



NORTH KOREA: FREEDOM OF MOVEMENT, OPINION AND EXPRESSION

RIGHT TO FREEDOM OF MOVEMENT

Thousands of North Koreans illegally cross the border into China every year despite significant risks. If caught by the Chinese authorities and forcibly returned to North Korea, they face detention, torture, forced labour and other ill-treatment in breach of China's obligations under international law. Those convicted of illegal border-crossing may be executed.

China considers all undocumented North Koreans as economic migrants, rather than as refugees, and has prevented the UN refugee agency, UNHCR, from having access to them. In 2009, the UN Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea stated that most North Korean border crossers into China are entitled to international protection because of the threat of persecution or punishment upon return.

In some cases, North Korean authorities have even relocated the families of those who have crossed into China. According to an unnamed North Korean citizen interviewed in Seoul, South Korea, in 2007, a total of 124 households, directly related to

"river-crossing criminals", were forcibly relocated in South Hamgyeong Province in October 2005.

The authorities also bar North Korean citizens from freely moving around inside their own country. People must obtain official permission to move home. Although the authorities have reportedly relaxed enforcement of such rules as thousands of people have left their homes in search of food or economic opportunities, people remain vulnerable under current law and are often subjected to extortion by officials.

Article 62 of the North Korean Criminal Code bans citizens from travelling to another country without state permission, in violation of the country's obligation under Article 12 of the International Covenant on Civil and Political Rights, which states that a person is free to leave any country, including his or her own. International law prohibits the forcible return either directly or indirectly of any individuals to a country where they are at risk of being persecuted (the principle of *non-refoulement*, contained in the 1950 UN Convention relating to the Status of Refugees and its 1967 Protocol).

RIGHT TO FREEDOM OF OPINION AND EXPRESSION

Freedom of opinion and expression is severely restricted in North Korea. All media is controlled by the state, and dissent is not tolerated. Listening to broadcasts, retaining information or disseminating information perceived as opposing the state is punishable under the Criminal Code by up to two years in a “labour training camp” (*nodong danryundae*) or five years of “correction labour” (*kyohwaso*) in more serious cases.

All radios in North Korea are sealed so that only the official broadcasting service channels may be received. If a seal is found

broken, the owner is perceived as guilty of listening to foreign broadcasting services and treated as a political criminal.

Freedom of religion is severely restricted even though freedom of religion is recognized in domestic law. North Koreans suspected of practising religion or meeting with Christian missionaries in China are subject to harsher punishments in prison camps and detention facilities than other border crossers.

RECOMMENDATIONS

AMNESTY INTERNATIONAL CALLS ON THE GOVERNMENT OF NORTH KOREA TO:

RIGHT TO FREEDOM OF MOVEMENT

- Amend the Criminal Code so that leaving the country without permission does not constitute a criminal offence, and to abolish the requirement for permission to travel internally and abroad.

- Ensure that nobody is forcibly returned or subjected to torture and other ill-treatment for travelling abroad.

RIGHT TO FREEDOM OF OPINION AND EXPRESSION

- Ensure that the rights to freedom of expression and religion provided for in the Constitution and in relevant international human rights instruments are fully guaranteed in practice.

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