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REVISION OF THE CONSOLIDATED RESOLUTIONS R.E.1 AND R.E.2

Restructuring of Consolidated Resolution R.E.1

Comments by the European Federation of Road Victims (FEVR)

The following comments refer to the draft restructured text of R.E.1 contained in document TRANS/WP.1/2004/10.

Chapter 5.1.4 is about instruction of children in safe behaviour. In (a) (ii), the main aim of road traffic safety education is formulated as “*to ensure correct and safe behaviour in the various traffic situations according to limits of children (e.g. age, development).*”

Ensuring correct and safe behaviour would seem impossible (even with the proviso concerning the child’s age), and it is doubtful if the aim is desirable either politically or ethically.

Indeed, most fatal accidents are caused by adults in their prime (with a large basis of knowledge and in good physical, physiological and psychological condition compared to children). There is a danger that more is being required from children than adults themselves can fulfil.

It is easy to understand the ethical concerns: Correct behaviour (in all situations) is not possible for humans (not even for machines). As an aim of education, it would subordinate humans to machines, and it would lead to an inhuman transformation instead of adapting our transport systems to human beings.

In the political respect, there is reason to fear that vehicle-driving adults tend to delegate both tasks (like providing safety from dangers caused by themselves) and responsibilities to children. On the last point, in Swiss law, it is a disadvantage for young children (as young as six years old) to know something about road traffic, if they are involved in a traffic accident, since it may relieve the driver involved.

It is therefore proposed to make clear in R.E.1, that education of children should neither lead to their legal responsibility nor to the legal discharge of adults. This seems to correspond to the UN Convention on the Rights of the Child, which can be understood as a request to adults to take responsible care for children lives.

Some selected articles of the Child Rights Convention (with highlighting added in bold) that may be applied to road traffic safety are annexed. Special attention should be paid to the use of the expressions “maximum, best, all”.

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Annex

Convention on the rights of the child (excerpt)

Original: <http://www.unicef.org/crc/fulltext.htm>

(Status of ratification: <http://www.unicef.org/crc/crc.htm>)

Article 3

1. In **all** actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the **best** interests of the child shall be a **primary** consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, **particularly in the areas of safety**, health, in the number and suitability of their staff, as well as competent supervision.

Article 6

1. States Parties recognize that every child has the inherent **right to life**.
2. **States Parties shall ensure to the maximum extent possible the survival and development of the child.**

Article 19

1. **States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.**
 2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.
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