



HUMAN RIGHTS AT SEA

Gender Briefing Note

Gender and its application in the Maritime Environment

“Once you put on that white shirt, it’s the rank that speaks not your gender”

Captain Lise Gaarslev Hansen, Maersk Line

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HUMAN RIGHTS AT SEA

GENDER AND HUMAN RIGHTS AT SEA

FOREWORD

The importance of a balanced **Gender Perspective** is gradually increasing in recognition, profile and application across the entire maritime environment.

A focus on **Gender Equality** and **Non-Discrimination** as a workplace issue is globally well established including within the maritime industry through the work of the likes of the International Labour Organisation (ILO) and many other organisations.

The principles of gender equality and non-discrimination are enshrined in the ILO Constitution and delivered through ILO Conventions; Resolutions adopted by the International Labour Conference, as well as ILO global programmes. These include the likes of the Decent Work Agenda, Country Programmes¹ and the Gender and Non-Discrimination Programme².

The subject of gender equality is further driven by international initiatives such as the International Geneva Gender Champions³ launched at the Palais des Nations in Geneva, 1 July 2015 and the International Maritime Organisation (IMO) Programme for the Integration of Women in the Maritime Sector (IWMS) by way of example.

The importance of understanding the fundamental principles of equality and non-discrimination which leads to understanding gender, gender perspective, gender analysis and aims, and which ultimately integrates gender as an operation strategy is as equally important within civil society as it is in the maritime context, including its application throughout the maritime industries, the maritime supply chain, Non-Governmental Organisations (NGOs) and State operations at sea.

Gender should be seen as a core part of maritime Corporate Social Responsibility (CSR) and it should also reflect a balanced approach to the application of Human Rights protections and remedies at sea.

Human Rights at Sea has undertaken research and consultation with practitioners, national and European policy drafters and academics in order to produce this **Gender Briefing Note: 'Gender and its application in the Maritime Environment'**.

¹ <http://www.ilo.org/global/about-the-ilo/decent-work-agenda/lang--en/index.htm>

² <http://www.itcilo.org/en/the-centre/areas-of-expertise/rights-at-work/gender-equality-and-diversity?lang=en>

³ <http://genevagerchampions.net>



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The objectives of the Gender Briefing Note are to further raise awareness of the topic of gender, provide information as to its definitions, provide examples of application including current best practice within the maritime industry to support equality for women working at sea, and to provide independent comment on the future of gender in the Maritime Environment.

This Gender Briefing note is free to download and may be considered as providing an independent introductory perspective as applicable. It is deliberately non-exhaustive for ease of reading and understanding of the subject matter.

Human Rights at Sea

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1. What is Gender?

Gender is about the learned social attributes, differences and relationships associated with and applied to being either male or female in society.

Gender is not about biological differences between men and women. These are fixed and pre-determined. These differences do not change.

Gender is dynamic. It is subject to change; it is socially learned, constructed and applied within societies and environments.

Gender is influenced by many factors including, but not limited to, economy, age, ethnicity, religion and levels of education for men and women.

Gender should not represent men and women as two homogenous groups. Not all women are the same. Not all men are the same and stereotypical ideas of femininity and masculinity are often entrenched thereby shaping expectations often incorrectly.

Gender varies between and within societies and environments. In most societies there are differences and inequalities between men and women. These inequalities relate to expectations, decision-making opportunities, assigned responsibilities, activities undertaken, access to and control over resources and employment opportunities.

Gender can determine what is expected, allowed and valued in a man or a woman in a given context and environment.

Gender is about the relationships between women, men, girls and boys and how this impacts on individuals and communities in all societies and environments, both social and within the business community.

Gender is not a code word for 'women' or 'discrimination'. A common misconception is that Gender is only relevant for women. This is incorrect. Gender is about women's and men's socially described roles and how that affects their power, opportunities and resources.

Gender inequalities apply to men as equally as they do to women. This includes within the maritime environment, howsoever men or women are employed, or otherwise engaged within the maritime supply chain.

Gender equality as a principle should apply throughout the maritime environment, and it should be upheld as a management responsibility and integrated into all institutional structures and work strands.



2. Why does Gender Equality matter?

Equality between women and men, increasingly defined as **Gender Equality**, is at the very heart of human rights, workers rights and should be applied throughout all maritime organisations and related entities as led by executive management. Gender equality should be promoted through all policies within all applicable programmes, projects and institutional work areas.

A fundamental principle of the United Nations Charter adopted by world leaders in 1945 is the 'equal rights of men and women' and Article 1 of The Universal Declaration of Human Rights states that 'All human beings are born free and equal in dignity and rights'. This includes educating, promoting and applying Gender equality at all times.

For example, the ILO has been running the ILO Gender Equality Action Plan 2010-15. The Action Plan aims to facilitate effective and gender-responsive delivery of the Decent Work Agenda, in line with the June 2009 International Labour Conference (ILC) Resolution on Gender Equality at the Heart of Decent Work⁴.

In order for States to protect and promote the rights of men and women it is important to understand and acknowledge sex-specific inequalities and challenges that men and women face in terms of protection of their fundamental human rights, including equal access to education, employment, health services and family rights, for example. Nonetheless, due to widespread cultural reasons, gender inequality still tends to affect women more than men.

In many countries, women lack the same access to education and employment opportunities as men and often may not hold key decision-making responsibilities due to their culture and cultural environment. In some societies laws and policies prohibit women from equal access to land and property.

Economic and social discrimination can further lead to men and women facing grave alternatives and leaving them vulnerable to exploitation, human trafficking and other risks including inequality in employment, professional advancement and social status.

Women, meantime, make up the majority of victims of gender-based violence that affects an estimated 30% of women globally. As a result, the continual protection and promotion of women's rights forms a key part of assuring gender equality.

⁴ http://www.ilo.org/gender/Informationresources/WCMS_179106/lang--en/index.htm



It is equally as important to remember that men and boys also face gender-specific risks, particularly male rape while in detention, being trafficked or during conflict. This remains widely under-reported and stigmatized especially in male-dominated societies and environments.

3. What are the laws and policies that promote gender equality in order to protect women and men's rights?

There are a number of Conventions, regulations and policies that protect women and men's rights and promote gender equality. These are exemplified in the UN Charter 1945, ILO Conventions, the 1966 International Covenant on Civil and Political Rights (ICCPR), the 1979 Convention on the Elimination of Discrimination against Women (CEDAW), the 1995 Beijing Platform for Action, the 1997 UN Economic and Social Council's Agreed Conclusions on Gender Mainstreaming, and the Millennium Development Goals (MDG). All have a focus on developing and where able, assuring equality between men and women.

International human rights law creates legal obligations for governments and government agents to promote equality between women and men and non-discrimination based on sex. Specialised conventions focusing on women's rights, such as CEDAW, extend government responsibilities to fighting discriminatory cultural and social practices. These legal obligations are transposed into gender policies for both the government and non-government sectors.

ILO conventions extend the government responsibility to promoting equality and non-discrimination in the work place, including in the maritime sector. ILO conventions have developed over the years from a protective approach to a focus on creating an enabling work environment for all.

4. Why are Gender policies needed and important?

Human rights are based on the premise that every human being is equal in rights and dignity. Equality between women and men is an integral part of this. Promoting women's and men's equal opportunities also increased the operational effectiveness of organisations.



Integration of the gender perspective into every part of institutional structures, programmes, projects and policy processes is called '**Gender Mainstreaming**' and this, should be a core part of any maritime CSR strategy and policy.

Application of gender policies acts as a positive tool for increasing effectiveness. This may mean increased productivity and a balanced approach to problem solving. It can also be an evidential gathering tool for highlighting abuses following reported transgressions against both men and women.

Awareness of gender inequalities and lack of safeguards for either men or women, depending on their environment, may further highlight abuses of fundamental human rights.

Within the business context, an actual or perceived culture of gender inequality, a lack of transparent and published gender policies, implementation and effective remedies for allegations of transgression and abuse, may result in significant reputational damage. Proactive enforcement of gender equality should therefore be applied at all times.

5. How are Gender policies developed and applied?

In addition to the Conventions mentioned above, in 1995 189 governments adopted the Beijing Declaration and Platform for Action; a comprehensive roadmap for gender equality and the empowerment of women.⁵

While individual States remain responsible for application of ratified Conventions, this does not stop Non-Governmental Organisations (NGOs), civil society and commercial entities implementing and applying in-house gender policies based on Convention and best practices.

Examples

Policies such as those within the **World Bank** Gender and Development Policy Framework⁶, as well as on-going work by the **IMO** with the programme for the Integration of Women in the Maritime Sector (IWMS) are good examples of implementing and applying pro-active gender policies. The IMO programme remains the

⁵ Beijing Declaration and Platform for Action, the Fourth World Conference on Women, Adopted at the 16th plenary meeting, on 15 September 1995

⁶ http://siteresources.worldbank.org/INTGENDER/Resources/GAD_PolicyFramework.pdf



primary vehicle for supporting the UN Millennium Development Goal 3 to “Promote gender equality and empower women”⁷.

In another context, in October 2000, the UN Security Council adopted UN Security Council Resolution (UNSCR) 1325 on Women Peace and Security.⁸ This was the first link of women's experiences of conflict to the international peace and security agenda, recognising the disproportionate impact of armed conflict on women. It acknowledged the fact that women continued to be excluded from participation in peace processes and thus, stressed the importance of women as active agents in the prevention and resolution of conflicts. This goes towards balancing gender inequality.

A large number of national and international institutions have adopted a full plan of action to implement UNSCR 1325. For instance, since **NATO**'s 2007 adoption of the NATO Euro-Atlantic Partnership Council Policy on the Implementation of UNSCR 1325, the gender has been effectively integrated within NATO.⁹

Today, gender is a cross-cutting theme throughout the organisation, with responsibility for its implementation resting at all levels of command and management. NATO has created a Gender Advisory structure to support NATO Commanders and operations and missions within NATO Command and Force Structures.

Much can be learned from the application of gender in the military context, as equally as being applicable in the commercial context.

6. Why should maritime business be taking note of Gender?

In the Maersk Group, we believe diversity and inclusion are key levers to strengthen business results in the markets where we operate – and a necessary action for access to future and wider talent pools.

The subject of Gender as part of sustainability, diversity and inclusion, just like the application, respect and remedy for Human Rights and related abuses within the daily running of businesses throughout the maritime supply chain, cannot be ignored. It is

⁷ http://www.imo.org/en/KnowledgeCentre/Resources_for_Seafarers/WomenintheMaritimeSector/Pages/default.aspx

⁸ UNSCR 1325 Women Peace and Security dated 31 October 2000

⁹ EAPC(C)D(2014)0001, Revised NATO/EAPC Policy for the Implementation of UNSCR 1325 on Women, Peace and Security and related Resolutions, 01 April 2014.

EAPC(C)D(2014)0019, NATO/EAPC Action Plan for the Implementation of UNSCR 1325 and related Resolutions, 23 June 2014.



central to good business practice, both commercial and moral. **Maersk** provides a good example of this through their Diversity and Inclusion policy.¹⁰¹¹

A balanced and comprehensive approach to gender for the workforce and led in the Boardroom on behalf of seafarers and fishers, should be a fundamental part of every maritime entity's core business model and related CSR policy.

Meantime, women are increasingly, and rightly challenging the traditional division of labour within the maritime environment. Gender inequality at sea is increasing becoming unacceptable.

7. Gender exploitation

Outside of the commercial maritime business context, men, women and children face real risks of being subjected to sexual exploitation and gender-based violence when fleeing their home States and seeking asylum, including periods at sea during sea crossings.

A key reason for the heightened risk women and children face is that often, family members are dispersed during such flight, leaving them separated from the rest of their families. During flight and once separated from the rest of the family women and children are at particular risk of sexual attack by opportunist individuals, criminal gangs, border guards and in some cases from capture for human trafficking.¹²

The ILO has estimated that each year 2.45 million persons are trafficked for forced labour worldwide.¹³ The annual proceeds generated by global human trafficking were in 2007 estimated to amount to as much as US\$44 billion.¹⁴ It is only fair to accept, that a portion of this organised crime is carried out at sea.

¹⁰ <http://www.maersk.com/en/the-maersk-group/sustainability/diversity-and-inclusion>

¹¹ http://www.maersk.com/~media/the%20maersk%20group/sustainability/files/report-extracts-2014/diversity_sr14.pdf

¹² Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons, United Nations High Commissioner for Refugees, 2003 pp 28.

¹³ International Labour Organisation, A Global Alliance Against Forced Labour, Report of the Director General (International Labour Office: Geneva), 2005), pp.1-94.

¹⁴ Glenn, J.C. and Gordon, T.J., State of the Future, World Federation of United Nations Associations, Washington DC, Sept. 2007.



Further, it is now an increasing training requirement for commercial vessel crews to understand their roles in the rescue of refugees and migrants, including the handling of groups from different societies and foreign States while on board.

8. The Future of Gender in the Maritime Environment

While gender is not a new subject, the level of **awareness** of what gender is, what it represents and how it should be applied, means that **education** about gender is key throughout the maritime environment and for the entities operating therein.

Entities operating in the maritime environment may wish to draft or revise **CSR Strategy** to ensure that gender, as part of its **sustainability, diversity** and **integration**, is fully **integrated** as part of transparent and published **CSR policies**. This should ensure that **Gender Mainstreaming** is at the heart of all current and future governance structures and policies.

Published gender documentation should be **transparent** and **accountable** by the appropriate management hierarchy.

Gender policies should include acceptable standards of workplace conduct and should be reflected in that entity's **profiling** and **branding** relating to gender equality.

Gender policies should also reflect the engagement with third parties onboard vessels at sea, including the proper handling of refugees and migrants in transit.

Finally, a **Gender Focal Point** should be designated, and dependent on the size of the entity, this may mean that several Gender Focal Points implementing a uniform gender policy as part of that entity's CSR Strategy are required.

9. Conclusion

Implementation of gender equality and non-discrimination policies in the maritime environment is a key function in upholding individual human rights. It is becoming increasingly essential in the corporate management and business strategy of maritime commerce at every level as part of CSR programmes and policies.

How the principles of gender equality and non-discrimination policies are applied in practice will vary throughout the maritime environment. While the basic principles



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remain the same their application will differ between maritime industries, supply chain entities, trade associations, owners, managers, crew, for example.

In conclusion, gender equality and non-discrimination policies should be consistently promoted and applied at State, business and individual levels without prejudice or excuse.

Human Rights at Sea is a Registered Charity in England and Wales No. 1161673 which has been established for the benefit of the international community for matters concerning explicit engagement with human rights issues 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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