

2019 Open Net Annual Report

2019 Highlights

January 10 [Open Net submitted an opinion](#) on a bill imposing monitoring and takedown obligation on online service providers for defamatory contents to the National Assembly. Open Net believes that the bill should be abolished as it is highly likely to infringe on the citizens' freedom of expression and the right to information by imposing a heavy burden on online service providers and making them excessively censor contents that are criticizing public figures or legitimate consumer reviews.

January 17 [Open Net submitted an opinion](#) on a bill imposing monitoring and takedown obligation on special types of online service providers (i.e., "web-hard" or cyberlockers) for illegal videos to the National Assembly. Such a bill imposes a general monitoring obligation that aggravates private censorship by the service providers and thus infringes on users' freedom of expression.

January 24 [Open Net submitted an opinion](#) on the Broadcasting Act bill regarding OTT regulation to the National Assembly. The bill doesn't define "broadcasting" clearly, and contents distributed online shouldn't be regulated as "broadcasting." Regulation on the content creators including Internet companies and users will in the end damage freedom of expression and users' interests.

January 31 The Sentencing Committee of the Supreme Court enacted a stricter "Sentencing Standard for Crimes of Defamation." Open Net published an opposing statement because such sentencing standard imposing heavier punishment on defamation and insult is against the international norm and threatens freedom of expression. On February 11, Open Net attended a public hearing held by the Sentencing committee and [submitted the opposing opinion](#).

February 9-10 Open Net General Counsel Kelly Kim was invited to [the 1st LAWASIA Human Rights Conference](#) held in New Delhi. The International Association of Korean Lawyers (IAKL) provided financial support for the trip. She gave [a presentation](#) on four privacy cases to describe how she as a human rights lawyer has been fighting for digital rights in Korea.

February 13 Recently, in Korea, some argue that the net neutrality principle should be eased in the 5G Era. [Open Net invited a European expert on net neutrality](#) to hold a seminar to learn from the EU which protects net neutrality very strongly. Frode Sørensen, who was the co-chair of the 2010-2018 BEREC Net Neutrality Expert Working Group that drafted the BEREC Net Neutrality Guidelines and report in 2016 and Senior advisor of Nkom, talked about net neutrality in EU, and the panel debated on the direction Korean net neutrality regulation should be headed.

February 13 [Open Net published a statement](#) criticizing the Korea Communications Commission (KCC) and the Korea Communications Standards Commission (KCSC) for adopting Server Name Indication (SNI) fields filtering technology to block illegal websites. SNI filtering infringes on the communications privacy of users as SNI filtering requires the state and ISPs to snoop on private communications. Moreover, Open Net has continuously been raising the problem with the KCSC's arbitrary online censorship that infringes on freedom of expression and the right to access information by blocking legitimate information as well as illegal information.

February 26 "[Bad Fathers](#)" is a website posing a list of parents who are not paying child support ordered by the court. Prior to the KCSC's deliberation on the blocking of the website for privacy issues, Open Net released a commentary that the website should not be taken down as it contributes to the public interest. The KCSC decided not to take down "Bad Fathers," and [Open Net welcomed the decision](#) and asked the KCSC to be more conscious of freedom of expression in its deliberation.

February 27 [Open Net released a statement](#) on the Facebook-SK Broadband dispute over the access fee. The dispute was caused by the 2016 Interconnection Regulation that made paid peering compulsory. Open Net requested the government to remand the regulation as it threatens net neutrality.

February 28 Open Net was appointed as a member of the '5G Communication Policy Council' under the Ministry of Science and ICT in September 2018. The Council was launched in October 2018 and closed in March 2019. [Open Net published a letter](#) to the Council suggesting policies based on the net neutrality principle.

March 1 [Open Net submitted an opinion](#) on a bill making it mandatory for messenger service providers to register as a value-added communications business. Open Net opposes the bill because it creates entry barriers and puts an excessive burden on small businesses and startups.

March 4 Open Net held a press conference for Martyn Williams, a British reporter and the operator of [northkoreatech.org](#), a website covering North Korea's ICT issues. The National Intelligence Service (NIS) reported northkoreatech.org to the KCSC as an illegal website, and on March 24, 2016, KCSC accordingly decided to block access to the website as it violated the National Security Act only because it contained information on North Korea. Mr. Williams filed a lawsuit against KCSC to cancel the blocking decision, and [Open Net and the Korea Internet Transparency Reporting Team provided legal support required](#). In October 2017, the Seoul Court of Appeals ruled that the Korea Communications Standards Commission (KCSC)'s decision to block access to the "North Korea Tech" website is unlawful, and canceled the decision.

March 12 [Open Net submitted an opinion](#) supporting a bill restricting the scope of the crime of truth defamation.

March 27 [Open Net released a statement](#) welcoming the Seongnam Court decision of acquittal of Suroo LEE, former CEO of Kakao who was criminally charged for not taking enough measures to prevent child pornography on 'Kakao Group' service. [Open Net had criticized](#) the Prosecutors' Office for the indictment. The decision largely referred to Open Net's comments on the intermediary liability regarding the case and Open Net sees the decision as a good precedent regarding platforms' responsibility for illegal contents.

April 1 Three political parties including the ruling party The Minjoo proposed the Special Act on the May 18 Democratization Movement that punishes a person who spreads ‘falsehood’ about the Movement. [Open Net published a statement](#) saying that such law should be carefully designed and [submitted an opinion against the bill](#) to the National Assembly.

April 22 [Open Net and PSPD \(People’s Solidarity for Participatory Democracy\) jointly held a press meeting](#) of two international experts on freedom of expression to discuss the recent controversies around the Druking/Kim Kyung Soo online opinion rigging case, the 1980 Kwangju massacre denial bill, and finally the Chunggyecheon Berlin Wall graffiti case. The first expert, Professor Andrew Koppelman of Northwestern University School of Law, the inaugural recipient of 2019 Association of American Law Schools’ Hart-Dworkin Award, has published influential works on freedom of speech, LGBT rights, and religion, which have obvious repercussions for the issues that the Korean society faces now. The second speaker, Andra Matei, the founder of Avantgarde Lawyers, an international artists’ rights advocacy organization, spoke on how the pending April 23 trial on Taeyong Chung, the artist who painted a graffiti over the Berlin walls erected on Chunggyecheon, should be analyzed under international human rights standards.

April 23 Open Net and 24 artist groups released a joint statement demanding the enactment of the Copyright Act reform bill on the World Book and Copyright Day. Heesob NAM, former President of Open Net, drafted the bill and MP Woongrae ROH proposed the bill in November 2018. The bill aims to eliminate unfair copyright contract practices so that artists could be fairly compensated for their works.

April 24 [Open Net published a statement](#) criticizing a bill compelling online service providers to secure “adequate network capacity” because such an obligation violates fundamental principles of the Internet structure.

May 9 As a result of the Constitutional Court of Korea’s ruling on cases 2012Hun-Ma191, 2012Hun-Ma538, the Korean Department of Justice submitted an amendment to the ‘Protection of Communications Secrets Act’ to the Legislation & Judiciary Committee of the National Assembly. However, the proposed amendment interprets the Constitutional Court’s ruling in the narrowest possible way and is thus not in line with the constitution or the basic principles of the Protection of Communications Secrets Act. Thus, Open Net [published a public statement](#) and [submitted an opinion](#) to the National Assembly requesting that the government withdraw the proposed amendment and provide a new bill strengthening the qualifications for the procurement of communications data to better serve the citizens’ privacy of correspondence.

May 14 Open Net joined a coalition of 97 NGOs for the preparation of the NGO report on the fifth periodic report to the International Covenant on Civil and Political Rights and drafted sections on net neutrality, truth defamation laws, insult laws, and the smartphone monitoring law.

May 16 Open Net [submitted an opinion](#) to the National Assembly opposing Representative Wansu PARK’s proposed bill that calls for aggravated punishment of cyber insult. Criminal insult laws rely on one’s subjective feeling of worth and are not in line with international standards. Raising the punishment for insulting someone through the Internet is even more problematic in today’s society where the Internet has become such an important method of communication. Open Net argued that the unconstitutionality of the bill warrants its withdrawal.

May 21 Open Net conducted preliminary research on Kakao and Samsung for Ranking Digital Rights (RDR) and released its findings regarding the [2019 Corporate Accountability Index](#). RDR ranked a total of 24 companies in 2019, 12 of which included internet and mobile service companies such as Microsoft, Google, Facebook, Twitter, with the rest being telecommunications companies such as AT&T, Vodafone, and Telefónica. Kakao and Samsung were ranked in the internet and mobile service category with Kakao coming in in 6th place and Samsung coming in in 9th place respectively.

May 28 Open Net filed a request for information disclosure to the Korea Communications Standards Commission regarding its internet contents deliberations in 2018 and [released the contents of the information provided by the KCSC](#). Internet content deliberation is a system where the KCSC deliberates on the contents of posts and websites that are available on the internet and decides whether to put in a request to have them taken down. The KCSC deliberated on a total of 252,166 cases and issued a corrective order to 238,246 of them, 187,980 (74.5%) of which were done through the blocking of access to the site.

June 5 Open Net [submitted an opinion](#) to the National Assembly opposing Representative Taekeung HA's proposed amendments to the 'Information and Communications Network Act' that calls for the shutdown of WOMAD, a radical feminists' online community. The bill aims to criminally prosecute those who post criticisms or insults online on the topics of 'sex, age, home town, skin color, disability', and the operators of the websites. It also allows the website to be shut down should such posts take up more than 20% of the posts that are made on the website. Open Net argued that the bill uses an abstract and unclear standard to regulate online free speech and that the threat of criminal prosecution and the shutting down of a whole website for such reasons is unconstitutional.

June 6 Open Net was awarded [Special Consultative Status from the United Nations Economic and Social Council \(ECOSOC\)](#). In 2018, 67 NGOs received the Special Consultative Status in South Korea. Open Net was the only digital rights NGO to receive the Consultative Status. Consultative Status provides NGOs with access to ECOSOC and its many subsidiary bodies, various human rights mechanisms of the UN, and special events organized by the President of the General Assembly. It also allows Open Net to be an observer in the Human Rights Council of the UN. Having made great advances in just 6 years of its creation, Open Net will continue to work actively in both domestic and international arenas.

June 11-14 Open Net participated in RightsCon 2019 held in Tunis, Tunisia. Legal Counsel Jiwon Sohn provided insight on the current status of regulations in Korea regarding news with false information as a panel on the session titled [How Small Countries Survive: A Human Rights Dilemma with Respect to Asymmetrical Disinformation War](#). During the session, the push for regulations in South Korea, Taiwan, Cambodia, Tunisia similar to that in Europe, the United States, and other nations around the world was discussed. ([A Report on Attending RightsCon 2019](#))

Director KS Park spoke at five different sessions on the topics below.

1. [5G network slicing and its arguments – K.S. Park at Rightscon 2019 Tunis session: “Millimeter Waves, Small Cells, Beamforming, Oh My? Anticipating and addressing human rights impacts in a 5G environment”](#)
2. [Face recognition strategies – K.S. Park at Rightscon 2019 Tunis session “You’re Not Just a Pretty Face: Biometric surveillance has moved beyond face recognition -how do we stop it?”](#)

3. [Cybercrime laws and human rights – K.S. Park at Rightscon 2019 Tunis session “Aligning Cybercrime laws with International Human Rights Standards”](#)

June 21 Open Net and the GSOK co-hosted a seminar titled [“WHO’s Inclusion of Gaming Disorder in the International Classification of Diseases and Freedom of Speech”](#). The goal of the seminar was to discuss the issue from many different viewpoints to better understand its problems in the area of free speech and regulation integration. Open Net had joined the May task force to oppose the WHO’s inclusion, and subsequently also participated in the July task force. There are 61 institutes and public institutions and 33 universities in the task force.

June 24 Jean-Gabriel Ganascia, the leading French expert in artificial intelligence, spoke at a seminar hosted by Open Net and the embassy of France. Together with Philosophy Professor Sang Wook Yi of Hanyang University and member of UNESCO Bureau of the World Commission on the Ethics of Scientific Knowledge and Technology, and Professor Kyung-sin Park of Korea University Law School, Jean-Gabriel Ganascia [gave a talk and discussed with the panel](#) about artificial intelligence that internalizes prejudices and discriminations of human beings and the moral problems that it poses. The panel also discussed the effects the artificial intelligence’s preconceptions will have on our society.

June 25 Open Net [submitted an opinion](#) to the National Assembly opposing amendments to the Press Arbitration Act that enables the blocking of access to Internet news articles when requested by a harmed party. This bill allows Internet news articles to be blocked without going through the judicial process. Open Net argued that the bill is not in line with the goal of the Press Arbitration act and must be withdrawn due to the danger to free speech it poses.

June 28 In cooperation with Representative Dongkeun SHIN, Representative Woongrae ROH, Commons Foundation, and the Culture and Art Workers Alliance, Open Net co-hosted [a seminar held in the National Assembly on Copyright Act reform and its adoption to protect creative workers](#). Open Net drafted an amendment to the Copyright Act with Representative Roh to help improve the harsh working conditions of creative workers and the [bill was proposed by Representative Roh in November 2018](#). The seminar reaffirmed the need for such amendments to the Copyright Act in order to protect the rights of creative workers. It also examined case studies on the invigoration of the culture industry through Copyright Act reforms. In addition, Open Net [funded “the Future of Copyright Act Creative Workers Want” forum](#) hosted by the Culture and Art Workers Alliance on June 4, 2019.

July 2 There was a heated debate on whether Representative Khang Hyoshang’s decision to release the contents of the conversation between President Moon and President Trump is a divulgence of diplomatic secrets or public interest whistleblowing. Open Net invited Professor Ashutosh Bhagwat of UC Davis Law School to join Open Net remotely for a [press release](#) and discussed this issue in the viewpoint of free speech.

July 5 The 8th Korea Internet Governance Forum (KrIGF) hosted 9 workshops on issues that the internet communities recommended under the slogan of “Sustainable Internet, Governance Together”. Open Net co-hosted the event and [held workshops on the issues of Net Neutrality and Open Data Analysis](#).

July 9 Open Net Director KS Park gave a lecture on the topic of [“Social Media Governance”](#) during the Asia Pacific School on Internet Governance(APSIG) held on July 7 to July 10.

July 11 11 Korean NGOs, including Open Net, held [a press conference](#) in anticipation of the UN Special Rapporteur on the Right to Privacy Joseph Cannataci’s visit to Korea. The NGOs presented a report on the current status of privacy in Korea in an effort to urge the Korean government to improve its regulations on the matter, and briefed the press on the importance of the UN Special Rapporteur’s visit.

July 11 Professor at Korea University Law School and a co-founder and director of Open Net Korea, Kyung-Sin Park has been [appointed to the Global Media Freedom Initiative’s High-Level Panel of Legal Experts for 2019/2020](#). The High-Level Panel is an independent body convened at the request of the United Kingdom and Canadian governments and chaired by Lord Neuberger, former President of the UK Supreme Court.

The panel of legal experts will examine legal and policy initiatives that states can adopt to improve media freedom, including supporting governments to repeal legislation that is outdated or restricts media freedom, and promoting best practice and model legislation to protect a vibrant free press. Open Net Director Kyung-Sin Park will take charge of Internet regulations and truth defamation laws in association with Korea University Law School’s Clinical Legal Education Center.

July 19 Open Net [submitted an opinion](#) to the National Assembly opposing the Telecommunications Business Act bill that aims to expand reasons for warrantless access to subscriber data. Warrantless access to subscriber data allows investigators to collect user data without oversight from the judicial branch and infringes the right to information self-determination. It is even more problematic in that there are no provisions requiring the investigators to inform the users before or after their data has been collected. As a result, there is a constitutional claim against such warrantless access to subscriber data and there are many other proposed amendments to the Telecommunications Business Act bill aiming to rectify this problem. The proposed bill in question must be withdrawn as it aims to broaden the scope of warrantless access to subscriber data even though the constitutionality of the system is in question.

July 24 Open Net [submitted an opinion](#) to the National Assembly opposing a bill on the Criminal Act that creates the crime of insult of the deceased. Criminal insult laws rely on one’s subjective feeling of worth and are not in line with international standards. Expanding its scope to the deceased compounds the problems of unconstitutionality and will also make it difficult to criticise historical figures. Open Net argued that the bill must be withdrawn as it will bring a chilling effect and infringe free speech.

July 26 Mr. Joseph Cannataci, the UN Special Rapporteur on the Right to Privacy, made an official visit to South Korea from July 15 to 26. After a press conference, the Special Rapporteur shared his insight on the topic of [government censorship in Korean society and protection of personal information in the digital era](#). The event was co-hosted by Open Net and 10 other NGOs.

July 26 Open Net [submitted an opinion](#) to the National Assembly opposing a bill on the Criminal Act that chills investigative journalism and reports of illegal activities. The bill aims to criminally prosecute the recording of conversations or the taking of photos even though such recording of one’s

activities does not directly lead to privacy infringement. The bill would bring about a chilling effect on investigative journalism and infringe the public's right to know and thus must be withdrawn.

July 29 The operator of a website by the name of 'Bad Fathers' that helps parents receive child support from uncooperative parties has been indicted for 15 counts of criminal defamation. Open Net is part of the legal team that is representing the website operator. The trial date is set for November 15, 2019.

August 2 Open Net released a [public statement](#) opposing proposed amendments to the Broadcasting Act that aims to incorporate OTT Business Operators under its regulatory scope and [submitted an opinion](#) to the National Assembly.

Open Net has continuously [voiced out its concerns](#) over attempts to incorporate Internet media into the Broadcasting Act's regulatory scope, including the previously proposed January Broadcasting Act bill. Open Net had [submitted an opinion](#) to the National Assembly in opposition of the January bill as well. The Internet is fundamentally different in nature and such regulation can seriously infringe free speech. Open Net called on the National Assembly to reconsider, as the newly proposed bill fails to identify such issues and rather expands the scope of OTT subjected to the Broadcasting Act.

August 2 Mr. Joseph Cannataci, the UN Special Rapporteur on the Right to Privacy finished his official two-week visit on July 26, 2019. Open Net had put in a request for the UN Special Rapporteur to come to visit since March 2016 and hosted the Special Rapporteur as a contact person for the Korean civil society. Open Net, together with other civil society organizations, published an [official statement](#) regarding the visit.

[The UN Special Rapporteur on the Right to Privacy advised](#) that requests for metadata from the police and intelligence services be processed through judicial systems. Open Net had procured a concluding observation by the UN Human Rights Committee back in November 2015 in conjunction with other civil societies that echoes the same concern and urges that the state "should inter alia ensure that subscriber information may be issued with a warrant only". Open Net is currently in the middle of a civil suit against government agencies that receive subscriber information without warrants.

August 20 Open Net released a public statement in solidarity with other NGOs condemning former judge Lee Jung-yul for insulting Media campaign center of the Korean WomenLink Director Yoon Jungjoo who had actively fought for gender equality in media before she recently passed.

August 23 The Administrative Court has ruled in favor of the Plaintiff in a suit Facebook filed against the Korean Communications Commission. Open Net [published a statement](#) welcoming the ruling and called on the government to stop its efforts to hold content providers responsible for the cost and challenge of transmission of information and abolish the use of terminologies such as "sender-pay rule", and "network use fee".

August 26 A [Game Industry Promotion Act bill](#) intended to criminalize "boosting" was promulgated on December 24, 2018 and entered into force on June 25, 2019. The law bans game users from "disrupting normal gaming activity by obtaining for others scores and/or results using the methods that the game-products-related enterprise has not approved or arranged such transactions as part of one's vocation" and punishes such acts by imprisonment for not more than two years, or a fine of not more than twenty million won. The criminalization of game boosting sets a dangerous

precedent where criminalization intrudes into the private lives of citizens and infringes the right to free speech. As such, Open Net released [a statement](#) calling for the game boosting punishment law to be repealed.

August 29 The police announced that they had identified over a hundred suspects following Representative NA Kyungwon's complaints against those who had commented on the internet calling her names such as 'betrayer of our country', and 'Nabe'. It is deeply troubling that politicians and prominent figures use insult laws to stifle the public's critical opinions. Open Net [urged Representative NA Kyungwon to drop her complaints](#) against those who have written internet comments about her, and called on the National Assembly to pass [Representative KEUM Taesup's proposed amendment to the Criminal Act](#) that abolishes criminal Insult laws. In addition, Open Net is providing free legal aid to those who have been indicted for insulting Representative Na.

- **December 11** Open Net provided legal assistance to those who had criminal complaints filed against them for allegedly insulting Representative NA Kyungwon and represented one individual in court. Open Net was successful in getting a disposition of non-prosecution for the individual and published [a public statement](#) welcoming the result.

August 29 Seoul Gangbuk Police Station announced on August 13 that it had initiated an international police cooperation process after locating the person who had posted threats to kill President Moon on an online platform called Ilgan Best on August 3. The person in question posted a series of pictures of guns and bullets, and photoshopped pictures of President Moon with the caption "I have obtained illegal firearms to kill President Moon". A Quick police investigation revealed that the picture had been a copy of an old picture that had been posted on a different website in 2015. However, the police is pursuing defamation charges. Open Net [called for an end to such investigations](#), as it is essentially a revival of old "Insult to Head of State" laws that have already been ruled unconstitutional by the Constitutional Court of Korea in 2015.

September 3 Open Net held a press conference for the publication of the 2019 Korea Internet Transparency Report. The Korea Internet Transparency Report is funded by Open Net and Google, and the research is conducted by Korea University Law School's Clinical Legal Education Center (CLEC) and the research team at the Korea Internet Transparency Report.

The research team announced the results of their research in four major Internet Monitoring Measures including the Communications Restriction measure, Requests, etc. for Providing Data for Confirmation of Fact of Communications, Providing Communications Data, and search-seizure. The research was conducted with data released by the government (Ministry of Science and ICT, the Korea Communications Standards Commission. Parts not released by the government were substituted with information in the Transparency Reports of Naver and Kakao, the two leading companies in the area). The research team also made recommendations on improving the level of transparency.

September 5 On July 4, 2019, David Kaye, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, expressed concerns over the Korean government's new policy of blocking websites through SNI Filtering and urged the Korean government to ensure that any restriction on freedom of expression is consistent with Article 19 of the International Covenant on Civil and Political Rights ("ICCPR") and related human rights standards.

Open Net released the [Special Rapporteur's mandate](#) and provided [criticism](#) of the Korea Communications Commission's response to the mandate.

September 6 In June 2016, Open Net, representing 22 people, filed a State Compensation Lawsuit against the National Intelligence Service, Seoul Metropolitan Police Agency, Incheon Metropolitan Police Agency, and other Investigative Agencies for receiving personal information of citizens from SK Telecom, KT, and LGU+ without a warrant. The Court of First Instance and the Court of Second Instance ruled against Open Net. Having filed for an appeal on September 6, Open Net is currently awaiting the ruling from the Supreme Court and has [publicly announced all developments](#) in the case.

- **November 22** Open Net released a [public statement](#) requesting that the Supreme Court right the wrongs of the appellate court.
- **December 27** The Supreme Court rules against Open Net.

September 16 On August 12, 2019, a Korean rapper who goes by the name of Black Nut was sentenced to 6 months in jail and two years of probation for insulting a fellow rapper in the lyrics to a rap song. Open Net [condemned the ruling](#) as being deeply concerning in that it may open up the door to more artists being criminally prosecuted for exercising their freedom of expression through art. Criminal insult laws rely on one's subjective feeling of worth. The application of criminal insult laws may influence artists' ability to create art. Hip hop artists within Korea will now feel the need to go through self-censorship before they release diss tracks.

September 20 On March 2018 Cho Kuk, the Minister of the Ministry of Justice, had filed a complaint regarding criticisms posted on an online blog by a man in his seventies. The blog contained criticisms about the Minister's work during his years as a Senior Secretary for Civil Affairs in the Blue House. The court of the first instance has since found the man guilty of criminal defamation. Open Net put out a [public statement](#) urging the Minister of the Ministry of Justice to halt the prosecution of those who are under investigation for defamation regarding comments on the Minister himself in a show of support of citizens' right to exercise their freedom of speech in speaking out against public officials' without fear of criminal prosecution.

September 23 The 82nd Session of the UN Committee on the Rights of the Child ([CRC](#)) was held at the United Nations Office at Geneva (Palais Wilson) from 9 to 27 September 2019. During the Session, CRC considered the fifth and sixth periodic reports submitted by the Republic of Korea. Open Net joined a coalition of NGOs in preparation for the 82nd Session and participated in drafting and submitting [a report on child privacy](#). It has also participated in the CRC RoK Task Force meeting, CRC members meetings, and the RoK state report consideration sessions. Open Net was successful in raising awareness on the use of closed-circuit cameras inside schools and the infringement of students' privacy.

September 25 The UN Committee on the Rights of the Child (CRC) released the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC) on September 10 and [officially released](#) it on the 26th. Before its release, Open Net [submitted an opinion](#) to the CRC voicing out its concern over the OPSC's inclusion of virtual child pornography in 'child pornography'.

September 27 Open Net submitted an opinion to the National Assembly opposing the [Information and Communications Network Act reform bill](#) attempting to criminalize the purchase of tickets using automated programs. The bill criminalizes the purchasing of tickets for profit using “automated programs” with up to 1 year of jail time. Those who purchase tickets using “automated programs” face administrative fines even when the tickets were not obtained to gain profits. The wording of the bill is not clearly sufficient for the average person to determine what constitutes “automated programs”, and “tickets for shows and sports events” that are banned through this bill. Open Net urged the National Assembly to strike down this vaguely worded bill that aims to criminalize the use of value-neutral technology.

[▶ Open Net’s Opinion Submitted to the National Assembly \(written in Korean\)](#)

October 1 A middle school teacher in Kwangu by the name of BAE-LEE Sangheon was indicted for airing a short film called <Oppressed Majority> by director Eléonore Pourriat. Open Net released [a statement](#) urging the prosecution to stop its investigation on the matter as it infringes free speech; it should be up to professionals in the field of education to decide on the matter.

October 1 On September 24, the Court of Justice of the European Union ruled that the operator of a search engine is not required to carry out a de-referencing on all versions of its search engine (Case C-507/17 Google LLC, successor in law to Google INC. v Commission nationale de l’informatique et des libertés (CNIL)). Open Net, along with Article 19, Human Rights Watch, the Electronic Frontiers Foundation, and two other organizations, had submitted an amicus brief to the Court of Justice of the European Union in 2016. Open Net published [a statement](#) welcoming the Court’s decision.

October 4 Open Net hosted a conference with special host David Kaye, the UN Special Rapporteur on Freedom of Expression on October 4 (Fri) 10:30 ~ 17:30 on the topic of [‘The Current Status of Freedom of Expression in the Republic of Korea’](#). The conference, partially funded by Uguisu Ribbon Campaign, provided a forum of discussion amongst domestic and international experts on freedom of speech in Korea in relation to international trends. The topics discussed included 1. South Korea’s special regulations on digital freedom of expression, 2. whether current truth defamation laws or insult laws that criminalize the act of speaking out about the truth or expressing one’s subjective opinions are in accordance with the Constitution and international human rights laws, 3. the role of the government in the highly-debated issue of virtual child pornography and real dolls. ([Presentation Materials/Summary](#))

October 3 The UN Committee on the Rights of the Child released its [final opinion](#) on the current status of human rights of children in South Korea after considering the fifth and sixth periodic reports submitted by the Republic of Korea.

Open Net joined a coalition of NGOs in preparation for the 82nd Session and participated in drafting and submitting a report on child privacy. It has also participated in the CRC RoK Task Force meeting, CRC members meetings, and the RoK state report consideration sessions. Open Net was successful in raising awareness on the use of closed-circuit cameras inside schools and the infringement of students’ privacy. As a result of Open Net’s efforts, the UN CRC made its first-ever recommendation on child privacy rights.

October 4 In alliance with 65 civil societies in South Korea, Open Net spoke out at a press conference in solidarity with the people of Hong Kong and released a [public statement](#).

October 21 Prosecutor General Yoon Seok-youl filed a complaint calling for the prosecution of Hankyoreh reporters for criminal defamation. Open Net published [a public statement](#) pointing out that the head of the Supreme Prosecutor's Office's filing of a personal complaint will have a great chilling effect on free speech and called for an end to the investigation.

October 28 The Korean National Police Agency's Cyber Bureau and the United States' Department of Justice announced the results of their joint investigation on Welcome To Video (W2V), a site on the dark web that distributed child sexual abuse content. The operator, a 23 year old Korean national, was sentenced to 18 months in prison. The vast majority of the 223 other Koreans that have been indicted seem to have gotten off with just a fine or probation. Open Net denounced the Courts' continued leniency towards those who have been indicted for sexual crimes against children and [published a statement](#) calling for the strict enforcement of the law in line with international human rights standards. In addition, Open Net argued that there is a strong need to distinguish clearly between child sexual abuse content and virtual child pornography, as is the case in the United Kingdom and the United States of America so that more effective aid would go to children in need in the former case.

October 29 Open Net kicked off its ["Protecting WOMAD for Gender Equality and Digital Intermediary Liability Safe Harbor"](#) campaign. Digital Intermediaries provide a free arena for the free flow of ideas and the international community has established [the principle of intermediary liability safe harbor](#). Open Net is starting a [petition](#) and [fundraiser](#) to help provide legal aid to the operator of WOMAD who is unable to return to Korea for fear of unfair criminal prosecution.

October 29 Every Tuesday at 7 pm through 9 pm from October 29 to November 19, Open Net is hosting the 6th session of Open Net Academy on the topic of ["The Internet and Feminism"](#). Open Net sees the need for a different approach to Internet regulations than the current black and white approach. Hence, during the four sessions, Open Net will explore 6 prominent feminists theories to better understand the issue of gender, sex, sexuality, and women. Open Net will invite various legal scholars and professionals in the field to discuss methods of reducing conflict.

November 1 Open Net had challenged the real-name system for mobile phones in November 2017 arguing that the system infringes users' right to anonymous communications and informational self-determination. The Constitutional Court of Korea ruled against the complainants in a 7:2 decision ([2017Hun-Ma1209](#)). Open Net released a [statement](#) expressing deep regrets, urging the government to move forward on improving the law to address the concerns raised by the 2 justices who ruled that it was unconstitutional.

November 7 Open Net co-hosted a [special seminar on "The Road to Amending the Interconnection Rules to Make the Internet More Fair and Free"](#). Professor Michael Geist of Ottawa University presented his keynote speech on the topic of ["Lessons from Canadian Trials and Errors with Usage Based Billing"](#). Professor Kim Min Ho of Sungkyunkwan University spoke about the ["Legal Problems of the Interconnection Rules and the Possible Methods of Improvement"](#), followed by Professor K.S. Park of Korea University's speech on ["Net Neutrality as the Driving Principle of the Internet"](#), and Professor Kim Hyun Kyung of Seoul National University of Science and Technology's speech on ["The International Trend of Interconnection Rules"](#).

November 13 Open Net submitted an [opposing opinion](#) on amendments to the ‘Telecommunications Business Act’ that aims to ban “communications network usage fee” discrimination to the National Assembly.

November 13 Open Net submitted an [opinion](#) welcoming the amendments to the ‘Protection of Communications Secrets Act’ that aims to improve the current system of “notice of execution of communication-restricting measures”.

November 13 Prosecutors indicted the rental-car hailing app ‘TADA’ with charges of violating the ‘Passenger Transport Service Act’. Open Net [released a public statement](#) demanding that the indictment be withdrawn and requesting that the government come up with policies that can reduce social costs instead of regulating or banning innovative ideas.

November 18 Open Net submitted [an opinion](#) to the National Assembly welcoming amendments to the ‘Game Industry Promotion Act’ that aims to use the term “excessive immersion in games” in place of “game addiction”

November 20 The recent deaths of Korean celebrities have brought forth Bills that threaten free speech in the name of eradicating hate comments. Open Net submitted [opposing opinions](#) on the following 3 bills to the National Assembly.

- Amendments to the [‘Information and Communications Network Act’ that mandates the collection and notification of users’ id and IP address.](#)
- Amendments to the [‘Information and Communications Network Act’ that classify ‘hate speech’ as illegal information \(without defining what constitutes ‘hate speech’\) and require telecommunications businesses to delete such information upon request.](#)
- Amendments to the [‘Criminal Act’ that strengthens punishment for criminal insult.](#)

November 25-29 Director KS Park, Legal Counsel Kelly Kim, and Researcher Kyoungmi Oh participated in the following sessions as speakers and panel members during the 2019 IGF held in Berlin, Germany.

- [Data as public goods](#)
- [Datafication of Body considered](#)
- [Pitfalls of Innocent takedown regimes](#)
- [Need for new conceptions of net neutrality](#)
- [Sexual expressions in Korea: sex workers and children hurt by laws protecting them](#)
- [Possibility of Internet Universality Indicators for Korea](#)

November 27 SKB filed an application for adjudication to the Korean Communications Commission (KCC) against Netflix to settle the so-called issue of “network usage fee”. Open Net [released an opinion](#) stating that the KCC must deny the request as the responsibility of maintaining internet connection speed lies on the ISPs. Asking content providers to pay to improve internet connection speed goes against the principle of Net Neutrality, and will only serve to create another law that is solely unique to South Korea.

November 28 The Seoul Central District Court ruled that running the website “Doctor Kim Net”, a website that provides ratings of professors, was not an illegal act. Open Net [published an opinion](#) that welcomes the ruling for upholding the principles of intermediary liability safe harbor.

November 29 On October 16, [Citizen Lab](#) released the results of its [Access My Info \(AMI\) Project on Korea, Hong Kong, Australia, Indonesia, and Malaysia](#) conducted in collaboration with Open Net. The research focuses on how companies that provide internet connection services handle users' personal data, what types of data are collected, how long the information collected is retained, and whether the information is shared with third parties. Open Net participated in Citizen Lab's research on Korea. The results revealed that "while South Korea has the strongest data protection laws in the region, the AMI project found superficial compliance to DARs from telecommunication companies. All companies had online data request procedures, but the majority of companies only provided copies of their privacy policies in response to the data access requests." In response, Open Net Korea filed a lawsuit against Korea Telecom for not providing a complete response to DARs.

December 4 KIGA, which Open Net is participating in with Open Net Advisor Jihwan Park as a member of the KIGA working group, announced proposed amendments to the 'Internet Address Resources Act'. Open Net [published an opinion](#) welcoming the action.

December 9 The Korea Communications Commission released its guidelines for the "Fair Use of the Internet Network". Open Net, in solidarity with Jinbonet, opposed the guidelines and published [a public statement](#) stating that it would not attend the final meeting of the 'Internet Win-Win Council' of the KCC.

December 13 With regards to the proposed amendments to the 'Act on the Protection of Children and Juveniles Against Sexual Abuse', Open Net submitted an [opposing opinion](#). Criminal prosecution of those who distribute 'virtual child pornography' such as cartoons and animations without actual children in them infringes free speech and constitutes disproportionate punishment.

December 13 Open Net [co-hosted a seminar on the topic of 'Can the Sharing Economy Help Reduce Economic Inequality?'](#). ([Presentation materials](#))

Donations

Period: January 1 – December 31, 2019

Donation from companies (5)	KRW 131,499,000
Donation from organizations (1)	KRW 172,983,052
Donation from individuals (529)	KRW 16,996,090
Total amount (535)	KRW 321,478,142