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Humanitarian issues and other commitments

Poland: Exploitation of North Korean Overseas Workers

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.**

“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.
- Borgwarner Poland Sp. Z.o.o.
- Fabryka Mebli „Rys” 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 Ltd. - 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-dwanganbeiders-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)

EU Parliamentary Question about the exploitation of North Korean Workers in Poland

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⁽¹⁾ 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⁽²⁾ and ESF⁽³⁾ 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.

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>

Exploitation of North Korean workers in Malta

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 alleged exploitation of North Korean workers in Malta, sending letters to a number of EU agencies.

The *Leisure Clothing* case was one that shocked the island when it went before the courts, revealing allegations of sub-standard working conditions, low wages and misappropriation of wages.

The first letter sent by the German MEP to the **EU Agency for Fundamental Rights**, recalled the 16 January 2016 report by German broadcaster ARD regarding the “extreme forms” of exploitation of North Korean workers in Malta, and warned that similar exploitation might be occurring in other countries, including Poland and the Czech Republic:

“Such forms of exploitation are shocking and cannot be tolerated in the European Union. I would like to bring the matter to your attention and I should like to invite you to ensure that your Agency gives the appropriate follow-up on this issue”.

A similar letter was also sent to the **Commissioner for Employment, Social Affairs, Skills and Labour Mobility, Marianne Thyssen**, and asks her to raise the issue with the competent national authorities of the countries, “where there is concrete evidence so that the necessary remedies are taken without delay”.

Another letter was sent to **Mr Guy Ryder, Director-general of the International Labour Organisation (ILO)**.

“Instead of receiving the mandatory minimum wage of €700 per month, the workers are paid €75 for working 14 hours a day, with only one free day every two weeks”.

“The workers are usually sent by state-run agencies in their respective countries. *Leisure Clothings* is a subsidiary of the Chinese state-owned enterprise CICET, therefore the North Koreans are transferred to the Maltese factory by Chinese intermediaries. According to newspaper articles, currently there are around 1.000 North Koreans who are exploited in countries within the European Union. In addition to Malta, Polish companies have also been accused of using forced labour”.

Conclusions

There are currently around 50,000 North Korean laborers working in sixteen countries, resulting in annual profits of USD 1.2 - 2.3 billion for the regime in Pyongyang. Most hosting countries thereby fail to implement the UN sanctions imposed on North Korea for its egregious and massive violations of human rights and crimes against humanity. Several EU member states are involved in this unethical trade with North Korea, including Poland, the Netherlands and Malta. In 2014, Austria issued 104 visas to North Korean citizens and 111 in 2015. Bulgaria, the Czech Republic and Romania all stopped their employment programs for North Korean workers as a matter of legal obligation.

The Democratic People’s Republic of Korea (DPRK) and all EU countries, including Poland, are States Parties to the two core international human rights covenants: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). This means that the governments of these countries have gone through the formal process of signing and ratifying these international treaties, and are therefore responsible for actively accepting the legal obligations to uphold the rights and provisions of the treaties.