



Unruly Passengers

Fact Sheet

Background

Airlines and governments remain concerned about the frequency and severity of unruly and disruptive passenger incidents onboard aircraft. These incidents include violence against crew and other passengers, harassment, verbal abuse, smoking, failure to follow safety and public health instructions and other forms of riotous behavior. Although such acts are committed by a minority of passengers, they have a disproportionate impact. They create inconvenience, may threaten the health, safety and security of other passengers and crew, and can lead to significant operational disruption and costs for airlines.

Latest figures show that there has been an increase in the rate of reported unruly passenger incidents. The rate per 1,000 flights for the calendar year was 1.2 or 1 incident for every 835 flights. This increased to 1.76 or 1 incident for every 568 flights in 2022. Non-compliance with crew instruction was the most frequent descriptor (0.224 per 1,000 flights in 2021 rising to 0.307 in 2022). However, the number of reports mentioning verbal and physically abusive behaviours also increased in 2022. Addressing the issue of unruly and disruptive behaviour on flights requires a two-pillar approach focusing on enhancing the international legal deterrent and better prevention and management of incidents.

1. Enhancing the deterrent by fixing jurisdictional problems and more options for enforcement action

Gaps in the Tokyo Convention 1963 (TC63) which governs offenses and certain other acts committed on aircraft means that many unruly passengers escape punishment for their misconduct. The main issue is that the State where an aircraft is registered has jurisdiction over offenses committed onboard. This causes problems at overseas airports, where local police may not have jurisdiction to deal with incidents that occur onboard foreign registered aircraft. This means unruly passengers are often released without charge which encourages a culture of impunity. Examples of the problem are demonstrated in the scenarios shown in the chart below. IATA member airlines state this is the reason for prosecutions not proceeding in around 60% of unruly passenger cases.

The Montreal Protocol 2014 (MP14) amends TC63 by extending jurisdiction over offenses to the state of intended landing (destination) in addition to the state of aircraft registration.

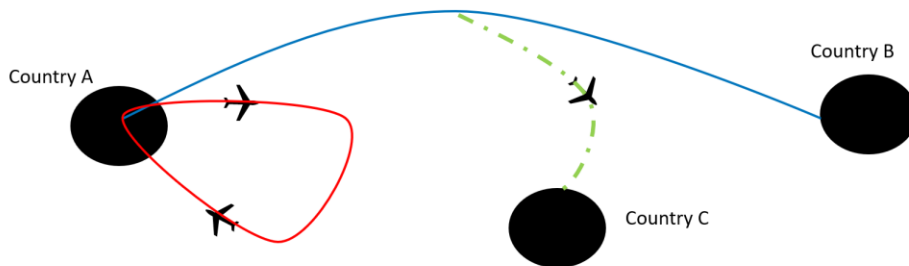
MP14 entered into force on 1 January 2020 and currently 45 states have ratified it, representing about a one third of global traffic. The more states that ratify MP14 the more the jurisdiction gaps can be closed so that unruly passengers can be prosecuted according to uniform global guidelines. Even in cases where jurisdiction is not an issue, there is often a reluctance to pursue criminal prosecutions against unruly passengers, especially for offenses and acts that are considered less serious. This lack of a response from authorities after an incident impairs deterrence. This can be addressed if police or aviation security officers have the power to issue administrative infringement notices "on the spot", under a civil penalty regime. The deterrence element is reintroduced if a person receives a fine for misconduct (specific deterrence) and these fines can be generally publicized (general deterrence) by government, airports, and airlines. Countries such as Singapore, Australia, France, Finland, and New Zealand have civil penalty systems.

When an infringement notice is issued, the person receiving the notice can either pay the fine or contest it if they wish. The payment of the fine would usually be determinative, and a criminal record would not be entered. While not appropriate for all unruly incidents, IATA commends consideration of such a system as one tool for police to have when responding to disruptive behavior upon landing. Criminal prosecutions can be sought for more serious incidents. IATA worked as part of an ICAO Task Force to prepare updated guidance material and examples in respect of such systems for the reference of the international community contained in ICAO Manual Doc. 10117. ICAO member states noted the importance of

November 2023

continually reviewing their approach, including the types of enforcement measures to unruly and disruptive at the recent 41st Assembly.

Scenarios to illustrate the jurisdictional gaps in the Tokyo Convention 1963 (TC63)



The aircraft is registered in and the airline is based in Country A. The flight departs but there is an unruly passenger incident en-route to country B (scheduled destination).

Scenario 1 – Captain elects to return to Country A – The aircraft is registered in Country A. Police and prosecutors can deal with the passenger under national law. No problems!

Scenario 2 – Captain elects to continue to Country B (scheduled destination) – but authorities in Country A as State of aircraft registration have jurisdiction under the Tokyo Convention 1963. But they are 5,000km away. What can the police at the airport in Country B do? Usually, they release the passenger without charge.

Scenario 3 – Captain elects to divert to an airport in Country C, but again Country A has jurisdiction and the same problem occurs as in Scenario 2

Scenario 4 – The aircraft is dry-leased from a lessor and is registered in Country D. In this case, authorities in Country A (where the aircraft operates most flights to/from), Country B or Country C do not have jurisdiction. 50% of the world's fleet is leased so these jurisdictional gaps may increase.

2. Prevention and management of incidents

The role of preventing incidents from happening and managing them effectively when they do is critical. It is essential that all travelers understand prohibited conduct and the possible legal consequences of unruly or disruptive behaviour in aviation facilities and onboard aircraft. Indeed Annex 9 (Facilitation) of the Chicago Convention requires governments to undertake awareness campaigns and the recent awareness campaign implemented by the Federal Aviation Administration (FAA) in response to a rise in reported cases of unruly passenger incidents is a good practice example. In early 2021, the FAA developed a [toolkit of collateral](#) for use in social media, airport digital signage and public service announcements. Backed by strong enforcement action, reported incidents fell 60% from the peak.

IATA recognizes that the industry itself must do all it can to prevent incidents from happening to the extent possible. In addition to providing airlines with comprehensive [guidance materials](#) covering issues such as conflict de-escalation, responsible service of alcohol and restraint, IATA is participating in several ongoing public-facing campaigns aimed at raising awareness among passengers of the types of prohibited conduct onboard and the consequences of irresponsible and criminal behavior. For example, IATA is a participant in the ongoing "[One Too Many](#)" initiative in the UK and is a signatory to multi-stakeholder declarations on unruly passenger behavior in Ireland and Norway

IATA's comprehensive strategy to reduce unruly and disruptive passenger incidents including providing examples of good practice can be found [here](#).

IATA is also participating with the [ICAO Cabin Safety Group](#) in their ongoing work to provide guidance in how to manage the changing cabin dynamics and increasing numbers of aggressive passengers onboard.