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The right to travel by air of persons with disabilities

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Tables

Table 1 Ratification status to the CRPD, the Chicago Convention, the Warsaw Convention of 1929 and the Montreal Convention of 1999¹

	CRPD	Chicago Convention	Warsaw Convention of 1929	Montreal Convention of 1999
The EU	C	-	-	AA
The US	S	R	R	R
Canada	R	R	R	R

AA = approval C = formal confirmation R = ratification S = signature

1 United Nations Treaty Collection, *Status of the Convention on the Rights of Persons with Disabilities*, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&clang=_en (accessed 25 May 2017); International Civil Aviation Organization, Current lists of parties to multilateral air law treaties, <http://www.icao.int/secretariat/legal/lists/current%20lists%20of%20parties/allitems.aspx> (accessed 25 May 2017).

Table 2 Elements constitute disability

	<i>Medical oppression</i>	<i>Social oppression</i>	<i>Environmental factor</i>	<i>Limitation or restriction</i>
CRPD Persons with disabilities	Long-term physical, mental, intellectual or sensory impairments (non-exhaustive)		Interaction with various barriers	Hinder their full and effective participation in society on an equal basis with others.
ICAO Persons with disabilities	Physical incapacity (sensory or locomotor), an intellectual deficiency, age, illness or any other cause of disability		When using transport	Mobility is reduced, situation needs special attention and the adaptation to the person's needs of the services made available to all passengers
EU Disabled person Person with reduced mobility	Any physical disability (sensory or locomotor, permanent or temporary), intellectual disability or impairment, or any other cause of disability, or age		When using transport	Mobility is reduced, situation needs special attention and the adaptation to the person's needs of the services made available to all passengers

	<i>Medical oppression</i>	<i>Social oppression</i>	<i>Environmental factor</i>	<i>Limitation or restriction</i>
US Qualified Individual with a Disability	A physical or mental impairment on a permanent or temporary basis	Has a record of such an impairment, or is regarded as having such an impairment.	(a) Who, as a passenger (referred to as a "passenger with a disability"), (1) With respect to obtaining a ticket for air transportation on a carrier, offers, or makes a good faith attempt to offer, to purchase or otherwise validly to obtain such a ticket; (2) With respect to obtaining air transportation, or other services or accommodations required by this Part, (i) Buys or otherwise validly obtains, or makes a good faith effort to obtain, a ticket for air transportation on a carrier and presents himself or herself at the airport for the purpose of traveling on the flight to which the ticket pertains; and (ii) Meets reasonable, nondiscriminatory contract of carriage requirements applicable to all passengers; or (b) Who, with respect to accompanying or meeting a traveler, using ground transportation, using terminal facilities, or obtaining information about schedules, fares, reservations, or policies, takes those actions necessary to use facilities or services offered by an air carrier to the general public, with reasonable accommodations, as needed, provided by the carrier carrier.	Substantially limits one or more major life activities

Table 3 Comparison among accessibility standards

	ICAO	EU	US	Canada
Law	Annex 9 to the Chicago Convention Manual on Access to Air Transport by Persons with Disabilities (PWD Manual) Airport Planning Manual (Doc 9184)	REGULATION (EC) No 1107/2006 Of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air (Regulation 1107)	Air Carrier Access Act (ACAA) Federal Register 14 CFR Part 382 Non-discrimination on the Basis of Disability in Air Travel	Transportation Act Air Transportation Regulations SOR/88-58 Accessibility Guidelines for Small Aircraft Personnel Training for the Assistance of Persons with Disabilities Regulation SOR/94-42 Code of Practice: Aircraft Accessibility for Persons with Disabilities Code of Practice: Removing Communication Barriers for Travellers with Disabilities
Scope of application	-	Art. 1	§ 382.3, 382.7, 382.9	CTA, s. 146
Waiver of liability	-	Art. 13	§ 382.35	-
Obligation (retroactive / time)	-	-	-	-
Description of PWD	Annex 9	Art. 2	§ 382.3	-
Temporary impairment	Annex 9	Art. 2	§ 382.3	CTA's decision
obesity	-	-	-	CTA's decision
Tall stature	-	-	-	-
allergy	-	-	Nondiscrimination on the Basis of Disability in Air Travel, 73 FR 27660	CTA's decision
Conflicts between types of disabilities	-	-	Allergy and service animal (Guidance Concerning Service Animal in Air Transportation 68 FR 24877	CTA's decision
Number of PWD on board	-	-	§ 382.17, 382.27(c)(6)	-

	ICAO	EU	US	Canada
Rights to refusal and limitation of carriage	PWD Manual, s. 1.6,	Arts 3-4; Recommendation OPS1 IEM 1260	§ 382.17, 382.19,	-
Medical certificate / documentation	Annex 9, RP 8.39	Does not impose any requirement but an air carrier may assess the passenger and request information to support that assessment (Interpretative guideline)	§ 382.23, 382.91,	-
Accessible physical environment				
<i>Airport</i>	Annex 9, S 8.27, RP 8.28 – RP 8.33; PWD Manual Chapters 4-5; Airport Planning Manual	Recital 11	Subpart D; ADA	Code of Practice: Passenger Terminal Accessibility; Code of Practice: Removing Communication Barriers for Travellers with Disabilities
<i>Aircraft</i>	Annex 9, RP 8.35; PWD Manual, s. 9.1	Recital 11	Subpart E	Code of Practice: Aircraft Accessibility for Persons with Disabilities
Accessible information and communication				
Website accessibility	PWD Manual, s. 3.1.1	-	§ 382.31,	Code of Practice: Removing Communication Barriers for Travellers with Disabilities, s. 1.2
Language	-	Art. 4(3)	-	Both English and French
Safety briefings	PWD Manual, ss 8.11-8.13	-	§ 382.69, 382.115, 382.119,	Code of Practice: Removing Communication Barriers for Travellers with Disabilities, s. 3.2
In-flight information	-	-	§ 382.69, 382.119,	Code of Practice: Aircraft Accessibility for Persons with Disabilities, s. 2.9

	ICAO	EU	US	Canada
Announcements in airport terminals	PWD Manual, s. 5.16	- Art. 1(13) of the European Commission, Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation of long delay of flights and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air	§ 382.51, 382.53	Code of Practice: Removing Communication Barriers for Travellers with Disabilities, s. 2.3
Accessible services (responsible person)	-	Airport and air carrier	§ 382.91,	CTA, s. 147(1); Accessibility Guidelines for Small Aircraft, s.6
Pre-notification requirement	PWD Manual, ss 1.6, 3.12	Art. 6	Not require except to obtain specific services. § 382.25, 382.27	CTA, s. 151(1)
Accompanying person	Annex 9, RP 8.37, RP 8.40; PWD Manual, ss 3.16, 3.18	Art. 4(2), Annex II Interpretative Guideline (discount)	§ 382.29,	CTA, s. 154; Accessibility Guidelines for Small Aircraft, s. 3; CTA decision on one person one fare
Wheelchair / movement at airport (charge)	PWD Manual, ss 4.6, 4.9	Annex I	§ 382.103,	-
Security check	PWD Manual, ss 6.1, 6.3	Annex I	§ 382.55	Code of Practice: Passenger Terminal Accessibility, s.4
Pre-board	PWD Manual, s. 7.3	-	§ 382.93	-

	ICAO	EU	US	Canada
Seat allocation (location, number, exception, charge)	PWD Manual, ss 3.20-3.24, 8.8	Annex II; EU OPS 1.260; JAR-OPS IEM 1.260	Subpart F	-
Service animal (description, exception, charge, where to sit)	Annex 9, RP 8.37 PWD Manual, s. 8.10, Definition in PWD Manual Service animals. Animals, normally being dogs or other animals, specified in national regulations, for the purpose of accompanying persons with disabilities with the objective of providing them with physical or/ and emotional support, being under the control of the person with disabilities and provided that their presence on board an aircraft: a) does not endanger the safety of flight operations; b) is not reasonably considered as a threat to other passengers; and c) does not cause health concerns related to hygiene.	Annex II Only recognized assistance dog can be carried in the cabin subject to national regulations	§ 382.117, 382.27(c)(7), (8), 382.31; Nondiscrimination on the Basis of Disability in Air Travel, 73 FR 27661 PWDs who have two or more service animals may purchase a second seat to accommodate service animals in accordance with FAA safety regulations.	CTA, s. 149; Accessibility Guidelines for Small Aircraft, s. 10; Code of Practice: Aircraft Accessibility for Persons with Disabilities, s. 2.6; Personnel Training for the Assistance of Persons with Dis- abilities Regulations, s. 2. “service animal” means an animal that is required by a person with a disability for assistance and is certified, in writing, as having been trained to assist a person with a disability by a professional service animal institution But the Resource Tool also includes emotional support animals which may not have or require specific training to perform their assistance function (Travelling with Animals that Provide Disability- Related Assistance)

	ICAO	EU	US	Canada
Personal mobility aid (description, exception, charge, where to be loaded)	Annex 9, RP 8.36, S 8.38; PWD Manual, s. 7.9; Doc 9284	Annex II	§ 382.3, 382.121, 382.125,	CTA, s. 148; Accessibility Guidelines for Small Aircraft, s. 9; Code of Practice: Aircraft Accessibility for Persons with Disabilities, s. 2.10
In-flight mobility aid (description, charge)	PWD Manual, ss 8.14, 8.15	-	§ 382.65,	Code of Practice: Aircraft Accessibility for Persons with Disabilities, s. 2.13
Medical equipment (description, exception, charge, where to be loaded)	-	Annex II; Interpretative guideline	§ 382.133,	-
Training	PWD Manual, Chapter 2	Art. 11	§ 382.141-143,	Personnel Training for the Assistance of Persons with Disabilities Regulations; Accessibility Guidelines for Small Aircraft, s. 13
Complaint / Responsible entity	PWD Manual, Chapter 12	Arts 14-15	Subpart K; § 382.151,	-
Remedy	PWD Manual, ss 10.1-10-5	Art. 12, Annex I	§ 382.131 For domestic routes, 14 CFR Part 254 applies (\$3,300 per passenger). International routes are governed by the Montreal Convention.	CTA, ss 155, 156, 172(1)(3); Accessibility Guidelines for Small Aircraft, ss 11, 14

Table 4 States not ratifying the CRPD, the Warsaw Convention of 1929, the Hague Protocol or the Montreal Convention of 1999²

<i>State</i>	<i>CRPD</i>	<i>WS</i>	<i>H</i>	<i>M99</i>
Botswana	x	succession	x	a
Somalia	x	x	x	x
Belarus	s	r	r	x
Bhutan	s	x	x	x
Cameroon	s	succession	succession	r
Chad	s	x	x	x
Democratic People's Republic of Korea	r	r	r	x
Equatorial Guinea	x	r	x	aa
Eritrea	x	x	x	x
Fiji	s	succession	succession	a
Holy See	x	x	x	x
Ireland	s	r	r	r
Kyrgyzstan	s	r	r	x
Lebanon	s	succession	r	a
Libya	s	r	r	x
Liechtenstein	x	r	r	x
Micronesia (Federated States of)	s	x	x	x
Monaco	s	x	r	r
Niue	x	x	x	x
Saint Kitts and Nevis	x	x	x	x
Saint Lucia	s	x	x	x
Samoa	s	succession	r	x
Solomon Island	s	succession	succession	x
South Sudan	x	x	x	x
Surinam	r	r	r	x
Tajikistan	x	x	x	x
Thailand	r	x	x	x
The United States	s	r	r	r

2 United Nations Treaty Collection, *Status of the Convention on the Rights of Persons with Disabilities*, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&clang=_en (accessed 25 May 2017); International Civil Aviation Organization, Current lists of parties to multilateral air law treaties, <http://www.icao.int/secretariat/legal/lists/current%20lists%20of%20parties/allitems.aspx> (accessed 25 May 2017).

<i>State</i>	<i>CRPD</i>	<i>WS</i>	<i>H</i>	<i>M99</i>
Timor-Leste	x	x	x	x
Tonga	s	succession	r	a
Uzbekistan	s	r	r	x

X = not ratify

S = sign

R = ratify

CRPD = Convention on the Rights of Persons with Disabilities

M99 = Montreal Convention of 1999

WS = Warsaw Convention of 1929

H = Hague Protocol

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