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## **Exploitation of North Korean Overseas Workers: Advocacy at the OSCE and in EU Institutions**

*Paper presented at the conference “The North Korean Regime’s Human Rights Record”*

*Inalco (French National Oriental Studies Institute)*

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According to numerous experts, close to 50,000 North Korean laborers worked this year in approximately fifteen countries on three continents (Asia, Africa and Europe), but in the past few decades, North Korean citizens had been officially dispatched to a total of forty-five countries. The exploitation of their workforce by their own regime is said to generate benefits in hard currencies amounting to 1.2 – 2.3 billion USD, a financial manna which is welcome to finance the nuclear program of North Korea. Some EU member states have been involved in this exploitation.

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

For many years, North Korean laborers have been hired and exploited in Poland. This issue was addressed and denounced by the Polish newspaper Gazeta Wyborcza on several occasions and more recently in video reports available on YouTube, but this only led to temporary mixed results.

At the last Annual Conference of the OSCE/ ODIHR held this past September in Warsaw, I made a statement about the exploitation of North Korean overseas workers in Polish shipyards. It was the first time this issue was raised in this international forum. My statement was based on information coming from personal research and several sources, including the 115-page report of the Leiden Asia Centre entitled “North Korean Forced Labour in the EU: the Polish Case” (<http://bit.ly/1pAcuz6>). It can be consulted on the website of the OSCE.

On the occasion of the Warsaw Meeting, I initiated a friendly dialogue with the OSCE delegation of Poland about this problem and was promised an official answer from Poland’s Ministry of Foreign Affairs. On 28 September, our NGO was informed by the delegation of Poland at the OSCE about the state of play regarding the situation of private companies hiring North Korean workers who get working visas from the Polish authorities for this purpose. Here is the message that they sent to our NGO:

“The Republic of Poland, just as any other country of the European Union, does not have any bilateral agreement with the DPRK regarding the exchange of workers. The Polish government does not take an active part in the process of hiring said workers nor does it promote such practices. The existing cooperation is based on private companies' independent agreements.

According to our estimations there are not 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.

We wish to stress that government institutions, such as the National Labour Inspectorate and the Border Guard oversee their employment conditions and ensure the Polish laws are respected in their workplace. To that end, these institutions regularly inspect the companies where the DPRK nationals are employed.”

What is interesting in this declaration is that Poland recognizes the presence of North Korean workers on its territory and gives statistics. Noteworthy is also the fact that due to the increased visibility of the exploitation of North Korean workers abroad, and especially in Poland, the authorities in Warsaw have obviously decided to suspend the issuance of visas.

Our recommendation to stop the issuance of visas to North Korean workers as long as they continue to be exploited has been uploaded on the OSCE website and has been selected by the OSCE for a closer examination by its Ministerial Council at their next meeting in Hamburg in early December. Here is the full text of our recommendations:

***“Human Rights Without Frontiers calls upon Poland, Malta and other OSCE Participating States employing North Korean workers***

- to abide by the standards of the International Labor Organization and their commitments agreed upon under the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR);
- to strengthen the implementation of labor protection standards, including:
  - provision of clear information on work hours, work conditions and salaries
  - ensuring direct payment of salaries to workers
  - provision of information regarding complaint mechanisms
  - terminating the practice of confiscating passports and visas by North Korean authorities
  - respect for workers’ freedom of movement
  - conducting inspections of companies using North Korean labour and issuing sanctions in cases of failure to abide by national and international standards

***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.”***

According to VOA News (<http://bit.ly/2cpsW2e>), Poland has decided not to issue any more visas for North Korean workers after the North conducted its fourth nuclear test in January.

**Advocacy at the European Parliament and other EU institutions**

In 2007, *Human Rights Without Frontiers* (HRWF) organized a conference at the European Parliament at which a former staff member of the North Korean embassy in Prague revealed that, prior to his defection, he had been in charge of the ‘supervision’ of dozens of North Korean seamstresses employed in the Czech Republic. When their exploitation was publicized by the national media, the Czech government put an end to the hiring of North Korean laborers.

At the same time, it was also known that numerous North Korean workers were being recruited in Poland to work in Gdansk shipyards and orchards. Despite the regular coverage of the issue by the Polish media - especially *Gazeta Wyborcza* – and our awareness raising campaign, the practice continued. This was likely due to the long-standing good relations between the two countries established over two decades by North Korea's ambassador to Poland, who, until recently, happened to be the stepbrother of Kim Jong-il.

A few years ago, a North Korean restaurant opened in Amsterdam. *Human Rights Without Frontiers* informed Dutch MPs and the European Parliament about this controversial business, but there was no political reaction from Brussels or The Hague.

In September 2014, the Korean Institute for National Unification (KINU) co-organized a conference with *Human Rights Without Frontiers* on the exploitation of North Korean overseas workers at the European Parliament with **MEP Kati Piri**. This was followed by a meeting of experts on human rights in North Korea, held by KINU and the European Institute for Asian Studies in 2015, where HRWF and KINU researchers raised this issue. Another similar meeting was organized by KINU in Madrid the same year.

Throughout 2016, the Seoul-based Database Center for North Korean Human Rights (NKDB) organized conferences on the exploitation of North Korean overseas workers in the EU, and on 1 June published the report “A Prison With No Fence” in five languages (Korean, Russian, Chinese, English, and Spanish).

At the beginning of 2016, **German MEP and Chair of the EU Parliamentary Committee on Employment and Social Affairs Thomas Händel** drew attention to the exploitation of North Korean workers in Malta, sending letters to a number of EU agencies: the EU Agency for Fundamental Rights, Commissioner for Employment, Social Affairs, Skills and Labour Mobility Marianne Thyssen, and Guy Ryder, Director-general of the International Labour Organisation (ILO). He became concerned about the issue after hearing that a company producing leisure clothing was being sued on the basis of allegations of sub-standard working conditions, low wages, and misappropriation of wages.

In May 2016, journalists investigated the situation in Poland and produced a remarkable thirty-two-minute video report entitled “Cash for Kim: North Korean forced Laborers in Poland,” available at <http://bit.ly/1PaBOTG>

On 25 May 2016, **MEPs Kati Piri and Agnes Jongerius**, two Socialist MEPs, asked a written parliamentary question about North Korean workers in the EU.

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?

On 29 June, Commissioner Marianne Thyssen answered she was aware of reports on alleged violations of the human rights of citizens of the Democratic People's Republic of Korea (DPRK) working abroad,” and recalled, among other things, the EU’s policy against trafficking:

“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.

In an article entitled “Poland takes measures to limit trade in North Korean slaves,” published by New Europe on 8 June 2016, the Brussels-based weekly newspaper wrote (<http://bit.ly/28ZkaZp>):

“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.”

In early July, in Leiden (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 run by the Leiden Asia Centre with Professor Remco Breuker.

On 5 September 2016, **MEPs Kati Piri and Agnes Jongerius**, who were apparently not satisfied with the answer of Commissioner Marianne Thyssen, pressed her again with another question:

“Recent research conducted by Leiden University on North Korean forced labour in Europe, taking Poland as a test case, proves that EU legislation is being systematically violated in Poland. The research reveals that several hundred North Koreans are working under conditions that breach EC law. Furthermore, EC law based on United Nations sanctions against North Korea is also being breached, since workers' earnings are being directly transferred to North Korea. Finally, the exploited North Koreans may be moving from one EU country to another.

In light of the overwhelming evidence:

1. Will the Commission start an infringement procedure against Poland based on these clear breaches of EU legislation?

Since the research only takes Poland as a test case and cannot rule out that this exploitation is not also occurring in other Member States:

2. Is the Commission planning to take action at EU level to identify the Member States and companies which are hiring North Korean workers?
3. Is it planning to set up a systematic mechanism to check the work contracts offered to North Korean workers and the implementation thereof, and to check the working conditions and method of payment?

**18 November 2016**

**P-006692/2016**

**Answer given by Ms Thyssen on behalf of the Commission**

On the alleged situation of forced labour concerning citizens of the Democratic People's Republic of Korea (DPRK) working abroad, the Commission refers the Honourable Members to its answer to written questions **P-004172/2016**<sup>(1)</sup> and **E-013290/2015**<sup>(2)</sup>.

1. As to the alleged breaches in Poland, the Commission has contacted the Polish authorities which are fully aware of the claims presented in the media. It is the responsibility of the national authorities, including the labour inspectorates, police and judicial authorities, to ensure that the prohibition of forced labour and the rules on working conditions are enforced. The Commission monitors this application and if breaches of Union law by Poland or other Member States are identified, the Commission will launch infringement procedures.
2. The Commission holds no records of companies hiring DPRK workers and does not have the power to establish such a record system.
3. The Commission has no power to check individual work contracts offered to DPRK workers and will not establish a systematic review mechanism.

With regard to sanctions, the EU's additional restrictive measures complement those measures adopted by the UN Security Council (SC) and also implemented in the EU through a Council Decision and Council Regulation. These include restrictive measures provided by the latest UN SC Resolution 2270 of March 2016, aiming at the DPRK's illegal nuclear, Weapons of Mass Destruction and ballistic missile programmes.

Under the current EU, restrictive regime transactions relating to personal remittances or transactions in connection with legitimate trade contracts are subject to prior authorisation by the national competent authorities.

**(1)** <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+P-2016-004172+0+DOC+XML+V0//EN>

**(2)** <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2015-013290+0+DOC+XML+V0//EN>

## **Policy change by some other governments inside and outside the EU**

Awareness is increasingly rising inside and outside the EU and some countries have started to implement good practices.

### ***Malta denies visas for North Korean workers, sending them back home***

In July 2016, Malta denied visa extensions for 20 North Korean workers who had been employed at a construction firm and clothing manufacturer there, effectively expelling them from the country (<http://bit.ly/2cQzBog>). A diplomatic source in the capital, Valletta, said Malta had taken the move after a push by South Korea and human rights groups that raised concerns about the conditions faced by the North Korean workers. All of the workers had since left Malta and returned to North Korea.

North Korea has come under growing diplomatic pressure since its January nuclear test and a long-range rocket launch in February, which led to a new UN Security Council resolution in March tightening sanctions against Pyongyang.

### ***Ukraine ends visa-free deal with North Korea to keep out 'ineligible persons'***

In August 2016, Ukraine revoked a Soviet-era deal that allowed visa-free travel for North Koreans, the latest setback for isolated North Korea which has been under growing pressure since the UN Security Council imposed toughened new sanctions in March.

A Ukraine government document seen by Reuters said that the government approved a decree on 27 July to terminate the pact with North Korea, a major buyer of Ukraine's flour that had allowed visa-free travel between the two countries.

The document, signed by Ukraine Prime Minister Volodymyr Groysman, stated that the withdrawal of visa-waiver agreement would "prevent ineligible persons from entering Ukraine".

### ***Qatar sent back home 200 North Korean workers***

In 2015, the Construction Development Company (CDC) in Qatar, the country which will host the FIFA World Cup in 2022, sent back about 200 North Korean workers because of repeated violations of national labor laws and regulations by the workers and inhumane treatment by supervisors.

Last year, there were about 3,000 North Korean laborers in Qatar. North Korean workers are contracted with local construction companies through a North Korean recruitment firm in Qatar: **Genco**, created in 2010. The firms are all managed by **North Korea's External Construction Bureau**. Some of the workers are soldiers dispatched by North Korea to earn



cash. Sudo and Gunmyung were the first companies to import North Korean work force in Qatar in 2003; they were followed by Genco in 2010.

## **Conclusions & Recommendations of Human Rights Without Frontiers**

The recent interest of the international community in the exploitation of North Korean workers by the EU and some of its member states is the result of several factors:

- a long-standing awareness-raising and advocacy campaign
- the recent investigative work of NKDB, KINU, the Leiden Asia Center, and video-journalists
- the acceleration of Pyongyang's nuclear program which threatens the security of all the countries in the region, including the USA
- the opinion of a number of experts saying that the benefits in hard currencies generated by the exploitation of overseas workers amount to 1.2 – 2.3 billion USD and are used to finance the nuclear program of North Korea

*Human Rights Without Frontiers* hails the policies recently put in place in the EU, and beyond its borders, to curb the exploitation of North Korean Overseas Workers by their own government, with the complicity of a number of states and private companies.

### ***Human Rights Without Frontiers urges***

#### **the EU**

to collect data from its member states about the issuance of working visas to North Korean citizens and their working conditions

#### **the EU member states employing North Korean workers**

- to abide by the standards of the International Labor Organization and by their commitments under the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR);
- to strengthen the implementation of labor protection standards:
  - clear information on work hours or work conditions and on salaries
  - direct payment of salaries to the workers
  - information about complaint mechanisms
  - non confiscation of the passports and visas by a North Korean authority
  - freedom of movement of the workers
  - inspections of companies using North Korean labour and sanctions in cases of failure to abide by national and international standards