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FAIR TREATMENT OF SEAFARERS

(c) Fair treatment of seafarers detained on suspicion of committing crimes

Industry cooperation to assist seafarers

Submitted by ICS and ITF

SUMMARY

Executive summary: This document provides a report on the joint work of the International Chamber of Shipping (ICS) and the International Transport Workers' Federation (ITF) since the last session of the Legal Committee on the promotion of the fair treatment of seafarers and assistance in cases of seafarer detention and/or criminalization.

*Strategic direction,
if applicable:* 6

Output: 6.8

Action to be taken: Paragraph 8

Related documents: LEG 112/4(c), LEG 112/INF.4, LEG 112/16 and LEG 112/16/Add.1

Background

1 The fair treatment of seafarers remains a matter of utmost importance for the shipping and seafaring industries. Seafarers continue to face arbitrary detention, prolonged imprisonment in foreign jurisdictions, and separation from their families – sometimes for years – whilst authorities investigate alleged crimes, often where there is no reliable evidence of any culpability to justify the seafarers' detention while the investigations are undertaken. As a result, ICS and ITF, along with other agencies and organizations, have been working cooperatively on a number of initiatives to assist seafarers with the following primary objectives: (i) to promote the application of both the ILO-IMO *Guidelines on fair treatment of seafarers detained in connection with alleged crimes* and the IMO/ILO *Guidelines on fair treatment of seafarers in the event of a maritime accident*, and (ii) to assist in cases where seafarers have been detained unfairly and for prolonged periods for alleged crimes or breaches of domestic laws. Key elements of the work undertaken by ICS/ITF since the last Committee meeting are set out in this submission as follows:

IMO/ILO/ICS/ITF Symposium – Protecting seafarers against criminalization: what more can be done?

2 On 17 June 2025, IMO hosted an IMO/ILO/ICS/ITF Symposium to consider what more can be done to protect seafarers against unfair criminalization and to promote their fair treatment. The one-day event was well attended with participants from across the shipping, seafaring, insurance and port sectors alongside the IMO Secretary-General, the ILO, the United Nations Office for Drugs and Crime (UNODC) and Government representatives, amongst others. Participants acknowledged that unfair criminalization of seafarers continues to be of significant concern to seafarers and the wider industry, which in turn reduces industry confidence, and urged that Member States commit to due process and fair treatment of seafarers in accordance with the ILO/IMO Guidelines. The Symposium concluded with a call to all relevant stakeholders to engage on a more co-operative basis to share knowledge, resources and expertise to assist seafarers, and called for the promotion of the 2025 ILO/IMO Guidelines, to ensure their application in the event of a maritime accident, or where seafarers are detained in connection with alleged crimes. ICS and ITF will continue to look for opportunities to hold similar events, along with interested stakeholders, in order to continue to promote the Guidelines and their application in all cases where they may be applicable.

Establishment of an Industry Standing Forum on the Criminalization of Seafarers

3 In line with the outcomes of the above-mentioned Symposium, and in response to previous calls from within the industry for greater engagement between the different industry sectors in cases of seafarer detention, ICS and ITF have established an Industry Standing Forum on the Criminalization of Seafarers (the Standing Forum) with a remit to engage with a collective and representative voice in detention cases; to share knowledge, understanding and expertise; and to promote the implementation and application of the IMO/ILO Guidelines.

4 The Standing Forum has met on three occasions, and as a result, ICS and ITF have engaged and made representations on a joint basis in a number of cases to assist detained seafarers, and have sought to engage interested stakeholders in order to promote the implementation and application of the Guidelines where appropriate.

5 ICS and ITF welcome the clear support for the Guidelines expressed by IMO and ILO Member States. However, the co-sponsors continue to share concerns that detaining authorities, prosecutors, and the judiciary within the same States often seemingly disregard the Guidelines when cases arise, perhaps due to a lack of awareness. The co-sponsors are concerned that this apparent disconnect indicates a critical gap in understanding and coordination within administrations, which the Standing Forum will seek to bridge as part of a future campaign to promote both sets of Guidelines.

Central hub of P&I Club correspondents' loss prevention guidance on the prevention of smuggling of illegal narcotics on board

6 It is well recognized that commercial shipping can unwittingly play a significant part in the transportation of illicit drugs to the places where they are consumed. The UNODC has established that most global cocaine trade occurs via sea, with shipowners and crews often unknowingly involved in smuggling. The UNODC has also found that the majority of global cocaine production occurs in Latin America, with the primary flow of the drug originating from these producing countries to other countries in the Americas and to Western and Central Europe. Accordingly, loading ports across Latin America present the highest risk for the smuggling of cocaine on board ships, and ports in Western and Southern Europe and the United States present the highest risk as discharge ports for the offloading of illegal narcotics carried by sea.

7 With the support of the International Group of Protection and Indemnity Associations (P&I Clubs), ICS has therefore reached out to P&I Club correspondents at key Latin American, Western European and the United States ports, for guidance on preventing illegal narcotics smuggling by sea. With their consent, the specific, local advice obtained for each country is now hosted on the ICS [website](#),* with public access, as guidance for shipowners when loading or discharging at such ports and to ensure that such guidance is maintained in one central repository for easy access. ICS will continue to keep this guidance up to date through the correspondents in these ports and will seek to widen the geographical scope of the guidance, where necessary.

Action requested of the Committee

8 The Committee is invited to note the information provided in this document and to comment as appropriate.

* The link to the website is as follows: <https://www.ics-shipping.org/supporting-shipping/preventing-the-smuggling-of-illegal-narcotics-by-sea/>