COUNCIL OF EUROPE COMMITTEE OF MINISTERS

RESOLUTION (75) 24

ON THE PUNISHMENT OF MANSLAUGHTER AND ACCIDENTAL INJURY ON THE ROAD 1

(Adopted by the Committee of Ministers on 18 September 1975 at the 248th meeting of the Ministers' Deputies)

The Committee of Ministers,

Aware that considerable differences leading to undesirable inequalities exist in national legislations and practice in the field of punishment of manslaughter and accidental bodily injury caused in road traffic;

Considering that in respect of these offences the interests of justice and road safety may not necessarily be served by the indiscriminate institution of criminal proceedings or by the imposition of sanctions;

Convinced that criminal proceedings are effective only if they contribute to the prevention of dangerous behaviour on the part of road users;

Considering that in this respect a system of punishment based exclusively on the damage resulting from the accident does not permit appropriate punishment and prevention;

Considering that it is in particular necessary for the potential sanctions to be proportionate to the degree of gravity of the fault committed,

- I. Recommends that governments of member states be guided in their internal legislation and practice by the following principles:
- 1. Criminal proceedings should not be instituted or, if appropriate, sanctions shall not be imposed for manslaughter or accidental bodily injury resulting from a minor traffic offence, that is to say, a driving offence that was not such that its author must have been aware of the danger to which he exposed himself or others;
- 2. The same should apply, subject to the inexcusable character of the fault committed, in respect of a person who has caused manslaughter or accidental bodily injury if he himself or someone dear to him has been so badly injured that a sanction would be pointless, if not inhuman;
- 3. Application of the above-mentioned recommendations should in no way prejudice the rights of the victims to obtain compensation;
- II. Invites the governments of member states to inform the Secretary General of the Council of Europe every five years of the steps they have taken to implement this resolution.

^{1.} Under Article 10.2.c of the Rules of Procedure for meetings of the Ministers' Deputies, when it was adopted,

⁻ the Representative of Belgium reserved his government's right not to comply with the text of this resolution;

[—] the Representative of *Italy* approved the adoption of the text of the resolution, but reserved his government's right not to comply with it in so far as it proved to be incompatible with the principles applicable in domestic law regarding the institution of penal procedures.