



ECA
Piloting Safety

PREVENTION OF UNRULY BEHAVIOUR

– ECA Position Paper –

BACKGROUND

ICAO defines¹ an unruly passenger as *“a passenger who fails to respect the rules of conduct at an airport or on board an aircraft or to follow the instructions of the airport staff or crew members and thereby disturbs the good order and discipline at an airport or on board the aircraft.”*

Unruly behaviour includes assault of other passengers or crew, sexual abuse or harassment, abusive consumption of alcohol and/or narcotics, refusal to comply with safety instructions, making threats that could affect the safety and security of the crew, passengers and aircraft, and other types of disorderly behaviour that impact good order and discipline on board.

In-flight unruly behaviour events can impact the well-being and travel experience of passengers, interfere with crew performance and/or threaten the safety and security of a flight and may result in aircraft delays and/or diversions. Because they require unplanned landings, these diversions create additional costs for airlines.

ECA is worried about the number and degree of severity of incidents involving unruly passengers on board aircraft worldwide. According to the EASA (European Aviation Safety Agency) latest statistics, in 2018 *“every three hours, the safety of a flight within the EU was threatened by passengers behaving in an unruly or disruptive manner. At least 70% of these incidents involved some form of aggression (and very often against women). Once a month a flight was forced to perform an emergency landing when such situations escalate. The number of reported incidents in 2018 increased by 34% compared to 2017.”*² Moreover, IATA (International Air Transport Association) reported that during the COVID-19 pandemic unruly behaviour had increased *“with a minority of passengers deliberately refusing to comply with health and safety measures put in place to protect other passengers and crew.”*³

¹ ICAO Annex 17 to the Convention on International Civil Aviation (the Chicago Convention)

² EASA, Newsroom & Events, ‘Unruly passenger behaviour on board flights is a threat to safety. Get involved and share #notonmyflight’, 3 April 2019, URL: <https://www.easa.europa.eu/newsroom-and-events/news/unruly-passenger-behaviour-board-flights-threat-safety-get-involved-and>

³ IATA Factsheet Unruly Passengers, October 2021, URL: <https://www.iata.org/en/iata-repository/pressroom/fact-sheets/fact-sheet---unruly-passengers/>

In many cases, although unruly passengers have already shown distinctive or deviant behaviour during the period before boarding an aircraft, no appropriate actions are taken on the ground and the unruly passenger is allowed to board the aircraft. Furthermore, unruly passengers rarely face prosecution or other legal or economic sanctions because of jurisdictional issues.⁴ To address these issues, the Montreal Protocol (MP14) was adopted in 2014. MP14 provides States with a clearer jurisdictional framework for dealing with unruly passengers, whilst preserving prosecutorial discretion.⁵ However, the Montreal Protocol has not been ratified by many States, including many EU countries⁶.

RECOMMENDATIONS

Despite the complexity of the issue, there are practical steps that can be taken to prevent and manage unruly passenger incidents, and which can contribute to increased safety and reduction of costs for airlines:

1. Prevention and deterrence

Safety in the air begins on the ground. Unruly passenger incidents are best managed in a preventive manner by keeping unruly behaviour on the ground and off the aircraft.

All aviation stakeholders, including States, airports, airlines and all ground and air personnel should be accountable for the prevention and recognition of unruly passenger behaviour.

All parties should have a clear 'zero tolerance' policy on unruly behaviour. Awareness and warning campaigns should emphasize passengers' obligations and make clear that unruly behaviour on board will not be tolerated and will be punished accordingly. An effective incident management system, including procedures for refusal should be developed swiftly by the responsible parties.

2. Alcohol and drugs policy

Intoxicated persons should not be allowed to enter any aircraft. Excessive consumption of alcohol either before the flight or on board should not be tolerated, and passengers should not be allowed to consume their own alcohol on board. Passengers who show signs of potentially developing unruly behaviour should not be served any alcoholic beverages.

⁴ States have recognized that Tokyo Convention 1963 (TC63) no longer provides a sufficient legal framework for dealing with unruly passenger behaviour due to jurisdictional gaps and the lack of clarity as to what constitutes an offense.

⁵ According to the Montreal Protocol 2014, jurisdiction no longer pertains to the State where the aircraft is registered, but to the State where the aircraft lands. If the offense is sufficiently serious, the State of landing must consider it if it is an offence in the State of the operator.

⁶ See the latest list of MP14 signatories under the following ICAO weblink:
https://www.icao.int/secretariat/legal/list%20of%20parties/montreal_prot_2014_en.pdf

3. Policies applicable to medical crises

Due to medical reasons, airlines and/or States may impose certain restrictions (e.g. mandatory face mask usage) on passengers. To minimize the possibility of unruly behaviour in this context and to ensure undisturbed air operation, any medically based exceptions from these rules should be requested by passengers and granted by airlines beforehand. The staff in the service chain, including crew members, should be informed about such exceptions in line with the airlines' internal procedures. It should not be the responsibility of crew members to verify the validity of any medical proofs on board aircraft.

4. Training

All personnel dealing with passengers should receive appropriate information (e.g. legal rights of the Aircraft Commander / crew member / staff member) and adequate training for dealing with unruly passengers (e.g. prevention, negotiation skills, appropriate self-defense responses, reporting etc.).

All employees should understand the importance of preventing passengers who exhibit unruly behaviour from boarding an aircraft and should be empowered to prevent such passengers from boarding.

Furthermore, appropriate local airport and law enforcement authorities should also be trained to provide adequate legal response to unruly behaviour from passengers.

5. Uniform prosecution and enforcement worldwide

Prevention and deterrence rely on uniform international law to ensure that States have the necessary legal tools to be able to enforce criminal or other sanctions as appropriate, so that unruly passengers are held accountable for their misconduct. Lack of jurisdiction is the main reason for failure to prosecute unruly passengers at foreign destinations. In other cases, some States lack specific provisions in their relevant laws to allow for the arrest and prosecution of unruly passengers even when jurisdiction is not an issue.

Therefore, it is paramount that the rules agreed upon in the MP14 are swiftly implemented worldwide. On 30 November 2020, ECA joined⁷ a statement by the Members of the European Civil Aviation Sectoral Social Dialogue Committee in which the European Social Partners appeal to the EU Member States to swiftly ratify the MP14.

⁷ European Commission, Employment, Social Affairs & Inclusion, Social dialogue, Social dialogue texts database, URL: <https://ec.europa.eu/social/main.jsp?catId=521&langId=en&agreementId=5695>

CONCLUSIONS

Whatever the reasons for the concerning number of unruly passengers are, this kind of behaviour on a commercial flight is intolerable, where safety and order must be maintained at the highest level.

ECA is of the firm view that in-flight unruly behaviour should be first and foremost prevented and preferably so on the ground before boarding an aircraft. It shall be prosecuted and punished.

ECA calls for the swift adoption of the Montreal Protocol 2014 by all European States. By making the consequences of unruly behaviour clear and enforceable, MP14 will provide a more effective deterrent tool against unruly passengers.

Furthermore, campaigns should be developed to inform the public and the aviation professionals about the importance of prevention and prosecution of unruly behavior onboard aircraft and to provide adequate training to all persons involved.

ECA believes that both the above-mentioned measures and the regulatory provisions of MP14 are necessary to adequately decrease the number of unruly passenger incidents, leading to a safer, more efficient, and more pleasant air travel experience.

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