

**Fifth Conference of the High Contracting Parties
to Protocol V on Explosive Remnants of War to
the Convention on Prohibitions or Restrictions
on the Use of Certain Conventional Weapons
Which May Be Deemed to Be Excessively
Injurious or to Have Indiscriminate Effects**

9 November 2011

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Item 13 of the agenda

Report(s) of any subsidiary organ(s)

**Revised
Report on victim assistance**

Submitted by the Coordinator on victim assistance

1. The focus of the work in 2011 was to deepen the understanding of victim assistance and to further explore the implementation of Article 8, paragraph 2 and the Plan of Action on Victim Assistance. The Meeting of Experts for Protocol V in April 2011 provided a valuable opportunity to bring these efforts forward.

2. The Meeting of Experts once again demonstrated High Contracting Parties' high level of interest in victim assistance. The session got underway with presentations from an expert panel, which was made up of Mr Firoz Ali Alizada, International Campaign to Ban Landmines and the Afghan Landmine Survivors Organization, Mr Jesus Martinez, Red de Sobrevivientes in El Salvador, and Mr Zelijko Volas, Landmine Survivor Initiative. All three were practitioners in victim assistance and were themselves ERW-survivors.

3. In accordance with Action #4(f), which requires close consultation with and the involvement of victims and their representative organizations in victim assistance, the three panellists spoke on the guiding principles in this area and the remaining challenges on the ground. Highlighted points were:

(a) Victims were individuals, families and communities that individually or collectively have suffered physical or psychological injury, economic loss or significant deprivation of their fundamental human rights due to ERW.

(b) Victim assistance should take a human rights-based approach and not be a matter of charity. The ultimate goal should be the development from a victim to a survivor and an active and integrated community member, who contributes to society.

(c) ERW-affected States should be closely consulted and involved in the planning and implementation of programmes. This would ensure a needs-based approach was taken, which took priorities on the ground into account and made the most efficient use of resources.

(d) Service providers should pay the utmost attention to the principle of non-discrimination and ensure that services were equally accessible and affordable. As barriers affected all persons with disabilities, regardless of the cause of their disability, the wider society would benefit from advocacy and action on victim assistance.

(e) The different components of victim assistance were closely inter-related. For example, socio-economic reintegration builds on both psycho-social support (which includes peer support) and physical rehabilitation and medical care.

(f) Sustainability was crucial as victim assistance often meant life-long support. National ownership and capacity building were needed due to the fact that non-governmental organizations could not guarantee services in the long term future.

4. Following the presentation there was a short discussion on the main challenges on the ground. High Contracting Parties used the opportunity to briefly update the meeting on their efforts in response to Article 8, paragraph 2. Interventions included Bosnia and Herzegovina and Nicaragua as affected countries; Australia and Switzerland on their donor activities, and the Russian Federation on their national legislation regarding persons with disabilities.

5. The questions of synergies and the potential benefits from closer coordination between Protocol V and other instruments were raised. The other instruments included the Amended Protocol II of CCW, the Convention on the Rights of Persons with Disabilities, the Convention on Anti-personnel Landmines and the Convention on Cluster Munitions. A number of countries favoured convergence between the different legal instruments with respect to victim assistance as this was already the reality on the ground.

6. As in previous years, the Plan of Action on Victim Assistance was prominent throughout the discussions and proved to be both relevant and applicable to the wider CCW community, in particular Amended Protocol II. The Coordinator proposed that the Plan of Action be taken up by the wider CCW regime.

7. The Coordinator briefed the Meeting of Experts on the status of the Victim Assistance Questionnaire. More than 30 countries had submitted responses. These varied in detail and reflected varying degrees of progress in implementing Article 8, paragraph 2 and the Plan of Action on Victim Assistance. There was wide support for the Coordinator's view that the questionnaire had been important in establishing a knowledge base, but could not be a replacement for detailed annual reports on victim assistance.

8. The Meeting of Experts had been requested to further address the issue of reporting and the Coordinator to make suggestions to the Fifth Conference of the High Contracting Parties. The Coordinator introduced proposed elements to be included in an amended reporting for victim assistance and the responses were positive.

9. At the Meeting of Experts, the Coordinator took the opportunity to thank the Friend of the Coordinator, Ms Danijela Zunec of Croatia, for her invaluable assistance. The Coordinator also expressed her appreciation to delegations, observers, international and non-governmental organizations for their important contributions. The Coordinator also expressed her gratitude to the Steering Committee of the CCW Sponsorship Programme and its contributors for enabling the Meeting of Experts to have informed discussions with the participation of ERW-survivors, whose input was crucial to Protocol V.

10. In accordance with the decision taken at the Fourth Conference of the High Contracting Parties, the Implementation Support Unit has set up a web page on victim assistance, which provides information including relevant documents such as statements, presentations, submitted questionnaires and other useful resources.

11. Bearing in mind the Meeting of Experts' considerations and consultations on victim assistance, the Coordinator recommends to the Conference to take the following decisions:

(a) To provide adequate time to the continued consideration of victim assistance at the Meetings of Experts and Conferences of the High Contracting Parties to Protocol V;

(b) To request the Meeting of Experts to continue consultations and work on the template for national reporting on victim assistance under Article 8 of the Protocol and to request the Coordinator to make suggestions to the Sixth Conference of the High Contracting Parties based on these consultations with a view to adopting a revised template¹;

(c) To call on High Contracting Parties to continue their efforts to fully implement the Plan of Action on Victims Assistance in all its aspects;

(d) The Meeting of Experts in 2012 to hold a session on how States assess the needs of victims of explosive remnants of war, with a view to making recommendations to the Sixth Conference;

(e) The CCW Implementation Support Unit to provide an analysis of the responses to the questionnaire and the sections of the national reports which address victim assistance at the Meeting of Experts in 2012.

¹ For draft template see Annex.

Annex

Draft

Amended National Reporting Template Form F

Form F: Steps taken to implement Article 8 of the Protocol: Co-operation and Assistance

High Contracting Party: ...

Reporting for time period from ... to ...

Steps taken to implement the provisions of Article 8:

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Steps taken to implement the provisions of Article 8 (2) of the Protocol and the Plan of Action on Victim Assistance:

(a) Provision of assistance services (including age- and gender sensitive medical care, rehabilitation, psychological support and adequate assistance for social and economic inclusion in a non-discriminatory manner) *(please specify type of service, implementing agency and provide a description of service)*

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(b) Data collection with respect to victims *(please specify data categories and degree of specification of data included)*

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(c) Assessment of the needs of victims of explosive remnants of war *(please indicate gender and age of survivors as well as information on affected families and communities)*

(d) Development and implementation of national laws and policies for the implementation of Art. 8 (2)

(e) National plan and budget, including timeframes to carry out these activities
(please also indicate time frames to carry out activities)

(f) Steps taken to mobilize national and international resources for victim assistance

(g) Efforts to closely consult with and actively involve ERW victims and their representative organizations in victim assistance planning and implementation

(h) National focal point/coordination mechanism for the implementation of victims assistance *(please provide name and contact information of government body responsible)*
