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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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SECTION I. GENERAL

1.1 Family assistance is the provision of services and information to address the concerns and the needs of the aircraft accident victims and their families.

1.2 Determining the extent of the family and who is entitled to assistance is perhaps the most difficult and most important aspect of the planning process. The concept of family differs between cultures and populations. The most prudent approach from the onset is to keep the definition broad and inclusive, with due consideration for existing specifications in States related to persons, other than family members, who can be responsible for the legal affairs of a deceased victim.

1.3 The provision of family assistance requires the commitment of resources in several areas, including those regarding:

- a) information about the occurrence;
- b) emergency response to the accident;
- c) coordination of travel to and lodging at a family assistance center, as well as assistance to those not travelling;
- d) coordination of a visit to the accident site, where access is practicable;
- e) support for immediate financial needs;
- f) information about the location and status of the victims, and the recovery, identification and disposition of remains;
- g) information regarding the recovery, management and return of personal effects;
- h) social, emotional and psychological support; and
- i) information about the progress of the investigation and its objective.

1.4 Proper coordination is critical to establish an effective short- and long-term response to the needs of accident victims and their families. The Council strongly encourages States, air operators, airport operators and third parties to apply, without delay, the ICAO policies in this document regarding the provision of assistance to aircraft accident victims and their families.

Note 1.— ICAO Circular 285 — Guidance on Assistance to Aircraft Accident Victims and their Families (to be reissued as Doc 9973), provides additional information and guidance material on the provision of family assistance.

Note 2.— The following terms are used in this document: aircraft accident, aircraft accident investigation authority, air operator, airport operator, coordinator/coordinating agency, providers of family assistance, State of Occurrence, survivor, and victim. The definitions of these terms can be found in Appendix 1 – Glossary of Terms.

SECTION II. ICAO POLICY

State readiness

2.1 An aircraft accident is an unexpected and usually a catastrophic event. The size and scope of an aviation accident will influence the types of family assistance needed, as well as the amount of financial, personnel and equipment resources needed to provide adequate and sufficient assistance. The scale of the family assistance response will be directly related to the number of people impacted.

2.2 Family assistance may require national legislation, regulations and/or policies to ensure that the necessary resources and commitment to provide assistance are available at short notice. Effective coordination of the parties involved is considered essential.

2.3 The Council recommends that States:

- a) reaffirm their commitment to ensure that adequate and sufficient assistance is provided to aircraft accident victims and their families;
- b) establish legislation, regulations and/or policies addressing family assistance plans to ensure that family assistance providers have the necessary financial, personnel, and equipment resources, and that systems are available at short notice to provide assistance to aircraft accident victims and their families in a timely manner;
- c) ensure that their family assistance plans consider the following factors: recipients of family assistance; types of family assistance to be provided; when family assistance should be provided; family assistance providers; periodic review and exercise of the plan; and enactment of legislation, regulations and/or policies necessary to implement the plan;
- d) establish legislation, regulations and/or policies required to implement effective coordination and control of the efforts to provide the required family assistance;
- e) require that air operators implement family assistance plans, and ensure that these plans are exercised regularly, supervised and audited as necessary;
- f) require that airport operators implement family assistance plans, which can be part of their Airport Emergency Plans, in coordination with air operators, and ensure that these plans are exercised regularly, supervised and audited as necessary; and
- g) require air operators to have proper arrangements with airports in which they operate, so as to facilitate the provision of family assistance as required.

Family assistance plan

2.4 A detailed, well-considered plan that is periodically exercised is critical to the provision of family assistance. The need to provide such assistance may occur with little or no warning, requiring an immediate response, and may involve large numbers of trained personnel, significant expense and dedicated resources.

2.5 The Council recommends that a family assistance plan should consider the following factors:

- a) recipients of family assistance;
- b) types of family assistance to be provided;
- c) when family assistance should be provided;
- d) family assistance providers;
- e) periodic review and exercise of the plan; and
- f) enactment of legislation, regulations and /or policies necessary to implement the plan.

2.6 States should count on specific planning and resources from other States, air operators, airport operators, third parties (such as non-governmental aid agencies and commercial companies), and family associations. The Council recommends that States establish Memoranda of Understanding, agreements and/or contracts with departments, agencies, associations, organizations and other States that could provide support for the development, preparation and implementation of the plan.

Timeliness of family assistance

2.7 Following an aircraft accident, the most immediate form of information required is the confirmation of whether or not the person about whom a family is concerned was involved in the accident. The ability to provide such information is dependent upon the availability of an accurate passenger manifest with sufficient detail for positive confirmation of each passenger's identity.

2.8 Some States have privacy rules and regulations protecting the identities of accident victims and their families. As a consequence, delays in providing passenger manifests may adversely affect the authorities responsible for coordinating and providing family assistance.

2.9 The Council recommends that States consider legislation, regulations and/or policies that would enable the entities responsible for providing family assistance to have access to relevant and appropriate information for the purposes of providing timely assistance.

Family assistance providers

2.10 There are five main groups involved in providing family assistance:

- a) the government of the State of Occurrence and other States involved in the occurrence;
- b) the air operators;
- c) the airport operators;

- d) third parties (e.g. non-governmental aid agencies, commercial companies); and
- e) family associations, when required.

Note.— Each group has different resources and responsibilities to the family assistance efforts. The work of these groups should be synchronized and well-coordinated in order to have an effective family assistance response.

2.11 The Council recommends that States, as part of the coordination process established in their family assistance plans, facilitate the cooperation among the different family assistance providers.

Government

State of occurrence

2.12 The Standards and Recommended Practices (SARPs) regarding facilitation-related matters for family assistance are specified in ICAO Annex 9, Chapter 8, Section I, *Assistance to aircraft accident victims and their families*. Section I specifies the State of Occurrence as being responsible for these SARPs. Other States involved in the occurrence may also share these responsibilities.

2.13 The Council recommends that States designate and specify in their regulations and/or policies a coordinator/coordinating agency to ensure that the various family assistance providers work in an efficient and coordinated manner so as to provide the most appropriate and timely assistance possible. The coordinator/coordinating agency may also be the point of contact between the families, the government agencies and non-government organizations.

Note.— When the location of the accident cannot definitely be established as being in the territory of any State, the State of Registry should be responsible for providing family assistance to accident victims and their families. States nearest the scene of an accident in international waters are expected to provide family assistance as they are able, as well as respond to requests by the State of Registry.

Aircraft accident investigation authority

2.14 The Council emphasizes that the sole objective of an aircraft accident investigation, as defined in Annex 13 — *Aircraft Accident and Incident Investigation*, is the prevention of accidents and incidents, not the apportionment of blame or liability, and is separate from the provision of family assistance. However, the accident investigation authority has a responsibility to provide relevant, timely and validated information to the families and the accident survivors regarding the progress of the investigation, provided that it does not compromise the objective of the investigation.

2.15 To ensure the timeliness of the release of validated information to accident victims and their families, the Council recommends that the accident investigation authority, or other appropriate authority, consider appointing a liaison person as a focal point to ensure effective communications with other providers of family assistance, and to coordinate visits to the accident site by the families and survivors when required, and when access is practicable.

Civil Aviation Authority

2.16 The civil aviation authority is usually responsible for the regulation, certification and oversight of the aviation industry. In some States, the civil aviation authority issues regulations and/or policies mandating that air operators and airport operators have family assistance plans.

2.17 The Council recommends that civil aviation authorities or other appropriate authorities establish legislation, regulations and/or policies to require that air operators and airport operators have family assistance plans and resources to provide timely and effective assistance to aircraft accident victims and their families. Such plans should be supervised, exercised and audited as necessary.

Non-government organizations

Air operator

2.18 The air operator is in the best position to develop and maintain an accurate passenger manifest to facilitate the identification of those who may be involved in an aircraft accident. The air operator is also in the best position to notify the families of accident victims, and to provide the passenger manifest to other authorities involved in providing family assistance.

2.19 The Council recommends that States ensure that air operators have their family assistance plans reviewed, exercised and updated periodically to provide timely and effective assistance to aircraft accident victims and their families.

Airport operator

2.20 Because airports are often where families and friends first gather to receive information regarding an accident, airports need to have plans to provide assistance to accident victims and their families, with focus on immediate care and support following an accident. Such plans are to be implemented in coordination with air operators so as to facilitate harmonization of the assistance to be provided. To this end, the Council acknowledges that, following an accident, all airports associated with the operation may need to be involved in the provision of family assistance including the airport of departure, destination airport and alternate airports.

2.21 The Council recommends that States ensure that airport operators have their family assistance plans reviewed, exercised and updated periodically to provide timely and effective assistance to aircraft accident victims and their families.

Third parties

2.22 The Council recommends that States, air operators and airport operators consider the experience and services of third parties in the development of family assistance plans, such as:

- a) aid agencies with extensive experience in dealing with families and disaster survivors, and which are often able to provide services, such as crisis counselling and support for the families of accident victims; and
- b) specialty commercial companies that can assist in the provision of family assistance, such as in handling calls from family members, providing on-scene family assistance coordination, and managing the identification, custody and return of personal effects.

Family associations

2.23 The Council acknowledges that family associations provide assistance to their members in various forms and, in some cases, have provided assistance to the families of victims of other aircraft accidents. Family associations can offer unique first-hand experience and insight regarding the provision of family assistance and can serve as interlocutors regarding the handling of certain family assistance issues.

2.24 The Council recommends that States, during the development of their family assistance plans, take in due account the experience and support that family associations can provide.

2.25 The Council further recommends that States consider supporting the establishment of family associations, as necessary.

Appendix 1

GLOSSARY OF TERMS

The following are definitions of the terms used in this document and in the context of providing family assistance to accident victims and families:

Aircraft accident. An occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, in which:

a) a person is fatally or seriously injured as a result of:

- being in the aircraft, or
- direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or
- direct exposure to jet blast,

except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or

b) the aircraft sustains damage or structural failure which:

- adversely affects the structural strength, performance or flight characteristics of the aircraft, and
- would normally require major repair or replacement of the affected component,

except for engine failure or damage, when the damage is limited to a single engine, (including its cowlings or accessories), to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windcreens, the aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome); or

c) the aircraft is missing or is completely inaccessible

Aircraft Accident Investigation Authority. A government agency, body or commission that has the primary responsibility for the investigation of aircraft accidents, as per Annex 13.

Air operator. A person, organization or enterprise engaged in or offering to engage in an aircraft operation.

Airport operator. A person, organization or enterprise engaged in the operation of an airport.

Coordinator/Coordinating agency. The person or organization required to ensure that the necessary resources and agencies are brought into the proper relationship in order to provide accurate information and the optimum assistance to the victims and their families.

Providers of family assistance. Entities having a role in providing family assistance to accident victims and their families, such as government departments and agencies of the State where the accident occurred; the air operator; the airport operators; third parties (such as non-governmental aid agencies, commercial companies); and family associations.

State of Occurrence. The State in the territory of which an accident or incident occurs.

Survivor. A victim who is not fatally injured as a result of the aircraft accident.

Victim. An occupant of the aircraft, or any person outside the aircraft, who is unintentionally directly involved in the aircraft accident. Victims may include the crew, revenue passengers, non-revenue passengers and third parties.

— END —