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**“China’s Media and Information Controls –
the Impact in China and the United States”**



1. How have China's media reforms implemented in the run-up to the 2008 Summer Olympic Games in Beijing affected the reporting climate for Chinese journalists and foreign reporters?

Unfortunately, the Olympics-related temporary regulations on media freedom applied only to foreign media, therefore yielding no benefit to Chinese journalists.

Prior to the temporary regulations, in effect from January 1, 2007 to October 17, 2008, Chinese law required foreign media to apply for Ministry of Foreign Affairs permission for any interviews and to leave the cities in which they were based. When the temporary regulations went into effect, foreign journalists were for the first time permitted to speak freely to any "consenting interviewee."

Some foreign correspondents told Human Rights Watch that the temporary regulations in some ways improved their ability to report with regards to access to certain high-profile dissidents and human rights activists, and that they enjoyed greater mobility. But many more foreign correspondents felt that reporting conditions actually worsened in some ways during the temporary regulations period, particularly with regard to reporting on issues deemed "sensitive" by central or local authorities, such as public protests. Journalists were particularly frustrated by the closure of Tibet to foreign journalists from March 14, 2008 following unrest in Lhasa and other Tibetan areas. During the Olympics, the spectacle of John Ray, a correspondent for Britain's ITN channel, manhandled and arrested by Beijing Public Security Bureau officers as he attempted to report on a small protest on August 13 near the Bird's Nest Stadium, was emblematic of the gap between the Chinese government's rhetoric on Olympics-related media freedom and the on-the-ground reality.

2/3. To what degree has the Chinese government lived up to its October 2008 pledge that the media reforms implemented in the run-up to the Olympics would be made permanent?/What are current trends in the Chinese government's treatment of foreign reporters?

Foreign journalists appreciate that the permanent regulations have enshrined their right to travel outside of Beijing or Shanghai without official permission and to speak freely to any "consenting interviewee." However, there remain large obstacles to foreign journalists' ability to report freely in China.

Arguably most frustrating is that on June 26, 2008, the government announced that Tibet officially re-opened to foreign media "in line with previous procedure" – a procedure which rarely resulted in access.

Another negative trend is a marked uptick in incidents in which government officials, security forces, and their agents intimidated sources and prevented the Chinese news assistants of foreign journalists from effectively doing their jobs. Officials who harass and detain foreign journalists are increasingly focusing on obtaining the names, mobile phone numbers, and locations of their local sources. That intensified pressure appears designed to maintain a veneer of freedom for foreign journalists while seriously undermining their capacity to report effectively.

The Chinese government deserves praise for allowing relatively unrestricted media access to Urumqi in the aftermath of deadly rioting there on July 5, 2009, particularly in comparison with its ongoing foreign media lock-out of Tibet. Foreign correspondents that went to Urumqi were for the most part allowed to report freely from the city in the days following the rioting. However, foreign media access to areas outside Urumqi, particularly the old city of Kashgar, was more restricted. On July 10, 2009, both Elizabeth Dalziel, a photographer with the Associated Press, and Mark Mackinnon, correspondent for the Globe & Mail, were forced by government authorities to leave the city due to an unspecified "security" threat.

There are indications that the Chinese government's relative tolerance of non-domestic media coverage in Urumqi is coming to an end. On Friday, September 4, a two-person television news team from Hong Kong's TVB network and a cameraman from Hong Kong's Now TV were tied up and detained for several hours by paramilitary police in Urumqi while covering peaceful street protests in the city. Police allege the journalists entered police-restricted areas, an allegation the reporters deny. On Sunday, September 6, police pulled five other Hong Kong journalists out of a crowd of protesters in Urumqi, pushed them into a

police vehicle and detained them for 30 minutes in violation of their legal reporting rights.

With the notable recent exception of access to Urumqi, the Chinese government remains highly intolerant of foreign media coverage of issues it considers "sensitive." In April 2009 the Foreign Correspondents Club of China reported numerous cases of foreign journalists subjected to "aggressive police and official interference with correspondents and their sources" in the Sichuan quake zone in the lead-up to the one-year anniversary of the devastating May 12, 2008 earthquake. That interference included the five-hour detention on April 6, 2009, by government officials and security forces of a German TV crew in the Sichuan town of Shifang. Upon their release, the crew's efforts to interview the father whose child died in a collapsed school were disrupted by security forces, who detained the man outside the journalists' hotel. He was released shortly after.

In August 2009 journalists from both the British Broadcasting Corporation and APTN were denied access to towns in Shaanxi province affected by large-scale toxic lead poisoning. On August 19, 2009, government officials and security forces tailed the APTN team while they reported in Shaanxi's Fengxiang County and on several occasions attempted to disrupt their interviews with local villagers. That evening government officials came to the APTN team's hotel and informed them they had to leave the next day on the grounds that they had no right to report on the matter. On August 25, 2009, uniformed police blocked a BBC team from entering Shaanxi's Madakou village and refused to permit them to report from the area on the grounds that the toxic poisoning story wasn't "big enough for foreign journalists."

4/5. What are some of the major developments in Chinese news reporting?/How has the government's policy on "sensitive" reporting changed?

Although Article 35 of the Constitution of the People's Republic of China explicitly guarantees "freedom of speech, of the press, of assembly, of association, of procession and demonstration," China's domestic media has for decades been subject to strict government controls which ensure that reporting falls within the boundaries of the official propaganda line. Those controls entail explicit instructions as to what—and what not—to cover, extensive editing to ensure that

coverage is consistent with the government's line, and threats to those who violate these strictures.

Official Chinese statistics indicate that as of February 2006, the domestic media landscape included 2,000 newspapers, over 8,000 magazines, 282 radio stations, and 374 TV stations. But despite the volume and variety of China's media outlets, they remain part of a state-owned-and-controlled system designed to ensure positive news coverage of the government and the ruling Chinese Communist Party. The notable exception to that rule is the media in China's southern Guangdong province, where official restraints on the province's media freedom have dovetailed with pioneering economic reforms launched in the province over the past two decades. Guangdong's journalists, who find their inspiration in the largely free press of neighboring Hong Kong, have a well-earned reputation for pushing the official boundaries of "acceptable" reporting, and, as such, often function as canaries in the coal mine in a province with enormous international exposure.

The Chinese government's guidelines on taboo topics, which are officially deemed as "sensitive" or *min-gan* (敏感), strictly determine editorial content. The official Publicity Department sends weekly faxes to domestic media outlets stipulating the latest coverage restrictions. Those restrictions typically are framed in terms of avoiding issues potentially disruptive of the "social stability" goals of the Chinese government. Notable past examples include the massive death toll of Hebei province's Tangshan earthquake in July 1976, which journalists were forbidden from disclosing for more than three years, and the early stages of China's outbreak of severe acute respiratory syndrome, or SARS, in 2002-2003, coverage of which government officials blocked. These constraints – imposed to avoid politically embarrassing controversy rather than for reasons of public safety, public order, or national security – violate a long list of international laws and instruments.¹

¹ Those international laws and instruments include: Article 19 of the Universal Declaration of Human Rights, and Article 19.2 of the International Covenant of Civil and Political Rights, which China has signed, but not ratified. The Central Publicity Bureau's censorship practices also violate sections of the United Nations Educational, Scientific and Cultural Organization (UNESCO) Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racialism, Apartheid and Incitement to War.

The government deploys various techniques to control the media. In addition to the faxes discussed above, journalists' computer terminals at China's national television broadcaster, China Central Television (CCTV), are linked to an electronic notification system which automatically notifies journalists of the most recently updated list of issues which are deemed inappropriate for news coverage. In 2007 and early 2008, China Central Television (CCTV) alone restricted coverage of stories ranging from the death of a pregnant migrant worker in December after she was denied medical treatment due to a lack of money to pay doctors, to reports that same month that the Chinese government had imposed a ban on the showing of American movies in Chinese theaters, to the death of Pakistan's former Prime Minister Benazir Bhutto in January 2008.

Articles are thoroughly vetted, especially if they focus on events important to the ruling Chinese Communist Party, such as the annual meeting of China's parliament, the National People's Congress (NPC). A handbook obtained by Reuters for Chinese journalists covering the NPC session in March 2008 laid bare the pressure on journalists to carefully script news coverage of the event in line with Central Publicity Department dictates: "Uphold the system of submitting articles for approval. The responsible propaganda official must sign off on articles planned for submission."

Those who try to move beyond those confines face a variety of sanctions, ranging from physical abuse to job loss. In August 2007, a group of five Chinese journalists, including a reporter from the Chinese Communist Party mouthpiece, *The People's Daily*, were attacked by unidentified thugs while interviewing relatives of the victims of central Henan province's Fenghuang bridge collapse, in which 34 people died. When police finally arrived on the scene, they ignored the assailants and instead detained the journalists. Investigative reporter Pang Jiaoming of the China Economic Times (中國經濟時報) was dismissed in October 2007 at the demand of the Central Publicity Department for publishing embarrassing reports about the conditions of China's railway infrastructure ahead of the "sensitive" Chinese Communist Party's 17th National Congress. Freelance reporter Lu Gengsong was sentenced to four years in prison in February 2008 on charges of "inciting subversion" for stories he had written for overseas websites on corruption and the trial of a Chinese human rights activist. At least 28 Chinese journalists are in prison due to their work, many on ambiguous

charges including "revealing state secrets" and "inciting subversion," Committee for the Protection of Journalists statistics indicate.

On February 13, 2009, the government issued a code of conduct for the Chinese news assistants of foreign correspondents that threatens dismissal and loss of accreditation for engaging in "independent reporting." Chinese law forbids its citizens to work as journalists for foreign media in China. However, foreign correspondents in China, particularly those at China-based international news wire services, rely on local news assistants for their language skills and their ability to gather information quickly and efficiently. Representatives of wire services have told Human Rights Watch that strict interpretation and enforcement of the code of conduct could harm their newsgathering operations in China.

The code of conduct states that news assistants face possible dismissal, loss of contracts, and revocation of accreditation if they undertake any "independent reporting" for their employers. Foreign correspondents told Human Rights Watch that the Chinese government has not provided any clarification on its criteria for "independent reporting," including functions often performed by news assistants. Additionally, the code of conduct requires news assistants to "limit themselves to assisting with reporting" and to "propagate positive information and ideas ... [about] China's history, culture and reforms." Chinese news assistants of foreign correspondents have good reason to fear official reprisals: Zhao Yan, a researcher for the *New York Times* in Beijing, served a three-year prison sentence ending in September 2007 after being convicted of fraud in a case that was marred by multiple violations of due process and concerns that his conviction was politically motivated.

6. What has changed in terms of the government's traditional policy of managing Chinese journalists?

There has been little improvement – and some notable setbacks – in terms of the Chinese government's traditional policy for managing Chinese journalists and handling the coverage of 'sensitive' issues since the end of the 2008 Beijing Olympics. On February 13, 2009, Li Dongdong, deputy director of China's General Administration of Press and Publication, said that the government would compile a "blacklist" (Chinese: 黑名单) of Chinese journalists deemed to have engaged in "illegal reporting." Li said that journalists placed on the blacklist would

be subject to penalties including a revocation of their accreditation and restrictions on their employment in the media industry.

False news reports and individuals who impersonate journalists are a legitimate, widespread problem in China. Relatively low-paid Chinese journalists are often bribed to cover particular stories, a practice that now prompts non-credentialed individuals to falsely claim to be journalists in order to receive those same financial benefits. Inadequate training in journalistic ethics and a national media that has traditionally served as a tool of the Chinese Communist Party rather than a purveyor of objective news and analysis have fostered an institutional culture for the production of false news reports.

Li did not specify the government's definition of "illegal reporting" or articulate a process by which such allegations could be appealed. As a result, Chinese journalists, who are already subject to an arsenal of vaguely worded and arbitrarily invoked laws such as those against "spreading rumors," are now at even greater risk of official reprisals if they carry out independent reporting on subjects the government deems sensitive.

In late May, 2009, China's southern Guangdong province demanded, in the name of "harmony," "stability," and "national interests above all," that state media outlets reduce "negative" coverage of issues ranging from government officials to public protests. That directive is likely linked to the government's concern about negative news stories which might tarnish the government's image in the lead-up to the much-anticipated 60th anniversary of the founding of the People's Republic of China on October 1, 2009.

Individual journalists also continue to suffer for reporting on subjects which government officials consider 'sensitive' or unflattering. Pressure from embarrassed government officials in Guangxi province reportedly led to the August 24, 2009, dismissal of Liu Yan from his post as deputy-editor of Guangxi's *Nanguo Morning Post*, following the paper's extensive coverage of the story of a teenage boy beaten to death at an "internet addiction camp."

7. How did the Chinese government's handling of the media in the aftermath of the July 2009 Xinjiang riots differ from its response following the March 2008 protests in Tibet?

The Chinese government's crackdown on Tibet was sparked by protests, which began on March 10, 2008, by hundreds of monks from Drepung Monastery, five miles from the Tibetan capital of Lhasa. Chinese security forces subsequently detained some of those monks, who were demanding an end to restrictions on religious expression and the release of imprisoned monks as part of commemorations for "Tibetan Uprising Day," the 50th anniversary of the Tibetan rebellion against Chinese rule in Tibet. Those detentions sparked protests in the following days in other areas of the Tibetan plateau as well as unprecedented protests, which in Lhasa included violent attacks by Tibetans on ethnic Han Chinese and their property.

Violence in Urumqi began in the aftermath of a peaceful street protest on July 5, 2009, by Uighur Muslims angered by reports of murders of Uighur migrant workers in southern Guangdong province. Chinese state media reports and foreign media reports with witnesses of the violence say the protest later turned violent with groups of Uighur Muslims targeting mostly ethnic Han Chinese and their property. The violence resulted in an official death toll of 197 and more than 1,600 injured, the vast majority ethnic Han Chinese. In the days that followed, there were reports of retaliatory attacks on Uighur Muslims as the Chinese government flooded the city with thousands of heavily armed police and security forces.

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The Chinese government's relative openness to foreign media in Urumqi compared to Tibet appears to be an experimental in nature. It appears that the Chinese government wants to try to determine the extent to which loosened reporting restrictions may limit the duration and intensity of media coverage of high profile violent protests. That strategy appears to be the result of the lesson of the media lock-out of Tibet in March 2008, in which the Chinese government's unwillingness to honor Olympics-related media freedom guarantees and the encounters of foreign correspondents with government officials and security forces blocking access to the region became a focus of foreign media coverage. However, it is impossible to predict if the Chinese government will permanently adopt the kind of media openness seen in Urumqi for future large-scale disasters or riots.

8. The Chinese government's unwillingness to allow free and open media coverage of public health emergencies remains a serious problem with international ramifications. There are few indications that the Chinese government has learned the lessons of its cover-up of the outbreak of severe acute respiratory syndrome, or SARS.

In late 2002, Chinese government officials covered up the SARS epidemic to ensure a crisis-free meeting of China's parliament, the National People's Congress. The government banned domestic media reports on the spread and severity of SARS after it emerged in Guangdong. The official cover-up was revealed by a Beijing military doctor, Jiang Yanyong – a true public health hero who was later effectively silenced by the government for urging a reassessment of the official position on the June 1989 massacre of unarmed civilians in Beijing and other Chinese cities.

Jiang's whistle-blowing fueled international pressure on the government to reveal the severity of the epidemic. But the damage was worsened by the delay—SARS spread to 25 other countries and killed 774 people before it was contained.

More recently, a government ban on media reporting of food safety scandals in the run-up to the 2008 Beijing Olympics likely exacerbated the impact of China's melamine-tainted milk scandal, which killed at least 6 infants, sickened another 300,000 and fuelled import bans and consumer fears in Asia, Europe, and North America.

9. How have China's information control policies impacted the United States and U.S.-China relations?

China's information control policies severely impair the watchdog role of its domestic media with regard to informing the Chinese public – and the international community – of important developments in issues ranging from public health and safety to environmental degradation. The Chinese government's control over the substance and flow of information via domestic media through both censorship and the use of extremely ambiguous state secrets laws means that it can be extremely challenging for the U.S. government and U.S. citizens to have timely, accurate, and reliable knowledge of what is going on in China. China's lack of a free media in today's globalized world has already been proven to have swift and alarming international repercussions, including crises ranging from the spread of deadly illnesses to the entry of toxic toys, poisoned dog food, and melamine-tainted milk products into the export stream. The transnational threat posed by the Chinese government's censorship efforts was also highlighted by the official cover-up of news of a massive leak of the chemical benzene into the Songhua River in China's northeastern Jilin province in November 2005. The Chinese government prohibited domestic media disclosure of the leak for six days after the incident, allowing the chemical to drift downstream and threaten populations along Russia's Amur River.

By easing the official chokehold on China's media, the Chinese government can allow journalists to fully play their role in investigating and exposing domestic problems and scandals before they become international in scope and potentially damaging in terms of U.S.-China bilateral relations.

In addition to the system of prior restraint on information and ex post facto censorship, the Communist Party devotes increasing resources to the "guidance" of public opinion, using the most sophisticated marketing and communications tools from the West. In addition, the Party has responded to the challenge posed by Chinese citizens greater access to international news sources by Chinese citizens to information from by trying to "inoculate" them with the idea that the Western press is part of a larger conspiracy to prevent China from occupying its due place in the World's order (a nationalist message that worked surprisingly well – witness the very sophisticated campaigns around Tibet, the Games, and more recently Xinjiang.)

The challenge for the US is that it cannot really get its message across to the Chinese population. And if it doesn't, then the social pressure pushing the Party to change, become more transparent and accountable, is weakened, which goes against the real long term interests of the US of having a more democratic system in place. The Party adroitly captures everything positive that the US says about China to showcase it to its population, and denounces everything critical as reflecting the hostility of the West towards China.

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