



## **WEST AFRICAN HRAS GAP ANALYSIS**

### **Introduction**

In respect of Human Rights at Sea (HRAS) considerations in West Africa, there are identified limiting factors that makes awareness, application of protections, reporting and monitoring of human rights abuses at sea a challenge.

### **Aim**

The aim of the on-going West African HRAS Gap Analysis is to examine the hiatuses between current and future state human rights safeguards at sea based upon existing State legislative and policy provisions, or lack of specific provisions, and the needs of the region relating to HRAS on land, in the littoral and at sea within Territorial Waters (TTW), Contiguous Zones and Economic Exclusion Zone (EEZ) limits.

### **Overview**

Regional challenges are highlighted by, but not limited to, a lack of general information and awareness of an individual's existing human rights at sea, the lack of comprehensive and trusted means and assistance in pursuing these rights, State awareness of protections and remedies coupled with high private legal costs. These issues act as core inhibiting factors to justice and continue to play a significant role causing continued injustices faced by individuals in West Africa. Such a situation is as equally applicable on land, as it is at sea.

### **Objective**

The objective of the West African HRAS Gap Analysis to identify where the legislative and policy gaps exist, consider how to bridge those gaps and independently provide plain English legislative and policy suggestions and potential solutions relating to human rights provisions at sea.

### **Initial Questions**

- **Who has knowledge of abuses at sea?**
  - Victims.
  - Witnesses to the abuse.
  - Those affected by abuse (family members of victims).
  - Perpetrators of the abuse.



## HUMAN RIGHTS AT SEA

- Constabulary authorities to whom abuses have been reported.
  - Independent NGOs and civil society actors.
  - Governing State authorities and ministries.
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- **Who should be approached to gain situational awareness?**
    - Victims, including those affected by the abuse (family members of victims)
    - NGO's and civil society agencies.
    - Churches, village/community leaders and elders.
    - Police authorities.
    - Governmental ministries.
    - Judiciary, instructed lawyers and civil rights practitioners.
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- **Are abuses at sea documented?**
    - Very limited open-source documentary evidence at State level due to the fear of initial reporting.
    - Reports of investigations of abuses, or legal findings are generally not made public or are easily accessible.
    - Independent civil society and NGO country reports appear most detailed and well researched.
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- **What's the best way to gain information and ground-truth?**
    - National and regional human rights road shows, workshops, seminars and local conferences, meetings.
    - One-to-one interviews.
    - Reviewing and analysis of existing evidential research.
    - Understanding local (tribal) practices of dealing with alleged and actual abuses.



## **Current Situation**

- Limited evidence of state reports and analysis in respect of abuses at sea.
- Lack of assistance legally and financially in pursuing human rights abuses.
- Reporting and remedy systems and processes in place are perceived not to be trusted, perceived as not being effective and it is perceived that administrative corrupt practices prevent justice being done.
- Most West African legislative systems, although amended and updated, were originally developed in line with previous colonial codes and statutes. They do not necessarily reflect of the local and customary State traditions.

## **Provisional Action Plan**

- Draft an international document outlining minimum standards of human rights at sea – ‘Model Guiding Principles and Best Practice’.
- Identify and approach stakeholders with long-term State and regional interests to assist the HRAS West Africa initiative.
- Develop an engagement plan to all potential West African stakeholders.
- Develop a continuous feedback and reporting system.
- Raise funding for independent representation of abuse victims

## **Future Position**

- Increased State, regional, judicial and society awareness of human rights at sea.
- Improve reporting and recording of abuses at sea.
- Independent investigations – Globus Maritime Investigation Service.
- Independent Legal support for victims and witness.
- Increased prosecutions of abusers.