



## ASSEMBLY — 42ND SESSION

### EXECUTIVE COMMITTEE

#### Agenda Item 12: Facilitation Programmes

#### ASSISTANCE TO AIRCRAFT ACCIDENT VICTIMS AND THEIR FAMILIES

(Presented by the Council of ICAO)

##### EXECUTIVE SUMMARY

Since the adoption of Assembly Resolutions A39-27, A40-16, and A41-14, ICAO and stakeholders have made notable progress in enhancing support for aircraft accident victims and their families. Progress on the 30 recommendations from the first Assistance to Aircraft Accident Victims and their Families Symposium (AAAVF 2021) shows that several have been completed, with others ongoing or planned. The Second Symposium (AAAVF 2024) provided a comprehensive review of implementation progress, highlighted persistent gaps, and established further priorities, including universal ratification of the Montreal Convention 1999 (MC99), enhanced monitoring of State implementation of Annex 9, and fostering greater transparency in accident investigations while ensuring more frequent and supportive communication with accident victims and their families, as highlighted in Annex 13. This paper presents a current overview of progress made and identifies priorities for the next triennium as well as developments pertaining to assistance to aircraft accident victims and their families since the last Assembly. The contribution of the International Federation of Aircraft Accident Victims and Families (ACVFFI) and its Associations has been essential to support the ICAO work on this file. It concludes by proposing priorities and expected outcomes during the next triennium and updates to Assembly Resolution A41-14.

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

- recognize the progress achieved in implementing the AAAVF 2021 recommendations;
- endorse the Organization's work programme and priorities for the 2026-2028 triennium related to AAAVF 2021 recommendations and outcomes of the Second Symposium AAAVF 2024;
- urge Member States, industry and other stakeholders to increase their efforts in implementing the AAAVF 2021 recommendations and outcomes of AAAVF 2024 addressed to them; and
- adopt Resolution A42-XX in Appendix C to supersede Assembly Resolution A41-14.

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| <b>Strategic Goals:</b> | This working paper relates to Strategic Goals: <i>Every Flight is Safe and Secure</i> and <i>Aviation Delivers Seamless, Accessible, and Reliable Mobility for All</i> ; and the <i>International Civil Aviation Convention and other Treaties, Laws and Regulations address all Challenges</i> . |
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| <b>Financial implications:</b> | The ICAO activities referred to in this paper are expected to be undertaken within the resources available in the 2026-2028 Regular Budget and/or from extra-budgetary contributions as guided by the ICAO Business Plan 2026-2028. |
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| <b>References:</b> | <p>Annex 9 — <i>Facilitation [Amendment 30, 17<sup>th</sup> Edition]</i><br/>Annex 13 — <i>Aircraft Accident and Incident Investigation</i><br/>Annex 14 — <i>Aerodromes</i><br/>Doc 10184, <i>Assembly Resolutions in Force</i> (as of 7 October 2022)<br/>Doc 9998, <i>ICAO Policy on Assistance to Aircraft Accident Victims and their Families</i><br/>Doc 9973, <i>Manual on Assistance to Aircraft Accident Victims and their Families</i><br/>Doc 9756, <i>Manual of Aircraft Accident and Incident Investigation</i><br/>Doc 9740, <i>Convention for the Unification of Certain Rules for International Carriage by Air</i>, done at Montreal on 28 May 1999<br/>Final Act of the International Conference on Air Law, Montreal, May 1999<br/>Report on ICAO Symposium on Assistance to Aircraft Accident Victims and their Families (AAAVF 2021)<br/>Council Report on Second ICAO Symposium on Assistance to Aircraft Accident Victims and their Families (AAAVF 2024)<br/>Doha Declaration on Facilitation of International Air Transport (<i>Adopted on 17 April by the Ministerial Segment of the Facilitation Conference, 14-17 April 2025, Doha, Qatar</i>)</p> |
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## 1. INTRODUCTION

1.1 Assembly Resolution A39-27: *Assistance to victims of aviation accidents and their families* indicates 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 Member States", and that "States should provide a homogeneous solution for treatment of victims of civil aviation accidents and their families". A39-27 also urged Member States to inform ICAO, through the compliance checklist (CC) in the Electronic Filing of Differences (EFOD) of the level of implementation of the provisions in Annex 9 — *Facilitation* associated with family assistance plans.

1.2 Similarly, the 40th Session of the Assembly adopted Resolution A40-16, which urged "Member States to implement the provisions of Annex 9 to facilitate assistance to aircraft accident victims and their families"; and requested "the Council to consider upgrading Annex 9 Recommended Practice 8.46 into an international Standard, as well as to consider introducing a new Annex 9 Recommended Practice, addressed to aircraft and airport operators on the development of appropriate plans to provide timely and effective assistance to aircraft accident victims and their families and to communicate them to ICAO".

1.3 Article 28 of the Montreal Convention 1999 (*Convention for the Unification of Certain Rules for International Carriage by Air* (MC99)) mandates that carriers, in case of aircraft accidents resulting in death or injury of passengers - if required by their national law -, shall provide advance payments without delay to any natural person or persons entitled to compensation, in order to meet their immediate economic needs. The Montreal Diplomatic Conference also adopted Resolution No. 2, which urges carriers to pay such advances and encourages State Parties to the Convention to take appropriate measures in their national law to promote such action by carriers. Hence, it is appropriate that the ICAO Assembly recommend that States establish such legislation.

1.4 The 41st Session of the Assembly adopted Resolution A41-14, which urged States to have legislation, regulations, and/or policies to support civil aviation accident victims and their families to review these documents as necessary. This review should consider the ICAO Policy in Doc 9998 and the guidance material in Doc 9973. Resolution A41-14 aims to ensure that States provide timely and effective assistance to aircraft accident victims and their families, aligning with the established trend of enhancing support mechanisms in the aftermath of aviation accidents.

1.5 It is essential for ICAO to support implementation of SARPs by States through assistance and capacity-building activities and training and awareness campaigns.

1.6 The contribution of ACVFFI and its Associations has been essential to support and contribute to the work of the experts of the Working Group on AAAPV of the Facilitation Panel (FALP), and in the development of the main policies such as Doc 9998, *ICAO Policy on Assistance to Aircraft Accident Victims and their Families*, Doc 9973, *Manual on Assistance to Aircraft Accident Victims and their Families*, the inclusion of relevant Protocol Questions in the Universal Safety Oversight Audit Programme (USOAP) Continuous Monitoring Approach (CMA) and the upgrading of Recommended Practice 8.46 to Standard 8.47 of Annex 9, among others.

## 2. WORK ACCOMPLISHED BY ICAO

2.1 In March 2022, following the recommendations made by the Twelfth Meeting of the Facilitation Panel (FALP/12) held in July 2021, the Council of ICAO adopted Amendment 29 to Annex 9 — *Facilitation*. Amendment 29 elevated Recommended Practice 8.46 to a Standard (now Standard 8.47 in Amendment 29, Sixteenth Edition, which became applicable on 18 November 2022), thus

obliging States to establish legislation, regulations and/or policies in support of assistance to aircraft accident victims and their families. Amendment 29 also adopted a new Recommended Practice 8.48 that States should ensure that each aircraft or airport operator develop plans to provide timely and effective assistance to aircraft accident victims and their families. This should take into consideration that airport operators' plans formed as part of Aerodrome Emergency Plans (AEP) required under Annex 14 — *Aerodromes* may be applicable.

2.2 A review of the Compliance Checklist (CC) in the Electronic Filing of Differences (EFOD) system of the Annex 9 Standards and Recommended Practices (SARPs) related to assistance to aircraft accident victims and their families as contained in Annex 9, Chapter 8, Section I, shows that the majority of States are yet to make entries to the EFOD System. With regard to Standard 8.47 which requires States to establish legislation, regulations and/or policies in support of assistance to aircraft accident victims and their families, the data shows that of the 79 States that have made entries to the EFOD System, 66 are in compliance, 13 have filed differences, and 114 are yet to make entries. ICAO Universal Safety Oversight Audit Programme – Continuing Monitoring Approach (USOAP-CMA) indicates a 9.43 per cent global effective implementation of systems for providing assistance to aircraft accident victims and their families. This figure is reflective of the results of audits undertaken and reported at the time of preparing this paper and is subject to change as the number of States audited increases. In this context, knowledge of the existing related ICAO guidance, namely, Doc 9998, *ICAO Policy on Assistance to Aircraft Accident Victims and their Families* and Doc 9973, *Manual on Assistance to Aircraft Accident Victims and their Families* would assist States increase the level of implementation of related SARPs.

2.3 In order to provide States with the appropriate capacity building tools, a course entitled “Assistance to Aircraft Accident Victims and their Families” has been developed to provide Civil Aviation Authorities (CAA) representatives, government officials, aircraft and airport operators with the necessary competencies to develop or refine appropriate family assistance legislation, regulations, policies, and plans, in accordance with Docs 9973 and 9998. This four-day course supports notably the recent upgrade of Annex 9, Recommended practice (RP) 8.46 to international Standard 8.47 in Amendment 29 to Annex 9, and the introduction of new Annex 9 RP 8.48, addressed to aircraft and airport operators on the development of appropriate plans to provide timely and effective assistance to aircraft accident victims and their families. The course is available in a virtual and classroom format in English.

2.4 In December 2021, ICAO, with the support of the Government of Spain, organized the first Symposium on Assistance to Aircraft Accident Victims and their Families (AAAVF 2021), which enhanced international cooperation and the sharing of best practices in areas such as communication of sensitive information and management of compensation. The Symposium identified 30 recommendations, later endorsed by the ICAO Council, with follow-up actions assigned to relevant working groups. An Electronic Bulletin was issued to inform States of the conclusions and recommendations, as outlined in the final AAAVF 2021 report <https://www.icao.int/Meetings/AAAVF2021/Pages/default.aspx>.

2.5 The Second ICAO Symposium on Assistance to Aircraft Accident Victims and their Families (AAAVF 2024), held in Haarlem, the Netherlands, from 26 to 28 November 2024, emphasized the urgent need for robust support structures for victims' families. The Symposium highlighted key themes such as victims' advocacy, crisis management, and the implementation of ICAO Standards and Recommended Practices (SARPs). It underscored the importance of enhancing global frameworks, promoting uniformity in the treatment of accident victims, and strengthening implementation oversight. The event also called for more frequent and comprehensive communication to accident victims and their families as well as, insurance and compensation protocols, and the development of comprehensive family assistance plans. The Symposium outcomes are presented in Appendix B. The status of implementation of the 2021 recommendations as detailed in Appendix A, was reviewed during AAAVF 2024. It was noted that while progress has been made, several recommendations are still in progress. Key updates include the elevation

of Recommended Practice 8.46 to Standard 8.47, ongoing efforts to review and update Doc 9998 and Doc 9973, and the continuous monitoring of compliance through the USOAP and EFOD mechanisms. ICAO has also been actively promoting the ratification of MC99, with 141 States currently parties to the convention. The Symposium highlighted the need for further efforts to ensure timely economic support for victims' families and to enhance the independence and transparency of accident investigations while maintaining the integrity of the investigation.

2.6 With the assistance of the Accident Investigation Panel (AIGP) ICAO has further strengthened Annex 13 provisions and related guidance such as Doc 9756 for providing accident victims and their families with regular updates on the progress of the investigation. ICAO will continue to support this topic and provide assistance to States for the implementation.

2.7 The establishment of the Working Group on Assistance for Aircraft Accident Victims and their Families (WG-AAAVF) enhances compliance monitoring and facilitates the updating of guidance materials including Doc 9973 and Doc 9998. This working group continues to identify and address barriers to implementation, while exploring potential solutions to ensure States receive updated guidance and templates for effectively implementing relevant provisions.

2.8 ICAO has developed a dedicated Implementation Package (iPack) on Assistance to Aircraft Accident Victims and their Families (AAAVF). This iPack is a self-contained package aimed at assisting and guiding State authorities in the implementation of the ICAO Policy on AAAVF for establishing a comprehensive AAAVF plan. It includes relevant documentation, tools, and a virtual classroom course to build capacities for developing and implementing the National Family Assistance Plan. The iPack provides remote technical assistance from a dedicated AAAVF subject matter expert and supports States in achieving the objectives of the National Family Assistance Plan.

2.9 ICAO convened the Facilitation Conference 2025 (FALC2025) in Doha, Qatar from 14 to 17 April 2025, which concluded with a High-level Ministerial Segment on 17 April 2025. The four-day Conference, hosted by the Government of Qatar, gathered more than 2 000 delegates from 138 States and 17 International and regional Organizations, industry and other stakeholders under the theme “Facilitation the Future of Air Transport: Collaboration, Efficiency, and Inclusivity.” Notably, fifty-three Ministers including the Prime Minister of Grenada and Deputy Prime Ministers of Fiji and Tonga and over 70 Directors General of Civil Aviation and/or heads of delegations attended the High-level Ministerial Segment. Altogether this segment featured oral statements by 35 Ministers and 4 Deputy Ministers, 13 Heads of Delegations and 4 International Organizations. The event concluded with the adoption of the Doha Declaration on Facilitation of International Air Transport (“Doha Declaration”), which inter alia, recognizes that air transport facilitation is critical for the sustainable development of air transport and that it needs to be prioritized and appropriately resourced. Specifically, Operative Clause “I)” urges States, to establish legislation, regulations and/or policies to support victims of civil aviation accidents and their family members and advance the ongoing implementation and evolution of ICAO’s work programme and priorities related to assistance to aircraft accident victims and their families, and support ICAO’s leadership role in this regard. It is noted that operative clause 2 of Assembly Resolution A41-14, *Assistance to victims of aviation accidents and their families* urges Member States to establish legislation, regulations and/or policies to support victims of civil aviation accidents and their family members, as mandated by ICAO Annex 9 Standard 8.47, and pursuant to Article 28 of the Montreal Convention of 1999 and Resolution No. 2 adopted by the Montreal Conference.

2.10 The collaboration between ICAO and ACVFFI and other family associations plays an important role by representing the perspectives of victims. ICAO acknowledges this partnership in various

settings and international events. ACVFFI provides valuable information to ICAO through its proposals and initiatives, contributing to the enhancement of relevant ICAO documents and tools.

### **3. PRIORITIES AND OUTCOMES FOR THE 2026 – 2028 TRIENNium**

3.1 In line with the AAASF 2021 recommendations and the outcomes of AAASF 2024, the Doha Declaration on Facilitation of International Air Transport, the Programme's work and priorities related to assistance to aircraft accident victims for the next triennium will address the following areas:

3.1.1 Monitoring of States' level of implementation of the relevant ICAO Annexes SARPs: Compliance monitoring of AAASF-related SARPs will be conducted through the ICAO USOAP, with additional information gathered via the EFOD mechanism. Increased transparency in sharing audit results will be emphasized.

3.1.2 Identification of any gap and formulation of further recommendations: An assessment will be carried out, considering the overarching issue of support to victims and families across all Annexes, to identify potential gaps in guidance and develop ad hoc recommendations as needed. This work is being undertaken in close coordination with related ICAO bureaux, panels, working groups, Member States, international organizations, such as Airport Council International (ACI), ACVFFI and the International Air Transport Association (IATA) and industry partners through a dedicated focus group. Barriers to implementation will be addressed, and potential solutions explored for discussion at FALP/14, always placing victims at the centre of them.

3.1.3 Assistance to Member States through Training, Guidance, and Capacity-Building Initiatives: Efforts will focus on enhancing the level of implementation of relevant regulations and policies by:

- a) Promoting universal ratification of MC99: Outreach and advocacy efforts will be intensified to encourage States to ratify MC99, highlighting the benefits of universal ratification for victims and their families. Access to ICAO-developed administrative packages and tools to assist States in the ratification process will be promoted;
- b) Enhancing Family Assistance Plans: USOAP activities will more frequently assess States' compliance with Annex 9 and Annex 13 Standards concerning assistance to accident victims and their families. ICAO will encourage States to implement these Standards and will organize workshops to assist in the development of comprehensive family assistance plans. Aircraft and airport operators will be encouraged to develop best practice guides and toolkits for effective communication and post-accident assistance;
- c) Strengthening Global Cooperation on Conflict Zone Risk Mitigation: The Safer Skies Initiative to be expanded to include more States and operators, fostering collaborative risk management practices, enhancing information-sharing mechanisms for real-time threat analysis, and providing training and resources for comprehensive risk assessments and mitigation strategies;
- d) Improving Psychological and Long-Term Support for Victims' Families: States will be encouraged to establish national victim support networks involving psychological experts, NGOs, and community leaders. Procedures for handling and returning personal effects, including electronic devices, will be developed;
- e) Advancing Accident Investigation and Information Sharing: ICAO will continue strengthening Annex 13 provisions and guidance to ensure the timely publication of preliminary and comprehensive final investigation reports. ICAO will also further promote independence and transparency in investigations to foster confidence and trust among victims' families and associations;
- f) Implementing a dedicated AAASF function within ICAO: A centralized support and coordination function for AAASF will be established. ICAO will facilitate the development, dissemination and

deployment of AAASF-related iPacks and training workshops and establish a global database to track the implementation of family assistance-related SARPs and guidance materials. These actions will be subject to resources available in the ICAO 2026-2028 Regular Budget and/or from extra-budgetary contributions as guided by the ICAO Business Plan 2026-2028;

- g) Enhancing Legislative and Regulatory Frameworks: States are encouraged to domesticate ICAO SARPs and align their national legislation with global standards. ICAO will provide technical assistance to States with limited resources to develop and enforce aviation safety regulations, emphasizing the importance of accountability and liability for victim assistance to ensure consistent and fair practices; and
- h) Promoting Victim-Centric Cultures in Aviation Organizations: Awareness campaigns will be promoted to highlight the importance of victim and family assistance within the aviation community. Support will be provided for initiatives that integrate victim assistance as a core component of aviation safety and emergency planning. Airport and aircraft operators, along with State regulators, will be encouraged to adopt a customer-focused and empathetic approach to accident response.

3.2 The Assembly is urged to encourage States, industry and other stakeholders to increase their efforts in implementing the AAASF 2021 recommendations and the outcomes of AAASF 2024 addressed to them, in order to provide the appropriate assistance to aircraft accident victims and their families. Member States are invited to adopt the Assembly Resolution A41-XX, found in Appendix C, which supersedes A41-14.

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## APPENDIX A

### STATUS OF AAASF 2021 RECOMMENDATIONS

In December 2021, ICAO, with the support of the Government of Spain and the participation of the *International Federation of Aircraft Accident Victims and Families (ACVFFI)*, organized in Las Palmas de Gran Canaria (Spain) the first Symposium on Assistance to Aircraft Accident Victims and their Families (AAASF 2021). The Symposium identified 30 recommendations, later endorsed by the ICAO Council, the status of these recommendations is as follows:

| Recommendation                                                                                                                                                                                                                                                                                                              | Owner | Status    | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| 1) ICAO to encourage States to implement existing Annex 9 Recommended Practice 8.46, as well as ICAO Doc 9998 and Doc 9973. The participants suggested that ICAO issue a State Letter attaching the AAASF Symposium final report, in the process requesting implementation of the report's conclusions and recommendations; | ICAO  | Completed | RP 8.46 became Standard 8.47 with the Amendment 29 of Annex 9 applicable since 18 November 2022, namely:<br>"Contracting States shall establish legislation, regulations and/or policies in support of assistance to aircraft accident victims and their families".<br><i>Note.— Attention is drawn to Doc 9998, ICAO Policy on Assistance to Aircraft Accident Victims and their Families and Doc 9973, Manual on Assistance to Aircraft Accident Victims and their Families.</i><br><br>EB 2022/14 "Report on the Symposium on Assistance to Aircraft Accident Victims and their Families" was dispatched on 13 April 2022. |
| 2) It was also suggested for ICAO to review and update Doc 9998 and Doc 9973 building on recent experiences;                                                                                                                                                                                                                | ICAO  | On-going  | This recommendation is part of the Terms of Reference of the Facilitation Panel's Working Group on Assistance to Aircraft Accident Victims and their Families (WG-AAASF) and work in this area is ongoing.<br><br>Guidance specific to providing update on the progress of the investigation has been developed with the help of the Accident Investigation Panel (AIGP).                                                                                                                                                                                                                                                     |
| 3) ICAO to continue to monitor compliance of AAASF-related SARPs via the ICAO USOAP, while additional information is gathered through the EFOD mechanism;                                                                                                                                                                   | ICAO  | On-going  | This recommendation is part of the Terms of Reference of the Facilitation Panel's Working Group on Assistance to Aircraft Accident Victims and their Families (WG-AAASF) and work in this area is ongoing.<br><br>ICAO continues to monitor compliance of AAASF related SARPs under the USOAP Continuous Monitoring Approach and additional data is collected from the EFOD System. guidance material (i.e., Doc 9973 – and Doc 9998).                                                                                                                                                                                        |
| 4) ICAO Council to upgrade ICAO Recommended Practice 8.46 to an international Standard, thus in accordance with Article 37 of the Convention on International Civil Aviation (Chicago Convention)                                                                                                                           | ICAO  | Completed | Refer to Recommendations 1 and 3 above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

| Recommendation                                                                                                                                                                                                                                                                   | Owner | Status    | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| creating an obligation for States to comply with the provision, if no difference is filed. The Standard is to be audited by USOAP;                                                                                                                                               |       |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 5) An assessment is to be conducted considering the overarching issue of support to victims and families in all the Annexes, identifying any gaps and formulating further recommendations as required;                                                                           | ICAO  | On-going  | <p>This recommendation is being considered by the FALP's WG-AAAVF on aspects related to Annex 9, the AIGP on aspects related to Annex 13, and the Aerodrome Design and Operations Panel (ADOP) on aspects related to Annex 14.</p> <p>AIGP proposed amendments to Annex 13, and related AIG guidance associated with providing information to accident victims and families on the progress of the investigation. For provisions related to aerodrome and aircraft operators, please refer to Recommendation 6 below.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 6) ICAO should promote a combination of regulation, training and cooperation among authorities, service providers, airlines and including the ACVFFI and its associations in order to improve the implementation by States, aircraft and airport operators of the ICAO Doc 9998; | ICAO  | On-going  | <p>ICAO has been delivering training on Annex 9, which has a dedicated topic on Assistance to Aircraft Accident Victims and their Families, and to which more than 70 Sessions has been delivered to in all ICAO regions.</p> <p>A training course on Assistance to Aircraft Accident Victims and their Families has been developed. Six Sessions have been delivered to date, and delivery is ongoing. Additionally, ICAO has conducted implementation Seminars on Assistance to Aircraft Accident Victims, as well as the ongoing development of an Implementation Package (iPack).</p> <p>Guidance specific to providing update on the progress of the investigation is currently being developed with the help of the AIGP. For Aerodrome Operators, ADOP is proposing to ANC a new recommendation in Annex 14, Vol I, requiring the aerodrome emergency plan to include assistance to accident victims and families. ADOP is also working on detailed guidance material related to this topic.</p> |
| 7) ICAO should promote implementation of ICAO Doc 9998, the ratification of MC99 and compliance with Annex 9 SARPs. ICAO should organize regional workshops in States/Regions with special needs relying on the support of ACVFFI and its associations, as required;             | ICAO  | On-going  | <p>MC99 is one of the six key treaties which ICAO (LEB) has been promoting for ratification at a number of DGCA and other regional meetings and workshops, and it is on the agenda of all ICAO legal events (Seminars and Fora). An Administrative Package has been developed and is made widely available to assist States in becoming Party to MC99, which currently has 141 ratifications.</p> <p>In regard to regional workshops, refer to Recommendations 6 and 8.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 8) Regional offices of ICAO should play an active part in promoting the                                                                                                                                                                                                          | ICAO  | Completed | Joint ICAO/ECAC (EUR/NAT) regional workshop was held in Milan (Feb 2023).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

| Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Owner | Status                            | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| policies above and organizing the workshops relying on the support of ACVFFI and its associations, as required;                                                                                                                                                                                                                                                                                                                                                                                           |       | Others are planned before A42     | ACVFFI was invited to present their views.<br><br>An Interactive Workshop on Assistance to Aircraft Accident Victims and their Families was held on the sidelines of the FAL Global Summit in Saudi Arabia (21-22 May 2024) ACVFFI Chairperson was a speaker at the Workshop.<br><br>Fifth Meeting of Middle East North Africa Aircraft Accident and incident Investigation Regional Cooperation Mechanism (MENA ARCM/5) Committee and Conference hosted by Oman, was held from 7-9 May 2024 with a theme: <i>"Assistance to Aircraft Accident Victims and their Families"</i> . |
| 9) The AAASF function in the ICAO Secretariat should be focused and supported by an identified responsible unit;                                                                                                                                                                                                                                                                                                                                                                                          | ICAO  | No available budget for this Unit | While there is no budget for a responsible unit, FAL (ATB) coordinates with other ICAO Bureaus involved in AAASF matters.                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 10) Wide effort is required to call upon the responsibility of communication media and agencies to treat accident information respecting the dignity of victims, families and individuals. Building on experiences of some recent tragedies beyond aviation could help. ICAO should prepare a compilation of best practices currently applied by States and agents. An assessment of those best practices may need to consider the formulation of a communication code of conduct to be shared worldwide; | ICAO  | Completed                         | AIGP has with the help from its members organizations created this guidance. The guidance has been uploaded to the ICAO public website at: <a href="https://www.icao.int/safety/airnavigation/AIG/Media%20Protocols/Forms/AllItems.aspx">https://www.icao.int/safety/airnavigation/AIG/Media%20Protocols/Forms/AllItems.aspx</a> .                                                                                                                                                                                                                                               |
| 11) The ratification of MC99 is to be encouraged as there is no uniformity worldwide in the treatment of victims and families;                                                                                                                                                                                                                                                                                                                                                                            | ICAO  | On-going                          | MC99 is one of the six key treaties which ICAO (LEB) has been promoting for ratification at a number of DGCA and other regional meetings and workshops, and it is on the agenda of all ICAO legal events (Seminars and Fora). An Administrative Package has been developed and is made widely available to assist States in becoming Party to MC99, which currently has 141 ratifications.                                                                                                                                                                                       |
| 12) A specific initiative is required to standardize the process to be followed by families when an accident occurs, including proper guidance that puts steps into simple language;                                                                                                                                                                                                                                                                                                                      | ICAO  | On-going                          | This recommendation is part of the Terms of Reference of the Facilitation Panel's Working Group on Assistance to Aircraft Accident Victims and their Families (WG-AAASF) and work in this area is ongoing.                                                                                                                                                                                                                                                                                                                                                                       |
| 13) The timely issuance of advance payments must become global practice. A targeted workshop is suggested to advance on the topic so as to identify further decisions to be taken. Additionally, a total level of                                                                                                                                                                                                                                                                                         | ICAO  | On-going                          | Such advance payments to be made without delay to natural persons entitled to claim compensation in case of aircraft accidents involving death or injury to passengers are covered under Article 28 of MC99. At 2 ICAO Legal Seminars in 2022 and 2024 and the Civil Aviation Legal Advisers                                                                                                                                                                                                                                                                                     |

| Recommendation                                                                                                                                                                                                                                                | Owner | Status    | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| compulsory compensation is to be reviewed in proportion to the insurance policies subscribed by aircraft operators. ICAO should organize a specific ad hoc forum to deal with compensation and facilitating procedures for survivors and families of victims; |       |           | Forum/2 in 2023, specific panels were added to the agenda to address the issue of accident victims' compensation under MC99 and the impacts on the aviation insurance market. These sessions included participation by representatives of aviation insurers and law firms involved in accident claims. The sessions were intended to socialise the issue and allow for information sharing and education on how the aviation insurance market and claims process's function.                                                                                                                                                                                                                        |
| 14) An ICAO group, supported by the appropriate legal expertise, should consider best practices of insurance companies and their relationship with victims and families, balancing the needs of airlines and also victims and families;                       | ICAO  | On-going  | The ICAO groups have been established and are supported by appropriate legal expertise. The group is dealing with this recommendation. At 2 ICAO Legal Seminars in 2022 and 2024 and the Civil Aviation Legal Advisers Forum/2 in 2023, specific panels were added to the agenda to address the issue of accident victims' compensation under MC99 and the impacts on the aviation insurance market. These sessions included participation by representatives of aviation insurers and law firms involved in accident claims. The sessions were intended to socialise the issue and allow for information sharing and education on how the aviation insurance market and claims process's function. |
| 15) Following the specific forum held to discuss compensation, and after having analysed the best practices of insurance companies, the community should assess whether review of MC99 and other related treaties is needed;                                  | ICAO  | On-going  | This recommendation is based on the outcome of the analysis of best practices, which work is ongoing in the working group. At 2 ICAO Legal Seminars in 2022 and 2024 and the Civil Aviation Legal Advisers Forum/2 in 2023, specific panels were added to the agenda to address the issue of accident victims' compensation under MC99 and the impacts on the aviation insurance market. These sessions included participation by representatives of aviation insurers and law firms involved in accident claims. The sessions were intended to socialise the issue and allow for information sharing and education on how the aviation insurance market and claims process's function.             |
| 16) The ICAO AIGP should consider proposing guidance material for accident investigators to provide focused briefing material, including "what, when and how" information to families of victims;                                                             | ICAO  | On-going  | This recommendation was discussed during AIGP/9 and proposed guidance will be presented during AIGP/10.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 17) The AIGP should also consider providing guidance on how to address communication media when an accident occurs and how to continue providing verified, on-time information for public release, while protecting the investigation process;                | ICAO  | Completed | The timely release of information for accidents and incidents that draw heightened public attention is covered by Amendment 19 and 20 to Annex 13. Media guidance is available on the ICAO public website (see nr. 10 above). In addition, the AIGP is deliberating if more guidance will be proposed to even further enhance communications with the media.                                                                                                                                                                                                                                                                                                                                        |
| 18) Independence, rigor and technical capability of accident investigation                                                                                                                                                                                    | ICAO  | Completed | To reduce or limit actual or perceived conflicts of interest in the cases of aircraft downing, upcoming                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

| Recommendation                                                                                                                                                                                                                                                                                                                                                                                               | Owner  | Status    | Comments                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| authorities are fundamental prerequisites for providing value to the accident investigation findings and also, importantly, to provide credibility to the accident reports. Absence of conflict of interest is essential. Promotion by ICAO of regional cooperation will assist in improving the investigation process alleviating cases of limited technical resources and/or experience in certain States; |        |           | amendment 20 to Annex 13 includes guidance titled "Guidance on investigations when states may be associated with a suspected act of unlawful interference". The AIGP has also always promoted the fact that regional cooperation contributes to enhance the investigation and may reinforce the victims and families' confidence in it. AIGP/9 addressed Regional Cooperation and proposed update to Doc 9946.    |
| 19) Clear independence of the accident investigation authority, whose main objective is to determine the root causes of the accident and avoid its recurrence, and the judicial investigation, to conclude on potential criminal responsibilities, needs to be stressed by ICAO;                                                                                                                             | ICAO   | Completed | This recommendation has been globally addressed to ICAO that has developed Assembly Resolutions on this topic, a Standard in Annex 13 as well as extensive guidance material (notably Doc 10053). Annex 13 highlights the independence of safety investigation from judicial proceedings but emphasises necessary cooperation to ensure both activities are effectively conducted and without interfere or delay. |
| 20) Accident investigation Final Reports should be easily understandable for families and translated in all the languages of interest to the families;                                                                                                                                                                                                                                                       | States | Completed | The AIGP has concluded the recommendation which might not be realistic for an entire Final Report. However, Annex 13 and Doc 9756 recommend a synopsis of the accident that should be easier to translate by the States of the victims. In some cases, it may be necessary to produce a longer summary document to support briefing the families.                                                                 |
| 21) Transparency regarding accident investigation reports should be enhanced through an ICAO web platform, where the exchange of reports and their recommendations amongst investigation authorities and experts could be facilitated;                                                                                                                                                                       | ICAO   | Completed | ICAO has on the public website the recent e-library of final reports and the electronic library of Safety Recommendations of Global Concern (SRGC). Amendment 19 to Annex has just reinforced the key role of the e-library of Final Reports. Completed but will need to be continuously maintained.                                                                                                              |
| 22) ICAO should create a web platform to facilitate the exchange of information for safety investigation authorities and experts;                                                                                                                                                                                                                                                                            | ICAO   | Completed | This recommendation is for ICAO as a whole but the AIGP has supported the Secretariat by monitoring and updating the AIG Web Portal of all worldwide Accident/incident Investigations Authorities (see list on ICAO AIG website).                                                                                                                                                                                 |
| 23) ICAO should support State's capacity building, including through the recently developed training course related to assistance to aircraft accident victims and their families and based on Doc 9998 and Doc 9973, to help States establish foundational knowledge. In delivering the course ICAO should cooperate with the ACVFFI to provide additional factual experience and credibility;              | ICAO   | Completed | ICAO has developed a course on AAASF in collaboration with ACVFFI, and 5 Sessions have already been delivered. More Sessions are planned.                                                                                                                                                                                                                                                                         |
| 24) IATA is encouraged to make use of the ICAO Doc 9998 and incorporate AAASF into their plans. While ICAO audits States in the compliance of                                                                                                                                                                                                                                                                | IATA   | Completed | Assistance to victims and families ("family assistance") is integrated to the IOSA audit program under Org 1.7.12.                                                                                                                                                                                                                                                                                                |

| Recommendation                                                                                                                                                                                                                                                                                                                                                | Owner                     | Status    | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SARPs, IATA is invited to integrate the monitoring of airlines plans through its IOSA audit program;                                                                                                                                                                                                                                                          |                           |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 25) IATA is invited to integrate the assistance to victims and families into the work of its expert group on Emergency Planning and to consider the participation of ACVFFI in this group;                                                                                                                                                                    | IATA                      | Completed | This recommendation is addressed to IATA.<br><br>Assistance to victims and families ("family assistance") is integral to the work of the IATA Emergency Response Planning Task Force group.                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 26) ACI, considering the importance of the airports of departure and arrival and those located close to the site of the accident in facilitating the arrangements following an air catastrophe, is invited to include the auditing, monitoring and accrediting of plans for support to victims and families in its accreditation programmes of their members; | ACI                       | On-going  | This recommendation is under consideration by ACI.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 27) ICAO should enhance cooperation between ICAO, IATA, ACI and CANSO, and other interested organizations, including through the development of multi-branded guidance documents;                                                                                                                                                                             | ICAO<br>IATA<br>ACI       | Completed | Assembly Resolution A41-14, <i>Assistance to victims of aviation accidents and their families</i> , directs the Council to actively and timely follow-up with expert groups regarding recommendations emanating from AAASF 2021 and as such ATC approved the establishment of a FALP Working Group on AAASF (WG-AAASF) has been formed from a group of experts composed of nominated FALP members, observer States, relevant international organizations (notably ACI and IATA), industry, associations and ICAO bureaus (Air Navigation Bureau, Legal Affairs and External Relations Bureau), working groups and panels (notably AIG). |
| 28) The report of the first AAASF Symposium, including conclusions and recommendations, should be posted on the ICAO website and also be published in paper format so as to extend the lessons learned and to serve as a basis for future similar events in other States;                                                                                     | ICAO                      | Completed | ICAO has a paperless policy while it is noteworthy that ICAO does not draft reports for Category 4 events such as AAASF 2021.<br><br>The Symposium AAASF 2021 Final Report has been posted to ICAO website, <a href="https://www.icao.int/Report%20AAASF%202021/Report%20AAASF%202021.pdf">Report (icao.int)</a>                                                                                                                                                                                                                                                                                                                        |
| 29) States, and associations such as IATA and ACI, are invited to collaborate with ACVFFI before, during and after an aircraft accident occurs, making use of previous experiences;                                                                                                                                                                           | States, ACI, IATA, ACVFFI |           | This recommendation is addressed to States, ACI, IATA and ACVFFI.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 30) It is recommended that the AAASF Symposium be given continuity in the future with similarly arranged symposia, to be organized on a biannual or triannual basis to fit within the ICAO Assembly cycle. ICAO should inform the Assembly of the outcomes of these events;                                                                                   | ICAO                      | Completed | AAASF 2024 was held in November 2024 in Haarlem, in the Netherlands. The ICAO Assembly is informed about the outcomes and updated on progress of the work.                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

## **APPENDIX B**

### **REPORT ON THE OUTCOMES OF THE SECOND SYMPOSIUM ON ASSISTANCE TO AIRCRAFT ACCIDENT VICTIMS AND THEIR FAMILIES**

#### **1. EXECUTIVE SUMMARY**

1.1 This report provides an overview of the key discussions and outcomes of the Second International Civil Aviation Organization (ICAO) Symposium on Assistance to Aircraft Accident Victims and their Families (AAAVF 2024), held in Haarlem, the Netherlands, from 26 to 28 November 2024.

1.2 The Symposium was an in-person event co-organized by the Ministry of Infrastructure and Water Management of the Netherlands in cooperation with ICAO. It provided a platform for States, aviation experts, regulators, international organizations and associations representing victims and their families to discuss critical issues concerning support for aircraft accident victims and their families. The sessions focused on key themes, including victims' and families' advocacy and support, crisis management, the implementation and oversight of ICAO Standards and Recommended Practices (SARPs), policy and guidance, improvements in accident investigation, insurance and compensation, and protocols for family assistance. The Symposium agenda covered several sessions, including:

- a) Voice of the victims;
- b) Setting the scene;
- c) Accident assistance – putting plans into practice;
- d) Review of ICAO SARPs and related guidance material;
- e) Insurance and compensation – Montreal and beyond;
- f) Implementation oversight;
- g) Accident investigation – information sharing; and
- h) Navigating conflict zones – improving flight safety.

1.3 The event emphasized the urgent need for more robust support structures for victims' families, as outlined by Annex 9 — *Facilitation*, global ratification and implementation of the Convention for the Unification of Certain Rules for International Carriage by Air, done at Montreal on 28 May 1999 (Montreal Convention 1999 (MC99)), and strengthening implementation oversight and sharing of lessons learned.

#### **2. VOICE OF THE VICTIMS**

2.1 This session provided a voice for family members and organizations representing victims of aviation accidents. Family members of victims highlighted discrepancies in the national implementation of international legal instruments and ICAO SARPs, as well as their experience with a lack of timely support for victims and families following an aircraft accident. Calls were made for enhanced implementation by Member States of ICAO Standards to achieve the desired uniformity of measures and improve communication between aviation stakeholders and victims' families.

2.2 Victims' family members shared their experiences from multiple aircraft accidents, underscoring systemic gaps in:

- a) initial notification of the next of kin;
- b) family support;
- c) public communication; and
- d) the release of relevant information from accident investigations.

2.3 Family representatives emphasized the necessity of conducting independent accident investigations to avoid conflicts of interest. They also highlighted the importance of notifying victims' families promptly after accidents and establishing global standards for victim assistance to ensure fairness and consistency. There were calls for ICAO to take a more proactive role in advocating for victims, ensuring justice and honouring the memory of those lost. Participants acknowledged the annual International Day commemorating air crash victims and their families, observed on 20 February of each year, as a positive step taken by ICAO in this effort.

### 3. SETTING THE SCENE

3.1 This session provided an overview of what ICAO has accomplished since the first ICAO Symposium on Assistance to Aircraft Accident Victims and their Families (AAAVF 2021) held in 2021, such as strengthening global frameworks, enhancing support mechanisms and promoting uniformity in the treatment of accident victims and their families. These efforts span multiple ICAO Annexes, policy developments, capacity-building initiatives, and international collaborations.

3.2 Provisions related to the AAAVF have been incorporated into Annexes 9 (Facilitation), 13 (Aircraft Accident and Incident Investigation) and 14 (Aerodromes). The proposed amendments to Annexes 13 and 14 aim to improve support mechanisms, which include updates to emergency plans and communication protocols for accident victims and their families. There is an ongoing effort to monitor the implementation of SARPs through the Universal Safety Oversight Audit Programme - Continuous Monitoring Approach (USOAP-CMA) and to gather additional data using the Electronic Filing of Differences (EFOD) system.

3.3 The ICAO Assembly resolutions A39-27, A40-16 and A41-14 emphasize the mental, physical and spiritual well-being of victims and their families. These resolutions urge Member States to implement comprehensive family assistance plans and direct the Council of ICAO to ensure follow-up on recommendations from the AAAVF 2021 symposium, fostering a unified global response.

3.4 The ICAO Council endorsed the 30 recommendations of AAAVF 2021 which aimed at enhancing support mechanisms. The focus of these recommendations includes monitoring the implementation of SARPs, identifying gaps in guidance, providing training and capacity-building support to Member States, and promoting policies that strengthen global consistency in assistance efforts.

3.5 Significant regulatory advancements include the adoption of Annex 9 Standard 8.47 in November 2022, which requires States to develop legislation to assist aircraft accident victims and their families. Additionally, the establishment of the Working Group on Assistance for Accident Victims and their Families (WG-AAAVF) has strengthened compliance monitoring and aided in updating guidance materials such as Doc 9973, *Manual on Assistance to Aircraft Accident Victims and their Families* and Doc 9998, *ICAO Policy on Assistance to Aircraft Accident Victims and their Families*.

3.6 ICAO has also actively promoted the ratification of MC99, to which 141 States are currently a party. Through regional workshops and legal seminars, ICAO has addressed key issues such as mandating advance payments under national law based on Article 28 of MC99 to ensure timely economic support for victims' families, and universal ratification of MC99 by all ICAO Member States.

3.7 Accident investigation processes have been enhanced to prioritize independence, transparency and effective communication with victims' families while maintaining the integrity of investigations. Guidance materials are being updated to clarify final reports and improve media interactions.

3.8 Capacity building is a fundamental aspect of ICAO's initiatives. The AAASF training course is offered globally with the AAASF Implementation Package (iPack). Additionally, regional seminars and workshops in locations such as Italy, Oman and Saudi Arabia have broadened the impact of AAASF initiatives.

3.9 ICAO has designated 20 February as the International Day Commemorating Air Crash Victims and their Families. This observance is a global reminder of the importance of providing timely support, transparent communication and comprehensive care for victims and their families following aviation accidents.

#### **4. ACCIDENT ASSISTANCE – PUTTING PLANS INTO PRACTICE**

4.1 The importance of creating well-structured family assistance plans and effectively implementing them during times of need was a central theme throughout the Symposium. This session discussed best practices from various States, airports and airlines, sharing updates and experiences. It focused on national aircraft accident family assistance plans established by States, which serve as comprehensive frameworks designed to provide essential support and resources to the families of those affected by aviation incidents.

4.2 The session also emphasized the need for collaboration between airports and aircraft operators to ensure a coordinated and effective response. Clear communication strategies with affected families were highlighted as crucial. One identified best practice for timely notification of victims' families was delivering a list of passengers on board to the Emergency Operations Center (EOC) within two hours of the crash.

4.3 The importance of considering cultural factors and regional adaptability in family assistance planning was highlighted. Additionally, the roles of aircraft operators and States in ensuring the effective implementation of assistance protocols were underscored. The significance of Non-Governmental Organizations (NGOs) and family support foundations was emphasized as a key element in comprehensive victim assistance strategies. Furthermore, the ICAO iPack initiative was recognized as a move towards standardizing response efforts among States and all stakeholders involved.

#### **5. REVIEW OF ICAO SARPS AND RELATED GUIDANCE MATERIAL**

5.1 This session highlighted the ICAO regulatory framework, particularly Annex 9 Standard 8.47, which requires States to establish legislation, regulations and/or policies creating effective victim and family member support. Standard 8.47 is supported by Doc 9998 and Doc 9973, both of which provide implementation guidance in developing family assistance plans.

5.2 The participants of the Symposium welcomed the ongoing work of the Facilitation Panel Working Group on AAAVF to review Doc 9998 and Doc 9973, respectively, to improve global compliance and effectiveness.

5.3 Participants identified the low global implementation rate of Standard 8.47 as a significant challenge. The Symposium acknowledged that this obligation was only introduced recently with Amendment 29 to Annex 9 in November 2022. In this context, the discussion also highlighted the need for improved monitoring and enforcement mechanisms. The ongoing work within WG-AAAVF, focused on addressing barriers to implementation and exploring potential solutions, was recognized as a valuable resource to ensure that States receive updated guidance and templates for implementing this provision.

5.4 Amendment 29 to Annex 9 also adopted a new Recommended Practice 8.48 that States should ensure that each aircraft and airport operator develop plans to provide timely and effective assistance to aircraft accident victims and their families. Additionally, Annex 9 includes important existing provisions that aim to facilitate the travel of aircraft accident investigators, family members and survivors to and from States of Occurrence and adjacent States. This includes expedited issuance of Emergency Travel Documents and, if required, visas and facilitating transport and customs clearance to repatriate remains.

5.5 Regarding Annex 13, Standard 5.27 creates an entitlement for States that have suffered fatalities or serious injuries to their citizens to appoint an expert to the aircraft accident investigation. Moreover, Standard 6.5 requires the State conducting the investigation to make the Final Report publicly available as soon as possible, preferably within 12 months. Also, the State conducting the investigation must publish an interim Statement on the anniversary of the accident if the Final Report cannot be published within the 12-month timeframe. Finally, Annex 13 has been updated to include a Recommended Practice 5.4.6 that for accidents that draw heightened public attention, the accident investigation authority should publish a written preliminary report within 30 days of the accident. Guidance for those provisions are detailed in Doc 9756, *Manual of Aircraft Accident and Incident Investigation*.

## **6. INSURANCE AND COMPENSATION – MONTREAL AND BEYOND**

6.1 The 1999 Convention for the Unification of Certain Rules for International Carriage by Air, is the primary global legal framework for compensating air accident victims. MC99 was central to the discussions on compensation for victims during this session. While 141 States have ratified MC99, disparities remain in its application, leading to inconsistencies in compensation to victims and their family members. Participants stressed the need for ICAO to further promote ratification and implementation of the instrument by States to ensure fair, timely compensation for victims and their families.

6.2 Currently, passengers on the same flight may fall under different legal frameworks— for example MC99, Warsaw Convention 1929 (WC29) or WC29 as amended by the Hague Protocol 1955)— based on the State(s) in which, according to their contract of carriage, their places of departure, destination and/or agreed stopping places are located. Due to this patchwork in the legal framework, victims and their families often receive inconsistent compensation depending on the applicable international instrument and national legislation. Universal ratification and implementation of MC99 by all ICAO Member States would address this patchwork as MC99 would replace all prior instruments.

6.3 The role of advance payments and mandatory insurance requirements under MC99 was also discussed, with recommendations for stronger oversight. In this regard, it was noted that States parties to MC99 could, under national law, require air carriers to make advance payments without delay to meet the immediate economic and financial needs of victims and their families in the event of an accident. Such advance payments, however, would not constitute a recognition of liability on the part of the carrier. States parties to MC99 shall require their carriers to maintain adequate insurance covering their liability under MC99. An air carrier may be required by the State party into which it operates to furnish evidence that it maintains adequate insurance covering its liability under MC99.

## **7. IMPLEMENTATION OVERSIGHT**

7.1 The ICAO Universal Safety Oversight Audit Programme – Continuous Monitoring Approach (USOAP–CMA) was recognized as an essential tool for monitoring compliance with ICAO Standards. The discussions in this session included a call for increasing transparency in sharing the results of ICAO audits. In this context, some representatives of family associations requested that their associations be consulted during audits. During the discussion, it was highlighted that the USOAP–CMA shows significant lack of implementation by Member States in establishing a comprehensive system for assisting victims and families.

7.2 The participants recognized how critical inter-agency and international cooperation is, including between States and international organizations, to ensure the implementation of AAVF-related SARPs. One additional tool in this field is the accurate and timely reporting of implementation information to the ICAO EFOD Compliance Checklist to share information to complement the continuous improvement and compliance monitoring mechanism offered by the ICAO safety audit, the USOAP–CMA.

7.3 This session focused on the implementation challenges, including limited resources in Member States, regulatory barriers, and the necessity for a structured framework within national regulations to support victim assistance. The discussion highlighted that resource limitations and legal constraints pose significant obstacles. Furthermore, the significance of creating a structured framework for family assistance plans within national regulations was highlighted.

## **8. ACCIDENT INVESTIGATION – INFORMATION SHARING**

8.1 The critical need for transparency and efficiency in aircraft accident investigations was emphasized by representatives of family association, who noted that:

- a) families should receive information before the media releases information to prevent misinformation;
- b) information-sharing protocols must balance investigative confidentiality with victims' right to information;
- c) enhanced digital forensics measures should be adopted to safeguard victims' personal effects; and
- d) improvements in cross-agency collaboration would ensure timely and thorough investigations.

8.2 Accident investigations aim to determine what occurred, why, and how to prevent future accidents. While this purpose is clear in theory, it often becomes complex and challenging in practice. The context of aircraft accident investigation is sometimes challenging, with immense pressure to quickly provide answers to those directly affected by the accident and to the public at large. Providing answers in the best possible way, especially to victims' family members, is essential not only at the human level but also on a professional level, as it matters to the investigation.

## **9. NAVIGATING CONFLICT ZONES – IMPROVING FLIGHT SAFETY**

9.1 This session addressed the risks of flying over and near conflict zones, referring to the recent aviation tragedies caused by an aircraft downing. There was widespread agreement that managing

risks associated with conflict zone risks was a matter of urgency. As a result, The Netherlands and Canada have led the establishment of international conflict zone information sharing mechanisms, the Safer Skies Initiative and the Expert Group Risk Information Overflying Conflict Zones (EGRICZ). Both mechanisms are raising awareness to enhance global cooperation and strengthen the importance of national decisions for precautionary airspace closures when necessary.

9.2 Workshops have been organized for improving risk assessment and information sharing mechanisms for safe flight routes. Nonetheless, there was consensus at the Symposium that continued efforts are needed to promote global cooperation and decision-making procedures on airspace closures, when necessary.

9.3 Regarding the risks associated with navigating conflict zones, several ICAO Annexes (including 6, 9, 11, 15 and 17) have been amended to improve risk assessment protocols for States, aircraft operators and Air Traffic Service Providers (ATSPs). The Symposium also highlighted that recommendations from the Dutch Safety Board were utilized to revise ICAO guidance material concerning conflict zones.

9.4 In 2018, ICAO published the second edition of Doc 10084, *Risk Assessment Manual for Civil Aircraft Operations Over or Near Conflict Zones*. The manual contains public-private cooperation guidance for States, aircraft operators and air navigation service providers in managing the risks from surface-to-air missiles and describes key risk factors to consider in their risk assessments.

9.5 In 2021, ICAO published an updated edition of Doc 10088, *Manual on Civil-Military Cooperation in Air Traffic Management* in Controlling Civil and Military Air Traffic.

9.6 In 2020, Canada established the Safer Skies Consultative Committee (SSCC), dedicated to advancing global efforts to mitigate risks posed by conflict zones. It comprises subject-matter experts from key States, organizations and industry partners working closely with the ICAO on conflict zone initiatives.

## 10. CONCLUSIONS AND NEXT STEPS

10.1 The Symposium emphasized the need for ICAO leadership to establish State-mandated frameworks for family assistance plans. Three parallel breakout sessions were conducted to prioritize actions, each moderated by members of the WG-AAAVF of the Facilitation Panel. These sessions addressed the challenges of assisting aircraft accident victims and their families. The discussions drew on insights from all symposium sessions and considered various perspectives, including safety, legal issues and facilitation. The results from the three breakout sessions were presented during a plenary session as potential takeaways for future actions, and in the case of actions proposed for ICAO, subject to prioritization and availability of resources, as follows:

### 10.1.1 Promoting Global Ratification of Montreal Convention 1999

ICAO is expected to:

- a) intensify outreach and advocacy efforts to encourage States to ratify MC99;
- b) highlight the benefits of universal ratification of MC99 for victims and their families in workshops, legal seminars and other meetings as appropriate; and
- c) promote access to administrative packages and other tools developed by ICAO to assist States in the ratification process for MC99.

### 10.1.2 **Enhancing Family Assistance Plans**

10.1.2.1 USOAP will need to assess more frequently States compliance with Annex 9 and 13 Standards regarding assisting accident victims and their families.

10.1.2.2 Through its regional offices, ICAO should encourage States to implement Annex 9 and 13 Standards mandating comprehensive family assistance frameworks and to provide workshops for States to assist in establishing comprehensive family assistance plans.

10.1.2.3 Aircraft and airport operators are encouraged to develop best practice guides and toolkits for their State to support effective communication and assistance post-accident.

10.1.2.4 Member States are urged to promote cultural sensitivity and adaptability in family assistance plans to cater to diverse victim groups.

### 10.1.3 **Strengthening Global Cooperation on Conflict Zone Risk Mitigation**

10.1.3.1 Canada is invited to expand the Safer Skies Initiative to include more States and operators, fostering collaborative risk management practices.

10.1.3.2 ICAO should enhance information-sharing mechanisms, such as conflict zone bulletins and NOTAMs, for real time threat analysis.

10.1.3.3 ICAO should also provide training and resources to States and operators to conduct thorough risk assessments and implement mitigation strategies.

### 10.1.4 **Improving Psychological and Long-Term Support for Victims' Families**

10.1.4.1 States are urged to establish national victim support networks that include psychological experts, non-governmental organizations and community leaders.

10.1.4.2 States are encouraged to provide guidelines for early identification of families at risk of complex grief and post-traumatic stress disorder, ensuring timely intervention.

10.1.4.3 States are also encouraged to invest in permanent memorials and remembrance programs to honour victims and support families.

### 10.1.5 **Advancing Accident Investigation and Information Sharing**

10.1.5.1 ICAO should continue to strengthen Annex 13 provisions as well as guidance for the timely release of preliminary and final investigation reports.

10.1.5.2 States should develop procedures for handling and returning personal effects, including electronic devices.

10.1.5.3 ICAO should continue to encourage independence and transparency during the investigation to ensure confidence and trust by family associations.

### 10.1.6 **The ICAO Role in Supporting Victims and Families**

10.1.6.1 AAASF 2024 participants advocated for the implementation of a dedicated AAASF function within ICAO to provide centralized support and coordination.

10.1.6.2 ICAO should facilitate the development and dissemination of AAAVF-related iPacks and training modules.

10.1.6.3 ICAO should establish a global database to track the implementation of family assistance-related SARPs and guidance materials.

**10.1.7 Enhancing Legislative and Regulatory Frameworks**

10.1.7.1 States are strongly urged to domesticate ICAO SARPs and align national legislation with global standards.

10.1.7.2 ICAO should provide technical assistance to States with limited resources to develop and enforce aviation safety regulations.

10.1.7.3 ICAO should emphasize the importance of State's accountability and liability for victim assistance in order to ensure consistent and fair practices.

**10.1.8 Promoting Victim-Centric Cultures in Aviation Organizations**

10.1.8.1 Airport and aircraft operators as well as State's regulators are encouraged to adopt a customer-focused and empathetic approach to accident response.

10.1.8.2 States are encouraged to develop and promote awareness campaigns which will highlight the importance of victim and family assistance within the aviation community.

10.1.8.3 States are also urged to support initiatives that integrate victim assistance as a core aviation safety and emergency planning component.

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## APPENDIX C

### ~~A41-14~~Resolution 42/xx: Assistance 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, including to ensure that each aircraft or airport operator develop and implement a comprehensive family assistance plan, and recalling 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;

*Whereas* the policy of 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 Member States, including the establishment of national victim support networks;

*Whereas* it is essential that ICAO and its Member 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;

*Recalling* the provision of Article 28 of the Montreal Convention of 1999 (*Convention for the Unification of Certain Rules for International Carriage by Air*) as well as Resolution No. 2 adopted by the Montreal Conference, which called for the provision of advance payments, without delay, to aircraft accident victims, and their families and acknowledging that lack of universal ratification of the Montreal Convention hinders improved and standardized compensation regimes, and emphasizing the need for universal ratification and implementation of the Montreal Convention of 1999;

*Recalling* the adoption of Amendment 29 to ICAO Annex 9 — *Facilitation* which has elevated Recommended Practice 8.46 to Standard 8.47, thus obliging States to establish legislation, regulations and/or policies in support of assistance to aircraft accident victims and their families;

*Recognizing* the importance of the Council's decision to officially designate 20 February as the International Day for Commemorating Air Crash Victims and their Families in remembering the victims and expressing solidarity with their families, as well as continuing to enhance aviation safety and prevent such tragedies from happening in the future;

*Acknowledging* the approval by the Council of the *ICAO Policy on Assistance to Aircraft Accident Victims and their Families* (Doc 9998) in March 2013 and the issuance of the *Manual on Assistance to Aircraft Accident Victims and their Families* (Doc 9973) in December 2013;

*Acknowledging* that a review of the electronic filing of differences (EFOD) system compliance checklist (CC) has indicated a low implementation rate of Annex 9 Standards and Recommended Practices (SARPs), and urging Member States to increase frequency of reporting to improve compliance;

*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 Member 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 a permissive function of the ICAO Council contemplated in Article 55 (c) of the Chicago Convention, and recognizing the need for enhanced information-sharing mechanisms and training resources for States and operators to conduct thorough risk assessments and implement mitigation strategies;

*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;

*Acknowledging* the outcomes of the ICAO Symposium on Assistance to Aircraft Accident Victims and their Families (AAAVF 2021), including the 30 recommendations encapsulated in the Symposium report;

*Recalling* the useful initiatives of the Air Crash Victims' Families' Federation International (ACVFFI) in assisting family members of victims;

*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;

*The Assembly:*

1. *Calls on* Member States to reaffirm their commitment to support victims of civil aviation accidents and their family members and to ensure that each aircraft or airport operator develop and implement a comprehensive family assistance plan;
2. *Urges* Member States to establish legislation, regulations and/or policies to support victims of civil aviation accidents and their family members, as mandated by ICAO Annex 9 Standard 8.47, and pursuant to Article 28 of the Montreal Convention of 28 May 1999 and Resolution No. 2 adopted by the Montreal Conference;
3. *Encourages* States that have legislation, regulations and/or policies to support civil aviation accident victims and their families to review these documents, as necessary, in consideration of the ICAO Policy in Doc 9998 and of the guidance material in Doc 9973;
4. *Urges* Member States to regularly inform report to ICAO, through the compliance checklist (CC) in the electronic filing of differences (EFOD) system regarding their level of implementation of Annex 9 provisions associated with family assistance plans, and to increase transparency and frequency of reporting to improve compliance;

5. *Urges* Member States to recognize 20 February as the International Day for Commemorating Air Crash Victims and their Families and conduct national commemorations relevant to their citizens impacted by civil aviation tragedies;
6. *Urges* Member States which have not already done so, to ratify and implement the Montreal Convention of 28 May 1999 (~~*Convention for the Unification of Certain Rules for International Carriage by Air*~~);
7. *Welcomes* the recommendations of the Symposium and directs the Council to incorporate into the next triennium Business Plan those Symposium recommendations that require further consultation with expert groups, and in particular to support capacity-building needs of Member States, including enhanced training and resources for conflict zone risk mitigation;
8. *Directs* the Council to actively and timely follow-up on the relevant ICAO expert groups regarding those recommendations emanating from the Symposium as required;
9. *Directs* the Council, when considering the extent of the level of implementation of family assistance plans, to give further consideration to the development of Standards and Recommended Practices to support victims of civil aviation accidents and their family members, including provisions for timely notification, and dissemination of accurate information to family members; and
10. *Declares* that this resolution supersedes Resolution ~~A39-27~~A41-14.

— END —