



July 2007

Forced labour in North Korean prison camps

The flow of undocumented North Korean migrants into China started in the mid-1990s and continues today. The great majority of these migrants are not fleeing political oppression, but rather food shortages and severe economic hardship in North Korea. The South Korean Government's survey of North Koreans who have settled in South Korea shows that over 60 per cent identified economic hardship as the prime motive for crossing the border. Similarly, in the interviews carried out by Anti-Slavery International for this research, 93 per cent of the North Koreans cite economic hardship as the main factor for leaving North Korea.

In March 2007, the Government requested assistance from the World Food Programme (WFP) to address the issue of food shortages. The WFP estimated at this time that between one-third and one-half of North Koreans face a daily struggle to find enough food to eat. While food insecurity remains a critical issue, the cross-border migration of undocumented North Koreans into China will also continue.

This is an issue of concern to Anti-Slavery International because those North Koreans who are caught while crossing the border or who are deported by the Chinese authorities are subject to forced labour in North Korean detention facilities.

In the course of this research, Anti-Slavery International interviewed 30 North Koreans, all of whom were caught border crossing and imprisoned in North Korea. The majority of the interviews were with women from the North-eastern province of North Hamgyeong and most were incarcerated after 2003. The interviews took place in Jilin Province, China in the cities of Yanji, Wangqing and Antu (January 2007), and Seoul, South Korea (February 2005-2007).¹

The overwhelming majority had to perform forced labour while in detention before they were tried for the crime of border crossing. Most of the border crossers interviewed for this report worked 10-12 hours everyday with no rest days. In some prison camps the hours were slightly shorter, but the work was generally harder. Forced labour usually

¹ For full details of the research, please see Norma Kang Muico, *Forced Labour in North Korean Prison Camps*, Anti-Slavery International, London, 2007 at: <http://www.antislavery.org.uk/homepage/resources/PDF/NK%202007.pdf>

takes place on State-run projects and includes farming, mountain logging, road works, stone quarrying, brick making, coal mining and construction. One 42-year-old teacher from Hoeryong described the nature of forced labour at the Onsong labour training camp in 2003:

We were sent to the mountains to carry stones on our backs or heads. Because of the friction, the skin on my back peeled and bled. We had to load the stones onto a truck, which was then taken to a building site. It was such hard work that people fainted. Guards were always yelling and hitting the prisoners. When we worked on this project, we didn't come home until 11pm. It took us over an hour to walk back to the prison camp.

Prisoners were beaten for various reasons (e.g. lying or being suspected of lying, not working fast enough, forgetting the words to patriotic songs, etc.). More than 90 per cent of the interviewees either witnessed beatings or were hit themselves while in detention.

A 57-year-old woman from Kyongsong described how she was punished for not working hard enough at the Hoeryong labour training camp in 2001:

One time while I was sowing, I was so tired that I stopped for a rest. A young guard caught me and grabbed me by my neck. I pleaded with the guard and begged for his forgiveness, but he just cursed at me and kicked me on my back and head. He said how I could dare to be tired when I had been eating so well in China. Because of that beating, I suffer from chronic back pains and headaches still today.

Interviewees were also subject to other forms of degrading treatment and punishment (e.g. forced exercise as a form of punishment, being forced to sit without moving for prolonged periods of time, being denied access to toilets, public criticism, etc.).

The overcrowded and unhygienic facilities, combined with inadequate food, water and medical care and the arduous nature of the forced labour that prisoners have to perform mean that deaths in the labour camps are not uncommon.

North Korea has softened its approach to border crossers in recent years in recognition of the fact that not all those who travel to China are politically motivated. Punishment for border crossing was consequently reduced to a maximum of three years in prison 1999 and then to a maximum penalty of two year in 2004.

Despite this positive shift in policy, Anti-Slavery International believes that the arrest and imposition of forced labour on border crossers as a punishment because they left the country without state permission is not acceptable under any circumstances. This law directly undermines the right of North Koreans to freedom of movement and is particularly inappropriate as the vast majority of border crossers are only migrating to try and ensure their survival in the face of severe food shortages and economic crisis.

The use of forced labour as documented in this report is in contravention of commitments undertaken by the North Korean Government. The International Labour Organization

defines forced labour as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”² Forced labour is also prohibited under article eight of the UN *International Covenant on Civil and Political Rights*, which North Korea has ratified. It is only permissible to use compulsory labour in prison facilities when it is “in pursuance of a sentence to such punishment by a competent court” or “in consequence of a lawful order of court”.

These exceptions do not apply to the vast majority of cases involving border crossers as they are incarcerated and subject to forced labour without being convicted. An analysis of data provided by those interviewed for Anti-Slavery International’s research shows that in 70 per cent of cases, those arrested received no judicial decision, formal or otherwise. These unconvicted detainees were compelled to perform forced labour for an average of about 50 days, in direct contravention of the *International Covenant on Civil and Political Rights*, as well as North Korea’s own domestic standards.

The conditions in which this forced labour is carried out - in terms of long working hours, the arduous physical nature of the work and the inadequate food, water and medical treatment provided - also puts the lives of detainees at risk.

In view of the above, Anti-Slavery International calls for:

- The DPRK Government to amend their Criminal Code so that leaving the country without permission does not constitute a criminal offence and to abolish the requirement for travel certificates for travel internally and abroad.
- The DPRK Government to stop the use of forced labour in prison camps and to take immediate action to prevent unconvicted detainees from performing forced labour, in line with its international and domestic obligations.
- The DPRK Government to invite the UN Special Rapporteur on North Korea to visit North Korea in order to monitor human rights conditions in the country and in particular to co-operate with him so that he can carry out a thorough review of conditions in prison camps.
- The Chinese Government to stop the forcible repatriation of undocumented North Koreans from China and to recognise these North Koreans as refugees *sur place* until the North Korean Government amends its current treatment of border crossers as outlined above.
- The Chinese Government to grant the UNHCR access to North Koreans in China, so that the UNHCR can assess their individual circumstances and seek a safe and permanent solution to their situation.

² Article 2 (1) of the International Labour Organization (ILO) *Convention No. 29 concerning Forced or Compulsory Labour* (Forced Labour Convention), available at: <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C029>

- Governments in the region and internationally to raise the above issues at all appropriate meetings with the Governments and inter-governmental agencies responsible in order to resolve this situation in the shortest period of time possible.