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HRW.org

September 18, 2015

To the CEOs of technology firms participating in the US-China Internet Industry Forum:

Human Rights Watch is an international nongovernmental organization that monitors and reports on human rights abuses in some 90 countries around the world. We have documented abuses and advocated for redress in China for more than two decades, and similarly defended the freedom of expression online for a decade.

We write now regarding your participation in the forthcoming US-China Internet Industry Forum and related meetings with Chinese President Xi Jinping and Director of Cyberspace Administration Lu Wei taking place in Seattle on September 22-23, ahead of their state visit in Washington, DC later that week. We urge that you use this occasion to ask President Xi to **reverse his government's expansion of surveillance, censorship, and data collection**, and urge him and other leaders to protect privacy and other human rights online. At a minimum, we urge that your companies publicly commit on this occasion not to enable government abuses of freedom of expression and privacy in China, as some Western companies have done in the past.

Your firms' robust criticisms of the US government's mass surveillance practices set a standard that you should not lower for China. The Internet has played a critical role in creating transparency and enabling redress for human rights violations in China. The Internet has effectively been the only public space where Chinese people can air their grievances, exchange their views, and criticize the government with some limited freedom. Through discussing public events, such as the Tianjin warehouse blast in 2015 or the Wenzhou train crash in 2011, Chinese people have collectively pushed for greater accountability and transparency for the government.

Yet since assuming the leadership in March 2013, President Xi's government has presided over an assault on human rights, including

freedom of expression and respect for civil society, unseen in a decade.¹ **President Xi's predecessors specifically designed China's internet infrastructure to enable a high degree of state control and censorship, and Xi came into office characterizing control of the Internet as "a matter of life and death" for the Chinese Communist Party. In recent years, Chinese authorities have moved beyond the mere maintenance of the "Great Firewall" towards comprehensive regulation of China's cyberspace to maintain "Internet sovereignty," rejecting foreign technologies for government use, subjecting technologies to greater scrutiny for "cybersecurity" purposes, strengthening the censorship apparatus, detaining influential bloggers, and severely restricting access to the Virtual Private Networks that some netizens use to access content forbidden inside the country. The government has drafted a new Cybersecurity Law which requires Internet companies, including foreign ones, to practice censorship, register users' real names, localize data, and aid government surveillance.**²

The government's long-term strategy has been and remains protecting domestic internet companies in China, monitoring and punishing online critics, and retaining as much control as possible over content. Increasingly, it seeks to require foreign companies to assist in implementing Beijing's security and surveillance goals and ensure Internet technologies are "controllable," whether by law or through "voluntary" pledges.

Your firms have played a critical role in defending online freedom of expression and privacy rights in the United States. We commend your efforts to reform surveillance programs revealed by Edward Snowden. We also welcome the strong stance many of your companies have taken to oppose US law enforcement requests to build "back doors" into your products to aid surveillance.

It is important to remember that foreign technology companies have considerable leverage over the Chinese government. Your companies develop some of the world's most cutting-edge technologies that are much needed by a Chinese government with strong desires to propel its economy forward.

¹ Human Rights Watch, World Report 2015 (New York: Human Rights Watch, 2015), China Chapter, <https://www.hrw.org/world-report/2015/country-chapters/china-and-tibet>; Maya Wang, "Dispatches: Gagging the Critics in China," August 21, 2015, <http://www.hrw.org/news/2015/08/21/dispatches-gagging-critics-china>; Maya Wang, "Dispatches: China Tightens Screws on Civil Society," May 8, 2015, <http://www.hrw.org/news/2015/05/08/dispatches-china-tightens-screws-civil-society>; "China: Quashing Criticism at Home and Abroad," Oxford University China Africa Network, May 27, 2014, <http://www.hrw.org/news/2014/05/27/china-quashing-criticism-home-and-abroad>.

² "China: Proposed Cybersecurity Law Will Bolster Censorship," Human Rights Watch news release, August 4, 2015, <https://www.hrw.org/news/2015/08/04/china-proposed-cybersecurity-law-will-bolster-censorship>.

However, we are concerned about recent media reports that some US companies are considering—or have even conceded to—requirements to store Chinese user data within China to gain market access. This approach raises considerable questions about how companies will respond to requests for user data in a country where the right to privacy is not adequately protected in law or practice and where peaceful dissent is interpreted as a threat to state power. It will be much more difficult for your companies to avoid complicity in Chinese repression if you store user data in China.³

Your companies have a responsibility to respect human rights and prevent abuses linked to your operations. We understand that China represents a critical market for your firms, but urge that you proceed with the same commitment to promoting and protecting human rights in China as you do in the United States. **President Xi's visit and the U.S.-China Internet Industry Forum offer an ideal opportunity to make clear that your firms' defense of privacy and other human rights, and your objections to becoming complicit in state surveillance, will be as strong in China as they have been in the United States.**

I would welcome the opportunity to discuss these important issues with you.

Sincerely,



Kenneth Roth
Executive Director
Human Rights Watch

CC:

Mr. Larry Page, Chief Executive Officer
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Google Inc.

Mr. Sundar Pichai, Chief Executive Officer- Designate
Google Inc.

Mr. Tim Cook , Chief Executive Officer
Apple Inc.

³ Human Rights Watch, *"Race to the Bottom": Corporate Complicity in Chinese Internet Censorship*, August 2006, <http://www.hrw.org/reports/2006/china0806/china0806webwcover.pdf>.

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