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Internet Freedom in China: U.S. Government Activity, Private Sector Initiatives, and Issues of Congressional Interest

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May 18, 2018

Congressional Research Service

7-5700

www.crs.gov

R45200

Summary

By the end of 2017, the People's Republic of China (PRC) had the world's largest number of internet users, estimated at over 750 million people. At the same time, the country has one of the most sophisticated and aggressive internet censorship and control regimes in the world. PRC officials have argued that internet controls are necessary for social stability, and intended to protect and strengthen Chinese culture. However, in its 2017 Annual Report, Reporters Without Borders (Reporters Sans Frontières, RSF) called China the "world's biggest prison for journalists" and warned that the country "continues to improve its arsenal of measures for persecuting journalists and bloggers." China ranks 176th out of 180 countries in RSF's 2017 World Press Freedom Index, surpassed only by Turkmenistan, Eritrea, and North Korea in the lack of press freedom. At the end of 2017, RSF asserted that China was holding 52 journalists and bloggers in prison.

The PRC government employs a variety of methods to control online content and expression, including website blocking and keyword filtering; regulating and monitoring internet service providers; censoring social media; and arresting "cyber dissidents" and bloggers who broach sensitive social or political issues. The government also monitors the popular mobile app WeChat. WeChat began as a secure messaging app, similar to WhatsApp, but it is now used for much more than just messaging and calling, such as mobile payments, and all the data shared through the app is also shared with the Chinese government. While WeChat users have recently begun to question how their WeChat data is being shared with the Chinese government, there is little indication that any new protections will be offered in the future.

The U.S. government continues to advocate policies to promote internet freedom in China's increasingly restrictive environment and to mitigate the global impact of Chinese government censorship. The Department of State, the Broadcasting Board of Governors (BBG), and Congress have taken an active role in fighting global internet censorship:

- Since 2008, the State Department has created programs that support digital safety, policy advocacy, technology, and research to help global internet users overcome barriers to accessing the internet, including the Freedom Online Coalition.
- In 2016, the BBG created the Office of Internet Freedom to oversee the efforts of BBG-funded internet freedom projects, including the research, development, deployment, and use of BBG-funded internet freedom technologies.
- In 2000, Congress created the Congressional-Executive Commission on China (CECC) to monitor China's compliance with international human rights standards, to encourage the development of the rule of law in the PRC, and to establish and maintain a list of victims of human rights abuses in China.

Additionally, the U.S. information and communications technology (ICT) industry has taken steps to advance internet freedom. In 2008, a group of U.S. ICT companies, along with nongovernmental organizations, investors, and universities, formed the Global Network Initiative (GNI). The GNI aims to promote best practices related to the conduct of U.S. companies in countries with poor internet freedom records.

In the 115th Congress, the CECC held a hearing on April 26, 2018, on "digital authoritarianism and the global threat to free speech." No legislation has been introduced in the 115th Congress related to global internet freedom in authoritarian regimes.

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Introduction

By the end of 2017, the People's Republic of China (PRC) had the world's largest number of internet users, estimated at over 750 million people.¹ At the same time, the country has one of the most sophisticated and aggressive internet censorship and control regimes in the world. PRC officials have argued that internet controls are necessary for social stability,² and are intended to “enhance people's cultural taste” and “strengthen spiritual civilization.”³

The PRC government employs a variety of methods to control online content and expression, including website blocking and keyword filtering; regulating and monitoring internet service providers; censoring social media; and arresting “cyber dissidents” and bloggers who broach sensitive social or political issues.⁴ The government also monitors the popular mobile app WeChat. WeChat began as a secure messaging app, similar to WhatsApp,⁵ but it is now used for much more than just messaging and calling (e.g., mobile payments)—and all the data shared through the app is also shared with the Chinese government.⁶ During the 2017 Communist Party Congress,⁷ censors took steps to “restrict with one hand and disseminate with the other.”⁸ Censors using a variety of tools sought to eliminate certain words and expressions from appearing on social media (e.g., attempts to protest or ridicule senior political figures), while disseminating information supportive of the government and its leaders.

In its 2017 Annual Report, Reporters Without Borders (Reporters Sans Frontières, RSF) called China the “world's biggest prison for journalists” and warned that the country “continues to improve its arsenal of measures for persecuting journalists and bloggers.”⁹ China ranks 176th out of 180 countries in RSF's 2017 World Press Freedom Index, surpassed only by Turkmenistan, Eritrea, and North Korea in restrictions on press freedom. At the end of 2017, RSF asserted that China was holding 52 journalists and bloggers in prison.¹⁰

¹ China Internet Network Information Center, as reported in “China Now Has 751 Million Internet Users, Equivalent to Entire Population of Europe,” Caixin Global, August 7, 2017, <https://www.caixinglobal.com/2017-08-07/101127296.html>.

² “Chinese Civil Society at a Time of Leadership Change,” European Union Institute for Security Studies, October 5, 2012, <https://www.iss.europa.eu/content/chinese-civil-society-time-leadership-change>.

³ “China Congress: How Authorities Censor Your Thoughts,” BBC News, October 16, 2017, <http://www.bbc.com/news/world-asia-china-41523073>. (Hereinafter, “China Congress: How Authorities Censor Your Thoughts,” October 16, 2017.)

⁴ Some experts estimate that the PRC government has employed 30,000 “Internet police.” “On the Wrong Side of Great Firewall of China,” *New Zealand Herald*, November 27, 2007.

⁵ WhatsApp is a free, secure cross-platform that allows the sending of text messages and voice calls, as well as video calls, images and other media, documents, and user location. More than 1 billion people in over 180 countries use WhatsApp.

⁶ “Social Media and Censorship in China: How Is It Different to the West?” BBC News, September 26, 2017, <http://www.bbc.co.uk/newsbeat/article/41398423/social-media-and-censorship-in-china-how-is-it-different-to-the-west>.

⁷ The National Congress of the Communist Party of China, also called the Communist Party Congress, is held every five years. It has become a symbolic part of PRC leadership changes and serves as the forum for reviewing and making any changes to the party's constitution.

⁸ “China Congress: How Authorities Censor Your Thoughts,” October 16, 2017.

⁹ Reporters Without Borders is an international nongovernmental organization that promotes media freedom. It holds consultative status with the United Nations, UNESCO, the Council of Europe, and the International Organization of the Francophonie. RSF is endorsed by the National Press Club, the Associated Press, Freedom House, Human Rights Watch, and the James Foley Legacy Foundation, among other groups.

¹⁰ Reporters Without Borders, *Worldwide Round-Up of Journalists Killed, Detained, Held Hostage, or Missing in 2017*, (continued...)

This report describes the current state of internet freedom in China, U.S. government and private sector activity to support internet freedom around the world, and related issues of congressional interest.

U.S. Government Activity to Promote Global Internet Freedom

The U.S. government continues to advocate policies to promote internet freedom in China's increasingly restrictive environment and to mitigate the global impact of Chinese government censorship. The Department of State, the Broadcasting Board of Governors (BBG),¹¹ and Congress have taken an active role in fighting global internet censorship.

Department of State

Since 2008, the Department of State has invested over \$145 million in global internet freedom programs.¹² These programs support digital safety, policy advocacy, technology, and research to help global internet users overcome barriers to accessing the internet. The State Department's Internet Freedom and Business and Human Rights Section within the Bureau of Democracy, Human Rights, and Labor leads U.S. government policy and engagement on internet freedom issues. Efforts include the following:

- raising concerns about internet restrictions with foreign governments;
- collaborating with like-minded governments to advance internet freedom, including in multilateral fora such as the United Nations Human Rights Council, the G-7, and the G-20;
- working with interagency partners and civil society stakeholders to advance internet freedom, including at the annual Internet Governance Forum, an international multistakeholder venue for addressing global internet governance;
- convening discussions on emerging and critical internet freedom challenges; and
- building awareness within the U.S. government by conducting training on internet freedom issues for federal officials.

Freedom Online Coalition

The State Department was also a founding member and is an ongoing participant in the Freedom Online Coalition (FOC), a group of governments collaborating to advance human rights online. Examples of FOC work include building cross-regional support for internet freedom language in key international documents and joint statements on issues of concern to help shape global norms on human rights online.

(...continued)

December 2017, https://rsf.org/sites/default/files/reporters_sans_frontieres_bilan_2017_en.pdf.

¹¹ The Broadcasting Board of Governors is the independent federal government agency that oversees all U.S. government-sponsored civilian international media: Voice of America, Radio Free Europe/Radio Liberty, Cuba Broadcasting, Radio Free Asia, and Middle East Broadcasting Networks.

¹² <https://www.state.gov/j/drl/internetfreedom/index.htm>.

Digital Defenders Partnership¹³

The Digital Defenders Partnership is a project of the Freedom Online Coalition. The partnership, established in 2012, provides emergency support for internet users who are under threat for peacefully exercising their rights online. It awards grants around the world for a number of purposes, including

- establishing new internet connections when existing connections have been cut off or are being restricted;
- developing methods to protect bloggers and digital activists;
- developing tools needed to respond to emergencies;
- developing decentralized, mobile internet applications that can link computers as an independent network;
- supporting digital activists with secure hosting and distributed denial of service mitigation; and
- building emergency response capacity.

Broadcasting Board of Governors

In 2016, the BBG created the Office of Internet Freedom (OIF) to oversee the efforts of BBG-funded internet freedom projects, including the work carried out by the Open Technology Fund, a joint endeavor managed by BBG and Radio Free Asia. OIF manages and supports the research, development, deployment, and use of BBG-funded internet freedom (IF) technologies. OIF provides anticensorship technologies and services to citizens and journalists living in repressive environments. OIF also supports global education and awareness of IF matters, to enhance users' ability to safely access and share digital news and information without fear of repressive censorship or surveillance.¹⁴

The FY2018 budget for the OIF is included in the State Department's appropriation for satellite transmissions. The Consolidated Appropriations Act, 2018, provides that "in addition to amounts otherwise available for such purposes, up to \$34,508,000 of the amount appropriated under this heading may remain available until expended for satellite transmissions and internet freedom programs, of which not less than \$13,800,000 shall be for internet freedom programs."¹⁵ Internet freedom programs are also funded through grants by the Open Technology Fund.

Congress

There has been one hearing in the 115th Congress about Internet Freedom in China by the Congressional-Executive Commission on China (CECC). In 2000, Congress created the CECC to monitor China's compliance with international human rights standards, to encourage the development of the rule of law in the PRC, and to establish and maintain a list of victims of human rights abuses in China. On April 26, 2018, the CECC held a hearing on "digital

¹³ <http://digitaldefenders.org/>.

¹⁴ Broadcasting Board of Governors, *Broadcasting Board of Governors 2016 Annual Report*, https://www.bbg.gov/wp-content/media/2017/06/BBG_2016_Annual_Report_Final.pdf.

¹⁵ Consolidated Appropriations Act, 2018, P.L. 115-141, March 23, 2018, <https://www.congress.gov/bill/115th-congress/house-bill/1625/text>.

authoritarianism and the global threat to free speech.”¹⁶ The Commission heard from three witnesses about aspects of China’s restrictions to free speech:

- Sarah Cook
Senior Research Analyst for East Asia and Editor, China Media Bulletin,
Freedom House
- Clive Hamilton
Professor of Public Ethics, Charles Sturt University, Canberra, Australia, and
author, *Silent Invasion, China’s Influence in Australia*
- Katrina Lantos Swett
President, Lantos Foundation

The hearing explored issues such as China’s desire to control the internet, such as through the shutdown of popular social media apps that do not meet the country’s standards of “core socialist values.” The hearing also examined U.S. policies promoting internet freedom and firewall circumvention, and the global impact of Chinese government censorship and efforts to “export” its system and values.

No legislation has been introduced in the 115th Congress related to global internet freedom in authoritarian regimes.¹⁷

U.S. Industry Activity to Promote Internet Freedom: The Global Network Initiative¹⁸

In response to criticism, particularly of their operations in China, a group of U.S. information and communications technology (ICT) companies, along with nongovernmental organizations, investors, and universities, formed the Global Network Initiative (GNI)¹⁹ in 2008.²⁰ The GNI aims to promote best practices related to the conduct of U.S. companies in countries with poor internet freedom records. The GNI uses a self-regulatory approach to promote due diligence and awareness regarding human rights. For example, GNI has adopted a set of principles and supporting mechanisms to provide guidance to the ICT industry and its stakeholders on how to protect and advance freedom of expression and the right to privacy when faced with pressures from governments to take actions that infringe upon these rights.²¹ Participating companies voluntarily agree to undergo third-party assessments of their compliance with GNI principles. While some human rights groups have criticized the GNI’s guidelines for being weak or too

¹⁶ The hearing webpage, which contains the opening statements of the co-chairs and testimony of the witnesses, is available at <https://www.cecc.gov/events/hearings/digital-authoritarianism-the-global-threat-to-free-speech>. A direct link to the video of the hearing is available at <https://www.youtube.com/watch?v=uM3dEsxDUfE>.

¹⁷ A search for legislation using the term “internet freedom” produces a number of results, but that legislation refers to “net neutrality” rather than “global internet freedom.”

¹⁸ The GNI 2016 Annual Report is online at <https://globalnetworkinitiative.org/wp-content/uploads/2018/04/GNI-Annual-Report-2016.pdf>. The 2017 report has not yet been released.

¹⁹ <http://www.globalnetworkinitiative.org/index.php>.

²⁰ Individual companies may have their own internet freedom initiatives, but the GNI is the primary collaborative effort through which U.S. industry seeks to promote global internet freedom.

²¹ <https://globalnetworkinitiative.org/gni-principles/>.

broad, GNI's supporters argue that the initiative sets realistic goals and creates real incentives for companies to uphold free expression and privacy.²²

In May 2018, the GNI continued its participation in RightsCon, a yearly summit that explores issues affecting free expression and protection of global journalism, gender diversity and digital inclusion, encryption and cybersecurity, and other topics related to internet freedom.

Issues of Congressional Interest

For many years, the development of the internet and its use in China have raised U.S. congressional concerns, including those related to human rights, trade and investment, and cybersecurity. Congressional interest in the internet in China has been tied to human rights concerns in a number of ways, including

- the use of the internet as a U.S. tool for promoting freedom of expression and other rights in China;
- the use of the internet by political dissidents in the PRC, and the political repression that such use often provokes; and
- the role of U.S. internet companies in both spreading freedom in China and complying with or enhancing PRC censorship and social control efforts.

Congress has funded a variety of activities to support global internet freedom, including censorship circumvention technology development, internet and mobile communications security training, media and advocacy skills, and public policy. China and Iran have been the primary targets of such efforts, particularly circumvention and secure communications programs. In past years, U.S. congressional committees and commissions have held hearings on the internet and China, including the roles of U.S. internet companies in China's censorship regime, cybersecurity, free trade in internet services, and the protection of intellectual property rights.²³

²² Elisa Massimino, Human Rights First, "Judge the Global Network Initiative by How It Judges Companies," *Daily Kos*, March 31, 2011; Douglass MacMillan, "Google, Yahoo Criticized over Foreign Censorship," *BusinessWeek*, March 13, 2009.

²³ China Congressional-Executive Commission on China, *Annual Report 2017*, October 5, 2017, <https://www.cecc.gov/publications/annual-reports/2017-annual-report>.

Appendix. Selected Reports and Articles for Further Reading

Freedom on the Net 2017: Manipulating Social Media to Undermine Democracy

Freedom House

November 2017

<https://freedomhouse.org/report/freedom-net/freedom-net-2017>

How to Circumvent Online Censorship

Electronic Frontier Foundation

Updated August 10, 2017

<https://ssd.eff.org/en/module/how-circumvent-online-censorship>

The Impact of Media Censorship: Evidence from a Field Experiment in China

Yuyu Chen

David Y. Yang

January 4, 2018

https://stanford.edu/~dyang1/pdfs/1984bravenewworld_draft.pdf

China's Great Firewall Is Rising: How High Will It Go?

The Economist

January 4, 2018

<https://www.economist.com/news/china/21734029-how-high-will-it-go-chinas-great-firewall-rising>

Online Censorship: Who Are the Gatekeepers of Our Digital Lives?

Engineering and Technology Magazine

The Institution of Engineering

October 11, 2017

<https://eandt.theiet.org/content/articles/2017/10/online-censorship-who-are-the-gatekeepers-of-our-digital-lives/>

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