



MARITIME SAFETY COMMITTEE  
87th session  
Agenda item 17

MSC 87/17/2  
18 February 2010  
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## **ROLE OF THE HUMAN ELEMENT**

### **Shoreleave for seafarers**

**Submitted by INTERTANKO and ITF**

#### **SUMMARY**

*Executive summary:* Whilst noting various instruments regarding shore leave and recognizing that seafarers continuously are denied shore leave, the co-sponsors of this document are of the belief a strengthening and enforcement of those instruments are necessary. With this in mind we would like to propose that the Committee re-issue MSC/Circ.1112 and MSC.1/Circ.1194. In addition, we would suggest that the Committee gives consideration to strengthening the ISPS Code to require Contracting Governments, Designated Authorities and Companies, when developing ship or port security plans, to pay due cognizance to the fact that ships' crew members live and work on the vessel and are entitled to and need shore leave and access to shore-based seafarers' welfare facilities.

*Strategic direction:* No related provisions

*High-level action:* No related provisions

*Planned output:* No related provisions

*Action to be taken:* Paragraph 10

*Related documents:* A 26/INF.4, A 26/6(b)/2, MSC/Circ.1112, MSC.1/Circ.1194, FAL Convention, SOLAS chapter XI-2, MLC 2006 and MSC 76/4/6

#### **Background**

1 INTERTANKO and ITF submitted document A 26/INF.4 to the twenty-sixth session of the Assembly, informing of the outcome of the "Young Seafarers Focus Group", a three-day workshop organized for young seafarers of different nationalities, for them to express their views on a career at sea and on what attracts young people to the shipping industry.

2 Committee 2 of the Assembly noted with appreciation the information provided and agreed to refer document A 26/INF.4 to the MSC and the MEPC for consideration by the Joint MSC/MEPC Working Group on Human Element, and requested INTERTANKO and ITF to submit proposals on how to address the issues raised in the aforementioned document.

3 One of the main concerns raised by the young seafarers was related to the denial of shore leave, a practice which unfortunately appears to become more common, worldwide. Therefore, as requested, INTERTANKO and ITF have reviewed the issue and have submitted this document for further discussion by the Human Element working group together with specific proposal on how to address the denial of shore leave.

### **Discussion**

4 INTERTANKO and ITF consider shore leave essential for the well-being of seafarers who spend many weeks or months at sea. Those who work at sea need to get on shore to access telephones and the internet to contact family, exercise, visit welfare facilities, shop, socialize, seek medical or psychological support, if needed, and to have a break from their work environment.

5 Most unfortunately, it has continuously and recently been brought to the attention of the co-sponsors that seafarers often have been denied shore leave despite this Organization's efforts to make it abundantly clear that shore leave for seafarers should not be restricted, unless public health, public safety or public order will be at risk.

6 The co-sponsors of this document are seriously concerned that the practice of denying seafarers shore leave not only serves to be detrimental to seafarers' well-being but also recognize that such practice is contrary to international conventions, regulations and standards.

7 In this regard we wish to remind Port states of applicable IMO conventions, regulations, standards and circulars governing the seafarer's rights to shore leave, and in particular:

7.1 Section 3, Paragraph 3.44 in the Convention on the Facilitation of Maritime Traffic, 1965 (as amended):

"Standard. Foreign crew members shall be allowed ashore by the public authorities while the ship on which they arrive is in port, provided that the formalities on arrival of the ship have been fulfilled and the public authorities have no reason to refuse permission to come ashore for reasons of public health, public safety or public order."

7.2 Paragraph 11 of the preamble to the International Code for the Security of Ships and of Port Facilities:

"Recognizing that the Convention on the Facilitation of Maritime Traffic, 1965 (as amended), provides that foreign crew members shall be allowed ashore by the public authorities while the ship on which they arrive is in port, provided that the formalities on arrival of the ship have been fulfilled and the public authorities have no reason to refuse permission to come ashore for reasons of public health, public safety or public order, Contracting Governments, when approving ship and port facility security plans, should pay due cognisance to the fact that ship's personnel live and work on vessels and need shore leave and access to shore based seafarer welfare facilities, including medical care."

7.3 MSC/Circ.1112 – SHORE LEAVE AND ACCESS TO SHIPS UNDER THE ISPS CODE

7.4 MSC.1/Circ.1194 – EFFECTIVE IMPLEMENTATION OF SOLAS CHAPTER XI-2 AND THE ISPS CODE

7.5 Furthermore, and although not an IMO instrument, ILO 185 also requires, in Article 6.5, port authorities to allow seafarers to have shore leave unless they have reason to refuse entry because of "public health, public safety, public order or national security".

7.6 MLC 2006, Guideline B4.4.6 – Seafarers in a foreign port, paragraph 5:

"Every effort should be made by those responsible in port and on board a ship to facilitate shore leave for seafarers as soon as possible after a ship's arrival in port."

8 Whilst noting the above instruments and recognizing that seafarers continuously are denied shore leave, the co-sponsors of this document are of the belief that a strengthening and enforcement of the above instruments is necessary. With this in mind, we would like to propose that the Committee re-issues MSC/Circ.1112 and MSC.1/Circ.1194 in one common MSC circular, with the two respective guidances as appendixes to the circular, emphasizing the need for Member States to ensure proper access for seafarers' shore leave.

9 In addition, we would suggest that the Committee gives consideration to strengthening the ISPS Code to require Contracting Governments, Designated Authorities and Companies, when developing ship or port security plans, to pay due cognizance to the fact that ships' crew members live and work on the vessel and are entitled to and need shore leave and access to shore-based seafarers' welfare facilities. This could be an item for discussion in the Human Element Working Group.

**Action requested of the Committee**

10 The Committee is invited to:

- .1 agree with the proposal in paragraph 8; and
  - .2 consider the suggestion in paragraph 9 and decide as appropriate.
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