

CRIMINALISATION OF SEAFARERS

Worldwide, efforts to fight marine pollution are growing. Efforts to prosecute polluters are growing too. Seafarers must do all they can to avoid polluting the seas. They must

be aware of the MARPOL convention that governs all aspects of marine pollution, including oily wastewater and garbage.

Violating the MARPOL convention can lead to criminal prosecution by a national government. Seafarers are often unfairly blamed, and convicted, because it is easier for governments to prosecute workers than owners.

Commercial pressures often put seafarers in difficult situations. If pressure is placed on seafarers by management, or if they face accusations, they should contact the ITF for confidential advice.

HOW DO LEGAL SYSTEMS VARY?

Each country has its own legal system. What you might expect in your own country may not apply elsewhere. For example, the right to remain silent, confidentiality of information, safeguards covering arrest and detention, access to legal advice and representation, a fair trial, and processes for extradition vary between countries. If in doubt, be sure to get advice from your union and/or from your company.

WHAT SHOULD I DO IF THERE IS AN INCIDENT?

If your vessel is involved in a maritime incident, international guidelines should ensure that you are treated fairly during any investigation or if you are detained.

Be aware that information given to investigators could be used against you in a criminal prosecution. If you are questioned about an accident involving your vessel, ask for a lawyer if necessary and contact your union and/or company for advice and assistance. You may also need to consider independent legal advice; your ITF inspector or union can help you find it.

The state under which your ship is flagged has the right under international law to institute legal proceedings requesting the immediate release of any seafarers detained following an accident or pollution incident at sea. But Flag of Convenience (FOC) states are notorious in failing to pursue this right on behalf of crews of ships under their flags.

Your shipowner and the ship's insurers may provide you with legal support and advice if you are arrested or detained, and support any welfare needs that arise. Again, independent legal advice may also be required. International Maritime Organisation (IMO)/ International Labour Organisation (ILO) guidelines on the fair treatment of seafarers in the event of a maritime accident are available for viewing on the ITF Seafarers website.

The ITF has produced a toolkit on criminalisation which can be found on the [ITF Seafarers website](http://www.itfseafarers.org). (www.itfseafarers.org)

If any of the issues identified are affecting your well-being you have the right to contact your trade union, an ITF Inspector or the ITF Seafarers Support team for assistance. Don't wait until it's too late.



ITF Seafarers
Your port of call online

Website: www.itfseafarers.org

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