



PROTECTING SEAFARERS' RIGHTS

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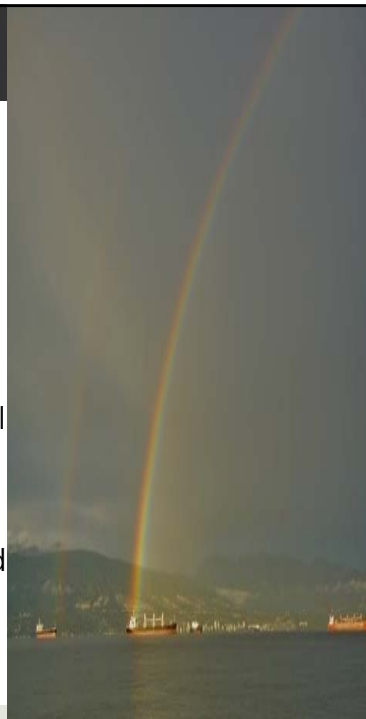
International Transport Federation

Kaitly Arsoniadis-Stein LLB, LLM President, Secretary General

International Ship-Owners Alliance of Canada (ISAC)

INTRODUCTION

- 1.5 million seafarers worldwide
- Seafarers work in hazardous conditions
- Exposed to exploitation & abuse
- Exposed to international & national laws
- ILO recognizes seafarers as among the most isolated and marginalized workers in the world



The Seafarers' Reality

- Illegal recruitment practices
- Substandard living conditions
- Non-payment/ delay in wages
- Physical and mental abuse
- Blacklisting
- Abandonment



PIRACY

ISF "no acceptable level of piracy"

- 20 ships & 400 sailors are held hostage
- 2009: 217 ship attacks, 867 crew held hostage
- \$12.3m to release 2 ships
- Piracy must be eradicated
- Industry Duty of Care/Wages



Hebei Spirit – Scapegoats?

- Samsung barge collided with Hebei Spirit
- Capt. Chawla and C/O Chetan jailed
- Found guilty/ detained 550 days
- Ability to work?



Prestige – Political Hostage?



- Cpt. Mangouras jailed for 83 days
- 3 million Euro bail set
- Political Hostage held for ransom?
- ECHR ruled bail amount justified according to 3rd party finances

Canada's position on Criminalisation



- Global trend to criminalize pollution
- The Lumberjack's ax: Canada's criminal strict liability
- Industry/ Labour/ CMLA response to policy makers

SENATE OF CANADA



"...as soon as we mention oily birds or environment, our sense of fairness goes out the window... It takes away the rights of citizens. I will put money with anyone who wants to that this will be overturned constitutionally. I think it is a bad bill." June 9, 2009

- Canada contravening international obligations: MARPOL, CLC, UNCLOS

CRIMINALISATION CONCLUSIONS

- Korean gov't convenient solution: Chawla and Chetan take the fall
- Spanish authorities set unreasonable bail for a working man who still awaits trial
- Canada presumes seafarers guilt



Eleanor Roosevelt described UDHR as:
"The International Magna Carta of all Mankind"



UDHR, Article 11(1)

Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial...

Dec 10, 1948

Seafarers' Rights International (SRI)



- SRI launched at IMO on World Maritime Day
- Seafarers: wanting to know their legal rights
- Shipowners: wishing to benchmark highest standards for treatment of crew
- Lawyers: resource centre

The Tool Box



- Maritime Labour Convention
- Seafarers' Rights International
- Industry Associations/ITF



INTERNATIONAL MARITIME ORGANIZATION



BIMCO



INTERTANKO



itf



INTERNATIONAL LONGSHORE & WAREHOUSE UNION
CANADA



INTERNATIONAL CHIEF OF SHIPPING



ILO



Transport Canada



Transports Canada

WORKING TOGETHER

