, 2 March 2001.

<sup>20</sup> Magno, paras. 6-7, p. 2

<sup>21</sup> Oliva, para. 11, p. 2

<sup>22</sup> Office of Telecommunications, last para., p. 1

<sup>23</sup> *Erap and Marcos compared, Anti-ERAP.com*  
<http://www.209.15.25.201/anti-erap/>

that demolishes otherwise sacrosanct political leaders into smithereens, disturbing traditional modes and notions of power relations<sup>24</sup> into “an enigma incapable of being recoiled.”<sup>25</sup>

### **Cyber-parliament of the streets**

Ilocos Sur Governor Luis Singson, a long-time political ally of Estrada since his early days as mayor of San Juan (a town in Metro Manila), exposed on 4 October 2000 Estrada’s alleged act of dipping his hands into tobacco excise taxes amounting to P70 million and pocketing P220 million in grease money from the illegal numbers game known in the vernacular as *jueteng*,<sup>26</sup> which “ignited reactions of rage.”<sup>27</sup> Civil society mounted a personal and an electronic signature drive to demand for Estrada’s resignation, with the latter garnering 115,000 e-signatures globally.<sup>28</sup> As the political climate heated up, the Internet raged as the battleground where even cyber-rallies had been called and mobilized, with anti-Estrada streamers, cyber-placards and ErapHIC e-posters,<sup>29</sup> to boot, spoofing and mocking him, precluding any chances for him to mount up any defense, simultaneously with actual street marches.<sup>30</sup> The [First Philippine Anti-Erap Internet Rally](#), spearheaded by [resign@pldt.com](mailto:resign@pldt.com), was organized and held, literally, in cyberspace.

During the impeachment trial against Estrada, the Internet served as the transmitter of transcripts of the proceedings, announcement of political meetings, schedule of mass actions, photographs and documents<sup>31</sup> such as the sworn statement of whistleblower Singson.

### **“Virtual reality” rumor and humor**

If the e-mails and text messages fired against Estrada were rockets, he would have been blasted into smithereens a thousand times over.

The Filipinos’ penchant for humor showed itself once again in the political ferment, liberally allowing for the participation of both pro-Estrada and anti-Estrada forces.<sup>32</sup>

Rumors as well as humors referred to as “Erap jokes,” attacking his cronies, his proclivity for drinking, women, and gambling, as well as his IQ became daily staple, such as

*Kinds of minds:*  
*Aristotle: great mind*  
*Einstein: genius mind*  
*Newton: extraordinary mind*  
*Marcos: brilliant mind*

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24 Axworthy, para. 2, p. 16  
para. 2, p. 16  
25 Vitug  
26 Supreme Court  
27 Supreme Court  
28 Sicam, para. 5, p. 2  
29 Erap humour internet club,  
<http://www.members.tripod.com/eraphic/posters.html>  
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30 Sicam, para. 1, p. 4  
31 Sicam, last para., pp. 2-3  
32 Anti-ERAP.com, A note to visitors, para. 2, p. 3

*Erap: never mind*<sup>33</sup>

and kept thumbs and fingers busy pawing on keypads of cell phones and computer keyboards no end.

Cell phones with different melodies kept humming, signaling the transmission of text messages, that numbered 160 million a day from 16 to 20 January 2001,<sup>34</sup> mirroring the temper of the times as well as making the Philippines the texting capital of the world. Websites featuring anti-Estrada jokes, like <http://www.erapjokes.com>, sprouted like mushrooms.

In the cellular and cyber worlds, word got around that one of the lady senators sitting as a member of the jury in the impeachment proceedings was building a mansion in one of Metro Manila's posh subdivisions which not even her own and her husband's combined salary can afford. True or not, e-mails such as this helped to fuel and sustain the momentum of the political storm that would culminate in Estrada's forced departure from Malacanang Palace, the seat of power, right after this lady senator and 10 others thumbed down, on 16 January 2001, in an 11-10 vote,<sup>35</sup> efforts by prosecutors to open the second sealed envelope proving that the former president was the actual owner of P3.3 billion<sup>36</sup> in secret bank deposits.<sup>37</sup>

#### **“Mightier than the sword”**

The sealed envelope proved to be crucial not so much for the prosecution's case, as for the credibility of the entire senate-jury itself, since hours following the majority's refusal to open the damning evidence against Estrada, people, mostly youths, pawing their cell phones in a frantic call for people to mass up at the EDSA Shrine—the site of EDSA I—in “a spontaneous outburst of anger”<sup>38</sup> took to the streets and “in the exercise of a sovereignty perhaps too limitless to be explicitly contained and constrained by the limited words and phrases of the Constitution, directly sought to remove their president from office.”<sup>39</sup>

Clarion calls for the mounting of noise barrages, motorcade, and marches,<sup>40</sup> were quickly circulated through text messaging and e-mails. E-mails, not to mention text messages, such as those titled “Prosecution has failed!!!” and “Boycott Movement” have gone through the rounds of many an e-group. E-mails also served as the medium of mobilizing people power in several countries such as the United States<sup>41</sup> and Hong Kong.

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<sup>33</sup> [erapjokes.com](http://www.erapjokes.com)  
[http://www.erapjokes.com/jokes/erapjokes/folder\\_02/message.pl?c=browse&v=detail&kalab](http://www.erapjokes.com/jokes/erapjokes/folder_02/message.pl?c=browse&v=detail&kalab)  
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<sup>34</sup> *Sicam*, para. 2, p. 5  
Also *Wired News Report, Estrada Got the Message*, 23 January 2001, paras. 1-2, p. 1  
<http://www.wired.com/news/business/0,1367,41360,00.html>  
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<sup>35</sup> Supreme Court

<sup>36</sup> Supreme Court

<sup>37</sup> Conde, Carlos H., *Trapos call it a hate campaign: Will the anti-trapo movement be the focus of the May elections?* 15 February 2001  
[http://www.codewan.com.ph/CyberDyaryo/features/f2001\\_0215\\_01.htm](http://www.codewan.com.ph/CyberDyaryo/features/f2001_0215_01.htm)  
visited and downloaded 23 February 2001

<sup>38</sup> Supreme Court

<sup>39</sup> Associate Justice Vitug, *Separate concurring opinion*

<sup>40</sup> *Sicam*, para. 7, p. 2

<sup>41</sup> Hello & fwd: Oust Erap rally Tuesday November 14  
<http://lists.indymedia.org/mailman/public/imc-sf-editorial/2000-November/000534.html>  
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Humor could figuratively kill as this had slowly built up and exploded into a political maelstrom, aided in no small way by the organized, “wired” forces of democratic civil society. Philippine experience might as well add new dimensions to the adage “the pen is mightier than the sword” as to mean in equally political terms that “the mouse is mightier than the missile.”<sup>42</sup>

This illustrates how narratives and story telling as well as poking fun at the powerful,<sup>43</sup> like

*After Malacanang, where do you think Erap should spend  
the rest of his time?*

*With Laarni?*

*With Weng?*

*With Guia?*<sup>44</sup>

*Muntinlupa Penitentiary?*

*Inside a stinking Toilet?*<sup>45</sup>

expressed through these mediums could help claim a voice for the people in the process of political discourse, of forging consensus,<sup>46</sup> which serves as a measure of their power, a seedbed for cross-fertilization that influences and helps shape public events and policies, a democratizing tool that directly or indirectly holds officials accountable to the body politic.

The ingenuity of the IT-Filipinos<sup>47</sup> in wielding the Internet “images, text, sound, video and interactive communication”<sup>48</sup> features to mount various forms of political actions and campaigns reflects clearly well in .mp3 files popularizing protest songs spoofing Estrada,<sup>49</sup> as a part of the arsenal of weaponry to force him to step down from office.

### **One mouse-click away**

In this sense, the world wide web ceases to be simply a virtual reality but a very potent tool of political discourse, organizing,<sup>50</sup> and mobilization. With just the click of the mouse, or of the cell phone keypad among members of text brigades,<sup>51</sup> mobilizations

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<sup>42</sup> Axworthy, Lloyd, *The Mouse is Mightier than the Sword*, in *Human Rights and the Internet*, edited by Steven Hick, Edward Halpin, Eric Hoskins, Macmillan, New York, St. Martin's Press., 2000, para. 3, p. 20

For samples, visit [erapjokes.com](http://www.erapjokes.com)

<http://www.erapjokes.com/>

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Also [http://www.erapjokes.com/jokes/erapjokes/folder\\_02/message.pl?c=nrowse&v=detail&kalab](http://www.erapjokes.com/jokes/erapjokes/folder_02/message.pl?c=nrowse&v=detail&kalab)

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<sup>44</sup> Three of Estrada's publicly known paramours.

<sup>45</sup> Erap humour internet club, p. 1

<http://www.members.tripod.com/eraphic/intro2.html>

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<sup>46</sup> Zielenziger, Michael, *Movement to impeach Philippine president accelerated by new technology*, Mercury News Tokyo Bureau, 11 December 2000, para. 2, p. 2

<http://www.mercurycenter.com/svtech/news/indepth/docs/phil121200.htm>

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<sup>47</sup> While Filipino Diosdado Banatao was acclaimed for developing the Ethernet controller chip, the “love bug” virus brought national shame for shooting down computers in the United States, Europe and Asia in 2000.

Cited by Cabrera, paras. 8-10, p. 1

<sup>48</sup> Alvarez, para. 3, p. 1

<sup>49</sup> Sicam, para. 2, p. 3

<sup>50</sup> Zielenziger, para. 6 and 11, p. 2

<sup>51</sup> eLagda.com, para. 2, p. 1

[http://www.elagda.com/Communities/Text\\_Brigade/body\\_text\\_brigade.php3](http://www.elagda.com/Communities/Text_Brigade/body_text_brigade.php3)

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and direct political actions have been marshaled within a very short period of time locally and internationally.

It's immediately both an above- and underground, a covert and overt operation, conspiracy, and "cabal" of citizens transforming themselves into IT-zens defying the limits of political territorial boundaries and exposing the shenanigans among political leaders before the "wired" community of nations, at once giving flesh and blood to the essence of freedom of expression, as enshrined in the ICCPR, "regardless of frontiers."<sup>52</sup>

### **Free press as a catalyst**

But aside from this "network of networks,"<sup>53</sup> boosted mainly by a "highly educated middle class population,"<sup>54</sup> there is another fundamental factor that has been accelerating the process of democratization, to a certain extent, of Philippine society as a whole: the media, mainly the radio, television, and the newspapers, which are relatively more accessible to the broad masses of people, especially those in the countryside, that, to a certain extent, subject officials to the glare of public scrutiny and accountability.

While the Internet unleashed missile attacks against the presidency of Estrada and his minions, the blow-by-blow media coverage of the impeachment proceedings that begun on 7 December 2000<sup>55</sup> against Estrada which "enjoyed the highest viewing rating"<sup>56</sup> was a first for Filipinos coming from all sectors. Immediately, the people were able to detect who the real Estrada puppets in the Senate were and the bogus character of the proceedings due to their lack of independence and impartiality that sparked a "grave national crisis which had the marks of yet intensifying into possible catastrophic proportions."<sup>57</sup>

The other political factors that enabled the Internet to serve as a democratizing tool in the Philippines include the relatively long tradition of militancy and high level of organization among members of civil society, spurred by the martial law era (1972-1986), the disenchantment of the people with traditional politics, investigative reportage, and the February 1986 people power phenomenon—the culmination of the people's long history both of armed and peaceful struggle against dictatorial rule.

It is in light of the vulnerability of members of the press to the machinations and blandishments of power-holders that the Internet as a medium for unbridled political discourse, for exposing evil in society, for combating corruption and official misdeeds assume much significance.

Like "popular mass action,"<sup>58</sup> net activism may be said to be "fast becoming an institutionalized enterprise"<sup>59</sup> in the Philippines.

### **Cyber-clenched fist**

The cyberspace has metamorphosed into a truly democratic, even cathartic, arena<sup>60</sup> of unrestrained political angst and frustration,<sup>61</sup> sometimes using even vulgar

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<sup>52</sup> Article 19.2, ICCPR

<sup>53</sup> Alvarez, para. 1, p. 1

<sup>54</sup> Office of Telecommunications, para. 3, p. 1

<sup>55</sup> Supreme Court

<sup>56</sup> Supreme Court

<sup>57</sup> Vitug

<sup>58</sup> Vitug

<sup>59</sup> Justice Vitug

<sup>60</sup> Sicam, para. 3, p. 3

<sup>61</sup> See for example Anti-ERAP.com

<http://209.15.25.201/anti-erap/viewerapmarcos.php>, pp. 1-54  
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language—that webmasters are wont to post *caveats*<sup>62</sup> like “*All messages come from the personal opinions of the visitors and not from the webmasters*”<sup>63</sup>—of raising the clenched fist, the powerful symbolism of street protests that burst out into an “alarming social unrest.”<sup>64</sup>

The Estrada episode has started a tradition of insurgency in the virtual world wide web, a tradition that is imbued with the Filipinos’ highly irreverent and seemingly bizarre sense of humor<sup>65</sup> (go for example to <http://www.geocities.com/erapatemyballs/kalbo.htm>)<sup>66</sup> that blows up into smithereens the larger-than-life images of political giants, thereby wittingly or unwittingly advancing a certain political cause and their own empowerment, extending the dimension of the democratization process to the far-reaching, borderless, and no-holds-barred cyber-“marketplace of ideas.”

It’s political humor coupled with “live” Internet chatting-propagandizing that serves to equip Filipino surfers with an exciting sense of empowerment in an unfettered, unrestrained manner, thereby nurturing the political analyst, the satirist, as well as strategist, in them.

### Political discourse

The advent of the Internet has reinforced and broadened the role of reader and viewer participation not only as a way of determining the public pulse but of widening the democratic space further as well.

The “chat room” of the ABS-CBN website (<http://www.abs-cbnnews.com>), for instance, has enabled IT-zens to engage in political discourses in real time during the heat of the Estrada controversy.<sup>67</sup> The INQ7 website (<http://www.inq7.net>) has opened up forums that allow for a democratic debate among netizens from all over the globe. Other newspaper websites (<http://www.philstar.com> and <http://www.adobo.com/news/today>) provide forums for their Internet readers as well.

These efforts naturally coalesced paving the way for the putting up of a sizeable number of links in certain websites, serving as a “gateway to anti-Erap sites in cyberspace,”<sup>68</sup> thereby democratizing access to information while allowing at the same time for an avenue of a no-holds-barred political discourse. Examples of this include <http://www.pldt.com> that proudly brandishes “the power of insurgency” by providing links to different media,<sup>69</sup> NGO, anti-Estrada and international websites.<sup>70</sup>

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<sup>62</sup> *Anti-ERAP.com, A note to visitors, para. 1, p. 3*

<sup>63</sup> *erapjokes.com*  
<http://www.erapjokes.com/>  
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<sup>64</sup> Vitug

<sup>65</sup> For example: “*Marcos and Erap are both: Erap and Marcos are both male so both have eggs.*”  
Para. 15, p. 3

<http://209.15.25.201/anti-erap/viewerapmarcos.php>  
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<sup>66</sup> pp. 1-2, Downloaded 4/6/01

<sup>67</sup> See for example “*Comment Thread*” at the ABS-CBNNEWS website, pp. 1-3:  
<http://www.abs-cbnnews.com/abs/newsdisc.nsf/Provincial/44607F647ACID844482569D90C>  
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<sup>68</sup> Sicam, para. 6, p. 3

<sup>69</sup> <http://www.zdfiles.com/pldtmirror/archives/2000/10312000.htm>, pp. 1-4  
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<sup>70</sup> *pldt.com, The Power of Insurgence*, pp. 1-3  
<http://www.pldt.com/placards.htm>  
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For Filipino expats, the Internet serves as a tool for connecting and forging bonds with compatriots all over the globe. Hailed locally as modern-day heroes and heroines for their dollar remittances,<sup>71</sup> the “wired” section of these overseas Filipinos, including those officially documented to number 1.043 million in 1999,<sup>72</sup> forms part of the “global community of Filipinos ready to be mobilized for a cyber campaign on an e-mail’s notice.”<sup>73</sup> At least 55 percent of the average 53,000 hits a day of <http://www.pldt.com> come from Filipinos abroad, which doubled during the period of the anti-Estrada protests,<sup>74</sup> underscoring the “Internet’s ability to give voice to the previously disenfranchised.”<sup>75</sup>

This accentuates the power of the Internet, travelling with the speed of light, in making people instantaneously aware inter-continently, mounting their own intervention strategies, of stoking the fires of protests, and charting out their own political history.

This spurs the emergence of a new breed of political beings nurtured in the womb of the IT era—the democratic, activist IT-zens mounting what could be characterized as a cyber “constitutional political action”<sup>76</sup> founded on the bedrock of freedom of assembly and expression furthering the cause of democratization in the world wide web.

#### **Democratic roots**

The Internet serves as a medium of breaking the stifling wall of apathy and indifference, engendered by 14 years of martial law, through instantaneous, real time electronic chats available round the clock,<sup>77</sup> e-mail exchanges,<sup>78</sup> egroups,<sup>79</sup> newsgroups and listservs, thereby sowing the seeds of consciousness about their own lethal force and power even to unseat the incumbent from the presidency following the loss of his mandate as recognized by the Supreme Court<sup>80</sup> and both houses of Congress.<sup>81</sup>

#### **Democratization: a hydra**

Subsequent events would prove how elusive and delicate the quest for and process of democratization can be. Like a hydra, democratization, is a multi-headed, never static, phenomenon. In the heels of President Gloria Macapagal-Arroyo’s succession to power, a movie depicting the life and travails of sex workers had been banned, at the behest of the influential Catholic Church.<sup>82</sup> Too, the days following the arrest of Estrada, which saw the mushrooming of hundreds of thousands of his poor, tattered supporters at the EDSA

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<sup>71</sup> National Statistics Office

<sup>72</sup> National Statistics Office

<http://www.census.gov.ph/data/sectordata/of99tx.html>

visited 5/26/01

<sup>73</sup> eLagda.com, para. 1, p. 1

[http://www.elagda.com/Communities/eMandirigma/body\\_emandirigma.php3](http://www.elagda.com/Communities/eMandirigma/body_emandirigma.php3)

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<sup>74</sup> Sicam, para. 2, p. 4

<sup>75</sup> Hick and Tepitsky, para. 3, p. 52

<sup>76</sup> Vitug

<http://www.zdfiles.com/pldtmirror/archives/2000/10312000.htm>, para. 4, p. 2

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<sup>78</sup> Impacts, para. 4, p. 2

<sup>79</sup> Sicam, para. 3, p. 2

<sup>80</sup> Supreme Court

<sup>81</sup> House Resolution 176 and 178, House of Representatives, Senate Resolution expressing support for President Gloria Macapagal-Arroyo, and Senate Resolution No. 82, Senate of the Philippines, dated 7 February 2001

Cited by the Supreme Court of the Philippines, en banc, *Joseph E. Estrada vs. Aniano Desierto, et. AL., De Quiros, Conrad, Seeing double, There’s The Rub, Philippine Daily Inquirer, INQ7.net*, paras. 2 and 4, p. 3

[http://www.inq7.net/opi/2001/apr/10/opi\\_csdequiros-1.htm](http://www.inq7.net/opi/2001/apr/10/opi_csdequiros-1.htm)

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Shrine, witnessed even some self-anointed veterans of EDSA II scoffing at and even calling for the dispersal of the mammoth crowd, zeroing in particular about supposedly negative characteristics ascribed to the poor, who proved to be the bulk of Estrada's undying supporters.

### **Double-edged sword**

But what should be noted is that while ICTs serve as democratizing forces, the popular use of English coupled with the relatively limited number of Filipinos able to tap and avail of this medium,<sup>83</sup> ironically showcases the excluding and marginalizing effect<sup>84</sup> of these supposed tools for democratization as well. The radio remains to be the most popular medium of communication, which the Estrada government was known to control, especially among the rural folk.

The elitist and anti-poor attitude even among some EDSA II veterans, not to mention the digital-divide, had accentuated the long-standing class divide in society. This underscores the need for the maturing democratic Filipinos "to demonstrate the lack of coherence between their discourse and social practice and to demand a shortening of the distance between the two."<sup>85</sup>

This shows that IT, while possessing revolutionizing potentials due to its vast reaches and speed, cannot of itself be decisive in achieving the process of democratization. This shows that even members of democratic movements could be undemocratic,<sup>86</sup> especially to the poor. This phenomenon shows how Internet tools, even in the hands of proponents of democratic initiatives, of a people still maturing and evolving in the democratization process, could further entrench elitist and discriminatory attitudes that exclude the poor.

In the wake of the triumphalist attitude of the EDSA II veterans, the mockery of the poor Estrada diehards is somehow understandable as the oust-Erap movement, while intrinsically upholding the positive values of good governance, transparency and accountability, was largely directed against an external object of hatred. Democratization requires more, an "ideological remolding,"<sup>87</sup> especially the internalization of human rights and democratic values,<sup>88</sup> "and must remain a slow, deliberate, and patient undertaking."<sup>89</sup> This means that for genuine democratization to be achieved, the "lost generation" of Filipinos must look back and reexamine the moral creed of their own revolutionaries which calls for, among others, "an external and internal revolution at the same time"<sup>90</sup> in order to "erect the true edifice of our social regeneration."<sup>91</sup>

While the people, as evidenced by their own dialogues, both in the Internet and text messages, show that they legitimately aspire for transparency, accountability and good governance, this does not automatically translate into a healthy form of awareness and respect for human rights, especially of the vastly unpopular Erap sympathizers,

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<sup>83</sup> Zielenziger, para. 9, p. 3

<sup>84</sup> Sicam, para. 4, p. 5

<sup>85</sup> Freire, para. 3, p. 177

<sup>86</sup> "In order for the struggle to gain authenticity, he or she must overcome incoherence, getting past lip-service, and shorten the distance between what is said and what is done."

Freire, para. 1, p. 161

<sup>87</sup> DeLuca, Anthony, *Gandhi, Mao, Mandela, and Gorbachev: Studies in Personality, Power, and Politics*, Westport, Connecticut, London, Copyright 2000, para. 3, p. 43

<sup>88</sup> Freire, para. 3, p. 163

<sup>89</sup> DeLuca, para. 3, p. 43

<sup>90</sup> Mabini, Apolinario, "A Mis Compatriotas," Vol. I, p. 105

Cited by Diokno, para. 1, p. 24

<sup>91</sup> Mabini, cited by Diokno, para. 1, p. 24

mostly the poor who lack participation in the political process of debate and consensus-building—which constitutes the core, guiding principle of democratization in accordance with international human rights norms and standards.

The cyber-quest for good governance, which has the “three core elements of... participation, accountability, and fairness,”<sup>92</sup> should give primordial importance to meaningful and democratic participation of the poor in dialogues and debates for them to claim their own voice<sup>93</sup> in justice-making, especially since democracy and political freedoms impact upon “the lives and capabilities of the citizens.”<sup>94</sup>

It is the comprehensive nature of democratization, its all-embracing nature as an embodiment both of the aims and processes required by international human rights norms and standards, that makes its quest a long-term process and goal.

### **Turning barriers into building blocks**

The immediately perceptible hindrance to an IT-led democratization, however, is the inaccessibility of the Internet to the poor. The Internet, according to Lorna Roth, “may provide for equal opportunity and democratic communication, but only for those with access.”<sup>95</sup> Unless more creative intervention measures are employed—such as devising “communication interfaces” synchronizing web, net, text, radio and television<sup>96</sup>—discourse and consensus-building through this medium would largely be confined among members of the middle<sup>97</sup> and upper classes.<sup>98</sup>

While yuppies (young professionals)<sup>99</sup> hold in their hands the potent tool of globalization, realities of Philippine society impel them to synchronize this revolutionary technology with the resources accessible to the masses, mostly radio<sup>100</sup> and secondarily, television.<sup>101</sup> This, however, could be hampered considering that media entities are imbued with economic and political interests usually allied with the powers-that-be.

This challenge “demands that we think critically about the role that technology plays in human rights... its impact on both human evolution and everyday life”<sup>102</sup> as well

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<sup>92</sup> Woods, Ngaire, *Good Governance in International Organizations*, 5 *Global Governance* 39 (1999), footnote no. 61, Reif, Linda, *Building Democratic Institutions: The Role of National Human Rights Institutions in Good Governance and Human Rights Protection*, 2000, *Harvard Human Rights Journal* 1-69, para. 2, p. 18

<sup>93</sup> “We keep hearing the phrase, ‘empowering the people’ or ‘empowering the poor,’ who are in fact most of the people. The metaphor that comes to mind among many of those who quite seriously and often heroically try to make this possible is that the poor have been gagged, and that if you can only remove the muzzle that keeps their mouths shut, they would send their powerful shouts to heaven.

“But what if the poor have lost their voice altogether? What if the sheer disuse of their vocal chords has deprived them of the power of speech altogether? xxx

“How to talk to them? What language to communicate to the voiceless, to the mute, to those who have lost the capacity to dredge up a sound from the pit of their lungs, or souls?”

De Quiros, Conrado, *Tongues on fire*, speech delivered before the French Business Association of the Philippines, 24 April 2001

[http://www.ing7.net/vwp/2001/may/01/vwp\\_1-1.htm](http://www.ing7.net/vwp/2001/may/01/vwp_1-1.htm)  
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<sup>94</sup> Sen, Amartya, *Development as Freedom*, Anchor Books New York, last para., p. 150

<sup>95</sup> Roth, Lorna, *Reflection on the Colour of the Internet*, in *Human Rights and the Internet*, first para., p. 182

<sup>96</sup> Sicam, para. 4, p. 6

<sup>97</sup> Toral, paras. 6, 8, 9, p. 1

para. 2, 4 and 5, p. 2

<sup>98</sup> Oliva, Erwin Lemuel, *Study reveals profile of Filipino net users*, *BizReport*, para. 6, p. 1

<http://www.bizreport.com/research/2000/08/20000824-1.htm>  
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<sup>99</sup> Toral, para. 5, p. 1

<sup>100</sup> *The estimated number of radio as of 1992 runs at 9.03 million. Office of Telecommunications*, p. 4

<sup>101</sup> *TV sets were pegged at 9.2 million in 1998. Office of Telecommunications*, p. 4

<sup>102</sup> Halpin, et.al., para. 2, p. 13

as “research it, understand it, and apply it in a manner consistent with our human values and the ultimate goal of human rights promotion and protection.”<sup>103</sup>

Cross-fertilization<sup>104</sup> of Philippine society towards democratization would have to take place using a combination of other more popular tools of communicating with the marginalized masses complemented with the use of the Internet to ensure genuine “discussion and exchange.”<sup>105</sup>

Hence, while IT holds vast potentials for democratization, its tendency to further tear asunder society into have’s and have not’s, on account of the digital divide—which dichotomy is also mirrored in language—becomes all the more acutely intensified, hampering and rendering nugatory the exercise and enjoyment of their “free speech and democratic choice,”<sup>106</sup> especially in the absence of other viable forums available to the poor<sup>107</sup> for the “informed and unregimented formation of [their] values.”<sup>108</sup>

“Political and civil rights, especially those related to the guaranteeing of open discussion, debate, criticism, and dissent,” stresses Amartya Sen, “are central to the processes of generating informed and reflected choices.”<sup>109</sup>

This IT-triggered marginalization from political debates impacts in no small way upon the poor’s enjoyment of their economic, social and cultural rights as human rights cannot be exercised selectively, but in a rather synergistic and symbiotic way.<sup>110</sup>

### **IT grassroots democratization**

In the task of democratization, it is the members of the civil society,<sup>111</sup> generally steeped in developmental and “participatory politics,”<sup>112</sup> who are, at this stage, in a better position both ideologically and politically,<sup>113</sup> not government,<sup>114</sup> to transform the tools of the Internet for sowing the seeds of popular participation and democratic dialogues especially among members of the grassroots communities towards an “integrated approach”<sup>115</sup> to human rights promotion that goes hand in hand with the quest for democratization.

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<sup>103</sup> Halpin, et.al., para. 2, p. 13

<sup>104</sup> paras. 3-5, pp. 8-9

Fernando, para. 2, p. 12

<sup>105</sup> Sen, para. 2, p. 153

<sup>106</sup> Sen, para. 3, p. 152

<sup>107</sup> Fernando, W.J. Basil, *Demoralization and Hope, Creating the Social Foundation for Sustaining Democracy (A Comparative Study of the Ideas of N.F.S Grundtvig of Denmark and B.R. Ambedkar of India, A Publication of Asian Human Rights Commission, 2000, last para., pp. 46-47*

<sup>108</sup> Sen, para. 3, p. 152

<sup>109</sup> Sen, para. 2, p. 153

<sup>110</sup> Article 1, *United Nations Declaration on the Right to Development, General Assembly resolution 41/128 of 4 December 1986*

Freire, *chapeau*, p. 145

<sup>111</sup> Doyo, Ma. Ceres, *Defining Civil Society, Human Face, INQ7.net, 13 April 2001, paras. 3-5, p. 1*

para. 8, p. 2

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<sup>112</sup> Sen, para. 2, p. 158

<sup>113</sup> Doyo, paras. 2 and 5, p. 2

<sup>114</sup> Coronel, Leandro, *What ‘new politics’?, INQ7.net, 26 May 2001*

[http://www.inq7.net/opi/2001/may/26/opi\\_commentary1-1.htm](http://www.inq7.net/opi/2001/may/26/opi_commentary1-1.htm)  
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<sup>115</sup> Scheinin, Martin, *Economic and Social Rights as Legal Rights, Economic, Social and Cultural Rights, A Textbook, edited by Asbjorn Eide, Catarina Krause, and Allan Rosas, Martinus Nijhoff Publishers, Dordrecht Boston London, para. 1, p. 44*

## Art of humanization

Like a double-edged sword, the IT, which has “revolutionized the way human rights activists work,”<sup>116</sup> could lead to greater democratization<sup>117</sup> in its truest sense, but at the same time intensify the poor’s exclusion from political processes, making the Internet as a forum for “public discussion, be more than anywhere at the beck and bidding of the rich.”<sup>118</sup>

As the Janus-like Internet and other related forums assume greater significance in consensus-building among members of the middle class, and in influencing governmental policies, the isolated poor could all the more be barred from articulating their own aspirations<sup>119</sup>—intensifying the degree of their alienation—and of partaking of a role in policy formulation by, among others, pressuring government through the critical exercise of their political rights in accordance with the “‘instrumental’ role of democracy”<sup>120</sup> due to their sheer lack of political voice.

Since the quality of the works of cyberwarriors would definitely be only reflective of the quality of the netizens wielding the mice and the cursors as their weapons and armor, adopting a human rights-based approach to the task of democratization and development,<sup>121</sup> incorporating international human rights norms and standards, through the benefits of the Internet,<sup>122</sup> should be characterized principally by evolving strategies that give priority to the empowerment of the most vulnerable and the most marginalized sectors through mass, popular, and critical means of education.<sup>123</sup>

This means targeting those who are nearer to home yet beyond the reach, ironically, of the Internet, due to sheer economic injustice, for democratizing and

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<sup>116</sup> Sharpe, para. 2, p. 43

<sup>117</sup> Alvarez, para. 5, p. 1  
para. 2, p. 2

<sup>118</sup> Plutarch, “Poplicola and Solon Compared,” in *Great Treasury of Western Thought*, Mortimer J. Adler and Charles Van Doren, eds., New York: R.R. Browker Company, 1977, p. 869  
Cited by Diokno, para. 2, p. 29

<sup>119</sup> “When did you begin to consider the government as unjust to the people?—1930.  
Why?—Because of the abuses against the people. The needs of the laborers were ignored. The leaders paid no attention to the people. xxx  
The the basic problem was one of poverty or having enough to live?—Having enough but without abuses.  
Xxx

It was poverty, then, and abuses which caused your discontent?—No, it was more. There was a root cause behind everything. Nothing could solve our problem except independence... Freedom was the solution... There was no other answer to the abuses and the poverty. With independence the leaders would cease to be powerful. Instead, it would be the people who were powerful. The people would have their freedom. We would have our own lands; they would no longer be the monopoly of the proprietarios and of the government officials. As it was, we had nothing.

The problem, in short, was poverty and power?—You might say that; that was our belief. Under independence, no one would be powerful, because the people would exercise power.”

“An interview with Salud Algabre,” in David R. Sturtevant, *Popular Uprisings in the Philippines, 1840-1940*, Ithaca: Cornell University Press, 1976, pp. 290-291

Cited by Diokno, Jose, *A Filipino Concept of Justice, A Nation for Our Children: Human Rights, Nationalism, Sovereignty (Selected Writings of Jose W. Diokno)*, Edited by Priscila S. Manalang, The Jose W. Diokno Foundation, Inc., Claretian Publications, Quezon City, Philippines, Copyright 1987, para. 1, pp. 22-23

<sup>120</sup> Sen, last para., pp. 150-151

<sup>121</sup> Dias, Clarence, *Human Rights-Based Approach to Development, Occasional Paper 21—Human Development and Shelter: A Human Rights Perspective*, pp. 5-7  
<http://www.undp.org/hdro/oc21b.htm>  
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<sup>122</sup> Halpin, et. Al., para. 3, p. 11  
Also Axworthy, last para., p. 18  
Paras. 2-3, p. 19  
Paras. 1-3, p. 20

<sup>123</sup> Freire, paras. 3-6, p. 155

empowering strategies,<sup>124</sup> bringing to them in particular the myriad advances of the international human rights movement that are well-documented in cyberspace through other non-electronic mediums, by force of necessity, in a spirit of cross-fertilizing dialogue, exchanges and “democratic experiments.”<sup>125</sup> This bridging-the-gap approach entails exploring means other than the Internet but at the same time tapping the latter’s known benefits especially for human rights promotion<sup>126</sup> in order to strengthen grassroots, democratic works and initiatives to enable the poor to have a “taste for freedom... [and] dream of justice, equality, and overcoming the obstacles to realizing the human orientation toward being more.”<sup>127</sup>

At the same time, the Internet should be made use of to enable the voice of the marginalized and the oppressed to be heard directly and indirectly.

The Philippine Internet experience could be microcosmic of how the globalization era, carrying this electronic feature that tears down national barriers, could germinate the seeds of democratization as well. The decisive “force for democracy and individual empowerment”<sup>128</sup> is a critical, liberating human consciousness and power, since the “vital element in human rights activism remains the people in the equation.”<sup>129</sup>

This is the defining, democratizing character of IT, which, in spite of its awesome, enormous powers, still remains “just a technology or a tool”<sup>130</sup> largely subordinate to the more refreshingly warm and direct, person to person approach towards democratization, for greater human rights and freedom, for humanization. As Paulo Freire points out: “The struggle for a less unjust democracy, one more ethically based, is also a work of art that awaits us.”<sup>131</sup>

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<sup>124</sup> For examples, see Katz-Lacabe and Lacabe, para. 3, p. 71  
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<sup>125</sup> Freire, Paulo, *Letters to Cristina: Reflections on My Life and Works, Translated from the Portuguese by Donald Macedo with Quilda Macedo and Alexandre Oliveira, Routledge, New York and London, Copyright 1996, para. 8, p. 154*

<sup>126</sup> Halpin, et.al., last para., p. 8  
 First para., p. 9

<sup>127</sup> Freire, para. 1, p. 159

<sup>128</sup> Halpin, et.al., para. 1, p. 14

<sup>129</sup> Halpin, et.al., para. 1, p. 14

<sup>130</sup> Halpin, et.al., para. 1, p. 14

<sup>131</sup> Freire, last para., p. 177

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