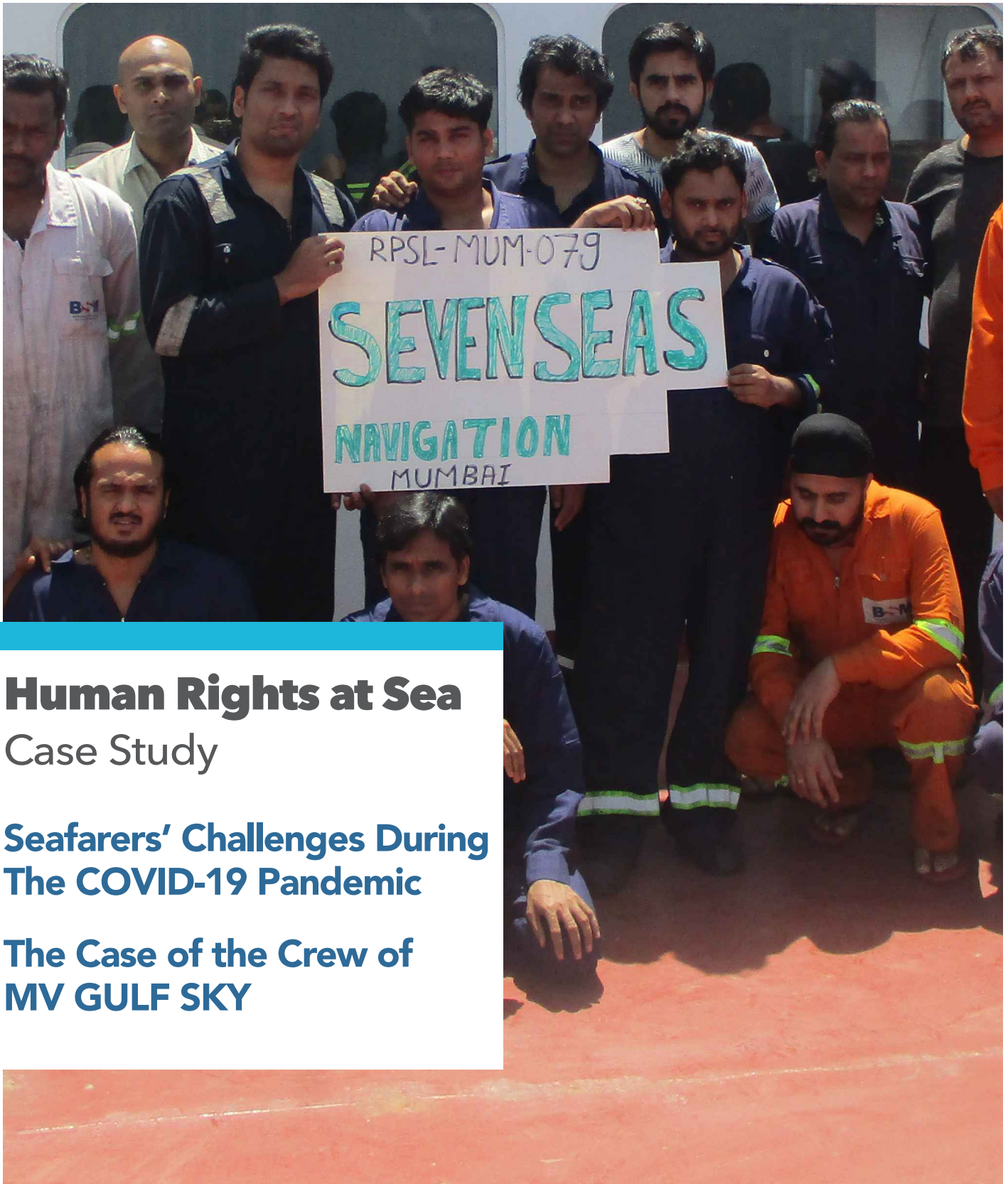




HUMAN RIGHTS AT SEA



Human Rights at Sea

Case Study

Seafarers' Challenges During The COVID-19 Pandemic

The Case of the Crew of MV GULF SKY

**“Once we get down from this ship,
we are staring at a dark future with
no future employment prospect
in sight.”**



Human Rights at Sea

CASE STUDY - SEAFARERS' CHALLENGES DURING THE COVID-19 PANDEMIC
THE CASE OF THE CREW OF MV GULF SKY

INTRODUCTION

In the current COVID-19 pandemic, Human Rights at Sea ("the Charity") was contacted in mid-May by the Master of the crude oil tanker, the MV GULF SKY¹ (IMO No. 150377) flagged to the Commonwealth of Dominica², who on behalf of the crew, raised serious concerns about their welfare and the financial hardships they are going through given the delayed payment of their wages.

Following the Master and crew's request, the Charity conducted an investigation, and in this Case Study reports on the findings as disclosed at the time of writing by all stakeholders involved who have responded to due enquiries. The report aims to continue to publicly highlight the hardships and challenges seafarers go through while stranded on board vessels, and the impact that isolation at sea, including being away from dependents, and the effect that this can have on the seafarers' health and well-being.

BACKGROUND

28 Indian nationals have been on board the MV GULF SKY since October 2019 with some joining in subsequent months. Human Rights at Sea was contacted by the Master of the vessel, Captain Joginder Singh, currently off Port Khor Fakkan Anch³ early last week who appealed for urgent help on behalf of himself and his crew, to receive their outstanding salaries and to have their living conditions on board the ship improved so that they are able to complete their respective contracts free of financial concerns for their futures. Of the 28 crew members, 20 Indian nationals have submitted requests in writing to the vessel Manager and the DPA for immediate repatriation, noting the requirements of the Maritime Labour Convention ("MLC") 2006. The rest of the crew are junior members, young cadets, who do not wish to be signed off, given the exposure of what amount to exploitative recruitment fees that have paid to managers according to the Master, in order to join the vessel in the first place and start their sea service. It is reported that approx. \$6,000 was paid by trainees - deck cadets to go to sea.

The Master on the behalf of the crew has voluntarily disclosed to Human Rights at Sea communications in relation to the case as between the crew and the owners, managers, DPA, P&I, the manning agency, the port authority and the flag State. This Case Study reflects the information the HRAS research team has collated from all stakeholders including those who were contacted by HRAS to provide an official response.

VESSEL'S ARREST: JANUARY 2020 OVER FINANCIAL DISPUTE

On the evidence, there is an ongoing legal dispute between the current and previous ownership of the vessel which appears to have added to the already challenging situation of the seafarers on board during the global pandemic. The MV GULF SKY was arrested on 27 January 2020 for financial dues between current and previous ownership, and it is currently anchored in the port of Khor Fakkan, in Sharjah, Dubai, UAE.

The MV GULF SKY is under the current ownership of "Taif Mining Services LLC", a company based in Muscat, Oman. Indemnity insurance is provided by "Maritime Mutual Association Limited" (MMAL), and according to the P&I Certificate of Insurance and Entry (disclosed to Human Rights at Sea), the management of the vessel was assigned to "United Islands Maritime Ventures Private Limited", registered in Mumbai.

1 https://www.marinetraffic.com/en/ais/details/ships/shipid:753636/mmsi:325110700/imo:9150377/vessel:GULF_SKY

2 <https://www.dominica-registry.com>

3 <http://www.sharjahports.gov.ae/Docs.Viewer/6d4a1880-d2d8-407c-a9c9-ec9e8693a1b6/Default.aspx>

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PENDING WAGES AND CONDITIONS ON BOARD AS REPORTED BY THE CREW

In their grievance letter addressed to the DPA and signed by 19 members of the crew, the signatories raised serious concerns on the inadequate supplies onboard in relation to food, fresh water, fuel, hygiene conditions, medical supplies and lack of PPE. Additionally it has been reported that the promised provision of individual bunks has never materialised, so the crew have no option but to share bunks and the vessel is likely to go into blackout soon.

The crew states they have been on water rationing since December 2019, with only two hours of water supply each day, and claim that they have run out of meat and vegetables on a number of occasions. The Master reports that they are provided with inflated provision bills, significantly higher to that of other ships. Furthermore, the crew reports that salary payments have been erratic since each crew-member joined the vessel, and that they have incurred additional tax payments because their salaries are credited into their (Indian) bank accounts. Many members of the crew have families with children and elderly parents who are depending on them financially and are now struggling to make ends meet resulting in them having to take out loans.

In the grievance letter, the crew additionally reported that there is no active crew insurance and that many of the vessel's essential documents, as per MLC requirements, including company's and flag's logbooks appear to be missing. The situation, as at the time of writing, has left the crew feeling insecure and vulnerable, and as the Master confided, their physical and mental health is under severe strain.

THE MANAGER'S RESPONSE TO HUMAN RIGHTS AT SEA

Human Rights at Sea independently reached out to "United Islands Maritime Ventures Private Limited (the Ship Manager) & to "Seven Seas Navigation" (an Indian based Manning Agency which is included in all correspondence) to inquire about the situation on board the vessel.

The Managing Director of the company responded via email stating that the seafarers must show patience and understanding during the global pandemic in relation to their request for repatriation and payment of salaries. In his response, he stated that no repatriation is currently possible due to the halt on all flights in the UAE, and around the world. He assured Human Rights at Sea that the company intends to repatriate those who wish to be, when lockdown eases and flights are reopened.

In relation to the lack of basic provisions and the reported poor conditions by the crew, the Manager stated that all basic provisions have been delivered, and it is up to the crew to make good maintenance of it.⁴ In relation to insurance of the crew, a swift copy of the payment to the P&I was disclosed to Human Rights at Sea by the Company.

On the claim of the outstanding wages, the Company has acknowledged delay in paying and has justified this as a ramification of the COVID-19 disruption on the banking sector. The management alleges that there are not many outstanding monies owed to the crew, given the disruption the global pandemic has caused. Finally, the Manager has assured Human Rights at Sea that all crew will receive their salaries before their signing-off.

⁴ In support of his statement, he disclosed to Human Rights at Sea all recent Notes on provisions delivery to the ship that have been signed by the Master. In relation to food, provisions were delivered on March 8th, 1 April and 24th April. In relation to water, Fresh water was supplied on 12th March and on 5th April and in relation to fuel, deliveries were made on the 25th March, 10th April, 25th April, on 13th May.

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THE SEAFARERS' PERSPECTIVE AS REPORTED TO HUMAN RIGHTS AT SEA

The crew have reported to Human Rights at Sea and alleged that the Owners and the Managers have ignored their calls, texts and emails. In the communications between the charity and the Master, it was reported that the Managers have allegedly applied pressure on the seafarers to stop asking for repatriation, for payment of their salaries and a requirement for their understanding that the pandemic has put significant strain on the resources that can be made available. The Master, on behalf of the crew, additionally reported to the charity that he has personally felt threatened by the Company's representative for putting daily pressure on the management team by communicating the case to Human Rights at Sea.

IN THEIR OWN WORDS

Below is the Master's testimony on behalf of himself, and the crew, which sheds light on the hardships the crew goes through and the impact on their health, safety and mental welfare. The Testimony is reproduced verbatim with express written permission to reproduce.

“This non-payment of salary for the past 3 months & with no time frame for when we will receive has only compounded our existing problems. One of our crew members mother just had a brain tumour surgery. Not only was the surgery delayed for want of funds, the post-surgery care is also very expensive. He is in such a situation that he can't even share his problems with his family as they themselves are under stress. Add to it, his brother who is a graduate is unemployed & has a sister of marriageable age. His sister's marriage is also getting delayed for want of funds. I am worried he might slip into depression.

One of our crew members mother had an eye surgery, which too had to be delayed for want of funds. He is now finding it difficult to fund for her post operation care/medicines. In other case, a crew's brother-in-law had a fatal accident. Although he survived, but he is jobless thence. He not only had to support his sister financially then & but he is still doing so today.

One of our crew members wife is a nurse working in a hospital in a different state. He had a rent an apartment & also has a kid. Now, with this corona situation his wife is unable to spent time at home & had to employ a nanny. Now with his salary getting delayed he is in a hand-to-mouth situation.

Another of our crew member is divorced & is required to pay monthly alimony. Now with this delay in salary, his ex-wife is pressurising his parents for the money. He might be held contempt of court if this situation persists. In all likelihood, he will get away with the court contempt charges, but that will too add up to the already stressed condition of he himself & his parents.

Although the government has waived off EMI payments till May month, but we will have to eventually start paying them from June onwards. Non-payments of EMI on time will not only add to the interest burden, but also scar our credit score perpetually.” (continued overleaf)

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“Bank loans are already hard to come by for contract employees like us who have inconsistent gaps in their employment. This situation will only make us completely ineligible for any loans in the future.

Some of us have had to take loans from relatives or manage household essentials by buying them on credit from shops. These shopkeepers charge exorbitant interest rates for the same. This only adds to the humiliation on the already existing financial stress for no fault of ours.

The salary payment has been erratic since the day we joined. So, the financial strain had been building up for quite some time now.

In India, sea jobs are very difficult to come by. This situation has been like this for more than a decade now. With absolutely no government support, some of us have been jobless for almost 2 years. We had to pay service charges to the manning agency - equalling to 2 month's pay, to get this job. In some cases, the financial state was so horrible that they had to mortgage their mothers/wife's jewellery to arrange for the money. Now with this corona pandemic the job situation has gone from bad to worse to terrible.

In light of the above situation, most of the crew are in such enormous financial stress that we wish to continue for at least a couple of months more. As, once we get down from this ship we are staring at a dark future with no future employment prospect in sight.

Hence, we humbly plead you to please arrange for our salary and if possible try to improve our living condition onboard so that we may complete our contract & get rid of the financial stress & have a fresh start.”



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FLAG STATE RESPONSE

The Commonwealth of Dominica Maritime Administration was immediately notified of the situation after having been contacted directly by the Master and crew in early May 2020. Human Rights at Sea additionally independently contacted the Administration to request their official position on the received complaint.

The Administration reverted promptly confirming that their highest priority is the welfare of the seafarers on board the vessel, encouraging Human Rights at Sea's role in raising awareness on the situation onboard.

In response to the complaint filed by the crew, the Administration initiated the procedures set forth in the Commonwealth of Dominica's On Board Complaint Procedures, according to which, the affected seafarers should first attempt a conciliation in accordance with the terms and conditions of employment to the satisfaction of both parties and if after 20 days, conciliation acceptable to both parties cannot be reached, either party shall have a further 20 days to call upon the Administration to appoint a 3rd Party mediator, to endeavour to find a solution to the matter satisfactory to the parties. **This means that the vessel's owner/operator has until 28 May 2020 to pay outstanding wages and address the crew's grievances.**

COMMENT

Human Rights at Sea acknowledges the prompt response and the handling of the complaint by the Commonwealth of Dominica Maritime Administration to date to be a good example of a flag State's promptness, management and transparency in dealing with civil-society.

UAE PORT AUTHORITY

From Human Rights at Sea independent enquiries, as well as from the communication disclosed by the Master, the Sharjah Port Authority was directly notified on the situation by the Master and the Crew (email communication voluntarily disclosed to Human Rights at Sea), through the Harbour Master of Sharjah Port Authority, who responded to the Master's letter demonstrating his willingness to help. Further, the UAE Federal Transport Authority has been informed of the matter, which it has acknowledged thanks to Human Rights at Sea for raising, and that internal investigations are ongoing at the time of writing.

COMMENT

The positive engagements from the Port Authority and UAE Government reflect increased transparent engagement with Human Rights at Sea on matters raised.

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CONCLUSION

Noting the ongoing challenges and restrictions resulting from the COVID-19 pandemic, the current case study once again highlights the issues faced by seafarers moving 90% of the world's goods from what are often standing problems crew face when salaries, provisions and management communications are disrupted.

Human Rights at Sea continues to engage with all stakeholders in this matter, and will continue to both track and publicly highlight the issues raised, as well as the outcome reached.



“With absolutely no government support, some of us have been jobless for almost 2 years. We had to pay service charges to the manning agency - equalling to 2 month’s pay, to get this job. In some cases, the financial state was so horrible that they had to mortgage their mothers/wife’s jewellery to arrange for the money. Now with this corona pandemic the job situation has gone from bad to worse to terrible...”

Master, Capt. Joginder Singh, MV Gulf Sky

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Disclaimer

The content and detail within this Human Rights at Sea Case Study has been voluntarily provided to Human Rights at Sea by the seafarers, namely, the Master on behalf of the crew on board the MV GULF SKY anchored in Port KhorFakkan, Sharjah UAE. Human Right at Sea has accurately reported against the positions as communicated to the Charity of the Flag State, the Management Company and the Port Authority. The contents of the submitted text have been checked, as best as is possible, for accuracy by the authors at the time of writing. Human Rights at Sea is not liable in anyway, whatsoever, in any jurisdiction, for the contents of this case study which has been published in good faith following investigation by the Charity. All reported text, articles and pictures have been acknowledged where able and as known to the authors. Any omissions or factual inaccuracies may be alerted by writing to: enquiries@humanrightsea.org.

Who We Are

BACKGROUND

Human Rights at Sea was established in April 2014. It was founded as an initiative to explore issues of maritime human rights development, review associated policies and legislation, and to undertake independent investigation of abuses at sea. It rapidly grew beyond all expectations and for reasons of governance it became a registered charity under the UK Charity Commission in 2015.

Today, the charity is an established, regulated and independent registered non-profit organisation based on the south coast of the United Kingdom. It undertakes **R**esearch, **A**dvocacy, **I**nvestigation and **L**obbying specifically for human rights issues in the maritime environment, including contributing to support for the human element that underpins the global maritime and fishing industries.

The charity works internationally with all individuals, commercial and maritime community organisations that have similar objectives as ourselves, including all the principal maritime welfare organisations.

OUR MISSION

To explicitly raise awareness, implementation and accountability of human rights provisions throughout the maritime environment, especially where they are currently absent, ignored or being abused.



STAY IN CONTACT



We welcome any questions, comments or suggestions. Please send your feedback to:
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World Map: and the location relating to this case study



Human Rights at Sea Case Study

Seafarers' Challenges During The COVID-19 Pandemic - The Case of the Crew of MV GULF SKY

Human Rights at Sea is a Registered Charity in England and Wales No. 1161673. The organisation has been independently developed for the benefit of the international community for matters and issues concerning human rights in the maritime environment. Its aim is to explicitly raise awareness, implementation and accountability of human rights provisions throughout the maritime environment, especially where they are currently absent, ignored or being abused.

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