

NORTH KOREA/POLAND/NETHERLANDS: Dutch shipbuilder in dock over North Korean's Polish slave claims

A North Korean man is suing a Dutch shipbuilder he accuses of profiting from slave labor when he was employed in a Polish shipyard. The first case of its kind, his lawyers hope it will open up more such cases.

By Jo Harper

Deutsche Welle (14.02.2019) – <https://bit.ly/2X0tW1T> – The first case in the Netherlands of worker exploitation involving a Dutch company for alleged crimes committed outside the country could be nearing an end in the coming weeks, lawyers said, and if successful may open the door to more such cases.

Barbara van Straaten, the lawyer representing a North Korean worker, said Dutch law criminalizes the act of profiting from exploitation. The name of the Dutch shipping company sued by the worker couldn't be disclosed for safety reasons, she added. Under the country's anti-trafficking law, offenders can be jailed for up to 18 years and face fines of €83,000 (\$95,000).

The plaintiff claims he was sent to Poland by the Pyongyang regime and forced to work 12-hour days for low wages in awful conditions. The lawyer did not say when this happened. Van Straaten's Amsterdam-based law firm, Prakken d'Oliveira, said the North Korean worked for the Polish company Crist. Crist received financial assistance from the European Regional Development Fund, a loan of €37 million in 2009.

Not a great precedent

The company first came under the spotlight in 2014, when a North Korean worker hired through a temporary Polish work agency called Armex died in an incident at the Crist shipyard.

The welder died when his clothes caught fire and was burned alive. Polish labor standards officials concluded he had been wearing flammable clothing provided by Armex, but were unable to prosecute as the man's documentation described him as self-employed and therefore outside Polish jurisdiction.

"We are not confident the Polish authorities would take this case as seriously as the Dutch one," van Straaten told DW. She said Polish labor authorities had failed in a previous case to prosecute a company where a North Korean worker had died in an accident at work, referring to the 2014 incident.

In 2007, Polish businesswoman Cecylia Kowalska set up Armex in Gdansk supplying electrical and welding services to local shipping and construction industries, and told reporters in November that when asked if she could manage 10 North Korean

welders, her company took on the job.

She later began supplying North Korean welders to two other shipyards, run by Crist and Nauta, both companies that make war vessels for NATO members. A Polish labor inspection in February 2016 found 19 North Koreans working in a shipyard owned by Nauta, located next to the Crist shipyard.

Poland's online court register shows that Armex went into liquidation last year.

Crist denies culpability

Crist spokesman Tomasz Wrzask told DW he was not aware of the case or if Crist was involved. He told reporters in November that the shipyard previously worked with Armex, but ended collaboration in the summer of 2016.

“Armex had all the necessary permissions to operate in the EU and Poland and was under the supervision of Poland's National Labor Inspectorate. We had no reason for suspicion,” Wrzask said then, adding it was an “outrage” that Crist's name had been made public while the Dutch shipbuilder was not identified.

Van Straaten noted that North Korea was not party to the dispute which was directed at the Dutch shipbuilder. “This opens the possibility to hold those companies accountable which are not direct perpetrators in the labor exploitation,

but which nonetheless knowingly profit from this exploitation, gaining high profits in the West at the expense of workers from developing countries,” she said.

The law firm now hopes that the Dutch authorities have requested a European Investigation Order. An admission of guilt and a fine are among the outcomes the North Korean hopes for from this case, his lawyer said.

Damning evidence

Crist’s involvement with North Korean laborers as well as conditions faced by North Korean laborers in Poland and Europe were detailed in a report published by the Leiden Asia Centre by Remco Breuker and Imke van Gardingen. Law firm Prakken d’Oliveira cited the research conducted in the “Slaves to the System” report as central to the case.

A Global Slavery Index published in July estimated that 40.3 million people globally were subjected to modern slavery in 2016. North Korea’s Kaesong industrial complex is frequently criticized for keeping workers under slave-like conditions

The researchers identified three North Korean firms as providing laborers that were assigned by two Polish companies, Alson and Armex, to pass on to firms that needed cheap labor.

An earlier report by the Leiden Asia Centre found that as many as 800 forced laborers are in Poland working in the

shipbuilding and construction sectors.

The 2016 report titled “North Korean Forced Labor in the EU, the Polish Case,” showed that Armex had hired workers supplied by a North Korean company called Korea Rungrado Trading Corporation, which was run by a committee of the ruling Workers’ Party of Korea. The company was sanctioned by the US in 2016 and accused of funding the department that oversees the country’s nuclear weapons program.

A global problem

The Walk Free Foundation said that one in 10 people lived under such conditions in North Korea, the highest concentration in the world.

Tens of thousands of workers worldwide send foreign currency back to Pyongyang, which is used to offset the economic impact of UN sanctions that were imposed over North Korea’s nuclear weapons program. The UN estimates that North Korea earns as much as \$2 billion a year from the workers it sends overseas.

Many North Koreans work in Polish shipyards, construction sites and farms, sending up to 90 percent of their salaries back to Pyongyang, according to the European Alliance for Human Rights in North Korea (EAHRNK).

HRWF Comment

See our statements on this issue at the OSCE/ODIHR Human Rights Implementation Meeting in Warsaw in 2018, 2017 and 2016:

- <https://www.osce.org/odihr/396293?download=true>
- <https://www.osce.org/odihr/342706>
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GERMANY: Anti-Semitism: Germany sees '10% jump in offences' in 2018

The German government has revealed a sharp increase in the number of anti-Semitic offences recorded last year.

BBC (13.02.2019) – <https://bbc.in/2IetSIe> – Crime data, detailed in German media on Wednesday, says 1,646 crimes were linked to a hatred of Jews in 2018 – showing a yearly increase of 10%.

It comes just a day after French politicians spoke out about a sharp rise of incidents in their own country.

French Interior minister, Christophe Castaner, has warned that anti-Semitism is “spreading like poison”.

Over the weekend there were a series of anti-Semitic incidents reported in central Paris – including Swastika vandalism on post-boxes featuring a holocaust survivor’s portrait.

The latest data from Germany was released after a request from a member of the far-left Die Linke party. [That information was then shared with German newspaper, Der Tagesspiegel.](#)

The government have said the final totals may still increase – but the latest collation of data revealed a total jump in anti-Semitic offences of about 10%.

It also revealed a 60% rise in physical attacks – with 62 violent incidents recorded, up from 37 in 2017.

Josef Shcuster, the head of the Central Council of Jews in Germany, said the news shows that government action is “urgently needed”.

“The latest numbers are not yet official, but at least they reflect a tendency – and that’s scary,” he said in a statement to the BBC.

“What had already solidified as a subjective impression among Jews is now confirmed in the statistics.

“Considering that acts below the threshold for criminal liability are not covered, the picture becomes even darker.”

Jewish groups have warned about the rise of far-right groups in fostering anti-Semitism and hatred of other minorities throughout Europe.

Last year, [a survey of thousands of European Jews revealed that many were increasingly worried about anti-Semitism.](#)

Since 2017, the far-right Alternative for Germany (AfD) have been country's main opposition party.

AfD are openly against immigration, but deny holding anti-Semitic views.

However, a number of [comments from their politicians, including about the Holocaust, have drawn scorn from Jewish groups](#) and other politicians.

Last year the German government announced that a specialist team would be sent into German schools to try and combat anti-Semitism.

There have also been calls for special classes about anti-Semitism to be provided for some immigrants.

The Central Council of Jews in Germany said the classes were needed after a large increased in immigration from Muslim-majority countries.

It came after a video went viral showing a man, shouting in Arabic, attacking two Jewish men in Berlin.

Last month, Chancellor Angela Merkel has said it was the responsibility of everyone to have a "zero tolerance" approach

to anti-Semitism and other forms of xenophobia.

“People growing up today must know what people were capable of in the past, and we must work proactively to ensure that it is never repeated,” Merkel during a video address to mark Holocaust Memorial Day.

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KENYA: Schoolgirls to face compulsory tests for pregnancy and FGM

Girls in Narok County will be made to reveal identities of babies' fathers and tell police about female genital mutilation

By Rebecca Ratcliffe

The Guardian (04.01.2019) – <https://bit.ly/2sa02YU>– Plans to subject schoolgirls in Kenya to mandatory tests for female genital mutilation and pregnancy are a violation of victims' privacy, campaigners have warned.

All girls returning to school this week in Narok, Kenya, will be examined at local health facilities as part of a countywide crackdown.

Girls found to have undergone FGM, which is illegal, will be required to give a police statement. Those who are pregnant will be asked to identify the man involved, according to George Natembeya, the Narok County commissioner.

Narok County has the highest teenage pregnancy rates in Kenya, while FGM is prevalent among the Maasai community. But campaigners say the tests are humiliating for girls, do not tackle the root causes of teenage pregnancy, and are unlikely to improve prosecution rates for FGM.

“One of the biggest gaps in the prosecution of FGM cases is lack of evidence. It's not [a lack of] evidence of girls being cut, but evidence of the actual act,” said Felister Gitonga, programme officer of an Equality Now team devoted to ending harmful practices.

Gitonga said that the county's efforts to tackle FGM were welcome, but added: "We need a different strategy ensuring we respect the girls' right to privacy and also that we have a clear plan of what we do with the information.

"When we find out that a girl has gone through FGM, what will be the consequences? Will there be psycho-social support? Or does this mean that she will be denied permission to go to school?"

Mandatory examinations risked further victimising girls who have experienced abuse, warned Gitonga.

All forms of FGM were criminalised in Kenya in 2011, as was discrimination against of women who have not undergone the procedure. Failing to report a case to the authorities was also made unlawful, together with aiding the performance of FGM or taking a Kenyan woman abroad to perform the procedure.

The practice is becoming less prevalent across the country, where one in five women and girls aged 15 to 49 have undergone FGM.

Campaigners say tackling FGM is crucial to stopping teenage pregnancies and child marriage. "For girls who have undergone FGM, the community believes that those girls become a woman. Therefore every other violation that happens at that point happens [after] the FGM," said Gitonga. "If they are having sex even with older men the community does not recognise it as defilement."

In Narok, four in 10 girls become pregnant as teenagers, according to Kenya's most recent demographic and health survey, produced in 2014.

Efforts to reduce teen pregnancies will fail unless gender-based violence and poverty are addressed, added Gitonga.

"For girls living in informal settlements, it is very hard; there is a risk of sexual violence. Sometimes they have to do sex work to help with educating their siblings. So you need to understand their situation," she said. "You can't just punish people for getting pregnant."

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SOUTH KOREA: Imprisoned for their faith

Jehova`s Witnesses (30.11.2018) – <https://bit.ly/2PHJrqw> – On November 30, 2018, authorities in South Korea released nearly all of Jehovah`s Witnesses still imprisoned as conscientious objectors. With this historic event, the government has taken a monumental step toward ending its policy of prosecuting and imprisoning Jehovah`s Witnesses for conscientious objection.

Since the end of the Korean War, South Korea has criminalized conscientious objectors and sentenced them to prison. However, the government has begun to alter its handling of these cases based on two landmark court decisions rendered earlier this year.

On June 28, 2018, the Constitutional Court ruled that a portion of the Military Service Act (MSA) is unconstitutional because it fails to provide for alternative service for conscientious objectors. Then, just two months later, the Supreme Court heard the case of a young Witness convicted by lower courts for refusing military service. On November 1, 2018, the Supreme Court ruled 9 to 4 in his favor, concluding that conscientious objection is not a crime.

Based on these rulings, lower courts in South Korea now have the legal basis to reconsider over 900 pending cases concerning Jehovah`s Witnesses who have been prosecuted for refusing military service. With this legal groundwork in place, young Witness men hope that these courts will render “not guilty” verdicts in their cases.

A Growing Resolve to Reform the MSA

Prior to the June ruling, the Constitutional Court had ruled twice before, in 2004 and in 2011, that the MSA does not violate the constitution, even though the MSA does not recognize the right to conscientious objection. Yet, regardless of those rulings, some lower court judges still believed they were violating the constitution when they sentenced conscientious objectors to prison. Some courageously declared these young men innocent, recognizing they refused to join the military because of their sincere religious beliefs. In time, more judges adopted this view.

Since 2015, judges have declared 157 Witness conscientious objectors “not guilty” of committing a crime for refusing military service, and 15 of these decisions were rendered by appellate courts. As more judges saw the need to reform the MSA, they suspended hearings in many cases, preferring to wait on the decisions by the Constitutional Court and the Supreme Court rather than render an unjust verdict.

Landmark Ruling From the Constitutional Court

Beginning in 2012, lower courts referred six cases to the Constitutional Court, asking it to rule again on whether the MSA is constitutional. On July 9, 2015, the Constitutional Court held a hearing to examine the matter for the third time.

After deliberating for almost three years, on June 28, 2018, the Constitutional Court acknowledged the right to conscientious objection. The Court ruled that failure to provide alternative service for conscientious objectors is unconstitutional and that the government must change the MSA. Although the present law will remain in force for now, the government must amend it by December 31, 2019, and provide

alternative service for conscientious objectors.

The Ministry of National Defense has stated that it will respect the Court's ruling. However, to abide by international standards, acceptable alternative service must not be punitive, it must be truly civilian in nature, and it must not be under military control or supervision. The government has yet to unveil specific plans for implementing alternative service, but Jehovah's Witnesses hope that the new program will be acceptable for all conscientious objectors.

The Court also ruled on whether it was constitutional to penalize conscientious objectors under the MSA. It determined that criminal courts have the right to imprison those who evade military service. However, it also determined that, depending on the circumstances of each case, a conscientious objector could be found "not guilty" of evading military service based on the provision in the law of "justifiable grounds."

Milestone Decision From the Supreme Court

On November 1, 2018, the Supreme Court recognized the right to conscientious objection for the first time in the country's history. In its ruling, the Court quashed the earlier guilty verdict rendered by the Changwon District Court in June 2016 against a Witness who objected to military service. The Supreme Court stated that the original court had not fully examined whether the defendant had acted on a genuinely held religious conviction, and it returned the case back to the Changwon court for further review.

According to the new ruling, courts may accept conscientious

objection based on genuinely held religious beliefs as “justifiable grounds” for refusing military service. In its majority opinion, the Court stated: “Forcing a military duty with criminal punishment or other punitive measures is an excessive restraint of freedom of conscience.”

The Supreme Court not only recognized conscientious objection as a lawful right but also vindicated the neutral stance of Witnesses who had been imprisoned in the past. Additionally, the Court stated that “the existence of alternative service is not a prerequisite for the recognition of conscientious objection as a ‘justifiable ground.’” Rather, according to the Court, if someone objects to military service because of deep, firm, genuinely held beliefs, this should be recognized as “justifiable grounds.

Far-Reaching Effects of the Supreme Court Decision

Since the Supreme Court decision, three trial courts and one appellate court have already handed down not-guilty verdicts for Witnesses who are conscientious objectors. Two of the Witnesses refused reservist training, and the other refused military service. The Supreme Court third division has also rendered 33 not-guilty decisions and referred those cases back to the appellate courts. In addition, the government is in the final stages of drafting its new alternative civilian service program.

As previously stated, on November 30, 2018, Korean authorities released on parole 57 Witness conscientious objectors. They had served at least one third of their 18-month sentence. The remaining eight Witnesses still in prison should be released once they have served at least six months of their sentence.

Jehovah's Witnesses welcome this shift in the government's policy. Over three generations, 19,350 Witnesses have been prosecuted and sentenced to a combined total of 36,824 years in prison for refusing to perform military service. Witnesses around the world rejoice at the prospect that South Korean conscientious objectors and their families may no longer have to endure unjust punishment for their sincere beliefs.

Paul Gillies, a spokesman for Jehovah's Witnesses, stated: "With these two decisions, South Korea has finally chosen to respect the rights of conscientious objectors, upholding its own constitution and international standards. Jehovah's Witnesses hope that all of their fellow believers imprisoned in South Korea for conscientious objection will soon be released. They are optimistic that the judges in pending cases will accept the decision these young men make in adhering to their Bible-trained conscience as 'justifiable grounds' to find them 'not guilty.' Jehovah's Witnesses also hope that the government will expunge the records of the 19,350 Witnesses who have been labeled as criminals for refusing military service based on their strongly held religious beliefs."

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WORLD: Older women do double the unpaid work of men, says study

Study of 31 countries finds women over 60 undertake domestic and care work spanning up to to seven hours a day

By Karen McVeigh

The Guardian (16.11.2018) – <https://bit.ly/2DQ60Yp>– Older women spend twice as much time as older men on unpaid work, research has found.

A report by the Overseas Development Institute covering 31 countries shows that women over 60 spend an average of four hours a day on work that goes unrewarded and largely unrecognised.

Researchers who examined employment patterns across developed and developing countries found the disproportionate amount of unpaid domestic and care work performed by women persists into older age regardless of geography. In Ghana, older women spend just over two hours a day doing unpaid work, a figure that

rose to almost four hours in British households. In Cape Verde, meanwhile, women spend seven hours a day on such tasks.

At the same time, and particularly in poorer countries, older women are juggling large amounts of mostly informal and highly precarious paid work too, according to the report.

Researchers found that there were risks for older women engaging in such work, including mental and physical health problems, and financial losses due to the demands of multiple activities. There was also a danger of women encountering violence and abuse during their work as a result of discrimination, the report found.

The study underlines the need to ensure income security for older women as their share of the global population increases. It is anticipated that, by 2050, the number of people aged over 65 will have risen almost threefold compared with figures recorded in 2010, reaching 1.5 billion – 16% of the world's population.

Governments must refocus their social protection policies to support older women, warned the report's authors.

"These findings reveal the full extent to which gender inequalities persist into older age," said lead author Fiona Samuels, senior research fellow with the ODI's gender equality and social inclusion programme.

“The social expectations on women to simply get on with unpaid domestic and care work are putting them under increasing strain and limiting their life choices.”

The researchers found that in Ethiopia, one of the countries where field research was conducted, household chores have a shaping influence on how older women structure their days.

Women interviewed for the project spoke of a relentless cycle of household tasks – cooking, cleaning, washing – as well as physically demanding duties such as collecting water and firewood. When they become too old to carry these items, many women simply resort to dragging them.

Inevitably, there is a limit to their powers of endurance. “How can I work?” reflected one 70-year-old interviewed for the study. “Can people work without their hands? My own clothes are even washed with someone else. I do not wash them. I also have asthma. I cannot breathe.”

The report made several recommendations for governments, including supporting social pensions for older women and reducing and redistributing unpaid care work, through better care provision, including childcare.

Age International, the organisation that commissioned the research, are calling on the UK government to do more to ensure the “invisible” contributions of older women are recognised and valued in its international development programmes, so that they have greater choice in their work.

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UNITED STATES: Anti-Semitic incidents fuel 17% rise in hate crimes, FBI says

Crimes targeting Jews increased by 37% in 2017; anti-Muslim crimes fell by 11%

By Joseph De Avila

Wall Street Journal (13.11.2018) – <https://on.wsj.com/2Pt6SZl>
– Hate crimes rose 17% in 2017, the FBI said Tuesday, a jump that was partly driven by a spike in anti-Semitic incidents.

The number of hate-crime incidents targeting Jews increased 37%, to 938 in 2017. Anti-Muslim crimes fell by 11% in 2017, to 273. Race or ethnic-based hate crimes jumped by 18% in 2017 to 4,131. Hate crimes targeting black people increased by 16% and were the most for any category of race, ethnic group, religion or sexual orientation.

Overall, the Federal Bureau of Investigation recorded 7,175 hate crimes in 2017, compared with 6,121 for the year before. The rise in total hate crimes is the biggest since 2001, when incidents rose to 9,730, a 21% increase.

“We are definitely at an inflection point,” said Brian Levin, director of the Center for the Study of Hate and Extremism at California State University, San Bernardino. “We have now risen to the highest level in about a decade. That is a cause for concern.”

Mr. Levin said a myriad of factors likely played a role in last year’s increase in hate crimes, including socio-political polarization, a rise in white nationalist activity and the explosion of online hate speech on sites like 4chan and the social-media site Gab.

The report comes about two weeks after a man shot and killed 11 Jewish people inside a Pittsburgh synagogue. That suspect, who law-enforcement officials said made anti-Semitic remarks when he was apprehended and targeted Jews on social media, is being tried for hate crimes.

The FBI defines hate crimes as a “criminal offense against a person or property motivated in whole or in part by an offender’s bias against a race, religion, disability, sexual orientation, ethnicity, gender or gender identity.”

The Anti-Defamation League said in a news release that efforts need to be redoubled to address the rise of hate crimes.

“This report provides further evidence that more must be done to address the divisive climate of hate in America,” said Jonathan Greenblatt, CEO at ADL. “That begins with leaders from all walks of life and from all sectors of society forcefully condemning anti-Semitism, bigotry and hate whenever it occurs.”

The statistics are based on reporting from local and state law-enforcement officials to the FBI. The number of law-enforcement agencies that submitted incident reports in 2017 climbed by 6% to 16,149.

The ADL said significant gaps in reporting remain. At least 91 cities with populations exceeding 100,000 either didn’t report any data to the FBI or actually reported zero hate crimes.

“It is incumbent on police departments, mayors, governors, and county officials across the country to tally hate crimes data and report it to the FBI,” Mr. Greenblatt said. “The FBI can only report what the data they receive.”

Hate crimes targeting victims because of their sexual orientation rose by 5% in 2017, to 1,130.

Of 6,370 offenders where the offender's race was identified, 51% of those people were white and 21% were black. The race was unknown for 19% of those offenders.

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