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Freedom of the Press 2011 - China

Status: Not Free**Legal Environment:** 29**Political Environment:** 34**Economic Environment:** 22**Total Score:** 85

China's media environment remained one of the world's most restrictive in 2010. The Chinese authorities kept a tight grip on traditional and online media coverage of a range of politically sensitive topics. In 2010, that included stifling independent reporting and writing about the Nobel Peace Prize awarded to jailed Chinese dissident Liu Xiaobo in December. Liu was one of dozens of activists, dissidents, and journalists who remained in jail for their writing at year's end. Minority-language journalists were at particular risk. A fresh series of arrests targeted Tibetan and Uighur reporters and editors, who were accused of threatening the state or promoting a separatist cause. However, despite the threats, domestic journalists continued to push the limits of permissible expression, lobbying for expanded rights and freedom from physical attack.

Article 35 of the constitution guarantees freedom of speech, assembly, association, and publication. However, such provisions are subordinated to the national interest as defined by the courts, and the constitution cannot be invoked in court as a legal basis for asserting individual rights. Judges are appointed by and generally follow the directives of the ruling Chinese Communist Party (CCP), particularly in politically sensitive cases. There is no press law that governs the protection of journalists or punishment of those who attack them. Instead, vague provisions in the criminal code and state-secrets legislation are routinely used to imprison journalists and other citizens for the peaceful expression of views that the CCP considers objectionable. In April, the state-secrets law was revised. But instead of narrowing the definition of what is off-limits, the law extended responsibility to internet and telecom firms to monitor "secret" content. Journalists and their sources remained at risk. An open-government ordinance went into effect in 2008, and was hailed by some observers as an advance for freedom of information. But journalists have had limited success in using it, according to Hong Kong University's China Media Project, due to an official culture of secrecy and a lack of legal recourse. Journalists and other media workers are required to possess government-issued press cards in order to be considered legitimate journalists, and must pass annual political tests in order to maintain their registration. Those who violate content restrictions risk having their press-card renewals delayed or rejected, being blacklisted altogether, or facing criminal charges.

The CCP maintains direct control over news media coverage through its Central Propaganda Department (CPD). This is reinforced by an elaborate system of vaguely worded regulations and laws. Taboo topics include calls for greater autonomy in Tibet and Xinjiang, relations with Taiwan, the Falun Gong spiritual group, and any criticism of CCP leaders. In addition, the CPD and provincial censors issue secret directives restricting coverage of breaking news as well as broad areas of content. Reporting on the WikiLeaks disclosures was forbidden, according to international news reports, and the site itself was blocked. And local propaganda departments issued directives on topics as apparently neutral as car crashes and as personally damning as the online diary posted by a Guangzhou propaganda official's mistress, according to Berkeley-based *China Digital Times*. Topics of particular sensitivity are limited strictly to coverage provided by the official Xinhua News Agency.

In October, the Norwegian Nobel Committee announced that imprisoned Chinese democracy advocate Liu Xiaobo would be awarded the 2010 Nobel Peace Prize for his "long and non-violent struggle for fundamental human rights in China." Liu has been jailed since 2008, and is serving

an 11-year sentence on charges of "inciting subversion of state power." The lead author of the prodemocracy manifesto Charter 08, he has also been a frequent critic of Communist rule in China. In advance of the Nobel Peace Prize ceremony, news outlets were instructed not to report on, broadcast excerpts from, or post links about the event, or to publish Liu's writings. The award highlighted China's regime of censorship, and internationally, Beijing reacted with anger, denouncing the decision and calling Liu a "criminal." Although news was suppressed within China, in some corners of the country, a debate simmered and occasionally rose to the surface. Just days after the committee made its October announcement, 23 pro-reform CCP elders submitted an open letter to the National People's Congress. The letter – which was dated before the announcement and made no mention of Liu – called for an end to media control and a full realization of the press freedom guarantees of the Chinese constitution. In the days running up to the event, Chinese lawyers, activists, and writers supportive of Liu faced harassment, blocks in internet and cell phone use, and detention, according to the Hong Kong-based Chinese group Human Rights Defenders.

CCP leaders use control of the media to propagate positive views of the party and government, while vilifying those deemed to be their enemies. During 2010, the authorities also continued to employ more subtle means to "guide" news coverage. This included proactively setting the agenda by allowing key state-run outlets to cover ostensibly negative news in a timely but selective manner, then requiring that other media and internet portals restrict their reporting to the established narrative. The aim is to preempt less favorable coverage by bloggers, foreign journalists, and more aggressive commercial news outlets. Journalists who attempted to investigate or report on controversial issues, criticized the CCP, or presented a perspective that conflicted with state propaganda directives faced the risk of harassment, job loss, and abuse. Bao Yueyang, the party-appointed editor and publisher of the *China Economic Times*, was removed from his post in May after the newspaper ran an investigative report by well-known investigative journalist Wang Keqin, according to international news reports. The report alleged that health officials in Shanxi province had mishandled vaccines that were given to children, resulting in four deaths.

Those who cross the party-determined lines can also face arrest. According to international media freedom watchdogs, at least 30 journalists were in prison at the end of 2010. The estimate is likely to be low, given the difficulty of collecting accurate information. Several of the year's imprisonments highlighted the sensitivity of writing about protests against Han Chinese rule in Xinjiang and Tibet. Those imprisoned included Gheyret Niyaz, a former newspaper journalist and the administrator of a website called Uighur Online. He was sentenced to 15 years in prison in July on charges that he endangered state security. Charges stemmed from an interview he gave to a Hong Kong magazine in which he criticized official handling of July 2009 protests in Urumqi that turned violent. Three Tibetan writers, Jangtse Donkho, Buddha and Kalsang Jinpa, were sentenced in December to jail terms of between three and four years on charges that they incited separatism. The three had written about the Tibetan protests of 2008 in a small, locally distributed journal called *Shar Dugri* (*Eastern Snow Mountain*), according to Radio Free Asia.

Several high-profile cases of violence against reporters highlighted a growing area of concern. Late in the year, *Northern Xinjiang Morning Post* reporter Sun Hongjie died after he was beaten by six men at a construction site. Authorities in Xinjiang said the assault was unrelated to his journalism. However, his colleagues were skeptical, saying Sun's investigative reporting may have made him a target, according to international news reports and global watchdogs. Over the summer, science writer Fang Shimin used his Sina microblog account to draw attention to a brutal attack on a collaborator, science reporter Fang Xuanchang. Months later, he too was attacked. But public attention to the violence may have spurred police action; four suspects were arrested in September. In a special report, the New York-based Committee to Protect Journalists said the incident was part of a growing trend of press freedom advocacy in China. The organization found that Chinese journalists are increasingly coming to the defense of their colleagues and advocating their right to report the news without fear of retribution.

But Chinese authorities ceded little ground at home, while investing considerably in media platforms designed to disseminate state-sanctioned messages beyond national borders. Officials lashed out at countries that sought to honor the year's Nobel Peace Prize awardee. State-run Xinhua News Agency launched an English-language news channel to broadcast internationally, and the official *China Daily* expanded its overseas operations. At the same time, foreign media companies operating in China found themselves under attack. Conditions for foreign journalists remained severely restricted and fell short of international standards. Since 2007, foreign journalists have been free of travel restrictions in most areas and allowed to conduct interviews with private individuals without prior government consent. However, the looser rules do not apply to correspondents from Hong Kong, Macau, or Taiwan, and travel to Tibet and other politically sensitive regions still requires prior approval and close supervision by authorities.

Media outlets are abundant in China, but the reforms of recent decades have allowed the commercialization of outlets without the privatization of ownership. Most cities have their own newspaper published by the local government or party branch, as well as more commercialized subsidiaries whose revenue comes from advertisements rather than government subsidies. Some observers argue that the commercialization of the market has shifted the media's loyalty from the party to the consumer, leading to tabloid-style and sometimes more daring reporting. Others note that reforms have opened the door for economic incentives to reinforce political pressure and self-censorship, as publications fear the financial costs of being shut down by the

© UNHCR authorities as well as a loss of advertising revenue should they run afoul of powerful societal actors.

The prevailing salary arrangements generally pay journalists only after their stories are published or broadcast. When a journalist writes an article that is considered too controversial, payment is withheld, and in some cases the journalist must pay for the cost of news gathering out of his own pocket. A small number of elite media outlets combat such deterrents to aggressive reporting by paying journalists even for reports that are subjected to censorship. This has resulted in a few outlets championing popular causes and printing embarrassing exposures of official malfeasance, though media personnel who engage in such journalism can be fired or arrested. Corruption among Chinese journalists continued in 2010, and payments from public relations firms to journalists for attending press conferences remained a common phenomenon.

China is home to the largest number of internet users globally, with the figure reaching 450 million, approximately 34 percent of the population. The government has long employed an extensive surveillance and filtering system to prevent Chinese users from accessing material that is considered obscene, harmful to national unity, or politically subversive. Efforts to censor and control internet content have intensified markedly in recent years. However, owing to technological advancements and the efforts of domestic and overseas activists, the suppression of information has become more difficult in recent years. Despite the authorities' multilayered apparatus for controlling online content, the sheer volume of internet traffic and the speed with which information can spread has created some opportunities for exposure of local corruption and open political discussions, so long as taboo keywords are avoided. A growing number of Chinese also use proxy servers to circumvent internet restrictions and receive illegal satellite transmissions. As some journalists and media outlets push the limits of permissible coverage, reporting by local commercial outlets is amplified via the internet, giving their stories a wider audience. Restrictions on the flow of information are tighter in the ethnic minority areas of Tibet and Xinjiang than in the rest of the country. In Xinjiang, a near-complete internet blackout, instituted in the wake of violent riots in 2009, was not lifted until May. International telephone services and text messaging were also restored that month.

In addition to technical filtering, the Chinese authorities require private companies running a wide variety of websites to censor the content they host in accordance with official directives; firms that do not comply with official requests to remove content risk losing their business licenses or having their website shut down. Foreign internet companies have also cooperated with the Chinese government on censorship enforcement. Google's announcement in January that it was no longer willing to censor its search results led to a face-off with authorities over whether it could continue to operate in the country. Google said its decision had stemmed in part from a discovery that a sophisticated cyberattack had been launched at its system, apparently aimed at infiltrating the accounts of human rights activists. In March, at least a dozen journalists and activists found that their Yahoo e-mail accounts had also been compromised. The authorities, going beyond the blocking of content, have taken steps in recent years to actively guide online discussion. Since 2005, the government has recruited and trained an army of web commentators, known as the Fifty Cent Party, to post progovernment remarks. Some estimates place their number at over 200,000.

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