# China (including Hong Kong)

China continues to expand the largest and most sophisticated filtering system in the world, despite the government's occasional denial that it restricts any Internet content.[1] As the Internet records extraordinary growth in services as well as users, the Chinese government has undertaken to limit access to any content that might potentially undermine the state's control or social stability, a goal also underlying President Hu Jintao's call, in January 2007, for officials to promote "healthy" online culture.[2]

## Background

The government's strenuous commitment to achieving strict supervision of the Chinese Internet showed no signs of abating in 2006, a year beginning with the introduction of Internet police cartoon mascots (Shenzhen's *Jingjing* and *Chacha*) and closing with regulations, cautiously welcomed, that allow foreign reporters to travel throughout the country and conduct interviews without prior official consent through the 2008 Olympic Games. At least eight cyber-dissidents were sentenced to prison terms in 2006.[3]

Expectations that political participation and greater government transparency and accountability would be inevitable windfalls of nearly thirty years of economic reform have been largely deflated. The government under the leadership of Hu Jintao has responded in part to sharp increases in "mass incidents" of public disorder, rampant social and economic inequalities, breakdowns in social services and public infrastructure, and growing social unrest with increased restrictions and harsh treatment of lawyers, journalists, and civil society activists. At the same time, its Herculean effort to tame the Internet activities and expression of over 100 million citizens to levels considered appropriate is

## RESULTS AT A GLANCE

| Filtering | No evidence of filtering | Suspected filtering | Selective filtering | Substantial filtering | Pervasive filtering |
|---|---|---|---|---|---|
| Political | | | | | ● |
| Social | | | | ● | |
| Conflict/security | | | | | ● |
| Internet tools | | | | ● | |

| Other factors | Low | Medium | High | Not applicable |
|---|---|---|---|---|
| Transparency | ● | | | |
| Consistency | | ● | | |

**KEY INDICATORS**

| | | worst | best |
|---|---|---|---|
| GDP per capita, PPP (constant 2000 international $) ........5,878 | | | |
| Life expectancy at birth (years).............................................71 | | | |
| Literacy rate (% of people age 15+).....................................91 | | | |
| Human development index (out of 177) ...............................81 | | | |
| Rule of law (out of 208)......................................................124 | | | |
| Voice and accountability (out of 208)..................................195 | | | |
| Digital opportunity index (out of 180)...................................74 | | | |
| Internet users (% of population) ...........................................8.4 | | | |

**Source (by indicator):** World Bank 2005, 2006a, 2006a; UNDP 2006; World Bank 2006c, 2006c; ITU 2006, 2005
Key indicator data refers to China only.

achieving greater success and efficacy, largely as a result of self-censorship and monitoring controls placed at every point of access. As one commentator noted, "while China is the world's biggest jailer of journalists, China is also writing the manual on how to control your press and citizen media—and hence your national discourse—while jailing a minimum number of people."[4]

### Internet in China

From 2005 to the end of 2006, the number of Internet users grew from 94 million to 137 million.[5] The countrywide Internet penetration rate is now 10.5 percent, but this rate varies regionally— while a quarter or more of residents in major cities such as Tianjin are online, in poorer and western provinces the rate is usually less than 10 percent.[6] Gender and age are also important demographic factors, with male users significantly outnumbering women (58.3 percent to 41.7 percent) and eighteen- to twenty-four-year-olds comprising over 35 percent of all Internet users.[7] While 76 percent of users in China connect from home, 30 percent of users also use Internet cafés as a main access location.[8] Not only do Chinese users cite the Internet as the most important

source for information, more important than television and newspapers, but they also have access to a wide variety of well-developed Internet services such as search engines, Bulletin Board Services (BBS), online video, blogging, and booming business-to-customer e-commerce.[9] China has the largest number of Voice-over Internet Protocol (VoIP) users in the world.[10] In March 2006, Tom Online (which formed a joint venture with Skype), announced that the government would issue no licenses for paid computer-to-telephone service (known as SkypeOut) for two years,[11] reportedly because of concerns about the financial losses to the core businesses of the major telecom carriers.[12] Only China Netcom and China Telecom were permitted to offer pilot commercial VoIP services in selected cities.[13]

Physical access to the Internet is controlled by the Ministry of Information Industry (MII), the main regulatory organ of the telecommunications sector, and is provided by seven state-licensed Internet access providers (IAPs) (with three IAPs under construction), each of which has at least one connection to a foreign Internet backbone.[14] IAPs peer at three Internet exchange points (IXPs) run by the state. IAPs grant regional

Internet service providers (ISPs) access to backbone connections. In November 2006 the Ministry of Public Security announced the completion of the essential tasks of constructing the first stage of its "Golden Shield" project, which is a digital national surveillance network with almost complete coverage across public security units nationwide.[15]

By sheer scope and range of topics—from online novels to video satires—discussion and expression over the Internet is flourishing. A major development has been the explosion of the Chinese blogosphere, which reached 20.8 million blogs at the end of 2006.[16] The growth of the Internet, in tandem with other technologies such as short messaging services, has also engendered a phenomenon of increasingly relevant "public opinion" in China, where incidents not necessarily prioritized by traditional media receive national attention and frequently lead to calls for government action and response. At times, online activity has tested this relationship between citizens and government on a range of sensitive issues.

**Legal and regulatory frameworks**

Although China's constitution formally guarantees freedom of expression and publication,[17] as well as the protection of human rights, legal and administrative regulations ensure that the Chinese Communist Party will be supported in its attempt at strict supervision of all forms of media. Government ministries and Party organs also use both formal and informal controls, including policies and instructions, editor responsibility for content, economic incentives, defamation liability, intimidation, and other forms of pressure to discipline media.[18]

Many of these formal and informal controls have been extended to Chinese cyberspace, though the greater range of nonstate actors makes legal regulation over the Internet a more complex effort. China's legal control over Internet access and usage is multilayered and achieved by distributing criminal and financial liability, licensing and registration requirements, and self-monitoring instructions to nonstate actors at every stage of access, from the ISP to the content provider and the end user. The Internet has been targeted for monitoring since before it was even commercially available,[19] and the government seems intent on keeping regulatory pace with its growth and development. For example, over half of the 137 million Internet users in China were found to have visited video sharing sites,[20] and in August 2006 the State Administration for Radio, Film, and Television (SARFT) announced it would be issuing regulations subjecting all online video content to its inspection.[21]

ISPs are required to record important data (such as identification, length of visit, and activities) about all of their users for at least sixty days and to ensure that no illegal content is being hosted on their servers.[22] Internet content providers, such as BBS and other user-generated content sites, are directly responsible for what is published on their service.[23] Internet access through cybercafés is also heavily regulated: all cafés are required to install filtering software, ban minors from entering, monitor the activities of the users, and record every user's identity and complete session logs for up to sixty days.[24] Getting a permit for a café is a complex process, and at any time one of at least three state departments have jurisdiction to deem a cybercafé to be inadequately self-policing and shut it down.[25] All services providing Internet users with information via the Internet that fail sufficiently to monitor their sites and report violations to the proper authorities also face serious consequences, including shutdown, criminal liability, and license revocation.[26]

New subscribers to ISPs themselves have been expected to register with their local police bureaus since 1996.[27] In October 2006, the Internet Society of China recommended the drafting of regulations that would require all individuals to register actual personal identifying

data with Web site operators in order to open a blog or make comments on bulletin boards, a change from current requirements where individuals must register real names with Web sites but not blog-hosting services.[28] State media reported that 83.5 percent of respondents in a survey conducted by *China Youth Daily* opposed the proposed real-name registration system.[29]

Underlying all regulation of the Internet is a pantheon of proscribed content. Citizens are prohibited from disseminating between nine and eleven categories of content that appear consistently in most regulations;[30] all can be considered subversive and trigger fines, content removal, and criminal liability.[31] Illegal content, although broadly and vaguely defined, provides a blueprint of topics the government considers sensitive, from endangering national security to contradicting officially accepted political theory; more recently illegal content includes conducting activities in the name of an illegal civil organization inciting illegal assemblies or gatherings that disturb social order. One prominent application of these rules was the July 2006 shutdown of the online forum Century China (*Shiji Zhongguo*), a site with over 30,000 registered members and hundreds of thousands of readers co-sponsored by the Chinese University of Hong Kong's Institute of Chinese Studies.[32]

Technical filtering associated with the "Great Firewall of China" is only one tool of information control among more blunt and frequently applied methods such as job dismissals; Web site and blog closures and deletions; and the detention of journalists, writers, and activists. In 2006, fifty-two individuals were known to be imprisoned for online activities, among them several writers and journalists who were convicted in part because of the disclosure of their personal e-mail accounts by Yahoo's Chinese partner.[33] Web sites can be closed not only for a broad array of taboo topics, but also from asking the wrong questions in opinion polls.[34] In June 2006, the Information Office under the State Council and the MII embarked on

a period of "strict supervision" of search engines, chat rooms, and blog service providers to curb the circulation of "harmful" information online.[35] According to the *South China Morning Post*, official statistics show that in 2006 authorities had shut down hundreds of liberal Web sites and forums and ordered eight search engines to filter "subversive and sensitive" content based on about 1,000 keywords.[36]

Because many of the laws defining illegal content are vaguely worded and have been inconsistently enforced, they provide the government with almost endless authority to control and censor content while discouraging citizens from testing the boundaries of these areas. Further, for a wide range of reasons—from economic incentives and demographic factors of the online community to the dragnet of legal liability—the impact of self-censorship is likely enormous and increasingly public, if difficult to measure. On April 9, 2006, fourteen major Web portals including www.sina.com, www.sohu.com, www.baidu.com, www.tom.com, and Yahoo's Chinese Web site issued a joint declaration calling for the Internet industry to censor "unhealthy" and "indecent" information that is "severely harmful to society," voluntarily accept supervision, and strengthen "ethical" self-regulation.[37] Their proposal sparked a flurry of similar pledges across China, from legal Web sites to blog hosting services, and with targeted content extended to include Party secrets and information affecting national security.[38]

## ONI testing results

China employs targeted yet extensive filtering of information that could have a potential impact on social stability and the Party's control over society, and is therefore predominantly focused on Chinese-language content relating to domestic issues. For the government, information constituting a threat to public order extends well beyond well-publicized sensitive topics, such as the June 1989 crackdown and the Falun Gong

spiritual movement (both of which are methodically blocked), and includes independent media and dissenting voices, human rights, political reform, and circumvention tools.

Testing was conducted on two backbone providers, the state-owned telecoms China Netcom (CNC) and China Telecom (CT), which between them provide coverage nationwide. Because both control access to an international gateway, URL filtering and domain name system (DNS) tampering implemented by CNC and CT affect all users of the network regardless of ISP. China also uses IP blocking at these international gateway to block access to at least 300 IP addresses, which are remarkably similar across both backbone ISPs. Though China does not employ keyword blocking on the body content of any given page, it filters by keywords that appear in the host header (domain name) or URL path.

Although there is almost complete correlation in blocking between CNC and CT, there are some gaps within certain families of Web sites. The English and Chinese versions of Wikipedia continue to be closely monitored by media and rights groups, and at time of testing the site www.wikipedia.org was accessible on both ISPs, while Chinese-language Wikipedia (zh.wikipedia.org) was inaccessible only on China Telecom. Certain bloggers, including Zeng Jinyan, the wife of activist Hu Jia (zengjinyan.spaces.live.com) were also blocked solely on CT.

As an example of targeted filtering, of the major international news organizations, only the BBC (news.bbc.co.uk) is blocked by both ISPs. The main Web site of the U.S. government–sponsored Voice of America news service, along with the *Epoch Times* (the newspaper published by the Falun Gong), are the other media outlets on the global list filtered by CNC and CT. The situation changed entirely, however, with Chinese-language media outside mainland China. From Hong Kong's *Apple Daily*, *Ming Pao* and *Sing Tao Daily* newspapers to the U.S.-based *World Journal* and *Chinesenewsnet,* a significant number of independent media representing different points on the political spectrum were filtered. The Taiwan newspaper *China Times* (www.chinatimes.com.tw), although blocked at time of testing, was reportedly accessible in early 2007.[39] Further, news in languages spoken by ethnic minorities in contested regions was also blocked, but with less uniformity. While Radio Free Asia (RFA)'s Uyghur service (www.rfa.org/uyghur) was blocked by both ISPs, RFA's main site and its Tibetan service were inaccessible only on China Telecom.

China filters a significant portion of content specific to its own human rights record and practices. As such, only a few global human rights sites, including Amnesty International, Article 19, and Human Rights First were blocked or suspected to be blocked. Thus, although China is a member of the International Labor Organization, which along with other U.N. bodies are accessible to mainland users, the Web site of the *China Labour Bulletin* (www.clb.org.hk/public/main) and other Chinese labor rights watchdogs are blocked. Similarly, the Web site of the Congressional-Executive Commission on China (www.cecc.gov) is filtered, but the U.S. Commission on International Religious Freedom (www.uscirf.gov), which has a broader mandate but has published critical reports on China, remains accessible. While blocked content mostly originates from overseas organizations and individuals (including those from Hong Kong), some organizations within China are also filtered (such as the rights defender network www.gmwq.org/web/index.asp).

Certain targets for blocking cut across political and social lines of conflict. The consistent filtering of Web sites supporting greater autonomy and rights protection for the Uyghur (www.uyghurcongress.org), Tibetan (www.savetibet.org), and Mongolian (www.innermongolia.org) ethnic minorities is not surprising, as these issues have already been excluded from official discourse inside China.

The government has long characterized the Muslim Uyghur community as presenting a separatist threat, and has blocked not only the site of the Uyghur American Association (whose president, Rebiya Kadeer, is an exiled former political prisoner and human rights activist) but has also blocked a substantial number of sites on Islam in Arabic, including those presenting extremist viewpoints (www.alumah.com).

China filters a significant number of sites presenting alternative or additional perspectives on its policies toward Taiwan and North Korea. For example, the main portal of the Taiwanese government (www.gov.tw) as well as its Mainland Affairs Council were among the many official sites blocked, along with the Democratic Progressive Party (DPP) of Taiwan (www.dpp.org.tw).

Other topics bridging the political-social divide, such as corruption, were not treated uniformly. Among the limited anticorruption Web sites filtered was the New Threads site (www.xys.org), run by the scientist Fang Shimin and focusing on academic fraud. The only HIV/AIDS-related site to be filtered was the English-language China AIDS Survey (www.casy.org), a site not updated since 2005. All other content relating to public health, women's rights, reproductive health, the environment, and development that ONI tested was accessible.

Of blocked Web sites, the major exceptions to the focus on politically sensitive topics specific to China are circumvention tools and pornography. A portion, though not a majority, of proxy tools and anonymizers in both the Chinese (www.gardennetworks.com) and English language (www.peacefire.org) was blocked. The circumvention tool Psiphon (psiphon.civisec.org) is also blocked. Both ISPs also blocked a substantial amount of pornographic content.

While the IP address of the blog search engine Technorati was blocked by both ISPs, at time of testing no blog hosting service was blocked by either ISP. However, though Google's Blogspot domain (www.blogger.com) was accessible, all individual Blogspot blogs tested were accessible on China Netcom and blocked or inaccessible on China Telecom. Ongoing ONI testing has confirmed that Blogspot has been blocked for several years in China, with periods of intermittent accessibility.

## Hong Kong

ONI also conducted testing on two ISPs in Hong Kong, City Telecom (HK) Limited and PCCW, and found no evidence of filtering. However, the mainland government blocks a significant amount of content originating from its own special administrative region. In addition to many independent newspapers, sites operating out of Hong Kong that focus on political reform and governance—even those not focusing on mainland affairs but instead on exclusively local issues (such as the Hong Kong Human Rights Monitor)—are blocked across most of the categories where filtering occurs. Thus, Hong Kong–based alternative media, grassroots NGOs and coalitions (www.alliance.org.hk), religious organizations, and legitimate political parties (www.dphk.org) are all affected.

## Conclusion

As China's Internet community continues to grow exponentially, the government continues to refine its technical filtering system while deputizing a range of actors, including users, ISPs and content providers, to limit the ability of its citizens to access and post content the state considers sensitive. A complex, overlapping system of legal regulation, institutionalized practices, and informal methods has been extended from print and broadcast media to the Internet. A consistent feature of regulation of the Chinese Internet has been the lack of transparency, which has long been a hallmark of the government's management and suppression of information.

## NOTES

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18. See Benjamin Liebman, "Watchdog or demagogue? The media in the Chinese legal system," The Columbia Law Review, January 2005, p. 41.
19. See the Regulations of the People's Republic of China for the Safety Protection of Computer Information Systems (Zhonghua renmin gongheguo jisuanji xitong anquan baohu tiaoli), issued by the State Council on February 18, 1994.
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25. Ibid.
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28. Xinhua News Agency, "China strives to regulate cyberspace," December 12, 2006.

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30. The nine types of content that have been illegal to produce or disseminate since the earliest Internet regulations are: 1) violating the basic principles as they are confirmed in the Constitution; 2) endangering state security, divulging state secrets, subverting the national regime, or jeopardizing the integrity of national unity; 3) harming national honor or interests; 4) inciting hatred against peoples, racism against peoples, or disrupting the solidarity of peoples; 5) disrupting national policies on religion, propagating evil cults and feudal superstitions; 6) spreading rumors, disturbing social order, or disrupting social stability; 7) spreading obscenity, pornography, gambling, violence, terror, or abetting the commission of a crime; 8) insulting or defaming third parties, infringing on legal rights and interests of third parties; and 9) other content prohibited by law and administrative regulations. Two categories of prohibited content were added in Article 19 of the Provisions on the Administration of Internet News Information Services (Internet News Information Services Regulations) (*hulianwang xinwen xinxi fuwu guanli guiding*), promulgated by the State Council Information Office and the Ministry of Information Industry on September 25, 2005. These two additional categories are 1) inciting illegal assemblies, associations, marches, demonstrations, or gatherings that disturb social order; and 2) conducting activities in the name of an illegal civil organization. Translation is available at http://www.cecc.gov/pages/virtualAcad/index.phpd?showsingle=24396.

31. See, for example, Rules of the NPC Standing Committee on Safeguarding Internet Security (*Quanguo renda changweihui guanyu weihu hulianwang anquan de guiding*), issued by the NPC Standing Committee on December 28, 2000.

32. Raymond Li and Kristine Kwok, "Popular forum rushes to go offline after closure order: Mainland authorities shut-down Century China, a multi-forum site with over 30,000 registered users," *South China Morning Post*, July 25, 2006, reprinted at http://www.asiamedia.ucla.edu/article.asp?parentid=49836; *South China Morning Post*, "Chinese Communist Party launches website to promote social stability," October 20, 2006. The official order cited Article 19 of the 2005 Internet News Information Services Regulations.

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34. For example, the Web site China Consultation Net was reportedly shut down on August 3, 2006, after 80 percent of respondents answered "yes" to a poll asking whether competitive elections should be held to choose the general secretary of the Chinese Communist Party. Kristine Kwok, "Mainland censors shut down pair of websites," *South China Morning Post,* August 5, 2006. Also, a Netease editor was reportedly fired for an online survey where 64 percent of respondents replied they would not like to be born Chinese in the next life. Howard French, "Beijing's growing urge to dominate the media," *The International Herald Tribune,* September 22, 2006. In another case, authorities withdrew the operating license of the Web site polls (*Zhongguo guoqing zixun*) on August 3, 2006. The Web site (http://www.s007s.com/) had recently asked visitors to "cast votes" on the question: "Do you think the General Secretary of the Communist Party of China should be chosen from among several candidates in differential voting?" Nearly 75 percent of those polled had answered "yes." (See IFEX, "Websites shut down amid Internet crackdown," http://ifex.org/alerts/content/view/full/76210/).

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