



# Computers and Society

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Freedom of Speech  
& Digital Censorship

# Freedom of Speech (言論自由)

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- *‘If you offered to let me off this time on condition I am not any longer to speak my mind... I should say to you, “Men of Athens, I shall obey the Gods rather than you.”’*

—Socrates,  
at his trial in 399BC



*La Mort de Socrate  
(The Death of Socrates)*

# Freedom of Speech (言論自由)

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- *“I disapprove of what you say, but I will defend to the death your right to say it.”*

—Voltaire’s biographer,  
S.G. Tallentyre, in 1906



Voltaire



# What Shall We Cover?

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- Freedom of Speech in HK
- Restrictions to Free Speech
- Free Speech Principles
- Controlling Offensive Speech
  - Porn, spam
- Censorship on the Internet
  - In China
- Anonymity

# Freedom of Speech in HK

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- The Basic Law provides constitutional guarantees:
- “HK residents shall have **freedom of speech**, of the **press** and of **publication**...” (Article 27)
- “The provisions of the [**ICCPR**] ... shall remain in force and shall be **implemented through the laws** of the HKSAR.” (Article 39)

ICCPR: International Covenant on Civil and Political Rights

《公民權利和政治權利國際公約》

Source: Constitutional and Mainland Affairs Bureau, HKSAR Government <sup>5</sup>

# HK Bill of Rights (香港人權法案)

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- (Article 16) Everyone shall have the right to...
  - 1) hold opinions without interference.
  - 2) freedom of expression; this right shall include freedom
    - to seek, receive and impart information and ideas of all kinds,
    - regardless of frontiers,
    - either orally, in writing or in print, in the form of art, or through any other media of his choice.



# Restrictions to Free Speech

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- (Article 16) [Restrictions] shall only be such as are provided by law and are necessary:
  - a) for respect of the rights or reputations of others; or
  - b) for the protection of national security or of public order ..., or of public health or morals.



# Why is Free Speech Justified?

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- Enables testing of new ideas
- <sup>支持</sup>Underpins the right to participate in public life
- Implies the right to be heard by those in authority
- <sup>使窒息</sup>Attempts to stifle debate invariably result in stifling progress





# Changing Communication Paradigms

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- Traditionally, communications media can be classified into 3 categories:
  - Print media (newspaper, books, ...)
  - Broadcast (TV, radio)
  - Common carriers (telephones, postal)
- The Internet, however, does not fit neatly into any of them

# Free Speech Principles

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- For offensive and/or controversial speech and ideas.
- Any restriction needs to be “necessary” (必要) and “as provided by law”. 提倡
- Advocating illegal acts is not necessarily illegal
- Does not protect libel (誹謗)
- Inciting 煽動 violence is sometimes illegal
- Allows some restrictions on advertising
- Protect anonymous speech



# Controlling Offensive Speech

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- What is it? What is illegal?
- Answer depends on who you are
- Political or religious speech?  
Pornography? Racial and sexual slurs?  
Nazi? Libelous statements? Abortion?  
Tobacco ads? How to make bombs?  
Violence? Suicide discussion? Disaster reports?



# Controlling Offensive Speech

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- What is it? What is illegal?
- Answer depends on who you are
- Many efforts to censor the Internet focus on pornography or sexually explicit material

# Sexually Explicit Materials

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- What was already illegal?
- Control of Obscene and Indecent Articles Ordinance (淫褻及不雅物品管制條例)
  - Publishing obscene articles
  - Failing to observe conditions or restrictions on publishing indecent articles
- The Obscene Articles Tribunal (淫褻物品審裁處) is empowered to classify articles

Applicable to the Internet



# Sexually Explicit Materials

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- Sex column in CU Student Press
  - Indecent or not?
  - Judgment before classification?
  - Bad taste?
- Edison Chen photo scandal
  - Indecent or obscene?
  - (Not) Friend?
  - Chilling effect (white terror)?
  - Selective application of law?
  - Unlawful arrest?

# Child Pornography

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- What was already illegal?
- Prevention of Child Pornography Ordinance (防止兒童色情物品條例)
  - Production, possession, and publication of child pornography

# Freedom of Speech Overseas

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- In the US, freedom of speech is protected through the First Amendment
- “*Congress shall make no law ...*  
限制 *abridging the freedom of speech, or of the press ...*”  
—First Amendment, US Constitution





# Freedom of Speech Overseas

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- Many acts that were aimed at controlling indecency/obscenity and child protection were declared unconstitutional.
- Courts rule that restrictions have to be of “least restrictive means”.



# Alternative to Censorship Laws

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## ○ Filters

- Blocks sites with specific words, phrases or images
- Parental control for sex and violence
- Updated frequently but may still screen out too much or too little
- Not possible to eliminate all errors
- What should be blocked?

# Controlling Offensive Speech: Spam

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- What's the problem?
  - 未經請求的 Unsolicited bulk messages
  - Angers people because of content and the way they are sent
    - Mostly commercial advertisements
    - Pornography
    - "Get rich quick", "Low rates loans", ...
    - A "zombie network" can send billions of emails per day

# Controlling Offensive Speech: Spam

- Free speech issues:
  - Spam imposes a cost on the service providers and the recipients.
  - Spam filters do not violate free speech.



Smartphone App:  
StudioKUMA Call Filter  
小熊來電通知

# Anti-spam Law

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- Unsolicited Electronic Messages Ordinance (UEMO, 非應邀電子訊息條例)
- Regulates the sending of “commercial electronic messages”...
  - (pre-recorded messages, SMS, fax, e-mail, ...)
- ... with a “**Hong Kong link**”
  - (originates from HK, sent to HK, sent to a HK phone/fax number)
- Unsubscribed facility, Do-not-call registers, sender identification

# Anti-spam Law

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- Exemptions to UEMO:
  - Person-to-person calls
  - Messages sent in response to the recipient's requests
  - Messages such as invoices or receipts to confirm a transaction
  - Sound broadcasting and TV programme services
- Some criticized UEMO for not banning all spam and legitimizing commercial spam



# Internet Censorship

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- Global Impact of Censorship
  - Global nature of the Internet protects against censorship (banned in one country, move to another)
  - May impose more restrictive censorship (block everything in an attempt to block one thing)
  - Yahoo and French censorship
    - Yahoo, eBay, etc. make decisions to comply with foreign laws for business reasons



# Internet Censorship in China

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- Attempts to limit the flow of information on the Internet similar to earlier attempts to place limits on other communications media
- Websites are required to obtain an ICP (Internet Content Provider) license.
- Government owns the Internet backbone, blocks specific sites and content at the border (**Great Firewall** (GFW), 防火長城)
- Both prevention and detection based



# Great Firewall

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- Block IP/domain names
  - wikipedia.org, facebook.com, rthk.hk, ...
- Blacklist keywords
  - <http://zh.wikipedia.org/wiki/中華人民共和國審查辭彙列表>
  - [http://en.wikipedia.org/wiki/List\\_of\\_blacklisted\\_keywords\\_in\\_China](http://en.wikipedia.org/wiki/List_of_blacklisted_keywords_in_China)
- DNS filtering/redirection
- Connection reset
- VPN Blocking
- Nonetheless, censorship circumvention techniques (翻牆) exist (VPN, proxy, ...)



# Internet Censorship in China

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- The government once tried to force all new PCs to pre-install a filtering software Green Dam (綠壩·花季護航).
- Many consider it as malware, a client side of GFW, low accuracy.
- This policy was later changed to be voluntary due to public pressure.



# Foreign Companies in China

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- Companies who do business in China must comply with the Chinese laws
- Yahoo China provided information to the Chinese government that helped identify a Chinese journalist, who was then jailed
- Foreign companies are sometimes required to form joint venture with local ones
- Google once argued that *some* access is better than *no* access, though it withdrew most operations from China in 2010

# Anonymity (匿名)

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- What's the good side of being anonymous in expressing oneself?
  - Personal privacy protection
  - Reduce the threat of ...
  - Because of being afraid of ...
- What's the dark side then?
  - Making personal attack speeches
  - Making offending speeches
  - Doing "illegal" activities, e.g. illegal download



# Privacy of Communication

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- Article 30 of the Basic Law guarantees the freedom and privacy of communication
- Communication inspection can only be for the needs of public security or criminal offence investigation
- In 2006, part of the Telecommunication Ordinance (電訊條例) was declared against Article 30 and thus unconstitutional



## Anonymity: Hide our Own Identity/Information

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- Do not provide personal information
- Disable Cookies
- Use of Trusted Proxy Services (e.g. Privoxy) to hide/filter our own information
  - <http://www.privoxy.org/>
- Encrypt sensitive information



# Anonymity: Hide our Route/Trace in the Internet

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- Our route/trace may leak our identity
- Tor Network (Onion routing)
  - <http://www.torproject.org/>
- Anonymous Web Browsing
  - <http://www.anonymizer.com/>
  - <http://www.tunnelbear.com/>
- 「魚目混珠」 / 「狡兔三窟」
- Prerequisites of Tor:
  - lots of Tor servers AND lots of Tor users



# Anonymity

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- ISPs maintain records of the true identity of each user and maintain records of online activity.
- Our route/trace can leak our identity.
- In HK, website service providers are also liable for any illegal information posted by its users.
  - They will disclose your identity to minimize their liability.



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