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North Korean Human Rights & the Role of the International Community

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The exploitation of North Korean overseas workers, a challenge, an opportunity and a test for the political will of the international community

The regime of Kim Jong-un and his predecessors is known to be responsible of egregious violations of human rights and mass atrocities in North Korea as it has been revealed for decades by defectors and more recently by the UN Commission of Inquiry. All the efforts that have been deployed for years by the international community to protect the North Korean citizens against their political leaders have proved to be largely unsuccessful.

What is less known is that North Korea has extended its totalitarian system beyond its borders and is exploiting its overseas workers in Asia, in the Middle East, in Africa and even in some EU member states in total impunity and with the complicity of a number of UN member states and international business companies.

This paper will briefly

- describe the main components of the exploitation system of North Korean overseas workers put in place by their own state;
- identify the leverages at the disposal of the international community to combat it successfully.

The egregious violations of the rights of the North Korean overseas workers by Pyongyang

North Korea first began sending overseas workers in 1967 after signing a bilateral trade agreement with Russia. Since then, it has expanded the scope of its labor exports to Africa in the 1970s, followed by the Middle East in the 1990s. According to research by the Asan Institute for Policy Studies, a total of 45 countries have at one time employed North Korean workers and around 50,000 are currently working in at least 16 countries. The global income for the state is between USD 1.2 – 2.3 billion per year.

How is the system of state exploitation organized by Pyongyang?

In short,

- North Korea's labor export is organized, managed, and overseen as a matter of state policy;
- North Korean workers are subject to constant surveillance by North Korea security agents, who are embedded with them, limiting any freedom of movement;
- Workers are not paid directly by their foreign employers but they receive their wage - between 120-150 dollars a month – from the North Korean state which gets much higher amounts from the employers;
- Earnings are not sent back as remittances, but appropriated by the state and transferred back to Pyongyang in the form of bulk cash, in clear violation of UN sanctions;
- Work hours range between 12 and 16 hours a day, sometimes as much as 20, with only one or two days of rest a month;
- Workers are not allowed to return to North Korea until their contract expires, which usually lasts three years.

The 2015 US Report on Trafficking in Persons says among other things about North Korea:

- Credible reports show many North Korean workers under these contracts perform labor under conditions indicative of forced labor, such as working excessively long hours in hazardous temperature with no pay for up to three years.
- North Korean government “minders” monitor workers’ movements and communications; they also confiscate passports and require workers to spy on each other.
- Thousands of workers are estimated to be employed in logging, construction, mining, garment, and agriculture industries.
- North Koreans sent overseas do not have a choice in the work the government assigns them and are not free to change jobs. They face threats of government reprisals against them or their relatives in North Korea if they attempt to escape or complain to outside parties.
- Reports show up to 90 percent of workers’ salaries are appropriated and controlled by the North Korean government
- Workers receive only a fraction of the money paid to the North Korean government for their labor, sometimes not until they return to the country.

It is first and foremost the role of the states and companies directly concerned by this exploitation to spontaneously take the necessary measures to put an end to it.

Whilst the international community has been unable to contribute successfully to the dismantling of the mechanisms of oppression and repression inside North Korea, UN member states, international trade union organizations and human rights NGOs have at their disposal a

wide range of instruments to eradicate the violations of the rights of the North Korean overseas workers. Up to now, they had been widely unaware of the situation and therefore very inactive but now the time has come for them to show their will to do it.

Recommendations to the international community

1. Urging states as well as public and private companies making use of North Korean workers to strengthen the implementation of labor protection standards

The international community, including the EU and its member states, should identify the countries and companies that make use of North Korean workers and strongly urge them to ensure that

- the labor contracts are in line at least with the local legislation and at best with the international standards;
- the passports and visas of the North Korean workers are not confiscated by their North Korean ‘supervisor’ or their employers and that their freedom of movement is not violated;
- basic living and working standards are met, at least to the level stipulated in domestic labor laws;
- inspections of the workplaces making use of North Korean labor are regularly carried out;
- North Korean workers are paid directly instead of through the North Korean government or state enterprises;
- the North Korean supervisors do not function as a judicial police authority and are prosecuted in cases of abuse of power and exploitation

If states and companies fail to observe these conditions, human rights NGOs should publicize their names and raise this issue before the relevant international organizations:

- Special Procedures in the UN Human Rights Council
- UN Human Rights Committee
- UN Universal Periodic Review
- International Labor Organization
- European Court of Human Rights
- International Criminal Court

and if they persist in abetting the human right abuses of North Korean laborers, international sanctions should be applied.

The purpose of this proposal is not to hinder North Korea's economic development but rather to ensure that the profits of labor are given to the rightful owners and that the rights of the North Korean workers are protected according to basic international standards of safety and dignity.

2. Monitoring of the situation by domestic and international human rights NGOs

Although there are currently 16 countries that are hosting North Korean laborers, there are prospects that this number will gradually increase over time.

Local human rights NGOs should monitor the situation of North Korean overseas workers in their respective countries and provide them legal or other forms of assistance. They should also publish reports, coordinate regionally and solicit the support of international human rights organizations and trade unions.

3. In case of non-compliance with the international standards, the UN should extend its existing list of targeted sanctions to the organizers and beneficiaries of the exploitation of North Korean overseas workers

With the help of a group of experts, the UN should draw up a list of senior North Korean officials and entities involved in this exploitation that could potentially be subject to sanctions. Priority targets should be the heads of several political institutions in North Korea that have been found to be responsible for the exploitation of its overseas workers.

Targeted sanctions could include travel bans and asset freezes directed toward individuals committing human rights abuses and the imposition of stiff penalties, including financial sanctions, against those entities that provide support to these individuals.

The UN member states should implement such sanctions.

4. The EU should extend its restrictive measures in respect to the exploitation of North Korean overseas workers

The EU should check if any of its member states or EU-based private companies is involved directly or indirectly in the exploitation of North Koreans in Europe or abroad. If this is the case, the EU should act decisively in view of putting an end to this situation.

EU Delegations and Offices operating around the world as well as the diplomatic missions of EU member states should verify in the countries where they are located if North Korean workers have been or are being exploited.

As long as Pyongyang continues to exploit its overseas workers, the EU and its member states should

- maintain strict implementation of UN sanctions as well as its own restrictive measures and report annually on their status;
- continue to pressure the North Korean leadership through its own institutional mechanisms (the EEAS, the EU-North Korea Political Dialogue, the European Parliament Delegation for Relations with the Korean Peninsula, etc.) to enforce the international human rights standards, respect its UN commitments, sign and ratify other relevant UN instruments.

Through its Delegation to South Korea in Seoul, the EU should

- cooperate with the recently-established UN human rights field office in Seoul;
- work with South Korean institutions and NGOs to collect information and testimonies concerning the exploitation of North Korean overseas workers;
- issue periodic reports to relevant EU institutions in Brussels.

If all these actors of the international community show their determination and their political will to put an end to the exploitation of North Korean overseas workers by their own state, a strong political signal will have been sent to Pyongyang.