



CHINA

## “You Will Be Harassed and Detained”

China Media Freedoms Under Assault Ahead of the 2008 Beijing Olympic Games

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Olympic Games**

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## 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.

Alarmingly, 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.



## II. Background: Longstanding Constraints on Media Freedom in China

The development of a free media in China is critical to providing its 1.3 billion citizens with a realistic understanding of the challenges facing their rapidly transforming society as state control of some aspects of economic and social life steadily loosens. A free media is critical to the ability of the Chinese people to exercise their fundamental rights of expression and to be fully informed about developments in their society—be they political, social, economic, or environmental—that have direct bearing on their lives.

### International Standards of Media Freedom

Freedom of the press is a fundamental principle of international human rights law. The media play a crucial role in exposing abuses of power, human rights violations, corporate malfeasance, and medical and environmental crises, thus helping to ensure that the public is informed, that abuses are halted, that criminal perpetrators face justice, and that victims can seek redress. Pivotal international instruments place great emphasis on the importance of a free press, such as the Universal Declaration of Human Rights (Article 19), and the International Covenant on Civil and Political Rights (Article 19.2),<sup>7</sup> a key human rights treaty that China has signed but not ratified.

The most detailed exposition of the rights and responsibilities of journalists and a free media is found in the United Nation's Educational, Scientific and Cultural Organization (UNESCO) Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International

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<sup>7</sup> Universal Declaration of Human Rights (UDHR), adopted December 10, 1948, G.A. Res. 217A(III), U.N. Doc. A/810 at 71 (1948). International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976. The importance of media freedom is reflected also in regional treaties—the European Convention for the Protection of Human Rights and Fundamental Freedoms (Article 10.1); the African Charter on Human and Peoples' Rights (Article 9.1); the American Convention on Human Rights (Article 13.1); and the Inter-American Democratic Charter (Article 3)—although none covering the Asia region.

Understanding, to the Promotion of Human Rights and to Countering Racism, Apartheid and Incitement to War.<sup>8</sup> Among other things, the Declaration calls for:

- a free flowing and better-balanced dissemination of information (Article I)
- public access to information, “Thus enabling each individual to check the accuracy of facts and to appraise events objectively.” (Article. II.2)
- journalists’ freedom to report (Article II.2)
- protection for journalists “guaranteeing them the best conditions for the exercise of their profession.” (Article II.4)
- a free media as a tool in human rights education: “The mass media have an essential role to play in the education of young people in a spirit of peace, justice, freedom, mutual respect and understanding, in order to promote human rights, equality of rights as between all human beings and all nations, and economic and social progress. Equally, they have an important role to play in making known the views and aspirations of the younger generation. (Article IV).

The Constitution of the People’s Republic of China incorporates the spirit of the importance that the international community ascribes to media freedom through Article 35, which guarantees “freedom of speech, of the press, of assembly, of association, of procession and of demonstration.”

### *Comprehensive Censorship and Control of the Chinese Media*

The decades-old system of stringent government control over domestic media, effectively rendering the bulk of China’s media news content components of a vast national propaganda system, remains mostly untouched by the “reform and opening” initiated by former Chinese Communist Party Chairman Deng Xiaoping in 1979. Domestic news content in China is painstakingly filtered through outright censorship of material deemed objectionable by the Communist Party and a web of rules and regulations that strictly limit the reporting scope of journalists. Chinese journalists are also given financial incentives to maintain this status quo.<sup>9</sup>

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<sup>8</sup> Proclaimed by the General Conference of UNESCO at its 20th session in Paris, November 28, 1978.

<sup>9</sup> Human Rights Watch World Report 2007, *China- Restrictions on Freedom of Expression*, January 11, 2007, <http://hrw.org/englishwr2k7/docs/2007/01/11/china14867.htm>.

### III. Harassment, Detention, and Intimidation of Foreign Correspondents Despite the New Regulations

Some reporters have noted improvements since Jan. 1. However the FCCC is concerned about continuing instances in which foreign correspondents have experienced interference, or their Chinese assistants and sources have been intimidated. Since Jan. 1 a number of international journalists have been summoned by the Foreign Ministry for reprimands over stories run by their respective news organizations. Many foreign correspondents believe China has not yet lived up to the promises made by Beijing authorities of complete media freedom during the Olympic Games period.

—Melinda Liu, president of the Foreign Correspondents Club of China, July 9, 2007<sup>10</sup>

A minority of the correspondents interviewed by Human Rights Watch or whose testimonies were provided to Human Rights Watch by their employers or via the Foreign Correspondents Club of China (FCCC) indicated that the implementation of the temporary regulations since January 1, 2007 has delivered meaningful expanded reporting freedom.

Several correspondents noted that since January 1 they have been allowed long-denied access to interview certain political dissidents, including Bao Tong, a former top aide to disgraced former Chinese Communist Party Chairman Zhao Ziyang and the most senior official jailed over the 1989 Tiananmen protests. The security officials who enforce Bao's house arrest have permitted Reuters, the *Straits Times*, the *Economist* and the *South China Morning Post* to visit him.

Lindsey Hilsum of the United Kingdom's Channel 4 News likewise tested the new regulations earlier this year and said that initial official opposition to an interview with the village chief in Xiditou, one of China's "cancer villages" outside of the

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<sup>10</sup> Email communication from Melinda Liu to Human Rights Watch, July 9, 2007.

eastern port city of Tianjin, evaporated when the local propaganda secretary confirmed that the new regulations permitted the interview. “So for the first time in his life, the village chief of Xiditou sat in front of a camera and was quizzed about the fact that the villagers are dying of cancer and his factory is amongst those blamed... and he wouldn’t have before January 1,” Hilsum wrote in the June FCCC newsletter.

An accredited Beijing-based photographer with a foreign news agency also said that the implementation of the temporary regulations has resulted in a measurable loosening in the restrictions on subjects he can photograph. On at least one occasion since January 1 the photographer received access to a facility that officials there attributed entirely to the new temporary regulations. “[The officials] said the only reasons we were allowed to [get access] is the new regulations and that before, even if they’d wanted us to visit, there’d be no permission from [relevant government units],” the photographer said.<sup>41</sup>

These instances in which foreign journalists’ have experienced an expansion in reporting freedom have hinged on both local authorities’ awareness of the temporary regulations, and, more importantly, their willingness to respect them.

However, the majority of the foreign correspondents interviewed by Human Rights Watch or whose accounts of their experiences were provided to Human Rights Watch indicate a widespread disregard and denial of the new reporting freedoms granted to foreign reporters by the temporary regulations implemented as of January 1, 2007.

## **A. Harassment by Government, Party, and Security Officials**

We will always be subjected to harassment by local officials. The difference now [with the temporary regulations] is that [when it happens] we can at least now call a guy at the Ministry of Foreign Affairs...but it doesn’t do much for access to information or the capacity to work freely.

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<sup>41</sup> Human Rights Watch interview with a foreign photographer (name withheld), Beijing, June 14, 2007.

—Bruno Philip, China correspondent for *Le Monde*, Beijing, June 13, 2007

Many of those to whom Human Rights Watch spoke or about whom we received information indicated that the new temporary regulations have done little to temper the reflexive inclination of government, police, and state security officials to harass and to obstruct the legal reporting activities of foreign correspondents in China. That harassment ranges from close surveillance by government and/or security officials, to demands that the journalists cease their reporting activities and immediately leave the area in which they are working. Foreign correspondents say the close surveillance is intended to both monitor reporters' activities as well as to silently intimidate them and their sources.

A long-time foreign correspondent said she and her colleagues have been harassed due to their coverage of political dissidents in early 2007 and of the highly-publicized murder of Chinese journalist Lan Chengzhang in Shanxi province on January 10, 2007 (for her experience of detention and interrogation in connection with covering the Lan case, see below).<sup>12</sup> Soon after, the correspondent had difficulties in renewing her work visa, among other problems she attributes to intentional state security interference. She told Human Rights Watch, “I know the stories we have done have angered [the Chinese government] and my visa renewal problems began after [those reports]...We started experiencing internet connection difficulties.”

The intimidation tactics worked. Concerned about the degree of official scrutiny her work had attracted and worried that more punitive sanctions such as the cancellation of her work visa could follow, the correspondent opted to not complain to the Ministry of Foreign Affairs about her experiences in the hope that the intimidation would eventually ease.<sup>13</sup> (For other journalists' experiences with the Ministry of Foreign Affairs and what they interpret as the threat to their visa and work permit status, see sub-section D, below.)

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<sup>12</sup> “Life in jail for deadly attack on reporter,” *South China Morning Post*, June 29, 2007.

<sup>13</sup> Human Rights Watch interview with a foreign correspondent (name withheld), Beijing, June 17, 2007.

Some foreign correspondents have discovered that the freedom granted in the temporary regulations period to access and interview political dissidents results in not less but rather more intense surveillance, harassment, and intimidation of themselves or their local assistants after their coverage is published or broadcast. The attempts to cover mass protests and riots remain particularly problematic for foreign journalists.

Government, police, and state security officials have also harassed foreign reporters trying to cover stories ranging from approved visits to state-owned factories,<sup>14</sup> corporate press conferences,<sup>15</sup> a visit to one of Henan provinces infamous “AIDS villages,”<sup>16</sup> and petitioners seeking official redress for grievances during the National People’s Congress in Beijing.<sup>17</sup>

What should have been a relatively straightforward corporate story for a Beijing-based newswire reporter in March illustrates the difficulties that foreign correspondents face in receiving the legal protection promised by the new temporary regulations. During a previously arranged visit to a state-owned factory, the correspondent was confronted by an individual who identified herself as a member of the factory’s Chinese Communist Party cell, denied any existence of the new temporary regulations, said the very existence of the entire factory was a “state secret,” and demanded that the correspondent leave. The correspondent contacted the Ministry of Foreign Affairs for assistance, which lessened the party cadre’s opposition, but didn’t completely remove obstacles to reporting efforts.

Eventually we got the interviews and the access we wanted, but the [Party cadre] tried to limit what we filmed—even workers packing boxes—or who we could talk to and tried to limit our time in each place [in the factory].  
What surprised me was it was a [factory] ... not [a story about] dissidents,

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<sup>14</sup> Human Rights Watch interview with a foreign correspondent (name withheld), Beijing, June 20, 2007.

<sup>15</sup> Human Rights Watch interview with a foreign correspondent (name withheld), Beijing, June 19, 2007.

<sup>16</sup> Human Rights Watch interview with a foreign correspondent (name withheld), Beijing, June 17, 2007.

<sup>17</sup> Human Rights Watch interview with a foreign correspondent (name withheld), Beijing, June 17, 2007; Human Rights Watch email correspondence with an Associated Press photographer (name withheld), June 30, 2007.



it was a business interview, so it was the last place we expected to run into something like this.”

The journalist also noted that the interviews were all closely monitored, ensuring that workers could not have freely expressed their views without concerns about repercussions.<sup>18</sup>

Harassment of foreign correspondents who report on issues of China’s HIV/AIDS epidemic in Henan province, common prior to implementation of the new temporary regulations, continues to impede journalists’ reporting efforts in those areas. A Beijing-based foreign correspondent attempting to conduct an interview with an HIV/AIDS sufferer in Henan in January was interrupted by two policemen who intruded into the interview and did their best to eavesdrop.

[The police] said they were “neighbors” and were dressed-down in plainclothes, but had pullovers that said “Police.” [First] they stood outside in the courtyard and during the interview one or two of them entered, then tried to stand outside the door [of the room where the interview was taking place] but were shooed away.<sup>19</sup>

A reporting trip to the city of Xian in January 2007 to look into suspected trafficking of an executed convict’s organs resulted in a Beijing-based Associated Press correspondent attracting the attention of plainclothes police who tailed her throughout much of the second day of her two-day visit and interrogated her taxi driver about her activities in Xian.

I asked them to identify themselves but they ignored me and the apparent leader [of the two men] said to my driver, “We’ll talk to you later.” ... The driver said later that they had asked him what I was doing in Xian and how I knew him and said they were state security officers.<sup>20</sup>

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<sup>18</sup> Human Rights Watch interview with a foreign correspondent (name withheld), Beijing, June 20, 2007.

<sup>19</sup> Human Rights Watch interview with a foreign correspondent (name withheld), Beijing, June 17, 2007.

<sup>20</sup> Human Rights Watch interview with a foreign correspondent (name withheld), Beijing, June 18, 2007.

This harassment is a worrying indicator of the types of hazards that the thousands of accredited foreign journalists who are expected to cover the 2008 Olympic Games in Beijing may have to endure unless the Chinese government takes strong, effective action to eradicate such violations of reporting freedom. Foreign journalists cannot effectively report when government, party, and security officials have them under close surveillance, disrupt their interviews, or refuse to respect the new temporary regulations on reporting freedom. The foreign journalists preparing to cover the Beijing Olympic Games will expect that the rights being upheld in the new regulations will be respected.

## **B. Harassment by Plainclothes Thugs**

The aim is intimidation and fear, and it works.

—Beijing-based foreign journalist, Beijing, June 15, 2007

Perhaps more disturbingly, foreign journalists in China have told Human Rights Watch that they note an increasing frequency of harassment and intimidation by bands of occasionally violent individuals who appear to operate openly and unrestrained by Chinese government and security officials.<sup>21</sup> Numerous foreign correspondents told Human Rights Watch they suspected that plainclothes police constitute the majority of such groups, but are unable to conclusively identify them as such because the individuals routinely decline to identify themselves. Such tactics are increasingly common in China, with local governments and private companies using them to disperse protesters, intimidate political dissidents, and instill fear among opposition of any kind.

The correspondent who encountered visa renewal problems, described above, said that the use of such thugs, whether plainclothes police or not, reflected a growing level of sophistication in Chinese security forces' efforts at distancing identifiable, uniformed police from acts of harassment and intimidation, particularly at protest demonstrations related to forced evictions in Beijing.

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<sup>21</sup> Human Rights Watch interview with an Associated Press correspondent (name withheld), Beijing, June 26, 2007.

It's now common to deal with two to three types of "policemen," including private security guards who act like police. There are a lot of plainclothes [security officers] taking still and video images at the scene [of protests]. A couple of weeks ago we went to a working neighborhood which was the scene of the biggest [residential area] demolition in Beijing. In the crowd a guy approached me in plainclothes and said, "Are you [name withheld]?" I said, "How do you know my name?" But he just walked away.<sup>22</sup>

Normally such personal identification could only be done by an actual member of the police.

Natalie Behring, a Beijing-based photographer for France's Sipa Press, was harassed for a full day in March 2007. Behring was followed by a group she suspected to be plainclothes policemen in four to six black Audi sedans in and around a small village in Henan province during a reporting trip about a Chinese serial killer who had been executed three years previously. Behring said the harassment by the men, who consistently declined to identify themselves, seemed to be aimed at both her and her local sources. Behring said the full day of harassment ended with her and her colleague being briefly detained by the police backed by the group of suspected plainclothes officers.

The minute we got there [to the village] we realized we were being followed. The village was surrounded by these *da-ge* [hoodlum] types in black polyester shirts. It was intimidation for sure...all of these cars followed us all day. They just followed us, intimidated us all day, then grabbed us at the end of the day."

That intimidation included closely monitoring her efforts to talk to and photograph sources in the village, taking aside one of her key informants for what Behring

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<sup>22</sup> Human Rights Watch interview with a foreign correspondent (name withheld), Beijing, June 17, 2007.

suspected was an effort to convince the man not to cooperate with Behring, as well as following her and the informant to the grave of one of the serial killer's victims.<sup>23</sup>

An abusive group whom journalists suspected were plainclothes police but who never identified themselves also made an appearance during journalists' attempts to cover the efforts of petitioners from the countryside seeking redress at one of the petitioning offices of the Letters and Visits system<sup>24</sup> in Beijing prior to and during the annual meeting of the National People's Congress, China's legislature, in March. Petitioners are ordinary Chinese citizens permitted by national and local regulations to raise grievances at Letters and Visits offices including on topics of extreme sensitivity to the Chinese government, such as police brutality, corruption, or illegal land seizures. Petitioners who attempt to visit the large Letters and Visits offices in Beijing during annual meetings of the National People's Congress have been the focus of increasingly violent action by police and plainclothes thugs who attempt to force the petitioners to return to their countryside homes.

Two journalists reported separate episodes of being manhandled and harassed by suspected plainclothes officers who repeatedly pushed and shoved the journalists and denied them freedom of movement as the journalists attempted to leave the scene. This was near China's Supreme Court, in a part of central Beijing with some of the tightest security in China, but uniformed police looked on and did nothing.<sup>25</sup> One of the journalists, an Associated Press photographer, said she narrowly avoided being abducted by plainclothes thugs on March 1 while documenting petitioners:

When we were making our way out of the area followed by petitioners, a police car sped to the spot where we were, blaring its siren, followed by two unmarked cars. Five plainclothes police that didn't identify themselves came out of the unmarked cars and tried to push us into the vehicles. We resisted and petitioners helped to pry us loose. We tried to

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<sup>23</sup> Human Rights Watch interview with Natalie Behring, Sipa Press correspondent, Beijing, June 14, 2007.

<sup>24</sup> The Letters and Visits system, colloquially called *shangfang* ("appealing to higher levels"), is a complaints system allowing citizens to report grievances to authorities, who are then supposed to instruct other government departments to resolve the problems. Human Rights Watch, *China - We Could Disappear at Any Time: Retaliation and Abuses against Chinese Petitioners*, December 8, 2005, [hrw.org/reports/2005/china1205/](http://hrw.org/reports/2005/china1205/).

<sup>25</sup> Human Rights Watch interview with a foreign correspondent (name withheld), Beijing, June 17, 2007; Written account of an Associated Press photographer (name withheld) March 1, 2007, provided to Human Rights Watch via email, June 30, 2007.

keep on walking, but continued to be blocked, pushed, handled and shoved by the plainclothes police, who gave us no explanation as to why they were stopping us. The police [from the marked police car that accompanied the vehicles carrying suspected plainclothes officers] denied knowing who the [plainclothes] men were, although they stood close by while we were questioned [by police] yet again.<sup>26</sup>

Foreign journalists have refrained from launching official protests of such abuses for reasons ranging from skepticism about the utility of any such action, to fears of possible retribution from the Ministry of Foreign Affairs in the form of problems with work visa renewal. The Foreign Correspondents Club of China has recently conducted a survey of its membership about the implementation of the temporary regulations since January 1 and issued the results of its findings on August 1, 2007.

### **C. Illegal Detention of Foreign Correspondents**

They led us to a military compound and brought us to a room...and interrogated us for about an hour. We were scared because we started to think we'd fallen into the hands of some kind of mafia [because] the situation seemed fake, not official. This was definitely not a police station. We [later] thought it was a clever way of detaining [journalists] without officially detaining them.

—Beijing-based foreign correspondent, Beijing, June 17, 2007<sup>27</sup>

The new temporary regulations have also failed to end the practice of detaining reporters engaged in legal reporting activities. Since January 1, 2007, foreign journalists have reported detentions at the hands of persons ranging from local government officials and police, to plainclothes thugs and even employees of a toy factory.

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<sup>26</sup> Written account of an Associated Press photographer (name withheld), March 1, 2007.

<sup>27</sup> Human Rights Watch interview with a foreign correspondent (name withheld), Beijing, June 17, 2007.

In some cases, foreign correspondents' phone calls to officials at the Ministry of Foreign Affairs have resulted in their relatively quick release. In other cases, release from detention was a less satisfactory process.

James Miles, China correspondent for the *Economist*, was detained in January by government officials at an HIV/AIDS-stricken village in Henan province who denied any knowledge of the temporary regulations and informed him that he would have to leave the area immediately. Miles called the Ministry of Foreign Affairs and within an hour he was released and allowed to continue his interrupted interview. But Miles said that victory did not change the attitude or tactics of government officials in that village toward foreign journalists:

A week later a Japanese journalist showed up in the same village and the same rigmarole [of harassment and detention] occurred. The officials denied [knowledge of] the regulations, the journalist called the Ministry of Foreign affairs [for help] but it was a Sunday...so he left without a story.<sup>28</sup>

Bruno Philip, China correspondent for *Le Monde*, had a similar reception in May while reporting on the aftermath of riots in Guangxi province. The riots had been sparked by mass opposition to punishments against violators of China's one child policy. After being closely followed by two individuals he suspected were plainclothes policemen (due to their more formal style of dress compared to the residents of the town, who were overwhelmingly farmers and dressed accordingly). Philip and his Chinese assistant were briefly detained in a government building in the village by uniformed police who refused to acknowledge the new temporary regulations.

Philip called the Ministry of Foreign Affairs for assistance and within 10 minutes the ministry official dealing with him assured Philip that the situation had been "sorted out and I was free to move wherever I wanted." But in fact the local officials continued to block Philip's efforts to report on the riot's aftermath

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<sup>28</sup> Human Rights Watch interview with James Miles, China correspondent for the *Economist*, Beijing, June 21, 2007.



I was told I could interview representatives of the [local] government, but not people in the street, so I asked, “Who can I talk to?” They said, “We don’t know.” Then I asked, “When can I talk to them?” Their response was “We don’t know.” So I gave up and left.<sup>29</sup>

The Beijing-based foreign correspondent trying to report on the Lan Chengzhang murder in Shanxi province (see above, sub-section A) was detained and interrogated in early 2007 in a compound with signs that identified it as a military facility rather than a police station. The presence of only one policeman in the company of a sinister group of men whom she suspected may have been plainclothes police or soldiers made the encounter appear more like a mafia-style operation than an official investigation:

It looked dodgy because there was only one [uniformed] cop and the rest were plainclothes guys in a military compound. We told them about the new regulations for [foreign] journalists and one of them replied, “Those don’t apply here, go back to Beijing.” I think their purpose was to scare us.<sup>30</sup>

In some instances, even police and government officials are unable to assist journalists detained by representatives of private companies. *The New York Times* Shanghai-based correspondent David Barboza, his Chinese assistant, and a photographer were detained for more than 10 hours by staff at a factory in Dongguan, Guangdong province, on June 18 while doing a story about toxic lead paint discovered in the factory’s US exports. Barboza eventually secured his release from the factory after writing a short statement explaining the reason for his factory visit and stating that he hadn’t asked for permission to take photographs.

The police and the [local] government couldn’t get us released, so if I hadn’t signed that thing, who knows what would have gotten us out of there. The police had nothing to say, they were silent, like security

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<sup>29</sup> Human Rights Watch Interview with Bruno Philip, June 13, 2007.

<sup>30</sup> Human Rights Watch interview with a foreign correspondent (name withheld), Beijing, June 17, 2007.

guards. All the terms [of our detention and release] were dictated by the factory bosses.<sup>31</sup>

#### D. Intimidation by China's Ministry of Foreign Affairs

It was a warning. It was an attempt to make you think twice about writing about things [the Chinese government] doesn't like...an attempt to pressure you.

—Geoffrey York, China correspondent for the *Globe and Mail* (Toronto), Beijing, June 26, 2007

While some foreign correspondents interviewed by Human Rights Watch praised the Ministry of Foreign Affairs for timely intervention in cases of harassment and intimidation by local government officials and police. Other foreign journalists said that the ministry has reacted to the freedoms granted by the new temporary regulations by practicing post-publication intimidation tactics or overtly trying to influence the editorial decisions of foreign news organizations.

Since January 1, 2007, at least seven foreign journalists have been called in for meetings at the Ministry of Foreign Affairs in Beijing to receive what the correspondents say are implicit warnings about the tone or content of recent reporting. Or, in one case, an explicit demand to alter overseas coverage of what the ministry considered a “sensitive” topic.<sup>32</sup>

The Foreign Correspondents Club of China has never surveyed its members about the frequency of foreign ministry reprimands of foreign journalists, so comparative data is lacking about whether there has been an increase in such incidents since the implementation of the temporary regulations on January 1. But several long-term foreign correspondents suggested that anecdotal evidence indicated that the frequency of such incidents has increased sharply in the first six months of 2007.

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<sup>31</sup> Human Rights Watch interview with David Barboza, Shanghai correspondent for *The New York Times*, Shanghai, June 25, 2007.

<sup>32</sup> Human Rights Watch interview with a foreign correspondent (name withheld), Beijing, June 17, 2007.

While correspondents uniformly describe the foreign ministry reprimands as perfunctory, tightly-scripted encounters, their implicit threat value is extremely high. Foreign journalists are acutely aware that their annual work permit renewals are at the ministry's discretion and that any expression of ministry displeasure at their work may be a forewarning of possible visa trouble. The most recent reprimands also coincide with a period of apparently heightened job insecurity among print media journalists internationally (due, for example, to cutbacks linked to falling advertising revenues). Such journalists are thus particularly sensitive toward anything that could be interpreted as a negative comment on their performance that their employers could perhaps use to help justify the journalist's recall. Foreign journalists are also aware that international news agendas that place an increasingly higher premium on China coverage may be willing to sacrifice the concerns of individual journalists rather than jeopardize requisite longer-term good relations with the Ministry of Foreign Affairs.

One Beijing-based foreign journalist told Human Rights Watch about having been called into the Ministry of Foreign Affairs in June to hear complaints that a story he wrote about prominent dissidents Hu Jia and Zeng Jinyan had "ignored improvements in China's human rights record." The journalist said that the ministry's actions reflected its concern at the reporting freedom granted to foreign correspondents by the new temporary regulations. "With these new rules, it's a new situation and [the Chinese government] doesn't know how to respond. I suppose [the complaint] was a form of intimidation."<sup>33</sup>

Geoffrey York, the China correspondent of Canada's *Globe and Mail* newspaper, was called in to face Ministry of Foreign Affairs complaints on April 30 about a story he'd written about the lawyer of Canadian religious leader Huseyin Celil, who had been sentenced to life imprisonment in China on terrorism charges earlier that month.<sup>34</sup> The Celil case has caused a diplomatic rift between Canada and China for several reasons, not least because the Chinese government refused to allow Canada

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<sup>33</sup> Human Rights Watch interview with a foreign correspondent (name withheld), Beijing, June 14, 2007.

<sup>34</sup> "Fearing Chinese retribution, Celil's lawyer hides role," *Globe and Mail*, April 25, 2007, [http://www.theglobeandmail.com/servlet/Page/document/v5/content/subscribe?user\\_URL=http://www.theglobeandmail.com%2Fservlet%2Fstory%2FLAC.20070425.CELIL25%2FTPStory%2F%3Fquery%3DHuseyin%2BCelil&ord=5160547&brand=theglobeandmail&force\\_login=true](http://www.theglobeandmail.com/servlet/Page/document/v5/content/subscribe?user_URL=http://www.theglobeandmail.com%2Fservlet%2Fstory%2FLAC.20070425.CELIL25%2FTPStory%2F%3Fquery%3DHuseyin%2BCelil&ord=5160547&brand=theglobeandmail&force_login=true) (accessed July 19, 2007).

consular access to its citizen. The Ministry of Foreign Affairs also expressed concerns about a story York had written on April 26 about a report by the nongovernmental human rights organization Human Rights in China detailing systemic discrimination and poverty afflicting China's ethnic minorities, especially Tibetans and the Uighur Muslim minority in Xinjiang.<sup>35</sup>

A prepared text in Chinese was read to me and translated into English. [Ministry officials] gave the official line about Celil and China's justice system...and alluded to the Human Rights in China pick-up [story] about ethnic minorities. There are certain red lines [on news coverage] like "terrorism" in Xinjiang...and anyone who covers those stories and strays from the official line attracts attention. [The encounter] was ritualistic, but it was a warning.

York said he did not challenge the ministry's reprimand because he had been specifically warned by fellow correspondents that the ministry was extremely sensitive to how foreign correspondents reacted during such encounters.<sup>36</sup>

A producer for a foreign television news crew was summoned to the Ministry of Foreign Affairs on June 4 to face complaints about a story that linked the 2008 Olympic Games in Beijing to the "national disgrace" of China's zoos.<sup>37</sup> "They didn't like the link to the Olympics and something very critical of China," the correspondent said.<sup>38</sup>

More alarming is the recent effort of China's Ministry of Foreign affairs to attempt to persuade the China-based representatives of a foreign news organization to intervene in what the ministry considered coverage of a "sensitive" topic by the organization overseas. A correspondent of the news organization, who asked not to be identified, told us, "The ministry officials said, 'We ask you to cancel this [coverage],' but I told them what they were asking was illegal in my country, contrary

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<sup>35</sup> "China: Minority Exclusion, Marginalization and Rising Tensions," Human Rights in China, April 25, 2007, <http://hrichina.org/public/contents/article?revision%5fid=36063&item%5fid=36055> (accessed July 4, 2007).

<sup>36</sup> Human Rights Watch interview with Geoffrey York, China correspondent for the *Globe and Mail*, Beijing, June 26, 2007.

<sup>37</sup> Human Rights Watch interview with a foreign correspondent (name withheld), Beijing, June 14, 2007.

<sup>38</sup> *Ibid.*

to articles of China's constitution, and also not allowed by our company.”<sup>39</sup> The failure to heed this foreign ministry directive resulted in the foreign news organization being penalized with a work visa denial.<sup>40</sup>

The foreign ministry reprimands suggest that the Chinese government is reacting to news coverage judged unfavorable by the government in an effort to prevent similar reporting in future. With the government's capacity to proactively and overtly prevent such reporting at least slightly tempered by the temporary regulations, foreign ministry reprimands appear to have become a fallback position for the Chinese government to intimidate foreign correspondents whose coverage displeases them. The ministry's choice of targets for the reprimands is also revealing in that the majority of those called in are representatives of relatively small media outlets that arguably lack the heft and savvy that major US media, including *The New York Times* and *The Washington Post*, could probably deploy to counter any intimidation moves by the Ministry of Foreign Affairs.

Such actions violate the Chinese government's temporary regulations on freedom for foreign correspondents and may spell potential trouble for the thousands of journalists representing media of all types and sizes who will come to China to cover the 2008 Beijing Olympic Games. The Chinese government should disavow such tactics, enforce the temporary regulations, and move toward full and permanent reporting freedoms for foreign and Chinese journalists alike.

## **E. Outside the Temporary Regulations: Continuing Controls on Tibet Reporting**

China's government still requires official permission for journalists to report from Tibet, a region with a long history of Chinese repression, despite the new regulations. Human Rights Watch is aware of two foreign correspondents having been called to the foreign ministry in May 2007 due to its objections to both the content of their

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<sup>39</sup> Human Rights Watch interview with a foreign correspondent (name withheld), Beijing, June 17, 2007.

<sup>40</sup> Human Rights Watch interview with a foreign correspondent (name withheld), Beijing, June 17, 2007.

reporting of a visit to Tibet and the fact that they had failed to get the requisite local government permission to visit the region.<sup>41</sup>

McClatchy Newspapers' China correspondent Tim Johnson, one of the two foreign correspondents concerned, wrote later on his blog that the ministry's move was "likely a signal to foreign journalists in general to watch their step on Tibet matters."<sup>42</sup>

[The ministry official] noted I had recently been to Tibet and read aloud from a sheet in front of him containing excerpts from a recent article I had written. He noted that I did not have permission to travel to Tibet as a journalist but did so against regulations. He said that I affirmed in an article that foreign reporters are generally allowed in Tibet just once a year, and that China's policy is repressive toward Tibetans. He made some other general comments and summed up by saying that my writings were not true and "unacceptable" to the Chinese government.<sup>43</sup>

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<sup>41</sup>"Scolding an Errant Reporter," Tim Johnson posted to "China Rises" (blog), May 15, 2007, [http://washingtonbureau.typepad.com/china/2007/05/scolding\\_an\\_err.html](http://washingtonbureau.typepad.com/china/2007/05/scolding_an_err.html) (accessed July 19, 2007).

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.



## IV. Harassment of Foreign Correspondents' Chinese Staff and Sources

I won't do stories about forced evictions anymore because there is a chance that there will be thugs there and I will be beaten. I will be the Chinese guy [with a foreign reporter], so I'll be a target.

—Chinese assistant to a foreign correspondent, Beijing, June 12, 2007

The Chinese assistants, researchers, and translators of foreign correspondents are uniquely vulnerable to reprisals from official and non-official agents. Because their work involves the pursuit of stories that are often classified as taboo for domestic journalists, work on those topics often attracts the interest of state security officials who regularly call them in to question them or their employers.<sup>44</sup>

A potent lesson of the dangers faced by Chinese assistants to foreign correspondents is the case of Zhao Yan, a researcher for *The New York Times* in Beijing who is serving a three-year prison sentence that runs to September 2007 after being convicted of fraud. His case was marred by multiple violations of due process and there are concerns that his conviction was politically motivated.<sup>45</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, the Public Security Bureau and the National Security Bureau, following the publication of a story about dissident couple Hu Jia and Zeng Jinyan. Agents of the two bureaus monitoring the assistant have openly argued in his presence about which agency should have jurisdiction in his case. Pressure from those agencies has even extended to members of the assistant's family. The correspondent described his assistants experience to us:

Several times the security agents asked [the assistant] for lunch, for coffee, for tea. The security agents were friendly, not threatening, and

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<sup>44</sup> Human Rights Watch interview with a Chinese journalist (name withheld), Beijing, June 21, 2007; Human Rights Watch interview with James Miles, June 21, 2007.

<sup>45</sup> "China's Courts Uphold Verdicts," *International Herald Tribune*, December 2, 2006.

said, “It’s your responsibility to let us know if you and you boss do [coverage of] anything sensitive.” They kept calling him back for meetings...then they started calling his family, his parents...and asked for his registration information, confirmed where he lives and informed him of the job he does. After that, he became very upset.<sup>46</sup>

The security forces did not make any explicit threats to the family of the correspondent’s assistant, but a call from such agencies to a family carries a heavy implicit warning of potential legal troubles. The correspondent said that his assistant has now become extremely sensitive to any perceived surveillance, electronic or otherwise, by the security agencies of his movements and his news gathering activities. The assistant has also asked to be allowed to avoid doing stories that may involve potential violent demonstrations, the correspondent said.

The Chinese assistants, researchers and translators of foreign correspondents run particularly high risks of harassment and intimidation while outside of major urban areas in pursuit of stories considered “sensitive” by the Chinese government. The Chinese staff of foreign correspondents are often questioned and criticized by security officials who question their “patriotism” for working for a foreign correspondent. For example, an assistant of one Beijing-based foreign correspondent said, “I was told [by security officials] that ‘you are a Chinese, you must take your side.’”<sup>47</sup>

Bruno Philip of *Le Monde* said that when he was detained along with his Chinese assistant while covering the aftermath of riots in Guangxi province in May 2007 (see Chapter III.C, above), the police tried to separate the two in order to interrogate his assistant in an adjoining room. Philip, fearing for the assistant’s safety, had to forcefully insist that he wouldn’t allow her to be interrogated outside of his presence.

Numerous foreign correspondents expressed concerns that the new temporary regulations for reporting freedom for foreign journalists will prompt government officials, police, and plainclothes thugs to place greater pressure on reporters’

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<sup>46</sup> Human Rights Watch interview with a foreign correspondent (name withheld), June 14, 2007.

<sup>47</sup> Human Rights Watch interview with the Chinese assistant to a foreign correspondent (names withheld), Beijing, June 12, 2007.

potential sources to prevent them from speaking to the media. “In light of the new rules, [the Chinese government] can’t stop us from talking to anyone, so they intimidate the subjects [of our reporting] rather than intimidating the reporters,” Sipa Press photographer Natalie Behring said.<sup>48</sup> One of the Henan HIV/AIDS village sources of James Miles, China correspondent for the *Economist*, has been given the vague warning by local officials he would have to “bear the consequences” if he speaks to more journalists in the future, Miles told Human Rights Watch.<sup>49</sup>

The potential dangers faced by the local sources of foreign correspondents is a de facto impediment to true reporting freedom in China despite the temporary regulations, a veteran Beijing-based foreign correspondent told Human Rights Watch:

The main issue isn’t the [foreign] reporters, but what happens to the [local] people you talk to. The [temporary] rules give us much greater latitude to seek information and to oppose those who try to oppose our reporting, but how does that mesh with local rules in which people can be intimidated and detained for contact with western media?<sup>50</sup>

Such tactics are a capricious abuse of power against Chinese citizens, who are more vulnerable than foreign journalists to government reprisals against coverage judged unfavorable by the government.

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<sup>48</sup> Human Rights Watch interview with Natalie Behring, June 14, 2007. In fact, instances of direct harassment and intimidation towards the Chinese sources of foreign journalists are not a new phenomenon since the temporary regulations: Fu Xiancai, an outspoken advocate for villagers displaced for the Three Gorges Dam project, was severely beaten by an unknown assailant on June 8, 2006, after local police questioned him about his interview with German television station ARD. See “Chinese Activist Said Paralyzed by Assault,” Associated Press, June 13, 2006.

<sup>49</sup> Human Rights Watch interview with James Miles, China Correspondent for the *Economist*, Beijing, June 21, 2007.

<sup>50</sup> Human Rights Watch Interview with a foreign correspondent (name withheld), Beijing, June 17, 2007.

## V. Harassment, Intimidation and Censorship of Chinese Journalists

Local thugs are more “polite” to foreigners and also foreign reporters can just be expelled [from China]. If something really bad happens and if I get into some [political] power struggle [via my reporting] without knowing it and they need a scapegoat, I could be it.

—Chinese journalist, Beijing, June 20, 2007

Chinese journalists are explicitly excluded from the freedoms granted to their foreign counterparts under the new temporary regulations. The 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. Despite the explicit guarantees of press freedom in Article 35 of China’s constitution, the ongoing failure to respect this freedom puts Chinese journalists, who attempt to expose truths about society that the Chinese government prefers to keep hidden, under threat of sanctions ranging from demotion and dismissal to detention and prosecution. While there are courageous Chinese journalists who persistently test the Chinese government’s narrow boundaries for media expression, they are constantly at risk of punitive action from state security organs whose reactions to reporting of sensitive topics is as unpredictable as it is arbitrary.

The editorial content of Chinese print, radio, and television media is dictated by weekly faxes from the government’s official Publicity Department (formerly titled the Propaganda Department in English), which explicitly delineates taboo topics. Those taboo topics usually refer to issues considered highly sensitive and potentially disruptive but which fall under the dangerously vague rubric of issues affecting “social stability,” such as unrest in Tibet and Xinjiang, or coverage of Taiwan or prominent dissidents. Those guidelines strictly determine editorial content.<sup>54</sup>

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<sup>54</sup> Human Rights Watch interview with a Chinese journalist (name withheld), Beijing, June 21, 2007.

Already in 2007 the Chinese government has hit at the popular magazines *Commoner* and *Lifeweek* through measures including mass transfers of their reporters and editors to other publications after the two magazines covered “sensitive” topics including official corruption in the countryside and events during the 1966-76 Cultural Revolution period.<sup>52</sup> Chinese journalists interviewed by Human Rights Watch said that official sensitivity to reporting deemed unflattering or undermining of social stability poses an increasing threat ahead of the 17th Congress of the Chinese Communist Party in October 2007 and the 2008 Olympic Games. One journalist also observed, “Reporting of ‘sensitive issues’ can be problematic, like riots, protests, detentions and dissidents...[and] the reporting environment could get worse after the Olympics [because] 2009 is the twentieth anniversary of 6/4 [the 1989 Tiananmen Massacre] and it’s the 60th anniversary of the Chinese Communist Party’s founding.”<sup>53</sup>

Those fears appear justified in the light of a draft law unveiled in June 2006, which bars Chinese journalists from reporting on “sudden incidents” without permission and calls for fines up to the equivalent of US\$12,500 for unauthorized reports on incidents including social disturbances, natural disasters, and outbreaks of disease.<sup>54</sup> China’s vice-minister of the legislative affairs office of China’s State Council, or cabinet, Wang Yongqing, said in July 2006 that the draft law should apply equally to foreign journalists: “I think [foreign journalists] should be included, the same as if a Chinese reporter goes to France or Britain, he also has to abide by your laws,” Wang told reporters.<sup>55</sup> However Chinese state media reported in June 2007 that a review of the draft law that month by the 28<sup>th</sup> Session of the Standing Committee of the National People’s Congress excised the references to reporting of emergencies “without authorization.”<sup>56</sup>

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<sup>52</sup> “Lifeweek: Deputy Chief Editor Miao Demoted Over Cultural Revolution Article,” Radio Free Asia, April 30, 2007; “RFA’s Exclusive Coverage: Commoner Magazine Ordered to Change To Non-Political Publication,” Radio Free Asia, May 4, 2007.

<sup>53</sup> Human Rights Watch interview with a Chinese journalist (name withheld), Beijing, June 23, 2007.

<sup>54</sup> “Chinese Media Face Fines for Reporting on Emergencies Under Proposed Law,” Voice of America Press Releases and Documents, June 24, 2006.

<sup>55</sup> “Chinese Law Would Apply to All Media,” *The New York Times*, July 3, 2006.

<sup>56</sup> “China Focus: Draft Emergency Response Law Bans False Information on Accidents,” *Xinhua’s China Economic Information Service*, June 24, 2007.

That draft law underlines how the Chinese government reflexively prioritizes secrecy in legislation related to media and information dissemination, rather than the public's right to know.

The Chinese government's new "Regulations on Government Information Openness," approved in January 2007, are a telling example of how even legislation overtly designed to ease the flow of information to the public is handicapped by official secrecy concerns. The "Regulations on Government Information Openness" allow officials to block the release of any information judged to be secret or that might "threaten national, public or economic security or social stability."<sup>57</sup> Unfortunately, Chinese authorities have a track record of interpreting these standards in both a sweeping and arbitrary fashion, making disclosure more the exception than the rule.

"Press freedoms are in many ways looser and the freedom to report is in some ways wider outside the prohibited topics, but there's this gray zone that always leaves you guessing about what's acceptable," a Chinese journalist told us. Running afoul of the authorities in that editorial "gray zone" can result in censorship and official sanctions against them and their publication, the reporter said.<sup>58</sup>

There is already pressure on certain Chinese reporters who have garnered a reputation for artfully inhabiting the "gray zone" while producing stories on contentious social issues that the mainstream media either avoids, or dispenses in carefully concocted prose tailored by the Publicity Department. Colleagues of one such journalist warned Human Rights Watch against contacting the reporter, explaining that the journalist's reporting had already gained the attention of state security personnel and had resulted in several meetings between the reporter and police. "[That journalist] is probably being closely monitored, so any meeting with someone from a foreign human rights organization could be very dangerous for her," a colleague said.<sup>59</sup>

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<sup>57</sup> Mure Dickie, "China's transparency rules could give state more control, say critics," *Financial Times*, April 25, 2007, <http://www.ft.com/cms/s/4c8b53c6-f2ca-11db-a454-000b5df10621.html> (accessed July 31, 2007).

<sup>58</sup> Human Rights Watch interview with a Chinese journalist (name withheld), Beijing, June 21, 2007.

<sup>59</sup> Human Rights Watch interview with a Chinese journalist (name withheld), Beijing, June 20, 2007.

The Chinese government's targeting of local journalists who broach taboo subjects, or who through accident or design find themselves on the wrong side of the "gray zone" of permitted/prohibited reporting, during a time period in which it has promised foreign journalists a measure of temporary reporting freedom, is blatantly cynical and discriminatory. It runs against the spirit of the Olympic Games for which the rule was implemented. China needs real media freedom, not tightly scripted propaganda notes or occasional relaxations of normal reporting restrictions, for both foreign and local journalists. The Chinese government pledged that it would ensure such freedoms as a condition of hosting the 2008 Olympic Games in Beijing. The real job of the Chinese government should be facilitating those freedoms and making them permanent for all journalists, not undermining them.

## 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.

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## **Appendix I: Regulations on Reporting Activities in China by Foreign Journalists During the Beijing Olympic Games and the Preparatory Period**

(This is the official English-language version of a document from an official Chinese government website).

2006/12/01

### **Article 1**

These Regulations are formulated to facilitate reporting activities carried out in accordance with the laws of the People's Republic of China by foreign journalists in China to advance and promote the Olympic Spirit during the Beijing Olympic Games and the preparatory period.

### **Article 2**

These Regulations apply to reporting activities carried out by foreign journalists covering the Beijing Olympic Games and related matters in China during the Beijing Olympic Games and the preparatory period.

The Beijing Olympic Games mentioned in the Regulations refer to the 29th Olympic Games and the 13th Paralympic Games.

### **Article 3**

Foreign journalists who intend to come to China for reporting should apply for visas at Chinese embassies, consulates or other visa-issuing institutions authorized by the Ministry of Foreign Affairs of China.

Foreign journalists who hold valid Olympic Identity and Accreditation Cards and Paralympic Identity and Accreditation Cards are entitled to multiple entries into the territory of the People's Republic of China with visa exemption by presenting Olympic Identity and Accreditation Cards, together with valid passports or other travel documents.

### **Article 4**

Foreign journalists may bring a reasonable quantity of reporting equipments into China duty free for their own use. The aforementioned equipments should be shipped out of China's territory at the end of their reporting activities.

To bring into China reporting equipment duty free for their own use, foreign

journalists should apply for the Equipment Confirmation Letter at Chinese embassies or consulates and present the Equipment Confirmation Letter together with a J-2 visa when going through customs inspection. Foreign journalists who hold Olympic Identity and Accreditation Cards and Paralympic Identity and Accreditation Cards may present the Equipment Confirmation Letter issued by the Organizing Committee of the 29th Olympic Games when going through customs inspection.

**Article 5**

For reporting needs, foreign journalists may, on a temporary basis, bring in, install and use radio communication equipment after completing the required application and approval procedures.

**Article 6**

To interview organizations or individuals in China, foreign journalists need only to obtain their prior consent.

**Article 7**

Foreign journalists may, through organizations providing services to foreign nationals, hire Chinese citizens to assist them in their reporting activities.

**Article 8**

The media guide for foreign journalists of the Beijing Olympic Games shall be formulated by the Organizing Committee of the 29th Olympic Games in accordance with these Regulations.

**Article 9**

These Regulations shall come into force as of 1 January 2007 and expire on 17 October 2008.

- Website of the Ministry of Foreign Affairs of the People's Republic of China, <http://www.fmprc.gov.cn/eng/zxxx/t282169.htm>

## **Appendix II: Implementation of the Regulations on Reporting Activities in China by Foreign Journalists during the Beijing Olympic Games and the Preparatory Period**

(This is the official English-language version of a document from an official Chinese government website).

### **1. The implementation Period of the Regulations on Reporting Activities By Foreign Journalists**

The preparatory period of the Beijing Olympic Games mentioned in the *Regulations on Reporting Activities by Foreign Journalists* refers to a period from Jan. 1, 2007, when the *Regulations on Reporting Activities by Foreign Journalists* came into force, to July 7, 2008, one month before the opening ceremony of the Games of the XXIX Olympiad. The period of the Beijing Olympic Games refers to the Games-time from July 8, 2008, one month before the opening ceremony of the Games of the XXIX Olympiad, to Oct. 17, 2008, one month after the closing ceremony of the XXIII Paralympic Games.

### **2. Who is covered by the Regulation on Reporting Activities By Foreign Journalists**

The ‘foreign journalists’ mentioned in the *Regulations on Reporting Activities by Foreign Journalists* refers to resident foreign journalists and foreign reporters in China for short-term news coverage, including journalists of internet media organizations, freelancers, foreign staff of Beijing Olympic Broadcasting Co. Ltd (BOB), holders of valid Olympic Identity and Accreditation Cards (OIAC) for the Games of the XXIX Olympiad and Paralympic Identity and Accreditation Cards (PIAC) for the XXIII Paralympic Games issued under the authority of the International Olympic Committee (IOC) and the International Paralympic Committee (IPC) respectively. These aforesaid foreign journalists include employees of foreign rights-holding broadcasters, accredited written and photographic press organizations for the Beijing Olympic Games.

### **3. Applicable Scope of the Regulations on Reporting Activities by Foreign Journalists**

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.

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5. Visa Application Procedures

Foreign journalists intending to come to China to report or prepare for their coverage of the Beijing Olympic Games should apply for visas at Chinese embassies, consulates or other visa-issuing institutions authorized by the Ministry of Foreign Affairs of the People's Republic of China (MFA).

6. How to Go Through Customs Clearance for Reporting Equipment Carried with Foreign Journalists for their Own Use

Foreign journalists may bring a reasonable quantity of reporting equipment into China for their own use free of duty. The aforementioned equipment should be taken out of China's territory after their reporting activities are finished.

7. How to Temporarily Import, Install and Use Radio Communication Equipment by Foreign Journalists

During the Beijing Olympic Games and the preparatory period, foreign journalists may, on a temporary basis, bring in, install and use radio communication equipment needed for their reporting, after completing the required application and approval procedures in conformity with Chinese laws and regulations.

8. Interviews Conducted by Foreign Journalists

To interview organizations or individuals in China, foreign journalists need only to obtain the prior consent of such organizations or individuals.

9. Travel of Foreign Journalists in China

Foreign journalists with valid visas or certificates, the same as any other traveler, may freely travel to places open to foreigners designated by the Chinese Government.

10. How to Employ Chinese Citizens to Assist in Reporting Activities by Foreign Journalists

Foreign media organizations or foreign journalists may, through organizations providing services to foreign nationals, hire Chinese citizens to assist them in their reporting activities.

([http://en.beijing2008.cn/upload/Service-Guide-en/Service\\_Guide\\_en.pdf](http://en.beijing2008.cn/upload/Service-Guide-en/Service_Guide_en.pdf)).

## “You Will Be Harassed and Detained”

### China Media Freedoms Under Assault Ahead of the 2008 Beijing Olympic Games

The growth of a free and independent media sector is critical to China’s long-term stability and development. However, China’s government has long sought to restrict and control the capacity of journalists—both foreign and local—to report effectively in the country.

In December 2006 the Chinese government unveiled new temporary regulations designed to give accredited foreign journalists expanded freedoms in the run-up to 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, although similar freedoms were still openly denied to Chinese journalists.

But in stark contrast to its commitments, the Chinese authorities have continued to subject foreign journalists to routine harassment, detention, and intimidation to obstruct those reporters’ legal reporting efforts. In the meantime, the Chinese government has steadily tightened its chokehold on the reporting freedom of local journalists.

Based on a detailed analysis of the new regulations and interviews with China-based foreign correspondents and Chinese journalists, *“You Will Be Harassed and Detained”* shows that journalists in China, foreign and local, continue to be deprived of media freedoms guaranteed them by both domestic and international law in the run-up to the 2008 Olympic Games.

*A Chinese newspaper vendor in Beijing.*

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