

# Justice and the Post Crash Response in the UN Decade of Action for Road Safety

November 2015



Background briefing for the Justice and Post-Crash side event at the Second Global High-Level Conference on Road Safety in Brasilia, 18-19 November 2015





## Introduction

In 2014, there were 1.25 million people killed in crashes worldwide, and at least 20-30 million more injured. Much is known about these casualties, including age and road user mode. What is not known is how many of these deaths were caused by criminal acts.

Driving offences often fail to even include in the charge that a death or injury had resulted. This contributes to the mis-perception that crashes are accidents and driving offences are victimless crimes. And it results in the justice system's neglect and discrimination towards road traffic crime.

This aggravates the suffering of the victims as their plight goes unrecognised. First the state fails to prevent them suffering harm whilst travelling on public roads. Then the state fails to consider them as avoidable deaths and possible criminal acts, and the casualties as possible victims of crime.

Driving offences are excluded from governments' definition of crime, e.g. the subset of crimes which are prioritised and on which police performance is evaluated. In many countries, a death crash caused by a speeding driver or drink driver is not classified as a homicide, whereas a mistake resulting in death, made by a surgeon or gas fitter does.

Road traffic injury prevention includes preventing those casualties caused by law breaking drivers. In the Global Road Safety Plan, half of the activities in Pillar 5 Post Crash Response are justice related (WHO, 2011). But midway through the Decade of Action for Road Safety, the justice activities have lagged behind in implementation. The national summaries presented in the Global Road Safety Status Report contain performance indicators, but none that relate to justice (WHO, 2015).

If traffic law enforcement and compliance is to increase, as the Safe System approach requires, the justice system must treat drivers who pose harm to others far more seriously. This is particularly important in relation to pedestrians and cyclists, who are vulnerable, both physically and legally. They are almost always the person killed or seriously injured in a motor vehicle collision and much less likely to be insured than the vehicle's occupants.

### Briefing structure

Produced by RoadPeace and European Federation of Road Traffic Victims (FEVR) and based on their experience, this briefing reviews:

- Collision investigation
- Criminal prosecution
- Civil compensation
- Victims' rights

To put these four key justice areas into context, our briefing begins with a review of the justice related calls and actions in the Brussels NGO Declaration, the Global Plan for Decade of Action for Road Safety, and the new UN Sustainable Development Goal 16 related to justice.

Halving the number of those killed and injured in road crashes by 2020 has been included as a specific target under Goal 3 Healthy lives and well-being and also included under Goal 11 Cities more safe, inclusive, resilient and sustainable. This briefing and Table 1 focuses on the role of justice in delivering safer roads.

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Note: This briefing was written by Amy Aeron-Thomas, RoadPeace Advocacy and Justice Manager, and Justice Spokesperson for FEVR. It was produced for the Justice and the Post Crash side event, coordinated by FEVR and the Post-Crash Committee of the Global Alliance for Road Safety and Road Victim NGOs, at the Second High Level Global Conference on Road Safety, in Brasilia, 18-19 November 2015.

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Design: Linda Mugridge ▶ [linda.mugridge@virginmedia.com](mailto:linda.mugridge@virginmedia.com)



## Table 1: Justice in international road safety

NGO Brussels Declaration (May 2009) <sup>1</sup>	UN Global Road Safety Plan for Decade of Action (May 2011)	UN Sustainable Development Goals (September 2015)
<p><b>Post crash response</b></p> <p>2. provide early rehabilitation to minimize emotional trauma, especially in children, and ensure social, medical (psychological and physical) and legal care for injured victims and bereaved families to satisfactory national standards, for as long as this is needed</p> <p>3. conduct thorough investigations of crashes, especially fatal and injury crashes, in order to identify all causes and employ all available measures to prevent their recurrence, drawing upon existing research and proven reduction measures from other countries – ‘no need to re-invent the wheel’</p> <p>4. award settlements to victims, based on a fair and proportionate assessment of short and long-term effects suffered by them, independent of the insurance status of the person or vehicle that caused the crash and according to transparent and timely procedures</p> <p>5. provide automatic compensation to the most vulnerable users, except in cases of proven gross negligence by them; i.e. apply strict liability law, based on the principle that the party with the greatest “uncontrolled kinetic energy concentration” is likely to cause greater damage, and therefore bears the greater responsibility</p> <p>6. apply an effective, proportionate and deterrent legal response to road law violations and death and injury caused thereby, commensurate to the offence of endangering life, taking a life or affecting quality of life, with procedures and verdict delivering justice for road crash victims</p> <p>7. conduct national situational reviews to monitor road collision investigation capability, number of criminal prosecutions in cases of road death and injury and standard of services for crash victims</p>	<p><b>Pillar 5 Post Crash Response</b></p> <p>Activity 3: Provide early rehabilitation and support to injured patients and those bereaved by road traffic crashes, to minimize both physical and psychological trauma.</p> <p>Activity 4: Encourage the establishment of appropriate road user insurance schemes.</p> <p>Activity 5: Encourage a thorough investigation into the crash and the application of an effective legal response to road deaths and injuries and therefore encourage fair settlements and justice for the bereaved and injured.</p> <p>Activity 7: Encourage research and development into improving post-crash response</p>	<p><b>Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.</b></p> <p>16.1 significantly reduce all forms of violence and related death rates everywhere</p> <p>16.2 end abuse, exploitation, trafficking and all forms of violence and torture against children</p> <p>16.3 promote the rule of law at the national and international levels, and ensure equal access to justice for all</p> <p>16.5 substantially reduce corruption and bribery in all its forms</p> <p>16.6 develop effective, accountable and transparent institutions at all levels</p> <p>16.7 ensure responsive, inclusive, participatory and representative decision making at all levels</p> <p>16.a strengthen relevant national institutions, including through international cooperation, for building capacities at all levels, in particular in developing countries, for preventing violence and combating terrorism and crime</p> <p>16.b promote and enforce non-discriminatory laws and policies for sustainable development</p>

1. In May 2009, 70 road safety and road victim non-governmental organisations (NGOs) from 40 countries signed a declaration in Brussels containing 33 recommendations to governments for the Decade of Action for Road Safety.



## 2. Collision investigation

### The importance

Thorough collision investigation is the cornerstone to justice. Any chance of detecting and prosecuting criminal culpability or determining civil liability fairly depends on it. Collision investigation has the potential to ensure accurate understanding of crash causation and contributory factors, and thus contribute greatly to road traffic injury prevention. Without a thorough investigation, victims and their families are denied justice.

### The problem

Although police investigate more road deaths than homicides (almost 3 times as many globally), collision investigation is not a priority for police. Crashes are still perceived by senior police as unfortunate but inevitable, especially when pedestrian or cyclists are sharing the road with motor vehicles.

Collision investigation is not resourced as well as homicide or other crime investigations. And investigations appear biased in favour of the driver. In fatal crashes, the deceased are drug tested whilst the (surviving) drivers are not (London has recently started drug testing drivers in fatal collisions). In injury collisions, drivers are not routinely tested for drink driving or eyesight. Mobile phone use is not even checked in all fatal crashes. Witnesses are not readily identified or followed up on for statements. Police are restricted in their efforts to check medical fitness records.

The perceived right to drive affects investigation procedures. Vehicles are returned to owners quickly, thus limiting the vehicle inspection possible. Drivers are allowed to continue driving, even whilst being investigated for a fatal collision where they had tested positive for drink-driving. Although work related driving accounts for many crashes, they are not investigated or reported as a work related injury. Fear of congestion results in roads being reopened quickly. And due to the honourable principle of innocent until proven guilty, limited investigations benefit the guilty.

Whilst efforts are being made to improve collision investigation in Europe, including laser scanners, improved training, and road death investigation reviews, it is difficult to prove the thoroughness or effectiveness of collision investigation. Prosecutions are not a fair indicator. Victims and campaigners are unable to determine if investigations are thorough or improving. Nor is this helped by police being allowed to make the charging decision in the fatal crashes they investigate, without this being checked by the state prosecutors.

### Summary of key problems:

- Lack of resources, training and national standards result in inadequate and inconsistent investigations
- There is shared and fragmented responsibility due to local police first on scene
- Corruption and lack of public confidence in police results in under-reporting and lack of cooperation of witnesses
- Victim blaming, especially with young pedestrians and cyclists, and young and elderly drivers is common
- Investigations are cut short in order to reopen roads as quickly as possible
- Lack of transparency of investigation results means that police are not held accountable for the quality of their investigations
- Lack of victim confidence in the quality of investigations with the police perceived to be “investigator, judge and jury”
- Investigation focused on individual criminal culpability and not the wider issue of prevention

### Progress made

Priority has been given to police reporting of collisions. Road crash and casualty data collection has been a focus for WHO and public health. But this has not extended to collision investigation.

None of the WHO road safety projects are thought to have addressed collision investigation, although it has been included in earlier road safety projects (e.g. Colombia, Viet Nam). The thoroughness of collision investigation reports and the training of collision investigators were queried in FundacionMapfre’s review of the post-crash response in Ibero-American countries (Portugal, Spain and 11 Latin American countries).



## Good practice

**Britain.** In 2001, the Association of Chief of Police Officers launched the first Road Death Investigation Manual (RDIM). It included the principle that a road death should be treated as an unlawful killing, until the contrary was proven. The RDIM was updated twice before it was replaced by much shorter guidance from the College of Policing in 2013. In 2015, the Association of Chief of Police Officers funded a review and development of a national training programme for road death and serious injury collision investigation. Also in 2015, bereaved families were given the right to appeal the police charging decision. And the Department for Transport has a long history of investing in collision investigation research programmes (On the Spot and Road Accident In-Depth Studies).

**Norway.** Witness statements are taken at the scene, as they are in the Netherlands. This results in information collected faster and better as memories have not yet faded or been affected by bias.

## Key calls

In order to achieve the “thorough investigation” and “effective legal response” referred to in Pillar 5 Post Crash Response, our key calls include:

1. National standards to ensure consistency and thoroughness in collision investigation. This should require road death and serious injury investigation manuals that clarify the investigation procedures, including when and how witness statements are to be taken (including for possible suspect drivers), mobile phones checked, etc.
2. Training programmes, including for specialist forensic investigators, vehicle examiners, and basic police training for those arriving first on the scene, in road death and injury investigation, with impairment investigated fully, and road deaths treated as unlawful killings, until the contrary is proven. Training should tackle unconscious bias (victim blaming) in collisions involving cyclists, pedestrians, motorcyclists, young and old drivers.
3. A comparison with national homicide and rape investigation to identify best practice.
4. Transparency with the outcomes of investigation, including giving correct and detailed reasons for lack of prosecution (No Further Action), since lack of evidence is quite different from proof of driver’s innocence.
5. Change of policy, requiring police to pass all fatal investigation reports to prosecutors for them to make the charging decisions.
6. Research programmes focusing on road traffic injury prevention should be promoted. This should include determining what would have prevented the death, if not the crash. This should also include linking collision data with conviction records.
7. A national working group, including victim NGOs, should be established to monitor road death and serious injury investigation and prosecution. Key performance indicators should be agreed with victim advocates and road safety campaigners, to help increase community confidence in collision investigation.
8. Baseline reviews should be undertaken as an initial measure, and document the existing resources and priority allocated to collision investigation. With budget cuts an ongoing threat, the impact on collision investigation should be monitored.



## 3. Criminal prosecution

### The importance

Law breaking, especially that which results in death and injury to others, needs to be prosecuted, punished, and deterred. This requires laws and criminal charges to be clear and appropriate for current times, where people are being encouraged to walk and cycle more.

And a wide range of culpability must be accommodated. Fatal and serious injury crashes can be caused by mistakes where drivers are still culpable, and they can be caused by speeding impaired drivers who are serial offenders.

*“The enactment and enforcement of legislation on crime and violence are critical for establishing norms of acceptable and unacceptable behaviour, and creating safe and peaceful societies.”*

WHO et al, Global Status Report on Violence Prevention 2014

### The problem

*“If you want to kill someone, do it with a car”.*

This common saying is believed to apply to all countries. Road deaths result in less investigation, less serious criminal charges and lighter sentences than other causes of involuntary killing.

Criminal charges are often outdated, with reform taking many years. There are a wide range of charges used to prosecute culpable road deaths, including homicide, manslaughter, and causing death by dangerous, careless, reckless, or negligent driving. Hit and run in fatal crashes is particularly problematic, with drivers often not held accountable for their actions.

Most countries have more than one general driving offence with much debate about what kind of driving error or violation has to occur for a serious charge to be laid. In Britain, there is much overlap between the charging standards for dangerous and careless driving, which contributes to confusion and under-charging.

Where injury has resulted, drivers can be prosecuted for careless, dangerous or negligent driving. And it is possible to prosecute drivers for these offences after a fatal crash if the investigation has not linked the driving to causing the death. Thus drivers in fatal crashes can be prosecuted in the lower courts for minor driving offences that make no mention of the death

Criminal trials can take years to complete, with victims and their families left on hold. There is often widespread dissatisfaction with sentencing since convicted drivers tend to get lenient sentences. The worst offenders rarely receive long prison sentences and few drivers are banned for life, even when jailed for causing a death.

### A summary of the problems due to such complacency include:

#### Driving offences involving death and injury

- cover a wide range of culpability poorly defined in statute, with a confusing and inconsistent range of criminal charges
- fail to mention death or injury which contributes to the perceived complacency around traffic law violations, with drivers not held accountable for the consequences of their actions.
- are tried in the lower courts, even when death or serious injury has been caused.
- fail to reflect the duty of care drivers have to protect those more vulnerable, especially young and elderly pedestrians

#### At court

- State prosecutors are under-resourced and untrained, unlike their opposition, the defence solicitor hired, often by the insurance company, to defend the driver
- Criminal proceedings can take several years and have many adjournments



- Judges are often untrained in road traffic law and do not appreciate the relative severity of such risks as speeding, drink driving, mobile phone use, etc.
- Judges and courts in general are perceived to be biased in favour of drivers, with driving seen as an extension of the right to employment.
- Sentences given do not reflect the severity of the crime involved, with short prison sentences given and rare and almost never for long periods driving bans.

## Progress made

During the first half of the global Decade of Action on Road Safety much effort was invested in tackling the key offences – speeding and drink-driving, and non-use of seat belts, motorcycle helmets and child restraints. The latter three are secondary safety measures and aimed at reducing the severity of a collision.

WHO surveyed the basic laws on these offences and published a road safety legislation manual. Since then, 17 countries have updated their traffic laws, at least part of them (WHO, 2015). And a few of these, including Lebanon, have included tougher penalties for death and injury when caused by drink/drug driving or speeding.

But no priority has been given to the laws on causing death and injury by driving. Nor has the prosecution and sentencing of drivers who have killed or injured yet been addressed.

### Good practice

**Britain.** The prosecutions of fatal crashes have been reviewed by Her Majesty's Inspectorate of Crown Prosecution Service (HMCPSP) three times in the past 15 years. All three highlighted the need for specialist prosecutors and a national training programme (HMCPSP, 2015). The most recent inspection called for local performance indicators to be established, as urged by RoadPeace.

## Key calls

To achieve an “effective legal response”, our calls include:

1. Criminal justice system to acknowledge culpable road deaths and injuries as violent crime and include them in their strategies, action plans, consultations, crime surveys and statistics, etc.
2. Reform of road traffic law, to include
  - road death and injury mentioned in criminal charges
  - Charging standards revised re key risk factors. eg. mobile phone use and harm posed to pedestrians and cyclists.
  - Sentencing guidelines updated to include driving bans and vehicle confiscation.
3. National training programme for prosecutors and judges, with training tackling unconscious bias (victim blaming), including towards pedestrians and cyclists, but also young and old drivers.
4. Increased transparency in court statistics, e.g. it should be possible to know how often drivers are prosecuted for killing a pedestrian or injuring a cyclist, and how often drivers in fatal crashes are being prosecuted for lesser offences.
5. A comparison with the prosecution of homicide and rape to identify best practice.
6. Development of best practice standards, including agreed performance indicators for prosecution effectiveness to be monitored.



## 4. Civil compensation

### The importance

Crashes result in lost work and income and throw families of victims into poverty. Too often the victim is the breadwinner and so the whole family suffers. In addition to lost employment, there will be additional expenses with medical care or funeral costs. Civil compensation is required to help victims recover financially to their pre-crash state. Victims suffer physical and emotional devastation. Civil compensation is intended to avoid adding financial devastation.

Civil compensation can be more important to victims than the criminal prosecution of drivers, especially when criminal charges and sentences are lenient and not do justice to the harm caused. Civil liability is also easier to prove with a lower standard of evidence required. In Britain, the burden of proof for criminal prosecution needs to be “beyond reasonable doubt”, but only “balance of probability” for civil liability.

### The problem

No amount can compensate for the loss of a loved one, but compensation claims are often insufficient and prolonged, taking years to settle. Families are often unable to wait and are forced to accept lower settlements out of financial need.

Governments are supposed to provide for compensation for victims of uninsured and untraced (hit and run) drivers, but they can experience problems with payment. And government vehicles are rarely insured so victims have difficulties getting their claims settled. Bus passenger casualties often receive low compensation amounts.

Pedestrians and cyclists face additional problems. They will almost always be the injured party, with limited recollection of the collision, and thus disadvantaged at giving evidence. Many, but not all, countries, have the burden of proof reversed in crashes with pedestrians and cyclists. Drivers are thus held liable for injuries caused to pedestrians and cyclists, although compensation can be reduced if the victim is found to have contributed to the crash. However, if the victim is a child or elderly or disabled, they should always receive compensation. This system known as “presumed liability” presides in countries which promote cycling.

### Weaknesses in civil compensation include:

- Low compensation amounts, including of bereavement damages, if any at all.
- Delay in compensation settlement leaves victims financially devastated and vulnerable to early but low offers
- Difficulty in proving liability due to lack of investigation
- Uninsured victims (pedestrians and cyclists) unable to make case for compensation due to injuries received
- Pedestrians and cyclists severely disadvantaged as more likely to be injured in a collision but uninsured and thus without equal access to representation
- Government vehicles, including police vehicles, are often not required to be insured
- Government funds for hit and run victims not working
- Bus passengers face difficulty in claiming compensation

### Progress made

Despite an action being dedicated to motor insurance in Pillar Five Post Crash Response, civil justice has not featured in the national road safety projects to date. The FundacionMapfre review did cover motor insurance and called for greater enforcement against uninsured drivers and for each country to have an organisation dedicated to compensating victims of uninsured or untraced vehicles (FundacionMapfre, 2015).

For the second UN Global Road Safety Week, FEVR produced a briefing with the findings from a survey of members on presumed liability. Whilst Britain remains one of the few countries in Europe that does not benefit from a presumed liability system, two political parties (Liberal Democrats and Green Party) have endorsed it and there are MPs in other political parties who support it (RoadPeace, 2013).





## Good practice

**Luxemburg.** At the end of 2013, civil compensation liability was changed, so that drivers are now presumed to be liable for compensation to pedestrians and cyclists who are young (under 12 years old), elderly (over 70 years), or disabled. This law is known as “Baby Badinter” in reference to the Badinter Law, introduced in France in 1996.

**Britain.** If civil liability is accepted in a road crash, hospitals can claim for their treatment costs. A central coordinating unit was established to help hospitals process such claims. This was introduced with the Road Traffic (NHS Charges) Act in 1999.

## Key calls

To achieve “appropriate road user insurance schemes”, as called for in the Global Plan, our calls are for

1. A baseline review to be undertaken, clarifying the coverage of motor insurance and civil compensation including for victims of hit and run.
2. A scoping study on presumed liability to be carried out, with a review of where and how it operates and the potential benefit to pedestrians and cyclists.
3. An international comparison of compensation settlements and bereavement damages
4. The development of good practice standards for civil justice, including information and assistance for victims.

**As seen here, many of our calls are not new, but were identified by FEVR over 18 years ago.**

*Insurance companies should be obliged to make immediate payments to cover expenses such as funeral costs. Advance payment should also be made to those victim families who have suffered loss of income. The level of compensation must relate to the effects suffered and regular revision should take place to ensure that this is the case. Civil procedures should be simplified and speeded up. Secondary harm must be taken into account. Civil proceedings should not be seen or suggested as a substitute for criminal proceedings.*

FEVR, 1997



## 5. Victims' rights

### The importance

Death may be natural, but road deaths are not. They are premature and occur without warning. Such sudden deaths cause additional trauma as families have no chance to say goodbye. On top of the shock of the unexpected loss, victims and their families are thrown into the criminal justice system with no understanding of the legal process or their rights. For many, this will be the first contact with the police in their lives. Victims and their families need information and support to help them cope.

### The problem

Victims of road traffic crime have previously not been treated as victims of crime. The advances made with rights for victims of crime have not always extended to victims of crashes, even when a driver was being prosecuted.

Victims of crashes are not always given information on the crash or kept informed of the progress of the investigation, including how many witnesses were identified or what they were saying. Nor are they offered support or signposted to support services.

Those killed and injured by law breaking drivers are not counted as victims of crime. They are not included in crime victim statistics.

This dismissive treatment by government further traumatises victims. Their losses are not treated as serious as other violent deaths. Many governments (and WHO) do not include culpable road deaths in their definition of homicide. Ireland includes Causing Death by Dangerous Driving as a homicide but not Causing Death by Careless Driving. This secondary victimisation adds to the social isolation and suffering of victims.

*"All of our family finances had to be channelled into Legal support and obtaining expert opinion into the likely cause of the crash which caused my son's death so that we could try to understand and come to terms with what happened, and then afterwards with the fact that the Justice system didn't hold anybody accountable for his death.*

*It was as though we had no rights at all and our son's death meant nothing. He deserved so much more and our faith in the police and the justice system was shattered as a result. As his mother I work now every day to try to change our failed system."*

Bereaved mother

### Key weaknesses as the result of the way victims are treated:

- Lack of information on the procedures involved in collision investigation and criminal prosecution or civil compensation which can result in families missing deadlines for civil claims.
- Not being kept updated on the progress of the investigation (including contributory factors or the cause of the crash) and prosecution
- Bereaved families often denied access to the body of their loved one due to more investigation into impairment conducted on the deceased than the (other) driver.
- Lack of support due to lack of information of support services that are available.
- Lack of inclusion in government crime strategies, and crime victim surveys and statistics
- Lack of representation on crime victim panels and committees

### Progress made

WHO has focused on post-crash care and rehabilitation of the injured. Little attention has been given to the psycho-social needs of victims, including the bereaved, for information, support and recognition.

FundacionMapfre's review recommended the production of a guide for victims of road crashes and creating units of assistance, as well as the introduction of a Victims' Law. Their review identified assistance units available for other victims of crime in several countries, but only Spain had such support in place for road crash victims (FundacionMapfre 2015).



*“Providing high-quality care and support services to victims of violence is important.”*

Who et al, Global Status Report on Violence Prevention 2014

By comparison, WHO’s Violence Prevention campaign includes high quality care and support for victims as a key measure. Seven “best buy” strategies were identified, with six focusing on prevention and the seventh “victim identification, care and support programmes” (WHO, 2015).

### Good practice

**EU Victims’ Directive.** In November 2015, minimum standards for the treatment of victims of crime are introduced in Europe. These include the right to understand and be informed. This Directive introduced a wide definition of victim with all victims of criminal conduct included. This had major impacts in such countries as Britain where victims of crime were previously defined as only those victims of a subset of certain crimes, which excluded almost all those injured by law breaking drivers.

**Ireland.** In 2015, the police have opened 28 dedicated victim support offices to assist victims of crime. This is expected to improve the information provided to victims and their families and increase the transparency with police investigations.

**Britain.** Police Family Liaison Officers (FLOs) are assigned to bereaved families with the remit of keeping families informed of the investigation progress. These positions have tended to be additional roles without time allocated for the work. In September 2015, the West Midlands Police Force introduced the first ever dedicated FLO unit where eight full-time FLOs are based in the same office with collision investigators in order to improve the treatment of bereaved families.

Fines imposed on offenders help pay for victim services. A victim surcharge (minimum £20) is imposed on any court conviction and a share from motoring fines is also invested in support for victims of crime.

### Key calls

The Global Plan included activities to “support to injured patients and those bereaved by road traffic crashes, to minimize both physical and psychological trauma”, and our calls are:

1. Victims of crashes should be recognised as victims of crime, until the contrary is proven. Families bereaved by law breaking drivers should be treated as homicide families.
2. Government should provide crash victims with information guides on the legal procedures that follow a collision (investigation, prosecution, and compensation).
3. Police should be responsible for keeping victims informed of the progress of their case.
4. Crash victims should be offered support, including peer support, to help them cope. This can be funded by offenders, including from motoring fines.
5. Government strategies and programmes for victims of crime should include victims of road traffic crime, as should crime victim surveys and statistics.
6. Victims of road crashes should be included on government victim advisory panels and committees.
7. National standards should be developed and good practice indicators for crash victim support, such as
  - a. Commitment to treat road crash victims as victims of crime, until the contrary is proven
  - b. Production of information guides for bereaved families and the injured. Such guides should be mandatory, and produced by government but with victim NGO participation.
  - c. Support services provided for crash victims
  - d. The numbers killed and injured by law breaking drivers included in crime victim statistics
  - e. Equal representation on government panels and working groups with crime victims.



## 6. Way forward

Road traffic injuries are a global public health priority. With their inclusion in the new Sustainable Development Goals, tackling the road traffic injury crisis will become a wider priority, especially in cities, where pedestrian and cyclist casualties are concentrated.

The connection with the justice system now needs to be made. Crashes are not just predictable and preventable, they are often criminal. And special attention is needed to reduce the intimidation and endangerment of pedestrians and cyclists, if walking and cycling is to increase. WHO's recent Global Status Report on Violence Prevention called for violence prevention to be integrated into other health platforms (WHO, 2014). WHO's Global Status Report on Road Safety also highlighted the need for a multifaceted approach (WHO, 2015). Addressing road traffic crime which kills and injures should be an obvious area of overlap in violence prevention and road safety campaigns.

The calls presented here are based on the victims' perspective and arise from frustration in the lack of improvement in the justice and transport system in relation to road traffic crime and its victims. It is not easy to prove that police, prosecutors and courts are delivering justice. Thus our focus must be on national consistency, transparency, accountability and community engagement.

The next step should be the establishment of a working group, with representatives from the Pillar 5 Post Crash project group, Pillar 4 Safer Road Users project group, police, researchers, and the Post-Crash Committee of the Global Alliance of Road Safety and Road Victim NGOs. Their remit would be to ensure the delivery of the justice related actions in the Global Road Safety Plan and to promote the inclusion of road traffic crime in violence prevention campaigns. Priority is given to protecting our most vulnerable road users, since walking and cycling are promoted by government.

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