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.
Vision

To end human rights abuse at sea
Our Work: Wide-ranging across Maritime Environment
Ongoing Work Areas

Geneva Declaration on Human Rights at Sea

Arbitration as route to Effective Remedy

Research, Advocacy, investigation & Lobbying
Our Successes

“insert: (c) the facilitation of, or support for, seafarer welfare services.”

The Regulatory Systems (Transport) Amendment Act 2021 (30 March 2021) comes into force with the key amendment to Section 191 amended (Maritime levies) which crucially states “After section 191(2)(b), insert: (c) the facilitation of, or support for, seafarer welfare services.” This updates Part 14 General provisions relating to shipping.
Our Successes

Maritime Levy Campaign
Our Successes

House of Lords
Tuesday 22 June 2021 Meeting started at 12.05pm

AGENDA

Note: Latency in the video stream means index items will appear first.

12:28:15 Baroness Vere of Norbiton, Parliamentary Under-Secretary (Department for Transport) (Conservative)

12:28:09 Oral question 3: Protecting human rights at sea

12:27:32 Lord Wolfson of Tredegar, The Parliamentary Under-Secretary of State for Justice (Conservative)

12:26:54 Lord Hastings of Scarisbrick (Crossbench)

12:26:32 Lord Wolfson of Tredegar, The Parliamentary Under-Secretary of State for Justice (Conservative)

12:26:07 Lord Falconer of Thoroton (Labour)
COVID-19
Forced Labour & Slavery
"It is a humanitarian issue [...] It is a safety issue [...] It is also an economic issue which could slow or stop trade and hinder economic recovery. Governments must act now."

Guy Ryder, ILO Director-General

More calls for Governments to recognize seafarers as keyworkers amidst humanitarian crisis

News: UN agencies urge member states to resolve the humanitarian crew change crisis

18 September 2020

UN agencies and programmes involved in the maritime sector, human rights, trade, travel and transportation have called on all UN Member States, through a joint statement, to take urgent action to resolve the humanitarian crew change crisis faced by the world’s seafarers.

Calling it a humanitarian crisis, the Joint Statement issued by IMO, ILO and ITF amongst other UN agencies calls on all Governments to immediately recognize seafarers as “key workers”, and to take swift and effective action to eliminate obstacles for crew changes and ensuring maritime safety and facilitation of economic recovery from the COVID-19 pandemic.
General risks of **modern slavery** faced by seafarers

- Abandonment: 2020 (98 cases) / 2021 (34+ so far)
- Wages withheld: Consequences of indentured servitude & debt bondage
- Seaman’s Record Books withheld: Failure to gain new employment
- Vindictive behaviours by owners, manning agents and flag States
Four years at sea, now just metres from shore: ‘living hell’ of stranded UAE ship

Five seafarers are stuck in limbo on a beached tanker after a long, terrifying ordeal of abandonment.

Seafarer Commits Suicide Aboard Asphalt Tanker off UAE

Sea Princess (file image courtesy Global Tankers Pvt)

BY THE MARITIME EXECUTIVE 01-31-2021 03:35:00
Well-being issues: Inter-related & Wide-ranging

Human Rights at Sea
We are ALL someone’s Daughter. We chose to be Seafarers.
A reality check on Diversity and Hope in 2021

Human Rights at Sea
Insight Briefing Note
Stowaways: Background, Drivers & Human Consequences

Human rights SHOULD apply at sea as they do on land

Human rights apply at sea, as they do on land

ABANDONMENT OF SEAFARERS: BACKGROUND, LEGAL STATUS, REMEDIES & PRACTICAL ADVICE
APRIL 2021

Human rights apply at sea, as they do on land

Human Rights at Sea
Independent Case Review & Insight Briefing Note
Safeguarding Cadets from Physical and Mental Abuse: Lessons for the Future

Human rights apply at sea, as they do on land

Everything we publicly report on has a direct impact on the maritime environment - including for seafarers, fishers, and their families
• Positive step for maritime business
• Highlights HRAS business and human rights early development work
• Basic & workable steps
• UN attention
• Voluntary
• Enforcement?
• Ignored by those who do not care and are who are not held to account
• BUT – Mandatory Human Rights Due Diligence legislation is coming...
“Existing international due diligence instruments have failed to provide victims of human rights and environmental adverse impacts with access to justice and remedies because of their non-judicial and voluntary nature.”

“This Directive aims to prevent and mitigate potential or actual adverse impacts on human rights, the environment and good governance in the value chain, as well as at ensuring that undertakings can be held accountable for such impacts, and that anyone who has suffered harm in this regard can effectively exercise the right to a fair trial before a court and the right to obtain remedies in accordance with national law.”
Fisheries & IUU Challenges

TRANSPARENCY
ACCOUNTABILITY
EFFECTIVE ENFORCEMENT
FLAG STATE IMPUNITY
DETERRENT EFFECT LACKING AGAINST CONTINUING ABUSES AT SEA
Global Fisheries Work Stream

International Programme
Global Protection of Fisheries Observers
Launched July 2020

International Reviews and Scientific Surveys for the Safety, Security & Well-being of Observers at Sea
Social problems exists. Do not ignore, nor cover them up
Fishers and observers are both a critical vulnerability & a business enabler
Social Accountability: Realities

- Lack of accountability and enforcement
- Lack of transparency and disclosure
- The real issues are ones of **impunity, lack of accountability** and **lack of enforcement**
Original Project Initiative
Launched 4 April 2019

The Geneva Declaration on Human Rights at Sea®

The protection of human rights at sea rest on four fundamental principles:
1. Human rights apply at sea to exactly the same degree and extent that they do on land.
2. All persons at sea, without any distinction, are entitled to their human rights.
3. There are no maritime specific rules allowing derogation from human rights.
4. All human rights established under treaty and customary international law must be respected at sea.
Victim-led Remedy - Enforcement gaps

Original Project Initiative
Launched 24 March 2020

Arbitration as a Means of Effective Remedy for Human Rights Abuses at Sea®
L’arbitrage comme mécanisme permettant d’obtenir une réparation effective pour la violation des droits humains en mer

www.hrasarb.com
Victim-Oriented Process for Addressing Human Rights Abuses at Sea

1. **Human Rights Abuse**
   - Victim raises complaint to Human Rights at Sea (HRAS)
   - (could also be raised directly or through Third Party)

2. **Decision Point**
   - CIVIL CLAIMS (against State or Company)
   - CRIMINAL COMPLAINT
   - HUMAN RIGHTS AT SEA ARBITRATION
   - NOT NECESSARILY MUTUALLY EXCLUSIVE
   - Victim makes choice (court or arbitration)

3. **Decisions**
   - CRIMINAL COMPLAINT
   - CIVIL ACTION IN COURT
   - HRAS referral to local authorities

4. **Registration of RFA** by Institution based on prima facie review of jurisdiction
   - Notification of Registration to Parties; starts clock for constitution of tribunal
   - Arbitral tribunal constituted
   - First procedural hearing (By telephone)
   - Written procedure
   - Oral procedure (Hearings) (In person, or by video-conference or telephone)

5. **Final Award**
   - (Parties accept award as binding and to enforce obligations imposed by that Award as if it were a final judgment of a court in that State)

*RFA: Request for Arbitration
Human Rights Standards: Next steps

- Ongoing development
- Quality Mark unique to HRAS
- Trademarked & protected
- Organisation, fleet and supplier focused
- Across the entire maritime supply chain
- Human rights & Social Assessment
- Worker’s Voice input & reviews
- Transparency of process & assessment
- 2011 UNGP ‘Know and Show’ Principle
- Embedding remediation & effective remedy
- **Kick-starter investment achieved**
- Planning for Q4 2022 Pilot
Questions
David Hammond
Chief Executive Officer

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