



FACILITATION PANEL (FALP)

FOURTEENTH MEETING

Montréal, 20 to 24 April 2026

Agenda Item 6: Other Facilitation matters

UNRULY AND DISRUPTIVE PASSENGERS CHALLENGES, BEST PRACTICES AND POLICY RECOMMENDATIONS

(Presented by Kazakhstan)

SUMMARY

This document outlines the work undertaken by Kazakhstan, including its best practice in integrating a blacklist into national legislation in line with established regulatory standards, and requests the initiation of liability for offenses committed at airports.

Action by the FAL Panel:

1. INTRODUCTION

Disruptive Passengers

1.1 The increase in the number of disruptive passengers using air transport has prompted the initiation of strengthened measures to protect civil aviation from potentially unruly passengers. On 29 December 2022, amendments were introduced to the Law on the Use of Airspace and Aviation Activities, legalizing the Register of Persons Whose Air Transportation Is Restricted by an Airline. These amendments entered into force in 2023.

1.2 Previously, airlines maintained their own internal register (a “watch list”), which allowed airline staff only to flag a passenger as disruptive and to keep such a passenger under special control. However, the use of this grey list was limited, as airlines were not entitled to apply appropriate enforcement measures to this category of passengers, and this watch list was illegal.

1.3 The introduction of amendments to national legislation enabled airlines to expand the range of measures that may be applied to passengers.

2. DISCUSSION

Brief description of Article 78-1

2.1 An airline has the right to refuse carriage or to terminate the contract of carriage with a passenger included in the airline's own register of persons whose air transportation is restricted. Grounds for inclusion in the register are a court decision that has entered into legal force, holding the passenger administratively or criminally liable for offenses committed on board an aircraft. The decision is made by the head of the airline and may be appealed in court.

2.2 A passenger is included in the register for a period of one year, after which they must be removed from the register, or earlier in the event the court decision is overturned. The airline is obliged to notify the passenger of their inclusion in the register and to ensure the confidentiality of their personal data.

2.3 Refusal of carriage is not permitted in exceptional cases (return to Kazakhstan, medical treatment, deportation, funerals of close relatives, escorting persons with disabilities, etc.), provided supporting documents are submitted, or in cases of improper notification of the passenger.

2.4 If the contract of carriage is terminated, the passenger is entitled to a full refund of the ticket price.

2.5 These amendments have enabled airlines to enhance safety and discipline on board by lawfully restricting the carriage of offenders, while at the same time protecting passengers' rights through judicial guarantees, socially significant exceptions, and full ticket refunds.

2.6 However, while these measures allow airlines to improve safety and discipline on board aircraft, ground personnel serving air passengers remain unprotected. In any emergency or non-standard situations, they are exposed to threats and physical violence.

2.7 Unfortunately, in Kazakhstan there are frequent cases in which passengers attack ground service personnel, subject them to physical violence, and in some instances damage airport property, including computers and office equipment. In 2025, a particularly egregious incident occurred: a psychologically unstable person seeing off a passenger attacked a screening officer, treated the female employee cynically and brutally, dragged her by the hair, took her hostage, and threatened her with a weapon. We believe that such passenger behaviour is also linked to their awareness of liability which, in their view, does not impose sufficiently strict restrictions, as for such conduct a passenger may only face a minor fine, unlike liability for offenses committed on board an aircraft.

2.8 At the same time, as reflected in the Convention for the Suppression of Unlawful Acts against the Safety of International Civil Aviation, each State Party also recognizes as criminal, regardless of whether any of the offenses specified in paragraphs 1, 2, or 3 of Article 1 are actually committed or attempted, any act whereby a person unlawfully and intentionally, using any device, substance, or weapon:

a) commits an act of violence against a person at an airport serving international civil aviation, which causes or may cause serious bodily injury or death; or

b) destroys or seriously damages equipment or facilities of an airport serving international civil aviation, or an aircraft located at such an airport and not in service, or disrupts the operation of airport services, where such an act endangers or may endanger safety at that airport.

2.9 Since the majority of disruptive passengers are associated with domestic routes, it is reasonable to provide for liability not only in relation to international civil aviation, but also national civil aviation.

2.10 It should be noted that Kazakhstani carriers adhere to a policy of zero tolerance toward any manifestations of aggression, violence, or violations of safety rules against their employees and passengers and call on passengers to strictly comply with safety requirements and show respect to staff and fellow travellers. However, as practice shows, these measures are currently insufficient.

2.11 In this regard, this working paper requests the initiation of liability for offenses committed at airports at the level of established standards.

Why	The implementation of the proposed amendments will contribute to enhancing the level of safety and security at airports, ensuring adequate protection of personnel and passengers, and establishing a unified and effective approach to countering disruptive behaviour in the field of civil aviation.
What	Strengthening liability for offenses committed at airports; Alignment of liability for offenses committed at airports with liability for offenses committed on board an aircraft; Extension of safety and security provisions to national civil aviation; Protection of airport and ground handling personnel; and Enhancement of the preventive effect of liability measures.
Who	ICAO, STAKEHOLDERS
When	TBD

3. RECOMMENDATIONS

3.1 Based on the foregoing, this working paper proposes initiating the introduction of the following amendments and changes:

3.2 **Strengthening liability for offenses committed at airports.**

3.2.1 To provide for stricter administrative and/or criminal liability for acts of aggression, violence, threats, as well as for the intentional damage to property committed by passengers and other persons within airport premises.

3.3 **Alignment of liability for offenses committed at airports with liability for offenses committed on board an aircraft.**

3.3.1 To establish an equivalent level of liability for disruptive behaviour at airports, including security screening, check-in, and waiting areas, to that applicable to offenses committed on board an aircraft.

3.4 **Extension of safety and security provisions to national civil aviation.**

3.4.1 To establish liability for unlawful acts not only in relation to international civil aviation, but also to national (domestic) civil aviation, taking into account that the majority of incidents occur on domestic routes.

3.5 **Protection of airport and ground handling personnel.**

3.5.1 To strengthen, at the legislative level, the protection of ground handling staff, aviation security, and screening personnel by recognizing acts of violence and threats against them as aggravating circumstances.

3.6 **Enhancement of the preventive effect of liability measures.**

3.6.1 To ensure the inevitability and proportionality of punishment in order to raise passenger awareness of the seriousness of the consequences of disruptive behaviour and to reduce the number of incidents at airports.

3.7 Draft FALP Conclusion/Decision ###/1 – Title.

3.7.1 That the FALP/ICAO:

- a) invite Member States to take into account the submitted Working Paper; and
- b) encourage States to share best practices, and to implement measures providing for liability for offences committed at airports.

3.8 Action by the Meeting

3.8.1 The meeting is invited to:

- a) note the information provided;
- b) amend as necessary and endorse the Conclusion/Decision in; and
- c) provide direction as deemed necessary.