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Out-of-court settlement procedures in criminal justice: advantages and risks

Motion for a resolution

tabled by Mr Boriss CILEVIČS and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

Out-of-court settlement procedures, in particular plea bargaining are widely used in criminal proceedings related to certain types of offences in many Council of Europe member States. As a rule, but not necessarily, it involves explicit recognition of guilt. These procedures can ensure a substantial acceleration of the criminal process and save significant resources.

Legal experts express diverse views about the efficiency of out-of-court procedures, the results of its application, and their full compliance with the “classical” principles of the rule of law. In the meantime, one could hardly claim that substantive and universally accepted international standards exist in this regard.

Therefore, the Parliamentary Assembly decides to take up a study of the application of these procedures in practice, including plea bargaining, and to analyse good practices, risks and problems, with the aim of drawing up relevant recommendations for member States.

Signed (see overleaf)



*Signed*¹:

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1. ALDE: Alliance of Liberals and Democrats for Europe
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