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## **Tom Lantos Human Rights Commission (TLHRC)**

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### **on "The Status of Human Rights in China: The U.N. Universal Periodic Review (UPR)"**

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I would like to thank the Co Chairs of the Tom Lantos Human Rights Commission for the opportunity to present this testimony today.

China has one of the world's worst records in terms of violations of press freedom. It was ranked 167<sup>th</sup> out of 173 countries in Reporters Without Borders Press freedom index published last October.

The number of arrests and cases of news surveillance and manipulation by the political police and Propaganda Department is still very high. China is the world's largest prison for journalists and cyberdissidents with 30 reporters and 49 cyberdissidents currently in jail. Despite these numbers, many news media entities are trying to elude the straight-jacket of censorship and police controls, a positive trend that allows some optimism for the future of freedom of information in the country.

The Olympics Games were China's coming out party to the world, an opportunity to showcase its power. Unfortunately, they were also the opportunity for the authorities to crackdown on dissidents and stifle critics who would not sing its praises. "I hope that the 2008 games will be over as quickly as possible as this event has brought us too much suffering," the wife of one of the "Olympic prisoners" told Reporters Without Borders.

As we feared, the Beijing Olympics were a period conducive to the arrests, convictions, censorship, surveillance and harassment of more than 100 journalists, bloggers and dissidents. And since the end of the Games, the repression has not let up. President Hu Jintao's promotion of the "harmonious society" clearly excludes democracy and free speech.

In my testimony before this Commission, I will stress the main issues regarding press freedom in China, the latest developments of these past months and our recommendations to the UPR, of which I have several copies.

#### Foreign reporters' ability to cover the news

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Despite the adoption in 2007 of new rules allowing more freedom to foreign reporters in the run up to the Games, surveillance of foreign journalists was stepped up before and during the Games. More than 50 of them were attacked or arrested or otherwise obstructed during the games. And dozens of Chinese citizens were detained for talking to foreign media.

However, last October, Reporters Without Borders welcomed the Chinese authorities announcement that those rules would become permanent. As a result, foreign journalists will continue to be able - in theory at least - to move about freely in most of the country and conduct interviews without having to request permission in advance from the authorities. The exception is Tibet, for which special permission will be needed.

This is a positive step but also a missed opportunity to really improve the situation. The authorities should have introduced rules guaranteeing real freedom of movement, including in Tibet, and freedom to interview people, including officials, combined with protection for the confidentiality of journalists' communications and sources. The fate of Chinese journalists and interpreters who are employed by the foreign press is also still very precarious.

This is one more example where international pressure on China can bear fruit.

For instance, after multiple pressures at the World Trade Organization, Bloomberg and other business newswires were allowed to distribute their stories directly to the Chinese media and not only through the state news agency Xinhua as was the case before. In 2006, new regulations were adopted confirming Xinhua's strict monopoly of the distribution of news, photos and computer images to the Chinese media. Without any form of consultation, all foreign news agencies had been placed under the tutelage of Xinhua, which has assumed the right to grant or withhold operating licences.

#### Dangerous Effects of Censorship

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The political police and the propaganda department are the two main forces working to prevent freedom of expression to the liberal press, Internet users and dissidents. However, the effect of their constant censorship and surveillance is not only a silencing of political and social criticism; it is also silences the out-cry against criminal acts, such as during the recent tainted milk scandal.

The censorship imposed by the Chinese government had a direct impact on the health

of tens of thousands of new-born babies in China and other countries, to which its milk products are exported. The death and suffering of these babies could have been avoided, had the journalists and researchers been allowed to publish the negative findings before September of 2008. Some results had been known since December of 2007.

#### Despite the negatives, a few positive trends

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Amidst, the empty promises before the Olympic games, and the fatal health consequences of government censorship, there are a few positive trends that should be encouraged. The rise of Internet in China has produced a new forum for discussion, one that has a broader reach and is more likely to cover controversial topics, such as social riots, consumer rights, and other hot issues.

Internet is also pushing traditional media to cover topics they would not be able to normally cover. Often times, foreign journalists stories are being posted on exiled Chinese websites. These stories are then disseminated, despite heavy censorship, back to local Chinese news sites. Once these stories are online in China for the public to see, the mainstream media is forced to cover them as well.

Moreover, some liberal media outlets have been testing the limits of censorship to the extreme. Amongst them are the courageous editors of Nanfang Dushi Bao, Nanfang Zhoumo and Beijing News, who broke the important story a few months ago of how local governments were sending petitioners into psychiatric hospitals. Reporting such an incendiary story shows a refusal to submit to self censorship and a desire to hold their government accountable for their actions.

Thus the rise of Internet, and the courage of several media entities, are positive trends that are testing the limits of censorship and forcing the traditional media to extend their coverage of news events.

#### Human rights defenders fighting back

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Human rights defenders in China have been harshly targeted by the Chinese regime, which seeks to use such public cases as intimidating means of persuading dissidents to avoid the same outcome.

The well-known case of Hu Jia is a good example. He was sent to jail in December of 2007 for "inciting subversion of state power," in other words, for speaking out against suppression of human rights. Regarded internationally as a voice for human rights in China, he received the European Parliament's prestigious Sakharov Prize last December. This was a victory for all human rights defenders and gives other hope to continue fighting against such oppression.

On December 10, the 60th anniversary of the Universal Declaration of Human Rights, more than 300 Chinese dissidents published Charter 08, a call for the rule of law and respect for human rights in China, outlining their vision of a constitutional, democratic China. This is a very important document inspired from Eastern Europe in the 70s that will serve as a blueprint for fundamental political change in China. It has since been signed by thousands of people.

The government reacted harshly to the Charter. A literary critic, former professor of literature, and author of the charter, Liu Xiaobo has been detained since December 8, 2008. Over 30 signers of Charter 08 have been questioned, summoned by the police, or put under surveillance since Liu's arrest. Despite the efforts of the Chinese government to quiet the voices speaking out for change, the movement has been receiving attention and support on an international scale.

## Recommendations

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Reporters Without Borders has submitted a contribution to the Human Rights Council's Universal Periodical Review (UPR). We are calling upon the UPR to take seriously our concerns, along with those of the human rights community-- independent from the political alliances and games that are played in the Council. It is the UPR's duty to assess fairly the situation of human rights in China.

Our recommendations to the UPR are:

1. Release all journalists and Internet users detained in China for exercising their right to seek and provide information. Forty-nine cyber-dissidents and 30 journalists are currently imprisoned in China.
2. Continue to improve the new rules regarding reporters access to Tibet and independent travel in China, access to information and officials for interviews, as well as increased protection of sources.
3. Disband the Publicity Department (the former Propaganda Department), which exercises daily control over content in the Chinese press.
4. End the jamming of foreign radio stations.
5. End the blocking of thousands of news and information websites based abroad.
6. Suspend all the laws and the self-discipline pact, which lead to content censorship and self-censorship on websites.
7. End the blacklisting of journalists and human rights activists, which prevents them from visiting China.
8. Lift the ban on Chinese media use of foreign news agency video footage and news reports without permission.
9. Legalize independent organisations of journalists and human rights activists.