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Freedom of the Press 2010 - China

Status: Not Free

Legal Environment: 28

Political Environment: 34

Economic Environment: 22

Total Score: 84

China's media environment remained one of the world's most restrictive in 2009. The Chinese authorities increased censorship and progovernment propaganda in traditional and online media during the periods surrounding high-profile events, such as politically sensitive anniversaries and the visit of U.S. president Barack Obama. Several activists were sentenced to long prison terms for their online writings. While central authorities tolerated, and possibly encouraged, investigative reporting on localized corruption, lower-level officials sought to repress such reports. As a result, journalists and bloggers exposing local corruption were increasingly subject to physical attacks, criminal defamation charges, and politicized charges of bribery. Despite these and other obstacles, journalists, bloggers, and ordinary internet users continued to push the limits of permissible expression. They scored several victories in 2009, including the retraction of government orders to install Green Dam monitoring and censorship software on all personal computers.

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 courts 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 or additional legislative provision offering meaningful legal protection for journalists or punishment for 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. According to the Dui Hua Foundation, Chinese law prescribes up to three years in prison for criminal defamation, one of the heaviest such penalties in the world. In recent years, local officials have increasingly resorted to criminal defamation charges to detain and in some instances imprison whistleblowers who post corruption allegations online. Several such cases drew widespread attention inside China in 2009. In one prominent case, online activist Wu Baoquan was sentenced in September to 18 months in prison for defamation following several rounds of appeal. Wu in 2008 had posted allegations that local officials in Inner Mongolia had forced people off their land and then reaped the profits from its sale to developers. In another case, authorities detained six bloggers in Fujian province in July after they reported that a young woman had died after being raped by individuals with ties to local officials and criminal gangs. While some of the bloggers were released by year's end, three - Fan Yonqiong, Wu Huaying, and You Jingyou - still faced charges of "false allegations with intent to harm," which carry a prison term of three to ten years. Local officials have also

been known to file civil defamation suits against media outlets in retaliation for unfavorable coverage or the exposure of corrupt acts.

Journalists and other media workers are required to possess government-issued press cards in order to be considered legitimate journalists. Those who violate content restrictions risk having their press-card renewal delayed or rejected, and journalists without cards are at greater risk of physical assault while covering a story. In 2009, the General Administration of Press and Publication, the government body responsible for accreditation, announced several measures aimed at tightening control over media personnel and the accreditation process, including the creation of a blacklist of journalists who violate content regulations.

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. Routinely taboo topics include criticism of party leaders, violations of minority rights in Tibet and Xinjiang, Taiwanese independence, and the Falun Gong spiritual group. In addition, the CPD issues daily directives restricting coverage of breaking news. According to a report by the International Federation of Journalists, dozens of party directives issued to news outlets in 2009 curbed coverage of politically sensitive topics such as the 20th anniversary of the Tiananmen Square massacre, as well as vital social issues. These included a foot-and-mouth disease outbreak in Shandong, industrial contamination of drinking water in Fujian, and deaths in police custody. Restrictions on reporting of events from 2008, such as children's deaths in the Sichuan earthquake and a scandal over melamine-tainted milk, remained in place throughout the year.

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 2009, 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 continued to suffer harassment, job loss, abuse, and detention. According to international media freedom watchdogs, at least 30 journalists - mostly freelancers - and 68 cyberdissidents were in prison in China at the end of 2009. Following a trend from recent years, journalists at traditional media outlets were more likely to face dismissal or imprisonment on politically motivated charges of bribery, while internet and freelance writers were more frequently subjected to long prison terms on charges of "divulging state secrets" or "inciting subversion." In December, Fu Hua of *China Business News* was sentenced to three years in prison for allegedly accepting bribes in relation to a story exposing safety problems in the construction of an airport in northeastern China. Online activist Huang Qi was sentenced in November to three years in prison for publishing criticism of the authorities' response to the 2008 Sichuan earthquake. Tan Zuoren, an activist who had coordinated citizen efforts to document the death toll from school collapses during the quake, was put on trial in August, and several witnesses were beaten on their way to testify. At year's end, Tan remained in detention but had not been sentenced.

In the year's most highly publicized free expression case, democracy advocate Liu Xiaobo was sentenced in December 2009 to 11 years in prison, on charges of "inciting subversion of state power," for his involvement in drafting and circulating the prodemocracy manifesto Charter 08. At least 100 other signers of the manifesto were reportedly summoned for questioning following its publication, though none were imprisoned. In some instances during the year, individuals were jailed simply for possessing banned materials. Zhang Xingwu, a retired professor and Falun Gong practitioner from Shandong province, was sentenced in March to seven years in prison after security forces broke into his home and confiscated video discs and religious texts related to Falun Gong. On a positive note, Zhu Yufu, founder and editor of the China Democracy Party's magazine,

was released in April after completing a two-year prison sentence. In August, blogger Guo Baofeng was released from police custody following a postcard-writing campaign on his behalf.

No journalists were killed during the year. Nevertheless, observers noted an increase in violence stemming from ongoing legal impunity and the activities of powerful political and economic actors seeking to prevent the exposure of their misdeeds. Some journalists were beaten while covering stories, but violence as retribution for investigative reporting has become a growing concern. Le Qian, deputy editor of the *Hebei Youth Daily*, was attacked outside her home in November; the unidentified assailant struck her in the face with a brick while reportedly shouting references to her reporting. The space for investigative journalism also contracted due to restrictions on "cross-regional reporting," a practice in which newspapers from one jurisdiction reveal malfeasance by officials in other regions.

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. In August, after a local newspaper in Shaanxi published a short article about lead poisoning among children due to pollution from a nearby smelting plant, the popular internet portal Netease posted the story (portals are barred from producing their own content), drawing national attention to the incident. In addition, informal religious and political texts continued to circulate during the year, via the internet and in print. According to reports by activists and references on official websites, these included the newly released memoir of ousted CCP leader Zhao Ziyang, the prodemocracy manifesto Charter 08, and the *Nine Commentaries*, a collection of editorials that are highly critical of CCP rule.

Bloggers, journalists, and activists increasingly mobilized in 2009 to protest censorship itself. Throughout the year, internet users circulated cartoons and videos of a mythical "grass-mud horse" and its struggle against the "evil river crab" in an allegory and play on words aimed at voicing discontent about internet censorship. In May, the government announced regulations that would require the installation of censorship and surveillance software called Green Dam Youth Escort on all computers sold in China. Activists, lawyers, and ordinary users mobilized quickly to protest the directive. With added pressure from the international business community and human rights groups, the authorities withdrew the orders in June. Installation reportedly continued in schools and internet cafes, however.

In addition to the Green Dam effort, the government has taken other steps to limit access to more diverse sources of information, such as jamming the shortwave radio broadcasts of Voice of America (VOA), Radio Free Asia (RFA), Sound of Hope, and the British Broadcasting Corporation (BBC). According to the U.S. State Department, the jamming of RFA and BBC broadcasts has become more frequent and effective. The signal of the Falun Gong-affiliated overseas satellite station New Tang Dynasty TV remained cut off throughout 2009, after the French company Eutelsat stopped relaying its broadcasts in June 2008, apparently under pressure from the Chinese authorities. Security forces throughout the country continued a drive to "strike down illegal publications." According to reports on official websites, millions of copies of printed materials were confiscated.

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. In 2009, foreign journalists reported that their improved ability to access

certain locations had been offset by a corresponding increase in official targeting of Chinese assistants and sources. According to the preliminary findings of a survey conducted by the Foreign Correspondents' Club of China, half of the respondents noted an improved reporting climate under the new regulations, though two-thirds also reported some official interference in their work over the past year. Two-thirds of those working with a Chinese research assistant reported that their employee had been harassed or called in for questioning by the authorities. In February 2009, the government issued a code of conduct for Chinese citizens working as assistants for foreign correspondents; the code threatened punishment for engaging in "independent reporting." Foreign journalists continued to occasionally encounter physical harassment and beatings.

Restrictions on the free flow of information were tighter in the ethnic minority areas of Tibet and Xinjiang than in the rest of the country. In Tibet, although the complete media blackout from the previous year was lifted in 2009, periodic restrictions limited foreign journalists' access to the region, particularly surrounding the anniversary of the 2008 protests in March and the 60th anniversary of the CCP's rise to power in October. Mobile-telephone networks were also suspended in March. Tibetans who transmitted information abroad often suffered repercussions, while some internet users were arrested solely for accessing banned information. In August, 19-year-old Pasang Norbu was reportedly detained at a Lhasa internet cafe after looking at online photos of the Dalai Lama and the Tibetan flag. In November, Kunchok Tsepel was sentenced to 15 years in prison, on charges of "leaking state secrets," for writings posted on a Tibetan literary website he had founded.

In July, police in Xinjiang forcibly suppressed a peaceful demonstration in Urumqi by Uighurs, sparking an outbreak of violence between Uighurs and Han Chinese. The authorities responded with mass arrests and an almost complete shutdown of internet access, international phone service, and text messaging in the region that remained in effect for several months. Foreign journalists were allowed to enter Urumqi, the regional capital, but were denied access to sources of information that might contradict the government's version of events; several foreign correspondents were prevented from entering the western city of Kashgar, an important center of Uighur culture. Among those detained were the managers of websites reporting on Uighur issues, including Ilham Tohti, Hailaite Niyazi, and Dilixiati Paerhati; Tohti was released after six weeks, but the other two remained in custody at year's end. A state-run propaganda campaign vilifying Uighurs and U.S.-based activist Rebiya Kadeer further fueled ethnic tensions.

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 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. In November, the editor in chief and key staff from one such outlet, *Caijing*, resigned, apparently due to clashes with owners over financial matters and pressure to tone down editorial content. Many observers viewed the incident as a setback for investigative journalism, though it was not immediately clear how the resignations would affect *Caijing's* content. Official penalties can also severely compromise a newspaper's ability to compete in the market, crippling outlets that overstep the boundaries of acceptable coverage. Corruption among

Chinese journalists continued in 2009, and payments from public relations firms to journalists for attending press conferences remained a fairly common phenomenon.

China is home to the largest number of internet users globally, with the figure reaching 360 million by September, or nearly 30 percent of the country's population, according to official data. Though 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 increased in recent years. During 2009, sporadic shutdowns targeted both foreign and domestic video-sharing and social-networking sites like YouTube, Facebook, Twitter, and Fanfou, particularly surrounding politically sensitive anniversaries. Other efforts to tighten online censorship included removing political content and shutting down blogs in the name of antipornography campaigns, requiring users to register with their real identities when posting comments on news websites, and stepping up obstruction of circumvention technologies used to access blocked websites.

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. In January, Beijing authorities ordered the closure of the blog-hosting website Bullog.cn, which was popular among political commentators and prodemocracy activists, after the site allegedly failed to comply with requests to remove large amounts of "harmful information" related to current events. Foreign internet companies have also cooperated with the Chinese government on censorship enforcement. The authorities, going beyond the blocking of content, have taken steps in recent years to actively guide online discussion. Since 2005, the CCP 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. The government has also been known to systematically monitor personal communications, including e-mail and mobile-telephone text messages.

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