

# Who Tied Them to the Sea?

: Monitoring Report  
on the Human Rights of Migrant Workers  
on Korean Fishing Vessels



Human Rights Network  
for Migrant Fishermen



Advocates for  
Public Interest  
Law

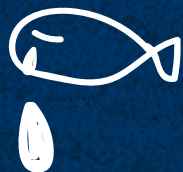


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## A Worker Imprisoned on a Ship



It's dawn, and Surito painfully picks himself up from the board. He only had a short nap for three hours, but he has no choice. He rushes to cast the net. He finishes his meal in five minutes and is back at work again to not get beaten up. He has seen his friends get injured while dozing off, so he tries drinking coffee to wake himself up. But it's not enough - he has been working on two to three hours of sleep for weeks now. He doesn't know when the curse words and fists will come after him, so he has to keep on working through the crushing cold and sleep. More than anything, Surito knows that he cannot leave this ship when he has this debt that he owed to get on a Korean ship. He feels like he is a prisoner to this boat.













## Where Koreans Have Left,

## Where Migrant Workers Are Tied to the Sea

Surito's story is nothing unusual for migrant workers on Korean fishing vessels. More and more migrant workers fill Korean ships where Koreans no longer work. As of 2018, migrant workers constitute 65% of fishers on Distant Water Fishing (DWF) vessels and 38% on Coastal Water Fishing vessels weighing 20 tons or more (CWF 20 ). The number of migrant workers who come to Korea with E-9-4 visa to work on Coastal Water Fishing vessels weighing less than 20 tons (CWF 20 ), fish farms or salt farms has also been on a steady rise, up to 8,728 in October 2019. Considering that Korean fishers currently on the vessels are of old age, it is undeniable that the number of migrant workers on Korean fishing vessels will continue to rise.

<Table 1-1. Number of fishers on Korean fishing vessels in 2018>

Type of fishing vessel	Korean fishers	Migrant fishers	Total	Ratio
 DWF vessel	 1,397	 3,850	 5,247	 73.3%
 CWF vessels weighing 20 tons or more	 13,982	 9,733	 23,715	 41.0%

(Source: Numbers of fishers on DWF vessels and CWF vessels weighing 20 tons or more are taken from the Korean seafarers Statistical Year Book 2019)

Table 1-2. Yearly trend of the number of E-9-4 migrant workers>

Year	Migrant fishers
2015	4,577
2016	5,266
2017	6,352
2018	7,432
2019. 10	8,728

(Source: Taken from 'request for information disclosure' response by the Ministry of Employment and Labor)

The difficulties of migrant workers are widely known, but the human rights violations of migrant fishers have not received much attention. In 2011, Indonesian fishers who were working on a Korean DWF vessel in New Zealand's waters escaped, revealing to the world that migrant fishers suffer from not only poor working conditions but also sexual harassment, physical abuse and delayed or nonpayment of wages. In 2012, the <Survey on the Human Rights of Migrant Workers in Fisheries> published by the National Human Rights Commission of Korea (NHRC) reported that migrant fishers working in coastal waters suffer from long working hours, delayed or non-payment of wages, racial discrimination and violence.

In 2017, Advocates for Public Interest Law (APIL) and the International Organization for Migration (IOM) published their report <Tied at Sea>, illustrating that, whether in coastal or distant waters, migrant fishers on Korean fishing vessels are in conditions beyond simple violation of human rights and amounting to human trafficking and forced labor.

Some claim that the reports only illustrate exceptional cases and the human rights situation of migrant fishers has remarkably improved. However, the system that forces migrant fishers to become victims of human rights violation and even human trafficking has not changed at all, and thus their situation remains unchanged. This report is about the migrant fishers who still remain in the system uninterrupted and thus are still being exploited.

The report is based on the interviews conducted from January to May 2019 with 18 E-10 migrant fishers in Busan and Gyeongju and a survey conducted in October 2019 with 63 E-9 migrant fishers working on an island in Jeollabuk-do province.

### <What is the difference between E-9 and E-10 migrant fishers?>

Migrant fishers working in coastal waters come to Korea in one of two ways: through the Employment Permit System (EPS) to work on CWF vessels weighing less than 20 tons and in fish farms or through the 'Foreign Seafarer System' to work on CWF vessels weighing 20 tons or more. Each system is operated differently as shown below.

<Table 2. Comparison between E-9 and E-10 migrant fishers>

Category	E-9 migrant fishers	E-10 migrant fishers
Operating system	Employment Permit System	Foreign Seafarer System
Competent authority	Ministry of Employment and Labor	Ministry of Oceans and Fisheries
Operating agency	Ministry of Employment and Labor	National Federation of Fisheries Cooperatives
Legislation	<Act on the Employment, Etc. of Foreign Workers>	<Seafarers' Act> and Notice from the Ministry of Oceans and Fisheries <Guidelines on the Management Of Foreign Fishermen>
Visa	Non-professional Employment in Fisheries (E-9-4)	Vessel Crew (E-10)
Sectors permitted for employment	CWF vessels weighing less than 20 tons and fish farms	CWF vessels weighing 20 tons or more
Implementing Countries	16 countries with MOU	3 countries (China, Vietnam and Indonesia)



# Netted by Exploitation for Forced Labor

## (1) The law says it's okay to work with no rest

Fishers are not protected in terms of their rest time, days off and limitation to working hours. Consequently, most migrant fishers work an average of more than 12 hours a day without a single day off.

<Table 3. Average number of working hours per day and average number of days off per month for E-9 migrant fishers >

E-9 migrant fishers' average working hours per day		E-9 migrant fishers' average number of days off per month	
8 hours	0	0	58
9~12 hours	16	1 day	0
12~16 hours	22	2 days	1
More than 16 hours	22	3 days	0
Nonresponse	1	4 days	1
Irregular	2	Other	3
<b>Total</b>	<b>63</b>	<b>Total</b>	<b>63</b>

I got up at 1:30 a.m. and worked until 10 p.m. all month. There was a time in the winter blowfish season when I worked for 26 hours from 5 a.m. to 7 a.m. the next day without any sleep. Mealtime was just 10 to 15 minutes in the morning and evening, and I had to have lunch quickly because of my shift. I didn't have any break time other than for eating.

Indonesian E-10 worker,  
Hair-tail fishing vessel (Jeju)

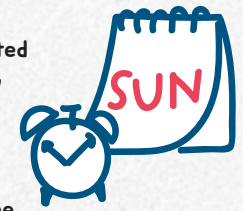
I worked from 6 p.m. to 8 a.m. everyday. I eat, wash and go to bed at 9 in the morning. I sleep for 3 to 5 hours, then wake up, pull up the net, put the squid in the fish storage, cast the net again and sleep. I do that over and over again. So I can't sleep well.

Vietnamese E-10 worker,  
Squid fishing vessel (Busan)



## <Why are fishers not guaranteed their rest time and days off?>

Workers on DWF and CWF vessels weighing 20 tons or more are not protected by the minimum working condition provisions stipulated in *Chapter 6 Working Hours and Complement* and *Chapter 7 Paid Leave* of the <Seafarers' Act>. Minimum working conditions of EPS migrant fishers on CWF vessels weighing less than 20 tons are not legally protected due to Article 63 Exclusion of Application clause in the <Labor Standards Act> on working hours, rest time and days off.



## (2) Fees that rip you off for nothing in return

Private for-profit companies, not public institutions, are in charge of the recruitment and management of migrant fishers on DWF vessels and CWF vessels weighing 20 tons or more. They are paid a huge sum of recruitment fees by migrant workers who wish to work on Korean vessels. According to our survey, the recruitment fees paid by E-10 migrant fishers to come to Korea was 5,000,000 KRW for Indonesians and 10,000,000 KRW for the Vietnamese. Even after arriving in Korea, they still had to pay monthly management fees to their recruiting and manning agencies.

The <Seafarers' Act> prohibits the collection of such fees, but agencies have been extorting them in various ways. Since there has been an increase in the number of cases that were caught for charging illegal fees, the agencies are now using other ways to continue to extort the fees, such as collecting fees before arrival in Korea or having a separate written agreement or contract.



Article 111 of the <Seafarers' Act> stipulates that a person who intends to employ a seafarer, a person engaged in job placement, recruitment, employment or management of seafarers, or a person engaged in labor and personnel management business of seafarers shall not receive money and other valuables or benefits, whatever a pretext it may be, from a seafarer or a person who intends to become a seafarer in relation to such job placement, recruitment, employment, etc.





<What are the roles of a recruiting agency and a manning agency?>>



**Recruiting agency:** A recruiting agency is a local private employment agency that recruits migrant fishers. The recruiting agency is in charge of the overall process of arriving in Korea, including medical checkups and pre-departure trainings as well as getting passports and visas on behalf of the fishers. Since the recruiting agencies are selected by the National Federation of Fisheries Cooperatives (NFFC) following a recommendation from the Korean manning agency, the overseas recruiting agency and Korean manning agency work in pairs.



**Manning agency:** A manning agency is a seafarer management business and is in charge of the overall management of migrant fishers after their arrival in Korea. It is essentially a private company entrusted with the shipowner's responsibility of personnel management, and thus it has been reported that it tends to prompt the migrant fishers to 'smooth things out' with the shipowner rather than file a complaint in case of a problem such as delayed or non-payment of wages, industrial accident or physical abuse.

<Comparison of migration process between E-9 migrant fisher and E-10 migrant fisher>



(Source: APIL, 'Tied at Sea', p.13)



E-10, Indonesia

"I paid my entire first month's wage of of 1,200,000 KRW to the recruiting agency. I've also been paying the manning agency 30,000 KRW a month since then."



E-10, Indonesia

"During the first two months, I paid 500,000 KRW a month to the manning agency, a total of 1,000,000 KRW."



E-10, Indonesia

"When I go to Indonesia, I have to pay the recruiting agency the total sum of my monthly management fees, which is 45,000 KRW a month. Once, the shipowner gave me my wages from which the management fees were already deducted. From what I know, I have to pay all the overdue management fee when I go back home, and if I don't, I can never come back to Korea or have my land deed back."



E-10, Vietnam

"When I moved to a different ship in Korea, I gave 200,000 KRW to a Vietnamese employee at the manning agency"



E-10, Indonesia

"I signed an agreement in Indonesia that I would pay 45,000 KRW a month to the manning agency."



### (3) Pile up the security deposit, hold their wages and take their ID card

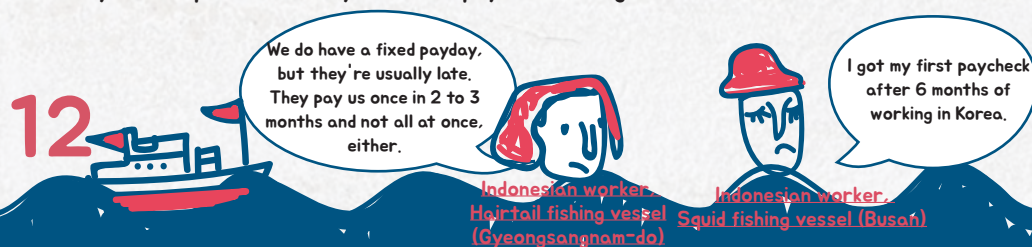
Many migrant fishers leave their ships because they cannot endure the grueling hard labor and human rights violations any longer. According to the Ministry of Justice's Korean Immigration Service Statistics published at the end of 2018, 34% of E-10 migrant fishers turned into undocumented migrants, which is more than twice the share of those who became undocumented among the total foreign population in Korea (15%).

Under the pretext of preventing desertion, local agencies charge migrant fishers a security deposit before coming to Korea. According to our survey, on average, Indonesian E-10 migrant fishers paid 2,000,000 KRW, and Vietnamese E-10 migrant fishers paid 5,700,000 KRW as security deposit. Indonesian migrant fishers in particular had given not only the money but also other types of collateral such as a land deed or a diploma as part of the security deposit to the local agency. The migrant fishers had taken out loans from the bank or borrowed money from friends in order to pay the security deposit.

<Table 4. Recruitment fees of E-10 migrant workers>

Country of Origin	Year of Arrival	Security Deposit (USD)	Additional Recruitment fee (USD)	Other
Indonesia	2014	2,200	2,650	Land deed
Indonesia	2017	1,850	2,800	70 million rupiah (5,125 USD) penalty in case of desertion of employment
Indonesia	2015	2,200	5,125	70 million rupiah penalty in case of desertion of employment
Indonesia	2008	2,200		70 million rupiah penalty in case of desertion of employment
Indonesia	2017	2,200	3,300	Land deed
Indonesia	2014	1,465	1,600	Land deed
Indonesia	2017	2,200	3,300	800 USD fee for contract renewals according to employment contract
Indonesia	2018	2,200	3,600	70 million rupiah penalty in case of desertion of employment
Indonesia	2015	915	3,300	Land deed
Indonesia	2015	915	3,300	
Indonesia	2015	4,400		House deed. Extra payment of 50 million rupiah (3700 USD) required to get the house deed back
Indonesia	2016	915	3,300	Land deed
Vietnam	2019	5,000	7,500	The fee is bigger for Vietnamese fishers because they pay twice: a small amount (1000~3000 USD) to the local broker agency and then to the recruiting agency with whom the fishers sign a binding contract.
Vietnam	2015	2,000	6,500	
Vietnam	2015	5,500	9,000	
Vietnam	2019	5,000	10,500	
Vietnam	2017	3,500	13,500	
Vietnam	2018	3,500	11,000	

Delayed or non-payment of wages to prevent desertion, sometimes for several months at a time, is common practice. Half (50%) of the participants, both E-10 fishers and those in the EPS, replied that they have experienced delayed or non-payment of wages before.



Confiscation of identity cards and bank books is a common practice. In case of migrant fishers on DWF vessels, they are kept on stand-by with their passports taken away even before they get onboard the ship during the process of seeking employment through their local recruiting agency. For migrant fishers on CWF vessels, confiscation of passports, alien registration cards and bank books by manning agencies, shipowners or shipowning companies immediately after their arrival in Korea is prevalent.

### <Is it legal to hold others' identity cards and bankbooks?>

According to the <Immigration Act>, it is prohibited to have an alien provide or coerce an alien into providing his/her passport or alien registration certificate as a security for an employment agreement or for the fulfillment of an obligation. However, the Korean Ministry of Oceans and Fisheries (MOF) released <Measures to Improve Working Conditions of Migrant Fishers on Coastal Water Fishing Vessels> in 2013 and announced that it is not illegal for an employer or manning agency to hold onto a fisher's bank book, passport or alien registration card if the worker has signed an agreement. Since then, there have been many reports of migrant fishers being requested to sign a blank sheet of paper in advance or forced to sign several agreements at once without any detailed explanation.

A Vietnamese migrant fisher named P arrived in Korea on May 2019 and was fishing onboard in Buan, Jeollabuk-do when he was assaulted by the ship's cook. It was his fourth day at work. He took his jacket that was torn from the assault to his manning agency and asked for help, but the agency told him that the assault was not severe enough to report and the clothes would not serve as evidence. The agency advised him to throw out his torn jacket. All the agency did was to transfer him to a different shipowning company so that he could continue working. Migrant workers must register at the immigration office within 90 days after entry, but P's former employer in Buan refused to return P's passport, leaving P at risk of becoming undocumented. A civil society organization that was assisting P at the time contacted the former employer, but he responded by cursing and calling the fisher 'ungrateful', threatening to not return the passport back to P.





#### (4) What the law tolerates: too much work for too little money

Migrant fishers receive much lower wage than that of Korean fishers. Migrant workers on CWF vessels weighing 20 tons or more and on DWF vessels are excluded from both overtime pay and the lay system\* in addition to receiving discriminatory minimum wage. Migrant fishers under the EPS working on CWF vessels less than 20 tons or in fish farms are covered by the <Minimum Wage Act>, but it is almost never the case that their paycheck properly compensates for all the hours they worked.

\*lay system ('bohapse'): a wage system in which a vessel's net profit is distributed among the shipowner and crew on the basis of a set percentage.

<Table 5. E-9 fishers' wage>

Wage (KRW)	Number of Responses
Less than 1,750,000	22
1,750,000~1,840,000	21
1,850,000~1,940,000	7
1,950,000~2,090,000	5
More than 2,100,000	7
Nonresponse	1
Total	63

<Table 6. E-10 fishers' wage>

Name (Nationality)	Average monthly salary (year)
R (Indonesia)	1,180,000 (2014) 1,500,000 (2018)
M (Indonesia)	1,260,000 (2017) 1,500,000 (2019)
S (Indonesia)	1,200,000 (2015) 1,400,000 (2018)
A (Indonesia)	750,000 (2008) 2,000,000 (2018)
I (Indonesia)	1,260,000 (2017) 1,650,000 (2018)
H (Indonesia)	1,180,000 (2014) 1,430,000 (2018)
N (Indonesia)	1,260,000 (2017) 1,400,000 (2019)
B (Indonesia)	1,400,000 (2018)
Y (Indonesia)	1,150,000 (2015) 1,400,000 (2016) 1,500,000 (2017) 1,600,000 (2018)
T (Indonesia)	1,180,000 (2015) 1,600,000 (2019)
O (Indonesia)	1,200,000 (2015) 1,700,000 (2018)
D (Indonesia)	1,252,000 (2016) 1,500,000 (2019)
T (Vietnam)	1,640,000 (2019)
J (Vietnam)	1,180,000 (2015) 1,800,000 (2018)
R (Vietnam)	1,180,000 (2015) 1,500,000 + 300,000 (for working as vessel's cook) (2019)
W (Vietnam)	1,500,000 (2017) 2,500,000 (2018)
H (Vietnam)	1,500,000 (2018) 2,000,000 (2019)

#### <How is wage determined for migrant workers on vessels weighing 20 tons or more?>

The wage of fishers on DWF vessels and CWF vessels weighing 20 tons or more is comprised of a fixed salary of monthly minimum wage, which gives little regard to the actual working hours, and percentage pay from the lay system. The minimum wage for Korean fishers is determined annually by the <Notice of Seafarer Minimum Wage> by the Minister of Oceans and Fisheries. The notice includes a special provision for application that delegates the task of determining migrant fishers' minimum wage to a collective agreement between the Fishermen's Labor Union and the Shipowners Union. The resulting minimum wage of migrant workers on CWF vessels weighing 20 tons or more was 750,000 KRW in 2007, which was equivalent to 83 percent of Korean fishers' minimum wage at the time, 906,000 KRW. By 2020, the gap has increased: the minimum wage of migrant fishers is set at 1,723,497 KRW, only 77.7 percent of Korean fishers' minimum wage, 2,215,960 KRW.

In most cases, the bigger portion of Korean fishers' revenue comes from the lay system while migrant fishers are excluded from the lay system except in certain sectors. Some shipowners or captains may offer migrant fishers a little extra money as a bonus, but this is not a part of the lay system. This structure is the reason why the actual wage gap between Korean and migrant fishers is greater than the minimum wage gap. Furthermore, since migrant fishers cannot take their share from the lay system, the more they work, the more profit Korean fishers take.





## (5) Injured or dead, compensation is as little as possible

When migrant fishers get injured while at work, they are covered under the <Act on Accident Compensation Insurance for Fishers and Fishing vessels> instead of the <Industrial Insurance Act>, which is applied to land-based workers. However, the act does not apply to vessels under 3 tons or for DWF vessels. Thus, migrant workers on DWF vessels are at risk of not receiving any compensation if the shipowner did not pay the insurance fee or bought an insurance with low insurance fees.



### <A life of a DWF migrant fisher worth 10,000,000 KRW.>

Most DWF vessel owners buy insurance through recruiting companies. Although the <Seafarers' Act> requires a fisher's insurance fee to be higher than the average boarding wage, many DWF vessel owners buy insurance with an unduly low fee, and little inspection is conducted. In December 2014, when Oryong 501 - a trawler owned by Sajo Industries - sank in Russia's West Bering Sea, the family members of one of the deceased Indonesian fishers were compensated only 12,900,000 KRW for death benefits. Such low compensation was due to the fact that the shipowner bought an insurance with an insurance fee too low. If the shipowner bought the insurance based on the 2014 migrant fishers' monthly minimum wage on DWF vessel (435 USD), the compensation would have been at least 21,000,000 KRW.

The management of accident compensation for vessels over 20 tons covered by the <Act on Accident Compensation Insurance for Fishers and Fishing Vessels> is entrusted to the NFFC by the MOF. However, unlike the *Korean Workers' Compensation and Welfare Service* which runs the *Industrial Accident Compensation Insurance* for land-based workers, the NFFC is not a public institution. Therefore, it does not guarantee impartiality and is discriminatory toward migrant fishers. The Minister of Oceans and Fisheries sets the ordinary wage and average boarding wage via a public notice, taking into consideration the added income from the lay system. The announced wages are to be used as the standard in accident compensation, yet the NFFC estimates a migrant worker's accident compensation insurance payment based on the migrant fisher's minimum wage instead of the wage standards provided in the notice.



### <Supreme Court Decision on Discriminatory Accident Compensation Payment>

In 2010, NFFC faced a lawsuit for using the migrant fisher's minimum wage as the standard for estimating and offering migrant fishers' accident compensation payment. At the end of 2016, the Supreme Court decided that the wage standard for accident compensation payment announced by the Minister of Oceans and Fisheries should be equally applied to migrant fishers (Daegu District Court [June 1 2012, 2011-Guhap-4147], Daegu High Court [February 1 2012, 2012-Nu-1397], appeal dismissed in Supreme Court). Yet, the NFFC is still using the minimum wage to calculate the accident compensation payment for migrant fishers even after the Supreme Court decision. In fact, the NFFC and the Federation of Korean Seafarers' Unions have signed a collective agreement in 2018 that minimum wage shall be used as the wage standard when estimating accident compensation payment of a migrant fisher, effectively nullifying the supreme court decision.

## (6) Suffering in silence: physical and verbal abuse



Migrant fishers suffer from violence in various forms while working on the ship. They experience habitual verbal abuse such as being called 'son of a bitch' and 'fucking bastard', and physical assault is not uncommon. Still, migrant fishers have difficulties reporting the abuse and receiving remedy even after experiencing one. Instead of helping the victims report the abuse, manning agencies demand illegal fees for letting them transfer workplace to another ship.

They curse and swear at us for eating too much, eating too little, eating too fast and eating too slow. Whether we work too much or work too little, they swear at us. But there was nothing I could do other than just putting up with it.

On the fourth day on board, I was beat up by the cook. He said something in Korean, which I couldn't understand, so he started to hit me probably thinking that I was ignoring what he had said. He grabbed my hair, grabbed me by the collar, beat me with his fist and kicked me for a long while. Nobody stopped him. My clothes were all ripped off because he pulled it so hard while beating me up. It hurt so much that I couldn't work.

I ate something during work because I was starving. They hit me in the back with a shovel and kept me from eating food.

Vietnamese worker, Squid jigger vessel (Busan)

Vietnamese worker, Fish trap vessel (Jeollabuk-do)

Indonesian worker, Hairtail vessel (Gyeongsangnam-do)

## (7) Living accommodation worse than a prison

Living accommodation offered to many migrant workers in fish farms is a barge ship floating in the middle of the sea. Without any insulation or air conditioning, migrant fishers are exposed bare to cold and heat, in addition to the psychological distress caused by isolation. Some of the migrant fishers who are given accommodation on islands are unable to leave the island when they want to. They cannot buy the ferry tickets to mainland without their employers' permission. As a result, they are trapped on the islands. There have also been reports of cases where employers give accommodation on uninhabited islands, essentially imprisoning the migrant fishers.

### <Is there a legal criteria that regulate accommodation conditions for migrant workers?>

Article 22-2 of the <Act on Employment, Etc. of Foreign Workers> states that the employers must observe the guidelines for dormitories provided in the <Labor Standards Act> and its enforcement decree when offering accommodation to migrant workers employed via EPS. The guidelines cover the capacity and size of bedroom, toilet and shower facility, lighting, ventilation, insulation, air conditioning and fire safety facilities among others in addition to the safety and privacy protection of the workers. Employers must provide information on the living accommodation in advance when signing the contract and must rectify if the accommodation does not meet the guidelines or is different from the information previously given. However, due to a lack of government oversight, most E-9 migrant fishers live in substandard accommodation. In addition, E-10 migrant fishers on CWF vessels weighing 20 tons or more are not covered by the <Act on Employment, Etc. of Foreign Workers> or <Labor Standards Act>, and thus there is no legal basis to sanction employers when they provide living accommodation with subpar conditions.



# Human Trafficking Approved by the Law and the System

As shown in this report, migrant fishers are unable to leave the workplace despite the conditions they find themselves in on Korean fishing vessels, which include: high recruitment fee and security deposit, long working hours for low wages and intermittent delayed or non-payment of wages as well as physical and verbal abuse. According to the Palermo protocol, this constitutes human trafficking. Moreover, migrant fishers are exposed to such situations precisely because of the absence of law that protects them and the system which practically allows for discrimination. In the end, it is the law and the system which condone exploitation and forced labor that tied the migrant fishers to the sea. Without changes in the law and the system, there will never be any improvement in the human rights situation for migrant fishers. Therefore, the Human Rights Network for Migrant Fishers calls upon the Korean government to take the following measures to improve its law and system.

## Recommendations



### 1) Strengthen public sector's role in the recruitment and placement of migrant fishers

Despite its systematic limits, the Employment Permit System has already proven effective in mitigating corruption in the recruitment process by having public institutions from both the government of the sending country and the Korean government take charge of recruitment and placement. Therefore, the public sector should take responsibility for the recruitment and placement of E-10 migrant fishers in order to ensure that the fishers are not the ones charged with recruitment costs.



### 2) Eradicate discrimination on the basis of nationality and ensure equal treatment - abrogate discriminative minimum wage policy

The special provision for application that delegates the responsibility of determining E-10 migrant fishers' minimum wage to a collective agreement between labor and management should be removed from the <Notice of Seafarer Minimum Wage> announced by the Minister of Ocean and Fisheries. Minimum Wage Council for seafarers including migrant fishers should be organized, and the Minister of Oceans and Fisheries should determine the seafarer's minimum wage following the council's deliberation in accordance to Article 4 Subsection 2 of the <Minimum Wage Act>.



### 3) Transfer management of Accident Compensation Insurance for Fishers to public sector and stop discrimination on accident compensation for migrant fishers

In regards to accident compensation, the provision on the exclusion from application in the <Act on Accident Compensation Insurance for Fishers and Fishing Vessels> should be repealed in order that all E-10 migrant fishers are equally protected by law. In addition, government oversight should be strengthened to ensure that migrant fishers are not discriminated against in the application of wage standard when receiving accident compensation.

In the long run, the current system which entrusts the NFFC, a shipowners' organization, with the *Accident Compensation Insurance for Fishers* should be abolished. Instead, the *Accident Compensation Insurance for Fishers* and the *Industrial Accident Compensation Insurance* should be integrated to ensure its public nature. Meanwhile, an impartial body similar to the *Korea Workers' Compensation and Welfare Service* should be organized to review and make a decision in lieu of the NFFC when a fisher raises a complaint in regards to his insurance payment.



### 4) Prohibit the act of demanding unlawful agreements

Confiscation of passport, alien registration card or bank book is a human rights violation and an illegal act which should not be condoned under any circumstances. The MOF guidelines, which authorize the keeping of aforementioned documents of another person if he/she has signed an agreement, should be abolished. Furthermore, the law should be amended so that a written agreement which violates the rights of a migrant worker or contains illegal arrangements is not held valid.



### 5) Strengthen labor inspection and its expertise

The number of labor inspectors for seafarers at Regional Offices of Oceans and Fisheries under the MOF is not sufficient. What is worse is that they are not wholly responsible for the labor inspection work unlike those at Regional Employment and Labor Offices under the Ministry of Employment and Labor (MOEL), and thus they lack expertise an issue that has been consistently raised. The MOF should reinforce the workforce dedicated to labor inspection and make them be responsible solely for the inspection duty instead of holding multiple positions or being on position rotation.

At the same time, labor inspectors at Regional Employment and Labor Offices under MOEL lack an understanding of the particularities of fishers compared to their knowledge of land-based workers. Therefore, regular trainings should be held for labor inspectors under both ministries about current human rights situation of migrant fishers and measures to prevent and respond to violation of their rights. Through such trainings, the labor inspectors should readily respond and root out common human rights violation practices such as confiscation of identity cards and/or bank books, verbal and physical abuse and delayed or non-payment of wages.



### 6) Ratify the ILO Work in Fishing Convention and amend the <Seafarers' Act> accordingly

The International Labor Organization (ILO) set the standard for safe work environment for fishers in its Work in Fishing Convention (No. 188). The Convention illustrates the criteria for ensuring adequate conditions for labor onboard, accommodation, food, safety, health and social security protection. In particular, it stipulates that forced labor and human trafficking must not occur in the recruitment process of migrant fishers. The government should ratify this convention and amend clauses related to the labor of seafarers in the <Seafarers' Act> and the <Labor Standards Act> to meet international standards.





● **Advocates for Public Interest Law (APIL)**

APIL is a non-governmental, non-profit public interest lawyers' organization that monitors human rights violations by Korean corporations overseas and seeks to defend the human rights of vulnerable migrants, including refugees and victims of human trafficking.

● **Human Rights Network for Migrant Fishermen**

The Human Rights Network for Migrant Fishermen is a network of organizations that advocate for the human rights of migrant fishermen working in Korean fishing industry. The Network investigates cases of human rights violations of migrant fishermen and works toward improving the system. The Network includes Gyeongju Migrant Labor Center, Advocates for Public Interest Law, Gonggam Human Rights Law Foundation, International Organization for Migration, Suncheon Migrants Support Center, Migration and Human rights Institute and Iksan House of Workers.



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