

Criminalization of Seafarers and its Impact on Mental Health of the Seafarers

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Abstract - Merchant Navy is a field primarily responsible for the transportation of cargo across the vast expanse of seas. The professionals on the ship who are responsible for this are termed as seafarers. Unlike some other professions, the margin of making mistakes on board the ship is very less and is dealt with profound severity. Criminalization of seafarers is a term used to describe the act of pressing criminal charges against seafarers as a result of some unfavorable incident happening on board the ship or any incident or accident that involves the vessel in question. The rate of seafarers getting unfairly detained, penalized or punished is increasing at an alarming rate. Seafarers, especially Captains and Chief engineers often bear the brunt of accusation and hence some live in constant dread of being accused unfairly for the same. This is adversely affecting the mental health of seafarers on board the ships. The fear of being criminalized is a very dormant but real stressor that is experienced by seafarers. (Nautilus International, 2019). The aim of the paper is to shed light on the impact of criminalization of seafarers on mental health of seafarers and also introduce the concept of stress management on the ship that may help curb the fear of being victimized.

Keywords: *criminalization, mental health, merchant navy, seafarers, stress management, stressor,*

I. INTRODUCTION

Merchant Navy is one of the oldest professions on the earth. It is a specialized field that is involved in transportation of cargo and people through the sea route. As almost 97 % percent of earth's surface is covered with water, transportation of goods and services via ships is a preferred option. People who are trained to work on board the ship and who are responsible for the safe transport of goods or cargo from one place to the other are termed as seafarers. Seafarers who ensure smooth functioning of the engines of the ship are termed as engineers whereas seafarers who are responsible for navigation of the ship are deck officers. Each department of the ship plays a vital role in transporting valuable goods and products across countries through oceans which can sometimes be treacherous and uncertain. Seafarers often have to be on their toes to ensure that each department is functioning the way it should as even slight error can lead to major catastrophe. Seafarers can be penalized for various offences which include but are not limited to pollution, improper paperwork, and infringement of local law, cargo damage and even abandoning the vessel in poor condition. (Nautilus federation, 2019) While in some cases, the pressed charges hold some merit, most often certain incidents happen on board the ship which are not in direct control of the seafarers. In such cases, seafarers may be unfairly accused. This unfair accusation can have devastating impact on the mental health of seafarers who are under scrutiny as well as those who witness the crew

members getting unfairly accused. This creates a chain of stress and can lead to mental health issues like panic attacks, anxiety, sleep disorders, behavioral disorders etc. Though a lot of focus is on legal repercussions of criminalization of seafarers, very little is thought about mental health of seafarers in connection with the fear of being unfairly victimized. In fact, a survey conducted by Nautilus federation shows that 90 % of seafarers are afraid of being criminalized in some way or the other. About 70 % of seafarers have admitted that this fear negatively impairs their ability to work on board the ship. These figures are rather worrying and once again highlight the negligence of shipping giants to take care of the mental health of the workers

II. FEAR OF CRIMINALIZATION

International Maritime Health Association has termed Merchant navy as one of the most hazardous. According to it, "It has been established that seafaring is one of the most physically demanding professions in one of the most dangerous work environments: the sea." As stated, almost 70 % of seafarers live in fear of being victimized or being used as a scapegoat. Rather than improving the vigilance of the seafarers in question, this fear negatively impacts the performance of the seafarers on board the ship. This is very much evident with a quick review of literature. Von Dreele reported that "... depression and addictive behaviour has surfaced among the crews..." and that "a defendant in one case tried to commit suicide" during a pollution incident

near Philadelphia, U.S.A. The Baltic and International Maritime Council has said criminalization could affect recruitment of seafarers by causing some individuals to forego seeking a career at sea. The impact of fear during day to day functioning can be very limiting and impairing. Fear at workplace can lead to lack of imitative, excessive stress, can create hurdles during work and workers can commit mistakes while working. Fear can also lead to seafarers fearing for their livelihood. Hence, impact of fear of being criminalized can be far reaching and can bring down efficiency of seafarers.

Stress and related disorders due to criminalization of seafarers:

Stress can be defined in different ways. Lazarus and Folkman (1984) proposed that stress occurs when people perceived that the demands from external situations were beyond their coping capacity. Criminalization may be defined in two ways: 'treating someone as a criminal' or 'making something illegal' (Lund, 2008). Criminalization charges are on the rise and so is the stress faced by the crew on board. Several studies have surfaced which have shed light on just how the trend of blaming the crew is increasing in recent times. Seafarers Rights International had conducted a survey of 3480 seafarers of 68 different nationalities. Their aim was to find out just how many seafarers had faced criminal charges and to see exactly how the victims tackled the issue when confronted with it. The figures are definitely crippling. Around 8% of seafarers and 24% of masters had faced criminal charges. What was worse was that majority of the seafarers (around 90 %) were denied interpreters if required, majority were not represented legally by the system and almost all felt that they were treated unfairly. All these issues definitely lead to heightened stress and related disorders. If under severe stress, a seafarer fails to take clear-cut decisions, fails to re-evaluate and reassess priorities and lifestyles, and ultimately tends to fall into unproductive distractions. The International Committee on Seafarers' Welfare booklet "Guidelines for Mental Care Onboard Merchant Ships" also highlights the impact of stress on the mental health of seafarers. it says "Typical symptoms of stress are insomnia, loss of mental concentration, anxiety, substance abuse, extreme anger and frustration, family conflict, and physical illnesses such as heart disease, migraine headaches, stomach problems, and back problems. There is also a fear of burnout that can further deteriorate the health and well-being of the people in question. Thus, under the fear of being criminalized, the entire crew may display symptoms of stress and related disorders. Clinical Psychologist, Lagos State University College of Medicine, Prof. Ayodele Coker, noted that the welfare of a seafarer was in tandem with mental health. According to him, seafarers are faced with depression, loneliness, abandonment, suicide and others, and these affect their mental health and leads to disorder. Research has also shown that officers who work on the deck

are far more stressed as compared to those who work in the engine room as more often than not, any accident or incident on the ship is traced to the Captain and the crew who work alongside him. Thus, the fear of making a mistake is always there at the back of the mind of the crew. This anxiety can often lead to a state of panic and breakdown.

Impact of stigma of criminalization and mental health:

There is a lot of stigma around the entire concept of seafarer's committing blunders during their course of work. For example, it seems inexcusable for a captain to be sailing on a ship that is responsible for oil spillage irrespective of whether the oil spillage was because of the negligence of the captain or other reason which was not entirely in the hands of the crew. Irrespective of this, once charges are pressed the crew and especially the Captain feel stigmatized and singled out. In some cases there is widespread media coverage that further fuels the stress and anxiety of the so called convicted crew members. The recent example of grounding of the Evergiven vessel in the Suez Canal brings to forefront the impact of media coverage once things go wrong on the ship. Smear campaigns are on the rise against the accused which can have far reaching consequences on the mental health of the seafarers. Such seafarers who feel shamed or isolated can suffer from various mental health disorders like depression, lack of self-esteem, lack of assertiveness, withdrawal and it can seriously cripple the social relationship of people. Seafarers shamed in public avoid going out, may embrace addiction as a way to get away from society and can in the long run always fear taking charge of the ship again.

PTSD due to criminalization:

Seafarers are adversely affected due to several incidents on the ship like grounding, collision, fire on board, man overboard, death and related injury. ("Port welfare workers", 2011, p. 4.) There have been several cases of suicide by marine professionals who have been charged for negligence. One such incident was the case of a French master mariner who took his own life after he was withdrawn temporarily from the Company following his implication in the collision case at sea. This is not an isolated incident. Studies carried out by The International Committee on Seafarer's Welfare and Melbourne Port Welfare Association have shown high percentage rates of suicide among seafarers. The suicide cases are more prevalent among the seafarers who suffer from Post-Traumatic Stress Disorder or PTSD. A term used to describe the extreme stress a person faces post a traumatic event in his or her life. Symptoms range from anxiety, sleep disorder, behavioral changes to crippling fear and panic attacks. Some seafarers suffer from hallucinations, delusions and exhibit self-harming tendency. Thus, a traumatic event on the ship can cause PTSD and it can further be fueled if the crew is blamed for it. According to Atkinson, Smith et al. (2000), traumatic events are

situations of extreme danger that are outside the range of usual human experience.

Concerns regarding job security:

Increasing incidents revolving around criminalization of seafarers is also affecting thoughts related to continuation of seafarers in this industry. Second hand learning is a very powerful mental aid that enables one to avoid danger. Seafarers who experience someone getting convicted are likely to feel scrutinized constantly and may sport insecurity related to their jobs. Super (1985) identified five factors that reflect establishment in a career in his and his colleagues' most renowned study on the 'Career Pattern Study (CPS)'. The five factors are attained status, job satisfaction, occupational advancement, career progress, and career satisfaction. The act of being charged or blamed for hazards on the ship directly affect all the five elements thus leading to a feeling of insecurity in the minds of the seafarers. Feeling of insecurity is especially prevalent in the minds of those seafarers who have been dismissed or for whom investigations are underway. The mental stability can be affected due to this leading to a host of mental issues among the accused seafarers. Thus, the mental wellbeing of seafarers is in jeopardy if accused in any accident or if they are afraid of making a mistake that they put them in this situation.

III. RECOMMENDATIONS:

Human error is a termed often used to describe accidents caused by seafarers. While not all accidents are due to human error and not all accused are responsible for it, it's necessary to understand that in the event of being a scapegoat of such policies, the accused seafarers need to focus on their mental health and wellbeing till the investigation is complete or till some resolution is achieved. Hence, it's recommended that all seafarers undergo regular stress management training to help them deal with such incidents. Meditation, positive thinking and even humor can be used by the seafarers to deal with the situation. Such kind of training needs to be given to cadets in marine training institutions along with practical training to avoid mishaps. Regular interventions and psychological well – being profile of the seafarers needs to be monitored to help them anchor and channelize their feelings in a better way. Assertiveness training and stress management can go a long way in curbing the sense of dread that usually accompanies criminalization of seafarers.

IV. CONCLUSION

Criminalization of seafarers is a very real issue that plagues the world of Merchant Navy. While some accidents or unwanted situations on board the ship are indeed due to human error, a whole host of cases of making scapegoats of seafarers are on the rise today. This can have adverse impact on the accused as well as the witnesses. The impact is usually rooted deeply in the psyche of the person and it

topples the mental health of all parties concerned. The consequences are far reaching and the resulting mental issues can completely ruin the life of the accused in the worst way possible. The need of the hour is to accept that such things may happen and to train the candidates to deal with such situations in the best possible way. Stress of being victimized can affect different people in different ways and hence management can prove to be even trickier. There has to be a lot more focus on mental health of seafarers today and efforts have to be put in by all parties concerned to tackle this issue with humanitarian approach in mind.

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