

CAMBODIAN ROAD SAFETY AND DRINKING AND DRIVING POLICY

UNDERSTANDING & POLICY GAPS

INTRODUCTION

Advocacy and Policy Institute (API) in partnership with the Coalition for Road Safety (CRY) is implementing a project "Strengthening Action for Enhancing Road safety in Cambodia" funded by the Bloomberg Philanthropies through the Global Road Safety Partnership, which is hosted by the International Federation of Red Cross and Red Crescent Societies 2013-2014. This project aims to strengthen the law against drinking and driving and improve its implementation.

To understand the policy and its gaps, API and CRY organised five provincial public policy discussions in Kandal, Kampong Speu, Battambang, Siem Reap and Kampong Cham provinces. In each forum, a survey was conducted to study individual perspectives on the issues of road safety and policy and its implementation. API and CRY organised a national workshop on Drinking and Driving Policy in Phnom Penh, which aimed to present the findings from the five public foras and seeked further comments and recommendations to improve the current situation of road safety issues, particularly the policy gaps of drinking and driving.

The objectives of this analysis is to inform policy makers and Government officials at the sub-national and national level, NGOs, Members of Parliament and development partners for fruitful policy discussions and support the adoption of a new legal framework on drinking and driving and the effective actions required to improve its enforcement.

Both primary and secondary data collections were utilised. The primary data conducted through survey/individual assessment and group discussion. The assessment was completed during five public policy foras on drinking and driving in five provinces with 398 local authorities and key stakeholders to measure the drinking and driving law enforcement and its effectiveness in 2013, 18 focus groups discussions were conducted during the five foras and the national workshop.

A secondary data collection was completed in the desk review of legal documents, stakeholder surveys and reports and daily newspapers in 2013. The legal review: The existing road traffic law and draft law on road safety were reviewed. The key criteria for the review included: social justice, functioning institutions, strategy to protect and solve the problem, characteristic, constitutionally, and human rights.

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FINDINGS

a) Very limited financial and technical resources that support road safety efforts in Cambodia

Traffic accidents cost Cambodia approximately \$329 million in 2012. This is an increase of 6% compare to 2011¹. Development partners supported the Transportation Sector USD 300,821,998 in 2012; USD 358,182,907 in 2013². Only USD 671,040 was for Transport Policy and Management in 2012 but this item is not indicated in 2013 budget. No specific amount or budget for road safety programme is indicated in 2012 and 2013³.

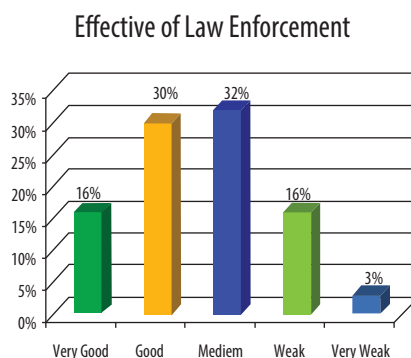
Road traffic accidents are becoming a big problem in Cambodia. 5 people die and many more are seriously injured every day. 68% of deaths are motorcycle users and 13% are caused by drink driving.

Casualty rates in Cambodia remained extremely high after the wars. However, since 2005 the number of landmine/UXO casualties has decreased. This decrease can be accredited to effective participatory programs in Cambodia. 1,153 people died due to landmines in 1999 this figure reduced to 181 in 2012⁴. The CMAC total budget alone for 20 years 1993-2012 was USD 188,333,431. Budget was 11,422,245 in 2011; 13,563,389 in 2012 and around 13,000,000 USD in 2013⁵.

b) Road Traffic Law does not effectively address traffic accidents.

The Road Traffic Law has been in force for over six years, but it does not effectively address the increase in road accidents.

Individual assessment with the police and law



enforcement officers who participated in the foras showed that in their opinion Road Traffic law enforcement was at a medium level in terms of implementing articles 9, 43, 62, 65, 66, 75, 76, 88, 81, 82 that prohibited drinking and driving; having a driving license, traffic accidents under the influence of alcohol or drugs, nullifying a driving license of drivers who drink and drive, punishment and penalties for breaking the law to be imprisoned and/or fined as cash.

c) Alcohol advertising caused of the traffic accident



Alcohol advertising has increased to the point where we now see alcoholic advertising on billboards, posters even radio and television are competitive for alcohol advertising. This problem is also due to the lack of responsibility at individual level as well. Further studies need to be done into the direct impact of the alcohol industry on Cambodian society. The cost of health and social consequences in using alcohol are including its impact on chronic, infectious disease and traffic accident.

Road traffic accidents related to drinking and driving are given more attention from the public, media and the higher levels of the Government. This issue is a hot topic broadcasted in the first page of local newspapers every day⁶. Limited effort is made to address the issue though.

d) Limits public understanding about the road traffic law

Local law enforcers and police acknowledged that the general public has a limited understanding about the road traffic law. Information dissemination done by both NGOs and the Government does not reach the countryside. There is a culture of impunity practiced and people do not respect the law. People are more afraid of police on the road than the law. Actually, awareness of the road traffic law at all levels of education is very limited.

e) Lack of support for the legal framework

The assessment identified that the existing road traffic law cannot be applied effectively in the current context. In responding to this, the Government has drafted an updated Road Safety Law of Cambodia 2012, drafted National Road Safety Committee Strategy 2013-2015; established a National Road Safety Committee of Cambodia, adopted international ten-year plan 2011-2020. The draft national action plan 2013-2015; several actions are to be taken to address drinking and driving issues. The action plan is still to be finalised and implemented.

One of indicator about drinking and driving is found in the National Road Safety of Cambodia Strategy in "Reducing the number of deaths caused by drinking and driving by 50% at the end of 2020, however, no separate action plan on drinking and driving has been produced. There is slow progress of amending the Road Traffic Law of Cambodia and implementing National Road Safety Committee Strategy 2013-2015".

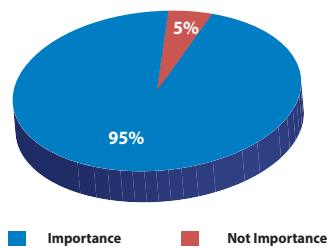
f) Support for a drinking and driving/ alcohol policy

Both the existing law and new draft on Road Traffic do not clearly outline the commitment of the Government to develop a new law or policy or any regulation on drinking and driving.

88% of fora participants responded that they supported a drinking and driving policy while 12% said that they did not support a policy. 95% confirmed that a drinking and driving policy is very important while 2% said it was not important. 89% said support for a drinking and driving policy would

reduce traffic accidents, 69% stated that it could change the attitude of drivers.

Does policy on Drinking and driving Importance or not ?



g) Increase the number of vehicles on the road.

Most used cars are imported and sold in the Cambodia market. As of June 2011 Cambodia had 1.49 million motorcycles and about 300,000 cars, buses and trucks according to a report obtained from the Ministry of public works and Transport's Overland Transport Department⁷. Driver education is poor. Getting a driving license from private companies is mostly corrupt where licences are issued without attending the driving course. No regular vehicle technical checkups are taken. Used cars are normally in poor conditions. Regularly technical check up and road infrastructures are issues of concerns. Road traffic law enforcement is always a question.

h) Limits on involvement of the sub-national Government

The Ministry of Interior has defined safety of Commune/ Sangkat as prior policy for imple-

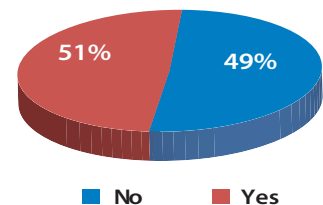
menters, authorities at all levels, sections in rank of Government, political parties, non-government organisations, private sectors and citizens to firmly strengthen public security in all communes/ Sangkats in Cambodia. The communes/sangkats have taken action to eliminate all kinds of crimes such as stealing, illegal drugs, prostitution, child trafficking, domestic violence, gangster crime, illegal games and using illegal weapons. Addressing road safety issues especially drinking and driving has not been included in the plans.

i) Mainstreaming the drinking and driving issue

The assessment in five provincial public forums on drinking and driving showed that 51% of respondents said they had driven their vehicle drunk. Addressing road safety issue requires the involvement of all relevant stakeholders including Private, Public, and Civil Society institutions. The road traffic law governs all road users in the Kingdom of Cambodia⁸.

Encourages organisations in both the private and public sector with vehicle fleets, including agencies of the United Nations system, to develop and implement policies and practices that will reduce accident⁹.

Do you ever drive when drunk



KEY RECOMMENDATIONS

To strengthen the law against drinking and driving and improve its implementation, the civil society would like to make the following recommendations:

1. The Government should reallocate and increase financial and technical support to strengthen road safety.
2. Development partners should consider road safety support a priority to saving lives of Cambodia people.
3. Civil society organisations should work together to advocate on road safety.
4. Strictly enforce the Road Traffic law by reinforcing traffic control, punishing drivers, regardless of status, who do not respect the law such as not wearing helmets and drink driving;
5. Improving capacity of police and law enforcement officers on the Road Traffic Law.
6. Alcohol product advertising and commercial operations shall be restricted and limited and

the negative impact on drinking and driving should be advertised more through mass media and education institutions to change drivers and passengers' behaviour. A law or regulation on alcohol management and use should be adopted within next Government mandate 2014-2018.

7. Some prevention activities should be considered, for example, initiating collaboration with restaurants/bars/nightclubs to offer safe transportation home for patrons who are inebriated.
8. A nation-wide education programme for all drivers on "Not to Drink and Drive and the Road Traffic Law" to ensure that everyone is practicing the law, and driving respectfully.
9. Awareness on the road traffic law should be taught at all levels of the education (primary, secondary school and university).
10. The draft Law on Road Traffic shall be stated clearly to have a sub-decree or policy or in any regulation on the drinking and driving in order to reduce traffic accident caused by drinking and driving. Draft National Road Safety of

Cambodia Strategy and Action Plan 2013-2015 should be updated, finalised and implemented with more allocated financial support from both the Government and development partners within 2014.

11. The draft Law on Road Traffic and a policy or sub-decree on drinking and driving should be adopted soon within new Government mandate within 2014-2018.
12. Regularly car technical check up and road traffic law re-enforcement are needed and road infrastructure and conditions should be improved.
13. Sub-national Government should encourage awareness of the legal framework related to drinking and driving to the citizens in commune public forums or village meetings and should participate to monitor the road traffic law enforcement.
14. Public and Private Institutions should have an alcohol policy in their institution. Each institute should develop a drinking and driving policy for its employees.

¹ Road Crash Victim Information System report on victim and road crash from 1 January to 31 December 2013. Page 4. Printing date: 12 July 2013.

² ODA Profile for year 2012, Transportation Sector Profile, derived from CDC Database, September 2013

³ Road Crash Victim Information System report on victim

and road crash from January 1, 2013 to December 31, 2013. Page 12. Printing date: July 12, 2013.

⁴ 20 Years: CMAC'S Achievement in Mine Action, 1992-2012, page 12.

⁵ Director of Finance Department, Cambodia Mine Action Center (CMAC)

⁷ Phnom Penh Post, Soeun Say (<http://www.phnompenhpost.com/business/imports-vehicles-increase-year>); Fri, 12 August 2011

⁸ Cambodian Law of Road Traffic, 2007

⁹ U.N. General Assembly on improving global road safety 2008, Article 62/244

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