



SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



Guidelines on Seafarer Criminalisation Finalised

A new set of guidelines to ensure seafarers are “protected against unfair treatment” if detained in foreign jurisdictions on suspicion of committing a crime has been finalised by the International Maritime Organization (IMO) Legal Committee’s 111th session (LEG 111).

According to an IMO statement, the guidelines were a focal point of the session, which was held at IMO Headquarters in London from 22 to 26 April.

IMO secretary-general Arsenio Dominguez commented: “The wellbeing of seafarers continues to be of great concern to me and to the entire membership of IMO ... the guidelines will add a significant value in resolving the challenges faced by seafarers and ensure that seafarers are treated fairly.”



The guidelines contain direction for port states, flag states, coastal states, states of which the seafarer is a national, shipowners and seafarers, advised the IMO statement.

“The guidelines are to be applied where seafarers may be detained in a jurisdiction other than that of the seafarers’ nationality on suspicion of committing crimes during the course of their employment onboard a ship,” it stated.

“They aim to protect seafarers’ right to due process during investigation and detention by public authorities.”

It is understood the guidelines are being submitted as a base document to the Joint ILO [International Labour Organization]/IMO Tripartite Working Group (JTWG) to “identify and address seafarers’ issues and the human element” for further refinement.

The JTWG is to then submit the updated guidelines to the IMO Legal Committee and ILO Governing Bodies for endorsement.

Other notable outcomes and topics covered during the latest session of the IMO Legal Committee – which deals with all legal matters within the organisation’s scope, including issues relating to liability and compensation, fair treatment of seafarers and the fraudulent registration of ships – entailed:

- new task force established to review abandonment database
- fraudulent registration and fraudulent registries of ships – work on due diligence in ship registration continues
- new output on guidelines or best practices on the registration of ships to be developed
- revised guidelines for accepting insurance companies and certificates approved
- new information brochure on the Athens Convention approved
- measures to assess the need to amend liability limits approved

- autonomous shipping – a roadmap on LEG's work on Maritime Autonomous Surface Ships (MASS) approved
- facilitation of the entry into force of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 2010 (2010 HNS Convention)
- piracy and armed robbery against ships developments advancing

A full summary of LEG 111 can be viewed [here](#).

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