

Seventh Conference of the High Contracting Parties 2 September 2013
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

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Report
Victim Assistance

**Submitted by the Coordinator¹ and Friend of the Coordinator on
victim assistance**

Introduction

1. Protocol V on Explosive Remnants of War (ERW) is the only instrument of the Convention on Certain Conventional Weapons (CCW) to date to highlight obligations that High Contracting Parties have towards the victims of a particular weapon. Those obligations include providing the necessary medical and rehabilitation assistance and implementing the rights of victims. The rights of victims of ERW or persons with disabilities not only encompass the necessary medical and rehabilitative treatment, but also measures to ensure their social and economic reintegration. This is an important area as the social and economic reintegration of victims serves as a litmus test for assessing whether survivors and affected families are fully integrated into society and able to exercise their rights on the same basis as all other people.

2. More than six years after the entry into force of Protocol V, it is timely to assess the work of High Contracting Parties on victim assistance. The recommendations of the Sixth Conference called for the 2013 Meeting of Experts to review the implementation of the Protocol V Plan of Action on Victim Assistance, for High Contracting Parties to promote the Plan of Action within the wider CCW community, and to exchange experiences and practices on victim assistance with other relevant international legal instruments.

¹ In accordance with the decision of the Sixth Conference of the High Contracting Parties to Protocol V on Explosive Remnants of War, as contained in paragraph 39(b) of its final document (CCW/P.V/CONF/2012/10), the discussions on clearance, removal or destruction of explosive remnants of war, were led by Mr. Fernando Guzmán of Chile as the Coordinator and Ms. Caroline Woergoetter of Austria as Friend of the Coordinator.

Discussion on social and economic reintegration

3. Social and economic reintegration is directly referred to in Article 8 of Protocol V, which states: “[E]ach High Contracting Party in a position to do so shall provide assistance for the care and rehabilitation and social and economic reintegration of victims of explosive remnants of war”. In Action 1 of the Protocol V Plan of Action on Victim Assistance, each State should provide “adequate assistance for social and economic inclusion”. Social inclusion is about ensuring that survivors and their families can participate in the social, cultural, sporting and political life of their communities. Economic inclusion is the ability to earn an income and be a productive member of a community. These elements are essential to promoting self-sufficiency and independence.

4. In setting the scene for the discussions, the representative of the Office of the High Commissioner for Human Rights explained that a number of substantive provisions of the Convention on the Rights of Persons with Disabilities (CRPD) are of particular relevance for Protocol V, including on social and economic reintegration, and these reflect the elements of the Protocol V Action Plan on Victim Assistance. The CRPD articles that are particularly relevant to social and economic reintegration are Article 19 on independent living, Article 20 on personal mobility, Article 24 on the right to education, Article 25 on the right to health, article 26 on habilitation and rehabilitation, article 27 on the right to work, and article 28 on the right to an adequate standard of living and social protection.

5. The International Labour Organisation (ILO) informed the meeting about a number of tools at its disposal to support the social and economic reintegration of persons with disabilities. These included the Convention on Vocational Rehabilitation and Employment (Disabled Persons) (Number 159), which focuses on removing barriers that prevent people with disabilities from participating in society; and the Code of Practice on Managing Disability in the Workplace of 2002, which establishes employers’ responsibilities to support people with not only obtaining employment, but also maintaining it. It was the ILO’s experience that the obstacles faced by persons with disabilities arise largely from society’s own barriers. Persons with disabilities have great potential and this is becoming increasingly recognised. For persons with disabilities, the skills that they have learned or the courses available to them are often not related to the job opportunities available in their local communities. Frequently they are involved in very low value activities. It is important to provide access to high quality vocational training and job opportunities to persons with disabilities.

6. The International Committee of the Red Cross (ICRC) emphasised that in order for persons with disabilities to have their rights recognised and respected, the society in which they live needs to be inclusive. If there is not a commitment to inclusiveness then social and economic integration will be almost impossible to achieve. Inclusiveness needed to be backed-up by political commitment to establish changes, carryout measures such as requiring institutions to hire persons with disabilities and to have a minimum percentage of people with disabilities working in each company.

7. Affected States reported about their having in place a range of measures to support the social and economic reintegration of victims. Albania’s national plan includes measures for social and economic reintegration. Specifically, Albania assisted victims and their families into training courses. It acknowledged that survivors and their families, who completed the vocational training courses, were experiencing difficulties in competing with other businesses operating in the same areas. Additional forms of support were needed to overcome these challenges. Chile has elaborated on a compensation act to victims, which besides providing physical and psychological support, prioritises social and economic integration. In support of this priority, a multidisciplinary team of social assistance carries out follow-up and monitoring of the affected persons. Colombia provides support to victims

that wish to set up their own businesses or other similar projects. Colombia's other efforts in this area were raising awareness of the private sector's responsibilities and duties towards the victims of explosive devices along with their families and communities. In Colombia's experience of working on a national plan and roadmap for victim assistance, the most difficult components had been those concerning social and economic reintegration. It had been helpful to monitor and follow-up directly with victims to hear about their experiences of different social and economic programmes. Croatia is in the process of drafting a law on vocational rehabilitation and employment of persons with disabilities. In 2012, the Croatian employment service facilitated 1421 people into jobs. Uganda's national efforts to support the social and economic reintegration of victims included providing agricultural materials, equipment and training to victims.

8. The United States of America reported that its assistance includes support for barrier free schools, work for survivors and inclusion of persons with disabilities. Survivors' needs varied greatly and these should be incorporated into health and development programmes. It emphasized that meaningful and sustainable programmes required a holistic approach that takes into consideration the individual and community.

The importance of including victims into decision making and planning processes

9. Throughout the discussion there was an emphasis on the importance of including survivors and their representative organisations in decision making and planning processes. "Inclusiveness" was a principle that had been strongly emphasised by the ICRC. Colombia continues to work on strengthening coordination and opening up possibilities for survivors to participate in the development of laws and awareness raising campaigns. Croatia established a national coordinating body for mine and unexploded ordnance (UXO) victims in 2010. Croatian survivors and their representative organisations collaborated in preparing national reports and statements for Convention on Anti-personnel Landmines (APLC), Convention on Cluster Munitions (CCM) and Protocol V meetings in 2012. Uganda established a committee on disabilities, which brought together all stakeholders including survivors of landmines and ERW.

Exchanging experiences with other relevant international legal instruments

10. Albania, Chile, Colombia, Croatia and Uganda shared their experiences of working under the APLC, CCM and CRPD on activities such as developing national plans and coordinating bodies. For example, Albania's 2011 to 2015 National Plan on Victim Assistance complied with the APLC, CCM, CRPD and Protocol V. The national plan includes providing for the medical care, physical rehabilitation, psychological support, social and economic reintegration, and implementation of the relevant laws for victims. Chile reported that it is preparing a bill, which would be in accordance with paragraph 2 of Article 8 of Protocol V. The bill is designed to be a framework that addresses the entire problem of the assistance to victims, also those defined in the APLC and CCM. Such national frameworks underline the importance of synergy between these humanitarian disarmament instruments. The ICRC highlighted the need to further explore the synergies between the different treaties addressing victim assistance. Victim assistance must be seen as a broader and global approach.

11. Exchanging experiences with other relevant international legal instruments was not only aimed at the exchange of practical experiences, it also served as a reminder to States that international legal treaties do not exist in a vacuum. When addressing the needs of

victims, States had to take into account their obligations under other legal instruments such as those presented by the ILO and OHCHR. The latter had referred to the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights and Convention on the Rights of the Child as being relevant to the victim assistance obligations under Protocol V.

12. In terms of the relevance of victim assistance work under Protocol V for the wider CCW framework, Switzerland spoke on the need to promote the Protocol V Plan of Action within the broader CCW community, particularly in Amended Protocol II. The Protocol V Plan of Action is particularly pertinent to the needs of victims of improvised explosive devices (IEDs) and mines. Switzerland also supported exchanging experiences and practices developed under Protocol V on victim assistance with other international legal instruments.

Recommendations

- To encourage High Contracting Parties to support the social and economic reintegration of victims of explosive remnants of war and to report on practical and policy measures undertaken either in their national annual reports or to the 2014 Meeting of Experts.
 - To strongly encourage affected High Contracting Parties to report on their efforts to support victim assistance in reporting form F (a) of the Protocol V national annual reporting form template as well as during the meetings of High Contracting Parties.
 - To continue to exchange practical experiences and lessons learnt with other relevant international legal instruments.
 - In 2014 to focus on the implementation of the commitments made to victims of explosive remnants of war under the Protocol V Plan of Action and Article 8(2) of the Protocol.
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