

## **Round-Table on Internet and Free Flow of Information in China**

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#### **Presented to Congressional-Executive Commission on China**

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#### **Introduction**

Thank you to Ira Wolf and John Foarde for inviting Human Rights in China ("HRIC") to participate in this Internet and Freedom of Expression round-table. The inclusion of an international human rights and Chinese NGO perspective, together with business, government, and national security perspectives, will hopefully contribute to a productive and lively exchange and sharing of views.

Founded after the June 4 crackdown, HRIC is an international non-governmental organization dedicated to the promotion of universally recognized human rights and the advancement of the institutional protections of these rights in China through our education, advocacy, and activist- research programs. HRIC is dedicated to:

- promoting a growing rights consciousness among the Chinese people;
- supporting the development of civil society and empowering peaceful grassroots activism;
- advocating effective implementation of China's domestic laws and practices in compliance with international human rights obligations; and
- acting as a catalyst for democratic social change

The rapid development of the Internet in China presents significant opportunities and challenges for advancing these human rights goals. We also recognize there are multiple stakeholders interests, including the Chinese Communist Party ("CCP"), competing PRC ministries all claiming a piece of what they view as lucrative regulatory territory, domestic Chinese telecommunications companies, foreign investors, media and telecommunications companies, and domestic and international NGOs.

Yet there is probably a point of convergence at this round-table discussion on the importance of promoting freedom of expression and the free flow of information. From the U.S. government's perspective, these are integral to the development of rule of law, democracy, and promotion of civil society initiatives. From the perspective of the private telcom sector, the uncensored flow of free information is at the normative core of free market and exchange values.

From our perspective, the free flows of information, uncensored debate and discussion, and freedom of assembly, are critical for promoting the accountability of government, exposing and addressing corruption, and promoting the emergence of a genuine democratic civil society in China. However, because political and legal controls constrain the independence of civil society within China, the nurturing of an

uncensored virtual civil society through the use of Internet and wireless technology becomes an essential challenge.

### **Human Rights and the Internet in China**

In the past seven years, the astonishing development of the Internet can be seen in the laying of the backbone of thousands of kilometers of fiber optics cables (longer than the Great Wall) , the exponential growth in bandwidth, and now more than 33 million Internet users. The number of people online in China has been rising rapidly in the past three years, surging to rates of 152% growth.

In terms of wireless technology, currently China has the largest wireless market in the world, nearly 200 million users. Estimates project wireless users in China will total between 350 million and 500 million by 2005.

#### **The Digital Divide**

Yet, these numbers also reflect a serious digital divide. The demographics of these users raise concerns about breathless accounts of the capacity for the Internet to allow China to leapfrog other countries. Internet users and their geographic distribution are not representative of China on the whole. The vast majority of Internet users are young ( 70% are between 18-35), male (92.8% in July, 1998, now 69.56%), and have college education. The Internet is mainly diffused over the three big cities, Beijing, Shanghai and Guangzhou. By the end of 2000, only 0.76% of the Internet users are in rural areas where more than 80% of China's population resides.

This digital divide reflects and contributes to the widening economic and social gap between rural and urban areas, and underscores the failure of China's economic modernization policy to ensure equal access and treatment in political, economic, social, and cultural life to the vast majority, including rural inhabitants, ethnic minorities, and migrants. Together with rising social dislocations and growing violent unrest among the millions of unemployed workers, these growing inequalities threaten to undermine the security, stability and fairness of China's modernization and reform efforts.

If the promise of the Internet reaches only the current demographics of urban, educated, male users, and the growing middle class elite- then the Internet will not be a real tool for democracy or building civil society in China. Inherent in visions of democracy and freedom are broad-based, non-discriminatory access and opportunities for participation. Whether in cyberspace or otherwise, freedom of expression, an independent press, and freedom of assembly are meaningless if they can only be exercised by those connected, rich, educated or powerful enough to claim these rights.

#### **General Human Rights Situation**

It is also important to note that during this period of impressive technological advances, the overall human rights situation in China remained (and remains) serious and urgent. Ongoing human rights abuses include the systematic and continued use of torture, the arbitrary administrative detention system (with more than 200,000 detained in about 300 Reform through Labor camps, more than 1.7 million detained in Custody and Repatriation camps), and the ongoing impunity for the violent June 4, 1989 crackdown on unarmed civilians.

The post-September 11 global and domestic focus on anti-terrorism has also allowed China, in the name of security, to continue its violent crack down on peaceful Muslim and Tibetan advocates for self-determination, political dissidents, labor and democracy activists, and on vulnerable groups, such as rural

and migrant populations. At the end of 2001, China imprisoned more journalists than any other country in the world, and stepped up domestic surveillance and censorship.

### The Reality of Surveillance and Control

And specifically relevant to our discussion today, China has adopted a range of low and high tech strategies, including implementation of extensive regulations to censor and control Internet content and access, a network of informers, and the construction of an extensive and sophisticated surveillance system, with the assistance of foreign telecommunications corporations, such as the Canadian Nortel. These strategies have also resulted in self-censorship on the part of commercial Internet service providers and others.

Despite mounting government sophistication at proactive propaganda strategies to use the Internet to promote state interests, the Internet is also a vehicle for human rights activism by mainland and exile groups including Human Rights in China, the China Democracy Party, the Falun Gong, and the Tibetan exile community. However, individuals within China that seek to deploy Internet strategies (including through E-mail and wireless cellular technology), for logistical and mass organizing purposes, or simply a university study group chat room, are met with arrests and detention. There are at least 20 or more individuals who have been detained in 2001 for alleged "illegal" on-line activities, that include printing out pro-democracy materials, distributing information on Falun Gong, publishing articles critical of arrests of Internet activists, promoting political and democratic reforms, calling for a reassessment of June 4 crack-down, and posting information about local human rights violations.<sup>1</sup>

Increasingly restrictive Internet regulations make it clear that freedom of expression, freedom of assembly, and right to petition the government guaranteed in the Chinese Constitution are not real freedoms at all when the regime views their exercise as a challenge to its monopoly on political power.

The legal, technological, and policy responses of the PRC government to control and counter the potential political impact of the Internet also raise important questions regarding the conventional wisdom often reflected in the media, government, and business communities that the Internet will act as an inevitable force for democracy and free expression. Within China, the Internet and information technology more broadly, is a powerful arena where the free flow of information and freedom of expression is competing with government surveillance, censorship, and control. When Jiang Zemin and current leaders call for the informatization of the economy, the military, and the government bureaucracy, it is clear this does not include any perceived challenges to the monopoly of political power and information held by the Party.

### **HRIC's Internet Initiatives**

As an example from the NGO trenches of what a recent RAND report describes as use of the Internet as a "force multiplier," I will briefly describe HRIC's Internet-related initiatives. Our work features a proactive role for mobilizing technology for human rights activism from the base of our interactive website, [www.hrichina.org](http://www.hrichina.org). At the end of last year, HRIC re-launched an expanded data-base driven, bilingual website that provides easy-to-search function, direct links to HRIC-sponsored projects such as the [www.fillthesquare.org](http://www.fillthesquare.org), on-line issues of HRIC's journal *China Rights Forum*, daily human rights news updates, and archive of HRIC's reports prepared for UN bodies and international conferences. HRIC also cultivated relationships with Chinese Democracy advocates exploring Internet strategies, and designed sophisticated database platforms for initiatives such as a comprehensive database on political prisoners in China.

Historically, the Chinese government has controlled and manipulated public access to information on democratic movements in China. Although thirteen years have passed since June 4, the importance of the 1989 democracy movement and the violent government crackdown has not faded with time; it remains a key issue in the political culture of China. This is evident in the impact the publication of The Tiananmen Papers had on both the government regime and the Chinese people earlier this year. Yet the Chinese government has continued to insist on the legitimacy and necessity of the government's decisions to call in armed PLA soldiers and tanks of June 4th on unarmed citizens, and it has suppressed independent investigation and documentation of the event. One of the key preconditions for future political transformation in China is the thorough investigation and rehabilitation of the June 4th Massacre and the ending of impunity for those responsible.

HRIC is working with a former student leader of the 1989 Tiananmen Movement and now a professional Internet database developer, to construct a comprehensive, interactive, and authoritative website focused on establishing reliable accounts and facts of the June 4th Massacre and the subsequent persecutions of the Tiananmen Movement participants. The website [www.64memo.com](http://www.64memo.com) will include the diverse perspectives of students, concerned citizens, and the government, and archival materials such as dazibao (Big Character Posters), pamphlets, meeting records and decisions, photos, audio and videotapes, government announcements and internal documents (wenjian), reports and interviews on newspapers, and TV and radio coverage.

The website will use advanced Internet database technology to build a platform that has functions such as whole text reading, full-text search, catalogue display, catalogue search, linkage among related texts, annotation by the participants to the texts, multimedia display of audio-visual materials, and back-end administration. This platform has the potential to be further developed as an interactive archival website for other human rights issues. A reference archive will also be established to maintain historical materials in conjunction with the website. Together, the website and archive will make historical materials about this pivotal event in contemporary China available to human rights activists, researchers, educators, journalists, and the evolving pro-democracy movement in China.

As an on-line archival web project, [www.64memo.com](http://www.64memo.com) is designed to serve as a catalyst in establishing a forum for free communication and reliable information for democratic dissidents and activists who are now spread across the globe. Finally, it will provide a model for other democratic struggles on how to use new technologies more effectively to enhance cohesion, communication, and access to independent and reliable historical information in support of their movements.

## **Looking Forward**

We recommend the following areas for ongoing attention by the Commission:

1. Identifying and monitoring possible opportunities for intervention and engagement by the U.S. government, the private sector, and NGOs

For example:

- In October 2002, Shanghai will host the ICANN conference. The complexities and internal debates aside, how can concerns about Chinese Internet censorship, free flow of information, and freedom of association and assembly, be constructively and appropriately raised?

- In the lead-up to the 2008 Olympics, we urge the Commission to monitor several human rights concerns, including violations of labor rights during the construction of the sites, the "cleaning-

up" of areas of the Beijing through detention of "undesirables," tighter control of the media to maintain a positive domestic picture, shut-downs of media and websites, and the continued use of security and anti-terrorism measures to silence legitimate peaceful expression.

With respect to information and surveillance technology, the testing and implementation of security systems during site construction, including digital surveillance cameras, and biometric authentication systems, should be carefully monitored to avoid leaving behind the architecture for technological repression and control when the games are finished.

2. We also urge the Commission to pay particular attention to the increasingly restrictive Internet regulation and surveillance by Chinese authorities, especially as these regulations interface with China's WTO accession obligations, including the Telecommunications protocols. China's domestic regulatory, surveillance and censorship system must be measured against China's international obligations -- both its economic and its human rights obligations. China's legal system must be transparent, accountable, predictable, and fair.
3. We also respectfully note that the round-table themes are interrelated and it may be useful for the Commission to consider at some future point, hearings or round-tables that examine the direct interface and tensions between them, for example, the implementation of the WTO and human rights, or in the context of the digital divide, Ethnic Minorities and the Internet.

Thank you.

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<sup>1</sup> For a list of individuals detained, site shut-downs, and Chinese Net restrictions, see <http://dfn.org/focus/china/chinanetreport.htm>