



UNA WESTMINSTER

# WHO CARES ABOUT HUMAN RIGHTS BEYOND THE HORIZON?

UNA WESTMINSTER BRIEFING  
HOUSE OF LORDS, LONDON  
12 JULY 2023

DAVID HAMMOND  
CHIEF EXECUTIVE OFFICER



HUMAN RIGHTS AT SEA





**We work to end the abuse of  
human rights at sea.**

▶ **INTRODUCTORY VIDEO**

**30 Million**

people are at sea, right now

**45%**

of women working at sea reported sexual  
harassment

**32-100k**

fishers lose their life at work, every year

# Vision

To end human rights abuse at sea

# What We Cover

## **Access to Justice**

- Human Rights at Sea Arbitration Project
- Fisheries Observer Project
- Ukraine: Supporting Coastal Communities

## **Law Reform and Policy**

- The Geneva Declaration on Human Rights at Sea (GDHRAS)
- Maritime Levy Campaign
- Seafood Certification, Standards and Ratings Review

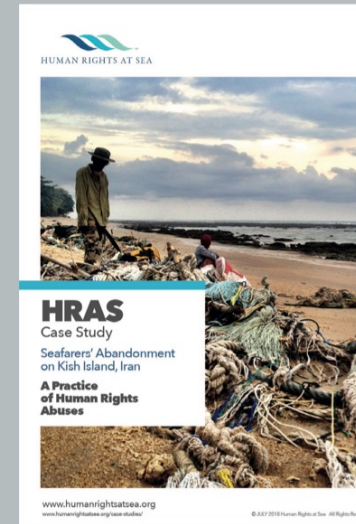
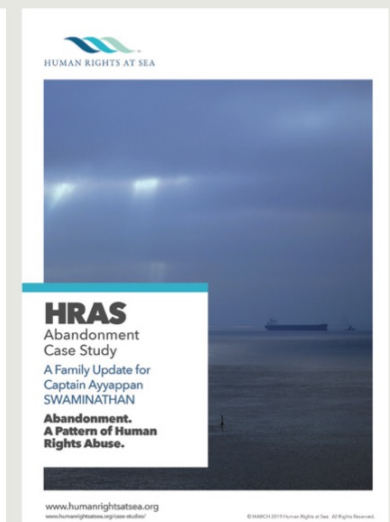
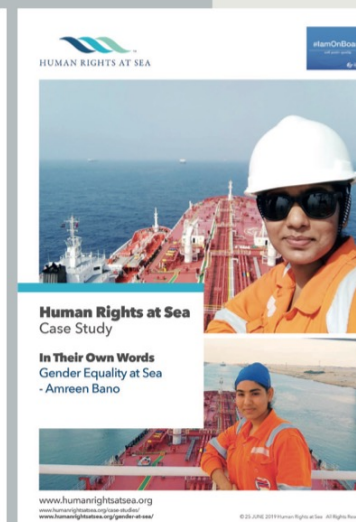
## **Slavery at Sea**

## **Children at Sea**

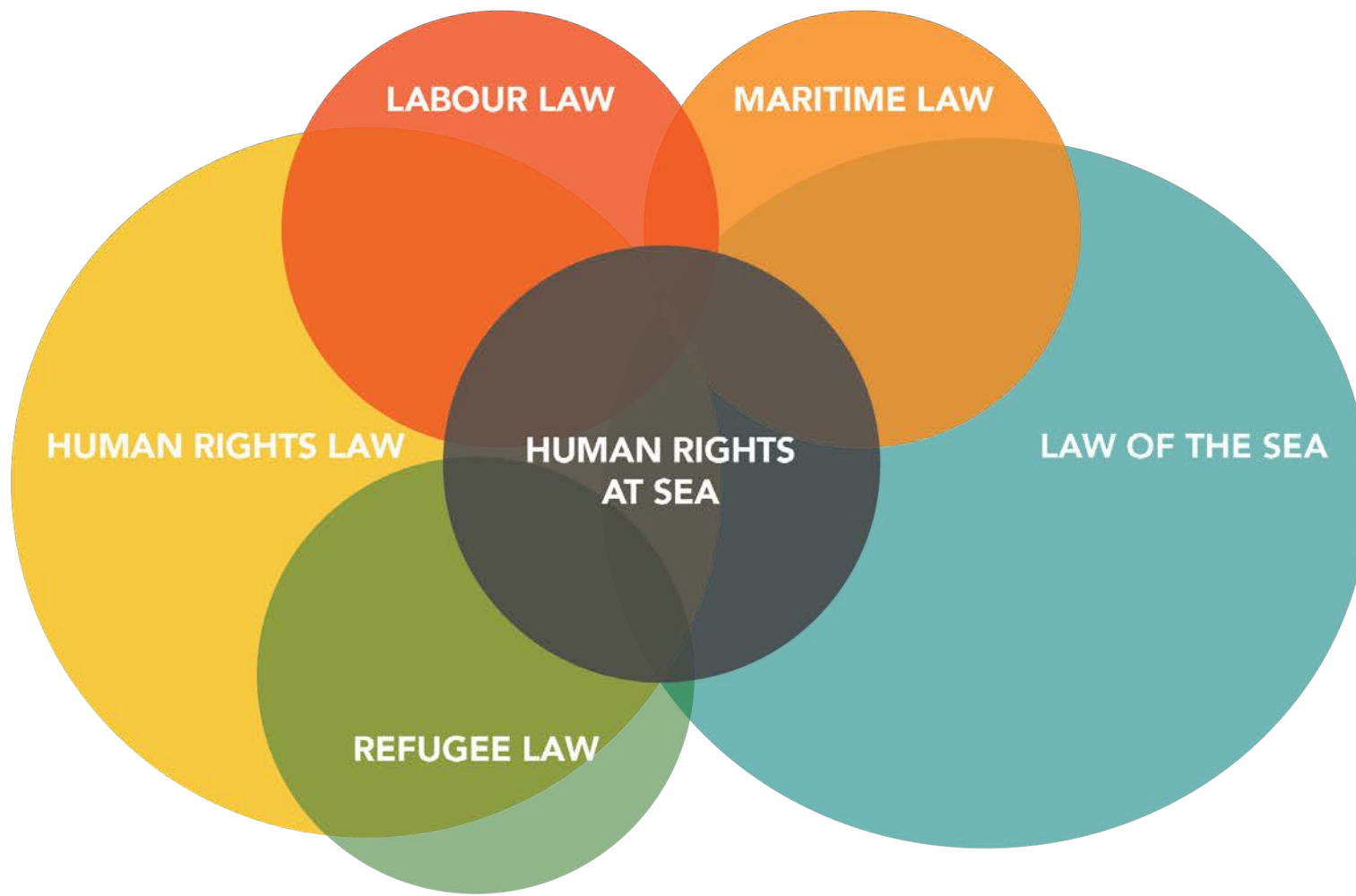
## **Equality at Sea**



# Our Work: Wide-ranging Research, Advocacy & Investigations



# Where does Human Rights at Sea fit?



# Impact

Activities to end human rights abuse at sea



# Impact: Geneva Declaration on Human Rights at Sea



## ABOUT THE PROJECT

**The Geneva Declaration on Human Rights at Sea confirms that human rights apply at sea as they do on land.**



***"As a city very connected to human rights, Geneva is proud to support the Geneva Declaration on Human Rights at Sea. This international declaration is important for the protection of people in international waters. I am happy to witness the realisation of a concept born in Geneva three years ago and to have been the first to receive this document"***

Mayor of Geneva Frédérique Perler  
1 March 2022

[www.gdhras.com](http://www.gdhras.com)



# The Four Fundamental Principles:

1. Human rights are universal; they apply at sea, as they do on land.
2. All persons at sea, without any distinction, are entitled to their human rights.
3. There are no maritime specific reasons for denying human rights at sea.
4. All human rights established under both treaty and customary international law must be respected at sea.

# Governance: UN Accreditation Economic and Social Council



**Human Rights at Sea is proud to announce that the United Nations Economic and Social Council (UN ECOSOC) has formally recognised the organisation and granted it "Special Consultative Status".**

<https://www.humanrightsatsea.org/news/un-ecosoc-special-consultative-status-awarded-human-rights-sea>

# Impact: Primary legislation amendment New Zealand



1 July 2021

**“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.



# Impact: First UK Parliament debate 22 June 2021



House of Lords

**Tuesday 22 June 2021** Meeting started at 12.05pm

LIVE

AGENDA

INDEX

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

Back to live ►

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)



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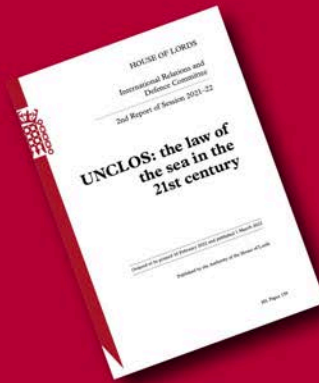
INFO ⓘ

AUDIO ONLY 🔊

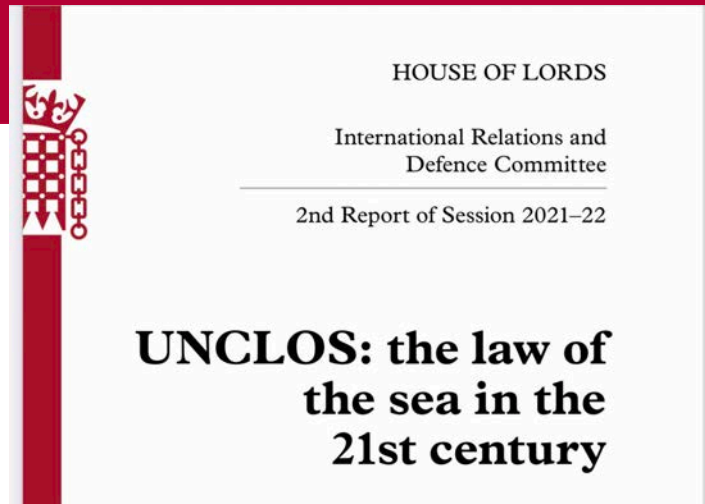
# Impact: House of Lords UNCLOS 1982 Inquiry 2022

## International Relations and Defence Committee

“If provisions of UNCLOS are not supplemented, or further developed it would no longer be fit for purpose in the 21st century.”



 HOUSE OF LORDS



#UNCLOS



## Inquiry finds international sea law ‘unfit for purpose’ without reform

*House of Lords committee flags issues ranging from human rights and fishing to regulation of armed guards, but stopped short of calling for a major overhaul*

04 Mar 2022 | NEWS

**60 references to ‘human rights at sea’ and the NGO ‘Human Rights at Sea’**

# Impact: House of Lords UNCLOS 1982 Inquiry

**192. We urge the Government to acknowledge that human rights at sea include a wide range of rights, and not just those pertaining to labour conditions, important though these are. In its response to us, we ask that the Government sets out what it considers **its obligations to be concerning human rights at sea**, including with reference to human trafficking and modern slavery.**

228. In 2019, **Human Rights at Sea itself developed a soft-law instrument, the Geneva Declaration on Human Rights at Sea**, which recalls existing legal obligations and provides guidance for coastal, flag and other states on how to protect, respect and ensure human rights at sea” and “can supplement UNCLOS and fill in the human rights at sea gap, without opening the Convention to re-negotiation.” They urged the UK Government to endorse the framework and become a “global leader” in championing it.

**REPORT LINK:** <https://committees.parliament.uk/publications/9005/documents/159002/default/>



# Focus: FCDO and Academic Engagement



<https://www.humanrightsatsea.org/news/wilton-park-conference-report-human-rights-law-sea-published>

# Focus: NATO Engagement

## NATO Issues Two New Podcasts with Human Rights at Sea

13 Jan 23

[Access to Justice](#)

[Law Reform and Policy](#)

[Migrants & Refugees](#)

[Home](#) | [News](#) | [NATO Issues Two New Podcasts with Human Rights at Sea](#)

**The NATO Centre of Excellence for Operations in Confined and Shallow Waters (COE CSW) has issued two new podcasts covering an introduction to the work of Human Rights at Sea.**

<https://www.humanrightsatsea.org/news/nato-issues-two-new-podcasts-human-rights-sea>



# Focus: Maritime Levy Development in Australia



Opinion

4 May 2022

**The incoming Australian Government's opportunity to assure long-term seafarer welfare funding and sustainability with minimal legislative amendment must not be derailed, side-stepped, nor the proverbial can kicked-down-the-road through paralysis of internal decision-making.**



# Focus: Addressing cadet abuse at sea



Supported by:  
Peter Döhle Schiffahrts-KG



[www.humanrightsatsea.org](http://www.humanrightsatsea.org)  
[www.humanrightsatsea.org/case-studies/](http://www.humanrightsatsea.org/case-studies/)

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

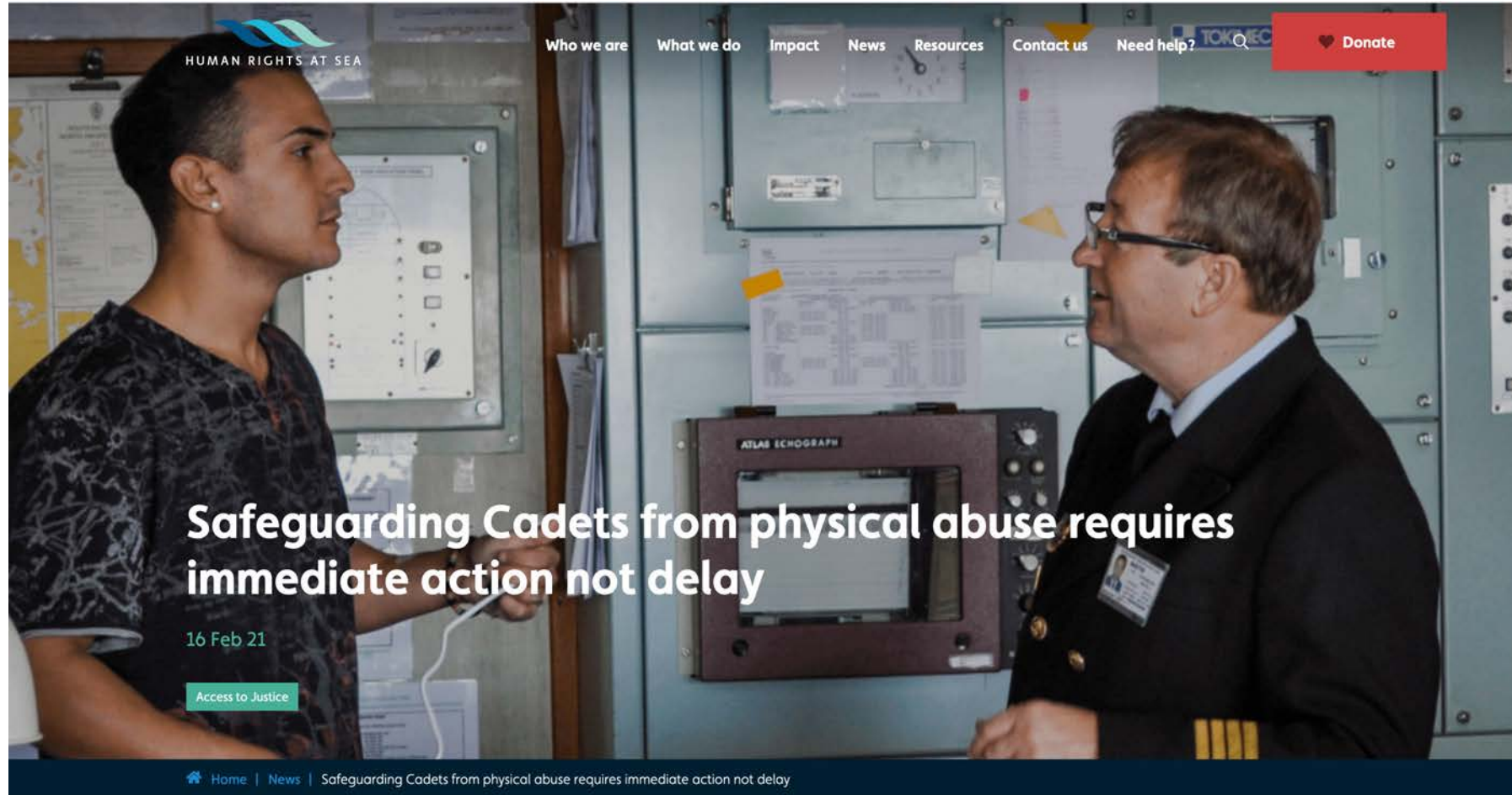
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**HRAS:** *The days of 'out of sight and out of mind', of 'what happens at sea, stays at sea', of 'this is how it was done in my day' are gone. There must be a zero tolerance of physical and mental abuse towards cadets, while perpetrators must be held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



*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.*

# Focus: Addressing cadet abuse at sea



<https://www.humanrightsatsea.org/news/safeguarding-cadets-physical-abuse-requires-immediate-action-not-delay>

# Focus: Gender equality and sexual abuse at sea



***“Even more crushing is that, often, these instances go unreported as the women fear having their training and/or their careers cut short, or worse, not being believed. This can lead to a real decline in performance on board, including an individual’s safety and a long-term impact on their well-being.”***

***“Fear was the main reason the bullying was not reported in numerous instances – fear of not being believed, fear of accusation of overreacting or lying which could mean reluctance to rehire or loss of sea-time opportunity as a cadet.”***



## Culture of fear at Merchant Marine Academy silences students who say they were sexually harassed and assaulted



By **Blake Ellis** and **Melanie Hicken**, CNN

🕒 Updated 1146 GMT (1946 HKT) February 16, 2022



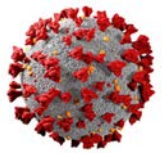
# Focus: Migrant and Refugee Protections



## Opinion

**If you follow the UK press and current political positioning by the British Home Secretary Suella Braverman, it is reported that she "has not ruled out using disused cruise ships to house asylum seekers, saying "everything is on the table".**

<https://www.humanrightsatsea.org/news/braverman-migrants-refugees-and-cruise-line-industry-costly-mistake-waiting-happen>

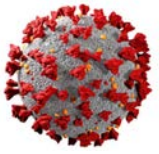


2020 - 2022

# COVID-19

## Seafarers, Forced Labour & Slavery

**At the start of the 2020 pandemic the International Chamber of Shipping estimated that there were over 400,000 seafarers trapped working onboard vessels worldwide**



# 2020 - 2022



**"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*

14 September 2020

**A humanitarian crisis at sea: all United Nations Member States must resolve the crew change crisis**

## 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.



## MARITIME HUMAN RIGHTS RISKS AND THE COVID-19 CREW CHANGE CRISIS A TOOL TO SUPPORT HUMAN RIGHTS DUE DILIGENCE



## Business and Human Rights

- A positive step for maritime business
- Highlights HRAS business and human rights early development work
- Basic & workable steps
- UN attention
- Voluntary
- BUT – enforcement and effective remedy?
- **Ignored by those who do not care and those who are not held to account**

**BUT** – Mandatory Human Rights and Environmental Due Diligence (mHREDD) legislation is coming via the EU



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**TEXTS ADOPTED**  
*Provisional edition*

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**P9\_TA-PROV(2021)0073**

**Corporate due diligence and corporate accountability**

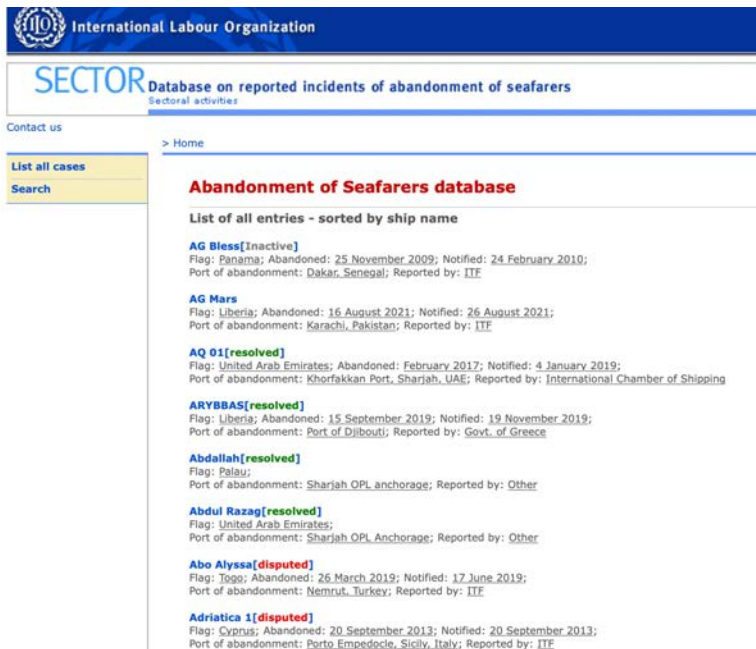
**European Parliament resolution of 10 March 2021 with recommendations to the Commission on corporate due diligence and corporate accountability (2020/2129(INL))**

“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.”

# General risks of Modern Slavery faced by seafarers

- Abandonment: ILO Database (Est 2004)
- Wages withheld: Consequences of indentured servitude & debt bondage
- Seaman's Record Books withheld: Failure to gain new employment
- Vindictive behavior by owners, manning agents and flag States



**International Labour Organization**

**SECTOR** Database on reported incidents of abandonment of seafarers

Contact us

> Home

List all cases

Search

**Abandonment of Seafarers database**

List of all entries - sorted by ship name

**AG Bless**[Inactive]  
Flag: Panama; Abandoned: 25 November 2009; Notified: 24 February 2010;  
Port of abandonment: Dakar, Senegal; Reported by: ITF

**AG Mars**  
Flag: Liberia; Abandoned: 16 August 2021; Notified: 26 August 2021;  
Port of abandonment: Karachi, Pakistan; Reported by: ITF

**AG 01**[resolved]  
Flag: United Arab Emirates; Abandoned: February 2017; Notified: 4 January 2019;  
Port of abandonment: Khorfakkan Port, Sharjah, UAE; Reported by: International Chamber of Shipping

**ARYBBAS**[resolved]  
Flag: Liberia; Abandoned: 15 September 2019; Notified: 19 November 2019;  
Port of abandonment: Port of Djibouti; Reported by: Govt. of Greece

**Abdallah**[resolved]  
Flag: Palau;  
Port of abandonment: Sharjah OPL anchorage; Reported by: Other

**Abdul Razag**[resolved]  
Flag: United Arab Emirates;  
Port of abandonment: Sharjah OPL Anchorage; Reported by: Other

**Abo Alyssa**[disputed]  
Flag: Togo; Abandoned: 26 March 2019; Notified: 17 June 2019;  
Port of abandonment: Nemrut, Turkey; Reported by: ITF

**Adriatica 1**[disputed]  
Flag: Cyprus; Abandoned: 20 September 2013; Notified: 20 September 2013;  
Port of abandonment: Porto Empedocle, Sicily, Italy; Reported by: ITF



**HUMAN RIGHTS AT SEA**

**Human Rights at Sea**  
Case Study

**Seafarers' Challenges During The COVID-19 Pandemic**

**The Case of the Crew of MV GULF SKY**



## Video Testimony: Master defends COVID-19 Command Decisions for protecting Crew

3rd September 2020 | Abuse, COVID-19, COVID19, Flag State, Harassment, Human Rights, Press Release, Republic of the Marshall Islands

London, UK. Former Master of the MV Tomini Destiny, Captain Rajnish Samuel Shah, has authorised the release by Human Rights at Sea of his personal testimony in defence of his command decisions made during the COVID-19 pandemic for...



## RMI Flagged Crew allegedly threatened by Owners for voicing concerns of COVID-19 exposure

1st April 2020 | COVID19, Crew, Disciplinary Action, Press Release, safety, Seafarers, Threats, Welfare

London, UK. "We, the full complement of the Tomini Destiny are under enormous pressure, fatigue and mental stress due to owners and charterers insisting to perform shipboard operations under duress." Human Rights at Sea has been passed...





## 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



▲ The MT Iba tanker beached in Umm Al Quwain. Photograph: Reuters

3346

Views

## 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

# Seafarer Well-being issues: Inter-related & wide-ranging

Human rights **SHOULD** apply at sea  
as they do on land



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



[www.humanrightsatsea.org](http://www.humanrightsatsea.org)  
[www.humanrightsatsea.org/case-studies/](http://www.humanrightsatsea.org/case-studies/)

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Human rights apply at sea,  
as they do on land




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

Partnered with:



[www.humanrightsatsea.org](http://www.humanrightsatsea.org)




HRAS PUBLICATION

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



APRIL 2021

Human rights apply at sea,  
as they do on land




in Partnership with **ReedSmith**

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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**

Supported by:  
Peter Döhle Schifffahrts-KG



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Everything we publicly report on has a direct impact both on and within the maritime and fishing industries, UN agencies, state bodies responsible for legislation and policy, corporate policy and remediation activities.

# Fishing & Fisheries

Activity to end human rights abuse at sea



# Fisheries Issues: Pacific Region



## FISHERIES OBSERVER DEATHS AT SEA, HUMAN RIGHTS & THE ROLE & RESPONSIBILITIES OF FISHERIES ORGANISATIONS

1<sup>st</sup> JULY 2020



## DEVELOPING RECOMMENDATIONS & POLICY IN SUPPORT OF FISHERIES OBSERVERS' SAFETY, SECURITY & WELL-BEING

A follow-up to the Human Rights at Sea Report:  
**FISHERIES OBSERVER DEATHS AT SEA,  
HUMAN RIGHTS & THE ROLE & RESPONSIBILITIES  
OF FISHERIES ORGANISATIONS**  
Dated 1<sup>st</sup> July 2020

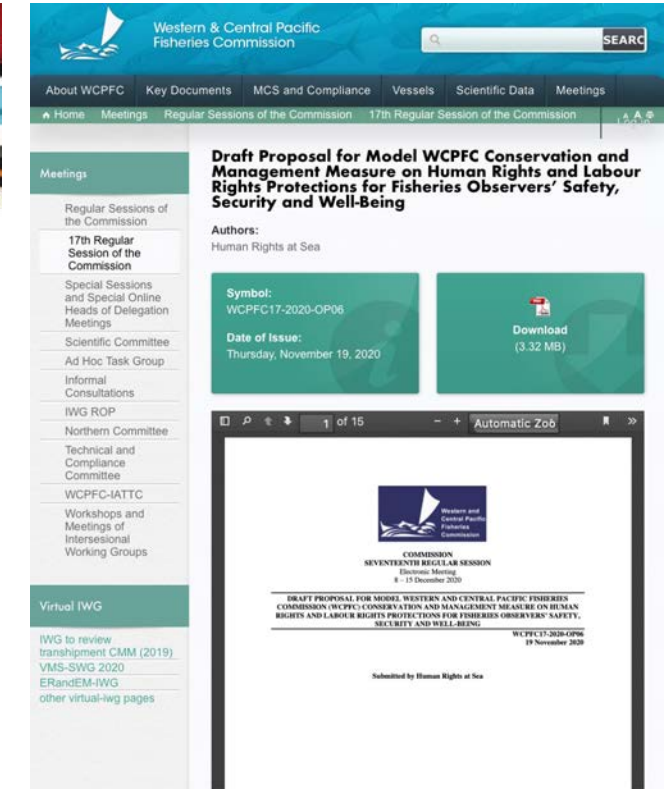
11<sup>th</sup> NOVEMBER 2020



## UNDERSTANDING THE WORKING CONDITIONS OF WESTERN & CENTRAL PACIFIC OCEAN FISHERIES OBSERVERS: A BASELINE SURVEY

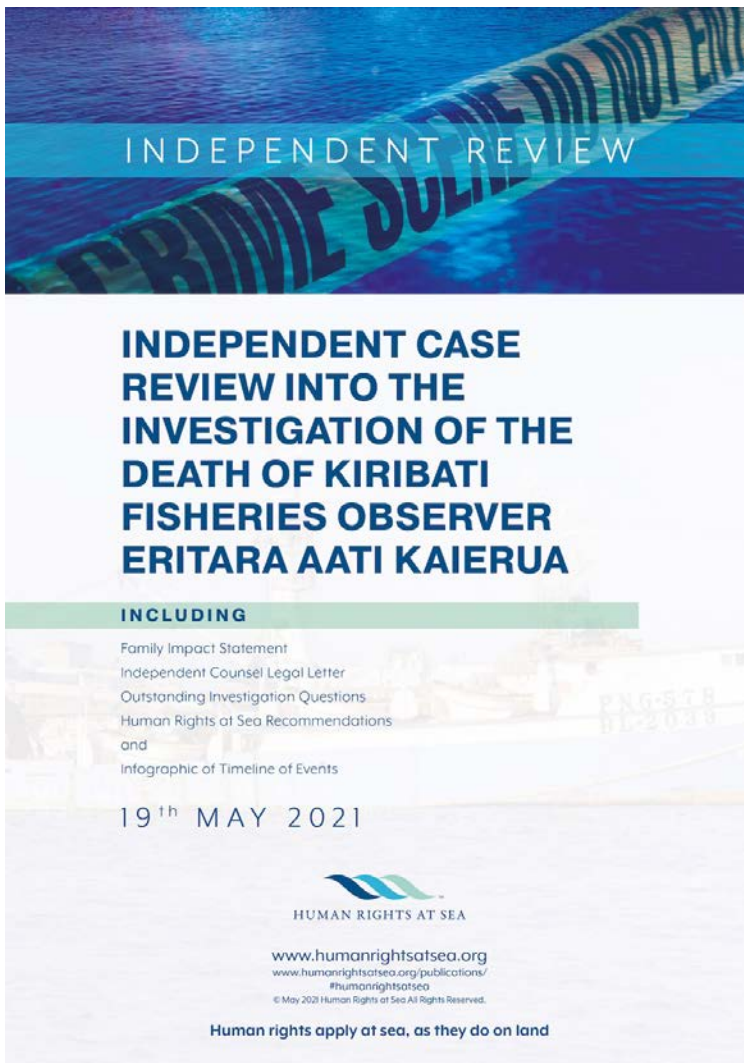
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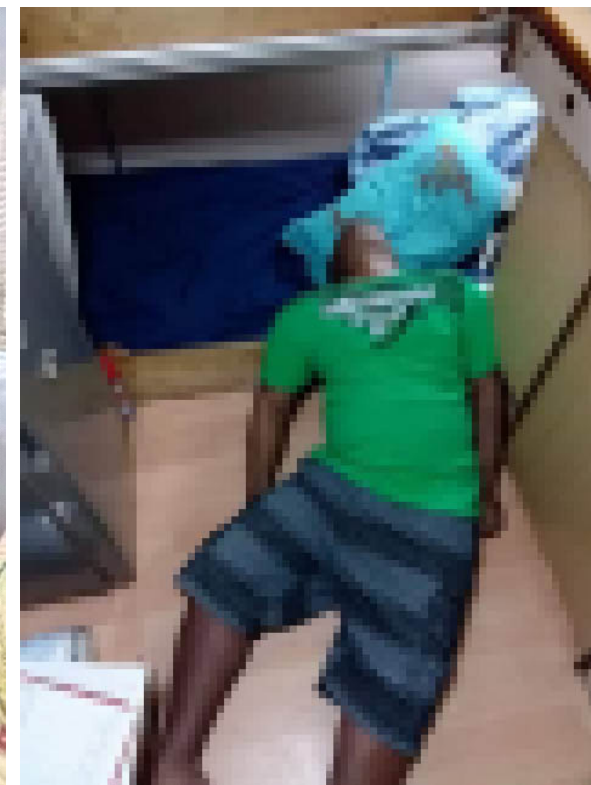


# Fishers and observers are both a critical vulnerability & a business enabler

# Accountability: Some Realities

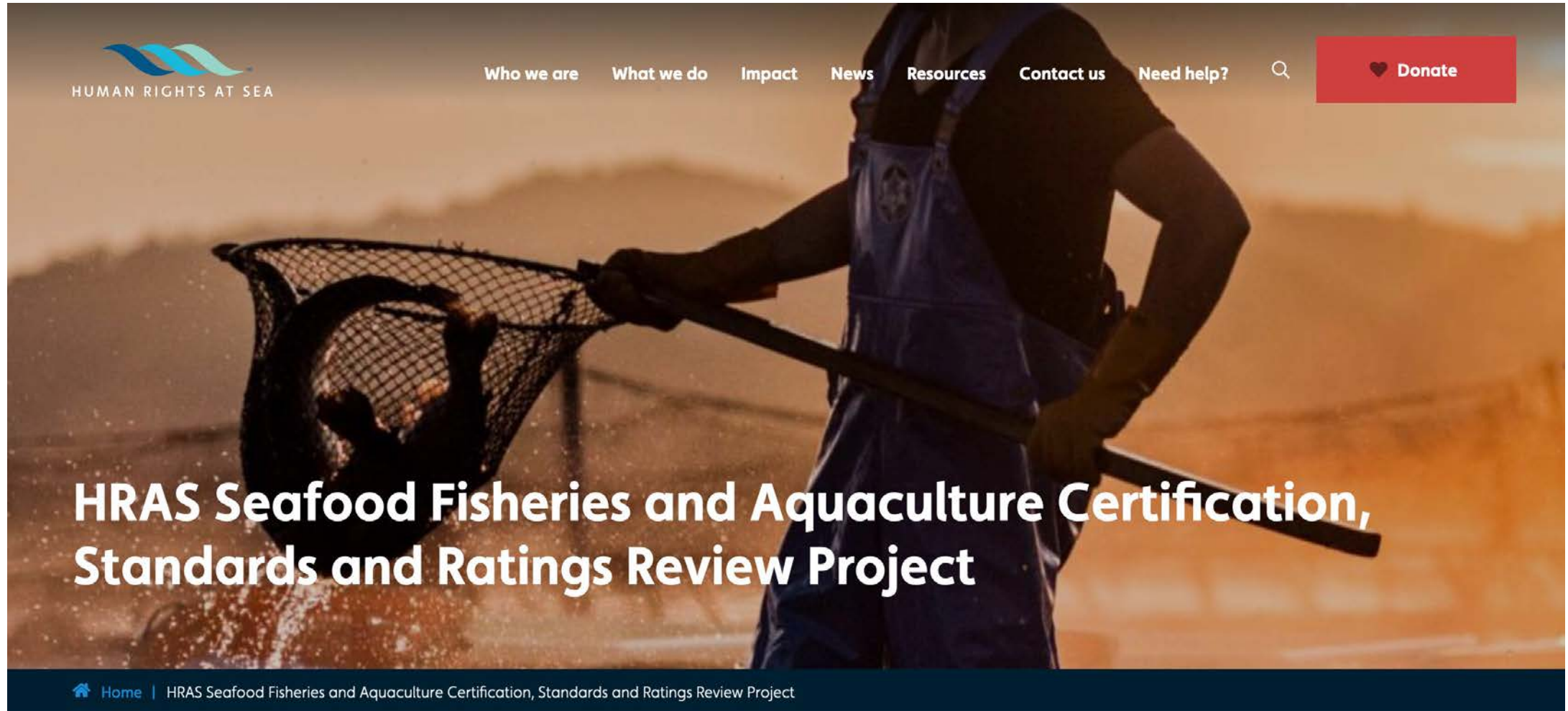


- Lack of transparency and disclosure
- **Impunity, lack of accountability and lack of enforcement**





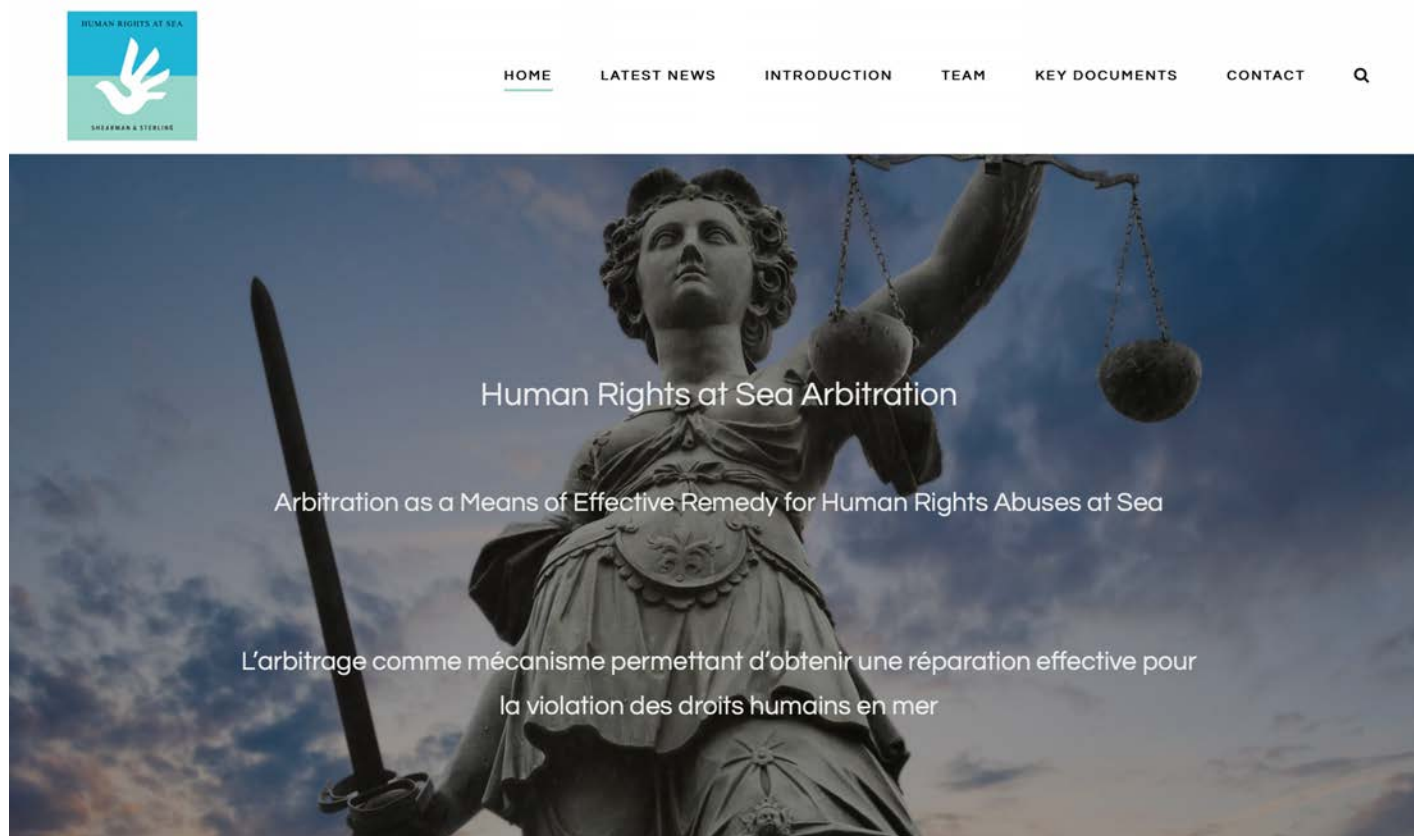
# Focus: Fisheries and Aquaculture Voluntary Standards



<https://www.humanrightsatsea.org/hras-seafood-fisheries-and-aquaculture-certification-standards-and-ratings-review-project>



# Victim-led Remedy: Alternative enforcement mechanisms



[www.hrasarb.com](http://www.hrasarb.com)

## Q. Can arbitration be a human rights remedy, and is there a need?

- Early-stage project for an ad-hoc HRAS Arbitration Tribunal
- A blueprint for global application?
- Must be victim-centered & victim-led

Q. What substantive protections would the Tribunal have jurisdiction over?

Q. Are arbitration agreements in contracts of employment binding?

Q. What extent can third-parties prosecute claims on behalf of victims?

Q. What shortcomings are there in existing business and human rights arbitration frameworks?

# Field Work

Activity to end human rights abuse at sea

# Fieldwork: Ukraine War Crimes & Human Rights - March 2022





# Focus: Ukraine – Legal and Policy Development



<https://www.humanrightsatsea.org/news/geneva-declaration-human-rights-sea-receives-ukrainian-engagement>

# Impact

To end human rights abuse at sea

# 52

countries where we have influenced a change in law and policy

# 107

publications written about human rights at sea

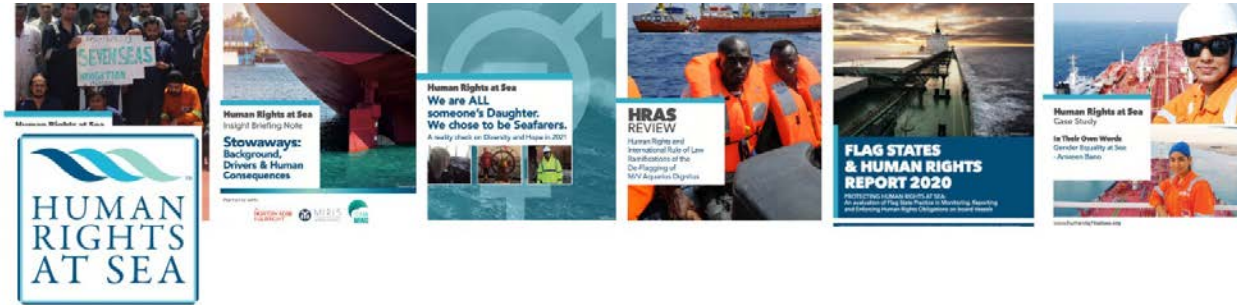
# 10,920

hours dedicated in 2021 to ending human rights abuses at sea





# Follow Us



## Human Rights at Sea (HRAS)

A Global Catalyst for addressing human rights abuse at sea and delivering justice by policy and legislative change.

Non-profit Organizations · HAVANT, Hampshire · 3,660 followers



Nigel & 17 other connections work here · 18 employees

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