

LEGAL COMMITTEE  
98th session  
Agenda item 13

LEG 98/INF.3  
18 February 2011  
ENGLISH ONLY

**ANY OTHER BUSINESS**

**Crime reporting on passenger ships**

**Submitted by the Cruise Lines International Association (CLIA)**

**SUMMARY**

|                             |   |
|-----------------------------|---|
| <i>Executive summary:</i>   | This document invites the Legal Committee to consider the matter of crime reporting on passenger ships in international commerce, taking into account the legislative framework that was developed in the United States |
| <i>Strategic direction:</i> | 1   |
| <i>High-level action:</i>   | 1.1.1   |
| <i>Planned output:</i>      | No related provisions   |
| <i>Action to be taken:</i>  | Paragraph 7   |
| <i>Related documents:</i>   | None  |

1 In July 2010, the United States enacted legislation to address domestic concerns related to enhancing passenger safety and reporting of alleged crimes that occur on certain passenger ships. This United States domestic law contained provisions addressing the process by which alleged crimes are reported. Although serious crime on cruise ships is rare, when compared to similar offences in the general population, we understand and appreciate that any victims of alleged crimes deserve serious treatment of their allegations and our industry is supportive of efforts to provide for appropriate remedies and transparency in those instances when such crimes do occur.

2 Of particular value is the requirement to report certain crimes to law enforcement authorities that may have jurisdiction over an alleged crime. This requirement codified existing practices and agreement with the United States authorities and was supported by the Cruise Lines International Association (CLIA). The industry recognized the value of reporting to law enforcement authorities that may want to exercise jurisdiction over an alleged offence and conduct an appropriate investigation or other proceeding, as well as being of value to alleged victims in preserving potential criminal remedies.

3 Other jurisdictions, besides those of the United States, have also taken an interest in developing mandatory frameworks for the reporting of certain alleged crimes occurring on passenger ships. Accordingly, CLIA recognizes that there is some level of interest in this subject among IMO Member States.

4 In light of this expressed interest from IMO Member States, we thought it beneficial to inform the Legal Committee of IMO on some of the details of the United States legislation, so that delegations may consider whether future development of an IMO instrument on crime reporting would be useful. Such an instrument could take a mandatory or recommendatory form and could take into account the legislative framework that was developed in the United States which has proven to be workable.

5 We would be very interested to hear the views of the Legal Committee delegations and to generate a discussion. Should there be sufficient interest among Member States, then it might be appropriate to add such an item for crime reporting to the Legal Committee's Work Programme, via a more refined submission at a future session.

6 Specifically, it would be useful to hear comments on the following:

- (i) whether there is sufficient interest among governments to explore further action by the Committee;
- (ii) whether reporting to the flag State and the State of the alleged victim would be of potential value;
- (iii) whether reporting to the State of the next port of call would be appropriate;
- (iv) whether alleged crimes would be most appropriately defined by the law of the flag State, or some other method;
- (v) whether reporting, either voluntary or mandatory, might be best provided via a centralized system or by reporting directly to governments;
- (vi) whether Member States would be interested in proposing a future Work Programme item to address the issue;
- (vii) whether a mandatory or voluntary reporting scheme would be most appropriate, if the Committee determined to take on such a new item;
- (viii) whether Members States have laws in place that would permit investigation and enforcement of crimes committed on the high seas; and
- (ix) the relevant portions of the recently enacted United States law are provided, for reference, at annex.

**Action requested of the Legal Committee**

7 The Committee is invited to note the information provided in this document.

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**ANNEX**

**CRUISE VESSEL SECURITY AND SAFETY ACT, 2010**

**Reporting requirements**

**Crime reporting requirements**

"... the occurrence on board the vessel of an incident involving:

- homicide;
- suspicious death;
- a missing person;
- kidnapping;
- assault with serious bodily injury;
- any sexual offense delineated below:
  - aggravated sexual abuse
  - sexual abuse
  - sexual abuse of a minor or ward
  - abusive sexual contact
  - offenses involving young children;
- firing or tampering with the vessel; and
- theft of money or property in excess of \$10,000

... these reporting requirements apply to an incident involving criminal activity in those cases where:

- the vessel, regardless of registry, is owned, in whole or in part, by a United States person, regardless of the nationality of the victim or perpetrator and the incident occurs when the vessel is within the admiralty and maritime jurisdiction of the United States and outside the jurisdiction of any State;
- the incident concerns an offense by or against a United States national committed outside the jurisdiction of any nation;
- the incident occurs in the territorial sea of the United States, regardless of the nationality of the vessel, the victim, or the perpetrator; or
- the incident concerns a victim or perpetrator who is a United States national on a vessel that departed from, or will arrive, at a United States port.

The data is to be collected and maintained in a Government database, with some information available to the public.

**Additional crime recording requirements**

The owner of a vessel to which this section applies shall:

(A) record in a log book, either electronically or otherwise, in a centralized location readily accessible to law enforcement personnel, a report on:

- (i) all complaints of crimes described above;
  - (ii) all complaints of theft of property valued in excess of \$1,000; and
  - (iii) all complaints of other crimes, committed on any voyage that embarks or disembarks passengers in the United States; and [make this log book available to authorities]".
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