



Tuna in the Black Box

**Human rights risks hidden in the opaque tuna supply chain
from Korean fishing vessels to the Japanese market**

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Tsukiji Fish Market in Tokyo, Japan © Shutterstock

Executive Summary

South Korea's distant water fishing is the fourth largest in the world, operating primarily in the Pacific. More than half of these vessels are tuna longliners, which catch tuna by having hooks to long lines and letting them hang over the surface of the water. Tuna longliners mainly catch yellowfin, bigeye and bluefin tuna, which are mainly supplied to the market as "sashimi tuna". Japan is the largest importer of tuna caught by Korean longline vessels. Japan's dependence on imported seafood has been steadily increasing as the number of workers on fishing vessels has been decreasing due to a declining labor force and shunning of the fishing industry. In addition to South Korea, Japan imports sashimi tuna from Taiwan, China and Australia.

However, the supply chain for tuna caught by Korean longliners reaching the Japanese market is highly complicated and lacks transparency. Korean longliners operate on the high seas and in the EEZs of Pacific Island countries, where more than half of the tuna harvested is transhipped directly from the sea to carrier vessels for export to Japan. This practice is prohibited in principle by the Regional Fisheries Management Organizations for tuna due to the high likelihood of mixing catches from different vessels on board and the near-impossibility of inspection. However, in the Pacifics, where Korean tuna longliners primarily fish, transhipment at sea is a common practice. The Regional Fisheries Management Organizations are to receive and manage information on transhipment, but such information is not disclosed to the public. The Korean government has also refused to disclose the relevant information upon request by the civil society. Hence, the supply chain of tuna transhipped at sea to the Japanese market remains opaque.

The already opaque and complex supply chain of tuna continues to be so within the domestic market in Japan. Trading companies play an increasingly important role in the import and distribution of tuna non-transparently in Japan, yet they process, transport, and distribute tuna using their own carrier vessels and domestic and international processing facilities, which are not publicly recorded, making it difficult to access relevant information or ensure that labor-safe and labor-risky tuna are not mixed. On the other hand, Japan requires importers of tuna to submit a certificate that guarantees that no illegal fishing has occurred during fishing based on the law for implementing Conservation and Management Measures of Regional Fisheries Management Organizations. Nonetheless, this does not include information related to human rights violations such as forced labor and human trafficking.

The risk of forced labor and human trafficking is significantly high on Korean longline vessels, which is the main source of sashimi tuna for Japan. Most of the workers on Korean longline vessels are migrant workers, who seek employment amidst vulnerabilities such as poverty and lack of education in their home countries. Hence, migrant workers easily become targets of manipulation and exploitation. With no or very little income in their home countries, they rely on promises of brokers to find them good jobs. They are subject to labor exploitation on distant water fishing vessels with no regulation on working hours, working longer than 12 hours yet earning one-tenth of the wages of Korean fishers. In addition to the excessively long working hours, underpayment of wages and physical and verbal abuse are also prevalent. However, they are unable to leave their jobs due to passport confiscation and deposits that cannot be returned unless their contracts are fulfilled, rendering their circumstances equivalent to forced labor or trafficking. In particular, tuna longliners are at greater risk of forced labor and human trafficking than other distant water fishing vessels because they work and sail for longer periods.

To address the issues of forced labor and human trafficking in South Korea's distant water fisheries, the South Korean government announced a plan in 2020 which entailed paying migrant workers at least the minimum wages set by the International Transport Workers' Federation, ensuring that they receive their full wages without any deduction, establishing minimum rest periods, preventing excessively long sail without entering port, and distributing bottled water without discrimination. However, interviews with migrant workers who worked on Korean distant water fishing vessels revealed that the government's measures have not been fully implemented. On the other hand, although South Korea has enacted the "Act on Protection of Victims and Prevention of Human Trafficking, etc.", its practical value appears dire as there is no system in place to identify and support the migrant workers in the distant water fisheries as victims of human trafficking. Therefore, tuna caught by Korean longline vessels entails high risk of human trafficking and forced labor.

Meanwhile, the Japanese government released the Supply Chain Human Rights Due Diligence Guidelines in 2022, encouraging companies to voluntarily identify, and take measures to address human rights risks in their supply chains. However, when analyzing the human rights due diligence policies and practices of major companies that import and distribute tuna in Japan, the results were discouraging. None of the companies involved in the distribution of tuna in Japan disclosed their supply chains, and while some have fisheries-specific human rights due diligence policies and tuna-related procurement guidelines, there was no available information on how such policies were implemented in practice. For example, a leading Japanese trading company stated that it ensures human rights protection through "dialogues" in its supply chain, but failed to identify and address in advance human rights abuses on the distant water fishing vessels from which it sourced its fish, highlighting the limitation of its systems and policies. The human rights due diligence policies of companies in Japan's tuna supply chain are insufficient to identify and address the risks of human trafficking and forced labor in the supply chain.

The complex supply chain that stretches from the Pacific to South Korean fishing vessels and then to Japanese ports and markets conceal human trafficking and forced labor in the fishing of tuna. States, international organizations, and corporations all have a role to play in addressing such transnational human rights abuses. The South Korean government should ratify the Work in Fishing Convention (2007) C188, and take steps to combat human trafficking and forced labor in the distant water fishing industry by adopting measures such as correcting the customary practice of illegal wage deduction and recruitment fees by ensuring public entities' management over the recruitment process. The Japanese government should ensure traceability and transparency in the supply chain of tuna, as well as seafood at large, and establish a legal framework for companies to proactively establish and implement human rights due diligence policies in their chains and publicly release their results. In particular, imports of seafood should be banned not only in case of illegal fishing, but also in cases of human rights violations against fishers in the supply chain. Japanese seafood importers should also be required to disclose their supply chains transparently, and enable fishers to access effective grievance mechanisms and remedy measures. Finally, to address labor and human rights violations against fishers which occur transnationally, the Regional Fisheries Management Organizations need to establish binding measures on labor standards, and increase the transparency of transshipment at sea which complicates and covers up the supply chain by closely monitoring and publicly disclosing transshipment occurrences. Only when various stakeholders work together will the tuna supply chain be free of human rights abuses and illegal fishing.



Auction in Tsukiji fish Market in Tokyo, Japan © Shutterstock

I. Introduction

According to the International Labor Organization (ILO), fishing is a classic 3D (Dirty, Dangerous, and Difficult) industry, and one of the most dangerous in the world. This is particularly true when it comes to distant water fishing (“DWF”), which is not only far from land but also crosses multiple jurisdictions on the high seas and in exclusive economic zones (“EEZ”), making it extremely difficult to regulate. Meanwhile, the vast majority of workers on DWF vessels are not nationals, but migrants who are seeking labor due to difficulties in finding jobs in their home countries. Migrants, already vulnerable due to poverty in their countries of origin, have no choice but to accept the unreasonable conditions offered to them during the recruitment process, and are exploited on the fishing boats for meager wage in harsh working conditions. This puts migrant workers on these boats in a situation of not only labor exploitation, but also forced labor and human trafficking. The seafood produced is then processed and distributed across borders to reach consumer countries, spreading the risk of forced labor and human trafficking throughout the supply chain.

However, the supply chain for seafood harvested from DWF vessels is complicated and challenging to trace, making it difficult for consumers to determine the exact “country of origin”. Complex and opaque supply chains act as a veil to hide human rights abuses in the supply chain. While many countries have laws in place to combat forced labor and human trafficking, no country has shown the will to properly investigate and prosecute human rights abuses that occur on the high seas and in and out of coastal states. Corporations also have a responsibility to identify and address human rights abuses that occur beyond their own operations and throughout their supply chains, but these responsibilities remain as declaratory guidelines in most countries. As a result, consumers who buy cleanly packaged, wild-caught seafood at the supermarket are likely to be buying seafood tainted by forced labor and human trafficking.

Tuna is the largest harvest and export product of the Korean DWF industry. Vast majority of the tuna, especially high-grade tuna for sashimi, is mainly exported to Japan. This report aims to highlight 1) the significant human rights risks in the supply chain of Korean tuna exported to Japan, and 2) the responsibilities of the Korean and Japanese governments and companies involved in the supply chain. Chapter 2 analyzes the characteristics and scale of the tuna industry in South Korea and Japan, as well as the supply chain of Korean tuna in the Japanese market. Chapter 3 reveals that labor exploitation against migrant workers in the Korean DWF industry constitutes human trafficking and forced labor, and that these abuses continue to occur despite government measures. Chapter 4 examines the efforts and limitations of transparency measures in seafood supply chains in Japan as a consumer-country. Lastly, Chapter 5 concludes with recommendations for governments, corporations and the Regional Fisheries Management Organizations to ensure the human rights to be respected throughout the supply chain of the tuna.

II. Tuna Supply Chain: from the Pacific Ocean to Japan's Market

1. Tuna, the star of Korean DWF

The DWF industry is concentrated in a handful of countries around the world. With a total of 209 vessels, the number of South Korea's DWF vessels is the fourth largest in the world.¹ Their main fishing areas are the East Central Pacific (73 vessels), West Central Pacific (52), Atlantic Ocean (51), North West Pacific (18), and other waters (15). As of the end of 2021, the Korean DWF vessels consist of tuna longliners, low longliners, tuna purse seine, DWF net, DWF trawl, and squid jig vessels, with tuna longliners accounting for 52.2% (109 vessels) of the total 209 vessels.² Tuna longliners mainly catch yellowfin tuna, bigeye tuna, and bluefin tuna, which are distributed as sashimi-grade tuna.



Figure 1. Fishing methods of DWF vessels



Tuna longline

In order to catch multiple fish at once, several fishing lines are attached to the main line at regular intervals, with one hook attached to each line and placed horizontally.



Tuna purse seine

A long, square net is used to surround and trap fish, then tighten the straps across the footrope to prevent the fish from escaping under the net and narrow the envelope to capture the target creature.



Squid jigs

A multi-hook composite fishing line is dropped vertically into the water floor where squids are distributed, and then quickly reeled upward to catch the squids.



Trawl

A pouch-shaped net is dragged horizontally for an arbitrary amount of time to catch the target.



Stick-held deep net

A fishing gear with a moxibustion or stretching rod attached to one chord of the boat is placed. Fish are drawn between the boat and the gear, and the line is pulled to catch them.

Source: National Institute of Fisheries Science³

Type of tuna caught in DWF

Thunnini, widely referred to as tuna, is an ectomorphic species in the mackerel family. Tuna is widely distributed throughout the five oceans in subtropical and temperate waters south and north of the equator. Because they migrate to higher latitudes in early summer and return to lower latitudes in late fall, their fishing grounds are widely distributed throughout the Pacific and Atlantic oceans. There are mainly seven species of commercial tuna that are harvested by Korean DWF: skipjack, albacore, bigeye, yellowfin, Atlantic bluefin, Southern bluefin, and Pacific bluefin. Skipjack, albacore, and yellowfin tuna are primarily processed into canned tuna, while bigeye and bluefin tuna are primarily supplied as premium tuna for sashimi.

Table 1: Types of commercial tuna⁴

No	Photo	Japanese	Korean	English
1		クロマグロ Kuro maguro	참다랑어	Bluefin tuna
2		ミナミマグロ Minami maguro	남방참다랑어	Southern bluefin tuna
3		メバチマグロ Mebachi maguro	눈다랑어	Bigeye tuna
4		キハダマグロ Kihada maguro	황다랑어	Yellowfin tuna
5		ビンナガ Binnaga	날개다랑어	Albacore
6		カツオ Katsuo	가다랑어	Skipjack

a. How tuna is harvested by South Korea's DWF

Premium tuna caught by tuna longliners in the Pacifics

By the end of 2021, there were 109 tuna longline fleets in South Korea, primarily fishing in the Pacific Ocean for bluefin tuna, bigeye tuna, and some yellowfin tuna for export as high-end sashimi tuna. The main operators are Sajo Industries (40 vessels), Dongwon Industries (16 vessels), Dongwon Fisheries (14 vessels), and Silla Trading (9 vessels), accounting for 72% of the South Korean tuna longline fleets.

Table 2 : Major tuna longliner operation companies in Korea

Company	Fleets	Fishing Waters	Catch Species
Sajo ⁵	40	Central Pacific Ocean, Indian Ocean, Atlantic Ocean, Southern Indian Ocean	Sashimi tuna (bluefin, bigeye, yellowfin, etc.)
Dongwon Industries ⁶	16	South Pacific Ocean, Indian Ocean	Sashimi tuna (bluefin, yellowfin)
Dongwon Fisheries ⁷	14	Pacific Ocean, Southern Indian Ocean	Sashimi tuna (bluefin tuna, bigeye tuna, etc.)
Silla ⁸	9	South Pacific Ocean	Sashimi tuna (bluefin, bigeye, yellowfin)

As of 2021, all 209 metric tons of bluefin tuna caught by Korean DWF vessels were caught by longline vessels, and 18,216 metric tons, or 79%, of the 23,066 metric tons of bigeye tuna were caught by longline vessels. In addition, a total of 60,237 tons of yellowfin tuna were caught, of which 10,945 tons, or 18%, are estimated to have been caught by longline vessels and used as sashimi-grade tuna.⁹

Figure 2: Characteristics of tuna longline vessels



Source: International Seafood Sustainability Foundation¹⁰

Tuna longline fishing is accomplished by attaching thousands of hooks and baits to a single long line, as shown above, and releasing it on the surface of the water to attract fish to the bait. The longlines on the surface inevitably catch other sea creatures in addition to the target species, resulting in bycatch. Longline fishing is known to be one of the most bycatch-prone commercial fishing methods in existence.¹¹ Sharks are a common bycatch from longline vessels, and it has been reported that separate fishing gear is sometimes used to intentionally catch sharks on tuna longlines.¹² Fishing lines on longliners can be as long as 150 kilometers and contain more than 3,000 hooks, which has also been criticized for encouraging bycatch and overfishing.¹³

Human rights of the workers on longline vessels are also vulnerable due to their prolonged stays at sea. While DWF vessels make periodic stops to refuel and store their catch, longliners have been known to sail for as long as two years without stopping at port. Long voyages without port entry leave fishers physically isolated at sea, and increase the risk of illegal fishing and forced labor due to a lack of oversight.¹⁴

As of 2021, the number of fishers working on tuna longliners was 2,500. Given that 78%, or 2,797 of the 3,578 fishers on South Korean DWF vessels in 2021, were migrant fishers from Indonesia and Vietnam,¹⁵ it is likely that a significant number of workers on tuna longliners are also migrant workers.

IUU, forced labor, and human trafficking

IUU fishing refers to illegal, unreported and unregulated fishing. In Korea, IUU fishing is defined as unauthorized fishing or fishing activities conducted in violation of relevant domestic and international laws and obligations, fishing activities that are not reported or falsely reported to the relevant country or the regional fisheries management organizations (“RFMOs”), and fishing activities using stateless fishing vessels on the high seas or in waters under the jurisdiction of RFMOs.¹⁶

South Korea has a history of being designated as an IUU fishing country by the United States and the European Union. In 2013, South Korea was designated as an IUU fishing state by the U.S because the government refused to designate a DWF vessel as an IUU vessel in violation of a RFMO’s Conservation and Management Measure (“CMM”), and also opposed the RFMO’s designation of the said vessel as an IUU vessel.¹⁷ South Korea has also been designated as a prospective-IUU fishing state by the EU for failing to take adequate measures against IUU fishing by South Korean DWF vessels in the West African region between 2010 and 2012, despite multiple detections of IUU fishing.¹⁸

The definition of IUU fishing includes activities that violate national laws or international obligations. Therefore, forced labor and human trafficking, prohibited by international conventions, can be considered IUU fishing by themselves. In addition, the prevalence of at-sea transshipment and “flags of convenience” in DWF undermines traceability and transparency, increasing the likelihood of IUU fishing and human rights violations. At-sea transshipment allows vessels to stay at sea longer and fish without port calls, which effectively prevents labor authorities from intervening.¹⁹

On the other hand, the depletion of fish stocks due to the proliferation of IUU fishing is forcing the fishing industry to work harder than ever before in order to secure similar or lower levels of catch. For example, the number of longline hooks set in WCPF Convention waters increased from approximately 500 million in the early 2000s to approximately 800 million in the 2010s, indicating a significant increase in fishing effort.²⁰ The increased operational costs associated with this heightened fishing effort leads to exploitation of low-wage workers.²¹



Japanese longliner © Shutterstock

b. Tuna exports to Japan

Japan is the largest importer of sashimi-grade tuna caught by Korean tuna longliners. According to the most recent data, 41 percent of all sashimi-grade tuna from Korean vessels is exported to Japan, and 87 percent of the value of sashimi-grade tuna exports is generated from the Japanese market.²²

Figure 3: Sashimi tuna exports from South Korea in 2021 (per country ratio)

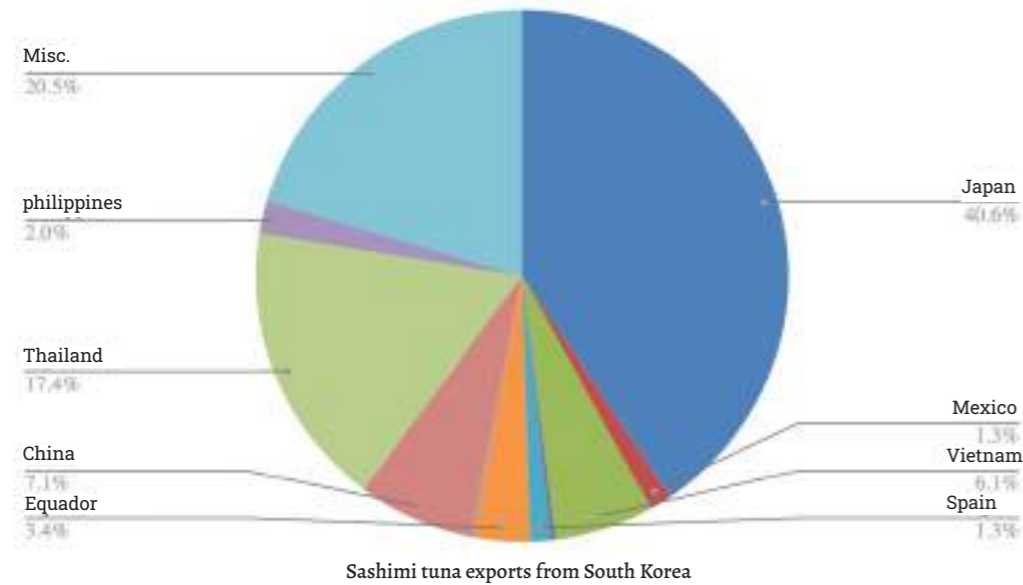
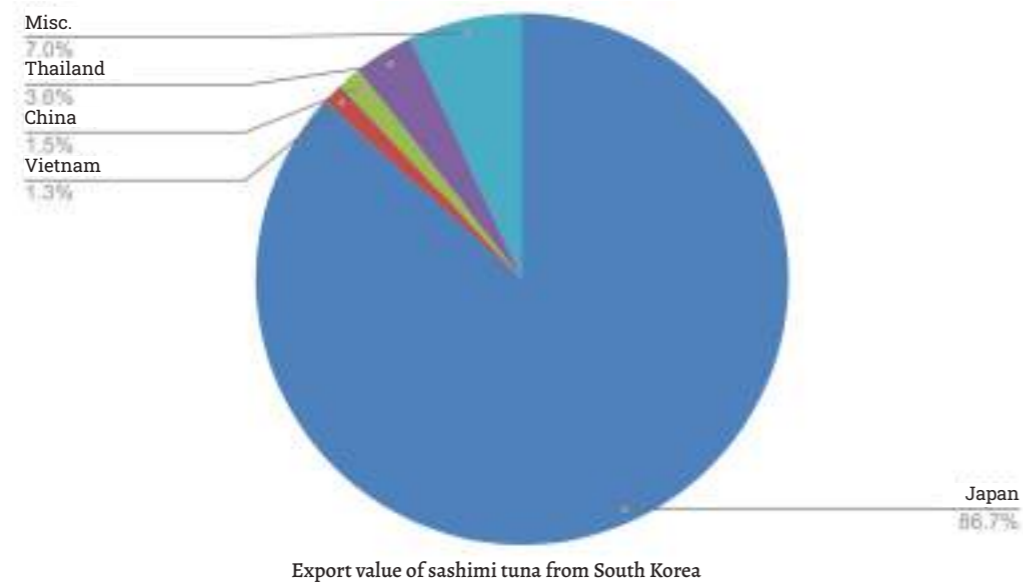


Figure 4: Export value of sashimi tuna from South Korea in 2021 (per country ratio)



Source: Korean Overseas Fisheries Association (KOSFA), Exports by Type²³

Sashimi tuna is of particular importance among the types of tuna exported to Japan. As of 2021, of the 7,600 tons of tuna exported to Japan, 2,354 tons were sashimi-grade tuna, accounting for 31% of the total, and sashimi-grade tuna's export value was KRW 306.72 million out of KRW 923.63 million, accounting for 33%. According to the KOFA (Korea Overseas Fisheries Association), Japan is the largest importer of Korean sashimi-grade tuna, with 40 percent of the total export volume going to Japan.²⁴

Figure 5: Tuna export from South Korea to Japan in 2021 (per species ratio)

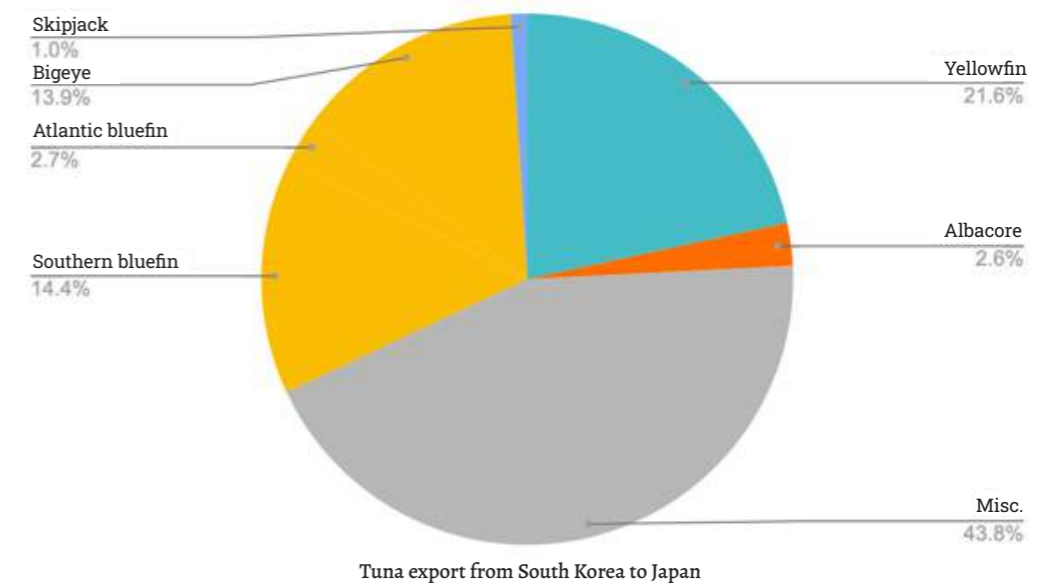
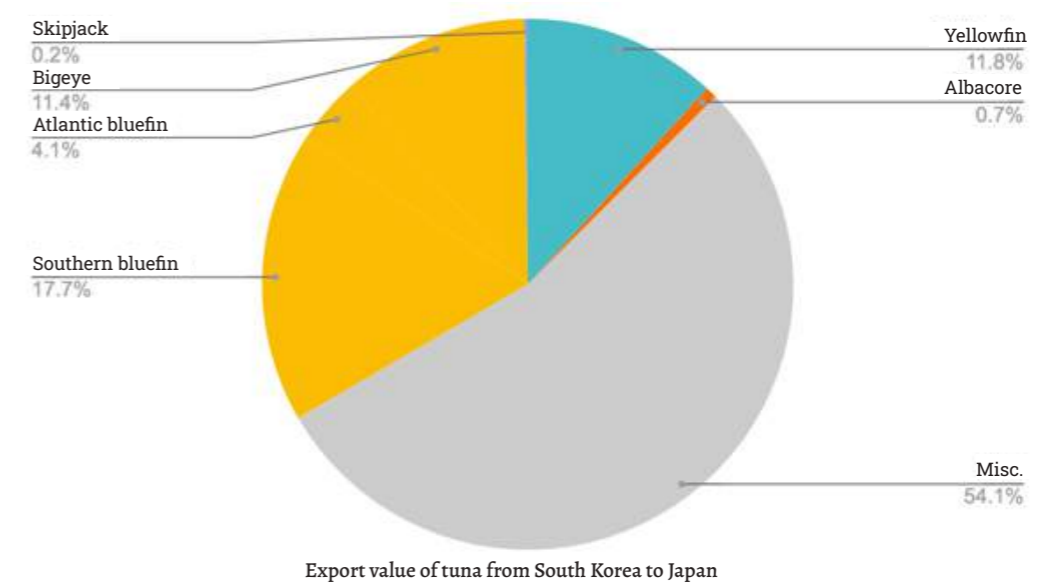


Figure 6: Export value of tuna from South Korea to Japan in 2021



Source: KOSFA, Exports by Country²⁵

2. Japan, the world's largest tuna market

a. Tuna production and consumption trends in Japan

Since 1961, Japan has been one of the top five seafood consuming-states in the world.²⁶ In 2018, Japan was the largest consumer of seafood after China, Myanmar, and Vietnam, and ranked sixth in the world in per capita seafood consumption in 2020.²⁷ In the case of bluefin tuna, which Japanese consumers eat for sushi and sashimi, Japan consumes more than 80% of the global catch.²⁸

However, due to a declining labor force and a shunning of the fishing industry, the number of Japanese workers in fisheries has continued to decline, resulting in a significant drop in domestic production. The total number of fishing vessels in Japan fell from 213,000 in 2003 to 132,000 in 2018. The number of fishers has also decreased by 53.3% over the past 25 years to 151,701 in 2018,²⁹ with the proportion of elderly and migrant workers increasing, which raised concerns about labor exploitation.³⁰ Japan's tuna production has long been one of the highest in the world, reaching 209,000 tons in 2012, but by 2021, production had dropped by 32% to 142,000 tons.³¹ However, bluefin tuna production is increasing through aquaculture.³²

As a result, Japan's dependence on imports of bluefin and bigeye tuna for sushi and sashimi has been steadily increasing. According to one statistic, import dependence for sashimi tuna is as high as 60%.³³ As of 2021, Taiwan accounted for 19.5% of Japan's tuna imports, followed by China at 13% and South Korea at 10.7%. Of these, imports of bluefin tuna and bigeye tuna, both of which are used for sashimi, were from the following countries: Taiwan (47%), China (14%), Australia (13%), the Seychelles (11%), and South Korea (6%).

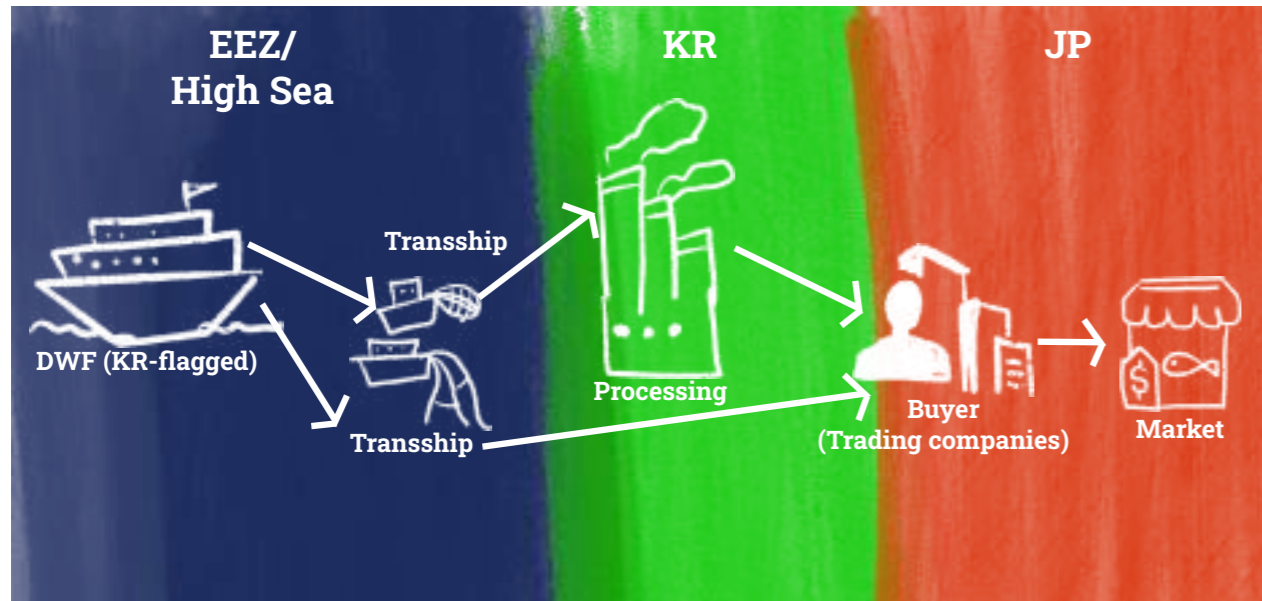


Sea food shop at Tsukiji market, Tokyo, Japan © Shutterstock

3. Supply chain from South Korea to Japan

a. From the Pacifics to Japan, and transshipment in between

Figure 7: Supply chain of sashimi tuna from Korean DWF to Japanese market



In general, tuna is fished on the high seas and their neighboring countries' EEZs (Exclusive Economic Zone). After harvesting, it is processed and frozen on board of the vessel before being transhipped to a carrier, or entering Korea through the fishing vessel. If the catch is to be transhipped, an application for a transshipment permit must be made to the head of the East Sea Fisheries Management Service, upon which the head of the Service will first review the legality of the vessels' fishing, as well as relevant transshipment measures within the RFMOs' CMMs, and then issue a transshipment permit.³⁴ Transhipped products are either carried into Korean ports, or directly exported from the high seas to designated destinations. If the products enter Korean ports, then inspection on legality of the fishing can occur via port control upon arrival declaration. However, if the products are exported directly from the high seas, then no port control or inspection can occur.

For sashimi tuna for which freshness is critical, it is common for the fish to be transhipped at-sea by carrier vessels from the fishing vessels, and then directly exported to Japan.³⁵ As of 2021, 1,964 tons, or 55%, of South Korea's 3,563 tons of sashimi-grade tuna exports to Japan were reported to have been exported directly from the high seas.³⁶ For bluefin tuna in particular, all of the 1,246 tons caught in the Indian Ocean in 2021 were exported to Japan,³⁷ of which 1,078 tons, or 86%, were transhipped in the high seas. Meanwhile, only 0.02% of non-sashimi tuna (total 738 tons), such as skipjack and albacore, were directly exported from the high seas.

When directly exported upon high sea transshipment, the export of sashimi tuna is declared through the KOFA to the Seoul customs only upon the fact of export. As such, it is difficult to verify the declared export volume and products. For example, according to the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), of the 1,226 tons of southern bluefin tuna caught by Korean longliners in 2020-2021, 725 tons, or 59%, were caught on the high seas, but only 4% of the total export volume of southern bluefin tuna was subject to export inspection.³⁸



Transshipment of tuna © Shutterstock

The dangers of transshipment in DWF

Transshipment refers to the transfer of catch or marine life from a fishing vessel to a carrier vessel. Transshipment can take place at sea or at port. Each year, thousands of fishing vessels tranship tuna, mackerel, squid, crab, and other fish caught in the distant waters to refrigerated cargo ships called "carrier vessels" or "reefers," which then transport the catch to ports for processing. Shipping companies prefer transshipment at sea to save time and money that would be incurred from trips to port, and to increase the freshness and value of their catch.³⁹ However, transshipment increases the number of actors involved in the supply chain, convoluting the supply chain. It also increases the likelihood of catch from different vessels being mixed within the carrier vessels, which makes the verification of legality much more difficult.⁴⁰

Particularly in the case of transshipment at sea, difficulties in monitoring frequently lead to non- or false reporting of catches. It has also been criticized for allowing fishing vessels to stay at sea longer, increasing the risk of illegal fishing and human rights abuses. This has led to campaigns calling for retailers to ban transshipment as a rule within their seafood supply chain policies.⁴¹

In response to these issues, RFMOs have regulations prohibiting, or requiring prior notification of, transshipment at sea. The tuna RFMOs that Korea has joined all prohibit at-sea transshipment in principle and require transshipment at-port, but each organization makes exceptions to allow transshipment at-sea when it is unavoidable. Tuna longliners are the vessels that are most often allowed to transship at-sea.⁴² In the Western and Central Pacific Fisheries Commission (WCPFC) in particular, transshipments on the high seas by tuna longliners are the norm rather than the exception.⁴³

Under the regulations of RFMOs, longliners are required to report to the flag state information on the catch they intend to tranship (fishing location, species, quantity, etc.) and information on the transshipment (date, time, location, carrier vessel information, etc.) before and after the transshipment. The flag state of the longline vessel is obliged to submit the collected information to the secretariat of the concerned RFMOs annually, but it is difficult to review the accuracy of the collected information. In practice, there have been reports of discrepancies between the location data of fishing vessels suspected to have transhipped at-sea and the information disclosed by the RFMOs.⁴⁴ The CCSBT has also noted that a significant number of at-sea transshipments are unreported and illegal.⁴⁵

In addition, the RFMOs do not disclose all the information related to transshipment at-sea, so it is very difficult to obtain information on the occurrence. APIL has made a Freedom of Information request to the South Korean government for information on reports of transshipment by species submitted to the RFMOs, but the The Korean government refused to disclose the information on reports of transshipment by species submitted to the RFMOs.⁴⁶ Hence, there is a concerning lack of transparency in information related to transshipment that occurs in the high seas.

In addition to the uncertainty of publicly available information, the failure of the RFMO's in disclosing information related to transshipment at-sea has been widely challenged.⁴⁷ Hence, there is a severe lack of transparency in the supply chain of tuna transhipped at-sea, which further prevents tracing through the supply chain.

From Korean tuna boats to Japanese carriers - the great migration of tuna

Global Fishing Watch's Carrier Vessel Portal (CVP) uses Automatic Identification System (AIS) location data from fishing vessels and RFMO databases to monitor transshipment at-sea.⁴⁸ The portal can be used to track where and with which carrier vessels South Korean tuna longliners tranship, and also where the carrier vessels head to after the transshipment.

Oryong 371 is a tuna longliner owned and operated by the Sajo Group. Between 2017 and August 2023, Oryong 371 made a total of nine transshipments at-sea, all with Panama- or Singapore-flagged carriers. However, these carriers were all operated by Japanese shipping companies (Toei Reefer and MRS Corporation).

Figure 8: Oryong 371's maritime route (yellow: transshipment at-sea)



Source: Global Fishing Watch, Carrier Vessel Portal

In particular, Oryong 371 transhipped 3 times with a carrier vessel called Meita Maru⁴⁹ (Panama-flagged and operated by Toei Reefer of Japan), which made 149 transshipments during the same period. Of these 149 transshipments, 26 were with 21 Korean tuna longliners, and the Meita Maru subsequently visited ports in Japan, South Korea, China, Taiwan, and Singapore.⁵⁰

Figure 9: Meita Maru's sea route (yellow: transshipment at-sea / blue: port / purple: standby)



Source: Global Fishing Watch, Carrier Vessel Portal

The Korean tuna longliners that Meita Maru conducted transshipment at-sea is as follows:

- Dongwon Fisheries: Dongwon 617, 637, 638, 639
- Sajo Industries: Oryong 305, 325, 371, 375, 721, 722, 731, 801, Oyang 355, 372
- Sea Sky Mulsan: Hae Cheon 11, 77, 88, 202, 303
- Dae Hae Fisheries: Daehwa 201, 313

According to information from the CVP, Korean tuna longliners make prolonged voyages on the high seas, conducting transshipments with carrier vessels flagged with Panama but operated by Japanese companies in reality. These carrier vessels then deliver the sashimi-grade tuna to ports in Japan, South Korea, China, and Taiwan.

However, because it is difficult to identify what types of tuna were transhipped in what quantities, it is impossible to track how a tuna from a certain longliner got transhipped by what carrier vessel, at what point in time, to which port in which country.

Japanese transshipment (refrigerated transport, or "reefer") companies

Japanese companies have been operating carrier vessels by flag of convenience recently.⁵¹ For example, Toei Reefer Line Ltd is known as the largest carrier company in the world, and its main business is the frozen transportation of sashimi tuna. It is also a multinational corporation with subsidiaries Toei Kaisho Co., Ltd in Panama and Toei Marine Enterprise Co., Ltd in the Netherlands.⁵² Toei Reefer Line Ltd has five vessels listed on its website: Kenta Maru⁵³ and Gouta Maru⁵⁴ are flagged to Japan, while Kurikoma,⁵⁵ Meita Maru,⁵⁶ and Genta Maru⁵⁷ are registered as Panama-flagged in the RFMO databases. Although the three Panama-flagged carriers are owned and operated by Japanese companies, they are required to report their records of transshipments to Panama, not Japan, in accordance with RFMO regulations. These carrier vessels conduct frequent at-sea transshipments with South Korean tuna longliners, and supply sashimi tuna to Japanese ports. However, the information available through the RFMO is limited, and neither Japan nor South Korea has oversight over the activities of Panama-flagged carrier vessels.

Carrier vessels to Japanese ports

Sashimi tuna caught by Korean tuna longliners arrive at Japanese ports either through transshipment at-sea or Korean ports. Once in Japan, the tuna is distributed by large trading companies with fishery divisions. The distribution of tuna in Japan used to be dominated by the "traditional distribution route" through fishery cooperatives and wholesale markets, but with the emergence of trading companies, the proportion of tuna imported and distributed directly to consumers is increasing. The market share of trading companies has steadily increased over the past decade, with 70-80% of frozen tuna in 2016 being distributed by four large trading companies, Toyo Reizo, Try Sangyou, and Fukuichi and Yamafuku.⁵⁸ One reason is the trend of consolidating and decreasing numbers of fishery coops since the early 2000s in line with the tightening seafood market, and with them a decreasing number of wholesale markets, as many markets are administered by fishery coops.⁵⁹

The emergence of trading companies has reduced transparency in the tuna supply chain. In the past, statistics on tuna distribution in fishery cooperatives and wholesale markets were publicly recorded and managed; however, information on tuna distribution by trading companies are not published due to being a "trade secret". Furthermore, the trading companies process, carry, and distribute tuna through their own carrier vessels and processing facilities, yet do not disclose relevant information such as suppliers and traceability to the public. Hence, it is difficult to identify stakeholders involved in the supply chain and obtain relevant information. Even industry experts within Japan have reported that they cannot adequately understand the details of distribution by trading companies.

b. Major Korean companies in tuna export

South Korea's tuna longline industry is led by Sajo Group, Dongwon Industries, Dongwon Fisheries, and Silla.

Sajo Group

The Sajo Group started its DWF business as Sajo Industry in 1973, and later incorporated Sajo Daelim and Sajo Ocean to lead a fleet of more than 80 vessels. About half of the vessels are tuna longliners, and they mainly fish for sashimi tuna such as bluefin, bigeye, and yellowfin tuna in the Central Pacific, Indian Ocean, Atlantic Ocean, and Southern Indian Ocean.⁶⁰ One of the central businesses of Sajo Group is processing and distribution of seafood, which Sajo Seafood mainly carries. Sashimi tuna is its main product; as of 2021, processing and distribution of sashimi tuna accounted for 67% of Sajo Seafood's total sales, which was then mostly exported to Japan.⁶¹ For the export of sashimi tuna, Sajo Seafoods disclosed that its overseas business team "negotiates the quantity, unit price, specifications, and payment terms of the supplied products with Japanese and overseas buyers" and directly exports them through 20-foot containers after order production.⁶² Sajo Seafood also operates a 60,000-ton cold storage warehouse at Gamcheon Port in Busan to handle export, and the main item in the warehouse is sashimi tuna.⁶³

Dongwon Industries

Founded in 1969 by a former captain of a DWF vessel,⁶⁴ Dongwon Industries has been engaged in DWF on tuna as its main business, and is by far the number one DWF company in Korea with a 43% share of the market.⁶⁵ Although canned tuna is its flagship product, the largest number of Dongwon's vessels are tuna longliners, with a total of 12 vessels catching 5,000 to 6,000 tons of bluefin, bigeye, and yellowfin tuna annually in the South Pacific and Indian Oceans. In addition, Dongwon Industries, like Sajo, operates a 100,000-ton logistics center complex at Gamcheon Port in Busan, where it freezes sashimi tuna and distributes it via trucks for domestic orders and special containers for exports.⁶⁶

Dongwon Fisheries

Dongwon Fisheries is a completely independent company from Dongwon Industries and has been in the tuna fishing business since its establishment in 1970. It operates a fleet of 16 DWF vessels, 14 of which are tuna longliners, and primarily catches Southern bluefin tuna and yellowfin tuna in the Pacific and Indian Oceans, which culminates to 3-4,000 tons of sashimi tuna each year. On its website, Dongwon Fisheries discloses that its tuna longliners “leave Busan port and fish for about 2 years until return.”⁶⁷ In addition to operating two freezing plants and a 20,000-ton freezing warehouse in Busan to store and export sashimi tuna to Japan, Dongwon Fisheries expanded its export channels to Japan in 2020 by incorporating You Wang, a company specializing in sashimi tuna processing and distribution, as a subsidiary.⁶⁸ You Wang operates its own 3,000-ton freezer and 20-ton factory to store, process, and distribute sashimi tuna from Dongwon Fisheries.⁶⁹

Silla

Silla, which started as a trading company in 1967, has been operating six tuna purse seiners and nine tuna longliners independently since 1972. The tuna longliners catch about 3,000 tons of yellowfin and bigeye tuna for sashimi in the South Pacific every year.⁷⁰ Silla says it exports sashimi tuna directly to foreign sellers once it enters the domestic port.⁷¹ Although its subsidiary Shilla SG is in charge of distribution and processing and operates a factory in Busan, the majority of its products are sausages and canned goods, and it does not appear to distribute and process sashimi tuna itself.⁷² In addition, Silla operates 11 “overseas joint venture vessels” to fish and distribute tuna and pollock for processing.⁷³ In 2014, Silla established a subsidiary called “Green Marine Total Services” in the Philippines, but its business details are not disclosed.⁷⁴

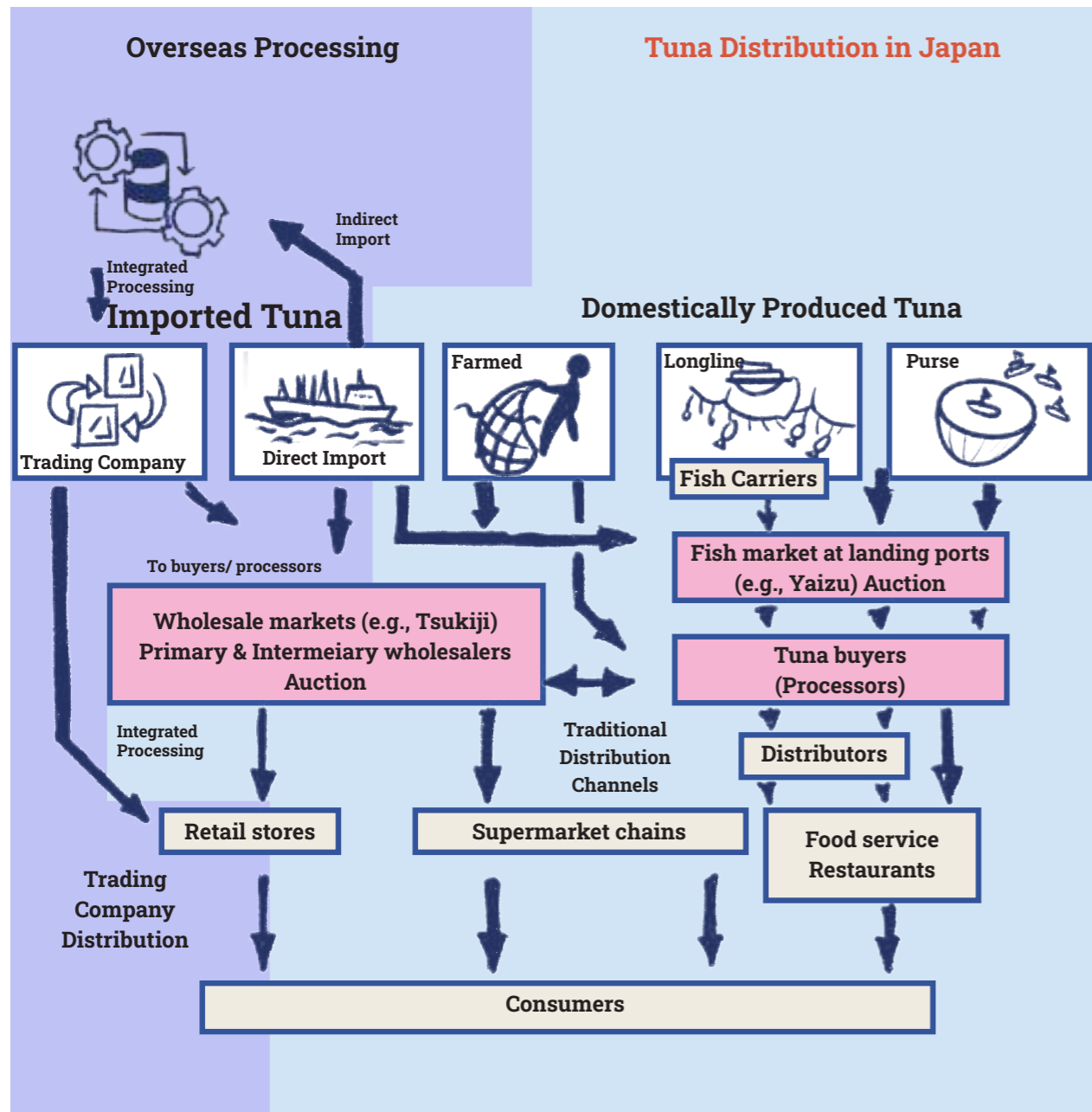
Table 3: Major tuna longliner companies’ operations in South Korea

Company	# of Tuna longliners	Fishing waters	Catch Species	Annual catch of sashimi tuna (tons)	Distribution and export routes
Sajo Group	40	Central Pacific, Indian Ocean, Atlantic Ocean, Southern Indian Ocean	Sashimi tuna (bluefin, bigeye, yellowfin, etc.)	Not disclosed	Stores in warehouse and exports directly to Japanese buyers
Dongwon Industries	16	South Pacific Ocean, Indian Ocean	Sashimi tuna (bluefin, yellowfin)	5-6 thousand	Stores in warehouse and exports directly via special containers
Dongwon Fisheries	14	Pacific Ocean, Southern Indian Ocean	Sashimi tuna (bluefin tuna, bigeye tuna, etc.)	3-4 thousand	Stores in warehouse and exports via You Wang subsidiary
Silla	9	South Pacific	Sashimi tuna (bluefin, bigeye, yellowfin, etc.)	3-4 thousand	Exports directly to Japanese buyers



c. Major corporations in Japanese tuna distribution

Figure 10: Distribution channels of tuna in Japan



Fishery and food companies

The largest player in the Japanese seafood industry is Maruha Nichiro Corporation, a fishery and food processing company. With overwhelming strength in procurement, distribution, and overseas networks, Maruha Nichiro handles over 0.2 million tons of seafood volume out of the total of the 2.2 million tons of seafood annually imported by Japan.⁷⁵ Maruha Nichiro Corporation is a pioneer in aquaculture for bluefin tuna, and it has established a seedling cultivation facility for fully cultivated bluefin tuna in Oita Prefecture. Following Maruha Nichiro Corporation, Nissui Corporation (food company) develops, produces, and imports about 0.11 million tons of seafood, and Kyokuyo Co., Ltd. (food company) develops, produces, and imports about 0.1 million tons.⁷⁶

Trading companies

Japanese trading companies such as Mitsubishi Corporation, Sojitz Corporation, Marubeni Corporation, Mitsui & Co., Ltd., Toyota Tsusho Corporation are also key actors in the seafood market in Japan. Focusing especially on tuna, Toyo Reizo Co., Ltd., the seafood arm of Mitsubishi Corporation, is the largest domestic handler in terms of volume. Sojitz Corporation has been a very large player in the importation of tuna, importing 30,000 tons of tuna in 2010, the latest date found with statistics, which is around 15% of Japan's total tuna import at the time. In 2008, they also entered the tuna aquaculture sector, administering domestic tuna farming currently producing about 10,000 tuna per year.⁷⁷

Seafood wholesale company

The major seafood wholesale companies in Japan are OUG Holdings Inc., Chuo Gyorui Co., Ltd., Daisui Co., Ltd., Tohto Suisan Co., Ltd., Daito Gyorui Co. Ltd., Tsukiji Uoichiba Co., Ltd., Yonkyu Co., Ltd. in descending order of revenue confirmed in 2022. Daito Gyorui Co., Ltd. is a wholly-owned subsidiary of Maruha Nichiro.⁷⁸



Red tuna auction sale at Fish Market © Shutterstock

III. Human Rights Risks in South Korea's DWF Industry

1. Defining forced labor and human trafficking

a. Forced labor

The ILO Forced Labor Convention No. 29 defines "forced labor" as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."⁷⁹ The ILO provides 11 indicators to better describe the real-life manifestations of forced labor, including 1) abuse of vulnerability, 2) deception, 3) restriction of movement, 4) isolation, 5) physical and sexual violence, 6) intimidation and threats, 7) retention of identification documents, 8) withholding of wages, 9) debt bondage, 10) abusive working and living conditions, and 11) excessive overtime. The ILO notes that all 11 indicators do not have to be present, and the presence of only one indicator can raise suspicions of forced labor.⁸⁰

Table 4: Explanation of the ILO's 11 forced labor indicators

Metrics	Description.
Abuse of vulnerability	Exploitation of workers' vulnerabilities, such as lack of knowledge of language or local rules, minority status, or limited employment opportunities.
Deception	Failure to honor promises made to workers, such as wages or working conditions.
Restriction of movement	Failure to provide freedom of entry and exit in hazardous workplaces beyond those associated with reasonable restrictions on safety and security, etc.
Isolation	Geographic isolation of the workplace or lack of communication methods
Physical and sexual violence	Use of violence against workers, for reasons such as coercing work not included in the original agreement
Intimidation and threats	Intimidation and threats such as reporting to immigration authorities, cutting wages, or exacerbating working conditions.
Retention of identification documents	Confiscating identification documents or other valuables, making them inaccessible to the worker, and making the worker feel unable to leave the workplace without losing them.
Withholding of wages	Organized and intentional withholding of wages as a means of preventing workers from leaving their jobs.
Debt bondage	Working to repay debts incurred as a condition of employment, such as brokerage fees or prepayment of wages.
Abusive working and living conditions	Dangerous or poor working conditions, or substandard living conditions related to labor.
Excessive overtime	Working hours that exceed the limits set by national laws or collective bargaining agreements, or refusing to allow breaks or leaves.

b. Human trafficking

Human trafficking is an important legal framework that can take into account the fragility and vulnerability of migrants who end up working on DWF vessels. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially against Women and Children (the Palermo Protocol) defines human trafficking as "the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having power or control over another person, for the purpose of exploitation". The Palermo Protocol makes it clear that the victim's consent does not prevent the establishment of human trafficking (Article 3).⁸¹

Table 5: Components of human trafficking

Element	Contents
Purpose	Exploitation (forced labor, forced employment, slavery or similar practices, servitude, etc.)
Means	Threats or use of force Coercion, abduction, fraud, deception Abuse of power or exploitation of a vulnerable position Offering or receiving remuneration or benefits to obtain the consent of someone who has control over another person
Acts	Recruitment, transportation, transfer, harboring, or receipt

2. Forced labor and human trafficking on South Korea's DWF vessels

As mentioned earlier, about 80% of workers on DWF vessels are migrant workers who suffer from poverty, lack of education, and unemployment in their home countries. This renders the migrant workers susceptible to manipulation and exploitation in their employment. With no or very little income in their countries of origin, they readily accept the working conditions and salaries of DWF vessels. During the migration process, under the guise of finding them work, brokers collect various training and transaction fees, as well as deposits which act as constraints that prevent them from leaving the job for a promised period. In addition, migrant workers start their work mostly without understanding the contents of their work agreements.

Due to the absence of regulations on working hours on DWF vessels, migrant workers are exploited by working long hours, often more than 12 hours a day, for a discriminatory minimum wage that is much lower than that of Korean fishers. They are also frequently exposed to violence, hazardous living environments, and dangerous working conditions; nonetheless, they are unable to leave due to the various factors such as deposit money and unpaid wages as well as physical isolation in the middle of the high seas. Hence, the migrant fishers on DWF vessels are subject to forced labor and human trafficking.⁸²



Table 6: Types of human rights violations on Korean DWF vessels

Type	Factors	Description
Forced Labor	Abuse of vulnerability	Vulnerabilities such as physical and psychological isolation, lack of understanding of language and culture, etc.
	Deception	Failure to honor commitment to legally disclosed minimum wages
	Restriction of movement	Long voyages without a port call, ranging from 12 to 24 months, and the resulting restrictions on escape or pursuing grievances
	Isolation	Restricted usage of cell phone and internet
	Physical and sexual violence	Physical and sexual harassment and abuse
	Intimidation and threats	Threats to cut or not pay wages, and on forced disembarkation
	Retention of identification documents	Confiscation of passports to prevent escape
	Withholding of wages	Deductions from wages for recruitment fees
	Debt bondage	Not paying wages for the first 3 months until end of contract, or imposing escape deposits, for the purpose of preventing escape
	Abusive working and living conditions	Insufficient food and water, unsanitary living conditions, etc.
	Excessive overtime	12 or more consecutive hours of work without a guaranteed rest period
Human Trafficking	Purpose	Forced labor
	Acts	Crew recruitment and transportation
	Means	Abuse of power and exploitation of vulnerability, including but not limited to deception, threats, physical and verbal violence, withholding of wages, discrimination, and coercion of debt

Since the plight of migrant workers on Korean DWF vessels gained international attention, the government and industries have claimed that they have resolved the issue by taking some steps. However, investigations by civil society organizations have made it clear that the patterns of forced labor and human trafficking have been persisting without significant change. The Environmental Justice Foundation (EJF)⁸³ and the Advocates for Public Interest Law⁸⁴ (APIL) surveyed 74 migrant workers who worked on Korea-flagged DWF vessels between 2021 and 2022, and found that 60 percent of them had to work more than 14 hours a day without a break during busy periods. However, they were paid less than one-tenth of the average Korean fisher's salary; about half of them were paid less than the designated minimum wage; and it was a common practice for recruitment agencies to make deductions from their wages for the sake of broker fees and exchange rates. 83% of migrant workers reported experiencing threats of forced disembarkation or denial of wages, as well as verbal abuse. 24% of migrant workers said they had been physically assaulted, or witnessed a coworker being assaulted. In addition, all of the migrant workers surveyed reported that their passports were confiscated by the captains or the owners of the vessels.

Of the 74 who were surveyed, 30 were migrant fishers who had worked on longliners. Without exception, all 30 reported being subject to exploitation in poor working conditions. 53% of migrant fishers who worked on longliners were unpaid or had their wages deducted; 80% experienced abuse; and 100% had their passports confiscated. Migrant fishers on longliners were found to be particularly vulnerable to forced labor and human trafficking due to longer working hours and periods at sea. 77% of those on longliners worked for more than 14 hours, and 30% worked for more than 18 hours—marking much longer labor without rest compared to those on other vessels. In addition, 83% of migrant fishers had to sail for more than a year without entry to port, while 17% had sailed for more than 2 years, which is double the rate for DWF vessels at large.⁸⁵

Testimonies from migrant fishers who worked on Korean tuna longliners

"As soon as we got on the boat, we started working. We worked until 9 pm, but there were no breaks, no holidays, no overtime pay... If someone gets tired and leans (on the wall) for a second, the captain would hit them on the head."

(Indonesian worker who worked on tuna longliner D from 2019 to 2021)

"I was abused on a daily basis. My eyes were injured and I had to get surgery, but I had to pay for it on my own."

(Indonesian worker who worked on tuna longliner D from 2020 to 2021)

"My seniors sexually harassed me every time I sat down, claiming it was Korean culture. I worked for 48 hours straight, but was forced to lie about it when I was later surveyed."

(Indonesian worker who worked on tuna longliner S from 2019 to 2021)

"I paid around 500 USD to get my passport back, but I still don't have it. I also had to pay the broker around 120 USD every month as fees."

(Indonesian worker who worked on tuna longliner K from 2020 to 2022)

"I had a two-year contract, but I was forced to work longer. I remained on the ship for more than two years without entering any port."

(Indonesian worker who worked on tuna longliner D from 2019 to 2021)

Table 7: Labor conditions of migrant fishers working on DWF vessels and tuna longliners

Work without rest	DWF vessels in general	Tuna longliners
14 hours or more	60%	77%
18 hours or more	26%	30%

Sailing without entry to port	DWF vessels in general	Tuna longliners
1 year or more	40%	83%
2 years or more	7%	17%

The problem of prolonged voyages of Korean tuna longliners has been exposed before. A 2018 study by the University of California, Santa Barbara (UCSB) analyzed tuna longliners from the top 25 fishing nations and found that Korea-flagged vessels ranked first in sailing distance, sailing time, and fishing time, as well as second in maximum distance from port—all indicating poor fishing conditions.⁸⁶ In addition, the South Pacific Fisheries Forum Agency stated in a 2017 report that South Korean longliners rely on carriers to go on voyages of between 1.5 and 2 years without an entry to port.

These long voyages increase the period of time fishers are physically isolated, which thereby increases the risks of IUU fishing and human rights abuses. The prolonged physical isolation of tuna longliners at sea makes it difficult to monitor labor exploitation and illegal activities, and also prevents fishers from escaping, reporting, or seeking remedies. Likewise, all respondents from tuna longliners in the above investigation testified that they were unaware of, and unable to access, any mechanisms for remedy or grievance. In addition, as all 109 of Korean tuna longliners were built before 1991, concerns on their deterioration and safety have been raised.⁸⁷

3. Limitations of the government’s actions

a. 2021 Ministry of Ocean and Fisheries “Implementation Plan”

In July 2020, the Ministry of Oceans and Fisheries (MOF) announced a policy to establish an implementation plan to improve the working conditions of migrant fishers working on DWF vessels, to be implemented from 2021.⁸⁸ The main goals of the policy were: 1) for migrant fishers to receive full wages without deductions due to recruitment or transaction fees; 2) for the minimum wage to be at least 540 USD by 2021 based on the International Transport Workers’ Federation (ITF) standards; 3) for rest hours to be guaranteed for at least 10 hours daily, or flexibly at least 308 hours monthly; 4) for those wishing to disembark be regularly surveyed in order to prevent prolonged sailing; and 5) for bottled-water to be fairly distributed by the employer companies, without regard to nationality.

However, the MOF’s policy is limited in several ways.⁸⁹ First of all, aligning minimum wage with the ITF standard does not address the problem of wage discrimination based on nationality, which already violates the Labor Standards Act and the Seafarers Act. In addition, although minimum rest periods are guaranteed, the provision of flexible operation on a one-month basis rather than a daily basis means that fishers are not guaranteed continuous rest periods. Furthermore, even if the recruitment fees are paid by the employers rather than the fishers, there has been no measure on fees charged prior to embarkation, such as escape deposits. In other words, even if the recruitment fees are not deducted from wages as before, migrant fishers are still imposed with debt bondage as fees are now charged prior to embarkation, not after.

While the plan aimed to survey those wishing to disembark to prevent prolonged fishing, the upper limit for sailing still remains at 15 months. There has also been no guarantee that one will be able to re-embark after landing, which prevents the migrant fishers from expressing their will to disembark. Moreover, there has been no additional measure to address confiscation of passports, which has persisted as a common practice despite being a forced labor indicator.

The investigation above confirms that the MOF’s implementation plan has failed to combat human trafficking and forced labor.⁹⁰

Table 8: MOF’s implementation plan and its corresponding investigation results on migrant fishers

Implementation Plan	Fulfillment status	Investigation result
Wage without reductions such as recruitment fees	X	Reduced wages under pretext of recruitment fees and exchange rates (64%)
Minimum wage of 540 USD per ITF standard	X	Less than 540 USD (48%), less than minimum wage for Korean fishers (100%)
Minimum 10 hours of rest each day	X	Rest of less than 6 hours (23%), rest of less than 12 hours (76%)
Prevention of prolonged voyage via survey on will to disembark	X	Prolonged voyage of 12 months or more, irrespective of will to disembark (42%)
Fair distribution of bottled water	X	Experienced discrimination in purchasing bottled water due to significantly lower wages compared to Korean fishers (42%)



b. 2022 Act on Prevention of Human Trafficking, etc., and Protection of Victim (PTPV Act)

In 2022, seven years after ratifying the Palermo Protocol, the South Korean government enacted the PTPV Act to identify, protect, and punish human trafficking, which took effect in 2023.⁹¹ However, many concerns were raised about the law even before its implementation⁹², the biggest of which was the absence of penalty provision. First of all, the PTPV Act failed to follow the definition of human trafficking within the international standards, and instead created an ambiguous category of “human trafficking, etc.” Not only that, it also failed to establish a penalty provision, which rendered adequate punishment on human trafficking impossible. Furthermore, while the Act required human trafficking identification index to be developed, it did not mandate the usage of the index, which led to concerns that victim identification will not be carried out in practice.

As nearly a year has passed since the Act’s implementation, all of the above concerns have come to reality. Due to the contradicting definitions of “human trafficking”, “crime of human trafficking”, “human trafficking, etc.”, and “crimes of human trafficking, etc.”, there is no shared understanding of what human trafficking really is among government ministries and officials. As a result, identification of human trafficking has been absent in labor inspections and crackdowns against migrants, and the victims have been blocked from accessing remedy. In order to receive official support and protection as a “victim of trafficking,” one must be recognized as a victim of a “crime of human trafficking, etc..” or be identified as a victim of “human trafficking, etc.” by the official bureau. In the absence of criminal penalties and victim identification procedures, however, the likelihood of a victim receiving state protection is minimal.⁹³

In addition, the PTPV Act entrusts the entire process of victim identification and support to “regional support agencies”, but after failing to recruit such organizations for the entire year, the government has recently cut the budget for the regional support agencies to zero in 2024.⁹⁴ The budget for 40 migrant worker support centers, on which countless migrant workers including fishers rely to pursue grievances and receive withheld wages, has also been cut from 7 billion KRW to zero.⁹⁵ Not only that, the government also announced a 44.5% cut in the entire budget to support victims of human trafficking in 2024. Therefore, the effectiveness of the current system on human trafficking identification and protection remains opaque.

Human trafficking against migrant fishers has been poorly addressed in particular. Migrant workers on DWF vessels have been identified as one of the most common types of trafficking victims in South Korea,⁹⁶ yet nowhere in the PTPV Act or its comprehensive plan includes measures on fishers.⁹⁷ The vulnerabilities of migrant fishers, including physical isolation, language barriers, lack of immigration status, and debt due to the involvement of brokers, are characteristics of their victimhood. As such, support measures ought to be tailored to these characteristics, e.g. ensuring public and governmental oversight on recruitment procedures which give rise to forced labor. Nonetheless, the government has responded only with temporary measures, devoid of enforcement and practicality.

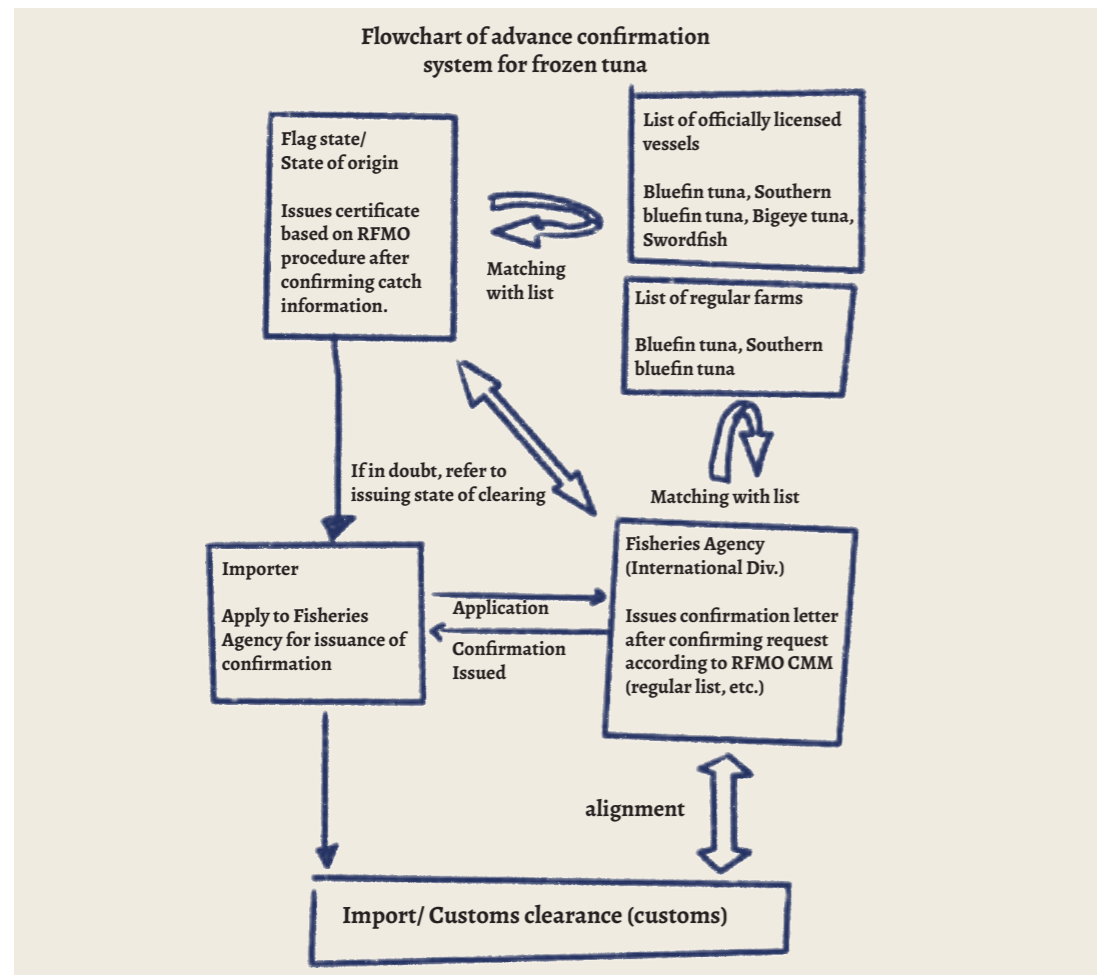
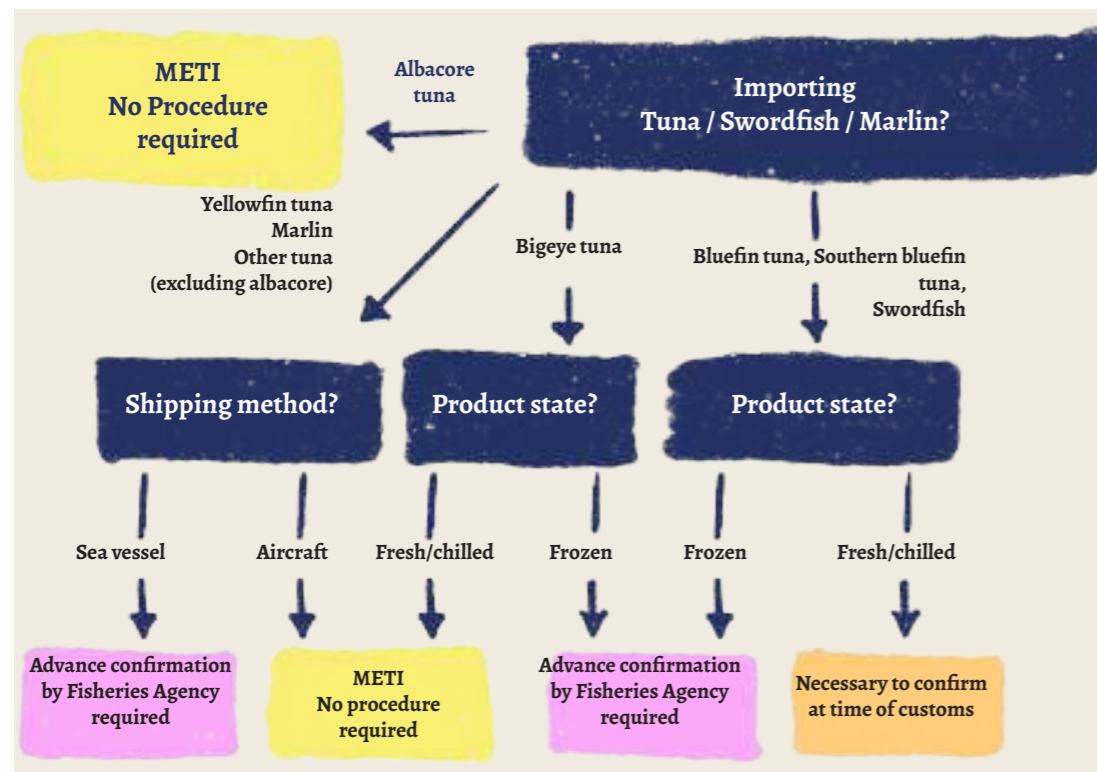
IV. Government and Corporate Policies on Seafood Imports in Japan and Their Limitations

1. Government: tuna import procedures

In order to implement Conservation and Management Measures (CMMs) of RFMOs, Japan manages imported tuna in accordance with the Special Law for Strengthening Conservation and Management of Tuna Resources (the Tuna Management Law).⁹⁸ The Tuna Management Law seeks to prevent the importation of IUU-caught tuna by requiring importers of tuna species such as bluefin tuna, southern bluefin tuna, bigeye tuna, yellowfin tuna, other tuna species (excluding albacore tuna), swordfish, and marlin to submit a certificate from the vessel's country of origin stating that IUU fishing did not occur. In other words, the Tuna Management Law allows the Japanese government to enforce the RFMOs' CMMs, but there is no mechanism to review human rights violations such as forced labor and human trafficking that occur during the fishing process.

The law involves certifications of vessels' catches by their flag states and confirmation of the certifications by Japan. The South Korean certifying organization under RFMOs like the WCPFC, the procedures of which the Tuna Management Law implement, is the National Fishery Products Quality Management Service,⁹⁹ and the Japanese agency confirming the certifications is the Fisheries Agency, a division of the Ministry of Agriculture, Forestry and Fisheries (MAFF) as described below.¹⁰⁰ The law requires different certifications and procedures depending on the tuna species, state of the tuna (frozen or chilled/fresh), and shipping method (vessel or aircraft), the two basic procedures for covered species being (1) certification confirmation prior to import declaration by the Fisheries Agency (pink box below), and (2) certification confirmation at customs at the time of import declaration (orange box below). This leads to a somewhat complicated arrangement summarized by the following charts.¹⁰¹

Figure 11: Flowchart of certification for tuna import



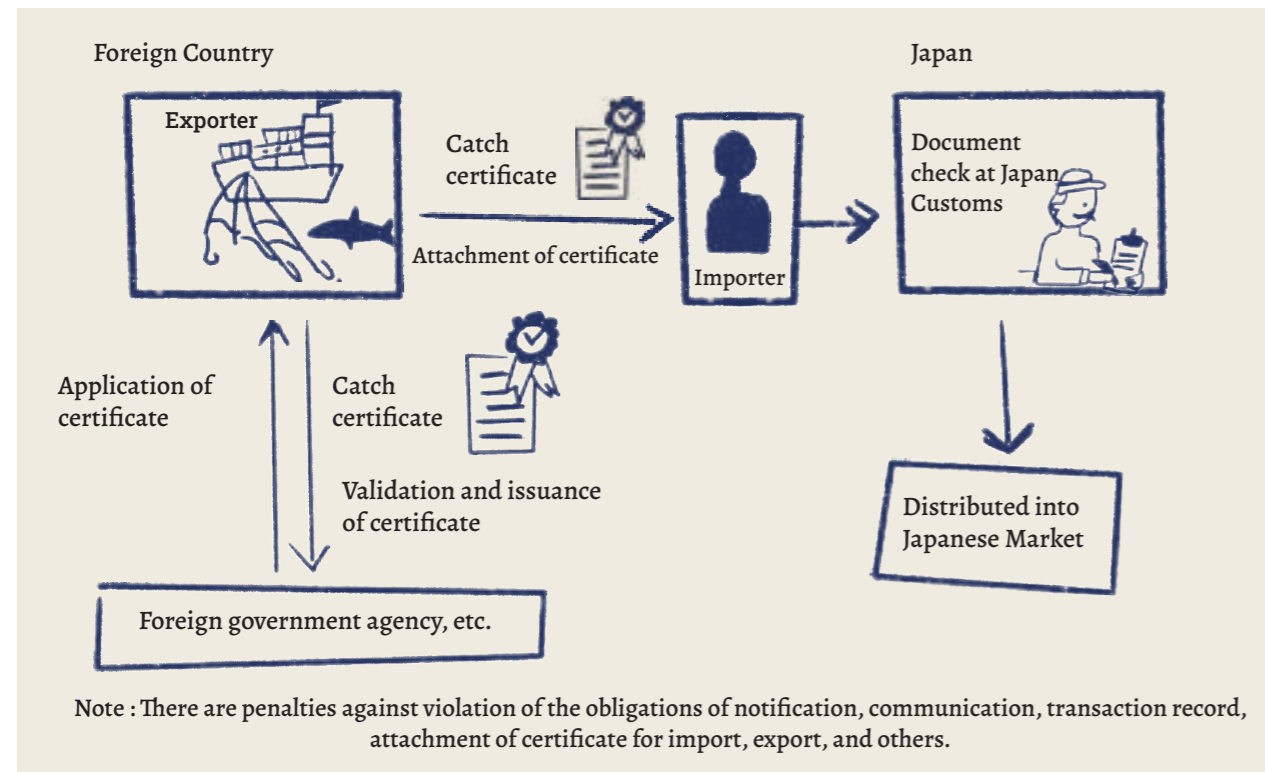
As sashimi tuna mostly consists of frozen bigeye and bluefin tuna, they require the advance confirmation by the Fisheries Agency, as well as submission of forms such as invoice/contract, transshipment declaration, specified catch documentation (for bluefin tuna) and specified statistical data (for frozen bigeye tuna). Direct importers of bluefin tuna from South Korea to Japan in the period 2022 to 2024 are also required to give additional information, which is also to be provided to the WCPFC, although this data may not be publicly available on the WCPFC's site until after 2024.

Aquatic Products Act adopted to combat IUU seafood import and distribution.

While the Tuna Management Law addresses the importation of tuna, it is worth briefly discussing the new law in Japan to prevent the importation and distribution of IUU seafood generally: "Act on Ensuring the Proper Domestic Distribution and Importation of Specified Aquatic Animals and Plants (Act No. 79 of December 11, 2020)" ("Aquatic Products Act").¹⁰² Note, however, that the technical document on the Tuna Management Law has clarified that "tunas and other fish species for which import regulations with a view to prevent IUU fishing are already in place under other programs are excluded from Japan's catch documentation scheme" under this law.¹⁰³ The law came into effect in December 2022, and it currently targets only the following species: Pacific saury, squid, mackerel, and sardine.

To very briefly summarize the law, it divides the distribution of seafood in Japan into two classes: Class I seafood caught by Japan flag vessels in Japan and Class II seafood imported into Japan or caught by foreign vessels (non-Japanese-flag-state vessels). For Class I seafood, the law requires government notification and submission requirements covering relevant information (catch number, product information, transaction records, etc.) which must follow the product through distribution. For Class II seafood, the subject of this report, there is a Catch Documentation Scheme (CDS) requiring certification from the authorized agency of the catching vessel's flag state that the seafood was legally caught, and including product information as described below before it can be imported into Japan, along with any other documentation required by the Fisheries Agency.¹⁰⁴ Finally, Article 12 also allows on-site inspections of any business importing Class II seafood. Under Article 15, a violation of Article 11 entails punishment of imprisonment and a 1 million yen fine. Like the Tuna Management Law, the Aquatic Products Act requires the state responsible for exports to provide certification which is confirmed by Japan as the state of import. The relevant ministries are listed as the National Fishery Products Quality Management Service for Korean certification and MAFF for Japanese confirmation.¹⁰⁵

Figure 12: Chart of Certification Scheme Procedure



Source: Japan Fisheries Agency¹⁰⁶

In importing seafood where the law is applicable, the catch certification must include information on the certifying authority, its certification, vessel, product, stock management, transshipment (if applicable), exporter, importer, and import control authority. A processing declaration form if applicable must include the following information: vessel, flag state, certification, catch description and weight landed, processed, and after processing, the name of the processing plant and administrator, exporter (if different than the plant), and certifying authority.

2. Corporations: voluntary efforts

The Japanese government is encouraging companies to implement human rights due diligence in their supply chains, and in 2022, it released guidelines for supply chain human rights due diligence.¹⁰⁷ In response, many companies have adopted policies to implement human rights due diligence, and Human Rights Now analyzed the human rights due diligence policies of major companies involved in the import and distribution of sashimi tuna.¹⁰⁸

The following section reviews publicly available information on six Japanese trading companies that import and distribute seafood according to the methodology explained below: Toyo Reizo Co., Ltd., Mitsubishi Corporation, Try Sangyo Co., Ltd., Sojitz Corporation, AEON Co., Ltd. and Seven & i Holdings Co., Ltd. The first four companies were selected because they were listed in a report as dominant sashimi trading companies and as their parent companies, which South Korea exports to,¹⁰⁹ and the last two companies were selected because they are the largest retailers and because the majority of Japanese individuals purchase sashimi tuna for home use at supermarkets, which, in turn, source their products from trading companies.¹¹⁰ It focuses on their human rights policies, and transparency and due diligence practices to identify and prevent labor rights violations among their seafood suppliers.

In general, it was found that there were insufficient measures observed to protect the labor and human rights of fishers in the supplying end. While the large participants: Mitsubishi, Sojitz, AEON and Seven & i seemed to have future plans to take responsibility for their human rights due diligence, Toyo Reizo and especially Try Sangyo have less information available about their human rights policies. Behind this gap in what information the two types of companies make public are ostensibly limitations of human resources working on rights protection issues in the more specialized companies, as well as a low penetration rate of the Guiding Principles on Business and Human Rights and similar international standards in Japan. Also, even if large companies publish their policies and plans, they often end up with few details or explanations regarding their results, or how they manage PDCA cycles for human rights due diligence. The next section explains each company's relevant policies and measures related to human rights which are made available to the public.

TOYO REIZO Co., Ltd.

a. Company Profile¹¹¹

TOYO REIZO Co., Ltd, was established in October 1948 and reorganized in 1971. The company has a capital of 2,121,452,637 yen and employs a workforce of 827 individuals.

The core business of TOYO REIZO revolves around various sectors, including sales, trading, processing, and refrigeration of marine products, agricultural products, livestock products, dairy products, feed, and chemical products. Additionally, they are involved in the transportation industry, warehouse operations, aquaculture, ranching of fish and shellfish, as well as relevant research. Moreover, the company actively engages in other ancillary businesses.

TOYO REIZO maintains strong relationships with major banks, including the Shizuoka Bank, The Norinchukin Bank, Mitsubishi UFJ Bank, and Mitsubishi UFJ Trust and Banking. Additionally, they have notable partnerships with suppliers, such as Mitsubishi Corporation, and others.

The company's main sales destinations encompass wholesale markets, mass retailers, restaurants, and other related establishments. Demonstrating its success, TOYO REIZO recorded an amount of sales, reaching 171.5 billion yen in the fiscal year 2022.

b. Analysis

On Toyo Reizo's website, a general human rights policy was not made available.¹¹² (*This was as of the time of the investigation. Subsequently, it was disclosed to be the same as Mitsubishi Corporation's.) However, it has a CSR (Corporate Social Responsibility) page on which "Tuna Procurement Guidelines" (2022.08) was found¹¹³ This guideline seems to be the same as Mitsubishi's "Tuna Procurement Guidelines" (2022.08) except one additional commitment in which Toyo Reizo declares the objective "To establish interoperable traceability that includes the major data elements recommended by GDST (Global Dialogue for Seafood Traceability) in order to avoid the risk of sourcing tuna through IUU (Illegal, Unreported and Unregulated) fishing as defined by the Food and Agriculture Organization of the United Nations (FAO)".

While the guidelines acknowledge commitments that meet Global Sustainable Seafood Initiative standards, there were no concrete results nor process information shown on the website. Also note that Mitsubishi is the parent company of Toyo Reizo, although it is not made explicitly clear on Toyo Reizo's website that or how all of Mitsubishi's relevant policies and practices (see below) apply to Toyo Reizo. (*This was as of the time of the investigation. Subsequently, some links and information guiding to Mitsubishi Corporation's website were made public.)

Mitsubishi Corporation

a. Company Profile¹¹⁴

Mitsubishi Corporation was officially registered on April 1, 1950 and established as a legal entity on July 1, 1954. The company has a capital of 204,446,667,326 yen (JPY) and has issued 1,458,302,351 shares of common stock.

With a large and diverse network, Mitsubishi Corporation operates through a significant number of offices and subsidiaries. It has 1,321 subsidiaries and 416 affiliates, resulting in a total of 1,737 entities under its umbrella.

In terms of human resources, the parent company employs 5,448 individuals. However, when considering both the parent company and all of its consolidated subsidiaries, the total number of employees reaches 79,706, showing the global reach of the company's operations.

Mitsubishi Corporation is organized into several business groups, each focusing on specific industries and areas of expertise. These groups include the Industry Digital Transformation Group, Next-Generation Energy Business Group, Natural Gas Group, Industrial Material Group, Chemicals Solution Group, Mineral Resources Group, Industrial Infrastructure Group, Automotive & Mobility Group, Food Industry Group, Consumer Industry Group, Power Solution Group, and Urban Development Group.

b. Analysis

Mitsubishi Corporation has a Human Rights Policy and it has expressed support for the International Bill of Human Rights, Guiding Principles on Business and Human Rights, ILO International Labor Standards, and Voluntary Principles on Security and Human Rights.¹¹⁵ Mitsubishi Corporation also seemed to include a "Sustainable Supply Chain Action Guideline" in its contracts with its suppliers.¹¹⁶ However, from the publicly available information, there is only a mention of "suppliers"; and the extent of dissemination is unclear.

In addition, significantly different from the other following companies, it has established an individual guideline for tuna, the "Tuna Procurement Guidelines" noted in the previous section, as well as guidelines for timber and palm oil. The details written in these guidelines are described above. Overall, Mitsubishi Corporation seems to aim to deal with IUU fishing and human rights violations in the Tuna industry with specific policies made through dialogue with multiple stakeholders; however, concrete supply chain information, progress, and results were not made fully available.

Try Sangyo Co.

a. Company Profile¹¹⁷

Try Sangyo Co., Ltd. is a company based in Shizuoka Prefecture, Japan. Founded in July 1988, the company has a capital of 67 million yen. The company operates as a wholly-owned subsidiary of Sojitz Corporation, holding 100% of the shares. Try Sangyo employs a total of 119 individuals, comprising 79 male and 40 female employees as of June 30, 2022. Try Sangyo Co., Ltd. maintains a relationship with an affiliated company known as Try Tuna Product Co., Ltd. Additionally, the company engages in cooperation with CAS Co., Ltd., and Create Co., Ltd., which are identified as its cooperative partners.

b. Analysis

For Try Sangyo, unfortunately, there was no information related to human rights protection in its business made available.

Sojitz Corporation

a. Company Profile¹¹⁸

Sojitz Corporation was established on April 1, 2003. The company has a capitalization of 160,339,000,000 yen, and it operates a global business with a presence in 5 domestic branches, including the Head Office, and 87 overseas offices. It also manages 131 domestic subsidiaries and 291 affiliates overseas. The company has a workforce of 2,523 employees on a non-consolidated basis, and on a consolidated basis, it employs 20,669 individuals.

Sojitz Group is involved in a diverse array of global businesses, engaging in manufacturing, sales, import, export, provision of services, and investments across various industries in Japan and overseas. To manage its diverse operations, Sojitz Corporation follows a 7-division structure, which includes the Automotive Division, Aerospace & Transportation Project Division, Infrastructure & Healthcare Division, Metals, Mineral Resources & Recycling Division, Chemicals Division, Consumer Industry & Agriculture Business Division, and Retail & Consumer Service Division.

b. Analysis

As with Mitsubishi Corporation, Sojitz also has a Human Rights Policy which was established in June 2017.¹¹⁹ The principles to which it expresses its support also seem to be the same as Mitsubishi's. It has "Sojitz Group CSR Action Guidelines for Supply Chains" established in 2014 and revised in 2017,¹²⁰ as well as "Sojitz Group Sustainability Handbook" for Sojitz group members issued in 2019.¹²¹ There was no information that Sojitz requires its suppliers to commit to these measures in its contracts with them, but it does ask all consolidated subsidiaries (although not all suppliers) to send "confirmation letters" on the measures. However, from the publicly available information, there is only a mention of disseminating the policy with "suppliers in high-risk industries", and the extent of dissemination is unclear. Also, compared to Mitsubishi, which has guidelines specifically targeting tuna, Sojitz seems to have only two individualized guidelines on timber and palm oil. To conclude, there was less information disclosed related to its measures, progress, and results to deal with human rights risks in its value chain.

AEON Co., Ltd.

a. Company Profile¹²²

AEON Co., Ltd. (pure holding company) was established in September 1926. The company operates with a capital of 220,007 million yen and primarily functions as a pure holding company, managing its business activities by holding stocks or shares of companies engaged in retail businesses, shopping mall development businesses, financial service businesses, services businesses, and related ventures. AEON has a total of 2,400,000,000 available shares, and the total number of issued shares, including treasury stock, amounts to 871,924,572 shares. Listed on the Tokyo Stock Exchange, Inc., AEON Co., Ltd. conducts financial transactions with major institutions such as Mizuho Bank, Ltd., Norin Central Safe, Sumitomo Mitsui Banking Corporation, Resona Bank, Ltd. and Mitsubishi UFJ Bank Ltd. The audit corporation for AEON Co., Ltd. is Deloitte Touche Tohmatsu LLC.

b. Analysis

Aeon established its Human Rights Policy in 2008, and revised it in 2018, expanding its coverage to human rights among its suppliers. It expresses support for all of the principles as Mitsubishi and Sojitz supported except for one: Voluntary Principles on Security and Human Rights. It has also established "AEON Supplier Code of Conduct (CoC)."¹²³ While this policy includes "AEON Sustainable Seafood Procurement Policy" in one of its appendices, the policy is written only from a perspective of resource depletion prevention and biodiversity conservation.¹²⁴ Furthermore, mandatory measures related to human rights tend to focus as their target only on its private brand, "Top Value."

Seven & i Holdings Co., Ltd.

a. Company Profile¹²⁵

Seven & i Holdings Co., Ltd. was established on September 1, 2005, with a capital of 50 billion yen. As of the end of February 2023, the company has issued 886,441,983 shares, with one share unit equivalent to 100 shares. Seven & i Holdings primarily engages in the planning, management, and operation of Group companies, focusing on a diverse range of business operations. These include convenience stores, superstores, department stores, supermarkets, specialty stores, food services, financial services, and IT services. The company operates as a pure holding company, overseeing and coordinating the activities of its Group entities.

b. Analysis

Similar to Mitsubishi, Sojitz, and Aeon, Seven & i also has a Human Rights Policy available with support expressed on its website for the international principles listed above (OECD Guidelines for Multinational Enterprises, Ten Principles of the UN Global Compact, Children's Rights and Business Principles, and Japan's National Action Plan on Business and Human Rights in addition to what Aeon expresses its support). Under the policy, it also has "SEVEN & i Group Business Partner Sustainable Action Guidelines."¹²⁶ Suppliers of private brand products are required to make an MOU (Memorandum of Understanding) when they make a contract with Seven & i.¹²⁷ It also has a similar issue as Aeon. While in its "Sector-specific Policies" in "Sustainable Sourcing Principles," there is a section highlighted on marine products, it seems to only address the preservation of natural resources.

**Table 9: Analysis of Human Rights Policies and Systems of Japanese Tuna-related Companies
(Based on publicly available information on the official website)**

	TOYO REIZO Co., Ltd.	Mitsubishi Corporation	Try Sangyo Co.	Sojitz Corporation	AEON Co., Ltd.	Seven & i Holdings Co., Ltd.
1. Human Rights Policy	Unavailable *As of the time of the investigation, Subsequently, it was disclosed to beas the same as Mitsubishi Corporation's	Available	Unavailable	Available	Available	Available
2. Formulation of Action Guidelines for Suppliers and its Promotion	Available (Policy for Sustainable Supply Chain Management) * From publicly available information, there is only a mention of "suppliers," and the extent of dissemination is unclear. [Features] • Sharing of this Policy in its contracts with suppliers. Ability to request supplier corrections.Contract termination option for non-compliance.	Unavailable	Unavailable (Sojitz Group CSR Action Guidelines for Supply Chains) * From publicly available information, there is only a mention of disseminating the policy with "suppliers in high-risk industries", and the extent of dissemination is unclear. [Features] • None in particular.	Available (AEON Supplier Code of Conduct (CoC)) * From publicly available information, there is only a mention of "suppliers," and the extent of dissemination is unclear. [Features] • External audits etc. conducted to assess compliance with the CoC, for private brand products suppliers.	Available (Seven & i Group Business Partner Sustainable Action Guidelines) * From publicly available information, there is only a mention of "business partners," and the extent of dissemination is unclear. [Features] MOU (Memorandum of Understanding) on SCR is required only for private brand products suppliers. • Guidelines are available in 21 languages on its website.	
3. Procurement Policy, Guidelines regarding Fishery Industry	Available (Tuna Procurement Guidelines) *References to human rights risks. However, the effectiveness in preventing or mitigating negative impacts on human rights remains unclear.	Unavailable	Unavailable	Available ("Aeon Sustainable Procurement Principles" which includes fishery products) *No reference to human rights risks.	Available ("Seven & i Group Sustainable Sourcing Principles and Policies" and "Sustainable Procurement of Raw Materials" which includes fishery products) *No reference to human rights risks.	
4. Implementation of HRDD for the tuna supply chain based on the above-mentioned "1," "2," "3."	Partially implemented [Features] HRDD method: Disclosed somewhat concretely, but the actual details are unclear. • Conducting a risk assessment for tuna suppliers → Disclosed as "conducting" without further details. • External Audits to tunas suppliers → Disclosed as "scheduled to start from 2022 and make it a regular measure byl 2025." • Improvement of monitoring on boats → Disclosed as "under consideration since 2022." Results of HRDD: Partially disclosed. Only the implementation status and outcomes of the action plan from the 2017 "Bluefin Tuna Sustainable Sourcing Policy," are provided.	Unavailable	No specific information available regarding the tuna supply chain. * Information is available regarding the general supply chain. [Features] • In FY 2019, third-party assessments were conducted for timber suppliers' forest management practices. Implementation status for other suppliers remains unclear.	No specific information available regarding the tuna supply chain. *Information is available regarding the general supply chain. *The construction of the HRDD cycle is scheduled to be completed in FY2025.	No specific information available regarding the tuna supply chain. * Information is available regarding the general supply chain. [Features] • Third-party audits of private label manufacturing facilities in China and Southeast Asia are conducted based on internally created criteria (16 categories, 117 check items). • Pre-notified factory visits involve on-site inspections, document/data verification, and interviews with managers and workers to assess CSR compliance.	
Grievance Mechanism for the tuna supply chain	Available (Grievance Mechanism as a point of contact for external stakeholders) * The governance mechanism includes tuna but is limited to specific product categories. * The target companies are limited to self-owned, group companies, and suppliers covered by the "Sustainable Supply Chain Survey." * Supported languages are limited to Japanese, English, and Chinese.	Unavailable	Available (External Hotline) *Product and company specifics are unclear. *Supported languages: Japanese and English only.	Available (Supplier Hotline) *Targeted products: Private label items only (uncertain if tuna is included). *Targeted companies: Only those in the supply chain of a private label products. *Supported languages: Japanese, English, Chinese, Vietnamese. Other languages such as Burmese, Khmer, Thai, Tagalog, Indonesian, Bengali, Malay are in preparation. *Operated by a third-party organization (ASSC).	Available (Seven & i HLDGS. Helpline for Suppliers) *Product and company specifics are unclear. *Supported language: Japanese only. *Operated by a third-party organization (IntegreX Inc.)	
Dialogue with Stakeholders for the tuna supply chain	Conducting Participation in multi-stakeholder platforms on labor rights issues in the fisheries industry (UN Global Compact Sustainable Ocean Principles (SOP) Action Platform, SeaBOS, etc.)	Unavailable	Unavailable *Stakeholder dialogue is ongoing, but details on the framework and practices, especially for tuna, remain unclear.	Conducting Participation in Global Sustainable Seafood Initiative(GSSI)	Unavailable *Stakeholder dialogue is ongoing, but details on the framework and practices, especially for tuna, remain unclear.	
Suppliers List Open to the Public for the tuna supply chain	Unavailable	Unavailable	Unavailable	Unavailable	Unavailable	

The color-coding criteria for Table 9 are as follows. It's important to note that even if a category is labeled as green, it doesn't mean that the practice is both necessary and sufficient; there is room for further improvement.

Green: Items that can be evaluated to a certain degree, but there is still room for improvement.

Yellow: Insufficient, but some action is being taken.

Red: Urgent action is required.

3. Limitations in government and corporate actions

To combat forced labor and human trafficking in tuna fishing, Japanese companies that import, distribute, and sell tuna need to identify and respond to human rights abuses in their supply chains. However, as discussed above, the supply chain for tuna in the Japanese market is so complex and opaque that it is nearly impossible to determine the exact country of origin. Meanwhile, the Japanese government is unable to identify and respond to forced labor and human trafficking during the fishing process because it only checks for compliance with the CMMs of RFMOs when importing tuna. In the event of forced labor and human trafficking, it would be difficult for migrant fishers to seek redress against Japanese companies, as there is no system in place to hold them accountable for human rights issues in their supply chains across borders. As a result, complex and opaque supply chains conceal the risks of forced labor and human trafficking that are prevalent in the tuna fishery and allow the system to operate with no one held accountable for human rights violations.



Sharks finning in Longxing 629 © APIL

Case Study - How Human Rights Violating Seafood Was Distributed in Japan Without Any Problem - The Longxing Case¹²⁸

The Longxing 629 operated in WCPFC waters from March 2019 to April 2020. Of the 24 Indonesian fishers who sailed on the vessel, four died of unknown causes. The bodies of the three fishers who died at sea were dumped at sea.

The surviving fishers recounted horrific events of being subject to human trafficking. The fishers worked 18 hours a day for 13 months and were paid, on average, a total of 500 USD. Five of the victims were paid only 120 USD, which is only 3.1% of the wages they were promised. While the Chinese fishers were drinking bottled water, the Indonesian fishers were forced to drink poorly purified seawater. The crew was stuck on the ship for 13 months, as the vessel was not required to make any port calls due to multiple transshipments.

The Longxing 629 is suspected of having engaged in IUU fishing, including shark finning and catching protected species. Photographs taken by the crew showed Shortfin Mako Sharks, Scalloped Hammerhead Sharks, and White Sharks, all of which are protected as endangered species under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

The Longxing 629 was owned by Dalian Ocean Fishing ("DOF") of China, and one of DOF's largest customers was Mitsubishi of Japan. In addition, on at least two occasions while the Longxing 629 was fishing without a port of call, Japanese carriers transhipped its catch to Japanese ports. After witnessing the death of a colleague onboard the Longxing 629, one fisher expressed a desire to terminate his contract and return to Indonesia, and attempted to return home via the carrier, but was refused.

Notably, Mitsubishi has claimed that it ensures human rights are protected in its supply chains through "dialogue sessions" and, since 2017, "an annual questionnaire" with its suppliers. However, it also reported that it "remained unaware" of labor abuses on DOF vessels until the reported deaths of the four fishers in 2020, demonstrating that its dialogue and questionnaire failed in identifying the reported labor and human rights abuses involved in the incident and reported in other interviews. Given that DOF is not the only fishing company likely involved in labor and human rights abuses and that Mitsubishi's system to verify human rights violations among suppliers has failed before, Mitsubishi ought to review the human rights risks in its seafood supply chain, and establish improved measures to address the identified risks.

V. Recommendations: For Tuna Free of Human Rights Risks



1. To the Korean government (Mainly from the perspective of protecting workers)

1. Ratify the Work in Fishing Convention (ILO C188), and bring domestic laws in line with international standards to improve the safety, health, medical care, living conditions, and labor rights of migrant fishers.
2. Ensure public and governmental oversight over the recruitment and immigration processes of migrant fishers, and thereby address illegal practices of wage deduction and charging of recruitment fees.
3. Guarantee non-discrimination against migrant fishers, particularly in wages, working conditions, and living conditions compared to Korean fishers.
4. Review the implementation status of the ban on passport confiscation; amend the Seafarers Act to extend the prohibition on passport confiscation for recruitment agencies, captains, and fishers.
5. Inspect implementation of the measure on imposing upper limit to sailing period; limit all DWF sailing periods to 6 months.
6. Conduct effective labor inspections on DWF vessels, and disclose their results with transparency.
7. Establish victim support measures for DWF migrant fishers within the comprehensive plan on human trafficking.
8. Actively participate in the ratification of labor standards discussed in RFMOs, such as the WCPFC.

2. To the Japanese government (Mainly from the perspective of business and human rights)

1. Ratify the Work in Fishing Convention (ILO C188), and bring domestic laws in line with international standards to improve the safety, health, medical care, living conditions, and labor rights of fishers including migrant workers.
2. Revise the Special Law for Strengthening Conservation and Management of Tuna Resources (the Tuna Management Law) and Act on Ensuring the Proper Domestic Distribution and Importation of Specified Aquatic Animals and Plants (Aquatic Products Act). This entails an expansion of the mandatory fisheries certification to cover a broader range of seafood products. Additionally, as part of the certification criteria, it is essential to consider not only the absence of IUU fishing activities but also to ensure throughout the entire supply chain that the seafood products are not associated with human rights violations, including forced labor, human trafficking, and child labor. Furthermore, mandate Japanese fishing actors to obligatorily create and submit reports such as fishing vessel voyage reports, trading partner reports, and seafood product reports for domestically harvested seafood to the enhancement of international traceability standards for seafood products.
3. Develop regulations that not only restrict the importation of IUU-fished products but also prohibit imports where there's a risk of human rights violations. Contribute to strengthening international standards for human rights and labor conditions in fishing activities.
4. Enact legislation mandating the disclosure of supply chain lists and the appropriate human rights due diligence for all companies, including those in the fisheries industry.
5. Establish a public helpdesk where all companies, especially small and medium-sized enterprises, including those in the fisheries industry, can seek advice on the implementation of appropriate human rights due diligence.
6. Actively support the ratification of labor standards being discussed in RFMOs such as the WCPFC.

3. For Japanese corporations importing seafood

1. Develop guidelines for suppliers, incorporate compliance clauses in all supplier contracts, and conduct independent and effective regular audits, including direct interviews with downstream suppliers. Monitor and ensure thorough enforcement of these guidelines.
2. Establish specific procurement policies and guidelines considering unique international standards and human rights risks in the fisheries industry. This should include the implementation of onboard monitoring systems and external audits for suppliers.
3. Conduct human rights due diligence for the identification, prevention, and mitigation of human rights risks concerning the seafood industry, and disclose its process, progress, challenges, and identified human rights risks to ensure accountability.
4. Build a grievance mechanism accessible to fishers. Given the prevalence of migrant labor exploitation, especially in the fisheries industry, ensure multilingual support to address the needs of affected workers.
5. Conduct ongoing dialogues with stakeholders in the fisheries industry and obtain stakeholder consent to publicly disclose the specific details of these dialogues.
6. Identify and publicly disclose all suppliers, including harvesters and vessels, up to the final supplier. Work across the industry to enhance traceability of seafood products, addressing issues such as regulations on transshipment at sea.

4. To the Regional Fisheries Management Organizations

1. For the WCPFC, to adopt the Conservation and Management Measure on labor standards at its 21th Regular Session, in order to ensure protection of fishers and promote responsible fishing.
2. For RFMOs other than the WCPFC, particularly those on tuna conservation, to proactively discuss and adopt labor standards to ensure human rights of fishers.
3. Closely monitor implementation of, and states' compliance with, transshipment measures; disclose records of reported transshipments and strengthen transparency in the transshipment process.



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12. The term "illegal fisheries" means any of the following fisheries activities:
(a) Fisheries operations or fisheries activities in any waters under the jurisdiction of any state, conducted by a ship of the said state or a foreign state without a permit from such state, or in violation of the law of such state; (b) Fisheries activities engaged in by a ship of a member state of any international fisheries organization in violation of a legally binding preservation and management measure of the said international fisheries organization, or any provision of the relevant international law; © Fisheries activities conducted in violation of domestic law or international duty of the relevant state, including states which cooperate with an international fisheries organization;
13. The term "unreported fisheries" means any of the following fisheries activities:
(a) Fisheries operation conducted in waters under the jurisdiction of any state, for which a report has not been or has been made falsely to the relevant authorities in violation of the domestic law of such state;
(b) Fisheries operation conducted in any waters under the jurisdiction of an international fisheries organization, for which a report determined by the international fisheries organization has not been made or has falsely been made;
14. The term "unregulated fisheries" means any of the following fisheries activities:
(a) Fisheries activity in any waters under the jurisdiction of an international fisheries organization, engaged in by a stateless ship or a ship of a non-member state or virtual non-member state of the international fisheries organization in non-conformity with or in violation of a preservation and management measure of the said organization;
(b) Fisheries activity conducted in any waters not subject to a preservation and management measure of an international fisheries organization or conducted with respect to fisheries resources in circumvention of any obligation of states for the preservation of living marine resources under international law; <https://www.law.go.kr/%EB%B2%95%EB%A0%B9/%EC%9B%90%EC%96%91%EC%82%B0%EC%97%85%EB%B0%9C%EC%A0%84%EB%B2%95> (accessed 27 October 2023)
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“Tuna in the Black Box - Human rights risks hidden in the opaque tuna supply chain from Korean fishing vessels to Japanese market”

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APIL is a nonprofit public interest law organization that defends the rights of vulnerable migrants and refugees in the Korean society and monitors human rights violations by Korean companies in overseas. Our goal is a world of justice and peace where the innate dignity and human rights of all people are guaranteed. To this end, we advocate for the rights of refugees, detained migrants, stateless persons, and victims of human trafficking and monitor multinational corporations for human rights violations through litigation and petitioning, research and legislative campaigns, education and public relations, solidarity with national and international organizations, and the use of international human rights mechanisms.



Human Rights Now (HRN) is an international human rights NGO based in Tokyo, Japan, with UN special consultative status. HRN was established in 2006 by a group of human rights professionals, such as lawyers, scholars, and journalists, as the first international human rights NGO based in Japan. With over 700 members comprised of various human rights specialists, HRN works for the promotion and protection of human rights for people in the world, with a special focus on Asia.

In 2012, HRN obtained UN special consultative status, and we have actively engaged in the UN decision-making process to protect and promote human rights ever since.

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