

# Survey finds one in four masters has faced charges

## More than 80% of seafarers complain of unfair treatment

DAVID OSLER

ALMOST one master in four has faced criminal charges at some point in his or her career, with the vast majority convinced that they did not receive fair treatment, according to research conducted by legal research centre Seafarers' Rights International.

While preliminary figures did not distinguish between charges arising from professional activity and other charges, the compilers suggested that the difference was often subjective.

Typical grounds include false log book entries, fatal accidents, pollution, collisions, violation of customs rules, groundings, violation of navigation rules, breach of port regulations, drug smuggling, homicide, rape and assault.

The survey was conducted in the 12 months to the end of February 2012, with questionnaires in eight languages and responses returned from 18 countries and 68 different nationalities.

Common complaints recorded from a sample of 3,480 seafarers included intimidation and a lack of legal representation and interpretation services.

Of those who participated, some 8% had faced criminal charges, 4% had been witnesses in criminal prosecutions and 33% knew of colleagues who had faced criminal charges. Almost 24% of masters had faced criminal charges.

Questions in the survey asked specifically about the experiences of seafarers who had faced criminal charges. Some 44% reported that they were bodily searched.

Of those who had faced charges relating to the discharge of their professional duties, 87% said that they did not have legal representation,



The Seafarers' Rights International survey found that 81% of seafarers who faced criminal charges did not think they had received fair treatment. *Bloomberg*

91% of seafarers who needed interpretation services said that they were not provided with such services and 89% of seafarers who had faced criminal charges said that they did not have their rights explained to them.

Seafarers were also asked about their perceptions. Four out of five who had faced criminal charges felt intimidated or threatened.

Concerning casualty inquiries and accident investigations, 46% of seafarers who answered the question

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said that they would be reluctant to co-operate fully and openly with such inquiries.

Reasons expressed included “the information that I would provide might be used against me”, “I would fear incriminating myself” and “anything you say can be used as evidence against you”.

Overall, 81% of seafarers who faced criminal charges did not consider that they had received fair treatment. The conviction rate was almost 33%.

The research has already gained broad backing from employer groupings including the International Maritime Employers' Committee.

“Criminalisation and unfair treatment of seafarers is a huge concern for the entire industry, both owners’ representatives and seafarers’ representatives alike,” said IMEC secretary general Giles Heimann.

“While I have not seen the detail of

the statistical analysis carried out by SRI, the outcome of the research shows an alarming trend, which needs to be addressed in partnership with all sides of the industry.”

To gain a broader view of criminal charges faced by seafarers, SRI carried out a review of all incidents involving criminal charges against seafarers reported in Lloyd’s List and weekly shipping trade publications, for the 12-year period 2000-2011.

During this period, 415 incidents were reported, involving 1,580 seafarers. Significantly, over the period under review, both the numbers of maritime criminal incidents and of detained seafarers showed an increase.

SRI executive director Deirdre Fitzpatrick said: “The prospect of criminal charges is daunting for any human being, whether in your own country or even more so in a foreign country and so, for seafarers entering foreign ports on a daily basis, the risks are high and the consequences can be dire if fair and due process is not followed.”

Ms Fitzpatrick said that she hoped that the results of this survey would increase the momentum to ensure fair treatment of seafarers, whether they are found innocent or guilty of a criminal charge.

A spokesman for seafarer union Nautilus International said that the survey highlighted the need for better observation of the Guidelines on Fair Treatment of Seafarers in the Event of a Maritime Accident, jointly agreed by the International Maritime Organization and International Labour Organisation in 2006.

“Justice is a lottery, as far as seafarers are concerned, and given what a globalised profession it is, the fact is that treatment can vary wildly. Even countries that you would think would respect fundamental rights sometimes do not,” the spokesman said. ■