



WORKING PAPER

ASSEMBLY — 39TH SESSION

EXECUTIVE COMMITTEE

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

ICAO POLICY ON THE ASSISTANCE TO VICTIMS AND THEIR FAMILIES

(Presented by the ACVFFI (Air Crash Victims' Families' Federation International))

EXECUTIVE SUMMARY

The Air Crash Victims' Families' Federation International unifies the interests of commercial aviation Victims around the world, with the goal of improving common practices relating to aircraft accidents and aspiring to enhance the assistance to victims and family members, passenger rights and aviation safety. The Federation continues the work initiated in 1983 at ICAO by the Air Crash Victims Families Group ACVFG.

The adoption of Doc 9998 (*Policy on Assistance to Aircraft Accident Victims and their Families*) and Doc 9973, *Manual on Assistance to Aircraft Accident Victims and their Families*) as well as amendment 25 to Annex 9 *Facilitation* have significantly advanced the global level of assistance to victims of aircraft accidents. Nevertheless, the level of implementation of assistance plans in Member States remains unknown.

Action: The Assembly is invited to urge the Council to:

- a) elevate the status of recommendation 8.46 of annex 9 by adopting it as an international standard; and
- b) include provisions in the ICAO USOAP audit that allow for the verification of compliance of recommendation 8.46 in each Member State.

<i>Strategic Objectives:</i>	This working paper relates to the Security and Facilitation Strategic Objective.
<i>Financial implications:</i>	Non applicable
<i>References:</i>	Resolution A38-1: <i>Assistance to Aircraft Accident Victims and their Families</i> . Doc 9998, <i>Policy on Assistance to Aircraft Accident Victims and their Families</i> . Doc 9973, <i>Manual on Assistance to Aircraft Accident Victims and their Families</i> . Amendment 25 to Annex 9 - <i>Facilitation</i>

¹ English and Spanish versions provided by ACVFFI.

1. INTRODUCTION

1.1 Since the 32nd Assembly in 1998, ICAO has substantially advanced in the development of policies regarding the assistance of victims of aircraft accidents and their families. Especially, during the 38th Assembly in September 2013, in which Resolution 38-1 was adopted, and which this 39th Assembly is set to update.

1.2 That same Assembly endorsed the ICAO Policy on the Assistance of Victims of Aircraft Accidents and their Families, that had previously been unanimously approved by the Council on the 1st of March 2013, and was published as Doc.9998. This document establishes a framework to assist passengers/victims of aircraft accidents, and is globally applicable for all Member States of ICAO.

1.3 Subsequently, with the publication of Manual Doc. 9973, the guidance material for the Assistance to Victims and their Families was updated. This document is of great practical interest as it describes guidelines that States may follow in order to comply with the mentioned Policy.

1.4 More recently, in its session of the 12th of June 2015, the ICAO Council adopted recommendation 25 to Annex 9 of the Chicago Convention, introducing in paragraph 8.46 a recommended practice regarding the Assistance to Victims of Aircraft Accidents and their families. This paragraph reads: "Member States should establish laws, regulations and / or policies in support of the assistance to victims of aircraft accidents and their families," and also includes notes with a reference to Doc. 9998 and Doc.9973.

1.5 Furthermore, it was also decided that the Universal Safety Oversight Audit Programme (USOAP) would be updated to include the reference of Annex 9 provisions related to safety, and more specifically, those addressing the implementation of Assistance to Victims

2. DISCUSSION

2.1 The ACVFFI acknowledges and appreciates the ICAO Council leadership for the successive steps taken regarding this issue during the last four years. We also recognize the need to address this issue from a global perspective, as aviation is an eminent international activity.

2.2 However, and regardless of the decisions already taken, it is currently unknown what level of implementation States have been able to introduce in their national legislations. In many cases, as there is no mandatory standard that is properly audited, the implementation of Assistance to Victims and their Families could be delayed, while air traffic continues to grow.

2.3 The ACVFFI calls for a greater effort by all States to support that the recommended method introduced in Annex 9 be updated to an international standard, with mandatory status, with the goal of making the Policy on Assistance to Victims of Air craft Accidents and their Families a reality, as well as for the policy to be efficiently implemented in all Member States as soon as possible.

2.4 In addition and in order to achieve greater efficiency in monitoring the implementation of the Assistance to Victims in every State, it is proposed to introduce a section in the USOAP Audit Plan protocols that allow for the close monitoring of the implementation and compliance of the Assistance to Victims by State Civil Aviation Authorities as well as by airport operators, accident investigation authorities and airlines.

2.5 Its universal adoption would result in significant benefits for passengers, as well as create greater certainty for airlines in identifying the rules that govern their responsibilities towards passengers.

2.6 The ultimate goal is to move towards a culture of assistance to victims that is part of the commercial aviation system itself, and in which the measures to be taken are not identified in an improvised manner in the case of an aircraft accident, but rather initially planned in the civil aviation system of each state. All the above, would, without doubt, result in a safer and preventive approach, that would contribute to the sustainable growth of the air transport system.

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