

SEXUAL ASSAULT & RAPE ABOARD CRUISE SHIPS

A Comprehensive Legal Guide for Victims, Families, and Practitioners

By Keith S. Brais, Esq.¹, Carra Miller, Esq.² & Karina Miralda, Esq.³

Brais Law Firm | Miami, Florida

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This article is provided for informational and educational purposes only and does not constitute legal advice or create an attorney-client relationship. Every case is factually unique. If you or a loved one has been the victim of a sexual assault or rape aboard a cruise ship, contact a board-certified maritime attorney immediately. Strict time limitations apply.

Introduction: The Reality Behind the Luxury

The glossy brochures promise a seamless escape: pristine pools, sunset dinners, and the freedom of the open sea. What the cruise industry conspicuously omits from its marketing is an inconvenient and disturbing truth: sexual assault and rape are, by a significant margin, the most frequently reported crimes aboard cruise ships sailing to or from the United States.

Staggering Profits, Designed Consumption

Cruise lines operate as highly efficient money-extraction machines. A single ship can generate millions of dollars in revenue per week, with profits reaching hundreds of thousands per day.⁴ Passengers are not just travelers; they are a captive market. Even when cabins are sold cheaply, or

¹Licensed in Florida and Massachusetts; Board Certified – Admiralty & Maritime Law, The Florida Bar.

²Licensed in Texas and Louisiana.

³Licensed in Florida.

⁴See Financial Breakdown of Typical Cruiser, CRUISE MARKET WATCH, <https://cruisemarketwatch.com/financial-breakdown-of-typical-cruiser/> (last visited Apr. 27, 2026).

nearly given away, additional profit comes from onboard spending, where companies “take out every last dollar.”⁵

The result is a business model that thrives on volume and psychological leverage: pack ships beyond capacity, lock passengers into a closed system of spending, and monetize every moment of their experience. Industry-wide profit margins of around 17%, nearly double comparable hotel chains, underscore just how lucrative this system is.⁶

Wealth Without Obligation: The Tax Shell Game

Despite generating billions, major cruise companies contribute almost nothing in U.S. taxes. By registering ships in foreign countries under “flags of convenience,” they legally sidestep corporate tax responsibilities, with Carnival and Royal Caribbean paying a worldwide average tax rate of just 1.3% of their \$17 billion in profits between 2005 and 2012.⁷ Faced with pressure from the U.S. government in 2025, the Cruise Lines International Association (CLIA) claimed it pays approximately \$2.5 billion in U.S. taxes and fees annually.⁸ However, even if that is true, that figure represents only 3% of cruise lines’ estimated 2025 revenue of \$72.5 billion,⁹ well below the statutory federal tax rate of 21%.¹⁰

The flag-of-convenience maneuver does more than reduce taxes; it also allows companies to selectively opt out of labor, safety, and regulatory frameworks. Cruise lines maintain a carefully curated American identity. They are often headquartered in Miami and are heavily marketed to U.S. consumers, while legally existing elsewhere when accountability is inconvenient.

Labor Exploitation as an Intentional Structural Feature

The same legal loopholes that protect profits also enable a labor system that would be untenable under U.S. law. Crew members, often recruited from poorer, less-regulated regions, are subjected to extreme working conditions:

- 10–12-hour shifts, 7 days a week;
- Contracts lasting up to 11 months without a single day off; and

⁵The economics of cruise ships, THE HUSTLE (June 24, 2024), <http://thehustle.co/the-economics-of-cruise-ships>.

⁶*Id.*

⁷26 U.S.C. § 883(a)(1); Rockefeller Introduces Tax Bills to Make Sure Cruise Lines Are Paying Their Fair Share, U.S. SEN. COMM. COMMERCE, SCI. & TRANSP. (Aug. 1, 2013), <https://www.commerce.senate.gov/press/dem/release/rockefeller-introduces-tax-bills-to-make-sure-cruise-lines-are-paying-their-fair-share-2013-8/> (bill not enacted).

⁸Trump's commerce secretary says cruise lines will pay more in taxes, TRAVEL WEEKLY (Feb. 20, 2025), <https://www.travelweekly.com/Cruise-Travel/Trump-commerce-secretary-says-cruise-lines-will-pay-more-in-taxes>.

⁹Market Share, CRUISE MKT. WATCH, <https://cruisemarketwatch.com/market-share/> (last visited Apr. 27, 2026).

¹⁰26 U.S.C. § 11.

- Pay as low as \$1.62 per hour.¹¹

Workers injured on the job can be swiftly replaced, described inhumanly as “fungible goods.”¹² This is not incidental exploitation: it is embedded in the economic logic of the industry. By operating outside strong labor protections, cruise companies convert human endurance directly into shareholder returns.

A System that Externalizes Risk, Including to Victims

Cruise lines operate in a legal gray zone with limited oversight. By choosing flag-of-convenience jurisdictions with weaker regulatory frameworks, companies reduce not only labor accountability but also safety and legal transparency.

This matters profoundly for victims of crimes, including sexual assault, because jurisdictional ambiguity at sea can complicate reporting, investigation, and prosecution. When ships are governed by foreign flags and inconsistent legal standards, accountability becomes diffuse, and victims can face systemic barriers to justice. The same structural loopholes that enable tax avoidance and labor exploitation also shape how onboard incidents are handled.

Sexual Assault and the Cruise Industry’s Engineered Lack of Accountability

According to federal data compiled and published by the U.S. Department of Transportation (DOT) under the Cruise Vessel Security and Safety Act (CVSSA), sexual assault consistently accounts for the overwhelming majority of all cruise ship incidents reported to federal authorities each year.¹³ In 2025 alone, with an estimated 18.6 million passengers sailing from North America,¹⁴ the industry reported only 131 incidents to the Federal Bureau of Investigation (FBI),¹⁵ a figure that maritime law practitioners, criminologists, and victim advocates universally regard as a dramatic undercount of reality.

Public Cost to U.S. Taxpayers, Private Gain for Cruise Lines

¹¹The economics of cruise ships, THE HUSTLE (June 24, 2024), <http://thehustle.co/the-economics-of-cruise-ships>; Frequently asked questions about how COVID-19 is impacting seafarers, INT’L MARITIME ORG., <https://www.imo.org/en/mediacentre/hottopics/pages/faq-on-crew-changes-and-repatriation-ofseafarers.aspx> (last visited Apr. 27, 2026).

¹²The economics of cruise ships, THE HUSTLE (June 24, 2024), <http://thehustle.co/the-economics-of-cruise-ships>.

¹³Cruise Line Incident Reports, U.S. DEP’T OF TRANSP., <https://www.transportation.gov/mission/safety/cruise-line-incident-reports> (last updated Apr. 21, 2026).

¹⁴Growth, CRUISE MKT. WATCH, <https://cruisemarketwatch.com/growth/> (last visited Apr. 27, 2026).

¹⁵Cruise Line Incident Reports, U.S. DEP’T OF TRANSP., <https://www.transportation.gov/mission/safety/cruise-line-incident-reports> (last updated Apr. 21, 2026).

Even as cruise lines minimize their obligations, they rely heavily on public resources. U.S. taxpayer-funded agencies, like the U.S. Coast Guard, regularly conduct rescues and emergency responses costing hundreds of thousands to millions of dollars per incident.

For example, the U.S. Coast Guard and U.S. Navy estimated costs to them of responding to a 2010 incident involving the CARNIVAL SPLENDOR as \$1,541,904.53 and \$1,884,376.75, respectively.¹⁶ In responding to a 2013 incident involving the CARNIVAL TRIUMPH, the Coast Guard estimated its costs of response at \$779,914.26.¹⁷ There is no mechanism in the law for the government to recover those costs from cruise lines; instead, they are ultimately borne by U.S. taxpayers.¹⁸ Yet these same companies have historically lobbied for government assistance during downturns, despite their minimal tax contributions.

The Contradiction at the Center of the Industry

Taken together, the cruise industry embodies a stark contradiction:

- It generates enormous private wealth;
- It minimizes public contribution;
- It relies on underpaid, overworked labor; and
- It operates in legal environments that can weaken protections for passengers and victims.

What emerges is not just a profitable sector for those at the top, but also a system optimized to capture maximum value while shedding as much responsibility as possible. It is, effectively, a floating economy where the burdens fall downward on workers, victims, and taxpayers while the rewards rise sharply upward.

Justice for Victims Through Experienced Maritime Counsel

The legal terrain governing these crimes is uniquely complex: a confluence of federal criminal statutes, General Maritime Law, international jurisdictional principles, and a regulatory framework that, despite its laudable intent, leaves vast categories of victims without protection, reporting, or recourse. This article provides a thorough, practitioner-level analysis of the law as it currently stands, the legal theories available to victims, and the critical gaps in the CVSSA that the general public, and even many attorneys, do not fully recognize.

¹⁶Ltr. from Sen. John D. Rockefeller IV to Micky Arison, p. 3, dated Mar. 14, 2013, U.S. SEN. COMM. COMMERCE, SCI. & TRANSP., available at <https://www.commerce.senate.gov/wp-content/uploads/media/doc/20130314%20Carnival%20letter.pdf>.

¹⁷Id.

¹⁸Id.

Section I: The Cruise Vessel Security and Safety Act of 2010

Legislative History and Congressional Findings

The Cruise Vessel Security and Safety Act of 2010, Pub. L. 111-207, signed into law on July 27, 2010, and codified primarily at 46 U.S.C. §§ 3507 and 3508, represents the first, and to date, only, comprehensive federal legislative attempt to impose mandatory safety, security, and crime-reporting obligations upon the cruise industry. Prior to its enactment, cruise lines operating under foreign flags of convenience (e.g., Liberia, the Bahamas, Panama, Malta) could, and routinely did, treat crimes aboard their vessels as internal matters, with no federal obligation to report crimes to the FBI or any other American law enforcement authority.

The Road to Enactment: A Decade of Congressional Failure and Advocacy

The CVSSA did not emerge from thin air. It was the product of more than five years of sustained advocacy by crime victims and their families, multiple rounds of congressional hearings, and a slow, grinding campaign against the cruise industry, which brought formidable political and financial resources to bear against any meaningful regulation. The legislation was passed after five separate congressional hearings between 2005 and 2008, achieved final passage with only four dissenting votes in all of Congress, and nonetheless required nearly a full additional year of Senate procedural maneuvering before it was finally signed into law.

The principal catalyst was the 2005 disappearance of George Smith IV, a 26-year-old Connecticut man who vanished from a Royal Caribbean cruise ship during his honeymoon in the Mediterranean. Smith's family, in their subsequent civil claims against Royal Caribbean, became among the most visible advocates for congressional action. Their public testimony, combined with growing media attention to the systematic underreporting of crimes aboard cruise ships, galvanized what had previously been a stalled reform effort. The International Cruise Victims Association (ICV), a grassroots organization founded in 2006 by families of cruise ship crime victims, played the decisive organizational role in sustaining the legislative push through successive sessions of Congress.

In January 2007, the Los Angeles Times published an investigative report¹⁹ revealing that Royal Caribbean Cruises had reported more than 66 sexual assault incidents aboard its ships over a 32-month period, but in litigation was forced to turn over evidence that at least 273 people told Royal Caribbean that they had been victims of sexual assault, battery, harassment, and inappropriate

¹⁹Cruise industry's dark waters, LOS ANGELES TIMES (Jan. 20, 2007), <https://www.latimes.com/archives/la-xpm-2007-jan-20-fi-cruise20-story.html>.

touching during a shorter time period. That disclosure stunned the public and Congress alike and triggered a new round of hearings before the House Transportation and Infrastructure Committee.

Thereafter, FBI officials confirmed that 46 percent of the suspects in cruise ship sexual assault cases reported to the Bureau were employees of the cruise line itself.²⁰ More recently, the New York Times found just 13 prosecutions and 7 convictions of sexual assaults occurring aboard cruise ships from 2015 to 2025,²¹ a prosecution rate so low as to constitute, in practical effect, near-total criminal impunity for perpetrators.

The cruise industry, represented at each hearing by the Cruise Lines International Association (CLIA), did not sit passively. CLIA representatives argued that cruise ships were already safe, safer in fact than comparable land-based environments. To support this claim, CLIA employed a statistical methodology that the FBI and independent researchers would subsequently expose as deliberately misleading: the industry calculated crime rates by dividing the number of reported incidents by the total annual number of passenger embarkations (then approximately 12 million per year) rather than by the average number of passengers aboard at any given time. Because annual throughput vastly exceeds the standing shipboard population on any single day, this methodology produced a per-passenger rate that appeared trivially small, a manipulation that CLIA deployed throughout the congressional process to argue against mandatory reporting.

The CLIA Statistical Manipulation: How the Industry Misled Congress and the Public

If 12 million passengers embark in a year and 300 sexual assaults are reported, CLIA's method produces a rate of 0.0025%, a number that sounds negligible. But a cruise ship carrying 2,000 passengers at any given moment, with 300 assaults per year across the industry, produces a per-capita rate orders of magnitude higher, one that, on some cruise lines, exceeds the reported sexual assault rate in 27 U.S. states. As various maritime attorneys and congressional witnesses testified before Congress: "The media falls into the cruise line trap. That's not the way you look at crime statistics at all." Independent academics reached the same conclusion.

A 2013 Senate Commerce Committee Staff Report prepared for Chairman John D. Rockefeller delivered perhaps the most damning statistical revelation of the entire legislative history²²: since 2011, cruise lines had reported 130 alleged crimes to the FBI, while only 31 alleged crimes were publicly disclosed. The public, relying on the CVSSA's public database, was being shown far fewer

²⁰Testimony, F. BUREAU INVESTIG. (Mar. 27, 2007), <https://archives.fbi.gov/archives/news/testimony/crimes-against-americans-on-cruise-ships>.

²¹For Victims of Sexual Assault on Cruise Ships, Justice Can Be Elusive, NEW YORK TIMES (Nov. 19, 2025), <https://www.nytimes.com/2025/11/19/travel/cruise-lines-sexual-assault.html>.

²²Rockefeller Releases Cruise Crime Report that Shows Gaps in Accessibility of Safety Data, U.S. SEN. COMM. ON COMMERCE, SCI. & TRANSP. (July 25, 2013), <https://www.commerce.senate.gov/press/dem/release/rockefeller-releases-cruise-crime-report-that-shows-gaps-in-accessibility-of-safety-data-2013-7/>.

crimes than were actually reported to federal law enforcement. Despite the passage of the CVSSA, the gap between reality and public disclosure remained vast and largely hidden.

What Congress Formally Found

The specific congressional findings codified in Pub. L. 111-207, § 2 (July 27, 2010) capture the legislative consensus with precision:

- Approximately 12 million passengers vacationed on cruise vessels in 2007 alone, in an environment they had an “inadequate appreciation” of for its vulnerability to crime;
- Sexual violence, disappearances, and other serious crimes had occurred during luxury cruises on a repeated basis;
- Sexual assault and physical assault were the leading crimes investigated by the FBI with respect to cruise vessel incidents over the preceding five years;
- Victims lacked the information they needed “to understand their legal rights or to know whom to contact for help in the immediate aftermath of the crime”;
- Because of the absence of mandatory reporting requirements, “[o]btaining reliable crime-related cruise data from governmental sources can be difficult” because multiple countries may be involved when a crime occurs on the high seas; and
- There were no Federal statutes or regulations, prior to the CVSSA, that explicitly required foreign-flagged cruise lines to report all serious crimes against U.S. passengers to U.S. government officials.

The Scholarly Record: What Independent Research Confirms

The congressional findings were not made in an evidentiary vacuum. Academic researchers had, by 2010, begun producing peer-reviewed scholarship that independently confirmed and quantified what victims and advocates had long been asserting: that cruise ships were not the uniquely safe environments their marketing portrayed them to be.

Foremost among these researchers is Dr. Ross A. Klein, Ph.D., Professor of Social Work at Memorial University of Newfoundland, St. John’s, Canada, and Professor in the Tourism Program at the Grenfell Campus of the same institution. Dr. Klein earned his B.S. in Sociology and Social Work from Arizona State University, his M.S.W. from the University of Maryland, and his Ph.D. from Syracuse University in 1982. He has testified three times before the U.S. Senate and once before the U.S. House of Representatives on cruise ship crime and safety, has served as an expert witness in civil litigation against cruise lines involving sexual assault and people lost overboard, and is the author of four books on the cruise industry: *CRUISE SHIP BLUES: THE UNDERSIDE OF THE CRUISE INDUSTRY* (New Society Publishers, 2002); *CRUISE SHIP SQUEEZE: THE NEW PIRATES OF THE SEVEN SEAS* (New Society Publishers, 2005); *PARADISE LOST AT SEA: RETHINKING CRUISE VACATIONS* (Fernwood Books, 2008); and *DEATH BY CHOCOLATE: WHAT YOU MUST*

KNOW BEFORE TAKING A CRUISE (Breakwater Books, 2001). He maintains the public database at cruisejunkie.com, which has tracked cruise ship safety incidents, illness outbreaks, and crime statistics for more than two decades.

Key Scholarly Finding: Cruise Ships Are NOT Safer Than Land Environments

“Incidents of sexual assault and sexual victimization are significantly more common on cruise ships than on land. Analysis of data from three major cruise lines, comprising more than 50% of the North American-based cruise industry reveals that perpetrators are most often male crew members, victims are most often female passengers (over 17.5% younger than age 18).” Klein, R.A. & Poulston, J., Sex at Sea: Sexual Crimes Aboard Cruise Ships, 7 TOURISM IN MARINE ENVIRONMENTS 67 (2011).

In 2016, Dr. Klein followed this foundational study with *Crime at Sea: A Comparison of Crime on Carnival Cruise Lines, 2007–2011*, published in *CRUISE BUSINESS DEVELOPMENT: SAFETY, DESIGN AND HUMAN CAPITAL* (Springer, 2016), pp. 17–28. That study confirmed that the rate of sexual assaults on Carnival ships exceeded comparable land-based rates and had not appreciably improved over the period studied. In 2012, Dr. Klein published *Sexual Crimes on Cruise Ships: A Historical Perspective on Security Issues for Passengers and Crew*, providing a comprehensive account of the political and social processes through which the cruise industry shaped, and suppressed, public discourse on shipboard sexual assault.

Perhaps most striking is Dr. Klein’s per-capita analysis of the 2023 DOT data, reported in the *Miami New Times* in early 2024.²³ Calculated on the basis of the standing shipboard population, the average number of passengers aboard Carnival’s fleet at any given time rather than annual throughput, Dr. Klein estimated Carnival Cruise Line’s adjusted sexual assault rate at approximately 42 incidents per 100,000 passengers. That rate exceeds the reported sexual assault rate in 27 U.S. states, including New York, Florida, and California. Dr. Klein has also stated in published interviews that on some cruise lines, passengers are approximately 50 percent more likely to be sexually assaulted than in comparable land-based environments in Canada, and that approximately one-third of cruise ship sexual assault victims are minors.

The industry’s response to these scholarly findings has been consistent: CLIA continues to assert, as recently as May 2025, without independent verification, that cruise ships have “rates of serious crimes that are exceedingly lower than those on land.”²⁴ Carnival Cruise Lines and Royal Caribbean

²³New Report Highlights Spike in Sexual Assault Cases Aboard Cruise Ships, *MIAMI NEW TIMES* (Jan. 19, 2024), <https://www.miaminewtimes.com/news/cruise-ship-sexual-assault-cases-on-the-rise-report-shows-18774566/>.

²⁴Does the Cruise Industry Have a Crime Problem? Here Are the Facts, *TRAVEL PULSE* (May 26, 2025), <https://www.travelpulse.com/news/cruise/cruise-industry-crime-facts-data-what-you-need-to-know>.

have resorted to measuring the number of sexual assaults against the total number of passengers carried. This produces a rate per 100,000 passengers, but the rate is meaningless in comparison to the FBI's Uniform Crime Reporting Program. The method was rejected by the cruise industry's expert who testified before Congress in March 2006; the testimony was provided in response to a request by Congress for the cruise industry to present reliable statistics of crime onboard CLIA-covered ships. The new claim, which makes sexual assaults appear statistically insignificant, is perpetuated through cruise line marketing materials, is contradicted by peer-reviewed research, independent statistical analysis, and the plain weight of the evidence compiled in congressional hearings spanning more than a decade. It is, in the judgment of maritime practitioners who have litigated these cases for decades, the most consequential ongoing misrepresentation in the cruise industry's public communications.

Who Is Covered by the CVSSA?

The CVSSA applies to passenger vessels that:

- Are capable of carrying 250 or more passengers;
- Have sleeping facilities for each passenger; and
- Embark or disembark passengers at a U.S. port.

This captures virtually all major ocean-going cruise ships calling on American ports, regardless of where the vessel is flagged, where it is owned, or what nationality the passengers or crew are.

Key CVSSA Mandates Relating to Sexual Assault

1. Security Infrastructure Requirements

Under 46 U.S.C. § 3507(b), cruise vessels must be designed and equipped with comprehensive video surveillance systems in public areas to monitor criminal activity, deter crimes, and preserve evidence. All footage must be maintained and made available to law enforcement upon request. Following amendments under the Elijah E. Cummings Coast Guard Authorization Act of 2020, cruise lines were also required to conduct formal risk assessments on the placement of surveillance equipment to maximize the deterrence and documentation of sexual assaults.

Physical security requirements include peepholes or other visual identification means on all stateroom and crew cabin doors, security latches, and time-sensitive electronic key technology. Acoustic hailing devices sufficient for communication around the entire vessel when operating in high-risk areas are also required.

2. Security Guide: Passenger Rights to Information

Under § 3507(c), each passenger must be provided access to a security guide that identifies onboard personnel designated to prevent and respond to criminal and medical situations, describes applicable criminal law procedures, and provides contact information for appropriate law enforcement. Cruise lines must also post the locations of the U.S. Embassy and consulates for each country on the vessel's itinerary.

3. Medical and Forensic Requirements for Sexual Assault Victims

This is among the most important provisions for victims and practitioners. Section 3507(d) of the CVSSA mandates that cruise line owners maintain aboard each vessel:

- Rape kits: adequate materials and equipment for performing a full forensic sexual assault examination;
- Medications designed to prevent sexually transmitted diseases, including supplies of anti-retroviral medications;
- Qualified medical personnel: The licensed physician or registered nurse must have completed credentialing meeting the guidelines of the American College of Emergency Physicians (ACEP) related to the treatment and care of victims of sexual assault.

Medical staff are required to prepare and provide the victim with medical documentation of the examination and findings, and must make available to the victim, immediately and free of charge, access to local law enforcement, the nearest U.S. Embassy or Consulate, the U.S. Coast Guard, the FBI, and the National Sexual Assault Hotline, through internet-accessible computer terminals and telephone lines.

Practitioner's Note: Confidentiality as a Defense Weapon

The confidentiality mandate of § 3507(e) is frequently weaponized by cruise line defense counsel who attempt to use it to block or delay the victim's own attorney from obtaining medical records. The statute protects the patient's rights. It does not protect the cruise line from disclosure to a patient's own attorney. Practitioners should obtain a specific, written, HIPAA-compliant authorization from the client at the outset of representation and demand all shipboard medical records promptly.

4. Victim Confidentiality Protections

Section 3507(e) of the CVSSA imposes a strict confidentiality mandate: all information concerning a sexual assault examination is confidential and may not be released to the cruise line, its owner, or any of its legal representatives without the prior written approval of the patient or, if incapacitated, the patient's next of kin. Exceptions allow disclosure to law enforcement performing official investigative duties, for non-medical information necessary to comply with incident reporting requirements, or where necessary to maintain the safety of crew or other passengers.

5. Crew Access Restrictions

Section 3507(f) of the CVSSA requires cruise lines to impose limitations on which crew members may access passenger cabins and during what time periods. Cruise lines must implement specific procedures and restrictions governing crew access to passenger staterooms, a requirement that cruise lines have historically interpreted as loosely as possible and which provides a fertile area of inquiry for plaintiffs' attorneys in discovery.

6. Crime Logbook and Reporting Requirements

Cruise lines are required to maintain a centralized crime complaint logbook recording all complaints of crimes and theft of property exceeding \$1,000 pursuant to section 3507(g) of the CVSSA. For serious violations, including any offense to which 18 U.S.C. §§ 2241 (aggravated sexual abuse), 2242 (sexual abuse), 2243 (sexual abuse of a minor or ward), 2244(a) (abusive sexual contact), or 2244(c) (sexual contact involving young children) applies, the vessel owner/operator must:

- Contact the nearest FBI field office or legal attaché as soon as practicable after a reportable crime occurs;
- File an internet-based crime report through a portal designated by the Secretary of Transportation; and
- Report those crimes in a publicly accessible online DOT database.

Under amendments enacted as part of the Howard Coble Coast Guard and Maritime Transportation Act of 2014 and other legal framework, the reporting obligations were significantly expanded: cruise lines must now identify each crime or alleged crime committed aboard the vessel, and mandatory reporting also requires notification to the FBI as soon as possible after a crime report in certain circumstances.

Section II: CVSSA Penalties, Enforcement, and the Civil Remedy Question

Statutory Penalties for CVSSA Violations

The CVSSA carries meaningful penalties under 46 U.S.C. § 3507(h):

- Civil Penalties: \$25,000 per day for each day a violation continues, with a cap on continuing violations of \$50,000;
- Criminal Penalties: For willful violations, fines up to \$250,000 and/or up to one year in federal prison; and

- Port Clearance Denial: Authority to deny port clearance to non-compliant vessels, a sanction with enormous financial consequences for any major cruise line.

No Private Right of Action: A Critical Distinction

The CVSSA Does Not Create a Private Right of Action

A victim of sexual assault aboard a cruise ship cannot directly sue a cruise line for a “CVSSA violation” and recover civil damages on that basis alone. Enforcement of the CVSSA’s penalty provisions lies exclusively with the federal government, primarily the DOJ and the U.S. Coast Guard. The government keeps recovered penalties for itself.

This is among the most consequential, and least understood, aspects of the Act. This point is critically important: a victim’s civil remedies are not extinguished. Victims retain substantial civil tort claims under General Maritime Law, and the cruise line’s violation of a CVSSA mandate is highly relevant as:

- Evidence of negligence per se or at minimum evidence of breach of the duty of care owed to the passenger;
- A foundation for punitive damages where the violation demonstrates conscious indifference to passenger safety; and
- A basis for spoliation arguments where the cruise line’s failure to preserve video surveillance footage results in the loss of critical evidence.

In summary: the CVSSA creates the regulatory floor. General Maritime Law, which can be asserted by cruise passengers or crew members through their lawyers, provides the runway for civil recovery.

Section III: Categories of Sexual Assault Aboard Cruise Ships

Sexual assaults and rapes aboard cruise ships do not fit a single pattern. They arise from distinct fact patterns, involve different legal relationships between the parties, and trigger fundamentally different legal theories of recovery. For purposes of legal analysis, there are three principal categories:

Category A: Crew Member Sexual Assault of a Passenger

This is the most commonly litigated category and, from a legal standpoint, the most plaintiff-favorable. Cruise line employees, including cabin stewards, waitstaff, entertainers, bartenders, spa technicians, shore excursion staff, security personnel, and others, have extensive, intimate, and often unsupervised access to passengers. The power differential between a crew member in a position of service and a passenger in a foreign environment creates conditions ripe for exploitation.

Over a nine-month period between 2024 and 2025, Brais Law Firm recovered more than \$65 million for crimes perpetrated upon shipboard cruise passengers. This significant achievement of justice speaks directly to the magnitude of these claims and the accountability that can be imposed on cruise lines.

Category B: Passenger-on-Passenger Sexual Assault

Cruise ships carry thousands of passengers in a closed, alcohol-saturated environment. Passenger-on-passenger sexual assaults occur with disturbing regularity, in passenger cabins, stairwells, near pool areas, in bars, and in other remote areas of large vessels. The legal theories available in these cases are more nuanced, as the notice requirement becomes central to establishing liability and recovery.

Category C: Crew Member Sexual Assault of Another Crew Member

This underreported category receives almost no public attention. Cruise ship crew members, who frequently represent dozens of different nationalities, work in hierarchical and isolated conditions, and have little practical ability to leave the vessel or access outside help, are vulnerable to sexual assault by supervisors, fellow crew members, and officers. Crew-on-crew sexual assaults implicate both the Jones Act and General Maritime Law principles of unseaworthiness. It can hardly be said that a crew member who sexually assaults a fellow crew member can be considered “reasonably fit” for his or her intended purpose aboard the vessel.

Section IV: Practitioner’s Guide: Prima Facie Elements by Category

A. Crew-on-Passenger: Strict Liability

Under well-settled General Maritime Law, as interpreted and applied in the Southern District of Florida, the federal forum in which virtually all major cruise line cases are litigated, a cruise line is strictly liable for a sexual assault committed upon a passenger by a member of its crew. This principle

is illustrated in *Doe v. NCL (Bahamas) Ltd.*, No. 11-22230-Civ-COOKE/TURNOFF, 2012 U.S. Dist. LEXIS 162654 (S.D. Fla. 2012), a case handled by Brais Law Firm. The case represents the first decision in which a judge in the Southern District of Florida denied a cruise line's motion for summary judgment by recognizing a cruise line's duty to warn passengers of the risk of shipboard sexual assault and rape. Following this watershed ruling in the victim's favor, the case was resolved positively for the client shortly thereafter. Practitioners should cite this decision in any case where a cruise line attempts to argue that no duty to warn exists, including the argument that the risk of being sexually assaulted or raped exists everywhere and therefore no cruise-specific duty to warn arises.

Landmark Case: *Doe v. NCL (Bahamas) Ltd.*, No. 11-22230-Civ-COOKE/TURNOFF, 2012 U.S. Dist. LEXIS 162654 (S.D. Fla. 2012)

In this pivotal decision handled by Brais Law Firm, the Federal Court for the Southern District of Florida for the first time recognized a cruise line's affirmative duty to warn passengers of the risk of shipboard sexual assaults and rapes. The court denied NCL's motion for summary judgment, allowing the victim's claim to continue through the litigation process, a ruling that fundamentally altered how cruise lines must confront their disclosure obligations to the traveling public. Following this landmark ruling in the victim's favor, the case was resolved positively for the client shortly thereafter. This decision remains the seminal reported precedent on a cruise line's duty to warn, and practitioners should cite it in any case where a cruise line attempts to argue that no such duty exists.

What a Practitioner Must Establish for Strict Liability (Crew-on-Passenger):

- Status of Victim: The plaintiff was a passenger aboard the vessel, i.e., held a ticket contract with the cruise line;
- Status of Perpetrator: The perpetrator was a crew member or employee of the cruise line at the time of the assault;
- The Act: The sexual assault or rape occurred, i.e., non-consensual sexual contact or penetration was committed; and
- Causation and Damages: The plaintiff suffered damages, including physical injury, emotional distress, PTSD, lost wages, medical expenses, and/or loss of enjoyment of life, caused by the assault.

Critical note: Consent is a factual defense that the defendant bears the burden of establishing at trial. A passenger's intoxication does not bar recovery, particularly when the cruise line's own beverage operation contributed to that state and where the cruise line's employees owed a duty to intervene when a passenger by all objective indicators appeared intoxicated from overservice.

Practitioners should simultaneously plead and develop evidence of negligent hiring, negligent retention, and negligent supervision of the perpetrator leading up to the sexual assault or rape.

Discovery should specifically target pre-employment background check procedures, any prior complaints of inappropriate conduct on any vessel with common ownership, the cruise line's use of shared industry databases of crew complaints, and the crew member's complete personnel file.

B. Passenger-on-Passenger: Negligence and the Notice Requirement

When the perpetrator is a fellow passenger, strict liability does not apply. Instead, the duty is reasonable care under the circumstances. The analysis shifts to negligence under General Maritime Law and specifically the question of notice. The victim in such cases must establish that the cruise line either knew or should have known that the assailant, through previous "Red Flag" conduct, represented a risk of harm to fellow passengers, and that the cruise line failed to protect or intervene in the exercise of reasonable care. See, e.g., *Keefe v. Bahama Cruise Line, Inc.*, 867 F.2d 1318 (11th Cir. 1989).

What a Practitioner Must Establish (Passenger-on-Passenger):

- **Duty:** The cruise line owed the plaintiff a duty of reasonable care to the passenger;
- **Breach:** The cruise line breached that duty by failing to take reasonable measures to prevent the assault or respond to warning signs;
- **Notice, Actual or Constructive:** The plaintiff must prove either actual notice (prior complaints about the same passenger, prior incidents reported to security, the assailant's observable conduct) or constructive notice (foreseeable risk of assault under the specific circumstances, such as inadequate surveillance in known high-risk areas);
- **Causation:** The cruise line's breach was the proximate cause of the plaintiff's assault and resulting damages; and
- **Damages:** Physical or emotional injury, as above.

The Notice Problem: Discovery Strategy

The notice requirement in passenger-on-passenger cases is the single most significant obstacle to recovery. Practitioners must conduct aggressive discovery on the following:

- **Prior complaint logs:** The CVSSA's logbook requirements make these discoverable from day one;
- **History of similar incidents in the same area or type of venue across the fleet over a multi-year period;**
- **Alcohol service records:** Evidence of the assailant's alcohol consumption and the cruise line's role in facilitating it;
- **Security protocols and personnel deployment in the area where the assault occurred; and**

- All security incident reports, crew radio logs, and communications between security staff on the day and night in question.

The Alcohol Over-Service Theory

Cruise lines generate enormous revenue from onboard alcohol sales, particularly through unlimited drink packages. Where a passenger-on-passenger assault is alcohol-facilitated and the cruise line's beverage staff continued serving an obviously intoxicated patron, a separate theory of maritime negligence may be available, premised on the cruise line's breach of its duty of reasonable care in the sale or service of alcohol to a visibly intoxicated person. This is not a traditional dram shop claim but rather a maritime negligence theory grounded in the cruise line's creation of a dangerous condition.

C. Crew-on-Crew Sexual Assault: Unseaworthiness, Jones Act, and the Arbitration Battle

Theory 1: Unseaworthiness Under General Maritime Law

The doctrine of unseaworthiness provides that a vessel owner owes an absolute duty (strict liability) to provide a seaworthy ship, one that is reasonably fit for its intended purpose in all its appurtenances, gear, and crew. A crew member who commits a sexual assault upon a fellow crew member is, by the very nature of that act, not reasonably fit for his or her intended purpose aboard the vessel, rendering the vessel unseaworthy in the classic sense articulated by the Supreme Court of the United States in *Mitchell v. Trawler Racer, Inc.*, 362 U.S. 539 (1960).

The critical advantage of unseaworthiness: unlike negligence claims, unseaworthiness does not require the plaintiff to prove that the vessel owner had prior knowledge of the crew member's propensity for assault. The commission of the assault itself establishes the unseaworthy condition.

Elements: Unseaworthiness (Crew Victim):

- Seaman Status: The plaintiff was a Jones Act seaman permanently assigned to a vessel or identifiable fleet;
- Unseaworthy Condition: The perpetrating crew member was not reasonably fit for duties; the commission of a sexual assault is itself evidence of this unfitness;
- Causation: The unseaworthy condition was a proximate cause of the plaintiff's injuries; and
- Damages: Physical injury, emotional distress, PTSD, medical expenses, lost wages, and loss of future earning capacity.

Theory 2: Jones Act Negligence (46 U.S.C. § 30104)

Under the Jones Act's extremely plaintiff-favorable "featherweight" causation standard, a seaman need only prove that the employer's negligence played any part, however slight, in producing the

injury. Elements include seaman status, employer negligence (negligent hiring, retention, supervision, or failure to provide a safe workplace), causation under the featherweight standard, and full damages including maintenance and cure.

Maintenance and Cure: Any seaman who suffers injury, including psychological injury from sexual assault, is entitled to maintenance and cure from the vessel owner, regardless of fault. Willful and wanton failure to pay maintenance and cure timely and in full entitles the seaman to punitive damages under *Atlantic Sounding Co. v. Townsend*, 557 U.S. 404 (2009).

The Arbitration Clause Battle: A Shifting Legal Landscape

For years, cruise lines have embedded mandatory arbitration clauses in crew employment contracts, effectively forcing sexually assaulted crew members into private arbitration proceedings rather than federal court. The advantages to the cruise line are profound: no jury trial, severe limitations on discovery (including access to prior complaints and incident history), no public record, no binding legal precedent, and arbitrators who may be predisposed toward repeat-client cruise lines if an award is substantially less than a cruise line might otherwise have expected a civil jury to impose.

However, the legal landscape shifted dramatically in March 2022 when President Biden signed the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021 (EFAA), 9 U.S.C. §§ 401-02, which prohibits employers from forcing arbitration for sexual assault and sexual harassment claims, allowing those who make such allegations to file lawsuits in court and speak publicly about their experiences.

Landmark Ruling: Cruise Line Cannot Force Arbitration of Crew Sexual Assault Claim

In 2025, a federal judge in the Southern District of Florida denied Celebrity Cruises' motion to compel arbitration of a crew member sexual assault claim arising from a rape aboard the Celebrity Edge in October 2023. The court rejected Celebrity's argument that the EFAA only applied to "claims brought under statutes that explicitly prohibit sexual assault," holding that all the plaintiff needed was to bring a claim under federal law that 'relates to a sexual assault dispute', which she did. The EFAA's protection applies regardless of whether the underlying legal theory is statutory or grounded in maritime common law. Jane Doe (J.K.) v. Celebrity Cruises, Inc., No. 25-CV-21035-RAR (S.D. Fla. Jul. 25, 2025) (slip op.) (Order Denying Motion to Compel Arbitration).

This ruling represents a major breakthrough for crew member victims. Courts increasingly reject arbitration clauses in crew-on-crew sexual assault cases, recognizing that such claims fall outside the scope of ordinary employment disputes to which arbitration is suited. The EFAA expressly permits victims to invalidate pre-dispute arbitration agreements.

Practitioners representing crew member sexual assault victims should:

- Immediately assess whether any arbitration clause in the employment contract can be voided under the EFAA;
- File in federal court and oppose any motion to compel arbitration by invoking the EFAA’s plain language (section 402: “no predispute arbitration agreement or predispute joint-action waiver shall be valid or enforceable with respect to a case which is filed under Federal, Tribal, or State law and relates to the sexual assault dispute or the sexual harassment dispute”);
- Argue that even absent the EFAA, General Maritime Law independently prohibits contractual limitations on a seaman’s right to bring personal injury claims to court, citing the historical protection of seamen as “wards of the admiralty.”

D. Sexual Assault of Minor Passengers: Enhanced Duty and Strict Standards

Sexual assault of a minor aboard a cruise ship, whether by a crew member or passenger, triggers an additional and distinct legal framework. The CVSSA’s reporting requirements specifically cross-reference 18 U.S.C. §§ 2241-2244 governing sexual abuse of minors, and the FBI has jurisdiction to investigate and prosecute these offenses where U.S. nexus exists. Courts have consistently recognized that minors aboard cruise ships are owed an enhanced duty of care by the carrier.

Where the perpetrator is a cruise line employee and the victim is a minor, strict liability applies with full force. Statute of limitations note: while most cruise line ticket contracts impose a one-year limitations period, claims involving minor victims are subject to tolling, providing additional time to bring suit, but not indefinite time. However, notice provisions may not be tolled in the same manner and counsel should not assume unlimited protection.

Section V: Sexual Assault and Rape of Minor Children Aboard Cruise Ships: The Kids’ Club Setting and the Law of Consent

One of the most disturbing, and most legally consequential, categories of cruise ship sexual assault involves the molestation, sexual abuse, and rape of minor children. These crimes occur in two primary settings: assault by a crew member upon a minor passenger, and assault by a significantly older child upon a much younger child, almost invariably in the context of participation in the cruise line’s onboard children’s programs. Both settings give rise to serious civil liability for the cruise line. Both involve a legal framework where the availability of “consent” as a defense is sharply circumscribed, or entirely eliminated, by federal law.

A. The Kids' Club Setting: A Special Duty Voluntarily Assumed

Virtually every major cruise line markets a shipboard childcare or children's activity program under various branded names, including kids' clubs, teen lounges, youth programs, and similar offerings. These programs are actively promoted to families as a selling point: parents are assured that their children will be in the care of trained, supervised, professional childcare workers while the parents enjoy other shipboard amenities. Children enrolled in these programs may range from toddlers to teenagers.

This marketing commitment carries profound legal consequences. Under the doctrine of voluntary undertaking of a duty in General Maritime Law, a cruise line that affirmatively undertakes the supervision and care of a child, through enrollment in a kids' club, youth camp, or similar program, assumes an affirmative duty of care with respect to that child's safety that goes beyond the ordinary reasonable-care standard owed to adult passengers. As Brais Law Firm has argued and courts have recognized, when a cruise line represents to parents that its children's facilities are safe and professionally supervised, it voluntarily undertakes a duty of supervision that is actionable if breached.

The Voluntary Undertaking Doctrine: A Critical Distinction for Kids' Club Cases

Unlike passenger-on-passenger assault cases involving adults, where the plaintiff must prove that the cruise line had prior notice of the specific danger posed by the assailant, a cruise line that enrolls children in a supervised youth program and then fails to actually supervise them may be liable for resulting harm under the voluntary undertaking doctrine, even without proof of prior notice of a specific perpetrator's propensity. The cruise line's own marketing representations establish the duty. Its failure to exercise reasonable care in fulfilling that duty establishes the breach.

B. Crew Member Upon Minor Child: Strict Liability Applies

Where the perpetrator is a crew member, including a youth program staff member, a teen club coordinator, a childcare worker, or any other cruise line employee, and the victim is a minor passenger, the same strict liability doctrine that governs crew-on-adult-passenger assaults applies with full force. The cruise line is liable without proof that it knew or should have known of the crew member's propensity for the conduct. The assault occurring establishes liability. What changes dramatically when the victim is a child is the quantum of damages, which may include lifelong psychological injury, disrupted development, the need for decades of therapy, and in the most severe cases, permanent cognitive and emotional impairment, and the availability of punitive damages

against a cruise line that placed an inadequately screened or supervised employee in direct contact with children.

Discovery in crew-on-child cases should specifically target:

- The cruise line's background screening process for employees working in youth programs, including whether it runs criminal history checks in each country of employment;
- Whether the crew member's personnel file contains any prior reports, complaints, or disciplinary notes involving inappropriate conduct with passengers, particularly minors;
- The staffing ratios in the children's program at the time of the assault;
- The physical layout and surveillance coverage of the children's areas;
- Any internal policies governing one-on-one contact between staff and enrolled children; and
- Policies on reporting child-related incidents and whether they were followed.

C. Older Child Upon Younger Child in the Kids' Club: Negligent Supervision

The second setting, and the one that receives far less public and legal attention, involves the sexual assault of a young child by a significantly older child within the confines of the cruise line's supervised youth program or club represented to be a safe or supervised setting. Both children are enrolled or provided what is often represented as exclusive and limited access in the program or club. Both are nominally under the supervision of cruise line childcare staff and/or employees. And yet, in case after case, the assault occurs precisely because that supervision was inadequate, inattentive, or non-existent at the critical moment.

In this scenario, the direct perpetrator is a fellow minor, not a cruise line employee. Strict liability therefore does not apply. However, the cruise line's civil liability is nonetheless well-grounded on multiple theories:

- **Negligent Supervision:** The cruise line assumed a duty of supervision by enrolling both children in the program. It breached that duty by failing to maintain supervision adequate to prevent the assault. The assault is the foreseeable consequence of placing children of widely disparate ages and developmental stages together without adequate oversight;
- **Negligent Program Design:** The failure to segregate children by age group, or to implement supervision ratios adequate to the age and vulnerability of the youngest participants, is itself actionable negligence;
- **Negligent Staffing:** Inadequate staffing levels in the youth program at the time of the assault, a fact that should be established through discovery of staffing schedules and ratio policies, may establish breach independently of any specific notice of the perpetrating child's conduct; and

- The Voluntary Undertaking Doctrine: As noted above, the cruise line’s assumption of a duty of supervision by representation to parents is actionable on its own terms upon a showing that the supervision was inadequate.

D. The Age-of-Consent Framework Under Federal Maritime Law: A Critical Analysis

On cruise ships sailing under U.S. maritime jurisdiction, the question of whether “consent” is available as a defense, and to what degree, is governed not by any individual state’s law but by the federal statutes that apply in the special maritime and territorial jurisdiction of the United States, codified in 18 U.S.C. Chapter 109A. Understanding this framework is indispensable for both criminal and civil practitioners. The statutory scheme draws sharp distinctions based on the victim’s age, and those distinctions carry profound practical consequences.

Tier 1: Children Under 12 Years of Age: Consent Is Legally Impossible

Under 18 U.S.C. § 2241(c), Aggravated Sexual Abuse of a Child, any sexual act committed within the special maritime and territorial jurisdiction of the United States (which expressly encompasses cruise ships) with a person who has not attained the age of 12 years is a federal felony mandating a sentence of not less than 30 years to life in federal prison. The statute contains no consent defense whatsoever. Congress has codified the absolute legal incapacity of a child under 12 to consent to any sexual act.

Critically, under § 2241(d), the government is not even required to prove that the defendant knew the victim had not yet attained the age of 12. This is a strict liability criminal offense in the most complete sense: the act with a sub-12-year-old victim, regardless of what either party said, believed, or intended, is the crime. Courts have confirmed that a mistake-of-age defense is categorically unavailable for victims under 12. E.g., *United States v. Juvenile Male*, 21 F.3d 1169 (9th Cir. 2000) (holding mistake-of-age defense unavailable to minor defendant where victim was under age 12), cert. denied, 531 U.S. 907.

Age Under 12: Absolute Bar on Any Consent Defense. No Exceptions.

For civil purposes, the same principle applies with equal force. Any cruise line or perpetrator who attempts to introduce evidence of “consent” by a victim under 12 years of age has no legal basis for doing so under federal maritime law. The only questions for civil liability are whether the act occurred, who committed it, and what damages resulted.

Tier 2: Children Ages 12 Through 15 (Where Perpetrator is at Least Four Years Older): Consent Is Legally Invalid

Under 18 U.S.C. § 2243(a), Sexual Abuse of a Minor, it is a federal offense within maritime jurisdiction to knowingly engage in a sexual act with a person who has attained the age of 12 but not yet attained the age of 16, where the perpetrator is at least four years older than the victim. The four-year age-gap requirement is significant: Congress deliberately crafted it to distinguish predatory conduct by adults and older adolescents from peer conduct between teenagers of similar ages, recognizing the profound difference in power dynamics.

Under § 2243, the only available defense is that the defendant reasonably believed the other person had attained the age of 16. This defense must be established by the defendant by a preponderance of the evidence. Consent of the minor victim is not a defense and is not available. Any person between the ages of twelve and sixteen years old cannot legally consent, even under federal maritime law, to a sexual act with a perpetrator who is at least four years older.

In the civil context, this means a cruise line cannot introduce evidence that any child between the ages of twelve and sixteen years old “agreed” to the sexual conduct with a crew member or passenger as a means of defeating liability if the perpetrator is four years or more older. The legal framework forecloses that defense. The only potentially available age-related defense, that the perpetrator reasonably believed the victim was 16 or older, is a defendant’s burden to prove, and one that courts will scrutinize carefully given the cruise line’s own enrollment records showing the child’s age.

Tier 3: Children Ages 16 and 17: Context-Dependent, But Not Open Season

Federal maritime law does not extend the § 2243 framework to 16- and 17-year-olds in the same manner it protects younger children. This does not mean, however, that sexual contact between a cruise line employee or passenger and a 16- or 17-year-old passenger is without legal consequence. Where the contact was accomplished by force, threat, incapacitation, or the rendering of unconsciousness, circumstances governed by §§ 2241(a) and (b), the full weight of the aggravated sexual abuse statute applies and the victim’s age will be relevant to the court’s consideration of the facts.

Moreover, for civil maritime negligence purposes, the cruise line’s duty of reasonable care does not evaporate when the passenger turns 16. Courts applying General Maritime Law have consistently held that a cruise line’s duty to protect passengers from foreseeable harm, including foreseeable sexual assault by crew members or other passengers, extends to all passengers, and the vulnerability of a minor passenger who is 16 or 17, still legally a child under U.S. and international law, is a factor the jury may weigh in assessing the reasonableness of the cruise line’s conduct and the damages flowing from the assault.

The “Ward” Provision: Special Application in the Kids’ Club Context

18 U.S.C. § 2243(b) creates a separate criminal offense for sexual abuse of a “ward,” a person in official detention or custody under the direction of a government agency. While this provision in its

primary application targets correctional settings, its underlying principle, that consent is legally invalid where a custodial power imbalance exists, is of direct relevance to the kids' club context. A child enrolled in a cruise ship's youth program is, for purposes of that program, in the care and supervision of the cruise line's staff. Courts and practitioners should argue that the power imbalance between a youth program staff member and an enrolled child is precisely the type of custodial relationship that renders any claim of "consent" legally untenable, regardless of the child's specific age.

E. The Civil Remedy for Minor Victims: 18 U.S.C. § 2255

In addition to claims under General Maritime Law and the Jones Act, minor victims of cruise ship sexual assault may have an independent federal civil remedy under 18 U.S.C. § 2255(a), the civil remedy provision of the Child Abuse Victims' Rights Act of 1986. Section 2255(a) provides that any person who, while a minor, was a victim of a violation of 18 U.S.C. §§ 2241, 2242, 2243, or 2244 in the special maritime and territorial jurisdiction of the United States "and who suffers personal injury as a result of such violation, shall recover the actual damages such person sustains or liquidated damages of not less than \$150,000, and the cost of the action, including reasonable attorney's fees and other litigation costs reasonably incurred." Punitive damages are also available. This federal statutory remedy provides a floor of compensatory recovery, in addition to the full range of general maritime damages.

F. Damages in Minor Child Sexual Assault Cases: The Full Scope

The damages available in civil claims involving the sexual assault of a minor child aboard a cruise ship are among the most substantial in maritime law. They encompass:

- Past and future costs of psychological and psychiatric care, which in severe cases may extend for decades or for the remainder of the child's life;
- The cost of trauma-focused therapy, specialized educational support, and any residential or intensive treatment programs required as a result of the assault;
- Past and future physical medical expenses, including emergency treatment, STI testing and prophylaxis, and any surgeries or procedures required;
- Loss of enjoyment of childhood and normal developmental milestones, a category of non-economic damage that courts and juries recognize as distinct and devastating when a child is victimized;
- Pain and suffering, both physical and emotional, including PTSD, depression, anxiety disorders, and complex trauma sequelae that expert testimony will establish;

- Future lost earning capacity, where expert economic testimony demonstrates that the assault’s psychological sequelae impairs the child’s educational and vocational trajectory; and
- Punitive damages, where the evidence establishes that the cruise line’s conduct in hiring, retaining, or supervising the perpetrator, or in designing and staffing the kids’ club, was grossly negligent or constituted conscious indifference to the safety of the children in its care.

Section VI: Critical Shortcomings of the CVSSA

The CVSSA was a meaningful step forward. However, fifteen years of implementation have revealed profound structural deficiencies that systematically understate the true risk of sexual assault aboard cruise ships and deny justice to categories of victims who remain effectively invisible to U.S. law.

Shortcoming 1: The Non-U.S.-Citizen Exclusion: The Most Dangerous Gap

The single most consequential and least-publicized deficiency in the Act:

The CVSSA’s mandatory reporting requirements are triggered only when the victim or the perpetrator is a U.S. national. A sexual assault perpetrated by a Filipino crew member upon a British passenger, on a Bahamian-flagged ship calling on Miami, falls entirely outside the mandatory reporting requirements of the CVSSA. This scenario describes millions of cruise voyages annually.

The practical consequence is staggering: the publicly available crime statistics on the DOT portal present to the U.S. consumer a picture of shipboard safety that is, by design, dramatically more favorable than the reality. The cruising public looking at DOT statistics to evaluate the relative safety of different cruise lines is being shown, at best, a partial and misleading dataset.

Shortcoming 2: The Former “Active Investigation” Loophole

In its original 2010 form, the CVSSA contained a loophole that was engineered in part by the industry itself: only crimes “no longer under active FBI investigation” were required to be reported publicly. The 2014 Howard Coble Act amendments partially corrected this by requiring cruise lines to report all crimes including those under active investigation. However, definitional manipulation of what constitutes a “reportable” offense remains a source of systematic underreporting.

Shortcoming 3: Definitional Manipulation: What Gets Reported

The CVSSA requires reporting of sexual offenses rising to the level of violations of 18 U.S.C. §§ 2241-2244. Cruise lines have aggressively exploited definitional boundaries to exclude from reporting categories of sexual contact that are clearly criminal and traumatic. As documented by Brais Law Firm in cases previously handled by the Firm, cruise lines with alarming frequency assert that lewd and lascivious conduct, molestation, groping, and inappropriate touching fall outside reporting requirements, keeping these offenses off the public record and presenting a false picture of safety.

Shortcoming 4: No Requirement for Independent Onboard Law Enforcement

Despite requiring that crimes be reported to the FBI, the CVSSA does not require cruise lines to maintain any independent law-enforcement personnel onboard. All onboard “security” personnel are direct employees of the cruise line. Their fundamental institutional interest is in minimizing the reputational damage associated with reported crimes. The conflict of interest is direct and profound: the entity responsible for initially responding to, documenting, and reporting sexual assault complaints is the same entity that stands to suffer massive financial and reputational harm from those reports.

Shortcoming 5: No Obligation to Warn Prospective Passengers

While the CVSSA requires the posting of a security guide and U.S. Embassy locations, it does not require cruise lines to proactively warn prospective passengers of a vessel’s specific prior sexual assault history. A passenger booking a cabin on a ship that experienced fifteen sexual assaults during the prior calendar year is not entitled under the CVSSA to receive that information as part of the booking process. Further compounding the awareness issue, the existence of the DOT database is not widely known among the cruising public.

Shortcoming 6: The DOT Reporting Suspension: Nine Months of Silence

As Brais Law Firm has previously documented and publicly highlighted, the Department of Transportation committed a serious and troubling dereliction of its statutory mandate throughout the entirety of 2023. The DOT’s last quarterly crime report before the hiatus covered October 1 through December 31, 2022, and that report was not even posted until March 22, 2023. For the nine months that followed, the DOT published not a single quarterly cruise ship crime report, despite

being expressly required to do so by federal law. No explanation was offered to the public, to Congress, or to the maritime bar.

The silence was not trivial in its consequences. During a period when cruise lines reported 131 alleged sexual assaults and rapes aboard their ships, a figure that itself represents only a portion of actual incidents, the public had no access to this data. Business Insider reported on the DOT's non-compliance in October 2023, noting that the government had gone an entire year without publishing a single report.²⁵ It was only on January 6, 2024 that the DOT finally released the first three quarters of 2023 crime data simultaneously, followed shortly thereafter by the Q4 2023 figures, completing the full year's picture in a single belated disclosure. Quarterly reporting has since resumed through 2024.

The nine-month reporting blackout raises questions that have never been publicly answered: Was the hiatus the result of administrative dysfunction? Pressure from the cruise industry or a particular cruise line that, during the hiatus, had a spike in shipboard sexual assaults and rapes? A failure of coordination between the FBI and the DOT? Or something else entirely? Whatever the cause, the episode demonstrates that even the limited transparency Congress mandated in the CVSSA is contingent on the willingness of the executive branch to enforce it, and this is a dependency that victim advocates, maritime attorneys, and the cruising public cannot afford to take for granted.

Shortcoming 7: No Criminal Prohibition on Discouraging Victim Reporting

The CVSSA does not specifically criminalize a cruise line's efforts to discourage, delay, or impede a victim's report of sexual assault. The more subtle but pervasive practice of cruise line security personnel discouraging victims from filing formal reports, or framing events in minimizing terms, falls in a legal gray zone.

Shortcoming 8: No Mandatory Independent Medical Personnel

The CVSSA's medical credentialing requirements are meaningful in principle but inadequate in practice. On many large cruise ships, shipboard medical staff are employed by or through the cruise line itself, creating the same conflict of interest that exists in the security context. An independent requirement for medical personnel unaffiliated with the cruise line's corporate structure does not exist under the CVSSA.

²⁵The U.S. Government is required to publish reports of criminal activity on cruise ships every quarter. They haven't all year, BUS. INSIDER (Oct. 6, 2023), <https://www.businessinsider.com/us-government-reporting-delay-cruise-ship-crime-data-2023-10>.

Section VII: The Forum Selection Clause: Why Victims Need Miami Maritime Counsel

Every major cruise line, including Carnival Cruise Line, Royal Caribbean International, and Norwegian Cruise Line, embeds a forum selection clause in the passenger ticket contract that mandates any civil lawsuit be filed in the United States District Court for the Southern District of Florida in its Miami Division. This clause has been consistently upheld as enforceable by the United States Supreme Court in *Carnival Cruise Lines, Inc. v. Shute*, 499 U.S. 585 (1991), and by the United States Court of Appeals for the Eleventh Circuit in numerous subsequent decisions.

The practical consequence for victims: regardless of where in the United States (or elsewhere in the world) a passenger lives, regardless of where the assault occurred, and regardless of the cruise line's principal place of business, virtually all civil claims against the major cruise lines must be filed in federal court in Miami. This is not optional, and courts have routinely dismissed cases filed in other jurisdictions for failure to comply with the forum selection clause. Brais Law Firm is contacted nearly every month by attorneys across the United States who do not specialize in Admiralty and Maritime law, and have mistakenly filed suit in the wrong jurisdiction and equally often beyond the one-year contractual limitation contained within virtually every cruise line ticket contract. The consequences are unfortunate. Barring unusual circumstances, the cruise passenger's claim is dismissed with prejudice and the attorney is sued for malpractice.

This means that victims of cruise ship sexual assault typically require representation by, or in close coordination with, a Miami-based maritime law firm. Brais Law Firm's founding partner Keith Brais has been a Florida Board Certified Admiralty and Maritime attorney since 1996. The Firm maintains its principal office in Miami and has litigated cruise ship sexual assault claims in the Southern District of Florida throughout its thirty-five year history. Victims nationwide may contact the firm for a free, confidential consultation.

Note for Crew Member Victims

Crew member employment contracts typically specify a different forum and choice of law, often requiring disputes to be resolved in a foreign country under foreign law, or in arbitration in the Philippines, Panama, or another flag-state jurisdiction. The EFAA and the general prohibition on contractual limitation of seamen's rights as wards of the admiralty under maritime law provide significant tools for challenging these clauses. An experienced maritime attorney can evaluate whether the forum and choice-of-law clauses in a specific crew contract are enforceable.

Section VIII: FBI and DOJ Criminal Jurisdiction: When, Where, and Against Whom the United States Can Act

One of the most common questions asked by victims of cruise ship sexual assault, and one of the most consistently misunderstood aspects of maritime law, is whether the United States government has the power to investigate and prosecute the crime. The answer depends on a set of interlocking statutory and geographic factors that determine whether a given incident falls within what federal law calls the “special maritime and territorial jurisdiction of the United States.” The governing statute is 18 U.S.C. § 7, and its application to the modern cruise industry produces results that are sometimes broader than most victims assume but, in certain circumstances, far narrower.

Understanding this framework is essential for maritime practitioners representing victims. It determines whether to request FBI involvement, whether a criminal referral to the U.S. Attorney has any prospect of success, and, critically, whether the cruise line’s failure to facilitate FBI contact constitutes an actionable violation of the CVSSA.

The Principal Law: 18 U.S.C. § 7 and the Special Maritime and Territorial Jurisdiction of the United States

The foundation of U.S. federal criminal jurisdiction over cruise ship crimes is 18 U.S.C. § 7, which defines the “special maritime and territorial jurisdiction of the United States” (SMTJ), the geographic and vessel-based framework within which Title 18 federal criminal statutes, including all of the sexual abuse offenses discussed in this article, apply. The FBI’s own published guidance²⁶ confirms that the agency’s authority to investigate cruise ship crimes depends on five primary factors: (1) the location of the vessel at the time of the offense; (2) the nationality of the perpetrator or victim; (3) the ownership of the vessel; (4) the points of embarkation and debarkation; and (5) the country in which the vessel is flagged. A single sufficient nexus, not necessarily all five, is required to trigger federal jurisdiction.

The Five Jurisdictional Hooks: When the FBI Has Authority to Investigate

1) U.S. Territorial Sea (within 12 miles): Any offense on any vessel, regardless of flag or nationality. 2) U.S.-Owned Vessel Anywhere: Any offense, committed anywhere within admiralty jurisdiction, on a vessel owned wholly or partly by a U.S. person or corporation. 3) High Seas + U.S. National Involved: Any offense by or against a U.S. national occurring outside the jurisdiction of any nation. 4) Foreign Vessel Touching

²⁶How We Can Help You: Crimes Onboard Cruise Ships, F. BUREAU INVESTIG., <https://www.fbi.gov/how-we-can-help-you/crimes-onboard-cruise-ships> (last visited Apr. 27, 2026).

U.S. Ports (the Key Hook): Any offense by or against a U.S. national on a foreign vessel during a voyage with a scheduled departure from or arrival in the United States, wherever the ship was sailing at the time. 5) CVSSA Mandatory Reporting Trigger: Where any of the above apply, cruise lines must report serious offenses to the FBI immediately.

Hook 1: Crimes Within the U.S. Territorial Sea: 12 Nautical Miles from Shore

By congressional declaration, the entire 12-nautical-mile territorial sea of the United States is within the SMTJ. 18 U.S.C. § 7(1); Presidential Proclamation 5928, Territorial Sea of the United States (1988). This means that any sexual assault committed aboard any cruise ship, foreign-flagged or not, regardless of the nationalities of either party, while the vessel is sailing within 12 nautical miles of the U.S. coastline is a federal offense subject to FBI investigation and DOJ prosecution. No U.S. nationality of any party is required. The vessel's flag state is irrelevant. The crime's location within the U.S. territorial sea is the sole sufficient basis for federal criminal jurisdiction.

Hook 2: U.S.-Owned Vessels Anywhere Outside a Particular State's Jurisdiction

Under 18 U.S.C. § 7(1), any vessel owned in whole or in part by a U.S. citizen, corporation, or other U.S.-chartered entity, when that vessel is within (or arrives into) the admiralty jurisdiction of the United States and outside the jurisdiction of any particular State, is within the SMTJ regardless of where the vessel is registered (flagged), the nationalities of those involved, or where the crime was committed as long as it was committed outside another State's jurisdiction. In practice, the three largest cruise companies all have meaningful U.S. corporate connections. Practitioners should investigate the corporate ownership structure of the specific vessel as an additional basis for federal jurisdiction where other nexuses may be contested. E.g., *United States v. Ross*, 439 F.2d 1355 (9th Cir. 1971) (holding criminal incident within SMTJ where criminal assault occurred on high seas near Vietnam and vessel owned by citizens of the United States), cert. denied, 404 U.S. 1015 (1972).

Hook 3: High Seas + U.S. National: The Open Ocean Rule

Under 18 U.S.C. § 7(1) and (7), when a sexual assault occurs on the high seas, beyond the territorial waters of any nation, and either the victim or the perpetrator is a U.S. national, the offense is within the SMTJ and the FBI has jurisdiction to investigate. It does not require both parties to be U.S. nationals; either the victim or the perpetrator being a U.S. national is sufficient. For example, a

Liberian-flagged ship sailing the Caribbean with a Filipino crew member who assaults an American passenger while the vessel is 50 miles offshore falls squarely within this hook.

Hook 4: The Foreign Vessel/U.S. Voyage Nexus: The Most Important Hook for Cruise Victims

The single most consequential jurisdictional provision for cruise ship victims, and the one that expands FBI authority most dramatically, is 18 U.S.C. § 7(8), which extends the SMTJ to any foreign vessel during a voyage having a scheduled departure from or arrival in the United States, with respect to an offense committed by or against a U.S. national.

What § 7(8) Means in Practice: Recognized in Congressional Testimony

To illustrate § 7(8) with an example, a Bahamian-flagged cruise ship that departs Miami, sails to Nassau and Cozumel, and returns to Miami is on a voyage “having a scheduled departure from or arrival in the United States.” Under § 7(8), if a sexual assault is committed against a U.S. national anywhere during that voyage, whether in Bahamian territorial waters, in Mexican territorial waters, or on the open ocean between ports, the offense falls within the SMTJ and the FBI has jurisdiction to investigate. As FBI officials recognized in congressional hearings: a foreign-flagged vessel operating outside U.S. territorial waters can be a place subject to U.S. jurisdiction if the perpetrator or victim is a U.S. national, or that cruise ship will at some point during its voyage make a port of call in a U.S. port, either at the beginning, the end, or sometime in between.

This provision is of immense practical importance. The vast majority of major ocean cruise voyages either depart from or arrive at a U.S. port. That single fact, combined with the victim or perpetrator being a U.S. national, is sufficient to establish federal criminal jurisdiction regardless of the ship’s destination when the assault occurred, regardless of the vessel’s flag, and regardless of what waters the ship may have been traversing at the moment of the crime.²⁷

When the Vessel Is in a Foreign Port or Foreign Territorial Waters

When the cruise ship is docked in a foreign country’s port or sailing within another nation’s 12-nautical-mile territorial sea, that coastal or port state also has jurisdiction over crimes committed aboard the vessel. This is not always exclusive jurisdiction: if one or more of the U.S. jurisdictional

²⁷Testimony, F. BUREAU INVESTIG. (Mar. 27, 2007), <https://archives.fbi.gov/archives/news/testimony/crimes-against-americans-on-cruise-ships>.

hooks described above are met, the United States and the foreign State have concurrent jurisdiction. Foreign jurisdiction, whether exclusive or concurrent, introduces a layer of practical complexity.

Local law enforcement in the foreign port of call may board the vessel, conduct an initial investigation, collect evidence, and interview witnesses under their own legal authority. Whether they will do so effectively depends entirely on the resources, priorities, and institutional willingness of that particular State's law enforcement apparatus. Caribbean and Pacific Island nations that serve as popular cruise destinations frequently lack the forensic resources, trained investigators, and institutional infrastructure to conduct meaningful sexual assault investigations.

The FBI may assert concurrent jurisdiction through its SMTJ authority (Hook 4, above) even when the ship is in a foreign port, but the U.S. cannot board a foreign-flagged vessel in foreign territorial waters, or on the high seas, without the consent of the flag state or the host port state. In those circumstances, the FBI operates through its worldwide network of Legal Attachés ("Legats"), senior FBI agents stationed at U.S. Embassies abroad, who coordinate with local law enforcement to facilitate evidence preservation, witness interviews, and the eventual transfer of investigative authority.²⁸ The effectiveness of Legat-coordinated investigations varies considerably by jurisdiction and country.

Does the Victim Need to Be a U.S. Citizen?

This is the question that most directly affects the real-world scope of FBI jurisdiction, and the answer is emphatically not always, but often.

For Hooks 1 (U.S. territorial sea) and 2 (U.S.-owned vessel), U.S. nationality of either party is not required. The geographic location or vessel ownership is sufficient. For example, a Canadian victim assaulted aboard a U.S.-owned vessel within U.S. waters is entitled to the same FBI response as a U.S. citizen.

For Hook 3 and Hook 4, the most commonly applicable provisions, U.S. nationality of either the victim or the perpetrator is required. For example, a British passenger assaulted by a Filipino crew member on a Caribbean cruise touching no U.S. port falls outside Hooks 3 and 4 entirely. In a converse example, a British passenger assaulted by a U.S. citizen crew member on the same voyage falls within it. A U.S. citizen assaulted by any person on any cruise voyage departing from or arriving in the U.S. falls within Hook 4, and if the assault occurred on the high seas, the incident falls within Hook 3 as well.

²⁸Testimony, F. Bureau Investig. (Dec. 13, 2005), <https://archives.fbi.gov/archives/news/testimony/fbis-role-in-addressing-criminal-threats-to-americans-traveling-outside-u.s.-territorial-waters>.

The Non-U.S. Victim on a U.S.-Touching Voyage: A Jurisdictional Dead Zone

Where neither the victim nor the perpetrator is a U.S. national, even on a voyage departing from Miami, Hook 4 does not apply. The FBI has no mandatory jurisdiction over the assault. If the incident occurred on the high seas (as opposed to territorial waters of a State), the law enforcement of the ship's flag state, usually Bahamian, Panamanian, Liberian, or Maltese, or the law enforcement of the victim's nationality, have primary criminal jurisdiction, but as a practical matter, those authorities almost never investigate. The result is a case that falls into a law enforcement vacuum. This is a direct consequence of the narrow drafting of § 7(8), and one of the central arguments for congressional reform of the CVSSA's jurisdictional framework.

What Crimes Does the FBI Investigate?

The FBI focuses its cruise ship investigative efforts on specified serious crimes under Title 18, including: aggravated sexual abuse (§ 2241); sexual abuse (§ 2242); sexual abuse of a minor or ward (§ 2243); abusive sexual contact (§ 2244); assault with serious bodily injury (§ 113(6)); murder, manslaughter, and attempted murder or manslaughter (§§ 1111–1113); kidnapping (§ 1201); robbery (§ 2111); theft of money or property in excess of \$1,000 (§ 661); and suspicious deaths and missing U.S. nationals. Sexual assault is by far the most frequently reported and investigated cruise ship crime category.

The FBI's field offices in Miami, Los Angeles, Houston, Tampa, New York, and New Orleans carry the highest volume of cruise ship crime investigations, driven by the volume of cruise traffic through those ports. The Miami field office handles by far the largest caseload, given that, in most years, Miami is the busiest cruise port in the world.²⁹

The Critical Gap: FBI Discretion vs. Mandatory Investigation

A point that deserves frank emphasis: the existence of federal jurisdiction does not guarantee FBI investigation, and FBI investigation does not guarantee DOJ prosecution. The FBI determines on a case-by-case basis whether to investigate reported crimes, and the U.S. Attorney's Office retains full prosecutorial discretion over whether to bring charges. Sexual assault on cruise ships has historically suffered from very low prosecution rates, attributable to: the delay between the assault and the vessel's return to a U.S. port (during which critical evidence may be lost or compromised); victims' frequent fear of reporting the crime while still aboard the ship; the challenge of securing testimony

²⁹Testimony, F. BUREAU INVESTIG. (Mar. 27, 2007), <https://archives.fbi.gov/archives/news/testimony/crimes-against-americans-on-cruise-ships>; see Cruise, PORTMIAMI, <https://www.miamidade.gov/portmiami/cruise.page> (last visited Apr. 27, 2026).

from crew members who are repatriated to foreign countries, often orchestrated by the cruise line; and the difficulty of establishing proof beyond a reasonable doubt when the assault and circumstances leading to it occur without witnesses or video surveillance.

These realities do not diminish the value of demanding FBI involvement, which should be done immediately in every case. FBI involvement triggers the CVSSA's evidence-preservation obligations, creates a federal investigative record that can be used in civil litigation, and in some cases does result in federal prosecution and conviction. In January 2025, for example, a 22-year-old Maryland man was sentenced to 20 years in federal prison for raping a minor aboard a Carnival cruise ship, a case investigated by the FBI and prosecuted by the U.S. Department of Justice.

But victims and their families must be prepared for the possibility that the criminal process will not deliver justice, and that the civil courts, through a properly prepared maritime lawsuit, remain the most reliable path to accountability.

The Flag State: Primary Jurisdiction and Its Practical Failure

Under international maritime law, the flag state, the country in whose registry the vessel is enrolled, holds primary criminal jurisdiction over offenses committed aboard the vessel while on the high seas. The three most common flag states for major ocean cruise vessels are the Bahamas, Panama, and Liberia. Each of these nations maintains a "flag of convenience" registry that cruise lines use specifically to minimize regulatory oversight, taxation, and, as a practical matter, criminal accountability.

The frank reality, documented in congressional hearings and maritime legal commentary, is that flag state criminal jurisdiction over cruise ship sexual assaults is almost entirely illusory. The Bahamas, Panama, and Liberia do not station law enforcement aboard these vessels nor require the vessel owners to do so, do not routinely dispatch investigators to foreign ports when a crime is reported, and do not have the institutional infrastructure to prosecute sexual offenses committed against foreign nationals in international waters. The flag state principle, while theoretically sound under international law, provides virtually no practical protection to victims.

This is precisely why the CVSSA's jurisdictional hooks pulling these cases into U.S. federal jurisdiction are so important, and why the gaps in those hooks (particularly the exclusion of non-U.S. nationals on non-U.S.-owned vessels) are so consequential.

A Practical Summary: Four Questions Every Practitioner Should Ask

When a new cruise ship sexual assault case arrives at Brais Law Firm, the jurisdictional analysis begins with the following questions:

1. Was the vessel within 12 nautical miles of the U.S. coast at the time of the assault? If yes, federal criminal jurisdiction exists, period.
2. Is the vessel owned in whole or in part by a U.S. person or corporation? If yes, federal jurisdiction follows the vessel wherever it sails outside another State's jurisdiction.
3. Was the assault committed by or against a U.S. national on the high seas (outside any nation's territorial waters)? If yes, federal jurisdiction applies.
4. Was the victim or perpetrator a U.S. national AND did the voyage depart from or arrive in a U.S. port? If yes to both, federal jurisdiction under § 7(8) applies regardless of where in the world the assault occurred.
5. Vacuum: If no party is a U.S. national and the vessel was outside of U.S. territorial waters with no U.S. port in the voyage, the victim may face a law enforcement vacuum requiring legal strategies beyond U.S. federal courts.

Section IX: If You Are Sexually Assaulted or Raped Aboard a Cruise Ship: What to Do

If you or someone you love has been sexually assaulted or raped aboard a cruise ship, the steps taken immediately afterward can be determinative, both for your physical recovery and for the strength of any subsequent civil or criminal case. The following protocol is based on decades of experience representing victims in exactly these circumstances.

Immediate Steps: While Still Aboard the Vessel

6. Do NOT shower, wash your clothing, or clean yourself until you have had a forensic examination by qualified medical personnel. This is against every natural instinct, but it is essential. Forensic evidence, such as DNA, fibers, and biological material, is irreplaceable and can make or break a case.
7. Report the crime to the ship's security team immediately. Have a trusted friend or family member accompany you if possible. Request documentation of all reports and investigation made by the ship's security team.
8. The ship's security team should secure the scene of the crime until law enforcement arrives, but if not, insist the scene be secured.
9. Go to the ship's infirmary. Under the CVSSA, the ship is required to have qualified medical personnel and a rape kit available. Request a forensic examination to ensure all evidence is collected. Ask for documentation of the examination and all findings.
10. Retain your clothing. Place items in a new paper bag, never in a Ziploc or plastic bag, which can compromise forensic evidence, until FBI or U.S. Coast Guard officials arrive.
11. Demand to contact the FBI. The CVSSA gives you the right to contact law enforcement immediately. You can reach FBI Headquarters in Washington, D.C. at 202-324-3000. U.S. Coast Guard emergency numbers: Atlantic Area, 757-398-6390; Pacific Area, 510-437-3701.

12. Collect names and contact information. Get the names of the perpetrator(s), all shipboard security personnel involved, all investigating officers, and any witnesses, including passengers in neighboring cabins who may have heard something.
13. Preserve all evidence you may possess or can gather, including: photos on your phone (of the crime scene, your injuries, your clothing, and anything else that may be relevant), messages on your phone, names and descriptions of the perpetrator(s) and any witnesses, and links to social media accounts of the perpetrator(s) and any witnesses.
14. Photograph your injuries and the scene of the assault. This is compelling evidence and should be done as soon as it is safely possible. A special note for minor victims of sexual assault: nude photographs of minors should never be taken or transmitted to anyone. Instead, document those injuries by drawing them on a diagram. If possible, have a treating medical professional confirm the drawing by signing and dating it.
15. Do NOT sign any paperwork offered by the cruise line without first consulting a maritime attorney. Non-disclosure agreements, limitation of liability releases, and similar documents presented in the immediate aftermath of an assault are designed to protect the cruise line, not you.

Upon Arriving in Port

- Go to the nearest rape treatment center or hospital as soon as you disembark;
- FBI and/or local law enforcement should meet the ship at the port of arrival; request this if it has not been arranged;
- Contact the U.S. Embassy or Consulate if you are abroad; and
- Seek counseling. Rape and sexual assault are devastating from an emotional and psychological standpoint. Trauma therapy is not optional; it is a medical necessity, and its costs are generally recoverable in your civil claim.

Contact a Board-Certified Maritime Attorney Immediately

Every cruise line now includes fine print in their ticket contract that imposes a notice-of-claim letter within six months and further requires suit be brought within one year of a cruise-related incident or assault. These deadlines are strict and failure to satisfy the notice and filing requirements can lead to dismissal of a later filed lawsuit. An experienced maritime attorney should be retained as quickly as possible to:

- Obtain learned counsel to preserve all legal rights and avoid legal pitfalls;
- Send a representation letter to satisfy the “notice” requirement pursuant to the ticket contract and demand the cruise line preserve all evidence, including shipboard video surveillance footage, logbook entries, security reports, and medical records before anything goes “missing” or is “accidentally destroyed”;

- Navigate the complex litigation issues, including jurisdictional, limitation, and strategies involving naming or not naming the perpetrator(s) as co-defendant(s) in the suit against the cruise line, all of which are issues particular to maritime law; and
- Begin building the evidentiary record necessary for a successful civil claim.

U.S. Department of Transportation Cruise Line Incident Reports

[U.S. DOT Cruise Line Incident Reports \(Public Database\)](#)

[RAINN National Sexual Assault Hotline: 1-800-656-HOPE \(4673\)](#)

[National Center for Victims of Crime](#)

Conclusion: The Law as It Is: and What Must Change

The CVSSA represented a necessary and overdue step toward accountability for an industry that had, for decades, operated as a largely self-policing enterprise. But fifteen years of experience since its enactment have revealed the Act's profound limitations: it covers only a portion of the actual victims, reports only a portion of the actual crimes, imposes no meaningful independent law enforcement presence aboard vessels, and creates no private right of action for the very people it purports to protect.

For victims of cruise ship sexual assault and rape, the path to justice runs through the civil courts, where laws such as the CVSSA, General Maritime Law (including the doctrines of maritime negligence, unseaworthiness, and maintenance and cure, among others), the Jones Act, and the EFAA can be asserted against cruise lines by maritime lawyers and enforced by judges. That path requires an attorney with specific expertise in admiralty and maritime law, an aggressive approach to discovery against a sophisticated and well-funded adversary, and a thorough understanding of the legal framework outlined in this article.


About the Authors

Keith S. Brais, Esq. is the founding attorney of Brais Law Firm, a nationally recognized maritime and admiralty law firm based in Miami, Florida. He is one of a limited number of attorneys board certified in Admiralty and Maritime Law by The Florida Bar, a distinction he has held and renewed since qualifying in the inaugural Florida Bar certification examination in admiralty and maritime law in 1996. He holds a B.S. in Marine Engineering from Massachusetts Maritime Academy and served

more than seven years aboard ships and offshore oil rigs before entering the legal profession. Mr. Brais has been recognized by Martindale-Hubbell with its highest “AV Preeminent” rating, has been repeatedly named to Super Lawyers and Florida’s Legal Elite, and is a member of the Multi-Million Dollar Advocates Forum, an honor held by fewer than one percent of U.S. attorneys. Together with his team, Brais Law Firm has recovered hundreds of millions of dollars on behalf of clients since dedicating its practice to representing those injured in marine casualties and victims of crimes including cruise ship sexual assaults and rapes. In a nine-month period spanning 2024 and 2025 alone, Brais Law Firm’s recoveries with scheduled benefits exceeded \$100 million for clients in maritime and personal injury cases.

Carra Miller, Esq. is an Of-Counsel Partner and Karina Miralda, Esq. is a Partner at Brais Law Firm. Their practices are dedicated to representing those injured in marine casualties and victims of crimes including cruise ship sexual assaults and rapes while aboard as either cruise ship passengers or crew members.

Brais Law Firm represents only individuals: never insurance companies, cruise lines, corporations, or marine employers.

 **1-800-499-0551 (Nationwide) | 305-416-2901 (Florida)**
www.braislaw.com | info@braislaw.com

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