

Victim assistance in the context of the Anti-Personnel Mine Ban Convention



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12 March 2007 – Phnom Penh



25 important words of particular significance

Each State Party in a position to do so shall provide assistance for the care and rehabilitation, and social and economic reintegration, of mine victims...



**AP Mine Ban Convention,
Article 6.3**



Victim assistance: one of the AP Mine Ban Convention's four core aims

Universalizing prohibitions



Clearing mined areas



Destroying stockpiles



Assisting the victims



Purpose:

“To put an end to the suffering and casualties caused by anti-personnel mines.”



Four core aims, four key questions...



Who?



How much?



What?



When?



Four core aims: Who? What? How much? By when?

 <p>Prohibitions</p>	<p><u>Who is responsible?</u> All States Parties</p>	<p><u>Specifically, each actor is responsible for what?</u> No use, production, transfer, etc. of AP mines</p>	<p><u>How will this be measured?</u> Yes or no: Use, production, transfer, etc. of AP mines?</p>	<p><u>By when?</u> Immediately and always</p>
 <p>Stockpile Destruction</p>	<p><u>Who is responsible?</u> All States Parties reporting stockpiled AP mines</p>	<p><u>Specifically, each actor is responsible for what?</u> Destroying all AP mine stockpiles under jur. / control</p>	<p><u>How will this be measured?</u> Number of mines destroyed relative to those reported</p>	<p><u>By when?</u> Within four years</p>
 <p>Mine clearance</p>	<p><u>Who is responsible?</u> All States Parties reporting AP mines in mined areas</p>	<p><u>Specifically, each actor is responsible for what?</u> Destroying all emplaced AP mines under jur. / control</p>	<p><u>How will this be measured?</u> Amount of area cleared, number of mines destroyed relative to reported</p>	<p><u>By when?</u> Within ten years</p>
 <p>Victim assistance</p>	<p><u>Who is responsible?</u> ????????????</p>	<p><u>Specifically, each actor is responsible for what?</u> ????????????</p>	<p><u>How will this be measured?</u> ????????????</p>	<p><u>By when?</u> ????????????</p>



Victim assistance: A dilemma for the States Parties



“In many mine affected countries the assistance available to address the needs of survivors is inadequate.”

-- ICBL 2004

“The extent to which landmine survivors’ needs are not being met is generally still unknown.”

-- ICBL 2004



Victim assistance: Understanding the aim

Victim as defined by the States Parties:

- ❑ “Those who either individually or collectively have suffered physical or psychological injury, economic loss or substantial impairment of their fundamental rights through acts or omissions related to mine utilization.”
- ❑ A broad approach to what is considered a landmine victim has been accepted.
- ❑ However, the majority of attention has been focused on providing assistance to those individuals directly impacted by mines.
- ❑ These individuals have specific needs for assistance.





Victim assistance: Understanding the aim

Victim assistance, defined by the States Parties:

- ❑ **Understanding the extent of the challenges faced**
- ❑ **Emergency and continuing medical care**
- ❑ **Physical rehabilitation, including physiotherapy, prosthetics and assistive devices**
- ❑ **Psychological support and social reintegration;**
- ❑ **Economic reintegration**
- ❑ **The establishment, enforcement and implementation of relevant laws and public policies**





Victim assistance: Understanding the broader context

Victim assistance in the context of disability:

- ❑ **Survivors are a sub-group of larger communities of persons with injuries and disabilities.**
- ❑ **The problems faced by landmine survivors are similar to the challenges faced by other persons with injuries and disabilities.**
- ❑ **Landmine victim assistance should not exclude any person injured or disabled in another manner.**





Victim assistance: Understanding the broader context

Victim assistance in the context of broader health care, social services, rehabilitation, reintegration, human rights efforts:

- ❑ **Victim assistance does not require the development of new fields or disciplines.**
- ❑ **Landmine victim assistance should be viewed as a part of a country's overall public health and social services systems and human rights frameworks.**
- ❑ **These systems and frameworks should be made adequate to meet the needs of all citizens — including landmine victims.**





Victim assistance: Understanding responsibility

- ❑ **Each State Party in a position to do so has a responsibility to support mine victims.**
- ❑ **It is a basic responsibility of a State to ensure the well-being of its population.**
- ❑ **This responsibility is most pertinent for – and hence the challenges faced in fulfilling it most profound for – those States which are responsible for significant numbers – hundreds or thousands – of landmine survivors.**
- ❑ **While not forgetting the responsibilities to landmine victims wherever they may be, a greater emphasis must be placed on the fulfilment of the responsibilities to landmine victims by these States Parties.**





Victim Assistance

24 States Parties have indicated that they have a responsibility for significant numbers of landmine survivors:

- ❑ Afghanistan
- ❑ Albania
- ❑ Angola
- ❑ Bosnia and Herzegovina
- ❑ Burundi
- ❑ Cambodia
- ❑ Chad
- ❑ Colombia
- ❑ Croatia
- ❑ DRC
- ❑ El Salvador
- ❑ Eritrea
- ❑ Ethiopia
- ❑ Guinea Bissau
- ❑ Mozambique
- ❑ Nicaragua
- ❑ Peru
- ❑ Senegal
- ❑ Serbia
- ❑ Sudan
- ❑ Tajikistan
- ❑ Thailand
- ❑ Uganda
- ❑ Yemen





Victim assistance: Who? What? How much? By when?



Who?

How much?

What?

When?



Victim assistance: Who? What? How much? By when?



Victim assistance

- Understanding the challenge, health care, physical rehab, psychological support & social reintegration, economic reintegration, legal / policy framework.
- Does not require the development of new fields or disciplines but does require that public health and social services systems and human rights frameworks are adequate to meet the needs of all citizens — including landmine victims.

Who is responsible?

- Afghanistan
- Albania
- Angola
- Bosnia and Herzegovina
- Burundi
- Cambodia
- Chad
- Colombia
- Croatia
- DRC
- El Salvador
- Eritrea
- Ethiopia
- Guinea Bissau
- Mozambique
- Nicaragua
- Peru
- Senegal
- Serbia
- Sudan
- Tajikistan
- Thailand
- Uganda
- Yemen

Specifically, each actor is responsible for what?

- What can be / should be achieved will be different for each State Party.
- As the ultimate responsibility rests with the State, each must define what can be / should be achieved.
- Others may assist in understanding problems, developing plans and monitoring implementation.
- However, real and sustainable progress cannot be made without the affected States Parties themselves "owning" the problem and the solutions to it.
- Until what is desired is measurable and time-bound, success / failure will constantly be an undefined and / or a changeable target.

How will this be measured?

By when?

- The logical starting point for action in the context of the AP Mine Ban Convention is gaining a better understanding of what can be / should be achieved by the time of the Second Review Conference (December 2009).



Victim Assistance: Setting the Agenda

24 States Parties can set the agenda by addressing the following questions:

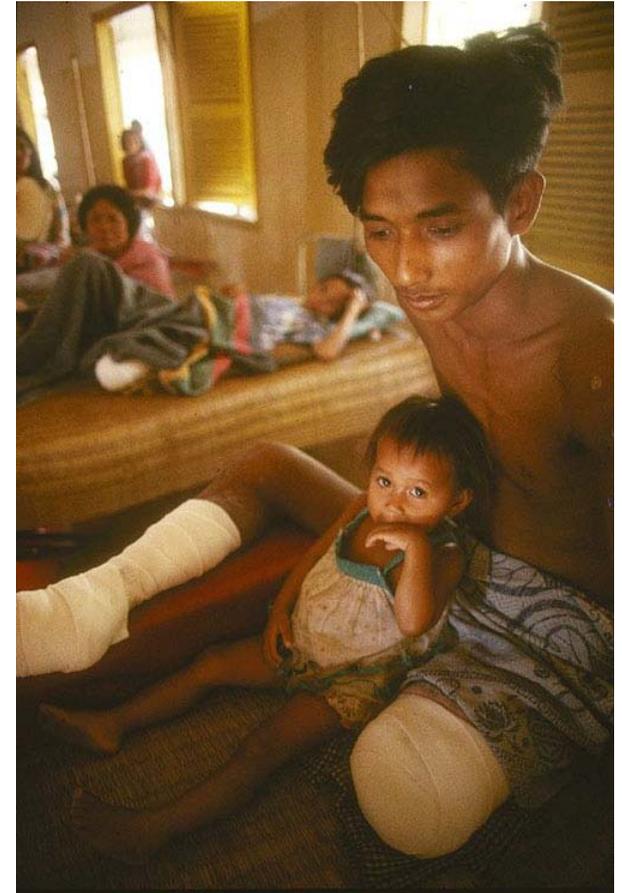
- ❑ **What in concrete terms do you want to achieve by December 2009?**
- ❑ **Is what you want to achieve SMART? (Specific, Measurable, Achievable, Relevant, Time-Bound)**
- ❑ **Are all relevant ministries engaged in establishing SMART objectives and developing plans?**
- ❑ **What is your plan to achieve what it is you want to achieve?**
- ❑ **Do your plans take into account the place of landmine victim assistance in broader contexts?**





Victim Assistance: Issues affecting success

- ❑ **Low levels of national development.**
- ❑ **Relevant States slow / reluctant to internalize the care, rehabilitation and reintegration of survivors as their responsibility.**
- ❑ **Preponderance of NGOs that this is something to be addressed by outsiders / disproportionate focus on donor responsibility.**
- ❑ **Lack of regard for the place of victim assistance in broader health care, rehabilitation, reintegration and human rights contexts.**
- ❑ **"Victim assistance" perceived by "mine action" personnel to be their domain.**
- ❑ **Civil society monitoring must be as systematic with victim assistance as it is in the fulfillment of the Convention's other core aims.**





Thank you!



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