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*Committee on International Relations
U.S. House of Representatives*

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Briefing on **“The Internet in China: A Tool for Freedom or Suppression?”**

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Chairman Smith, Chairman Leach:

I would like to thank you for giving us the opportunity to present our testimony today and for taking the leadership on this issue.

China ranks 159th out of the 167 countries in the World Press Freedom Index released last October by Reporters Without Borders. China’s rising economic power should not mask the appalling state of freedom of expression in the country. The Chinese Communist Party’s Propaganda Department strictly monitors and censors the media. Those who step outside the line drawn by the Party are dealt with harshly. China is the world’s largest prison for journalists and cyberdissidents: as of today, it has 81 of them behind bars.

Reporters Without Borders has been defending freedom of the press for more than 20 years. It has also been denouncing attacks on the free flow of information online for several years. In countries such as China, where the mainstream media is subject to censorship, the Internet seemed to be the only way for dissidents to freely express their opinions. But thanks to some US corporations, Chinese authorities have managed to gradually shut down this “open window” to the world.

Internet censorship in China

Most authoritarian regimes try to control what their citizens read and do online, but China is far and away the world champion. Although the number of Chinese Internet users has been growing since first connected in 1993—and now surpasses 100 million—freedom of expression is still heavily censored.

China was one of the first repressive regimes to realize that it couldn't do without the Internet and therefore had to keep it under tight control. It's one of the few countries that have managed to block all material critical of the regime, while at the same time expanding Internet facilities. How do they do it? Through a clever combination of investment, technology and diplomacy.

Beijing has spent the equivalent of tens of millions of dollars on the most sophisticated Internet filtering and surveillance equipment. The system is based on a constantly^[CE1] updated website blacklist. Access to "subversive" sites—a very broad notion that includes pornography, political criticism and those which are pro-Tibet or favor Taiwanese independence—is blocked at the country's Internet "backbones" (major connection nodes). But censorship doesn't stop there: the regime can automatically bar access to sites in which "dubious" keywords, or word combinations such as "tianamen" + "massacre," are spotted. The regime can also censor online discussion forums almost instantly. Beijing has even convinced the world's major search-engine companies to abide by its rules and remove all material offensive to the regime from their Chinese versions, making it easier for the Chinese government to control the flow of information on line.

Internet censorship is also secured by a set of rules and regulations aimed at filtering the Internet, keeping track of users and implementing enforcement of these restrictions.

Moreover, by harassing and tracking down cyberdissidents, the cyberpolice are forcing Internet users to resort to self-censorship. About 50 of them are currently in jail in China for expressing themselves freely on the Web by calling for free elections or promoting democracy.

US companies' collaboration with Web censors in China

Authoritarian regimes like China's are getting increasingly efficient at blocking "objectionable" material, usually with technology bought from Western firms. Some of these companies, most of which are American, don't respect freedom of expression while operating in a repressive country.

Here are some examples that have caused us particular concern:

- Since 2002, Yahoo! has agreed to censor the results obtained by the Chinese version of its search engine in accordance with a blacklist provided by the Chinese government. Yahoo! helped the Chinese police identify and then sentence to jail at least one journalist and one cyberdissident who criticized human rights abuses in China. Yahoo!'s Chinese division e-mail servers are located inside China.

- Microsoft censors the Chinese version of its MSN Spaces blog tool. Search strings such as “democracy” or “human rights in China” are automatically rejected by the system. Microsoft also closed down a Chinese journalist’s blog when pressured by the Beijing government. This blog was hosted on servers located in the United States.
- All news and information sources censored in China have been withdrawn by Google from the Chinese version of its news search engine, Google News. Google also launched last January a China-based, Google.cn, that is censored in accordance with Chinese law.
- Secure Computing has sold Tunisian technology that allows it to censor independent news and information websites such as the one maintained by Reporters Without Borders.
- Fortinet has sold the same kind of software to Burma.
- Cisco Systems has marketed equipment specifically designed to make it easier for the Chinese police to carry out surveillance of electronic communications. Cisco is also suspected of giving Chinese engineers training in how to use its products to censor the Internet.

Consequences of these ethical failings

We believe that these practices violate international law and the right to freedom of expression as defined in Article 19 of the Universal Declaration of Human Rights, which was proclaimed by the United Nations when it was founded and which is meant to apply to everyone—business corporations included.

Furthermore, such ethical failings on the part of American companies damage the image of the United States abroad.

Internet companies were created to facilitate information access for all. Yet some of them now find themselves in the awkward position of collaborating with Web censors in an effort to alter the very nature of the product they are selling. By collaborating with repressive regimes’ censorship policies, they are helping to create country-specific access to multiple versions of the Internet. They are putting borders on this universal arena of communication^[CE5] that the Internet was intended to be.

The Internet is used in China to channel and influence public opinion, especially in support of nationalistic sentiments (see the “CRS report for Congress” of November 22, 2005). As the state media, it is also used to promote Communist Party propaganda and to undermine the countries’ “enemies.” Some Chinese media fuel anti-Americanism. Xinhua, the state news agency, distorts facts, blasts China’s enemies (especially the United States and Japan), and supports the world’s worst regimes through its treatment of international news. In addition to greater political openness and freedom of expression for the Chinese people, many assert that uncensored information in China would have significant international impact.

Internet censorship in China subverts US diplomacy efforts to promote democracy in the world. In helping Chinese authorities to crack down on dissidents and to control the free flow of information online, some US IT companies are indirectly helping to block political

changes in the country, thereby preventing China from following the path to democracy.

The future for online freedom of expression in China does not look good: China purchases the latest censorship technology from Western companies and has more resources than counter-censorship efforts in the United States. The International Broadcasting Bureau for Counter-Censorship Technology spent more than USD 707,000 in 2005. But access to Voice of America and Radio Free Asia's websites has been blocked several times on the Chinese version of Yahoo and Google. These companies owe US taxpayers an explanation for how their money is being used to pay for the consequences of these firms' collaboration with China's censors.

Our previous initiatives

Reporters Without Borders has been writing to the CEOs of several corporations since 2002, proposing an exchange of ideas on this issue. None of our letters have been answered. We have also tried to alert the shareholders of these companies through their investment funds. On November 7, in New York, we presented a joint statement in which 25 investment firms managing some 21 billion dollars in assets agreed to monitor the activities of Internet companies operating in repressive countries.

Aside from Google, all the companies we approached refused to enter into a dialog on this subject. Cisco reacted only last November, after one of our statements was covered by the media.

Thanks to media and Congressional attention to these issues, some of these companies are starting to consider the consequences of their activities in repressive regimes, as shown by their statements issued in the last days. This promising development needs to be followed up by concrete action.

Recommendations

Reporters Without Borders proposes six concrete ways to make these companies behave ethically in repressive countries, including China. These recommendations are being presented to the federal government and US Congress because all of the companies named in this document are based in the United States. Nonetheless, these proposals concern all democratic countries and have therefore been sent to European Union officials, as well as to the Secretary General of the OECD.

Reporters Without Borders is convinced that a law regulating the activities of Internet companies should only be drafted as a last resort, and we therefore recommend a two-step approach. Initially, a group of Congressmen should formally ask Internet corporations to reach an agreement, among themselves, on a code of conduct that includes the recommendations we make at the end of this document. The companies would be urged to call upon freedom of expression organizations for help in drafting the document. The request would include a deadline for the companies to submit the draft version of the code of conduct to the congressmen concerned.

In the event that no satisfactory code of conduct has been drawn up by the stated deadline, or the proposed code has not been accepted by a sufficient number of representative companies, the congressmen would set about drafting a law that would aim to ensure that US companies respect freedom of expression when operating in

repressive countries, or elsewhere.

Reporters Without Borders' Proposals

We have listed our recommendations according to the type of service or equipment marketed by Internet companies:

- **E-mail services:**

No US company would be allowed to host e-mail servers within a repressive country.* Therefore, if the authorities of a repressive country want personal information about any user of a US company's e-mail service, they would have to request it under a US-supervised procedure.

- **Search engines:**

Search engines would not be allowed to incorporate automatic filters that censor "protected" words. The list of "protected" keywords such as "democracy" or "human rights" would be appended to the law or code of conduct.

- **Content hosts (websites, blogs, discussion forums etc):**

US companies would not be allowed to locate their host servers within repressive countries. If the authorities of a repressive country desire to close down a publication hosted by a US company, they would have to request it under a procedure supervised by US judicial authorities. Like search engines, content hosts would not be allowed to incorporate automatic filters that censor "protected" keywords.

- **Internet censorship technologies:**

Reporters Without Borders proposes two options:

Option a: US companies would no longer be allowed to sell Internet censorship software to repressive states.

Option b: They would still be able to market this type of software but it would have to incorporate a list of "protected" keywords rendered technically impossible to censor.

- **Internet surveillance technology and equipment:**

US companies would have to obtain the express permission of the Department of Commerce in order to sell to a repressive country any technology or equipment that can be used to intercept electronic communications, or which is specifically designed to help the authorities monitor Internet users.

- **Training:**

US companies would have to obtain the express permission of the Department of Commerce before providing any Internet surveillance and censorship techniques training program in a repressive country.

* A list of countries that repress freedom of expression would be drawn up on the basis of documents provided by the US State Department and would be appended to the code of conduct or law that is adopted. This list would be regularly updated.

Note: The purpose of these recommendations is to protect freedom of expression. They in no way aim to restrict the necessary cooperation between governments in their efforts to combat terrorism, pedophilia and cyber crime.

Conclusion:

As US Secretary of Defense Donald Rumsfeld stated last October, stressing the importance of political freedoms in China: “Every society has to be vigilant against another type of Great Wall ... a wall that limits speech, information and choices.”

President Bush stated, in his last State of the Union speech, that “far from being a hopeless dream, the advance of freedom is the great story of our time.”

It’s time to act before the initiatives of some US IT companies further endanger the growth of freedom and democracy in China. It’s time to act to prevent Internet users in repressive countries such as China from falling victim to a new kind of apartheid, a digital apartheid.

Reporters Without Borders is ready^[CE6] to offer its assistance to you , to this Committee and to the companies on this important issue.