



C I R C U L A R

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Justice for Seafarers? **

A recent release from SRI, the group which has been set up to agitate for a fair deal for seafarers provides plenty of food for thought. The tendency by governments to throw the old man in clink emerges as a trend for our times.

A worrying indictment of the plight of seafarers has been delivered by a survey of the experiences of seafarers facing criminal charges with seafarers complaining of unfair treatment, intimidation and a lack of legal representation and interpretation services.

The survey by the international legal research centre Seafarers' Rights International (SRI) of 3,480 seafarers in the 12 months to the end of February 2012 was conducted in eight languages, with responses returned from 18 countries and 68 different nationalities of seafarers.



Of the seafarers surveyed, 8% had faced criminal charges; 4% had been witnesses in criminal prosecutions, while 33% knew of colleagues who had faced criminal charges.

Almost 24% of masters in the survey had faced criminal charges. Questions in the survey specifically asked about the experiences of seafarers who had faced criminal charges. 44% of seafarers reported that they were bodily searched. 87% who faced charges relating to the discharge of their professional duties said that they did not have legal representation; 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 specifically asked about their perceptions. 80% who had faced criminal charges felt intimidated or threatened. Concerning casualty inquiries and accident investigations, 46% of seafarers who answered the question said that they would be reluctant to cooperate 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", "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.

To gain a broader view of criminal charges faced by seafarers, SRI also carried out a review of all incidents involving criminal charges against seafarers reported in Fairplay, Lloyd's List and TradeWinds, for the 12 year period from 2000 to 2011. There were 415 incidents reported in this period, involving 1,580 seafarers. Significantly over the period under review, the numbers of maritime criminal incidents and the numbers of detained seafarers showed a tendency to increase.

** Source: <http://www.seafarersrights.org/>

Benefits for Masters - at a glance

- ★ Stand alone cover for the Master, not necessary to rely on P&I insurance
- ★ Full coverage of defence and legal costs in criminal / civil proceedings up to EUR 1,000,000
- ★ Employment disputes (defence, counter claims, security for costs) up to EUR 20,000
- ★ Jail arrest wages (wage continuation of up to EUR 150,000 for a maximum of 12 months)
- ★ Bail securities
- ★ No withdrawal of cover for a binding judgement
- ★ Tort claims against members
- ★ Reference jurisdiction

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