

**Convention on the Prohibition on the Use, Stockpiling, Production and
Transfer of Anti-Personnel Mines and on Their Destruction**

**INTERSESSIONAL MEETINGS OF THE STANDING
COMMITTEES OF THE OTTAWA CONVENTION ON
THE ANTI-PERSONNEL LANDMINES**

9 to 12 February 2004

Geneva

SERBIA AND MONTENEGRO

**NATIONAL EFFORTS IN ASSISTING LANDMINE
VICTIMS**

Ministry of Foreign Affairs of Serbia and Montenegro

Geneva, 10 February 2004

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INTRODUCTION

On 20 June 2003, Serbia and Montenegro adopted the Law Confirming the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (The Ottawa Convention). On 18 September 2003, the date on which it deposited its instrument of ratification with the Secretary-General of the United Nations, the Depositary of the Convention, it formally acceded to the Convention. Pursuant to the rules defined therein, the obligations of Serbia and Montenegro under the Convention began on 31 March 2004.

Upon completion of the ratification procedure, the Convention became an integral part of the domestic legislation of Serbia and Montenegro. The state union of Serbia and Montenegro is the subject of international law and the party bound by international treaties, while the normative and legislative authority, under the Constitutional Charter of Serbia and Montenegro, rest with its member States. Accordingly, in addition to the decisions of the organs of the state union (Council of Ministers and the Parliament), it is necessary that the relevant authorities of the member States (their Governments and Parliaments) endorse the decisions.

Notwithstanding the seemingly unwieldy and cumbersome procedure (The need to align the internal legislation of Serbia and Montenegro and for coordination between the competent departments of the two member States), Serbia and Montenegro is no less determined to abide by the provisions of the Convention and to pursue unwaveringly its humanitarian goals. This is evinced very tellingly by the launching of the initiative, even before a political decision has been taken by the Government of Serbia and Montenegro, for the implementation of the Convention, i.e. most of its provisions, aimed at creating a more stable and secure civilian environment. In that context, of particular importance have been the decisions to destroy all the anti-personnel stockpiles of the country's military and police and to focus attention on assisting civilian victims of landmines and their families.

1. LANDMINE VICTIMS

No single department has been entrusted with the task of addressing the problem in Serbia and Montenegro. Consequently, there exist no consolidated data on landmine victims; even their exact number is hard to establish.

The most exhaustive data are available for the period from 1992 to 2000. According to those data, out of 1360 landmine victims in the period, 1336 persons were injured and 24 killed. The total number of victims, particularly civilian ones, increased since 1999 (both injured and killed) in the wake of terrorist activities in southern Serbia (Municipalities of Bujanovac, Preševo and Medvedja). According to the data of the Ministry of Internal Affairs of the Republic of Serbia, out of the total number of casualties (172 persons) of ethnic Albanian extremist terrorism in southern Serbia in the period from 10 June 1999 to 31 December 2003, more than 50 per cent

(87 persons overall, 21 killed and 66 injured) have been the victims of landmines and other unexploded ordnance (UXOs). One third were civilians, the majority of them children and youths. According to the data of the Red Cross of Serbia and Montenegro, there were 49 civilian victims of landmines in the 1999-2002 period, as many as 22 of them children and 22 people under 40. *Landmine Monitor* carried a victims breakdown per year. According to the data from the breakdown, there were 21 victims (11 persons killed and 10 injured) in 2001, 5 (all injured) in 2002 and 5 victims (1 person killed and 4 injured) in 2003. Some persons were victims of anti-vehicle mines, too. According to the data of the Institute for Prosthetics and Rehabilitation of the Republic of Serbia, about 1600 persons, 402 of them landmine victims, were accorded first hospitalization and rehabilitation treatment in the period 1991-1998.

The most approximate estimate of the total number of landmine victims in the period under consideration to be made on the basis of the consolidated data amounts to about 1500, 50 of them killed and the rest injured (Primarily lower limb, i.e. foot and shin injuries). As per areas affected by landmines, the most vulnerable has been southern Serbia (Municipalities of Bujanovac, Preševo and Medvedja), while other areas were affected only sporadically (isolated cases of UXOs in the vicinity of larger cities and in the Sava river basin).

2. EMERGENCY AND CONTINUING MEDICAL CARE

The greatest number of landmine victims comes from among the persons displaced from Kosovo and Metohija and the municipalities of southern Serbia and from among the refugees from Bosnia and Herzegovina. It is therefore no surprise that the local medical centres at Vranje, Leskovac, Prokuplje, Kuršumlija, as well as in other border areas, played a very prominent role in providing emergency and initial treatment to these categories of persons. Hospitals in Niš and Belgrade and the Military Medical Hospital in Belgrade treated more serious injuries.

The quality of emergency and continuing medical care of mine and war materiel wounds deteriorated significantly in the wake of the disintegration of the former Socialist Federal Republic of Yugoslavia. The international isolation of the Federal Republic of Yugoslavia and the imposition of the United Nations sanctions and the resultant lack of resources for medical development, equipment and innovation accounted for the emergence of ever more serious problems in the functioning of the entire system of prevention and emergency medical protection.

The situation in which the entire emergency medical aid sector has found itself, including the treatment of landmine victims, calls for urgent attention and reform. There is a great need for expert and technical assistance, equipment and the training of medical staff, as well as for medical supplies and treatment aids. This is one of the priorities of a broad government action to reform the health service, including the emergency aid system, especially in underdeveloped and more affected areas. Donor countries and other member States of the Convention are expected to find a way to make a contribution through the existing cooperation mechanisms and help solve this important problem.

3. PHYSICAL REHABILITATION/PROSTHETICS

The hospitalization of victims and the hospital treatment of injuries inflicted by anti-personnel mines occupy an important place in the system of the overall assistance rendered to landmine victims. Victims' rehabilitation and social reintegration constitute generically interconnected wholes with common segments, which calls for the need for coordination and joint activities of relevant institutions.

The Institute for Prosthetics and Orthopaedics of the Republic of Serbia is the relevant institution which coordinates rehabilitation and psychological and social support. It is a specialized institution for the post-operative treatment of the wounded, using modern methods of prosthetic rehabilitation of patients who had their limbs amputated through a phase-structured programme. The programme includes:

- pre-prosthetic preparation;
- kinesitherapy;
- walk-again school with the use of temporary and permanent prostheses; and
- testing and harmonization of bio-mechanical moments and prosthetic components.

Medical teams include physio-therapists, prosthetists, orthopaedists, nurses, psychologists, psychiatrists, speech therapists and social workers.

Out of the total number of patients treated in the Institute for injuries sustained in war, one third of them (420) are victims of anti-personnel mines. The fact that the most frequent amputation procedure has been the amputation of lower limbs testifies to a dangerous and inhuman dimension of anti-personnel mines. In more than one half of cases, the most frequent injuries have been shin- and foot-level injuries (1/3).

Following initial treatment and subsequent prosthetic rehabilitation, 60 per cent of patients needed renewed treatment. This because of the poor quality of prostheses and orthopaedic aids and the great problem in procuring components from abroad due to their high price, unavailability and incompatibility.

Psychological and social support figure prominently in the post-rehabilitation treatment, aimed at eliminating the negative consequences of post-traumatic stress disorders. Patients and their families are continually worked with and provided comprehensive support by a team of experts.

During the rehabilitation treatment in the Institute, patients are included in the initial phase of vocational training. Within work and recreational therapy, their work skills are assessed and job-placement possibilities analyzed.

In its work the Institute is hampered by the lack of foreign prosthesis and orthopaedic aid components, including modular systems, thermal plastics, artificial feet, knee units and wheelchairs. Over 4 000 various artificial limbs were manufactured in the Institute, but the production has stalled lately due to the lack of resources. It is expected that donations will help remove this nagging problem.

The Institute is now in the process of elaboration of the project of technical assistance and modernization, designed to prepare landmine victims for continuation of life and work in the most important phase of their recovery.

4. ECONOMIC REINTEGRATION

Member States regulate medical protection and health insurance in the state union of Serbia and Montenegro. The existing Law on Medical Protection and Health Insurance from 1992, although amended, is unaware of the separate category of “victims of anti-personnel

mines". However, these persons are included in the category of persons with disability who, under the Law, are entitled to all rights to rehabilitation, orthopaedic aids and material benefits. Even the uninsured handicapped and disabled persons enjoy the same rights accorded the insured persons thanks to the funds from the State budget.

The main problems are the absence of a consolidated database on medical protection beneficiaries belonging to the category of persons disabled in war and the victims of anti-personnel mines in particular, as well as their classification into citizens of Serbia and Montenegro and persons coming from former Yugoslav Republics (refugees and displaced persons), treated and rehabilitated in the territory of Serbia and Montenegro.

Within the system of health institutions of the Republic of Serbia, a procedure has been initiated to collect all data on landmine victims and to set up consolidated records. On the basis of the data collected thus far, 45 persons (8 from Kosovo and Metohija) from this category treated at the local level have been registered.

Similarly, internal Rules and Regulations on separate treatment of persons with disability in medical institutions, public transport and traffic are also being drawn up.

Health insurance falls within the competence of the Ministry of Social Policy of the Republic of Serbia and the Ministry of Labour and Social Welfare of the Republic of Montenegro. In force in the Republic of Serbia is the Law on the Rights of Civilian Persons Disabled in War from 1996, defining the beneficiaries of those rights, the persons who sustained at least 50 per cent bodily harm as a result of wounds or injuries, as well as certain categories of persons, including the category of persons injured by UXOs.

In the first instance, the rights of these persons are decided by local government on the basis of the findings of medical boards and then by the Ministry of Social Affairs, Department for War Veterans' Affairs and the Protection of Disabled Persons.

The rights of civilian persons disabled in war include personal disability benefits, care and assistance supplement, orthopaedic aids supplement, health protection and monetary compensation, subsidized and assisted public transportation, compensation of fares for out-of-place-of-residence trips to appropriate institutions, monthly payments and the compensation of funeral costs.

The enjoyment of the broadly defined rights is hampered by the lack of resources and often very low amounts of certain benefits. Depending on disability category, they vary on the scale between EURO 25¹ (orthopaedic aids supplement belonging in the lowest category) and EURO 400¹ (maximum disability benefit).

The rights of disabled persons have been regulated in the same way in the Republic of Montenegro, the legislation of which also provides for ensuring basic sustenance and health and pension insurance. Rather than consolidated records of landmine victims, only the records of all war casualties have been completed in Montenegro, either.

To provide a more effective treatment to persons with disability, a Law on Training and Job Placement of Disabled Persons, expected to enter into force in 2004, is to be adopted in

¹ Euro equivalent of dinar amounts calculated on the basis of day-to-day rate of exchange

Montenegro. Fresh funds are needed to implement the Law that defines all segments of the protection of disabled persons, not covered by separate regulations. Prospective donors are expected to provide expert and monetary assistance.

The Ministry of Labour and Employment is the responsible institution for job placement and vocational training of landmine victims. The Ministry, as well as other relevant institutions seek to solve the problems and meet the needs of disabled persons, including the victims of anti-personnel mines, in accordance with relevant international standards and the positive legal practices in developed countries.

The National Employment Service devises programmes of vocational training and job placement for disabled persons who fall into three categories:

- civilian victims of war;
- military personnel disabled in war; and
- military personnel disabled in peace-time.

The National Service for Upholding the Principle of Positive Discrimination is responsible for vocational training and job placement of disabled persons. These persons have the benefit of affirmative action, as it were, with respect to inclusion in vocational training and job placement programmes.

Special employment programmes for disabled persons provide for specific training of these persons, technologically adapted to them and add on practical vocational training methods to the already acquired theoretical knowledge. Due to financial strictures, these programmes are not being implemented.

Employers are given incentives to employ disabled persons through employment project programmes which stimulate the creation of new jobs and the adjustment of the already existing jobs to the work skills of disabled persons. The National Employment Service participates in the payment of wages and salaries to disabled persons up to 80 per cent of the 12-month wage average in the Republic. Tax breaks are also provided for the employment of disabled persons.