

Fear of criminalisation grows

Seafarers' suggestions on how to improve their situation when facing criminal charges were presented at the landmark 100th session of the Legal Committee of the International Maritime Organization (IMO) recently. The suggestions, from a eight-language survey conducted by Seafarers' Rights International (SRI) during a 12-month period to February 2012, focus as much on fears of their own human rights being violated as on a lack of due process in the criminal process. A total of 3,480 questionnaires were submitted by seafarers from 68 different nationalities.

According to the seafarers, there is a frequent lack of due process for seafarers who face criminal charges. Seafarers are complaining of unfair treatment, intimidation and a lack of legal representation and interpretation services. Almost half of the seafarers said they would be reluctant to co-operate fully with casualty inquiries and accident investigators because of concerns they could be implicated in a crime; because they do not trust the authorities; and because they are concerned it would have a prejudicial affect on their employment. The findings strongly suggest the rights of seafarers, as enshrined in the Guidelines on Fair Treatment of Seafarers in the event of a Maritime Accident, adopted by the IMO and the International Labour Organization (ILO), are often be subject to violation: itself causing widespread concern among seafarers.

As many as 85.04% of seafarers surveyed said they are concerned about facing criminal charges. The main reasons were that seafarers feel they are scapegoats. Also seafarers feel there are numerous regulations which make them more vulnerable to being criminalised. Seafarers want more information on the risks in relation to criminal charges as well as their rights if they are defendants, complainants or witnesses. When facing charges, they want good and free legal representation; a fair process and fair treatment; a greater network of support from all the various stakeholders in the maritime industry; and more uniform laws and procedures given the wide range of different crimes to which they are exposed. "The message from seafarers is loud and clear," said Deirdre Fitzpatrick, executive director of SRI: "Seafarers are saying that their rights are theoretical and illusory; they need them to be practical and effective." The Committee agreed the issue should remain on its agenda and be discussed again in 2014. *MRI*
