



The Geneva Declaration on Human Rights at Sea

History tells us that as with many progressive steps in the area of human rights, change at an institutional or inter-governmental level is driven by committed individuals and non-governmental organisations.

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One hundred years ago in Geneva, the International Save the Children Union issued the Geneva Declaration on the Rights of the Child. A year later, it presented the document to the League of Nations – the forerunner of the United Nations – who adopted it on 26 September 1924. It comprised five articles setting out the duties and care owed to every child “ *beyond and above all considerations of race, nationality or creed* ”. It was the very first human rights document approved by an inter-governmental institution. Since then, the document has evolved to become, today, the UN Convention on the Rights of the Child, 1989.

On 1 March last year in Geneva, a second Geneva Declaration was issued. This time by the charity Human Rights at Sea, who published [The Geneva Declaration on Human Rights at Sea](#) (GDHRAS). It sets out four fundamental principles:

- Human rights are universal; they apply at sea, as they do on land.
- All persons at sea, without any distinction, are entitled to their human rights.
- There are no maritime specific reasons for denying human rights at sea.
- All human rights established under both treaty and customary international law must be respected at sea.

The Geneva Declaration on the Rights of the Child was prompted by the horrendous events of the First World War and the suffering of children. The GDHRAS was not precipitated by any one event, although the experience of seafarers and fishers during the Covid pandemic has certainly heightened general awareness of the need for it. The need for a declaration of rights at sea has been overlooked for so many years because, in part, it is not apparent to most of us who spend our lives on land.

Alongside the four fundamental principles, the GDHRAS sets out a detailed list of human rights applicable at sea which are derived from other international instruments, such as the Universal Declaration of Human Rights, the Refugee Convention, and the UN Convention on the Rights of the Child. These contain rights that we, on land, all take for granted: the right to life, not to be tortured, not to be enslaved, not to be arbitrarily arrested and detained, to safe and healthy working conditions, to social security, to form and join a trade union.

The GDHRAS also includes guidelines for promoting compliance with human rights at sea. These give practical direction to flag states, coastal states and port states to better protect and promote human rights within their respective, overlapping, jurisdictions. One such recommendation to flag states is to seek the cooperation of other states to enforce human rights law onboard all vessels flying their flag if they do not have their own naval force capable of doing so. Another guideline, addressed to coastal states, is to issue licences for fishing and exploration of mineral resources within EEZs on the condition that licencees comply with human rights. It recommends coastal states to then conduct routine inspections of the licencees' vessels.

What, then, is needed to elevate the GDHRAS from a soft law initiative championing this disparate and overlooked area of human rights law to an international convention or similar? NGOs, charities and committed individuals can only take it so far. It needs the support of nation states, to endorse the principles of the GDHRAS on the world stage and approach the UN to adopt them. We have recently seen what is possible when it comes to progressing the protection of the natural environment of our oceans with the recent [High Seas Treaty](#). But as is too often the case when it comes to the maritime environment, people on the high seas are given second priority to resources.

The horrendous loss of life last month off Messenia, Greece, when a fishing trawler carrying as many as 750 migrants sank, is probably the deadliest incident yet in an ongoing struggle for the proper recognition and protection of human rights of people at sea. But all forms of human rights abuses occur globally, daily.

International legal instruments take time to conclude. The High Seas Treaty took 19 years to negotiate and will likely take several more for sufficient ratifications to come into force. Tens of thousands more will suffer if it takes a similar time to achieve a binding instrument for human rights at sea.

What can we, as an industry, do in the meantime? We can take every opportunity to highlight the issue. Huge strides have been made in this respect by, amongst others, the charity [Human Rights at Sea](#) since its foundation in 2014. The rest of the industry needs to support those efforts. We can ensure that in our dealings directly or indirectly with those at sea - seafarers, migrants, stowaways, pirates, fishers - their human rights are recognised and protected. From a practical perspective, we can insist best practices are always followed: that [stowaways](#) are treated with compassion and respect; that [seafarers](#) are treated fairly when vessels are arrested and detained; and that [abandoned fishers and seafarers](#) are repatriated swiftly and paid outstanding wages.

As a marine insurer, we will continue to support our Members' vessels when they deviate to save lives of others at sea, to disembark those saved or discovered onboard, and to care for and repatriate those injured in the course of their duties. We will continue to support the families of those affected, and to provide a safety net as set out in the Maritime Labour Convention, when crews of vessels of all types are [abandoned](#) or [detained](#). We urge others in the industry to do the same.

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