

CHINA

	2009	2011
INTERNET FREEDOM STATUS	Not Free	Not Free
Obstacles to Access	19	19
Limits on Content	26	28
Violations of User Rights	34	36
Total	79	83

POPULATION: 1.3 billion
INTERNET PENETRATION: 33 percent
WEB 2.0 APPLICATIONS BLOCKED: Yes
SUBSTANTIAL POLITICAL CENSORSHIP: Yes
BLOGGERS/ONLINE USERS ARRESTED: Yes
PRESS FREEDOM STATUS: Not Free

INTRODUCTION

Although China is home to the world's largest population of internet users, many of whom have shown increasing creativity in pushing back against censorship, the country's internet environment remains one of the world's most restrictive. This reflects the Chinese Communist Party's paradoxical "two-hand strategy" for managing digital technologies: promoting access for the purposes of economic advancement on the one hand, while attempting to secure control over content, especially political communication, on the other.¹ The Chinese authorities thus maintain a sophisticated and multilayered system for censoring, monitoring, and manipulating activities on the internet and mobile phones. This system has been enhanced, institutionalized, and decentralized in recent years, while the ability of citizens to communicate anonymously has been further constrained. Rights campaigners and some ordinary users continue to face prison time for their internet-related activities. Taken together, these controls have contributed to the Chinese internet increasingly resembling an intranet. Many average users, isolated from international social media platforms and primarily exposed to a manipulated online information landscape, may have limited knowledge of key events related to their own country, even when these make headlines around the world.

The Chinese public was first granted access to the internet in 1996, and the number of users has grown exponentially, from 20 million in 2001 to over 400 million² in 2010.

¹ Lena L. Zhang, "Behind the 'Great Firewall': Decoding China's Internet media policies from the inside," *The International Journal of Research into New Media Technologies*, Volume 12(3), 2006, 271-291.

² Tang Liang, "Guan Zhu Bo Ke De Zhen Mian Ying Dao Zuo Yong" [Pay Attention to the Positive Effect of Blogging], *CNNIC*, July 22, 2010, <http://research.cnnic.cn/html/1279785162d2372.html> (in Chinese).

Since it was first introduced, however, the ruling Chinese Communist Party (CCP) has consistently sought to assert its authority over the new medium. The underlying system of infrastructural control and filtering technology has been more or less complete since 2003,³ while more sophisticated forms of censorship and manipulation—particularly those targeting user-generated content—have gained prominence only recently. Nevertheless, due to the egalitarian nature and technical flexibility of the internet, the online environment remains freer and Chinese citizens more empowered than what is possible in the traditional media sector. The country's growing community of bloggers, online commentators, and human rights defenders has played an increasingly prominent role in uncovering official corruption, exposing rights abuses, and mobilizing citizens to protest against censorship itself.

OBSTACLES TO ACCESS

While the role and presence of information and communication technologies (ICTs) has continued to grow rapidly in recent years, users still face key obstacles to full and free access. These include centralized control over international gateways, more permanent blocks on international applications like the Facebook social-networking site and the Twitter microblogging service, and a complete shutdown of internet access in the western region of Xinjiang for several months in 2009 and 2010.

The government-linked China Internet Network Information Center (CNNIC) reported in December 2010 that there were a total of 446 million users in the country (this number is an estimation based on previous annual surveys), an increase of over 126 million since the end of 2008.⁴ Given the country's large population and uneven pattern of economic development, however, the overall penetration rate remains just 33.4 percent, slightly higher than the global average.⁵ Moreover, the average penetration rate in urban areas (72.6 percent) is over 40 points higher than that in rural areas (27.4 percent); in 2007, the gap was approximately 20 percentage points, suggesting a widening divide.⁶ While most users access the internet from home or work, an estimated 33.6 percent use cybercafes.⁷ The vast majority of internet connections are via broadband rather than dial-up,⁸ although

³ Zhang Jing, "Wang Luo Shen Cha Xi Tong Yan Zhi Chen Gong, Fan Dong Xin Xi Zi Dong Guo Lv" [Internet Monitor System Auto-Filters Reactionary Messages], (*Jing Hua Daily*, February 26, 2003, <http://www.people.com.cn/GB/it/53/142/20030226/931430.html>) (in Chinese).

⁴ CNNIC, *Information and Updates on the Development of the Internet in China, Issue 61* (Beijing: CNNIC, 2010), <http://research.cnnic.cn/img/h000/h12/attach201012061454440.pdf> (in Chinese).

⁵ *Ibid.*

⁶ CNNIC, *2009 Report on the Development of the Internet in Rural Areas* (Beijing: CNNIC, 2010), <http://www.cnnic.cn/html/Dir/2010/04/15/5810.htm> (in Chinese).

⁷ CNNIC, *The 26th Report on the Development of the Internet in China* (Beijing: CNNIC, 2010), 22.

⁸ CNNIC, *The 26th Report on the Development of the Internet in China*, 11.

access to international websites may be slow due to the burden placed on speed by the nationwide content filtering and monitoring system.⁹ Use of mobile phones has also spread quickly. According to the Ministry of Industry and Information Technology (MIIT), there were 850.3 million mobile-phone users in China by November 2010, giving the country a penetration rate of over 62.5 percent and the world's largest population of mobile users.¹⁰ Access to the internet via mobile phones is rapidly gaining popularity. By June 2010, 277 million people used this service, more than double the figure from the previous year.¹¹ All of these trends may be attributed in part to a gradual decrease in the cost of access and concerted government efforts to connect each township.

There is widespread access to internet technology and applications, such as video-sharing websites, social-networking tools, and e-mail services, but extensive restrictions remain in place, particularly on systems whose providers are based outside the country. Applications such as YouTube, Facebook, and Twitter, and international blog-hosting services like WordPress and Blogspot, have been sporadically blocked in the periods surrounding politically sensitive events in recent years. However, since being cut off during the 20th anniversary of the June 4, 1989, military crackdown on the Tiananmen Square protest movement, they have remained blocked most of the time in China.¹² Chinese equivalents—such as Kaixin001.com, Xiaonei.com, Tudou.com, and Youku.com—have emerged and attracted millions of users, but they are more susceptible to government control, and in 2009 some were also inaccessible surrounding sensitive dates.¹³ In the days ahead of June 4, 2009, applications including the microblogging platform Fanfou and the file-sharing platform VeryCD were put out of commission due to “technical maintenance.”¹⁴ In December 2010, MIIT issued new regulations banning phone calls from computers to land lines, except for those made over the state-owned networks of China Unicom and

⁹ James Fallows, “The Connection has been Reset,” *The Atlantic*, March 2008,

<http://www.theatlantic.com/magazine/archive/2008/03/-ldquo-the-connection-has-been-reset-rdquo/6650/>.

¹⁰ MIIT, “April 2010 Informational Technology Industry Monthly Report, [2010 Nian 11 Yue Tong Xin Ye Yun Xing Zhuang Kuang],” December 21, 2010, <http://www.miit.gov.cn/n11293472/n11293832/n11294132/n12858447/13542227.html>.

¹¹ CNNIC, *The 26th Report on the Development of the Internet in China*, 12.

¹² Tania Branigan, “Internet Censorship in China,” *Guardian*, January 14, 2010,

<http://www.guardian.co.uk/world/2010/jan/14/internet-censorship-china>; Rebecca MacKinnon, “China Blocks Twitter, Flickr, Bing, Hotmail, Windows Live, etc. Ahead of Tiananmen 20th Anniversary,” *CircleID*, June 2, 2009,

http://www.circleid.com/posts/20090602_china_blocks_twitter_flickr_bing_hotmail_windows_live/; Google, “Mainland China Service Availability,” <http://www.google.com/prc/report.html#hl=en>, accessed July 22, 2010, Michael Wines and Andrew Jacobs, “To Shut Off Tiananmen Talk, China Disrupts Sites,” *New York Times*, June 2, 2009,

<http://www.nytimes.com/2009/06/03/world/asia/03china.html>.

¹³ Tien Lo, “Guang Dian Zong Ju: Shi Ping Wang Zhan Guo You Hua Jin Zhen Due Xin Sheng Qi Ye” [State Administration of Radio Film and Television: Only New Privately-Owned Audiovisual Websites Will Be Nationalized], *Beijing Business Today*, February 5, 2008, <http://tech.163.com/08/0205/02/43TG2FVB000915BF.html> (in Chinese).

¹⁴ Alice Xin Liu, “Chinese Websites ‘Under Maintenance,’” *Danwei*, June 3, 2009,

http://www.danwei.org/net_nanny_follies/chinese_websites_under_mainten.php; Sky Canaves, “Closed for Business: More Chinese Web Sites,” *China Real Time Report*, June 3, 2009, <http://blogs.wsj.com/chinarealtime/2009/06/03/closed-for-business-more-chinese-web-sites/>.

China Telecom. This fueled speculation that Skype could be blocked, though its Chinese partner TOM Online claimed that the company was continuing to operate as usual.¹⁵

In some instances, the government has shut down access to entire communications systems in response to specific events. The most dramatic such incident occurred in Xinjiang in the latter half of 2009. In July, following ethnic violence in the region's capital, Urumqi, the authorities initiated a complete shutdown of internet services and restrictions on international calls and mobile-phone access. The move was part of a broader strategy aimed at preventing the spread of unofficial accounts of events in the region;¹⁶ normal access was not restored until May 2010.¹⁷

Managers of sophisticated circumvention tools like Freegate and TOR reported greater government efforts to block access to them in June and September 2009. Also targeted for blocking were previously available free virtual private network (VPN) providers like Blacklogic.¹⁸

Internet access service, once monopolized by China Telecom, has been liberalized and decentralized, and users can now choose from among scores of private internet-service providers (ISPs). The government has been willing to liberalize the ISP market in part because of the centralization of the country's connection to the international internet, which is controlled by six to eight state-run operators that maintain advanced international gateways in Beijing, Shanghai, and Guangzhou.¹⁹ This arrangement remains the primary infrastructural limitation on open internet access in the country, as all ISPs must subscribe via the gateway operators and obtain a license from the MIIT. The system essentially creates a national intranet and gives the authorities the ability to cut off any cross-border information requests that are deemed undesirable. Mobile-phone communication is dominated by three state-owned operators: China Mobile, China Telecom, and China Unicom. Under the oversight of the MIIT, connection to the internet via mobile phones is also monitored by the international gateway operators.

The authorities have sought to exercise fairly tight control over the cybercafe business. The issuance of cybercafe licenses is managed by the Ministry of Culture and its local departments, although to obtain a license, a proprietor typically must also

¹⁵ Malcolm Moore, "China Makes Skype Illegal," *The Telegraph*, December 30, 2010, <http://www.telegraph.co.uk/technology/internet/8231444/China-makes-Skype-illegal.html>.

¹⁶ Michael Wines, "In Latest Upheaval, China Applies New Strategies to Control Flow of Information," *New York Times*, July 6, 2009, <http://www.nytimes.com/2009/07/07/world/asia/07beijing.html>; Rebecca MacKinnon, "Google and Internet Control in China" (testimony, U.S. Congressional-Executive Commission on China, Washington, DC, March 24, 2010), <http://www.cecc.gov/pages/hearings/2010/20100324/mackinnonTestimony.pdf>.

¹⁷ Chris Hogg, "China Restores Xinjiang Internet," British Broadcasting Corporation (BBC), May 14, 2010, <http://news.bbc.co.uk/2/hi/asia-pacific/8682145.stm>.

¹⁸ Owen Fletcher, "China Clamps Down on Internet Ahead of 60th Anniversary," *PCWorld*, September 25, 2009, <http://www.pcworld.com/article/172627/china-clamps-down-on-internet-ahead-of-60th-anniversary.html>.

¹⁹ CNNIC, "Zhong Guo Hu Lian Wang Luo Fa Zhan Zhuang Kuang Tong Ji Diao Cha" [Statistical Reports on the Internet Development in China], list of documents: <http://www.cnnic.cn/index/0E/00/11/index.htm> (in Chinese); Actual document used: <http://www.cnnic.cn/uploadfiles/doc/2009/1/13/92209.doc>, accessed March 23, 2009.

communicate with the Public Security Bureau, State Administration for Industry and Commerce, and other state entities.²⁰ Beginning in March 2007, the Ministry of Culture indefinitely suspended the issuance of new licenses. However, reports in early 2009 indicated that a limited number of licenses for new cafes would be granted in some cities, such as Chongqing in Sichuan, Nanjing in Jiangsu, and Zengzhou in Henan.²¹ In Guangdong province, several licenses were reportedly issued, though these were primarily to cafes that are part of national chains, which are perceived by the government as easier to control than individual businesses.²²

LIMITS ON CONTENT

The Chinese authorities continue to employ the most elaborate system for internet content control in the world. Government agencies and private companies together employ hundreds of thousands of people to monitor, censor, and manipulate online content. In an indication of the scale of efforts to control online content, according to a top Chinese official, throughout 2010, some 60,000 websites containing “harmful materials” were forcibly shut down, and an estimated 350 million articles, photographs, and videos were deleted.²³ In recent years, additional layers have been added to this apparatus, particularly as the CCP seeks to restrict the use of social-networking and similar applications for political mobilization. Even this heavily censored and manipulated online environment, however, provides more space for average citizens to express themselves and air their grievances against the state than any other medium in China.

The CCP’s content-control strategy consists of three primary techniques: automated technical filtering, forced self-censorship by service providers, and proactive manipulation. The purported goal is to limit the spread of pornography, gambling, and other harmful practices, but web content related to sensitive political or social topics is usually targeted at

²⁰ “Yi Kan Jiu Mingbai Quan Cheng Tu Jie Wang Ba Pai Zhao Shen Qing Liu Cheng” [A look at an illustration of the whole course of the cybercafe license application process], Zol.com, http://detail.zol.com.cn/picture_index_100/index997401.shtml (in Chinese).

²¹ Jason Deng, “Wang Ba Pai Zhao Shen Pi Jie Dong” [Suspension of Cybercafe Licenses Lifted], *QQ News*, March 13, 2009, <http://tech.qq.com/a/20090313/000392.htm> (in Chinese); “Wang Ba Pai Zhao Kai Jin, Jing Ji Han Dong Zhong De Yi Ba Huo” [Suspension of Cybercafe Licenses Lifted: Positive Effect of Economic Recession], *Tien Xia Wang Meng*, December 23, 2008, <http://www.netbarcn.net/Html/HotTopics/12231117335286.html> (in Chinese); “Zengzhou 2009 Nian Wang Ba Pai Zhao Jiang Shi Du Fang Kai Shen Pi” [Zengzhou Cybercafe License Ban to Be Lifted in Moderation in 2009], *Henan News Daily*, February 23, 2009, <http://www.netbarcn.net/Html/todaynetbar/02232050122415.html> (in Chinese).

²² “Quan Guo Ge Di Guan Yu Wang Ba Pai Zhao Jie Jin De Xing Wen Hui Zong” [Cybercafe Licensing Ban Lifted Across the Country – News Summary], *Tien Xia Wang Meng*, December 23, 2008, <http://www.netbarcn.net/Html/PolicyDynamic/12231119046113.html> (in Chinese); “Wang Ba Shen Pi Bing Dong 7 Nian Jie Jin” [Seven-year Freeze on Internet Cafe Licenses Lifted], *Wangba.net*, January 19, 2010, <http://www.wangba.net/xinwen/12638974233019.shtml> (in Chinese).

²³ “China Shuts Over 60,000 Porn Websites This Year,” *Reuters*, December 30, 2010, <http://www.reuters.com/article/idUSTOE6BT01T20101230>.

least as forcefully.²⁴ The most systematically censored topics include criticism of top leaders, independent evaluations of China's rights record, violations of minority rights in Tibet and Xinjiang, the Falun Gong spiritual group, the 1989 Beijing massacre, pro-Taiwanese independence viewpoints, and various dissident initiatives that challenge the regime on a systemic level.²⁵ These standing taboos are supplemented by regular directives on negative developments such as tainted-food scandals, environmental disasters, and deaths in police custody. Broader politically-oriented terms like "democracy," "human rights," and "freedom of speech" are subject to less extensive censorship.²⁶

Blocking access to foreign websites is a key component of technical filtering. In addition, deep-packet inspection technologies employed by the authorities enable the filtering of particular pages within otherwise approved sites if the pages are found to contain blacklisted keywords in the URL path.²⁷ Filtering by keyword is also implemented in instant-messaging services, such as TOM Skype and QQ, and the necessary software is built into the application upon installation.²⁸

A large share of censorship is enforced at the level of state-run news outlets and private companies operating a variety of websites. These entities are required by law to ensure—either automatically or manually—that content banned by party and government censorship orders is not posted or circulated widely. They risk losing their business licenses if they fail to comply, and many companies employ large staffs to carry out this task. A series of documents leaked by an employee of the Baidu search engine in April 2009 highlighted both the breadth of topics censored and the complexity of the system used to identify and remove targeted content.²⁹ In October 2010, a general manager at Baidu Tie Ba reportedly

²⁴ Hung Huang, "Censorship in Chinese Media," *Economix*, September 25, 2008, <http://economix.blogs.nytimes.com/2008/09/25/censorship-in-chinese-media/>.

²⁵ These include, for instance, the prodemocracy manifesto Charter 08 and the *Nine Commentaries*, a series of editorials analyzing the history of the party and encouraging an end to its rule. See graph, "Inaccessible Sites—Top 100 Google Search Results," from OpenNet Initiative, *Internet Filtering in China in 2004–2005: A Country Study*, available at Select Committee on Foreign Affairs, "Written Evidence Submitted by Sarah Cook, Student at the School of Oriental and African Studies, University of London," House of Commons, Session 2006–07, <http://www.publications.parliament.uk/pa/cm200607/cmselect/cmfa/269/269we08.htm>;

Nart Villeneuve, *Breaching Trust: An Analysis of Surveillance and Security Practices on China's TOM-Skype Platform* (Toronto: Information Warfare Monitor/ONI Asia, 2008), <http://www.nartv.org/mirror/breachingtrust.pdf>; Julen Madariaga, "Charter 08: Why It Should Be Called Wang," *Chinayouren*, January 11, 2009, <http://chinayouren.com/eng/2009/01/charter-08-why-it-should-be-called-wang/>.

²⁶ Ashley Esarey and Xiao Qiang, "Digital Communication and Political Change in China," *International Journal of Communication*, 5 (2011), 298–319.

²⁷ Ben Wagner, *Deep Packet Inspection and Internet Censorship: International Convergence on an 'Integrated Technology of Control'* (Global Voices Advocacy, June 25, 2009), <http://advocacy.globalvoicesonline.org/2009/06/25/study-deep-packet-inspection-and-internet-censorship/>.

²⁸ Xiao Qiang, "A List of Censored Words in Chinese Cyberspace," *China Digital Times*, August 30, 2004, <http://chinadigitaltimes.net/2004/08/the-words-you-never-see-in-chinese-cyberspace/>.

²⁹ Xiao Qiang, "Baidu's Internal Monitoring and Censorship Document Leaked (1)," *China Digital Times*, April 30, 2009, <http://chinadigitaltimes.net/2009/04/baidus-internal-monitoring-and-censorship-document-leaked/>; Xiao Qiang, "Baidu's Internal Monitoring and Censorship Document Leaked (2)," *China Digital Times*, April 29, 2009, <http://chinadigitaltimes.net/2009/04/baidus-internal-monitoring-and-censorship-document-leaked-2/>; Xiao Qiang, "Baidu's

disclosed that staff deleted approximately one million entries per day in the search engine's popular function that enables users to create online forums and communities based on keywords.³⁰ Foreign corporations have also been required to implement censorship of political content in order to gain access to the Chinese market. In March 2010, Google announced that it would stop censoring its search results and began redirecting mainland users to its uncensored Hong Kong–based search engine after Chinese officials made it clear that “self-censorship is a non-negotiable legal requirement.”³¹ The authorities responded by blocking results of searches with flagged keywords that were initiated by mainland users on the Hong Kong engine; access to the Gmail e-mail service and other Google services remained intact as of the end of 2010.

Most postings on blogs, comment sections of news items, and bulletin-board system (BBS) discussions that are deemed objectionable are deleted by company staff before they appear to the public. Such efforts are often temporarily reinforced surrounding politically sensitive events. For example, starting in April 2010, a popular BBS based in Shanghai (KDS Life) announced a ban on commenting between midnight and 7 a.m. in order to create a “harmonious online environment” for the Shanghai Expo; it also warned that anyone posting “harmful” content during the Expo would be subject to serious penalties.³² In other cases, individual blog entries may be deleted after the fact, in most instances within 24 to 48 hours of their posting, or entire blogs may be shut down. In one recent case, the blog of prominent artist and activist Ai Weiwei was shut down in May 2009, following repeated postings that revealed details of children's deaths in the 2008 Sichuan earthquake and aired accusations that they were caused in part by local corruption.³³

The existing censorship techniques have proven insufficient to completely overcome the flexibility of the technology, the sheer volume of communications, and a sometimes intentional disregard for official directives by nonstate actors. A 2008 study of blog-hosting services revealed that domestic censorship varied widely among different sites.³⁴ The CCP

Internal Monitoring and Censorship Document Leaked (3),” *China Digital Times*, April 28, 2009, <http://chinadigitaltimes.net/2009/04/baidus-internal-monitoring-and-censorship-document-leaked-3/>.

³⁰ “Zhong Guo Hu Lian Wang Xin Xi Guan Zhi, Baidu Tie Ba Ri Shan Tie Bai Wan” [Chinese Internet Censorship: Baidu Deletes Million Posts], Yazhou Zhoukan, November 7, 2010, http://www.yzzk.com/cfm/Content_Archive.cfm?Channel=nt&Path=2212930682/44ntd.cfm (in Chinese).

³¹ Ellen Nakashima, Cecilia Kang, and John Pomfret, “Google to Stop Censoring Search Results in China,” *Washington Post*, March 23, 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2010/03/22/AR2010032202041.html>.

³² “Shi Bo Qi Jian Ling Chen 0 Dian – 7 Dian Zhan Ting Fa Tie Ji Hui Tie Gong Gao” [BBS Will Be Down From Midnight to 4 AM During Shanghai EXPO], *KDS Life BBS*, April 28, 2010, http://club.pchome.net/thread_7_73_5352801_.html (in Chinese).

³³ Michael Wines, “China’s Impolitic Artist, Still Waiting to Be Silenced,” *New York Times*, November 27, 2009, <http://www.nytimes.com/2009/11/28/world/asia/28weiwei.html>; Simon Elegant, “Ai Weiwei’s Blogs Shuttered; He Declines to ‘Chat’ With Police, Not Politely,” *The China Blog*, May 29, 2009, <http://china.blogs.time.com/2009/05/29/ai-weiweis-blogs-shuttered-he-declines-to-chat-with-police/>.

³⁴ Rebecca MacKinnon, “China’s Censorship 2.0: How Companies Censor Bloggers,” *First Monday* 14, no. 2 (February 2, 2009), <http://firstmonday.org/htbin/cgiwrap/bin/ojs/index.php/fm/article/view/2378/2089>.

and government agencies have taken various actions over the past two years to plug these gaps in the censorship system. They have included the following:

- **Antipornography campaign targeting political and social content.** On January 5, 2009, seven government agencies announced the launch of a nationwide campaign to more strictly enforce online censorship regulations.³⁵ Ostensibly an effort to purge pornographic material, the campaign was widely seen as a means of tightening control over politically sensitive content.³⁶ Within days of the announcement, Beijing authorities ordered the closure of the blog-hosting website Bullog.cn, which was popular among political commentators and prodemocracy activists, after the site allegedly failed to comply with instructions to remove large amounts of “harmful information” related to current events.³⁷ In early February, numerous e-groups and individual accounts related to political and social issues on the popular Douban.com social-networking site were reportedly deleted or closed.³⁸ Later in the year, the campaign was extended to online content available via mobile phones.³⁹
- **Tightened control over audio-visual content.** On March 30, 2009, the State Administration of Radio, Film, and Television issued an edict to tighten the management of online audio-visual content.⁴⁰ The regulations included a detailed list of content categories to be deleted, such as videos with “depictions of torture” or “distortions of Chinese culture or history,” and those that “hurt the feelings of the public,” “disparage” security forces or leaders, or are posted by “netizen reporters.”⁴¹ The regulations also required service providers to “improve their program content administration” by hiring “well-qualified service personnel to review and filter content.” As part of the implementation of these directives, over 530 audio-visual

³⁵ A list of 19 prominent companies and websites were identified as having failed to purge undesirable content and heed state censors. They included Google, Baidu, Sina, and Sohu. Chris Buckley, “China Targets Big Websites in Internet Crackdown,” Reuters, January 5, 2009, <http://uk.reuters.com/article/idUKSP36401920090105?sp=true>.

³⁶ Rebecca MacKinnon, “China’s Latest Internet Crackdown,” *RConversation*, January 5, 2009, <http://rconversation.blogs.com/rconversation/2009/01/chinas-latest-i.html>.

³⁷ “China Closes 91 Websites in Online Crackdown,” Reuters, January 11, 2009, <http://www.reuters.com/article/idUSTRE5040F120090112>; Anita Chang, “Activist Blog Closed Amid China’s Porn Sweep,” Associated Press, January 9, 2009, http://www.msnbc.msn.com/id/28577927/ns/technology_and_science-tech_and_gadgets/.

³⁸ Oiwan Lam, “China: E-Group Cleaning at Douban.com,” Global Voices Advocacy, February 9, 2009, <http://advocacy.globalvoicesonline.org/2009/02/09/china-e-group-cleaning-at-doubancom/>.

³⁹ Juliet Ye, “China’s Anti-Porn Campaign Goes Wireless,” *China Real Time Report*, December 1, 2009, <http://blogs.wsj.com/digits/2009/12/01/chinas-anti-porn-campaign-goes-wireless/>.

⁴⁰ Oiwan Lam, “China: Tightening Control Over Internet Audio-Visual Content,” Global Voices Advocacy, April 1, 2009, <http://advocacy.globalvoicesonline.org/2009/04/01/china-tightening-control-over-internet-audio-visual-content/>.

⁴¹ Freedom House, “Freedom House Dismayed by New Chinese Internet Restrictions,” news release, April 2, 2009, <http://www.freedomhouse.org/template.cfm?page=70&release=800>.

websites reportedly had their licenses revoked for noncompliance by September 2009.⁴²

- **Introduction of Green Dam and Blue Shield software.** In May 2009, the Chinese authorities announced that as of July 1, all computer manufacturers would be required to install Green Dam Youth Escort filtering software on their products,⁴³ ostensibly to protect youth from “harmful” content. However, tests by both Chinese and international experts revealed that the program would monitor and filter activity related to politics and religion; one file with thousands of banned characters was explicitly named “FalunWord.lib,” a reference to the persecuted Falun Gong spiritual group to whom the majority of terms in the library related.⁴⁴ Moreover, Green Dam was capable of shutting down whole applications, such as web browsers or word processors, when certain keywords were typed.⁴⁵ Green Dam’s vulnerabilities to malicious software and incompatibility with other programs were also noted. Activists, lawyers, and ordinary users mobilized quickly to protest the directive. With added pressure from the international business community, foreign governments, and human rights groups, the authorities withdrew the order the day before the July 1 deadline.⁴⁶ Installation reportedly continued in schools and cybercafes, though some later removed it because it obstructed other crucial programs.⁴⁷ In September 2009, reports emerged of technical filtering being moved from the internet backbone down to ISPs via the installation of a program referred to as Blue Shield/Dam.⁴⁸ Though no comprehensive studies have been conducted to date, the apparent impact of these installations has been more systematic automated filtering within China and tighter blocks on circumvention software.⁴⁹ In July 2010,

⁴² “Shi Wan Zhong Xiao Wang Zhan Han Dong Duan Wang” [Licenses of a Hundred Thousand Websites Revoked during Winter], *Southern Metropolis Weekly*, January 18, 2010, http://www.nbweekly.com/Print/Article/9591_0.shtml (in Chinese).

⁴³ Oiwan Lam, “China: Green Dam PC Filtering,” Global Voices Advocacy, June 8, 2009, <http://advocacy.globalvoicesonline.org/2009/06/08/china-green-dam-pc-filtering/>; Andrew Jacobs, “China Requires Censorship Software on New PCs,” *New York Times*, June 8, 2009, <http://www.nytimes.com/2009/06/09/world/asia/09china.html>.

⁴⁴ Scott Wolchok, Randy Yao, and J. Alex Halderman, “Analysis of the Green Dam Censorware System,” Computer Science and Engineering Division, University of Michigan, June 18, 2009, <http://www.cse.umich.edu/~jhalderm/pub/gd/>. For the contents of the FalunWord.lib file see: <http://www.cse.umich.edu/~jhalderm/pub/gd/data/falunword.php>.

⁴⁵ Hal Roberts, “China Bans the Letter ‘F,’” *Watching Technology*, June 12, 2009, <http://blogs.law.harvard.edu/hroberts/2009/06/12/china-bans-the-letter-f/>.

⁴⁶ Ian Paul, “Has China’s Green Dam Burst?” *PCWorld*, July 1, 2009, http://www.pcworld.com/article/145302/has_chinas_green_dam_burst.html.

⁴⁷ Reuters, “Chinese Schools Quietly Remove Green Dam Filter,” *PC Magazine*, September 15, 2009, <http://www.pcmag.com/article2/0,2817,2352847,00.asp>.

⁴⁸ Reporters Without Borders, “Is China Imposing More Powerful Version of Green Dam, Called Blue Shield?” news release, September 18, 2009, http://en.rsf.org/china-is-china-imposing-more-powerful-18-09-2009_34518.html; Oiwan Lam, “China: Blue Dam Activated,” Global Voices Advocacy, September 13, 2009, <http://advocacy.globalvoicesonline.org/2009/09/13/china-blue-dam-activated/>.

⁴⁹ Rebecca MacKinnon, “China’s Censorship Arms Race Escalates,” *RConversation*, September 28, 2009, <http://rconversation.blogs.com/rconversation/2009/09/index.html>.

six internet security systems functionally similar to Green Dam were forced to be installed on computers in schools, hotels, and cybercafés in Guangdong Province and were reportedly promoted in other provinces including Jiangsu and Hebei.⁵⁰ As the censorship is taking place at the network or local level and does not impose requirements on foreign companies, it has not provoked significant domestic or international backlash.

- **More deliberate favoritism toward Chinese brands.** Despite increased privatization and competition, China's economic environment remains dominated by the government. Particularly in the case of large companies, success often depends on close relationships with the CCP and relevant officials. Both Chinese officials and independent analysts have attributed the market dominance of locally-managed internet firms such as Baidu⁵¹ over international brands such as Google at least in part to government favoritism, noting the authorities' interest in promoting Chinese companies that will comply more readily with government-imposed content restrictions than foreign firms.⁵² In recent years, this strategy has been applied more deliberately to an expanded set of applications, such as video-sharing, microblogging, and social-networking platforms. The result is a "commercialization of censorship," whereby efficient and obedient filtering becomes a key factor in business competition.

Realizing that they are unable to entirely control online content, and increasingly viewing cyberspace as a field for "ideological struggle,"⁵³ the Chinese authorities in recent years have also introduced measures to proactively sway public opinion online and amplify the Communist Party's version of events over alternative accounts. This effort has taken a number of forms.

First, online news portals are prohibited from producing their own content and are only authorized to repost information from state-run traditional media.⁵⁴

⁵⁰ "Lv Ba Bien Shen Tou Tou Juan Tu Chong Lai, Dang Jv Qiang Zhi An Zhuang Jian Kong Ruan Jian" [Green Dam Returns in a Discrete Manner, Authorities Require Mandatory Installation of Monitoring Software], *Radio Free Asia Mandarin*, July 30, 2010, <http://www.rfa.org/mandarin/yataibaodao/lb-07302010095804.html> (in Chinese).

⁵¹ It should be noted that, although locally-managed, Baidu has some international shareholders as well as Chinese. See: iDataCenter Research Service, "Bai Du Shang Shi Hou de Gu Fen Jie Gou Qing Kuang" [Baidu's shareholder situation after its listing on the market], 2005, http://irs.iresearch.com.cn/Consulting/search_engine/Graph.asp?id=7508 (in Chinese).

⁵² Jordan Calinoff, "Where Google Loses," *Foreign Policy*, September 29, 2009, http://www.foreignpolicy.com/articles/2009/09/29/where_google_loses; Translation of speech by Peng Bo, Deputy Chief of the State Council Information Office Internet Affairs Bureau, "The Main Problems Relating to Internet News Propaganda," *China Digital Times*, December 17, 2009, <http://chinadigitaltimes.net/2009/12/peng-bo-%E5%BD%AD%E6%B3%A2-%E2%80%9Cthe-main-problems-relating-to-internet-news-propaganda%E2%80%9D/>.

⁵³ Oiwan Lam, "China: The Internet as an Ideology Battlefield," *Global Voices Advocacy*, January 6, 2010, <http://advocacy.globalvoicesonline.org/2010/01/06/china-internet-as-an-ideology-battlefield/>.

⁵⁴ Interim Provisions on the Administration of Internet Websites Engaged in News Posting Operations (November 1, 2000), excerpts available at <http://www.cecc.gov/pages/virtualAcad/exp/explaws.php>.

Second, in addition to removal orders, propaganda directives are often accompanied by specific instructions to marginalize or amplify certain content, for instance through its position on a homepage or by relying exclusively on the version of events produced by the official Xinhua news agency. Thus in March 2010, during the annual meeting period of the National People's Congress, one set of leaked guidelines reportedly included instructions that "no negative news [is] allowed on the front pages of newspapers or the headline news sections of websites."⁵⁵

Third, since 2005, paid web commentators known collectively as the 50 Cent Party or Red Vests have been recruited to post progovernment remarks, lead online discussions in accordance with the party line, and report users who have posted offending statements. Some estimates place the number of these commentators at over 250,000.⁵⁶ In 2009, this strategy appeared to become both more institutionalized and more decentralized, with commentators trained and used by "government units at all levels."⁵⁷ For instance, in January 2010 it was reported that Gansu provincial authorities had decided to establish a cadre of 650 online progovernment commentators;⁵⁸ in December 2010, Chongqing's municipal authorities created a Red Microblog platform to spread pro-Communist Party messages;⁵⁹ and in the aftermath of the Urumqi violence in Xinjiang, the authorities there enlisted local Communist Youth League members to be online "supervisors."⁶⁰

Fourth, mobile-phone communication is now treated as another medium for spreading party ideology. In 2010, a campaign was launched to encourage the dissemination of progovernment "Red text messages" through economic incentives.⁶¹ It is difficult to gauge the effectiveness of these manipulation efforts. On the one hand, there have been cases in which online public opinion rapidly turned in the government's favor.⁶² On the other hand,

⁵⁵ "What Chinese Censors Don't Want You to Know," *New York Times*, March 21, 2010, <http://www.nytimes.com/2010/03/22/world/asia/22banned.html>.

⁵⁶ David Bandurski, "China's Guerrilla War for the Web," *Far Eastern Economic Review* (July 2008), <http://feer.wsj.com/essays/2008/august/chinas-guerrilla-war-for-the-web>.

⁵⁷ David Bandurski, "Internet Spin for Stability Enforcers," China Media Project, May 25, 2010, <http://cmp.hku.hk/2010/05/25/6112/>.

⁵⁸ Qian Gang, "How Much Internet Freedom Do Chinese Citizens Have?" China Media Project, January 28, 2010, <http://cmp.hku.hk/2010/01/28/4355/>.

⁵⁹ Malcolm Moore, "China Launches Red Twitter," *Telegraph*, December 15, 2010, <http://www.telegraph.co.uk/technology/news/8203593/China-launches-Red-Twitter.html>.

⁶⁰ Jonathan Ansfield, "China Starts to Lift Region's Web Blackout," *New York Times*, December 30, 2009, <http://www.nytimes.com/2009/12/30/world/asia/30xinjiang.html>.

⁶¹ Chen Jian, "Zhong Guo Liu Qian Wan Ren Can Yu Zhuan Fa Shou Ji 'Hong Duan Zi'" [Sixty Million People Have Participated in 'Red Text Message' Efforts], *Beijing Ren Min Wang*, March 16, 2010, <http://news.163.com/10/0316/21/61U6BNGM000146BD.html> (in Chinese); "Hong Duan Zi Zhi 'Ai Wo Zhong Hua Chuang Ye Guang Dong' Wang Luo Chuang Ye Da Sai - - Mei Li Yang Jiang" [China Telecom: Red Text Message – 'Love in China, Opportunities in Guang Dong' Writing Contest], *Baidu*, August 21, 2008, <http://hi.baidu.com/liming10liming/blog/item/24de0a234ea6cbfad6cae224.html> (in Chinese).

⁶² Michael Bristow, "China's Internet 'Spin Doctors,'" BBC, December 16, 2008, <http://news.bbc.co.uk/2/hi/asia-pacific/7783640.stm>.

participants in online discussion groups have become increasingly adept at identifying 50 Cent Party members and express a dismissive attitude toward their comments.

Following the October 2010 announcement that jailed democracy advocate Liu Xiaobo had been awarded the Nobel Peace Prize, the Chinese authorities activated the full range of above-mentioned measures to restrict the circulation of unofficial news and commentary related to the award, as well as limit citizens' direct access to Liu's writings. In addition, on October 17, 2010, in an effort to sway domestic public opinion, the state-run *People's Daily* published a commentary framing Liu as a political tool of nefarious Western forces aiming to interfere in China's internal affairs. In December, the empty seat left for Liu during the award ceremony in Oslo became a key censorship target. Phrases such as "empty chair," "empty stool," and "empty table" flooded the Chinese cyberspace for a few hours, but were quickly and consistently deleted by staff at the Sina Weibo microblogging platform, the social-networking website Renren, and other new media applications.⁶³ In addition, authorities disrupted the internet and mobile-phone connections of dozens of prominent activists and bloggers across China. Such actions appeared aimed, among other things, at inhibiting activists' ability to use channels such as the Twitter microblogging service to spread news of the award within China. Reflecting the pervasiveness of government efforts to quash discussion of the prize, on the day of the ceremony, the most discussed topics on the popular web portal Sina appeared to be the cold weather and flight delays at Beijing's airport.⁶⁴ Though some users succeeded in circumventing censorship surrounding the award, official and unofficial accounts indicated that fewer than 15 percent of people in China had heard of Liu.⁶⁵

A variety of national and local government agencies are involved in internet censorship, with some instructions coming from the highest echelons of the Communist Party.⁶⁶ While much of this apparatus has remained unchanged, two notable adjustments have taken place since early 2009. First, the CCP's Propaganda Department has sought to exercise greater and more specific control over the decision-making process at entities like the MIIT and the State Council Information Office (SCIO), at times coercing them into

⁶³ Matthew Campbell and Roger Boyes, "Beijing Wipes Web of Photo of Nobel Peace Prize Winner Liu Xiaobo's Empty Chair," *The Australian*, December 13, 2010, <http://www.theaustralian.com.au/news/world/beijing-wipes-web-of-pic-of-nobel-peace-prize-winner-liu-xiaobos-empty-chair/story-e6frg6so-1225969772445>; Peter Foster, "Nobel Peace Prize: Beijing Under a Censorship Shroud," *Telegraph*, December 10, 2010, <http://www.telegraph.co.uk/news/worldnews/asia/china/8194247/Nobel-peace-prize-Beijing-under-a-censorship-shroud.html>.

⁶⁴ Andrew Jacobs, "Tirades Against Nobel Aim at Audience in China," *New York Times*, December 10, 2010, https://www.nytimes.com/2010/12/11/world/asia/11china.html?_r=1&ref=asia.

⁶⁵ Cara Anna, "Some Chinese Elude Censorship of Nobel Prize News," Associated Press, December 8, 2010, <http://abcnews.go.com/Technology/wireStory?id=12340665&page=3>; Jacobs, "Tirades Against Nobel Aim at Audience in China."

⁶⁶ See, for example, Politburo involvement in planning the response to the Nobel Peace Prize and Politburo member Liu Changchun's orders to state-run firms to stop doing business with Google: Jacobs, "Tirades Against Nobel Aim at Audience in China"; James Glanz and John Markoff, "Vast Hacking by a China Fearful of the Web," *New York Times*, December 4, 2010, http://www.nytimes.com/2010/12/05/world/asia/05wikileaks-china.html?pagewanted=1&_r=3.

actions that are contrary to their own vested interests. Second, in April 2010, the government confirmed that it had created a new entity under the SCIO: Bureau 9, tasked with monitoring and coordinating the authorities' response to user-generated content, particularly on social-networking sites and online forums.⁶⁷

Censorship decisions are largely non-transparent, though some private companies are known to alert readers that content has been removed for unspecified reasons. No avenue exists for appealing censorship decisions. Aware of the comprehensive nature of surveillance and censorship on the internet and mobile-phone text messaging, ordinary users and bloggers engage in extensive self-censorship and often refrain from transmitting sensitive comments.

Despite the government restrictions, the internet has emerged in recent years as a primary source of news and a forum for discussion for many Chinese, particularly among the younger generation. According to a 2008-2009 study by CNNIC, 113 million users were found to update either a blog or personal website on a regular basis.⁶⁸ Chinese cyberspace is replete with online auctions, social networks, homemade music videos, a large virtual gaming population, and spirited discussion of some social and political issues.⁶⁹ Internet users are also able to hold government and CCP officials to account, though only to a limited extent.⁷⁰ Civil society organizations involved in education, health care, and other social and cultural issues that are deemed acceptable by the authorities often have a dynamic online presence.

In several cases in 2009 and 2010, Chinese users were able to challenge official misconduct, organize strikes, and obtain justice for ordinary citizens. In a series of strikes at factories owned by the Japanese automaker Honda, workers used internet chat rooms and text messages to coordinate their actions and share information and videos with workers in other locations.⁷¹ The relationship between investigative journalism and online networks can also be mutually reinforcing, particularly when reporting by local commercial outlets is amplified via the internet, enabling wider exposure of the story. In August 2009, after a local newspaper in Shaanxi ran a short article about lead poisoning among children due to pollution from a nearby smelting plant, the popular internet portal Netease picked up the story, drawing national attention to the incident.⁷²

⁶⁷ Jonathan Ansfield, "China Starts New Bureau to Curb Web," *New York Times*, April 16, 2010, <http://www.nytimes.com/2010/04/17/world/asia/17chinaweb.html>.

⁶⁸ CNNIC, *2008-2009 Report on Chinese Bloggers' Market and Behavioral Studies*, (Beijing: CNNIC 2009), <http://research.cnnic.cn/html/1247813014d1063.html> (in Chinese).

⁶⁹ H. Yu, "Blogging Everyday Life in Chinese Internet Culture," *Asian Studies Review* 31 (2007): 423–33.

⁷⁰ J. Lacharite, "Electronic Decentralization in China: A Critical Analysis of Internet filtering Policies in the People's Republic of China," *Australian Journal of Political Science* 37 (2002): 2, 333–46; Guobin Yang, *The Power of the Internet in China: Citizen Activism Online* (New York: Columbia University Press, 2009).

⁷¹ David Barboza and Keith Bradsher, "In China, Labor Movement Enabled by Technology," *New York Times*, June 15, 2010, <http://www.nytimes.com/2010/06/17/business/global/17strike.html>.

⁷² Qian Gang, "Central Party Media 'Grab the Megaphone,'" China Media Project, August 21, 2009, <http://cmp.hku.hk/2009/08/21/1709/>.

Sina Weibo, a microblogging application, has especially grown in popularity since its launch in 2009. As of October 2010, it reportedly registered 50 million users.⁷³ It has played an increasingly important role in empowering Chinese citizens. In November 2010, Shanghai residents used microblogging and instant messaging services to pressure the local government to conduct an in-depth investigation into a deadly fire that claimed more than fifty lives.⁷⁴ In December 2010, the suspicious death of a village head who had been protesting forced demolitions ignited a wave of public outrage as a graphic image of the man's crushed body under a truck was circulated on China's major web portals.⁷⁵ Chinese grassroots activists used Sina Weibo to organize citizen investigation groups⁷⁶ and disseminate information regarding the incident.⁷⁷ However, due to the local government's control of key informants, the results of the citizen investigation appeared less independent than many had hoped.⁷⁸

As controls have tightened in recent years, a growing number of individuals are reportedly seeking out knowledge and techniques for circumventing censorship. In some cases, their specific aim is to join Twitter, which is blocked in China. An activist community of some 30,000 to 50,000 people within China, mostly living in urban areas like Beijing, Shanghai, and Guangzhou, use the tool to rapidly transmit news, connect with other socially conscious individuals, and take advantage of an uncensored medium.⁷⁹ Other methods for getting around censorship include using witty alternatives and homonyms for banned keywords, opening multiple blogs on different hosting sites, and using peer-to-peer technologies to circulate banned information. It has become increasingly common for users—including those who would not normally consider themselves politically active—to criticize censorship itself. Throughout the first half of 2009, for example, internet users widely circulated cartoons and videos of a mythical “grass-mud horse” and its struggle

⁷³ Austin Ramzy, “Wired Up,” *Time Magazine*, February 21, 2011,

<http://www.time.com/time/magazine/article/0,9171,2048171-2,00.html>.

⁷⁴ Jeremy Page, “Thousands Mourn Fire Victims in Shanghai,” *Wall Street Journal*, November 21, 2010,

<http://online.wsj.com/article/SB10001424052748704444304575628360108943100.html>; Oiwan Lam, “China: Messages

Behind the Flowers to the Shanghai Fire Victims,” *Global Voices*, November 22, 2010,

<http://globalvoicesonline.org/2010/11/22/china-messages-behind-the-flowers-to-the-shanghai-fire-victims/>.

⁷⁵ Xiyun Yang and Edward Wong, “Suspicious Death Ignites Fury in China,” *New York Times*, December 28, 2010,

<http://www.nytimes.com/2010/12/29/world/asia/29china.html>.

⁷⁶ “Netizens form Groups to Conduct Independent Investigation into Qian Yun Hui Incident [*Wang You Zu Tuan Du Li Diao Cha Qian Yunhui Shi Jian*],” *Dong Nan Morning Daily*, January 1, 2011,

<http://news.163.com/11/0101/09/6PA8AFD100014AED.html>.

⁷⁷ “Citizen Alliance Qian Yun Hui Investigation Report [*Gong Meng “Qian Yunhui Zhi Si Zhen Xiang” Diao Cha Bao Gao*],” blog post, Xushiyong Blog, December 31, 2010, <http://xuzhiyong.fyfc.cn/art/874568.htm>.

⁷⁸ Andy Yee, “China: Qian Yunhui’s Death and the Role of Citizen Investigation,” *Global Voices*, January 5, 2011,

<http://globalvoicesonline.org/2011/01/05/china-qian-yunhui%E2%80%99s-death-and-the-role-of-citizen-investigation/>.

⁷⁹ Jason Ng, “Zhong Wen Twitter Yong Hu Qun Chou Yang Diao Cha” [Investigation of Random Sampling in Chinese Twitter Users], [*Kenengba*], January 27, 2010, <http://www.kenengba.com/post/2540.html> (in Chinese).

against the “evil river crab” in an allegory and play on words aimed at voicing discontent with the effects of the government’s antipornography campaign.⁸⁰

Overtly political organizations, ethnic minorities, and persecuted religious groups like Falun Gong remain underrepresented among websites that are freely accessible within China, though they have been able to use some ICTs to advance their causes. Charter 08, a prodemocracy manifesto published in December 2008 that calls for multiparty democracy, a free press, and an independent judiciary, garnered 7,000 signatures despite being targeted by censors. Police intimidation and repeated blog shutdowns have not prevented Woesser, a Beijing-based Tibetan blogger, from emerging as an important voice for Tibetan rights, and a source of information on events in the tightly controlled Tibetan region since 2008. After being driven underground by a violent persecutory campaign, adherents of the Falun Gong spiritual practice have used the internet and mobile phones to maintain contact with one another, communicate with overseas practitioners, and download censored information for inclusion in offline leaflets and video discs that expose rights violations and cast doubt on party propaganda. Meanwhile, overseas groups such as Radio Free Asia, Human Rights in China, and the *Epoch Times* have reportedly sent millions of e-mails into the country, supplying users with news summaries on Chinese and international events, instructions on anticensorship technology, and copies of banned publications like former CCP leader Zhao Ziyang’s memoir, the *Nine Commentaries*, or the prodemocracy *Beijing Spring* magazine.

VIOLATIONS OF USER RIGHTS

Article 35 of the Chinese constitution guarantees freedoms of speech, assembly, association, and publication, but such rights are subordinated to the national interest and the CCP’s status as the ruling power. In addition, the constitution cannot, in most cases, be invoked in courts as a legal basis for asserting rights. The judiciary is not independent and closely follows party directives, particularly in politically sensitive freedom of expression cases. A wide variety of regulations have been issued by different government agencies to establish censorship guidelines. In one recent change, the National People’s Congress in April 2010 adopted an amendment to the State Secrets Law⁸¹ that requires telecom operators and ISPs to cooperate with authorities on investigations involving the leaking of state secrets.⁸² The law took effect on October 1 and has been generally met with compliance from companies, mostly because the economic stakes of disobedience and loss of business license are so high.

⁸⁰ Michael Wines, “A Dirty Pun Tweaks China’s Online Censors,” *New York Times*, March 11, 2009, <http://www.nytimes.com/2009/03/12/world/asia/12beast.html>.

⁸¹ “Zhong Hua Ren Min Gong He Guo Zhu Xi Ling, Di Er Shi Ba Hao” [The President Order of The People’s Republic of China, No.28], http://www.gov.cn/flfg/2010-04/30/content_1596420.htm (in Chinese).

⁸² Reporters Without Borders, “Amendment Enlists ICT Companies in Protectino of State Secrets,” news release, April 29, 2010, <http://en.rsf.org/china-amendment-enlists-ict-companies-in-29-04-2010,37238.html>; Jonathan Ansfield, “China Passes Tighter Information Law,” *New York Times*, April 29, 2010, <http://www.nytimes.com/2010/04/30/world/asia/30leaks.html>.

Although most of these entities already work closely with security services, the move was widely seen as an attempt to reinforce companies' legal liability should they refuse to comply with official requests.

Vague provisions in the criminal code and state-secrets legislation have been used to imprison citizens for their online activities, including publication of articles criticizing the government or exposing human rights abuses, transmission of objectionable e-mail messages, and downloading of censored material from overseas websites. Trials and hearings lack due process, often amounting to little more than sentencing announcements.

In one of the most high-profile free expression cases in recent years, democracy advocate and Nobel Peace Prize laureate Liu Xiaobo was sentenced in December 2009 to 11 years in prison on charges of "inciting subversion of state power" after drafting and circulating the prodemocracy manifesto Charter 08. Six of his online prodemocracy writings, in addition to the manifesto itself, were cited as part of the verdict.⁸³ Activist Huang Qi was sentenced in November 2009 to three years in prison for "possessing state secrets," having published online criticism of the authorities' response to the 2008 Sichuan earthquake.⁸⁴ Tan Zuoren, who had coordinated citizen efforts to document the death toll from school collapses during the quake, was sentenced in February 2010 to five years in prison on charges of "inciting subversion." Rather than basing the charges on his earthquake-related work, however, judges cited a series of e-mail messages sent in 2007 about the 1989 Tiananmen crackdown, an indication of the extent of electronic surveillance even grassroots activists may face.⁸⁵ In December 2009, Zhao Lianhai, whose child had fallen sick from melamine-contaminated milk powder, was arrested and charged with "inciting social disorder" after he set up a website called "Home of the Kidney Stone Baby" (<http://www.jieshibaobao.com>) that advocated for the rights of victimized families.⁸⁶ Zhao's trial was held in March 2010 and lasted over five hours, but no verdict was announced.⁸⁷ On November 10, 2010, Zhao was sentenced to 30 months in prison,⁸⁸ but was subsequently released on medical parole the following month.⁸⁹

⁸³ Sharon Hom, "Google and Internet Control in China: A Nexus Between Human Rights and Trade?" (testimony, U.S. Congressional-Executive Commission on China, Washington, DC, March 24, 2010), <http://www.cecc.gov/pages/hearings/2010/20100324/homTestimony.pdf?PHPSESSID=0e7517d795355cc4cd7132dcb51f2004>.

⁸⁴ Jane Macartney, "Chinese Quake Activist Huang Qi Jailed on 'Secrets' Charges," *Times* (London), November 24, 2009, <http://www.timesonline.co.uk/tol/news/world/asia/article6928412.ece>.

⁸⁵ Reuters, "Chinese Advocate of Quake Victims Sentenced Over E-Mails," *New York Times*, February 8, 2010, <http://www.nytimes.com/2010/02/09/world/asia/09china.html>.

⁸⁶ Tania Branigan, "Chinese Tainted Milk Campaigner Accused of Provoking Social Disorder," *Guardian*, February 3, 2010, <http://www.guardian.co.uk/world/2010/feb/03/china-contaminated-milk-campaign-social-disorder>; "Zhao Lianhai: Bei Pan You Zui de Jie Shi Ba Ba" [Zhao Lianhai: The Guilty Dad of the Kidney Stone Baby], *Tennis BBS*, March 30, 2010, <http://bbs.tennis.com.cn/NewsDetail.asp?GroupName=%B9%E0%CB%AE&dp=60&lp=2&id=11023294> (in Chinese).

⁸⁷ "Jie Shi Bao Bao Zhi Fu Zhao Lianhai Shou Kao Jiao Liao Shang Fa Ting" [Kidney Stone Baby Zhao Lianhai Handcuffed at Trial], *Radio France Internationale – Chinese*, March 30, 2010, <http://www.chinese.rfi.fr/node/17712> (in Chinese); http://yp.com.hk/iybusiness_e09/ch/html/news_search/news_ch.aspx?video_id=30499.

Members of religious and ethnic minorities are also targeted for their online activities. In the aftermath of ethnic violence in Xinjiang in July 2009, the authorities arrested the managers of websites reporting on Uighur issues or serving as forums for discussion between Han and Uighurs, including Ilham Tohti, Hailaite Niyazi (a.k.a. Gheyret Niyaz), and Dilixiati Paerhati. Tohti was released after six weeks, but⁹⁰ Niyazi was sentenced to 15 years of imprisonment in July on charges of “endangering state security” and the whereabouts of Paerhati remained unclear as of the end of 2010.⁹¹ In December 2010, news emerged that eight months earlier, two individuals working for the Uighur-language website Salkin were sentenced to life imprisonment for translating and reposting an online appeal to protest Han-Uighur clashes at a factory in Guangdong province in July 2009.⁹² Tibetans and Falun Gong practitioners who transmit information abroad often suffer repercussions, while some have been arrested solely for accessing or quietly disseminating banned information. In August 2009, 19-year-old Pasang Norbu was reportedly detained at a Lhasa cybercafe after looking at online photos of the Dalai Lama and the Tibetan flag.⁹³

In recent years, local officials have increasingly resorted to criminal defamation charges to detain, and in some cases imprison, whistleblowers who post corruption allegations online. In one high-profile case, online activist Wu Baoquan was sentenced in September 2009 to 18 months in prison for defamation after he posted allegations that local officials in Inner Mongolia had forced people off their land and then reaped the profits from its sale to developers. In another case, authorities detained six bloggers in Fujian province in July 2009 after they reported that a young woman had died after being gang-raped by individuals with ties to local officials and criminal groups. While some of the bloggers were released, three—Fan Yanqiong, Wu Huaying, and You Jingyou—were sentenced in April 2010 to between one and two years in prison on charges of posting “false allegations with

⁸⁸ Christopher Bodeen, “China food safety activist given 2 1/2 years,” Yahoo News, November 10, 2010, http://news.yahoo.com/s/ap/20101110/ap_on_re_as/as_china_tainted_milk_trial.

⁸⁹ “Jailed China Milk Activist Free on Parole, Supporters Worry,” Sino Daily, December 29, 2010, http://www.sinodaily.com/reports/Jailed_China_milk_activist_free_on_parole_supporters_worry_999.html.

⁹⁰ Michael Wines, “Without Explanation, China Releases 3 Activists,” *New York Times*, August 23, 2009, <http://www.nytimes.com/2009/08/24/world/asia/24china.html>.

⁹¹ “China Sentences Uighur Journalist to 15 years,” Committee to Protect Journalists, July 26, 2010, <http://cpi.org/2010/07/china-sentences-uighur-journalist-to-15-years.php>; “A Public Letter by Chinese Citizens Urging the Release of Uyghur Journalist Hailaite Niyazi,” Chinese Human Rights Defenders (CHRD), <http://chrnet.org/2010/07/30/a-public-letter-by-chinese-citizens-urging-the-release-of-uyghur-journalist-hailaite-niyazi/>; “Scholars Call for Release of Reporter to Respect Freedom of Expression,” CVN Beijing, July 30, 2010, <http://news.boxun.com/news/gb/china/2010/07/201007302150.shtml>.

⁹² Edward Wong, “Editor Said to Get Life Sentence for Uighur Reports,” *New York Times*, December 24, 2010, http://www.nytimes.com/2010/12/25/world/asia/25uighur.html?_r=1&scp=11&sq=china&st=nyt.

⁹³ Reporters Without Borders, “Authorities Tighten Grip on Tibetan Websites and Readers,” news release, September 9, 2009, http://en.rsf.org/china-authorities-tighten-grip-on-09-09-2009_34434.html; Reporters Without Borders, “Three Years in Jail for Posting Dalai Lama Photos Online,” news release, December 4, 2009, http://en.rsf.org/china-three-years-in-jail-for-posting-04-12-2009_34808.

intent to harm.”⁹⁴ In late 2010, several cases also emerged of individuals facing prosecution and imprisonment for posting to social-networking platforms. Most notably, in November, Cheng Jianping was sentenced without trial to one year in a “re-education through labor” camp in Henan province for sending a Twitter message that mocked anti-Japanese nationalists by jokingly suggesting they attack the Japanese Pavilion at the Shanghai World Expo.⁹⁵ Later that month, Beijing activist Bai Dongping was detained on charges of “inciting subversion” for posting a photo of the 1989 Tiananmen Square crackdown on the popular online forum and chat service QQ; the results of his case were pending at year’s end.⁹⁶

According to Reporters Without Borders, at least 70 people were in jail for internet-related reasons as of February 2010, compared with 49 known cases in 2008, though the actual number of detainees is likely much higher.⁹⁷ Moreover, prison sentences for online violations tend to be longer in China than in many other countries, often a minimum of three years and sometimes as long as life imprisonment, while punishments elsewhere typically range from six months to four years. Once in custody, detainees frequently suffer abuse, including torture and denial of medical attention. Though the targeted individuals represent a tiny percentage of the overall user population, the harsh sentencing of prominent figures has a chilling effect on the fairly close-knit activist and blogging community, and encourages self-censorship among the broader public.

More common than long-term imprisonment are various forms of extralegal harassment. According to some estimates, thousands of individuals have been summoned for questioning and warned in recent years by security officials, employers, or university representatives.⁹⁸ For instance, Beijing-based blogger and lawyer Liu Xiaoyuan was contacted by the Justice Bureau in February 2009 because of his online writings in favor of direct elections in the Beijing Lawyer Association.⁹⁹ Individuals are also regularly taken into detention and held for several days before being released. Such incidents periodically spark a public outcry online, leading to official compensation for the detainee. In March 2009, for example, 24-year-old Wang Shuai Di was detained for eight days for posting satirical articles with photographs criticizing illegal land requisition in Henan Lingbao County.¹⁰⁰ His case

⁹⁴ Reporters Without Borders, “Prison Sentences for Three Bloggers Who Exposed Gang-Rape,” news release, April 16, 2010, <http://en.rsf.org/china-prison-sentences-for-three-16-04-2010.37058.html>.

⁹⁵ Andrew Jacobs, “Chinese Woman Imprisoned for Twitter Message,” *New York Times*, November 18, 2010, <http://www.nytimes.com/2010/11/19/world/asia/19beijing.html?ref=world>.

⁹⁶ Amnesty International, “China Urged to Release Activist Detained Over Tiananmen Photograph,” news release, December 1, 2010, <http://www.amnesty.org/en/news-and-updates/china-urged-release-activist-detained-over-tiananmen-photograph-2010-12-01>.

⁹⁷ Reporters Without Borders, “Internet Censorship Reaches Unprecedented Level,” news release, February 23, 2010, <http://en.rsf.org/china-internet-censorship-reaches-23-02-2010.36520.html>.

⁹⁸ Cara Anna, “China’s Troublemakers Bond Over ‘Drinking Tea,’” Associated Press, March 10, 2010, <http://abcnews.go.com/Technology/wirestory?id=10062829&page=1>.

⁹⁹ Oiwan Lam, “China: Beijing Blogger-Lawyer Liu Xiaoyuan Harassed by Authority,” Global Voices Advocacy, February 18, 2009, <http://advocacy.globalvoicesonline.org/2009/02/18/china-beijing-blogger-lawyer-liu-xiaoyuan-harassed-by-authority/>.

¹⁰⁰ Oiwan Lam, “China: Netizen Jailed for 8 Days for Mocking Local Government,” Global Voices Advocacy, April 16, 2009, <http://advocacy.globalvoicesonline.org/2009/04/16/china-netizen-jailed-for-8-days-for-mocking-local-government/>.

soon attracted attention from both the online community and traditional media, and he eventually won an apology from the police and 783.93 yuan (US\$115) in compensation.¹⁰¹ In August 2009, blogger Guo Baofeng, one of those detained in connection with the Fujian rape case, was released following a postcard-writing campaign initiated by fellow online activists.¹⁰² Other forms of harassment include restrictions on travel, particularly travel abroad, a measure employed with greater frequency in the run-up to the Nobel Peace Prize ceremony in Oslo, as authorities feared Liu's acquaintances would seek to attend on his behalf. Though physical violence against bloggers is unusual, one such incident drew widespread attention in February 2009. Blogger Xu Lai was stabbed in the stomach by unknown assailants after giving a talk at a Beijing bookshop, and comments made by the attackers indicated that the assault was in response to Xu's satirical comments online.¹⁰³ In another episode, prominent blogger and artist Ai Weiwei was beaten in the head in August 2009 by police when visiting Chengdu to testify at the trial of fellow online activist Tan Zuoren; the following month, while visiting Germany, Ai required surgery to address a brain hemorrhage that emerged due to the beating.¹⁰⁴

The space for anonymous online communication in China is steadily shrinking. Despite surveys showing that some 78 percent of users are opposed to real-name registration, the practice has gained ground in recent years.¹⁰⁵ Most major news portals such as Sina, Netease, and Sohu implemented real-name registration for their comment sections during 2009.¹⁰⁶ It had already been required in cybercafes, university BBS, and major blog-hosting sites.¹⁰⁷ An internet content provider (ICP) license from the MIIT is required to establish a personal or corporate website within China, and the process requires applicants

¹⁰¹ Oiwan Lam, "China: Free Wu Baoquan," Global Voices Advocacy, April 21, 2009, <http://advocacy.globalvoicesonline.org/2009/04/21/china-free-wu-baoquan/>; Wang Jun Xiu, "Lingbao Shi Gong An Ju Xiang Guan Fu Ze Ren Bei Chu Li, Wang Shuai Huo Pei 783.93 Yuan" [Lingbao County Police Officer Dismissed; Wang Shuai Compensated 783.93 Yuan], April 18, 2009, <http://china.rednet.cn/c/2009/04/18/1746296.htm> (in Chinese).

¹⁰² Guobin Yang, "The Curious Case of Jia Junpeng, or The Power of Symbolic Appropriation in Chinese Cyberspace," *The China Beat*, October 20, 2009, <http://www.thechinabeat.org/?cat=144>; "Postcard Campaign for Detainees," Radio Free Asia, August 5, 2009, <http://www.rfa.org/english/news/china/postcardcampaign-08052009094856.html>.

¹⁰³ Tania Branigan, "Chinese Blogger Xu Lai Stabbed in Beijing Bookshop," *Guardian*, February 15, 2009, <http://www.guardian.co.uk/world/2009/feb/15/china-blogger-xu-lai-stabbed>.

¹⁰⁴ Ed Vulliamy, "Ai Weiwei: The rebel who has suffered for his art," *Guardian*, October 10, 2010, <http://www.guardian.co.uk/theobserver/2010/oct/10/ai-weiwei-artist-ed-vulliamy>.

¹⁰⁵ "Hu Lian Wang Shi Min Zhi Ying Fa Zhuan Jia Ji Bian" [Internet Real Name System Causes Debate Among Experts], *Sina News Survey*, July 24, 2010, <http://news.survey.sina.com.cn/voterresult.php?pid=3101> (in Chinese).

¹⁰⁶ Jonathan Ansfield, "China Web Sites Seeking Users' Names," *New York Times*, September 5, 2009, <http://www.nytimes.com/2009/09/06/world/asia/06chinanet.html>; Reporters Without Borders, "Government Crusade Against Online Anonymity," news release, May 7, 2010, http://en.rsf.org/china-government-crusade-against-online-07-05-2010_37412.html.

¹⁰⁷ "Wen Hua Bu 2009 Jiang Da Li Zhen Zhi Hu Lian Wang Di Su Zhi Feng" [Ministry of Culture Will Curb Trend of Internet Indecency in 2009], *Net Bar China*, January 6, 2009, <http://www.netbarcn.net/Html/PolicyDynamic/01061954388252.html> (in Chinese); Chen Jung Wang, "Shi Min Zhi Rang Gao Xiao BBS Bian Lian" [Real Name System Intimidates High School BBS], *CNHubei*, November 29, 2009, <http://www.cnhubei.com/200511/ca936578.htm> (in Chinese); "Zhong Guo Hu Lian Xie Hui: Bo Ke Tui Xing Shi Min Zhi Yi Chen Ding Ju" [Internet Society of China: Real Name System for Bloggers is Set], *Xinhua News*, October 22, 2006, <http://www.itlearner.com/article/3522> (in Chinese).

to submit personal identification information. Throughout 2009, the ministry tightened enforcement of this requirement,¹⁰⁸ reportedly leading to the shutdown of 130,000 websites and especially affecting self-employed workers or freelancers.¹⁰⁹ In February 2010, the authorities added a requirement that individuals registering a website have their photograph taken and placed on file.¹¹⁰

Prior to September 2010, SIM cards for mobile phones could be purchased anonymously, though the transmission of text messages could still be monitored. In late August 2010, MIIT confirmed that beginning September 1, all SIM card purchasers would be required to register with valid ID documents. For users possessing anonymous SIM cards (around 320 million), telecom operators are obliged to help them register within three years.¹¹¹ The purported reasons for the MIIT to take such measures are the prevalent transmission of fraudulent, pornographic, or spamming messages over mobile phones, but the steps also raised fears of a potential crackdown on those transmitting politically sensitive content. Separately, in January 2010, China Mobile's Shanghai branch announced that it would begin suspending a mobile phone's text-messaging function if the user was found to be distributing "vulgar," "pornographic," or "other illegal content."¹¹²

Surveillance of internet communication by security forces is pervasive,¹¹³ and in recent years they have focused additional resources on advanced web applications. During the 2009 National Conference for Politics and Legislative Affairs, the Ministry of Public Security proposed strengthening surveillance and control of microblogging and QQ instant-messaging groups, which it considered a seedbed for social unrest.¹¹⁴ In some free expression cases—such as that of democracy activist Guo Quan, sentenced in October 2009

¹⁰⁸ Oiwan Lam, "China: Unlicensed Websites Expelled and Blocked," Global Voices Advocacy, March 4, 2009, <http://advocacy.globalvoicesonline.org/2009/03/04/china-unlicensed-websites-expelled-and-blocked/>; "ICP License Crackdown," *China Hosting Blog*, December 6, 2009, <http://blog.sinohosting.net/icp-license-crackdown/>.

¹⁰⁹ Rebecca MacKinnon, "Google and Internet Control in China."

¹¹⁰ Donnie Hao Dong, "Wanna Setup a Personal Website in China? BEING TAKEN a Portrait Please," *Blawgdog*, February 23, 2010, <http://english.blawgdog.com/2010/02/wanna-setup-personal-website-in-china.html>; Elinor Mills, "China Seeks Identity of Web Site Operators," CNET News, February 23, 2010, http://news.cnet.com/8301-27080_3-10458420-245.html.

¹¹¹ "Shou Ji Shi Ming Zhi Jin Qi Shi Shi, Gou Ka Xu Chi Shen Fen Zheng" [Mobile phone real name system implemented today, SIM card purchasers have to present their ID documents], News 163, October 1, 2010, <http://news.163.com/10/0901/00/6FF3HKF8000146BD.html> (in Chinese).

¹¹² Yeh Feng and Ji Ming, "Shanghai Yi Dong: Shou Ji Fa Song Huang Se Duan Xin Yi Jing Fa Xian Jiang Ting Zhi Duan Xin Gong Neng" [China Mobile Shanghai Branch: Mobile Phone's Text Messaging Function Will be Suspended If Users Found Sending Vulgar Messages], *Xinhua News*, January 18, 2010, http://news.xinhuanet.com/politics/2010-01/18/content_12833023.htm (in Chinese); Sharon Lafraniere, "Text Messages in China to Be Scanned for 'Illegal Content,'" *New York Times*, January 19, 2010, <http://www.nytimes.com/2010/01/19/technology/20text.html>; People.Com <http://cnews.people.com.cn/GB/10793560.html>; Sina debate on real name registration, http://tech.sina.com.cn/focus/NetID_2005/index.shtml; <http://www.dw-world.de/dw/article/0,,5150374,00.html>; <http://0763f.com/weekly/dubao/2010/0122/11308.html>.

¹¹³ Ethan Gutmann, "Hacker Nation: China's Cyber Assault," *World Affairs* (May/June 2010), <http://www.worldaffairsjournal.org/articles/2010-MayJune/full-Gutmann-MJ-2010.html>.

¹¹⁴ "Gong An Bu Jiang Jia Qiang Wei Bo QQ Qun Jian Kong Ying Dui Xing Mei Ti Ying Xiang" [New Media Faces Consequences of Increasing Control of Microblogging and QQ by the Ministry of Public Security], *Wu Han Evening News*, January 6, 2010, <http://china.huanqiu.com/roll/2010-01/680180.html> (in Chinese).

to 10 years in prison for attempting to organize a political party—private instant-messaging conversations or text messages have been directly cited in court documents.¹¹⁵

China has emerged as a key global source of cyberattacks. Although not all attacks originating in the country have been explicitly traced back to the government, their scale, organization, and targets have led many experts to believe that they are either sponsored or condoned by Chinese military and intelligence agencies. The assaults have included denial-of-service attacks on domestic and overseas groups that report on human rights abuses, such as Human Rights in China, Aizhixing, Boxun, Falun Gong websites, ChinaAid, and Chinese Human Rights Defenders.¹¹⁶ Another notable target was the July 2009 Melbourne Film Festival, which showed a film about Uighur activist Rebiya Kadeer. Some attacks have taken the form of e-mail messages to foreign correspondents and activists that carry malicious software capable of spying on the recipient's computer.¹¹⁷ There have also been large-scale hacking attacks designed to access the Gmail accounts of Chinese human rights activists and other information hosted by over 30 financial, defense, and technology companies, mostly based in the United States.¹¹⁸ Extensive cyberespionage networks have been detected extending to 103 countries in an effort to spy on the Tibetan government-in-exile and its contacts, including Indian government facilities and foreign embassies.¹¹⁹

¹¹⁵ The verdict against Guo Quan is available in English on the Dui Hua Foundation website at http://www.duihua.org/work/verdicts/verdict_Guo%20Quan_en.htm.

¹¹⁶ Maggie Shiels, "Security Experts Say Google Cyber-Attack Was Routine," BBC, January 14, 2010, <http://news.bbc.co.uk/2/hi/technology/8458150.stm>; Gutmann, "Hacker Nation;" Persecution.org, "ChinaAid Websites Collapse Under Repeated Malicious Cyber Attacks," December 2, 2010, <http://www.persecution.org/2010/12/02/chinaaid-websites-collapse-under-repeated-malicious-cyber-attacks/>.

¹¹⁷ Andrew Jacobs, "Journalists' E-Mails Hacked in China," *New York Times*, March 30, 2010, <http://www.nytimes.com/2010/03/31/world/asia/31china.html>; Andrew Jacobs, "I Was Hacked in Beijing," *New York Times*, April 9, 2010, <http://www.nytimes.com/2010/04/11/weekinreview/11jacobs.html>.

¹¹⁸ Andrew Jacobs and Miguel Helft, "Google, Citing Attack, Threatens to Exit China," *New York Times*, January 12, 2010, <http://www.nytimes.com/2010/01/13/world/asia/13beijing.html>; Ariana Eunjung Cha and Ellen Nakashima, "Google China Cyberattack Part of Vast Espionage Campaign, Experts Say," *Washington Post*, January 14, 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2010/01/13/AR2010011300359.html>.

¹¹⁹ Information Warfare Monitor and Shadowserver Foundation, "Shadows in the Cloud: Investigating Cyber Espionage 2.0," April 6, 2010, <http://www.scribd.com/doc/29435784/SHADOWS-IN-THE-CLOUD-Investigating-Cyber-Espionage-2-0>; Information Warfare Monitor, "Tracking Ghostnet: Investigating a Cyber Espionage Network," March 29, 2009, <http://www.scribd.com/doc/13731776/Tracking-GhostNet-Investigating-a-Cyber-Espionage-Network>.