Internet Policies and Issues

# Promoting Global Internet Freedom

Samantha R. Weber
Editor

NOVA

INTERNET POLICIES AND ISSUES

# PROMOTING GLOBAL INTERNET FREEDOM

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SAMANTHA E. WEBER
EDITOR

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# PROMOTING GLOBAL INTERNET FREEDOM

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# PREFACE

Modern means of communications, led by the Internet, provide a relatively inexpensive, open, easy-entry means of sharing ideas, information, pictures, and text around the world. In a political and human rights context, in closed societies when the more established, formal news media is denied access to or does not report on specified news events, the Internet has become an alternative source of media, and sometimes a means to organize politically. The openness and the freedom of expression allowed through blogs, social networks, video sharing sites, and other tools of today's communications technology has proven to be an unprecedented and often disruptive force in some closed societies. This book provides information regarding the role of U.S. and other foreign companies in facilitating Internet censorship by repressive regimes overseas.

Chapter 1 - Modern means of communications, led by the Internet, provide a relatively inexpensive, open, easy-entry means of sharing ideas, information, pictures, and text around the world. In a political and human rights context, in closed societies when the more established, formal news media is denied access to or does not report on specified news events, the Internet has become an alternative source of media, and sometimes a means to organize politically.

The openness and the freedom of expression allowed through blogs, social networks, video sharing sites, and other tools of today's communications technology has proven to be an unprecedented and often disruptive force in some closed societies. Governments that seek to maintain their authority and control the ideas and information their citizens receive are often caught in a dilemma: they feel that they need access to the Internet to participate in commerce in the global market and for economic growth and technological

development, but fear that allowing open access to the Internet potentially weakens their control over their citizens.

Legislation now under consideration in the 111th Congress would mandate that U.S. companies selling Internet technologies and services to repressive countries take actions to combat censorship and protect personally identifiable information. Some believe, however, that technology can offer a complementary and, in some cases, better and more easily implemented solution to some of those issues. They argue that hardware and Internet services, in and of themselves, are neutral elements of the Internet; it is how they are implemented by various countries that is repressive. Also, Internet services are often tailored for deployment to specific countries; however, such tailoring is done to bring the company in line with the laws of that country, not with the intention of allowing the country to repress and censor its citizenry. In many cases, that tailoring would not raise many questions about free speech and political repression.

Chapters 2 through 14 feature testimony before the U. S. House of Representatives.

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*Chapter 1*

# U.S. INITIATIVES TO PROMOTE GLOBAL INTERNET FREEDOM: ISSUES, POLICY, AND TECHNOLOGY*

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[1]Internet and Telecommunications Policy
[2]Foreign Affairs
[3]Middle Eastern Affairs
[4]Asian Affairs

## SUMMARY

Modern means of communications, led by the Internet, provide a relatively inexpensive, open, easy-entry means of sharing ideas, information, pictures, and text around the world. In a political and human rights context, in closed societies when the more established, formal news media is denied access to or does not report on specified news events, the Internet has become an alternative source of media, and sometimes a means to organize politically.

* This is an edited, reformatted and augmented version of a CRS Report for Congress publication dated April 2010.

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The openness and the freedom of expression allowed through blogs, social networks, video sharing sites, and other tools of today's communications technology has proven to be an unprecedented and often disruptive force in some closed societies. Governments that seek to maintain their authority and control the ideas and information their citizens receive are often caught in a dilemma: they feel that they need access to the Internet to participate in commerce in the global market and for economic growth and technological development, but fear that allowing open access to the Internet potentially weakens their control over their citizens.

Legislation now under consideration in the 111th Congress would mandate that U.S. companies selling Internet technologies and services to repressive countries take actions to combat censorship and protect personally identifiable information. Some believe, however, that technology can offer a complementary and, in some cases, better and more easily implemented solution to some of those issues. They argue that hardware and Internet services, in and of themselves, are neutral elements of the Internet; it is how they are implemented by various countries that is repressive. Also, Internet services are often tailored for deployment to specific countries; however, such tailoring is done to bring the company in line with the laws of that country, not with the intention of allowing the country to repress and censor its citizenry. In many cases, that tailoring would not raise many questions about free speech and political repression.

This report provides information regarding the role of U.S. and other foreign companies in facilitating Internet censorship by repressive regimes overseas. The report is divided into several sections:

- Examination of repressive policies in China and Iran,
- Relevant U.S. laws,
- U.S. policies to promote Internet freedom,
- Private sector initiatives, and
- Congressional action.

Two appendixes describe technologies and mechanisms for censorship and circumvention of government restrictions.

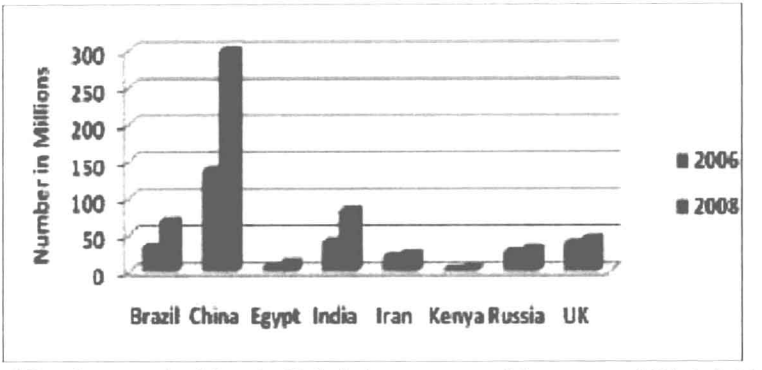
## INTRODUCTION

In the late 1960s and 1970s, advancements in telecommunications technologies enabled the creation of a large-scale, interconnected network called ARPANET ("Advanced Research Projects Agency Network"). ARPANET was created by the Defense Advanced Research Projects Agency as a government-funded enterprise until the mid-1990s, when it began commercialization. Today's Internet is a direct outgrowth of the technologies developed and lessons learned from ARPANET. During the late 1990s, the Internet began having a significant impact on culture and commerce, including the exponential increase of near instant communication by electronic mail (e-mail), text-based discussion forums, and the graphical World Wide Web.

Today, the Internet has evolved even further and many people are using newer tools, such as blogs, social networks, video sharing sites, and other aspects of today's communications technology to express their political ideals, many times in conflict with the political opinions and outlook espoused by their governments. In this way, the Internet has proven to be an unprecedented and often disruptive force in some closed societies, as the governments seek to maintain their authority and control the ideas and information their citizens receive. These regimes are often caught in a dilemma: they need the Internet to participate in commerce in the global market and for economic growth and technological development, but they also seek to restrict the Internet in order to maintain the government's control. Figure 3 illustrates an assessment by Freedom House[1] of the extent to which selected countries restrict freedom on the Internet.

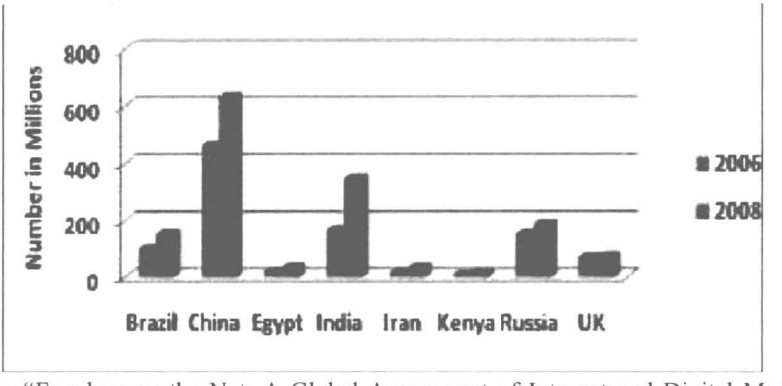
In Burma during the 2007 Saffron Revolution, YouTube footage, often filmed with cell phone cameras, conveyed to the world the human rights violations against the monks and generated international awareness and reaction. Demonstrations in Tehran following the June 12, 2009, presidential elections were often organized through Twitter and text messages over cell phones.

The Iranian government's violent response to the demonstrations was spread around the world through live cell phone pictures, e-mails, and phone calls. The Voice of America (VOA) reported that during the demonstrations, Iranians sent VOA over 300 videos a day, along with thousands of still pictures, e-mails, and telephone calls to the agency.[2]




Source: "Freedom on the Net: A Global Assessment of Internet and Digital Media," Freedom House, April 1, 2009.

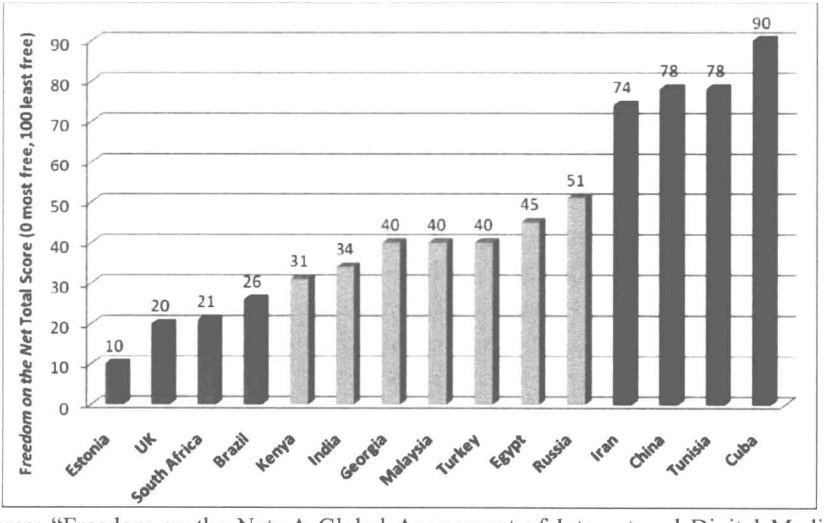
Figure 1. Growth in Number of Internet Users in Select Countries 2006-2008




Source: "Freedom on the Net: A Global Assessment of Internet and Digital Media," Freedom House, April 1, 2009.

Figure 2. Growth in Mobile Phone Access in Select Countries 2006-2008

A variety of control mechanisms are employed by regimes seeking to limit the ways the Internet is used, ranging from sophisticated surveillance and censorship to threats of retaliation (which foster self-censorship) and actual harassment and arrests of Internet users. Such regimes often require the assistance of foreign Internet companies operating in their countries. These global technology companies find themselves in a dilemma. They often must choose between following the laws and the requests of authorities of the host country, or refusing to do so and risking the loss of business licenses or the ability to sell services in that country.




Source: "Freedom on the Net: A Global Assessment of Internet and Digital Media," Freedom House, April 1, 2009

Notes: Estonia to Brazil are "Free." Kenya to Russia are "Partly Free." Iran to Cuba are "Not Free."

Figure 3. Freedom on the Net 15 Country Comparison (0 Best, 100 Worst)

Human rights groups have protested that Yahoo! and Google censor and remove material deemed sensitive by host governments on country-specific search engines.[3] Microsoft is said to censor Chinese versions of its blog platforms.[4] Human rights groups also charge that Yahoo! has provided Chinese authorities personal identifying information about users that has allowed the government to identify and arrest individuals for statements made on the Web.[5] A representative of Google, Inc. acknowledged the problem of government involvement, noting.

> As our ... Burma experiences indicate, our products are platforms for free expression, transparency, and accountability. Because of this, we often face efforts by governments throughout the world to restrict or deny access to our products.[6]

The Global Online Freedom Act of 2009 (GOFA) (H.R. 2271), introduced by Representative Christopher Smith, would mandate that companies selling Internet technologies and services to repressive countries take actions to combat censorship and protect personally identifiable information. Some believe, however, that technology can offer a complementary and, in some

cases, better and more easily implemented solution to prevent government censorship. Hardware and Internet services, in and of themselves, are neutral elements of the Internet; it is how they are implemented by various countries that makes Internet access "repressive."

For example, hardware, such as routers, is needed to provide Internet service everywhere. However, hardware features intended for day-to-day Internet traffic management, conducted by Internet service providers (ISPs) and governments for benign purposes, can be misused. Repressive governments are able to use these features to censor traffic and monitor use—sometimes using them to identify specific individuals for prosecution. It is not currently feasible to remove those features from the product, even when sold to countries that use those features to repress political speech.[7]

On the other hand, Internet services, such as Google, are often tailored for deployment to specific countries. Such tailoring is done to bring the company's products and services in line with the laws of that country, and not with the end goal of allowing the country to repress and censor its citizenry. In many cases, tailoring does not raise many questions about free speech and political repression because the country is not considered to be a repressive regime. Under Canadian human rights law, for example, it is illegal to promote violence against protected groups; therefore, when reported, Google.ca will remove such links from search results.[8]

Internet censorship and the prosecution of individuals who attempt to circumvent that censorship are unlikely to be eliminated in some countries. However, while some governments are continually looking for new and more thorough methods to restrict or inhibit Internet use, citizens in these countries are active in developing techniques to circumvent those efforts.

## Examples of Countries Charged with Restricting Internet Freedom

The organization Reporters Without Borders has listed 15 countries where Internet freedom is restricted. These countries are China, Cuba, North Korea, Belarus, Myanmar, Egypt, Ethiopia, Iran, Saudi Arabia, Syria, Tunisia, Turkmenistan, Uzbekistan, Vietnam, and Zimbabwe.[9] This report covers two of these countries, China and Iran, both of which have been in the news during 2009 and 2010.

## China[10]

The People's Republic of China (PRC) has the world's largest number of Internet users, estimated at 330 million people, including 70 million bloggers. It also has one of the most sophisticated and aggressive Internet censorship and control regimes in the world. According to some estimates, between 30 and 40 Chinese citizens are serving prison sentences for writing about politically sensitive topics online.[11] In November 2009, Huang Qi, a human rights advocate, was sentenced to three years in prison for "possessing state secrets" after posting online appeals and complaints of families whose children had been killed in school buildings during the Sichuan earthquake of May 2008. Some studies show that the vast majority of Internet users in China do not view the medium as a political tool.[12] Nonetheless, Chinese Internet users are able to access unprecedented amounts of information, despite government attempts to limit the flow, while political activists and others continue to push back against restrictions and find ways to circumvent censorship.

PRC officials have argued that Internet controls are necessary for social stability and that new restrictions target pornography and other "harmful content."[13] Chinese official commentary has suggested that the U.S. government has applied a double standard, regulating the Internet at home while calling for other countries to eliminate controls. The PRC government also has referred to U.S. criticism of Internet restrictions in China as politically motivated and an interference in China's domestic affairs.[14]

The PRC government employs a variety of methods to control online content and expression, including website blocking and keyword filtering; regulating and monitoring Internet service providers, Internet cafes, and university bulletin board systems; registering websites and blogs; and occasional arrests of high-profile "cyber dissidents" or crackdowns on Internet service providers.[15] Some analysts argue that even though the PRC government cannot control all Internet content and use, its selective targeting creates an undercurrent of fear and promotes self- censorship. Blocked websites, social networking sites, and file sharing sites include Radio Free Asia, international human rights websites, many Taiwanese newspapers, Facebook, Twitter, and YouTube. The government reportedly has hired thousands of students to express pro-government views on websites, bulletin boards, and chat rooms.[16] Furthermore, some analysts argue that the Internet has enhanced government propaganda and surveillance capabilities.

Nonetheless, the Internet has made it impossible for the Chinese government to restrict information as fully as before; bulletin boards, comment

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