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National Human Rights Commission
PRP&P Division; Research Unit-I

Minutes of the Open House Discussion on Human Rights of Indian Seafarers held on 22nd February, 2023

An **‘Open House Discussion on Human Rights of Indian Seafarers’** was held in a meeting on 22nd February, 2023, which was chaired by **Dr Dnyaneshwar Manohar Mulay**, Hon’ble Member, National Human Rights Commission (NHRC).

The list of participants is placed at **Annexure-1**.

2. Smt Anita Sinha, Joint Secretary, NHRC, in her welcome address while extending a hearty welcome to all the participants, she mentioned that the seafarers are an integral part of the maritime industry and backbone of the global trade transporting goods and services across the world.

She stated that seafarers face various human rights issues and are often subjected to long working hours, low wages, and lack of access to basic amenities. They are also subjected to discrimination and exploitation, this is particularly true for Women Seafarers. She highlighted that the National Human Rights Commission has been very active in dealing with the issues of seafarers and mentioned about the previous meetings organised by the Commission in this regard.

3. Dr Dnyaneshwar Manohar Mulay, Hon’ble Member, NHRC in his opening remarks welcomed all the participants of the meeting. He highlighted the important role played by seafarers in the international arena. He emphasized the importance of the Pre-Departure Orientation Training (PDOT) programme for the seafarers to orient the migrant workers with regards to language, culture, and do's and don'ts to be followed in the destination country.

Hon’ble Member also mentioned about such as the functioning of non-authentic training institutes which are operating far away from the coastal areas for providing training to the seafarers. Another important issue he highlighted was the death of seafarers in the high sea and lack of proper handling of their bodies.

TECHNICAL SESSION - I

Abandonment and Imprisonment of Indian Seafarers: Role of the Ministry, Government of India and Shipowners in protecting the Rights of Seafarers

Shri Amitabh Kumar, Director General of DG Shipping shared the following key points:

- i. Highlighted the complex nature of the shipping industry, where the ship is owned by one country, is registered in another country, is managed in a third country and is manned by seafarers from a fourth country. All of them have their rights and this situation often leads to a lot of disputes.
- ii. Another issue highlighted was about the detention of ships which disrupts the entire commercial activities associated with the vessel and ultimately leads to abandonment of the seafarers. India is the worst victim of abandonment of seafarers in the world. In the year 2022, there were 152 cases of abandonment filed with DG Shipping involving 1350 seafarers. Out of these, more than 100 cases involving 1200 seafarers have been resolved so far.
- iii. In case of abandonment, the Protection & Indemnity Club (P&I Club) is coming forward and is making payment of wages for a period of 4 months and is assisting in repatriation of the seafarers.
- iv. On the issue of imprisonment of seafarers, a problematic issue is that the arrest doesn't get notified in time. By the time they come to know of the problem, the judgment already gets pronounced.
- v. Many seafarers are registering themselves on the e-Migrant portal, but the issue of the data about their return persists. There is a need to have a process where two-way integration of data can be ensured.
- vi. The draft employment contract should be shared with the seafarers at least three days in advance so that there is time to consult the authorities or lawyers about the terms & condition of the agreement.
- vii. An SOP for handling criminal acts against women seafarers on-board needs to be prepared.
- viii. In order to promote participation of women on-board, the Maritime Training Trust (MTT) provides scholarship to Indian Women Seafarers Rs 1,00,000 per annum for Pre-sea Training Course.
- ix. The DG Shipping informed that a Complaint Committee for addressing the Sexual Harassment of women seafarers at the workplace has been constituted on 30th January, 2023.

Shri Bramha Kumar, Overseas Employments & Protectorate General of Emigrants (PGE), Ministry of External Affairs (MEA), briefed about the functioning of the office of OE & PGE in ensuring the protection of Indian seafarers when they sail abroad. He shared the following points:

- i. Regarding the issue of illegal recruiting agencies, he mentioned that only those recruiting agents that are registered with the Ministry of External Affairs are permitted to recruit Indian Nationals for overseas employment under the Emigration Act, of 1983. In case of recruitment of Seafarers, the agencies should be registered under the Directorate General of Shipping.
- ii. The PDOT program is being implemented rigorously and was made online during the COVID-19 pandemic. So far 1,24,000 migrant workers have undergone the training under this program. It's a one-day program where migrant workers are told about the rules and regulations of a particular country. It was further mentioned that as of now 32 functioning centers are operating in 16 states. MEA has also launched '*Surakshit Jaaye, Prashikshit. Jaaye*', towards ensuring safe and legal migration.
- iii. The office of PGE has received 27 cases since June 2020 and all of them have been disposed off with appropriate actions. In case of a breach of employment contract, the seafarers can register their complaints directly on Madad Portal or e-Migrate portal.
- iv. The DG Shipping System is integrated with the e-Migrant portal, the people who are migrants or sailing abroad, registered with the DG Shipping portal, are reflected in the e-Migrate portal as well. As on date, 15,45,520 seafarers are shown in the e-Migrate portal.

Shri Mandeep Singh Randhawa, Director (Shipping) from the Ministry of Ports, Shipping and Waterways, submitted the following key points:

- i. Highlighted the concerns about the death of seafarers due to accidents and the delay in bringing the deceased due to prolonged procedures.
- ii. Highlighted the problems in granting compensation in case of natural death of seafarers on-board. He mentioned that the ships registered under Indian flag provides compensation in case of the natural death of seafarers but most of the foreign flag states often do not provide any compensation.

Capt. Sanjay Prashar, Vice President, Forum for Integrated National Security and CEO, VR Maritime Services, highlighted the following points as his suggestions:

- i. PDOT may be made compulsory and should be given online and also at the Shipping Master's office.

- ii. Legal Aid and Assistance should be provided to those arrested, lodged in foreign jails and abandoned seafarers. The Grievance Redressal mechanism needs to be more effective which is presently unsatisfactory as per the ground report.
- iii. A Seminar should be organised on Indian Seafarers' Rights at Sea.
- iv. A practical study of all cases of abandoned and jailed seafarers is required to be conducted and an SOP should be brought out.
- v. Standards of Training, Certification and Watch keeping for Seafarers (STCW) courses should have Human Rights aspects.

Shri Anil Devli, CEO, Indian National Shipowners' Association, Mumbai, gave the following suggestions:

- i. On the issue of the Recruitment and Placement Services Licence (RPSL), he stated that despite all the efforts, the seafarers are still engaging with the unregistered organisations.
- ii. On the issue of non-cooperation by the local police in taking action, he suggested that the NHRC can play a role in ensuring justice.
- iii. Shipowners should be encouraged to register their ships under the Indian Flag which will generate employment for Indian seafarers.
- iv. Highlighted the issue of mushrooming of Seafarers' Unions and the need to create a mechanism for checks and balances.
- v. Lastly, he also highlighted the issue of Shore Leaves and opaqueness in the ownership of ships.

Shri Devendra Kumar Nim, Joint Secretary, NHRC mentioned points related to Human Rights violations of Indian seafarers. Specifically, with respect to the role of shipowners in protecting the rights of Indian seafarers, highlighted an important shortcoming that, in case of abandonment of seafarers, or when they are stranded on ships and waiting to be repatriated or in case of any other miss-happening, it is straightaway assumed that the primary accountability/ responsibility is of the shipowner and they should be held accountable. However, it's not always the case and now becoming a major concern for shipowners, which needs adequate attention.

Mr Anil Delvi agreed with the concern raised and further added that it's difficult to trace the actual shipowner because of the Flag of Convenience. He also suggested that in case of non-payment of wages/ compensation by shipowners, the Flag State must take responsibility to compensate the distressed seafarers.

TECHNICAL SESSION - II
Life of Women at Sea

Ch. Engg. Suneeti Bala, Founder, International Women Seafarers Foundation, has highlighted the problems faced by women seafarers, and submitted the following major points :

- i. Mentioned that the intake of women seafarers has increased in recent times. She focused on two aspects: Assault/sexual assault and the health of women seafarers.
- ii. While dealing with the cases where women seafarers are involved, a responsible approach and proper handling by shipping companies should be the priority.
- iii. Need for formulating an SOP for shipping companies for handling cases involving women seafarers, such as, maintaining the confidentiality of the victim's identity and properly securing all the evidence.
- iv. Recommended that the women victim's wages should not be suspended during the period of inquiry and there should be strict punishment against the accused, such as suspension of their COCs (Certificate of Competence).

Hon'ble Member, Shri Rajiv Jain, highlighted that in the case of sexual harassment of women seafarers, the victim may file a complaint with the Internal Committee(s) of the organisation as well as can also file a criminal complaint under the Criminal Laws of India. Further, in the case of unclear/ competing jurisdiction, the victim may file a zero-FIR with any police station and then the police authority will transfer the case to the concerned police station.

DG Shipping further informed that, when any incident occurs within EEZs (exclusive economic zone), there are separate coastal police stations which are notified by the government and have the jurisdiction to address the matters, including the Yellow Gate Police Station, Mumbai.

Shri Surajit Dey, Registrar Law, NHRC, informed on the problem faced during the collection of evidence, that, the primary responsibility to collect and present the evidence before the competent court of law at the time of trial is on the Investigating Officer. He also informed on that in case of jurisdictional issues, the High Court of the concerned State may be approached under Article 226 of the Constitution of India. He mentioned that is no dearth of legal provisions

for the protection of women seafarers, there is a need for better implementation and greater awareness among the women seafarers about the acts, rules and concerned legal provisions.

Capt. Tushar R. Pradhan, General Secretary, The Maritime Union of India. He has highlighted various challenges faced by women seafarers and recommended following suggestions:

- i. One of the major issues is the stigma and problem of being accepted as women seafarers at work, among the co-workers, in the family and society.
- ii. Workplace bullying, harassment including sexual harassment and under-reporting of these cases is also a critical issue.
- iii. Reiterated the guidelines of the International Transport Workers Federation (ITF) for the protection of women seafarers' by developing policies against sexual harassment and providing appropriate training and education.
- iv. Recommended that there should be a mechanism for conducting audits to know the actual status of onboard registered cases of harassment. Suggested that CCTVs should be installed on ships for the safety of women seafarers.
- v. Recommended for better campaigning and promotion within the country to raise awareness among women to join as seafarers.
- vi. Highlighted that the Maritime Union of India has a dedicated cell and a 24x7 helpline for women seafarers where they can reach for counselling and for redressal of any kind of problems they face.

Ms Pratikalpa Sharma, Assistant Professor, GNLU, communicated the following points:

- i. Training and knowledge of legal education is necessary for women seafarers. Bodies dealing in maritime affairs should have more women representatives in key positions.
- ii. Provisions for maternity benefits, medical assistance along with insurance benefits should be made.
- iii. Strong and efficient redressal mechanism for the issues related to women seafarers is essential. The timelines for resolution of such issues should strictly be drawn and followed.
- iv. All the coastal states should have training centers for women seafarers.
- v. Mental health-related sessions by the experts and medical professionals should be provided to women seafarers.

TECHNICAL SESSION - III
Mental Health of Seafarers

Prof. (Dr.) S. Shanthakumar, Director(I/C), SMLPA, Gujarat Maritime University, Gandhinagar, highlighted multiple reasons adversely impacting the mental health of seafarers, such as exposure to excessive noise, continuous vibrations, isolation life for months, extreme temperatures, and challenging working conditions.

- i. Suggested that, a guide or a manual for making the seafarers aware about their human rights, and effective ways to deal with mental health issues can be developed by DG Shipping with the assistance of GMU, NHRC, concerned Ministries, Shipowners Associations and other stakeholders.
- ii. Highlighted that the Guidelines on eliminating harassment and bullying should be gender-neutral and should also protect the rights of male seafarers. Appreciated the guidelines formed by the Shipowners Association.
- iii. Suggested for a better cooperation between seafarers' organisations, academic institutions and NHRC to collect and study the data of the cases of harassment and bullying leading to adverse impact on mental health of seafarers.

Shri Abdulgani Y. Serang, Advisor, National Union of Seafarers of India, recommended the following points:

- i. Highlighted that the seafaring is the second most hazardous profession after the profession of mining, and the mental health of the seafarers has a direct impact on the seafarers' general health and ability to perform.

- ii. Mentioned that seafarers often feel home-sickness, work in stressful conditions, anxiety, depression, cultural differences, isolation, suicidal tendencies. All of these adversely impact mental health of seafarers.
- iii. Advancement of technology lead to deteriorating mental health of seafarers, as the news can travel faster now and will instantly reach to the seafarer on board.
- iv. Mentioned about the psychological state of seafarers where they often get an urge to jump into the sea for no reason. Suggested that research needs to be conducted on these momentary suicidal tendencies and overall mental health of seafarers.
- v. Highlighted that in case of suicide, no compensation is given to the families of the seafarers according to the employment agreements.
- vi. Mentioned that NUSI runs a 24x7 telecommunication service, “NUSI SAHARA” and provides free well-being counseling for all ranks of seafarers and their families. Suggested that more companies should take similar initiatives.
- vii. Recommended that the NHRC should ensure that a dedicated 'Well-being Officer' is appointed by the companies to look into the well-being of the seafarers.

Dr. D.M. Mulay, Hon’ble Member, NHRC, in his concluding remarks stressed upon the need for spreading awareness and a coordinated approach for addressing various issues faced by seafarers. He thanked all the participating experts, representatives of Ministries and NHRC officials for their valuable inputs during the deliberations.

Finally, the Open House Discussion after due deliberations, emanated the following recommendations for consideration:

- I. A set of guidelines may be issued by the Office of Protector General of Emigrants (PGE) to all the embassies about handling the bodies of deceased in case of death of seafarers at High Sea.
- II. A set of guidelines or an advisory may be prepared in collaboration of DG Shipping, Ministry of Port, Shipping & Waterways and the Office of PGE for the members of the missions for ensuring safety of seafarers.
- III. The DG Shipping may take necessary steps for revising the Course Module on Gender Sensitization under their training program.
- IV. A comprehensive handbook for the Rights of Seafarers’ may be developed with cooperation of Gujarat Maritime University and DG Shipping which can be distributed to all the seafarers by the recruiting agencies/companies prior to their departure from India.

The meeting ended with a vote of thanks to the Chair and all the participants of the meeting by **Dr. M.D.S. Tyagi, Joint Director (Research), NHRC**.

List of Participants:

I. **NHRC Officials:**

1. Dr. D.M. Mulay, Hon'ble Member, NHRC- Chair
2. Shri Rajiv Jain, Hon'ble Member, NHRC
3. Shri Surajit Dey, Registrar (Law)
4. Shri Devendra Kumar Nim, Joint Secretary, NHRC
5. Smt Anita Sinha, Joint Secretary
6. Shri Virender Singh, Director, NCHC
7. Dr. M.D.S. Tyagi, Joint Director (Research)
8. Mr Deepansh Tripathi, JRC, NHRC
9. Mr Jha Pranav Kumar, JRC, NHRC

II. **Representatives from Government/Ministries:**

1. Shri Amitabh Kumar, Director General of DG Shipping
2. Shri Mandeep Singh Randhawa, Director (Shipping) from Ministry of Ports, Shipping and Waterways
3. Shri Bramha Kumar, Joint Secretary, Overseas Employments & Protectorate General of Emigrants, Ministry of External Affairs

III. **Special Invitees:**

1. Capt. Sanjay Prashar, Vice President- Forum for Integrated National Security and CEO- VR Maritime Services
2. Shri Anil Devli, CEO, Indian National Shipowners' Association
3. Chief Engineer Suneeti Bala, Founder, International Women Seafarers Foundation
4. Capt. Tushar R. Pradhan, General Secretary, The Maritime Union of India
5. Prof. (Dr.) S. Shanthakumar, Gujarat Maritime University
6. Ms Pratikalpa Sharma, Assistant Professor, Gujarat National Law University
7. Shri Abdulgani Y. Serang, Advisor, National Union of Seafarers of India
