



## APPEAL

### THE UN FLAG FOR HUMANITARIAN SHIPS

To the kind attention of

- **António Guterres, Secretary General of the United Nations,**
- **Volker Türk, High Commissioner for Human Rights,**
- **Václav Bálek, President of the Human Rights Council**
- **Kitack Lim, Secretary of the IMO (International Maritime Organization)**

Over the past twenty years, climate and food crises, wars and long-lasting conflicts have displaced millions of people in many areas of the world. The historical causes and responsibilities of these crises are widespread and concern us: climate change is largely the effect of a model of development and consumption imposed by the richest countries, the consequences of which are felt even more acutely by the impoverished countries; food crises often result from a use of land and water that favors intensive cultivation for the global market and not for meeting local needs; wars also occur as a result of post-colonial intrusions by countries in the Global North aimed at exploiting natural resources that create imbalances and conflicts between neighboring areas and are fuelled by arms sales.

The tragic mixture of social, ethnic, religious problems and extreme forms of poverty, especially in Africa and Asia, has forced many human beings to attempt to reach the borders of richer countries, trying to make that 'right to asylum' enshrined in Article 14 of the Universal Declaration of Human Rights and in European Union law relevant and enforceable.

The case of the Mediterranean, a sea of hope and death, is emblematic of this unstoppable and dramatic race towards a possible salvation. On the one hand, Asian and African countries from which long caravans of men, women and children leave, after crossing miles of desert and mountains, hoping to reach Europe (most often through Greece, Italy and Spain). On the other hand, an articulated system of pushback formed by European and non-European countries (Libya, Turkey, Tunisia) which, through the outsourcing of border controls, tries to block boats carrying thousands of desperate people trying to reach a landing place or to be rescued by Coast Guards or, in the absence of effective rescue plans organized by European states, by some of the humanitarian ships that act to reaffirm the value of that Right to Life to Freedom and Security solemnly sanctioned by Article 3 of the Universal Declaration.

Unfortunately, the fight against international human trafficking has often turned into a fight against the victims of trafficking, in clear contrast to the provisions of the Additional Protocol to the United Nations Convention against Transnational Organized Crime to combat the Smuggling of



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Migrants by Land, Sea and Air, which stipulates that "each State Party shall take appropriate measures to provide migrants with adequate protection against violence that may be inflicted on them" (art. 16 paragraph 2). This is a situation that has been going on for many years with very serious loss of life and a terrible degradation of international law institutions, such as the right to asylum and the obligation to rescue at sea. This situation is in danger of wiping out the prerequisites of peaceful coexistence between peoples and the peace agreements signed at the end of the Second World War, which form the legal basis on which the United Nations Organization was founded.

The denial of access to ports for humanitarian ships, the systematic delays in granting safe harbor in which to disembark the human beings saved from the waves of the Mediterranean, the extreme conditions of survival to which the shipwrecked people on board the same humanitarian ships are kept, the severe incriminations and investigations to which the perpetrators of the rescues are subjected, are the very serious problems regarding which civil society clashes with its institutions.

It is no longer possible to keep silent about the fact that a 'criminalization of solidarity' has been going on for too long now, which seeks to hinder or slow down rescue operations, through ad hoc administrative procedures, and even to punish in any way the promoters of these rescue operations who every year rescue thousands of human beings at sea who are destined to drown and pay for the alleged crime of irregular migration with their lives.

Faced with this atrocious contradiction between deficient legislation and distorted administrative practices and respect for fundamental rights, the Naples Human Rights Film Festival, in conjunction with some of the main organizations supporting the work of humanitarian ships and solidarity workers has decided, on the occasion of the 14th edition held in Naples between 16 and 26 November 2022, to make an appeal to the United Nations for this unjust and unacceptable inequality to be curbed and for the protection of the equality of all human beings to be reaffirmed without delay as an absolute priority.

We call on the United Nations

1. to intervene with the I.M.O. (International Maritime Organisation) to revoke the recognition of a 'Libyan' SAR zone, due to the systematic violation of the right to asylum and since even today there is still no single rescue coordination center, and the Libyan authorities do not guarantee the indication of a safe port of disembarkation and respect for human rights.
2. to recognize the fundamental importance of the sea rescue work carried out by humanitarian organizations to ensure the protection of human life at sea and respect for human rights in accordance with the purposes of the Organization. In particular, with a view to ensuring that the work of humanitarian organizations is recognized by all as serving the purposes and values enshrined in the Charter of the United Nations so that there is no



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unequal treatment related to the different legal systems of the countries from which ships, crews and persons rescued at sea are requested to be received, the Organization is asked to authorize the permanent display of the United Nations flag in accordance with Article 6.2(b) of the United Nations Flag Code on the ships of humanitarian organizations providing sea relief.



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