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China: "Attacks on the Press 2010"

Annual report on press freedom in 2010

Attacks on the Press 2010: China

Top Developments

- Cracking down on ethnic press, authorities jail Uighur, Tibetan journalists.
- Talk of media reform and press rights generates no official changes.

Key Statistic

34: Journalists imprisoned on December 1, tied with Iran for the highest figure in the world.

Operating under the strictures of the central propaganda department, official Chinese media either ignored or denounced the October 8 award of the Nobel Peace Prize to human rights defender and writer Liu Xiaobo. Authorities, who considered the award an insult, also blacked out coverage of Liu's prize on international news broadcasts from the BBC and CNN. The case highlighted significant, ongoing official censorship, and formed a backdrop for a national discussion on the potential for press reforms. Five days after the award was announced, 23 senior Communist Party members called for a sweeping overhaul of China's media censorship policies. "Our core demand is that the system of censorship be dismantled in favor of a system of legal responsibility," said the authors, largely retired party elders, many of whom held ranking positions in the media. Widely distributed by e-mail and posted on the Sina news portal, the letter criticized the propaganda department's unchecked control on news and information, calling it "an invisible black hand." Though the letter was very likely drafted before the Nobel prize was announced, its message was delivered at a moment of heightened attention.

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A more direct message was sent in an October 19 online letter, "On Liu Xiaobo and the Nobel Peace Prize," in which more than 100 Chinese scholars, activists, and lawyers called for democratic reforms, along with the release of Liu and other political prisoners. "We are urging measures be taken as soon as possible so that Liu Xiaobo be freed, that he be reunited with his wife Liu Xia, and that he go to Oslo himself to receive the prize," said the letter, which was blocked within China. Several news agencies reported that Liu Xia herself was under house arrest in late year.

In an October special report, CPJ found some evidence of a changing media landscape. Based on a two-week research mission to China, CPJ's Madeline Earp reported that mainstream journalists were speaking out more often to protest attacks, harassment, and arrests. Interviews with more than a dozen journalists, lawyers, and analysts, along with a review of several recent cases, pointed to a journalism community asserting the principle of press rights--if not press freedom--and finding success in limited spheres such as business and local coverage. Press protests led to arrests in assaults on journalists, the release of an unjustly jailed reporter, and apologies from newsmakers who sought to intimidate media outlets. But both news coverage and the expression of press rights still faced severe constraints, as the propaganda department continued to bar direct challenges to central authority or the Communist Party, along with independent coverage of sensitive national topics. The same restrictions that prohibited journalists from covering sensitive topics such as ethnic unrest effectively kept reporters and editors from speaking out on related anti-press abuses.

The situation was reflected in CPJ's 2010 census of imprisoned journalists, which charted a spike in work-related jailings. At least 34 journalists were imprisoned on December 1, tying Iran for the highest figure in the world and reflecting a significant jump from the 24 imprisonments that CPJ documented in 2009. The increase was propelled by a series of imprisonments of Uighur and Tibetan journalists that began in the latter half of 2009 and continued into 2010, the details of which emerged only recently in scant news accounts of the detainees' court proceedings. The Uighur and Tibetan journalists covered ethnic issues and the violent regional unrest of recent years, topics that are officially off-limits. Mainstream Chinese journalists were virtually silent as these ethnic writers and editors were charged and convicted on a series of antistate crimes.

And for all the talk of media reform and press rights, Communist Party leaders gave no indication of being ready to make significant changes. In mid-October, when the Communist Party Central Committee met in Beijing for a three-day discussion of the country's five-year development plan, they conducted no open discussion on press reform. Premier Wen Jiabao, who suggested in an October 3 CNN interview that calls for "democracy and freedom will become irresistible," was openly criticized in some official state media a few days after the Central Committee's meeting.

In an interview with CPJ, Chinese media analyst Zhan Jiang pointed out a dichotomy in recent government actions. While Wen and some central government leaders have issued more liberal regulations and statements, they have not pushed for laws in support of press rights because to do so would directly challenge the propaganda department and, by extension, the Communist Party itself. "China has instituted many, many laws in the last 30 years--a transformation, and a good one--but not about the media," said Zhan, a professor in the International Journalism and Communication Department at Beijing Foreign Studies University. "Instead, they issue regulations. They know if there was a law, the propaganda department would lose legitimacy."

Some of the central government's recent positions have seemed to encourage press rights in the limited areas of business and local news. A 2008 national ordinance on open government

information has enhanced the climate for public scrutiny, Zhan and others said. The government also appeared to promote media rights in the April 2009 "National Human Rights Action Plan of China," developed for the country's periodic review by the U.N. Human Rights Council. The plan stipulated that a journalist's "right to conduct interviews, right to criticize, right to produce commentary, and right to publish" were protected by law.

But critics say such statements have been generated for show, as a way to dilute criticism of human rights and press freedom violations. The creation of narrow, state-sanctioned press rights benefits the Chinese government, they say, by providing a limited outlet for journalists' concerns while diverting criticism and advocacy away from its own policies of information control. As long as the government continues to censor and persecute its critics, they say, its statements about rights are empty. "The Chinese government has long claimed to respect people's rights--not human rights but citizens' rights, which are rights that the state grants in its constitution and defines in its laws, rather than those that have their own existence and can't be infringed," Andrew Nathan, a China specialist and political science professor at Columbia University, told CPJ.

Internet giant Google highlighted the censorship issue in January when it announced it would no longer filter results on Google.cn, its China-hosted search engine. The impetus, the company said, was a December 2009 cyber-attack originating in China, targeting its infrastructure and that of more than 20 other businesses. Google said the hackers had attempted to compromise the security of the Gmail accounts belonging to advocates of Chinese human rights worldwide. While the identity of the attackers was not clear, evidence suggested they were criminal hackers with sympathy for the Chinese government, if not its direct sponsorship, analysts said.

The government's stance on the Internet was reflected in an April report from Wang Chen, director of the State Council Information Office, to the standing committee of the National People's Congress. In sections excised from published versions, the report emphasized the need for further online propaganda and legal checks on the Internet, according to the New York-based advocacy group Human Rights in China.

The National People's Congress adopted revisions to state secrets laws in April that took effect on October 1. The law retained a broad definition of what constituted a state secret, leaving journalists and their sources vulnerable to prosecution. Authorities retained the power to retroactively classify information already in the public domain, New York-based Human Rights Watch noted. The revisions also strengthened the law's electronic reach, requiring Internet and telecommunications companies to restrict transmission of state secrets, according to analysts. The changes codified and intensified existing practices: In 2004, authorities demanded that Yahoo supply e-mail account information that led to the arrest of journalist Shi Tao. He was sentenced to 10 years in prison for e-mailing notes to an overseas website that described a propaganda department directive. The directive was labeled a state secret only after the fact.

The Shi case galvanized international free expression defenders and technology companies, leading to the creation in 2008 of the Global Network Initiative. The initiative sets guidelines for Internet and telecommunications companies to protect privacy and free expression. It also changed the conversation as journalists and human rights defenders were encouraged to share information about online attacks and surveillance. In March 2010, Yahoo informed Beijing-based freelance journalist Kathleen McLaughlin that her account had been improperly accessed. McLaughlin, who headed the

media freedom committee for the Foreign Correspondents' Club of China, told CPJ that the Yahoo accounts of at least 10 other Chinese correspondents had been hacked.

Chinese authorities severely restricted the Internet in the Xinjiang Uighur Autonomous Region until May, 10 months after authorities clamped down on information concerning the deadly 2009 riots between Han Chinese and ethnic Uighurs. A complete block on Internet access in the region was partially lifted in December 2009, but only to allow access to state-run news sites and sites with content specially adapted for the region.

Uighur journalists faced intense repression. At least seven Uighur journalists, all but one of whom worked online, were imprisoned on charges of endangering state security when CPJ conducted its 2010 census. In one case, an Urumqi court sentenced Gheyret Niyaz, a former state newspaper journalist who edited the Chinese-language Uighur affairs website *Uighurbiz*, to 15 years in prison in July. He had posted articles and given interviews to overseas media about the 2009 riots in the Xinjiang Uighur Autonomous Region, according to international news reports. In August, website administrator Gulmire Imin was sentenced to life in prison after she was accused of fomenting violence through online posts. No other journalist in China is known to be serving a penalty so harsh.

Authorities also targeted Tibetan journalists. Filmmaker Dhondup Wangchen was serving a six-year prison term on subversion charges related to a documentary in which he asked ordinary Tibetans to speak on camera about their lives under Chinese rule. Three Tibetan writers were jailed in June and July 2010 concerning contributions to the banned Tibetan-language magazine *Shar Dungri* (Eastern Snow Mountain). The writers had criticized China's human rights record regarding Tibet and questioned official Chinese media accounts of ethnic rioting in March 2008. An editor of the magazine was also jailed.

Domestic journalists working for official media faced disciplinary measures when they crossed censorship lines. *Economic Observer* senior Web editor Zhang Hong, for example, was suspended for two months, according to international media reports. He was the only public author of a March 1 editorial, jointly published by 13 newspapers, criticizing policies that restrict internal migration. In May, the Development Research Center, a State Council think tank that runs the Beijing-based *China Economic Times*, removed Bao Yueyang as chief editor and publisher, according to international news reports. Bao had published an investigative report that alleged unsafe vaccines had been given to children in Shanxi province, resulting in at least four fatalities. Journalists said they believed the report had angered local authorities--who denied the claims--and a national government sensitive to health scandals.

The domestic media were more successful in defending their rights in non-political matters. Police eventually apologized to Beijing-based *Caijing* after officers pressured the magazine's editors to reveal their sources for a September report about a private company providing security in the capital. The apology came after media publicized the police pressure, news accounts said. *Caijing's* story said Anyuanding Security and Prevention Technical Support Service had improperly detained citizens to enhance profits, a claim the company denied.

Police in Beijing arrested four suspects in September in separate attacks on two science journalists, Fang Xuanchang and Fang Shimin. Fang Shimin used his Sina micro-blog to publicize the matter, generating a flurry of online coverage. "Without the Internet, news of the attack would have been

very limited," Fang Xuanchang told CPJ. "I realized afterwards that letting everyone know had spurred police to investigate." A Wuhan urologist allegedly orchestrated the attacks in reprisal for a 2005 investigation by the Fangs that he believed had thwarted a potential academic appointment, the official Xinhua news agency reported.

CPJ research shows that journalists for unofficial media remained vulnerable. In February, a court in Sichuan sentenced Tan Zuoren, an activist who collected data on schoolchildren fatalities in the 2008 Sichuan earthquake, to five years in prison for inciting subversion against the state. The court cited a 2007 article published on overseas websites that contained pro-democracy sentiments, according to international news reports.

Other dichotomies emerged in news media coverage in 2010. In some instances, official news media were granted a wide berth except when it came to sensitive details. In other cases, unofficial online media generated national publicity for stories that official media could not touch.

Domestic coverage abounded in April when a 7.1-magnitude earthquake hit Yushu, a predominantly ethnic Tibetan region of western Qinghai province. But the reports glossed over ethnic tensions between Tibetans and Han Chinese, according to overseas commentators. Exiled Tibetan groups noted that by excluding such references, the flood of coverage served the government's goal of projecting a harmonious and unified China.

An October accident in which a speeding car struck and injured a Hebei University student illustrated the gap between official media and unofficial online media. The driver waved off security guards who tried to stop him, saying that his father was Li Gang, deputy police chief in the Beishi district of Baoding. As recounted in *The New York Times* and other news stories, the propaganda department moved swiftly to clamp down on coverage of the accident, which reinforced a perception that the powerful receive favorable treatment in China. But the story spread widely across unofficial online media, leading to national jokes, lyrics, and contests with the catchphrase "My father is Li Gang!"

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