

# Victims' Rights Global Survey Report 2019



**Justice** Supported  
Information Public **Respect** Bill  
Protection Understanding **Law** Support  
**Voice** Rights Central **4** **Equality** Dignity  
Recognition Involvement Stakeholder **Victims**  
Participate Effectiveness Duty  
Legislation



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## Glossary

AFRO	Africa
EMRO	Eastern Mediterranean
EU	European Union
EURO	Europe
FEVR	European Federation of Road Traffic Victims
IRVP	International Road Victims' Partnership
NGO	Non Governmental Organisation
PAHO	Americas
SEARO	South East Asia
WHO	World Health Organisation
WPRO	Western Pacific



# 1. Introduction

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*More must be done, not just to prevent crashes, but also to deliver justice and mitigate the suffering of victims. Our loved ones were not lost. We know where they are. They were killed on the road, too often by law-breaking drivers.*  
(IRVP, 2018)

In 2018, over 1.35 million people were killed in crashes with the World Health Organisation (WHO) estimating up to another 50 million injured. Over 10 million have died in crashes since May 2011, when the Global Plan for the Decade of Action for Road Safety was launched. Despite much effort and commitment to reduce, even halve, road deaths, they have increased, with road deaths now being the number one killer of our youth aged 5 to 29 years in the world.

Road deaths and serious injuries are preventable. This is a key theme that road safety professionals promote around the world. And with those deaths and serious injuries the state has failed to prevent, their families depend on the justice system to investigate the collision, identify and bring any offender to justice, as well as mitigate the suffering of the victims and their families through the timely provision of information and support, fair compensation and justice.

## Irish Road Victims' Partnership (IRVP)

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Established by victim advocates, the International Road Victims' Partnership (IRVP) is an association of over 90 non governmental organisations (NGOs) from all regions of the world. They have come together to campaign for road safety efforts to include the post-crash response and the justice system.

IRVP is a volunteer based organisation. At its inaugural conference in Mullingar, Ireland, a manifesto was produced which highlighted the unsatisfactory treatment of crash victims.

## IRVP Mullingar Manifesto on Victims' Rights

Victims are not collateral damage. They deserve recognition, information and support. Victims need to be recognised as such.

Road crash casualties should be recognised as road crime victims, from the first point of contact with the police, until the contrary is proven. It is too late to wait for a prosecution decision. Society must err on the side of caution and compassion, and provide crash victims with information and support from the start.

Victims need information on the legal procedures, their rights and role in the proceedings. They should be kept informed of the progress of the investigation and the prosecution.

They should be consulted on the criminal charges and have the right to appeal.

Victims deserve support. Having failed to prevent the crashes which have bereaved or injured them, the state should provide support and help victims cope, if not recover. If caseworkers can be provided for other victims of crime, then why not road traffic crime. Court fines, e.g. victim surcharges, should help pay for support services.

Victims deserve to be heard and included. This includes in the courtroom with Victim Impact Statements, but also on road safety boards and consultative groups.

Crime victim strategies and support services must include road crime victims.

IRVP priorities include:

- Development of minimum and best practice standards in collision investigation, criminal prosecution, civil compensation and Victims' rights.
- Inclusion of collision investigation, criminal prosecution, civil compensation and Victims' rights in road safety programmes in the United Nations Decade of Action.
- Thorough police investigations, including data collection, preservation, and sharing of information with all Stakeholders.

## Background

This is not the first time the issue of crash victims' rights has been raised. Prior to the IRVP's establishment, the Global Alliance of NGOs for Road Safety had a post crash response committee, which included many of the Board of the IRVP, who produced a briefing on 'Justice and the Post Crash Response' for the 2015 High level ministerial conference for Road Safety in Brasilia. Many years prior, FEVR had highlighted the poor treatment of crash victims by the justice system in its survey. (FEVR, 1996).

## Justice and the Post Crash Response: Victim Rights Key calls (2015)

The Global Plan included activities to "support 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 guide for families bereaved 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.

*(RoadPeace, FEVR and Post Crash Committee of Global Alliance of NGOs for Road Safety, 2015)*

## Survey Methodology

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The survey design was approved by the IRVP Board. SmartSurvey<sup>1</sup> was used to collect and analyse the responses. Disseminated at the beginning of March 2019, IRVP members had three weeks to respond.

Responses were received from 74 organisations in 40 countries. For purposes of discussion, responses were organised by WHO's regional classification:

- Africa (AFRO): Algeria, Benin, Cameroon, Ivory Coast, Ghana, Kenya, Liberia, Malawi, Mali, Nigeria, Senegal, South Africa, Togo, Tunisia, Uganda, Zambia.
- Americas (PAHO): Argentina, Canada, USA, Antigua and Barbuda.
- Eastern Mediterranean (EMRO): Egypt, Lebanon, Morocco, Pakistan.
- Europe (EURO): Belgium, Britain, Georgia, Greece, Ireland, Italy, Netherlands, Poland, Portugal, Slovenia, Sweden
- South East Asia (SEARO): India, Indonesia, Nepal.
- Western Pacific (WPRO): Australia, Philippines.

See Appendix A for a list of the organisations from whom completed responses were received.

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<sup>1</sup> <https://app.sartsurvey.co.uk/>

## 2. Definition of Victims' Rights

The starting point was to determine how many countries had official policies on victims' rights. IRVP members were asked about the existence of any government document which defined victims' rights.

Table 1: Any Key government document that defines victims' rights?

	AFRO	EMRO	EURO	PAHO	SEARO	WPRO	Total
Yes	4	1	9	9	5	1	29
No	16	3	6	2	6	2	35
Do not know	3	0	2	0	4	0	9
Total	23	4	17	11	15	3	73

As shown in Table 1, almost half (48%) responded negatively. Another 12% were unaware if any such document existed. The situation is particularly difficult in Africa where four times as many responded negatively as did positively.

Comments included:

- The Victims' Rights Act focuses more on other crime and abuse of office rather than road traffic crash victims (Kenya).
- Victims of road crashes are not seen as victims of crime, even though theoretically they qualify. Drink Driving and Reckless and Negligent driving is a crime. SADD is working on getting these crimes accepted according to the charter (South Africa).

The Americas and Europe were the only regions where a majority responded positively. But respondents from Argentina noted:

- There is a national law of victims N 27,372 and provincial law N 7896 article 8, decree 1881/14 Victim assistance program
- In my province there is no specific instrument. There is at a national level, but as the distribution of powers is federal, in our territory it does not protect us.

In Europe, the European Union (EU) Victims' of Crime Directive has set the minimum standards of entitlements for victims of crime. All EU members were to adopt this directive by November 2015.

Many respondents were able to provide website links to their key documents. These are provided in Appendix A.

## When do crash victims begin being treated as victims of crime?

Respondents were asked at what stage crash victims begin being treated as victims of crime. This has been a key issue given the importance of early intervention and assistance. If crash victims have to wait for a prosecution, this can mean months or even longer without support or information.

Whilst 30 respondents claimed crash victims were treated as victims of crime from the reporting of the crash, another 10 said a prosecution was required. A further 12, including five from Africa, reported that it required a conviction before a crash victim qualified as a victim of crime.

Clarifications included:

- Legislation varies from State to State but generally from the time of charging (Australia).
- In London, the Mayor has clarified that the police are to treat all victims of road crashes as victims of crime from the time of the reporting of the crash (Britain).



### 3. Right to Information

IRVP members were asked if crash victims had any right to information about the investigation and prosecution.

Table 2: Do victims have any right to information about the investigation and prosecution

	AFRO	EMRO	EURO	PAHO	SEARO	WPRO	Total
Yes	7	1	7	9	9	2	31
No	7	1	2	3	3	0	13
Do not know	2	1	0	0	0	0	4
Other	7	1	8	3	3	2	26
Total	23	4	17	15	15	4	74

As shown below, 31 (42%) reported that crash victims did have a right to information. Over half of those reporting that crash victims did not have any such right were from Africa. And even where there is a right in principle, there can be problems with it in practice. IRVP members were asked if they had the right to see the police collision investigation report or witness statements and if there were fees. Half responded that they had the right to see this information, stating:

- You have to pay to access the reports. (Uganda)
- When the investigation has ended and it is free of charge (except if you want a copy). (Belgium)
- If there is to be no prosecution with the fatal investigation file sent to the coroner, then families have the right to see the investigation report and statements before the inquest and for free. In cases being prosecuted, they must wait until the criminal case is over and are expected to pay for this information. (England and Wales)
- All steps to speed up the procedure of medical care and compensation are made by the victim or his relatives, so to even report the police or firefighters on the accident must pay a sum ranging from 20 to 30 dollars. Once this is paid the police send the file to justice. For justice to send the file to the insurance, it is necessary to pay another 40 dollars. (Ivory Coast)
- The Garda abstract report is provided free of charge but only after the Coroner's inquest is complete. This includes copy witness statements. A copy of the forensic collision investigation report is not given to the bereaved family although it may be seen on request. (Ireland)

The survey asked about police responsibility in keeping victims informed. More respondents reported the police had to keep victims informed (37), although 32 reported no such requirement. Whilst general information on investigation procedures may be available, this is of little use if victims are not kept informed of the progress of the investigation into the crash which killed or injured their loved one.

When asked if the police appointed someone to keep the victims' family informed, only 24 confirmed that this was the case, compared to 47 responding negatively. Only 2 of the 11 responding from Americas, and 6 of the 23 from Africa, reported this existed. Comments included:

- There are now 2 Victim Advocates from Safe Horizon, placed in NYPD precincts, however they are not specific to traffic crimes.(NYC)
- An investigating officer is appointed. They are meant to keep the family informed. They often forget to tell about Court postponement etc.If the family do not request the information in writing they often are not informed at all. (South Africa)
- Police are not obliged (Greece)
- A family liaison officer is appointed by the Gardai in all cases where there is a fatality (Ireland)

IRVP members were asked if crash victims had the same right to information as victims of other crime. Only 32 (43%) reported this to be the case. Some also raised the problem of defendants having more rights than victims Information can be withheld for some time. It is provided once the Coroner's inquest is complete. The book of evidence is not provided to the victim/bereaved family. It is provided to the accused in advance of court hearing.(Ireland)

## 4. Right to Support

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Road crashes are sudden violent events which no one is prepared for. They occur in routine circumstances, including when people are going to work, school or out to socialise. Families have no time to prepare or say good-bye. And then their suffering is further aggravated by the criminal justice system which so often denies them information, including on the basic circumstances of the crash. The state should support those families suffering from the crashes the state failed to prevent.

Table 3: Do victims have any right to support

	AFRO	EMRO	EURO	PAHO	SEARO	WPRO	Total
Yes	10	2	10	9	7	2	40
No	10	1	5	2	6	1	25
Do not know	3	0	2	0	2	0	7
Total	23	3	17	11	15	3	72

When asked if victims had any right to support, 40 responded positively compared to 25 who said victims had no such right. It was evenly split in Africa and South-East Asia, whilst the majority responding from Europe and the Americas reported this right existed. A few respondents (10%) did not know if crash victims had such a right. Respondents stated:

- This is relatively new. Since the Victims Law was passed in year 2016 and put into practice in 2017. We have the right to ask for legal and psychological advice (Argentina).
- Article 21 of the constitution of India: Fundamental Right to free treatment during emergency arising out of road accident . compensation under section 166 under Motor Vehicle Act 1988 (India).
- If the perpetrators have been identified they help to pay support on medical bills or funeral arrangements as it can be required (Malawi).
- Victims help organisation subsidised by Dep. of Justice (Netherlands).
- In New York State there is a Crime Victims Rights Board through the NYS Office of Victim Services which compensates for counselling, lost wages and other victim related support...the driver must be charged with an official crime (New York, USA).
- The municipalities are obliged by law to offer support to victims of crime and this does not work as it should (Sweden).

## Government Funding

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In addition to legal rights, the survey asked if the government funded any support for road crash victims. Only 29 responded positively. South East Asia and the Americas were the only regions where more responded that government funded support than did not. Three-quarters of those responding from Africa reported no government funding.

Comments included:

- In cases of hit and run, there is a Solatiom Fund given by Government to victims or their families as an insurance. The insurance amount varies on a case by case basis. (India)
- When the car or vehicle is unknown and the police testify in their report that indeed the accident actually happened, the Government has funds to help the victims. (Ghana)
- The Road Accident Fund supports the victims and the families financially. The Fund is basically bankrupt, and payouts, if approved, can take many many years to be given. If the person is financially challenged, they get free medical care in State Hospitals. (South Africa)
- The central government funds a helpline and a national guide for bereaved families whilst other support is commissioned at local level.(England and Wales)
- There are 90 offices that have been opened last year. (Argentina)

The survey queried if the police had to refer victims to victim support organisations. Whilst there may be little or no government funding available for victims, a low cost option is to provide them with information on support services provided by the voluntary sector. But as the responses below show, this too is not always/often available.

Only 16 reported the police did have to refer victims to support organisations, with over three times as many (51) responding negatively. Ireland reported that “The Gardai have a supply of Victim Support Organisations’ booklets and these should be given to Victims on first contact.

It should be noted that when asked if crash victims had the same right to support as victims of other crime, only 20 reported this to be true.

## 5. Right to Appeal Charging Decision

The right of victims to appeal a decision not to prosecute was a key concern. Almost two-thirds (48, 65%) of respondents reported such a right did exist. More organisations reported they did not know, than reported no such right. In South East Asia and Europe, all those who knew the situation reported crash victims had the right to appeal. Respondents noted:

- Right to appeal is limited to certain cases. If the police decide not to prosecute, then victims can only appeal if the suspect driver has been interviewed under caution. Almost all "no further action" decisions are made by the police. If the CPS has made the decision, then bereaved families have the right to appeal if the CPS decide not to prosecute (but not if they decide to just prosecute for a lesser charge). (England and Wales).
- Most cases I follow end before prosecution reaches the court. (Philippines).

Over twice as many reported that victims were able to see information about the investigation before they appealed (30) that could not (18).

When asked if crash victims had the same right to appeal a charging decision as victims of other crime, only 24 responded this was the case.

Table 4: Can police decide not to prosecute?

	AFRO	EMRO	EURO	PAHO	SEARO	WPRO	Total
Yes	11	1	6	2	5	2	27
No	8	3	7	8	7	1	34
Do not know	4	0	4	1	3	1	13
Total	23	4	17	11	15	4	74

Whilst the police will always have the responsibility to investigate collisions, in some countries, they also have the power to decide if there is not enough evidence for a prosecution. Almost one third of respondents reported that this was the case and the police were able to decide there is not enough evidence to warrant a prosecution, without any scrutiny or check by the state prosecutor. This included many in Africa, Europe and South East Asia. Comments included:

- Police have authority to decide there is not enough evidence for a prosecution to be considered. This does not have to be approved by the Crown Prosecution Service (England and Wales).
- The Gardai can recommend 'no prosecution' but in all cases where there has been a fatality a file must be prepared for the DPP. The DPP decides whether or not to prosecute in each case referred to them (Ireland).

Almost three times as many reported that the police/prosecutor had to tell victims the reasons why there was no prosecution. Of those who knew the answer, all those responding from the Americas and Western Pacific reported that victims had to be informed. Respondents noted:

- Both police and judiciary are corrupt. No justice for poor victims (Uganda).
- Only after the procedure is finished and the prosecution of the accused driver is done. Until then the family can only take a copy of the Police Station Registered Incidents Book (Greece).

## 6. Rights at Court

Most respondents (82%) reported that victims did have rights in the criminal court. When asked if this included the right to meet the criminal prosecution team, over 60% reported this right existed. Of the 11 responding negatively, five were from Africa, whilst 5 of the South East Asia respondents did not know if such a right existed in their country.

Most (71%) also reported that victims were represented at court. Respondents noted:

- The victims are clients of the prosecution so they have access to the prosecution team.(Malawi)
- For those who can afford the services of a lawyer (Uganda)
- A Public Prosecutor (PP) represents them in Court. They have no choice over this. There is no charge. The PP may be newly qualified, or experienced. Victims can appoint and pay for an "Acting Brief" a lawyer/advocate who can watch what is happening and try and guide the public prosecutor(if the PP will allow this!) (South Africa)
- Victims are represented by a lawyer, they have to pay him but if the verdict is in favor of the accused's guilt they will be reimbursed as regards the charges of the trial (Algeria).

Table 5: Do victims have the right to make a statement at court?

	AFRO	EMRO	EURO	PAHO	SEARO	WPRO	Total
Yes	28	3	13	9	13	3	59
No	4	1	1	2	1	1	10
Do not know	1	0	3	0	0	0	4
Total	23	4	17	11	14	4	73

Being heard is important for victims. One way in which many governments have tried to improve victim participation is introducing victim impact/personal statements where victims are able to speak about the impact of the crime on their families. These are heard at the time of sentencing and in some countries can affect the sentence imposed. They were reported in existence in the majority of organisations responding, from every region reporting. Some noted:

- They are entitled to make a Victims Impact Statement. Very seldom are they told about this right. The PP and Magistrate often discourage the victim from reading their own statement. It is the victims right to read their own statement, and is much more impactful (South Africa).
- We now have the right to speak in court but can't choose when and can only do it once while the accused can speak whenever he/she wants to and the amount of times they desire (Argentina).

When asked if crash victims had the same rights at criminal court as victims of other crime, 44 respondents reported this to be the case.

## 7. Conclusions and Recommendations

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The number of road deaths has continued to rise, despite a major increase in international investment over the last decade. This growing toll increases the need for the treatment of victims by the justice system to be given proper consideration.

This survey has shown how the rights of crash victims varies between countries, even within the same region. But what is routine is the extent to which they lag behind the rights of victims of other types of crime. Justice comes at a price as many respondents reported their rights, including access to information, increased if they hired a solicitor to represent them.

It also found a varying level of awareness, which can be expected, given the wide range of IRVP members. Not all are engaged with supporting or working with victims and were not able to answer all the survey questions.

Progress was found, including in different regions. In Europe, the EU Victims of Crime Directive has ensured minimum standards of treatment for victims of crime. The victim centres established in Argentina and funded by the National Road Safety Authority, and the victim offices set up in Ireland, are key examples which other countries could learn from. This includes the growing realisation that transport authorities have a responsibility to support crash victims, including those where no crime was detected. These will include crashes which could have been avoided if the speed or drink drive limit was lowered.

### International

1. The UN Road Safety Collaboration is requested to:
  - a. ensure the post crash response extends beyond rescue, medical and rehabilitative care and includes the treatment of crash victims and their bereaved families as victims;
  - b. identify best practice treatment of road crash victims, including legal rights in the criminal justice system, with support funded by road safety authorities; and
  - c. include treatment of road crash victims in their road safety programmes.

### National

2. Road safety projects should include improving the treatment of victims
3. There should be a guide for victims explaining investigation in each country. IRVP members can help produce these, but government assistance will be required to ensure they are publicized and victims aware of their existence.
4. At a minimum, information on support services available should be provided/made available to victims.

### IRVP

5. IRVP can help promote information sharing between its members. IRVP members campaigning for victims' rights will work together to produce a summary to help inform other IRVP members, and increase awareness on both a national and global level.
6. IRVP can also work to produce a post crash guide for crash victims and bereaved families to assist them in dealing with the horrific aftermath of their loss, including with their quest for information, support, fair compensation and justice.

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## Appendix A: IRVP Victims' Rights Survey Respondents

WHO Region	Country	NGO title	
Africa (AFRO)	Algeria	"les amis de la route" Road Safety NGO	
	Benin	ONG ALINAGNON	
	Cameroon	HOPE AND HUMANITARIAN SERVICE ASSOCIATION SECURROUTE AFRICA	
	Côte d'Ivoire	ONG OJISER	
	Ghana	Road Safety Advocacy and Victims Rights Org. Oli Best Road Safety Organisation Nyankonton Aid Foundation	
	Kenya	ASIRT KENYA	
	Liberia	Save Life Liberia	
	Malawi	Road Safety Alert Foundation	
	Mali	Siraba lakana Association *Les Amis de la Route* du Mali	
	Nigeria	Kwapda'as Road Safety Demand Trust Fund Globastorm Safety Foundation (GSAFO) PATVORA Initiative	
	Senegal	LASER International	
	South Africa	Arrive Alive Online South Africans Against Drunk Driving- SADD	
	Togo	AVA-TOGO	
	Tunisia	les Ambassadeurs de la sécurité Routière	
	Uganda	HOPE FOR VICTIMS OF TRAFFIC ACCIDENTS	
	Zambia	Zambia Road Safety Trust	
	Americas (PAHO)	Antigua & Barbuda	Antigua & Barbuda Road Safety Group
Argentina		ACTIVVAS Asociación civil contra la Violencia Vial Asociación Madres del Dolor Fundación Estrellas Amarillas La Pampa ESTRELLAS AMARILLAS Grupo J.E.N. OVILAM PAVICEI)	
Canada		Madd Canada One Crash Is Too Many Japan Youth Association for Safer Alberta	
United States		Families for Safe Streets (NYC)	
Eastern Mediterranean (EMRO)	Egypt	ESRS	
	Lebanon	ROADS FOR LIFE	
	Morocco	AL MONTADA ASSOCIATION FOR ROAD SAFETY AND PROTECTION OF ENVIRONMENT	
	Pakistan	Social Research and development organizations.SRDO)	

Europe (EURO)	Belgium Britain  Georgia Greece  Ireland Italy Netherlands  Poland  Portugal Slovenia Sweden	Rondpunt Brake RoadPeace 20's Plenty for Us - Love 30 Foundation Partnership for Road Safety SOS ROAD CRIMES "You Are What U Do- Kostas Kouvidis" NGO a Non Profit Greek Organization for Social Awareness about Road Safety and Road Victims. "EFTHYTA RHODES" OBSERVATORY POST OF DRIVING SAFETY TO RHODES NGO Irish Road Victims' Association Fondazione Luigi Guccione Nahzorg VVS NL Centrum Inicjatyw na rzecz poprawy Bezpiecze stwa Ruchu Drogowego World Association for Connecting People Zavod VOZIM--Institute VOZIM Swedish Abstaining Motorists Association and MADD-Sweden
South-East Asia (SEARO)	India          Indonesia Nepal	ArriveSAFE AVOID ACCIDENT Indian Federation of Road Safety INDIAN HEAD INJURY FOUNDATION People's Trust Jaipur R-SAFE Shubham Soti Foundation Telangana Four Wheeler Driver's Association the ability people TRAX Road Safety Association NASA Foundation, Nepal RMR Foundation Safe and Sustainable Travel Nepal (SSTN)
Western Pacific (WPRO)	Australia  Philippines	Safer Australian Roads and Highways Injury Matters PhilippinesFRVS ASSOCIATION PHILIPPINES INC Families of Road Victims and Survivors PROJECT CARES (Community Activities Reaching to Everyone through Services)

## Appendix B: Proposed Victims Rights key questions and possible indicators for baseline survey (RoadPeace, 2015)

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### **Activity 3: Provide early rehabilitation and support to injured patients and those bereaved by road traffic crashes, to minimise both physical and psychological trauma.**

Is it government policy to recognise victims of crashes as victims of crime, until the contrary is proven?

Are there guides for bereaved and injured that explain the collision investigation, criminal prosecution, civil compensation, and support services available?

Are the police responsible for keeping victims informed of the investigation progress?

Are there any support services provided to crash victims, including peer support?

Are any of the fines from motoring offences (part) invested in road crash victim support?

Do the government victim of crime strategies and programmes include victims of road traffic crime?

Do the surveys and statistics on victim of crime include road traffic crime victims?

Are road traffic crime victims represented on government victim advisory panels and committees?

### **Activity 4: Encourage the establishment of appropriate road user insurance schemes.**

Has there been a scoping study on the benefits of a presumed liability civil compensation policy?

Has there been an International comparison of compensation settlements and bereavement damages conducted recently?

### **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.**

#### ***Collision Investigation***

Are there national standards agreed with road death investigation? How is impairment investigated?

Have the police produced a road death investigation manual?

Are there national collision investigation training programmes, including tackling victim blaming?

Do the police have a policy to treat road deaths as unlawful killings, until contrary is proven

Is there any transparency with the collision investigation outcomes, in terms of who makes the decision to prosecute?

Does the collision investigation process include consideration of what would have prevented the death, if not the crash?

Is there a national collision investigation or road death working group, including representatives of victim NGOs?

#### ***Criminal Prosecution***

Does the government statistics on victims of crime include culpable road deaths and injuries?

Do the driving offences, such as drink driving, careless driving or dangerous driving mention when there has been a death or injury?

Do the charging standards (definition, including examples) of the driving offences mention vulnerable road users?

Do the sentencing guidelines include driving bans and vehicle confiscation, e.g. non custodial penalties that are more serious than monetary fines.

Is there a national training programmes on road death and serious injury for prosecutors and judges?

Is there any transparency in court statistics so that it is possible to monitor prosecutions, convictions, and sentences given for drivers killing or injuring VRUs?

## **Activity 7: Encourage research and development into improving post crash response.**

### ***Collision Investigation/Criminal Prosecution***

Has there been a baseline review conducted

- documenting resources and priority allocated to collision investigation?
- of civil compensation systems, regarding liability and damages
- Comparing the investigation and prosecution of road death and serious injury with homicide and rape?

### ***General***

Are there any good practice standards developed for:

- Collision investigation.
- Criminal prosecution effectiveness.
- Civil justice, including information and assistance for victims.
- Road crash victim support.

## Appendix C: Key Victim Rights References

Area	Title/link
<b>Americas</b>	
Argentina	<a href="http://servicios.infoleg.gob.ar/infolegInternet/anexos/275000-279999/276819/norma.htm">http://servicios.infoleg.gob.ar/infolegInternet/anexos/275000-279999/276819/norma.htm</a>
USA	<a href="https://www.justice.gov/usao/resources/crime-victims-rights-ombudsman/victims-rights-act">https://www.justice.gov/usao/resources/crime-victims-rights-ombudsman/victims-rights-act</a>
<b>Western Pacific</b>	
<b>Australia</b>	
South Australia	South Australia Victims of Crime Act 2001 <a href="http://www.voc.sa.gov.au/victims-crime-act-2001">http://www.voc.sa.gov.au/victims-crime-act-2001</a>
New South Wales	NSW Victims Rights and Support Act 2013 No 37 - <a href="http://www5.austlii.edu.au/au/legis/nsw/consol_act/vrasa2013318/">http://www5.austlii.edu.au/au/legis/nsw/consol_act/vrasa2013318/</a>
Queensland	Queensland Victims of Crime Assistance Act 2009 <a href="https://www.legislation.qld.gov.au/view/html/inforce/2018-09-28/act-2009-035">https://www.legislation.qld.gov.au/view/html/inforce/2018-09-28/act-2009-035</a>
Victoria	Victoria Victims' Charter <a href="https://www.victimsofcrime.vic.gov.au/">https://www.victimsofcrime.vic.gov.au/</a>
Tasmania	Tasmania Victims of Crime Assistance Act <a href="https://www.legislation.tas.gov.au/view/html/inforce/current/act-1976-032">https://www.legislation.tas.gov.au/view/html/inforce/current/act-1976-032</a>
Western Australia	Western Australia Victims of Crime <a href="https://www.victimsofcrime.wa.gov.au/">https://www.victimsofcrime.wa.gov.au/</a> <a href="https://www.victimsofcrime.wa.gov.au/V/victims_rights.aspx?uid=0961-2851-7126-0137">https://www.victimsofcrime.wa.gov.au/V/victims_rights.aspx?uid=0961-2851-7126-0137</a> <a href="https://www.victimsofcrime.wa.gov.au/default.aspx">https://www.victimsofcrime.wa.gov.au/default.aspx</a> <a href="https://www.courts.justice.wa.gov.au/_files/VSS_Whataboutmethevictim.pdf">https://www.courts.justice.wa.gov.au/_files/VSS_Whataboutmethevictim.pdf</a> <a href="https://www.dpp.wa.gov.au/_files/publications/Policy-Guidelines-Victims-of-Crime.pdf">https://www.dpp.wa.gov.au/_files/publications/Policy-Guidelines-Victims-of-Crime.pdf</a>
Northern Territory	Northern Territory <a href="https://justice.nt.gov.au/__data/assets/pdf_file/0020/584201/charter-of-victims-rights-03.pdf">https://justice.nt.gov.au/__data/assets/pdf_file/0020/584201/charter-of-victims-rights-03.pdf</a>

## Africa

Algeria	Loi n° 88-31 du 19 juillet 1988 modifiant et complétant l'ordonnance n° 74-15 du 30 janvier 1974 relative à l'obligation d'assurance des véhicules automobiles et au régime d'indemnisation des dommages, <a href="http://www.mtp.gov.dz/GUIDE%20JURIDIQUE/accidents-de-travail-maladies-professionnelles/6-Loi-n88-31.pdf">http://www.mtp.gov.dz/GUIDE%20JURIDIQUE/accidents-de-travail-maladies-professionnelles/6-Loi-n88-31.pdf</a> <a href="https://www.cna.dz/content/download/113/571/version/1/file/4---Ordonnance+74-15+MC+%26+TXT+SUBSQ.pdf">https://www.cna.dz/content/download/113/571/version/1/file/4---Ordonnance+74-15+MC+%26+TXT+SUBSQ.pdf</a>
Kenya	<a href="http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/VictimProtectionAct17of2014.pdf">http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/VictimProtectionAct17of2014.pdf</a>
South Africa	<a href="http://www.justice.gov.za/VC/docs/vc/vc-eng.pdf">http://www.justice.gov.za/VC/docs/vc/vc-eng.pdf</a>

## Europe

Britain	Ministry of Justice Code of Practice for Victims of Crime <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/470212/code-of-practice-for-victims-of-crime.PDF">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/470212/code-of-practice-for-victims-of-crime.PDF</a>
Ireland	<a href="https://www.dppireland.ie/brief-guide-to-the-criminal-justice-system/category/5/#a9">https://www.dppireland.ie/brief-guide-to-the-criminal-justice-system/category/5/#a9</a> <a href="http://irishstatutebook.ie/eli/2017/act/28/enacted/en/pdf">http://irishstatutebook.ie/eli/2017/act/28/enacted/en/pdf</a>
Spain	<a href="https://www.boe.es/eli/es/l/2015/04/27/4/con">https://www.boe.es/eli/es/l/2015/04/27/4/con</a>

## SE Asia

India	Motor Vehicle Act 1988 section 166 <a href="http://www.advocatekhoj.com/library/bareacts/motor/166.php?Title=Motor%20Vehicles%20Act,%201988&amp;STitle=Application%20for%20compensation">http://www.advocatekhoj.com/library/bareacts/motor/166.php?Title=Motor%20Vehicles%20Act,%201988&amp;STitle=Application%20for%20compensation</a>
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**Over 90 Non Governmental Organisations from all Regions of the World  
Our Mission is to work together to improve the Post Crash Response  
and advocate for Victims' Rights Globally**

For more information from IRVP, or to join us, please contact:

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