

# South Korea



UK seafood industry exports from South Korea 2018*		
Fish type	Value, £	Weight, tonnes
Tuna	1,564,045	110.3
Oyster	662,601	104.6
Other fish	320,599	94.6
Mussels	218,972	36.4
Surimi	29,094	21.1
Other shellfish	60,013	9.5
Crabs	128,212	9.0
Anchovies	40,666	3.4
Squid	14,229	3.0
Mixed	37,356	2.9
Cuttlefish & squid	13,772	2.2
Caviar	24,950	1.9
Warm water shrimps & prawns	5,249	0.9
Mackerel	1,102	0.2

\*Source: Her Majesty's Revenue and Customs (HMRC).

## Introduction

This report is part of a series of country risk profiles that are designed to provide an understanding of the social risks associated with source countries that play a key role in the UK's seafood industry. Each report covers risks related to the production and processing of wild catch and aquaculture seafood products.

This report covers issues such as forced and child labour, working conditions, and impacts of the industry on local communities; and the mitigation efforts and regulatory frameworks put in place to address these issues.

This country risk profile has been compiled by Verisk Maplecroft on behalf of Seafish. Information on issues has been collated from publicly available sources, varying from international rankings and ratings, research by academics and other organisations, through to media articles. It has been prepared for general information only. You should not rely solely on its contents; always verify information from your own suppliers in your own supply chain. References for all information sources are provided.

## Overview

South Korea is a major producer of wild catch seafood, with total wild catch production reaching 1.4 billion tonnes in 2016.<sup>1</sup> The country's exports to the UK totalled 400 tonnes in 2018 with oyster, tuna and other marine fish being the highest value exports that year. South Korea was also the world's 14th largest aquaculture producer in 2016, accounting for 500,000 tonnes. Most of the country's aquaculture production consists of farmed seaweed, which totalled 356,000 tonnes in 2016. South Korea employs approximately 5,000 workers on its flagged distant-water fishing vessels and around 52,000 on coastal vessels.<sup>2</sup>

## Social risks

**South Korea's coastal and deep-water fishing vessels rely on a network of foreign recruiting agencies that place workers at risk of exploitation.** South Korea's fishing sector is heavily reliant on foreign labour with migrants making up about 70% of the labour force on deep-sea vessels and about a third of workers on coastal vessels. Most fishing companies work with Korean recruiting agencies that sub-contract out to recruitment agencies in other countries like the Philippines, Indonesia, Vietnam and Myanmar.

The Korean NGO, Advocates for Public Interest Law, reported predatory methods used in recruitment of migrant workers on Korean vessels. Most agencies would confiscate workers' passports during the recruitment period and require them to pay a deposit for work on vessels, typically between USD 3,000 and USD 8,000. Workers would then have to wait several months before being notified that a job was available. Typically, they would be given only a few days' notice that a job was available before they needed to ship off, which would put them under pressure to accept unfavourable contractual conditions out of fear of losing the job. The NGO also found evidence that contracts given to seafood companies from the Korean recruiting agencies did not always match the contracts signed by the workers in their home countries and that signatures were often forged.

**Migrant workers are at a high risk of forced labour on South Korean fishing vessels.** The Global Slavery Index's 2018 Fishing report identified South Korea as a high-risk for conditions of modern slavery.<sup>3</sup> Gaps in South Korea's fishing regulations also contribute to exploitation of workers in the seafood industry. Deep water vessels and larger coastal vessels are regulated by the country's Seafarer's Act. One of the major gaps in this legislation is that it does not regulate working hours on fishing vessels. Workers have reported working over 15 hours per day during busy periods. Workers on coastal vessels also reported having to work outside of their contractual obligations, doing tasks such as working on ship owners' farms or spending nights and other down time working in fish processing factories. Many workers on coastal vessels are not given any paid leave during the off-season and are required to work in processing factories to receive any wages during this time.

**Several serious incidents over the past ten years have raised concerns about safety regulation in South Korea's maritime industry.** In 2014, a passenger ferry capsized resulting in the deaths of 304 passengers, many of whom were schoolchildren. Public outrage over the event brought failures of the South Korean government to enforce safety regulations in the country's maritime industry into the spotlight. A government inquiry into the incident found that corruption and negligence within the agencies responsible for enforcing maritime regulations were primary factors leading up to the incident.<sup>4</sup>

Prior to the ferry disaster, several major incidents had struck the Korean fishing industry, raising alarms about the rigour of safety regulation enforcement under the Ministry of Oceans and Fisheries. The most notable of these incidents was the 2010 sinking of the Oyang 70, which occurred in New Zealand's EEZ. Survivors of the accident, many of whom were migrant workers from Indonesia and the Philippines, reported conditions of abuse, withheld medical treatments, squalor and forced labour on the vessel. Investigations carried out by journalists and authorities in New Zealand uncovered a culture of abuse across the fleet of vessels operated by the Korean Sajo Oyang company.<sup>5</sup>

Despite the controversy that unfolded from the Oyang 70 incident, evidence suggests that ships operating under the control of the Sajo Oyang company continue to engage in illegal and risky behaviour. New Zealand authorities confiscated the Oyang 75 and 77 vessels in 2012 and 2014 over convictions of unpaid wages to workers on the vessels.<sup>6</sup> Since its release from New Zealand authorities in 2014, the Oyang 77 has continued to exhibit activities linked to illegal fishing and human rights abuses. According to a report by Oceana, the vessel had turned off its AIS transmitter 77 times between 2014 and 2019, the majority of these gaps occurring in Argentina's EEZ.<sup>7</sup> Tampering with AIS transmitters can be an indicator of human rights abuses as vessels use this as a tactic to cover up excessive periods at sea without a port visit and illegal fishing.

## Regulations and risk mitigation

**The South Korean government has stepped up its regulation of the fishing and maritime sectors, but significant gaps remain.** Following the public outrage in the wake of the 2014 ferry disaster and cases of abusive working conditions exposed in the seafood industry, the government enacted the Seafarer's Act in 2015. The act covers all South Korean-flagged fishing vessels with a gross tonnage of 20 tons or greater. The act established a Special Labour Relations Commission under the Ministry of Oceans and Fisheries that can handle labour disputes between workers and ship owners.

The Seafarers Act also established regulations for working time, paid and unpaid leave and required rest time on vessels at sea. However, fishing vessels have been specifically exempted from specific regulations in the act that establish limitations on working hours and paid leave, meaning that only vessels transporting fish in to port from sea are covered by these provisions in the act.<sup>8</sup> By comparison the ILO Work in Fishing Convention, which South Korea has not ratified, stipulates that workers on fishing vessels get a minimum of 10 hours of rest per 24 hour period and a maximum of 77 working hours per week.<sup>9</sup>

The Seafarers Act requires that vessels must pass a safety inspection under the authority of the Ministry of Oceans and Fisheries every three years. However, the Minister of Oceans and Fisheries can extend inspection intervals for fishing vessels. According to reporting by the Advocates for Public Interest Law, the ministry is fairly lax about carrying out inspections on both distant and coastal vessels.

## International conventions and rankings

The following tables indicate which international labour conventions South Korea has ratified. The ratification of these conventions is a good indicator of a source country's commitment to enforcing internationally accepted best practices in the seafood industry when combined with thorough national legislation and well-resourced enforcement mechanisms.

International Labour Organization (ILO) Conventions	Ratification
Freedom of Association and Protection of the Right to Organise (No. 87)	No
Right to Organise and Collective Bargaining (No. 98)	No
Forced Labour (No. 29)	No
Abolition of Forced Labour (No. 105)	No
Equal Remuneration (No. 100)	Yes
Discrimination (Employment and Occupation) (No. 111)	Yes
Minimum Age (No. 138)	Yes
Worst Forms of Child Labour (No. 182)	Yes
Hours of Work (Industry) (No.1)	No
Weekly Rest (Industry) (No.14)	No
Protection of Wages (No. 95)	No
Minimum Wage Fixing (No.131)	Yes
Occupational Safety and Health (No. 155)	Yes
Occupational Health Services (No. 161)	No
Labour Inspection (No. 81)	Yes
Private Employment Agencies (No. 181)	No
Maritime Labour Convention (No. 186)	No
Working in Fishing Convention (No. 188)	No

United Nations (UN) Conventions	Ratification
Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	Yes
Convention against Transnational Organized Crime	Yes
Convention for the Suppression of the Traffic in Persons and of the Exploitation and the Prostitution of Others	Yes
Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	No
Convention to Suppress the Slave Trade and Slavery	No
Supplementary Convention on the Abolition of Slavery, Slave Trade and Institutions and Practices Similar to Slavery	No
Protocol against the Smuggling of Migrants by Land, Sea and Air	Yes

Other Conventions	Ratification
FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing	No

# Rankings in global indices

## US Department of State Trafficking in Persons (TIP) Report

The TIP report is released annually by the US Department of State and offers a summary of the laws and enforcement efforts of various countries with respect to human trafficking. Specifically, it ranks countries based on a '3P paradigm' of prosecuting traffickers, protecting victims and preventing crime. Scoring on these elements is then collated to give each country a ranking. The rankings range from Tier 1 which indicates governments of countries that fully comply with the Trafficking Victims Prevention Act (TVPA) minimum standards for the elimination of trafficking to Tier 3 for the governments of countries that do not fully comply with the TVPA's minimum standards and are not making significant efforts to do so.

### Rating: Tier 1

According to the US Department of State's 2019 Trafficking in Person's report South Korea fully meets the minimum standards for the elimination of trafficking. However, the report does state that trafficking and forced labour are present in the country's seafood industry.<sup>10</sup>

## Global Slavery Index

The 2018 Global Slavery Index measures the extent of modern slavery country by country, and the steps governments are taking to respond to this issue, to objectively measure progress toward ending modern slavery.

There are two rankings:

1. Rankings of countries by prevalence of the population in modern slavery. Rankings range from 1 to 167 - with 1 the worst and 167 the best, in terms of the prevalence of slavery.
2. Rank of countries in terms of Government response to the issue. This is an indication of how governments are tackling modern slavery. This ranking ranges from AAA at the top to D at the bottom, with AAA denoting the most effective and comprehensive Government response.

### For prevalence South Korea ranks 137/167 (where a ranking of 1 indicates highest risk).

The Global Slavery Index rates South Korea as a moderate risk for the prevalence of forced labour but gives the government a low rating for its response to the issue. According to the special report on fishing, South Korea is identified as one of the highest risk countries for the issue of forced labour in the seafood sector.<sup>11</sup>

In terms of Government response South Korea ranks CC. This indicates the government has a limited response to modern slavery, with largely basic victim support services, a limited criminal justice framework, limited coordination or collaboration mechanism, and few protections for those vulnerable to modern slavery. There may be evidence that some government policies and practices facilitate slavery. Services are largely provided by IOs/NGOs with limited government funding or in-kind support.

## EU Illegal, Unreported and Unregulated Fishing Carding Process/Watch List

Under the IUU Regulation, non-EU countries identified as having inadequate measures in place to prevent and deter this activity may be issued with a formal warning (yellow card) to improve. If they fail to do so, they face having their fish banned from the EU market (red card) among other measures.

South Korea is not on the EU IUU watch list.

**Endnotes**

- 1 UN Food and Agriculture Organization, 2018, The State of World Fisheries and Aquaculture: 2018, Available at <http://www.fao.org/3/i9540en/i9540en.pdf>
- 2 Advocates for Public Interest Law, December 2017, Tied at Sea, Available at [https://issuu.com/apilkorea/docs/tied\\_at\\_sea\\_english](https://issuu.com/apilkorea/docs/tied_at_sea_english)
- 3 Global Slavery Index, 2018, Findings on importing risk: Fishing, Available at <https://www.globallslaveryindex.org/2018/findings/importing-risk/fishing/>
- 4 BBC, 8 July 2014, South Korea ferry 'sank due to negligence, corruption', Available at <https://www.bbc.co.uk/news/world-asia-28205785>
- 5 The Guardian, 12 September 2019, Ship of horrors: life and death on the lawless high seas, Available at <https://www.theguardian.com/world/2019/sep/12/ship-of-horrors-deep-sea-fishing-oyang-70-new-zealand>
- 6 Stuff, 2 March 2018, Foreign fishing crews win Supreme Court case over unpaid wages, Available at <https://www.stuff.co.nz/business/industries/101910066/foreign-fishing-crews-win-supreme-court-case-over-unpaid-wages>
- 7 OCEANA, June 2019, Illegal Fishing and Human Rights Abuses at Sea: Using technology to highlight suspicious behaviours, Available at <https://usa.oceana.org/publications/reports/illegal-fishing-and-human-rights-abuses-sea>
- 8 Korea Law Translation Center, 3 February 2015, Seafarers' Act, Available at [https://elaw.klri.re.kr/eng\\_service/lawView.do?hseq=33911&lang=ENG](https://elaw.klri.re.kr/eng_service/lawView.do?hseq=33911&lang=ENG)
- 9 ILO, 2007, Work in Fishing Convention, 2007 (No. 188), Available at [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)
- 10 US Department of State, 20 June 2019, 2019 Trafficking in Persons Report: Republic of Korea, Available at <https://kr.usembassy.gov/wp-content/uploads/sites/75/2019-TIP-ROK.pdf>
- 11 The Global Slavery Index, 2018, Findings – Importing Risk – Fishing. Available at: <https://www.globallslaveryindex.org/2018/findings/importing-risk/fishing/>

For further information see the Seafish ethics in Seafood web page.  
Available at: <https://www.seafish.org/article/ethics-in-seafood>