



FOURTH ITEM ON THE AGENDA

**Joint IMO/ILO Ad Hoc Expert Working Group on the Fair Treatment of Seafarers in the Event of a Maritime Accident**

1. At its 290th Session (June 2004), the Governing Body approved the establishment of a Joint IMO/ILO Ad Hoc Expert Working Group on the Fair Treatment of Seafarers in the Event of a Maritime Accident, composed of eight Government experts nominated by the International Maritime Organization (IMO) as well as four Shipowner and four Seafarer experts to be nominated by the ILO after consultations with the secretariats of their respective groups.
2. To facilitate progress on this agenda item, the IMO secretariat, in consultation with the Office, has prepared the attached draft terms of reference which are submitted for consideration. These will also be submitted to the Legal Committee of the IMO for consideration at its 89th Session in October 2004.
3. With regard to the scheduling of the first meeting of the Joint Expert Working Group, consultations will be taking place between the IMO secretariat and the Office. The Governing Body will be advised of the dates as soon as possible.
4. *The Committee on Sectoral and Technical Meetings and Related Issues is invited to recommend that the Governing Body note the above information and approve the terms of reference of the Joint IMO/ILO Ad Hoc Expert Working Group on the Fair Treatment of Seafarers in the Event of a Maritime Accident.*

Geneva, 6 September 2004.

*Point for decision:* Paragraph 4

## Appendix

### **Draft terms of reference for the Joint IMO/ILO Ad Hoc Expert Working Group on the Fair Treatment of Seafarers in the Event of a Maritime Accident**

The Joint IMO/ILO Ad Hoc Expert Working Group should examine the issue of the fair treatment of seafarers in the event of a maritime accident.

In doing so, the Group should take account of relevant international instruments, including:

- the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR), as well as other internationally recognized standards, guidelines, practices and procedures relating to the rights of those who may be detained for the purpose of assisting in the investigation of a crime, a civil offence, or a maritime casualty or incident;
- the United Nations Convention on the Law of the Sea;
- pertinent IMO and ILO instruments, including MARPOL 73/78 and the ILO Declaration on Fundamental Principles and Rights at Work, 1998; and
- internationally recognized standards and guidelines on settlement of disputes.

The Group should prepare suitable recommendations for consideration by the IMO Legal Committee and the ILO Governing Body, including draft guidelines on the fair treatment of seafarers in the event of a maritime accident.