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02.10.2020

Konu : Birleşmiş Milletler Tarafından "Gemi Personellerinin COVID-19 Kaynaklı İnsani Krizi"ne Yönelik Hazırlanan Ortak Bildirisi Hk.

Sirküler No: 1087

Sayın Üyemiz,

Uluslararası Deniz Ticaret Odası (International Chamber of Shipping – ICS) tarafından gönderilen 30.09.2020 tarihli Ek'te sunulan e-posta yazısında;

Birleşmiş Milletler İnsan Hakları Ofisi (United Nations Human Rights Office of The High Commissioner –UN OHCHR), Birleşmiş Milletler Küresel İlkeler Sözleşmesi (UN General Compact) ve Birleşmiş Milletler İş Hayatı ve İnsan Hakları Çalışma Grubu tarafından "Gemi Personellerinin COVID-19 Kaynaklı İnsani Krizi: BM İş Hayatı ve İnsan Hakları Rehber İlkeleri Kapsamında Harekete Geçme Çağrısı (The COVID-driven humanitarian crisis of seafarers: A call for action under the UN Guiding Principles on Business and Human Rights)"na yönelik 29 Eylül 2020 tarihinde ortak bir bildirin yayımlandığı bildirilmektedir.

Konuya ilişkin detaylı bilgi Ek'te sunulmaktadır.

Bilgilerinize arz/rica ederim.

Saygılarımla,

İsmet SALİHOĞLU
Genel Sekreter

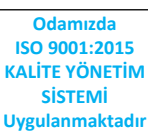
Ek:

ICS'den alınan 30.09.2020 tarihli e-posta yazısı. (4 sayfa)

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From: Julie Tate <julie.tate@ics-shipping.org>

Sent: Wednesday, September 30, 2020 5:30 PM

Subject: COVID-19(20)160 - JOINT STATEMENT BY THE UN HUMAN RIGHTS OFFICE (OHCHR), THE UN GLOBAL COMPACT & THE UN WORKING GROUP ON BUSINESS & HUMAN RIGHTS

**TO: LABOUR AFFAIRS COMMITTEE
ALL MEMBERS & ASSOCIATE MEMBERS
BI WEEKLY MEMBERS MEETING PARTICIPANTS
INTERNATIONAL ASSOCIATION GROUP PARTICIPANTS**

JOINT STATEMENT BY THE UN HUMAN RIGHTS OFFICE (OHCHR), THE UN GLOBAL COMPACT & THE UN WORKING GROUP ON BUSINESS & HUMAN RIGHTS

ACTION REQUIRED:

Members are invited to note the joint statement shown on the next page which has been made by the UN Human Rights Office, The UN General Compact and the UN Working Group on Business and Human Rights.

Natalie Shaw
Director Employment Affairs

NB In light of the current situation with Covid-19, all staff of the International Chamber of Shipping will be working from home effective from Friday 20 March until further notice. Please continue to contact me as normal by email and on my mobile number shown below.

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**The COVID-driven humanitarian crisis of seafarers:
A call for action under the UN Guiding Principles on Business and Human
Rights**

Joint Statement by the UN Human Rights Office (OHCHR), the UN Global Compact, & the UN Working Group on Business and Human Rights¹

[29 September 2020]

The Coronavirus (COVID-19) pandemic is continuing to put our societies to the test, exposing profound inequalities and injustices and deepening existing human rights protection gaps.² The situation of workers of the international shipping industry stranded at sea because of the pandemic, which UN agencies have recently qualified as a “humanitarian crisis”, requires an urgent and concrete response from all actors involved –including the business sector.³

Workers in the maritime shipping industry play a critical role in sustaining global supply chains; their role has become even more vital during the pandemic, as they work to ensure the continuous flow of medical equipment, food and other essential goods.⁴

However, seafarers have become collateral victims of COVID-19-related measures imposed by Governments. These include travel bans, embarkation and disembarkation restrictions or suspension in the issuance of travel documents, which have severely strained the working conditions in the global shipping sector. According to the estimates of the International Transport Workers’ Federation (ITF), the International Chamber of Shipping (ICS) and the International Maritime Organisation (IMO),⁵ nearly 800,000 seafarers are either unable to board ships or are trapped on ships, extending their contracts beyond their original tours of duty –and often beyond the 11 months maximum period on board according to international labour standards.⁶

¹ The Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Global Compact (UN Global Compact), and the United Nations Working Group on the Issue of Human Rights and Transnational Corporations and other Business Enterprises (the UN Working Group on Business and Human Rights).

² See Statement by the UN Working Group on Business and Human Rights: “Ensuring that business respects human rights during the Covid-19 crisis and beyond” (28 April 2020).

³ See Joint Statement calling on all Governments to immediately recognize seafarers as key workers, and to take swift and effective action to eliminate obstacles to crew changes, so as to address the humanitarian crisis faced by the shipping sector, ensure maritime safety and facilitate economic recovery from the COVID-19 pandemic (10 September 2020).

⁴ Joint statement on “Open markets, flow of essential goods and supply chain connectivity” (21 May 2020).

⁵ ITF, “Crew change crisis risks becoming forced labour epidemic as tragedy hits six-month mark on World Maritime Day” (24 September 2020) ICS, “Global shipping fleet to sound horns on 8 July to remind governments over need for urgent crew change” (30 June 2020); IMO; “Crew Changes, Crew changes: A humanitarian, safety and economic crisis” (25 September 2020).

⁶ See International Labour Organisation, Information note on maritime labour issues and Covid-19 (revised version 2.0, 10 July 2020). Applicable international labour standards include the International Labour Organisation (ILO) Maritime Labour Convention 2006, as amended.

Similar conditions can be found in those working in the fishing industry and offshore platforms.

Government anti-COVID measures affect directly the capacity of ship operations to perform the routine and necessary crew changes or granting shore leaves. This situation has severe impacts over the basic human rights of seafarers and other marine personnel, including the right to physical and mental health, the right to freedom of movement, and the right to family life. It also increases dramatically the risks of security and environmental hazards.

The UN Secretary-General has sounded the alarm on the situation and called for formally designating seafarers and other marine personnel as “key workers,” so as to ensure that safe crew changes can take place during the COVID-19 pandemic according to existing protocols.⁷ Under international standards, States have the duty to protect the human rights of affected seafarers, and flag, port, and labour-supplying States have a particular responsibility to act in the current humanitarian crisis. However, the response to the crisis will also require the concerted efforts from relevant actors, such as international organisations, trade unions –and, importantly, the business sector.

Under the *UN Guiding Principles on Business and Human Rights*, the authoritative global standard for business responsibilities on human rights, all business enterprises should respect human rights throughout their operations, including in transfer of goods in their supply chains. This requires undertaking human rights due diligence to avoid causing or contributing to human rights abuse, or where they are linked to such abuse through their business relationships.

The responsibility to respect the human rights of seafarers is not only limited to the shipping sector. In line with the UN Guiding Principles, this responsibility extends to the thousands of business enterprises that use the services of maritime freight transport –which accounts for almost 90 per cent of world trade. Business enterprises of all sectors, especially multinational firms and global brands, as well as financial institutions with links to the sector, should assess and act upon the human rights situation of seafarers in the context of COVID, no matter which place they occupy in the value chain.

The OHCHR, the Global Compact and the UN Working Group on Business Rights call upon all relevant business enterprises to discharge their human rights responsibilities to address the current humanitarian crisis in the shipping industry in accordance with the UN Guiding Principles, by:

- (1) Conducting human rights due diligence to identify the impacts of the COVID-19 pandemic and of governments’ response to COVID on the human rights of seafarers and other marine personnel across their value

⁷ See UN Press Release: “Secretary-General Says Governments Should Allow Seafarers to Repatriate, Join Ships, as Hundreds of Thousands Remain Stranded at Sea by COVID-19-Related Travel Restrictions.” SG/SM/20121(12 June 2020). See also Secretary-General’s Message on World Maritime Day (24 September 2020).

- chain, and actively using their leverage to mitigate these impacts to the greatest extent possible;
- (2) Communicating to their business partners and suppliers the expectations that they will also conduct human rights due diligence and exercise their leverage in this regard;
 - (3) Urging government authorities to promptly implement policy and legal measures designed to alleviate the situation of seafarers, including by easing embarkment and disembarkment restrictions and expediting repatriation efforts;
 - (4) Joining forces with other relevant actors, including industry associations and unions such as the ICS and the ITF, to exert collective leverage within their respective spheres of influence;
 - (5) Engaging in meaningful dialogue and consultation with seafarers' and other worker's organisations, trade unions, civil society organisations, and other-stakeholders in the design of relevant measures and actions, and,
 - (6) Supporting statements and efforts, and following the technical guidance and protocols developed by the relevant international organisations, including the IMO, the International Labour Organisation (ILO), the World Health Organisation (WHO) and the International Civil Aviation Organization (ICAO), together with industry associations and unions.⁸

The OHCHR, the Global Compact and the UN Working Group on Business Rights recognise and welcome the efforts that some companies have already undertaken to address the unparalleled challenges posed by the COVID-19 pandemic to maritime workers globally,⁹ and appeal to other business enterprises to do the same. The UN Guiding Principles provide the blueprint for the much-needed, urgent engagement from the world's business community.

⁸ See IOM: [Recommended Framework of Protocols for Ensuring Safe Ship Crew Changes and Travel during the Coronavirus \(COVID-19\) Pandemic](#), Circular Letter No.4204/Add.14 (5 May 2020).

⁹ Recent examples include, by way of illustration, the [Letter of the members of the Consumer Good Forum to the UN Secretary-General](#) (23 September 2020) and the Media statement of the Seafood Business for Ocean Stewardship (SeaBOS): [“SeaBOS calls on governments to support boat crews and ocean workers”](#) (23 September 2020)