

GENERAL OBSERVATIONS

STATUS OF IMPLEMENTATION – VICTIM ASSISTANCE

COMMITTEE ON VICTIM ASSISTANCE

(Italy, Chile, Sweden and Thailand)

Intersessional Meetings

30 June – 2 July 2020

PART 1: INTRODUCTION

I. Activities of the Committee

1. On 6 December 2019 and on 27 January 2020, the Committee held its first meetings to discuss the work plan of the Committee for the year. During these initial meetings the Committee agreed to continue building on 2019 momentums in Victim Assistance by raising awareness on significance of safety and protection of mine survivors in situations of risk and humanitarian emergencies; by promoting an integrated approach which can ensure Victim Assistance is provided in a sustainable manner; and by strengthening cooperation with actors relevant to Victim Assistance efforts including the Victim Assistance Coordinators of sister-Conventions and human rights, development and disability actors.
2. On 27 January 2020, the Committee convened a Victim Assistance retreat to increase cooperation with Geneva based actors relevant for Victim Assistance, such as Committee on Enhancement of Cooperation and Assistance of the Anti-Personnel Mine Ban Convention, Victim Assistance Coordinator of the Convention on Cluster Munitions, Cooperation and Assistance Coordinator of the Convention on Cluster Munitions and representatives of the International Campaign to Ban Landmines (ICBL), the International Committee of the Red Cross (ICRC), Humanity and Inclusion (HI), UNMAS Geneva and the Secretariat of the Committee on the Rights of Persons with Disabilities/UN Office of the High Commissioner for Human Rights. The retreat provided an opportunity to exchange plans and priorities pursued in 2020 and to discuss utilising effective approaches in a manner to make the most of the supports provided to affected States in tackling challenges in Victim Assistance. The retreat also stressed the need for coherent advice and support to States seeking assistance, in meeting their Victim Assistance obligation.
3. During the week of 10th February 2020 on the margins of the UN National Mine Action Directors Meeting in Geneva, the Committee met with representatives of Bosnia and Herzegovina, Chad, Iraq and Somalia to discuss Victim Assistance to provide information on key Victim Assistance objectives as well as new commitments acquired with the adoption of the Oslo Action Plan (OAP) to ensure that the needs and rights of mine victims are effectively addressed. The national directors of mine action centres of the States Parties shared information on their Victim Assistance activities including progresses they achieved, and challenges faced in their respective countries. The Committee invited representatives of the States Parties to share further information on their Victim Assistance activities and challenges through their Article 7 reports due on 30 April 2020.
4. In response to a support request by Guinea-Bissau to the Committee, Victim Assistance the Implementation Support Officer of the ISU carried out a technical visit to Guinea - Bissau from 18 to 20 February 2020 to provide technical support and raise awareness on requirements of Victim Assistance in the framework of the Convention and the OAP to relevant national ministries (e.g. Ministry of Public Health, Ministry of Social Protection, Ministry of National

Defense and other national institutions and national and international civil society organisations, including representatives organisations of mine victims). The Implementation Support Officer also provided the government with recommendations for strengthening implementation support around Victim Assistance (such as inter-sectoral coordination, planning, reporting) and during the visit.

5. In February 2020, the Committee finalised a Victim Assistance Checklist to support States Parties with mine victims in areas under their jurisdiction or control in developing a baseline of their Victim Assistance implementation. The Checklist is a tool to support the work of the national Victim Assistance and disability authorities in reporting and measuring progress on implementation of relevant Victim Assistance commitments of the OAP. The Checklist was drafted in the lead up to the Fourth Review Conference and presented as a draft at the Victim Assistance Expert Meeting in November 2019 in Oslo. After incorporating suggestions and feedback provided by Victim Assistance Experts and civil society organisations, the Committee with the support of the ISU published the Checklist in Arabic, English, French and Spanish.
6. On 2 March 2020, the Committee on Victim Assistance wrote to representatives of States Parties with mine victims in areas under their jurisdiction or control recalling the OAP commitments and encouraging States Parties to do their utmost to communicate relevant information by 30 April 2020. The Committee Chair noted in the letter the importance of transmitting information in a timely manner while recognizing the challenges faced by States Parties this particular year caused by the Global Pandemic. The Committee used this opportunity to further disseminate the Checklist. In addition, the letters stressed on the importance of Article 7 Transparency Reports for the implementation of the mandates entrusted to the Committee by the States Parties.
7. During the first quarter of 2020, follow up support provided to the States Parties that had hosted National Victim Assistance Stakeholder Dialogue in 2019/2018 with support of the European Union to help with advancing on the outcomes of the National Dialogues. Technical advice provided to Ministry of Gender, Labour and Social Development of Uganda on the integration of Victim Assistance into a new national disability action plan; and support provided to National Mine Action Authority and Ministry of Child, Social Welfare of South Sudan to finalise as they work to develop the country's first Victim Assistance national action plan.
8. Also during the first quarter of 2020, Colombia and Sudan as States Parties with significant number of mine victims in their jurisdiction or control were supported by the Committee to be provided with support to hold national stakeholder dialogues on Victim Assistance to respectively strengthen mine survivors participation and improve planning, with resources provided through the European Union Council Decision.
9. Since 30 April, the Committee has been analysing the information submitted by the States Parties in their Article 7 report and Victim Assistance Checklist, in order to draw preliminary observations on the implementation of their Victim Assistance commitments.

II. Methodology for the preparation of preliminary observations

10. The Committee is mandated, in part to, "review relevant information provided by the States Parties on the implementation of the commitments contained in the OAP" and to "consider matters related to gender and the diverse needs and experiences of people in affected communities in every aspect of its work."

11. In preparing its observations, the Committee drew upon information submitted by States Parties in 2020 in the context of Article 7 reporting and information submitted by States Parties in the format of the checklist developed by the Committee on Victim Assistance and Victim Assistance (VA) Experts.

12. Given the subject matter covered in Actions #33 to #41, the Committee proceeded to prepare observations on the following matters:

- Establishment or strengthen of a centralised database
- Integration of Victim Assistance into broader national policies, plans and legal frameworks
- Designation of a government entity to oversee the integration
- Development and implementation of a national action plan
- Removal of barriers
- Application of multi-sectoral efforts
- Access to first aid, ongoing emergency medical care
- National referral mechanisms
- Access to rehabilitation services, psychological and psychosocial services and social and economic inclusion services
- Measures to ensure the safety and protection of mine survivors
- Strengthening inclusion and participation of mine victims and their representative organisations in all matters that affect them

III. Information provided by States Parties on Victim Assistance

10. At the close of Fourth Review Conference of the Anti-Personnel Mine Ban Convention, 30 States Parties had reported significant numbers of mine victims in areas under their jurisdiction or control. Of these, as of 15 June 2020, 16 had submitted Article 7 reports: Angola, Cambodia, Colombia, Croatia, Ethiopia, Iraq, Mozambique, Jordan, Peru, Serbia, South Sudan, Sudan, Tajikistan, Thailand, Yemen and Zimbabwe.

11. Of these States, 13 submitted updated information on Victim Assistance activities in their Article 7 reports: Cambodia, Colombia, Croatia, Ethiopia, Iraq, Jordan, Peru, South Sudan, Sudan, Tajikistan, Thailand, Yemen and Zimbabwe.

12. Two States Parties – Angola and Mozambique – submitted information on Victim Assistance efforts directly to the Committee.

13. Eight States Parties – Angola, Colombia, Ethiopia, South Sudan, Sudan, Thailand, Yemen and Zimbabwe – submitted additional information by completing a Victim Assistance Checklist.

14. Of the 30 States Parties that had reported significant numbers of mine survivors in areas under their jurisdiction or control, as of 15 June 2020, 15 had not submitted updated information on efforts to implement Victim Assistance commitments: Afghanistan, Albania, Bosnia and Herzegovina, Burundi, Chad, the Democratic Republic of the Congo, El Salvador, Eritrea, Guinea-Bissau, Nicaragua, Senegal, Serbia, Somalia, Sri Lanka and Uganda.

15. Three other States Parties – Algeria, Chile and Turkey – submitted information, in their Article 7 reports, on implementation of Victim Assistance commitments.

PART 2: OBSERVATIONS

I. OBSERVATIONS OF A GENERAL NATURE

1. The Committee is grateful to States Parties with significant mine victims in areas under their jurisdiction or control - Angola, Cambodia, Colombia, Croatia, Ethiopia, Iraq, Mozambique, Jordan, Peru, South Sudan, Sudan, Tajikistan, Thailand, Yemen and Zimbabwe - as well as to other States Parties -Algeria, Chile and Turkey- that have provided information on progress and remaining challenges in implementation of Victim Assistance commitments. The Committee noted that COVID-19 pandemic has affected national Victim Assistance activities, including submission of Report this year and encourages State Parties that have not submitted reports to do so as soon as possible.
2. The Committee observed that most of the States Parties that submitted information on Victim Assistance, have provided comprehensive information on the status of implementation Victim Assistance, and in general indicating a steady progress in some areas of Victim Assistance and the resolve to address remaining challenges in other areas in order to meet the rights and protect the rights of mine victims.
3. The Committee observed that while the Article 7 Report submitted this year concerned the year 2019, some of the States Parties with significant numbers of mine victims in areas under their jurisdiction or control, have reported aligning Victim Assistance activities with the Victim Assistance commitments in the 2020 – 2024 OAP, in particular with the Actions #33 to #41. The Committee observed that States Parties with significant numbers of mine victims in areas under their jurisdiction or control would benefit from further technical support to ensure timely efforts are made towards achievement of the objectives of the OAP on Victim Assistance.
4. The Committee observed that eight States Parties - Angola, Colombia, Ethiopia, South Sudan, Sudan, Thailand, Yemen and Zimbabwe - have been making use of the recently developed Victim Assistance tool – “Victim Assistance Checklist” – to review the status of implementation in Victim Assistance and to create a baseline for the next five years. The Committee observed from information submitted in the checklist that progress has been made around the integration of Victim Assistance into broader national policies and programmes, especially those pertinent to disabilities.
5. The Committee observed from the information provided by States Parties that while too many people continue losing lives or limbs to anti-personnel mines, some of the States Parties have been making progress in reducing the number of new casualties through preventive measures such as risk education and clearance. The Committee encourages States Parties to increase efforts such as risk education and clearance to reduce the number of mine casualties to zero as soon as possible, in accordance with paragraph 1 of the OAP.
6. The Committee observed that based information submitted for 2019, there is a well-established system for registration of new mine victims, which often record information with high accuracy, in most of the States Parties with ongoing mine casualties, and the Committee commends the respective national mine action centres for their success in this regard. Eleven States Parties - Cambodia, Colombia, Croatia, Iraq, Peru, South Sudan, Sudan, Tajikistan, Thailand, Turkey and Yemen – reported on this matter. Meanwhile, in accordance with Action #35 of the OAP, the Committee encourages national mine action centres and national mine action authorities to

make the casualty data available to relevant authorities and stakeholders to ensure the integration of all new mine victims into relevant national policies and services.

7. The Committee observed that with the exception of registering new casualties, national data collection or Mine Victim Survey to identify all mine victims, understand their living condition, their needs and challenges they face remain among the most common and prominent challenges in the vast majority of the States Parties with mine victims in areas under their jurisdiction or control. The Committee encourages States Parties to increase efforts in this regard and calls on the international community to increase cooperation and assistance to respective States Parties to undertake data collection and survey efforts, without which it would not be possible to design and implement effective policies or programmes.
8. The Committee observed that States Parties continue to face challenges in identifying and responding to the needs of affected families – family members of mine survivors and survivors of those who were killed – as well as communities endangered by the presence of mines and encourages States Parties to continue promoting a holistic and integrated approach in their national efforts to address these challenges.
9. The Committee observed that 12 States Parties - Cambodia, Colombia, Croatia, Iraq, Peru, Mozambique, South Sudan, Sudan, Tajikistan, Thailand, Turkey and Yemen – highlighted their efforts to ensure consideration for gender, age, disability and/or other diversity dimensions in implementation of their Victim Assistance efforts, this is demonstrated in several reports submitted by States Parties, particularly in the information provided on new mine casualties. In accordance with the OAP which extensively stresses on consideration of gender, age as well as disability and diverse needs of mine victims into mine action, the Committee is of the understanding that much more would have to be invested at policy and programme levels to ensure these important principles will be achieved. The Committee would encourage taking a holistic approach to address all aspects of gender and diversity in mine action sector.
10. The Committee observed that in vast majority of States Parties - Angola, Cambodia, Colombia, Croatia, Ethiopia, Iraq, Mozambique, Jordan, Peru, South Sudan, Tajikistan, Thailand, Turkey and Zimbabwe - with mine victims in areas under their jurisdiction or control that have submitted information on Victim Assistance, national ministries, such as ministries of health and social affairs gradually taking leading roles in Victim Assistance by integrating it into their respective disability, health, social protection and other social and develop policies and programmes. While in some States Parties national mine action centres or authorities continue to play vital roles in Victim Assistance, engagement and ownership by national health and social affair authorities have been a positive development. The Committee recognises the fact that such an approach is of utmost important for the sustainability of assistance to mine victims, as also required by Action #33 of the OAP.
11. The Committee observes some progressive developments in the integration of Victim Assistance into national disability plans in most of the States Parties with mine victims in areas under their jurisdiction or control that submit information on Victim Assistance. In some cases, national mine action authorities have been more proactive in initiating national inclusive plans to meet the needs and protect the rights of mine survivors as an integral part of national efforts on disabilities and the implementation of the Convention on the Rights of Persons with Disabilities. The Committee understands that disability frameworks are among the most relevant to Victim Assistance and given the cross-cutting nature of Victim Assistance, the needs and rights of mine victims have to be included in many other national frameworks, such as “...health, education, employment, development and poverty reduction in support of the realisation of the Sustainable Development Goals,” in accordance with paragraph 11 of the OAP. Therefore, the

Committee encourages States Parties, in accordance with Action #34 of the OAP to “carry out multi-sectoral efforts to ensure that the needs and rights of mine victims are effectively addressed...”

12. The Committee emphasises the importance of creating measurable, realistic and time-bound national inclusive plans sensitive to diverse needs and situations of all mine victims including men, women, boys, girls living in remote and rural areas, and encourages the States Parties with mine victims in areas under their jurisdiction or control to increase efforts in this regard, in accordance with Action #33 of the OAP.
13. The Committee observed that reports provided by the respective States Parties lack information on the existence of a “centralised database that includes information on persons killed by mines as well as on persons injured by mines and their needs and challenges, disaggregated by gender, age and disability” as required by Action #35 of the OAP, the Committee encourages States Parties with Victim Assistance responsibility to increase efforts in reporting and establishing or strengthening a centralised database and by doing so take a step towards creating greater understandings on living situations of mine survivors, and other persons with disabilities.
14. The Committee observed that a considerable number of new casualties have not survived accidents. It is believed that some of the fatalities are due to the severity of injuries and magnitudes of blasts that minimise the chance of survival, however, some other fatalities may have occurred due to shortages of time-sensitive emergency assistance, such as first aid, evacuation and other essential prehospital care. The Committee encourages further efforts to be made in this regard and in accordance with Action #36 of the OAP, which requires the States Parties to “provide effective and efficient first aid to casualties in mine-affected communities, as well as other medical emergency services, and ongoing medical care.”
15. The Committee observed that only a handful of the respective States Parties which have provided information on their Victim Assistance activities - Angola, Colombia, Ethiopia, Iraq, South Sudan, Sudan, Thailand and Zimbabwe - have reported on the existence of or plan to establish a national referral mechanism and to develop a national directory of services. The Committee believes that both a referral system and a directory of services would further facilitate access to services and in line with the Action #37 of the OAP, encourages States Parties to report in this regard.
16. The Committee observed that nearly all reports provided by the respective States Parties show that physical rehabilitation services are available to persons with disabilities including for mine survivors in need of rehabilitation, and in the meantime, vast majority of the reports indicated that rehabilitation services face various types of challenges, such as shortages of financial resources for prosthetics, orthotics, assistive devices, shortages of rehabilitation professionals such as physiotherapists and prosthetic and orthotic technicians, and lack of rehabilitation assistance in rural and remote areas. The Committee observed that only a few reports provided information on availability of occupational therapy. In accordance with Actions #38 and #43 of the OAP, the Committee encourages States Parties to do their utmost to ensure resources are made available for all rehabilitation centres and to mobilize international supports, such as those provided by the World Health Organization (WHO) for more effective, efficient, affordable and accessible rehabilitation support.
17. The Committee observed that like in the previous years, reports provided by States Parties either lacked information on progress in psychological, psychosocial and peer to peer support, or indicate challenges or gaps in these areas. The Committee encourages States Parties to act in this regard in accordance with Action #38 of the OAP and to report on efforts and challenges.

18. The Committee observed that States Parties with mine victims in areas under their jurisdiction and control that have submitted information on their Victim Assistance efforts have been making progress in meeting the social and economic needs of mine survivors by providing various types of assistance such as vocational training, employment opportunities, improving national frameworks, etcetera. The Committee also observed that the reports provided on social economic inclusion of mine survivors often lack information on the number of mine victims (men, women, boys and girls) who have benefited from such services. The Committee encourages States Parties to provide more and disaggregated information on progress as well as challenges in areas of social and economic inclusion.
19. The Committee observed that only a few of the respective States Parties - Angola, Colombia, Ethiopia, South Sudan, Sudan, Thailand, Zimbabwe - have integrated measures in their national disaster management frameworks for safety and protection of mine survivors and persons with disabilities. In accordance with Action 40 of the OAP, the Committee encourages all States Parties with mine victims in areas under their jurisdiction or control to ensure safety and protection of mine survivors in situations of risk and emergencies, including situations of armed conflict, humanitarian emergencies and natural disasters, such as COVID-19 pandemic. Promoting this aspect of Victim Assistance shapes one of the main priorities of the Committee on Victim Assistance in 2020, and the Committee would be available to engage with any of the States Parties with Victim Assistance obligation, in this regard.
20. The Committee observed that reports provided by the States Parties indicate that efforts have been made to ensure inclusion and active participation of mine victims and their representative organisations in matters that affect them and the Committee would welcome further information on the degree of such efforts and the level of satisfaction among the mine victims and their organisations in this regard, in accordance with Action #41 of the OAP.
21. The Committee observed that shortages in resources and funding for Victim Assistance programmes remain one of the most prominent and significant challenge for most of the States Parties with mine victims in areas under their jurisdiction or control. The Committee encourages States Parties to increase national efforts by placing Victim Assistance among their national priorities on social development, health, education, humanitarian action and human rights. The Committee encourages States Parties to “develop resource mobilisation plans and use all mechanisms within the Convention to disseminate information on challenges and requirements for assistance, including through their annual Article 7 transparency reports and by taking advantage of the individualised approach” in accordance with Action #43 of the OAP. The Committee would also call on the international community and all States Parties in a position to do so to provide assistance to States Parties with mine victims in areas under their jurisdiction and control that seek assistance for their Victim Assistance activities, in accordance with Article 6 and as committed to in Action #45 of the OAP.
22. The Committee observed that States Parties requiring support would benefit from reaching out to the Implementation Support Unit for technical support in the implementation of their Victim Assistance reporting commitments, including the OAP commitments.

Annex I

Oslo Action Plan

Victim Assistance Reporting Baseline
Information provided by States Parties in 2020

States Parties		Submitted Article 7 Report in 2020	Victim Assistance Actions of the Oslo Action Plan									
			#33	#34	#35	#36	#37	#38	#39	#40	#41	#43
1	Afghanistan											
2	Albania											
3	Algeria	√	√	√		√		√	√		√	
4	Angola	√	√	√		√	√	√	√	√	√	
5	Bosnia and Herzegovina											
6	Burundi											
7	Cambodia	√	√			√	√		√			
8	Chad											
9	Chile	√	√			√			√			
10	Colombia	√	√	√	√	√	√	√	√	√	√	√
11	Croatia	√	√	√		√		√	√			
12	Congo DR											
13	El Salvador											
14	Eritrea											
15	Ethiopia	√	√	√	√	√	√	√	√	√	√	
16	Guinea-Bissau											
17	Iraq	√	√	√	√	√	√		√		√	
18	Jordan	√	√	√		√	√	√	√		√	
19	Mozambique		√	√		√						
20	Nicaragua											
21	Peru	√	√	√	√	√		√	√		√	
22	Senegal											
23	Serbia	√										
24	Somalia											
25	South Sudan	√	√	√		√	√	√	√	√	√	
26	Sri Lanka											
27	Sudan	√	√	√	√	√	√	√	√	√	√	√
28	Tajikistan	√	√	√	√	√		√	√		√	
29	Thailand	√	√	√	√	√	√	√	√	√	√	√
30	Turkey	√	√					√	√			
31	Uganda											
32	Yemen	√	√			√		√				
33	Zimbabwe	√	√	√	√	√	√	√	√	√	√	

Annex II.

Reported casualty figures in States Parties with significant numbers of mine victims in areas under their jurisdiction or control, according to latest information submitted by the respective States Parties

States Parties	2019 casualties									Total of latest reported casualties for all times
	Women		Girls		Boys		Men		2019 total	
	injured	killed	Injured	killed	injured	killed	injured	killed		
Afghanistan										34,000 ¹
Albania										1,003
Angola										9,296 ²
Bosnia and Herzegovina										1,760
Burundi										Approx. 6,000
Cambodia	5	1			14	2	46	9	77	Approx. 65,000
Chad										2,834
Colombia	1				9		98		108	11,801
Croatia									2	597
Congo DR										2743
El Salvador										4,500
Eritrea										Approx. 5,750
Ethiopia										16,616 ³
Guinea-Bissau										Approx. 1,300
Iraq		1					24	17	42	34,043
Jordan										1,017
Mozambique										Approx. 10,000 ⁴
Nicaragua										1,101
Peru									3	348
Senegal										831
Serbia										1,123
Somalia										Approx. 1,300 ⁵
South Sudan	9		3		19	5	12	3	51	5,059 ⁶
Sri Lanka										1,732 ⁷
Sudan			5	2	14	3	5	1	30	2,171
Tajikistan					1			2	3	879
Thailand										To be identified ⁸
Uganda										Approx. 2,000
Yemen	148			902			1,050			7,263 ⁹
Zimbabwe										260 ¹⁰

¹ Afghanistan has reported that as of 2018 a total of 350,000 war related victims were registered by the Ministry of Martyrs and Disabled (MMD) out of which 34,000 of them are victims of landmines and Explosive Remnants of War.

² Angola has reported registering 9,296 in Namibe, Cunene, Huila, Benguela, Cabinda, Zaire, Huambo, Malanje & Uíge provinces as of 2018.

³ Ethiopia has reported identifying 15,321 victims before 2002 and registering 1,295 victims between 2002 and 2004.

⁴ Mozambique has reported that through an upcoming statistical survey of persons with disabilities, disaggregated data on mine survivors will also be compiled.

⁵ Somalia has reported the 1,300 registered victim is subject to verification as part of a National Mine Victim Survey which Somali Explosive Management Authority (SEMA) plans to conduct, when funding is secured.

⁶ South Sudan has reported 4,500 victims were recorded before 2011 and a total of 5,59 victims have been recorded from 2011 until 2019.

⁷ Sri Lanka has reported that since 1985 a total of 1,732 individuals have been injured by anti-personnel mines or ERW.

⁸ Thailand has reported that 357,705 persons with disabilities live in the 27 mine affected provinces and that the number of mine survivors to be identified.

⁹ The figure shows a total of 3,854 reported for years until 2013, 2,359 reported for 2016, 2017 and 2018 and 1,059 reported for 2019.

¹⁰ Zimbabwe has reported having a considerable number of mine victims. 260 of the victims have been registered as of 2019 and the identification of the rest of the victims goes on.