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Varadero, Cuba, 28-30 June 2023

**Agenda Item 5: NAM/CAR Regional Aviation Security/Facilitation Implementation**

**MEASURES ADOPTED BY THE DOMINICAN REPUBLIC TO SANCTION DISRUPTIVE PEOPLE**

(Presented by Dominican Republic)

**EXECUTIVE SUMMARY**

This informative note refers to the measures adopted by the Dominican Republic, to judge those acts committed by people who present disorderly, disturbing or disruptive behaviors, which affect civil aviation with acts that constitute disobedience onboard aircraft or in terminals, airports, thereby posing a safety hazard, and a significant cost to airlines and airport operators.

The legal framework that supports these measures is established in Law no. 188-11, on Airport and Civil Aviation Security, which contemplates penalties from six (6) months to two (2) years of correctional imprisonment and fines of up to 50 minimum wages of the national public sector.

CESAC personnel play a fundamental role in preventing acts that threaten the security of civil aviation, trained to perform different tasks in order to mitigate actions that compromise security. The preventive action of airport security includes the planning, implementation, evaluation and coordination of activities, at the strategic and operational levels, aimed at preventing and immediately mitigating crimes and infractions in the airport environment.

<i>Strategic Objective:</i>	<ul style="list-style-type: none"><li>• Strategic Objective 3 – Security &amp; Facilitation</li></ul>
<i>References:</i>	<ul style="list-style-type: none"><li>• Annex 17, to the Convention on International Civil Aviation (Chicago Convention)</li><li>• Law no. 188-11, on Airport and Civil Aviation Security and its Application Regulations, of the Dominican Republic.</li><li>• Manual on the legal aspects of the behavior of unruly and disruptive passengers (Doc 10117), of the International Civil Aviation Organization (ICAO)</li><li>• Protocol to amend the Convention on Offenses and Certain Other Acts Committed on Board Aircraft, done in Montreal on April 4, 2014, ICAO.</li></ul>

## **1. Introduction.**

1.1 As the International Civil Aviation Organization (ICAO) has urged Contracting States to adopt national legislation and regulations capable of dealing with offenses and other acts committed by unruly or disruptive passengers on board civil aircraft, The Dominican Republic as a Contracting State of the ICAO Security Conventions has created a legal structure, supported by Law no. 188-11, on Airport and Civil Aviation Security, which establishes sanctions from six (6) months to two (2) years of correctional imprisonment and fines of up to 50 minimum wages.

1.2 In order for the country's judges and prosecutors to become familiar with the aforementioned instrument, inter-institutional training agreements have been made between the Specialized Corps in Airport Security and Civil Aviation (CESAC), the National School of the Judicial Power (ENPJ) and the National School for Prosecutors (ENMP).

1.3 In this regard, it should be said that, for the sake of dissuasion and prevention of inappropriate behavior, the Specialized Corps in Airport Security and Civil Aviation (CESAC) carries out actions aimed at promoting raising the awareness of airport users about unacceptable conduct at airport facilities and on board an aircraft, as well as the possible legal consequences, disseminating educational videos through different media.

1.4 It is necessary to mention that the ordinary courts have the competence to hear the criminal proceedings of the people subjected to infractions and other acts committed by unruly or disruptive passengers on board aircraft, in accordance with the penalties established in the security law.

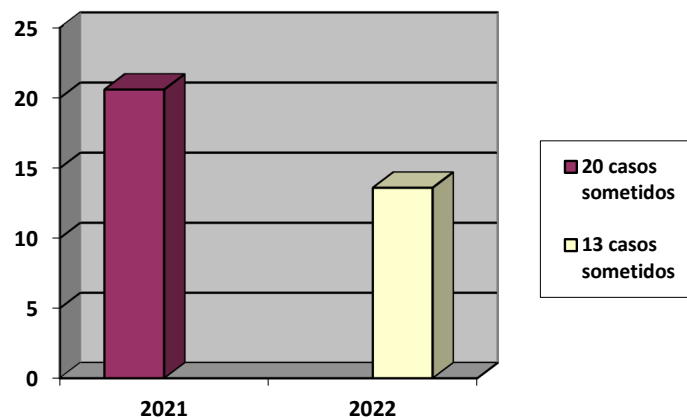
1.5 In order to strengthen knowledge and provide the best contributions, the CESAC Lawyers team has been participating in the meetings of the Unruly Passengers Task Force, led by the Latin American Civil Aviation Commission (CLAC).

1.6 Through the Prosecutors Office, statistically, in the past two years, the submission of more than 43 cases for different contraventions: physical assault or threat against a crew member, as well as the refusal to follow the instructions of the aircraft commander, as well as disrespect for the instructions of airport security personnel.

1.7 Airport operators or operators and other entities involved in the Aviation sector have the responsibility of installing deterrent signs at access controls, inspection posts for passengers, employees, and crew, as well as in the public part of the airport. passenger terminal and other areas of interest to security as appropriate, with the aim of guiding and keeping users informed about the procedures and security measures implemented, complying with the National Civil Aviation Security Program (PNSAC), the which standardizes security controls for people and objects on board.

1.8 In order to raise awareness among passengers, especially events that violate, limit or obstruct the normal development of airport activities, multiple meetings have been held with the Association of Airlines, in order to demand a responsible attitude from them regarding their behavior regarding the security of civil aviation. These efforts made within the framework of prevention are important for safety, so it should be noted that awareness campaigns have been carried out aimed at passengers, especially those who are flying for the first time, for the purposes of that they clearly understand what constitutes prohibited behavior and as a consequence of non-compliance they would be subject to legal action.

1.9 Evidencing, as can be seen in the graph presented below, that this has served to persuade passengers and has allowed us to reduce inappropriate behavior in 2021 and 2022.



## 2. Conclusion

2.1 CESAC, through its Civil Aviation Security School (ESAC), ICAO Regional Center, has managed to train more than 30 prosecutors in aviation security, thereby achieving greater effectiveness in the implementation of the rules.

2.2 To date, during the last two years, due to the awareness of users in the Dominican Republic, the attempted crimes set forth in Law No. 188-11, on Airport Security and Civil Aviation in the different airport terminals, the cases of people who behave in an insubordinate or disturbing manner have decreased and the collaboration of the actors that affect the airport sector has increased.

2.3 The Dominican State has assumed the commitment to implement enforceable and effective measures for the development of the objectives. Prevention translates into benefits for the entire system in general, reducing economic losses and user dissatisfaction.