

Has COVID-19 finally unmasked the problem of unruly and disruptive passengers and where do we go from here?



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External Affairs

 **2022 ICAO**    
KOREA'S 70 YEARS WITH ICAO
Legal Seminar
April 12 - 14, 2022
Seoul, Republic of Korea | Hybrid Seminar

Co-hosts:  ICAO  Ministry of Land, Infrastructure and Transport



The award goes to.....



Same problem, different context

- Face masks were a key public health risk mitigation measure from CART
- Until recently mandatory on all airlines
- IATA issued guidance for airlines to:
 - *Consider updates to terms and conditions of carriage, where necessary*
 - *Prominent communication of requirement to wear masks at time of booking, check-in, gate, onboard, etc.*
- Some states (e.g., US) required wearing of masks onboard aircraft by law
- Strong support from travelers (85% supported mask policy and 84% wanted strong enforcement)



Unruly incidents during pandemic: Global media coverage

NIKKEI Asia

Unruly anti-mask passengers disrupt Japanese airlines



 **REUTERS**

Air France flight made emergency landing in Bulgaria over disruptive passenger



International flight turns around after passenger refuses to wear mask: Officials



10 passengers, accused of unruly behavior on flights, face \$225K in fines, FAA says

Forbes

A Southwest Passenger Punched Out A Flight Attendant's Teeth Last Weekend

NEW YORK POST

Passenger's epic meltdown over mask mandate: 'I'll break your neck!'

 **INDEPENDENT**

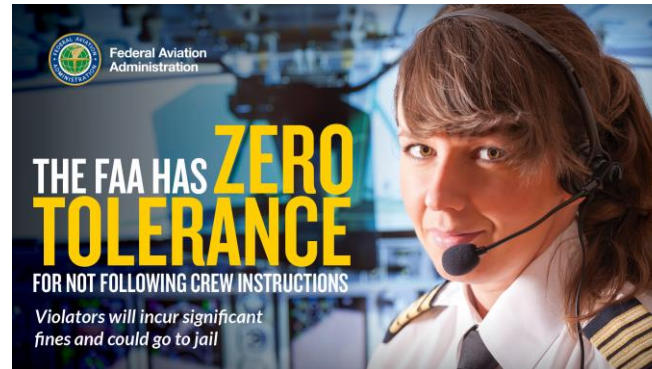
Two men arrested after face mask brawl on Ibiza flight

 **The Indian EXPRESS**

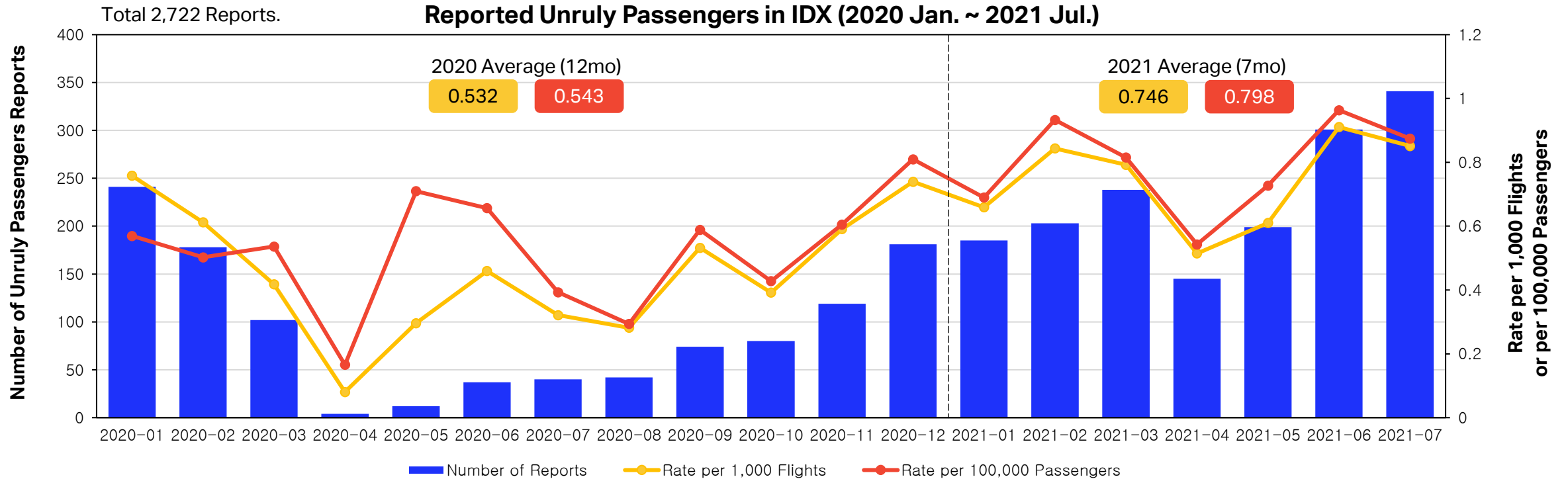
Covid-19 effect: DGCA issues new rules for airlines on handling unruly flyers on board



US FAA unruly pax statistics – 2022*



Global Unruly Passengers Report Trend



From 2020 January to 2021 July, the average unruly passenger rate were 0.641 per 1,000 flights (one report for every 1,561 flights) and 0.670 per 100,000 passengers (one report for every 149,317 passengers).

The global rate of Unruly Passengers in IDX shows a gradual increase since 2020 April, when the number of flights and passengers were at the lowest. After then, as the number of flights and passengers are increasing over time, the rate of unruly passenger reports is also showing an increasing trend. The statistical test was performed to validate that the trend between Jan. 2020 and Jul. 2021 shows statistically significant increasing trend *

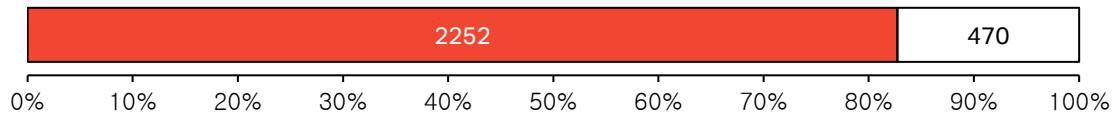
* Mann-Kendall Test: Rate Per 1,000 Flights (p-value = 0.017.), Rate Per 100,000 Passengers (p-value = 0.004)



Unruly Passenger Rates by Category

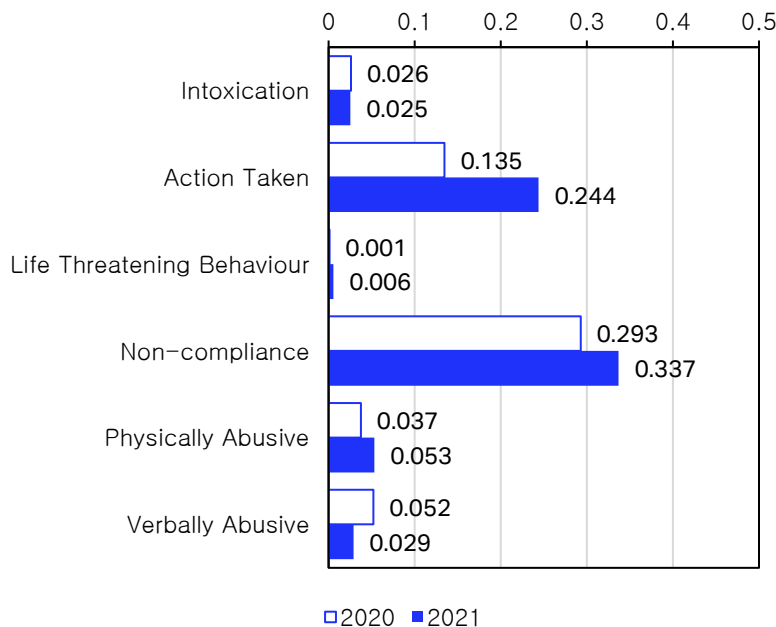
One Unruly Passengers report may contain more than one event descriptors.

Unruly Passenger Events with Reported Category

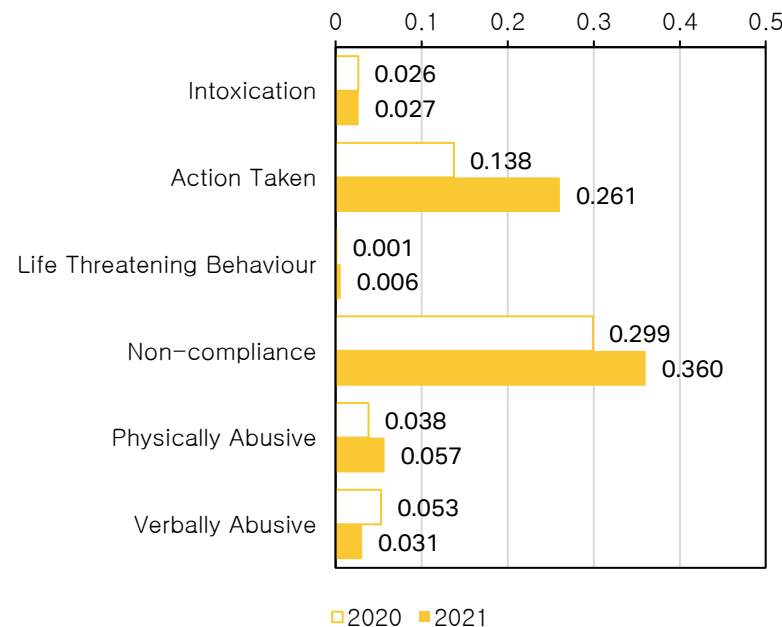


Among 2,722 reported Unruly Passenger events, 82.7% had reported category of the events. 470 reports (17.3%) did not have any detailed category reported.

Unruly Passenger by Event Descriptors 2020 vs 2021* Normalized by the 1,000 Flights



Unruly Passenger by Event Descriptors 2020 vs 2021* Normalized by the 100,000 Passengers



Further drilling down into different categories, the most frequently reported case was **Non-compliance** (1,339 reports), followed by **Action Taken** (808), **Physically Abusive** (193), **Verbally Abusive** (170), **Intoxication** (108) and **Life -Threatening Behaviour** (14).

- In 2021, Unruly Passengers rates with **Non-compliance, Action Taken** and **Physically Abusive** descriptors were increased compared to the ones in year 2020.
- Especially, the reported rate of **Action Taken** descriptor have been increased more than 80%.

* 2021-01 ~ 2021-07



3 step approach to dealing with the problem

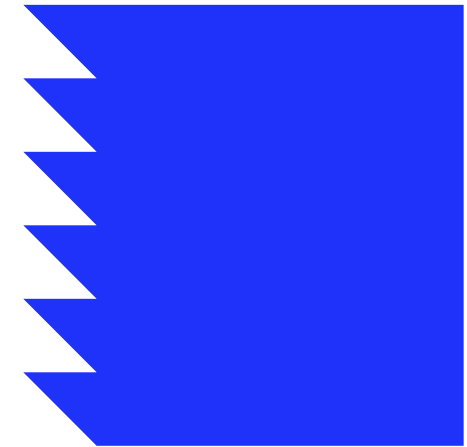
1. Awareness / Communication



2. Deterrence



3. Prevention & management

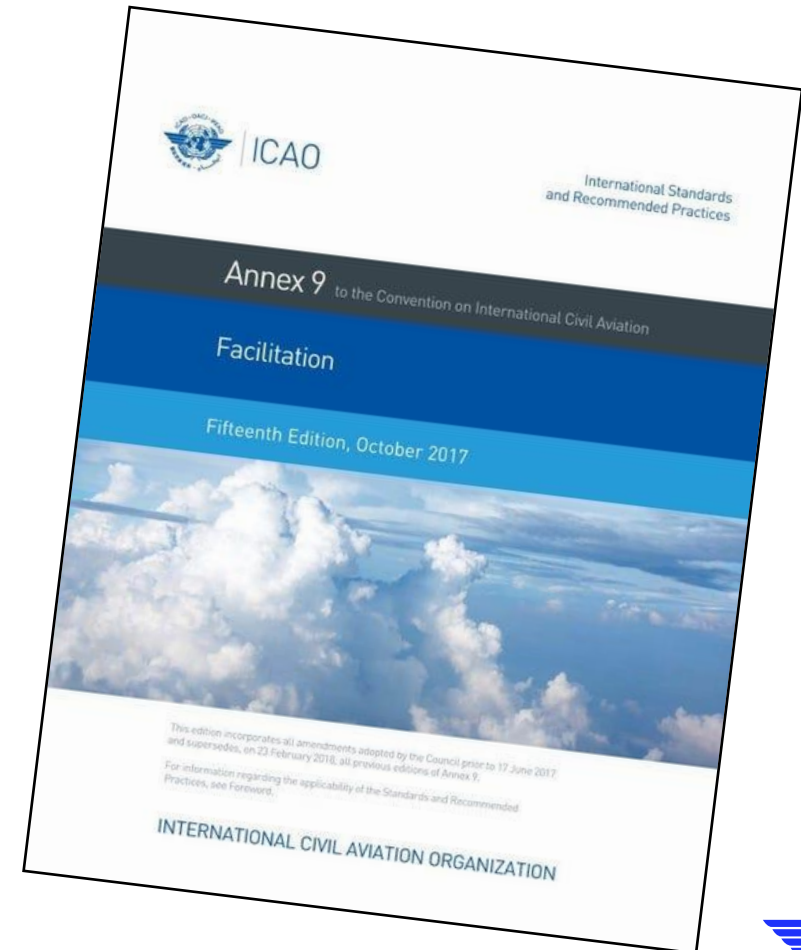


**ICAO has created the tools to assist, but are
States and industry making best use of them?**

#1. ICAO Standards set out the responsibilities of States

Annex 9 - *Facilitation*

6.44 Each Contracting State shall, to deter and prevent unruly behaviour, promote passenger awareness of the unacceptability and possible legal consequences of unruly or disruptive behaviour in aviation facilities and onboard aircraft.



#2. Deterrence – fixing the jurisdictional gaps

- Sunwing flight 111 from YUL, Canada to CUN, Mexico, 30 December 2021
- Canadian-registered aircraft (state of registration)
- During flight, some passengers were drinking, dancing and vaping mask less and failed to follow crew instruction
 - Clips on social media caused outrage in Canada which was under severe COVID-19 restrictions
- No arrests made in Cancun (Mexico as state of landing is not a party to Montreal Protocol 2014), but airline refused return carriage
- Transport Canada issued penalties of up to C\$5,000 against six passengers in March 2022
- IATA is supporting ICAO in promoting the ratification of the **Montreal Protocol 2014** (35 Parties)



Doc 10117

Manual on the Legal Aspects
of Unruly and Disruptive Passengers

First Edition, 2019



Approved by and published under the authority of the Secretary General.

INTERNATIONAL CIVIL AVIATION ORGANIZATION

2. Deterrence – fixing the enforcement gaps

- Criminal prosecution not always seen as in the “public interest” (cost, court time, evidentiary requirements, etc.)
- Enhanced deterrent if there are measures commensurate with type/severity of offense/act
- **Doc 10117** includes information and model legislation on civil and administrative penalties
- States should review enforcement options available
- Australia, Canada, Finland, France, New Zealand, Singapore and US among states that have civil and administrative penalties

Government managed registers of banned unruly passengers

- Individual airlines may refuse carriage to passengers in accordance with conditions of carriage and local laws
- Calls by some airlines and unions for national registers of banned passengers (for those convicted or fined)
- India and PRC operate national registers
- Cost v. benefit of registers is not clear
- IATA believes that fixing jurisdiction and enforcement are more effective use of legislative time and effort



#3. Industry responsibilities – prevention and management

- Train cabin crew and other customer facing staff in de-escalation technique, responsible service of alcohol and restraint
- Work with ground handling teams to improve communication to monitor passenger behavior in the airport and report concerns to Captain
- Work with other industry stakeholders e.g., by developing national codes of practice on unruly and disruptive passengers
- Passenger-facing communications and awareness campaigns

Key conclusions

The issue of compliance with face mask requirements has increased awareness of unruly and disruptive behavior among States

ICAO already has the tools and guidance available that can help States to deal with all types of unruly offenses and acts – we need to encourage their use

1. States should **communicate to public unacceptable behavior on flights and sanctions as per **Annex 9 - Facilitation****

2. States should remove **jurisdictional gaps (MP14) ensure **enforcement measures** are in place consistent to the type/severity of incidents = **ICAO Manual Doc 10117****

3. Industry must play its part in **prevention and management of unruly passenger incidents**