
Human Rights at Sea: A Korean Perspective toward an Integrated Legal Framework for Seafarer Protection

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Global trade relies heavily on shipping; yet maritime law frameworks often fail to protect seafarers' human rights adequately. Seafarers thus continue to experience coerced labor, abandonment, harassment, or inadequate treatment. This research aims to establish a cohesive legal framework safeguarding seafarers' human rights through a comparative analysis of international and Korean maritime law. It provides an overview of the current status of seafarers' human rights protection; describes the theoretical framework of human rights principles and maritime labor; reviews and analyzes legal precedents regarding seafarers' human rights; and offer recommendations for international and domestic (Korean) policies and industry and stakeholder engagement to strengthen the protection of seafarers' human rights. This manuscript addresses soft law initiatives, including the Neptune Declaration, Geneva Declaration, and the training and accountability proposals from the IMO-ILO. The authors advocate for more stringent national legislation, comprehensive worldwide SASH training, and enhanced oversight. Ultimately, the rights of seafarers necessitate enforceable legal reform, global collaboration, and interagency support.

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Keywords

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I. Introduction

The International Maritime Organization (IMO) describes seafarers as “the essential workers of the global supply chain.”¹ It emphasizes that more than 90% of worldwide trade relies on maritime transport² – a feat made possible only through the skill, dedication, and professionalism of seafarers. Moreover, the IMO stresses that seafarers are not just workers but the vital human foundation that keeps international trade moving smoothly and supports the stability of the global economy.³

Seafarers employed aboard vessels often experience significant human rights abuse under various circumstances. Nonetheless, the protection of human rights is particularly fragile due to the remote and arduous nature of their labor, which is frequently performed without effective supervision and support mechanisms. The severe and hazardous conditions at sea, coupled with prolonged absences from family and community, make seafarers especially vulnerable to exploitation and mistreatment. Their unique working conditions classify them as a distinct group, subjecting them to multiple foreign laws and jurisdictions that fail to provide adequate protection of their labor rights.

Human rights are universally applicable, without distinction of any kind, such as race, color, sex, national or social origin, property, birth, or other status.⁴

1 International Maritime Organization (IMO), Seafarers’ “Key Worker” Critical Role in Supply Chains Highlighted at WHO Meeting (Mar. 18, 2024), <https://www.imo.org/en/MediaCentre/Pages/WhatsNew-2054.aspx>.

2 IMO, Economy of the Sea Conference: The Sea – An Area to Manage, to Exploit and Protect, Opening Speech by Koji Sekimizu, Secretary-General (Nov. 21, 2012), <https://www.imo.org/en/mediacentre/secretarygeneral/pages/economysea-conf.aspx>.

3 IMO, 2021 World Maritime Theme – “Seafarers: at the Core of Shipping’s Future” (Aug. 21, 2020), <https://www.imo.org/en/MediaCentre/PressBriefings/pages/25-World-Maritime-theme-2021.aspx>.

4 G.A. Res. 217 A(III), U.N. Doc. A/RES/217, ¶ 2 (Dec. 10, 1948), https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/eng.pdf.

Consequently, all seafarers must be guaranteed labor rights and privileges on board vessels - including shore leave, transfer, and repatriation - equivalent to those enjoyed by onshore workers. Despite substantial legislative advancements in the maritime sector during the eighteenth and the nineteenth centuries, human rights issues pertaining to seafarers largely neglected. Although seafarers possess fundamental rights and merit treatment comparable to that of onshore workers, achieving uniform protection across all jurisdictions continues to pose a significant challenge.

This research aims to suggest a cohesive legal framework safeguarding seafarers' human rights through a comparative analysis of international and Korean maritime law. It provides an overview of the current status of seafarers' human rights protection; describes the theoretical framework of human rights principles and maritime labor; reviews and analyzes legal precedents regarding seafarers' human rights; and offers recommendations for international and domestic (Korean) policies and industry and stakeholder engagement to strengthen the protection of seafarers' human rights. This paper is composed of six parts including Introduction and Conclusion. Part two will examine the current status of seafarers' human rights. Part three will discuss human rights principles and maritime labor. Part four will analyze the concerning the human rights violation cases at sea. Part five will suggest the way to protect the seafarers' human rights.

II. Current Status of Seafarers' Human Rights

A. General Overview of Human Rights Issues in the Maritime Sector

Globally, an estimated 30 million seafarers are engaged in maritime work. Among them, over 50% of female seafarers have reported experiences of sexual harassment, underscoring persistent gender-based challenges within the maritime sector.⁵ Furthermore, it is estimated that at least 32,000 fishermen die annually as a result of hazardous working conditions at sea.⁶ These alarming

5 Cecilia Österman & Magnus Boström, *Workplace Bullying and Harassment at Sea: A Structured Literature Review*, 136 MARINE POL'Y 8 (2021).

6 Institute of Marine Engineering, Science & Technology, The Global Fisheries Improvements SIG (June 18, 2020), <https://www.imarest.org/resource/the-global-fisheries-improvements-sig.html>.

figures emphasize the urgent necessity of strengthening the protection of seafarers' rights on a global scale.

During the COVID-19 pandemic, human rights and repatriation issues of seafarers, particularly those from Asia, became more severe. More than 400,000 seafarers worldwide were stranded on vessels, many of whom were compelled to extend their service beyond the 11-month contractual limit due to international travel restrictions,⁷ resulting in significant mental health impacts and restricted access to essential medical care. Notably, officers were least likely to get shore leave, and seafarers on offshore vessels and tankers were the least likely to get ashore.⁸ Given that Asian nationals constitute approximately 40–50 % of the global seafaring workforce,⁹ they were disproportionately affected by the crew change crisis.

Inherently, the shipping industry is global, bringing together individuals from diverse cultural backgrounds. Such diversity gives rise to complex human rights concerns including workplace inequalities, based on nationality, religion, ethnicity, gender, and linguistic barriers. In addition, seafarers would face occupational diseases, including depression,¹⁰¹¹ which are often due to isolation, irregular schedules, severe maritime conditions, and restricted access to essential medical and welfare services.

B. Seafarers' Human Rights Violations: Case Analyses

1. Sexual Assault: The USNS Carson City Case

On November 29, 2023, a civilian mariner working as the First Assistant Engineer aboard the USNS Carson City, a naval vessel operated by the US Navy's Military Sealift Command (MSC), was raped by the captain of the vessel. The complaint alleged that the US, through its agents in the US Navy and MSC, failed to: protect

7 IMO, Standing up for Stranded Seafarers on UN Human Rights Day (Dec. 10, 2020), <https://www.imo.org/en/MediaCentre/PressBriefings/pages/45-Human-Rights-Day.aspx>.

8 MARIA CARRERA-ARCE ET AL., SHORE LEAVE: RARE, BRIEF AND IN DANGER OF EXTINCTION 18 (2025).

9 APEC Transportation Working Group, Maximizing APEC SEN Cross-Border Labor Mobility of Seafarers for the Digital Age (2022), at 1, https://www.apec.org/docs/default-source/publications/2022/8/maximizing-apec-sen-cross-border-labor-mobility-of-seafarers-for-the-digital-age/222_tpt_maximizing-cross-border-labor-mobility-of-seafarers.pdf.

10 Rafael Lefkowitz & Martin Slade, Seafarer Mental Health Study (2019), at 5, https://www.seafarerstrust.org/sites/default/files/node/publications/files/ST_MentalHealthReport_Final_Digital-1.pdf. See also Rorbert Iversen, *The mental health of seafarers*, 63(2) INT'L MAR. HEALTH 78-89 (2012).

11 Iversen, *supra* note 10.

the plaintiff from sexual assault by her commanding officer; provide safe working conditions aboard the vessel per the Navy's own stated rules for its ships; and maintain an adequate system for reporting sexual assault.¹² In this case, the omission of the US was considered a violation of the Jones Act¹³ as the plaintiff's assaults were directly related to the US's negligence and its inability to provide a seaworthy vessel.¹⁴ This case illustrates the inadequacy of institutional safeguards in preventing and addressing sexual violence at sea, which emphasizes the employer's obligation under the Jones Act to provide a seaworthy working environment.

2. Seafarer Abandonment: The Palmali Shipping Co. Case

When the Palmali shipping company encountered financial insolvency in 2020, more than fifty seafarers were left stranded aboard vessels across multiple international ports. Seafarers' wages went unpaid, and they were deprived of essential provisions such as food, water, and fuel on board the ship.¹⁵ The unpaid wages were particularly critical for seafarers and their families during the COVID-19 pandemic, as the economic recession exacerbated household indebtedness in the absence of their primary income earners. This case exemplified the abandonment of seafarers in the absence of effective legal safeguards or compensation mechanisms. Their right to freedom was disregarded when they were trapped on the ship, where their health and welfare were impacted.¹⁶ This case highlights the susceptibility of seafarers to isolation and economic exploitation, underscoring the need for effective international mechanism under the MLC 2006 to ensure timely repatriation and payment of wages.

3. Bullying and Harassment

On March 16, 2018, a Korean third-class marine engineer took his own life on board the *Kemrod Journey*. In a suicide note, he stated that his time on board

12 *Elsie Dominguez v. USA*, Complaint, No. 3:23-cv-22724 (D.N.J. Nov. 29, 2023), <https://www.marinelog.com/wp-content/uploads/2023/11/Dominguez-v-US-final-stamped-filed-complaint45.pdf>.

13 The Jones Act, part of the Merchant Marine Act of 1920, is a US maritime law that primarily regulates coastwise trade and protects American shipping and shipbuilding industries. One of its key provisions focuses on seafarers' rights and protections.

14 *Dominguez v. USA*, at 28.

15 Jasmina Mandra, ITF: Over 50 Palmali seafarers abandoned at sea, *Offshore Energy* (Feb.19, 2021), <https://www.offshore-energy.biz/itf-over-50-palmali-seafarers-abandoned-at-sea>.

16 International Transport Workers' Federation (ITF), Feature: Abandoned Palmali Crew Are Caught in an Inhumane Trap – Turkey Can Free Them (Feb. 18, 2021), <https://www.itfseafarers.org/en/news/feature-abandoned-palmali-crew-are-caught-inhumane-trap-turkey-can-free-them>.

had been intolerable owing to abuse from his fellow, a second-class engineer.¹⁷ In this case, the Supreme Court of Korea acknowledged a direct causal relationship between the seafarer's death and the workplace harassment, thereby affirming employer liability. It ruled that the victim's death was an "occupational death" under Article 99 of the Seafarers' Act.¹⁸ The Supreme Court further observed that the death resulted from the captain's failure to take action, although he was aware of the conditions under which harassment could occur on board the ship.¹⁹ This case shows that workplace bullying is a serious occupational hazard to employees, necessitating employer's responsibility under national legislation.

4. Commentary

These three cases abovementioned collectively demonstrate structural deficiencies in protecting seafarers' fundamental human rights across diverse maritime contexts. Taken together, these incidents demonstrate that legal recognition is inadequate without vigorous enforcement, proactive regulation, and cultural change. Finally, they emphasize the urgent global needs to improve mechanisms for safeguarding the human rights of seafarers.

III. Human Rights Principles and Maritime Labor

A. Universal Protection of Human Rights

1. Negative and Positive Duty of State

Human rights constitute an inherent component of universal justice, defining the ultimate boundaries of the legal framework. They originate from the inherent and equal dignity of every human being. The Enlightenment ideal of "respecting and treating all human beings as equals"²⁰ formed the ideological

17 Changwon National University Human Rights Center, A Seafarer Who Took His Own Life Due to Workplace Harassment Recognized as an Industrial Accident [직장 내 괴롭힘으로 극단적 선택한 선원, 법원이 '산재' 인정] (Feb. 17, 2023), <https://www.changwon.ac.kr/humanrights/na/ntt/selectNttInfo.do?mi=12673&nttSn=1288070>.

18 Seafarers' Act art. 99(1) (S. Kor.). It reads: "Where a seafarer dies due to an occupational accident (including death under medical treatment due to an occupational injury or sickness), a shipowner shall compensate a bereaved family prescribed by Presidential Decree for his or her death in the amount equivalent to average onboard wages for his or her service of 1,300 days without delay."

19 *Supra* note 17.

20 Je-Yeon Son, *Human Dignity as a Legal Concept* 3 (Ph.D. Dissertation, Graduate School of Seoul National University, 2018).

foundation for the postwar international law and community. Article 25 of the Universal Declaration of Human Rights 1948 states: “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services.”²¹ However, individuals lacking the capability to exercise these rights struggle to lead a life consistent with human dignity.

This violation arises from the failure of States to fulfill their negative duty to refrain from acts that directly or indirectly impair individuals’ enjoyment of fundamental rights. This duty requires states not only to acknowledge the theoretical underpinnings of a capabilities-based approach to human rights, but also to establish concrete legal and institutional mechanisms for their effective implementation. States must not merely fulfill its commitments passively, but also proactively undertake measures to ensure their protection.²²

According to Article 2(1) 17 of the Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights and Article 6 of the Maastricht Guidelines for the Determination of Violations of Economic, Social and Cultural Rights, states are obligated to respect, protect, and fulfill human rights.²³ First, the obligation to respect requires the State to refrain from any interference with individuals’ enjoyment of rights. Second, the obligation to protect requires the State to take positive measures to prevent third parties from infringing upon these rights. This obligation to protect human rights encompasses not only a negative duty to refrain from acts that would infringe upon rights, but also a positive one to adopt measures for preventing and remedying such violations. If a state fails to ensure private employers uphold essential labor standards, such failure can constitute a violation of the right to work and the right to fair working conditions.²⁴ Third, the obligation to fulfill demands that States take appropriate legislative, administrative, budgetary, judicial, and other measures²⁵ to fully realize these rights.

21 *Supra* note 4, at ¶ 25.

22 Sung-Jin Kim, *The State’s Positive Duty to Act for the Protection of Human Rights* [인권보호를 위한 국가의 적극적 작위의무], L. TIMES (May 7, 2012), <https://www.lawtimes.co.kr/opinion/64214>.

23 UNHCR, Note verbale dated 5 December 1986 from the Permanent Mission of the Netherlands to the United Nations Office at Geneva addressed to the Centre for Human Rights (Limburg Principles), U.N. Doc. E/CN.4/1987/17 (Jan. 8, 1987), <https://www.refworld.org/reference/themreport/unchr/1987/en/61061>; International Commission of Jurists, Maastricht Guidelines on Violations of Economic, Social and Cultural Rights, <https://www.refworld.org/policy/legalguidance/icjurists/1997/en/63964>.

24 International Commission of Jurists, *supra* note 23, at pt. II, ¶ 6.

25 OHCHR, Fact Sheet No. 21/Rev. 1 (2014), 33, https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf.

2. Workers’ Rights

The International Labor Organization (ILO) is responsible for addressing the work challenges, setting and monitoring international labor standards.²⁶ As of today, the ILO has adopted 192 Conventions and 209 Recommendations.²⁷ In 1998, the ILO adopted the Declaration on Fundamental Principles and Rights at Work in order to protect the human rights of workers. Under the Declaration, amended in 2022, all Member States have an obligation, arising from their membership, “to respect, promote and realize [...] the principles concerning the fundamental rights” that are the subject of ILO Conventions recognized as fundamental.²⁸ Since then, numerous conventions have been adopted based on the fundamental principles and rights of workers. Table 1 shows ILO’s eleven core conventions.

Table 1: The Eleven Core Conventions²⁹

Fundamental Rights	Title
Freedom of association and the effective recognition of the right to collective bargaining	• Freedom of Association and Protection of the Right to Organise Convention (No. 87) • Right to Organise and Collective Bargaining Convention (No. 98)
The elimination of all forms of forced or compulsory labor	• Forced Labour Convention (No. 29) • 2014 Protocol of the Forced Labour Convention • Abolition of Forced Labour Convention (No. 105)
The effective abolition of child labor	• Minimum Age Convention (No. 138) • Worst Forms of Child Labour Convention (No. 182)
The elimination of discrimination in respect of employment and occupation	• Equal Remuneration Convention(No. 100) • Discrimination (Employment and Occupation) Convention (No. 111)
A safe and healthy working environment ³⁰	• Occupational Safety and Health Convention (No. 155) • Promotional Framework for Occupational Safety and Health Convention (No. 187)

26 ILO, International Labour Standards, <https://www.ilo.org/international-labour-standards>.

27 ILO, NORMLEX: Information System on International Labour Standards, https://normlex.ilo.org/dyn/nrmlx_en/?p=NORMLEXPUB:1:0::NO::.

28 Anne Trebilcock, *Introductory Note to 2022 Amendments to the ILO Declaration on Fundamental Principles and Rights at Work*, 62(4) INT’L LEGAL MATERIALS 605 (2023).

29 ILO, ILO Instruments: Preparatory Reports Work (July 1, 2025), <https://libguides.ilo.org/c.php?g=714313&p=5168767>.

30 The latest update incorporated two additional Conventions as core Conventions, raising the total to 11, following the recognition of the right to “a safe and healthy workplace” as a fundamental right in 2022.

Although not included in Table 1, a noticeable convention is the Violence and Harassment Convention (No. 190), as some illegal forms of work covered by the ILO's fundamental conventions, such as child labor and forced labor, are inherently linked to violence and harassment.³¹ Convention No. 190 was adopted in 2019 as an integrated standard, bringing the principles of equality, nondiscrimination, and occupational health and safety together. The convention refers to violence and harassment as a single composite concept covering “a range of unacceptable behaviors, practices, or threats thereof,” rather than providing a closed or uniform definition of what constitutes violence and/or harassment in the realm of work.³² This convention can be characterized as a declaration of human rights rather than a comprehensive and technical instrument focused on labor conditions.

B. Legal Basis for Seafarers' Human Rights

1. The Maritime Labour Convention

The Maritime Labour Convention 2006 (MLC) is an international treaty on the seafarers' rights.³³ MLC has now been ratified by more than 100 countries, representing more than 90% of the world's seagoing fleet.³⁴ As the primary codification often referred to as the seafarers' Bill of Rights, MLC aims to provide all seafarers with decent employment by setting minimum global standards for living and working conditions; establishing an effective regime to ensure those standards to be enforced; and furnishing a framework for continuous improvement.³⁵ The Convention outlines the standards for supplies, accommodation, healthcare, repatriation, working hours, and contract terms of seafarers among other key elements.³⁶

31 Beghini Valentina & Chidi King, *The ILO's Bullying and Harassment Convention: A Compass for Building Dignity and Respect at Work* [ILO의 폭력 및 괴롭힘 협약(2019년, 제190호) : 직장 내 존엄성과 존중 형성을 위한 나침반], 21(4) INT'L LAB. BRIEF 14 (2023), <https://dl.nanet.go.kr/SearchDetailView.do?sysid=openapi&cn=KINX 2023091806>.

32 ILO, VIOLENCE AND HARASSMENT IN THE WORLD OF WORK: A GUIDE ON CONVENTION NO. 190 AND RECOMMENDATION NO. 206, 11 (2021), <https://www.ilo.org/publications/violence-and-harassment-world-work-guide-convention-no-190-and>.

33 ILO, Maritime Labour Convention 2006, <https://www.ilo.org/international-labour-standards/maritime-labour-convention-2006>.

34 ITF, Seafarers Win Commitment to Mandatory Internet Access in International Law (May 16, 2022), <https://www.itfseafarers.org/en/news/seafarers-win-commitment-mandatory-internet-access-international-law>.

35 UK Department for Transport, Impact Assessment: Merchant Shipping (Maritime Labour Convention) (Minimum Age) Regulations 2014, at 13, https://www.legislation.gov.uk/ukia/2014/218/pdfs/ukia_20140218_en.pdf.

36 ILO, Frequently Asked Questions (FAQ) (2019), <https://www.ilo.org/international-labour-standards/maritime-labour-convention-2006-0/mlc-2006-what-it-and-what-it-does/frequently-asked-questions-maritime-labour-convention-2006>.

Article 13 of MLC provides a Special Tripartite Committee (STC) that comprises governments, shipowners, and seafarers' representatives (seafarers' groups), which meets regularly to review and update the convention. The last meeting of the STC was held in Geneva in April 2025, where it agreed, among other things, on designating seafarers as key workers providing an essential service and access to shore based medical treatment.³⁷ Meanwhile, the STC's structure also leads to the establishment of the Joint ILO/IMO Tripartite Working Group (JTWG), wherein the IMO engages as a technical and policy collaborator. JTWG ensures the coherence of international standards between the ILO's MLC and the IMO's international conventions in order to promote the protection of seafarers' labor and human rights. As a group to encompass the ILO, the IMO, governments, shipowners' (employers') organizations, and seafarers' (workers') organizations, JTWG examines the ways to prohibit shipboard violence and harassment, including sexual harassment, bullying and sexual assault as well as to adopt relevant policies, measures and programmes to prevent and address these issues.³⁸

Especially, the second meeting of the JTWG considered legislation, mechanisms, and policies for reporting and addressing bullying and harassment. In addition, this meeting reviewed the draft International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers (STCW) training provisions to address this issue.³⁹ Consequently, the basic safety training, which is mandatory for seafarers' embarkation, will encompass training on their human rights and competency training on SASH, to be applied to all seafarers from 2026.⁴⁰

The ILO Committee on the Application of Standards (CEACR) completed a report summarizing the implementation status of MLC and the protection of seafarers' rights.⁴¹ Moreover, the United Nations Human Rights Council adopted

37 ILO, Proposals for amendment to the Code of the Maritime Labour Convention, 2006, as amended, in accordance with Article XV, ILO Doc. STCMLC (Apr. 7-11, 2025), at 18, <https://www.ilo.org/sites/default/files/2025-03/STCMLC-2025-1-NORMES-EN-Master-final-rev.pdf>.

38 IMO, Joint ILO/IMO Tripartite Working Group (JTWG), 27 to 29 February 2024 (Feb. 29, 2024), [https://www.imo.org/en/mediacentre/meetingsummaries/pages/joint-iloimo-tripartite-working-group-\(jtwg\),-27-to-29-february-2024.aspx](https://www.imo.org/en/mediacentre/meetingsummaries/pages/joint-iloimo-tripartite-working-group-(jtwg),-27-to-29-february-2024.aspx).

39 ILO, Second Meeting of the Joint ILO-IMO Tripartite Working Group to Identify and Address Seafarers' Issues and the Human Element, ILO Doc. TWGSHE/2024/6 (2024), <https://www.ilo.org/sites/default/files/2024-06/TWGSHE-2024-6-%5BSECTOR-240429-002%5D-Web-EN.pdf>.

40 IMO, IMO/ILO Work on Seafarer Issues, <https://www.imo.org/en/OurWork/Legal/Pages/IMO-ILO-work-on-seafarer-issues.aspx>.

41 ILO, Current Developments on Maritime Matters: Extracts of the General Report – Committee of Experts on the Application of Conventions and Recommendations (CEACR), 95th Session, 2024 (Dec. 19, 2024), <https://www.ilo.org>.

a resolution to promote and protect seafarers' enjoyment of human rights.⁴² Accordingly, the CEACR urged all stakeholders to implement policies, measures, and programs to prevent violence and harassment, including sexual harassment and assault, bullying, and all forms of discrimination on ships, to ensure that all seafarers, including women, are safe and their rights are respected.⁴³

2. Neptune Declaration on Seafarer Well-being and Crew Change

Throughout the COVID-19 pandemic, numerous seafarers were either abandoned or compelled to remain on board vessels beyond the expiration of their employment contracts, which had a profound adverse impact on their physical and mental well-being. To combat this issue and guarantee the efficient operation of worldwide supply chains, in 2021, over 850 maritime organizations signed the Neptune Declaration on Seafarer Wellbeing and Crew Change.⁴⁴ The Neptune Declaration represented not merely an operational policy for the shipping industry, but a significant milestone in the international community's formal recognition of seafarers' human rights. It constitutes the first global declaration to recognize seafarers as essential workers and to underscore the importance of safeguarding their mental health and well-being. The Neptune Declaration helps reinforce the messages that both the IMO and the ILO have consistently sent to governments and other international organizations to protect seafarers.⁴⁵

3. The Geneva Declaration on Human Rights at Sea

The Geneva Declaration on Human Rights at Sea addresses the principles for the better protection of human rights at sea.⁴⁶ It was initiated on March 1, 2022, by a NGO known as Human Rights at Sea (HRAS) under the four principles.⁴⁷

[org/sites/default/files/2025-03/CEACR%202024%20-%20Extracts%20General%20Report%20-%20Current%20Developments%20on%20Maritime%20Matters-En.pdf](https://www.ceacrc.org/sites/default/files/2025-03/CEACR%202024%20-%20Extracts%20General%20Report%20-%20Current%20Developments%20on%20Maritime%20Matters-En.pdf)

42 G.A. Res. 56/18, U.N. Doc. A/HRC/RES/56/18 (July 11, 2024), <https://digitallibrary.un.org/record/4060131?v=pdf>.

43 ILO, *supra* note 41, at 2.

44 Global Maritime Forum (GMF), Neptune Declaration on Seafarer Wellbeing and Crew Change, <https://www.globalmaritimeforum.org/neptune-declaration>.

45 Human Rights at Sea, A Review of the Neptune Declaration: Uniting Action by Managers and Charterers but What Next? (May 23, 2021) <https://www.humanrightsatsea.org/news/review-neptune-declaration-uniting-action-managers-and-charterers-what-next>.

46 The Geneva Declaration on Human Rights at Sea, <https://www.humanrightsatsea.org/GDHRAS>.

47 Geneva Declaration on Human Rights at Sea, art. 4. It reads: "The protection of human rights at sea rests on the following four fundamental principles: 1. Human rights are universal; they apply at sea, as they do on land; 2. All persons at sea, without any distinction, are entitled to their human rights; 3. There are no maritime specific reasons for denying human rights at sea; 4. All human rights established under both treaty and customary international law must be respected at sea."

The Geneva Declaration seeks to reinforce existing legal obligations; enhance global awareness of maritime human rights violations; promote a coordinated international response; and ensure the provision of adequate remedies for victims of abuse.

4. The Manila Declaration on Seafarers' Human Rights, Safety, and Well-being

The Manila Declaration on Seafarers' Human Rights, Safety, and Well-Being represents a pivotal normative instrument in the evolving landscape of global maritime governance on September 2, 2025.⁴⁸ Although non-binding in nature, the Manila Declaration helps the international community reaffirm and strengthen the commitment to protect seafarers' fundamental rights, welfare, and safety at sea. Enforcing the MLC, it seeks cooperation on respecting, protecting, and promoting the human rights and freedoms of seafarers.⁴⁹

The Manila Declaration is to address systemic vulnerabilities exposed by recent global crises, including the COVID-19 pandemic and geopolitical conflicts, which have significantly impacted the well-being, mobility and labor conditions of seafarers. It stands as a landmark call to action to uphold the dignity, safety, and rights of the world's over two million seafarers, stressing the urgent need for stronger global and whole-of-society cooperation to safeguard them – especially in times of crisis and conflict.⁵⁰ In practice, the Manila Declaration operates as a moral and policy-oriented framework. It calls upon governments, shipping companies, and international organizations to uphold seafarers' rights through coordinated policy reforms, corporate due diligence, and inclusive social dialogue.

C. Republic of Korea as the Global Seafarer's Country

1. Seafarer's Status

Having long fostered the shipping and shipbuilding industries as key drivers of its national economy, the Republic of Korea (ROK) has established itself as

48 Human Rights at Sea, Endorsing the Manila Declaration for Seafarers' Human Rights, Safety and Wellbeing (Sept. 2, 2025), <https://www.humanrightsatsea.org/news/endorsing-manila-declaration-seafarers-human-rights-safety-and-wellbeing>.

49 Raymond Cruz, *14 Countries Support Manila Declaration on Seafarers' Rights*, PHIL. NEWS AGENCY (Sept. 9, 2025), <https://www.pna.gov.ph/articles/1258357>.

50 The Philippine's Department of Foreign Affairs, Philippines Leads Global Push for Safer, Fairer, and More Inclusive Maritime Industry (Sept. 4, 2025), <https://dfa.gov.ph/dfa-news/dfa-releasesupdate/37118-philippines-leads-global-push-for-safer-fairer-and-more-inclusive-maritime-industry>.

a pivotal maritime state with outstanding global capabilities, ranking second worldwide in shipbuilding orders and fourth in fleet capacity by deadweight tonnage as of 2024.⁵¹ The country possesses a number of world-class shipping companies and maintains strong competitiveness across the entire maritime sector, including shipbuilding, port operations, and logistics. The development of maritime industry is mainly attributed to the vital role of seafarers, who serve as the principal actors in maritime transportation.

The current status of Korean seafarers reflects a steady decline in workforce numbers and growing concern over human rights and mental health issues. According to the Ministry of Oceans and Fisheries (MOF), the total number of Korean seafarers decreased from 34,751 in 2018 to 30,587 in 2023.⁵² This downward trend spans domestic shipping, international voyages and fishing operations. Such decline can be due to the insufficient recruitment matching the attrition of experienced officers reaching retirement⁵³ and the growing challenges in line with working conditions.

To address labor shortages, Korea's maritime sector has increasingly relied on foreign seafarers. In 2023, 30,436 foreign nationals – mainly from Indonesia, the Philippines, Myanmar, Vietnam, and China – were employed in place of Korean seafarers.⁵⁴ While this shift helps fill immediate manpower gaps, it raises long-term concerns about the sustainability of Korea's domestic seafaring expertise and training systems.

Alongside demographic and structural changes of the industry, seafarers' human rights and mental health have emerged as urgent policy issues. Extended periods at sea, prolonged isolation, irregular work hours, and separation from family have contributed to high stress levels, fatigue, and psychological strain among seafarers. The COVID-19 pandemic amplified these problems, forcing many seafarers to endure extended contracts, intensified workloads, and severe fatigue. They also struggled with significant stress and negative emotions like fear, anxiety, uncertainty, and feeling trapped aboard their vessels.⁵⁵

51 ROK Ministry of Oceans & Fisheries, Aide-Memoire: Candidacy of the Republic of Korea for Re-Election to the IMO Council under Category A, <https://koreamaritimeweek.kr/pages2/qna.php?tname=qna>.

52 Junghwan Choi et al., *Comparative Analysis of Sustainable Seafarers' Employment and Welfare Systems in South Korea and China: Contemporary Issues and Improvements*, 16(19) SUSTAINABILITY 8512 (2024) [Table 1, recited from Ministry of Oceans and Fisheries].

53 Gallagher Specialty, What Does the Ageing Seafarer Workforce Mean for Shipping's Risk Profile? (Oct. 9, 2023), <https://www.specialty.ajg.com/insights/2023/what-does-the-ageing-seafarer-workforce-mean-for-shippings-risk-profile>.

54 Choi et al., *supra* note 52, at 9.

55 B. Pauksztat et al., *Seafarers' experiences during the COVID-19 pandemic* (2020), at 11, <https://commons.wmu.se/>

In response, the Korean Government established, in May 2023, a Shipboard Harassment Counselling and Reporting System within the Korea Seafarers' Welfare and Employment Centre in order to safeguard the rights of seafarers—who are particularly vulnerable to harassment due to the isolated nature of their work and prolonged periods at sea.⁵⁶ Achieving the dual goals of securing a stable labor supply and creating a humane, supportive work environment, however, continues to be a significant hurdle. A country's failure to provide sustainable employment and sufficient welfare for seafarers can lead to the collapse of its maritime industry due to a shortage of skilled professionals in shipbuilding, shipping, and ports as well as a negative impact on national strategies.⁵⁷

2. Constitutional Grounds

Article 10 of the ROK Constitution states: "All citizens shall be assured of human worth and dignity and have the right to pursuit of happiness. It shall be the duty of the State to confirm and guarantee the fundamental and inviolable human rights of individuals."⁵⁸ The Korean Constitutional Court has decided that the state's duty should be derived from three main sources, namely, the Constitution, the interpretation of the Constitution, and the provisions of the law.⁵⁹ First, the Constitution itself imposes an obligation on the state to confirm and guarantee human rights. The "duty to confirm and guarantee human rights" laid down in Article 10 encompasses not only the state's negative duty to prevent violations of fundamental rights, but also its positive one to engage in policies and actions that ensure the fundamental rights of its citizens.⁶⁰

Second, the constitutional interpretation further reinforces this obligation. To give full effect to constitutional values, the state bears an affirmative obligation to implement effective policies and undertake concrete actions. According to the Constitutional Court ruling, "A violation of the state's obligation to protect shall be found only if it is clear that the state has failed to take protective measures in a situation where measures are necessary to protect the life, physical safety, and

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56 ROK Ministry of Oceans & Fisheries, Establishment of a Shipboard Harassment Counselling and Reporting System [선박 내 괴롭힘 상담·신고 전용창구 마련] (May 2, 2023), <https://www.mof.go.kr/iframe/doc/ko/selectDoc.do?bbsSeq=10&docSeq=50973&menuSeq=971>.

57 Choi et al., *supra* note 52, at 2.

58 R.O.K. CONST. art. 10.

59 ROK Constitutional Court, 2008Hun-Ma648 (Nov. 27, 2008); 2014Hun-Ma419 (Dec. 23, 2015); 2015Hun-Ma1030 (Aug. 30, 2018), <https://search.court.go.kr>.

60 Minyoul Lee, *The Structure of Duty to Protect Basic Rights and Right to Protection*, 5(2) CONST. CT. REV. 257 (2018).

security of its citizens or the measures taken are wholly inadequate or grossly insufficient to protect the legal interest.”⁶¹

Third, several statutes – including the Framework Act on Social Security, the National Human Rights Commission Act, and the Framework Act on Environmental Policy – explicitly reaffirm the State’s constitutional duty to protect and promote the fundamental rights of its people in practice.⁶²

3. Seafarers’ Act

The ROK Seafarers’ Act provides comprehensive measures to safeguard the human rights of seafarers. It encompasses the improvement of working conditions, the protection of health and safety, the prevention of forced labor, and the promotion of the rights of women and foreign seafarers. Article 25(2) states that neither shipowner nor seafarer may compel another seafarer to work against their will using assault, intimidation, detention, or other methods that excessively limit their freedom.⁶³ Article 25(3) refers to workplace harassment aboard, preventing actions that cause physical or psychological distress or create a hostile work environment through the abuse of authority or exploitation of relationships between individuals. This provision was newly inserted in 2023 to prohibit harassment on board ships⁶⁴ by the Ministry of Agriculture, Food and Rural Affairs.⁶⁵ To protect the right to repatriation, meanwhile, Article 42 stipulates that if a shipowner fails to fulfill their obligation to repatriate a seafarer, the Minister of Oceans and Fisheries should intervene to facilitate the process.⁶⁶ Table 2 shows the noticeable provisions of the Seafarers’ Act.

61 ROK Constitutional Court, 90Hun-Ma110 (Jan. 16, 1997), <https://search.ccourt.go.kr>.

62 The Framework Act on Social Security art. 1; The National Human Rights Commission Act art. 1; The Framework Act on Environmental Policy art. 1.

63 Seafarers’ Act art. 25(2) [Prohibition of Forced Labor]. It reads: “No shipowner or seafarer shall force a seafarer to work against his or her free will through the use of violence, intimidation, confinement, or any other means by which mental or physical freedom of the seafarer might be unduly restricted.”

64 Jeong-Won Lee, *Issues Relating to Incorporation of the Prohibition of Harassment and Bullying in the Workplaces under the Labour Standards Act into the Seafarers Act* [근로기준법 상 ‘직장 내 괴롭힘 금지’ 규정의 선원법예의 수용과 관련한 문제], 44(3) J. KOR. MMR. L. ASSOC. [한국해법학회지] 201 (2022);

65 ROK Ministry of Oceans and Fisheries, Partial Amendment to the Enforcement Decree of the Seafarers Act, Legislative Notice No. 34515, <https://www.moleg.go.kr/lawinfo/makingInfo.mo?mid=a10104010000&lawSeq=84338&lawCd=0&lawType=TYPE5&pageCnt=10¤tPage=3&keyField=&keyWord=&stYdFmt=&edYdFmt=&lsClsCd=&cptOfiOrgCd=>.

66 Seafarers’ Act art. 42(1).

Table 2: Noticeable Provisions of the ROK Seafarers' Act

Articles	Regulation
Article 56 (Taking out Insurance Guaranteeing Wage Claims)	A shipowner shall take out an insurance or become a member of mutual aid prescribed by Presidential Decree, or raise funds to guarantee the payment of wages and a retirement allowance not receivable by a retired seafarer.
Article 78 (Responsibility and Obligations of the State for Safety and Health on Ship)	The Minister of Oceans and Fisheries shall take the responsibility and obligation of implementing the following matters faithfully so that seafarers being in service onboard a ship may protect their health, live, work, and receive training under the safe and hygienic circumstances.
Article 91(4) (Restrictions on Employment)	A shipowner shall not assign work harmful or dangerous to pregnancy or childbirth prescribed by Ordinance of the Ministry of Oceans and Fisheries to a female seafarer.
Article 94 (Medical Treatment Compensation)	Where a seafarer is affected by an occupational injury or sickness, a shipowner shall let him or her take medical treatment at the shipowner's expenses or reimburse expenses incurred in medical treatment until he or she is recovered from injury or sickness.
Article 96 (Injury and Sickness Compensation)	A shipowner shall make injury and sickness compensation in the amount equivalent to ordinary wages once a month to a seafarer under medical treatment pursuant to Article 94 (1) until he or she is recovered from injury or sickness within the extent of four months, and where he or she is not recovered from injury or sickness even when four months have passed, a shipowner shall make injury and sickness compensation in the amount equivalent to 70/100 of ordinary wages once a month until he or she is recovered from injury or sickness.
Article 97 (Compensation for Disability)	Where physical disability remains even after a seafarer has been recovered from an occupational injury or sickness, a shipowner shall compensate him or her for his or her disability in the amount made by multiplying the number of days according to the degree of disability prescribed by the Industrial Accident Compensation Insurance Act by average onboard wages without delay.

Source: Compiled by the author based on the ROK Seafarers' Act

IV. Challenges to Seafarers' Human Rights Protection System

A. Oncale vs. Sundowner Offshore Services Case (1998)

1. Case Summary

In 1991, the plaintiff, a male employee named Joseph Oncale, claimed that he had been sexually harassed by his male coworkers while working on an offshore oil platform in the Gulf of Mexico. He filed a lawsuit, arguing that this was a form of “discrimination based on sex” under Title VII of the Civil Rights Act of 1964.⁶⁷

2. Opinion of the Court

Both the US District Court and the US Court of Appeals dismissed the claim, ruling that the provision did not apply as both the victim and the perpetrators were male.⁶⁸ Nonetheless, the US Supreme Court stated: “[there is] no justification in the statutory language or our precedents for a categorical rule excluding same-sex harassment claims from coverage of Title VII.”⁶⁹ Since Title VII covers sexual harassment, this coverage must apply to any form of sexual harassment that satisfies the legal requirements.⁷⁰

3. Commentary

The US Supreme Court did not trivialize the conduct, which the plaintiff perceived as seriously hostile and abusive, as mere horseplay or harmless interaction between individuals of the same gender. Instead, the judgment may provide an opening of Title VII to actions for discrimination on the basis of sexual orientation.⁷¹ As this case ultimately concerns an issue of statutory interpretation, the Supreme Court appropriately began its opinion by examining the gender-neutral language of Title VII and tracing the development of Title VII jurisprudence.⁷² This case highlighted the obligation of employers in the maritime industry to protect

67 US EEOC, Title VII of the Civil Rights Act of 1964, <https://www.eeoc.gov/statutes/title-vii-civil-rights-act-1964>.

68 Deb Lussier, *Oncale v. Sundowner Offshore Services Inc. and the Future of Title VII Sexual Harassment Jurisprudence*, 39(4) BOS. COLL. L. REV. 937-8 (1998).

69 *Oncale v. Sundowner Offshore Servs., Inc.*, 118 S. Ct. 998, 1002 (1998).

70 *Id.* at 80.

71 B. Chisholm, *The (Back)door of Oncale v. Sundowner Offshore Services, Inc.: “Outing” Heterosexuality as a Gender-Based Stereotype*, 10 TULANE J. L. & SEXUALITY 241 (2001).

72 Thomas Queen Jr., *Holding the Same-Sex Sexual Harassment Claim at Arm’s Length: The Supreme Court’s Strict [and Correct] Interpretation of Title VII in Oncale v. Sundowner Offshore Services, Inc.*, 33(1) U. RICH. L. REV. 276 (1999).

human rights, contributing to the strengthening of overall workplace harassment prevention policies. This case constitutes a landmark judicial interpretation of Title VII, affirming that the prohibition of sexual harassment encompasses same-sex harassment. The Court's adjudication broadened employers' legal duty in maritime and offshore industries to guarantee a workplace free from harassment and strengthened the principle of gender-neutral equality before the law.

B. MV Aman Case (2017)

1. Case Summary

In 2017, a Syrian seafarer, Mohammad Aisha, was serving aboard a Bahraini-flagged cargo vessel *MV Aman* when it was detained and subsequently abandoned by its owner at the Egyptian port of Adabiya, near Suez. Following the departure of most of the crew, including the ship's master, Aisha endured nearly four years of harsh conditions characterized by the absence of electricity, potable water, and adequate food supplies. He experienced substantial physical and psychological suffering, aggravated by extended isolation.⁷³ Finally, in April 2021, he returned to his native Syria, ending a four-year battle.⁷⁴

2. Opinion of the Court

Initially, the court of Egypt, a port state, appointed him as the legal guardian of the vessel,⁷⁵ resulting in his enforced isolation aboard. As the situation worsened, the International Transport Workers' Federation (ITF)⁷⁶ proposed to the court that one of its union representatives in Egypt assume his position and serve as the vessel's legal guardian.⁷⁷ When the Egyptian court approved, his legal responsibility was subsequently lifted.

73 ITF, I Have Had to Swim to Shore Every Few Days to Get Food and Water – Meet the Seafarer Trapped on Board the *MV Aman* for Four Years (and Counting) (Mar. 19, 2021), <https://www.itfseafarers.org/en/news/i-have-had-swim-shore-every-few-days-get-food-and-water-meet-seafarer-trapped-board-mv-aman>.

74 ITF, Seafarer Mohammad Aisha is going home thanks to ITF, ending four years on abandoned ship (Apr. 22, 2021), <https://www.itfseafarers.org/en/news/seafarer-mohammad-aisha-going-home-thanks-itf-ending-four-years-abandoned-ship>.

75 Melania Ghaida & Tobias Ezra, *The case of Mohammed Aisha: The efforts in protecting seafarers against abandonment*, 5(2) PADJADJARAN J. INT'L L. 207 (2021), <https://doi.org/10.23920/pjil.v5i2.770>.

76 According to the International Transport Workers' Federation (ITF), it is "a democratic, affiliate-led federation recognised as the world's leading transport authority." See ITF, Our Story, <https://www.itfglobal.org/en>.

77 Ghaida & Ezra, *supra* note 75, at 220.

3. Commentary

In this case, if the flag state of the vessel - namely Bahrain - had failed to fulfill its obligations, Syria, as Aisha's State of nationality, should have assumed responsibility in association with Egypt. As no state assumed jurisdiction over the situation, ITF intervened to provide protection.

In this case, Aisha's human rights were completely ignored, despite MLC required that seafarers be provided with food, medical care, and accommodation to ensure they meet the minimum standards of human life.⁷⁸ Actually, he executed the document designating himself as the vessel's legal guardian primarily because the Egyptian authorities did not furnish sufficient legal guidance, training, or clarification, exposing deficiencies in the effective implementation of legal procedures.

This case underscores the persistent tension between economic interests and seafarers' rights, revealing significant deficiencies in the protection of fundamental human rights under maritime law. Accordingly, there is a need for increased expenditures by national governments, as well as intergovernmental organizations, to continue to fund efforts to directly provide support and legal services to abandoned seafarers and their families.⁷⁹

This case exposed critical failures in the international legal framework governing seafarer abandonment. The Egyptian court's misapplication of guardianship responsibilities and the absence of coordinated action among relevant authorities underscore systemic deficiencies in the fulfillment of States' human rights obligations under international maritime law.

C. Review

The Oncale v. Sundowner Offshore Services and *MV Aman* cases underscore structural deficiencies in protecting human rights in the maritime sector. Taken together, these cases demonstrate that the effective protection of human rights within maritime domain necessitates both stringent domestic enforcement and coherent international implementation of anti-harassment and human rights standards for safeguarding seafarers' welfare and dignity under adverse working conditions.

⁷⁸ Maritime Labour Convention, 2006, reguls. 3.1, 3.2 & 4.1.

⁷⁹ J. Chase, *Stranded Within Sight of Land: Maritime Labor Rights and Seafarer Abandonment in the Time of COVID-19*, 37(1) Md. J. Int'l. L. 91 (2022).

V. Suggestions for the Protection of Seafarers' Human Rights

A. International Law and Policy Measures

States must explore avenues for ensuring comprehensive and effective training for seafarers. As noted above, the Basic Safety Training mandated for all seafarers under the IMO STCW is expected to incorporate new competencies, including SASH-addressing bullying and harassment on board—as well as elements relating to the human rights of seafarers. Given that the Basic Safety Training is designed for all seafarers, however, it may be argued that this amendment should likewise extend to training seafarers at both operational and management levels. Accordingly, a broader range of seafarers should receive training to ensure a comprehensive understanding of human rights, gender sensitivity, bystander intervention, victim support mechanisms, investigative and procedural protocols, integrated counseling strategies, and methods for enhancing cultural awareness. The inclusion of the SASH curriculum in the initial training for seafarers' certificates of competency, as well as the renewal training for revalidation, has been favorably discussed. These education and training are also expected to augment the visibility and impact of women in the maritime industry.⁸⁰

To ensure the effective implementation of this training, standardized modules addressing human rights, gender sensitivity, and cultural awareness should be developed to promote uniformity and consistency among all IMO Member States. Furthermore, member States and maritime training institutes should be urged to incorporate these topics into their seafarer education programs, and compliance should be ensured via regular audits.

B. Korean Law and Policy

As noted above, the Korean Seafarers' Act addresses harassment on board vessels and sets forth procedures for responding to such incidents. Nevertheless, to fulfill their positive duty, states should address the following challenges. First, preventive measures must be established to prohibit all forms of harassment on board. Such measures may involve initiating mandatory training programs; creating explicit reporting protocols; and cultivating a culture of respect and zero tolerance for harassment on board.

⁸⁰ Österman & Bostrom, *supra* note 5, at 6.

Second, following Article 37(1) subparagraph 2(c) of the Industrial Accident Compensation Insurance Act, which acknowledges illnesses resulting from workplace harassment as occupational injuries, the Seafarers' Act should recognize injuries or diseases caused by harassment on board as on-the-job injuries.⁸¹ The ruling of the ROK Supreme Court in the case of a seafarer who died as a result of workplace harassment – recognized by the court as an “occupational death” – serves as an illustrative example.⁸²

Third, Article 25(3) of the Seafarers' Act should explicitly define and prohibit sexual assault and sexual harassment (SASH), in accordance with the existing prohibition of harassment on board vessels. This measure would ensure that perpetrators of serious offences are held accountable and victims should receive stronger legal protection. To that end, seafarers should have access to tailored resources and methods that provide such victims with the opportunity to obtain psychological and legal assistance.⁸³

Fourth, when implementing the Labor Standards Act, which prohibited workplace harassment in 2019 prior to the Seafarers' Act, there were difficulties for the vagueness of the criteria for judgment and the procedures for reporting workplace harassment.⁸⁴ Consequently, these considerations should be incorporated into the Seafarers' Act, and more precise evaluation criteria and protocols must be established to address harassment aboard vessels. Due to the distinct characteristics of vessels, comprehensive processes must be adopted to address harassment incidents on ships, penalizing the offender and protecting the victim.

VI. Conclusion

As one of the most vulnerable labor groups, seafarers are frequently subjected to exploitation, workplace harassment, abandonment, and forced labor, despite their

81 Da-Hee Han, *A Study on the Types and Legal Responsibilities of Onboard Harassment under the Seafarers' Act* [선원법상 선내 괴롭힘의 유형과 법적 책임에 관한 연구], 33(2) J. L. STUD. [법학연구] 155 (2025).

82 Seafarers' Act art. 99 (S. Kor.).

83 Genevieve Waterhouse et al., *Sexual Offences at Sea: Experiences of Victimisation, Witnessing and Reporting* (2025), at 3, <https://chirp.co.uk/app/uploads/2025/06/Sexual-Offences-at-Sea-Experiences-of-Victimisation-Witnessing-and-Reporting.pdf>.

84 ROK Ministry of Employment & Labor (MOEL), *Press Explanation on Workplace Harassment Reports* (May 28, 2023), https://moel.go.kr/news/enews/explain/enewsView.do?news_seq=15069.

vital role in sustaining global supply chains and trade. Although such human rights violations frequently occur at sea, enforcement mechanisms for protection remain still inefficient. Despite the existence of domestic legal measures and international instruments such as the MLC for protecting their human rights, shipowners and operators can partially evade responsibility due to jurisdictional complexities, regulatory loopholes, and weak enforcement by flag States. Consequently, seafarers often fail to receive adequate compensation. Furthermore, the complex and fragmented nature of maritime governance-arising from the intersection of multiple regimes often results in ambiguity regarding legal protections and undermines the effective accountability for human rights violations.

In the course of discharging state's positive duty, multi-level institutional and legislative reforms will be considered as follows. First, strengthening both domestic and international legal accountability mechanisms is of paramount importance. In particular, the enforcement of existing regulations could be substantially strengthened by: clarifying the duties of flag States; conducting more rigorous compliance audits; and imposing heavier penalties for non-compliance. Second, enhancing training programs on human rights awareness and bystander intervention strategies could help foster a culture of respect and zero tolerance for mistreatment within the seafaring community. Third, addressing human rights abuses of seafarers, such as sexual harassment, requires not only consistent policies and programs, but also individual as well as collective commitment with a zero-tolerance approach to these matters.⁸⁵

In the future, states and international organizations must collaborate to address existing legal gaps; strengthen regulatory oversight; and prioritize the protection of seafarers' rights within global maritime governance frameworks. Reducing human rights abuses at sea requires more robust incorporation of human rights principles into maritime labor regulations, greater industry accountability, and strengthened cross-border cooperation. By adopting these measures, the international community can establish a more equitable and sustainable marine labor system, ensuring that seafarers are afforded the dignity, legal protection, and rights to which they are rightfully entitled.

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85 Laura Piñeiro & Momoko Kitada, *Sexual Harassment and Women Seafarers: The Role of Laws and Policies to Ensure Occupational Safety & Health*, 120 MARINE POL'Y 104119 (2020).