

PLAN OF ACTION ON VICTIM ASSISTANCE UNDER PROTOCOL V

(As adopted by the Second Conference at its fourth plenary meeting on 11 November 2008)

Recalling the general principle of the protection of the civilian population against the effects of armed conflict;

Confirming their determination that in cases not covered by this Convention and its annexed Protocols or by other international agreements, the civilian population and the combatants shall at all times remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of public conscience;

Recalling that pursuant to Article 8 paragraph 2 of Protocol V, “[E]ach 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”;

Recalling the Convention on the Rights of Persons with Disabilities which, *inter alia*, requires that States Parties to that Convention undertake to ensure and promote the full realisation of all human rights and fundamental freedoms of all persons with disabilities without discrimination of any kind on the basis of disability;

Recognizing the right of each High Contracting Party to seek and receive assistance in accordance with the provisions of Protocol V;

Recognizing in particular that States having a responsibility for victims of explosive remnants of war will in many instances need support and cooperation by other countries, international organizations and institutions to rendering assistance to victims of explosive remnants of war;

Mindful of the need to coordinate adequately efforts undertaken respectively in various fora to address the rights and needs of victims of various types of weapons;

Resolved to avoid discrimination against or among victims of explosive remnants of war, or between such victims and other victims of armed conflict;

Mindful that explosive remnants of war may not only affect the persons directly impacted by them, but also have larger social and economic consequences.

The High Contracting Parties:

I. Have reached a common understanding on the following Plan of Action which will be implemented without prejudice to their obligations under Protocol V and the CCW: 4

Action 1: With respect to victims of ERW in areas under its jurisdiction or control, each High Contracting Party, in accordance with applicable international law, should adequately provide or facilitate the provision of age- and gender-sensitive medical care, rehabilitation, psychological support and adequate assistance for social and economic inclusion in a non-discriminatory manner.

Action 2: Each High Contracting Party should make every effort to collect reliable relevant data with respect to victims.

Action 3: Each High Contracting Party in a position to do so should provide cooperation and assistance for victim assistance consistent with national laws and procedures of the recipient State. The High Contracting Parties *urge* all States as well as international organizations and institutions in a position to do so to cooperate and provide assistance;

Action 4: In implementing this Plan of Action each High Contracting Party should, as appropriate:

- (a) Assess the needs of victims;
- (b) Develop, implement and enforce any necessary national laws and policies;
- (c) Develop in accordance with national procedures, a national plan and provision of adequate resources, including timeframes to carry out these activities, with a view to incorporating them within as well as supporting applicable national disability, development and human rights frameworks and mechanisms, while respecting the specific role and contribution of relevant actors in the field of assistance and rehabilitation of victims of explosive remnants of war;
- (d) Seek to mobilise national and international resources;
- (e) Ensure that differences in treatment are based only on medical, rehabilitative, psychological or socio-economic needs;
- (f) Closely consult with and involve victims and their representative organizations;
- (g) Designate, in accordance with national procedures, a focal point within the government for the implementation of this Plan of Action; and
- (h) Strive to incorporate relevant guidelines and good practices including in the areas of medical care, rehabilitation and psychological support, as well as social and economic inclusion.

II. Decide to exchange regularly information on the implementation of this Plan of Action within existing mechanisms established by the CCW and Protocol V.

III. Decide to review regularly the implementation of this Plan of Action within existing mechanisms established by Protocol V in order to assess progress and take appropriate decisions for further improving assistance for victims.