

Statement by Mr. Markus Reiterer, Victim Assistance

- Thank you.
- And let me commend the co-chairs, Cambodia and New Zealand as well as all the victim assistance experts for their hard work and determination during that week and throughout the year. As always my special thanks go to Sheree Bailey, VA-Expert and the ISU of the Mine Ban Treaty.
- It is also good to see Kirsten Young visiting again the Mine Ban Treaty family.
- And talking about family, I would like to take this opportunity to inform colleagues on the steps taken concerning victim assistance in the new "sister convention" on cluster munitions, which has been adopted just a week ago in Dublin.

Victim Assistance in the new Treaty in general

- This new convention contains a historically strong language on assisting the victims of cluster munitions.
- Victim Assistance is one of the main building blocks of the new Convention on cluster munitions, there is a strong separate article on victim assistance, a definition of cluster munitions victims, a good and balanced part of the preamble relating to this issue and most importantly strong commitments on behalf of States in a position to do so to provide cooperation and assistance for assisting the victims of this weapons. The Convention also foresees stringent transparency measure on the progress made in assisting the victims.

Victim Assistance and Human Rights

- Victim Assistance is all about human beings – and hence it was important to establish a clear and formal link with human rights.
- Firstly, the Convention contains a reference to the Convention on the Rights of Persons with Disabilities – which indeed is of utmost importance for victim assistance;
- Secondly, the Convention in Art. 5 makes clear that victim assistance shall be provided in accordance with applicable international humanitarian and human rights law.

The Definition of the term Cluster Munition Victims

- The definition included in Article 2 of the Convention ensures that all persons that have suffered significantly by the use of cluster munitions. It refers to all persons that have been killed or suffered physical or psychological injury, economic loss, social marginalization or substantial impairment of their rights caused by the use of cluster munitions.

- The definition also makes clear that not only directly affected persons are victims, but also affected families and communities.

Clarifying the obligations on victim assistance

- Article 5 gives a clear indication of WHO has to do WHAT for whom and HOW this has to be done.
- On the question of WHO:
 - Whereas the Mine Ban Treaty mixes two different concepts (assistance to victims and assistance to this providing assistance), the new text sets out a concrete distinction of responsibilities.
 - Art. 5 states that States “with respect to cluster munition victims in areas under their jurisdiction or control” shall provide assistance. In other words: it is the responsibility of the State on whose territory the victims are to take care them.
- On the question of WHAT:
 - Under Art. 5 States are obliged to adequately provide age- and gender-sensitive assistance, including medical care, rehabilitation and psychological support, as well as provide for their social and economic inclusion. In addition States parties are required to make efforts to collect reliable relevant data.
- On the question of HOW:
 - Para. 2 sets out a comprehensive (non-exhaustive) list of activities a State needs to undertake:
 - Start with a needs assessment
 - Develop implement and enforce necessary national laws and policies;
 - Develop a national plan and budget
 - Take steps to mobilize national and international resources – as the best plan does not help, if you lack the finances;
 - Closely consult and involve victims and their representative organizations;
 - For important organizational purposes and to coordinate matters relating to Art. 5 States need to designate a focal point.
 - Strive to implement relevant guidelines and good practices.
 - Let me also stress that this para. contains a prohibition of discrimination against and among cluster munition victims as well as between cluster munition victims and those who have suffered injuries or disabilities from other causes. This clause aims to ensure that no separate class of victims is established and that treatment of victims is based on their needs.
- Now, assisting the victims is a comprehensive and sometimes burdensome commitment. It is therefore necessary to ensure that States having to implement Article 5 obligations are not left alone in their endeavours and can and, indeed, will receive international assistance and

cooperation. Consequently, all States in a position to do so are obliged to provide such cooperation and assistance.

Victim Assistance in the Cluster Munitions Convention and in other fora

- Building on experience gained in the Mine Ban Treaty, also other fora have embarked on victim assistance activities: most notably of course the new Convention on Cluster Munitions, but also Protocol V to the CCW. In addition, victim assistance is also addressed in the ongoing CCW-talks on cluster munitions.
- Moreover, a wide variety of actors does actually work in the field of victim assistance, many UN-bodies, the ICRC, a good number of NGOs including the LSN and others.
- It seems to me that in the future better coordination among the relevant fora and actors will be required to ensure that we do not duplicate efforts, use the resources in the best possible and rational manner.

In conclusion, co-chairs, let me stress that victim assistance is a team-effort and let me encourage all to continue, strengthen and enhance your activities to improve the lives of all victims.

I thank you very much.