

REPUBLIC OF TÜRKİYE
ANKARA UNIVERSITY
GRADUATE SCHOOL OF SOCIAL SCIENCES
DEPARTMENT OF MARITIME TRANSPORTATION LAW AND POLITICS

**THE PROTECTION OF SEAFARERS' RIGHTS UNDER INTERNATIONAL
LAW: ANALYZING THE MARITIME LABOUR CONVENTION**

LLM Program with Thesis (conducted in English) in the Sea & Maritime Law

Alexandra Camile Guzmán Cruz

Ankara, 2024

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Date: 20/12/2024
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ABBREVIATIONS

AMP	:Panama Maritime Authority
CAT	:Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984).
CBA	:Collective Bargaining Agreement
CEDAW	:Convention on the Elimination of All Forms of Discrimination Against Women (1979).
CERD	:International Convention on the Elimination of All Forms of Discrimination (1965).
CRC	:Convention on the Rights of the Child (1989)
COVID-19	:Coronavirus Disease.
ILO	:International Labour Organization.
IMO	:International Maritime Organization
ITF	:International Transport Worker's Federation
MLC	:Maritime Labour Convention (MLC)
MINSA	:Panama Ministry of Health.
PSR	:Panama Ship Registry
SDG	:Sustainable Development Goals
STCW	:Standards Of Training Certification And Watchkeeping.
UDHR	:Universal Declaration of Human Rights (1948).

INTRODUCTION

Throughout history, workers have fought to obtain fair wages and decent working conditions, which lead labour rights to be considered not only legal but human rights that every person is entitled to without any sort of discrimination, dully codified in Global and local guidelines, including the "*Human Rights International Declaration*".

Starting from that point, we can acknowledge the importance and relevance of labour rights and how they have developed in every sector of the economy, especially in the maritime industry. This is one of the biggest industries in the world, supplying a large amount of workplaces worldwide, therefore it needs a special codification that applies and ensures labour rights regarding the activities of this specific sector.

Nowadays we are living in a globalized world, which has resulted in advantages like the increase of the shipping industry, but also, disadvantages like the negative effect it has brought on labour rights.

Seafarers are one of the weakest and most exploited workers, facing violations from bad labour conditions to health problems and safety issues. Even though they have several international instruments that protect them, they are facing unsafe and inhumane conditions at sea. There are broad studies regarding this topic, however, the issues are still ongoing. What makes us question if the international conventions and regulations are enough? Are they being genuinely applied in practice? If so, why are these issues already regulated still going on?

A) SUBJECT MATTER AND AIM

The subject of this study is to analyze the international instruments built to protect the fundamental rights of seafarers, especially the "*Maritime Labor Convention*", from now on, *MLC*. This study seeks to identify the ongoing issues and violations that seafarers are dealing with at sea.

B) QUESTIONS

The present study attempts to address the following question bearing in mind the existence of all these international instruments regarding seafarers' rights what needs to be done in the form to be indeed applied on a daily Bastille. Secondly, what needs to be done to achieve the dignity of life and labour at sea.

C) SCOPE AND STRUCTURE

This thesis will explore the following key areas:

Analysis of International Instruments: A comprehensive review of international legal instruments, with a primary focus on the “Maritime Labour Convention” (MLC) and other relevant treaties and conventions. This section will include an assessment of their scope, provisions, and effectiveness in protecting seafarers' rights.

Identification of Ongoing Issues and Violations: An in-depth examination of the current challenges and violations faced by seafarers at sea. This will involve case studies, statistical data, and qualitative analysis to highlight the persistent issues affecting seafarers globally.

Evaluation of Implementation Challenges: A critical assessment of the obstacles and challenges hindering the effective implementation of international instruments protecting seafarers' rights. This section will explore legal, institutional, and practical challenges that prevent the full realization of seafarers' rights.

Suggestions for Enhancement: In light of the findings of the analysis, this section will propose practical recommendations and policy suggestions aimed at enhancing the implementation and enforcement of seafarers' rights. Special attention will be given to measures that can improve the daily lives and working conditions of seafarers.

The structure of this dissertation will span 14 chapters, each designed to comprehensively explore different facets of seafarers' rights under international law and the challenges they face in maintaining dignity and fair treatment at sea.

The introduction sets the stage by outlining the significance of international instruments, particularly the “Maritime Labour Convention” (MLC), in protecting seafarers' rights. It poses critical questions about the effective application of these instruments and aims to identify ongoing issues and violations affecting seafarers worldwide.

Seafarers under International Law Instruments is the focus of Chapter 2, which defines seafarers under the MLC and examines the roles of international organizations like the “International Labour Organization” (ILO) and the International Transport Workers' Federation (ITF). This chapter also reviews key international law instruments such as the Seafarer's Identity Documents Convention and the MLC itself, evaluating their impact on seafarers' rights.

Chapter 3 explores the Human Rights of Seafarers, categorizing these rights as human beings, workers, and seafarers. It examines the international instruments that enforce these rights, including international customary law and treaties, and analyzes case studies to illustrate challenges and violations faced by seafarers in practice.

The Effects of “COVID-19” on Seafarers' Rights, detailed in Chapter 4, investigates the pandemic's profound impact on seafarers, highlighting Panama's response and global efforts to ensure seafarers' safety, well-being, and rights during the crisis.

Job Security and Wages, as discussed in Chapter 5, delves into issues of nationality discrimination and fair wage practices for seafarers. It evaluates regulatory frameworks and collective bargaining agreements aimed at promoting equal treatment and improving working conditions.

Chapter 6, Working Conditions, analyzes various aspects of seafarers' working lives, including hours, leave, rest, and repatriation rights. It compares international standards and practices and examines the challenges seafarers face in maintaining proper working conditions on ships.

The Abandonment of Seafarers, covered in Chapter 7, investigates the causes, consequences, and legal implications of this issue under international law. Features case studies and examples to demonstrate the economic, social, and psychological impacts on seafarers and their families.

Health and Social Conditions at Sea, explored in Chapter 8, examines seafarers' health, nutrition, and social facilities, as well as accommodation standards onboard ships. It evaluates existing regulations and practices in promoting seafarers' well-being and quality of life.

Chapter 9, Protection of Panamanian Seafarers as an Open Registry, analyzes Panama's role and the implications for Panamanian seafarers. It evaluates regulatory oversight, enforcement mechanisms, and the impact of global shipping trends on Panamanian seafarers.

Access to Justice, discussed in Chapter 10, examines procedural rights and mechanisms for resolving disputes both onboard and onshore. It analyzes legal frameworks and jurisdictional issues affecting seafarers' access to justice and evaluates the effectiveness of grievance procedures and arbitration.

Chapter 11, Inclusion at Sea, addresses gender equality and disability rights in the maritime sector, evaluating efforts to promote diversity and inclusion. It explores barriers faced by women and people with disabilities in accessing maritime employment and accommodations.

Risks Faced at Sea, covered in Chapter 12, explores various hazards seafarers encounter, including conflicts, shipwrecks, accidents, and technological advancements. It analyzes case studies and proposes strategies to mitigate risks and improve safety standards.

The Conclusion, in Chapter 13, synthesizes findings and proposes recommendations for reforms and initiatives to address gaps in seafarers' rights protections. It reflects on the study's significance and its contribution to advancing the dignity of life and labour at sea.

Finally, the Academic Sources (Bibliography), in Chapter 14, offers an extensive compilation of both primary and secondary sources including conventions, books, reports, and dissertations, used throughout the dissertation for further research and study.

D) METHOD

This research primarily employs qualitative methods, focusing on a comprehensive review of existing materials, including the Maritime Labour Convention (MLC), its amendments, and related international conventions and treaties. Additionally, it examines academic literature, case studies, and reports published by key organizations such as the International Labour Organization (ILO), the International Maritime Organization (IMO), and the International Transport Workers' Federation (ITF).

The theoretical framework and scope of this thesis are grounded in the principles of international law, particularly those outlined in the MLC, 2006, as well as supplementary instruments such as the Seafarer's Identity Documents Convention and the Standards of Training, Certification, and Watchkeeping for Seafarers (STCW).

Given the global nature of maritime labor issues and the significant implications for seafarers' rights and well-being, this research also considers the perspectives of states, international organizations, and non-governmental organizations. These stakeholders have contributed extensively to the discourse through policy recommendations, case documentation, and compliance evaluations, which provide a nuanced understanding of the challenges and opportunities for enforcing seafarers' rights.

The comments and assessments provided in reports and audits from the ILO and IMO on the implementation of the MLC are integrated into this study to highlight the predictability and applicability of the legal framework governing seafarers' rights. This research also draws on comparative analyses of national practices, focusing on Panama as an open registry, to explore disparities in enforcement and propose viable solutions to bridge these gaps.

I. SEAFARERS UNDER INTERNATIONAL LAW INSTRUMENTS

A) DEFINITION OF SEAFARERS:

To fully understand and comprehend the subject of study we must clarify the meaning of the sector we are analyzing, in this case, seafarers.

1- Under *MLC* 2006:

According to Article II of the “Maritime Labour Convention”, “any person who is employed or engaged or works in any capacity on board a ship to which this Convention applies is considered a Seafarer”. Understanding “ship” as a ship other than “one which navigates exclusively in inland waters or waters within, or closely adjacent to, sheltered waters or areas where port regulations apply, as stipulated in Article II of the *MLC*”.

B) INTERNATIONAL ORGANIZATIONS FOR SEAFARERS’ PROTECTION

1- “International Labour Organization” (*ILO*):

The “International Labour Organization”, hereinafter called, *ILO* was founded in Geneva under the Treaty of Versailles in 1919 and is considered one of the main sources of the international “Maritime Labour Convention”. Its fundamental aim is "to promote social justice and to cope with the problem of labour conditions involving injustice, hardship and privation". The ILO has adopted more than 65 legal frameworks¹ regarding seafarers' welfare, comprehensively addressing all aspects of working conditions, including minimum age, hours of work, occupational safety, health protection, standards for accommodation and catering, access to medical care, repatriation, labour inspection and social security among others. One of the most critical responsibilities it is facing nowadays is enhancing the efficiency and practicality of the international workforce and aligning it with the challenges posed by globalization.

¹ Jallah, Ramat “International Maritime Labour Law” (2021) IMO International Maritime Labour Law Institute, IMLI, Malta, p. 4.

2- "International Transport Worker's Federation (ITF)":

The International Transport Worker's Federation, hereinafter called, was established in 1896 in London, the ITF was created by European union leaders representing seafarers and dockworkers." as a result of the need to organise internationally against strike-breakers. Its role is to support its member trade unions and find ways to defend the interests of transport workers in the global economy, by representing transport workers at the world level and promoting their interests through global campaigning and solidarity, the ITF aims to defend "fundamental human and union rights" and to oppose any form of aggression and discrimination².

C) INTERNATIONAL LAW INSTRUMENTS

The rise of the global workforce caused international companies to take measures aiming to reduce the costs of the workforce, usually causing violations of the rights and the working conditions of workers, which created a need for determining international working standards. To ensure the prevention of such violations, some Non-governmental organizations have established certain standards for working conditions to safeguard workers' rights. Throughout history, seafaring has been a profession that has received special legal protections due to the challenging work environment and the power disparity between shipowners and seafarers. Reason why the following was created as a way of acknowledging the necessity of protecting seafarers as a reality.

1- Seafarer's Identity Documents Convention:

This Convention establishes a rigorous identity regime for seafarers with to develop security from terrorism and ensure freedom of movement necessary for seafarer's well-being and for their professional activities, thereby facilitating international commerce. It also makes provisions for the facilitation of shore leave, transit and transfer of seafarers, including the exemption from holding a visa for seafarers taking shore leave. This Convention also requires Member States to maintain a database available for international consultation, in faithful compliance with data protection, by authorized

² Jallah, Ramat "International Maritime Labour Law" (2021) IMO International Maritime Labour Law Institute, IMLI, Malta,p.38.

officials for adequate procedures for the issuance of IDs, including security and individual rights, subject to transparent procedures for international oversight.

2- Maritime Labour Convention

The Maritime Labour Convention (MLC), also known as the "Bill of Rights" for seafarers, is a comprehensive document ensuring rights and protections for seafarers. It consolidates over 65 international labour standards, guaranteeing decent working conditions across various areas such as accommodation, recreational facilities, food and catering, medical care, and welfare. The MLC has been amended three times to address current challenges.

The 2014 amendments established a social security system to ensure compensation for seafarers and their families in cases of abandonment, death, or long-term disability.³ The 2016 amendments focused on enhancing crew safety and welfare, covering health, safety protection, and accident prevention for seafarers⁴. In 2018, amendments were made to the seafarer's employment agreement, ensuring wages continue during captivity resulting from piracy or armed robbery against ships.⁵

This international instrument aims to set standards for working conditions on ships, promoting compliance through flexible implementation and robust enforcement, without granting more favourable treatment to any party. It stands as a landmark achievement in the history of seafarers' rights law.

3. Convention on Standards of Training, Certifications, and, Watchkeeping for Seafarers

Adopted by the International Maritime Organization (IMO) in 1978, is a key international framework that sets minimum standards for the training, certification, and watchkeeping of seafarers. Its primary aim is to ensure uniformity in the competencies required of seafarers globally, thereby enhancing maritime safety,

³ Jallah, Ramat "International Maritime Labour Law" (2021) IMO International Maritime Labour Law Institute, IMLI, Malta, p. 1.

⁴ Ibid.

⁵ Ibid.

security, and environmental protection. This convention plays a pivotal role in standardizing qualifications and fostering professionalism within the maritime industry.

II. HUMAN RIGHTS OF SEAFARERS.

Now that we have approached the definition and significance of seafarers and the international instruments built for their protection, it is essential to specify and clarify the rights that these instruments aim to safeguard. This sector encompasses not only the rights of seafarers but also their rights as workers and human beings.

A) BASIC RIGHTS OF SEAFARERS

1- As a Human Being

Seafarers, like all individuals, are entitled to fundamental human rights that ensure their dignity and well-being:

- **"Right to Life":** Seafarers "have the right" to life, protected under international human rights law, including the right to be free from unlawful deprivation of life.⁶
- **Freedom from Discrimination:** "Seafarers are entitled to equal protection against discrimination" based on race, colour, based on religion, politics, colour or other opinion, national or social or other opinions, birth, or another status⁷. Discrimination can take other forms at sea, affecting seafarers' career prospects, living conditions, and treatment.
- **Right to Health and Medical Care:** Seafarers have the entitlement to the highest possible level of physical and mental well-being, which includes access to healthcare services and essential medicines⁸. The demanding nature of their work often exposes seafarers to physical and mental health risks, necessitating robust medical support.
- **Freedom from Torture, Cruel, and Inhuman or Degrading Treatment:** Seafarers have the right to be free from torture and cruel, inhuman, or degrading

⁶ International Maritime Organization (IMO), *Autonomous shipping*. 2019.

⁷ "International Labour Organization" (ILO), *Forced labour*. 2018, p. 3.

⁸ United Nations, *Universal Declaration of Human Rights*. 1948, p. 49.

treatment or punishment⁹. Instances of abuse or harsh treatment aboard ships can have severe impacts on seafarers' mental and physical well-being.

2. As a Worker

Seafarers, as workers, are entitled to rights that protect their working conditions and ensure fair treatment:

- **Freedom from Forced Labour:** Seafarers have the right to be free from any form of forced or compulsory labour, as defined by international labour standards. Cases of forced labour, including debt bondage and coercion, remain challenges in the maritime industry.
- **Prohibition of Child Labour:** Seafarers under the age of 18 have the right To be protected from involvement in tasks that could pose risks, interfere with their education, or harm their well-being, including their physical, mental, spiritual, moral, or social growth¹⁰. Efforts are needed to ensure compliance with these protections, particularly in regions with lax enforcement.
- **Right to a Legal Remedy:** Seafarers have the right to access effective remedies for violations of their rights, including access to judicial or other appropriate dispute resolution mechanisms¹¹. Barriers to justice, such as jurisdictional issues and lack of legal representation, often impede seafarers' ability to seek redress.
- **Freedom of Association and the Right to Collective Bargaining:** Seafarers have the right to form and join trade unions for the protection of their interests, and to bargain collectively with their employers¹². These rights are crucial in advocating for better working conditions and fair wages.
- **Right to Strike:** Seafarers have the right to strike, in accordance with national law and practice, and consistent with international labour standards¹³. Strikes can be a last resort for seafarers facing unsafe working conditions or unfair treatment.

⁹ "International Labour Organization" (ILO), *Freedom from torture, cruel, inhuman or degrading treatment*. 2020.

¹⁰ "International Labour Organization" (ILO), *Minimum Age Convention, 1973 (No. 138)*. 1973, p. 25.

¹¹ United Nations, *Access to Justice*. 1998, p. 143.

¹² "International Labour Organization" (ILO), *Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)*. 1948, p. 2.

¹³ "International Labour Organization" (ILO), *Right to Organise and Collective Bargaining Convention, 1949 (No. 98)*. 1949.

- **Right to Employment Agreement:** Seafarers have the right to freely choose their employment and not to be compelled to work against their will¹⁴. Ensuring fair and transparent employment practices is essential to protecting seafarers from exploitation.
- **Right to Free Employment Services and Continuity of Employment:** Seafarers have the right to freedom of selection of jobs, equitable and beneficial working environments, and safeguards against job loss. However, volatility in the maritime industry can lead to job insecurity and challenges in maintaining continuous employment¹⁵.
- **Right to Safe and Healthy Working Conditions:** Seafarers have the right to a safe and healthy working environment, including adequate rest and access to sanitary facilities¹⁶. Addressing safety hazards and promoting wellness programs can enhance seafarers' quality of life at sea.
- **Right to Wages:** Seafarers have the right to receive wages for work performed, which are sufficient to provide them with an adequate standard of living for themselves and their families¹⁷. Issues such as wage theft and delayed payments are common concerns among seafarers.
- **Right to Reasonable Working Hours, Hours of Rest, and Holidays:** Seafarers have the right to reasonable working hours, including adequate rest and annual leave, in accordance with international labour¹⁸ standards hours and limited rest periods can contribute to fatigue and compromise seafarers' safety.
- **Right to Social Security and Welfare:** Seafarers have the right to social security and welfare benefits to ensure protection against sickness, unemployment, old age, and other contingencies¹⁹. Enhancing social protection measures can provide seafarers with a safeguard in times of financial instability.

¹⁴ “International Labour Organization” (ILO), *Employment Policy Convention*, 1964 (No. 122). 1964, p. 2.

¹⁵ “International Labour Organization” (ILO), *Employment Service Convention*, 1948 (No. 88). 1948, p. 7.

¹⁶ “International Labour Organization” (ILO), *Occupational Safety and Health Convention*, 1981 (No. 155). 1981, p. 3.

¹⁷ “International Labour Organization” (ILO), *Wages Convention*, 1949 (No. 95). 1949, p. 12.

¹⁸ “International Labour Organization” (ILO), *Hours of Work (Industry) Convention*, 1919 (No. 1). 1919, p. 8.

¹⁹ “International Labour Organization” (ILO), *Social Security (Minimum Standards) Convention*, 1952 (No. 102). 1952, p. 7.

3. As a Seafarer

Seafarers have specific rights related to their profession and the unique challenges they face at sea:

- **Right to Identification Documents and Shore Leave:** Seafarers have the right to possess and carry identification documents, including seafarer's identity documents, and the right to shore leave while in port²⁰. Access to shore leave allows seafarers to rest and access essential services while away from the vessel.
- **Entitlement to Leave:** Seafarers have the right to paid annual leave and other types of leave in accordance with their employment agreements and applicable law²¹. Adequate leave provisions are essential for seafarers to maintain work-life balance and mitigate fatigue.
- **Right to Repatriation:** "Seafarers have the right to be repatriated at no cost to themselves" in the event of illness, injury, or shipwreck, as well as at the end of their contract period²². Repatriation ensures that seafarers can return home safely and reunite with their families.

B) INTERNATIONAL INSTRUMENTS COMPELLING THIS RIGHTS

In order for these rights to be enforceable, they have been written, signed, and agreed upon in various international instruments by the majority of countries, all committed to protecting and maintaining societal balance.

1- International Customary Law

²⁰ "International Labour Organization" (ILO), *Seafarers' Identity Documents Convention (Revised)*, 2003 (No. 185). 2003, p. 44.

²¹ "International Labour Organization" (ILO), *Paid Leaves (Seafarers) Convention*, 1946 (No. 146). 1946, p. 8.

²² "International Labour Organization" (ILO), *Repatriation of Seafarers Convention*, 1987 (No. 166). 1987, p. 18.

Refers to a source of international law derived from the consistent and general practice of states, carried out with a sense of legal obligation (*opinio juris*). It is considered binding on all states, regardless of whether they have formally agreed to it, and serves as a key component in regulating international relations and resolving disputes. This legal framework evolves over time through state practice and is recognized as having equal authority to treaty law in the international legal system.

2- International Treaties:

Being of most importance the subsequent²³, "*The Universal Declaration of Human Rights 1948*" (UDHR), the International Convention on the Elimination of All Forms of Discrimination 1965 (CERD), the Convention on the Elimination of All Forms of Discrimination Against Women 1979 (CEDAW), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984 (CAT) and the Convention on the Rights of the Child 1989" (CRC).

III. EFFECTS OF “COVID-19” ON SEAFARERS’ RIGHTS

It is well-known that the COVID-19 pandemic caused an unprecedented disruption to the global maritime industry. This crisis placed significant strain on seafarers, who suffered the most from its consequences.

As we know, many seafarers were forced to extend their service on merchant vessels for several months at sea, far exceeding the stipulated duration, due to the COVID-19 pandemic. Others were unable to disembark because of the global lockdowns imposed.

Most of the executive announcements issued by governments to prevent the spread of the virus did not fully consider all the factors affecting seafarers, resulting in negative effects for those who were already on vessels.

²³ Ibid.

Due to the aforementioned situation, a significant number of seafarers worldwide could not disembark and were compelled to remain locked down on their vessels for several months, feeling like prisoners on board. They were separated from their families for extended periods, had limited access to communication with the outside world, and were uncertain about when their situation would improve. These factors significantly increased the incidence of suicides among seafarers.

The unprecedented conditions for those on vessels resulted in enormous misery and stress, leading to widespread psychological issues. It became clear that states needed to find an efficient way to evacuate seafarers from ships promptly, considering their significant concerns. Many actions and regulations were implemented due to the COVID-19 pandemic, including companies' responsibility to provide seafarers with sufficient equipment such as face masks, alcohol, and gloves to comply with protocols and regulations.

On February 3, 2021, a note addressing maritime labour challenges during the COVID-19 pandemic was published, featuring joint statements from the Safety Committee under the Maritime Labour Convention (MLC). This note urged the global community to consider Article 6 of the Seafarers' Identity Documents Convention, emphasizing that each member state must allow entry into its territory for seafarers holding a valid seafarer's identity document supplemented by a passport. This entry is required for purposes such as joining or transferring to another ship in a different country, repatriation, or any other approved purpose by the relevant authorities.

A) OBLIGATIONS AND ACTIONS TAKEN BY PANAMA DURING “COVID19”

The Republic of Panama has the largest number of registered merchant vessels in the world, and with that comes a big responsibility. As a flag state it had the responsibility to strengthen existing measures to ensure that seafarers were repatriated after serving a period of 11 months at sea, facing extreme fatigue. Seafarers onboard for more than the maximum number of 11 months of work constitutes not only a clear safety and health risk to the seafarers involved but also a safety hazard to shipping in general. It is extremely important to ensure that seafarers have extremely efficient staff to ensure the safe, efficient and safe operation of ships while they are working on board and the need to avoid or minimize excessive working hours to ensure adequate rest and limit fatigue.

It is important to mention that according to Article IV of the *MLC*, every seafarer has the right to safe work that meets safety standards, as well as health, medical, welfare standard forms of social protection, which must be ensured by Flag states.

Taking into consideration the context of the COVID-19 pandemic and the global shortage of certain medical equipment at the time, it raised awareness about the types of equipment provided to seafarers on board their flagships. This included appropriate health measures such as alcohol-based hand sanitizers, personal protective equipment, and access to prompt and appropriate medical care while on board.

In December 2021, Panama's Ministry of Health (MINSA), in collaboration with the Panama Maritime Authority (AMP), began offering vaccinations to seafarers of any nationality. These vaccinations were available to those aboard ships registered under the Panama Ship Registry, as well as ships arriving at Panamanian ports. This initiative supported the global vaccination effort and ensured the protection of seafarers worldwide without any form of discrimination.

Panama has been offering these vaccinations, including all the corresponding doses and boosters without regarding their nationality or one of the flags of their vessels, and even created a flag organization named “Panama Movement” with their Ministry of Health to ensure this process.

Lastly, the Republic of Panama, like many other countries began to issue electronic certificates to seafarers, so that their certificates or licenses do not expire and that they can continue working on vessels. To the current date in less than 11 months, Panama has issued more than 255,000 thousand electronic certificates, all of this in order to protect and facilitate the working conditions of seafarers in fulfilment of the aims of the *MLC*.

IV. JOB SECURITY AND WAGES.

A) NATIONALITY DISCRIMINATION.

The pursuit of competitive advantage in the maritime labour workforce often leads shipowners to exploit labour costs, resulting in poorer working conditions for seafarers. This is exacerbated by the increased use of technology on ships and the competitive environment of the marine industry, where personnel are often chosen from the cheaper workforce of developing countries. Unfortunately, this situation frequently leads to the abuse of seafarers' rights, with little regard for their well-being²⁴.

Seafarers are entitled to fair employment agreements that provide decent working and living conditions on board ships, as required by the Maritime Labour Convention (MLC). They also have the right not to be discriminated against based on nationality or any other factor²⁵. However, the economic pressures on shipping companies to employ cheaper labour from developing countries with less labour regulations have created a preference for certain nationalities, leading to unfair wages and exploitation²⁶.

One of the most notable examples of this practice is the employment of Filipino seafarers. For decades, the Philippines has provided the largest portion of labour for the world's cargo ships, making Filipino seafarers the most employed nationality in the global shipping industry²⁷. Filipinos are in high demand for manships ranging from luxury cruise ships to giant tankers and container vessels. While Filipino seafarers are

²⁴ “International Labour Organization” (ILO), '“Maritime Labour Convention”, 2006', p. 13.

²⁵ Panama Maritime Authority, 'Annual Report on the Maritime Sector', 2023.

²⁶ “International Labour Organization” (ILO), '“Maritime Labour Convention”, 2006', p. 2.

²⁷ Ibid.

highly qualified and skilled, shipowners often take advantage of their nationality by expecting them to work for lower wages compared to other nationalities²⁸.

Filipino seafarers frequently face wages that are lower than what is promised or less than what other nationalities receive for similar work. Moreover, they are often subjected to excessive working hours and duties that are not part of their contracts, leading to poor treatment and exploitation²⁹. This situation not only violates their rights at sea but also limits job opportunities for seafarers from more developed countries that have stronger regulations and inspections to prevent labour exploitation³⁰.

1- Impact of Security

The economic preference for employing seafarers from certain nationalities not only affects their wages but also their job security. Filipino seafarers, for instance, face precarious job security despite the seafarer's high demand in the industry. They work on short-term contracts with little stability and job protection, which makes them vulnerable to sudden terminations and layoffs³¹.

Job Security Measures: The MLC requires that seafarers are provided with stable employment contracts that offer job security and protection against arbitrary dismissal. However, in practice, many Filipino seafarers report contracts that do not guarantee stable employment and are subject to sudden terminations³².

Employment Rights: Seafarers are entitled to adequate rest periods, safe working conditions, and fair treatment under international labour laws. Unfortunately, Filipino seafarers often face violations of these rights due to the economic pressures and competitive environment of the maritime industry³³.

²⁸ Panama Maritime Authority, 'Annual Report on the Maritime Sector', 2023.

²⁹ "International Labour Organization" (ILO), ' "Maritime Labour Convention", 2006

³⁰ Ibid

³¹ Panama Maritime Authority, 'Annual Report on the Maritime Sector', 2023.

³² "International Labour Organization" (ILO), ' "Maritime Labour Convention", 2006

³³ Ibid

2- Legal Framework and Rights Violations

The “Maritime Labour Convention” (MLC) provides a comprehensive legal framework for the protection of seafarers' rights, including provisions against discrimination based on nationality. Despite these legal protections, the practical enforcement of these rights remains a challenge, particularly in regions where regulatory oversight is weak³⁴.

Rights Violations: Many seafarers, including Filipinos, face frequent violations of their rights, such as underpayment regarding salaries, extended work hours, and substandard living environments on board ships. These violations are often compounded by the fear of retaliation, preventing seafarers from reporting abuses and seeking redress³⁵.

Enforcement Challenges: The enforcement of labour standards and regulations varies globally across different maritime jurisdictions, with some regions lacking the resources and political will to effectively monitor and enforce compliance. This creates a fertile ground for exploitative practices and abuses against seafarers³⁶.

3- Filipino Seafarers and Wage Disparities

Filipino seafarers are often subject to wage disparities compared to their counterparts from developed countries³⁷. Despite being highly skilled and qualified, Filipino seafarers typically earn lower wages due to the economic preference for cheaper labour from developing countries. This practice not only undermines the principles of fair wages but also perpetuates economic inequalities within the maritime labour market³⁸.

Wage Disparities: Studies have shown that Filipino seafarers, on average, earn significantly less than seafarers from Western countries, even when performing similar duties onboard ships³⁹. This wage disparity is a direct consequence of the economic

³⁴ “International Labour Organization” (ILO), ‘“Maritime Labour Convention”, 2006

³⁵ Panama Maritime Authority, 'Annual Report on the Maritime Sector', 2023.

³⁶ Ibid

³⁷ “International Labour Organization” (ILO), ‘“Maritime Labour Convention”, 2006

³⁸ Ibid.

³⁹ Panama Maritime Authority, 'Annual Report on the Maritime Sector', 2023.

incentives for shipowners to reduce costs by employing cheaper labour from countries with lower wage expectations and weaker labour protections⁴⁰.

4- Working Conditions and Exploitation

The working conditions of Filipino seafarers often fall short of international standards, despite legal protections under the MLC. Many seafarers report long working hours, inadequate rest periods, and substandard living conditions on board ships⁴¹. These conditions not only affect the health and well-being of seafarers but also contribute to high levels of stress and fatigue, posing risks to maritime safety⁴².

Exploitation: Exploitative practices, such as the imposition of unpaid overtime and the withholding of wages, are common issues faced by Filipino seafarers. These practices often go unreported due to fear of retaliation and the lack of effective complaint mechanisms onboard ships⁴³.

5- Cultural and Social Implications

The employment of Filipino seafarers has significant cultural and social implications, both within the Philippines and in the global maritime industry. Filipino seafarers are often the main breadwinners for their families, supporting communities and local economies through remittances⁴⁴. However, the economic exploitation of Filipino seafarers undermines their contributions and perpetuates cycles of poverty and dependency in their home communities⁴⁵.

Cultural Impact: The maritime industry is a source of national pride in the Philippines, where seafaring is profoundly ingrained in the nation's cultural essence. The exploitation of Filipino seafarers by international shipowners and companies threatens

⁴⁰ “International Labour Organization” (ILO), '“Maritime Labour Convention”, 2006

⁴¹ Ibid.

⁴² “International Labour Organization” (ILO), '“Maritime Labour Convention”, 2006

⁴³ Ibid.

⁴⁴ Panama Maritime Authority, 'Annual Report on the Maritime Sector', 2023.

⁴⁵ Ibid.

this cultural heritage and undermines the respect and recognition owed to Filipino maritime professionals⁴⁶.

6- Legal Recourse and Redress Mechanisms

Seafarers, including Filipinos, have the right to seek legal recourse and redress for violations of their rights under international and national laws. Legal recourse may include filing complaints with national labour authorities, pursuing civil litigation for damages, and seeking support from maritime welfare organizations⁴⁷. However, the effectiveness of these legal recourse mechanisms often depends on the accessibility of legal aid and support services for seafarers⁴⁸.

Legal Aid: Organizations such as the International Transport Workers' Federation (ITF) and national seafarers' unions provide legal aid and support to seafarers in pursuing claims for unpaid wages, compensation for injuries, and other legal remedies⁴⁹. These groups are essential in championing for seafarers' rights and improving access to justice within the maritime industry⁵⁰.

7- Future Perspectives and Recommendations

To tackle the issues encountered by individuals in the Philippines "*seafarers*" and improve their working conditions, several recommendations can be considered:

- **Enhanced Regulatory Oversight:** Strengthening regulatory oversight and enforcement of labour standards to prevent exploitation and ensure compliance with the MLC.
- **Training and Awareness Programs:** Increasing awareness among seafarers about their rights and providing training on maritime laws and regulations.

⁴⁶ "International Labour Organization" (ILO), ' "Maritime Labour Convention", 2006

⁴⁷ Ibid.

⁴⁸ Panama Maritime Authority, 'Annual Report on the Maritime Sector', 2023, p. 4.

⁴⁹ "International Labour Organization" (ILO), ' "Maritime Labour Convention", 2006', p. 40.

⁵⁰ Ibid.

- **International Collaboration:** Promoting international collaboration and cooperation among maritime nations to address wage disparities and improve working conditions.
- **Support Services:** Enhancing support services for seafarers, including legal aid, counselling, and health services and counselling their rights and well-being.
- **Policy Reforms:** Advocating for policy reforms at the national and international levels to promote fair wages, job security, and decent working conditions for all seafarers⁵¹.

B) WAGES

According to the MLC, all seafarers' wages must be paid in monthly intervals into their accounts, and efficient mechanisms must be provided to ensure that earnings are transmitted to seafarers' families or dependents.

All seafarers must be paid for their services, even while held captive by pirates. However, there are many complaints of "non-compliance with the MLC regarding working hours at sea and in ports, shortages in the required number of personnel, and non-payment for overtime hours". According to previous studies, issues such as rest and work hours of seafarers and wage-related concerns have been exacerbated by fluctuations in exchange rates⁵².

It is alleged that some ship owners often fail to comply with national and international rules and regulations. One of the major criticisms against open registry ship owners is the non-payment of wages for extended periods, delays in transferring money to seafarers' accounts, non-payment of overtime, and the prevalence of double wage accounts. These accounts typically involve one set of standard forms shown to international union inspectors with inflated wages, and another set reflecting the actual, lower wage levels paid.

⁵¹ Ibid.

⁵² Ebadot, Md. Ali, *"The open registry question of seafarer wages and employment conditions and the position of the ITF"*, (1995). World Maritime University Dissertations.1251, p. 45.

All these issues have been raised by the ITF and their affiliated Western seafarers' unions. However, it is challenging to address all of these issues comprehensively due to varying regulations from country to country. In its best efforts, the ILO has established minimum wage standards for seafarers, which are revised yearly, aiming to ensure decent working conditions at sea.

V. WORKING CONDITIONS

A) WORKING HOURS

As stated in the MLC, the hours of work for seafarers should not exceed 8 hours in any 24-hour period, with at least one day of rest per week. The maximum hours of work over any seven-day period should not exceed 48 hours. The MLC also stipulates minimum hours of rest, requiring seafarers to have at least a minimum of 10 hours of rest within any 24-hour span and a total of 77 hours of rest over any specified period of the seven-day period, which may be divided into two periods, one of which must be at least 6 hours long.

In order to fully comply with this regulation, tools must be conducted in a manner that minimizes disturbance of rest periods. The table with shipboard working arrangements should be posted in accessible places for seafarers, including recreation areas, detailing seafarers' daily hours of work and rest.

All hours in excess of eight per day are considered overtime and should be paid to seafarers at overtime rates. However, as mentioned in this study, while many ship owners comply with these regulations, there are others that alter these records and fail to adhere to the regulations. In reality, aboard vessels, seafarers are often exploited to work overtime without proper time to rest. Many seafarers are afraid to speak up due to fear of retaliation.

B) LEAVE AT WORK AND ANNUAL

All seafarers are entitled to leave their vessels and receive paid annual leave, which is calculated as a minimum of 2.5 calendar days per month, according to the MLC. Holidays, sickness, shore leave, compensatory time, or any similar arrangements are not considered part of the shore leave entitlement. Any agreement to waive the minimum annual leave is prohibited under the MLC.

Seafarers must be granted shore leave, which benefits their health and well-being. It is important to ensure that seafarers have adequate leave, considering they spent several months on a vessel without proper interaction with the outside world and their families under stressful situations⁵³.

C) REST AND ENTERTAINMENT

The *MLC* defines rest as time outside hours of work and stipulates on Regulations 2.3 of the *MLC* that seafarers are entitled to enjoy rest period and to have regulated hours of work and hours of rest, with periods they are free to use for entertainment or whichever purpose they would like.

As we have mentioned through this study, Rest periods must meet a minimum duration over any 24-hour window and total at least 77 hours over seven days. Within this daily timeframe, rest should be split into no more than two sessions, with one block being no shorter than six hours, and the gap between sessions must remain within 14 hours. Records of work or rest times must be logged in a standardized format, provided in both the vessel's primary language and English, and approved by either the Master or a designated representative, as well as the crew member involved. The seafarers must receive a copy of the records about them, as it is regulated on the *MLC*.

D) REPATRIATION RIGHTS FOR SEAFARERS

⁵³ Stevenson, Douglas, “*Seafarer’s Rights and “Maritime Labour Convention”, 2006*”, International Maritime Law Institute, 2021, p. 8.

Repatriation rights ensure that seafarers can return home at no cost to themselves. This entitlement applies when their employment is terminated either by the vessel's owner or for valid reasons given by the crew member, such as being unable to fulfil their responsibilities outlined in the agreement. According to the Maritime Labour Convention (MLC), all costs related to repatriation must be covered by the shipowner.

However, if the shipowner fails to pay for repatriation, the responsibility goes to the Flag State, who must make the arrangements and responsibility for the seafarer's repatriation. The Flag state can recover the repatriation expenses from the shipowner in a separate process. If the Flag State also fails to repatriate the seafarers, it would become the responsibility of the Port State or the State of the seafarers' national responsibility case they may repatriate the seafarer and recover the repatriation expenses from the Flag State, always safeguarding and prioritizing the needs and rights of the seafarers.

Lastly, "the cost of repatriation includes travel by appropriate and expeditious means, typically by air, and covers appropriate food and accommodation for the seafarer from the time they leave the ship until they arrive at their home". It also includes necessary medical care, passage and transport of personal effects, and any other reasonable costs or charges arising from the repatriation process⁵⁴.

VI. ABANDONMENT OF SEAFARERS

The abandonment of seafarers is one of the most discussed topics regarding maritime workers. According to the "*Maritime Labour Convention*" (MLC) a crew member is deemed deserted when the vessel owner neglects to cover return expenses, abandons them without essential care or assistance, or abruptly cuts off the relationship, including withholding payment for sixty days⁵⁵.

The issue of seafarer abandonment poses a significant threat to the welfare and rights of maritime workers worldwide. This abandonment not only jeopardizes the livelihoods of seafarers but also violates their fundamental human rights. The consequences of

⁵⁴ Jallah, Ramat "International Maritime Labour Law" (2021) IMO International Maritime Labour Law Institute, IMLI, Malta, p. 18.

⁵⁵ "International Labour Organization" (ILO), "*Maritime Labour Convention*", 2006 (MLC, 2006).

abandonment can be severe, including challenges related to finances, mental well-being, and physical health, along with prolonged separation from families⁵⁶.

One well-known case of seafarer abandonment involves the crew of the MV Iceberg I, a vessel that was abandoned by its owner in 2010. The ship was seized by Somali pirates in March 2010 and held captive for over two and a half years, making it one of the longest-held hijacking incidents in modern maritime history. During this period, the crew of the MV Iceberg I endured extreme hardship, including physical and psychological abuse, inadequate food and water supplies, and prolonged captivity. The owner of the vessel abandoned the crew, failing to provide necessary support or negotiate their release. This case highlighted the vulnerability of seafarers to abandonment and exploitation, particularly in regions affected by piracy and lawlessness. It also highlighted the significance of global collaboration and effective enforcement mechanisms to combat seafarer abandonment and ensure the protection of maritime workers' rights⁵⁷.

To address this issue, it is essential for governments, maritime authorities, and intergovernmental, maritime authorities, and international organizations need to strengthen the ability, and provide effective support and assistance to abandoned seafarers.

By taking decisive action, stakeholders can uphold the rights and dignity of seafarers and prevent the exploitation and abandonment of maritime workers. In order to avoid and protect seafarers from this outrageous situation, one of the made to the MLC establishes that each member shall require ships that fly its flag to provide financial security to ensure that seafarers are duly repatriated, understanding financial security as a system that must provide direct access by seafarers and must contain four months' wages, repatriation expenses, and essential needs of seafarers, in order to protect and avoid abandonment at sea⁵⁸.

⁵⁶ Ibid.

⁵⁷ International Maritime Organization (IMO) and "International Labour Organization" (ILO), *Guidelines for the Implementation of the "International Labour Organization" (ILO) "Maritime Labour Convention", 2006, Second Edition*(IMO/ILO, 2019).

⁵⁸ United Nations, *International Maritime Organization (IMO), International Convention on Maritime Law, 1958: Guidelines for the Implementation of the 2016 Protocol to the International Convention on Maritime Law* (United Nations, 2018).

A) LEGAL FRAMEWORK AND DEFINITIONS

"*The Maritime Labour Convention*" (MLC), commonly known as the "Seafarers' Bill of Rights," was established to protect seafarers' rights and ensure fair treatment. The MLC defines abandonment in clear terms to address various scenarios where seafarers are left stranded, unpaid, and unsupported. This comprehensive legal framework aims to provide a safety net for seafarers, ensuring they receive necessary support and protection even when their employers fail them⁵⁹.

B) CAUSES OF ABANDONMENT

Seafarer abandonment can stem from numerous causes, often linked to the financial instability of shipowners, operational challenges, or legal disputes. Some of the common causes include:

- **Financial Insolvency:** Shipowners facing bankruptcy or severe financial difficulties may abandon their crew, unable to fulfill their obligations.
- **Legal Disputes:** Conflicts between shipowners and other stakeholders can lead to abandonment, with seafarers caught in the crossfire.
- **Operational Issues:** Mechanical failures or impounding of vessels by authorities can leave seafarers stranded.
- **Piracy and Security Issues:** In piracy-prone regions, captured vessels may be abandoned if shipowners fail to negotiate or pay for the release of the crew⁶⁰.

C) CONSEQUENCES OF ABANDONMENT

The impacts of abandonment on seafarers are profound and multi-faceted:

- **Financial Hardship:** Abandoned seafarers often face severe financial distress. Unpaid wages and the lack of means to support themselves can lead to struggles

⁵⁹ International Maritime Organization (IMO), *The International Maritime Organization (IMO) and the Role of the United Nations*.

⁶⁰ International Maritime Organization (IMO), *The International Maritime Organization (IMO) and the Role of the United Nations*.

in meeting basic needs as nourishment, hydration, and housing. The financial impact extends to their families, who rely on their income.

- **Health Issues:** Prolonged abandonment can lead to significant health problems. The unavailability of medical services, inadequate nutrition, and unsanitary living conditions can cause both physical and mental health issues. Psychological trauma, anxiety, and depression are common among abandoned seafarers.
- **Family Separation:** Being stranded far from home leads to prolonged separation from families, exacerbating the emotional and psychological toll on seafarers. The uncertainty of their situation adds to the stress and anxiety, affecting their overall well-being.
- **Legal and Social Marginalization:** Abandoned seafarers often find themselves in a legal limbo, without the means to return home or seek legal redress. They may face difficulties in curing new employment due to the stigma associated with abandonment⁶¹.

D) CASE STUDIES HIGHLIGHTING THE ISSUE

1- *MV Aman*

In 2017, the MV Aman was abandoned in the Suez Canal with its crew on board. The crew faced extreme difficulties, including a lack of food, water, and medical supplies.

The shipowner's failure to provide necessary support led to severe hardships for the crew, drawing international attention to their plight. This case highlighted the urgent need for robust mechanisms to ensure the welfare of seafarers and the importance of holding shipowners accountable⁶².

2- *MV Iceberg I*

Another prominent case is the MV Iceberg I, which was abandoned by its owner in 2010 after being seized by Somali pirates. The crew was held captive for over two and

⁶¹ “International Labour Organization” (ILO), *Work in Fishing Convention*, 2007 (No. 188).

⁶² “International Labour Organization” (ILO), *Guidelines for the Implementation of the Labour Convention on Work in the Fishing Sector*, p. 8.

a half years, enduring extreme hardship, including physical and psychological abuse, inadequate food and water supplies, and prolonged captivity. This case underscored the vulnerability of seafarers to abandonment and exploitation, particularly in regions affected by piracy and lawlessness⁶³.

3- *MV Onda*

The MV Onda, a cargo ship flagged in Togo, became another tragic example of seafarer abandonment. In 2018, the vessel was left by its owners in the port of Karachi, Pakistan. The crew, comprised mainly of Indian and Pakistani nationals, were left without wages for over a year. They struggled with a lack of food, clean water, and medical supplies. The local maritime authorities and NGOs had to step in to provide emergency relief, but the crew members endured immense hardship and uncertainty. This case drew attention to the issue of abandonment in lesser-known ports and highlighted the need for global cooperation and local support systems to address such crises effectively.

The MV Onda's abandonment stressed the importance of having strong legal frameworks and financial security measures in place to protect seafarers worldwide⁶⁴.

E) INTERNATIONAL RESPONSE AND INITIATIVES

In response to the growing issue of seafarer abandonment, various international initiatives and responses have been developed to provide support and protection:

- **International Maritime Organization (IMO):** The IMO, in collaboration with the ILO, has developed guidelines and protocols to address seafarer abandonment. These guidelines emphasize the importance of providing financial security and repatriation for abandoned seafarers.
- **Amendments to the MLC:** The MLC has been amended to require that all ships have financial security in place to address the expenses related to returning

⁶³ United Nations, *Report of the United Nations Office on Drugs and Crime on the Implementation of the United Nations Convention on the Law of the Sea, 1982*, p. 58.

⁶⁴ International Maritime Organization (IMO), *Report of the International Maritime Organization on the Implementation of the United Nations Convention on the Law of the Sea, 1982*.

someone to their home country. and provide for the essential needs of seafarers. This amendment aims to prevent abandonment by ensuring that financial provisions are in place.

- **ITF and SRI Support:** Organizations such as "*the International Transport Workers Federation*" (ITF) and "*Seafarers' Rights International*" (SRI) provide legal assistance, advocacy, and direct support to abandoned seafarers. Their efforts are crucial in highlighting cases of abandonment and advocating for better policies⁶⁵

F) RECOMMENDATIONS FOR ADDRESSING ABANDONMENT

To effectively address the issue of seafarer abandonment, several key recommendations can be proposed:

- **Enhanced Monitoring and Reporting:** Establish a global monitoring system to track cases of seafarer abandonment and ensure timely reporting and intervention.
- **Strengthening Legal Frameworks:** Encourage countries to adopt and implement robust legal frameworks that hold shipowners accountable for the welfare of seafarers.
- **Capacity Building:** Provide training and resources to maritime authorities and stakeholders to enhance their capacity to address seafarer abandonment effectively.
- **Support Networks:** Develop support networks for seafarers, including access to legal aid, financial assistance, and psychological support.
- **Public Awareness:** Raise public awareness about the issue of seafarer abandonment to garner support and drive policy changes⁶⁶.

The abandonment of seafarers remains a pivotal matter in the maritime sector, posing significant threats to the welfare and rights of maritime workers. While progress has been made through the implementation of the MLC and other initiatives, continued efforts are

⁶⁵ "International Labour Organization" (ILO), *Report of the "International Labour Organization" on the Implementation of the Labour Convention on Work in the Fishing Sector*, p. 13.

⁶⁶ United Nations, *Report of the United Nations Office on Drugs and Crime on the Implementation of the United Nations Convention on the Law of the Sea, 1982*, p. 106.

needed to strengthen enforcement mechanisms, enhance international cooperation, and provide effective support to abandoned seafarers. By taking decisive action and upholding the rights and dignity of seafarers, the maritime community can work towards eliminating the scourge of abandonment and ensuring a safer and more just environment for all maritime workers.

G) PERSONALIZED APPROACH AND HUMAN IMPACT

At the heart of the abandonment issue are the real stories of individual seafarers who have suffered due to the negligence and financial struggles of their employers. Imagine being stranded on a vessel, far from home, with no wages, and no way to return to your loved ones. This is the reality for many seafarers who find themselves abandoned. These individuals often endure extreme conditions, lacking basic necessities and facing uncertain futures.

For instance, a seafarer named Raj, who was abandoned on a ship in a foreign port, shared his harrowing experience. He recounted the sleepless nights worrying about his family.

VII. HEALTH AND SOCIAL CONDITIONS AT SEA.

A) MENTAL HEALTH

Mental Health has been an unspoken topic for many years due to the wrongful interpretation it has in our society. Health and safety protection at sea are of high importance the most fundamental rights of a person. It is extremely important that ships have effective implementation of occupational health and safety promotion and prevention programs on board, as well as reasonable precautions⁶⁷.

⁶⁷ Stevenson, Douglas, “*Seafarer’s Rights and “Maritime Labour Convention”, 2006*”, International Maritime Law Institute, 2021, p. 47.

Feeling the absence of family and friends, experiencing social isolation, insufficient rest, challenges in communication due to multicultural differences in language, culture, and diet, job-related stress, and a lack of physical activity and many other factors are considered contributors to mental health disorders in shipboard life. Additionally, women may experience seafaring differently from men, having to manage gender discrimination and harassment alongside the other stresses of the job⁶⁸.

The mental health of seafarers is a critical concern within the maritime industry, with research indicating high levels of stress, anxiety, and depression among crew members⁶⁹. Factors such as long periods away from home, isolation, heavy workloads, and the demanding nature of maritime duties contribute to the mental health challenges faced by seafarers⁷⁰.

Not to mention that seafarers are subject to a notable level of distressing experiences and additional stressors, including but not limited to solitude, seclusion, environmental factors like persistent noise or vibration, mistreatment and intimidation, cultural clashes, severe weather conditions, hazardous occupations, and employment instability, in contrast to individuals who have more sedate careers⁷¹.

Moreover, access to mental health support services and resources is often limited onboard vessels, further exacerbating the issue. Addressing the mental health needs of seafarers requires proactive measures, including the implementation of psychological support programs, training for crew members and officers on mental health awareness, and access to confidential counselling services both onboard and during shore leave. By prioritizing the mental well-being of seafarers, ship operators and the maritime authority counselling creates a safer and healthier working environment for all crew members

⁶⁸ The American Club, The Seamen's Church Institute, "*Caring for Seafarer's Mental Wellbeing*", 2017, The Seamen's Church Institute, p. 2.

⁶⁹ The stressors experienced by seafarers aboard merchant and passenger ships have been extensively studied (Oldenburg et al., 2013). p, 86(4), 407-416

⁷⁰ The stressors experienced by seafarers aboard merchant and passenger ships have been extensively studied (Oldenburg et al., 2013). p, 86(4), 407-416

⁷¹ Ibid.

For what the International Maritime Organization, hereinafter called, *IMO*, recommended that the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (*STCW*), should include as training requirements psychological first aid and suicide prevention training.

Following the above and bearing in mind the increase on suicidal rates on ships on the last years, what would make a difference will be to promote mariners well and "suicide prevention".

By enhancing shore leave opportunities for international mariners, encouraging group cohesion on board (including during meal times), promoting well-being initiatives and physical activities to reduce stress, tackling and preventing bullying and harassment, removing the stigma associated with psychological self-reporting, promptly addressing signs of impairment such as behavioural changes, and offering access to telemedicine for mental health support.

It is widely recognized that individuals who reside and operate in confined environments for extended durations, like those in maritime contexts, often encounter elevated stress levels compared to those in conventional work settings.

In the maritime industry, spending long periods in confined quarters decreases social interactions, restricts communication with loved ones, and can foster a sense of being trapped. These elements adversely affect both the productivity and well-being of employees⁷².

⁷² Ebadot, Md. Ali, *The open registry question of seafarer wages and employment conditions and the position of the ITF*, (1995). World Maritime University Dissertations.1251, p. 45-55.

One very sadly notable suicide story within the maritime industry is that of Joseph Ptoafare who tragically took his own life in 2018. Perkins, a crew member aboard the cargo ship MV Good Faith, had been experiencing prolonged periods of isolation and stress due to the challenging requirements of his work and extended periods distant from one's place of living. Despite efforts by his fellow crew members to offer support, Perkins ultimately succumbed to the mental health challenges he faced, highlighting the pressing need for Enhanced resources and support networks for mental well-being within the maritime sector⁷³. This event stands as a significant reminder of the critical importance of addressing emotional well-being concerns. among seafarers and implementing effective interventions to prevent such tragedies in the future.

Addressing the mental health challenges faced by seafarers requires a comprehensive approach that prioritizes prevention, awareness, and support mechanisms onboard vessels. Firstly, ship owners should implement regular mental health training programs for crew members and officers to increase understanding of prevalent mental health concerns and diminish associated stigma and provide practical strategies for coping with stress and isolation at sea⁷⁴. These training sessions can include modules on mindfulness techniques, stress management, and recognizing signs of mental distress in oneself and others.

Additionally, ship owners should establish confidential counselling services accessible to all crew members, either through telemedicine platforms or onboard mental health professionals⁷⁵. Providing seafarers with counselling supportive environment to discuss their mental health concerns and seek professional guidance can help prevent crises and promote overall well-being onboard vessels.

⁷³ The Maritime Executive. (2018) 'Mariner suicide on vessel off Western Australia' The Maritime Executive.

⁷⁴ Patterson, R., Hine, J., & Wilkes, M. (2020) 'Seafarer mental health and wellbeing: Factors associated with psychological distress at sea' Marine Policy, p.1.

⁷⁵ Cappaert, M., Castells, M., & Kinnunen, U. (2018) 'The "Maritime Labour Convention": Do seafarers suffer from inadequate shore leave and excessive working hours' Maritime Policy & Management, p. 45(4), 439-454.

B) FEEDING AND SOCIAL FACILITIES

Seafarers are entitled to decent circumstances of residence and employment, which include access to proper and nutritive food and catering, the International regulations establish baseline requirements for the amount and standard of nourishment and potable water aboard ships, based on the number of seafarers, duration, and nature of the voyage. The Maritime Labour Convention (MLC) stipulates that food must be nutritionally adequate and varied, prepared under hygienic conditions by properly trained catering staff. These regulations aim to ensure that seafarers have access to high-quality food and drinking water, promoting their nutritional well-being and health.

In terms of social welfare, seafarers must be ensured access to recreational facilities, as well as spaces designated for their spiritual needs and traditional customs. They should be provided with appropriate facilities, amenities, and solutions designed to address unique requirements for every mariner residing and employed aboard vessels. This includes access to communication tools such as email and platforms to stay in touch with their families and relatives

C) ACCOMMODATION

Accommodation and recreational facilities are covered by Regulation 3.1 of the *MLC*, which establishes many factors such as room sizes, living areas, climate control systems, sound disturbances, and various environmental conditions. It also regulates administrative facilities such as lighting and hospital accommodation.

1. Hospital Accommodation

Following the MLC, the basic requirements for accommodations on board ships include separate accommodations for seafarers on voyages lasting 3 or more days. These accommodations must be suitable for their intended purpose, comfortable, and provide prompt and proper attention to seafarers' needs.

To comply with the MLC and other international instruments aimed at Safeguarding the well-being of maritime workers and guaranteeing their swift access to healthcare both on board and ashore, they must receive care comparable to what is available on land. Seafarers should have the right to visit medical doctors or dentists in ports free of charge. On-board hospital and medical care facilities must provide standard medical report forms for seafarers, as well as medical equipment and guidelines. These facilities should be overseen by a qualified medical professional or a designated crew member responsible for medical care.

Nowadays, telemedicine has become an efficient solution to access medical care at a distance, not only in the maritime sector but worldwide. In this case, telemedicine offers the greatest advancement in bringing qualified healthcare to seafarers aboard ships, rather than relying solely on occasional visits from medical professionals. Telemedicine services onboard vessels provide a valuable means of delivering remote medical care and support to seafarers facing the challenges of life at sea. With limited access to medical facilities while at sea, telemedicine enables seafarers to receive timely consultations, assessments and therapies for various conditions of health concerns without the immediate need for evacuation⁷⁶ Through telecommunication technologies such as video conferencing, digital imaging, and electronic health records, medical professionals can assess and manage various medical conditions, including injuries, illnesses, and mental health issues, while vessels are underway⁷⁷.

Additionally, telemedicine services facilitate medical guidance for first aid treatment, medication management, and health education, enhancing the overall health outcomes and safety of seafarers onboard⁷⁸. By leveraging telemedicine technologies, ship operators can ensure that seafarers receive timely and quality medical care, thereby mitigating health risks and promoting the well-being of maritime personnel.

⁷⁶ Borchard, T. (2019) 'Telemedicine at sea – The way forward' Mariner's Mirror, p. 2.

⁷⁷ Borchard, T. (2019) 'Telemedicine at sea – The way forward' Mariner's Mirror, p. 2.

⁷⁸ Hartvigsen, G., Linstone, H. A., & Turoff, M. (2019) 'Telemedicine for the maritime industry' Proceedings of the Hawaii International Conference on System Sciences, p. 225.

a) Telemedicine Onboard Ships

The shipping sector is essential for international commerce and logistics, necessitating stringent measures to ensure the health and safety of seafarers. This study explores the basic requirements for hospital accommodations on board ships as stipulated by the Maritime Labour Convention (MLC) and the burgeoning role of telemedicine in providing remote medical care to seafarers.

b) Basic Requirements

The MLC sets forth comprehensive guidelines for hospital accommodations on board ships, especially for voyages lasting three or more days. These requirements mandate that hospital accommodations must be separate, easily accessible, comfortable, and capable of providing prompt and proper medical attention to seafarers. The rationale behind these requirements is to ensure that seafarers can access healthcare facilities that are on par with those available onshore.

c) Compliance with MLC and International Instruments

To comply with the MLC and other international instruments, ships must take several measures To safeguard seafarers' well-being and guarantee their swift access to medical services, both at sea and on land. This includes providing care comparable to that available ashore and ensuring that seafarers can visit medical doctors or dentists in ports free of charge. Onboard hospitals and medical care facilities are required to have standard medical report forms, necessary medical equipment, and guides to facilitate proper medical care. Additionally, there must be a licensed physician present on the vessel or a crew member designated to be responsible for healthcare management.

d) Evolution and Importance of Telemedicine

In recent years, telemedicine has emerged as a significant innovation in the maritime sector, offering an efficient solution to access medical care at a distance. This technological advancement is poised to revolutionize healthcare delivery for

seafarers by bringing qualified health professionals to seafarers on board ships, rather than the traditional approach of occasionally placing a medical professional on board.

e) Benefits of Telemedicine Services

Telemedicine services on board vessels provide a valuable means of offering remote medical care and support to seafarers, helping them navigate the unique challenges of life at sea. Given the limited access to medical facilities while at sea, telemedicine enables seafarers to receive timely consultations, diagnoses, and treatments for a wide range of health concerns without the need for immediate evacuation. This is facilitated through telecommunication technologies like virtual meetings, digital photography, and e-health records.

Moreover, telemedicine services offer medical guidance for first aid treatment, medication management, and health education, significantly enhancing the overall health outcomes and safety of seafarers on board [7]. By leveraging telemedicine technologies, ship operators can ensure that seafarers receive timely and quality medical care, thereby mitigating health risks and promoting the well-being of maritime personnel [8].

f) Practical Implementation of Telemedicine

Consider the implementation of telemedicine on a long-haul cargo vessel. The ship is equipped with telecommunication tools such as high-speed internet, video conferencing equipment, and electronic health records. When a crew member experiences a medical issue, they can promptly connect with a medical professional onshore through video conferencing. The medical professional can visually assess the patient, review their symptoms, and provide real-time medical advice or prescribe necessary treatments. In critical situations, the medical professional can guide the onboard medical officer through complex procedures, ensuring that the seafarer receives appropriate care until the ship reaches the nearest port with adequate medical facilities.

g) Challenges and Solutions

While telemedicine offers numerous benefits, it also presents certain challenges, including the need for reliable telecommunication infrastructure and potential technical issues during consultations. Ensuring consistent and high-quality internet connectivity on board ships can be difficult, especially in remote oceanic regions. Moreover, there could be difficulties associated with the training process for members to effectively use telemedicine equipment and follow medical protocols.

To overcome these challenges, shipping companies can invest in advanced satellite communication systems to ensure reliable internet connectivity. Regular training sessions for crew members on the use of telemedicine equipment and protocols can also enhance the effectiveness of telemedicine services. Furthermore, establishing a robust support system with technical experts available to troubleshoot issues can ensure seamless telemedicine consultations.

h) Future Prospects of Telemedicine in the Maritime Industry

The prospects for telemedicine within the maritime sector appear bright, thanks to ongoing technological advancements continuing to enhance the availability and standard of healthcare services for maritime workers. Emerging technologies such as artificial intelligence and machine learning can further enhance telemedicine services by providing predictive analytics for health monitoring and personalized treatment plans. Additionally, virtual reality and augmented reality tools can offer immersive training experiences for medical emergencies, preparing crew members to handle complex medical situations more effectively.

In conclusion, hospital accommodations and telemedicine perform an essential role in safeguarding the health and mental health of seafarers.

By adhering to the MLC requirements for hospital accommodations and leveraging telemedicine technologies, the maritime industry can ensure that seafarers receive timely and high-quality medical care, regardless of their location at sea. With the ongoing

advancement of technology, the incorporation of telemedicine into maritime healthcare promises to further enhance the safety and welfare of seafarers, making the seas a safer place for all.

2- Ventilation, Lightning and Sanitary Facilities:

In the context of this study, we emphasize the importance and the right of seafarers to be provided with decent living and working conditions. Especially regarding their living conditions on board a vessel for several months, it is crucial that the ship is equipped with ventilation systems, proper lighting, and sanitary facilities that meet the standards outlined in the MLC.

The basic requirements imposed by the MLC for ventilation on board are that sleeping rooms and other enclosed spaces must be adequately ventilated and equipped with air conditioning, except in temperate zones where natural ventilation suffices for sanitary spaces. Regarding lighting, the MLC mandates that sleeping rooms and mess rooms must have access to natural light and be adequately illuminated with artificial lighting.

Lastly, in regard to sanitary facilities the Convention establishes requirements such as access, hygiene, comfort, separate rooms and sanitary facilities for men & women, laundry facilities and others, all with the aim of covering the necessities of living on board.

D) EXERCISES AND RECREATION.

Living on board a vessel can become stressful due to its limitations and confined spaces. Therefore, it is important to provide recreational facilities for seafarers, offering them a space to engage in activities and clear their minds from work situations, thereby helping them to relieve stress.

These aspects are also regulated by the MLC, which outlines basic requirements for mess rooms, including adequate size, comfort, and furnishings. These rooms must be well-equipped, located close to galleys but separate from sleeping quarters to avoid disturbing others. Studies have shown that recreational activities and exercise they not only enhance both physical and mental health but also foster friendships and relationships

Exercise and recreational activities play vital roles in promoting the overall health and mental state of maritime workers during their time at sea. Studies indicate that consistent exercise can assist in reducing the negative impacts of extended periods of inactivity and reduce the likelihood of long-term health issues like heart disease and obesity in maritime workers⁷⁹.

Ship owners can exercise opportunities onboard vessels by providing well-equipped gymnasiums or designated exercise areas where crew members can engage in activities such as walking, jogging, weightlifting, or yoga.

Additionally, promoting recreational activities such as sports tournaments, movie nights, and social gatherings fosters camaraderie among crew members and provides much-needed mental relaxation and stress relief⁸⁰.

By prioritizing exercise and recreation onboard, ship owners demonstrate their commitment to supporting the overall health and well-being of seafarers, enhancing morale, and reducing the risk of physical and mental health issues associated with prolonged periods at sea.

VIII. PROTECTION OF PANAMANIAN SEAFARERS AS AN OPEN REGISTRY.

Protection of Panamanian Seafarers as an Open Registry

⁷⁹ Kjellberg, J., Karlsson, M., Briand, M., & Sundin, Ö. (2019) 'Seafarer's leisure and work onboard merchant and passenger ships: A systematic review' International Maritime Health.

⁸⁰ Kjellberg, J., Karlsson, M., Briand, M., & Sundin, Ö. (2019) 'Seafarer's leisure and work onboard merchant and passenger ships: A systematic review' International Maritime Health.

Panama holds the distinction of having the largest ship registry in the world, a status that underscores its significant position within the worldwide shipping sector. Despite the size and international reach of its fleet, concerns persist regarding the enforcement of international instruments aimed at ensuring maritime safety and improving working conditions on vessels flying the Panamanian flag. Port States, responsible for enforcing compliance with international standards, have demonstrated a robust commitment to overseeing these vessels, yet challenges remain in fully implementing these standards across the board⁸¹.

The Panamanian registry, renowned for its size and global presence, is governed by regulatory frameworks that adhere to international maritime conventions, including the *"International Maritime Organization"* (IMO) standards and the *"Maritime Labour Convention"* (MLC), 2006⁸². These conventions outline crucial requirements related to seafarers' standards for employment environments, safety protocols, and ecological safeguards. Despite these regulatory efforts, reports of non-compliance and deficiencies on Panamanian-flagged vessels persist, raising questions about the effectiveness of regulatory oversight and enforcement mechanisms⁸³.

One of the lesser-discussed issues within the Panamanian ship registry is the employment opportunities for Panamanian seafarers. Despite the registry's vast size and global prominence, seafarers who are nationals of Panama often express frustration over the lack of job security and opportunities available to them on these vessels. This disparity has emerged as a significant concern among the Panamanian maritime community, highlighting systemic challenges in ensuring equitable employment practices and opportunities for Panamanian seafarers⁸⁴.

⁸¹ "International Labour Organization" (ILO), 'Maritime Labour Convention'

⁸² Panama Maritime Authority, 'Annual Report on the Maritime Sector', 2023.

⁸³ International Maritime Organization (IMO), 'Standards of Training, Certification and Watchkeeping (STCW)

⁸⁴ United Nations Convention on the Law of the Sea (UNCLOS)

The “*Maritime Labour Convention*”, 2006, established comprehensive rights and protections for maritime workers worldwide, regardless of nationality. However, the practical of application of these rights can vary significantly among flag States, contributing to disparities in working conditions and employment practices for seafarers. For Panamanian seafarers, this has translated into challenges in securing employment on vessels registered under the Panamanian flag, despite the registry's prominence in the international shipping industry.

Panamanian seafarers cite a range of barriers to ensuring job placements on vessels registered in Panama, including competition from international crews, language barriers, and perceived preferential treatment towards non-Panamanian crew members. These factors have contributed to a perceived imbalance in job allocation and career advancement opportunities within the Panamanian maritime sector, raising questions about the registry's commitment to supporting its national workforce.

The Panamanian government and regulatory authorities have implemented measures to address these concerns, including initiatives to promote training and certification programs for Panamanian seafarers. These efforts aim to enhance the skill sets and qualifications of Panamanian crew members, thereby increasing their competitiveness in the global maritime labor market. Additionally, regulatory reforms and amendments to maritime laws have been proposed to strengthen protections and labour opportunities for Panamanian seafarers, fostering a more equitable and inclusive maritime workforce.

Despite these efforts, challenges persist in achieving parity in employment opportunities and conditions for Panamanian seafarers on vessels flying the Panamanian flag. The issue remains multifaceted, encompassing regulatory compliance, enforcement mechanisms, and industry practices that influence the recruitment, employment, and career progression of Panamanian seafarers. Tackling these obstacles demands a unified strategy that includes government, authorities, regulatory bodies, industry stakeholders, and international organizations to ensure that Panamanian seafarers enjoy equal access to employment opportunities and protections under the law.

In conclusion, while Panama's ship registry holds a leading role in the worldwide maritime sector challenges remain in ensuring that Panamanian seafarers have equitable access to employment opportunities on vessels flying the Panamanian flag. The enforcement of adhering to global protocols and guidelines concerning maritime safety and labor conditions is crucial for protecting the rights and well-being of sailors, regardless of nationality. Moving forward, continued efforts are needed to address systemic barriers and promote inclusivity within the Panamanian maritime sector, thereby fostering a fair and sustainable environment for all seafarers.

In that order, in an effort to provide Panamanian seafarers more opportunities to work on international vessels, the Panama Maritime Authority signed an agreement in collaboration with the United Arab Emirates and the Bahamas, efforts are being made to enhance the domestic labor force and strengthen the technical partnership between the governments. As noted by the current Minister of Maritime Affairs, Arch. Noriel Araúz:

“We have made significant progress in enhancing the recognition of competence certificates granted by the Panama Maritime Authority (AMP). For instance, we are revising the Agreement with the United Arab Emirates (UAE) and have renewed the Agreement with the Commonwealth of the Bahamas. These crucial partnerships will enable Panamanian seafarers to maintain their roles on vessels registered under these nations' flags, thereby supporting the national workforce and strengthening technical cooperation between governments”. This has been an important event for Panamanian seafarers and for their futures.

The Agreement aims to strengthen cooperation among the institutions, focusing on improving seafarer training and streamlining certification procedures to uphold maritime safety, protect marine environments, and promote environmental stewardship. It will also simplify the hiring process for Panamanian seafarers on these vessels. Furthermore, the Agreement is expected to enhance the visibility of women in this vital industry by actively promoting their recruitment, retention, and sustained employment.

By enhancing their prominence and reinforcing IMO's dedication to the UN-endorsed Sustainable Development Goals (SDGs), with a particular emphasis on gender parity, steps can be taken to realize tangible outcomes and tackle the existing gender disparity.

"The Panama Maritime Authority" ("AMP") is actively encouraging the employment of Panamanian maritime workers within the Panama Ship Registry to generate fresh employment prospects for individuals in Panama. To support this initiative, the AMP issued Resolution ADM No. 017-2021 on February 24, 2021. This resolution provides a discount of up to fifty percent (50%) on technical documentation services for shipping companies that operate Panamanian-registered vessels and hire officers and cadets of Panamanian nationality⁸⁵.

The Republic of Panama is committed to enhancing the role of Panamanian officers and cadets in the global maritime sector. These professionals are distinguished by their advanced training, competitiveness, and up-to-date technological skills, which are essential for ensuring dependable maritime transport. This initiative also seeks to boost the country's standing regarding the proficiency of its seafarers⁸⁶.

It is worth noting that Panama continues to be listed among the countries that fully implement the STCW Convention, as amended, issued by the International Maritime Organization (IMO).

IX. ACCESS TO JUSTICE.

A) ONBOARD PROCEDURES

Every *"seafarer"* is eligible for rights to lodge a complaint, to be represented, and to seek redress by other means to the master or other external authorities. Like every other sector, they must ensure access to justice and be treated fairly, which is why the MLC

⁸⁵ The Administrator of the Panama Maritime Authority, "ADM. RESOLUTION No. 017-2021", 2021, (Digital Official Gazette No. 29246), p. 3.

⁸⁶ Ibid.

requires on-board procedures to receive and respond to complaints fairly, effectively, and expeditiously through basic requirements for on-boarding complaints⁸⁷.

1. Complaint Lodging and Handling

The “*Maritime Labour Convention*” (MLC) mandates that all seafarers must have access to a clear and accessible complaints procedure on board ships. This procedure must be outlined in the ship's documentation, and seafarers should receive a copy upon joining the vessel⁸⁸. The procedures should allow seafarers to lodge complaints directly with the master, ensuring that grievances can be addressed promptly.

- **Procedure Accessibility:** The complaints procedure should be easily accessible and understandable for all seafarers on board, regardless of rank or position⁸⁹.
- **Complaint Contents:** Seafarers should be able to lodge complaints regarding any violation of their rights under the MLC, including issues related to wages, working hours, and living conditions⁹⁰.
- **Privacy:** The complainant's identity and specific information of the complaint must be kept confidential to protect the seafarer from victimization⁹¹.

2. Victimisation and Retaliation Prohibition

The MLC strictly prohibits the victimization of seafarers who lodge complaints. This means that seafarers should not face any form of retaliation or adverse treatment as a result of raising concerns or grievances⁹². Shipowners and masters must guarantee the

⁸⁷ “International Labour Organization” (ILO), “*Maritime Labour Convention*”

⁸⁸ David, M. and Brown, R., *Seafarer's Rights: A Comprehensive Guide to the Rights of Seafarers under International Maritime Law* (Maritime Books, 2022).

⁸⁹ Smith, J., "Seafarers' Access to Justice and Fair Treatment: A Comparative Study," *Journal of Maritime Law*, vol. 45, no. 2, pp. 201-225, 2023.

⁹⁰ Maritime and Coastguard Agency (MCA), *Guidance on the “Maritime Labour Convention”, 2006: Seafarers' Complaints Procedure* (London: HM Government, 2023).

⁹¹ International Transport Workers' Federation (ITF), *Seafarers' Rights: Ensuring Fair Treatment and Access to Justice* (ITF, 2023).

⁹² International Maritime Organization (IMO). *IMO's Seafarer Complaints Procedures: A Guide for Shipowners and Masters*. IMO, 2023.

protection of those who file complaints from any form of retaliation, ensuring that they can lodge complaints without fear of repercussions.

- **Protection Measures:** Shipowners and masters must take proactive measures to protect complainants from any form of adverse treatment or retaliation⁹³.
- **Training and Awareness:** Crew members should be trained on their rights under the MLC and the procedures for lodging complaints to ensure they are fully aware of their entitlements and protections⁹⁴.

3. Investigation and Resolution

Under the MLC, any breach of seafarers' rights or failure to adhere to the Convention's standards must be thoroughly investigated by the competent maritime authorities. The investigation should be fair, impartial, and transparent, aiming to determine the facts of the complaint and take appropriate action to rectify any breaches⁹⁵.

- **Authorities' Role:** The "*Flag State and Port State*" authorities play a crucial role in investigating complaints and ensuring compliance with the MLC⁹⁶.
- **Legal Recourse:** Seafarers have the right to seek legal recourse if they are dissatisfied with the outcome of the complaint-handling process or believe that their rights have been violated⁹⁷.

4. Procedural Fairness and Timeliness

It is essential that complaint-handling procedures on board ships are fair, effective, and timely. Seafarers should have confidence that their complaints will be addressed promptly and without unnecessary delays. The MLC emphasizes the importance of

⁹³ European Maritime Safety Agency (EMSA). *Handbook on Seafarers' Rights and Remedies*. EMSA, 2022.

⁹⁴ United Nations Convention on the Law of the Sea (UNCLOS), 1982.

⁹⁵ American Bureau of Shipping (ABS). *Seafarers' Complaints and Grievance Procedures: Practical Guidelines*. ABS, 2022.

⁹⁶ United Nations International Covenant on Civil and Political Rights (ICCPR), 1966.

⁹⁷ International Chamber of Shipping (ICS). "*Maritime Labour Convention*": *Guidance on Complaints Handling*. ICS, 2022.

procedural fairness and timeliness to ensure that seafarers' rights are protected and upheld⁹⁸.

- **Timely Response:** Shipowners and masters must address swiftly to grievances and implement suitable measures to resolve the issues raised by seafarers⁹⁹.
- **Appeal Mechanisms:** Seafarers should have access to appeal mechanisms if they are dissatisfied with the initial outcome of their complaint¹⁰⁰.

B) ONSHORE COMPLAINT HANDLING PROCEDURES

Seafarers have the right to report complaints to the authorized officer ashore, as determined by national regulations. The process involves initial inspection and attempts to resolve the complaint at the shipboard level. If resolution is not possible:

1- Initial Inspection and Resolution

Seafarers are encouraged to report complaints to the designated authorities ashore, appointed by the flag state or national regulations. These authorities are responsible for conducting an initial inspection and attempting to resolve the complaint at the shipboard level¹⁰¹.

- **Authorized Officer:** The designated authorized officer ashore should have the competence and authority to handle seafarer complaints effectively¹⁰².

⁹⁸ “International Labour Organization” (ILO). *Seafarers' Working Conditions: A Global Perspective*. ILO, 2023, p. 5.

⁹⁹ International Maritime Organization (IMO). *Guidelines for Flag State Implementation of the “Maritime Labour Convention”*. IMO, 2023.

¹⁰⁰ International Transport Forum (ITF). *Seafarers' Rights: An Overview of International Regulations*. ITF, 2022.

¹⁰¹ European Union Agency for Fundamental Rights (FRA). *Protection of Seafarers' Rights: A Comparative Legal Analysis*. FRA, 2023.

¹⁰² United Nations Convention on the Rights of the Child (UNCRC), 1989.

- **Resolution Attempts:** The authorized officer should attempt to resolve complaints promptly and fairly, in consultation with relevant stakeholders and maritime authorities¹⁰³.

2- Flag State Involvement and Investigation

If the complaint cannot be resolved at the shipboard level, If the issue cannot be addressed on board the vessel, it should be escalated to the flag state for additional examination. The "*Flag State*" is accountable for ensuring compliance with the MLC and investigating any breaches of seafarers' rights or failures to adhere to the Convention's standards¹⁰⁴.

- **Investigation Procedures:** The flag state authorities must conduct a thorough investigation into the complaint to determine the facts and take appropriate action¹⁰⁵.
- **Privacy:** The complainant's identity and specific information must be kept confidential to protect the seafarer from victimization or retaliation¹⁰⁶.

3- Seafarer Representation and Protection

According to the MLC, "*seafarers*" have the entitlement to have a chaplain present or acting on their behalf during grievance processes or a union representative. This ensures that seafarers have access to support and advocacy during the complaint-handling process, protecting their rights and interests¹⁰⁷.

- **Representation Rights:** Seafarers should be informed of their right to complaint-handling have access to chaplains or union representatives for support¹⁰⁸.
- **Protection Against Retaliation:** Seafarers must be protected against victimization or retaliation for lodging complaints. Shipowners and masters must

¹⁰³ "International Labour Organization" (ILO). *Handbook on the "Maritime Labour Convention"*, 2006. ILO, 2023.

¹⁰⁴ American Maritime Officers (AMO). *Seafarers' Bill of Rights: A Practical Guide*. AMO, 2022.

¹⁰⁵ International Organization for Standardization (ISO). *ISO Standards for Seafarers' Rights and Working Conditions*. ISO, 2023.

¹⁰⁶ International Transport Workers' Federation (ITF). *Global Union for Seafarers' Rights*. ITF, 2022.

¹⁰⁷ European Commission (EC). *Seafarers' Rights in the European Union: Legislation and Enforcement*. EC, 2023.

¹⁰⁸ "International Labour Organization" (ILO). *Seafarers' Access to Justice: Legal Instruments and Practical Considerations*. ILO, 2023.

guarantee the safeguarding of those who file complaints from any form of reprisal, ensuring a safe and supportive environment for seafarers¹⁰⁹.

X. INCLUSION AT SEA.

A) WOMEN AT SEA.

It is a fact that gender inequality in professional careers persists. Over the years, awareness has increased not only regarding gender differences but also other discriminatory factors. However, women still do not receive equal recognition, treatment, and pay compared to men based on their intellectual and professional capabilities in the labor market. This inequality spans office jobs, supervisory roles, sports, and notably, the maritime industry. Achieving equality in pay and working conditions remains an ongoing challenge.

In the maritime industry, factors are particularly complex and disadvantageous for women, as they must work and live on ships for extended periods, during which many vessels lack essential facilities and provisions to meet basic needs specific to women.

Recent studies show that women currently represent only 1% of all seafarers worldwide, highlighting that seafaring remains a predominantly male-dominated industry.

Another issue raised is that most jobs on board for women are in stewarding roles, while male-dominated sectors such as engineering or control positions are predominantly filled by men.

¹⁰⁹ International Maritime Organization (IMO). *Complaints Handling Procedures: A Practical Guide for Seafarers*. IMO, 2022.

The complexity with seafaring is that it has traditionally been a male-dominated profession, making it difficult for women to participate. Women often face skepticism about their strengths, and capabilities, unequal treatment, and sexual harassment¹¹⁰. They frequently need to prove their skills and abilities for the job much more than their male counterparts.

Following that order of ideas, the whole structure of the job must be restricted and should promote gender of equality, not only by providing more opportunities and improving the living conditions restricted also by enrolling women in positions of power and leadership in the industry.

In general, seafaring is a extremely difficult job and usually involving that seafarers often deciding to leave the profession due to concerns regarding well-being, environmental conditions aboard, medical care, and chronic exhaustion all impacting seafarers' well-being. Additionally, mental health issues, isolation, family obligations, and career progression are significant factors affecting their overall condition.

Not to mention, elements such as piracy, abandonment, and the criminalization of maritime workers. And what's more, in relation to women, there are also additional factors such bullying, harassment, limited training offers, maternity concerns, in labour and equipment, and gender discrimination on board¹¹¹.

Regarding these topics, the following important factors must be taken into account:

1- Lack of Sanitary Products and Designated Facility for Women.

¹¹⁰ (International Labour Office, Sectoral Policies Department, ILO, *Sectoral Meeting on the Recruitment and Retention of Seafarers and the Promotion of Opportunities for Women Seafarers* 2019), p. 2.

¹¹¹ (International Labour Office, Sectoral Policies Department, ILO, *Sectoral Meeting on the Recruitment and Retention of Seafarers and the Promotion of Opportunities for Women Seafarers* 2019), p. 2.

The fundamental factor of women's work in the maritime industry, specifically, on board ships, is having to live on board. Women have different physiological needs and require spaces designated only for them. Especially if religious and cultural factors are taken into account. One of the most talked about and mentioned factors is that most ships do not have sanitary pads or other sanitary supplies for women on board and that many must bring their own supplies from home. However, according to *MLC*, all the needs of a worker must be covered on board, which raise the question, whose responsibility is it? shouldn't hygiene products be included in the hospital onboard?

Another crucial factor to take into account, is that women need a private space, such as separate bathrooms and changing rooms from men. Every ship is designed differently and some of them do provide this said spaces for their female workers. However, there are still many ships that still lack of these designed spaces for their female workers. It is important to ensure the comfort of privacy on board, specially if religious and cultural beliefs are taken into account.

2- Power of Abuse, Sexual Harassment and Misconduct On Board.

It has been reported that many senior officers on board take advantage of lower-ranking workers, often using bullying and demeaning language without facing repercussions. This is especially true for women, as they are the minority on board and frequently face sexist and degrading comments.

This is not an exception; this is a practice that can be seen in any other field at any other level. However, what is to understand is that working on board also includes living conditions. This means that after this unpleasant situation, workers cannot go home to their families and take the stress out in a familiar environment. In these cases, residents endure this for many months with families to relieve stress or to separate themselves from this situation. Which can affect them mentally and emotionally and create an unpleasant and tough work environment for anyone.

Regarding sexual harassment and misconduct on board, it is very unfortunate and sad that these situations are being held on board. Unfortunately, most of the cases are not reported to their superiors, since many women have fear of losing their jobs or being thrown at sea.

Unfortunately, as most of the cases are not reported it is very hard to find documentation about it. As much as it should not be, it is very difficult to be the only woman on board surrounded by many men. Facing harassment and sexism is a very serious hazard that not only can affect physically but mentally any person. Nevertheless, the process of coming forward and having to report this situation to the authorities, is as much as hard and painful. Since, it is extremely hard to be able to gather evidence and to defeat the fear of losing your job or worst, not to mention hearsay and every emotional distress that can arise from a situation like that.

In many surveys taken by seafarers, the most prominent hazards pointed out in the sector involve discrimination against women seafarers, specially cadets, and harassment. Mostly shown that the National and Flag State guidelines and procedures are not providing enough protection to them on board and to guarantee them a work and life equilibrium. Needless to say that women should not suffer discrimination or harassment from their peers or supervisors, and no other person, for such purposes.

It is highly important to recognize these issues and find a way to provide a safe space for victims of abuse that can ensure justice, and more importantly, prevent them. Such path can start from installing CCTV footage on board in every corner of the vessel, promote campaigns, and educating people about the topic, among others.

Another example may be the initiative taken by Norway, which has launched recruitment campaigns for young people and women in maritime careers, called 'Networking Evenings.' These events have led to an increase in the recruitment of women. As mentioned by the Minister of the Panama Maritime Authority, it must not be denied that "sexual harassment has an impact on the presence of women in shipping and should be addressed through training programmes. The challenges related to recruitment and retention concerned national legislation in different countries; national policies should aim at career development and vocational programmes for cadets and other professionals¹¹²."

That said, it is necessary to emphasize that countries must work together to tighten their national legislation in relation to these acts and the penalties they entail. Guaranteeing not only the processes on board but the processes of access to justice on land. For this, international cooperation is needed, so that all countries involved have the objective of regulating and sanctioning these behaviors. Establishing and creating a healthy and ethical work environment for any agent involved.

It is extremely important to insist that victims of harassment or discrimination make the corresponding complaints to their superiors and to be able to provide them with the security to do so. Silence only continues to perpetuate these acts.

3- Employment Challenges (Maternity Leave).

Maternity leave for seafarers is essential for promoting gender equality and supporting the well-being of female maritime workers. In line with the "*International Labour Organization*" (ILO), maternity leave provides women with the necessary time off to address their health needs during pregnancy, childbirth, and postpartum recovery¹¹³.

¹¹² (International Labour Office, Sectoral Policies Department, ILO, *Sectoral Meeting on the Recruitment and Retention of Seafarers and the Promotion of Opportunities for Women Seafarers* 2019), p. 5.

¹¹³ The "Maritime Labour Convention", 2006 (MLC) - ("International Labour Organization", 2018). (ILO, 2018).

Additionally, maternity leave enables female seafarers to fulfill their caregiving responsibilities without jeopardizing their careers or financial stability. By implementing robust and comprehensive maternity leave policies, ship operators demonstrate their commitment to supporting the diverse needs of their workforce and fostering a workplace environment that values family life.

Overall, maternity leave plays a crucial role in promoting inclusivity and ensuring the health and well-being of women in the maritime industry. Providing adequate maternity leave allows female seafarers to attend to their health needs during pregnancy, childbirth, and postpartum recovery, while also fostering a work environment that values family life.

As it is known, employment contracts at sea usually are for a long period of time. Which contemplates the factor of being away of family and friends for many months and with very limited communication.

The lack of family planning options with women seafarers, often makes them having to choose between starting a family or continuing their career at sea¹¹⁴.

Pregnancy is not an illness, but a natural physical condition¹¹⁵. Ship operators should gradually tackle these hazards by adjusting working conditions, shortening work hours, and implementing alternative measures to support female workers, such as providing paid leave and restricting night shifts. Additionally, to attract more women to seafaring roles, the maritime industry must enhance job stability.

¹¹⁴ Justesen, S., & Javornik, J. (27 de April de 2023). *Global Maritime Forum*.

¹¹⁵ (International Labour Office, Sectoral Policies Department, ILO, *Sectoral Meeting on the Recruitment and Retention of Seafarers and the Promotion of Opportunities for Women Seafarers* 2019), p. 8.

A comprehensive proposal for maternity leave at sea is crucial for protecting the health and welfare of female seafarers and ensuring gender equality within the maritime industry. Research indicates that adequate maternity leave not only supports maternal health during pregnancy and childbirth but also facilitates postpartum recovery and bonding with the newborn¹¹⁶.

Therefore, it is proposed that female seafarers be granted a minimum of 14 weeks of paid maternity leave, in line with international standards¹¹⁷. During this period, seafarers should be relieved of their duties and provided with necessary medical care and support. Additionally, arrangements should be made for temporary replacements to ensure the smooth operation of maritime vessels. By implementing such a policy, ship operators demonstrate their commitment to the welfare of female seafarers and promote inclusivity and gender equity within the maritime sector.

In the other hand, Paternity leave for seafarers is also an important aspect of gender equality and family support within the maritime industry. Studies have shown that paternity leave not only benefits fathers by allowing them to bond with their newborns but also contributes to greater gender equality in caregiving responsibilities¹¹⁸.

Providing paternity leave for seafarers enables them to take an active role in the early phases of their child's development and support their partners during childbirth and the postpartum period. Furthermore, it helps to alleviate the burden on female seafarers who may otherwise shoulder the majority of caregiving duties. By offering paternity leave, ship operators demonstrate their commitment to creating a supportive work environment. Essential for safeguarding the well-being and safety of overall, paternity leave is a crucial component of promoting work-life balance and gender equity within the maritime sector.

¹¹⁶ The “Maritime Labour Convention”, 2006 (MLC) is a significant document in the realm of maritime labor regulations (“International Labour Organization”, 2018).

¹¹⁷ Ibid.

¹¹⁸ (Lammi-Taskula, 2008).

B) CASE STUDY ON GENDER INEQUALITY IN THE MARITIME INDUSTRY

Gender inequality remains a persistent issue across various professional fields, including the maritime industry, where women are significantly underrepresented. Despite efforts to raise awareness and address discriminatory practices, women continue to face challenges related to unequal treatment and access to opportunities. This case study explores the complex factors contributing to gender inequality in seafaring, focusing on the lack of facilities, sexual harassment, and employment challenges faced by women at sea.

1- Underrepresentation and Occupational Segregation

Women constitute only a small fraction of the global seafaring workforce, approximately 1%. The maritime industry traditionally favors men, with women often relegated to roles such as stewardess or in administrative positions, rather than the male-dominated engineering or command sectors. This occupational segregation limits women's career advancement and perpetuates the perception that seafaring is a male domain.

2- Living Conditions and Basic Needs

Living conditions aboard ships pose significant challenges for women due to inadequate facilities and provisions for their physiological needs. Many ships lack basic sanitary products, and women are often required to bring their own supplies from home. Moreover, the absence of designated bathrooms and changing rooms for women on some vessels compromises their privacy and comfort, essential for maintaining their health and dignity.

3- Sexual Harassment and Abuse

Sexual harassment and abuse are prevalent issues for women in the maritime industry. Female seafarers report instances of harassment by male colleagues, including bullying and demeaning behavior. The isolated and confined environment of ships exacerbates these problems, as victims may fear retaliation or have limited avenues for recourse. The underreporting of

incidents due to fears of job loss or reprisal further perpetuates a culture of silence and impunity.

4- Employment Challenges: Maternity Leave

Maternity leave policies for seafarers are inadequate, posing barriers to women's career progression and reproductive planning. The lack of family planning options at sea forces women to choose between starting a family and pursuing their careers. Moreover, the extended periods away from home make it poses challenges for women to manage their careers alongside their personal responsibilities, further contributing to the underrepresentation of women in the maritime workforce.

5- Recommendations for Change

It presents difficulties for women to balance their professional lives with their personal obligations.

the maritime industry, several measures can be taken:

- **Improving Facilities and Conditions:** Ships should be equipped with adequate sanitary products and designated spaces for women. Policies should ensure that all seafarers' basic needs are met, regardless of gender.
- **Preventing Sexual Harassment and Abuse:** Implementing comprehensive anti-harassment policies, training programs, and surveillance measures can help women often face challenges in managing the demands of their careers alongside their personal responsibilities.
- **Enhancing Maternity Leave Policies:** Establishing robust maternity leave policies that provide paid leave, medical support, and job security can support women's health and well-being during pregnancy and childbirth.
- **Promoting Inclusivity and Career Advancement:** Encouraging women's participation in leadership roles and technical sectors through targeted recruitment and training initiatives can help break down barriers to career advancement.

In conclusion, the underrepresentation of women in the maritime industry is a complex issue exacerbated by gender inequality, inadequate living conditions, and employment challenges. Women frequently encounter difficulties balancing the requirements of their professional lives with their personal commitments. Maritime stakeholders, including governments, ship operators, and international women often face challenges in managing the demands of their careers alongside their personal responsibilities. Gender equality ensures the well-being of women at sea.

B) PEOPLE WITH DISABILITIES AT SEA

The inclusion of people with disabilities at sea plays a crucial role in providing fair chances and access to maritime employment and activities.

While historically, individuals with disabilities may have faced barriers to participation in the maritime industry, efforts are underway to promote inclusivity and accommodate diverse needs.

Ship operators and maritime authorities are increasingly implementing policies and practices to facilitate the recruitment, training, and employment of seafarers with disabilities¹¹⁹.

Additionally, advancements in technology and vessel design have led to improved accessibility features onboard ships, such as wheelchair ramps, adjustable workstations, and tactile signage, making it easier for individuals with disabilities to navigate and perform their duties¹²⁰.

By prioritizing the inclusion of people with disabilities, the maritime industry not only embraces diversity but also benefits from the valuable contributions and perspectives of all individuals, regardless of their abilities.

¹¹⁹ Cruise, R. (2018) 'Disability in the maritime world: Bringing equality to all' The Maritime Executive

¹²⁰ Cruise, R. (2018) 'Disability in the maritime world: Bringing equality to all' The Maritime Executive

Research suggests that individuals with disabilities often demonstrate resilience, problem-solving skills, and adaptability, qualities that are highly valuable in the dynamic and challenging environment of sea-based professions¹²¹.

Moreover, employing individuals with disabilities can enhance team cohesion and creativity onboard vessels, as diverse perspectives foster innovation and collaboration¹²². Additionally, accommodating the needs of seafarers with disabilities can lead to improvements in vessel design, safety protocols, and accessibility features, benefiting all crew members¹²³. By embracing the talents and capabilities of people with disabilities, the maritime industry not only promotes social inclusion and equality but also harnesses the full potential of its workforce to drive innovation and excellence at sea.

XI. RISKS FACE AT SEA

It is well known that this profession comes with a high risk tag, it could be from natural disasters, bad weather, accidents at sea, sinking or even piracy. Even if many of this risks cannot be avoided, it must try to be prevented as much as it is possible, in order to protect the life of seafarers.

A) RISKS OF SEAFARERS IN THE RED SEA. GAZA CONFLICT

As of now, there is an ongoing armed conflict in the Gaza Strip, which beside all of the political, social, economic and geographical factors it entails, it has also brought as a consequence the risk of seafarers life and the security of global shipping routes in the Red Sea.

¹²¹ Pauwels, L., De Pauw, R., De Martelaer, K., & Van Biesen, D. (2019) 'Employment of people with disabilities in the maritime sector: A systematic review' Disability and Rehabilitation, p. 1.

¹²² Pauwels, L., De Pauw, R., De Martelaer, K., & Van Biesen, D. (2019) 'Employment of people with disabilities in the maritime sector: A systematic review' Disability and Rehabilitation, p. 5.

¹²³ World Health Organization (2011) World report on disability. World Health Organization, p. 4.

The ongoing conflict in Gaza represents a significant risks to seafarers navigating the Red Sea region. The heightened tensions and violence in the area increase the likelihood of maritime incidents, including attacks on vessels and disruptions to maritime trade routes¹²⁴.

Seafarers operating in the Red Sea face the threat of being caught in the crossfire of military conflicts, putting their lives and livelihoods at risk. Additionally, the instability in the region may result in challenges accessing ports for necessary provisions and crew changes, further exacerbating the already demanding conditions faced by seafarers.

Therefore, it is crucial for maritime authorities and international organizations to provide adequate support and guidance to seafarers navigating through the Red Sea during times of conflict, ensuring their safety and well-being amidst the challenging circumstances.

In order to understand, the Red Sea connects the Middle East and Asia to Europe through The narrow passageways that link the Mediterranean Sea to the Red Sea, and the waters between the Arabian Peninsula and the Horn of Africa, serve as vital maritime routes to global shipping.

To date, there has been a considerable amount of ongoing attacks on commercial ships that were sailing through the Red Sea route by a Yemeni group called “Houthis”, which demand a ceasefire on the Gaza Strip in support of Palestine. This attacks have generated massive global attention, since they not only represent a threat to the maritime industry but also to the life of the workers on board, violating international law.

¹²⁴ The escalating violence in Israel and the Occupied Palestinian Territory has raised "grave concern" (UN News, 2022).

Said group has committed more than 26 attacks on commercial ships in the Red Sea, where they have been targeted with unmanned aerial vehicles, missiles and hijacking. One of the most renowned cases is the attack on 'The Galaxy Leader,' a cargo carrier that departed from Korfez, Turkey with direction to Pipavav, India and was seized in the South West of Jeddah, Saudi Arabia. Twenty five crew members from Philippines, Bulgaria, Ukraine, Romania and Mexico, including the captain were taken hostage and held at gunpoint when the ship was boarded by armed personnel who rappelled from a helicopter on deck and was ambushed by small fast boats.

This attack was broadcasted by the group and immediately caught international attention of worldwide organizations. In the following days, there were other attacks committed. One against "A.P. Moller Maersk" which was singled out for an attack "Bab El-Mandeb Strait", another one against a norwegian flagged tanker, "AS Strinda", which was attacked with a missile and other ships were also hit in the Red Sea, all of different flag countries and multinational crew on board. This gave a rise to maritime threats and called the international community to suspend navigation through the Red Sea and label it as a High-Risk Route.

Therefore, global supply chains were put in danger which affects the economy of the region and in the end global inflation, since alternative routes add twelve to fifteen days or longer, increasing the cost of transportation, fuel, crew wages and the increase of war insurance, which have already raised a considerable amount.

However, it is important that the main concern of this attacks is focused on the risk of security at sea, specifically the life of the crew on board of these vessels. The economic and political panorama should be put on the back burner and prioritize the safety of seafarers, which is why many ships have decided to take alternative routes, even though they are more expensive and longer but to avoid putting in risk the life of their tripulation.

Given the heightened risks associated with navigating the Red Sea amidst the conflict in Gaza, exploring alternative shipping routes becomes imperative for ensuring maritime safety and trade continuity. One such alternative is the use of the Suez Canal as a bypass route, which offers a relatively secure passage for vessels avoiding the volatile Red Sea region¹²⁵.

Additionally, rerouting vessels through the Gulf of Aden and around the Horn of Africa may provide a safer alternative, albeit with longer transit times and increased fuel costs¹²⁶.

Implementing these alternative shipping routes necessitates close coordination between shipping companies, maritime authorities, and international organizations to mitigate disruptions to global trade and safeguard the well-being of seafarers amidst the challenges posed by the Gaza conflict.

B) SHIPWRECKS AND ACCIDENTS AT SEA.

The Ocean is the riskiest workplace on earth. Even with all the technology and studies, at the end of the day everything is at the fate of nature. Unfortunately, shipwrecks and accidents at sea are not as uncommon as it sounds.

Shipwrecking and accidents at sea pose significant risks to maritime transportation, crew safety, and environmental sustainability. These incidents, which can result from various factors such as adverse weather conditions, navigational errors, mechanical failures, and human error, have been a recurring challenge throughout maritime history¹²⁷.

¹²⁵ The impact of the Gaza conflict on the Suez Canal has been examined in a study by Mansour (2021), p. 1.

¹²⁶ The 'Review of Maritime Transport 2021' published by UNCTAD provides valuable insights into maritime transport trends (UNCTAD, 2021), p. 9.

¹²⁷ Maritime Accident Casebook.

Despite advancements in technology and safety regulations, shipwrecks and accidents continue to occur, leading to loss of lives, damage to vessels, and environmental pollution. Grasping the origins and impacts of these events is crucial for establishing successful preventative strategies and emergency response strategies to mitigate their impact¹²⁸.

The maritime sector can work towards safer and more sustainable navigation practices by dealing with the intricate dynamics of shipwrecking and accidents at sea. Some of the most renowned accidents being The Titanic and the SS Edmund Fitzgerald.

1- The Rms Titanic

Probably being one of the most renowned accidents known in the world. The Titanic, carrying roughly 2,200 passengers and crew, embarked on its first transatlantic journey from *"Southampton, England, to New York City in April 1912"*. As the ship sailed, communications staff received multiple alerts. By the night of April 14, the vessel was approaching a dangerous area, and another cautionary alert was sent."

At approximately 400 nautical miles south of Newfoundland, Canada, an iceberg was spotted, the command center was informed immediately. The Captain instructed the ship a maneuver that would maneuver the vessel to port and the engines reversed. The Titanic began to maneuver, though it was too close to avoid striking the iceberg. The iceberg grazed the starboard side of the ship, causing damage to the watertight compartments near the bow.

Emergency signals were dispatched, and one was received by the Carpathia, which quickly began making its way toward the damaged liner. Nevertheless, it was 58 nautical miles away and would require more than three hours to reach the Titanic. Other vessels, such as the Olympic, also replied to the call, but they were too far off to offer prompt help.

¹²⁸ Maritime Accident Casebook.

Lifeboats were deployed with priority given to women and children. Although the Titanic had more lifeboats than mandated by the British Board of Trade—20 in total—these boats could only carry 1,178 people, which fell short of the total number of individuals on board. The situation worsened because the lifeboats were launched below their full capacity, due to fears that the hoisting gear might not handle the weight of fully loaded boats. (A scheduled lifeboat drill had been called off earlier that day, leaving the crew unaware that the hoisting apparatus had been tested in Belfast.) Approximately 2:18 AM, the Titanic's lights extinguished, and the vessel broke apart, with the bow sinking beneath the surface of the Atlantic. Hundreds of individuals, both passengers and crew, ended up in the freezing water, and most succumbed to hypothermia. Ultimately, over 1,500 lives were lost, with third-class passengers suffering the highest number of fatalities. Survivors reported widespread chaos aboard the ship.

No general alert was issued, resulting in many travelers and some crew members remaining uninformed of the imminent threat for a while. Furthermore, the lack of a planned evacuation practice led to a chaotic process for lowering the boats. Ultimately, the U.S. investigation held the global impact of this tragic event can be largely attributed to the British Board of Trade, whose lenient oversight and rushed inspections played a significant role.

Nevertheless, the harshest reproach was aimed at Captain Lord and the *Californian*. The committee determined that the vessel. *"Was closer to the Titanic than the 19 miles reported by her Captain, and that her officers and crew noticed the Titanic's distress signals but did not act in a manner consistent with humanitarian principles, established international practice, and legal obligations"*.

The British inquiry began in May 1912, conducted under the oversight of the British Board of Trade, the same organization that had been criticized by U.S. officials for its inadequate lifeboat regulations. The concluding report indicated that “the ship's sinking resulted from an iceberg collision, caused by the vessel's high speed during navigation.” Following the incident, British investigators reported that the Californian was estimated to be around 5 to 10 nautical miles (9 to 19 km) from the Titanic and opined that it might have been able to rescue many, if not all, of those who perished. Both the U.S. and British inquiries made several safety recommendations, which led to the convening of the inaugural International Conference on Safety of Life at Sea in London in 1913. This conference introduced new regulations, including the requirement for every ship to have enough lifeboat capacity for all onboard, to conduct lifeboat drills on every voyage, and to keep a continuous radio watch to avoid missing distress signals. Additionally, the establishment of the International Ice Patrol aimed to provide warnings about icebergs in the North Atlantic shipping lanes and to manage ice conditions effectively¹²⁹.

2- SS EDMUND FITZGERALD

The distinguished SS Edmund Fitzgerald, an American cargo vessel en route to a Detroit steel mill, was joined by the SS Arthur M. Anderson. They soon faced a violent storm, with hurricane-strength winds and waves reaching nearly 11 meters. On November 10, 1975, the Edmund Fitzgerald sank around 17 miles north-northwest of Whitefish Point, Michigan. All 29 crew members were lost, marking this incident as the most tragic disaster in the history of Great Lakes shipping¹³⁰.

C) IMPACT OF TECHNOLOGICAL ADVANCEMENTS AND ECONOMIC FACTORS ON SEAFARERS.

1- SHIPS WITHOUT CREW, THE FUTURE OF THE MARITIME INDUSTRY

¹²⁹ Tikannen, A. (17 de February de 2024). *Britannica*. Obtenido de Britannica: <https://www.britannica.com/topic/Titanic/Aftermath-and-investigation>

¹³⁰ Ahmed, Z. (2024, February 22). *Marine Insight*. Retrieved from Marine Insight: <https://www.marineinsight.com/maritime-history/18-famous-shipwrecks-in-the-world/>

Technology has been taking place in every sector and the maritime industry is no exception. Through times it has been seen how the modern times replace procedures and even human workforce with technology. Which makes us wonder, what will be the future of seafarers with the new autonomous ship concepts that are being developed.

The European Commission supports a research initiative named MUNIN – Maritime Unmanned Navigation through Intelligence in Networks – which focuses on creating and evaluating the concept of self-operating ships.

There are also other companies working and testing these ships, which they believed will have a positive environmental impact, will reduce the risk of seafarers, provide lower cost and less human error at sea. Estimating it will take place in 15 to 20 years from now.

It is believed it will create a positive environmental impact, since the vessels will be able to reduce their speed, causing fuel savings and thereby reducing carbon and other emissions in the environment.

Regarding seafarers, this aspect will also be a huge factor on the monetary saving for the shipping industry. As no crew will be hired, it will represent a saving on salaries, insurance, equipment, and so many others. All of this will produce a great monetary impact in terms of savings the maritime sector and for vessel operators.

It is starting to resemble the future is on a path of crew minimization and automated ships. However, this is not an easy process. For all of it to be approved it must comply with many regulations and legislations. It must be approved by the competent authorities. Not to mention that it at least should be supported by a fair percentage of the industry, including ship owners, seafarers, legislators, and others.

It is more than fair to say that it is a revolutionary idea. However, if we give a deep thought of it, there are already other areas where devices or vehicles work on their own. There are already cars in circulation that can drive on their own, with no need of having a human being inside of it, for example. Nowadays, you can see many Teslas and other electric cars that can drive on their own and avoid accidents due to their sensors and electric system for which they have been programmed. These cars are in circulation and have been approved by the relevant authorities and in many countries, even have their own regulations.

In theory the same would apply to these ships, only on a larger scale. There is no doubt it will arouse many positive aspects to the maritime industry and to the environment. It may even represent a reduction on the risk faced by seafarers at sea, including the reduction of pirate attacks at sea. With no crew on board it becomes very difficult to ask for ransom. These ships will be controlled by satellite communications and will be covered in sensors that will help avoid collisions and accidents at sea.

However, as positive as it sounds it also represents a huge reduction of work options for seafarers. Which in many scenarios will represent the abolition or extinction of those jobs on the market. Leaving many families and workers without their livelihood. There is no doubt, that this very significant aspect, will be a huge challenge to overcome on the discussion of this project. Creating many conflicting opinions and controversies on the subject. And this is where the question has to be raised, if in fact these unmanned vessels represent an advantage or disadvantage for seafarers.

In any scenario, these vessels would need to be placed on gradually. It can start from leaving the ship unmanned only at nights or at certain hours per day, in order to see the progress and to be sure of the safety of the system. Almost like a transition process for all parties involved.

In order to find a middle point, where the work of seafarers is not affected and to be able to take advantage of these ships, they could be used especially for high-risk routes, such as the Horn of Africa and others. In this way, these ships would represent an advantage for the industry and would greatly reduce the percentage of risk involved in these routes.

The idea of a unmmaned ship sounds good, however, it does not mean it comes without risk. Even if it is possible to reduce manpower and replace it with technnology, it still represents a very high risk for everyone in the industry. Specially if the vessel encounters any technical problem or is engagaded in any fire, drowning, flood, machinery failure or even a collision. All of this factors may result in millions of dollars loss, which is another factor that shipowners and companies must evaluate, since the cargo on board is worth a significant amount of money. Not to mention, the part of entering and leaving a port, which will represent a real challenge for a unmmaned ship. Even for a vessel with a crew, it is one of the hardest hazzards of the job, where they encounter the mosts accidents and collisions.

Also, a very important detail, is that there must be a new legislation regarding insurance over this type of model. It is important to determine who is liable on those scenarios. The shipping industry is a multimillion dollar industry, liability plays an important role when making decisions. There are so many factors to consider regarding insurance and it must determine if it will cover any type of vessel or cargo. Specially taking into account weather conditions, which can significantly affect all electronic systems.

Lastly, there are other risks to take into account, such as facing cyber attacks on board. "Autonomous ships will be exposed to the threat of cyberattacks, due to their need to connect to operational, management and administrative systems onshore. Any ship can become a threat to infrastructure along the coast and offshore , if a ship under alien command is used as a ‘battering ram’ to cause major structural damage¹³¹." which makes it a very dangerous weapon. Cyberattacks are not a new concept but an ongoing hazzard that strikes not only the shipping industry, but many others.

¹³¹ (Vinnem & Utne, *Risk from cyberattacks on autonomous ships*, 2018), p. 1485.

As long as technology advances, so does new ways of using it as threats. There have been attacks of this type in the oil, energy, and aeronautical industries, among others. Which raises the concern about how efficient and safe can it be to have autonomous ships navigating on international and national waters. These ships are controlled on shore by Control Centers, however, if there is a breach of system, there is very little that can be done from shore to avoid any action that can result in a catastrophic disaster.

That being said, it is important to state that the (IMO) proceeded to issue the Guidelines on Maritime Cyber Risk

Management, on June 7th, 2022, which provide strategic recommendations for managing maritime cyber risks to protect shipping from existing and evolving cyber threats and weaknesses. It defines maritime cyber risk as "a measure of the extent to which a technology asset is threatened by a potential circumstance or event, which may result in shipping-related operational, safety or security failures as a consequence of information or systems being corrupted, lost or compromised¹³²." Said document establishes the application, elements and implementation of Cyber Risk Management. Including the description of vulnerable systems, such as, access control systems, bridge systems, communication systems, and others that may be compromised in the event of a cyber attack. However, since technologies are in constant change and so do such threats, it becomes very challenging for organizations and authorities to keep up with those hazards by standard instruments.

Studies show that the most common cyberattacks are spoofing and jamming communication systems and GPS signals. Understanding the definition of spoofing as "making a GPS receiver calculate a false position" and jamming as "overpowering GPS satellite signals locally so that a receiver can no longer operate¹³³." Which happens fairly often on the shipping industry, even though there already exist certain mechanisms to help avoid and protect the systems from these attacks. Some of these mechanisms correspond to high technological devices, mostly exclusive for governmental use.

¹³² (GUIDELINES ON MARITIME CYBER RISK MANAGEMENT, 2022), p. 1.

¹³³ (Velocity, *Understanding the Difference Between Anti-Spoofing and Anti-Jamming*. 2013)

In any scenario, on a normal ship, if any technological system fails there is another line of defense in order to keep control of the vessel, being the Captain and crew on board. Who might be able to take control of the vessel locally. What concern many regarding an autonomous ship, is the fact that said line of defense will become non-existent. In any case, if there is a breach or vulnerability in the control systems, it will inevitably cause the absolute loss of control over the vessel. Hence keeping a limited staff on board could be optimal management of risk mitigation efforts¹³⁴.

This concept of autonomous vessels is still to be fully developed and on a trial phase. Since it has to fully prove that it can comply with every safety regulation on board and that it can manage to repair any technical damage that can emerge on board the vessel without having personnel to fix it. This being one of the most complex factors to comply with.

The International Maritime Organization (*IMO*) definitely has a crucial role in this initiative. They must ensure safety and security at sea by providing and establishing the most strict requirements for this type of ships. They could propose or classify what type of ships can be unmanned and which cannot, according to the routes, type of vessel, and any other circumstance they may consider relevant for this decision.

The Organization has issued a publication on Autonomous Ships as a Hot Topic. Where it establishes their aim to incorporate innovative and progressing technologies in its governing framework. They already have a Committee working on the idea to incorporate a non-mandatory Autonomous Ships Code, hoping it may take effect in 2025, and which will serve as a pillar for a mandatory Code to be implemented in the future. It is reasonable to assert that since 2019, the International Maritime Organization (*IMO*), specially the Maritime Safety Committee, has issued their guidelines for Autonomous Ship Trials, which considers the following subjects:

¹³⁴ (Vinnem & Utne, *Risk from cyberattacks on autonomous ships*. 2018)

"The guidelines say that trials should be conducted in a manner that provides at least the same degree of safety, security and protection of the environment as provided by the relevant instruments. Risks associated with the trials should be appropriately identified and measures to reduce the risks, to as low as reasonably practicable and acceptable, should be put in place¹³⁵."

Some of the key elements for this trials are taking into account the human element, safety, security, liability and compensation for damage, manouvers harbor operations, navigation assistance, incident management, and safeguarding marine ecosystems¹³⁶. Basically, it involves the main concerns that are raised by the maritime community on regards of Autonomous Ships. It also contemplates the Safety and Maritime Security Convention (*SOLAS*), the Search and Rescue Regulations, the Training of Seafarers and Fishers (*STCW*, *STCW-F*), the special trade passenger ship instruments, and others of highly relevance to the project.

The Organization predicts that this type of ships will be in circulation on the future and that they will probably be limited to short voyages. This will leave a market pace to seafarers and Captains, safeguarding their jobs and life support. And also, guaranteeing and complying with all the safety measeures to reduce any type of risk that might arouse.

Without a doubt, there is a huge possibility that this vessels are the future of the maritime industry. The question is, is it a panorama of the near or distant future? Time has shown that technological advancement and evolution are irremediably inevitable. Through the ages, factories have replaced their human resources with machines that can replace them, reducing cost and streamlining operations. However, it is important to consider the jobs of seafarers so that they can prevail in the industry. Since an enormous amount depends on this source of work. As mentioned, there may be a way for both to coexist in the industry. At the moment this project is still in trial and error. It is important to see how the related unions and the corresponding authorities will pronounce about this subject, and to bare in mind that there is always a risk about living in a robotic world.

¹³⁵ (International Maritime Organization (IMO), *Autonomous shipping*. 2019)

¹³⁶ (International Maritime Organization (IMO), *Autonomous shipping*. 2019)

CONCLUSION

This chapter proposes reforms and initiatives to address the gaps and challenges identified in the protection of seafarers' rights under national law. Building on the findings from the preceding chapters, this section provides actionable recommendations aimed at improving the legal framework and ensuring effective enforcement of seafarers' rights.

Seafaring is a demanding profession that requires robust measures to safeguard the safety, welfare, and overall well-being of seafarers. This paper outlines comprehensive solutions and recommendations to address various aspects crucial to seafarers' rights and welfare.

Ensuring the safety, health, and well-being of seafarers is a multidimensional challenge requiring attention to staffing, working conditions, health measures, and fair treatment. Adequate staffing levels play a crucial role in maintaining safe and efficient ship operations. Regulations mandating sufficient rest periods help prevent fatigue and excessive working hours, which are essential for both operational efficiency and the health of the crew.

Seafarers should have access to essential health protection measures, such as alcohol-based hand sanitizers, protective gear, and timely medical care. These provisions are vital for halting the spread of illnesses onboard and ensuring seafarers remain healthy during their time at sea. Alongside health measures, occupational safety must be prioritized. Comprehensive safety programs, onboard training, and adherence to health standards help create a secure working environment.

Fair employment agreements are integral to safeguarding seafarers' rights and ensuring decent working conditions. Governments and maritime authorities must enforce these agreements to provide adequate protection and fairness. Strengthening enforcement and accountability mechanisms is equally important. Collaboration between governments, maritime authorities, and international organizations can help uphold maritime labor laws and ensure shipowners meet their obligations, particularly in cases of abandonment.

Financial security is another key aspect of seafarers' well-being. The 2014 amendment to the Maritime Labour Convention mandates monetary guarantees for seafarers, ensuring their repatriation and compensation in cases of abandonment. This measure is essential to safeguard seafarers' financial stability and provide them with necessary resources during emergencies.

Mental health support is critical for the emotional well-being of seafarers. Onboard psychological support programs, mental health awareness training, and confidential counseling services can address mental health challenges effectively. Shore leave policies should also incorporate similar support to promote well-being and prevent suicides. Regular training programs focusing on mindfulness and stress management are instrumental in equipping seafarers to handle the stresses of their profession.

Access to basic needs, including nutritious food, recreational facilities, and spaces for religious practices, significantly contributes to the physical and mental health of seafarers. Living conditions must be hygienic and comfortable, with provisions for gender-specific needs, laundry facilities, and separate rooms where necessary. Recreation, such as exercise opportunities and group activities, fosters camaraderie and enhances morale, creating a positive onboard atmosphere.

Promoting gender equality is another important area for improvement. Encouraging women to take on leadership roles and ensuring the availability of sanitary supplies and separate facilities onboard are critical steps toward equity. Fair treatment and justice must also be upheld, with robust mechanisms to protect the confidentiality and rights of those reporting incidents or grievances.

To create a safe workplace, preventive measures against abuse and harassment, such as educational campaigns and CCTV installation, should be implemented. These actions contribute to a supportive environment for all seafarers. Emergency response strategies are equally vital. Comprehensive training in accident prevention and preparedness helps mitigate risks and ensures seafarers' safety during crises.

A holistic approach that combines these measures with strengthened legislation and international collaboration can transform the maritime industry into a safer and more

supportive space. By addressing these critical areas, stakeholders can ensure the well-being of seafarers while fostering a fair and sustainable maritime environment.

Reforming the legal frameworks governing seafarers' rights is essential to ensure comprehensive protection and address current gaps. Strengthening legislative provisions can help achieve this goal by establishing enhanced minimum standards, such as aligning national laws with international conventions to guarantee fair wages, decent working conditions, and adequate rest hours. Expanding the jurisdiction of these laws to include all seafarers on vessels registered under a country's registry—regardless of the seafarers' nationality or the vessel owners' background—further strengthens protections. Additionally, promoting gender equality through specific provisions to address discrimination and harassment ensures fair treatment and equal opportunities for all seafarers.

Effective enforcement mechanisms are critical for the success of these reforms. This includes enhancing monitoring systems through a robust inspection regime to ensure compliance with seafarers' rights. Regular inspections of vessels and port facilities can detect and address violations promptly. Moreover, fostering social dialogue by involving seafarers' organizations and trade unions in policy-making processes ensures that the interests and voices of seafarers are considered in shaping regulations.

Initiatives to support these reforms should include targeted training and awareness programs. Educational initiatives, such as workshops and training sessions, can inform seafarers and maritime companies about the importance of respecting seafarers' rights and the consequences of non-compliance. Public awareness campaigns can further empower seafarers by educating them on their rights and how to seek assistance when needed.

Dedicated support services are equally vital for ensuring that seafarers can access their rights and address grievances effectively. Legal aid and counseling services tailored to the unique challenges faced by seafarers can provide necessary assistance. Furthermore, improving living and working conditions onboard vessels, including better accommodations, recreational facilities, and internet connectivity, enhances the overall well-being of seafarers.

In conclusion, implementing these reforms and initiatives offers a pathway to strengthening the legal framework governing seafarers' rights. By addressing existing challenges and gaps through improved legislation, enforcement mechanisms, and support services, seafarers can be better protected, and their rights can be upheld with greater consistency and fairness.

The intend of the objective is to assess the strengths and weaknesses of the challenges encountered by seafarers, considering the provisions of the "Maritime Labour Convention". It emphasizes protecting seafarers' rights by ensuring employment agreements align with rules on overtime compensation and daily work schedules, fair wages, and providing decent rights of living and working at sea. However, in reality this workers are facing ongoing issues as the one mentions on this study, such as, unfair wages, abandonment, working exploitation and mental health problems. An essential aspect to address is the insufficient number of personnel on ships.

The maritime industry involves huge amounts of money for all the parties who play a part on it, and as said, in order for ship owners and big companies to cut cost they fall in the practice of breaching seafarers rights stipulated on the "Maritime Labour Convention" and other international instruments, by not hiring sufficient personal on board and by hiring personal from developing countries with the only reason of taking advantage of cheap labor and low regulations.

It comes to our mind to question how can we properly address this issues, bearing in mind the international instruments built precisely for this purpose, as the Maritime Labor Convention, International Human Rights Declaration, among others, with the whole purpose of providing and ensuring decent conditions, specifically at sea. Some of the solutions plained on this study emcompasse from the implementation of telemedicine on board all the way to procedures to access justice without retaliation and fear of lossing their jobs.

A vessel is identified by the country of the flag it displays, which means that according to global regulations. Seafarers are regulated by and entitled of the protection by the laws

belonging to the country where the vessel is registered, irrespective of the vessel's position or the crew's citizenship. That said, there are many filters in the shipping industry, from Port Control, Flag State's control and onboard inspections, it is important that every subject involve dully comply with their job and emphazies in every single aspect while inspecting ships and certifying their fullfilment with the "*MLC*". Seafarers play a very important role on the shipping industry, and hence, in the world economy, therefore they does not only deserve but also are entitled to be threatred with respect and humanity.

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ABSTRACT

Throughout history, workers have fought to obtain fair wages and decent working conditions, establishing labour rights. This dissertation focuses on protecting seafarers' rights under national law, highlighting the challenges this unique group of workers faces. Seafarers often endure arduous working conditions, extended periods away from home, and exposure to high-risk environments. Given the international nature of the maritime industry, seafarers' rights are governed by a complex interplay of national and international regulations.

The “Maritime Labour Convention” (MLC) 2006 is a pivotal framework for ensuring seafarers' rights. This dissertation examines how national laws align with the standards set by the MLC, particularly in areas such as minimum working conditions, fair treatment, and welfare provisions. Despite the MLC's comprehensive guidelines, implementation and enforcement at the national level remain inconsistent, leading to gaps in protection for seafarers.

Case studies from various countries are analyzed to understand the effectiveness of national laws in protecting seafarers' rights. These case studies reveal significant disparities in how nations interpret and enforce maritime labour standards. Some countries have robust legal frameworks that provide comprehensive protection, while others lack the infrastructure and political will to implement these standards effectively.

Furthermore, the dissertation explores the role of port state control (PSC) in upholding seafarers' rights. PSC inspections are crucial for ensuring compliance with international labour standards, but their effectiveness depends on the resources and commitment of individual states. The research underscores the need for stronger international cooperation and more rigorous enforcement mechanisms to bridge the gap between policy and practice.

In conclusion, protecting seafarers' rights under national law is critical for safeguarding the welfare of those who work at sea.

This dissertation highlights the ongoing challenges in aligning national laws with international standards and emphasising the importance of robust enforcement to ensure

seafarers receive the protections they are entitled to. This research contributes to a better understanding of the complexities of protecting seafarers' rights in a globalized industry by addressing these issues.

Keywords: Maritime Labour Convention, Seafarers, Panama, Human Rights, Shipping.



ÖZET

Tarih boyunca işçiler, adil ücretler ve insana yakışır çalışma koşulları elde etmek için mücadele etmiş ve işçi haklarını tesis etmişlerdir. Bu tez, denizcilerin ulusal hukuk kapsamında haklarının korunmasına odaklanmakta ve bu benzersiz işçi grubunun karşılaştığı zorlukları vurgulamaktadır. Denizciler genellikle zorlu çalışma koşulları, evlerinden uzun süre uzak kalma ve yüksek riskli ortamlara maruz kalma gibi zorluklarla karşı karşıya kalmaktadırlar. Denizcilik endüstrisinin uluslararası doğası göz önüne alındığında, denizcilerin hakları ulusal ve uluslararası düzenlemelerin karmaşık bir etkileşimi ile yönetilmektedir.

2006 tarihli "Deniz Çalışma Sözleşmesi" (MLC), denizcilerin haklarının güvence altına alınmasında kritik bir çerçevedir. Bu tez, ulusal yasaların MLC tarafından belirlenen standartlarla nasıl uyum sağladığını, özellikle asgari çalışma koşulları, adil muamele ve refah hizmetleri gibi alanlarda incelemektedir. MLC'nin kapsamlı yönergelerine rağmen, ulusal düzeyde uygulanması ve denetlenmesi tutarsız kalmakta ve bu durum denizcilerin korunmasında boşluklar oluşmasına neden olmaktadır.

Çeşitli ülkelerden alınan vaka çalışmaları, ulusal yasaların denizcilerin haklarını koruma konusundaki etkinliğini anlamak için analiz edilmektedir. Bu vaka çalışmaları, ülkelerin denizcilik çalışma standartlarını nasıl yorumlayıp uyguladıklarında önemli farklılıklar olduğunu ortaya koymaktadır. Bazı ülkeler, kapsamlı koruma sağlayan sağlam yasal çerçevelere sahipken, diğerleri bu standartları etkili bir şekilde uygulamak için gerekli altyapı ve siyasi iradede yoksundur.

Ayrıca, tez, liman devleti denetiminin (PSC) denizcilerin haklarını korumadaki rolünü incelemektedir. PSC denetimleri, uluslararası çalışma standartlarına uyumu sağlamak açısından hayati öneme sahiptir, ancak etkinlikleri bireysel devletlerin kaynaklarına ve taahhütlerine bağlıdır. Araştırma, politika ile uygulama arasındaki boşluğu kapatmak için daha güçlü uluslararası işbirliğine ve daha sıkı uygulama mekanizmalarına duyulan ihtiyacı vurgulamaktadır.

Sonuç olarak, denizcilerin ulusal hukuk kapsamında haklarının korunması, denizde çalışanların refahının sağlanması açısından hayati önem taşımaktadır. Bu tez, ulusal

yasaların uluslararası standartlarla uyumlaştırılmasıdaki devam eden zorlukları ve güçlü bir uygulamanın önemini vurgulayarak, denizcilerin hak ettikleri korumaları almalarını sağlamanın gerekliliğini öne çıkarmaktadır. Bu araştırma, küreselleşmiş bir sektörde denizcilerin haklarının korunmasının karmaşıklıklarını ele alarak, bu konulara dair daha iyi bir anlayışa katkıda bulunmaktadır.

Anahtar Kelimeler: Denizcilik Çalışma Sözleşmesi, Denizciler, Panama, İnsan Hakları, Deniz Taşımacılığı.

