

Submission of the Hong Kong Journalists Association Concerning People's Republic of China for Consideration under Universal Periodic Review by the United Nations Human Rights Council (HRC) at its 17th Session on 21st October to 1st November 2013

1. The Constitution of the People's Republic of China (PRC) stipulates that its citizens enjoy freedom of speech and of the press¹. Despite this, numerous citizens are being penalized for exercising their freedom of speech, while local journalists face mounting pressure from censors. In the past five years, the environment for these basic freedoms has been the worst in three decades. Hong Kong reporters who work in Mainland China are also feeling the heat, and this will be the focus of the Hong Kong Journalists Association (HKJA), the sole trade union for frontline journalists in Hong Kong Special Administrative Region (HKSAR) in this submission. It will showcase how China uses regulation and administrative measures to breach the freedom of expression guaranteed by Article 19 of the Universal Declaration of Human Rights (UDHR).

A. Manipulation of Accreditation

2. Although Hong Kong is a Special Administrative Region of China, Hong Kong reporters, like their foreign colleagues, have to apply for accreditation before going to cover news stories on the mainland. Correspondents stationed in the mainland have to get accreditation from the State Council's Hong Kong and Macau Affairs Office and the All-China Journalists' Association. For individual reporting trips, they should go to the Central Government's Liaison Office in Hong Kong to apply for temporary press cards before their assignment. This new rule came into effect in February 2009, but Hong Kong reporters have been subject to similar arrangements since the aftermath of June 4th 1989.
3. With one specified topic and a single location for each trip clearly printed on it, the temporary press card lasts for a month. A Hong Kong reporter covering news in the mainland without such pre-authorized accreditation could be deemed to be reporting illegally.
4. However, not all media outlets have equal access to the accreditation system. The HKJA has learned that media outlets classified as 'unfriendly' will not be granted temporary press cards. The Liaison Office simply ignores their applications. *Next Media*, *Open Magazine* and *Cheng Ming Magazine* all face this difficulty.
5. For those whose applications are processed, the system means their reporting

¹ See article 35 of the Constitution

plans will be exposed. Compared to the past, Hong Kong reporters face greater barriers when they try to cover sensitive issues on the mainland. The Liaison Office will pass on the reporter's information such as their name, mobile number and home return permit number to regional authorities. This makes it easier for local authorities to trail, follow and deter reporters through various means.

6. To avoid being trailed or deterred, journalists covering sensitive news stories in the mainland often do so at their own risk. In most cases, they do not escape the dragnet of local officials who want to cover-up their malpractices.
7. The most recent and outrageous case took place in early September 2012.² Two reporters from *Ming Pao*, a Hong Kong Chinese language daily, were detained by local police in Shaoyang, Hunan province, for a total of 44 hours after it was discovered that they had spoken to Li Wangling, the younger sister of labour activist and former 1989 dissident Li Wangyang. Li Wangyang died mysteriously in a hospital ward two days after the 23rd anniversary of the crackdown on the 1989 democratic movement. The photographs the reporters took were deleted and they were forced to 'redo' their interviews under surveillance.
8. Sometimes even those who are properly accredited can find themselves in hot water. On 12 August 2009, several uniformed Chengdu police officers (without a search warrant) conducted a search of the hotel rooms in which Now TV reporter Wong Kar-yu and her crew were staying. Then a Beijing-based correspondent, Wong was sent to the capital of Sichuan province to cover the trial of local activist Tan Zuoren, who was being tried for inciting subversion of state power.
9. The police spent around six hours searching the reporters' bags and suitcases but found nothing suspicious. Officers suddenly retreated when Tan's hearing had finished. It can be reasonably inferred that the so-called search was a smoke screen to deter the media from covering the trial.
10. In the following month, three Hong Kong reporters, namely Lam Tsz-ho and Lau Wing-chuen with TVB and Lam Chun-wai with Now TV, were tied up, handcuffed and beaten by police, even after they had shown their press cards while covering protests against a mysterious syringe attack in Urumqi, the regional capital of northwestern Xinjiang.
11. Local authorities sometimes disregard the press cards issued by central departments when trying to cover up misdeeds. The most striking case happened after the Sichuan Wenchuan earthquakes in May 2008. Local authorities asked all reporters to go back to Chengdu to get a special press pass issued by them. In the end, none of them managed to get this special pass.

² <http://www.hkja.org.hk/site/portal/Site.aspx?id=A1-1013&lang=zh-TW>

12. **With all these faults in the accreditation system, we urge the Council to call for the abolition of the accreditation system.**

B. Deprived of the Right to Ask

13. It is a journalist's job and duty to seek information by asking questions. To suppress the media from asking questions is an infringement of Article 19 of the UDHR. Regrettably, Chinese leaders strive to avoid being asked embarrassing questions and questions are often forbidden at functions that are open to the press.
14. Since China adopted an open door policy in 1978, the media have covered numerous events attended by Chinese leaders, including those during duty visits of the Hong Kong leader to central authorities. Journalists spare no efforts to ask questions that are in the interest of the Hong Kong community. However, journalists' report that it has become harder to do so since 2006, if not earlier. Information officers of the State Council's Hong Kong and Macau Office have warned reporters not to ask the central leaders questions, or they risk being barred from covering similar events in the future.
15. Over time, this no-question arrangement has now become a norm. No one dares to cross this intangible 'red line' even when there is no information officer at hand. A case in point took place in 2011 when Donald Tsang, then Chief Executive of HKSAR, met Hu Jintao, the President of China, during his duty visit to Beijing.
16. Reporters were not told why they were not allowed to ask questions. They speculated it was due to an 'unfavourable' experience Hu Jintao had in 2004. During his trip to Egypt, Hu was shot in casual dress by a Hong Kong cameraman. Foreign Ministry officials took radical measures to penalize the media. All Hong Kong reporters were locked into the business centre of the hotel and press accreditations were confiscated. Press arrangements to follow the activities of President Hu were cancelled.
17. After the incident, embedded journalists could only glimpse Hu during functions with pre-arranged press coverage. The officials even set up screens in the lobby of the hotel to block the media waiting there from filming or photographing Hu, let alone ask him questions.
18. Xi Jinping, then Chinese Vice-President, closed the door to question by embedded Hong Kong journalists after unfavourable comments of his remarks. In early February 2009, Xi lashed out at some foreigners in front of the local Chinese community during his trip to Mexico, by accusing unidentified people of

having nothing better to do after filling their stomachs but to keep pointing their fingers at China.

19. “Firstly China does not export revolution, secondly we don't export hunger and poverty and thirdly we don't make waves with you,” said Xi. “What else can you say about us?”
20. Reports of the incident gave China watchers at home and abroad a clue to understanding Xi’s political stance, and to a certain extent, his personality. However, this came at the expense of Hong Kong journalists being summoned and scolded by foreign ministry officials during the state visit.
21. During Xi’s visit to the United States in 2012, his retinue also set up screens in the hotel lobby. Hong Kong embedded journalists neither had the chance to see Xi in person nor took part in any pool coverage arrangement.
22. Chinese Premier Wen Jiabao, who is seen as more friendly to media, closed the door in late 2010. After Liu Xiaobo was honoured with the Nobel Peace Prize, his staff warned embedded reporters not to ask any questions or approach Wen. In 2011, Wen met with Hong Kong reporters during his visit to Indonesia and the ground rule was that no question could be raised. Reporters were regarded as mere recorders of the Chinese leader.
23. Consequently, fewer and fewer Hong Kong news organisations sent staff to cover leaders’ overseas visits. Once reporters were barred from raising issues with the leaders, there was little to justify the cost of a reporting trip that would yield little news of interest to local audiences.
24. As a result, Hong Kong people’s access to information, such as Xi’s speech in Mexico, has become limited. They have to rely on stories and video clippings provided by the Xinhua News Agency and national broadcaster China Central Television, or CCTV, instead.

C. Prohibition Extended to Hong Kong

25. The restrictions seemed to have extended their reach into Hong Kong itself. In 2012, on the eve of the 15th anniversary of Hong Kong’s return to Chinese rule on July 1, 1997, a reporter shouted a question at visiting President Hu Jintao. He asked Hu if he had heard Hong Kongers’ calls for vindication of the June 4 Incident. Plain-clothes police officers promptly dragged the reporter from the designated press area and held him in a stairwell until Hu had left the venue.
26. Dozens of journalism scholars, legislators and the HKJA condemned Hong Kong police’s intervention into freedom of press in the city afterwards.³

³ <http://www.hkja.org.hk/site/portal/Site.aspx?id=A1-1007&lang=zh-TW>

27. Barring a reporter from asking a question is a deprivation of press freedom and violates the freedom of expression. **We call on the Council to urge the Chinese government to immediately halt such unreasonable restrictions on both domestic and foreign journalists.**

D. China's Pressure Breeds Self-censorship

28. Journalists in Hong Kong say editorial independence is coming under increasing threat and describe the situation in the past couple of years as the “worst ever” as their companies face unprecedented political pressure from both the central government’s representative office in Hong Kong and the S.A.R. government.
29. The HKJA interviewed editors and journalists from five media outlets, both print and electronic, where the problem of self-censorship is particularly serious.
30. On the condition of anonymity, respondents said editorial interference takes place through both commercial and direct political pressure. Editorial staff say political interference is by far the more serious problem and they feel Beijing’s meddling in the past couple of years has been the most heavy-handed, direct and blatant since Hong Kong’s return to Chinese sovereignty in 1997.
31. Editors are often pressured by the newspaper management to downplay or refrain from reporting negative news on China for fear of offending Beijing and losing advertising from companies keen to show their loyalty to Beijing.
32. Areas that are “off-limits” for some media outlets include negative news reports related to the central Chinese government or its top leaders, i.e. the seven members of the Politburo Standing Committee members. They also include “sensitive” reports on political dissidents and activists. Insiders at one paper say sensitive China stories are often cut short, placed in less prominent positions and sometimes even spiked. Even journalists dare to write human rights exclusive stories, they were substantially cut in length or publication delayed until the issues are no longer topical. The respondents said that they often had to avoid using words that might offend Beijing, in their stories.
33. But Hong Kong media outlets that self-censor still want to maintain a certain degree of credibility and cannot completely avoid big news items that have made international headlines. For example, when Bloomberg reported about Communist Party leader Xi Jinping’s relatives’ assets or the New York Times’ reported on Premier Wen Jiabao’s relatives’ wealth last year, some media outlets responded cautiously. They chose to be slow in picking up the news and observed how other local media outlets covered the news before they did their own stories. Even when they did eventually carry the news, they tended to

choose a less sensitive angle or led with the official reaction to the story and give it less prominence.

Direct Calls from China Officials to Newsroom

34. Another trend observed by reporters and editors is that senior officials from China's liaison office or the Hong Kong government now contact senior editors more frequently in an attempt to influence the media outlet's editorial line. The International Federation of Journalists reported last year that senior management of different media outlets said they had received phone calls or were invited to meet Hao Tiechuan, an official in charge of propaganda issues at the Liaison Office, when they covered sensitive news related to the central government. In a widely reported case last year, the Liaison Office contacted the *Hong Kong Economic Journal's* majority shareholder Richard Li's office to complain about negative coverage on Beijing and its representative office in Hong Kong during the election for Chief Executive. It was not an isolated incident - one senior editor said his publication was given "a black list and white list" on which Hong Kong politicians should be given negative or positive coverage.
35. Media workers also point out that a company's editorial position is heavily influenced by its ownership and editor. Since 2003, the PRC has explicitly co-opted media bosses into the Chinese establishment, namely, the National People's Congress (NPC) and the top advisory body Chinese People's Political Consultative Conference (CPPCC). More than half of Hong Kong's media outlets have representatives who were appointed to these two organisations⁴.
36. It is noteworthy that the Editor-in-Chief of the English-language *South China Morning Post* (SCMP), Wang Xiangwei, was until January this year a member of CPPCC of Jilin province. His appointment in 2012 came not long after then SCMP CEO Kuok Hui-kwong held a one-on-one meeting in Beijing with China's then Hong Kong and Macau Affairs Office director Wang Guangya.
37. In June 2012, the SCMP carried a 438-word report of the suspicious death of a Tiananmen activist Li Wangyang in its first edition but the story was shrunk to a 101-word news brief in its second edition. When a sub-editor later questioned the Editor-in-Chief over the decision, he admitted that it was his decision and further noted in an email: "If you don't like it, you know what to do." The incident sparked worries over the severity of self-censorship at the 110-year-old paper.

⁴ P.33 to 34, "Shrinking Margins – Freedom of Expression in Hong Kong Since 1997", an annual report on freedom of expression produced by HKJA.

http://www.hkja.org.hk/site/Host/hkja/UserFiles/File/annualreport/e_annual_report_2007.pdf

38. The views of the media workers interviewed are largely in line with the findings of an industry-wide survey conducted by the HKJA in April 2012. Almost 80 percent of respondents thought that self-censorship had worsened since 2005. The most prevalent forms of self-censorship were downplaying issues unfavourable to conglomerates that wield strong influence over advertising (40.3 percent); downplaying news unfavourable to the central government in Beijing (37 percent) and downplaying issues detrimental to media owners or their interests (34.5 percent). Moreover, 35.9 percent of respondents reported that they or their supervisors had practised self-censorship in the past 12 months. The HKJA believes the real situation could be worse as many interviewees were probably unwilling to admit involvement in self-censorship themselves.
39. While it is difficult, if not impossible, to stop China from co-opting media owners into a united front, **we urge the Council to request that Chinese government officials refrain from pressuring the media.**
40. **Most of all, it is important to persuade China to ratify the International Covenant on Civil and Political Rights as China is a signatory of this all-important international covenant for the past fifteen years.**

Hong Kong Journalists Association

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