



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.

IATA is changing its reporting system to get a more accurate picture of the extent and nature of unruly passenger incidents. However, the last full year of statistics available under the previous reporting system showed that in 2017 the rate was one incident for every 1,053 flights. The top three issues were non-compliance with safety regulations, alcohol or other intoxication, and non-compliance with smoking regulations. During the COVID-19 pandemic, there is evidence that unruly passenger incidents increased, with a minority of passengers deliberately refusing to comply with health and safety measures put in place to protect other passengers and crew.

Enhancing International Law

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.

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 32. 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.

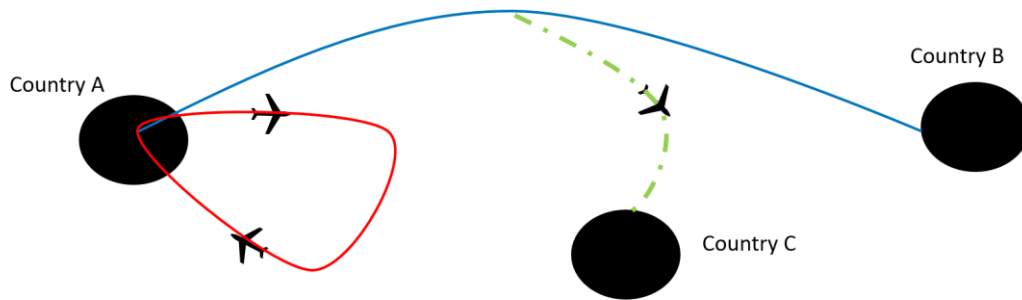
Enforcement Action

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 (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.

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.

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 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. 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.