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## Preface

The International Federation of Journalists (IFJ) initiated a program in early 2008 to monitor and report on press freedom and violations of media rights in China in the lead-up to the Olympic Games in Beijing in August 2008. The IFJ has since produced two annual reports on press freedom in China, *China's Olympic Challenge* and *China Clings to Control*. These reports assessed the situation journalists and media workers experience in China and noted that the post-Olympic sense of optimism that a more free, safe and secure working environment for local and foreign journalists was eroded across 2009.

The IFJ remained committed to continuing its monitoring in China in 2010. This report presents fresh, detailed information on new restrictions on reporters, media organisations and news content in China, Hong Kong and its Special Autonomous Regions. The report again lists regulations issued by authorities in the year and uncovered by the IFJ, a sample of some of the hundreds of orders that are said to have been issued, and provides updated news on China's efforts to control online media and information sharing.

The information in the report has been provided by a growing network of contributors to the IFJ monitoring project, from Mainland China and beyond. Many of these contributors must remain anonymous, but without them, this report could not have been completed.

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# Introduction

The clampdown on media in China in 2009 continued apace throughout 2010, with journalists working to report the news despite continual threats and restrictions from the government that flow down to the newsroom floor, into the field and into their personal lives. The International Federation of Journalists (IFJ) has observed a largely unchanged attitude from those who administer China's far-reaching system of censoring or obstructing information, with many key journalists and media workers bearing the full force of its retribution.

During 2010 there were some encouraging signals from China's power structures, both past and present. The General Administration of Press and Publication (GAPP) issued a rare statement in July noting the rights of media workers, after three incidents in which journalists were harassed and threatened after publishing reports on controversial issues. In October, 23 former Communist Party leaders, some of whom are former Propaganda Department officials, signed a letter which urged the Central Government to end censorship. Premier Wen Jiabao also highlighted during the year the key watchdog role of the media, including in a speech to a national meeting of all government officials in August. This rare endorsement was followed in October when he told CNN that "freedom of speech is indispensable for any country".

These heartening statements have done little however to ease the Central Government's heavy hand on the media in the past 12 months. A wide range of restrictions on media rights, of which most were perpetuated by the state, were issued during the year. These violations continue to foster China's endemic culture of self-censorship, driven by the extraordinary pressure that journalists and media workers face in attempting to perform their duties under circumstances where they may be restricted, harassed, threatened, demoted or jailed.

Central and Provincial Propaganda Departments issued restrictive orders across all forms of media during the year. This report lists 88 orders uncovered by the IFJ in 2010, thought to be a mere sample of the vast array of directives continually flowing through China's censorship system, some with unnerving consequences for public health and safety. In one prominent case in March, a restrictive order prevented any independent reporting of a defective vaccine which had reportedly killed or disabled about 100 young children.

When journalists disobey these orders, sanctions will vary. The editor-in-chief of *China Economic Times* was removed from his position after he allowed reports on the spoiled vaccine case to be published for a few

days after the order was issued. The editor was not alone in facing penalties for breaching orders, with journalists and media workers sacked, suspended or fined across the year.

Violence and harassment are other methods used to prevent information from reaching the community. *Economic Observer* journalist Qiu Ziming suddenly became an online "wanted person" of the Lishui City security bureau in Zhejiang in July after he reported a listed company had breached stock exchange rules. Beatings, detention and interrogation, often at the hands of government officials, are another common tactic observed by the IFJ monitoring of media rights in China in 2010.

Jail or labour "re-education" sentences were imposed on media workers who wrote articles related to topics considered "sensitive" by China's authorities. Liu Xiaobo, the human rights activist and co-author of political reform manifesto Charter 08, was jailed for 11 years in February 2009 after the High Court in Beijing rejected his appeal against a conviction for inciting subversion of state power. The jailed Nobel Peace Laureate for 2010 was prevented from accepting his prize in person, and the Central Government imposed harsh restrictions on Liu's wife, his family and acquaintances. They were placed under house arrest, ordered not to accept interviews from journalists and prevented from leaving the country. The IFJ delivered an open letter to China's President and Premier in October to protest these actions, which breach the terms of China's Constitution.

The sensitive autonomous regions of Tibet and Xinjiang remained under the Central Government's watchful eye over the year, with information continuing to be sealed off from the rest of the country. Information about a deadly explosion in Aksu City, Xinjiang, in August was silenced, with media ordered not to re-publish even the state-run Xinhua News Agency reports on the story. The irony here was heavy, as this blanket censorship came only three months after the Xinjiang Government announced in May that all internet services had been fully restored, after cuts made in 2009 in the wake of ethnic unrest in the region. Uyghur journalist Gheyret Niyaz was sentenced in July to 15 years' jail for allegedly speaking with foreign journalists.

New media felt the grip of the Central Government tighten around routine work in 2010. In October, the Law of the People's Republic of China on Guarding State Secrets was amended to include online media for the first time. Under the amended legislation, people who leak secret information through the internet face a jail sentence, creating serious ramifications for



the country's online journalism. This development came as GAPP repeatedly denied online media journalists accreditation through the revised press card system developed in 2009.

The National People's Congress also adopted the amendment of the Tort Liability Law, which for the first time gives internet service providers the power to delete online information, and installed a new registration system for users of internet and mobile phones. These changes not only undermine Article 35 of China's Constitution, but they also grant individuals absolute power to delete information, opening the door to further potential abuses of the system. The Central Government also implemented a new registration system where individuals must enter their details when they sign up for an internet service, become a mobile phone subscriber, or buy a SIM card.

The IFJ received a number of reports of cases in 2010 where foreign correspondents, including Hong Kong and Taiwan journalists, were prevented by China's authorities from exercising their duties. This year another method used to indirectly suppress the media was to accuse people who agree to be interviewed by non-mainland journalists of "disrupting the social order". Zhao Lianhai, a former journalist and parent of a victim of the 2008 Sanlu tainted infant milk scandal, was sentenced to two-and-a-half-years' imprisonment in November, for organising people to gather in front of government buildings and for being interviewed on the street. Freedom of movement of foreign correspondents in China remains restricted, and the IFJ received reports that Chinese assistants were threatened by Foreign Affairs Ministry officials for following instructions from correspondents.

These often punitive tactics jeopardise the hope of a free press in China and darken the occasional glimpses of more positive sentiments from members of China's Government who during the year showed a leaning towards an improved recognition of media freedom in China. But despite these tactics, many journalists working under the threat of wide-ranging forms of harassment still made attempts to circumvent the obstacles. In August, journalists in Yichun City, Heilongjiang, protested after four of their colleagues were detained by police and successfully secured their release.

The international new media corporation Google struck a blow to China's Government when it decided in March to pull its search engine operations from the mainland and move to Hong Kong. The move followed disclosures from the company that the Central Government had continuously demanded that it filter information and heavily censor online commentary.

Press freedom and freedom of expression in Hong Kong was increasingly restricted in 2010. Protesters who raised politically sensitive issues were charged or imprisoned. The Hong Kong Government

sought to limit the media's right to access information, particularly regarding proposed political reform which occurred in May 2010, when media was informed of the itinerary of a number of promotional community visits at short notice. Hong Kong Special Administrative Region Chief Executive Donald Tsang announced he would not enact the National Security Law during his tenure, which runs until 2012. The law, Article 23 of China's Basic Law, curbs freedom of expression, the press and assembly. However Tsang said the Hong Kong Government would inject funding into "national civic education". Hong Kong media access to Macau remains restricted at "sensitive" times, such as on Labour Rights Day on May 1.

In the lead-up to the 35th anniversary in 2011 of the International Covenant on Economic, Social and Cultural Rights, part of the International Bill of Human Rights, there remains significant impediments to freedom of association. China became a signatory to the multilateral treaty in 1997 and ratified the agreement in 2001. However, the IFJ holds grave concerns regarding the ability of Mainland journalists to form independent trade unions. These rights exist in Hong Kong but still China resists, preventing journalists from forming independent associations of media workers and refusing to provide correspondents' clubs on the Mainland with legal status.

Mainland journalists have courageously moved in the midst of these challenges to protect themselves and their colleagues. In June, media workers initiated an online boycott petition when management at one media outlet tried to stop other media outlets from reporting that three of the company's journalists were punished with "re-education" after they had reported news which involved local government officials.

This report makes a number of recommendations which call on the Central Government of China and the Hong Kong Special Administrative Region to make practical and positive reforms to uphold press freedom, freedom of expression and freedom of assembly, in line with Article 35 of China's Constitution, Article 27 of the Basic Law of Hong Kong, and the International Bill of Rights. The words of China's leadership, both past and present, should be made concrete, and so ensuring the country meets its domestic and international legal obligations and supports the rights of its people to an independent and vibrant media that serves the public interest.

# Mainland Journalists

“Let the news media fully play its oversight role.” These were the unexpected words that Chinese Premier Wen Jiabao spoke when he reported to the 11<sup>th</sup> National People's Congress on March 5, 2010. It was an astonishing indirect admission from one of China's most senior officials that media can not fully exercise its watchdog duties in China, but it did not, however, explain the reasons why this is the case. The speech also did not spark any change in the Central authorities' attitudes to censoring media or respecting citizens' right to know.

When we refer to the watchdog role of the media, surveillance and reporting are obvious key tasks. However journalists in Mainland China cannot fully exercise these duties when they are constrained by restrictive orders which significantly curtail their reporting. Again in 2010 a large number of orders and directives were issued by the Central and Provincial Propaganda departments which severely curtailed press freedom. Journalists and media workers also bore the brunt of other pressures designed to suppress so-called "negative" reports, such as brutal violence, death threats, harassment and removal from their professional positions.

## Well-oiled propaganda machine

A plethora of orders were issued by phone or by notice by central and provincial Central and Provincial Propaganda departments, with directives on subjects ranging from domestic emergencies to foreign affairs to stories on public health and safety.

An order issued by China's State Council Internet Propaganda Administrative Bureau on March 17 demanded all media organisations delete reports from its websites related to the distribution of spoiled vaccines in Shanxi Province that killed or disabled almost 100 toddlers. The order followed an article in the *China Economic Times* on the same day that an organisation working for the Shanxi health authorities had stored the vaccines improperly and that their exposure to high temperatures had made them poisonous. The report, written by investigative journalist Wang Keqin also alleged that a senior manager at the organisation had corruptly purchased biological products from a company of which he is a director. Four days later, the Department issued an order to all media outlets demanding that they cite only Xinhua News Agency on the issue and that journalists have to leave Shanxi.

The ban on reporting the spoiled vaccines came ahead of the case of former journalist and public health campaigner, Zhao Lianhai, whose son suffered from kidney stones after consuming tainted milk manufactured by Sanlu, was convicted on November



*China's Premier Wen Jiabao has publicly confirmed the media's important role on various occasions, yet no concrete progress has been made which protects the media's rights.*

10 by the court of Beijing for "disturbing social order" for accepting a media interview on the street. Zhao was sentenced to two years and six months in jail. Relevant reports on Zhao's trial and sentence were ordered to be deleted from the Internet. In 2008, at least six children died and another 300,000 suffered serious illnesses after milk products were found to contain the industrial chemical.

Labour rights was another area which fell into the restrictive hands of the Central Propaganda Department. A non-publication order was issued by the Central Propaganda Department on June 9 after salaries at Taiwan-based computing manufacturer Foxconn Technology Group were raised for a second time. Foxconn raised the salaries of Mainland frontline



employees after facing allegations that 12 employees committed suicide due to inhumane working conditions, including extremely long working hours and minimal wages. After the order was issued, a series of labour strikes at Toyota Motor Company in Guangzhou and Mitsumi Electronic Company in Tianjin went unreported, with no publication in newspapers or online. It can be reasonably assumed that the department was worried reports of the strikes could stimulate others, developing into a large scale labour dispute which would affect the Mainland's social stability.

Although such worries might have over-exaggerated, in some cases central authorities have very clear restrictive guidelines as to what areas the media is prevented from compiling reports those which are independent of state-controlled media sources. These cases usually relate to foreign affairs such as the May 3 visit to China by North Korean leader Kim Jong-il. The media was ordered not to publish any reports except those published by state-controlled Xinhua News Agency. A hostage tragedy in the Philippines which killed eight Hong Kong tourists on August 23 saw the Central Propaganda Department issue an order to Mainland media which said reports must be positive and only provide details of the evacuation of the victims and survivors of the incident. The order specifically said that no reporting or sensational comment which could disturb bilateral relationships between China and Philippines could be published or broadcast. The currency war between China and the United States was another piece of news which media was ordered on June 23 only to republish Xinhua reports.

Ethnic unrest of the Uyghur Autonomous Region in Xinjiang in 2009 remains another taboo topic. Prior to the one-year anniversary of the unrest on July 5, 2009, the Central Propaganda Department ordered that all media not publish any special feature articles ahead of the anniversary. Meanwhile a rare blanket ban was issued by the Department immediately after an explosion in Aksu City, Xinjiang on August 19 that killed seven people and injured another 14. The order said media must not republish any reports by Xinhua or Xinjiang local media outlets, or compile any individual reports. Xinhua reported that the explosion was caused by a bomb and that a suspect was arrested at the scene.



A simple report on a fire at Beijing's Olympic Stadium saw this journalist taken away by four unknown men.

Disasters also have strict controls placed around their reporting. On April 15 it was ordered that only positive reporting of the government's rescue efforts was allowed in the aftermath of an earthquake in Yushu, Qinghai province a day earlier. A similar directive on April 8 ordered only positive coverage of the rescue effort of 153 workers trapped in a flooded coal mine in Wangjialing, Shanxi Province.

In July, the Central Propaganda Department tightened regulations to prevent provincial city newspapers from publishing negative articles written by newspapers located in other provinces. City newspapers must now source state-owned media when reporting on spontaneous news, unless an event is viewed specifically by a staff reporter on the scene. "The aim of the order is to strengthen the local government's ability to control the dissemination of negative reports about their own cities," a journalist who is working in a city newspaper said.



Former journalist and writer Liu Binyan's ashes were finally laid to rest in China in December 2010 after his family members secretly transported them back from the United States. The authorities did not allow his family to engrave Liu's selected epitaph on his memorial stone. Liu, who died in 2005, had chosen as his epitaph: "The Chinese man who rests here did what he should have done and said what he should have said."

#### Punished for reporting

External restrictions imposed on journalists and media workers attempt to prevent them fully exercising their "oversight" role. Media professionals who try to defy or break through the net of restrictions suffer threats, humiliation or formal sanctions.

On March 7, a *Beijing Times* journalist received a threat from Governor of Hubei Li Hongzhong. When the journalist asked Li about a case in May 2009, in which a hotel worker allegedly murdered a police officer in Hubei, Li refused to answer the journalist's question, demanded the name of her employer, confiscated her recording device and threatened to contact her boss. The altercation was widely reported across China, with the Hubei Propaganda Department ordering newspapers remove articles related to the incident from their websites and public discussion forums.

*China Economic Times* investigative reporter Wang Kegin and Editor-in-Chief Bao Yueyang published details of the spoiled vaccines in Shanxi on March 17. Media workers across the country immediately rushed to Shanxi to follow up the case. Journalists and interviewees received a death threat in a text message sent from an unknown mobile number. The Department also retaliated against Bao, removing him from his position on May 12 for publishing the story and refusing to retract the reports. Beijing-based journalism analysts told the IFJ they believed the retaliation was a result of pressure from the Shanxi Province Department of Health. Bao was moved to a senior position at a small publishing company and remains in the industry, which is a result few journalists who courageously uphold press freedom are able to share.

Thirteen newspapers simultaneously published a joint editorial on March 1 which requested the members



Ethnic Tibetan women rest amid the ruins of their destroyed house in the earthquake-hit Gyegu town in Yushu County, Qinghai province April 18, 2010. The official issued an order and demanded all media use Xinhua news.

of the Standing Committee of the 11<sup>th</sup> National People's Congress of PRC urge the Central Government to speed up reforms to the system of residency permits, where every Chinese citizen must possess a permit to reside in certain locations. It noted that the current system is unjust, deprives people of their basic rights and breaches China's Constitution. The editorial was widely republished across the internet, but lasted only a few hours online before an order was issued by the Central Propaganda Department that the editorial should be deleted and be taken down from websites. It was the first time in China that a group of newspapers had published the same editorial. The editorial writer was later sacked under pressure from the Department.

The IFJ also received reports that of harassment and violence against journalists after they report on various sectors. In the northwestern province of Xinjiang, *Beijing Morning Newspaper* journalist Sun Hongjie, was placed in a deep coma after he suffered head injuries in a beating by up to five unknown assailants on the night of December 18. He died on December 28, according to reports. While the reason for the attack was unknown at time of writing, Sun, an investigative journalist, regularly reported on corruption and other sensitive issues. Police and newspaper management have denied that the assault was work-related.

On July 29, Shenzhen-based *China Times* journalist Chen Xiaoying was punched in the head by an unidentified man when she arrived for an appointment with an anonymous source. Chen believes the assault was connected to her July 18 report on listed company Shenzhen International Enterprise Co, which alleged that its managing director may have been involved in inappropriate use of company assets. In Shanghai on July 30, four people broke into the office of *National Business Daily* and harassed staff after the newspaper alleged in a series of reports that products of shampoo manufacturer Bawang Group might contain

excessive levels of chemicals.

Harassment was not confined to individuals, with government departments also responsible for acts of intimidation against journalists. *China Economic Times* journalist Liu Jianfeng received a note containing a death threat on July 9 one day after he reported on his personal blog that people had drowned during floods in Jiangxi, despite the Local Government claiming that nobody had died. Liu believes the threat was sent by agents of the Jiangxi Government, who had also allegedly offered him a bribe of CYN 3000 (around USD 443) on June 29.

*Economic Observer* journalist Qiu Ziming, discovered his name on an online "wanted persons" list of the local security bureau on July 23 after he published three articles on Zhejiang Kan Specialties Material Corporation's suspected involvement in stock exchange breaches. The security bureau deleted Qiu's name on July 30 after media reports said police might have abused their power, but police gave no firm commitment to investigate Qiu's allegations of harassment and attempted bribery from those who sought to cover up his reports. In the aftermath of the scandal and two other violations of media rights, the GAPP (General Administration of Press and Publication) issued a rare statement which noted the rights of media workers.

#### Police, Security Bureau interference

Police corruption in China's commercial sector has long been spreading across the country and journalists are hindered in investigating this problem when there is no transparent and accountable system for illegal acts. On the flip side, police power is overwhelming and easily able to intrude into an individual's privacy.

On October 27, the Beijing Security Bureau



confiscated copies of *The Holy Mountain*, a free Christian magazine published by Zhongfu Holy Mountain Institute and distributed to the Christian community in Beijing since 2007. According to Radio Free Asia, Fan Yafeng, who is in charge of the magazine, said the printing company advised him that officers raided the premises and removed the magazines. The action was reminiscent of the confiscation of *The Holy Mountain* during the Beijing Olympic Games in 2008. Fan, a well-known legal scholar and activist for religious freedom, is a signatory of Charter 08, the pro-democracy document signed by prominent journalists, writers, activists and academics. Fan reportedly said he might have to face charges of illegally publishing a book for commercial sale though the magazine is distributed free of charge.

Three journalists from the *Chongqing Morning Post* were detained on June 25 in Chongqing and interrogated by police for allegedly posting "unacceptable content" on an online social chat room. Liao Yi, Chen Songbo and Qiu Jinyi first came under investigation by local police after they posted some messages about a hotel that was shut down by the local government on June 20. A journalist informed the IFJ that the trio had stated that the hotel's closure was due to illegal acts of prostitution on the premises, and the journalists were investigating the role of hotel shareholders in the alleged activities. The so-called "unacceptable content" message has since been deleted from the chat room. After the detention and interrogation on June 24, Chen and Qiu were allowed to leave but there have been no reports about Liao's situation. The head of the publicity division of the Chongqing security bureau, Deng Song, had however made a strong statement on June 24, saying that rumors posted online had a negative impact on "normal social order", he said, adding that police were continuing their investigation. Deng also added that no journalist had been sent to a labour re-education camp. Ninety minutes after Deng's statement, the *Chongqing Morning Post* also issued a statement and claimed that no media workers had been detained, but this did not allay the concerns of Liao's colleagues.

Police commonly monitor news in Mainland China, however using an iron fist seems to have become the strategy of Chongqing Province in recent times. October 16, four months after the detention of *Chongqing Morning Post* journalists, Head of the Chongqing Public Security Bureau Wang Lijun proposed at a Chongqing Communist Party Meeting

to use an iron fist on the media. "When media distorts the facts, aiming at attacking the security bureau and police of Chongqing, we should react in tandem," Wang said. "The security bureau should file a lawsuit against the media outlet and the particular police

officer should also file a lawsuit against the reporter." A number of journalists told IFJ that they were outraged by Wang's proposal. "We do what Premier Wen has said - our job is to oversee the behavior of public servants," a journalist from outside Chongqing said.

Police power has intruded into the professional and private life of journalists, behaviour that media employers also engages in. *Southern Metropolis Daily* cartoonist Zhang Junyan was fined CYN 1500 (around USD 220) by his employer for disclosing in a drawing on his personal blog on August 23 a restrictive order issued by China's authorities. The order, issued in mid-August, suspended a columnist with the pen name Chang Ping, who writes for *Southern Metropolis Daily* and *Southern Metropolis Weekly* newspapers, without explanation. Kuang was also demoted from his position as intermediate to junior level journalist. "Orders are secret in China - anyone who releases them might face punishment," another journalist from *Southern Metropolis* said. The journalist also added that management intruded into media workers' privacy quite often and that Kuang had experienced similar situations in the past. Kuang refused to speak to the IFJ.

#### Courageous defenders of press freedom

Mainland China journalists have to contend with various hardships, harassment and frequent restrictions but many, whether they are working journalists or retired from the industry, still carry on, demonstrating their solidarity for media rights.

More than 20 Chinese ex-officials issued an open letter to call for an end to censorship and upholding provisions of China's Constitution. The letter, signed by more than 500 journalists, writers, scholars and others came to light on October 11 and was drafted by 23 veteran Chinese ex-officials including: Li Rui, former Deputy head of the CCP Organisation Department; Zhong Peizhang, former Chief of News Bureau of the Central Propaganda Department; Hu Jiwei, former editor-in-chief of China Daily; and, Li Pu, former vice-president of Xinhua News Agency. Dated October 1, the letter described the current censorship system in China as a scandal and an embarrassment, dubbing the Propaganda Department "invisible black hands". The letter also demanded several changes including dismantling the system where media organisations are tied to government authorities; respecting journalists and accepting their social status; abolishing the cyber-policing system by stopping the deletion of articles or from the internet; confirming citizens' right to know crimes and mistakes committed by the ruling party; launching pilot projects to support citizen-owned media organizations and allowing media and publications from Hong Kong and Macau to be openly distributed in China.

Four journalists were detained by police of Yichun City, Chongqing for at least four hours on August 28 when they attempted to report on the aftermath of an aircraft crash by taking images at a victim's funeral, according to a *Beijing News* report. Police manhandled and handcuffed two of the journalists, who were then detained in a police station. Ten journalists then

protested in front of the police station with makeshift placards inscribed with the words: "Police can not abuse power by casually detaining journalists". The four journalists were later released with an apology from the Deputy of Yichun Security Bureau.

Other than demonstrations and protests on the street, signature campaigns have emerged as one method of advocating for media rights in Mainland China. In the Liao Yi, Chen Songbo and Qiu Jinyi case (refer to p8), when employer the *Chongqing Morning Post* reported on June 24 that no media workers had been detained, a group of journalists, media workers and scholars kicked off an online signature online campaign denouncing the newspaper's statement. More than 30 people signed the petition, with authorities responding by issuing a restrictive order on June 30 to prevent publicity about the group's action.

Although a ban was issued in November by the Central Propaganda Department on reporting the case of former journalist and public health campaigner, Zhao Lianhai, Guangdong Provincial Publishing Group's *Time Weekly Newspaper* included Zhao in a list of the 100 most influential people of China in its 108th issue. Following publication on December 9, authorities have asked the newspaper's senior management for an explanation, and the article has been deleted from the newspaper's online version.

#### Authorities' words back media freedom

Solidarity is the most powerful weapon when we fight for injustice, and even in Mainland China, sometimes fruitful results of this action can be observed. The GAPP issued a rare statement on July 30 noting the rights of media workers after journalists widely disseminated three recent cases of media rights violations: the Qiu Ziming case (p 8); the Chen Xiaoying case (p 7); and the incident at *National Business Daily* (p 7). Along with the July 30 statement, GAPP announced the establishment of a fund to ease hardship of media workers. The fund, set up by the All China Journalists Association and GAPP, aims to assist journalists, including by protecting journalists' rights if they are abused by others. *Southern Metropolis Daily* reported that Qiu was received a compensation payment of CYN 5000 (around US 650).

Premier Wen Jiabao also publicly confirmed the important role the media plays in reporting illegal activities and improper behaviour from officials in a speech to a National Meeting of government officials on August 27. In the speech Wen urged all government officials to strictly adhere to the law and steer away from corruption and encouraged officials to strengthen legislation in key fields in order to solve deep-seated economic and social development problems and ensure public ideas be fully reflected during the legislative process. Wen also called for a system of transparent and open government, as long as it does not carry state or commercial secrets or compromise individual privacy. Some areas should be open to the public including financial budgets, management of public resources, major construction projects and charities, he said. In addition, Wen urged improving the current

administrative supervision system and called on government departments to protect civilians' rights to directly supervise the government and support media exposure on illegal activities and improper behaviour by government officials.



Journalists protest in Yichun City after four colleagues were detained by police which resulted in the journalists' release.

Wen also said in an interview with US broadcaster CNN on October 3 that "Freedom of speech is indispensable for any country, especially a developing country." In the interview Wen noted it was important that China's government creates conditions in which people are able to voice their concerns and criticism of the Government's work. Where there is supervision and critical oversight by the people, governments are better placed to improve their performance as public servants, he said. Wen stressed that freedom of speech is enshrined in China's Constitution, but when questioned on internet restrictions and denial of free access to information, he clarified that free speech must continue to be defined by the Constitution and the law.

#### Writers detained, harassed

In 2010, a number of writers were jailed or harassed because they exercised their rights to freedom of expression which are enshrined in Article 35 of the Chinese Constitution.

Xie Chaoping, was detained by security officers of Weinan, Shaanxi on August 19 accused of illegally publishing a book for commercial sale. The book, *The Great Migration*, alleges the Weinan Government cheated farmers of land and compensation when it persuaded them to leave their homes to allow the Central Government to build the Sanmenxia Dam in the 1950s. Xie, formerly with the *Procuratorial Daily*, a paper controlled by the Procurator of the People's Republic of China, was released by the Procuratory Department for lack of evidence on September 17 but authorities then ordered Xie and his wife to leave Shaanxi immediately. Zhao Shun, an employee of the printing company in Langfang City, Hebei Province, that published Xie's book, was detained on September 15 by Weinan security officers. No information was available about his situation at time of writing.

Writers experiencing relatively lenient consequences, such as in Xie's case, are rare. Sichuan-based writer Tan Zuoren was sentenced on February 9 to five years' jail and three years' deprivation of political rights for inciting subversion of state power. His appeal to Chengdu Intermediate Court was refused on June 9. Tan was charged of inciting subversion of state power after he wrote articles in 2007 about the Tiananmen Square Massacre and posted them online. Tan was



A cartoon by Southern Metropolis Daily's Kuang, who was fined by his employer for disclosing a restrictive order.



also convicted of accepted interviews with foreign media. It is widely believed that he was also punished for writing about the 2008 Sichuan earthquake.

A Tibetan writer Tagyal, 45, was taken from his office by police to a Xining Prefecture police station in Qinghai Province on April 23 for unexplained reasons. His house was subsequently ransacked and his wife, Lhaso, interrogated on the same day. According to Radio Free Asia, a bookstore owned by Lhaso was also searched by police on April 12, when they seized several copies of a Tibetan-language book written by Tagyal, as well as two computers and other personal documents. Tagyal was detained for less than a week after he signed an open letter urging people to help victims of the April 14 earthquake in Yishu, Qinghai Province, by sending food, clothing and medical supplies as well as money directly to trustworthy contacts. It is unclear whether Tagyal's detention is related to his book or signing of the letter.

#### Uyghur unrest fallout continues

After the ethnic unrest in July 2009, many of

the Uyghur were put into jail. After a one-day trial in Urumchi, Uyghur journalist and webmaster Gheyret Niyaz was sentenced to 15 years in prison on July 23 for endangering state security by speaking to foreign journalists. Niyaz reportedly informed government officials about plans for demonstrations that had been posted on websites prior to unrest that occurred on July 5, 2009 in Urumchi, the regional capital of East Turkestan, and later criticised the government's handling of the unrest. Niyaz's wife Risalet was quoted in media reports as saying that Niyaz insisted in court that he had broken no laws and that he said he had acted in good conscience as a citizen and a journalist. Risalet stated that during Niyaz's trial, prosecutors presented essays Niyaz had written and used interviews he gave to foreign media in the wake of July 2009 unrest in Urumchi as evidence that he was guilty of endangering state security. Some observers believe Niyaz was arrested primarily because of an interview he gave to the Hong Kong publication *Yazhou Weekly* in July 2009 in which he criticised officials' handling of the unrest.

Prior to his arrest and detention in October 2009, Niyaz worked as a senior reporter for the *Xinjiang*

*Economic Daily* and as an administrator for the website Uighurbiz (<http://www.uighurbiz.net>). The website, founded by Uyghur economist and blogger Ilham Tohti, was created as a multilingual forum for news and dialogue between Uyghurs, Han and other ethnicities on ethnic issues and other topics. The website has been shut down a number of times by Chinese government authorities, and is currently hosted on a server in the United States.

Both Tohti and Niyaz have publicly criticised official economic policies and official policies toward Uyghurs although Niyaz is widely viewed as primarily holding pro-government views. Tohti was repeatedly detained and harassed throughout 2009 and the first half of 2010 for his outspoken criticism, and was recently barred from traveling to Turkey to attend an academic conference.

Chinese officials accused Uighurbiz and other Uyghur-run websites, including Salkin and Diyarim of inciting protests and violence on July 5, 2009 because they had announced plans for the July 5 peaceful

demonstration that took place at People's Square.

On April 1, a 32-year-old website administrator Gulmire Imin was sentenced in a closed trial to life imprisonment for the crimes of "revealing state secrets", illegally organising a demonstration and "splittism". Imin was invited to become an administrator for the website Salkin after having published a number of poems on various Uyghur websites.

The founder of the website Salkin, who goes by the name Nureli, was also detained after July 5, 2009 and remains in detention, as do the following website staff and bloggers: Memet Turghun Abdulla, a photographer who published an article online about attacks against Uyghurs that took place in Shaoguan, Guangdong Province, on June 26, 2009; Dilshat Parhat, who co-founded the website Diyarim; Obulkasim, an employee of Diyarim; and website supervisor Muhemmet. No reports have been made public regarding any charges filed against these individuals, and it is unclear where they are being held.

## Net tightens around jailed Peace Laureate Liu Xiaobo

Liu Xia, the wife of Chinese dissident Liu Xiaobo, last spoke publicly on February 11, 2010 after the Beijing High Court refused Xiaobo's appeal. She and Zhang Zuhua, one of the instigators of Charter 08, remain under house arrest.

Writer, scholar and democracy activist Liu Xiaobo, 55, was sentenced to 11 years' jail on December 25 in 2009 on charges of "inciting subversion of state power" and writing six articles during 2005 and 2007. His appeal failed in February 2010 and he is currently serving his fourth jail term. Liu is one of the instigators of Charter 08, a manifesto for democracy which calls for the upholding of freedom of expression and the rule of law, which was published on December 10, 2008 and originally signed by more than 350 scholars and activists.

Liu was first detained on the evening of December 8 2008, along with Charter 08 co-founders Zhang Zuhua and Jiang Qisheng, ahead of the charter's formal release. Zhang and Jiang were released the next morning, but did not enjoy complete freedom. They were followed by security officers, their phones and computers were bugged. "When sensitive periods are coming around the corner such as the National People's Congress meeting and the anniversary of Charter 08, they will pay more attention to us," Zhang reportedly said.



Immediately after the Norwegian Nobel Committee announced on October 8 that Liu would receive the 2010 Nobel Peace Prize, China's security bureau deployed scores of officers across the country to watch Liu's acquaintances and family members closely. The ramifications were widespread.



Chairman of the Norwegian Nobel Committee Thorbjørn Jagland regards the empty chair where the jailed 2010 Nobel Peace Laureate would have sat if China's Central Government had allowed him to attend the ceremony on December 10 in Oslo.



On the night of October 8, writers, scholars, dissidents and Liu's family members including his wife, Liu Xia, and brothers were on the receiving end of varying forms of harassment. In reports, some made directly to the IFJ, said they were harassed, detained, interrogated and their homes raided. Some, including Liu's wife Liu Xia, were prevented from leaving the country, and placed under house arrest.

That same night in October saw many Charter 08 supporters unable to celebrate, including blogger Wu Gan, who is known by his pen name Tu Fu, who was detained for eight days accused of "disrupting social order". An independent writer known by the pen name Ye Du was detained by Guangzhou security officers after he and others disseminated a leaflet about Liu on the street on November 2. Ye reported that he was accused of "disrupting social order" by police.

Some scholars such as Cui Weiping and Xu Youyu were forbidden to leave country to attend an academic conference in Czech on October 21.

Lawyers such as He Weifang and Mo Shaoping, Liu's defence lawyer, were unable to leave the country to attend an international legal conference in Britain on November 9.

At time of writing, Liu's wife Liu Xia and Zhang remain under house arrest and is forbidden from accepting media interviews or visits from representatives of various consulates. IFJ wrote an open letter to the President Hu Jintao and Premier Wen Jiabao to express our concern, citing breaches by the security bureau of the Article 17 of Regulations of the PRC Concerning Reporting Activities of Permanent Offices of Foreign Media Organisations and Foreign Journalists, Article 6 of Regulations for Hong Kong and Macau Journalists and Article 7 of Regulations for Taiwan Journalists, which clearly state that when seeking to interview individuals in China, journalists and media workers are required only to obtain the prior consent of the interviewee.

Liu is considered a taboo subject for Mainland China's media, and blanket bans on covering his name

are strictly enforced. Reports which mention his name or activities conducted by him or members of the Charter 08 group have been banned outright in all media in Mainland China since 2008. Following the October 8 announcement of the Prize, the censorship directives shortly followed, with orders issued by China's Central Propaganda Department instructing that no reports be made about Liu's sentencing or the pro-democracy movement in general. However as news that the activist was to be awarded the prize began to circle the globe, the Central Propaganda Department reluctantly allowed his name to appear in a small number of selected media. The content of these reports however was far from balanced, with stories was restricted to covering the response of China's Ministry of Foreign Affairs, which described the decision of the Nobel Peace Prize Committee was a "desecration of the spirit of the award".

The "Great Fire Wall", China's online censorship system, also became more sensitive. After the Nobel Committee announced they would reserve an empty chair for Liu at the ceremony, the words "empty chair" could not pass through the digital gatekeepers. Foreign media organisations such as the BBC, Norwegian Broadcasting Corporation, CNN and the Nobel Peace Prize official website were blocked until the ceremony finished, with the exception of the Norwegian broadcaster which at time of writing was still blocked by the authorities.

On the eve of the ceremony, one of Mainland China's largest and influential media groups warned all staff members not to speak or write about Liu Xiaobo in their personal blog or microblogging sites. A senior officer of the Chinese Liaison Office of Hong Kong, a Central government agency based in Hong Kong, called four Hong Kong television broadcasters in the middle of the night on December 9 and requested that they not air live broadcasts of the ceremony. "They even used a stern tone," a journalist told the IFJ.

As the ceremony approached suppression by the authorities intensified. The Independent Chinese Pen Centre reported that more than 30 of its own members, including board members and vice presidents, along with hundreds of other Chinese citizens, have been harassed, summoned for interrogation, placed under house arrest or prevented from travelling from mainland China following the announcement of the prize in October. Amnesty

International also reported that more than 200 Chinese were forced to leave their homes, placed under house arrest or had their communications blocked since October.

On December 10, the day of the ceremony, Mainland publications went into overdrive, pursuing the line as instructed by the authorities, with a glaring absence of balance in reporting. *China Daily* republished an article which appeared in a Norwegian newspaper on December 4 written by a foreign commentator and said that "the Norwegian Nobel Committee has insulted the Noble Peace Prize." *China Daily* published a Chinese criminal law experts said the decision to give the award to Liu smacks of anti-Chinese sentiment. It was one of many reports in the newspaper that continued to deride the Prize in the days that followed.

China's authorities not only sparked a propaganda war on the subject but also were alleged to have organised Chinese nationals based in Norway to protest on the day of ceremony at the China's Consulate in Oslo.

Since the October announcement of the Prize, China's authorities worked to persuade their counterpart nations including Russia, Iraq and Cuba to boycott the December 10 ceremony. Some 19 countries that did not send any representatives, including the Philippines which claimed that decision was made out of safety concerns for Filipinos who are soon to face trial in China

A civil group in China swiftly created a Confucius Peace Prize and arranged a ceremony presentation on December 9, the eve of the Nobel presentation ceremony. It is widely believed that the Confucius Peace Prize was aimed at undermining the Nobel Peace Prize and was supported by China's authorities. Reports said that Lien Chan, the recipient of the inaugural Confucius Peace Prize, was not aware he had been chosen or that such a prize was in existence or named after the famed Chinese sage.

More than 10,000 people worldwide, including inside China, are said to have signed Charter 08 since it was released, but the voices of Liu, his family members, acquaintances and colleagues, independent writers and fellow initiators of the charter are yet to be heard in China.



Pro-China protesters take part in a rally in Oslo on December 10 to voice their opposition to the awarding of the Nobel Peace Prize to jailed Chinese dissident Liu Xiaobo. Amnesty International (Norway) reported that they participated in protests under pressure from China's authorities.



Police halt celebrations of Liu supporters in China.



Supporters including two pro-democracy legislators of Hong Kong, Albert Ho (centre) and Cheuk-Yan Lee (right) lead a parade in Oslo demanding that the Central Government of China release Liu unconditionally and immediately.



# Guangdong Media Breaking Through Adversity

Lao Ka

Guangdong media has always been regarded as the weather vane of public opinion which is trying hard to rid itself of government control, actively and reactively. This perception, though may not be true, reflects both citizens' anger displayed (towards media control) and their yearning for freedom of speech.

It is customary for media to do end-of-year summaries or recounts. In China, Nanfang Media Group's *The Southern Weekly (Nanfang Zhoumo)* has two such articles that are both representative and influential; namely, "Man of the Year" and "Annual List of Salutation". The articles have been running for a decade, winning much attention from readers due to the company's reputation and quality. This year, however, readers of the newspaper were greatly disappointed as both articles disappeared.

Before the Reform and Opening-up Policy was introduced in China, these articles and other events have always been strictly controlled by government for ideological reasons. For example, the China News Awards and Fan Changjiang Awards must be approved by the Central Propaganda Department and the All-China Journalists Association, with the selection criteria matching that of the official propaganda. However with media becoming more and more market-driven, these events are expected to be able to represent both the market and the official views. The "Annual List of Salutation" founded by *The Southern Weekly*, began as an awards-based event but was later banned by authorities. The same thing happened to the "Chinese Language Media Awards" founded a few years ago by a fellow Nanfang publication, *Southern Metropolis Newspaper (Nanfang Dushi Bao)*. The event has been renamed "Chinese Language Media Presentations" following the Department's interference last year.

After Liu Xiaobo was awarded of the Nobel Peace Prize in October 2010, China's Communist Government has exerted yet more control on the media. The two annual aforementioned events of *Nanfang Zhoumo* have been halted, and those conducted by *Nanfang Dushi Bao* have also felt the pressure.

Not all such events have been halted. But most media are extra careful hence most of the annual selection activities are lack-luster, except for *Time Weekly* in Guangdong. The newspaper, founded two years ago by the State-owned Guangdong Provincial Publishing Group, has nothing impressive about its contents except for its comment page. On December 9 the Weekly published "The Time 100", a list of *Time's* 100 Most Influential Persons, which included: Beijing

Film School Professor Cui Weiping; scholars Xu Youyu and Mao Yushi; tainted-milk activist Zhao Lianhai; renowned journalist Wang Keqin; and, commentator Chang Ping. All are known for their involvement in activities exposing shady activities of the authorities and thus are considered to be sensitive figures.

Since the publication of "The Time 100", the Central Propaganda Department has ordered that the media not carry the story. *Time Weekly* was ordered to recall magazine copies from newsstands, and the magazine's parent company was ordered to have an "internal rectification" and demand the resignation of the Peng Xiaoyun, the editor responsible for the story.

As usual, such moves only sparked more attention. Peng Xiaoyun's plight has ignited protests from the cyber world. Guangdong Provincial Publishing Group has been criticised by some media personnel, scholars and netizens; forcing it to withdraw the request for Peng to step down. Peng has since been suspended of duties by the Group citing further investigation.

Another storm came from *Southern Metropolis*. On December 12 the newspaper published a picture of a Japanese crane and an empty chair to illustrate a report of the Asian Games' opening ceremony in Guangzhou, only two days after this year's Nobel Prize Presentation Ceremony in Oslo on December 10, where an empty chair was placed on the stage to symbolize Liu Xiaobo. The act by the paper was widely interpreted as a statement in support of Liu. The Nobel laureate is seen to be the crane which is, when pronounced in Chinese, means "congratulations". The empty chair echoes the Nobel ceremony.

However, it is understood that *Southern Metropolis'* editors thought otherwise. While the public sentiment ran wild, the newspaper's management asked for understanding from the Propaganda Department. Prior to Liu's award, China has always yearned for recognition by the Nobel Prize Committee. This "Nobel complex" has always enjoyed media notice and comments, until Liu's award was made public. Since then, "Nobel Prize" has suddenly become a sensitive phrase, even "empty chair" has been deemed too sensitive for the public. Such a contrast was too difficult for the public to endure, which resulted in the high hopes being displayed towards *Southern Metropolis*, creating the hero. The situation talks to the level of public anger pertaining to speech control and how suppressed people will search for a voice.

Such a hunger for heroes is an urgent expectation and has become a new incentive for those who work

in the Nanfang Media Group. Professor Ai Xiaomin, of the Chinese Department of Zhongshan University in Guangzhou explains:

"In fact, what we should reflect upon is, why is there so many sensitive words, why do so many dates become sensitive dates, many symbols become sensitive symbols. As such, even a chair has become a symbol (for democracy) now. I think this is becoming ludicrous, a very ludicrous situation."

Professor Ai is known for her fights against the moratorium on free speech, with many in the Nanfang Media Group said to be her friends. She has been named on *"Southern Metropolis Newspaper's"* newly created "Chinese Language Media Public Interest Awards" this year as a "Scholar of Conscience", along with other famous scholars like Yuen Weisi and Public

Interest lawyer Gua Jianmei.

Also of the Nanfang Media Group, *The Southern People's Weekly, (Nanfang Renwu Zhoukan)* has published a cover story of former Soviet Communist Party Chief Gorbachev in its first issue of 2011. Gorbachev, as the reformist of Communist Party in Russia, was considered "messing up" the Soviet Russia. It is said that Chinese Communist Party leaders, when summarising the lessons learnt from their Soviet counterparts, decided the focal point is to be "lenient on media control". The newspaper has treaded carefully on the Gorbachev story with positive comments, which has in turn prompted much thinking and conjecture on the Internet with one reader asking: "Where is China's Gorbachev?"

## The Golden Gap: Reporting the truth in Mainland China Breaking Through Adversity

Wu Sheng

On July 28 July 2010, media flocked to Wanshou Village, Qi Xia Qu District, Nanjing, following a chemical plant explosion. Ye Hao, Nanjing City Government's Propaganda Department Chief confronted reporters, asking: "Where [what unit] are you from? Who allows you to stage a live broadcast?"

As a reporter, I could only cast a bitter smile. Such scenes are all too familiar with similar forms of interrogation happening all the time in Mainland China. Apart from Mr Ye's case, other hot incidents that attract national concern are no rarity. They include the "Hongzhong snatching pen" incident that occurred during the Chinese People's Political Consultative



Convention and the National People's Congress in 2010; during which Hubei Province Chief Li Hongzhong snatched the reporter's recording pen when asked about the prominent case of Deng Yujiao and shouted: "Where [what media] are you from?" The same thing had happened during the 11th All China National Games in 2009 when Zhou Jihong, leader of the National High Board Diving Team faced questions from the media over a number of sensitive issues.

Such reactions from officials come from their view that they are being offended by the media, a revelation of the reality Chinese media workers face today. China's media has always been considered a "mouthpiece" of the government; this reality of the system is unchanged. Many media personnel have pretended to "forget" this, and officials react by sounding them out before dragging them back to reality.

This is what media environment in China is: the appearance of relaxation in a tightly-controlled environment. The birth of many "quasimarket-based" media organisations and the advance of the Internet age has also prompted severe competition which has allowed some space for media personnel to dig out the truth. However, reporters are always faced with hindrance and pressure.

And that's why I opened this article with the question: "Where [what unit] are you from?" It is the most common hindrance I encounter during my working life.

As an investigative journalist of a "quasimarket-based" media organisation, a prerequisite of my reporting life is an identity shield; a shield which protects me from local government and Communist party officials.

In 2007, the Central Propaganda Department issued an order that "media are not allowed to monitor in a non-local role". I did not see this document myself, but my own experience has proven that the order exists. Every time I encounter local propaganda officials, the first thing they say is: "Don't you know media is not allowed to monitor in a non-local role?" Not only is it difficult for us to obtain official information, but requesting information is probably asking for more trouble.

For example, in July 2009, media flocked to the scene when the general manager of Tong Hua Steel Corporation in Jilin Province was beaten to death by workers, but on the next day many media organisations including Southern Metropolis Newspaper received notice that there had been an order from superiors requesting frontline reporters to back off the story. According to our analysis, this order was not sent by the Propaganda Department but by Jilin Province officials instead, and that it may even have been a favour bestowed on media such as Southern Metropolis. We'd dub it "target clearance".

Similar cases are rampant. Many experienced journalists realise that when faced with an important incident, they must hide their identity and not to publish anything online to minimise adversity from the authorities. Thus the journalist can gain three to seven days before a non-publication order finally arrives from Propaganda Department. These orders never miss their targets and always arrive sooner or later, depending on the relationship between local and central government officials.

This three to seven day period is known as the "golden gap". It is crucial for me during the gap to interview as many sources as possible, and report as often as possible. Of course, the government is an important information source and must be included, but we may adopt different approaches when contacting them. We either anonymously attend official press conferences or cooperate with fellow reporters who have already been exposed. A journalist's identity must be guarded for as long as possible.

Revealing one's identity bears certain risks. In October 2008 when six police officers beat an individual to death, a Xiaoxiang Chen Bao newspaper reporter was twice detained by different police stations. When learning of the reporter's identity, police in Harbin stared at him and posed a threat by patting at their rifles. In some cases, officials would not be that "gentle".

When covering an air accident in Yichun in September, four reporters were held by the police. Among them was a photojournalist from Fazhi Wan Bao newspaper, who made his identity known when reporting from a local funeral parlour. The journalist was detained in a police car, with officers chanting into his ears: "It is reporters like you that we are to catch." A Peninsular Morning Post photojournalist had his arms twisted and neck held down when pushed into a police car in the same incident.

The case sparked a public protest, with 20 reporters displaying placards which said that "Police cannot abuse power by casually detaining journalists". The action resulted in the journalists being released and a local policeman apologising in a personal capacity, admitting to the journalists: "I am an uncivilised guy".

The incident ended just like that. To my knowledge, those media organisations that had their reporters detained did not seek further information or demand an official apology from the authorities. Nor did the organisations express their views to their superiors - the Central Propaganda Department or General Administration of Press and Publication of the People's Republic of China (GAPP) - that journalists' right to report must be protected. Reporting non-local events is brushing against official orders and is considered by propaganda departments that when doing this media organisations are inflicting trouble on themselves and "grandma" (the authorities) cannot always be expected

to smooth things out when trouble occurs.

There are times however when "grandma" does come out and say a few words. In July, Qiu Ziming of Economic Observer, was named a "wanted man" by Suicheng Province Police Station of Lishui in Zhejiang and listed on its website due to his report on listed company Zhejiang Kan Specialties Material Corporation, in Suicheng.

A great deal of media coverage was generated on Qiu's plight as a fugitive. Many had received a response from the GAPP that said "support has always been given to reporters on legal execution of reporting rights and monitoring. We insist on zero tolerance on attacking reporters and acts of vengeance". This had been interpreted as an official stance of support towards the media. In less than two days, Suicheng Police Station lifted the hunt on Qiu and issued an apology to him and his media organisation. At almost the same time in Shanghai, employees from Bawang Group were reported to be attacking National Business Daily reporters and caused disruption to the media organisation. The GAPP adopted the same approach,

citing support of media organisations. Bawang Group eventually responded with an apology to the newspaper.

It is worth noting that in these two incidents, The GAPP took a very reactionary approach and only responded with an official line after it was confronted. Be it the Central Propaganda Department, that is "big grandma", or the GAPP, "small grandma", no system has been adopted to protect journalists' reporting rights. Therefore, incidents like these have not improved the overall reporting environment in mainland China at all.

However, whether it is the reporters who hold placards or those with their perils exposed by fellow media, it is clear that a covert media community is forming here. Through looking out for each other, media and reporters together form a shield that protects and expands the depth and breadth of press freedom. While searching for truth in that gap, we are also working hard to widen it, enlarge it. It is through these efforts that we are to free ourselves from detention and harassment and advance press freedom on all fronts

## Restrictive Orders 2010

This list does not include all orders issued as access to these directives is challenging. Individuals who distribute the orders risk imprisonment.

### January

Unknown date : Media must not report on any negative petitions or lawsuits. Central Propaganda Department.

Unknown date : Ban on "negative" reports related to the Wuhan-Guangzhou railway, which launched a high-speed public train service.

Unknown date : Media must not report a lawsuit by the United States Judiciary Department and Security Exchange Commission against Chinese telecommunications company UTStarcom for alleged bribery. Central Propaganda

Department.

January 12 : Media must use Xinhua when reporting Google pull out of China and all online commentary about Google should be heavily censored and not to be placed prominently in news reports.

January 21 : Media must use Xinhua when reporting United States Secretary of State Hillary Clinton attended the internet freedom forum .

### February

February 4 : Media must not report independently or comment on a corruption case involving Yu Bing, the former Director of



	the Beijing Municipal Public Security Bureau's IT Network Security Alarm Services. Yu was charged with accepting bribes from Rising Software Company to deter Microsoft in its application to list on China's stock-market. Central Propaganda Department.	<b>March</b>	
Unknown date :	Media must not independently report a case involving chairman of Hong Kong-listed GOME Group Huang Guangyu, who was charged with stock-market manipulation. State-owned newspaper Wen Wei Po reported that many senior civil servants are also under investigation in the case. Central Propaganda Department.	March 1 :	A joint editorial published simultaneously by 13 newspapers across China be removed from the internet. The editorial, published on March 1 in the newspapers and its websites requested that members of the Standing Committee of the 11th National People's Congress urge the Central Government to speed up reforms to the system of residency permits. Central Propaganda Department.
February 22 :	Media must not report a protest on February 22 held on Beijing's Chang'an Avenue by a group of artists complaining about police inaction on attacks against them at their studios, the first time a protest was held on the main avenue leading to Tiananmen Square since the 1989 massacre. Beijing Propaganda Department.	March 2 :	Media must not comment on proposed amended election legislation of PRC during the Standing Committee of the 11th National People's Congress. Central Propaganda Department.
February 24 :	Media must not report a directive issued by the Ministry of Education in China posted on some mainland university websites, that charity organisation Oxfam Hong Kong had "ulterior motives" and was associated with human rights groups. The directive urged students not to apply for Oxfam's volunteer programs. Central Propaganda Department.	Unknown date :	Media banned from reporting on any matter related to threats made by Hubei governor Li Hongzhong against a Beijing Times reporter on March 7. The order banned all media reporting and online discussion about an incident in which Li refused to answer the journalist's question, demanded the name of her employer, confiscated her recording device and threatened to contact her boss. Central and provincial propaganda departments.
		March 15 :	Negative coverage of new Civil Aviation Administration policy must not be published on the internet. China State Council Internet Propaganda Administrative Bureau.
		March 17 :	All reports related to the distribution of spoiled vaccines in Shanxi

	province were deleted from the internet after a China Economic Times reported on March 17 that improperly stored defective vaccines had killed or disabled almost 100 children. China State Council Internet Propaganda Administrative Bureau.		City Mayor Zhang Guosheng, 44, who reportedly fell from a government building in Fujian Province on April 8. Reports before Zhang's death alleged he was under investigation by the Central Communist Party. Central Propaganda Department.
March 22 :	Total reporting ban on the trial of four Rio Tinto employees charged with commercial espionage and bribery. Central Propaganda Department.	April 11 :	Media is banned from reporting on the death of Polish President Lech Kaczyński in an aircraft accident. Central Propaganda Department.
March 23 :	Media must source information about Google's decision to shift to Hong Kong only from the state-owned Xinhua News Agency. The directive also stated that any material including text and images supporting Google's position must be removed from the internet. Central Propaganda Department.	April 15 :	Media must produce only positive reports of the government's rescue efforts in the aftermath of the earthquake in Yushu, Qinghai province on April 14. Central Propaganda Department.
March 26 :	Chongqing Evening Post ordered to delete an article lamenting Google's withdrawal from China. Chongqing Propaganda Department.	April 17 :	Media must not report on efforts by Tibetan Buddhist monks to rescue victims of the Yushu earthquake or the exiled Tibetan spiritual leader the Dalai Lama's wishes to visit the earthquake zone. Central Propaganda Department.
<b>April</b>		April 30 :	Reports of 'spontaneous news' and interviews with the organisers or attendees of the Shanghai Expo (May 1 - October 31) are banned. Central Propaganda Department.
April 7 :	Media outlets must source their coverage of civil unrest in Kyrgyzstan from Xinhua, and must delete negative reports about the issue from the internet. Central Propaganda Department.	<b>May</b>	
April 8 :	Media must produce only positive coverage of rescue efforts regarding 153 workers trapped in a flooded coal mine in Wangjialing, Shanxi Province. Central Propaganda Department.	May 13 :	Mainland online media must not post reports relating to bilateral talks between China and United States diplomats on the front page of their websites. All content about the talks must be "correctly" reported, and reports must not mention the US delegation's references to China's human rights reputation,
April 8 :	Media must not report on the death of Putian		



	religious freedom and internet censorship. The State Council Information Office.	<b>July</b>	
May 15 :	Ban on all independent reports on the April 29 trial of a suspect charged with mass murder at a kindergarten in Taixing City, Jiangsu. Orders had earlier banned reporting of the killings. Central Propaganda Department.	July 5 :	Media must use only Xinhua reports about a new regulation requiring China Communist Party leaders to register personal data about themselves and their family members. Central Propaganda Department.
May 20 :	Media must use only information from China's Foreign Ministry and Xinhua when reporting on the sinking of a South Korean navy ship on March 26, which was found to have been attacked by North Korea. Central Propaganda Department.	July 12 :	Media must not report an allegation that former CEO of Microsoft China Tang Jun was involved in a fake doctoral degree incident. The case was a hot topic online in China, prompting journalists to investigate whether any celebrities in China were involved in obtaining academic results unethically. Central Propaganda Department.
May 31 :	Online media must not republish a Beijing News article that questioned the expenditure of 200 million yuan (around 30 million USD) by the Hukou County government on a tree-planting scheme. The story reported villagers who had signed up for the scheme had complained that the government had not honoured its promises of compensation and replanting new trees in exchange for logging larger trees on their properties. Jiangxi Propaganda Department.	Unknown date :	Provincial city newspapers must not exchange information leading to publishing negative articles written by newspapers of other provinces. City newspapers must source state-owned media when reporting on spontaneous news, unless an event is viewed a staff reporter at the scene. Central Propaganda Department.
		July 18 :	Restrictive orders must not be disseminated online. Central Propaganda Department.
<b>June</b>		July 22 :	Media must not report that writer Han Han, visited Hong Kong.
June 1 :	Independent reports banned regarding a case involving a former civil servant who allegedly killed three judges and seriously injured a policeman in Lingling District, Yongzhou prefecture-level city, Hunan province. Central Propaganda Department.	July 22 :	Reports must only use Xinhua coverage regarding a dispute regarding the protection of the colloquial language, Cantonese, in Guangzhou. Guangdong Provincial Propaganda Department.
		July 28 :	Media must not report or broadcast

	images of an explosion of a chemical factory on July 28 which left at least five people dead. Online media must not mention the explosion in the headline but may upload Xinhua reports or information from the Nanjing government's website. Relevant topics must not be discussed in forums or blogs. Nanjing Propaganda Department.	August 8 :	Journalists must not be sent to the vicinity of a mudslide on August 8 in Zhouqu County, Gannan Tibetan Autonomous Prefecture, Gansu Province. Media must rely on Xinhua reports, which said that the mudslide killed at least 127 people and more than 1000 were missing. Central Propaganda Department.
<b>August</b>		August 9 :	Online media must delete reports about the cause of the Zhouqu County mudslide (above) and reports that a panda breeding zone was affected. Gansu Propaganda Department.
August 1 :	Media must not report on a rally in Guangdong to protect the city's colloquial language. Guangdong Provincial Propaganda Department.	August 10 :	Media organisations must not send journalists to Gansu and Jilin to report on the mudslide and flooding disasters. Media must not report the cause of the flooding and should rely on Xinhua reports. Central Propaganda Department.
August 2 :	Media must not report any news about the successor to Warren Buffett, chairman and CEO of Berkshire Hathaway Inc. Central Propaganda Department.	August 10 :	Media must stop reporting or re-publishing articles related to Li Yi, a Taoism spiritual leader in Chongqing and a former vice-chairperson of Chinese Taoist Association, who was allegedly involved in a sex scandal and cases of fraud. Li's real name is Li Yun. Chongqing Propaganda Department.
August 3 :	Media must not report the killing on August 3 of three toddlers at a kindergarten in Boshan District, Zibo City, Shandong Province. Shandong Propaganda Department.	August 12 :	All online media must positively promote the evacuation of those affected by the August 8 Zhouqu landslide and media must not send journalists to cover the story. Gansu Propaganda Department.
August 4 :	Media must not report the flooding at Huludao, Liaoning Province.		
August 6 :	Online media must not report or republish articles related to homosexual topics.		
August 6 :	Media must not report or investigative reports that an employee of Foxxon Technology Group suicides at a factory in Suzhou, Jiangsu province. Central Propaganda Department.		
August 6 :	Media must rely on information from government authorities		



August 12 :	Media must not republish Hong Kong media reports about a rally on August 12 about the protection of Guangdong province's colloquial language. A similar rally was held in Guangdong on August 1 but no media in Guangdong covered the event. Guangdong Provincial Propaganda Department.		Philippines police on August 23, after a tour bus with 22 passengers was hijacked by a former policeman in Manila. The order said all media in China should report positively on the evacuation of the victims and survivors of the incident, and there should be no reporting or sensationalist comment which could disturb bilateral relationships with the Philippines. Journalists are required to report directly from statements issued by China's Foreign Ministry. Central Propaganda Department.
August 13 :	Media must stop reporting that Synutra formula was the suspected cause of infant girls appearing to experience early sexual development. The order followed a series of media reports in early August about three baby girls in Wuhan, Hubei Province, central China, who were found to have an appearance of early sexual development after they had consumed the milk powder for a period of time. Central Propaganda Department.	August 23 :	Media must not report that a university student was found dead on August 23 outside a building at Shandong University. Shandong Propaganda Department.
August 19 :	Media organisations must not send journalist to cover the trial of Zhu Cainian, who with seven other people was suspected of killing a Uyghur in Hubei. Central Propaganda Department.	August 24 :	Media must not focus on government officials injured after an aircraft with 96 passengers crashed on August 24 at Yichun City airport, Heilongjiang Province, killing 42 people and injuring 54. A number of government officials were among those who died in the crash, which was widely covered by media from several provinces. Central Propaganda Department.
August 19 :	A ban on all media reports was issued immediately after an explosion on August 19 in Aksu City, Xinjiang, Uyghur Autonomous Region, in which 14 people were injured. The order also said media must not republish any reports by Xinhua or Xinjiang local media outlets or compile individual reports about the incident. Central Propaganda Department.	August 28 :	No journalist should be sent to the scene of the August 24 aircraft crash at Yichun City and if already there should immediately leave the vicinity. The order came after at least four journalists were detained by police for at least two hours and ten journalists protested their detention. Central Propaganda Department.
August 23 :	Chinese media must avoid any negative reporting of a hostage crisis in the Philippines. Eight Hong Kong tourists were killed in a day-long siege by	August 30 :	Media must not report on elections of Vietnam's Secretary of Communist

	Party and Members of Parliament. Central Propaganda Department.	Unknown date :	Media must positively report that the Central Government is determined to stabilise the price of agricultural products and in reports must not exaggerate the pricing of such products. Central Propaganda Department.
August 30 :	Media must carefully report a demonstration in Hong Kong on August 29 about the August 23 bus hostage deaths in the Philippines because the aim of the demonstration has an ulterior motive. Central Propaganda Department.	September 15 :	No publication of the so-called disclosing of official secrets in fictional works. Central Propaganda Department.
<b>September</b>		September 15 :	Remove all video and links to a report that three owners set fire on themselves on September 10 in Yihuang county, Fuzhou City, Jiangxi Province, to protest that the local government forced them off their land without enough compensation. Jiangxi Propaganda Department.
September 3 :	Media must no longer broadcast and delete relevant content from promotional trailers about Fang Shimin (pen name Zhouzi), who was beaten up by unknown assailants on August 29. Fang, a well known academic who blew the whistle on academics who were allegedly involved in fraud, was beaten up by unknown assailants after he accepted an interview.	September 16 :	Media must not use any online forum, blog or similar to report the September 10 incident (see September 15 order above). The order said anyone breaching the order would receive a warning before being removed from their positions. Jiangxi Propaganda Department.
September 3 :	All media must compile positive reports on a new regulation that requires all mobile phone subscribers on the mainland to register their identification before they can buy a new SIM card. Central Propaganda Department.	September 16 :	Media must not report the high vacancy rate of residential apartments and people's insufficient income resource problem. Central Propaganda Department.
September 6 :	Media must not report on the new election system for Vietnam's Communist Party Secretary. Central Propaganda Department.	September 18 :	All media should leave promptly from the Jiangxi and not interrupt the victims of the September 10 incident (see September 15 order above). Jiangxi Propaganda Department.
September 6 :	Media must not make any further reports that the Jiansu Education Bureau changed the curriculum. Jiansu Provincial Propaganda Department.		

September 22 :	Media must not independently report or publish commentary about four Japanese employees of a private Japanese company in Hebei Province who illegally entered an army zone on September 22. Reports must be based on Xinhua and should not be place on the front page of newspapers or promoted to readers. Central Propaganda Department.	September 29 :	Media must not publish negative reports about Chairman of Jiangsu Hangpu Recycling Resources Ltd Chen Guangbio.
		September 29 :	Phoenix Weekly magazine must be removed from the shelves of book stores and street vendors in Beijing and Guangzhou.
		<b>October</b>	
September 26 :	Executive controller of a bulletin board service BBS1984 must not attend a football match of online media organisations. Beijing Online Administrative Office.	October 8 :	Media must not report on the Nobel Peace Prize unless specifically allowed to report on the matter. All reports must be based on Foreign Ministry statements. All topics relevant to the prize must be deleted from the internet. Central Propaganda Department.
September 27 :	Media must not make any further reports relating to security company Anyuanding which was reported to be illegally detaining citizens who went to Beijing to file a formal complaint of malpractice against local employees. Earlier reports had also disclosed the company was under the instruction of some provincial governments. Media organisations breaching the order risked a fine, the order said. Central Propaganda Department.	Unknown Date :	Journalists must not be sent to Baoding county, Hebei Province, report on a deadly car accident involving a son of Deputy Director of Security Bureau of Baoding Li Gang. The suspect, Li Qiming, allegedly ran over two university students on October 16, killing one and seriously injuring the other. Li allegedly shouted "sue me if you dare, my dad is Li Gang!" when he was arrested by security guards. The case attracted media attention across the country. Central Propaganda Department and Hebei Propaganda Department joint order.
September 28 :	Media must not report or show images of Li Lu, former student leader of 1989 Tiananmen Square protests who attended a meeting of Hong Kong listed company Biyadi on September 28 in Beijing. Instead media may only use images of Warren Buffett, who was also at the meeting. It had already been reported Li might be the successor of Warren Buffett as a CEO of Berkshire Hathaway. Central Propaganda Department.	<b>November</b>	
		November 8 :	Media must not report comment on a case of another male employee of Foxconn Technology Group who from a company building in Shenzhen. Guangdong Provincial Propaganda Department.
		November 8 :	Media must not report on excessive levels of

			the chemical thallium discovered in the upper streams of Bei River, a northern tributary of the Pearl River in southern China. Guangdong Provincial Propaganda Department.	
November 8 :	Media must not report on artist Ai Weiwei, who had arranged a "Harmonize" banquet, an event mocking Chinese authorities. Beijing Provincial Propaganda Department			deadly fire in a high-rise residential building in Shanghai on November 15 which killed 58 people and injured up to 100. Reports should be based on Xinhua reports and stories should not be posted as the headline story. Media must delete all criticism of the Local Government's response to the fire from the internet. State Council Press Administration and Shanghai Propaganda Department.
November 9 :	Media must not report an incident of water pollution in Conghua City, Guangzhou which caused an outbreak of intestinal disease. Guangzhou Provincial Propaganda Department.	November 15 :	All reports about a ship, the Yuan Xiang, should be based on the Central Propaganda Department's official press release. The ship, with 20 Chinese crew members, was hijacked on November 12 by pirates in the Somali Basin. Central Propaganda Department.	
November 10 :	All media must begin publication of a dedicated column on the Asian Games. Central Propaganda Department.	November 15 :	Individual reports must not be made of an incident at the 10-metre air rifle event at the Asian Games. The order followed an incident where a judge of the event mistakenly stopped an athlete representing Kazakhstan from shooting, causing her to come in second place after a Chinese competitor. Guangzhou Provincial Propaganda Department.	
November 11 :	No reports or comments should be made about a mainland journalist who was the recipient of a press award in Taiwan. Central Propaganda Department.			
November 15 :	No further reports can be made about Zhao Lianhai, representative of victims and families in the Sanlu tainted milk scandal who was jailed on November 10 for two years and six months for accepting media interviews. Central Propaganda Department.	November 29 :	Individual reports must not be made about an incident on November 29 when more than one hundred primary school students fell down a staircase and were hurt at school in Aksu Prefecture City, Xinjiang. The order said reports should be based on Xinhua accounts of the incident. Central Propaganda Department.	
November 15 :	All media reports of a meeting between Chinese President Hu Jintao and Japanese Prime Minister Naoto Kan must be based on Xinhua reports. Central Propaganda Department.			
November 15 :	Media must not independently report a			



# Foreign Journalists

Article 17 of the Regulations of the PRC Concerning Reporting Activities of Permanent Offices of Foreign Media Organisations and Foreign Journalists states that when seeking to interview individuals in China, journalists and media workers are required only to obtain the prior consent of the interviewee. However these regulations exist merely on paper and not in practice, with no discernable implementation during 2010.

## Correspondents under pressure

Along with this disappointing reality, reports of intimidation and harassment of Chinese assistants working for foreign correspondents were much higher than in previous years. A report in May by the Foreign Correspondents' Club of China (FCCC\*) revealed that more than one-third of Chinese assistants, or 37 per cent, had been harassed, pressured or intimidated at least once in the previous year. The information, obtained through a survey by the FCCC in May, found that another 12 percent said such incidents had occurred three or more times in the same period. The FCCC's membership consists of many foreign correspondents working in China but it is not recognised by China's Government.

A German television journalist and his Chinese assistant were interrogated and threatened with sacking by Beijing police on May 4 after the Chinese assistant reported on plans to demolish a migrant school in Chaoyang District, Beijing, on April 30, as instructed by his German colleague Pia Schrörs.

The FCCC called for an end to the continued harassment and intimidation of Chinese employees of foreign journalists and believes their protection is in keeping with accepted international reporting practices.

Foreign journalists also received various forms of interference during interviews, while others reported that their email accounts had been infiltrated.

In March, 10 Beijing-based foreign journalists and the IFJ's Hong Kong-based China coordinator complained that their private Yahoo! email accounts had been infiltrated. Some of the group reported that private emails had been forwarded to unknown people without permission. Staff from Yahoo! Hong Kong reportedly contacted some of the affected journalists to alert them to unusual movement in their accounts but did not provide further details. The IFJ understands the journalists do not know how their accounts were hacked, or by whom. A FCCC statement on March 31 confirmed eight cases where the Yahoo! accounts of China and Taiwan-based journalists had been hacked, with several accounts automatically disabled by Yahoo!

\*FCCC statement was published on 7 May 2010, for further details: <http://www.fccchina.org/2010/05/07/fccc-deplores-intimidation-of-news-assistants/>

on March 25.

In addition to this breaches of privacy, the FCCC temporarily deactivated its website on April 2 following a series of denial-of-service (DoS) attacks, apparently originating from computers in China and the United States. These attacks can be orchestrated by multiple users simultaneously connecting to a site and overwhelming its host server's capacity. "We do not know who is behind these attacks or what their motivation is," the FCCC said in a statement.

Cyber interference aside, foreign correspondents were far from enjoying the protection of Article 17 of the Regulation, instead receiving high levels of interference from government officers.

During North Korean leader Kim Jong-il's visit to China a group of foreign journalists were detained on May 3 by police without explanation. According to local sources, three journalists from Japan were detained for two hours in Dalian, in China's northeast, while trying to report on Kim's visit to the area. Japanese newspaper *Asahi* reported on May 3 that one of its journalists, known as Nishimura, was detained and understands that two other reporters from newspaper *Yomiuri Shimbun* and Japan's Government broadcaster, NHK, were also held. *Asahi* has reportedly filed a complaint about the incident with China's Foreign Ministry. "When we explained that we were allowed open coverage in China under the post-Olympic Games media regulations, the police replied that these were special circumstances and no media was allowed to report freely," one of the journalists said, according to reports. Several other foreign journalists, including some from South Korea, experienced similar harassment when Kim visited Shangdong and Tianjin provinces on May 4.

On June 7, Marianne Barriaux of *Agence France-Presse* encountered interference while reporting from Dujiangyan, inside the 2008 Sichuan earthquake zone. According to the FCCC, Barriaux had just arrived in the village and conducted a 20-minute interview with a child who had lost its mother during the earthquake when police arrived and took them to the local station. The journalist and her driver were interrogated by the police for at least two hours. The police then further demanded they go to the local Propaganda Department to register.

Propaganda Department staff members then took them back to the village where the media had originally visited, and interviews were conducted in the presence of the officials. Barriaux said that, to her surprise, the department staff took them wherever they liked in what she believed was "a sign of them trying to open up, in their way, in an area that has been under such

lockdown".

Guangdong police attempted to block foreign media access to and reporting of an August 1 rally calling for the protection of the city's colloquial language. Journalists in China were banned from covering the event and were instructed by authorities to use Government news agency reports instead. Journalist Lam Kin-seng, of Hong Kong-based Cable TV, reported that police surrounded the group of Hong Kong and foreign media workers before taking them to a temporary office where they were detained for almost six hours, interrogated and accused of "attempting to disrupt social order".

Radio Free Asia reports on September 9 said local police and agents of the Local Government in Linyi, Shandong Province had imprisoned a blind activist, Chen Guangcheng, and his wife in order to disconnect their communication with media and their family members. Chen, an activist who defends women's rights, was charged with "damaging property and organising a mob to disturb traffic" and served his full sentence of four years and three months before being released on September 9. Journalists including Mainland and foreign journalists were unable to contact him. The IFJ is aware that since his release, Chen and his wife have been placed under house arrest by local authorities.

Jailed activist and 2010 Nobel Peace Laureate Liu Xiaobo's family members also experienced a similar situation (see page10). On October 8, immediately after the announcement that Liu Xiaobo was to be awarded the Nobel Peace Prize, dozens of foreign media were gathered at the outside of the house of Liu Xia, Liu Xiaobo's wife, expecting an interview. However journalists faced series of acts of interference from Chinese authorities including preventing entry to the residential area, interviewing Xia and blocking journalists from interviewing all representatives of various consulates in China who tried to visit Liu.

The IFJ wrote an open letter to the President Hu Jintao, Premier Wen Jiabao and five others top officials in Central Authority of China on October 18 to express our deepest concerns about the serious restrictions placed on journalists and media workers covering the Liu Xiaobo and Chen Guangcheng cases from China.

Tensions between China and Japan rose in September over the territorial autonomy of the island Diaoyu (China's official name) or Senkaku (Japan's official name) in the East China Sea. Foreign journalists, particularly those representing Japanese media were on the receiving end of various forms of interference when they attempted to cover the story.

On September 7, Japanese authorities detained the crew and captain of a Chinese fishing boat, alleging the boat had collided with a Japanese Marine Forces vessel. On September 22, China's authorities said four Japanese employees of a private Japanese company had illegally entered an army zone in Hebei Province. All registered foreign media were allowed to report on an anti-terror police drill in Beijing on September 23,



A monk runs inside an alley of a monastery in Tibet after being photographed in February 2010. Interviewees commonly steer clear of foreign journalists, as media workers are often followed by plain clothes police officers.

but two Japanese media outlets including Kyodo News Agency were excluded.

A group of journalists seeking to report on an anti-Japan protest in Deyang, Sichuan province were obstructed by security bureau officers.

Tibet and Xinjiang remain as the most sensitive locations where China's authorities heavily restrict the ability of media to visit. Foreign journalists who were reporting in 2010 on the second anniversary of the unrest of Tibet in 2008 and the first anniversary of the unrest of Xinjiang in July 2009 faced a variety of obstacles. According to the FCCC report, a Government-led reporting trip to Tibet for foreign journalists in early March saw journalists followed by plain-clothes police officers who prevented them from conducting interviews, the journalists said. They were also prevented from photographing the military, with one officer reportedly demanding that a photographer delete the images from his camera.

Correspondent for Canada's *Globe and Mail* newspaper Geoffrey York was called into the Foreign Ministry to be reprimanded over his coverage of the case of Huseyin Celil, a Canadian citizen and ethnic Uyghur who had been found guilty by a Xinjiang court of "splittism" and of being a member of terrorist organisations. The ministry official expressed dissatisfaction with York's coverage, which had raised questions about the case and about the fairness of the Chinese legal system. The official also expressed displeasure with a 63-word article in the newspaper about the plight of Tibetans, Uyghurs and other ethnic minorities.

The FCCC survey in May followed its call in early March for open reporting and access to Tibet. The survey found out 86 percent of respondents said it is not currently possible to report accurately and comprehensively on Tibet. Respondents listed travel restrictions and the reluctance of sources to speak freely as the top reasons for this. The survey found that of the 35 applications submitted by respondents for independent reporting trips to the Tibet Autonomous Region in the past two years, only four have been approved.



# Hong Kong

Hong Kong journalists receive limited protection under Article 6 of Regulations for Hong Kong and Macau Journalists in China. However, interference from Government officials is common, with a number of significant cases in 2010 indicating that press freedom is being chipped away on the island. When Hong Kong-based journalists travel to the mainland to report, they routinely experience intimidation and violence.

## Hong Kong journalists in Mainland China

Sichuan-based writer Tan Zuoren was sentenced on February 9 to five years' jail and three years' deprivation of political rights for "inciting subversion of state power". Tan was indicted over an article about the Tiananmen Square Massacre he wrote and uploaded to a foreign website in 2007 as well as for accepting interviews with foreign media.

Hong Kong journalists were prevented from reporting the case, and there were scuffles between police and journalists who attempted to do so. Nine Hong Kong journalists were detained by officials at the Chengdu courthouse. They were detained while police claimed to check their credentials, and were allowed to leave only after Tan's sentence had been delivered. Outside the courthouse, police repeatedly confronted the reporters, claiming they were violating regulations by blocking the footpath, including while they attempted to interview Tan's wife Wang Qinghua and his daughter, lawyer and supporters. One journalist pointed out that no pedestrian had made a complaint about the pavement being blocked, saying, "[The Police] were only making an excuse, and were afraid of the interview being conducted outside the courthouse." During the scuffle, a cameraman's hand was injured, and a reporter's phone was confiscated and its images deleted.

On May 7, in the lead up to the May 12 anniversary of the 2008 earthquake in Sichuan province, Hong Kong journalists on assignment for Hong Kong-based newspaper *Ming Pao* and *Hong Kong Cable Television* were met with a hostile response. Four of them were detained by Government officials in Dujiangyan, Sichuan, on the basis that they did not have the appropriate permit from the Sichuan Provincial Propaganda Department. They were forced to delete all footage and to sign a letter of penitence before they were released. Many of the interviewees were also reportedly harassed by local police.

Participants at a religious event in Hong Kong on May 23 assaulted three photographers and a journalist as they reported on a protest at the venue.

Liu Hongqing, a Beijing-based correspondent for *Ming Pao*, was confronted by Tianjin police on July 2 while he was taking photos of a labour strike at the Mitsumi Electronics Company. The newspaper's deputy executive Editor-in-Chief, Kevin Chun-To Lau, told the IFJ that Liu was interrupted by a plain-clothes officer who claimed the journalist was taking photos beyond a cordon line. The officer then detained Liu for several hours at the station before releasing him.

Journalists were blocked when they reported a rally on August 1 in Guangdong to protect the city's colloquial language. Lam Kin-seng, of *Hong Kong Cable Television*, reported that police surrounded a large group of Hong Kong and foreign media workers, before taking them to a temporary office where they were detained for almost six hours, interrogated, and accused of being involved in "attempting to disrupt social order". Journalists in the Mainland were banned from covering the event, and were instructed by authorities to source only reports issued by the government news agency Xinhua.

On October 8, as the Nobel Peace Prize Committee announced Chinese writer and human rights activist Liu Xiaobo this year's recipient of the Nobel Peace Prize (see page10), many journalists, including those in Hong Kong, received a series of directives from Chinese authorities, such as being forbidden to interview Liu's wife Liu Xia; blocking journalists from interviewing representatives of various consulates in China when they attempted to visit Liu; and moving journalists on from the Jinzhou prison are, where Liu is held, during his wife's visit.

Blocking signals from Hong Kong broadcasters is another common method the Chinese government uses to prevent critical or controversial views reaching the mainland. The Local Government-controlled Guangdong Broadcasting Company reportedly blocked transmission signals as two broadcasters in Hong Kong aired footage of thousands of young people protesting against a high-speed rail project outside the Legislative Council of Hong Kong. The project, due to begin on January 8, 2011, is expected to cost almost 67 billion Hong Kong dollars, and requires the demolition of a village. According to a *Ming Pao* report, one of the blocked Hong Kong broadcasters was Television Broadcasting Ltd.

## Freedom of expression shrinks

Many groups, including Amnesty International, the Hong Kong-based human rights group Human Rights Monitor, and other groups are deeply concerned about the tightening of controls on freedom of expression over the past year.



Hong Kong journalists arriving at an assembly point in Guangdong Province are promptly removed by police officers.

In April 2010, around 300 activists took to the streets to protest against the "political persecution" of their group, the Hong Kong Alliance in Support of Patriotic Democratic Movements in China. They were incensed when police arrested six individuals in connection with a protest outside Beijing's Liaison Office on December 25, 2009. In the April protest, they took to the streets before entering the Liaison Office's compound for a brief time to express their anger at the 11-year prison sentence handed down by a court in Beijing in December 2009 against mainland dissident Liu Xiaobo.

Five of the six were members of the Hong Kong Alliance, including legislators Lee Cheuk-yan and Leung Kwok-hung. The protestors, who were charged with unlawful assembly, claimed that the arrests were politically motivated and that police had acted on orders from Beijing. The police denied that the arrests were politically motivated. On December 20, six of the protestors were found not guilty after a trial. The Magistrate said that the Basic Law has protected people's rights to assembly and freedom of expression. The prosecution was unable to prove that the protest caused social disorder.

The Hong Kong Alliance faced further suppression in May in the lead-up to the annual anniversary of the June 4th Tiananmen Square Massacre. Three pieces of art, including two statues of the Goddess of Democracy and one relief titled "Tiananmen Massacre" were seized in two consecutive days in late May. The police said the organisers did not have public entertainment licences to display the

artworks. The organisers noted that they had mounted an exhibition in October 2009 when there was no requirement for a licence.

Human rights observers also noted that suppression of different voices in Hong Kong, particularly in regard to China, mounted in 2010. Activist Yang Kuang, 43, was convicted of assaulting a police officer in Eastern Magistracy and jailed for 14 days on October 21 2010. He was charged with tearing a female police constable's shoulder badge during a protest outside the Central Government Liaison Office. The charge arose from events at a protest on June 9, when activists gathered outside the office to voice their disapproval of a mainland court's decision to uphold the five-year jail term of Tan Zuoren. Law Yuk-kai, director of Human Rights Monitor said the prison sentence was too harsh, as the policewoman only suffered minor injuries.

In another case, on October 10, a female activist was arrested for splashing champagne on a guard at the Chinese Liaison Office, one of a group of around 20 activists celebrating Liu Xiaobo's reception of the Nobel Peace Prize by drinking champagne and eating Norwegian salmon at the office. She was later released on bail.

## Subtle obstructions from Government

Journalists encounter many obstacles in China while exercising their duties, with media professionals in Hong Kong often facing obstructions to access information. In 2010, the source of many obstructions was, more unpredictably, the Hong Kong Government.



By the end of May, the Chief-Executive of Hong Kong, Donald Tsang, and his cabinet mounted an unprecedented territory-wide "Act Now" campaign to gain public support for proposed political reform, consisting of an increase in Legislative Council members from 60 to 70, and an increase in the number of election committee members for Chief-Executive, from 800 to 1200 in 2012. Beijing has said the earliest universal suffrage for the Chief-Executive of Hong Kong is 2017 and the legislature in 2020.

Journalists complained that arrangements for proposing the reform were chaotic and the media was informed of developments with too little notice. Media had to hire a car and chase Government officials to find out where they were going and what the responses of the public were. "When we chased them, the police did not assist us, rather they interrupted us. It seemed that they just didn't want any media to keep up with them," a journalist said. Poor arrangements continued, notably in the unprecedented debate on the reform on June 17 between Tsang and pro-democracy leader of the Civic Party Audrey Eu. The initial arrangement was to hold the debate behind closed doors without media participation except the designated media outlet, RTHK, which was to transmit all signals to other media outlets. However after a negotiation with representatives of the Civic Party, in which the IFJ and others voiced their concerns, media was allowed to cover the debate in limited numbers and confined to a glass room.

#### Closed-door briefings

Hong Kong journalists have noticed a trend in recent years where Hong Kong Government officials use closed-door briefings instead of public announcements press conferences.

The Journalists, an official magazine of Hong

Kong Journalists Association (HKJA), found that, that between March and May 2010, at least 12 closed-door briefings had been conducted by different Government bureaux and departments. Neither the Government bureaux nor the departments followed this with a public announcement or formal press conference. These closed-door briefings discussed topics of great public interest, such as measures to revitalise Hong Kong's Home Ownership Scheme, which aims to ease the burden of people purchasing property. The information officers also often request information that journalists collect is attributed to a "government source" or "government spokesperson".

Many journalists noted that they were able to ask questions during the briefings, but the attitude of the officials towards journalists was different when compared to when they were in front of the camera. Some journalists said that officials at times ignored critical questions. Journalists also complained that in many cases briefings were held with only two or three hours' advance notice and would usually start late in the afternoon and end in the evening which did not allow enough time for journalists to seek comments from individuals about the policies discussed.

Journalists were dissatisfied with the off-the-record request by the government in closed-door briefings and believed that the Government make use of media to "test the waters" away from the public. However they were worried that the officials would blame the media, citing "inaccurate reporting", if the public disapproved of Government proposals.

The report also said the Environment Bureau is one of those bureaux most seriously abusing the system of "background" briefings. Secretary for the Environment Edward Yau Tang-wah denied this, claiming that he had held a number of press conferences but in different forms such as a tea break gathering to brief journalists on Hong Kong's

strategies to reduce greenhouse gas emissions.

#### Code of Access to Information

The HKJA also said that Hong Kong Police did not honour their pledge when they digitalised its command and control communication system. The association found some cases, particularly those involving celebrities where police appeared to deliberately delay announcements. Hong Kong Police reiterated that they respect freedom of press and there is a policy to facilitate the media in news reporting. Police also said when they decide what information should be disseminated, they will take into consideration the public's right to know and the requirement of the Code of Access to Information and other relevant standards.

However Hong Kong Government bureaux or departments were found to be breaching the Code of Access to Information, which was written in 1995. According to an Ombudsman report in January, it found that certain Government departments displayed "considerable misunderstanding of the provisions and unfamiliarity with the procedural requirements of the Code after well over a decade of implementation".

The code states that Government departments and agencies must release information and documents to the public, unless they fall within 16 broad areas of exemption. Anyone who is unhappy with a decision can complain to the Ombudsman, but the code does not carry any legal weight.

The Ombudsman proposed several improvements, including more training, to ensure that departmental guidelines on the code are clear, correct and up-to-date, and to require all departmental homepages to introduce the code and link to the code's webpage. The recommendations carried no legal weight and did little to push Government bureaux or departments to properly record documents and allow people their right to access information.

Peter Chu, a former Commissioner of Hong Kong Government Record Service (GRS), disclosed that Government bureaux or departments do not have any legal obligation to pass all existing Government records to the GRS to allow for public access. Chu said that although there is standard request or "menu" that prevents all departments or bureaux from destroying existing records before they get the approval from the GRS, however it is rarely implemented by the government bodies. "They just simply say: 'Sorry, we have already destroyed the files' when we asked them for the records after we had done an appraisal of the records which were considered worthy to maintain," Chu said in an interview by Radio Free Asia this year.

Calls for the enactment of Public Record Law have been vocal for a decade however it has not yet been adopted by the Hong Kong Government. The IFJ believes as an accountable and transparent government, the Access of Information Law and the Public Record Law are needed in order to ensure the



A RTHK Hong Kong journalists' face was slapped by a female member of the residential committee when she arrived at the residential compound of former journalist Zhao Lianhai.

people's right to access all the information to comply with Article 19 of the Universal Declaration of Human Rights. Such laws are significant elements of a responsible and democratic government.

#### Protection of journalists' sources

There is an urgent need to amend The Interception of Communications and Surveillance Ordinance in order to give absolute protection to journalistic materials. The Commission of Interception of Communications and Surveillance, a covert surveillance watchdog, disclosed two media-related cases in its 2009 annual report published on November 22. In the two cases there was a reasonable conclusion that the suspects under surveillance were in contact with the media.

Other countries including New Zealand, Australia and the United States have similar laws which allow law enforcement officers to undertake surveillance operations. However, they also recognise media rights. Some of these countries have enacted or are discussing introducing shield laws to allow journalists not to disclose the identity of sources. In Hong Kong, there is no such law and even the Commission on Interception of Communications and Surveillance does not have the power to listen to the recorded information.

#### National security laws

When talking about enacting a new law, one existing law rests on the nerves of Hong Kong people: the National Security Law, particularly Article 23, which restricts freedom of speech, and assembly.

Both Hong Kong and Macau have to enact national security legislation under Article 23 of each territory's Basic Law. The legislation bans treason, sedition, subversion, secession and the theft of state secrets. Hong Kong tried to enact such legislation in 2003, but the government shelved the draft law after



Protest materials are forbidden at the gates of the Central Government Liaison Office, and are removed by police as soon as they appear.



Hong Kong Police officers observe a protest at the Chinese Liaison Office, an agency of China's Central Government. Police exercised an iron fist against protests held here in 2010.



half a million people took to the streets to oppose it.

In December 2009, the Chinese president, Hu Jintao, praised Macau SAR for enacting national security legislation in February.

Hong Kong's Chief-Executive Tsang said in a speech on October 13 that the legislative work for implementing Basic Law Article 23 would be deferred during his tenure, until 2012, due to his awareness of the diverse opinions about the proposed legislation after the 2003 experience and that it was not the time to reach a consensus from the majority of the society. However Tsang has seen large funding injections placed in national civic studies from primary school to high school. Each student is sponsored to visit China at least once a year in order to understand more about the development of China. The policy drew a lot of concern from teachers and human rights groups.

### Working conditions

Regarding the working conditions of Hong Kong journalists, a survey focusing on freshly graduated journalist salaries was completed by the HKJA. The survey found that the starting salary of most electronic media is better than print. Pay ranges from around HKD

8000 to 13,000 (around USD 1000 to 1600) per month. Most journalists work long hours with a five day or five and a half day working week.

When compared with inflation, the situation worsens. According to the Hong Kong Statistics Department, the accumulative inflation rate since 2001 is 3.6 per cent. However the pay level of new journalists has either been frozen or slashed, and a double pay bonus is no longer a certainty.

Low pay, long working hours and high turnover rates: these are the realities of the Hong Kong news media industry. In a speech delivered at the "Hong Kong News Awards 2009" ceremony held by the Newspaper Society of Hong Kong, The Chief Secretary Henry Tang echoed the grievances of reporters. "Although the salary of reporters is yet to touch the threshold of minimum wages, it is not particularly attractive," he said. "Therefore, the media cannot employ talented people and the problem of brain drain has become serious." Tang's remarks aroused vigorous discussion among reporters on Facebook.

### State broadcaster's independence

In September 2009, the Hong Kong administration

finally ruled that Radio Television Hong Kong (RTHK) should not be turned into an independent public service broadcaster which is contrary to the hopes of the public, senior management and many staff. Instead, it remains a Government department with an expanded service.

At the same time, the Hong Kong government proposed in 2009 that up to 15 board members should be appointed. Their mandate would be to advise the director of broadcasting on a variety of issues, including editorial policy, program standards and program quality. They would include people with industry and professional experience and lay members. Although in the draft Charter for RTHK, it reiterated that the board would not be involved in day-to-day RTHK operations and states that "RTHK is editorially independent". However, the board will be responsible for "advising the Director on all matters pertaining to editorial principles, programming standards and quality of RTHK programming".

Some critics questioned whether the board would become more than just an advisory body, and whether over time it would develop a de facto executive role, in particular over program and editorial policy. Furthermore, no details are available regarding how the board members were selected and appointed. RTHK staff then did a survey among their colleagues at the broadcaster, which found that 80 per cent of employees opposed the creation of a board. And 61 percent of staff surveyed by RTHK management expressed the fear that the board might place restrictions on the broadcaster's editorial policy.

However, the government rejected the repulsion from staff members and the public. The chairman of the Advisory Board, Lester Garson Huang, further rejected on September 26 a request by the RTHK house union and pressure groups for the public broadcaster's advisory board to conduct an open meeting in order to promote transparency. Further concerns were raised in August when RTHK's director Franklin Wong Wah-kay, 67, requested changing the host of Headliner, a satirical program which regularly mocks Hong Kong and mainland government policies. The host remained with the program but only with a short term contract.

Director Franklin Wong's attitude to defend an independent editorial board of RTHK under scrutiny by many RTHK staff, the house union and local pressure groups when he was in discussions about the renewal of his three-year contract, which expires early in 2011. On November 20, he suddenly announced that he would not renew his contract due to personal reasons. Some reports said that he had just undergone coronary bypass surgery. The Government has already expressed that they will select a successor through open recruitment but the house union of RTHK proposed that internal promotion is much more preferable.



Hong Kong's Chief Executive Donald Tsang attends an event in May calling on pro-democracy lawmakers to back proposed political reforms. Journalists said information passed to the media about the event was deliberately delayed.



Hong Kong police unexpectedly confiscate the Goddess of Democracy in a public area and arrest several people including members of the Hong Kong Legislative Council, an act which prompted much criticism of the Hong Kong Government.



Activist Yang Kuang confronts police outside Hong Kong's Legislative Council on June 25 after controversial political reforms were passed. Yang was sentenced to jail for 14 days in October for the alleged assault of a police officer outside the Chinese Liaison Office during a protest.



# China Online

Online media has become powerful and popular in China, and it is widely acknowledged that the authorities have long been alerted to the power of the medium. According to the China Internet Network Information Center (CNNIC)\*, more than 410 million Mainland Chinese use the Internet, up almost 100 million users compared to 2009. The centre counts more than 3 million websites registered and more than 740 million subscriptions to ordinary cell phones.

## New media, new regulations

According to a white paper on the Internet in China published by the Information Office of the State Council\*\*, there are over 1 million Bulletin Board System (BBS) and some 220 million blogs in China, to which over 66 per cent of Chinese netizens (Internet users) frequently discuss various topics. Blogs and social media applications such as microblogging services, video-sharing and social networking are developing rapidly in China.

The paper also said that the Chinese government has actively created conditions for citizens to supervise government operations using online media. The government is said to ascribe great importance to the Internet's role in supervision in order to ensure citizens' freedom of expression. In contrast to this, China has also enacted various regulations to curb the right to speak in this medium.

Since 1994 China has enacted a series of laws and regulations concerning Internet administration, the spread of information that may subvert state power, undermine national unity, infringe upon national honor and interests, incite ethnic hatred or secession and protect minors.

China also proactively encourages industry self-regulation. The Internet Society of China (ISC) was founded in May 2001. It is a national organisation of the Internet industry with a remit for serving the development of that industry, netizens and the decisions of the government. The ISC has issued a series of self-disciplinary regulations, including the Public Pledge of Self-regulation and Professional Ethics for the China Internet Industry, Self-regulation Provisions for Preventing the Spread of Pornographic and Other Harmful Information on Internet Websites and so on. This society however always works with China's authorities and does not run independently.

Deputy Director of the Central Propaganda Department Wang Chen announced on April 29 a new registration system which requires Internet and cell-phone users to supply their real names when

posting information online, instead of using "user names" or pseudonyms. Wang reportedly said the office had been exploring the creation of an identity authentication system for posting to bulletin boards, citing a need to prevent "hostile overseas forces from infiltration via the Internet". Ahead of this development, China had already been using a web-user registration system, but it had never been publicly acknowledged. Wang, who is also the Minister for the State Council Information Office, reported the development and challenges of online media in China in the National People's Congress meeting reported on June 1 in *China Daily*. As the number of online users is rapidly growing, the government has to prevent any "vulgar" or "pornographic" material, or "dangerous" messages from being sent from non-Mainland areas, Wang said, adding that the government must reinforce the direction of publicity in order to ensure that social stability is maintained in online media.

China's authorities have tightened accreditation for journalists working in online media. On February 22 a GAPP spokesperson singled out citizen journalists, saying that journalists working for online outlets would not be eligible for a new press accreditation card, except for journalists working at state-controlled websites such as People's Daily Online and Xinhua News Online who would remain eligible as long as they applied for accreditation through their outlets' print media offices.

China's authorities further sought to constrain online media in newly amended State secrecy laws enacted on October 1. The new laws list seven issues or areas where information would be classified as state secrets: significant state policies and decisions; the armed forces; diplomatic issues and events; national economic and social development; science and technology; national security; and criminal investigations. Under Chapter 3, Section 28 of the amended Law on Guarding State Secrets, online media outlets and service providers are required to report immediately to the authorities if they discover a "leaked state secret" in the content of materials posted online via their services. The law now stipulates that service providers must present relevant information to the authorities immediately, with failure to do so regarded as a criminal offence. The definition of state secret under these laws is broad and vague jeopardising citizens' right to information and placing the service provider in danger.

## Clampdown on social media

The popularity of social media has soared in China, and a new bureau responsible for monitoring social networking sites and online forums has been

created by the State Council Information Office of China without any formal public announcement. According to Radio Free Asia, the new agency, officially titled the Internet News Coordination Bureau, forms part of an ongoing series of government activities designed to increase its control of the country's Internet use.

Some popular social networking sites such as Twitter, Facebook and YouTube have been banned in China without explanation. *China Daily* reported on July 8 that a research report "New Media Development in China 2010" aimed at analysing the power of new media in China was published by the Chinese Academy of Social Sciences. This report disclosed the reason for bans of the popular social networking sites, saying that social media was being used by Western intelligence operatives who carry ulterior political motives. It also cited the ethnic unrest in July 2009 in Xinjiang as an example where people were tried to make use of this instant communication channel. The Chinese Academy of Social Sciences is a government-funded organisation which conducts research in the interest of China's government.

## Google moves out

Google moving its operations from China to Hong Kong was one of 2010's hottest press freedom issues. Google announced suddenly on January 13 that they might have shift out of the country if negotiations with China's authorities regarding the company no longer following the online censorship system failed. Two orders then issued by the Central Propaganda Department promptly banned journalists from using any information other than the state-controlled Xinhua and *China Daily* news services when covering reports of Google including that its email system (Gmail) was infiltrated by unknown hackers. The Central Propaganda Department also instructed that all online commentary about Google be heavily censored and not placed in news reports.

Google announced on March 23 that it would relocate its headquarters to Hong Kong, dozens of people involved in human rights advocacy in China responded by placing flowers in front of the Beijing office building. The Central Propaganda Department promptly ordered all media to source information about the decision only from the state-owned Xinhua News Agency. The directive also stated that any material including text and images supporting Google's position must be removed from the Internet. The *Chongqing Evening Post* was ordered on March 26 to delete an article lamenting Google's withdrawal.

Google announced on June 28 that China's Ministry of Industry and Information Technology felt



A typical order from China's authorities instructing web administrators to delete articles.

Google's removal of their search engine "unacceptable", and therefore the authority was unwilling to continue its Internet Content Provider license. Google had earlier announced on July 20 that it would close its search engine.

## Censor or shutdown

All websites in China are obliged to adopt the established censoring system or face closure without notification. An independent pro-democracy website, Liberal Thinking (<http://www.bjzm.org>), was shut down by authorities on February 16 by its ISP, according to reports. The site administrator moved the website to an overseas ISP to continue the service, but it operated for only two days before being shut down again. Mainland-based netizens with circumvention technologies have not been able to access the site. Similarly, a popular media industry discussion forum 1984BBS, which runs on a bulletin board system, was forced to shut down in October after Security Bureau officers interrogated the host of the platform a number of times. The official website of the Charter 08 group, New Century News, and other independent websites were also blocked by the China's censorship system.

The government of Xinjiang province announced on May 14 that all online services and access to the Internet in the region had been reinstated. The shutdown had been in force since riots sparked by the death of a factory worker broke out in the province on July 5, 2009. At the time, many journalists reporting on the riots were unable to use any communications devices and local authorities discouraged independent reporting.

All Internet cafes in Tibet had to install a distance monitoring online system by the end of August under instruction from the Ministry of Culture of China.

\*CNNIC issued a statement on July 15 [http://www.cnnic.net.cn/dtygg/dtgg/201007/t20100715\\_13699.html](http://www.cnnic.net.cn/dtygg/dtgg/201007/t20100715_13699.html)

\*\*Online White Paper in China [http://www.gov.cn/english/2010-06/08/content\\_1622956.htm](http://www.gov.cn/english/2010-06/08/content_1622956.htm)

# Recommendations

## That the Central Government:

1. Take steps and devise a timeline to implement recommendations made by 23 ex-officials of the Communist Party in October 2010 to facilitate an end to media censorship.
2. Order the immediate release of all jailed journalists and media workers in China, and instruct all levels of government that journalists and writers are not to be punished for doing their job in serving the public interest.
3. End all arbitrary and unexplained detentions of journalists and media workers.
4. Cease the inappropriate use of state security and social order laws to intimidate and silence media professionals and outlets.
5. Instruct appropriate authorities to conduct full investigations into acts of violence committed against local and foreign media personnel, including where violence is allegedly perpetrated by government officials; bring perpetrators to justice; and make it clear that the Central Government will not tolerate attacks on journalists and media workers.
6. End interceptions, harassment and punishment of journalists, their local assistants and drivers, sources and interviewees by government officials and police, at all governmental levels.
7. Ban the confiscation of journalists' materials.
8. Allow journalists to freely form or join independent trade unions, as stipulated in the International Covenant on Economic, Social and Cultural Rights, which China signed in 1997 and ratified in 2001.
9. Actively ensure full implementation of the extended

Regulations on Reporting Activities in China by Foreign Journalists (put in place before the 2008 Beijing Olympic Games) and ensure full compliance by officials with the October 2008 announcement that the extended regulations would remain in force.

10. In line with the extended regulations, instruct officials at all levels to allow freedom of movement for journalists and local assistants of foreign correspondents so that they may report in all areas of China without restriction.
11. Rescind the 2009 changes to entry permit requirements for Hong Kong and Macau journalists so that they may again conduct journalistic work in Mainland China without obstruction.
12. Revise the accreditation system for Mainland journalists and rescind the new definition of a journalist created in 2010 which excludes many journalists working in online media.
13. Implement awareness-raising procedures and programs to ensure provincial and local authorities are well-versed in the rights of journalists and media workers, as enshrined in Article 35 of China's Constitution and other relevant laws, including international instruments.
14. Rescind all regulations and orders which censor and restrict online media.
15. Instruct authorities at all levels of China's bureaucracy to cease the manipulation of telecommunications systems, including the imposition of communication blackouts, which may particularly occur at times when there is great public interest in receiving information about unfolding events such as emergency situations.

to conduct formal press conferences in place of closed-door briefings.

## That the Hong Kong Government:

16. Immediately develop Freedom of Information legislation which provides for access to public information in order to facilitate accountability and transparency in government.
17. Revise the Interception and Surveillance Ordinance as soon as practicable in order to ensure journalistic materials, including details of sources, have absolute protection.
18. Uphold people's rights to know and freedom of press, as enshrined in Article 37 of Hong Kong's Basic Law, by instructing government officials

19. Direct the Hong Kong Police Department to honour its pledge to disseminate information to the press in a timely manner.

20. Immediately initiate a dialogue with the Government of Macau which requests and explanation as to why Hong Kong journalists are denied access to the Special Administrative Region (SAR), and that it facilitate guaranteed entry for all journalists to the SAR.

# Journalists' rights at a glance

## Universal Declaration of Human Rights

International Covenant on Civil and Political Rights Article 19(2):

Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. China is one of the signatories to the declaration.

## Chinese Constitution

### Article 35

Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration.

### Article 41

Citizens of the People's Republic of China have the right to criticise and make suggestions to any state organ or functionary. Citizens have the right to make to relevant state organs complaints and charges against, or exposures of, violation of the law or dereliction of duty by any state organ or functionary; but fabrication or distortion of facts with the intention of libel or frame-up is prohibited. In case of complaints, charges or exposures made by citizens, the state organ concerned must deal with them in a responsible manner after ascertaining the facts. No one may suppress such complaints, charges and exposures, or retaliate against the citizens making them. Citizens who have suffered losses through infringement of their civil rights by any state organ or functionary have the right to compensation in accordance with the law.

## Police Checks Of Journalists Identification

### Law of the People's Republic of China on Resident Identity Cards

### Article 15

When performing his duties in accordance with law under any of the following circumstances, a people's policeman may, after producing his law-enforcement papers, examine the identity cards:

- 1) When it is necessary to find out the identity of a law-breaker or criminal suspect;
- 2) When it is necessary to find out the identities of the persons concerned during on-the-spot control exercised in accordance with law;
- 3) When it is necessary to find out the identities of relevant persons on the spot in an unexpected incident that seriously endangers public security; or

- 4) Other circumstances under which it is necessary to find out people's identities, as is required by the provisions of laws.

Where a person refuses to have his resident identity card examined by the people's police under any of the circumstances listed in the preceding paragraph, measures shall, on the basis of the different circumstances, be taken to deal with him in accordance with the provisions of relevant laws.

No organisation or individual may seize any resident identity card. However exception shall be made where the public security organ executes the enforcement measure for residential surveillance in accordance with the Criminal procedure Law of the PRC.

## Police Rights to Interrogate Journalists

### People's Police Law of the People's Republic of China

### Article 8

If a person seriously endangers public order or constitutes a threat to public security, the people's policemen of public security organs may forcibly take him away from the scene, detain him in accordance with law, or take other measures as provided by law.

### Article 9

In order to maintain public order, the people's policemen of public security organs may, upon producing an appropriate certificate, interrogate and inspect the person suspected of having violated the law or committed a crime. After interrogation and inspection, the person may be taken to a public security organ for further interrogation upon approval of this public security organ, if he or she is under any of the following circumstances:

- 1) being accused of a criminal offence;
- 2) being suspected of committing an offence on the scene;
- 3) being suspected of committing an offence and being of unknown identity;
- 4) carrying articles that are probably obtained illegally.

The period of time for holding up the interrogated person shall be not more than 24 hours, counting from the moment he or she is taken into the public security organ. In special cases, it may be extended to 48 hours upon approval by the public security organ at or above the county level, and the interrogation record shall be kept on file. If further interrogation of the person is approved, his or her family or the organisation in which he or she works shall be notified without delay. If



further interrogation of the person is not approved, he or she shall be released immediately.

If, through further interrogation, a public security organ considers it necessary to detain the interrogated person or adopt other compulsory measures against him or her according to law, a decision shall be made within the period of time as provided in the preceding paragraph. If the decision cannot be made within the period of time as provided in the preceding paragraph, the interrogated person shall be released immediately.

## Laws Relating to Obstruction of Police Officers

### The Security Administration Punishment Act of the PRC

#### Article 19

Any person who commits one of the following acts of disturbing the public order when not serious enough for criminal punishment is subject to detention of not more than fifteen days, to a fine of not more than two hundred Yuan, or to a warning:

- 1)Disturbing the order and, as a consequence, disrupting the normal function of work, production, business operation, medical practice, teaching and scientific research in government organs, people's organisations, enterprises and institutions but not causing serious damage;
- 2)Disturbing the order at stations, wharves, civil aviation stations, market places, public parks, theaters, recreation spots, sports grounds, exhibitions or other public places;
- 3)Assembling a crowd for a brawl, stirring up fights, causing trouble, humiliating women or engaging oneself in other hooligan activities;
- 4)Inciting disturbances of the public order by fabricating or distorting facts, intentionally spreading rumors or by other means;
- 5)Making false reports of dangerous situations and fomenting chaos;
- 6)Refusing or impeding government personnel in carrying out their duties according to law without the use of violence or coercion.

#### Article 20

Any person who commits one of the following acts of disruption public security is subject to detention of not more than fifteen days, a fine of not more than two hundred Yuan, or a warning:

- 5)Organising public gatherings or other public activities of culture, recreation, sports, exhibition or a sale-exhibit fair without taking adequate safety measures and refusing to cease the violation when notified by a public security organ.

## Criminal Law of PRC

### Article 277

Whoever by means of violence or threat, obstructs a functionary of a State organ from carrying out his functions according to law shall be sentenced to fixed-term imprisonment of not more than three years,

criminal detention, or public surveillance or be fined.

Whoever by means of violence or threat, obstructs a deputy to the National People's Congress or a deputy to a local people's congress at any level from carrying out his functions as a deputy according to law shall be punished in accordance with the provisions of the preceding paragraph.

Whoever during natural calamities or emergencies obstructs, by means of violence or threat, the workers of the Red Cross Society from performing their functions and duties according to law shall be punished in accordance with the provisions of the first paragraph.

Whoever intentionally obstructs officers of a State security organ or a public security organ from maintaining State security in accordance with law and causes serious consequences, though without resort to violence or threat, shall be punished in accordance with the provisions of the first paragraph.

## Identity of Mainland Journalists

### Measures for the Administration of Press Cards

#### Section 2

All journalists have to apply for a press card from General Administrative of Publication and Press. Since the process takes time, media also consider identification such as company press cards, or company card as a reference. People should inquire with the media if there is any query about the identity of a journalist.

## Foreign Correspondents' Rights

### Regulations of the People's Republic of China Concerning Reporting Activities of Permanent Offices of Foreign Media Organisations and Foreign Journalists

#### Article 3

China adopts a basic state policy of opening up to the outside world, protects the lawful rights and interests of permanent offices of foreign media organisations and foreign journalists in accordance with law, and facilitates their news coverage and reporting activities that are carried out according to law.

#### Article 17

Foreign journalists wishing to interview organisations or individuals in China need to obtain their prior consent. Foreign journalists shall carry and present their Press Card (R) or Journalist Visas for Short Visit during reporting activities.

#### Article 18

Permanent offices of foreign media organisations and foreign journalists may, through organisations providing services to foreign nationals, hire Chinese citizens to do auxiliary work. Organisations providing services to foreign nationals are designated by the Foreign Ministry or foreign affairs offices of the local people's governments commissioned by the Foreign Ministry.

## Rights of Access to Information

### Regulation of the People's Republic of China on the Disclosure of Government Information

**Article 9** Administrative agencies should disclose on their own initiative government information that satisfies any one of the following basic criteria:

- 1)Information that involves the vital interests of citizens, legal persons or other organisations;
- 2)Information that needs to be extensively known or participated in by the general public;
- 3)Information that shows the structure, function and working procedures of and other matters relating to the administrative agency; and
- 4)Other information that should be disclosed on the administrative agency's own initiative according to laws, regulations and relevant state provisions.

#### Article 10

People's governments at the county level and above and their departments should determine the concrete content of the government information to be disclosed on their own initiative within their scope of responsibility in accordance with the provisions of Article 9 of these Regulations, and emphasise disclosure of the following government information:

- 1)Administrative regulations, rules, and regulatory documents;
- 2)Plans for national economic and social development, plans for specific projects, plans for regional development and related policies;
- 3)Statistical information on national economic and social development;
- 4)Reports on financial budgets and final accounts;
- 5)Items subject to an administrative fee and the legal basis and standards therefore;
- 6)Catalogues of the government's centralized procurement projects, their standards and their implementation;
- 7)Matters subject to administrative licensing and their legal bases, conditions, quantities, procedures and deadlines and catalogues of all the materials that need to be submitted when applying for the administrative licensing, and the handling thereof;
- 8)Information on the approval and implementation of major construction projects;
- 9)Policies and measures on such matters as poverty assistance, education, medical care, social security and job creation and their actual implementation;
- 10)Emergency plans for, early warning information concerning, and counter measures against sudden public events;
- 11)Information on the supervision and inspection of environmental protection, public health, safe production, food and drugs, and product quality.

#### Article 11

The government information to be emphasized for disclosure by the people's governments at the level of cities divided into districts and the county level people's governments and their departments should also include the following contents:

- 1)Important and major matters in urban and rural construction and management;
- 2)Information on the construction of social and public interest institutions;
- 3)Information on land requisition or land appropriation, household demolition and resettlement, and the distribution and use of compensation or subsidy funds relating thereto; and
- 4)Information on the management, usage and distribution of social donations in funds and in kind for emergency and disaster relief, special care for families of martyrs and military service personnel, and assistance to poverty stricken and low income families.

#### Article 12

People's governments at the township (town) level should determine the concrete content of the government information to be disclosed on their own initiative within their scope of responsibility in accordance with the provisions of Article 9 of these Regulations, and emphasise disclosure of the following government information:

- 1)Information on the implementation of rural work policies of the state;
- 2)Information on fiscal income and expenses and the management and use of various specialized funds;
- 3)Overall township (town) land use plans and information on the verification of land to be used by farmers for their primary residences;
- 4)Information on land requisition or land appropriation, household demolition and resettlement, and the distribution and use of compensation or subsidy funds therefore;
- 5)Information on township (town) credits and debts, fundraising and labor levies;
- 6)Information on the distribution of social donations in funds and in kind for emergency and disaster relief, special care for families of martyrs and military service personnel, and assistance to poverty stricken and low income families;
- 7)Information on contracting, leasing and auctioning of township and town collectively owned enterprises and other township and town economic entities; and
- 8)Information on implementation of the family planning policy.

#### Article 24

After receiving requests for open government information, administrative agencies should reply to the requests on-the-spot to the extent possible. If an on-the-spot reply is not possible, administrative agencies should provide a reply within 15 business days from receiving a request. If an extension of the time limit for replying to a request is needed, the agreement of the responsible person in charge of the office for open government information work should be obtained and the requester notified. The maximum extension of the time limit for replying to a request may not exceed 15 business days.

If the requested government information involves the rights and interests of a third party, the time needed by administrative agencies to seek the opinion of the third party shall not be counted against the time limit provided in Paragraph 2 of this Article.

## When Reporting an Exclusive Story

### Law of the People's Republic of China on Guarding State Secrets

#### Article 9

The following matters involving State security and national interests shall be determined as State secrets if the divulgence of such matters is likely to prejudice State security and national interests in the fields such as political affairs, economy, national defence and foreign affairs:

- 1)secrets concerning major policy decisions on State affairs;
- 2)secrets in the building of national defense and in the activities of the armed forces;
- 3)secrets in diplomatic activities and in the activities related to foreign affairs as well as secrets to be kept as commitments to foreign countries;
- 4)secrets in the national economic and social development;
- 5)secrets concerning science and technology;
- 6)secrets concerning the activities for safeguarding State security and the investigation of criminal offences; and
- 7)other matters that are classified as State secrets by the State secret-guarding department.

Secrets of political parties that conform to the provisions of the preceding paragraph shall be State secrets.

#### Article 10

State secrets shall fall into three categories: most confidential, classified and confidential.

The most confidential information refers to vital State secrets, the divulgence of which will cause extremely serious harm to State security and national interests; classified information refers to important State secrets, the divulgence of which will cause serious harm to State security and national interest; and confidential information refers to ordinary State secrets, the divulgence of which will cause harm to State security and national interests.

This law covers all media including online media.

## Laws Protecting the Interviewee

### Law of the People's Republic of China on Administrative Supervision

**Article 6** Supervision shall be enforced by relying on the general public. Supervisory organs shall institute an informing system, under which all citizens shall have the right to bring to supervisory organs accusations or expositions against any administrative organs or public servants of the State or any persons appointed by State administrative organs that violate laws or are derelict in their duties.

Supervisory should keep all information in confidential and protect informants' legal rights.

United Nations Convention Against Corruption

**Article 33** Each State Party shall consider incorporating into its domestic legal system appropriate measures to provide protection against any unjustified treatment for any person who reports in good faith and on reasonable grounds to the competent authorities any facts concerning offences established in accordance with this Convention.

China is a signatory to this convention.

# 敢言

## 中國新聞自由2010

