



HUMAN RIGHTS AT SEA

29 March 2017

European Parliamentary Hearing for the event: **Search and Rescue in the Mediterranean Sea - Criminalization of the humanitarian aid**

Human Rights at Sea statement: ‘Coordinating forces and resources to improve SAR missions’. (The Voluntary Code of Conduct for SAR NGOs – David Hammond, HRAS & Bruce Reid, IMRF)

STARTS

Thank you, Miguel, for the opportunity to speak today here in the European Parliament and to present our collaborative work from Human Rights at Sea, alongside my colleague Mr. Bruce Reid at the International Maritime Rescue Federation concerning the publication of the first voluntary **“Code of Conduct for Search and Rescue Operations undertaken by civil society Non-Governmental Organisations in the Mediterranean Sea”**. You should have access to copies of this document today – if not, it is free to download from our website¹ .

For background, Human Rights at Sea is an independent maritime human rights charitable organisation established in 2014 for **investigation, education and advocacy** highlighting human rights abuses throughout the maritime environment, and since our inception, we have been continuously stretched in developing our role and reacting to reports of maritime human rights abuses on a global scale. I also hope that today of all days with the triggering of BREXIT, that you will welcome an English charity in this forum.

The overarching issue that we are addressing here involves the **criminalization of humanitarian aid in the maritime environment**, and

¹ <https://www.humanrightsatsea.org/wp-content/uploads/2017/03/20170302-NGO-Code-of-Conduct-FINAL-SECURED.pdf>



HUMAN RIGHTS AT SEA

which is an increasingly worryingly level of unnecessary criticism that is becoming detrimental to lawful humanitarian operations by SAR NGOs working hard to alleviate suffering and save life in the Mediterranean.

Human Rights at Sea is very pleased to have been able to initiate the drafting of this Code as a starting point for future development and refined iterations. It builds on our previous collaborative international publication 'Volunteer Maritime Rescuers: Awareness of Criminalisation' (2016)², and has been led through our Internship Programme and Legal Research Programme by our former Erasmus intern, Miss Melanie Glodkiewicz.

In order to rebut unhelpful suggestions that civil society SAR NGOs are in some way acting unlawfully, *and* also to support lawful professional rescue operations, **our headline to the European institutions and interested MEPs** is that by SAR NGOs using this new, and may I say *evolutionary* voluntary Code of Conduct, it directly supports the increasing professionalism and transparency of action of SAR NGOs operating in the Mediterranean sea-space, and which has never been so essential in order to *effectively* help save life at sea.

I do not need to highlight our legal obligations in terms of the European Convention on Human Rights in terms of the right to life.

As an emerging soft-law instrument, the Code of Conduct provides a baseline foundation document for increased SAR NGO operational alignment and we are very proud to have been associated with its development alongside our valued civil society colleagues most of whom are present here today.

SAR NGOs should not be criticized as acting as pull factor for the current humanitarian crisis, and if they are, to be balanced, so then are the European

² https://www.humanrightsatsea.org/wp-content/uploads/2015/05/HRAS-Voluntary-Maritime-Rescuers-Awareness-of-Criminalisation_2016-SP-LRSecured-.pdf



HUMAN RIGHTS AT SEA

state actors operating at sea who are bound under international law to render assistance at sea under UNCLOS Art 98.

Our extensive 2016 field research from the Sahel in a document entitled “The 20 Questions³” indicates other motivational pull factors not obviously stated in the public arena.

For example, access by young Africans to smart phones, imagery and videos reflecting European lifestyles are viewed from conditions of poverty, often by young persons with low levels of education and which is not their fault; who are living in poor conditions and with low levels of assured employment. The perception for them through the window of social media that the journey to Europe is worth the risk, we have found was one of the largest *push* factors, while Europe and what Europe represents as a whole, was a main *pull* factor.

[DELIVERY]

I am very pleased to be able to report to you that in the last 48 hours, my fellow SAR NGO attendees and representatives **have agreed the objective and intent of the First Edition of the voluntary Code**, (to be further jointly developed) *on the basis* that the Code aligns with the three core areas for the undertaking lawful SAR operations, those being;

1. The following of established international humanitarian principles,
2. The defending of fundamental human rights and;
3. The increased professionalization of operational conduct by the SAR NGOs.

³ <https://www.humanrightsatsea.org/wp-content/uploads/2016/06/HRAS-MIGRANT-Report-LR-dps-1.pdf>



HUMAN RIGHTS AT SEA

The sole aim of such a unique and voluntary joint effort is to deliver a co-ordinated and comprehensive humanitarian approach to the on-going Mediterranean SAR NGO missions that **should sit seamlessly alongside European institutions and organisations**; themselves engaged in the SAR operations in the Mediterranean region.

It should also assist with **transparency of NGO humanitarian actions** in order to address current issues of mistrust between organisations and institutions, and **further address false and unhelpful accusations** of direct support to criminal networks operating in the region.

To sum up, the voluntary Code of Conduct should be the **minimum standard** of agreed actions by signatories for a 'comprehensive approach' to SAR and engagement with fellow SAR NGOs. Internationally recognised SAR and maritime Conventions⁴ as well as humanitarian principles have assisted in shaping the following **proposed minimum standard voluntary Code of Conduct**.

We should now seize this unique opportunity to further develop and deliver on the Code together with direct support from our European institutions supporting the very NGOs who are developing and using it.

Thank you.

ENDS

⁴ 2016 Human Rights at Sea Guidance on Volunteer Maritime Rescuers: Awareness of Criminalisation https://www.humanrightsatsea.org/wp-content/uploads/2015/05/HRAS-Voluntary-Maritime-Rescuers-Awareness-of-Criminalisation_2016-SP-LRSecured-.pdf

2016 International Aeronautical and Maritime Search and Rescue Manual, vol. III (IAMSAR)

1982 United Nations Convention on the Law of the Sea (UNCLOS)

1979 International Convention on Maritime Search and Rescue (SAR Convention)

1974 International Convention for the Safety of the Life at Sea (SOLAS Convention)

1951 Convention related to the Status of Refugees