



HUMAN RIGHTS AT SEA

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

#humanrightsatsea

# ANNUAL REPORT **YEAR 7**



**A Global Catalyst for  
Human Rights At Sea**

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



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

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# Foreword from the Chair of Trustees and CEO



We are delighted to introduce this, our 7th Annual Report. The past 12 months have been a very strange time for the world, and this is even more so for the people who work at sea. COVID-19 has had a significant impact on seafarers across the globe and we have responded forcefully to ensure that seafarers rights are not forgotten or abused just because they are out of sight.

The range of our work over the past 12 months has been remarkable as this Annual Report highlights. From incredibly challenging and tragic individual cases such as Eritara Aati Kaierua (page 18) and Bhupendra (page 32), to hugely impactful legislative changes at state-level (page 28), we are proud to have been able to achieve so much.

This year has seen us refining our strategy and positioning the organisation as a global catalyst for ending human rights abuses at sea, while continually expanding international awareness of our human rights development work, highlighted by numerous impact examples of our charitable work.

This year was a particularly successful one for us with the charity helping to set a new precedent for the update to primary legislation in New Zealand following a successful advocacy campaign on the application of maritime levy funds to sustainably fund seafarer welfare centres. This action and the related lobbying activities have resulted in the biggest impact of our organisation's work to date and which is now being repeated in Australia.

The strategic development of the Geneva Declaration on Human Rights at Sea continues to be refined through the core drafting team's remote working. This has included drafting of four supporting Annexes, including an academic review and joint independent commercial legal review by four international law firms: Reed Smith, Norton Rose Fulbright, HFW and DLA Piper.

The ongoing partnership with global law firm Shearman & Sterling for the Human Rights at Sea Arbitration Tribunal Project, looking at developing arbitration as means of effective remedy for human rights abuses occurring at sea, continues with education and awareness webinars, drafting of new contractual clauses and the development of a new set of international tribunal rules. The project's aim is to provide those living, working, and transiting at sea with an alternative pathway to achieve effective remedy in respect of addressing human rights abuses with actionable remediation.



In July 2020, we again expanded our Board of Trustees with three experienced and highly qualified individuals. It is with great pleasure that we welcomed Ruth Crowell, Alex Kemp, and Matthew Vickers to the Human Rights at Sea team, and who collectively bring a wealth of experience from across the public and private sectors.

As we enter our eighth year of operations since our establishment in 2014, the international narrative surrounding 'human rights at sea' continues to be an expanding topic in the UN system, within academia across media and social media platforms, is being taken up by commercial entities, and is being replicated across civil society as well as at state-level.

**Fiona Laurence**

Chair of Trustees

**David Hammond Esq.**

Chief Executive Officer



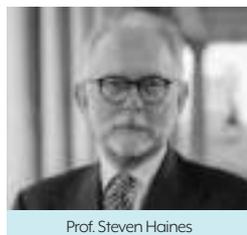
# Charity Structure



\*as of July 2021

## Trustees

We are lucky to have a group of dedicated, committed and hugely talented trustees.





## **ADVISORY BOARD**

We have an Advisory Board which meets twice a year and provides us with support, challenge, and input. In addition to this collective role, individual members of the Advisory Board contribute to our projects and publications.

## **SENIOR LEADERSHIP TEAM**

Led by CEO David Hammond Esq. the senior leadership team of the organisation runs the charity on a day to day basis.

## **MISSION**

To explicitly raise awareness, implementation and accountability of human rights provisions throughout the maritime environment, especially where they are currently absent, ignored or being abused.

## **VISION**

To end human rights abuse at sea.

## **CORE VALUES**

Transparency, Clarity, Accountability.

# Our Theory of Change



As a Global Catalyst, we will mainstream the language of ‘human rights at sea’ within the narrative of the global maritime human rights environment and drive positive social change within our mandate. Our role is to inspire, enable and challenge response to human rights abuses at sea. We do this by stakeholder and community-building partnerships, and improving policy and legislative standards globally through monitoring, investigation, advocacy and public-reporting activities.



**44**

News Items



**6**

Op-Eds



**17**

Publications



**74**

Press  
Releases



**6**

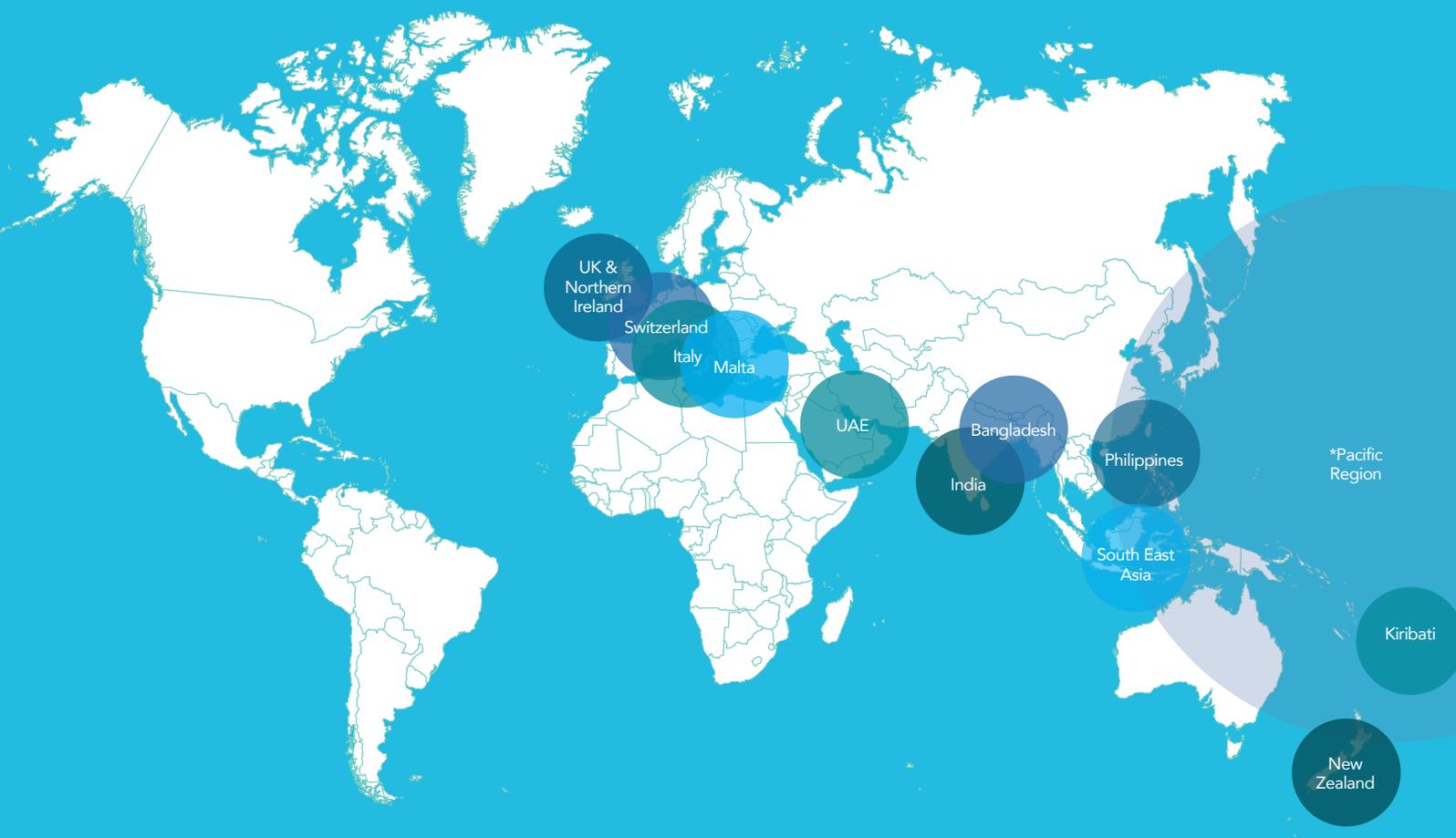
Podcasts



**8**

Webinars

# Global Impact of Human Rights at Sea International Projects Year 7



\*Western and Central Pacific Fisheries Commission Members (26 Member States)

\*\*COVID-19 pandemic has curtailed international face-to-face engagement

# Our Donors



John  
Ellerman  
Foundation



Global Fishing Watch



the  
seafarers'  
charity



## What Donors Say About Us

**SUSTAINABLE  
FISHERIES  
COMMUNITIES  
TRUST (SFCT)**

“ The Sustainable Fisheries and Communities Trust is proud to be a donor to Human Rights at Sea due to their independence and provision of high-quality and influential professional advocacy in the field of human rights. ”

**GLOBAL  
FISHING  
WATCH**

“ Global Fishing Watch and Human Rights at Sea are working together to tackle human rights abuse in the fisheries sector. Global Fishing Watch is pleased to support Human Rights at Sea’s initiative to establish a trusted global survey platform, which provides independent Observer data and contributes to the safety, security and well-being of Fisheries Observers and fishing crew. We hope that our analysis of public data can be combined with information from experts on the ground, to support efforts to end human rights abuses at sea. ”

**BLUE  
MARINE  
FOUNDATION**

“ We are proud to be working with Human Rights at Sea on the Fisheries Observer Global Survey Platform. We have been inspired by the work that Human Rights at Sea has undertaken, combating human rights abuses of Fisheries Observers, and by their thorough investigation into the tragic death of Eritara Aati Kaierua in particular. Human Rights at Sea is clearly very dedicated to their work, and we look forward to helping them contribute further to the safety, security and well-being of Fisheries Observers and crew through informing and shaping policy and legislative change. ”

# What Beneficiaries Say About Us

**GAUTAM KUMAR  
MAHATO  
(CHIEF OFFICER)  
MR AKHILESH  
(ENGINEERING  
OFFICER)  
MR BABEL (CHIEF  
ENGINEER)**

“ Very happy to say to you that today all outstanding wages credited to our accounts. This is happened due to your prompt intervention. This is a great job done by you. There are no words to express our gratitude to you. You and your charity are helping a lot to Seamen around the world. Hope we will get the same support from you in future and whenever we need. Once again, many, many thanks to you and your Charity. ”

**AN INDIAN  
SEAFARER  
FORMERLY  
ABANDONED  
OFF IRAN**

“ All of us whose contracts were completed have been safely repatriated back to India by the owner of ship. I could not update you on the situation back then because there was some serious problem with our sign off, more we tried the more it became worse. I just cannot disclose everything. Have a great day sir, thanks for your help back then, I mean it. ”

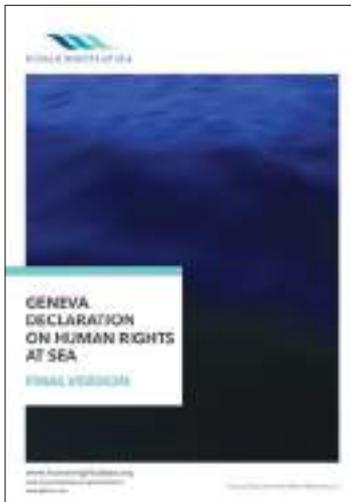
**THE SISTER OF A  
DECEASED FISHERIES  
OBSERVER LIVING  
IN THE PACIFIC  
REGION**

“ Congratulations to you and to Human Rights at Sea! This is the beginning of a new and good change, this is a joyful moment for Eritara and all whose Human Rights have been taken or impacted at Sea, thank you for making this moment!! As we patiently wait for the successful implementation of the outcomes for the good change, we families of late Observers, are humbly grateful that our voices have found a safe place to speak our minds, share our sorrows and to seek the justice for our loved ones. We thank you and our compliments in return! ”

**AN ENGINEERING  
CADET FROM  
PANAMA**

“ I wanted to thank you for all your work. You were the first person that contacted me and the one who stayed with me until the end. I'm glad this nightmare is over and the perpetrator is no longer near me and it's all thanks to you and your team. I have nothing to say but good things about your organisation. ”

# Geneva Declaration on Human Rights at Sea



**The Geneva Declaration on Human Rights at Sea is a declaration conceived by Human Rights at Sea and drafted by a team consisting of some of the world leading academics on International Law, Maritime Law, and Human Rights Law.**

The Geneva Declaration is our attempt to encourage countries to recognise the existing, but often ignored, principle that human rights apply at sea as they do on land.

Our intention is to work with individual countries and the UN system to encourage the adoption of the Geneva Declaration.

The draft version of the Geneva Declaration was conceived in early March 2019 and following input from experts and a range of stakeholders the final version of the Declaration was drafted in November 2019 in Milan. The final version will be accompanied by a number of supporting annexes which will highlight the incidence of human rights abuses at sea and give practical guidelines on how to ensure human rights abuses are detected, remedied, and ultimately ended.

**Professor of International Law at the University of Milano-Bicocca, Irini Papanicolopulu, a leading academic on the topic of protecting people at sea, and a member of the project's core drafting team commented on the scope of the Declaration:**

“People who are at sea face multiple threats and the Geneva Declaration is a necessary instrument to ensure protection for them. Its content is not new by itself, since it contains the obligations that States have already freely accepted and reiterated in a number of occasions. What is new is that it brings all these duties together and shows how far protection can go.”

## CORE DRAFTING TEAM



**Prof. Steven Haines**  
Greenwich University, United Kingdom



**Prof. Anna Petrig**  
University of Basel, Switzerland



**Prof. Irimi Papanicolopulu**  
University of Milano-Bicocca, Italy



**Dr. Sofia Galani**  
University of Bristol



**David Hammond Esq.**  
Founder & CEO of Human Rights at Sea



**Dr. Elisabeth Mavropoulou**  
University of Westminster & Human Rights at Sea

Quadrant Chambers provide legal counsel and Reed Smith, Norton Rose Fulbright, HFW, and DLA Piper provide legal support.

**GENEVA DECLARATION WEBSITE**  [www.gdhras.com](http://www.gdhras.com)



# Human Rights at Sea Arbitration Initiative



**Recognising that victims of human rights abuses at sea often find it impossible to obtain justice due to the prohibitive costs of litigation, we are developing a new arbitration system along with Shearman and Sterling. This will allow an alternative to expensive, time consuming, and often distressing court based approaches. It will mean that victims can access justice, and obtain remedy without having to outlay significant amounts of money, or go up against the legal teams of very wealthy companies.**

We launched a white paper to great acclaim last year which set out the concept in detail. Since then we have developed detailed plans to take this from concept to reality which we are now implementing.

This is a significant project which will take time to deliver as we are establishing an entirely new system of justice. But what has been impressive is that despite the considerable effort that is required to deliver this project, all of our partners and stakeholders are fully committed to seeing it become a reality.



Alex Marcopoulos  
Counsel at  
Shearman & Sterling

## **SHEARMAN & STERLING'S ALEX MARCOPOULOS REMARKS:**

**“It is one thing to discuss what Human Rights at Sea Arbitration could do in the abstract, but to actually start breathing life into this cutting edge idea is an entirely different endeavour. We celebrate the steps already taken to these ends as successes in their own right, but they are only steppingstones. As the initiative continues to evolve and grow, so too do the logistical and other challenges. With that said, I have every confidence that the Human Rights at Sea and Shearman & Sterling teams developing this initiative are up to the challenge and look forward to more and greater successes as the work continues.”**

Last year saw us continue our work in bringing the concept of arbitration to a wider audience. In July 2020 we held a joint webinar with Shearman & Sterling where we gathered leading experts in arbitration, shipping law, human rights, banking and finance along with labour representatives.

In October 2020, we were invited to participate in the prestigious International Law Weekend organised by the American Branch of International Law Association (ABILA). The panel comprised of senior academics and practitioners on the topic of ‘Arbitration of Human Rights at Sea: Giving International Law Teeth by Empowering Victims to Enforce It’. Dr Elizabeth Mavropoulou, Visiting Lecturer in International Law at the University of Westminster and Head of Research and Advocacy at Human Rights at Sea was a panellist along with other leading figures in the field of international human rights.

## **HUMAN RIGHTS AT SEA ARBITRATION WEBSITE**

 <https://hrasarb.com/>

## THE HUMAN RIGHTS AT SEA ARBITRATION TEAM



**Prof. Anna Petrig**  
University of Basel, Switzerland



**Dr. Elisabeth Mavropoulou**  
University of Westminster  
& Human Rights at Sea



**David Hammond Esq.**  
Founder & CEO of Human  
Rights at Sea



**Alex Marcopoulos**  
Sherman and Sterling  
Counsel



**Elise Edson**  
Sherman and Sterling  
Counsel



**Margaret Ryan**  
Sherman and Sterling  
Counsel



**Dimitrios Katsikis**  
Sherman and Sterling  
Senior Associate



**Sandrina Antohi**  
Sherman and Sterling  
Associate



**Marc Jacob**  
Sherman and Sterling  
Associate



**Chloé Vialard**  
Sherman and Sterling  
Associate

# HUMAN RIGHTS AT SEA AND SHEARMAN & STERLING ARBITRATION INITIATIVE IN THE PRESS

SAFETY AT SEA (OCTOBER 2020) USING ARBITRATION TO HELP CREW

Seafarers' rights **Feature**

## Using arbitration to help crew

Legal experts discuss the pros and cons of using an arbitration mechanism to tackle human rights issues for crew at sea

Gabriella Twining, SAS reporter

Certain flag states do not have the resources, or, in some cases, the will to help protect seafarers' human rights, according to legal experts. Instead they suggested that the maritime industry should resolve human rights at sea issues using arbitration; a way to resolve disputes between parties outside of court.

Speaking at a 9 July webinar, host David Hammond, CEO of Human Rights at Sea (HRAS), suggested that an international arbitration system, tailored for human rights at sea claims, is the best way to ensure that human rights apply to the same degree at sea as they do on land.

Currently, as per Article 94 of the United Nations Convention of the Law of the Sea, the onus is on flag state administrations to exercise their jurisdiction over vessels that fly their flag and ensure the crew on board are being treated within the confines of national and international laws, including labour conditions and training of crews.

Alexander Marcopoulos, lawyer at International Arbitration Practice at Shearman and Sterling, opined that certain flag states, including the largest ones, are not able or even willing to implement human rights law. "Most of the merchant ships that sail globally are flagged by states that do not have a navy," said Marcopoulos. "There is no way of policing compliance with international law."

Marcopoulos explained that this is why human rights abuses at sea are so prevalent. "Very few commercial vessels are registered to states that are actually capable of enforcing their laws, in fact some are flagged within landlocked states," he noted.

Professor Anna Petrig, chair of International Law and Public Law at the University of Basel in Switzerland, spoke of an enforcement gap for the implementation of human rights at sea. The emergence of 'flags of convenience' has meant shipowner picks their flag, and then the subsequent laws and courts of that flag's jurisdiction, as well as the working and living standards to which they can subject their crew, she explained.

"Many opt for, so-called, flags of convenience and low standards on labour and environmental law," said Petrig. "Liberia is second for most flagged vessels, in terms of rule of law it ranks at the bottom of the league table." Petrig said that according to the World Justice Project – Rule of Law Index, Liberia ranks 102 of 128 flag states analysed for regulatory enforcement.

The Liberia flag registry issued a comment for SAS in response to these allegations, stressing that it plays a leading role in the International Maritime Organization (IMO), it has a "worldwide recognition in the maritime

industry for regulatory compliance and enforcement" and sits at the top of the Paris and Tokyo MOU White Lists. "Liberia has laws which are codified, including the Maritime Law (Title 21 of the Liberian Code of Laws, Revised), which governs vessels flying the flag of Liberia. Also, Liberia has ratified the international Maritime Labour Convention (2006), which has formed part of the maritime law with penalties for vessel owners who fail to comply with any one of the titles of the Maritime Labour Convention, i.e., conditions of employment, health and welfare protection, minimum requirements for crew to work on a ship, payment ... and others. Nowhere in the global review was there mention of Liberian Maritime Law, and its decades of enforcement," the statement concluded.

The legal experts on the webinar agreed that arbitration is the correct approach to take to resolve human rights issues that persist in the maritime industry. This, Petrig explained, is because it is a judicial system without a set country and there would no longer be a need to rely on set country court systems, as some are more reliable than others.

"There is a need for flag administrations to take human rights more seriously and embed an arbitration concept in maritime law," said Eric Dawicki, president and CEO of the Commonwealth of Dominica Maritime Registry.

As one of the only small island registries that is not on the International Transport Workers Federation's flag of convenience list, Dawicki said it shows its commitment to standards and seafarer rights. He stressed that size and lack of a navy is not an excuse for lack of enforcement; Dawicki explained that Dominica works with other administrations to engage in law enforcement. The flag state can apprehend vessels at sea through bilateral agreements with the United States and help from the US Navy and US Coast Guard. It can also use the US treasury to enforce foreign asset control.

"Making sure that law enforcement can be promulgated, promoted and realised by a small flag state takes effort, resolve, and knowledge. It's unacceptable for a flag state to avoid our responsibilities," commented Dawicki. "There's only a small group of bad actors out there, most shipowners and operators are doing the right thing, but this new mechanism [arbitration] can promote even better compliance, and we fully support the idea of arbitration."

While arbitration can put human rights law into the hands of the victims, Hammond cautioned that it could "only work where there are state protections for the citizens and respect international law norms". "At present these fundamental principles are not being adequately respected, complied with, or enforced at sea," he pointed out. 



Dietmar Hasenpusch/484463

Crew wave happily on board a vessel



Photo Credit: iStock

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

# Fisheries Observers Initiative

**Last year saw us do a significant amount of work in support of Fisheries Observers.**

Fisheries Observers play an important role in supporting sustainable fisheries management by providing scientific data and also by observing the vessel's compliance with existing international instruments, policies and rules. This can potentially put Observers in a delicate situation as they might be perceived as a threat to the vessel's activities in terms of challenging conflicting catch data and awareness of unlawful activities that may be undertaken to supplement often meagre incomes.

## THE DEATH OF KIRIBATI FISHERIES OBSERVER ERITARA AATI KAIERUA

4 March 2021 marked one year since the death of 40-year-old Eritara Aati Kaierua, a Kiribati national Fisheries Observer, on board the ship WIN FAR No. 636, leaving behind a widow, Tekarara and four children. The autopsy showed a blow on his head led to Eritara's death, triggering Kiribati Police to open a murder investigation. What followed were a series of errors, flaws, and failings which have left Eritara's wife without justice.

Given our work in the region and reputation, we were contacted and immediately acted. In May 2021 we published an Independent Case Review into the Investigation of the death of Eritara Aati Kaierua.

The Case Review explores the incident from the family's perspective after reviewing all the publicly available information, the evidence, as it was collated by the family, support organisations and lawyers.

We examined the circumstances surrounding his untimely death, the engagement by Kiribati authorities and highlights 26 outstanding questions and areas of query into the subsequent conduct of the investigation which to date remains inconclusive and fails to provide necessary closure for the family.

By issuing the publication, we hope to expedite justice for the family through the necessary disclosure of much-needed answers into Eritara's death.





## Eritara's wife in her own words

**TAKARARA**  
**AATI**  
**KAIERUA**

“ I sobbed so severely thinking and imagining the pain he went through, how he had struggled to fight for his life, and what could have been the last thoughts on his mind before he lost his life. I felt sorry for him so badly knowing he was alone and had no means to call for help. ”

A few days after the publication of the investigation we were asked to appear on the ABC News Pacific Beat programme, presented by Inga Stünzer, to raise as much public awareness about the death and failed investigation as possible.

**ABC NEWS PACIFIC BEAT (JUNE 21) KIRIBATI FISHERIES OBSERVER DEATH - INTERVIEW**



<https://www.abc.net.au/radio-australia/programs/pacificbeat/pacific-beat/12959470>

**QUOTE FROM**  
**THE ABC NEWS**  
**PACIFIC BEAT**  
**PROGRAMME**

“ The NGO investigating the death of a Kiribati Fisheries Observer has criticised authorities for the lack of disclosure given to the family of Eritara Aati Kaierua.

“Mr Hammond said the delay in investigations and unanswered questions need to be addressed by Kiribati authorities. ”

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World news

# Death at sea: the fisheries inspectors who never came home

**Eritara Aati Kaierua is one of more than a dozen observers who have died since 2009. A year later his family are still waiting for answers**

Supported by



Judith Neilson Institute for Journalists and Ideas

About this content

**Bernadette Carreon in Koror**

Sat 19 Jun 2021 21:00 BST

f t e



▲ Eritara Aati Kaierua's wife Tekarara, with their four children Robert, Aatii, Elizabeth and Tutu at his grave in Tarawa, Kiribati. Photograph: Rimon Rimon/Guardian

In his last email to his family, Eritara Aati Kaierua told them he loved them and apologised for not being in touch sooner. "Fish is a little scarce or maybe this location is not fertile, we are now fishing in Papua New Guinea and we are still here," he wrote to his wife, Tekarara, on 21 February 2020.

"Please try to stay well ... and I will try my best to stay healthy from here too," he wrote.

Almost two weeks later, the 40-year-old father-of-four was found dead in a cabin on the Win Far No 636, a Taiwanese-flagged fishing vessel that by that time was in waters off Nauru.

An initial pathologist's report said the independent fisheries observer had died of "severe traumatic brain injuries" and police in his home on the Pacific island nation of **Kiribati**, where his body was brought, opened a murder investigation.

But over a year later, Tekarara is still waiting for answers from the investigation she was promised.



▲ Kiribati fisheries observer Eritara Aati Kaierua with three of his children Photograph: Supplied

The death of Kaierua, who was employed by the Kiribati Ministry of Fisheries, is the latest in a string of observer deaths and alleged abuses around the world that attract scant attention, and few penalties.



Photo Credit: iStock

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

# Global Protection of Fisheries Observers

Poor working conditions faced at sea are often invisible to the general public, as well as to policy and senior decision-makers, as Fisheries Observers and their work is invariably 'out of sight and out of mind'. This lack of public awareness has also been characterised as 'sea blindness' in the global shipping sector. We undertook significant research into the topic and produced five Reports on Fisheries Observers' safety, security and well-being at sea.



# Fisheries Observer Report

In July 2020, we published an extensive human-rights-focused report looking into the ongoing issue of Fisheries Observer protections and deaths at sea in the complex and highly competitive commercial fishing industry supply chains that they work in.

The Report raised questions and challenges about the future role and responsibilities of all fisheries organisations, including certification schemes and management bodies, in their ability to better tackle the lack of current public awareness of incidents, of the need for transparent reporting of cases, and in assisting with routes to effective remedies for dependants following human rights abuses perpetrated at sea. The Report highlighted ten key recommendations which, if addressed, could pave the way for significant positive changes for the safety of workers at sea.

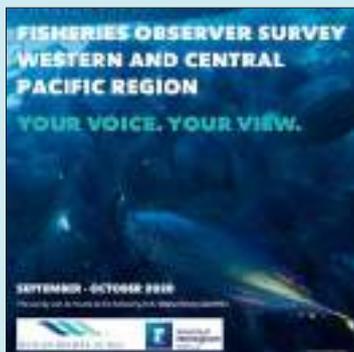


## The Role of a Fisheries Observer

In August 2020, we published an Insight Briefing Note by Martin Purves, Managing Director of the International Pole and Line Foundation and former Fisheries Observer, constituting a first-hand testimony and raising awareness of the challenges faced by people working at sea.



# Understanding the Working Conditions of Fisheries Observers



Against a growing international awareness of reported and alleged abuses towards Fisheries Observers highlighted by issues of concern – such as a lack of transparency in reporting of incidents, lack of availability of comprehensive employment contracts, lack of access to professional insurance provisions, ongoing concern for the level of coastal State-level engagement in investigations and the apparent lack of enforcement follow-up – in partnership with the Rights Lab of the University of Nottingham, we collaborated on a survey.



Participation in the survey was anonymous and voluntary and the responses were used to make recommendations to improve working conditions for Observers. As part of the project, Fisheries Observers from 14 States responded and gave data and testimony that has helped us, and other stakeholders understand more about their working conditions.

## FINDINGS

Whilst overall most Fisheries Observers were generally satisfied with their working conditions, there remain some significant issues of concern. Over half of the participants reporting that they had experienced at least one form of harassment, abuse, violence, and/or interference on half or more of their trips. Notably, this corresponds with participants' observations in relation to crew abuses, with over half reporting witnessing crew abuse on at least half of their trips. In addition to this evidence of labour violations with respect to underpayment of wages was found to be a frequent problem.

The Survey demonstrated that there is a clear and urgent requirement for change. Abuse, harassment, or violence is not tolerated on land, just as it shouldn't be at sea. Routine and coordinated reviews of Fisheries Observers' employment conditions is essential to monitor the progress that vessels and companies are making to end bad practices.



# Developing Recommendations and Policy in Support of Fisheries Observers' Safety, Security and Well-being



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As a follow-up to our earlier report 'Fisheries Observer Deaths at Sea, Human Rights and the Role and Responsibilities of Fisheries Organisations' we issued a second report that provided the next level of detailed scrutiny relating to safety issues being raised by States, commercial entities, NGOs and the families of deceased Observers. The recommendations' from this report are wide reaching in their scope and detail.

---

# WORK WITH THE WESTERN AND CENTRAL PACIFIC FISHERIES COMMISSION



## THE WCPFC CONSISTS OF 26 MEMBERS

Australia  
 China  
 Canada  
 Cook Islands  
 European Union  
 Federated States of Micronesia  
 Fiji  
 France  
 Indonesia

Japan  
 Kiribati  
 Republic of Korea  
 Republic of Marshall Islands  
 Nauru  
 New Zealand  
 Niue  
 Palau  
 Papua New Guinea

Philippines  
 Samoa  
 Solomon Islands  
 Chinese Taipei  
 Tonga  
 Tuvalu  
 United States of America  
 Vanuatu

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**The WCPFC consists of 26 member states and more than half of these states are classified as Small Island Developing States. The Commission is responsible for regulating fishing across 20% of the earth's surface. Fishing as an industry is exceptionally important to the 26 member states, and a significant proportion of their countries population work in the fisheries sector.**

---

A significant achievement of the past year has been obtaining Observer status with the Western Central Pacific Fisheries Commission, which has enabled us to contribute to this vital forum.

In November 2020, we published draft proposals for the Commission on “Human Rights and Labour Rights Protections for Fisheries Observers’ Safety, Security and Well-being”. The newly proposed text came with explanatory comment, and is based on the underlying, fundamental and founding principle that ‘human rights apply at sea as they do on land’.

The proposals aimed at assisting Commission members in developing supporting policies and legislation for Observers safety, security and well-being.

We attended the 17th Regular Session that took place in December 2020 where we presented our draft proposals. We called on member states to ensure that their national legislation includes the work of Fisheries Observers as well as to establish standards for Fisheries Observers protection and labour conditions. We highlighted the need for decent working conditions such as access to clean fresh water and food or decent and regular salary payments. Moreover, we highlighted the need for safety and transparency requirements, particularly in cases where human rights abuses have been reported.

We will continue to work with the Commission to find ways of implementing the draft proposals and push for better working conditions, safety on-board and transparency.

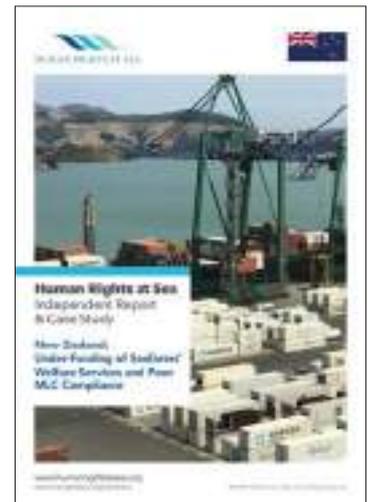
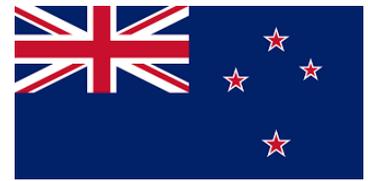
## **UNDERCURRENT NEWS (NOVEMBER 20)**

### **NGO URGES TUNA COMMISSION TO IMPLEMENT NEW OBSERVER SAFEGUARDS**

 <https://www.undercurrentnews.com/2020/11/24/ngo-urges-tuna-commission-to-implement-new-observer-safeguards/>



# New Zealand Maritime Law amended to Fund Seafarers' Centres



## BACKGROUND

In March 2020, we were asked by the chairperson of the Seafarers Welfare Board for New Zealand, the Reverend John McLister to review the status of seafarers welfare services in New Zealand. We published an independent report, titled 'New Zealand: Underfunding of Seafarers' Welfare Services and Poor MLC Compliance'.

The Report involved an independent review of disclosed documentation raising ongoing port chaplaincy concerns, legal opinion, government responses and the New Zealand Seafarer Welfare Board's attempts to secure sustainable resourcing.

Our report offered a constructive criticism of New Zealand's lack of engagement at government level and therefore its failure to safeguard seafarers' welfare provisions as well as their wider human rights. It contained the following five Recommendations.

# 1.

Recommend that the New Zealand government immediately review the funding mechanism, or lack thereof, for shore-based seafarers' welfare facilities and services under the MLC throughout the State.

# 2.

Recommend that the New Zealand government draft and propose relevant amendments to national legislation to support seafarers' welfare services, for example to the Maritime Transport Act 1994 in order to give effect to Regulation 4.4 of the MLC.

# 3.

Recommend that the New Zealand government introduce an updated compulsory port levy system in line with that advocated by the ITF ICC, and other maritime welfare organisations, which specifically focus on sustainably delivering seafarers' welfare services.

# 4.

In the alternative, it is recommended that the New Zealand government ring-fence and allocate part of the current Maritime Levy currently in place to assure future funding and the protection of seafarers' welfare facilities and services.

# 5.

Recommend that the SWB raise a formal complaint with the ILO for non-compliance with a Convention obligation should the New Zealand government fail to subsequently act.

Following persistent in-country advocacy by the New Zealand Seafarers Welfare Board, welfare organisations and ourselves the Labour-led government of Jacinda Arden promised to review its legislation on seafarers' welfare centres. A public policy statement by the prime minister on her intention to amend the Maritime Transport Act of 1994 to enable the existing maritime levy to fund the services required for seafarers' well-being was part of the Labour Party's Manifesto.



## NEW ZEALAND

Tasman Sea

Pacific Ocean



**QUOTE FROM  
LABOUR  
MANIFESTO  
FOR WORKPLACE  
RELATIONS  
SAFETY**

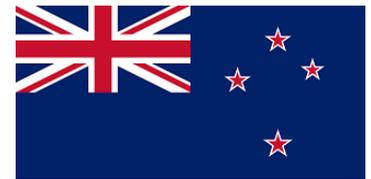
“ A report by Human Rights at Sea earlier this year found that seafarers’ shore-based welfare facilities and services are inadequate and at Akaroa there is no seafarers centre at all. Under the Maritime Labour Convention New Zealand has an obligation to provide for crews who come ashore in New Zealand, but this is currently funded largely through charitable sources which isn’t sufficient to provide adequate facilities. Labour will ensure that Seafarer Welfare Centres provide services to the level required by the ILO Maritime Labour Convention 2006 by amending the Maritime Transport Act 1994 to enable the maritime levy to fund the services required for seafarers’ well-being. ”



Prime Minister: Jacinda Arden



Hon. Michael Wood



**New Zealand Government**  
Te Kāwanatanga o Aotearoa

**In March 2021 the Labour-led New Zealand government publicly announced that it will fulfil its manifesto pledge and commitment to improve seafarer welfare through funding from the maritime levies.**

“The Maritime Transport Act will be amended through the Regulatory Systems (Transport) Amendment Bill to allow maritime levies to be used to provide support services coordinated by the Seafarers Welfare Board.

Transport Minister Michael Wood said COVID-19 has impacted massively on international shipping lines and this has meant seafarers need support. “Border and health restrictions often mean crews are out at sea for months on end with limited ability to contact their families.

“The Seafarers Welfare Board provides support and services to seafarers who are vital to maintaining New Zealand’s global trade lines.

“For example, they ensured Wi-Fi units were made available for ships calling at New Zealand ports, providing a connection to 794 ships. This gives seafarers the chance to connect with their families after months at sea and Board staff communicating with them provides an avenue to raise concerns and complaints.

“The Seafarers Welfare Board currently relies on donations to coordinate facilities at our ten main ports. By giving them long-term funding certainty, we will meet our international commitments and ensure that services to support seafarers’ well-being continue to be provided,” Michael Wood said.

The Government is providing interim funding through the Essential Transport Connectivity Scheme for services coordinated by the Board in 2020/21. The Regulatory Systems (Transport) Amendment Bill will be passed before mid-year.

As a party to the Maritime Labour Convention, New Zealand must ensure that seafarers on ships visiting its ports have access to welfare services necessary for their health and well-being, promote the development of welfare facilities, and encourage the development of welfare boards.

Maritime New Zealand will enter into service delivery arrangements with the Seafarers Welfare Board, which will be paid for from maritime levies. The aim of the arrangement would be to provide secure funding for core welfare services, rather than replace all funding that the Board currently generates. The Board helps run seafarers’ welfare centres and provides services such as toll-calls, email/internet, money exchange, access to counselling and books.

Maritime levies under section 191 of the Maritime Transport Act can be used for a wide range of shipping-related and regulatory purposes, but those purposes do not include seafarer welfare services at the moment. ”



And in July 2021 legislative changes came into effect and seafarers welfare services were given statutory funding. The hard work undertaken by the New Zealand Seafarers Welfare Board with our support has set a precedent that can now be mirrored by coastal States around the world to benefit all seafarers going forward.

## **THIS ACHIEVEMENT WILL AFFECT TEN PORTS AND ANNUAL VISITING CREW NUMBERS**

**Ten ports  
across  
New Zealand**

**An  
average of  
129,150  
crew numbers  
annually**

# Death at Sea

## TRAGIC SEAFARER'S SUICIDE ON TANKER OFF UAE COAST

In January 2021, we were alerted by a senior crew member of M/T Sea Princess, a tanker, about the tragic death of a young seafarer on board the vessel. The vessel was en route with 13 Indian crew from Sharjah to Alang, India, where it is due to be scrapped.



The general alarm was raised by the master after fellow crew members could not locate the seafarer and the crew conducted a full vessel search. The deceased was found hanging in the boiler room. The master checked for a pulse, but did not find one. The crew member alerted us because the vessel wasn't being able to access the local port. The crew reported that **the deceased was on board for 13 months**, a violation of the 2006 Maritime Labour Centre, as the highest period that seafarers can be on a vessel is 11 months. In addition to this tragic news, the crew also reported that they had not been paid their salaries for the past 2 months. The excessively long time on board, combined with the lack of payment for 2 months may well have influenced the deceased's decision to end his life.

## FAMILY PLEA FOR INVESTIGATION AND ACCOUNTABILITY

With express permission and at the direct request of the family of the seafarer tragically found hung on-board we published the family's written plea for an investigation, accountability and the return of their son's body to Uttar Pradesh without delay.

The personal and powerful request was made to Human Rights at Sea to not just highlight the family's tragedy and suffering, but to prevent it from happening again to another seafarer and their family.

## FAMILY'S WRITTEN PLEA

**Dear Sir,**

*I like to bring to your kind attention that on January, 30, 2021 at 10.30 a.m. I received a call from a crew member on the ship Sea Princess. The call has devastated our lives. The crew member told me that my son Bhupendra died on January 28, 2021. To this minute we are unable to believe this.*

*I immediately called the manning agent in Mohali to find out the truth. The phone is continually switched off and till now we are unable to reach the manning company. With heavy heart I bring to your notice that the manning agent/shipowner has not intimated about my son's demise officially. They have not called me or sent any email or sent any written information about the death of my son. I don't know what happened to my son. There is no reason for my son to end his life.*

*Sir, I want to know what happened to my dear son. My wife is totally broken. I can't see her in this condition. I want a thorough investigation to be done. Please investigate into his untimely death, and take action against those persons responsible for my son's death. My son is not with us today, but we don't want any other seafarer's life to be lost again.*

*Please take the strictest of action against the recruitment agent and the shipping company for hiding the information about the death. From January 28 to this day they have not informed us. They did not have the heart to call the parents. I don't know how they can be so cruel. Please take strong action against them. If today they are allowed to escape, tomorrow they will do the similar thing with another seafarer's family. We don't want any other families to suffer.*

*Sir, we want to see our son as early as possible. I humbly request you to direct the shipowners to send my son's mortal remains by the first available flight. Sir, I hope you will understand our mental agony. We have lost everything. Please help us sir.*

*Thanking you.*

**Yours sincerely,**

**Suresh**

*Father of Bhupendra*

**Following our publicising the issue, the deceased's body was transferred ashore and was eventually returned to his bereaved family.**



The 4,600-dwt asphalt tanker Sea Princess (built 1993), seen here under an earlier name, was in the fleet of Dubai-based Prime Tankers when a member of the unpaid crew took his own life. Photo: Tony Hogwood/Marine Traffic

## Crew on suicide tanker had gone two months unpaid

Seafarer organisations say crew on a Prime Tankers vessel was legally 'abandoned' at the time a seafarer hanged himself and the ship may be flagless

11 February 2021 0:18 GMT *UPDATED 11 February 2021 0:18 GMT*

By [Bob Rust](#)   in [Oslo](#)

Dubai-based Prime Tankers had not paid an inadequately provisioned crew on one of its vessels for two months at the time a seafarer took his own life late last month, an official at the International Transport Workers' Federation (ITF) told TradeWinds.

Separately, questions have arisen about whether the 4,600-dwt Sea Princess (built 1993) is under any flag state's legal jurisdiction, and what — if any — legal protections a crew has on a flagless ship.

UK-based charity organisation Human Rights at Sea (HRAS) said the Sea Princess had previously been deregistered by the Cook Islands. It is not known to have been entered in another registry since. A recent photograph provided to TradeWinds shows it is physically still flying the Cook Islands flag off the stern.

**Following our publicising the issue, the outstanding wages of the crew were fully paid to them.**

## CREW'S EMAIL TO HUMAN RIGHTS AT SEA AFTER SUCCESSFUL REPATRIATION AND PAYMENT OF WAGES

**Respected Sir,**

*Very happy to say you that today all outstanding wages credited to our accounts. This is happened due to your prompt intervention. This is a great job done by you. There is no words to express our gratitude to you. You and your charity are helping a lots to Seamen around the world. Hope we will get the same support from you in future and whenever we need. Once again many many thanks to you and your Charity.*

*Thanks & B'rgds*

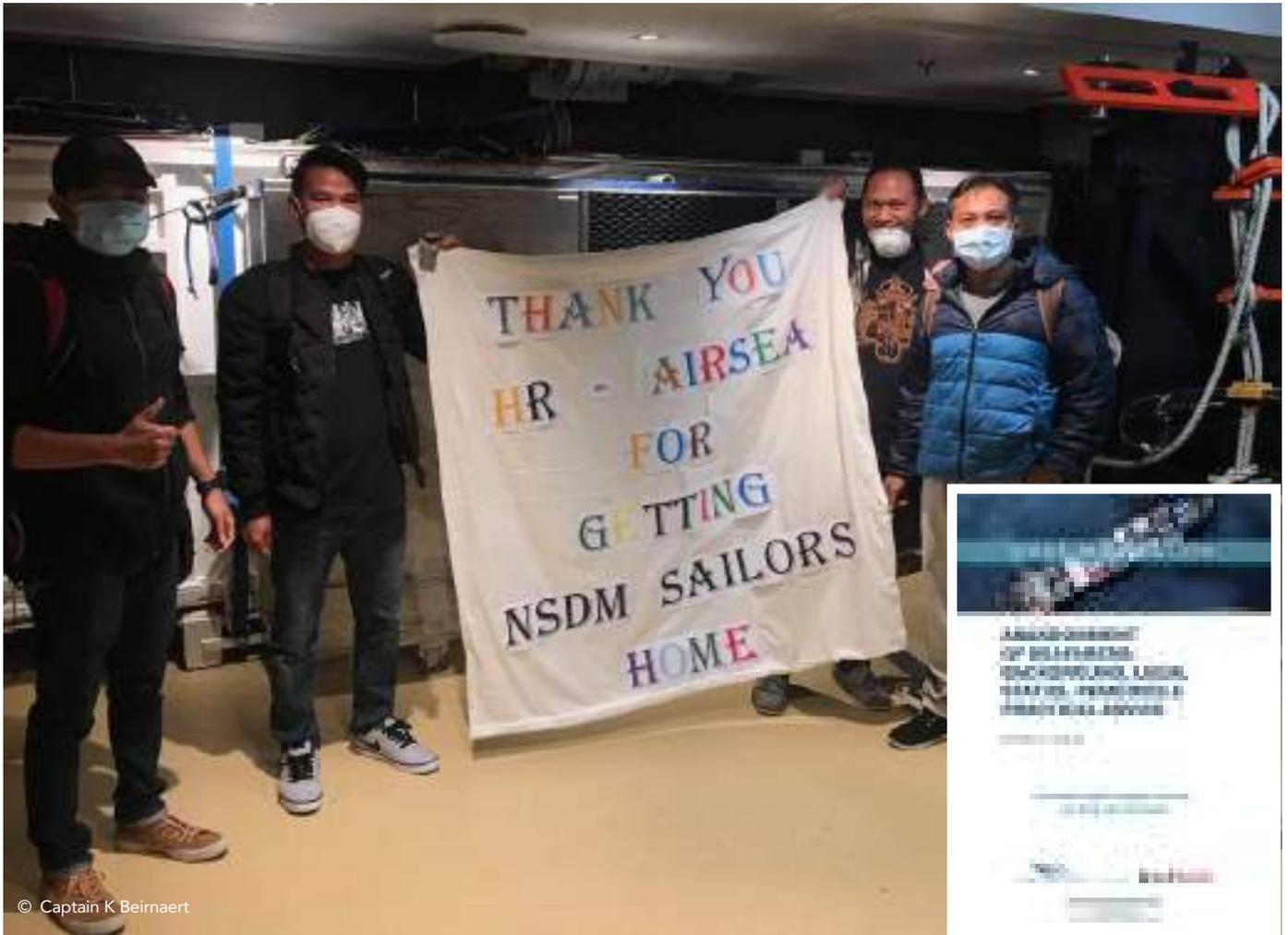
**Gautam Kumar Mahato** (Chief Officer)

**Mr Akhilesh** (Engineering Officer )

**Mr Babel** (Chief Engineer)



# Abandonment of Seafarers



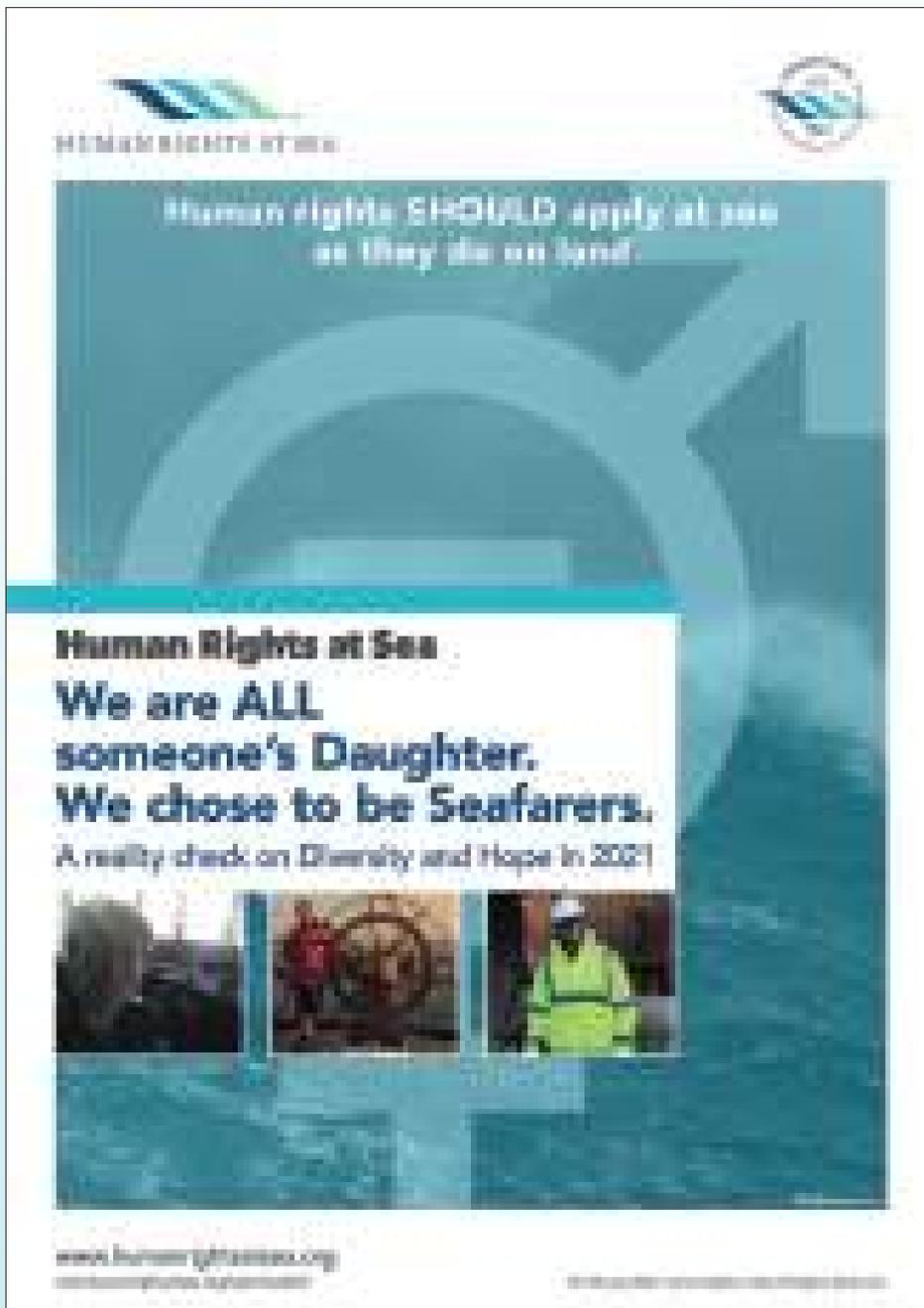
In April 2021, we partnered with global law firm Reed Smith to help explain the growing problem known as seafarer abandonment, an issue that has seen cases rise dramatically between 2020–2021.

Abandonment is when the shipowner leaves a ship and its crew stranded with no money, and no means of getting back to their home countries. It can become too expensive for the shipowner to operate or maintain a vessel, and so they simply abandon it, along with the crew members serving on board. This deplorable and inhumane practice means that crew members are stranded on board or in port with no wages, no means of getting home, and no medical care, food, or safe accommodation. Abandoned crews have to rely on maritime welfare organisations to provide them with the basic necessities to live.

The joint partnership resulted in a new publication that comprehensively covers the pernicious issue of seafarer abandonment, of which, according to the International Labour Organization, there are more than 250 active cases around the world.

As well as providing context, background, the legal position, and present examples, the report also provides advice for seafarers who may be impacted by the practice of abandonment. It includes a draft alert letter which seafarers can send to owners, operators, managers, and states and a comprehensive list of support organisations with contact details

# Women at Sea



Since 2015 we have shone a spotlight on diversity and inclusion at sea. In 2021, this continued when our advisory board member and maritime professional, Joanne Rawley, authored an incredibly powerful personal reflection.

Her report “We are ALL someones Daughter. We chose to be Seafarers” includes insights into what women at sea have witnessed, heard, and endured first hand. It also highlights what ever seafarer can do so that gender discrimination and harassment can be eradicated.

# Human Rights at Sea

**We are ALL someone's Daughter.  
We chose to be Seafarers.**



## INTRODUCTION

The following case study is a personal account by Joanne Rawley, a maritime professional based in the United Kingdom and a newly appointed Human Rights at Sea Advisory Board member. This is her perspective, in her own words, having been selected, trained and worked at sea.

Joanne started her maritime career in 2012 aged 30, considerably older than her classmates. She was also the only female on her cadet intake.

Completing her cadetship through Clyde Marine and Vroon Offshore, she sailed on multi-role vessels in the North Sea. Since qualifying in 2014, she has sailed as both 2<sup>nd</sup> and Chief Officer with four other companies on yachts, tall ships and multi-role vessels.

Sea-time highlights so far include Madagascar to Netherlands, via Cape Town and the Canaries; Singapore to Busan (South Korea) and around most of Japan; calm seas and pods of whales 100nm north east of Shetland with a return to the same location with 20–22m seas over Christmas. Many of these sailings gave her the opportunity to train and mentor cadets of varying experience levels and with diverse cultural backgrounds. Joanne has recently completed a year ashore in QHSE as fleet DPA and CSO and will be returning to sea soon to complete her Master Mariner qualification.

Joanne was nominated for the MN Medal of Honour and is committed to trying to make a difference – to speak for those without a voice, to continue to raise awareness of human rights at sea and, most notably, diversity and mental health (MH) stigma. Her involvement is contributing to the ongoing work within Maritime UK among others.

As argued by its founder, HRAS as an organisation should not need to exist in 2021 and awareness should not need to be drawn to the difficulties female seafarers still face. But unfortunately there remains a need to shed light on the challenges which remain and are faced on a daily basis across fleets worldwide. There have been case studies since 2015, a campaign from the IMO on Day of the Seafarer back in 2019 with #IAMBOARD and the Nautical Institute Women in Maritime (WIM 365) Challenge.

In the media, the lives of women seafarers all look sparkly and wonderful, but is everyone really on board?

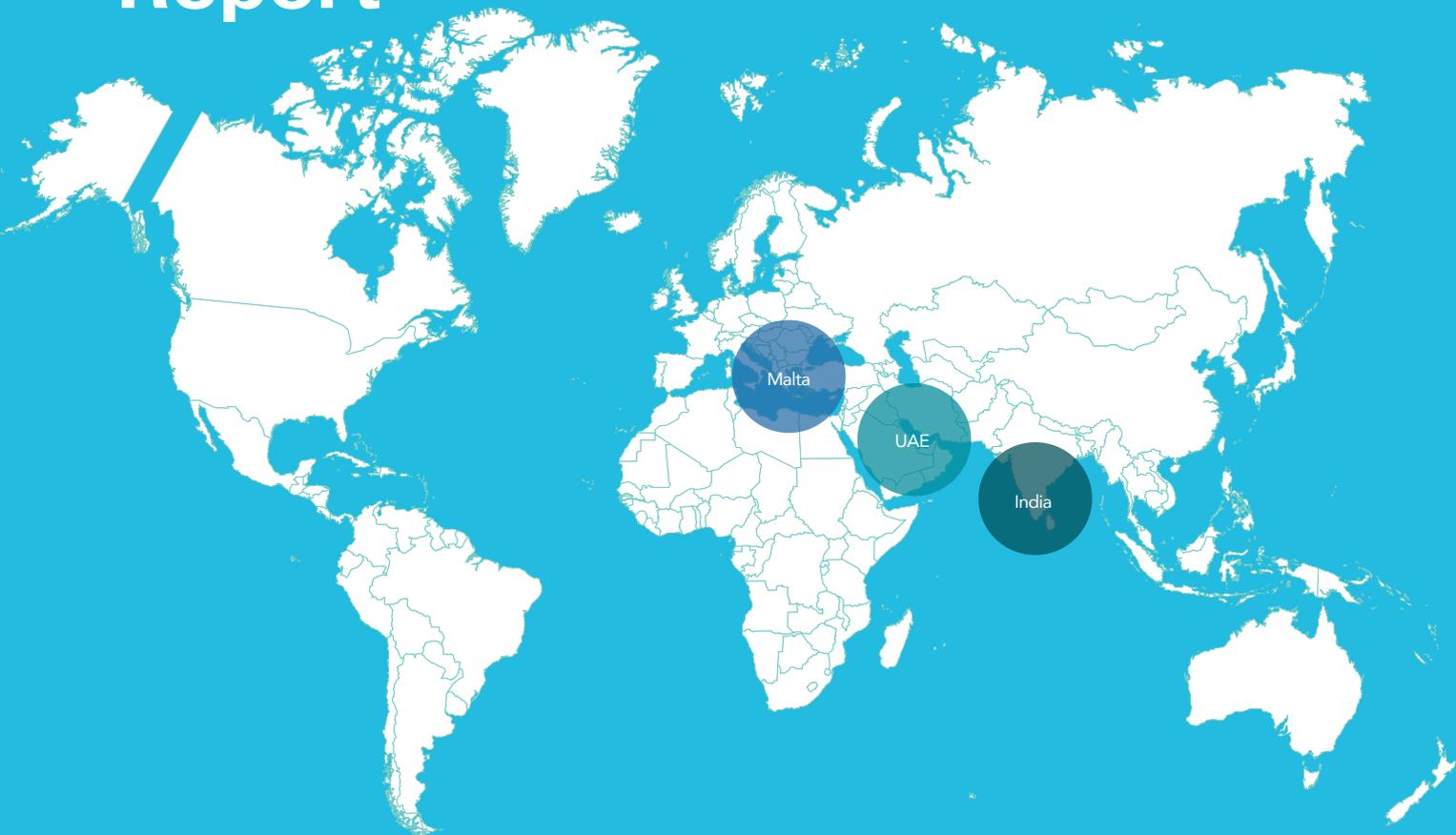
**This case study will give an insight, not from a female perspective but from a personal account of what Joanne, as a seafarer (and seafarers she has mentored and connected with) has witnessed, heard and endured first-hand over the years and most importantly, how every seafarer can help make a positive change.**



**“I told the f’ing crewing department to not send any more f’ing female cadets to this f’ing boat as they’re nothing but f’ing trouble.”**

Shutterstock.com

# 2020 Flag States & Human Rights Report



## UAE, MALTA, INDIA

In its third year, the joint project between ourselves and the University of Bristol's Human Rights Implementation Centre and Human Rights Law Clinic, saw graduates and postgraduate students review the human rights monitoring and enforcement mechanisms of 3 flag states. This year the UAE, Malta, and India were reviewed in detail.

**PROFESSOR RACHEL MURRAY, DIRECTOR, HUMAN RIGHTS IMPLEMENTATION CENTRE, BRISTOL LAW SCHOOL**

“ The Human Rights Implementation Centre is delighted to have worked on the report with Human Rights at Sea and for the opportunity for our student Human Rights Law Clinic to be part of this project. This important report identifies gaps in protection and in so doing enables recommendations to be made for improvement. ”

**DR SOFIA GALANI, ACADEMIC LEAD AND LECTURER, HUMAN RIGHTS IMPLEMENTATION CENTRE AND HUMAN RIGHTS AT SEA NON-EXECUTIVE BOARD MEMBER**

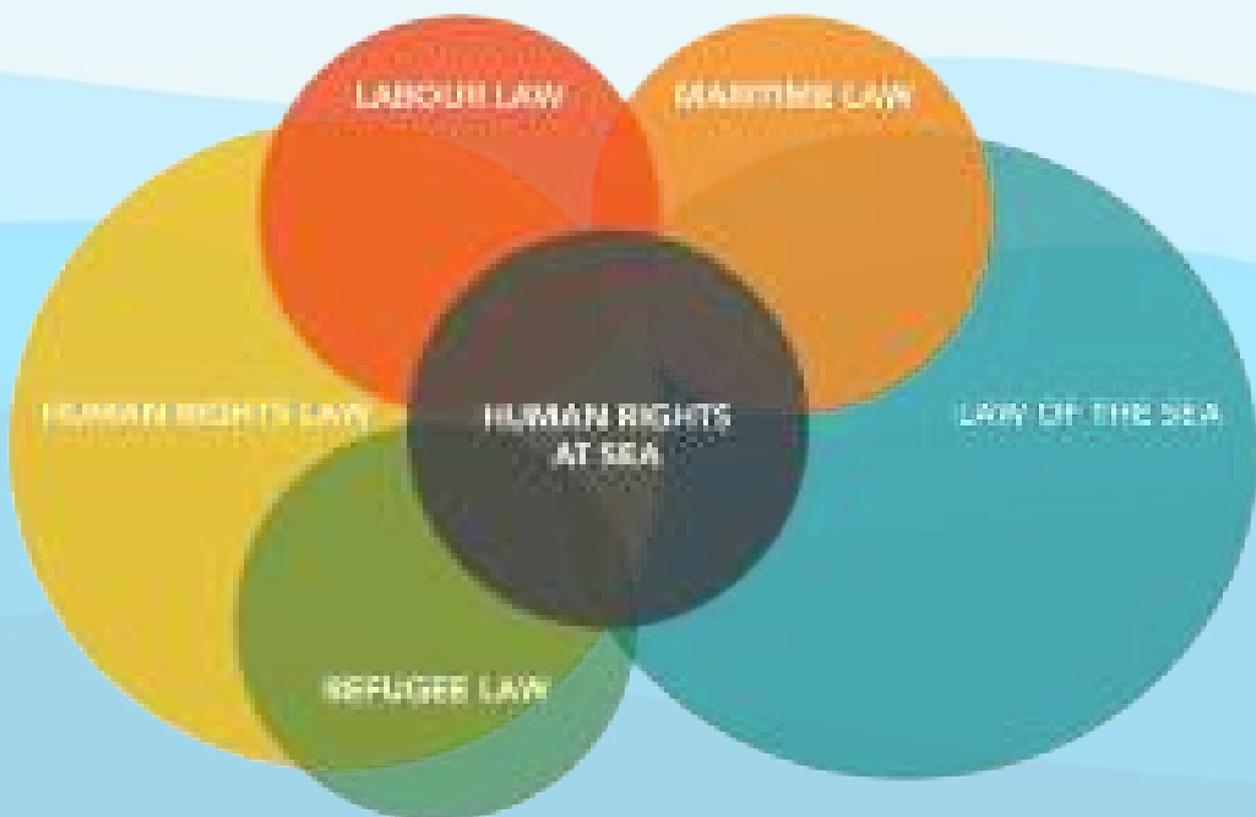
“ This is the third year of an excellent collaboration between the Human Rights at Sea and the Human Rights Implementation Centre. Our students were given an amazing opportunity to conduct research on the protection of human rights on board vessels and we hope that this report will contribute towards improving the lives and working conditions of persons on board vessels. ”

# Academia

Professor of International Law at the University of Greenwich and a trustee of ours, Steven Haines published in 2021 an article titled ‘Developing Human Rights at Sea’ in the prestigious Ocean Yearbook.

Steven’s article builds on the substantial work already contributed by the distinguished academic members of our Advisory Board, including Prof. Irini Papanicolopulu, Prof. Anna Petrig and Dr Sofia Galani.

Given the significance of this publication for the charity, Human Rights at Sea funded an Open Access agreement with the publishers Brill so that the article could be accessible to all, and not behind a paywall where it is accessible only to other academics.



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**PROF.  
STEVEN HAINES**



“ I am obviously very pleased to see the Developing Human Rights at Sea paper published in the Ocean Yearbook, an important annual publication on ocean governance. It is also most timely, as we focus on the preparation for the formal launch of the Geneva Declaration on Human Rights. Each of these developments is an important marker on the road to ensuring respect for Human Rights at Sea. ”



# HRASi

## Consultancy Service to the Global Maritime Community



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- Peer review service

# Human Rights at Sea Accounts



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.

# 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](mailto:enquiries@humanrightsatsea.org)



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



As an independent charity, Human Rights at Sea relies on public donations, commercial philanthropy and grant support to continue delivering its work globally.



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## ANNUAL REPORT **YEAR 7**



## **A Global Catalyst for Human Rights At Sea**



**HUMAN RIGHTS AT SEA**

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ISBN 978-1-913252-43-4