

TUG OF WAR OVER CYBERSPACE IN CHINA

A Sequel to “Journey to the Heart of Internet Censorship”

Chinese Human Rights Defenders

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Introduction

Since the report, “Journey to the Heart of Internet Censorship,” was published by CHRD and Reporters without Borders (RSF) in October 2007,¹ the cat-and-mouse game between the government and Chinese internet users has intensified.

Over the past two years, the Chinese government has devoted significant resources to strengthening its system of internet censorship, already one of the most comprehensive in the world. The government now seems to consider regime survival as contingent on its success in controlling the internet. “Whether we can cope with the internet,” Hu Jintao warned at a study session of the Politburo on January 23, 2007, “affects the development of socialist culture... and the stability of the state.”² He called on fellow cadres to “control the power of leading public opinion on the internet, raise the standard of leading... and actively make use of new technology to step up propaganda dynamics in order to shape mainstream public opinion.”³ Hu’s comments came as authorities were gearing up for the 17th National Party Congress of October 2007 and the Olympic Games of August 2008. Government agencies and departments lost little time in responding to Hu’s order. Between 2007 and 2008:

- Measures were adopted to control online magazines, mobile phone text messages, internet address registers, blog service providers and internet video companies;
- “110 cyber police” were deployed to patrol web portals;
- Plans to establish an internet regulatory commission were considered, but eventually shelved;
- Research was conducted on new measures for controlling the internet;
- Regulations were issued relating to sources of articles and a point system was implemented to punish internet providers for infractions; and
- An “internal third-party monitoring system” was established with the

purpose of transferring much of the responsibility for internet control to commercial websites.

In addition to these bureaucratic mechanisms of control and censorship, the government has continued to persecute individuals for exercising freedom of expression on the internet. Internet users have been detained, convicted of crimes and imprisoned, often for as little as posting a call for a protest march or exposing the extravagant expense of a government building. Simply posting a comment or reproducing an article has provided sufficient cause for investigation. Blogs and articles critical of, or in opposition to, anything related to preparations for the Olympic Games, the government's handling of the aftermath of the Sichuan earthquake, or the milk powder scandal, and those discussing and supporting *Charter 08*, have been especially targeted.⁴

CHRD's recent report, "Follow the Principles of the Party: State Control of the Media and What the Media is Doing to Fight Back" demonstrates, censorship goes far beyond the internet. As traditional media generally are capital-intensive and owned by companies based in specific locations, they have been easier to control. This is also true for the larger internet companies and the government employs similar means to control them. At the same time, there are many smaller internet organizations and individual internet users and bloggers who are able to circumvent government control mechanisms. The government's strategy of using "big fish" (the major internet companies) to keep "small fish" (the individual and organizational users of the services of large internet companies) under control usually works quite well. However, at times it is unable to block the dissemination of large amounts of information which the government might prefer to suppress.

The internet continues to prove a difficult medium to control, even for an increasingly powerful authoritarian state well-versed in techniques of surveillance and censorship. Generally, Chinese internet users are becoming more adept at exploiting the cracks in control which exist. In the past couple of years, an unprecedented rise in online citizen journalism in China has been observed.⁵ The most well-known cases of online activism discussed in this report include:

- Reporting on the Chongqing "nail house," one homeowner's stand against forced demolition;
- The organizing of opposition to the construction of a chemical plant in Xiamen;
- The exposure of slavery in brick kilns in Shaanxi Province; and
- The online petition for political reform, *Charter 08*.

Users have challenged the legality of internet control by suing internet service providers for closing and blocking websites and blogs. These legal challenges have invariably been unsuccessful because courts, pressured by political interests, have either refused to take the cases or have ruled against the plaintiffs; but the prospect of such legal challenges may eventually lead to changes in the behavior of internet service providers.

The tug of war between netizens and the government is exemplified by the phenomenal popularity of the “The Song of Grass-mud Horse.” The lyrics of this seemingly innocent children’s song contain made-up names, all of which are homonyms for common swear words. The song is a response by netizens to the government’s latest campaign to purge the internet of obscenity. It can be considered a collective act of resistance; its ridicule an implicit criticism of the government’s attempts to censor the internet.

So who is winning this war over China’s cyberspace? This report aims to answer the question through examining government tactics of control over the internet and netizens’ strategies over the past two years to navigate official obstacles. It outlines specific measures taken by the government to target different types of internet media, as well as its general efforts to tighten internet surveillance. It exposes new government measures which turn commercial internet companies into tools of control and propaganda; it chronicles acts of internet control during important events, such as the 17th Party Congress and the Olympics; and it analyzes successful cases of internet activism around China and legal challenges attempting to hold the authorities and companies accountable for their infringement of the rights to freedom of expression and information. The report’s appendices (see online version) also include cases of punishment of internet companies, closures of websites and blogs and incarceration and harassment of internet journalists by the authorities documented by the author and CHRD in 2007 and 2008.

This report is based on research by a Chinese internet professional who has had access to the inside workings of the censorship agencies. Many of the documents cited are not publicly available, so citations are not provided. In many cases the author could only peruse these articles, as making copies would have been dangerous.⁶



I. Government Efforts to Control the Internet

Two notable recent developments in government efforts to control the internet reflect increased understanding of the characteristics of the medium.

First, various agencies have issued directives aimed at controlling particular types of internet media, organizations and usage, including: online magazines, website registrations, interactive forums, bulletin board services (BBS), blogs and video websites. This development reflects greater understanding of the different uses and functions of the internet and the need for control mechanisms which specifically target the different uses and functions.

Second, the government has worked to turn major commercial websites into tools of censorship and propaganda. This development reflects the government's understanding that a relatively small number of major commercial websites exert a disproportionately large influence in cyberspace because of the considerable numbers of users their websites attract. Gaining effective control over these sites means being able to exert control over a sizable portion of the internet. This development is also an indication that the government realizes it does not have the capacity to police the internet on its own.

In an era in which large parts of the media do not fall under direct government control, such efforts are an extension of a long-standing strategy focusing on promoting self-censorship. The government employs diverse forms of enforcement, which include website closures, fines, firings and demotions, and it counts on the desire of companies to increase profit margins rather than cultivate honesty in the commercial arena.

Another trend has been an increase in attempts by the government to transfer policing duties to various sectors of the industry, formulating "self-discipline conventions" such as the "Blog Service Self-Discipline Convention," the "Convention on Self-Discipline of the Internet Domain Name Registration Service Industry," and the "China Internet Audio-Visual Program Service Self-regulation Convention."

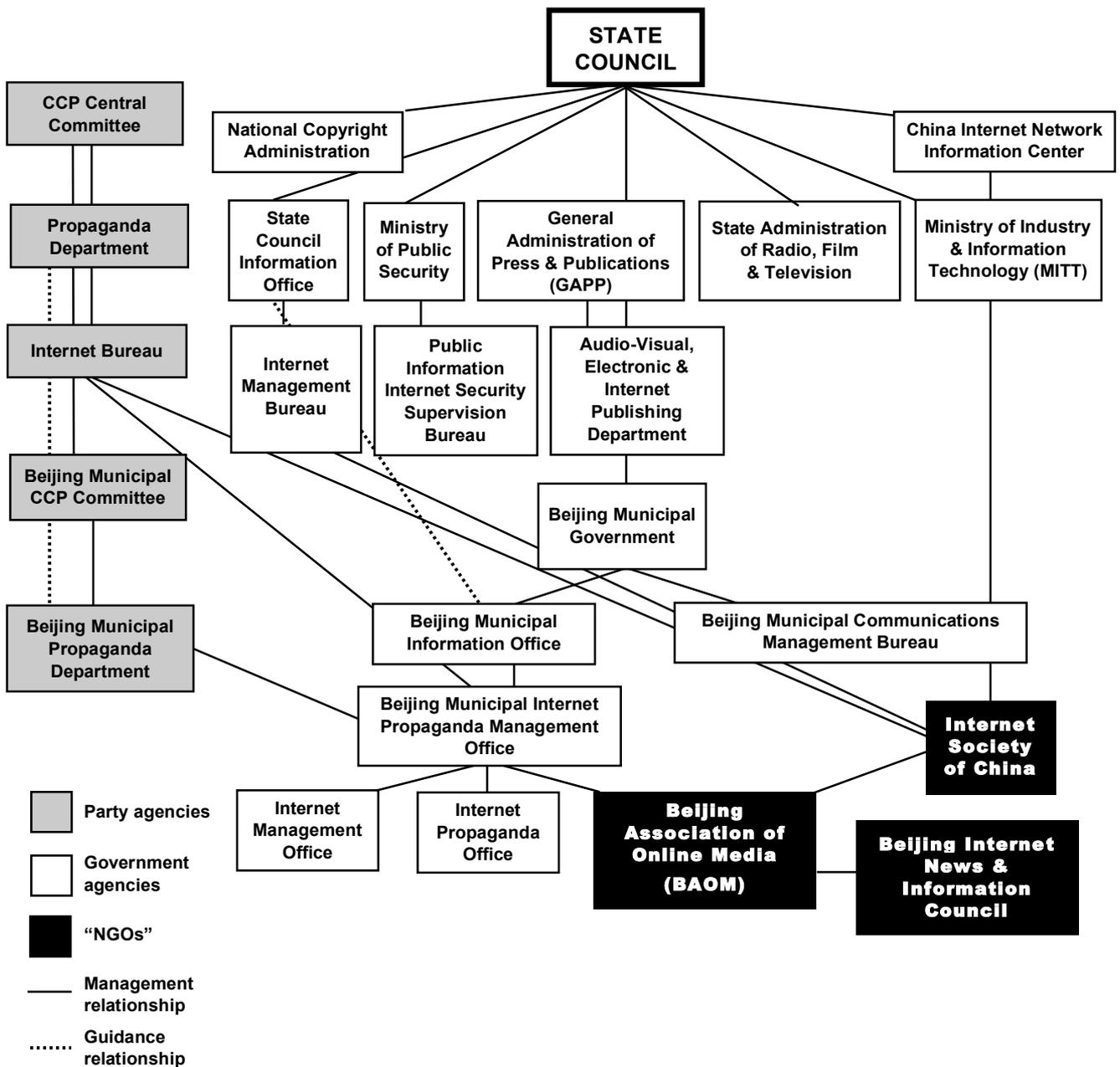
◆ Regulatory bodies responsible for internet control

There are a large number of government agencies and departments, as well as a small number of "government organized non-governmental organizations" (GONGOs), more or less run by the government, which are responsible for controlling the internet. The national Party organs include: the Propaganda Department of the CCP Central Committee⁷ and the Party Internet Bureau. The national government organs include:

- The Internet Management Bureau of the SCIO;⁸
- The Public Information Internet Security Supervision Bureau of the Ministry of Public Security;⁹
- The Audio-Visual, Electronic and Internet Publishing Department of the GAPP;¹⁰
- The State Administration of Radio, Film and Television (SARFT);¹¹
- The Ministry of Industry and Information Technology (MIIT);¹²
- The China Internet Network Information Center.¹³

The main national GONGO used to control the internet is the Internet Society of China. It is supervised by the Party Internet Bureau, and the Internet Management Bureau.

The role of the Beijing Party and government organs play a crucial role in controlling the internet. Most of the major national commercial websites and internet service providers are based in Beijing and their supervision is the responsibility of these government departments.



National and local party and government agencies responsible for internet control

The Beijing municipal government organs responsible for control of the internet include the Beijing Municipal Internet Propaganda Management Office (henceforth BMIPMO) of the Beijing Municipal Information Office¹⁴ and the Beijing Municipal Communications Management Bureau.¹⁵ While the former is a government department, it also takes instructions from the Beijing Municipal Propaganda Department and the Party Internet Bureau. Because Beijing is such an important area of national security concern, the Beijing Municipal Government is overseen directly by the State Council.

The main GONGOs based in Beijing which are used to control the internet are the Beijing Association of Online Media (BAOM)¹⁶ and the Beijing Internet News and Information Council.¹⁷ BAOM is supervised by the BMIPMO and the Internet Society of China.¹⁸ The Beijing Internet News and Information Council is supervised by BAOM.

Regional and local Party and government agencies throughout China have identical duties to those of corresponding departments in Beijing, which they fulfill with varying degrees of zeal and effectiveness.

With regard to internet control, the various Party and government agencies have overlapping responsibilities and jurisdictions which have developed in response to the rapid evolution of the internet. Different departments appear to have taken initiatives to exercise control of the internet as the need arose.

In comparison to the system of regulatory bodies responsible for control of the more traditional print and broadcasting media, the bureaucratic system of internet control is less coherent and comprehensive. On the one hand, the system endeavors to “catch internet users and companies coming and going”; that is to say, if illicit use or material slips through one part of the web of control, it will be caught by another part. Internet companies and organizations are entangled in such a thicket of permits and licenses that the government can always accuse them of one infraction or another. On the other hand, such a patchy system allows savvy users to manipulate it with the express purpose of disseminating views and information that otherwise would be censored. With its nexus in Beijing, the government has a stranglehold on the major commercial websites based in the capital, but its effectiveness elsewhere in the country is variable depending on the vigilance of local organs.

There were signs that the government was considering creating a central internet regulatory agency, the Internet Regulatory Commission. In early March, 2007, during the annual sessions of the NPC and the CPPCC, Zhu Lieu (朱立军), vice president of China Netcom and an NPC delegate, proposed that, “Apart from a separate supervisory department for media content... the internet and telecommunication networks, such as radio and television. should be regulated by a unified, country-wide agency.” When news of this proposal was made public, there was strong negative reaction among internet users. On March 20 the Hong Kong-based and government funded *Ta Kung Pao* newspaper reported that, “The State Council clarified that it had no intention of setting up an Internet regulatory commission.” It was widely believed that Zhu’s proposal represented the government’s position and was a means of gauging public feeling towards it. According to this view, the hostile reaction from the public made the government decide to shelve its plans.

◆ Efforts targeting particular types of internet media & services

Online magazines

On April 18, 2007, at a professional conference entitled, “China’s First Internet Magazine Publishing Industry Forum,” officials of the Audio-Visual, Electronic and Internet Publishing Department outlined new regulations for online magazines. Whereas previously internet content providers (ICPs) needed only to obtain an ICP license¹⁹ from the MIIT, henceforth they would additionally need an online publishing permit. In order to obtain this permit, they would first have to seek approval from GAPP and then, once approval was received, make an application for the online publishing permit to MIIT.²⁰

Domain name registration services

On July 24, 2007, at the request of the China Internet Network Information Center,²¹ a GONGO, six internet domain name registrars—CE Dongli, HiChina, Xin Net, Guangdong Huiyi, Xiamen Chinasource and MainOne—initiated a code of practice to govern their operations, which they called the Convention on Self-discipline of the Internet Domain Name Registration Service Industry.²² A total of 40 internet domain name registrars jointly signed the convention and another 193 companies joined in the pledge later.

Interactive forums & bulletin board services²³

In July 2007, MIIT began performing rigorous checks on domain name registration, servers and websites of all bulletin board systems (BBS), a form of interactive forum. It was demanded that all internet forums be registered and have stand-alone servers. According to MIIT, each server could have only one BBS site which should be placed in the computer room of a company certified by the Communications Management Bureau. The server must first have its domain name registration approved by MIIT and the forum running it must be managed by designated personnel contactable by any and all relevant authorities around the clock. All bulletin boards must have a moderator, who would perform this function at clearly stipulated hours. Moderators would be required to provide their particulars and contact phone numbers to the authorities. All members of the forum would have to use their real names in the registration process.

As a result of these directives, operations to rectify the BBS led to the closure of more than a thousand of these forums. According to the official website chinanews.com.cn, on January 20, 2008, CCTV reported that 339 “illegal” websites involved in “piracy,” many of which were bulletin board services, had been shut down during a nationwide crackdown between August and October 2007.

Blogs

On August 21, 2007, 14 blog service providers, including *People’s Daily* Online, Sina, Sohu, NetEase, TenCent, MSN China, Qianlong and Hexun signed the “Blog Service Self-Discipline Convention.”²⁴ The convention was drafted by the Internet Society of China, a GONGO.

Article 3 of the convention requires blog service providers to “observe the law, be honest and self-disciplined, and conscientiously safeguard the national and public interests.” “National and public interests” are vague, undefined categories often invoked by government and Party authorities to restrict freedom of expression and information.

Article 9 promises on behalf of blog users that they will “conscientiously abide by the relevant laws and regulations of the state on internet information services, be civilized in using the internet, and not disseminate pornographic or obscene materials or other unlawful and harmful information.” “Unlawful and harmful information” is a catch-all category which, in practice, translates into anything the government doesn’t approve of.

Article 10 says, “As to blog service users who violate the service agreement, blog service providers should at once urge the users to amend the entries, delete the related unlawful and harmful information directly or even stop providing service to those users.”

Video websites

Warning that video websites would face increased restrictions came as early as March 28, 2007, when the Beijing Internet News and Information Council, a GONGO, held its first meeting of the year. Officials at the meeting raised the problem of video websites that did not sufficiently restrict “harmful” content uploaded by users and demanded that the offending sites rectify the situation. In April 2007, the Internet Management Bureau ordered a clean-up of video websites.

On May 9, 2007, the Beijing Internet News and Information Council instructed two sites, UUSee.com²⁵ and ZOL.com.cn,²⁶ to make public apologies for supposed breaches of undefined regulations.

On December 29, 2007, SARFT and MIIT jointly issued “Regulations on the Administration of Internet Audio and Video Program Services,”²⁷ which stipulate that only units wholly or partially owned by the state can provide internet audio and video services and those units must obtain a permit²⁸ from SARFT and MIIT. According to the regulations, the government-approved companies must report “problematic” videos to the government. The regulations entered into effect on January 31, 2008.

On February 22, 2008, eight official internet media organizations (*People's Daily* Online, Xinhuanet.com, China.com.cn, CRI Online, CCTV.com, Youth.cn, Ce.cn and Cnr.cn) signed the “China Internet Audio-Visual Program Service Self-regulation Convention”²⁹ in Beijing. The convention aims to create “an [internet] audio-visual service environment that is healthy and orderly.” It requires its signatories to set up an “internet audio-visual program information storage system” whereby internet companies can notify each other when certain audio-visual information “violates Chinese laws and regulations,” so that it can be promptly deleted.

To monitor video content, the web administrators of video websites have to watch every clip, a huge burden on site operators. The increased restrictions and control, together with the blocking of YouTube, has frightened investors away from investing in video websites in China, undermining the development of the industry.

In addition to new regulations, it is important to note that existing regulations, such as the Regulations on the Administration of Internet News Reports,³⁰ require all internet media be run by organizations registered with, or recognized by, the government and that the qualifications of such organizations be subject to regular inspection. This has made it impossible for individuals or unregistered groups to independently publish information on their own websites without risk of penalty. When the authorities deem published information “sensitive,” the

Regulations on the Administration of Internet News Reports, in addition to the new regulations described above, can be used as justification for closing down or blocking such “unregistered” websites.

◆ **Measures to tighten internet surveillance efforts**

Internet surveillance volunteers & the “50-cent gang”

The Public Information Internet Security Supervision Bureau under the Ministry of Public Security³¹ is responsible for monitoring and controlling “sensitive” information. Every day, the “cyber police” in the Beijing Municipal Public Security Bureau's Public Information Internet Security Supervision Bureau³² block a large amount of



A training session for the first batch of “internet commentators” in Shanxi Province.

“sensitive” information on major commercial websites in the capital. However, rapidly increasing traffic means that the efforts of the cyber police alone are insufficient to censor China’s cyberspace.

More human resources are needed to police the internet. Recently, the authorities began enlisting private citizens to aid them in their work. According to a May 14, 2007, report in *Beijing Daily*, the capital had, at that time, 181 “volunteers” scrutinizing the internet. These “internet surveillance volunteers,”³³ recruited by BAOM under the direction of the BMIPMO, started their duties on August 1, 2006.³⁴ Each volunteer is required to report 50 items of “harmful” information each month, complete with URL addresses and snapshots of the websites for BAOM to confirm and verify. *Beijing Daily* reported, “Through the internet surveillance volunteers, the public harmful

information hotline... a pioneering and effective mechanism of national importance for managing internet information and monitoring society has begun to take shape." As of April 10, 2006, 12,000 cases of "harmful information" had been reported by the internet surveillance volunteers."³⁵

With the success of the "internet surveillance volunteers," BAOM, again under the instructions of the BMIPMO, began, at the end of 2006, hiring individuals commissioned to post messages to positively "guide public opinion." These "internet commentators"³⁶ are popularly known as the "50-cent gang,"³⁷ because they are reportedly paid 50 cents per posted message. They work in a surveillance center run by the Office and specialize according to the type of internet service they monitor: web portals, forums and blogs. Each major commercial website is monitored by one to three commentators.

There is some evidence that similar surveillance schemes have been implemented in other parts of the country. For example, on March 29, 2007, the Internet Administration Leading Group and the Municipal Propaganda Department of Taizhou City in Zhejiang Province jointly issued a document entitled, "Work Plan for Organizing and Building a Contingent of Taizhou Municipal Internet Commentators."³⁸ The plan required that the official municipal website, www.taizhou.com.cn, set up a team of commentators to play a leading role in "guiding public opinion" on the internet. It asked the *Taizhou Daily*, *Taizhou Evening News* and *Taizhou Commercial Daily* to provide personnel to form the backbone of the commentators' contingent for the website. The Taizhou internet commentators were appointed by the newspapers to a one-year term and paid for their published columns according to a standard rate scale for internet correspondents. Staff from the main propaganda-related offices in Taizhou, such as the Municipal CCP Propaganda Department, were also asked to serve as commentators.

In another example, on July 12, 2007, *Qingdao Evening News* published a barely noticed news item disclosing that the city's Education and Sports Bureau had formed a team of internet commentators of more than 100 members. The commentators were to post positive comments online and actively follow up comments from other internet users in order to promote positive public opinion and to lessen—and even eliminate—the impact of negative public opinion as well safeguarding social stability.

The internet 110 cyber police

In August 2007, two harmless-looking virtual police "appeared" on many government, e-commerce and news websites as an initiative of the Jiangxi Provincial Police to tackle internet pornography. Reportedly, the virtual police were available 24 hours a day and responded immediately to requests or reports of "criminal activity" from internet users.

Less than a month later, on September 1, 2007, the Beijing Municipal PSB introduced the "Capital's Internet 110 Cyber Police,"³⁹ a team of cyber police named after China's emergency telephone number, 110. Their icons, bearing close resemblance to those used by the Jiangxi Provincial Police, first appeared on web portals such as Sina and Sohu. An online system of reporting "illegal content" was put in place, and users no longer needed to go to the trouble of phoning the police in the event they wanted to report something. By clicking on the icons, users



Virtual police, Jiangxi Province

were directed to an online form where they filled in details relating to the problematic webpage. By the end of December, this cyber-police system was available on all websites based in Beijing. Similar systems are now in place across the country.⁴⁰

Government research on controlling the internet

The government has invested substantial resources and effort into research aimed at determining how best to control the internet.

Between January 24 - June 30, 2007, Xi Weihang

(席伟航), the executive deputy director of the BMIPMO, led a “Study of Measures to Administer Beijing Municipal Internet Publicity.”⁴¹ The following seven major issues were covered:

Research on How to Promote the Civilized Administration and Use of the Internet in Beijing Municipality;

- News and information administration systems of local key news websites and major commercial gateway websites in Beijing Municipality;
- Influence of internet commentators on net users and the psychology of net users;
- Trends of internet development in Beijing Municipality;
- Coordination mechanisms of the BMIPMO;
- Legislative Work on “Measures for Beijing Municipal Internet Propaganda Management” (provisional title);
- Development of new internet technology and internet business.

The topics investigated indicated the authorities’ wide-ranging concerns, including administrative measures to control the internet, developing technologies of control, effective methods of propaganda and the operation of websites. The study’s overall objectives were to “investigate and research the essential data of websites in the Beijing Municipality; the publishing, release and administration of news and information as well as training systems for the personnel of the city’s major commercial gateway sites; the feasibility of local legislation on internet publicity administration, and so on.” The proposal continued: “[One of] the difficulties... is collecting statistics, as the Internet in the Beijing municipality is developing rapidly... But since internet propaganda administration is a new, increasingly important job, the study itself is pioneering models for the administration of commercial web portals.”

After the conclusion of the study, on June 30, 2007, the results were presented in a publication, *Opinion Regarding the Strengthening of the Construction of Internet Culture in Beijing Municipality*, one of 57 studies deemed “important subjects” for study and distribution to local governments, CCP organs and schools.⁴²

The Measures for Beijing Municipal Internet Propaganda Management was also drafted as planned, but has not yet been promulgated as an official administrative document.

◆ **Turning commercial websites into tools of censorship & propaganda**

The proliferation of private commercial websites has posed challenges to government control. Especially before and during the 17th National Party Congress in October 2007 and the Olympics in August 2008, the authorities were nervous that commercial websites were not heeding their instructions. While efforts to control commercial websites were undertaken throughout the country, Beijing was especially targeted since many of the major national commercial websites are located there. Three days after Hu Jintao gave his address on the importance of using the internet to “guide public opinion” (see Introduction), on January 26, 2007, Xi Weihang (席伟航), the deputy director of the BMIPMO, made clear the government’s impatience with the lack of zeal of commercial websites in carrying out government instructions and stressed that the government would be much less tolerant in the future:

Since our office was set up and began exercising administrative jurisdiction over the registered internet media in Beijing, we have always interacted very well with you [website companies]. Various online media organizations have given us great support and cooperation in carrying out our work... But recently, I can say frankly, the foundation and the atmosphere of such cooperation and harmony have been greatly damaged. For example, our instructions have been defied and the regulations are not being followed. The campaign of “running the internet in a civilized manner” faces resistance. The problem is very serious. Our office cannot tolerate it any longer.

To enforce government orders, a point system was instituted to punish websites that failed to carry out government instructions. An “internal third-party monitoring mechanism” was also established at all major commercial websites. The outcome of these efforts has been to shift the burden of monitoring and censoring the internet to commercial service providers and websites. In addition, the systems to control who can publish which news from which sources have had the effect of turning commercial websites into propaganda tools of the state, spreading positive news about the Party and the government and “guiding public opinion.” Commercial websites were also expected to actively promote the government concept of the “harmonious society.” In 2007 and 2008, the Beijing Internet Propaganda Management Office launched initiatives such as an “online auditorium” and “Olympics auditorium” which commercial websites were expected to carry, and they did.

The point system: penalization for non-compliance

Frustrated by previous efforts to control commercial websites, at the meeting mentioned above Xi Weihang backed up his words with a specific threat:

From now on the [Beijing Municipal] Internet [Propaganda] Management Office will intensify checks and will record how orders are carried out. We will not inform and urge you over and over again to do what you should be doing. We will keep our own little record book. [If you] make a mistake, a point will be deducted. For example, from the first day of the checks, we will give websites 100 full points each. When a website has only 30 points left, it will be closed down and we will settle the score with that site. Additionally, [our] office will also specify that the website has to replace the editor-in-chief, chief inspector, deputy inspector, chief editor, etc. We will accumulate a list of names and circulate a notice to various websites informing them that they cannot hire the dismissed people.

On March 1, 2007, the point system began its pilot phase. During the first week, from March 1st to 8th, with the exception of Qianlong (千龙, www.qianlong.com), all 20 other major commercial websites supervised by the BMIPMO had points deducted.⁴³

The following examples indicate the way in which the system worked:

- TOM lost six points for “reprinting three articles: ‘The path toward parliamentarization of the NPC and China’s political reform,’ ‘Causes of the Dazhu incident in Sichuan’ and ‘Lack of concern about the party committee elections leads to tragedy.’”⁴⁴
- Sohu received a seven-point deduction because it “failed to control its article sources as it continued to quote stories from *China Business Network Daily*.”⁴⁵
- Ifeng.com lost one point for “breaching the rule on article sources—it brazenly used content sourced from Deutsche Welle; the content is in poor taste.”

When the pilot ended on June 30, 2007, the BMIPMO found the results satisfactory. From July 1 it officially inaugurated the new system. Originally, an annual appraisal of the websites was to have been conducted, but it is now being done quarterly.

It is a system not only of censorship, but also of propaganda. In addition to being penalized, websites are rewarded when they cooperate with the Management Office by publishing special reports and features in accord with the Office’s agenda, or when the reports they provide on information circulating on the Internet and on public opinion have been adopted by the Office. For each approved action taken, websites are given 0.1 point. However, points are deducted if websites are delinquent in carrying out orders regarding publication of “positive” material issued by the Office.

In order to clarify its expectations, the BMIPMO issued two documents, *Time Requirements for Handling Publicity Reminders by Levels*,⁴⁶ and the *Explanation for Revising the Time in Handling Propaganda Reminders by Levels (Level One)*.⁴⁷ The latter divides “reminders” into four “levels” according to urgency, which gives an indication of the extent to which the BMIPMO tries to micromanage websites:

- Level 1. When we provide a specified link, delete the article within five minutes;
- Level 2. When we provide a headline and a source of article, delete the article within 10 minutes;
- Level 3. When we ask you to release an article, release the article within five minutes;
- Level 4. When we ask you to reposition an article, reposition the article within 10 minutes.

Stricter enforcement of regulations on news article sources

The Internet Propaganda Management Offices are intent on preventing commercial websites from evolving into news sources in their own right and gaining a footing as independent media. At a training session in September 2006, Peng Bo (彭波), deputy head of the Internet Management Bureau, said, “Internet [websites] are not the media; you have no right to report news.” When TOM and the China Consumers’ Association jointly organized an event billed as “The Top 10 Rights Defenders” on February 16, 2007, the BMIPMO declared that, “It is inappropriate for Internet media to appear in the capacity of co-organizer.” On February 22, the office made a

statement on the cooperation between commercial websites and the traditional media which stated that, “When commercial websites and the traditional media work together, the websites should set their position to provide ‘network support,’ ‘technical support’ or ‘network platform.’ They cannot act in the role of independent media.” In other words, commercial websites should not regard themselves as news sources, nor should they even re-publish news from unapproved news sources. However, because of insufficient government enforcement capacity, internet media can often skirt these regulations if the news they publish is not “sensitive,” and many internet media do regularly reproduce news from non-official sources.

From the beginning of 2007 onward, the government stepped up enforcement of the regulations relating to news sources. In early January 2007, the SCIO held a special meeting with Beijing-based commercial websites to emphasize the importance of regulating sources of news articles.

On April 30, 2007, the SCIO released a list of “Approved Media News Sources,” which is divided into two categories: traditional media⁴⁸ and official internet media.

The second category, official internet media, includes :

- Eleven websites of central news units including *People's Daily Online* and Xinhuanet;
- Five websites of ministries and commissions: the Ministry of Foreign Affairs, the Ministry of Health, the Ministry of Commerce, the Ministry of Finance and the National Development and Reform Commission;
- Thirty-one key news websites in various provinces, autonomous regions and municipalities such as Enorth.com.cn, Chinajinlin.com.cn and Eastday.com.

While the approved list implies that all sources of news not on the list are unapproved and that therefore news from those sources cannot be reproduced, there is no document clearly stipulating which news sources are not acceptable. However, various government organs have, on occasion, singled out particular news sources as unapproved. The term, “non-standard news source,” was first used on May 8, 2006 by the BMIPMO in a directive labeling *Democracy and Legal System Post* a “non-standard news source.” Since then, the Office has regularly issued directives identifying other non-standard news sources. At its regular Friday meeting with the major commercial websites, it has repeatedly stressed that the content of *Southern Metropolitan Daily*, *Southern Weekend*, *China Business Network Daily* and *Caijing* magazine should not be quoted. Significantly, these are among the most independent-minded periodicals in China. The Office also classified *Democracy & Law Times* and *China Times*, two other relatively daring news sources, as “nonstandard,” banning websites from carrying their articles.

Even though official websites occasionally reproduce articles from some of the above periodicals, commercial websites are not allowed to do this. On February 2, 2007, Chen Hua (陈华), deputy director of the BMIPMO, declared,

“When selecting the types of commentaries...they [the commercial websites] must maintain sensitivity. Although Xinhuanet and People's Daily Online sometimes also carry articles from media like the China Business Network Daily, commercial websites should not do so, especially when the writers or the persons written about are figures such as Li Rui (李锐) and He Weifang (贺卫方).”

The internal third-party monitoring mechanism

Since its establishment on November 21, 2005, the BMIPMO has required each website based in Beijing to set up a special unit to conduct surveillance. Different websites give the unit different names. For example, Bokee calls its unit the “monitoring division,”⁴⁹ and ifeng.com’s is the “quality control division.”⁵⁰ The main function of the unit is to monitor interactive information, contained in posts, blogs, comments and messages posted by net users, delete “sensitive” information, and block the ID (the identity of user) and IP (address) of the offending user.

Some websites did not follow the BMIPMO instruction to set up this unit. In particular, some established the unit within their news department rather than as a separate entity. In order to ensure that all websites understood the unit’s exact requirements, on May 25, 2007, the BMIPMO issued the “Explanation of the Tasks of the Website Internal Third-Party Monitoring Mechanism.”⁵¹

It reminded websites that, “Outside the news center [editorial department], each website has to set up a separate unit or working group parallel to the news center. The unit has to be led by a person of no lower rank than company director or manager-in-charge-of department who will report directly to the editor-in-chief.” The directive lays out in much greater detail than previously the six main functions of the “internal third-party monitoring mechanism:”

- To closely cooperate with the first “notifier” (the person at the BMIPMO responsible for direct liaison with the website) to jointly ensure orders are received and executed; the first “notifier” will continue to be the person who relays instructions from BMIPMO.
- To internally monitor whether all related channels receive the administration orders passed on by the first “notifier” in a timely fashion;
- To internally monitor whether all related channels execute the orders conveyed by the first “notifier”;
- To cooperate and communicate with related channels within the website that are beyond the scope of responsibility of the first “notifier”;
- To increase the assessment content (the amount of information reported to the BMIPMO about the website’s compliance) of the website’s third-party monitoring mechanism under the publicity appraisal system of Beijing’s key websites to reward the good and penalize the bad;
- To take part in related training organized by the BMIPMO;
- And to put forward suggestions to the BMIPMO at any time.

The Office issued the directive with special concern toward ensuring that news related to the upcoming 17th Party Congress in October 2007 would be properly “regulated.” After the Party Congress, the Office emphasized that the mechanism was to be a permanent fixture of each website’s administration. On January 23, 2008, it convened a meeting for personnel in charge of websites’ third-party monitoring mechanisms⁵² who were informed at the meeting that each website must make the internal third-party monitoring mechanism permanent.⁵³

Overall, commercial websites, especially those located in Beijing, generally complied with the regulations, and in this regard, it could be said that authorities’ efforts to control them have been quite successful. In the swirl of regulations and directives, commercial websites saw it as in their own interest to conform and “play it safe.”

Commercial websites that failed to execute orders to control their sites' content, or were found in breach of the rules, were penalized. However, in most cases the failure of the websites to comply with regulations appeared to be administrative lapses or misunderstandings, as opposed to systematic disregard for, or attempts to circumvent, the regulations.

Clear, publicly available regulations regarding punishment of websites for infringement of administrative decrees are not available, therefore, punishments meted out, including closures, fines, firings and demotions, appear to be determined on a case by case basis, according to the arbitrary judgment of the officials involved.⁵⁴

Control during “politically sensitive” national events

Two events of major concern to the government in terms of control of information and promotion of the government's perspective occurred in 2007 and 2008. The first was the 17th Party Congress of the CCP, held in Beijing on October 15 - 21, 2007; the second was the Olympic Games, also held in Beijing, on August 8 - 24, 2008. Planning for control of the internet in relation to these events began many months in advance. From the government's perspective, these occasions presented key challenges: in addition to adapting old administrative mechanisms and techniques, new methods for controlling information and the promotion of the government's viewpoint were developed.

The government regarded the 17th Party Congress as a “test run” of sorts for the 2008 Olympics, and the event was used to perfect methods and techniques of control that could be utilized for the Games. Many of these, in turn, were employed on a more general basis after the two events, when the innovations in control appeared to become permanent and systematized, as in the case of the “internal third-party monitoring mechanism.” In this respect, the 17th Party Congress and the Olympic Games, beyond their many other significances, can be regarded as milestones in government efforts to control the internet. Similar mechanisms of control were implemented when the government grappled with disasters such as the Sichuan earthquake, the Sanlu milk powder scandal and oppositional political events such as the release of *Charter 08*.

The following indicates the scope of the control, the nature of the planning and preparation, and the invasiveness of the various regulations, directives and orders issued by government regulatory and oversight agencies.

The 17th Party Congress

Important decisions regarding appointments to key Party positions are announced at the Party Congress. In the lead-up to the Congress, any information regarding these decisions is regarded as a “state secret.” “Rumors” regarding personnel changes in particular are not countenanced and public speculation is forbidden; on past occasions, journalists covering the Party Congress have been arrested and convicted on the charge of “revealing state secrets.”

Related efforts to control the internet began in early 2007. On March 16, 2007, Chen Hua (陈华), the head of the Internet Management Office of the BMIPMO, clearly stated the position of his office:

The content related to the 17th Party Congress has to be scrutinized thoroughly, with particular regard to the personnel arrangements... if [we] indulge civil society [in its pretensions to] determine the jobs and the seating arrangements [i.e.,

power relations], if the Western media and foreign hostile forces can wantonly fabricate public opinion and contradictions and sow dissension—if such circumstances happen—the 17th Party Congress will not be able to convene smoothly... The internet is an important political line of defense and everyone must be positioned [to defend it]. Do not allow any related posts or blogs to appear on the web. Any speculation about the personnel arrangements has to be removed at once. At the same time, corresponding technology should also be prepared. If there is a situation, we will find out who is to blame and the website concerned will also be held responsible. To effectively block articles from overseas websites, [domestic] websites must not post their stories. Do not set up voting on sensitive topics. Candidates for the 17th Party Congress, the electoral system, related personnel and so on are all sensitive topics.

In a speech soon afterward, Xi Weihang, the deputy executive director of the BMIPMO, in a speech emphasized three requirements stipulations:⁵⁵

- The topic of personnel changes is banned;
- Interactive sites have to strictly block information about the congress published by overseas media; and
- Technical oversight has to be strengthened in order to deal with harmful information in a timely manner.

On August 14, 2007, the BMIPMO called a meeting on the mobilization of internet administration for the 17th Party Congress which was attended by editors-in-chief and first “notifier” of the major commercial websites. Two months before the Party Congress, the Management Office had put internet administration on a “wartime” footing. All staff members were forbidden from taking leave or making business trips and were ordered to remain vigilant for any “harmful” information related to the 17th Party Congress. The Office exhorted all websites to keep a close watch on all Congress related content; sites could only re-publish articles provided by Xinhuanet or *People's Daily Online* and were prohibited from using “ambiguous” headlines. They also were ordered to step up oversight of interactive features such as blogs and forums.

On September 28, 2007, two weeks before the opening of the Congress, the BMIPMO again summoned editors-in-chief of all websites to a meeting, where a document drafted by the SCIO entitled “Views Concerning the Internet News Publicity Work of the Party's 17th National Congress,”⁵⁶ was issued. Soon afterwards, each website was required to submit its “Proposal for 17th National Congress Propaganda Management”⁵⁷ document and the site's duty roster⁵⁸ for October 9 - 30, the period spanning the 17th Party Congress. The “Views” stipulated the precise required contact information of all staff on duty as well as editors-in-chief and first notifier which the roster was to contain and that the staff on duty had to hold sufficient authority so as not to impede, delay, or otherwise adversely affect execution of orders. During the Party Congress, editors-in-chief were required to be on-call 24 hours a day.

As early as March 2007, the BMIPMO, using commonly available search engines, discovered that information and speculation concerning possible personnel changes at the Party Congress was available on the internet and noted that blogs carried views and information on the issue. It promptly called for a special meeting⁵⁹ to discuss how to deal with “harmful” information related to the Party Congress and to notify websites of the following three requirements:

- Search engines should eliminate any “harmful” information resulting from searches on relatively common terms, such as leaders’ names, and direct the search to the key news websites run by the central government. As for particularly obvious terms, such as “political stars of the Communist Youth League faction,” “new members of the Politburo Standing Committee,” and so on, searches for them should produce no results.
- Articles or blogs should be vetted before posting, especially if they carry sensitive phrases. If problems still emerge, the website will be held responsible. If the articles cannot be examined first, simply intercept them all. If a blogger who posts political rumors about the 17th NPC is identified and located, please contact that specific blogger. Website monitoring departments must not issue general regulations to all registered users regarding the 17th Party Congress.
- News and information about the 17th Party Congress in overseas media should all be classified as political rumors and harmful information of the first degree. They must be blocked in every section... they are mostly intended to split the political team of the CCP Central Committee, to confuse and poison people's minds...and so on. Websites must not obtain or reprint the content of those articles. If any website fails to follow this instruction, it will face closure or suspension of service.

For the purpose of filtering, the BMIPMO released 10 batches of key words related to the 17th Party Congress, on March 20, June 4 and 29, August 14, September 17, and October 8, 9 and 10.

Days before the opening of the Congress, the BMIPMO communicated to all websites that if any editor did not follow orders or made any mistakes they would not only be immediately sacked but the Office would also ensure that the editor’s professional career was finished.

During the Party Congress, the Management Office deleted “negative” information that was posted and set up keyword filtering to block items. It also issued orders to websites to disseminate government information and “publicity” about the Party Congress. On a daily basis each site deleted a large number of print media stories, blog articles, forum posts and negative comments made by internet users. Websites were required to send a member of their monitoring staff to work at the BMIPMO so that it could have direct control over the sites and ensure that its orders would be carried out immediately. When the monitoring staff received an order, they had to either carry it out themselves or send it back to their websites for implementation.

On October 15, 2007, the opening day of the Congress, an editor at TOM.com recommended nine articles for placement on the front page of the website's news center.⁶⁰ Officials at the Management Office were exasperated by the proposed headlines and the told the staff from various websites working at its offices, “The above was done by a TOM.com editor! Making ‘Party building: Corruption is still quite serious’ the lead story is particularly problematic”⁶¹ The editor was ordered sacked immediately.

The authorities were not only concerned with censorship of the internet but also with the use of commercial websites for propaganda purposes. On August 17, 2007, the BMIPMO requested that all commercial websites

place a special topic on their home pages, the front pages of their news sections and relevant thematic pages on “Welcoming the 17th Party Congress,” stipulating that the topic be presented in an eye-catching manner—a red banner was recommended—and the websites were told to give prominence to official reports about the preparatory work of the Congress. When running news about how various places around the country were celebrating the 17th Party Congress, websites were to give prominence to the series of reports run by *People’s Daily* and its online version, as well as Xinhua and its website. Major decisions and measures taken by central authorities to solve people’s livelihood problems were to be actively publicized. During the period of the Congress, daily orders were given to publish certain articles and information. Many observers regarded this Congress as marking a turning point in the government’s use of commercial websites for propaganda purposes. Honed during this Congress, similar methods were employed during the 2008 Olympic Games.

The Olympic Games

Starting on January 1, 2007, rules governing foreign journalists were relaxed for the period leading up to and also during the Games.⁶² After the Games, as the changes were about to expire in October 2008, they were extended. This gesture was intended to demonstrate to the world that the Chinese government would keep the human rights promises it made when it bid to host the Games and also to show China’s gradual relaxation of controls on reporting and the government’s good faith in promoting a more open society.

However, about ten days after the announcement of the relaxation of rules for foreign journalists, the BMIPMO demanded that all websites obtain its approval before accepting any interview by a foreign journalist, stating that, “No website can accept a foreign journalist’s interview without authorization. The website must communicate with the Internet Publicity Management Office beforehand. In regard to unavoidable questions, opinions must be unified before [the interview].” The directive was one of the first in a long line which sought to ensure that the commercial websites maintained the discipline demanded by the government in disseminating news related to the Olympics and in controlling expression of opinion on the sites. The following is a sample of such directives to the websites:

- *April 13, 2007. Recently, Guo Baoshun (郭宝顺), a villager from Beijing’s Shunyi district, disseminated information on the internet about the so-called “problem of legality regarding the appropriation of land for the construction of the Shunyi Olympic Rowing-Canoeing Park.” His opinion is at variance with objective reality. Please do not carry reports about this matter. Interactive sections should not propagate or discuss it and the related content should be erased.*
- *July 2, 2007: Do not report on the fire at Peking University’s Olympic table tennis stadium. Delete any stories that have been posted. Please ensure searches for the following key words return no results: “Peking University Gymnasium on fire,” “Olympic table tennis gymnasium on fire,” ...Remove any news related to the fire. The incident should not be broadcast or discussed on forums, blogs, follow-up posts or other interactive features. All related content must be deleted.*

- *August 6, 2007: Level Two: Do not report the disturbance created by some foreigners in front of the office of the Organizing Committee for the Olympic Games this afternoon. Do not discuss the matter in interactive sections.*
- *August 13, 2007: Please ferret out and delete the article “One world, one dream and universal human rights—our appeal and recommendations to the Beijing Olympics.”⁶³*

In addition to previous lists of words to be filtered, on July 30, 2007, the BMIPMO ordered the filtering of key words specifically related to the Olympics: “In all interactive sections, please filter the key words: ‘Datun street office villagers whose land was appropriated,’ ‘Bird’s Nest and villagers whose land was appropriated,’...Strictly check all posts that contain these key words. All search engines have to ensure that searches for the following key words return no results and [this measure is to be] maintained until September 1: ‘Datun County’s displaced peasants,’ ‘Datun sub-district office displaced peasants’...”

As the Olympics approached, threats against unruly websites were stepped up. On January 25, 2008, the head of the Beijing Municipal Copyright Department, Feng Junke (冯俊科), warned at a press conference that websites which created or disseminated information that “distorted” the Olympics logo and its related pictures, words, music and movies would violate the government’s intellectual property rights over the Beijing Olympics. Those websites which were unregistered would be closed down, while registered sites would be asked to delete objectionable content.⁶⁴

Although the Chinese government temporarily lifted the blockade of the websites of several overseas media during the Games, such as the British Broadcasting Corporation (BBC), many sites considered “politically sensitive” or “anti-China” continued to be blocked, such as those of CHRD, Dajiyuan, 64tianwang.com and Boxun. One such website, *News Week*,⁶⁵ an online publication focusing on forced evictions and citizen actions to defend civil rights, was reportedly attacked during June and July 2008. During the last two years, a number of human rights websites have reported malicious attacks of unknown origin. Activists working with these websites suspect that these attacks had official backing.

During the Olympics, Chinese internet users were subjected to even stricter censorship. For example, Xinwang Hulian,⁶⁶ an internet service provider, released a notice entitled, “Urgent Notice Regarding the Safety of Information on Internet Sites,” which stated that, “To ensure the safety of information on the internet during the Beijing Olympics and in accordance with requests from higher authorities, Xinwang Hulian will conduct a safety inspection of its sites... This inspection includes a review of website content... and expansion of the selection of key words for censorship.” Popular internet forums known for their political discussions, such as Tianyi, Tianya, China Reform Forum,⁶⁷ and Xicikutong Ruisipinglun,⁶⁸ took additional measures to restrict postings. Outspoken individuals who were active users of these forums were either barred from posting messages or had their messages blocked due to “sensitive” content.

The Sichuan Earthquake, the Sanlu Milk Powder Scandal & Charter 08

The mechanisms of internet censorship and control described above were similarly implemented as the government attempted to control public opinion in the aftermath of unforeseen national disasters, such as the May 12, 2008, Sichuan Earthquake and the Sanlu milk powder scandal, as well as the release of *Charter 08*. Blogs and websites commenting on the milk scandal, such as the online publication *China Agricultural Product Market Weekly*,⁶⁹ or on *Charter 08*, such as blog portal bullog.cn were shut down by internet authorities. A couple of weeks after *Charter 08* was first released on the internet, on December 9, major search engines including Google.cn, Sina and Baidu, blocked and deleted the vast majority of articles which commented on, or mentioned, the public petition.

It must be stressed that although China's "openness" in the immediate aftermath of the earthquake was heralded by some—many Chinese journalists were able to report on the disaster independently—the authorities resumed tight control over the media only days after the catastrophe by harassing and detaining individuals whom they considered "troublemakers."

The earthquake, one of the most devastating natural disasters in modern China, generated an unprecedented amount of civil society activism, both online and offline. Individuals with no previous history of dissent, such as **Liu Shaokun** (刘绍坤) and **Zeng Hongling** (曾宏玲), became vocal online critics of the government's handling of the quake and were punished for speaking out. In addition to Liu and Zeng, veteran online activist and director of the human rights website, Tianwang Human Rights Center (www.64tianwang.com), **Huang Qi** (黄琦) also fell victim to the official crackdown. Huang was apprehended on June 10 and was detained for his online reporting and for giving interviews to foreign journalists about protests staged by families of schoolchildren who died in the earthquake.

Individual internet activists are regularly subject to criminal sanctions. Two types of user are most likely to be punished in this way: those who post articles on popular websites which are critical of the government or on overseas websites, and those who use the internet to mobilize actions, such as demonstrations and public petitions. Criminal charges against these individuals include "leaking or possessing state secrets," "inciting subversion of state power," "spreading rumors," or "defamation."

II. Internet Users Exercise their Freedom of Expression

Despite expending considerable resources to keep the internet under tight control, the government cannot fully achieve this goal when faced with rapidly developing internet technologies, their many different uses and the sheer numbers of people in China going online. There are few individuals campaigning for greater freedom of expression and information on the internet or against government efforts to control it, but the ways in which some people and smaller organizations use the web to struggle for their individual rights has also had the indirect effect of expanding freedom of expression and information online.

In spite of government efforts to make certain bureaucratic organs of the state responsible for internet censorship and its intention to use the web as a tool of state propaganda, much of the government's work is reactive or occurs

only in relation to particular events, and this creates windows of opportunity for users. For example, when an unanticipated incident occurs and the government wishes its version of events to be presented by the media, internet publicity management offices issue orders requiring major commercial websites to filter key words and delete and block certain details and viewpoints about the incident. Yet there is often a lag between the incident and the issuing of such orders and it is within this time frame that information seeps out, often from individual users. In cases which particularly capture the attention of a large number of internet users, this short period can be sufficient for wide circulation of information. In a few cases, there is a snowball effect, with websites and more traditional media picking up and disseminating the news; at which point it can be too late for the internet publicity management offices to clamp down.

In cases in which government authorities take preemptive control measures, ordering key word filtering and self-censorship by commercial websites, savvy internet posters and searchers are able to circumvent key-word filtering through creative use of language, while website editors may not consider certain information and views “sensitive” enough to be removed and allow them to be disseminated. In certain cases this generates a sufficiently long “incubation period” for a particular item to take on a life of its own.

While government authorities appear to have secure control over major commercial websites, hundreds of thousands of small websites exist, based in locations where internet publicity management offices are not as zealous or effective. These websites often operate with greater freedom and independence and much information and many views displeasing to the authorities originate from these sources.

Overall, government efforts to control the internet seriously affect general online discourse, particularly on a wide range of political, social and economic issues and, in this respect, can be considered damaging to freedom of expression and information. While government agencies may not be able to ensure that only official versions of information and views are available on the web, it is still only a minority of critical posts that evades their control. Still, the sheer volume of internet users, types of information and communications technology and diversity of information available have, to some extent, forced the authorities to become more tolerant. The government appears to be adopting the strategy of limiting strict controls to a number of key events, incidents, figures, issues and uses, some of which would include Party Congresses, the history of CCP rule, direct challenges to CCP power, top political leaders, the Olympics, Falun Gong, Taiwan, Tibet, Uighur rights, and use of the internet for any kind of organization of events, groups, or even opinion independent of state control.

◆ **Four case studies: Using the internet to break news stories & to organize**

The following are four instances in which internet users, in the face of government efforts to control them, arguably broadened freedom of expression and information. The cases also illustrate some of the issues and dynamics involved in the cat-and-mouse game of internet control. In reviewing the four cases below, it should be noted that all were initially of local or provincial significance, occurred outside of Beijing, and gained national attention through the internet. In this respect, issues and incidents which do not implicate national or politically well-connected authorities and leaders and occur at a remove from the centers of power are more likely to find space online.

The Chongqing nail house

On February 26, 2007, a post entitled “The most stubborn nail house in history”⁷⁰ appeared on the web. The content of the post was a photo showing a small, two-storey house in the center of a 10-meter-deep pit at a construction site in Chongqing; the house belonged to a couple holding out against the forced demolition of their home; all the other surrounding houses had already been demolished. The post was circulated on various major online forums and the print media began to report the case, in turn arousing the interest of the general public in what was happening. On March 23, the Jiulongpo District People's Court in Chongqing Municipality set a deadline for the house to be demolished.

The case became the most popular topic discussed in online forums: a post⁷¹ on “cat898” attracted almost 10,000 feedback comments in one day. Individual internet users did not simply consume information and comment on the incident: bloggers published eye-witness reports and were key actors in the spread of information and helped keep the case in the public eye, even after the traditional media lost interest and cut down coverage of the issue.

On March 28, a 26-year-old blogger, “Lovely Angry Youth Zola” (可爱愤青Zola), whose real name is **Zhou Shuguang** (周曙光), traveled to Chongqing and began reporting the incident on his blog. His first report, “I am in Chongqing's Jiulongpo investigating the case of the most stubborn nail house,”⁷² was posted shortly after 3 p.m. and received more than 5,000 hits that same day. He posted more than 10 articles on his blog during his week-long stay in Chongqing.



The Chongqing nail house before its demolition

When the owner of the nail house **Wu Ping** (吴苹)

struck a deal with the land developer over resettlement compensation, Zhou began a web broadcast at 8 p.m. on April 2 from a nearby internet bar to report on the demolition, shooting videos and recording sound bites with his cell phone and uploading them to his blog. His amateur perspective gave his reports a fresh and original grassroots edge that appealed to many viewers. At 11:30 p.m. that day, he released an online album of 81 photos of the demolition process, capturing the final moments of the “most stubborn nail house.”

The event was so influential it is credited with generating a new crop of “online citizen journalists” who use the internet as a platform to independently gather and circulate information about public events. A great amount of the first-hand information on the “nail house” incident was released by such netizen journalists: on March 22, a netizen journalist in Chongqing, identified as “Streaking Dog,”⁷³ posted on-the-spot updates of the nail house saga via his cell phone to internet users nationwide. On March 24 another blogger, known as “Tiger Discusses the Way,”⁷⁴ began reporting on the incident.

Zhou Shuguang was the most popular of this type of reporter and became known as “China's No.1 citizen journalist.” He has since reported on several other controversial events, such as the Xiamen PX incident (see below). “Citizen journalists” are considered illegal by the Chinese government since they do not possess accreditation as journalists and are often subjected to official harassment and intimidation. A large number of the journalists imprisoned in China are “citizen journalists.”

Netizens hailed Chongqing's nail house as “a landmark incident” of 2007.⁷⁵ Government officials, however, were less enthusiastic about the incident and the reporting on it. The BMIPMO issued a number of orders to Beijing-based commercial websites regarding the case. Some examples include:

12 p.m. March 24

Concerning the matter of Chongqing's nail house, commercial websites must not pick up the story again. Related special reports have to be withdrawn. Do not reproduce news and commentaries of this sort. Additionally, there should not be any recommendations of, or links to, the news in forums and blogs. Cease all follow-up comments on related posts on forums. Let us stress once more, special reports [on this issue] must be thoroughly erased.

2 p.m. March 24

Regarding the case of Chongqing's nail house, pick up no more stories and delete all special reports; commentaries and blogs should not be disseminated. Forums and blogs should not recommend the news. All posts should be blocked from having follow-up comments. Withdraw the background and do not carry out guest interviews [on the topic].

8 p.m. April 2

All websites have to reproduce the latest report about the nail house incident run by the Cqnews (www.cqnews.net), entitled “Nail house case settled, both sides reach deal over clearance.”⁷⁶

5 p.m. April 3

Concerning the demolition of the Chongqing nail house, websites should not reproduce or edit new news items, reports or commentaries. Do not do any follow-ups or reviews. Blogs and forums cannot recommend or post links to this sort of article. Posts that focus on the topic have to be erased without delay. Any post criticizing the handling or the results of the incident or instigating troubles over the case has to be blocked and deleted without delay.

However, these orders were insufficient to prevent the dissemination of new information regarding the popular case. Zhou’s blog, for example, managed for a while to evade censorship.

Demonstrations against the Xiamen PX project

On May 29, 2007, a mobile phone SMS was circulated in Xiamen City, Fujian Province. It read,

Xianglu Group has started its investment project (of paraxylene, or PX) in Haicang district. If this highly toxic chemical is produced, it will be like exploding an atomic bomb on the whole island of Xiamen; the people would have to live with leukemia and deformed babies. We want to live, we want to be healthy! International organizations stipulate that projects of this sort have to be developed at least 100 kilometers away from a city. But this project is



Xiamen residents protest against chemical plant construction

just 16 kilometers away from us, Xiamen! For the sake of future generations, after reading this send group text messages to all your friends in Xiamen!

Via SMS, QQ groups, MSN and BBS, the people of Xiamen organized a “strolling protest”⁷⁷ on June 1 and 2, with an estimated 10,000 people taking part each day. Residents demanded that the Xiamen municipal government stop, rather than just delay, the building of the PX project. By the end of 2007, the government agreed to terminate the PX project. *Southern People Weekly* named the Xiamen residents, “People of the Year” and declared, “[The residents’] action will help China open the door to modern civil society.”

Using mobile phone SMS and the internet, **Bei Feng** (北风) and **Linghu** (令狐) reported live on both days of the protest on the Bullog website, a site favored by dissidents and critics of the government. Blogger **Lian Yue** (连岳)

repeatedly commented on the incident on his blog, encouraging the people to express their disagreement “with their feet.”⁷⁸

The BMIPMO separately issued two instructions on May 30 and June 1, ordering websites not to reproduce any reports on the story, to erase articles that had already been posted and to stop all related discussions in forums, blogs and other interactive features. But by then it was too late, as news of the protest had already reached many of the residents of Xiamen.

The Xiamen authorities became alarmed. There is evidence to suggest that immediately after the protest the authorities began drafting measures designed to tighten freedom of expression on the internet in order to prevent similar incidents from happening again. On July 3, 2007, Tian Feng (田锋), deputy head of the Xiamen Municipal Bureau of Commerce, disclosed that the drafting of Measures of Administration and Handling of Harmful and Unhealthy Information on the Internet in Xiamen City⁷⁹ had begun in mid-June. The regulation, he reported, would soon be announced and implemented by the municipal government. Tian said the measures required that real names (names on users’ official identity cards) be used both for registration and publication of a post online. He also said, “Since the incident of opposing the PX project, the government considers that it has to take control over the content on the internet.”

Later, Lin Congming (林聪明), deputy chief of the Propaganda Department of the CCP Xiamen Municipal Committee, denied that the drafting of the new internet regulations had any connection to the PX project. But, he said, according to the measures, “The people who organized and incited opposition to the Xiamen PX project” would have been punished had the new regulations been in place.

At the time of writing, the administrative regulation has not yet been promulgated.

The Shanxi brick kiln slavery scandal

On June 5, 2007, “Naughty old man of central plains” (中原老皮), real name **Xin Yanhua** (辛艳华), posted a message on a forum in Henan Province, <http://bbs.dahe.cn>, entitled, “The road of evil ‘dark people!’ Children have been sold to Shanxi’s black brick kilns, 400 fathers weep tears of blood crying for help.”⁸⁰ The post was picked up by numerous websites. At the “End of the World Talk”⁸¹ on www.tianya.cn, the post attracted more than 580,000 views and more than 3,000 responses in just six days.

However, Xin was not the first to break the story. As early as May 9, **Fu Zhengzhong** (付振中), a reporter with City Channel of Henan Television, obtained the first news regarding the disappeared children. By June 11, Henan Television had re-broadcast Fu’s report 21 times, resulting in over a 1,000 parents contacting the City Channel to assist in the search for their children. Local police in the area of the brick kilns were unhelpful to the parents. Other traditional media showed no enthusiasm for publishing parents’ appeals for information about their missing children, or when they did publish such appeals there was very little response.

It was Xin Yanhua’s posts which caught the attention of the country and eventually of the rest of the world. The nationwide outrage and condemnation expressed by netizens nudged the reluctant local government into action. Internet users who read Xin’s posts also launched a “blue ribbon” campaign to help the missing people and to arouse public concern over the issue. Even after the authorities concluded their crackdown on the kiln owners and their operations, internet users continued to monitor the situation. In his blog, internet user “Iam,” called for the public to help find kiln slaves who went missing again after having been rescued. Lamv successfully discovered leads to the whereabouts of several missing kiln workers.

The BMIPMO issued five directives to commercial websites regarding the scandal. They attempted to curtail public discussion about it as well as “guide public opinion” in favor of the government’s handling of the affair:

7 p.m. June 14

*Level One:*⁸² *To all websites: Concerning the Shanxi brick kilns incident, reproduce the items about how the central and the local governments seriously investigated and dealt with the matter. Do not overly dramatize in the headlines the details of how the workers were abused in the brick kilns; delete parts of the photos and articles that excessively illustrate the miserable conditions. Remove from the interactive features harmful information that tries to attack the Party and the government over the incident.*

11 p.m. June 15

Level One: *Regarding the Shanxi brick kilns affair, all websites have to increase the dynamics of positive publicity, report more on the vigorous measures taken by the relevant central and local authorities, block follow-up comments posted on the related news reports, and step up the administration of forums, blogs, instant messaging and other interactive features and tools. Delete as soon as possible any harmful information that uses the incident as a pretext to attack the Party and the government.*

6 p.m. June 22

Level One: *To all web portals: In the reports about the news briefing of the Shanxi brick kiln incident, please allow follow-up posts on the news and send special personnel to manage the posts and to strictly block and erase harmful viewpoints that attack the Party and the government.*

7 p.m. June 26

About the reporting of the Shanxi brick kiln incident, all websites must follow and execute the orders below before 7 a.m. tomorrow:

1. *Withdraw related reports and special topics from the website's home page and the news front page.*
2. *Apart from the news about the case's investigation issued by central key news websites that can be placed on the website's home page and the news front page, all other sources of follow-up reports have to appear under the domestic news column.*
3. *When reproducing related news, just carry individual stories and do not open follow-up posts or link to previous reports and special topics.*
4. *The front pages of interactive features shall no longer recommend the latest news and commentaries about the brick kilns.*
5. *Be strict with the deletion of information that is biased, extreme, critical of the Party and the government, or organizing collective action.*

6 p.m. July 6

Level Three: Concerning the reports of the Shanxi brick kiln incident, do not post any more new articles or produce any reviews. Interactive features should not initiate the topic for discussion, guide any discussion or make recommendations.

The Shaanxi fake tiger photo scandal

On October 12, 2007, the Shaanxi Provincial Forestry Department publicized photos taken by hunter Zhou Zhenglong (周正龙) of a rare South China tiger, an endangered species whose habitat is threatened by human encroachment.

That day, an internet user called "Rickshaw Puller"⁸³ reproduced the news and the photos on www.xitek.com, a photography forum. By the evening, netizens were questioning the authenticity of the photos. "Woodpecker in the Forest"⁸⁴ posted the following comment: "The photos look like they've been Photoshopped." The next day, "Hongdu Swordsman"⁸⁵ said, "Anybody can figure out the size of the tiger based on the size of the leaves [in the photos]... If the photos are genuine, the tiger is about as big as a rat."



The South China Tiger

An online discussion regarding the technical aspects of the photos and doubts about their authenticity metamorphosed into a nationwide online debate on political and social issues, such as collusion between government officials and disregard for environmental protection in the rush toward economic development.

Reportedly, the State Forestry Administration, Shaanxi Forestry Department and Zhengping County, where the tiger was allegedly sighted, had jointly planned a habitat protection zone in the county. The state administration had approved the budget and the funds would be disbursed once tigers were sighted within the proposed zone. It was rumored that Zhengping County and Shaanxi Forestry Department officials allowed Zhou to fabricate the tiger photos in the hope they could be used as evidence of the existence of a healthy habitat.

On November 16, 2007, the BMIPMO issued the following instructions: “Please remove the article about the fake South China tiger published by *Southern Metropolitan Daily*, step up the administration of related commentaries and follow-up posts and delete all entries which use the affair to attack the government.”

On March 7, 2008, the South China tiger forum on www.hsw.cn in Shaanxi, the most popular online forum for discussion of the fake tiger photos, announced its closure. It had insisted on more freedom of expression and thus was not in accord with the views of the Shaanxi Provincial Forestry Department and other relevant authorities. The forum was shut down during the March sessions of the NPC and the CPPCC, with some internet users speculating that the Shaanxi authorities had ordered its closure for fear it would draw the attention of the NPC and CPPCC delegates to the scandal.

However, official censorship did little to curb the uproar across the internet. Local authorities were pressured to hold the person responsible for the scandal accountable; blame was laid on Zhou, the hunter-photographer and in June 2008, he was arrested for “fraud.” At the same time, 13 local officials in various departments of Shaanxi Province were sacked from their jobs or received warnings and were demoted.

The online “crackdown on the fake tiger” became the most sensational internet affair in China in 2007. In *Southern Weekend's* selection of People of the Year, internet users who had exposed the fake tiger photos came second, only 400 votes behind the Xiamen residents who had protested the PX project.

◆ Legal efforts to fight internet control & censorship

Some individuals questioned the legality of internet censorship and took legal action to counter it. There were several landmark lawsuits, and courts sometimes accepted plaintiffs’ cases. However, internet users have yet to win a case brought against an internet company, whether for breach of service or invasion of privacy.

Du Dongjing takes China Telecom to court

On February 28, 2007, Shanghai resident Du Dongjing (杜冬劲) discovered his personal finance website, www.realcix.com, which was hosted on a foreign server, had been blocked by ISP China Telecom. When he contacted the company, they refused to unblock his site. On April 28, he sued the Shanghai branch of China Telecom for breach of service. Previously, lawsuits had been filed against internet companies for blocking websites, but courts refused to hear them. This was the first time a court agreed to hear such a case, giving activists hope that there would be more avenues for fighting against limits on internet use. The lawsuit generated great interest, and many users saw it as one of the most significant internet-related lawsuits of 2007.

The hearing took place on August 3. On October 22, the Pudong court ruled that, “The defendant had no obligation to inform the plaintiff why he could not visit the site.” On December 2, Du issued an open letter urging

the NPC to investigate China Telecom and internet surveillance departments for violating the Constitution, but his letter was ignored. Du appealed, but on December 11 the Shanghai Municipal First Intermediate People's Court upheld the original ruling.

Liu Xiaoyuan sues Sohu for removing blog articles

On August 16, 2007, Beijing's Haidian District People's Court accepted a case filed by Liu Xiaoyuan (刘晓原) accusing Sohu of breaching its service agreement by blocking and hiding Liu's blog articles. The lawsuit was the first case of blog concealment in China to be accepted by a court.

The plaintiff claimed that from 2006 and up to August 15, 2007, Sohu concealed nine of his blog articles, with titles such as "Does cardboard bun hoax constitute the crime of damaging the reputation of a commodity?"⁸⁶ and "Chen Liangyu 'corrupts on one side, gets promoted on the other' Who should be blamed?"⁸⁷ The plaintiff argued that upon his registration of the blog with Sohu, a service agreement bound both sides and that he had the right to publish articles on his blog and to exchange views with other internet users while at the same time he was obligated not to violate the website's regulations. Liu insisted the content of the nine concealed articles was neither reactionary nor obscene and abided by the rules of the website's "Agreement with Sohu Blog Users on Dissemination of Information."⁸⁸ The fact that the defendant blocked the blog articles without seeking the plaintiff's consent and did not show them on the blog page was clearly a breach of the service agreement. The plaintiff asked the court to order the defendant to post the nine articles on his blog.

On September 12, in a reversal of its initial decision to hear the case, the Haidian District People's Court dismissed the case without trial. Although the case never went to trial, the court stated, "This court accepted and heard [the case] according to the law."⁸⁹ Liu neither saw the defendant in court nor saw the judge. He appealed the ruling but on April 20, 2008, the case was dismissed again.

After Liu's lawsuit against Sohu, the BMIPMO asked all websites to amend their service agreements with internet users accordingly in order to avoid others following in Liu's footsteps.

Guo Li sues Baidu & HiChina for email leak

On December 7, 2007, the first case in China of an internet company being sued for an email leak opened in Beijing's Haidian District People's Court. Guo Li (郭力), a lawyer from Hangzhou City, Zhejiang Province, sued Baidu and the email service provider, HiChina, for making public his private email.

According to Guo, in August 2006, he found that a search on Baidu returned a link to an email message he had sent through HiChina a month before. The email message and its attached document were publicly accessible in the Baidu cache.

Baidu argued that the material constituted "open content," and said it could not check on every single item. HiChina said it had done nothing wrong as it had adopted security measures, and it was not clear how Baidu could obtain the email. On January 14, 2008, the court ruled against Guo, stating, "There was no evidence to prove unusual circumstances had caused his email address to be leaked."

When interviewed by reporters from *Science and Technology Daily*, Guo said, "If it is legal for private email to

become open letters, citizens will have to bear the consequences of their rights being violated on the internet. Don't tell me that from now on users will have to shoulder the responsibility on their own for any infringement of their rights on the internet." He appealed the ruling but on September 10, Beijing No.1 Intermediate People's Court upheld the original verdict.

Internet "false information" case first to involve PSB surveillance

In 2006, the website of Xinjiang Autonomous Region's Western Law Firm, www.xibu.org, reproduced a commentary entitled, "From Gao Yingying's death to effective supervision of rights."⁹⁰ The commentary quoted a report by *Democracy and Legal System* magazine which speculated that Gao, a young woman who died under mysterious circumstances in 2002, was raped and murdered by a Party official who was later implicated in corruption. The report also mentioned that the magazine reporter was followed by an unidentified car and personnel while investigating the case.

The law firm soon received "A Letter Concerning the Removal of False Information on the Internet"⁹¹ from the Xiamen Municipal PSB's Public Information Internet Security Supervision Department via its ISP, Chinasource, located in Xiamen, Fujian Province. The letter stated, "The content is false; it disturbs regular social order. To stop the information concerned from spreading and causing greater negative influence, please delete the article as soon as your unit receives this letter."

Chinasource asked **Zhang Yuanxin** (张元欣), a lawyer at Western Law Firm, to delete the article, but he refused, saying, "The article is still posted on Sina, *People's Daily* Online and other major websites. The matters mentioned in the story have all been reported by various major media organizations nationwide. We do not think it is false information, so we are not going to delete it." He asked Chinasource to give him a written notice on the issue, but the company failed to do so and immediately shut down the law firm's website.

Zhang then sued Chinasource in Urumqi, Xinjiang Autonomous Region, where the law firm is located. In November 2007, the Urumqi Municipal Intermediate People's Court ruled against him, stating, "The article involved in this case has been determined by the public security organ to be false information that has caused a disturbance to social order. Given that the internet company tried unsuccessfully to get it deleted, its closure of the website is not inappropriate." On the question of whether or not the information in the commentary was false, the court did not make its own determination, but simply cited what the Xiamen Municipal PSB's Public Information Internet Security Supervision Department had alleged.

The presiding judge, Justice Gao Shengli (高胜利), told reporter Ma Jun (马军) of *Youth Weekend*⁹² that it was the first time the Urumqi Municipal Intermediate People's Court had heard a case involving "false information" on the internet. It was also the first case involving internet surveillance by the PSB to be heard in a Chinese court.

In 2006, the BMIPMO had issued two directives regarding the case of Gao Yingying. The first ordered, "Do not pick up reports about the two cases of Huang Jing and Gao Yingying. Do not put the news about the progress of the cases in the main news section. Do not start special topic reports; do not begin debates on the views of both sides. Pay close attention to the trend of opinions expressed in interactive features; delete views that attack the

judicial and bureaucratic systems.” The second commanded, “Concerning the content of the case of Gao Yingying, do not put it on the website's home page or the front pages of the news centers or on the forums anymore. Stop refreshing the follow-up post on the news and the forums.”

The discrepancy in the judgments of the BMIPMO, which wanted to stop the spread of the news, and the Xiamen Municipal PSB's Public Information Internet Security Supervision Department, which wanted to delete the relevant articles entirely, is an indication of the arbitrary nature of much internet control.

▼ Conclusion & Recommendations

The internet may be helping China to become a more open society, but the government is largely succeeding in controlling free expression and information on the internet. No clear winner has emerged from the ongoing war over China's cyberspace; the outcome will, to a great extent, depend on the roles that the various stakeholders play. Individual internet users will undoubtedly continue to push the envelope to find new ways to circumvent systems of control. However, they will, arguably, not likely be able to outsmart the authoritarian state's administrative control, boosted by state-of-the-art internet censorship and surveillance technologies, except to a small extent.

The government shows little sign of slackening its relentless pursuit of control over the internet. But on the other hand, in spite of the considerable human and financial resources it invests in modernizing its tools of control, it may find its efforts becoming less effective. For this reason, it has turned more toward producing administrative regulations that require ISPs and commercial websites to do the monitoring and censorship, for which the government lacks the capacity.

It is worth noting that the successful cases of internet activism have all occurred outside the capital. The fact that online activism flourishes outside Beijing is a sign that, while the behavior of internet companies have a detrimental effect over freedom of expression nationwide, users outside Beijing have more room for maneuver since administrative organs in those areas are one or several steps removed from the capital.

Overall, the major internet companies largely fulfill the functions of control, self-censorship and monitoring the government requires of them. In the few instances when they have openly defended their actions, their justification is that the access to the internet they provide for millions of users and the net effect of increasing access to information, is valuable and that the amount of blocked or censored information is tiny in comparison. In a typical restatement of this argument, Eric Schmidt, the Chief Executive of Google, said in 2007, “Without in any way defending [the Chinese government's] laws and policies, the censored or omitted data comprises less than 1 percent of the answers [to searches]. We believe that as a result, the Chinese citizen has more information and more choices than they would have had we not been in the country.”

According to this view, the mere existence of the internet in China, regardless of government efforts to police it, serves the interests of freedom of expression and freedom of information. However, Schmidt and his colleagues reveal a lack of understanding of the subtle ways in which censorship works. While the overall percentage of information and views blocked, censored or otherwise made inaccessible may be relatively small, the percentage of

particular kinds of information and views on “sensitive” blocked topics is quite large, but accessibility to the diversity of interest in these issues online is quite limited. Not only does this have the effect of distorting these issues and providing internet users with restricted access to a diversity of opinion, it also has the more general effect of discouraging public discourse on a wide range of political and social issues of importance to Chinese society. The removal and censorship by major search engines of all articles and opinions related to *Charter 08* is an example. If free discussion of this topic had been allowed, its impact may have created a ripple effect across many sectors of Chinese society.

CHRD recommends:

- That the NPC enact laws to implement the constitutional guarantee of freedom of expression. The NPC should conduct a review of the constitutionality and legality of administrative regulations such as the State Council Regulations in the Administration of Internet News Reports that impose restrictions which infringe on freedom of expression. Many administrative directives issued by government agencies to control the internet clearly violate Article 35 of the Chinese Constitution.
- That the NPC ratify the ICCPR, which China signed ten years ago but has still not ratified;
- That the SCIO and the MIIT desist from requiring commercial websites to practice censorship and propaganda, including the use of website closures, fines, firings and demotions;
- That the CCP should immediately end the subjugation of freedom of expression to the Party's interests. CCP propaganda organs should be barred from exerting control over the internet;
- That the NPC should review the constitutionality of government organs and GONGOs whose primary functions are to censor and monitor freedom of expression on the internet, with a view towards their eventual abolition; and
- That the Chinese courts must end the practice of using laws to punish individuals for exercising freedom of expression on the Internet. This must include legal reforms to ensure genuine independence of the judiciary from political influence. This should start with the NPC conducting a constitutional review of the Political and Legal Committees present at each level of the government administration, with a view towards their eventual abolition. This must also include the interpretation by the NPCSC of Article 105(2) (the crime of “inciting subversion of state power”) and Articles 111 and 398 (the crime of “leaking state secrets”) of the Criminal Law to clarify and precisely define the meaning of the terms “incitement,” “subversion,” “state secrets” and “state power,” as well as the specific conditions under which a peaceful act of expression may constitute “incitement to subvert state power” or “leaking state secrets.” Such conditions must explicitly exclude any non-violent activity in the exercise of the right to freedom of expression, including expression critical of political parties and government authorities.

¹ http://www.crd-net.org/Article/Class9/Class11/200710/20071026101949_6125.html

² *People's Daily*, “Hu Jintao asks Chinese officials to better cope with Internet,” January 25, 2007,

http://english.peopledaily.com.cn/200701/24/eng20070124_344445.html.

³ “World Network Technology Development and Chinese Network Culture Construction and Management” (世界网络技术发展和中国网络文化建设与管理) study session of the Political Bureau of the Central Committee of the CCP, January 23, 2007.

⁴ China was part of a worldwide trend noted by the Committee to Protect Journalists (CPJ) in its 2008 census of world journalists. For the first time ever, the largest percentage—45 %—of jailed media workers around the world were online journalists—bloggers, web-based reporters or online editors. In China in particular, CPJ noted that 24 of the 28 journalists known to have been jailed published online. See:

<http://cpj.org/imprisoned/cpjs-2008-census-online-journalists-now-jailed-mor.php>

⁵ Similar observations are made by the Committee to Protect Journalists. The report, said, “nowhere is the ascendance of Internet journalism more evident than in China.” See:

<http://cpj.org/imprisoned/cpjs-2008-census-online-journalists-now-jailed-mor.php>

⁶ First part of report: http://www.crd-net.org/Article/Class9/Class11/200903/20090318235654_14369.html

Second part of report, and appendices:

http://www.crd-net.org/Article/Class9/Class11/200903/20090319000543_14370.html

⁷ 中共中央宣传部

⁸ 网络管理局

⁹ 公共信息网络安全监察局

¹⁰ 音像电子和网络出版管理司

¹¹ 国家广播电影电视总局

¹² 工业与信息化部

¹³ 中国互联网络信息中心

¹⁴ 北京市网络宣传管理办公室

¹⁵ 北京市通信管理局

¹⁶ 北京网络媒体协会

¹⁷ 北京网络新闻信息评议会

¹⁸ 中国互联网协会

¹⁹ State Council, Measures of the Administration of Internet Information Services (互联网信息服务管理办法) promulgated on September 25, 2000, and State Council, Interim Provisions on the Administration of Internet Publishing (互联网出版管理暂行规定) promulgated on September 15, 2002.

²⁰ 互联网信息服务增值电信业务经营许可证

²¹ 中国互联网络信息中心

²² 互联网地址注册服务行业自律公约

²³ In this report, the terms, “bulletin board service” (BBS), “forum” and “message board” are used interchangeably.

²⁴ 博客服务自律公约

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- ²⁵ 悠视网
- ²⁶ 中关村在线
- ²⁷ SARFT, Regulations on the Administration of Internet Audio and Video Program Services (互联网视听节目服务管理规定), effective January 31, 2008.
- ²⁸ 信息网络传播视听节目许可证
- ²⁹ 中国互联网视听节目服务自律公约
- ³⁰ State Council Information Office and MIIT, Regulations of the Administration of Internet News Reports (互联网新闻信息服务管理规定), promulgated on September 25, 2005.
- ³¹ 公安部公共信息网络安全监察局
- ³² 北京市公安局公共信息网络安全监察处
- ³³ 网络监督志愿者
- ³⁴ 北京市网络宣传管理办公室
- ³⁵ “Wang Hao, “A Record of Actual Events: the Work of Beijing Internet Monitoring Volunteers” (北京网络义务监督志愿者工作纪实), *Beijing Daily* (北京日报), May 14, 2007, <http://news.163.com/07/0514/09/3EEP6IOJ0001124J.html>
- ³⁶ 网络评论员
- ³⁷ “五毛党”
- ³⁸ “台州市网络评论员队伍组建工作方案。” To paraphrase the document, the main tasks of the commentators are to make positive comments in support of the work and policies of the municipal Party committee and government; to write persuasive commentaries to clear up doubts related to hot topics on the internet; to disclose timely authoritative information during emergencies in order to reduce the spread of rumors; and to counter “hostile forces' malicious distortions” by launching targeted refutations of rumors and clarifying the facts, so as to increase the ability of internet users to make a clear distinction between right and wrong and to defend against “mind infiltration” by “enemy forces.” The commentators need to possess the basic qualities of being steadfast in their political position, understanding the major policies and guiding principles of the Party and the state, and grasping the working conditions of regions and departments as well as related polices and legislation.
- ³⁹ “首都网络110虚拟警察”
- ⁴⁰ For a list of cities and municipalities with this system of online policing, see the Ministry of Public Security Public Information Internet Security Supervision Bureau, <http://police.cnool.net/mapUrl.jsp>.
- ⁴¹ “北京市互联网宣传管理对策研究”
- ⁴² The full list can be found here: <http://www.bjdcyj.gov.cn/swyjs/sy/zdkt/P020070705549381560944.doc>
- ⁴³ In fact, Qianlong also slightly broke the rules. But since the website is run by the Propaganda Bureau of the CCP's Beijing Municipal Committee, the Internet Propaganda Administration Office was lenient with it.
- ⁴⁴ “人大议会化与中国政改”; “四川大竹事件原因”; “党委换届无人管终酿悲剧.”
- ⁴⁵ 第一财经日报
- ⁴⁶ “宣传提示分级处置的时间要求”
- ⁴⁷ “宣传提示分级处置（一级）时间的调整说明”

⁴⁸ The first category, traditional media, consists of 67 central news units including the Xinhua News Agency, *People's Daily* and China Central Television; 136 news units directly under provincial governments (various dailies, television stations and radio stations at provincial, municipal and sub-provincial levels such as *Beijing Daily*, Radio Beijing Corporation and Beijing Television Station); and 76 news units in provincial capitals and provincial-level evening papers like *Jin Wan Bao*, *Yanzhao Evening News* and *Taiyuan Evening News*.

⁴⁹ 监管部

⁵⁰ 质检部

⁵¹ “网站内部第三方监督机制工作说明”

⁵² “网站第三方监督机制负责人会议”

⁵³ Its specific demands are: 1.The third-party monitoring mechanism must shoulder the supervisory function and administer well all the website's content during its daily work; 2.The structure and manpower of the third-party monitoring mechanism have to be strengthened and clarified; one person cannot wear several hats; 3.The commands from the central high-ranking leaders or departments have to be digested and understood. Orders especially regarding the control over the content of topics and trends have to be relentlessly executed; 4.Interactive features have to be conducted in a real name system so that users know they must be responsible for what they write; 5.The third-party monitoring mechanism should take the initiative to keep its work in step with the content of hot topics disseminated by the frontline business units (blogs, forums and other website features); 6.The third-party monitoring mechanism has to supervise the website and be serious in cleaning up the vulgar content; 7.The third-party monitoring mechanism should actively strengthen communication and understanding of the website's frontline business as well as other sections; and 8.The third-party monitoring mechanism must also be responsible for the confidentiality of the website's orders. It has to determine precisely the route of conveying a command and the levels and grades of staff receiving the command so as to prevent any leak of secrets.

⁵⁴ For an example of a discrepancy in judgement between different authorities controlling the internet, see “7. Internet ‘false information’ case first to involve PSB surveillance” under “B. Legal attempts to fight internet control and censorship.”

⁵⁵ “关于中共十七大的几点要求,” mid-March 2007.

⁵⁶ “关于党的“十七大”互联网新闻宣传工作意见

⁵⁷ “十七大”宣传管理方案”

⁵⁸ “十七大”期间（10月9日-10月30日）网站值班表”

⁵⁹ “关于博客、搜索管理的专项工作会”

⁶⁰ The nine recommended articles were: “Headline: 17th Party Congress opens, Hu Jintao Reports,” “All participating comrades pay silent tribute to revolutionary martyrs,” “Party building: Corruption is still quite serious,” “National defense: Speeding up military change with Chinese characteristics,” “Taiwan Strait: Appeal for reaching a peace agreement on the basis of one China (Anti-Taiwan independence),” “Politics: Reform of political structure is pushed on steadily (Implementing the scientific concept of development),” “Economy: China's strength is upgraded substantially (Improving renminbi exchange rate mechanism),” “Society: New requirements of all-round well-off society (Six big missions to improve people's livelihood),” “Sketch of 17th Party opening: Seven days of China's ‘political week’ influence the world”

⁶¹ “党建：腐败现象仍然比较严重”

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- ⁶² On January 1, 2007, the Regulations on Reporting Activities in China by Foreign Journalists During the Beijing Olympic Games and the Preparatory Period (北京奥运会及其筹备期间外国记者在华采访规定) was promulgated. Article 6 of the document clearly stipulated: “To interview organizations or individuals in China, foreign journalists need only to obtain their prior consent.”
- ⁶³ “同一个世界 同一个梦想 同样的人权——我们对北京奥运的呼吁与建议”
- ⁶⁴ *Jinhua Times*, “Beijing Municipality Copyright Administration: Websites that Maliciously Temper with the Olympics can be Shut Down” (北京市版权局局长:网站恶搞奥运可被关停), January 26, 2008, http://news.xinhuanet.com/politics/2008-01/26/content_7498791.htm
- ⁶⁵ 一周新闻
- ⁶⁶ 新网互联
- ⁶⁷ 中国改革论坛
- ⁶⁸ 西祠胡同锐思评论
- ⁶⁹ 中国农产品市场周刊
- ⁷⁰ “史上最牛的钉子户”
- ⁷¹ The post was entitled, “About the latest reports of the most stubborn nail house in history (with photos)” (关于‘最牛钉子户’的最新报道 (组图)), March 22, 2007, <http://club.cat898.com/newbbs/dispbbs.asp?boardID=1&ID=1562091&page=1>
- ⁷² “我在重庆九龙坡查访最牛钉子户事件,” March 28, 2007, <http://www.zuola.com/weblog/?p=750>
- ⁷³ “裸奔的狗”
- ⁷⁴ “老虎论道”
- ⁷⁵ Wu Ping and Yang Wu, the owners of the house, were also named among the 50 most charismatic Chinese of the year by *Southern People Weekly*.
- ⁷⁶ “‘钉子户’事件尘埃落定 拆迁双方和解”, April 2, 2007, <http://cqtoday.cqnews.net/system/2007/04/02/000777513.shtml>
- ⁷⁷ “Strolling protests” are a means of circumventing strict controls on freedom of assembly, giving participants deniability—they are just “out for a stroll”—and thus encouraging those who might otherwise fear official retribution to join. They appear to be especially popular amongst middle-class urban residents.
- ⁷⁸ “厦门人民这么办,” late March 2007.
- ⁷⁹ 厦门市互联网有害信息和不良信息管理和处置办法
- ⁸⁰ 罪恶的“黑人”之路！孩子被卖山西黑砖窑400位父亲泣血呼救, June 5, 2007, <http://vcom.dahe.cn/dhbbs/dispbbs.asp?boardID=168&ID=629562&page=1>
- ⁸¹ “天涯杂谈”
- ⁸² For an explanation of the levels of urgency and importance and the corresponding actions required, see the section of this report on the directives, “Time Requirements for Handling Publicity Reminders by Levels” and the “Explanation for Revising the Time in Handling Publicity Reminders by Levels.”

⁸³ “人力车夫”

⁸⁴ “林中啄木”

⁸⁵ “洪都刀客”

⁸⁶ “纸馅包子”新闻炮制者，构成损害商品声誉罪吗？” available at: http://www.34law.com/bbs/seebbs_385.html

⁸⁷ “陈良宇“一边腐败，一边高升,”应问责谁?,” available at: http://blog.sina.com.cn/s/blog_49daf0ea01000ann.html

⁸⁸ “搜狐博客用户发布信息协议,” available at: <http://blog.sohu.com/login/reg.do>

⁸⁹ No. 23191 Judicial Decision, Civil Matters, Haidian District People’s Court 海民初字第23191号民事裁定书

⁹⁰ “从“高莺莺之死”谈权利的有效监督”. The commentary by Xu Xiao (徐晓) first appeared at rednet.cn.

⁹¹ “关于删除网上虚假信息的函”

⁹² “青年周末”