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# **Totalitarianism exported: North Korean labourers in the EU**

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## **Introduction**

North Korea has always been an object of fascination to the Western world. Among the many labels and perceptions in Europe and North America, two are particularly relevant to the topic of this essay. Firstly, the widespread view of North Korea being currently one of the most inhumane regimes in the world. Marzuki Darusman, Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (DPRK), observed in February 1 2013 as many as nine systematic violations of human rights within the country's borders including torture, right to life and food, freedom of expression and discrimination, the last a consequence of the regime's division of North Korean society into three classes according to their allegiance to the government.

Outside of UN policy-making circles, political leaders and media have popularized and sensationalized the human rights abuses committed by the North Korean state. George W. Bush repeatedly described North Korea throughout his time in office as part of an 'axis of evil'<sup>1</sup> and newspapers such as Fox News have produced countless articles detailing the 'hell holes' of North Korea's prison camps.<sup>2</sup> The extensive attention given to these prison camps and their horrors is understandable given their parities with Soviet gulags and even German concentration camps. However, the implicit aim behind such discussions surrounding North Korea is often to validate American and European democracies as benevolent and humane in contrast to the evil inhumanity of North Korea.

But the exploitation of North Korean labourers in EU countries such as Poland, Czech Republic and Malta, a much less discussed topic, makes such a polarity difficult to sustain. The 'hell holes' of North Korea are not only located in North Korea itself but also around the world, including European countries ruled by democratic governments. Therefore, the essay will show how European companies, governments and even supranational institutions are either directly or indirectly complicit in allowing the DPRK to exploit its citizens within their borders.

Secondly, North Korea's isolation has garnered much attention and interest. In 2013 the *World Policy Journal* ranked the top 10 most isolated countries based on different forms of "isolation" including 'the percentage of individuals on the Internet, the number of foreign visitors, the percentage of the total population that are immigrants, and imports per capita in dollars.'<sup>3</sup> DPRK ranked first, comfortably ahead of Somalia. The relative

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<sup>1</sup> See State of the Union Address, 29 January 2002

<sup>2</sup> P. Chiaramonte. (2013). 'Hell holes, torture starvation and murder norm at world's worst gulags'. *Fox News*, [online] Available at: <http://www.foxnews.com/world/2013/03/01/hell-holes-torture-starvation-and-murder-norm-at-worlds-worst-gulags.html> [Accessed 18 June 2016]

<sup>3</sup> *World Policy Journal*. (2013). 'World's Most Isolated Countries'. [pdf]. Available at: [http://www.worldpolicy.org/sites/default/files/uploaded/image/Spring13\\_22-23\\_Anatomy\(1\)\\_1.pdf](http://www.worldpolicy.org/sites/default/files/uploaded/image/Spring13_22-23_Anatomy(1)_1.pdf) [Accessed 19 June 2016]

paucity of data and insights on the DPRK's inside workings and the heavily restricted access into the country explains why North Korea is often referred to as the 'Hermit Kingdom'.

Yet the presence of North Korean labourers within EU borders suggests that this isolation is not as clear-cut as the media portray it to be. Although the absence of emigration from North Korea is an essential part to the maintenance of totalitarian control, there are a substantial number of North Koreans living and working outside the country under government order. The essay will analyse why the regime exported labourers to these countries, how it maintains control over this labour force, and whether the fact that these labourers are in Europe rather than North Korea opens up the possibility for institutions such as the UN or the EU to take direct actions against their exploitation.

In challenging these two common preconceptions of North Korea, that its crimes have no relation to the West (the "West" being Europe in this case) and that the country is extremely isolationist, the essay is supporting the position of groups such as European Alliance for Human Rights in North Korea (EAHRNK) who state one of their main aims to be to 'promote a conscientious and responsible media approach to reporting North Korea that moves from away from a narrative defined by sensationalism and Otherness and toward a reporting that is grounded in conscientiousness and gives space for the North Korean voice.'<sup>4</sup>

In order to understand the contours of the exploitation being suffered by North Korean labourers in the EU the essay will first seek to put together a broad but nevertheless murky picture of the available evidence on North Korea's forced labour enterprise. The motivations of the different stakeholders in this business will be discussed as well as the applicability of the term "forced labour" to the situation of North Korean labourers in the EU. Finally, the essay will identify the mechanisms behind the exploitation of these labourers along with any facilitating factors. This will then lead into a discussion of whether or not such mechanisms and facilitating factors can be dismantled or at least weakened and if so, how. The essay will conclude by reiterating the relevance of this particular issue for the broader challenges of managing North Korea's political volatility as well as the integrity of the EU.

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<sup>4</sup> Available at: <https://www.eahrnk.org/about>. [Accessed 23 June 2016]

## **North Korea: the ‘world’s largest illegal job agency’**

Before analysing the condition of North Korean labourers in the EU, the parameters of DPRK’s labour export must be understood. Although the issue has only recently received substantial media coverage<sup>5</sup> the DPRK has been exporting labour abroad since the 1960s, mostly to the USSR. The situation remained basically the same after 1991 as it is a well-known that there are tens of thousands of North Koreans in Russian logging camps and Chinese companies.<sup>6</sup> According to a report by Marzuki Darusman, Special Rapporteur for human rights situation in North Korea, over 50,000 workers from the DPRK are estimated to be currently working abroad in conditions of forced labour. The parameters of this export business are truly global as according to Darusman there are North Korean labourers in Algeria, Angola, Cambodia, Equatorial Guinea, Ethiopia, Kuwait, Libya, Malaysia, Mongolia, Myanmar, Nigeria, Oman, Poland, Qatar and the United Arab Emirates.<sup>7</sup> Investigative journalists and researchers have also confirmed the existence of North Korean workers in Czech Republic and Malta.<sup>8</sup>

The reason for this trafficking of forced labour is simple. North Korea’s economy has always been poorly managed due to the regime’s heavy spending on the military capacity of the armed forces as well as nuclear technology. As a result, the regime has always engaged in illicit activities to boost the economy, to the point where foreign policy experts such as Paul Rexton Kan and Bruce Bechtol have defined the North Korean state as a form of ‘criminal sovereignty.’<sup>9</sup> Export of forced labour constitutes an important part of these activities seeing as the cheap labour costs of the North Korean workers attract companies from all over the world. Alson, a shipbuilding company that employs North Koreans in the Nauta shipyard in Gdansk, advertises ‘low labour costs’ on the company website.<sup>10</sup> North Korea’s activities as a supplier of cheap labour to the highest bidder in the global market prompted Remco Brueker, leading researcher of the “Slaves to the System” project designed to combat the exploitation of North Korean labourers abroad, described the regime as the ‘world’s largest illegal job agency.’<sup>11</sup> Yet this illegality is also reflected in the regime’s heavy involvement in manufacture and sale of illegal drugs, the manufacture and sale of counterfeit goods, human trafficking and arms trafficking. Indeed, North Korea’s economic activities resemble that of a criminal enterprise rather than your typical sovereign state.

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<sup>5</sup> Media coverage in the Czech Republic was relatively high between 2004 and 2006. Now, Poland and Malta have recently been put under the spotlight by various local and international news channels. On 31 May 2016, VICE released a documentary on the North Korean workforce in Poland which has already over half a million views on Youtube.

<sup>6</sup> VICE, ‘Cash for Kim: North Korean Forced Labourers in Poland’, Youtube, released on 31 May 2016

<sup>7</sup> Darusman, M. (2015). ‘Report of Special Rapporteur on the situation of human rights Democratic People’s Republic of Korea’, p.6. Available at:

[http://www.mofa.go.kr/mofat/htm/issue/70\\_general\\_special.pdf](http://www.mofa.go.kr/mofat/htm/issue/70_general_special.pdf) [Accessed 19 June 2016]

<sup>8</sup> Brueker, R. (2016). ‘A New Lease of Life? DPRK Forced Overseas Labour in the EU. Available at: <https://slavestothsystem.wordpress.com/publications/>. [Accessed 20 June 2016]

<sup>9</sup> Bechtol, B., Rexton, P. and Collins, R. (2010). *Criminal Sovereignty, Understanding North Korea’s Illicit International Activities*, CreateSpace Independent Publishing Platform

<sup>10</sup> Available at: <http://www.alson.pl/indexeng.html>

<sup>11</sup> Op. Cit., ‘Cash for Kim’

The DPRK's illicit economies activities have increased with time. Successive UN Security Council Resolutions have imposed economic sanctions on North Korea which have only created an added incentive for the regime to extend its illicit activities. Resolution 1718 in particular, adopted unanimously on 14 October 2006, banned UN member states from exporting luxury goods to North Korea, placed a ban on the imports and exports of any military weapons or vehicles, and froze the overseas assets of individuals and companies involved with the DPRK's weapons programmes. The International Network for the Human Rights of North Korean Overseas Labour (INHL) calculates that after Resolution 1718 was implemented, North Korea's foreign business revenue dropped from \$5-10 billion to \$1 billion.<sup>12</sup> Darusman states the need for foreign currency as the main reason behind Kim Jong-Un's continued support for these practices, reporting that the trafficking of forced labour alone earned the DPRK between '\$1.2 billion and \$2.3 billion per year.'<sup>13</sup> There is thus an added relevance of addressing this form of state-sponsored forced labour as there is every reason to expect it to grow, both within and outside the EU.

### **North Korean labourers in the EU**

The reason for the essay's focus on North Korean labourers in EU countries only besides those of time and scope, are threefold. Firstly, notions of Western moral rectitude along with the EU's self-professed moral principles are put into question by the situation of the North Korean labourers in EU member-states Poland, Czech Republic and Malta. Whilst governments like that of Myanmar are complicit in the trafficking of vulnerable peoples<sup>14</sup>, meaning one can be hardly surprised at its co-operation in the DPRK's forced labour export, the Charter of Fundamental Rights of the European Union proclaims that the 'Union is founded on the indivisible, universal values of human dignity, freedom, equality, and solidarity; it is based on the principles of democracy and the rule of law. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice.'<sup>15</sup> Nevertheless, the actions of EU institutions and its member-states in response to the activities of the DPRK have not reflected their adherence to these lofty moral principles.

Secondly, out of all the North Korea labourers exported around the globe, those in EU countries received by far the best pay and are thus very valuable to the regime. As Remco Brueker and Imke van Gardingen observed in a recent study, \$3,900 are earned in Africa per victim of forced labour, \$5,000 in the Asia-Pacific region, \$15,000 in the Middle East but over \$34,000 in "developed countries" which is the bracket Poland,

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<sup>12</sup> International Network for the Human Rights of North Korean Overseas Labour. (2012). 'The Condition of the North Korean Overseas Labour', p.5

<sup>13</sup> Op. Cit., Darusman, p.6

<sup>14</sup> The Muslims of Rahkine state being an ongoing form of exploitation found in Myanmar.

<sup>15</sup> Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012P%2FTXT>

Malta and Czech Republic fall under.<sup>16</sup> One can reasonably assume the same applies to the North Korean labourers.

Thirdly, given the highly-developed bureaucratic, legislative and human rights lobbying institutions in the EU and its member-states relative to other countries where North Korean labourers are exploited, the possibilities for solving this exploitation are greater. Human rights' lobbying for reforming North Korea's attitude towards human rights has been frustrating at best and there are no signs that this will change. However, with the shock of finding North Koreans being employed by companies in the EU comes the realization that there is also an unprecedented opportunity to affect their livelihoods in ways which would be impossible if the same labourers were within the borders of North Korea.

### **The North Korean workforce in the EU: Where are they and how many are there?**

#### a) Poland

The largest and most visible contingent of North Korean labourers is in Poland. News stations such as Radio Free Asia (RFA) estimate that there are between 400 to 500 labourers employed in Poland although The Telegraph observed that this number is probably closer to 800. In VICE's recently-released documentary 'Cash for Kim: North Korean labourers in Poland', North Korean labourers were found working in the CRIST shipyard located in the seaport of Gdynia. The other major contingent of labourers are in Warsaw, working in southern part of the city building luxury apartments. Given that blogger Nicholas Levi identified the number of North Korean labourers in Wilanow as being around 500 it is likely that the Telegraph's estimate is more accurate than the RFA's. It is likely that the practice of employing North Koreans began when Poland was still a satellite state of the USSR. Unlike most of the former satellite states, Poland maintains trading relations with the DPRK, albeit limited, as well as strong diplomatic ties, Pyongyang hosting a Polish embassy and Warsaw a North Korean one.

Recent research has uncovered the obscure supply chain operating the export of North Korean labourers to Poland. Brueker and his team at Leiden Asia Centre identified three DPRK-based companies and two Polish companies involved in the export of North Korean labour. The DPRK-based companies sell the labourers to the Polish companies who in turn dispatch them to various companies and locations. The importance of diplomatic relations is brought to light by how one company frequently receiving labourers, Chopol or the Korean-Polish Shipping Company, is a company that emerged from a bilateral agreement between Poland and the DPRK made in 1987. This company is owned by both the DPRK and Poland, employing one official representative from each nation, but it operates under DPRK law. More importantly, the bilateral agreement

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<sup>16</sup> Op. Cit, Darusman, p.8

allows the company to transfer money from Poland in foreign currency to the DPRK ‘without supervision or permission from foreign currency authorities.’<sup>17</sup> The importance of high politics and diplomatic relations in the export of North Korean labourers is something that merits investigation in the other countries hosting North Korean labourers.



These are images taken from a Polish blogger’s website of North Korean labourers working in Warsaw for Atal S.A. Atal subcontracts companies such as JP Construct who then receive North Korean labourers from DPRK-owned companies such as Rungrado. The labourers in these images are involved in the construction of luxury apartments



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<sup>17</sup> Brueker, R., et al. (2016). ‘North Korean Forced Labour in the EU, The Polish Case: How the supply of a captive DPRK workforce fits out demand for cheap labour’, p.11

<sup>18</sup> Images taken from <https://nicolaslevi.wordpress.com/2016/06/22/thinkings-about-north-korean-workers-in-poland/> [Accessed 21 June 2016]

## b) Malta

North Korean labourers are also confirmed to be working in Malta's capital Valetta. An article published in the *Malta Today* on 12 November 2015 reported that 41 North Koreans were employed in the Chinese clothing company Leisure. This was an increase from the 26 North Koreans the ETC, Malta's Public Employment Service, reported to be working at Leisure only a year ago. As ETC chairman Clyde Caruana confirms, more applications for work permits, although by whom exactly is not stated, were made after November 2014 and were accepted by the ETC, bringing the number to 41. The International Network for the Human Rights of North Korean Overseas Labour (INHL) has reported that the DPRK's Fisheries bureau is the department in charge of selling the North Korean labourers to the Chinese company.

It is perhaps unsurprising that a government body of the DPRK would be able to do business in Malta. Curiously, just like Poland, Malta has historically had good relations with the DPRK, as former dictator Kim Jong Il having studied English there in the 1970s, creating a friendship between the two states which culminated in a secret military agreement act signed in 1982 between the DPRK and Mintoff's Labour government. Although Maltese statesmen have since sought to leave behind this legacy, it is revealing that it was only with the newly elected Labour Party government that the foreign labour quota with Leisure was altered, allowing Leisure to employ 5 Chinese labourers for every Maltese labourer instead of the previous ratio of 4:1. But a drop in Chinese workers during the past years meant that the quota was met by employing more Vietnamese and, North Korean workers.

## c) Czech Republic

Despite receiving practically no recent attention from the media, it is almost certain that there are North Koreans labourers being exploited in the Czech Republic. Unlike the two other countries, the majority of the workforce was female reportedly between ages 18 and 22, working as seamstresses.<sup>19</sup> According to an article in the New York Times, in November 2006 there were 408 workers, 392 of whom were women. Ninety worked for Snezka, a company based in Náchod which manufactures sheets for cars and travel bags whilst an unknown number were identified in Skutec. Interest from the Czech media, public criticism from political elites, such as Vaclav Havel, along with US-based customer pressure in the aftermath of the 2006 North Korean Nuclear test caused companies to stop employing North Koreans and the Czech government stopped issuing employment visas. However, a 2008 article in the Prague Post reported that 144 North Koreans continued to work in the Czech Republic even after their original visas had expired. Either these labourers were working illegally or, as the media speculated, there had been some form of negotiation that allowed them to remain in the country. It is

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<sup>19</sup> Hulpachová, M. (2008). 'Working overtime: North Korean migrants labor in Czech factories after visas expired'. *The Prague Post*, [online]. No longer available online.

possible that such negotiations were carried out by the North Korean embassy based in Prague.

#### d) Methodological issues

Accurate estimates on the number of North Koreans employed in EU countries are problematic. This is due to the fact that these labourers are deliberately kept in as much seclusion as possible, which is arguably why the three countries where North Korean labourers have been found either had North Korean embassies (Poland and Czech Republic) or a company with a record in human trafficking and labour exploitation (Leisure Clothing in Malta). Although the numbers mentioned above for each country more or less add up to the 1,000 North Koreans reported to be in the EU this can only be a very uncertain estimate. VICE's investigation of North Korean labourers in Poland suggested that there were North Korean workers in agriculture, not just ship-building and construction sites. Although the crew travelled to the greenhouses where North Koreans were reported to be working, Polish property-owners called the police and prevented the crew from digging deeper into the matter. Clearly, the management of the North Korean labourers and their isolation is not the sole responsibility of the North Korean government but also Polish collaborators.

There is a very strong probability that there are North Korean labourers in other European countries which we simply do not know about yet. Radio Free Asia's map of North Korea's Overseas Laborers highlighted Romania and Bulgaria but state the numbers working there to be 'unknown'.<sup>20</sup> Given that Romania and Bulgaria have North Korean embassies in their capital cities, it is perhaps unsurprising that many articles include these two countries in the list of countries around the world where North Korean labourers are exploited. Unfortunately, as far as the author is aware our knowledge of North Korean labourers in Bulgaria and Romania does not extend beyond these occasional mentions. However, there is no reason to assume that these rumours are false.

Awareness of the presence of North Korean labourers is a rather recent phenomenon and it is likely that given the growing economic needs of the regime, investigative journalism and academic research will uncover more cases of North Korean labourers being exploited. Remco Brueker's ongoing research project on identifying North Korean labourers around the EU has even suggested that Netherlands, a country that does not have a North Korean embassy nor a historically good relation with the DPRK, should be added to the list of countries where North Korean labourers are exploited. In Brueker's report there is even mention of how visa permits have been accepted by countries such as Switzerland and Germany. There is a sense that recent findings have only uncovered the tip of a very well hidden iceberg.

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<sup>20</sup> Available at: <http://www.rfa.org/english/news/special/nkinvestigation/infographic.html>. [Accessed 21 June 2016]

The obscurity surrounding these North Korean labourers in the EU is why this business has slipped under the radar of the EU, UN and also groups that lobby for the recognition and enforcement of human rights in North Korea, such as the European Alliance for Human Rights in North Korea. On their website their first aim is ‘unite European citizens by raising awareness of the unprecedented and ongoing human rights violations in North Korea and to highlight how our community can build pressure for change.’<sup>21</sup> It is worrying that tackling the exploitation of North Koreans in Europe is not included in the list of their main aims given that the North Korean labourers are not merely under conditions of forced labour but are in many ways still living in and being controlled by the totalitarian regime which they were looking to escape in applying for work abroad.

### **How are the North Koreans being exploited?**

It is important to explain why the North Korean workforce in the EU must be described as being under conditions of “forced labour”. The recent attention given by the media and political bodies towards this issue has prompted the North Korean government and companies employing North Korean labourers in the EU to defend the practice as not being “illegal” and therefore, not a form of modern slavery. Ri Hung-Sik, ambassador-at-large for the North Korean foreign ministry, responded in November 2015 to Marzuki Darusman’s report by arguing that accusations regarding the exploitation of labourers are nothing but ‘vicious slander’ as he claims that the DPRK has ‘labourers working in foreign countries under legal contract.’<sup>22</sup>

Worryingly, this emphasis on the legality of the export of North Korean labourers is also a justification given by the companies employing these labourers. Atal, a company that employs North Koreans in Polish construction sites, responded in February 2016 to questions from Polish Newsweek journalists regarding their co-operation with the DPRK by stating that ‘running an ethical business primarily means lawful trade.’<sup>23</sup> The assumption behind such statements is that as long as the North Korean labourers obtain visas and working permits, companies have no obligation in considering the morality regarding their transactions with arguably the most inhumane dictatorship of the twenty-first century.

But even if one emphasizes the legality surrounding the situation of the North Korean labourers in the EU over the immorality of their government’s actions, inside and outside their borders, a cursory look at academic studies and articles on North Korean labourers in the EU shows that a number of basic ILO conventions are being breached.

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<sup>21</sup> Available at: <https://www.eahrnk.org/about>. [Accessed 20 June 2016]

<sup>22</sup> Nichols, M. (2015). ‘North Korea says labourers work abroad legally, not mistreated’. *Reuters*, [online]. Available at : <http://uk.reuters.com/article/uk-northkorea-rights-un-idUKKCN0T62I220151117>. [Accessed 22 June 2016]

<sup>23</sup> Op. Cit., ‘Cash for Kim’

## **Breach of ILO conventions: Working hours and wages**

There is no question that North Korean labourers in the EU are being overworked by the companies employing them. Both the ILO Hours of Work (Industry) Convention, 1919 (No.1), which set the general standard of work at 48 regular hours of work per week, with a maximum of eight hours per day, along with the ILO Weekly Rest (Industry) Convention, 1921 (No.14), setting the general standard that workers shall enjoy a rest period of at least 24 consecutive hours every seven days, are being clearly violated. In the VICE documentary ‘Cash for Kim: North Korean forced labourers’, the reporters found that in the CRIST shipyard, the working day begins at 6am for the North Koreans, ending usually at 6 or 7pm. Numerous testimonies obtained by the VICE reporters from North Korean labourers themselves suggest that the labourers are being subject to around 62 hours of work per week.

The breach of ILO conventions is even more evident with regard to wages. Article 5 of the Protection of Wages Convention, 1949 (No.95) states that ‘wages shall be paid directly to the worker except as may be otherwise provided by national laws or regulations, collective agreement or arbitration award or where the workers has agreed to the contrary.’<sup>24</sup> The North Koreans do not receive their wages directly from their employers. Rather, there is an agreement between companies such as Armex and the state-owned company in charge of exporting them, known as Rungrado General Trading Company, where the former deposits the wages of the North Korean labourers in a collective bank account controlled by Rungrado. This means that the North Korean labourers are never aware of how much they are actually earning throughout their stay abroad, receiving their payment only after their return to North Korea by which point the regime has deducted a large portion of their earnings.

There is an evident lack of transparency regarding these violations from the majority of companies involved. Cecylia Kowalska, vice-president of Armex, a company which employs North Korean labourers in the CRIST shipyard, told the VICE reporters that if a worker works 62 hours in a week, than ‘he gets the next week free’<sup>25</sup> a statement which contradicts the confusion demonstrated by the labourers when the reporters questioned them about rest days and holidays.<sup>26</sup> An inspection of 377 North Korean labourers carried out by Poland’s National Labour Inspectorate concluded that ‘rules on working hours were broken as well as eligibility for holiday and statutory time off.’<sup>27</sup>

Kowalska also claims that each North Korean worker employed by Armex receives his wage in cash from the company and gets to keep it too. The reason for this direct

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<sup>24</sup> Available at:

[http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C095](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C095).

[Accessed 24 June 2016]

<sup>25</sup> Op. Cit., ‘Cash for Kim’.

<sup>26</sup> Ibid.,

<sup>27</sup> Ibid.,

method of payment is supposedly because ‘foreigners have trouble opening bank accounts.’<sup>28</sup> However, this is clearly not the case as the signature on the payslip of the North Korean workers at Armex, which each of them is meant to sign after receiving his wage, is the same one for all of them, suggesting somebody else receives and consequently gets to decide what to do with their wages. Furthermore, a North Korean worker working in one of the Gdynia shipyards reported to the Vice crew that ‘we don’t receive money personally, in our hands, we let the company look after it.’<sup>29</sup> This same labourer stated that ‘when I return to [North] Korea, I’ll get the money.’<sup>30</sup> Clearly, the labourers seem to be unaware that their actual wage is only a fraction of what they are meant to receive due to Rungrado’s agreements with these companies.

The deception being carried out by such Polish companies only highlight the ease with which exploitation can be carried out when workers are unaware of how much they are actually earning. Not only is this in violation of Article 2 of the Minimum Wage Fixing Convention, 1970 (no.131) which states that ‘minimum wages shall have the force of law and *shall not be subject to abatement*’<sup>31</sup> but it also violates EU directive 91/533/EEC which ‘establishes the employer’s obligation to inform employees of the conditions applicable to the contract or employment relationship.’<sup>32</sup>

Although the North Korean workforce in Malta lacks the extensive coverage received by their Polish counterparts, one can easily deduce their working conditions from the available evidence. Malta Today published an article on 17 February 2015 describe how Leisure Clothing-the company where North Koreans were reportedly employed-was being taken to court for charges of human trafficking, forcing workers to work overtime without, failure to pay wages on time, and misappropriation of employee’s wages. The investigation began after a number of Vietnamese witnesses testified ‘as to how they would receive €200-€300 monthly for working 12 hours a day, seven days a week, [having] their passports confiscated by the company on their arrival.’<sup>33</sup> There is no reason to assume that the North Korean workers, who like the Vietnamese are employed as an alternative to cheap Chinese labour, are not suffering the same conditions. Note that the minimum wage in Malta is €720 per month as of January 2015. Although we do not know exactly how much the North Korean workforce in Poland earn, it is highly probable that the Minimum Wage Fixing Convention, 1970 (no.131) is also being violated there.

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<sup>28</sup> Ibid.,

<sup>29</sup> Ibid.,

<sup>30</sup> Ibid.,

<sup>31</sup> Available at:

[http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_INSTRUMENT\\_ID:312276](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312276). [Accessed 24 June 2016]

<sup>32</sup> Available at: <http://ec.europa.eu/social/main.jsp?catId=706&langId=en&intPageId=202>. [Accessed 25 June 2016]

<sup>33</sup> Agius, M. (2015). ‘Leisure Clothing directors to be indicted as court finds enough evidence for case to continue’. *Malta Today* [online]. Available at: [http://www.maltatoday.com.mt/news/court\\_and\\_police/49711/leisure\\_clothing\\_directors\\_to\\_be\\_indicted#.V2u161QrJdj](http://www.maltatoday.com.mt/news/court_and_police/49711/leisure_clothing_directors_to_be_indicted#.V2u161QrJdj). [Accessed 24 June 2016]

The 144 or so North Korean workers that are potentially still being exploited in the Czech Republic are also in a very similar situation to those in Malta and Poland. Inspections of factories employing North Koreans consistently reported the payment of a minimum wage in accordance with ILO convention. However, these inspections failed to investigate whether this minimum wage was being received by the labourers in accordance with Article 5 mentioned above. An article published in 2006 by [migrationonline.cz](http://migrationonline.cz) observed that the North Korean seamstresses only receive a ‘fraction’ of what they earned as ‘the salaries of needlewomen in Kreateda (in Zebrak) are deposited directly in the account of their supervisors’<sup>34</sup> a practice which is identical to that of companies in Poland employing North Korean labourers. Marie Jelinkova, the author of the article, estimates that up to 90 per cent of the wages earned by North Korean labourers abroad are kept by the North Korean government an estimate supported by Brueker’s recent analysis which states that ‘between 80-100% of the salary earned by the workers goes directly to the state.’<sup>35</sup> Another article written in 2006 on the same subject observed that although the North Korean labourers were paid above the then minimum wage of 7,955 koruna, ‘unofficial information gathered by the Czech police indicates that the North Koreans deposit nearly 80 percent of their salaries into one collective bank account.’<sup>36</sup> But what is ironic is that even in these exploitative conditions, many North Korean labourers would rather remain in the EU then return back to North Korea.

### **The “privilege” of being exploited in the EU**

There are still some apparent ambiguity regarding the question of whether the North Koreans can be counted as working under “forced labour”. The 1930 ILO Forced Labour Convention (no.29) defined forced labour as ‘all work or service exacted from any person under the menace of a penalty and for which the said person has not offered himself voluntarily.’<sup>37</sup> One could argue that the ILO definition of forced labour is not applicable in this case as North Korean labourers in the EU were not forced to work abroad, they chose to do so. Ahm Myung Chul, a former guard of a kwan-li-so (prison camp for “political opponents” of the regime) who defected and is now running a lobbying group for the enforcement of human rights in North Korea, gives an insider perspective on the selection process involved in the export of labourers abroad. He points out that the vast majority of the North Korean labourers in the EU come from Pyongyang, the “special city” inhabited only by those deemed loyal enough to the

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<sup>34</sup> Jelinkova, M. (2006). ‘The North Koreans in the Czech Republic: The Silent Workers’. Available at: <http://migrationonline.cz/en/the-north-koreans-in-the-czech-republic-the-silent-workers>. [Accessed 23 June 2016]

<sup>35</sup> Op. Cit., ‘North Korean Forced Labour in the EU’, p.3

<sup>36</sup> Bricker, M. (2006). ‘North Koreans in Czech jobs. Slave labour?’ *The New York Times*, [online]. Available at : [http://www.nytimes.com/2006/11/08/world/asia/08iht-czech.3455560.html?\\_r=0](http://www.nytimes.com/2006/11/08/world/asia/08iht-czech.3455560.html?_r=0). [Accessed 22 June 2016]

<sup>37</sup> Andrees, B., and Vuong, A. (2011). ‘Eradicating Forced Labour from Supply Chains’, p.6. *ILO Special Action Programme to Combat Forced Labour*.

government.<sup>38</sup> Therefore, although the ILO identifies ‘low caste groups’ as vulnerable to forced exploitation, it seems that with the case of the North Korean workforce, it is rather the more privileged classes of North Koreans that get to go work in Europe. Those of a lower caste might end up in Russia or China.

The lack of action undertaken against this form of exploitation partially lies in the fact that many of these workers claim to not regret their decision to work abroad even after they experience the working conditions. Jakub Svec, deputy head of the Czech Interior Ministry's Strategy and Analysis unit, observed that the North Korean seamstresses working in Czech factories ‘all say that they are satisfied, and that they are much better off than they were back in North Korea.’<sup>39</sup> Kay Seok, former North Korea supervisor for Human Rights Watch, observed that the North Korean seamstresses in the Czech Republic ‘would choose to stay’<sup>40</sup> given the choice. However, these testimonies which emphasize how working in Czech Republic is less bad than working in the DPRK must be distinguished from positive defences of the companies employing North Koreans.

There is a danger that such defences create an excuse for inaction. In 2006, Deputy Labor Minister Petr Simerka stated that because the North Koreans ‘work in a democratic country and see different working conditions’ as well as a different way of thinking, this could have reforming effects on the North Korean regime when they return home and ‘talk about how different it is.’<sup>41</sup> Clearly, such comments demonstrate a woeful ignorance of the DPRK’s repressive nature or a struggle to find any real reason for the continuing employment of North Korean labourers. Defining “forced labour” should never be defined by the past situations of the victims, no matter how egregious, and neither should ideological after-effects be seen as compensating for unacceptable working conditions which is what Mr. Simerka implied. The fact that some North Korean labourers state their satisfaction with their working conditions is more a sign of North Korea’s well-known and well-documented problems with respecting human rights than a reflection of good working conditions.

The desperation of the North Korean labourers is evident from the observations made by Kim Tae San, a former North Korean diplomat who was stationed in Prague before defecting to South Korea in 2002, who observed that the North Koreans ‘are desperate to get out, and they sell everything they have, even their own house and their relatives’ houses, in order to be allowed to work overseas.’<sup>42</sup> Thus one should not say that some North Korean labourers voluntarily chose to be exploited in Europe. Rather, their desire to escape the repressive society they live in means that they are able to endure an equally condemnable situation in Europe. As Nicholas Levi observes, whether or not the North Koreans wish to go overseas and work, if they are mistreated in the above

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<sup>38</sup> Op. Cit., ‘Cash for Kim.’

<sup>39</sup> Op. Cit., Bricker.

<sup>40</sup> Ibid.,

<sup>41</sup> Ibid.,

<sup>42</sup> Ibid.,

ways it can still be called trafficking and is still punishable. Levi argues, and quite rightly, that this issue must be separate from the question of whether the North Korean workers themselves would wish for the alternative; ‘a one-way ticket back to North Korea.’<sup>43</sup> But according to a recent article published by Radio Free Asia, the reports of exploitation carried back by the returning North Korean workers means ‘many North Koreans have soured on the idea of work assignments...according to sources inside the country.’<sup>44</sup> It is thus impossible to maintain that the North Koreans freely choose to work abroad. Their decision to apply for work abroad is dependent on what they perceive to lie outside of North Korea compared to the society they are living in. Their desire to remain working abroad is dependent on how bad their experience of North Korea was. Choosing between two situations involving human rights abuse can never be considered “voluntary”.

### **The dangers of working abroad for the DPRK**

The unacceptable conditions of the North Korean labourers are more evident when one considers the part of the ILO’s definition of forced labour which refers to ‘the menace of any penalty.’ As Ahm Myung Chul noted, those wishing to work in Europe must not only be from Pyongyang but they must also be married. This is because the families of the labourers are effectively “held hostage” which means that if an attempt at defection is made or some breach of conduct reported back to the Pyongyang, the family of the labourer could face deportation to a kwan-li-so which would arguably be tantamount to a death sentence. This form of blackmail is most likely why many of the North Korean labourers questioned by the Czech authorities stated they were satisfied with their working conditions being aware that complaints could be interpreted as disloyalty on the part of the regime. The fear of appearing disloyal to the regime is why in 2004 a Czech TV crew, looking to investigate the working conditions of North Korean labourers in Skutec, was attacked by 30 North Korean seamstresses, who destroyed the crew’s footage.

This same fear was found by the VICE crew during their investigation of North Korean labourers in Poland. Many refused to be approached and were decidedly hostile towards attempts made to question them. Although some were willing to talk to the reporters, they were often unaware that they were being filmed and the reporters themselves concealed the fact that they were conducting journalism, pretending to be merely curious at the sight of Korean people in Gdynia or Warsaw. Therefore, despite living in the West, it is evident that the climate of fear created by the totalitarian regime in North Korea has not left these labourers. As Brueker observes, the regime is ‘successfully

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<sup>43</sup> Levi, N. (2016). ‘Thinkings about North Korean Workers in Poland.’ [Blog] Nicholas Levi. Available at: <https://nicolaslevi.wordpress.com/2016/06/22/thinkings-about-north-korean-workers-in-poland/> [Accessed 23 June 2016]

<sup>44</sup>Noh, J. (2015). ‘North Korea Orders its Overseas Workers to Hide Rights Abuses.’ *Radio Free Asia*, [online]. Available at: <http://www.rfa.org/english/news/korea/authorities-order-overseas-workers-to-hide-rights-abuses-04172015162936.html>. [Accessed 24 June 2016]

exporting self-contained micro versions of the DPRK surveillance and labour system to foreign environments.’<sup>45</sup>

The surveillance and control exerted by the government over the North Korean labourers is the key to maintaining this exploitation. Holding the family of the labourer accountable for any signs of complaint or defection on the part of the labourer is a brutal but effective constraint on his or her freedom of movement. Nevertheless, the North Korean labourers are kept as isolated as possible from the society of their host countries. Kowalska asserts that the North Korean workers go out sightseeing and shopping as well as socializing with Polish workers but her version directly contradicts with accounts given by a North Korean worker to undercover Vice journalists, describing his day-to-day as solely going to work and then going home, nothing else. Another labourer managed by Armex told the same journalists how ‘we are not allowed mobile phones.’ Kowalska’s remark that she does not ‘get involved in politics... That is the job of the state’ nicely summarizes the indifference amongst companies employing North Korean labourers regarding the moral implications of doing business with a totalitarian regime.<sup>46</sup>

The regime is well aware of the risks involved in allowing their citizens to move so far abroad. A former North Korean labourer in Czech Republic observed that ‘if a person goes abroad there is a lot education one must receive... Even if people are exposed to external things, because of the education they receive before and through the working period, nobody will escape.’<sup>47</sup> Given that the labourer states ‘nobody will escape’ rather than ‘nobody will want to escape’ it is arguable that this ‘education’ can be understood as involving indoctrination but also a reminder to the workers of what will happen if they are disloyal to the regime. In a policy document for the European Alliance for Human Rights in North Korea Saeme Kim and James Burt recorded the testimony of a North Korean defector who had worked abroad during the 90s. The defector stated that he received ‘mandatory education classes’ every day for an hour and ‘life-meetings’ twice a week, creating a constant exposure to ‘ideological education.’<sup>48</sup>

Whilst company managers such as Kowalska choose to lie about the lifestyle of their employees, others simply show indifference. Jiri Balaban, the owner of the Zelezná factory and the employer of approximately fifteen North Korean women said: ‘It’s not my business what the girls do in their free time. My business is that they work.’<sup>49</sup> As Jelinkova observed, the North Korean seamstresses ‘spend most of their time locked up. They go outside with their guard and if they go without him they watch each other the whole time... Even their deliveryman must leave supplies in front of the locked doors.’<sup>50</sup>

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<sup>45</sup> Op. Cit., ‘A New Lease of Life’, p.8

<sup>46</sup> Op. Cit., ‘Cash for Kim.’

<sup>47</sup> Op. Cit., ‘The condition of the North Korean overseas labour’, p.28

<sup>48</sup> Kim, S., and Burt, J. (2015). ‘The Will of the State: North Korean Forced Labour’, p.37. *Policy and Research: European Alliance for Human Rights in North Korea*.

<sup>49</sup> Op. Cit., Jelinkova

<sup>50</sup> Ibid.,

The surveillance of the labourers also involves local collaborators. Jelinkova reported that in Nachod, a Czech janitor was in charge of shopping, translating and keeping journalists away from the young North Korean women working there.<sup>51</sup> Given all the restraints imposed on the North Korean labourers, it is strange to say the least that Czech politicians such as Cyril Svoboda, Minister of Foreign Affairs of the Czech Republic at the time, believed that the North Korean women ‘can learn some democratic rules and use them after they get back to North Korea.’<sup>52</sup> They maybe in a democratic country but the only “rules” that they are following are those of the DPRK. Underneath the demagoguery it is clear that the indifference of local authorities towards this issue is just as important towards the successful export of the DPRK surveillance and labour system as the regime’s actions themselves.

The EU is also complicit in the unethical practices of these companies. CRIST and NAUTA have received financial assistance from the European Regional Development fund, which is controlled by the EU. Crist received a loan of more than €37 million (£28m) in 2009 and acquired bonds from Nauta with a value of around €40 million, therefore ‘indirectly benefiting the North Korean regime,’ as a study carried out by Brueker and his team concluded.<sup>53</sup> However, it is the EU’s passivity regarding the issue that is most alarming. On September 2015, two MEPs, Kati Piri and Agnes Jongerius, sent a written question to the European Commission asking what the Commission was planning to in response to the fact that ‘companies benefiting from EU funds are involved in the exploitation of North Korean workers and the bypassing of UN sanctions against North Korea’.<sup>54</sup> After a waiting time of almost three months, the Commission responded in January that it had no record of such exploitation and added that ‘all EU states have their own national labour laws, and it is the responsibility of national authorities and courts to enforce the rules.’<sup>55</sup> The passivity of the EU is a facilitator of this form of exploitation and its involvement is an important part of the measures that must be taken in order to change the working conditions of this workforce.

## **Tackling the exploitation**

Before analyzing the different ways of combating this form of exploitation it is important to identify what type of exploitation we are dealing with in this case. Brueker and his team argue that North Korea’s exploitative labour business is a hybrid between privately-imposed and state-imposed forced labour. On the one hand, the state is in

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<sup>51</sup> Ibid.,

<sup>52</sup> Ibid.,

<sup>53</sup> Op. Cit., ‘North Korean Forced Labour in the EU’, p.17

<sup>54</sup> Available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2F%2FEP%2F%2FTEXT%2BWQ%2BP-2016-004172%2B0%2BDOC%2BXML%2BV0%2F%2FEN&language=EN>. [Accessed 25 June 2016]

<sup>55</sup> Felden, E. (2016). ‘Sent from North Korea, exploited in Poland.’ *Deutsche Welle*, [online]. Available at:

<http://www.dw.com/en/sent-from-north-korea-exploited-in-poland/a-19337859>. [Accessed 25 June 2016]

charge of administering the selection process and gathering the labour as well as ensuring that the surveillance system accompanies the labourers wherever they go. But technically it is not the North Korean government itself that sells the labourers to foreign companies all around the world, including the EU. That would make the identification of the forced labour supply chain rather simple. Instead, private North Korean entities, companies which are registered in the countries where North Korean labour is leased out, are the ones that sell the labourers to companies like Armex and Alson. Companies like Rungrado General Trading Company may be privately registered but they are de facto administered centrally from Pyongyang, allowing the regime to interact with the global market without international bodies such as the UN noticing.

This system is also problematic because of its legal blurriness. Whose responsibility is it to deal with companies doing business with these pseudo-private North Korean entities? How can action be taken to improve the situation of the North Korean workforce without placing their own and their families' lives at risk from a regime which is known to use prison camps as a way of punishing and increasingly, executing, those deemed to have "betrayed" the regime? I see no point in trying to advocate conventional methods of tackling forced labour such as blacklisting the companies employing the North Korean labourers because if the labourers are sent back home as a result, this means that the regime will simply stop sending labourers to the EU which overall will be of greater detriment to the North Korean workforce as a far greater number of workers will probably be sent to the Middle East or Russia than the number of labourers that returned from the EU to compensate for the wage discrepancies between the EU and the rest of the world. Given that working conditions in Russian logging camps and Qatari construction sites are known to be even more appalling than those suffered by the labourers in the EU, such an approach would not be advisable.

But what do about the lack of ethical responsibility in the companies employing the North Koreans? Boycotting companies such as Alson and Armex will not change the fact that the North Korean labour force will always have bidders due to their price and the implicit knowledge that these labourers can be easily kept within a situation of forced labour due to their country of origin. On 25 August 2015, a well-known Qatari construction company fired its entire North Korean workforce after their North Korean supervisors forced the labourers to work in another company's construction site during the night.<sup>56</sup> The moral and legal standards of the company were preserved but the labourers simply returned to North Korea after their dismissal and it is highly likely that their situation did not improve after their return, especially if one considers the suspicion the regime has for those who have had contact with foreigners of any kind. It seems that the approach which would most benefit the North Korean labourers would be the opening up of a dialogue between the governments hosting them and the companies

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<sup>56</sup> Cho, E. (2015). 'North Korean Workers in Qatar Fired Over Labor Violations'. *Voice of America* [online]. Available at: <http://www.voanews.com/content/north-korean-workers-in-qatar-fired-over-labor-violations/2932647.html>. [Accessed 26 June 2016]

employing them. The companies employing North Korean labourers which are not owned by the DPRK must be pressured into reforming their own practices in order to bring the working conditions of this workforce closer to international standards.

Firstly, the EU can play an important role in improving the living standards of the North Koreans. The European Commission which is in charge of the European Structural and Investment Funds (ESIF) and thus the European Regional Development Fund should use its financial leverage over Crist and Nauta to negotiate improvements in the working conditions of the North Korean labourers in exchange for continuing its funding of these companies. Such an approach would have to be accepted by the DPRK as long as the wage deduction which provides the foreign currency to the regime remained unaddressed. Note that if the regime realizes that the EU and its members are trying to halt the currency flow into Pyongyang, it will most likely call back all the labourers to North Korea, which as stated above would not be a desirable scenario. The best possible option in tackling the wage deduction is to pressure and lure the companies away from the arrangements they have made with the DPRK. For this to happen the Polish, Czech and Maltese governments have to acknowledge the gravity of this issue and formally commit themselves to taking measures against this form of exploitation.

Poland, Czech Republic and Malta are all members of the ILO. However, after analyzing all the conventions they have ratified, there are two glaring omissions. Firstly, the 1949 Migration for Employment Convention (n.97) has not been ratified by these three Members. Article 6 commits Members 'to apply without discrimination in respect of nationality, race, religion or sex, to immigrants lawfully within its territory, treatment no less favourable than that which it applies to its own nationals' with respect to remuneration, 'membership of trade unions and enjoyment of the benefits of collective bargaining'<sup>57</sup> and accommodation. Ratification would thus nominally bind Poland, Czech Republic and Malta to:

- a) Forcing companies employing North Koreans to actually pay their wages directly to them.
- b) Ensure the labourers have an outlet where they can voice complaints regarding working conditions
- c) Potentially addressing the isolated location of the labourers' accommodation.

Article 7 of this convention is of particular importance because it fits in with the essay's emphasis on breaking the information blackout imposed by the North Korean regime which silences the voices of the labourers as well as shielding them from the media and thus, international scrutiny. It states that 'each Member for which this Convention is in force undertakes that its employment service and other services connected with migration will co-operate in appropriate cases with the corresponding services of other Members.' If Poland, Malta and the Czech Republic ratified this convention and Article

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<sup>57</sup> Available at:

[http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_INSTRUMENT\\_ID:312242](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312242). [Accessed 26 June 2016].

7 was put into place, then this would be the first step for a global database of North Korean labourers abroad which this author believes is necessary in order to monitor and increasing our understanding of the DPRK's labour export business. Through international co-operation between different migration services where North Korean labourers are operating, we could find answers to important questions such as: a) Whether these labourers ever apply to work abroad again after returning to North Korea b) If so, whether a North Korean labourer is always sent back to work in the same place or whether he is sent to different parts of the world for work. c) Further detail on the regime's selection criteria for labour export i.e. age and occupation.

Secondly, it is also recommendable that these three ILO members also ratify the 1975 Migrant Workers (Supplementary Provisions) Convention (n.143). This convention is important because it adds an international dimension to migrant labour protection absent in the Migration for Employment Convention. It notes that for the 'full success of action regarding the very varied problems of migrant workers, it is essential that there be close co-operation with the United Nations and other specialised agencies.' More importantly, the ratification of this convention commits a nation to addressing many of the issues which are specific to the plight of the North Koreans. For instance, the indoctrination which the North Korean labourers are forced to go through whilst working abroad would be countered by the enforcement of clause c) of Article 12 which states that each member shall 'take measures, encourage educational programmes and develop other activities aimed at acquainting migrant workers as fully as possible with the policy, with their rights and obligations and with activities designed to give effective assistance to migrant workers in the exercise of their rights and for their protection.'<sup>58</sup>

The cautious implementation of this convention would place pressure on companies such as Armex and Alson to adhere to ILO conventions in their employment of North Koreans as they would know that the labourers' are more likely to be aware of their universal rights. Clause e) of the same article would commit ILO members to co-operate with companies in order to 'formulate and apply a social policy appropriate to national conditions and practice which enables migrant workers and their families to share in advantages enjoyed by its nationals while taking account, without adversely affecting the principle of equality of opportunity and treatment, of such special needs as they may have until they are adapted to the society of the country of employment.' This is important because the reason why dialogue between companies and governments has failed is due to the passivity of both parties. Finally, Article 14 of the convention addresses the restrictions imposed on the mobility of the North Korean workforce which the Migration for Employment Convention does not specifically address. It states that a member must assure workers 'migrant workers the right to geographic mobility.'

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<sup>58</sup>Available at:

[http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100\\_INSTRUMENT\\_I D:312288:NO](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_I D:312288:NO). [Accessed 26 June 2016]

Although the ILO states that ‘some countries decide not to ratify a convention but bring their legislation into line with it anyway’<sup>59</sup> the fact that North Korean labourers, as far as we know, continue to work in Poland, Malta and Czech Republic suggests that ratification of the two aforementioned convention is highly recommendable in order to create an impetus towards the correct implementation of international labouring standards. However, it must be acknowledged that ratification of a convention by no means guarantees greater enforcement of labouring rights in these countries.

This is why the media’s role is also a fundamental part in combating this form of exploitation. The importance of the media lies in the fact that it provides the only resistance against the exported form of totalitarianism that the North Korean labourers have to endure in the EU. The control of foreign information flow is fundamental to the authority of the Kim regime, and this fact is also reflected in the way the North Korean workforce in the EU is controlled. However, because this workforce is located within the EU rather than a remote corner of Russia, there is a much greater possibility of breaking this system of surveillance. Media coverage is essential for this to happen, particularly if and when governments don’t act upon what they promise to deliver, a possible scenario if Poland, Malta and Czech Republic ratified the aforementioned ILO conventions. The best way we can find more about the North Korean workforce is not by hoping that government migration and labour inspection bureaus will improve their practices-although this is undoubtedly important-but rather encouraging investigative journalism such as that of VICE. It would perhaps be useful if a similar initiative was carried out in Romania, Bulgaria, and any other countries where North Korean labourers are rumoured but not confirmed to be working in.

The limiting effects that such initiatives have on the DPRK’s labour export business in the EU are evident from the regime’s reaction to media coverage. Recently, the regime has taken recent measures to ensure its activities remain under the radar of international bodies. An article published by Radio Free Asia on April 2015 reported that according to Hee Yoon Do, a representative of the Citizens’ Coalition for Human Rights and North Korean Refugees with sources inside North Korea, the DPRK’s security department has sent ‘new guidelines’ to workers abroad, instructing them on what to do if anyone tries to film or document them as VICE did in Poland. One order instructs the labourer to take the recording device of a foreigner caught filming them and ‘physically smash them’ as well as ‘pulling out internal memory cards such as SD cards.’ The guidelines even order the labourer to ‘not kill, but inflict a blow or fracture until the person’s body is physically damaged.’<sup>60</sup> The fact these guidelines were released in response to the Special Rapporteur’s report on March 2015 regarding the exploitation suffered by the North Korean labourers highlights how the option of pursuing a UN-led dialogue with the DPRK would not be a fruitful approach as the Kim regime is heavily dependent on this inflow of foreign currency.

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<sup>59</sup> Available at: <http://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/lang--en/index.htm>. [Accessed 26 June 2016]

<sup>60</sup> Op. Cit., ‘North Korea Orders its Overseas Workers to Hide Rights Abuses’

The importance of media coverage in affecting the situation of the North Korean workforce in the EU has been most clearly observed in the Czech Republic. The country stopped issuing visas for North Korean workers in 2006 after the plight of the workers became a widely-discussed topic, with figures such as former president Vaclav Havel speaking out against the practice. Similar investigations have halted the issuing of visas to North Korean workers in Malta and Poland. Yet because these decisions were only made due to the embarrassment brought upon by the media's coverage of the issue there is the danger that in a few years time the interest surrounding the issue will have faded and this could allow the exploitation to be revived. However, the media cannot be expected to maintain an extensive coverage of the North Korean labourers' situation. Therefore, it is important that journalistic investigations then re-direct the focus of lobbying groups such as the Committee for Human Rights in North Korea (HRNK) from the prison camp system in North Korea to the case of North Korean labourers in the EU, a case with much more potential for improvement than that of the prison camp system. HRNK has produced countless studies of the prison camp system and not one on the situation of North Korean labourers in the EU, an understandable choice given the relative lack of evidence but one which should now change, in light of recent findings. Lobbying group such as HRNK and EAHRNK must carry on uncovering more aspects of this enterprise and continually raise awareness and pressure governments into adopting measures which will improve the living standards and the dignity of the North Korean workforce in the EU.

## **Conclusion**

The paramount importance of addressing this case of forced labour is due to three reasons. Firstly, besides the violation of multiple ILO conventions, the ILO's 2008 Declaration on Social Justice for a Fair Globalization is particularly undermined by the exploitation of North Korean labourers in highly developed countries in the EU. If the purpose of the Declaration is a 'contemporary vision of the ILO's mandate in the era of globalization' then the continued exploitation of North Korean labourers in the EU suggests that globalization makes the ILO's mandate powerless. Secondly, the money deducted from the labourers' pay by the regime is allowing the DPRK to circumvent the UN Security Council Resolution 2094 which 'calls for states to prevent the transfer of financial assets and resources including bulk cash that may contribute to the DPRK's nuclear and ballistic missiles program.'<sup>61</sup> If the international community is unable to cooperate against the DPRK's circumvention of UN sanctions then this undermines the authority of the UN as well as encourage the regime to expand its activities. Finally, in the aftermath of Brexit, the EU's integrity and authority is arguably at an all-time low and so the numerous violations of EU labour law being undertaken by companies such

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<sup>61</sup> Available at: [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/RES/2094\(2013\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2094(2013)). [Accessed 26 June 2016]

as Alson and Armex-which ironically have received EU funding-along with the DPRK must be addressed.

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