

**2006 GUIDELINES ON FAIR TREATMENT OF SEAFARERS  
IN THE EVENT OF A MARITIME ACCIDENT (the Guidelines)**

**QUESTIONNAIRE TO MEMBER ORGANISATIONS OF CMI**

1. Have the Guidelines been passed into the law/s of your country? Please tick:
- YES
  - NO
2. If the Guidelines have been passed into the law/s of your country, have all or some of the paragraphs of the Guidelines been passed into the law/s of your country? Please tick:
- ALL PARAGRAPHS
  - SOME PARAGRAPHS
3. If some of the paragraphs of the Guidelines have been passed into the law/s of your country, please tick the paragraphs of the Guidelines that have been passed into the law/s of your country. Please tick:
- PARAGRAPH 1
  - PARAGRAPH 2
  - PARAGRAPH 3
  - PARAGRAPH 4
  - PARAGRAPH 5
  - PARAGRAPH 6
  - PARAGRAPH 7
  - PARAGRAPH 8
  - PARAGRAPH 9 (9.1 – 9.22)
  - PARAGRAPH 10 (10.1 – 10.12)
  - PARAGRAPH 11 (11.1 – 11.8)
  - PARAGRAPH 12 (12.1 – 12.7)
  - PARAGRAPH 13 (13.1 – 13.4)
4. If some or all of the paragraphs of the Guidelines have been passed into the law/s of your country, does the law/s give rights to seafarers which are enforceable in your courts? Please tick:
- YES
  - NO
5. If some or all of the paragraphs of the Guidelines have been passed into the law/s of your country, please identify the specific law/s: ie title of the law/s, and date of the law/s, and relevant provisions in the law/s

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6. If some or all of the paragraphs of the Guidelines have not been passed into the law/s of your country, please explain the reason/s for not passing those paragraphs of the Guidelines into the law/s of your country. Please tick one of more of the following answers:

- The existing law/s adequately protects the rights of seafarers. Please identify the law/s.
- The Guidelines inadequately protect the rights of seafarers
- The Guidelines unduly protect the rights of seafarers and are unfair to other parties
- The Guidelines are unclear and/or ambiguous
- The Guidelines are still under consideration
- Please state any other reason

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7. If some or all of the paragraphs of the Guidelines have not been passed into the law/s of your country, please explain what action, if any, your country may require in order for those paragraphs of the Guidelines to be passed into the law/s of your country. Please tick one or more of the following answers:

- The provision of model legislation by the IMO regarding the passing of the Guidelines into national law
- The provision of information by the IMO regarding the meaning of the Guidelines
- The amendment of the Guidelines by the IMO
- Please explain any other action

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8. Do the laws of your country require that a seafarer must be informed of the basis on which an investigation into a maritime accident is being conducted?

- YES. If YES, please explain
- NO

9. Can a seafarer be detained as part of an investigation into a maritime accident, or as part of a trial?

- YES. If YES, please explain the potential legal basis for such detention in particular with regard to pre-trial detention.
- NO

10. What safeguards exist if a seafarer is detained as part of an investigation into a maritime accident, or as part of a trial. In particular:

10.1 Is there any provision in your county's laws/s whereby a seafarer must be informed of his/her legal rights?

- YES. If YES, please explain
  - NO
- 10.2 Does a seafarer have the right to be provided interpretation services?
- YES. If YES, please explain
  - NO
- 10.3 Does a seafarer have the right to be provided free independent legal advice?
- YES. If YES, please explain
  - NO
- 10.4 Does a seafarer have the right not to answer questions that may be considered self-incriminating, if so advised?
- YES. If YES, please explain
  - NO
- 10.5 Are there any other due process safeguards provided to seafarers facing an investigation into a maritime accident, or as part of a trial?
- YES. If YES, please explain
  - NO
11. If the Guidelines have been implemented into your law, have they been relied upon/referenced in any cases? If so please comment further.
12. Does your Association have any comments, suggestions or recommendations on this subject?

**RESPONSES TO BE RETURNED PLEASE NO LATER THAN 31 JANUARY 2014.**

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