



WORKING PAPER

ASSEMBLY — 39TH SESSION

EXECUTIVE COMMITTEE

Agenda Item 31: Other high-level policy issues to be considered by the Executive Committee

ASSISTANCE TO AIRCRAFT ACCIDENT VICTIMS AND THEIR FAMILIES

(Presented by Spain)

EXECUTIVE SUMMARY

An aircraft accident has traditionally been dealt with by the aeronautical community from the perspective of prevention, implementing measures to avoid that a similar accident can occur again. However, the consequences of an accident are, above all, human consequences, and the international community and States should have adequate policies and appropriate planning available to support the victims. Despite the valuable initiatives taken in recent years, the unnecessary suffering experienced by aircraft accident victims and their families resulting from the lack of adequate support and appropriate emergency plans can be mitigated with greater involvement of States.

Action: The Assembly is invited to:

- a) urge States to take the appropriate measures to implement the Annex 9 — *Facilitation* provision on assistance to victims as well as *the ICAO Policy on Assistance to Aircraft Accident Victims and their Families* (Doc 9998);
- b) urge the Council, in view of the States effective implementation of Annex 9, 8.46 Recommended Practice for the establishment of legislation, regulations, and/or policies by States to provide assistance to aircraft accident victims and their families, to consider upgrading the Recommended Practice into an International Standard;
- c) urge the Council to consider the possibility of introducing, in Annex 9, a provision establishing a Recommendation so that aircraft and airport operators have appropriate plans to provide timely and effective assistance to aircraft accident victims and their families; and
- d) request ICAO to review the Universal Safety Oversight Audit Programme (USOAP), updating it to include new questions that facilitate both identifying the level of implementation of the provisions and policies on assistance to victims and their families and having a better knowledge of their effective implementation.

<i>Strategic Objectives:</i>	This paper relates to the Safety Strategic Objective.
<i>Financial implications:</i>	
<i>References:</i>	Annex 9 — <i>Facilitation</i> Doc 9998, <i>ICAO Policy on Assistance to Aircraft Accident Victims and their Families</i>

1. INTRODUCTION

1.1 An aircraft accident has traditionally been dealt with by the aeronautical community from the perspective of prevention. To this end, there exists a prescriptive regulatory system which is regularly improved. Furthermore, when an accident occurs its causes are investigated and analyzed to take new measures in order to prevent this from happening again.

1.2 However, the consequences of an accident are, above all, human consequences, and the international aeronautical community and States should have in place adequate policies and appropriate planning available. Air accidents are tragedies having an enormous human impact on the survivors, if any, and on the families of the victims, always. The needs of victims and their families include the provision of adequate emotional care but also immediate and accurate information, as well as the facilitation of the many practical arrangements that each family will need to get to the right information point, to be provided with financial assistance, transportation and lodging, and the cooperation of the authorities responsible for the identification of victims.

2. BACKGROUND

2.1 The 38th Session of the Assembly Executive Committee discussed A38-WP/301, presented among others by Spain, in which the Assembly was invited to endorse the *ICAO Policy on Assistance to Aircraft Accident Victims and their Families* (Doc 9998) and the Council was invited to consider the introduction of a related provision, in the appropriate Annex to the Convention, while ensuring to adversely affect the independence and effectiveness of accident and incident investigations. To this effect, the paper proposed the introduction, in Annex 9 — *Facilitation*, of a Recommended Practice regarding the establishment of legislation, regulations, and/or policies by States to support aircraft accident victims and their families.

2.2 The Assembly took into account the proposal from the Executive Committee and in its Resolution A38-1, on assistance to aircraft accident victims and their families, urged the Council to give further consideration to the development of Standards and Recommended Practices (SARPs) regarding the establishment of legislation, regulations, and/or policies by States to provide assistance to the victims of civil aviation accidents and to their family members.

2.3 The Council, at the third meeting of its 205th Session held on 12 June 2015, adopted Amendment 25 to Annex 9, applicable as from 25 February 2016, incorporating a new Recommended Practice in Chapter 8, paragraph 46, establishing that the Contracting States should establish legislation, regulations, and/or policies on assistance to aircraft accident victims and their families.

2.4 Furthermore, during the 206th Session of the Council it was presented a summary of the conclusions and recommendations of the eighth meeting of the Facilitation Panel (FALP/8) and the 26th meeting of the Aviation Security Panel (AVSECP/26) on the feasibility of auditing all the Standards of Annex 9, and the measures proposed in this regard. It is recalled that at present only the Standards related to aviation security (USAP-CMA), related safety provisions and applicable processes in the event of communicable diseases (USAP-CMA) contained in Annex 9 are audited.

2.5 The Council, taking into consideration the proposals of the report, agreed to maintain the current Universal Security Audit Programme (USAP) - Continuous Monitoring Approach (CMA) and CMA Universal Safety Oversight Audit Programme (USOAP) practices with regard to the auditing of the Standards of Annex 9 and instructed the Secretariat to continue adjusting the protocol questions (PQ) of

the USAP and USOAP to reflect any new or amended aviation security-related and safety-related provisions of Annex 9.

3. **CONCLUSION**

3.1 Despite the valuable initiatives taken in recent years, the unnecessary suffering resulting from the lack of adequate support and emergency plans experienced by aircraft accident victims and their families when a tragedy occurs can be mitigated with greater involvement of States.

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