

# **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>

▪ <https://www.osce.org/odihr/266761?download=true>

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# **NORTH KOREA/NETHERLANDS/POLAND: North Korean files slavery complaint in Netherlands**

By Mike Corder

The Washington Post/Associated Press (08.11.2018) – <https://wapo.st/2PBEJj1> – THE HAGUE, Netherlands – A North Korean worker who claims he is a victim of modern slavery in a Polish shipyard has filed a criminal complaint against a Dutch shipbuilder that bought products from the Polish firm, an activist group said Thursday.

The Global Legal Action Network said in a statement that the man “endured 12-hour workdays in unsafe conditions and had much of his wages seized by the North Korean state.”

The network did not release the plaintiff’s name “to protect his safety.”

Dutch lawyer Barbara van Straaten, who filed the case Monday on the worker’s behalf, also is not revealing the name of the Dutch shipbuilder so as not to jeopardize a requested criminal investigation. Under Dutch law, companies can face prosecution if they profit from labor exploitation, even if it happened in another country.

The Global Legal Action Network said the North Korean worked at a shipyard in Gdynia, Poland owned by a private company, Crist. Company spokesman Tomasz Wrzask said the shipyard previously worked with a Polish firm called ARMEX that once employed North Koreans, but ended the collaboration in the summer of 2016.

ARMEX “had all the necessary permissions to operate in the European Union and in Poland, and was under the supervision of Poland’s National Labor Inspectorate. We had no reason for suspicion,” Wrzask said.

Wrzask said it was an “outrage” that Crist’s name was made public while the Dutch shipbuilder was not identified.

“The allegations were made without letting us know when the work was taking place, what was the project and what was the name of the Dutch company,” he said. “Without that, we cannot verify at this stage if it is connected with us”.

Global Legal Action Network Director Gearoid O Cuinn said the case “will send a strong message to multinational corporations that profiting from forced labor will entail serious legal risk.”

A Global Slavery Index published in July estimated that 40.3 million people worldwide were subjected to modern slavery in 2016. The Walk Free Foundation’s index reported that where one



in 10 people lived under such conditions in North Korea, the highest concentration in the world.

The North Korean government also sends tens of thousands of workers abroad under arrangements that bring in revenue estimated at between \$200 million to \$500 million a year.

Monika Scislowska contributed from Warsaw, Poland.

### **HRWF Footnote**

Global Slavery Index:  
<https://www.globallslaveryindex.org/2018/data/maps/#prevalence>

Walk Free Foundation Index:  
[https://downloads.globallslaveryindex.org/ephemeral/GSI-2018\\_FNL\\_180907\\_Digital-small-p-1542536197.pdf](https://downloads.globallslaveryindex.org/ephemeral/GSI-2018_FNL_180907_Digital-small-p-1542536197.pdf)

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# **POLAND/NORTH KOREA: 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.

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

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