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## **ECJ ruling, a stark warning to Poland**

**MEP Philippe Lamberts says that a ruling by the European Court of Justice (ECJ) should serve as a "stark warning" to Poland as the country still finds itself at the centre of controversy over changes to its national legislation.**

Written by Martin Banks on 30 July 2018 in News

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The Parliament Magazine - This comes after the ECJ ruled that Ireland is not required to extradite a Polish citizen to Poland under the European arrest warrant (EAW).

The court, the EU's highest legal authority, said that the Polish government's reforms to the judicial system, which include the removal of judges and an increased role of the executive in judicial appointments, constitute a clear risk of a serious breach of the rule of law in the country.

This poses a real possibility that the accused would not receive a fair trial if the extradition demand were met, according to the ECJ.

Belgian MEP Philippe Lamberts, co-leader of the Greens/EFA group in the European Parliament, commented, "This should be a stark warning for the Polish government that its path away from European democratic values is undermining its role in Europe and the world."

Speaking on Friday, the deputy added, "The erosion of the rule of law weakens mutual trust between EU member states, which is clear by the fact that the ECJ refuses to uphold the European Arrest Warrant for requests from countries where an independent judicial system is under attack. The Polish government must reverse its recent changes to the court system and guarantee fundamental rights such as the right to a fair trial for all."

The case also casts the spotlight once again on the EAW which some MEPs and campaign groups have called into question.

These include Human Rights Without Frontiers International (HRWF), a Brussels-based NGO, which has urged the EU to look again at the European arrest warrant scheme, designed to counter cross-border crime.

Willy Fautre, director of the NGO, said, "We are calling for a review of the scheme. This should be an absolute necessity for the EU."

He added, "Despite the efforts of some MEPs there has been no response from the European Commission to calls for reform."

The arrest warrant scheme was established to ease the extradition of criminal suspects between EU member states.

Fautre, in illustrating the scheme's alleged shortcomings, cited the example of Romania which he says is "one reason for its failings."

He said there had been "obvious abuses" the European arrest warrant.

"For example, in 2015-16, there were 1508 requests of extradition addressed by Romania to the UK while London had only addressed six requests to Bucharest."

HRWF is also recommending to the Commission that anyone subject to an arrest warrant must have access to a lawyer in two countries: his own and the one issuing the warrant.

HRWF and another group, Fair Trials Abroad, also want improvements to detention conditions for suspects held under a European arrest warrant.

Speaking recently, the EU's chief Brexit negotiator Michel Barnier said that the EU and the UK will "cooperate strongly" on security post-Brexit.

But Barnier also rejected the approach of the British government, which he argued wants "to maintain all the benefits from EU membership without being in the EU."

He warned that the UK will lose the right to participate in the European arrest warrant, and that new procedures for "effective" information exchange will need to be agreed.

About the author

Martin Banks is a senior reporter for the Parliament Magazine

**HRWF Footnote:** See the details of the case in the press release of the ECJ:  
<https://curia.europa.eu/jcms/upload/docs/application/pdf/2018-07/cp180113en.pdf>

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## **HRWF denounces the exploitation of North Korean Overseas Workers in Poland at the OSCE/ODIHR in Warsaw**

HRWF (18.09.2017) - Earlier this month, North Korea successfully tested a hydrogen bomb, the country's sixth-ever test of a nuclear weapon, a move that was unanimously condemned by all the countries in the region and beyond. This year, Pyongyang launched long-range ballistic missiles towards the Sea of Japan on several occasions, despite the increasing sanctions of the United Nations.

North Korea's military nuclear program would not exist as such without Pyongyang's access to hard currencies.

One of the sources used by Kim Jong-un to collect hard currencies abroad is to send North Korean workers abroad and to confiscate 80 - 90% of their salaries. It is estimated that over 50,000 North Koreans are working in approximately 20 countries. Poland is one of them as highlighted in an extensive report of the Asian Center of the University of

Leiden published last year.<sup>1</sup> It is estimated that between €1.2 – 2.3 bn are collected by the North Korean regime from the exploitation of their overseas workers in the world.

Since the fall of communism in Eastern Europe, Poland - a Member State of the European Union and a participating State of the OSCE - has been second only to Russia in enabling North Korea to obtain hard currencies by issuing work permits to thousands of North Korean workers. This practice that has lasted for close to three decades must immediately stop. No North Korean laborer should any more be allowed to work in Poland. Contributing to Pyongyang's collection of hard currencies is now more than a human rights issue; it is also an international security issue in Eastern Asia, on the borders of the OSCE space in Alaska and Eastern Siberia. Moreover, through this practice, human rights and international standards, which are at the core of the European Union, continue being disrespected, damaging the Union's moral standing and international prestige. The respect for human dignity must prevail.

In the last few weeks, the UN security Council voted unanimously to impose strict new sanctions on Pyongyang. The new measures significantly step up restrictions on North Korea's international trade. The new sanctions take important steps to significantly reduce North Korea's efforts to earn hard currency and prohibit an increase in the number of overseas laborers.

### ***Exploitation of North Korean workers in Poland***

North Koreans who are sent to Polish shipyards and other worksites are subject, by their own political regime, to various forms of exploitation with the passive approval of the Polish authorities and the private companies hiring them. Examples of unlawful exploitation of these workers include:

- Work hours ranging between 12 and 16 hours a day, with only one or two days of rest a month;
- An average monthly wage of \$120-150 per month, which is only 10-20% of their actual labor value in the contracts. As they are not allowed to have a bank account or to receive this money in cash, they are given a small stipend for personal use and will only collect their accumulated wages upon return to North Korea;
- Upon arrival in Poland, workers' passports and visas are confiscated by a North Korean so-called 'supervisor';
- While in Poland, North Korean workers are denied freedom of movement. Every day they are transferred to and from their worksite and dormitories by bus, and are under constant surveillance by North Korean security agents; they may not have any contact with the local population, and are separated from non-North Korean workers in their workplaces.

The Polish authorities are fully aware of this situation and yet they have thus far refused to put an end to these systematic violations of the International Labour Organization standards.

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<sup>1</sup> Slaves of the System : North Korean Forced Labour in the EU.  
See <http://leidenasiacentre.nl/publicaties/>

## **Recommendations**

### ***Human Rights Without Frontiers calls upon the Polish state***

- to explain the contradiction between the findings of the Asian Center of the University of Leiden which gives evidence that Poland issued again 187 new work permits to North Korean workers in 2016 and the official statement of Poland's Delegation to the OSCE HDIM saying in 2016 that no work permit had been issued to North Koreans that year.
- to stop granting new work visas to North Korean workers.

***Human Rights Without Frontiers calls upon the OSCE*** to collect data from its Participating States regarding the issuance of work visas to North Korean citizens and the status of their workplace conditions.

***Human Rights Without Frontiers calls upon the European Commission*** to start a full investigation of the situation in Poland and then, if necessary, to move on to the next level and start an infringement procedure against Poland in line with the legal avenues at its disposal.

According to the official website of the Polish ministry in charge of the issuance of work permits 299 North Korean citizens applied for a work permit in 2016 and Poland granted one to 187 of them. These figures contradict the answer of Poland's Delegation to the OSCE who said among other things at the HDIM of last year that

"There are no more than 550 North Korean workers in Poland. Under the existing laws, all visa applications continue to be reviewed on a case by case basis. We would like to stress that in 2016 Poland has not issued any work visas for DPRK's nationals. In 2015 we issued only 129 such visas."

In an electronic mail dated 19 May 2017, the Polish delegation to the OSCE wrote to HRWF that the number of North Korean workers in Poland was estimated at around 400 persons as of 1 January 2017 and no visa had been issued in 2016.

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## **Exploitation of North Korean overseas workers in Poland, an issue raised at the OSCE in Warsaw**

### ***Statement presented by Willy Fautré, director of HRWF, at the OSCE Human Dimension Implementation Meeting on 22 September in Warsaw***

HRWF (22.09.2016) - "In 2014, a welder at a Polish shipyard died in a horrible accident. According to the Polish Labour Inspectorate, the safety measures in place were not sufficient to provide even a minimum of safety to the welder. He was wearing flammable clothing provided to him by Armex, the company that employed him. Armex is a Polish company that is tied into a complex structure of companies that are co-owned by Polish and North Koreans representing their government and provide Polish companies with North Korean cheap labourers. The welder who died was a North Korean national, working 12-hour workdays (excluding overtime), 6 days per week. Not allowed to go anywhere in Poland except for work and home, not receiving proper compensation for his work (just his living expenses), forced to participate in ideological sessions worshipping an absolute god-like leader in his spare time, not having received a labour contract, and not in possession of his own passport, Chŏn Kyongsu was a victim of forced labour. A special kind of forced labour at that, one that is ideologically enforced and shaped, exported across borders and instigated and executed by the state." This is an excerpt

from the 115-page report of the Leiden Asia Centre entitled "North Korean Forced Labour in the EU: the Polish Case." (<http://bit.ly/1pAcuz6>)

Over the last couple of years, the amount of work permits issued to North Korean workers in the EU has increased to around 500 per year with the amount accumulating to a total of 2783 work permits granted between 2008 and 2015.

Notable shipbuilding companies linked to North Korean workers are Crist S.A. and Nauta. S.A. Crist has worked on vessels for European companies located in Denmark, France, Germany, Netherlands, Spain, UK amongst others, and additionally for Norway, Cameroon and other non-EU countries. Nauta also works on NATO military vessels and is NATO certified, which may pose some global security and intelligence concerns.

### ***Exploitation of North Korean workers in Poland***

North Koreans that are sent to Polish shipyards and other worksites as forced laborers are subject, by their own political regime, to various forms of exploitation with the passive approval of the Polish authorities. Examples of unlawful exploitation of these workers include:

- Work hours ranging between 12 and 16 hours a day, with only one or two days of rest a month;
- An average monthly wage of \$120-150 per month, which is only 10-20% of their actual labor value in the contracts. As they are not allowed to have a bank account or to receive this money in cash, they are given a small stipend for personal use and will only collect their accumulated wages upon return to North Korea;
- Upon arrival in Poland, workers' passports and visas are confiscated by a North Korean so-called 'supervisor';
- While in Poland, North Korean workers are denied freedom of movement. Every day they are transferred to and from their worksite and dormitories by bus, and are under constant surveillance by North Korean security agents; they may not have any contact with the local population, and are separated from non-North Korean workers in their workplaces.

The Polish authorities are fully aware of this situation and yet these systematic violations of the ILO standards have not been addressed by a revision of their policies or sanctions against the actors involved in the exploitation of these workers.

A number of Polish companies have been identified as employing North Korean laborers and subjecting them to these improper work conditions:

- Alson Sp. Z.o.o.
- Aramex Elektro Sp. Z.o.o.52
- Aramex Sp. Z.o.o.
- Fabryka Mebli „Ryś’ Sp. Z.o.o.
- FLAIR POLAND Sp. Z o.o.
- Fms Kielce Sp. Z o.o. Mielec
- Fms Kielce Sp. Z.o.o. Ceramika Harasiuki – Harasiuki
- HSBC Service Delivery (Polska) Sp. Z.o.o.
- JP Construct Sp. Z.o.o.
- K&K Select Sp. Z.o.o.
- K&K Select Aviation Sp. Z.o.o.
- K&K Selekt Itd. - Foreigners Recruitment
- Kobylnica
- Medif Prywatna Kasa Chorych Sa
- Monolit Sp. Z.o.o.

- Przedsiębiorstwo Produkcyjno – Handlowe „Postęp” S.A.
- Przedsiębiorstwo Usługowo – Handlowe Modern – Bud Sp. Z.o.o. Gospodarstwo Rolne Tomasz Kociszewski
- Puckie Centrum Medyczne Sp. Z.o.o. Sp. Komandytowa Zs. W Pucku,
- Redshield Sp. Z.o.o.
- Stalbud – Budownictwo Sp. Z.o.o.
- Stalbud – Konstrukcje Sp. Z.o.o.
- Uniwersytet Gdański (Gdańsk),
- Wonye Sp. Z.o.o.

Three North Korean state companies have provided Polish companies with North Korean workers:

- Korea Cholsan General Corporation
- Korea Rungrado General Trading Corporation
- Korea South – South Cooperation Corporation

**An exceptional 32-minute investigation video report made by Polish journalists about the exploitation of North Korean workers in Poland is available online at the following web addresses:**

<https://www.youtube.com/watch?v=JNVCdL908ko> (Sub-titles in English and French)

<http://www.vice.com/nl/video/cash-for-kim-de-noord-koreaanse-dwargarbeiders-die-zich-doodwerken-in-polen-293> (German)

More reports about North Korea’s involvement can be found at the following web address: <http://www.vice.com/nl/tag/Noord-Korea> (Dutch)

## **Parliamentary Question about the exploitation of North Korean workers in the EU**

- **European Parliament: Parliamentary Question about North Korean workers in the EU by MEPs Kati Piri and Agnes Jongerius**
- **An exceptional investigation video report in German about the exploitation of North Korean workers in Poland (32 minutes)**  
<http://www.vice.com/nl/video/cash-for-kim-de-noord-koreaanse-dwargarbeiders-die-zich-doodwerken-in-polen-293>
- **See as well HRWF Report presented at the European Parliament in 2014: *North Korean Overseas Workers - Human Rights Challenges and Opportunities*** <http://hrwf.eu/wp-content/uploads/2016/04/2014-North-Korea-Overseas-Workers.pdf>

HRWF (21.07.2016) - On 25 May 2016, MEPs Kati Piri (S&D) and Agnes Jongerius (S&D) addressed the following written question to the European Commission:

A recent study by the University of Leiden (Netherlands) on North Korean forced labour in Europe, as well as the documentary on the same topic broadcast on 21 May 2016 by the web magazine *Vice.com*, point to strong evidence that EU-level measures are needed to prevent this form of modern slavery taking place within Union territory. The study reveals that a total of more than EUR 70 million in EU funds intended to support Polish regions and develop local work opportunities has ended up with companies that are deliberately hiring North Korean workers and are violating EC law on working time and health and safety at work. In addition, exploited North Koreans may be moving between Member States.

- Is the Commission aware that companies benefiting from EU funds are involved in the exploitation of North Korean workers and the bypassing of UN sanctions against North Korea?

In light of the recent evidence:

- Is the Commission planning to take action at EU level to identify the Member States and companies which are hiring North Korean workers?
- Is the Commission planning to set up a systematic control mechanism concerning the work contracts offered to North Korean workers and the implementation thereof, as well as their working conditions?

### **Answer given by Ms Thyssen on behalf of the Commission (29 June)**

The Commission is aware of reports on alleged violations of the human rights of citizens of the Democratic People's Republic of Korea (DPRK) working abroad.

The Commission condemns forced labour and recalls the EU Charter of Fundamental Rights, which prohibits slavery, forced labour and trafficking in human beings for all forms of exploitation. The Charter also sets out the right of workers to working conditions which respect their health, safety and dignity.

The EU has developed an ambitious legal and policy framework against trafficking in human beings for all forms of exploitation<sup>(1)</sup> for which the level of compliance will be assessed in 2016.

In the EU and irrespectively of the status of EU or third-country national, the rules on working conditions, health and safety at work as well as legislation against trafficking in human beings apply. It is the responsibility of the national authorities to ensure that the rules are enforced. The Commission may launch infringement procedures in case of breach of Union law.

The use of ERDF<sup>(2)</sup> and ESF<sup>(3)</sup> funds must be consistent with the activities, policies and priorities of the Union, including the Charter. The Commission is in contact with the Member States to check possible irregularities. In the event of infringement of EC law by an economic operator, the Commission can make financial corrections by cancelling all or parts of the financial contribution to the programme.

Finally, all EU Member States have ratified and are accountable for the implementation of the 8 fundamental Conventions of the International Labour Organisation (ILO) including Conventions 29 and 105 on the prohibition of forced labour. The Commission supports the ILO's work with its Member States to raise awareness on and eliminate forced labour.

**(1)** Directive 2011/36/EU of the European Parliament and of the Council of 5.4.2011 on preventing and combating trafficking in human beings and protecting its victims, OJ L 101, 15.4.2011.

**(2)** European Regional Development Fund.

**(3)** European Social Fund.

**An exceptional investigation video report in German about the exploitation of North Korean workers in Poland (32 minutes)**

**<http://www.vice.com/nl/video/cash-for-kim-de-noord-koreaanse-dwargarbeiders-die-zich-doodwerken-in-polen-293>**

More reports about North Korea at <http://www.vice.com/nl/tag/Noord-Korea>

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## **North Korean forced labour in the EU: the Polish case**

EAHRNK (08.07.2016) - In early July, in Leiden, the Netherlands, a new in-depth report on the issue of North Korean forced labour in Poland was launched as part of the [Slaves to the System](#) project - a project we are collaborating on with Leiden Asia Centre. The report - 'North Korean Forced Labour in the EU, the Polish Case: How the Supply of a Captive DPRK Workforce Fits Our Demand for Cheap Labour' - is now available for download from the Slaves to the System website. Download your copy here: <http://bit.ly/29yFQYX>

The report exposes for the first time many of the companies hiring North Korean workers in Poland, company structures, visas, working conditions, EU development funding being given to companies which hire North Korean workers, and has also identified new countries which have issued work visas to North Korean workers (including Austria, Germany, Switzerland, Italy, and the Netherlands).

Over the coming months, we'll be working with our partners to push EU-based companies to protect the rights of North Korean workers. We'll also be working to inform governmental officials across the EU about the situation and what can be done to protect the human rights of North Korean workers in the EU.

We hope you enjoy reading the report!

Yours sincerely,

Michael Glendinning  
Director  
EAHRNK

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## **Poland takes measures to limit trade in North Korean slaves**

New Europe (08.06.2016) - <http://bit.ly/28ZkaZp> - Poland on Tuesday moved to suspend visas for North Korean workers, ending a prolonged period of slave trade and human rights abuse, the Voice of America reports.

As many as 800 North Korean slaves are working in Poland, The Telegraph reported in May.

Research suggest that for years the EU tolerates North Korean slave labour in several member states, including Malta, the Netherlands, the Czech Republic, Bulgaria, Romania, and Poland. The apparent "common knowledge" was popularized by a Vice news report in May.

Only in 2015 Poland issued 156 visas and 482 work permits for North Korean workers. Partly as a result of a South Korean global campaign to end the practice, Poland has not issued new visas in 2016 Reuters reported on Tuesday.

Up to 14 Polish firms used North Korean slaves in labor-intensive industries such as construction, furniture production, ship building, agriculture, medicine, but even finance Vice Reported. The Telegraph puts this number to 32 Polish companies.

North Korean workers were made to toil 12-13 hour days, five or six days a week, under guard, for no more than €60-to-140 a month, according to Remco Breuker of Leiden University. Most of the money they make is siphoned to the regime.

The workers were supplied by a company owned by the Kim regime and two Polish mediating companies that supply slave labour to Polish shipyards that take on contracts for NATO member states. Apparently, the allegations are corroborated by a UN report published in February.

Slave labour is estimated to fetch Korea's regime between \$1,2-to-2,3 bn Chonilbo media reported on Wednesday. It remains to be seen whether other EU member states will follow the Polish example.

Europe has an estimated 1,243,400 modern slaves according to a recent report.

Europe is both a destination and a source region for the exploitation of men, women and children in forced labour and commercial sexual exploitation.

The first five EU member states with the highest per capita population of slaves are Poland (estimated 181,100 slaves), Romania (80,200 slaves), Greece (44,200 slaves), and the Czech Republic (44,600 slaves). Among countries negotiating EU membership, the Former Yugoslav Republic of Macedonia (13,300) and Turkey (480,000) have the highest number of slaves per capita.

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