

Overview of Democratic People's Republic of Korea (DPRK) state-sponsored forced labour

This ETI briefing note identifies key business and human rights risks relating to state-sponsored forced labour, organised by the Democratic People's Republic of Korea (DPRK), in global supply chains. Forced labour organised by the DPRK has been detected in the apparel and textile sector, the food and drink sector, the service sector, and several others of potential relevance to ETI members. Victims have been found in several continents including Europe. Companies, in partnership with trade unions, civil society, governments and others, should be particularly mindful of these specific risks when conducting their human rights due diligence. For further information and support, see the Resources section (page 8).

Overview

There is evidence that the DPRK (or North Korea) is engaging in wide-spread state-sponsored forced labour, sending tens of thousands of its citizens abroad to earn foreign currency for the state. It is estimated that there are more than 50,000 North Koreans currently working overseas in as many as 16 countries across the Middle East, Asia, Europe and Africa.¹ However, if temporary permits, visa extensions and unofficial data are also considered, these numbers could be as high as 150,000-200,000.² The vast majority are working in Russia and China, where they take on labour intensive jobs in construction, logging, factories (textiles and apparel) and restaurants. Case studies are included on pages 5-7.

Workers sent overseas by the DPRK are subject to harsh working and living conditions that constitute forced labour, with very long working hours required and only one or two days off per month. Government "minders" are sent to monitor and control the workers, restricting their movements and communications.³

Over half of the workers' wages are appropriated by the state through taxation and other deductions, resulting in upwards of \$2.3 billion (£1.5 bn) in foreign currency for Kim Jong-un's regime.⁴ As the impact of international sanctions related to nuclear missile testing takes hold in the DPRK, and its economy becomes even more isolated, the number of workers sent abroad is likely to rise to increase available sources of funding for the regime.⁵

DPRK state-sponsored forced labour

The DPRK labour export system is based on the exploitation of its citizens under conditions of forced labour, which is defined by the International Labour Organisation (ILO) as work undertaken involuntarily under threat of a menace or penalty (including the suppression of rights or privileges).⁶ Although the vast majority of North Koreans volunteer to work overseas, they are assigned work by the state and do not have a choice in the type and/or location of the work. Once overseas, their passports are confiscated and retained by their DPRK supervisors, restricting their freedom of movement and effectively preventing the workers from changing (or leaving) the job assigned.⁷ They are coerced into continued working in order to receive their salary, the bulk of which is paid out at the end of the three-year contract. To ensure that there are no attempts to escape and prevent any other expressions of dissent, such as complaints to the host country (or other external parties) about the terms or conditions of work, the threat of government reprisals against them or their families still living in the DPRK helps to ensure that workers will adhere to the rules.⁸

STATE-SPONSORED LABOUR EXPORT

The export of DPRK workers is a state-run system instigated and executed from Pyongyang and designed to

benefit Kim Jong-un's regime through the appropriation of workers' wages. It is co-ordinated by multiple branches of government, which help organise and manage the entire process from recruitment to transportation.⁹

While the export of labour is managed by the state, the business operations of the system vary by country and by industry. In some cases, particularly when operating as a labour provider, a DPRK owned/controlled enterprise pays Pyongyang for the use of the workers.¹⁰ In other cases, arrangements are made for the local business to pay the workers' wages directly to the DPRK embassy (where present in the host country) or to a DPRK enterprise. Third-party companies are also used to collect payments, which are then forwarded onto Pyongyang.¹¹

The DPRK and international conventions

The DPRK is one of only a handful of nations that is not a Member State of the ILO and therefore not subject to reporting on compliance or to communicating its policy on fundamental principles and rights in the workplace. It also remains the only nation that has not explicitly criminalised any form of modern slavery and it has been ranked as a Tier 3 country in the annual US Trafficking in Persons report, a ranking reserved for countries whose governments do not comply with minimum standards and are not making significant efforts to do so.¹²

Nevertheless, as a member of the United Nations, the DPRK is bound by core international human rights instruments. Some of the instruments that can be used to hold the DPRK to account include:

- International Covenant on Civil and Political Rights (ICCPR) which prohibits the use of slavery or forced or compulsory labour
- International Covenant on Economic, Social and Cultural Rights (ICESR) which includes provisions on fair working conditions including the right to fair remuneration and rest; and
- ILO Declaration on Fundamental Principles and Rights at Work (FPRW) which requires all ILO Members to safeguard fundamental human rights for all, regardless of whether they have ratified ILO's core fundamental conventions. This applies to countries hosting North Korean workers, such as China.

Additional information on these and other relevant international conventions and agreements is provided on pages 8-9.

Worker profile

Despite the poor working conditions, overseas jobs arranged by the DPRK are highly coveted, with many North Koreans attracted by the prospect of improving

socio-economic status or escaping the difficult living conditions of the DPRK itself.¹³ Even though the majority of jobs available are low skilled and labour intensive, most vacancies are only open to loyal Party members who are in good social standing (based on their assigned social status or *söngbun*) and "happily" married with children.¹⁴

After basic requirements are satisfied, candidates must then pass a thorough background check and pass a physical examination which certifies they are in excellent health, so as to minimise the risk of the DPRK incurring any medical expenses overseas. Selection is further affected by various attributes of the workers' family, to the extent that any candidates with family members living in other countries or convicted of a crime are subsequently considered ineligible.¹⁵ Some jobs, such as those in restaurants, are only available to young women.¹⁶

Working conditions

When North Korean workers are engaged in work outside their own country, and in an ILO Member State, their conditions of work are subject to the same standards and obligations as those of national or other foreign workers in the State concerned. The hidden nature of this forced labour situation means that violations are rarely uncovered and reported. However, in-depth worker interviews and research from leading human rights organisations, academic institutions and UN-led commissions have found examples of human rights violations linked to a DPRK state-sponsored system of labour export.

ILO standard indicators of forced labour

The ILO has developed eleven indicators that may be used to help identify actual, likely or possible situations of forced labour, all of which are relevant to the state-sponsored forced labour organised by the DPRK. They include:

1. Restricted mobility of workers
2. Isolation of workers
3. Abuse of workers' vulnerabilities
4. Deception of workers
5. Physical or sexual violence against workers
6. Intimidation and threats against workers
7. Retention of workers' identity documents
8. Withholding wages
9. Debt bondage
10. Abusive living and working conditions
11. Excessive overtime working

These indicators are based upon the definition of forced labour set out in the ILO Forced Labour Convention, 1930 (No.29).

Other ILO standards on forced labour include the Abolition of Forced Labour Convention, 1957 (No. 105), which prohibits forced or compulsory labour as a method of (amongst other things) mobilising and using labour for the purposes of economic development; and the Protocol of 2014 to the Forced Labour Convention 1930) which is a new legally binding Protocol that aims to advance prevention, protection and compensation measures. The indicators and most relevant ILO Conventions are described in the Resources section on page 8 and the Tools and guidance section on page 10.

Additional ILO Conventions, such as the Convention on Hours of Work (No.1) and Weekly Rest (No.14) for instance, are legally binding in those member States that have ratified them, including States where forced labour from the DPRK may be found. 'Relevant conventions' listed below are not therefore an exhaustive list but rather focus on those specific to forced labour and UN Covenants that apply to the DPRK.

WAGES

North Koreans working overseas do not receive fair compensation for their work (and are often paid well below the national minimum wage where they are based), with an average wage of US\$120-150 dollars per month after deductions, as stipulated by North Korean regulations.¹⁷ Workers are given only small stipends for personal use while living abroad and are paid the bulk of their wages at the end of their contract.¹⁸

Workers usually receive their wages via the DPRK embassy, a DPRK state-owned company or other third party used by the DPRK. Where wages are paid directly into their account by their foreign employer, they are deposited into accounts controlled by companies from the DPRK.¹⁹

Relevant conventions: ILO Forced Labour Convention (No. 29) Art 14. ILO Protection of Wages Convention (No.95): Article 3, 5, 12. ICESCR: Article 7.

DEDUCTIONS

The DPRK takes about 55-60% of workers' wages to cover state costs, with deductions made in the form of Korean Workers' Party membership fees, loyalty payments to the Kim family, taxes and insurance costs.²⁰ An additional 20-25% is deducted from pay slips to cover living expenses and other costs incurred while living overseas for food, transport, visas and passports. It also includes fees required for personnel, such as for security guards and government administration.

In exceptional situations where workers cannot fulfil their contract, workers cannot return to the DPRK until they have worked to pay off debts for transport (usually airfare), accommodation or other services (e.g. medical).²¹

Relevant conventions: ILO Forced Labour Convention (No. 29) Art 14. ILO Protection of Wages Convention (No. 95): Article 8, 9. ICESR: Article 7

HOURS

The number of hours worked per day varies by industry but worker reports commonly note long shifts averaging between 12 and 16 hours (up to 20hrs). Only one or two rest days are provided per month.²²

Relevant conventions: ICESR: Article 7.

COERCIVE RECRUITMENT

Workers are not provided with written contracts that specify terms and conditions of employment. Work assignments and length of employment are assigned by the government.²³

Relevant conventions: ILO Forced Labour Convention (No. 29). ILO Migration for Employment (No. 97): Annex II Article 6.²⁴

ABUSE OF VULNERABILITY AND ABUSIVE WORKING CONDITIONS

North Korean workers are completely dependent on the state (and their DPRK supervisor) for all of their needs while abroad. They can be subject to physically abusive or humiliating forms of discipline in 'self-criticism' and 'mutual criticism' sessions.²⁵

Relevant conventions: ILO Forced Labour Convention (No. 29); ILO Abolition of Forced Labour Convention (No.105). ICESR: Article 7

EMPLOYMENT UNDER MENACE OF PENALTY AND RESTRICTED MOBILITY

North Korean workers are constantly monitored and under surveillance in the workplace and in their living accommodation by their DPRK supervisors and by their co-workers who are encouraged to watch and report on each other. In some cases, security agents are embedded within the workforce, acting as internal spies for the state.²⁶

On arrival, workers' passports are confiscated by their supervisors. When necessary, workers are permitted to leave the worksite in groups of two or three in order to buy food or other basic essentials.

Relevant conventions: ILO Forced Labour Convention (No. 29); Abolition of Forced Labour Convention (No.105). ICESR: Article 7

ISOLATION

North Korean workers are isolated by social, cultural and language differences when overseas. In many cases, they are sent to remote work sites or factories with no (or limited) public transportation available, which restricts their ability to move freely and engage with the local population. They are also often housed in separate living accommodation and segregated from the rest of the workforce to minimise interaction.

Relevant conventions: ILO Forced Labour Convention (No. 29). ICESR: Article 7

Obligations for businesses

The issue of DPRK state-sponsored forced labour as outlined in this note, is not one to be viewed in isolation. Instead, it is part of a wider global epidemic of forced labour exploitation and trafficking – one that enabled the DPRK to exploit the system to its benefit. Respecting the labour rights contained in international conventions, including the eight fundamental ILO conventions, can help business to minimise negative impacts.

What companies can do to prevent forced labour (advice from the ILO)

Business can play an important role in the elimination of forced labour. The ILO advises that measures are taken to remove forced labourers if found, with adequate services and assistance provided to the workers in the transition out of forced labour. In particular, companies can:

- Make sure all workers have written contracts, in a language that they can easily understand, stating the terms and conditions of employment, including their rights with regard to payment of wages, overtime, retention of identity documents, and other issues related to preventing forced labour
- Ensure that workers always have free access to their documentation, including passports, identity papers and travel documents
- Train auditors, human resource and compliance officers in ways to identify forced labour in practice, and seek appropriate solutions
- Monitor carefully the agencies that provide contract labour, especially across borders, with a view to addressing any abusive and fraudulent practices in respect of migrant workers during the recruitment and placement process
- Work with suppliers to ensure that there is no forced labour in the supply chain; and
- Ensure workers can access their right to freedom of association. Where workers have independent representation, there will be better oversight and scrutiny of working conditions.

Sector briefing notes: Agriculture and textile sectors

The DPRK has deployed several tens of thousands of its citizens to work overseas in order to earn much needed hard currency for the regime. Most are sent to Russia and China as unskilled workers, taking on jobs in labour intensive sectors such as construction or logging but thousands are said to be working in factories, agricultural fields and restaurants. As stated, although the exact numbers are unknown, evidence suggests that there are at least 50,000 North Koreans currently working abroad under conditions of forced labour.

Areas of highest risk to ETI members include textile and apparel factories in Northeast China, particularly along the DPRK border. Despite reports that North Koreans are working under conditions of forced labour, China continues to issue visas and renew agreements for importing DPRK workers.

In contrast, the two EU member countries, Malta and Poland that also had agreements in place with the DPRK stopped extending and/or issuing work visas by July 2016, putting an end to the labour import from the DPRK.²⁷

Even though there are relatively few workers sent to the EU when compared to China or Russia, deployment is financially more profitable per citizen due to higher individual earnings, and therefore this remains a risk. General statistics from the ILO show that the average victim of forced labour can earn \$3,100 (USD) in the Asia-Pacific region, compared to \$42,600 (USD) in developed economies.²⁸ The ILO further notes that profits from non-domestic labour are highest in Asia (\$13.8 billion), and developed economies including the EU (\$20.5 billion), mainly for two reasons: the high number of victims in Asia and the high profit per victim in developed economies.²⁹

CASE STUDY 1: NORTH KOREAN WORKERS IN NORTHERN CHINA (LIAONING PROVINCE, DANDONG CITY)

The highest risk of slavery and forced labour is in Northeast China, in areas of close proximity to the North Korean border and within the Changjitu National Cooperation Zone.³⁰ More than 20,000 labourers from the DPRK are currently working in the region primarily employed in textile and apparel factories or in restaurants.³¹ Workers are urgently needed in this region to offset the shortage of Chinese workers who have left for higher paying jobs in other sectors and other parts of the country. Factory managers in China confirmed that North Korean workers are cheaper to employ because they are paid lower wages and are not covered under health insurance, resulting in cost savings to the employers.³² The North Koreans are also valued by the factory managers because they stay on for three-years, under terms of the bilateral contract with the DPRK, which helps to maintain workforce stability.

WORKING CONDITIONS

North Koreans sent to work in the textile and apparel factories in China report working long hours (as much as 12-16 hours) and note that compared to their Chinese counterparts, they receive lower wages and live in poorer housing with inferior quality meals. The wages paid by the factory are \$500 USD per month but after all the deductions by Pyongyang plus the deductions for living expenses and other fees, the actual wage paid at the end of the contract term amounts to approximately \$100 USD/ month, which is well below minimum wage.³³

Similar to other case examples of North Korean workers overseas, the workers are subject to constant monitoring and surveillance, with strict controls in place to restrict movement. The workers are often based in factories located in remote, underdeveloped areas several kilometres from urban city centres, with lodging facilities either on the worksite or located nearby and limited transportation options available.

Workers are also made to participate in 'self-criticism sessions'. These sessions can be a daily occurrence, particularly when production is low. To discourage poor craftsmanship and idleness, factory managers put the underperforming labourers on display in front of the whole group as a punishment; resulting in physical, as well as mental stress and exhaustion for the workers.³⁴

HOST COUNTRY - CHINA

China is the DPRK's most important trading partner, accounting for 90 per cent (or \$7 billion) of bilateral trade,³⁵ and is currently host to the largest number of North Korean labourers overseas.³⁶ Although China formally supports U.N. sanctions against the DPRK, both Chinese businesses and provincial governments are working counter to the agreement as they continue to engage directly with the DPRK and hire more low-cost North Korean workers. Chinese authorities cannot interfere with the Chinese businesses who have legally hired North Korean labourers. Most recently, the three Northeast provinces negotiated with the DPRK to have them send over 5,000 workers annually under a fast-track worker visa system.³⁷

CHINA'S OBLIGATIONS UNDER ILO CONVENTIONS AND INTERNATIONAL TREATIES

China has not ratified any forced labour conventions of the ILO but it did adopt the 1998 ILO Declaration on Fundamental Principles and Rights at Work (FPRW). This Declaration requires all ILO members, including member states that have not ratified fundamental conventions, to report on steps that are undertaken to respect, promote and realise fundamental rights (i.e. all forms of forced or compulsory labour and discrimination).

China has also ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which affirms the strong commitment of the government to address non-discrimination and equal treatment.



CASE STUDY 2: LEISURE CLOTHING COMPANY IN MALTA (2014)

In 2014, Leisure Clothing Company, a Chinese owned clothing factory in Malta was found to be employing 36 North Koreans in slave-like working conditions.³⁸ At the time, the company supplied small quantities of clothes to at least two British companies, Karen Millen and Coast, as well as to a small number of European brands. Both British companies reportedly stopped doing business with the factory when they were alerted to this in November 2014.

Working conditions as reported by factory workers consisted of: No rest days during the first five months; long hours (11-13 average) from 7am to 9:30pm; deferred payment and withheld passports.³⁹

The managing director and the marketing director responsible were charged with human trafficking and the exploitation of Chinese and Vietnamese workers (North Korean workers allegedly did not file complaints for fear of retribution against their families).⁴⁰ They were also charged with misappropriating the employees' wages, failing to pay the employees their wages, overtime and allowances and failing to comply with employment conditions.⁴¹

HOST COUNTRY - MALTA

Malta is one of two EU countries that signed bilateral labour contracts with the DPRK, which set quotas for the number of workers and conditions to fast-track the issuing of work visas.⁴²

In 2013, nearly 100 workers were reportedly working in Malta, hired by a handful of companies involved in textile manufacturing or the construction industry.⁴³ By May 2016, the government stopped renewing visas and by July, had denied visa extensions for 20 North Koreans that were thought to be among the last of the Korean workers employed by the textile factories.⁴⁴

Malta is a member of the EU and has been a member of the ILO since 1965. Their constitution prohibits all forms of forced or compulsory labour.

AGRICULTURAL SECTOR

Agriculture is generally a low-skilled, labour-intensive sector that is considered to be at high risk for forced labour and trafficking. Despite an extensive review of media and academic research, only one case of DPRK workers in agriculture was found, as detailed in the case on tomatoes in Poland. This is indicative of poor worker visibility in the sector and the lack of quantitative data on DPRK nationals overseas. The very nature of the sector with production in remote areas spread across vast areas of land, allows workers to be hidden in plain sight.



CASE STUDY 1: HOT HOUSE TOMATO PRODUCER IN POLAND (08-2016)

Mularski farm, a hot house tomato producer supplying to a number of retailers in the EU, employed 62 female workers from North Korea.⁴⁵ Located in a quiet village in Poland, the 'farm' consists of a vast field of glass houses and together with its dormitories, is completely enclosed by concrete walls. The workers live in the dormitories and only leave the premises on Sundays.

In response to allegations of forced labour, representatives from the Mularski farm stated that all 62 workers are legally employed, treated fairly and paid properly into their own bank accounts and were not being monitored by the DPRK.⁴⁶ The company stated that Polish authorities who conduct regular inspections had also approved the farm, and in a separate investigation into working conditions by Tesco (Poland), no evidence was found to suggest that workers at the site were being mistreated.

Based on the experiences of other foreign workers however, it is likely that the employees' bank accounts are controlled by local DPRK-owned companies,⁴⁷ but without jurisdiction to review financial records, this could not be verified.⁴⁸ Finally, although no evidence of a supervisor or monitor was uncovered during the inspections, it is possible that the monitor was part of the workforce and spying on her co-workers. This is a common tactic employed by Pyongyang to obtain information on its citizens.⁴⁹

HOST COUNTRY - POLAND

Poland does not have any specific national laws forbidding forced labour but under various international treaties and declarations, customary law, and EU law, forced labour is prohibited. Between 2008 and 2015, Poland issued almost 2,800 permits to DPRK citizens, many of whom were employed in shipyards and orchards.⁵⁰ By July 2016, they stopped extending and issuing visas. The conditions of work for North

Korean workers in ILO member countries fall under the obligations of these countries, as well as all EU member states (and the EU as a whole), which have an obligation to ensure that all their workers, migrants or not, are able to work and live in an environment that protects them legally and physically from exploitation.

FINDINGS FROM THE POLISH LABOUR INSPECTORATE*

The Polish Labour Inspectorate has investigated 20 cases involving DPRK workers and noted the following violations:

- Foreigners working illegally, either by being led on, or by misunderstanding
- Workers performing tasks in workplaces different to those specified in their work permit
- Assigning different positions to those specified in the work permit
- Assigning foreigners to work tasks without obligatory written contracts
- Not paying foreigners their wages on time, not paying extra for working overtime
- Not providing foreigners with obligatory leave (for resting purposes).

To date, no observations or complaints have been made on the conditions in which North Korean workers might be engaged in ILO member states. However, forced labour is supposed to be punished with criminal penalties, and being a crime, states are bound to prosecute forced labour on their territory regardless of the perpetrator (public or private, national or foreign), and not only if there are complaints.

* Findings are from 20 case studies investigated by the Polish Labour Inspectorate from which it found 377 workers employed by 23 different companies. Leiden Asia Centre, Findings from the Slaves to the System Project, 6 July 2016. Pg 32.



The majority of DPRK citizens working overseas are in Russia and China, where they take on labour intensive jobs in construction, logging, textiles and apparel factories, and in restaurants.

Forced labour resources

ILO DEFINITION OF FORCED LABOUR

Any work or service which is exacted from any person under the menace or threat of a penalty and for which the person has not offered himself voluntarily.

1. Threat or menace of penalty - the suppression of rights or privileges, such as the refusal to pay wages or forbidding a worker from traveling freely. Threats of retaliation may be realised in different forms from the most blatant to the more subtle, often psychological, such as the threat to denounce an illegal worker to the authorities.
2. Work or service undertaken involuntarily. Deciding whether work is performed voluntarily often involves looking at external and indirect pressures, such as the withholding of part of a worker's salary as part-repayment of a loan, or the absence of wages or remuneration, or the seizure of the worker's identity documents.

Relevant international conventions and agreements

1. ILO'S FORCED LABOUR INSTRUMENTS

ILOs forced labour instruments provide a comprehensive strategy and a set of tools to address forced labour in a modern-day context.

Forced Labour Convention 1930 (No. 29)

This convention prohibits all forms of forced or compulsory labour.

Abolition of Forced Labour Convention, 1957 (No. 105)

This convention prohibits forced or compulsory labour as:

- a means of political coercion or education
- a method of mobilising labour for economic development
- punishment for expressing political views opposed to the established political, social or economic system or participating in strikes; and
- a means of labour discipline or racial, social, national or religious discrimination.

Protocol of 2014 to the Forced Labour Convention, 1930

A new legally binding Protocol on Forced Labour which refers to situations in which persons are coerced to work through the use of violence or intimidation, or by means of deception, accumulated debt, retention of identity papers or threats of denunciation to immigration authorities.

Forced Labour (Supplementary Measures Recommendation), 2014 (No. 203)

The Forced Labour Recommendation provides non-binding practical guidance in the areas of prevention, protection of victims and ensuring their access to justice and remedies, enforcement and international cooperation.

2. PROTECTION OF WAGES CONVENTION, 1949 (NO.95)

Refers to remuneration issues such as the form of payment (e.g. legal tender), methods and periodicity of wage payments and allowable deductions or assignment of wages and notification of wage conditions.

Under the convention, full and prompt payment of wages in legal tender is required (Article 3) and paid directly to the worker (Article 5) in intervals prescribed through national laws or regulations (Article 12). Where allowances are permitted, they must be a) appropriate for the personal use and benefit of the worker and his family; and b) the value attributed is fair and reasonable (Article 4).

Deductions are not permitted to obtain or retain employment (Article 9). Where they are allowed, workers are informed of the conditions under which and the extent to which any deductions are made (Article 8). Before they enter into employment (as well as when any changes are made), workers must be provided with information on their wages and the conditions under which they will be paid, and be provided with the particulars of their wages for each pay period (Article 14).

3. INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR)

Adopted by the United Nations General Assembly on 16 December 1966. Entry into force from 3 January 1976.

[Download here](#)

The ICESCR and the International Covenant on Civil and Political Rights (ICCPR) gives legal force to the Universal Declaration of Human Rights. It recognises the right to work, defined as the opportunity of everyone to gain their living by work which they freely choose or accept (Article 6) and the right to just and favourable conditions at work (Article 7), defined as fair wages with equal pay for equal work, sufficient to provide a decent living for workers and their dependants; safe working conditions; equal opportunity in the workplace.

To safeguard this right, parties must prohibit forced or child labour, provide equal access to employment, protect workers from being unfairly deprived of employment, prevent discrimination and ensure access for the disadvantaged. It further ensures that workers

are provided with (as a minimum): sufficient rest and leisure, including limited working hours and regular, paid holidays.

4. INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)

Entry into force from 23 March 1976.

[Download here](#)

The ICCPR gives legal force to the Universal Declaration of Human Rights (along with the ICESCR). It commits its parties to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial. ICCPR Article 8 prohibits slavery and enforced servitude in all situations. The article also prohibits forced labour, with exceptions for criminal punishment, military service and civil obligations.

5. THE ILO DECLARATION ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK (FPRW)

Adopted 18 June 1998 (Annex revised 15 June 2010).

The FPRW requires all ILO Members (even if they have not ratified the fundamental ILO Conventions in question) to respect, to promote and to realise the principles concerning the fundamental rights, including: freedom of association and the effective recognition of the right to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour, and the elimination of discrimination in respect of employment and occupation.

ILO HELPDESK FOR BUSINESS

The [ILO Helpdesk](#) for Business on International Labour Standards is a one-stop shop for businesses on how to better align operations with international labour standards. It includes a list of key resources as well as practical resources and tools. Specific queries on applying principles of international labour standards can be directly submitted by:

- Email: assistance@ilo.org
- Telephone: +41 22 799-6264

This individual assistance service is free and confidential. Replies are prepared by an ILO expert team and draw on the different ILO normative instruments, policy documents and tools.

Tools and guidance

ILO standard indicators of forced labour

The ILO has developed eleven indicators that may be used to help identify actual, likely or possible situations of forced labour.

The following descriptions relate specifically to situations that have been reported by North Korean workers and provide examples of the practices employers engage in that can lead to forced labour situations.

1. RESTRICTED MOBILITY OF WORKERS (RESTRICTION OF MOVEMENT)

There are unreasonable restrictions on leaving or re-entering premises (including accommodation) and movements in/outside of the workplace are controlled and monitored through surveillance.

2. ISOLATION (OF WORKERS)

Migrant labourers working overseas are often isolated by social, cultural and language differences. They may be segregated from the rest of the workforce and work in remote locations, minimising contact with the outside world.

3. ABUSE OF WORKERS' VULNERABILITY

A forced labour situation may arise when an employer takes advantage of a worker's vulnerable position, for example, to impose excessive working hours or to withhold wages. People who possess characteristics that set them apart from the majority population are especially vulnerable to abuse.

4. DECEPTION (OF WORKERS)

Deception relates to the failure to deliver what has been promised to the worker, either verbally or in writing. It includes deceptive or coercive recruitment where key employment terms and conditions are systematically not provided prior to employment or are worse than those indicated to workers at the point of job application and/or after contract signed.

5. PHYSICAL AND SEXUAL VIOLENCE (AGAINST WORKERS)

Violence can also be used to force a worker to undertake tasks. It is not acceptable as a disciplinary measure under any circumstances, and is therefore a very strong indicator of forced labour.

6. INTIMIDATION AND THREAT (AGAINST WORKERS)

Workers may suffer intimidation and threats when they complain about their conditions or wish to quit their jobs. The credibility and impact of the threats must be evaluated from the worker's perspective, taking into account his or her individual beliefs, age, cultural background and social and economic status.

7. RETENTION OF (WORKERS') IDENTITY DOCUMENTS

Retaining the identity documents of migrant workers is a problem where they feel they can't request/obtain access without the process being onerous and intimidating. Without papers, a migrant worker cannot freely and safely move about or leave a host country, and is at risk of imprisonment if stopped and questioned by police.

8. WITHHOLDING OF WAGES

Irregular or delayed payment of wages is systematically and deliberately withheld as a means to compel the worker to remain, thereby denying their opportunity to change employer.

Where deductions are permitted, the amount deducted often reduces wages to below minimum wage.

9. DEBT BONDAGE

Forced labourers are often working to pay off an incurred (or even inherited) debt, a situation that is created due to an imbalance of power between the employer and the worker such that the employer is able to dictate payment terms that effectively bind the worker to them for an unspecified period of time.

10. ABUSIVE WORKING AND LIVING CONDITIONS

Forced labour victims are likely to endure living and working conditions that would never be freely accepted in 'normal situations' but may be compelled to do so because of the lack of any alternative jobs. However, abusive conditions should represent an "alert" to the possible existence of coercion that is preventing the exploited workers from leaving the job.

11. EXCESSIVE OVERTIME

Obligatory overtime can be indicative of forced labour if the hours worked are above the limits permitted by legislation/collective agreements and if workers have no choice due to vulnerability and the need to earn the minimum wage and/or keep their jobs. It is forced labour if worked under some form of threat (e.g. of dismissal).

Further tools

ETI human rights due diligence framework

A practical due diligence guide designed to help companies manage and mitigate labour rights risks, and to understand why engagement, negotiation and collaboration is the best way to succeed.



SEDEX guidance on operational practice & indicators of forced labour

Guidance on how to spot the signs of actual, likely or possible cases of forced labour. The guide provides the basis on which to detect forced labour by using warning/ 'alert' or key indicators of known forced labour components and an assessment tool to support businesses and auditors alike toward identifying forced labour.

OECD-FAO guidance for responsible agricultural supply chains

Guidance that includes a 5-step risk-based due diligence methodology that can be used to address (and mitigate) risks found in agricultural supply chains such as: human rights; labour rights; health and safety; food security and nutrition etc. It also contains guidance for engaging with indigenous peoples.

ILO-IOE Combating forced labour: a handbook for employers and business

Guidance for employers and business on how to strengthen capacity to address the risk of forced labour and human trafficking in their own operations and in global supply chains. The 2015 edition reflects updated ILO statistics and research on forced labour and provides updated guidance on forced labour (what it is, how to detect it and effective ways to combat it). The handbook is presented in a series of seven booklets, which includes case studies, a checklist and guidance for assessing compliance and tips for taking action.

Recent updates on DPRK

Commission of inquiry on human rights in the DPRK

Report of the commission of inquiry on human rights in the Democratic People's Republic of Korea - A/ HRC/25/63. A Commission of Inquiry was set up in March 2013 by the United Nations Human Rights Council to investigate the systematic, widespread and grave violations of human rights in the DPRK, with a view to ensuring full accountability for violations amounting to crimes against humanity. Nine key areas of violations were investigated.

The report details evidence of violations of human rights, many of which entailed crimes against humanity based on State policies. The police and security forces of the DPRK were found to be the main perpetrators who were systematically employing violence and punishments that amounted to gross human rights violations.

Act No. 14070: North Korean Human Rights Act (NKHRA)

Enacted: Mar. 3, 2016, Entry into force: 4 Sept. 2016

In March 2016, the national assembly of the Republic of Korea (ROK) passed the North Korean Human Rights Act (NKHRA) which will establish: a new human rights foundation to document North Korean human rights violations, with records made available to the Ministry of Justice for prosecution; an Ambassador level envoy to engage with international institutions and work with them to promote human rights.

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- 2 Estimates of North Korean workers overseas vary widely because there is no official (and verifiable) quantitative data available. Unofficial data includes quotas set in bilateral agreements (labour contracts) that have not been confirmed. Reports range from: 46,000 workers (Republic of Korea Ministry of Foreign Affairs, Jan 2013); to 52,000 workers (Asan Institute, 2014 pg.30) with projections for 120,000 workers in 20 to 40 countries (Center for North Korean Human Rights Studies) to 150,000-200,000 for 2015/1016 (INHL, 2012 pg.18-19).
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The Ethical Trading Initiative (ETI) is a leading alliance of companies, trade unions and NGOs that promotes respect for workers' rights around the globe. Our vision is a world where all workers are free from exploitation and discrimination, and enjoy conditions of freedom, security and equity.

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