

“FOLLOW THE PRINCIPLES OF THE PARTY”

STATE CONTROL OF THE MEDIA & WHAT THE MEDIA IS DOING TO FIGHT BACK

CHINESE HUMAN RIGHTS DEFENDERS

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Executive summary

The Chinese government continues to employ a wide and complex web of regulations and techniques to ensure that the media’s primary purpose is to “follow the principles of the Party.” China’s media remain amongst the least free in the world. Traditional media such as print and television are especially tightly controlled despite sometimes heroic efforts by many journalists and editors to report independently.

This report analyzes the overall institutional framework and administrative mechanisms governing the media in China, with a particular focus on print media. Although the Chinese Constitution guarantees press freedom, numerous national laws as well as administrative regulations issued by ministries, departments and local governments restrict rather than protect freedom of the press.

The “ground rule” is that the media must submit to the leadership of the Chinese Communist Party (CCP). In the government’s view, the primary purpose of the press is to promote a positive image of the CCP. A number of government agencies and CCP offices such as the Propaganda Department, the General Administration of Press and Publication (GAPP) and the State Council Information Office (SCIO) are specifically tasked with media censorship. Together, they make restrictive administrative regulations, control access to information, ban sensitive information, maintain state media ownership, punish those seen to damage the image of the CCP and carefully vet media workers to ensure only the most compliant rise to leadership positions.

The major findings of this report point to several trends in media control:

- The government continues to punish journalists for reporting on “sensitive” topics, the list of which is lengthening.
- Local governments have become better at “managing” the media and often employ a combination of bribery and threats.
- The government is increasingly persecuting so-called “fake journalists”—those carrying out journalistic activities without possession of the official “Journalist Accreditation Card” (PC). Accreditation has become one of the most potent and frequently employed mechanisms of media control.
- Chinese journalists who report independently face many forms of abuse including monitoring, intimidation, harassment, beatings, demotion, termination of employment and imprisonment.

- In recent years, including during the 2008 Olympics, in spite of the oppression and poor working environment, some developments and initiatives taken by members of the Chinese media have had the effect of promoting greater freedom. “Remote supervision”—the practice of non-local journalists reporting on local stories—is increasingly used to evade local government censorship. Because these journalists are located outside of the jurisdiction of local officials, they are able to report on corruption and other scandals without fear of retribution from the affected local officials.
- The rise of the internet has positively affected media freedom. A relatively freer medium, it challenges the conventional media to report more speedily. The competition has had the effect of expanding opportunities for journalists to report more diverse views. The internet provides journalists with leads to stories and is a tool for tracking fast-paced events.
- Less government financing for the state-run press has pushed many publications to become bolder and more enterprising in order to appeal to a wider public and generate greater advertising revenue. Interaction with the international media has promoted professionalism among Chinese journalists.
- Although the constitutional guarantee of freedom of the press remains an empty promise, journalists have used it as a tool to press for greater freedom. Power struggles within the CCP present occasional opportunities for greater media freedom that the press can seize.

Based on its finding that state control of the media remains comprehensive and in many respects more sophisticated and wider-ranging than ever in its applications, CHRD demands that the Chinese government and the CCP:

- Implement Constitutional guarantees of freedom of expression, of publication and of the press.
- Immediately end the subjugation of press freedom to the CCP’s political interests.
- Cease interfering with the judiciary and using laws to punish individuals for exercising their freedom of expression and right to information.
- Terminate the various mechanisms of control and censorship—through the CCP Propaganda Department, the GAPP, and the SCIO—which infringe upon freedom of expression, of information and of the press.
- Abolish the Press Card (PC) system.
- Ratify the International Covenant on Civil and Political Rights (ICCPR), which China signed ten years ago but still has not ratified.

In addition, the National People’s Congress (NPC) should conduct a review of the constitutionality and legality of administrative regulations that impose restrictions infringing media freedom.

Laws & Regulations on the Media

There are many provisions in the existing body of laws and regulations in China that concern the media, but the main purpose of most of these is to enable state and CCP control, not to protect media freedom. Thus, although this freedom is guaranteed in the Constitution, it is not protected by domestic law.

The government exerts control over the media through two main mechanisms: state laws and regulations, on the

one hand, and CCP policies and directives on the other. In practice, the latter take precedence over the former. Together, they determine how the media select the news and what they choose, the careers of media workers and the very survival of media organizations. The CCP policies and directives are a particularly effective means of control as they can more easily target particular individuals, media and issues in specific locations and at particular times. The main laws and regulations relating to media are:

The Chinese Constitution

Article 22 states that the state promotes the development of media that “serve the people and socialism.” Article 35 guarantees freedom of expression and of the press. Article 41 states that Chinese citizens have the right to criticize the government and make suggestions to any state organ.

The Constitution offers little concrete protection of media freedom. Twenty-six years after the Constitution was adopted by the Fifth NPC in 1982, Article 35 remains an abstract principle that has not been written into domestic law. In addition, because Article 35 is superseded in practice by the requirement to follow the “unified leadership of the central authorities,” media freedom is subordinated to the higher goal of serving the Party-state.

National Laws

The Chinese Criminal Code does not explicitly criminalize acts that harm the personal safety and professional rights of media workers, but it contains more than 20 criminal offenses that may be used to prosecute media-related activities.¹ Moreover, because of the lack of judicial independence, those who violate the rights of media workers—usually local government and party officials or those affiliated with officials—are rarely punished. When media workers are beaten or suffer retaliation for their work, the perpetrators are rarely held criminally accountable. At most, the violations are treated as public order or civil law offenses and punished using the Law of Punishment for Public Order and Security Administration² and the General Principles of the Civil Law,³ which provide for comparatively minor punishments. In addition, some legal interpretations issued by the Supreme People’s Court have had the effect of furthering limiting media freedom, such as rulings that categorized an expansive list of types of publications as “illegal” and enumerated various acts as violations of “the right to reputation.”⁴

Many provisions in other laws also have an effect on media activities, such as the Law on the Protection of State Secrets,⁵ the State Security Law,⁶ the Copyright Law,⁷ the Advertising Law,⁸ the Law on the Protection of Women’s Rights and Interests⁹ and the Law on the Protection of Minors.¹⁰

Administrative Regulations

State Council Regulations

The numerous regulations promulgated by the State Council cover a range of media and aim to control, regulate and restrict the media, not to protect and promote media freedom. There are three types of such regulations:

- Administrative regulations for specific types of media, such as the Regulations on the Administration of Movies,¹¹ Regulations on the Administration of Publishing,¹² Regulations on Broadcasting and Television

Administration,¹³ Measures for the Administration of Internet Information Services¹⁴ and Provisions on the Administration of Newspaper Publishing.¹⁵

- Administrative regulations on specific issues or aspects of media activities, such as Provisions Concerning the Prohibition of Pornographic Material¹⁶ and Regulations Concerning Foreign Journalists and Permanent Offices of Foreign News Agencies.¹⁷
- Administrative regulations on other issues relevant to media activities, such as the Meteorology Law,¹⁸ which regulates how the media may report weather forecasts, and the Regulations on Government Information Openness,¹⁹ which makes it compulsory for the government to disclose information. But these last Regulations do not specify what kind of public information must be disclosed or how the media can access the information.

Local Legislation

Some regulations passed by local People's Congresses concern media activities in certain local areas. For example, the Yunnan Province Publishing Regulations,²⁰ the Shanxi Province Regulations on Broadcasting and Television Administration²¹ and the Hebei Province Regulations on Media Work Administration.²²

Ministry & Departmental Regulations

Because there is no overall law or administrative regulations covering media, regulations issued by government departments such as the GAPP and the Ministry of Information Industry (MII) have filled the gap and played a significant role in regulating the media. They can be classified according to the following categories:

- Those containing provisions on a certain medium. For example, the Regulations for Administration of Periodical Publishing²³ and Regulations for Administration of Newspaper Publishing²⁴ issued by GAPP;
- Those which contain operational details based on existing laws and administrative regulations, such as the Regulations on Confidentiality in Publishing and the Media²⁵ jointly promulgated by GAPP and the State Secrets Bureau.
- Those on areas not yet covered by existing laws or administrative regulations. For instance, there were no regulations on untruthful media reporting until GAPP issued the Measures for Handling False and Inaccurate Reporting²⁶ in 1999.

In sum, there is a lack of comprehensive laws dealing specifically with the media. A number of rights required for media freedom are not protected in Chinese law. These include journalists' rights to interview individuals and to edit and report on information of their choosing; citizens' rights to information and supervision of the government; the government's obligation to disclose information; methods for supervising media freedom; and the obligations of those who are supervised.

The Chinese government fills the legal gap mainly through issuing administrative regulations. These restrict the government less than a law would and allow the government to respond to emergent issues in the media. The fact that Chinese law does not clearly define the relationships between the media and the CCP or between the media and the public allows the CCP to intrude into and restrict at will the space for the media. The government

imposes heavy restrictions on the privatization of the media for fear of losing control. Chinese law does not clearly specify measures to be taken in cases of violations of media freedom. The lack of judicial independence means that journalists' personal safety and professional rights lack legal protection.

Non-legal Mechanisms of Media Control

The de facto identity of Party and state means in the case of media freedom that the media is required to “follow the principles of the Party” by submitting to the Party's ideology, supporting its political aims and mirroring its organizational principles. Most importantly, the media has to serve the function of propagating the Party's policies and priorities. The Chinese News Workers' Code of Professional Ethics²⁷ requires that:

News workers must... make great efforts to learn and promote Marxism-Leninism, Mao-Zedong-Thought and Deng Xiaoping's theory of constructing socialism with Chinese characteristics; they must firmly implement the Party's basic orientation and principles...they must firmly grasp the direction of public opinion, serve the people, serve socialist ideals, serve the overall work of the Party and the country; they must promote the construction of a socialist materialist civilization and the construction of a socialist spiritual civilization; they must exert themselves in the fight to realize the lofty goal of the socialist modernization of our country.

The objective of media work is to “grasp the direction of public opinion,” to ensure there is a “unified public opinion” that “serves the Party's leadership in news work.” Norms such as truthfulness and media freedom are thus of secondary importance.

To ensure that the media fulfill their obligations, government administrative departments exert control over the media using a set of time-honored methods. As well as the regulations outlined above, the Party's agencies such as the Propaganda Department issue rules on various aspects of the functioning of the media, including: the medium through which information may be disseminated; the target audience; the content of news; the requirement that a journalist possess a Press Card (PC); that permission must be sought before interviews; and that all media must seek approval before publication.

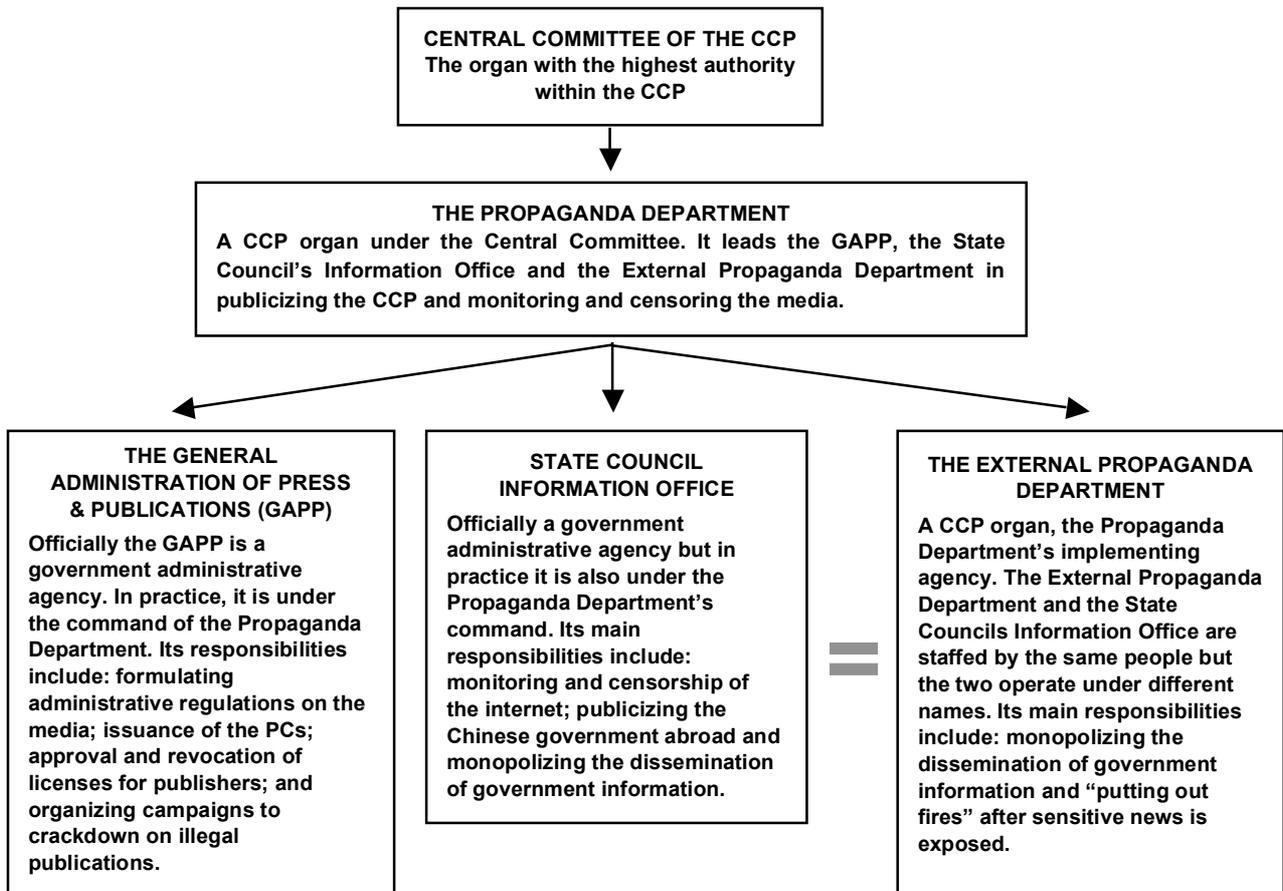
In addition, the Propaganda Department and its offices at various levels of the administrative hierarchy micro-manage the media on a daily basis. For example, they issue direct instructions regarding any news items, any media or any individual media worker; interfere with and even decide the orientation and focus of the editorial department of any media organization; decide what information can be released and discussed; determine the news agenda; and punish journalists after “sensitive” news slips through the censorship cracks.

The use of various combinations of these methods are the main extra-legal mechanisms of media control in China:

Controlling access to information

The Chinese government controls access to public information (information about policies and government decisions that affect people's lives) and controls the use of information concerning citizens' private lives.

Control over access to public information is strict. Most of the time, requests for interviews with government officials are ignored or turned down. News stories about government affairs need CCP Propaganda Department authorization prior to publication. Journalists who do not receive preauthorization risk being charged with the crime of “leaking state secrets.” In addition, the SCIO, and its affiliated offices at various government levels normally grant access only to Xinhua News Agency, China’s official news agency,



Institutions of censorship

and a few CCP or state-run newspapers such as *People’s Daily*. The SCIO monopolizes the dissemination of information about the government, and other government departments and officials at the national level are prohibited from directly disseminating information to the public without the permission of the Propaganda Department’s External Propaganda Department and the SCIO. The latter two bodies are actually one and the same; although their names are different, they are staffed by the same people. Once approved, the information is disseminated by the government’s local Information Offices at lower administrative levels.

When the Shaanxi Province Forestry Department aroused public controversy after it announced the discovery of a rare South China tiger in the area on October 12, 2007, the Provincial Government ordered the Forestry

Department to apologize not because it had released information that was false but because it made the announcement at a press conference without the prior approval of the Shaanxi Information Office.

As for Xinhua, it is not only the official state news agency but also the mouthpiece of the CCP and the government, responsible for controlling and monopolizing the release of news. On many issues and events, particularly “unexpected mass incidents” (protests and riots), other media are not allowed to carry their own reports but must instead take their lead from Xinhua, which essentially means reprinting whatever news and views Xinhua presents.

While at first glance, there appear to be few restrictions on access to information on matters not directly related to the government, such as when a reporter wants to interview an individual or owner of a company, in practice there are many. First of all, even if the information concerns only individuals, GAPP and the Propaganda Department can veto or censor the content by ordering the recall of publications or punishing reporters and editors. Secondly, GAPP has the authority to issue “Press Cards” (PC), which media workers are required to possess.²⁸ Not only are journalists without PCs more likely to not be recognized as journalists, they are also more frequently victims of violence against media workers.

Censorship, Self-censorship & Crisis Management

All media, whether the press, television, radio or internet, are supervised by their local Propaganda Department. The Propaganda Department issues daily media directives to ban the reporting or discussion of issues that it deems “sensitive,” such as “unexpected incidents,” for example, the wrongdoing of an official or a scandal that could tarnish the image of the government or trigger public controversy and anger.

It is not always easy to foresee what authorities will deem “sensitive,” as the CCP leadership dislikes all kinds of criticism, threats to its image and incidents which may cause it to “lose face,” however small they appear to be. All kinds of social and economic issues, even celebrity scandals, can be classified as “extremely sensitive” political issues. As a result, it is risky for journalists to report on a wide range of topics that might get them into trouble. “Sensitive” is a vague word that allows the CCP to extend its control and monitoring of the media at will.

In this atmosphere, media workers protect themselves by practicing self-censorship, restricting coverage to “soft news” and avoiding any issue, wording, or analysis which could be construed as “sensitive.” Since the Propaganda Department uses no clear, consistent or objective criteria for censorship, media workers live in uncertainty, fearing they might overstep the invisible line and face punishments ranging from official criticism to losing a bonus, revocation of their PC, or dismissal from their job for simply carrying out their work.

When the media manage to evade official censorship and report on “sensitive issues,” the Propaganda Department’s External Propaganda Department is responsible for “putting out the fire.” Common steps taken to manage such “crises” include: preventing the news organization from releasing the story or continuing with the investigation; negotiating with the journalists and trying to resolve the crisis by means such as bribery; and informing internet censors, who then delete or block the relevant information posted on the internet.

After such a crisis, there are evaluations of how it was managed and rewards and punishments are handed down. Those who successfully put the fire out are rewarded and those who fail to police their turf—that is, censor and gag

the local media—are punished. Those responsible for reporting “sensitive” news—reporters, editors and/or publishers—are also punished

The Propaganda Department uses a system of “red and yellow cards” to warn or punish newspapers, magazines, publishers, television broadcasters and internet groups. As in football, a yellow card means a warning from the Propaganda Department, and two yellow cards equal a red card. Media organizations which receive a red card may be fined, and their editor-in-chief or director may be dismissed. In more serious cases, the organization’s permit to operate may be revoked. In 2003, for example, *21st Century Global Report* (21 世纪环球报道) got a red card and was forced to stop publishing after it printed suggestions for political reform by Li Rui (李锐), a retired CCP official and a liberal intellectual. The *Beijing New Times* (北京新报) was also closed after publishing an article that made fun of the CCP.

Restrictions on Privatization of Media

Privately-owned newspapers are not allowed in China. All news media are state-owned enterprises and must be operated and supervised by recognized official work units. For example, *People’s Daily* is operated by the CCP Central Committee, and *China Youth Daily* is operated by the Chinese Communist Youth League. Both are



Official PRC press cards

supervised by the CCP Propaganda Department. Local newspapers are supervised by the provincial- or municipal-level Propaganda Department.

It is extremely difficult for private capital to enter the media market. Even if it did, the private investor would have no decision-making power in terms of the content of the newspaper, which is under the firm grip of the Propaganda Department. It is almost impossible for foreign companies to enter the market. Even Rupert Murdoch, the global media mogul who spent ten years cultivating his relationship with the

Chinese government, made no inroads into the country’s media market.

In addition to the print media, book publishers and television stations are also tightly controlled by the GAPP and the Propaganda Department. The GAPP has sole authority to issue numbers for periodicals, books and other publications. If one of the more than 2,000 newspapers and 10,000 magazines closes down, the GAPP allows another one to open in order to maintain a “balance of control.” Furthermore, in order to start any kind of organization which publishes or disseminates information, the authorization of the GAPP must be obtained, no matter whether the organization is a television station or a small bookstore. Article 11.2 of the Regulations on the Administration of Publishing, promulgated in 1997 by the State Council, requires that each publisher obtain the

sponsorship of a government agency (a “sponsoring office”) and of the agency supervising the sponsoring agency (an “oversight office”), which must be recognized by the GAPP. Although it is not stipulated in these Regulations, the authorization of the Propaganda Department is often also required in order to legally register such organizations. For example, the People’s Bookstore in Zhejiang Province needed the authorization of the Propaganda Department before it could register with the GAPP, while Liaoning Publishing Media Corporation, a large publishing group, needed the approval of the Propaganda Department before it could be listed on the Shanghai Stock Exchange. Thus, the Propaganda Department and the GAPP control not only the language and content of publications but also the organizations that produce them.



**The above quote, in the Xinhua News Agency, reads:
“Xinhua News Agency should take on the whole globe,
so the whole world can hear our voice.”
- Mao Zedong -**

The GAPP also has a range of protocols forming a strict media regulatory framework. For example, there is an annual inspection of the content and quality of newspapers and other publications as well as of printers and printing houses to ensure that no illegal publications are being printed. In addition, the GAPP often demands that newspapers and magazines submit samples for inspection.

Control over Personnel in Media Organizations

Accreditation is used as a mechanism to control journalists. According to Measures for the Administration of Press Cards,²⁹ to be issued a PC, the journalist has to have worked in the media sector for over a year and to pass a national examination administered by the GAPP. Every year, the GAPP conducts a review of all journalists. GAPP also ensures that other government departments and local governments are aware that the PC alone is the only acceptable form of journalistic accreditation. Journalists without PCs are considered “fake journalists.” Those who have “violated” media regulations may find the renewal of their PC delayed or may even be stripped of their accreditation altogether. The system effectively discourages journalists from being critical of the government, as if they are, they risk revocation of their accreditation.

In order to qualify for senior leadership positions in media organizations, media workers have to be CCP members. CCP membership is also required for all new journalists at Xinhua and *People’s Daily*. Xinhua even requires new recruits to set a recording of Mao Zedong’s directive to Xinhua as their mobile phone ring tone: “Xinhua is a red news agency under the leadership of the Party...” to remind them that Xinhua’s role is to propagate the Party’s ideology and promote its image.

The authorities often restructure the editorial departments of media organizations, changing editors-in-chief in order to punish and threaten publications that dare to independently release “sensitive” information.

In addition to operating under the shadow of the GAPP and the Propaganda Department, media organizations are also monitored and their work is often interfered with by the Ministry of National Security, the CCP’s United Front Work Department and the Ministry of Public Security, among others. Media workers who deviate from the official version or touch upon “sensitive” topics could face harassment and criminal charges. “Endangering state security” and “leaking state secrets” are two of the most common crimes with which journalists are charged.

Recent Trends in Media Control & Censorship

Restrictions on Access Continued in the Year of the Olympics

In response to the international community’s demand for greater media freedom during the Olympics, the State Council issued Regulations on Foreign Journalists’ Reporting Activities in China during the Beijing Olympic Games and Preparatory Period,³⁰ effective from January 1, 2007, to October 17, 2008. According to the Regulations, foreign journalists and journalists from Hong Kong, Macau and Taiwan no longer required official authorization for interviews, and they could work without being accompanied by government officials. After the Olympics, on October 17, the State Council extended this freedom to foreign journalists indefinitely (but not for journalists from Hong Kong, Macau and Taiwan).

Although some consider this a significant step in opening space for the media, the regulations apply only to foreign journalists. Moreover, in practice, geographical restrictions still exist. For example, foreign journalists are still barred from going to the Tibet and Xinjiang Uyghur Autonomous Regions without a permit.

In addition, the Regulations were never fully implemented. In 2007 and 2008, a number of Hong Kong and foreign journalists were barred from covering “sensitive” issues such as illegal detention facilities, protests and “mass incidents.” The Foreign Correspondents Club of China recorded “more than 335 cases of reporting interference since January 1, 2007.”³¹ Below is a sample of incidents documented by CHRD.

- In October 2007, Aidan Hartley, a journalist with British TV Channel 4, was detained for visiting a “black jail” in Beijing.
- In December 2007 foreign media were barred from Dongzhou Village in Shanwei, Guangdong Province, where fishermen and villagers were attempting to stop the construction of a power station.
- On December 5, 2007, Lei Yu (雷宇), a reporter from Hong Kong, was roughly handled by local police when she tried to visit injured miners and the families of miners killed in a mine explosion in Hongdong County, Shanxi Province. She was forced to abandon her attempt.
- On January 3, 2008, two reporters from the *Sydney Morning Herald* interviewing villagers about a local land dispute were taken to the police station for questioning in Dongnangang Village, Changan Township, Fujin City, Heilongjiang Province. Lu Guangliang, Fujin City’s vice-mayor, told the reporters that they could not interview villagers without government authorization.



On May 29, 2009, a group of 1970s refugees from Vietnam in Yingde, Guangdong, staged a march to protest against violent suppression of their long-standing campaign for livelihood guarantees and equal status with local farmers.

- On March 26, 2008, journalists from the British television station, Channel 4, arrived in Wuhan, capital of Hubei Province, to report on Wuhan Psychiatric Hospital. The next day, police from Wuhan “welcomed” the journalists to the city and followed them wherever they went. Ms. Zhu, a Wuhan petitioner connected to individuals held at the psychiatric institution, met the journalists. She was subsequently summoned by the local Party committee and questioned about the meeting. Around the same time, those held at Wuhan Psychiatric Hospital were warned against being interviewed.
- On June 4, 2008, Swedish journalist Ou Fengrui (欧丰瑞) was prevented from reporting in Cifeng Township, Pengzhou City and Puyang Township, Dujiangyan City, in the aftermath of the May 12 Sichuan earthquake. Although Ou had a journalist’s ID issued by the earthquake relief authorities in May, local police said that he needed one issued in June. Apparently no other journalists had such IDs.

List of “Sensitive” Issues Keeps Expanding; Authorities Get Better at Censorship

The government has continued to warn the media against reporting on an ever-expanding list of “sensitive” issues and punish them for doing so. A sample of such punishments is described below.

Caijing (财经), a liberal magazine covering financial issues, was unable to publish Issue 5 as planned on March 5, 2007, during the annual sessions of the NPC and the Chinese People’s Political Consultative Conference (CPPCC). *Caijing* had included in the issue an interview with legal scholars Jiang Ping (江平) and Ying Songnian (应松年), who said, “The General Office of the CCP Central Committee asked that the Property Law be passed during the NPC meeting.” Before publication, the authorities demanded that the magazine remove the article. As a result, the issue came out ten days later, its editor was criticized by the CCP Propaganda Department and the company lost between RMB 200,000 and 300,000.³²

In April 2007, the Beijing weekly magazine, *Sanlian Lifeweek* (三联生活周刊), received a yellow card for publishing without prior approval an article on the Cultural Revolution along with a photo of Jiang Qing, wife of Mao

Zedong. *Lifeweek's* executive editor, Miao Wei (苗炜), was given a “serious internal warning” and demoted to the position of assistant editor. The magazine has also been asked to publish fewer articles concerning politics and society and focus more on life and entertainment.

At a press awards ceremony in 2007 organized by *Southern Weekend* (南方周末), the newspaper received a phone call from the Propaganda Department objecting to its awarding of the top prize to the magazine, *Yanhuang Chunqiu* (炎黄春秋), a well-known outspoken liberal magazine often featuring reports and stories with sensitive content. Although *Southern Weekend* awarded the prize to *Yanhuang Chunqiu* in the end, the latter's name was not read out at the ceremony.



In this melee, which occurred on April 10, 2009, in Tongxiang, Zhejiang, 64-year-old farmer Huang Jinfu was allegedly beaten so badly by local government security personnel he had several bones broken. The assault occurred despite the presence of local officials, including police officers.

On June 26, 2008, *Southern Metropolitan News* (南方都市报) was punished by the Propaganda Department because of the publication of a commentary on the May 12 Sichuan earthquake. The commentary, written by columnist Zhu Xueqin (朱学勤), contained a sentence in which the author asserted that the earthquake was the Chinese government's “karma.” Following the publication of the commentary, official newspapers heavily criticized the newspaper. Under pressure from the Propaganda Department, the relevant editor was reportedly sacked, the

newspaper's journalists were recalled from Sichuan Province and all articles on Sichuan had to be "reviewed" before publication.

The Propaganda Department is careful not to leave any paper trail when it issues directives so that nobody can be held accountable in case the interference is exposed and causes public outrage. The Propaganda Department usually issues a warning or a directive verbally through a phone call, rather than in writing. If asked who is issuing the order, the department gives no direct response. In 2007, after an internal document with a speech by Long Xinmin (龙新民), the then-head of the GAPP, calling for the banning of several books was leaked, it caused public uproar on the internet and lawsuits against the GAPP. It is believed that the leaked speech eventually led to Long's demotion. After that, other officials appeared to come to the realization that they had to be careful to not leave any "incriminating evidence."³³

Few media outlets dared to touch on issues clearly labeled as "sensitive." For example, in 2007 the Propaganda Department forbade commemoration of the 50th anniversary of the "Anti-Rightist" Campaign. Only a few publications dared touch on the matter at all, such as *Yanhuang Chunqiu*, which is backed by democratic minded members of the CCP, and *Bainianchao* (百年潮), *Shuwu* (书屋) and *Suibi* (随笔), publications focusing on social and historical issues that have small circulations. The publications suffered various forms of retaliation. The ban is likely to continue as the anniversary of the campaign stretches into 2009. In 2009, government censors will have to devote considerable effort to suppressing or managing the commemoration of a plethora of "sensitive" anniversaries, including the 80th anniversary of the May 4 movement, the 60th anniversary of the founding of the PRC, the 50th anniversary of the Tibetan uprising, the 30th anniversary of the crackdown on the Democracy Wall Movement, and the 20th anniversary of the Tiananmen demonstrations and crackdown.

Local Authorities Become Better at Media Censorship

A nascent civil rights movement has become especially active at grassroots levels. More and more citizens have become involved in activities collectively known as "rights defense mobilization," participating in public debates (mostly online) and taking action to address abuses of rights. As these protests have become more frequent, local Propaganda Departments have become more alert and skilled at controlling the media that report on the actions. The Propaganda Department has developed a set of tactics, which include partnering with local universities to organize special courses to train government officials in managing "unexpected incidents."

An article entitled "The Government's Role in Directing Public Opinion in Emergencies" by Yie Hao (叶皓), the Propaganda chief of Nanjing, Jiangsu Province, who is regarded by the government as an expert in "media management," is a classic example.³⁴ According to Yie, in managing "mass incidents," the most important role of the government is to "direct" public opinion. To do so, "members of the Propaganda Department and other government departments should immediately arrive at the site of the unexpected incident. They should manage the journalists there... they should prepare immaculately in order to strictly examine and verify the information released to the outside world and to ensure that the information released is accurate and controllable." If there is any "untrue" or "unfriendly" reporting, the journalists should be punished and the media organization for which they work should be warned. In more serious cases, the publication permit of the media organization and the PC

of the journalist should be cancelled. Yie also makes a number of other suggestions to the Propaganda Department. He suggests that there be a mechanism for daily coordination across regions, professions and departments. He also suggests that the Department focus on managing public opinion on the internet during unexpected incidents. Other ideas are 24-hour internet monitoring and a rapid response mechanism, according to which public opinions and trends would be analyzed and timely information and commentaries released online in order to “direct” public opinion and to “create a positive image of the government.”

Stamping out “Fake Journalists”: Persecution of Independent-minded Reporters

In early August 2007, the GAPP initiated a program to crack down on “fake publications,” “fake bureaus,” “fake journalists” and “fake news.”³⁵ The infamous “Cardboard Bun” incident precipitated the crackdown. On July 9, 2007, the CCTV program, *Transparency*, exposed the use of cardboard as stuffing in pork buns. The findings of the program received wide attention and were reported by international media. Ten days later, on July 19, the Beijing Municipal Government alleged that the news was “fake,” and the responsible staff at CCTV were promptly punished and criticized. The journalist who made the program, Zi Beijia (訾北佳), was speedily convicted of “damaging the credibility of goods” and sentenced to one year in prison.

Some believe the supposed increase in “fake news” and “fake journalists” indicates a decline in the quality of journalism. However, closer examination reveals a far more complex problem. The official definition of a “real” journalist is one with a PC, whereas those without are “fake.” However, the actual media landscape in China is more complicated. Accredited journalists are not always bearers of truth, and those without accreditation do not necessarily make up news. Some accredited journalists make up news to generate sales while others have been found to engage in extortion.³⁶ Still other accredited journalists have been accused of making up news when their apparently accurate reporting has threatened official interests.³⁷ Some individuals without PCs strive to report truthfully and might therefore be considered “real” journalists, whereas other individuals without PCs are truly “fake journalists”; that is, they pretend to be journalists for purposes of extortion and fraud. This confusion of “fake” and “real” journalists and news is the product of a political system that does not encourage the reporting of truth. In China, where the media is used by the government to promote the image it desires and is controlled and censored in a variety of ways, the government’s designations of “fake” and “real” journalists and news must be closely scrutinized. “Fake journalists” are perhaps the result of the system while “fake news” is sometimes intentionally fabricated by “real reporters” with the encouragement of the government.

There are an estimated 800,000 journalists in China and only 180,000 PCs. As a result, the majority of the staff employed by Chinese news media, especially those who work at bureaus in the provinces, do not have PCs. Are they “real” or “fake” reporters? The GAPP’s webpage, *Internet Announcement of Lost and Cancelled PCs*, is supposed to provide an easy way to check the authenticity of journalists, but it is updated only every three to four months, meaning that the status of journalists who have acquired, lost or cancelled their PCs in the interim is not up-to-date. In practice, the PC system is logistically very difficult to enforce. The government often labels particular journalists “fake” and punishes them for independent reporting.

Journalists, especially those outside the head office, often feel under pressure to create “fake news” in order to

generate income for their publication. Chinese publications have no clear division between the editorial and advertising departments. Journalists at these bureaus are required to sell a mandatory number of advertisements and generate a fixed annual income for the publication, and are often entirely responsible for raising the revenue to pay for their own salaries. This creates conflicts of interest for journalists who, in addition to their duty to report truthfully, may be motivated by profit and often write according to the desires of those who can pay them. This is called “soft advertising” as opposed to the “hard advertising” that is clearly labeled as advertisements. Newspapers use revenue generation as a yardstick in evaluating journalists’ job performance. At many newspapers, a journalist needs to generate between RMB 50,000 and 100,000 in advertising revenue for the newspaper in order to get the newspaper’s endorsement and recommendation for a PC.

The proliferation of “fake journalists” indicates two ills within the journalism profession:³⁸

- Negative social news is overlooked by “real” reporters.” “Real” journalists’ failure or reluctance to cover such news leaves a huge gap to be filled by “fake” journalists. Yet when “fake” journalists report such news, “real” journalists, rather than reflecting on their failures, seek to “expose” the “fake” journalists.
- “Real” journalists who report on the government are given money for doing so. At the daily press conferences or gatherings hosted by government agencies, journalists are given “red packets.” The so-called “news fees” vary in amount from hundreds to thousands of renminbi. Propaganda Departments located in prosperous areas tend to be more generous. “Real” journalists are often more than happy to create “fake” news that sings the praises of the relevant agencies and officials in return for the extra income. Local officials offer bribes in particular to “real” journalists from CCP publications such as *People’s Daily*, *Xinhua*, *Economics Daily*, *Guangming Daily*, and *Domestic Developments* (国内动态清样, an internal publication for the CCP Politburo), in order to encourage them to portray the officials’ “achievements” in a positive light so as to impress their superiors. Government officials often partake of the “news fees” cake. When central government departments pay for soft advertising in newspapers they control, such as *China Quality Post* (中国质量报), *China Trade and Industry Post* (中国工商报), and *China Land Resources Post* (中国国土资源报), the newspapers give the officials a slice of the “news fee” pie. The resulting article resembles propaganda more than journalism, and the fairness and objectivity of the publication are compromised.

Not only are the so-called “real” journalists not punished or exposed for accepting bribes, but the practice often leads to greater opportunities to climb the career ladder and increases their prospects of receiving awards such as “model reporter” or being ranked among the “ten best reporters” in “elections” organized by the Propaganda Department and the government-controlled Journalists Association.

For all of the reasons given above, the recent official campaign to eliminate “fake” journalists and “fake” news is itself a highly compromised undertaking. Accredited reporters at large newspapers who make up fake news are not investigated because they are protected by the system, which itself perpetuates the problem. For instance, the so-called “Special Action to Rectify Fake Newspapers and Publications, Fake Correspondents’ Bureaus, Fake Journalists and Fake News” did not investigate *People’s Daily* or *Xinhua*, official media that regularly release “fake” news.” These mouthpieces are above the crackdown.

The ultimate victims of this complex web of official control and manipulation and journalistic misconduct are the freedom of the media and citizens' right to information. The crackdown on "fake" journalists" does nothing to identify "real" journalists who make up "fake" news but often strikes journalists who report "real" news that the authorities deem "sensitive."

Freedom of the media is guaranteed in the Chinese Constitution and the Universal Declaration of Human Rights (UDHR). Article 19 of the UDHR states that everybody has the right "to seek, receive and impart information and ideas." In other words, even if journalists are not officially accredited, their journalistic activity is legitimate and protected by the rights to information and to freedom of expression. The Chinese government acts in violation of the Chinese Constitution when it uses a campaign against "fake" journalism to constrain the freedoms of citizens to express themselves and receive information. At the core of the problem of "fake" journalists lies the facts that ordinary citizens are barred from reporting and running news agencies and the government itself is deeply implicated in disseminating false information.

Threats to Journalists' Safety and Livelihood

Many media workers live in constant fear, and their work is constrained by layers of restrictions. They can expect little reward for telling the truth; indeed, they may be punished. Those who work diligently to fulfill their professional responsibilities are often the ones who confront the greatest threats.

They risk losing their PCs if they dare to be outspoken against or even to report in a way that reflects negatively on the authorities. In May 2007, **Li Xinde** (李新德), correspondent for Anhui's *Business Guide* (工商导报) and host of the online website, China Public Opinion Supervision Web (中国舆论监督网), was punished for publishing articles critical of government officials.³⁹ Li's PC was cancelled without any written explanation. Reportedly, *Business Guide* was pressured by the Anhui GAPP, which was in turn pressured by the national GAPP, to do so.

Media workers are vulnerable to pressure and attacks from local authorities, criminal gangs and other powerful interest groups. The experience of **Sheng Xueyou** (盛学友), a former journalist for *Western Times* (西部时报), provides a typical example.

On August 25 and September 15, 2005, Sheng published two articles on an ownership dispute at Tieshanxiang Mining Company in Qiezihe District, Qitaihe City in Heilongjiang Province. On October 13, 2006, Qitaihe City Arbitration Committee, the subject of Sheng's articles, published an article on an official website, Qitaihe Legal Information Net. The article accused Sheng of "aiming to slander the Qitaihe Arbitration Committee [in order to] fulfill [the journalist's own] vested interests." It said Sheng was "ignorant," "stupid," "audacious" and someone



Li Xinde: investigative journalist

with “vicious intentions” and “ulterior motives.” In response, Sheng sued Qitaihe Legal Information Net for violating his right to reputation. On April 12, 2007, Tongzhou District People's Court ruled that although the Qitaihe Arbitration Committee article's choice of words was inappropriate and extreme, there was inadequate evidence to suggest that it violated Sheng's right to reputation.

Because of this article on an official website which attacked his professional reputation, Sheng, a veteran and respected journalist with 20 years' experience, lost his job with his employer at the time, *Western Times*, and since then has had difficulty getting articles published in other newspapers and finding a new job with another media organization.

Since 2007, contract journalists in Beijing have faced greater possibilities of being fired.⁴⁰ After the “Cardboard Buns” incident in July 2007, when a contract journalist at Beijing TV allegedly fabricated news, CCTV sacked more than 1,000 contract workers in August. To further purge the capital of contract journalists, in September 2007 prior to the 17th Party Congress, Beijing police cracked down on landlords who rented to individuals who were banned from renting under the city's Five No-Lease rules.⁴¹ Two of these rules—referring to those without valid documents and those without regular routines—were believed to have been used to target the contract journalists, who generally had irregular routines and no PCs. During the Olympics, contract journalists were driven out of the capital along with other members of the larger migrant population without valid documents in Beijing. However, they returned to Beijing once the Olympics ended.

In the last couple of years alone, many reporters have been demoted, fired, closely followed and monitored, harassed, warned against continuing their reporting, fined and expelled from the CCP. Some have been detained and imprisoned. A worrying trend in recent years is violence inflicted on journalists by local officials and others who feared their conduct would be exposed in the media. In 2007, there were many cases of journalists being attacked and beaten while reporting.

On August 13, 2007, a nearly completed bridge collapsed in Fenghuang County, Hunan Province, injuring 64 people. On August 16, five journalists who went to cover the story were beaten. They were **Wang Weijian** (王伟健) from *People's Daily*, **Hong Kefei** (洪克非) from *China Youth Daily*, **Long Zhi** (龙志) from *Southern Metropolitan News*, **Wei Liming** (魏黎明) from *Economic Observer News*, and **Chen Anqing** (陈安庆) from Xinhua's *Eastern Outlook Magazine*.

After the beating, Zhou Xiaomao (周小毛), Secretary of the CCP Committee and chief of the Propaganda Department in Xiangxi, hurried to the local PSB and apologized to the journalists from Xinhua and *People's Daily* for their “unpleasant experience.” Zhou then turned around to tell other injured journalists that except for “several designated media,” all others were barred from reporting on the incident, and that “the personal safety of those who report illegally cannot be protected.”

In another case, on January 11, 2007, **Lan Chengzhang** (兰成长), a journalist at the Shanxi Correspondent Bureau of *China Trade News* (中国贸易报), died following a severe beating by half a dozen unidentified men when he was investigating the operation of an allegedly illegal mine in Hunyuan County, Datong City, Shanxi Province. Lan's colleague, Chang Hanwen (常汉文), was also beaten and left disabled.

The incident sent shockwaves through China's press and internet forums. The authorities launched an investigation of Lan's murder and six people were convicted and sentenced for the crime. The mine's owner, Hou Zhenrun (侯振润), was sentenced to life imprisonment.

After Lan was beaten to death, the Datong Propaganda Department accused Lan of being a "fake" journalist, insinuating that Lan was murdered for attempted extortion, as if that justified the action of the murderers. *China Trade News*, however, insisted that Lan was accredited and an employee of the paper.

Trends toward Greater Freedom of the Media in China

Although tight official censorship and control over the media continue, citizens and media workers have fought hard to expand freedom of the media. In the past two years, a number of breakthroughs were made in independent reporting. The media managed to report on a number of "sensitive" news stories that exposed deeper problems in society and politics, involved official wrongdoing, moved citizens to collective action against the government, and also revealed news that the relevant departments would have preferred the public not to know. Some of the most prominent examples were: reporting on "nail households"⁴² in Chongqing; a mass demonstration in Xiamen against the construction of a PX chemical plant; illegal coal mines and child labor in Shanxi; the murder of journalist, Lan Chengzhang; and the "Cardboard Buns" incident on Beijing TV.

Five trends in the expansion of media freedom can be identified:

I. "Remote supervision" makes possible reporting on forbidden topics

"Remote supervision" means that a media organization based outside of an area reports on events there. This can be an effective way to break through the strict control exerted by local government on media in their jurisdiction. It is tacitly encouraged by competitive local government officials, who are sometimes keen to expose the wrongdoing of officials in neighboring areas so that their own governance appears comparatively competent and effective in the eyes of higher authorities.

Often, local reporters tip off their counterparts in other places about "sensitive" incidents. The non-local reporters then rush in to break the news.

Media organizations find that some Propaganda Departments are more tolerant than others and learn to play them off against each other. General newspapers based in the relatively prosperous southern coastal regions of the country seem to have become especially adept at this game. They have been particularly active in reporting on "unexpected incidents," some of which became national sensations.

Several stories were brought to national attention by remote supervision, in addition to those mentioned in the introduction to this section. One example was the case of **Wang Binyu** (王斌余), a Gansu migrant worker, who committed murder out of despair after being beaten for attempting to collect wage arrears. The dramatic events surrounding village elections in Taishi Village, Guangzhou, are another example. Villagers demanded the removal of elected village committee leaders suspected of corruption, a case which became widely known throughout the country. *Southern Metropolitan News* broke both stories.⁴³

Media organizations such as *Southern Metropolitan News*, *Beijing News* (新京报), *Democracy and Legal System Post*

(民主与法制时报), *Southern Weekend*, *Nanjing's Weekend* (周末), *China Business News* (华商报), *Baixing* (百姓), *Caijing* (财经) and *Henan Business News* (河南商报) are known to be capable of withstanding a significant measure of official pressure. They have frequently reported on protests and demonstrations, for example.

However, the Propaganda Department has caught on to the way in which media organizations use “remote media supervision” and has already issued directives to ban the practice. On September 25, 2008, *Caijing Shibao* (财经时报), a relatively independent newspaper, released an announcement that the publication had been punished for “untrue reporting” and for violating a number of media regulations, such as the ban on “remote supervision.” The newspaper, distributed in Beijing and registered in Inner Mongolia, is barred from publishing for the three months. The “untrue” article in question, published in July 2008, is believed to have exposed misconduct of the Agricultural Bank of China, a state-owned bank, in Changde City, Hunan Province.

II. The growth of the internet has emboldened traditional media

Journalists in different media use the internet as both source of information and inspiration for stories, as well as a space for networking and promoting solidarity. The internet has created opportunities for greater freedom of information and expression. It allows the general public to post information instantly, provide leads, respond to news and express themselves. In recent years, when “sensitive” stories such as those cited at the beginning of this section became national sensations, the news first broke on the internet and was later picked up by the traditional news media, followed by the overseas media. As the news spread, comments by netizens both at home and abroad greatly magnified the reach and impact of the news. Not even the Propaganda Department could control the dissemination of information.

Internet publications are far more popular than Party publications which have difficulty attracting customers at newsstands. Internet sites raise readers’ expectations, thus indirectly pressing the conventional media to be more truthful and daring.

III. Financial pressure has forced the media to cover issues of public concern

Since the operating expenses of media companies are at most only partially covered by state funding, the companies have to make a profit by attracting an audience, thereby increasing advertising revenue. Media companies have become more oriented towards market demand, even sometimes daring to bypass censorship and push the limits when they think the possible gains in readership and advertising revenue outweigh the risk of official retribution.

IV. Increased interaction between international and Chinese media has improved professional standards

More exchanges between foreign and domestic media workers has also resulted in a larger number of domestic events and issues, which might have otherwise been censored in China, drawing international attention. In addition to the many journalistic exchange programs, there has been an expansion in the number of foreign correspondents allowed to work in China, and many Chinese journalists have worked abroad. Some stories have first been reported by foreign journalists and then later picked up by Chinese netizens or domestic journalists. The interaction has increased awareness of journalistic ethics and professional standards in China.

V. Article 35 of the Chinese Constitution provides a legal basis for the expansion of media freedom

Although the government has not lived up to the promises of Article 35, journalists have used the Constitution to empower themselves and encourage the public to supervise the behavior of public officials and to seek redress for violations of human rights. While many journalists suffer persecution and harassment every year, the emergence of a community of journalists defending their rights as part of the wider rights defense movement has at times shown signs of pushing the Propaganda Department and the GAPP to slightly relax their tight control. For example, on June 24, 2007, when the second draft of the Law on the Handling of Sudden Incidents⁴⁴ was submitted to the NPCSC, the stipulations that “journalists obtain permission before reporting unexpected incidents” and “[authorities] manage the relevant media reports” were deleted. Reportedly, the deletions were an outcome of both pressure from outspoken journalists and an outcry from China’s “chattering classes.”

The more centralized and stable Party and state power, the less room there is for media freedom. The current CCP leadership has largely consolidated its power. As a consequence, there has been strong top-down control of the media. However, as the dust settles on the latest round of infighting, the next round will soon begin, bringing with it potential opportunities for greater media freedom. Struggles over control of resources in the various regions of a vast country can also lead to lack of cooperation or conflicts of interest between central and local governments and authorities in different regions, making possible “remote supervision” and other chances for the media to play competing governmental forces off against each other.

▼ Recommendations

To the Chinese government

- The government must put into practice the constitutional guarantees of freedoms of expression, of publication and of the media. The NPC should draft a “Media Law” which codifies the principle of media freedom as well as the measures to be taken against its infringement. The law should explicitly include protections of the personal safety and professional rights of journalists so that they can carry out their work without fear of persecution.
- The CCP should end immediately the subjugation of media freedom to the Party’s interests and political priorities. The Propaganda Department and other Party authorities must immediately cease all interference in the media such as requiring journalists to seek prior authorization for stories on government affairs and its yellow and red card warning and punishment system.
- The NPCSC must amend the Regulations on Government Information Openness⁴⁵ to clearly stipulate the types of public information that must be disclosed.
- The SCIO should cease its total control of the dissemination of public information.
- The Chinese government must end the practice of using laws to punish individuals for exercising their freedom

of expression. This must include legal reforms to establish genuine independence of the judiciary. Government officials responsible for persecuting outspoken journalists should be held legally accountable for violating media freedom.

- The NPCSC should act to interpret Article 105(2) (the crime of “inciting subversion of state power”) and Articles 111 and 398 (the crime of “leaking state secrets”) of the Criminal Law to clarify and precisely define the meaning of the terms “incitement,” “subversion,” “state secrets” and “state power,” as well as the specific conditions under which a peaceful act of expression may constitute “incitement to subvert state power” or “leaking state secrets.” Such conditions must explicitly exclude any non-violent activity in the exercise of the right to freedom of expression, including expression critical of political parties and government authorities.
- The NPC should conduct a review of the constitutionality and legality of Regulations on the Administration of Publishing and other administrative regulations that impose restrictions which unduly infringe on freedom of the media. Many ordinances and regulations clearly violate Article 35 of the Chinese Constitution.
- The Chinese government should abolish the PC system. Journalists should be able to operate with IDs issued by their media organizations. Decisions to issue these IDs should not be based on the political views of the journalist.
- The CCP and GAPP should cease Xinhua’s monopoly on the release of news and abolish the practice of requiring the media to take their lead from Xinhua.
- The GAPP should abolish its strict control over numbers for newspapers, books and other publications.
- The government should ratify the International Covenant on Civil and Political Rights (ICCPR), which China signed ten years ago but still has not ratified.

To Chinese civil society stakeholders

- Journalists should use the media to monitor public officials, hold them to account and pressure them to carry out their duties with greater respect for human rights.
- Journalists should continue to use “remote supervision” and explore other new and creative ways to expand the space for media freedom.
- Chinese citizens should continue making use of modern information technology such as mobile phone text messaging and the internet to undermine official censorship and fight for their own rights to freedom of information, the media, and expression. Since the government is striving to control these new technologies, they should equip themselves with technological and legal knowledge to circumvent and challenge government efforts.

An Appendix for this report, including examples of journalists harassed and persecuted in the last five years, is available online at http://www.crd-net.org/Article/Class9/Class11/200812/20081209224005_12274.html.

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- ¹ See, for example, articles 102, 103(2), 105(2), 110, 111, 219, 221, 222, 243, 246, 249, 250, 251, 278, 291(1), 377, 378, 385, 398.
- ² NPCSC, PRC Law on the Administration and Punishment of Public Order Offenses (中华人民共和国治安管理处罚法), effective March 1, 2006.
- ³ NPC, General Principles of Civil Law (中华人民共和国民事诉讼法通则), effective January 1, 1987.
- ⁴ See, for example, SPC Explanation Regarding Certain Questions on the Laws to be used in Adjudicating Criminal Cases of Illegal Publications (最高人民法院关于审理非法出版物刑事案件具体应用法律若干问题的解释), <http://www.chinalawedu.com/news/1200/21994/22006/2006/3/li0003495017173600218231-0.htm>; SPC Interpretation on Several Issues about the Trial of Cases Concerning the Right of Reputation (最高人民法院关于审理名誉权案件若干问题的解释), http://www.law-lib.com/law/law_view.asp?id=393
- ⁵ NPCSC, PRC Law on the Protection of State Secrets (中华人民共和国保守国家秘密法), effective May 1, 1989.
- ⁶ NPCSC, PRC State Security Law (中华人民共和国国家安全法), February 22, 1993.
- ⁷ NPC, PRC Copyright Law (中华人民共和国著作权法), June 1, 1991.
- ⁸ NPCSC, PRC Advertising Law (中华人民共和国广告法), effective February 1, 1995.
- ⁹ NPC, PRC Law on the Protection of Women's Rights and Interests (中华人民共和国妇女权益保障法), effective October 1, 1992.
- ¹⁰ NPCSC, PRC Law on the Protection of Minors (中华人民共和国未成年人保护法), effective June 1, 2007.
- ¹¹ State Council, Regulations on the Administration of Movies (电影管理条例), effective February 1, 2002.
- ¹² State Council, Regulations on Administration of Publishing (出版管理条例), effective February 1, 2002.
- ¹³ State Council, Regulations on Broadcasting and Television Administration (广播电视管理条例), effective September 1, 1997.
- ¹⁴ State Council, Measures for the Administration of Internet Information Services (互联网信息服务管理办法), effective September 5, 2000.
- ¹⁵ State Council, Provisions on the Administration of Newspaper Publication (报纸出版管理规定), effective December 1, 2005.
- ¹⁶ State Council, Provisions Concerning the Prohibition of Pornographic Material (关于严禁淫秽物品的规定), effective April 17, 1985.
- ¹⁷ State Council, Regulations Concerning Foreign Journalists and Permanent Offices of Foreign News Agencies (外国记者和外国常驻新闻机构管理条例), effective January 19, 1990.
- ¹⁸ State Council, PRC Meteorology Law (中华人民共和国气象条例), effective August 18, 1994.
- ¹⁹ State Council, PRC Regulations on Government Information Openness (中华人民共和国政府信息公开条例), effective May 1, 2008.

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- ²⁰ Yunnan Provincial PCSC, Regulations of Yunnan Province on Publishing (云南省出版管理条例), effective May 1, 1989.
- ²¹ Shanxi Provincial PCSC, Shanxi Province Regulations on Broadcasting and Television Administration (山西省广播电视管理条例), effective July 20, 1995.
- ²² Hebei Provincial PCSC, Hebei Province Regulations on Media Work Administration (河北省新闻工作管理条例), effective November 1, 1996.
- ²³ GAPP, Regulations for Administration of Periodical Publishing (期刊出版管理规定), effective December 1, 2005.
- ²⁴ GAPP, Regulations for Administration of Newspaper Publishing (报纸出版管理规定), effective December 1, 2005.
- ²⁵ GAPP and State Secrets Bureau, Regulations on Confidentiality in News and Publishing (新闻出版保密规定), effective October 1, 1992.
- ²⁶ GAPP, Measures for Handling False and Inaccurate Reporting (报刊刊载虚假、失实报道处理办法), effective July 8, 1999.
- ²⁷ The Chinese News Workers' Code of Professional Ethics (中国新闻工作者职业道德准则), <http://news.enorth.com.cn/system/2004/06/09/000799344.shtml>
- ²⁸ The GAPP requires that all media workers who are engaged in journalistic work must be in possession of PCs. PCs can be issued to a wide range of individuals, from editors to staff in the advertising department, not only “journalists” in the strict sense of the word.
- ²⁹ GAPP, 新闻记者证管理办法, effective March 1, 2005.
- ³⁰ 北京奥运会及其筹备期间境外记者采访规定.
- ³¹ Foreign Correspondents Club of China, “Reporting Interference Incidents,” <http://www.fccchina.org/harras.htm>.
- ³² The Property Law was passed at the NPC session of March 2008. On April 30, the deleted article was published in Issue 9 of *Caijing*. The promulgated version does not contain the phrase “the General Office of the CCP Central Committee requests assurance that the Property Law will be passed during the NPC meeting.” Jiang Ping is a tenured professor at China University of Politics and Law and a member of a committee that drafted the Property Law.
- ³³ This incident has not been reported in the Chinese media because it has been prohibited by the Propaganda Department.
- ³⁴ The article quoted here, “Guiding Public Opinion in the Management of Emergencies: a Guide for Government” (政府在突发事件处置中的舆论引导), was published *Xinhua Digest* (新华文摘) Vol. 21, 2007, p.3. *Xinhua Digest* is a publication of the China Publishing Group, a publishing house controlled by the Propaganda Department. The fact that Ye’s article was published and featured in *Xinhua Digest* is a sign that Ye’s opinions on media control are highly regarded by the government. Ye’s other publications, such as *Government Journalism—New Learning for Government in Handling the Media* and *Case Studies of Government Journalism—New Methods for Government in Handling the Media*, have been influential on government media. Ye has lectured at universities and colleges on related topics.

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- ³⁵ GAPP, On the Launch of the Program to Rectify Fake Publications, Fake News Bureaus, Fake Journalists and Fake News (关于开展整治假报刊、假记者站、假记者、假新闻专项行动的方案), 2007.
- ³⁶ For example, in February 2007, the GAPP circulated an internal notice criticizing *Democracy and Legal System Post* and (民主与法制时报) and accusing journalists at its Shandong, Guangdong and Guangxi bureaus of “engaging in business activities or gaining improper profit,” in other words, extortion. The GAPP fined the paper RMB 30,000, cancelled the PC of one of the journalists and closed the paper’s bureau in Guangxi. The decision to punish *Democracy and Legal System Post* was made public half a year later, in December.
- ³⁷ For example, in July 2007, Pang Jiaoming (庞皎明), then a reporter at *China Economic Times* (中国经济时报), published two investigative reports exposing the use of inadequate materials in one of China’s most important construction projects, the Wuguang High-Speed Railway. The articles, which received wide attention, were deemed to be “fake news” by the Ministry of Railways. Together with the Propaganda Department, the Ministry of Railways pressured *China Economic Times* to dismiss either one of its cadres, as stipulated by the Propaganda Department’s regulations, or Pang. On September 20, the newspaper communicated to the State Council Development Study Center, its sponsor, its belief that because Pang’s report was “fake” it had decided to fire him, and that other news organizations should not hire Pang.
- ³⁸ *China Youth Daily*, “The Protection of Real Journalists is Essential for the Elimination of Fake Journalists” (保护真记者才能更好地打击假记者), November 22, 2008.
- ³⁹ Li Xinde, based in Anhui, launched his website, China Public Opinion Supervision Web, in October 2003. The website first came to international and domestic media attention when it released an exclusive report, “Scandals of the Kneeling Deputy Mayor” (下跪副市长丑行录). Li was also involved in exposing the wrongdoings of retired senior official, Wang Yachen (王亚忱), in Fuxin, Liaoning Province; the death of Liang Yuncai (梁云才), director of Hebei Investment Company, during police investigation; the “corrupt building” incident of Tanggu District Government in Tianjin Municipality; and many other matters. Since 2007, he has participated in the writing of a number of other articles, including “Is the Secretary of Liaoning Discipline Inspection Commission Sheltering Evil Forces?” “China’s Most Arrogant Director and His Mysterious Lover” and a series on abuses of power committed by Guo Bing (郭兵), Vice President of Jiangxi High Court.
- ⁴⁰ China’s media organizations have “quotas” for the number of journalists they hire. Those hired outside of the quotas are known as “contract journalists.” Compared to their counterparts within the quota, “contract journalists” usually have fewer benefits and lower status. They also tend to be more mobile, moving from one media organization to another.
- ⁴¹ The so-called “Five-no-lease” policy prohibits landlords from renting to the following five categories of people: 1. those without valid legal documents; 2. those involved in illegal activities; 3. those involved in illegal religious activities; 4. those who rent the property for the illegal production, storage and/or operation of inflammable or explosive dangerous materials; and 5. those without a regular routine who might use the property for illegal criminal activities.

⁴² “Nail Household” is a term which refers to families who refuse to move when their homes are due for demolition in development projects. These “Nail Households” are usually dissatisfied with the compensation offered by the developers.

⁴³ However, *Southern Metropolitan News* and other Guangdong-based newspapers were soon barred from reporting on the incident. Newspapers located in other provinces, such as *China Youth Post* and *Huashang Times* in Liaoning Province, picked up the news which then attracted wide attention.

⁴⁴ NPCSC, Law on the Handling of Unexpected Incidents (突发事件应对法), effective November 1, 2007.

⁴⁵ State Council, Regulations on Government Information Openness.