

# An Analysis of International Law of Sea for Mental Health and Rights of Seafarers and It's Application in India

- Dr. Sarika J Sagar\*  
- Dr. Bhupender Singh\*\*

## Abstract:

*Seafarers Rights are intertwined with many other sectors of human rights in order to have an adequate quality of life. The International Maritime Organization (IMO), the International Labour Organization (ILO) have all done outstanding work to safeguard seafarers' rights. It is critical that seafarers are aware of their rights. Seafarers may be exposed to the risk of their rights not being safeguarded. Their rights include mental health issues because of the work environmental factors, job satisfaction, and other health issues. Effective mental health awareness training for seafarers and shore-based maritime workers dealing with seafarers may have a significant beneficial influence on seafarer's mental well-being and ensure that they are well equipped to deal effectively. Working at sea may be dangerous, and the threat of piracy and other marine disasters can be overpowering. India has been a member of the International Labour Organization (ILO) since its inception. Despite this, India has yet to ratify a number of International Treaties. India has a large coastline and is a key source of seafarers for the rest of the globe. Further the related conventions at sea by various countries and related rules in context to Indian laws have been discussed in the study in detail.*

**Keywords:** Seafarers' Rights, Mental Health, International Maritime Organization (IMO), International Labour Organization (ILO)

## 1. Introduction:

Law of the Sea is known as Maritime Law which is that branch of Public International Law which regulates the rights and duties concerning the regulation of states with respect to the sea area. It governs the legal rules regarding ships and shipping in the sea. It is one of the principal subjects of International Law and is a mixture of the treaty and established or emerging customary law principles.<sup>1</sup>

Seafarers, who spend many months away from home and human society who are working in challenging conditions, may be more vulnerable to mental health issues than the wider population. Hence the result of that many seafarers are suffering from the depression than other working groups in society. which determines mental health issues because of the work environmental factors, job satisfaction, and other health issues. Hence the medical facility is big issues for the seafarer in compare to the working from home peoples in recent era, that is reason they did not get the support and medical health facility within time it affects on the mental health and worries about job security make it more difficult for seafarers to ask for help when they need it. The World Health Organization estimates that 264 million people are affected by depression globally and states that "The burden of mental disorders continues to grow with significant impacts on health and major social, human rights and economic consequences in all countries of the world."<sup>2</sup>

It is commonly stated that sailing is a hazardous profession. The International Maritime Health Association has put it best when it states "It has been established that seafaring is one of the most physically demanding professions in one of the most dangerous work environments: the sea."<sup>3</sup>

In other hand Marine is most important business for the connection of various states in cheaper way. Hence the result is all the nations based on the Law of the Sea convention which reflects Customary International Law that is binding on all member countries. A well-defined international legal system provides the basis for all maritime complaints and actions, and the rules vary from location to location. In general, the practice of the Indian Ocean coastal countries is highly consistent with the "United Nations Convention on the Law of the Sea" (LOSC) in terms of the scope of the maritime area.<sup>4</sup> And also there are various International Laws discussing on the right to mental health of individual and group of society, Like Article 25 (1)<sup>5</sup> of

\* Head and I/C Dean, Department of Law, Vishwakarma University, Pune, Maharashtra

\*\* Assistant Professor, Department of Psychology, Vishwakarma University, Pune, Maharashtra

<sup>1</sup>ISWAN, Mental health of seafarers: what has the industry done to tackle this? What else is needed?, <https://www.seafarerswelfare.org/news/2020/mental-health-of-seafarers-what-has-the-industry-done-to-tackle-this-what-else-is-needed> Last seen on 16/12/2021

<sup>2</sup>World Health Organization, Mental disorders, Available at <https://www.who.int/news-room/fact-sheets/detail/mental-disorders> Last seen on 16/12/2021

<sup>3</sup> IMHA 2012. International Maritime Health Association. Newsletter, January 2012: 14.

<sup>4</sup>United Nations Convention on the Law of the Sea, Available at [https://www.un.org/depts/los/convention\\_agreements/texts/unclos/unclos\\_e.pdf](https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf) Last seen on 26/12/2021

<sup>5</sup> Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Universal Declaration of Human Rights, 1948, Article 12<sup>6</sup> of the International Covenant on Economic, Social and Cultural Rights, ICESCR, 1966, and many more. As a result, seafarers are critical to international trade and the global economic system. It is important to note that marine transport is the first really worldwide industry.

At special maritime sessions of the International Labour Conference, the International Labour Organisation i.e. ILO has approved nearly 70 Instruments which having 41 Conventions and associated Recommendations to safeguard the world's seafarers and their contribution to International Trade. The ILO's International Laws for this sector establish the minimum conditions for "decent work" and encompass almost all aspects of employment, including minimum standards for work on a ship.<sup>7</sup> This Paper focuses on the Loopholes the International and National Laws, give a window into the current state of seafarer mental health, and explain two ongoing programmes to promote seafarer mental health.

## 2. Rights of Seafarers:

All human rights are interconnected and indivisible. This implies that you can't completely enjoy one set of rights without the other. Making advancement in civil and political rights, for example, makes exercising economic, social, and cultural rights easier. Violations of Economic, Social, And Cultural Rights, for example, might have a detrimental impact on a variety of other rights. Mental and physical health, for example, is a crucial aspect of human rights.<sup>8</sup>

The employment and social rights, including the right to a safe and secure workplace, the right to fair terms of employment, the right to decent living and working conditions and the right to health protection, medical care, welfare measures and other forms of social protection<sup>9</sup> It is widely agreed that, given the global nature of the shipping industry, but seafarers need special protection, especially since you can be exempted from national labour laws.

The private shipping companies requires governments to make sure that their laws and regulations respect certain fundamental rights relating to work. Like The Right to freedom of association, your right to join a trade union of your choice, Effective recognition of the right to collective bargaining, the right of your union to negotiate a Collective Bargaining Agreement on your behalf, Elimination of all forms of forced or compulsory labour, and to be paid for that work, Effective abolition of child labour, Elimination of discrimination in respect of employment and occupation your right to be treated in the same way as your fellow seafarers doing the same work regardless of race, religion, national origin, gender, or political views.<sup>10</sup>

Further there are the basic rights of the Seafarers which are The rights referred to above are expanded in the requirements of the companies under four headings, Minimum requirements for seafarers to work on a ship, Conditions of employment, Accommodation, Recreational Facilities, Food and Catering, Health Protection, Medical Care, Welfare and Social Security Protection. Under these headings there are more details of the obligations of States and shipowners to ensure that you have the same sort of protections afforded to people working ashore, bearing in mind the particular circumstances of life working at sea. This is broadly referred to as seafarers' rights. If the rights are not protected there are processes to follow for making complaints. If the problems are serious and repeated or a hazard to health, safety or security, this can result in the detention of the ship<sup>11</sup>

<sup>6</sup> 1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

- (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
- (b) The improvement of all aspects of environmental and industrial hygiene;
- (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
- (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

<sup>7</sup>International Labour Organisation, *International Labour Standards on Seafarers*, Available at <https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/seafarers/lang--en/index.htm> Last seen on 15/12/2021

<sup>8</sup>United Nation Office of Human Rights of the High Commissioner, What are human rights? Available at <https://www.ohchr.org/en/issues/pages/whatarehumanrights.aspx> Last seen on 15/12/2021

<sup>9</sup>The Maritime Labour Convention, 2006 A Seafarers' Bill of Rights, An ITF Guide for Seafarers to the ILO, The International Transport Workers' Federation (ITF) 49-60 Borough Road, London SE1 1DR, UK, pg. 16-20 Available at [https://www.itfglobal.org/media/581902/sbor\\_english.pdf](https://www.itfglobal.org/media/581902/sbor_english.pdf) Last seen on 15/12/2021

<sup>10</sup> Maritime Labour Convention, 2006 (MLC, 2006), Available at [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::NO::P55\\_TYPE,P55\\_LANG,P55\\_DOCUMENT,P55\\_NODE:REV,en,C186,/Document](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::NO::P55_TYPE,P55_LANG,P55_DOCUMENT,P55_NODE:REV,en,C186,/Document) Last seen 1/1/2022

<sup>11</sup>Ibid

### 3. Mental Wellbeing at Sea :

The World Health Organisation defines mental health<sup>12</sup> by looking after themselves, seafarers may reduce the hazards of working at sea and stay fit, healthy, and happy. Psychological health refers to our ability to operate mentally, which means to feel good about ourselves and about life, have a feeling of life satisfaction, a sense of purpose, and a sense that our lives are on track. Psychological well-being is good for our general health and can even help us live longer lives. The mariners' emotional and psychological well-being is less well-studied than their physical health. Long-term absence from home and social isolation, as well as work-related pressures, are the most significant stressors for sailors. Many hazards face the seafaring community, particularly those related to accidents and injuries.<sup>13</sup>

Further it sought to investigate the various stressors faced by five single-handed sailors competing in the 19<sup>th</sup> and 20<sup>th</sup> century, Velux 5 Oceans round-the-world race. Skippers revealed organisational e.g., environmental conditions, isolation, sleep deprivation and personal family-related issues stressors following in the interviews. To meet these demands, prioritised sequential thinking, rationalising situations, emotion-solving and approach-focused coping were all used.<sup>14</sup> Establishing a compensation system for mental harm, in accordance with the International Covenant on Economic, Social, and Cultural Rights. Improve crew health management by bringing a psychological counselling team aboard, imparting psychological education, conducting simulated training, cultivating discipline consciousness, changing working style, and providing self-help guided training to stay positive motivated and apply positive psychological principles to oneself. On board, the focus was also on harmonising man-machine relationships and creating new approaches for resolving mental issues.

It needs to improve crew health management by bringing a psychological counselling team aboard, imparting psychological education, conducting simulated training, cultivating discipline consciousness, changing working style, and providing self-help guided training to stay positive motivated and apply positive psychological principles to oneself. On board, the focus shall also be on harmonising man-machine relationships and creating new approaches for resolving mental issues.<sup>15</sup>

In COVID-19 period there has been an impact on seafarers, with an estimated 400,000 stuck aboard ships throughout the world, due to increased time on board, repatriation issues, and the financial worries of the unemployed. The Seafarer Crisis Action Team founded by the International Maritime Organization to assist them. A specialized contact center in France received 142 calls from 32 sailors for psychiatric phone consultations in the past ten months, the majority of which were related to this era. Seafarers require psychological health treatment, repatriation, and financial solutions as the COVID-19 problem continues to grow in duration.<sup>16</sup>

### 4. Role of the Law of the Sea:

The International Maritime shipping and trade is mainly based on the Law of the Sea the Law of the Sea is plays as a vital role for promoting and protecting the trade business in the Sea area, this also help to identify the state and International boundaries in Sea. In 1956, the ILC submitted a report to the United Nations that formed the basis for the first United Nations Conference on the Law of the Sea i.e., UNCLOS-I<sup>17</sup>, held in Geneva in 1958. In a detailed introduction, the author sets out the principles involved in drafting a set of rules that states must follow when using the sea space, from the codification of the law of the sea in The Hague in 1930, at the 1958 and 1960 United Nations conferences, and ending with the 1982 Convention.<sup>18</sup>

It is an International Agreement which contain customary maritime law and is generally considered to have been established as a law and regulation widely accepted by the 167-member states and the European Union. Its 320 articles and 9 annexes contain a comprehensive maritime legal system that establishes rules governing all marine activities and the use of their resources.<sup>19</sup> The

<sup>12</sup>State of well-being in which every individual realises his or her own potential, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to her or his community,

Available at [http://www.who.int/features/factfiles/mental\\_health/en/](http://www.who.int/features/factfiles/mental_health/en/) Last seen on 15/12/2021

<sup>13</sup> Slišković, Ana, and Zvezdan Penezić *Occupational stressors, risks and health in the seafaring population*. 2015 Review of psychology 22.1-2, pg. 29-40.

<sup>14</sup> Weston, Neil JV, et al. *Stress and coping in single-handed round-the-world ocean sailing*. Journal of Applied Sport Psychology 21.4, 460-474.

<sup>15</sup> Xie, Wenqing, *The research on Chinese ocean-going seafarers' mental health and its impacts on navigation safety*. (2018).

<sup>16</sup> Lucas, David, et al. "Seafarers' mental health in the COVID-19 era: lost at sea?." *International maritime health* 72.2 (2021): 138-141. APA

<sup>17</sup> The United Nations Convention on the Law of the Sea (A historical perspective) United Nations Division for Ocean Affairs and the Law of the Sea, Available at [https://www.un.org/Depts/los/convention\\_agreements/convention\\_historical\\_perspective.htm](https://www.un.org/Depts/los/convention_agreements/convention_historical_perspective.htm) Last seen on 16/12/2021

<sup>18</sup> Mazen Adi, *The Application Of The Law Of The Sea And The Convention On The Mediterranean Sea*, Division For Ocean Affairs And The Law of The Sea Office of Legal Affairs, The United Nations New York, 2009 pg. 20, Available at [https://www.un.org/depts/los/nippon/unff\\_programme\\_home/fellows\\_pages/fellows\\_papers/adi\\_0809\\_syria.pdf](https://www.un.org/depts/los/nippon/unff_programme_home/fellows_pages/fellows_papers/adi_0809_syria.pdf) Last seen on 16/12/2021

<sup>19</sup> United Nations Convention on the Law of the Sea, Available at [https://www.un.org/depts/los/convention\\_agreements/texts/unclos/unclos\\_e.pdf](https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf) Last seen on 17/12/2021

International Seabed Authority has been established and started to operate to organize and monitor deep-sea seabed activities beyond the limits of national jurisdiction for resource management and the International Tribunal for the Law of the Sea, which has the power to resolve maritime disputes arising from the application or interpretation of the Convention. The goal of the organization is to help countries better understand and implement the Convention in order to use its marine resources in a relatively conflict-free and development-friendly environment, while ensuring the rule of law of the sea.

In addition, UNCLOS focuses on mutual legal assistance and other forms of law enforcement cooperation against transnational organized crime at sea, including bilateral or regional agreements or arrangements.

In addition to the "Convention on the Law of the Sea", India is the implementation agreement of the eleventh part of the Convention of December 10, 1982, the 1995 Fish Stocks Convention, the 73/78 Anti-pollution Convention, the 2004 International Ballast Water Convention, and the 1972 London Convention Parties to the Convention and other conventions. Agreements, especially those related to the conservation and sustainable use of marine resources<sup>20</sup>. The United Nations Convention on the Law of the Sea (UNCLOS), also known as the Convention on the Law of the Sea or the Law of the Sea Treaty, is an international agreement that lays the legal foundation for all maritime and maritime activities.<sup>21</sup> The advisory opinion stipulates the international legal obligations and obligations of the advertising country and the authority to ensure that sponsorship activities will not harm the marine environment in accordance with the applicable provisions of Part XI of the "Regulations of the Authorities" of the "Convention on the Law of the Sea".<sup>22</sup>ITLOS jurisprudence, other international environmental treaties and principles of the United Nations Rio Declaration 15.<sup>23</sup>

Apart from this the International Labour Organisation has a vital role in the promoting because there are many reasons which causes of mental illness among seafarers are well known. The International Committee on Seafarers Welfare booklet "Guidelines for Mental Care onboard Merchant Ships"<sup>24</sup>It explain stress, harassment and bullying, anxiety, fatigue, disruptive thinking and behaviour, and addiction to alcohol and drugs. To these must be added loneliness, short ship-turnaround times, lack of shore leave, separation from spouses and families, job retention, and long working hours. Piracy and criminalization of seafarers are also causes.<sup>25</sup> For this there are many ILO conventions state on the part of Seafarers which is Consolidation of ILO Maritime Standards MLC, 2006 - Maritime Labour Convention, 2006 (MLC, 2006)<sup>26</sup>Seafarers' Identity Documents Convention (Revised), 2003, as amended (No. 185)<sup>27</sup> Seafarers' identity documents: New requirements enter into force triggering renewed momentum for the ratification of Convention No. 185<sup>28</sup> Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)<sup>29</sup> Labour Inspection (Seafarers) Convention, 1996 (No. 178),<sup>30</sup> Health Protection and Medical Care

<sup>20</sup>General Assembly, 75th Session of the UN General Assembly Agenda Item 77 (a) Oceans and the Law of the Sea INDIA STATEMENT By Mr. Yedla Umasankar First Secretary/Legal adviser 8 December 2020

<sup>21</sup> Robin M. Warner, *Conserving marine biodiversity in areas beyond national jurisdiction: co-evolution and interaction with the law of the sea*, Australian National Centre for Ocean Resources and Security, University of Wollongong, Wollongong, NSW, Australia Available at

<https://www.frontiersin.org/articles/10.3389/fmars.2014.00006/full> Last seen on 18/12/2021

<sup>22</sup> DNV GL for the Centre for the Ocean and the Arctic, Sustainable Blue Economy in the Norwegian Arctic, available at [https://www.havarktis.no/img/Sustainable-Blue-Economy-in-the-Norwegian-Arctic-Part-1-Status\\_FINAL.pdf](https://www.havarktis.no/img/Sustainable-Blue-Economy-in-the-Norwegian-Arctic-Part-1-Status_FINAL.pdf) Last seen on 19/12/2021

<sup>23</sup> United Nation General Assembly, Sixty-third session, Resolution adopted by the General Assembly on 5 December 2008, 63/111. Oceans and the law of the sea, Available at [https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A\\_RES\\_63\\_111.pdf](https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_63_111.pdf) Last seen on 20/12/2021

<sup>24</sup> ICSW. Guidelines for mental care onboard merchant ships. International Committee on Seafarers' Welfare, Seafarers Health Information Program 2009: 12 p. ([www.seafarershealth.org](http://www.seafarershealth.org); e-mail: [ship@icsw.org.uk](mailto:ship@icsw.org.uk)) See also Robert T.B. Iversen International Service Committee, Rotary Club of Melbourne South, Australia, *Int Marit Health* 2012; 63, 2: 78–89 [www.intmarhealth.pl](http://www.intmarhealth.pl) Copyright © 2012 Via Medica ORIGINAL PAPER ISSN 1641–9251 Available at file:///C:/Users/hp/Downloads/26143-31930-1-PB%20(1).pdf Last seen on 26/12/2021

<sup>25</sup> Ibid

<sup>26</sup> MLC, 2006 - Maritime Labour Convention, 2006 (MLC, 2006) Available at [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C186](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C186) Last seen on 15/12/2021

<sup>27</sup> Seafarers' Identity Documents Convention (Revised), 2003, as amended (No. 185), Available at [https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100\\_ILO\\_CODE:C185](https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:C185) Last seen on 19/12/2021

<sup>28</sup> Seafarers' identity documents: New requirements enter into force triggering renewed momentum for the ratification of Convention No. 185 Available at [https://www.ilo.org/global/standards/maritime-labour-convention/WCMS\\_557117/lang--en/index.htm](https://www.ilo.org/global/standards/maritime-labour-convention/WCMS_557117/lang--en/index.htm) Last seen on

<sup>29</sup> Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C147](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C147) Last seen on 19/12/2021

<sup>30</sup> Labour Inspection (Seafarers) Convention, 1996 (No. 178) Available at [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C178](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C178) Last seen on 21/12/2021

(Seafarers) Convention, 1987 (No. 164)<sup>31</sup> Seafarers' Annual Leave with Pay Convention, 1976 (No. 146)<sup>32</sup> International Maritime Organization, IMO, Maritime Labour Convention, 2006, MLC, International Convention for the Safety of Life at Sea, 1974, World health Organisation etc.

It must guarantee that seafarers on board ships in their jurisdiction who require emergency medical attention have access to medical facilities on land, according to the International Labour Organization's Maritime Labour Convention i.e.MLC. The IMO Safety of Life at Sea i.e. SOLAS, Maritime Search and Rescue i.e. SAR, Salvage and Facilitation treaties, as well as the United Nations Convention on the Law of the Sea, all include the responsibility to help seafarers in distress, including medical treatment i.e. UNCLOS.<sup>33</sup> Prompt and efficient disembarkation of seafarers to receive medical care ashore is essential not only for the seafarers' health, but also for the maintenance of the global supply chain for the promotion and protection of Mental health of the seafarer.

## 5. Indian Legal System on Seafarers:

Although Ancient India has a long legal legacy, the country's current judicial system is mostly derived from the British system and is based on English Common Law, which is a system of law based on recorded court precedents. Earlier mental health law was largely concerned with the confinement of people with mental illnesses and the safety of society. Indian laws also address issues such as determining competency, lessened accountability, and/or societal welfare.

India is a founder member of the International Labour Organization, which came into existence in 1919. A unique feature of the ILO is its tripartite character. The membership of the ILO ensures the growth of tripartite system in the Member countries. At every level in the Organization, Governments are associated with the two other social partners, namely the workers and employers.<sup>34</sup> The following are the Indian Legislature for the protection of Mental Health of the Seafarers.

The principals of ILO are the setting up the International Labour Standards in the form of Conventions and Recommendations. Conventions are international treaties and are instruments, which create legally binding obligations on the countries that ratify them. Recommendations are non-binding and set out guidelines orienting national policies and actions.

The approach of India with regard to International Labour Standards has always been positive. The ILO instruments have provided guidelines and a useful framework for the evolution of legislative and administrative measures for the protection and advancement of the interest of labour. It is now considered that a better course of action is to proceed with progressive implementation of the standards, leave the formal ratification for consideration at a later stage when it becomes practicable. We have so far ratified 41 Conventions of the ILO, which is much better than the position existing in many other countries. Even where for special reasons, India may not be in a position to ratify a Convention, India has generally voted in favour of the Conventions reserving its position as far as its future ratification is concerned.<sup>35</sup> There are no provisions in the Indian Constitution to protect the rights of sailors in particular. Shipping is a worldwide industry with many different uses. There are interrelationships between flags in terms of ship administration, ownership, staff, and management.

## 6. Conclusion:

Seafarers go months without seeing their families and friends, and they are unable to contact them as frequently as they would want due to bad connectivity on board. Fast turnaround times at the port, as well as long working hours, may leave little time for proper rest and recreation, both of which are essential for good health. Seafarers can become lonely as a result of multicultural crews and living in close quarters with co-workers who may or may not have same interests. Furthermore, bullying and harassment can have much more serious consequences on a ship when there is no way to get away from the attacker. Working at sea may be dangerous, and the threat of piracy and other marine disasters can be overpowering.

Effective mental health awareness training for seafarers and shore-based maritime workers dealing with seafarers may have a significant beneficial influence on seafarers mental well-being and ensure that they are well equipped for some of the problems outlined above.

Training that increases mental health awareness will also help to significantly reduce stigma. If mental health is no longer considered taboo, seafarers will feel more comfortable seeking therapy and/or addressing their problems with their supervisor or a co-worker. Training may also help seafarers recognise when a crew member is in distress and provide them the tools and confidence to begin a conversation. It may also provide sailors and senior professionals the skills they need. Shipping companies should also be encouraged to take note of important research findings which show the benefits that improved connectivity on board can have on seafarers' wellbeing.

<sup>31</sup> Health Protection and Medical Care (Seafarers) Convention, 1987 (No. 164), Available at [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C164](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C164) Last seen on 16/12/2021

<sup>32</sup> Seafarers' Annual Leave with Pay Convention, 1976 (No. 146) [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C145](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C145) Last seen on 16/12/2021

<sup>33</sup> IMO endorses guidance on ensuring seafarers' access to medical care onshore, Recommendations for port and coastal States on the prompt disembarkation of seafarers for medical care ashore during the COVID-19 pandemic have been issued, Available at <https://www.imo.org/en/MediaCentre/PressBriefings/Pages/21-medical-care-seafarers.aspx> Last seen on 31/12/2021

<sup>34</sup> Ministry of Labour and Employment, India & ILO, Available at <https://labour.gov.in/lcandilasdivision/india-ilo> Last seen on 15/12/2021

<sup>35</sup> Ibid

The International Maritime Organization, the International Labour Organization have all done outstanding work to safeguard seafarers' rights. India is a member of the International Labour Organization since its inception. Despite this, India has yet to ratify a number of international treaties. India has a large coastline and is a key source of seafarers for the rest of the globe. The Indian Constitution has no provisions to safeguard the rights of seafarers in particular. Shipping has a global scope and a diverse range of applications. Concerning the administration, ownership, personnel, and management of the ship, there are interrelationships between flags. As a result, seafarers may be exposed to the risk of their rights not being safeguarded. Seafarers' Rights are intertwined with many other sectors of human rights in order to have an adequate quality of life. As a result, it is critical that seafarers are aware of their rights. It will also help them do their responsibilities more efficiently and obtain their appropriate compensation.

