

Victim Assistance in the Context of the AP Mine Ban Convention

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presented by

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At the end of May, the Co-Chairs of the Standing Committee on Victim Assistance and Socio-Economic Reintegration convened a victim assistance retreat and parallel programme for experts to take stock of what has been accomplished since the First Review Conference in 2004 and to creatively and collectively develop strategies and priorities for the period after 2009. Participants included survivors, doctors, rehabilitation experts, psychologists, disability rights experts, representatives of relevant ministries and agencies in affected States, representatives of development agencies and service providers.

Yesterday, Kerry Brinkert provided an overview on how the understandings on victim assistance have evolved since the Anti-Personnel Mine Ban Convention entered into force in 1999 and particularly since the First Review Conference in 2004. Instead of repeating all that was said, I will take this opportunity to highlight some of the key achievements, challenges and reflections on the way forward in victim assistance as identified by the experts in May.

One of the key achievements since the First Review Conference in 2004 is the significant progress that has been made in ensuring that the work on victim assistance at the international level is better understood at the national level. Since 2006, in response to Action #39 of the *Nairobi Action Plan*, the Convention's Sponsorship Programme has played an important role by supporting the participation of relevant health, rehabilitation, social services and disability rights professionals in international meetings of the Convention. Appropriate people from relevant State entities are now participating in the work of the Convention.

Since 2007, the Co-Chairs have convened parallel programmes for these victim assistance experts. The programmes aim to increase the knowledge of the expert participants on victim assistance in the context of the Convention and to share experiences in their efforts to address the rights and needs of mine survivors and other persons with disabilities. Thematic issues discussed in these programmes have included data collection, emergency medical care, physical rehabilitation, psychosocial support, economic empowerment, inclusion, accessibility, community based rehabilitation, coordination, and the Convention on the Rights of Persons with Disabilities. In addition to the health, rehabilitation, social services and disability rights professionals from the relevant States Parties, the programme also benefits from the active participation of mine survivors and other experts from international and non-governmental organizations. More than 40 experts participated in a similar programme here in Tirana yesterday.

Progress has also been achieved by States Parties working intensively to apply the conclusions on implementation adopted at the First Review Conference. In particular, the States Parties agreed that victim assistance efforts should be guided by principles that include: the non-discrimination of victims; national ownership; an integrated and comprehensive approach, including a gender perspective; the participation of all relevant government

agencies, service providers, non-governmental organizations and donors; transparency and efficiency; and, sustainability.

The conclusions adopted at the First Review Conference provided a comprehensive basis for action on victim assistance. Two of the main principles that have guided action since that time are:

- Firstly, as the ultimate responsibility for meeting the needs of mine victims rests with States, the States need to be provided with the space and support to define what can be or should be achieved, in concrete and measurable terms. While others may be in a position to assist, States are the owners of their challenges and need to be the owners of the solutions to overcome these challenges.
- And second: Objectives and plans should see that victim assistance is integrated into broader healthcare, rehabilitation, social services, development, and disability contexts. As such, relevant ministries and officials from these ministries need to be at the forefront of “victim assistance” efforts.

Since 2005, with funding provided by Australia, Austria, Belgium, New Zealand, Norway and Switzerland, the Convention’s Implementation Support Unit has assisted the relevant States Parties with their inter-ministerial processes to enable those States Parties with good objectives to develop and implement good plans, and to help those with unclear objectives to develop more concrete objectives. I would suggest that this focused support has been key to the progress that has been achieved in advancing the victim assistance issue, and in some instances the disability issue in some countries.

The efforts of some relevant States Parties in proceeding with inter-ministerial processes have resulted for the first time in clear objectives having been established and national plans developed. The systematic way in which relevant States Parties have articulated objectives and developed national action plans has provided a basis for more meaningful monitoring of the fulfilment of this aim of the Convention. The challenge now is to ensure those plans are implemented.

Since the First Review Conference, a significant achievement has been the move from a charity-based to a rights-based approach to victim assistance. Another important development is the 2006 Convention on the Rights of Persons with Disabilities. The CRPD provides a new standard by which to measure victim assistance efforts and can provide guidance to all States in meeting their responsibilities to persons with disabilities, including mine survivors.

Through the work of the Standing Committee the States Parties have a clearer understanding of the challenges faced by relevant States Parties in addressing the rights and needs of mine survivors and other persons with disabilities. We will likely hear about some of those challenges in the presentations that follow. The challenges faced in this region are not unlike the challenges faced by other States Parties reporting a responsibility for significant numbers of mine survivors. In particular, there is the persistent challenge of translating increased understanding on victim assistance into tangible improvements in the quality of daily life of mine victims on the ground.

I will conclude with some reflections on the way forward as articulated by the experts in May.

In 2004, the States Parties adopted a definition of landmine victim that includes individuals, families and communities, although logically focusing the majority of their attention on providing assistance to those individuals directly impacted by mines. This focused attention has contributed to the progress made and in particular to raising awareness on the rights and needs of mine survivors and other persons with disabilities, and also on their capacities to contribute to their families and communities. However, experts agreed that in future more attention should be given to the impact on the family of those killed or injured. It

may be necessary for States Parties to seek to address to a greater extent the needs of families, for example, in the areas of psychological support, economic inclusion, and support for the education of children.

In 2004, the States Parties agreed that victim assistance comprised of 6 components: understanding the extent of the challenges faced, for example through data collection; emergency and continuing medical care; physical rehabilitation; psychological support and social reintegration; economic reintegration; and, the establishment, enforcement and implementation of relevant laws and public policies. Victim assistance is now better understood as a process involving a holistic and integrated approach rather than a series of separate actions. Each component of the process – emergency and continuing medical care, physical rehabilitation, psychological and psychosocial support, and social and economic reintegration – requires specific objectives to ensure high quality standards, and availability and accessibility of services. Experts emphasized that survivors may access different stages of this process at various times throughout their lifetime depending on their personal circumstances. It may be necessary to increase understanding of victim assistance as a process among the States Parties to ensure the long term sustainability of, and accessibility to, appropriate services.

The experts highlighted six priority areas, among others, to be addressed by the States Parties in the period 2010-2014:

- Ensuring the inclusion and active participation of mine survivors and other persons with disabilities in planning, implementation and monitoring.
- Ensuring a comprehensive and integrated approach to the provision of assistance.
- Accessibility, particularly for those living in rural areas.
- Coordination and planning.
- Capacity building and training to promote high quality standards and availability of services; and
- International cooperation and assistance with those in a position to do so providing financial, material and / or technical assistance in support of enhancing national ownership and in response to the priorities for the recipient State.

Experts also stressed the importance of ensuring that any action plan is fully implemented, particularly in rural areas.

While progress has been slower than many would want or expect, it is progress none the less. Simply the fact that victim assistance in the context of the Mine Ban Convention has become measurable is progress. We can systematically take stock of what has been achieved and where more work is required. This should permit an even more focused approach on victim assistance to be taken in Cartagena in November than was done so in Nairobi in 2004. If we keep up this intensity, we can move closer toward our ultimate aim – achieving the full and effective participation and inclusion of mine survivors and the families of those killed or injured in the social, cultural, economic and political life of their communities.