

## Standing Committee on Victim Assistance and Socio-Economic Reintegration

### Meeting Report – 3/6 June 2008

Pursuant to the decision of the Eighth Meeting of the States Parties (8MSP) to the Convention, the meeting of the Standing Committee on Victim Assistance and Socio-Economic Reintegration (SCVA) was convened by its Co-Chairs, H.E. Mr. Sam Sotha, Cambodia's Ambassador for Mine Action and Disarmament and Ms. Charlotte Darlow of New Zealand, with the support of the Co-Rapporteurs from Belgium and Thailand. The meeting was held in Geneva on 3 and 6 June 2008. At the outset it was noted that, in May, New Zealand was awarded the Roosevelt International Disability Award for being a model for the world on disability issues.

The Co-Chairs outlined the four guiding principles on victim assistance that were agreed at the First Review Conference in 2004:

1. Assistance to landmine victims should not lead to the exclusion of persons injured or disabled by other means;
2. Victim assistance does not require the development of new fields or disciplines, but should focus on ensuring that existing frameworks are adequate to meet the needs;
3. Victim assistance should be viewed as part of a country's overall public health and social services systems and human rights frameworks; and
4. Victim assistance must be seen in the broader context of development.

The Co-Chairs explained that by placing victim assistance within the broader context of disability, it could promote the development of services, infrastructure, and policies that correspond to address the rights of all persons with disabilities regardless of the cause of their disability, including victims of other explosive remnants of war including unexploded cluster munitions. The Co-Chairs urged all States Parties to avoid duplication of efforts when implementing other instruments of international law in relation to victim assistance.

The Co-Chairs organized the meetings to pursue work in four main areas:

1. Updates by the 25 States Parties that have reported responsibility to provide for the well-being of significant numbers of landmine survivors, as well as from other States Parties and States not party;
2. Updates by States Parties and others in a position to provide assistance for the care and rehabilitation and social and economic reintegration of mine survivors and other persons with disabilities;
3. Update on the *Convention on the Rights of Persons with Disabilities* and other matters of a thematic nature related to victim assistance; and
4. An opportunity to look forward to the Second Review Conference and exchange views on how progress in victim assistance could be assessed.

In this regard, the Co-Chairs had written to each of the relevant States Parties encouraging them to make good use of this informal forum to share their problems, plans, progress and priorities for assistance. Relevant States Parties were asked to be specific in outlining progress in achieving their victim assistance objectives in the six thematic areas of victim assistance, and to provide specific examples of how relevant ministries have been involved in the development of a plan of action and are effectively cooperating in implementing the plan and monitoring its implementation. Some countries were also asked specific questions in relation to the situation in their country.

The Co-Chairs also recalled Actions #38 and #39 of the *Nairobi Action Plan*, that call on States Parties and relevant organizations to continue to ensure effective integration of mine victims in the work of the Convention and an effective contribution in all relevant deliberation by health, rehabilitation and social services professionals. They noted that 15 health, rehabilitation and social services professionals representing 14 of the 25 States Parties that have reported responsibility for

significant numbers of landmine survivors were present at the meetings, as well as at least 11 experts with disabilities.

### **Overview of the status of implementation**

While recognizing that progress is being made as all relevant States Parties have engaged, to some degree, in the process to enhance their efforts in regard to victim assistance, the Co-Chairs stressed that it continues to be a concern that the potential for progress in some States Parties is hindered by a lack of financial resources and in some cases, capacity in the relevant ministries, to develop and/or implement a national plan of action.

The Co-Chairs noted that since the 8MSP, Jordan clarified, through the Article 5 extension request it submitted in March, that it too has the responsibility for significant numbers of mine survivors.

The Co-Chairs identified the following challenges which require the priority attention in the period leading to the November 2008 Ninth Meeting of the States Parties:

1. There continues to be a need to deepen the understanding of commitments made in the *Nairobi Action Plan* and the work of this Standing Committee among relevant officials and experts working on disability issues at the national level, and States Parties as well as relevant organizations should do more to ensure that landmine survivors are effectively involved in national planning and contribute to deliberations that affect them;
2. States Parties need to ensure efficient and effective use of resources, particularly where capacity and resources to develop and implement objectives and national plans are limited. Better collaboration between mine action centres and relevant ministries and other key actors in the disability sector is essential; and
3. Ensuring that victim assistance is understood in the broader context of development and as a part of existing State responsibilities in the areas of health care, social services, rehabilitation, vocational training and human rights.

The Co-Chairs recalled that since 2005, all Co-Chairs have recognized that the best way to assure progress in overcoming these challenges is to work intensively on a national basis. The Co-Chairs noted that the Implementation Support Unit, with funding from “friends of victim assistance”, continues to assist the Co-Chairs to provide some level of support, often in the form of advice, to all 25 relevant States Parties.

The Co-Chairs encouraged all relevant States Parties to review the information contained in the “*Mid-Term review of the Status of Victim Assistance in the Context of the AP Mine Ban Convention and the Nairobi Action Plan in the 24 Relevant States Parties*” (presented to the 8MSP), and provide updates or clarifications so that this document can be updated for the 9MSP.

The Co-Chairs also reiterated two of the key lessons learnt in efforts to implement the victim assistance provision of the Convention:

- If a meaningful difference is going to be made in enhancing the well-being and guaranteeing the rights of landmine victims, victim assistance must no longer be seen as an abstraction but rather as a concrete set of actions for which specific States Parties hold ultimate responsibility; and
- If progress in victim assistance is going to be made, progress must be defined as something that is specific and measurable, with specific measures logically needing to be determined by individual States Parties based on their very diverse circumstances (these specific and measurable indicators of progress should be time-bound).

Finally, the Co-Chairs indicated that a *Victim Assistance Resource Section* has been established in the Convention's Documentation Centre and that a *checklist* to assist States Parties in developing SMART objectives and a plan of action for victim assistance has been finalized.

### **Updates from relevant States Parties on the status of implementation**

Detailed updates were provided to the SCVA by 18 of the 25 States Parties that have indicated that they hold responsibility to provide for the well-being of significant numbers of landmine survivors: Afghanistan, Uganda, Ethiopia, Burundi, El Salvador, Peru, Cambodia, Senegal, Guinea-Bissau, Albania, Tajikistan, Colombia, Sudan, Chad, Thailand, Eritrea, Jordan and Angola.

The relevant States Parties outlined the progress made in assisting landmine survivors since the 8MSP in the six thematic areas of victim assistance (understanding the extent of the challenge faced; emergency and continuing medical care; physical rehabilitation; psychological support and social reintegration; economic reintegration; legislation and public policy). Many States Parties informed the SCVA that the Convention on the Rights of Persons with Disabilities (CRPD) had been signed and that the ratification process was ongoing. In some States Parties, national disability law reforms had taken or were taking place. Many States Parties had developed or were in the process of developing a national plan of action or strategy on victim assistance, which was placed in the broader context of the rights of persons with disabilities. On data collection, some States Parties provided data on the number of landmine survivors, while others are still facing challenges in this regard.

On coordination, many States Parties highlighted that some form of coordination mechanisms involving concerned actors at the national level were in place to ensure the effective implementation of victim assistance plans and programmes. In some States Parties, landmine survivors were involved in the development and/or implementation of these programmes.

While progress is being made on several fronts, many challenges still remain. In several States Parties, landmine survivors who were often living in remote areas were unable to access the short- and long-term assistance available to them. Some States Parties have made the issue of accessibility their priority. Some States Parties expressed their appreciation to donor States and organizations, which had contributed to their victim assistance activities. However, the lack of adequate human, technical and financial resources was highlighted by some States Parties as key factors affecting the development and implementation of their victim assistance plans and programmes.

Landmine survivors, representing the ICBL, intervened to stress the importance of measuring progress on victim assistance in concrete terms. The ICRC informed the SCVA that it was providing assistance in the area of physical rehabilitation in 18 of the 25 relevant States Parties and emphasized that financial constraints were hindering attempts by some relevant States Parties to implement their victim assistance plans and programmes.

In addition to the 25 relevant States Parties, Chile, Turkey and Zimbabwe also provided updates on their victim assistance activities.

### **Cooperation and assistance in providing for the care, rehabilitation and reintegration of landmine survivors**

Switzerland, Norway, Australia, Japan, Canada and Belgium updated the SCVA on the cooperation and assistance provided for the care, rehabilitation and reintegration of landmine survivors, and disability more generally, through development and other programmes. Croatia also made a brief statement on its victim assistance activities. Two organizations involved in victim assistance, namely, UNMAS (on behalf of the UN Mine Action Team) and Survivor Corps (formerly known as Landmine Survivors Network) also provided updates. The Convention on the Rights of Persons with Disabilities

was highlighted as a possible guiding tool for victim assistance work. The work of the Implementation Support Unit in regard to victim assistance was highly supported.

The SCVA's plenary session was adjourned until 6 June.

### **Update on the activities of victim assistance experts**

At the resumption of the meeting on 6 June, a representative of the victim assistance experts briefed the SCVA on the parallel programme for the experts, which took place on 4 and 5 June. Altogether, 15 health, rehabilitation and social services professionals representing 14 of the 25 States Parties that have responsibility for the well-being of significant numbers of landmine survivors, 11 experts with disability, and other victim assistance experts participated in the 2-day programme.

The programme focused on emergency and essential surgical care, physical rehabilitation, community-based rehabilitation, implementation of the Convention on the Rights of Persons with Disabilities at the national level, peer support, and the sharing of experiences in implementing victim assistance and disability-related programmes at the national. Specific interest was given to the session on peer support, which was facilitated by experts with disability. The experts provided examples of survivors who had overcome their trauma and had now become models for others.

Gratitude was expressed to experts from the WHO, ICRC and the Office of the High Commissioner for Human Rights who facilitated sessions in the parallel programme. Participants also thanked the Implementation Support Unit for its ongoing support to their work. Appreciation was also expressed to the Co-Chairs for developing useful tools such as the checklist and the Victim Assistance Resource Section that could help their victim assistance work at the national level.

A separate report on the parallel programme was prepared.

### **Update on the Convention on the Rights of Persons with Disabilities**

The Co-Chairs informed the SCVA that the Convention on the Rights of Persons with Disabilities (CRPD) entered into force on 3 May 2008. Since it was opened for signature on 30 March 2007, 16 of the 25 States Parties reporting responsibility for significant numbers of landmine survivors have signed the Convention. As of 6 June, 27 States had ratified the CRPD. A total of 107 States Parties to the AP Mine Ban Convention were signatories to the CRPD; 24 States Parties had ratified, including five of the 25 States Parties reporting responsibility for significant numbers of landmines survivors. The Co-Chairs informed the meeting that the CRPD could provide guidance to States Parties of the AP Mine Ban Convention in meeting their responsibilities to persons with disabilities, including landmine survivors.

Dr. Kirsten Young, an expert on disability rights provided an update on the CRPD and the process of its implementation at the national level. She informed the SCVA that on this same day (6 June), the UN Human Rights Council was commemorating the entry into force of the CRPD. Dr. Young highlighted that the Human Rights Council had only recently begun to pay attention to the rights of persons with disabilities, whereas the work of implementing the AP Mine Ban Convention was further advanced in focusing attention on the disability rights issue. She encouraged disarmament colleagues and NGOs to work with their human rights colleagues to inform, share ideas and strategise to ensure that the CRPD lives up to its promise.

The CRPD includes provisions on national monitoring of implementation. States Parties are required to establish one or more focal points for matters relating to the implementation of the CRPD. States Parties are also required to maintain one or more independent mechanisms to promote, protect, and monitor its implementation. The CRPD also recognized the role of the civil society in the monitoring process. These human rights obligations can be used to support the work on victim assistance at the national level in terms of enhancing cross-sectoral coordination among the relevant agencies. It was

noted that nine of the 25 States Parties (36 percent) that have reported responsibility for significant numbers of landmine survivors have already established National Human Rights Commissions (NHRC). Under the CRPD, these NHRCs will have to incorporate the issue of the rights of persons with disabilities into their respective mandates.

At the international level, the CRPD requires States Parties to submit a report on measures taken at the national level to implement the Convention within two years after entry into force of the Convention for that State Party. These reports will be considered by the Committee established under the CRPD which will comprise independent experts. This Committee should be gender-balanced and include participation of experts with disability. Moreover, when nominating a candidate for the Committee, States Parties are invited to give due consideration to the views of persons with disabilities. The CRPD also requires States Parties to raise awareness on the rights of persons with disabilities and has a detailed provision on international cooperation.

After the presentation by Dr. Young, Uganda, UNMAS and Survivor Corps intervened to share views on how the rights of persons with disabilities could be promoted and protected.

### **Matters of a thematic nature related to victim assistance**

Mauritania informed the SCVA of the progress made so far in carrying out victim assistance programmes in its country. Austria also took the floor to brief the SCVA on the newly adopted text of a Cluster Munitions Convention, which contained strong language on victim assistance.

### **Towards the Second Review Conference**

The Co-Chairs provided some background information on the deliberations on the issue of victim assistance since the AP Mine Ban Convention entered into force and during the First Review Conference in 2004. At the First Review Conference, States Parties agreed to key understandings on matters relating to victim assistance. However, a dilemma remained. By not knowing what needed to be done by certain key milestone dates like the Second Review Conference in 2009, States Parties were setting themselves up for failure because there was no understanding on what it meant to fulfil their obligations in relation to victim assistance.

The Co-Chairs have taken steps to address this dilemma in a strategic manner in accordance with the key understandings agreed at the First Review Conference. The basic components of this are:

1. The acceptance that victim assistance needed to be treated with the same precision and seriousness as other core aims of the AP Mine Ban Convention.
2. SMART objectives were required and these objectives should be country specific.
3. Defining what could or should be achieved rested with each relevant State Party.
4. The victim assistance questionnaire, which was the foundation tool for developing objectives and plans, was developed in a collaborative manner with relevant actors.
5. An inclusive inter-ministerial process was essential in developing and implementing a national plan of action.

Although a lot has been accomplished since the First Review Conference, the Co-Chairs acknowledged the remaining challenges in measuring progress on victim assistance and that there were no immediately obvious indicators to assess progress in this regard. The Co-Chairs informed the SCVA that they had developed a set of indicators which could be used to assess relative degrees of progress in the relevant States Parties since 2005. These indicators were based on the *Nairobi Action Plan* and were not intended to generate specific information. Rather, they were intended to serve as a tool to measure varying degrees of progress in achieving a specific aims of the *Nairobi Action Plan*.

The Co-Chairs encouraged the relevant States Parties to update information on the status of victim assistance provided in the victim assistance questionnaire as presented in Annex 5 of the 2005 *Zagreb*

*Progress Report* as this document would be used as a baseline from which progress would be measured. A collaborative approach among different actors working on victim assistance was encouraged so that the information gathered truly reflects the reality on the ground.

The Co-Chairs stressed the importance of ensuring that a solid basis should exist for what should be done during the next five year period of implementation to ensure that the States Parties meet expectations, in a measurable way, to landmine survivors.

Norway, the ICRC and the ICBL reiterated the importance of using all means available to measure progress in achieving the victim assistance aims of the *Nairobi Action Plan* in the lead-up to the Second Review Conference.

## **Conclusion**

In concluding, the Co-Chairs highlighted that collaboration among all relevant actors, including landmine survivors and other persons with disabilities, was essential in achieving the aims of the *Nairobi Action Plan* in relation to victim assistance. It was clear from the week's discussions that progress was being made on victim assistance, but more needs to be done to ensure that this progress is translated into concrete actions on the ground to improve access to services and opportunities for mine survivors and other persons with disabilities. It was also clear that all States Parties were in a position to provide assistance for the care and rehabilitation, and social and economic reintegration of landmine victims either through policies to promote equal opportunities and the provision of services in countries with significant numbers of mine survivors or through the resources provided by the international community.