

## I. Summary

This is the way the business is [in China]—if you go to some area where they are nervous about foreign journalists, you will be harassed and detained.

—David Barboza, *New York Times* Shanghai Correspondent, Shanghai, June 25, 2007

In December 2006 the Chinese government unveiled new temporary regulations designed to give accredited foreign journalists expanded freedoms in the run-up to and during the 2008 Olympic Games in Beijing. That decision appeared to mark a significant easing of the tight official controls on reporting activities that have long constrained foreign correspondents' freedom of expression in China. Most accredited foreign journalists, however, say the new regulations in force since January 2007 are being persistently flouted.

This report analyzes how the Chinese government is failing to fulfill its commitments to respect the reporting freedom of foreign correspondents during the period of the temporary regulations and is instead continuing to subject foreign reporters to detention, harassment, and intimidation. It also examines how the Chinese government maintains a stranglehold on the activities of domestic journalists—intentionally excluded from the new temporary regulations—and strictly censors local reporting to comply with official propaganda objectives.

The Chinese government's assurances of wider media freedoms during the Olympic Games were key to the International Olympic Committee's 2001 decision to allow Beijing to host the Games. At that time, Wang Wei, secretary-general of the Beijing Olympic Games Bid Committee, promised international media "complete freedom to report when they come to China" for the 2008 Olympic Games.

The new freedoms for accredited foreign journalists in China are set out in the "Service Guide for Foreign Media," published on the website of the Beijing Organizing Committee for the Olympic Games. That document states that "the

regulations on Reporting Activities by Foreign Journalists shall apply to the coverage of the Beijing Olympic Games and the preparation as well as political, economic, social and cultural matters of China by foreign journalists in conformity with Chinese laws and regulations.” The temporary regulations, which are in effect from January 1, 2007, through October 17, 2008, allow foreign journalists to freely conduct interviews with any consenting Chinese organization or citizen.

On paper, the temporary regulations appear to free foreign correspondents from a decades-old regulatory handcuff of time-consuming and rarely granted foreign ministry approval for interviews and reporting trips outside of Beijing and Shanghai (where the bulk of the 606 accredited foreign correspondents from 319 foreign news organizations are based). However, the new latitude granted by the temporary regulations is conditioned on being “in conformity with Chinese laws and regulations.” This is problematic, as many Chinese laws and regulations limit free expression. The continuing applicability of these other laws and regulations and the lack of independence of the judiciary limit the chances that the temporary regulations will be enforced, or enforceable.

Some of the 36 foreign correspondents we interviewed or whose written accounts of their experiences were provided to Human Rights Watch said that their experience of the new temporary regulations has significantly widened access to sources and topics previously taboo, such as access to certain prominent political dissidents and to villages with public health emergencies. Some have said they have received assistance from the Ministry of Foreign Affairs when harassed or detained in the midst of reporting activities.

Such outcomes are encouraging, yet they are the exception rather than the rule. Many foreign journalists who have tested them say the regulations are being ignored or denied. In addition, foreign journalists must still apply for rarely-granted official permits for reporting visits to Tibet. Worse, many say that they are often harassed, detained, and intimidated by government and state security officials in the course of their reporting activities. More disturbingly, such treatment is increasingly being meted out by threatening and occasionally violent groups whom journalists often suspect to be plainclothes police personnel: the groups frequently appear to work in

cooperation with government and uniformed police officials, but routinely refuse to identify themselves or provide identification. Foreign reporters are noting an ongoing pattern of “the use of anonymous thugs to enforce the will of local governments,” as one Beijing-based correspondent put it.<sup>1</sup>

The violations of reporting freedom reported since January 1, 2007, have been experienced most often by foreign correspondents pursuing stories related to topics of perceived extreme sensitivity by the Chinese government, including coverage of political dissidents, Tibet, the country’s HIV/AIDS epidemic, and issues of “social stability”—specifically riots and their aftermath. However, foreign journalists have also reported harassment, detention, or intimidation during or after coverage of topics ranging from visits to state-owned factories to conditions at China’s zoos.

Alarming, some correspondents said that China’s Ministry of Foreign Affairs has itself engaged in intimidation tactics in the wake of reporting that the ministry judged unfavorable to the Chinese government. In one case, the Ministry of Foreign Affairs actively pressured a foreign news agency based in Beijing to scuttle coverage of a “sensitive” topic by one of its bureaus outside China. The ministry retaliated by refusing a work visa when the news agency refused to comply.<sup>2</sup>

Harassment, intimidation, and detention since January 1, 2007, have instilled fear in many reporters. They have lingering concerns about potential repercussions on their work visa status and how their employers may react to news of their problems with Chinese officials.

Chinese journalists and Chinese nationals who are assistants, researchers, translators, or sources for foreign correspondents face even more danger, as they are explicitly excluded from the freedoms granted to their foreign counterparts under the temporary regulations. Chinese journalists interviewed by Human Rights Watch said that their activities remain closely monitored by state security agencies to ensure that their reporting does not stray from that of the official propaganda line, which is a

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<sup>1</sup> Human Rights Watch interview with an Associated Press correspondent (name withheld), Beijing, June 26, 2007.

<sup>2</sup> Human Rights Watch interview with a foreign correspondent (name withheld), Beijing, June 17, 2007.

major restraint on their reporting freedom.<sup>3</sup> One local assistant of a Beijing-based foreign correspondent has become the target of tightening surveillance and pressure from at least two security organs of the Chinese government, which has extended to harassment of the assistant's family following the publication of a story about dissident couple Hu Jia and Zeng Jinyan.<sup>4</sup>

Consequently, the vast majority of foreign journalists interviewed by Human Rights Watch requested that their identities and those of their employers not be mentioned. Chinese journalists interviewed by Human Rights Watch also required anonymity to prevent possible retaliation by the security services. In one case, Human Rights Watch was specifically asked by the colleagues of one local reporter to not contact that individual due to concerns that she was already under close surveillance by security officials.

The explanation for the disparity in experience and opinion among journalists often seems to be related to variables including luck in contacting sympathetic foreign ministry officials during office hours and the willingness of local officials to duly comply with ministry requests that the temporary regulations be respected.

Violations of the letter and spirit of the temporary regulations raise troubling questions about the freedom of expression and the security of the thousands of journalists<sup>5</sup> expected to come to Beijing to cover the 2008 Olympic Games. Failure to deliver the promised expanded reporting freedoms for foreign reporters during the temporary regulations period means that, at best, those journalists will continue to face severe obstacles to reporting adequately on topics that the Chinese government would prefer the international media ignore. At worst, the ongoing official obstruction of independent reporting by foreign journalists may force foreign journalists into state-controlled media tours that provide skewed, sanitized depictions of China divorced from the country's complex realities. This would deal a severe blow to hopes—based on the Chinese government's promises to the

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<sup>3</sup> Human Rights Watch interview with a Chinese journalist (name withheld), Beijing, June 21, 2007.

<sup>4</sup> Human Rights Watch interview with a foreign correspondent (name withheld), Beijing, June 14, 2007.

<sup>5</sup> Website of Beijing Organizing Committee for the Olympic Games, <http://en.beijing2008.cn/news/dynamics/headlines/n214106100.shtml> (accessed June 22, 2007).

International Olympic Committee of expanded media freedom during the 2008 Games—that the Olympics would lay a long-term foundation of greater transparency and reporting freedom for foreign and Chinese journalists alike.

Human Rights Watch urges the Chinese government to enforce the implementation of the temporary regulations on reporting freedoms for foreign journalists and to end the practice of harassment, detentions, and intimidation that they currently face in the course of legal reporting activities. Human Rights Watch supports the possibility raised by Cai Wu, minister of the State Council Information Office, that the temporary regulations may be made permanent after October 17, 2008.<sup>6</sup>

Human Rights Watch also urges the Chinese government to extend those same rights to Chinese journalists and to make media freedom for foreign and Chinese journalists a permanent component of Chinese law in line with Article 35 of the Constitution of the People’s Republic of China, which guarantees freedom of the press.

These measures are essential to ensure the freedom of expression and the safety of the thousands of foreign journalists expected to cover the 2008 Olympic Games in Beijing. Failure to implement them raises serious doubts about the Chinese government’s willingness to live up to its explicit commitments to the International Olympic Committee for expanded reporting freedom. Such a failure also indicates that the Chinese government continues to stifle discussion of urgent issues such as corruption and illegal land seizures, which are causing serious unrest across the country. By limiting journalists’ coverage, the Chinese government continues to deny the troubling realities of widespread human rights abuses, a widening urban-rural income gap, and severe environmental degradation, in an effort to promote a particular image of the country during the run-up to the Olympics. It remains urgent that the Chinese government recognize that a free media is an essential foundation of the social stability, development, and justice that the leadership claims to strive for.

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<sup>6</sup> “Foreign Journalists ‘Welcome in China,’” *China Daily* (Beijing), December 29, 2006.

## VI. Recommendations

### To the Chinese Government

- Ensure that all elements of China’s government bureaucracy and security services are fully informed about the new temporary regulations for foreign journalists’ reporting rights, and that those agencies fully understand their obligations in honoring the regulations.
- Sponsor a nationwide public education campaign on the temporary regulations for foreign journalists’ reporting rights to ensure that ordinary Chinese are aware that during the period of the temporary regulations they can legally consent to be interviewed by foreign reporters.
- Punish government and security officials who refuse to honor the temporary regulations and impede, obstruct, harass, or detain foreign journalists in the course of legal reporting activities in China.
- Ensure that foreign correspondents don’t face harassment, intimidation, or detention by plainclothes thugs.
- Identify, arrest, and prosecute plainclothes thugs who harass, intimidate or detain foreign and Chinese journalists.
- Lift restrictions on foreign journalists’ access to and reporting from the Tibet Autonomous Region.
- Make the “temporary” regulations a permanent component of Chinese law and extend the same rights to Chinese journalists in line with Article 35 of China’s constitution.
- Cease the surveillance, harassment, and intimidation of the Chinese staff of foreign correspondents and their sources by government and security officials as well as plainclothes thugs.
- Create a formal mechanism for foreign journalists to report instances of harassment, detention and intimidation and identify foreign ministry staffers empowered to intervene who can be contacted 24 hours a day, seven days a week when such cases occur.
- Cease the practice of designating dozens of topics as “sensitive” such that they cannot be covered by Chinese journalists. Determine what is sensitive in accordance with international practice, and periodically review the topics.

- Abolish legal ambiguities that threaten the freedom of Chinese journalists including prohibitions on reporting that “threatens the honor or interests of the nation.”
- Cease the practice of formal reprimands by the Ministry of Foreign Affairs of foreign correspondents whose reporting merely touches on “sensitive” topics that the Chinese government would prefer the media didn’t cover.

### **To the International Olympic Committee (IOC)**

- Urge the Chinese government to honor its agreement to the IOC by fully implementing the temporary regulations on reporting freedoms for foreign journalists.
- Urge the Chinese government to make media freedom a permanent component of Chinese law for both foreign and Chinese journalists beyond the October 17, 2008, deadline for the temporary regulations for foreign correspondents.
- Document and publicize cases in which foreign and/or Chinese journalists are illegally harassed, intimidated, and detained, and demand that the Chinese government fully investigate and prosecute individuals found guilty of such crimes.

### **To National Governments Sending Olympic Teams to the 2008 Beijing Olympics**

- Demand that the Chinese government ensure the safety and legal reporting freedoms of media personnel from their country who cover the 2008 Olympic Games in Beijing.
- Document and publicize cases in which media personnel from their country are illegally harassed, intimidated, and detained, and demand that the Chinese government fully investigate and prosecute any individuals found guilty of such crimes.
- Urge the Chinese government to make media freedom a permanent component of Chinese law for both foreign and Chinese journalists beyond the October 17, 2008 deadline for the expiry of the temporary regulations for foreign correspondents.

## **To International News Organizations Planning to Cover the 2008 Beijing Olympics**

- Document and publicize cases in which accredited reporters, photographers, cameramen/camerawomen, as well as foreign and Chinese support staff from their organizations are harassed, intimidated, or detained in the course of legal reporting activities in China, and demand that the Chinese government fully investigate and prosecute any individuals found guilty of such crimes.
- Urge the Chinese government to make media freedom a permanent component of Chinese law for both foreign and Chinese journalists beyond the October 17, 2008 deadline for the expiry of the temporary regulations for foreign correspondents.