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Statement of the Center for Democracy & Technology before the House Committee on International Relations Joint Subcommittee Hearing: "The Internet in China: A Tool for Freedom or Suppression?"

Since its inception, the Internet has served as a uniquely open and decentralized platform that provides a powerful forum for democratic discourse and free expression worldwide. But many non-democratic countries entering the global economy view the Internet's most critical attributes -- openness and user empowerment -- as a threat to their culture, religious beliefs and political stability. Nowhere is that more evident than in China, which has created the world's most technologically sophisticated Internet censorship and surveillance regime.

The Internet is a medium characterized by the absence of gatekeepers, but China has imposed constraints that extend to all levels of architecture, including the Internet backbone, public access points and intermediaries such as ISPs. Technical controls are further embedded in tools such as web logs and search engines. While commerce and entertainment have flourished on China's Internet, the medium's potential as a technology of democracy and freedom has been thwarted, and Chinese citizens face grave threats when engaging in political discourse online. China's Internet polices represent human rights violations under international treaties and should be treated as such.

As China tightens its controls on the Internet, American technology companies are increasingly obligated to tailor their services to meet government censorship and surveillance mandates as a condition of doing business in the country. In some of the most egregious cases, companies are pressured by Chinese government demands to turn over the identity of speakers, exposing them to prosecution and imprisonment.

Companies like Microsoft, Yahoo and Google, which have played a central role in building the Internet's democratic value, now face a Hobson's choice. They must either comply with the

Chinese government's demands in order to do business in the country (and protect the safety and security of their employees in China) or they must pull their services out of the country altogether.

CDT believes that that wholesale withdrawal from China by American business would be a grave mistake. In our view, the Internet -- even in a hobbled form -- is critical to human development and the spread of democracy in China, and elsewhere. China's citizens should have access to the rich mix of content, applications and services that U.S. companies provide.

The choice, as we see it, is not limited to withdrawal or passive compliance with all Chinese requests. While no U.S. company acting alone can resist China's demands, we believe that the companies that do business in China must try to push back. The companies must join together -- working with the U.S. government and human rights advocates -- to develop a set of common principles or guidelines that seek to support privacy and free expression for China's Internet users. We see Internet freedom as part of the larger human rights struggle going on in China, and we recognize that promoting human rights in China is extremely difficult. There is no guarantee that the common approach we propose here will succeed. But we are certain that no progress can be made without a common approach.

CDT is pleased that Google, Microsoft and Yahoo have embraced such an approach. We urge that the dialogue to produce common principles proceed expeditiously and that the companies engage with a wide range of individuals and organizations -- China experts, human rights advocates, free speech and Internet advocacy groups, and experts in corporate social responsibility, to name a few - - so that a voluntary set of industry principles will be informed by the full range of historical, legal, and ethical precedents.

Finally, but no less important, companies cannot begin to effectively resist China's demands without the support and backing of the United States government. The United States government must take a strong stand on Internet censorship in China and make this human rights issue a matter of urgency, exerting pressure in every available forum including trade policy, and working with the companies to support their resistance to untenable Chinese government demands. CDT believes that this is a seminal moment for the democratic Internet. It is time to move from recrimination to collaboration, and hopefully toward a common approach grounded in our common democratic values.