



Booklet 'What after a crash abroad?'

VICTIMS OF ROAD TRAFFIC OFFENCES



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What to do when you are involved in a road traffic crash abroad?

As a victim of a road traffic crash, your life has been turned upside down. Moreover, it is not easy to find your way to the right support and correct information. Often you are faced with complex matters such as judicial and insurance aspects following a crash. But you might also experience serious consequences on other aspects. For instance on physical, psychological, economical, reintegration, ... levels. All these consequences can be quite overwhelming. When a crash takes place in another country than your home country, it often makes some aspects even more complex and overwhelming.

With this booklet we would like to reduce the complexity by explaining what you need to know and what you can do when involved in a crash abroad. We divided the information in different areas, such as police, judicial, insurance, medical and psychosocial. You can also find information on peer support and restorative justice practices. At the end of the booklet, you will find information about what you can do when contacted by the press. On all topics, we have also integrated the various rights that you have as a victim of a road traffic offence. We have listed your rights at the end of each topic. There are also some more general rights which are listed in the first part of the booklet.

Furthermore, if you are wondering which organisations you may contact after a road traffic crash, simply consult our **brochure with contact cards**. Within the EU project 'Victims of road traffic offences', supported by the Justice Programme of the European Union, Rondpunt vzw has also developed a brochure with information about services which might be of help and directions on how to contact them.

VICTIM'S RIGHTS

As a victim of a road traffic offence you have various rights. Your rights are included in legal frameworks. An important framework in Europe is **the 2012 EU Directive** establishing minimum standards on the rights, support and protection of victims of crime. All EU Member States must fulfil the minimum standards in this Directive. Throughout this booklet you will find what these minimum rights are. You can find some **general rights** written below. Further on in the booklet you can read the rights linked to the topic that is being discussed. Every right which is mentioned, can be found in the Directive 2012/29/EU.

In case of a criminal offence that happened abroad, there is one important rule towards assistance, support and protection. **When you leave the territory of the Member State where the criminal offence was committed, that country is no longer obliged to provide assistance, support and protection.** Your own resident country, that is also a Member State of the EU, will have to provide this after you return home. The only exception contains aspects that are directly related to any criminal proceedings conducted regarding the criminal offence. Then the Member State, where the criminal offence was committed, is responsible¹.

You have the right²...

- To receive appropriate information, support and protection (art. 1);
- To participate in criminal proceedings (art. 1);
- To be treated in a respectful, sensitive, professional and non-discriminatory manner (art. 1);
- To be given information in a simple and accessible language (art. 3);
- To obtain assistance to understand everything and be understood during interaction with competent authorities (art. 3);
- To receive available special measures, procedures or arrangements when you are a victim of a criminal offence that happened in another EU Member State than your own home country (art. 4);
- To ask for an interpreter, free of charge, when you do not understand or speak the language of the criminal proceedings (for instance during police questioning, participation in court hearings) (art. 7);
- To use communication technology (such as videoconferencing, telephone or internet) for the interpretation of the proceedings, unless the physical presence of an interpreter is required (art. 7);
- To ask for the translation of essential information in a language that you understand, free of charge. This information can include any decision (and reasons for) ending the criminal proceedings and information about the time and place of the trial (art. 7);
- To ask for the translation of information that you find essential but is not translated (art. 7);
- To challenge a decision not to provide translation or interpretation (art. 7);

¹ Point 51 in Directive 2012/29/EU

² Directive 2012/29/EU

- To be taken a statement immediately after the complaint made to the competent authority, when the offence happened in another Member State than your home country (art. 17);
- To rely on the possibility of the use of video conferencing and telephone conference calls for the purpose of being heard as a victim who is residing abroad (art. 17);
- To make a complaint to competent authorities of your residence Member State, when you are unable to do so in the Member State where the offence was committed (art. 17);
- To be protected from secondary victimisation and risk of emotional or psychological harm (art. 18);
- To avoid contact with the offender within the buildings where criminal proceedings take place (art. 19);
- To be protected for unjustified delay or number of interviews during criminal investigation (art. 20);
- To be accompanied by a legal representative and a person of their choice (art. 20);
- To ask for a child-sensitive approach and special measures for a child victim (use of audio visually recorded interviews as evidence, appointment of a special representative and lawyer in his or her own name when necessary) (art. 1 & 24).

POLICE

If a crash happens, the local police is not always contacted or involved. **In some countries the police may only go to the scene of the crash and make a report if one of the parties has been injured or if multiple vehicles are involved.**

If the local police is contacted and arrives at the scene, they will gather information and collect findings on the crash. They will collect statements from victims and witnesses, take pictures or make a plan of the scene. All this information is important to determine what exactly happened during the crash and consequently to establish liability. **If a local police force is involved, it is important to keep all documentation they will give you. This documentation can be crucial if you pursue a claim for compensation.**

Important information regarding to your contact with the police:

Place of crash:

.....

Case file number:

.....

Name of local police officer:

.....

Address or contact info local police:

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.....

.....

Your rights as a victim during your contact with the police (art. 4 & 5)³:

You have the right to receive information on:

- The type of support you can obtain and the access to this support (medical, psychological,

³ Directive 2012/29/EU

alternative accommodation, ...);

- The procedure for making complaints and your role in this procedure;
- Access to legal advice or aid;
- The possibility of accessing compensation;
- The possibility of translation of communication or to ask for an interpreter;
- The available procedures for making complaints if your rights are not respected;
- How and who you can contact for future communication on your case;
- The possibility of access to restorative justice services;
- The possibility of reimbursement of your expenses caused by your participation in criminal proceedings.

You have the right to receive a written confirmation of your complaint which describes the basic information of the crash that has happened.

You have the right to ask for a free translation of this written confirmation in a language that you understand.

You have the right to make the complaint in a language that you understand or to ask for linguistic assistance.

JUDICIAL ASPECTS

After the local police wrote their report on the crash, they will send it to the local judicial authorities (Prosecutor). **If you are involved in a crash abroad, the law of the country in which the crash happens applies.** Your claim for compensation regarding damage and personal injury may therefore be submitted and handled differently to how it would be handled in your own country.

This is the general principle. But in Europe, there is an **exception to this principle** with regard to the claim settlement of the damages. When the crash abroad only involves vehicles registered in another, but same, Member State, the law of the country of registration applies to the settlement of damage claims.

Example:

You are driving in Italy with your car which is registered in Belgium. If you get involved in a crash in Italy and the vehicle of the other party is not registered in Belgium, then the law of Italy applies. However, when the car of the other party is also registered in Belgium, Belgian law applies.

Therefore, if you are involved in a collision, collect as much information as possible about the other vehicle's owner, operator and driver.

Important information regarding the judicial aspects:

Country of the crash:

.....

Country of registration of the involved party:

.....

Country of the applied law:

.....

For a quick settlement of your claim after a crash in Europa, you can fill out the '**European Accident Statement**'. This is part of a system set out by the European Motor Insurance Directive which applies to the European Economic Area (EU member states, Norway, Iceland and Liechtenstein) and Switzerland. When the other driver of the cross boarder traffic crash is being held responsible, you, as a victim, can pursue a claim for damage or injury through **the Green Card System**. For more information, please consult the part on 'insurance aspects'.

During the judicial completion of the crash, it is advisable to ask assistance of **a lawyer**. The completion can be complicated and time consuming. If you are entitled to legal support through your car or other insurance, you can ask your insurer to appoint a lawyer. But you can also look for a lawyer yourself and propose this lawyer to your insurer (when you have legal assistance incorporated in your insurance). Knowledge and expertise on traffic law and international law is important when selecting a lawyer. If possible, it can be useful to consult a lawyer with knowledge of the law of the country that applies. On this website you may search for a lawyer in your own or another European country: https://e-justice.europa.eu/content_find_a_lawyer-334-en.do

Your rights as a victim during the judicial completion of the criminal proceedings (Art. 6, 10, 11, 13, 14, 15 & 16)⁴

You have the right to receive information about⁵:

- any decision to end or not to proceed an investigation;
- any decision not to prosecute the offender;
- the state of the criminal proceedings, unless this were to have negative impact on the case;
- the trial (time, place, final judgment) and the charges against the offender;
- the reason(s) for deciding not to proceed with the investigation, not to prosecute or how they reached their final judgment;
- the offenders' release or escape from detention, at least in cases of danger or risk of harm.

- You have the right to decide whether or not to receive information, unless the competent authority finds it necessary for you to actively participate in the criminal proceedings.
- You have the right to be heard during criminal proceedings.
- You have the right to provide evidence during the criminal proceedings.
- You have the right to review a decision not to prosecute and to receive sufficient information enabling you to decide whether or not you want to review this decision⁶.
- You have the right to access legal aid if you are a party in the criminal proceedings.
- You have the right to receive a reimbursement of your expenses resulting from your active participation in criminal proceedings.
- You have the right to recover your seized property, unless it is still needed for the purposes of criminal proceeding, which will be decided by a competent authority.
- You have the right to receive a decision, within a reasonable time frame, on the compensation to be paid by the offender in the course of criminal proceedings or in other legal proceedings.

⁴ Directive 2012/29/EU

⁵ This right is applicable upon request and in accordance with your role in the applied criminal justice system

⁶ This right is applicable in accordance with your role in the applied criminal justice system and the national law and not applicable when an out of court settlement leads to the decision not to prosecute.

INSURANCE ASPECTS

First steps after the crash

After a crash, it is very important to collect as much information as possible (see further on: 'collect following information') and to fill out the **European Accident Statement**. If it is clear what has happened and both parties agree, you can complete and sign this document. However, only sign the form if you fully understand everything that is described and only if you agree with the full content. Should you not fully understand or **disagree**, only fill out the form and do not sign it. The form or statement will be used to determine the responsibility of the crash. When the document is signed, it is important that you keep a duplicate.

If you don't understand the language of the other driver, you can both fill in the European Accident Statement in your own language. This document is standardised so you are both reading the same questions.

Upon your return, you may submit your claim (for compensation of suffered damages or injuries) in your country and ask for assistance from your insurer (motor or legal expenses insurer).

Your claim: assistance from your insurer

To submit your claim, you may ask for assistance from your insurer. **It is important to provide your insurance company with** the completed European Accident Statement, the file number of the police report and a copy of your statement to the police so they will understand what happened. Regarding the damage suffered, you should deliver documents proving the damage. In case of injuries, you should consult a doctor (emergency department or general practitioner) and keep all documents (medical certificates, copies of doctor's bills and pharmacy receipts). For a clear overview of all costs, you should make a list of all your expenses (see example 'medical expenses form' made by Assuralia).

Your claim: who to send it to?

After a crash, the claim should be submitted to the insurance company of the person who caused the crash. Or, in case of a crash in an EU Member State, you can submit it to **the national representative** of the insurance company in your country. The national representative will then take all necessary steps to negotiate settlement of your claim.

The information centre or national contact points in your country can provide contact details of the representative. If you don't know the name of the insurer of the other party, they can trace the insurer and its contact details through other data (such as vehicle registration number, make and model of vehicle, ...). Should the other insurer not have a representative in your country, you can send your claim to **the national compensation body**.

The national compensation body can also intervene in case the other party's vehicle is not insured or if you could not identify the insurer. This is, however, only applicable when the crash happened in an **EEA Country**.

If the location of the insurer falls outside the scope of the countries of the Directive (see 'Judicial aspect'; EEA and Switzerland), you cannot use these setup systems and will have to make your claim directly to the foreign insurer.

If the location of the insurer falls outside the scope of the countries of the Directive (see 'Judicial aspect'; EEA and Switzerland), you cannot use these setup systems and will have to make your claim directly to the foreign insurer.

Settlement of your claim

Your insurer can assist in the submission of the claim but also in further negotiations with the other party. After the submission, the insurance company of the other party has **3 months** to send a reply or an offer:

- If the liability and assessment of the damage is clear, they will send a reasoned offer for compensation.
- Should, however, the circumstances of the crash, and therefore liability, or amount of compensation not be clear, they will send a reply in which they will explain what is unclear and what is necessary to proceed. The other party's insurance company could possibly appoint a doctor to examine your injuries and determine the state of your health after the crash. One or several appointments will lead to a medical report from the consulting physician. A leaflet 'Guide to appointments with the consulting physician' (made by Assuralia) explains the role of this professional in the insurance sector.

If the period of 3 months is exceeded without receiving a reply or offer, you are entitled to receive interest on the amount of your compensation.

Going to court or not?

If the liability and assessment of the damage is clear and there is an agreement on the compensation, the claim can be settled without going to court. If, however, there is a problem or disagreement on (various) aspect(s), it might be necessary to start up court proceedings. Consequently, you should consult a lawyer (see Judicial aspect).

Which insurances might be involved?

Third-Party Liability:

In most countries you are obliged to take out Third-Party Liability insurance as a bare minimum of car insurance. If you have caused the crash, this insurance will cover any loss, material damage or bodily injury you have caused to others. These others can be every third party involved, such as the

other driver, pedestrians, cyclists and passengers. The fact that each driver is obliged to have such insurance provides road traffic victims a high level of assurance to receive adequate compensation.

Legal Assistance insurance

This insurance can be an expansion of your minimum car insurance (Third-Party Liability). It offers advice and assistance from a legal expert whom you may consult when you experience loss or damage and/or in case you need advice regarding rights. You may also ask for assistance in case of a dispute after a crash. E.g. when there is a disagreement on who is liable or on the compensation.

Family insurance:

When you are involved in a crash as a vulnerable road user, you cannot rely on your car insurance. If you need advice or assistance, you can contact your family insurance. This insurance is not obligatory. It covers the liability of the whole family in case one of the family members causes loss, damage or injury to a third-party. But, with a guarantee on legal assistance incorporated in this insurance, you can also ask assistance when someone else causes you loss, damage or injury. Read the policy of your family insurance to learn more about possible legal assistance as a vulnerable road user.

Important to remember!

- The applicable law is the law of the country where the crash happened. This law might differ from the law in your own country and consequently might result in a different amount or different types of compensation.
- If the crash took place in Europe and only vehicles which are registered in the same Member State are involved, the law of this Member State will apply.
- If you are involved in a crash in another European Member state, you can rely on the procedure created by the European Union (Directive 2000/26/CE). Thanks to this procedure, you can submit your claim to the representative of the other party's insurer in your own country.
- In most countries there is a time limit to submit your claim. Therefore, you should submit your claim as soon as possible to the involved insurance companies (the foreign company and your own). Please keep in mind that this time limit may differ per country.
- Make sure to keep all invoices and expense reports in one folder and always photocopy the original documents before sending them. These invoices or reports can be used as evidence when claiming reimbursement of these costs. On following website (and in annex of this booklet) you may find useful checklists on which documents you should keep and draft expense forms which can be of help to obtain an overview: www.abcverzekering.be/invuldocumenten-na-een-ongeval-met-lichamelijke-schade

What is...?

The Green card system

With this system, a motorist is allowed to cross the borders of his own country and enter one of the member countries (48 countries) without having a national insurance of the country entered. The Green Card is handed out by motor insurers and proves that the driver is insured. It guarantees the

protection of road traffic victims and the facilitation of claim settlements. You may consult the list of 48 participating countries on your Green Card or on this website: www.cobx.org.

A National Insurers' Bureau (or Green Card Bureau)

Each National Insurers' Bureau guarantees the certificate of a Motor Insurance (Green Card) which the motor insurers hand out to their customers. The Bureau in your country can help in case you are a victim of a crash caused by a visiting motorist or of a crash that happened in another member country. They can help you with all matters involved in handling and settlement of the claim.

The Council of bureaux

The Council of bureaux is an organisation which works on the protection of cross-border road traffic victims. On the one hand as coordinator of the activities of the different National Motor Insurers' Bureaux (= members of the Green Card system) and on the other hand as a Secretariat for Information Centres, the Compensation Bodies and Guarantee Funds. For more information on these activities and legislation as well as contact details on the aforementioned organisations and insurance companies, please visit the website of Council of Bureaux: www.cobx.org.

Your rights as a victim while in contact with insurance agencies

The EU Directive does not describe the rights that you have during your contacts with an insurance company. Generally, these are listed in the conditions of the contract between you and your insurer. We strongly recommend to carefully read the contract regarding these rights and obligations. Should you encounter problems understanding the contract, you may ask for assistance of a victim support service or a lawyer.

Although there are no specific rights regarding the insurance aspects, the EU Directive does state that the police should provide you with the correct information which you need in respect to an insurance claim. For instance, you should receive a written acknowledgement of your complaint. This acknowledgment should include information on basic elements of what happened, a description of the damage caused by the crash, the time and place of the incident and the complaint, as well as a file number⁷.

⁷ Point 24 in Directive 2012/29/EU

Insurance aspects - information to collect:

Date of the crash:

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Place and country of the crash:

.....

Name and contact details of the other party (owner/keeper/driver/operator of the other vehicle):

.....

.....

.....

Name and contact details of the other party's motor third party liability (MTPL) insurer:

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.....

.....

Registration number of the other party's vehicle:

.....

Country of registration of the other party's vehicle:

.....

Make and type of the other party's vehicle:

.....

Names and contact details of any witnesses:

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.....

Information (e.g. address and reference) about the police authorities to which the crash has been reported:

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Important: Make photographs of the collision scene and damaged vehicles, make a drawing with description on the form.

MEDICAL ASPECTS

Following a crash, you might need immediate and urgent medical treatment. An ambulance might transport you to the local hospital.

Name and contact info of local hospital (and possibly the name of the treating doctor):

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Important information to obtain in case of hospitalisation abroad:

- Medical documentation of x-rays, scans, test results and report;
- Evidence of medical expenses incurred (such as invoices for hospital care and ambulance transportation).

In case of a crash in a European Union member state, all EU citizens are entitled to receive the same rights to health care as those insured in the country where the crash happened. To prove such rights, you should show your **European Health Insurance Card (EHIC)**. The EHIC covers cost of urgent treatment in public hospitals. Should you go to a private healthcare facility, you cannot use the benefits of the EHIC. Furthermore, (medical) repatriation is not part of the benefits of the European Health Insurance Card.

If you cannot show this card or if you cannot use it, **the local hospital is still obliged to supply medical treatment**. But payment of these medical costs will be arranged differently. Chances are that you will have to pay for your treatment yourself. Subsequently, you may claim reimbursement from your health insurer. Please note that you will only receive reimbursement for treatments which you are entitled to receive at home and only up to the cost of treatment in your own country. If you cannot use your EHIC in urgent situations, you can avoid having to pay upfront by asking your local health authority to send proof of your health insurance coverage via e-mail.

What is a European Health Insurance Card (EHIC)?

A European Health Insurance Card provides access to medically necessary public healthcare within the European Union and it simplifies administration and reimbursement. It will guarantee that you receive healthcare on the same terms as citizens of that country. Your health insurer delivers this card free of charge. In some countries you need to apply for the EHIC, whereas in other countries it is handed out along with the national health card. To learn more about EHIC in your country, visit this website and select your country: https://europa.eu/youreurope/citizens/health/unplanned-healthcare/temporary-stays/index_en.htm

The European Union developed an app for your smartphone which offers a guide on how to use the European Health Insurance Card in the 28 EU countries, Iceland, Liechtenstein, Norway and Switzerland. It also supplies information on emergency phone numbers, treatments covered and costs and how to claim reimbursement.

Payment of medical costs

Hospitalisation abroad might entail significant medical costs. Therefore, you will want to know how payment of these costs is handled.

- **Social health security: the country of hospitalisation**

Firstly, the social health security in the country of hospitalisation will be of influence on the amount you need to pay and whether or not immediate settlement is required. Keep in mind that the health care and social security system of the country of hospitalisation might vary from the system in your own country. It might be that you will have to pay for the treatment immediately. Should immediate payment be required, you may either ask for an immediate reimbursement from the national institution whilst still in the country, or ask for reimbursement from your health insurer after you have arrived back home. Reimbursement of your costs will be arranged according to the rules and rate of the country where the treatment was received. This will determine whether you will be reimbursed for the full cost of the treatment or possibly will have to pay a patient's fee. Should you care to learn more about the differences in the healthcare system of your country and the one of your hospitalisation, you will find relevant information on this website by selecting the appropriate country: ec.europa.eu/social/main.jsp?catId=1021&langId=en

Should you have specific questions on the reimbursement of your expenses, you may ask for assistance from a National Contact Point of an EU country: europa.eu/youreurope/citizens/national-contact-points/index_en.htm?topic=health

- **Social Health Security and hospitalisation insurance**

Furthermore, in case you end up in hospital while abroad, you can contact your hospitalisation insurance. These insurances apply almost worldwide (check your policy to make sure) and will intervene within the same limits of reimbursement in case of hospitalisation in your own country. They only reimburse hospital and medical costs during the month before and three months after the hospitalisation. This insurance does not offer immediate assistance, e.g. medical repatriation.

- **Other insurances**

And finally, you may ask another insurer involved for financial intervention, which will probably be rather limited. In this case, you should consult the policy of the insurer on the compensation limit. For instance, your travel assistance insurer will only pay the remaining amount of the medical costs made abroad if the health services or the hospitalisation insurance have already intervened. You will need proof of the original payment of the health services and copies of all invoices when you contact your insurer for additional reimbursement.

(Medical) repatriation

When you or someone else has been hospitalised or has passed away after a crash abroad, you can repatriate yourself or your loved one back home. If you have a travel assistance insurance, you can ask them for a (medical) repatriation. They will arrange the repatriation of every insured person and immediately handle the costs themselves. A travel assistance insurance often offers more comprehensive guarantees (e.g. repatriation of loved ones and your car) than a social health insurance.

Belgian citizens who are a member of social health services can receive help from the emergency center 'Mutas'. This assistance can vary depending on the social health service. 'Mutas' can help you with several aspects of medical assistance. One of them is repatriation, but only if it is medically urgent.

Your rights as a victim during contacts regarding medical aspects (art. 4 & 20)⁸

- You have the right to receive information about access to medical support
- You have the right to endure only a minimum amount of medical examinations during criminal investigations and only if these are strictly necessary for the purposes of criminal proceedings

⁸ Directive 2011/29/EU

PSYCHOSOCIAL ASPECTS

A crash is a shocking event to be involved in. It might be difficult for you to cope with what happened. Therefore, it might be useful to receive help and support from a Victim Support organisation in your own country. You can talk to them about what happened and they can offer support in the emotional process of coping with what happened. Furthermore, you can ask them for information and support in your judicial and insurance questions. Should you need extra or different assistance from other services, they will also help you find the right people to turn to.

If you want to find information about a victim support service in your own country, please visit the website of **Victim Support Europe** and select your country: <https://victimsupport.eu/help-for-victims/find-help/>

Contact info of Victim Support Service in your country:

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Information about a coping process

Everyone copes with a road traffic crash in their own way. Some people might be able to move on rather quickly and/or seem less affected by the crash. Others might need more time (weeks, months, years) and are affected more. But in general, there are some similarities. In a coping process you can alternate between two reactions, **reliving and denying or avoiding**. These alternating reactions are normal but they can be confusing and exhausting.

- **What is reliving?**

You relive what happened by for instance dreaming about it, seeing lively images or experiencing physical reactions during similar incidents. This can be very frightening, but with this reaction your body tries to understand what has happened and restores control.

- **What is denying or avoiding?**

You try to forget the incident and act like nothing has happened. This part of a coping process can be expressed by feeling numb or apathetic, or by avoiding all memories of what happened. You need this part of the process to recover from reliving the shocking event. The alternation between reliving and denying can demand a lot of you and can lead to concentration problems and temporary amnesia. After the road traffic crash you often experience a lot of different emotional and physical reactions. The most common feelings are fear, powerlessness, helplessness, anger, guilt, shame, grief, numbness, restlessness or closing off from social contacts. Physical reactions after a shocking and traumatic event are palpitations, quivering or trembling. Everyone handles such an incident in a

different way. You might recognise some of the reactions but not all of them. This is normal.

Some advice during your coping process

- Do not be afraid to let the feelings and physical reactions in because they are part of the coping process. Sharing them with various people might help. But sometimes you might get the feeling that they do not fully understand you or that you are bothering them with your story or feelings. Then you can look for support from professionals of Victim Support Services or from peers who experienced the same thing.
- Find a balance between giving the road traffic crash a moment's thought and moving on. This is not an easy balance to find. You can pick up certain activities (household, job, hobby, making plans, ...) from before the road traffic crash. But this is not always possible. You can perhaps look for other activities which can distract you. Picking up previous activities or finding distractions is something you better do gradually so you still have time to cope with how you are feeling.
- Listen to your body – because coping with what happened, can demand a lot from you. Enough rest, distraction and psychical activity can help in your coping process. When you experience physical complaints, we advise you to contact your general practitioner.
- Understanding what exactly happened during the crash might be helpful. You can, for instance, talk to other people who were involved or read the judicial file. Correct information about the judicial and insurance aspects can also help you with coping. You can contact your own insurance company for assistance. If you do not know where to find the right information, you can contact a Victim Support Service.

Your rights as a victim during contact with help organisations (art. 4, 8, 9)⁹

- You have the right to receive information about psychological support.
- You have the right to receive support from a victim support service:
 - Free of charge;
 - In accordance to your needs;
 - Before, during and after criminal proceedings;
 - Regardless whether you file a formal complaint about the crash to a competent authority or not.
- You have the right to be referred to a victim support service by authorities that receive your complaint or other organisations.
- You have the right to receive support from specialist services (in addition to or as part of victim support services).
- You have the right to receive a minimum support from victim support services containing:
 - Information, advice and support on accessing compensation and your role in criminal proceedings;
 - Information or referral to relevant specialist services;
 - Emotional and psychological support;
 - Advice relating to financial and practical issues after the crash.

⁹ Directive 2012/29/EU

PEER SUPPORT

It could be that you want to talk to someone other than your relatives, friends or professionals. Maybe you might feel that you don't want to bother them with your story or feelings or that they don't really understand you. Therefore, another option is to talk to peers who have experienced the same kind of incident as you did. This can be very supportive because peers can understand what you have experienced and they can exchange tips.

Peers often meet in self-help groups. These **self-help groups** have their own target group which might vary from a broader to a more specific profile. Some peer associations have been founded to help people involved in a crash. Besides peer contact, the aim of these groups can be organising activities, supplying information, enhancing cooperation and looking after your interests.

For more information on a peer support group for road traffic victims and/or their (bereaved) relatives, you may visit the website of **the European Federation for Road Traffic Victims (FEVR)**. The FEVR is a federation which protects the interests of road traffic victims (e.g. advocating), aims to reduce road danger and strengthens contacts between road victim associations. Various road crash victims associations from many countries are a member of this federation. You can find their contact info on: <http://fevr.org/fevrs-members-organizations/>

Your rights as a victim with regard to peer support (art. 4)¹⁰

The EU Directive does not state specific rights concerning peer support. Nonetheless, during your contact with competent authorities, you have the right to receive information about the types of support you can obtain and who to turn to. Consequently, you can ask information about possible peer support when you are in contact with a competent authority and also receive information about other support when in contact with a peer support organisation.

¹⁰ Directive 2012/29/EU

CONTACT WITH OTHER INVOLVED PARTY

RESTORATIVE JUSTICE

As a victim of a road traffic crash you might be wondering or thinking about the other parties involved in the crash. You might have questions about how everything happened or you might want to know how the others are feeling. Or maybe you want to tell the other party how the crash has changed your life and how you are feeling.

Consequently, you might want to contact the other party. If you don't want to do this alone, you can ask for help from a restorative justice service. Such a service can offer support to bring the involved parties together and/or help with exchanging what you want to tell or ask.

Shall I contact the other party or not?

Different perspectives from different people might help to make a decision. But it might also be confusing. When you talk to people in your personal environment, they might be opposed to the idea of mediation. Often they are afraid that the confrontation will lead to harming (emotional) consequences for you. Some professionals might also be opposed to mediation. For instance your lawyer or your insurer. Not every lawyer or insurer is opposed to mediation. But if they are, the reason might be situated in their fear of negative effects on the negotiations on insurance or judicial aspects between the parties.

When you are still doubtful, you can always contact a restorative justice service to ask for experiences from other road traffic victims. They can also explain how everything works. Nonetheless, the most important thing is what you want, what you need and what you think will be right for you.

The different models of restorative justice practices

There are different models of restorative justice practices. One example is 'victim-offender mediation'. This practice can be organised in different ways, but it mainly involves a meeting between the person who caused the crash and the victim. A mediator facilitates this meeting and the interaction between the two parties. Within the other models, such as conference programmes and circles, there is also great variety. These models are an extended version of victim-offender mediation. It involves the victim and offender, but also includes the participation of family, community support groups, police, social welfare professionals, ... Every participant can speak up about what happened.

Restorative Justice in your country?

In every European country there are different restorative justice practices. To learn more about these practices in your country, please visit the website of European Forum of Restorative Justice: www.euforumrj.org/links/non-governmental-organisations.

Your rights as a victim with regards to restorative justice (art. 4 & 12)¹¹

- You have the right to receive information about restorative justice services.
- You have the right to be safeguarded from secondary and repeat victimisation during restorative justice services.
- You have the right to have access to restorative justice services which:
 - Are in the interest of the victim and consider the needs of victims;
 - Make sure that the victim can participate voluntarily and withdraw participation at any time;
 - Inform the victim about the process and potential outcomes of these service;
 - Include the acknowledgment by the offender of the basic facts of what happened;
 - Support a process that can lead to an agreement on voluntarily basis and which may be taken into account in further criminal proceedings;
 - Ensure confidentiality of the discussions, except when the parties agree to disclose or the national law requires disclosure.
- You have the right to be referred to restorative justice services.

¹¹ Directive 2012/29/EU

CONTACT WITH THE MEDIA

There is a lot of news coverage in different media on road traffic crashes. It is quite likely that you will be contacted by one or several journalists after a heavy crash. It is very well possible that you are not prepared for this and you might agree to be interviewed under pressure. Consequently, think about whether or not you want to be interviewed because it is difficult to estimate the impact of your message. On the other hand, telling your story might help you to receive social acknowledgment for what you have experienced. This might be helpful in your coping process.

Some tips on your contact with the media:

- Prepare your interview in advance. Think about the things you want to talk about but also about the things you do not want to talk about.
- Due to time pressure, some journalists might make mistakes regarding personal and other details. It might be painful for you having to read this. You can try to avoid this by giving the journalist an information sheet with names, dates, place of crash, ...
- Journalists usually have a certain type of story in mind that they want to tell. Therefore, they might contact multiple victims. The person, who first responds, will be interviewed. Don't take it personal if a journalist does not call you back for an interview.
- Ask in advance if the journalist wants to add a picture to the article. Should you have decided that you don't want this and should the journalist insist in adding a picture, it might be better to refuse the interview right away.
- Every journalist and every medium (radio, television, ...) is different. Try to find out which medium suits you best.
- Keep in mind that such interview might ask a lot of your time and energy. The journalist might ask you to go to different places to take pictures.

Your rights as victim with regard to the media (art. 21)¹²

You have the right to be protected regarding your privacy (e.g. personal characteristics, images and identity of victims and of their family members).

The member states of the European Union are asked to install self-regulatory mechanisms to guarantee this right. Some of the countries installed such mechanisms, others did not. Amongst the existing measures, you might find some differences. For more information about the situation in your country, you may consult the following website: journalism.cmpf.eu.eu/maps/privacy/

¹² Directive 2012/29/EU

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The intention of this booklet is to be a practical tool for victims of road traffic offences and their relatives. It cannot be seen as an academic publication. Besides footnote references on the legislation of the rights of this target group, we decided to remove academic references from the text. The information within this booklet is gathered from following webpages and brochures.

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Associate partners

**Victim Support Europe
European Federation of Road Traffic Victims
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Information on the project: www.rondpunt.be

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