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FREEDOM OF THE PRESS 2008

China

Status: Not Free

Legal Environment: 28

Political Environment: 35

Economic Environment: 21

Total Score: 84

Despite moderate breakthroughs for investigative journalism and regulations providing somewhat greater access to foreign correspondents, the year 2007 was marked by a tightening of media control and internet restrictions in preparation for the 17th Party Congress, as well as the jailing of additional online journalists and bloggers. Article 35 of the Chinese constitution guarantees freedom of speech, assembly, association, and publication. However, other articles subordinate these rights to the national interest, which is defined by party-appointed courts. The Communist Party maintains direct control over the news media through its Central Propaganda Department (CPD), especially with respect to news deemed politically sensitive. This control is reinforced by an elaborate web of regulations and laws, which are worded vaguely and interpreted according to the wishes of the party leadership. Routinely taboo topics include criticism of Party leaders, violations of minority rights in Tibet and Xinjiang, Taiwanese independence and Falun Gong.

Press freedom was further undermined in 2007 by new legislation aimed at controlling media coverage of unforeseen events. In November 2007, an emergency response law came into effect that allows media outlets' licenses to be revoked if they report "false information" about natural disasters, emergencies or government responses to them without obtaining prior authorization. Throughout 2007, the CPD and its top officials reportedly issued instructions that restricted media coverage of an estimated 20 new topics, including flaws in the legal system, the work of some human rights defenders, a deadly bridge collapse in Hunan Province, and relations with Taiwan surrounding the Olympic torch route. In addition to such pre-emptive restrictions, the Communist Party also implemented post-publication censorship, confiscating publications deemed to have "harmed social stability, endangered national security, or incited ethnic separatism."

Despite such restrictions, some journalists and media outlets were known to push the limits of permissible coverage, particularly in cases of local corruption. In an incident

considered by many as a significant step forward for Chinese investigative journalism, in May 2007, Henan Television journalist Fu Zhengzhong exposed slavery in brick kilns in Shanxi Province that forced as many as 1,000 people—including abducted children—to work in inhumane conditions without pay. A wave of subsequent reporting led to raids on more than 2,500 kilns, the liberation of hundreds of workers, and the arrest of many officials with ties to the scandal. Nevertheless, within two weeks, the government imposed a media blackout on the subject and foreign journalists who sought to do follow up reporting on the slavery noted that they were followed by security personnel and harassed.

In general, journalists who attempted to investigate or report on controversial issues, criticized the Communist Party, or presented a perspective contrary to state propaganda continued to suffer harassment, job loss, abuse and detention. Huang Liangtian, editor-in-chief of the monthly *Bai Xing* was removed from his post after investigating harsh living conditions in rural areas. In October, an investigative reporter for the *China Economic Times*, Pang Jiaoming, reported that substandard materials had been used in concrete employed in the construction of the Wuhan-Guangzhou railway. The CPD and the government-sponsored All-China Journalists Association later issued a circular denouncing Pang's reports and barring his employment as a journalist by news organizations nationwide. In an additional pushback against investigative journalism, the government announced a crackdown on "false" news in August 2007 after a report by broadcast journalist Zi Beijia on the use of chemically treated cardboard in pork buns in Beijing; later that month, Zi was sentenced to one year in prison.

According to international media freedom watchdogs, at least 29 journalists and 51 cyber-dissidents were in prison in China at year's end, more than any other country in the world. At least nine journalists and online writers were detained during the year for information they had published on the internet, particularly on U.S.-based, independent Chinese news websites. In March 2007, internet writer Zhang Jianhong was sentenced to six years in prison for publishing online articles calling for political reform on *Boxun* and *The Epoch Times* websites. In May, journalist Sun Lin and his wife were arrested on questionable charges of illegal weapons possession after Sun contributed several reports to *Boxun*, including one about the outlet's inability to receive accreditation to cover the Beijing Olympics. In August, He Weihua was reported to have been forcibly admitted to a psychiatric hospital, apparently in relation to postings on his *Boxun*-linked blog. During the year, writers Yang Zhengxue and Chen Shuqing were also sentenced to long prison terms on charges of "inciting subversion" after they criticized the government in online postings. At year's end, several other cyberdissidents—including prominent human rights defenders Hu Jia and Gao Zhisheng—remained in police custody, potentially awaiting sentencing. Violence against journalists also remained a concern in 2007. In January, a newly hired journalist at the *China Trade News*, Lan Chengzhang, was beaten to death while going to meet the owner of an illegal coal mine, who allegedly believed Lan sought to extort money in exchange for avoiding mention of the mine. In August, five journalists were reportedly beaten by unidentified assailants when they tried to report on a deadly bridge collapse in Hunan Province. In a positive development, two journalists were released in 2007: *New York Times* researcher Zhao Yan who was imprisoned in 2004, and Li Mingying, former editor of the Guangzhou-based daily *Nanfang Dushi Bao*, who was released after serving half of his six-year sentence.

Due to technological advancements and efforts of overseas activists, the regime's task of suppressing information has become more difficult in recent years. For Chinese with foreign language ability, some foreign news reports accessible online present an alternate perspective to that available in the official media. A growing number of Chinese use proxy servers to circumvent internet restrictions, receive illegal satellite transmissions, and watch a plethora of pirated media products available in urban areas. However, the government has also taken steps to limit such access to more diverse sources of information, jamming shortwave radio broadcasts by Voice of America, Radio Free Asia, Sound of Hope, and the BBC. In the summer of 2007, the authorities also cracked down on local cable systems illegally transmitting foreign satellite broadcasts, particularly affecting the popular Hong-Kong based Phoenix TV station and reportedly causing the outlet to lose millions of viewers.

Despite official pledges to allow international media full freedom to report ahead of the Olympic Games, foreign journalists' ability to work remained severely restricted. On January 1, 2007, a series of new regulations came into effect removing travel restrictions on foreign media and allowing journalists to interview organizations and individuals without prior government consent. The new regulations, effective through mid-October 2008, include reporters from Hong Kong, Macau, and Taiwan but do not apply to mainland citizens. As correspondents sought to take advantage of looser travel regulations, however, incidents of harassment and intimidation of sources reportedly increased compared to previous years. A survey conducted by the Foreign Correspondents Club of China (FCCC) found that while journalists reported improvements in some areas, forty percent of respondents experienced some form of interference, including intimidation of sources, detention, surveillance, physical violence and death threats. According to the FCCC, it received 180 reports of violations of the new regulations during 2007, compared to 72 reports of harassment received from 2004 to 2006. While covering events in the restive areas of Tibet and Xinjiang remained particularly difficult, the FCCC received reports of harassment in at least five other provinces, as well as Beijing and Shanghai. Tim Johnson, a reporter for the United States McClatchy newspaper chain, reported being warned by a Foreign Ministry official that the new rules for foreign journalists did not apply to Tibet. Some international press freedom monitors also reported difficulties obtaining visas.

Media outlets are abundant in China, but remain owned by the state as media reforms have allowed for the commercialization of outlets without the privatization of ownership. Most cities have their own newspaper published by the local government or Party branch and, according to the BBC, provincial and municipal stations of the state-run Chinese Central Television offer a total of over 2,000 channels. Though all Chinese media are state-owned, the majority no longer receive state subsidies and now rely on income from advertisements, which some argue has shifted the media's loyalty from the Party to the consumer. Economic incentives have also been known to contribute to self-censorship, however, as publications fear losing advertising revenue should they run afoul of powerful societal actors. Salary schemes generally pay journalists only after their reports are published or broadcast. When a journalist writes a report 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 for reports that are subject to

ensorship. 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. Corruption among Chinese journalists remained common in 2007, with many journalists noting that they received payments from public relations firms for attending press conferences. Other journalists mentioned frequent use of bribery by corporations to pressure officials in Beijing to censor news stories considered harmful to corporate interests.

China has the world's second largest population of internet users after the United States, with an estimated 210 million people online, or just under 16 percent of the country's population. Though the government already employed an extensive surveillance and filtering system to prevent Chinese users from accessing material that was considered obscene, harmful to national unity, or politically subversive, efforts to censor and control internet content have increased in recent years. In 2005, the government introduced new regulations that bar websites from distributing information that violates the Chinese constitution, endangers national security, encourages illegal strikes, contains pornographic or violent content, or promotes unrecognized religious groups. In March 2007, the Ministry of Culture and the Ministry of Information Industries banned the opening of new internet cafés (113,000 were in existence at the time). Internet censorship was further increased prior to and during the 17th Party Congress in October 2007, during which the Party leadership for the next five years was endorsed. Between April and September, access to over 18,400 websites was blocked. The Committee to Protect Journalists reported that in September, security agencies in several regions ordered Internet Data Centers (IDCs), which host large numbers of websites and blogs, to suspend their services or disable interactive features—such as bulletin boards and comment sections—during the Congress meeting.

Several other steps were taken by the government to restrict internet access during 2007. In an apparent effort to overcome difficulties monitoring audio-visual content with automated filtering technology, on December 20, the SAFRT and the Ministry of Information Industry issued a regulation requiring websites with audio-visual content to apply for permits. The regulation, which potentially affects 60,000 sites, also banned audio-visual content deemed to fall into vaguely defined categories such as opposing the principles of the PRC constitution, harming national unity, contributing to ethnic divisions, or disrupting social harmony. In some instances restrictions were imposed on a local level. After bloggers supported a protest against construction of a chemical factory near the southern city of Xiamen, the municipal government adopted measures requiring internet users to provide their real names when posting material on more than 100,000 websites registered in the city. Foreign internet companies have largely cooperated with the Chinese government on censorship enforcement. The Chinese-language search engines of the U.S. firms Yahoo!, MSN, and Google filter search results and restrict access to information about topics deemed sensitive by the Party such as the Falun Gong, Tibetan independence, and human rights. In August 2007, Yahoo! and Microsoft were among a number of internet companies and service providers to sign onto a “self-discipline code” in which they agreed to encourage bloggers to register under their real names, as well as to delete “illegal and unhealthy” postings. The government has also been known to monitor personal communications, including e-mails and cellular telephone text-messaging.

