

Justice and Road Safety

We all know that Road Safety can be dealt with from different angles. We can consider prevention through Safe Roads, Education or Campaigns in the media. There's a lot that can be done. But prevention can also be achieved through Justice. Many mistake the word "Justice" with "Revenge". I want to make clear that this feeling is far from what most of us wish to achieve.

Justice is another way of dealing with Road traffic injury prevention. When laws in a country are clear, they represent a limit, a boundary that can make a difference between life and death. Clear legislation through traffic law enforcement reduces the amount of deaths and injured.

Laws regarding road deaths should provide complete collision investigation and criminal prosecution as the victims have the right to reach an oral hearing with a thorough investigation carried out.

In Argentina, when my son was killed, there was a law 24449 that was written in the year 1994 and had never been up dated. According to it, if a driver ran over a pedestrian and he/she was under the influence of alcohol or drugs, it depended on the Judge if it was considered to be a serious offence or not. The law wasn't clear so some magistrates believed that drunk drivers should receive a lower sentence than those who were sober as (quote) these drivers weren't really aware of what they were doing.

The law also had another gap which only caused more injustice. There were many cases where drivers ran over a pedestrian and escaped, like in my son's (hit-and-run cases). If the drivers were caught, they couldn't be tested for alcohol or drugs because many hours had probably gone by and in most cases they were never found so families didn't know who killed their loved one. But this wasn't considered a serious offence for the Argentine law because if the victim had somebody close by (maybe just a passerby) then, according to our law, the victim hadn't been abandoned even though the driver that caused the pedestrian's death had abandoned him/her.

So, there was a lot to change. I know that each country has its own Justice system and maybe within the same country, each State or Province can have a different legal code, but there are some experiences that I can share.

1st, always develop a bill for Congress thinking it can be changed, and probably will be. Put your objectives high and fight for them. But you should know that in the lower House or in the House of Senators those goals can be lowered.

2nd, have the media on your side. Always inform what you're doing. Tell them which representative receives you and what they think. Maybe it won't come out on the media immediately but you're providing them with information that they might use afterwards.

3rd, get together with other NGOs. It's hard when one is fighting for changes alone. Try to agree on basic achievements. Different NGOs probably wish to achieve different goals but the worst thing NGOs can do is split up. That shows weakness. I have now presented another bill in Congress together with other NGOs asking for equal rights than those that the accused have: free lawyers, psychologists, etc and we're together with NGOs that don't just deal with Road Safety.

4th, don't give up. It took us 12 years to change the law. Madres del Dolor presented the first bill in the year 2004. But we had to introduce it in Congress three times more. We had to accept the minimum aims that we were willing to achieve because this year we're having elections and after elections representatives change and maybe we would have had to start all over again. Every day between 20 and 25 people die in my country according to last statistics so there's really no time to lose.

On the 22nd Dec 2016 the law was changed in Argentina. Now drunk driving is considered a serious offence though we don't agree with the amount of alcohol accepted, and so is hit-and-run, though the amount of years that a driver can receive as a sentence is lower than what the NGOs asked for. Our aim is 0 alcohol and effective sentences in cases where there are deaths.

So, we still have a lot to do. I hope it doesn't take us another 12 years but we've got the strength to go on.