

Call for submissions:

Challenges to freedom of opinion and expression in times of conflicts and disturbances

To the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

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Introduction

In 2022, the Press Freedom Index issued by Reporters Without Borders downgraded the Democratic People's Republic of Korea (DPRK) from the second worst country (179th/180) to the most restrictive country on earth, surpassing Eritrea (RSF, 2022). It is well acknowledged that concepts such as democracy, freedom of expression, and rule of law are not enforced within the political system of the so-called 'hermit kingdom'. With regards to the freedom of expression, the regime has been heavily restricting information flow, both in and out of the DPRK, making the work of journalists (domestic and foreign), NGOs and scholars particularly challenging, in that finding unbiased information about internal affairs require methods that differ from most countries.

It must be emphasized that the lack of freedom of expression in the DPRK does not limit itself to the monopoly of State-owned and controlled news media, but is also enmeshed within each stage of the life of a typical North Korean, whether through the education system, the military, or in the work and social life conceived to erase every sign of the capacity of critical thinking among the population. This has ultimately allowed the authoritarian Kim regime to maintain its power over the country for more than 70 years, despite deep economic crises and famines such as the 'March of Suffering' in the 1990s.

The 21st century has seen the rapid improvement and proliferation of digital technologies around the world. In this context, the North Korean regime had to choose between maintaining complete control over its population or to advance economically, which would imply greater access to digital technology and media for North Koreans in order to facilitate the modernization of the country (PSCORE, 2021). However, such improvements have not been observed. In fact, North Koreans' access has mainly been limited to state intranet networks (e.g. Kwangmyung), unreachable from outside North Korea and whose domestic access can theoretically only be granted by the central government by an application process (ibid.). This network allows access to domestic news, a search engine and email services that are intensely surveilled and controlled by the government (ibid.).

While access to the state intranet is already made difficult, the internet undergoes even more restrictions. Full internet access is only granted to the 'hyper elite', composed of a dozen or more families close to the central power (PSCORE, 2021). Indeed, as reported by a North Korean defector interviewed by PSCORE 'even the high ranked positions cannot use it. It is only set to work in designated areas and for designated people' (PSCORE, 2021 p.49).

This call for submission is made to bring increased awareness to the case study of North Korea. At PSCORE, we are convinced that the North Korean case study requires more international recognition and attention. Compiling together primary and secondary sources of information, this call for submission answers the provided questions with regard to the North Korean case study. We have focused on questions we feel relate to this case and concluded by making recommendations.

1a) Please describe specific situations where disinformation, misinformation or propaganda have been used or restrictions have been placed on the media or access to the Internet in order to instigate, aggravate or sustain hatred, violence or conflict. What means and methods are used to manipulate information in such situations?

As stated by the UN Commission of Inquiry report conducted in 2013, ‘‘the State operates an all-encompassing indoctrination machine that takes root from childhood to propagate an official personality cult and to manufacture absolute obedience to the Supreme Leader (Suryong), effectively to the exclusion of any thought independent of official ideology and State propaganda. Propaganda is further used by the Democratic People’s Republic of Korea to incite nationalistic hatred towards official enemies of the State, including Japan, the United States of America and the Republic of Korea, and their nationals’’ (COI Report, 2013). This statement implies that the DPRK’s situation is an exceptional case of disinformation and propaganda. These processes, which function to sustain hatred, are not only used in periods of high tensions, but are one of the pillars on which the government relies to ensure its survival and longevity.

While access to uncensored information concerning issues in the outside world are extremely scarce, it is important to emphasize the use of external information by State media to sustain hatred. Even though foreign news represents only a small part of officially broadcasted programs, it still plays a pivotal role in the shaping of the North Korean people’s perception of the outside world. Images from the outside world provided by the State reach the North Korean population after a heavy censorship and filtration process which typically takes two to three days. The right image selection and narrative are constructed to finally broadcast information aligned with the government’s will to portray North Korea as a superior nation (Williams, 2019).

Media coverage mainly focuses on conflicts, human suffering and disasters taking place in countries considered as enemies such as the United States and Japan (ibid.). The majority of media coverage is concentrated towards South Korea, particularly focusing on political scandals or labor unrest, following the need of the DPRK to portray South Korea as an undesirable alternative (ibid.). However, in August 2018, shortly after the announcement of South Korean President Moon Jae-In’s participation in the Inter-Korean Summit in Pyongyang, the negative news coverage of South Korea completely disappeared from North Korean State media (ibid). This example shows how the North Korean government can manipulate foreign news coverage to instill or temper hatred against foreign countries within its population, according to its political agenda.

1b) What role have States, armed groups or social media platforms played to instigate or mitigate such manipulation of information?

In the context of proliferating digital technologies, the DPRK government was presented with new challenges, forcing them to play an increasingly active role in the fight against uncensored outside information. The spread of digital technology, whether through DVDs or more recently USB drivers and SD-cards, within a larger portion of the North Korean population has allowed greater access to foreign content and has forced the government to take more radical measures.

As a matter of fact, under Kim Jong-Un (post 2012), a lot of North Korean defectors report a strengthening of punishments regarding consumption of foreign media through illegal means. One of the last illustrations of this evolution is the implementation of the ‘Reactionary Thought and Cultural Denunciation Law’ in December 2020. This law aims to ban external media content by stipulating extremely severe punishments that can for example go up to 15 years of forced labor for South Korean

movie consumption (Article 27) and the death penalty for importing these movies (Article 28) (PSCORE, 2021). North Korean defector Park Chang-Shik suggests even harsher punishment for foreign media under Kim Jong-un, claiming that “Since Kim Jong-un, the level of punishment has risen dramatically. People instantly cower in fear because he just kills them. Before him, people didn’t just get killed like that. Before Kim Jong-un, people would get killed [by the government] for murder or political crimes. No one would be executed for having watched a foreign film. But since Kim Jong-un, people just get killed” (PSCORE Internet Freedom Report, in press.)

This law seems to be correlated with greater efforts from the State to enforce it. Previously, the government relied primarily on the ‘Surveillance Bureau Group 109’ (a unit specialized in the fight against foreign content consumption and distribution) to conduct physical inspection to find foreign content consumption that would not have been detected by digital monitoring (King, 2019). However, according to a participant in our current research on internet freedom, “there are more regulatory agencies, management and patrols. At first, only 109 members were responsible, but now all accommodation patrollers have to deal with it too” (Internet Freedom Report Interview, 05/07/2022). This organizational evolution is one example of the tension between a higher consumption of foreign content afforded by new portable technologies and the subsequent increasingly preventative role of the State in prohibiting such spreads of alternative information, striving to maintain its information monopoly.

1c) What has been the impact on human rights and the lives of people? Which groups of people have been particularly affected and in what ways?

Access to information is restricted unequally among the North Korean population as access to internet, intranet, devices allowing the viewing of foreign content and the acquisition of such content in itself are preconditioned and vary according to economic and regional factors. Current research conducted by PSCORE, as well as secondary sources suggest that economic status dramatically impacts the access of information. Cell phones and computers are partially permitted, as phones require the use of the state’s telecommunication lines in order to function. Computers are only allowed to be used when officially registered so that they can be monitored. Nevertheless, after the famine in the 1990s, the failure of the state rationing system saw the rise of black markets. This gave access to products previously unavailable to average North Korean citizens and provided the capacity to not be completely dependent on the state’s approval (Xiang, 2019). This saw many North Koreans break through the information barrier by purchasing foreign communication technologies through black markets.

However, the acquisition of such products, such as computers, is extremely expensive and thus remains mainly accessible to the few people who have been able to accumulate enough wealth (PSCORE, 2021). Access to foreign content on these devices can also be conditioned by financial capacities as illustrated by one of our research participants, “I had never thought of buying cultural contents with money before. Now I buy it with money...” (Internet Freedom Report Interview, 11/05/22). This exemplifies the flourishing of a grassroots market economy for foreign content, potentially only accessible to the people who can afford it within an economy progressively relying on market mechanisms.

As mentioned above, fear of punishment is an important factor in restraining North Koreans from consuming foreign content. Here too, the economic situation can play a role, since bribery is a possible option for the people who can afford it, as argued by one of our interviewees; “Money is everything with the state security department”. He was going to send me to the correctional labor camp, but he didn't send me to the correctional labor camp because I gave him money” (ibid.). Therefore, even though general access to foreign information has increased due to the development of a market economy, a strong divide between the wealthy and poor can be observed when it comes to access to information. This, when amalgamated with heavy state propaganda, maintains the economically deprived in a state of ignorance that leaves them defenseless in the face of human rights abuses.

6. Please provide examples of good practices, including at the community level, to fight disinformation and hate speech during conflicts and disturbances.

As we have established in the previous section, from a top-down perspective, North Korea enforces a complete denial of the right to freedom of thought, conscience, and religion, as well as of the rights to freedom of opinion, expression, information, and association. “The State operates an all-encompassing indoctrination machine” that functions from childhood to propagate an official personality cult and to manufacture absolute obedience to the Supreme Leader, effectively to the exclusion of any thought “independent of official ideology and State propaganda” (UN Commission of Inquiry, 2014).

Examples of good practice from an institutional perspective are difficult to pinpoint. Rather, good and emancipatory practices can be found from a community level. Although difficult, North Korean citizens find innovative and unique ways to circumvent the information barrier. Current research carried out by PSCORE, as well as recent literature highlights an increasing consumption of South Korean and American content by North Korean citizens (PSCORE Digital Human Rights Report, 2021; Baek, 2016). North Koreans can access foreign information using multiple tactics, such as purchasing and utilizing smuggled CD's, USB's, DVD players, SD cards, laptops, tablets, radios, leaflets and more.

To provide examples of community practice does not undermine the malpractice of the state in the active suppression of expression, information, opinion, and religion. Nevertheless, it shows a continual tension between the state and curious citizens, who want to know more about the outside world. Despite the harsh repercussions for getting caught, many North Koreans still choose to risk capture and consume foreign content. Many defectors interviewed for our previous Digital Human Rights Project (2021) and current Internet Freedom Report (in process) cite the consumption of foreign content as a key influence in their decision to escape North Korea.

We would like to note that in the majority of our defector testimonies, access to foreign information was a key factor in defector's decisions to defect. Furthermore, access to foreign content was cited as a key mechanism in breaking through their indoctrination. As stated by one of our participants “if the Internet enters North Korea, everything will change” (Internet Freedom Report Interview, 11/05/22).

7. Please share any suggestions or recommendations you may have for the Special Rapporteur on how to protect and promote freedom of opinion and expression while countering the manipulation of information in times of conflict, disturbances or tensions.

Access to information for North Korea's 25 million people in an age of networked society and proliferating media communications is an essential right. Many organizations exist which promote the inflow of information into North Korea. Such organizations consist of many components, from researching best practices, researching the best technologies, disseminating content, making/choosing content, fundraising and so on and so forth. **One of our recommendations in this Call for Submissions is the increased support and partnership with these 'compassion driven', entrepreneurial and innovative organizations.** Michael Kirby, who chaired the United Nations Commission of Inquiry of Human Rights, suggests that we must "think outside the square of complacent formalism" with regards to our approach towards North Korean freedom of opinion and expression.

The past two decades have seen cracks in the state's monopoly over the dissemination of information to its people. **We suggest that such cracks should be utilized to encourage an increased bottom-up information flow within North Korea.** It must be noted that the premise that 'foreign content will automatically change North Korea' is an oversimplification of a far multifaceted process. Therefore, information dissemination campaigns and partnerships must take place with a long-term strategy in mind (Baek, 2016). North Koreans require time to digest, internalize and critically think on the content contrary to the state propaganda.

Furthermore, we actively ask the UN to re-visit its conclusions reached in its 2014 COI report. As it nears a decade since the publishing of the COI report, we believe that its conclusions and recommendations should be revisited to question whether they have 1. been realized in the DPRK, and 2. whether such recommendations have been adequately and practically pressured by the international community. With this in mind, we ask the UN to **increase its pressure and diplomatic efforts to make the DPRK accountable for its human rights breaches.**

Concerning this report, we point out recommendations 89E 89F, and 89G:

- (e) Allow the establishment of independent newspapers and other media; allow citizens to freely access the Internet, social media, international communications, foreign broadcasts and publications, including the popular culture of other countries; and abolish compulsory participation in mass organizations and indoctrination sessions;
- (f) Introduce education to ensure respect for human rights and fundamental freedoms; and abolish any propaganda or educational activities that espouse national, racial or political hatred or war propaganda;
- (g) Allow Christians and other religious believers to exercise their religion independently and publicly, without fear of punishment, reprisal or surveillance;

Finally, we ask the UN to **contemplate the ethical, social, political and economic practicalities of the implementation of the global internet into North Korea, increasing dialogue with the DPRK concerning this.** As mentioned previously, a majority of defectors interviewed for our Internet Freedom Report made the claim that such a technology could be a key catalyst for change in North Korea.

Although many of our interviewees are not politicians nor technological experts, we consider their opinions and testimonies to be valuable and insightful. In our previous report, we argued for the “implementation of and access to new types of global satellite Internet services such as Starlink and OneWeb” promoting the “free flow of information into and out of North Korea as stipulated within the North Korean Human Rights Act 2004”. We therefore ask the UN to **seriously consider the suggestions of North Korean voices on this issue.**

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