Cooperation and assistance for victim assistance – food-for-thought paper

Introduction

In 2015, States Parties to Protocol V took the following decision: “To continue to review the implementation of the commitments on victim assistance under Protocol V and in particular to focus on the provision of cooperation and assistance and best practices in this area.” This paper provides suggestions for best practices when donor states and organisations provide cooperation and assistance for victim assistance. It does not seek to preclude any additional proposals. All too often victims of explosive remnants of war (ERW) and conflicts generally are amongst some of the most vulnerable and poorest members of a community. States Parties, in a position to do so, have committed to providing assistance to the victims of ERW. Article 8(2) of Protocol V states:

“Each 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. Such assistance may be provided inter alia through the United Nations system, relevant international, regional or national organizations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their International Federation, non-governmental organizations, or on a bilateral basis.”

Article 8(2) is reiterated in the Protocol V Plan of Action on Victim Assistance, which states “Action 4: In implementing the Plan of Action, States Parties should:... (d) Seek to mobilize national and international resources...” Furthermore, the Convention on the Rights of Persons with Disabilities states that its, “States Parties recognize the importance of international cooperation and its promotion, in support of national efforts for the realization of the purpose and objectives of the present Convention.”

For cooperation and assistance to be effective in the area of victim assistance, it must have an impact on the lives of victims while being inclusive of other persons with disabilities with similar needs.

Draft principles on best practise on cooperation and assistance for victim assistance

Non-discrimination: There can be no discrimination between the victims of ERW and other persons with disabilities and those providing cooperation and assistance must require that differences in treatment should only be based on medical, rehabilitative, psychological or socio-economic needs of victims.

Age and gender sensitivity: Cooperation and assistance must be age and gender sensitive.

Inclusiveness: Victims of ERW should be consulted or involved in the design, implementation and follow-up of cooperation and assistance programmes in a meaningful manner.
Accessibility: Cooperation and assistance should seek to eliminate obstacles and barriers in urban, remote and rural areas to buildings, roads, transportation, schools, housing, medical facilities and workplaces, as well as to information and communications.

Accessibility: Victim assistance services should be made accessible to all ERW victims and cooperation and assistance should ensure:

- to eliminate obstacles and barriers in urban and rural areas to buildings, roads, transportation, schools, housing, medical facilities and workplaces, as well as to information and communications;
- victims especially those living in rural areas have access to mainstream and specialized services, including through the provision of mobile services as needed; and
- victim assistance services are provided in a manner that is affordable and appropriate to the local cultural context

Comprehensive support: Cooperation and assistance should consider all elements required for the totality of the victim’s needs, including but not limited to medical, rehabilitative, psychological, standard of living, economic and social reintegration, educational and vocational responses to their needs. All cooperation and assistance efforts must be based on the needs of victims and include services that are available to the wider population.

Integrated support: To encourage sustainable support for victims of ERW, victim assistance must also be integrated into broader national policies, plans and legal frameworks related to human rights, disability, health, education, employment, development, poverty reduction, peace processes, as and where appropriate.

National ownership: Responsibility for providing assistance and ensuring the rights of victims ultimately lies with the affected state. The affected state must be consulted on the design, implementation and follow-up of cooperation and assistance programmes. Moreover, cooperation and assistance should support the implementation of the concerned Government’s national action plan on victim assistance or other relevant national that can help to meet the needs of victims, such as plans related to persons with disabilities or poverty reduction.

Empowerment: Cooperation and assistance programmes should ensure that victims know their rights and are able to advocate for them, including through support to organizations of persons with disabilities.