



ASSEMBLY — 40TH SESSION

EXECUTIVE COMMITTEE

Agenda Item 14: Facilitation Programmes

ACCESSIBILITY FOR PASSENGERS WITH DISABILITIES IN AVIATION

(Presented by the International Air Transport Association - IATA)

EXECUTIVE SUMMARY

In 2006, the United Nations (UN) passed the Convention on the Rights of Persons with Disabilities (CRPD), giving States the responsibility to promote and protect the rights of persons with disabilities. In addition, the 2030 Agenda for Sustainable Development calls for targeted actions (related to persons with disabilities) by businesses, including in the transport sector.

The International Civil Aviation Organization (ICAO) has set International Standards and Recommended Practices (SARPs) in Annex 9 to the Chicago Convention related to facilitating air transport for persons with disabilities.

Despite the existence of such international law and guidance, the aviation industry is experiencing a steady increase in national/regional disability policies that are either not harmonized or are in direct conflict with each other. Although well-intentioned, these initiatives can undermine ICAO's effort to encourage harmonization and better regulatory practices, leading to operational complexity for airlines and confusion for passengers with disabilities.

To promote consistent accessibility rules and to ensure high-quality service provision, IATA has developed a set of core principles (Appendix A), which support the harmonized implementation of legislation and policies on disability

Action: The Assembly is invited to:

- a) recognize that a harmonised approach to the work on accessibility in aviation is a contributor to the achievement of the UN Sustainable Development Goals (SDGs);
- b) recommend ICAO develop a work program on accessibility for passengers with disabilities in aviation that includes a review of relevant SARPs and policy manuals with due consideration to the IATA core principles outlined in Appendix A herewith;
- c) invite Member States, where appropriate, to consider the IATA core principles on passengers with disabilities when developing and implementing regulations in this area.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objective — Security and Facilitation
<i>Financial implications:</i>	None

¹ English, French, Spanish, Russian, Arabic and Chinese versions provided by International Air Transport Association (IATA)

<i>References:</i>	Annex 9 — <i>Facilitation</i> UN Convention on the rights of Persons with Disabilities ² UN Sustainable Development Goals ³
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1. INTRODUCTION

1.1 In 2011, the World Health Organization (WHO) estimated that there are more than 1 billion people with disabilities worldwide, equivalent to 15 percent of the global population, and this number is expected to increase in the years to come⁴. Population demographics also indicate that the number of aging and disabled persons who want to travel by air will increase significantly in the future.

1.2 The current international framework on disability-inclusive development consists of the UN Convention on the Rights of Persons with Disabilities, the 2030 Agenda for Sustainable Development and other major international instruments.

1.3 The UN Convention framework recognizes that accessibility, liberty of movement and personal mobility are major rights of persons with disabilities and that respecting these rights involve a broad range of different stakeholders.

1.4 The 2030 Agenda for Sustainable Development also recognizes disability as a development issue that cuts across many elements of the Agenda and calls for targeted actions in several areas, including transport.

1.5 The almost universal ratification of the UN Convention, together with the adoption and implementation of the ambitious 2030 Agenda for Sustainable Development, demonstrate the concrete commitments of the international community to mainstreaming disability as both a human right and a development imperative.

1.6 These international instruments also apply to air travel. The Sustainable Development Target 11.2 calls on the international community to work towards sustainable transport for all people, including persons with disabilities.

1.7 The International Civil Aviation Organization (ICAO) has already identified thirteen SDGs as strongly linked to its Strategic Objectives and is committed to supporting their implementation⁵.

1.8 ICAO Annex 9 contains Standards and Recommended Practices (SARPs) related to facilitating air transport for persons with disabilities⁶.

² <https://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx>

³ <https://sustainabledevelopment.un.org/#>

⁴ https://www.who.int/disabilities/world_report/2011/report/en/

⁵ <https://www.icao.int/about-icao/aviation-development/pages/sdg.aspx>

⁶ Annex 9 Chapter 8H refers to the Facilitation of the transport of persons with disabilities.

2. DISCUSSION

2.1 A significant number of States are already developing or considering developing new legislation, policies, strategies or plans of action related to accessibility, including the aviation sector.

2.2 Unfortunately, some of these initiatives do not follow recognized better regulation practices, risking undesired outcomes for passengers with disabilities and for airlines.

2.3 With the demand for air transport and the number of persons with disabilities both projected to increase significantly over the next 15-20 years, there is a critical need for a harmonized global framework that will allow international airlines transporting passengers with disabilities to operate in a safe, secure, efficient and consistent manner.

2.4 Given the broad nature of the disability and accessibility topic and the fact that it affects many parts of the aviation industry, it is also critical that any approach to this topic involves all relevant stakeholders partnering together to deliver a disability-inclusive air transport system that sees no one and no country left behind.

2.5 To support States, IATA and its airline members have already established multilateral partnerships with a range of stakeholders that have enabled us to establish a set of core principles on passengers with disabilities (Appendix A). These principles relate to the establishment of both policies and processes related to passengers with disabilities traveling by air and are designed to promote a consistent, global approach. This balances the needs of passengers with the operational realities of airlines as well as the need to maintain safety as the number one priority of the air transport industry.

2.6 A consistent international approach based on mutually agreed core principles will entail invaluable benefits for passengers with disabilities and the wider aviation industry:

- a) it will result in greater accessibility to air travel for persons with disabilities around the world;
- b) it will harmonize national policy so that passengers with disabilities know what to expect when traveling between different countries;
- c) it will eliminate operational complexity and unnecessary costs for airlines; and
- d) it will support the aviation industry's contribution to the achievement of the UN's Sustainable Development Goals initiative so that no one and no country is left behind.

2.7 IATA, therefore, invites ICAO to use these core principles to support governments in the development of national legislation and policies.

APPENDIX A

IATA CORE PRINCIPLES ON PASSENGERS WITH DISABILITIES

Persons with disabilities are important to the air transport sector. This is why IATA has developed these practical principles to help airlines work collaboratively with regulators and to provide a safe and satisfying travel experience to their valued customers.

Policy Principles

CP1. Accessibility: The air transport sector should continue to promote inclusiveness and universal accessibility for all passengers, including for persons with disabilities.

CP2. Common Definition: National legislation (and supranational regional instruments) should apply a common, inter-operable definition for passengers with disabilities. National law definitions should be consistent with the relevant standards of the International Civil Aviation Organization (ICAO), including those under Annex 9 to the Chicago Convention.

CP3. Harmonization: In keeping with CP2, national legislation on passengers with disabilities should be harmonized to the greatest extent practicable. The principle of harmonization should apply equally to the policies, procedures and practices implemented pursuant to national legislation.

CP4. Clarity: National legislation should be clear and unambiguous in its terms. Such legislation should not infringe treaty obligations or other obligations of international law.

CP5. Consultation: Regulators should consult with the airline industry and other air transport sector stakeholders well before legislation, policies, procedures or practices are adopted. Such consultation processes should be transparent and meaningful.

CP6. Impact assessment: Regulators should undertake a comprehensive impact assessment that deals with the costs and benefits of any proposed regulatory action.

CP7. Fair application: National legislation should contain safeguards to prevent exploitation of the system for personal convenience.

Process Principles

CP8. Assistance: Airlines should assist passengers with disabilities in a manner that takes into account the best interests of the passengers, relevant safety regulations and operational realities.

CP9. Guidance: Airlines should provide clear guidance to passengers with disabilities on their requirements for the carriage of mobility devices and medical equipment.

CP10. Training: Airline and aviation service staff should be supported by their employers in acquiring and maintaining the proper knowledge, skills and abilities to provide passengers with disabilities a seamless and dignified travel experience.

CP11. Reducing burdens: National legislation should be balanced in its application and should not impose disproportionate or impracticable burdens on airlines.

CP12. Communication: Regulators should strongly encourage passengers with disabilities to provide pre-notification of their needs in advance of their travel.

CP13. Coordination: Air transport sector stakeholders and governments should coordinate their approach in order to deliver consistent end-to-end service to passengers with disabilities regardless of location and national borders.

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