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ICAO Policy on Assistance to Aircraft Accident Victims and their Families

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International Civil Aviation Organization

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FOREWORD

An aircraft accident is an unexpected and usually a catastrophic event. Concern for persons who have suffered distress and loss as a result of an aircraft accident has led to increased efforts within the aviation industry to establish procedures which address the needs of victims and their families in a timely manner.

During its 32nd Session in October 1998, the International Civil Aviation Organization (ICAO) Assembly considered the subject of assistance to aircraft accident victims and their families, acknowledging that 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 Contracting States. Following discussions, Assembly Resolution A32-7, *inter alia*:

- called on Contracting States to reaffirm their commitment to support civil aviation accident victims and their families;
- urged Contracting States, in cooperation with ICAO and other States, to promptly review, develop and implement regulations and programmes to provide that support; and
- urged the ICAO Council to develop material citing the need for the establishment of regulations and programmes by Contracting States and their air operators to support aircraft accident victims and their families.

Resolution No. 2 of the International Conference on Air Law, held in Montreal from 10 to 28 May 1999, recognized the tragic consequences that result from aircraft accidents. The conference was mindful of the plight of aircraft accident victims and their families and took into account their immediate needs. In so doing, the conference urged air carriers to make advance payments, without delay, based on the immediate economic needs of aircraft accident victims and their families. The conference also encouraged States that are parties to the Convention for the Unification of Certain Rules for International Carriage by Air, adopted on 28 May 1999, at Montreal, to take appropriate measures under national law to promote such action by carriers.

In 2001, in response to Assembly Resolution A32-7, ICAO issued the Guidance on Assistance to Aircraft Accident Victims and their Families (Cir 285). In 2005, provisions were included in Annex 9 — Facilitation to enable expeditious entry into the State in which the accident occurred of family members of the victims of an accident.

Assistance programmes, in support of aircraft accident victims and their families, require cooperative planning and response by the air operator, airport operator, State of Occurrence, non-governmental organizations, and specialized commercial companies. Irrespective of the scale of an accident, the victims and their families should receive appropriate assistance. Because of variations in the size and circumstances of aircraft accidents, the extent of the resources required to provide family assistance will vary considerably. Therefore, planning for such events is necessary to ensure that in the event of a major aircraft accident the assistance provided to the victims and their families is adequate and sufficient.

Information regarding the progress of the accident investigation should also be provided to accident victims and their families in a timely manner. It should be emphasized that an aircraft accident investigation, the sole objective of which is the prevention of accidents and incidents, is separate from the provision of family assistance.

The purpose of this document is to set out ICAO policies regarding the provision of assistance to aircraft accident victims and their families, and to encourage States to incorporate these policies when planning, developing, and implementing their legislation, regulations, policies and procedures related to family assistance.

The following ICAO documents contain guidance material and provisions for the implementation of these policies as well as information on facilitation related matters:

- Guidance on Assistance to Aircraft Accident Victims and their Families (Cir 285, to be reissued as Doc 9973); and
 - ICAO Annex 9 — Facilitation.
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