

Maritime Knowledge Centre

INFORMATION RESOURCES ON FAIR TREATMENT OF SEAFARERS Abandonment, Personal Injury to or Death of Seafarers; Criminalisation of Seafarers in the event of Maritime Accidents Including Pollution Incidents and Shore Leave for Seafarers

(Last Updated: 12 February 2010)

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IMO MATERIAL ON THE WEBSITE

SeaLibrary Online. Maritime Knowledge Centre Catalogues online.

http://www.imo.org/InfoResource/mainframe.asp?topic_id=827

Human Element http://www.imo.org/HumanElement/mainframe.asp?topic_id=62

Joint IMO/ILO Ad Hoc Expert Working Group on Fair Treatment of Seafarers

http://www.imo.org/Legal/mainframe.asp?topic_id=1029

Joint IMO/ILO Ad Hoc Expert Working Group on liability and compensation regarding claims for death, personal injury and abandonment of seafarers. http://www.imo.org/dynamic/mainframe.asp?topic_id=1325

“Criminalization in shipping : Human pawns in political and legal games” – Keynote speech by E.E> Mitropoulos delivered at the 7th Cadwallader Annual Memorial Lecture, London, 6 October 2004

http://www.imo.org/Newsroom/mainframe.asp?topic_id=847&doc_id=4358

Database on reported cases of abandonment of seafarers .

http://www.imo.org/Legal/mainframe.asp?topic_id=1352

Go to Sea! Campaign http://www.imo.org/HumanElement/mainframe.asp?topic_id=1757

IMO launches the “Ye ar of the Seafarer”

http://www.imo.org/Newsroom/mainframe.asp?topic_id=1859&doc_id=12295

Briefings

For a list of Press Briefings on this subject, please refer to the IMO website followed by the link to Press Briefings

http://www.imo.org/Newsroom/mainframe.asp?topic_id=5

The IRDs changed the content in 2008 therefore if you wish to receive an archive copy where you can find a full list of Press Briefings on the subject with links to the IMO website., please contact

MaritimeKnowledgeCentre@imo.org *(Please note that the IRDs were last updated in November/December 2007)*

IMO News Magazine

For a list of articles in the IMO News Magazines on this subject, please refer to the IMO website followed by the

link to IMO News Magazine. http://www.imo.org/Newsroom/mainframe.asp?topic_id=11

The IRDs changed content in 2008 therefore if you wish to receive an archive copy where you can find a full list articles in the IMO News Magazine on the subject with links to the IMO website., please contact

MaritimeKnowledgeCentre@imo.org *(Please note that the IRDs were last updated in November/December 2007)*

IMO DOCUMENTS

Please note that only Resolutions, Circulars, Circular Letters and Final Reports are listed below. For a list of IMO Documents on this subject please contact MaritimeKnowledgeCentre@imo.org

The IRDs changed the content in 2008 therefore if you wish to receive an archive copy where you can find a full list of IMO Documents on the subject., please contact MaritimeKnowledgeCentre@imo.org “ (Please note that the IRDs were last updated in November/December 2007)

RESOLUTIONS

- A.930(22) Guidelines on provision of financial security in case of abandonment of seafarers
Adopted on 29 November 2001
http://www.imo.org/Legal/mainframe.asp?topic_id=1481
- A 931(22) Guidelines on shipowners' responsibilities in respect of contractual claims for personal
Injury to or death of seafarers. Adopted on 29 November 2001
http://www.imo.org/Legal/mainframe.asp?topic_id=1482
- A.987(24) Guidelines on fair treatment of seafarers in the event of a maritime accident

CIRCULARS

Circular Letters

- Circular Letter No. 2261
28/09/2000 Second session of the Joint IMO/ILO *Ad Hoc* Expert Working Group on liability and compensation regarding claims for death, personal injury and abandonment of seafarers
- Circular Letter No. 2299
15/03/2001 Third session of the Joint IMO/ILO *Ad Hoc* Expert Working Group on liability and compensation regarding claims for death, personal injury and abandonment of seafarers
- Circular Letter No. 2354
17/12/2001 Postponement of the fourth session of the Joint IMO.ILO *Ad Hoc* expert Working Group on liability and compensation regarding claims for death, personal injury and abandonment of seafarers
- Circular Letter No. 2403
15/07/2002 Fourth session of the Joint IMO/ILO *Ad Hoc* Expert Working Group on liability and compensation regarding claims for death, personal injury and abandonment of seafarers
- Circular Letter No. 2575
13/07/2004 Outcome of the discussions of the IMO Legal Committee and the ILO governing body on the recommendations of the Joint IMO/ILO *Ad Hoc* Expert Working Group on liability and compensation regarding claims for death, personal injury and abandonment of seafarers, at its fifth session
- Circular Letter No. 2599
19/11/2004 Meeting of a Joint IMO/ILO *Ad Hoc* Expert Working Group on fair treatment of Seafarers
- Circular Letter No. 2636
03/06/2005 Sixth session of the Joint IMO/ILO *Ad Hoc* Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers

Circular Letter No. 2711 26/06/2005	Guidelines on fair treatment of seafarers in the event of a maritime accident
Circular Letter No. 2825 07/11/2007	Request for information on mistreatment of seafarers in the event of a maritime accident
Circular Letter No. 2828 03/12/2007	Seventh session of the Joint IMO/ILO Ad Hoc Expert Working Group on liability and compensation regarding claims for death, personal injury and abandonment of seafarers
No. 2976 02/07/2009	Voluntary implementation of IMO resolution A.930(22) concerning guidelines on provisional of financial security in case of abandonment of seafarers and of IMO resolution A.931(22) concerning guidelines on shipowners' responsibilities in respect of contractual claims for personal injury to or death of seafarers (Annex 1 - Guidelines on provision of financial security in case of abandonment of seafarers; Annex 2 - Guidelines on provision of security in case of abandonment of seafarers; Annex 3 - Guidelines on shipowners' responsibilities in respect of contractual claims for personal injury to or death of seafarers)

MSC

MSC/Circ.1112 07/06/2004	Shore leave and access to ships under the ISPS Code.
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IMO/ILO AD HOC EXPERT WORKING GROUP ON FAIR TREATMENT OF SEAFARERS

1st Session (17 – 19 January 2004); **2nd Session** (13 – 17 March 2006)

ILO/IMO/WGLCCS (Joint IMO/ILO ad hoc Expert Work Group on Liability and Compensation Regarding Claims for Death, Personal Injury and Abandonment of Seafarers)

1st session (11 – 15 October 1999); **2nd Session** (2000); **3rd Session** (2001); **4th Session** (2002); **5th Session** (2003);
6th Session (2005); **7th Session** (2008); **9th Session** (2009)

LEGAL COMMITTEE

81st Session (27 – 31 March 2000)

Summary report: http://www.imo.org/Newsroom/mainframe.asp?topic_id=280&doc_id=753

83rd Session (8 - 12 October 2001))

Summary report: http://www.imo.org/Newsroom/mainframe.asp?topic_id=280&doc_id=1143

84th Session (22 – 26 April 2002)

Summary report: http://www.imo.org/Newsroom/mainframe.asp?topic_id=280&doc_id=2073

85th Session (22 – 24 October 2002)

Summary report: http://www.imo.org/Newsroom/mainframe.asp?topic_id=280&doc_id=2327

86th Session (25 April – 2 May 2003)

Summary report: http://www.imo.org/Newsroom/mainframe.asp?topic_id=280&doc_id=2678

87th session (13 – 17 October 2003)

Summary report: http://www.imo.org/Newsroom/mainframe.asp?topic_id=280&doc_id=2966

88th Session (19-23 April 2004)

Summary report: http://www.imo.org/Newsroom/mainframe.asp?topic_id=280&doc_id=3352

LEG 88/13 Report of the Legal Committee on the work of its 88th Session : (Section E (i), Section L (a))

89th Session (25 – 29 October 2004)

Summary report: http://www.imo.org/Newsroom/mainframe.asp?topic_id=280&doc_id=3662

LEG 89/16 Report of the Legal Committee on the Work of its 89th Session. (Section F(i) – Progress report on the work of the Joint IMO/ILO *Ad Hoc* Expert Working Group on liability and compensation regarding claims for death, personal injury and abandonment of seafarers; Section I – Fair treatment of seafarers; Annex 6 – Terms of reference for the Joint *Ad Hoc* Expert Working Group on the fair treatment of seafarers in the event of a maritime Accident)

90th Session (18 – 29 April 2005)

Summary report: http://www.imo.org/Newsroom/mainframe.asp?topic_id=280&doc_id=4832

LEG 90/15 Report of the Legal Committee on the Work of its 90th Session. (Section F (i) – Progress report on the work of the Joint IMO/ILO *ad hoc* Expert Working Group on liability and compensation regarding claims for death, personal injury and abandonment of seafarers ; Section G – Fair treatment of seafarers : Report on the first session of the Joint IMO/ILO *ad hoc* Expert Working Group on fair treatment of seafarers ; Annex 7 – Draft Assembly resolution on draft guidelines on fair treatment of seafarers in the event of a maritime accident)

91st Session (24 – 28 April 2006)

Summary report: http://www.imo.org/Newsroom/mainframe.asp?topic_id=280&doc_id=6207

LEG 91/12 Report of the Legal Committee on the work of its 91st Session. (Section D(i) – Progress report on the work of the Joint IMO/ILO *ad hoc* Expert Working Group on Liability and Compensation regarding claims for death, personal injury and abandonment of seafarers; Session E – Fair treatment of seafarers : Report on the 1st Session of the Joint IMO/ILO *ad hoc* Expert Working Group on fair treatment of seafarers; Annex 2 – Resolution LEG 3(91) Adopted on 27 April 2006 : Adoption of guidelines on fair treatment of seafarers in the event of a maritime accident)

92nd Session (16 – 20 October 2006)

Summary report: http://www.imo.org/Newsroom/mainframe.asp?topic_id=280&doc_id=6676

LEG 92/13 Report of the Legal Committee on the work of its 92nd Session (Section 6 – Fair Treatment of seafarers in the event of a maritime accident)

93rd Session (22 – 26 October 2007)

Summary report: http://www.imo.org/Newsroom/mainframe.asp?topic_id=280&doc_id=8443

LEG 93/13 Report of the Legal Committee on the work of its 93rd Session. (Section 4 – Provisions of financial security: Progress report on the work of the Joint IMO/ILO *Ad Hoc* Expert Working Group on liability and compensation regarding claims for death, personal injury and abandonment of seafarers; Section 5 – Fair treatment of seafarers in the event of a maritime accident; Annex 2 – Terms of reference for further work on the Joint IMO/ILO *AD HOC* Expert Working Group on liability and compensation regarding claims for death, personal injury and abandonment of seafarers; Annex 3 : Revised terms of reference for

the Joint IMO/ILO *AD HOC* expert working group on fair treatment of seafarers in the event of a maritime accident)

94th Session (20 – 24 October 2008)

LEG 94/12

Report of the Legal Committee on the work of its 94th Session (Section 5- - Provisions of financial security: Progress report on the work of the Joint IMO/ILO *Ad Hoc* Expert Working Group on liability and compensation regarding claims for death, personal injury and abandonment of seafarers; Section 6 – Fair treatment of seafarers in the event of a maritime accident; Annex 4 – Provision of Financial Security: Progress report on the work of the Joint IMO/ILO *Ad Hoc* Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers. Statement by the International Group of P & I Associations (P & I Clubs); Annex 5 – Provision of Financial Security: Progress report on the work of the Joint IMO/ILO *Ad Hoc* Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers. Statement by the International Chamber of Shipping (ICS); Annex 6 – Terms of reference for further work of the Joint IMO/ILO *Ad Hoc* expert working group on liability and compensation regarding claims for death, personal injury and abandonment of seafarers; Annex 7 – Fair treatment of seafarers in the event of a maritime accident : Statement by India; Annex 8 - Fair treatment of seafarers in the event of a maritime accident : Statement by China; Annex 9 - Fair treatment of seafarers in the event of a maritime accident : Statement by the republic of Korea; Annex 10 - Fair treatment of seafarers in the event of a maritime accident : Statement by the Islamic Republic of Iran; Annex 11 - Fair treatment of seafarers in the event of a maritime accident : Statement by the United Kingdom; Annex 12 - Fair treatment of seafarers in the event of a maritime accident : Statement by the Comité maritime International (CMI); Annex 13 - Fair treatment of seafarers in the event of a maritime accident : Statement by the International Chamber of Shipping (ICS); Annex 14 - Fair treatment of seafarers in the event of a maritime accident : Statement by the International Transport Federation (ITF); Annex 15 - Fair treatment of seafarers in the event of a maritime accident : Statement by the International Federation of Shipmasters' Association (IFSMA)

95th Session (30 March – 3 April 2009)

Summary reports: http://www.imo.org/includes/blastData.asp/doc_id=11167/1.pdf

CONFERENCE PROCEEDINGS

BALKIN, R.P. Dr. – Criminalisation of masters and seafarers : The need for balance in the scales of justice. *In: Lloyd's List Events, Criminalisation of masters and seafarers : The need for balance in the scales of justice (London: 17-18 February 2005). Lloyd's List Events, 2005*

BROWN, T. Capt. – The criminalisation of marine accidents : An insurance dilemma. *In: Lloyd's List Events, Criminalisation of masters and seafarers : The need for balance in the scales of justice (London: 17-18 February 2005). Lloyd's List Events, 2005*

CHOWDHURY, F.R. Capt. – Seafarers' right and privileges. *In: Lloyd's List Events, Criminalisation of masters and seafarers : The need for balance in the scales of justice (London: 17-18 February 2005). Lloyd's List Events, 2005*

EVERARD, M. – Ship owner's view. *In: Lloyd's List Events, Criminalisation of masters and seafarers : The need for balance in the scales of justice (London: 17-18 February 2005). Lloyd's List Events, 2005*

FURNIVAL, D. – The increasing demands on ship staff due to the ISPS Code, shore leave restrictions, diminishing welfare, fatigue and stress. *In: Lloyd's List Events, The 8th LSM European Manning and Training Conference : Questioning the opportunities and challenges of the future. (Riga, Latvia, 10 – 11 March 2005). London, Lloyd's List Events, 2005*

GOLD, E. – Fair treatment of seafarers in the event of a maritime accident: New international guidelines. *In: Ndiaye, T.M. & Wolfrum, R. (Eds), Mensah, A., Law of the sea, environmental law and settlement of disputes, Leiden, Martinus Nijhoff, 2007, pp 405-420*

KAHVECI, E. Dr. – Abandoned seafarers: The case of *Obo Basak*. *In: Seafarers International Research Centre (SIRC) – Proceedings of the Seafarers International Research Centre's 4th International Symposium (July 2005). Cardiff, SIRC, 2005 pp 28-51*

LLOYD'S LIST EVENTS – The 1st International Criminalisation of masters and seafarers Conference. Supported by IFSMA (London: 17-18 February 2005). London, Lloyd's List Events, 2005

LLOYD'S MARITIME ACADEMY – Maritime labour and claims Seminar. An examination of international rights and regulations for crew. (London: 16 – 17 March 2005). London. Lloyd's Maritime Academy, 2005.

LONDON SHIPPING LAW CENTRE – The 7th Cadwallader Annual Memorial Lecture. Criminalisation in shipping : Human pawns in legal and political games. London, 6 October 2004. London. London Shipping Law, 2004. (<http://london-shipping-law.com>)

MacDONALD, R. Capt – Criminalisation : Is it time to redress the balance? *In: Lloyd's List Events, The 8th LSM European Manning and Training Conference : Questioning the opportunities and challenges of the future (Riga, Latvia, 10 – 11 May 2005). London, Lloyd's List Events, 2005*

MACKIN, S. – Justice or extortion : Seafarers as pawns in the compensation game. *In: Lloyd's List Events, Criminalisation of masters and seafarers : The need for balance in the scales of justice (London: 17-18 February 2005). Lloyd's List Events, 2005*

MUKHERJEE, P.K./MUSTAFAR, A.M. – The International Ship and Port Facility Security (ISPS) Code and human element issues. *In: Contemporary issues in maritime security. A selection of papers and presentations from the Workshop-Symposium on the practical implementation and critical evaluation of the ISPS Code, 11 – 15 August 2003 and the International Symposium on contemporary issues in maritime security, 30 August to 1 September 2004. Organized and held in Malmö, Sweden. Malmö, World Maritime University, 2005, pp 277-286*

O'HIGGINS, K. – Capt. Masters' role : Risk and responsibility. *In: Lloyd's List Events, Criminalisation of masters and seafarers : The need for balance in the scales of justice (London: 17-18 February 2005). Lloyd's List Events, 2005*

PEERMOHAMED, F.

- Criminalisation of seafarers. *In: Lloyd's Ship Manager (LSM) Annual Ship Management Conference 2004 - - Cyprus (14th : 13-14 September 2004 : Limassol). London : LSM, 2004*

- The criminalisation lottery- could you be next? *In: Lloyd's List Events, Criminalisation of masters and seafarers : The need for balance in the scales of justice (London: 17-18 February 2005). Lloyd's List Events, 2005*

SMART, J. – Coastal states viewpoint. *In: Lloyd's List Events, Criminalisation of masters and seafarers : The need for balance in the scales of justice (London: 17-18 February 2005). Lloyd's List Events, 2005*

TILLER, E. – The seafarers' viewpoint. *In: Lloyd's List Events, Criminalisation of masters and seafarers : The need for balance in the scales of justice (London: 17-18 February 2005). Lloyd's List Events, 2005*

EUROPEAN UNION

Maritime Safety : Ship-source pollution and criminal penalties <http://europa.eu/scadplus/leg/en/lvb/124123.htm>

EUROPEAN PARLIAMENT - Resolution on pardon for the Spanish Captain Jesús Manuel Rosales López. *In: Official Journal of the European Communities No. C 129, 20 May 1991, p. 127. Language(s): ENG, FRE, SPA.*

Directive 2005/35/EC on the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements. (*OJ, Vol. 48/L 255, pp 11- 21, 30/9/2005*)
<http://europa.eu.int/eur-lex/lex/LexUriServ/LexUriServ.do?uri=OJ:L:2005:255:0011:0021:EN:PDF>

Council Framework Decision 2005/667/JHA of 12 July 2005 to strengthen the criminal-law framework for the enforcement of the law against ship-source pollution. (*OJ, Vol. 48/L 255, pp 164 - 167, 30/9/2005*)
<http://europa.eu.int/eur-lex/lex/LexUriServ/LexUriServ.do?uri=OJ:L:2005:255:0164:0167:EN:PDF>

COMMISSION OF THE EUROPEAN COMMUNITIES

- Proposal for a Directive of the European Parliament and of the Council on ship-source pollution and on the implementation of sanctions, including criminal sanctions, for pollution offences (COM(2003) 92 Final) (2003/0037(COD)), 2003- (http://europa.eu.int/comm/transport/themes/maritime/prestige/com_2003_0092_en.pdf)
) . Language(s): ENG, FRE, SPA.

- Communication from the Commission to the European Parliament pursuant to the second subparagraph of Article 251 (2) of the EC Treaty concerning the common position of the Council on the adoption of a Directive of the European Parliament and of the Council on pollution caused by ships and the introduction in particular of criminal sanctions for infringements involving pollution. (COM(2004) 676 Final) (2003/0037(COD)), Brussels, 12 October 2004 http://europa.eu.int/eur-lex/en/com/pdf/2004/com2004_0676en01.pdf

- Proposal for a Directive of the European Parliament and of the Council on the protection of the environment through criminal law. (COM(2007) 51 final, 2007/0022 (COD). Brussels, 9 February 2007. http://eur-lex.europa.eu/LexUriServ/site/en/com/2007/com2007_0051en01.pdf

COUNCIL OF THE EUROPEAN UNION

- Draft Directive of the European Parliament and of the Council on ship-source pollution and on the introduction of sanctions for infringements – Adoption of the Council’s common position.

- 12722/04 – Brussels, 23 September 2004 <http://register.consilium.eu.int/pdf/en/04/st12/st12722.en04.pdf>

- 12722/04 REV 1 – Brussels, 5 October 2004 <http://register.consilium.eu.int/pdf/en/04/st12/st12722-re01.en04.pdf>

– Draft Directive of the European Parliament and of the Council on ship-source pollution and on the introduction of sanctions for infringements : Outcome of informal contacts with European Parliament. Brussels, 17 February 2005 ((6408/1/05) Rev.1)) ((2003/0037 (COD))).

<http://register.consilium.eu.int/pdf/en/05/st06/st06408-re01.en05.pdf>

- Common position adopted by the Council with a view to the adoption of Directive 2004/.../EC of the European Parliament and of the Council on ship-source pollution and on the introduction of sanctions for infringements.

- 11964/04 - Brussels, 29 September 2004 - <http://register.consilium.eu.int/pdf/en/04/st11/st11964.en04.pdf>

- 11964/04 ADD 1- Brussels, 22 September 2004 <http://register.consilium.eu.int/pdf/en/04/st11/st11964-ad01.en04.pdf>

- 11964/04 ADD 2 – Brussels, 5 October 2004 <http://register.consilium.eu.int/pdf/en/04/st11/st11964-ad02.en04.pdf>

- 11964/3/04 REV 3 – Brussels 7 October 2004 <http://register.consilium.eu.int/pdf/en/04/st11/st11964-re03.en04.pdf>

- 11964/3/04 REV 3 ADD 1 – Brussels, 7 October 2004 <http://register.consilium.eu.int/pdf/en/04/st11/st11964-re03ad01.en04.pdf>

EUROPEAN ECONOMIC AND SOCIAL COMMITTEE (EESC)

- Draft Opinion of the specialized Section for Transport, Infrastructure and the Information Society on the "Proposal for a directive of the European Parliament and of the Council on ship-source pollution and on the

introduction of sanctions, including criminal sanctions, for pollution offences (COM(2003) 92 Final - 2003/0037 (COD)). Brussels : EESC, 2003- (TEN/142; CESE 492/2003)

- Opinion of the European Economic and Social Committee on the "Proposal for a Directive of the European Parliament and of the Council on ship-source pollution and on the introduction of sanctions, including criminal sanctions, for pollution offences" (COM(2003) 92 Final - 2003/0037 (COD)). *In: Official Journal of the European Union Vol. 46/C 200, 16 Sept 2003, pp 72-76*

EUROPEAN PARLIAMENT.

- Report on the proposal for a European Parliament and Council directive on ship-source pollution and on the implementation of sanctions, including criminal sanctions, for pollution offences (COM(2003) 92 - C5-0076/2003 - 2003/0037(COD)) (5 November 2003). Brussels : European Parliament, 2003- (Final A5-0388/2003)

- Draft recommendation for second reading on the Council common position for adopting a directive of the European Parliament and of the Council on ship-source pollution and on the introduction of sanctions for infringements (11964/3/2004 – C6-0157/2004 – 2003/0037(COD)). 27 October 2004

Court of Justice

Annulment of Council Framework Decision 2005/667/JHA of 12 July 2005 to strengthen the criminal-law framework for the enforcement of the law against ship source pollution (OJ L 255, 30/09/2005, p. 164)). Advocate General: Mazák Judgement of the Court (Grand Chamber) 23 October 2007. (Case C-440/05) [http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=EN&Submit=Rechercher\\$docrequire=alldocs&numaff=C-440/05&datefs=&datefe=&nomusuel=&domaine=&mots=&resmax=100](http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=EN&Submit=Rechercher$docrequire=alldocs&numaff=C-440/05&datefs=&datefe=&nomusuel=&domaine=&mots=&resmax=100)

Press Releases

The European Community is competent to oblige the member States to provide for common criminal penalties in order to combat ship-source pollution. Press Release No. 76/07, 23 October 2007. <http://curia.europa.eu/en/actu/communiqués/cp07/aff/cp070076en.pdf>

OTHER PUBLICATIONS

BAILEY, N.J. (Dr.) – Seafarer compensation claims. Cardiff, University of Cardiff, Seafarers International Research Centre, 2003. (IMO Doc. IMO/ILO/WGLCCS 5/2/1)

BALTIC AND INTERNATIONAL MARITIME COUNCIL (BIMCO) – BIMCO study of recent cases involving the international practice of using criminal sanctions towards seafarers. Adopted by the BIMCO Board of Directors in Singapore on 2 March 2006. *Revised 10 March 2006*. Bagsværd, Denmark, BIMCO, 2006. http://www.bimco.org/upload/bimco_public_study_10_march_2006_web.pdf

COUPER, A.D. - Voyages of abuse : Seafarers, human rights and international shipping. London : Pluto Press, 1999 (ISBN : 0-7453-1545-3)

DE LA RUE, C. – Criminalization of seafarers. Paper delivered at CMA Shipping 2009.

FITZPATRICK, D. / ANDERSON, M. (Eds.) – Seafarers' rights. Oxford, Oxford University Press, 2005. (ISBN 0-19-927752-4)

GOLD, E. – Fair treatment of seafarers in the event of a maritime accident: New international guidelines. *In: Mensah, T.A., Law of the sea, environmental law and settlement of disputes. Leiden, Martinus Nijhoff Publishers, 2007, pp 405-420*

INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS (INTERTANKO)

- Intertanko discusses proposed penal sanctions Directive with European parliament Rapporteur. July 2003.
<http://www.intertanko.com/search/artikkel.asp?id=5996>

- Peter Pex picks industry points on EU penal sanctions proposal September 2003.
<http://www.intertanko.com/search/artikkel.asp?id=6218>

- Industry Submits Joint Position Paper on Proposed Criminal Sanctions Directive. August 2003.
<http://www.intertanko.com/search/artikkel.asp?id=6109>

- Big variations in the shore leave situation for seafarers : A shipowner's overview. September 2004.
<http://www.intertanko.com/search/artikkel.asp?id=7987>

INTERNATIONAL COMMISSION ON SHIPPING (ICONS) - Ships, slaves and competition : Inquiry into ship safety. Charlestown (Australia) : ICONS, 2000- (<http://www.icons.org.au>) (ISBN : 0-646-41192-6)

INTERNATIONAL LABOUR OFFICE (ILO)

- An Informal Special Sitting on improved security of seafarers' identity documents. 25 June 2002. Geneva, ILO, 2002 (SSSID/2002/1) <http://www.ilo.org/public/english/dialogue/sector/techmeet/sssid02/sssid-r.pdf>

- Convention concerning seafarers' national identity documents. *In: International Labour Organization (ILO) International labour conventions and recommendations 1919-1981. Geneva : ILO, 1985, pp 938-940*

- Joint IMO/ILO Ad Hoc Expert Working Group on liability and compensation regarding claims for death, personal injury and abandonment of seafarers. Report for discussion at the 29th Session of the Joint Maritime Commission, JMC/29/2001/4. Geneva, ILO, 2001 (ISBN 92-2-112238-7)

- Joint IMO/ILO Ad Hoc Expert Working Group on liability and compensation regarding claims for death, personal injury and abandonment of seafarers : Report of the Working Group - 29th Session of the Joint Maritime Commission (22-26 January 2001 : Geneva) . Geneva : ILO, 2001-
<http://www.ilo.org/public/english/dialogue/sector/techmeet/jmc01/jmcr4b.htm>)

- Placing of seamen convention, 1920. Convention for Establishing Facilities for Finding Employment for Seamen (Note: Date of coming into force: 23:11:1921.) Convention:C009 Place: Genoa Session of the Conference: 2 Date of adoption:10:07:1920 <http://www.ilo.org/ilolex/english/convdisp1.htm>

- Report of the Third Session of the Joint IMO/ILO Ad Hoc Expert Working Group on liability and compensation regarding claims for death, personal injury and abandonment of seafarers (London, 30 April to 4 May 2001). (GB.282/STM/5) <http://www.ilo.org/public/english/standards/relm/gb/docs/gb282/pdf/stm-5.pdf>

- Report of the Fifth Session of the Joint IMO/ILO Ad Hoc Expert Working Group on liability and compensation regarding claims for death, personal injury and abandonment of seafarers (London, 12-14 January 2004) (GB.289/STM/8/2) <http://www.ilo.org/public/english/standards/relm/gb/docs/gb289/pdf/stm-8-2.pdf>

- Seafarers' identity documents convention (Revised), 2003 (No. 185). ILO Seafarers' Identity Documents Biometric Testing Campaign Report Part I. Geneva, ILO, 2004. (ISBN 92-2-116838-7)

- Seafarers' identity documents Convention (revised), 2003. Convention 185. Adopted on 19 June 2003. (*Convention No. 185 was adopted to replace the Convention on Seafarers' Identity Documents No. 108 (1958)*). The new Convention, No. 185, will be effective as soon as two countries have ratified it. The current 1958 instrument has been ratified by 61 ILO member States representing 60.7 per cent of the world fleet) <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C185>

- Seafarers' identity documents Convention (revised), 2003. Geneva, ILO, 2006. (ILO Convention 185.) Language(s): E,F,S (ISBN 92-2-1183394-4)

Seafarer' Group : Paper on Title 5 of CMLC. 2005. Paper submitted to the Tripartite Intersessional Meeting on the follow-up of the preparatory technical maritime conference, 2005.
<http://www.ilo.org/public/english/dialogue/sector/techmeet/ptmc05/itf-psc-paper1.pdf>

- Second Informal Special Sitting on improved security of seafarers' identity documents. 17 October 2002. Geneva, ILO, 2002. (SSSID/2002/2) <http://www.ilo.org/public/english/dialogue/sector/techmeet/ssid02/ssid-r2.pdf>
 - Security in ports : Final report of the Tripartite Meeting of Experts on Security, Safety and Health in Ports. Geneva, 8-17 December 2003. Geneva, ILO, 2003 (MESSHP/2003/13)
 - The impact on seafarers' living and working conditions from changes in the structure of the shipping industry. Geneva : ILO, 2001- (JMC/29/2001/3) (ISBN : 92-211-2237-9)
 - Third and Fourth Informal Special Sitting on improved security of seafarers' identity documents. 4-5 February 2003. Geneva, ILO, 2003. (SSSID/2003/1) <http://www.ilo.org/public/english/dialogue/sector/techmeet/ssid03/ssid-r.pdf>
 - Tripartite Intersessional Meeting on the follow-up of the preparatory technical maritime conference. Unresolved issues for the draft consolidated maritime labour convention, 2006. Geneva, ILO, 2005 (PTMC/2005/1). <http://www.ilo.org/public/english/dialogue/sector/techmeet/ptmc05/ptmc05-1.pdf>
 - Tripartite Intersessional Meeting on the follow-up of the preparatory technical maritime conference. Compendium of proposed amendments to the draft consolidated maritime labour Convention, 2006. Geneva, ILO, 2005 (PRMC/2005/2). <http://www.ilo.org/public/english/dialogue/sector/techmeet/ptmc05/ptmc05-2.pdf>
 - The global seafarer : Living and working conditions in a globalized industry. Geneva, ILO, 2004. (ISBN 92-2-112713-3)
- INTERNATIONAL MARITIME LAW INSTITUTE (IMLI) – IMLI-ITF Seafarers' Trust Joint Project for the "human dimension in international maritime law : Seafarers' right". IMLI Electronic Newsletter, Vol. 4, Issue No. 7., 2006. http://www.imli.org/publications_pages/news/enews3-7.pdf
- INTERNATIONAL SALVAGE UNION (ISU) – Warning on EU criminalisation move. Media Information, Issue 16 March 2005 http://www.marine-salvage.com/media_b03.htm
- INTERNATIONAL TRANSPORT WORKERS' FEDERATION (ITF)
- Abandoned – whose responsibility? <http://www.itf.org.uk/itfweb/templates/transint/article08.htm>
 - Abandoned seafarers. An abdication of responsibility. Report. April 1999. http://www.itf.org.uk/itfweb/seafarers/abandoned_seafarers/aband2.pdf
 - Abandoned seafarers. An abdication of responsibility. March 2001. http://www.itf.org.uk/itfweb/seafarers/abandoned_seafarers/index_2001.htm
 - ITF backs flight for shore leave in Slovenia. <http://www.itf.org.uk/english/newsonline/september/slovenia.htm>
 - Shipping industry opposes criminalisation of seafarers for accidental pollution. 13 October 2004. <http://www.itf.org.uk/english/newsonline/october/pollution.htm>
 - Out of sight,, out of mind. Seafarers, fishers and human rights. A Report by the International Transport Workers' Federation. London, ITF, 2006 <http://www.itfglobal.org/infocentre/pubs.cfm/detail/2259>
- JAREMIN, B. / KOTULAK, E. - Mortality in the Polish small-scale fishing industry. *In: Occupational Medicine Vol. 54/No. 4, 2004, pp 258-260*
- KAHVECI, E. – Port based welfare services for seafarers : Summary report. Cardiff, Seafarers International Research Centre, 2007 (ISBN 1-900174-30-8)
- LI, K.X. / WONHAM, J. - The role of states in maritime employment and safety : A legal and economic study. Dalian : Dalian Maritime University Press, 2001 (ISBN : 7-5632-1468-2)

MARINE GLOBAL NET – Shore leave under threat as US scraps crew visa.
<http://www.mglobal.com/newsreleasedetails.cfm?id=1730&type=0>

NIELSEN, D. - Safety and working conditions in international merchant shipping :A study of fatal occupational accidents and a survey of world-wide fatality statistics of merchant seafarers : Thesis. Cardiff : University of Wales, 2000-

SAMPSON, H. - Transnational drifters or hyperspace dwellers : An exploration of the lives of Filipino seafarers board and ashore. *In: Ethnic and Racial Studies Vol. 26/No. 2, Mar 2003, pp 253-277*

SMITH, A./ ALLEN, P. / WADSWORTH, E. – Seafarer fatigue : The Cardiff Research Programme. Cardiff, Centre for Occupational and Health Psychology, November 2006.
http://www.mcga.gov.uk/c4mca/research_report_464.pdf

SWEDISH MARITIME SAFETY INSPECTORATE. Maritime Casualty Investigation Division
Notice of the Swedish Maritime Administration 2001 : Summary of reported marine casualties and incidents and accidents to persons - Swedish merchant and fishing vessels. Gothenburg : Swedish Maritime Safety Inspectorate (No. 3/2002)

TIANGCO, R. / JACKSON, R. - Handbook of rights and concerns for mariners. Centreville (MA) : Cornell Maritime Press, 2002 (ISBN : 0-87033-530-8)

UNITED NATIONS (UN)

- Universal declaration of human rights. New York : UN, 1988-. Language(s): ENG, FRE, SPA, RUS, CHI, ARA.
<http://www.un.org/Overview/rights.html>

- International Covenant on Civil and Political Rights, 1966 <http://www.ohchr.org/english/law/ccpr.htm>

- Optional Protocol to the International Covenant on Civil and Political Rights, 1966
<http://www.ohchr.org/english/law/ccpr-one.htm>

- Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of death penalty, 1989 <http://www.ohchr.org/english/law/ccpr-death.htm>

- International Covenant on Economic, Social and Cultural Rights 1966.
<http://www.ohchr.org/english/law/cescr.htm>

VAN ROOIJ, H. – Governments hold the key to criminalisation problem . *In: The Baltic and International Maritime Council (BIMCO), BIMCO Review 2005, London, Book Production Consultants Plc, pp 228-232.*

WINCHESTER, N. / ALDERTON, T. / SEAFARERS INTERNATIONAL RESEARCH CENTRE (SIRC)
Flag state audit 2003. Cardiff : SIRC, 2003- + CD-ROM containing a document of 581 pages on country reports for each of the 37 flags (ISBN : 1-900174-19-7)

WISSWALL, JR., F.L. – Maritime security vis-à-vis fair treatment of seafarers : A conundrum in the development of international maritime law. *In: Gutiérrez, N.A.M. (Ed.) – Serving the rule of international law – Essays in honour of Professor David Joseph Attard, London, Routledge, 2010, pp 305-314*

INTERNET RESOURCES

<p>Baltic and International Maritime Council (BIMCO)</p> <p>Fair treatment of Seafarers Articles</p>	<p>http://www.bimco.org</p> <p>http://www.bimco.org/Members%20Area/News/Issues/2007/01/Fair_Treatment_of_Seafarers.aspx</p>
<p>Center for Seafarers' Rights</p>	<p>http://www.seamenschurch.org/CSR%20Website/center_for_seafarers.htm</p>
<p>Department of Immigration and Citizenship (Australia)</p> <p>Maritime Crew Visa</p>	<p>http://www.immi.gov.au/sea/mcv/index.htm</p>
<p>International Chamber of Shipping (ICS) (ICS & ISF Press Release)</p>	<p>http://www.marisec.org/news/pressrel.htm#29%20Sept%2004</p>
<p>International Christian Maritime Association (ICMA)</p>	<p>http://www.icma.as/</p>
<p>International Confederation of Free Trade Unions (ICFTU)</p>	<p>http://www.icftu.org/</p>
<p>International Committee on Seafarers' Welfare (ICSW)</p>	<p>http://www.seafarerswelfare.org</p>
<p>International Federation of Shipmasters' Association (IFSMA)</p>	<p>http://www.ifsma.org/</p>
<p>International Group of P & I Clubs (P&I Clubs)</p>	<p>http://www.ukpandi.com/ukpandi/infopool.nsf/HTML/index_global3</p>

<p>International Labour Office (ILO)</p> <p>Conventions</p> <p>Database on reported incidents of abandonment of Seafarers (By use of a password)</p> <p>Seafarer's Identity Documents and Port Security</p> <p>News Room</p>	<p>http://www.ilo.org</p> <p>http://www.ilo.org/ilolex/english/convdisp1.htm</p> <p>http://www.ilo.org/dyn/seafarersadmin/</p> <p>http://www.ilo.org/public/english/dialogue/sector/sectors/mariti/security.htm#icao</p> <p>http://www.ilo.org/public/english/bureau/inf/index.htm</p>
<p>International Salvage Union (ISU)</p>	<p>http://www.marine-salvage.com/</p>

<p>International Transport Workers' Federation (ITF) Fair Treatment of Seafarers</p> <p>Poster: Maritime Accidents – Seafarers - be aware!</p>	<p>http://www.itfglobal.org/seafarers/fairtreatment.cfm</p> <p>http://www.itfglobal.org/files/extranet/-/1/6549/ITF_Sea_Accident_poster661A.pdf</p>
<p>Mission to Seafarers</p>	<p>http://www.missiontoseafarers.org/ports/fast/welcome.htm</p>
<p>National Union of Marine Aviation and Shipping Transport Officers (NUMAST)</p>	<p>http://www.numast.org/welcome.asp</p>
<p>Seafarers International Research Centre (SIRC)</p>	<p>http://www.sirc.cf.ac.uk</p>

Press Releases

New security rules mean more stress and isolation. 7 January 2005

<http://www.missiontoseafarers.org/news.php?title=ISPS+reducing+opportunities+for+shore+leave%2C+says+Princess+Royal&date=24-06-2005&PHPSESSID=20c3e4bcc94d7afbed332824349fc63a>

Crew of two abandoned ships finally get most of their money. 14 February 2005

<http://www.missiontoseafarers.org/news.php?title=Crew+of+two+abandoned+ships+finally+get+most+of+their+money&date=14-02-2005>

The criminalisation of seafarers : From master marine to “master criminal”. GARD NEWS, Issue 177, February/April 2005 http://www.gard.no/gard/Publications/GardNews/RecentIssues/gn177/art_13.htm

ISPS reducing opportunities for shore leave, says Princess Royal (UK). 24 June 2005.

<http://www.missiontoseafarers.org/news.php?title=ISPS+reducing+opportunities+for+shore+leave%2C+says+Princess+Royal&date=24-06-2005&PHPSESSID=20c3e4bcc94d7afbed332824349fc63a>

Decent work for all seafarers: .ILO-IMO prepare new guidelines on death, injury and abandonment Globalization, complex vessel ownership and flagging, and multinational crewing have made it more pressing than ever to create guidelines for speedy and humane treatment of seafarers caught in unforeseen difficulties. A joint working group of the International Maritime Organization (IMO) and the ILO will discuss such guidelines on 19-21 September in London. <http://www.ilo.org/public/english/bureau/inf/features/05/seafarers.htm>

Australia introduces new maritime crew visa. WORKPERMIT.COM, 10 May 2007.

<http://www.workpermit.com/news/2007-05-10/australia/australia-introduces-new-maritime-crew-visa.htm>

Court confirms EU right to criminalise pollution at sea. The Commission has the right to force member states to introduce criminal penalties for instances of maritime pollution such as the discharge of oil and other noxious substances from ships in EU waters. However, it does not have the power to fix the type and level of these penalties, stated a European Court of Justice (ECJ) ruling on 23 October. EURACTIV.COM, 24 October 2007. <http://www.euractiv.com/en/environment/court-confirms-eu-right-criminalise-pollution-sea/article-167840>

New Australian Visa Requirements For Foreign Maritime Crew . Article by Derek Luxford MONDAQ, Insurance and Transport, 20 November 2007. <http://www.mondaq.com/article.asp?articleid=54502>

ARTICLES FROM THE PRESS

For a list of articles in the press please refer to the IMO website and [SeaLibrary](#) the online catalogue of the Maritime Knowledge Center using the term(s) : “Fair treatment, criminalization, criminalisation of seafarers, abandonment of seafarers, death and personal injury, shore leave, article”

The IRDs changed the content in 2008 therefore if you wish to receive an archive copy where you can find a full list of articles (Technical and Legal) on the subject., please contact maritimeknowledgecentre@imo.org “ (Please note that the IRDs were last updated in November/December 2007)