

EXECUTIVE SUMMARY

Forbidden Feeds: Government Controls on Social Media in China examines the development of the Chinese Communist Party's system of censorship and surveillance of online expression, in particular on social media platforms. The report demonstrates that under the leadership of President Xi Jinping, China has expanded its grip over Chinese social media in three ways.

The first is technological: Chinese authorities are continually developing and fine-tuning their ability to censor their citizens on social media, to access their private information, and to interfere with and surveil even private communications on social media platforms. The second is legal: Under Xi, China has enacted a raft of new laws and regulations enlarging the legal framework for its control of the internet, while centralizing power over social media in the hands of high-level decision makers.

The third—and perhaps the most important—is ideological: control of social media is an essential part of China's "cyber sovereignty" model, a vision that rejects the universalism of the internet in favor of the idea that each country has the right to shape and control the internet within its own borders. While the concept of cyber sovereignty predates Xi, he has actively worked to export it to the world, meeting a receptive audience in authoritarian leaders like Recep Tayyip Erdogan of Turkey and Vladimir Putin of Russia.

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At a time when people across the world are increasingly concerned about the spread of misinformation online, about cyber-security, and about promoting a healthy and informed online civic discourse, Xi presents "cyber sovereignty" as a reasonable and thoughtful solution, as well as a government's right. But it is a poison pill, proposing a cure that is far worse than the disease. As *Forbidden Feeds* will demonstrate, China's system of online censorship is a broad-scale and daily attack on free expression. As an Appendix to this report, PEN presents a list of 80 cases of internet users who have been targeted or punished by the government for their online expression.

China's cyber sovereignty project has brought grave consequences to many, especially writers,

activists, and dissidents. Those who dare to test the limits of China's online censorship can face intimidation, job loss, years-long prison sentences, or find themselves forced into exile. The Party's centralized control over online expression brings a particular set of risks for writers, poets, bloggers, artists and other creatives, for whom free expression holds both a personal and a professional significance. Social media offers writers and others in the "creative class" the opportunity to expand the audience for their work, to remain connected with fans and with a like-minded community, and to offer up their own ideas within the context of broader civic conversation.

For many creatives, engaging online is now a necessary element of building one's career. However, the vague and broad nature of China's censorship rules means that the "red lines" of posting or conversing on social media are continually drawn and re-drawn, and socially-engaged authors and bloggers who wish to engage online are faced with difficult choices: take one's chances in speaking freely, self-censor, withdraw from the conversation, or leave the country. At a time when the line between a writer's official work and his or her social media presence is increasingly blurred, censorship and surveillance of social media means that there is no safe outlet for free expression.

Forbidden Feeds also considers the trade-offs facing foreign social media and technology companies as they consider entry into the Chinese market. PEN America argues that they should choose not to do so, because there is no way for them to operate in China at present without becoming an accomplice in widespread human rights violations.

The report's key findings include:

- Under Xi Jinping's leadership, the government is pursuing a strategy of increased censorship of online speech in China. New laws, strengthened regulations, centralized oversight bodies, and increasing enforcement actions have expanded the government's control over online speech. The government uses this regulatory power in tandem with new advancements in censorship technology in order to increasingly repress dissident voices and shape online conversation. Under Xi, the "Great Firewall" is getting taller.
- China's vision of "cyber sovereignty" provides the ideological framework for its efforts to control the internet. Despite China's attempts to cast this concept, which posits that each country



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- has the right to shape and control the internet within its own borders, as a rational regulatory approach, “cyber sovereignty” as envisioned and exercised by Xi is wholly incompatible with the international human rights of free expression, access to information, press freedom, and privacy. Moreover, China’s near-complete control over online spaces is essentially the desired endgame for authoritarian regimes around the world, making continued international attention and pressure on China’s practices of censorship important as a deterrent for Russia, Turkey, and others, as well as in their own right.
- Many writers, artists, and especially journalists in China are disproportionately affected by social media censorship because of their role as social commentators, their efforts to create works of societal significance, and their increasing reliance on social media to build an audience and make money. When creative professionals choose to push the boundaries of what the government deems acceptable online discourse, they face a backlash that may include having their content removed or their accounts closed. This often evolves into a game of cat and mouse in which individuals repeatedly try to evade censors, but typically ends with some form of surrender, whether that is self-censorship, a career change, or in some cases, exile. Outspoken writers or artists risk total banishment from social media platforms, destroying their ability to reach a wide audience in China and, for some, ending careers altogether.
 - China’s social media landscape is vast and vibrant. It is also one of the most strictly controlled on earth. This fine balance is likely what allows China’s model of online control to be so alarmingly successful; many of the censorship tactics employed by the state operate with a light touch, so that Chinese internet users do not necessarily detect the behind-the-scenes filtering and deletion of material that falls afoul of the censors’ rules. Other internet users may see it as an acceptable trade-off in light of all the benefits the digital realm offers. It is precisely the size and robustness of China’s social media space that helps disguise how effective the government is at controlling the space for online expression. For those who

would use social media to voice dissent or expose societal concerns, however, the blowback can be swift, and online debate of vital public interest on topics ranging from labor rights to feminism to environmental issues are constrained either by users’ inclination to self-censor or by overt government efforts to block further discussion of such issues.

- In Tibet and Xinjiang, two areas in Western China that have been marked by ethnic tensions, the fine balance of internet censorship struck in most of the country does not exist. Online restrictions more closely resemble the heavy-handed tactics used in places like Egypt or Turkey, and those whose social media activity runs afoul of the authorities are targeted far more harshly than in the rest of China. The distinction demonstrates that the government is deliberately choosing a degree of restraint across the country that it is unwilling to apply in what it considers restive regions.
- China’s legal system constricts domestic social media companies to be active participants in the monitoring and censorship of their own users. Chinese companies have no choice but to operate in accordance with the government’s demands. Foreign social media companies that are weighing entry into the Chinese market, however, face a stark and straightforward choice: Within the existing censorship framework, there is simply no way for foreign social media companies to operate in China without becoming active partners in the government’s efforts to silence dissent through censorship, mass surveillance, and the use of criminal charges. Such complicity would run directly counter to the professed values and mission statements of prominent social media companies, and they should stay true to those values and decline to enter the Chinese market until they feel confident they can do so without aiding in censorship.

Forbidden Feeds closes with the following recommendations for the Chinese government; for the United States government and the international community; and for foreign social media companies:

- To the government of the People’s Republic of China**
- Reform or abolish any laws and regulations affecting internet governance currently in force within China to comply with guarantees of the right of free expression contained in China’s Constitution and in international human rights instruments.

- End the practice of widespread state surveillance of online speech.
- Revoke all laws and regulations requiring internet companies to impose keyword filtering or other practices that support censorship.
- End the practice of "blacklisting" websites and preventing website access.
- Legalize the sale and use of Virtual Private Networks, regardless of government authorization. End technological and legal restrictions on VPN use.

To the government of the United States of America

- Unequivocally and publicly speak out in support of free expression and press freedom, in the U.S. and around the world.
- Publicly and privately advocate for the removal of restrictions on free expression, including but not limited to the online censorship regime, with diplomatic counterparts in China.

To members of the international community

- Consistently call and advocate for global internet policies that respect, safeguard, and uphold the right to freedom of expression and related rights. Raise concerns regarding the state of online expression in China at private and public engagements with counterparts within the Chinese government.
- Use China's upcoming Universal Periodic Review at the United Nations Human Rights Council in November 2018 to raise concerns about respect for internet freedoms in the country and make recommendations to the Chinese government about improving freedom of expression online.
- Refuse to participate in China's World Internet Conference unless and until it is re-oriented as an event that acknowledges and respects international human rights guarantees, and publicly reject any vision of internet governance that is inconsistent with international guarantees of free expression and related rights.

To foreign technology and social companies

- Refrain from doing business in the Chinese market unless you have secured an agreement with the government that the company will not be obligated to enforce Chinese laws and regulations

related to censorship, or to otherwise violate China-based customers' rights to privacy, free expression, access to information, or related rights.

- Make public and transparent any current or ongoing initiatives, programs, or technological developments that would provide any government with tools to filter, monitor, or censor the private or public posts of your users on any social media platform.
- Ensure that your organization has comprehensive pre-existing policies in place to protect users' free expression and privacy rights, to which employees can refer when asked by government officials—either formally or informally—to hand over private user data, constrain users' ability to access your social media platforms, or alter company algorithms or policies.
- Support and collaborate with non-governmental organizations and research groups that monitor and provide information on the mechanics of social media censorship in China, as well as groups that help develop technological solutions to Chinese censorship.
- In interacting either privately or publicly with Chinese officials—or officials involved with internet governance in any country—clearly express the importance of, and the company's commitment to, free expression and related rights.
- Refuse to participate in China's annual World Internet Conference unless and until it is re-oriented as an event that acknowledges and respects international human rights guarantees, and publicly reject any vision of internet governance that is inconsistent with international guarantees of free expression and related rights.
- Refuse to comply with any government request for a user's private data that is inconsistent with international guarantees of free expression, or where there is reason to believe the data will be used to violate the user's human rights.
- Refuse to provide business partners with sensitive user data or access to it where there is substantial concern that such data could be used to infringe upon the user's right to free expression or other human rights.