



Unruly Passengers

Fact Sheet

Background

Statistics collected by IATA, together with data from individual civil aviation authorities and evidence from member airlines, confirms that unruly passenger incidents on board aircraft in flight are a significant problem.

- In 2017, the rate was one incident for every 1,053 flights (2016: 1 incident for every 1,424 flights)
- Most reports (86%) are Level 1 incidents which are verbal in nature and can usually be dealt with to a successful conclusion by crew using de-escalation training
- 10% of reports relate to level 2 incidents which involve physical aggression to others or damage to the aircraft. (4% were level 3&4 incidents which are rare but more serious, e.g. attempt to gain cockpit entry)
- The top three issues were:
 - 49% Non-compliance with safety regulations (other than non-smoking)
 - 27% Alcohol/other intoxication
 - 24% Non-compliance with smoking regulations
- IATA's statistics do not cover all airlines around the world, so are likely to significantly underestimate the true extent of the problem

Unruly passenger incidents include violence against crew and other passengers, harassment, verbal abuse, smoking, failure to follow safety instructions and other forms of riotous behavior. Although such acts are committed by a tiny minority of passengers, they have a disproportionate impact. They create inconvenience, threaten the safety and security of other passengers and crew, and lead to significant operational disruption and costs for airlines.

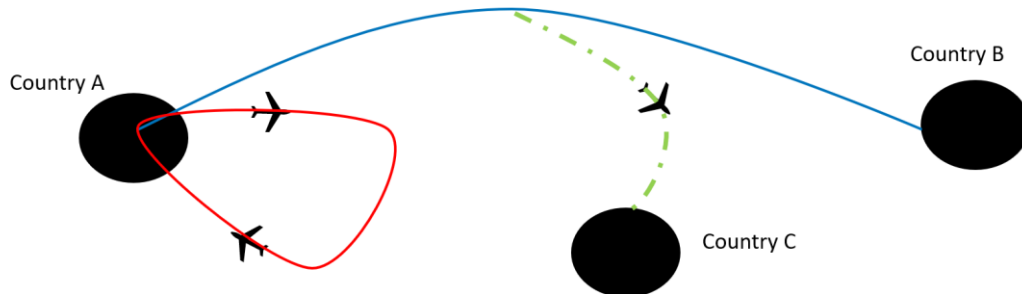
Enhancing International Law

A strong international legal framework and robust enforcement should act as a deterrent to unruly behavior. However, 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 issues when the aircraft is away from its country of registration because the local police do not have jurisdiction to deal with the incident and unruly passengers are often released without charge. 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.

IATA lobbied effectively for the International Civil Aviation Organization (ICAO) to conduct a thorough review of TC63 in 2009. States agreed that amendments were needed, and this resulted in the Montreal Protocol 2014 (MP14). MP14 amends TC63 by extending jurisdiction over offences to the state of intended landing (destination) in addition to the state of aircraft registration. Other changes give greater clarity to what at a minimum constitutes unruly behavior and reinforces the right of airlines to seek recovery of the significant costs from unruly passengers.

These changes, along with the measures already being taken by airlines, will provide a more effective deterrent for unacceptable behavior on board aircraft. MP14 entered into force recently when Nigeria became the 22nd party to it ([Boost for Efforts to Tackle Unruly Passengers as MP14 Set to Come into Force](#)) IATA is actively promoting the ratification of MP14 by states and has advocacy campaigns ongoing in local markets around the world urging them to ratify in accordance with ICAO Assembly Resolution A40-28 (Appendix C). Many countries have started the ratification process including Finland, France, Kenya, Qatar, Republic of Ireland, Switzerland, The Netherlands and the UAE.

Scenarios to illustrate the jurisdictional gaps in the Tokyo Convention 1963



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.

Enforcement Action

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 a civil penalty system in place.

IATA has worked as part of an ICAO Task Force to prepare guidance material and examples in respect of such systems for the reference of the international community. ICAO Manual Doc. 10117 on these aspects has recently been published. 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 cases, 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.

Prevention and Management

The role of preventing incidents from happening and managing them effectively when they do is critical. IATA recognizes that the industry itself must do more 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 public-facing campaigns aimed at raising awareness among passengers of the types of prohibited conduct onboard and the consequences of irresponsible and criminal behavior. This includes the #Notonmyflight campaign launched in conjunction with the European Union Aviation Safety Agency (EASA) in April 2019. This targets the three most prevalent behaviours involved in unruly passenger incidents, namely violent behavior, intoxication and smoking. More information can be found at <https://www.easa.europa.eu/notonmyflight>. IATA is also a participant in the "One Too Many" initiative in the UK and "Fly Safely, Drink Responsibly" campaign in Scandinavia.