



## Seventh Meeting of the States Parties of the Convention on Cluster Munitions

Geneva, 4-6 September 2017

### Progress report by Chile and Italy, Coordinators on Victim Assistance for the CCM

5 September 2017

#### Introduction

At the beginning of the year, and based on information provided from national reports or national statements at CCM official meetings, twelve (12) States Parties were identified as having obligations under Article 5.

The Coordinators on Victim Assistance developed a work plan for the year based on action 4 of the five-year Dubrovnik Action Plan (DAP), adopted by the First Review Conference of States Parties to the CCM in 2015.

Action 4 of the DAP encourages States Parties with victim assistance obligations to: strengthen national capacity (4.1); increase the involvement of victims (4.2); share information (4.3); and provide support, assist and cooperate (4.4).

In drawing up the work plan, and through the activities conducted throughout the year to implement it, Chile and Italy pursued the following (4) main objectives:

1. Obtaining information on progress in the implementation of VA obligations under the Convention;
2. Facilitating increased exchange of information on good practices or challenges in implementing VA obligations;
3. Promoting the *Guidance on an integrated approach to Victim Assistance* amongst States Parties of the CCM as well as other relevant Conventions;
4. Increasing coordination with Victim Assistance Coordinators of the **Anti-Personnel Mine Ban Convention** (APMBC) and the Convention on Certain Conventional Weapons (CCW) as well as the Convention on the Rights of Persons with Disabilities (CRPD);
5. Facilitating increased cooperation for victim assistance programmes;
6. Strengthening joint approaches with CCM Coordinators on International Cooperation and Assistance.

## **Main Results**

### **Objective 1**

During the review period, the Coordinators on Victim Assistance focused on the implementation of Action 4.1 of the DAP that outline two specific, time-bound commitments aimed at strengthening national capacity of States Parties with obligations under Article 5 of the Convention.

These relate to the designation of a focal point within the government to coordinate victim assistance by the end of 2016 and to the development of a national disability action plan or a national action plan on victim assistance by no later than the end of 2018.

With the assistance of the ISU, the Coordinators identified two (2) States Parties with obligations under Article 5 yet to inform of the designation of a victim assistance focal point.

The Coordinators also identified five (5) States Parties with obligations under Article 5 yet to inform of the development of a national disability action plan or national action plan on victim assistance.

In early 2017, the Coordinators wrote to these States Parties reminding them of their commitments under action 4 of the DAP and requesting an update on progress towards their implementation.

In reply to this request, Montenegro informed of the ongoing development of an adequate legislative framework to implement Article 5 obligations, including the adoption of a national plan of action. Montenegro also reported on the need for international, including expert assistance, in its efforts to strengthen relevant legislative, administrative and technical capacities.

Other information relevant to the establishment of a national focal point and the development of a national action plan that was derived from national reports and not through direct communication between the Coordinators and the States concerned is contained in the Geneva Progress Report.

### **Objective 2**

In the period under consideration, the Coordinators on Victim Assistance also focused on facilitating increased information exchange among States Parties on the implementation of their commitments in Article 5 of the Convention. Through this information exchange, the Coordinators pursued two main goals: firstly, identifying possible lessons learned or best practices that could work as a useful resource for States Parties with victim assistance obligations; secondly, providing an opportunity for States Parties still in the process of implementing Article 5 obligations to share their priorities and possible difficulties, with a view to facilitating the identification of potential solutions or, if requested and deemed appropriate, implementation support.

The Coordinators set out to contact all eleven States Parties with obligations under Article 5 of the Convention in the period 2017-2018, inviting them to share such information. In January and February 2017, the Coordinators on Victim Assistance wrote to six out of these eleven States parties, inviting them to share information on challenges and key priorities with regards to the implementation of Article 5 obligations.

By 30 June 2017, two (2) of these States Parties, **Albania and Croatia**, as well as **Montenegro**, had provided detailed feedback.

In addition, after the cut-off date for the finalization of the Geneva Progress Report, Chad submitted its 2016 annual report informing that the 2007 *Law on people with disabilities* has not yet been implemented as it is still awaiting the adoption of an implementing Decree.

The information provided by these States Parties highlighted the following, general conclusions, which are outlined in greater detail in the Geneva Progress Report:

- The legal and regulatory framework provides for comprehensive basis to address CCM victims' needs that integrates the provisions of all relevant instruments (APMBC, CCM and Protocol V of the CCW) and addresses victims' needs comprehensively, from medical care to socio-economic reintegration.
- Comprehensive data gathering systems are in place, with constant uploading and verification of information.
- Data is commonly disaggregated by age and gender; on the other hand, some difficulties have been encountered in disaggregating data by type of casualty.
- Some difficulty in coordination among different government agencies has been noted, particularly in the absence of an entity with the clear authority to promote such coordination.
- Good experience has been reported in the broader cooperation among governments and civil society, including survivors' organizations, international and local authorities and health institutions. The need for greater cooperation with the disability sector has been highlighted.
- The provision of services is based on the evaluation of specific needs, not discriminating between mine/other UXO victims and other Persons with Disabilities. However, its implementation in rural and remote areas meets with some challenges.
- On a more long-term and systemic level, competing priorities within the health sector and insufficient numbers of physical rehabilitation professionals represent obstacles to the effective provision of victim assistance.
  
- High unemployment rates impact negatively on the reintegration of victims, as well as other persons with disabilities.
- Even where available, employment opportunities are sometimes the source of inadequate levels of income.

### **Objective 3**

The Coordinators continued to promote the *Guidance on an Integrated Approach to Victim Assistance* developed in 2016 by the Coordinators on Victim Assistance and the Coordinators on International Cooperation and Assistance of the CCM, with technical support from Handicap International.

Both the *Guidance on an Integrated Approach to Victim Assistance* (developed in the framework of the CCM) and the *Guidance on Victim Assistance Reporting* (developed in the framework of the APMBC) were launched during a side event held on 29 November 2016, during the 15<sup>th</sup> Meeting of the States Parties of the APMBC, in Santiago, Chile. The event was co-hosted by the Coordinators on Victim Assistance and the Coordinators on International Cooperation and Assistance of the Convention on Cluster Munitions, and the Victim Assistance Committee of the Anti-Personnel Mine Ban Convention in an effort to contribute to the development of common approaches to victim assistance issues across Conventions.

### **Objective 4**

In building on previous efforts, the Coordinators also continued to work to improve coordination on issues of victim assistance with other disarmament conventions including commitments on victim assistance, namely the Anti-Personnel Mine Ban Convention (APMBC) and Protocol V of the Convention on Certain Conventional Weapons.

On 17 August 2017 the victim assistance Coordinators and Committees of these three Conventions met, together with the ISUs of the APMBC and the CCM to informally discuss possible ways in which such coordination could be operationalized in the coming months.

### **Next steps**

For the coming year, the Coordinators will continue to reach out to States Parties with obligations under art. 5 of the Convention to gather information on their implementation progress. This will relate both to specific commitments, concerning the establishment of the national focal point and the development of the national action plan, and to more general best practices or challenges that could be usefully shared with other States Parties with victims on territories under their jurisdiction.

The Coordinators will also continue to promote synergies with the APMBC and Protocol V of the CCW, in order to allow these regimes to capitalize on, and learn from, each other's experiences and efforts; to avoid duplicating or overlapping efforts; and to promote coherent policies and programmes for both instruments.

In an effort to facilitate better communication of assistance needs specific to art. 5 implementation, the Coordinators will also work with the CCM International Cooperation and Assistance Coordinators, with the goal of assisting requesting States Parties in conveying their

needs to potential donors. As President of the Mine Action Support Group until the end of the year, Italy will be in a privileged position to facilitate the liaison among the major mine action donors and potential recipients for the support of victim assistance programmes.

The details of the activities to be conducted until the 2018 MSP will be finalized in the coming weeks. Feedback from States Parties in this regard will be greatly welcome.

In the exchange that will follow, we encourage States Parties to share their experience – both in terms of successful practices and specific challenges – in addressing victims’ needs. The questions outlined in the section on victim assistance of the Geneva Progress Report offer some possible points of departure in this regard.

We will also welcome any suggestion on how best our work could facilitate effective victim assistance policies.