

ANNUAL REPORT

YEAR 6

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**ADVANCING HUMAN
RIGHTS AT SEA
INTERNATIONALLY**

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



HUMAN RIGHTS AT SEA

www.humanrightsatsea.org

www.humanrightsatsea.org/publications/

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Photo Credit: Jing Lu Yuan

Table of Contents

Foreword from the Trustees	3
Foreword from the CEO David Hammond	4
Structure, Governance & Management Overview	5
Our Mission	6
Our Vision	6
Core Values	6
Our Charitable Objectives	6
Global Impact to Date	7
Our Supporters	8
Year 6 Impact Report – Key Highlights	9
Geneva Declaration on Human Rights at Sea	10
Human Rights at Sea & Shearman & Sterling Arbitration Initiative	13
Human Rights at Sea Legal Briefing Note	14
Taiwan Insight On the Awareness & Application of Human Rights in Taiwan’s Fishing Industry	15
Case Study: Labour Disputes Reveal a Worrying Power Imbalance & Vulnerability of Migrant Fishermen in Taiwan’s Fishing Industry	17
Case Studies & Publications	18
The Pacific – Fiji.....	18
Gender Equality at Sea The Story of ETO Amreen Bano.....	19
University of Bristol & Human Rights at Sea Flag States & Human Rights Report 2019	20
Baseline Study: On Levels of Understanding of Human Rights among Koli Fishermen Working in & around Mumbai, India	22
COVID-19 Insight	
Seafarers’ Challenges during COVID-19: The Case of MT Gulf Sky	23
Policy & Legislative Development – UAE	
UAE Legal & Policy Developments for Seafarers Briefing Note in English – August 2019.....	24
Legislative & Policy Change	
Pacific Forum Fisheries Agency Enacts New Crew Welfare Regulations	25
HRAS Coverage & International Exposure	26
HRASi Consultancy Service to the Global Maritime Community	27
HRAS Accounts	28
Who We Are	29

Foreword from the Trustees

This year has been perhaps the busiest year for our charity, focusing on expanding our human rights development work in the maritime environment around the globe. Some of our key works are highlighted by examples within this Annual Report. We are proud to report that six years after our inception we have contributed to legislative and policy impact in 20 countries.

Among our key achievements this year has been the 2019 partnership with the global law firm Shearman & Sterling LLP looking at 'Arbitration as Means for Effective Remedy for Human Rights Abuses at Sea', an innovative development and a victim-led project to facilitate the resolution of disputes concerning human rights at sea using the process of international arbitration.

In April 2020, we partnered with RightShip, the world's leading maritime risk due diligence and environmental assessment organisation and signed a long-term partnership agreement to help improve seafarer welfare. The objective of the partnership is to continuously raise awareness of implementation and accountability of human rights provisions throughout the maritime environment with local, national and international stakeholders and regulators, and the maritime industry as a whole.

We have covered the impact of COVID-19 to seafarers and fishers through publications, case studies and OP-EDs to ensure the narrative was independently covered in the public domain.

As we enter our seventh year, the narrative surrounding 'human rights at sea' is now an increasingly discussed topic in academia, media, commercial, civil-society and at State level. This is in stark contrast to our many challenges in starting to internationally raise the issue and build the civil-society platform early on in our organisation's history.

As the charity continues its national and international development, the engagement of further high-calibre trustees from a wide-ranging field of expertise, combined with a passion to affect social change in the human rights field, is essential for the organisation's ambitious plans.

Fiona Laurence
Chair of Trustees



Photo: Fiona Laurence

Foreword from the CEO David Hammond

During these turbulent times our charitable NGO continues to successfully deliver its national and international work despite the many uncertainties surrounding the ongoing and knock-on effects of the COVID-19 pandemic and associated funding challenges.

Notably, global business structures are seemingly moving from an 'ego' to 'eco' approach with many of the old hierarchical and leadership structures being found wanting in the face of a global virus. Those structures are going to have to be much more flexible, lean and reactive. 2021 and beyond will therefore see new and innovative sectoral changes which will need embracing, as well as the application of the key lessons identified.

The period since early 2020 saw a notable upsurge in individual requests for assistance resulting in increased engagement with our partners, including internationally-focused welfare organisations supporting seafarers, fishers and their dependants. This is despite us not being a welfare organisation but which demonstrated our flexibility in approach.

Fortunately and since 2015, we have been deliberately structured as a virtual organisation to ensure maximum focus on delivering our front-end work so that donor funding is not wasted on excessive administration costs. We are therefore pleased to report that the pandemic has had minimum disruptive effect on our day-to-day business, though it has seen our research and advocacy work expand in scope and accelerate in tempo.

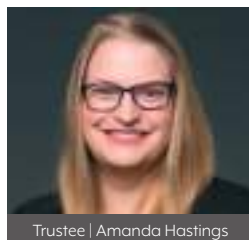
Overall, it remains remarkable that a small charitable NGO of two core staff, eight trustees and between 10–15 researchers and consultants has been able to continue to effectively advocate and widely influence international policy and legal development at State level, alongside commercial entities, throughout civil society and academia, as well as at the individual level. This reflects our known independence, objectivity and presentation of the unvarnished facts through professional publications, case studies and relationship-building, all of which will continue unabated into 2021 and beyond.

Finally, special thanks are reserved for both our existing and new donors who have continued to support our often-challenging work during this reporting period and without whom we could not function as effectively.



Photo: David Hammond

Structure, Governance & Management Overview



Trustee | Amanda Hastings



Trustee | Matthew Cox



Trustee | Elizabeth Mavropoulou



Trustee | David Hammond

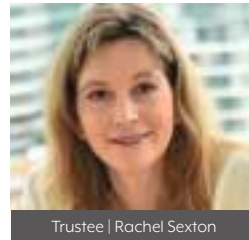
Trustee to CEO November 2019



Trustee | Prof. Steven Haines



Trustee | Fiona Laurence



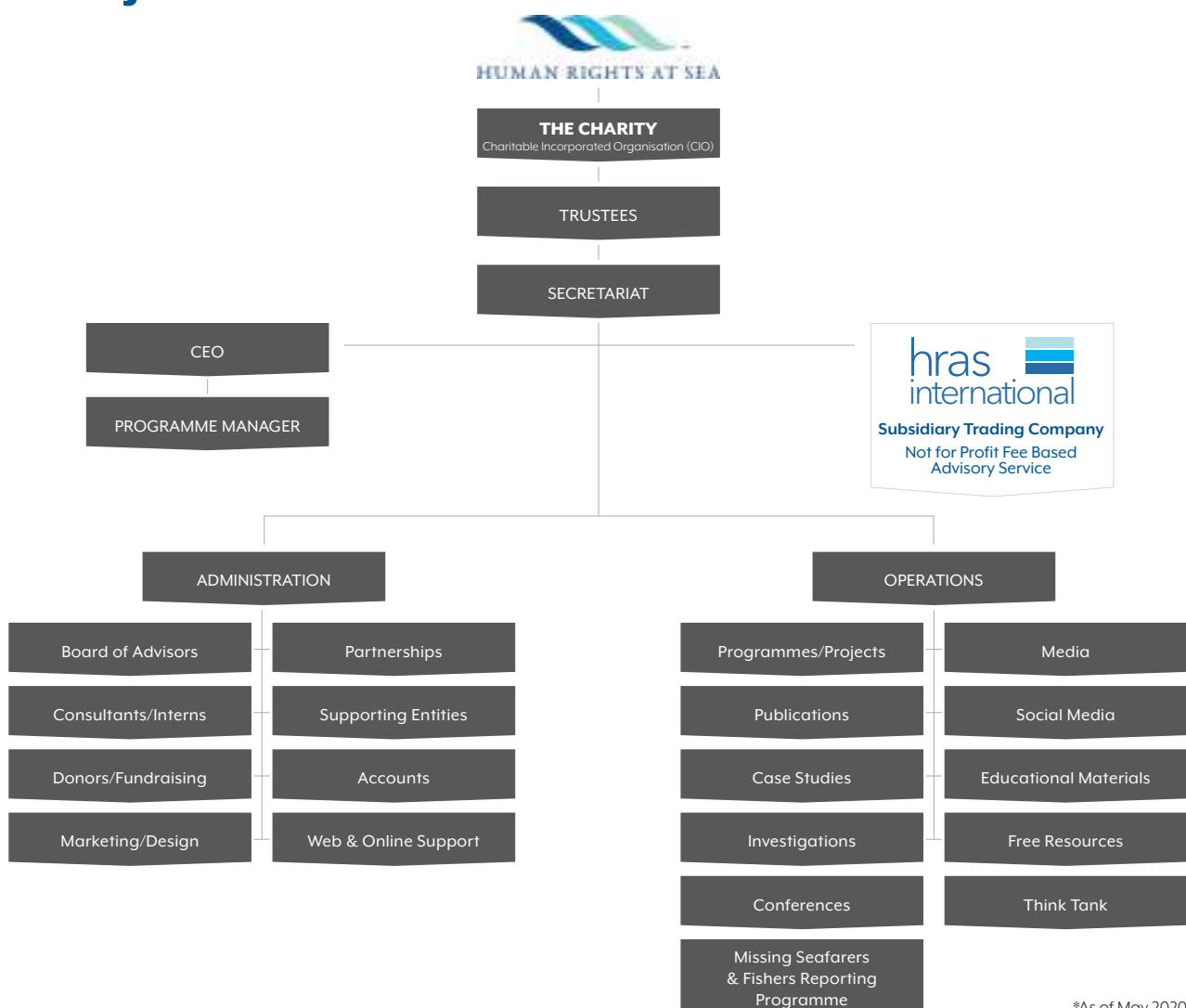
Trustee | Rachel Sexton



Trustee | Jessica Tyson

Retired in June 2019

Charity Structure



*As of May 2020



Photo Credits: Shutterstock.com

Our 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.

Our Vision

To end human rights abuse throughout the maritime environment.

Core Values

Transparency, Clarity, Accountability

Our Charitable Objectives

To promote human rights (as set out in the Universal Declaration of Human Rights and subsequent United Nations conventions and declarations) for seafarers, fishermen and others involved in working at sea throughout the world by all or any of the following means:

- 1** Increasing global awareness of the explicit requirement for protection of, respect for and provision of effective remedies for human rights abuses at sea through international advocacy, the publishing of case studies and where applicable, the provision of teaching materials.
- 2** Contributing to the international development of effective, enforceable and accountable remedies for human rights abuses at sea.
- 3** Investigating and monitoring abuses of Human Rights at Sea.
- 4** Developing the UN Guiding Principles for Business and Human Rights in the maritime environment.
- 5** Commenting on and supporting proposed national and international human rights legislation, policies and best practice, where applicable.



Photo Credit: Shutterstock.com

Global Impact to Date

Coverage of Human Rights at Sea work in Year Six



- | | | |
|----------------|----------------------|------------------------------|
| 1. UK | 9. Libya | 17. Marshal Islands |
| 2. Fiji | 10. Northern Ireland | 18. Tanzania |
| 3. Hong Kong | 11. UAE | 19. South Africa |
| 4. India | 12. Switzerland | 20. Panama |
| 5. Philippines | 13. Taiwan | 21. France |
| 6. Italy | 14. Eritrea | 22. Tunisia |
| 7. Germany | 15. Vanuatu | 23. Bahamas |
| 8. Netherlands | 16. New Zealand | 24. Commonwealth of Dominica |

Our Supporters



**John Ellerman
Foundation**



The
FISHMONGERS'
Company

Donor's Testimonial

“

We have found our support for Human Rights at Sea, over the last 3 years, to have been extremely rewarding. Though a small charity, working with limited resources, HRAS' impact and influence in the vitally important and often neglected area of human rights in the maritime industries, is a testament to what can be achieved with ambition and fearlessness, even off a relatively modest budget.

Sadly the need for organisations such as HRAS is a growing rather than a diminishing one. We wish HRAS continued success at putting the spotlight on these all too serious global human rights challenges over years to come.

Andrew Wallace
Fisheries Director
Fishmongers' Company



”

“

As a funder of HRAS since its inception we continue to be impressed by the quality and reach of their work that ensures fundamental seafarers' rights issues are raised and tackled. The balance of knowledge, innovation, engagement and rigour in the charity's approach ensures that often basic human rights are restored for seafarers where they have been lacking. Seafarers UK wishes to see a world where seafarers and their families are valued and free of disadvantage and HRAS helps us move towards our Vision.

Deborah Layde
Impact Director
Seafarers UK



”

Year 6 Impact Report – Key Highlights

APR 2020

22/04/20

News

SEAFARERS WELFARE BOARD FOR NEW ZEALAND FULLY CONCURS WITH HRAS REPORT



The Seafarers Welfare Board for New Zealand (SWB) commends for reading, reflection and discussion, the recently published report from Human Rights at Sea (HRAS) titled, New Zealand: Under-Funding of Seafarers' Welfare Services and Poor MLC Compliance.

<https://www.humanrightsatsea.org/2020/04/22/seafarers-welfare-board-for-new-zealand-fully-concurs-with-hras-report/>

28/04/20

Interview

THOME GROUP SPEAKS TO HUMAN RIGHTS AT SEA ABOUT PPE FOR SEAFARERS



Following the recent highlighting to Human Rights at Sea (HRAS) of concerns from seafarers about lack of access to, and availability of, Personal Protective Equipment (PPE) while serving on vessels transiting global shipping lanes, the charitable NGO has engaged with the maritime industry most recently speaking with the Thome Group about their actions in response to the COVID-19 pandemic. This follows recent HRAS articles challenging the PPE issue.

<https://www.humanrightsatsea.org/2020/04/28/thome-group-speaks-to-human-rights-at-sea-about-ppe-for-seafarers/>

MAY 2020

02/05/20

News

RIGHTSHIP ACTS DECISIVELY TO ADDRESS ATTEMPTED MURDER OF TANZANIAN STOWAWAYS



RightShip and industry partner to Human Rights at Sea, responded decisively to the ongoing investigation by the South Africa Maritime Safety Authority (SAMSA) and local police into the attempted murder of two Tanzanian stowaways by the crew of the Panamanian flagged dry bulk carrier, the MV Top Grace (IMO: 9763875) on the 28 March 2020. Hong Kong-based Fairweather Steamship Co Ltd who manages the fleet of five vessels has had its ratings cut by RightShip and placed on the high risk list in response to the incident.

<https://www.humanrightsatsea.org/2020/05/02/rightship-acts-decisively-to-address-attempted-murder-of-tanzanian-stowaways/>

10/05/20

Internal Publication

FRENCH VERSION OF NEW HUMAN RIGHTS AT SEA ARBITRATION WHITE PAPER PUBLISHED



Following the joint launch by Human Rights at Sea and Shearman & Sterling LLP of the inaugural White Paper: 'Arbitration as a Means of Effective Remedy for Human Rights Abuses at Sea' on 24 March, today, the document is published in French to expand global coverage of the project.

<https://www.humanrightsatsea.org/2020/05/10/french-version-of-new-arbitration-white-paper-published/>

11/05/20

Review

MEDITERRANEAN MIGRANT CRISIS: A REVIEW OF THE EASTER WEEKEND 10-12 APRIL 2020

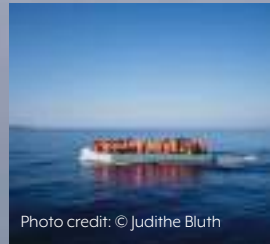


Photo credit: © Judithe Bluth

Human Rights at Sea highlights the situation for migrants in Libya remains grave; ongoing hostilities, systematic abuse, disappearances and exploitation have now been compounded by the coronavirus outbreak, further restricting humanitarian access and the flow of information.

<https://www.humanrightsatsea.org/2020/05/11/mediterranean-migrant-crisis-a-review-of-the-easter-weekend-10-12-april-2020/>

14/05/20

Internal Publication / Case Study

STRANDED IN TUNISIA WITH AN UNCERTAIN FUTURE: A SEAFARERS INSIGHT



Human Rights at Sea issues an insight from one seafarer who approached the organisation for urgent assistance, and who remains stranded in a foreign State unable to get home while now relying on welfare handouts.

<https://www.humanrightsatsea.org/2020/05/14/stranded-in-tunisia-with-an-uncertain-future-a-seafarers-insight/>

19/05/20

Internal Publication / Case Study

MISSING TEEKAY OFFICERS FAMILY CASE STUDY PUBLISHED AS INVESTIGATION COMMENCES



Human Rights at Sea today publishes its latest case study and family impact report in the unfolding tragic case of the missing Third Officer Cristito M. Acosta employed by Teekay Shipping who disappeared without trace from onboard the Bahamian flagged MV Jiaolong Spirit, IMO No. 9379208 on 23 April 2020.

<https://www.humanrightsatsea.org/2020/05/19/missing-teekay-officers-family-case-study-published-as-investigation-commences/>

Geneva Declaration on Human Rights at Sea



Continuing from last year, the Geneva Declaration on Human Rights continues to develop and to gain international awareness. Conceived in March 2019 with the aim to establish a new soft-law instrument bringing together and detailing all applicable international law which applies in the maritime space in defence of fundamental human rights at sea, the ‘Geneva Declaration on Human Rights at Sea®’ (‘the Declaration’) reflects existing law and looks to explore its practical application throughout the maritime environment.

The principal aim of the Declaration is to raise global awareness of the abuse of human rights at sea and to mobilise a concerted international effort to put an end to it. It recognises established International Human Rights Law and International Maritime Law, highlights the applicable legal assumptions, and reflects the emerging development and customary use of the increased cross-over of the two bodies of law.

Under the collective approach of the independent Human Rights at Sea Think Tank platform, the Declaration will be transparently and publicly developed by a core team of experts, contributors, external observers and engaged stakeholders who will provide expertise, supporting references, independent oversight and funding.



Prof. Anna Petrig



Prof. Irini Papanicolopulu



Prof. Steven Haines



Dr. Sofia Galani



David Hammond



Elisabeth Mavropoulou



William Mitchell

The core drafting team comprises:

Professor Anna Petrig, LL.M. (Harvard), University of Basel, Switzerland; Professor Irini Papanicolopulu, University of Milano-Bicocca, Italy; Professor Steven Haines, Greenwich University, United Kingdom; Dr Sofia Galani, LLB, LLM, PhD, University of Bristol; David Hammond Esq. BSc (Hons), PgDL, Human Rights at Sea, United Kingdom; and Elisabeth Mavropoulou (LL.M), Human Rights at Sea. William Mitchell from Quadrant Chambers acts as Legal Counsel.

www.gdhras.com

Instrument's Timeline (continued from last year)

November 2019

In November 2019, the Swiss Basel Parliament passed resolution brought by MP Sarah Wyss to support the Geneva Declaration as a future signatory subject to final Canton agreement.

27-28 November 2019

The Second Version of the Geneva Declaration was drafted by the core drafting team at the Università di Milano-Bicocca, Italy over the period 27–28 November 2019.

10 December 2019

10 December 2019 Geneva Declaration online platform launched on World Human Rights Day 2010.

27 November 2020

27 November 2020 Geneva Declaration receives Europeche endorsement.



Image: Basel Grand Chamber Vote for Geneva Declaration

We are aiming for the final version of the Geneva Declaration, with its Annexes and Guidelines, to be delivered to the international community by May 2021.

GDHRAS in the Press

Fathom World: <https://fathom.world/comment-the-need-for-a-human-rights-at-sea-declaration-to-tackle-nepotism-and-lack-of-action/>

The screenshot shows the Fathom World website with the article title and a large image of a fishing vessel. The article text discusses the need for a declaration to tackle nepotism and lack of action in the maritime sector.

Maritime Executive: <https://maritime-executive.com/editorials/the-need-for-a-human-rights-at-sea-declaration-with-teeth>

The screenshot shows the Maritime Executive website with the article title and a large image of a fishing vessel. The article text discusses the need for a declaration to tackle nepotism and lack of action in the maritime sector.

Becoming a Contributor

The Declaration will continue to be transparently and publicly developed by a core team of experts, contributors, external observers and engaged stakeholders who will provide expertise, supporting references, independent oversight and funding. Human Rights at Sea welcomes contributions and constructive feedback and suggestions that can enhance the collective approach towards the Declaration's development. For this reason, a discussion forum is available on the Declaration's official website, www.gdhras.com, where interested stakeholders wishing to contribute to the document's development can register and become part of the process.

Our Supporters



With thanks to our Sponsors



Human Rights at Sea & Shearman & Sterling Arbitration Initiative



A Shearman & Sterling team led by Co-Head of International Arbitration, Dr Yas Banifatemi and Counsel Alex Marcopoulos has partnered with Human Rights at Sea on an initiative to develop an international arbitration-based system of redress for victims of human rights abuses at sea.

A key feature of this initiative, which we are calling 'Human Rights at Sea Arbitration', is that it will enable victims to enforce their rights directly, by raising one or more claims against the responsible parties in international arbitration. The aim is to provide victims with access to an effective remedy, which they are seriously lacking under the status quo legal regimes.

The ultimate goal is to set up a standalone, institutional system of international arbitration that is readily accessible by victims of human rights abuses at sea. The Human Rights at Sea Arbitration initiative envisages a self-contained system that is specifically tailored to deal with the unique set of issues that human rights abuses at sea entail. These include, among others, accessibility (in terms of visibility and geographic location(s)), cost effectiveness, sensitivity to the likely imbalance of power and means that will exist between the parties and striking the right balance between confidentiality and transparency.

The initiative is truly novel, and so there is new ground to break and new challenges to overcome at each turn. As highlighted in the White Paper issued by Shearman & Sterling and Human Rights at Sea in March 2020, a key issue is how to secure the necessary participants' consent to arbitrate human rights claims lodged by victims. This would include flag States and coastal States with jurisdiction over the victims and/or abusers, as well as companies active in the maritime sphere. Innovative solutions, including ways to incentivise offers of consent, are also under development by the initiative, as are draft model arbitration clauses and offers of consent.



Alex Marcopoulos, Counsel at the International Arbitration Practice Shearman & Sterling presenting the Human Rights at Sea Arbitration Initiative.

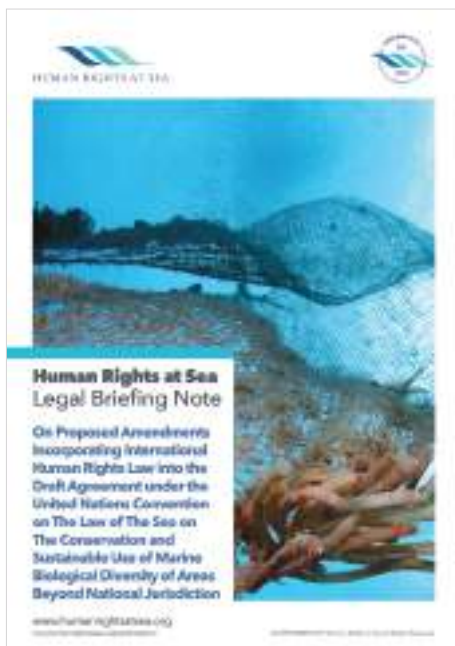
While the Shearman & Sterling and HRAS teams have devoted much effort to these developments, significantly more work remains to be done. Yet, the initiative relishes what lies ahead as comprising a truly singular set of challenges which, once solved, has the potential to make a real difference for people in need. To that end, Alex Marcopoulos has commented on his firm's contributions by stating that:

“ We are absolutely thrilled to be in a position to contribute our extensive experience and expertise to an initiative that is truly groundbreaking, and which has the potential to affect such tremendous change for those in need. ”

SHEARMAN & STERLING

Human Rights at Sea Legal Briefing Note

Proposed Amendments Incorporating International Human Rights Law into the Draft Agreement on The Conservation & Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction



In September 2019, HRAS published a short independent legal briefing note on proposed amendments to the draft agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction to include international human rights law.

The amendments note an absence of human rights references reflecting protection of any degree for human intervention at sea needed to support, uphold and enforce such a new treaty.

While human rights are not the focus of the draft agreement, the charity suggested that the agreement should explicitly refer to the applicability of international human rights standards in its implementation. There is an increasing recognition internationally that environmental issues and human rights are inextricably linked.

Human rights apply at sea, as they do on land but there still remains a gap in the legislative framework concerning the law of the sea which does not explicitly refer to international human rights law.



Taiwan Insight

On the Awareness & Application of Human Rights in Taiwan's Fishing Industry



In October 2019, Human Rights at Sea issued a baseline study in relation to the Taiwanese coastal and distant water fishing industry responding to ongoing field reporting of systemic human rights abuses for national and migrant crews, despite current efforts to curb abuse reflecting international human rights and fisheries standards.

The publication titled 'Awareness and Application of Human Rights in Taiwan's Fishing Industry', authored by Mina Chiang, was part of the series of ongoing baseline studies being undertaken by Human Rights at Sea to quantify and qualify the levels of understanding, education and application of human rights provisions and protections of coastal States.

Supported by Taiwanese civil society, welfare organisations, Catholic missions and government departments, the study combines desk reviews with field research, legal and academic review to baseline the current situation in Taiwan with the aim of providing voluntary recommendations for State-level improvement within the sector.

On the invitation of the government of Taiwan, Human Rights at Sea met with the Taiwanese Executive Yuan, Minister Lo, in October 2019 during several rounds of wider meetings in Taipei concerning the work of the charity in Asia, and the development of the Geneva Declaration on Human Rights at Sea.

During the CEO visit in Taiwan, Human Rights at Sea met with the Catholic faith-based NGO Rerum Novarum Social Service Centre of the Society of Jesus met to discuss respective work and projects related to victims of human rights abuses and available social services in support of migrant fishermen among other peoples and workers.



Photo: Taiwanese Fisheries Authority Meeting 29 Oct 19



Photo: NGO Rerum Novarum Social Service Centre Oct 19

Later in the year, the Taiwanese government positively and comprehensively responded to Human Rights at Sea Fisheries Baseline Study.

“The Presidential Office Human Rights Consultative Committee, the Human Rights Promotion Task Force of the Executive Yuan and the Coordination Conference for Human Trafficking Prevention have been inviting relevant ministries and agencies to convene meeting regularly. Relevant issues being addressed in such meetings have already embraced the philosophy of human rights at sea.”

The charity published the letter as a matter of transparency and reflection of positive State engagement with the organisation. Some selected key responses from the Director General of the Taiwan Fisheries Agency in response to fisher’s welfare include:

- 1 Concerning fishing vessel accommodation, this Agency had amended “Regulations for the Issuance of Building Permit and Fishing License of Fishing Vessel,” requesting the construction of fishing vessels length overall 24 meters and above, or fishing vessel length overall less than 24 meters engaging in distant water fisheries, built after June 10th, 2020 shall be consistent provisions stipulated in ILO-C188, and the regulations on living space of the existing fishing vessels are also amended to comply with the aforementioned Convention.
- 2 The Agency is now planning to establish a service centre for crew members in Kaohsiung Qianzhen Fishing Port and is working with the Yilan County government to transform the inland

detention centre for fishing crews from China in Nanfang’ao as a hostel for the foreign crew. In the future, the hostel there will be offering cheap accommodation for the foreign crew.

- 3 According to the “Ship and Boat Equipment Regulations,” every fishing vessel must equip with sufficient life jackets by the number of people aboard, and such life jackets shall meet the standards of the International Convention for the Safety of Life at Sea. In general, life jackets are stored in cabins. In the future, this Agency will strengthen its policy advocacy, requesting vessel operators (masters) to store life jackets in places more easily accessible.
- 4 “With the characteristic that the operation of distant water fishing vessels requires long hours at sea, operators are the ones to handle service fee. With reference to the regulation in ILO-C188 requiring “no fees or other charges for recruitment or placement of fishers be borne directly or indirectly, in whole or in part, by the fisher,” this Agency had amended “Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members” on March 20, 2019, requesting no service fee is charged for fishing crew members in the service contract.



Kaohsiung Qianzhen Fishing Port. Photo Credit: David Hammond

Case Study: Labour Disputes Reveal a Worrying Power Imbalance & Vulnerability of Migrant Fishermen in Taiwan's Fishing Industry



Following advocacy work in Taiwan aimed at achieving ongoing improvements in the working conditions and protections for all fishers in the Taiwanese fishing industry, Human Rights at Sea issued a new evidential case study in September 2019.

At the end of the October 2019, in a main Taiwanese fishing port there was a reported dispute between a Taiwanese employer, a Taiwanese manning agent and two Indonesian brothers who worked on the same offshore fishing vessel. While the dispute ended peacefully with the intervention and mediation of local Catholic social welfare group, Rerum Novarum Social Service Centre, the cause of the dispute demonstrated a worrying power imbalance between employers, agents and fishers. It also highlighted the vulnerability of migrant fishermen working in Taiwan's fishing industry who have insufficient access to the independent local welfare networks who are free to undertake supporting roles to crew in the cases of legitimate labour and human rights disputes.

Noting recent Taiwanese government efforts to address concerns raised by civil-society and local worker representative organisations

for migrant fishers, there remains a significant way to go before robust worker protections are the common standard across the whole fishing sector.

Highlighting the worrying power imbalance between migrant fishers, vessel owners and the recruitment and manning agencies, resulting in inappropriate arbitrary termination of the work contract by employer and the denial of workers' rights for sick leave, the case study further highlighted the need to align national policies and standards with international convention.

The new report 'Labour Disputes Reveal a Worrying Power Imbalance and Vulnerability of Migrant Fishermen in Taiwan's Fishing Industry' highlighted ongoing incidents which demonstrated gaps in fair management practices for the protection of fishers. It compared the study material with established ILO 188 standards, as well as standards within Taiwanese domestic law for the protection of workers.



Case Studies & Publications

The Pacific – Fiji



Indicative of our international collaborative work has been the partnership with the Fijian-based NGO, Pacific Dialogue, and specifically with their researcher Patricia Kailola. They have supported the drafting and publishing of evidential case studies in a series that exposed the consequences and challenges for families of seafarers who have suffered injuries, and in some cases died as a consequence of human and labour rights abuses on board fishing vessels operating in the Pacific region. We will continue alongside Pacific Dialogue to deliver case studies highlighting human rights abuses at sea.

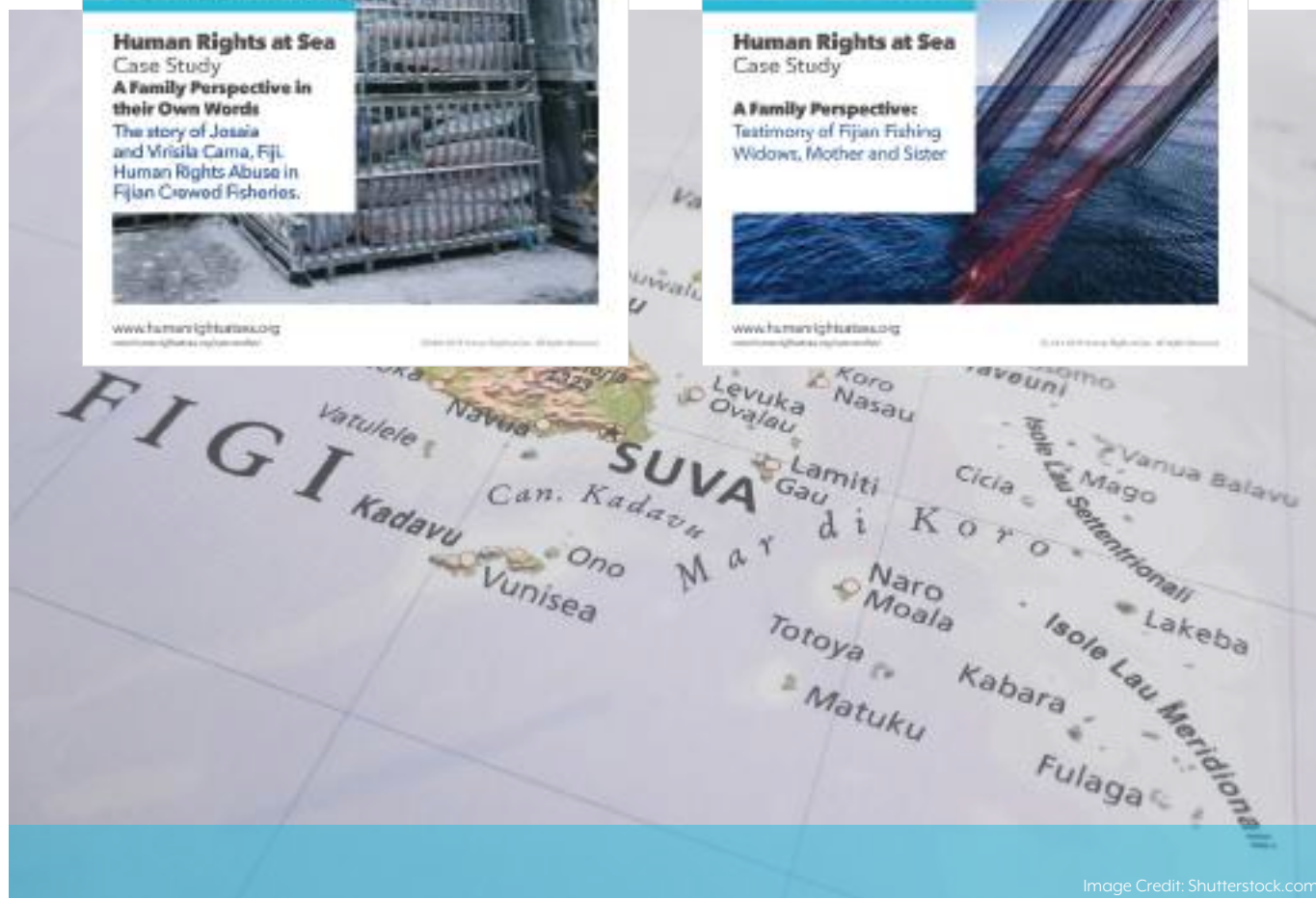


Image Credit: Shutterstock.com

Gender Equality at Sea The Story of ETO Amreen Bano



Human Rights at Sea first introduced the concept of Gender at Sea in 2015. On 25 June 2019, the Day of the Seafarer, the campaign theme of which was 'I Am On Board with Gender Equality' driven by the 2019 World Maritime Day theme (Empowering Women in the Maritime Community), Human Rights at Sea published the updated story and case study of Electro Technical Officer, Amreen Bano. Amreen is a high-achieving Indian Electro Technical Officer now working as the only ETO on board VVLC vessels. Since 2017, Amreen has been the Vice President of the Association of Marine Electro Technical Officers (AMETO) which is the world's first registered trade union for Marine Electro Technical Officers (ETO).

The case study highlighted the ongoing challenges and struggles for women seafarers, despite often achieving higher educational grades and placing than their male counterparts. The gender imbalance, historically ingrained male bias and often deliberate choices not to employ women in sea-going roles is an issue increasingly now being addressed in the shipping industry, and notably the charity started reviewing Gender at Sea in 2015. Human Rights at Sea met with Amreen in Mumbai after the 28 February industry-led 'Human Rights at Sea' seminar to hear her story first hand.

“ *At shore there are equal opportunities for both the genders, but still there exists a lot of gender inequality at sea. But I have a faith, that things are changing, and soon we will see growing proportion of women at sea.*

Once on ship, it's not about a man or woman, everyone is same, everyone is a seafarer (seaman), and everyone has the potential to perform.

I faced many challenges to start my career at sea, but now I am happy to see that many companies have started welcoming women seafarers onboard.

”



University of Bristol & Human Rights at Sea Flag States & Human Rights Report 2019

Protecting Human Rights at Sea: An evaluation of Flag State Practice in Monitoring, Reporting and Enforcing Human Rights Obligations on Board Vessels



Human Rights at Sea, in partnership with the University of Bristol Law School Human Rights Implementation Centre, in June 2019 published the second independent public report as part of an ongoing study into the engagement, policies and remedies affected by flag States in relation to their duties to uphold human rights at sea.

The independent flag State research project was established to comment on the under-explored issue of flag State practice, and their international and national human rights obligations. In doing so, this project aims to reveal deficiencies in human rights protection to offer informed recommendations. Such insight, it is hoped, will better flag State assessments, and eventually flag State practice, in the future.

For Year Two, **Panama**, **Denmark** and **Taiwan** have been reviewed with the individual registries directly and repeatedly contacted, though unfortunately with little or no engagement with public enquiries.

The central question asked was: ‘How do flag States comply with their international human rights obligations vis-à-vis persons on board vessels registered under their flag?’ with three supporting sub-questions:

1. What registries do the flag States hold?
2. What are the human rights obligations of the flag States? and
3. How do flag States monitor human rights compliance on board vessels?

It was concluded that:

“In comparison to Denmark and Panama, Taiwan’s lack of ratification of the core UN, Maritime and Labour Conventions represents a remarkable gap in the protection of human rights at sea. However, neither Denmark or Panama are beyond reproach, as both have certain shortcomings or distinctive issues arising from their human rights coverage. For example, although Denmark should be commended for its excellent treaty ratification and rights compliance, it appears to devalue the interests of migrant seafarers by failing to ratify the ICMW and Work in Fishing Conventions. By Denmark ratifying these outstanding treaty commitments, it would be a welcome denouncement of far right and anti-immigration populism spreading across Europe. Panama also has areas of concern, such as the loophole of Article 92 which seriously lessens the impact of any safeguards included within its Maritime Law. It is clear, therefore, that whilst Taiwan has a more noticeable human rights gap, Denmark and Panama do still have areas on which to improve.”

MONITORING & REPORTING

It was concluded that:

“There are varying mechanisms in place in each flag State to ensure monitoring and reporting of human rights issues. According to the Paris MoU, both Panama and Denmark are listed as ‘white-list’ States, the latter ranking much better than the former. By contrast, Taiwan is not a party to the Paris MoU; and yet, is also classified as ‘white list’. While the maritime authorities have the main responsibility of ensuring the effectiveness of the flag States’ monitoring and reporting systems, the report shows that these mechanisms are not always sufficiently implemented. For instance, the PMA will only carry out an inspection upon a complaint, and only if that complaint is backed by the majority of the staff. Meanwhile, with respect to Taiwan, there is a significant disconnect between its listed standard and the efficacy of its human rights and labour law protection mechanisms. This is especially so in the fishing sector, where differential labour standards for foreign workers and split institutional competence limits regulatory effectiveness. As it stands, Denmark seems to provide the most effective process for the protection of seafarers’ rights, which justifies their ranking on the Paris MoU. That said, the DMAIB may decide not to carry out investigations of a length below 15 meters regarding fishing vessels, and only 15 investigations of the accidents are published. Consequently, more work is needed in all three flag States to better improve their conditions.”

FLAG STATE ENGAGEMENT

It was concluded that:

“Unfortunately, no response to these questions was provided by the selected points of contact. Given the limited scope of outreach to just three flag States, at this time few conclusions can be drawn from Stage 2. However, it is seemingly consistent with limited publicly available information and effort by the flag States to proactively provide clear and informative guidance related to human right obligations and monitoring.”

2019 REPORT RECOMMENDATIONS

- 1** Flag States must ratify the core UN human rights treaties, IMO and ILO Conventions which provide for safety, human and labour standards. That said, it is not enough to merely ratify the treaties. A flag State needs to put in place bespoke mechanisms for the implementation of their human rights obligations.
- 2** Flag States need to improve the clarity of their websites, publish investigations and ensure better access to information. Flag States should regularly update their contact details to allow more swift complaints to be made and to create a user-friendly complaint mechanism. Where no complaint mechanism is available, it is of utmost urgency to establish a point of contact for vulnerable workers at sea.
- 3** Achieving a white list status on the Paris and Tokyo MoUs should not be considered the ‘end game’ for flag States. In this way, the MoUs’ compartmentalisation should be challenged. Instead, human rights and labour standards should be part of the inspections and considered as part of the listings.
- 4** The respective maritime authorities, such as the PMA and DMA, should explicitly mention human rights obligations as purposes of their organisations. The maritime authorities should become actively involved in the enforcement of maritime-related treaties. Suggested improvements involve the authorities conducting an Annual Report on human rights at sea which presents empirical studies on human rights violations and requiring a specific standard for the effectiveness of communications.

Human Rights at Sea highlighted: “This second comprehensive report on flag States and the role that they should and indeed need to take in terms of protecting human rights at sea, highlights inadequacies which need to be rectified. Further, the lack of direct engagement to fair and reasonable enquiry, demonstrates further failures of accessibility and transparency. There were similar such findings in the 2018 Report.”

Baseline Study:

On Levels of Understanding of Human Rights among Koli Fishermen Working in & around Mumbai, India



In July 2019, an Indian-based Human Rights at Sea field researcher conducted a series of field interviews and associated research on behalf of the Charity in the Koli community in Mumbai and Mumbai Metropolitan Region in India.

The fishing community in Mumbai consists primarily of the Koli community who have been the original indigenous inhabitants of Mumbai for the past five centuries. Although the Koli community predominately resides in Mumbai in the State of Maharashtra, they can also be found in the neighbouring states of Gujarat and Rajasthan. The Koli community resides in 'Koliwadās' or houses next to the coast and work in markets located near to residential areas. Koli fishermen are not the only ones who work in the different fishing areas in Mumbai; there are migrant fishermen from other Indian States such as Andhra Pradesh, Odisha, Gujarat, as well as from Nepal, India's neighbour country.

During the period of the study, it was peak monsoon season in Mumbai, the time during which fishing in the sea with mechanised boats are not permitted by the government. The fishing docks in Mumbai remain busy

with activity, while the catch is caught from the areas closest to the coast (around five (5) nautical miles) through the use of traditional boats (non-mechanised boats) and is sold in the markets near to the docks.

Nonetheless, the local catch is ever diminishing with contributing factors being marine pollution, commercial developmental activities, the rise in boat fuel prices, the lack of supporting subsidy on diesel by the government and illegal fishing by boats from other countries. These factors all severely affect fishermen's livelihood and the chance of turning a modest profit in support of their families.

A discussion on what constitutes 'human rights at sea' among fishermen living and working in and around Mumbai raises serious questions about the general understanding of what constitutes fundamental human rights. In recent times, open and transparent discussion on the subject of human rights has been frowned upon both by locals, as well as authorities in Mumbai as reported to the Charity in witness testimony.

The study was based on personal interactions with fishermen, with members of the cooperative societies representing the different fishing areas, and relevant government authorities who narrated their individual perspective of what constitutes 'human rights at sea' in the Koli community residing in Mumbai, India.

From the perspective of the local fishermen and their community, the most important factor they emphasised was the violation of their right to livelihood in the face of threats from the rapid commercial development of the city of Mumbai, combined closely with associated pollution and climate change.

The fishermen were often reluctant to discuss the issue in detail, fearing consequences from the authorities as their expectations of short-term transformational change in terms of improved livelihoods had not been fulfilled in the past. Comparatively, on the side of the government authorities, the topic of 'human rights' evoked suspicion and criticism as the subject is seen to oppose and hinder rapid commercial development activities taking place in Mumbai.

COVID-19 Insight

Seafarers' Challenges during COVID-19: The Case of MT Gulf Sky



The case study highlighted the issues faced by seafarers moving 90% of the world's goods from what are often standing problems crew face when salaries, provisions and management communications are disrupted in the face of a global pandemic.

Human Rights at Sea was first contacted in mid-May 2019 by the Master of the MT Gulf Sky (IMO 150377) flying the flag of the Commonwealth of Dominica currently anchored off Port Khor Fakkan Anch, UAE. On behalf of the crew he raised serious concerns about the welfare of the seafarers and the financial hardships that they are subject to, given the three months delay in their wages, as well as their living conditions on board including periodic re-supply of essential victuals.

Following the Master and crew's request, the Charity conducted an investigation, and the case study reported on the findings as disclosed on a voluntary basis at the time of writing by all stakeholders involved.

The case study reported that on the evidence, there was an ongoing legal dispute between both the current and previous ownership of the vessel which appears to have added to the already challenging situation for the seafarers on board during the global pandemic.

The Master, on the behalf of the crew, voluntarily disclosed to Human Rights at Sea communications in relation to the case as between the crew and the owners, managers, DPA, P&I, the manning agency, the port authority and the flag State.

The case study reported on the serious concerns about the inadequate supplies on board in relation to food, fresh water, fuel, hygiene conditions, medical supplies and lack of PPE. Many members of the crew have families with children and elderly parents who were depending on them financially and were struggling to make ends meet, resulting in them having to take out burdensome loans.

The case study also reported on the positive engagements from the Port Authority and UAE government, reflecting increased transparent engagement with Human Rights at Sea on the matters raised.

The Dominical Flag State Administration took action promptly and referred the case to mediation. In one of its statements to Human Rights at Sea, the Administration stated:

"The Dominica Maritime Administration ("Administration") continues to be deeply concerned regarding the humanitarian conditions on board the vessel Gulf Sky (IMO 9150377) and the failure to provide the crew of the vessel their earned wages. The Administration considers the employment of seafarers without financial compensation to be contemporary slavery and strong action will be taken if the seafarers' grievances are not timely addressed."

Policy & Legislative Development – UAE

UAE Legal & Policy Developments for Seafarers Briefing Note in English – August 2019



In May 2019, Human Rights at Sea issued an independent review and briefing note on the current legal and policy protections for seafarers operating in United Arab Emirates (UAE) waters following on from the series of high-profile abandonment cases since late 2018 highlighted by the Charity's case studies and other leading international newspapers such as the *Times of India* and *The Guardian*.



Recent publicly-reported events from October 2018 within the territorial waters and international waters offshore the UAE of the abandonment of seafarers for extended periods – some up to 33 months – shined a necessary light on the abhorrent practice of abandoned seafarers by unethical ship owners.

Often with the reality of minimal available direct access and recourse to effective legal and judicial remedies, unless championed by the flag State, port State authorities, or in the present case having the issue raised publicly through civil-society and maritime welfare organisations, such unacceptable practices will continue with impunity and unchecked globally.

The independent Briefing Note published both in English and Arabic was aimed at supportively highlighting legal and policy developments by the

UAE government in combatting such issues and protecting seafarers responsible for moving in excess of 90% of the world's goods by sea from such poor working conditions and unacceptable human rights abuses.

While the UAE has not yet ratified the Maritime Labour Convention 2006, the current facts and evidence of abandonment within and offshore of UAE waters, suggests that an ongoing government review of this position to further safeguard international trade in the maritime supply chain is needed. It may well be actioned through a proposed new Maritime Bill updating the extant 1981 law as announced by HE Dr Abdullah bin Mohammed Belhaif Al Nuaimi, Minister of Infrastructure Development, on Sunday 7 July 2019.

Legislative & Policy Change

Pacific Forum Fisheries Agency Enacts New Crew Welfare Regulations

As of 23 May 2019, the 17 member State Pacific Forum Fisheries Agency (FFA) enacted new agreed minimum terms and conditions in relation to crew employment conditions in support of enhanced protections for Pacific fisheries seafarers largely based on the ILO 188 Work in Fishing Convention.

After a concerted effort in the region by both government agencies, ILO, union representatives and civil-society groups (of which Human Rights at Sea was one organisation that submitted four case studies highlighting terrible human rights abuses of Pacific fishers and their families), we are pleased to see the next steps taken by the FFA. The true test, however, will be the effective implementation of the Harmonised Minimum Terms and Conditions and transparent promulgation of effective remedies for dealing with all human rights abuses towards crew.

The Harmonised Minimum Terms and Conditions for Access by Fishing Vessels (MTCs) are one of FFA Members' key tools to regulate fishing access to their waters. They are a mechanism for setting agreed standards to apply in all FFA Members' EEZs in support of the effective management of their fisheries resources. The MTCs apply to foreign fishing vessels licensed to fish in the EEZs of FFA Members. FFA Members can also apply them to their domestic fleets. Legal application of the MTCs will occur through national legislation, regulations and/or licensing conditions.

Key paragraphs explicitly highly recommend the requirement for respect and protection of international human rights standards, with the new standards to be enacted into national legislation in 2020.

Under the 'Crew Employment Conditions' is it stated that:

- (c) *The Operator shall observe and respect any form of basic human rights of the Crew in accordance with accepted international human right standards.*
- (d) *The Operator shall take all reasonable steps to ensure that Crew are not assaulted or subject to torture, cruel, inhumane or degrading treatment and shall treat all crew with fairness and dignity.*

In the particulars of the Crew Agreement, it further explicitly highlights that:

- 11. *The right of termination by the Crew in the event of mistreatment and abuse;*
- 12. *The protection that will cover the Crew in the event of mistreatment and abuse, sickness, injury or death in connection with service.*



About the FFA

The Pacific Islands Forum Fisheries Agency (FFA) strengthens national capacity and regional solidarity so its 17 members can manage, control and develop their tuna fisheries now and in the future. Based in Honiara, Solomon Islands, FFA's 17 Pacific Island members are Australia, Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu. FFA was established to help countries sustainably manage their fishery resources that fall within their 200-mile Exclusive Economic Zones

(EEZs). FFA is an advisory body providing expertise, technical assistance and other support to its members who make sovereign decisions about their tuna resources and participate in regional decision making on tuna management through agencies such as the Western and Central Pacific Fisheries Commission (WCPFC). Since 1979, FFA has facilitated regional cooperation so that all Pacific countries benefit from the sustainable use of tuna – worth over \$3 billion a year and important for many people's livelihoods in the Pacific.

HRAS Coverage & International Exposure

How Lawless are the Oceans? Monocle, the Foreign Desk Podcast



"In an ever more monitored world, escaping to the high seas might seem like a romantic idea. For some, however, being that far off the grid means being exploited, often while undertaking illicit activities. Who should be controlling what happens on the world's oceans, and what's being done to help those suffering at the hands of modern-day buccaneers, mercenaries and smugglers? Andrew Mueller is joined by journalist Ian Urbina, David Hammond from Human Rights at Sea and Alessio Patalano from King's College London."

Keeping our Seafarers Safe Islands Business Magazine - July 2019



The Maritime Executive – First Geneva Declaration Published



From Mare Liberum to Mare Legitimum: In Pursuit of Safe and Secure Seas



Professor Steven Haines, Professor of Public International Law University of Greenwich and Trustee of Human Rights at Sea, presented at the NATO Maritime Operational Law Conference at the Spanish Armed Forces Higher Defence College (CESEDEN), Madrid, on 24 September 2019.



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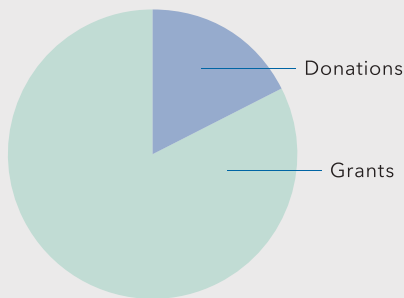
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- Peer review service

HRAS Accounts

Income 1 June 2019 - 31 May 2020

DONATIONS AND LEGACIES

Donations	£29,948
Grants	£139,507
TOTAL	£169,455



SUMMARY

Income	£169,455
Resources Expended	£120,494
Surplus Funds	£48,961

Expenditure 1 June 2019 - 31 May 2020

GOVERNANCE COSTS

Independent Examiners Fees	£900
Legal Fees	£13
Trustee Recruitment Costs	£1,200
TOTAL	£2,113

DIRECT COSTS

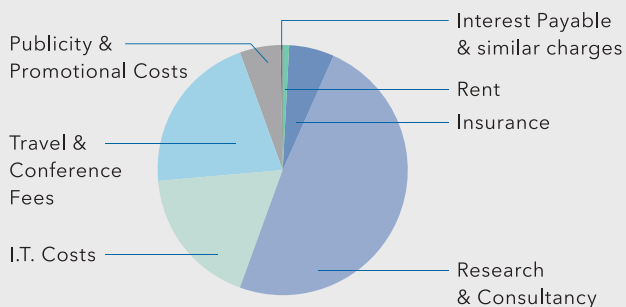
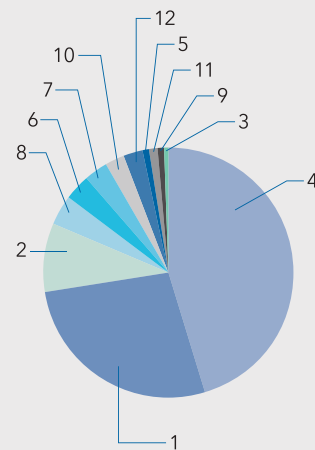
Rent	£720
Insurance	£4,235
Research & Consultancy	£35,749
I.T. Costs	£13,187
Travel & Conference Fees	£15,276
Publicity & Promotional Costs	£3,931
Interest Payable & similar charges	£70
TOTAL	£73,168

RAISING DONATIONS AND LEGACIES

Fundraising	£267
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SUPPORT COSTS

1. Trustees' Salaries	£12,212
2. Trustees' Fees	£4,000
3. Trustees' Pension Contributions	£212
4. Wages	£20,415
5. Pensions	£489
6. Storage Costs	£1,396
7. Telephone	£1,368
8. Postage & Stationary	£1,820
9. Membership Fees	£335
10. Bookkeeping Fees	£1,188
11. Payroll Fees	£461
12. Depreciation of Tangible Assest	£1,050
TOTAL	£44,946



TOTAL RESOURCES EXPENDED	£120,494
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Who We Are

BACKGROUND

Human Rights at Sea was established in April 2014. It was founded as an initiative to explore issues of maritime human rights development, review associated policies and legislation, and to undertake independent investigation of abuses at sea. It rapidly grew beyond all expectations and for reasons of governance it became a registered charity under the UK Charity Commission in 2015.

Today, the charity is an established, regulated and independent registered non-profit organisation based on the south coast of the United Kingdom. It undertakes **R**esearch, **A**dvocacy, **I**nvestigation and **L**obbying specifically for human rights issues in the maritime environment, including contributing to support for the human element that underpins the global maritime and fishing industries.

The charity works internationally with all individuals, commercial and maritime community organisations that have similar objectives as ourselves, including all the principal maritime welfare organisations.

OUR 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.



STAY IN CONTACT



We welcome any questions, comments or suggestions. Please send your feedback to:
Human Rights at Sea, VBS Langstone Technology Park, Langstone Road, Havant. PO9 1SA. UK



Email: enquiries@humanrightsatsea.org



www.humanrightsatsea.org



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Human Rights at Sea

ANNUAL REPORT

YEAR 6 ADVANCING HUMAN RIGHTS AT SEA INTERNATIONALLY



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HUMAN RIGHTS AT SEA

Human Rights at Sea is a Registered Charity in England and Wales No. 1161673. The organisation has been independently developed for the benefit of the international community for matters and issues concerning human rights 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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