



Crews urge for more information on their rights

“A serious institution which can realistically be expected to make a special and worthwhile contribution to the interests of seafarers”

- Judge Thomas A. Mensah
International legal consultant and arbitrator

Seafarers' Rights International (known as SRI) is a unique and ground-breaking organisation dedicated to advancing seafarers' rights and interests worldwide. It conducts high level research into the legal problems of seafarers at national and international levels, and education and training to protect and advance the legal rights of seafarers.

Speaking at the launch of SRI on World Maritime Day last year, the International Maritime Organization Secretary-General, Efthimios Mitropoulos, said: “When 2010 was first proposed as the ‘Year of the Seafarer’, I remarked upon the particular hazards that confront the 1.5 million

seafarers in the world. As well as the natural hazards of the sea and the elements, which they have to deal with as a matter of course, they also face exceptional hazards such as pirate attacks, unwarranted detention and abandonment. The launch of SRI will undoubtedly help those seafarers caught up in such circumstances through no fault of their own.”

Following SRI's highly successful launch, it was straight down to work for Executive Director and international lawyer Deirdre Fitzpatrick and her team. With a commitment to identifying deficiencies in the legal regimes that should protect seafarers, SRI has stepped up to the mark to get research under way to examine the legal concerns of seafarers in order to provide robust and practical solutions to their problems.

“Research is the key to solving legal problems,” says Deirdre Fitzpatrick. “Seafarers want to know more about their rights and it is through research, education and training that we can really understand the impact of laws on seafarers and how seafarers can be better informed and better protected in their working lives. SRI's commitment is to deliver practical, long-term solutions to seafarers' legal problems in order to make a significant difference to their lives.”

Already an impressive line-up of influential experts from the shipping industry and the legal world has been recruited for the SRI Advisory Board and suitable universities and academics have been commissioned to spearhead research into the rights of today's seafarers.

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INTERVIEW: Deirdre Fitzpatrick

“We are committed to working to advance seafarers’ rights and interests around the world.”

SRI’s vision is of a maritime industry in which seafarers enjoy full protection of their rights under a just rule of law.

MISSION STATEMENT

To advance seafarers’ rights in international and national forums through independent high quality research, education and training in the law concerning seafarers, to empower seafarers to realise their rights and to protect the diverse interests of seafarers worldwide.

ACHIEVED THROUGH:

RESEARCH

- Conducting legal research and analysis on subjects of importance for seafarers;
- Monitoring legal developments that affect seafarers;
- Developing and coordinating international networks of researchers, research bodies and universities in the fields of seafarers’ rights, remedies and interests.

EDUCATION

- Providing relevant education programmes;
- Publishing the results of research in order to stimulate debate on key issues concerning seafarers’ welfare.

TRAINING

- Developing and delivering legal training and consultancy programmes to meet the needs of stakeholders working for the benefit of seafarers.

Deirdre Fitzpatrick is passionate about seafarers’ rights. As head of legal services at the International Transport Workers’ Federation for more than 15 years, she has considerable experience in the protection and enforcement of seafarers’ legal rights. But it is the current surge in seafarers’ rights abuses around the world that has led to the initiative to set up a new centre to highlight seafarers’ problems and to challenge the role and effectiveness of the law in protecting seafarers’ rights.

“Issues of criminalisation, piracy, abandonment and flag State responsibilities call for concerted international effort,” says Deirdre. “Today there are around 1.5 million seafarers serving on the world’s fleet of sea-going merchant ships. They work in hazardous conditions. As mobile workers, they are highly vulnerable to ill treatment and exploitation. They operate within and across different national jurisdictions and they are subject to different international and national laws. In some cases, there may be doubt as to what, if any, law is applicable to seafarers or enforceable by seafarers.

“They do not have the same protections as land-based workers, and on a practical level, seafarers often find it difficult, if not impossible, to understand whether the law can help them and how to access that help.”

Deirdre is keen to impress the unique nature of SRI. “Until now there has been no established forum for research and dissemination of ideas and information regarding employment law in the area of international maritime transport. SRI will

fill this gap.

“It is the first pan-industry initiative to seek to bring together expertise amongst stakeholders with the aim of developing research, education and training to advance the rights and interests of seafarers. It will make it easier for seafarers to understand their rights, easier for stakeholders concerned about seafarers to have the legal evidence to support their representation, campaigning or lobbying efforts, and it will produce thought leader articles and position papers that will champion the interests

“In some cases, there may be doubt as to what, if any, law is applicable to seafarers or enforceable by seafarers.”

of seafarers. It will also encourage interest in the rights of seafarers amongst students and academics and so help build even more expertise in this area.

“Ultimately, it is hoped that SRI will serve as a permanent and tangible symbol of its long-term commitment to promote the development and dissemination of seafarers’ law, and to improve

the legal rights of seafarers and their protection around the world.”

Importantly, SRI is independent; it is not a representative body and it places the rights of seafarers at the core of its work. It seeks to promote responsible attitudes towards seafarers in all stakeholders, and to be relevant to all stakeholders.

“In addition to the research programme, SRI also intends to use the outcome of its work projects to provide educational activities, programmes and exchanges; deliver legal training and consultancy programmes; and publish articles in journals and disseminate the results of its research in workshops and conferences,” she concluded. “We are dedicated to providing the resources and the focus to really make a difference.”

Chaired by Brian Orrell OBE, an Advisory Board has been established to guide the strategic direction of SRI. The diversity and expertise of the Board is crucial to SRI's independent and unbiased role in advancing the rights of seafarers and an impressive line-up representing its various stakeholder groups has so far been welcomed on board. Stakeholders include seafarers, unions, ship owners and other commercial entities who wish to benchmark their treatment of crew to the highest standards, welfare organisations, governments, NGOs, legal practitioners, academics and students.

The Advisory Board has approved four initial work projects:

“Shame on us that it has not been created earlier.”

- Capt. Kuba Szymanski
Secretary General, International Ship Managers' Association

1 Seafarers' rights and the criminal law

To secure mandatory application of human rights protections for seafarers facing criminal prosecution for any crime in any jurisdiction, and to promote a structure of assistance to seafarers at a practical level.

2 Flag State responsibilities and seafarers' rights

To identify the obligations of flag States for the protection of seafarers' rights, and to promote effective observance of seafarers' rights by flag States.

3 Abandonment of seafarers

To stimulate international and national efforts to secure a rapid and effective financial security system for seafarers when abandoned, and to provide practical guidance on their legal rights to seafarers who are abandoned.

4 Compendium of laws

To create and maintain a searchable on-line database of seafarers' rights at the international and national levels.

SRI is funded initially by a start-up grant from the ITF Seafarers' Trust Charity and it is keen to press home its independent status by seeking funding support from across the shipping industry and elsewhere.

“No other group is addressing major issues concerning seafarers with the resources necessary for such a major issue.”

- Richard J. Dodson
Attorney at Law



BACKED BY OUR STRONG ADVISORY BOARD



Rosalie Balkin

Doctor of Philosophy and Director of the Legal Affairs and External Relations Division of the International Maritime Organization.



Bruno Ciceri

Representative of the Apostleship of the Sea and member of the Executive Council of the International Christian Maritime Association.



David Cockroft

General Secretary of the International Transport Workers' Federation.



Alastair Couper

Professor Emeritus at Cardiff University and visiting Professor at Greenwich Maritime Institute.



Richard J. Dodson

Attorney at Law and founding and senior partner of the law firm Dodson, Hooks & Frederick, APLC, Baton Rouge, Louisiana.



Cleopatra Dombia-Henry

Doctor of Laws and Director of the International Labour Standards Department at the International Labour Organization.



David Heindel

Secretary Treasurer of the Seafarers' International Union of North America, AFL-CIO.



Kenneth Keith

ONZ, KBE, QC and New Zealand Judge appointed to the International Court of Justice.



Thomas A. Mensah

Former Judge and first President of the International Tribunal for the Law of the Sea and international legal consultant and arbitrator.



Brian Orrell

OBE, LLB (Hons), Doctor (Hons) of Maritime Studies, Honorary Fellow of the Nautical Institute and former General Secretary of Nautilus UK.



Jean-Marc Schindler

Rear-Admiral (Maritime Affairs) and former head of the French Marine Accident Investigation Office (BEAmer).



Hilton Staniland

Professor of Maritime Law, University of Southampton, and former Deputy Vice-Chancellor of the University of KwaZulu-Natal.



Kuba Szymanski

Captain and Secretary General of the International Ship Managers' Association.

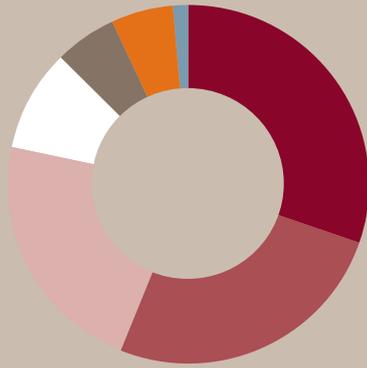


Leslie Tarantola

Master of Laws and General Counsel of the Seafarers' International Union of North America, AFL-CIO.

Question posed to seafarers:

What was your reason for seeking expert advice?



Question posed to seafarers:

In what form would you like to receive information concerning your rights?

1,319 seafarers took part in this survey



- Contract disputes (30%)**
- Unpaid wages (22%)**
- Abandonment (6%)**
- Other (6%)**
(discrimination, promotion, overtime, health, etc)

- Personal injury (26%)**
- Shore leave (9%)**
- Criminal charges (1%)**

- Publication/booklet**
- Website**
- Briefing**
(eg part of an induction process)

- By email**
- By letter to home address**
- Other**
(union, seafarers centre, ITF inspector, etc)

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Seafarers left in the dark about their rights

In a wide-reaching survey of over 1,000 seafarers interviewed by Professor Erol Kahveci of the Working Lives Research Institute, a staggering 96% wanted more information concerning their legal rights.

Fifty-eight different nationalities, reflecting the global labour market from a range of vessel types and a cross-section of ranks, responded to the questionnaire between May and September 2010. The survey was conducted amongst seafarers on ships visiting ports in the UK, Holland, Belgium and Turkey. The findings have provided SRI with a clear indication of the concerns of seafarers and the need for information, support and solutions to the problems seafarers face.

“I have never been in the country of the owner of the ship I am on. That national government has no interest in me. I just exist in the air. I don’t know what rights I have.”

- An American officer

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Seafarers’ concerns

Worries over matters such as unpaid wages, contract disputes, personal injuries, sickness, working hours, shore leave, abandonment, criminal charges, discrimination and piracy continue to be the grim reality for many seafarers.

Fear of reprisals

Shockingly, over 25% of the seafarers surveyed who needed expert advice had failed to ask for it, the main reasons being a fear of retribution and reprisals

undermining their employment prospects and potentially endangering their families.

The way forward

Seafarers expressed clear preferences on how they wanted to receive information. Nearly two-thirds wanted to see printed material, nearly a third looked for help via a website and there was a significant demand for better information as part of their induction process.

This research clearly demonstrates that seafarers have a need for easily accessible, simple and relevant information. Meeting this need is a key priority for SRI and it is now developing a range of publications to provide support and information to seafarers worldwide.

“The SRI is an ambitious, long-term project. If it is successful meeting its declared objectives, it could make a major contribution to enhancing seafarers’ rights worldwide and help counteract recent negative publicity deterring potential recruits that are vital to the industry’s future.”

- Lloyd’s List, 23 September 2010

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