

Unruly Passengers - A global problem. What can be done?



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Unruly passengers continue to make the headlines.....

MailOnline

Monarch Airlines bans six passengers FOR LIFE for 'drinking their own booze, smoking in toilets and grabbing flight attendants' as flight from Birmingham is forced to divert

- Pilots felt they had no choice but to divert the plane to Sofia, Bulgaria
- The Boeing 737 was carrying 137 holidaymakers and five crew members
- A photo taken by a passenger shows police gathered outside the plane
- The disruption resulted in a two-hour delay for those on board



Police: Passenger restrained during British Airways flight to Boston

Mirror

Flight attendant scalded with hot water and noodles by passengers who claimed to have bomb

The Sydney Morning Herald

Jetstar flight returns to Melbourne due to unruly passenger

THE GLOBE AND MAIL*

Man charged with assault after India-bound flight diverted back to Toronto



Plane forced to land after woman learns about husband's affair

TheNational

Emirates passenger 'attacked crew' on flight from Dubai

MailOnline

'Out of control' passenger forces London-bound Virgin Atlantic flight to turn back to Hong Kong

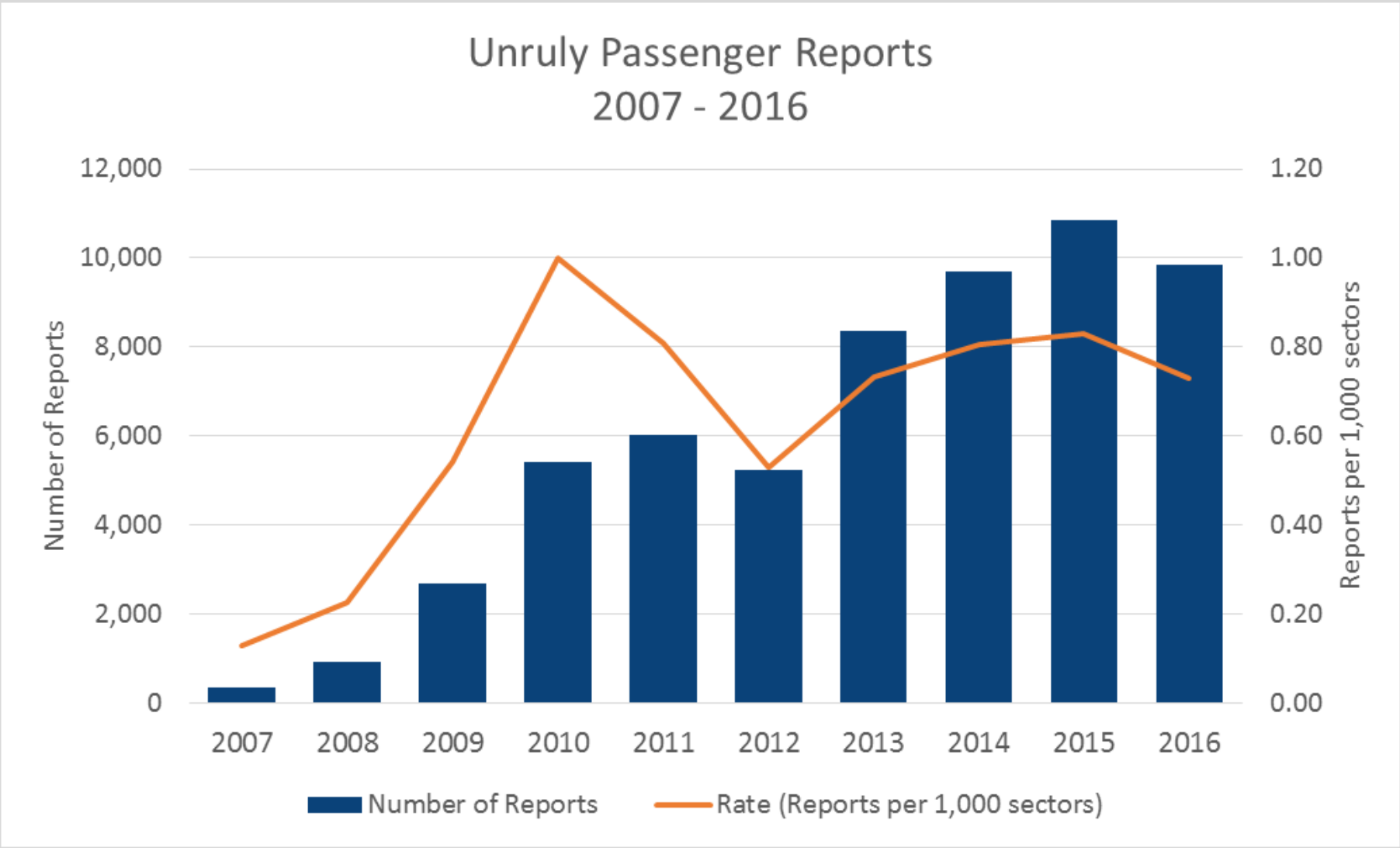
- Flight VS201 had to make U-turn just 90 minutes after departing Hong Kong
- 26-year-old man, known only as 'Robert', became 'out of control' on flight
- He was arrested for violating aviation security ordinance once plane landed
- Passenger claims the man was 'tied up with belts' during restraint by crew

The Telegraph

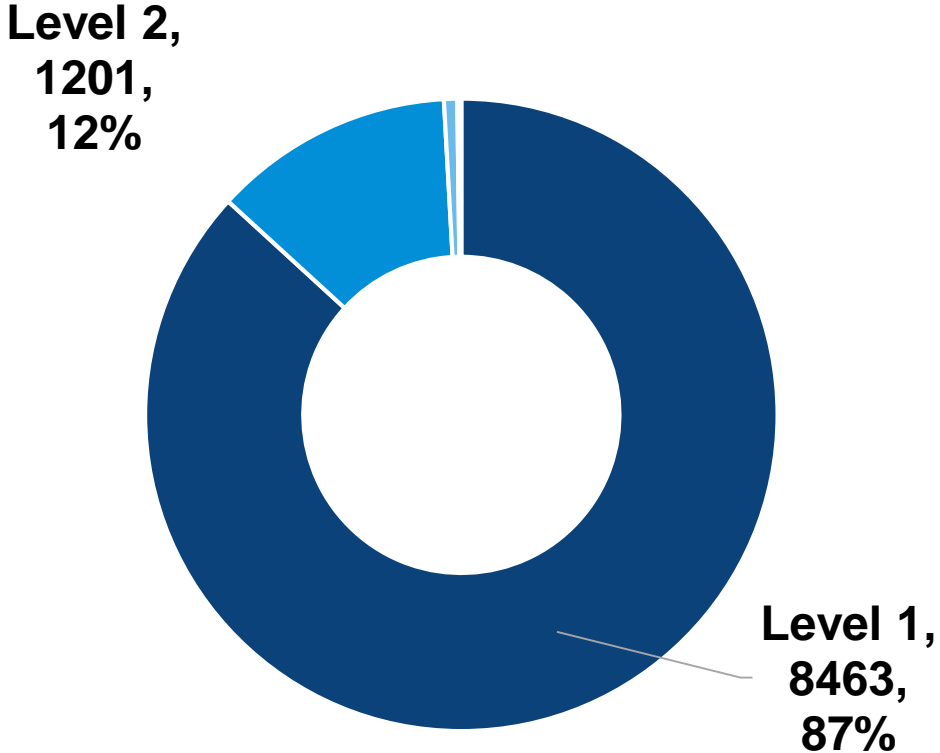
Richard Marx restrains 'psycho' passenger on Korean Air flight



Incident reports 2007 - 2016



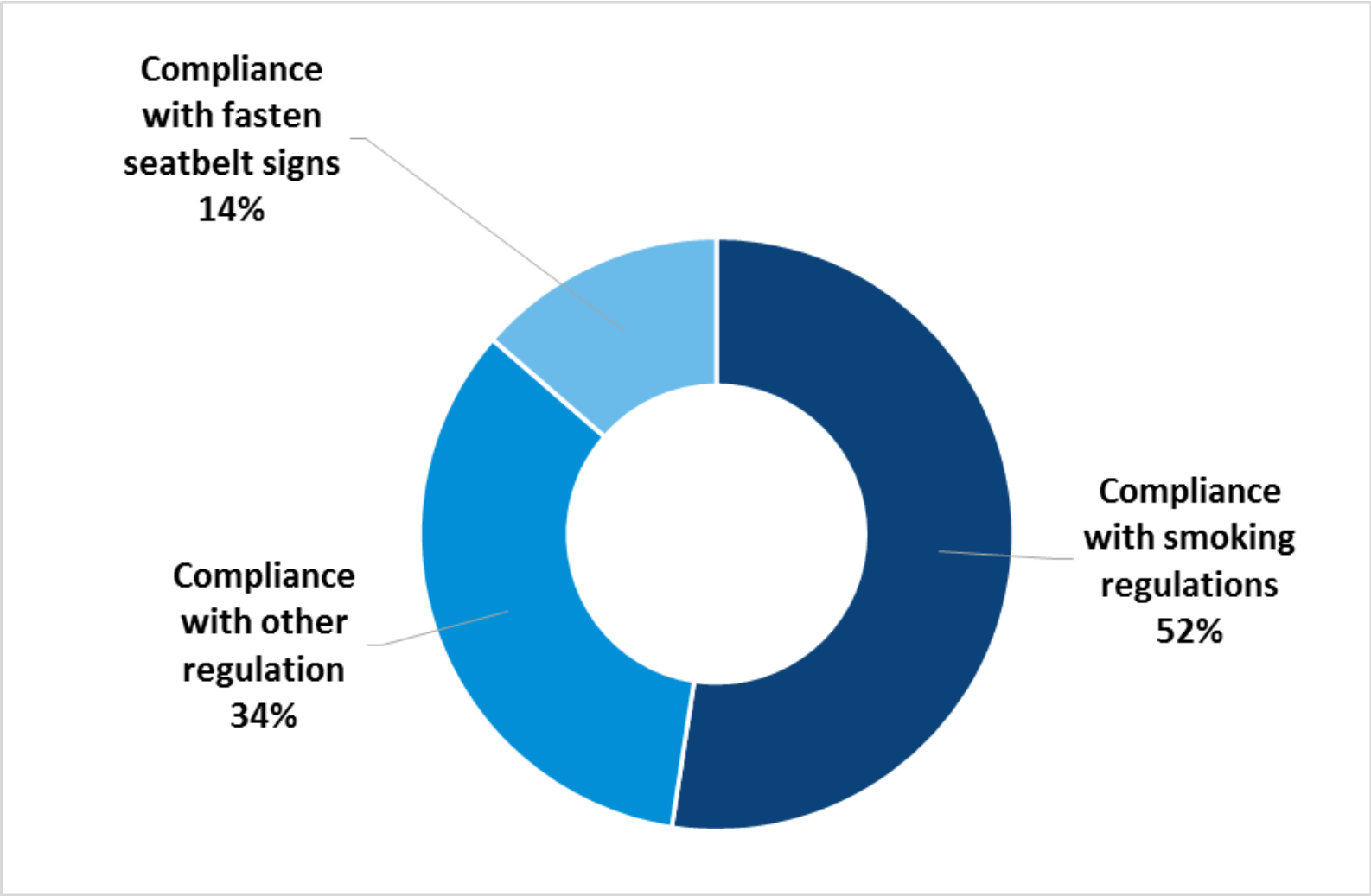
Incident levels



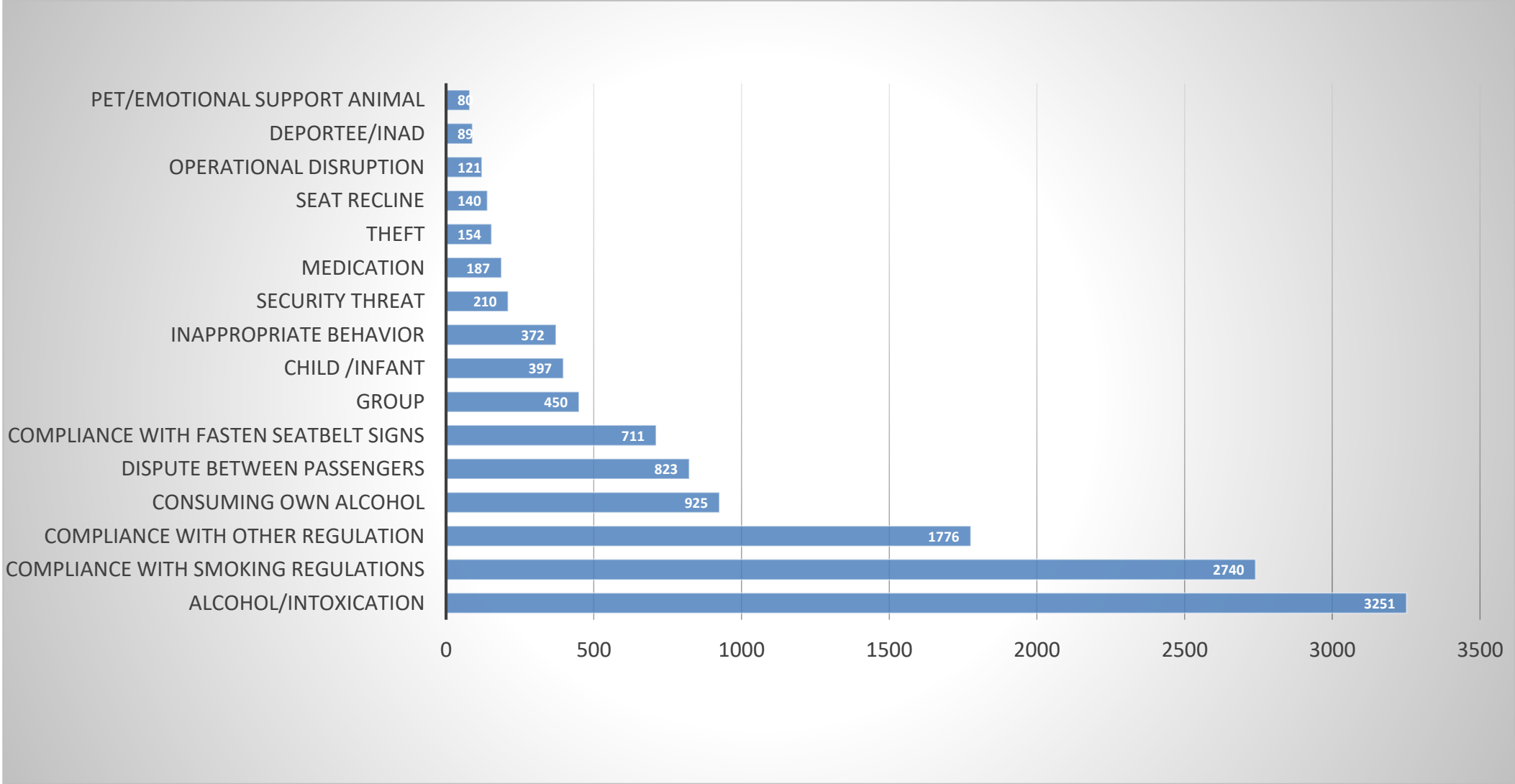
- 87% (2015: 88%) of reported incidents were Level 1 (typically verbal)
- 12% (2015: 11) of incidents were Level 2 (physical in nature)
- Unruly passengers are one of the top 3 concerns of cabin crew



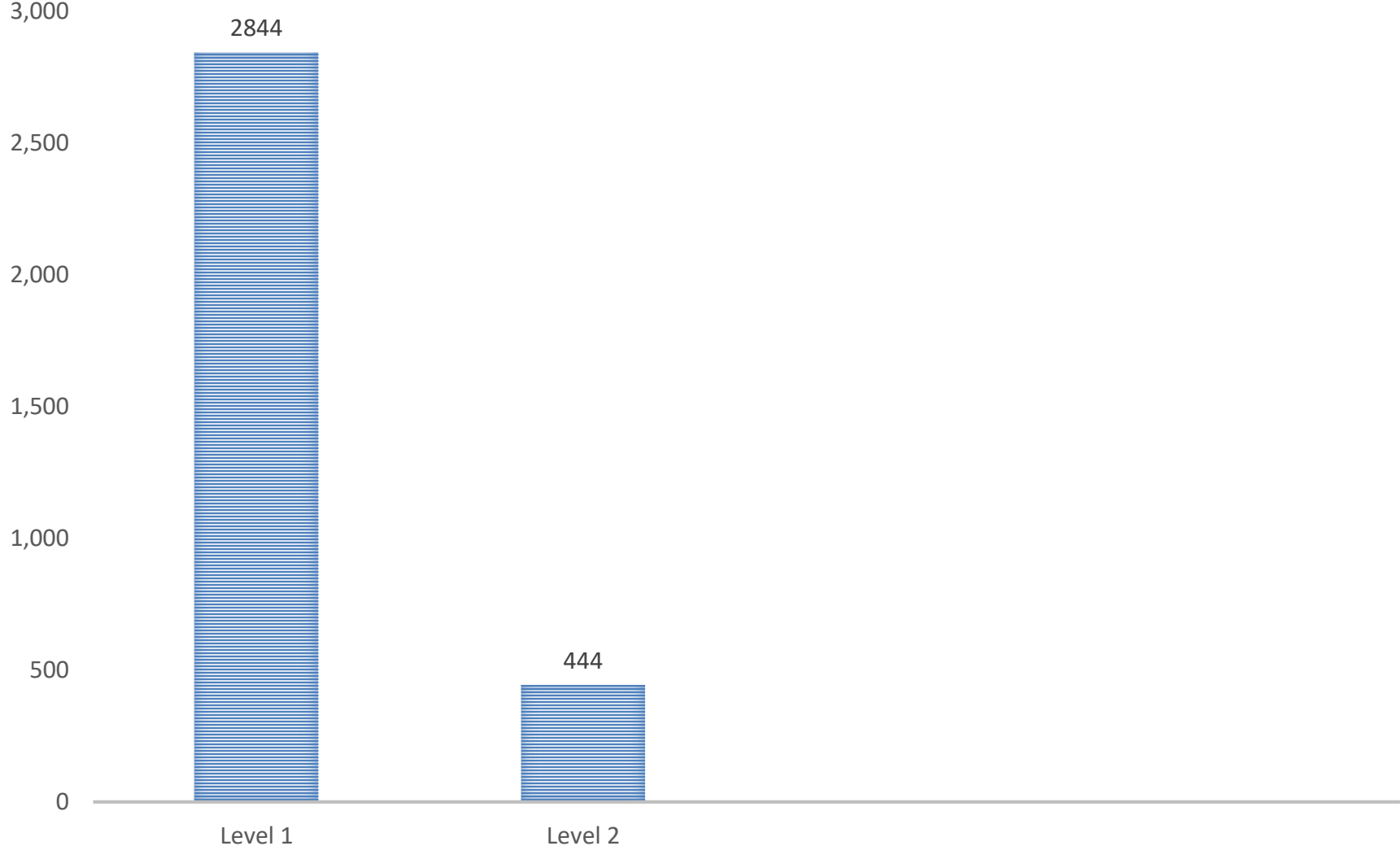
Non-compliance with safety regulations



Incident Types (descriptors)



Intoxication – behaviour levels



IATA Legal Survey on Unruly Passengers

- Survey of IATA Member Legal Departments
- 53% considered that unruly passenger events have increased in frequency on their services in the last 5 years
- 43.4% of respondents had experienced >100 unruly passenger events in previous 12 months
- 39.6% of respondents indicated they had to divert a flight in past 12 months as a result of an unruly passenger event.
- 60% of respondents indicated that prosecutors at place of landing cite a lack of jurisdiction as the main reason that prosecutions against unruly passengers were not pursued.



Implications of unruly passengers

- Threaten the safety and security of aircraft, passengers and crew
- Physical and mental harm to other passengers and crew
- Inconvenience to other passengers
- Operational disruption
- Cost of unscheduled landings to disembark or deliver unruly passengers is usually borne by airlines - can be between USD10,000 – USD200,000



Solving the problem of unruly passengers needs a comprehensive approach

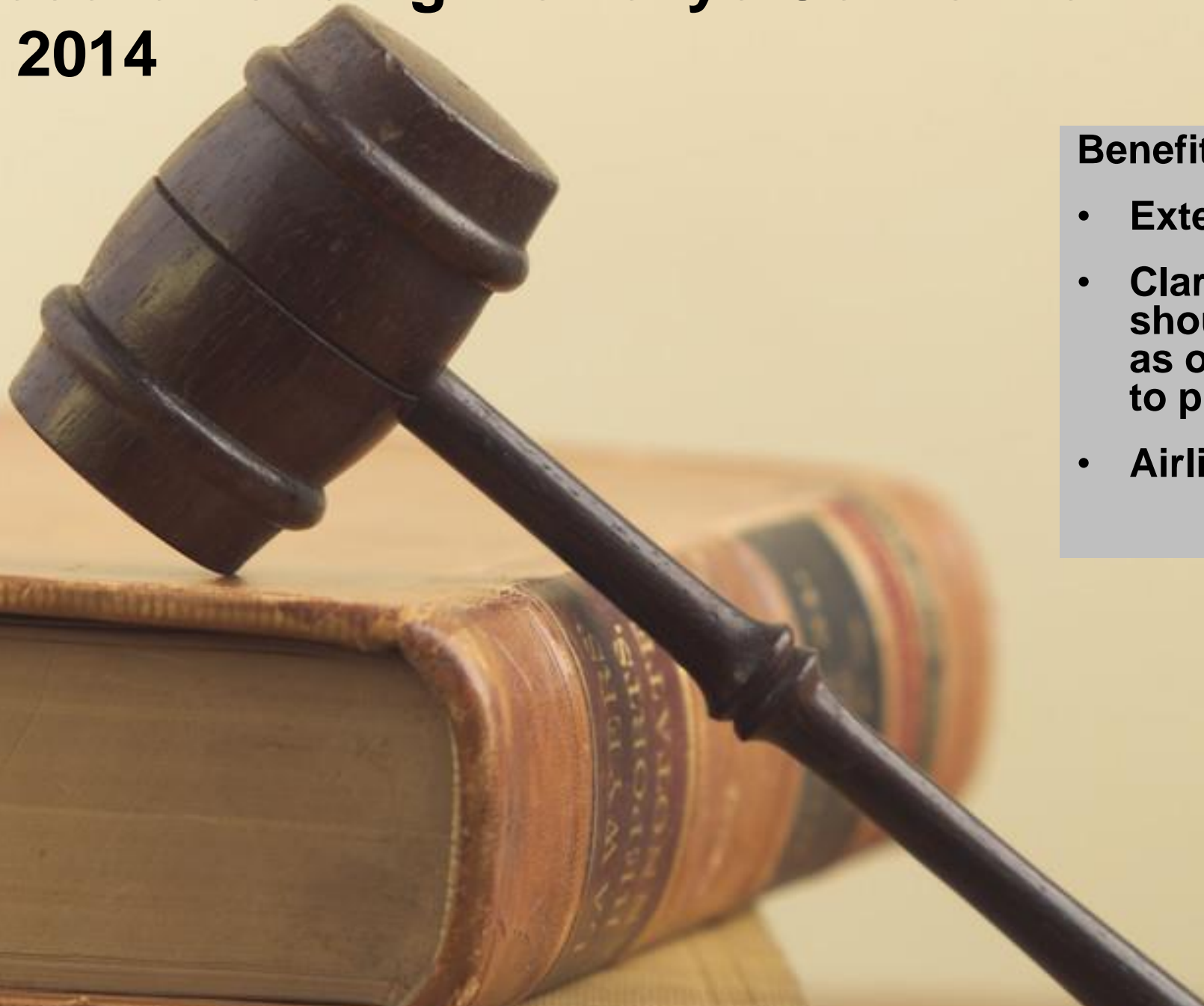
Prevention & Management

Enhanced Deterrent

IATA Core Principles on Unruly Passengers

- **Governments should urgently ratify new Montreal Protocol 2014**
- **Governments should raise public awareness of consequences of failure to follow crew instruction or unruly behaviour**
- **Airlines should have policies in place for effective handling of unruly passengers as per Resolution 798**
- **Airlines should develop training for ground and cabin crew that focus on prevention and management including conflict de-escalation techniques and responsible service of alcohol**
- **Airlines should clearly communicate to passengers consequences and sanctions of unruly behavior**
- **Airport operators and concessionaires should train staff in respect of unruly and disruptive behavior and report relevant observations about conduct to the carrier**

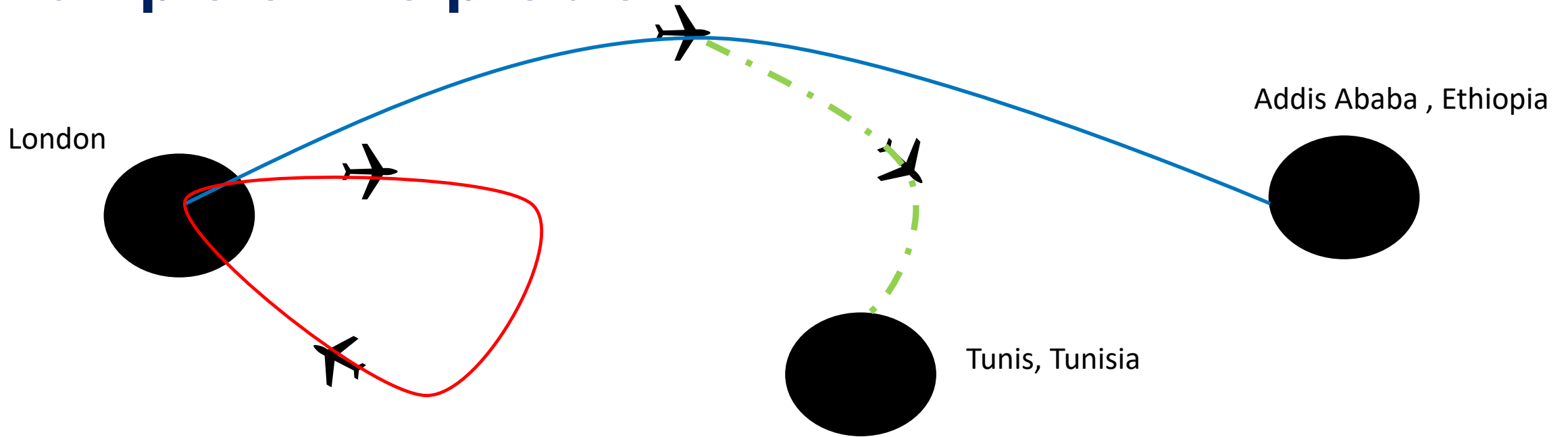
A new Protocol amending the Tokyo Convention was adopted on 4th April 2014



Benefits:

- Extends jurisdiction
- Clarifies behaviors that should be established as offenses and subject to prosecution.
- Airline right of recourse

Example of the problem



The aircraft is registered in and the airline is based in UK. The flight departs but there is an unruly passenger incident en route

Scenario 1 – Captain elects to return to London – UK has jurisdiction so police and prosecutors can deal with the passenger under UK law. No problems!

Scenario 2 – Captain elects to continue to Addis Ababa (scheduled destination) – UK authorities as State of aircraft registration have jurisdiction under the Tokyo Convention. But they are 5,900km away. What can the police at ADD do?

Scenario 3 – Captain elects to divert to Tunis, but again UK has jurisdiction, so what can the Tunisian police do?

Jurisdiction: The result

- The Protocol extends mandatory jurisdiction to also include:
 - *State of intended landing (scheduled destination)*
 - *State of the operator*
- In case of diversions that land in third States, those States are competent to exercise jurisdiction
- Safeguards included to ensure legal certainty and proportionality
- Prosecutorial discretion remains
- Deterrent effect as States will have the legal jurisdiction to be able to deal with unruly passengers



Definition of Offences – The result

- The Protocol clarifies behaviours which should be **as a minimum be** established as offenses and subject to prosecution:
 - *Physical assault or threat to commit such assault against a crew member or other passenger*
 - *Refusal to follow lawful instruction given by or on behalf of the aircraft Commander (for safety purposes)*
- Will improve certainty for passengers, law enforcement authorities and airlines



Carrier's right of recourse – The Result

- The Protocol recognizes the express right of airlines to seek compensation from unruly passengers at their discretion under national law.
- Strong deterrent value



Current Status

- IATA strongly supports MP14 and is promoting ratification
- 22 States required to bring MP14 in to force
- 11 States Parties – Portugal acceded in November
- UAE, Kuwait, Kenya, Nigeria, South Africa, France, Malaysia and Spain are some of the States of chief importance known to be proceeding with ratification
- Expect it to enter in to force during 2019
- ICAO Assembly Resolution A39-11 Appendix C



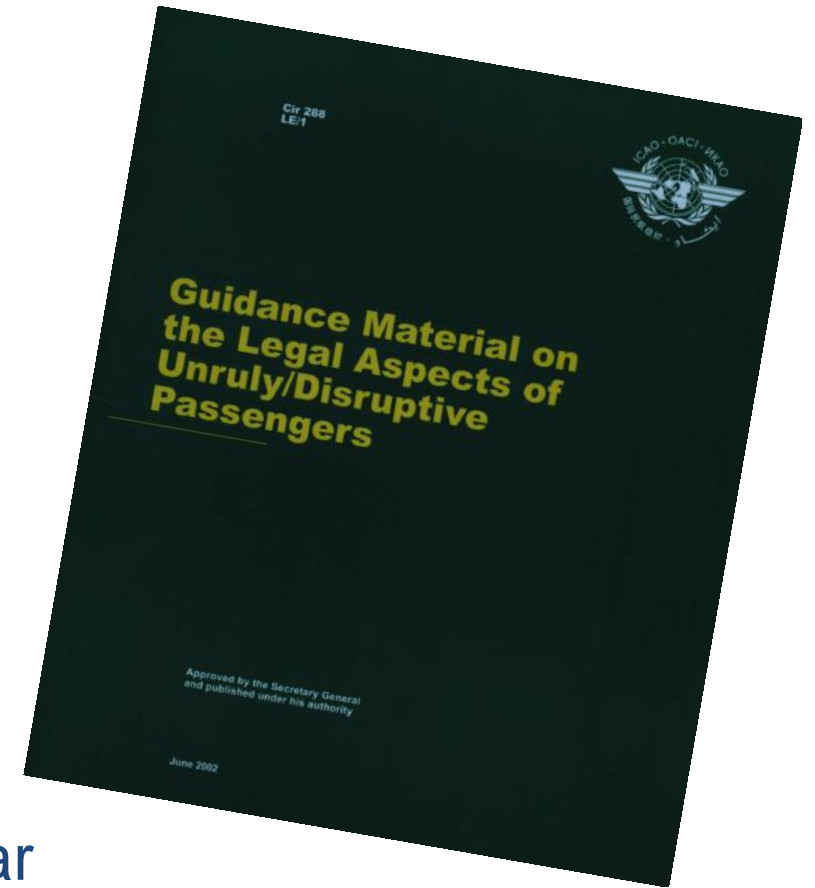
Issues

- **Practical issues** - Ministry responsible for the deposit of instrument of ratification/accession/approval at ICAO
- **Jurisdiction** – some States have already extended provisions of TC63 in domestic law, so they don't prioritize ratification
- **IFSOs / Air Marshals**
- **Awareness / Political considerations**



Enforcement.....

- Even where jurisdiction is not a problem, enforcement can be an issue
- Criminal prosecutions may not be “in the public interest” (e.g. due to cost)
- IATA is participating in Task Force on revision of ICAO Circular 288
- Advocating for more guidance on civil and other sanctions that States may wish to consider (e.g. similar to speeding fine for road traffic offenses)
- Criminal prosecutions remain for most serious cases



A few words on Prevention and Management.....



ICAO/IATA Seminar on **Unruly Passengers**

1st April 2016 – Geneva, Switzerland



Sharing of IATA-developed best practice

Available free of charge to download at: <http://www.iata.org/whatwedo/safety/Pages/cabin-safety.aspx>



Working with other stakeholders...

- Sharing of best practice
- Communication and co-ordination between partners at airport
- Sale and consumption of alcohol before flight
- Passenger communication



Sharing best practice – UK Aviation Industry Code of Practice.....



The UK Aviation Industry Code of Practice on Disruptive Passengers

Introduction

The UK has one of largest, most vibrant and competitive aviation markets in the world. More than 251 million passengers passed through UK airports in 2015 and there were over 2.1 million flights.



Commitments of the code...

- 1) approach to disruptive behavior;
- 2) supporting employees;
- 3) the sale and consumption of alcohol;
- 4) educating and communicating with passengers

More information at www.airlinesuk.org



Summary

- Problem of unruly passengers remains significant
- Multi-stakeholder approach set out in core principles is the only way to tackle the problem
- Airlines are taking measures to improve prevention and management
- We need governments to strengthen the international deterrent
- We urge African States to prioritize the ratification of MP14

Effective deterrent + preventative actions = a safer, incident free flying experience for all