

Reporters Without Borders (RSF)

Reporters sans frontières

***UN Human Rights Council Universal Periodic Review for China
17th session – October 21st to November 1st, 2013***

Written submission by Reporters Without Borders on the state of freedom of information and media circulation in China

***Recommendations having enjoyed the support of China at UPR's 4th session
(2009)***

1. Create conditions for an early ratification of the International Covenant on Civil and Political Rights (ICCPR) (Sweden); In accordance with its imperatives dictated by its national realities, to proceed to legislative, judicial and administrative reform as well as create conditions permitting the ratification, as soon as possible, of the ICCPR (Algeria); Analyse the possibility of ratifying/consider ratifying/ratify ICCPR (Argentina, Brazil, Austria).

I. Overview of the press freedom situation

China is ranked 173 out of 179 countries listed in the 2013 worldwide press freedom index established by Reporters Without Borders.

30 journalists currently imprisoned
69 netizens imprisoned

China is the world's biggest prison for journalists, bloggers and cyber-dissidents. Most of the around one hundred prisoners have been sentenced to long jail sentences for "subversion" or "divulging state secrets" and are held in harsh conditions, with journalists often being put to forced labour. The local authorities, fearful of bad publicity from reports on corruption and nepotism, continue to arrest journalists.

The Communist party has marshalled massive financial and human resources to keep control over news. Most international radio news programmes in Chinese, Tibetan and Uyghur are scrambled via hundreds of aerials positioned throughout the country. Thousands of websites are blocked and tens of thousands of cyber-police and cyber-censors constantly monitor the Web to purge it of "immoral and subversive" content. All this while the government bolsters its propaganda through a multiplicity of official media, particularly the Xinhua news agency and the broadcast group CCTV.

The 2008 Beijing Olympics were the focus of unprecedented news control. In 2009, the entire Chinese media was forced to ignore dissident voices, on the eve of the 20th anniversary of the June 1989 pro-democracy movement and the 60th anniversary in October of the founding of the People's Republic. Several foreign correspondents were arrested or harassed.

China also wants to compete with international television channels by creating a "Chinese-style CNN". However the credibility of these media is brutally exposed when US President Barack Obama's inauguration speech was censored at the point when he mentioned the question of "support for dissidents".

The foreign press is supposed to enjoy freedom of movement and interview rights – one of the very few achievements of the Olympic period – but as soon as foreign correspondents begin to take an interest in delicate matters like Tibet, dissidents or the Aids epidemic, they find themselves obstructed and even the target of violence.

II. China – an enemy of the internet

Despite strict laws and the self-censorship imposed on companies in the sector, the Internet is a freer space than the press. Bloggers and Internet users in general post news that is not printed by the media and help to shape public opinion. On occasion the official media becomes the target of such derision for failing to report on major events, including the fire at the CCTV complex at the start of 2009, that they are forced to raise some sensitive issues.

Obsessive controls to counter the specter of Arab Spring

China may have the world's most sophisticated online censorship and surveillance system, but it has been pushed to its limits to thwart any risk of contagion from protest movements, mainly by removing most references to Arab Spring and "Occupy Wall Street" movements from the Chinese Net. Some blogs and microblogs have been shut down, and keywords, such as "jasmine" or "Egypt" banned. As of March 2012, it was impossible to use the word "occupy" followed by the name of a Chinese city (ex.: "Occupy Beijing" (占领北京) in a Web search.

The Chinese Communist Party's plenary session adopted a directive aimed at preserving "security" and expanding the Chinese culture's "influence." The law that prohibits the spreading of "rumors" actually serves as a pretext for the Chinese government to muzzle dissident voices and indulge in arbitrary arrests. The authorities have also required public Wi-Fi access providers to install extremely expensive Internet user tracking software.

Sixty-nine netizens are still in jail for their online activities, making **China the world's biggest prison for netizens**. Its victims include Nobel Peace Prize winner **Liu Xiaobo**, who is still behind bars. Those released, such as **Ai wei wei**, **Wang Lihong** (王荔蕪), **Zheng Yichun** (郑贻春), **Ding Mao** (丁矛), **Ran Yunfei** (冉云飞), **Wang Yi**, **Chen Guangcheng** and **Hu Jia**, are often victims of persecution, subjected to constant surveillance and even placed under house arrest.

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Microblogging sites soar

According to official figures, by year-end 2011, China had 513 million Internet users; i.e., an Internet penetration rate of 38.3%. Some 356 million of them are said to access the Internet via their mobile phone, half of whom (250 million) have microblogs.

The police accused Chinese Twitter ("Weibo") of having a "bad influence on society." Chinese Internet leaders such as Sina Corp (which owns the Sina Weibo microblogging website), Baidu (search engine) and Tencent (owner of the QQ messaging service), agreed in November 2011 to implement the government directives on online surveillance.

Next step: As of 16 March 2012, Chinese netizens registering on microblogging sites hosted in China have been required to use their real names instead of an alias.

News blackouts thwarted by social networks

China's censorship apparatus has done its utmost **to suppress reports on an uprising in the small city of Wukan**, in the province of Canton. The authorities imposed a genuine offline and online news blackout of the town. Since the villagers had managed to make their grievances heard and to rally public support, thanks to the Internet, Beijing had to agree to negotiate with them.

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In July 2011, the Propaganda Department attempted to impose **severe restrictions on media coverage** of the high-speed train crash that occurred on the 23rd of that month in Wenzhou, leaving some 40 people dead. In reaction, critics rushed onto the Web and millions of comments on Weibo demanded explanations about train safety in China.

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Regional discrimination: Localized censorship

In response to the unrest in Inner Mongolia and Tibet, the authorities stepped up its repression:

In late January 2012, a **communications blackout** was imposed to prevent media coverage of the authorities quashing protest movements in Tibet (disinformation, independent and foreign media kept in the dark, Internet cut-off connections). **Local community networks** were particularly targeted in order to nip in the bud any attempt at mobilizing support online. Tibetan exile media organization websites are still inaccessible.

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Xinjiang was cut off from the outside world for several months after interethnic riots in 2009.

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In May 2011, the **Internet was also a victim of the crackdown on the Inner Mongolia demonstrations**, as the authorities stepped up their control following protests about the **death of a Mongol herdsman on October 20, 2011**.

Official strategy: Propaganda, cyberwar and refusal to accept any interference

Following the protests triggered in Mongolia by the death of a herdsman, propaganda messages likely posted by government-hired bloggers known as “50 cents” have mushroomed online. In mid-August 2011, after the self-immolation of a young monk, Chinese authorities may have also initiated a wave of cyberattacks against the Tibetan media. China is also thought to be behind attacks against Google.

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The Great Firewall is now thought to be capable of controlling the data flow from local IP addresses and simultaneously restricting the number of IPs authorized to connect to the international network.

On October 19, 2011, aware of the economic impact of Net censorship, the United States demanded clarifications concerning “Internet restrictions in China,” which violate World Trade Organization (WTO) rules. The Chinese Foreign Affairs spokesperson, Jiang Yu, rejected the U.S. demand, stating: “We do not accept using the excuse of ‘Internet freedom’ to interfere in other countries’ internal practices,” she said, adding that “The Chinese government promotes and actively supports the Internet and safeguards its citizens’ freedom of expression.”

While the Chinese government is not prepared to relax its painstakingly won grip on the Internet, it is increasingly overwhelmed by the immense potential of the Participative Web, and the tension between the authorities and cyberdissidents is intensifying. The transition period now underway with Hu Jintao being replaced by his successor Xi Jinping is unlikely to usher in an era of respite and – even less likely – a Chinese spring.

III. From Hu Jintao to Xi Jinping : no improvement in sight for freedom of information

Reporters Without Borders branded President Hu Jintao a “Press Freedom Predator” and the leading jailer of press freedom defenders. His successor, Xi Jinping, has promised to “smash” any attempt to “destroy stability” in Tibet. He seems well on his way to taking his place as the next press freedom predator in China.

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The next generation of China’s leaders has been named during the 18th congress of the Chinese Communist Party (CCP) that took place in November 2012 in Beijing. They include the party’s general secretary, who is also China’s president, the prime minister and the chairman of the National People’s Congress.

Disturbed by the increased control of news and information during October 2012, in which considerable resources have been used to gag the media and dissidents, Reporters Without Borders has urged the authorities to loosen online surveillance and controls so that Chinese citizens can exercise their rights to free speech and freedom of information.

Reporters Without Borders has urged the next president and party general secretary to put an end to the arrests of journalists, bloggers and dissidents and the constant violations of freedom of information. Maintaining order and stability cannot be used to

justify cracking down on those who defend human rights and freedom of expression.

Reporters Without Borders has compiled a partial summary of the many violations of freedom of information during the last weeks preceding the opening of the congress, as they show that the government plans to pursue its authoritarian policies.

Arrests and sentences, harassment of dissidents, their families and supporters

In the run-up to the congress, the authorities cracked down on human rights activists and dissidents who are permanently suspected of wanting to destabilize the state.

Hu Jia, a well-known human rights activist who has been under house arrest since his release from prison in June 2011, was beaten and briefly detained after he began a hunger strike. His Internet connection was also temporarily cut after he posted comments on Twitter. The Internet is his only way of communicating with his wife, **Zeng Jinyan**, and his daughter, who are now based in Hong Kong.

The families of dissidents are routinely the targets of government harassment and reprisals. Defending the detained Nobel peace laureate **Liu Xiaobo** endangers his wife, the artist and photographer **Liu Xia**, who is under house arrest and permanently watched by the police.

The human rights lawyer **Chen Guangcheng** is now in the United States, but his relatives still in China are being harassed. At the end of October, the authorities carried out a violent search of the home of his brother, Chen Guangfu, and arrested Chen's son. Chen tried to file a complaint with a court in Yina, in Shandong province, but the court refused to register it.

More recently, the authorities in Jinan arrested the lawyer **Shu Xiangxin** on a charge of blackmail and extortion on the night of 5 November and seized his computer. His wife, who was interviewed by *Radio Free Asia*, was also interrogated for several hours by the police.

Censoring "sensitive" information

The authorities applied themselves in October 2012 to tightening their grip on "sensitive" information that could affect the congress. The government's censors also made every effort to get complete control of news coverage throughout the country.

For example, reports about a demonstration in the village of Yingge, on the southern island of Hainan, were censored as soon as they appeared online.

Suppressing "bad news" in Tibet

Instead of restoring peace by abandoning its discriminatory policies against ethnic minorities, the authorities persist in stifling the voices of dissidents who try to circulate information from within the Tibet enclave. All street demonstrations are banned and arrests are frequent. The increase in repression in Tibet is reflected in a wave of arbitrary arrests in Tibetan monasteries.

Local police in Chabcha (Ch: Gonghe) in Tsolho (Ch: Hainan) Tibetan Autonomous Prefecture, Qinghai Province detained Sungrab Gyatso, age 36, Draksang, the monastery's caretaker and Yeshe Sangpo for sharing information about the mass student protest that happened on 26 November 2012 in Chabcha. Their whereabouts remain unknown.

In order to contain the information coming out of the region, the movements of the population are strictly regulated. Access to the city of Lhasa is getting harder and harder because its Tibetan inhabitants are required to have a specific identity card.

The authorities in Hezuo, the capital of Gannan, a Tibetan prefecture in the western province of Gansu, have suppressed mobile phone communication in the Tibetan part of Sichuan province, permitting only fixed telephone use.

Anonymous sources have reported that in Gannan virtually all communications have been blocked, the sale of SIM cards has been suspended and Internet cafés have been closed.

The Chinese government is particularly concerned to suppress any information about the frequent self-immolations by Tibetan monks. Foreign journalists are barred from visiting the Tibetan regions. Australian journalist Stephen McDonnell (*ABC*), who has been expelled from the region, reported, "in villages like this (Ngaba) there are eyes and ears everywhere. Even if we can make contact with ordinary people and if they know about the immolations they don't really want to talk about it, especially not on camera", illustrating the growing self censorship among the population.

Keeping the foreign media in check

The party also tries to control the foreign media, which play a key role in informing both the international community and the Chinese public, the victims of the increased censorship of the local media.

After the website of *Bloomberg*, a news agency specializing in business and finance, was censored on 29 June 2012 for investigating the fortune amassed by the family of Vice-President Xi Jinping, the *New York Times* was censored and threatened with a lawsuit after it ran a story about the fortune acquired by Prime Minister Wen Jiabao's family.

Aware of the foreign media's steadily-growing influence, the authorities have reinforced the blocking of the *Voice of America*, *BBC*, *Radio Free Asia* and *Deutsche Welle* websites. In October 2012, it was possible to circumvent the censorship by using proxies and VPNs, but some sources are reporting that such tools are now much less effective.

The employees of foreign media are also being targeted. In October, two *Sky News* journalists and an *AFP* journalist were arrested.

Recommendations:

Reporters Without Borders reiterates its recommendations made during UPR's 4th session in 2009, and calls upon China's authorities and judiciary to:

- Respect freedom of opinion and expression guaranteed in China's Constitution including right to be informed;
- Allow journalists to report independently;
- Order all police forces to stop harassing journalists and bloggers for their publications;
- Release political prisoners jailed for their activities related to information and free expression, such as Liu Xiaobo and Li Blfeng;
- Stop harassing the families of bloggers and cyber dissidents, such as Liu Xia or Chen Guangcheng's relatives;
- Cease discriminatory policies in terms of censorship, control of information in regions populated by ethnic minorities such as Uyghur autonomous region, Tibet and inner Mongolia;
- Abolish its censorship policy, of all media, including online media, and punish officials and authorities at the provincial and local level that abuse their power by repressing the press;
- Cease its policy of internet surveillance by putting an end to : the "real name system" for all social network platforms, the use of deep packet inspection when monitoring network traffic, hacking methods of any sort against journalists email accounts.
- Allow the foreign media to do their work freely by granting them the same rights Chinese journalists enjoy in foreign countries;
- Officially recognize the Foreign correspondent club of China as a legal organization, with a legal status in order to protect its very existence and allow it to realize its purpose fully;
- Open Tibet and Uyghur regions to independent media and UN Special Rapporteurs to assess the situation on the ground;
- Release unconditionally all tibetan citizens who have been sentenced or arbitrarily arrest for sending information outside Tibet or expressing their views.