Writing a Guide for Families Bereaved by Road Crashes

KEY ISSUES TO BE CONSIDERED

- Who decides if a driver is to be prosecuted?
- Who is in charge of the police investigation?
- How long will the investigation take?
- Where can I find support?
- Will anyone keep our family informed?
- How long do we have to make a compensation claim?
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Message from the UN Secretary-General’s Special Envoy for Road Safety

The United Nations is committed to supporting countries reduce road deaths and serious injuries and the devastation they cause. Never before has there been so much international, national and local effort aimed to deliver safer roads.

However, as we have learned from the Decade of Action of Road Safety (2011-2020), eliminating road deaths and serious injuries does not happen easily or quickly. Every day over 3,700 families around the world are still being bereaved by a road crash. And we must do even more to stem this slaughter.

In August 2020 even amid the global health crisis, Member States recommitted themselves to urgent action to save lives on the roads, while adopting, arguably, the strongest UNGA Resolution on Improving Global Road Safety (A/RES/74/299). The resolution sets a new target to halve road traffic deaths and injuries by 2030.

For those crashes we are not able to prevent, we must help the victims and their families. This is the responsibility of any caring society. This includes medical care of the victims but also information and support for affected families.

No one knows the need for this support more than those who have themselves been impacted by road crashes, and many have gone on to establish road crash victim support charities, as they are determined to help spare others. The International Road Victims’ Partnership (IRVP), who has written and produced this guide, was founded by such families.

This IRVP guide is intended to help mitigate the suffering of bereaved families. It is a guide for national organizations to support families whose loved ones have been killed on the road. As United Nations Secretary-General’s Special Envoy for Road Safety, I am committed to our ultimate vision of no lives lost or severely injured on the roads and hope for a future reality where such a guide will not be needed.

In the meantime, I sincerely thank the IRVP for their instrumental role in this collective challenge.

Yours sincerely,

Jean Todt
UN Secretary-General’s Special Envoy For Road Safety
United Nations
The post-crash response is so much more than just flashing blue lights, blaring sirens, and scurrying medics. It includes the most basic of human rights – information and support to the grieving family – which is oftentimes overlooked in the chaos. This resource, on what can and should be shared with traumatized families after a road traffic collision, is an important and timely tool. It should be localized and translated into multiple languages to make it as useful as possible.

Margie Peden, PhD
The George Institute UK & WHO Collaborating Centre on Injury Prevention & Trauma Care

Post crash care has not received the kind of attention that other aspects of road safety have been given. Information on what to do after a road traffic crash is scarce. Victims of road crashes are also not recognized like victims of other epidemics. When a family loses a loved one through a road traffic crash, they are traumatized. The steps that follow those violent incidents are usually confusing and difficult. In developing countries, no road map exists for families and organizations working with victims. This guide for bereaved families by IRVP is therefore timely as it offers help both to the bereaved families and organizations working in this area.

Bright Oywaya
Executive Director, ASIRT Kenya

In February 2012, my beautiful daughter Sarah was killed by a distracted driver in a completely avoidable crash. Despite the fact that my family and I could hardly cope with her loss, and feeling completely alone, we still had to deal with all the realities that every loved one must now face. We were left having to navigate this new ‘world of hurt’... a world we never chose to be in.

We were left asking questions such as: How do we find out the details of what had happened? What information are we entitled to? What happens with the police investigation, insurance issues, and the complexity of the court process? How do you cope with your loved one’s death becoming public property... even media property? We felt we had no one to turn to... no one to guide us...

That’s why I believe this document is so important for as you deal with tragedy and grief, it is there to help you through. As you try to navigate this most difficult time, it gives advice on important things you should know, things that you should consider, including your right to information.

I am sure you will find this to be a powerful resource and I commend this guide to you.

Peter Frazer
President, Safer Australian Roads and Highways (SARAH)
his masterpiece is not only going to serve the victims and their families but also the officials and governments who are generally lacking both the information and knowledge. Being a Global document this would certainly help the civil society and NGO community especially our members to push the governments in their respective countries to develop policies for this utmost important but neglected area of Pillar five. By delivering this global document the IRVP is assisting all the agencies and organizations working for Post crash care and justice for road victims.

Harpreet Singh
Avoid Accident, India

A Guide for Victims is needed in every country because when a loved one is killed or seriously injured in a car crash it’s as if a bomb explodes. You cannot think or act clearly at the moment when you must do so because if not, important information which will be essential for investigation might get lost. This happened when my dear son Kevin Sedano was killed at the age of 14 in a hit-and-run car crash. If I had had a Guide, my family and me wouldn’t have felt so lost. Trying to find our way in the Justice system made us feel revictimized over and over again.

Viviam Perrone
Co-founder Asociación Civil Madres del Dolor, Argentina

I think a guide like this, with specific details for each country, is extremely important. When my precious 23 year old son Chas was killed in 2005 by a woman who had been drinking, I realized very quickly that the post-crash investigation was seriously compromised and I had no idea at all how to proceed from there. The police seemed to treat this as an “accident” and not a crime, it seemed like there was a lack of understanding of the seriousness and preventability of crashes, great sympathy was shown to the accused and there seemed to be corruption involved so accurate collection of data was not done. There were no guidelines on the court process for us and I realized very soon that victims have no rights and are not allowed a voice. Due to administrative errors, the drink driver, who was 4 times over the legal limit, was found not guilty. The incompetence, lack of guidelines and court proceedings all acted to re-traumatize our family.

Caro Smit
Founder, South Africans Against Drunk Driving (SADD)

This IRVP checklist enables national victim’s organizations to create tailor-made country guides, allowing bereaved families to focus all their attention on their deceased loved ones.

Joop Goos, MSc
International Road Safety Expert and Director at Goos Consultancy, Netherlands
Losing a loved one in a road crash is a shattering and devastating experience. Losing a loved one to a road crash in a country other than your own compounds the confusion, bewilderment and inability to act. The creation of a guide for families bereaved by road crashes will be an invaluable and long overdue resource for those of us confronted with trying to negotiate the complex, convoluted system, or lack thereof, in our search for fair and equitable investigation, prosecution and justice. We are deeply grateful for this vital support.

Rochelle Sobel
President, Association for Safe International Road Travel, USA

My lovely 18 year old son Darren was killed while travelling to college in 2006. Losing a child is the worst thing that can happen to any parent, but to lose them where their death could, and should, have been prevented is very hard to accept. When matters are made worse through the lack of support and information, and the bereaved being kept very much on the periphery of a system which fails to meet their needs, it serves to compound their grief and suffering, and can lead to re-traumatisation.

In compiling this Guide for Bereaved Families, we hope to help alleviate the suffering of this huge group of traumatised people, road traffic victims and their bereaved families. We hope that this Guide, which outlines the key issues to be considered, will help to ensure that the unfortunate victims and their families can better understand the full circumstances surrounding the sudden and unnatural death of their loved one, with all of the contributory causes of the fatal crash being determined by the police in a thorough investigation, and that it will also help them in their quest for adequate and fair compensation for their loss and suffering.

We hope that the guide will also enable bereaved families to receive some semblance of justice, where their loss may have been caused by another law breaking driver, or another act or omission which contributed to the crash, which could have been avoided.

In pursuing answers to their many questions, bereaved families can help prompt a thorough and timely police investigation into their loved ones death, with all evidence gathered and preserved. Families should not be afraid to ask questions. They need to know what happened. A thorough police investigation not only forms the cornerstone for justice and fair compensation for the unfortunate Victims, but it also helps to ensure that global road danger reduction and preventative efforts are evidence based. An analysis of collision data, and the evidence gathered in the aftermath of the crash, will also assist in necessary legislative reform based on that evidence being introduced.

Donna Price
Founder & Chair, Irish Road Victims’ Association, Ireland
In an ideal world this guide would be completely unnecessary. Society itself should already operate on a system of consolation, support and care and take the devastated families by the hand to lead them to the path where justice shines and at least calms the soul and relieves the harsh investigation process for the shocking loss.

Our world is not angelic however, and the devastated citizens, left behind each and every year- by the more than 1,350,000 people who die on the streets of our planet, become ghosts of themselves, astonished lonely acrobats between two worlds: the celestial and the terrestrial, while they become a prey of the processes that follow a deadly road crash. In 2011, August 7, I lost my precious 20 year old son Stratos an early morning drowsy driver soldier on duty trying to catch his shift at the army camp. A case full of mistakes in every involved field that caused 9 years of costly and painful trials I could avoid if “I knew better”...

In Greek there is no word to describe the parent who buries their child and in addition the unexpected, unjust, sudden and preventable death is the deadly shot. Somewhere there this huge need dawns, and those of us who have experienced life after a carcrime are proud of this guide which is necessary step by step not only to people who are mourning but also to those who do not know how to behave in bereaved families. When the state does not properly show interest then NGOs have a sacred duty to put things in the right order.

Katie E. Makri
SOS ROAD CRIMES Panhellenic Association for Road Victims, Greece

Victims have a right to be heard and to share the impact on their lives that a criminal road crash has caused due to the loss of a loved one or personal life altering injuries. This guide developed by the IRVP is an excellent articulation of best practices around the globe. The guide gives road safety agencies and victim based groups a template to improve victim's rights and services in their respective countries. The focus of this guide is clearly on supporting road crash victims and holding public agencies accountable. Victims of criminal road crashes deserve the right to accurate and timely information. In closing, I would like to thank the IRVP and their guidance to making this guide a reality.

Andrew Murie
CEO, Mothers Against Drunk Driving (MADD), Canada
The World Health Organization and the wider international road safety community are committed to eliminating preventable deaths and injuries from road traffic crashes which each year take the lives of over 1.35 million people and injure many millions more. Road traffic injuries are now the number one killer of our youth aged 5 to 29 years, and they leave millions of families grieving and impoverished. The lack of safety on our roads constitutes a significant health and development concern.

Society’s complacency has contributed to this preventable epidemic of road traffic deaths. We hear little about the human suffering road traffic crashes cause because the daily toll of 3700 lives lost tends to occur as individual tragedies, with families left behind to navigate a new “world of hurt”. In some countries, this complacency can also be found in the justice system which too often approaches fatal road traffic crashes as unfortunate incidents, rather than as the crimes caused by law-breaking road users that they often are.

While road traffic deaths are usually caused by the actions of one individual, the way the government and the justice system respond can be perceived to reflect the priority which they accord to road safety and to the lives ended prematurely in road traffic crashes. Sadly, in many countries, this priority is not high.

The United Nations and its Member States have committed to halving road traffic deaths and injuries during the Second Decade of Action for Road Safety 2021-2030. Without concerted action, we know that millions will continue to die. Each death will shatter a family, emotionally and, in many cases, financially. Civil justice in the form of compensation can greatly assuage bereaved families and those who have been seriously injured.

The post-crash response has been rightfully recognized as one of the key pillars to reducing the devastation of road traffic crashes. This is more than medical care and includes information and support for victims, with steps taken to avoid any further secondary trauma for victims and their families, as well as road safety efforts to prevent other such tragedies.

The Guide for Families Bereaved by Road Crashes is based on the lived experience of families affected by a road traffic crash, many of whom have gone on to dedicate themselves to sparing other families this suffering. The guide provides a checklist of questions that all families would wish to have answered when confronting the sudden loss or severe injury of a loved one, from questions about emergency response and medical treatment through to questions about civil compensation. As the post-crash response differs across countries, the answers to these questions would provide the basis for national guides for families bereaved by road traffic crashes.

The World Health Organization welcomes this much needed resource developed by the International Road Victims’ Partnership and hopes that this useful tool will help NGOs and local organizations develop their own guides in their local languages. This will ensure that bereaved families and the seriously injured are not isolated and alone, but instead feel informed and empowered in dealing not only with the sudden death or serious injury of their loved ones, but also with the legal processes which may follow and which they know nothing about - and at a time in their lives when they are grieving and least able to cope.

As we embark on the Second Decade of Action for Road Safety 2021-2030, we must continue to strive towards ensuring a more appropriate and just response for those bereaved as a result of road traffic crashes, and ultimately making our roads safe for all.

Dr Etienne Krug
Director of the Department of Social Determinants of Health
World Health Organization
Section 1:

Introduction
Background

Every day, over 3,700 people are killed in fatal crashes on the world’s roads, leaving behind 3,700 bereaved and devastated families. No family is prepared for this. Road traffic deaths occur in daily life activities that, on that day, are life ending. The ease at which they could have been avoided - a few seconds, a few metres, a different vehicle, a more careful road user, improved infrastructure - makes their occurrence all the harder to bear.

Over 500 children are killed every day on the roads of the world. Road traffic injuries are now the number one killer of our youth aged 5 to 29 years. However, those killed in crashes are more likely to be adults, often the bread winner for the family, with immediate financial consequences. On top of dealing with the sudden, violent and unnatural death of their loved ones, families are thrown into the unfamiliar territory of the justice system with police investigations, Coroner’s inquests, criminal prosecution, and civil compensation procedures. They are not prepared to deal with these processes and support systems are often lacking, with the bereaved left to cope on their own. This adds to their pain and suffering and creates secondary trauma.

However, road safety efforts have traditionally focused on prevention, with little regard for the post-crash consequences other than immediate medical care. But progress was made with the Global Plan for the Decade of Action for Road Safety (2011-2020), which included the Post-Crash Response as a key pillar with activities encouraging support and justice for victims.

This Publication

The International Road Victims’ Partnership (IRVP) has produced this guide for organisations writing their own guide for families bereaved by road traffic crashes. It is not possible to produce one guide that would apply to all, or even multiple, countries. because procedures with investigation, criminal prosecution and civil compensation vary, as do support services but the need for information remains the same.

IRVP’s guide therefore contains a checklist of questions to be considered by bereaved families, which we have compiled in order to assist organisations developing their own guides. Not every question will apply nor have to be answered for the bereaved families in every country. Information on the rights of bereaved families is presented throughout this report, as are deadlines and costs.

IRVP

Established by victim advocates in 2018, IRVP is a partnership of NGOs from all regions of the world. They have come together to campaign for road safety efforts and the inclusion of the post-crash response by the justice system. It is not enough that road safety prevents crashes, it must also address the needs of those casualties which could not be prevented. IRVP has grown to over 125 members and is a member of the United Nations Road Safety Collaboration, European Transport Safety Council, and the Parliamentary Advisory Council for Transport Safety in the UK.
Victims are not collateral damage. They deserve recognition, information and support.

Victims need to be recognised as such.

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 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, 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.

IRVP’s first report was on Road Death Investigation (2018), followed by Victims’ Rights Global Survey Report (2019) and Hit and Run Global Survey Report (2020). All three reports called for information and support for bereaved families to assist with their understanding of what happens after a road death and in their interaction with the justice system. This IRVP guide builds on these calls.
How this Guide was Produced

A draft list of questions was produced and agreed by the IRVP board. A smart survey was then circulated to IRVP members, friends and consultants in English and Spanish. A total of 48 organisations responded, with representation from all six WHO regions (see Appendix A). IRVP would like to thank all of the respondents for their valued input and assistance with ensuring this guide is comprehensive and useful for a wide range of countries.

The need for this guide was reconfirmed with only six organisations reporting that guides for families bereaved by road traffic crashes already exist in their countries. It is IRVP’s intention therefore to translate this report and have it available in all six UN languages. And whilst this guide applies to families bereaved by fatal crashes, much will also apply to those who have been seriously injured. IRVP also intends to produce a separate guide for the seriously injured.

Authors

This guide was written by Amy Aeron-Thomas and Donna Price.

Amy is an IRVP Board member and Justice Advisor. She has written justice guides for bereaved and injured families in England and Wales where she was the Advocacy and Justice Manager for RoadPeace, the national charity for road crash victims in Britain.

Donna founded the Irish Road Victims Association (IRVA), the national charity for road victims in Ireland, after her son Darren was killed in a crash. She has written IRVA’s guide for bereaved families and was appointed to the board of the Road Safety Authority in Ireland. Donna is founder and co-chair of IRVP and hosted the first global conference for road traffic victims, and the inaugural conference for the IRVP in Mullingar, Ireland.
Before Writing your Own Guide

Few families will be aware of what happens after a road traffic death. This includes the procedures involved in police investigation, Coroner’s Inquests, criminal prosecution or civil compensation (if any). At the time families need this information, they may be still reeling from the shock of the sudden death of their loved one.

Guides for bereaved families can help them navigate these unfamiliar territories. They should explain basic procedures, costs, deadlines and potential risks, the likely timeframe, who decides what, and what rights the bereaved family has. This information needs to be clearly and sensitively presented.

Section Two includes IRVP’s guide for organisations to consider. It offers a draft introduction and key questions to consider on each of the key post-crash areas. IRVP encourages organisations to remember the following key points when producing their own a guide.

Writing the Introduction

• Begin with empathy and offer condolences. Any family needing your guide will be grieving.
• Encourage families to have a friend or relative also read the guide. Immediate family may be too traumatised and find it difficult to absorb new information. Friends or extended family can help them understand.
• Be clear that the guide aims to explain basic procedures and identify where they may have legal rights. But it is not legal guidance. Families should be encouraged to consult with a lawyer.
• The guide should highlight where the bereaved may face costs for information, such as for a copy of witness statements, and also key deadlines to remember.
• Explain how this guide was developed, including how police and others were consulted, and how often it will be reviewed.
• Be clear and state if your guide was funded by a company or an organisation.

Tone and style

• Text must be easy to understand, and ideally written in the local language.
• Include quotes from bereaved families throughout — “humanise” the guide.
• Ask for feedback from families to help with ensuring it is useful and sensitive—give families a chance to help other families.

Organisational Information

• Introduce your organisation and the support services it provides.
• Include a foreword from a bereaved family or a key government official.
• Include a table of contents and a glossary of key terms or abbreviations.
• Consider putting the guide in a pack that includes:
  - leaflets on your organisation or other support services available;
  - business card of a representative of your organisation; and
  - contact details for key officials, i.e., police, coroner, prosecutor, forensic engineer, counsellor, lawyer, or space for these to be written down.
Section 2:

IRVP Guide for Bereaved Families
Introduction

If you are reading our Guide for families bereaved by road crashes and have been affected yourself we would like to begin by offering our sincere condolences to you and your family.

Losing a loved one in such a sudden, violent, and unnatural way brings our world crashing down around us, and while grieving their loss, often the death of our child or partner, we are thrown into dealing not only with our terrible loss, but also with the horrific aftermath which we know nothing about. We didn’t ask to be placed in this situation, where there is little support available to us, and where there is so much at stake.

We hope that this Guide, which was not available to us at the time we were dealing with the death of our loved ones, will assist you in dealing with the horrific aftermath of your loved one’s death, and that it will prompt you to engage, particularly with the legal processes which follow, and assist you in your quest for information around the circumstances of your loved one’s death and how their death could, and should, have been avoided.

Getting answers to the series of questions in the Guide, where applicable to you in your Country, will not only help you understand the causes or contributory factors which gave rise to the fatal crash in which your loved one lost their life, but will also be vital in ensuring that lessons are learnt from your tragic loss. Determining all of the contributory causes of the crash will also assist road safety efforts so that future deaths can be prevented.

The Guide will, we hope, prompt you to ask questions during the Police investigation and the legal processes which follow, including a possible public hearing or inquest into the death, or a criminal or civil hearing. A thorough investigation into the death of your loved one, should also help to ensure that there is some semblance of justice for your loss. Don’t assume that this is done in every case, sometimes it takes our own persistence with our questioning, and we hope that our guide will enable you to meaningfully engage with this process. In getting answers to our many questions, we hope that it will help you avoid being further traumatised in a system that largely fails the unfortunate Victims and their families, who are kept very much on the periphery of police investigations and hearings forming part of a criminal justice process which fails to meet their needs, with little information and support to help them or provide comfort to them in their darkest hours.

Regardless of whether there is a prosecution following the death of your loved one, we hope that in getting answers to your questions, and in understanding the full circumstances surrounding their death, that your pain will be alleviated. We hope that you can rest assured knowing that there has been a thorough investigation, and that lessons have been learnt by their needless death which will assist with prevention efforts. This means that our loved one’s death was not in vain - so important to the bereaved.

We dedicate this guide for bereaved families to the memory of our loved ones killed on the roads of the world, many through no fault of their own. May they rest in peace.

In their honour we pledge to work to save further needless loss of life and serious injury, and for improved information and support services for the unfortunate victims and their bereaved families.
Victims’ Rights

Many countries now have victims’ rights legislation or policies which specify how victims of crime should be treated. These include their rights to information about the investigation and prosecution, rights to support, how victims (or their bereaved families) can participate in the court process, and which organisation is responsible for ensuring victims receive these rights.

It may not be clear when these rights apply to families bereaved by crashes. They should start from the reporting of the crash, but some countries may wait for an arrest or for a driver to be charged and prosecuted before bereaved families of road traffic crashes are treated as victims of crime. Victims of fatal road traffic crashes should be treated the same as other victims of crime. It should be assumed that a criminal offence has occurred, and they should be treated as a victim of homicide, unless and until the contrary is proven.

Guides should clarify what families bereaved by road traffic crashes can expect to receive from the government in terms of information and support, and the timeline for the provision of this support and information.

Rights and Government Policy

- Is there a government policy or law stating how victims of crime, including victims of road crashes, are to be treated?
- When do families bereaved by road traffic crashes start being treated as families bereaved by crime? For example, is it from the first point of contact with the police or does a driver need to be arrested?
- What rights or statutory entitlements do bereaved families have after a road death investigation? — such as:
  - Are police required to keep families informed of the investigation progress and provide regular updates?
  - Is a family liaison officer appointed by the police?
- Do families have the right to see or obtain a copy of:
  - A post mortem report?
  - Witness statements?
  - Driver statement?
  - Collision investigation report?

Note: This information may be repeated in further relevant sections.
Emergency Response and Medical Treatment

Families will want to know how their loved one was treated after the crash and what medical assistance was provided. Police are unlikely to be the first on the scene and may only arrive after the victim has been taken away. Understanding what happened in the last few minutes of their loved one’s life can help prevent families from imagining the worst.

At Scene

- How can families find out how the death occurred, including who reported it and who responded?
- Who should they contact—police, ambulance, hospital, insurance company?
- How can families find out if their loved one was conscious or spoke after the crash?
- How can families find out who, if anyone, was with their loved one after the crash?

If there are laws that may have influenced what happened at the scene, these should be explained, e.g., laws requiring people to assist someone seriously injured in a crash or laws protecting “Good Samaritans” from being expected to pay for hospital treatment or being sued.

Transport and Medical Treatment

- Can families contact the ambulance team for information?
- How can a family find out about the treatment given to the victim at the scene, during transit or at the hospital?
- Are there any guides or organisations that can help if the family fear the treatment provided, or the delay or absence of timely rescue and response contributed to the death? If yes, provide details.
Road Death Investigation

Thorough collision investigation is crucial. It is needed to detect any criminal culpability, ensure civil compensation is determined fairly, and enable prevention programmes to be based on an accurate understanding of collision circumstances.

But traffic policing is not a priority for police in most countries, and the resources allocated to road traffic death investigation reflects this. In addition, there may not be a national police service with independent police services at the regional or local level. So road death investigations can vary within a country. The uncertainty and the importance of a road death investigation leads to many possible questions.

In Britain, the Road Death Investigation Manual, launched by the Association of Chief of Police Officers (ACPO) in 2001, stated that police in Britain were to treat a road death as an unlawful killing until the contrary is proven (ACPO, 2001).

Police Investigation Overview

- Explain if the police follow an agreed manual or standard procedures when investigating a road death?
- How many and which officers will be involved in a road death investigation?
- How long does the police investigation usually take?
- Will the police approach the scene as an unlawful killing, until proved contrary, or will they approach it as an “accident”?
- Is there any oversight of the police investigation? If yes, who provides this oversight?

At Scene Investigation

- Which police attend the scene?
- When will a specialist collision investigator be called to attend the scene?
- Will the scene of the crash be closed off and evidence preserved?
- How long will the scene be closed off?
- Who is responsible for determining what is done at the scene, including identifying witnesses, preserving evidence and reopening the road?
- What evidence and information do they collect at the scene?
- How do they photograph or video the collision scene?
- What do the police do if the driver leaves the scene? Explain how the police follow up on a suspected hit and run?
- What happens if the victim dies in hospital or days later, i.e., when do the police assign a specialist collision investigator?
- Is a forensic collision investigation report compiled?

If you can afford it, you may want to consider hiring a private forensic engineer to examine the crash scene, liaise with police and produce their own independent investigation report. Police are often reluctant to share their reports apart from with other statutory bodies.
Driver Investigation

REMEMBER
Investigation procedures and standards can vary, including with testing for driver impairment. Be sure to clarify if testing for drink/drug driving is mandatory. For instance, in Ireland, police are required to test for drink and drug driving in all fatal and serious injury crashes. This is not mandatory in England and Wales. And in Germany it varies by state with the public prosecutor’s office in Bavaria requiring all road deaths to be tested for drink/drugs whereas in other states, this is only done if there are grounds for suspicion.

- Will the driver
  - be tested for drink driving and drug driving?
  - have their eyesight tested?
  - have their mobile phone checked or taken into evidence?
  - have their driving license and driving record checked?
  - be asked about how long they have been driving and any rest breaks?
  - be asked about how long they have been awake and how long they slept the previous night?
  - be asked about their familiarity with the route?
  - be asked about any medication they might have taken?

- Are any of the above mandatory or do police have discretion?
- When will the driver be interviewed?
- Will the driver be invited to an interview or can they give a prepared statement? Explain any rights drivers have not to incriminate themselves and whether they are advised of these rights in advance of their statement being taken.
- Will mobile phones records be checked with telephone service providers? If yes, is this mandatory?
- For commercial drivers, are their tachographs, rest periods and working rosters checked?
  - If yes, is this mandatory?
- Is an interpreter provided, if requested or required by the driver?

Driving bans. Will the driver be allowed to drive after the fatal crash? Does this depend on if they have been arrested on suspicion of causing the fatal crash? Families often want to know if the driver is still allowed to drive. Driving licences are often not withdrawn until there is a conviction and court order.

Vehicle Investigation

- Will all vehicles in the collision be examined?
- If yes, will this be at the scene or will they be impounded for examination?
- Will these checks be carried out by specialist officers?
- What checks will be done on the vehicle to see if a vehicle defect contributed to the crash? These could include brake failure or tyre condition.
- Will the vehicle be checked to see if it has an event data recorder (black box)?
- For commercial vehicles, will the tachograph and all its charts be examined for evidence, including for any tampering, etc?
- If yes, is this mandatory?
- Will the vehicle fitness certificate, i.e. MOT, or other vehicle examination records/history be examined?
Vehicle Speed
- How will the speed of the vehicle be determined?

Victim Investigation and Belongings
- Will the deceased be tested for drink or drugs through a post mortem?
- What background checks will be done on the victim? Will the family be asked about their familiarity of the road or how long they have been driving/riding?
- Will the family be asked to give a statement?
- Will the victims’ mobile/smart phone (if any) be checked?
- What happens to the victims’ belongings? When will these be given back to relatives? Will families be asked if they want them cleaned or returned without cleaning?

Witness interviews and video evidence
- How are witnesses identified?
- How quickly are witnesses interviewed?
- Will the police make an appeal for witnesses? If yes, can families help with this and what is permissible?
- Will interviews be done face-to-face, over the phone or by post?
- Who writes down the statement? The witness or the Police?
- Are witnesses allowed to change their statement? If so, when can this be done?
- Will CCTV cameras be checked at the scene or along the route?
- How long is film kept in roadside or shop CCTV cameras?
- Will police appeal for dash camera evidence from drivers?

Collision Site Investigation
- Will the collision history of the site be reviewed?
- Will the maintenance record of the site be reviewed? Note, this should include a review of road maintenance records to determine if there were any concerns about the condition of the road, i.e., pot holes, skidding, drainage issues, signage, etc.
- Will the concerns of the local community be considered, such as if there had been calls by local communities for road safety improvements such as pedestrian crossing or reduced speed limit?
- Which agencies will carry out an examination of the scene? Police? Local Authority Engineers? Insurance companies?
- Are Police and Local Authority Engineers’ reports made available to the suspect driver, bereaved families or motor insurance companies?
  - If yes, to whom and when is this done?
  - Is there a fee incurred?

Information for Bereaved Families
- What information is given to bereaved families explaining what the police and other government officials do after a fatal crash? Who provides this? When will families receive this information?
- Are there any legal rights or policies that define what families are entitled to with a road death investigation, such as information and support?

In Chile, it is possible to track the progress of the investigation online. This makes it much easier for families to find out the status of the investigation.
• Do the police assign a police officer to keep families informed of the investigation and any prosecution? If so, is this police officer also expected to collect information from the family on the victim? Note, this needs to be made clear to the family as police family liaison officers also have an investigatory role.

• Will an interpreter be provided, if needed?

• What help can be provided for families with disabilities, such as loss of hearing or impaired vision?

• What information about the crash or victim will be reported publicly and when?

• Are there any restrictions on what can be posted on social media?

• Can families get a copy of the collision investigation report? If yes, when? Is there a fee for this?

• Will the police update families on key developments?

• Can families bring a lawyer, engineer or friend with them to any meeting with the police?

• What can families do if they are unhappy with their police contact?

• Are police reports, photos and a map of scene, point of impact, etc., given to the family and explained to them?
  - If yes, at what stage?
  - Is there a charge applied for the provision of this information?
  - Is this information provided in a timely manner, e.g., in advance of any inquest/public inquiry into the death?

• If the family are unhappy with any aspect of the police investigation, can they complain? Where can they go to make a complaint?
  - If yes, is there any support available to them in doing so?

### Deadlines

• Are there any deadlines with the investigation that families need to know?
  - Does the police investigation have to be completed within a set time frame? For homicide offences there is generally no time limit, but for statutory offences such as speeding or mobile phone use, time limits of six months from the time of the offence are not uncommon.
  - Are there any time limits on making a complaint about the investigation?

### Collision Reporting

• What statistics/data are collected on fatal crashes?

• Does the police collision report form include asking about contributory factors, e.g., what the police think caused the collision? Families may want to know what the police initial assumptions are about culpability - and their basis. It is very important that the reported contributory factors are evidence based.

• Is there any time limit on when a road traffic death is included in the official statistics as a road traffic death. Note this may be limited to deaths occurring within 30 days of the crash (police and transport databases), with those surviving over 30 days excluded from road traffic death statistics but included in vital registration (health death data).
Inquest/Autopsy

- Will an autopsy be conducted on the deceased? If so, when will the family receive the report and will they have to pay for this? Will this report delay them getting a death certificate?
- Will there be an inquest or public inquiry into the road traffic death? Is this led by a coroner or forensic pathologist?
- What is the purpose of these – is it to explain the circumstances of the death, or does it also help contribute to preventing future deaths?
- Will a jury be appointed?
  - If yes, who chooses the jurors?
- When does an inquest or inquiry happen?
- When will a full death certificate be provided to the family?
  - Can an interim certificate be provided?
  - When, and under what circumstances?
- What are the family’s rights?
  - How can they participate in the inquest?
  - Can they speak about their loved one?
  - Can they ask questions?
- Is the family fully informed in advance of the hearing - to enable them to meaningfully participate and or take expert opinion/advice?
- Does the driver have to attend and answer questions? Are they advised in advance that their replies may incriminate them?
- Will the bereaved family and the driver be legally represented? Who pays for this?
- What evidence is placed on the public record?
- Is the inquiry restricted to hear only certain evidence and/or avoid apportioning blame? e.g., to the where, when and how the death occurred?
- Will a public inquiry into the death proceed if there has been a criminal trial?
- Must the public inquiry into the death reflect the outcome of the criminal trial?
- Will the inquest report or inquiry record be supplied to the family?
  - If yes, when will the family receive a copy?
  - Is there a fee?
- Can any verdict be appealed?
  - If yes, where and when?
- If the verdict is to be appealed and judicial review is an option, is there any support available to the family in pursuing this option?
Criminal Prosecution and Sentencing

Road traffic deaths may be caused by momentary driver error or from a driver showing extreme and extended disregard for the risks to others, and all points in between. They can also be caused by human error with road design but this section focuses on where drivers are suspected of causing the fatal crash.

How these deaths are treated by the justice system varies, but too often they do not receive the same priority in the justice system and society as do other violent deaths. Rather, these are treated as a lesser type of crime. This can result in less professional or serious prosecutions with charges and sentencing which do not reflect the taking of a life, e.g. driver prosecuted for ‘careless driving’ with no mention of the fact that a death has occurred.

Criminal Prosecution – Pre Court Trial

- What criminal charges apply or which prosecutions are taken when a driver has caused a death, and what sentences do they carry?
- Which is the most serious criminal charge for causing a death by driving? Is this a homicide offence?
- Who decides if there is to be a criminal prosecution?
  - How is this decision made?
  - Is there any oversight of this decision?
- Do the police have the authority to decide there will be no prosecution or must this decision be made by another authority (such as a Prosecution Service)?

Court Trials

- How long before a court prosecution happens (on average)?
- How many days does a court prosecution take on average?
- When will the family know if they are to give evidence?
- Are witnesses allowed to see their witness statement before trial?
- Will there be a specialist prosecutor for a causing death by driving trial?
- If the charge is downgraded during the trial or upon conviction, will the families be informed of the reasons why and the impact on sentencing?

Sentencing

- How are sentences decided?
- Are there sentencing guidelines for judges to follow?
- Can the sentence be reduced for a guilty plea? If yes, by how much?
- Is the sentence reduced if the offender claims remorse?
- Will the sentence be given on the day of conviction or sometime later?
- What rights do the offender and the bereaved family or prosecution have to appeal the sentence or conviction?
- What is the time limit for sentencing appeals?
REMEMBER
Try not to just give the maximum sentences allowed in law when it is well known these are almost never used and of little relevance. Minimum sentences are more relevant than maximum sentences. If available, include information on the number of fatalities, the number resulting in a prosecution, the number of convictions, and how often drivers are imprisoned and for how long.

Deadlines
- Are there any time limits for criminal charges to be prosecuted?
- Are there any time limits for families to appeal the decision not to prosecute?
- Are there any time limits for families to appeal the sentencing?

Where there is a Prosecution
- Are families represented at the criminal court?
- Will a pre-trial visit be arranged to the criminal court so the family can be better prepared?
- Will the bereaved family get to meet the prosecutor before or at the trial?
- Will there be separate sitting and waiting areas for bereaved families and friends of the accused?

If a Decision is made not to Prosecute
- What rights, if any, do the family have to appeal if they are told there is to be no prosecution? Please clarify if this depends on the criminal charge.
- What information can the family see before they decide if they want to appeal?
- Is the family entitled to a meeting to discuss this?
  - If yes, who will they meet?
- Can families bring a lawyer, engineer or a friend to any meeting about the prosecution?
- What time limits apply to appealing a decision not to prosecute? How much time will families have to take professional advice before deciding to appeal?

In Ireland, An Garda Síochána (the Irish Police service) has been placing victims of crime, including road traffic crime, at the heart of its policing service. It has opened 28 Victim Service Offices – one for each operational Garda Division. There, the Victim Service Offices staff are responsible for communicating with victims of crime, and prioritising their needs. Their role is to keep victims and their bereaved families informed of all significant developments associated with their case, as well as provide contact details for relevant support/counselling services.
Court Trials

- Will the family receive travel expenses if they attend the trial and sentencing?

Victim Impact/Personal Statements

- Will the family get to make a Victim Impact/Personal Statement?
  - If yes, what can this statement include?
  - Is this statement given in writing or is it an oral statement, or both?
  - Is there any limit to this statement in terms of how long it is?
  - How many statements can a family provide (provide number)?
- Can a statement be changed or updated?
- Are family allowed to read it out loud at the sentencing?
- Can the Victim impact statement be read by the police or the legal representative of the family?
- Where can bereaved families find out more about victim statements and ideally, see examples?

REMEMBER
The Victim Impact/Personal Statement may be the only chance for bereaved families to be heard in court. It is important that they know how to use this opportunity and what they can and cannot say.

Appeal

- What rights do the bereaved family have to appeal the sentence or conviction? How do these vary from the rights the offender has?
- Is there any support provided to the bereaved family? If yes, who should the family contact?

After Sentencing, including Parole Hearings

- Will the family be informed when the offender is released from prison? Do families have to ask to be kept informed or is this done automatically?
- Are the bereaved family able to oppose early release of the offender or ask for conditions to be imposed on their release? Will they be able to make a statement?

Restorative Justice

- Will bereaved families have the option of meeting the offender to discuss the impact on them?
- Is restorative justice handled out of court or is it part of the court process?
- Where can bereaved families find out more information about the restorative justice process?
Civil Compensation and Financial Assistance

No money can compensate for a death. But road traffic deaths bring financial losses as well as emotional ones and financial compensation is important. This is especially so when the victim was the main income earner for the family.

Families need information about their rights as well as any deadlines and restrictions, such as if liability has to be proven. Some countries will have government agreed amounts for fatalities, i.e., bereavement claim or fatal damages. Families may decide to settle for private compensation from the driver but at least they should know the alternative.

Civil Claims
• What information is needed to start a civil claim?
• Has the family been informed of any reasons for using a specialist personal injury lawyer?
• What information are the police able to provide?
  - Is there a charge for this?
• What are the stages involved with a compensation claim?
• What are the different kinds of damages that bereaved families can claim?
• Is there an agreed amount for bereavement damages for certain victims?
• How can bereaved families get an “interim” claim, with money released to them before the claim is finalised?
• Does the civil compensation claim start after the criminal prosecution or do they coincide?

REMEmber
Families need to know if there is a statute of limitations (time limit) on making a civil claim. Families may assume the criminal case takes precedence but the time limit will refer to the date of the crash—not the completion of any criminal case. Families should be aware of this deadline and advised of the consequences of missing it which can be catastrophic.

Costs for Families
• What are the financial risks with a civil compensation claim?
• How much are court fees and who pays these?
• How and when are lawyers paid? Do lawyers receive a share of the compensation?

Rights of bereaved families and information
• Where can the bereaved family find more information about the civil compensation process? Provide information and contact details on any government grants or charities that help with funeral expenses (including repatriation), medical treatment or other expenses.
• Are there any lawyers providing a pro bono service or taking cases on a ‘no win no fee’ basis?

REMEmber
Compensation claims can take a long time to settle. Families often have to decide if they can afford to wait for a chance at a fairer offer. Be sure families know if an interim claim can be obtained, without jeopardising their rights in any court hearing.
### Deadlines
- What time limits are there for a civil compensation claim to be laid?
  - Has the family confirmed they are aware of this time limit?
- Is there a deadline on when either side has to accept an offer? What happens if this is missed?
- Is there a time limit on when the money has to be released after the compensation has been agreed?

### Financial Assistance
- Where can families find more information on civil compensation?
Emotional Support and Coping

A road traffic death is a sudden, violent and unnatural death. Road traffic deaths occur without warning and cut lives short prematurely. Without an inherited or medical cause, road deaths appear much more random and easily avoidable. The fact that their loved one’s death was totally preventable causes families much additional anguish.

The grieving process is also different than that with natural deaths. The criminal justice process can take months, if not years. Families may be denied information about the circumstances of the crash. There may be a long wait before they learn if someone is to be prosecuted for causing the death or if their deceased loved one is to be held responsible for their own death. This uncertainty can cause families much additional suffering and can lead to retraumatisation and complicated grief.

Support services for families bereaved by road crashes need to be sensitive to the above, but it should not prevent them from being upfront and honest with the family affected. The grieving process can be expected to be affected by the post-crash response, including the investigation, as well as any prosecution and compensation claim, and also the response and attitude of the police, coroner, prosecutor, liaison officer, or that of the accused. The family’s anguish should not be compounded by this process, hence the vital importance of a thorough and timely post crash response, and sensitive but upfront and honest dealings with the traumatised victims’ families.

REMEMBER
If possible, try to put families in touch with other families bereaved by crashes as a road death can be a very isolating event. Peer support is of vital importance. It helps to know you are not on your own. Others can sympathise but only those who have suffered similarly can understand and relate.

Support Services

- Is there a helpline that bereaved families can call? If yes, provide details.
- Are there any local support groups able to help? If yes, provide details.
- Can the family have support from a psychologist?
- Are there any free services available in hospitals or through other charities/NGOs? If yes, provide details.
- Are there any support services available at court?
- Where can families find information on other sources of support?

Drink drive charities have produced much information on coping after a road traffic death. Their support leaflets are useful for all road traffic deaths. See the materials produced by MADD (Mothers Against Drunk Driving) USA, MADD Canada and SADD (South Africans Against Drunk Driving).
Rights and Expenses

• What rights to emotional support do bereaved families have? Do these depend on a criminal prosecution?
• Do families have any right to free counselling or support sessions?
  - If yes, can these be claimed through compensation?
• Families should be advised to retain receipts for any medical, travel, or other expenses as these can be reimbursed when civil compensation is being paid.

Coping with the Media

• Are there any restrictions on the press or social media about what can be reported in print or shown online?
• How can families ensure sensitive reporting?

Feedback and Complaints

• How do families provide feedback to police, prosecutors, courts, victims services?
• How do families make a complaint to these organisations?
• How can families help lessons be learned, including with training of police and prosecutors?
Road Safety and Sparing Others

Bereaved families often try to spare other families from the same devastation they have had to endure. This is especially true when the victims are young and/or the deaths easily preventable.

No pressure should be put on families to help others. This may take time and their first priority should be on their own coping and welfare.

Road Traffic Deaths and Recognition

- Include the latest annual number of road traffic deaths and explain if this is on the increase or decrease.
- Include the number of road traffic deaths expected in a month – remind families that they are not alone.

In Devon and Cornwall (England), Alison Hernandez, Police and Crime Commissioner, starts her road safety meetings with reading the names of those who have died on the roads since the last meeting. They then hold a minute of silence in their memory. At the end of the meeting, they are reminded of how many more will die before they meet again.

Road Safety and Opportunities to Help

- Inform families of any road safety plan or programme that is being implemented to reduce road deaths.
- Briefly explain the major causes of road traffic crashes - the user, vehicle and infrastructure.
- Is there a research programme that reviews the causes of collisions to reduce their occurrence?
- It is vital that any such research programmes into the causes of fatal crashes include all aspects, and all drivers involved, and not just the unfortunate deceased victims.
- Will the crash be investigated to see what could have been prevented? (This is not the purpose of the police investigation which focuses on identifying if any criminality was involved).
- Are the ‘causes’ shared in a timely manner in order to assist with prevention and further needless loss of life and injury?
- What happens if the crash was caused by a road defect?
  - Will the road engineer or transport manager be held accountable and prosecuted?
  - Does this ever happen?
- If resurfacing of the road is to take place, or changes in signage, is this done on completion of the police and forensic investigation?
- Provide families with contact details for more information, including how the contacts may be of assistance to them.
Appendix A:

Organisations that Responded by Country and Region
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<th>Region</th>
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<td>PROJECT C.A.R.E.S. (Community Activities Reaching to Everyone through Services) INC.</td>
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Appendix B:

Contact Details
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Appendix C:

Members of International Road Victims’ Partnership
“Ability People” India
“ACCTIVAS” Argentina
“Action Vision Zero” UK
“Africa Road Safety Organization for NGOs” Cameroon
“Alinagnon” Benin
“Al Montada Association for Road Safety” Morocco
“Arrive Safe” India
“ASIRT” Kenya
“Asociacion Civil Luchemos por la Vida” Argentina
“Asociacion Latinoamericana Rescate Vehicular” Colombia
“Asociación Madres del Dolor” Argentina
“Asociação Brasileira de Resgate e Salvamento” Brazil
“AMVIRO” Mozambique
“Asociación Para la Disminución de Siniestros Viales” Argentina
“Association de prevention routiere les amis de la route” Algeria
“Association Des Personnes Preferees” Cameroon
“Association for Safe International Road Travel” USA
“AFVAC” Cameroon
“Association Tariq Essalama Bejaia” Algeria
“Australian Road Rescue Organization” Australia
“Ava-Togo” Guinea
“Ava-Togo” Ivory Coast
“Ava-Togo” Togo
“Avoid Accident” India
“Bénin Road Accident Victims Association” Benin
“Beninese Youth Mouvement for Road Safety” Benin
“Bien Argentino” Argentina
“Brake” UK
“Brake” New Zealand
“Center of Consultancy for Road Victims” Romania
“Dinesh Memorial Road Safety Society Gift a Life” India
“Dr Amponsah Road Protection Agency” Ghana
“Egyptian Society for Road Safety” Egypt
“Efthita” Greece
“Families for Safe Streets” USA
“Families of Road Victims & Survivors Association” Philippines
“Fondazione Luigi Guccione” Italy
“Forum for Prevention of Road Accidents S.N.” India
“Foundation for Private Sectors Drivers Initiative” Uganda
“Friends of the Road (AFR)” Mali
“Fundación CAVAT Nicole Paredes” Ecuador
“Fundación Estrellas Amarillas” Argentina
“Fundación Por la Via Por la Vida” Colombia
“Fundação Thiago de Moraes Gonzaga” Brazil
“Globastorm Safety Foundation, GSAFO” Nigeria
“Goos Consultancy” Netherlands
“Grupo J.E.N” Argentina
“Healthy People” Rwanda
“Hope and Humanitarian Service Association” Cameroon
“Hope for Victims of Traffic Accidents HOVITA” Uganda
“Indian Federation of Road Safety” India
“Indian Head Injury Foundation” India
“Indian Road Safety Campaign” India
“InOutCister” Portugal
“Irish Road Victims’ Association, IRVA” Ireland
“Kwapda’as Road Safety Demand” Nigeria
“Les Ambassadeurs de la Sécurité Routière ASR” Tunisia
“Love 30” Canada
“Mothers Against Drunk Driving, MADD” Canada
“Malaysia Road & Transportation Safety Assoc” Malaysia
“Mexico Previene” Mexico
“Mohamed Shaaban Aly” Egypt
“Movimiento Contra el Exceso de Velocidad Letal” Chile
“Nasa Foundation” Nepal
“National Association Relief & Solidarity for Victims of RTAs” Greece
“National Council Society for the Prevention of Road Accidents” Palestine
“North American Vehicle Rescue Association” USA
“Nyankonton Aid Foundation” Ghana
“Observatório Nacional de Segurança Viária” Brazil
“Oli Best Road Safety Organization” Ghana
“One Crash Is Too many” Japan
“Organisation Malditas Picadas” Argentina
“OJISER” Ivory Coast
“OVILAM Observatorio Vial Latinoamericano” Argentina
“Pa.Vi.C.E.I Padres de Victimas” Argentina
“Patiala Foundation” India
“PATVORA” Nigeria
“Peoples Trust” India
“Post-Crash Care Foundation” India
“Prime View Safety Consult” Ghana
“Private Sector Road Safety Forum” Namibia
“Profesionales Para La Seguridad Vial” Chile
“Profesionales Para La Seguridad Vial” Argentina
“Profesionales Para La Seguridad Vial” Spain
“Project C.A.R.E.S.” Philippines
“Red Cuidarte Mas” Argentina
“ReJASer” Benin
“Rescue Organisation Ireland” Ireland
“RMR Foundation” Nepal
“RoadKraft” India
“Road Accident Information & Rescue Organisation” Nigeria
“Roads for Life” Lebanon
“Road Peace” UK
“Road Safe Sierra Leone” Sierra Leone
“Road Safety Advocacy & Victims’ Rights Organization” Ghana

“Road Safety Association” Indonesia
“Road Safe Trust” India
“Road Victims International” Ghana
“Safe Drive African Foundation” Nairobi, Kenya
“Safer Australian Roads and Highways (SARAH)” Australia
“Safe Roads Save Life” India
“Safe and Sustainable Travel” Nepal
“Sarkoar Ek Pahal” India
“Save Life Gambia” Gambia
“Save Life Liberia” Liberia
“Save the Nation Association” Ethiopia
“Securoute” Cameroon
“Shubham Soti Foundation” India
“Siraba Lakana” Mali
“Society of Road Safety Ambassadors” Botswana
“SOS Road Crimes” Greece
“South Africans Against Drunk Driving” South Africa
“South Africa Medical Rescue Org” South Africa
“SRDO Youth for the Road Safety” Pakistan
“Tecpremer” Argentina
“Telengana Four Wheeler Driver’s Association” India
“Trax” India
“Twenty’s Plenty for Us” UK
“Vereniging Verkeersslachtoffers” Netherlands
“Vision Zero” Canada
“World Association for Connecting People” Portugal
“YASA” Canada
“YASA” Lebanon
“You are what you do-Kouvidis” Greece
“Youth Association for Development” Pakistan
“Youth United to Work for Development of Bénin” Benin
“Zambia Road Safety Trust” Zambia
“Zavod Vosim” Slovenia
International Road Victims’ Partnership is a member of the UN Road Safety Collaboration, the European Transport Safety Council and the Parliamentary Advisory Council for Transport Safety.
IRVP is a Global Partnership of over 125 NGO members from all regions of the world. Our mission is to work together to reduce road dangers, to improve the post crash response, and to advocate for victims’ rights at regional and global level.