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## **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 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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## **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](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> (Sub-titles 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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## **Ukrainian rights activist claims Poland banned her from Schengen zone**

***A Ukrainian human rights activist claimed on Thursday (16 August) that Warsaw had banned her from Poland and the rest of the Schengen zone in what she called "a political affair".***

Euractiv (17.08.2018) - <https://bit.ly/2PngAcq> - Lyudmyla Kozlovska, the president of the Warsaw-based human rights organisation Open Dialog, said she was stopped by Belgian border guards when she arrived in Brussels late Monday (13 August).

Kozlovska said the guards told her she had been put on a list of people to be deported from the Schengen zone -26 countries which are part of the European free movement area- at the request of Polish officials.

The guards informed that her name was on the highest alert level in the Schengen Information System (SIS), she said.

She was then put on a flight to Ukraine's capital Kiev, where she remains.

Polish officials, including the government's Office for Foreigners, refused to confirm or deny the allegation to AFP.

"I don't know what I did wrong... We thought Poland wouldn't do this... but we expected it," Kozlovska told AFP in Kiev.

She is married to Bartosz Kramek, a Polish opposition activist who has repeatedly spoken out against the country's conservative Law and Justice (PiS) government.

"We were under intense pressure. The foreign ministry wanted to change the management of our organisation and to exclude me. They didn't succeed and so they decided to physically remove me from EU territory," she added.

Kozlovska had been travelling to Brussels to visit an office of Open Dialog, which works with political prisoners most notably in Kazakhstan, Moldova and Russia.

The Schengen Information System was set up to allow police forces in European Union member states to share data and preserve internal security.

"It's completely impossible for me to go to SIS countries," Kozlovska said.

"And even my US and British visas risk being revoked or have already been cancelled because Poland marked me as... someone particularly dangerous. Without explanation," the activist denounced.

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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.

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<sup>1</sup> Slaves of the System : North Korean Forced Labour in the EU.

See <http://leidenasiacentre.nl/publicaties/>

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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## **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.

<sup>(1)</sup> 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.

<sup>(2)</sup> European Regional Development Fund.

<sup>(3)</sup> 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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