

Rights of Seafarers and Shore Personnel: Emerging Trends and Ongoing Challenges

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ABSTRACT

The article explores recent initiatives by international organizations and national governments to protect the rights of seafarers and port workers. Recent developments in seafarers' labour rights and wellbeing, and their recognition as "key workers" under the 2025 updates to the Maritime Labour Convention, have increased attention to the like rights of port personnel. The discussion emphasizes the European Court of Human Rights' (ECHR) case law concerning seafarers and its significance in understanding jurisdictional practices and holding States accountable for ship crew mistreatment and environmental violations. Special focus is made on how protecting seafarers' human rights intersects with the enforcement of environmental policies in the shipping industry.

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Introduction

Although many functions in the maritime sector are now automated, the trend toward smaller crew sizes does not mean humans will be absent from ships anytime soon (Luchenko et al., 2023), nor does it suggest port terminals will operate without autonomous systems. Instead, it emphasizes the importance of safeguarding seafarers' and shore workers' rights to fair working conditions, adequate rest, medical care, financial security, and repatriation assistance. This is increasingly critical as the psycho-emotional, mental, and physical demands on crew members and port operators grow, especially as systems become more advanced and "smart." Additionally, the maritime industry faces heightened exposure to global risks such as climate change, complex ship technology, longer voyages and new routes (Kivalov, 2024), sanctions (Omokaro et al., 2025), criminal threats (International Maritime Organization, n.d.), and evolving port entry regulations (Imhof Jr & Ke'alohilani Rosenberg, 2025). These factors make the working conditions for seafarers and shore personnel more challenging than ever and raise questions about whether current protections are adequate against modern risks. An effective system must prioritize the individual, preserving their dignity and rights. Despite technological progress, human participation remains central to safety and the stability of maritime supply chains. Automation and digital tools should complement human efforts, not replace them, serving to reduce risks, enhance quality, and streamline daily tasks.

Methodology

This article examines issues related to protecting the rights and ensuring proper treatment of seafarers and port workers. The first section, which analyzes current initiatives by major international bodies overseeing maritime labor standards, focuses on enhancing protections and rights for port workers. This is like the designation of seafarers as “key workers” in the 2025 updates to the Maritime Labor Convention, 2006 (MLC). Additionally, it suggests integrating environmental safety into the maritime and port sectors as a holistic system that safeguards both the environment and human well-being. This represents a move away from the traditional emphasis on nature and the economy in modern environmental management.

1. Traditions and Innovations in the Maritime Sector: Searching for a “Golden Mean” to Protect Human Rights

Seafarers’ human rights issues are continually evolving, shaped by the shifting intensity of challenges influenced by external factors and the efforts of the international community and industry to tackle them. Currently, issues such as accommodation standards, monthly wages, personal protective equipment, food and catering, and maximum/minimum working hours are primarily being effectively maintained onboard. Simultaneously, other issues related to safeguarding human rights onboard, such as ensuring a safe working environment, adherence to compliance and enforcement standards (MLC, ILO, National Laws and Regulations), seafarers’ safety, gender equality, and accident and injury prevention, have become more prominent (Kakon et al., 2025).

The UNCTAD Annual Review of Maritime Transport 2025 (Chapter V) identified four main challenges for seafarers’ rights: (i) rights to repatriation, (ii) shore leave, (iii) fair treatment, and (iv) working conditions. The review urges governments, intergovernmental organizations, and industry stakeholders to improve their efforts to monitor, implement, and enforce the existing regulatory framework (p. 134). Section B of Chapter V, titled “Strengthening the Rights of Seafarers in Times of Uncertainty,” offers an in-depth look at the key current challenges facing seafarers’ labor rights and protections, alongside new legal and institutional measures to tackle these issues. It highlights that, despite strong international legal frameworks like the MLC and STCW, practical implementation faces hurdles such as weak enforcement, international coordination issues, and jurisdictional challenges. Amendments to the MLC, expected in December 2027 after June 2025 adoption, aim to better protect seafarers, ensure non-discriminatory repatriation, recognize seafarers as essential workers, secure shore leave, and create new cooperation among port States, flag States, and seafarers’ countries. It also underscores risks from migration across the Mediterranean and tensions in conflict zones like Ukraine and the Middle East.

Another important aspect of protecting seafarers’ rights is ensuring their fair treatment during ship detentions, restrictions on their freedom, or when they are held on suspicion of crimes. These standards encourage a humane approach and highlight the importance of legal and consular support for seafarers facing criminal charges. Ongoing criminalization (InterManager, 2025; BIMCO, 2025; International Maritime Organization, 2025a) often targets seafarers for actions beyond their control, such as maritime accidents, marine pollution, technical failures, or crew members unknowingly involved in smuggling activities.

The European Court of Human Rights (ECHR) has handled several cases where seafarers were used as ‘scapegoats’. Meanwhile, authorities often find it easier to blame individual seafarers instead of holding companies accountable (Dickinson, 2010; Nautilus International, 2019; Fairbairn, 2025; International Transport Workers’ Federation, n.d.). A key example is *Medvedyev and Others v France* (Grand Chamber, 2010). In this case, the Court examined

the detention of the crew of the Cambodian-flagged vessel *Winner* by French military forces on suspicion of drug smuggling. The Court found that the prolonged detention of the seafarers without sufficient judicial review violated Article 5(1) of the European Convention on Human Rights, which guarantees the right to liberty and security of a person.

Another example of ECHR cases involving seafarers is *Shchukin and Others v Cyprus* (2010). On July 29, the ECHR found that Cyprus violated Article 3 of the Convention by failing to conduct a proper investigation into Oleg Shchukin's complaint of being ill-treated by immigration police in Limassol in February 2003. The Court stated the investigation was neither independent nor impartial and lacked public scrutiny. Additionally, the authorities had not shown adequate diligence or promptness, leading to the award of €12,000 to the complainant (Association for the Prevention of Torture, n. d.). These rulings are now key to defining the limits of jurisdiction for monitoring and detaining ships at sea, as well as states' responsibilities for seafarers' mistreatment.

In efforts to combat the unlawful criminalization of seafarers, 2025 is notable for several initiatives aimed at protecting their rights. Early in 2025, the IMO Legal Committee issued guidelines on the fair treatment of detained seafarers related to alleged crimes. These guidelines, developed earlier in November 2024, were adopted at the third meeting of the Joint ILO–IMO Tripartite Working Group in Geneva, Switzerland, which focuses on seafarers' issues and the human element (International Maritime Organization, 2024). The guidelines address due process, protection from arbitrary detention, coercion, or intimidation, and uphold rights to wages, medical care, and repatriation during legal proceedings. They seek to enhance cooperation among port States, flag States, coastal States, seafarers' nations, shipowners, and seafarers themselves (International Maritime Organization, 2025b). This initiative continues efforts to ensure fair treatment, procedural justice, and human dignity for seafarers.

Said Guidelines also acknowledge the widespread recognition of seafarers as "key workers" following a joint statement by the International Labour Organization (ILO), the International Maritime Organization (IMO), the United Nations Conference on Trade and Development (UNCTAD), and the World Health Organization (WHO). It emphasizes that due to the global scope of the shipping industry and the various jurisdictions involved, seafarers require special protections, particularly concerning interactions with public authorities (p. 5).

The overall situation of personnel in the maritime industry is marked by extensive international and national regulations. Their work involves considerable risks and stresses. Although the importance of this work is continuously growing, its attractiveness to young people is declining. The humanitarian crisis during the pandemic (International Maritime Organization, 2020c) highlighted the vital role of maritime labor in maintaining supply chains and revealed the fragility of seafarers' legal and social rights amid global challenges. It became evident that, despite the crucial contribution of seafaring crews to global trade, their rights were often poorly protected at both the national and international levels. Restrictions on crew changes, limited access to medical care and vaccinations, delays in repatriation, and legal uncertainties at ports created a crisis explicitly recognized as a human rights issue by the IMO and ILO (Maritime Human Rights Risks and the COVID-19 Crew Change Crisis a Tool to Support Human Rights Due Diligence, 2021).

The recognition of seafarers as "key workers" in the amendments to the MLC and Guidelines 2025 has finally transformed this status from symbolic to legally binding. This change follows the efforts of the IMO (International Maritime Organization, 2021), UN (International Maritime Organization, 2020d), and ILO (International Labour Organization, 2025; International Transport Workers' Federation, 2025) in a humanitarian direction, aiming to emphasize the unique nature of seafarers' work and the importance

of continuous oversight of their rights, especially regarding criminal prosecution, labor protections, and social security. The standard not only requires states to recognize seafarers as “key workers”. It also specifies a minimum range of benefits, including enabling their safe movement related to employment, such as access to shore leave, repatriation, crew changes, and medical care ashore (MLC’s 2025 amendments). However, it functions mainly as a framework, lacking a universal enforcement mechanism, which allows states significant flexibility in regulation and administration. This approach may hinder legal clarity and rule consistency, as each state determines its level of protection for seafarers. However, due to the international significance of the profession, a more unified approach to its components, mechanisms, procedures, and formalities is expected to develop over time, similar to other industry standards.

Considering the specifics of the maritime industry, the “key worker” status could be extended to port workers to better protect their rights. They play a crucial role in facilitating supply chains, especially during emergencies, ensuring the transportation of humanitarian aid, food, and energy resources. Recent crises – such as the pandemic, military conflicts, and climate emergencies – have shown that without their involvement, the safety and continuity of maritime transport are at risk. Yet because most of the regulatory environment for seaports is established at the national level, port workers receive less attention in international law. Nevertheless, ports are just as vulnerable to global threats, and their staff face increased health, social, and security risks, especially during military conflicts like the Russo-Ukrainian War (Ukrainian Shipping Magazine, 2025; Pedersen, 2025). Therefore, protecting port workers’ rights is as important as safeguarding seafarers’, but a comprehensive international or national recognition of their special status remains undeveloped.

However, the vital role of port workers is increasingly acknowledged. For instance, the 2020 Joint Statement by IMO, ICAO, and ILO, along with seafarers and aviation personnel, called for designating “key worker” status for “service provider personnel at airports and ports.” That aimed to exempt them from travel restrictions, provide access to emergency medical care, and, if needed, support emergency repatriation (International Maritime Organization, 2020a; 2020b). Additionally, the Report of the Facilitation Committee’s Forty-Sixth Session (2022) highlighted the potential to recognize “key workers” as “maritime traffic employees.” Amendments to the Convention on Facilitation of International Maritime Traffic (FAL) specify that “Contracting governments and their relevant authorities shall ensure that port workers and ship’s crew, regardless of nationality or ship flag, are designated as “key workers” (or equivalent) during a public health emergency of international concern.” Consequently, the FAL standard and the amendments to the MLC leave the recognition of “key workers” to individual states, without providing comprehensive supranational regulation. We see these measures as gradually fostering a new international trend towards adopting a more holistic humanitarian approach within the maritime legal framework – where the status of seafarers and port workers is recognized not only legally but also practically guaranteed by each state’s adherence to relevant international agreements.

National initiatives to bolster the port sector could further reinforce this trend. For instance, in 2024, India increased wage levels for port workers (The Week, 2024); Indonesia revamped its social security and occupational safety programs (Office of Assistant to Deputy Cabinet Secretary for State Documents & Translation, 2021); and in Ukraine, the International Association of Ports and Harbors (IAPH), in collaboration with The Seafarers’ Charity, is working to support port workers and their families affected by the war’s humanitarian crisis (WPSP, 2022). Although these efforts are currently fragmented and lack a unified legal framework

or standard, they reflect a growing acknowledgment of the vital role port workers play and their contribution to the maritime industry's sustainability on both global and national scales.

Thus, we see a worldwide shift in recognizing port workers as a "key workers" category, similar to seafarers, and in need of international protection. This calls for updates to legal frameworks within the ILO, IMO, and at the national level, clarifying their status, social protections, and rights. Combining these efforts could lead to an "integrated maritime/port labor protection" approach that includes both ship crews and shore staff. As for seafarers the idea of "key workers" with access to medical care, transportation, visas, shore leave, repatriation, and crew changes should be reevaluated, especially in light of new military, digital, and climate threats.

2. Greening and Seafarers' Rights: Facets of Interaction

The environmental impact of human activities as a key factor of sustainable development is particularly evident in shipping, other maritime activities, and port operations, where the extensive use of natural resources affects marine ecosystems, coastal areas, cities, and communities. Furthermore, following the UN General Assembly's adoption on July 28, 2022, of a resolution recognizing the human right to a clean, healthy, and sustainable environment United Nations (2022), we see an emerging link between this recent advancement in international human rights law and ocean governance (Seck, 2023). Besides, at the IMO level, there is a growing understanding of the strong connection between shipping, the environment, and human beings. Factors like spills, air emissions, and hazards from dangerous cargoes impact both industry workers and coastal communities. Therefore, environmental aspects of shipping affect the enjoyment of various human rights (Orellana, 2023). A human rights-based perspective on protecting ocean ecosystems incorporates at least two human rights – the right to health and the right to a healthy environment – facilitating a more precautionary and preventative approach to the issue (O'Meara, 2023).

The development of shipping, ports, and supply chain modernization increasingly emphasizes a "green transition," aiming to boost energy efficiency, cut emissions, and implement environmental management practices. It is essential to acknowledge that sustainability in the maritime and port sectors is two-fold.

First, it involves addressing pollution and minimizing environmental impacts from shipping and port activities (von Malmborg, 2025). This is the most comprehensive part, governed by numerous international agreements and national laws. It includes traditional methods for controlling water pollution, as well as new strategies to reduce atmospheric emissions and lower the carbon footprint (Khabir et al., 2025). These efforts are linked to the shift to alternative fuels, practices such as "cold ironing," the creation of "smart," "energy-efficient," and "green" port concepts, and autonomous shipping (Ziakas & Boile, 2025).

Secondly, it involves managing the negative environmental impacts on workers, including crew members and port employees. This encompasses maintaining healthy working and resting conditions by controlling noise, vibration, dust, and chemicals (Febriyanto et al., 2024). For seafarers, these regulations are more established, especially at the international level, whereas for port personnel, they are mainly governed by internal or local rules (Virdi et al., 2024). These considerations contribute to a comprehensive view of making maritime and port activities greener through an integrated approach that combines legal, technological, and social measures.

Another important aspect to consider is the protection of crew members' rights when ships face sanctions for environmental violations. Senior Officers are most at risk, with statistics showing that 63% of cases involve the ship's master being imprisoned following

different violations. Tanker crews represent the highest arrest rate at 29 %, followed by bulk carriers at 19 %, and general cargo vessels at 14 % (InterManager, 2025). That being said, environmental-related enforcement measures have tended to become much harsher recently. For example, the new EU Environmental Crime Directive (ECD) supports designating the most serious violations of EU environmental laws as criminal offenses, including various shipping-related issues such as MARPOL Annexes I – V, discharge of waters from scrubbers, and recycling an EU ship at a facility not approved by the EU (Tsimplis, 2025).

The ECHR case *Mangouras v Spain* (Grand Chamber, 2010) illustrates this point. It involved the captain of the tanker *Prestige*, which in 2002 spilled about 70,000 tons of fuel oil, resulting in an environmental disaster off Spain and France's coasts. The captain argued that the €3 million bail for his release was excessive and violated his right to liberty under Article 5, Section 3, of the Convention. However, the Court found no violation, noting that the Spanish courts had appropriately considered the disaster's severity, the extent of environmental damage, the risk of evading justice, as well as the captain's professional background and the shipping industry's nature.

In the *Mangouras v Spain* the ECHR highlighted that, given the rising focus on environmental crimes, states are justified in enforcing stricter security measures, such as high bail, when necessary to ensure justice and prevent impunity for environmentally harmful acts. This case illustrates the difficulty in balancing environmental objectives with protecting seafarers' rights. A universal compromise seems unlikely, as global efforts to address marine pollution and prosecute polluters continue to grow. Seafarers must do their part to prevent sea pollution and stay informed about MARPOL 73/78, an IMO convention regulating all marine pollution aspects, including oily wastewater and garbage. Breaching MARPOL 73/78 can result in criminal charges by national authorities, and seafarers are often unfairly targeted, as it's easier for governments to prosecute workers than owners (International Transport Workers' Federation, n. d.).

The interconnection between shipping environmental policies and human rights has not yet become a core part of modern environmental governance. These policies mainly focus on safeguarding nature – such as waters, soils, air, and wildlife – by emphasizing ecological and economic considerations. In this framework, humans and their activities are seen as the primary sources of negative impacts. Shipping and port activities are no exception, as shown by the practice of criminalizing seafarers for pollution. However, there is another aspect to consider. It relates to the negative impact on humans. Their vulnerability to technical failures and state prosecution mechanisms highlights the need for a comprehensive model that respects rights and improves the effectiveness of protective and supportive protocols.

Currently, concerns about freedom, stable income, and employment contribute to young people's reluctance to work in maritime sectors. Yet, the global economy and the livelihoods of nations heavily rely on maritime trade. Transitioning from a repressive to a preventative environmental risk management approach can help address this issue. This shift also necessitates measures such as increasing awareness and fostering responsibility among personnel, supported by continuous, hands-on training to enhance decision-making skills in crises. Establishing such a system is a shared responsibility among states, training institutions, shipowners, and port or terminal management companies.

The greening of maritime activities and personnel rights protection are shaping a new management model at both international and domestic levels. This model sees environmental protection, safety, and worker rights as interconnected parts of a system. It integrates environmental safety into a broader socio-legal and environmental sustainability approach in the maritime sector, emphasizing both people and the environment.

Conclusions

Efforts by international organizations and national actors aim to update policies and regulations to effectively protect the rights of seafarers and shore personnel in the maritime industry. The designation of “key workers” is gradually expanding to encompass port workers in addition to seafarers. This shift involves new dimensions, as it now requires addressing not only traditional issues such as working conditions, repatriation, and medical care, but also a variety of modern threats, including military, climate-related, and technological risks. Viewing the environmental aspect of maritime and port activities through the lens of human rights fosters more effective environmental protection. This both reduces environmental risks and shifts the view of the “human factor” from just a source of pollution and environmental harm to a strategic asset that contributes to sustainable growth in the maritime industry.

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У статті досліджуються нещодавні ініціативи міжнародних організацій та національних урядів щодо захисту прав моряків та портових працівників. Нещодавні зміни у сфері трудових прав та добробуту моряків, а також їх визнання «ключовими працівниками» згідно з оновленнями до Конвенції про працю у міжнародному суднопластві 2025 року, посилили увагу до аналогічних прав портового персоналу. Авторами розглядається судова практика Європейського суду з прав людини (ЄСПЛ) щодо моряків та її значення для розуміння юрисдикційної практики та притягнення держав до відповідальності за жорстоке поводження з екіпажами суден та порушення екологічних норм. Особлива увага приділяється тому, як захист прав людини моряків перетинається з дотриманням екологічної політики в судноплавній галузі.

Ключові слова: морська галузь, суднопластво, права людини, моряки, судові рішення, прецедентне право ЄСПЛ, ключові працівники, портові операції, зелений перехід, екологічні права.