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Social Media and Human Rights- reflections on China, Iran and Turkey

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Abstract

The use of social media has become a way of life for millions in recent years. Facebook, Twitter, YouTube and networking sites like Linked-in have become essential for communicating, making contacts, keeping up-to-date and spreading the word. The vast majority of users are interested in catching up with friends and relatives, enjoying a joke, and trying to advance their careers.

It might be argued that freedom to communicate and access information – either electronically or in more traditional ways – may be construed as a human right. Otherwise we are ignorant, isolated, kept in the dark. We might choose to be like this, but most of us seek the company of others, information, knowledge, and the chance to access opportunities in our businesses and careers.

However, in a number of countries social media is seen as threatening to the authorities. Governments are concerned about the information and communications channels open to their populations. The recent Arab Spring movement was largely organized through social media – and even on a small-scale, individual basis through the sending of emails and mobile phone text messages.

The People's Republic of China has always shown a particular concern with public information and communication channels. From the 1990s, long before social media as we know it now became popular, the authorities were blocking Hotmail and mobile phone signals; for many years they had controlled the media and tapped landline telephones. Foreigners working in China and unable to contact their families at home in the low-cost and convenient way of sending emails on free platforms – now Gmail is more popular that the old Hotmail – are compensated by their employers as suffering an additional hardship.

The history of the control of the media in China goes back at least to the days of Chairman Mao and the coming to power of the Communist Party; in Iran this concern is more recent, particularly related to the Islamic Revolution. Now, social media is liable to being blocked, although risk-taking and techno-savvy Persians are getting round it. The apparently innocuous act of ladies taking off their headscarves and waving their hair around in public places, being photographed and posting these images on Facebook, has become popular. Pictures of clerics looking grumpy, humorless and intolerant, caught in unflattering poses, are equally well-received by Iranians flaunting small freedoms won at great effort.

In Turkey, the clampdown on social media is much more recent and particularly since the March 2014 election. The justification expressed by the authorities has been one of protecting citizens' purity from corrupting influences, such as pornography and allegedly tasteless popular culture from the USA. Some citizens believe it. Others complain that it is a form of self-preservation on the part of the ruling party, eager to prevent criticism from being disseminated. Many find it inconvenient and disturbing. What next?

This paper seeks to provide insights into an apparently new form of human right – to access social media without third-party restriction, for whatever purpose or reason.

Paper

As far as the United Nations is concerned, internet freedom is indeed defined as a basic human right (Sengupta, 2012, writing in the *New York Times*). The debate surrounding internet access came to the fore recently when the United Nations Human Rights Council passed a resolution on freedom of expression on the internet in early July 2012. This put pressure on countries known to filter online text content to back the resolution, including China. The resolution affirmed that "the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one's choice." This resolution sparked debate, even if it was mostly used for 'public shaming' of apparently insincere signatories such as China.

There are several stakeholders with concerns here: especially three – the governments, their populations who use the internet – and the technology companies creating and producing the tools that countries use to monitor and therefore control their citizens on the Internet. As Sengupta asks, "will Internet companies help or hinder government authorities that try to restrict their citizens from using the Web freely? And will their customers, investors or shareholders care enough to do something about it?"

The issue is – should technology companies comply with government requests for help with blocking access to social media, and should they co-operate in providing information to governments, information obtained from social media sites? This is almost reminiscent of the nineteenth century debate led by George Bernard Shaw about the suppliers of armaments – should arms just be sold to 'goodies' or to the 'baddies' too? Should US companies like Cisco provide technology to help with 'good' causes, or sell their technology to enable China to build a firewall to stop their citizens accessing 'unsuitable' social media? If American law-enforcement agencies seek information from internet companies, why can't the Chinese government use this source too?

Should internet companies inform users that governments are seeking their data? According to Sengupta, Twitter is among a handful of companies "that insists on informing users when their data is sought, as it did with supporters of WikiLeaks and the Occupy Wall Street movement". Operating globally, internet companies must deal with local laws that prohibit certain kinds of content and references to controversial topics including religious leaders, atheism, homosexuality, etc. Senguta points out that "Google and Twitter publish how many requests they receive to remove content and how often they comply with the requests. Facebook, the world's largest social network, does not, but it says that it removes posts and pages that are illegal in certain jurisdictions and violate the company's terms of service".

So should technology companies in the private sector help to protect internet freedom, at least by informing users? Whose side are they on? Technology companies, like any other private business, are most concerned about profitability. They employ thousands of people and have many mouths to feed to sustain their growth. So it may be that they "inevitably collaborate with repressive regimes in some instances". "Firms might decide to implement steps that protect dissidents only if it is cost-effective for them to do so," pointed out Simon Gottschalk, professor

in the department of sociology at the University of Nevada, Las Vegas, quoted in Sengupta's article.

The debate surrounding internet companies – as with arms sellers – can be equally divided between providing services to anyone who can pay for them, and making judgements between 'good' and 'bad' customers. The so-called 'bad' ones can include China, Iran and Turkey. What are the roles of the three stakeholders in these countries – the governments, internet users and internet companies? This paper considers reflections by journalists and academics considering the interplay between these stakeholders… and in some cases other stakeholders come to the fore.

China

Should we assume that all internet users want more freedom of access to international as well as national social media? Not necessarily. We have heard many reflections – and assumptions – on how Western commentators see the lack of internet freedom in China. But how do Chinese internet users see it themselves? They are unlikely to tell us; but foreign journalists based in China for a number of years might have a more realistic picture. In early 2013, the China-based Spanish journalist Daniel Méndez was interviewed by Joan Antoni Guerrero after a talk to the Universitat Oberta de Catalunya 's East Asian Studies program, on the current state of the media and the internet in China – according to Chinese internet users.

Méndez, who works for the Spanish-language service of the Chinese national broadcasting company, writes a Spanish-language blog from China on Chinese affairs – 'ZaiChina'. While there is increasingly more room for a loyal opposition in China, direct (and organized) opposition continues to be marginalized and expunged from the system, sums up Guerrero in introducing the interview. "There is obviously a struggle", considers Méndez. "Some academics talk about an atmosphere of confrontation when it comes to … ways of saying things in the media… Some journalists and media outlets have sought support within the wing of the party that shares their views. They look for a friend, a benefactor that is amenable to a more open approach to journalism. There is also a lot of frustration…You can live a pretty good life within the system, so to speak, because a lot of journalists and people in China agree with the need to control information. That is, most people in China believe that without censorship the country would splinter into a million pieces, which would lead to considerable instability, so they think censorship is necessary".

Méndez feels that people in China tolerate censorship in the context of current levels of economic development and improved living conditions. Quoting an American survey, Méndez suggests that "82% of people in China think that their country is on the right track. Above all, that's because there aren't any alternatives. The struggle is more … to improve things within the existing forums for exchanging opinions rather than by means of direct confrontation. People always try to work within the system. And many people, including many journalists, believe that censorship is essential".

This would seem to be in contradiction to human rights for freedom of information, especially when the Chinese constitution does specifically include the right to freedom of expression. As

Méndez points out, there's a lot of 'double-think' in China: "one thing is what is said on paper, and another what happens in practice. The declaration of human rights …is largely just lip service and, in this case, the right clearly does not exist. However, many journalists think that censorship is necessary to stave off chaos. Many people in China accept this theory, including a lot of people who work in the media." The blocking of information from abroad is seen by Méndez as "a minor issue for the Chinese… [who widely] believe that the Party knows what is best for them. They trust it and believe that this control of information is in the country's long-term interest".

The 'Great Fire Wall of China' blocks such newspapers as the *New York Times*, websites like Reporters without Borders, Facebook, Twitter and YouTube and this "obviously affects a lot of people. However, several things must be borne in mind", argues Méndez. "First, there is almost always a Chinese alternative. In other words, just because there is no Twitter or Facebook, that does not mean there is a dearth of social networks. There are national alternatives. Consequently, users don't notice the absence, because all their friends are also on the alternative Chinese social network. As a result, what matters most to them is what is going on in their own country. The Chinese are more concerned about what websites are blocked and what information is censored in China than about what is blocked from abroad".

Yet extensive blocking does take place on Chinese media, and Méndez agrees that "a lot of local politicians have openly declared that things were easier before the Internet and that these days everything is more complicated. The government exerts its control and tries to channel things in certain directions. Indeed, it's currently trying to turn the Internet into another means for disseminating its view of reality and vision of China. In other words, the Internet is an important tool for modernizing the country. The government is openly promoting it by creating the necessary infrastructure. However, at the same time, it wants the Internet to be used for the good of the Party-State. Right now, this leads to a dual dynamic: on the one hand, it grants greater power to users in general; on the other, it enables greater control and censorship, which is carried out by private companies that have networks and blogs and are responsible for monitoring the information on them. Things are blocked in all sorts of ways: by individual word, by post, by account. So again, there is this dual dynamic. People are increasingly able to voice their opinions and influence public opinion, but the government is hoping to take advantage of that fact to tighten its own control. They were a bit slow in coming, but they've quickly brought themselves up to speed."

Probably the Party's greatest concern is the organising of public protests on the internet. As Méndez reflects, "several studies have been published analysing which posts are blocked and which are allowed through. Criticism is allowed, but the minute the criticism involves any sort of demonstration, the minute there is any hint of transference from the virtual world to the physical one, that's when the posts are most radically and obviously blocked. One term that is always systematically blocked on the social networking site Weibo is the word for strike. The terms related to street protests are controlled the most stringently. Obviously, there is fear [on the part of the government], and that is why they take the measures they do in this regard…"

"Any direct opposition to the government is immediately blocked and censored. There is some wiggle room. For instance, there are plenty of openly declared dissidents that find a venue for their opinions on social networks, but efforts are made to marginalize these people and even to edge them out… What nearly always happens is that these people, like Ai Wei Wei, end up using systems and programmes to access Twitter. This effectively severs their contact with the Chinese reality, because your average Chinese user doesn't use Twitter. It's a sort of technological exile for people who directly oppose the system. What China does have is a loyal, faithful opposition that operates within certain limits recognized by the Communist Party, which is the governing party, a fact that brooks no argument. There is a certain permissiveness for support or negotiations on specific aspects, such as advocating for an end to the one-child policy…seeking greater measures against corruption, calling for better control of public spending or calling for Chinese politicians to make their salaries public; however, not in the form of direct opposition. That kind of opposition is immediately squelched. But there is a certain pragmatic vein that seeks to encourage other approaches".

Méndez considers that "control is exercised more intelligently in China than we think. For one thing, the level of control varies depending on the user. We always think of the Chinese as being very tightly controlled, but the Chinese themselves don't generally share that view. They don't feel repressed or controlled the way we imagine they do. This is most obviously apparent in this new margin of freedom that has come about with the proliferation of commercial media, of economic weeklies or the Weibo network. Many people disposed to be critical channel their opinions through Weibo. By allowing these new freer forums, but at the same time controlling the main lines of information shared in them, the authorities are establishing a multi-layered system that combines the most sophisticated monitoring and propaganda systems in the country with the most brutal ones in a way that might actually be sustainable in the long term. People have been predicting the end of the Communist Party for years, and it still hasn't happened. The Party's flexibility when it comes to adapting to the times has been key to its survival, even though, from here, it's not always so easy to see. Phenomena like the Weibo network are proving quite capable of adapting to this reality".

Iran

In Iran, it would seem that there is a fourth stakeholder at work in the challenge of access to social media – people who see themselves as a form of self-appointed custodian of national and religious values and morals, not always connected with the government.. Majid Rafizadeh, an Iran-American scholar at Harvard, points out that "history appears to be repeating itself in the Islamic Republic. Whenever Iranians believe that there will be more socio-political, individual and socio-economic freedoms due to the rule of a moderate or reformist president, the domestic crackdown and human rights violations mount" (*Alarabiya* newspaper, 1 August 2014).

This is because the institutions playing "a crucial role in setting the boundaries of social justice, freedom of speech, press, assembly, the use of social media, and privacy rights" are, according to Rafizadeh, operating "quasi-independently or totally independently from the office of the president". These institutions include the judiciary, intelligence services, and the security forces, using both voluntary and paid paramilitaries and militias. Rafizadeh sees the president as

"mostly a political figurehead, wielding some power domestically - such as partially managing the economy - and more fundamentally setting the tone for Iran's foreign policy for international and regional meetings and conferences".

Meanwhile, as Iran looks to be more open and tolerant in Western eyes, it could be getting worse at home. Presidents tend to "safeguard their own political and social position, power and interests" by remaining silent when domestic repression increases. This might be comparable with the repressive activities especially in terms of women's rights in Saudi Arabia, which are not necessarily condoned by the Royal Family.

Rafizadeh sees the crackdown on social media in Iran, surging again in late July and early August 2014, as increasing since widespread protests in several cities emerged over the last five years, resulting in the authorities ramping-up their technological capabilities to monitor social media platforms such as Facebook, Twitter, YouTube and blogs. "When it comes to cracking down on internet users, the Cyber Unit of the Revolutionary Guard, and the Islamic Republic Revolutionary Court, have ratcheted up their censorship. In March 2012, the Supreme Council for Cyberspace was set up in order to centralize and more efficiently monitor internet users. These restrictions have been legalized through the judiciary", who justify their actions in terms of protecting the state religion from being offended.

In Iran, it's not just the case that internet users are deprived of freedoms of information and communication – severe punishments are imposed on those who try to get around the system. According to the official Islamic Republic News Agency, quoted by Rafizadeh, "eight Facebook users were recently sentenced to a total of 127 years in prison. Their crimes included insulting government officials and Islam, as well as endangering national security". In another case quoted by Rafizadeh, "the Persian website Kalame reported that eight Facebook users were sentenced to a combined 123 years in prison". Observers, seeing Iran as one of the worst enemies of press freedom, consider these sentences as much harsher than before and to *"encourager les autres"*. So, as Rafizadeh points out, while the new Iranian leader appears to be changing Iran's relationships with the West, the domestic crackdown on internet users and the media continues.

The UK newspaper *The Economist* paints a picture of Iran which is very different from the scene discussed by journalist Daniel Méndez when talking about China. Iranians would seem to be more confrontational and less tolerant of the actions of their government. But the Iranian authorities are looking at a very different situation than China, and one that has evolved very rapidly in recent years. "When Iran's authorities started to block websites such as YouTube and Wikipedia in 2006", explains *The Economist*, "only a tenth of the population used the internet. Eight years later that figure has quadrupled. But to the religious conservatives who dominate the country's courts the rise is nothing to celebrate – or even tolerate. Already upset by the recent rejection of their plans to restrict access to WhatsApp and Instagram, hugely popular social-messaging and picture-sharing smartphone applications, Iran's legal establishment" are preparing for a bigger confrontation, especially from the opposition to the filtering system that blocks access to thousands of websites.

As seen by Rafizadeh, the Iranian leadership – now in the person of President Hassan Rohani – "is on the more liberal side of the argument… In office for less than a year, Mr Rohani has in the past month dropped heavy hints about his intention to ease the restrictions that make criminals of many of the estimated thirty million Iranians who go online. His case is simple: the world has moved on and technological progress means that Iran must move with it. Mr Rohani's culture minister, Ali Jannati, has gone further, likening the current restrictions to the ban on fax machines, video recorders and video tapes that followed the Islamic revolution of 1979." As we have seen in Rafizadeh's insights, we are not surprised to learn from *The Economist* that "the head of Iran's judiciary, Ayatollah Sadeq Larijani, and the country's police chief, Esmail Ahmadi Moghaddam, oppose internet reform. Both sit on Iran's committee for determining what content is offensive; it proposed the WhatsApp and Instagram ban that was vetoed by Mr Rohani. Any reversal of internet restrictions would require the support of that committee, which includes a Revolutionary Guard commander and other appointees of the supreme leader, Ayatollah Ali Khamenei, whose ultimate blessing is also needed".

Yet, as *The Economist* points out, "censorship is starting to look silly. Though Facebook and Twitter are officially blocked, aides of Mr Khamenei and Mr Rohani often post updates on the social networks, an action that means they use illegal software. The foreign minister, Muhammad Javad Zarif, who leads Iran's nuclear negotiating team, even has his Twitter account officially verified with the American company's blue tick".

"Such double standards are noticed by Iran's technologically aware and curious young, for whom thousands of portals, ranging from the BBC news website and reformist blogs to hard-core pornography, are still reachable by using relatively cheap prohibited software. Ending such restrictions would take minutes. It would also remove the perennial suspicions of government interference that accompany the frequent occasions when Iranians experience a sudden slowing in internet surfing speed or access… [as a] professor of security engineering at Cambridge University's computer laboratory, explains: 'It's just a matter of going into whatever building the spooks use and turning off the filters that block access'."

Turkey

Turkey is comparatively new to internet crackdowns, and so there is still an element of to-and-fro about government attitudes and actions. As this paper is submitted in mid-August 2014, we have seen the former Prime Minister's appointment as President, and a more concerted crackdown might be expected. But back in March this year, before the end of March elections, internet users across Turkey celebrated the overturning by a Turkish court of the government's ban on Twitter. The judiciary, in this case, is taking an opposite view of that of Iran – but this might be just a matter of time.

As reported in the *New York Times* (March 26, 2014), a court in Turkey ruled that the government could not ban Twitter, as it tried to do five days earlier on 21 March, and ordered the Turkish telecoms authority to restore public access to the service. According to this report, "the action by the government had been met inside and outside the country with an uproar about respect for freedom of expression…The court in Ankara, the capital, ruled in response to

complaints by Turkey's bar association and its journalists' union, arguing that the attempt to block Twitter contravened the freedom of information and communication."

The telecoms authority argued that Twitter had refused to remove content that violated personal privacy, but in reality it would appear to be a reaction against government critics, "who had used Twitter to publicize leaked recordings of telephone conversations that were said to show widespread corruption among government officials and people close to Prime Minister Recep Tayyip Erdogan, including his son". As discussed in the *New York Times* report; "Twitter welcomed the ruling, saying that the government ban had been disproportionate and illegal and that the complaints the government had about content had already been addressed". But then there might have been some back-tracking by the judiciary, who "hinted at a delay, saying that the authority had thirty days to comply and that a regional administrative court would have the final say in the case".

The *New York Times* added that Mr Erdogan has continued to attack Twitter, insisting that the ban will stay in place "unless the service complies with local Turkish court rulings to remove some content. Twitter's general counsel said in a statement that the company had already complied, by suspending two accounts that violated its rules and blocking content of a third from being visible to Turkish users". Mr Erdogan apparently sees YouTube as a 'sister organisation' and as behind Twitter's alleged indiscretions, referring "to the fact that Twitter had hired the same law firm that YouTube used during a dispute with the Turkish authorities in 2008".

In response to the original Twitter ban, on 25 March, the United Nations Office of the High Commissioner for Human Rights [OHCHR] officially expressed concern at Turkey's decision to block access to Twitter, suggesting that any decision to curb freedom of expression online is in contradiction with the country's international human rights commitments. "We are concerned that legislative amendments adopted by the Turkish Parliament in the form of law no. 6518 allow Turkey's telecommunications authority to block websites without first seeking a court order," stated the OHCHR, seeing this law as "incompatible with Turkey's international human rights obligations, in particular those related to freedom of expression and opinion and the right to privacy." The UN General Assembly argues that "the same rights that people have offline must also be protected online". According to media reports, the Turkish Government announced on 20 March that access to Twitter would be blocked, as unrest was building-up following recent allegations of corruption against top officials.

A few days after the *New York Times* article and OHCHR response, on 28 March, a group of United Nations independent and voluntary experts expressed their serious concern, especially in the context of forthcoming elections, that the Turkish government had also prevented access to YouTube, only a week after Twitter was shut down. These UN experts insisted that "the right to freedom of opinion and expression is a central pillar of modern democratic societies… blocking access to YouTube and Twitter entirely unduly restricts this fundamental right. This is all the more surprising following the recent temporary court injunction against the blocking of Twitter… concerns about national security can be legitimate, but limitations to the freedom to seek, receive and impart information must conform to the strict test of necessity and proportionality to the aim pursued". The real issue was perhaps indicated by another UN expert

who pointed out that "blocking access to Twitter and YouTube is also a severe blow to the right to freedom of peaceful assembly, since social media is increasingly used by people to mobilize and organize peaceful protests, especially in the context of elections…such restrictions could undermine the legitimacy of the electoral process and call into question the guarantees of free and fair exercise of people's civil and political rights."

The UK-based newspaper *The Economist* considered that "the beleaguered Turkish prime minister, Recep Tayyip Erdogan, must be scared. Why else, many Turks ask, would a court on March 20th have blocked access to Twitter? Mr Erdogan vowed to 'wipe out' the social-media site 'no matter what the rest of the world has to say about it'... an American State Department official likened the move to '21st-century book-burning'... the European digital commissioner, called it 'cowardly'. Few doubt, however, that the real cause was a slew of incriminating audio and video recordings targeting the prime minister, his children and members of his cabinet."

The Economist and many other observers see Turkey as still in a tactical phase of response to perceived social media-based attacks, and still in the process of formulating strategies such as those developed by more 'experienced' countries such as China and Iran. Turkey's immediate problem with Twitter and YouTube back in March 2014 would seem to be related "to the corruption probe that Mr Erdogan has been trying to stifle with new laws and reassigning thousands of judges and police chiefs" created by his political opponents.

As in all countries where social media networks are restricted, "no sooner was the ban announced than millions of users swapped tips on how to beat it. The number of in-country tweets soared, with the hashtag #Erdoganisadictator leading the list. Turkey then became the first government to block Google DNS, which is a popular way of evading online censorship. Users turned to virtual private networks for continued access", reported *The Economist*.

A closing comment

Who is winning in the battle between the different stakeholders in social media access? It depends on which country you are talking about…

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