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SPECIFIC GROUPS AND INDIVIDUALS:
OTHER VULNERABLE GROUPS AND INDIVIDUALS

Written statement* submitted by the European Federation of Road Traffic Crash Victims (FEVR),
a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 January 2003]

*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

People Disabled by road traffic accident

According WHO, disability is a huge public health problem affecting, taking all causes together, at least 10% of the world population. From these more than 20 million people are severely disabled because of road traffic accidents.

Proper treatment and care of the disabled would represent an enormous burden to the public health services, therefore most of the care for these victims is left to their families, self-help groups and charities, or they are simply abandoned and left to fend for themselves. Often their life is miserable, full of pain, suffering and poverty, due to the disability itself and to discrimination and because they have to cope without adequate financial resources.

To improve this situation, in addition to medical care, the disabled need free juridical, administrative and practical assistance, to help them to find the material and financial resources, essential to provide them a decent life. Some countries have already introduced legislation intended to put an end to this discrimination by opening care and rest Centres and allowing new rights for the employment to the disabled.

The most tragic situation is that of the mentally disabled (due to brain trauma) who will need continuous care and assistance for the remainder of their life. Motor disabled people (often due to spinal trauma) may frequently, after rehabilitation, be able to undertake some activities, allowing them a certain independence. It is however necessary to provide them the necessary equipment (wheelchairs, artificial limbs etc.) and to adapt the surrounding in order to allow them to practice their mobility (fitting pavements, buses, trains, doors, lifts, toilets etc.) This would give them to access education, professional training and eventually to find a job.

Europe

The European Commission estimates that 37 million European are disabled taking all causes together, which represents 10% of the population. Which means that 25% of all European families have a member affected by disability. This substantial portion of our population is however underrepresented both in education and in employment and is not adequately integrated into our society.

In all European countries civil liability insurance is compulsory for all motor vehicles and practically all road traffic victims receive emergency medical assistance. Furthermore national health services provide a generally fair medical treatment.

However, proper rehabilitation, long time care for people with serious disabilities, especially of paraplegics, tetraplegics and brain injured is often insufficient and even non-existent.

United Kingdom

In many cases, the injuries are caused by road law violations committed by motorists, but often no criminal charges are brought against them. Even when a criminal prosecution is brought, the charge is almost always the mere summary offence 'Driving without due Care and Attention'. It completely disregards the consequences of the offence – death and severe injury. The law should acknowledge the fact of injury by making it central to the charge, as happens when injuries are caused in any other way.

If there is no criminal prosecution, damages claims, if possible, are more difficult. Victims may have to accept partial liability and a reduced claim. It is generally a long and difficult process, with insurance companies trying to disprove both extent of injury and loss.

The length of time to settle claims and difficulties in obtaining interim payments are the cause of extreme frustration and suffering for the injured and their families. The final settlements are often inadequate and result in life-long financial hardship.

Many people remain far more severely injured, or permanently disabled, because of inadequate early diagnoses, treatment and rehabilitation. A father of a severely brain injured 20-year-old writes: “After the initial six months, the National Health Service do little by way of ongoing therapy and visibly back off further as we try to supplement their failings with private treatment and equipment. They tend to have a very negative “he has reached a plateau” attitude.”

There is growing recognition, even from the insurance industry, that there is a need ‘for a complete overhaul of the approach to disability and for early treatment by the most appropriate professionals’.

Latin America: Argentina

When speaking of road victims, we mainly focus on fatalities. Without a doubt, being killed in a car crash is the most terrible consequence that may occur, but seriously injured people deserve equal attention. On many occasions, the physical and psychological damage from a traumatic event, such as a road crash, can be irreparable. Injured victims often have to undergo surgery, with no guarantee of a full recovery and many remain permanently disabled. Rehabilitation may be needed long-term, for physical as well as psychological damage.

Given the seriousness of the issues, it is imperative that road crash victims receive the compensations due to them as soon as possible. Although several steps and/or lawsuits need to be carried out, the procedures must be speeded up and reformed to make the payment of compensation easier. Injured people should not have to wait for a ruling - which may take at least two years in Argentina - to be able to pay for their operations or treatment. People with no means or support can only afford operations and other medical expenses from the damages received, yet the judicial system provides nothing but obstacles.

As members of the association Familiares y Víctimas de Accidentes de Tránsito (FAVAT), we consider that the problem of disabled road victims must be solved by bodies other than the - vital - judicial system. In Argentina, the cultural factors are very relevant. Traffic is chaotic: drivers do not respect lanes, speed limits or traffic lights. High speeds are encouraged in advertisements and TV shows. Education on traffic safety, fundamental to avoiding tragedies, virtually does not exist. Furthermore, caring about other people is not encouraged, leaving most of the disabled victims in a distressful situation. Authorities should play a more prominent role in respect of all these issues. This does not mean that citizens should be absolved from their responsibilities, but further means to decrease road casualties must be found. The whole society must commit itself to this purpose.

Africa: South Africa

In South Africa, besides poverty, which is often prevalent amongst persons with disabilities in rural areas, the biggest barrier to empowerment and re-integration is the lack of a transport system for persons with mobility impairments. There is no bus or train service that can cater for wheelchair users, apart from the recently launched Dial-A-Ride system in the Cape Town Metropolitan area. Minibus taxis often do not stop for people in wheelchairs as they fear the chair will take up another passenger's place and the loading too much time. Those minibus taxis that do stop usually charge double. Within the present infrastructure, disabled with own vehicles usually can stay in employment, while those without remain unemployed.

The lack of a transport system that can cater for the disabled also means that they also do not have access to skills training and education. Therefore the huge group of persons with disabilities (8%) who have been empowered by legislation (Employment Equity Act of 1998) to have the opportunity to work, do not have access to transport to get training or education in order to get the employment being offered.

Another cause of huge frustration concerns services delivered by the Department of Health and Department of Social Development. Many disabled do not have the assistance devices and mobility aids, such as wheelchairs (normal and electric) prostheses, callipers, etc. to allow them to be as independent as possible, despite being entitled, because Provinces control their own budgets and Provincial Departments of Health cannot afford to purchase and issue these items. All these obstacles added together show that it is not the diagnosed disability, but the implementation of legislation, access to transport and poor management by provincial governments of their funding that disables persons with disabilities in South Africa..

Eradicating or solving these problems by the authorities will allow new opportunities for the disabled and will in the long run benefit all. Persons with disabilities previously on government grants will become earners and therefore taxpayers. Once they have experienced the joy of earning, they will be able to afford to socialize. Once socializing, they will integrate and new family units will be created or existing family units retained - the full circle.
