

NATIONS UNIES

ОБЪЕДИНЕННЫЕ НАЦИИ

UNITED NATIONS

COMMISSION ECONOMIQUE
POUR L'EUROPE

ЕВРОПЕЙСКАЯ
ЭКОНОМИЧЕСКАЯ
КОМИССИЯ

ECONOMIC COMMISSION
FOR EUROPE

SEMINAIRE

СЕМИНАР

SEMINAR

INLAND TRANSPORT
COMMITTEE



Distr.
GÉNÉRALE

International seminar on
Aggressive behaviour on the road

TRANS/SEM.1/2004/11
7 January 2004

Geneva (Switzerland), 5 April 2004

Part two –
Controls/Sanctions/Re-education

ENGLISH
Original: ENGLISH and RUSSIAN

Importance of sanctions in combating aggressive behavior on the roads (example of the Russian Federation)

Speaker: Mr. V.N. Kiryanov, Road Safety, Russian Federation

Traffic accidents is one of the most serious social and economic problems faced by most countries. It applies in full measure to the Russian Federation.

In 2002 185,000 traffic accidents took place on the national roads with more than 33,000 killed and about 216,000 wounded, the growth rate of the numbers of accidents, wounded and killed persons was the highest for the last ten years.

This mournful trend goes on in 2003. For the first 11 months 187,000 traffic accidents took place in the Russian Federation with about 32,000 killed and more than 223,000 wounded.

The main factor causing traffic accidents is aggressive behavior on the roads. Most often it is expressed in gross traffic infringements such as drunken driving, exceeding the speed limit, driving in the raw intended for opposite direction, driving without license or with suspended one.

One of the most efficient means to influence undisciplined drivers and pedestrians are sanctions. The notion of sanction can be interpreted both in strict sense – as a punishment for the committed offense and in broad sense – as legal coercion including preventive, punitive and procedural measures.

Sanctions not only bring moral pressure to bear upon offenders, but also affect their materiel and other interests. They seem to be the principal mean to cultivate law-abiding citizens.

Sanctions of various purposes, kinds and sizes must form a scientifically substantiated, well-balanced system which would allow to actively influence unlawful behavior on the roads and exert not only repressive, but also preventive effect.

Sanctions as a response of the State on deviations from the established norms of behavior on the roads can be efficient only if they meet the social danger of the offenses.

Legislative regulation of sanction system and application of other coercive measures to aggressive traffic offenders must be sufficiently flexible and take into account the accident rate on the national roads.

It is a revealing fact that growth of the accident rate was registered in 2002 when the new administrative legislation of the Russian Federation entered into force considerably mutilating sanctions for a series of serious traffic infringements as compared with the previous legislation.

Working out of the adequate coercive measures and procedures of their application is a rather complicated problem faced by most countries.

The Russian Federation has accumulated some experience (both positive and negative) in legislative regulation and application of legal coercive measures to traffic offenders.

Thus enhancing of sanctions for some traffic infringements including neglect of safety belts and lack of helmets in 1997 allowed to considerably discipline drivers and passengers. But later these sanctions were reduced which resulted in aggravation of traffic accidents.

It looks significant, that in 2002 when entered into force the new administrative legislation of the Russian Federation considerably reducing sanctions for some major traffic infringements as compared with the previous laws, a growth of the accident rate was registered.

A series of coercive measures against aggressive offenders of the traffic rules proved to be efficient and used in most countries weren't provided for adequately in the new legislation. It seems to became a negative factor.

For example, coercive translocation (evacuation) of motor vehicle breaching stop or parking rules. It should be noted, that the existing Russian legislation contains an article stipulating forced translocation of a motor vehicle breaching stop or parking rules. But in the comments to other article evacuation of a motor vehicle in this case is forbidden.

So this measure is practically not used in large cities of our country. As a result in some periods of the day traffic capacity of the street decreases which leads to emergency situations. Evacuation of the motor vehicles is enforced in Sweden, Switzerland, Denmark and other European countries.

Insufficient use of such a serious sanction for gross and repeated traffic infringements as long-term disqualification from driving negatively affects safety of the road traffic. The existing legislation stipulates a maximal term of disqualification as 2 years and for particular offenses (e.g. drunken driving) – 1 year.

Abroad such offenses are punished much more severely. In the USA, for example, this offense repeated within 10 years is punished by a fine in the amount of 5,000 USD or imprisonment for a term of from 48 hours to 5 years. In Japan this offense can lead to imprisonment for a term of up to 2 years with hard works. In addition in some countries in case of gross and repeated offenses the legislation stipulates such a measure as requisition and confiscation of the motor vehicles.

Importance of sanctions in combating aggressive behavior on the roads can't be increased without full and comprehensive registration of traffic infringements. It would be necessary for identification of persons bound to unlawful behavior, for differentiated examination of infringements and application of adequate sanctions. In this connection a point accounting system of infringement registration is of great value.

Unfortunately the existing Russian legislation does not stipulate responsibility for regular violation of traffic rules. It shall be noted that the point accounting system have been successfully used in our country until 1997 and exerted disciplining effect on drivers. The point accounting systems of the traffic infringement registration is being successfully used in France, Germany, Great Britain and in some other countries.

Now amendments to the legislation of the Russian Federation are being actively elaborated in order to strengthen combat against aggressive behavior on the roads by enhancing sanctions for gross and repeated traffic infringements.

Of particular importance is the strict regulation of the sanction enforcement system guaranteeing inevitability of punishment. Responsibility for failing to pay fines or penalty for delayed payments motivates offenders to pay fines in due time. It would be expedient to empower with collection of fines special fiscal bodies.

It should be stressed that preventive effect of sanctions depends not only on their legal basis, but also on application practice, i.e. comprehensive, full and impartial examination of the offenses and taking decisions strictly based on laws.

It is important that the population be informed about accident rate and general situation on the roads as well as about kinds and size of the sanctions for particular traffic infringements. It prevents offenses and cultivates law-abiding participants of the road traffic.
