

Administrative Censorship Online : Necessary Evil?

Jiwon Sohn

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Korean Online Censorship System - KCSC's "Correction Request"

- ▶ 9 members, appointed by President
 - ▶ 6 are nominated by the ruling party, 3 by the opposition
- ▶ The compliance rate of almost 100%
- ▶ Reviewing about 1,500 cases per meeting
- ▶ About 150,000 takedown decisions in 2015

Standard of Takedown Decision

- “Nurturing Sound Communications Ethics”

- ▶ Not only the ‘illegal’ contents, but also ‘harmful’ contents
- ▶ “Using excessive swearing or vulgar language”
- ▶ “Violent, cruel, or disgusting content”
- ▶ “Incitement of social unrest”
- ▶ “Impeding social integration by slandering or ridiculing particular class”
- ▶ “Distorting the history against the constitution”
- ▶ “Harming the international peace and order or friendly relationship between countries”
- ▶ “Glamorizing criminals or crimes”
- ▶ “Promoting or justifying superstition or other unscientific way of life”

Determination of “Illegality” by the Administrative Power

- ▶ "Newspaper Advertiser Boycott Case"
 - ▶ Postings that campaign boycott targeting to the advertisers of pro-government newspapers.
 - ▶ For the reason that kind of secondary boycotts is illegal.
- ▶ “Waste Cement Case”
 - ▶ An article exposing the environmental harms of cement manufactured in Korea.
 - ▶ For the reason of defamation for the Korean cement manufacturer
- ▶ Blocking the website “4shared.com”
 - ▶ The file sharing website "4shared.com" which provides searching, streaming service.
 - ▶ For the reason of infringement of copyrights

Risk of Abuse by the Government

- ▶ Blocking the twitter account
 - ▶ which sounds like an epithet against the then president Lee,
 - ▶ for the reason of "using excessive swearing"
- ▶ Deletion of posting that blames the government's incompetence
 - ▶ Contained some swearing to the president and high ranking officials
- ▶ Deletion of posts containing photographs of the supposedly dead body of a public figure
 - ▶ for the reason of "cruel, disgusting content"
- ▶ "Incitement of social unrest"
 - ▶ Posts claiming NIS was involved in and responsible for the national tragedy
 - ▶ Posts claiming that South Korean government has fabricated incidents of North Korean aggression

Can “Cultural Soundness” be Determined by the Administrative Body ?

▶ Korean Constitutional Court’s Decision

Diversity and moral relativism form the fundamental principles of a democratic society.

It would distort the free market of ideas and the press if a state could freely wield its power to decide what expression to allow and what to ban based on such relative and variable concepts as "public peace and order" or "social morals and good customs.

The state could abuse such power to achieve certain political or ideological goals, and any criticism toward the head of the state would be regulated for being harmful to "public peace and order."

The government should not be the primary organ to judge whether certain expression or information is valuable or harmful and that such judgment should be left to the self-correction mechanism inherent in a civil society, that is, competition of ideas and opinions.

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