

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	322
Land:	Kina
Kilde:	Freedom House.
Titel:	Freedom of the Press 2013 – China (“draft”).
Udgivet:	1. maj 2013
Optaget på baggrundsmaterialet:	2. juli 2013

Freedom of the Press 2013 - China ("Draft")

Publisher [Freedom House](#)

Publication Date 1 May 2013

Cite as Freedom House, *Freedom of the Press 2013 - China ("Draft")*, 1 May 2013, available at: <http://www.refworld.org/docid/5187a20ec.html> [accessed 30 May 2013]

Disclaimer This is not a UNHCR publication. UNHCR is not responsible for, nor does it necessarily endorse, its content. Any views expressed are solely those of the author or publisher and do not necessarily reflect those of UNHCR, the United Nations or its Member States.

Status: Not Free

Legal Environment: 29

Political Environment: 32

Economic Environment: 22

Total Score: 83

China's media environment remained one of the world's most restrictive in 2012. Constraints on print media were especially tight in advance of a sensitive leadership transition in November, and several journalists were dismissed or demoted for violating censorship discipline. Internet users who disseminated information deemed undesirable by the ruling Chinese Communist Party (CCP) continued to face punishment, with dozens of cases of harassment, detention, or imprisonment documented during the year. Meanwhile, conditions in Tibetan areas and for foreign journalists deteriorated. The promotion of a hard-liner formerly responsible for the regime's system of information controls to the top party leadership body, combined with measures to reinforce internet censorship and surveillance toward the end of the year, indicated the new CCP hierarchy's commitment to retaining a tight grip on the information landscape.

Nevertheless, with more people gaining access to microblogs and other online tools, Chinese citizens' ability to share and access uncensored information, particularly about breaking news, continued to grow. Several public outcries and online campaigns in 2012 were credited with driving the news agenda – including on the sensitive topic of elite politics – or forcing isolated government concessions. In addition, fewer cases of violence against professional journalists and high-profile online activists were reported compared with 2011, and no journalists were killed. The authorities responded to the increasing challenge of controlling information with prolonged silence about important news events, intrusive propaganda drives, and new regulatory restrictions on entertainment programming, social media, and online videos.

Article 35 of the constitution guarantees freedoms of speech, assembly, association, and publication, but such rights are subordinated to the discretion of the CCP and its status as the ruling power. Moreover, the constitution cannot, in most cases, be invoked in court as a legal basis for asserting individual rights. Judges are appointed by the CCP and generally follow its directives, particularly in politically sensitive cases. There is no press law that governs the protection of journalists or the punishment of their attackers. Instead, vague provisions in the penal code and state secrets legislation are routinely used to imprison Chinese citizens for the peaceful expression of views that the CCP considers objectionable. Criminal defamation provisions are also occasionally used to similar effect. Amendments to the Criminal Procedure Law passed in March 2012 permit suspects accused of "endangering state security" – a charge that is often employed to punish nonviolent activism and political expression – to be detained for up to six months in an unofficial location, prompting concerns that the rule effectively legalizes

enforced disappearances. Since open-government regulations took effect in 2008, many agencies have become more forthcoming in publishing official documents, but courts have largely hesitated to enforce information requests, and government bodies routinely withhold information, even regarding matters of vital public concern. Journalists and other media workers are required to hold government-issued press cards in order to be considered legitimate. Those who violate content restrictions risk having their press-card renewals delayed or rejected, being blacklisted outright, or facing criminal charges.

The CCP maintains direct control over news media coverage through its Central Propaganda Department (CPD) and corresponding branches at lower administrative levels that determine the boundaries of permissible reporting. A number of additional government agencies are involved in overall regulation of the media sector. Routinely forbidden topics include calls for greater autonomy in Tibet and Xinjiang, relations with Taiwan, the persecution and activism of the Falun Gong spiritual group, the writings of prominent dissidents, and unfavorable coverage of CCP leaders. In addition to these standing taboos, the CPD and provincial censors issue secret directives on other subjects that are communicated almost daily to website administrators and periodically to traditional media editors. Forbidden or restricted topics during 2012 included reporting on blind activist Chen Guangcheng's escape from extralegal house arrest, the anniversary of a fatal 2011 train crash, and foreign media reports on the extraordinary wealth of members of Premier Wen Jiabao's family. Many directives also limited coverage and expression on topics whose political sensitivity was less immediately evident, or resulted in seemingly absurd online censorship of everyday words like "tomato," which users had begun to employ as a coded reference to purged Chongqing CCP secretary Bo Xilai. This spurred growing resentment of censorship practices and contributed to an atmosphere of uncertainty regarding the boundaries of permissible reporting. In an illustration of the breadth of topics that can be subject to restrictions, a series of leaked media directives from the CPD dated November 2012 included bans on independent reporting about allegations of sexual assault against a delegate to the National People's Congress, a mine explosion in Guizhou Province, newly appointed CPD chief Liu Qibao, Vietnam's passage of an anticorruption bill, and a Hong Kong professor's critical analysis of the Chinese economy.

Censorship patterns earlier in 2012 were somewhat erratic, revealing internal CCP power struggles and uncertainty about how to handle emerging scandals. There were information vacuums on major events, fleeting openings on sensitive topics, and heavy-handed propaganda campaigns surrounding the political downfall of Bo Xilai. The CCP infighting fueled speculation, online rumors, and increased use of circumvention tools by internet users seeking independent reporting from foreign media. In addition, following Bo's ouster in the spring, neo-Maoist programming initiatives piloted under his leadership in Chongqing were reversed, a prominent website that vocally supported him was shut down, and three men who had been sent to labor camps for mocking Bo or criticizing his policies online secured early releases or judicial acknowledgement of their mistreatment – rare occurrences in China's politicized legal system.

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 2012, the authorities continued to employ more subtle means to "guide" news coverage. These included proactively setting the agenda by allowing key state-run outlets to cover potentially damaging news in a timely but selective manner, then requiring other media to restrict their reporting to the established narrative. The aim is to preempt less favorable coverage by bloggers, foreign journalists, and the more aggressive commercial news outlets. This strategy was evident in the tightly scripted coverage of the trials of Bo Xilai's wife, Gu Kailai, and former Chongqing police chief Wang Lijun in connection with the murder of a British businessman. Only journalists from state-run outlets like Xinhua News Agency or China Central Television (CCTV) were permitted inside the courtroom, leaving foreign media to rely on their accounts and forcing domestic media to relay the official version of events. Online comments questioning the credibility of the official narrative, including one by a forensic scientist, were quickly deleted.

Restrictions on print media were especially tight during the year, with journalists reporting progressively more intrusive interventions by propaganda officials in newsroom decisions. In April, propaganda authorities instructed daily newspapers across China to publish an editorial on the Bo Xilai scandal by the party mouthpiece *People's Daily* on their front pages, a highly unusual request. In May, authorities announced that a former provincial propaganda official would take over as CCP representative at the Guangzhou-based Southern Daily Media Group, which owns some of China's most influential and outspoken news publications. The appointment was widely interpreted as a bid to tighten party control over the media conglomerate. Journalists at one of the group's publications, *Southern Weekly*, later reported that story ideas increasingly had to receive approval in advance and that over 1,000 news stories were censored during 2012, including a special feature on deadly floods in Beijing in July that was cut at the last minute.

The government has developed the world's most sophisticated and multilayered apparatus for censoring, monitoring, and manipulating online content. Nationwide technical filtering restricts users' access to uncensored information hosted outside of China. One of the most important functions of the filtering system has been to permanently block international social-media applications like the video-sharing site YouTube, the social-networking site Facebook, and the microblogging platform Twitter. With such services out of reach, domestic equivalents have gained popularity, but they are legally liable for content posted by users and risk losing their business licenses if politically sensitive information is circulated widely. The firms consequently employ automated programs and thousands of human censors to screen user-generated content and delete relevant posts per CCP directives. One academic study of censorship across nearly 1,400 blog-hosting and bulletin-board platforms estimated that 13 percent of posts were deleted. Some foreign internet companies whose websites are accessible in China have also cooperated with the Chinese government on censorship enforcement.

However, this robust censorship system was unable to completely stop the circulation of unfavorable news in 2012, as technological advancements and the dedication of domestic and overseas activists have made the suppression of information more difficult. Chinese internet users routinely employ homonyms, homophones, and other creative tactics to defy censorship on domestic microblogging sites, and information sometimes spreads among users before censors are able to deem it "sensitive" and intervene. On multiple occasions in 2012, cumulative pressure from microblog users prompted mainstream media to address sensitive stories or compelled the government to offer concessions, such as the release of a petitioner from a labor camp, the dismissal of corrupt officials, and upgrades to air-quality monitoring.

Throughout the year, authorities responded to this challenge by stepping up pressure on microblogging services to tighten existing controls. At the beginning of 2012, the CPD reportedly ordered the establishment of CCP branches in leading microblogging firms. For three days in late March and early April, amid official silence and unofficial online discussion of party infighting following the March 15 ouster of Bo Xilai as Chongqing party secretary, the two leading services – Sina Weibo and Tencent – were forced to shut down their popular commenting functions, which enable users to post comments responding to previously posted messages, thereby creating a discussion thread. In May, Sina launched a new points-based system of demerits and rewards to encourage users to self-censor. Throughout the year, the government also pressured microblogging firms to implement real-name registration for their users. Directives on the matter were initially issued in five major cities, with a March 16 deadline. After enforcement of the rules proved inadequate, the National People's Congress Standing Committee passed national regulations in December that required microblog platforms and other service providers to implement real-name registration and strengthen "the management of information." The authorities have also taken steps to actively guide online discussion. Since 2004, CCP and government officials at all levels have recruited and trained an army of paid web commentators, known informally as the Fifty Cent Party. Their tasks include posting progovernment remarks, tracking public opinion, disrupting or diverting criticism, and participating in public online chats with officials to provide the appearance of state-citizen interaction.

Journalists who attempt to investigate or report on controversial issues, question CCP rule, or present a perspective that conflicts with state propaganda directives face harassment, dismissal, and abuse. During 2012, several media personnel were dismissed, demoted, suspended, or forced to resign from publications across China. Other prominent reporters – including Jian Guangzhou of the *Oriental Daily*, who became widely known for his 2008 report on tainted milk powder – voluntarily left their positions while voicing concerns that the space for investigative journalism was shrinking. In several instances, journalists and outlets were punished by local authorities for actions that would normally be considered acceptable at the national level, such as exposing the use of luxury cigarettes among local officials, republishing profiles of Chinese leaders from an official party publication, or reporting the results of a public survey in which residents expressed dissatisfaction with local officials. This strengthened the sense of arbitrary and ever-changing "red lines," a feature of official restrictions that encourages self-censorship.

In order to circumvent the more rigid restrictions on their formal outlets, journalists have increasingly turned to microblogs to share sensitive information that might otherwise go unreported. At least three journalists were suspended or dismissed in 2012 for comments made on microblogs, the first such cases to be documented. In one high-profile example, CCTV anchor Zhao Pu was suspended for six months after he posted a message on his microblog warning readers that yogurt in China contained ingredients that were not safe to eat; CCTV would not confirm that his suspension was related to the message.

The tightened institutional controls over print and broadcast media mean that fewer journalists at established news outlets have been jailed in recent years. However, freelance journalists, writers, online activists, and a range of other Chinese citizens continue to be sentenced to prison or labor camps, particularly for disseminating information online or sending it to contacts outside China. According to international media freedom watchdogs, no less than 32 journalists were in jail in China in 2012, including many Uighurs and Tibetans. At least 69 online activists remained behind bars at year's end for disseminating proscribed information. That estimate is likely to be low, given the difficulty of collecting accurate and comprehensive data on each reported case of arrest. In 2012, three men – Li Tie from Hubei Province, Cao Haibo from Yunnan Province, and Zhu Yufu from Zhejiang Province – were sentenced to between seven and 10 years in prison for online writings that advocated democratic reforms. An incomplete list of over 20 other incidents compiled by Freedom House during 2012 included several cases of microblog users who were arrested or sentenced to labor camps for spreading "rumors" about public health, political infighting, or a reported coup attempt; grassroots activists who were detained and facing potential prosecution for distributing leaflets and DVDs that were critical of CCP rule or related to Falun Gong; and a microblogger who was given a two-year term in labor camp after issuing calls online for official asset declarations and a transparent investigation into the suspicious death of a labor rights activist. The final outcomes of the cases were not all known at year's end.

Security agents also use a range of measures short of formal incarceration to punish dissemination of independent news and intimidate those voicing dissenting opinions. Authorities continued to harass prominent artist and blogger Ai Weiwei, who was abducted and detained for 81 days in 2011. During 2012, Ai was barred from traveling abroad, his appeal in a politically fraught tax case was rejected, and the license of his art company was revoked. His several attempts to register a new microblog account were quickly suppressed. In other examples, Beijing businessman Zhai Xiaobing was detained in November over a microblog posting that mocked the 18th Party Congress, freelance journalist Li Yuanlong was forcibly taken in November to an unidentified location after his posting about the death of five boys in Guizhou sparked an outcry, and former official Liu Futang received a three-year suspended sentence in December for "illegal business activities" after he published a series of microblog posts and other writings about environmental issues in Hainan. In the latter half of the year, human rights groups recorded dozens of other cases of bloggers, petitioners, and free expression activists being displaced or briefly detained in the run-up to the 18th Party Congress in November. However, this use of extralegal tactics to silence

dissenting voices was not as severe as in 2011 amid the Arab Spring uprisings, and key commentators were more vocal in 2012 than in the previous year.

Members of religious and ethnic minorities are subject to particularly harsh treatment for their online activities, writings, or efforts to disseminate information that departs from the CCP line. Several of the journalists serving the longest prison terms in China are Uighurs and Tibetans. Hada, the founder of the pro-Mongol newspaper *Voice of Southern Mongolia*, remained in extralegal detention at year's end; authorities have harassed his family and continued to hold him in custody since December 2010, when he completed a 15-year prison sentence related to his work. In addition to journalists, ordinary Tibetans, Uighurs, and Falun Gong practitioners have been imprisoned for accessing, possessing, or transmitting banned information. On several occasions during the year, local authorities completely shut down communications networks in Tibetan areas of Sichuan and Gansu Provinces, where self-immolations to protest CCP repression had occurred. As the number of self-immolations continued to grow, authorities resorted to more draconian measures to curb the protests and restrict the transmission of information about them, including to foreign media. In March, press watchdogs and Tibetan rights groups reported that authorities had posted public notices in eight counties in Gansu Province that threatened "violent beating/torture" for those found distributing written documents, online messages, or audio files containing "ideas of splitting the nation." The notice offered a reward of at least 5,000 yuan (\$730) to members of the public who report instances of the proscribed actions to the Public Security Bureau. Similar monetary rewards of 5,000 to 10,000 yuan were recorded in Shandong Province for those reporting underground Falun Gong printing sites.

Conditions for foreign media in the country remained highly restrictive, and harassment and violent assaults against foreign reporters escalated during the year. The websites of both Bloomberg News and the *New York Times* were blocked indefinitely after they published detailed investigative reports on the family wealth of incoming CCP general secretary Xi Jinping and Premier Wen Jiabao, respectively. Two foreign correspondents – Melissa Chan of Al-Jazeera English and Chris Buckley of the *New York Times* – were forced to leave the country after the government refused to renew their visas, the first such de facto expulsions in 14 years. According to the Foreign Correspondents Club of China, over the past two years, 27 foreign journalists reported unusual delays in the processing of visas, and six said they had been explicitly told by the Foreign Ministry that their applications had been rejected or put on hold because of the content of their reporting. Also in 2012, police or security agents assaulted at least 11 foreign correspondents who were trying to cover newsworthy events, with some beatings proving unusually violent. Since 2007, foreign journalists have been free of internal 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. In addition, travel to Tibet and other politically sensitive regions still requires prior approval and close supervision by authorities. During the year, access for foreign journalists to Tibet and Tibetan-populated regions of neighboring provinces was especially restricted.

Media outlets are abundant in China and included approximately 2,000 newspapers and hundreds of radio and television stations in 2012. Reforms in recent decades have allowed the commercialization of outlets without the privatization of ownership. Some publications have private investors, but the government is required by law to retain a majority stake. The state-run CCTV remains the only licensed national broadcaster, and all local stations are required to air its evening news programs. Most cities feature at least one official newspaper published by the local government or CCP branch, as well as more commercialized subsidiaries. Although the Chinese authorities continue to jam radio broadcasts by U.S. government-funded services such as Radio Free Asia and Voice of America, dedicated listeners access them online with the use of circumvention tools. Meanwhile, the Hong Kong-based independent station iSun TV and the New York-based New Tang Dynasty Television, which is run by Falun Gong practitioners, broadcast uncensored news into China via satellite.

Most media revenue comes from advertising and subscriptions rather than government subsidies, even for many party papers. Some observers argue that commercialization has shifted the media's loyalty from the party to the consumer, leading to tabloid-style and sometimes more daring reporting. Others note that the reforms have opened the door for economic incentives that serve to reinforce political pressure and self-censorship, as publications fear the financial costs of being shut down by the authorities or losing advertising should they run afoul of powerful societal actors. During 2012, the regime remained alert to technological, economic, and social changes that are weakening CCTV's influence. As internet use spreads and provincial television stations gain viewers, fewer young people in particular turn to CCTV as their primary news source. Regulators have responded with a string of new rules in recent years that restricted entertainment programming during prime time and extended controls to online video platforms. In February 2012, the State Administration of Radio, Film, and Television (SARFT) announced that foreign television series – including popular Korean and Japanese dramas – would be banned during prime time. In July, regulators reportedly issued a joint notice to strengthen rules for online videos, which have emerged as a vehicle for short documentaries about breaking news events and other topics. The notice instructed official agencies to reward or demerit online video providers based on their implementation of the controls. Separately, the market distortions stemming from the unusual combination of political control and partial commercialization at the CCP's flagship outlets gained attention in April 2012, when the website of the party's mouthpiece, the People's Daily Online, was listed on the Shanghai stock exchange in an initial public offering (IPO). The authorities were quickly forced to suspend trading on the website's shares after soaring prices valued the company at over \$800 million, a sum that was inconsistent with its actual popularity among readers. Some analysts said the jump partly reflected speculation by investors, who were betting that the company's direct ties to the CCP would essentially guarantee profits and growth in China's state-controlled media environment.

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 reporting costs out of 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. Corruption among Chinese journalists persisted in 2012, and it remained common for public relations firms to pay reporters for attending press conferences. As the internet's influence grows, such bribery has spread to the online sphere, reportedly producing a multimillion-dollar industry of web-deletion services that cater to private firms and government officials. In September 2012, authorities arrested two people, including an employee of the search-engine giant Baidu, for accepting payment to illegally delete posts on the company's Tieba online forum.

China is home to the largest number of internet users in the world, with the figure surpassing 560 million, or approximately 42 percent of the population, in 2012. Over 400 million accounts had been opened on domestic microblogging services by the end of the year, though the number of regularly active users is smaller, estimated to range in the tens of millions. The prevalence of microblogs, online circumvention tools, and overseas Chinese news outlets has grown in recent years, dramatically expanding Chinese citizens' ability to access and share information about events occurring in different parts of the country and even within the top echelons of the CCP. A growing number of Chinese use proxy servers to evade internet restrictions and receive illegal satellite transmissions. Although Twitter remains blocked in China and domestic microblogging services engage in government-directed censorship, the latter have rapidly grown in influence as a source of news and an outlet for public opinion, in part because the rapid sharing of information among microblog users sometimes outpaces censors' deletions. The role of online sources in the media landscape has become especially important with regard to breaking news. A 2012 study of Chinese public opinion and crisis management reported that online sources accounted for nearly 65 percent of breaking news reports in 2011, versus just over 30 percent for traditional media.