

INTERNATIONAL LABOUR OFFICE GENEVA

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# REPORT FORM

## FOR THE

# SEAFARERS' IDENTITY DOCUMENTS

## CONVENTION, 1958 (No. 108)

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of the Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

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### PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

#### *First reports*

If this is your Government's first report following the entry into force of the Convention in your country, full information should be given on each of the provisions of the Convention and on each of the questions set out in the report form.

#### *Subsequent reports*

In subsequent reports, information need normally be given only:

- (a) on any new legislative or other measures affecting the application of the Convention;

- (b) in reply to the questions in the report form on the practical application of the Convention (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organizations of employers and workers and on any observations received from these organizations;

- (c) **in reply to comments by the supervisory bodies:** the report must contain replies to any comments regarding the application of the Convention in your country which have been made by the Committee of Experts on the Application of Conventions and Recommendations or by the Conference Committee on the Application of Standards.
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## Article 22 of the Constitution of the ILO

Report for the period \_\_\_\_\_ to \_\_\_\_\_

made by the Government of \_\_\_\_\_

on the

### SEAFARERS' IDENTITY DOCUMENTS CONVENTION, 1958 (No. 108)

(ratification registered on \_\_\_\_\_)

- I. Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.**

**Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit, or as a result of, ratification.**

- II. Please indicate in detail *for each of the following Articles of the Convention* the provisions of the abovementioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.**

**If in your country ratification of the Convention gives the force of national law to its terms, please indicate by virtue of what constitutional provisions the ratification has had this effect. Please also specify what action has been taken to make effective those provisions of the Convention which require a national authority to take certain specific steps for its implementation, such as measures to define its exact scope and the extent to which advantage may be taken of permissive provisions, measures to draw the attention of the parties concerned to its provisions, and arrangements for adequate inspection and penalties.**

**If the Committee of Experts or the Conference Committee on the Application of Standards has requested additional information or has made an observation on the measures adopted to apply the Convention, please supply the information asked for or indicate the action taken by your Government to settle the points in question.**

#### *Article 1*

1. This Convention applies to every seafarer who is engaged in any capacity on board a vessel, other than a ship of war, registered in a territory for which the Convention is in force and ordinarily engaged in maritime navigation.

2. In the event of any doubt whether any categories of persons are to be regarded as seafarers for the purpose of this Convention, the question shall be determined by the competent authority in each country after consultation with the shipowners' and seafarers' organisations concerned.

*With regard to paragraph 2, please give information on any cases which have arisen and the manner in which they have been settled.*

#### *Article 2*

1. Each Member for which this Convention is in force shall issue to each of its nationals who is a seafarer on application by him a seafarer's identity document conforming with the provisions of Article 4 of this Convention: Provided that, if it is impracticable to issue such a document to special classes of its seafarers, the Member may issue instead a passport indicating that the holder is a seafarer and such passport shall have the same effect as a seafarer's identity document for the purpose of this Convention.

2. Each Member for which this Convention is in force may issue a seafarer's identity document to any other seafarer either serving on board a vessel registered in its territory or registered at an employment office within its territory who applies for such a document.

*Please indicate, with reference to paragraph 1, whether passports are issued to special classes of seafarers in lieu of seafarers' identity documents, and, if so, for what reasons.*

*Please indicate whether identity documents may be issued to foreign seafarers in the cases mentioned in paragraph 2.*

### Article 3

The seafarer's identity document shall remain in the seafarer's possession at all times.

### Article 4

1. The seafarer's identity document shall be designed in a simple manner, be made of durable material, and be so fashioned that any alterations are easily detectable.

2. The seafarer's identity document shall contain the name and title of the issuing authority, the date and place of issue, and a statement that the document is a seafarer's identity document for the purpose of this Convention.

3. The seafarer's identity document shall include the following particulars concerning the bearer:

- (a) full name (first and last names where applicable);
- (b) date and place of birth;
- (c) nationality;
- (d) physical characteristics;
- (e) photograph; and
- (f) signature or, if bearer is unable to sign, a thumbprint.

4. If a Member issues a seafarer's identity document to a foreign seafarer it shall not be necessary to include any statement as to his nationality, nor shall any such statement be conclusive proof of his nationality.

5. Any limit to the period of validity of a seafarer's identity document shall be clearly indicated therein.

6. Subject to the provisions of the preceding paragraphs the precise form and content of the seafarer's identity document shall be decided by the Member issuing it, after consultation with the shipowners' and seafarers' organisations concerned.

7. National laws or regulations may prescribe further particulars to be included in the seafarer's identity document.

*Please supply a specimen of the seafarer's identity document.*

*Please give particulars of the consultations which have taken place pursuant to paragraph 6.*

### Article 5

1. Any seafarer who holds a valid seafarer's identity document issued by the competent authority of a territory for which this Convention is in force shall be readmitted to that territory.

2. The seafarer shall be so readmitted during a period of at least one year after any date of expiry indicated in the said document.

### Article 6

1. Each Member shall permit the entry into a territory for which this Convention is in force of a seafarer holding a valid seafarer's identity document, when entry is requested for temporary shore leave while the ship is in port.

2. If the seafarer's identity document contains space for appropriate entries, each Member shall also permit the entry into a territory for which this Convention is in force of a seafarer holding a valid seafarer's identity document when entry is requested for the purpose of:

- (a) joining his ship or transferring to another ship;
- (b) passing in transit to join his ship in another country or for repatriation; or
- (c) any other purpose approved by the authorities of the Member concerned.

3. Any Member may, before permitting entry into its territory for one of the purposes specified in the preceding paragraph, require satisfactory evidence, including documentary evidence, from the seafarer, the owner or agent concerned, or from the appropriate consul, of a seafarer's intention and of his ability to carry out that intention. The Member may also limit the seafarer's stay to a period considered reasonable for the purpose in question.

4. Nothing in this Article shall be construed as restricting the right of a Member to prevent any particular individual from entering or remaining in its territory.

*With reference to paragraph 3, please indicate what evidence, if any, is required from a seafarer before permitting entry and what time limit, if any, has been fixed.*

**III. Please state to what authority or authorities the application of the abovementioned laws, regulations, etc., is entrusted, and by what methods application is enforced.**

**IV. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.**

**V. Please add a general appreciation of the manner in which the Convention is applied in your country, giving, for example, extracts from reports of the services entrusted with the application of the relevant laws, regulations, etc., and, so far as such statistics are available, information concerning the number of seafarers' identity documents which have been issued during the year, any difficulties encountered in the application of the Convention, etc.**

**VI. Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organization.<sup>1</sup> If copies of the report have not been communicated to representative organizations of employers and/or workers, or if they have been communicated to bodies other than such organizations, please supply information on any particular circumstances existing in your country which explain the procedure followed.**

**Please indicate whether you have received from the organizations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention or the application of the legislation or other measures implementing the Convention. If so, please communicate a summary of the observations received, together with any comments that you consider useful.**

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<sup>1</sup> Article 23, paragraph 2, of the Constitution reads as follows: "Each Member shall communicate to the representative organisations recognised for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22."