

## PRELIMINARY OBSERVATIONS

### COMMITTEE ON VICTIM ASSISTANCE (Mozambique, Belgium, Chile and Italy)

Intersessional Meetings, 22-24 May 2019

## PART 1: Introduction

### I. Activities of the Committee

1. On 12 December 2018, the Committee held its first meeting to discuss the work plan of the Committee for the year. During this initial meeting the Committee identified three core priorities for 2019, including continuing efforts to increase quality and quantity of reports by affected States, strengthening synergies with relevant stakeholders outside the Convention, such as human rights and disability actors, and increasing collaboration between office holders taking the lead on matters concerning victim assistance and those addressing issues concerning Cooperation and Assistance within sister-Conventions.
2. On 16 January 2019, the Committee held a Victim Assistance retreat to increase synergies and cooperation with a number of actors relevant for victim assistance, such as the Victim Assistance Coordinators of the Convention on Cluster Munitions and Protocol V of the Convention on Certain Conventional Weapons, as well as with the Committees mandated to address matters concerning Cooperation and Assistance of the Anti-Personnel Mine Ban Convention and of the Convention on Cluster Munitions. The retreat provided an opportunity to share plans and objectives for 2019, discuss respective thematic priorities, promote a common understanding of respective mandates, objectives, actions and evaluate opportunities for cooperation, and build a concerted victim assistance approach to support the promotion of common objectives. All participants saw this as a useful endeavour and agreed to continue and increase their interaction.
3. On 29 January 2019, the Committee Chair wrote to representatives of States Parties with mine victims in areas under their jurisdiction or control that submitted updated information in 2018, as well as to those that did not, recalling the Maputo Action Plan commitments and encouraging States Parties to do their utmost to communicate relevant information by 30 April 2019. The Committee Chair noted in the letter the importance of transmitting information in a timely manner. The Committee Chair also requested that States Parties provide information on progress and challenges in the implementation of victim assistance commitments and informed States that additional information would be welcomed on how gender considerations and the Sustainable Development Goals and 2030 Development Agenda, are taken into account in the implementation of such commitments.
4. In addition to the letters indicated above, the Committee Chair wrote to States Parties that have indicated having victims of anti-personnel mines under their jurisdiction or control but do not make part of the Committee's focus group of 30 States Parties that have indicated having responsibility for a significant number of landmine survivors.
5. In implementing its mandate to, in part, raise awareness, in relevant fora, of the importance of addressing the needs and guaranteeing the rights of mine victims in broader domains, the Committee carried out the following activities:
  - a. During the 22<sup>nd</sup> Meeting of Mine Action National Directors and United Nations Advisers

held during the period of 5-8 February 2019, the Committee interacted in the plenary during the panel on Health Care and Explosive Violence.

- b. On 4 February 2019, the Committee met with Sustainable Development Goals – SDG Lab in Geneva to sensitise the SDG Lab on efforts around victim assistance and to discuss synergies between victim assistance and the SDGs – in light of pursuing the aspiration of *leaving no one behind and inclusivity* of the SDGs. Points of synergies were discussed and the Lab would henceforth address the issues of mine victims in their efforts and expressed interest in taking part in relevant activities of the Committee.
  - c. On 6 March 2019, the Committee addressed the opening of the 40<sup>th</sup> Session of the Human Rights Council during the annual debate on persons with disabilities, stressing the importance of Article 26 of the Convention on the Rights of Persons with Disabilities (CRPD) on habilitation and rehabilitation as a key pillar of assistance to mine survivors.
  - d. On 11 March 2019, the Committee addressed the opening of the 21<sup>st</sup> Session of the Committee of the Convention on the Rights of Persons with Disabilities to introduce newly elected members on the work of the Committee on Victim Assistance and to share with them some of the objectives of the Committee for 2019.
6. The Committee is working with the ISU, through Enhanced Support of the ISU, to assist States Parties in carrying out their victim assistance commitments under the Convention and the Maputo Action Plan. Under the current Committee membership, the ISU carried out activities in support of South Sudan's and Sri Lanka's efforts to promote a strategic approach to their victim assistance programmes in 2018, and in support of Cambodia's efforts to review its victim assistance plan in 2019.
  7. Since 30 April, the Committee has been analysing the information submitted by the States Parties in their Article 7 report in order to draw observations on the implementation of their victim assistance commitments.

## **II. Information provided by States Parties on victim assistance**

8. At the close of the Seventeenth Meeting of the States Parties, 30 States Parties had reported significant numbers of mine victims in areas under their jurisdiction or control. Of these, as of 10 May 2019, 15 had submitted Article 7 reports: Angola, Bosnia and Herzegovina, Cambodia, Colombia, the Democratic Republic of the Congo, El Salvador, Jordan, Mozambique, Nicaragua, Somalia, Sudan, Tajikistan, Thailand, Yemen and Zimbabwe.
9. Of these States, 13 submitted updated information on victim assistance activities in their Article 7 reports: Angola, Bosnia and Herzegovina, Cambodia, Colombia, the Democratic Republic of the Congo, Jordan, Nicaragua, Somalia, Sudan, Tajikistan, Thailand, Yemen and Zimbabwe.
10. Three States Parties – Chad, El Salvador and Mozambique – submitted information on victim assistance efforts directly to the Committee.
11. Of the 30 States Parties that had reported significant numbers of mine survivors in areas under their jurisdiction or control, at the time of writing, 14 had not submitted updated information on efforts to implement Victim Assistance commitments: Afghanistan, Albania, Burundi, Croatia, Eritrea, Ethiopia, Guinea-Bissau, Iraq, Peru, Senegal, Serbia, South Sudan, Sri Lanka and Uganda.

## **PART 2: OBSERVATIONS**

### **I. OBSERVATIONS OF A GENERAL NATURE**

1. The Committee is grateful for the information on progress in implementation of victim assistance commitments submitted by Angola, Bosnia and Herzegovina, Cambodia, Chad, Colombia, the Democratic Republic of the Congo, El Salvador, Jordan, Mozambique, Nicaragua, Somalia, Sudan, Tajikistan, Thailand, Yemen and Zimbabwe.
2. States Parties continue to show improvement in the quality of the information they submit, which demonstrates stronger engagement with the work of the Committee. We would encourage these States to continue providing high-quality information concerning the implementation of the Maputo Action Plan.
3. The Committee observed that casualties continue to be reported by States Parties, however the Committee is pleased to note that in some cases casualties have decreased because of preventive efforts by the respective States Parties. The Committee encourages States Parties to invest more efforts to reduce mine casualties to zero.
4. The Committee observed that States Parties increasingly take into consideration the gender dimension in their efforts on victim assistance, and this is demonstrated in several reports submitted by States Parties, particularly in the information provided on casualties.
5. The Committee observed that States Parties have been making efforts to assess the situation of mine victims, although most of such assessments have been carried on an ad hoc basis, primarily due to constraints in resources and the absence of a more national coordinated and strategic approach. In line with Action 12 of the Maputo Action Plan, the Committee encourages States Parties to increase efforts on better assessing and understanding the needs and challenges faced by mine survivors, affected families and communities. The Committee would welcome information on progress in this regard, including on the systems in place and activities carried out to assess the needs of mine victims, the availability and gaps in services and support, and existing or new requirements for disability, health, education, employment, development and poverty reduction needed to meet the needs of mine victims, and to refer victims to existing services, where possible.
6. The Committee observed that few States Parties had reported time-bound and measurable objectives they seek to achieve through the implementation of national policies, plans and legal frameworks that will tangibly contribute to the full, equal and effective participation of mine victims in society. The Committee recognises the need for developing and implementing a concrete and inclusive plan of action as a tool to address the challenges in victim assistance in a more strategic and coordinated manner and to make victim assistance more measurable. Therefore, it encourages States Parties to increase efforts in this regard and to communicate, including through their annual transparency reports, on these efforts. The Committee further encourages States Parties to provide it with an electronic copy of their national victim assistance strategies and plans.
7. The Committee observed that reports provided by the respective States Parties often lack information on activities undertaken to ensure the inclusion, full and active participation of mine victims and their representative organisations in matters that affect them, particularly as concerns national action plans, legal frameworks, policies, implementation mechanisms and monitoring and evaluation in accordance with Action 16 of the Maputo Action Plan. The

Committee encourages States Parties to promote effective inclusion and participation by mine victims in relevant policies and programmes and to submit information on their implementation.

8. The Committee observed a general pattern in the integration of victim assistance into broader policies and programmes, particularly in the areas of disability and health. With the aim of promoting a sustainable approach to victim assistance, the Committee continues putting emphasis concerning integration of victim assistance in broader policies and programmes as stated in the Maputo Action Plan, *“victim assistance should be integrated into broader national policies, plans and legal frameworks related to the rights of persons with disabilities, health, education, employment, development and poverty reduction.”* In this respect, the Committee would welcome further information on specific and targeted activities undertaken by States Parties in pursuing the objective of Action 14.
9. The Committee observed that several States Parties that have provided comprehensive information on their efforts in victims assistance have also demonstrated measurable improvements in meeting the needs of mine victims. The Committee would welcome further information from other States Parties on tangible improvements in their victim assistance programmes and on remaining challenges and priorities in advance of the Fourth Review Conference and beyond.
10. The Committee continues to welcome age- and gender-disaggregated information on policies and programmes that improve gender equality among mine victims and would invite States Parties to report on efforts undertaken in the implementation of all pillars of victim assistance, including in remote and rural areas. The Committee would also welcome further information on how States take the Sustainable Development Goals and other relevant global frameworks into account in the implementation of their victim assistance commitments.
11. The Committee observed that, like in previous years, resources and funding for victim assistance programmes remain a significant challenge for States Parties in meeting the needs of mine victims and protecting their rights. In this regard, the Committee encourages States in need of assistance to increase national efforts by including victim assistance among their national priorities on social development, health, education and human rights and to consider participation in the “individualised approach” of the Convention led by the Committee on Enhancement of Cooperation and Assistance to gather States and organizations in a position to provide support.
12. The Committee observed the need for increased engagement and cooperation with health, human rights, disability and development actors to address the needs of mine victims in an efficient, effective and sustainable fashion, as well as the importance of cooperation across disarmament instruments with victim assistance obligations, to ensure that the different actors understand their specific role, highlight mutually beneficial opportunities and ensure that activities are mutually reinforcing.
13. The Committee noted that States Parties continue to face challenges in responding to the needs of mine 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 approach in their national efforts to address these challenges.
14. The Committee observed that mine/ERW/UXO continue to affect the lives and livelihoods of people in a lot of countries and that such incidents are even more evident in most of the 30 States

Parties that have reported significant numbers of mine survivors, at a time when funding for victim assistance projects and programs is dwindling.

15. 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.

OVERVIEW<sup>1</sup> OF INFORMATION PROVIDED BY THE 30 STATES PARTIES THAT HAVE INDICATED HAVING A RESPONSIBILITY FOR SIGNIFICANT NUMBERS OF LANDMINE VICTIMS

State Party	Article 7 report submitted in 2019, for 2018 <sup>2</sup>	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	✓	✓	✓	
Chad				✓
Colombia	✓	✓	✓	
Croatia				
DR Congo	✓	✓	✓	
El Salvador	✓			✓
Eritrea				
Ethiopia				
Guinea-Bissau				
Iraq				
Jordan	✓	✓	✓	
Mozambique	✓			✓
Nicaragua	✓	✓	✓	
Peru				
Senegal				
Serbia				
Somalia	✓	✓	✓	
South Sudan				
Sudan	✓	✓	✓	
Tajikistan	✓	✓	✓	
Thailand	✓	✓	✓	
Uganda				
Yemen	✓	✓	✓	
Zimbabwe	✓	✓	✓	

<sup>1</sup> Status by 10 May, 2019

**STATUS<sup>3</sup> OF 2018 REPORTING BY THE 30 STATES PARTIES THAT HAVE INDICATED HAVING A RESPONSIBILITY FOR SIGNIFICANT NUMBERS OF LANDMINE VICTIMS, IN LINE WITH THE MAPUTO ACTION PLAN**

<b>State Party</b>	<b>Action 12</b>	<b>Action 13</b>	<b>Action 14</b>	<b>Action 15</b>	<b>Action 16</b>	<b>Action 17</b>	<b>Action 18</b>
Afghanistan							
Albania							
Angola	✓						
Bosnia and Herzegovina	✓			✓		✓	
Burundi							
Cambodia	✓	✓	✓	✓		✓	✓
Chad	✓			✓			✓
Colombia	✓	✓		✓	✓		✓
Croatia							
The Democratic Republic of the Congo				✓		✓	
El Salvador	✓	✓	✓	✓	✓	✓	✓
Eritrea							
Ethiopia							
Guinea Bissau							
Iraq							
Jordan	✓	✓	✓		✓	✓	✓
Mozambique		✓	✓				✓
Nicaragua	✓	✓	✓				✓
Peru							
Senegal							
Serbia							
Somalia	✓						✓
South Sudan							
Sudan	✓	✓	✓	✓		✓	✓
Tajikistan	✓		✓	✓	✓	✓	✓
Thailand			✓	✓			
Uganda							
Yemen	✓		✓	✓			
Zimbabwe	✓		✓	✓		✓	✓

<sup>3</sup> Status by 10 May 2019