



**UN Human Rights Council
Universal Periodic Review
45th session—January-February 2024**

July 2023

**CONTRIBUTION BY REPORTERS WITHOUT BORDERS (RSF)
ON THE SITUATION OF PRESS FREEDOM
IN THE PEOPLE'S REPUBLIC OF CHINA**

Reporters Without Borders (also known under the French name Reporters sans frontières and its acronym RSF) is an international non-governmental, non-profit organisation that acts for the freedom, pluralism and independence of journalism and defends those who embody these ideals. RSF, established in 1985, has a recognised public interest function and a consultative status with the United Nations, UNESCO, the Council of Europe, the International Organisation of the Francophonie and the African Commission on Human and Peoples' Rights. RSF has 14 country sections and bureaus, including a bureau in Taipei, and a network of correspondents in 144 countries.

Despite accepting 284 recommendations during its third Universal Periodic Review in 2018, many relating to press freedom and the right to information, the People's Republic of China is ranked at the bottom of RSF's 2023 World Press Freedom Index (179th out of 180 countries). On paper, the PRC's Constitution guarantees "freedom of speech [and] of the press", but in practice the government constantly flouts these freedoms, although it is supposed to implement and defend them.

Over the past decade, the General Secretary of the Chinese Communist Party Xi Jinping has succeeded in imposing a social model in the country based on the control of news and information and the online surveillance of its citizens. As of July 2023, at least 112 journalists and press freedom defenders are detained in conditions that pose a threat to their lives.

RSF is furthermore concerned about the danger of China's repressive model spreading to other countries. The Chinese government is promoting its "new information order" more actively abroad, an order based on censorship and surveillance that leaves no room for journalistic ethics and the public's right to independently report news and information.

1 - China, the biggest jailer of journalists and press freedom defenders in the world

Following its previous UPR in 2018, the Chinese government accepted or supported as accepted and already implemented recommendations to "*protect and guarantee respect for freedom of information and expression, in particular by journalists, bloggers*" (28.208), "*guarantee freedom of opinion and expression, enhancing efforts to create an environment in which journalists [...] can freely operate in accordance with international standards*" (28.207) and "*ensure a safe environment for journalists [...] to carry out their work*" (28.206).

Nonetheless, China continues to be one of the world's biggest jailers of journalists, with at least 112 journalists and press freedom defenders currently detained, including in Hong Kong, according to RSF's latest count. Since leader Xi Jinping came into power, a wave of arrests unprecedented since the end of the Maoist era has hit journalists and political commentators across the country, abruptly ending a decade of experimentation with pluralism and debate in Chinese media.

Journalists who stray from the Chinese Communist Party line are almost systematically accused of "picking quarrels and provoking trouble", "inciting subversion of state power" or "espionage", a broad charge that carries a possible life sentence. Prisons are notoriously unsanitary and managed without any transparency, allowing all kinds of abuse, while detained journalists are almost systematically subjected to torture, mistreatment, and denial of medical care. These detainees include:

- **Zhang Zhan.** Chinese journalist and 2021 RSF Press Freedom laureate who covered the first weeks of the Covid-19 outbreak in Wuhan, and was sentenced to four years in prison for "picking quarrels and provoking trouble" in December 2020. In 2021, Zhang was close to death after a hunger strike she had been conducting to protest her innocence.
- **Huang Xueqin.** Chinese independent journalist and 2022 RSF Press Freedom Prize nominee famous for her involvement in the #MeToo movement in China, who has been detained since 19 September 2021 and faces, together with labour activist Wang Jianbing, a 15-year sentence for "inciting subversion of state power". After more than 650 days of detention, she is still awaiting trial at No.1 Detention Center in Guangzhou and was reportedly subjected to mistreatment, and possibly torture, that led to significant deterioration of her health.

- **Gui Minhai.** Swedish founder of a Hong Kong publishing house known for its investigations on Chinese leaders, abducted while on vacation in Thailand in 2015, only to later resurface on Chinese state TV delivering a forced confession. In February 2020, Gui was sentenced to ten years in prison under the charge of “illegally providing intelligence to foreign countries”, despite serious health concerns.
- **Huang Qi.** Investigative journalist and 2004 RSF Press Freedom Award laureate and founder of the human rights news website *64 Tianwang*, who was arrested in 2016 and sentenced in 2019 to 12 years in prison for investigating human rights violations committed by Chinese officials. Huang has suffered from a kidney ailment, heart disease and hydrocephalus. He has been deprived of family visits, and cannot see his ailing mother despite repeated appeals to the prison authorities.
- **Yang Hengjun.** An Australian political commentator, arrested in January 2019 in the southeastern Chinese city of Guangzhou, charged with “espionage” and tortured while in detention. Yang's trial was held in May 2021, but no verdict has yet been made public. In January 2023, Yang was allowed visits from his lawyers for the first time in months after the Covid-19 pandemic.
- **Cheng Lei.** A high-profile Australian business news anchor working for state media group China Global Television (CGTN), arrested under suspicion of “illegally supplying state secrets overseas” in August 2021. Lei was tried in March 2022, but no sentence has yet been made public. Foreign journalists and diplomats, including Australia’s ambassador, were denied entry to the courtroom during Lei’s trial. In January, Lei was allowed visits from her lawyers for the first time in months after the Covid-19 pandemic.
- **Li Yanhe.** Pseudonym Fucha, Chinese publisher based in Taiwan and host of a programme on public broadcaster Radio Taiwan International, detained incommunicado by the Shanghai police since March 2023. Li, born in China and based in Taiwan since 2009, had applied for a Taiwanese passport and was on a trip to Shanghai to cancel his Chinese citizenship, a formality requested by the Taiwanese immigration rules, when he suddenly disappeared. On 26 April 2023, Chinese authorities confirmed Li was being investigated for “national security”.
- **Ruan Xiaohuan.** A blogger better known by the pseudonym “Program Think”, sentenced on 10 February by Shanghai No. 2 Intermediate Court to seven years in prison for “inciting subversion of state power”. For twelve years, his personal blog gave advice on how to circumvent China’s “Great Firewall” of internet censorship and exposed the Chinese government’s malpractices. His wife is also missing, likely detained incommunicado, since advocating for her husband’s case.

2 - Media under Party control and the "Great Firewall" of censorship and surveillance

During its previous UPR in 2018, China supported as accepted and already implemented Recommendation 28.201 that it should “*remove restrictions on freedom of expression and press freedom, including on the Internet, that are not in accordance with international law.*” Nonetheless, as a pioneer of the massive use of new technology in monitoring and controlling the public, the Chinese state is on the point of becoming the world's first cyber-dictatorship.

The Cyberspace Administration of China (CAC), an institution personally supervised by Xi Jinping, has deployed a wide range of measures aimed at controlling the information accessible for China's one billion netizens. China's sophisticated system of online censorship, known as the "Great Firewall", keeps the country's Internet users away from foreign news websites. With the help of an army of censors and a virtuoso

use of new technologies, the Chinese authorities exercises control over information through the shutdown of sites, blocking access to IP addresses, filtering web pages and locking keywords on networks. Between April and May 2023 alone, the CAC closed over 100,000 social media accounts accused of misrepresenting the media or spreading “fake news.”

The Chinese Communist Party Publicity Department (CCPPD) implements propaganda guidelines adopted by the Central Committee’s Leading Group for Propaganda and Ideology Work. Since 2018, it has direct authority on press and publication activities. Every week it summons media editors to meetings, and every day it gives them a list of stories they should highlight and a list they should ignore, at the risk of sanctions.

3 - Repression campaign against journalists in Xinjiang

In 2018, China merely noted all recommendations regarding human rights and transparency in Xinjiang. Recently, the restrictions on media coverage of Xinjiang have led to an information blackout in the region, and as a result independent reporting has been mostly provided by media outlets based outside of the region. The few foreign journalists still allowed to visit Xinjiang are placed under close surveillance, cannot travel and interview freely and risk seeing their names in bold on the blacklist of journalists banned from entering Chinese territory if their reporting displeases Beijing. In August 2018, Megha Rajagopalan, China bureau chief of *Buzzfeed News*, was forced to leave the country after the non-renewal of her visa. The previous year, she had published a report describing Xinjiang as a “frontline laboratory for surveillance”.

Since launching a repression campaign in 2014 in Xinjiang, officially “against terrorism”, authorities have arrested several hundred Uyghur intellectuals, including many journalists. In July 2023, RSF counted 68 professional and non-professional Uyghur journalists detained in the region, including:

- **Ilham Tohti.** Uyghur journalist, scholar and founder of information website *Uyghur Online*, laureate of the Council of Europe’s Václav Havel Prize and the European Parliament’s Sakharov Prize, serving a life sentence for "separatism" since 2014 for criticising the government. He has been kept in a detention facility in Urumqi despite having a heart condition and lung problems.
- **Gulmira Imin.** Former administrator of the Uyghur language information website *Salkin*, sentenced to life in prison in 2010 for "separatism" and "disclosing state secrets" because she criticised the government. Her sentence was reportedly reduced to 19 years and 8 months in prison after she signed a forced written statement of remorse in 2017. She was reportedly tortured while in detention.
- **Erkin Tursun.** A Uyghur TV producer who has been detained since 2018, now serving a 20-year prison sentence in Xinjiang on charges of “inciting ethnic hatred, ethnic discrimination and covering up crimes”. In April 2021, he appeared in a video on Chinese state TV delivering a forced confession.
- **Qurban Mamut.** The former editor-in-chief of the popular Uyghur journal *Xinjiang Civilization*, who went missing in November 2017. In 2020, he was confirmed to have been sentenced to 15 years in prison for “political crimes”.
- **Xinjiang Daily journalists.** In 2018, Xinjiang police arrested **Ilham Weli**, *Xinjiang Daily*’s deputy editor-in-chief; **Memtimin Obul** and **Juret Haji**, directors at the newspaper; and **Mirkamil Ablimit**, the head of the newspaper’s subsidiary *Xinjiang Farmer’s Daily*, all on the accusation of publishing “two-faced” articles in the Uyghur language section of the newspaper.

4 - Downfall of press freedom in Hong Kong

In 2018, China supported as accepted and already implemented Recommendation 28.205, “*Guarantee freedom of expression, assembly and association including Hong Kong*”, as well as Recommendation 28.343, “*Uphold the rights, freedoms and rule of law embodied in the one country, two systems framework for Hong Kong*”. Yet press freedom in Hong Kong is in unprecedented decline, despite being guaranteed until 2047 in the Basic Law that commands the territory. Hong Kong ranks 140th out of 180 countries and territories in RSF’s 2023 World Press Freedom Index, having plummeted down the rankings from 18th place in just two decades.

The Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region, enacted on 30 June 2020, gives the Chinese authorities the means to harass and punish any journalist in Hong Kong with the appearance of legality and has the potential to be applied to any journalist writing on Hong Kong issues, no matter whether or not they are based in the territory (Article 38). Journalists face consequences as severe as life imprisonment and, although the word “extradition” is never mentioned, the law reserves the possibility for trials to be conducted in mainland China, where crimes against national security are punishable by the death penalty (Article 55).

Since the adoption of the National Security Law (NSL), at least eight independent media have ceased to exist, among which *Apple Daily* and *Stand News* were forcibly closed, while the others have ceased operations due to the climate of fear. Additionally, the National Security Law and other laws have been used to prosecute at least 28 journalists, 13 of whom are currently detained.

- **Jimmy Lai.** British citizen and 2020 RSF Press Freedom Awards laureate who founded Chinese-language newspaper *Apple Daily*, formerly one of Hong Kong’s few mainstream publications critical of the Chinese authorities. He has been detained since December 2020, in maximum security jail, and was sentenced to a total of 20 months in prison for attending four “unauthorised” pro-democracy protests in 2019 and 2020, as well as an additional five years and nine months for two counts of alleged fraud. Most alarmingly, Lai currently faces a possible life sentence under three NSL charges: two counts of conspiracy to collude with foreign countries and one count of collusion with foreign forces. He has also been effectively barred from representation by the lawyer of his own choosing during his trial, expected to start on 25 September 2023. Together with Jimmy Lai, six other *ex-Apple Daily* staff are accused of collusion with foreign countries and remain in detention, repeatedly denied bail two years after arrest.
- **Frankie Fung.** Co-founder of the award-winning online media outlet *DB Channel* that ceased operations in Hong Kong in November 2021. He has been in custody since February 2021 over accusations of “conspiracy to subversion” under the NSL.
- **Chung Pui-ken and Patrick Lam.** Editors-in-chief of former independent media outlet *Stand News*, both among those arrested when the outlet’s offices were raided in December 2021. They were detained for nearly a year before being granted bail at the end of 2022. They remain on trial for alleged “seditious publications,” which carries a maximum sentence of two years.

5 - RSF’s recommendations

5.1 - People’s Republic of China:

- Immediately release professional and non-professional journalists detained in connection with their reporting, and stop abducting, arresting, detaining, torturing, mistreating, searching and harassing journalists and defenders of freely reported news and information, in compliance with articles 37, 38 and 39 of the Constitution of the People’s Republic of China, which prohibit “unlawful detention”, guarantee “personal dignity” and declare the homes of citizens to be “inviolable.”
- Ratify the International Covenant on Civil and Political Rights.
- End the system of online censorship and surveillance of journalists, which constitutes a flagrant violation of the right of Chinese citizens to the freedom and privacy of correspondence guaranteed by article 40 of the Constitution of the People’s Republic of China.
- Ensure the independence of state and privately owned media as an application of article 35 of the Constitution of the People’s Republic of China, which guarantees “freedom of speech [and] of the press.”
- Stop blocking and censoring the dissemination of foreign media content in China.
- Do not impede the work of foreign reporters in China and provide them with accreditation in an open and transparent manner.

5.2 - Hong Kong Special Administrative Region of the People's Republic of China

- Immediately release 13 journalists and press freedom defenders detained in Hong Kong, including *Apple Daily* founder Jimmy Lai.
- End all legal harassment and intimidation of journalists and strive to protect journalists from all forms of violence, pressure, discrimination, unfair legal proceedings and all attempts aimed at preventing them from accomplishing their mission or weakening their ability to do so in accordance with international norms, especially the International Covenant on Civil and Political Rights.
- Implement measures in line with Article 19 of the Covenant on Civil and Political Rights, and take effective steps to guarantee a free, uncensored press as guaranteed in Article 27 of the Hong Kong Basic Law, including repealing any direct or indirect restrictions on freedom of expression, in particular for media outlets.
- Stop impeding the work of foreign reporters and provide them with work visas and accreditation in an open and transparent manner.

6 - Information On The Source Of The Communication

Reporters Without Borders (RSF)

CS 90247 75083 Paris Cedex 02

(0033) (0) 1 44 83 84 84

- Antoine Bernard, Director, Advocacy and Assistance - abernard@rsf.org
- Cedric Alviani, East Asia Bureau Director - calviani@rsf.org
- Aleksandra Bielakowska, Advocacy Officer - taipei7@rsf.org