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THE REPUBLIC OF LIBERIA

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Marine Advisory 05/2026

Subject: Guidelines on Fair Treatment of Seafarers Detained in Connection with Alleged Crimes

**Reference: a) [LEG.7\(112\) - Guidelines on Fair Treatment of Seafarers Detained in Connection with Alleged Crimes](#)
b) Maritime Labor Convention, as amended (MLC 2006)**

Dear Shipowners/Operators/Seafarers of Liberian Flagged Vessels

Purpose

The purpose of this Marine Advisory is to provide reference instrument for principles that can be reflected in the implementation of policies, legislation, and administrative measures on the fair treatment of seafarers detained on suspicion of committing crimes, and that can be tailored to different national systems and circumstances.

Background

At its 107th Session (November–December 2020), the International Maritime Organization (“IMO”), Legal Committee agreed to develop guidelines on the fair treatment of seafarers detained on suspicion of committing maritime crimes.

At its 343rd Session (November 2021), the Governing Body of the International Labor Organization (“ILO”) approved the establishment of a Joint ILO–IMO Tripartite Working Group (“JTWG”) to identify and address seafarers’ issues and the human element with a composition of eight (8) Government representatives nominated by the IMO, and eight (8) Shipowner and eight (8) Seafarer representatives nominated by the Employers’ and the Workers’ groups of the Governing Body of the ILO, respectively.

At its 112th Session (LEG 112) (March 2025), the IMO’s Legal Committee adopted the ‘*Guidelines on Fair Treatment of Seafarers Detained in Connection with Alleged Crimes*’ (“Guidelines”).

The Guidelines are based on, and to be read in line with, the principles, rights and obligations set out in the Maritime Labour Convention, 2006, as amended (MLC 2006).

Requirements

The Guidelines are intended to be applied where seafarers may be investigated or detained in a jurisdiction other than that of the seafarers’ nationality on suspicion of committing or having committed crimes during the course of their employment onboard a ship.

A. Guidelines for Port or Coastal State

Where the alleged crime occurs in the recognized jurisdiction of the port or coastal State, or where the port or coastal State has exercised or accepted jurisdiction, the following guidance applies:

- i. Ensure that adequate measures are taken to preserve the human rights of seafarers;
- ii. Communicate with and inform the flag State, the State of which the seafarer is a national, the shipowner and the seafarers' representatives, as appropriate, without delay;
- iii. Ensure that no seafarer is subject to arbitrary detention, and that no seafarer is deprived of their liberty, except on such grounds and in accordance with such procedures as established by law;
- iv. 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;
- v. 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...
- vi. Ensure that all seafarers detained on suspicion of committing a crime are provided with the means and adequate time to communicate in a confidential manner with their legal representatives;
- vii. Use all available means to preserve evidence to minimize the continuing need for the physical presence of any seafarer in their jurisdiction;
- viii. Promptly conduct witness interviews with all seafarers by the appropriate authority in the presence of legal assistance and interpretation services, as necessary;
- ix. Make available a process for applications for the posting of a reasonable bond or other financial security to allow for release and repatriation of a seafarer...
- x. Ensure that any court hearing or trial, when seafarers are detained or charged, is conducted fairly before a competent court and takes place promptly...
- xi. Facilitate the provision of, and access to, services to ensure the physical and mental wellbeing of seafarers during their detention;
- xii. Ensure that seafarers are afforded freedom and means to practice their religion of choice during any detention; and
- xiii. Facilitate the visitation of the seafarer's partner, next of kin and family members to the place of detention of the seafarer.

B. Guidelines for the Flag State

- i. Cooperate with the port or coastal State with the aim of achieving a fair and expeditious investigation into any suspected crime involving a seafarer who is detained in a foreign jurisdiction;
- ii. Cooperate and communicate with all substantially interested States, the shipowner, seafarers and their representatives, to facilitate access to the seafarers, which may include requesting the port or coastal State to provide such access;
- iii. Ensure that shipowners fulfil contractual and other obligations under MLC 2006, and other applicable national law, to seafarers suspected of a crime or during any investigation, including the provision of wages and other contractual entitlements, etc.;
- iv. Ensure through engagement with the shipowner or port or coastal State, that adequate provisions are in place to provide for the subsistence of each seafarer detained, such as suitable accommodation and essential amenities including food, drinking water, clothes, fuel and medical care...;
- v. Assist seafarers in securing fair treatment by providing information on the right to consular access, the right to remain silent and on the right to competent legal assistance;
- vi. Assist the shipowner in the event of an investigation by a port or coastal State by providing information about the shipowner's obligations and rights under the flag State and any relevant international law;
- vii. Fund the repatriation of seafarers, if required, in accordance with the provisions of the MLC 2006, in instances where shipowners fail to fulfil their responsibility to repatriate;
- viii. In cases when a vessel is detained, utilize diplomatic channels that can secure the prompt release of the vessel and its crew upon the posting of a reasonable bond or financial security;

- ix. Ensure that no discriminatory or retaliatory measures are taken against seafarers because of their participation during investigation;
- x. Cooperate with the port or coastal State as well as with the State of which the seafarer is a national or resident to ensure that seafarers are allowed visitation of their next of kin and family members at the place of their detention.

C. Guidelines for Seafarers

Seafarers are encouraged to be aware of their rights. These Guidelines should be provided to seafarers and included in the any pre-departure orientation. When they are detained, they should be treated with dignity and respect at all times, safeguarding their fundamental rights. Specifically:

- i. Their human rights should be preserved;
- ii. Provisions should be made for their subsistence, suitable accommodation and essential amenities including food, drinking water, clothes and medical care, at no cost to the seafarer;
- iii. They should continue to receive wages, allotments and other contractual entitlements;
- iv. They should be guaranteed due process without any form of discrimination;
- v. They should be advised of their right to adequate and competent legal assistance of their choosing;
- vi. They should be protected from any discriminatory or retaliatory measures taken against them because of their participation during investigations;
- vii. They should be provided with opportunities to communicate with: the nearest consular officers of the State of which they are national or resident, and of the flag State; their partner, next of kin and family members; welfare organizations, etc.

D. Guidelines for Shipowners

Shipowners should, in accordance with their contractual obligation, MLC 2006 and national laws:

- i. Have due regard to their obligations to protect the human rights of seafarers and ensure the fair treatment of seafarers employed or engaged at the time of a suspected crime;
- ii. Encourage seafarers to cooperate with any investigation, with due regard to applicable rights, including the right not to incriminate themselves and the right to adequate legal assistance;
- iii. Ensure that no discriminatory or retaliatory measures are taken against seafarers because of their participation during investigations;
- iv. Cooperate and communicate with the flag State and all substantially interested States, as appropriate, and seafarers, and facilitate access to seafarers by seafarers' representatives;
- v. Immediately provide the seafarer's partner, next of kin and family members, the seafarers' recruitment and placement service, with the information concerning the detention of the seafarer;
- vi. Use all reasonable means to preserve evidence to minimize the continuing need for the physical presence of any seafarer;
- vii. Immediately report to the flag State and, as appropriate, to a port or coastal State, should they become aware of evidence that a crime may have been committed by a seafarer;
- viii. Ensure that the Guidelines are made available to the seafarers and included in any pre-departure orientation.

For further information regarding this Advisory, please contact MLC@lisr.com.

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