**Victim assistance in the context of the Anti-Personnel Mine Ban Convention**

LESSONS LEARNT AND CHALLENGES IN IMPLEMENTING THE VICTIM ASSISTANCE PROVISIONS OF ANTI-PERSONNEL MINE BAN CONVENTION

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**AP Mine Ban Convention**

Article 6.3

Each State Party in a position to do so shall provide assistance for the care and rehabilitation, and social and economic reintegration, of mine victims...

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**Victim assistance in the context of the Anti-Personnel Mine Ban Convention**

First multilateral disarmament treaty that aimed to assist the victims

- Not clear what needed to be done?
- How this should be done?
- Who was ultimately responsible?

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**Components of Victim Assistance**

Victim assistance as defined by the States Parties:

- Understanding the extent of the challenges faced
- Emergency and continuing medical care
- Physical rehabilitation, including physiotherapy, prosthetics and assistive devices
- Psychological support and social reintegration
- Economic rehabilitation
- The establishment, enforcement and implementation of relevant laws and public policies

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**Victim assistance: Understanding the broader context**

Victim assistance in the context of disability:

- "...the call to assist landmine victims should not lead to victim assistance efforts being undertaken in such a manner as to exclude any person injured or disabled in another manner"

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**Victim assistance: Understanding the broader context**

Victim assistance in the context of broader health care, social services, rehabilitation, reintegration, human rights etc.

- Victim assistance does not require the development of new fields or disciplines
- Landmine victim assistance should be viewed as a part of a country's overall public health and social services systems and human rights frameworks
Victim assistance: Understanding the broader context

Victim assistance in the context of broader development:

- Providing adequate assistance to landmine survivors must be seen in a broader context of development and underdevelopment...

Victim assistance: Understanding responsibility

- It is a basic responsibility of a State to ensure the well-being of its population.

26 States Parties:  
- a more focused challenge

- States Parties were indicated that they have a responsibility for significant numbers of landmine survivors:
  - Afghanistan
  - Algeria
  - Angola
  - Bosnia and Herzegovina
  - Burundi
  - Cambodia
  - Chad
  - Colombia
  - Cote d'Ivoire
  - Democratic Republic of the Congo
  - El Salvador
  - Eritrea
  - Ethiopia
  - Guinea
  - Iraq
  - Jordan
  - Mozambique
  - Nicaragua
  - Peru
  - Senegal
  - Serbia
  - Sudan
  - Tajikistan
  - Thailand
  - Uganda
  - Yemen


Nairobi Action Plan aims to...

- Enhance the care, rehabilitation and reintegration efforts...


Calls upon all States Parties

"to ensure the effective inclusion of mine victims in the work of the convention"

Standing Committee on Victim Assistance and Socio-Economic Reintegration

- Co-Chairs
  - 2007-2008 Cambodia and New Zealand
  - 2006-2007 Austria and Sudan
  - 2005-2006 Afghanistan and Switzerland
  - 2004-2005 Nicaragua and Norway
  - 2003-2004 Australia and Crissis
  - 2002-2003 Colombia and France
  - 2001-2002 Canada and Honduras
  - 2000-2001 Japan and Nicaragua
  - 1999-2000 Mexico and Switzerland
Victim Assistance Questionnaire

- what is the situation in 2005 in each of the six main thematic areas of victim assistance?
- what does the state wish the situation to be in each thematic areas by 2009?
- what are the plans to achieve these objectives in each thematic areas by 2009?
- what means are available or required to implement these plans?

"not an end-product but rather an initial step in a long-term planning and implementation process"

Process Support

Aim of process support provided by the ISU

- those States Parties with good objectives will develop and implement good plans
- those with vague objectives will develop more concrete objectives
- those that have not engaged, or have engaged very little, in the process of developing objectives and plans will get engaged

Challenges

- Lack of understanding of commitments made
- Lack of involvement of relevant experts
- Lack of capacity and resources in some States
- Limited collaboration between ministries and other actors
- Potential for inefficient and ineffective use of resources and duplication of services

Challenges

- Low priority given to disability issues by policy makers
- Overdependence on NGOs and other international agencies to provide services
- Disproportionate focus on donor responsibility rather than state responsibility
- Lack of inclusion of persons with disabilities in decision making processes
- Disability seen as a charity issue not a human rights issue

Key Lessons Learnt

- Victim assistance must be seen as concrete set of actions
- Victim assistance must be seen as state responsibility
- Victim assistance must be understood in its broader contexts
- Victim assistance should be undertaken in context of existing domains
- An inter-ministerial process is essential
Key Lesson Learnt

- Victim Assistance framework is relevant for victims of all types of weapons and other traumatic injuries

Thank you!

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