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Working Session 14

Humanitarian issues and other commitments

Poland: Exploitation of North Korean Overseas Workers

Despite the UN and EU sanctions forbidding the hiring of North Korean workers, Poland is still failing to put an end to the presence of North Korean workers in its country. 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. The UN and EU sanctions have not been lifted and remain in force to date.

In September 2016, HRWF asked the Polish delegation to the OSCE how many North Koreans were working in Poland. The official answer we received was about 550. In September 2017, we again asked the same question. 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 (<https://www.mpips.gov.pl/analizy-i-raporty/cudzoziemcy-pracujacy-w-polsce-statystyki/>).

Our questions to the Polish delegation to the OSCE this year are, again: How many North Korean Workers are currently working in Poland, and how many work visas have been issued since the last HDIM?

These questions are raised again because on 1 January 2018, *The New York Times* published an article by Peter S. Goodman, Choe Sang-Hun and Joanna Berendt entitled “Even in Poland, workers’ wages flow to North Korea” (See <http://nyti.ms/2lJi3H>). 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 Człuchów, 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 different Polish authorities are 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 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 email dated 19 May 2017, the Polish delegation to the OSCE told HRWF 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.

North Korea in search of hard currencies for its nuclear program

For decades, North Korea has dispatched laborers to locations worldwide, engaging tens of thousands in logging, mining, and construction ventures, and confiscated the majority of their earnings.

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 30-year-long practice must immediately stop. No North Korean laborer should 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 and on the borders of the OSCE space in Alaska and Eastern Siberia. Moreover, this practice constitutes a violation of human rights and international standards, which are at the core of the European Union, and, thus, the continual disrespect these standards damages the Union's moral standing and international prestige. The respect for human dignity must prevail.

North Korea's military nuclear program would not exist as such without Pyongyang's access to hard currencies.

One of Kim Jong-un's means of collecting hard currencies abroad is to send North Korean workers abroad and seize 80 - 90% of their salaries. It is estimated that over 50,000 North Koreans are working in approximately 20 countries globally. Poland is one of them as highlighted in an extensive report of the Asian Center of the University of Leiden published last year¹. 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.

Exploitation of North Korean workers in slave-like conditions in Poland

North Koreans sent to Polish shipyards and other worksites are subjected by Kim Jong-un's regime to various forms of exploitation with the passive approval of the Polish authorities and the private companies that hire 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 contracted wage; they are not allowed to have a bank account or to receive their earnings in cash; they are given a small stipend from their already paltry monthly income for personal use while in Poland and only able collect their accumulated meagre monthly wages upon return to North Korea;
- Upon arrival in Poland, workers' passports and visas are confiscated by a North Korean so-called 'supervisor';

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

- 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, under constant surveillance by North Korean security agents; they are not allowed to 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 but none-the-less they have refused to end to these systematic violations of the International Labour Organization standards.

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.

ANNEX

De : Pogwizd Anna [<mailto:anna.pogwizd@msz.gov.pl>]

Envoyé : mercredi 28 septembre 2016 15:13

À : w.fautre@hrwf.net

Objet : RE: Your presentation - HDIM WS 7 "Humanitarian issues and other commitments"

Dear Director Fautre,

Following up on our conversation, please see below the reply delivered by the Polish representative at the HDIM WS 7 "Humanitarian issues and other commitments" with regard to the topic you raised, thank you,

Kind regards,

Anna Pogwizd

Second Secretary

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to the UN Office and the International Organizations in Vienna**

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- 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 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.