WHO CARES ABOUT HUMAN RIGHTS BEYOND THE HORIZON?

UNA WESTMINSTER BRIEFING
HOUSE OF LORDS, LONDON
12 JULY 2023

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CHIEF EXECUTIVE OFFICER

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

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?

- Labour Law
- Maritime Law
- Human Rights Law
- Human Rights at Sea
- Law of the Sea
- Refugee Law
Impact

Activities to end human rights abuse at sea
"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
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.
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".

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

AGENDA

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)
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.”

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’
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

The Wilton Park Conference Report on “Human Rights Law at Sea” Published

17 Jan 23

Law Reform and Policy

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.

Will Australia Kick-The-Can on Sustainable Funding for Seafarer Welfare?

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

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

Safeguarding Cadets from physical abuse requires immediate action not delay

16 Feb 21

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

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Focus: Migrant and Refugee Protections

Braverman, Migrants, Refugees, and the Cruise Line Industry: A costly mistake waiting to happen?

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".

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.
"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.
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
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
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 Pte)
Seafarer Well-being issues: Inter-related & wide-ranging

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
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

HRAS Seafood Fisheries and Aquaculture Certification, Standards and Ratings Review Project

Victim-led Remedy: Alternative enforcement mechanisms

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