

GISWatch  
10th Edition

# GLOBAL INFORMATION SOCIETY WATCH 2016

*Economic, social and cultural rights  
and the internet*



ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS (APC)  
AND INTERNATIONAL DEVELOPMENT RESEARCH CENTRE (IDRC)

# Global Information Society Watch

## 2016



## Global Information Society Watch 2016

Economic, social and cultural rights and the internet

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This work was carried out with the aid of a grant from the International Development Research Centre (IDRC), Ottawa, Canada, as part of the APC project “A rights based approach to internet policy and governance for the advancement of economic, social and cultural rights”.

More information at: <https://www.apc.org/en/projects/internet-rights-are-economic-social-cultural-rights>



APC would like to thank the Swedish International Development Cooperation Agency (Sida) for its support for Global Information Society Watch 2016.



Published by APC and IDRC

2016

Printed in USA

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Global Information Society Watch 2016 web and e-book

ISBN 978-92-95102-70-5

APC-201611-CIPP-R-EN-DIGITAL-260

# CHINA

## CLOSING THE DOOR ON CULTURAL FREEDOMS IN THE ERA OF “WEB CELEBS”



KEYWORDS: **culture**

**Hudson Lockett**

### Introduction

In mainland China the internet has remained a territory of contention when it comes to economic, social and cultural rights (ESCRs), even as policy makers have allowed greater realisation of many key freedoms.

For economic and social rights, the battle lines are often clearly drawn: online platforms enable farmers to sell crops to a larger customer base at standardised market prices, but workers are forbidden from independently organising via cheap smartphones linked to ever more ubiquitous social media platforms – and, indeed, can be monitored through them when they do.

Since the 2013 accession of party secretary Xi Jinping, who has led the longest and most robust crackdown on civil society in decades, the contradictions within the cultural sphere have grown markedly as well.<sup>1</sup> Yet for many ordinary citizens whose chief concerns are framed in more personal economic and social terms, relentless restrictions on expression may be felt most keenly through the utter lack of compelling content broadcast by Chinese television stations.

Mainland TV is, by even domestic estimations, an endless sluice of substandard slop: anodyne variety shows, staid historical propaganda and the endlessly repeated tropes of a half-dozen genres of television drama.

Enter Jiang Yilei, aka Papi Jiang, whose essentially apolitical monologues launched her to stardom in early 2016 as the year’s first big “web celeb” (网红 or *wang hong* – literally “net”, for the internet, plus “red”, signifying popularity). Recognition of her work’s widespread resonance among young and mobile web-ready Chinese would ultimately net her millions in venture capital funding.

It would also draw the pointed attention of the party-state just as it ramped up efforts to tighten regulations on online content, charting a trajectory

for Jiang in which her economic rights – underpinned by the exercise of social and cultural rights – would hit their political limits.

### Background

The Constitution of the People’s Republic of China grants citizens extensive rights including freedom of speech and assembly, but its preface states that all such guarantees are subordinate to the permanent leadership role granted to the Chinese Communist Party (CCP).

China is also a signatory to the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the standing committee of its rubber-stamp legislature ratified the convention in 2001. But it did so with the proviso that the Covenant’s assertion of the right to form trade unions (Article 8, clause 1) must be carried out in accordance with its constitution, trade union laws and labour laws, which forbid the independent organisation of labour outside the state-controlled All China Federation of Trade Unions.<sup>2</sup>

In 2007 then-party secretary Hu Jintao made CCP supremacy still more explicit with the doctrine of “Three Supremes” placing party interests above the law. The end of Hu’s term was marked by a growing clampdown on civil society both on the street and online (see GISWatch 2014)<sup>3</sup> – a drive his successor, Xi, kicked into high gear with a sustained campaign against rights-defence lawyers, domestic and foreign NGOs, activists of every stripe and journalists generally.

This has been accompanied by renewed controls over mass media, smothering attempts at new and original TV programming and driving those in the arts and cultural sector still hoping to break new ground to seek opportunities on China’s online video-hosting platforms such as Youku (优酷)<sup>4</sup> and iQiyi (爱奇艺).<sup>5</sup>

1 Kaiman, J. (2014, 24 August). Beijing independent film festival shut down by Chinese authorities. *The Guardian*. <https://www.theguardian.com/world/2014/aug/24/beijing-independent-film-festival-shut-down-china-freedom>

2 Han, D. (2000, 1 March). China Ratifies ICESCR: A Change in Sight or More of the Same? *China Labour Bulletin*. [www.clb.org.hk/en/content/china-ratifies-icescr-change-sight-or-more-same](http://www.clb.org.hk/en/content/china-ratifies-icescr-change-sight-or-more-same)

3 Lockett, H. (2014). Discourse deferred: PRC netizens swap public microblogs for the not-so-private digital dinner table. *Global Information Society Watch* 2014, 106-109. <https://www.giswatch.org/en/country-report/communications-surveillance/china>

4 [www.youku.com](http://www.youku.com)

5 [www.iqiyi.com](http://www.iqiyi.com)

The resulting profusion of more compelling cultural content has been accompanied by financial inflows enabling these and other sites to sign budding talent and turn out shows that viewers consider more relevant, thereby posing an even greater threat to traditional broadcasters whose bread and butter has out of necessity become increasingly conservative and predictable.

### The rise and falter of Papi Jiang

It was in such an environment that the first major web celeb of 2016 would make her debut. Shanghai native Jiang Yilei, a 29-year-old graduate student in her final year at Beijing's prestigious Central Academy of Drama, had worked in media and theatre before. But the videos she began uploading in October 2015 were something else entirely.

Under the stage name Papi Jiang, she delivered rants in rapid-fire, occasionally profane vernacular, clocking in at three to four minutes apiece. With the addition of a computer-modulated, preposterously high falsetto, Jiang gave comically exasperated voice to the everyday hardships and frustrations faced by many young people in China.

A typical example excerpted below from "The Fourth Rule of Male Existence"<sup>6</sup> is delivered in the span of about ten seconds through a series of rapid cuts of Jiang dressed in a different outfit for each line, reacting to an unseen boyfriend's latest less-than-stellar gift:

How much did you spend on this thing?  
So this was on sale recently, wasn't it?  
Am I only worth 30 yuan, then?  
What the fuck am I supposed to do with this cheap little gift from the heart?  
It has nothing to do with price!  
You paid too much.  
Tsk... it's a little inappropriate to spend that much...  
I'm always telling you not to waste money!

October also marked the first complete publication by state news agency Xinhua of comments by Xi Jinping about contemporary Chinese culture made one year earlier.<sup>7</sup> These amounted to blanket condemnation of mainland China's popular art and media as vulgar and culturally harmful, paired with quotes from Marx, Lenin and Mao and emphasising the continued necessity of patriotism and "positive energy". For example:

Contemporary arts must also take patriotism as a theme, leading the people to establish and maintain correct views of history, nationality, statehood, and culture while firmly building up the integrity and confidence of the Chinese people.<sup>8</sup>

This conservative outlook on media and culture would quickly be reflected in practice. On 20 January the hit gender-bending online drama "Go Princess Go" – in which a bawdy playboy is changed into a woman and sent back to the dynastic era, where he falls in love with a prince – was pulled from major video sites, along with four other low-budget online dramas.<sup>9</sup>

Meanwhile, buzz continued to grow about Jiang's videos, prompting observers to christen her China's first web celeb of 2016. Columnists highlighted the growing power of "self-media" stars who thrived outside the traditional celebrity industrial complex. Some suggested a growing number of "Papi Jiangs" were upending China's old celebrity economy, one in which budding stars had to depend on appearances in dramas and variety shows produced by stolid state-run broadcasters to achieve national exposure.

Renewed focus on the growing importance of content and intellectual property in such columns suggested a new stage of maturity for China's historically plagiarism-plagued domestic media ecosystem. But on 24 February another, still more popular online drama – this one depicting a romance between two male teenage students – was removed from major video platforms.

Three days later Li Jingsheng, head of China's State Administration of Press, Publication, Radio, Film and Television (SAPPRFT), announced at a TV industry meeting that online dramas would be subject to the same regulations as televised dramas. At the same meeting Luo Jianhui, head of SAPPRFT's online audiovisual programming management division, told attendees extra attention would be paid to "shows that lead to heated discussion".<sup>10</sup>

Further clarity on the clampdown came as local media reported on new "General Rules on Production of Content for Televised Dramas", approved

6 The original, uncensored version of this video remains available on YouTube: <https://youtu.be/j05c1SYkNxc>

7 Jinping, X. (2015, 14 October). Talks at the Forum on Literature and Art Work. *Xinhua* (authorised publication). [news.xinhuanet.com/politics/2015-10/14/c\\_1116825558.htm](http://news.xinhuanet.com/politics/2015-10/14/c_1116825558.htm)

8 Canaves, S. (2015, 25 October). Chinese President's Speech on the Arts: The Hollywood Connection. *China Film Insider*. [chinafilm insider.com/chinese-presidents-speech-on-the-arts-the-hollywood-connection](http://chinafilm insider.com/chinese-presidents-speech-on-the-arts-the-hollywood-connection)

9 Heavily censored episodes of "Go Princess Go" cut by as much as a third of their runtime were later uploaded and can be viewed at [www.le.com/tv/10015173.html](http://www.le.com/tv/10015173.html)

10 Sina. (2016, 27 February). SAPPRFT strengthens supervision of online drama approval. *Sina News*. [ent.sina.cn/tv/tv/2016-02-27/detail-ixpvysv4949295.d.html](http://ent.sina.cn/tv/tv/2016-02-27/detail-ixpvysv4949295.d.html)

by SAPPRFT on 31 December and announced at the same 27 February meeting of Chinese television producers. These forbade depictions of homosexuality, magic, violence and the use of vulgar language.<sup>11</sup>

Jiang's star continued to rise, as did the number of her fans: on Youku her videos were garnering around two to three million views apiece. On the microblogging platform Weibo her followers totalled almost eight million. By mid-March search trend data from internet services giant Baidu would show queries for "Papi Jiang" rising to a frequency of around 40,000 per day – practically on par with searches for "Xi Jinping", though still less than half as searched-for when compared to a top-tier celebrity actress such as Fan Bingbing.<sup>12</sup>

On 20 March Jiang's status as a web celeb and social phenomenon in her own right was further vindicated by the announcement that she had secured CNY 12 million (around USD 2 million) in venture capital funding from major institutional investors, including the prestigious Zhen Fund, as well as from the respected host of the online talk show Logical Thinking (逻辑思维).

It was a truly groundbreaking development, but not all the attention Jiang garnered was positive: on 22 March Lin Yuhong, vice-director of the influential Communist Youth League's Centre for Network Film and Television, had criticised Jiang for using coarse language. Lin warned of Jiang's negative influence on young people's development and called on relevant government departments to "manage" her for deploying words unbecoming of a "properly raised young woman".<sup>13</sup>

Lin's call to action appeared to have little impact. But on the morning of 18 April online rumours swirled that SAPPRFT had ordered Jiang's videos taken down for containing profanity. Her investors lashed out at these claims, branding them malicious, and representatives at the video sites concerned denied having received any orders to pull Jiang's work.

By that afternoon rumour had turned to reality. At around 4 p.m. the party mouthpiece *People's*

*Daily* posted an article on its Weibo microblog account stating that SAPPRFT had ordered Jiang's videos taken down for containing vulgar expletives, and that "they can go back online after being rectified."<sup>14</sup>

The paper claimed in its post that "as a result of reports from the masses and expert evaluations," the regulator had demanded Papi's videos be taken down and scrubbed of profane content before they could be uploaded again. It also helpfully provided uncensored examples of profanity from her work, including "oh fuck" (卧槽) and "little bitch" (小婊子).

Soon all but a few of Jiang's original rants had been removed from Youku and iQiyi. That evening Yang Ming, CEO of the media company formed with Jiang using venture capital, issued a public apology that maintained the videos had not been censored – authorities had simply demanded they be "adjusted". He also drew attention to a new video about dieting that Jiang had published on the messaging service and app ecosystem WeChat that "contained not a single word of coarse language."<sup>15</sup>

In comments accompanying those of Yang, Jiang made explicit the effective new state of curtailed online expression: "In short, regulation has become more stringent, with uniform standards for online and offline media; if a television station can't broadcast it, the same applies online."<sup>16</sup>

In those comments and in an uncharacteristically penitent Weibo post, Jiang noted that she was "willing and happy to accept criticism" and pledged to conform with content demands and "spread positive energy" henceforth. In the context of mainland Chinese politics, the latter term refers to pro-party, pro-government, nationalist sentiment – by nature uncritical and essentially anathema to Jiang's trenchant social satire.

To drive its point home, the *People's Daily* published an editorial the next day titled "Growth Cannot be Barbarous" calling out Jiang for her use of profanity and citing Xi Jinping's call for a "clean and healthy" internet, which he compared to a "spiritual garden". The paper went on to outline a more palatable vision for "self-media" in Chinese culture – one in which individuals like Jiang popularise the party line among the populace at large:

11 Sina. (2016, 2 March). General rules for TV dramas revealed – no depictions of gay puppy love, reincarnation. *Sina News*. ent.sina.com.cn/v/m/2016-03-02/doc-ixfpyvsv5119554.shtml

12 Baidu Index search results: index.baidu.com/?tpl=trend&type=0&area=0&time=13&word=papi%BD%B4%2C%CF%B0%BD%FC%C6%BD%2C%B7%B6%B1%F9%B1%F9#655757-bdhome-1-21214-73f3e2e78c9b7dee867b3d4b5be57c14

13 Yingshi Koubei. (2016, 17 April). Viral Papi Jiang experiences SAPPRFT shutdown. *China Digital Times* (repost). chinadigitaltimes.net/chinese/2016/04/%E8%85%BE%E8%AE%AF%E6%96%B0%E9%97%BB%E7%BD%91%E4%BC%Aopapi%E9%85%B1%E9%81%AD%E5%B9%BF%E7%94%B5%E6%80%BB%E5%B1%80%E5%B0%81%E6%9D%80/

14 Yang, L. (2016, 18 April). SAPPRFT: Papi Jiang videos taken offline for rectification due to containing vulgar expletives. *People's Daily* official Weibo account. m.weibo.cn/2803301701/3965643223462841

15 SCTN. (2016, 19 April). Papi Jiang's post-rectification "positive energy": Videos already without expletives from start to finish. *Securities Times*. news.stcn.com/2016/04/19/12675778.shtml

16 Ibid.

With sufficient tolerance, rationality and forbearance such “media dinghies” can be channelled into a broadcasting fleet. Only through use of their vivid, lively expression and their diverse, adaptive forms can true “invisible propaganda” – simultaneously “saying what they want to say” and “telling what we want to tell” – be achieved.<sup>17</sup>

## Conclusions

Jiang’s videos were soon back online, *sans* expletives. Indeed, the censorship incident may have ultimately given her far greater exposure: on 18 April, Baidu queries about “Papi Jiang” hit an all-time daily high of more than 254,000. She has since managed to sustain public interest such that her first live-stream broadcast on 11 August was reported to have drawn more than 27 million simultaneous viewers at one point.

Following a successful first auction of advertising rights for CNY 20 million (about USD 4.5 million), Jiang and her investors announced plans to launch a YouTube-like service. However she ultimately fares, though, the outlook for meaningful online cultural expression and exchange in China is less certain than ever.

State media have produced a steady stream of articles describing Jiang’s success as a one-off and suggesting that fleeting web celeb status is not worth chasing, even as other publications noted the rapid development of a “web celeb supply chain”.

These and other measures suggest that the party is seeking to reassert and reinforce its authority over China’s cultural sphere, a development with substantial ramifications for the exercise of ESCRs. As in the case of Papi Jiang, the right to cultural participation with any real social resonance can be revoked when it does not sufficiently adhere to party precepts on content and tone, even if this entails undermining an individual’s economic rights to the material benefits of their work. Indeed, the greater one’s economic success from socially resonant work, the more substantial curbs seem likely to be when imposed.

This is borne out in other developments at the nexus of economic, social, and cultural rights in China. Live-streaming sites like those used by Jiang to interact with fans during her August broadcast have become another go-to platform for aspiring stars.

Most users seek low-level fame online, endorsing certain brands for compensation, selling their own goods or relying on donations from viewers who like what is being broadcast – for example, a suggestive pose struck by an attractive individual. But such activities were cited by authorities in the announcement of a three-month crackdown on streaming sites whose content was deemed too vulgar.

Other media both new and old have likewise come under increasing regulatory pressure from SAPPRT, which in late August explicitly pledged to cap celebrities’ “astronomical” pay, curb the flaunting of wealth, halt the “blind, shallow” promotion of stars and web celebs, and curb broadcasting of “mistaken ideas” such as fame seeking, money worship and overnight stardom.<sup>18</sup> Entertainment news outlets were also told to avoid featuring these topics or elevating the pursuit of a “Western lifestyle”.<sup>19</sup>

By undermining the attractiveness of artistic expression as the foundation for economic success, regulators are seeking to maintain their monopoly on the definitions and discourse of culture. This limits the right to real cultural participation by the majority of citizens, whichever side of the lens they are on. But in ratcheting up controls just as new and domestically resonant cultural phenomena are starting to flourish, Beijing is also likely to forestall the most promising developments of a sector in which it frequently bemoans the enduring popularity of Western movies and television shows – despite regulations to limit their prevalence.

Such efforts to meld pop culture and the party line are unlikely to enjoy the popularity of works produced through less tightly regulated cultural activity – even if the success of the latter is limited by state-backed efforts to promote the former. Thus when another instance of high-visibility success results from artists claiming their economic, social and cultural rights online, it may push authorities to clamp down still further on their exercise.

Jiang’s story may yet somehow prove otherwise, but thus far her experience suggests that in China today, to walk through any door that remains open online to critical acclaim and commercial success is, more often than not, an invitation for the state to promptly close it to others behind you.

17 Phoenix News. (2016, 20 April). People’s Daily discusses web celebs like Papi Jiang: Growth cannot be barbarous (repost). [tech.ifeng.com/a/20160420/41597277\\_0.shtml](http://tech.ifeng.com/a/20160420/41597277_0.shtml)

18 CCDI. (2016, 26 August). SAPPRT party leadership group notification on the state of inspection reforms. Central Commission for Discipline Inspection official website. [www.ccdi.gov.cn/yw/201608/t20160824\\_85787.html](http://www.ccdi.gov.cn/yw/201608/t20160824_85787.html)

19 Xinhua. (2016, 30 August). SAPPRT: Steadfastly prevent talking up private matters, personal disputes, family conflicts. *Xinhua*. [sn.xinhuanet.com/yule/20160830/3412374\\_c.html](http://sn.xinhuanet.com/yule/20160830/3412374_c.html)

## Action steps

The following observations in support of activism in China can be made:

- There is little sign that government pressure on the arts and cultural sector will let up any time soon, but the exercise of ESCRs remains far less restricted in online video compared to traditional television stations.
- The tension between policy makers' increasingly conservative cultural policies and the need for new drivers of economic growth is likely to allow online video to retain some degree of freedom in the near term, but basic familiarity with the growing skein of content regulations will be an ever more important prerequisite for avoiding unexpected curbs on rights expression.
- In most areas of online popular art and culture, transgression of content regulations previously only applicable to traditional media now leaves those engaging in cultural participation online vulnerable to sanction and punishment; less overt, more gradual expansion of subject matter that is not expressly forbidden is less likely to prompt authorities to push for still greater curtailment of rights.
- The reaction from Jiang and her backers provides a useful template for self-preservation in the event of being targeted by authorities for the exercise of ESCRs online: apologise, maintain innocence to the greatest possible extent, and promise greater adherence to the regulations cited.



# Economic, social and cultural rights and the internet

The 45 country reports gathered here illustrate the link between the internet and economic, social and cultural rights (ESCRs). Some of the topics will be familiar to information and communications technology for development (ICT4D) activists: the right to health, education and culture; the socioeconomic empowerment of women using the internet; the inclusion of rural and indigenous communities in the information society; and the use of ICT to combat the marginalisation of local languages. Others deal with relatively new areas of exploration, such as using 3D printing technology to preserve cultural heritage, creating participatory community networks to capture an “inventory of things” that enables socioeconomic rights, crowdfunding rights, or the negative impact of algorithms on calculating social benefits. Workers’ rights receive some attention, as does the use of the internet during natural disasters.

Ten thematic reports frame the country reports. These deal both with overarching concerns when it comes to ESCRs and the internet – such as institutional frameworks and policy considerations – as well as more specific issues that impact on our rights: the legal justification for online education resources, the plight of migrant domestic workers, the use of digital databases to protect traditional knowledge from biopiracy, digital archiving, and the impact of multilateral trade deals on the international human rights framework.

The reports highlight the institutional and country-level possibilities and challenges that civil society faces in using the internet to enable ESCRs. They also suggest that in a number of instances, individuals, groups and communities are using the internet to enact their socioeconomic and cultural rights in the face of disinterest, inaction or censure by the state.

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2016 Report

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