



AUSTRALIAN PERMANENT MISSION TO THE
UNITED NATIONS, GENEVA

Geneva, 18 March 2009

The Permanent Representatives of the
High Contracting Parties to CCW Protocol V
on Explosive Remnants of War
Geneva

Excellency,

As a High Contracting Party to CCW Protocol V on Explosive Remnants of War, you will recall that the Second Conference of the High Contracting Parties last year adopted a Plan of Action on victim assistance under Article 8 (2). I enclose a copy of this Plan for your reference.

As Coordinator on victim assistance under Protocol V, I hope to advance our work in 2009 by examining practical ways to implement the Plan of Action. The meeting of experts from 22 to 24 April will be critical in this regard. We will need to enhance our understanding of the scale of the current assistance task faced by High Contracting Parties. It will also be a key opportunity to share experiences in implementing the Plan of Action and to identify obstacles to providing effective support to survivors.

Assessing the scale of the task

You will recall that my predecessor, Mr. Markus Reiterer of Austria, prepared a Questionnaire to assist us in our preparations for Protocol V meetings. I very much encourage all High Contracting Parties, but especially those with responsibility for survivors, to reply to Part 1 of the Questionnaire either before or at the April meeting. I would also draw your attention to Action #2 of the Plan of Action in this regard, which states that “each High Contracting Party should make every effort to collect reliable relevant data with respect to victims”. Information on the number and type of survivors will ensure that our work on implementing the Plan of Action reflects the situation on the ground. I enclose a copy of the Questionnaire for your reference.

Based on our discussions at the April meeting and the information provided, it is my intention to report to the Third Conference of the High Contracting Parties on the scale of the task before us under Article 8 (2).

The Plan of Action in practice

I plan to focus our work in 2009 on gaining a better understanding of how the various points under the Plan of Action are being put into practice. Exchange of information on best practices, challenges and lessons learnt will be essential. As such, I warmly encourage all High Contracting Parties to share their experiences with implementing

some or all of the points under the Plan of Action. If you are a State responsible for ERW survivors, you may wish to provide details on your national laws and policies, consultation mechanisms and needs assessment practices, in line with Action # 4. If you are a State contributing to victim assistance programs, you may wish to share your experiences on the most effective methods of delivering assistance, in line with Action #3.

Based on our discussions at the April meeting, it is my intention to report to the Third Conference of the High Contracting Parties on implementation of the Plan of Action and next steps. As such, your considered input in April will be crucial.

Please do not hesitate to contact the CCW Secretariat or myself at any time to discuss our proposed work on victim assistance under Protocol V. I look forward to providing you with additional detail on our methods and means of work in the coming weeks.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Angela Robinson', with a long horizontal flourish extending to the right.

Angela Robinson
Coordinator on Victim Assistance
Pursuant to Article 8 (2) of CCW Protocol V

CCW/P.V/CONF/2008/12, Annex IV

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:

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.

2008 MEETING OF EXPERTS OF THE STATES PARTIES TO CCW
PROTOCOL V

DISCUSSION PAPER 1

Presented by Mr. Markus Reiterer of Austria,
Coordinator on Victim assistance

VICTIM ASSISTANCE UNDER PROTOCOL V

QUESTIONS

I. Introduction

1. Under Article 8 para. 2 of Protocol V each High Contracting Party in a position to do so shall provide assistance for the care and rehabilitation and social and economic reintegration of ERW-victims.

2. In order to get a better view on the situations as regards victim assistance in various States, States Parties and observers are encouraged to reply to the following questions either in writing before the July meeting on Protocol V or orally during that meeting itself. The questions aim to give an overview of the magnitude of the problem in the various States as well as what States have done to improve the situation of ERW-victims. Some of the questions also relate to assistance and cooperation activities of various States in the field of victim assistance.

3. Written responses should be forwarded electronically to ccw@unog.ch,¹ or in hard copy to the following address: **CCW Secretariat, Palais des Nations, office C-113.1, UNOG, Avenue de la Paix 8-14, 1211 Geneva 10.**

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II. Questions

1. *Crosscutting questions:*

(i) What is the estimated number of ERW survivors and other victims in your country? How does this figure relate to the overall population?

(ii) Does your country receive foreign funding for mine and ERW action, and if so how much of it is spent for victim assistance activities?

(iii) Is there a focal point in the government for victim assistance and what are the accountability measures?

¹ An electronic version of the questions is available at the CCW Protocol V Meeting of Experts webpage at: <http://www.unog.ch/disarmament>

2. Medical care:

(i) Is emergency and ongoing medical care, including hospitals that can treat ERW related injuries, available in ERW affected areas. Is emergency transportation available? How are these services made available to ERW victims?

(ii) Are prosthetic/orthotic services available, accessible and affordable for ERW victims? How are these services made available to ERW victims and for which duration?

3. Rehabilitation:

(i) Are rehabilitation centers available, accessible and affordable to ERW victims, in ERW affected areas, including in the rural areas? Is transportation ensured?

(ii) Are rehabilitation services provided comprehensive and based on individual needs assessment, as well as long-term?

4. Economic reintegration:

(i) What programs exist for income generation, including employment, micro-enterprise support, affirmative action programs, vocational trainings, and other relevant areas, for persons with disabilities in general and ERW victims specifically?

(ii) What, if any, incentives are provided by the state to increase employment of ERW victims and persons with disabilities generally, including quotas, tax incentives, and does the state employ ERW victims and/or persons with disabilities, and how many?

5. Laws and policies:

(i) Is there a national plan on victim assistance? How is coordination among relevant ministries, institutions and other relevant stakeholders carried out? Were ERW victims consulted?

(ii) Is there a national plan on people with disabilities? Were people with disabilities consulted?

(iii) Is there a comprehensive disability law, and if not, what laws exist that address relevant areas of victim assistance?

(iv) If possible, please attach texts of relevant legislation.

6. International Cooperation and Assistance:

Does your country support international cooperation and assistance activities relating to victim assistance? If so, in which areas of victim assistance? What type of projects? If possible, please specify funding and funding requirements?
