



F.E.V.R.

Fédération Européenne des Victimes de la Route
European Federation of Road Traffic Victims

Symposium on Assistance and support for traffic accident victims

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In Europe, every year, more than 50.000 people are killed in road crashes, and more than 150.000 remain disabled for life. Thus, every year, 200.000 new families, who have a family-member killed or disabled, are added to those of previous years. At present in Europe at least 6.000.000 people, whose tragic situation is often underestimated, if not ignored, have suffered in this way. In the world there are 100.000.000 individuals in this situation, an enormous number of people directly affected by death or injury.

In order to reduce the number of these victims, we must obviously reduce the number of incidents, while to decrease the gravity of the suffering, we must provide better emotional, social, and juridical support to the relatives and to the victims, besides more advanced medical care to the injured victims.

Socio-economic costs of road traffic accidents.

The number of crashes can further be reduced by:

- A more serious implementation of present road safety measures.
- New safety measures addressing principally the behaviour of drivers.

The list of safety measures already proposed is impressive. For example, the Gerondeau Report, prepared a few years ago at the request of the European Commission, gives a list of 80 of these measures. Long term road danger reduction programmes are presently implemented in different countries. For example the *Stratégie des années 90*, elaborated by the Swiss Federal Department for Justice and Police, consists of a detailed plan aimed at decreasing the number of serious accidents by 70% by stages of 5% per year. Similarly the Dutch Ministry of Transport, starting from the good records they already have achieved,

have elaborated a comprehensive *Long-range programme for road safety*, with the target of reducing road deaths further by 50% by the year 2010.

The socio-economic cost of road crashes in the European Union, according to the study COST 313 undertaken by 14 universities and published by the European Commission, amounts each year to more than

250 billion US \$.

This sum would permit to construct each year more than 10 million cars.

It is staggering to note that in Europe the cost of the damage caused every year by cars, is comparable to that of the yearly production cost of these cars.

An analysis of the ratio:

costs (of the application of safety measures)

benefits (avoiding socio-economic costs)

show that it is contained between 1/10 and 1/100. Thus an investment in road safety of for example 1.000.000 \$, would permit to avoid damage of a social cost of 10.000.000 to 100.000.000 \$. Thus, only from the economic point of view, society as a whole would make a significant financial profit investing in road safety, without taking into account the physical and mental suffering that would be avoided.

Significant improvement of road safety does not raise fundamental technical or financial problems, therefore such an improvement must be the result of a political decision.

The major part of these road tragedies are not due to fate, they could be avoided by implementation of existing safety measures, the cost of which is derisory compared with savings that would be made.

Road victim associations, on behalf of the killed and disabled victims, are trying to exert a political pressure on governments to improve road safety. This political action, unfortunately, tends often to be contrasted by economic or commercial interests. Indeed for more than a decade the number of persons injured through road incidents in Europe has remained roughly the same, in spite of the increased number of cars, mainly because of traffic congestion. If the number of people killed has slightly decreased during this period, it is not because of better driving standards but because the emergency services respond faster, and because of the progress in emergency surgery.

The situation of victims

Road crashes represent a major public health problem in Europe, because of the huge number of victims, and because of the serious and long lasting consequences for them, their relatives, and for the bereaved.

Up to now, the situation of these victims has never been the object of systematic studies. Therefore the *European Federation of Road Traffic Victims* (to which more than twenty road victim associations belong) conducted two enquiries among its members, with the financial support of the of the European Commission.

Comments of Fig. 5, 6, 7, 9, 13, 15, 17, 18, 31, 36, 25, 26, 29 of the Report on the enquiry, as well as the LAVI transparency.

These enquiries have shown that the great majority of victims families undergo a substantial, even dramatic and long lasting decline in their quality of life, and that half of them undergo also a severe worsening of their standard of living. Moreover most families report that they did not receive any information about the existence of organisations able to help them, not to mention information about their legal rights.

It is depressing to realise the depth of distress of these people. A large proportion of them suffers psychological disorders which are often intense, long lasting, and even permanent. They can cause somatic diseases that worsen this psychological distress. It is assumed that these consequences, called legally secondary damage, but which are often more serious and more painful than primary damage, decrease and disappear with time. Our enquiries have shown the contrary, namely that far from disappearing, these psychological disorders get worse with time and require more assistance. In addition, because of this distress, members of these families are often forced to change their job or even leave it completely. Which obviously has serious consequences on their standard of living.

These troubles are generally exacerbated by the difficulties victims and victim families encounter with the legal system and insurance companies. Regarding criminal justice, these families complain of lack of consideration, inefficiency, and above all laxity. Regarding insurance companies and civil justice, victims also complain of lack of consideration and disdain for their suffering, but above of all insufficient compensation, particularly in serious cases where the damages bear no relation to the damage really suffered.

It is our duty to improve the situation of these families, and prevent that victims of a road crash become victims a second time, namely of a system, and a society, unable to understand or help them.

The first step is to provide immediate emotional and psychological support, then juridical and social assistance. The agencies which have contact with the victims must have the duty to inform them of where they can find this support and assistance. In certain countries the police and the emergency services supply pamphlets to victims or their relatives, giving the necessary information.

Further, to satisfy the need for help at such a difficult time, it is necessary to promote the opening of public Centres where the victims or their families could find free emotional, psychological, social and juridical assistance. Such Centres exist already in various countries, for example in Switzerland and Holland.

To further improve the situation of victims, reforms of criminal as well as civil legislation are also necessary. At present attention of the lawmakers is still concentrated on the defendant who benefits even from privileges, such as the right to have the last word, a free solicitor etc. In future it will be necessary to establish a balance of legal rights between the victim of violence and the defendant. It is indeed paradoxical to offer a free solicitor to the accused and at the same time require the victim to pay for legal help. Judgements should also consider reparation by the guilty of the effective damage suffered by the victim, in addition to that (often insufficient) provided from his insurance.

Recommendations

1. Create public Centres of assistance and advice, where the victims and their families could find besides immediate information, the emotional, juridical and social assistance that they may need, as well as, if necessary, a person of trust who may accompany or represent them in all the actions they have to undertake.
2. Revalue periodically the compensations in order that they correspond effectively to the damage of any kind suffered by the victims. Take in particular into account all consequences of brain trauma. Give immediate advances for the funeral, the medical expenses, and loss of salary. Consider to complement the compensation to the victim by a contribution by the guilty.
3. Equilibrate the criminal procedure in order to guarantee a total balance of rights between the victims and their families respective to the rights guaranteed to the defendants or those who caused the crash.
4. Consider certain violations, such as exceeding speed limits, going through a red light or a stop sign, drinking and driving, as preterintentional offences.
5. Extend to all countries of Europe, the European Convention on the indemnification of victims of violence.