

# Road Safety Advocacy Toolkit

## GUIDE TO IMPLEMENTATION FRAMEWORK



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# Acknowledgement

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# Effective Implementation of Road Safety Laws

## Introduction

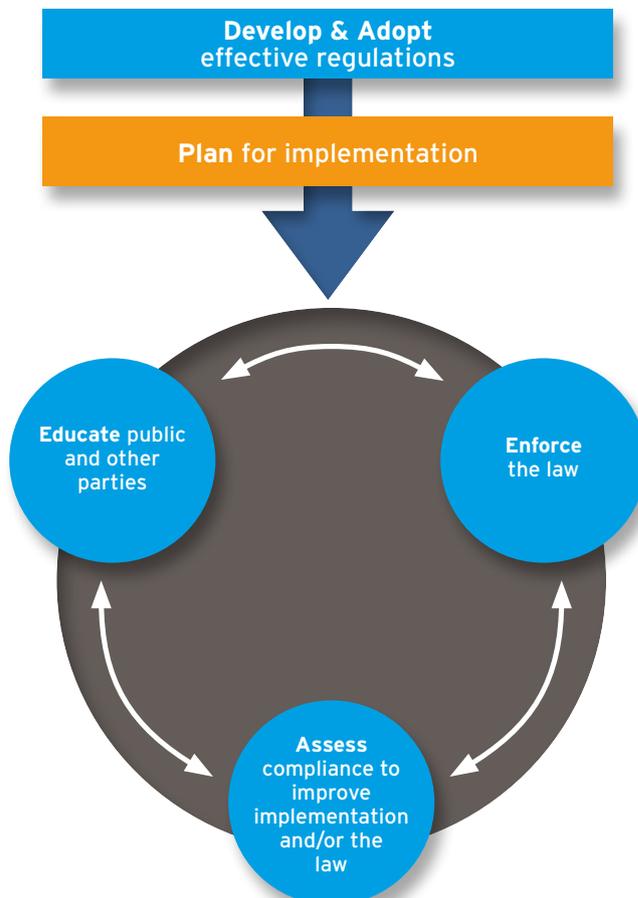
The enactment of a strong, effective road safety policy is an important victory. However, passage of a law doesn't signal the end of a policy campaign. The law must be effectively implemented to achieve its goal of reducing road traffic crashes, injuries and deaths.

While implementation varies by local context and issue, the process is a fairly consistent across jurisdictions and cultures. This brief guide is intended to provide non-governmental organizations (NGOs), including Red Cross Red Crescent National Societies, with an overview of strategies and tactics that civil society can use to help to achieve high compliance with road safety laws following the framework below.

No one group would be expected to do all the activities listed. Each civil society group should select activities that will address the unique circumstances and needs of the country, and match their organization's mission, position, and ability to provide.

## Implementation Framework

The Figure below portrays a framework for implementation. Once a law is passed, in most countries regulations must be developed. A plan for implementation is essential and will usually outline three core components of implementation - education regarding the law; enforcement of the law; and ongoing assessment of the law's implementation in order to monitor and improve implementation.



Implementation efforts should be tailored to specific policy(ies). It is important to note that the implementation of some road safety laws requires the involvement of national, state, and local governments. Laws may also depend on multiple audiences including the public and private businesses to comply, (e.g. child restraint laws). Other laws may require more concentrated and technical implementation by national and state government agencies (e.g., helmet standards).

Following is a glossary of terms that will be used throughout the guide:

**Implementation:** the process of putting into effect the provisions of a law.

**Compliance:** obedience to a law. The action results from efforts to foster conformity with the law, including enforcement and education.

**Education:** methods to inform the public and affected parties about the provisions of a law to stimulate compliance.

**Enforcement:** action taken by a designated authority to compel compliance with the law; specifically, conducting compliance inspections and imposing penalties on violators.

**Monitoring:** assessing compliance with the law.

Note that the terms “implementation” and “enforcement” are often used interchangeably. Although these concepts are related, they are distinct. Compliance is the degree to which a law is being obeyed, with high compliance resulting from effective implementation. Implementation a broad term that includes three types of action: education, enforcement, and monitoring. Enforcement is only one strategy to achieve compliance.

The government and civil society play important and complementary roles in achieving the goals of a road safety law. The government has the primary responsibility to put in place effective strategies and programs that are adequately funded to ensure full implementation of road safety laws.

## Civil Society and Policy Implementation

Civil society also plays a critical role in implementation. This role may vary depending on the capacity and political will of the government. Civil society may be a full partner in the process or may play a more adversarial role to ensure the government fully implements the law. Often, advocates need to engage in all phases of implementation to ensure that the govern-

ment adopts strong regulations and that all government agencies responsible for implementation develop and carry out effective plans and allocate sufficient resources to achieve full compliance with the law.

## Develop and Adopt: Effective regulations

In most countries, once a law is passed, it must be implemented by a regulatory or administrative agency that is specifically identified in the law or legal system. Generally, road safety laws will require a public health authority (e.g., Ministry of Health), transport authority (e.g., Ministry of Transport), or law enforcement authority (e.g., Ministry of Interior) to draft and issue implementing regulations. Regulations, also called decrees, legislative instruments, rules or administrative orders are usually published by the government agency in draft form for public comment and input prior to being issued. Regulations clarify and provide the necessary details to carry out the legal requirements under the law. For example, a law may require merchants to sell child restraint systems which comply with certain regulations. Regulations would inform merchants of the specific requirements of all child restraint systems sold within a particular area (typically within a country). Regulations have the force of law and are often published in draft form for public comment and input prior to being issued.

NGOs often play a critical role in ensuring the issuance of strong regulations by monitoring the process and engaging in public and person-to-person advocacy. They may also serve as credible and expert sources for government authorities by providing evidence of and arguments for effective road safety regulatory measures. This stage can involve challenges because some industries (e.g., the alcohol industry, transportation owners) or other stakeholders (e.g., professional unions or automobile associations) may strive to weaken the legislation by delaying and diluting the regulations.

At this stage, civil society can:

- Identify essential elements of the law that require strong regulations;
- Map the process for the development of regulations and the key decision-makers in the process;
- Advocate for and support an open process for public input into the development of regulations;
- Develop a coordinated plan to engage with legal experts in civil society to work with government agency drafters to develop strong regulations, and with other advocates and policy champions to promote and defend them;
- Expose and counter opposition in the regulatory process;
- Engage the media to keep the public informed and to pressure government authorities to enact timely, effective regulations; and
- Initiate litigation, if necessary, to force the issuance of regulations. Note: This strategy is usually a last

resort but if advocates find the government has strong resistance or apathy, the threat of litigation might stimulate action. However, before advocates pursue this strategy, a commitment to follow through with litigation is essential.

## Plan for implementation

Compliance with new laws rarely occurs without a commitment of resources and time. This requires advance preparation, coordination, and adequate resources.

Most often, a combination of education and enforcement needs to be employed to ensure high compliance. Comprehensive education of the public and specific and relevant sub-communities (i.e.- commercial drivers, parents, etc.) about the specifics of the law can contribute to good compliance rates. Active, regular enforcement with penalties for non-compliance are also necessary to persuade noncompliant individuals that government is committed to reducing the severity of road traffic crashes and associated injuries and deaths through the new law. Active, regular enforcement with penalties for non-compliance can also create a sense of inevitability among the public that noncompliance will lead to a penalty. Before agencies responsible for implementation can effectively begin to implement the law, they must develop a plan to educate the public and key stakeholders affected by the law and to enforce the law.

The role of advocates at this stage is to insist that governments develop strong systems to implement the law. Advocates may:

- Partner with the government to develop an implementation plan that includes both education and enforcement activities;
- Encourage the development of a multi-sectoral coordinating committee to ensure strong implementation of the law;
- Advocate for the establishment and allocation of a budget that will ensure effective implementation; and
- Prepare a plan for ensuring civil society engagement.

## Educate public and other parties

After regulations are passed, strong education and outreach programs are needed to ensure everyone is familiar with new requirements. This element is crucial, because it facilitates self-compliance with the law. The main targets of education efforts are the public and relevant businesses that are affected by the new law, e.g., merchants for child restraint laws.

It is important to reach the public with clear messages to raise awareness about the new law and its benefits and to educate them about specifics of where it applies, the date it takes effect, and penalties for non-compliance, etc. Technically, public education about new laws is the responsibility of the government, but civil society often complements government effort by

assuming responsibility for at least some education programs. Thus, the role of civil society in education and outreach will vary based on the government's political will and resources, and the implementation agency's own resources (financial and human).

Civil society organizations are strongly encouraged to reach out to government agencies responsible for implementation of a new law to work collaboratively on the development of an education and outreach plan. If the government is resistant to active implementation, civil society organizations may have to play an aggressive role in pressuring the government to actively implement the law.

Special efforts need to be made to reach businesses responsible for complying with the law. Ideally, outreach to businesses will occur well before the law goes into effect in order to allow them enough time to prepare for compliance. Outreach should be the responsibility of the government, but civil society organizations are often involved with extending or complementing their efforts. The government agency and civil society organizations should collaboratively agree on each of their roles and responsibilities and jointly develop an outreach plan to ensure consistency of messaging and avoid duplication of effort.

Advocates can:

- Assist the government with the development of campaigns to inform and educate the public and the private sector about the requirements of the law;
- Complement government campaigns with additional educational activities, when necessary;
- Work with the media to educate affected parties about the key elements of the law, its benefits and penalties for noncompliance, in order to increase compliance;
- Work with businesses and other affected parties to help them comply with the new law;

## Enforce the law

Enforcement of new laws is primarily the role of the government. Agencies responsible for ensuring compliance with the new law and regulations must allocate the necessary resources, develop procedures and protocols for enforcement, assign and train their staff and work to enforce the law. In some countries, civil society organizations may provide technical assistance with the development of an implementation plan for enforcement, or resources (financial or staff) for training. Sometimes, government is unwilling to allocate resources to enforcement and external pressure from civil society may be needed to ensure effective enforcement occurs.

In this stage, advocates can:

- Partner with government to develop an enforcement plan;
- Provide technical assistance and training to enforcement agency staff;

- Use monitoring reports to help enforcement agencies target their enforcement efforts;
- Work with media to publicize enforcement and compliance issues;
- File complaints and take other legal action, if the law is not being enforced.

### Assess compliance to improve implementation and/or the law

It is critical for implementation to be monitored to document compliance and address enforcement weaknesses. Routine monitoring puts government agencies on notice that they are being watched. Compliance studies can be used to inform enforcement, transport, and public health agencies about where to target enforcement and public education resources. Publicity about results may be used to

educate the public and businesses about the provisions of the law as well as to celebrate strong compliance results. If designed properly, a compliance study also can document weaknesses or ambiguities in the law, and be used to advocate for necessary amendments

Advocates can play a proactive role including to:

- Define benchmarks for compliance;
- Design and implement methods to monitor compliance with law;
- Document compliance issues and inform enforcement agencies about where to target enforcement and public education resources;
- Document weaknesses or ambiguities in the law in order to inform future advocacy for law reform;
- Assess and publicize levels of public support for the law;
- Document the health and social impacts of law.

### CONCLUSION

To be successful, implementation requires a multi-faceted approach to launch and sustain. If done well, high levels of compliance will be achieved, changes in social norms around road safety behavior risk factors will occur, and road traffic crashes, injuries and deaths will be reduced. To reach full compliance with a law, civil society needs to actively engage at every step of implementation to demonstrate strong public support for the law and to ensure that the government adopts strong regulations and an effective, sufficiently resourced implementation plan.

Civil society must treat the implementation process like any advocacy campaign - here the goal is to attain full implementation of the law. Civil society efforts to engage the public to support road safety policies throughout the policymaking and implementation phases will ensure more rapid and effective compliance and changes in social norms around road safety behavioural risk factors.





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