

REPORT AND PRELIMINARY OBSERVATIONS OF THE COMMITTEE ON VICTIM ASSISTANCE

23 JUNE 2015

PART 1: Report

I. Introduction

1. Building upon the solid foundation the States Parties have constructed on victim assistance, the Committee on Victim Assistance was established by the Third Review Conference to support States Parties in their national efforts to strengthen and advance victim assistance, in particular in States Parties with mine victims in areas under their jurisdiction or control. The Third Review Conference further agreed that in fulfilling its purpose, the Committee will ensure balance between ongoing discussions on pertinent aspects of victim assistance within the framework of the Convention itself, and taking the discussion on meeting the needs and guaranteeing the rights of mine victims to other fora where relevant and related issues are debated.
2. The Third Review Conference also mandated the Committee to remain transparent and accountable. In this spirit, the Committee presents this report and preliminary observations to the intersessional meeting.

II. Activities

1. The Committee is composed of the following Members: Afghanistan, Costa Rica (chair), Senegal and Thailand. In keeping with the decisions of the Third Review Conference, the Committee has drawn on the expertise of the ICBL and ICRC and involved them in its work. In addition, the Committee has been supported extensively by the Implementation Support Unit (ISU). The Committee met for the first time in September 2014 and has met at least once a month, on average, ever since.

Strengthening and advancing national efforts

2. The Maputo Action Plan contains commitments to strengthen and advance national victim assistance efforts by States Parties with mine victims in areas under their jurisdiction or control. As such, the Committee's focus has been on those 29 States Parties that previously had made it known that there are significant numbers of mine victims in areas under their jurisdiction or control. In September 2014, the ISU Director wrote to all States Parties to ask if any additional States Parties consider themselves to be States Parties with mine victims in areas under their jurisdiction or control. No additional State Party identified itself as such at that time.
3. Action #18 of the Maputo Action Plan implies that improvements will have been made in the well-being and the guarantee of the rights of mine victims by the time of the Fourth Review Conference in 2019 and that these improvements – along with challenges that remain and priorities for assistance – will be measurable. The logic of Actions #12, #13 and #14 is that each relevant State Party itself will have made victim assistance measurable in its national context:
 - a. Action #12 commits each State Party with mine victims in areas under its jurisdiction or control to assess needs.

- b. Actions #13 and #14 commit these States Parties, on the basis of their assessment of needs, to establish time-bound and measurable objectives and to identify enhancements that have been made or will be made to relevant plans, policies and legal frameworks.
 - c. Actions #13 and #14 also commit these States Parties to annually communicate progress made relative to their expressed objectives and enhancements regarding relevant plans, policies and legal frameworks.
4. With the input of the ICBL and ICRC, and with the support of the ISU, in November 2014, the Committee produced a conceptual tool to assist States Parties in communicating information related to the commitments contained in Actions #12, #13 and #14. The conceptual tool aimed to assist States Parties in relating the agreed understandings of what constitutes victim assistance to the principal commitments made in Actions #12, #13 and #14. On 24 November 2014, the Committee held a briefing for the States Parties with mine victims in areas under their jurisdiction or control. The purpose of this briefing was to review the Maputo Action Plan's victim assistance commitments and to present the conceptual tool.
5. On 28 November 2015, the Committee Chair instructed the ISU Director to write to the States Parties with mine victims in areas under their jurisdiction or control to transmit the conceptual tool and to recall that Maputo Action Plan commitments called for States Parties to do their utmost to communicate relevant information, including through their annual transparency reports, as applicable, by 30 April 2015. It was noted that this tool could assist Ministries of Foreign Affairs, likely working in concert with a wide range of other Ministries and State entities, in compiling and organizing information that will indeed serve as a basis to address victim assistance with the same precision and intensity as for other aims of the Convention. It was further noted the conceptual tool is not a reporting format and that it rests with each State Party to determine how and what it might communicate further to commitments made in the Maputo Action Plan.
6. States Parties were informed in November 2014 that the ISU, which is in part mandated to provide advice and technical support to States Parties on the implementation of the Convention, remained ready to support States Parties in fulfilling their Maputo Action Plan commitments. The ISU's capacity to support these States Parties in 2015 was significantly diminished as a result of the imperative that the ISU proceed with spending in a prudent manner in order to avoid a deficit in 2015.

Engagement in relevant fora

7. On 21 November 2015, the Committee convened a meeting with the victim assistance coordinators from Protocol V to the Convention on Certain Conventional Weapons (CCW) and the Convention on Cluster Munitions (CCM), along with their support units. The purpose of the meeting was to exchange information and experiences regarding how victim assistance is dealt with in the three conventions. It was noted that the basic principles on victim assistance (e.g., a broad definition of "victim", the importance of a rights-based approach, etc.) have been agreed to by the parties to all three instruments and that affected States are often party to more than one instrument.
8. On 10 March 2015, the Committee's Chair, Costa Rica, addressed the XXVII Session of the Human Rights Council during the Council's interactive dialogue on the rights of persons with disabilities. The Chair recalled the relevance of the Convention on the Rights of Persons with Disabilities (CRPD) and highlighted the need to promote the inclusion of the rights of persons with disabilities in international processes and national agendas.

9. On 12 March 2015, the Committee met with Facundo Chávez Penillas, Human Rights and Disability Advisor with the United Nations Office for the High Commissioner for Human Rights (UNOHCHR). Committee Members were informed of areas where collaboration between the Anti-Personnel Mine Ban Convention and the UNOHCHR may be possible and of the importance that disability rights actors currently are given to Article 11 of the CRPD (i.e., situations of risk and humanitarian emergencies).
10. On 25 March 2015, the Committee's Chair, Costa Rica, addressed the Thirteenth Session of the United Nations Committee on the Rights of Persons with Disabilities. The Chair noted that it is a priority to promote progress at the national level and to do so in partnerships with those with whom the States Parties to the Anti-Personnel Mine Ban Convention share a common agenda, including the Committee on the Rights of Persons with Disabilities. The Chair highlighted possible areas for collaboration, including by noting the value, to the States Parties to the Anti-Personnel Mine Ban Convention, of the Committee on the Rights of Persons with Disabilities' conclusions and observations on the status of national efforts to implement the CRPD.
11. On 23 April 2015, the Committee's Chair, Costa Rica, convened an event in Geneva to explore ways to follow-up on the *Bridges between Worlds* global conference that took place in Medellín, Colombia in April 2014. Approximately 50 representatives of States and organizations took part in this event, which featured the participation of Martin Babu, a Member of the United Nations Committee on the Rights of Persons with Disabilities, Caroline Wörgötter of the Permanent Mission of Austria to the United Nations (Geneva), Firoz Alizada, of the ICBL, Facundo Chávez Penillas of the UNOHCHR, and Godliver Omondi, a Senator in the Kenyan parliament's upper house and chair of United Disabled Persons of Kenya. These experts contributed to an interactive discussion that featured a call for global discussions on supporting landmine survivors to be converted into a template for action at the national level.
12. On 14-17 June, Committee Member, Thailand, convened the *Bangkok Symposium on Landmine Victim Assistance: Enhancing a Comprehensive and Sustainable Mine Action*. Approximately 100 representatives of States and organizations took part in this event, which featured in-depth discussions on the challenges and opportunities related to how victim assistance is being dealt with in the Maputo Action Plan, the need to strengthen national capacities and individual empowerment, and the scope for collaboration between the *world* of anti-personnel mines and the *world* of disability rights.

III. Information provided by States Parties on victim assistance

13. Of the 29 States Parties that previously had made it known that there are significant numbers of mine victims in areas under their jurisdiction or control, as of 22 June 2015, 16 had submitted Article 7 reports in 2015. Of these, 12 States Parties provided information in their Article 7 reports on victim assistance: Afghanistan, Albania, Bosnia and Herzegovina, Cambodia, Colombia, Croatia, Iraq, Jordan, Mozambique, Peru and Tajikistan. In addition, a thirteenth State Party – Turkey – provided information on victim assistance. On 10 June 2015, a fourteenth State Party – Thailand – separate from its Article 7 report, provided information to the Committee on Victim Assistance. (See Annex 1.)

PART 2: PRELIMINARY OBSERVATIONS

1. The Committee observed that the task of completing what is required in Actions #12, #13 and #14 of the Maputo Action Plan could be complicated and time-consuming. The Committee further observed that the complexity of the task and the need for adequate support in carrying out this task may be key reasons why no State Party in its Article 7 submission provided information that specifically addresses what has been asked for in Actions #12, #13 and #14 of the Maputo Action Plan.
2. Notwithstanding the fact that no State Party in its Article 7 submission provided information that specifically addressed what has been asked for in Actions #12, #13 and #14 of the Maputo Action Plan, the Committee was extremely appreciative of the efforts of Afghanistan, Albania, Bosnia and Herzegovina, Cambodia, Colombia, Croatia, Iraq, Jordan, Mozambique, Peru, Tajikistan and Turkey in furnishing information on victim assistance activities.
3. The Committee observed that, in some instances, extremely rich information on victim assistance activities carried out in 2014 was provided. The Committee observed that, while this information did not communicate time-bound and measurable objectives and enhancements that have been made or will be made to relevant plans, policies and legal frameworks, the information provided by many States Parties could serve as a starting point for what has been requested through the Maputo Action Plan. For instance, one State Party – Albania – indicated that it will carry out a needs assessment and another – Mozambique – indicated that it has prepared a plan of action for victim assistance, which would serve as an addendum to its National Disability Plan. The Committee observed that measures like these could be good stepping stones towards fulfilling Maputo Action Plan victim assistance commitments.
4. The Committee observed that one State Party, Thailand, through the information it furnished in addition to its Article 7 report, made a good effort at acting upon the commitments contained in Actions #12, #13 and #14 of the Maputo Action Plan. However, time did not permit the Committee to prepare observations on Thailand's submission. The Committee also observed that one other State Party – Cambodia – was receiving ongoing advice and support from the ISU with a view to submitting information related to the commitments contained in Actions #12, #13 and #14 of the Maputo Action Plan.
5. The Committee observed that establishing time-bound and measurable objectives and compiling information on enhancements that have been made or will be made to relevant plans, policies and legal frameworks could involve numerous State entities. In this context, the Committee observed that an all-of-government or inter-ministerial process would be required to fulfil Maputo Action Plan victim assistance ambitions. Given the time required for such a process and the need by many for support with such a process, the Committee observed that the Maputo Action Plan's call for information to have been submitted by 30 April 2015 was highly ambitious. The Committee, in noting the diminishment of the capacity of the ISU to assist States Parties with victim assistance commitments, observed the need for States Parties to provide support to affected States Parties that is commensurate with the ambition they have for these State Parties.
6. The Committee observed that the comprehensive nature of reporting under the Convention on the Rights of Persons with Disabilities may provide overarching guidance to reporting on victim assistance under the Anti-Personnel Mine Ban Convention. The Committee further observed that the conclusions and recommendations of the United Nations Committee on the Rights of Persons with Disabilities could be useful. In addition, the Committee observed that the President's initiative on reporting may provide useful guidance to States Parties.

7. The Committee observed the need for the Committee to engage in dialogue with States Parties concerned to further raise their awareness of Maputo Action Plan commitments, of ways and means to fulfil these commitments, and of support available. The Committee further observed the importance of the Committee hearing from affected States Parties regarding the challenges they may have encountered in acting upon these commitments.

ANNEX 1: OVERVIEW OF INFORMATION PROVIDED BY STATES PARTIES

	Article 7 report submitted in 2015	Information on victim assistance contained in the Article 7 report	Information on Maputo Action Plan victim assistance commitments provided in the Article 7 report	Information on Maputo Action Plan victim assistance commitments provided through means other than the Article 7 report
Afghanistan	✓	✓		
Albania	✓	✓		
Angola				
Bosnia and Herzegovina	✓	✓		
Burundi				
Cambodia	✓	✓		In progress
Chad	✓			
Colombia	✓	✓		
Croatia	✓	✓		
DR Congo				
El Salvador				
Eritrea				
Ethiopia				
Guinea-Bissau				
Iraq	✓	✓		
Jordan	✓			
Mozambique	✓	✓		
Nicaragua				
Peru	✓	✓		
Senegal				
Serbia	✓			
Somalia				
South Sudan				
Sudan	✓			
Tajikistan	✓	✓		
Thailand	✓			✓
Turkey	✓	✓		
Uganda				
Yemen				
Zimbabwe				