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Freedom of the Press 2017 - China

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Press Freedom Status: Not Free

Total Score: 87/100 (0 = Most Free, 100 = Least Free)

Legal Environment: 30/30

Political Environment: 34/40 (↑1)

Economic Environment: 23/30 (↓1)

Quick Facts

Population: 1,371,920,000

Freedom in the World Status: Not Free

Net Freedom Status: Not Free

Internet Penetration Rate: 50.3%

Key Developments in 2016:

- Xi Jinping, the state president and leader of the Chinese Communist Party (CCP), made high-profile visits in February to key state media outlets and called for all media to demonstrate strict adherence to the party line.
- The government adopted a new cybersecurity law in November, and a series of other regulations that increased restrictions on internet communications, online publication, and video streaming were issued over the course of the year.
- Authorities tightened control over news dissemination channels, including social media and mobile-phone applications, and suspended permission for websites to repost content from the prominent news site *Caixin*.
- Although the total of 38 journalists behind bars at year's end represented a slight decrease compared with 2015, at least 111 journalists, bloggers, online writers, activists, and members of religious or ethnic minorities were sentenced during 2016 to prison terms of up to 19 years for alleged offenses related to freedom of expression or access to information.

Executive Summary

China is home to one of the world's most restrictive media environments and its most sophisticated system of censorship. The ruling CCP maintains control over news reporting via

direct ownership, accreditation of journalists, harsh penalties for online criticism, and daily directives to media outlets and websites that guide coverage of breaking news stories. State management of the telecommunications infrastructure enables the blocking of websites, removal of mobile-phone applications from the domestic market, and mass deletion of microblog posts, instant messages, and user accounts that touch on banned political, social, economic, and religious topics.

The already limited space for investigative journalism and liberal commentary shrank during 2016, continuing a trend of ideological tightening since Xi assumed the leadership of the CCP in 2012. A series of new laws and regulations increased internet censorship, including on the popular WeChat instant messaging tool and online video-streaming platforms. The year's top priorities for censorship officials included protecting the reputations of Xi and other leading figures and influencing coverage of health and safety issues, foreign affairs, and government wrongdoing.

Despite the mounting risks and obstacles, several prominent journalists, news outlets, and social commentators publicly criticized official efforts to increase media controls in 2016, while many citizens continued to seek out alternative means of obtaining and sharing uncensored content.

Legal Environment: 30 / 30

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, vaguely worded 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 and more informal judicial interpretations – including 2013 guidelines related to "online rumors" – are occasionally used to similar effect. Since 2015, several new laws or amendments have been passed that codify media controls, enable more surveillance, and increase penalties for political or religious expression.

Mainstream print journalists are periodically arrested or imprisoned, either explicitly for their work or on trumped-up charges such as corruption or illegal business activity. It is more common for freelance journalists, writers, online activists, and a range of other Chinese citizens to be sentenced to prison or administrative detention, particularly for disseminating information online or sending it to contacts outside China. While many mainstream print journalists were detained or sentenced to prison in 2014 and 2015, internet-based writers and freelancers bore the brunt of prosecutions in 2016, marking a return to the previous pattern.

Members of religious and ethnic minorities are subject to especially harsh treatment for their online activities, writings, or efforts to disseminate information that departs from the CCP line. In addition to journalists, ordinary Tibetans, Uighurs, and Falun Gong practitioners have been imprisoned for accessing, possessing, or transmitting banned information, or for being related to journalists living in exile.

According to the Committee to Protect Journalists, at least 38 journalists and online writers were behind bars in China as of December 2016, the second largest national total in the world and a decrease from the 49 individuals imprisoned in 2015. Freedom House researchers verified the imprisonment of 111 Chinese citizens during 2016 for peaceful expression or information-sharing. Among them were 80 members of religious groups or ethnic minorities (68 Falun Gong practitioners, seven Tibetans, three Uighurs, and two Chinese Buddhists).

For example, in July 2016, Wang Jianmin, the publisher, and Guo Zhongxiao, a reporter at two Hong Kong magazines, *New-Way Monthly* and *Multiple Face*, were charged in China with illegal business operations and sentenced to five years and three months and to two years and three months in prison, respectively. Guo, having served his sentence, was released in September.

Some prison sentences issued during the year were especially long. In January, a court in Urumqi, in the Xinjiang Uighur Autonomous Region, sentenced activist Zhang Haitao to 19 years in prison for publishing 200 microblog posts that were critical of the government and socialism, and for providing information to foreign media about Xinjiang. In June, freelance writer Lü Gengsong was sentenced to 11 years in prison for publishing stories about corruption and organized crime, among other topics. Also that month, Chen Shuqing, another freelancer, was sentenced to 10 years and six months' imprisonment for "subversion of state power." He had written articles for the overseas Chinese websites Boxun and Canyu.

Chinese law does not ensure free public access to official information. Under open-government regulations that took effect in 2008, many agencies have become more forthcoming in publishing official documents. During 2016, party and state entities reaffirmed a commitment to increasing government transparency and public comment on draft regulations, while the judiciary continued a trend since 2014 of making more of its decisions available online. However, the courts have largely hesitated to enforce information requests, and government bodies routinely withhold information from journalists and the public, even regarding matters of vital public concern. Critical aspects of policymaking and party personnel decisions remain shrouded in secrecy.

The CCP and government regulate and restrict the media sector through agencies such as the Central Propaganda Department (CPD) and the State Administration of Press, Publication, Radio, Film, and Television (SAPPRFT). As a party organ, the CPD ensures that media content is consistent with the party's goals, issuing almost daily directives to news outlets and website administrators. SAPPRFT, which is organized under the State Council, holds the legal authority for media regulation, including the content and structure of the information landscape. Regulatory decisions are often arbitrary and opaque, with little if any opportunity for appeals by affected outlets or businesses.

SAPPRFT said in March 2016 that the content of online television shows would be held to the same strict standards that apply to traditional television. Also that month, the regulator and the Ministry of Industry and Information Technology launched new rules requiring foreign companies to obtain government approval to publish online content, such as text, maps, games, animation, audio, and video. In July, SAPPRFT placed further restrictions on foreign content in online video services, tightening limits that were first introduced in 2014.

The Cyberspace Administration of China (CAC), established in late 2013, is a state agency overseeing online media. It reports to a CCP body created in 2014, known as the Central Internet Security and Informatization Leading Group, which coordinates work on cybersecurity and internet management. The group is headed by President Xi, Premier Li Keqiang, and propaganda chief Liu Yunshan.

In July 2016, the CAC issued new rules barring commercial web portals – such as Tencent News, Sina, and Netease – from producing their own news content about controversial subjects. In November, the National People's Congress adopted a new cybersecurity law, which was set to take effect in June 2017. The law entrenches existing censorship and surveillance practices while codifying requirements for technology firms to store user information in-country, enforce real-name registration, and provide "technical support" for official investigations. Also in November, the CAC finalized requirements that live-stream services keep user data for 60 days and cooperate in national security investigations.

Journalists and other media workers are legally required to hold government-issued press cards, though some report without one. Those who violate content restrictions risk having their press-card renewals delayed or rejected, being blacklisted outright, getting fired, or facing criminal charges.

In 2015, regulators for the first time issued press cards to online news reporters, allowing them to conduct interviews and report news directly, rather than simply republishing reports by traditional media. However, the permits issued were distributed in a discriminatory manner, with only reporters from party or government-run websites receiving accreditation, while staff from major commercial portals like Sina and Sohu were excluded.

Political Environment: 34 / 40 (↑1)

The CCP maintains direct control over news coverage through the CPD and corresponding branches at lower administrative levels. 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 the CCP and its leaders. In addition to these standing taboos, the CPD and provincial censors issue confidential directives on other subjects that are communicated regularly to news editors and website administrators.

In addition to ordering deletions or banning coverage of certain topics, many CPD directives also require publicity for a specific event, promotion of an article on websites' homepages, or exclusive use of copy from the official Xinhua news agency on a particular story. The authorities actively promote party narratives and guide user discussions online. Among other tactics, state officials are reportedly paid overtime to post progovernment remarks and disrupt criticism of the leadership.

Freedom House analysis of nearly 100 leaked CPD directives published by the U.S.-based website *China Digital Times* in 2016 found that the most commonly targeted topic was party and official reputation, followed by health and safety, foreign affairs, and official wrongdoing. This represented a notable change from a similar analysis conducted in 2015, when the party and official reputation was only the fifth most common topic. Restrictions on reporting about the economy, one of the most heavily censored topics in 2015, placed seventh in 2016.

Specific directives in 2016 ordered positive content on President Xi's image and restricted coverage about a scandal involving tainted vaccines, elections in the United States and Taiwan, Chinese officials' ties to the hidden wealth revealed by leaked Panamanian legal records, and an ongoing crackdown on human rights lawyers.

State media outlets routinely carry propagandistic content, including the apparently coerced confessions of detained activists and critics of the authorities. Nevertheless, senior officials have pressed the media to work harder to serve the party. In February 2016, Xi visited three flagship news outlets – *People's Daily*, Xinhua, and China Central Television (CCTV) – and gave a speech in which he stated that all forms of media should act as CCP messengers.

Journalists' access to government officials – particularly senior cadres – is tightly controlled. Nevertheless, in recent years, governments at all levels have employed spokespeople and opened social media accounts in an effort to respond to and preempt public criticism.

In addition to censoring traditional news media coverage, the CCP and the Chinese government deploy significant resources to censor internet content. Nationwide technical filtering, often referred to as the Great Firewall, restricts users' access to uncensored news and information hosted outside of China. The system permanently blocks major international and Taiwanese news outlets as well as well-known internet platforms such as YouTube, Wikipedia, Facebook, and Twitter; a

range of Google services; and cloud services like Dropbox. Domestic equivalents of these sites have gained popularity, but they are obliged to employ automated programs and thousands of human censors to screen user-generated content and delete relevant posts in compliance with CCP directives. Some foreign internet companies have also cooperated with the Chinese government on censorship enforcement.

The websites of the *Economist* and *Time* magazine were blocked in April 2016 following their publication of cover images that compared Xi Jinping to Mao Zedong. Apple's iBooks and iTunes Movie services were also blocked, six months after being introduced in China with government permission.

Restrictions on WeChat users increased in 2016, reducing the instant messaging tool's reputation for relative privacy and freedom. A set of rules promulgated by the application's administrators in April included, among standard prohibitions on spam and fraud, more politically charged injunctions against spreading "rumors" or obviously biased headlines. On the more public-facing microblogging service Sina Weibo, the account of real-estate mogul Ren Zhiqiang, followed by almost 40 million people, was shut down in February after he criticized Xi's visits to state media outlets and his related speech. Also during the year, regulators increased restrictions on personal live video streaming, deleting thousands of accounts.

As a result of the career and legal reprisals that critical reporting can incur, many Chinese journalists and publications self-censor, particularly on politically sensitive topics like the CCP's historic crimes and ethnic or religious minorities. Many internet users and microbloggers self-censor for similar reasons.

Media outlets are abundant in China, with approximately 2,000 newspapers and hundreds of radio and television stations operating in 2016. Nevertheless, as a result of official propaganda and censorship efforts, many Chinese news consumers have access to a relatively narrow range of information sources and viewpoints that are heavily influenced by state and CCP narratives. In recent years, investigative journalism and liberal commentary within Chinese media have suffered a decline, while restrictions on Chinese citizens' access to foreign news sources and entertainment content have increased.

The closure of a number of outlets in 2016 bolstered this trend. The journal *Yanhuang Chunqiu*, which was run by older CCP cadres and known as an unusually moderate voice within the party, was dissolved in July. In October, Consensus Net, an online platform for public debate, was abruptly shut down. In November, the *Beijing Times*, known for its investigative reporting, announced its closure and integration into the more compliant *Beijing Morning Post* at the end of the year. In December, the *Nanfang*, an independent English-language website, announced its closure due to lack of profitability.

Chinese citizens who actively seek out alternative sources of information are able to access some television and radio broadcasts from outside the country despite government attempts to jam signals and block websites. Internet users can also employ various tools to circumvent internet filtering and access otherwise censored content, but this has become increasingly difficult as Chinese authorities have intensified efforts to identify and block virtual private networks (VPNs) and other popular tools.

Conditions for foreign media in the country are highly restrictive. 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, but the looser rules do not apply to correspondents from Hong Kong, Macau, or Taiwan. In addition, travel to Tibet, Xinjiang, and other politically sensitive regions still requires prior approval and close supervision by authorities.

Authorities use the threat of visa denials to retaliate against foreign journalists and news organizations for reporting they deem objectionable.

Throughout 2016, local officials periodically barred foreign journalists from specific sites of unrest or politically sensitive events. In August, police prevented foreign journalists from attending the trials of a human rights lawyer and three activists. In September, three journalists from Deutsche Welle were denied press accreditation for the Group of 20 summit. Also that month, five Hong Kong journalists were detained and then expelled from the village of Wukan in Guangdong Province amid unrest over the arrest of the village's leader.

Both Chinese and foreign journalists are subject to violence and harassment in the course of their work. Since 1992, at least two journalists have been killed as a result of their reporting. In 2016, at least 16 were attacked by government officials or hired security guards, but no deaths from injuries were reported. In April, a Harbin TV reporter attempting to cover a commercial dispute was beaten by the head of the local police station. In July, two journalists were beaten by multiple police officers while covering village elections in Dongfang City, Hainan Province.

Arbitrary detention and abuse in custody have been problems. Conditions for detained journalists and online activists are poor, and medical attention is often denied. Detainees and inmates have reported systematic and routine torture, lack of access to lawyers, forced prison labor, and political study sessions. Unlike in 2015, state media outlets did not air confessions of detained journalists during 2016, though they did carry similar statements by activists, human rights lawyers, and booksellers from Hong Kong.

The authorities are believed to use cyberattacks to disrupt websites and other online resources based outside China. In 2015, GitHub, a U.S.-based international code-sharing site that also hosts websites blocked in China, was hit with a massive denial-of-service attack that was traced to Chinese government servers and attributed to a new tool researchers called the "Great Cannon." No attacks of that kind were reported in 2016.

Economic Environment: 23 / 30 (↓1)

Reforms in recent decades have allowed the commercialization of media outlets without the privatization of ownership. The CCP and the government operate or have majority stakes in virtually all print and broadcast media, though privately owned online media are more common. Most cities feature at least one official newspaper published by the local government or CCP branch, as well as more commercialized subsidiaries. State-run CCTV remains the only licensed national television broadcaster, and all provincial and local stations are required to air its evening news programs.

The Chinese government maintains tight control over the means of news production and avenues of distribution, for both traditional and digital media. A limited number of state-approved presses serve print outlets. Access to satellite television is restricted through periodic crackdowns on unapproved satellite dishes and government pressure on foreign companies to prevent critical channels from reaching Chinese viewers.

China is home to the largest number of internet users in the world, with approximately 53 percent of the population accessing the medium as of 2016. According to official statistics, over half a billion people access the internet via their mobile devices. The vast majority of users have an account on at least one of several microblogging or messaging services, though the number of regularly active users is smaller.

All internet-service providers must channel their traffic through nine state-controlled gateways, which collectively make the Great Firewall possible. Three state-owned providers dominate the

mobile phone market. In addition to blocking individual sites, these and other controls enable the authorities to impose localized communications blackouts during periods of unrest.

The government took a number of steps during 2016 to restrict the distribution channels for certain news and information. Local network outages were reported following the self-immolation of a Tibetan woman in Sichuan Province in March and during protests in the village of Wukan in September. In October, authorities prohibited other news outlets from reposting the content of the business publication *Caixin* for two months.

A new set of rules governing mobile phone applications and their online stores came into effect in August. Application providers must enforce real-name registration of users and audit content per government guidelines. Under the new measures, Apple had to remove the *New York Times* apps from its store.

Other legislative measures or official actions affecting distribution in 2016 included an amendment requiring printing companies to submit annual reports to the government; reported confiscations of over 16 million "illegal publications" and shutdowns of over 14,000 websites for disseminating "harmful information"; campaigns in the provinces of Guangdong, Guizhou, and Hunan to screen newsstands for politically sensitive and pornographic publications; and several provincial campaigns to crack down on illegal installations of satellite dishes.

Most media revenue comes from advertising and subscriptions rather than government subsidies, even for many party papers. Nevertheless, the trend toward commercialization has been reversing in recent years, as a combination of political and economic pressures fuel a revived reliance on government funding.

Corruption among Chinese journalists and media outlets persists, due in part to financial difficulties arising from the clash between media outlets' political obligations and commercial interests. It remains common for public-relations firms to pay reporters for attending press conferences and for favorable news coverage, and some observers have noted that payments to news websites to remove negative coverage have become institutionalized.

A number of developments in recent years have threatened the economic position of various media sectors. For example, as provincial television stations have gained viewers and fewer young people in particular turn to CCTV as their primary news source, media regulators have responded with a string of new rules that restrict entertainment programming, especially during prime time, and starve provincial stations of related revenue. Rules that came into effect in March 2016 codified restrictions on foreign investment in companies publishing online content.

Meanwhile, the government has devoted resources to new media projects of its own. In 2015, the *Paper* was launched by the Shanghai United Media Group. Funded by the state, it has attracted many young Chinese readers with its incongruous combination of propaganda-like pieces, arts and culture news, and social exposés that are occasionally censored. In April 2016, the publication's owners rolled out an English-language affiliate called *Sixth Tone*.

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