

## INTRODUCTION

Every day, more than 500 children die in road traffic collisions and tens of thousands are injured worldwide, often suffering lifelong disabilities.<sup>1</sup> By 2015, road traffic injuries will be the leading health burden for children over the age of 5 in developing countries.<sup>2</sup> Unless we take action now, the global toll of traffic injuries will explode, placing millions more children at risk.

We can help reduce this epidemic by passing and enforcing laws that require car seats and booster seats (child restraints). A properly installed car seat can be indispensable in saving the lives of children involved in road crashes. In fact, child restraints increase the likelihood of an infant surviving a road collision by approximately 70 percent and a child surviving by up to 80 percent.<sup>3</sup>

## ABOUT THE ADVOKIT

We created this toolkit to help organizations interested in developing a child passenger safety (CPS) law or regulation in their country or region, or making an existing law stronger. Such a campaign will require a public communications campaign specially crafted for advocacy towards elected and other decision-makers.

We begin with a list of basic principles for you to consider. Then, we provide comprehensive provisions for a model law that we hope will serve as a guide in your efforts. We do not expect individuals and organizations to include every aspect of the model law. We hope, however, that you will treat this as a compilation of best practices, then choose what is realistic for your country or region. This toolkit will help you develop and pass a law that is appropriate for your nation, easy to understand and enforceable.

It may be that to attain the best possible outcome, it is more practical to phase-in a law over time. Also, in some nations and regions, changes like these may be instituted by a regulation or order of the executive government – but even in those cases, the same best practices would apply.

## BASIC PRINCIPLES

There are four basic principles of any CPS law or regulation.

**Guidelines.** We need to set clear standards for protecting children in cars. The basic rules are:

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<sup>1</sup> World Health Organization, <http://apps.who.int/gho/data/node.main.CODWORLD?lang=en>

<sup>2</sup> Road Safety Fund, <http://www.roadsafetyfund.org/UNDECADEOFACTION/Pages/default.aspx>

<sup>3</sup> World Health Organization, *Global Status Report on Road Safety 2013* (2013).

- Place all children under age 13 in the rear seat. Use the correct restraint for the child's size and age.
- Place children under age 2 in a rear-facing car seat, in the back seat of the car.

***Why It's Important:** Parents may be tempted to place the child forward facing so they can see the child's face. However, it has been proven that a rear-facing position does a better job of supporting the head, neck and spine. A back seat is always best. And it is important that the child does not exceed the weight or height limit of the seat.*

- Place children over age 2 in a forward-facing car seat with a harness. Secure the car seat with a seat belt or other form of attachment available in the vehicle and on the car seat.
- A child should be in a car seat or booster seat until they grow to 4'9" (1.4 meters) and weigh at least 80 - 100 lbs. Once the child has reached those benchmarks, a seat belt must be used.

***Why It's Important:** With shorter kids, using a seat belt alone can badly injure a child's stomach, liver or spleen, and even crack ribs if the seat belt does not yet fit. Each child is different and must be evaluated individually to be sure using a seat belt alone is appropriate.*

**Enforcement.** We need to be respectful of the law enforcement community that will be on the front lines enforcing the law. The more straight-forward a law is, the more effective it will be.

**Affordability.** Passing a law that requires parents to use child restraints is largely meaningless if they cannot afford to buy a crash-tested restraint, especially if they reside in low- and middle-income countries or are guest workers in a high-income country. There may be some measures a government can take to keep costs reasonable and help parents obtain restraints.

**Fitting.** Child restraints can be a challenge to install, but they are much less effective if not installed correctly. It is suggested that governments create a system for helping parents correctly install child restraints, or it could create incentives for the private sector and/or NGOs to take on that role.

*Why It's Important: Nations can use the success of other countries and NGOs as an example for their own work. Safe Kids Worldwide is helping other nations develop their system by certifying technicians, including in China, Qatar and the United Arab Emirates.*

## MODEL CHILD PASSENGER SAFETY LAW

**Model Law Provisions.** Below are a set of child passenger safety provisions with suggested language that can be incorporated into your own law:

**Restraint.** Drivers shall ensure that all individuals 16 years and under riding in a motor vehicle are restrained by an appropriate device as defined below. All individuals shall be required to be restrained in a proper device based on their age, weight and height.

**Rear Seating.** All children under age 13 shall be restrained in the back seat of a motor vehicle. A child may be placed in the front seat only if a motor vehicle does not have a rear seat, and only after the airbag system is disabled.

**Newly Delivered Infants.** As part of the discharge process for newly delivered infants, hospitals must provide information to parents about the importance of child restraint systems.

**Rear Facing:** Children under 2 years old shall be placed in the vehicle's back seat, in a rear-facing car seat.

**Forward Facing:** Children over age 2 shall be placed in a forward-facing child safety seat or booster seat, secured by the vehicle seat belt or other attachment method, in the back seat of the motor vehicle, until they reach a height of 4'9" (1.4 meters) and weight at least 80 - 100 lbs.

*Commonly used standards: All children shall remain in appropriate child restraints until they can be restrained properly by a seat belt alone. For proper use of seat belt, the child must be at least 4'9" tall (1.4 meters) and weight at least 80 - 100 lbs., so that the lap belt fits across the thighs and not across the belly and a shoulder belt rests on the bony shoulder, and not against the neck or face. Child restraint systems should be approved under Technical Standard UNECE R44/04 (UN) or UNECE R129 (updated), U.S. FMVSS 213 or Canadian CMVSS 213.<sup>4</sup>*

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<sup>4</sup> UN uniform provisions available at

<http://www.unece.org/fileadmin/DAM/trans/main/wp29/wp29regs/r044r2e.pdf>; Updated UN provisions available at <http://www.unece.org/fileadmin/DAM/trans/main/wp29/wp29regs/2013/R129e.pdf>; US

**Child Restraint System Use.** All children who are less than 4'9" tall (1.4 meters) and weight less than 80-100 lbs shall be required to be positioned in a child restraint system.

**Sanctions.** Your law should have a balanced and serious structure for fines that encourages drivers to adhere to it. The severity of the sanction should be imposed based on whether there was a single offense or multiple.

**Affordability.** The national government shall use best efforts to ensure that child seats are affordable and available by:

- Creating a fund to assist parents in the purchase of child restraints;
- Eliminating import duties, tariffs, taxes and similar fees, and not allowing them to be imposed in the future; and
- Exempting child restraints from sales taxation, a measure Safe Kids is advocating in the United States.<sup>5</sup>

**Safety.** The national government shall use best efforts to ensure child restraint safety by:

- Requiring the use of child restraints that are regulated under one of the accepted international standards: Technical Standard UNECE R44/04 (UN) or UNECE R129 (updated), U.S. FMVSS 213 or Canadian CMVSS 213.
- Requiring that car seats be sold with the manufacturer's guidelines for safe use in the languages of your nation.
- Creating a national educational program enabling parents to learn to correctly install child restraints.
- Creating a process to inform parents about child restraints that have been recalled, including pursuing such public alert systems as public-private partnerships.

## GETTING STARTED

**Allies in Your Effort.** An effort to pass a law or make a policy change is a journey, and one best taken with partners and allies. Your first step is to recruit and bring together like-minded, logical

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regulations available at <http://www.carseat.org/Legal/FMVSS213.pdf>; Canadian regulations available at <https://www.tc.gc.ca/eng/civilaviation/opssvs/managementservices-referencecentre-acs-600-605-003-493.htm>, last accessed 11.13.2014

<sup>5</sup> The states of Connecticut and Florida have passed laws to eliminate sales taxes for child restraints. The viability of this will depend on your nation's tax structure and traditions for exempting certain products sales or VATs. Safe Kids is developing a similar AdvoKit for passing a tax free child restraint law, contact Safe Kids Public Policy if you are interested in this issue, [agreen@safekids.org](mailto:agreen@safekids.org)

allies who can join you in this challenge. Here are some examples of entities and organizations you can target in your country for potential partnerships to help you pass a viable CPS law:

- Automobile drivers' organizations
- Insurance companies
- Kids' safety advocacy groups
- Children's health NGOs
- Law enforcement organizations
- Judiciary
- Pediatric hospitals and their organizations
- Clinics, pharmacies and health care providers
- Foundations dedicated to child welfare
- Child restraint system manufacturers and retailers with market share in your country
- Online retailers
- Governmental entities, including ministries of health and transportation
- Schools (universities, medical and nursing schools, police training)
- Media

**Law Enforcement Community.** In addition to building a grassroots advocacy campaign, some organizations should be consulted and enlisted because their support will be critical. For example, the “boots on the ground” to enforce the law are police or traffic officers, and they can be understandably suspicious of new enforcement duties -- especially ones like this, which can be challenging to enforce. The work that police officers do in preventing crime and seeking out offenders is already a significant challenge, but these dedicated civil servants will do their duty, especially if they are involved from the beginning stages of enacting the law.

**Judiciary.** Judges, too, will be important because they will set the tone at the beginning stages of enforcement. If they rule on cases with a view that car seat laws are unimportant compared to other crime, it will weaken efforts with law enforcement officers. Thus, educating judges early on in the process and recruiting judicial leaders as allies can be key to success in both passing and implementing a viable law.

**Foundation of Research.** A fundamental requirement of any advocacy campaign is the development of a body of knowledge surrounding the issue. Gathering local and regional statistics and collecting stories about child passenger safety will help you build and advance your campaign. Most of this information should be in place at the beginning of your campaign to help you create a narrative about why your nation or region needs a CPS law. The most important messages should be compiled in a one-page document – no more than two. In addition, you should consider whether you can publish a credible research document supported by reputable data and statistics. Public opinion surveys can sometimes be useful in demonstrating the need for a proposed law, and building support from your audience.

## KEY AREAS OF FOCUS IN BUILDING YOUR ADVOCACY CAMPAIGN

Below are several key areas you will want to focus on as you build your advocacy campaign.

**Decision-Makers.** Determine which decision-makers will be critical in passing a law or making new policy on child passenger safety.

**Storytellers.** Your key decision-makers will be especially interested in stories of parents and guardians among their constituency who lost a child in a road traffic collision, as well as stories about children saved by correct child restraint use.

**Influencers Who Are Victims.** Beyond the key decision-makers, there may be leaders in your country who can be recruited to get involved because they have experienced the loss of a child in their own families due to road traffic collisions. These could include a mayor, the CEO of a large company, a sports figure or a journalist, or other well-known figures.

**Data.** It is important to your grassroots campaign to gather data on how many children are dying in road accidents in your nation, and how many are injured so seriously that they must go for emergency care and/or are disabled.

**Stories.** As stated earlier, stories from parents who have lost children to road accidents bring the human dimension of the problem. The stories can be presented in writing or in brief videos. Ideally, the storytellers would be available for meetings with decision-makers and media interviews. It will be helpful to prepare your storytellers so they are comfortable and ready for such exposure. Videos, easily accessible on many platforms and through sites like YouTube, make stories come alive and can be very powerful in advocacy.

**Counter Arguments:** You should anticipate receiving questions about your proposal to create a child passenger safety law, including arguments against it. Be prepared to respond to them by formulating your counter arguments. Here are some examples:

- **Proper Role for Law Enforcement.** You might be asked whether it makes sense to take police officers away from serious crime prevention and detection. However, all around the world it has been a tradition and normal function for police to enforce laws relating to motor vehicle use and traffic for public safety. What we recommend is an extension of the public safety function of police.
- **Cost Benefit.** It can be argued – and documented -- that safety laws save the government money, rather than spending limited government assets. For example, if there are fewer motor vehicle crashes, government-supported health care costs can be reduced. While law enforcement will have a new mission, fewer motor vehicle crashes mean that responses required by police, fire, ambulances and other government services will decrease.

In addition, private sector entities will benefit if fewer children are injured because, for example, insurance companies will not be required to pay out costly insurance claims for more serious injuries or death.

Cost benefit research is complex and can be easily criticized if not correct. It is advisable to have a credible economic expert perform your cost-benefit analysis. Further, be aware that some political environments are not receptive to cost-benefit estimates that placing monetary value on human life. In some places it may be culturally insensitive to speak about a child's death in public. In such instances, your report should focus on injuries and loss of independence. Arguments based on economics must be carefully developed, and written in a sensitive way.