
**Sixth 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**

24 August 2012

Original: English

Geneva, 12-13 November 2012
Item 13 of the provisional agenda
Report(s) of any subsidiary organ(s)

**Report
Victim Assistance**

Submitted by the Coordinator¹ on Victim Assistance

Introduction

1. Protocol V takes a comprehensive approach to victim assistance, including care and rehabilitation as well as socio-economic integration.
2. Article 8 (2) of Protocol V contains provisions of relevance for States that are responsible for ERW victims as well as for States that are in a position to do so to provide cooperation and assistance.
3. The focus of the work in 2012 was on further increasing the understanding of the needs of victims on the ground and strengthening the implementation of victim assistance measures in accordance with Article 8, paragraph 2, and the Plan of Action on Victim Assistance. The Meeting of Experts in April 2012 provided a valuable opportunity to bring these efforts forward, building upon the substantive discussions that had taken place in 2011.

**Organisation and work of the 2012 Meeting of Experts
on victim assistance**

4. The Meeting of Experts focused on monitoring and strengthening the implementation of victim assistance measures at all levels. The session benefited from detailed presentations of the following panelists: Mr. Sene Diogoye, Head of Office for Victim Assistance at the Senegal Mine Action Centre (CNAMS) and Mr. Firoz Ali Alizada, Campaign Manager at the International Campaign to Ban Landmines – Cluster Munitions

¹ In accordance with the decision of the Fifth Conference of the High Contracting Parties to Protocol V on Explosive Remnants of War, as contained in paragraph 43(b) of its final document (CCW/P.V/CONF/2011/12), the discussions on Victim Assistance, pursuant to Article 8 (2) of the Protocol, were led by Ms. Caroline Wörgötter of Austria as the Coordinator and Ms. Danijela Žunec Brandt of Croatia as Friend of the Coordinator on Victim Assistance.

Coalition (ICBL-CMC) and a ERW-survivor himself, both of whom provided input on the topic of needs assessment; Mr. Stefano Sensi, Advisor on Human Rights and Disability at the Office of the United Nations High Commissioner for Human Rights (OHCHR) informed the Meeting about the relevance of the Convention on the Rights of Persons with Disabilities (CRPD) for Protocol V.

5. Following the decision by the Fifth Conference of High Contracting Parties, the Meeting of Experts had a focused discussion on the topic of “needs assessment”. The discussion benefited greatly from the input by the two experts. Mr. Ali Alizada highlighted the importance of comprehensive data collection and needs assessment as a means to identify gaps in the support provided to victims. Accessibility to services in remote areas was mentioned as a particular challenge that often only a comprehensive needs assessment would bring to the fore. Also, the psychological and psychosocial needs of survivors and their families would require more attention and need to be taken into account when national plans and policies are being set up. Mr Ali Alizada recalled that the involvement of survivors and their representative organisations was crucial in the whole process. Mr. Diogoye shared his practical experience of assistance provided to survivors, their families and affected communities in Senegal and emphasised the need for close cooperation between all relevant stakeholders at the national and local level as a key factor for effective implementation. He stressed that the planning of victim assistance measures at the national level needed to go hand in hand with financial planning.

6. In the following discussion, a number of States with responsibilities for victims acknowledged that they did not have a comprehensive picture of the needs of victims yet. Bosnia and Herzegovina, Lao People’s Democratic Republic and Peru emphasized that more needed to be done in terms of data collection and analysis, in particular with regard to disaggregated data on gender and children and information on the needs of families of survivors. In the debate, the shortage of funding was repeatedly portrayed as seriously hindering implementation efforts.

7. High Contracting Parties, signatory States, observer States, United Nations entities and non-governmental organisations provided information on the state of implementation of victim assistance in accordance with Article 8 (2) of the Protocol. Australia, Lao People’s Democratic Republic, the Philippines and the United States of America referred to the need for a stronger focus on social and economic integration and work opportunities, in particular access to waged employment as well as micro-economic support. Participants also in this context pointed to the benefit of an intensified exchange of practices and experiences across related international legal instruments focusing on the rights and the needs of victims and other persons with disabilities. It has to be noted that among the reporting States, only a small number of States that are responsible for victims pursuant to Protocol V provided updates on the state of implementation of victim assistance provisions in their respective countries.

8. The Coordinator recalled the need for States that wish to address challenges they are facing with respect to ERW victims to self-identify as being responsible for victims and to continue to regularly provide updated information on the situation of victim assistance in their respective countries. As well as for States in a position to do so to follow up on the requests for cooperation and assistance by affected States in accordance with Article 8 (2) of the Protocol.

9. The CCW Implementation Support Unit presented a comprehensive assessment of the responses to the victim assistance questionnaire, first issued in 2008, as well as the reporting on victim assistance provided through the national reports. As confirmed by the high number of responses to the questionnaire, High Contracting Parties, including affected States, took the one-time opportunity that this tool offered and shared more detailed information on either the scope of the problem and victim assistance measures applied by

their own country or the cooperation and assistance provided to other States in this regard. The analysis of the national reports showed, however, that this level of information could not be obtained by the annual reporting on victim assistance through national reports. The reporting on victim assistance in the national reports was fragmented and limited in scope. The analysis also showed that the current national reporting form causes confusion for States as to where to report on victim assistance measures. This may have serious implications for High Contracting Parties in their efforts to monitor implementation of victim assistance provisions effectively and provide cooperation and assistance to affected States in an appropriate manner.

10. During the Meeting of Experts, the Coordinator and the Friend of the Coordinator, in close cooperation with the Coordinator on National Reporting and other fellow Coordinators, as tasked by the Fifth Conference conducted a transparent process of consultations, including two rounds of informal consultations, to finalize the draft amended template for national reporting on victim assistance, which was supported by the Meeting of Experts and will be recommended to the Sixth Conference for adoption (annexed to this report).

11. As in previous years, the Protocol V Plan of Action on Victim Assistance was prominent throughout the discussions. It was adopted by the High Contracting Parties as a toolbox to guide the work on victim assistance and it has demonstrated to be of relevance to the wider CCW community.

12. In this context, the Co-Coordinator on Improvised Explosive Devices (IEDs) under CCW Amended Protocol II, Mr. Reto Wollenmann from Switzerland, briefed the Meeting of Experts on the victim assistance session that the Coordinators on IEDs under Amended Protocol II had undertaken jointly with the Coordinator on Victim Assistance under Protocol V. He emphasized the relevance of the Protocol V Plan of Action on Victim Assistance as a guiding tool that could also assist High Contracting Parties of Amended Protocol II in their efforts to improve the situation of victims.

13. Mr. Sensi from the OHCHR informed the Meeting of Experts about the relevance of the Convention on the Rights of Persons with Disabilities (CRPD) for Protocol V. States should take into account the obligations that they have undertaken under relevant human rights treaties to which they are parties when implementing their obligations under international humanitarian law. Mr. Sensi explained that the CRPD as the main international human rights treaty to promote and protect the rights of persons with disabilities represented *lex specialis* vis-à-vis Protocol V and should therefore be taken into account by High Contracting Parties in identifying the appropriate measures to implement Article 8 (2) of the Protocol. Australia and China emphasized the role of the CRPD as ensuring a comprehensive approach to improving the lives of persons with disabilities.

14. The discussions during the Meeting of Experts demonstrated the potential benefits from closer coordination in the area of victim assistance between CCW Protocol V and the wider CCW community as well as with related international legal instruments, including the Convention on Anti-Personnel Landmines, the Convention on Cluster Munitions and the Convention on the Rights of Persons with Disabilities, as called for also by the Plan of Action. Participants highlighted that such an increased exchange of experiences and practices would be of benefit for the work on victim assistance under Protocol V, and in particular in those areas which High Contracting Parties responsible for victims identified as posing serious challenges. It was noted positively that, broadly, such coordination based on a non-discriminatory approach would already be the reality of day to day implementation on the ground.

15. The Coordinator reminded delegations to make use of the webpage on victim assistance under Protocol V, which had been set up by the CCW Implementation Support Unit and provided relevant information, documents and other useful resources.

Recommendations

16. Bearing in mind the Meeting of Experts' consideration and consultations on victim assistance, the Coordinator recommends to the Sixth 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 amend national reporting template F (cooperation and assistance) by Form F bis "Steps taken by States which have ERW victims to implement the relevant provisions of Article 8(2): Victim Assistance", as supported by the Meeting of Experts in 2012.

(c) For High Contracting Parties to continue to promote data collection and needs assessment, in particular with regard to disaggregated data on gender and children as well as information on the needs of families of victims, and for High Contracting Parties in a position to do so, to provide cooperation and assistance.

(d) For the Meeting of Experts to continue to review the implementation of the Plan of Action on Victim Assistance in order to assess progress and make recommendations to the Seventh Conference for further improving assistance for victims, including their social and economic integration, and fostering a culture of implementation in the area of victim assistance.

(e) For High Contracting Parties to continue to promote the Plan of Action on Victim Assistance in the wider CCW community and to foster an exchange of experiences and practices of Protocol V with related international legal instruments, including the Convention on the Rights of Persons with Disabilities, the Convention on Cluster Munitions and the Convention on Anti-Personnel Landmines, on victim assistance.

Annex

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:

Any other relevant information:

Form F bis

Steps taken by States which have ERW victims to implement the relevant provisions of Article 8(2): Victim Assistance

High Contracting Party: ...

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

Steps taken to implement the relevant provisions of Article 8(2):

Other relevant information, guided by the Plan of Action on Victim Assistance:

