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Freedom of the Press 2012 - China

2012 Scores

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

China's media environment remained one of the world's most restrictive in 2011. Authorities sharply curbed coverage of the popular uprisings in the Middle East, forcibly disappeared dozens of online activists, and tightened controls on investigative reporting and entertainment programming. The measures were taken in advance of a sensitive leadership change scheduled for 2012 and following media defiance of censorship orders related to a fatal high-speed rail crash in Wenzhou in July. Despite the possible repercussions, Chinese journalists and millions of internet users continued to push the limits of permissible expression, and sometimes succeeded in driving media coverage by drawing attention to incipient scandals or launching campaigns via domestic microblogging platforms.

Article 35 of the constitution guarantees freedoms of speech, assembly, association, and publication, but such rights are subordinated to the discretion of the Chinese Communist Party (CCP) and its status as the ruling power. In addition, the constitution cannot, in most cases, be invoked in court as a legal basis for asserting individual rights. Judges are appointed by and generally follow the directives of the 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 penal 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. Criminal defamation provisions are also occasionally used to similar effect. A 2010 revision of the state secrets law made internet and telecommunications firms partly responsible for preventing dissemination of "secret" content. An open-government ordinance that took effect in 2008 was hailed by some observers as an advance for freedom of information. However, according to Hong Kong University's China Media Project, journalists have had limited success in using it due to an official culture of secrecy and a lack of legal recourse. Journalists and other media workers are required to hold government-issued press cards in order to be considered legitimate, and must pass annual political tests to maintain their registration. 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). This is reinforced by an elaborate system of vaguely worded regulations and laws. Routinely taboo topics include calls for greater autonomy in Tibet and Xinjiang, relations with Taiwan, the persecuted Falun Gong spiritual group, and criticism of CCP leaders. In addition, the CPD and provincial censors issue secret directives that are communicated almost daily to website administrators, and periodically to traditional media editors, restricting coverage of breaking news and other broad areas of content. Specific party directives in 2011 sharply curtailed news and discussion of the Arab Spring protests in the Middle East, with even the word "Egypt" censored online at one point. Other forbidden or restricted topics during the year included the fatal high-speed rail crash, an oil spill, the contentious death of a herder in Inner Mongolia, labor unrest, and the names of individual human rights activists, journalists, and lawyers. According to a study by scholars at Harvard University, online postings that could

lead to collective action were more likely to be censored than those voicing individual criticism of the government.

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 2011, the authorities also continued to employ more subtle means to "guide" news coverage. These included proactively setting the agenda by allowing key state-run outlets to cover negative 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 more aggressive commercial news outlets. In another example of how the party guides news coverage, following the high-speed train crash in July that killed at least 40 people, propaganda directives instructed the media to focus their reporting on government rescue efforts and to avoid questions about the causes of the crash.

Journalists who attempted to investigate or report on controversial issues, criticized the CCP, or presented a perspective that conflicted with state propaganda directives faced harassment, dismissal, and abuse, while news outlets that carried such material risked closure. Several such cases occurred in 2011. In April, the weekly *Business Watch Magazine*, published by a state-sponsored think tank, was discontinued within a year of being temporarily suspended for discussing state electricity monopolies. In July, a prominent investigative reporting team at the *China Economic Times* was dissolved after producing reports of government wrongdoing, including an exposé on the fatal mismanagement of vaccines in 2010 and a piece on the mysterious death of a land rights activist in 2011. In September, Beijing's municipal propaganda bureau announced that it was taking control of the *Beijing Times* and *Beijing News*, which were previously overseen by higher-level authorities and known for their relatively bold reporting. The move was interpreted as punishment for the two newspapers' defiance of official censorship directives in their reporting on the high-speed train accident.

According to international media freedom watchdogs, 27 journalists were in jail in China in 2011, including many Uighurs and Tibetans. At least 70 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 information on each reported case of arrest. Fewer new cases of long-term judicial imprisonment were reported in 2011 relative to previous years. Instead, the authorities appeared to favor extralegal tactics in silencing dissenting voices. Beginning in February, after calls for a Tunisian-style "Jasmine Revolution" in China appeared online, security forces carried out a campaign of abductions and disappearances that targeted dozens of bloggers, activists, and lawyers, making it one of the worst crackdowns on dissent in years. The most prominent of the detainees was artist and blogger Ai Weiwei, who was abducted in April and held incommunicado for over 80 days. In November, he was forced to pay 8.7 million yuan (\$1.3 million) as part of an apparently politically motivated tax case; the final results of the case were pending at year's end. Many of the detainees reported being beaten, deprived of sleep, and forcibly medicated while in custody. As a condition of release, they were instructed to limit their public statements and advocacy, particularly via social media. The harsh extralegal crackdown generated a significant chilling effect, with many of those who had been detained remaining unusually silent for several months. Not all of those abducted were ultimately released. Chen Wei, an activist from Sichuan Province who was detained in February 2011, was sentenced in December to nine years in prison on charges of "inciting subversion," having written several prodemocracy articles for overseas websites.

In an indication of the harsh treatment faced by some imprisoned online dissidents, Zhang Jianhong (also known as Li Hong) died at the end of 2010 as a result of a medical condition that deteriorated badly as he served a six-year prison term for his online writings. Prison officials had finally released him on medical parole in June 2010, at which point he was permanently on a respirator.

In recent years, journalists have also faced growing violence from nonstate actors. As in 2010, one journalist was killed under such circumstances during 2011. Li Xiang, a television reporter in Henan Province, was stabbed to death in September by unidentified thugs. The authorities described the murder as part of a robbery, but bloggers raised concerns that it was linked to Li's reporting on a food-safety scandal involving tainted cooking oil.

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. 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 Province, where self-immolations to protest Chinese repression had occurred. In Inner Mongolia, people who disseminated text messages about large-scale protests in May 2011 were summoned by the authorities.

Chinese authorities continued to make substantial investments in media platforms designed to spread state-sanctioned messages overseas. The official Xinhua News Agency launched an English-language news channel to broadcast internationally, and the state-run *China Daily* expanded its foreign operations. At the same time, conditions for foreign journalists and publications in China remained severely restricted and fell short of international standards. In September, censors ripped the back pages out of copies of *Newsweek* to remove an interview of Ai Weiwei. On several occasions in 2011, police or security agents assaulted foreign correspondents who were trying to cover newsworthy events. 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.

The CCP's robust censorship apparatus was unable to completely stop the circulation of unfavorable news in 2011, particularly given the prevalence of microblogs, online circumvention tools, and overseas Chinese news outlets. Although Twitter remains blocked in China and domestic microblogging services engage in government-directed censorship, the latter have nonetheless 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. In one of the most notable examples from 2011, journalists defied censorship orders to avoid critical coverage of the fatal high-speed rail crash in July, with some printing prominently placed lists of incisive questions to the government about the crash. This reporting was spurred by microblog activity, as citizens circulated real-time updates and photographs of the incident, injured passengers, and official attempts to bury a damaged train car. Official sources were ultimately forced to change their version of events and initiate a more in-depth investigation into the causes of the crash.

A growing number of Chinese use proxy servers to circumvent internet restrictions and receive illegal satellite transmissions. Although the Chinese authorities continue to jam radio broadcasts by U.S. government-funded stations 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, run by Falun Gong practitioners, broadcast uncensored news into China via satellite.

Media outlets are abundant in China, but the measured reforms of recent decades have allowed the commercialization of outlets without the privatization of ownership. Some publications have private investors, but a majority stake is required by law to be retained by the government. Most cities feature at least one 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 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. In 2011, Chinese leaders appeared to be retreating from the commercial reforms, prioritizing propaganda over commercial viability and consumer demand. Particularly notable were a series of new government regulations restricting entertainment programming. These included a one-year suspension in September for *Super Girl*, one of the country's most popular television shows. The talent-competition program had already faced a ban on text-message voting by viewers since 2007, apparently because the quasi-democratic process unsettled the authorities. Another 2011 regulatory decision mandated that, beginning in January 2012, provincial satellite television stations would be allowed to air only two entertainment shows of no more than 90 minutes per week during prime time. In the most extreme example of restrictive regulations at the local level, authorities in Chongqing forced the city's satellite television station to replace all commercials with propaganda clips in March, causing viewership to drop dramatically and the managers to dismiss dozens of employees due to the loss of revenue.

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 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 personnel who engage in such journalism can be fired or arrested. Corruption among Chinese journalists continued in 2011, and it remained common for public relations firms to pay journalists for attending press conferences.

China is home to the largest number of internet users in the world, with the figure surpassing 500 million, or approximately 38 percent of the population, in 2011. Over 200 million were active on domestic microblogging services by the end of the year. However, the government has also implemented 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, contributing to citizens' limited awareness of global events such as the Arab Spring protests in the Middle East. One of the most important functions of the filtering system has been to permanently block international social media applications like the video-sharing website 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, many within 24 hours of a particular term becoming sensitive or

© UNHCR indicating the potential for collective action. Foreign internet companies whose websites are accessible in China have also cooperated with the Chinese government on censorship enforcement. Throughout 2011, top officials – including members of the powerful CCP Politburo Standing Committee – made personal visits to leading internet companies to call for tighter controls. In December, authorities in Beijing, Shanghai, and other major cities announced rules requiring microblog users to register with their real names, though these measures had not been fully implemented by year's end. 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 online chats with officials to provide the appearance of state-citizen interaction.

Despite these efforts, owing to technological advancements and the dedication of domestic and overseas activists, the suppression of information has become more difficult in recent years. The sheer volume of internet traffic and the speed with which information can spread – particularly via microblogging platforms – has created some opportunities for exposure of local corruption and open political discussions, so long as taboo keywords are avoided and sensitive news is spread before censors can react. During 2011, major focal points of user activism included a notorious hit-and-run case involving the son of a powerful official, a campaign to identify abducted children, a bid to name and shame corrupt officials based on their luxury watches, and efforts by independent candidates to run for local council seats.

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