

Victim Support Europe conference: Supporting Victims of Crime in Europe



WORKSHOP SESSION FIVE – EXPANDING THE SCOPE



victim definition

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- (i) a natural person who has **suffered harm, including physical or mental injury, emotional suffering or economic loss**, directly caused **by a criminal offence**;
- (ii) **family members** of a person whose death *was directly* caused by a criminal offence *and who have suffered harm as a result*;



Are RTV = Forgotten Victims ?

- **RoadTrafficVictims = same rights ?**
- « Violence routière »
- **Injustice Ignored is Injustice Condoned**

Death and Injury through law braking must no longer be regarded as minor traffic offences

What is a crime or violence in road traffic?

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Driving (**much**) too fast
Hit and run

Driving under (**high**) influence
Driving without licence/non insured

from FEVR survey (1997):

10. Treat certain violations committed due to gross negligence or disregard of fundamental road traffic rules as premeditated criminal offences. These would include exceeding the speed limit, disregarding red traffic lights, and driving while under the influence of alcohol.

Crash not « accident »

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Support Services

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- Psychological and moral assistance
- Legal advice
- Practical, administrative guidance

3. NGO meeting in Antalya April 2013:

Session support services

« Voluntary Versus Professional help »

= Best is voluntary professionals

EU Victim Package

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- **Consultation document:** Taking actions on rights, support and protection
- RTV now included (several meetings with EU Justice)
- letter from Vice-president Viviane Reding:
“We share your concern that the status of road victims is not sufficiently recognised by society.”

NGO Declaration 2009

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NGO 'Brussels Declaration'

**Recommendations to Governments from NGOs
advocating for road victims and road safety
for the 'Decade of Action for Road Safety'**

In May 2009, more than 100 representatives of 70 NGOs from 40 countries came together for the first time in Brussels at a meeting hosted by the World Health Organization. Using their unique expertise and perspective, participants compiled 33 recommendations to improve road safety

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

Impact of road Death and Injury 1997

The purpose of the present study is to point out the most urgent needs of victims and/or their families, and to propose adequate measures to alleviate their suffering, prevent discrimination and injustice and limit the decline in their quality of life and standard of living.

IMPACT OF ROAD DEATH AND INJURY

Research into the principal causes of the decline in quality of life & living standard suffered by road crash victims and victim families

PROPOSALS FOR IMPROVEMENTS

www.fevr.org /advice and information

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Results

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8. Create more balance in the justice system, which at present centres excessively on the accused, in order to ensure equality of rights for the victims as well as the families of the guilty [5].

43 Informed about legal rights
relatives of dead victims

%	Belgium	France	Switzerland	U. Kingdom	Italy	EUROPE
no	93	93	92	89	83	91
yes	7	7	8	11	17	9

Charges were considered fair by only 25% and 39% across Europe. Victim families in the UK felt worst off with only 15% and 5% agreement with charges. The highest level of agreement with charges was in Switzerland, the Netherlands and Belgium [figure 47].

Criminal Justice for RTV



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Criminal justice done
% relatives of dead victims disabled (relatives - themselves)

no	89	68
yes	11	32

6. Conclusions

The suffering made evident through this research reveals an ever growing proportion of devastated lives in our societies as a result of road violence. What is hardly recognised by those in authority, and this includes the legal system, is that those bereaved or injured through road crashes are often permanently harmed, as are the families of other victims of violence and manslaughter. And yet there is almost no help, nor proper compensation for road violence victims and victim families.

Civil justice

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Strict liability: Mai 2013 UN R S Week: www.fevr.org

Safer Roads for Pedestrians/Cyclists requires Fairer Compensation:

"In the present state of motor traffic, I am persuaded that any civilised system of law should require, as a matter of principle, that the person who uses this dangerous instrument on the roads – dealing death and destruction all round – should be liable to make compensation to anyone who is killed or injured in consequence of the use of it. There should be liability without proof of fault. To require an injured person to prove fault results in the gravest injustice to many innocent persons who have not the wherewithal to prove it."

Lord Denning (1982)



Civil proceedings - to achieve fairness and **justice**

Victims rights

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- The victims' right to **information** and consultation
- Victims right to fair treatment and **respect**
- **Support** and protection

- Crash **Investigation**: to prevent recurrence by identifying causes or contributory factors

- SCID : campaign → irresponsible driving
Dundee Law School report

- Marcel HAEGI (FEVR founder and 1. president):
*“We defend the **right of life** without compromise”*

Questions-suggestions ?

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