

**Status of implementation of the Convention
in relation to victim assistance**

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Victim Assistance and Socio-Economic Reintegration**

(Belgium and Thailand)

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With the Second Review Conference only six months away, it is time to take stock of the progress made since 2004, and the priorities for the future. It is easy to underestimate the progress that has been made on victim assistance in the last five years. But here this week we can witness two concrete examples of progress:

First: At the last Standing Committee meeting before the First Review Conference in June 2004, 19 States Parties delivered a statement on their efforts to provide for the care, rehabilitation and reintegration of landmine survivors. The vast majority of these statements were delivered by representatives of ministries of foreign affairs or directors of mine action centres. Only two statements were delivered by experts working in their State's ministry of health. Today, 15 of 22 statements by States will be delivered by experts from relevant ministries and agencies with experience in the fields of health, rehabilitation, psychological support, disability rights and other components of victim assistance.

Second: The 2004 meeting included thematic presentations on the various components of victim assistance, mostly delivered by NGOs. The meeting stressed the importance of ensuring that the work on victim assistance at the international level was better understood at the national level. This week, a parallel programme for victim assistance experts allows for more in-depth discussion on key issues and the sharing of experiences and good practice between a broad cross section of stakeholders, including representatives of relevant government ministries and agencies, survivors, international agencies and other service providers.

Indeed, significant progress has been made in ensuring that the work on victim assistance at the international level is better understood at the national level. This has been done by States Parties working intensively to apply the conclusions on implementation adopted at the First Review Conference. These conclusions included the following.

- At the First Review Conference, States Parties adopted a broad definition of a landmine victim which included the individual, their family, and their community. However, it was agreed that “quite naturally the majority of attention has been focused on providing assistance to those individuals directly impacted by mines.”
- We agreed that victim assistance should be guided by principles that involve “non-discrimination”, “national ownership” and “an integrated and comprehensive approach including a gender perspective.”
- And, amongst many other conclusions, we recognised that “victim assistance is more than just a medical or rehabilitation issue – it is also a human rights issue.”

The conclusions adopted at the First Review Conference provided a comprehensive basis for action on victim assistance. Two of the main principles that have guided action since that time are:

- First: Ultimate responsibility for meeting the needs of survivors rests with sovereign States. States need to be provided with the space and support to define what can be or should be achieved, in concrete and measurable terms. While others may be in a position to assist, sovereign States are

the owners of their challenges and need to be the owners of the solutions to overcome these challenges.

- And second: Objectives and plans should see that landmine victim assistance is integrated into broader healthcare, rehabilitation, development and disability contexts, and provide a more concrete basis to articulate priorities for assistance. As such, relevant ministries and officials from these ministries need to be at the forefront of “victim assistance” efforts.

Collectively we have focused our attention on States Parties that have reported a responsibility for significant numbers of landmine survivors.¹ Progress is being made to varying degrees by all relevant States Parties. While not all have initiated an inter-ministerial process, all have engaged in the process to some extent.

Many of these States Parties will provide an update on their progress so I will only highlight some of the actions and developments since the First Review Conference in 2004:

- Since 2005, with funding provided by Australia, Belgium, Austria, New Zealand, Norway and Switzerland, the ISU has assisted the relevant States Parties with their inter-ministerial processes to enable those States Parties with good objectives to develop and implement good plans, to help those with unclear objectives to develop more concrete objectives. *Process support* visits have been undertaken in 24 relevant States Parties.
- The efforts of relevant States Parties in proceeding with inter-ministerial processes have resulted for the first time in clear objectives having been established and national plans developed. Often for the first time the aim of assisting landmine survivors is being taken into account in broader disability and human rights approaches.

Of course the most identifiable gains have been process-related and the real promise of the Convention is to make a difference on the ground, in the lives of individual survivors. Nevertheless, without the full involvement of the right governmental actors and without the application of coherent and realistic strategies, no meaningful, measurable or sustainable difference in the lives of individuals would be possible.

- The systematic way in which relevant States Parties have articulated objectives and developed national action plans have provided a basis for more meaningful monitoring of the fulfilment of this aim of the Convention. NGO monitoring now has the potential to be more precise and less cliché-ridden, measuring against clear benchmarks rather than unattainable ideals.
- Since 2006, in response to Action #39 of the Nairobi Action Plan, the Convention’s Sponsorship Programme Donor’s Group has played an important role by supporting the participation of relevant health, rehabilitation, social services and disability rights professionals in international meetings of the Convention. Appropriate people from relevant State entities are now participating in the work of the Convention. In addition, in response to Action #38 of the Nairobi Action Plan, landmine survivors have continued to play an important role, both here in Geneva and in their countries, in advancing the aims of the Convention.
- The Convention of the Rights of Persons with Disabilities (CRPD) has entered into force, providing a more systematic and sustainable approach by bringing victim assistance into the broader context of policy and planning for persons with disabilities more generally. In addition, the AP Mine Ban Convention’s work on victim assistance has helped ensure coherence across the spectrum of international instruments that concern the victims of conventional weapons. It has

¹ Afghanistan, Albania, Angola, Bosnia and Herzegovina, Burundi, Cambodia, Chad, Colombia, Croatia, Democratic Republic of the Congo, El Salvador, Eritrea, Ethiopia, Guinea Bissau, Iraq, Jordan, Mozambique, Nicaragua, Peru, Senegal, Serbia, Sudan, Tajikistan, Thailand, Uganda and Yemen.

provided the basis for victim assistance to be treated in an comparable manner as legal obligations contained in the Convention on Cluster Munitions. Also, the AP Mine Ban Convention inspired the adoption in 2008 of an action plan for victim assistance in the context of the CCW's Protocol V on explosive remnants of war.

The Co-Chairs are exploring possible synergies between the work of the Standing Committee and implementation and monitoring mechanisms developed under other instruments of international law, in order to promote, as appropriate, enhanced cooperation and collaboration on the victim assistance issue in the period after the Second Review Conference.

While progress is being made, a lack of financial resources and / or technical support continues to limit the potential for progress in some States Parties to develop and/or implement plans. We should recall that States Parties in a position to do so are obliged to provide assistance for the care, rehabilitation and reintegration of mine victims.

While progress has been slower than many would want or expect, it is progress none the less. Simply the fact that victim assistance in the context of the Convention has become measurable is progress. We can systematically take stock of what has been achieved and where more work is required. This should permit an even more focused approach on victim assistance to be taken in Cartagena than was done so in Nairobi. If we keep up this intensity, our hope is to move closer toward our ultimate aim – achieving the full and effective participation and inclusion of mine survivors, including men, women, boys and girls, in the social, cultural and economic life of their communities.