



STAMPING ON SEAFARERS' RIGHTS DURING THE COVID-19 PANDEMIC

10th DECEMBER 2021
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Glossary

CSR	Corporate Social Responsibility
ECSA	European Community Shipowners' Associations
ETF	European Transport Workers' Federation
HRAS	Human Rights at Sea
ICS	International Chamber of Shipping
ILO	International Labour Organization
IMO	International Maritime Organization
ITF	International Transport Workers' Federation
MLC	Maritime Labour Convention
UN	United Nations



Photo Credit: Luisito Garcia Cantona



Photo Credit: Mohamad Ariff bin Ramli

Foreword

In the face of climate change and the known noxious emissions created by the world's shipping fleet, the global maritime industry has willingly responded to the challenges to meet emissions reduction targets with gusto. From modified fuels and alternative energy sources through to variations on the historic sailing ship, the industry has embraced the opportunity to develop technology that will enable a sustainable future, both environmentally and commercially. These developments have accelerated at a pace not formerly recognised in an industry which has historically been a slow responder to technology.

The global reliance on shipping supports this ongoing investment and the integration of technology in ship design and function onboard will ultimately either replace, augment, or enhance the role of those manning these ships: the seafarers.

While technology is also a catalyst for change in onboard functionality, the impact of COVID19 on a seafarer's life has been pronounced, highlighting that satisfaction with life onboard a ship has not kept pace with the development of the technology surrounding them. While international border closures and repatriation issues have created significant challenges for seafarers, ship operators, charterers, and some flag States; the welfare issues that were prevalent before COVID19 have been exacerbated by the pandemic.

Some of these issues are being appropriately addressed through revisions of Maritime Labour Convention 2006 and this is to be applauded. Others seem to remain in the 'too hard' basket and clearly, they are difficult issues to address across a truly global industry with a workplace that is staffed predominantly by people from developing nations. These individuals have limited or no connection with home and are strained by prolonged working hours and contracts. They are often stressed by the pressure of having a job that supports their family – and frequently the broader community – and the subsequent job dissatisfaction created by a combination of these elements.

There is no magic industry bullet that will address these issues in a short time frame, but a truly unified approach and a determination to prioritise the criticality of these ongoing welfare issues will demonstrate the levels of support the industry has for creating and maintaining a sustainable career path and subsequent future for seafarers and their families.

Captain Ross Nicholls
President, Mission to Seafarers Brisbane
Brisbane, Australia

10 December 2021

Author

The author of this independent public review is the UK-registered charitable non-governmental organisation (NGO), Human Rights at Sea (HRAS).¹ It is regulated by the UK Charity Commission and overseen by a Board of Trustees under English law.

Researched by **Abby Williams**. Researcher and Media Lead, HRAS (Australia)

Reviewed by **David Hammond Esq.**, Chief Executive Officer, HRAS (UK)

Author's Note

This independent review has been guided by a range of 40 publicly accessible reports, articles, and documents to create a compelling recount of the upheaval in the global shipping industry, and the consequential threats to seafarers' rights during the early and current stages of the COVID-19 pandemic ('the pandemic'). Although the magnitude of the issues addressed in the following review has drawn extensive global reportage from a growing number of organisations and international media outlets, these 40 sources have been chosen to demonstrate the breadth and diversity of this coverage, and the interaction between concerned entities. Compiled within this examination, the issues follow the broad historical narrative of the emerging humanitarian crisis at sea. Although seafarers' rights are the focal point of this present narrative, the industry-wide engagement on the issue of protecting seafarers seemingly fostered amid the pandemic challenges also warrants public examination, assessment, and recognition.

Funding

This independent review has been funded entirely by HRAS charitable funds. Annual accounts are available to review via the UK Charity Commission website² while Impact and Annual organisation reports³ are also available to download via the charity's website.⁴

Conflict of Interest

There are no known conflicts of interest to be declared in the concept, preparation, drafting, or publishing of this review.

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¹ <https://www.humanrightsatsea.org>

² <https://www.gov.uk/find-charity-information> (accessed 13/11/2021)

³ <https://www.humanrightsatsea.org/reports/> (accessed 13/11/2021)

⁴ <https://www.humanrightsatsea.org> (accessed 13/11/2021)

Introduction

In many parts of the world, societal awareness of the international shipping industry is regularly obstructed by a lack of understanding and interest which can be attributed to deficiencies in public reporting and balanced media engagement. Habitually devoid of independent scrutiny, accountability and transparency, the often-elusive maritime environment has been systemically damaged by criminal wrongdoings, commercial impunities, as well as human, labour, and social rights' violations. Historically, the global seafaring workforce has been afflicted by such abuses and continues to be so despite a multiplicity of initiatives. During the COVID-19 pandemic these threats emerged, merged, and evolved in the public awareness, placing some estimated⁵ 1.7 million seafarers in the epicentre of an articulated United Nations (UN) humanitarian crisis at sea⁶.

As the overarching challenge, the so-called “crew change crisis” has been variously characterised by reported cases of severe mistreatment of seafarers in their work environment. Crew have been denied medical care, shore leave, vaccinations, rest, repatriation, wages, and basic communication with family members. Mental health has deteriorated so drastically in some reported cases that it threatens ships' safety and individual's lives. Gradually, but far too slowly, the crew change crisis captured the attention of global media outlets from which it entered public awareness.

At the time of writing in early November 2021, government entities, industry stakeholders, seafarer welfare providers, the maritime press and mainstream media are reporting, analysing, and attempting to resolve the crisis. However, amid unprecedented levels of ambition and projected unity for the global seafaring community, the struggle is far from over. The seafarers' rights infringements which surfaced during the pandemic were not caused by it. Rather, they are deeply rooted in both maritime history, ineffective application of legislation and existing maritime industry governance, including the structure and exerted influence by flag State authorities within UN agencies.

Aim, Context & Objectives

The aim of this publication is to chronicle core violations of seafarers' rights during COVID-19 over a 20-month period. It is not an exhaustive record.

It will critically reflect upon how governments, agencies, stakeholders, welfare organisations and the media both perceived and responded to the adverse treatment of seafarers during this exceptionally challenging period. The review identifies the dominant issues which surfaced throughout the pandemic but asserts that the overarching problems are not rooted in the crew change crisis itself, but in the vastly underreported history of human and labour rights abuses in the maritime industry, reflecting the previous historical ignoring of such fundamental rights protections outside of established law.

5 There is no definitive number of working seafarers at any one time, only best estimates.

6 <https://www.un.org/sg/en/content/sg/statement/2020-06-12/statement-attributable-the-spokesman-for-the-secretary-general-the-repatriation-of-seafarers> (accessed 13/11/2021)

The review has three core objectives:

- 1 To identify **ten 'key issues'** impacting seafarers which emerged during COVID-19.
- 2 To explore the issues through the lens of **40 publicly accessible reports and articles** published by a broad range of sources between 1 March 2020 and 1 November 2021.
- 3 To apply the learnings of this 20-month period to **formulate key recommendations** toward further supporting global recognition and protection of seafarers' rights.

Background

In 2020 and 2021, international travel restrictions imposed during the outbreak of the pandemic thrust both the world and the shipping industry into disarray. Border closures, imposed coastal, port and flag State health safeguards, and limited international flights effectively disabled global air hubs and therefore unexpectedly disrupted the established 'crew change' process. This previously established system had enabled seafarers to travel to and from their vessels at the beginning and end of their contracts, and it was relied upon for the physical turnover of the international maritime workforce. The ensuing disruptions resulted in hundreds of thousands of seafarers stranded on their vessels, working beyond not only their contracts, but often beyond their mental and physical limits.⁷ The crisis was further intensified by mounting pressure on global supply chains, impacting the movement and availability of ships,⁸ and which remains a global issue at the time of publishing.

10 Issues & Themes

The complex network of logistical, policy, legal and day-to-day employment challenges which emerged during the pandemic requires a holistic approach to identify realistic pathways to effective solutions. To better understand the nature of the problems, ten key issues and associated themes have been identified as integral to the infringement of seafarer's rights during the pandemic.

Although change needs to take place at the root of the problem, that being the long-term mistreatment of seafarers, the current situation is largely underpinned by the humanitarian crisis. This has been exacerbated and indeed accelerated into public consciousness by the pandemic itself, the failure of the industry to have planned for such an event howsoever seemingly improbable, and which has been made more complicated by the need for continuous crew change to keep global supply chains moving.

1 Crew Change

The term 'crew change' refers to the system enabling the rotation of crewmembers at the beginning and end of their contractual work at sea. The global nature of shipping requires a significant amount of travel from seafarers who typically fly to and from their vessels. When the spread of COVID-19 triggered an influx of travel restrictions, the international movement of seafarers was disrupted, and the crew change system evolved into a global-scale logistical crisis. The International Maritime Organization (IMO) confirmed that up to around 400,000 seafarers became stranded on their vessels as a result of

7 <https://www.imo.org/en/MediaCentre/HotTopics/Pages/FAQ-on-crew-changes-and-repatriation-of-seafarers.aspx> (accessed 03/11/2021)

8 <https://www.businessinsider.com.au/why-store-shelves-are-empty-supply-chain-crisis-shortages-2021-10> (accessed 03/11/2021)

1 the crew change crisis, with an additional 400,000 unable to join their ships at all.⁹

In late 2020, the International Chamber of Shipping (ICS)¹⁰ called the inability of ship operators to conduct crew changes **“the single greatest operational challenge confronting the global shipping industry since the Second World War”**. **The Chamber published an explanatory article¹¹** recording efforts undertaken relating to the establishment of the IMO Framework of Protocols¹² for conducting crew changes; visa issues; repatriation flights; and political action. At that stage, the ICS confirmed that at least half a million seafarers had been impacted by the crisis, and in August 2020, an estimated 150,000 seafarers required immediate repatriation, with some 250,000 serving on extended contracts, overdue to return home. It was noted that the figures did not account for those seafarers unable to travel to their ships.

“ Governments are starting to realise that they need to act now if they want to avoid being blamed for this pressing humanitarian – and potentially economic – crisis. The heat is on. ”

International Transport Workers' Federation (ITF) General Secretary Stephen Cotton

In December 2020, the UN General Assembly¹³ and the International Labour Organization (ILO)¹⁴ each passed landmark resolutions^{15,16} pressuring national governments to help restimulate the crew change system. **ITF General Secretary Stephen Cotton responded in a press release,¹⁷** asserting that **“the global movement to recognise that seafarers need travel, transit and border exemptions and practical quarantine rules, is gaining momentum. Governments are starting to realise that they need to act now if they want to avoid being blamed for this pressing humanitarian – and potentially economic – crisis. The heat is on.”**

Eventually, the situation began to draw the attention and scrutiny of mainstream journalists, in what has been widely recognised as a testament to the magnitude of the crisis. In-depth coverage and analyses appeared in news publications and were received by global audiences. **One such example is an article published by *The Washington Post*,¹⁸** which reflects both extensive engagement with industry stakeholders and welfare providers.

9 <https://www.imo.org/en/MediaCentre/PressBriefings/Pages/32-crew-change-UNGA.aspx> (accessed 27/10/2021)

10 The International Chamber of Shipping (ICS) is the world's principal shipping association, representing around 80% of the world's merchant tonnage. <https://www.ics-shipping.org/>

11 <https://www.ics-shipping.org/current-issue/the-covid-19-pandemic-the-crew-change-crisis/> (accessed 27/10/2021)

12 <https://www.ics-shipping.org/publication/covid-19-12-step-guide-to-the-imos-recommended-framework-of-protocols-for-ensuring-safe-ship-crew-changes-and-travel/> (accessed 27/10/2021)

13 The United Nations General Assembly is the main policy-making organ of the UN. <https://www.un.org/en/ga/>

14 The International Labour Organization (ILO) is a specialised UN agency which sets labour standards and develops policies and programs relating to work. <https://www.ilo.org/global/lang-en/index.htm>

15 <https://www.undocs.org/en/A/75/L.37> (accessed 27/10/2021)

16 https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_760649.pdf (accessed 27/10/2021)

17 <https://www.itfglobal.org/en/news/heat-landmark-un-ilo-decisions-put-pressure-governments-over-crew-change> (accessed 27/10/2021)

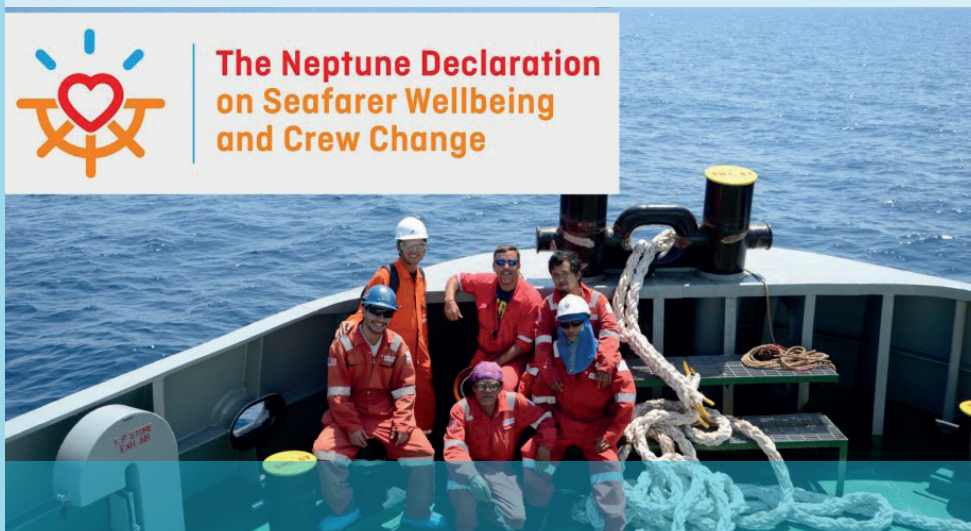
18 <https://www.washingtonpost.com/health/2021/04/09/maritime-workers-pandemic-global-trade/> (accessed 27/10/2021)

1 Despite these promising levels of mainstream media coverage, the maritime press soon reported that the crew change crisis was not improving. In September 2021, *Seatrade Maritime News* published **the frustrations of industry stakeholders**,¹⁹ who observed that the crisis was “**getting worse, not better**”, and that “**the way we treat seafarers in 2021 is absolutely shameful**”. A dominant concern was that, while shipowners and managers had been attempting to facilitate crew change, nations and ports were preventing the process from taking place.

THE NEPTUNE DECLARATION ON SEAFARER WELLBEING AND CREW CHANGE



The Neptune Declaration on Seafarer Wellbeing and Crew Change



Established by the Global Maritime Forum, the *Neptune Declaration on Seafarer Wellbeing and Crew Change*²⁰ is designed to help resolve the crew change crisis through the collective efforts of its organisational signatories. In October 2021, at the time of writing, 850 organisations and companies had signed the declaration (including HRAS), acknowledging their respective roles in safeguarding the rights of seafarers.

The *Neptune Declaration* highlighted four main actions which should be implemented to effectively address the crisis, though none could be assured nor enforced.

- Recognise seafarers as key workers and give them priority access to COVID-19 vaccines.
- Establish and implement gold standard health protocols based on existing best practice.
- Increase collaboration between ship operators and charterers to facilitate crew changes.
- Ensure air connectivity between key maritime hubs for seafarers.

¹⁹ <https://www.seatrade-maritime.com/ship-operations/crew-change-crisis-getting-worse> (accessed 27/10/2021)

²⁰ <https://www.globalmaritimeforum.org/neptune-declaration> (accessed 27/10/2021)

2 Key Worker Status

Throughout the pandemic, several countries identified certain professions and occupations as essential services, which were given ‘key worker’ status. This label helped categorise and secure the jobs considered essential to a safe and functioning society, such as those related to health, security, and infrastructure. Some countries afforded seafarers ‘key worker’ status, recognising their role in maintaining the global supply chain. In theory, this would have enabled seafarers to travel to and from work without the transit, testing and quarantine restrictions required for those whose work was not considered essential. In practice, however, the system was underpinned by national health, safety and security challenges which prevented it from having its intended effect.

“ ***This is a human rights issue. Seafarers’ lives are being made impossible through the crew change difficulties and this can only have a detrimental effect on ship safety and on the supply chain, the longer the situation continues.*** ”

IMO Secretary-General Kitack Lim

The issue of key worker status intertwined with the first IMO public declaration of a human rights position to the pandemic, was a prevailing element in the UN General Assembly Resolution on *International cooperation to address challenges faced by seafarers as a result of the COVID-19 pandemic to support global supply chains*,²¹ which urged member States to designate seafarers as key workers.

Welcoming the resolution, IMO Secretary-General Kitack Lim expressed his gratitude toward those countries which had already taken steps to afford seafarers key worker status. **Historically, he stated:**²² **“This is a human rights issue. Seafarers’ lives are being made impossible through the crew change difficulties and this can only have a detrimental effect on ship safety and on the supply chain, the longer the situation continues.”**

Following the UN-level action, maritime welfare providers supported the discussion and further highlighted the urgency of governmental responses. **In an opinion piece published by Lloyd’s List in December 2020,**²³ Mission to Seafarers²⁴ Secretary General Andrew Wright noted that while some nations had swiftly given seafarers key worker status, others had not. He articulated the adverse impacts of bureaucratic indecision. **“Our front-line welfare teams have spoken of a mental health epidemic paralleling the pandemic. Uncertainty, anxiety about family back home and exhaustion have created very significant stress levels.”**

Although the pressure on governments increased rapidly, by May 2021 only 55 out of 174 (now 175²⁵) IMO member States had recognised seafarers as essential workers, **according to Australian National**

21 <https://www.undocs.org/en/A/75/L.37> (accessed 27/10/2021)

22 <https://www.imo.org/en/MediaCentre/PressBriefings/pages/44-seafarers-UNGA-resolution.aspx> (accessed 27/10/2021)

23 <https://lloydslist.maritimeintelligence.informa.com/LL1135113/Countries-must-act-now-to-award-seafarers-key-worker-status> (accessed 27/10/2021)

24 Mission to Seafarers is an international maritime welfare charity. <https://www.missiontoseafarers.org/>

25 <https://www.hellenicshippingnews.com/imo-welcomes-175th-member-state/> (accessed 27/10/2021)

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University's Development Policy Centre.²⁶ They highlighted the apprehension among seafarers hesitant to return to their careers amid the uncertainty. One seafarer said, **“I don't want to go back if I am going to get stuck again for another six months. And it's not just me: a lot of other seafarers around the world feel the same way. It's going to cause people to leave the industry.”**

In April 2021, the European Transport Workers' Federation (ETF) and the European Community Shipowners' Associations (ECSA) issued a joint statement²⁷ to governments, noting that there is no single agreed definition of what the term 'key worker' means. **As reported by Nautilus International,**²⁸ the two bodies shifted the focus from the status itself to the rights that should be applied to seafarers during the pandemic, drawing on the universal rights outlined in the MLC 2006.²⁹ These 'pandemic rights' relate to travel, quarantine, medical treatment, testing, welfare, vaccination and financial support.

3

Contract Duration

Without the ability to be repatriated or travel home during the pandemic, hundreds of thousands of seafarers were forced to work beyond their agreed contractual work periods. In many cases, this resulted in seafarers remaining on board for upwards of 11 months, which is the maximum term that a seafarer may serve on a vessel without leave, as per the provisions of the MLC 2006.³⁰

“ Whatever the challenges created by the COVID-19 pandemic, the extension of seafarers' period of service on board beyond 11 months can no longer be considered as a solution to the problem of crew change. ”

ILO Information note on maritime labour issues and coronavirus (COVID-19)

These extensive periods of service are detrimental to the well-being and safety of seafarers, particularly given the inherently dangerous working environments. In the ILO *Information note on maritime labour issues and coronavirus (COVID-19)*,³¹ the Committee of Experts noted the worldwide disregard for the provisions of the MLC 2006. The information note asserted that, “whatever the challenges created by the COVID-19 pandemic, the extension of seafarers' period of service on board beyond 11 months can no longer be considered as a solution to the problem of crew change.” It urged governments to acknowledge that the fatigue and mental health of seafarers may deteriorate to a point that endangers health and navigational safety.

A Bloomberg article on the challenges of crew change amid the surge of COVID-19 cases in India³² reported that in August 2020, some 250,000 seafarers who were overdue for crew change had their contracts extended. These seafarers represented a vast range of nationalities. By March this year,

26 https://devpolicy.org/seafarers-in-a-covid-world-20210603/?utm_source=rss&utm_medium=rss&utm_campaign=seafarers-in-a-covid-world-20210603 (accessed 27/10/2021)

27 <https://www.etf-europe.org/etf-and-ecsa-reiterate-call-for-recognition-of-seafarers-as-key-workers/> (accessed 27/10/2021)

28 <https://www.nautilusint.org/en/news-insight/news/unions-and-employers-step-up-joint-campaign-for-seafarer-key-worker-status/> (accessed 27/10/2021)

29 https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/normativeinstrument/wcms_090250.pdf (accessed 27/10/2021)

30 https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/normativeinstrument/wcms_090250.pdf (accessed 27/10/2021)

31 https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/genericdocument/wcms_741024.pdf (accessed 27/10/2021)

32 The Bloomberg article can be accessed at <https://economictimes.indiatimes.com/small-biz/trade/exports/insights/seafarer-crisis-shows-signs-of-worsening-amid-india-virus-surge/articleshow/82475579.cms?from=mdr> (accessed 27/10/2021)

200,000 had past the expiry of their contracts. At the time, there were reports of seafarers working at sea for more than 15 months, though the industry was bracing for the cases to increase in the coming months.

Seafarers were soon passing 18 months on board. In Australia, by October 2020, the Australian Maritime Safety Authority (AMSA)³³ had received and investigated 91 complaints relating to seafarers staying on vessels beyond the prescribed 11 months, **according to ABC News.**³⁴ AMSA said it had detained 11 ships in approximately three months for violations of the MLC 2006, including the systemic underpayment of workers and failure to provide decent working conditions.

In September 2021, **HRAS collaborated with Mission to Seafarers Brisbane to publish a case review**³⁵ exploring the unusually complex situation faced by a community of seafarers from the Republic of Kiribati. At the time of publication, some I-Kiribati seafarers had been away from home for more than two years. Although the seafarers were able to leave their vessels prior to the expiry of their contracts and within the 11-month maximum work term, many were unable to return home due to the Kiribati government's tight border restrictions. They instead became stranded in other countries, creating a logistical and financial challenge for shipping companies which has potentially jeopardised Kiribati's future in the international maritime industry.

GLOBAL UNITY FOR KIRIBATI'S SEAFARERS

Given Kiribati's remote location in the central Pacific Ocean, crew change for the island nation's seafaring community is time-consuming and costly for the shipping companies which employ them. When the Kiribati government closed its borders to prevent COVID-19 from entering the small country, I-Kiribati crewmembers were unable to return home. Instead, they found themselves stranded in hotels and hostels around the world, desperately awaiting repatriation.



Kiribati's maritime workforce has long been supported by an agreement between the Kiribati government and a consortium of shipping companies, facilitating the training and recruitment of I-Kiribati seafarers. The complex array of circumstances which lead to the global displacement of these seafarers amplified the logistical challenge of transporting crewmembers to and from the island nation. The long-standing arrangement proved unsustainable for the participating shipping companies. Consequently, they froze the enlistment of Kiribati nationals, jeopardising the possibility of future careers in the industry.³⁶

³³ The Australian Maritime Safety Authority is Australia's national maritime regulatory body. <https://www.amsa.gov.au/>

³⁴ <https://www.abc.net.au/news/2020-10-20/seafarers-spend-18-months-without-leaving-cargo-ships/12780960> (accessed 27/10/2021)

³⁵ <https://www.humanrightsatsea.org/2021/09/22/new-case-study-addressing-the-future-of-seafaring-in-kiribati/> (accessed 27/10/2021)

³⁶ <https://www.humanrightsatsea.org/2021/08/30/i-kiribati-seafaring-community-pleads-with-government-to-repatriate-stranded-colleagues/> (accessed 27/10/2021)

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Amid the struggle to repatriate more than 250 I-Kiribati seafarers in 2021, maritime welfare organisations worldwide united to support groups of crewmembers stranded in Germany, Fiji, Australia and South Korea, among other countries. The North American Maritime Ministry Association documented this global effort, highlighting the work of seafarers' ministries during the crew change crisis.³⁷

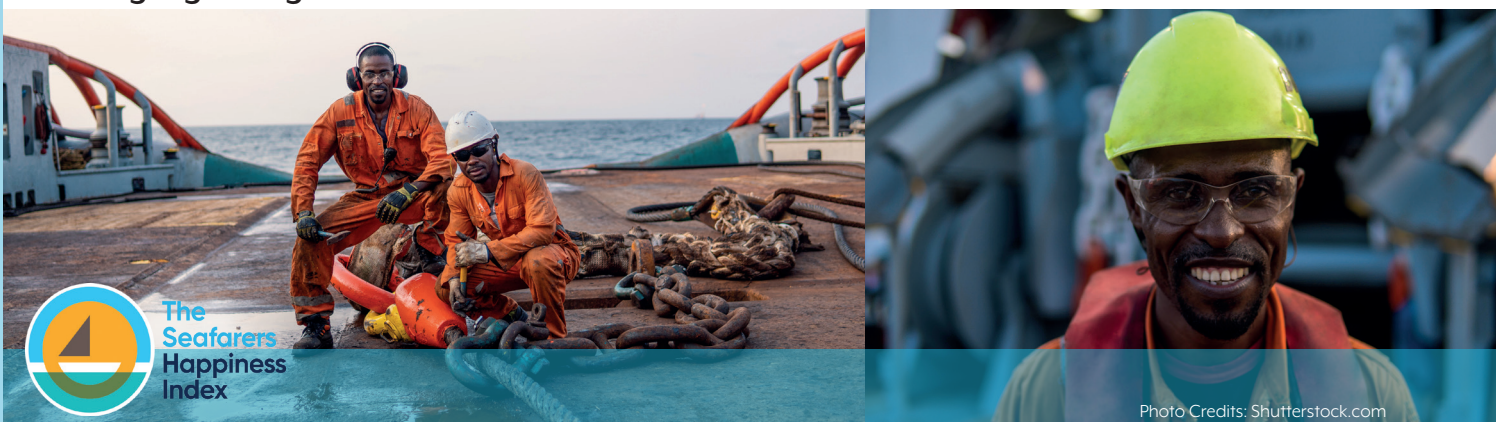
4 Mental Well-being

The disruptions to crew change and the consequentially extensive periods of time spent working at sea or languishing in foreign countries without passage home has fostered what has been referred to as a 'mental health crisis' in the global shipping industry.

In a report drawing from a range of third-party sources, risk consulting firm Kroll **outlined the dominant threats to the mental and physical health of seafarers**³⁸ which arose because of poor crew well-being. Fatigue, depression, and suicides were increasing, with some mental health issues attributed to malnutrition and insomnia. The report noted that attention toward safety regulations had depleted among severely burned-out crewmembers, posing additional risks.

A lack of certainty relating to the rise in suicide rates among seafarers has highlighted the absence of an adequate system for reporting and counting deaths at sea. **An analysis from Lloyd's List**³⁹ drew attention to the difficulty of accurately gauging the extent of the problem, as there is currently no central database in which these incidents may be recorded and quantified. The article pointed out that, although 'anecdotal' reports from welfare organisations suggest the numbers have risen, the lack of investigative action makes it hard to confirm.

In the second quarter of 2021, the Seafarers Happiness Index,⁴⁰ launched by Mission to Seafarers in 2015, **reported a promising decline in concerns**⁴¹ relating to areas such as diet, rest, connectivity, and relationships on board. However, it garnered other concerns stemming from a lack of shore leave and having to work harder over longer hours. The organisation noted that, after several years of compiling data relating to seafarer welfare, they had never seen such a **"sense of deep and entrenched despair and anger growing"**.



37 <https://marereport.namma.org/index.php/2021/09/09/caring-for-i-kiribati-seafarers-in-distress-a-worldwide-ministry/>

38 <https://www.kroll.com/en-ca/insights/publications/global-supply-change-risks-the-crew-change-crisis> (accessed 28/10/2021)

39 <https://lloydlist.maritimeintelligence.informa.com/LL1135870/Suicides-at-sea-go-uncounted-as-crew-change-crisis-drag-on> (accessed 28/10/2021)

40 The Seafarers Happiness Index monitors and benchmarks satisfaction levels among seafarers. <https://www.happyatsea.org/>

41 <https://www.happyatsea.org/news/article/q2-2021-a-mess-turning-into-a-disaster/> (accessed 28/10/2021)

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“Collectively, seafarers are tired, they are irritated and feeling angry that they are constant pawns in the logistical chess of geopolitics in a pandemic.”

Seafarers Happiness Index founder Steven Jones

In May 2021, **Seafarers Happiness Index founder Steven Jones spoke of “growing signs of optimism”⁴²** among seafarers anticipating their potential return home. However, he argued its fragility as the mood on board vessels darkened as COVID-19 threatened to derail crew change plans. He called the situation a mental health crisis, observing that seafarers were feeling tired, irritated, and angry that **“they are constant pawns in the logistical chess of geopolitics in a pandemic”**.

LEGISLATIVE AMENDMENT SECURING SEAFARER WELFARE FUNDING IN NEW ZEALAND

On 1 July 2021, a legislative amendment came into force in New Zealand, which secured financial support for seafarers and their welfare providers.⁴³ The update reflected the lobbying undertaken by the New Zealand Seafarers’ Welfare Board, and HRAS’s supporting independent report with shipping Counsel’s opinion, into the failures to adequately fund the services which support seafarers’ well-being.

The update appeared in the Maritime Transport Act 1994, enabling an existing maritime levy to fund the services supporting seafarers who come ashore in New Zealand.



The Regulatory Systems (Transport) Amendment Act 2021 (30 March 2021) came into force with the crucial amendment to Section 191 amended (Maritime levies) which states, “After section 191(2)(b), insert: (c) the facilitation of, or support for, seafarer welfare services.”

5 Minimum Wage

In April 2021, minimum wage talks at the ILO broke down between shipowners and unions after a rise to seafarers’ standard baseline wage was rejected. Represented by the ICS, shipowners had proposed a 3% pay rise over three years, whereas unions wanted at least a 6.5% rise beginning in 2022. The ITF accused the ICS of undermining the seafarers’ minimum wage formula determined by the ILO, amounting to \$683 per month, which is greater than the current \$641.

“Seafarers... have literally risked their lives so that these companies could survive COVID-19 and its economic effects. And now the thanks they get is a slap in the face from the shipowners who are

⁴² <https://splash247.com/crew-change-dagger-in-the-back/> (accessed 28/10/2021)

⁴³ <https://www.humanrightsatsea.org/2021/07/01/in-force-new-zealand-amends-legislation-to-provide-assured-seafarer-welfare-funding/> (accessed 28/10/2021)

essentially making them choose between pay cuts now or pay cuts later. It's disgraceful.

”

Nautilus General Secretary Mark Dickinson

An article published on *Lloyd's List*⁴⁴ pointed out that “shipowners have paid for repatriation flights, vessel diversions to crewing hubs plus extra testing and quarantine costs for sign-on crew”, but **“the unions pointed to booming markets and rising profits for companies like Maersk to argue companies could afford the rise”**.

The ITF, which represented seafarers' interests in the discussion, did not accept the pay rise offered by the ICS, resulting in a two-year freeze on wages. **Nautilus International called shipowners' refusal to approve a standard pay rise “disgraceful”**.⁴⁵ Nautilus General Secretary Mark Dickinson argued that seafarers had **“literally risked their lives so that these companies could survive COVID-19 and its economic effects. And now the thanks they get is a slap in the face from the shipowners who are essentially making them choose between pay cuts now or pay cuts later.”**

Following the collapse of the negotiations, **an analysis from shipping intelligence company Ship Technology**⁴⁶ reinforced the scope of minimum wage issues, highlighting the extent to which seafarers' economic rights were being threatened by illegal labour practices around the world. The analysis pointed to a case in which seafarers working in UK waters were receiving less than half the UK national minimum wage of £8.91 per hour.

In September 2021, ***The Maritime Executive reported an agreement***⁴⁷ reached between the ITF (representing seafarers) and the Joint Negotiating Group (representing several maritime employers) which secured a 4.5% increase in wages and compensation for seafarers over two years. The terms agreed to under the International Bargaining Forum IBF Framework Agreement provided that seafarers would receive a 3% pay rise beginning 1 January 2022, and a further 1.5% increase beginning 1 January 2023. **“Both parties acknowledged the need to recognise the sacrifices that seafarers have made during the pandemic, continuing to keep global trade moving whilst unable to return home following the expiry of their contracts, and receiving no wage increase in 2021,”** the ITF said.

Underpayment & Non-Payment of Salary

In the earliest months of COVID-19, **Nautilus International published reports from HRAS**⁴⁸ regarding a spike in wages withheld from seafarers, and a dramatic surge in the number of seafarers seeking assistance since the pandemic began. As observed by HRAS, seafarers were already reporting non-payment of salaries, as well as cases of being left in foreign states to pay hotel bills and arrange flights home using their own funds.

Echoing the issue of minimum wage, the ITF in April 2020 highlighted the economic strain on seafarers during COVID-19 and asserted the pandemic circumstances could not be used as an excuse to cut seafarers' wages. **In a news article from *Offshore Energy***,⁴⁹ the ITF stressed that shipowners, ship

44 <https://loydslist.maritimeintelligence.informa.com/LLI136609/Owners-and-unions-hope-to-ease-tensions-after-minimum-wage-talks-collapse> (accessed 28/10/2021)

45 <https://www.nautilusint.org/en/news-insight/news/shipowners-pay-cut-demands-are-a-slap-in-the-face-for-seafarers/> (accessed 28/10/2021)

46 <https://www.ship-technology.com/features/are-seafarers-getting-paid-minimum-wage/> (accessed 28/10/2021)

47 <https://www.maritime-executive.com/article/seafarers-to-receive-4-5-pay-increase-under-itf-employer-agreement> (accessed 28/10/2021)

48 <https://www.nautilusint.org/en/news-insight/news/surge-in-unpaid-wages-as-pandemic-spreads/> (accessed 28/10/2021)

49 <https://www.offshore-energy.biz/itf-covid-19-is-no-excuse-to-cut-seafarers-wages/> (accessed 28/10/2021)

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managers and crewing agencies have a responsibility to protect health, safety and economic standards for seafarers. **“National governments must play a necessary role in ensuring market downturns due to COVID-19 do not turn into unfair redundancies for seafarers or undercut current wages,”** said James Given, chair of the ITF Cabotage Taskforce.

“ National governments must play a necessary role in ensuring market downturns due to COVID-19 do not turn into unfair redundancies for seafarers or undercut current wages. ”

Chair of ITF Cabotage Taskforce James Given

This year, the ITF reported their network of inspectors had collectively recovered US \$44,613,880 in wages owed to seafarers worldwide last year. **An article from ShipInsight⁵⁰** explained that ‘owed wages’ usually refers to pay, bonuses or entitlements which a shipowner or agent has failed to pay seafarers for work already completed. Quoting ITF Inspectorate Coordinator Steve Trowsdale, the article noted the pandemic had proved genuinely difficult for some shipowners due to expensive repatriation flights and costs relating to quarantine. However, he reiterated that **“financial challenges faced by companies are no reason to suspend the payment wages or not uphold seafarers’ human rights”**.

Progressing through 2021, the non-payment of seafarers’ salaries became so widespread that it appeared in mainstream news publications, notably a compilation of crew abandonment cases **published by The Wall Street Journal⁵¹** in October this year. The article reported on cases of wages withheld from crewmembers for more than a year, and that some seafarers will refuse to leave their vessels, fearing they will be unable to reclaim months or years of lost wages.

7 Crew Abandonment



Ali Bey Crew

At the time of writing, cases of crew abandonment are increasing and intensifying. The IMO defines abandonment as a situation in which “the shipowner fails to fulfil certain fundamental obligations to the seafarer relating to timely repatriation and payment of outstanding remuneration and to the

⁵⁰ <https://shipsinsight.com/articles/itf-battles-for-crew-wage-payments-as-abandonments-soar/> (accessed 28/10/2021)

⁵¹ The article from The Wall Street Journal can be accessed at <https://www.hellenicshippingnews.com/crews-are-abandoned-on-ships-in-record-numbers-without-pay-food-or-a-way-home/> (accessed 28/10/2021)

7 provision of basic necessities of life, *inter alia*, adequate food, accommodation, and medical care”. Further, “abandonment will have occurred when the master of the ship has been left without any financial means in respect of ship operation.”⁵²

In late October 2021, the ILO and IMO Database on reported incidents of abandonment of seafarers⁵³ listed 114 cases of abandonment since March 2020. According to the IMO, the accuracy of this database is critical in resolving incidents of abandonment and providing information to the public.⁵⁴

In December 2020, reported cases of seafarer abandonment were already at a record high. However, **an analysis from Lloyd's List**⁵⁵ pointed out that despite the rapidly increasing figures, not all cases are reported, and not all cases are resolved. It was also noted that the original MLC 2006 did not provide for financial security in the case of abandonment. Under guidelines written into the convention in 2014 (which entered into force three years later), shipowners must have insurance to cover the abandonment of seafarers.

In line with what appears to be a recurring disregard for the provisions of the MLC 2006, severe incidents involving vessel abandonment have been publicised by devastating consequences. On 4 August 2020, nearly 300,000 tonnes of ammonium nitrate stockpiled in the Port of Beirut exploded,⁵⁶ killing around 200 people, and injuring more than 6,000. Months later, **an article from Bloomberg**⁵⁷ drew the connection between the blast and the abandoned vessel from which the deadly cargo was taken six years earlier. The article explained that, in the nominally regulated shipping industry, COVID-19 is fuelling the abandonment of ships, cargo and seafarers. **“Dumping a vessel can create a nightmare of logistics, environmental hazard and human suffering, and yet owners... are rarely held to account. This year, cases of abandoned ships are up nearly 90% by even the most conservative accounting,”** it said.

“ We work for each and every one of you to have food, water, fuel, cars, etc. We need support in this tough time, but we were forgotten and abandoned by everybody.”

Lloyd's Register survey participant

The Beirut blast epitomises the physical dangers of vessel abandonment, but behind this visible devastation are the seafarers abandoned by shipping interests. The rise of abandonment coincides with the emotional toll on the individuals impacted by such tragic circumstances. **According to a survey conducted by Lloyd's Register,**⁵⁸ seafarers feel as though they are being neglected. **“We work for each and every one of you to have food, water, fuel, cars, etc. We need support in this tough time, but we were forgotten and abandoned by everybody,”** one survey participant said.

52 <https://www.imo.org/en/OurWork/Legal/Pages/Seafarer-abandonment.aspx> (accessed 29/10/2021)

53 <https://www.ilo.org/dyn/seafarers/seafarersbrowse.home> (accessed 29/10/2021)

54 <https://www.imo.org/en/OurWork/Legal/Pages/Seafarer-abandonment.aspx> (29/10/2021)

55 <https://lloydslist.maritimeintelligence.informa.com/LL1135170/Seafarer-abandonment-cases-at-record-high> (accessed 28/10/2021)

56 <https://www.bbc.com/news/explainers-53664064> (accessed 29/10/2021)

57 The Bloomberg article can be accessed at <https://www.insurancejournal.com/news/international/2020/12/18/594596.htm> (accessed 29/10/2021)

58 <https://www.lr.org/en/latest-news/crew-feel-forgotten-and-abandoned-lr-survey-finds/> (accessed 29/10/2021)



Crew members of the MV ULA

7 The bleak reality of seafarer abandonment was demonstrated by the crew of the MV ULA, a Palau registered bulk carrier abandoned in the Port of Shuaiba, Kuwait in 2019.⁵⁹ The vessel was abandoned by Qatar-based Aswan Trading and Contracting, which said it had no funds to support the ship, and subsequently stopped paying the crew. **Al Jazeera reported**⁶⁰ the crewmembers were told they could not leave the ship until the cargo had discharged. In January 2021, the crew went on hunger strike, drawing attention from global media. The ITF intervened, advocating for their freedom, and on 4 June 2021, the crewmembers were released.⁶¹ The ITF reported that one crewmember had been on board for 31 months.

REPORTING ABANDONMENT: THE CASE OF MV ALI BEY

In November last year, Panama flagged cargo vessel MV ALI BEY was abandoned and detained in Romania when inspectors and shipping agents discovered the crew did not hold valid contracts, and some had not been paid in more than a year.⁶²

As the abandonment case was reported, a mistake recorded in the ILO Abandonment Database⁶³ threatened to disadvantage the four Syrian seafarers, had it not been detected by HRAS.

HRAS noted that the issue of inaccurate reporting in cases of abandonment may appear insignificant at first glance, however they have the capacity to impact the seafarer adversely and severely. HRAS identified three key lessons from the incident, relating to:

- responsibility for accurate reporting
- accountability for mistakes
- flag State responsibility.⁶⁴

At the time of writing and despite international media attention, the four Syrian crewmembers remain on board with the onset of winter rapidly approaching.⁶⁵

59 https://www.ilo.org/dyn/seafarers/seafarersbrowse.details?p_lang=en&p_abandonment_id=403&p_search_id=211124162123 (accessed 29/10/2021)

60 <https://www.aljazeera.com/features/2021/7/6/abandoned-the-seafarers-stuck-onboard-for-two-years> (accessed 29/10/2021)

61 <https://www.itfseafarers.org/en/news/itf-wins-freedom-hunger-striking-seafarers-after-two-years-trapped-ula> (accessed 29/10/2021)

62 <https://www.wsj.com/articles/crews-are-abandoned-on-ships-in-record-numbers-without-pay-food-or-a-way-home-11633699978> (accessed 29/10/2021)

63 https://www.ilo.org/dyn/seafarers/seafarersbrowse.details?p_lang=en&p_abandonment_id=490&p_search_id=211124162832 (accessed 05/11/2021)

64 <https://www.humanrightsatsea.org/2021/07/18/panama-maritime-authority-acknowledges-mistake-in-mv-ali-bey-case-on-ilo-abandonment-database/> (accessed 05/11/2021)

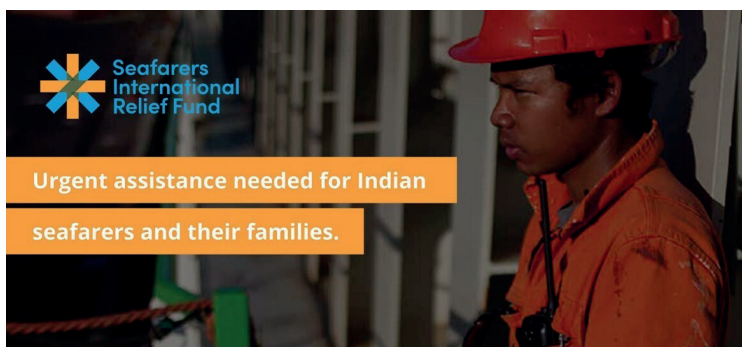
65 <https://www.humanrightsatsea.org/2021/09/15/abandoned-ali-bey-crew-bleak-video-testimony-of-their-circumstances-in-romania/> (accessed 05/11/2021)

8 Family Impact

For the thousands of seafarers stranded on vessels or on foreign shores during the pandemic, the predominant concern was, and continues to be, for family welfare. The impact of a seafarer's financial challenges often becomes a major burden for those at home, as the individual is usually the sole breadwinner for their family. In some cases, their income supports a large extended family, or even a community. Maritime charities have been at the forefront of caring for seafarers' families, however outside of these welfare circles, the issue of family impact seldom receives an adequate level of attention.

In their *Life at Sea Report 2020*,⁶⁶ international maritime welfare charity Stella Maris released data supporting the importance of family for seafarers during COVID-19. According to the organisation, throughout 2020,

- almost 50% of seafarers supported three or more people with their income
- 71% of seafarers considered Wi-Fi units essential [for staying connected with family]
- the most significant concern for seafarers was feeding their families.



To help ease financial burdens on seafarers' families during COVID-19, The Seafarer's Charity (formerly Seafarers UK) set up the **Seafarers International Relief Fund**.⁶⁷

The charity, which supports both seafarers and their families through donations and grants, established the emergency appeal following a major COVID-19 outbreak in India, though the fund supports seafarers

around the world.⁶⁸ The fund is primarily supported by the Mission to Seafarers, Stella Maris, the International Seafarers' Welfare and Assistance Network (ISWAN), Sailors' Society, and the International Christian Maritime Association (ICMA). At the time of writing, \$1,192,170 has so far been raised.

In the Republic of Kiribati, with a globally dispersed community of 250 I-Kiribati seafarers unable to return home, families, friends and colleagues of those still overseas organised a march to the nation's Parliament House, requesting the government bring home the stranded nationals.⁶⁹ Australian maritime publication *the Daily Cargo News* covered the peaceful protests⁷⁰ in the island nation, with one stranded crewmember explaining why families were so determined to fight for the seafarers' repatriation. "[The families] are the ones who also suffer in one way or another from seafarers losing their jobs on international foreign-going vessels."

66 <https://www.stellamaris.org.uk/wp-content/uploads/2021/08/Life-at-Sea-2020-report.pdf> (accessed 30/10/2021)

67 <https://theseafarerscharity.enthuse.com/cf/seafarers-international-relief-fund/> (accessed 30/10/2021)

68 <https://www.ics-shipping.org/supporting-shipping/seafarers-international-relief-fund/> (accessed 30/10/2021)

69 <https://www.humanrightsatsea.org/2021/08/30/i-kiribati-seafaring-community-pleads-with-government-to-repatriate-stranded-colleagues/> (accessed 30/10/2021)

70 <https://www.thedcn.com.au/news/staffing-crewing-and-training/kiribatis-future-in-shipping-threatened-by-agreement-breakdown/> (accessed 30/10/2021)

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“**The families are the ones who also suffer in one way or another from seafarers losing their jobs on international foreign-going vessels.**”

I-Kiribati crewmember Bwerentetaake Toanuea

At the time of writing, with thousands of displaced seafarers still unable to return to their families, internet access is a top priority for seafarers and their welfare services. Although crewmembers have traditionally been able to come ashore and connect with their families using Wi-Fi offered at seafarers' centres in ports, the port restrictions preventing seafarers from coming ashore also prevent them from accessing the internet, and consequently, their loved ones. In Australia, **ABC News highlighted the work of Mission to Seafarers Australia**,⁷¹ which trialled an initiative to install Wi-Fi on cargo ships. Commenting on the MtS initiative, Maritime Safety Queensland general manager Angus Mitchell said, **“it may seem small just to be able to provide Wi-Fi and internet connectivity for the rest of us, but for seafarers it is a really vital part of making sure that we're looking after their well-being and their welfare.”**

9

Denial of Medical Care Ashore

The restrictions limiting seafarers' freedoms to enter ports pose a significant risk to health – and potentially life – when a crewmember becomes ill and is denied access medical care ashore. Under the provisions of the MLC 2006, seafarers have the right to visit a qualified medical doctor in ports of call without delay. This right is further enshrined in the International Convention for the Safety of Life at Sea (SOLAS),⁷² the International Convention on Maritime Search and Rescue (SAR),⁷³ and the United Nations Convention on the Law of the Sea (UNCLOS).⁷⁴

In the earliest months of the pandemic, **Nautilus International reported**⁷⁵ that port authorities were refusing to give seafarers access to basic medical care. Speaking to Nautilus, a crewmember expressed concern relating to their health and the potential spread of the virus. The individual observed that shipping companies were struggling to convince port authorities to provide basic medical care. At this stage, the seafarers were instead being forced to receive medical advice via radio.

In May 2020, **the ICS issued a press release**⁷⁶ confirming that seafarers were still being denied medical assistance by port authorities. They reported situations involving seafarers suffering non-COVID related medical conditions and injuries, such as stroke, who were not granted medical evacuation for several days. In a virtual meeting with healthcare professionals, they reminded governments of their obligations to provide seafarers with this vital care.

The IMO then issued official guidance in the *Recommendations for port and coastal States on the prompt disembarkation of seafarers for medical care ashore during the COVID-19 pandemic*. The circular letter sought to address the issue of seafarers being denied medical assistance ashore. The recommendations were

71 <https://www.abc.net.au/news/2021-03-04/seafarers-connect-with-family-in-far-offshore-wifi-initiative/13211640> (accessed 30/10/2021)

72 <https://www.imo.org/en/KnowledgeCentre/ConferencesMeetings/Pages/SOLAS.aspx> (accessed 30/10/2021)

73 [https://www.imo.org/en/About/Conventions/Pages/International-Convention-on-Maritime-Search-and-Rescue-\(SAR\).aspx](https://www.imo.org/en/About/Conventions/Pages/International-Convention-on-Maritime-Search-and-Rescue-(SAR).aspx) (accessed 30/10/2021)

74 https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf (accessed 30/10/2021)

75 <https://www.nautilusint.org/en/news-insight/news/port-authorities-failing-to-give-seafarers-basic-medical-care/> (accessed 30/10/2021)

76 <https://www.ics-shipping.org/press-release/global-shipping-body-addresses-the-health-concerns-of-seafarers-during-the-covid-19-pandemic/> (accessed 30/10/2021)

endorsed by IMO Secretary-General Kitack Lim⁷⁷, who urged member States to implement and share them with relevant authorities. **“Now is the time for governments around the world to deliver for seafarers, by ensuring they can access medical care without delay, whenever they need it,”** he said.

“ There is... a moral obligation to ensure seafarers can access medical care ashore without delay, whenever they need it, and to extend medical assistance on board should the need arise by allowing qualified doctors and dentists to visit ships. ”

IMO Secretary-General Kitack Lim and ILO Director-General Guy Ryder

Despite the urgency expressed by the IMO, progress was still slow moving by September 2021, **prompting the IMO and ILO to release a joint statement**⁷⁸ again calling on coastal States to facilitate the disembarkation of seafarers requiring medical care. IMO Secretary-General Kitack Lim and ILO Director-General Guy Ryder reiterated the **“moral obligation to ensure seafarers can access medical care ashore without delay, whenever they need it, and to extend medical assistance on board should the need arise by allowing qualified doctors and dentists to visit ships”**. They emphasised that this crucial access to professional care can be a matter of life and death. At the time the joint statement was published, the IMO and ILO had received information from ICMA⁷⁹ indicating 24 countries had, at that stage, implemented seafarer vaccination programmes or signalled an intent to do so within their jurisdictions. By 1 November 2021, that number had grown to 32 countries.

10 COVID-19 Vaccination

At the time of writing in late 2021, COVID-19 vaccination rates are steadily rising around the world. In May this year, highlighting the essential work of seafarers throughout the pandemic, the Maritime Safety Committee (MSC)⁸⁰ of the IMO reinforced the need for seafarers to be given priority access to COVID-19 vaccines. The MSC adopted a resolution on *Recommended action to prioritize COVID-19 vaccination of seafarers*,⁸¹ which urges IMO member States and national authorities to prioritise seafarers in their vaccination programmes. **The Manila Times further outlined the elements of the recommendation**,⁸² which include exempting seafarers from national policies requiring proof of COVID-19 vaccination in order for entry to be granted; and developing plans to, where feasible, provide the necessary facilities to support the vaccination of seafarers.

Seafarer vaccination efforts had gained momentum in several developed countries by May 2021, **The Maritime Executive reporting vaccination programmes**⁸³ in the United States of America, Australia and the Netherlands; and a push for the United Kingdom to become an international seafarer

77 <https://www.imo.org/en/MediaCentre/PressBriefings/Pages/21-medical-care-seafarers.aspx> (accessed 30/10/2021)

78 <https://www.imo.org/en/MediaCentre/PressBriefings/pages/medicalassistance.aspx> (accessed 30/10/2021)

79 <https://icma.as/vaccines/> (accessed 01/11/2021)

80 [https://www.imo.org/en/MediaCentre/MeetingSummaries/Pages/MS-Default.aspx#:~:text=The%20Maritime%20Safety%20Committee%20\(MSC.all%20kinds%20of%20cargo%20ships.](https://www.imo.org/en/MediaCentre/MeetingSummaries/Pages/MS-Default.aspx#:~:text=The%20Maritime%20Safety%20Committee%20(MSC.all%20kinds%20of%20cargo%20ships.) (accessed 31/10/2021)

81 <https://www.imo.org/en/MediaCentre/PressBriefings/pages/MSVaccinationPushMay201.aspx> (accessed 31/10/2021)

82 <https://www.manilatimes.net/2021/05/26/business/maritime/imo-reiterate-actions-prioritizing-seafarers-in-national-covid-19-vaccination/1800586> (accessed 31/10/2021)

83 <https://www.maritime-executive.com/article/vaccination-efforts-accelerate-for-seafarers> (accessed 31/10/2021)

vaccination hub. Around the same time, Belgium was also reportedly at the forefront of seafarer vaccination programmes.⁸⁴ However, despite the initial success of international seafarer vaccination strategies, the ITF highlighted the lack of vaccine availability in many parts of the world and called on world leaders to endorse universal access to COVID-19 vaccines.

In September 2021, *Lloyd's List* reported⁸⁵ that ship managers, owners, and flag States were considering compulsory vaccination for seafarers, amid rising concerns about the inability of shipowners and crew managers to provide emergency medical care for seafarers due to restrictive quarantine and immigration requirements. The article noted the volatility of the industry, in which some countries do not recognise certain vaccines, other countries are denying seafarers life-saving treatment when they fall ill, and there is inconsistency in willingness to facilitate repatriation.



Photo Credit: Shutterstock.com

Despite an array of complexities, the global effort is promising. Data from the Neptune Declaration Crew Change Indicator⁸⁶ showed that, by October 2021, 31.1% of seafarers had been vaccinated. Though substantially lower than the rates of large shipping nations, the percentage of seafarer vaccinations is gradually increasing, up from 21.9% in September and just 15.3% in August.

VACCINATING INTERNATIONAL SEAFARERS – MISSION TO SEAFARERS AUSTRALIA

In Australia, Mission to Seafarers has been arranging group vaccinations for international crewmembers in certain ports. They hope to set an example for further seafarer vaccinations throughout the country, and potentially around the world.

In the port city of Newcastle on the east coast of Australia, MtS called for and facilitated the vaccination of 15 Peruvian crewmembers from the WINCANTON. The crew had been sailing within Australian waters throughout the pandemic, and without being vaccinated they would not have been permitted to return to Peru.^{87,88}

Further north, in the city of Brisbane, MtS arranged for 39 of 43 stranded I-Kiribati crewmembers to receive the vaccine (the remaining four had already received the jab). Although the aforementioned challenges preventing the repatriation of I-Kiribati seafarers continue, MtS Brisbane president Captain Ross Nicholls told *the Daily Cargo News*⁸⁹ that vaccination is a critical part of their eventual repatriation.

84 <https://www.superyachtnews.com/operations/belgium-leads-the-way-in-prioritising-vaccines-for-crew> (accessed 31/10/2021)

85 <https://lloydlist.maritimeintelligence.informa.com/LL1138186/Industry-mulls-compulsory-seafarer-vaccination> (accessed 31/10/2021)

86 <https://www.globalmaritimeforum.org/content/2021/09/Neptune-Declaration-Crew-Change-Indicator-October-2021.pdf> (accessed 31/10/2021)

87 <https://mtsnewcastle.org.au/vaccination-win-for-the-wincanton/> (accessed 01/11/2021)

88 <https://www.thedcn.com.au/news/bulk-trades-shipping/in-conversation-mission-to-seafarers-newcastle-models-seafarer-vaccination-strategies/> (accessed 01/11/2021)

89 <https://www.thedcn.com.au/news/staffing-crewing-and-training/mission-to-seafarers-vaccinates-crewmembers-in-newcastle-and-brisbane/> (accessed 01/11/2021)

“When they heard the news yesterday, they were very excited to think that they’re actually getting the vaccine, because they know vaccination is such a critical part of the process of returning home,” he said.

“It is important that a safe and workable protocol for vaccinating seafarers is established and rolled out, and if it was successful in one state or in one country, why shouldn’t that be acceptable internationally?”

UN GLOBAL COMPACT HUMAN RIGHTS DUE DILIGENCE TOOL

An important document which has emerged because of the crew change crisis is the 2021 report on *Maritime Transport and the COVID-19 Crew Change Crisis: A Tool to Support Human Rights Due Diligence*.⁹⁰ A joint initiative of the UN Global Compact, the ILO, IMO and the Office of the High Commissioner for Human Rights, the tool outlines recommended measures designed to help businesses uphold their responsibility to protect the rights of seafarers.

The tool acts as a checklist for cargo owners, charterers, and logistics providers, enabling them to apply human rights due diligence throughout supply chains. As pointed out by the IMO,⁹¹ and as per the UN Guiding Principles on Business and Human Rights, **“companies engaged with the maritime industry have a distinct responsibility to respect the human rights of seafarers as workers along their value chain”**. Human rights due diligence within this context involves a process to identify, prevent, mitigate, and address adverse human rights impacts on seafarers.

Importantly, the tool identifies the dominant human rights violations experienced by seafarers during the crew change crisis, which relate to physical and mental health, family life, and freedom of movement. It further notes that the cases of seafarers working beyond the parameters of the 11-month maximum period of service on board may amount to forced labour.

The tool includes lists of key stakeholders supporting the human and labour rights of seafarers, including seafarer organisations, social partners, and relevant government entities. It promotes a collaborative effort across the maritime sector to better protect the rights of seafarers, though it relies upon enforcement to be effective.



⁹⁰ <https://unglobalcompact.org/library/5886> (accessed 01/11/2021)

⁹¹ <https://www.imo.org/en/MediaCentre/PressBriefings/pages/Due-Diligence-Tool.aspx> (accessed 01/11/2021)

HRAS Recommendations

To better protect the rights of seafarers and their families, HRAS makes three key recommendations.

1 Greater transparency in public reporting of infringements of seafarers' rights, including the naming of perpetrators

Without an accurate and transparent recording of all cases of human, labour, and social rights abuses towards seafarers (and *de facto* their families), there remains a lack of international awareness, a lack of demonstrable pressure to affect effective remedies, and a lack of reliable evidence to drive policy and legislative change in favour of reform for increased protection of seafarers' rights beyond current minimum standards.

2 Development of independent, accessible, and internationally recognised databases accurately recording abuse at sea

Despite the growing number of data resources relating to seafarer welfare, the commercial competitive nature of the global shipping industry and the current gaps in publicly accessible reporting leave many cases unaccounted for, evidence uncorroborated, and statistics hard to prove. HRAS argues for greater access to industry databases, including those initiated by, and on behalf of, commercial entities. It includes confidential access to welfare records, union, insurance, and shipping association databases. Further, the use of redacted corporate social responsibility (CSR) reporting must cease as it effectively protects those who fail to uphold minimum standards.

3 Wider engagement with reportage and data hubs to foster accountability through public reporting

The increase in accuracy and transparency of reporting coupled with the development of comprehensive databases is intended to foster a level of scrutiny and accountability required to mitigate the violations of seafarers' human, labour, and social rights. The mainstream media attention afforded to seafarers during the crew change crisis serves as an example of how broader, deeper reportage can promote public awareness. This widespread attention has the capacity to hold government entities and commercial organisations to better account.



Photo Credit: Rotsen Suyo Nicolasora



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Conclusion

The widespread mistreatment of seafarers during COVID-19 has brought about unprecedented levels of global attention. This has resulted in increased maritime stakeholder unity from a broad range of industry players, unions, welfare, and advocacy organisations, as well as from the global media.

Indeed, seafarers' human, labour and social rights were, and continue to be, consistently trampled on throughout the pandemic and its consequential fall-out. Nonetheless, the threats and abuses which surfaced during 2020 and 2021 have gradually fostered an increased awareness of the ongoing challenges at the root of this UN-stated humanitarian crisis. Critically, the lack of effective remedy through applied national and international legislative checks-and-balances to resolutely address abuse towards seafarers remains a continued failing of coastal, port, and flag States.

By highlighting the impact of ten key issues through the lens of 40 publicly accessible reports, articles, and documents, HRAS has sought to record a compelling narrative reflecting the challenges of working at sea during pandemic. Through the careful selection of these sources, HRAS further aims to demonstrate the current and future impact of increased industry-wide unity, and the value of transparent and accurate global coverage that does not shy away from asking the difficult questions.

Applying the emerging lessons of the COVID-19 triggered crew change crisis, HRAS once again recommends greater transparency in reporting infringements of seafarers' rights, the development of accessible resource databases, and a wider engagement with this data to foster greater accountability within the wider industry. In doing so, HRAS aims to anchor this crisis in the memory of the industry, the media, and the global public to ensure seafarers' sacrifices are not forgotten and that their fundamental human, labour, and social rights are no longer ignored and therefore, abused.

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:
Human Rights at Sea, VBS Langstone Technology Park, Langstone Road, Havant. PO9 1SA. UK

 Email: enquiries@humanrightsatsea.org

 www.humanrightsatsea.org

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STAMPING ON SEAFARERS' RIGHTS DURING THE COVID-19 PANDEMIC



Photo Credit: Ryan E. Paez








HUMAN RIGHTS AT SEA

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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