

**Cluster Munition Coalition Statement – Victim Assistance
Convention on Cluster Munitions 4th Meeting of States Parties
Lusaka, 12 September 2013**



Thank you Mr. President.

I am pleased to be among you today. This meeting is an opportunity for survivors, like myself, to advocate for a world free of cluster munitions, where the rights of victims are fulfilled.

Victim assistance is a legal obligation under the convention, and it is a promise to all victims. More efforts to make assistance available and accessible to victims are reported each year. However, there are still many challenges, including the continuing struggle to ensure adequate funding and other resources.

Now I would like to address the questions put forward by the Co-Coordinators.

Question #1 is: How can States Parties link victim assistance efforts under the CCM to activities promoting the rights of victims under other relevant instruments of international law?

The CMC believes that such links can help make the best use of scarce financial and human resources.

On data collection, for example, states can avoid duplicating efforts by developing a consolidated system to assess the number and situation of victims. There might be a central mechanism that already collects data on accidents or on conflict victims, in relation to other international instruments to which a state is party, or as part of national planning for health and social protection, or as part of the national census. If this is the case, ensure the collection of disaggregated data on persons with disabilities, and survivors as a sub-group.

When it comes to planning and policies, assessments should determine the needs and capacities of all victims, including family members and affected communities. Governments, together with victims and service providers, can then determine what programs already exist to meet these needs and how victims can benefit from them. For example cluster munition victims may require additional support in order to access services already available to other conflict victims, to displaced persons, or to low-income families in rural settings. Where no programs exist, gaps in fulfilling international obligations and national laws must be filled by creating new programs. This twin-track approach remains necessary in most countries. The role of victim assistance focal points within governments should include making sure that all victims are benefiting from any policies and programs that are relevant to them. This work must include close collaboration with national disability councils and all relevant ministries. Any national plan on victim assistance should also be appropriately linked with the national plan on disability.

The Convention on the Rights of Persons with Disabilities is a very significant tool for assisting survivors and other victims with disabilities. It promotes disability-inclusive development. Not a single development effort should be undertaken today that is not inclusive of the realities faced by persons

with disabilities. From planning to evaluation, due diligence is required to ensure that non-discrimination of persons with disabilities, including survivors, becomes the norm. Survivors as part of the larger group of persons with disabilities should benefit from related efforts on an equal basis with people disabled by other causes. Disaggregated data on the impact of these efforts will show whether this has been achieved, and whether survivors were able to benefit on an equal basis as their peers.

But let's keep in mind that many victims, such as survivors' family members, are not persons with disabilities, so the CRPD is not a blanket solution. Also, the CRPD is only in its first years of implementation. Given the relatively slow pace by which states can bring about change within this framework, it does not provide an immediate alternative to dedicated victim assistance, though it certainly has great potential to do so in the future.

Question #2 is: How can States Parties better include survivors in the planning, priorities and implementation of victim assistance?

Most States Parties already involve victims or their representative organizations in the coordination of victim assistance and broader efforts on disability issues. This is very good news. But there are many more steps that must be taken to ensure that victims are included in all activities related to the convention, from planning, to implementation, to monitoring. Here are some suggestions on how to do so:

- States should help empower victims to participate in community life by fostering peer support, awareness of their rights, and orientation about existing opportunities.
- States should ensure that means exist to regularly share information with victims on developments related to victim assistance.
- States should hire qualified victims as civil servants, including in key positions where decisions on assistance are made. Awareness of the rights of victims and persons with disabilities in general should be raised among government authorities.
- States should support the efforts of victims who join together to seek solutions of their own at the community level through survivor networks and victims' organizations. This applies not only to affected states but to all those in a position to provide help.
- States should make victims a part of official delegations to meetings, and ensure they have a meaningful role.

Question #3 is: How can States Parties best operationalize their obligations towards victims of cluster munitions, while observing their obligation to not discriminate on the basis of what caused the injury or disability?

The Cluster Munition Monitor found that for most countries where discrimination was reported, it was due to preferential treatment for veterans or discrimination against particular gender, age, or regional groups, rather than differences in treatment based on the cause of disability or the type of weapon that

caused injury. For example, disabled war veterans were often given a privileged status above that of civilian war survivors and other persons with disabilities. Such differences in treatment have been in place long before the Convention was created, but it is high time for them to stop. All cluster munition victims, along with all persons with disabilities, must have equal access to assistance, to the standard available to those persons who do receive preferable treatment.

Thank you.