

GUIDANCE ON ASSISTANCE TO AIRCRAFT ACCIDENT VICTIMS & THEIR FAMILIES

(ICAO – Circular 285-AN/166)

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INTRODUCTION

1. An aircraft accident is an unexpected and catastrophic event. Despite improvement in the aviation safety record, the expected increase in air traffic is likely to result in an increasing number of accident victims in the foreseeable future. Distress is an inevitable consequence of any accident which people are killed or injured. In recent years, concern for persons who have suffered distress and loss as the result of aircraft accident has led to increased efforts within the aviation industry to establish means by which the anguish can be mitigated.

2. 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. Following a discussion, the adopted resolution A32-7 which stated that.

- ‘ The state of occurrence should address the most critical needs of persons affected by a civil aviation accident.
- ‘ ICAO’s policy should be to ensure that the mental, physical and spiritual well-being of aircraft accident victims and their families are considered and accommodated by ICAO and its contracting states.
- ‘ It is essential that ICAO and its contracting states recognize the importance of timely notification of family members of victims involved in aircraft accident, the prompt recovery and accurate identification of the fatalities, the return of the victims personal effects and the dissemination of pertinent information to family members.
- ‘ Governments of nationals, who are victims of aircraft accidents, have the role of notifying and assisting the families of the victims.
- ‘ It is essential that support be provided to family members of aircraft accident victims, wherever the accidents may occur, and any lessons learnt from support providers. Including effective procedures and policies are promptly disseminated to ICAO and contracting states in order to improve states family support operation.
- ‘ Harmonization of the regulations for dealing with the needs of aircraft accident victims and their families is a humanitarian duty and an optional function of the ICAO council contemplated in article 55 © of the Chicago Convention.
- ‘ States should provide a homogeneous solution for treatment of aircraft accident victims and their families.
- ‘ The aircraft operator involved in an aircraft accident is often best suited to assist families immediately following an accident.
- ‘ Family members of aircraft accident victims, irrespective of where the accident occurs or the nationality of the victims, have certain fundamental human needs and emotions and public attention will continue to focus on the human-interest of aircrafts accidents as well as states technical investigation of these events.

IN CONSEQUENCE, THE ASSEMBLY :

- ‘ Called on contracting states to reaffirm their commitment to support civil aviation accidents victims and their families.
 - ‘ Urged contracting states, in cooperation with ICAO and other states, to promptly review, develop and implement regulation and programmes to provide that support.
 - ‘ Urged states that have regulations and programmes for dealing with the affairs of aircraft accidents victims and their families to make them available to ICAO for possible assistance to other states, and
 - ‘ Urged the ICAO council to develop material citing the need for the establishment of regulation and programmes by contracting states and their aircraft operators to support aircraft accident victims and their families.
3. Resolution no.2 of the international conference on air law, which was held in Montréal from 10 to 28 may 1999, recognize the tragic consequences that flow 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 payment, without delay, based on the immediate economic needs of aircraft accidents 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 Montréal, to take appropriate measures under national law to promote such action by carriers.
4. Accordingly, the objective of this circular is to provide guidance on the types of family assistance that may be provided to aircraft accident victims and their families and the avenues available for providing that assistance. It aims to better prepare all parties involved, to facilitate the coordination between them and to describe the scope of their involvement. This circular also furnishes guidelines for the establishment of appropriate legislation, regulations and programmes by contracting states and their aircraft operators in order to support aircraft accident victims and their families.
5. Irrespective of the scale of and 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 considerable. Therefore, planning for such events is necessary to ensure that in the event of a large aircraft accident the assistance provided to the victims and their families does not exhaust the available resources.
- 6 This circular discusses:
- ‘ The terminology used in the circular
 - ‘ The persons to whom the assistance should be given
 - ‘ The types of family assistance
 - ‘ When assistance should be given
 - ‘ Family assistance provides
 - ‘ Factors which may limit the assistance provided
 - ‘ Planning for the provision of assistance to the victims and their families, and
 - ‘ the formulation of legislation and regulations for the provision of assistance to the victims and their families.

This circular should enable states to prepare a plan for the provision of family assistance in the event of an aircraft accident. Such a plan should be readily adaptable to other disasters in which there are a large number of casualties.

7. The appendices provide extracts from one state's legislation on the subject, examples of a family assistance plan and a victim identification plan, as well as one airline's guidance materials on laws, customs and culture at international destinations. The material presented in appendices 1 and 2 is reproduced with the authorization of the national transportation safety board (NTSB) of the United States. The materials in appendix 3 is reproduced from the New Zealand police's manual of best practice by kind permission of the New Zealand police.

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Chapter 1 Terminology

- 1.1 The following terminology is discussed to ensure that readers understand its intended meaning in the context of this circular: aircraft accident, aircraft accident investigation authority, coordinator, family, family assisters, provider, the state of occurrence, and victims.

AIRCRAFT ACCIDENT

- 1.2 The definition of an accident is provided in Annex 13 to the convention on international civil aviation—Aircraft Accident and accident investigation. The relevant part of the definition states that an accident is.

“An occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all persons have disembarked, 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, Inc parts which have become detached from the aircraft, or.....

AIRCRAFT ACCIDENT INVESTIGATION AUTHORITY

- 1.3 The aircraft accident investigation authority is a government agency, body or commission that has the primary responsibility for the investigation of an accident.

COORDINATOR

- 1.4 A coordinator is the person or organization required to ensure that the necessary resources and agencies are brought into the proper relationship in order to provide the optimum assistance to the victims and their families.
- 1.5 The appointment of a coordinator requires careful consideration to ensure that the full potential of the resources will be realized as promptly and economically as practicable. The coordinator must ensure that the various organizations are not diverted from their predetermined roles by ad hoc arrangement and do not come into conflict when different organizations are required to provide similar forms of assistance.

FAMILY

- 1.6.1 A definition of the extent of the family is an important prerequisite of planning for the provision of family assistance since the size of the family has a direct effect on the logistics involved.
- 1.7 Determining who constitutes family will involve cultural considerations as well as social relationship and may well be different to what is generally covered by such terms as next of kin. A definition must be agreed upon that takes due the cultures involved.
- 1.8 A person's entitlement to the various types of family assistance may depend on the degree of flexibility shown in determining who constitutes family. For example:

- responses to inquiries about persons involved in an accident will be to a large cross-section of callers, many of whom will have no direct connection with this persons;
- the initial notification to the families of passengers may inc. family members of passengers who survive;
- visits to the accident site and attendance at memorial services may involve persons with a special relationship to those who lost there lives as a result of the accident; and
- Immediate financial assistance will be specifically directed to family members who are depended of a victim.

1.9 to avoid repetition, the words family and families will be used hereafter when referring to the family members of aircraft accident victims.

FAMILY ASSISTANCE

- 1.10 Family assistance is the help provided to the families and to the survivors of an aircraft accident. The various types of family assistance that may be relevant in the aftermath of an aircraft accident are discussed in chapter 3.
- 1.11 The family assistance envisaged in this circular applies to all aircraft accident victims and families regardless of the size and circumstances of the accident.

PROVIDER

- 1.12 Providers of assistance can be government agencies, aircraft operators, private contractors and aid agencies, such as the Red Cross and the Red Crescent. Each agency must have a role that has been predetermined. There may be more than one provider for each type of family assistance.
- 1.13 The state of occurrence is defined in Annex 13 as “ The state in the territory of which an accident or incident occurs”
- 1.14 Annex 13 contains two standards relating to the investigation of an accident when the location of the accident site is not established as being in the territory of any state. These standards, which are part of chapter 5 of the Annex, read as follows:

“STATE OF REGISTRY”

5.3 When the location of the accident or the serious incident cannot definitely be established as being in the territory of any state, the state of registry shall institute and conduct any necessary investigation of the accident or serious incident. However, it may delegate the whole or any part of the investigation to another state by mutual arrangement and consent.

5.3.1 States nearest the scene of an accident in international waters shall provide such assistance as they are able and shall, likewise, respond to requests by the state of registry.”

- 1.15 When an accident occurs outside the territory of any state, the state of registry of the aircraft may call upon another state to assist with the provision of family assistance.

VICTIM

- 1.16 For the purpose of this circular (but not its appendices which were produced independently of ICAO), a victim is 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. A survivor is a victim who is not fatally injured as a result of the accident.

CHAPTER 2 RECIPIENTS OF FAMILY ASSISTANCE

2.1 The aim of family assistance is to address the concerns and the needs of the victims and their families, to the extent possible. The provision of family requires the commitments of significant resources.

2.2 While initial contacts between family members and the staff of the aircraft operator are often made in person at the airport, subsequent telephone inquiries will likely be made by;

- * family, friends, colleagues, etc. who know the passengers itinerary;

- * Same parties who are not certain of a prospective passengers travel plans; and

- *those persons having no personal connection with the passenger, such as journalist.

The interest that the caller has in the passenger should therefore be discreetly ascertained by the telephone operator who should thereafter direct the inquiry to the relevant family assistance provider.

- 2.3 Once the identity of the victims has been established, further family assistance should be limited to the survivors and the close family members of the victims who, in the opinion of the family assistance providers, have a bona fide entitlement to assistance. Determining who is entitled to assistance is important in order to ensure that the family members and the survivors can be treated equitable.
- 2.4 The nature of the immediate assistance provided will vary. For example, families of those who have been killed will require assistance with the transfer of the remains and with funeral arrangements, with due respect to cultural sensitivities. On the other hand, injured survivors will expect assistance, particularly with medical expenses and transfer back to their homes.
- 2.5 Further requests for assistance may include the return of personal effects, counselling, privacy, legal advice, visits to the accident site, assistance with travel and accommodation, and liaison with relevant agencies and organiza-

tions. In addition, requests for information on the progress of the investigation of the accident may be expected from the family members and the survivors.

Chapter 3 TYPES OF FAMILY ASSISTANCE

- 3.1 Family assistance providers must recognize that the families and the survivors may have diverse cultural backgrounds and values that require special understanding and consideration. These considerations may include the grieving process, the form of, and attendance at, religious services, the treatment of human remains and the design of memorials.**
- 3.2 States and aircraft operators having experience in providing family assistance advice that the following types of assistance may be appropriate.**

CONFIRMATION OF THE INVOLVEMENT OF A FAMILY MEMBER IN AN AIRCRAFT ACCIDENT

- 3.3 Following an aircraft accident, the most immediate form of assistance is 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. There will often be a conflict between the need for accuracy and the need for timelessness in producing the manifest. Efforts should be made to produce and update the passenger manifest information as soon as possible.**
- 3.4 Ideally, the closest relative should be the first person notified of the involvement of a family member in an aircraft accident. Once that person has been notified, he or she can determine if there are any other persons who have a bona fide interest in the victim and should be notified. When an inquirer who is not the closest relative of a victim calls for confirmation of the involvement of the victim, the preferred procedure is to try, by tactful inquiry, to ensure that the closest relative has already been notified. The families should also be asked to nominate one or more contact persons in order to ensure the flow of information to and from the other family members affected by the victim's involvement in the accident. Experience has shown that an average of four to five contact persons per family may be required to ensure the flow of information within a family.**

COUNSELLING

- 3.5 Counseling for the survivors and their families is expected in many societies. Such support can vary from providing common-sense advice on dealing with the practical aspects of life after an accident to more significant mental-health care. Providing support to the families will require well-coordinated logistics which should not be the responsibility of the caregiver. The caregivers should concentrate solely on caring for the well-being of the families.**

PRIVACY

- 3.6 Privacy for the families and the survivors is of utmost importance. The provision of closed and quiet meeting rooms is essential.**

IMMEDIATE FINANCIAL ASSISTANCE

- 3.7 The families and the survivors may require immediate financial assistance. In particular, they may need to be provided with sufficient funds to meet their immediate needs as well advice on how to take advantage of the other forms of family assistance available.**

IMMIGRATION AND CUSTOMS FORMALITIES

- 3.8 The families and the survivors will often need assistance with immigration and customs formalities. Survivors who have their identity papers and tickets in the accident will require assistance to complete their travel. Family members may need to travel to the accident site, a hospital or another location to meet injured survivors, attend memorial services or visit the state of occurrence for reasons directly related to the accident. Assistance from immigration and customs agencies will also be required for the repatriation of human remains.**

VISITS TO THE ACCIDENT SITE

- 3.9.1 Where access is practicable, a visit to the accident site by the families and the survivors, as part of the grieving process, is important and has become common practice. The travel necessary to facilitate these visits, the escorting of family members while they are at the accident site and their accommodation until they leave the country are matters which need to be considered. Families may also appreciate assistance with the care of any young children they have brought with them. Experience has shown that the family members of those killed in an accident prefer not to share the visit to the accident site with survivors. Also, it is advisable to arrange the visit for family members of passengers separately from that of the visit for family members of the crew. There will also be occasions when visits to the accident site by family members are impractical due to remoteness or topographical features. In the case of suspected criminal involvement, visits to the site may be restricted by judicial authorities.**

IDENTIFICATION, CUSTODY AND RETURN OF HUMAN REMAINS

- 3.10 The identification, custody and return of human remains are very important forms of family assistance. Remains are often difficult to recover. Identification can be an arduous and time-consuming process, and legislation often requires a post-mortem examination of those killed in an accident. In some accidents, there will be remains that cannot be identified despite exhaustive efforts.**

PROTECTION AND RETURN OF PERSONAL EFFECTS

3.11 The families and the survivors will need reassurance that arrangements have been made to ensure that personal effects will be correctly handled and returned to their legal owners. The protection of personal effects is usually the responsibility of the aircraft operators in conjunction with the police. On occasion, these items will be held as evidence by the accident investigation authority or police. A pictorial record of non-identified personal effects should be made and circulated to family members for identification. The handing over of the pictorial record should take place in the presence of a caregiver, close friend, or clergyman, etc.

PROVISION OF INFORMATION

3.12 The provision of a continuous flow of information is fundamental to an effective family assistance program. Care should be taken to ensure that each family contact persons pass on the information to the whole family. The families and the survivors are anxious to be provided, as soon as practicable, with details about items of immediate concern, such as;

- accommodation while away from home;
- onward travel
- payment for immediate needs;
- identification and return of human remains;
- return of personal effects
- travel to the accident site (time, aircraft type, ticketing procedure, visa requirements, accommodation, etc.)
- memorial services; and
- Information sessions by airline representative, accident investigation authorities, etc.

In the longer term, the families and the survivors may be provided, through periodic advisors, with updated information on the progress of the accident investigation and what additional assistance they can expect in order to facilitate their adjustment to life after the accident. To the extent appropriate, the families should be invited to attend public hearing related to the accident.

LIAISON WITH FAMILIES

3.13 The provision of family assistance will probably involve government agencies, aircraft operators, aid and humanitarian organizations, and private contractors. Each of these providers has a specific role, and their task will be facilitated if the families and the survivors are aware of that role and how each provider can be contacted. One state has produced a pamphlet which outlines the role of each provider agency involved and contains space to enter the contact details for each agency.

MEMORIALS

3.14 Families need to be assured that they will be able to participate in any memorial services held after the accident and that they will have the opportunity to be involved in the design of any memorial structures erected in memory of those killed in the accident. The involvement of the families in the planning of these services should be facilitated.

LEGAL ADVICE

- 3.15 The families and survivors may be usually in a state of shock for some time. In these circumstances, it may be too early to address legal matters with them. Nevertheless, it is appropriate that they have access to general information pertaining to legal matters, such as information about immediate financial assistance and potential further entitlements.

COCKPIT VOICE RECORDER EXTRACTS

- 3.16 Some families and survivors may consider that they should be entitled to listen to the cockpit voice recording and to have access to a transcript of the cockpit voice recording. The disclosure of cockpit voice recordings is dependent upon national policy and legislation. Disclosure of cockpit voice recording and transcript is contrary to the international standards in annex 13.

FAMILY ASSOCIATIONS

- 3.17 If requested by the families and the survivors, the operator and the government agencies should be prepared to support the establishment of family associations. It is essential that such an initiative originate with the families and the survivors. Family associations provide a good forum to share grief, arrange memorial services and exchange information. However, family assistance providers must ensure that contact is maintained with families and survivors who do not join such associations.

CHAPTER 4 WHEN FAMILY ASSISTANCE SHOULD BE PROVIDED

- 4.1 An important planning consideration is to determine the circumstances under which a state may be involved in the provision of family assistance.
- 4.2 The potential need to provide family assistance will arise whenever an aircraft accident that occurs in a state's territory involves loss of life or injury to the aircraft occupants or to third parties who become involved unintentionally.
- 4.3 The need for a state, which is not the state of occurrence, to provide family assistance may arise when an accident occurs in international waters adjacent to the state or when the state of occurrence requests such assistance. Several major accidents in international waters have created such situations.
- 4.4 An aircraft accident involving a collision between two wide-bodied aircraft, or occurring in a heavily built-up area, has the potential to involve over 1000 victims. For smaller accidents, the aircraft operator and the state's normal emergency response teams will have the resources to provide appropriate assistance. The point at which there will be a need to supplement normal emergency response resources must be determined. Some aircraft operators estimate that a minimum of three care givers per passenger seat of their largest aircraft should be the basis for planning in order to allow for personnel replacement and work schedule planning.

CHAPTER 5 FAMILY ASSISTANCE PROVIDERS

STATE OF OCCURRENCE

5.1 The state of occurrence has several roles in the provision of family assistance. These include inter alias;

- preparing a plan to ensure that aircraft accident victims and their families receive the types of family assistance to which they are entitled, as determined by the state;
- coordinating the resources involved in providing family assistance;
- ensuring that human remains are identified;
- proving for the return of human remains to the home country, where appropriate;
- facilitating travel by family members to the hospitals where injured victims are being treated, the accident site and memorial services;
- facilitating onward travel for survivors; and
- Providing families and survivors with information on the progress of the investigation of his accident.

5.2 The aim of the information in the preceding chapters is to assist a state in determining who is entitled to family assistance following an aircraft accident and the nature of that assistance. After a state has determined which persons are entitled to each type of assistance, the next consideration is to establish which agencies will provide that assistance. A coordinator should be designated prior to the occurrence of an accident.

COORDINATING AGENCY

5.3 The provision of family assistance involves many agencies and authorities. The designation of a coordinator is essential to ensure that the various agencies function together to provide the optimum assistance to the families and the survivors. The coordinator may also be the point of contact between the families and government agencies. The means by which the coordinator may be contacted should be determined in the planning phase and should be promulgated as soon as practicable after the occurrence of an accident.

5.4 Accident investigation authorities are aware that the primary task of their investigators is to investigate the circumstances of the accident. Family assistance should be provided by other agencies or at least by personnel other than the investigators. One state has considered it practicable to establish a department within its accident investigation authority to coordinate the provision of family assistance.

THE AIRCRAFT OPERATOR

5.5 The aircraft operator is normally the best entity to establish whether or not a person has been involved in an aircraft accident. Some states have legislation that aircraft operator to maintain an accurate passenger manifest to facilitate the identification of any of their citizens who may be involved in an aircraft accident. The operator may also be required to have a plan for the provision of family assistance in the event of an accident in that state.

5.6 The aircraft operator should have an adequate number of suitably qualified available to answer inquiries concerning the passengers involved. The normal means of contacting this team is by telephone, the telephone numbers having

been promulgated by the aircraft operator. The aircraft operator should also make every endeavor to ensure that the immediate family of any aircraft accident victim, about whom no enquiry has been made, is notified of the victim's involvement in the accident.

5.7 Other types of family assistance in which the operator can be expected to have a major role are;

- transportation for the families and the survivors;
- immediate financial assistance for the dependents of victims;
- the provision of counseling services for the families and the survivors;
- arrangement for a visit to the accident site for the families and the survivors;
- arrangement for memorial services and erection of memorial structures;
- transportation for the families to any memorial service;
- the escorting and sheltering of families and survivors who visit the accident site and attend memorial services;
- the collection of ante-mortem information to assist in the identification of human remains;
- the return of human remains to their home country;
- assistance with funeral arrangements, if desired;
- the location, storage and return of personal effects to the families and the survivors; and
- the provision of information on matters related to the care of the families and the survivors.

In the case of code-share flights and airlines that are members of an alliance, the partner airlines should assist with these tasks, particularly when an accident occurs away from the home base of the airline.

THE AIRCRAFT ACCIDENT INVESTIGATION AUTHORITY

5.8 The provision of family assistance should be separate from the accident investigation. The accident investigation authority's investigator-in-charge must remain focused on his investigation of the accident. Nevertheless, the accident investigation authority has a responsibility to provide relevant and timely information to the families and the accident survivors. Depending upon the allocation of responsibilities for the investigation, the investigation authority may be able to provide to the families and the survivors information on issues of immediate concern, such as the release of human remains and personal effects held as part of the investigation, information on the progress of the investigation in determining the causes of the accident and any safety recommendations being contemplated to prevent similar accidents.

5.9 The investigator-in-charge of an investigation should be aware of the concern of the families and the survivors and should ensure that they are kept informed. To shield the investigator-in-charge from a large number of direct inquiries, the accident investigation authority should consider appointing a liaison person as a focal point for such inquiries.

AUTHORITIES RESPONSIBLE FOR VICTIM IDENTIFICATION

5.10 Police, coroners, health authorities and the aircraft operator may each have an important role in identifying and caring for the remains of victims. This responsibility may be shared or may be the sole responsibility of a specific authority, depending on

the convention of the state of occurrence. Some airlines may delegate their responsibilities in this matter of an authorized commercial entity.

- 5.10 Following the identification of fatalities, arrangement must be made for the return of human remains across international boundaries and for the final interment of the victims in accordance with the cultural requirement of the families.

THE CIVIL AVIATION AUTHORITY

- 5.11 Liaison with the families and the survivors in matters related to relevant aviation regulations, aircraft airworthiness and any safety measures that will be introduced as a consequence of an accident is normally a function of the civil aviation authority.

THE POLICE

- 5.12 The police are usually among the first to arrive at the scene of an accident and may have a significant role in the notification of the involvement of a family member in an aircraft accident, as well as in the security and return of personal effects. In some states, the responsibility for victim identification and notification of death to next of kin rests solely with the police. The disaster victim identification procedure of one such state is reproduced in Appendix 3 to this circular.

DIPLOMATIC AND CONSULAR STAFF

- 5.13 The international nature of air transportation requires diplomatic and consular staff to have a liaison and coordination role in facilitating the provision of the family assistance. This may involve expediting the issuance of travel documentation, expediting or waiving visa requirements and acting as liaison between their own authority, their citizens and the state of occurrence

IMMIGRATION AND CUSTOMS AUTHORITY

- 5.14 The immigration and customs authorities in the state of occurrence have an important role in minimizing the travel formalities for the families, the survivors and the return of human remains.

AID AGENCIES

- 5.15 Aid agencies have extensive experience in dealing with families and disaster survivors and are often able to provide services, such as crisis counseling and support for the families of accident victims. They may also be called upon to assist in;
- providing areas for families to grieve in private;
 - meeting with families who have traveled to the location of the accident and providing childcare, where necessary;
 - providing and coordinating crisis counseling services;
 - contacting the families who are unable to travel to the location of the accident and providing crisis counseling for them; and
 - Advising the families of the roles of the aircraft operator and the various agencies involved, as well as providing liaison with these agencies.

AUTHORISED COMMERCIAL COMPANIES

- 5.16 Some government agencies and aircraft operators have found the use of authorized commercial entities or consultant to be an efficient way to provide some forms of family assistance. For example, a specialized company is often used by airlines to assist in the identification of disaster victims and the identification, custody and return of personal effects.

FAMILY ASSOCIATION

- 5.17 Following a major aircraft accident, associations of the families of the victims have in some instances been established. Family associations provide assistance to their members in various forms and, in some cases, have provided assistance to the family of victims of subsequent aircraft accident immediately following their occurrence. As existing family association gain experience, their involvement in the provision of family assistance should also be considered and planned for.

CHAPTER 6 EXTENT OF FAMILY ASSISTANCE

- 6.1 Planning for the provision of family assistance will involve determining the extent of each aspect of that assistance in order to determine the overall resources required. The following are the more important aspects to be considered.

TIME SPAN

- 6.2 Determining the length of time for which each type of family assistance should be provided is an important consideration in the planning process. The appropriate duration of most types of assistance should be self-evident. The holding of funerals for the deceased, repatriation of the injured, return of personal effects and advance payments are obvious milestones which may provide natural limits to these types of family assistance.
- 6.3 The families and the survivors of aircraft accident may, however, be entitled to some form of assistance until the investigation of the accident has been concluded. Because the investigation into an aircraft accident may take more than one year to complete, the most prolonged form of assistance may be the provision of information on the progress of the investigation.

THE CONCEPT OF FAMILY

- 6.4 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. This may involve deciding whether a person's motivation is that of genuine association as a member of the family or the potential for gain by claiming association with a victim.
- 6.5 There must be a limit to the extent of the family for whom assistance should be provided. Those normally considered for eligibility are the spouse, siblings, dependent children and the parents of victims. Exceptions may need to be made in order to ensure fairness. When taking into account cultural differences, it is important to ensure that all victims are treated equitably.

RESOURCES

- 6.6 The family assistance plan should take into account there courses that will be required for the following phases:

- immediately following an accident and prior to family assistance/disaster management teams becoming operational;
 - during activation of the planned family assistance/disaster management program and the subsequent operation of the plan, including the management centre; and
 - post-disaster management.
- 6.7 In order to better utilize available resources, it should be determined whether states could enter into cooperative family assistance/disaster management agreements or whether aircraft operators could pool their available resources.
- 6.8 Some states have introduced legislation requiring aircraft operators flying into their country to prepare a detailed plan on how they will provide family assistance following an accident involving one of their aircraft.

CHAPTER 7 PREPARATION OF A FAMILY ASSISTANCE PLAN

- 7.1 Concern for the families and the survivors of aircraft accident and awareness of their need for assistance are becoming increasingly important international social issues. The majority of ICAO Contracting states are aware of their responsibility to provide the type of family assistance that they consider appropriate and practicable in the event of their involvement in a major aircraft accident.
- 7.2 States and aircraft operators that have neither the resources nor the means of providing a comprehensive family assistance program should consider entering into appropriate cooperative arrangements with others in order to have a family assistance program in place.
- 7.3 A proven plan is critical to the provision of family assistance because the need to provide such assistance will occur with little or no warning will require an immediate response and will involve large numbers of trained personnel, significant expense and the use of specific recourses.
- 7.4 The seven steps that follow are suggested as a means for state to prepare a national plan for the provision of family assistance to aircraft accident victims.

STEP ONE- DETERMINE THE SIZE OF A ACCIDENTS FOR WHICH THE PLAN WILL APPLY

- 7.5 Criteria that will assist in determining the size of accident for which various types of family assistance will be provided are;
- the number of aircraft occupant;
 - the scale of assistance envisaged;
 - the resources available; and
 - the national and home base of the aircraft operator.
- 7.6 The total resources required are directly related to the scale of family assistance envisaged and the number of persons for whom it will be provided. In accident involving large aircraft, the total number of occupants, rather than the number of dead and injured, may be the key factor in determining the scale of the initial response required. During the initial, response all requests for the confirmation of the involvement of persons in an aircraft accident must be responded to irrespective of the state of incapacitation of those persons.

**STEP TWO- DETERMINE THE TYPES OF
ASSISTANCE TO BE PROVIDED**

- 7.7** The types of family assistance commonly expected by the families and the survivors of the aircraft accident are explained below.
- 7.8** Confirmation of involvement. Confirmation of the involvement of a family member requires sufficient telephone lines to cater for upwards of 50000 calls in the first 24 hours after a major accident. Therefore a team, which should be established and trained in advance, must be available on short notice and for several days to respond to these calls. Experience has shown that such personnel have a tendency to work beyond the call of duty. It is essential that work schedules are maintained and that the provision for relief staff is taken into account in the planning phase.
- 7.9** Counseling. Counseling in this context is normally the provision of experienced persons who can advise the survivors and the families about the challenge of their situation and the practical steps that will help them to cope with their situation. The number of persons requiring counseling may exceed twice the number of accident victims.
- 7.10** Privacy. The need for privacy for the families and the survivors is normally recognized by aircraft operators and airport authorities and should include shelter from public gaze and questioning, as well as protection from specific groups attracted to an accident environment, such as media representative and lawyers. There may be survivors and family members who wish to speak to the media and their right to do so, if so desired, should not be discouraged. Similarly, even though lawyers may be dissuaded from contacting family representatives, some families may wish to contact lawyers. In their efforts to provide effective privacy, family assistance providers must take care not to infringe on the rights of those whom they seek to protect. One state has enacted legislation prohibiting lawyers from engaging in unsolicited communication with the families and the survivors for 4 days following an accident.
- 7.11** There may be several other groups that would appreciate the provision of privacy. These groups include those awaiting the aircraft at its destination those returning to the point of departure of the aircraft when they become aware of the accident, the survivors, and those traveling to be near the accident site to support the survivors or to deal with the consequences of the loss of one or more family members.
- 7.12** Information regarding financial assistance. Information regarding the availability of immediate financial assistance to entitled persons and the applicable procedures to obtain it will be appreciated by the families and the survivors. Assistance for immediate needs in the early stages of post-accident recovery is foreseen in article 28- Advanced payment of the convention for the unification of certain rules for international carriage by air (Doc 9740).
- 7.13** Immigration and customs. The provision of family assistance is likely to require considerable latitude with regards to immigration and customs formalities in the aftermath of an accident. Survivors are likely to have lost identity papers. The families of foreign victims and injured survivors will appreciate immediate access to, and return from, the state of occurrence to attend to their responsi-

bilities. The most expeditious procedures practicable should be developed to facilitate the movement of such individuals, as well as the return to the home country of the remains of those who lost their lives in the accident. The provision practical to enter the state and obtain clearance for their supporting equipment.

- 7.14 Identification, custody and return of human remains. Provision for the identification of human remains and sensitivity in handling the custody and return of such remains are essential.
- 7.15 Visits to the site. Visits to the accident site and accommodation and care of the families and the survivors at the accident site humanitarian component of family assistance. This can be one of the more immediate requirements following an accident. In some cultures, it is important for the relatives to visit the accident site. When a visit to the accident site is not possible, arrangement may be made for flowers to be released over the area from the air.
- 7.16 Personal effects. Effective procedures for the protection and return of recovered personal effects have the potential to relieve anxiety among the families and the survivors. The return of property as expeditiously as practicable can significantly reduce the sense of loss and shock. However, secure custody of personal effects is sometimes an acceptable option for the families of the deceased. Relatives of those who lost their lives in the accident may not wish to have any damage to the possessions repaired, but sensitivity and the risk of contamination by blood-borne pathogens will normally require careful cleaning of the possessions.
- 7.17 Provision of information. The provision of accurate and timely information by the aircraft operator and other agencies providing family assistance is an important aspect of assistance to the families and the survivors.
- 7.18 Liaison with families. Liaison with the families and the survivors to explain the roles of the various agencies involved and the progress made during the post-accident activities is an effective method of retaining their confidence.
- 7.19 Memorials. Liaison with the families in the planning of memorial services and memorial structures is important. Memorial services are normally non-denominational and may be held in conjunction with the interment of any unidentified remains.
- 7.20 Requests for cockpit voice recorder transcript. Request for cockpit voice recorder transcript need to be considered when preparing a family assistance plan; such request should be referred to the accident investigation authority.
- 7.21 Legal advice. Families will appreciate any impartial information made available to them on relevant legal issues. The preparation of an information leaflet or similar guidance material would be a worthwhile supplement to the overall family assistance plan.
- 7.22 Cultural considerations. Cultural considerations are important factors in the preparation of a family assistance plan. The requirements for the treatment of the victims remain may involve distinct and specialized considerations, as may the provision of memorial services and the design of memorial structures to those who perished in an accident. To assist states in their consideration of the cultural issues which may arise, an example of one airline's guidance to their staff on the laws, customs and culture at international destinations is provided in appendix 4 to this circular.

STEP THREE-DETERMINE THE AGENCIES THAT WILL PROVIDE THE ASSISTANCE

- 7.23** In assigning persons to provide assistance, consideration should be given to cultural aspects, such as age, gender and the suitability of the persons chosen. In many cases, personnel who would normally be well-suited for family assistance tasks will have to attend to their normal duties. Some of the aircraft operators personnel may be in shock from the loss of friends in the company. Company personnel may also have a feeling of responsibility or guilt in connection with the accident, and this may interfere with their performance in the event of personal contact with family members. In this respect, utilizing company personnel to provide assistance should be carefully considered and assigning personnel who have been seriously affected should be avoided.
- 7.24** The sharing of resources amongst different agencies may help in overcoming some of these obstacles. Some airlines have developed emergency response teams which they are prepared to make available to another operator at a time of loss, particularly when there is an association, such as code sharing or an alliance.
- 7.25** Confirmation of involvement. The aircraft operator, using dedicated telephones answered by trained persons, normally provides the initial confirmation of the involvement of victims in an aircraft accident. The telephone numbers should be toll free for calls within the state, but access problems dictate that alternative (non toll-free) numbers be provided for incoming foreign calls. The necessary pre-planning and personnel training required for this task are expected of aircraft operators as part of their accident response planning. Planning for the rapid setting up of a facility to provide information will help to generate goodwill among the families. Some airlines have established comprehensive emergency response centers, which other operators may retain to handle the initial phase following an accident. Because a significant number of telephone inquiries are made by relatives of airlines personnel, some airlines have found it necessary to have a "call-home" procedure. The call-home procedure requires airline personnel on duty to call home when they receive notification of an accident in order to confirm to their families that they were not involved.
- 7.26** Experience has shown that the number of telephone inquiries following a major aircraft accident can exceed 50000 in the first 24 hours. Ideally, each of these inquiries should be answered promptly. Callers with inquiries regarding a victim should be referred, with as little delay as practicable, to a person who has both the required information and the necessary training to respond appropriately.
- 7.27** Counseling. Airlines, commercial entities and aid agencies in crisis counseling commonly provide this service. One state has employed an aid agency to coordinate the provision of counseling services.
- 7.28** Privacy. Some airport authorities provide for post-accident privacy for the families and the survivors in their emergency response planning. In the case of major accidents, aircraft operators may have to seek suitable accommodation in which to sequester the families at the departure point of the aircraft, at its intended destination and in the vicinity of the accident site. This may involve reserving all the rooms in several hotels. The cooperation of the media may be enhanced by providing them with a dedicated area, scheduling regular briefings on the progress of the investigation and assuring them that they will be advised of any survivors or families who wish to talk to the media. It is advis-

able to arrange for separate hotels for the families of deceased victims, the families of survivors, the media and family assistance personnel.

- 7.29 **Immediate financial assistance.** The aircraft operator involved should be aware of the need to provide immediate assistance to the families and the survivors. In some states, legislation may provide for advance payments to be people.
- 7.30 **Immigration and custom formalities.** The immigration and customs authorities should have standards procedures for dealing with the repatriation of the survivors of an accident and the return of human remains to the home country. These procedures may have to be reviewed to ensure that they are suitable for accident involving large numbers of people.
- 7.31 **Involvement of diplomatic and consular staff.** Since diplomatic and consular staff will have a supporting role to play, their involvement in family assistance programs will optimize the support available from these sources.
- 7.32 **Visits to the accident site.** The planning for visits to the accident site and the escorting of families and survivors will normally be arranged by the aircraft operator.
- 7.33 **Identification, custody and return of human remains.** The authority involved In retrieving, identifying and storing human remains may include coroners, police, the military, public health offices, ambulance services aircraft operators, morticians and special contractors. As regular providers of such services, these agencies are well versed in the delicate protocols involved. An example of a comprehensive police plan for disaster victim identification is provided in appendix 3 to this circular.
- 7.34 **Personnel effects.** After a large accident has occurred, many agencies may be involved in the recovery of personal effects from the accident site. The police, search and rescue personnel, the aircraft operator and members of the public may all have access to the personal effects of the occupants. The police and the aircraft operators may collaborate to store and return personal effects to their owners. Normally, the aircraft operator is responsible for the storage, cleaning and return of personal effects. The nature of some investigation may dictate that relevant personal effects are held until the investigation is complete.
- 7.35 **Provision of information.** The initial provision of information to the families after the occurrence of an accident will be almost entirely by the aircraft operator. Subsequently, the provision of information from the various agencies involved may become the responsibility of the coordinator. The coordinator has direct contact with each of the agencies involved and is therefore best suited to provide up-to-date information and to be a liaison officer, as well as a buffer, between the families and the agencies involved. In cases requiring prolonged liaison with the families and the survivors, the responsibility of coordinator should be delegated to a government agency. The use of dedicated internet web sites, as well as conference telephone calls, are an excellent means of disseminating information rapidly and have been used successfully following recent major accident.
- 7.36 **Liaison with the families.** Initial liaison with the families is the responsibility of the aircraft operator until immediate concern has been dealt with. The provision of information may be shared with or transferred to the coordinator over time. To facilitate liaison, relevant information should be provided to the coordinator from such agencies as the coroner, the police, the aircraft operator, the accident investigation authority and the civil aviation authority. While some of these

agencies may wish to deal directly with the families and survivors, other will wish to keep their distance and objectivity and will therefore rely on liaison officers to present prepared briefings.

- 7.37 **Memorial services and memorials.** The planning for memorial services and the erecting of memorials will be the responsibility of the aircraft operator but may also involve the state of occurrence. Experience has shown that it is advisable that the content and form of the memorial services and the memorial are determined by or in coordination with the families. While memorial services and the erection of memorials are not standard features of a family assistance program, they have proven to be appropriate following some large accident, particularly where the recovery or identification of a number of victims has been impracticable.
- 7.38 **Legal advice.** Where necessary, specific legal advice to the families and the survivors will ultimately be provided by their chosen legal representative. Nevertheless, prior information on the general areas in which the survivors and the families may require legal assistance will often be appreciated. The preparation of this type of information may be entrusted, in advance of any accident, to a neutral agency or entity, such as a bar association.
- 7.39 **Requests for cockpit voice recorder transcript.** Response to request for cockpit voice recorder transcript is the responsibility of the accident investigation authority.

STEP FOUR-DRAFT THE PLAN

- 7.40 **The drafting of a family assistance plan will require input from the service providers and financial stakeholders involved in the provision of the required assistance.** Representatives of the agencies normally engaged in project involving the expenditure of government resources should also participate.
- 7.41 **The family assistance plan may form the basis for empowering legislation.** In this case, the legislation should outline the plan and address the practicalities of implanting such a plan.
- 7.42 **There are several ways to tackle the drafting of the assistance plan, inc;**
- a) **engaging consultants to prepare a plan after all interested parties have decided on.**
 - the amount and types of family assistance that the state considers appropriate
 - the agencies that will provide family assistance;
 - the provision of the resources required to provide family assistance;
 - the means of funding a family assistance plan; and
 - the training required to provide family assistance;
 - b) **contracting a panel of experienced persons to formulate the family assistance and draft the legislation necessary to implement it; and**
 - c) **Adapting the existing legislation and family assistance plans of another state.**
- 7.43 **A detailed model plan, which states might find suitable to adapt to their particular circumstances, is contained in appendix 2 to this circular.**

- 7.44 The adaptation of such a document would benefit from input from persons who have had first-hand experience with aircraft accidents in which similar family assistance programs were used. Representatives from the agencies and organizations that will be involved in the implementation of the resulting family assistance plan should also be involved.

STEP FIVE-REVIEW THE PLAN

- 7.45 Any plan that has the potential to involve large-scale expenditures of resources of resources must be reviewed and refined to the extent practicable before it is adopted by a state.
- 7.46 A plan can be reviewed by conducting tabletop exercises involving all the expected participants. This should be followed by a review of the areas in which improvements are required.
- 7.47 In addition to tabletop exercises, specific aspects of the plan could be exercised in order to review;
- the practicality of the system to be used to disseminate information;
 - the ability to provide a secure area for grieving family members and friends;
 - coordination of the activities of the agencies involved;
 - the means of recruiting large numbers of suitable personnel at short notice; and
 - The practicality of any recourse-sharing arrangement.
- 7.48 The review may reveal conflicts and misunderstandings, particularly where regional and federal agencies are involved and where responsibilities are seen as the province of several agencies or jurisdictions. It is necessary to resolve any such issues before implementations of the plan.

STEP SIX-ENACT THE LEGISLATION NECESSARY TO IMPLEMENT THE PLAN

- 7.49 The potential cost of providing family assistance after a major accident is likely to be substantial and therefore prior approval for the expenditure of significant resources is essential. Family assistance is of such importance that it is likely to require national legislation to ensure that the necessary resources and commitments are available at short notice.
- 7.50 The drafting of appropriate legislation will be facilitated by the existence of a practical family assistance plan. Legislation may also be enacted to define the responsibilities of the providers. For example, in the United States the roles of the National Transportation Safety Board, the American Red Cross and foreign airlines operating into the United States are detailed by legislation.
- 7.51 An example of one state's legislation for the provision of family assistance is contained in appendix 1 to this circular. This legislation details the responsibilities of the various governmental agencies, the appointment and duties of a coordinator and the commitments required from each airline that operates into the state.

**STEP SEVEN-EXERCISE
THE PLAN PERIODICALLY**

- 7.52 Periodic exercising of a comprehensive family assistance plan is an expensive but necessary insurance against unforeseen difficulties. Once the plan has been approved, provision should be made for an annual tabletop exercise (or practice) to ensure that changes in personnel or circumstances do not reduce the efficacy of the plan.
- 7.53 The agencies and personnel involved in the provision of family assistance, as well as the aircraft operators flying into a state, will change from time to time. Therefore, any plan involving these agencies and personnel must be reviewed frequently and conscientiously to ensure that the key participants are still available at the specified contact point and are still able to provide the resources expected of them. States should endeavor to make frequent checks to confirm that all of the resources committed to the plan are still available and that the contacts for their activation are current.
- 7.54 Few states will ever need to activate a full-scale family assistance plan, and there are likely to be only a few occasions when it needs to be activated at all. Very few states will have resources that are dedicated exclusively to providing family assistance. Most personnel and agencies providing this assistance have other duties that will have to be abandoned when the plan is activated. The challenge for any plan that involves a significant response on short notice is for the personnel and agencies involved to be readily reachable and able to respond on very short notice.
- 7.55 An effective family assistance program relies on a core of specially trained staff to ensure the reliability of the program. Engaging persons whose normal activities involve other types of emergency response, or the detailed organizations of large events, can assist in maintaining a pool of trained and properly motivated personnel.

**CAPTER 8
CONCLUSION**

- 8.1 Transportation accidents are a fact of life in every state. The procedures in place to deal with the casualties arising from road accidents are in almost daily use.
- 8.2 An aircraft accident has the potential to place such increased burden on the normal emergency services that they will most likely not be able to fulfill their intended purpose. Therefore, considerable forethought must be devoted to the means by which additional resources can be made available to supplement existing emergency response services.
- 8.3 This circular should assist states in preparing for the responsibility that must be assumed by the state of occurrence of an accident. Similar responsibilities may be trusted upon states when they are the nearest country to the site of an accident that occurs in international waters. Similarly, the delegation of the investigation of an accident to another state by the state of occurrence does not necessarily absolve the state of occurrence of the humanitarian responsibility of ensuring that appropriate family assistance is made available.
- 8.4 Consolidation of the planning process by the enactment of appropriate legislation to provide the necessary authorization and funding for family assistance

programs is the culmination of a worthwhile humanitarian endeavor. The provision of the family assistance envisaged in ICAO Assembly Resolution A32-7 should be supplemented by the aircraft operator's preparedness for such events and the assistance of international aid agencies well versed in responding to a variety of disasters.