

OHCHR response to invitation to contribute to concept paper on the assistance to child victims in the context of the Anti-Personnel Mine Ban Convention

1) Challenges faced by child victims

- Challenges concerning the realisation of the human rights of child victims, as enshrined in the Convention on the Rights of the Child (CRC), the Convention on the Rights of Persons with Disabilities (CRPD) and other international human rights instruments. When a child has been a victim of a mine or other explosive device, the implementation of her/his human rights is likely to be affected. This includes the right to education (art. 28 CRC; art. 24 CRPD; art. 13 International Covenant on Economic, Social and Cultural Rights), the right to play (art. 31 CRC), the right to ensure a full and decent life in conditions which ensure dignity (art. 23 CRC and art. 7 CRPD), and the right to be free from violence (art. 19 CRC and art. 16 CRPD). The Committee on the Rights of the Child has referred to the right of the child to play in Concluding Observations to States parties, indicating that landmines endanger children playing in unsafe areas.
- Challenges related to how to ensure that children victims are part of rehabilitation programmes without discrimination of any kind, ensuring that rehabilitation centres are accessible to child victims. It is important to establish special rehabilitation programmes for children affected by mines and other explosive devices and ensuring that affected children have access to such programmes, including through increased allocation of resources to centres for social work and by increasing the coverage of the system of personal disability benefits. When a child victim acquires a disability, s/he falls under the scope of the Convention on the Rights of Persons with Disabilities (CRPD). The CRPD emphasises that its States parties shall provide those health services needed by persons with disabilities specifically because of their disabilities, and services designed to minimise and prevent further disabilities, including among children (art. 25 (b)). On habilitation and rehabilitation, it establishes the obligation to take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life. To that end, States parties shall organise, strengthen and extend comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, education and social services, in such a way that these services and programmes begin at the earliest possible stage, and are based on a multi-disciplinary assessment of individual needs and strengths, support participation and inclusion in the community and all aspects of society, are voluntary, and are available to persons with disabilities as close as possible to their own communities, including in rural areas (art. 26).

2) Measures and good practices to address the rights and needs of child victims

- Awareness-raising campaigns among children, their families and communities about the dangers of mines and other explosive devices.

- Ensuring that children are heard in the design, implementation and monitoring of victim assistance efforts, in line with article 12 CRC and articles 4(3) and 7 of the CRPD.
- Ensuring that rehabilitation centres and other services are fully accessible and inclusive of children who may have acquired a disability, in line with article 9 of the CRPD.
- Strengthening mine clearance programmes and extending psychological and social assistance and rehabilitation for children who have been affected by mines and other explosive devices.
- Ratification and effective implementation of required international instruments (the Rome Statute on the International Criminal Court; the Convention on Cluster Munitions; the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime; the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction; the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons (with protocols i, ii and iii; as well as international human rights instruments including the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, the Covenant on Economic, Social and Cultural Rights).

3) Role of international legal instruments

- It is crucial to ensuring that instruments of international humanitarian law and international human rights law are used in a complementary way when it comes to victim assistance so as to avoid duplication of efforts and to protect child victims in a comprehensive manner. Actions related to child victims should be firmly rooted in the standards and approach of the CRC and the CRPD.
- The CRPD provides an essential legal framework on actions related to victims of mines and other explosive devices, and the CRC provides necessary complementary frameworks for the protection of child victims. It would be important that the mine action/victim assistance community to engage with the Committees entrusted to monitor the implementation of these Conventions (Committee on the Rights of the Child and Committee on the Rights of Persons with Disabilities) as they are in dialogue on these issues with affected States parties, and provide concluding observations with conclusions, recommendations and follow up requests to each States party at the end of a dialogue.
- The concluding observations and other documentation related to the Committees' dialogue with States parties is available at:

CRPD Committee: <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/Sessions.aspx>

CRC Committee: <http://www2.ohchr.org/english/bodies/crc/sessions.htm>