Unruly Passengers
Fact Sheet

Background

Unruly passenger incidents on board aircraft in flight are a significant problem, based on statistics collected by IATA, together with data from civil aviation authorities and evidence from member airlines.

Unruly passenger 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 tiny minority of passengers, they have a disproportionate impact. They create inconvenience, threaten the health, safety and security of other passengers and crew, and lead to significant operational disruption and costs for airlines.

The is evidence that unruly and disruptive passenger incidents increased during the COVID-19, driven by the deliberate and repeated non-compliance with the requirement to wear face masks that were put in place to further reduce the potential transmission of the virus to other passengers and crew. IATA reported a rate of 1 incident for every 1,340 flights in the first 7 months of 2021 versus 1 incident for every 1,561 for the 17-month period from 1 January 2020 to 31 July 2021. A number of governments have also reported increasing numbers of unruly and disruptive passenger incidents. For example, in the United States, there have been over 7,000 cases of unruly and disruptive passengers since 1 January 2021, 70% of which related to mask rules.

Enhancing the deterrent by fixing jurisdictional problems

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 undermines the deterrent. 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.

To address this, 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.

MP14 entered into force on 1 January 2020, following ratification by 22 ICAO Member States. Since then, further states have ratified bringing the current total to 36 with nine more becoming parties in 2021, including Finland, France, Netherlands and Switzerland. However, despite this progress, TC63 still covers around 75% of global traffic. The more states ratify MP14 the more the jurisdiction gaps can be closed so that unruly passengers can be prosecuted according to uniform global guidelines.
Enhancing the deterrent through enforcement

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 (these may include failure to comply with requirements to wear face masks during the Covid-19 pandemic). 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.

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. 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.

Prevention and management of incidents

The role of preventing incidents from happening and managing them effectively when they do is critical. With passengers returning to the skies in growing numbers as governments ease COVID19 related restrictions, it is essential that all travelers understand the unacceptability and 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 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 “Fly Safely, Drink Responsibly” campaign in Scandinavia.