

# Committee for Human Rights in North Korea

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To:

Director – Forced Labor Division  
Trade Remedy Enforcement Directorate  
Office of Trade, U.S. Customs & Border Protection

March 21, 2024

Dear

Greetings and warmest regards. I am writing to you on behalf of the Committee for Human Rights in North Korea (HRNK). HRNK is the leading non-partisan, non-governmental organization in the field of human rights research and advocacy in the Democratic People's Republic of Korea (DPRK), headquartered in Washington, D.C. Since our inception in 2001, we have sought to raise international awareness of the human rights situation in the DPRK through the publication of well-documented reports and outreach activities in support of the recommendations formulated in those publications. HRNK has UN ECOSOC special consultative status and is committed to assisting the UN and its Member States on DPRK human rights issues in this capacity.

As you know, the DPRK regime is among the worst human rights offenders in the world. Ten years ago, in February 2014, the UN Commission of Inquiry reported that the DPRK was responsible for ongoing crimes against humanity. The gravity, scale, and nature of the DPRK's violations of human rights reveal a state that has no parallel in the contemporary world. The DPRK's systematic, widespread, and gross human rights violations are thoroughly documented, including its imposition of arbitrary detention, arbitrary death penalties, political prison camps, slave labor, the absolute monopoly of information released to the public, and total control of all organized social life. Among the many human rights abuses is the issue of North Korean workers officially dispatched abroad to procure hard currency for the Kim family regime.

I would like to take this opportunity to particularly bring to your urgent attention a grave human rights issue occurring in parts of China, specifically in the province of Liaoning, regarding the exploitation of North Korean laborers in seafood processing plants. This matter requires immediate and decisive action from the Office of Trade, U.S. Customs & Border Protection due to its severe human rights implications and potential violations of U.S. and international law.

Numerous reports and investigations, including a story published by the Outlaw Ocean Project in February 2024, have documented egregious human rights abuses suffered by North Korean laborers in Liaoning province, where they are forced to work in seafood processing plants under exploitative

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conditions. These laborers are subjected to long hours, meager wages, physical abuse, and forced labor - a clear violation of their basic human rights. Additionally, they are denied the freedom of movement, communication, and adequate living conditions, effectively rendering them modern-day slaves. **The annexed memorandum provides updated evidence on the workings of these processing plants as well as the abuses that North Korean laborers endure.**

Another important aspect of this issue is the importation of such goods into the United States (U.S.). The exportation of goods produced through such exploitative labor practices into the United States raises serious concerns regarding compliance with the Countering America's Adversaries Through Sanctions Act (CAATSA).<sup>1</sup> It is imperative that the United States take decisive action to ensure that goods produced through forced labor, including those originating from China's Liaoning province, are not allowed entry into our markets. **The annexed memorandum contains case studies of the processing plants that are currently operational and exporting to the United States.**

CAATSA, enacted on August 2, 2017, represents a significant piece of U.S. legislation aimed at imposing sanctions on Iran, Russia, and the DPRK to curb their aggressive actions and policies. Regarding the DPRK, CAATSA particularly addresses concerns over labor practices, nuclear proliferation, and economic activities that support the regime's military capabilities. North Korean laborers have been sent to various countries across the world, working under conditions often described as forced labor to earn foreign currency for the regime. These laborers are employed in diverse sectors, including hospitality, construction, agriculture, and manufacturing. Their wages are largely appropriated by the North Korean regime, contributing to its nuclear and missile programs. The matter at hand, in the Chinese province of Liaoning, is a prime example.

In relation to North Korean laborers, CAATSA contains two sections that are directly applicable. Firstly, Section 321(b) specifically addresses the issue of North Korean laborers. It mandates the imposition of sanctions on foreign persons who knowingly employ North Korean laborers. This provision is aimed at cutting off the flow of funds generated by overseas labor that supports the DPRK's nuclear and ballistic missile programs. Secondly, Section 321(d) directs the imposition of sanctions on individuals responsible for or complicit in human rights abuses committed by the Governments of the DPRK, Iran, and Russia.<sup>2</sup>

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<sup>1</sup> Public Law 115 - 44 - Countering America's Adversaries Through Sanctions Act.

<sup>2</sup> Sections 321(b) and 321(d) of CAATSA target the use of North Korean laborers abroad, a significant source of revenue for the North Korean government, which has been widely criticized for its human rights abuses and nuclear weapons program. Section 321(b) requires the President to identify foreign persons who have knowingly engaged in, facilitated, or been responsible for the employment of North Korean laborers. This section essentially aims to cut off the flow of funds generated by overseas North Korean workers, which are believed to support the country's illicit nuclear and ballistic missile programs. Section 321(d) complements this by mandating the imposition of sanctions on those identified individuals or entities, which includes blocking of their property and interests within the United States jurisdiction, thereby significantly limiting their access to the U.S. financial system. The overarching goal of these provisions is to pressure North Korea into compliance with

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In addition, Executive Orders complementing CAATSA, such as EO 13810,<sup>3</sup> enhance the U.S.'s ability to sanction individuals and entities associated with the DPRK's labor export practices. Furthermore, CAATSA also introduces secondary sanctions, targeting non-U.S. entities engaging in significant transactions with North Korean laborers or the North Korean government. This broad reach ensures that companies worldwide must ensure compliance to avoid being cut off from the U.S. financial system. Finally, the Office of Foreign Assets Control (OFAC) has issued several advisories detailing the practices that could violate CAATSA, including case studies and compliance expectations. These documents can provide guidance on identifying potential risks associated with North Korean laborers.<sup>4</sup>

The use of North Korean labor in Chinese seafood processing plants, particularly when such labor is forced or occurs under conditions that constitute human rights abuses, falls within the ambit of CAATSA's provisions (and other relevant legislation and policy). Entities in China hosting North Korean laborers potentially generate revenue that supports the DPRK's prohibited programs, thereby attracting CAATSA's sanctions mechanisms. **Please refer to the attached memorandum for further details regarding North Korean laborers employed in Chinese seafood processing plants producing commodities that are ultimately transported to the United States.**

It is understood that CAATSA's reach and enforcement, in relation to the DPRK, firstly depends on whether the involvement of North Korean labor financially contributes to the DPRK's nuclear and ballistic missile programs. Entities benefiting from or facilitating this arrangement potentially face sanctions under CAATSA. Secondly, CAATSA's mandate includes sanctioning entities and individuals involved in human rights abuses. The conditions under which North Korean laborers are employed in China - if proven to be coercive - could (and should) trigger sanctions against Chinese seafood processing plants and their networks. There is clear and convincing evidence that the DPRK regime and

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international norms regarding its labor practices and nuclear program, by targeting and diminishing a crucial source of its foreign currency earnings.

<sup>3</sup> Executive Order 13810, signed by President Donald Trump on September 21, 2017, significantly expanded the United States' authority to target individuals, companies, and financial institutions that facilitate trade with North Korea. This order was part of a broader strategy to increase economic and diplomatic pressure on North Korea in response to its nuclear weapons and missile programs. Specifically, it aimed to cut off funding for these programs by targeting North Korea's trade revenue and access to the international banking system. The order allowed the U.S. government to sanction any entity that engages in, facilitates, or supports trade with North Korea, and it also targeted industries such as textiles, fishing, information technology, and manufacturing, which were significant sources of revenue for the North Korean regime. Through these measures, Executive Order 13810 sought to compel North Korea to return to the negotiating table for denuclearization talks by leveraging economic pressure.

<sup>4</sup> These guidelines are crucial in ensuring compliance with international sanctions and preventing the exploitation of labor from North Korea, which is a known concern due to the regime's human rights abuses. OFAC's directives include stringent requirements for businesses to verify the origin of their labor force, particularly in industries susceptible to employing North Korean workers, such as construction and hospitality. Additionally, OFAC provides detailed instructions on conducting thorough due diligence and monitoring practices, including robust record-keeping and reporting mechanisms to detect and deter any potential violations.

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Chinese government satisfy the two aforementioned requirements as well as the legal requirements of CAATSA and other pieces of legislation. This, therefore, invokes the necessary legal consequences. **Please refer to the annexed memorandum.**

The deployment of North Korean laborers to Chinese seafood processing plants, such as those in the province of Liaoning, under conditions that may involve forced labor and other human rights abuses poses a complex challenge for the application of CAATSA. Legal mechanisms exist within the act to address these issues through sanctions and other punitive measures against entities and individuals facilitating or profiting from these practices, i.e. the DPRK regime and the Chinese government.

Furthermore, the international community must continue to exert pressure, particularly on China to put an end to these human rights abuses and hold those responsible accountable. We wish to respectfully highlight the critical importance of the following recommended actions:

1. Implement strict monitoring mechanisms to prevent the importation of goods produced through North Korean forced labor, particularly from regions where such abuses are rampant, such as Liaoning province in China.
2. Strengthen enforcement of existing laws, including CAATSA, to ensure that goods produced through North Korean forced labor are not allowed entry into the United States.
3. Ensure that any response to this issue is swift, prioritizing human rights above all else.

HRNK wishes to thank you and your Forced Labor Division colleagues for your service as well as your attention and dedication to addressing matters of human rights and labor rights violations, an issue that touches the core of quintessentially American values and our shared humanity. At HRNK, we are all fully aware that, through your dedicated work, while protecting the American people, you uphold not only the principles of justice and dignity for all but also fortify the United States' role as a beacon of hope and a leader in the global pursuit of human rights.

Thank you very much for your time and kind consideration.

Yours sincerely,



Greg Scarlatoiu

Executive Director

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