

Background and Overview of the Newly Adopted Government's Measures on the Protection of Migrant Workers in Korean-Flagged Distant Water Fishing Vessels

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Abstract

Korea is one of the leading countries with a distant water fishing industry. However, the success of the industry heavily relies on the exploitation of migrant workers, who are now 80% of the total workforce in Korean distant water fishing vessels. However, the labor conditions and the treatment of the migrant workers in the Korean-flagged distant water fishing vessels have been considered to amount to human trafficking or forced labor. In 2022, the Republic of Korea was downgraded from Tier 1 to Tier 2 after 20 years of being in Tier 1 in the Trafficking in Persons Report published by the US Department of State. Furthermore, the human rights experts under the United Nations Human Rights Council sent a communication to the Korean government regarding the abuse and exploitation of migrant workers in the industry. After the international and domestic pressures, the Ministry of Oceans and Fisheries (MOF) started the discussion with the stakeholders, including industry and the CSOs. As a result, the MOF introduced measures to improve the working conditions and the treatment of migrant workers in distant water fishing vessels in March 2024.

The MOF actively engaged with the stakeholders, including CSOs, throughout the procedure to draft the measures, and this has resulted in the joint announcement of the measures both with industry and the CSOs such as Advocates for Public Interest Law (APIL) with Environmental Justice Foundation (EJF). The new measure is distinguishable from the previous measures since the MOF broadened the meaning of human rights violations from physical violation to forced labor and human trafficking based on the definition under the internationally recognized human rights frameworks. Finally, the new measure tries to strengthen the role of the government and the CSOs in monitoring the implementation of the measures. Despite the limits and challenges with the implementation, there are meaningful changes in the measures addressed by the MOF. The challenges and limitations of the measures will also be addressed through the session.

Speaker Profile

Shin Young Chung is a public interest lawyer with over 12 years of experience assisting vulnerable migrants and addressing human rights violations by Korea-based multinational companies. She is the director of Advocates for Public Interest Law based in Korea. She has closely worked with the migrant fishers to bring changes to the legal framework and policy leading to the human trafficking and forced labor of the migrant

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fishers in Korean fishing vessels. Her recent work focuses on investigating the Korean corporations' human rights and environmental impacts in their oil palm plantations in Indonesia, urging the corporations and the government to redress the harms they have caused. She has also actively engaged in research and advocacy through domestic and international human rights mechanisms.