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Post crash issues to be considered for inclusion in the future work of WP1

Transmitted by the European Federation of Road Traffic Victims

FEVR and the Organizations under its umbrella contend that the post crash response is inter-related with casualty prevention work, and that therefore the way a country responds to road death and injury, is indicative of the seriousness it attaches to road safety. They campaign for the post crash issues to be part of countries' road safety strategies, and FEVR would like WP.1 to include post crash issues in its work in future.

Many countries have set themselves targets for the reduction of road casualties – up to 50 per cent. Although casualties are only a partial measure of road safety, this means that even if these targets are achieved, thousands of deaths and millions of injuries are envisaged each year. Yet virtually no provisions are made in road safety strategies – for services or other responses for these planned for and expected victims.

In the United Kingdom, when using the Haddon Matrix to analyse the Government's Road Safety Strategy of March 2000 - out of 150 recommendations for action, only one was found to relate to the post crash stage. Even then there was no recommendation for action, merely the statement: *We must not forget the victims and their relatives*. The Haddon Matrix analysis ought to be applied in all countries to identify post crash actions within Government road safety strategies.

The reason road victim Organizations were being set up throughout Europe, especially in the early nineties, was the scale of road deaths and injuries and the neglect of road crash victims: very few countries had responded to the United Nations resolution of 1985, which asked governments to protect victims' rights, improve their position in the criminal justice system, guarantee fair compensation, and provide medical, social, psychological and juridical assistance to them, therefore victim Organizations felt compelled to fill the void left by government failures.

Most road victim advocacy NGOs offer ongoing assistance to victims and are therefore uniquely informed about what happens after a road crash in which someone has been killed or injured.

The overall experience, Europe-wide, is that road deaths and injuries are not treated with the appropriate seriousness and that the post crash response in the majority of cases is unsatisfactory, often to an unacceptable level.

What constitutes these post crash areas that victim Organizations want to see improved and included in crash prevention plans?

Investigation of crashes – conducted to consistent standards - minimum national and eventually international, standards

Criminal justice - with appropriate laws, charges and sentences

Civil justice – length of proceedings to be reasonable and damages payments to be fair; strict liability laws to apply to vulnerable road users, thus removing the burden of proof from them

Medical care – both physical and psychological to satisfactory national (eventually international) standards

A thorough investigation of crashes is crucial to establishing the circumstances that have led to a road death or injury, to providing evidence for a criminal prosecution and for lessons to be learnt, so that future deaths and serious injuries may be prevented. But collision investigation is generally poorly resourced, which has negative consequences for both criminal and civil justice. Data should be collected of contributory factors *following* a crash investigation, rather than guessed on the day of the crash. Data could also be collected from police reports to reveal charges pursued and the basis for estimating speeds.

Road deaths also undergo an investigation in the Coroners Courts – this applies in the UK, including for deaths of United Kingdom citizens abroad, it also applies in some other countries. In the UK, because of concerns about the quality of inquests, a programme of reforms was introduced in 2003, resulting in a draft Coroner Bill, which after undergoing numerous revisions is now promised to be introduced ‘as soon as parliamentary time allows’. The Bill aims to ‘provide a better service for bereaved people and make investigations more effective’. Of particular importance is the strengthened obligation on Organizations or authorities to respond to coroners’ recommendations for preventing future deaths.

Thorough investigations and appropriate charges are essential for delivering justice and deterrents. There is dissatisfaction with the criminal justice response in virtually all countries.

A thorough investigation is also essential for Civil Justice, including through the link to criminal justice. If evidence is found to support a criminal charge, it will at the same time support a civil claim. In the many cases, where no charges are pursued, for a variety of reasons, including inadequate investigation, victims have greater difficulty in bringing civil claims and often have to accept partial liability, together with a reduction in damages. This affects frequently vulnerable road users, who due to the severity of their injuries are unable to prove liability by the motorist. FEVR member Organizations are campaigning for strict liability laws in respect of civil claims, as this reverses the burden of proof from vulnerable road users and has the potential to make motorists more vigilant and careful. This law already operates in several European countries.

High standards in medical care after a road crash – hospital, pre-and post-hospital and longer-term care, have a huge impact on survival and amelioration of injury severity (the casualty reduction targets include serious injuries!) and it seems surprising that medical care is not routinely included in road death and injury reduction plans.

This may be one of the reasons why road injury is not a priority for the Health sector in the United Kingdom and this has a direct effect on the funding of care. A joint report by the Royal College of Surgeons and the British Orthopaedic Association, in 2000, has acknowledged that consistent trauma care for the severely injured is not available. Seven years later, in November 2007, a major study found that nearly half of all severely injured patients do not receive good care. Many of those severely injured are road crash victims. The report ‘Trauma: Who cares?’ points to no improvements in the care of trauma patients. A Royal College of Surgeons spokesman was

quoted as saying: Our mortality rates are among the worst in the developed world, and yet trauma care remains a low priority for the government.

In summary research into the causes of crashes and resulting deaths and injuries needs to include all the post crash areas mentioned above.
