

REVISED IMPAIRED DRIVING POLICY

The Department's revised policy on impaired driving is one of zero tolerance. It strengthens existing procedures, provides for stronger penalties and makes clear to diplomats or other persons enjoying immunity in Canada the serious consequences of drinking and driving.

The policy places the safety of Canadians first. It recognizes the duty of police forces to protect the public by preventing persons suspected of impaired driving from harming themselves or others. This duty is to be exercised even when the driver is a person enjoying immunity.

The policy provides that diplomats will lose their driving privileges for a first instance of impaired driving. The loss of privilege will occur on the basis of a police report substantiating that a diplomat was driving while impaired. The Department encourages police forces to lay charges for impaired driving, but will take action regardless of whether charges are laid. In most cases, the driving privileges will be suspended for one year.

In the case of a second instance of impaired driving, or a first offence involving death or injury, the policy provides for the diplomat to be recalled or expelled.

The policy is consistent with Canada's international obligations, including those contained in the Vienna Convention on Diplomatic Relations. Since Canada cannot directly sanction diplomats under these international rules, the loss of driving privileges will be effected following a waiver of immunity by the diplomat's state or, alternatively, through a written undertaking by the Head of Mission pledging that the diplomat will not drive. Should a state refuse to exercise either of these options, the Department will request that the diplomat be recalled or will expel him or her.

The penalties set out in the policy are consistent with those under Canadian law. Diplomats who wish to avoid the loss of driving privileges are encouraged to submit to roadside screening or breathalyser tests to dispel suspicions of impaired driving.

The Department will take immediate action, based on a credible report, should a diplomat drive during the period when his or her privileges have been withdrawn. The diplomat will be recalled or expelled.

Where charges are laid for any offence, the Department will continue its practice of requesting the state concerned to waive immunity so that the person can be prosecuted in Canada. Where states decline to waive immunity and the diplomat is recalled, Canada expects the state to take effective action against that person.