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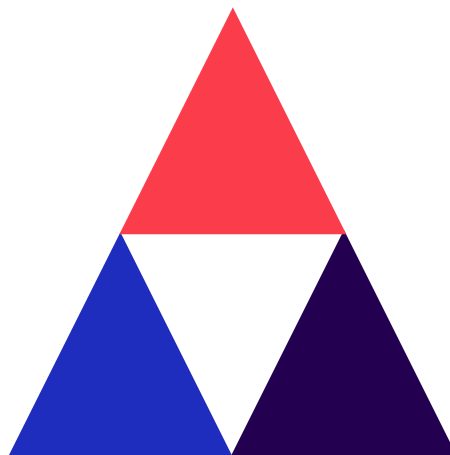


INTERNATIONAL
MARITIME
ORGANIZATION

► TWGSHE.3/2024/6

► Record of proceedings

Third meeting of the Joint ILO-IMO Tripartite Working Group to Identify and Address Seafarers' Issues and the Human Element
(Geneva, 26–28 November 2024)



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► I. Introduction

1. The Third meeting of the Joint ILO-IMO Tripartite Working Group to identify and address seafarers' issues and the human element was held from 26 to 28 November 2024. The Governing Body of the International Labour Organization (ILO) decided at its 351st Session (June 2024) and the Council of the International Maritime Organization (IMO) decided at its 132nd Session to convene the meeting, the purpose of which would be to discuss and adopt the Guidelines on the Fair Treatment of Seafarers Detained on Suspicion of Committing Crimes.
2. At its first sitting, the meeting adopted the timetable (TWGSHE.3/2024/1). The meeting held six plenary sittings.
3. In accordance with the terms of reference adopted by the ILO and IMO, the Chairperson of the meeting was Mr Antonios Doumanis (Greece). At its first sitting, the meeting elected three Vice-Chairpersons as follows:

Government group

Vice-Chairperson H.E. César A. Gómez Ruiloba (Panama)

Shipowners' group

Vice-Chairperson Mr Tim Springett (United Kingdom of Great Britain and Northern Ireland)

Seafarers' group

Vice-Chairperson Mr Mark Dickinson (United Kingdom of Great Britain and Northern Ireland)

4. The Joint ILO-IMO secretariat comprised: Mr F. Hagemann (Director of the Sectoral Policies Department, ILO) as Secretary-General, Ms C. Bader (Maritime and Transport Specialist, ILO) as Executive Secretary (ILO) and Mr J. E. de Boer (Senior Legal Officer, IMO) as Executive Secretary (IMO). The Coordinator of secretariat services was Ms M. M. Than Tun. The representative of the Office of the Legal Adviser was Mr Tilmann Geckeler.
5. The meeting was attended by 23 Government representatives and their advisers (from 8 Member States),¹ together with 141 Government observers (from 52 Member States), as well as 8 Shipowner representatives and their 10 advisers and 2 observers, 8 Seafarer representatives and 8 observers, and 10 observers from intergovernmental organizations (IGOs) and invited international non-governmental organizations. Women represented 35 per cent of the participants.
6. The Chairperson welcomed participants to the Third Meeting of the Joint ILO-IMO Tripartite Working Group to identify and address seafarers' issues and the human element. He thanked the Government of the United States of America for the nomination and the Government of Thailand for seconding his appointment. He outlined the objective to discuss and adopt Guidelines on the fair treatment of seafarers detained on suspicion of committing crimes, thanked the ILO and IMO

¹ Belgium, Greece, India, Liberia, Panama, Philippines, Thailand and United States.

secretariats for preparing the draft document, and encouraged participants to keep interventions concise and focused on substantive improvements to the text. He emphasized the importance of informal consultations and expressed confidence that through constructive social dialogue, the Working Group would achieve successful outcomes within its limited time frame.

7. The Secretary-General of the Meeting welcomed attendees and highlighted the long-standing ILO–IMO partnership. He noted the exacerbation of seafarer abandonment during the COVID-19 pandemic and cited an increase in abandonment cases recorded in the database from 40 cases in 2019 to 310 new cases in 2024. He recalled that the second meeting had focused on violence and harassment, leading to amendments to the Seafarers’ Training, Certification and Watchkeeping (STCW) Code with new training requirements starting January 2026. Turning to the current meeting’s focus on fair treatment of detained seafarers, he highlighted challenges faced in foreign jurisdictions and urged collaboration on implementing the draft Guidelines. Before concluding, he called for the release of the 25 seafarers aboard the hijacked *Galaxy Leader*.
8. The Executive Secretary (IMO) supported the Secretary-General’s statements and provided historical context. He explained that growing concerns about criminal proceedings against seafarers had led to the establishment of the Joint IMO/ILO Ad Hoc Expert Working Group in 2005, resulting in the 2006 *Guidelines on Fair Treatment of Seafarers in the Event of a Maritime Accident*. He noted that in 2019, Georgia, Ukraine, and the International Transport Workers’ Federation (ITF) had proposed creating a joint working group to develop guidelines for seafarers’ involvement in criminal activities. Despite pandemic challenges, the 107th session of the Legal Committee in 2020 had agreed to include “Fair treatment of seafarers detained on suspicion of committing maritime crimes” as a new output. The Committee had emphasized this as a human rights issue, stressing the need for access to legal representation, medical care and consular assistance while presuming innocence until proven guilty.
9. He further reported that at its 110th session, the IMO Legal Committee (LEG) had received a proposal to develop new draft guidelines on fair treatment of seafarers detained on suspicion of committing maritime crimes. A Working Group chaired by the Philippines had been established, comprising 40 Member States, 1 Associate Member, and 5 observer delegations. An intersessional Correspondence Group, coordinated by the ITF, had been subsequently formed to further develop the draft Guidelines. At LEG 111, while noting broad support for the draft, a second Working Group, composed of 38 Member States, 1 Associate Member, and 5 observer delegations and chaired by the ITF, had been tasked with further refinement. LEG 111 had then approved the revised text and referred it to the Joint IMO–ILO Tripartite Working Group for consideration.
10. The Executive Secretary (ILO) provided additional context regarding the necessary adjustments made by the Office to the draft Guidelines (TWGSHE.3/2024) received from LEG 112. She explained that two new sections had been added: a background chapter that included further context, and an appendix at the end of the draft encompassing the most important provisions contained in the relevant international instruments (such as the Maritime Labour Convention, 2006, as amended (MLC, 2006), the International Covenant on Civil and Political Rights (ICCPR) and the Vienna Convention on Consular Relations).
11. She outlined the changes, reflected in blue font in the draft Guidelines, which included consistency adjustments in the form of new blue text or deleted blue text in false track changes, and new clarifying or explanatory footnotes. The substantive suggestions made by the Office were either based on lessons learned from criminalization cases or sought to better harmonize the text with the spirit of the ICCPR.

12. For example, additional text had been included for “alleged” crimes, for the concept of detention, and to reflect the key role that seafarers’ organizations and seafarers’ representatives played in cases dealing with unfair treatment of seafarers. She noted that the term “if and when appropriate” had been removed so as to take away the perception that States could use their discretion in deciding whether or not to inform the seafarers of the basis for investigation. In addition, wording related to travel documents for timely repatriation had been included.
13. The Seafarer Vice-Chairperson noted that during the COVID-19 pandemic and heightened global tensions, seafarers had been recognized as key workers. He emphasized that seafarers required special protection, and their fundamental rights and principles were recognized in Articles III and IV of the MLC, 2006. Despite this recognition, masters, officers, and ratings continued to face unfair treatment. He pointed to chronic “sea blindness” evidenced by cases where lack of understanding condemned innocent seafarers to serve as scapegoats in a multi-jurisdictional maritime morass. While the maritime community understood industry operations, seafarers became vulnerable once cases were transferred to justice departments, often facing discriminatory treatment in foreign jurisdictions. He recommended an awareness-raising campaign under ILO and IMO patronage to ensure the Guidelines were adopted, actioned and incorporated into legislation. He supported linking the Guidelines to the Universal Declaration of Human Rights, the ICCPR and other relevant human rights instruments.
14. The Shipowner Vice-Chairperson expressed disappointment over the lack of progress in ensuring fair treatment of seafarers since the 2006 ILO/IMO Guidelines, which had been created in response to unacceptable treatment during maritime incidents. The criminalization of seafarers was a blight on the industry that undermined recruitment efforts needed to maintain global shipping and trade. He welcomed the opportunity provided by the ILO for social partners to express views more openly and emphasized that the Guidelines were not intended to establish rights beyond those already provided under detaining states’ laws or international law. The Guidelines had to fully uphold existing rights without introducing caveats or conditionalities, as these rights were considered absolute and unconditional. Regarding ship masters, he highlighted that their automatic implication in prosecutions of alleged onboard crimes was not justified, while acknowledging masters’ overall ship responsibility.
15. The Government Vice-Chairperson outlined the meeting’s objective to develop clear Guidelines ensuring fair treatment of seafarers detained on suspicion of committing crimes. He emphasized “suspicion” as critical, highlighting governments’ multiple roles as flag States, port States, and seafarer nationality States. The Guidelines would address organized crime that manipulated seafarers while ensuring suspicions did not lead to unfair detentions. The Guidelines would complement rather than override national law, providing detailed measures to ensure fairness while combating organized crime. He emphasized the maritime industry’s vital role in transporting goods, food and medicines, expressing belief that collaboration among stakeholders could improve seafarer treatment.
16. The Government representative from Panama underlined that States involved in cases must act through their administrative mechanisms in a coherent, prompt and effective manner, as embodied in the Guidelines. She highlighted the necessity of these international guidelines due to increased crime in recent years and the inadequacy of the *2006 Guidelines on fair treatment of seafarers in maritime accidents* to address this issue. She stressed the essential need to protect seafarers’ rights against coercion, ensuring due process in a non-discriminatory, fair and expeditious manner, along with independent legal assistance and medical and mental health

care. She concluded by commending the ILO and the IMO for their work in addressing global maritime industry needs.

17. The Government representative from Belgium emphasized the critical importance of addressing fair treatment of seafarers detained on suspicion of committing crimes. Highlighting seafarers' contributions to global trade and their challenges, particularly regarding criminalization, she called for collective efforts to uphold seafarers' rights and dignity, noting that they were often victims rather than perpetrators in organized crime, and urged stakeholders to focus on identifying the actual criminals behind illegal practices.
18. The Government adviser from Greece expressed appreciation for the opportunity to participate in finalizing and adopting the Guidelines. She underscored the importance of ensuring fair and prompt treatment for detained seafarers and emphasized stakeholder collaboration to achieve this goal.
19. The Government observer from Indonesia commended the Committee and Working Group's work on the draft Guidelines. Highlighting Indonesia's significant role as a seafarer supplier and the vulnerability of seafarers, he emphasized the need for international cooperation to safeguard seafarers' rights, the importance of clear guidelines and the need for capacity-building initiatives to support implementation.
20. The observer from the International Christian Maritime Association (ICMA) stressed the traumatic experiences faced by detained seafarers, particularly in foreign jurisdictions where language barriers existed. He called for focus on seafarers' well-being during deliberations, underlining the importance of achieving meaningful progress on this issue.

► II. Consideration of the draft Guidelines ²

21. The following account of the discussion follows the structure of the draft Guidelines, rather than the chronological consideration of its sections. It covers only sections on which there was substantive discussion. Some paragraphs refer to a smaller tripartite working group that worked outside the plenary session and later presented agreed upon text. The details of these discussions are not available in this report as they were not a part of the plenary sessions.

Title

22. The Government representative from the Philippines proposed amending the title to "Guidelines on fair treatment of seafarers under investigation or detained on suspicion of committing alleged crimes".
23. The Government representative from India emphasized the importance of covering seafarers detained as possible witnesses and proposed "Guidelines on fair treatment of seafarers under investigation or detained on suspicion of alleged crimes".

² All references and numbers of sections and paragraphs are to the original draft submitted to the Meeting. Where the outcome of discussion on a point is not clear, the text of the Guidelines should be taken as the authentic adopted text.

24. The Shipowner Vice-Chairperson had initially suggested “Guidelines on fair treatment of seafarers detained in connection with the investigation and prosecution of alleged crimes” to ensure comprehensive coverage of all cases. Later, he proposed a shorter alternative: “Guidelines on fair treatment of seafarers detained in connection with alleged crimes”.
25. The Seafarer Vice-Chairperson advocated for the original title “Guidelines on fair treatment for seafarers detained on suspicion of crimes”, arguing that “detained” already encompassed various scenarios. He later suggested using “Fair treatment of seafarers” as a main title with a clarifying subtitle.
26. The Government Vice-Chairperson supported the Seafarers’ proposal with the addition of “alleged” to emphasize that the crime was not yet proven.
27. The Executive Secretary (IMO) urged consideration of all stages of detention, avoiding subjective conditions, while acknowledging the importance of referring to “alleged crimes”.
28. After discussion, the title “Guidelines on fair treatment of seafarers detained in connection with alleged crimes” was adopted.

Introduction

Paragraph 1

29. The Shipowner Vice-Chairperson proposed adding “or where seafarers are detained on a ship not registered in that port or coastal State” to address scenarios where a seafarer might be a national of the detaining State but the ship was not registered there. He also suggested deleting “should” and proposed adding a footnote referencing Guideline B4.4.6, paragraph 2, of the Maritime Labour Convention, 2006, as amended (MLC, 2006), to clarify that “on board a ship” referred to the place of employment rather than the location of the alleged crime.
30. The Seafarer Vice-Chairperson introduced the aspect of seafarer residency in addition to nationality, initiating discussion on potential text formulations throughout the Guidelines.
31. The Government Vice-Chairperson opposed deleting “should” and proposed adding “as appropriate” after “be applied”. He suggested adding “investigated or” before “detained” and “or having committed” after “committing”. He indicated the need to consult further with other governments regarding the retention of “should” and raised questions about the Guidelines’ application to ships detained on the high seas.
32. After extensive discussion regarding “should” and “as appropriate”, the Government Vice-Chairperson emphasized that governments needed discretion to align with national laws, suggesting retention of either term. The Government representative of the United States explained that “as appropriate” was included to provide governments necessary flexibility in application.
33. The Seafarer Vice-Chairperson opposed the words “as appropriate”.
34. The Shipowner Vice-Chairperson noted that including both “should” and “it is recommended” would weaken the message, but ultimately accepted retaining “should” in the spirit of consensus.

He emphasized that the document was clearly a guideline not intended to interfere with national laws and needed to provide practical value.

35. The Government Vice-Chairperson proposed replacing “[i]t is recommended that these guidelines” with “[t]hese guidelines should”, but withdrew this suggestion following objection from the Seafarer Vice-Chairperson.

36. The final agreed text read:

It is recommended that these guidelines should be applied where seafarers may be investigated or detained in a jurisdiction other than that of their nationality, on suspicion of committing or having committed crimes during the course of their employment on board a ship.

37. The paragraph was adopted as amended.

Paragraph 2

38. The Shipowner Vice-Chairperson proposed replacing “encourage” with “ensure” regarding appropriate legal processes, emphasizing this would not impose additional obligations on governments. He supported adding “alleged” before “crime” as proposed by the joint secretariat.

39. The Government Vice-Chairperson supported including “alleged” before “crimes” and proposed adding “committing or having committed” for consistency with paragraph 1. He suggested replacing “they” with “these Guidelines”, deleting “appropriate” before “jurisdiction”, and adding “below” for clarity.

40. The Government observer from the United Arab Emirates expressed concern that using “ensure” might conflict with national laws referenced in paragraph 4, suggesting “encourage” as more appropriate.

41. The paragraph was adopted as amended.

Paragraph 3

42. The Seafarer Vice-Chairperson proposed expanding the recognition of seafarers as a special category of worker by adding “and many countries have designated them as key workers following the adoption of a joint statement by the ILO, IMO, UNCTAD and WHO.” He also suggested capitalizing the subsequent sentence, replacing “they” with “seafarers”, and deleting “in accordance with the laws of the port or coastal State”.

43. The Shipowner Vice-Chairperson accepted these amendments while suggesting improvement to the phrase “different jurisdictions with which seafarers”.

44. The Government representative from Belgium noted that the phrase “no longer than necessary” already implied alignment with national legislation.

45. The Government Vice-Chairperson initially opposed deleting the reference to national laws but agreed to its removal after considering that paragraph 4 addressed these concerns.

46. The paragraph was adopted as amended.

Paragraph 4

47. During the initial debate on this paragraph, the Seafarer Vice-Chairperson called for removing “or the laws of the port or coastal States”, deeming the wording unnecessary in context. This prompted a significant intervention from the Shipowner Vice-Chairperson, who proposed new language emphasizing human rights protections, particularly addressing arbitrary arrest and the presumption of innocence for seafarers and masters.
48. The discussion then focused on how to handle references to port and coastal State laws, with the Government Vice-Chairperson and the Government representative from the United States suggesting consolidating this language into a single early paragraph to apply throughout the document. The Seafarer Vice-Chairperson highlighted ongoing concerns about seafarer treatment under international law, clarifying their intent was to ensure that the Guidelines could not be used to sidestep legal obligations.
49. In response, the Government Vice-Chairperson acknowledged documented human rights violations while supporting the proposal of the Government representative from the United States to streamline the text without undermining domestic laws.
50. The paragraph was later discussed in the working group on text that could not previously achieve consensus. The working group proposed the following two new paragraphs:

These Guidelines are not intended to interfere with any State’s law enforcement or prejudice the application of its domestic criminal or civil law, procedures, or its rights and obligations under international law; nor are they intended to establish any legal rights, obligations or causes of action, or restrict any rights seafarers are entitled to enjoy under applicable international human rights instruments or the domestic laws of the port, coastal or flag State, or the State of which the seafarer is a national.

The Guidelines are intended to reinforce existing human rights, including the principle of presumption of innocence, until proven guilty by a proper legal process; and ensure that no seafarer is subject to arbitrary detention; no seafarer is deprived of their liberty, except on such grounds and in accordance with such procedures as established by law; and that no seafarer, in particular the Master, is detained on suspicion of committing an alleged crime solely because of their status on board the ship.

51. It was agreed to move the paragraphs after paragraph 2.

Paragraph 5

52. The Shipowner Vice-Chairperson proposed adding the words “or of having committed” after “committing”.
53. The Government Vice-Chairperson noted that a suspected crime, regardless of whether it had occurred, would require investigation without coercion or intimidation.
54. The Government representative from Panama agreed with the proposal of the Shipowners.
55. Paragraph 5 was adopted as amended.

Paragraph 6

56. The Seafarer Vice-Chairperson supported the insertion of the term “alleged” before “crime” suggested by the joint secretariat. He proposed to replace the words “when possible, subject to the laws of the port or coastal State” with “as provided for in Maritime Labour Convention, 2006 and the Convention on Facilitation of International Maritime Traffic (FAL)”.
57. The Shipowner Vice-Chairperson agreed on the FAL Convention’s relevance and expressed concern about the phrase “subject to the laws”. He stressed that entitlement to repatriation was an absolute right, and that the current text did not make the ability to exercise that right clear. He proposed replacing “, when possible, subject to the laws of the port or coastal State” with “as established under the Maritime Labour Convention, 2006, and the Convention on Facilitation of International Maritime Traffic (FAL), recognizing that during any such investigation the ability of a seafarer to leave the jurisdiction of the port or coastal State is subject to the laws of that State.”
58. The paragraph was adopted as amended.

Paragraph 7

59. The Shipowner Vice-Chairperson, while acknowledging the risk of overloading the Guidelines with references, proposed adding after “(ICCPR)” the text “and the body of principles for the protection of all persons under any form of detention or imprisonment adopted by the United Nations General Assembly”.
60. The Seafarer Vice-Chairperson agreed with the addition and proposed to add “and the resolution 56/18 of the UN Human Rights Council”.
61. The Government representative from the United States suggested inserting “including but not limited to” to clarify that the list was not exhaustive. The Government adviser from Greece agreed with the intervention.
62. The Government representative from the Philippines proposed adding two more UN resolutions: the United Nations standard minimum rules for the treatment of prisoners (the “Nelson Mandela rules”) and the United Nations rules for the treatment of women prisoners and non-custodial measures for women offenders (the “Bangkok rules”).
63. The Shipowner Vice-Chairperson and Seafarer Vice-Chairperson agreed with all previous suggestions, with the latter reiterating that relevant provisions should be included in the appendix.
64. The Government representative from the Philippines, while acknowledging all references as valid, suggested ways to make the paragraph more concise.
65. The Shipowner Vice-Chairperson suggested listing the referenced documents as bullet points as the most efficient solution.
66. The Seafarer and Government Vice-Chairpersons, and the Government representative from the Philippines agreed.
67. Paragraph 7 was adopted as amended.

Paragraph 7 bis

68. The Government representative from Belgium, on behalf of the Government group, proposed to add two paragraphs after paragraph 7.
69. The first proposed paragraph would read: "These guidelines must be interpreted in conjunction with the 2006 guidelines on the fair treatment of seafarers in the event of a maritime accident which focus exclusively on navigational issues", so as to include a reference to the 2006 Guidelines on fair treatment of seafarers, because of the many links between both Guidelines.
70. The second proposed paragraph would read: "When investigating crimes, in particular in the fight against organized crime, states should be mindful that seafarers may unknowingly become participants in such activities and thus must exercise due caution to avoid criminalization of seafarers unless evidence to the contrary exists. In this context states should take into account relevant IMO resolutions and guidelines." References should be added in a footnote.
71. Based on the discussions of the working group on text that could not previously achieve consensus, it was agreed to delete the first proposed paragraph and for the second proposed paragraph to read as follows:

When investigating crimes, States should be mindful that seafarers may unknowingly become implicated in criminal activities and thus should exercise due caution to avoid criminalization of seafarers, unless evidence to the contrary exists. In this context States may take into account relevant IMO resolutions and guidelines.
72. The paragraph was adopted as amended.

Paragraph 8

73. The Seafarer Vice-Chairperson proposed three insertions in subparagraph (a). The first was to add "ISM Code," after "due consideration should be given to". The second was to insert "for example" after "the guidance provided by". The third was to add "to help ensure that seafarers are aware of the risks associated with illegal activities" after "P&I clubs".
74. The Shipowner Vice-Chairperson agreed to the first insertion of "ISM Code", and although not fully pleased with the other two insertions, he ultimately accepted the amendments.
75. The Government representative from the Philippines agreed with the insertions.
76. The Seafarer Vice-Chairperson explained that the insertion of "for example" was a more suitable terminology. Following discussions, the Seafarers' group proposed to delete subparagraph (b), believing that their proposed amendments to subparagraph (a) were sufficient to address concerns about seafarers' awareness of risks associated with illegal activities.
77. The Shipowner Vice-Chairperson proposed adding, in subparagraph (b), "by all parties" after "should be taken" to bring the text closer to the original intention expressed at the IMO Legal Committee. He also noted that the word "must" was not appropriate for guidelines of this nature.
78. After further discussions, the Government representatives from the United States and Panama, as well as the Government observer from the United Arab Emirates, agreed to the deletion of subparagraph (b), suggesting merging subparagraph (a) with the chapeau.

79. The final text would be revised to integrate the proposed amendments into a paragraph without subparagraphs. It was so agreed.

Definitions

Paragraph 9

Subparagraph 9(b)

80. The Shipowner Vice-Chairperson proposed the addition of “organization or person named as the shipowner on the ship’s Maritime Labour Certificate or, if the ship is not required to carry a Maritime Labour Certificate, the” following right after “means the” in the definition of shipowner. He explained that this would simplify matters by providing a clear reference to the name on the ship’s Maritime Labour Certificate and eliminate difficulties in identifying the person responsible for operating the ship.
81. The Seafarer Vice-Chairperson believed the current wording was acceptable and alternatively suggested that the proposed additional text could be featured in a footnote.
82. The Government Vice-Chairperson emphasized the importance of clearly defining responsibilities, expressing concerns that the suggested revision might exclude critical responsibilities or individuals who act on behalf of the shipowner. He noted that focusing only on the person named on a certificate might omit the designated representative entrusted with administrative duties.
83. The Government representative from the United States supported maintaining the established definition from the MLC, 2006. As a potential compromise, he proposed adding language to the Shipowners’ proposal, such as “in addition to the owner of the ship or another organization” after “certificate”.
84. The Government representative from Liberia supported maintaining the existing definition.
85. The Shipowner Vice-Chairperson cautioned against altering the existing wording, noting it directly reflected the MLC, 2006, definition of “shipowner”. He suggested adopting the proposal to add a new footnote, which would allow the definition to remain unchanged while highlighting that the shipowner’s identity can be verified through the Certificate.
86. The subparagraph was adopted as amended with the proposed footnote.

Subparagraph 9(c)

87. The Shipowner Vice-Chairperson proposed replacing “a crime” with “an alleged crime” to align with earlier discussions.
88. The Government Vice-Chairperson presented a proposed definition stating that “investigation means a process undertaken by a competent authority to gather evidence to ascertain whether an alleged crime has occurred”. He argued this clarified the concept and avoided redundant language.
89. The Shipowner Vice-Chairperson expressed concern that the proposed definition might unnecessarily complicate the Guidelines. He emphasized that the goal was to clarify the term’s meaning in the context of the Guidelines, particularly for relevant stakeholders.

90. The Seafarer Vice-Chairperson saw no harm in clarifying the definition, noting the importance of the joint secretariat suggestion to refer to an “alleged” crime.
91. The Government Vice-Chairperson stressed the importance of a clear definition to prevent misinterpretation and protect seafarers’ rights. He rejected simplistic approaches, highlighting the potential serious consequences of unclear definitions.
92. The Government representative from India emphasized that the issue was not merely a matter of dictionary definitions, but about defining the investigation and its authority within the context of the Guidelines.
93. After extensive discussion, the Shipowner Vice-Chairperson suggested adding “legal” before “process” to ensure the rights of those under investigation are upheld and quoted the MLC, 2006, definition of “competent authority” to support retaining that terminology.
94. The Head of Unit confirmed that there was no conflict with the MLC, 2006, definition of “competent authority” and stressed the need to ensure the authority had competence in the process to be undertaken.
95. The subparagraph was adopted as amended.

Subparagraph 9(c) *bis*

96. The Shipowner Vice-Chairperson proposed the inclusion of a new clause that defined arrest.
97. The working group on text that could not previously achieve consensus proposed the text to read as follows:

detention” means any act by State authorities restricting the movement of a seafarer as part of an investigation into or during the prosecution of an alleged crime.
98. The subparagraph was adopted as amended.

Subparagraph 9(c) *ter*

99. The Seafarer Vice-Chairperson proposed to include a new clause on fair treatment.
100. The working group on text that could not previously achieve consensus proposed the text to read as follows:

“fair treatment” means the right of seafarers to be treated with dignity and respect at all times, safeguarding their fundamental rights and ensuring their wellbeing.
101. The subparagraph was adopted as amended.

Guidelines for the port or coastal State

102. The Government Vice-Chairperson proposed to add “in which a seafarer is detained” to the title of the section for clarity. After further discussion, the title was retained as is.

Paragraph 10

103. The Shipowner Vice-Chairperson proposed inserting the word “exercised or” before “accepted” and adding “in accordance with Article 27 of the United Nations Convention on the Law of the Sea (UNCLOS), 1982” at the end of the paragraph.
104. The Government representative from the United States proposed placing the reference to Article 27 of the UNCLOS in square brackets for further review, noting that while Article 27 provided criminal jurisdiction over foreign ships in certain waters, it might limit extraterritorial jurisdiction on other matters, such as the Maritime Pollution Act.
105. After further discussion in the smaller working group on text that could not previously achieve consensus, the reference to the UNCLOS was withdrawn.
106. The paragraph was adopted as amended.

Paragraph 11

Subparagraph 11(a)

107. The Shipowner Vice-Chairperson proposed inserting “the right to converse and correspond” after “notification” to better reflect obligations under the Vienna Convention on Consular Relations.
108. The Seafarer Vice-Chairperson proposed replacing “state of the nationality of the seafarer” with “States of which seafarers are nationals or residents or otherwise domiciled”.
109. The Government Vice-Chairperson supported the changes but proposed adding “without delay” after “seafarers concerned and notified”. He noted that while consular officers from the flag State were typically closest to the seafarers, in practice consular officers of other countries often provided assistance.
110. The Government representative from the United States noted these changes reflected current practice but could create additional obligations to track seafarers’ residence or domicile.
111. The Government representative from the Philippines, supported by the Government adviser from Greece, emphasized that if adopted, the term “States of which seafarers are nationals or residents or otherwise domiciled” should be applied consistently throughout the Guidelines.
112. The Executive Secretary (IMO) recalled previous discussions on referencing only the State of nationality or also the State of residence, leaving the decision to the group.
113. The representative from the International Labour Standards Department explained that, under the Vienna Convention, consular authorities from a seafarer’s country of residence had no legal standing to represent detained seafarers.
114. The Seafarer Vice-Chairperson proposed retaining references to both the flag State and the State of nationality.
115. The Shipowner Vice-Chairperson supported this, noting consistency with the MLC, 2006. The Government Vice-Chairperson also agreed.

116. The subparagraph was adopted as amended.

Subparagraph 11(b)

117. The Seafarer Vice-Chairperson proposed replacing “take steps to ensure” with “should ensure”.

118. The Shipowner Vice-Chairperson supported this amendment, explaining that as these were rights of seafarers, governments should not merely be taking steps to ensure them. He emphasized that the words “taking steps” should be removed from the entire text.

119. The Government Vice-Chairperson agreed as a matter of flexibility.

120. Paragraph 11(b) was adopted as amended.

Subparagraph 11(b) *bis*

121. The Seafarer Vice-Chairperson proposed moving subparagraph 12(b) to paragraph 11 as a new subparagraph (c), establishing an obligation for the port State to communicate with the flag State and seafarers’ representatives.

122. The Government representative from Thailand noted this duplicated subparagraph 12(b), which should appear only once.

123. The Government representative from the United States proposed adding “as appropriate” at the end of the subparagraph. The Seafarer Vice-Chairperson accepted this amendment.

124. The Shipowner Vice-Chairperson proposed replacing “seafarers’ representatives” with “seafarer representative organizations”.

125. The Government Vice-Chairperson proposed adding “without delay” at the end of the subparagraph.

126. The Shipowner Vice-Chairperson withdrew the proposal regarding “seafarer representative organizations”, while noting that the MLC, 2006, used this terminology. He supported the Government’s proposed addition of “without delay”.

127. The new subparagraph was adopted as amended, and subparagraph 12(b) was deleted.

Paragraph 12

Chapeau

128. The Seafarer Vice-Chairperson proposed deleting “consistent with domestic law and procedures” from the introductory sentence, noting such language was redundant given earlier references to domestic laws.

129. The Shipowner Vice-Chairperson supported this deletion and proposed alternative wording: “In accordance with applicable international law, human rights instruments, and its corresponding laws”.

- 130. The Government Vice-Chairperson opposed deleting the reference to domestic law and procedures, emphasizing that guidelines must align with port States' legal frameworks. He stressed that the Guidelines were supplementary tools that could not override domestic laws.
- 131. The Government representative from the United States suggested keeping the reference to domestic law and proposed adding "corresponding domestic laws" for clarity.
- 132. The Seafarer Vice-Chairperson endorsed the Shipowners' revised text, noting it balanced international and domestic legal frameworks.
- 133. The Government Vice-Chairperson supported the Shipowners' revised text with the addition of "its corresponding domestic laws".
- 134. The chapeau was adopted as amended.

Proposed new subparagraph before subparagraph 12(a)

- 135. The Shipowner Vice-Chairperson proposed inserting a new subparagraph before (a): "Ensure that no seafarer is subject to arbitrary arrest or detention and ensure that no seafarer is deprived of their liberty, except on such grounds and in accordance with such procedures as established by law." He also proposed adding a footnote referencing the International Covenant on Civil and Political Rights.
- 136. The Seafarer and Government Vice-Chairpersons supported this proposal.
- 137. The new subparagraph was adopted as amended.

Subparagraph 12(a)

- 138. The Shipowner Vice-Chairperson suggested removing "take steps" and "as practicable", and inserting the words "with respect for due process".
- 139. The Government Vice-Chairperson indicated they had a similar proposal to add the phrase "without coercion, intimidation and other forms of abuse".
- 140. The Seafarer Vice-Chairperson suggested finding a way to combine the proposals.
- 141. The Shipowner Vice-Chairperson proposed a compromise: "conduct any investigation within its jurisdiction in a fair manner with respect for due process and expeditiously and without coercion, intimidation or other forms of abuse of seafarers".
- 142. The Seafarer Vice-Chairperson and Government Vice-Chairperson agreed to this formulation.
- 143. The subparagraph was adopted as amended.

Subparagraph 12(b) bis

- 144. The Shipowner Vice-Chairperson proposed a new subparagraph: "ensure that before any arrest or detention, due consideration is given to the reliability and credibility of all evidence, and whether there are reasonable and objective grounds to suspect that the seafarer has committed a crime".

145. The Seafarer Vice-Chairperson supported this proposal.
146. The Government representative from the United States requested that this text be discussed later.
147. Following discussions in the smaller working group on text that could not previously achieve consensus, the new subparagraph read as follows:

ensure that when a seafarer is detained on suspicion of committing a crime that before any charge is made, due consideration is given to the sufficiency of all evidence, and whether there are reasonable and objective grounds to suspect that the seafarer has committed a crime; and due consideration is given to the operational conditions and requirements of the maritime sector;

148. The new subparagraph was adopted as amended.

Subparagraph 12(c)

149. The Shipowner Vice-Chairperson proposed replacing “consider taking steps, as appropriate, to verify” with “ensure” and inserting “, clothes” after “drinking water”.
150. The Seafarer Vice-Chairperson and Government Vice-Chairperson agreed.
151. The subparagraph was adopted as amended.

Subparagraph 12(d)

Clause 12(d)(ii)

152. The Seafarer Vice-Chairperson proposed including “free assistance of interpretation and translation services”. The Government group supported this with the qualification that such services be “adequate and competent”.
153. The Government Vice-Chairperson emphasized the importance of qualified language services given the linguistic diversity among seafarers.
154. The subparagraph was adopted as amended.

Clause 12(d)(iii)

155. The Government Vice-Chairperson proposed replacing “independent legal assistance” with “adequate and competent legal assistance”.
156. After extensive discussion involving practical implementation concerns raised by various governments, the Seafarer Vice-Chairperson agreed to remove “independent”.
157. The subparagraph was adopted as amended.

Clause 12(d)(iv)

158. The Shipowner Vice-Chairperson expressed satisfaction with the existing text and proposed adding “of the seafarers’ choosing”.

- 159. The Government representative from India supported the Shipowners' addition while noting practical limitations regarding representative availability.
- 160. The Seafarer Vice-Chairperson raised concerns about compatibility with the ICCPR.
- 161. Following further discussions on text that was not agreed upon, the following text was proposed: "granted access to adequate and competent legal assistance of the seafarers' choosing";
- 162. The subparagraph was adopted as amended.

Clauses 12(d)(vi-vii)

- 163. The Government Vice-Chairperson proposed a new subparagraph (vi): "advised of their right to adequate consular assistance".
- 164. The Seafarer Vice-Chairperson proposed a new subparagraph (vii): "provided with access to their seafarers' representatives".
- 165. Following discussion and the Shipowner Vice-Chairperson's suggestion to include access to shipowners, both additions were accepted.
- 166. The new subparagraphs were adopted as amended.

Subparagraph 12(e)

- 167. The Shipowner Vice-Chairperson proposed adding "in a language that they understand" after "informed" and "and if arrested, the reason for their arrest" after "conducted".
- 168. The Government Vice-Chairperson expressed concern about introducing the concept of arrest over detention.
- 169. Following extensive discussion and the secretariat's input, the original Office text was retained.

Subparagraph 12(f)

- 170. The Seafarer Vice-Chairperson proposed removing "as appropriate" from the chapeau.
- 171. After discussion in the smaller working group on text that could not previously achieve consensus, it was agreed to add "in a confidential manner".
- 172. The subparagraph was adopted as amended.

Subparagraph 12(g)

- 173. The Shipowner Vice-Chairperson proposed adding "in their jurisdiction" at the end of the subparagraph and suggested a new sentence ensuring detained seafarers would be allowed adequate time and facilities for private consultation with legal representatives. He proposed adding a footnote referencing Principle 18.2 of the United Nations General Assembly Body of Principles.
- 174. The Government representatives from Thailand and the Philippines expressed concern about potential duplication with subparagraph (f).

175. The subparagraph was adopted as amended.

Subparagraph 12(h)

176. The Shipowner Vice-Chairperson proposed adding a reference to IMO resolution 1091(28) regarding guidelines for the preservation and collection of evidence in cases involving serious allegations.

177. The Seafarer Vice-Chairperson supported including this as a footnote.

178. The Government representative from the Philippines indicated acceptance of the proposal.

179. The subparagraph was adopted as amended.

Subparagraph 12(i)

180. The Government Vice-Chairperson proposed replacing “interviewed” with “the interview has been completed” and adding “further” before “port”.

181. The Shipowner Vice-Chairperson proposed moving “without undue delay” to follow “permitted”.

182. The Seafarer Vice-Chairperson disagreed with the Government group’s amendments as they would alter the paragraph’s meaning. The Government Vice-Chairperson withdrew these amendments.

183. The subparagraph was adopted as amended.

Subparagraph 12(j)

184. The Seafarer Vice-Chairperson explained that the current text appeared to encourage exceptions, including to Article 9, paragraph 3 of ICCPR Standard 6.1 of the Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules). He emphasized the text should instead support strong non-custodial alternatives.

185. The Shipowner Vice-Chairperson proposed ending the clause after “witnesses)” to avoid implying seafarers were not in regular employment.

186. The subparagraph was adopted as amended.

Subparagraph 12(k)

187. The Shipowner Vice-Chairperson proposed an addition to subparagraph (k) to ensure that seafarers are informed promptly and in detail, in a language they understand, of the nature and cause of any criminal charges brought against them.

188. The Seafarer Vice-Chairperson expressed support for the proposed amendment. The Government representative from the United States noted that the proposed phrase was similar to an existing footnote.

- 189. The Shipowner Vice-Chairperson clarified that the footnote referenced Article 14(3)(a) of the ICCPR and emphasized the importance of incorporating the text directly into the main document as a lesson learnt from recent cases.
- 190. The Executive Secretary (IMO) confirmed that the joint secretariat had suggested the wording and supported including it in the main text.
- 191. The subparagraph was adopted as amended.

Subparagraph 12(I)

- 192. The Seafarer Vice-Chairperson proposed modifying the text by removing “if appropriate, consider making” and replacing it with “make”, while also adding the term “reasonable” to ensure consistency with UNCLOS references.
- 193. The Shipowner Vice-Chairperson supported the proposal and suggested an additional amendment to ensure that a process is in place allowing a detained seafarer to make an application to a competent court to request a review of any detention.
- 194. Significant discussions followed regarding the practical implications of the proposed amendments. The Government representative from the United States raised concerns about legislative challenges in implementing bond provisions, while the Government representative from India emphasized that bond applicability depends on the nature of the criminal act and local legal frameworks.
- 195. After extensive deliberation, the Shipowner Vice-Chairperson proposed a compromise text: “insofar as national laws allow, ensure that a process is available for posting a reasonable bond or other financial security to allow for the release and repatriation of the detained seafarer pending resolution of any investigatory or judicial process”.
- 196. The proposal sparked further debate, with the Government representative from Belgium expressing concerns about the text’s complexity. Some participants supported the nuanced approach, while others preferred a simpler formulation. The smaller working group proposed the text as follows:

ensure that a process is in place to allow any detained seafarer to make an application to a competent court to request a review of any detention, insofar as national laws allow;

- 197. The subparagraph was adopted as amended.

Subparagraph 12(I) *bis*

- 198. In line with the discussions of subparagraph 12(I) the smaller working group also proposed the following new subparagraph to be inserted before subparagraph 12(I):

make available, insofar as national laws allow, a process for applications for the posting of a reasonable bond or other financial security, to allow for release and repatriation of a seafarer detained on the suspicion of committing a crime, pending resolution of any investigatory or judicial process;

- 199. The new subparagraph was adopted.

Subparagraph 12(m)

- 200.** The Shipowner Vice-Chairperson proposed several amendments to the paragraph, including deleting “take steps to”, inserting “or trial” after “any court hearing”, adding “or charged” after “detained”, and including a provision that the process “is conducted fairly before a competent court”.
- 201.** The Seafarer Vice-Chairperson suggested removing the redundant “as ... as possible” and retaining only “expeditiously”. The Government Vice-Chairperson proposed using “promptly” instead, noting its alignment with previous discussions.
- 202.** The Executive Secretary (ILO) confirmed that Article 9(3) of the ICCPR also used the term “promptly”, which could guide the decision-making process.
- 203.** The subparagraph was adopted as amended.

Subparagraph 12(o)

- 204.** The Shipowner Vice-Chairperson proposed removing “take steps to”, moving the phrase “enjoy the presumption of innocence until proven guilty by a proper legal process” after “offence”, and inserting “of their choosing; are allowed adequate time to prepare a defence to any charges and” after “legal assistance”.
- 205.** The Seafarer Vice-Chairperson questioned the word “admissibility”.
- 206.** The Government Vice-Chairperson believed that the spirit of the subparagraph was to ensure seafarers’ right to legal assistance without entering into excessive details. His group expressed flexibility to reach consensus.
- 207.** The subparagraph was adopted as amended.

Subparagraph 12(p)

- 208.** The Seafarer Vice-Chairperson proposed modifying the text to begin with “ensure” instead of “take steps to ensure”, and replace “accused detained” seafarers with “detained whilst accused”.
- 209.** The Government Vice-Chairperson stressed that the subparagraph’s intention was to place seafarers in a different location from criminals and agreed with the proposed changes. Following some discussion, the meeting decided to retain the terminology “detained seafarers” throughout the document.
- 210.** The subparagraph was adopted as amended.

Subparagraph 12(q)

- 211.** The Shipowner Vice-Chairperson proposed deleting “take steps to”, moving the phrase regarding integration of a gender-sensitive approach into a second, subsequent sentence, removing “and that accused” before “detainees are treated” and adding at the end of the sentence “without distinction of any kind based on race, colour, sex, religion, property, birth or other status”.

- 212. The Government representative from Belgium requested additional time to consider the new text and suggested replacing the specific, exhaustive list of discrimination grounds with “without any discrimination”.
- 213. The Shipowner Vice-Chairperson noted that the text was derived from Article 2 of the ICCPR and the Universal Declaration of Human Rights.
- 214. The Government representative from Belgium argued that a footnote referencing these documents would be insufficient, given the significant social changes since their adoption in the 1970s.
- 215. The subparagraph was adopted as amended.

Subparagraph 12(r)

- 216. The Seafarer Vice-Chairperson proposed to delete “seek to”.
- 217. The Government Vice-Chairperson suggested adding “facilitate provision of services to ensure the mental and physical well-being of seafarers before and during any investigatory process”.
- 218. After further discussion, the Seafarer Vice-Chairperson proposed a subamendment where the subparagraph would be replaced entirely with “facilitate the provision of, and access to, services to ensure the physical and mental well-being of seafarers during their detention”.
- 219. The subparagraph was adopted as amended.

Subparagraphs 12(s) and (t)

- 220. The Shipowner Vice-Chairperson requested the deletion of “take reasonable steps to” at the beginning of both sentences. It was so agreed and the subparagraphs were adopted as amended.

Paragraph 12(t) *bis*

- 221. The representative from the Government of India suggested a new subparagraph stating, “facilitate the visitation of the seafarer’s family or next of kin to the place of detention of the seafarer”.
- 222. The representative explained that this was a fundamental right. Noting that even convicts had this right, all the more so should persons detained on suspicion of a crime.
- 223. The new subparagraph was adopted as amended.

Guidelines for the flag State

Paragraph 13

- 224. The Seafarer Vice-Chairperson proposed amending the introductory paragraph to recall the flag State responsibilities derived from the UNCLOS, and the flag State’s overriding duty to protect the fundamental rights of seafarers ensuring their fair treatment.

225. The Head of Unit suggested including “the flag State should” so that subsequent subparagraphs would have that as their subject.
226. The Government Vice-Chairperson stated that their group could accept this amendment if it would help in understanding the following subparagraphs.
227. The chapeau was agreed as amended.

Subparagraph 13(b)

228. The Shipowner Vice-Chairperson suggested adding “and, as appropriate, their representatives” after “seafarers”. It was so agreed and the subparagraph was adopted as amended.

Subparagraph 13(c)

229. The Seafarer Vice-Chairperson proposed removing certain qualifying phrases and expanding the scope of entitlements (such as clothes).
230. The Shipowner and Government Vice-Chairperson agreed to the amendments.
231. The subparagraph was adopted as amended.

Subparagraph 13(d)

232. The Seafarer Vice-Chairperson proposed adding “fuel” and “clothes” to the entitlements as well as removing qualifying language here and throughout the document. It was so agreed and the subparagraph was adopted as amended.

Subparagraph 13(e)

233. The Shipowner Vice-Chairperson initially proposed deleting the subparagraph, arguing that entitlements were covered in subparagraph (c).
234. The Seafarer Vice-Chairperson insisted this subparagraph addressed detention scenarios specifically and proposed expanding the text to include “wages and all emoluments and allotments”.
235. The Government Vice-Chairperson suggested adding “in a timely manner” to the text and discussed potentially combining subparagraphs (c) and (e).
236. After extensive discussion, particularly emphasizing that subparagraph (e) specifically addressed detained seafarers, the participants agreed to maintain the subparagraph with modified language.
237. The subparagraph was adopted as amended.

Subparagraph 13(f)

238. The Seafarer Vice-Chairperson proposed removing the phrases “where possible” and “as appropriate”.

239. The Government Vice-Chairperson suggested deleting references to the Maritime Labour Convention (MLC), 2006, noting it was already mentioned earlier.
240. The Seafarer Vice-Chairperson proposed adding “clothes” to the subparagraph.
241. The subparagraph was adopted as amended.

Subparagraph 13(h)

242. The Shipowner Vice-Chairperson proposed that interpretation and translation services be provided free of charge.
243. The Seafarer Vice-Chairperson agreed and sought to remove “as appropriate” and “endeavour to”.
244. The Government Vice-Chairperson suggested using “competent and adequate” instead of “appropriate” interpretation and modifying the concluding language to “during an investigation”.
245. The subparagraph was adopted as amended.

Subparagraph 13(i)

246. The Shipowner Vice-Chairperson proposed inserting language about providing information on consular access.
247. The Government Vice-Chairperson suggested replacing “independent” with “competent and adequate” legal assistance and noted potential overlap with subparagraph (q).
248. The Seafarer Vice-Chairperson proposed adding “of the seafarers’ choosing” for consistency.
249. The subparagraph was adopted as amended.

Subparagraph 13(o)

250. The Government Vice-Chairperson proposed replacing “bilateral” with “diplomatic channels”. After deliberation, particularly input from the Government representative from Liberia about diplomatic communication, the amendment was accepted and adopted.

Subparagraph 13(q)

251. In clause (i), the Government Vice-Chairperson proposed adding a footnote referencing the Vienna Convention, noting some internal group divisions and expressing willingness to show flexibility.
252. In clause (ii), the Shipowner Vice-Chairperson suggested adding “flag State and” before “the State of which the seafarer is a national or resident”. The Seafarer Vice-Chairperson proposed to insert “or otherwise domiciled” after “resident”.
253. The Government representative from Belgium raised the question as to whether the terms “resident or otherwise domiciled” were potentially conflicting with the Vienna Convention. The Executive Secretary (ILO) clarified that while the proposal went beyond the Vienna Convention’s minimum obligations, it did not violate that Convention.

254. After further discussion, the participants agreed to the proposed modifications. The text was adopted as amended.

Subparagraph 13(q) *bis*

255. The Shipowner Vice-Chairperson proposed a new subparagraph to ensure seafarers' family or next of kin can visit them at their place of detention.
256. The Seafarer Vice-Chairperson suggested expanding the language to include "partner, next of kin and family members". After discussion, the participants supported the principle of allowing family visitation.
257. The new subparagraph was adopted as amended.

Subparagraph 13(r)

258. The Shipowner Vice-Chairperson proposed adopting language from paragraph 12(q), emphasizing treatment of detainees with respect and dignity without discrimination. The Government Vice-Chairperson confirmed agreement with the provision.
259. Discussions continued regarding specific language, including the removal of the word "accused" before "detainees".
260. The Shipowner Vice-Chairperson supported replacing "untried" with "unconvicted".

Subparagraph 13(s) *bis*

261. The Seafarer Vice-Chairperson proposed a new subparagraph addressing flag State responsibilities in cases of alleged crimes, suggesting language to maintain obligations regardless of the vessel's subsequent change of flag.
262. The Shipowner Vice-Chairperson proposed alternative language acknowledging the flag State's continued responsibility for obligations related to any alleged crime committed while the seafarer was working, engaged, or employed on a vessel registered under its flag, regardless as to whether the vessel has subsequently ceased to be so registered.
263. After some discussion, the Shipowner Vice-Chairperson explained that this language would reflect the reality that a vessel might be deregistered and unable to obtain registration from another flag State.
264. The new subparagraph was agreed as amended.

Guidelines for the State of which the seafarer is a national

Paragraph 14

Subparagraph 14(a)

265. The Shipowner Vice-Chairperson proposed to delete "where possible" and inserting "the flag State" before "all substantially interested States". He suggested removing "take steps to" before "provide" and deleting "organizations" while adding an "s" to "representative". The Shipowner Vice-

Chairperson also proposed adding “welfare organizations, including seafarer welfare organizations” after “seafarers’ representatives”.

266. The Seafarer and Government Vice-Chairpersons accepted the proposed changes.

267. The subparagraph was adopted as amended.

Subparagraph 14(d)

268. The Seafarer Vice-Chairperson proposed deleting “wherever possible” from the subparagraph. The Government Vice-Chairperson initially argued for retaining the phrase, emphasizing that not all locations have consistent access to technology or internet connectivity.

269. The Government representative from Thailand observed that the use of “may” might take care of this concern, drawing a parallel to a similar discussion in a previous subparagraph.

270. After further discussion, the Shipowner Vice-Chairperson agreed that the term “may” acknowledged the practical limitations of technological access in different regions.

271. The subparagraph was adopted as amended.

Subparagraph 14(e)

272. The Shipowner Vice-Chairperson suggested inserting the phrase “or any agents appointed in an official capacity to act on its behalf for that purpose” after “its consular officers and those of the flag State”. The Seafarer Vice-Chairperson expressed agreement with the proposed change, including in the previous paragraph.

273. The Government Vice-Chairperson proposed adding a footnote “in accordance with the Vienna Convention” to provide additional context and legal grounding for the provision.

274. The Shipowner Vice-Chairperson agreed to the footnote.

275. The subparagraph was adopted as amended.

Subparagraph 14(g)

276. The Government Vice-Chairperson proposed to add “recruitment and placement services” after “shipowners”, eliminating “detaining State” and replacing “State” with “stakeholders”.

277. The Seafarer Vice-Chairperson stated that States should not be considered stakeholders. The Shipowner Vice-Chairperson expressed concern about broadening the scope of entities remitting funds, suggesting streamlining the language so as to highlight that remitted funds should be delivered for their intended purpose.

278. The Seafarer Vice-Chairperson supported focusing on the intended use of funds.

279. The subparagraph was adopted as amended.

Subparagraph 14(h)

280. The Government Vice-Chairperson proposed minor changes to strengthen language regarding the protection of seafarers during investigations.
281. The subparagraph was adopted as amended.

Subparagraph 14(j)

282. The Shipowner Vice-Chairperson proposed a revision along the lines of paragraphs 12 and 13, in order to broaden protection for seafarers.
283. The subparagraph was adopted as amended.

Subparagraph 14(k)

284. The Government Vice-Chairperson proposed inserting “basic amenities as well as” after “seafarers have access to”. He also suggested a minor addition to ensure consistency with earlier language on the responsibility of flag and port States.
285. The Shipowner Vice-Chairperson suggested replacing “basic” with “essential” to avoid ambiguity.
286. The subparagraph was adopted as amended.

Subparagraph 14(l)

287. The Shipowner Vice-Chairperson proposed adjusting the chapeau to refer to cooperation with both the flag and the port or coastal State.
288. The subparagraph was adopted as amended.

Subparagraph 14(m)

289. The Shipowner Vice-Chairperson suggested a similar change to align this section with previous ones regarding collaboration with the flag and port or coastal State. He also proposed to link the visit more to the seafarer and not only to the place of detention.
290. The Government representative from Belgium suggested using the wording “partner, next of kin, or family members” on two occasions to clarify who may visit. It was agreed to use this terminology throughout the document.
291. The subparagraph was adopted as amended.

New subparagraph before subparagraph (n)

292. The Meeting decided to follow the joint secretariat’s recommendation in light of lessons learnt from recent cases and agreed to insert the following new subparagraph:
- cooperate with the port or coastal State to ensure the provision of valid travel documents for the timely repatriation of seafarers released from detention as appropriate; and

Subparagraph 14(n)

- 293.** The Government Vice-Chairperson proposed to add “where applicable” given that not all States were offering pre-departure orientation. The Seafarer Vice-Chairperson opposed the proposal.
- 294.** The Shipowner Vice-Chairperson suggested revising the language to read “include the Guidelines in any pre-departure orientation provided to seafarers” and removing “all”.
- 295.** The Government Vice-Chairperson agreed, replacing “the” with “these” before “Guidelines”.
- 296.** The subparagraph was adopted as amended.

Guidelines for shipowners

Paragraph 15

- 297.** The Seafarer Vice-Chairperson proposed adding, in the chapeau, “, regulations and collective agreements” after “national laws”.
- 298.** The Shipowner and Government Vice-Chairpersons agreed with the proposal.

Subparagraph 15(a)

- 299.** The Shipowner Vice-Chairperson suggested a substantive amendment to the subparagraph seeking to replace the wording “their overriding duty to protect” with “advocate for”. The Seafarer Vice-Chairperson expressed concerns, arguing that “advocate for” seemed too weak to represent the obligation to protect seafarers’ rights. He emphasized the need to retain the existing legislative language while highlighting shipowners’ responsibilities in ensuring fair treatment of seafarers during a suspected crime.
- 300.** The Shipowner Vice-Chairperson acknowledged the concerns and suggested adding “to the fullest extent possible” after “advocate” to address the challenges of ensuring fair treatment in situations where shipowners may have limited control.
- 301.** The Seafarer Vice-Chairperson highlighted the broader context, drawing parallels to challenges faced during the COVID-19 pandemic where shipowners were constrained by actions of various States. He proposed alternative language that would ensure fair treatment while recognizing practical limitations.
- 302.** The Government representative from India suggested finding wording that addressed the State’s enabling or disabling role in protecting seafarers’ rights.
- 303.** The Government representative from Belgium noted the significant shift from obligations to advocacy and suggested that shipowners could take concrete actions, such as legal measures, to uphold employees’ rights.
- 304.** After extensive discussions, the Seafarer Vice-Chairperson proposed the following text:
- Have due regard to their obligations to protect the human rights of seafarers and ensure to the fullest extent possible the fair treatment of seafarers employed or engaged at the time of a suspected crime;

305. The subparagraph was adopted as amended.

Subparagraph 15(c) *bis*

306. The Seafarer Vice-Chairperson proposed text for making the Guidelines available to seafarers. He sought to ensure that a copy of the Guidelines would be posted in a conspicuous place on board.

307. The Shipowner Vice-Chairperson acknowledged the importance of accessibility, while noting advancements in communication technologies. He suggested a clearer presentation of the text and proposed a new subparagraph to ensure the Guidelines are made available to seafarers and included in pre-departure orientation.

308. The new subparagraph was agreed as amended.

Subparagraph 15(d)

309. The Government Vice-Chairperson proposed to insert the phrase “and the seafarers’ recruitment and placement services” after “next of kin” and the term “immediately” before “provide”. The Government representative from Belgium also pointed out that, for consistency with similar paragraphs, the phrase “if appropriate” should be removed.

310. The Seafarer Vice-Chairperson suggested inserting “, where relevant,” before “the seafarers’ recruitment and placement services”. He further proposed deleting “relevant” before “the information concerning the detention” to make the language more specific and tidier.

311. The subparagraph was adopted as amended.

Subparagraph 15(e)

312. The Government Vice-Chairperson expressed concern that the text went slightly beyond the intended spirit of the provision. He proposed to replace “and expedite” with “prompt investigation by”; and remove “investigation” while clarifying the text to state, “flag State or the port or coastal State”. He emphasized that the goal was to ensure that the investigation is conducted promptly by the relevant authorities.

313. The Seafarer Vice-Chairperson noted his satisfaction with the text as amended, which involved reordering the hierarchy of responsibility (flag State and port State) for consistency.

314. The Shipowner Vice-Chairperson agreed with the proposal while adding language on the need to adhere to data protection laws.

315. The subparagraph was adopted as amended.

Subparagraph 15(f)

316. The Government Vice-Chairperson proposed moving this subparagraph to directly follow subparagraph (a) to improve readability and noting that it would incorporate key elements regarding seafarers’ rights from the draft subparagraph (a), including the right to remain silent, protection against self-incrimination, and access to independent legal assistance.

317. The Shipowner Vice-Chairperson agreed to this reordering, noting that the revised text would incorporate elements regarding seafarers' rights from the original subparagraph (a).

318. The subparagraph was moved as proposed.

Subparagraph 15(g)

319. The Shipowner Vice-Chairperson proposed adding a footnote reference to the IMO *Guidelines on the preservation and collection of evidence following an allegation of a serious crime on board a ship or a report of a missing person from a ship, and pastoral and medical care of persons affected*, noting that this document outlines the steps that a shipowner should take to preserve the scene of a crime on board.

320. The subparagraph was adopted as amended.

Subparagraph 15(i)

321. The Seafarer Vice-Chairperson suggested deleting "take reasonable steps".

322. The Government representative from India suggested including the words "other contractual entitlements".

323. The Shipowner Vice-Chairperson agreed but requested that this be inserted after "wages".

324. The Government Vice-Chairperson proposed to add "and essential amenities" after "accommodation".

325. It was decided to include these changes throughout the document where appropriate.

326. The subparagraph was adopted as amended.

Subparagraph 15(j)

327. The Shipowner Vice-Chairperson proposed to insert "as appropriate" after "State", and "flag State or" before "the port or coastal State".

328. The Government Vice-Chairperson proposed adding "and notify and provide all related information to the diplomatic mission of the State of which the seafarer is a national, including but not limited to, the itinerary and proof of fulfilment of the seafarer rights" at the end of the subparagraph.

329. The Shipowner Vice-Chairperson expressed concern with this addition.

330. After further discussion, the Shipowner Vice-Chairperson stated that the duties regarding diplomatic notification were not appropriate for shipowners. This subparagraph should focus on enabling seafarers to exercise their right to repatriation or rejoin their vessel when legally possible. He stressed the importance of retaining "as appropriate" and noted that notification of diplomatic missions was a matter for state-to-state communication.

331. The Government Vice-Chairperson acknowledged the importance of informing governments about matters concerning their nationals but, in the spirit of consensus, agreed to withdraw the proposed addition regarding diplomatic mission notification.

332. It was so agreed and the subparagraph was adopted as amended.

Subparagraph 15(k)

333. The Seafarer Vice-Chairperson suggested deleting “consider and take steps to”. It was so agreed.

Subparagraph 15(l)

334. The Seafarer Vice-Chairperson proposed to insert “the flag State and” before “the port or coastal State” and to reflect those changes in the following subparagraph for consistency.

335. The Shipowner Vice-Chairperson suggested adding “including from seafarer welfare organizations” after “services”.

336. The subparagraph was adopted as amended.

Subparagraph 15(m)

337. The Government Vice-Chairperson proposed adding “during the” after “to assist” and removing “in the establishment of”. He further suggested replacing “that can ensure the” with “towards the”.

338. The Seafarer Vice-Chairperson supported the amendments but emphasized the importance of maintaining established language regarding consular relations.

339. The Government representative from India suggested removing “to assist” to avoid redundancy.

340. The Shipowner Vice-Chairperson advocated retaining “to assist” and noted that while shipowners could assist with establishing bilateral or international dispute resolution mechanisms, they could not establish them independently.

341. The Government Vice-Chairperson proposed focusing solely on “cooperate” as the primary action to streamline the sentence.

342. The Shipowner Vice-Chairperson requested a clean version of the revised text and proposed adding “their” after “during” and replacing “towards” with “for securing.”

343. The subparagraph was adopted as amended.

Guidelines for seafarers

Paragraph 16

344. The Seafarer Vice-Chairperson explained that pre-departure orientation was intended to be delivered by shipowners, while acknowledging that delivery could be delegated within the definition of “shipowner” provided in the Guidelines. He proposed removing “equivalent training” to simplify the text and avoid implying external or third-party involvement, emphasizing the in-house nature of pre-departure orientation.

345. The Shipowner Vice-Chairperson expressed agreement with this proposal.

346. The subparagraph was adopted as amended.

Paragraph 16 *bis*

347. The Seafarer Vice-Chairperson proposed a new paragraph regarding what a seafarer could expect if detained.

348. The Government Vice-Chairperson agreed to this new paragraph.

349. The Shipowner Vice-Chairperson expressed concern about completing the terms of reference in the allotted time and suggested that these provisions should mirror principles and wording provided to port States and shipowners in previously agreed sections. He proposed that the Office could reflect the same provisions in similar language and provide cross-references for the whole of the new paragraph.

350. The Head of Unit indicated the Office could adapt the language of the relevant subparagraphs and insert the corresponding cross-references. It was so agreed.

Adoption of the guidelines

351. The Meeting proceeded to the adoption of the Guidelines, as amended, section by section.

► Closure of the Meeting

352. The Secretary-General commended all the participants in the Meeting, and particularly the Chairperson and the three Vice-Chairpersons, as well as the joint secretariat, staff and interpreters. He congratulated the participants on the work accomplished.

353. The Executive Secretary (IMO) welcomed the successful conclusion of the third meeting of the Joint ILO-IMO Tripartite Working Group and commended the spirit of cooperation that had prevailed during the discussions, in particular the contributions from all Government representatives and social partners to improving and strengthening the Guidelines. He encouraged all Government representatives present to consult with their delegations to the 112th session of the IMO Legal Committee in March 2025 to ensure that the Guidelines will be adopted without delay.

354. The Chairperson and the three Vice-Chairpersons thanked every participant for the constructive social dialogue and praised the adopted *Guidelines on fair treatment of seafarers detained in connection with alleged crimes* as a remarkable achievement.