



## ASSEMBLY — 38TH SESSION

### EXECUTIVE COMMITTEE

#### Agenda Item 25: Other high-level policy issues to be considered by the Executive Committee

#### A POLICY ON ASSISTANCE TO AIRCRAFT ACCIDENT VICTIMS AND THEIR FAMILIES

(Presented by the Council of ICAO)

#### EXECUTIVE SUMMARY

Assembly Resolution A32-7 urged the Council to develop material, which could include Standards and Recommended Practices, to support victims of civil aviation accidents and their families. Accordingly, ICAO Circ 285, *Guidance on Assistance to Aircraft Accident Victims and their Families* was published in 2001, and in 2005 provisions were included in Annex 9 — *Facilitation* to enable expeditious entry in the State of Occurrence of an accident for family members of victims of aircraft accidents. Acknowledging that further action was necessary to promote the assistance to victims and their families, the Council approved in March 2013 an ICAO policy document on this subject.

This paper provides a progress report on action taken pursuant to Assembly Resolution A32-7, and proposes its revision.

**Action:** The Assembly is invited to:

- a) note the information contained in this paper; and
- b) endorse the ICAO policy in Appendix A and adopt the Resolution in Appendix B on assistance to aircraft accident victims and their families to supersede Resolution A32-7.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objective A — Safety.
<i>Financial implications:</i>	The cost associated with family assistance following an aircraft accident will be shared by the various providers of family assistance, including States, air operators and airport operators. Proper budgetary planning by the providers of family assistance is essential.
<i>References:</i>	Annex 13 — <i>Aircraft Accident and Incident Investigation</i> Annex 9 — <i>Facilitation</i> Doc 9998, <i>ICAO Policy on Assistance to Aircraft Accident Victims and their Families</i> Circ 285, <i>Guidance on Assistance to Aircraft Accident Victims and their Families</i> Doc 9958, <i>Assembly Resolutions in Force</i> (as of 8 October 2010)

## 1. INTRODUCTION

1.1 The 32nd Session of the Assembly, in 1998, recognized the need for the global implementation of family assistance and called on States to implement regulations to support victims of aircraft accidents and their families. Family members of accident victims, irrespective of where the accident occurs or the nationality of the victims, have human needs and emotions, and the State of Occurrence of the accident should address the critical needs of persons affected by the accident.

1.2 Assembly Resolution A32-7: *Harmonization of the regulations and programmes for dealing with assistance to victims of aviation accidents and their families* indicated that ICAO's policy "should be to ensure that the mental, physical and spiritual well-being of victims involved in civil aviation accidents and their families are considered and accommodated by ICAO and its Contracting States" and "that States should provide a homogeneous solution for treatment of victims of civil aviation accidents and their families."

## 2. DISCUSSION

2.1 In response to Assembly Resolution A32-7, ICAO issued the *Guidance on Assistance to Aircraft Accident Victims and their Families* (Circ 285) in 2001, and in 2005 provisions were included in Annex 9 — *Facilitation* to enable expeditious entry into the State of Occurrence of an accident for family members of victims of aircraft accidents.

2.2 During the tenth meeting of its 195th Session on 16 March 2012, the Council agreed that a new ICAO policy document should be developed for the provision of assistance to aircraft accident victims and their families, and directed the Secretary General to establish an Assistance to Aircraft Accident Victims Policy Task Force (AVPTF) in order to develop such policy document. Accordingly, the *ICAO Policy on Assistance to Aircraft Accident Victims and their Families* (Doc 9998) was approved by the Council on 1 March 2013.

### 2.3 ICAO Policy on Assistance to Aircraft Accident Victims and their Families

2.3.1 The purpose of this document is to set out ICAO policies regarding the provision of assistance to aircraft accident victims and their families, and to encourage States to incorporate these policies when planning, developing and implementing their legislation, regulations and/or policies related to family assistance.

2.3.2 Doc 9998 provides a strategic approach of family assistance matters, addressing relevant States' legislation, regulations and/or policies, structure of family assistance plans, and also identifies the main groups of family assistance providers.

## 3. STRENGTHENING OF PROVISIONS ON FAMILY ASSISTANCE

3.1 During the discussions in the Council when Doc 9998 was approved, there was support for ICAO to give further consideration to the development of SARPs regarding the establishment of family assistance plans by States, and that such provisions should not have the potential to adversely affect the independence and effectiveness of accident investigations.

4. **CONCLUSION**

4.1 In response to Assembly Resolution A32-7, ICAO issued the *Guidance on Assistance to Aircraft Accident Victims and their Families* (Circ 285) in 2001, and in 2005 provisions were included in Annex 9 to enable expeditious entry into the State of Occurrence of an accident for family members of victims of aircraft accidents. In 2013, the *ICAO Policy on Assistance to Aircraft Accident Victims and their Families* (Doc 9998) was published.

4.2 In order to reflect the aforementioned, the Council recommends that the Assembly endorse Doc 9998 in Appendix A, and adopt the Resolution proposed in Appendix B to supersede A32-7.

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**APPENDIX A**

**ICAO POLICY ON ASSISTANCE TO AIRCRAFT ACCIDENT VICTIMS  
AND THEIR FAMILIES**

Available at: [http://www.icao.int/Meetings/a38/Documents/DOC9998\\_en.pdf](http://www.icao.int/Meetings/a38/Documents/DOC9998_en.pdf)

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## APPENDIX B

### DRAFT RESOLUTION FOR ADOPTION BY THE 38TH SESSION OF THE ASSEMBLY

**Resolution ~~A32-7A~~A38-xx: ~~Harmonization of the regulations and programmes for dealing with~~  
aAssistance to victims of aviation accidents and their families**

*Having considered* that, even though international air transport is the safest means of transportation, the total elimination of serious accidents cannot be guaranteed;

*Whereas* the actions of the State of Occurrence should address the most critical needs of persons affected by a civil aviation accident;

*Whereas* the policy of the International Civil Aviation Organization (ICAO) should be to ensure that the mental, physical, and spiritual well-being of victims involved in civil aviation accidents and their families are considered and accommodated by ICAO and its Contracting States;

*Whereas* it is essential that ICAO and its Contracting States recognize the importance of timely notification of family members of victims involved in civil aviation accidents; the prompt recovery and accurate identification of victims; the return of the victims' personal effects; and the dissemination of accurate information to family members;

*Recognizing* the role of Governments of nationals, who are victims of civil aviation accidents, in notifying and assisting families of the victims;

*Whereas* it is essential that support be provided to family members of victims of civil aviation accidents, wherever the accident may occur, and any lessons learned from support providers, including effective procedures and policies, be promptly disseminated to other Contracting States and ICAO to improve States' family support operations;

*Considering* that harmonization of the regulations for dealing with the needs of victims of civil aviation accidents and their families is also a humanitarian duty and an optional function of the ICAO Council contemplated in Article 55 (c) of the Chicago Convention;

*Considering* that States should provide a homogeneous solution for treatment of victims of civil aviation accidents and their families;

*Recognizing* that the air carrier involved in a civil aviation accident is often best situated to assist families in the immediate aftermath of the accident;

*Noting* that family members of victims of a civil aviation accident, irrespective of where the accident occurs or the national origin of the victims, express certain fundamental human needs and emotions; ~~and~~

*Recognizing* that public attention will continue to focus on States' investigative actions, as well as the human interest aspects of a civil aviation accident;

*Recalling* the issuance of ICAO *Guidance on Assistance to Aircraft Accident Victims and their Families* (Circ 285) in 2001 as well as the inclusion, in 2005, of provisions in Annex 9 to enable expeditious entry into the State in which an accident occurs for family members of victims of aircraft accidents; and

*Acknowledging* the approval by the Council of the *ICAO Policy on Assistance to Aircraft Accident Victims and their Families* (Doc 9998) in March 2013;

*The Assembly:*

1. *Calls on* Contracting States to reaffirm their commitment to support victims of civil aviation accidents and their family members;
2. *Urges* Contracting States, ~~in cooperation with ICAO and other States, to promptly review, develop, and implement~~ to establish legislation, regulations and/or policies programmes to support victims of civil aviation accidents and their family members, in consideration of the ICAO Policy in Doc 9998;
3. *Urges Encourages* States that have legislation, regulations and/or policies programmes for dealing with the affairs of to support civil aviation accident victims and their families ~~make them available to ICAO for possible assistance to other States~~ to review these documents, as necessary, in consideration of the ICAO Policy in Doc 9998;
4. *Urges* the Council to ~~develop material which could include to give further consideration to the development of Standards and Recommended Practices, citing the need for~~ regarding the establishment of by States of legislation, regulations and/or policies programmes by Contracting States and their air carriers to support victims of civil aviation accidents and their family members; and
5. *Requests* that the Council report on the progress achieved to the next session of the Assembly. *Declares* that this resolution supersedes Resolution A32-7.

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