



## Korea's Migrant Fishers Plan fails to end human rights abuses at sea

2023 Briefing

The Environmental Justice Foundation (EJF) exists to protect the natural world and defend our basic human right to a secure environment. EJF works internationally to inform policy and drive systemic, durable reforms to protect our environment and defend human rights. We investigate and expose abuses and support environmental defenders, Indigenous peoples, communities and independent journalists on the frontlines of environmental injustice. Our campaigns aim to secure peaceful, equitable and sustainable futures.

The Advocates for Public Interest Law (APIL) is a Korean human rights lawyers' organisation based in Seoul, Korea. APIL has worked for over 10 years to protect vulnerable migrants, including refugees, migrant detainees, and victims of human trafficking, as well as monitoring human and environmental abuses committed by Korean companies overseas.

### Executive summary

This briefing finds that new measures introduced in 2021 to protect migrant fishers in the Korean distant water fishing (DWF) fleet have failed to uphold their basic human rights. Conditions for fishers have not improved, and indicators of forced labour and human trafficking remain prevalent. Those affected by human rights abuses at sea are unable to raise the alarm. Urgent reform is needed to safeguard migrant fishers on Korean-owned and Korean-flagged vessels.

Korea has one of the world's largest distant water fishing fleets, with 200 vessels flying the Korean flag and an unknown number of vessels around the world linked to Korean interests.<sup>1,2</sup> The operation of the fleet heavily depends on migrant fishers - around 77% of fishers working onboard Korean DWF vessels are migrant workers and most of them, 79%, are from Indonesia, according to data from 2021.<sup>3</sup>

In June 2020, EJF and APIL released the joint briefing "[Illegal fishing and human rights abuses in the Korean fishing fleet](#)" revealing widespread illegal, unreported, unregulated (IUU) fishing and associated human rights abuses such as forced labour.<sup>4</sup> The investigation revealed severe abusive conditions including debt bondage, confiscation of identity documents, excessively long working hours and voyages at sea, physical and verbal abuse and underpayment of wages. These are all indicators of conditions of human trafficking according to the International Labor Organization.<sup>5</sup> The findings have caught international attention and in 2022, the US Department of State downgraded Korea to a Tier 2 country in their annual Trafficking in Persons report, after 20 years of being a Tier 1 country, citing a lack of sustained and continued enforcement.<sup>6</sup>

<sup>1</sup> Stimson Centre (2019) "Shining a Light: The Need for Transparency across Distant Water Fishing", accessed April 6, 2023. <http://stimson.org/wp-content/files/file-attachments/Stimson%20Distant%20Water%20Fishing%20Report.pdf> The top 5 countries are: China, Taiwan, Japan, South Korea, and Spain.

<sup>2</sup> Korea Seafarers' Welfare and Employment Centre, 2022 Korean Seafarer's Statistical Year Book, 05-22, 48 p, 310-312 p [https://www.koswec.or.kr/koswec/information/sailorshipstatistics/detailSailorShipStaticsPage.do?prg=statistic&seqIdx=SSS\\_0000000218](https://www.koswec.or.kr/koswec/information/sailorshipstatistics/detailSailorShipStaticsPage.do?prg=statistic&seqIdx=SSS_0000000218)

<sup>3</sup> Ibid.

<sup>4</sup> EJF(2020), Illegal fishing and human rights abuses in the Korean fishing fleet, <https://ejfoundation.org/reports/illegal-fishing-and-human-rights-abuses-in-the-korean-fishing-fleet>

<sup>5</sup> International Labour Organization (ILO), Forced labour, modern slavery and human trafficking, <https://www.ilo.org/global/topics/forced-labour/lang-en/index.htm>

<sup>6</sup> <https://www.state.gov/reports/2022-trafficking-in-persons-report/>

In December 2020, in response to the EJF and APIL briefing and [rising domestic social awareness](#), the Korean government announced a series of reforms. Through the Ministry of Oceans and Fisheries (MOF), the competent authority responsible for governing seafarers, it introduced the “Implementation Plan for Migrant Fishers on Distant Water Fishing Vessels” (hereafter, "the Plan"). The new measures outlined in the Plan attempted to enhance protections for migrant fishers on Korean DWF vessels, including preventing excessive working hours by setting a minimum of six hours rest per day, setting a minimum salary based on the International Transport Workers’ Federation (ITF) standards and requiring the provision of necessities such as clean water. The Plan was enacted in January 2021.

To monitor the progress and effectiveness of the Plan, EJF and APIL interviewed 74 migrant fishers who worked on Korean-flagged and Korean-owned DWF vessels between 2021 and 2022 and found little has changed since the Plan was introduced. None of the interventions in the Plan have led to improved conditions for fishers. The major findings include:

	Requirements in the Plan	2021 - 2022 Investigation findings
Working hours	10 hours of rest per day, which can be divided into six- and four-hour breaks with flexibility to adjust the schedule on a monthly basis.	<b>60%</b> of the interviewees reported excessively long working hours of <b>more than 14 hours</b> per day. <b>26%</b> of the interviewees sometimes had to work <b>more than 18 hours</b> straight without rest.
Time at sea	For longliners, migrant fishers can request to leave the vessel after 10 months of service and the request must be allowed by the end of the 12th month.	<b>40%</b> of all interviewees stayed at sea for <b>more than a year</b> . <b>Of all whom worked on longliners, 84%</b> stayed <b>more than a year</b> without entering any ports.
Minimum wage	The minimum wage for migrant fishers should meet the standards set by the International Transport Workers Federation (ITF).	<b>59%</b> of the interviewees reported being paid below <b>the minimum wage</b> , which is already far lower than Korean nationals.
Recruitment fees	Ban all pre-recruitment fees including salary deduction, wage-withholding and guarantee money, and require that all expenses be borne by employers.	<b>Of all interviewees, 51%</b> had to pay <b>recruitment fees</b> , <b>47%</b> were subjected to <b>salary deductions</b> and <b>39%</b> reported their <b>wages were withheld</b> by manning agencies.
Passport confiscation	Ban passport confiscation (a ban based on the provision in the Seafarers Act) <sup>7</sup> .	<b>All interviewees reported</b> their identity documents were <b>illegally confiscated</b> .
Sexual, physical and verbal abuses	Crew members responsible for these abuses will have their contracts cancelled and cannot be reemployed.	No perpetrators were penalised <b>yet 83% of crew</b> experienced <b>verbal</b> abuse, <b>24%</b> reported <b>physical</b> abuse, and <b>three</b> crew members reported being <b>sexually</b> abused.
Monitoring and Grievance system	Vessel owner companies conduct crew questionnaires to understand fishers’ at-sea working and living conditions. The Korea Seafarers’ Welfare and Employment Centre (KOSWEC) runs a call centre.	No proactive grievance system is provided to fishers. <b>92%</b> of the interviewees had <b>never heard of any official grievance system at all</b> .

<sup>7</sup> Newly added articles of the Seafarers Act as of 15 June 2021: Article 50.2, Article 179

Labour exploitation of migrant fishers onboard Korean DWF vessels has been widely documented for over a decade.<sup>8</sup> Investigations have consistently revealed widespread IUU fishing and associated human rights abuses, such as forced labour.<sup>9</sup> In response to repeated discoveries of illegalities in the Korean DWF, the MOF introduced the Plan in December 2020. However, there was no stakeholder consultation in the formulation of this Plan, leading to insufficient measures being included.<sup>10</sup> As a result, the Plan has not succeeded in ending human rights abuses at sea in the Korean DWF fleet.

Many migrant fishers described experiencing financial penalties to compel them to work, with no freedom to take and/or leave the job, despite abuses, including withholding and deductions of wages, seizure of identity documents and physical and verbal abuse. These are all indications of forced labour or human trafficking, as defined by the Palermo Protocol<sup>11</sup> and the International Labour Organization.<sup>12</sup>

A critical weakness of the Plan is that none of the measures are legally binding (except passport confiscation, which is banned by the Seafarers Act), and thus the Plan is difficult to enforce. Without legal grounding, enforcement is undermined and there is a risk that the policies could be revoked at any time. The responsibility for labour inspections lies with the MOF. However, they have formally delegated the responsibility to the Korea Overseas Fisheries Association (KOFA), an organisation that represents the interests of the Korean DWF industry.<sup>13</sup> Every quarter, the captains of all DWF vessels are required to distribute a paper-based questionnaire to all foreign crews to survey their working and living conditions, even when the vessels are still at sea. The completed questionnaires are sent to KOFA for analysis. No representative of migrant fishers is involved, and detailed results are not published. Instead, for the eight times this process has been carried out since the Plan was enacted, a notice has been posted on the bulletin board of the homepage of the KOFA website simply stating that the majority of fishing companies faithfully implemented the Plan and no issues have been found.<sup>14</sup> An urgent, independent and systematic review of the current legal and enforcement system is essential.

Korea should rapidly ratify the ILO Work in Fishing Convention (ILO C188) to ensure an acceptable minimum level of protection for fishers' human rights. It should also amend the Seafarers Act to ensure equal protection and treatment for national and migrant fishers. The Korean government should allocate sufficient resources to implement effective and frequent labour inspections, using a victim-centred approach to interview crew members as well as investigate illegal activities.

The Korean DWF industry cannot sustain itself without the foreign crew who comprise the majority of the fleet's workforce. Enhancing the protection of foreign crew members is critically important for the future sustainability of the fleet.

## Methodology

Between September 2021 and December 2022, APIL and EJF conducted interviews with 70 Indonesian and four Filipino migrant fishers working on 54 Korean DWF vessels owned by 29 companies. The vessels included 22 tuna longliners (41%), 15 squid jiggers/saury vessels (26%), 9 trawlers (19%), 4 bottom longliners (8%) and 3 purse seiners (5%). While all interviewees started their contracts between 2019

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<sup>8</sup> For past documentations of human rights and labor abuse of migrant fishers on Korean DWF vessels, see:

APIL&IOM, "Tied at Sea", <https://apil.or.kr/reports/8814>; APIL&Human Rights Network for Migrant Fishers, "Who Tied Them to the Sea?: Monitoring Report on the Human Rights of Migrant Workers on Korean Fishing Vessels", <https://apil.or.kr/reports/13241>; APIL "Then and Now: The repeated failure of response to the human trafficking of migrant workers in the fishing and hospitality sectors" <https://apil.or.kr/news/14596>;

<sup>9</sup> EJF(2020), Illegal fishing and human rights abuses in the Korean fishing fleet, <https://ejf.org/resources/downloads/IllegalFishingHumanRightsKorea.pdf>

<sup>10</sup> APIL, [Statement] The stance of civil societies on the 'measures to implement the working conditions of foreign fishing vessels in the distant water of the Ministry of Oceans and Fishery', date access: 15.09.2022, <https://apil.or.kr/news/16404>

<sup>11</sup> United Nations, The Office of the High Commissioner for Human Rights, Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>

<sup>12</sup> International Labour Organization (ILO), Forced labour, modern slavery and human trafficking, <https://www.ilo.org/global/topics/forced-labour/lang-en/index.htm>

<sup>13</sup> Implementation Plan for Foreign Fishers on Distant Water Fishing Vessels, <https://www.mof.go.kr/article/view.do?menuKey=971&boardKey=10&articleKey=36527>

<sup>14</sup> Korea Overseas Fisheries Association, 2022 3rd tripartite joint inspection of foreign seafarers, [http://www.kosfa.org/magazine/maga\\_read.asp?kin=cont&c\\_tbl=1&num=3245](http://www.kosfa.org/magazine/maga_read.asp?kin=cont&c_tbl=1&num=3245), [http://www.kosfa.org/magazine/maga\\_read.asp?kin=cont&m\\_year=2023&m\\_month=2&m\\_d\\_ay=15&c\\_tbl=1&num=3258](http://www.kosfa.org/magazine/maga_read.asp?kin=cont&m_year=2023&m_month=2&m_d_ay=15&c_tbl=1&num=3258)

and 2020, before the introduction of the new measures, they were fishing in 2021 and 2022 and saw little change in their working conditions.

EJF and APIL collected evidence using several methods. Crew testimony was collected with audio-recorded or filmed interviews using an open-ended standardised questionnaire. We collected and analysed other paper-based evidence to corroborate interviewee testimonies. These included copies of employment contracts, passports and visa information to confirm the interviewee's identity and the vessel they worked for. Official data such as vessel licence lists, trade statistics and satellite information were also used to verify vessels' activities.

## **Findings: Human Rights Abuse Cases**

### **1. Excessive working hours**

The Plan requires migrant fishers to be given at least 10 hours a day and 77 hours a week of rest time. These rest hours can be arranged flexibly on a monthly basis and a minimum of six hours rest a day must be guaranteed. This flexibility permits a higher number of working hours than what is allowed by the ILO C188.<sup>15</sup>



60% (44) of the interviewees reported that they often had to work more than 14 hours when the workload was heavy.



26% (19) of the total interviewees reported that sometimes they had to work more than 18 hours without rest.

In addition, some interviewees also said they were forced to continue working even when injured.

*"I worked 30 hours without stopping for more than ten times and I worked for 72 hours and rested only 2 hours, yes same after 2021" - Crew member from a squid/saury vessel*

*"My hand was injured, but I was forced to continue working without rest. My hand is abnormal now" - Crew member from a bottom longliner*

*"We would wake up at 2:30 pm and work immediately until 5:00 or 6:00 am in the morning until the next day. We don't have any days off. We worked for almost 16 hours. We were not allowed to sit because the captain and seniors would scold us." - Crew member from a squid jigger*

*"I felt the same before and after 2021, but one thing, I was forced to put my signature to show that I had six hours of rest. I had to work over 22 hours with 2-hour rest." - Crew member from a longliner*

### **2. Remaining at sea without port entry**

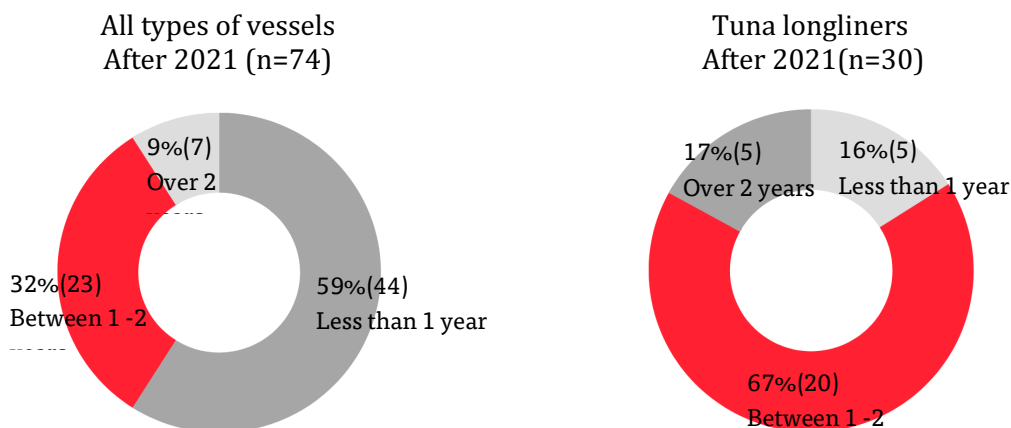
Korean tuna longliners on average venture farthest from land and spend the longest time at sea of any fishing vessels around the globe.<sup>16</sup> Many of these longliners trans-ship catch at sea, allowing them to stay away from port for longer, thus reducing opportunities for inspections and interventions by the port authorities.

<sup>15</sup> ILO, C188, Part IV. Conditions of service, Manning and hours of rest, Article 14, [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C188](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C188)

<sup>16</sup> Gavin McDonald, Project Researcher, Environmental Market Solutions Lab, University of California, Santa Barbara [gmcDonald@bren.ucsb.edu](mailto:gmcDonald@bren.ucsb.edu) / <http://emlab.msi.ucsb.edu>

Once the vessel has left port to fish, crew are often unable to leave, and the channels to report abuse, injury or death or to seek protection are limited. There is currently no limit on the maximum voyage length for Korean vessels.

40% (30) of interviewees reported that their vessels did not enter any port for more than a year and 84% (25) of interviewees who worked on longliners said they remained at sea for more than a year. Five reported they were at sea more than 24 months.



*"Our vessel never docked for two years. ... Of course, spending a lot of time at sea didn't feel good. Spending so much time on the vessel and not contacting my family was so painful that I had the urge to jump into the sea." - Crew member from a longliner vessel*

*"My hand was injured but I was forced to work. It was harsh to be on board for 20 months....no phone service onboard – I could only make phone calls when landed." – Crew member from a bottom-longliner*

*"We would dock after 21 months. It was too long and stressful." - Crew member from a longliner vessel*

### 3. Minimum wage discrimination

The minimum wage for Korean seafarers is published by the MOF each year.<sup>17</sup> However, the MOF has no wage rules in place for migrant workers and applies a "special provision for application," which entrusts the authority for deciding migrant fishers' salaries to the Federations of Korean Seafarers' Union (FKSU) and the fisheries companies. As a result, the above-mentioned organisations use the minimum wage set by the ITF for migrant fishers on DWF vessels, which is significantly lower than for Korean crew doing the same work. It should be noted that the ITF minimum wages are set for seafarers who work for eight hours a day and receive overtime payments and paid holidays, but those who work on the Korean DWF vessels have never received such entitlements.

The minimum monthly wages for crew members in 2021 were US\$540 for new foreign crew with less than three years of experience and US\$725 for experienced foreign crew, following the ITF standards.<sup>18,19</sup>

<sup>17</sup>Reliable Ministry of Government Legislation, Korean Law Information Center, Notice of the Ministry of Oceans and Fisheries, special provision for application No.3, "In the case of foreign seafarers, the minimum wage may be determined through a collective agreement between the relevant seafarers' labour organisation and the shipowners' organisation. However, the minimum wage must not lower the previous wage level."

<https://www.law.go.kr/LSW//conAdmrulByLsPop.do?&lsiSeq=238837&joNo=0059&joBrNo=00&datClsCd=010102&dguBun=DEG&lnkText=%25EC%25A0%2595%25ED%2595%25A0%2520%25EC%2588%2598%2520%25EC%259E%2588%25EB%258B%25A4&admRulPttinfSeq=3995>

<sup>18</sup> ITF Seafarers, Your rights-Wages, assessed on 6 April 2023, <https://www.itfseafarers.org/en/your-rights/wages>

<sup>19</sup>International Transport Workers' Federation, Applicable from 2021:

<https://www.itfseafarers.org/sites/default/files/node/resources/files/ILO%20Min%20Wage%2020JAN%202021%20-%20Consolidated%20Interpretation.pdf>

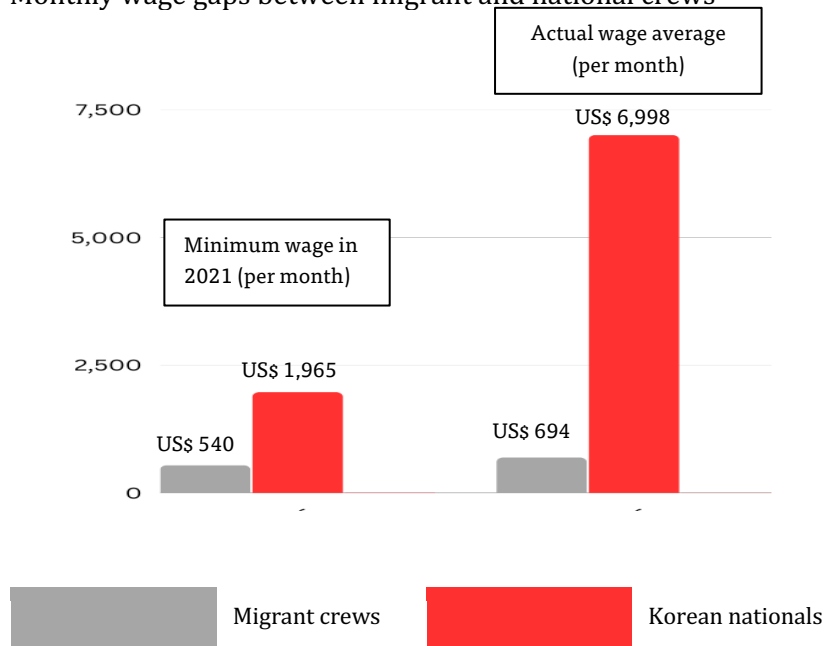
International Transport Workers' Federation, Applicable from 2023:

<https://www.itfseafarers.org/sites/default/files/node/resources/files/ILO%20Min%20Wage%20201st%20Jul%202022%20-%20Consolidated%20Interpretation.pdf>

Over this period, the equivalent rate for Korean crew was US\$1,965, in accordance with the Seafarers Act.<sup>20</sup>

EJF and APIL's investigation found that 59% (43 crew members) of the interviewees were paid under the minimum wage for foreign crew.<sup>21</sup> Even including those that were paid above minimum wage, the average monthly salary of all the interviewees was still significantly lower than the average for Korean seafarers - US\$694 for the former and US\$6,998 (8,010,000 KRW) for the latter.<sup>22</sup>

#### Monthly wage gaps between migrant and national crews



#### 4. Illegal charging of recruitment fees and deductions and withholding of wages

This investigation found that charging recruitment fees to foreign crew members is still commonplace, although the Plan bans all pre-recruitment fees including salary deduction, wage-withholding and guarantee money, and requires that all expenses be borne by employers. 47% (35 crew members) reported their wages had been deducted under various pretexts, including recruitment fees and currency exchange rates. The payment of such fees is commonly made through local recruitment agencies. This provides the Korean government with a loophole to appeal to jurisdictional limitations for failing to respond to such unethical recruitment practices.

According to the Plan, if a foreign recruitment agency is found to charge fees more than three times, it should be blacklisted and lose the ability to recruit crew for Korean DWF vessels. However, despite our findings indicating widespread illegal fee charging, no recruitment agency has been blacklisted yet.<sup>23</sup>

39% (29 crew members) of those interviewed reported that their manning agency held back a portion of their salaries, ranging from half a month to three months. This practice of withholding wages serves as a means to force crew members to fulfil the entirety of their work contract, regardless of any abuses or

<sup>20</sup>Reliable Ministry of Government Legislation, Korean Law Information Center, Notice of the Ministry of Oceans and Fisheries, special provision for application No.3, "In the case of foreign seafarers, the minimum wage may be determined through a collective agreement between the relevant seafarers' labour organisation and the shipowners' organisation. However, the minimum wage must not lower the previous wage level." <https://www.law.go.kr/LSW//conAdmrulByLsPop.do?&lsiSeq=238837&joNo=0059&joBrNo=00&datClsCd=010102&dguBun=DEG&lnkText=%25EC%25A0%2595%25ED%2595%25A0%2520%25EC%2588%2598%2520%25EC%259E%2588%25EB%258B%25A4&admRulPttinfSeq=3995>

<sup>21</sup> The minimum wages for foreign crew members in Korea follow ITF standards; 2018 was US\$490, 2019 was US\$520, 2020 was US\$526 and 2021 was US\$540. The findings were calculated based on the year the crew member signed the contract and the minimum wage of the year.

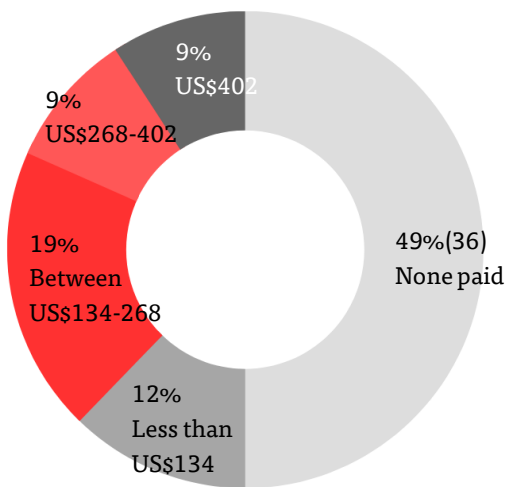
<sup>22</sup>Korea Seafarers Welfare and Employment Center, 2022 Seafarers Statistical Yearbook #162, [https://www.koswec.or.kr/com/sym/bbs/selectBbsList.do?bbsMasterSeq=BOARD\\_MST\\_0000000021](https://www.koswec.or.kr/com/sym/bbs/selectBbsList.do?bbsMasterSeq=BOARD_MST_0000000021)

<sup>23</sup> EJF's communication with the KOFA and the official (Seafarers Policy Division, MoF)

unacceptable working and living conditions onboard. They are unable to receive any wages until they have completed their contract and returned home.

Before 2021, labour brokers and/or recruitment agents would charge crew “guarantee deposits” which were paid in a lump sum pre-departure, or through wage withholding and/or deductions. If the crew member terminated the contract earlier, the money would be retained by the recruitment agency.<sup>24</sup> Our investigations found that after the Plan was enacted in 2021, the practice has changed to withholding a significant portion of wages per month ostensibly as “savings,” so if a crew member fails to complete their contract, they would be unable to receive the remaining salary. This financial entrapment results in debt bondage for migrant crew.

### Wages taken by manning agencies



<b>None paid</b>	<b>49%(36)</b>
<b>Some paid:</b>	<b>51% (38)</b>
Less than 2 million Indonesian Rupiah (IDR) (US\$ 134)	12% (9)
Between 2 and 4 million IDR (US\$ 134-268)	19% (14)
Between 4 and 6 million IDR (US\$ 268-402)	9% (7)
More than 6 million IDR (US\$ 402)	9% (7)
More than 6 million IDR (US\$ 402)	9% (7)

*“The manning agency sent IDR 3 million to my family and kept IDR 2 million every month.” – Crew member from a longliner*

*“The withheld money is released a month after returning home. Yesterday was the last payment transferred. The condition for returning the withheld salary is that we need to give our passport to the company so that we do not move to another company on the next recruitment.” – Crew member from a trawler*

*“My salary was US\$400 per month but it is deducted monthly and the accumulated amount was US\$800. I could receive the money only when I finished the contract.” - Crew member from a purse seiner*

### 5. Passport confiscation

Confiscating crew passports is prohibited by an amendment to the Seafarers Act as of June 15, 2021. However, this investigation found that all interviewees had their passports taken away by the captain, foreman or manning agency. Some crew members had to pay money to retrieve their documents.

*“The captain kept the document. The reason is to prevent us from running away. The company gave the documents to the captain directly and only returned them after we finished our contract.” – Crew member from a saury vessel*

<sup>24</sup> Greenpeace, “Seabound,” p.25 <https://www.greenpeace.org/southeastasia/publication/3428/seabound-the-journey-to-modern-slavery-on-the-high-seas/>

*"I had to pay two million IDR (estimated US\$ 134) to retrieve my passport and I could not afford to pay that - now I do not have my passport"* – Crew member from a squid jigger

*"The agency gave my passport to the Captain when the vessel was about to leave the port."* – Crew member from a squid jigger

One major drawback of the amendment is that it only applies to fishing companies and does not explicitly include captains, foremen or recruitment agencies. This means that if a captain or recruitment agency confiscates a passport, it may be difficult to prove the relationship between them and the fishing company or the individual responsible for the confiscation. This could make prosecutions more challenging.

Furthermore, the penalty for a violation is only a fine of up to KRW 2 million (about US\$1,520), which is insufficient to curb the fishing companies' interests in withholding the passports to keep crew members from escaping.

## **6. Physical, sexual and verbal abuse**

The Plan stated that Korean crew members responsible for abuses should have their contracts cancelled with no possibility of reemployment. However, no perpetrators have been penalised for abuses as far back as 2021, which are detailed below:



83% (58) of the interviewees reported being verbally threatened and abused, such as curses or threats of them being sent home or denied their salary.



24% (17) crew members said they were violently treated, including being kicked and beaten, or witnessed their colleagues experiencing physical violence.

In addition, three crew members also reported that they experienced sexual abuses by senior Korean crew members, even after telling them to stop.

*"Seniors used to grab my private part whenever sitting together, and explaining it is Korean culture"* - Crew member from a longliner vessel

*"My Indonesian friend was beaten until bleeding by a Korean foreman and also threatened by a knife. All Indonesians went on strike after that."* - Crew member from a longliner vessel

*When asked if witnessed any violence, a crew member said: "Yes. My fellow Indonesian. He came from the warehouse, of course he was tired and he just leaned a little for rest. Our vice-captain hurt him right away, such as, he punched him on the head"* – Crew member from longliner

*"I saw the vice captain touched and joke around with my colleague's private part"* – Crew member from saury vessel

*"Koreans were very often to throw foul words. It was an everyday thing."* - Crew member from a longliner vessel



## 7. Discriminatory conditions

### Food and water discrimination

According to our interviews, it was common that crew felt they were treated in a discriminatory manner onboard. Most meals onboard were different depending on if an individual was Korean or a foreign crew member. The Plan requires drinking water to be fairly distributed regardless of nationality, yet 47% (35 crew members) of interviewees mentioned that they felt discriminated against since they had to buy bottled mineral water with a much lower wage, compared to the Korean nationals working on the same vessel.

*"For us, there was no meat and no other seasoning. We couldn't do anything. We had rice, we just ate for strength. If the chef fried fish tails, we put soy sauce or salt, so we could survive. It's really hard on the ship. We thought of our family so we could endure it because that's life on a ship."* – Crew member from a longliner

### Lacking access to Wi-Fi

32% (12 crew members) of the foreign crew members we spoke to were unable to use phones and thus had no access to Wi-Fi while on board. 34% (13) reported limited uses and only 34% (13) were able to use phones more than once a month. According to KOFA, all Korean vessels are now equipped with Wi-Fi, as of the end of 2022.<sup>25</sup>

*"Our vessel was the only Korean vessel with no Wi-Fi on board ... I heard that from the current crew on board, the Wi-Fi was limited [by the captain]. It was hard for us to communicate with family at home."* - Crew member from a trawler

*"They turn the Wi-Fi on from 6AM to 7AM for an hour, and in the afternoon from 11AM to 12AM for an hour, then at night from 7PM to 10PM for three hours while Koreans use Wi-Fi freely."* - Crew member from a trawler

## 8. Absence of governmental monitoring and grievance mechanism

For monitoring the implementation, labour inspections do not take a victim-centred approach or include any measures to ensure interviewees' safety and confidentiality. As the crews are asked to answer the questionnaires under the supervision of the captain or senior Korean crew, called 'ombudsmen,' respondents may be fearful of providing truthful responses that may detail abuses. This conclusion is reflected in the survey findings. In the fourth quarter of 2022, 183 vessels and 4,331 foreign crew answered the questionnaires, and no special issues were found, as reported by KOFA.<sup>26</sup> However, this investigation reveals a starkly different situation.

This investigation found that there is currently no effective grievance mechanism accessible to foreign fishing crew members in the Korean fleet. The KOSWEC call centre has been put in place, however, the total absence of proactive efforts to publicise and advertise the phone line meant that none of the interviewees had ever used it, nor the government-operated grievance mechanism. Only four interviewees (13%) said that they were aware of the fact this system for foreign fishing crew even existed.

*"We did not know where to consult and ask help even when our colleague was hit to death on board, it was a foreign crew fight, and we all were afraid."* - Crew member from a bottom longliner

*"The vessel's name was not the same one in my contract. I was supposed to work on another vessel but the company changed it.....I did not know where to ask and report."* – Crew member from a trawler

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<sup>25</sup> EJF and KOFA meeting on 22 November 2022 at the KOFA office

<sup>26</sup> Korea Overseas Fisheries Association, 2022 3rd tripartite joint inspection of foreign seafarers, accessed on 2 March 2023, [http://www.kosfa.org/magazine/maga\\_read.asp?kin=cont&m\\_year=2023&m\\_month=2&m\\_day=15&c\\_tbl=1&num=3258](http://www.kosfa.org/magazine/maga_read.asp?kin=cont&m_year=2023&m_month=2&m_day=15&c_tbl=1&num=3258)

## Conclusion and recommendations

The Korean DWF industry cannot sustain itself without foreign crew as they are now the main workforce on the fleet. Enhancing the protection of foreign crew is critically important for the fleet to operate sustainably and to guarantee that the most basic human rights are upheld at sea. A more comprehensively designed legal framework, backed up with sufficient resources, should be in place to ensure crew members onboard are properly protected and policies are implemented.

Although there have been review processes conducted by vessel owners, after two years of observation there is no effective regime to ensure the enforcement of the Plan. Furthermore, a number of measures within the Plan are ineffective, as a result of the lack of consultation in their development. Strong political will is needed to lead reform now and ensure the safety of migrant fishers. To achieve this, EJF and APIL call on the Korean government to urgently:

- Ratify ILO C188 and establish a legally binding scheme to protect the human rights of migrant fishers, ensuring no recruitment fees are charged and crew are entitled to equal salary, rest time and working and living conditions as Korean crew members. Penalties should be strong enough to deter potential violators;
- Publicise the recruitment process to deter any fees borne by employees and ensure migrant fishers' labour conditions equal to those of Korean nationals including minimum wage, rest, working conditions;
- Ensure the practice of passport confiscation is eliminated by strictly monitoring compliance with the Seafarers' Act, and strengthening it by making it explicit that this provision also applies to recruitment agencies and the operators of the vessel, such as the captain and foreman;
- Scrutinise monitoring the compliance of the industry with an independent and systematic manner;
- Stop minimum wage discrimination by disallowing the "special provision for application" of the Minimum Wage Notice for Seafarers to determine the minimum wage for foreign crew, and apply the national minimum wage to all crew members, Korean or foreign, onboard;
- Impose a maximum voyage length of six months for all DWF vessels and require high-risk vessels to return regularly to Korean ports for inspection;
- Establish a safe and effective grievance reporting system that is easily available to all crew based in Korea or overseas at all times, which involves ensuring the use of personal phones with access to free Wi-Fi;
- Pledge support to [the Global Charter for Fisheries Transparency](#), enshrining the principles of the Charter into Korean law. The first step should be collecting data on the conditions of fishing crews and publishing it in an aggregate form.