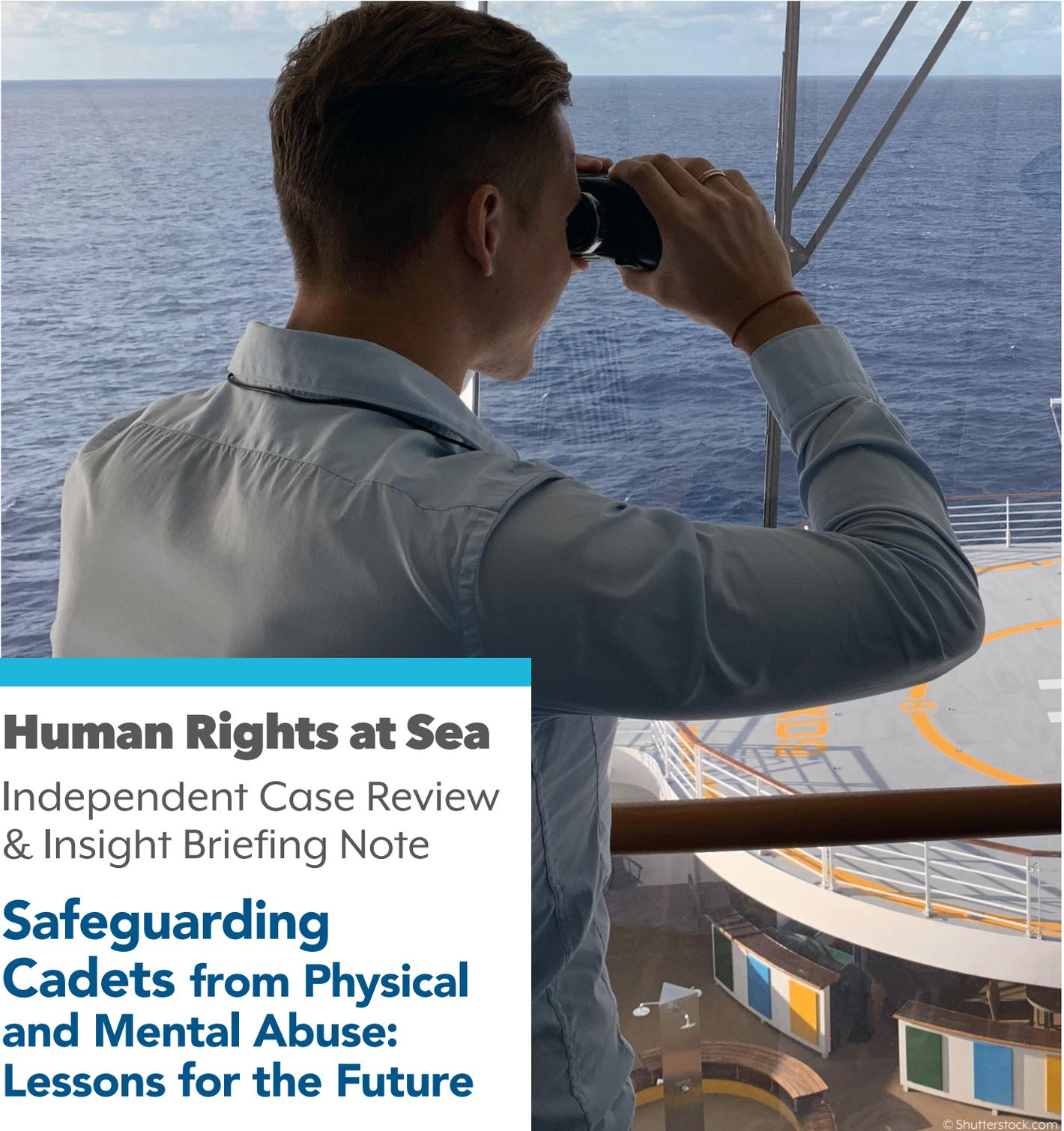




HUMAN RIGHTS AT SEA



Human Rights at Sea

Independent Case Review
& Insight Briefing Note

Safeguarding Cadets from Physical and Mental Abuse: Lessons for the Future

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Supported by:
Peter Döhle Schiffahrts-KG



**Human rights apply at sea,
as they do on land.**

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Glossary

2/E	SECOND ENGINEER	HRAS	HUMAN RIGHTS AT SEA
3/E	THIRD ENGINEER	ITF	INTERNATIONAL TRANSPORT WORKERS' FEDERATION
CE	CHIEF ENGINEER	MLC	MARITIME LABOUR CONVENTION (2006)
CPD	CONTINUOUS PROFESSIONAL DEVELOPMENT	NGO	NON-GOVERNMENTAL ORGANISATION
DPA	DESIGNATED PERSON ASHORE	QVSR	QUEEN VICTORIA SEAMEN'S REST
E/CDT	ENGINE CADET		
ELECTR	ELECTRICIAN		
ECR	ENGINE CONTROL ROOM		

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Foreword

Shipping industry cadets undergoing initial training through vocational cadetships with salaried sea service is the main route for young people to start their professional careers at sea. Around the world, state authorised, and commercially registered training institutions provide the first steps to introduce, train and encourage young people to develop their understanding of the maritime environment both ashore and at sea on board vessels. During this formative period in their lives, both professionally and personally, the selected individuals are mentored across the required disciplines and departments and it is these initial experiences which can and will define them for the rest of their lives.

It is therefore crucial that young people, who themselves are maturing, are safeguarded at every stage in what is a disciplined environment where trainee and professional crew need to be able to rely upon one another to function effectively in a restricted environment, often with long periods at sea away from their normal childhood support networks. It is also fundamental for the safeguarding of the individual that where any form of bullying, harassment and exploitation occurs it must be prevented at the first instance and, upon initial reporting, stopped immediately.

In the diverse, multicultural and multidisciplinary working environment ashore and at sea, management, mentoring and oversight by employers and their agents must be of the highest standard. This is both a legal and moral responsibility that must not be avoided either actively or passively. This includes pairing trainee cadets with the right mentor at the outset. If the relationship is not working for any reason whatsoever, it is the responsibility of those charged with the cadet's safeguarding and professional development to act immediately.

For those cadets who have suffered physical and mental abuses during their professional development, the collective consequences for themselves, their friends, families and the industry can be catastrophic, with contemplation of and the act of self-harm and suicide as the worst expressions of a lack of empathy and support. Under such circumstances, these tragic consequences are a gross failure in the professional management of a young person and such issues must be called out at every level of the management chain without fear of retribution.

The days of 'out of sight and out of mind', of 'what happens at sea, stays at sea', of 'this is how it was done in my day' are gone. There must be a zero tolerance of physical and mental abuse towards cadets, while perpetrators must be held to account without the incidents being hidden behind corporate veils for fear of reputation and brand damage.

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Author

The author of this independent case review and Insight Briefing Note is the UK-registered charitable non-governmental organisation (NGO), Human Rights at Sea (HRAS)¹. It is regulated by the UK Charity Commission and overseen by a Board of Trustees under English law. The work has been supported by subject matter experts (SMEs) from within the global civil-society maritime community, and the cadet's employer.

Funding

This case review has been funded entirely by HRAS charitable funds. Annual accounts are available to review via the UK Charity Commission website² while Impact and Annual organisation reports³ are also available to download via the charity's website.

Conflict of Interest

There are no known conflicts of interest declared in the concept, preparation, drafting or publishing of this document.

Disclaimer

The content of this case review has been published by HRAS (or the Charity) following desk based research, individual interviews, and employer liaison. The contents have been checked as best as possible for accuracy by the authors at the time of writing and before the date of publishing. HRAS is not liable in any way whatsoever, in any jurisdiction for the contents of this case review which has been published in good faith in support of the Charity's objectives. All text and images have been acknowledged where able. Any stated opinions, perspectives and comments are solely those of the authors quoted. Any omissions or factual inaccuracies should be immediately alerted to HRAS by writing to: enquiries@humanrightsatsea.org.

Images: All images of the victim in this matter are published with express permission. For any Shutterstock images used, these are included for context only and in no way, whatsoever, seek to represent or indicate any form of physical or mental abuse has, or is occurring in them.

Introduction

Aims and Objectives

The aim of this case study is to identify lessons learned from a reported real-time incident of violence towards a trainee cadet, and to create the basis upon which further improvements for employer managerial and training policies and systems can be implemented to reduce the likelihood of such an event from occurring in the future.

1 <https://www.humanrightsatsea.org>

2 <https://www.gov.uk/find-charity-information>

3 <https://www.humanrightsatsea.org/reports/>

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The Objectives are threefold

1. To provide a neutral platform and objective voice to all concerned parties;
2. To be constructively transparent in relation to what went wrong under the 'Know and Show' principle of the 2011 UN Guiding Principles on Business and Human Rights⁴; and
3. To identify key lessons learned to be translated into policy and training remediations.



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Background and Facts

During the drafting of this case study, HRAS has been in direct correspondence with the Senior Engine Cadet (E/CDT'R')⁵ and his employer to ascertain the circumstances leading to his assault, injuries and subsequent actions both on board the vessel and ashore. Although some of the facts surrounding his case remain disputed between the parties, and while fairly noting that recollections may vary, as well as there being a lack of corroborating witnesses to the actual incident, there are agreed facts which help to set the context.

HRAS first reported the case of a Panamanian national on 16 February 2021 following initial email contact by the cadet on board the vessel at 0448 GMT on Saturday 13 February 2021⁶. The incident occurred during his second sea-going contract. He was employed in the capacity of a Senior Engine Cadet on board the MV ARTEMIS (IMO: 9339595), a Liberian flagged container vessel, which he joined in August 2020.

⁴ https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf

⁵ The victim has provided explicit permission for HRAS to publish his account of events

⁶ <https://www.humanrightsatsea.org/2021/02/16/safeguarding-cadets-from-physical-abuse-requires-immediate-action-not-delay/a>

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The vessel is managed by Peter Döhle Schiffahrts-KG⁷, a Hamburg-based ship management company (the Company). The Company was his employer with him remaining on the Company's employment roster at the time of writing.

The E/CDT worked for the Second Engineer (2/E) who was also responsible for writing-up and submitting to the line management his periodic appraisals. After approximately two months, a crew change took place, and a new Russian 2/E joined the vessel. The relationship between him and the new 2/E was reported to be difficult from the outset. The cause and subsequent implications of this challenging relationship remain disputed but are set out in his personal testimony and responded to by his employers later in this report.

On the morning of 12 February 2021, the E/CDT is said to have entered the Engine Control Room (ECR) and taken a seat. At this time, the 2/E is said to have been inside the ECR sat at his desk. As the E/CDT reached down to tie his shoelaces he was seemingly struck on the head and shoulder by one of the chairs inside the ECR. He confronted the 2/E as to why he struck him with the chair. The 2/E is said to have stood up, looked at him, and, with a yellow-handled knife clutched in his hand, said something to him in Russian. The E/CDT is said to have immediately left the ECR with the 2/E in chase and ran straight to the Masters' cabin to inform him of this incident. Upon questioning, the 2/E is said to have denied all knowledge of such an event while it is reported that alcohol was involved on the part of the 2/E.

Continuing to fear for his personal safety, he requested support from the Captain and his employer. Increasingly concerned, he did not know who to turn to for advice. Following an internet search via his phone, he contacted HRAS who proceeded to immediately liaise with the Company and welfare organisations due to the perceived threat to life early that same day.

Following email and telephone exchanges in the morning of the reported incident, the Company initiated an internal investigation through the Crewing Manager and Designated Person Ashore (DPA).⁸ HRAS was informed that the flag State had been made aware and that the incident had been logged by the Master. The Company conducted an assessment as to repatriation to Panama against the background of the COVID-19 pandemic travel restrictions for crew.

Through the UK-based seafarer welfare organisations of the Mission to Seafarers and the Queen Victoria Seamen's Rest (QVSR), it was arranged for the E/CDT to receive a medical review at a local hospital with applicable treatment at the next port of call of Tilbury, Port of London, UK. Support was provided by the Port Chaplain from QVSR.

No constabulary or UK authorities were notified as to the alleged assault and which forms part of the lessons learned. The Russian 2/E signed-off at Tilbury in accordance with Company direction and returned to his home state. He has been removed from the Company's employment roster.

⁷ <https://www.doehle.de>

⁸ According to the ISM Code the Designated Person Ashore (DPA) plays a key role in the effective implementation of a Safety Management System and takes responsibility for verification and monitoring of all safety and pollution prevention activities. IMO ISM Code: <https://www.imo.org/en/OurWork/HumanElement/Pages/ISMCode.aspx>. IMO MSC-MEPC.7/ Circ.6 "Guidance on the qualification, training and experience necessary for undertaking the role of the Designated Person under the provisions of the ISM Code".

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After receiving medical treatment, the vessel proceeded to the Port of Rotterdam where the E/CDT disembarked with continuing remote QVSR welfare support having reached the end of his contract and was thereby repatriated to Panama.

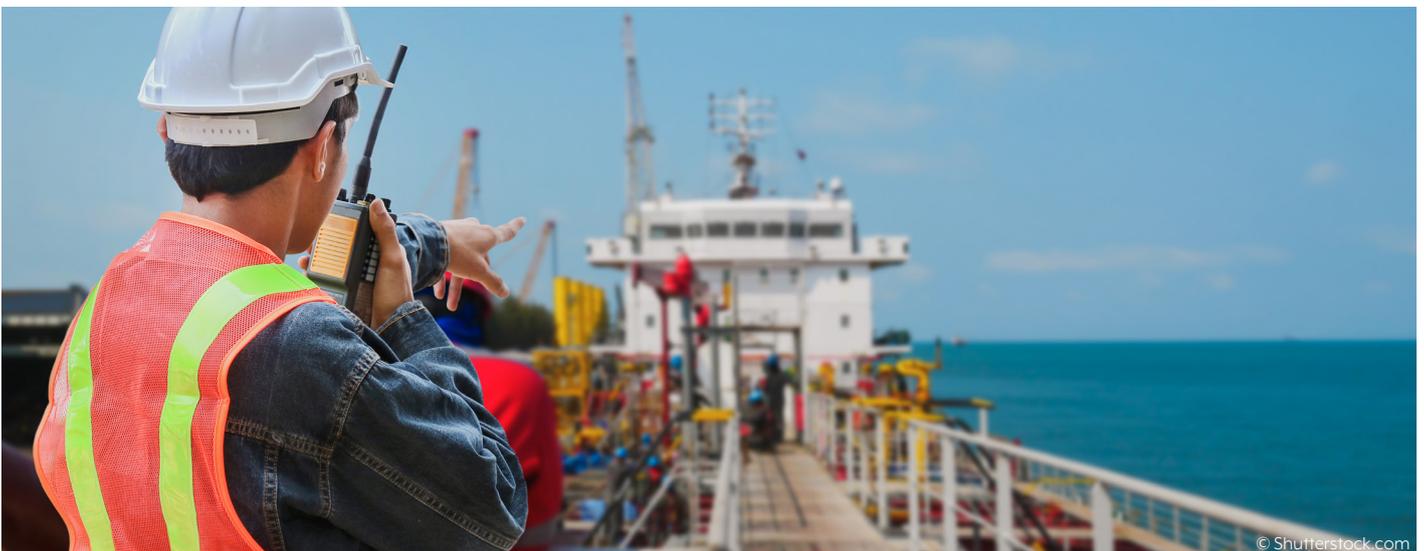
Case Facts and Highlighted Issues

HRAS recognises that some of the facts of the case remain disputed by both the victim and alleged assailant. Though to date it has not received full disclosure of the Company investigation statements to independently confirm the detail, it has received access to the Company's representatives and internal reporting. HRAS also recognises that without witnesses to the incident leading to the E/CDT's injuries, it is difficult to entirely corroborate each parties' account of events in the ECR.

Nonetheless, the lack of corroboration by an on-board third party should not detract from the fact that the E/CDT, by an act of unnecessary and alleged unprovoked violence that was alleged to be fuelled by alcohol, sustained injuries to his head and shoulder while under the mentorship of that crew member, and while in the employment of the Company. **Further, the alleged act of the use of a knife by the 2/E to threaten, resulting in him being in fear for his life, is an unacceptable act from a mentor with a duty of care and safeguarding requirement towards a cadet.**



The Company have stated at all times during their ongoing engagement with HRAS that they do not tolerate such behaviour, that they wish to be transparent on the case in point, and that they are addressing the matter internally and according to company protocol - recognising that the protocol designed to manage such instances is itself now subject to review.



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Personal Testimony and Company Response

Personal Testimony: E/CDT 'R'

The following is a full and unredacted testimony of the facts as alleged by the E/CDT leading to the incident in which he suffered the injuries to his head and shoulder. His identity has been protected as per his request.

I write this text with the objective to share my experience on board and raise awareness, hopefully others can benefit from it.

I grew up in a country whose history is strongly attached to the maritime field and because of that I was always drawn to the sea. Like many young seafarers I finished my undergraduate degree in a maritime college and shortly after I started to look for a company to start my career. I was lucky to find a European-based company who offered me the opportunity to start my cadetship with them, I looked at the company online and they seemed to be a respected organisation with more than 65 years in the business, therefore I was very confident and excited about it. I cleared all their tests and interviews and soon enough I found myself on board.

My first experience on board a ship wasn't the best, but there were good moments, and I gained some experience. This ship was in impeccable condition, there was almost nothing to do during the day besides cleaning, and because of this I didn't get practical experience. It got to the point that we'd finish all work before lunch and just stay in the workshop and wait until the end of the working day, but more often than not my senior officers would send the crew early to their cabins because we wouldn't have anything to do. This actually gave me a lot of free time to gain a lot more theoretical knowledge (mainly reading manuals).

My experience with the crew was good, I got along with most of them and made friends that I even talk to in the present. There were things that I didn't agree with, like the contempt treatment from a few officers and the fact that I spent most of my days cleaning, but I was glad that at least I had started my career on board and although I didn't learn much I knew that I was already in the business and in the future things would get better. After a few months on board, I started to notice signs that made me question my future within the company, I started to hear other peers talking badly about the company and how most of the fleet was sold, most of the good crew changed companies and how the salaries were constantly reduced; this was a clear sign to me that my future was not here and I needed to change company.

After I finished my first contract I decided to try my luck on passenger ships and managed to land a job at Carnival cruises but because of the pandemic my contract was cancelled. I had to find an alternative to passenger ships so I sent my curriculum to dozens of companies, but I never got something solid, the clock was ticking, and I needed to complete my cadetship so I decided to go back to my first company to finish it, little did I know that I would later regret that decision.

After two months of vacation, I was preparing myself for my second contract as a cadet. I had set clear goals such as improving my manual skills and finishing my training book.

I joined the vessel in August 2020, the conditions of the ship were terrible. There was so much work to do but this was a good thing, it was going to be difficult, but this meant a lot of opportunities to gain experience

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and practice what I learned in university. My first 2 months were pure bliss. It was perfect! The engineering department comprised a very open and friendly team. The 3/E would show me a job once and the next time that we did the job I would be the person performing and he would only supervise me. If he thought I was capable of handling a job, I'd actually do it by myself (which happened very often); the second engineer would take me with him during the maintenance of the more complex machinery and clear any doubts that I had regarding my training book, I showed him that I knew how to use the workshop equipment (I learned in university) and he'd let me use it with minimal supervision; the Chief engineer would actually sit with me every weekend for 2 hours (sometimes longer) to discuss any doubts I had and go over my training book. It was great. I was very attached to them, I respected their skills, appreciated their professionalism and fair treatment towards every single member of the engine room, it almost felt as if there were no ranks on board and we were all just pals sharing the same ride trying to make money to provide to our families. I also got along with all the ratings; they would invite me to socialise after work: go for karaoke, share a drink, eat with them in their mess-room, go for BBQ together, it was a very embracing atmosphere.

This was a great environment in which feedback and communication were valued and all questions are welcomed, I never hesitated about asking a 'stupid' question and be judged.

All of this changed after the first crew change on which the 3/E, Electrician and 2/E were replaced. From the very beginning I started to have friction with the 2/E, right after he came on board he was very territorial, rude, loud and aggressive. Everything had to be done the way he wanted, he would take absolutely no suggestions from anyone and would take as personal offence if someone contradicted him. He re-structured the whole department and we started to see a significant improvement very fast, he was terrific at his job but had a character that was very difficult to deal with. After work, the ratings and I would gather and talk about our day. They would complain about this person shouting at them, throwing them tools, pushing them to make their jobs faster, making them work extra hours, etc. I even got to see him physically push a rating to move him out of the way so he could use the bench grinder. But the ratings never complained about anything and when I asked them why they let this person treat them that way they replied, "This is life at sea, we are ratings and he is an officer, we can't do anything" and also added "if we complain things may get worse or we may lose our jobs and we can't afford that". I remember feeling outraged and bothered about it but shortly after I started to understand their feelings of impotence.

A few weeks after he joined, most of the problems we had on board were solved, everyone was working at their 100% because nobody wanted to cross him and get shouted at. He was always very rude towards me, but I thought it wasn't personal, that's just the way he is (I thought). He treated every person the same way (in the engine department) but the difference between my colleagues and me, is that I'd not allow him to treat me like a lesser person. If he shouted, I'd tell him to lower his voice or I'd walk away (I walked away many times which made him furious); if I saw him throwing tools or shouting to someone else, I'd just walk away immediately and complain to CE about his behaviour.

At the beginning there was miscommunication between CE and 2/E. CE continued to act the same way before the crew change, he would ask me to do something and because he is the highest rank on board I'd do what he said but at the same time 2/E would give me other tasks that would intervene with the tasks given by CE.

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2/E started to accuse me of not following his orders and disrespecting his authority, because of this a series of discussions broke out between CE and 2/E. CE decided to let 2/E take full command in order to avoid further discussions. CE later told me that he had given up trying to work with 2/E and would just let him do whatever he wanted, he even told me that he had never met someone so rude and stupid, not because he was not able to do his job, but because it took a very dense person to think that everything he does is perfect, and everyone else's opinions don't count.

I personally believe that CE gave up because 2/E is a huge man and he definitely took advantage of this and physically intimidated everyone, even his boss.

I started to do everything he asked me to do but would show resistance and question everything that I thought wasn't safe or that wasn't my duty. For example: not wanting to touch fibre glass without protection, entering a tank that clearly smells like H₂S, refusing to work in the workshop while someone was welding because the fumes were not extracted and that could harm me, refusing to clean areas that were not designated to me because others simply would not do it although they were getting paid to do so, refusing to go on deck watches because I'm an engine cadet, not a deck cadet (later on I realised I was wrong about this and actually did the deck watches) and plenty more.

I honestly thought that I was doing what was correct, and it was my right to ask questions and request to be explained something if it wasn't clear because I was an apprentice. I tried to always be as polite as I could, but my attitude was not welcomed and was actually looked as weak, rebellious or someone that just asks too much. My superiors would actually tell me that life on board is different, here we need to get things done and many times we need to overlook a few rules. I never agreed with this and kept showing it which actually made things worse for me.

On the few occasions that I dealt with 2/E after work he would share all his achievements (without being asked), how he became 2/E at 25 years old, the cars he has, the expensive hobbies, his possessions, talents, places visited, women he dated, etc. It didn't feel as two pals having a conversation but more as a person that's insecure and needs to show off.

I started to be given only cleaning jobs, the story from my first contract was repeating again. I was only cleaning. I complained many times about this to my bosses, but they didn't do anything effective. They would try to talk to 2/E and ask him to give me better jobs and he did, but he gave me jobs with the objective to see me fail and would actually sabotage me. He would send me to overhaul a pump but hide the spare parts only to be found the next day at the same place where I was looking for them. I confronted him about it, and he would say that he didn't hide anything and felt outraged from my accusation.

This dynamic continued for a few weeks. I later knew by a colleague that the appraisals were sent 2 weeks ago, and they didn't discuss it with me, so I requested CE and 2/E to see it. It was terrible. According to him I had no manual skills, knowledge nor the character to be in my position and I should not be rehired. His comments on my appraisal talked so badly about me. I was terribly upset and complained again about the metrics that they used to evaluate me. How could he know if I was bad working at something if he had forbidden me to touch or do anything besides cleaning?

Up until this point CE, 2/E and me had gathered together twice and I even dared to ask 2/E if he had something personal against me. He denied it and started to shout again, saying that I was the most

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disrespectful cadet he had ever met. I asked him what I had to do so we could at least have a good work environment and he said that what I needed to do is everything he says. And that's exactly what I did.

He agreed to give me better jobs and for a brief moment he did, but he would check every move I did and if I hesitated he would tell me that I was not ready and send me to clean.

The truth is that I don't have good practical skills because I lack work experience but I do have an above average level of knowledge (at least according to chief engineer). For a long time he would ask me questions that I would answer correctly, but I felt that every time I did he felt frustrated so he formulated even more difficult questions that if I didn't know the answer to, **would make him feel superior and he would tell me negative comments like "looks like you are not so special like you think", "you should be demoted to school", "you are not ready to be here", etc.**

I started to feel depressed and isolated myself in my cabin. I'd just go to work, do whatever they told me and go to my cabin, I didn't want to see him at all. This affected my relationship with everyone on board, because by avoiding him I accidentally started to avoid everyone else and the invitations started to stop, and I ended up practically alone. He kept pushing me, asking me to stay longer hours, clean more, yell more and I did everything I was asked. I had simply given up and started to understand what the ratings felt, we are at the bottom of the hierarchy.

One day I snapped in desperation after he shouted again at me for not knowing something, he asked me "for how long have you been here? How is it possible that you don't know that, and you want to be doing other jobs" and I answered sarcastically "I've been here for weeks, months, years". He got so mad about this and told me that from now on he was going to show me his real character and from that point on he didn't have a cadet. He stopped talking to me entirely.

That exact day I went to the Captain and frustrated, asked to be sent home, I didn't want to be on board anymore with this person. I was wasting my time. He asked me why and I told him that there was nothing to discuss, I had already taken my decision to leave. He asked me if it was because of 2/E and I told him that it was (CE had told him about the issues about 2/E and me). I told him that this situation had been going on for months now and it was too late to try to fix it, I just wanted to leave and try my luck on shore.

He fulfilled my request and the company agreed to send me home but the amount of money they were asking was too much for what I get on board. They wanted a full month of salary to return home, so I didn't agree and decided to tough it out.



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A few weeks passed and CE told me that I was unlucky to have met 2/E and that I shouldn't give up. He knew I was upset about the appraisal 2/E gave me and since CE was not the person in charge of making evaluations but wanted to help me, he decided to make an appraisal by himself and asked me to use the appraisal he made and use him as a contact to move to a different company because this one was falling to pieces.

After this, I started to feel better and to improve. I kept doing everything I was told no matter what it was, I did as much over time as he wanted (even if he never wrote it in my OT report), I worked really hard because I wanted to get a promotion on board and leave the company in good terms but then I heard that the same situation had happened again.

He submitted my appraisal report without discussing it with me nor even let me know about it. I asked the Captain and he told me he didn't have access, I asked 2/E and he said the same thing. I asked my agent, and she gave it to me. Skill-wise it was slightly better, but the comments were terrible again. He would say that up to that point I didn't accept cleaning jobs, had an attitude and replied loudly, didn't accept the ship's management levels, I had my own education programme and didn't follow the company procedures, refused duties given by officers, had the lowest level of housekeeping and etiquette and added at the end "generally looks like the gent is still in kinder garden".

I felt extreme despair and sadness, up to this point I did everything I was asked to, I worked as much as I could, I did my best, took every hurtful comment, bullying and harassment and this person was still trying to damage my image. I approached him in front of CE and 3/E and with a high voice asked him why he had done that, why did he despise me so much. I told him that I had done everything he had asked me, cleaned everything, stayed for as many hours as he wanted, didn't question anything, I asked him why did he despise me so much? I got up of my chair because I was getting too excited and left the control room and went to complain to Captain once again.

After I raised my voice to 2/E we had a meeting, Chief Engineer (new chief), 2/E, Captain and me. They told me that raising my voice to a superior was enough of a reason to be fired to which I asked why it was wrong if I did it but not every time that he did it to me, why was I getting punished now and he didn't get punished every time that he yelled at me.

In that meeting I was told that "It is OK if a superior yells at a subordinate, but if a subordinate yells to a superior that's wrong".

I questioned their logic and they started to turn against me and say that they would submit a report to the Liberian flag for assault, they would make an investigation and I'd have to pay a fine for it. I didn't want any more problems so I admitted I had shouted to 2/E and that was wrong (it was) and honestly extended a direct apology to 2/E and to everyone in the room, I promised that it would never happen again and asked if there was anything I could do to amend my mistake.

I said that I was going to take full responsibility but that I also wanted them to understand that I had been pushed and harassed to the point that I couldn't take it anymore. I apologised for a second time and Captain said that this was the first incident that we have had, and this counted as a verbal warning towards me and expected that this would not happen anymore. At the end of the meeting, 2/E said that from this point on he didn't have a cadet and was not going to talk to me anymore (for the second time).

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A full month passed, and he didn't talk to me anymore, he would not even look at me, but on the bright side I was left alone to actually learn and work with the 3/E. Everything worked smoothly until I was viciously attacked.

I woke up that day and went to the laundry room where I first met him. I said, "good morning" (knowing that he was probably not going to reply, but still did it out of courtesy). I went for breakfast and stayed in my cabin. I got to the engine control room to start my daily routine and I saw him sitting in his desk checking his computer, I greeted him again, but he didn't reply.

We were alone. I proceeded to clean the coffee machine and make sure that we had everything ready for the daily use; I walked out of the control room and went for milk. When I returned he was still sitting in his desk checking the computer. I left the milk in the fridge and started to pick up a few objects that had fallen on the previous night due to rolling; at some point I saw him stand up from his chair as if he was about to leave but sat down again as I continued picking up things from the floor. I finished what I was doing and sat in a chair next to the entrance of the control room to tighten my shoelaces.

No more than 10 seconds passed, and I felt a blow to my head and warmth in my forehead. I touched my forehead and looked at my right and saw a chair tipped over, I looked up and asked why he had done that and that's where I saw him with a yellow-handled knife, looking at me straight in the eye while saying something unintelligible (I assume Russian).

I walked out of the engine room and as I left I could see him chasing me with the knife. I went up the stairs and headed towards Captain's cabin, I didn't see anyone else on my way there. I entered Captain's cabin, locked the door and started to explain the situation.

We later headed towards the bridge where I was given first aid. Shortly after, they called CE, Chief Mate and 2/E. I started to explain what had happened and accused 2/E of his attack in front of everyone. He denied having done anything and said there were no witnesses and that I had something personal against him, he was very nervous, and his body language was odd. He left the bridge and I stayed there with the 3/O.

I was asked to perform an alcohol test which came negative and later Captain told me that he tried to perform the same test on 2/E but he refused; they also went into his cabin and found bottles of alcohol which they removed from his cabin (that's what Captain told me).

I did a statement, 2/E did a statement and captain also did one. Captain told me that he was on my side after he noticed the alcohol. I asked to see his statement and he refused, said that I didn't need to see it. I asked him if he had called the authorities and he said that he was following the company procedure, so no.

I was asked to move to the pilot's cabin (in front of Captain's) and that day I was escorted everywhere by someone. Captain told me that second engineer had done that under the effects of alcohol and if it wasn't because of that he would have never done such a thing; it felt to me as if he was excusing 2/E by his actions. I asked him where he was and he told me that 2/E was asked to stay in his cabin and not leave for the day.

I felt vulnerable and unsafe because this person was less than 20 m away from me and free to leave his cabin any time he wanted; he was asked to not leave rather than being locked into his cabin. I started to complain about my safety and what was going to happen to him, and Captain told me that he had done everything that needed to be done and it was now up to management. I got the

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number of a crew manager and called him, he said they were well aware of my situation and were working on it. I asked about my safety and how they were going to handle 2/E. I asked what they were going to do about him, but he couldn't tell me anything at the moment.

I felt they were not taking me seriously and I was receiving the same treatment the first time I complained about harassment with CE; I even heard comments such as "it's just a scratch on the head", "now I have a baby on board that I need to take care of" (referring to me being escorted), or during dinner while someone drank beer someone said, "I'm not going to drink so much, or I'd end up attacking someone". My life was endangered, and my superiors were making jokes about it.

Throughout the night I was having panic attacks because of the assault and felt tremendously anxious. I couldn't sleep at all, so I started to look for help online because I felt that the company were not handling my problem with seriousness, I didn't know what was going on, they were not reassuring my safety and I felt that the attack was not treated with the severity and urgency required.

I sent plenty emails to the ITF, port authority, ILO, lawyers and NPOs. Nobody reached back to me and I thought it was because of the weekend. Only one organisation got back to me, it was the HRAS on a Saturday at 3 am. They immediately took action and contacted my employer.

I couldn't sleep all night, I felt dizzy and a strong headache. Next morning, I requested to see a doctor but was told that because of the COVID restrictions in England if I left the ship I'd not be able to return on board or go to my country. I also asked what was going to happen to 2/E; the master told me that he was going to stay on board until we arrived to Amsterdam and we would sign off together.

I was worried about my safety and health, how was it possible that he was going to stay on board after an attack. I shared this information with the HRAS and the Mission to Seafarers.

The same day I was told that I'd go to the doctor in England and the 2/E would disembark in England. Less than 24 hours after I contacted them, they had ensured my safety and pushed the company to find ways to get the medical attention that I needed. Once we arrived in England, a lady from the seafarers' mission took me to the hospital and a doctor checked me. When I returned to the ship, the second engineer was not on the ship and I was taken to the ship's hospital where I stayed until I disembarked in Amsterdam 2 days later.

After this incident happened I've been thinking about it constantly, how could this have been avoided? I've been blaming myself for what happened; perhaps I should have just followed everyone blindly, maybe I shouldn't have been so stubborn, maybe I should have complained to Captain although he was friends with 2/E, I'm not sure. But I'm certain of one thing: whatever it was that I did to cause second engineer to despise me, it was not a reason for him to viciously attack me and try to kill me.

Second engineer told me that he was promoted at a very young age (25) so he had been in that position for more than 10 years, constantly switching companies. Now I'm starting to question if my company failed to perform a thorough background check on him. Maybe they would have found a history of alcoholism or fights on board, because I believe that no sane person would attack someone like he did to me. I'm

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certain that this was not the first time that he tried to hurt someone. I think that 2/E felt envious of me and that added to what he considered signs of disrespect were the reason for his attack.

I believe the problem on board is that there are unwritten rules and traditions that date back generations and new seafarers like me have a hard time adapting to.

There are procedures on board to educate cadets and to avoid incidents like the one that happened to me from occurring. But they are not implemented, they are just written in paper.

I've seen cadets getting promoted just by following orders, lacking the skills necessary to become autonomous officers because they were too afraid to make questions or defy ridiculous orders from superiors.

I've seen a rating letting senior officer bully, harass and disrespect them because like me, they know that if we raise our voices we will lose, even if we are right.

On board, a complete despot can make it to captain if he knows how to do his job and yet cause havoc every time he has to deal with problems that require soft skills.

I'd like to thank every person at HRAS and the Mission to Seafarers and the Queen Victoria Seamen's Rest that helped me for their professionalism and empathy.

Company Response: Peter Döhle Schiffahrts-KG

The following is a response from the Company to the incident that occurred on board their vessel resulting in injury to the E/CDT 'R'. Human Rights at Sea is grateful for the company's engagement in this matter.



“Our 2/E Mr. Z. in question joined the company 2015 after having successfully cleared all recruitment formalities and the company own assessment centre. Since then he completed 9 consecutive contracts as 2/E with us in which not any complaint has been flagged. His appraisal reports are reflecting a good performance record; not any suspicious signs/remarks that could have alerted the employer accordingly. He appeared to be a reliable, properly skilled and well-acknowledged Engineer both ashore and on board.

2/E Z. completed on 24th April 2020 a psychometric assessment being a newly introduced additional test means for all Top-4 ranks within the Döhle-Crew pool. The results matched with the norm-group profile for managerial ranks on board. Thus, there was no reason to anticipate an attitude problem, inability to resolve conflicts, lack of mentoring skills or similar.

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Cadet 'R'. served the first time on board a vessel under our full management but after having completed another contract o/b a client vessel earlier in 2020. He carried out a pre-embarkation briefing with the manning agency located in Lisbon on the 31st July 2020 in order to prepare him for his new assignment on board MV Artemis.

The engine room team was staffed with a common setup one would expect on a smaller container vessel, meaning Chief Engineer, 2nd Engineer, 3rd Engineer, Electrician, Fitter, Oiler, Wiper, Engine Cadet.

The company crew-pool contains seafarers with an average 96% retention rate and the returners being mainly of either East-European or Filipino nationalities are used to work together for many years.

It goes without saying that even maintaining a very stable pool inter-personal conflicts on board are occasionally arising. However, those are normally addressed and resolved at early stage by applying tools and methods being trained and practised during various on-shore and distance-learning courses provided by the company training and education pattern for crews. The latter complements a compulsory Career-Path-Training as a means for promotion within the company.

The incident we are looking at here seems to be difficult to retrace completely since only the conflicting parties were present and the statements are oppositional.

However, the incident has generated questions why the well established different reporting systems, company policies and health and well-being instruments obviously failed to prevent an escalation of this conflict.

Cadet 'R'. reported to have had no clue whom to turn to upon escalation whereas the Master stated to have regularly approached him to safeguard his well-being as Cadet R. appeared to have difficulties in getting integrated into the engine team due to his partly opposing mentality, which was confirmed by the engine crew, too.

Cadet 'R'. spent most of his free time in his cabin consuming excessive internet-data volume compared to the rest of the crew. This of course attracted the Master additionally and it provided him another reason to reach out to the cadet but with no success.

The bridging function aspired by the Master to keep the dichotomy between the 2/E and Cadet under control seemed to have failed wherefore this finding should have been the last conclusion for the Master to seek for consultancy with the company, i.e. the responsible crew superintendent.

Despite the known reporting lines in place, it remains unresolved why Cadet 'R'. did not take advantage of the company "Mental Health Helpline", a 24/7 telco service free-of-charge for the crewmember, which offers a confidential communication channel to a third-party team of professional psychologists – extremely high valued by our crewmembers. It is of utmost importance for us as employer to take care of the physical and

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mental well-being of the employed crew and not just because of the current pandemic but far beyond.

It remains also unclear why, despite spending nights with surfing on the internet, the most logical step has not been taken by calling the DPA or to issue an official complaint based on the Company Anti Bullying and Harassment Policy in place since a robust conflict seemed to evolve.

The weekly telco-briefing between On-board-Management Team and Shipmanagement Team consisting of the technical superintendent and the crew superintendent ashore, being another company-standard, did also not highlight an upcoming issue in this respect.

Thus, there would have been numerous possibilities for all parties involved to reach out to the responsible persons ashore or at least to seek for advice from a psychologist-team how to overcome the situation in case there is a reason for hesitation to use the “official way”. None of these the parties took into consideration.

The incident triggered an internal revision of established procedures and protocols in this respect.

Furthermore, we incorporated the incident as a case study for future company seminars as an example how a harassment or bullying issue on board must not be treated.”

Lessons Identified & Related Questions



1. Safeguarding Early Warning System

There were apparent early warning signs as to mentorship problems, including reported performance concerns and behavioural indicators from both the cadet and the 2/E that matters were not right on board for the E/CDT. The Master, CE and other crew appeared to know of the Russian 2/E, his robust character, as well as his treatment of, and approach to, the cadet.

This raises the following associated questions from an internal company [Internal] and external civil society [External] perspective.

- 1.1. [Internal]. Were there any previous recorded complaints made against the 2/E and/or had the issue of the 2/E's management/mentoring style been raised previously as a matter for concern and flagged to shoreside staff/the DPA?
- 1.2. [Internal]. Are cadet(s) trained and advised on how to deal with conflict, whom to turn to and who to contact if they consider their position unsafe, of concern to them, or untenable?
- 1.3. [Internal]. Is there a mentoring selection and vetting policy issue that needs to be addressed within the Company?
- 1.4. [Internal]. What 'early warning system' does the Company have in place to identify cases of bullying/harassment noting the Maritime Labour Convention (MLC) 2006

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requirements? (A seemingly sustained and continuous act of bullying, harassment and abuse has occurred during the E/CDT's second contract. The matter was only brought to the attention of executive management once the cadet became a victim of a violent assault.)

- 1.5. [Internal]. Is there an independent whistle-blower policy in place, especially for new employees/cadets? Does this policy allow for whistle-blowers to bypass the ship's hierarchy and report incidents directly to an independent office or external organisation with which the Company has an existing arrangement if there is a threat to personal safety, security and well-being?



2. Generational Differences

There was seemingly a cultural dichotomy between officers and ratings onboard the MV ARTEMIS at the time of the incident. This dichotomy was seemingly reinforced by generational differences in attitudes to work, personal relationships and interactions, and the experience levels of the crew.

- 2.1 [Internal]. Does the Company have policies and procedures designed to address and alleviate these divisions and ultimately encourage a 'one team' ethos on board noting generational, cultural and language divides in rotational crews?



3. Appraisal System

The onboard appraisal system appears from the cadet's perspective not to be transparent nor well-run, with it being used as a potential means to remove an individual without the right of reply or structured pathway to remediation.

- 3.1 [Internal]. What qualifies someone to undertake a professional appraisal of someone else in the company? Is it competency-based or time served?
- 3.2 [Internal]. Are those appraising others given additional (and continuous) professional training in this regard to address issues such as, but not limited to, competency, conscious and unconscious bias, generational awareness, self-reflection, conflict resolution and mediation?
- 3.3 [Internal]. Are those appraising subject to any periodic external professional review, continuous professional development (CPD) to include role-play scenarios to ascertain their suitability to conduct appraisals?
- 3.4 [Internal/external]. Are there fair and independent review and appeal pathways for those who disagree with their appraisals corroborated by facts? Is this system documented, trained to and subject to regular in-house and external reviews?



4. Incident Reporting

- 4.1 [Internal]. What is the Company policy and attendant procedures for managing acts of violence between crew/employees?

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- 4.2 [Internal]. Why did the well-established different reporting systems, company policies and health and well-being instruments fail to prevent an escalation of conflict onboard?
- 4.3[Internal]. Why did the E/CDT not take advantage of the Company “Mental Health Helpline”, a 24/7 telco service free-of-charge for the crewmember, which offers a confidential communication channel to a third-party team of professional psychologists?
- 4.4 [Internal]. Why did the Master not raise the matter of friction between the 2/E and the E/CDT to the responsible crew Superintendent?
- 4.5[Internal]. Given the E/CDT’s access to and use of the on-board internet facility, why did he not contact the DPA or issue an official complaint based on the Company’s Anti Bullying and Harassment Policy?
- 4.6 [Internal]. Why was the matter of friction between the 2/E and the E/CDT not flagged at one of the weekly telco-briefings between the On-board-Management Team and Shipmanagement Team consisting of the technical Superintendent and the crew Superintendent ashore?
- 4.7[Internal/External]. Why were constabulary and/or relevant competent authorities not notified as to the alleged assault by either the company and/or assisting external organisations? Relevant coastal and/or port state authorities such as the MCA in this case should have been notified.



5. Health and Well-being

- 5.1 [Internal]. Does the Company have mental health policy and in-house support systems? If so, how accessible to crew are these support systems?
- 5.2 [Internal/external]. Did the 2/E have a known (official and/or unofficial) history of violent conduct and if so, whether ongoing mentor selection and vetting procedures are thorough enough to identify character flaws, behavioural anomalies and be able to manage and monitor them?

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6. State Authority Liaison

- 6.1 [External]. Does the Company have established policies and procedures which require flag State, port State and coastal State authorities to be informed of an incident of violence onboard between crew, and are these policies and procedures promulgated and trained against?
- 6.2 [Internal]. Are cadets informed of such policies and procedures prior to/on joining as part of the ongoing professional development?



7. External Third-Party Support

- 7.1 [External]. Apart from relevant state authorities, what independent third party might the Company turn to help investigate and mitigate such incidences in the future?



8. Internal Investigation Reports

The Internal Investigation Report seemingly relies on limited third-party character references and witness statements in respect of both the 2/E and the E/CDT. In the interests of thoroughness and fairness, additional character references from previous contracts of employment could be considered to identify patterns of behaviour which, if uncorrected, not addressed and educated about, may lead to professional failings with adverse safety, security and well-being consequences.

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RECOMMENDATIONS

HRAS Makes Six Recommendations:

1. Specifically select, train and update on-board mentors for cadets and crew with backgrounds reflecting both practical hands-on and soft skillsets. Emotional intelligence should be a core-criteria.
2. Brief new cadets and crew in the Company's core values and standards, highlighting pathways to the reporting of incidents and access to support networks and on-board safe spaces.
3. Identify, remove and replace any crew who pose a physical and/or mental well-being threat to cadets and/or crew. Perpetrators must be held to account.
4. Identify, remove and replace any employee found to have bullied, harassed or otherwise deliberately exploited cadets and/or crew through abusing positions of authority and trust. Perpetrators must be held to account.
5. Facilitate repatriation of cadets who fall victim to or allege on-board abuse and/or physical violence at no cost to themselves, both financially and professionally.
6. Review in-house training materials and education packages to address the issues raised from this case.



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CONCLUSION

This case in question highlights that the training, mentoring and safeguarding of cadets must be the priority of employers who take on and place young people at sea as part of their formative professional development in a seafaring career. Further, employers must have ongoing training, awareness and on-board reporting pathways which can both protect a cadet and forewarn shoreside when difficulties arise. Even if such pathways are already in place, effort must be taken to continually reinforce the awareness of their existence.

There is no doubt that the experience of the cadet moved between a motivated and rewarding professional experience to one which left him with physical and potentially mental injuries as a result of the attack, the leadership style and management approach which was used towards him.

Noting the allegations of the influence of alcohol by his attacker, the alleged use of a knife to threaten, the physical assault which required hospital review and treatment, and the reported attitudes towards the cadet by fellow crew which left him depressed and isolated, this case serves as a reminder that the on-board intelligent management and mentoring of young professionals cannot be taken for granted for those living and working at sea.



Who We Are

BACKGROUND

Human Rights at Sea was established in April 2014. It was founded as an initiative to explore issues of maritime human rights development, review associated policies and legislation, and to undertake independent investigation of abuses at sea. It rapidly grew beyond all expectations and for reasons of governance it became a registered charity under the UK Charity Commission in 2015.

Today, the charity is an established, regulated and independent registered non-profit organisation based on the south coast of the United Kingdom. It undertakes **R**esearch, **A**dvocacy, **I**nvestigation and **L**obbying specifically for human rights issues in the maritime environment, including contributing to support for the human element that underpins the global maritime and fishing industries.

The charity works internationally with all individuals, commercial and maritime community organisations that have similar objectives as ourselves, including all the principal maritime welfare organisations.

OUR MISSION

To explicitly raise awareness, implementation and accountability of human rights provisions throughout the maritime environment, especially where they are currently absent, ignored or being abused.



STAY IN CONTACT



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Safeguarding Cadets from Physical and Mental Abuse: Lessons for the Future

Human Rights at Sea is a Registered Charity in England and Wales No. 1161673. The organisation has been independently developed for the benefit of the international community for matters and issues concerning human rights in the maritime environment. Its aim is to explicitly raise awareness, implementation and accountability of human rights provisions throughout the maritime environment, especially where they are currently absent, ignored or being abused.

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