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To: All Surveyors/Auditors

Applicable to flag: All Flags

Flag States and Human Rights

Reference: Human Rights at Sea

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Human Rights at Sea, in partnership with the University of Bristol Human Rights Clinic and Human Rights Implementation Centre, has published a first report on flag states' monitoring, reporting and enforcing of human rights obligations onboard vessels.

The research team consists of a group of 10 University of Bristol Law School students, and they examined three flag states: Marshall Islands, Saint Kitts and Nevis and the United Kingdom. The study looked at how these flag states monitor human rights compliance on board vessels and whether or not there is any reporting procedures in place to help facilitate and demonstrate compliance. In answering these questions, the researchers covered the obligations that flag states have under article 94 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) as well as international human rights law.

The research conducted demonstrated disparity in the number of human rights treaties ratified by the three states, with the U.K. having ratified the most instruments. The treaties considered relevant for the purpose of assessing flag state compliance at sea were the nine core United Nations human rights treaties:

1. International Convention on the Elimination of All Forms of Racial Discrimination
2. International Covenant on Civil and Political Rights
3. International Covenant on Economic, Social and Cultural Rights
4. Convention on the Elimination of All Forms of Discrimination against Women
5. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
6. Convention on the Rights of the Child
7. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
8. International Convention for the Protection of All Persons from Enforced Disappearance
9. Convention on the Rights of Persons with Disabilities

The researchers found that specific monitoring and reporting mechanisms dealing with human rights violations are lacking or absent, especially those dealing specifically with violations at sea. The report states that there is "much uncertainty due to the absence of public complaints procedures that would guarantee effective redress for human rights abuses on board vessels. Seafarers are

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especially vulnerable for being isolated in the ocean for long periods of time and therefore require a public, accessible and transparent procedure which ensures that they are not being exploited or left unprotected. These mechanisms should be made clear to seafarers prior to their maritime activities, both as a registration requirement and through accessible, clear and simple procedures published on relevant websites.”

Any system of human rights protection relies heavily on the availability of resources and political will, say the researchers.

The report makes the following recommendations:

1. Flag states should consider ratifying the core U.N. human rights treaties and IMO and ILO Conventions.
2. Specific monitoring mechanisms for ensuring the compliance of a flag state with its human rights obligations on board vessels should be put in place. In cases where the ship registries operate outside the flag state, the latter should be involved in the monitoring process.
3. Reporting mechanisms should be put in place that will allow people on board vessels to complain of human rights abuses. In cases where these mechanisms are in place, they should become more accessible and user-friendly. Relevant information on how these can be accessed, the reporting procedure and remedies should become available online by each flag state.
4. Compliance with human rights on board vessels should also be considered for listing flag states under MOUs. In cases where MOUs do consider this, it should be explained how human rights compliance is measured.

REFERENCES:

- MLC

- ATTACHMENTS: No.

Kindest Regards,

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