

POLAND/NORTH KOREA: The exploitation of North Korean Workers in Poland raised at the European Parliament and at the OSCE

By Willy Fautré, Human Rights Without Frontiers

HRWF (09.10.2018) – Today, MEP Laszlo Tökes and *Human Rights Without Frontiers* organized the screening of a film dealing with the exploitation of North Korean workers in Poland despite the UN and EU sanctions forbidding the hiring of workforce from North Korea. With the complicity of private companies and Polish state agencies, North Korean workers continue to work in Poland and to be exploited by Pyongyang, left only with an income of less than USD 150 per month.

On 19 September last, *Human Rights Without Frontiers* made a public statement at the Human Dimension Implementation Meeting (HDIM) of the OSCE/ODIHR in Warsaw asking the Polish delegation to the OSCE “How many North Korean Workers are currently working in Poland, and how many work visas have been issued since the last HDIM?” (1)

Poland exercised his right of reply and gave again conflicting statistics.

Last official statistics revealed by Poland

In its oral right of reply limited to one minute, the delegation answered there were still “circa 350 DPRK citizens with the purpose of stay in Poland whilst to perform work. This number is constantly decreasing. And moreover it is

important to reiterate that in 2016 and 2017 Poland did not issue any work visas to North Korean citizens – as visas on the one hand and permits of stay and work on the other are different titles of stay.”

In its full official right of reply publicized on the website of the OSCE/ ODIHR, the answer of the Polish delegation was however different (2):

I would like to exercise my right of reply in regard to the statement delivered by the Human Rights Without Frontiers.

The Polish government does not take an active part in the process of hiring North Korean workers nor does it promote such practices. The existing cooperation is based on private companies' independent agreements.

The government institutions, such as the National Labour Inspectorate and the Border Guard, oversee the DPRK nationals' employment conditions and ensure the Polish laws are respected in their workplace. To that end, these institutions regularly inspect the companies where DPRK nationals are employed. Inspections performed by the above-mentioned institutions did not confirm any cases of forced labour related to North-Korean workers in Poland.

Poland, similarly to other EU countries, did not have systemic solutions prohibiting North Korean citizens (or citizens from any other country) to take up work in Poland before the adoption of UN resolutions 2371 and 2375. In this view a general ban on entering Poland and taking up work for specific nationalities would be discriminating.

We welcomed the UN resolutions 2371 and 2375 adopted in this regard as providing the international community with adequate tools related to issue of the DPRK workers. In order to exercise these resolutions we stopped the issuance of new work permits to DPRK workers since August 2017. The related laws regulating access to labour market have been amended in order to find a solution to the problem. The necessary amendments have entered into force on February 2018.

Poland also strives to implement the provisions of the UN resolution No. 2397 that will enable return of DPRK workers to their country.

We estimate that as of September 2018 there were 225 DPRK citizens, whose purpose of stay in Poland was to perform work. This number is constantly decreasing. To actively implement the resolution's provisions, we have begun to withdraw residence permits granted in previous years to DPRK nationals. By mid-September 2018, decisions revoking 250 DPRK citizens' work authorizations had been taken. We can say that we are ahead of schedule – more than half of the DPRK citizens present in Poland at the time of the adoption of the UNSCR 2397 have already returned to the DPRK.

Moreover, it is important to reiterate that in 2017 and 2016 Poland did not issue any work visas to North Korean citizens – as was stressed by our delegation previously. It is important to underline that according to the Polish law, the visas issued by consuls of the Republic of Poland on the one hand, and residence permits issued by regional governor's offices on the other are different titles of stay.

We are also pleased to inform that the Permanent Delegation of the Republic of Poland in Vienna remains in contact with the representatives of the Human Rights

Without Frontiers in regard to this topic.

A brief analysis of the official position of the Polish delegation suffices to highlight the incoherence and contradictions of the reply:

- Poland does take an active part in the process of hiring North Korean workers as for decades, including in the last few years and despite the UN and EU sanctions, it has granted North Korean citizens visas allowing them to work on its territory.
- The assertion that since 2016 Poland has not delivered new visas allowing North Korean citizens to work is vigorously contested by journalists of Vice (3) and of The New York Times (4). Moreover, the Polish delegation contradicts itself in its right of reply as it says “we stopped the issuance of new work permits to DPRK workers since August 2017” but says afterwards “in 2017 and 2016 Poland did not issue any work visas to North Korean citizens – as was stressed by our delegation previously.”
- Poland, as a state, denies hiring North Korean laborers but tolerates Pyongyang’s exploitation system of its citizens and makes itself an accomplice of it.
- Poland states that the National Labor Inspection did not detect any case of forced labor but we never said in our statement that North Korean workers were victims of forced labor. The issue is that Poland turns a blind eye to the sophisticated system of exploitation of North Korean workers put in place on the Polish territory by Pyongyang. Moreover, Vice journalists have highlighted the complicity of some labor inspection actors in the exploitation system.
- Before the UN and EU ban on hiring North Korean workers, some other EU member states such as the Czech Republic or The Netherlands immediately felt morally obliged to

stop granting them working visas and to put an end to their activities when they were informed about the exploitation system. Poland did not feel morally obliged to do so and still does not. When Poland uses the argument that “a general ban on entering Poland and taking up work for specific nationalities would be discriminating”, its answer is biased and suggests that UN and EU sanctions would be discriminatory...

- Last but not least, the Polish delegation says in its official written reply this year that “as of September 2018 there were 225 DPRK citizens, whose purpose of stay in Poland was to perform work” while in its official oral answer as video-recorded by the OSCE, it says that “there were circa 350 DPRK citizens with the purpose of stay in Poland whilst to perform work.”

Our ‘dialogue’ with the Polish authorities on this issue will continue so that UN and EU sanctions become a full reality in Poland as soon as possible but in fact Poland does not seem to know how many North Korean workers are really employed on its territory. In the last three years, many contradictions and counter-arguments concerning their statistics have been highlighted by various researchers and investigators.

Poland’s past official statistics rejected by various researchers and investigators

In September 2016, *Human Rights Without Frontiers* asked the Polish delegation to the OSCE how many North Koreans were working in Poland (5). The official answer was “about 550”. In September 2017, we again asked the same question (6). The answer this time was approximately 400. The Polish authorities claimed that they did not issue new work visas in the last two years (2016 and 2017), yet this was contested by Prof. Remco Breuker from the University of Leiden who published a 115-page report entitled “North Korean Forced Labour in the EU: the

Polish Case.” (7)

These questions were raised again on 31 December 2017 by *The New York Times* in an article by Peter S. Goodman, Choe Sang-Hun and Joanna Berendt entitled “Even in Poland, workers’ wages flow to North Korea” (8). As the article recounts:

At an isolated shipyard on Poland’s Baltic coast, men in coveralls used welding torches under a cold drizzle, forging an oil tanker for a customer in the Netherlands. The scene was unremarkable, save for the provenance of a dozen of the workers

“Yes, we are from the Democratic People’s Republic of Korea,” one of them said. “We have been here quite a while. Then he hurried away, alarm seizing his face.”

The New York Times found North Korean workers at a shipyard near the German border and at Remprodex, a manufacturer of shipping containers in the nearby town of Człuchow, 100 miles southwest of Gdansk; The workers said they had arrived in Poland in early 2017.

According to the American newspaper, the State Labor Inspectorate, which regulates working conditions at Polish companies, said that, as of mid-2017, some 450 North Koreans remained in the country, employed by at least 19 companies, including a complex of greenhouses growing tomatoes south of Warsaw.

In Poland, provincial governments issue work permits to foreign laborers, and there is little coordination with

national agencies. As a result, no one appears to know precisely how many North Koreans are in Poland or what they are doing,*The New York Times* reported.

The New York Times furthermore requested information on work permits issued to North Koreans from Poland's 16 provincial governments. There were nine responses that disclosed, in total, 124 new permits issued in 2017 and 253 granted in 2016. These numbers clearly contradict the official responses from the Polish authorities.

The statistics provided by various Polish authorities are therefore confusing and unreliable.

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 it to 187 of them. These figures contradict the answer of Poland's Delegation to the OSCE who said among other things at the HDIM in 2017 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."

Moreover, in an email dated 19 May 2017, the Polish delegation to the OSCE told *Human Rights Without Frontiers* that the number of North Korean workers in Poland as of 1 January 2017 was estimated at around 400 persons and no visas were issued in 2016.

Recommendations

Considering that the UN Security Council voted unanimously to impose strict sanctions on North Korea in order to prevent Pyongyang from acquiring hard currencies, including through its overseas workers,

***Human Rights Without Frontiers* calls again this year upon the Polish state;**

- to publicize accurate and reliable statistics concerning the number of North Korean workers still employed in Poland;
- to abide by the UN and EU sanctions;
- to abide by International Labour Organization standards;
- to stop granting new work visas to North Korean workers;
- to give a date by which the employment of North Korean workers in Poland will end.

***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; Russia is still hiring North Korean workers at an alarming rate, according to a recent report of the South Korean NGO, North Korea Database (NKDB).

***Human Rights Without Frontiers* calls upon the European Commission** to start a full investigation on 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.

Footnotes

(1) Oral statement (Video)

https://drive.google.com/file/d/13e4AECu6Ejb0djJ_BRierLJNqhsUpMuB/view

Written statement

<https://www.osce.org/odihr/396293?download=true>

(2) <https://www.osce.org/odihr/397718?download=true>

(3) 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> (Subtitles in English and French) <http://www.vice.com/nl/video/cash-for-kim-de-noord-koreaanse-dwangarbeiders-diezich-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)

(4) <http://nyti.ms/2lJiJ3H>

(5) <https://www.osce.org/odihr/266761?download=true>

(6) <https://www.osce.org/odihr/342706?download=true>

(7)

Report: <http://leidenasiacentre.nl/wp-content/uploads/2017/06/rapport-slaves.pdf>

Statistics from the official Polish website

<https://www.mpips.gov.pl/analizy-i-raporty/cudzoziemcy-pracujacy-w-polsce-statystyki/>

(8) See footnote 4.

Additional reading

Also see the 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>

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EUROPEAN UNION/CHINA: Why those fleeing religious persecution in China should

be granted asylum

HRWF / Bitter Winter (14.09.2018) – <https://bit.ly/2peZBg1> – Speeches of Massimo Introvigne and Rosita Šorytė at the 2018 Organization for Security and Cooperation in Europe (OSCE) Human Dimension Implementation Meeting, Warsaw, September 13, 2018.

Massimo Introvigne, *the repression of religion in China: consequences for OSCE Participating States*

On February 1, 2018, a new Religious Affairs Regulation came into force in China. The consensus of legal experts is that it imposed new restrictions on the “gray market” of religions and churches that are not part of the five official government-controlled religious institutions. It also provided new tools for persecuting the religious communities in the “black market,” included in the official list of xie jiao, “heterodox teachings” that are entirely prohibited and persecuted. Being active in a xie jiao is a crime punished by art. 300 of the Chinese Criminal Code with a term to three to seven years “or more” in jail.

Tibet and Xinjiang have special regulations, but the general climate hostile to religion has led to increased persecution of Uyghur and ethnically Kazakh Muslims in Xinjiang and dissident Buddhists in Tibet. Scholars estimate that “transformation through education” camps, which are in fact concentration camps, host 1,5 million inmates, two-thirds of them Uyghurs.

OSCE participating States have multiple relations with China, and we would encourage them to raise human rights and religious liberty issues in a more decisive way in bilateral meetings.

The OSCE space is also affected by the situation in China, as participating States receive a growing number of religion-based asylum requests by Chinese citizens. The largest contingents of them are Uyghurs, particularly in Central Asia, and members of religions listed as xie jiao, particularly in Western Europe and North America. There are still refugees from Falun Gong but in recent years the highest number comes from The Church of Almighty God, a Chinese Christian new religious movement listed as a xie jiao since 1995 and credited by governmental sources with some four million members in China. The Church of Almighty God has been persecuted since 1995 or before, and more than 300,000 members of the Church have been detained in China. Some NGOs have documented several instances of torture and extra-judicial killings. It has also been targeted by consistent campaigns of fake news, accusing it of crimes rigorous investigation by Western scholars proved it has not committed.

Because of the fake news, general hostility to refugees, and confusions about how refugee laws should be interpreted, out of more than 2,200 asylum requests of members of this Church in the OSCE area, excluding the United States, only 320 have been accepted.

We commend Canada and Sweden for its prevalence of favorable decisions and note that the Italian authorities have started a cooperation with scholars for receiving more accurate information on this and other groups.

But in other countries, most of the asylum seekers of The Church of Almighty God and other persecuted Chinese religions are rejected and, in some cases, deported back to China where they quickly “disappear.”

We recommend that serious and fair consideration be given to religion-based asylum requests by Chinese refugees, including those from The Church of Almighty God, in all participating states, and that nobody should be deported without seriously evaluating the risks he or she would face in China, which may include incarceration, torture, and even death.

Rosita Šorytė, Intolerance and Discrimination Against Religion-Based Refugees from China in the OSCE Area: The Case of The Church of Almighty God

These days there are a few issues that are particularly toxic in our societies: refugees and China. And my very young and still very small organization – ORLIR – is dealing with both of them.

We see how the issue of migration is turning apart countries, changing alliances, and helping populists of all kind to rise to power. It took us and media a long time to finally acknowledge that most of those people who massively arriving in Europe are not refugees but migrants. Still in the media confusion persists and very often information is inaccurate and blurred.

We all know that there is a big difference between migrants, searching for a better economic life, and refugees, who for reasons of war and persecution are fleeing their countries of origin. Some of these people have only two choices: to be persecuted, tortured and even killed, or flee their country and try to seek protection.

I perfectly understand the challenge for the authorities of recipient countries to distinguish who is persecuted and in imminent danger, and who is pretending for the sake of getting the right to stay. My humble experience of talking to many refugees shows that those who are pretending being persecuted and are better actors and are getting refugee status. And those who are in real danger very often fail to prove their case and thus are sent back to their oppressors.

I could tell many moving and tragic stories of people who flee severe persecution in China on religious grounds. I will focus today on members of a new Christian group called The Church of Almighty God. The Church of Almighty God is one of the largest and fastest growing religious groups in China. And this is exactly why it is severely persecuted. Any member identified by Chinese authorities would be sent to jail, most of them will be tortured in order to extract information about other members of the Church. They will be sent to re-education camps and, once released, will be kept under watch, and eventually put in jail again if they would not agree to cooperate with Chinese authorities and renounce their faith. Cases of suspect organ harvesting from prisoners of conscience of this Church have also been reported.

Most members of The Church of Almighty God would flee their country only and when they have confirmed information that

their arrest is imminent. They do not flee to seek our jobs or get financial or economic benefits but to survive and protect other brothers and sisters of their group. By fleeing China, they lose everything: their families, friends, homes, and jobs. They arrive in our countries with nothing but their faith and their hope that fellow brothers and sisters would support them. They arrive carrying a lot of pain and deep trauma. Very often, out of fear, they are not able to present their cases well enough and end up being denied asylum or even being deported.

On August 31, despite protests by the Red Cross, the German Evangelical Lutheran Church, and several NGOs, including mine, a member of this Church, sister Zhao Xueliang, was deported back to China from Germany. She has “disappeared” in China and her whereabouts are unknown ever since. My pleading today to the representatives of the participating States is, please hear and remember the name of The Church of Almighty God. Please carry out serious research about this group, do not believe what Chinese media, and Western media that copy them, are saying but read reliable information from independent NGOs and academic sources. We have no right to play with people’s lives and we cannot send them to their death.

Another toxic issue is to talk about China. Yes, China spares no efforts and financial means to persuade us that there are no human rights problems there. They bribe and buy everybody they can: politicians, journalists, even academics who would be paid to say that what we are presenting to you today it’s not true. Some of the meetings we organize during international political or academic conferences are half empty because people know: once you will be spotted by Chinese authorities participating in this kind of meetings, you will never go to China again. China plays an important role at the

United Nations to kill every mention of human rights, and human rights are rarely part of the agendas of bilateral meetings either because everybody wants to have good economics contracts with China. But, if we cannot change Chinese politics, perhaps we can at least protect those who flee Chinese persecution. It is not only our moral duty to protect those who are in imminent danger. States have a legal obligation under international law.

Footnote

The paper of HRWF on this issue was already published in our newsletter.

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