



## Centre for Air Power Studies (CAPS)

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# CHINA'S ANTI-TERRORISM ACT AND ITS IMPLICATION ON CHINESE MEDIA AND FREEDOM OF EXPRESSION

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China's record with reference to the 'freedom of press' and 'treatment of journalists' often comes under the scanner and past records as well as recent statistics point at the animosity between the government and the media. As per the recent statistics provided by Committee to Protect Journalists (CPJ) annual report China is the world's worst jailer of journalists in 2015. The norm of 'systematic imprisonment to silence criticism' is not new in China and recent anti-terror law tabled by the Chinese government has again brought China into the global debate of freedom of press and expression.

The article is an attempt to bring to light the Chinese journalism philosophy and discuss those clauses of China's Draft Anti-Terrorism Law, which is expected to further hamper the freedom of Chinese press and freedom of expression. At this point it will be necessary to understand the 'freedom of press' from the Chinese perspective. As we know, Chinese

political ideological foundation lies on the principle of Communism and Socialism blended with the Chinese characteristics, so does its media. The Chinese media is highly influenced by the government.

Unlike western journalism philosophy, which is based on libertarian press or social responsibility press concept, the Chinese philosophy of journalism is based on 'communist theory of the press' influenced by the ideologies of Karl Marx and George W. F. Hegel. The mass media in this set up is used as an instrument to propagate government's functioning, expand socialist ideology, discourage any criticism of ideology or government working, only to tow party lines, to be owned by the government. So the journalism's quest is not to find truth and bring it to public but to propagate party's policies, works and ideologies. Nevertheless, juxtaposing the western media philosophy with

Chinese media philosophy is like comparing two frames of references, which are mismatched.

To have a better understanding of the Chinese journalism philosophy, two statements by two different heads deserve mention. One of the statements made by Li Changchun, then head of propaganda in China in 2011 states that, "The journalistic front must have a high sense of political responsibility and historical mission, deeply studying, propagating and implementing the spirit of the sixth plenum of the 17th Central Committee in order to promote the great advancement and flourishing of socialist culture."<sup>1</sup>

Another statement by Hu Zhanfan, then head of China Central Television (CCTV), during one of the interactions at the event hosted by the China National Media Association in 2011 underscores that, "the first social responsibility and professional ethic of media staff should be understanding their role clearly as a good mouthpiece.....those who forgot this lesson 'would never go far'".<sup>2</sup> This statement clearly reflects the Chinese media scenario and reinforces the media philosophy of China.

Meanwhile in 2014 during anti corruption crackdown, key media personnel were hit badly. While highlighting the crackdown effect, Beijing political analyst Hua Po noted that, "The regime mouthpiece has been the hardest hit by corruption. CCTV, in particular, transferred assets to Zhou Yongkang when Li Dongsheng was

the former deputy director. Xi Jinping intends to control the power of the 'pen' by conducting a cleaning purge of the media."<sup>3</sup> Further he pointed that, "A number of high officials from the mouthpiece have committed suicide recently. There might be more 'suicides' or imprisonment. I don't think Xi Jinping can tolerate the mouthpiece becoming an independent kingdom."<sup>4</sup>

The recent China's Draft Anti-Terrorism Law, which has been labelled 'controversial' by western countries and raised concern in the 'global technology companies' has been seen as another step in the direction of restraining media. Following are the clauses which further strangle the freedom of press in China:

- One of the provisions (Articles 15 and 16 related to ISP<sup>5</sup>) in the draft, if enforced, will give Chinese government full access to scrutinise any virtual data, be it public, private or corporate transferred via domestic Internet in the name of investigating the data to trace terrorist activities. It will give unquestioned power to authorities to scan any data, be it emails, chat, cloud and dig information without any prior approval from the court. There is a concern that this free hand to access information without any prior approval, or check and balance may be abused in future. The move has been globally criticised, including by USA, which has its own track

record of snooping in clandestine operation, for example PRISM.

- In another move to suppress media in terms of the reporting, the new draft includes a provision that media and social media cannot report on details of terror activities that might lead to imitation, nor show scenes that are "cruel and inhuman" ("*no institutions or individuals shall report or disseminate details of terrorist activities that might lead to imitation.*"). No details of hostages, how authorities have responded to terror incidents or personal details of those on the scene are allowed to be reported without approval by counter-terrorism authorities.<sup>6</sup> This provision will fortify the censorship custom in China and make the journalistic task even more difficult, as any detail pertaining to conflict reporting, including the detail, which can be counter narrative to government's narrative, will face the brunt of the state.

- The term 'terrorism' has been ambiguously defined in the draft, which keeps the option open for the government to use this term and its interpretations as it wishes to do. "Terrorism here is defined in very vague terms," says Moritz Rudolf, an expert on China and terrorism at the Berlin-based Mercator Institute for China Studies (MERICS). "In accordance with the draft, a single tweet which causes an

outcry on social media could be classified as an act of terrorism."<sup>7</sup>

- Many analysts believe that the new law is a threat for 'freedom of expression'. Analyst Rudolf noted that the new laws would make it more difficult for media to report on terrorist incidents, as they include a clause stating that only outlets approved by the state's counterterrorism authorities can disseminate information about hostages or any reaction plans from the authorities.<sup>8</sup>

In response to the western concerns, *Xinhua* reported that Standing Committee of the China's National People's Congress has gone through third revision and called it "quite mature." Chinese foreign ministry spokesperson Hong while defending the Chinese stance noted that, "China's draft anti-terrorism law stipulates that teleservice operators and network service providers shall provide technical support such as technical interface and decryption to public and national security organs in their missions to prevent and investigate terrorist activities... This term will not restrict companies' lawful business, nor will it leave a backdoor open or infringe companies' intellectual property right and citizens' freedom of expression online." Nevertheless, how far the Chinese government will be able to prove its sincerity towards the press freedom and freedom of expression given the bad track record with its dealing with journalists remains to be seen.

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**(Disclaimer: The views and opinions expressed in this article are those of the author and do not necessarily reflect the position of the Centre for Air Power Studies [CAPS])**

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## Notes

<sup>1</sup> Moore, Malcolm. "Chinese Journalists Must Be 'mouthpieces' of the State." *Telegraph*. December 5, 2011. Accessed December 23, 2015, <http://www.telegraph.co.uk/news/worldnews/asia/china/8935774/Chinese-journalists-must-be-mouthpieces-of-the-state.html>.

<sup>2</sup> Ibid

<sup>3</sup> "Hundreds of CCTV Employees Under Investigation." *NTDTV*. June 02, 2014. Accessed December 23, 2015, <http://www.ntd.tv/en/programs/news-politics/china-forbidden-news/20140602/152709-hundreds-of-cctv-employees-under-investigation.html>.

<sup>4</sup> Ibid

<sup>5</sup> ISP is used here to refer both to "telecommunication service operators" and to "Internet service providers."

<sup>6</sup> Blanchard, Ben. "China Anti-terror Law May Restrict Media Reporting on Attacks." *Reuters*. December 22, 2015. Accessed December 23, 2015. <http://www.reuters.com/article/china-security-idUSKBN0U50MK20151222>.

<sup>7</sup> Chan, Cherie. "China Set to Pass Controversial Anti-terrorism Law." *Deutsche Welle*. December 22, 2015. Accessed December 23, 2015. <http://www.dw.com/en/china-set-to-pass-controversial-anti-terrorism-law/a-18935003>.

<sup>8</sup> Ibid