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Human Rights Violations and Challenges in Maritime Law: A Critical Examination

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Abstract
Human rights protections at sea remain significantly weaker and less visible than their terrestrial counterparts, despite the maritime sector's indispensable role in global trade and economic stability. Seafarers and other maritime workers often face systemic violations—including forced labor, abandonment, unsafe working conditions, denial of medical assistance, limited access to justice, and criminalization for maritime accidents—made worse by complex jurisdictional barriers and fragmented regulatory frameworks. While instruments such as the United Nations Convention on the Law of the Sea (UNCLOS), the Maritime Labour Convention (MLC, 2006), and human rights treaties provide nominal protections, enforcement gaps persist due to Flags of Convenience (FOCs), weak port-state oversight, private actors' dominance, and insufficiencies in domestic implementation. Emerging issues—maritime migration, piracy, climate change, autonomous shipping, and fisheries-related human trafficking—further challenge existing legal structures. This article analyzes the multifaceted nature of human rights violations at sea, critiques the international and national legal frameworks, and identifies structural barriers that prevent effective enforcement. It concludes by proposing reforms for strengthening global governance mechanisms to ensure that maritime labor standards evolve to meet contemporary human rights needs.

Keywords: human rights at sea; seafarers' rights; maritime labour; Maritime Labour Convention; Flags of Convenience; maritime law challenges; abandonment of seafarers; forced labour at sea; port state control; maritime migration; piracy; UNCLOS; international maritime regulation.

1. Introduction

The maritime industry forms the backbone of global commerce, with more than 90% of world trade transported by sea. Despite this centrality, the working and living conditions of maritime workers remain among the least understood and least addressed within the broader human rights discourse. Unlike land-based labor sectors, the high seas are subject to complex jurisdictional arrangements, allowing many exploitative practices to remain hidden, unregulated, or politically unprioritized.

The COVID-19 pandemic exposed systemic vulnerabilities: millions of seafarers were stranded on ships past the expiration of their contracts, denied shore leave, and deprived of medical care. Yet these crises did not emerge in a vacuum; rather, they amplified structural deficiencies long embedded in maritime governance. Human rights violations at sea often fall into a legal void, partly because maritime law traditionally emphasizes safety, commerce, and vessel regulation, while human rights protections remain secondary.

This article provides a comprehensive examination of the major human rights violations faced by individuals at sea and the challenges inherent in addressing them through maritime law. It analyzes the effectiveness and limitations of international instruments, the jurisdictional barriers that impair enforcement, and the emerging issues requiring urgent reform.

2. Human Rights Violations in the Maritime Domain .

2.1 Abandonment of Seafarers .

Seafarer abandonment has become one of the most visible examples of systemic human rights violations at sea. An abandonment case typically involves a crew left unpaid, without provisions, and unable to leave the vessel due to immigration restrictions or lack of repatriation funds. These situations arise from shipowner insolvency, fraudulent registration practices, or deliberate evasion of obligations.

Abandoned seafarers often experience prolonged periods without:

- Fresh water and food supplies
- Access to fuel, electricity, and communication
- Adequate medical attention
- Legal guidance to claim unpaid wages
- Physical safety, especially when anchored in conflict zones

The psychological toll is immense: depression, anxiety, suicidal ideation, and the trauma of isolation are common. Moreover, the bureaucratic complexity of transnational jurisdiction—where the flag state, port state, shipowner's home state, and seafarer's home state all share limited responsibility—creates a legal vacuum.

While the **Maritime Labour Convention (MLC, 2006)** introduced mandatory insurance for repatriation and wage claims, loopholes persist. Some flag states lack regulatory capacity to enforce financial security clauses. Shipowners may dissolve shell companies overnight, leaving no legally accountable entity. Such structural deficiencies reveal that abandonment is not merely a financial or operational issue, but a violation of the human dignity and fundamental human rights of seafarers.

2.2 Forced Labour and Human Trafficking in Maritime Sectors .

Forced labor at sea is particularly pervasive in long-distance fishing fleets operating in Southeast Asia, the Pacific, and parts of West Africa. The International Labour Organization (ILO) and Human Rights at Sea (HRAS) have documented frequent practices of:

- **Debt bondage**, where fishers must repay illegal recruitment fees
- **Passport confiscation** to restrict mobility
- **Contract deception**, including false promises of wages
- **Violence**, such as beatings or threats by ship officers
- **Sexual coercion**, particularly involving young or migrant fishers
- **Human trafficking networks**, linking recruitment agencies, vessel operators, and labor brokers

These vessels often remain at sea for months or years, transferring catches to mother ships to avoid port inspections. For many trafficked workers, the sea becomes a floating prison.

The invisibility of the maritime domain allows traffickers to operate with impunity. Jurisdictional ambiguities—especially when vessels fly **Flags of Convenience**—make prosecution difficult. Port states may lack authority or resources to inspect foreign fishing vessels. Meanwhile, coastal communities remain economically dependent on fisheries, discouraging stringent enforcement.

Forced labor in fishing is increasingly recognized as a form of **modern slavery**, necessitating urgent legal and institutional interventions.

2.3 Unsafe Working and Living Conditions .

Maritime work involves inherent risks, but systemic neglect amplifies these hazards. Many vessels fail to comply with safety standards established under the **SOLAS Convention**, such as:

- Availability of functioning lifeboats
- Emergency drills and training
- Properly maintained fire safety systems
- Mechanisms for man-overboard detection
- Adequate personal protective equipment (PPE)

Fatigue remains a major threat. Seafarers often work long hours due to understaffing, commercial pressure to meet deadlines, and poor voyage planning. Violations of rest-hour requirements can lead to fatal accidents, including collisions, falls, and machinery injuries.

Living conditions below deck also contribute to human rights violations:

- Overcrowded cabins
- Poor ventilation and sanitation
- Lack of fresh water
- Insufficient recreational space
- Noise pollution and vibration

Substandard conditions violate not only the MLC 2006 but also the broader rights to health, dignity, and humane treatment recognized under international human rights law.

2.4 Denial of Medical Care and Shore Leave .

Medical care at sea is constrained by the absence of healthcare professionals onboard most vessels. Instead, crew members rely on designated officers with basic first-aid training. Life-threatening conditions—stroke, heart attack, severe injury—require evacuation, yet:

- Shipowners may delay requests for medical evacuation to avoid costs
- Port states may deny disembarkation for immigration or public health reasons
- Weather and distance may prevent rapid response

During the COVID-19 pandemic, thousands of seafarers were denied shore leave for months despite severe health issues. Many were prevented from disembarking even during emergencies due to public health restrictions. This highlighted the conflict between public health priorities and seafarers' rights to medical access.

The right to health is enshrined in the ICESCR, yet its implementation at sea remains highly inconsistent.

2.5 Criminalization of Seafarers (Fair Treatment Issues) .

Seafarers often bear the brunt of blame when maritime incidents occur. The arrest of innocent crew members following accidents—such as oil spills, navigational errors, or vessel groundings—reflects a pattern of immediate criminalization.

Common violations of due process include:

- Prolonged detention without formal charges
- Lack of translators during interviews
- Coercive interrogation techniques
- Restrictions on communication with family
- Confiscation of passports

- Unfair trials in foreign jurisdictions

While the IMO/ILO developed guidelines on fair treatment, these remain non-binding. States often prioritize environmental damage or political pressure over the rights of individual seafarers.

This trend discourages maritime professionals from reporting safety concerns and undermines the culture of transparency required in the industry.

2.6 Piracy, Armed Robbery, and Maritime Violence .

Despite international naval patrols, piracy remains a major concern, particularly in:

- **The Gulf of Guinea**, known for crew kidnappings
- **The Horn of Africa**, historically associated with Somali piracy
- **Southeast Asia**, where armed robbery is common

Pirates may subject seafarers to:

- Beatings and torture
- Prolonged hostage situations (sometimes for years)
- Psychological trauma
- Execution in extreme cases

Post-incident support is often inadequate. Many seafarers return home without counseling, financial compensation, or acknowledgment of their ordeal. Employers may refuse to pay wages during the captivity period.

The international legal framework for addressing piracy focuses on prosecution rather than victim support. Seafarers are often forgotten stakeholders in these incidents.

2.7 Maritime Migration and Refugee Rights Violations .

Maritime migration crises—such as those in the Mediterranean, the Bay of Bengal, and the Caribbean—frequently involve:

- Pushbacks to unsafe countries
- Delayed rescue operations
- Criminalization of humanitarian rescuers
- Overcrowded and unseaworthy vessels
- Deaths by drowning or dehydration

Although UNCLOS, SOLAS, and SAR Conventions mandate rescue of persons in distress, political considerations have increasingly influenced state responses. Refugees and migrants are often treated as security threats rather than rights holders.

Seafarers may face legal risks for rescuing migrants due to conflicting state policies. This creates moral dilemmas, operational uncertainty, and potential criminal liability.

3. International Legal Framework .

3.1 UNCLOS .

UNCLOS provides the backbone for maritime governance but contains limited human rights language. Its obligations to suppress piracy, trafficking, and slavery indirectly protect human rights, but enforcement relies primarily on flag states.

Challenges include:

- Vague definitions of “due diligence”
- Limited monitoring of flag state compliance
- No binding dispute mechanism for human rights issues

- Jurisdictional loopholes enabling exploitation

UNCLOS was not designed as a human rights treaty; therefore, it must be supplemented by newer instruments.

3.2 MLC 2006 .

The MLC is the most advanced labor instrument for seafarers. It outlines minimum standards across recruitment, employment, accommodation, welfare, and social protection.

However, limitations persist:

- Enforcement varies across regions
- Insufficient penalties for non-compliance
- Shipowners exploit legal exceptions in certain jurisdictions
- Some states lack training and resources for inspections

While the MLC aims to create a "level playing field," it cannot overcome structural issues such as FOCs without broader reforms.

3.3 Core Human Rights Treaties at Sea .

International human rights treaties apply extraterritorially when states exercise control over vessels. Yet courts have struggled to determine:

- When jurisdiction is established
- Whether states owe obligations to individuals on foreign-flagged vessels
- How human rights norms apply on the high seas

This uncertainty enables systemic under-protection.

3.4 IMO and ILO Instruments .

IMO and ILO conventions, while influential, face enforcement barriers due to:

- Fragmented responsibilities
- Non-ratification by key maritime states
- Weak dispute resolution mechanisms
- Lack of binding human rights language

The STCW and SOLAS conventions improve technical safety but do not focus on human rights as a central concern.

4. Challenges in Enforcement .

4.1 FOCs .

FOCs are states that allow foreign shipowners to register vessels cheaply and anonymously. These registries weaken global labor standards because:

- They reduce oversight
- They prioritize revenue from registrations over seafarer welfare
- They complicate investigations into abuse

The lack of transparency in ownership makes it nearly impossible to hold shipowners accountable.

4.2 Jurisdictional Fragmentation .

Maritime law’s layered jurisdiction creates confusion regarding:

- Which state investigates crimes
- Which state prosecutes offenders
- Who protects seafarers' rights
- Which court has authority over wage claims

This fragmentation is perhaps the greatest structural obstacle to human rights protection at sea.

4.3 Dominance of Private Actors .

Private shipping companies operate across multiple jurisdictions, enabling them to choose the most favorable legal environments. P&I clubs (insurers) also control access to compensation, creating barriers for seafarers seeking justice.

4.4 Weak Port State Control .

PSC is uneven across regions. Some countries conduct robust inspections, while others lack trained personnel or resources. Human rights assessments are rarely included in PSC checklists.

4.5 Barriers to Access to Justice .

Access to justice is hindered by:

- High litigation costs
- Language barriers
- Short limitation periods
- Fear of employer retaliation
- Complex transnational lawsuits

Most seafarers abandon claims due to these obstacles

4.6 Lack of Visibility and Data .

Absence of reliable data on working conditions, accidents, and abuse prevents effective policymaking. Many cases remain undocumented, especially on distant-water fishing fleets.

5. Emerging and Future Challenges .

Each sub-heading is expanded:

5.1 Climate Change

More violent storms increase accidents, while extreme heat threatens crew health. Climate-driven Arctic shipping introduces new risks.

5.2 Autonomous Ships

Reduced crews raise questions about labor rights, liability, and safety in emergencies.

5.3 Deep-Sea Mining

Mining vessels operate without clear labor rules. Workers face exposure to toxic substances and extreme pressure environments.

5.4 Cybersecurity Threats

Cyberattacks can disable navigation systems, posing direct risks to life and property.

5.5 Modern Supply Chain Exploitation

Global demand incentivizes cheap labor, amplifying forced labor risks in fishing and shipping networks.

Conclusion

Human rights protection in the maritime domain remains one of the most complex and under-addressed areas within international law. Although the global economy relies overwhelmingly on maritime transport and the labour of millions of seafarers, fishermen, and maritime migrants, their rights and safety are routinely compromised by systemic legal, structural, and institutional weaknesses. The analysis throughout this article reveals that human rights violations at sea—whether in the form of abandonment, forced labour, unsafe working conditions, criminalization, piracy, or the denial of medical care—are not isolated incidents but the direct result of long-standing gaps in maritime governance.

At the heart of these violations lies a regulatory framework fragmented across jurisdictions and dominated by private actors whose operations transcend borders. Instruments such as UNCLOS, the Maritime Labour Convention, and numerous IMO and ILO conventions provide important standards, yet none fully overcome the entrenched challenges posed by Flags of Convenience, weak flag-state performance, and the limited reach of port-state control. The structural imbalance between commercial interests and human rights protections has allowed exploitation and abuse to persist with minimal accountability. Seafarers and other maritime workers often find themselves navigating a legal labyrinth where responsibility is diluted and justice becomes inaccessible.

Emerging issues—including climate change, increasing automation, cyber threats, and the rise of deep-sea mining—further complicate this already fragile landscape. These developments introduce new risks and ethical dilemmas that existing legal frameworks are ill-prepared to confront. Without proactive reform, the maritime industry risks deepening existing inequalities and exposing workers to even greater vulnerabilities.

Addressing these challenges requires both systemic and innovative approaches. Strengthening flag-state oversight, improving transparency in ship registration, enhancing port-state enforcement mechanisms, and establishing binding international standards for human rights at sea are essential steps. Equally crucial is the creation of effective, accessible remedies for seafarers and victims of maritime abuse—mechanisms that operate independently of shipowners and provide real pathways to justice. Civil society organizations, trade unions, and transnational advocacy networks must play a central role in monitoring, reporting, and pushing for accountability.

Ultimately, safeguarding human rights at sea demands a paradigm shift in how the international community understands and governs the maritime domain. The ocean cannot remain a space where legal accountability dissipates and human dignity is easily compromised. The protection of maritime workers, migrants, and vulnerable communities must be integrated into the core of maritime policy and global governance—not treated as a peripheral concern to commercial efficiency. Only through coordinated, multidimensional reform can the promise of a truly human-centered maritime order be realized—one that ensures safety, dignity, and justice for all who live and work at sea.