

CCW – Protocol V, Meeting of Experts

Panel on Victim Assistance:

An integrated approach to Victim Assistance: sharing experiences and building synergies to strengthen international cooperation.

Geneva, 28 September 2020

I would like to thank Belorussia and the CCW Secretariat – UNODA for organizing this event, in which I am honoured to participate together with experts such as Marc (ICRC) and Loren (ICBL).

I would like to use this opportunity to share some thoughts about how Italy conceive VA as a long-term commitment. This lies at the core of our humanitarian efforts, and is quintessential for implementation of our policy against explosive remnants of war (ERW) including cluster-munitions and mines.

But this afternoon I am not addressing the panel just in my national capacity and as Representative of one the High Contract Parties (HCP). I also have the honour to currently Chair the Committee on Victim Assistance (VA) of the Anti-Personnel Mine Ban Convention. Let me start by stressing how important it is for the Committee to work as a team, this is why I would like to recognize and to thank fellow Committee members Chile, Sweden and Thailand.

I do not believe more needs to be said about the APMBC, a cornerstone of disarmament that you know well. Allow me to say just a few words to introduce the function and work of the Committee. The four countries that serve in it on a voluntary basis and a rotating two years' term, work together to provide advice and support in a cooperative manner to all States Parties in the fulfilment of their VA commitments. This is particularly relevant for State Parties with significant numbers of victims in areas under their jurisdiction or control. The purpose of the Committee is to build upon the solid foundation the States Parties have constructed on the VA issue, to strengthen and advance VA, and ensuring balance between ongoing discussions on pertinent aspects.

We have come a long way in Victim Assistance. As many of you may know, the APMBC was the first humanitarian disarmament Convention to recognise and address the needs of victims of a particular weapon, followed by the CCW Protocol V and the CCM to, respectively address the needs of other victims of explosive remnants of war including cluster munitions.

At this point you might be wondering why and how is all this relevant to the discussion we are having today and in more general terms, for implementation of the CCW Protocol V – and with this I am not trying to read the mind of any colleague in the room. I do not want, right now, to take the risk of starting a “find the differences” game between two international legal instruments that are different in nature and purpose. Perhaps, let me try to highlight only one aspect that the CCW and APMBC share: a distinct humanitarian nexus, based on the principle on non-discrimination.

If we can agree that people are at the centre of our efforts, it will be easier to understand why Victim Assistance is so important for the implementation of Protocol V. Trying to see that nexus and these synergies – both at national and international level – can lead to more and better results. There should be a clear understanding that the call to assist landmine and other ERW victims should not lead to VA efforts being undertaken in such manner as to exclude any person injured or disabled by other causes.

An incident with an explosive remnant of war can cause severe injuries to an individual including loss of limbs; abdominal, chest and spinal injuries; visual and hearing impairment; and less visible, psychological trauma. This is why the AP Mine Ban Convention introduced the obligation for “each State Party in a position to do so” to “provide assistance for the care and rehabilitation, and social and economic reintegration of mine victims.” Twenty years after its adoption, this provision is still seen a breakthrough

for creating a precedent in international humanitarian disarmament law with regards to the needs and rights of affected people.

It took many years for the humanitarian disarmament community to reach a better understanding of what victim assistance is and how it can be best achieved. Last year, the 164 States Parties to the APMBC adopted the 2020-2024 Oslo Action Plan which stresses that “in order to be effective and sustainable, victim assistance should be integrated into broader national policies, plans and legal frameworks relating to the rights of persons with disabilities, and to health, education, employment, development and poverty reduction in support of the realisation of the Sustainable Development Goals.” This recognition is further translated into Action 34 requiring the States Parties to “Carry out multi-sectoral efforts to ensure that the needs and rights of mine victims are effectively addressed through national policy and legal frameworks relating to disability, health, education, employment, development and poverty reduction, in line with the relevant provisions of the Convention on the Rights of Persons with Disabilities.” Moreover, the Oslo Action Plan stresses the need to ensure “the full, equal and effective participation of mine victims in society, based on respect for human rights, gender equality, inclusion and non-discrimination.”

I strongly believe that, in order to be effective, Victim Assistance efforts have to be designed and implemented consistently and integrated to humanitarian action as a whole. Assisting victims, their families, and communities is an essential component of the path towards a better future; therefore, it should be conceived with a holistic perspective and in line with the 2030 Agenda for Sustainable Development. We should always bear in mind that protection of victims’ rights and security is part and parcel of the broader promotion of the rights of all vulnerable groups, in particular persons with disabilities.

As Chair of the Committee on Victim Assistance of the Anti-Personnel Mine Ban Convention this year and a member in the previous year, I observed that nearly all States Parties that reported on Victim Assistance efforts have indicated integrating the needs of mine survivors into broader national policies and programmes, especially those that are related to the rights and needs of persons with disabilities. For example, States Parties have been increasingly moving on from developing a specific victim assistance action plan to inclusive disability rights action plans and policies. In the vast majority of States Parties with victim assistance responsibilities, either the Ministry of Social Affairs or Health coordinate victim assistance efforts or work jointly with mine action authorities to ensure victim assistance are integrated into broader frameworks.

In our view, all actors should take great care to avoid developing responses to victims of mines and other explosive remnants of war that run parallel to, or are in isolation of broader efforts to meet the needs and guarantee the rights of all others who live with disabilities. Assistance to victims should be viewed as a part of a country’s overall public health and social services systems. For instance, national injury surveillance mechanisms, if and when they exist, should incorporate data collection on individuals directly impacted by mines and other explosive remnants of war including cluster munitions.

Looking directly at the work of operators in the field, at the policies that affected States carry out and – in more general terms – at the contribution of VA experts, I would like to stress a point without prejudice to what other panellist will add, or the debate that I hope we can have together after these presentations. It is very difficult to unpack the efforts on Victim Assistance, above all at national level, on the basis of the type of explosive ordnance that generated the incident. I would even say that this kind of distinction is irrelevant and could even become counterproductive in terms of efficiency and effectiveness.

This is why I believe we should continue our efforts to work together and build on progress made in strengthening cooperation with actors that are relevant to Victim Assistance efforts in the framework of all the disarmament sister-Conventions, but also with human rights, development and disability actors. The Committee on Victim Assistance continuously interact with the Committee on the Rights of Persons

with Disabilities, to raise awareness on victim assistance, and the complementarities of our efforts to those of the CRPD. We also raise awareness on victim assistance at the annual session of the Human Rights Council on disability rights, and relevant sessions of the WHO's Health Assembly. This kind of collaboration is very beneficial to help ensuring that coherent advice and support is provided to States in meeting their VA objectives.

It is my understanding that cooperation among the relevant partners, including victim assistance and disability actors in Geneva, would contribute to the work of the affected States in achieving their ambitious objectives, as well as in addressing other common challenges in victim assistance and disabilities.

Finally, as you may know, the Committee on Victim Assistance has been holding Victim Assistance Experts Meetings. The most recent one was held in Oslo in the margins of the Fourth Review Conference and the next one will be held during the week of the Eighteenth Meeting of States Parties. You will soon hear more about it and we hope that you can join us.

In conclusion, and I believe I can speak on behalf of the current and the future membership of the VA Committee, I want to reiterate our sincere wish that we can find ways to work together and build bridges something crucial for the life of so many people.