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Legal Issues and International Labour Standards Section
International Labour Standards and Human Rights Segment

LILS

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SEVENTH ITEM ON THE AGENDA

Report of the meeting of the Ad hoc Tripartite Maritime Committee for the amendment of the Seafarers’ Identity Documents Convention (Revised), 2003 (No. 185) (Geneva, 10–12 February 2016)

Purpose of the document

To enable the Governing Body to transmit to the International Labour Conference at its 105th Session (June 2016) the amendments to the Seafarers’ Identity Documents Convention (Revised), 2003 (No. 185), and the resolutions adopted by the meeting of the Ad Hoc Tripartite Maritime Committee.

Relevant strategic objective: Promote and realize standards and fundamental principles and rights at work, as well as promote social dialogue.

Policy implications: Enhancing the effectiveness of international labour standards.

Legal implications: Transmittal to the Conference of the proposed amendments to the Annexes of the Seafarers’ Identity Documents Convention (Revised), 2003 (No. 185) in accordance with the procedure envisaged in Article 8 of the Convention.

Financial implications: None.

Follow-up action required: The International Labour Office is requested to draw the attention of all relevant actors to the need to eliminate any existing barriers to the effective use of the seafarers’ identity documents.

Author unit: International Labour Standards Department (NORMES).

Related documents: GB.322/LILS/3; GB.323/LILS/4.

Introduction

1. At its 323rd Session (March 2015), based on the general conclusion and the recommendations of the tripartite Meeting of Experts concerning the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185),¹ the Governing Body decided to constitute an Ad Hoc Tripartite Maritime Committee to meet in 2016 to make proposals for amendments to the annexes of Convention No. 185, with a view to their submission for adoption by the Conference, in accordance with Article 8(1) of the Convention.
2. In March 2015, the Governing Body also decided to place on the agenda of the Conference at its 105th Session (2016) an item entitled "Amendment of the annexes to the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185)".²
3. The Ad Hoc Tripartite Maritime Committee met from 10 to 12 February 2016 at ILO headquarters in Geneva.
4. The meeting considered a draft proposal for the amendment of the annexes to the Convention that had been prepared by the Office to assist the Ad Hoc Tripartite Maritime Committee. Following discussion, it adopted the proposed amendments to Annexes I, II and III of Convention No. 185, as contained in Appendix I of this document.
5. It is recalled that the intention of the amendment was to change the biometric in the seafarers' identity document from a fingerprint template in a two-dimensional barcode to a facial image stored in a contactless chip and to ensure that the national electronic database is required to contain only the public keys necessary to verify the digital signatures defined for the contactless chip by International Civil Aviation Organization (ICAO) Doc 9303. The Tripartite Meeting of Experts had also agreed that the references to ICAO Doc 9303 should refer to that document, including subsequent amendments of it, so that the Annexes would not require changing in the future as ICAO issued new versions of ICAO Doc 9303 and as ePassport technology moved forward. As a result, the proposed amendments establish that, subject to the overriding requirements of Article 3 of the Convention, the seafarers' identity document shall conform to the mandatory requirements for electronic machine-readable travel document contained in ICAO Doc 9303 on machine readable travel documents, Seventh Edition, and as subsequently amended.
6. The Committee also adopted two resolutions. In the first one, the *Resolution on the implementation of the Seafarers' Identity Documents Convention (Revised), 2003, and entry into force of the proposed amendments to its Annexes, including transitional measures*,³ the Committee recommended that the International Labour Conference, when adopting the proposed amendments to the Annexes of the Convention, specify that the International Labour Office is requested to draw the attention of all relevant actors to the need to eliminate any existing barriers to the effective use of the seafarers' identity documents. In the second one, the *Resolution on the facilitation of access to shore leave and transit of seafarers*,⁴ the Committee expressed concern at the difficulties that seafarers continue to experience in being able to enjoy shore leave and to transit to and from ships; called for the harmonization

¹ The final report of the Meeting of Experts is available at: http://www.ilo.org/global/standards/maritime-labour-convention/events/WCMS_301223/lang--en/index.htm.

² GB.323/LILS/4.

³ See Appendix II.

⁴ See Appendix III.

of formalities and other procedures facilitating access to shore leave and welfare facilities in ports and the transit of seafarers to and from ships; called upon countries to implement measures to facilitate the transit of seafarers to and from their ships and shore leave, and called upon the Governing Body to request the Director-General to remain seized of this issue, including through engagement with other UN specialized agencies.

Draft decision

7. The Governing Body:

- (a) requests the Director-General to remain seized of the issue of the facilitation of access to shore leave and transit of seafarers; and*
- (b) transmits the proposed amendments and the resolutions adopted by the Ad Hoc Tripartite Maritime Committee to the International Labour Conference at its 105th Session (June 2016).*

Appendix I

Proposals for amendments to Annexes I, II and III of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185)

Replace the current Annex I with the following:

Annex I

Model for seafarers' identity document

1. Subject to the overriding requirements of Article 3 of this Convention, the seafarers' identity document (SID), whose form and content are set out below, shall – with respect to the materials used for it and the presentation and storage of the data that it contains – conform to the mandatory requirements for an electronic machine-readable travel document contained in International Civil Aviation Organization (ICAO) Doc 9303 on machine-readable travel documents, with full consideration being given to any relevant recommendations or advice in that document.
2. The term “Doc 9303” shall be understood as referring to the Seventh Edition, 2015, as published by ICAO and as it may subsequently be amended in accordance with the related procedures of ICAO. References in this Annex to particular provisions of Doc 9303 refer to the Seventh Edition, but shall be understood as also referring to the corresponding provisions of any subsequent edition. The Director-General of the International Labour Office may from time to time, as requested by the Governing Body, prepare guidance for Members as to the specific provisions of Doc 9303 to be taken into account.
3. The SID shall be an electronic machine-readable identity document with physical characteristics as described in Section 2 of Part 3 of Doc 9303, “Specifications Common to all Machine Readable Travel Documents”. The printing and typefaces used in both the visual-inspection zone and the machine-readable zone shall be as described in Sections 3 and 4 respectively of Part 3 of Doc 9303.
4. The SID shall include a contactless integrated circuit, with a data storage capacity of at least 32 kilobytes, encoded and digitally signed in accordance with Parts 9, 10, 11 and 12 of Doc 9303. The contactless integrated circuit shall meet all the requirements for the Logical Data Structure (LDS) set out in Part 10 of Doc 9303 but shall contain only the mandatory data elements required in that Part. The privacy of seafarers' data stored in the contactless integrated circuit shall be protected by a Chip Access Control mechanism as described in Part 11 of Doc 9303. Data stored in the LDS shall be limited to the metadata and files required for the operation of the chip and its security features, as well as the following data elements, which are already visible, in the sense of eye-readable, in the visual-inspection and machine-readable zones of the SID:
 - (a) in data group 1 of the LDS: a duplication of the machine-readable zone data, referred to below;
 - (b) in data group 2 of the LDS: the biometric representation required by Article 3, paragraph 8, of this Convention, which shall comply with Part 9 of Doc 9303 for the “Primary Biometric: Facial Image”. This facial image of the seafarer shall be a copy of the photograph referred to in (o) below, but compressed to a size in the range of 15–20 kilobytes; and

- (c) the Document Security Object that is needed to validate the integrity of data stored in the LDS using the ICAO Public Key Infrastructure defined in Part 12 of Doc 9303.
5. The SID shall be protected from tampering, photograph substitution or other fraudulent activity by adherence to the requirements of Part 2 of Doc 9303, “Specifications for the Security of the Design, Manufacture and Issuance of MRTDs”. It shall be protected by at least three physical security features from the list contained in Appendix A to Part 2 of Doc 9303. Examples of such security features are:
- optically variable features ¹ in the substrate or laminate of the identity document;
 - tactile features ² in the substrate of the identity document;
 - laser-perforated features ³ in the substrate;
 - two-colour guilloche design ⁴ in the background of the identity document;
 - microprinted text ⁵ in the background;
 - ultraviolet fluorescent ink;
 - ink with optically variable properties;
 - steganographic image ⁶ incorporated in the identity document.
6. The data elements to be contained in the identity document and their placement within the various zones described in Doc 9303 are given below and no other information shall be contained in the SID:
- (a) issuing State: name in full, in Zone I, with no field caption;
 - (b) document type: “SID”, in Zone I, with no field caption;
 - (c) “chip inside” symbol described in Section 2.3 of Part 9 of Doc 9303: in Zone I, with no field caption;
 - (d) full name of seafarer as a single field consisting of the primary identifier followed by a comma, then a space and then the secondary identifier, as defined in Doc 9303: in Zone II, with a field caption;
 - (e) sex of seafarer as a single letter, “F” for female, “M” for male or “X” for unspecified: in Zone II, with a field caption;
 - (f) nationality of seafarer, as a three-letter International Organization for Standardization country code in accordance with Section 5 of Part 3 of Doc 9303: in Zone II, with a field caption;

¹ An optically variable feature is an image or feature whose appearance in colour or design changes depending on the angle of viewing or illumination.

² A tactile feature is a surface feature giving a distinctive “feel” to the document.

³ Laser perforation is a process whereby numbers, letters or images are created by perforating the substrate with a laser.

⁴ A guilloche design is a pattern of continuous fine lines, usually computer generated, forming a unique image that can only be accurately re-originated by access to the equipment, software and parameters used in creating the original design.

⁵ Microprint is printed text or symbols smaller than 0.25 mm/0.7 pica points.

⁶ Steganography is the use of an image or information that is encoded or concealed within a primary visual image.

- (g) date of seafarer's birth, in the format DDbMMbYYYY, where "b" is a single blank space (for example, 23 03 1982): in Zone II, with a field caption;
 - (h) place of seafarer's birth: in Zone II, with a field caption;
 - (i) any special physical characteristics that may assist in the identification of the seafarer: in Zone II, with a field caption. If the issuing authority chooses not to record any identifying characteristics, or if the seafarer has no particular identifying characteristics, then this field shall be filled with either the word "None", or "Aucun", or "Ninguna";
 - (j) unique document number assigned to the SID by the issuing authority of no more than nine characters: in Zone I for TD3 size documents, with a field caption; or, in Zone III for TD1 and TD2 size documents, with a field caption;
 - (k) date of issue of the SID, in the format DDbMMbYYYY, where "b" is a single blank space (for example, 31 05 2014): in Zone III, with a field caption;
 - (l) date of expiry of the SID, in the format DDbMMbYYYY, where "b" is a single blank space (for example, 31 05 2019): in Zone III, with a field caption;
 - (m) place of issue of the SID: in Zone III, with a field caption;
 - (n) signature or usual mark of the seafarer: in Zone IV, without a field caption;
 - (o) photograph of the seafarer, conforming to the specifications for photographs set out in Part 3 of Doc 9303: in Zone V, without a field caption;
 - (p) the following statement in English, French or Spanish, in Zone VI, without a field caption:
 "This document is a seafarers' identity document for the purpose of the Seafarers' Identity Documents Convention (Revised), 2003, of the International Labour Organization. This document is a stand-alone document and not a passport.";
 - (q) name of the issuing authority, and contact details (telephone number including country code or URL of website or both) of the focal point under Article 4, paragraph 4, of this Convention: in Zone VI, with the following field caption in English, French or Spanish: "Issuing authority contact details"; and
 - (r) machine-readable zone printed in Zone VII as specified in Section 4 of Part 3 of Doc 9303, containing all the mandatory data elements specified in Section 4.2 of Part 4 (for TD3 size) or Part 5 (for TD1 size) or Part 6 (for TD2 size). The first two characters of the machine-readable zone shall be "IS" for TD1 or TD2 size, or "PK" for TD3 size.
7. The following additional data elements shall be contained only in TD3 size documents:
- (a) document code: the letters "PK" in Zone I, with a field caption;
 - (b) issuing State, as a three-letter International Organization for Standardization country code in accordance with Section 5 of Part 3 of Doc 9303: in Zone I, with a field caption; and
 - (c) name of the issuing authority: in Zone III, with a field caption.

Replace the current Annex II with the following:

Annex II

Electronic database

The details to be provided for each record in the electronic database to be maintained by each Member in accordance with Article 4, paragraphs 1, 2, 6 and 7 of this Convention shall be restricted to:

Section 1

1. Issuing State as written in the visual-inspection zone of the seafarers' identity document (SID).
2. Full name of seafarer as written in the visual-inspection zone of the SID.
3. Unique nine-character document number assigned to the SID.
4. Date of expiry, or suspension, or withdrawal of the SID, written in the format DDbMMbYYYY, where "b" is a single blank space (for example, 31 05 2019).

Section 2

1. Compressed facial image of the seafarer as stored in the contactless integrated circuit of the SID.
2. Photograph of the seafarer as printed in the visual-inspection zone of the SID.
3. Details of all inquiries made concerning the SID.

Replace the first three paragraphs of the current Annex III with the following:

This Annex sets out minimum requirements relating to procedures to be adopted by each Member in accordance with Article 5 of this Convention, with respect to the issuance of seafarers' identity documents (SIDs), including quality-control procedures.

Part A lists the mandatory results that must be achieved, as a minimum, by each Member, in implementing a system of issuance of SIDs.

Part B recommends procedures and practices for achieving those results. Part B is to be given full consideration by Members, but is not mandatory.

Notwithstanding the above, each Member shall observe all relevant mandatory requirements in International Civil Aviation Organization (ICAO) Doc 9303. The term "Doc 9303" shall be understood as referring to the Seventh Edition, 2015, as published by ICAO and as it may subsequently be amended in accordance with the related procedures of ICAO. Members shall also give full consideration to the relevant recommendations or advice contained in Doc 9303, especially in Part 2 of that document and its appendices.

Appendix II

Resolution on the implementation of the Seafarers' Identity Documents Convention (Revised), 2003, and entry into force of the proposed amendments to its Annexes, including transitional measures

The Ad Hoc Tripartite Maritime Committee established by the ILO Governing Body pursuant to paragraph 1 of Article 8 of the Seafarers' Identity Documents Convention (Revised), 2003,

Having met in Geneva from 10 to 12 February 2016,

Having considered and adopted proposed amendments to Annex I, Annex II and Annex III of the Convention,

Noting that these proposed amendments are to be submitted to the International Labour Conference for adoption in accordance with paragraph 1 of Article 8 of the Convention,

Noting that the proposed amendments establish that, subject to the overriding requirements of Article 3 of the Convention, the seafarers' identity document shall conform to the mandatory requirements for electronic machine-readable travel document contained in International Civil Aviation Organization (ICAO) Doc 9303 on machine-readable travel documents, Seventh Edition, and as subsequently amended.

Noting also the need to give Members sufficient time to make any necessary revisions of their national seafarers' identity documents and procedures to implement the proposed amendments taking into account their national laws and regulations,

Stressing that the proposed amendments are not intended to affect the validity of any seafarers' identity documents issued under the current provisions of the Convention,

Recommends that, when adopting the proposed amendments to the Annexes of the Convention, the International Labour Conference specify that:

- (a) the amendments will enter into force one year after their adoption by the International Labour Conference in accordance with paragraph 1 of Article 3 and paragraph 1 of Article 8 of the Convention;
- (b) the Members whose ratification of the Convention was registered prior to the date of entry into force referred to in paragraph (a) above may, in accordance with paragraph 2 of Article 8 of the Convention, give written notice to the Director-General within six months of the date of the adoption of the amendments that the amendments shall not enter into force for that Member, or shall only enter into force at a later date upon subsequent written notification, which should not exceed five years from the entry into force of the amendments, allowing the Member to continue to issue seafarers' identity documents in accordance with the Convention prior to the amendment of its Annexes during that period;
- (c) the entry into force of the amendments or the expiry of the previous transitional period does not affect the validity of any seafarers' identity documents issued under the prior provisions. Accordingly, Members should consider that such seafarers' identity documents will continue in force until their expiry date or until the date for the seafarers' identity documents renewal in accordance with Article 3, paragraph 6, of the Convention, if that date is earlier;

- (d) in giving effect to the provisions of the Convention, Members should make appropriate arrangements to promote effective cooperation between all relevant national authorities, including ePassport-issuing and seafarers' identity documents issuing authorities;
- (e) inability to read the seafarers' identity document which has been issued under the Convention, should not be used as the sole reason to refuse a seafarer entry or access to shore leave or transit to or from the ship; and
- (f) in order to facilitate the implementation of the Convention, the International Labour Office should draw the attention of all relevant actors to the need to eliminate any existing barriers to the effective use of the seafarers' identity documents.

Appendix III

Resolution on the facilitation of access to shore leave and transit of seafarers

The Ad Hoc Tripartite Maritime Committee established by the ILO Governing Body pursuant to paragraph 1 of Article 8 of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185),

Having met in Geneva from 10 to 12 February 2016,

Having considered and adopted the proposed amendments to Annexes I, II and III of the Convention,

Recalls that the 91st and 94th (Maritime) Sessions of the International Labour Conference adopted resolutions concerning decent work for seafarers, which noted, *inter alia*, that access to shore facilities, shore leave and facilitation of transit are vital elements of seafarers' general well-being and, therefore, to the realization of decent work for seafarers,

Recalls also that the core mandate of the Organization is to promote decent working and living conditions,

Appreciates the efforts of a number of countries to facilitate access to shore leave and the transit of seafarers across their sovereign borders,

Acknowledges that countries seek to secure their air, land, and sea borders,

Expresses concern at the difficulties that seafarers continue to experience in being able to enjoy shore leave and to transit to and from ships;

Calls for the harmonization of formalities and other procedures facilitating access to shore leave and welfare facilities in ports and the transit of seafarers to and from ships;

Calls upon countries to implement measures to facilitate the transit of seafarers to and from their ships and shore leave; and

Further calls upon the Governing Body of the International Labour Office to request the Director-General to remain seized of this issue, including through engagement with other UN specialized agencies.