



Human Rights at sea in Iranian's ports

The first Sate Seminar on Human Rights at Sea
Islamic Republic of Iran (I.R.I)(P.M.O)

Speaker : Sayedeh Hajar Hejazi

First Iranian Lady Expert of Ocean Governance & law of Sea and Human Rights at Sea



WMU WORLD MARITIME UNIVERSITY

THIRD WMU INTERNATIONAL WOMEN'S CONFERENCE

**EMPOWERING WOMEN IN
THE MARITIME COMMUNITY**

4 - 5 APRIL 2019, MALMÖ, SWEDEN



Speaker's Bio : Sayedeh Hajar Hejazi



- Senior researcher of the first Geneva Human Rights at Sea Declaration
- First Iranian lady researcher & Expert of law at sea _ocean governance, counter maritime terrorism and human rights at sea, Iran
- Speaker at World Maritime University ,Empowering Women in Maritime Community Conference 2019 on Human rights at sea subject, Sweden
- Speaker at FINS & SAGAR Maritime Security and Safety Conference in India on human rights at sea subject, India
- Ambassador of Human rights at sea of Indian Seafarers on Behalf of International Maritime Federation (IMF), India
- Former Senior Researcher & Scholar at Human Rights at Sea, London (UK)
- Associate member at the Nautical Institute, London
- WISTA Member



SAYEDEH HAJAR HEJAZI

SEAFARER ABANDONMENT | LECTURE



In October 2017, Iranian-based HRAS intern, Sayede Hajar Hejazi represented the charity on invitation from the organisers of the SAGAR Discourse 2017 Maritime Security conference in India.

The Forum for Integrated National Security (FINS) is a fast-emerging non-governmental think-tank in Mumbai engaged in studies related to Integrated National Security in association with the Ministry of External Affairs (Govt. of India) and the Norwegian Government organised the International Maritime Conference titled 'SAGAR Discourse' on 12 - 14 October 2017 at The Leela, Goa.

The SAGAR Discourse is based on fundamental principle of "Security And Growth for All in the Region" (SAGAR); a term coined by Honourable Prime Minister Shri Narendra Modi. The Discourse is a terrain specific conference based on six different terrains (Land, Ocean, Airspace, Outer Space, Cyber and Genome) where human engagement and conflict can take place. The Ocean was chosen for the first SAGAR Discourse.

Over the two days, there were 30 speakers from all over the world and participants of 20 countries. Most of the participants were diplomatic representatives of their own countries and military & navy commanders from the Indian military and abroad, as well as representatives from global maritime associations.

Speakers at the conference included: Mr. M. J Akbar, The Minister of State for External Affairs, Government of India; Mr. Nitin Gadkari, The Minister for Road transport, Highways and Shipping, Government of India and Mr. Gajendra Shekawat, The Minister of State for Agriculture and farmer's welfare, Government of India.

Other speakers included Admiral Sunil Lanba, Admiral Arun Prakash, Admiral Dr. Jayanth Combabe and Admiral R.K. Dhowan from India, Mr. V. K. Prasad, Director, Institute for Southern Ocean Studies (IOSOS), and Dr. Arun Kumar, member of the High Level Committee on Maritime Security.



Human Rights at Sea

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A woman, Sayede Hajar Hejazi, leads our relationship in India at Government level #IWD2019 @Aramhejazi @htratsea @Seafarers_UK @EllermanUK @FishmongersHall



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Human Rights at Sea
Abandonment
Case Study
Indian Family Stories of the
Consequences of Seafarer



Dear Madam,

Thank you for all your help. On 11 April 2019 all crew who wanted to go home have been repatriated, with their wages paid upto 20 March 19. The balance of wages will be paid once the vessel is sold.

It is because of your initiative that our plight got highlighted on various sites, that the Indian Govenment and Namibian government started to work towards our repatriation. Myself and Ch Engineer have decided to stay back at the request of the Mortgaging bank to preserve the ship till date of sale, i.e 20/21 May 19. We now have six local crew on board assiting us. Thw owner is out of the picture now as the mortgaging bank has taken over the ship. I can rely on the bank that they wiii repatriate us with our full wages upto date.

Once again a million thanks. I hope to be back in India by early June. Please let me know if I can do anything for you.

May Allah be with you.



Capacity of applying Human Rights at sea in Iranian's Ports

Legal System and Enforcements Code of Law at Iran

United Nations Convention Law of the Sea (UNCLOS)



Lack of human rights at sea
obligations

Lack of enforcement and proper legal
system

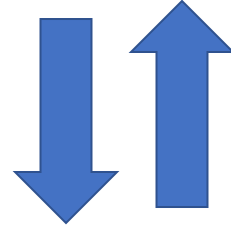
Need of Human Rights for Ocean Governance

- **Human rights at sea needs protection as well as it does need on land but we could not mistaken in land system of human rights with system of human rights at sea**
- **This is a Global Issues**



Lack of Human Rights at Sea as a Global Issues

- Human rights at sea applies to all individuals without discrimination it means, that applies on seafarers, their families, pirates or passengers



- Lack of Human Rights at sea and Applicable Legal System is a Global Issues which effects seafarers and their families at sea and on land

The requirements of Human Rights at Sea Declaration

lack of awareness

lack of law and insufficient law enforcement on high seas as well as ports

States are not able to have jurisdictions beyond 12 nautical miles from the coast



Rights of seafarers

The **seafarers** have a **right** to a safe and secure workplace, where safety standards are complied with, where you have fair terms of employment, decent living and working conditions and social protection such as access to medical care, health protection and welfare.

'Out of sight is out of mind' must be strongly challenged

- Seafarers are classified as workers
- Seafarers lives involves:



Physical abuses
Mental abuse

Seafarers abandonment is a case of mental and physical torture



Crimination



How to obtain seafarer's Rights

- Contract: between ship's owner and seafarers
- The ship: has the nationality of the flag regardless of location or the nationality of seafarers
- Port state: inspection and exercise state power over the ship while it 's in the port
- The seafarers home countries should provide support and assistance its consulate offices wherever seafarers need support

Port State duties and obligations

MLC 2006 & ISPS CODE

Overview & innovative features of
Maritime Labour Convention 2006 -
Format

Title 2 Conditions of employment

Regulation 2.1 - Seafarers' employment agreements

Regulation 2.2 - Wages

Regulation 2.3 - Hours of work and hours of rest

Regulation 2.4 - Entitlement to leave

Regulation 2.5 - Repatriation

Regulation 2.6 - Seafarers' compensation for the ship's loss or foundering

Regulation 2.7 - Manning levels

Regulation 2.8 - Career and skill development and employment opportunities for seafarers



Islamic Republic of Iran has capacity to support and develop Seafarers rights



- The Islamic Republic of Iran had ratified MLC 2006 Convention
- The Islamic Republic of Iran had Ratified UNCLOS 1982
- The Islamic Republic of Iran is one of the first states to support and develop :



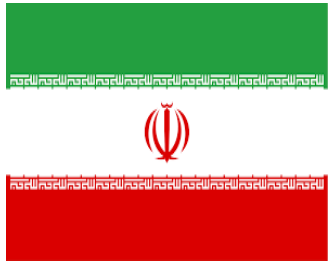
HUMAN RIGHTS OF SEAFARERS



How to support
international
seafarers at Iranian
ports as the port
state ?



Importance of Right of Transit Passage & Human Rights at sea at Striate of Hormoz



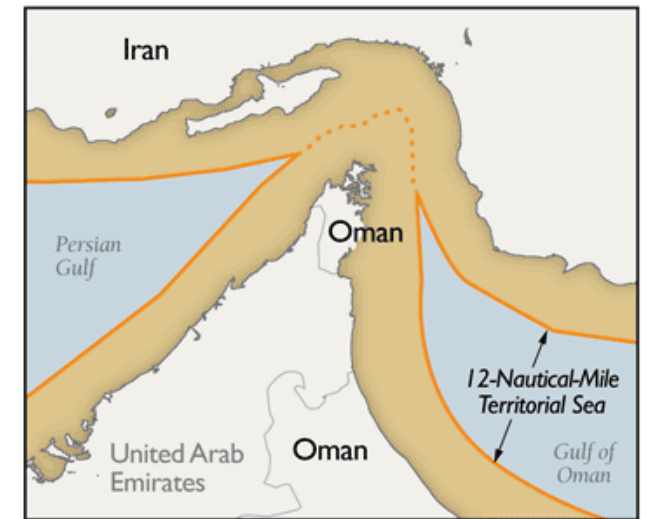
The State of Iran and Port & Maritime Organization and State authorities mandate to Strive for a better Security and Safety of International Seafarers at Iranian Territorial waters considering current circumstance at Iranian waters and ports (2019)

Before UNCLOS. Traditionally, coastal states claimed only a 3-nautical-mile territorial sea. Straits states, such as Iran and Oman, had narrow territorial seas that left a corridor of high seas passing through the center of the Strait of Hormuz. As such, foreign warships could easily transit through the strait without entering the territorial waters of either nation.



Note: Map locations and boundaries are approximate.

After UNCLOS. Under UNCLOS, states may claim territorial seas up to 12 nautical miles, essentially closing the high seas corridors that once passed through the center of narrow straits. Today, the Strait of Hormuz—which is only 21 nautical miles wide at its narrowest point—is “covered” by the combined territorial waters of Iran and Oman. Iran and Oman claimed 12-nautical-mile territorial seas in 1959 and 1972, respectively.



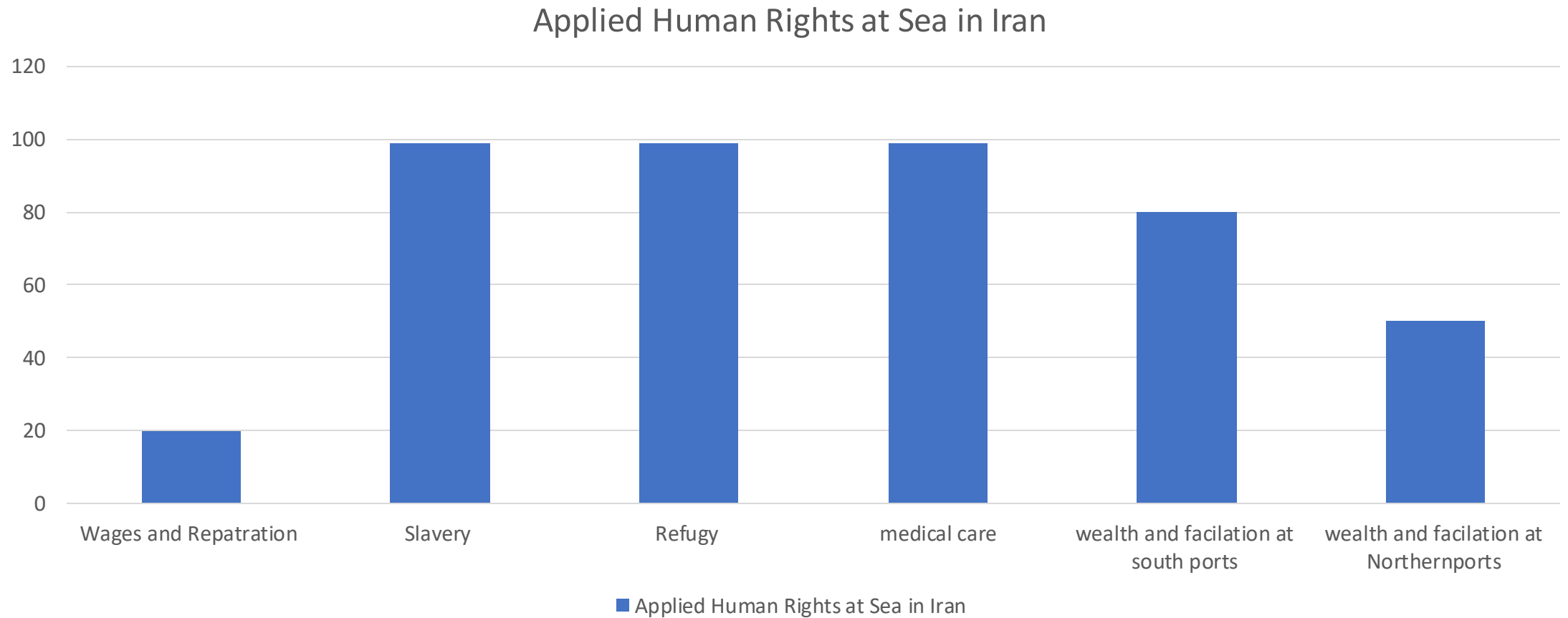
Importance of Innocent passage and applying Human rights at sea at Striate of Hormoz

UNCLOS 1982 ,Article 19,P2

Customary law

Applying Human Rights security and safety of seafarers, People and Passengers at striate of Hormoz

Applied Human rights at sea in Iran



Human Rights at Sea System is different from Human rights on Land in Iran which could be the same at many countries

- **Human rights at sea legal system should be apply at very different system on land and I kindly request United Nation and IMO and such organization to Stand for Seafarers and take an action to apply human rights at sea and make it separated from human rights on land**
- **We need a new maritime administration system to apply , monitor and governance Seas and high seas**



Positive Action & reports of Applying Seafarer's Rights in Iranian's Ports

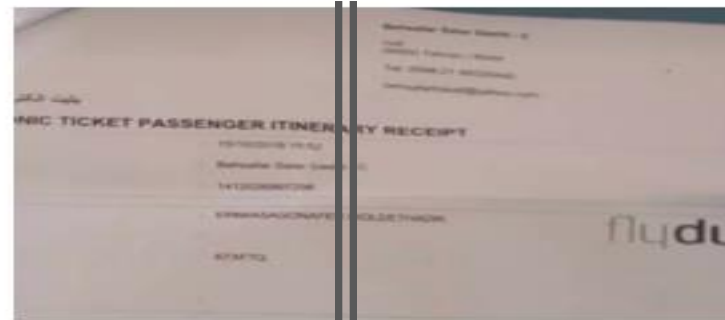
Positive reports of applied Human Rights at sea in I.R. Iran



HRAS publishes second Case Study on Seafarers' Abandonment in Iran

9th November 2018 |
Case Study, Press Release, Press Releases

Press Release 9 November 2018
London.UK. HRAS has just published the second part of the ongoing case study on seafarers' abandonment on the



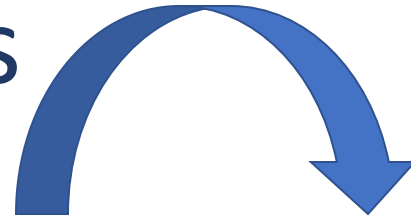
HRAS enables Ethiopian Chief Officer to return home with wages paid

16th October 2018 |
Abandonment, Abuse, Labour rights, Legal research, Non-payment of wages, Press Release

PRESS RELEASE 16 October 2018 London. UK. Human Rights at Sea is pleased to report the successful



 Statement of Human Rights at sea
issues in Iranian Ports



Statement of Solutions



Photo: Mostafa Safari



Iran hold the first charter of Human Rights in History likewise now it has the first Iranian lawyer and researcher to drafted the first Geneva Human Rights at Sea Declaration and Develop it



The requirement of Human Rights at Sea Declaration

States are not able to have jurisdictions beyond 12 nautical miles from the coast

The modern day Law of the Sea and International Human Rights Law, that when combined, come under the title of 'Human Rights at Sea' must now coexist and be bound together and have a value to our individual human rights, for better ocean governance and the world at large in terms of security, safety and freedom of navigation

**GENEVA
DECLARATION
ON HUMAN RIGHTS
AT SEA**

VERSION 1

www.humanrightsatsea.org
www.humanrightsatsea.org/publications/

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Seafarers should always be aware of their human rights, whether on land or on the earth's vast oceans and Seas

