

Media at Risk

PRESS FREEDOM IN CHINA 2012-13



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This report has been produced with partial financial assistance from the Alliance Safety and Solidarity Fund, which comprises contributions from journalist members of the Media, Entertainment & Arts Alliance of Australia.

本報告之部份經費由澳洲媒體、娛樂與藝術聯會屬下安全及團結基金贊助。



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Special Thanks to: Foreign Correspondents' Club of China, Hong Kong Journalists Association, Hong Kong Press Photographers Association and The Associação dos Jornalistas de Macau

特別鳴謝: 駐華外國記者協會、香港記者協會、香港攝影記者協會及澳門傳媒工作者協會

Cover caption: Three Hong Kong journalists were detained, criminally charged and assaulted by police in Hong Kong and Mainland when exercising their professional duties

封面圖片說明: 三名香港記者在履行專業採訪工作時, 分別被香港及大陸警察扣留、刑事檢控及毆打。

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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's first annual report on press freedom in China, *China's Olympic Challenge*, assessed the media environment through 2008 and, even as it noted many instances of infringements of journalists' rights and media freedom, there was some optimism at year's end that China was moving, if slowly, toward a freer, safer and more secure working environment for local and foreign journalists.

In 2011, the situation was frustrating. Many journalists were sacked or forced to leave their original workplaces as the scent of the "Jasmine Revolution" spread from the Middle East to China in February that year.

Unfortunately, the frustrating situation continued into 2012, after a number of so-called sensitive cases arose. Media workers were liable to receive more than a dozen restrictive orders a day. Journalists were ordered to leave reporting areas because the authorities thought the news could create instability in society. Many websites were forced to shut down.

The authorities began to appreciate the importance of procedure in presenting an "open" image to the world. However all such moves were fake.

Overseas correspondents in China experienced the greatest challenges in 2012. On one hand, a foreign correspondent was asked to leave China and the correspondent's office was suspended. On the other, the authorities used the content of reports to determine which correspondents' working visas would be continued. At the

same time, the Chinese authorities immediately shut down two international media outlets after they revealed some negative reports about the leaders of China.

Hong Kong media faced unprecedented pressure in 2012. Media outlets were attacked by thugs and journalists were detained by police after posing questions to the President of China. In addition, a journalist was hit with criminal charges when he exercised his duties.

The most disturbing development was that the Chief Executive of Hong Kong and his cabinet adopted an evasive approach to the media. They failed to exercise transparency, a traditional good governance practice. The media also received tremendous political pressure from the China Liaison Office, the agent of the Central Government of China in Hong Kong.

The Macau media also faced tremendous challenges with the escalation of self-censorship in the industry, which aroused significant protests. However the IFJ welcomed the government of Macau's decision to withdraw a proposal to set up a government-backed press council after a large survey was conducted in media industry and the public in 2011-12. At end of 2012, China's media environment remained in an "Ice Age". The IFJ urged the media to remain vigilant.

The information in this 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 produced.

IFJ Asia-Pacific
January 2013

INTRODUCTION

The clampdown on media in China in 2012 followed a downward trend that began after the Beijing Olympic Games in 2008. Many Chinese journalists were forced to resign, or were suspended from their work or punished for “mistakes” made by their colleagues. At the same time, the media received more than a dozen restrictive orders a day which blocked daily news reports and in-depth investigative reports.

The IFJ believes many orders were issued because a number of so-called sensitive cases erupted in 2012. These included the Bo Xilai scandal, the death in suspicious circumstances of blind activist Li Wangyang, the escape of blind human rights lawyer Chen Guangcheng from year-long house arrest and his flight to the US Consulate in Beijing, and the announcement of new top leaders of the Communist Party at the 18th Communist Party Congress. The IFJ asserts that it is unacceptable for the authorities to issue any restrictive orders which jeopardise the rights of people to have access to information and press freedom.

The authorities continuously misused the state secrecy laws to harass journalists. A *China Youth Daily* journalist was denied access to a judgement which involved an officer of a community office in Longgang District who was charged with drink driving.

Xinjiang and Tibet still suffer a complete blackout on the free flow of information, even though suspects were gunned by police and almost 90 cases of self-immolation were reported by an international concern group. No independent media personnel were granted permission to enter to Tibet or freely go to Xinjiang.

Regarding online censorship, the Chinese authorities escalated restrictions. People who posted a message or even disseminated a posted message could be detained for several days. An Internet Service Provider could be suspended for several days because it allowed unfavourable messages to be disseminated about the leadership. Video content started to draw attention from the authorities, which demanded that service providers censor the content before it aired.

However, the IFJ noted that the government of China started to adopt some international values such as due process, even though China has its own definition of this. In the trials of Bo Xilai’s wife Gu Kelai and the former Police Chief of Chongqing Wang Lijun, the judiciary of China arranged a special press conference in a hotel and demanded all media should stay without allowing them free movement. During the press conference, the

media had no right to ask questions, but were required to listen passively while a spokesperson read out a prepared statement.

In the case of the death of blind activist Li Wangyang, the Shaoyang government voluntarily arranged for an interviewee to give an interview to two Hong Kong journalists, but the interview was recorded amid heavy surveillance. The two Hong Kong journalists also revealed that the evidence presented by the authorities was highly suspect.

For the Hong Kong media, press freedom became an issue of increasing concern. In the first such case since the Handover of Hong Kong to China in 1997, a journalist received “punishment” after he asked a so-called sensitive question to the President of China. In another incident, a photographer was subjected to criminal charges nine months later by the Hong Kong Government.

However, the most disturbing trends were that the use of political influence on media became quite common and the Chief Executive of Hong Kong and his administrative committee increasingly used evasive tactics when dealing with the media.

Overseas correspondents in China experienced the greatest challenges in 2012. On one hand, a foreign correspondent was asked to leave in China and the media organisation’s bureau was suspended. On the other hand, the authorities used the content of articles to determine which correspondents’ working visas would be extended.

At the same time, the Chinese authorities immediately shut down two international media outlets after they revealed some negative reports about the leaders of China. Journalists continued to face various attacks, threats and humiliation.

The IFJ noted that the number of protests increased in 2012. Bao Tong, an aide to reform-minded former Premier of China, Zhao Ziyang, cited a report estimating that China has 100,000 protests in the year, against 80,000 three years ago. However, it is very rare for the media to investigate the facts. On the other hand, the police have been placed in a position to resolve the disputes. Clearly the conflict between parties increases when public has limited access to information.

In 2012, the new leadership of China was chosen and the Director of the Propaganda Department changed from Li Yunshan, a member of Standing Committee of the Politburo, to Liu Qibao, originally the Chairman of the Standing Committee of the Sichuan Provincial People’s Congress.

The IFJ urges the Communist Party General Secretary Xi Jinping and his administrative committee to seriously respect the spirit of press freedom and freedom of expression which is enshrined in the Chinese Constitution.

We also urge the authorities to enact a law to protect the public's right to access to information, which would uphold the status of China in the international arena.

At the same time, we urge the authorities to adopt Principle 6 of the Johannesburg Principles on National Security, Freedom of Expression and Access to Information that no punishment should be imposed when the expression has concrete evidence to prove that a direct and immediate connection exists between the expression and the likelihood or occurrence of violence.

CHINA'S MEDIA "ICE AGE" – NO END IN SIGHT



Former Chongqing Communist Party Secretary Bo Xilai scandal became one of the reasons to punish media in the "Ice Age". – photo Central Government

For China's media, the year 2012 can be described as a prolongation of the "Ice Age" of 2011. It is rare to read an in-depth investigative news report in China. At the same time, more than a dozen orders were issued daily, imposing significant restrictions on the media's efforts to fulfill their role as watchdogs. This "Ice Age" included various dramatic incidents. These included the expulsion of Bo Xilai, described as the "princeling" of Chinese politics, from the Communist Party after Wang Lijun, Police Chief and Vice-Mayor of Chongqing, fled to the US Consulate in Chengdu in February; the successful escape of blind human rights lawyer Chen Guangcheng from year-long house arrest and his flight to the US Consulate in Beijing in April; the first democratic election in Wukan Village, Guangdong Province, in February; an incident springing from the long-running ownership dispute over the Diaoyu Islands (also known as the Senkaku Islands) in September; and the 18th National Congress in November, which changed the membership of the Politburo Standing Committee of the Communist Party of China.

Against this background, the Chinese leadership as usual made their utmost efforts to ensure social stability throughout the year. The media crackdown was part of the response to all the above incidents.

More than a dozen restrictive orders were issued every day. A veteran Mainland journalist told the IFJ: "We have received more than a dozen restrictive orders each day from the Central and Provincial Propaganda Departments. This is the highest number of orders that I can recall."

Blanket bans covered all areas from sensitive political issues, such as Bo Xilai and foreign affairs, to very local

social issues, such as the anniversary of the deadly high-speed train crash in 2011 in Wenzhou in China's eastern Zhejiang Province.



Wang Lijun, former Chief of Police in Chongqing, fled to US Consulate in Chengdu, found guilty after trial but no independent media were allowed to attend the hearing. – photo capture from CCTV

From February 6, when Wang Lijun abruptly fled to the US Consulate in Chengdu, the Government of Chongqing tried hard to cover up the news. Initially, a spokesperson for Chongqing merely released the information through a microblog and claimed Wang was taking a "vacation-style treatment" because he had suffered tremendous stress. No additional information was released until some journalists posed question to a United States spokesperson in Washington D.C. on February 8. Wang's situation began to become clearer because the spokesperson confirmed that Wang went to the Consulate and stayed there for a while, but stressed that Wang "left of his own volition". In response to the release of this information by the U.S. spokesperson, the Chinese Ministry of Foreign Affairs finally acknowledged on February 9, 2012, that Wang did visit the U.S. Consulate, but said the matter was "under investigation".

The public, particularly Mainlanders, were kept in the dark regarding the Wang incident. No media was allowed to report any additional information, although some information had been successfully disseminated through the internet, including Wang's bid for asylum in the United States after he accused Bo Xilai, former Chongqing Communist Party Secretary, of being involved in the murder by his wife, Gu Kailai, of a British businessman, Neil Heywood. Some netizens posted a message or picture or disseminated material that had already been posted to illustrate that many cars (some netizens claimed they were the military vehicles) surrounded the Consulates

in Chengdu and Beijing. On March 19, Li Delin, senior editor of the Chinese business magazine *Capital Week*, wrote a message on his microblog and said that he had hit an unusual amount of traffic on Beijing's roads. "There are military vehicles everywhere. Chang An Avenue is under complete control," he wrote. "There are plainclothes police at every corner. Some intersections have even been fenced off." On March 23, it was reported that Li's connection to the outside world had been cut off. On March 30, the state-owned media organisation, Xinhua News Agency, reported that 16 websites were shut down by the Chinese authorities following their reports claiming military vehicles entered Beijing in response to political conflict associated with the dismissal of the former Governor of Chongqing City, Bo Xilai. Two of China's most popular microblog service companies, Sina and Tencent, suffered clampdowns for similar reasons. According to reports from various overseas media, both companies were forced to disable their comment functions for three days. Xinhua also reported that six people were detained by Beijing police on allegations that they had spread rumours on the internet, with many others receiving official reprimands for similar activities. However the report did not mention who was detained or the names of the websites. In addition, the report did not mention what specific rumours had been spread or the reason for them. A blogger said Li was being detained on police claims he "had been a bad influence on the public". Wu Guanhuang (pen name Xiao Yong), a blogger, and Gu Chuan were detained by police and forbidden to leave China. On March 31, Wu was charged with illegal assembly after he took a picture of protestors asking for political reform and disseminated it on the internet. Gu, a citizen journalist, was forbidden to leave Beijing to go to Columbia University in the United States, with the excuse given by police being the "uncertain political situation internally and externally".

Online media and social networking channels such as weibo and blogs were heavily censored. The Utopia website, which upholds the Communist Party, and its official weibo (microblog) accounts, were subjected to a massive cyber attack and finally shut down without any reason being given. The Utopia website upholds the Mao era and criticises the policies of the Central Government which, it says, have failed to ease the difficulties of the ordinary people and have in fact indirectly exacerbated the gap between rich and poor. Many Mainland scholars and commentators regard Utopia as a mouthpiece for left-wing

extremists, saying it is dangerous because it is promoting Communism, something that the majority of people in the Mainland are not looking for.

Bo Xilai scandal sparked escalating censorship



Gu Kailai, wife of Bo Xilai, found guilty of murdering British businessman. – photo captured from CCTV

During the hearings of Gu Kailai and four other people in August and Wang Lijun's trial in September, no individual journalists were allowed to enter except those from the state-owned media, Xinhua News Agency and Central China Television. Media on the Mainland were ordered to republish Xinhua's report with the exact number of articles and the headings. All non-local media, including Overseas, Hong Kong, Taiwan and Macau media, were ordered to stay in a designated media zone and not allowed to leave it. The media zone was far away from the court room, and they were barely able to see or interview relevant persons.

After seeing that quite a few cases had drawn international media attention, the authorities began to realise they had to take some measures to present an appearance of openness to the world. However, their actions were a very superficial gesture that did not acknowledge the core of press freedom or understand the responsibility of civil servants to answer questions when the public is deeply concerned. In the Wang Lijun and Gu Kailai criminal cases, the Chinese judiciary arranged a separate press conference for non-Mainland media. A Hong Kong journalist told the IFJ: "They arranged a press conference for the media but they did not allow the media to ask questions. They merely read out the prepared statement and then left immediately. This is not a real press conference. They just made use of us to boost their fake image of 'openness'."



A unidentified lady suddenly accused a Hong Kong journalist of stealing her things when he was trying to take photos outside the court. When police blocked the journalist, the lady secretly left – *photo of Hong Kong journalist.*



Blind activist Chen Guangcheng escaped from house arrest and fled to the US Consulate in Beijing – *photo Open Magazine*

During the 17th National People’s Congress in March, when Bo Xilai was still in the position of Party Secretary of Chongqing, Chongqing Province also invited media personnel to attend the meeting. However, the invitation was not open to all media. Many journalists were crowded around outside the meeting room. The IFJ was told that several Mainland journalists were warned not to raise embarrassing questions, though the kinds of questions they were not allowed to ask were not specified. It is reasonable to suppose that no questions relating to the Bo scandal were permitted.

There was no indication of when the court would try Bo on criminal charges. However there was no doubt that no individual media personnel other than the state-owned media would be allowed to enter into the court room. For this reason, the media believe there would be no chance for them to report the case freely.

Chen Guangcheng – another sensitive news event

Another highly sensitive story which the media was forbidden to report was the flight of blind activist Chen Guangcheng to the United States Consulate in Beijing from house arrest in Shandong Province.

Chen has been widely described as a “barefoot lawyer” who became internationally known through his advocacy for women’s rights, land rights, and the welfare of the poor. He exposed the family-planning practices by which officials abused their power, forcing women to have abortions or imposing heavy fines.

Since he organised a class-action against the authorities in Linyi, Shangdong, in 2005, Chen has faced tremendous hardship including physical attacks, threats and house

arrest that has included his whole family. However, no local media has published a word about his situation. Finally, he was charged with “damaging property and organising a mob to disturb traffic” by the local authorities and put in jail for four years and three months. In 2010, he was released after serving the full sentence, and was immediately placed under house arrest again with his wife. Although many Mainland media journalists, overseas journalists, consular representatives and even international actors tried to visit him, none of them succeeded. When Chen went to the US, he revealed that some of these visitors were even beaten up by agents who were hired by the local authorities.

On April 22, Chen successfully escaped from house arrest and fled to the US Embassy in Beijing with the assistance of several people. Although his life was not threatened, he suffered a leg injury in the course of his escape. He was then sent to hospital. While he was hospitalized, many uniformed or plain clothes security officers tried their best to block media from getting close to Chen and his family members. The authorities designated a media zone outside the hospital. A journalist complained that media personnel were not allowed to leave the zone when they were trying to find a place to take a rest. Some of the journalists who were able to enter the hospital were harassed by plain clothes security officers, who threatened them that their working visa might be cancelled. Most of their press cards were confiscated.

On April 27, Chen appeared in an internet video in which he made three demands to Premier Wen Jiabao, including that the local officials who allegedly assaulted his family be prosecuted, his family’s safety be guaranteed, and



Plain clothes security officers were deployed outside the hospital in order to prevent media getting in touch with Chen Guangcheng. – Photo Yu Jie

corruption cases be prosecuted by the Chinese government under the law. No media in the Mainland reported anything about his appeal.

On May 2, in a routine press conference, a spokesperson for the Foreign Ministry of China suddenly demanded that the US make an apology for the Chen incident, investigate what had happened and never again interfere in China's domestic matters. On May 4, a provincial media outlet that is used for propaganda, *The Beijing Daily*, used its editorial to describe Chen as "a tool and a pawn for American politicians to blacken China". It accused US Ambassador Gary Locke of stirring up trouble by sheltering Chen, and questioned Locke's motives. After Chen had made clear his desire to leave China and further his legal studies in the US, the spokesperson for the Foreign Ministry said Chen could apply for a student visa to study abroad through the normal channels in accordance with the law.

Chen's case drew international media attention and prompted reporting of the case and how it developed, but the Mainland media was forbidden to report. Reporting was also banned on the internet.

At the same time, reporting on the safety of Chen's family members, including his brother Chen Guangfu and his son Chen Kegui and his wife, was totally banned from the media. According to various overseas media reports, they were detained and beaten up by the local security officers immediately after the security agents discovered Chen had escaped. Chen's nephew, Chen Kegui, was charged with the criminal offence of "intentional infliction of injury" because he injured security officers when they broke into his house. On November 30, Chen was sentenced to three years and three months imprisonment by the court of Linyi. Chen's family, including Chen Guangcheng, and the United States spokesperson, queried

the fairness of the verdict because it was reached without due process. According to various overseas media reports, Chen was deprived of his right to see his defence lawyer, and his lawyer was prevented by the local authorities from reading all relevant documents. The media on the Mainland did not report the case.

The territorial dispute cases

In cases related to foreign matters in which China has an interest, the media normally have to rely on Xinhua or statements from the Ministry of Foreign Affairs. The media are not allowed to rely on other information sources, in particular in relation to two major international disputes over the territorial claims regarding the South China Sea and Diaoyu Islands (also known as the Senkaku Islands).

The South China Sea dispute involves several countries including Philippines, Vietnam, Malaysia, Indonesia and Brunei. ASEAN is the venue in which attempts are made to resolve the tensions between the different countries' interests in the area. However, in their July meeting, the ASEAN foreign ministers failed to reach a consensus on handling the disputes. It was the first time that the meeting failed to release a communiqué. Journalists were not allowed to use any individual sources in their reports, being forced instead to rely on information from the official Xinhua news agency.

The situation was similar in relation to the Islands dispute. A meeting between the Japanese Defense Minister and U.S. Defense Secretary announced that tighter surveillance around the Islands was needed, drawing the attention of the Chinese authorities. However, no protest was organised on the Mainland until 14 activists including media workers and crew were sent to the Islands on August 15. Although they were stopped by the Japanese Coast Guard, seven activists were able to jump into the water and swim to the shore, waving the flags of Mainland China, Taiwan and Hong Kong. The Mainland media were allowed to report this incident.

After September 11, when the Japanese Government used public money to buy the islands from the Japanese family it recognised as their private owners, a series of anti-Japanese rallies occurred across the country. On September 14 and 15, it was reported that a series of anti-Japanese rallies were organised across the nation and the scale of the protests was increasing. Some of the protestors were targeting the Japanese Consulate and Japanese businesses. The IFJ has learned that several Japanese journalists were hectorated when they were reporting. A Japanese journalist



Diaoyu Islands (Senkaku Islands) disputes sparked series of protests in Mainland – photo Ming Pao Daily

and a Hong Kong journalist were reportedly beaten up when they took photos of a rally.

On September 18, the anniversary of the Mukden Incident in 1931, which Japan used as a pretext to invade northern China, a Japanese correspondent told the IFJ that they were barely to exercise their duties because many police officers controlled the pier where Chinese authorities claimed that thousands of ships would head to the Islands. “Police were there around the clock. They even blocked some of the roads at night in order to make sure no outsider was able to get in touch with the local people,” he said.

Although the Mainland media were allowed widely reported the Islands, almost all the stories were one-sided. At the same time, a number of provincial propaganda department banned local media from reporting any protests.

Authorities control reporting on allied countries

If a country has any interest in common with China, the Chinese authorities normally ban all negative reports about that country. On December 17, the Chinese authorities were on high alert after the death of the former supreme leader of the Democratic People’s Republic of Korea (DPRK),

Kim Jong Il. No media were allowed near the Chinese side of the border with the DPRK in Dandong City, Liaoning Province. A mainland journalist was asked to leave the city upon arriving at a local hotel late in the evening. “They demanded I leave the city the following morning, without giving an explanation why,” the journalist said. No other foreign media personnel were allowed close to the border to conduct filming.

On February 4, German Chancellor Angela Merkel concluded her fifth official visit to China. However, her trip was tainted by the cancellation of an interview originally scheduled with Mainland magazine *Southern Weekly*. According to a Mainland journalist, the order to cancel the interview was delivered by the Central Propaganda Department, although no reason was given in the order. However, some journalists have speculated that the cancellation was motivated by the Central Government’s fear that the media industry in the southern part of China is gaining strength.

Coverage of domestic issues banned

One high-profile case which continued to draw media attention into 2012 was the case of Wukan village. In December 2011, a series of protests was organised in

Wukan village after several villagers were detained on December 9. Two days later, one of the villagers, Xue Jinbo, was found dead in suspicious circumstances while in the police detention center.

On December 12, 2011, villagers began holding daily protests against the local government, waiting for the intervention of the Central Government and hoping that the Central Government would conduct an investigation about the death of Xue, as well as corruption and land evictions. The police rushed to the village and cordoned off the area, blocking all outsiders from entering the village. The local authorities even tried to besiege the village and prevent any supplies from entering. The action drew international media attention, and various media members went to the village and stayed there with the help of the villagers.

While the tensions between the local authority and the villagers were escalating, senior provincial officials agreed to intervene in the dispute and acknowledge the demands of the villagers. A real election finally happened in February. On February 1, it was reported that 7600 villagers from Wukan voted for an independent committee to supervise elections for the new village leadership in March.

Journalists ordered to leave

Reporting of the Wukan election was allowed only by non-local media outlets. A Mainland journalist told the IFJ: “A number of Mainland journalists, including those from *The Nanfeng Daily*, *The Beijing Newspaper*, *The Economic Observer* and *Life Weekly Magazine*, were recalled to the offices by their supervisors after an order was received from the Central Propaganda Department. The journalists actually had already been staying in the village for a number of days. Their names appeared on the order from the Central Propaganda Department, but they do not know who disclosed their identities to the authorities. Only authorised media outlets were allowed to report the news. Furthermore, the Provincial Government officials barred a number of Hong Kong journalists and some civil society representatives from entering Wukan village. However, with the help of sympathetic villagers, the Hong Kong journalists were able to enter.

Li Wangyang, a dissident Chinese labour rights activist who was present during the Tiananmen Square Massacre of 1989, was sentenced to prison for 21 years. On June 6, one year after he was released from prison, he was found dead in a hospital after he spoke to a Hong Kong journalist



Journalists investigating blind activist Li Wangyang’s death were harassed and detained. – Photo Serenade Woo

about being tortured in the prison just a few days before June 4. The Shaoyang police department claimed that he died through suicide, but his family did not accept this. The death of Li triggered protests by thousands of Hong Kong people. The protests were widely reported in Hong Kong but not a word was reported on the Mainland. However, the uproar from Hong Kong put pressure on the Mainland authorities which eventually ordered that an independent autopsy be conducted. During the uproar in Hong Kong, many media personnel in Hong Kong tried to contact Li's family members and his friends, but none succeeded. Journalists were even warned that if they went to China they should leave town. Two Hong Kong journalists were detained and interrogated for almost two days.

With the expected leadership change of the Chinese Communist Party due to take place during the 18th Politburo Standing Committee, the Chinese authorities as usual demanded that the media rely strictly on Xinhua or other government mouthpiece media when reporting on sensitive stories or incidents. A Mainland journalist told the IFJ that journalists were forbidden to independently report cases involving land evictions, food and product safety, and other spontaneous incidents. As a result, two recent major incidents were reported only on officially sanctioned media. On June 29, six suspected hijackers reportedly attempted to hijack a plane from Hotan to Urumqi in Xinjiang Province. Two out of the six suspects were reported to have died during the incident, after they fought with passengers and air crew. Two other suspects were injured. According to a report by government mouthpiece *Global Times*, the suspects attempted to ignite explosives in the airplane. However, no media independently reported the case.

Similarly, on June 29, thousands of people in Shifang, Sichuan Province, protested against the decision by the local government to allow a heavy metal refinery to be built, putting the health of local people at risk. Although the local government ordered the factory to stop construction, and promised that the government would supervise any future construction, this did not address public anxiety. Thousands of people gathered in front of the local government offices. Military forces were sent to manage the protestors, with tear gas used to try to disperse the public. Information from internet sources said many people were injured and at least one person died during the riot. However, no official statement has verified the information and no independent media reporting was conducted.

Only certain questions allowed at press conference

On July 21, heavy rainfall such as had not been seen in 60 years occurred in Beijing, killing more than 70 people and causing severe economic loss. However the local government did not release the death toll or the names of the victims, even though this drew tremendous criticism from bloggers. On July 25, a press conference was organised by the local government, but the press conference was described as being controlled by the government. According to Chinese newspaper *Chang Jiang Daily*, only media representatives from government-affiliated media organisations Xinhua, *China Daily*, *China Central Television* and *Beijing Television* were allowed to ask questions, and they were also warned not to pose any sensitive questions related to the death toll. The report in *Chang Jiang Daily* was removed from the paper's website. Many Chinese netizens also complained that their online comments criticising the Beijing Government's poor management of the disaster were deleted from the internet.

The heavy rain occurred just two days before the July 23 anniversary of the 2011 incident when two high-speed bullet train collisions occurred in Wenzhou, killing 40 people and injuring at least 192 others. On July 16, journalists received calls from their managers asking them to halt their reporting and leave Wenzhou. No reasons were given. A Mainland journalist said: "Frankly, we all understand the reason. The authorities are just afraid the report would create trouble for them. However, it was not the first time that investigative news journalists were asked to leave the reporting area. It's so frustrating."

Following the incident in 2011, the Government of Wenzhou quickly ordered that the train wreckage be buried, drawing criticism from the public for their attempts to cover up the incident.

Reporting on general issues also forbidden

Reporting was also barred by the Shanghai provincial propaganda department on the resignation of Bishop Thaddeus Ma Daqin, who used to be a member of the Standing Committee of the Chinese Catholic Patriotic Association and the Deputy Director of Shanghai Catholic Patriotic Association. Ma publicly announced his resignation from the Catholic Patriotic Association on July 7. Ma does not recognise the Chinese Patriotic Catholic Association, which is controlled by the Communist Party. The association is not led purely by religious people, resulting in long-standing tension between China and the Vatican. On 11 December, Ma's position in the church



A directive was issued to media when reporting Olympic athlete Liu Xiang on August 7 that no negative reporting should be made – photo capture from online

as the Deputy Director of Shanghai Catholic Patriotic Association was removed by the Standing Committee of the Chinese Catholic Patriotic Association without any explanation being given.

Reporting on sports was also restricted. The Central Propaganda Department restrained reporting on Olympic Athlete Liu Xiang on August 7. A directive issued by China’s Central Propaganda Department to all national media said that no negative reporting should be made about Chinese athlete Liu Xiang. According to a report from a mainland journalist to the IFJ, the Central Propaganda Department directive stated that the media were not to report either “negative or skeptical analysis” about Liu Xiang’s performance at the Olympic Games. *The Global Times* and other media outlets reported that Chinese athlete Liu Xiang, a competitor in the 110m Hurdles in the 2012 Olympic Games, suffered a suspected ruptured Achilles tendon which caused him to stumble

at the first hurdle during his heat. Liu was the gold medal winner in the 110m Hurdles at the Athens Olympics in 2004. He exited the Beijing Olympics early in 2008, due to injury. At the same time, four journalists of *Oriental Guardian*, including the Editor-in-Chief, were reportedly sacked or given warnings after they reported that China Central Television, a state-owned media outlet, knew Liu had decided not to compete with the other athletes but issued news reports that undermined the facts. This has not been confirmed.

18th National Congress of the Communist Party of China

The year 2012 was a very sensitive period for the Communist Party because the leadership was scheduled to change. Before the 18th National Congress was held, the 17th National People’s Congress and the Chinese People’s Political Consultative Conference were held on March 3 and 5 respectively. Restrictive orders were issued by the Central Propaganda Department to all media outlets as usual. According to a report by *China Digital Times*, all media outlets were forbidden from reporting on any appeals made to the Central Government or any



While the 18th National Congress was coming, online censorship was escalating. Xi Jinping and Li Keqiang were elected as members of the Central Politburo Standing Committee of Chinese Communist Party – photo Open Magazine

“spontaneous incidents”. Furthermore, the media was not allowed to report or comment on the election for the Hong Kong Chief Executive unless those reports had first been approved and censored by the Hong Kong and Macau Affairs Office of the State Council.

The Central Authority used the excuse that it was preventing access to pornographic or vulgar information. The Director of the State Council Information Office, Wang Chen, reminded all officers of nine government bureaus, including the General Administrative of Press and Publication and the State Administration of Radio Film and Television, that they should prevent any pornographic and vulgar information being disseminated through the internet and mobile phones. In a speech on February 27, Wang said that the “purification of the internet and mobile communications” is related to the stability of the country and the spirit of Socialism. The newly launched censorship campaign would last for six months from March.

On April 14, Premier Wen Jiabao held a press conference, but media outlets were warned to republish only those articles produced by the Xinhua News Agency, China’s official media agency. With regard to the sensitive incidents related to Bo Xilai and Wang Lijun, the State Information Centre demanded all website operators strictly control the posting of messages and comments. Websites were able only to republish reports from official publications, Xinhua or *China Daily*.

In July, when the 18th National Congress was around the corner, a new crackdown on the internet was launched. A Xinhua report on July 9 said the new crackdown would go through to the end of November. The target was not only internet content but also videos, books and magazines. Because of this crackdown, many micro-blog account holders complained that they were unable to access their accounts or that messages were deleted. According to a *Global Times* report, one of the micro-blog account holders was the information officer of the United States Consulate General in Shanghai.

Five publications labelled illegal due to not being registered in Beijing

According to a report in *New Beijing Newspaper* on July 29, five publications were halted by the General Administration of Press and Publication, with the reason being given that the Chinese Government’s Cultural Bureau started a new campaign “fighting illegal publications”. According to *Legal Daily*, the publications

did not get any approval licences from their local authorities. However, the report did not explain why they did not apply or give reasons why the applications were refused if they had applied. On the other hand, a Shangdong-based newspaper, *Blue Express Daily*, was attacked by a group of people who claimed to be officers from the Cultural Bureau of Yantai, Shangdong. According to a report in *New Beijing Newspaper*, the unknown people took away the newspaper’s computers on the night of July 21 and hit two of the staff members as they were trying to prevent the newspaper’s property from being removed. The report said the unknown people accused the newspaper of being illegally published, but a spokesperson for the newspaper rebutted the allegation, saying it had a licence from the General Administration of Press and Publication.

The Vice Minister of the Central Propaganda Department, Wang Chen, demanded that all online media censor unfavourable discussions and ensure no “deviation of thought” was posted online. A number of activists were asked to leave Beijing or had their freedom of movement restricted.

Under significant pressure from the authorities, the current General Secretary of the Communist Party, Xi Jinping, suddenly disappeared from public view in early September for 10 days. The incident drew a lot of attention from the overseas, Hong Kong and Taiwan media, but there were no reports from the Mainland media. During the 10 days, rumours about Xi’s health spread. The Government of China did not release any statement addressing public concerns. Online discussions were heavily censored and no explanation was given for cancelling Hong Kong media photos of Xi and Denmark’s Prime Minister on September 10.

Media imposed self-censorship

Because press freedom has been restricted by the authorities for more than 60 years, a reflex mechanism has arisen by which the media will exercise self-censorship voluntarily, even if no pressure is imposed.

In the territorial dispute over the Diaoyu Islands (also known as the Senkaku Islands), one media outlet accompanied some Hong Kong activists who went to the Islands by ship in August. The ships were stopped by the Japanese Coast Guard. Seven activists jumped into the water and successfully swam to the shore. They were able to wave the flags of the Mainland, Taiwan and Hong Kong on August 15. The next day, *Xiamin Commercial Newspaper*

From Sacking Reporters to Distorting the Media Environment 2012 Report On Mainland China Media

China's media in 2012 experienced an extended killing chill. During the year, control of the media control was fine-tuned and the media's investigative function was further suppressed. The keyword screening function in weibo microblogs and similar social media websites was strengthened. More marginalised media personnel went into exile. In short, the media sector in China faced a clampdown on all fronts.

More reporters were excluded by the system, giving a startling signal of what is occurring in the media during this period of media and social transformation. These people experienced the autocratic rule characteristic of traditional media and turned to new media such as weibo in the hope of exploring the possibility of independent publishing on the internet. But they soon discovered that such freedom is impossible as long as suppression remains and opportunities for innovation are smothered. The media sector in Mainland China was hit by a sense of disillusionment.

The 18th Communist Party Congress set the highest level of media injunction, as it exerted very serious censorship on the traditional media. But such control has not been as effective on the internet. The power struggles and infighting among bureaucrats spread like wildfire on weibo. This made weibo a mega media power in the Mainland, and heightened the difficulty of controlling it. Weibo's future will be determined by the outcome of this political infighting. If so-called open-minded people win the struggle, then censorship will lessen and openness on weibo will increase. This is a brand new structure for the media.

From eliminating targets to taking total control

In 2011, liberal media intellectuals were evicted and banished by the Central Propaganda Department. The Department's tactic was to eliminate individual targets, that is, to issue an order directly from the Department and evict reporters from the Southern Group (Nanfang Press Group) such as Chang Ping and Xiao Shu. The forum page of *Southern Metropolitan Newspaper* was also given an order to re-structure, and to sack commentators and editors. These moves were thoroughly complete by the end of the year.

But the Central Propaganda Department was not satisfied only with evicting pioneer media personnel.

Instead, it developed a system for wider and more direct control over the media. For example, the Department reassigned former Xinhua News Agency Deputy Director, Tou Zhen, to head up the Guangdong Provincial Propaganda Department, and appointed Guangdong Provincial Deputy Propaganda Chief, Yang Jian, as the Party Committee Secretary for the Nanfang Press Group, replacing its Chief Editor in order to prepare for the group's restructuring.

Media personnel groomed internally were sidelined, and replaced by those appointed by the government. Such changes further deepened what had long been advocated by ideological officials such as Li Changchun, who suggested that "the party controls the media" and "the party controls bureaucrats". Such "double controls" means that the ideological content of publications is controlled not only by external censorship but also by appointed these appointed officials working inside the media.

Industry rumour has it that the Beijing Municipal Propaganda Department is geared up to fully acquire the shares of *The Beijing News* and *Jinghua Newspaper*. In September 2011, these two papers were "transferred" to the Beijing Municipal Propaganda Department, which has since assumed official control. The development illustrates that the propaganda system in Beijing is not satisfied with being just a nominal owner, but wants to claim ownership in reality.

This is a new move. Simply put, the Central Propaganda Department is buying up media outlets. By directly interfering with media operations, party officials can kill two birds with one stone. First, they can get a thorough understanding of how powerful the liberal reporters are, thus weakening these reporters' self-confidence. Second, they can use these media outlets as shell companies to list whatever they inject into them, hence making them Party assets and gaining monetary benefit in the market.

Investigative reports doomed

Commentary and investigative reporting are the most crucial functions of media. They expose and critique social problems, and are thus the most like to provoke the government censorship authorities. In 2011, the Propaganda Department aimed to control the commentary pages and the commentators. In 2012, the Department switched to dismantling in-depth, investigative reporting functions, excluding and

sidelining reporters who lived up to their professional standards.

The Chief of the in-depth News Department of *Southern Metropolis Newspaper*, Yu Chen, voiced his support for the idea of making the army serve the nation, rather than the Party, in his weibo account. Both the military and the Propaganda Departments were so furious they asked to have him investigated and tried. Despite the newspaper group's mediation, a penalty was inevitable, and Yu was finally sacked. This also dealt a blow to the group's in-depth investigative reporting department.

In September, *The Economic Observer* was held to account for allegedly "operating a newspaper off-site", that is, away from Shandon, where it is registered. Inspectors entered the newspaper office and shutdown everything, armed with the excuse that the newspaper had filed a false report about the splitting-up of the Ministry of Railways. After internal mediation, a fine of 30,000 yuan (US\$375) was imposed and an executive warning was issued. The newspaper has been silent about the whole saga.

But the investigation did not end there. Not long after the economic fine was imposed, the newspaper dismantled its in-depth news department, which was set up by famous investigative reporter Wang Keqin, citing "internal restructuring" as the reason, however lame that might have sounded. Analysis has it that removal of the in-depth news reporting department might have been a concession made by the newspaper group when faced with the prospect of forced closure.

The incident should not be viewed as a single, stand-alone event. Such purges spread from the North to Eastern China. Both the Publisher, Lu Yan, and the Deputy Chief Editor, Sun Jian, of Shanghai's *Oriental Morning Post* were suspended from duty because of an article that supported private enterprises. The editorial staff of Nanjing's *Oriental Guardian* were suspended or dismissed after an article headline insinuated that star hurdler Liu Xiang lied to the nation (about his injury that resulted in a sudden dropout in the Olympic Games), against a press injunction order issued previously.

In Southern China, the base camp of the Nanfang Press Group, the propaganda force formed jointly by Tou Zhen and Yang Jian obviously strengthened the control over the newspaper. Tou and Yang together stimulated and activated their enthusiasm for an internal and external censorship mechanism. As a result, every word and every photograph of every major publication of the group has to undergo a repeated review and pre-screening mechanism,

thus making the Nanfang Press Group the place that suffers the most stringent news blackout in China.

This summer, when *Southern Weekly* was all set to run an eight-page investigative report on the big flood, it was suddenly made to stop the publication in the last moment. Emotional protests from the newspaper personnel were held but in vain. Investigative reports from both *Southern Weekly* and *Southern Metropolis Newspaper* have since deteriorated in terms of its news quality. Obviously the culprit is the censorship mechanism.

Censorship mechanism cloned on weibo

Social media such weibo microblogs are extremely popular in Mainland China. This is partly due to the fact that internet control and media control belong to different departments, with internet coming under the State Council Information Office while the media are under the Central Propaganda Department. As a result, different approaches are employed to control these two media genres, with different results. It appears that those responsible for control have recognised this censorship loophole and are joining hands to fix it, and are about to clone the stringent censorship system previously applied to the media and apply it to weibo.

In 2012, US-listed Sina owned the most rapidly developed and most vibrant weibo user group; in reality, the service became a mega media outlet. While the service grew rapidly, just as fast was the increase in the installation of screen shields and sensitive keywords. There are already thousands of censorship officers, nicknamed Sina's mini-secretaries, engaging in censorship of information, night and day. This is called "safeguarding internet stability".

As mentioned above, Yu Chen is the scapegoat for this new form of censorship. But Sina did not close Yu's Weibo account. Instead, it closed those belonged to Chang Ping and Xiao Shu after they were dismissed from the traditional media. Others such as the account belonging to Cheng Yizhong was banned for a period of time as penalty. In this way, Sina weibo has become another tool through which the authorities exercise censorship.

Even under the most stringent censorship, Weibo and other such services have been able to disseminate significant amounts of information. This enables weibo to become a new age media that cannot be completely blocked. However, as censorship begins to extend to weibo, clearly targeting media personnel, lawyers and NGO-related people, the nature of social media has been

compromised. Needless to say, freedom of speech does not really exist in mainland China.

Against the background of social transformation in China, those who have been forced out of the media industry have somehow attained a reputation higher than the powers that be. They hope to gain independent publishing opportunities, so as to report and comment on China truly and honestly. The platform that they can best rely on is social media, but the proliferation of censorship makes it almost impossible.

Compared with their counterparts in Taiwan and Hong Kong, the misfortune that media personnel in Mainland China face is that they are constantly being watched whether inside or outside of the system. This also marginalises liberal and independent media personnel. An internet firewall segregates reporters from the outside world, much as the censorship system that isolates them. This was the most depressing phenomenon in 2012.

Severe winter hits liberal Southern Media

Nanfang Press Group, also known as Southern Media, is considered the liberal base camp in Mainland China. But what happened in 2012 signified a most difficult period for the group. Such difficulty was not expressed only in how in-depth reporting or commentary was suppressed and smothered, but in how the newspaper group's structure was reorganised through changing or coercing its managerial staff, twisting its nature and polluting its news spirit.

To the Central Government's Propaganda Department, 2012 was a year of management achievement as it has successfully suppressed the Nanfang Press Group. With Tou Zhen sent from Beijing, Yan Jian from Xinhua News Agency and Chang Dongming, the censorship official-turned-Chief Editor for the Group, it was clear that the Propaganda Department's power had infiltrated the Nanfang Press Group and placed it firmly in a subservient position.

While strengthening the censorship system within the Nanfang Press Group, Chang Dongming established a two-tier censorship system for the group's sister publications. The system employed more than 30 people and was still expanding. Chang even involved himself in executing the censorship, with what he might have borrowed from the Propaganda Department where he held a position, and took joy in altering reports and comments to show his loyalty.

Wang Yang, Guangdong Provincial Party Committee

Secretary, had always been viewed as a core member of the reformist camp. So it was most surprising to see that even Wang seemed to have quietly endorsed the suppression of press freedom. However, to Wang, 2012 marked an important year in his political career, since the 18th China Communist Party Congress was due to take place, and this will reveal whether he could get into the top Political Bureau of the Communist Party of China Central Committee.

No scandals. No public opinion monitoring. Even to the extent of no negative news. All these are seen as ways to avoid making trouble for Wang Yang. To the Nanfang Press Group, this was just as bad as a news ban applied to the 18th China Communist Party Congress. In order to attain such a goal, Southern Media controlled by the Propaganda Department was extra sensitive. Its reporters and editors are full of complaints, and even observers believe that the group does not live up to its reputation anymore.

Conclusion

Fewer reporters were sacked in 2012 than in 2011, but this was because the sackings were done in 2011. The sackings set examples used to intimidate others. Besides, media control in 2012 generally applied to newspapers as a whole, or to the areas where the industry flourishes, such as Shanghai, Beijing and Guangzhou.

Even under the most stringent suppression, Mainland China media is still striving for a difficult transformation. New media surpassed their traditional counterparts and presented challenges to them, causing newspaper advertisements to shrink significantly in 2012. Difficult operating conditions as well as media control caused China's reporters to suffer a great deal. Whether to stick to their news ideal, or to forfeit their pay check, has become a dilemma for China's reporters.

Compared to the misfortunes hitting reporters, the Central Government and Provincial Propaganda Departments have been most confident. They not only own the power of life and death, but have even assumed the power to play and participate. They play the double roles of censorship officials and newspaper editors, as if they are combining both devil and angel. As a result, the news media's independence is being rapidly eradicated. This lurking, irreversible change has a huge impact on China's media environment.

This is most disconcerting.

Yu Sang

voluntarily altered a photo of the flag of Taiwan to make it the flag of the People's Republic of China. The newspaper offered an apology to the public after its action was reported by bloggers and non-Mainland media.

Economic Observer faced threats

Media workers who violated from the official orders, or who were thought by the authorities to be likely to create trouble, had different kinds of trouble.

On August 7, a prominent Mainland media outlet, *The Economic Observer*, was suddenly punished by the Beijing Cultural Bureau, which alleged it was not registered locally in Beijing, and was thus an illegal publication. According to a Radio France Internationale report, *The Economic Observer* – a weekly newspaper based in China's eastern Shandong Province, with offices in Beijing and Shanghai – was ordered to “suspend” its work on August 6 by the local Beijing Government's Cultural Bureau. Chinese authorities confiscated all copies of the paper from vendors on August 4.

A journalist from the paper told the IFJ: “It is widely believed that the suspension of *The Economic Observer* is political retaliation by the local Beijing Government. The situation in the office is very tense. The punishment is clearly because the newspaper disclosed that the local government had attempted to understate the death toll following the severe storm that hit Beijing on July 21. The government's inability to accurately calculate the death toll has raised questions about the local government's management abilities. Journalists have been ordered not to speak publicly with anyone.” *The Economic Observer* has been circulated throughout Beijing for a number of years and has a reputation for in-depth investigative reports, which drew great recognition and acclaim from the public and media industry.

Media personnel sacked, suspended or removed

Media personnel continued to suffer by being attacked, sacked or suspended from their jobs.

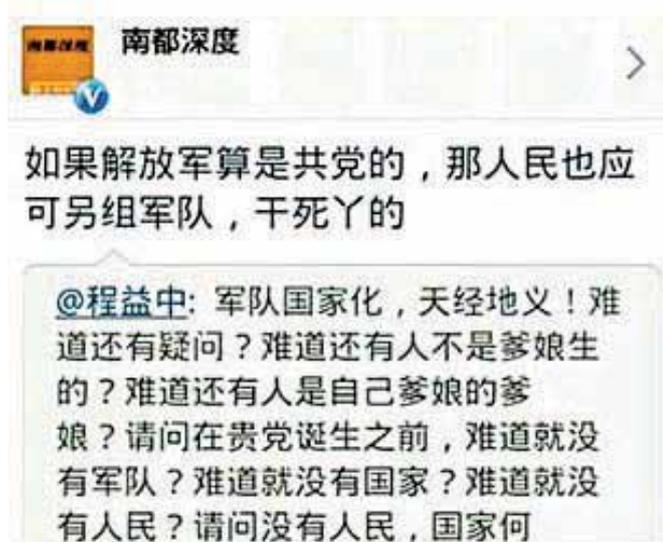
On March 27, four Mainland journalists were badly injured by a gang that allegedly included Niu Hao, Deputy Minister of Housing Department of Shaoling District, Luohe Prefecture-City, Henan Province, when they attempted to report on an illegal property development. The injured journalists included Zhou Dazeng, a reporter from *Luohe Television Station*, Guo Cungen of *People's Online* and a *China Economic Times* reporter with the surname Geng. Another of the journalists, Yuan Yuqing, editor of

the magazine *Life in the Party*, claimed that Niu threatened him with a gun, seeking to pressure him into disclosing the sources of information. On April 8, Xinhua News Agency reported that police had detained Niu after the incident and charged him with false imprisonment. The allegation that a gun was used remains under investigation.

A camera operator for Zhejiang Television V3 was pushed into a village pond on August 15. According to various media reports, the television journalists were trying to report on the high number of dead fish discovered in a pond in Paq Li Ti Tzen village, Wuxing District, Zhejiang Province. During the journalists' visit to the village, the Vice Secretary of the Communist Party of the village, Shi Guofeng, joined a number of other people who were trying to block the journalists' access to the site. During the ensuing scuffle, a camera operator was reportedly pushed into the pond with his equipment. Shi attributed the fall to the camera operator's own negligence. Shi was subsequently suspended from duty and compensation for the damage to the camera equipment was paid to the media outlet.

The entire senior management team of *Biancheng Evening Newspaper*, including the Editor-in-Chief, was sacked after publishing a report in which citizens of Huaihua, a prefecture-level city of Hunan Province in south central China, complained about inflated prices before the Lunar New Year. On February 1, *Biancheng Evening Newspaper* published an article titled, “How does your Lunar New Year taste?” The article reported a survey of local residents that found that more than 50 per cent of respondents were dissatisfied with inflation. People also complained that the city had not organised any official activities to celebrate the Lunar New Year. On February 3, Luo Xiaoming, the newspaper's Editor-in-Chief, and two Deputy Editors-in-Chief were sacked by the propaganda department of Huaihua. No reason was given for their removal. According to a Chinese journalist close to story, the government of Huaihua was unhappy with the report on the Lunar New Year. It is alleged that government officials were concerned that the report implied inaction on their part to address the dissatisfaction caused by rising inflation and the lack of formal Lunar New Year activities.

Yu Chen, 39, the editor of the in-depth investigative news desk of the Guangdong-based national newspaper, *Southern Metropolitan Newspaper*, was suspended, and later forced to resign, from his position because of online comments he made using the newspaper's microblog



Yu Chen, former editor of Southern Metropolitan Newspaper, was removed after he posted online comments that the military should serve the country. – photo from online

account. Yu was the second journalist to be punished for expressing his views on national defence. In March, Li Delin was punished by police after merely forwarding an online message. Yu's comment was made in response to a post questioning whether China's Ministry of National Defence should serve the Chinese Communist Party or the country as a whole. On June 5, the *People's Daily*, a Communist Party-controlled paper, published an article written by Zhang Yang, a member of China's Ministry of National Defence (Guangzhou District) claiming that all Chairmen of the Central Military Commission of China had already adopted the principle that the Ministry should serve the Party. The article was republished in the Guangdong media the next day.

Two Communist Party members assigned to Guangdong media group

Within Mainland China, Guangdong Province has been admired as the most open province in the country. However in 2012, such an assessment was undermined when the Chinese Communist Party assigned Guangdong Provincial Propaganda Department officers to the media group so that they could more directly monitor the media.

According to a report on the Caixin website in early May, Yang Jian, Publisher of Xinhua News Agency's Guangdong Bureau and Deputy Director of Guangdong's Propaganda Department, was assigned by the Communist Party to become the Communist Party Secretary of the Nan Fang Media Group. The report said that the transfer of Yang was unusual, given that all previous candidates came via internal promotions. In addition, Tuo Zhen, Deputy

Publisher of *Xinhua News Agency*, was assigned to be a member of the Guangdong Committee of the Communist Party of China. Some journalists shared their concerns that the *Southern Metropolis Daily*, a subsidiary newspaper the Group, had already restricted press freedom. They believed the former Deputy of Guangdong propaganda department Yang becoming the party secretary of the Group would further restrict press freedom in the future.

In July, the Editors in Chief of two Chinese newspapers were removed, apparently in response to political pressure. Lu Fumin, Editor-in-Chief for *Xin Kuai Daily* (*New Express* in English), a newspaper based in China's southern Guangdong Province, and Publisher Lu Yan and Vice-Publisher Sun Jian of the Shanghai-based *Dong Fang Daily* were reportedly removed or suspended from their duties in mid-July. Lu was removed from his post at *Xin Kuai Daily* and moved to its sister newspaper, the *Yangcheng Evening Post*, as an editor on July 16. The decision



Former Deputy Publisher of Xinhua, Tuo Zhen, was assigned to become the Chief of Guangdong Provincial propaganda department. – Photo from Government

to move Lu is believed to be related to his decision to re-publish an article detailing the political origins of several current members of China's politburo, including Deputy President Xi Jinping. Although no reason was given for the sudden removal of Publisher Lu Yan and the suspension of Vice-Publisher Sun Jian, many in the media community suspected that it was prompted by the *Dong Fang Daily's* publication of an article in May which accused China's government-owned corporations of stifling the country's economic development.

Journalist suspended after revealing township leader involved in corruption

A journalist was suspended after he reported a corruption case against a party leader of a township. *Xi'an Evening Newspaper's* management reported that they made a decision to suspend one of its journalists, Shi Junrong, after he reported on corruption allegations made against the Secretary of the Chinese Communist Party for the township of Dali, in China's northern Sha'anxi province, on June 30. In Shi's report on June 26, he queried how Dali's Secretary could afford to smoke high-end cigarettes, at a cost of 1,000 Chinese Yuan (approximately US\$158) per carton, given that his official monthly salary was understood to be quite low. Shi contacted the secretary and claimed that the cigarettes belonged to his "comrade". Four days later, the newspaper suspended Shi from duty, with the explanation that he did not interview all of the people involved in the story. The IFJ calls for the newspaper to immediately revoke the decision to suspend Shi, and urges the All Chinese Journalists Association to fulfill their duties to investigate the case and to protect the rights and interests of China's media personnel.

The removal of a number of veteran journalists attracted the attention of media personnel in Guangdong Province. They worried that press freedom in Guangdong would be further limited. A Guangdong Mainland journalist said: "A number of Communist Party officials being assigned to act as Party Secretaries within the media outlets could make those metropolis newspapers (which have originated in the market) face further difficulties. The metropolis newspapers can be a 'window' for readers because those newspapers are different from the media directly controlled by the state. Guangdong Province is one of the freest provinces in the Mainland, but with the appointment of two senior Communist Party people to Guangdong, the description of 'freest province' will definitely be changed. I'm also worried such changes will happen in other areas."

Cultural System Reform forced prominent magazines to become market oriented

As well as appointing people directly into the media industry, as happened in Guangdong Province, media outlets were forced to become enterprises. At the beginning of 2012, Du Daozheng, former Director of General Press and Publication Association, and publisher of *Yan Huang Chun Qiu*, one of the most influential magazines in China, revealed that the Chinese authorities had tried to persuade him to reform the ownership of the magazine, converting it from a self-sustaining magazine to a commercial enterprise and accepting investments by different shareholders in order to diversify the magazine. However, according to a report in *Ming Pao*, a Hong Kong-based newspaper, on January 15, he refused because to "make use of authoritative power and shareholders vote to become the largest shareholder of the management in order to control the human resources of the media. The aim of it is to change the theme of this publication." He further said: "If we were forced to change the current mechanism of the magazine, we would no longer be able to have the guts to explore the political reform, and we would no longer be able to speak the truth." Many commentators believed that if the magazine had accepted the changes, it would have become similar to another magazine, *Qiushi*, which is an authoritative organ of the Central Committee of the Communist Party of China.

Chinese cultural system reforms actually started with the 16th National Congress in 2002, when it was claimed the reform could improve coverage and provide public cultural services in both rural and urban areas. The Cultural Department of China claimed the reform was in line with the trend of the international media industry. However, many veteran media personnel told IFJ that such reform does not mean the shareholder of the media companies have rights to determine the content published or broadcast. Although the Chinese authorities claimed they were encouraging cultural system reform, the content of the media remains under the control of the Communist Party.

"State Secret" cited again as a tool to block media

On June 18, *China Youth Daily* newspaper reported that one of its journalists was denied access to a judgement which involved an officer of a community office in Longgang District who was charged with drink driving. The report said the officer of the court claimed that part of the judgment involved a "state secret" which made it

In pain, but cheerful

We, the Chinese media, are filled with a fantasy that has existed for nearly two decades, ever since China's ruling Communist Party introduced a "roster" system allowing for a transition to a new governing group every five years. We have hoped that every incoming government would relax the press ban, or even mount a subversive overhaul that would radically change the situation. Therefore, we have always tried to second guess what would please the powers-that-be, ranging from Zhao Ziyang to Jiang Zemin, and from Hu Jintao to the incoming "core" chief, Xi Jinping. Xi, 59, was elected as General Secretary of the Chinese Communist Party and Chairman of the Central Military Commission at the 18th Party Congress in 2012, replacing Hu Jintao as the paramount leader of China. He will become President of China in March 2013.

Have we seen any such subversive overhaul? No.

Despite scrutinising Jiang's, Hu's and Xi's histories, in the hope that the analyses might shed some light on how they might bring changes to the press sector, we have never actually encountered a new Spring for the media industry, other than some very transient, minor adaptations.

Every new Party chief, upon taking office, has said something to appease the crowd. The situation is no different with Xi Jinping, who talked several times about how "power (should) be supervised by the people" and the need to elevate the media's monitoring power. Similarly, Hu Jintao also talked about the need that "power be conducted under sunlight" in his 18th Party Congress Report. Back in July 2007, Xi Jinping, in his capacity as Shanghai Party Secretary, said: "Shanghai Municipal Committee of the CCP, City Government will, as in the past, place much importance and concern on supporting (the press), creating a satisfactory environment for all, with a positive attitude and whole-hearted support for press monitoring." However, as we all know, the Shanghai media has really done nothing to monitor the government.

On March 1, 2009, Xi Jinping – who was then already a member of the CCP National People's Congress Standing Committee, secretary for the secretariat, and principal of the Party's school – told a group of student officials: "Elevate (your) ability to deal with the media, respect the media as well as public opinion and their standard. (You must also) direct society's opinions

correctly, maintain a close contact with the media and accept public monitoring consciously." After this speech and before the 18th Party Congress, there were indeed more contacts and relationship-building activities between Party officials and the media. But if one looks closer, one will find that in between these contacts and relationship building activities, there were in fact layers of a fortified, reinforced ban on news.

On December 4, in a CCP Central Politburo meeting, consensus was reached to improve officials' work style and to foster closer liaison with the public via eight regulations. News reporting is mentioned in one of these: "Central Politburo comrades must attend meetings and activities according to work need, news value, social effect etc, in order to decide whether to report (the news), to further suppress (the news) frequency, length and duration. The news report must adhere to the official release: other than following central arrangements, there should not be any individual publication or speech text, and there will be no congratulatory messages, telegraph or commemorative writings etc." This was a fresh breath of air, especially to those who work in the news. Then we noticed a slight change in CCTV's News Broadcast. But it was far from a news Spring. Similar regulations or changes in emphasis have in fact happened in the past involving major Party officials. But such a news ban, not built on any legal foundation, is often unreliable. It is similar to what happened in the past two Politburos. On one hand there was talk about public opinion monitoring, while on the other hand the Propaganda Department (or officials) would advocate the "no off-site supervision" policy.

Therefore, we cannot figure out how any news ban will be imposed in future, if judging only by the Party officials' or the Party Secretary's declaration. The Communist Party's control over news, as much as its control over this country, is faced with the irony that "political decrees go no further than Zhongnanhai". (Zhongnanhai is equivalent to the centre of power in Beijing.) Even if we believe that the highest Beijing officials are inclined to relax the news ban, it is up to the local authorities to implement the policy. Different places have different officials. Different officials have different characters. Such differences may not be resolved easily.

As for the next five years, we may have much optimism and believe that there will be an "Indian Summer" or "mini Spring" in 2013. This is the same

situation as occurred after the 16th Party Congress in 2002. At this time, after the impact of SARS and much sacrifice from media people, the Party's control appeared to be relaxed. For the Party, 2013 poses an even more serious situation than that of 2003, and may be described as a year potentially filled with "internal and external woes". Internally it is the "economic downward pressure" as well as "the soon-to-collapse security maintenance system" while, externally, there is diplomatic difficulty such as the "territorial dispute" with Japan (over the Diaoyu Islands, also known as the Senkaku Islands). All these require public opinion to be moulded and pressure to be alleviated. It can be expected that the Party may relax its news ban when faced with impact from a certain key issue. Such an issue may emerge and escalate at any time.

On another level, the Party's core media outlets, namely, The China Daily, Xinhua News Agency and CCTV, which are all considered direct descendants or blood kin of the Party, will continue their competition with market-oriented media in terms of "contention for the discourse". This competition has in fact continued for many years and can be seen through suppression of liberal media such as the Southern Group (Nanfeng Press Group). In recent years, the Party's general philosophy as applied to media management has been "I can, but you cannot." Such a philosophy has been reflected in news reporting on certain issues – that is, the blood kin of the Party can report, but those outlets which do not have such kinship or those that are considered to have deviated from the Party cannot. This is because the Party has to control the media tightly, and direct public opinion. The newly-elected Standing Committee member Liu Yuanshan, who replaced Li Changchun, the most influential figure in media and opinion control, has advocated for many years for the Party's blood kin media to adopt change. This election is considered a gesture or an example of sign language. This will be a continuing trend in the years ahead.

"Monopoly of discourse" is damaging to press freedom, but when faced with the impact of new media, the Party has responded with increased confidence and dealt with the situation much more smoothly than how it behaved in the beginning. From a certain perspective, social media such as weibo microblogs and the weixin free instant voice messaging app will become an important information source for Party officials. These systems have enjoyed a more relaxed atmosphere in terms of control. Such trends will continue while the Party is trying to exert its control over them. It is expected that there will be Party officials visiting weibo and weixin, or that offices may even be set up for them. This will create an opportunity for capitalists to show their loyalty to the Party. However, visits from officials at the level of member of the Standing Committee will only tighten up the control over these new media, just as rumours circulated earlier about plans for "building Party quarters on websites".

Besides, one would wonder how much freedom those market-oriented media such as the Southern Group (Nanfeng Press Group) can enjoy. Judging from the present atmosphere, this would depend on the medium itself. A little-known aspect of the Southern Group is that there has always been a force inside that wants to flatter the Central government and to gain recognition. Such a division in values has in fact been most damaging to the group and has nothing to do with the news ban. If such divisions are not bridged, they will pose the threat of even greater damage and the press group will continue to wither, leaving their liberal counterparts a little more space to exist.

It is foreseeable that under Xi Jinping, the media in China still need to wait for a real law book to guide them. There will still be no laws to adhere to, only the wills of officials. China's media will remain unable to enjoy press freedom. In 2013, China media will be in pain, but cheerful.

Yue Chen

unsuitable for release to the public. However, the officer did not elaborate further. According to Chinese law, any case except those involving state secrets should be tried in an open court. The public is allowed to attend and read the judgment. A similar excuse was used in September 2011 by an officer of a government department to harass and intimidate a Chinese journalist investigating the arrest

of a civil servant in Luoyang, in China's eastern Henan Province.

Complete darkness in Xinjiang and Tibet

While the media in China faces various challenges, the media in the Xinjiang and Tibetan zones is still having serious difficulties in reporting on these areas. Because of

this, the people are clearly deprived of their right of access to information.

According to official local news reports, on February 28, 13 people were killed by nine attackers armed with knives in the city of Kashi (Kashgar) in China's western Xinjiang Province. Seven of the nine suspects were gunned down by police at the scene, with two others arrested in the city soon afterwards. However, further information on the attacks has yet to be released by the local government, with only selected media outlets allowed to enter into the city to report on the story.

The situation in Tibet is much worse. The number of self-immolations in Tibet has reportedly reached almost 90 cases since 2009, but no independent media gets approval to enter the Tibetan zone to find out the truth.

The Malaysian News Agency, Bernama, reported on December 1 that Tibet's Prime Minister-in-exile, Sikong Lobsang Sangay, said that the increasing number of self-immolation protests of Tibetan was creating a "growing frustration" among the youth.

He said 89 cases of self-immolation in Tibet went unnoted. Another case happened in Ngaba on November 30, according to Voice of America. Kunchok Kyab, a 29-year-old man, carried out a self-immolation protest in Ngaba. Kyab was taken away by security forces and his condition is unknown at present. A number of Tibetans approached the security forces to demand the return of Kyab, but had no success.

A Tibetan concern group, Campaign for Tibet, reported that 90 Tibetans have been confirmed to have committed self-immolation inside Tibet since February 2009. Of the 90, 73 were known to have died following their protests. Thirty-four of them self-immolated in the Tibetan zone, Sichuan Province.

The state-owned *People's Daily* website reported a June 27 interview with the Party Secretary Chen Quanguo of Tibet Autonomous Region (TAR) in which he was quoted as saying the key in 2012 was to maintain stability and national security and aim to "ensure the absolute security of Tibet's ideological and cultural realm". According to a Human Rights Watch report on July 13, the measures involved significantly increased controls, particularly in the TAR, on internet use, text messages, phone ownership, music publishing, and photocopying, as well as intensified government propaganda through new TV channels, village education sessions, film screenings, distribution of books, and the provision of satellite television receivers

with fixed reception to government channels. As a result, Tibetans have virtually no access to independent news, are being subjected to intensifying political education and propaganda in villages, schools, and monasteries, and face increasing limitations on travel into the TAR from other provinces.

The measures seem able to cut off Tibetans in China from news not subjected to the government's domestic monopoly on information. According to Article 6, 9 (1) and 10 of China's Disclosure of Government Information Regulations, administrative departments have a duty to release information promptly after incidents of public great concern. The IFJ believes this can best be done by keeping the public properly informed of incidents related to their safety and security. This cannot be done when official channels are trying to suppress information or provide it in a manner that is inconsistent or superficial. The IFJ urges the Central Government of China to direct the local government of Xinjiang and Tibet to strictly follow the Disclosure of Government Information Law, and halt its practice of censoring the media and restricting the access of journalists.

Interviews blocked

The media faced challenges in gaining access to the so-called sensitive zones, and faced punishment if they wrote articles which displeased the authorities. They also had problems contacting interviewees who had already been warned by the authorities not to talk to the media. Journalists reported that they encountered such challenges in many cases, such as Chen Guangcheng, Li Wangyang and even Nobel Prize winner in Literature Guan Moyo (who goes by the pen name Mo Yan). The interviewees either suspiciously disappeared for a long time without giving a reason or admitted that they were persuaded not to speak to the media in order to avoid trouble with the authorities. He Peirong, a blogger, and Guo Yushan, a Beijing-based legal scholar, who reportedly helped Chen Guangcheng to escape, refused to give any interviews to the media. Li Wangyang's sister Li Wangling and her husband Zhao Baozhu were reportedly taken away by the Shaoyang police because they complained to Hong Kong and overseas journalists about their brother's death. Li's close friend Zhu Chengzhi was detained for 10 days on June 9 on allegations of "disturbance of the peace" because he helped journalists by giving them an interview and spoke out about the suspicious death of Li. However the police prolonged his

detention after 10 days and on August 9 charged him with “inciting subversion of state power”.

Writers punished

Prominent dissident writer Yu Jie, with his wife and a son, fled to the United States on January 11, 2012. Yu was subjected to torture by Chinese authorities in 2010. According to various overseas media and Yu’s statement posted on the official website of Human Rights in China on December 9, 2010, Yu was abducted by security officers in Beijing and taken to an undisclosed location with a black hood covering his head. This date was the day prior to the presentation ceremony for the Nobel Peace Prize Laureate and jailed dissident writer Liu Xiaobo, a close friend of Yu.

During the abduction, Yu was stripped of his clothes and forced to kneel down. Policemen kicked and beat him. Yu was also slapped repeatedly on his face or forced to slap himself. Policemen also took photos of him naked and threatened to post them on the internet. Yu fainted after a series of such assaults.

During the interrogation, Yu was accused of subversion as a result of his publication of the book *China’s Best Actor: Wen Jiabao* in Hong Kong, which viciously attacked the leader of the Communist Party and State. On December 13, 2010, Yu was released, on condition that he promise not to give interviews to overseas media. After that, Yu and his wife were kept under either heavy surveillance or house arrest. Yu’s wife subsequently lost her job due to pressure on her employer from the police. In Yu’s statement, he claimed to have completely lost the freedom to publish since Hu Jintao and Wen Jiabao took power in 2004. Following more than a year of house arrest, Yu emigrated to the United States with his family in January 2012. No media in the Mainland reported the story.

Another dissident writer, Li Tei, was sentenced to jail for 10 years on a conviction of “subversion of state power” in Wuhan on January 17, 2012. Li, 52, was charged as a result of his publication of 13 articles encouraging people to defend their rights on the internet. According to Chinese Human Rights Defenders (CHRD), one of the articles titled “Paradise is where humans have dignity”, published in March 2008, was cited during the trial. In the article, Li referenced the Tiananmen Square Massacre of 1989, which remains taboo in China. The CHRD also reported that Li’s prosecutor claimed that his articles contained “anti-government thoughts”, from which it could be presumed he took part in “anti-government actions”. Despite being

detained by authorities in September 2010, Li’s trial was not held until April 2011. In addition to Li, two other dissident writers have been charged with subversion of state power. Chen Wei and Chen Xi were sentenced to imprisonment for nine years and 10 years respectively in December 2011. A prominent activist, Zhu Yufu, 59, was also charged with inciting subversion of state power on January 31, 2012 after he published a poem titled “This is the time” on March 5, 2011. Police in Hangzhou, in China’s eastern Zhejiang Province, alleged that Zhu was connected with the “Chinese Jasmine Revolution” protests which occurred in mid-February 2011. The court sentenced Zhu for seven years for his poem urging people to gather in support of their freedom. Zhu had previously been jailed twice, spending nine years altogether in prison, because of his efforts to establish a democratic party in China.

Writers’ freedom of movement was also restricted. Prominent Tibetan writer Tsering Woeser was forbidden to leave Beijing after she was awarded the 2012 Prince Claus Award by the Government of the Netherlands. Woeser had also been prevented from receiving the 2011 Prince Claus Award by the Chinese authorities. Not only was Woeser denied the opportunity to receive the award from the Dutch Ambassador to China, but her movements within Beijing were also restricted. Although the authorities did not explain why they prevented Woeser from leaving China, the IFJ believes it might be related to Tibetan monks’ self-immolation in a number of Tibetan-populated areas such as Gansu, Sichuan and Qinghai.

Books banned

The authorities even extended their hands to Hong Kong and prevented a book from being published. Du Guang, 83, a Communist Party member and retired professor of the Central Committee of the Communist Party of China’s Party School, had intended to publish his book *Getting Back to Democracy* in Hong Kong on March 1. However, on the eve of publication, Chen Baosheng, the Vice Principal and Party secretary of the Central Party School, backed by senior Communist Party leaders, ordered that the publication be stopped. Bao Pu, publisher of the book, told the IFJ that the publication was halted due to an allegation contained within the book that senior party leader and member of the CPC Politburo Standing Committee, Wu Bang Guo, had misunderstood the original ideals of the Party. In the book, Du blames Wu for leading China towards a one-party dictatorship rather than a democracy. Bao said: “Du has received a lot

of pressure from senior members of the Party and has been warned not to give any interviews to the media.”

In May another book also drew the attention from the Chinese Communist Party, which tried to ban the book even though the writer was also a member of the Chinese Communist Party. A memoir by Chen Xitong, the mayor of Beijing at the time of the Tiananmen Square protests of 1989, was successfully published. The writer, Yao Jianfu, who conducted the interview with Chen and is a former researcher with the Development Research Center of China’s State Council, received a call from the Party Secretary of his former work place. In a Radio Free Asia report in June, when he attended a conference in Hong Kong, Yao said: “They asked me to stop the publication because Chen has no authority to release the information. At the same time, I knew Chen was warned by the authority. The publisher Bao Pu and his father Bao Tong, top aide of reform-minded former General Secretary Zhao Ziyang, had been under surveillance by the authorities and had already received tremendous pressure.”

Chen, now 80, was sentenced to 16 years for corruption in 1998 but was released in 2006 due to his condition of his health. In his interview, Chen denied responsibility for the June 4 Tiananmen Square Massacre in 1989. He simply said the former leader Deng Xiaoping was still in power and gave the order to send the troops to the Square. Deng received many reports since many people worked for him in Beijing. However, Chen said: “I was merely Deng’s puppet.”

Nevertheless, the authorities could not stop the publisher publishing the books so the authorities



Yao Jianfu (right),writer, and Bao Tong (left) publisher, were faced pressures when a new book was published in Hong Kong. – photo Serenade Woo

asked the agents in Hong Kong to buy up all the books from the book stores. The same tactic were also used on the book *Myself and the Communist Party in Hong Kong*, which talked about how the Chinese Communist Party secretly established networks and groups in Hong Kong early in the 1950s when Hong Kong was a British colony. The book was published in Hong Kong in March during the election for the Hong Kong Chief Executive. The writer explained she published her book at that moment because she wanted Hong Kong people to understand the real identity of Leung Chun-Ying, who was subsequently elected as Chief Executive, and that Leung was a shadow communist party member in Hong Kong. However she admitted that she did not have any evidence to prove this, but based her claim on her long understanding that Leung was a shadow member of the Chinese Communist Party in Hong Kong. Leung denied the claim.

FOREIGN JOURNALISTS IN CHINA UNDER PRESSURE

Foreign journalists' working conditions took a significant backward step in China in 2012 when a journalist was forced to leave the country for the first time in 14 years. A number of foreign journalists were also attacked, harassed and insulted, while the issuing of working visas was deliberately delayed.

Melissa Chan, a correspondent for Al-Jazeera English and board member of the Foreign Correspondents' Club of China (FCCC), who had been reporting sensitive cases of human rights violations in China since 2008, was asked to leave and escorted out of the country in May 2012. The reason given was that she had violated the regulations covering foreign journalists working in China. The Chinese authorities said Chan was not involved in the production of a documentary which dealt with "labour education", but the Foreign Correspondents' Club of China said the Chinese authorities did not present any evidence to prove the allegations, nor was an official explanation given for their action. When Chan was escorted out of the country, the Al-Jazeera satellite broadcasting network English channel was forced to close by the Chinese authorities. Chan was the first foreign correspondent expelled from China since October 1998. Asking a journalist to leave a country and forcibly shutting down an office is a serious matter, in particular because in this case no evidence of wrong doing was given. The case sends a chilling message to all foreign media that the authorities can do the same thing to them if they disclose something that reflects badly on China.

A similar case occurred in June. An overseas website was blocked after it published information about the extensive assets of Vice-President Xi's family. At the time, it was widely speculated that Xi may become the President of China, so the authorities imposed the same ideological straitjacket on foreign media as they do on local media and did not allow any negative news report about future leaders. The official website of the financial news organisation Bloomberg was blocked within China by the country's authorities in apparent retaliation for the publication of an article which referred to the assets of the relatives of China's Vice-President Xi Jinping. On June 29, an article with the title "Xi Jinping Millionaire Relations Reveal Fortunes of Elite" was published on Bloomberg's website. The report revealed that Xi's extended family has millions of dollars of assets. Although the article clearly stated that there is no indication that any of assets were

owned by Xi or his immediate family, Bloomberg's official website and *Business Week* were blocked by the Chinese authorities immediately following the article's publication.

A similar case involved *The New York Times*. On October 25, it published an investigative report claiming that Premier Wen Jiabao's family had accumulated extraordinary wealth during his leadership. The official English and Chinese website in China was immediately blocked within China by the country's authorities, which gave the explanation that the move was "in accordance with laws and rules", but it was widely believed the action was a retaliation for the publication of the article. The article said Wen's family, excluding Wen himself, controlled assets worth at least US\$2.7 billion. Wen's 90-year-old mother, Yang Zhiyun, alone held record assets worth US\$120 million. The article revealed Wen's family acquired stakes in tourist resorts, banks, jewellers, telecommunications companies and other business ventures. The greatest source of wealth was shares in listed company Ping An Insurance. After the report was published, a Foreign Ministry spokesman criticised the investigation and saying it "smears China and has ulterior motives". Wen's family lawyer claimed the article contained unspecified errors and said the family reserved the right to take legal action. On November 24, the NYT further revealed how the insurance company survived after seeking Wen's help. According to the report, the Foreign Ministry did not return any calls for the article.

Another prominent United States-based, Chinese-language news website Boxun experienced two attacks during the Bo Xilai scandal. According to the report of the Commission for Journalists Protection, the founder and editor of Boxun, Watson Meng, said he had not been able to trace the source of the attacks but believed they were in reprisal for Boxun's reporting on Bo Xilai and his ally Zhou Yongkang, the Communist Party's security chief, whose political fate had also been the subject of speculation after Bo was allegedly involved in a case in which his wife was charged with murder.

The Foreign Correspondents' Club of China reported that NYT and Bloomberg journalists were not invited to attend the presentation of the new leadership of China in the 18th National Congress. Although more than 1,000 foreign journalists asked for a seat to cover the announcement, some foreign media were able to get a seat after the negotiation. It was clear that the shortage of seats was not the key issue, but that the authorities were exercising a double standard.

The reporting freedom of the foreign media contracted seriously, while the policies towards all foreigners were much harsher than before. On May 15, Global Times reported that local Beijing authorities had commenced a three-month investigative campaign targeting all foreigners who were illegally staying, working and entering Beijing. Two months later, a new exit and entry law was passed over a weekend that stipulates harsher punishments for foreigners who illegally enter, live or work in China. Foreigners who illegally stay in the country may be fined up to 10,000 yuan (around US\$1,600), double the maximum amount stipulated in the previous law, or face detention for between five and 15 days, according to a law passed at the bi-monthly session of the National People's Congress Standing Committee.

The Chinese authorities continued to demand that foreigners get working visas if they work in China, but it was claimed that they deliberately delayed issuing working visas for foreign journalists. According to a survey conducted by the FCCC, 27 foreign reporters over the previous two years were made to wait more than four months for visa approvals. Thirteen of these had to wait for more than six months. Three journalists who applied in 2009 have yet to receive any response from the authorities.

In 2012, 20 journalists had to wait more than four months for their new J1 resident visas; seven of them were still waiting at the time this report was published. In the most recent survey, which covered a period of two years, the FCCC found 27 reporters had to wait more than four months for their visas to be approved.

Twelve foreign correspondents said they faced difficulties, such as threats or unusual delays, when they renewed their press credentials or visas with the Foreign Ministry at the end of 2011. Seven said there were indications that their previous reporting had led to the difficulties. The FCCC also revealed that five other journalists who experienced delays were members of the FCCC board or had stood for election to the board.

On the eve of 2013, Chris Buckley of *The New York Times* quietly left Mainland China and went to Hong Kong with his whole family because the Central Authority had not authorised his work visa, which he had applied for months previously. It is suspected that his work visa was not issued as retaliation by the Central Authority for publishing articles in October and November about Premier Wen Jiaobao's family wealth and the relationship between Wen and the giant insurance company Ping An Insurance,.

On January 4, Hua Chunying, a spokeswoman for China's Foreign Ministry denied that the country had refused to renew a foreign reporter's visa. Similarly, Philip Pan, Chief of Bureau of *The New York Times* and author of *Out of Mao's Shadow*, which details the growing inequalities in China, have been waiting for accreditation from Beijing since March 2012.

The content of a foreign correspondent's articles is increasingly becoming the critical factor used by Chinese authorities to determine whether the correspondent will be granted a visa or not. Media restrictions of this kind are a fundamental violation of the regulations introduced by Chinese authorities after the Olympic Games, which removed access limits to the media except for some particular areas which require a permit.

Martin Goettske, Beijing correspondent for *Information*, a Danish daily said: "The Foreign Ministry said directly that they were unsatisfied with articles I had written (containing information about leaked Communist party documents); they said I had committed a crime." Another FCCC board member Tomasz Sajewicz, also revealed: "I was told at the International Press Centre (which issues foreign press credentials) that the delay in my visa renewal was a consequence of my FCCC activities."

The FCCC has been established in Beijing for many years, yet it has no status under local law. The IFJ was told that the Foreign Ministry has repeatedly made it clear to the FCCC that "FCCC is an illegal organisation".

Some journalists were threatened with the non-renewal or cancellation of their visas while they were covering the activities of blind legal activist Chen Guangcheng. The FCCC said 29 reporters had been threatened with the non-renewal or cancellation of their visas since the end of 2011. Seven of them were warned during the annual visa renewal process; the other 22 were threatened in the course of their work. Thirteen of these cases occurred at the Chaoyang Hospital while blind legal activist Chen Guangcheng was being treated there. An international news agency journalist said: "I was one of a group of reporters who chased a US embassy official into Chaoyang Hospital and was told that I could lose my visa if I committed a similar offence again."

This journalist had been living in Beijing for a number of years, and before 2011 had encountered no delays in securing a working visa. After having written three articles on sensitive topics, including Chinese artist/activist Ai Weiwei and the Yunnan floods, while waiting on visa approval, the journalist was warned by the

Foreign Ministry that they had breached the government's regulations. No further explanation was given.

It was reported that seven organizations had to cancel 13 planned reporting trips or permanent postings because of visa delays in 2012.

Some areas still prohibit journalists from entering Tibet and Tibetan ethnic zones in other provinces. It was reported that by Tibet concern groups and some foreign media that more than a dozen Tibetan monks, nuns and young people set fire to themselves. Some journalists were trying to conduct an investigation in Tibet but were barred from entering ethnic Tibetan areas. According to a CNN report, Chinese authorities have imposed a security cordon preventing journalists entering ethnic Tibetan areas of China's southern Sichuan Province. It is reported that journalists were barred from entering the area by police in Sichuan, citing a variety of excuses. Other foreign journalists reported being followed by unidentified people, being escorted by police back to the airport, being questioned over multiple hours by police, being forced to delete images from their cameras, and having their research and writing materials confiscated.

A number of foreign journalists were harassed and threatened.

On February 15 and 16, a series of violent attacks on journalists were carried out by unidentified thugs in the village of Panhe, in China's eastern Zhejiang Province. Remko Tanis, correspondent for RTL Nieuws, and Baptiste Fallevoz and his assistant Jack Zhang, journalists for France 24, were physically assaulted, threatened and had their research materials stolen. According to an internal alert issued by the Foreign Correspondents' Club of China, Remko Tanis was intercepted by a group of thugs while he was interviewing a villager who was complaining of illegal land deals by local officials in Panhe. Tanis was physically assaulted by the thugs twice in different occasions and forcibly pushed into a car by two officers from the local branch of the Ministry of Foreign Affairs. He lost his note book, memory card and documents during the incident. Another two journalists, Baptiste Fallevoz and Jack Zhang of France 24, experienced similar violence the next day in the same village. According to a report on shanghaiist.com they were followed by a car while on their way to Panhe village. Upon arrival in Panhe, Zhang was beaten and his camera smashed. Zhang sustained head injuries during the attack. On February 17, the website for the propaganda department of Panhe's Cangnan county, Wenzhou city, Zhejiang Province, reported that two drivers had quarrelled

on February 16, without any mention that journalists were brutally beaten on two occasions. According to Article 17 of China's Regulations on Reporting Activities in China by Foreign Journalists, foreign journalists are free to interview any individual in China once they have obtained the interviewee's consent.

On July 28, a Japanese journalist, Atsushi Okudera, 41, an experienced China reporter for the Japanese newspaper *Asahi Shimbun*, was physically assaulted by more than a dozen policemen in Qidong, Jiangsu Province, while he was taking photos of police beating protestors. He told the IFJ: "The uniformed policemen snatched away my camera and kicked me all over the body when I was pushed down onto the ground." Atsushi, who won the Vaughn-Ueda International Journalist Award in 2011, said: "I cried out 'I am a journalist' and showed my press accreditation, but they ignored it and took away my press card without returning it to me." Okudera suffered multiple injuries, including injuries to his head as a result of the beating, and was hospitalised to undergo a CT scan and X-ray. Okudera's newspaper has lodged a formal complaint and asked for the return of his press card, camera and memory cards. The Japanese Consulate has also expressed regret over the incident.

Okudera was reporting on the situation in Qidong on July 28, when thousands of people protested over concerns that a sewerage building project servicing a paper factory in Qidong had polluted local waterways. After a series of protests directed against the factory since 2010 achieved no progress, protestors protested directly against the local government for the lack of progress. During the protests, in which people overturned a police car, police detained and assaulted numerous protestors.

On August 11, a journalist from ARD German Television and her crew members were intimidated by a factory workers and officials from the Zhongzhan District, Henan Province. Workers shouted "kill the foreign spies" to the journalists while they were investigating environmental pollution in the area. They were forced to stay in the factory canteen for nine hours until police came and escorted them safely out of the building. On August 13, two journalists from Poland and the United States reporting in Ordos, Inner Mongolia, were accused of asking "improper" questions and followed by three cars, two of them without license plates, in the middle of the night. When they were heading to the airport, the taxi driver was instructed to drive them into an empty construction site after a conversation between the taxi driver and a

policeman at a check point. The Foreign Correspondents' Clubs of China, Shanghai and Hong Kong co-signed a statement to express their deep concerns. Twenty six German journalists in China also co-signed an open letter to Angela Merkel, Chancellor of Germany, to call for a free press in China when she made an official visit to China on 31 August. They complained that China's Ministry of Foreign Affairs had been using various reasons to delay their working visas.

On 29 December 2012, journalist Bernhard Zand and his Chinese colleague in *Der Spiegel*, a German weekly news magazine, were in Guizhou investigating the death of five boys who reportedly died of Carbon Monoxide

poisoning. On that night, the two journalists returned to their rooms at the Kempinski Hotel in Guiyang to find that both rooms had been broken into and their computers and photography equipment were destroyed. Bernhard's laptop and iPhone had been submerged in water and were still wet when they returned to the room. All images on a memory card were deleted and a large number of files on his computer were also deleted. Files on his colleague's laptop in a different room were also deleted. Bernhard lodged a complaint with the hotel security chief, but was told that, although the rooms were in clear view of the CCTV camera, the CCTV recording for that evening was unavailable.

HONG KONG AND MACAU - MEDIA FIGHT BACK



25 March 2012, Leung Chun-Ying won 698 votes out of 1200 votes to become the Chief Executive of Hong Kong in the election.

The year 2012 was difficult for the media in Hong Kong, with journalists at risk of punishment for raising questions and of criminal prosecution for carrying out their duties. However, the most concerning situation was that the new government of the Hong Kong Special Administrative Region seemed to deviate from its long-standing administrative good practice. HK Chief Executive, Leung Chun-Ying, avoided explaining directly to the public about an illegal structure in his house. The Secretary of Education and the Commissioner of Police ignored their responsibilities to report to the public when they made their official visits to Beijing. Furthermore, Zhang Xiaoming, Deputy Director of the State Council's Hong Kong and Macau Affairs, called for Hong Kong to pass the national security law required by Article 23 of the Basic Law which, it is widely believed, could jeopardise press freedom and freedom of assembly. In 2003, the then Chief

Executive, Tung Chee-Wah, tried to enact the relevant law but eventually withdrew the move due to protests against the proposed law involving more than 500,000 people.

Hong Kong journalists still faced harassment and assault when they covered sensitive stories on the Mainland. At least three journalists were illegally detained or assaulted by security officers while they were performing their duties.

However, not all media in Hong Kong defended their rights of press freedom. According to a survey, self-censorship is still the biggest problem in the industry.

Hong Kong lacks transparency

When the IFJ is fighting for press freedom internationally, one of its constant focuses is freedom of information, one of the most important aspects of press freedom. In Hong Kong, the Hong Kong Journalists Association (HKJA), an affiliate of IFJ, and some other press freedom defenders have been asking for a law supporting the free flow of information for a long time. In 2011 annual report, the IFJ highlighted the practice of "background" briefings, which are often used by government bureaus and departments. The situation improved little in 2012, and in many ways grew worse.

For the important announcement of the Population Policy in May, the then Chief Secretary, Stephen Lam, announced the policy at a luncheon which was held by a Rotary Club instead of organising a press conference. Lam only answered questions in a stand-up interview after the event finished. The HKJA's chairperson, Mak Yin-Ting, accused the government of being irresponsible over the arrangements. She said the government was avoiding critical questions and criticism and manipulating the images that the media could use.

As well as making policy announcements in an unresponsive way, some top government officials also forgot that transparency is one of the keys of good governance.

Hong Kong's newly appointed Secretary of Education, Eddie Ng Hak-Kim, failed to publicly disclose his official visit to China. According to various reports in the Hong Kong media, Ng made a secret visit to the Ministry of Education in Beijing on July 16. Neither Hong Kong's Ministry of Education nor the Information Service Department disclosed any information about the trip until a press release had been released by China's Ministry of Education on July 17. A similar case occurred a month later. Andy Tsang Wai-Hung, Commissioner of Police, made an undisclosed trip to Beijing in August. Tsang denied it

was a secret trip, saying the department would only release information when some concrete achievement had been made during the trip. However, a Hong Kong legislator, Leung Yiu-Chung, alleged that Tsang lied because Tsang had made a similar trip to Beijing in March and had disclosed the plan before the trip. The HKJA condemned the practice of non-disclosure of official visits by Hong Kong government representatives as a denial of the public's right to information.

Some media personnel also complained that the Information Services Department had taken over the role of the media, filming some events and asking the media to rely on these official productions. The HKJA has lodged complaints and asked the media to boycott these productions. The IFJ supports the complaint and believes such a move is simply denying the media their rights. At the same time, it shows the government lacks understanding of the genuine meaning of press freedom.

The Police and Fire Services Department continue to selectively ignore the requests of the media in Hong Kong that information about emergency incidents be released promptly. Such concerns have been expressed by the media since the Police and Fire Services Department converted their analog communication system into a

digital communication system. On October 25, without explanation, the police department deliberately delayed for 12 hours releasing important information about a collapse of the digital communication system. Police need to use cell phones to communicate with each other.

Government officials used evasive manner

All the above government practices echoed the attitude of Hong Kong Chief Executive Leung Chun-Ying towards the media. Leung's house was found to have several illegal structures, but he refused to reveal this to the public immediately. House extensions are a controversial issue in Hong Kong because approval processes are often slow and difficult. When Leung finally disclosed the facts much later, the media found that he was trying to cover up some of the details. At the same time, several new policies were poorly implemented after Leung became chief executive. One of these was national education, which drew many criticisms from the public and the education sector.

In July 2012, Leung was chosen as the Chief Executive of Hong Kong by 1200 nominated elective committee members. He then appointed his new cabinet team. Unfortunately, several of the cabinet members were revealed by the media to have been involved in different



Leung Chun-Ying , Chief Executive of Hong Kong commonly uses an evasive manner towards media when controversial issues break out. – photo Lam Chun-Tung

degrees of “misbehaviour”. Quite a few in the new cabinet, including Leung Chun-Ying, were found out to have illegal structures in their houses. Another cabinet member, Paul Chan Mo-Po, Secretary for Development, the department which is responsible for dealing with unauthorized alteration of buildings in Hong Kong, was involved in a scandal when his wife’s company was found to own a number of flats which had been illegally subdivided. During that period, Chan was the director of his wife’s company. Chan made a public statement after the media pursued him for a response. When the media found more evidence that cast doubt on his integrity, Chan stopped answering the media’s questions.

Such attitudes were also shown by the Chief Executive, Leung Chun-Ying, when it was discovered he had lied to the public during the election campaign. On November 23, Leung Chun-Ying revealed for the first time in a 14-page statement that his private house on the Peak on Hong Kong Island had several illegal structures. The arrangement immediately drew the outrage of politicians and the media. When the media and several politicians pressed him to arrange a formal press conference to answer questions raised by the media, Leung finally answered questions by calling only the electronic media rather than all the media. The media revealed he knew he had an illegal structure – an illegal wall in his house – four months before the election and asked for an explanation. In the meantime, the media also suspected the Building Department had concealed the “illegal wall” because it did not mention such a wall after it investigated Leung’s house in June after the media reports.

When the media kept asking for an explanation from Leung and the Department, Leung refused to arrange a press conference to answer but answered a few questions in stand-up interviews when he made several official visits in Hong Kong. On November 27, 2012, the Department merely issued a statement to discuss the illegal structure in Leung’s house instead of arranging a press conference. In the statement, the Department claimed it found the “illegal wall” during the inspection and had sent four letters to Leung for further investigation. However, the Department did not reveal this directly after the inspection. When media kept asking for an explanation from the Department, it suddenly called television journalists to record the reading out of a prepared statement.

The IFJ also found that such a practice was not a single incident, but has been widespread during Leung’s administration. As responsible government officials,

cabinet members and department officials have a duty to answer the questions or queries from the public. They should not use delaying tactics, or an evasive style, or ignore questions from the media. The media is a watchdog, with a duty to perform surveillance within the society and on the government administration.

Hong Kong Government actively promoted policies

The Hong Kong Government is proactive in promoting its intended policies regardless of whether those policies have been approved by the Legislative Council of Hong Kong. One of the most controversial is the policy of land redevelopment in the North West Region of Hong Kong. Since the policy was announced, it has sparked tremendous protests from the residents. They were deeply worried that the area was targeted to cater to the needs of the richest Mainlanders, even though, when Leung was the convenor of the Administrative Council of the Hong Kong Government, he had suggested that the particular developed area should not have any territorial difference between Mainland and Hong Kong. Although the controversial policy is still not settled, the Hong Kong Government has started to promote the relevant policy through the electronic media. It was immediately attacked by the pro-democracy politicians, who said the advertisements were misleading the public by saying the policy was good for the public.

It is widely believed the idea came from the head of the Central Policy Unit, Shiu Sin-Por, who is widely known to have strong connections with the Central Government of China. On November 17, in an interview with Television Broadcaster (TVB), Shiu said the Government should engage in the public debate and propagandise a policy that government thinks it was good. He further admitted that the Central Policy Unit had already retained some people to monitor the online messages but he stressed their role was to “look at” the messages. He defended the government’s move to propagandise its policies, saying several Hong Kong political parties incite people to express their opposition to government policy. Therefore the government should stop taking a passive role and allowing society to receive only critical opinions, he said. After the interview, some lawmakers said they were shocked and that they believed the Central Policy Unit had become the “Central Propaganda Department” in Hong Kong.

The IFJ deplores any tendency of a government leader to override transparency and neglect dialogue with its stakeholders, including the elected legislative lawmakers.

Transparency and communication are always the key to good governance, not only showing the government is responsible to the public but also that it will adhere to international standards.

Elections seriously influenced by politics



In Chief Executive Election and Legislative Council Election of 2012, media received tremendous politics influence. – photo Edmond Wong

Advocates for press freedom in Hong Kong are vigilant, in particular during and after the campaign for the new Chief Executive of Hong Kong. During the bruising campaign at the beginning of 2012, two out of the three candidates – the former convenor of the Executive Council, Leung Chun-Ying, and the former Secretary of Hong Kong Government, Henry Tang – competed fiercely with each other. Some members of the media lost their impartiality, choosing to support only one of these two major candidates, but the role of the Hong Kong Government also came under scrutiny. On February 8, the Hong Kong Government issued a press statement saying that Leung had failed to declare a conflict of interest in a tender process for the West Kowloon Cultural Hub 10 years ago. When Hong Kong's media queried why this information had been released now, more than 10 years after the event, the spokesperson explained that the information was released in response to a request from the media. However,

when requests were made for the Government to release all the information related to the claim, these requests were refused on the grounds that individuals' privacy needed to be protected.

On March 25, Leung Chun-Ying was elected Chief Executive of Hong Kong by the 1200 members of the nominated committee of the Chief Executive of Hong Kong. Leung's office immediately showed a stern attitude towards media. In May, the office sent letters to the *Hong Kong Economic Journal* newspaper, which had been seen as supporting Tang, and to *Apple Daily*, complaining about their reports. In one of the letters to *Apple Daily*, Leung's office used strong terms to criticise a report and said the office regretted that the newspaper did not check with the government before publishing what it described as three inaccurate reports on the appointment of a businessman regarded as "someone from the Leung camp" to become the Chairman of the Council of the University of Hong Kong and said the report resulted in "unsettling the people concerned".

The IFJ understands every government has a right to speak and a duty to clarify any misunderstanding or factual mistakes. However, the means used by the current government to clarify so-called inaccurate reports is highly unusual, never having been seen since the 1997 Handover. On the other hand, Leung's administration appears to be applying a double standard to deal with media, using delaying tactics when media reveal allegations of wrong doing associated with the Chief Executive.

In June, Hong Kong-based newspaper *Ming Pao* disclosed that an illegal structure had been built in the private house of Chief Executive Leung Chun-Ying at the Peak. Before the news report, Leung made a direct call to the Editor-in-Chief of the newspaper at night and asked whether the paper's journalists were investigating his house. Although Leung promised the Editor that they could send some reporters to inspect his house the next day, Leung suddenly removed the illegal structure and refused to let reporters enter. When Hong Kong-based newspaper *Apple Daily* later revealed some other illegal structures in Leung's house, Leung refused to answer questions, saying he would answer fully after an authorised person inspected his house.

Another disturbing trend was the influence by the Central Government's agency Chinese Liaison Office, which directly contacted many Hong Kong media persons. Hao Tiechuan, the Director of the Chinese Liaison Office in Hong Kong, the agent for the Mainland

Central Government in the territory, reported that he had seriously intervened in the reporting of the elections. The owner of the *Hong Kong Economic Journal*, Richard Li Rzar-Kai, was approached by Hao, who left a message to chastise the newspaper for its perceived negative coverage of the Chinese Liaison Office and Leung Chun-Ying, the Chief Executive of Hong Kong. Although Li denied being influenced, Hao did not give any response to the allegation.

Another newspaper, *Sing Pao*, also suffered violations of press freedom. A column by a well-known commentator, Lau Yui-Siu, was altered. Lau said three aspects of his column had been altered by the newspaper – namely those which expressed his refusal to support any of the candidates so that his column said: “Out of the two, I would rather choose Leung Chun-Ying.” The Editor-in-Chief of *Sing Pao*, Ngai Kai-Kwong, blamed the editor in charge of the article, arguing that the changes were made in order to bring it in line with the newspaper’s overall position for the day. He then further explained and apologised a few days later, but Lau was not convinced, saying it was unusual for a chief editor to become involved

in editing a column. However, a journalist who is close to the source told the IFJ that Ngai was the one who made the changes to the article after he was dissatisfied with the changes made by the original editor in charge. Miriam Lau Kin-Yee, the chairwoman of the Beijing-leaning Liberal Party, also accused *Sing Pao* of choosing sides, because her article was suddenly pulled and replaced by an article in support of Leung.

On April 8, *Sing Pao* scrapped Lau’s article about the death of an astrophysicist and prominent Mainland dissident Fan Li-zhi from the newspaper’s official website, and then informed Lau that it was terminating his contract due to editorial change. *Sing Pao* is one of the Hong Kong media outlets that can be accessed on the internet in Mainland. L’Sea Group, a property developer which was established on the Mainland and is now a listed company in Hong Kong, has become the largest shareholder in the newspaper.

The IFJ discovered that the Chinese Liaison Office directly interfered with the media when the Legislative Council election was held in September. The Office



Hong Kong Journalists conducted a survey and found out almost 60 per cent of respondents thought that press freedom would be restricted under Mr. Leung’s administration.
– HKJA photo

prepared a list of pro-Beijing candidates and asked the media to make several positive reports. Meanwhile, information that smeared several pro-democracy candidates was sent to the media with a request that they use the information in their reports. (An individual Hong Kong journalist's article can be seen in 34 page).

The Hong Kong media has been challenged over its reporting of the election for the Chief Executive of Hong Kong. According to a survey conducted by the Chinese University of Hong Kong, more than 30 per cent of the public did not trust the media's reporting of the elections. The survey, conducted from March 12 to March 20, found that only 10 per cent of the 2,733 interviewees felt Hong Kong's media practised balanced reporting.

At the same time, another survey conducted by the Hong Kong Journalists Association (HKJA) in April 2012 showed considerable misgivings about what would happen to press freedom under Mr. Leung. There were 663 returns. Almost 60 per cent of respondents thought that press freedom would be restricted under Mr. Leung's administration. Fewer than 5 per cent thought there would be improvements, while a significant 30.8 per cent were undecided.

More than 52 per cent of respondents feared that the Hong Kong Government would impose more restrictions on the media. The survey also found that would be heightened pressure from the Beijing Liaison Office (43.5 per cent) and that the government would enact Basic Law Article 23 National Security Legislation (35.9 per cent). During the campaign, at a forum organised by the HKJA in February 2012, Leung signed a pledge to defend press freedom, play an active role in implementing a freedom of information law and not force implementation of Basic Law Article 23 National Security Legislation without consensus from the public. This clearly showed that Leung's promise could not gain the confidence of the media.

According the HKJA annual report, its survey also highlighted that self-censorship is a serious problem for the media in Hong Kong. Almost 80 per cent of respondents thought that self-censorship had become more serious than in 2005, when former Chief Executive Donald Tsang took office. Less than 3 per cent thought it was less serious. Some 40.3 per cent of respondents said the most prevalent forms of self-censorship were downplaying issues and information that were unfavourable to conglomerates that wield strong influence over advertising; 37 per cent said the most serious problem was downplaying information



Jennifer Leung, former undisclosed member of Communist Party in Hong Kong, said she believed Leung Chun-Ying could be an undisclosed Communist Party member in Hong Kong. Leung verbally denied all the accusations. – Photo Serenade Woo

that was not favourable to the government in Beijing; 34.5 per cent said it was downplaying issues and information that were detrimental to media owners or their interests; and 33.6 per cent said it was slanting news in favour of a particular candidate for Chief Executive.

Regarding self-censorship among media personnel, the survey found that 35.9 percent of respondents reported that they or their supervisors had practised self-censorship in the past 12 months. This figure was similar to the findings of an HKJA survey conducted in 2007, on the 10th anniversary after the Handover. However, the HKJA suspected the real situation might be much worse, since journalists are not willing to admit being involved in the practice. The 2012 survey also revealed that 37.6 percent of respondents said they or their supervisors had not practiced self-censorship, and 26.5 percent said they did not know or it was hard to tell. Alarming, 395 respondents, or around 22.8 per cent, said they thought that self-censorship would become more common under Leung's administration.

More than half of the total respondents said that Leung's administration should refrain from enacting national security legislation (58.8 per cent). At the same time, respondents said he should improve the way information or spontaneous news is disseminated

Hong Kong Media Ecology Seen Through the Chief Executive and Legislative Council Elections

Elections were held in 2012 for both Hong Kong's Chief Executive and Legislative Council (LegCo). The elections were not only rare but very intense. As a result, quite a few new and notable trends surfaced in the media's behavior. This article analyses the Hong Kong media scene as shown by how the media reported on the elections and the interference they experienced, as well as the phenomena that emerged.

A. The Chief Executive Election

1. Election intensity highlights media importance

The 4th Chief Executive election in 2012 was the most intense to date. It may even be described as an election with real meaning, in contrast to the previous three elections. These were either predetermined or simply a fight between the pro-establishment and pan-democratic camps, with the latter being cast as an extra rather than a contender. However, what happened in 2012 was different. Other than Albert Ho representing the pan-democrats, both C.Y. Leung and Henry Tang represented the pro-establishment camp, and neither was believed to have secured any official support from Beijing prior to the election. As a result, the election was the first real competition since the return of sovereignty over Hong Kong to China in 1997.

With real competition occurring, the candidates, especially the two pro-establishment candidates, had to pay more attention to public opinion, as well as to the media. Both C.Y. Leung and Henry Tang hired frontline reporters to join their teams. These media personnel brought along with them not only their frontline experience but also connections and relationships. They were hired not only to arrange interviews and to deal with frontline reporters, but to also to engage themselves with those higher up in media organisations, in the hope of affecting, or even manipulating or somehow directing the outcome.

Here your correspondent has a first-hand experience to share: after Henry Tang was embroiled in controversy over illegal structures found in his luxury residence in Kowloon Tong, the media outlet for which I work also received a tip-off about his extramarital affairs. The news room, therefore, turned to Tang's election office for standard fact-checking. After this, but well before an official reply was received from the Tang camp, an ex-colleague of mine called, inquiring who might have been the whistleblower, asking if there were

any pictures, and what we would do with the information, etc. The series of questions made me believe that the ex-colleague was trying to gauge our bottom line, as well as to test how we might react, in order to prepare their response. I feel that if the Tang camp believed we had pictures of Tang and his mistress, they would have been extra cautious; if not, then they would have denied everything as matter of fact. Therefore, I simply fudged an answer and brushed her off. However, I would not be surprised if she called up other colleagues of mine on the same matter and started the same round of questions again.

The above was just a small scale, reactive-style interference and could have been brushed off if we stuck to our principles. However, what if that was just the tip of the iceberg? It would be a matter of great concern if such interference occurred in a million other ways and in multiple facets of the election process.

2. Candidates befriend media

An unprecedented, emerging phenomenon was that media persons all support their favourite candidates. The electronic media, as bound by licensing conditions, seemed to take a more balanced approach, but it was not difficult to see where they stood. For instance, TVB sided with C.Y. Leung and Commercial Radio supported Henry Tang. Print media, on the other hand, all blatantly sided with their choices. *Oriental Daily*, *The Sun* and *Ming Pao* were for Leung; *Sing Tao* and *Hong Kong Economic Journal* were for Tang. Interestingly enough, the three left-wing papers, namely *Wenwei Po*, *Ta Kung Pao* and *Hong Kong Commercial Daily* were the only ones that adopted a relatively fair and neutral approach in the election, apart from their obvious dislike of Albert Ho.

It is up to the newspaper owner to decide which candidate the paper will support, and this does not require any objective analysis. For instance, *Sing Tao Daily News'* owner, Charles Ho, declared his support for Henry Tang right from the beginning. The newspaper as well as its sister publication, *East Week*, advocated for the boss's choice and campaigned against C.Y. Leung by exposing how he sold his (former) company at a loss, and how his campaign aides attended a dinner in Yuen Long with members from a triad criminal group. These publications also reported on the illegal structures found in Henry Tang's residence, but said that those were his private matters and should not be tied to his ability to govern Hong Kong.

If it is asked how a media boss's stance is decided, the answer given may relate to matters such as personal interest or past dealings with the candidates. However,

the election candidate's proactive "friendship" may also be critical. In the initial stage of the election, the management of the newspaper where I worked did experience many "friendly calls" from C.Y. Leung through various channels. Such "condescending" calls did not go only to the top tier, but also to the middle tier, and your correspondent was received such a call.. During *Sing Tao's* attack on Leung's governing ability (as compared to how he ran his former company), the candidate called up the media, offering himself for interviews and for explanation. This was certainly an unprecedented move, something unheard-of in the previous elections.

3. Black materials flying around town

Another unprecedented phenomenon was the number of rumours flying around during the election. If asked what an average citizen might have remembered from the election, 90 per cent would probably mention Henry Tang's "underground palace", or how he attacked his opponent, C.Y. Leung, with that famous "you liar" quote, or Leung's "triad dinner", but nothing from their election manifestos or political platforms.

Without doubt this election was a mudslinging match, far from a competition on ability or manifestos, but based instead on black materials. After *Ming Pao's* revelation of Henry Tang's "underground palace", what followed was a stream of intimate email correspondence as well as shoulder-hugging photographs of Henry Tang and a female friend. And they were all exposed by pro-Leung media organisations.

The media has a responsibility to expose illegal and indecent behaviour by political figures. Likewise, the media rely on civil society to expose such behaviour. Such exposes were monumental in this election. I personally support this trend wholeheartedly as I see it as a testament to the watchdog function of media. One can see that the Hong Kong media have shown great dedication and professionalism in revealing the truth. However, as I participated in covering the election and can see it from an all-round perspective, I can say for sure that such exposes were the result of well-organised coups, and those behind them definitely had a thorough understanding of how the media operate. As a result, the media were somehow trapped, being used not only as the little animal the hunters were chasing, but also as the tool that helped the hunters to achieve the ultimate goal.

Exposing the dark side of society is the media's obligation, but at the same time we much consider how not to become a political tool. This dilemma is not easy for anyone.

The black materials flying around town were focused on the two pro-establishment candidates, highlighting an obvious motive by the forces behind them. Moreover, those materials were collected over a period of time, providing yet another indication of the manipulative forces aimed at reporters. One may say that this was a successful, negative campaign.

4. Media neglected political manifestos

As almost all Hong Kong media reports focused on the black materials concerning the candidates, while largely ignoring their election manifestos or political platforms. This spread across the election debates, resulting in the reporters focusing only on the candidates' mutual attacks.

Illegal structures, mistresses and mutual attacks are of course eye-catching, but the media also have a responsibility to report on the candidates' election manifestos and political platforms, so as to allow the public a better understanding of them. But this was not the case. To explain this phenomenon, some blamed the similarity of the two candidates' election platforms. Others blamed the lack of voting rights for the majority of citizens as well as the absence of a real election, saying the lack of interest in the candidates' platforms was rational and this was reflected in the coverage.

A rational, mature and democratic election depends not only on black materials but also on the candidates' ability and political platforms. Despite having a timetable set for referendum, Hong Kong still has a long way to go to achieve a mature and rational election culture. The media have a certain function in promoting such a culture, but the Hong Kong media obviously is not yet prepared to fulfill this role.

B: Legislative Council election

For the 2012 election, the Hong Kong Legislative Council (LegCo) was increased from 60 seats to 70, with five of the new seats representing geographical constituencies and the other five being the so-called "Superseats" from the newly-added District Council Elections. This analysis will focus on the direct district election as well as Super District Council Elections here, as these are elected by one-person, one-vote, and have been the focus of concern for citizens as well as the media.

I. Heated election war but less-heated media

The LegCo Election remained a fight between the pan-democratic and the pro-establishment camps, but as more seats were added and a record number of candidates resulted, the competition intensified. The newly-added five

“Superseats” were the object of a war between three pro-establishment candidates and three of their pan-democratic opponents. The war intensified, but the media response did not, especially that of the print media. This was quite a contrast compared with what had been seen during the Chief Executive election earlier in the year.

There may be a few reasons for this. First, the government was ambivalent towards the LegCo Election, and did not actively publicise and promote it. Second, too many candidates vying for the same seats might have distracted the media attention and consequently the media interest. Third, many candidates were fairly unknown. They had neither the popularity to attract reporting interest, nor the political manifestos to heighten it.

Media interest, especially among the print media, clearly favoured the Superseats above the Direct District Elections. This may have been due to the novelty of the Superseats, or to the relatively focused “group of six” candidates who were much better known than those from the District level. To date, the instant and immediate culture of the Hong Kong media has become so obvious that outlets lean towards visuals, colour and easily-digested news rather than coverage that requires depth and breadth. Such a culture may be the result of the severe competition and difficult operating environment faced by media operators; as much as reader preference, government suppression and the diminishing prospects for the media as a profession.

2. China interference becoming serious

Despite clear signs of interference in the election for Chief Executive, the Chinese Liaison Office, which is the Central Government’s agency in Hong Kong, was not so explicit in manipulating media reports. Rather, it assumed only an observational role and did not even try to discourage the media from reporting negatively about the candidates.

However, it took an entirely different approach to the Legislative Council Election. The Liaison Office not only contacted the media actively to ask for support for the pro-establishment camp, but even came up with a “wish list” for the media so that they could “take care” of those it endorsed.

Negative campaigning still loomed in the LegCo Election, much as it did in the Chief Executive Election. However, it became very clear this time because the only target was Albert Ho, a pan-democratic candidate, and no others in the pro-establishment camp were affected. Most of the “black materials” simply reiterated old stories and did not carry much weight, though it was still possible to tell

from the way the smear campaign was waged that it was the result of a concerted effort.

A source close to the Liaison Office revealed confidentially that the black materials were primarily collected by the pro-establishment camp and despatched to the media via the Office. But the contents of the black materials were not as earth-shattering as those related to Henry Tang, so they would have had to come from the Office to attract coverage.

When asked why those materials seemed to focus on Albert Ho, the source said that it was because the nature of the Superseats election made the election tantamount to a referendum. The Superseats were elected by a total of 3.3 million voters. It is believed that the pro-establishment camp would have preferred all three of its candidates to be elected, so that they could brag about having the support of 60 per cent of the Hong Kong people. However, the pan-democratic camp coordinated and cooperated so well that it would not have been an easy task to break them. Instead, focusing on attacking Albert Ho alone might have seemed to be the only option.

Other than dispatching black materials relating to certain candidates, China mounted an “information gathering system” and mobilised an infiltration campaign through which to collect information about the pro-establishment camp.

C: Conclusion

In both the Chief Executive Election in March and the Legislative Council Election in September, muck-racking tactics were employed. It was clear that while the Hong Kong media seemed to enjoy reporting negatively about the candidates, they took no interest in their election platforms. As well, they adopted a clear stance in supporting certain candidates. Moreover, attempts by outside forces to interfere with media reports became so rampant and blatant that even the Central Government Liaison Office became an active player.

The Hong Kong media environment has always been competitive. Faced with the current difficult operating environment, some media may have chosen to forfeit their responsibility as a watchdog and bow to pressure, hence degrading themselves to become tools of the powerful. Moreover, the media profession has been diminishing, facing a brain drain and not on its best form, so it would be harsh to expect journalists to generate quality news outputs. As a result, the critical question is how to promote news quality and press freedom.

Lam Yick

(36.5 per cent); enact a freedom of information law (33 per cent). Smaller numbers said Leung should provide less official footage and hold fewer off-the-record briefings.

During the campaign, Leung's rival, Henry Tang, disclosed that Leung wanted to punish the private broadcaster, Commercial Radio, by cutting its licence from 12 years to three years in one of the Executive Council meeting when Leung was the convenor of the Council. At the same time, a formerly undisclosed member of the Communist Party, Jennifer Leung, publicly said Leung could be an undisclosed Communist Party member in Hong Kong, given that she herself had been an undisclosed member of the Communist Party in Hong Kong. Leung verbally denied all the accusations.

Press arrangements outside the Central Government's agency, the Chinese Liaison Office, also came under scrutiny. Since the Handover in 1997, the number of demonstrations in front of the agency has been increasing. The local government suddenly established a flower garden in front of the agency which greatly reduced the area of the pavement. Even though the flower garden was built, the media often use of the plot to shoot film. The Police suddenly designated that area as a media zone but only allowed four television stations to enter, instead of allowing all the media to enter. The HKJA's chairperson, Mak Yin-Ting, protested against what she called discriminatory arrangements and the setting-up of designated press areas. She added: "We are against the designation of reporting areas. Journalists should be free to move around unless in very exceptional circumstances. But unfortunately, police seem to be making such designations a regular practice."

Patrick Kwok Pak-Chung, Senior Superintendent of the Police Public Relations Branch explained that only four TV stations could enter the zone due to a lack of space. He further said that this arrangement had been communicated to the Hong Kong Journalists Association (HKJA) and that all print media organisations had been informed about the arrangements. However, Mak Yin-Ting, Chairwoman of the HKJA, criticised the Police for providing the information at the last minute, rather than engaging in genuine consultations. Lam Chun-Tung, Chairman of the Hong Kong Press Photographers' Association, also raised complaints of increasing discrimination and harassment by Hong Kong Police. He said the Police had merely informed his organisation of the new arrangements, without giving any details.

The Security Panel of Hong Kong's Legislative Council held a special session to investigate police conduct operations during the visit to Hong Kong of Li Keqiang, the first Vice Premier of China. During the meetings, the IFJ proposed a number of recommendations to improve relations between the media and police, but none were accepted by the police. However, the police did promise to continue to maintain clear communication channels with the media.

The IFJ believes Hong Kong police have failed to live up to their responsibility to maintain respectful and transparent relationship with the media. The creation of "media zones" is unnecessary in truly democratic societies where local authorities respect press freedom.

However this is not the most prominent example of the police applying stringent policies towards the media. On June 30, Rex Hong Yiu-Ting, a journalist with Hong Kong newspaper *Apple Daily*, was detained by police after asking Chinese President Hu Jintao a question about the Tiananmen Square massacre. President Hu was making an official visit to Hong Kong to mark 15 years since the territory's handover to China and to oversee the inauguration of the fourth term of the Hong Kong government. Hong was detained by police on the excuse that he spoke too loudly and caused a disturbance. The action of police sparked outrage from media, academics and politicians. On July 3, Hung Hak-Wai, Police Director of Operations, met with Hong Kong's three major journalists' associations and denied any intention to suppress press freedom. However, he expressed regret about the incident and blamed an inspector at the scene for exercising poor judgment. Cheung Kim-Hung, the Editor-in-Chief of *Apple Daily*, refused to accept the explanation and filed a civil claim against the police and lodged a complaint with the Independent Police Complaints Commission.

On September 27, photo-journalist Sing Kai-Chung was charged with common assault, which was said to arise from circumstances related to restrictive arrangements placed on media outside the Government Headquarters Building in Hong Kong. This is believed to be the first time since the Handover of Hong Kong to Beijing in 1997 that a journalist has been charged with common assault while he was performing his professional duties.

Sing, a former photographer with *Apple Daily*, was charged with common assault for allegedly pushing a security guard to the ground outside the Government Headquarters in Hong Kong on January 9. Sing told the IFJ: "I refused to admit the charge. I would like to put forward



Since police of Hong Kong is heavily limiting space for media to move in front of Chinese Liaison Office , photographers have to put themselves in danger in order to take a good image. – *Photo Serenade Woo*



Apple Daily reporter Rex Hong was detained by police after he asked President of China, Hu Jintao, a question about Tiananmen Square Massacre in 1989. – *photo Felix Wong*

all the facts in front of the court and seek justice. Let the court decide whether media has the right to report. I have worked in this industry for 20 years. I have experienced the shrinking press freedom in Hong Kong. In addition to that, we often experience hostility from the security guards when we are trying to exercise our duty in front of the Government Headquarters Building.” The hearing was held in December. On December 7, Sing was found not guilty.

On December 30, Chau Chi-Wing and Lau Ka-Wo, both cameramen with Now Television, were surrounded and attacked by protestors when they were trying to cover a pro-government demonstration in Victoria Park, Hong Kong. Lau was punched in the head and his camera equipment damaged, while Chau’s glasses were pulled off and trampled on, leaving the corner of his right eye injured. A man was convicted of common assault and fined HK\$1500 (US\$194) and HK\$1000 (US\$130) on January 8, 2013. While large scale demonstrations are not uncommon in Hong Kong, demonstrations in favour of the Chief Executive and hostile towards the media are uncommon.

On December 19, the Independent Police Complaints Commission issued a report after an investigation into

media and public complaints that the police had abused their power when the Vice Premier of China, Li Keqiang, visited Hong Kong in August 2011. The report revealed that in police operational orders, police were told to take action to prevent any embarrassment or threat towards Li. The police were ordered to ensure events ran smoothly and in a dignified manner. However, the Commission said the wording of the orders was very ambiguous and this might confuse the frontline police officers. Therefore, the report suggested, police should stop using ambiguous wording in operational orders and improve the execution of security measures. Furthermore the police should better explain the purpose of the security measures to the media and the public. Finally, it found that 12 police officers abused their power and said they should receive either disciplinary hearing or warnings.

The HKJA conducted an industry-wide survey in April which also showed that quite a number of journalists felt press freedom of Hong Kong was declining. According to the survey, 57.2 per cent of 663 respondents said that Hong Kong enjoyed significantly less press freedom, and 29.7 per cent somewhat less, than when Donald Tsang



Sing Kai-Chung (Centre, holding banner), former photographer with *Apple Daily*, was found not guilty of common assault when he was performing his professional duties. But Legal Department of Hong Kong decided to appeal the case. – *photo Lan Chun-Tung*

became Chief Executive in 2005. In total, 86.9 per cent of journalists said they thought that press freedom had declined. Just 2.7 per cent said Hong Kong enjoyed more press freedom.

Of the 576 respondents who said press freedom was declining, an absolute majority (92.7 per cent) said they believed the reason for the decline was a regression to tighter control over the flow of information. This was followed by self-censorship in the industry (71 per cent) and interference from the government in Beijing and its Liaison Office in Hong Kong (67.5 per cent). In addition, 35.9 per cent of respondents said the erosion of press freedom was due to pressure from the business sector and conglomerates.

Freedom of expression is at stake

In 2012, the Hong Kong police tried to limit the general public’s right of freedom of expression and assembly. The day of the election for Chief Executive, police pepper-sprayed protesters who were trying to storm the election venue. One week later, there were scuffles outside Beijing Liaison Office as police confronted people protesting

against perceived interference by China in the election. Again, police used pepper spray. Several media persons were affected and movement was limited due to the police designation of a media zone which limited the ability of journalists to exercise their duties.



Now cameraman was punched by a protester in a rally of pro-government demonstration in Hong Kong. – *photo Ming Pao Daily*

Hong Kong academics were also the subject of accusations when they exercised their freedom of expression. In November, the Chinese University of Hong Kong released a poll revealing that the sense of national identification of local respondents dropped. It immediately drew some accusations by nationalists. A Mainland media outlet, *Global Times*, a subsidiary of the *China Daily*, accused the survey of being “unscientific”. The article said the survey could only undermine the tie between Hong Kong and the Mainland and that such polls should be stopped.

In fact, a similar survey has been regularly conducted by the Hong Kong University Public Opinion Programme, which is headed by Dr Robert Chung. Hong Kong University released a survey in December 2011 which also found that the number of people who felt that they were “Hong Kong citizens” was at a 10-year high, while the figure for those who felt they were Chinese citizens was at a 12-year low.

The Director-General of the Department of Publicity, Culture and Sports of the Beijing Liaison Office, Hao Tiechuan, sent an article to the Forum page of *Ming*

Pao which criticised the survey as “unscientific” and “illogical”. Hao said some Hong Kong organisations “conduct surveys that serve the interests of certain political parties” and “aim to influence public opinion”. However, Hao did not arrange a press conference to explain his point of view but invited a selected few local television journalists to an informal meeting where he claimed the survey was wrong because it asked respondents to choose “Hong Kong citizens” and “Chinese citizens” as if they were separate categories.

Dr Chung rebutted and said it was “difficult to comprehend” why Hao had questioned the accuracy of the survey. He added: “His comments were merely from a political point of view and deviated from academic research.” He noted that this kind of survey had been conducted since the 1980s. Despite his explanations and his requests for Hao to give his reasoning, Dr Chung was the subject of 70 humiliating articles in a month published by a state-owned newspaper in Hong Kong. Chung said he was the subject of attacks in 87 articles which were full of “Cultural Revolution-style” criticism. In fact, Chung suffered similar attacks in 2003 after he conducted a similar



Police commonly used pepper spray towards protestors when demonstrations were targeting Chinese Liaison Office , Central Government agent in Hong Kong and Hong Kong Election. – photo Jasper Wan



Protesters waved the British colonial flag in a demonstration, drawing the attention of the Central Government, which warned “beware of external powers”. This sparked public concern over whether the government was preparing to enact Article 23. – *photo Serenade Woo*

survey. Other than Chung, another two pro-democracy academics, Dr Dixon Sing and Ivan Choy, were the subject of similar attacks.

Chung received further criticism after he pressed on with a poll asking people to say which Chief Executive candidate they would choose, if they had a vote during the Chief Executive election. The poll was conducted two days before the Chief Executive election. Hao suggested that surveys ahead of elections should be banned, so that they could not be used to influence the outcome. He further said bans are imposed in other countries. With no relevant electoral law regulating such activities, Chung’s electronic-voting poll was scheduled as planned. Just a few hours before the e-voting, the website suffered a massive online attack which forced the abandonment of the online voting system.

As well as obstacles placed in the way of academic freedom, some ordinary citizens also drew criticism after they waved a colonial British-Hong Kong flag during the protests.

Fifteen years after the Handover, the conflict between Hong Kong and Mainlanders was growing. Quite a

number of Hong Kong people complained that there were inadequate rooms for pregnant woman to deliver their babies in public and private hospitals due to the many Mainland women who came to Hong Kong to deliver their babies so they could have the right of residency in Hong Kong. At the same time, many Mainlanders came to Hong Kong to purchase significant quantities of certain products, in particular infant milk powder, which resulted in a shortage of the product in the market as well as sharp price increases. Therefore a number of disgruntled young Hong Kong people demonstrated and a City-State Autonomy movement started in Hong Kong. In one of the demonstrations against parallel trading, they demanded Mainlanders go back to Mainland and waved a colonial flag. The action drew the attention of former Hong Kong and Macau Affairs Chief, Lu Ping, and former deputy, Chen Zuoer, who publicly warned that pro-independence forces were “spreading like a virus”.

At the 18th National Congress of the Chinese Communist Party in November, the President of China, Hu Jintao, said that Hong Kong should be protected from “external powers” and the “one country, two systems”

policy under which Hong Kong holds special status under law should be upheld. After Hu's speech, Zhang Xiaoming, a Deputy Director of the State Council's Hong Kong and Macau Affairs Office, published an article in state-owned newspaper *Wen Wei Po*, saying "necessary measures" were required to combat such interference and called for Hong Kong to pass the national security law required by Article 23 of the Basic Law on November 22.

Zhang also wrote that the "external powers ... even get deeply involved in local elections and help coordinate campaigns for opposition parties. We have to take necessary measures to prevent external interference."

Civic Party leader Alan Leong Kah-kit, describing the allegation as "hollower than hollow", said: "It is the most irresponsible way to make an allegation, because there is no evidence. We only have evidence of how the [central government] Liaison Office meddles with the elections."

Political commentator Johnny Lau Yui-Siu said "external interference" had long referred to Britain and the US, but the definition had expanded in recent years to include Taiwan and Chinese dissidents in exile.

The former justice secretary, Elsie Leung Oi-Sie, also exercised her right of free speech, drawing furious complaints from the legal sector. In early October, it was reported that Leung blamed Court of Final Appeal judges for wrongly deciding a right of abode case in 1997. She added that judges lacked understanding of the relationship between Hong Kong and the Mainland. Some Hong Kong lawmakers and legal sector were furious about Leung's remark. After Elsie Leung's comment, a retired Court of Final Appeal Justice, Kemal Bokhary, made a speech in October on his last day in the judiciary. He warned of "a storm of unprecedented ferocity" over the rule of law, but defended Leung's right of free speech in Hong Kong.

When the panel on Administration of Justice and Legal Services of the Hong Kong Legislative Council invited Leung to attend the meeting for further explanation about her latest contentious remark, she wrote an 11-page submission to the panel in which she said attending a meeting would set a dangerous precedent. She said the meeting on November 27, 2012, could become a "McCarthy hearing" and therefore refused to attend, but suggested that lawmakers should contact her directly and arrange an appointment if they wanted to hold a discussion. She said she was concerned about "intruding upon the valuable time for the panel meeting or utilising public resources". She also said the claims were "purely for the purpose of scaremongering the public, disparaging

me and causing disharmony in society". (The "McCarthy hearings" were the notorious "witch hunts" conducted in the 1950s by Republican United States Senator Joseph McCarthy to track down communist sympathisers.)

During the "debate", the media were only able to quote Leung's statement without having a further opportunity to raise questions with her.

Call for more free-to-air television licences

In 2009, the then Secretary for Commerce and Economic Development said the administration encouraged competition in the free-to-air television market because it could give the public more choice. Three existing pay-TV operators have subsequently submitted their bids to operate free-to-air services. The new licences were widely expected to be granted in 2011.

However, none of the licences had been issued by 2012, even though all the applications had been completed. When the Secretary for Commerce and Economic Development, Greg So, was asked for an explanation about the lengthy delay, he simply replied the government would consider the recommendations "expeditiously and prudently".

While Hong Kong was waiting for the government's decision, many rumours circulated relating to the government and possible opposition by current free-to-air television operators to new free-to-air television licences being issued.

The two current free-to-air television operators, Television Broadcasts Limited (TVB) and Asia Television (ATV), have expressed strong opposition to the new licences, which they say may erode their market share. ATV arranged for staff to protest against new licences being issued in front of the Government Headquarters Building. ATV sparked a legal row with one of the applicants, Ricky Wong Wai-Kay, Chairperson of a listed company, City Telecom, which currently runs a pay-TV service called Hong Kong Broadband Network in Hong Kong.

ATV's executive director James Shing Pan-Yu claimed Wong had "stolen" the confidential information of ATV to apply for a free-to-air licence when Wong was the ATV chief executive for 12 days in 2008. Shing further said that the company was considering suing Wong and had lodged a complaint with the police that somebody had stolen the company's property. On the next day after Shing's accusation, Wong immediately arranged a press conference and rebutted all the allegations. At the same time, Wong filed a civil lawsuit against Shing and ATV for defamation.



Asia Television of Hong Kong protested outside Hong Kong Government Headquarters to oppose another new free-to-air television license in the market. – photo Felix Wong

Wong urged the government to issue the licence and said he would bear all the legal challenges. At the same time, Wong also threatened that he would take legal action if the government kept on delaying the application. Another applicant, i-Cable Communications, also a pay-TV operator in Hong Kong, urged the government to issue a temporary licence instead of a permanent licence.

In fact, ATV was hit by tremendous allegations after it broadcast a number of programmes which reportedly violated the Television Programme Code, which governs free-to-air television stations. In mid-2012, the Hong Kong education sector was unhappy about a new curriculum introduced by the Education Department. The media disclosed that one area of the teaching materials was seriously biased. It said that the teaching materials were upholding the Communist system and attacking the multi-party political system. The report also said the materials were written by a Communist Party member in Beijing. At the same time, the teaching guideline issued by the Education Department was full of questionable material. National education became the hottest topic. Dozens of students and people from all walks of life voluntarily

started a hunger strike and protested in front of the headquarters of the Hong Kong Government on August 30. They said they were afraid the new curriculum was designed to brainwash the next generation of Hong Kong students.

When the protest kept on going in front of the Headquarters, ATV aired a programme called “ATV focus” and said that “petulant, malicious youngsters ... are being exploited by a destructive political force controlled by London and Washington”. The programme drew 42,000 complaints from the general public. On December 5, the Communications Authority ruled that ATV had breached the code and it should be warned to observe more closely the relevant provisions of the Television Programme Code.

In 2011, ATV management was involved in allegations of interference in the editorial independence of its news room. In December, ATV was fined HK\$300,000 (about US\$40,000) for violating the Hong Kong Television Programme Code.

Digital Broadcasting Radio alleged political influence

The Hong Kong-based broadcaster Digital Broadcasting

Corporation (DBC) is facing the threat of liquidation due to lack of funds. DBC, Hong Kong's first digital radio broadcaster, commenced full operations in May 2012. On August 3, 2012, the company's chairman and major shareholder, Beijing loyalist Bill Wong Cho-Bau, announced he would withhold an investment of HK\$50 million, ultimately leading to the cessation of official programming. The station's co-founder and host, Albert Cheng Kong-Hon, claims DBC's troubles are a result of suppression of freedom of speech by the Central Government of China.

Although there was conflict between two shareholders, a leaked tape became the "evidence" which proved political interference by Beijing during a protest rally at the Government Headquarters Building in October. The tape is believed to be a recording of two meetings between the shareholders, Bill Wong and Albert Cheng. In the conversations, a man who is believed to be Bill Wong talks about hiring Lee Wai-Ling, who hosts current affairs talk shows for Commercial Radio and is critical of the government. "Lee Wai-Ling. We have heard her. She is too provocative," the man says. "Ah Peng told me the Liaison Office is very offended by her." The director of the Liaison Office is Peng Qinghua. The man goes on to say: "If she really comes, and Taipan cannot control her ... We don't want to get involved in politics." Taipan is the nickname of Albert Cheng.

According to media reports, Bill Wong said in another recorded conversation that he would not invest any more money in the station. He would rather buy an aircraft. Wong, a Beijing loyalist, was involved in letting his one of the properties in Shenzhen to former Chief Executive Donald Tsang, a move which sparked a storm of corruption allegations against Tsang. Wong filed a writ over the station's bookkeeping.

The Commerce and Economic Development Bureau refused to intervene in the dispute, saying it was a shareholders' dispute.

SCMP Editor-in-Chief is suspected of self-censorship

In January 2012, a mainland journalist and member of the Jilin Chinese People's Political Consultative Conference, Wang Xiangwei, was named the new Editor-in-Chief of the main English-language newspaper in Hong Kong, the *South China Morning Post* (SCMP). The SCMP is owned by Malaysian tycoons the Kuok family. Wang is the first Editor-in-Chief to have a mainland background since the newspaper was founded more than 100 years ago. At the

same time, two new Deputy Editors were named. One of the new Deputy Editors is Tammy Tam, who resigned from ATV after a mistaken report about former President of China Jiang Zemin's death was aired, but who has a good connections with the Mainland Government. The other new Deputy Editor is Ken Howe.

Given Wang's background, the public has kept an eye on his leadership

The editorial independence of the *South China Morning Post* was under fire after blind Mainland dissident Li Wangyang died in June in suspicious circumstances in hospital. Just before the June 4 anniversary of the 1989 Tienanmen Square Massacre, a journalist with Cable television, a Hong Kong-based television service, aired an interview with Li. His death in hospital in Hunan province was revealed on June 6. The authorities said the death was a suicide. While many media outlets in Hong Kong reported Li's death extensively, the SCMP wrote only a brief about the case.

Apple Daily reported that Alex Price, a Senior Sub-editor, wrote an email to Editor-in-Chief Wang Xiangwei expressing his concern that the story was so brief. It was reported that Wang replied: "I don't have to explain to you anything. I made the decision and I stand by it. If you don't like it, you know what to do." The staff member expressed concern about the "intimidatory nature" of the reply, and questioned whether self-censorship might have been involved.

On the day after many newspapers reported the incident, and after about 40 SCMP staff members signed a petition to Wang urging him to uphold press freedom, Wang issued a letter to staff about the controversy. He denied that he tried "to downplay the Li Wangyang story". He also said: "Although I chose not to prioritise coverage on the first day it broke until more facts and details surrounding the circumstances of this case could be established, we subsequently splashed no less than three front pages, two leaders, plus several other prominent positions including two articles by myself."

Another storm raged around the SCMP after it was alleged that overseas staff who were considered critical of China were forced to leave. China writer Paul Mooney's contract was not renewed on the grounds of budget cuts.

Hong Kong journalists harassed on the Mainland

Journalists reporting on China issues always encounter



Digital Broadcasting Radio host claimed the station was suffering from political interference. Staff and the public protested in front of the Hong Kong Government HQ. – photo Felix Wong

difficulties in the course of their work, sometimes even suffering harassment or assault.

On August 10, a cameraman for Hong Kong’s Asia Television (ATV) was physically assaulted by several plain clothes police outside a courthouse in Hefei as he filmed members of the public being arrested by police. He complained to uniformed policemen at the scene but they ignored his complaint and allowed the attackers to leave. The court was conducting the trial of Bo Xilai’s wife, Gu Kailai, who has been charged with the murder of British businessman Neil Heywood. According to Hong Kong media reports, the cameraman was blocked by a group of people preventing him from filming a protestor outside the court. The attack left the cameraman with injuries. It was reported that a number of uniformed policemen witnessed the attack, but failed or refused to stop it.

On September 12, Hong Kong-based newspaper *Ming Pao* reported that two of its journalists were harassed and falsely imprisoned in a hotel for 44 hours, and held under the surveillance of the Shaoyang security bureau without explanation. The pair were detained when the security bureau discovered that the journalists were investigating

the suspicious death of Chinese activist Li Wangyang. During the detention, authorities deprived the journalists of sleep over a period of two days and interrogated them about their trip almost every two hours in order to prevent them sleeping. Security officers confiscated and deleted all the information contained on the journalists’ phones, computers, cameras and audio recorders. One of the journalists was also told that his return to Hong Kong might be prevented if he did not cooperate. The police even played a video which showed the sister of Li Wangyang, Li Wangling, and her husband, Zhao Baozhu, saying they had a “happy” life. However, the journalists found the pair’s behaviour unnatural and believed they recorded the tape under duress. Furthermore, the police arranged an “interview” for the pair to meet Zhao Baozhu, brother-in-law of Li Wangyang, but the interview was held under surveillance and recorded.

Before the two journalists were detained, they were able to interview Li Wangling, sister of Li Wangyang, and her husband Zhao Bao Zhu to verify the evidence that the local authority had shown to the media that they did everything under the instruction of Li’s family members. Zhao and Li’s



Two *Ming Pao* journalists were illegally detained by police in Shaoyang for 44 hours when they were investigating the suspicious death of blind activist Li Wangyang. His sister, Li Wangling (centre) and her husband (right), shown here with a human rights lawyer, were disappeared after the interview. – Photo *Ming Pao Daily*

replies cast doubt on the claims of the local government.

The death of Li drew tremendous protests from many Chinese in Hong Kong and the rest of the world. The public asked for an independent post-mortem and investigation. The local government suddenly showed a number of documents including an independent post-mortem report, a joint investigation report, and a joint agreement for the burial of Li Wangyang's body. Each of these documents had the signatures of Li Wangling and Zhao Baozhu. However, a report in *Ming Pao* newspaper said that when journalists asked Li and Zhao whether they had signed or heard about those reports, Li firmly denied they had either signed any documents or heard of them.

The Editor-in-Chief of *Ming Pao* condemned the illegal detention and filed a complaint. Other media associations such as the HKJA, Hong Kong Press Photographers' Association and the Hong Kong News Executives Association also condemned the case.

This is the first case the IFJ is aware of in which non-Mainland media journalists were tortured by being deprived of their right to sleep. It is also the first known case of an authority arranging an interview for the media

but imposing heavy surveillance and recording it. The IFJ is outraged at the incident and believes the security bureau of Shaoyang in Henan Province clearly infringed press freedom.

Photographer brutally attacked by Shenzhen police

On September 16, Felix Wong Chi-Keung, a photographer for the *South China Morning Post*, was left with a severely bruised, swollen face and a possible fractured nose after police in Shenzhen on mainland China pushed him to the ground and beat him with batons as he tried to take photos of anti-Japanese protesters attempting to break into a local government building. Wong told the IFJ: "I raised my hands and called out 'I'm a journalist' when Shenzhen police rushed out from the Government building. However a policeman, ignoring what I said, pushed me on the ground. Another five to six policemen immediately beat me with batons around five to six times until my nose was bleeding." Wong sustained bruises on his hands and one of his legs. "It is totally unacceptable that the police of Shenzhen continuously beat me up even when I cried out I'm a journalist several times," he said. The Editor-in-Chief

of *South China Morning Post* condemned the use of excessive force and said that the newspaper would lodge an official complaint. Other media associations such as the HKJA, the Press Photographers Association and the Hong Kong News Executives' Association also condemned the violence.

In an incident in 2008, Wong was detained by Beijing police during scuffles between police and reporters covering a queue for Olympic tickets. He was subsequently denied entry to Macau on two separate occasions.

While detention of journalists is common in China, it was also perpetrated by Japanese forces during an incident in summer. This concerned the Diaoyu Islands (also known as the Senkaku Islands), which have been the subject of a long-running dispute between China and Japan.

Two journalists for Hong-Kong based Phoenix Television, Jiang Xiaofeng and Leung Kam-Pui, were among a group of Chinese activists detained by Japan's Maritime Self-Defense Force when they were trying to enter the Islands.

Tensions were heightened in the territorial dispute after Tokyo Governor Shintaro Ishihara released his plan to "purchase" the islands, in April 2012. According to several media reports, the Chinese activists, who claimed to be

defending the islands' sovereignty, entered the disputed territory and swam ashore, where they were immediately detained by members of the Japan Maritime Self-Defense Force who were waiting for them. The Maritime Self-Defense Force arrested 14 people including the two journalists from Hong Kong, on suspicion of "illegal entry". All of them were deported on August 17.

Hong Kong media outlets attacked

The year 2012 could be described as the hardest year for the media of Hong Kong. As well as journalists being detained, charged and assaulted, the premises of media outlets also suffered attacks.

On August 8, four masked men entered the office of Hong Kong citizen news outlet Inmedia and smashed three computers, a television and chairs. The Chairman of Inmedia, Chu Hoi-Dik, told the IFJ that the perpetrators were highly organised and "professional", having convinced employees of the media company to provide them with the office's street address. When they arrived, they reportedly told two interns to move aside, saying: "We will leave when we finish."



Felix Wong, SCMP photographer, was beaten up by Shenzhen police for several times when he was taking photos in an anti-Japanese rally in Shenzhen.

Chu said he believed that the incident was an attack on freedom of speech. The media outlet had not received any threats preceding the attack, he added. Inmedia is an online-only media outlet established in 2004 and run by a group of journalists and activists. It is known for its independent reporting on issues such as local government, social justice and politics.

Another two attacks were targeted at the same media outlet, Sing Tao News Corporation, on August 30 and September 4. Three axe-wielding masked men smashed the glass panels at the office in Tsim Sha Tsui and a stolen car rammed into the façade of Sing Tao News Corporation's building. Hong Kong Police arrested six people in the Sing Tao case.

Mainlanders in Hong Kong harassed

Wen Yunchao, the pen name of Bei Feng, a journalist for Hong Kong-based electronic magazine iSun Affairs, was harassed by security officers on the Mainland. In a report on Radio and Television of Hong Kong, Wen disclosed that he and his parents, who are still living on the Mainland, had been harassed by security officers in China. After Li Wangyang, the union activist of Tiananmen Square massacre, died mysteriously, Wen organised a co-signed petition and called for the authorities to investigate the case. Another Mainland journalist told the IFJ that quite a number of Mainland journalists who still hold

working visas in Hong Kong or other areas and have family members in China are frequently visited by some Mainlanders who do not disclose their true identities. The aim of their visits is alleged to be to encourage self-censorship and to dissuade journalists from "causing trouble" or writing negative stories about China. Wen also disclosed that he had been blocked from renewing his working permit by the Mainland security bureau. Wen said he has to renew his working permit in Hong Kong through an agent of the Mainland. Last year, he went to the agent and asked for a renewal of his permit so that he could apply for a working permit through the Hong Kong Immigration Department. The officer refused and told him to go back to Mainland and give a clear explanation to the security bureau of his home land. Wen said he did not know what that meant but that he believed the Mainland security bureau would not let him leave China if he went back. He left Hong Kong for the United States on December 27 with his family.

Ying Liang, a Lecturer with the School of Film and Television of the Hong Kong Academy for Performing Arts, was allegedly harassed by Chinese security agents in response to his filming a movie called "When Night Falls", which he submitted to a film festival in Korea. The film was based on the story of Yang Jia, a Chinese man who killed and injured a number of policemen in Shanghai after he had been repeatedly beaten by them. Ying told

Hong Kong media that security agents and police had harassed his and his wife's families in China, and threatened him with arrest if he returned to Shanghai. Some of the agents even visited Ying in Hong Kong in order to intimidate him and accuse him of distorting facts and insulting people with his film.

Macau

In 2011, the Macau government began making public statements that a revision of the Press Law and the Audio-Visual Broadcasting Act



After Mainlander Wen Yunchao organized a signature campaign to investigate the death of Li Wangyang, he was asked to go back to talk with the security bureau in Mainland to give a full explanation. – Photo Serenade Woo



Hundreds of Macau journalists protested self-censored in media industry of Macau is escalating . – *Photo Luis*

was needed because the laws had lain dormant for over 20 years and had not been implemented. According to the relevant law, a press council should be set up. A deliberative poll was conducted within the industry and the general public.

During the consultation period, an absolute majority of journalists from the Chinese media opposed the proposed amendments. Facing this unfavourable development, a government and casino-funded international meeting of journalists from Portuguese-speaking countries was held in Macau in December 2011. A number of media personnel were invited, including delegates from the HKJA and the IFJ. The delegates from HKJA and IFJ argued against establishing a government-controlled press council. The IFJ also queried whether there was a pressing need to set up a council to regulate the ethical standards of the media in Macau.

Although the majority of Macau journalists are against the government's proposals, it is not easy to express this opposition because all the media in Macau are funded by the Government. Some of the Portuguese-speaking journalists, on the other hand, support having

a press council which would be responsible for issuing accreditation press cards for journalists. They argued it would set a benchmark in distinguishing a professional journalist from a citizen journalist and said it was quite common in European countries, including Portugal.

The Portuguese journalists completely rejected the argument that this meant the government would have the power to decide who could or could not be a journalist. They also ignored the argument that in totalitarian countries or one-party states journalists have been and continue to be “deregistered” by governments operating with such powers. After consultation, the Macau Government decided that the law should move ahead but promised that the most controversial parts would be deleted. However Victor Chan Chi-Ping, Head of the Government Information Bureau, did not identify which controversial parts of the law would be deleted. In the consultation, most of the respondents favoured a self-regulating body for the media, given that self-censorship by the Macau media was quite serious.

However the practice of media self-censorship has

sparked an outcry from both the public and media personnel in Macau. On March 23, 14 journalists representing Chinese, Portuguese and English-language newspapers, as well as TV and radio stations, urged the government to introduce radical reforms to make Macau more democratic.

The Associação dos Jornalistas de Macau issued an open letter on April 26, and encouraged journalists to wear black T-shirts to work on May 1 to lament the worsening state of press freedom in Macau.

In the open letter, the journalists complained of the deletion or alteration of articles that provided opinions dissenting from official government views. Other complaints included pressure to under-report the public consultations on political reform, the forcing of independent journalists out of the workplace and the restriction of journalists' movements by police. Ava Chan, newly resigned from Macau's public broadcaster, Teledifusão de Macau S.A., commented that self-censorship was already common practice in Macau's media industry but said that lately the situation had worsened. Many sensitive stories on topics such as political reform were refused publication by senior staff, or assigned to inexperienced graduates or interns. Felix Wong Chi-Keung, a photographer for the *South China Morning Post*, was refused entry to Macau on May 1, for the third time since 2009, with the excuse that he was a risk to social stability.

Macau's shrinking press freedom has also drawn attention from other media association such as the Macau Media Club.

In September, an editor, Chou Weng-In, was removed by Teledifusão de Macau S.A. (TDM), a media outlet funded by the Macau Government. TDM was alleged to have dismissed Chou after he publicly criticised the media outlet for a number of instances of self-censorship. At a press conference arranged by Chou on September 14, he said TDM has been seriously involved in self-censorship. The media outlet has denied that the dismissal was related to the journalist's public criticism. Chou complained that he had received two threatening letters in 2011 which warned him not to reveal the internal practice of TDM.

Hundreds of journalists took part in protest

For Macau's general public, the rights to freedom of expression and freedom of movement were also limited. An activist was hand-cuffed and detained by police when he refused to put on a coat to obscure his T-shirt, which called for redress for the victims of the 1989 Tiananmen Square massacre, during a public consultation session conducted by the local government. Several Hong Kong people, including an *Apple Daily* reporter, an arts critic, a law professor and a politician, were denied entry to Macau in November without being told which domestic laws they had allegedly breached.

ONLINE MEDIA

Online media has quickly become established as the most powerful tool for disseminating messages and ideas, and communicating with people internationally. In 2011, China had the largest online population in the world, with 513 million netizens since the internet started to emerge in China in 1994. When the scent of Jasmine Revolution in the Middle East spread to China and protests erupted in early 2011, the Chinese authorities set up a new office to monitor the internet under the control of the State Council.

On January 18, Wang Chen, head of the State Council Information Office, said China acknowledged the role of “new media” in ensuring the public’s right to know. At the same time, he said the development of the internet had brought problems that cannot be overlooked. He said the internet also harbours false information, ill-intentioned hype, pornographic and obscene information, and online gambling, as well as online public relations gimmicks.

Hence, Wang said, it was necessary to further strengthen and improve the regulation of online information in order to ensure the internet could develop in a continuous and healthy way. Therefore real name registration for weibo (microblog) accounts would be implemented from Beijing to Shanghai, Tianjin, Guangzhou and Shenzhen. Wang said microblogging services could provide a way for irrational, negative and harmful information to circulate quickly despite microblogging’s positive role in improving public supervision and facilitating communication.

However, there was no definition of this “healthy way”, nor of how public supervision and facilitation of communication would operate via a monitoring internet system. A number of cases, including Bo Xilai, Li Wangyang and the 18th National Congress, clearly illustrate that messages could be disseminated subject to the approval of the government.

When Wang Lijun went to the US Consulate in Chengdu, all relevant information was heavily censored over the internet. Whenever a blogger posted or disseminated a message on the internet, it was immediately deleted by the internet service provider. Therefore bloggers started to use an indirect word to represent the case, which is a common practice for Chinese bloggers when they communicate about sensitive issues. Unfortunately it was difficult to get through the censorship system. Active bloggers found that their accounts could be suddenly suspended without knowing the reason or being given prior notification by the service



Premier Wen Jiabao’s family wealth was disclosed by international media. The media’s official website was immediately shut down in Mainland – photo from Government

providers. One blogger complained to the IFJ that he had 10 accounts but all of them had been suspended. He tried to open a new account whenever an account was suspended but none of them could be sustained for a long time. In the Bo Xilai scandal, a number of websites were suspended on the pretext of a “campaign to crack down on pornographic and vulgar information through the internet and mobile phones” in February. In April, Beijing police announced that after the crackdown campaign was implemented, they found more than 1,000 website-related cases which violated the laws, deleted more than 200,000 online messages and meted out administrative punishment to more than 3,000 websites. However the report did not give details of the specific websites involved and other relevant information. According to a report in the UK newspaper *The Observer*, the authorities closed 16 websites and intensified online censorship and imposed administrative detention on six bloggers for a few days, alleging they disseminated a rumour which related to a military coup in Beijing after the Bo Xilai scandal erupted. Bo reportedly had a very strong connection with Zhou Yongkang, a member of Central Politburo Standing Committee and the Central Political and Legislative Committee. Zhou was responsible for the all security of the state.

However, one website that was known to be closed was the one upholding the values of Communism. The Utopia website was occasionally shut down after the Bo Xilai scandal broke. On April 6, the website was shut down again by the General Press and Publication Association because the website carried a lot of information which violated the Chinese Constitution and maliciously attacked the senior leaders of the country, according to the notice posted on

its website. However the notice did not specify which sections of the Chinese Constitution the website might have violated.

Other prominent examples of websites that were shut down due to a political decision were Bloomberg and *The Washington Post*. Both of their official websites were immediately disconnected in the Mainland after they revealed Xi Jinping, the then Chinese Communist Party General Secretary, and Wen Jiabao, Premier of China, had hugely wealthy family members.

In fact, such incidents are not rare in China when so-called sensitive incidents occur, such as the events involving Chen Guangcheng and Li Wangyang, and all information related to 18th National Congress of China.

The authorities increased internet censorship by pressuring internet service providers to exercise self-censorship. In April, the Internet Society of China, a self-regulatory body, encouraged all internet service providers to co-sign an agreement that they would be bound by laws and would not spread any information which was against public interest, public rights, state security and social stability. The move was publicly supported by the Internet Society's branch in Shenzhen.

On May 28, the Central Committee Political Bureau of the Chinese Communist Party urged the country to further enhance its technological systems and accelerate the building of a national innovative mechanism. Xinhua reported that the members of the committee agreed that building an innovative nation is needed and the technological development faces "both important strategic opportunities and severe challenges" but did not elaborate further. Prior to that, similar statements were made by Liu Yunshan, who was then the Director of China's Propaganda Department and is a member of the Central Committee Political Bureau of the Chinese Communist Party, when he attended a conference to discuss the use of technology to promote socialism in China.

According to China's Disclosure of Information Law, all levels of government have a duty to disseminate information when there are public misunderstandings or rumours about an issue of public interest. However, China's government officials continue to prefer to punish those disseminating public information, rather than exercising their own duties of transparency and good governance. A netizen was punished with 15 days' detention by Xinjiang police for allegedly "spreading rumours" about the death of a young boy in Korla on June 5, 2012. According

to a *Global Times* report, on June 5, the spokesperson for the Xinjiang Provincial Government said that after the information was posted online, comments on the post attacked the Communist Party and the Chinese Government. The spokesperson claimed that the post had caused "social disturbance", but did not elaborate on the nature of that disturbance. However, the spokesperson did confirm that a boy referred to in the post had died after suffering a beating from his classmates in an unofficial school.

Another man claimed that local government officials forced him to lose his job after he posted a number of articles online which promoted democracy. According to a Radio Free Asia report dated February 27, Zhang Shengyu was sacked by his employer on February 26 because of pressure from the government of Zengcheng, in Guangdong Province. The report said Zhang posted a number of articles promoting democracy and freedom on his microblog. He also expressed his concerns about the Wukan election and the condition of blind human rights activist Chen Guangcheng. Zhang believes that this upset local government officials, who punished him indirectly by applying pressure on his employer.

Even if online information was republished by the state media, it did not mean the blogger would be free from any harassment. A former journalist of *Bijie Daily*, Li Yuanlong, was forced to leave his house by the security officers of Guizhou after he disclosed that five young boys were found dead because they were so poor they could not get enough clothes to keep warm. *The Washington Post* reported that the Guizhou security officers did not want Li to give any more interviews or reveal any more information. On November 25, Li sent out a message via his weibo microblog and claimed that he had returned to his house and was well. Li publicised the deaths of five young boys in a trash bin online after the bodies were discovered. The boys were aged from nine to 13 and were discovered lying in a trash bin on November 17, 2012, where it was believed they intended to light a fire in order to warm themselves up. However, police said they were poisoned by inhaling carbon monoxide. The state media reported the death of the five boys later.

On December 28, the Standing Committee of Communist Party determined to enact a law to foster online real name registration system.

On January 4, 2013, Xinhua reported that 45 million illegal publications were confiscated and that over 3.7 million online messages were deleted because they

allegedly contained pornography or other illegal content. The National Office Against Pornographic and Illegal Publications (NAPP) revealed that 15,000 cases had been transferred to the judicial department. In one instance a man was sentenced to 10 years for selling illegal publications in Hotan, Xinjiang and in another case, two men were sentenced to prison for 36 and 40 months respectively, for printing and selling pirated textbooks. However the NAPP did not elaborate on the content of the other cases.

Video content censored

In the past few years, the internet has become capable not only of sending written messages but also of sharing video. One of the most powerful international carriers, YouTube, has been suspended in the Mainland for a number of years. On the other hand, the authorities allowed similar video sharing carriers to offer their services on the Mainland. However video sharing faced challenges when the authorities announced that internet service providers should censor videos before allowing them to be uploaded and shown on websites.

In July, a spokesperson for the State Administration of Radio Film and Television said some of the videos were vulgar and violent, so the websites had to manage their content. The circular released by the Bureau said the video providers would be held responsible for the content and also instructed the industry to step up self-disciplinary efforts regarding the video content. The reason for stepping up the censorship was the belief that videos could have had a negative impact on both the mental health of young

people and the development of online video content providers.

At the same time, the State Administration of Radio Film and Television ordered that all television broadcasters be bound by six rules when they broadcast programmes. The rules included that online games could not be made into dramas, and that programs should not be allowed to promote conflict within the family. Many commentators said the rules clearly constrained creative freedom.

Under the encouragement of the reform of the cultural system in China, two major video sharing websites, You-Ku and Tu-Dou, agreed to sign a merger agreement, becoming the largest video content service provider in China. Both companies are listed companies in United States. You-Ku is the second largest video content service provider in the world.

70,000 pre-installed filtering computers sent to students

China's Central Propaganda Department and four other departments distributed 70,000 computers with pre-installed filtering systems to students in Inland and Western parts of China on August 29. According to a Xinhua report, the computers were set up to prevent access to "unhealthy information" online. However, the report did not elaborate on the definition of "unhealthy information". It also said that 263,000 similar computers were given to 21 provinces and cities in the Inland and Western parts of China, including Xinjiang, over the past few years.

RECOMMENDATIONS

Mainland China

1. The Central Government of China should enact a law to ensure people can exercise their right of access to information.
2. The Central Government should order the immediate release of all jailed journalists, and issue orders to all levels of government that journalists and writers are not to be jailed for doing their jobs and serving the public interest.
3. The Central Government should order an end to all arbitrary and unexplained employment terminations, punishments and detentions of journalists. It should also demand that media outlets allow journalists to resume their duties.
4. The Central Government should establish an independent body to investigate fully all acts of violence committed against local and foreign media personnel, including cases in which violence is allegedly committed by government officials. The authorities should ensure the independent body is composed of front-line journalists, scholars and representatives of the All Chinese Journalists Association, in order to bring perpetrators of such violence to justice and ensure all parties understand that attacks on the media will not be tolerated.
5. The Central Government should order state security to stop misusing the law to intimidate and silence journalists.
6. The Central Government should order officials and police, at all levels of government, to end interceptions, harassment and punishment of journalists, their local assistants (including drivers), their sources and interviewees. It should also rule that the confiscation of journalistic materials is forbidden.
7. The Central Government should order the appropriate authorities to implement fully the extended Regulations on Reporting Activities in China by Foreign Journalists (the Olympic regulations). It should order officials at all levels to comply with the October 2008 announcement that the relaxed restrictions put in place before the Olympics remain in force.
8. In line with the above regulations, the Central Government should ensure that officials at all levels allow

freedom of movement and free access to information for journalists and local Chinese assistants to report in all areas of China, without restriction.

9. The Central Government should order the appropriate authorities to implement visa policies in accordance with international best practice, and apply them to foreign journalists including freelancers. The procedure for visa approval should be consistent, timely and transparent.
10. The Central Government should order the appropriate authorities to rescind the 2009 changes to entry permit requirements for Hong Kong and Macau journalists, so that they may again conduct journalistic work on the Mainland without obstruction.
11. The Central Government should order the termination of the blacklist system for Mainland journalists.
12. The Central Government should rescind all regulations and orders introduced to censor online communication.
13. The Central Government should order an end to efforts to restrict journalism conducted online, or otherwise re-published in online formats.
14. The Central Government should order the authorities at all levels not to manipulate local or national telecommunications systems or impose communication blackouts at any time, most importantly during times when there is great public interest in receiving information about unfolding events.

Hong Kong Special Administrative Region

1. The Hong Kong Government should enact a law on Access to Information and a law on Archives.
2. The Hong Kong Government, including the Chief Executive, should abide by the Code of Access to Information.
3. The Hong Kong Government should remove the civil servants appointed as the Director of Broadcasting and the Editor-in-Chief of Radio Television Hong Kong.
4. The Hong Kong Commerce and Economic Bureau should immediately issue free-to-air broadcasting licences and ensure media plurality.

5. The Chief Executive of Hong Kong should initiate a dialogue with the Central Government to quash the regulations that control Hong Kong media reporting in China.

6. A confidential and independent complaints bureau should be established for journalists experiencing any violation of press freedom.

7. The Hong Kong Government should direct all heads of bureaus, departments and institutions to uphold press freedom.

8. The Hong Kong Government should direct the Police Department and the Fire Department to honour their pledges to disseminate information to the press in a timely manner and in accordance with their general practice.

9. The Hong Kong Government should uphold people's right to know and the freedom of the press, as enshrined in Article 37 of Hong Kong's Basic Law, by instructing government officials to conduct formal press conferences in place of closed-door briefings.



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