

QUESTIONS AND ANSWERS

REVISED IMPAIRED DRIVING POLICY

Q. How is the revised policy stronger than previous procedures?

A. The policy is one of zero tolerance. Unlike in the past, the Department will suspend a diplomat's driving privileges, even where charges are not laid by police. The consequences are also firmer. In most cases, the first offence will result in a one year suspension of the licence. A second offence, or a first involving death or injury, will result in the diplomat's recall or expulsion.

Q. On what basis will the Department act?

A. The Department will continue to encourage police to lay charges against diplomats. However, the Department will act on the basis of a police report that details that the police officer had reasonable suspicions that the driver was impaired.

Q. Are diplomats being held to a higher standard than Canadians?

A. The fact that diplomats can lose their driving privilege on the basis of a police report is more stringent. However, Canadians must either submit to roadside screening or breathalyser tests or be charged with failure to submit. Diplomats do not have to submit to such tests under international law. The policy encourages diplomats to submit to such tests to avoid loss of driving privileges. If they rely on their immunity to avoid the tests, they may face consequences if the police file a report that the diplomat was driving while impaired.

Q. How will the Department withdraw the driving privileges?

A. The policy provides for two ways to withdraw a diplomat's driving privileges. The diplomat's state can waive immunity under the Vienna Convention. This would allow the Department to take appropriate steps to suspend the licence. Alternatively, the Head of Mission may undertake in writing to prevent the diplomat from driving.

Q. How will the Department ensure that the suspension or undertaking is not violated?

A. If a person drives while the licence is suspended or during the period covered by the undertaking, the Department will request their immediate recall. The Department expects that Heads of Mission will assume personal responsibility to prevent their diplomats from driving when those privileges have been withdrawn.