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CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

Preamble

Wishing to do their utmost in providing assistance for the care and rehabilitation, including the social and economic reintegration of mine victims.

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The Convention's preamble records the wish of the States Parties "to do their utmost in providing assistance for the care and rehabilitation, including the social and economic reintegration of mine victims." The Oslo Action Plan details the actions State Parties should take during the period of 2020-2024 to support implementation of the Convention, including the victim assistance obligation.

1. Focus and Scope

- **Ottawa Convention:** The Ottawa Convention specifically targets the elimination of anti-personnel mines and the impact these mines have on civilian populations. It aims to prevent the use, production, and transfer of anti-personnel mines and requires the destruction of existing stockpiles and the clearance of mined areas.
- **Oslo Action Plan:** The OAP outlines specific actions for states to take from 2020 to 2024 to advance the goals of the Convention. This includes actions on clearance, risk reduction, stockpile destruction, and victim assistance. Victim assistance is a key area of focus in the OAP, emphasizing the need to support survivors who often live with long-term disabilities.
- **CRPD:** The CRPD is a broad human rights treaty that covers a wide range of issues related to persons with disabilities, including accessibility, health, education, employment, and participation in society, political and public life. It emphasizes non-discrimination, full participation, and inclusion of persons with disabilities in society. It sets out obligations for states to promote, protect, and ensure the full and equal enjoyment of all human rights by persons with disabilities, regardless the cause of the disability.

The **Convention on the Rights of Persons with Disabilities (CRPD)** and the **Ottawa Convention on the Prohibition of Anti-Personnel Mines** address different but interconnected issues. The CRPD focuses on the rights and dignity of persons with disabilities, while the Ottawa Convention aims to eliminate anti-personnel mines and

mitigate their impact. Despite their distinct objectives, there are gaps and complementarities between the two conventions:

2. Gaps

- **Inclusion of Disability Rights in the Ottawa Convention:** The Ottawa Convention does not explicitly address the rights and needs of persons with disabilities, particularly survivors of landmine incidents. While it recognizes the need for victim assistance, it does not provide comprehensive guidelines or frameworks for addressing the long-term needs of survivors, many of whom acquire disabilities due to landmine injuries. The OAP focuses on the immediate and practical needs of survivors, such as medical care, rehabilitation, and socio-economic reintegration, but it does not explicitly address broader rights such as access to justice, political participation, or the elimination of discrimination.
- **Comprehensive Coverage of Specific Harms in the CRPD:** While the CRPD addresses the rights of persons with disabilities broadly, it does not specifically address the unique challenges faced by landmine survivors. The CRPD's general provisions on health, rehabilitation, and social protection could apply to these individuals, but they do not directly tackle the issue of landmine survivors. They do not provide tailored guidance on the particular needs and challenges faced by landmine victims, which might require specialized forms of assistance and support.

3. Complementarities

- **Victim Assistance Frameworks:** Both treaties emphasize the importance of providing comprehensive assistance to individuals with disabilities, including the landmine survivors. The Ottawa Convention includes provisions for victim assistance, which align with the CRPD's broader mandate to ensure access to rehabilitation and reintegration services for persons with disabilities. The CRPD's principles of non-discrimination, participation, and accessibility can enhance the victim assistance measures outlined in the Convention and the OAP, ensuring they are inclusive and rights-based. The CRPD can enhance the implementation of the Ottawa Convention by encouraging states to adopt comprehensive legal and policy frameworks that protect the rights of landmine survivors. This can include specific measures to ensure that survivors are not only protected from further harm but are also empowered to participate fully in society.
- **Rehabilitation and Socio-economic Inclusion:** The OAP's focus on medical care, rehabilitation, and socio-economic inclusion aligns with the CRPD's broader obligations on health, rehabilitation, and adequate living standards. The CRPD can provide a framework for ensuring that the OAP's victim assistance programs are not only about physical recovery but also about ensuring full participation in society.

- **Advocacy for Accessibility and Inclusion:** The CRPD's focus on accessibility and non-discrimination can complement the Ottawa Convention's goals by ensuring that mine action programs (e.g., mine clearance, victim assistance) are inclusive and accessible to persons with disabilities. This includes ensuring that survivors of landmines, who may have acquired disabilities as a result of their injuries, have equal access to services and opportunities.

4. Opportunities for Synergy

- **Cross-referencing in Implementation:** States that are parties to both conventions can use the CRPD as a guiding framework to strengthen victim assistance programs under the Ottawa Convention. This could involve integrating CRPD principles into national mine action strategies to ensure that they address the specific needs of landmine survivors who have disabilities. For example, when states develop policies and programs under the OAP, they can ensure that these are in line with CRPD principles, particularly regarding accessibility, non-discrimination, and participation of persons with disabilities in decision-making.
- **Comprehensive Support Services:** By aligning the Convention's and OAP's victim assistance measures with the CRPD, states can provide more comprehensive support services that address both immediate and long-term needs of landmine survivors. This could include ensuring access to education, employment, and social services, in addition to medical care and rehabilitation.
- **Joint Advocacy and Awareness-Raising:** Collaborative advocacy efforts can raise awareness of the rights of landmine survivors as persons with disabilities under the CRPD. It might ensure that the implementation of the two Conventions is mutually reinforcing. This can help to mobilize resources and political will to implement both the CRPD and the OAP effectively. This could ensure that landmine survivors are included in broader disability rights initiatives and that disability rights are considered in mine action programs.

In **conclusion**, while the CRPD and the Ottawa Convention together with Oslo Action Plan address different issues, there are significant opportunities for these frameworks to complement each other, particularly in the areas of victim assistance, rehabilitation, and the promotion of inclusive policies and practices for persons with disabilities. The CRPD provides a comprehensive human rights framework that can enhance the Convention's efforts to support victims of landmine injuries. Conversely, the OAP can bring attention to the specific needs of landmine survivors, which can be better addressed through the CRPD's broader rights-based approach.

By integrating the principles and obligations of the CRPD into the implementation of the Convention, states can ensure that the rights of all persons with disabilities, including those affected by landmines, are fully respected and realized.