Q. What kind of press access can journalists expect in covering events in China during the Olympics?

A. Through a decree signed by Premier Wen Jiabao in 2006, China issued Regulations on Reporting Activities in China by Foreign Journalists During the Beijing Olympic Games and the Preparatory Period (Regulations), which cover reporting activities by foreign journalists in the run-up to and during the Beijing 2008 Olympic Games (Olympics). The Regulations apply to foreign journalists covering the Olympics and “related matters,” and therefore do not apply to domestic journalists. The term “related matters” does not provide a clear description of permissible topics and may be used by authorities to restrict sensitive topics. On December 1, 2006, a Foreign Ministry spokesperson recognized that journalists will “also cover politics, science, technology and the economy,” but Chinese official practice and policy in implementing these regulations will need to be monitored for ongoing developments.

Q. Why were these Regulations passed?

A. In addition to responding to pressure from the international community and media, these Regulations appear to address one of the hosting commitments China made during the Olympic bidding process in 2001, when it promised that there would be “no restrictions on journalists.”

Q. How does the Service Guide for Foreign Media Coverage fit into all this?

A. The Beijing Organizing Committee for the Games of the XXIX Olympiad (BOCOG) recently published a Service Guide for foreign journalists interpreting the Regulations and providing information on policies and procedures ranging from visa applications to domestic travel, employing Chinese citizens and radio frequency coordination. However, journalists should take note of possible contradictions between the Service Guide and explicit provisions within the Regulations. For example, the Service Guide states that reporting activities can focus not only on the Olympics, “but also on politics, economy, society and culture of China.” Yet, the Regulations only allow coverage of the Olympics and vague “related matters.”

Q. Do the Regulations offer any substantive changes?

A. Reflecting a loosening of restrictions on foreign press, the Regulations state that foreign journalists need only obtain consent from organizations or individuals they wish to interview. This provision ostensibly eliminates a complex and inconsistent decades-old process that forced foreign journalists to seek permission from supervisory departments in order to interview particular subjects, especially officials and individuals deemed controversial by the government.

Q. What is the effective period for the Regulations?

A. The Regulations went into effect on January 1, 2007, and are set to expire on October 17, 2008, less than one month after the Olympics closing ceremony. One interpretation of this timeline is that the leadership is using this phase to experiment with measures that could lead toward more freedom of the press; another view holds that these changes are a temporary measure to appease outside actors, such as the International Olympic Committee, and that strict controls will be reinstated once the estimated 20,000 visiting journalists return home.

Q. What kinds of reporting equipment can journalists and other media staff bring with them?

A. The Regulations allow foreign journalists to bring a reasonable quantity of equipment with them, provided that (1) they apply for the appropriate permission, (2) the equipment is for their own use, and (3) it is removed from the country after their reporting is concluded.
journalists are also allowed to bring in, install and use radio communication equipment after obtaining approval. No explicit mention is made of equipment used by television and Internet reporters, including video cameras. Journalists working with major media networks, such as NBC, will likely be allowed to bring in their own equipment. However, the vagueness of this provision could signal official concern about activists using technical equipment to disrupt official broadcasts, such as a recent incident in Guangdong where hackers hijacked local television programming to display anti-Party messages.

Q. Are foreign reporters allowed to hire Chinese staff as assistants or researchers?

A. The Regulations allow foreign journalists to hire Chinese citizens to assist them in their work. However, journalists must use organizations that expressly provide services to foreign nationals. BOCOG has contracts with many such agencies, mostly foreign services centers with the stated aim of ensuring that “the legal rights of both foreign employers and Chinese employees are properly protected.”

Q. Do the Regulations cover journalists from Taiwan, Hong Kong and Macao?

A. Similar but separate regulations were issued on December 27, 2006 for journalists from Taiwan, and on December 30 for journalists from Hong Kong and Macao. As with foreign journalists, these “compatriot” journalists are allowed to interview any organizations or individuals who give consent during the regulation period, and can hire mainland citizens to assist them. In addition, journalists with valid Olympic accreditation cards are entitled to multiple reentries to the mainland. Taiwan, Hong Kong and Macao residents can use Resident Passes instead of visas, and will apply for equipment certificates at the relevant liaison office instead of at a foreign embassy.

Q. What is the significance of the Regulations in the broader context of freedom of expression and rule of law in China?

A. These Regulations do not exist in isolation, and their application must be assessed within the broader legal and political framework within which foreign and domestic journalists have been operating for years. Although Article 35 of the Chinese Constitution protects freedom of speech, most Chinese media organizations, even those not explicitly state-run, still have strong ties to the state, and all media, from newspaper to blogs, are allowed to publish only news that has already appeared in state-run media outlets such as the Xinhua News Agency. Regulatory tools that explicitly restrict and control expression include strict State Secrets legislation, revocation of Internet café licenses and the shutting down of newspapers, magazines, Web sites and other news sources when they cover politically sensitive issues. These restrictions are bolstered by state-of-the-art technical controls, including firewalls, proxy servers, ISP filtration software and surveillance.

Some recently implemented restrictions affecting the media include:

• A Supreme People’s Court ruling in September 2006 banning courts from releasing information that con-
Many laws and regulations exist more on paper than in practice, leaving journalists vulnerable to arbitrary enforcement.

Q. Have journalists faced any problems since the Regulations were passed?

A. Soon after the Regulations went into effect, many foreign reporters tested the limits of these new press freedoms. Some were able to report freely, while others have discovered that particular issues and regions are still too sensitive to expose to the spotlight of the foreign press corps. For example, a Reuters reporter was denied access to Shanghai human rights lawyer Zheng Enchong, because Zheng had been “deprived of his political rights.”

According to the Service Guide, foreign journalists are permitted to travel freely within China, provided they have the same valid visa or certificate as any other foreign traveler and only travel to places open to foreigners, as designated by the Chinese Government. These places include the Autonomous Regions, such as Tibet and Xinjiang, where all visitors still must attain travel visas.

Recently an American journalist wrote about the difficulty he had in gaining approval to travel and report in Tibet and the dressing down he received from the Foreign Ministry for going there. Despite a Foreign Ministry spokesperson’s assurance in December 2006 that the Regulations “are applicable to all provinces in China,” another Foreign Ministry spokesperson said in February 2007 that journalists could justifiably be restricted in Tibet because of “restraints in natural conditions and reception capabilities.” Authorities recently announced even tighter travel restrictions to Tibet after Americans staged a protest at a base camp on Mt. Everest.

Q. Are there any steps foreign journalists can take to protect their sources?

A. Journalists should obtain prior consent from the interview subject before any interview is conducted. In addition, reporters and staff should proceed with caution during interviews, especially concerning sensitive issues, since association with a foreign journalist can cause problems for local individuals.
Notes


2. Regulations, Article 2.


8. Regulations, Article 8.


11. Regulations, Article 5.


15. Provisions on Reporting Activities Carried out by Taiwan Journalists in the Mainland of China during the Beijing Olympic Games and Preparatory Period. Measures for the Reporting Activities in the Mainland Conducted by the Journalists of Hong Kong and Macau during the Beijing Olympic Games and Preparatory Period.


19. In this system, each publication would start with 12 points which would be deducted based on the seriousness of each violation, as determined by government officials, until they ran out of points and were punished accordingly. “RSF: Plans to put the press on a penalty points’ system,” Reporters Sans Frontiers, February 9, 2007, http://www.rsf.org/article.php3?id_article=20983.


22. Ibid, Article 11.


Correction