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To Special Rapporteur on contemporary forms of slavery, including its causes and its consequences

Russian Aggression against Ukraine, Trade Unions and Slavery Issues

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Our Association of Reintegration of Crimea (ARC)¹, is non-governmental expert and human rights organisation². Since 2020 we sent more than 150 submissions and proposals to UN human rights' structures, including the issues of violating the Crimean inhabitants' rights of free labour³⁴, including slavery issues⁵, displacement and relevant situation on the Russia-occupied territories⁶.

Sending answers to the Special Rapporteur's questionnaire.

1-5. Illegal occupation and attempted annexation of Crimea by Russia since 2014, as a part of Russian-Ukrainian interstate conflict, changed the situation in the region. Systematic gross violations of the human rights, racial discrimination of ethnic Crimean Tatars and Russians, including forced labour, were committed in last ten years by Russia in the Crimea, were condemned by the UN GA resolutions⁷, resolutions of the OSCE Parliamentary Assembly, of the PACE, of the European Parliament's resolutions etc. Gross human rights' violations, were the subject to consideration in International Court of Justice (ICJ) (case 166)⁸ and the European Court of Human Rights (ECHR, case 20958/14 and others).⁹ UN GA Resolution 76/179 on 16 December 2021¹⁰ condemned the reported serious violations and abuses committed by Russia against residents of the Crimea.

Russia banned illegally all Ukrainian trade unions on all territories of Ukraine that it occupied. Some trade unions continued attempts to defend the Crimea workers from trafficking and slavery; Ukrainian Independent Maritime Trade Union¹¹¹² made it regarding Crimean seafarers, including statements to UN and OSCE structures¹³¹⁴.

That trade union stressed to OSCE that the separate complex of problems arose for the Ukrainian seafarers residing in Ukrainian territories occupied by Russia, first of all in Crimea. Those problems first of all were caused by the mass, flagrant and purposeful breach by Russia

¹ <https://arccrimea.org/en/>

² https://www.journal-officiel.gouv.fr/associations/detail-annonce/associations_b/20210005/1348

³ <https://www.ohchr.org/Documents/Issues/Slavery/SR/Submissions/CSOs/Association-of-reintegration-of-Crimea.docx>

⁴ <https://www.ohchr.org/Documents/Issues/Slavery/SR/ReportHRC48/CSOs/ARC.pdf>

⁵ <https://owncloud.unog.ch/s/65CjhIlud3G2yBu?path=%2FCivil%20Society%20Organizations>

⁶ <https://www.ohchr.org/sites/default/files/Documents/Issues/Children/SR/GA76/Association-of-reintegration-of-crimer.pdf>

⁷ for example, <https://undocs.org/en/A/RES/73/263>

⁸ <https://www.icj-cij.org/public/files/case-related/166/166-20191108-JUD-01-00-EN.pdf>

⁹ <http://hudoc.echr.coe.int/eng?i=001-207622>

¹⁰ <https://undocs.org/en/A/RES/76/179>

¹¹ <https://www.osce.org/files/f/documents/f/6/106493.pdf>

¹² <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/ForumSession3/UIMTU.doc>

¹³ <https://www.osce.org/files/f/documents/5/8/265616.pdf>

¹⁴ <https://ctrcenter.org/en/activities/245-all-negative-environmental-factors-are-caused-by-the-military-economic-activity-in-crimea-uimtu>

its obligations as occupier state, fixed in the international humanitarian law. Those problems in common were:

- the sequential elimination by Russia the mechanisms of seafarers' certification, training and high school teaching in the Crimea, recognized by the international community;
- the absence in the Crimea the effective mechanisms of transfer the seafarers' wages from foreign ship-owners and legal mechanisms of seafarers' repatriation to their residence location;
- the misanthropic, racist, chauvinist anti-Ukrainian Russian state propaganda in the Crimea and regions of Russia that complicate the possibility of seafarers' placement in one crew mixed from Ukrainian seafarers residing in Crimea, in other Ukrainian regions and from Russian seafarers – as the real risk of conflicts on board appeared;
- the non-implementing by Russian ship-owners, that operate the vessels in waters around Crimea and in Crimean ports closed by Ukrainian government, for those shipping the regime of the conflict zone that aggravates the risks for crews and reduces the guarantee of seafarers' rights;
- the illegal militarization by Russian army and navy authorities the trade vessels that carry out the extraction of natural resources and fishery in the parts of Ukrainian internal waters, territorial sea and exclusive maritime zone around Crimea that are controlled by Russia.

Trade Union noticed to OSCE in 2016 the impossibility of functioning in the occupied and illegally annexed Crimea legal and internationally recognized Ukrainian maritime trade unions also as the negative role of the Russian Federation of Maritime Transport Workers' Trade Unions and Russian Seafarers' Union of Russia and monopole and pro-governmental structures that have direct tasks in the Crimea not to defend the local seafarers but to realize the politic targets of Russian authorities in area of support the "legality and lawfulness" of the "reuniting" the Crimea with Russia only.

Also Trade Union noticed to OSCE on the negative role of the Russian Maritime Register of Shipping (RMRS) as the classification society directly controlled and operated by the Russian state authorities and issuing en masse obviously untrue documents and certificates on "compliance" the Ukrainian trade vessels and maritime industry structures, trapped illegally by Russia in the Crimea, to the international conventions in areas of shipping safety, vessel nationality and defense the crew members' rights.

In Ukraine's jurisdiction Ukrainian Independent Maritime Trade Union initiated cases in administrative courts defending rights of Ukrainian fishermen, stolen by Russian "coast guard" from Black Sea and Sea of Azov and illegally kept in the Crimea as hostages.

In those cases 420/7376/20¹⁵ and 420/8381/20¹⁶ Ukrainian Independent Maritime Trade Union demanded to recognize the illegal inactivity and negligence of respectively Ukraine's Ministry of Reintegration and State Fishery Agency in those cases, including issues of misrecognition of stolen fishermen as victims and of illegal negotiations with Russian authorities; those claims were satisfied partially and damage was not compensated.

In other case 420/3863/20¹⁷, Ukrainian Independent Maritime Trade Union demanded to recognize the illegal inactivity and negligence of Ukraine's Presidential Mission in AR Crimea, residing on Ukraine's controlled territory, on issue of non-executing of Plan of emergency measures to counter Russian aggression from the temporarily occupied territory of Ukraine in Crimea, the protection of the interests of the state, citizens of Ukraine and

¹⁵ <https://reyestr.court.gov.ua/Review/100652684>

¹⁶ <https://reyestr.court.gov.ua/Review/115684974>

¹⁷ <https://reyestr.court.gov.ua/Review/96931850>

Ukrainian legal entities in Crimea for 2018–2019¹⁸, that foreseen defense of Crimean seafarers' rights¹⁹.

Also Ukrainian Independent Maritime Trade Union initiated proceedings in the ECtHR and in other international human rights' bodies on those issues.

As it is well-known, since 24th of February 2022 Russia committed broad and open military aggression to all Ukraine's territory²⁰²¹²²²³²⁴²⁵.

Ukrainian Independent Maritime Trade Union also made some statements regarding defense of Ukrainian seafarers' rights in OSCE demanding the immediate reaction of all seafarers' unions and asking OSCE participating states to support the sanction policy against all vessels flying the Russian flag, with Russian owners, ship-owners or agents, with documents issues by RMRS, or Russian maritime insurance structures, and against all vessels with cargo to and from Russia that may be used in the military purposes.

Ukrainian Independent Maritime Trade Union asked OSCE participating states to initiate proceedings in the International Labour Organization on violation by Russia of the demands of Maritime Labour Convention in the Black and Azov Seas since 24 February 2022 violation rights of Ukrainian and third nations' seafarers²⁶.

6. Our Association proposes such possible ways of work for international organizations and human rights sector regarding above-pointed issues of supporting Ukrainian trade unions.

Preparing researches on international and national legal qualification of enforced deportation, human trafficking and modern forms of slavery and methodic recommendations for trade union regarding counteraction those issues, including interstate conflict or foreign occupation situation, presentation of such proposals on relevant human rights international platforms.

Preparing methodic recommendations for trade unions for their cooperation with ILO, IMO, FAO, OSCE, CoE and UN structures regarding those challenges, aid for trade unions in relevant national legal proceedings and organizational steps, communicating with Ukraine's governing structures.

Cooperation with OSCE, CoE and UN monitoring missions in Ukraine, also as with FAO and ILO structures on issues of enforced deportation, human trafficking and modern forms of slavery at occupied territories of Ukraine.

Collecting and systematizing data about person and legal entities, responsible for ban off trade unions and enforced deportation, human trafficking and modern forms of slavery at occupied territories of Ukraine, monitoring their criminal procedural and sanction regime.

Training for international standards and best national practices regarding trade unions' activities for Ukrainian human rights defenders, activists, investigators, prosecutors, barristers and judges involved in cases, connected with counteraction of enforced deportation, human trafficking and modern forms of slavery at occupied territories of Ukraine.

Primary and secondary legal aid for victims of enforced deportation, human trafficking and modern forms of slavery in national proceedings and submissions to UN conventional bodies and International Criminal Court.

¹⁸ <https://arcrimea.org/en/analytics/2023/04/28/legal-programming-of-crimeas-deoccupation-and-reintegration-measurement-of-effectiveness/>

¹⁹ <https://reyestr.court.gov.ua/Review/98921412>

²⁰ <https://www.ohchr.org/sites/default/files/2022-04/association-reintegration-crimea-ukraine-minnesota-protocol.pdf>

²¹ <https://www.ohchr.org/sites/default/files/2022-04/AssociationReintegrationCrimeaSubmission.pdf>

²² <https://www.ohchr.org/sites/default/files/2022-04/association-reintegration-crimea.pdf>

²³ <https://www.ohchr.org/sites/default/files/2022-04/association-reintegration-crimea.pdf>

²⁴ https://www.ohchr.org/sites/default/files/2022-05/arc_replies-dp.pdf

²⁵ <https://www.ohchr.org/sites/default/files/documents/issues/disappearances/cfi/draft-stm/submissions/2022-09-05/association-of-reintegration-of-crimea-draft-stm.pdf>

²⁶ https://meetings.odhr.pl/resources/download-file-dds/208/221003114706_0145.pdf

Our Association believes that urgent, immediate steps of the UN Special Rapporteur on contemporary forms of slavery, including its causes and consequences must be done including all observation procedures and immediate visit to Ukraine, and Rapporteur's co-operation with ILO, FAO, IMO, ICRC and ICC structures on that issue.

We hope that next special statements of the UN Special Rapporteur in framework of Rapporteur's mandate on the Russia's slavery policy on occupied territories of Ukraine and of the Russia's aggression, on Russia's war crimes, committed in Ukraine, will be extremely important for further defense of rights of Ukrainian citizens in the zone of conflict and in the occupied territories in Ukraine.

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