



## **Liudmyla Kormych**

Doctor of Historical Sciences, Professor,  
Head of the Public Organization  
“South-Ukrainian Center of Gender Problems”  
(30, Admiralskyi prospect Ave., Odessa, Ukraine)  
<https://orcid.org/0000-0002-6417-8620>

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# **THE GENDER EQUALITY IN MARITIME INDUSTRIES: TRANSNATIONAL LAW PERSPECTIVES**

## **ABSTRACT**

The article examines the international legal frameworks for ensuring the gender equality in maritime industries. This issue has been on in the agenda of international maritime community since 1988. Two major groups of respective sources are represented by international instruments on women’s rights and specific international instruments on the realization of sustainable development goals within maritime. However, specific obligatory agreements on work in maritime industries do not provide sufficient regulation environment for achieving the aim of integration of women, as evidenced by their low percentage in the industry according to statistics. The issue can be effectively solving

through sharing policies and practices that are based on affirmative actions and are aimed on granting access to maritime training, recognizing needs of women working in maritime and protecting their rights. It is argued that the latter leads to enhancing the role of the soft law and the supranational, private and hybrid rulemaking in the field. This conclusion is illustrated by the analyses of the acts of International Maritime Organization and International Labour Organization and their cooperation with NGOs and private actors. The complexity of legal regulation, which focused on ensuring gender equality for offshore maritime workers, is caused by existing of the series of overlapping legal regimes, which is common for regulation of shipping. Acknowledging the peculiarities of legal regulation, the system of rule-making subjects and the focus on empowering women within the policies of such subjects, leads to conclusion of the essential potential of the transnational approach to the issue.

*The key words:* gender equality, maritime industries, women in maritime, empowering, transnational law, IMO, ILO, CEDAW.

## Introduction

It is more than thirty years have passed since gender issues in the maritime sector have become the subject of close attention and a range of action by the international community. The initiation of the process of can be traced back to 1988 when the International Maritime Organization (IMO) established the programme, which concept was aligned with the UN's generic approach of Women in Development (WID) and was transformed later into the Integration of women in the Maritime Sector (Kitada & Tansey, 2018, p. 238).

But despite the numerous efforts the issue of gender equality in maritime industries and different types of maritime activities in general is still fare from a sufficient solution. The maritime sphere proved to be very conservative in terms of participation of women in labour force and securing equal treatment for women workers.

According to the data provided by the International Transport Workers Federation, women make up only an estimated 2% of the world's maritime workforce, the women members of maritime unions compose only about 23000 worldwide (Women seafarers,

2019). Besides, the 40% of women are employed in cruise sector (Review of Maritime Transport, 2019, p. 100).

It is alleged that the small number of women in shipping makes them even more vulnerable to different forms of discrimination, which particularly includes:

- prohibitions to access maritime education and training institutions, which exists in some countries, or limitations to enrol specific courses;
- prejudice from ship owners from employing women;
- lower payment comparing to male performing the same work;
- denying facilities or equipment available to male workers;
- sexual harassment or abuse while at sea (Women seafarers, 2019).

It also should be noted that the issue of gender inequality also extends to all variety of maritime related activities. For example, due to the Maritime HR Association survey of shore-based maritime industry professionals in 2018:

- only 35% of the global Maritime HR Association workforce were female;
- over 76% of that female workforce work in administrative, junior or professional level roles;
- just over 10% of those on executive leadership teams are women, with female Executives most likely to operate as Chief Financial Officers (Gender diversity in maritime).

Due to the UNCTAD Review of Maritime Transport, for the period 2014–2018 women shared 22% of port workforce overall, with 34% of management team, and 12% of operations team (Review of Maritime Transport, 2019, p. 76).

Thus, even the maritime-related sectors that do not have specific requirements for physical conditions, are still experiencing significant gender disbalance, which cannot be explained by mere objective factors. These figures raise the question of the effectiveness of existing legal instruments to protect the rights and prevent discrimination against women in the maritime sphere.

## **Methodology**

The study focuses on such objects as general and sectoral international legal instruments promoting gender equality in maritime industries; the subjects of rulemaking in the field, and peculiarities of their rulemaking processes; legal aspects of realization of the policies for the empowering women in maritime. The main hypothesis is based on the idea that as the maritime is the established sphere of transnational legal regulation, the same methodology may be applied to the issue of gender equality in maritime. This is also supplemented by the transnational human rights concept.

### **1. The legislative frameworks for the promotion of gender equality in maritime**

The problem of gender equality in the ocean-related sectors is not monolithic and can be tackled from different prospective. According to Goettsche-Wanli (2019) there are a few different fragments of the gender in the law of the sea issue that are focused by different international instruments ether of general or sectoral importance, that particularly include:

- instrumental role of the Law of the Sea in protecting the human rights, including granting gender equality;
- gender equality in fisheries, including ensuring access to fishers by women fish-workers;
- protecting refugees, migrants and trafficked persons at a sea with adaptation of gender approach;
- safe and decent working conditions for women on board ships.

Besides, it is possible to define the instruments of a general importance dealing with the forms of discrimination of women irrespectively of a particular sector or industry and the specific instruments devoted to the rights and equal status of women in maritime. Overall, all these instruments have been codified within the UN system through different UN agencies.

The need to pay a special attention to women's rights at the international level was initially recognized in Resolution of UN Economic and Social Council (ECOSOC) of 16 February 1946 on the establishment of a Commission on Human Rights and a Sub-Commission on the Status of Women, which provided (Para 2 of Section B) that "the sub-commission shall submit proposals, recommendations, and reports to the Commission on Human Rights regarding the status of women". The same year the sub-commission became the Commission on Status of Women (CSW) with the functions to prepare recommendations and reports to ECOSOC "on promoting women's rights in political, economic, social and educational fields".

However, it took three decades for codification of legally binding UN Convention on The Elimination of All Forms of Discrimination Against Women (1979) (hereinafter – CEDAW), which is the major international instrument providing legal frameworks for gender equality in maritime and ocean-related industries. Particularly, it may be highlighted two CEDAW provisions that for the greatest extent address the issue of securing equal rights of women for participation in a maritime labour force:

- Article 10 CEDAW, which is devoted to measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education;
- Article 11 CEDAW, which demands to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women (para 1); and to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work (para 2).

Among the other general international instruments that are important for promoting women's rights in maritime, adopted under auspices of UN or its agencies, it worth mentioning:

- Declaration on the Elimination of Violence against Women (1994);

- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2003);
- International Labour Organization (ILO) Maternity Protection Convention (2000);
- The Beijing Declaration and the Platform for Action of 1995, etc.

However, if one starts to consider provisions of the specialized sectoral acts that focus on the status of women in the maritime, it becomes apparent that they are, for the most part, of a somewhat different origin. In fact, such acts typically have emerged from the virtues and ideas of sustainable development. For example, the very first IMO's Strategy for the integration of women in the maritime sector (IWMS), adopted back in 1988, considered the integration of women as a condition for achieving sustainable development because of the concern over the shortage of officers in the world fleet (Belcher at al., 2003, p. 25).

This IMO approach was confirmed by changing the name of IWMS in 2012 and including it into the new programme MDG 3: Strengthening Maritime Resource Development (MDG3/RD), which was focused on the capacity building. According to IMO IWMS Report the MDG3/RD programme also serves to highlight the role of the Millennium Development Goals (MDGs) and one of the outcomes of this approach is the identification and selection of women, by their respective authorities, for career development opportunities in maritime administrations, ports and maritime training institutes (Report on Integration of Women in Maritime Sector, 2012).

This fact, basically, causes the differences in the scope between general instruments on protecting women's rights and specific instruments on women in maritime, which is discussed below. This also explains the considerable share of soft law sources dealing with the women in maritime issue, so far initially they have tended to

propose the ways and means to solve the issues of development of maritime industry and only later the shift towards the gender equality have been made.

Also, the specific regulation frameworks for ensuring gender equality in maritime is significantly fragmented due to the diversity of rulemaking subjects.

The general rules and responsibilities of the States in different maritime zones are determined by the UN Convention on the Law of the Sea (UNCLOS). The UNCLOS is also aligned with the Purposes and Principles of the UN Charter, and in particular with the principles of justice and equal rights, promoting the economic and social advancement of all peoples of the world. Thus, it also binds the participating states to protect women's rights and gender equality, as it provided by the UN agreements.

The most important specific obligatory agreements in the field are:

- IMO International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) (1978);
- ILO Maritime Labour Convention (MLC) (2006).

It should be noted that above mentioned conventions initially did not pay enough attention to the issue of gender equality and was supplemented with respective provisions only in a course of amending and revision. For example, the Manila Amendment of STCW of 2010 by the Resolution 14 “Promotion of the participation of women in the maritime industry”, in particularly invited States:

- to give special consideration to securing equal access by men and women in all sectors of the maritime industry; and
- to highlight the role of women in the seafaring profession and to promote their greater participation in maritime training and at all levels in the maritime industry.

To overcome existing obstacles to women's access to the jobs in shipping it was also suggested to pay attention to such problems as the lack of facilities for women on board training vessels and

the provision of on-the-job-training opportunities for women (IMO, 2010).

As for MLC, it has been amended with series of provisions granting attention to the needs of women for the working conditions onboard, for example, it requires, separate sleeping rooms and separate sanitary facilities been provided for men and women (Standard A 3.1).

Finally, the most comprehensive towards the achieving practical goals of granting women's rights and gender equality in maritime industries are the own acts of IMO and ILO. Particularly, we can mention a series of IMO's programs, such as IMO Integrated Technical Cooperation Programme (ITCP), as a general framework and IMO Women in Maritime programme, providing a strategic approach towards enhancing the contribution of women as key maritime stakeholders and supporting the participation of women in both shore-based and sea-going posts under the slogan of "Training-Visibility-Recognition" (IMO Technical Cooperation Annual Report, 2018).

## **2. The transnational approach to the women in maritime issue: hybrid rulemaking processes, empowering strategies and complicity of jurisdictions**

Prevailing of soft law instruments that are created within different international organizations (primarily CEDAW as a universal one, and IMO and ILO as sectoral ones) shifts the accent towards certain supranational body of law that tends to provide legal a framework for enhancing women's role in maritime. In particular, for the shipping industry itself the IMO's and ILO's roles are actually decisive, as "both these regulatory bodies have become increasingly influential as the industry has reached out into areas where regulation is rather thing or non-existent" (Belcher at al., 2003, p. 24). The said organizations have taken a task of filling above-mentioned underregulated areas, including the issues of women in maritime,



with their internally created rules. Thus, the respective body of law mainly consist of resolutions, programs, decisions, recommendations and best practices that in the whole rather reflects unified positions of respective international rule-makers, than coherent views of national states. While IMO focuses on encouraging and supporting women to train for both shore-based and sea going jobs, the ILO sets the minimum standards for seafarers' employment conditions, eliminating violence and harassment (Pape, 2019).

Besides, the internal legal process within the international organizations involved is focused on the well-known transnational law formula of loading, unloading or transferring from one national legal system to another (Koh, 2006) the best national practices, as well as of deterring states from inconsistent actions. In this sense, for example "CEDAW's internal processes are likewise exemplary of "living" law, as its Committee comments on national reports and issues new directives" (Resnik, 2012, p. 533).

The issue is also determined by the extremely different national conditions (ether of political, cultural, economic nature, etc.) for women's access to jobs in shipping and other maritime related industries, that complicate to achieve strict and specific interstate arrangements reflecting common needs of all parties. For example, women seafarers form developing, and developed countries are reported to have reasonably different employments' motivations. According to the enquiry of the cruise sector, when women from developing countries often sited potential earnings as most significant motivation factor for working at sea, for women from developed countries the main attraction has been primarily opportunity to travel and to "see the world for free" (Belcher at al., 2003, p. 44).

Thus, in order to achieve the same goal of ensuring gender equality in maritime, depending on the particular country, it is necessary to solve different problems, or at least to tackle the same problem, but in different ways. To that end, only a set of approaches, providing a kind of a toolbox with different voluntary ways and means, that

are based on globally accepted UN documents and permitting any given national government to choose the most suitable for its needs may be commonly acceptable. The issue of selectivity of ways and means for implementation of objectives set is also common to the obligatory international acts in the field. Moreover, the local embrace of treaties such as CEDAW can domesticate their precepts not only as predicates to national uptake, but also as democratic mechanisms for implementation and translation of their norms (Resnik, 2012, p. 533).

The narrow list of transnational rule-making subjects in the field, accounting their responsibility for introduction of standards for the respective policies and practices on ensuring gender equality in maritime (Belcher et al., 2003, p. 24), is alleged to be represented by:

- international organizations;
- national governments;
- employers' organizations;
- trade unions;
- individual employers;
- maritime education and training (MET) institutions.

What is important, the reasonable amount of the rules and standards are derived from a hybrid rulemaking based on cooperation between different types of the listed subjects.

One of the types of such hybrid rulemaking process, based on the national governments' submissions of different surveys and reports and IMO's and ILO's decisions and resolutions in response, has been already mentioned above. Also, it is possible to highlight other types of cooperation: between IMO or ILO and NGOs, and between different NGOs.

For example, the IMO's Assembly Resolution A.1147(31) on Preserving the legacy of the World Maritime theme for 2019 and Achieving a Barrier-Free Working Environment for Women in the Maritime Sector addresses such types of subjects, as "governments",

“maritime administrations”, “the industry” and “the maritime sector” in two aspects:

- urging to endeavour to reach a barrier-free environment for women by considering ways to continuously identify and overcome the existing constraints (i.e. recruitment, training, capacity-building, technical cooperation and promotions), so that all women can participate fully, safely and without hindrance in the activities of the maritime community, including seafaring and shipbuilding activities, in order to effectively facilitate the achievement of SDG 5 (para 2);
- encouraging to share best practices in achieving gender equality, with a view to reaching a barrier-free working environment for women in the maritime community (para 3).

Besides, Resolution A.1147 (31) specifically refers to a study being conducted by the Organization and the Women’s International Shipping and Trading Association (WISTA) to provide up-to-date information and data on the number of women working in the maritime sector and the positions they occupy.

Within the frameworks of promotion networking and open dialogue of the issues on empowering women and advancing gender equality (Para 5 of Resolution A.1147(31)), IMO and WISTA on 27 January 2020 signed a Memorandum of Understanding on Technical Cooperation that outlined four key areas of activity:

- looking for opportunities to partner on maritime issues;
- promoting greater engagement for women in maritime, among their members, the broader ocean business community, ocean stakeholders and the public;
- developing and participating in relevant training, workshops, among other business related to their areas of mutual interest;
- supporting implementation of Assembly Resolution A.1147(31) (WISTA International, 2020).

It should be noted that the partnership between IMO and NGOs is formalized and governed by the “Rules and guidelines for consultative status of non-governmental international organizations

with the International Maritime Organization”, which current revision has been adopted by IMO Assembly Resolution A.1144(31) of 4 December 2019 (Rules and guidelines, 2019).

Another example, of a hybrid rulemaking arises from the Maritime Labour Convention. Due to the Amendments of 2016 to ILO (para 1 of Guideline B4.3.1 – Provisions on occupational accidents, injuries and diseases) it was added with the provision that regarding occupational safety “account should also be taken of the latest version of the Guidance on eliminating shipboard harassment and bullying jointly published by the International Chamber of Shipping and the International Transport Workers’ Federation” (Amendments to the Code relating to Regulation 4.3 of the MLC, 2006). Thus, ILO in fact legitimates through the obligatory international treaty the guidelines issued by two NGOs – the associations representing shipowners and trade unions. This Guidelines, in turn, sets up the recommended rules and responsibilities for:

- Shipping companies to ensure that policies are in place for the elimination of all forms of harassment and bullying of seafarers on board their ships; and
- Seafarers’ organisations and seafarers to ensure that harassment and bullying do not take place (Guidance on elimination shipboard harassment and bullying, 2016).

All these also show the importance of private actors as subjects of rulemaking, which include both non-governmental organisations and business entities. The latter, basically, possesses an essential potential to rise the gender equality through its internal corporate policies and practices. What is important, that such corporate policies and practices may also have a huge external effect for rising overall awareness of the issue and to form common policies within the maritime industry. Such conclusions once again lead us to the transnational essence of the rules for granting gender equality and empowering women in maritime and maritime-related industries.

Another aspect that should be considered in the context of instruments for ensuring gender equality in maritime is its aligning with the concept of empowering women. The theme “Empowering women in maritime community” was chosen by the IMO for the World Maritime Day 2019. As it was stated by the IMO’s Secretary-General on the occasion of the World Maritime Day, “Empowering women isn’t just an idea or a concept. It is a necessity that requires strong, positive action to address deep-seated structural, institutional and cultural barriers” (World Maritime Day 2019).

In accordance with UN approach, empowerment of women means that women can take control over their lives: set their own agendas, gain skills (or have their own skills and knowledge recognized), increase self-confidence, solve problems, and develop self-reliance (UN Women & United Nations Global Compact, 2011).

The idea of empowering, as a basic tool to pursue the issue of gender equality, was utilised from the start of IMO’s respective actions. For example, the initial IMO’s programme Women in Development (WID) set up four main objectives on the field:

- to integrate women into mainstream maritime activities;
- to improve women access to maritime training and technology;
- to increase the percentage of women at the senior management level within the maritime sector and;
- to promote women’s economic self-reliance, including access to employment (Zang & Zhao, 2015, p. 235).

It is plain to see, that all above objectives were primary of socio-economic nature, focused on changing relations within the maritime sector. Achieving such objectives is based on resolving a few separate sets of issues: granting women’s rights to access jobs, changing the commitment to women employees within the industry, etc. In aggregate, “empowering women means giving the women a right, as individuals, to choose their way of life – the right to be whatever they choose to be; and not to be judged in terms of gender stereotypes” (Friedman, 2002, p. 37).

Thus, choosing the empowerment policies as the main tool for the gender in maritime programs, effects the application of respective legal instruments in the way of their deep individualisation. “Group identity and group empowerment, on close analyses, turn out to be aspects of individualism” (Friedman, 2002, p. 37).

The problem seems to be even more complicated is we consider the multiplicity of national legal orders that can be applied in the course of action to secure gender equality in maritime. Basically there at least five different jurisdictional issues that may influence the particular conditions for women for access to the profession, participating in labour force and her working conditions, that include:

- a nationality of a crewmember;
- a country of training institution;
- a country of a recruiting agency;
- a country of a shipowner;
- a flag of a vessel.

With respect to individual rights of a particular person, this creates a series of overlapping legal orders that may be different enough towards the implementation of rules and policies in the field of gender equality in maritime. Such situations may be tackled within the transnational legal framework, that empowers individuals as right holders and strives to overcome the ineffectiveness of the state-centric international human rights law (Shin, 2017, p. 278).

Besides, all above mentioned is supplemented with internal rules, procedures, policies practices of particular private subjects performing different maritime-related activities (for example shipowners or recruiting agencies). Which dramatically increases the complicity, and, at the same time, rises the importance of application of soft law instruments and sharing best practices to create the gender-oriented regulatory environment for every particular woman marine worker.

## Conclusions

The transnational approach to the legal framework for ensuring gender equality in maritime possesses strong explanatory potential for assessing practical ways and means of achieving the aims of protecting women rights and empowering women in off-shore and on-shore maritime industries. This is primarily caused by a series of factors. Firstly, this is an effect of the connection of main developments in the field with the sustainable development goals. Secondly, the rulemaking process for maritime sectors is based on involvement of wide range of subjects: international organisation, national governments, NGOs and private actors. Thirdly, the accent on empowering strategies leads to application specific ways and means that are rather individualised and subjective and thus possesses a trans-jurisdictional nature. Finally, the regulatory environment itself is complicated, and is based on a combination of different jurisdictions and legal orders, which is common for any type of maritime activities.

## REFERENCES

- Amendments to The Code Relating to Regulation 4.3 of the MLC, 2006 (2016)* (International Labour Conference). *Web site of International Labour Organization*. Retrieved May 3, 2020, from: [https://www.ilo.org/dyn/normlex/en/f?p=1000:51:::NO:51:P51\\_CONTENT\\_REPOSITORY\\_ID:3303971](https://www.ilo.org/dyn/normlex/en/f?p=1000:51:::NO:51:P51_CONTENT_REPOSITORY_ID:3303971)
- Belcher, P., Sampson, H., Thomas, M., Zhao, M., Veiga, J. (2003). *Women Seafarers: Global Employment Policies and Practices*. Geneva. International Labour Office.
- Convention on the Elimination of All Forms of Discrimination Against Women, 1979* (UN General Assembly). *United Nations Treaty Series*, 1249, 13.
- Convention on the Law of the Sea, 1982* (United Nations). *The official website of UN*. Retrieved May, 5, 2020, from: [http://www.un.org/depts/los/convention\\_agreements/texts/unclos/unclos\\_e.pdf](http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf)
- Declaration on the Elimination of Violence against Women, 1993* (UN General Assembly). A/RES/48/104. *Web site of UN*. Retrieved May 4, 2020, from: [https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.21\\_declaration%20elimination%20vaw.pdf](https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.21_declaration%20elimination%20vaw.pdf)

- Final Act of the Conference of Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 2010* (International Maritime Organization). *Web site of International Maritime Organization*. Retrieved May 2, 2020, from: <http://www.imo.org/en/OurWork/HumanElement/TrainingCertification/Documents/32.pdf>
- Friedman, L. (2002). One world: notes on the emerging legal order. In: Likosky, M. (Ed.) *Transnational Legal Processes: Globalisation and Power Disparities*. Trowbridge: Cambridge University Press. Pp. 23-40.
- Gender diversity in maritime. *Spinnaker Global*. 20 February, 2019. Retrieved May 4, 2020, from: [https://spinnaker-global.com/0\\_20-02-2019-0\\_20-feb-2019\\_gender-diversity-in-maritime](https://spinnaker-global.com/0_20-02-2019-0_20-feb-2019_gender-diversity-in-maritime)
- Goettsche-Wanli, G. (2019). Gender and the Law of the Sea: a Global Perspective. In: Papanicolopulu, I. (Ed.) *Gender and the Law of the Sea*. Leiden. BRILL. Pp. 25-82.
- Guidance on Eliminating Shipboard Harassment and Bullying, 2016* (The International Chamber of Shipping & the International Transport Workers' Federation). *Web site of International Chamber of Shipping*. Retrieved May 2, 2020, from: <https://www.ics-shipping.org/docs/harassmentandbullying>
- IMO Technical Cooperation Annual Report, 2018* (International Maritime Organization). *Web site of International Maritime Organization*. Retrieved May 2, 2020, from: <http://www.imo.org/en/OurWork/TechnicalCooperation/Documents/Annual%20Report%20-%20Publications/2018%20Annual%20Report%20publication.pdf>
- International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978* (International Maritime Organization). *Treaties.un.org*. Retrieved May 3, 2020, from: <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800d6d42>
- Kitada, M. & Tansey, P. (2018). Impacts of CRS on Women in Maritime Sector. In: Froholdt, L.L. (Ed.) *Corporate Social Responsibility in the Maritime Industry*. Cham. Springer. Pp. 237-252.
- Koh, H. (2006). Why transnational law matters. *Penn State Law Review*, 24(4), 745-753.
- Maritime Labour Convention, 2006* (International Labour Organisation). *Web site of International Labour Organization*. Retrieved May 3, 2020, from: [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:91:0:::P91\\_SECTION:MLCA\\_AMEND\\_A4](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:91:0:::P91_SECTION:MLCA_AMEND_A4)



- Maternity Protection Convention. (C. 183)* (International Labour Organisation). *International Legal Materials*. 40(1). 2-10. doi:10.1017/S0020782900010950
- Pape, M. (2019). Women in The Maritime Community – Closing A Gender Gap as Wide as The Ocean? *European Parliamentary Research Service Blog*. Retrieved May 3, 2020, from: <https://epthinktank.eu/2019/09/26/women-in-the-maritime-community-closing-a-gender-gap-as-wide-as-the-ocean/>
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2003* (UN General Assembly). *United Nations Treaty Series*, 2237, 319, Doc. A/55/383.
- Report on Integration of Women in the Maritime Sector, 2012* (IMO Technical Cooperation Committee). Retrieved May 3, 2020, from: URL: <http://www.imo.org/en/MediaCentre/HotTopics/women/Documents/8.pdf>
- Resnik, J. (2012). Comparative (in)equalities: CEDAW, the jurisdiction of gender, and the heterogeneity of transnational law production. *International Journal of Constitutional Law*, 10, 2, 531-550. <https://doi.org/10.1093/icon/mor064>
- Resolution 2(11) on the establishment of a Commission on the Status of Women, 1946* (ECOSOC). E/RES/2/11. UN Doc. E/90, E/84 (1946).
- Resolution 5(I) on the establishment of a Commission on Human Rights and a Sub-Commission on the Status of Women, 1946* (ECOSOC). UN Doc. E/27 (1946).
- Resolution A 1147(31) on Preserving the legacy of the World Maritime theme for 2019 and Achieving a Barrier-Free Working Environment for Women in the Maritime Sector, 2019* (International Maritime Organization). *Web site of International Maritime Organization*. Retrieved May 2, 2020, from: <http://www.imo.org/en/OurWork/TechnicalCooperation/Documents/A%2031%20Res.1147%20%20PRESERVING%20THE%20LEGACY%20OF%20THE%20WORLD%20MARITIME%20THEME%20FOR%202019%20BARRIER%20FREE.pdf>
- Review of Maritime Transport, 2019. UNCTAD/RMT/2019/Corr.1. United Nations. Geneva.
- Rules and guidelines for consultative status of non-governmental international organizations with the International Maritime Organization, 2019* (International Maritime Organisation. External Relations Office Legal Affairs and External Relations Division). *Web site of International Labour Organization*. Retrieved May 4, 2020, from: <http://www.imo.org/en/About/Membership/Documents/RULES%20AND%20GUIDELINES%20FOR%20CONSULTATIVE%20STATUS%20-%20December%202019.pdf>

- Shin, Y.J. (2017). *A Transnational Human Rights Approach to Human Trafficking: Empowering the Powerless*. Leiden. Brill.
- The Beijing Declaration and the Platform for Action: Fourth World Conference on Women, Beijing, China, 4-15 September 1995* (United Nations & World Conference on Women). New York: Dept. of Public Information, United Nations, 1996.
- UN Women & United Nations Global Compact, 2011. Women's Empowerment Principle. Equality means Business. A Partnership Initiative of UN Women and the UN Global Compact Office. New York.
- WISTA International and The International Maritime Organisation, IMO, Sign Memorandum of Understanding. (2020) Maritime Getaway. Retrieved May, 5, 2020, from: <http://www.maritimegateway.com/wista-international-international-maritime-organisation-imo-sign-memorandum-understanding/>
- Women seafarers, 2019. *ITF Seafarers*. Retrieved May, 5, 2020, from: <https://www.itfseafarers.org/en/issues/women-seafarers>
- World Maritime Day 2019. *Web site of International Maritime Organization*. Retrieved May, 4, 2020, from: <http://www.imo.org/en/About/Events/WorldMaritimeDay/Pages/WMD-2019.aspx>
- Zang, P. & Zhao, M. (2015). Chinese Women Seafarers: Past, Present and Prospect. In: Kitada, M., Williams, E., Froholdt, L.L. (Eds.) *Maritime Women: Global Leadership*. Heidelberg: Springer. Pp. 235-254.

***Кормич Л. Гендерна рівність у морській галузі: перспективи транснаціонального права. – Стаття.***

У статті розглядається міжнародно-правове забезпечення гендерної рівності у морській галузі. Це питання перебуває на порядку денному міжнародної морської спільноти з 1988 року. Дві основні групи відповідних джерел представлені міжнародними інструментами щодо прав жінок та специфічними міжнародними інструментами щодо реалізації цілей сталого розвитку у морській галузі. Однак конкретні обов'язкові угоди про працю у морській галузі не забезпечують достатнього регуляторного середовища для досягнення мети інтеграції жінок. Про це, згідно зі статистичними даними, свідчить низький відсоток їх працевлаштування у галузі. Це питання може бути ефективно вирішене шляхом поширення політик та практик, які базуються на позитивних діях та спрямовані на надання доступу до морської підготовки, визнання потреб жінок, які працюють у морській галузі, та захисту їх прав. Стверджується, що останнє приводить до посилення ролі м'якого права, а також наднаціональної, приватної та

гібридної нормотворчості у цій сфері. Цей висновок ілюструється аналізом актів Міжнародної морської організації та Міжнародної організації праці та їх співпрацею з неурядовими громадськими організаціями та приватними суб'єктами. Складність правового регулювання, яке зосереджувалось на забезпеченні гендерної рівності для морських працівників, обумовлена існуванням різноманітних і таких, що перетинаються, правових режимів, що є властивим правовому забезпеченню мореплавства. Визнання особливостей правового регулювання, системи нормотворчих суб'єктів та орієнтація на розширення прав і можливостей жінок в рамках політики таких суб'єктів, приводить до висновку щодо суттєвого потенціалу транснаціонального підходу до цього питання.

**Ключові слова:** гендерна рівність, морська галузь, жінки у морській галузі, розширення прав і можливостей, транснаціональне право, ММО, МОП, КЛДЖ.

***Кормич Л. Гендерное равенство в морской отрасли: перспективы транснационального права. – Стаття.***

В статье рассматривается международно-правовое обеспечение гендерного равенства в морской отрасли. Этот вопрос находится на повестке дня международной морской общественности с 1988 года. Две основные группы соответствующих источников представлены международными инструментами по правам женщин и специфическими международными инструментами по реализации целей устойчивого развития в морской отрасли. Однако конкретные обязательные соглашения о труде в морской отрасли не обеспечивают достаточной регуляторной среды для достижения цели интеграции женщин. Об этом, согласно статистическим данным, свидетельствует низкий процент их трудоустройства в отрасли. Этот вопрос может быть эффективно решен путем распространения политик и практик, основанных на положительных действиях и направленных на предоставление доступа к морской подготовке, признание потребностей женщин, работающих в морской отрасли и защиты их прав. Утверждается, что последнее приводит к усилению роли мягкого права, а также наднационального, частного и гибридного нормотворчества в этой сфере. Этот вывод иллюстрируется анализом актов Международной морской организации и Международной организации труда и их сотрудничеством с неправительственными общественными организациями и частными субъектами. Сложность правового регулирования, которое сосредоточено на обеспечении гендерного равенства для морских работников, обусловлена существованием разнообразных и пересекающихся правовых режимов, что свойственно правовому обеспечению мореплавания. Признание особенностей

правового регулирования, системы нормативных субъектов и ориентация на расширение прав и возможностей женщин в рамках политики таких субъектов, приводит к выводу о существенном потенциале транснационального подхода к этому вопросу.

**Ключевые слова:** гендерное равенство, морская отрасль, женщины в морской отрасли, расширение прав и возможностей, транснациональное право, ИМО, МОТ, КЛДЖ.

