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North Korean Overseas Workers

Human Rights Challenges & Policy Options

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Policy Challenges & Recommendations

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North Koreans that are sent overseas as forced laborers are subjected by their own political regime to various forms of exploitation.

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 the country 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 hours, and laborers are only provided 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.

It is clear that unless the international community applies more pressure, the exploitation of overseas North Korean workers by their own state will not stop.

Recommendations to the countries hosting North Korean Laborers

Passports and Visas

First of all, the authorities of the hosting countries should not confiscate the passports and visas of the North Korean workers and should ensure that the North Korean supervisors of the labor force abide by this rule as well to prevent violations of their freedom of movement.

Labor Contracts

It is estimated that 16 countries are currently hosting North Korean laborers. Before any contract is signed, these countries should check carefully whether it contains provisions that are in violation of local labor laws or human rights standards. In the case where such provisions are present, measures should be taken to revise the contract so as to bring it in line with local legislation and international law.

Important points to be checked are

- if the applicants have had access to the contract in advance in order to make an informed decision before signing it;
- if the contracts mention the number of working hours and days per week, the days of rest, the level of compensation they will receive and the process by which they will be paid;
- if they individually and freely sign their contract;
- if they have a personal bank account.

Working and Living Conditions

Investigations have shown that North Korean laborers work and live in very poor and dangerous conditions. The safety of these workers must be guaranteed on the worksites. Healthcare and financial compensation must be provided in case of accidents. This responsibility is shared by North Korean supervisors as well as the relevant labor-related institutions of the hosting countries, including the police and other agencies.

It is therefore the duty of the relevant hosting authorities

- to monitor the work conditions of the places of employment;
- to prevent human rights violations in respect to the working hours and living conditions of foreign laborers within their country..

Powers of the North Korean Supervisors

Research has also shown that in some of the hosting countries, the North Korean supervisors operate arbitrary detention facilities and function as a judicial police authority. There have been cases of illegal deprivation of freedom, torture, forced repatriation, non-payment of wages, embezzlement of industrial accident compensations and the imposition of excessive labor.

Therefore, measures should be taken by the hosting countries to prevent such abuses of power and forms of exploitation and to prosecute supervisors who would carry out illegal practices.

Role of Domestic 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.

Recommendations to the international community

1. The UN should identify the organizers and beneficiaries of the exploitation of North Korean overseas workers and adopt a list of targeted sanctions against them

With the help of a group of experts, the UN should draw up a list of senior North Korean officials and entities involved in the exploitation of overseas workers that could potentially be subject to sanctions. This list should at least include the Supreme Leader, Kim Jong Un, and his cabinet.

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.

Additional sanctions should target the heads of several political institutions within North Korea that have been found to be responsible for the exploitation of its overseas workers, such as:

- State Security Department
- Ministry of People's Security
- Workers' Party of Korea
- National Defense Commission

In adopting such measures, the UN, its member states and the EU should take an incremental approach. Targeted sanctions could be developed similar to those contained in US Executive Order 13553 ("Blocking Property of Certain Persons With Respect to Serious Human Rights Abuses by the Government of Iran and Taking Certain Other Actions").

The UN member states and the EU should implement such sanctions.

2. The international community, including the EU and its member states, should strengthen the enforcement of labor protection standards by pressuring states as well as public and private companies that make use of North Korean workers.

These countries and these entities, either domestic or foreign, should ensure that North Korean workers are treated fairly on par with their own domestic workers, stop the practice of entrusting their salaries to the North Korean government and conduct regular inspections at work sites and housing facilities to ensure that basic standards are being met.

International sanctions should be applied against individuals and entities that abet the human right abuses of North Korean laborers.

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

- Ensure that basic living and working standards are met, at least to the level stipulated in domestic labor laws
- Insist that workers are paid directly rather than through the North Korean government or state enterprises
- Conduct regular inspections of the workplaces that make use of North Korean labor
- Prevent the transfer of bulk cash back to North Korea.

If the concerned states and entities fail to observe these conditions, the proposed international sanctions regime should draft a list of individuals and entities that make use of North Korean workers and penalize them accordingly.

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. The rights of workers must be protected according to basic international standards of safety and dignity.

Depending on the legal status of those states that employ North Korean workers, this concern should also be raised with 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

3. Restrictive measures taken by the EU 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 are 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.

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 and 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;
- urge South Korea to strictly enforce the relevant law that regulates the direct payment of wages to North Korean workers at the Kaesong Industrial Complex;
- issue periodic reports to relevant EU institutions in Brussels.

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.

The European Parliament should adopt a resolution on the exploitation of North Korean workers.

Recommendations to North Korea

North Korea should abide by its international treaty obligations and immediately abolish any slavery or forced labor practice as prohibited by the International Covenant on Civil and Political Rights (ICCPR) to which it acceded on September 14, 1981. North Korea should also join the International Labor Organization and accede to other international anti-slavery treaties.

North Korea should sign and/or ratify the following UN instruments:

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-9&chapter=4&lang=en

1926 Slavery Convention

https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-3&chapter=18&lang=en

Forced Labour Convention, 1930 (nor the 2014 Protocol to the Forced Labour Convention)

http://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312174

http://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:3174672

Abolition of Forced Labour Convention, 1957 (No. 105)

http://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312250

The international community should urge North Korea to sign/ ratify such instruments, as these constitute the standards by which nations commit themselves to universal principles of human dignity and the just treatment of their citizens.