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HUMAN RIGHTS AT SEA

# ESG GLOSS OR A CRITICAL BUSINESS REQUIREMENT?

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# Learning objectives

1. Why established fundamental human rights law, related instruments and protections and the international rule of law must neither be avoided nor ignored by corporate business.
2. The consequences of failures to enforce effective remedy and the current lack of necessary deterrent effect as set against a culture of impunity and ESG 'gloss' within annual reporting cycles.
3. How and why independent civil society organisations can be an enabler as opposed to a hindrance to increase corporate awareness and accountability, responsible data gathering and developing transparent good practice.





**30 million**   **45%**   **32,000**

people are at sea, right now

of women working at sea reported sexual harassment

fishers lose their life at work, every year



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# ‘Human rights apply at sea, as they do on land’

We exist to prevent, detect, and remedy human rights abuses at sea. We raise public awareness of abuses at sea, and support people at sea to understand their rights.”

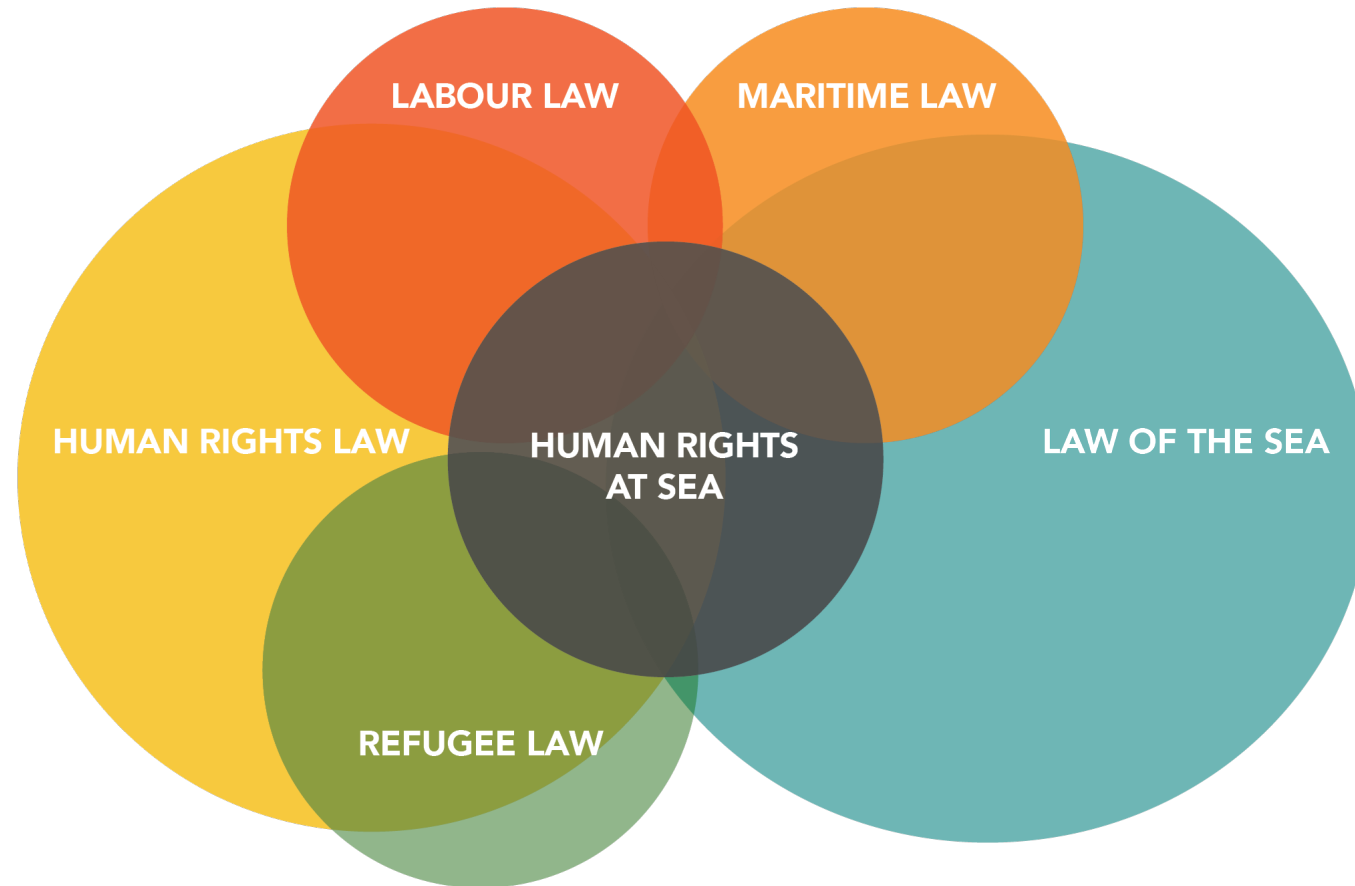




# Research, Advocacy, Investigations and Lobbying



# Where does Human Rights at Sea fit?





# Our Successes: Geneva Declaration on Human Rights at Sea



## ABOUT THE PROJECT

**The Geneva Declaration on Human Rights at Sea confirms that human rights apply at sea as they do on land.**



*"As a city very connected to human rights, Geneva is proud to support the Geneva Declaration on Human Rights at Sea. This international declaration is important for the protection of people in international waters. I am happy to witness the realisation of a concept born in Geneva three years ago and to have been the first to receive this document"*

Mayor of Geneva Frédérique Perler  
1 March 2022



# Impact of seafarers' welfare maritime levy now evident in New Zealand, says Transport Minister

31 Mar 22

Law Reform and Policy

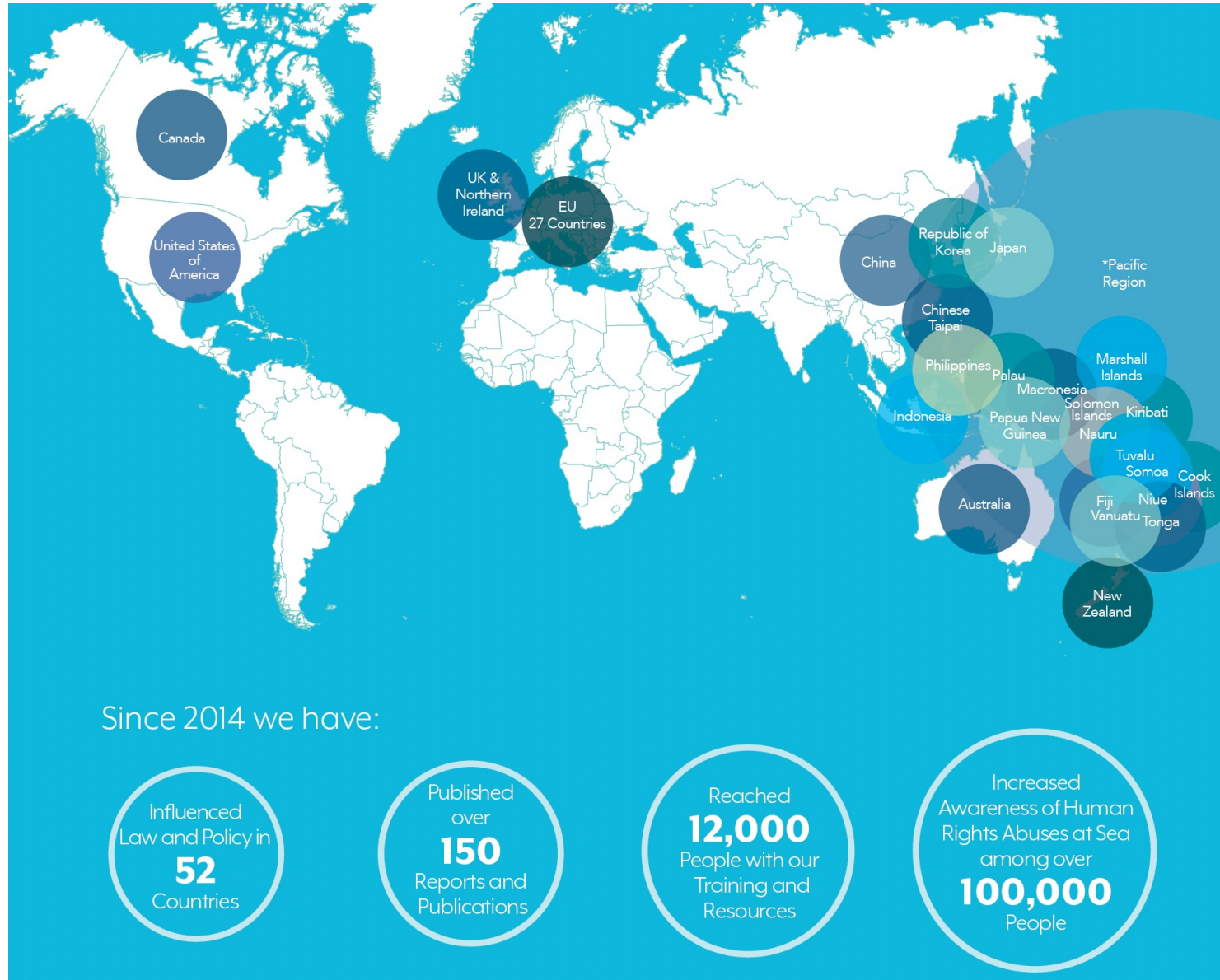
[Home](#) | [News](#) | Impact of seafarers' welfare maritime levy now evident in New Zealand, says Transport Minister



# Fieldwork: Ukraine War Crimes & Human Rights – March 2022







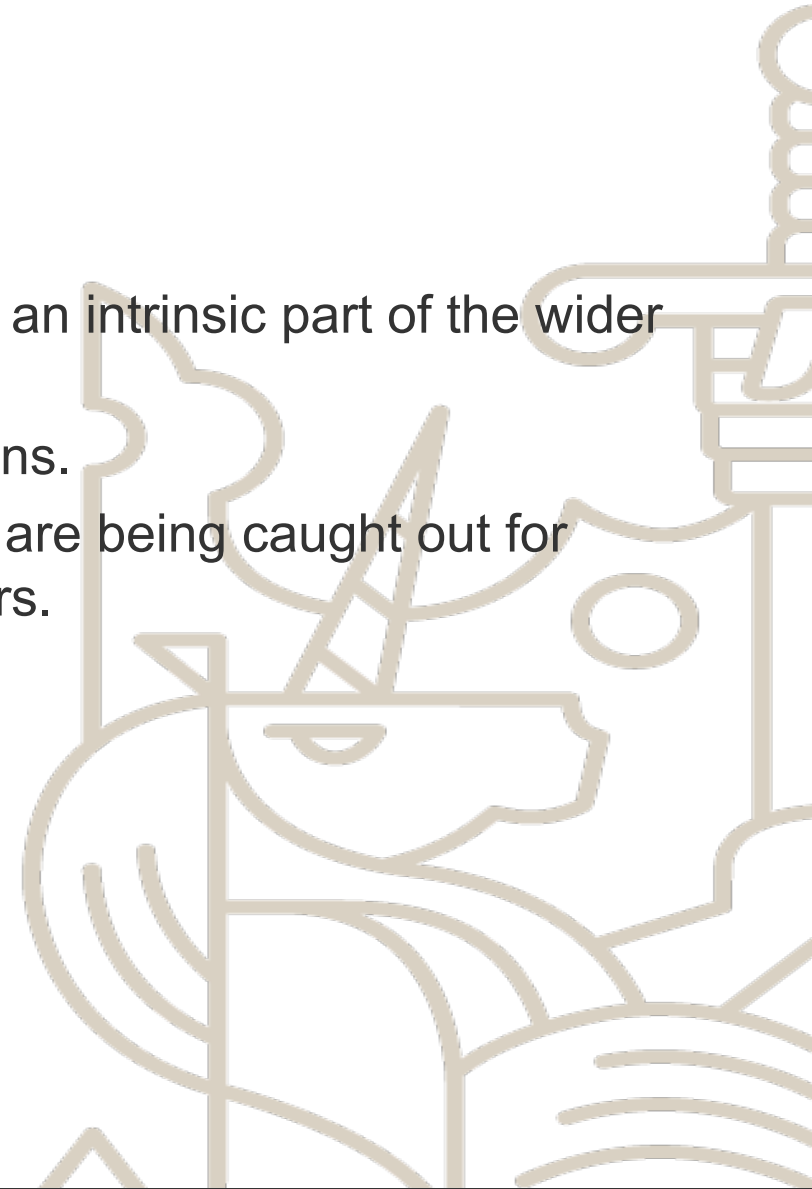


# Headlines

- Human rights apply at sea as they do on land.
- The fact that there exist international databases detailing flag states classed within a white, grey or black flag categories proves that substandard vessels are being allowed to be registered and operated with their constructive knowledge that human and labour rights abuses may be occurring under their flag jurisdiction.
- Arguably human rights only came to the forefront of the global shipping sector because of a global pandemic otherwise the 'out of sight, out of mind' and what is referred to as 'sea blindness' would have continued across the international community.
- The convenient use of the corporate veil to protect reputation, the application of undue pressure on victims to withdraw complaints, the lack of access to independent grievance mechanisms, or victims being prevented from whistle blowing against abusers must not be allowed to continue, if corporate ESG frameworks are to be viewed as being trustworthy.

# Headlines

- Often the in-house legal approach to complainants and victims is an intrinsic part of the wider problem in gaining justice for victims.
- Include civil society in your day-to-day business and considerations.
- Entities cannot claim ESG framework or pathway success if they are being caught out for human rights violations, being found to be covering up for violators.



# Questions to ponder

- ESG. Is the current tone from the top and governance in the shipping, cruise line, oil and gas and fisheries industry towards to social and therefore the human rights protections of workers, and de facto their dependents being set, upheld and enforced by the likes of the IMO, International Chamber of Shipping (ICS), Oil Companies International Marine Forum (OCIMF), International Cruise Line Association (ICLA), shipowner entities, as well as P&I Clubs - and across the wider global insurance industry?





# Questions to ponder

- In the marine insurance industry how many times has cover been withdrawn for an owner's failure to protect the human rights of the crew?
- If the flag state governance of a vessel is disputable and known to fall into a grey or black flag category set against international standards, such as the Maritime Labour Convention 2006, why do insurers continue to insure noting the ESG dangers to the insurer should this be publicly exposed?



# Questions to ponder

- Why are insurers still doing business with clients which are identified through external audits, legal cases, public reporting and civil society advocacy as being corrupt?
- How many prosecutions of abusive owners, charters, managers or recruiters are you aware of, and from where can you find that information when assessing applications for cover?
- For how many clients have you undertaken due diligence to understand their levels of awareness and knowledge of understanding around human rights law within their ESG Frameworks, and therefore are able to apportion a degree of risk that they may be more likely than not to be subject to corporate failures in assuring human rights safeguards resulting in worker claims?



# ESG gloss or a critical business requirement?

- **It can be both. Neither are mutually independent of one another.**
- It will depend on the ESG management within an entity and just how true they are to their ESG values, the sustainability pillars of **Planet, People, Profit**, the principles of the 2011 UNGPs and the lived corporate ethos of effectively balancing the interests of people and profit.
- ESG reporting can be clearly measured in the often-powerful court of public opinion when ESG failures have been identified and publicised through media, social media by unions, watchdog organisations and civil society international organisations and NGOs.
- **EXAMPLE.** The ability of HRAS to publicise failures and maintain an alternative independent narrative.





# What we have covered:

1. There is both an emerging and clear need for greater state, corporate and individual awareness, education and the **concerted application** of established human rights protections throughout the maritime environment, including the supporting supply chains which move 90% of the world's goods by sea that is undertaken by a work force equivalent to the size of the population of the city of Glasgow, Scotland.
2. **Lack of public transparency, accountability and effective remedy for victims** without them being gagged by legal actions and/or remedies, remains endemic across sea-borne activities spanning from the high-water mark out to the distant water fleets operating in international waters.



# What we have covered:

**3. Abandonment, murder, unexplained disappearances, maritime crime, stowaways, serious sexual offences and organ trafficking** are just some of the egregious matters that HRAS deals with. This is often set against a wall of corporate silence, malaise by states authorities unless called out, a lack of transparency around the identification of abusers alongside a culture of impunity by owners, managers, agents and recruiters.

**4. Enforcement actions stemming from port, flag and coastal state legislation that can be publicly reported** is a key pathway to increasing the deterrent effect against abusers, thereby upholding victim's rights and the international rule of law at sea.





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# Q&A session







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