

Ukrainian Independent Maritime Trade Union
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Mass Violation of Labor and Social Rights of Seafarers as Significant Threat for OSCE Human Dimension Development (reporter – Borys Babin)

Dear ladies and gentlemen!

Let me represent our position on problem of mass violation the seafarers` right in OSCE region.

Today the defense of labor and social rights of seafarers in terms of total globalization of the world trade navigation is a common task for states in the OSCE region. Problems with nondiscrimination of seafarers, effective state guarantees of their rights, compensation practices and problems with implementation of the modern ILO international legal standards of seafarers` rights (such as MLC-2006) demand for intensive cooperation in OSCE region. Ukraine as the leader country in world by seafarer officers personnel quantity, that donates the seafarers labor to the global market, during its Chairmanship in OSCE in 2013 must initiate the coherent OSCE activities and lead the process of cooperation in this area. We point that the problems of seafarers` rights are the non-divided part of OSCE mandate, as they are able to be watched as a part of the “third basket” and must to be developed in ODIHR activities.

The ODIHR mandate foresees the “ensuring full respect for human rights and fundamental freedoms”, and “promoting tolerance throughout society”. So the labor and social rights of seafarers, their right to organize themselves, right do have access to justice and more, common culture and personal rights are the part of human right institution, part of OSCE mandate. Violation of those rights is a challenge to OSCE mission: such cases as:

- illegal conviction of Captain Sergey Maslennikov and other Ukrainian seafarers by Spanish government or
- case of illegal conviction of Captain Evgen Voltchenco by government of San Tome;
- case of detention of ship cook Rouslan Yakushev by Russian state authorities – shows how vulnerable are the seafarers` fundamental rights abroad.

Seafarers` labor rights are totally violated in OSCE region. Only the Ukrainian charity fund “Assol” registered in 2010-2013 more than 60 cases of violation Ukrainian seafarers` rights – in total number of 960 persons. Their rights were violated by Croatian, Greek, Italian, Russian, Turkish and native Ukrainian shipowners and manning agencies – by refusing in paying wages and/or paying for repatriation, without any real possibility of rehabilitation and compensation.

More, seafarers now are the group of population that is being discriminated on their nationality. If we`ll see the examples of choosing justice for Ukrainian seafarers in Russia, Spain, Greece, the problems of struggle against Ukrainian sea labor in EU countries, the EU resolutions that make quota for non-EU seafarers on vessels as with EU`s flags so operated by EU ship-owners or crew companies – we will see the strait discrimination of Ukrainian seafarers.

ODIHR must watch the seafarers` problems, as labor migrants` problems, despite the mandates of such UN structures like ILO and IMO. OSCE, as a regional organization, involved in process of monitoring and prevention the labor migrants` rights violation, must consider that a huge part of world ship-owners and operators are concentrated in states of Western Europe, USA and Canada. The countries that donate the labor power to the global shipping today are represented as by maritime states of Western Europe, so, and the most of all – by the post-socialistic European states with a huge maritime tradition and shorted national merchant fleets.

Today the MLC-2006 provides comprehensive rights and protection at work for the seafarers. Now the 46 countries ratified MLC and 21 among them are OSCE countries. Other OSCE countries are in process of preparing to its ratification and some OSCE countries encountered with a huge problems in reconstruction the national procedures of seafarers` recruitment and placement, creation the modern mechanisms of defending the own seafarers` rights abroad and of a vessels with a suitable flag, aiding for seafarers` resocialisation and cooperation with seafarers` trade unions, as national so international ones.

Our union propose to ODIHR OSCE, to any other interested OSCE institutions, national governments, NGO of OSCE region to cooperate with ILO and IMO in a way of establishing the modern standards of seafarers` right such as MLC-2006, to struggle against violation the common, labor and social rights of seafarers and to struggle and prevent the seafarers` discrimination in OSCE region. Coherent organizational and programmatic OSCE mechanisms must be created.

Thank You for Your attention!