

China

Status: Not Free

Legal Environment: 29

Political Environment: 33

Economic Environment: 22

Total Score: 84

Survey Edition	2009	2010	2011	2012	2013
Total Score, Status	85,NF	84,NF	85,NF	85,NF	83,NF

China's media environment remained one of the world's most restrictive in 2013. After intellectuals and members of civil society urged the Chinese Communist Party (CCP) to adhere to China's constitution and a rare strike by journalists at a major newspaper sparked broader calls to reduce censorship, the authorities responded with campaigns to intensify ideological controls. Several journalists were dismissed or forced to resign during the year for writings that were deemed to have violated censorship guidelines. The latter half of 2013 was marked by new judicial guidelines that expanded the criminalization of online speech, and by the detention of prominent social-media commentators, low-profile bloggers, and anticorruption activists. Foreign journalists also faced heightened pressure during the year, notably through the delay or denial of visas to work in the country.

Journalists, grassroots activists, and ordinary internet users continued to use creative means to expose official wrongdoing. Nevertheless, Chinese citizens' ability to share and access uncensored information, particularly about breaking news, suffered a setback. Several public outcries and online campaigns in early 2013 were credited with driving the news agenda or forcing isolated government concessions. But the judicial guidelines issued later in the year and the growing number of arrests had an immediate and palpable chilling effect on online discourse, surpassing previous government attempts to increase control over social media.

Article 35 of the constitution guarantees freedoms of speech, assembly, association, and publication, but such rights are subordinated to the discretion of the CCP and its status as the ruling power. Moreover, the constitution cannot, in most cases, be invoked in court as a legal basis for asserting individual rights. Judges are appointed by the CCP and generally follow its directives, particularly in politically sensitive cases. There is no press law that governs the protection of journalists or the punishment of their attackers. Instead, vaguely worded provisions in the penal code and state secrets legislation are routinely used to imprison Chinese citizens for the peaceful expression of views that the CCP considers objectionable. Criminal defamation provisions are also occasionally used to similar effect.

In September 2013, the country's highest judicial authorities issued a joint legal interpretation that expanded the scope and severity of criminal offenses covering online speech, including alleged "online rumors." The interpretation also allowed prosecutors to initiate criminal defamation cases when online expression "seriously harms" public order or state interests. The crackdown appeared to have been catalyzed by an August speech in which President Xi Jinping urged CCP cadres to build "a strong army" to "seize the ground of new media." Under the new guidelines, a user can receive up to three years in prison for posting content that is deemed false or defamatory if the circumstances are considered "serious," for instance if the post was viewed more than 5,000 times or reposted more than 500 times. Chinese

and international legal experts criticized that threshold as extremely low for such a severe punishment.

Throughout August and September, in addition to high-profile bloggers, police detained and interrogated hundreds of social-media users across the country, with most subject to brief periods of detention rather than full criminal prosecution. Data from social-media analysis firms pointed to a decline in traffic and political discussion on the Sina Weibo microblogging platform, especially among users with large followings. A growing number of Weibo users shifted to the rival WeChat, an application organized around closed communities, which they apparently hoped would protect them from punishment under the new guidelines. However, WeChat is also subject to heavy surveillance, and the less public nature of communication on the service relative to Sina Weibo makes it less conducive to viral dissemination of news and nationwide debate.

Since open-government regulations took effect in 2008, many agencies have become more forthcoming in publishing official documents, but courts have largely hesitated to enforce information requests, and government bodies routinely withhold information, even regarding matters of vital public concern. Journalists and other media workers are required to hold government-issued press cards in order to be considered legitimate, though some report without one. In December 2013, regulators announced a plan requiring Chinese journalists to pass a new ideological exam in early 2014 in order to receive or renew their press cards. The exam will be based on a minimum 18-hour training course on topics like Marxist news values and a 700-page manual that reportedly includes directives such as “It is absolutely not permitted for published reports to feature any comments that go against the party line.” Those who violate content restrictions risk having their press-card renewals delayed or rejected, being blacklisted outright, or facing criminal charges.

The CCP maintains direct control over news coverage through its Central Propaganda Department (CPD) and corresponding branches at lower administrative levels that determine the boundaries of permissible reporting. A number of additional government agencies are involved in overall regulation of the media sector. Routinely forbidden topics include calls for greater autonomy in Tibet and Xinjiang, relations with Taiwan, the persecution and activism of the Falun Gong spiritual group, the writings of prominent dissidents, and unfavorable coverage of CCP leaders. In addition to these standing taboos, the CPD and provincial censors issue secret directives on other subjects that are communicated almost daily to website administrators and periodically to traditional media editors. Directives issued in 2013 barred or “guided” reporting on topics including antigovernment protests, torture, certain cases of official corruption, and industrial accidents such as a deadly oil pipeline explosion in Qingdao, a fatal liquid ammonia leak in Shanghai, and the unexplained appearance of thousands of pig carcasses in a Shanghai river.

CCP leaders use control of the media to propagate positive views of the party and government, while vilifying those deemed to be their enemies. During 2013, the phenomenon of televised confessions and “self-criticisms”—including by a prominent social-media commentator and a journalist charged with extortion—reappeared, drawing comparisons to the Mao era. The authorities also continued to employ more subtle means to influence news coverage. In many cases they proactively set the agenda by allowing key state-run outlets to cover potentially damaging news in a timely but selective manner, then required other media to restrict their reporting to the established narrative. The aim is to preempt less favorable coverage by bloggers, foreign journalists, and the more aggressive commercial news outlets. This strategy was evident in coverage of the August 22–26 trial of former Chongqing Communist Party secretary Bo Xilai

on charges of bribery, embezzlement, and abuse of power. Foreign media were barred from the courtroom, and only 19 Chinese state-media reporters were allowed to attend. The flagship evening news program of China Central Television (CCTV) did not feature the trial until its third day. In keeping with propaganda directives, most reporting consisted of wire copy from the official Xinhua news agency or other approved sources. The court in Jinan took the unprecedented step of giving regular updates on the proceedings via a microblog account and publishing a transcript on its website, but the published excerpts were selective and omitted portions that touched on high-level official involvement in some of Bo's decisions. Bo was ultimately convicted and sentenced to life in prison, but the relative transparency of the trial and Bo's defiant remarks in court surprised many observers and represented a departure from past trials of disgraced officials. Online comments expressing sympathy with Bo were periodically deleted by censors, and searches for his name on Sina Weibo were blocked for much of the year. However, shortly before the trial began, when CCP leaders were apparently more confident about the intraparty political dynamics behind Bo's purge, censorship loosened and searches for his name on Sina Weibo were unblocked.

Restrictions on print media tightened during the year, continuing a trend from 2012. In January, journalists at the Guangzhou-based *Southern Weekly* went on strike after propaganda officials unilaterally altered a New Year's editorial urging greater adherence to China's constitution. The protest sparked a wider outcry against censorship, both online and in street demonstrations, by segments of Chinese society ranging from students and intellectuals to retirees and popular entertainment figures. The authorities responded with editorials in state media defending press controls, and intensified online censorship of terms related to the protests. Journalists agreed to end the standoff in exchange for a rollback of new prior-censorship practices and promises that most of the staff involved in the strike would not be punished. Although none of the journalists were punished, Guangzhou activist and protest supporter Yang Maodong, better known by the pen name Guo Feixiong, was later detained in August and not permitted to see his lawyer until three months after his detention. Among the charges against him, authorities pointed to a speech he gave during an anticensorship protest outside *Southern Weekly's* offices. Other activists or social-media users who had been supportive of the newspaper were questioned or briefly detained. Some analysts suggested that officials' alarm at the *Southern Weekly* incident contributed to the intensified media and internet controls later in the year.

The government has developed the world's most sophisticated and multilayered apparatus for censoring, monitoring, and manipulating online content. Nationwide technical filtering restricts users' access to uncensored information hosted outside of China. One of the most important functions of the filtering system has been to permanently block international social-media applications like the video-sharing site YouTube, the social-networking site Facebook, and the microblogging platform Twitter. With such services out of reach, domestic equivalents have gained popularity, but they are legally liable for content posted by users and risk losing their business licenses if politically sensitive information is circulated widely. The firms consequently employ automated programs and thousands of human censors to screen user-generated content and delete relevant posts per CCP directives. One academic study of censorship across nearly 1,400 blog-hosting and bulletin-board platforms estimated that 13 percent of posts were deleted. During 2013, companies like Sina Weibo reportedly experimented with new and more subtle forms of censorship, such as producing partial, sanitized results for sensitive search terms or using a standard error message rather than a message indicating blocked

results. Some foreign internet companies have also cooperated with the Chinese government on censorship enforcement. Since 2011, Apple has repeatedly removed applications from its China app store that granted users access to circumvention platforms or uncensored content on politically sensitive topics like democracy, Tibet, Xinjiang, and Falun Gong.

However, this robust censorship system was unable to completely stop the circulation of unfavorable news in 2013, as technological advancements and the dedication of domestic and overseas activists have made the suppression of information more difficult. Chinese internet users routinely employ homonyms, homophones, and other creative tactics to defy censorship on domestic microblogging sites, and information sometimes spreads among users before censors are able to deem it “sensitive” and intervene. On multiple occasions in early 2013, cumulative pressure from microblog users and exposés by investigative journalists prompted the government to offer concessions, such as the release of wrongfully detained individuals, the closure of a notorious labor camp, or the dismissal of corrupt officials.

The government’s sweeping crackdown on online discussion in the summer of 2013 came in response to such netizen activity. Four days after Xi’s aggressive August speech to party cadres on the subject, Chinese-American businessman Charles Xue, whose web commentaries on social and political issues were regularly shared with more than 12 million followers on Sina Weibo, was detained for allegedly soliciting prostitutes. He was later shown handcuffed on state television, expressing regret over the way he had used his microblog account to influence public opinion. The appearance reinforced suspicions of a politically motivated prosecution. Other public figures with large microblog followings also faced growing pressure in the form of deletions, locked accounts, and selective arrests and interrogations.

The authorities have also taken steps to actively guide online discussion. Since 2004, CCP and government officials at all levels have recruited and trained an army of paid web commentators, known informally as the Fifty Cent Party. Their tasks include posting progovernment remarks, tracking public opinion, disrupting or diverting criticism, and participating in public online chats with officials to provide the appearance of state-citizen interaction. Some of the liberal intellectuals and online opinion leaders who abandoned Sina Weibo during 2013—such as law professor He Weifang, who had more than 1.1 million followers—attributed their decisions as much to verbal abuse from aggressive “leftist” commentators as to fears of official reprisal.

Journalists who attempt to investigate or report on controversial issues, question CCP rule, or present a perspective that conflicts with state propaganda directives face harassment, dismissal, and abuse. During 2013, several media personnel were fired, demoted, suspended, or forced to resign from publications across China. In February, Wang Keqin, one of the country’s leading investigative reporters, was forced to leave his position at the *Economic Observer*. In March, most of the editorial team at the monthly magazine *Kan Lishi* (Eye on History) was dismissed for their selection of Taiwan’s democracy as a topic for a special feature. In April, Deng Yuwen, a deputy editor at the CCP newspaper *Study Times*, was removed from his position and suspended indefinitely after he wrote an opinion article in the *Financial Times* calling for China to abandon North Korea as an ally. In addition to such reprisals, a sense of arbitrary and ever-changing “red lines” encourages self-censorship.

To circumvent the more rigid restrictions on their formal outlets, journalists have increasingly turned to personal microblog accounts to share sensitive information that might otherwise go unreported. In response, in April the State Administration of Press, Publication, Radio, Film, and Television (SAPPRFT) issued instructions that tightened control over outlets’

use of foreign sources and the use of microblogs by journalists and media entities. In November, Wang Qinglei, a producer who had been with CCTV for 10 years, was forced to resign, apparently for using Sina Weibo to question the station's journalistic ethics and its role in aiding the government's campaign to rein in influential bloggers.

The tightened institutional controls over print and broadcast media mean that fewer journalists at established news outlets have been jailed in recent years. However, freelance journalists, writers, online activists, and a range of other Chinese citizens continue to be sentenced to prison or administrative detention, particularly for disseminating information online or sending it to contacts outside China. According to Reporters Without Borders, at least 30 journalists and 70 online activists were behind bars in China at the end of 2013. That estimate is likely to be low, given the difficulty of collecting accurate and comprehensive data on each reported arrest. Several journalists faced questionable charges of bribery, defamation, or "spreading false rumors" in 2013, but no convictions were reported as of year's end. Beijing lawyer Xu Zhiyong was detained in July and indicted in December for "assembling a crowd to disrupt order in a public place," both offline and on the internet. Xu is a founder of the New Citizens Movement, a loosely organized network of individuals seeking to promote the rule of law, transparency, and human rights. Among his alleged offenses was circulating photos of demonstrations by the group's members online. A decision in the case was pending at year's end. In a positive development, journalist Shi Tao was released from prison in August, 15 months ahead of schedule. Shi had been sentenced to 10 years in prison in 2005 for e-mailing the content of a censorship directive to a U.S.-based prodemocracy website. His conviction rested in part on evidence supplied by the American internet company Yahoo, enhancing the international attention to his case.

Violence against journalists and online whistle-blowers resurfaced as a concern during 2013, and one journalist was suspected to have been killed in connection with his work, though the circumstances were unclear. Within a span of two days in May, three incidents of journalists being attacked in Shaanxi Province were reported; in two of the cases, a government or party official was involved in the assault. In June, Liu Qi, a reporter at the Chengdu-based *Commercial Times*, was found dead outside a hotel in Sichuan Province, a day after he submitted an investigative article about a toxic waste spill. State media said police were not investigating his fall from the hotel building as suspicious, but colleagues and netizens expressed skepticism about the police assessment. In July, Guangdong Province netizen and whistle-blower Li Jianxin was brutally attacked by three men after using the internet to report evidence of corruption by local officials and a powerful family in Huiyang. The assailants rammed Li's car, poured acid on his face, and slashed him with knives, causing permanent injuries including the blinding of one eye and the loss of two fingers. In a positive but atypical development, officials in Yunnan Province dismissed a plainclothes police officer who destroyed a television crew's equipment and threatened them with a knife when they confronted him regarding a traffic accident he had been involved in while apparently intoxicated.

Members of religious and ethnic minorities are subject to particularly harsh treatment for their online activities, writings, or efforts to disseminate information that departs from the CCP line. Several of the journalists serving the longest prison terms in China are Uighurs and Tibetans. In addition to journalists, ordinary Tibetans, Uighurs, and Falun Gong practitioners have been imprisoned for accessing, possessing, or transmitting banned information. Throughout 2013, dozens and possibly hundreds of people in ethnic minority regions were detained for spreading alleged online rumors on various topics, apparently in connection with the nationwide

antirumor campaign. In March, 20 Uighurs were convicted of “inciting splittism” and given prison sentences ranging from five years to life for allegedly using the internet and mobile phones to participate in “terrorist” activities. An overseas Uighur group claimed that the individuals had only downloaded YouTube videos and audio from the Radio Free Asia website, or gone online to discuss topics related to religion and culture. From June to August, state media reported that police in Xinjiang had detained 110 people for allegedly spreading “online rumors.” Official restrictions on foreign journalists’ access to the region made it difficult to independently verify the details of such cases. Also in August, officials in Inner Mongolia reported that administrative penalties had been imposed on at least 13 ethnic Mongolians for spreading “online rumors” about alleged government plans to relocate close to a million ethnic Chinese from Sichuan Province to Inner Mongolia.

On several occasions in 2013, during periods of unrest and reported killings, local authorities completely shut down the internet and mobile-phone networks for days at a time in various parts of Xinjiang, including the capital Urumqi in June. State media also reported that officials had completed the real-name registration of telephone and internet users in the Tibet Autonomous Region (TAR) by midyear. Thirteen Falun Gong practitioners, detained in July 2012 and held in custody in Dalian, were put on trial in October. They were tried for distributing and installing satellite dishes that enabled people to view international channels like CNN, the British Broadcasting Corporation (BBC), and New Tang Dynasty Television, a New York–based station run by Falun Gong practitioners that frequently reports on party infighting and human rights abuses in China. A verdict was still pending at year’s end.

Conditions for foreign media in the country remain highly restrictive. Harassment of foreign reporters, including occasional physical attacks, and intimidation of their Chinese sources and staff continued during 2013. The authorities used website blocking and the threat of visa denials to retaliate against foreign journalists and news organizations that they deemed objectionable. Veteran American journalist Paul Mooney, known for his human rights reporting, was unable to take up a position with Reuters in China after the government refused to issue him a visa in November. Around two dozen other foreign journalists from Bloomberg News and the *New York Times* were threatened with expulsion after authorities refused to renew visas and press cards in apparent retribution for articles detailing the wealth and business connections of CCP leaders and their families. Following international pressure, most of the reporters received their documents by year’s end. The websites of Bloomberg and the *New York Times* have been blocked since 2012, and the Chinese-language websites of other foreign news outlets experienced temporary blocking during 2013. Since 2007, foreign journalists have been free of internal travel restrictions in most areas and allowed to conduct interviews with private individuals without prior government consent. However, the looser rules do not apply to correspondents from Hong Kong, Macau, or Taiwan. In addition, travel to Tibet and other politically sensitive regions still requires prior approval and close supervision by authorities. During the year, access for foreign journalists to Xinjiang, the TAR, and Tibetan-populated regions of neighboring provinces was especially restricted.

Media outlets are abundant in China, with approximately 2,000 newspapers and hundreds of radio and television stations operating in 2013. Reforms in recent decades have allowed the commercialization of outlets without the privatization of ownership. Most cities feature at least one official newspaper published by the local government or CCP branch, as well as more commercialized subsidiaries. Some publications have private investors, but the government is

required by law to retain a majority stake. The state-run CCTV remains the only licensed national broadcaster, and all local stations are required to air its evening news programs.

Although the Chinese authorities continue to jam radio broadcasts by U.S. government-funded services such as Radio Free Asia and Voice of America (VOA), dedicated listeners access them online with the use of circumvention tools. In February 2013, the BBC and VOA reported that their previously permitted English-language broadcasts were being jammed alongside their Chinese-language services.

China is home to the largest number of internet users in the world, with the figure surpassing 600 million, or approximately 44 percent of the population, in 2013. According to official figures, nearly half a billion people access the internet via their mobile devices. Over 400 million accounts had been opened on domestic microblogging services by the end of the year, though the number of regularly active users is smaller, estimated to range in the tens of millions.

Most media revenue comes from advertising and subscriptions rather than government subsidies, even for many party papers. Some observers argue that commercialization has shifted the media's loyalty from the party to the consumer, leading to tabloid-style and sometimes more daring reporting. Others note that the reforms have opened the door for economic incentives that serve to reinforce political pressure and self-censorship, as publications fear the financial costs of being shut down by the authorities or losing advertising should they run afoul of powerful societal actors.

During 2013, the regime remained alert to technological, economic, and social changes that are weakening CCTV's influence. As internet use spreads and provincial television stations gain viewers, fewer young people in particular turn to CCTV as their primary news source. Regulators have responded in recent years with a string of new rules that restrict entertainment programming, especially during primetime, and starve provincial stations of related revenue. In February 2013, the SAPPRFT announced that all televised documentaries would henceforth be subject to tighter prior censorship, with filmmakers required to submit a content summary, cast list, and shooting plans for approval before production. In July, the SAPPRFT issued directives to television broadcasters that placed limits on singing contests, including their access to primetime slots, and effectively barred the development of new competitions.

The prevailing salary arrangements generally pay journalists only after their stories are published or broadcast. When a journalist writes an article that is considered too controversial, payment is withheld, and in some cases the journalist must pay for the reporting costs out of pocket. A small number of elite media outlets combat such deterrents to aggressive reporting by paying journalists even for reports that are subjected to censorship. Corruption among Chinese journalists persisted in 2013, and it remained common for public-relations firms to pay reporters for attending press conferences.