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Controls/Sanctions/Re-education**Importance of sanctions in combating aggressive behaviour on the roads
(example of the Russian Federation)**Speaker: Mr. V.N. Kiryanov, Road Safety, Russian Federation

Traffic accidents pose one of the most serious social and economic problems faced by most countries. This is also the case in the Russian Federation.

In 2002, 185,000 traffic accidents took place on the nation's roads with more than 33,000 killed and some 216,000 wounded. The growth rate in the number of accidents, wounded and fatalities was the highest for the last ten years.

This sad trend continued in 2003. In the first 11 months, there were 187,000 traffic accidents in the Russian Federation with about 32,000 killed and more than 223,000 wounded.

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

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

Sanctions not only bring moral pressure to bear on the offender, but also affect their material and other interests. They seem to be the principal means to cultivate law-abiding citizens.

Sanctions of various purposes, kinds and sizes must form a scientifically substantiated, well-balanced system which actively influences unlawful behaviour on the roads and exerts not only a repressive, but also a preventive effect.

Sanctions, as a response of the State to deviations from the established norms of behaviour on the roads, can be efficient only if they address the social danger of the offenses.

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

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

Developing adequate coercive measures and procedures for their application is a 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 for traffic offenders.

Thus, increasing sanctions for some traffic infringements in 1997 including not wearing safety belts or helmets effectively disciplined drivers and passengers. But later these sanctions were reduced which resulted in an increase in traffic accidents.

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

A series of coercive measures against aggressive offenders of traffic rules which have proved to be efficient and are used in most countries were not provided for adequately in the new legislation. This would seem to be a negative factor.

For example, removal of motor vehicles contravening stopping or parking rules. It should be noted that existing Russian legislation contains an article allowing the forced removal of motor vehicles contravening stopping or parking rules. But in the comments to another article the removal of a motor vehicle in this case is forbidden.

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

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

Abroad, such offenses are punished much more severely. In the United States, 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, it can lead to imprisonment for a term of up to 2 years with hard labour. In addition, in some countries in the case of gross and repeated offenses legislation stipulates such measures as confiscation of the motor vehicle.

The impact of sanctions in combating aggressive behaviour on the roads cannot be increased without full and comprehensive registration of traffic infringements. It is necessary for the identification of persons guilty of repeated unlawful behaviour, for differentiated examination of infringements and application of adequate sanctions. In this connection a point system for infringement registration is of great value.

Unfortunately, existing Russian legislation does not stipulate responsibility for repeated violation of traffic rules. It should be noted that the point system was successfully used in our country until 1997 and had a disciplining effect on drivers. The point system for traffic infringement registration is successfully used in France, Germany, Great Britain and in some other countries.

Currently, amendments to the legislation of the Russian Federation are being elaborated in order to strengthen the fight 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 the inevitability of punishment. Responsibility for failing to pay fines or penalties for delayed payments motivates offenders to pay fines on time. It would be expedient to empower special fiscal bodies to collect fines.

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

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