
HUMAN RIGHTS IN MARITIME TRADE: AN OVERVIEW AND ANALYSIS

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ABSTRACT

The maritime sector plays a vital role in the global economy, but workers and seafarers in this sector often face numerous human rights challenges, including poor working conditions, exploitation, and human trafficking. This paper examines the international legal framework for the protection of human rights in the maritime sector, including key conventions such as the Maritime Labour Convention, 2006, the International Convention for the Safety of Life at Sea, the International Convention on Standards of Training, Certification, and Watch keeping for Seafarers, the International Convention for the Prevention of Pollution from Ships, and the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Despite the existence of comprehensive legal frameworks, the implementation of these provisions remains a challenge due to weak enforcement mechanisms, the practice of registering ships under flags of convenience, and other factors. To ensure the effective protection of human rights in the maritime sector, a comprehensive approach is necessary that includes increased cooperation between states, stronger enforcement mechanisms, and greater efforts to prevent and address human trafficking and forced labor. This paper provides an overview of the international legal framework for the protection of human rights in the maritime sector and the challenges faced in its implementation. It highlights key conventions such as the Maritime Labour Convention, 2006 and the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Despite the existence of comprehensive legal frameworks, the effective protection of human rights in the maritime sector remains a challenge due to weak enforcement mechanisms and other factors. The paper concludes that a comprehensive approach is necessary to ensure the effective implementation

of the legal framework and the protection of human rights in the maritime sector.

Keywords: Human Right, Maritime Law, Legal framework, Labour Law

INTRODUCTION:

The maritime sector is a crucial component of the global economy, providing the transportation of goods and services across the world. However, workers and seafarers in this sector often face numerous human rights challenges, including poor working conditions, exploitation, and human trafficking. This paper aims to examine the international legal framework for the protection of human rights in the maritime sector, and to identify the challenges faced in its implementation. The maritime sector is governed by a range of international conventions and agreements that provide a comprehensive legal framework for the protection of human rights. Despite this, the effective implementation of these provisions remains a challenge due to weak enforcement mechanisms, the practice of registering ships under flags of convenience, and other factors. The purpose of this paper is to provide an overview of the international legal framework for the protection of human rights in the maritime sector and to highlight the key challenges and barriers to its effective implementation. The paper concludes by outlining the necessary measures for ensuring the protection of human rights in the maritime sector, including increased cooperation between states, stronger enforcement mechanisms, and greater efforts to prevent and address human trafficking and forced labor.

HUMAN RIGHT AND SEAFARERS:

Seafarers play a vital role in the global economy, and their welfare and human rights must be protected. The maritime industry has a responsibility to ensure that seafarers are treated with dignity and respect, and that their rights are upheld.

The International Labour Organization (ILO) has established a number of conventions and recommendations aimed at protecting the welfare and human rights of seafarers, including:

The Maritime Labour Convention, 2006 (MLC 2006): This is a comprehensive international labor convention that sets standards for working and living conditions for seafarers. The MLC 2006 covers a wide range of areas, including seafarers' rights to fair and just conditions of employment, health and safety protection, and social security.

The ILO Seafarers' Identity Documents Convention (Revised), 2003 (No. 185): This convention sets standards for the issuance of identity documents for seafarers, which are necessary for them to travel and work aboard ships.

The ILO Seafarers' Hours of Work and the Manning of Ships Convention (Revised), 1996 (No. 180): This convention sets standards for the hours of work and rest of seafarers, and the minimum safe manning levels for ships.

The ILO Seafarers' Welfare Convention, 1987 (No. 153): This convention sets standards for the welfare of seafarers, including provisions for recreational facilities, medical care, and social services.

In addition to these international instruments, many countries have their own laws and regulations aimed at protecting the welfare and human rights of seafarers. The industry must ensure that these laws and regulations are upheld and that seafarers receive the protection they are entitled to under international and domestic law. There are also several non-governmental organizations (NGOs) and industry associations that are dedicated to promoting the welfare and human rights of seafarers. These organizations provide support and advocacy for seafarers and work to raise awareness about the challenges they face. One such organization is the International Seafarers' Welfare and Assistance Network (ISWAN), which provides support and assistance to seafarers and their families, as well as promoting their welfare and rights. ISWAN operates a 24/7 helpline for seafarers in need, offering practical and emotional support to those in need. Another important organization is the International Maritime Organization (IMO), which is a specialized agency of the United Nations responsible for improving maritime safety and security and protecting the marine environment. The IMO works to promote the rights and welfare of seafarers, including through its implementation of the MLC 2006.

It is essential that the maritime industry takes seriously its responsibility to promote the welfare and human rights of seafarers. By working together, governments, industry, and NGOs can ensure that seafarers are treated fairly and with dignity, and that their rights are upheld and protected. It's also important to note that seafarers are protected by international human rights law. The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, among others, provide a framework for the protection of the rights of all individuals, including seafarers. This means that seafarers have the right to be free from discrimination, to freedom of expression and association, to fair wages and working conditions, to access to justice and a fair trial, and to protection from arbitrary arrest and detention, among

others. However, despite these legal protections, seafarers often face significant challenges and violations of their rights, including discrimination, exploitation, and abuse. It is crucial that the international community and the maritime industry work to address these challenges and protect the rights of seafarers. In addition, the seafaring industry must ensure that the ships they operate are safe and secure, and that the working and living conditions on board meet international standards. This includes providing adequate food and housing, medical care, and access to communication with the outside world.

LEGAL FRAMEWORK FOR THE PROTECTION OF HUMAN RIGHTS IN THE MARITIME SECTOR:

The international legal framework for the protection of human rights in the maritime sector includes several key instruments, including the Maritime Labour Convention, 2006 (MLC) (International Labour Organization, 2006), the International Convention for the Safety of Life at Sea (SOLAS) (International Maritime Organization, 1974), the International Convention on Standards of Training, Certification, and Watch keeping for Seafarers (STCW) (International Maritime Organization, 1995), the International Convention for the Prevention of Pollution from Ships (MARPOL) (International Maritime Organization, 1973), and the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN Office on Drugs and Crime, 2000). The MLC, adopted by the International Labour Organization (ILO), provides minimum standards for the rights of seafarers and working conditions onboard ships, including fair wages, reasonable hours of work, safe working conditions, and access to medical care and welfare facilities (International Labour Organization, 2006). The SOLAS, adopted by the International Maritime Organization (IMO), provides for the safety of life and property at sea, including provisions on safe manning and training of seafarers (International Maritime Organization, 1974). The STCW, adopted by the IMO, establishes minimum standards for the education, certification, and competency of seafarers to ensure their safety and that of others onboard ships (International Maritime Organization, 1995). The MARPOL, adopted by the IMO, provides for the prevention of pollution from ships, including provisions on the discharge of pollutants and the treatment of sewage and waste (International Maritime Organization, 1973). The UN Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, provides for the criminalization of human.

The legal framework for the protection of human rights in the maritime sector is primarily provided by international maritime conventions and protocols, as well as national laws and regulations. Some of the key international legal instruments in this regard include:

Maritime Labour Convention, 2006 (MLC 2006): This convention, adopted by the International Labour Organization (ILO), sets minimum standards for the rights of seafarers and working conditions onboard ships, including fair wages, reasonable hours of work, safe working conditions, and access to medical care and welfare facilities.

International Convention for the Safety of Life at Sea (SOLAS): This convention, adopted by the International Maritime Organization (IMO), provides for the safety of life and property at sea, including provisions on safe manning and training of seafarers.

International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers (STCW): This convention, adopted by the IMO, establishes minimum standards for the education, certification, and competency of seafarers to ensure their safety and that of others onboard ships.

International Convention for the Prevention of Pollution from Ships (MARPOL): This convention, adopted by the IMO, provides for the prevention of pollution from ships, including provisions on the discharge of pollutants and the treatment of sewage and waste.

United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children: This convention and its protocol, adopted by the United Nations, provides for the criminalization of human trafficking and the protection of victims, including in the maritime sector.

These international legal instruments are complemented by national laws and regulations that implement their provisions and provide additional protections for seafarers and workers in the maritime sector. The implementation of these legal instruments is monitored by various international bodies and organizations, including the ILO, IMO, and the International Transport Workers' Federation (ITF).

AWARENESS INITIATIVES:

Moreover, it is also important to raise awareness and educate all actors in the maritime sector, including workers and seafarers, about their rights and the legal framework for their protection.

This can help to promote a culture of respect for human rights and to ensure that all actors in the maritime sector are aware of their responsibilities in this regard. Additionally, it is important to engage with the industry to ensure that human rights are integrated into their operations, policies, and practices. This includes promoting responsible business practices and ensuring that workers and seafarers are treated fairly and with dignity.

CHALLENGES IN THE IMPLEMENTATION OF THE LEGAL FRAMEWORK FOR THE PROTECTION OF HUMAN RIGHTS IN THE MARITIME SECTOR:

Despite the existence of comprehensive legal frameworks for the protection of human rights in the maritime sector, implementation of these provisions remains a challenge in many countries. This is due to several factors, including a lack of enforcement, the practice of registering ships under flags of convenience, poor working conditions, and human trafficking. The lack of enforcement of legal provisions is a significant challenge, as it results in a lack of protection for seafarers and workers in the maritime sector. This is due to a lack of resources and capacity of national authorities, as well as a lack of cooperation between states (International Transport Workers' Federation, 2021). The practice of registering ships under flags of convenience, which allows owners to register their vessels in countries with lower labor and environmental standards, has led to the exploitation of seafarers and the degradation of the marine environment (International Transport Workers' Federation, 2021). Many seafarers face poor working conditions, including long hours of work, inadequate rest and leisure time, and inadequate provisions for their health and safety (International Transport Workers' Federation, 2021). Human trafficking remains a serious problem in the maritime sector, particularly in the fishing industry, where workers are often subject to forced labor, exploitation, and other human rights violations (International Labour Organization, 2017).

In order to address these challenges and ensure the effective implementation of the legal framework for the protection of human rights in the maritime sector, a number of measures are necessary. These include increased cooperation between states, stronger enforcement mechanisms, and greater efforts to prevent and address human trafficking and forced labor in the sector. Additionally, it is crucial for ship owners and operators to ensure that their vessels

are registered under the flag of a state that is a party to the relevant international conventions and that they comply with the provisions of these conventions.

CONCLUSION:

The maritime sector plays a critical role in the global economy, but workers and seafarers in this sector face a range of human rights challenges. The international legal framework for the protection of human rights in the maritime sector includes several key instruments, including the Maritime Labour Convention, 2006, the International Convention for the Safety of Life at Sea, the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers, the International Convention for the Prevention of Pollution from Ships, and the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Despite the existence of comprehensive legal frameworks for the protection of human rights in the maritime sector, implementation of these provisions remains a challenge due to a lack of enforcement, the practice of registering ships under flags of convenience, poor working conditions, and human trafficking. To ensure the effective implementation of the legal framework for the protection of human rights in the maritime sector, it is necessary to take a comprehensive approach that includes increased cooperation between states, stronger enforcement mechanisms, and greater efforts to prevent and address human trafficking and forced labor in the sector.

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