Internet Censorship in China

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INTRODUCTION

Freedom of information is an internationally protected Human Right and the Internet is said to be unlike any other medium with it enabling us to search for, obtain and disperse ideas and information and it therefore an "enabler" of other human rights (Human Rights Council, 2011). It is written in the constitution of China that every citizen is granted the right to freedom of speech; however these censorship laws contradict this freedom of speech and freedom of information. It limits the information available to Chinese citizens and it indeed manipulates them by injecting pro-CCP information and messages throughout the Internet, and with the help of multinational corporations what chance do the people of China have to fight for their freedom of speech. With numerous court cases and sentences passed for this 'criminal activity', there does not seem to be any dramatic change in the future of Chinas Internet censorship, aside from an increase in their censorship laws and continuous co-operation from Internet companies.

Chinas oligarchy consists of the Chinese Communist Party (CCP), who has been in power for over 60 years. They have always had rules and regulations which control the amount of information that the Chinese people have access to. China's constitution states that every citizen is granted the right to freedom of speech yet their laws seem to contradict this by putting a restriction on the information that the people of China can share on the Internet. I intend to explore the censorship laws that the CCP have enforced online, the self-censorship of multinational companies who have made agreements with the CCP, and also some court cases that have seen Chinese citizens go to jail for lengthy periods of time because of 'criminal activity' online. With the help on online databases, and articles these hazy definitions, agreements and laws will hopefully become clearer.

A huge portion of Chinas censorship laws are based around self-censorship. This shifts a large portion of responsibility onto the Internet providers and Internet sites. These self-censorship laws have been working in favour of the Chinese Government with all sorts of worldwide companies obeying them and working with the Government to ensure the Chinese citizens themselves do not break these laws. To name but a few, Microsoft, Yahoo and Google have all agreed to these laws at one time or another. The intention of this article is to discuss Chinas Internet censorship laws, and highlight some of the issues that have arisen from these laws. Censorship has always been prevalent in China and with the introduction of the Internet in 1990 it was no different. Some would argue that regulating the Internet is a good thing if the intention is to prevent criminal activity. The problem in the case of China is the definition of criminal activity.

BACKGROUND

Censorship has always been prevalent in China and its media. The CCP introduced the people of China to the Internet in 1990. From the beginning of this introduction

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the Internet was treated no different to any other form of media and so came with it. It is only set of censorship laws. Some would argue that regulating the Internet is a good thing if the intention is to prevent such crimes as child pornography, and other online criminal acts. It is written in the constitution of China that every citizen is granted the right to freedom of speech; however these censorship laws seem to contradict this right to freedom of speech (Bennett, 2013).

Before we look at the law a closer eye should be cast to the infrastructure which is described by Cherry (2005). Chinas Network is called CN2, and is made up of over 200 routers which an installed throughout the country. These routers, made by companies such as Juniper and Cisco, are of the best in the world and before this the technology at hand was limited in China, so too was the methods of censorship. But now that technology is no longer a constraint censorship is 'a matter of politics than of technology'. These routers will have access to a database of banned names, phrases and words. In total Zittrain, et al (2003) says that there are 4 filtering methods in total; Webserver IP address, DNS server IP address, keywords, DNS redirection. Although all these measures are put in place the government do not solely depend on this technology. There is a law in place whereby all Internet businesses and Internet providers must apply for a license to allow them to operate online. These licenses will not be given out so easily, and once gained the business must install their own censor-ware to screen for banned names, phrases and words. If they do not adhere to these rules then the license will be taken from them and their business shut down, according to Cherry (2005). There was a separate police force established in 2000, the Internet Police. Their job is to investigate online crimes; viruses, hacking, pornography and politically sensitive material. The main culprit of this 'criminal activity' is the politically sensitive material. The censorship laws themselves are written in such broad terms. For example, "topics that damage the reputation of the State" are banned but this is so vague that it makes it difficult for the user to know which words, names, topics and phrase they can and cannot discuss (Human Rights Watch, 2001).

The official battle between China and Google was launched by China in 2002 when the Chinese Government prevented local access to Google.com, needless to say Google were not pleased by this move. In February 2004 Google News China was blocked by the Chinese government, this spurred Google to invest in Baidu (the leading search engine in the Chinese cyber market) a mere 4 months later. Then came 2006 when Google officially made the move into the Chinese cyber market, with 384 million online users (in 2006, this figure has since grown to 538 million in 2013) it is the cyber market with the most potential in the world. When a company enters the Chinese cyber market it does so by agreeing to strictly obey by the Chinese Internet Censorship laws. It was a short lived partnership because after a mere 4 years in the Chinese cyber market, Google pulled out of China in 2010.

Google maintains that during its 4 years in China they were hacked, they blamed these hackings on the Chinese Government and stated that they are very capable of sophisticated cyber-attacks (Ho et al., 2011). Next Google stopped filtering their searches, this was a blatant breach of their agreement with the Government to which they responded by saying that Google have broken the written vow that had been made in 2006 by lifting their filtered searches and by blaming China for the so called hackings. A spokesperson stated, '… we express our discontent and indignation to Google for its unreasonable accusations and conduct'. Google now tend to speak out about the wrongful censorship of China, but are they in a position to condemn it when they adhered to the laws for 4 years. Most are of the opinion that Google are no better than the rest of the companies who filter their sites and block content from the people of China (Ingram, 2010).

There have been countless cases brought into the court room in China dealing specifically with the Internet censorship laws. The following are two which were convicted with the aid of the Yahoo Corporation. Wang Xiaoning, a 57 year old engineer, kept an online journal which he used to express his opinions on corruption and as an aid to promote democracy within China. In 1999 Xiaoning's belongings were seized, without warrant, by the Chinese Public Security Bureau while citing a "violation of administrative laws." But Xiaoning did not stop there; he continued to post his journals online using Yahoo Groups, among other online methods, in order to circulate them. Yahoo soon took note of his Yahoo Group activity and banned him from using it for circulating his journals. Undeterred by this ban Xiaoning sent several copies of his journals to members of the Yahoo Group through private email address, as well as some foreign websites. Yahoo gave the Chinese police his email address along with