

THE RISE OF THE INTERNET AND ADVANCING HUMAN RIGHTS

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The Internet is proving itself a force for change in China as in the rest of the world. But alliances between Internet technologists, human rights activists, corporations, multilateral bodies, governments and ordinary citizens are crucial to ensure that these changes will work to the improvement of human rights and well-being for all Chinese people.¹

Since the first computer connection via telephone lines between UCLA and Stanford University in 1969,² the Internet has grown to an estimated 55 million computer hosts and 675 million users, reaching more than 180 countries.³ Although the Internet was initially envisioned as a decentralized tool for military communication, the explosion of personal computing has propelled it into a mass medium for education, research, commerce, entertainment and activism. As in the case of more traditional information communication technologies (ICTs) such as the printing press, telephone, radio and fax, the rise of the Internet raises questions regarding access, use, regulation and the balancing of conflicting interests and social goals. At the same time, the increasing speed and scope of the Internet's expansion also presents complex new legal, policy and technology challenges.

Internet policy debates have focused on a range of issues and concerns including national and global governance, freedom of expression, privacy, censorship and surveillance, hate speech, pornography, piracy and cultural diversity. In a post-9/11 world, the recent deployment of U.S.-led anti-terrorist initiatives and measures have also prompted higher levels of surveillance in the name of monitoring and countering terrorist activities over the Web, raising concerns about their impact on undermining freedom of expression, privacy and security, and information-sharing.⁴ Free expression on the Internet is under attack not only by anti-terrorism legislation, but also by corporations seeking to extend property rights into the digital realm. The Napster fall-out and implementation of the Digital Millennium Copyright Act (DMCA) have given corporations

increasing power to control online expression in the name of protecting their intellectual property.

Despite the realities of a world in which vast numbers of people are neither wired to the global information highway, nor even have access to basic infrastructure (running water, electricity), the Internet and ICTs generally are also invoked in media and policy circles as ultimate connectors and levelers and as technology tools holding boundless potential for advancing sustainable and equitable development, poverty alleviation, human rights and greater democracy.⁵ For example, the WSIS Declaration of Principles sets forth the hope and vision of using ICTs to “eradicate extreme poverty and hunger, achieve universal primary education, promote gender equality and empowerment of women, reduce child mortality, improve maternal health, combat HIV/AIDS, malaria and other diseases, ensure environmental sustainability, and develop global partners for development for the attainment of a more peaceful, just and prosperous world.”⁶

Many early commentators on the Internet characterized cyberspace as an anarchic space, free from government interference. Along with the assumption that free markets and rule of law will result in democracy and a more open civil society, access to the Internet is also assumed to be a democratizing tool as a cheap medium that empowers users through information exchange. However, technology is not necessarily value-free or neutral in its design and impact, and technology alone will not necessarily have democratizing or positive social impacts. The assumption that the development of technology will generate conditions conducive to democracy is only half the story.

The Internet and other technologies have potential to serve as a democratizing force—providing more access to information, building a virtual space for community gathering and grassroots development—but these sophisticated technologies (such as biometrics) can also be manipulated into tools for repression, propaganda and enforcing authoritarian control. Technology can be used to promote global economic and cultural integration, but if not developed and implemented evenly, it can also lead to or exacerbate gaps in economic and social development.

The potential of any technology for advancing or undermining human rights depends upon the social matrix of fac-

tors that shape its development and application.⁷ As Bill Xia's article in this issue of *China Rights Forum* points out, the culture of self-censorship and fear created by the Chinese government is a powerful factor in maintaining the official version of reality.⁸ While such propaganda may seem to reinforce the legitimacy of the Chinese Communist Party (CCP) in the short run, history has shown that the manipulation and control of information also undermines the Party's capacity to address complex economic and social challenges of modernization and reform. China's efforts to control the Internet is reflective historically of the CCP's approach to maintaining its own power and social control. The Internet is merely a technological upgrade for an authoritarian police state. However, the future impact of the Internet in maintaining or cracking an authoritarian system of social control, or creating greater openness and social reform will also depend upon the multiple roles it plays not only for the Chinese government, but also for its citizens and the growing number of civil society organizations and social activists—the human networks—inside and outside of China.

In light of the virtually borderless quality of the Internet, what plays out in China will also have a significant impact on the future development of the Internet globally. With the second largest number of Internet users in the world, now 87 million and still growing, expanding economic and political power and influence, and increasing integration into global economic and human rights institutions and processes, China has become the largest social laboratory in the world.⁹

THE INTERNET'S DEVELOPMENT IN CHINA

"We believe that the information society is the result of human civilization and progress. As such, it should be a people-centered, development-oriented and inclusive society, which benefits all peoples and countries."¹⁰

—H.E. Mr. Wang Xudong, Minister of Information Industry, People's Republic of China.

China's 87 million "Netizens" make up only 6.7 percent of a population of over 1.3 billion. The current demographics of Internet users show that just over half of the Chinese Netizen population is made up of young males, and the majority have received at least a high school education.¹¹ The persistent and serious social and economic gaps in China are also reflected in a digital divide reflecting gender, economic, geographic and social disparities.¹² In a country where 364 million young people do not have the opportunity to enroll in secondary education, and where many villages, especially in western China, do not even have sufficient basic infrastructure such as water, power or telephone lines, the potential of the Internet to act as a democratizing force is undermined by uneven access and disparities in economic privilege.¹³ Along the affluent eastern coast where Beijing, Shanghai and Guangzhou are located, more users access the Net through personal computers. Moving away from the financial hubs, a higher percentage of Internet users depend on cyber cafés, which are required to use

surveillance software and are under constant threat of closure by the authorities. Thus, official crackdowns on Internet cafés have a disproportionate impact on less economically privileged users and those in the least affluent parts of the country.

Even as the Chinese government signs on rhetorically to emerging international norms of inclusiveness, democracy and a "people-centered" vision of an information society, and encourages the exponential development of the Internet, it continues to build a sophisticated architecture of censorship and information control, using technical, legal and social approaches within a broader existing legal framework governing state secrets and state security. The government has implemented existing technologies and developed their own to censor and filter Web sites, e-mail, text messages sent from cell phones, and search engines. Employing more than 30,000 state security employees to conduct surveillance, detaining Internet activists for publishing online articles calling for democracy, and using mass media, ideology and propaganda, the Chinese government effectively controls the flow of information and creates a climate of self-censorship and fear among Chinese citizens.

In the past few years, there have been numerous studies and articles presenting a range of conclusions on how technology is shaping the future of China. Focusing particularly on control of information and the detention of Internet activists, human rights organizations such as Amnesty International and Reporters without Borders have released studies emphasizing the increased censorship, surveillance and repression of Internet users alongside the rapid development of the Internet in China.¹⁴ A study by the Chinese Academy of Social Sciences concludes that market forces and government support play key roles in the development of the Internet in China, and indicates that the Internet may bring more openness and opportunities for political discussion.¹⁵ While a RAND report entitled "You've Got Dissent!" suggests that the scale of ICT development in China will ultimately benefit the dissident community, it approaches the role and implementation of technology with more caution. The report examines the growing tension between the Chinese government and the Chinese dissident community, and whether technology will help promote democracy and encourage more activism or provide the CCP with more instruments for repression.¹⁶

Several recent high-profile cases have exhibited this increasing tension between government efforts at information control and the public's concerns over official corruption and abuses, and suggest that the Internet and other technologies can be tools for promoting greater information flow or creating pressure for greater accountability and openness. Last spring, the Sun Zhigang case received widespread attention from Web logs, chat room discussions, e-mail listservs and online news sites, including those run by the state media.¹⁷ The reaction from Internet users and response from official media spurred an investigation resulting in the eventual conviction of officials responsible for Sun's death, as well as contributing to the announced abolishment of the custody and repatriation system in June 2003.¹⁸

The infamous BMW case that occurred last fall also

prompted lively and passionate debate online, raising questions of social justice in a controversial court verdict.¹⁹ Su Xiuwen, a wealthy woman who reportedly had ties with local officials, drove her BMW into 13 farmers, killing one of them. Initially, she was given a suspended sentence after paying off those who were injured. News of the incident carried by print and online newspapers throughout the country spurred fevered debate and comment in online discussion forums, leading to a rare review of the case, but in the end, the court upheld its decision.

In the health area, the SARS crisis and the Chinese government's response under international pressure reflects the interaction of domestic and international factors that can promote changes within China. When the first incidents of the SARS virus were reported in Guangdong Province in late November 2002, the government's initial response was to suppress reporting on it.²⁰ As the epidemic spread, individuals used the text messaging capabilities of their cell phones to trade information and rumors. In April 2003, recognizing that its efforts to control the flow of information were failing, the Chinese government reversed its position and publicly instructed officials not to cover up the outbreak. Information transfer went both ways; when rumors started that Hong Kong was going to be declared an "infected place," the government sent out a blanket SMS message to more than six million cell phones denying the report. The initial government response followed the usual patterns of information control, but outside and domestic pressure led to a change in policy, including acknowledgment of the crisis and greater cooperation with WHO in developing more effective responses. It should be noted, however, that vested business interests and the significant impact on the international community also contributed to pressuring the Chinese government to shift its initial position.

Instruments used by the Chinese government to clamp down on information flow over the Internet are being confronted by similar tools used by citizens and activists who are attempting to seek out more information. The Internet is not a monolithic entity, but a collection of technologies resting on a common foundation of communications protocols. E-mail, the Web, peer-to-peer messaging systems and bulletin board-type forums each pose their own challenges and opportunities. However, the map is not the territory, and services with technical specifications that appear promising for the purpose of promoting human rights can be undermined by the realities of implementation.

The Web log, a system for users to post their commentary on current events or merely to publicly chronicle their lives, is a good example of the complexity involved in understanding the significance and impact of these new technologies. BlogCN.org, a registration service, currently lists 480,000 Chinese "bloggers" who regularly post messages on the Web.²¹ For the most part, these postings show that the primary interest for Chinese Web log publishers fall within the understood parameters of public discourse—"eat, drink, man, woman" issues of daily life rather than sensitive or political issues. Several factors contribute to this: Internet service agreements and regulations,

the culture of self-censorship and the demographics of the majority of bloggers as young, male and from economically privileged backgrounds.

Despite new ICTs that have lowered the bar for access to a wider audience, most bloggers are still dependent on others to publish them. Services such as BlogCN, BlogBus or CNBlog provide the infrastructure required to communicate in the wired world, but all three require new accounts to sign pledges not to post anything critical of or damaging to the state. These pledges are necessary for the services, which have been shut down in the past for political content, and serve as one more reminder that everything said online is monitored. This reinforces the existing culture of self-censorship, which has guided the majority of Chinese Internet users to engage in more entertainment-oriented activities online (games, entertainment news, etc.) and to prefer traditional news media to overseas sources of information.²² Even users who have found ways to circumvent China's firewall post messages that reflect the impact of the government's nationalistic rhetoric on its citizens, particularly around the time of international incidents that give the government an opportunity to stoke nationalistic sentiment, such as the U.S. spy plane incident or the bombing of the Chinese Embassy in Belgrade.

BUILDING ALLIANCES OF CONSCIENCE

Technology in China can play a role in supporting human networks, including Chinese NGOs, workers, peasants, religious practitioners, intellectuals, democracy activists, journalists, lawyers, AIDS activists and public health advocates. Technology can be a tool for empowering and protecting these networks inside China to strengthen and expand a space for activists to carry out their work. The Internet has assisted in amplifying dissident and activist voices, providing access to uncensored information, and generating global support and attention to China's human rights issues and abuses.

Technology used in collaboration with human rights activism creates virtual underground tunnels for the free flow of uncensored information – within China, and in and out of China – and a virtual space for citizens to meet, organize and access shared resources beyond geographical limits. Nevertheless, the potential of these "virtual communities" is also limited by their grounding in material realities and shaped by local cultures, legal and social systems of control and economics. If technology is going to have a sustainable and social justice impact, it needs to take into account the realities "where the rubber meets the road."

The unplanned organic growth of the Internet, as well as its uniquely transnational characteristics, has led to a lack of formal global governance.²³ Organizations such as the Internet Corporation for Assigned Names and Numbers (ICANN) or the Internet Engineering Task Force (IETF) have enormous power over the basic structures of the Internet, simply because they have stepped up and offered their resources to undertake administrative responsibilities. Both of these organizations are U.S.-focused, which has generated debate and discussion on

governing an increasingly global Internet.²⁴ As Internet governance policy debates proceed, careful and independent monitoring is necessary to ensure that freedom of expression and access to information on the Internet are protected, and that all stakeholders are included in a meaningful way in the design and implementation of the future Internet, both in policy-making and in engineering.

In the lead-up to the 2008 Beijing Olympics, there is a special opportunity for the international community, including multinationals, governments, NGOs and individuals of conscience, to promote the responsible development of the Internet as a tool for social change in China. Some practical beginning steps include:

Release all Internet activists in prison: At least 50 people were in detention for publishing online as of the beginning of 2004.²⁵ As a benchmark leading up to the Olympics, China should release Internet activists who have been detained or arrested for online expression and calling for political reform. The government and Internet Service Providers (ISPs) should allow peaceful expression to flourish on the Internet, so users can publish online without fear of reprisal for criticizing the government.

Lift technological censorship: The Internet can be a powerful tool to promote freedom of expression and provide for the free flow of information. But the existing infrastructure of censorship in China is holding back the necessary reforms and development. Some specific steps that will contribute to more efficient connectivity and allow Chinese users to reap more benefits from ICTs include:

- Unblock Web sites that express information peacefully
- Allow open communication via e-mail
- Allow personal use of encryption to protect anonymity online
- Eliminate enforcement of self-censorship pledges for companies, ISPs, universities, etc.
- Reassign the 30,000 employees monitoring the Internet to improve international connectivity and help develop online access throughout China
- Allow China's 300 million mobile phone users to receive and send text messages without being censored.
- To diminish the digital divide and promote greater access to information, specific steps could be taken with respect to Internet café regulations. Throughout China, Internet café users find themselves under constant surveillance with new requirements to identify themselves and register into a "Member Registry Book," while cafés are being forced to install monitoring software on all of their computers. No one under the age of 18 is allowed to use an Internet café, denying Internet access to children who don't own a personal computer. We suggest the following reforms:
 - Remove surveillance software from Internet cafés
 - Allow children to use Internet cafés with appropriate supervision
 - Allow public use of Internet cafés without official registration
 - Ensure that Internet cafés are accessible to users in rural areas or less privileged urban regions.

Corporations—both domestic and multinational—governments, multilateral bodies, and other actors can help encourage the Chinese government to pursue these recommendations by ensuring that technologies are built and implemented with due respect and protection for freedom of expression, access to information and right to privacy. To do so, ICT companies should consult with NGOs on the design, implementation and impact assessment of the technologies. Additionally, the international community, the International Olympics Committee (IOC), Olympic sponsors, athletes and other actors should rigorously monitor any security measures and other practices for their impact on human rights.

As a Chinese international human rights NGO, the main job of HRIC is to amplify the voices of those silenced, of those who continue to speak and write under the threat of prison and persecution, to document and report on the systemic abuses, to develop recommendations and proposals for change, and to push to enlarge an independent civil space by working with citizens and activists inside and outside China. Internationally, China has formed influential international alliances with other governments, multilateral institutions and private capital based upon perceived shared military, economic and political interests. China's growing international prestige and influence effectively fuels the nationalism deployed by the Chinese government to silence criticism at home and abroad. An additional challenge for human rights activists is to understand the impact of invocations of nationalism among the Chinese people and to reclaim the territory of a critical patriotism.

In building new alliances that place human rights and human well-being at the core, it is also important to recognize differences in organizational cultures, missions and approaches. For some IT experts and hackers, breaking into a room—virtual or otherwise—may be an expression and exercise of freedom. But human rights NGOs are also concerned about what we want to say once inside, the safety and security of the people in the room, how to empower those inside, and how to create a sustainable open, and uncensored information stream. These goals call for long-term commitment and investment of resources and expertise, and also for holding the Chinese government, the international community and ourselves accountable.

1. This commentary is a revised version of the HRIC presentation, "Building Alliances of Conscience," delivered at the 5th Hope Conference, 10 Jul 2004, New York.
2. "A Brief History of the Internet," Internet Society (ISOC), 10 December 2003, <http://www.isoc.org/Internet/history/brief.shtml> (4 Aug 2004).
3. "Internet indicators: Hosts, Users and Number of PCs," International Telecommunications Union (ITU), 10 May 2004, http://www.itu.int/ITU-D/ict/statistics/at_glance/Internet03.pdf (4 Aug 2004).
4. For example, while the U.S. Department of Justice has had for several years the technical ability to trace and monitor Internet usage through a system called "Carnivore," the widespread use of such surveillance techniques has not been fully implemented due to complicated legal procedures. Under the Electronic Communications Privacy Act of 1986, any Internet surveillance required a court order to trace each individual user and a monthly renewal of this authorization. The USA

- PATRIOT Act, passed in the wake of September 11, weakened these protections by lowering the standards under which such orders would be granted, extending the time frame of the court order and allowing it to be made “roving,” which covers all communication from any computer the subject might access. Nathan C. Henderson, “The Patriot Act’s Impact on the Government’s Ability to Conduct Electronic Surveillance of Ongoing Domestic Communications,” *Duke Law Journal*, 52, No. 1, Oct 2002, <http://www.law.duke.edu/shell/cite.pl?52+Duke+L.+J.+179> (4 Aug 2004).
5. Asian Development Bank, 2002.
 6. “Declaration of Principles,” World Summit on Information Society, December 12, 2003, http://www.itu.int/wsis/documents/doc_multi.asp?lang=en&id=1161|1160 (Dec 12, 2003).
 7. Sharon Hom and Amy Tai, “The World Summit on Information Society: Promises Disconnected from Reality,” *China Rights Forum* No. 1 (2004).
 8. Bill Xia “The Coming Crash of the Matrix,” *China Rights Forum* No. 3 (2004).
 9. Since China first connected to the Internet in 1994, the number of Internet users has grown from 600,000 to 87million. China Internet Network Information Center (CNNIC). www.cnnic.cn (Aug 4, 2004).
 10. “Strengthening cooperation, promoting development and moving towards the information society together,” Dec 10, 2003. Statement by H.E. Mr. Wang Xudong, Minister of Information Industry, People’s Republic of China at the World Summit on the Information Society.
 11. China’s Internet users are 59.3 percent male, 54.1 percent under 25 years old, and 87.4 percent have received at least a high school education (CNNIC).
 12. Sharon Hom, “The Internet and Free Flow of Information in China,” Congressional Executive Commission on China, Apr 15, 2002. <http://www.cecc.gov/pages/roundtables/041502/hom.php> (4 Aug 2004) and Jonathan Watts, “China Admits First Rise in Poverty since 1978,” *The Guardian*, Jul 20, 2004, <http://www.guardian.co.uk/china/story/0,7369,1264917,00.html> (Aug 25, 2004).
 13. Asian Development Bank, 2002.
 14. “People’s Republic of China Controls tighten as Internet activism grows,” Amnesty International, Jan 28, 2004, <http://web.amnesty.org/library/Index/ENGASA170012004> (Feb 1, 2004) and “Internet under Surveillance,” Reporters without Borders, Jun 22, 2004, http://www.rsf.org/article.php3?id_article=10749 (Jun 22, 2004).
 15. Guo Liang, “Surveying Internet Usage and Impact in Twelve Chinese Cities,” Chinese Academy of Social Sciences, October 2003.
 16. Michael S. Chase and James C. Mulvenon, “You’ve Got Dissent!,” Rand Corporation, 2002, <http://www.rand.org/publications/MR/MR1543/>, (Aug 4, 2004).
 17. Sun Zhigang was a 27-year-old graphic designer in Guangzhou who was detained in March 2003 for not having his identity papers. Three days later, he died in custody. His parents posted information on his case and a petition on the Internet after authorities refused to investigate the cause of his death. Xiao Qiang, “Meanwhile: the great leap online that is stirring China,” *The International Herald Tribune*, Aug 5, 2004, <http://www.iht.com/articles/532741.html> (Aug 5, 2004).
 18. C & R was among the various administrative detention systems that HRIC and others exposed as arbitrary and called for their abolition. HRIC also pointed out that the dismantling of the C&R camps needed to be carefully monitored to ensure that new and different administrative abuses were not created. Tong Yi, “Kidnapping by Police: Custody and Repatriation,” *China Rights Forum* No.2 (2003).
 19. “China’s ‘BMW’ Case Upheld,” BBC, Mar 29, 2004, <http://news.bbc.co.uk/2/hi/asia-pacific/3577829.stm> (Aug 18, 2004).
 20. “Epidemic curves—Severe Acute Respiratory Syndrome (SARS),” World Health Organization, July 2003, <http://www.who.int/csr/sars/epicurve/epiindex/en/> (Aug 4, 2004).
 21. <http://www.BlogCN.org> (Aug 23, 2004).
 22. “14th Statistical Survey Report on the Internet Development in China,” China Internet Network Information Center (CNNIC), July 2004, and Guo Liang, “Surveying Internet Usage and Impact in Twelve Chinese Cities,” Chinese Academy of Social Sciences, October 2003.
 23. For more background and information on WSIS, see the Official ITU WSIS Site at <http://www.itu.int/wsis>.
 24. In December 2003, the International Telecommunications Union (ITU), a UN agency, held the first phase of the World Summit on Information Society (WSIS) in Geneva with the ambitious goal of producing a shared global vision for an information society and a concrete plan of action. The summit focused on policies that use information and communication technology (ICT), including the Internet, to serve the needs of all people, and minimize the digital divide.
 25. Amnesty International.