

VA Reporting under Art 7 of the Cluster Munition Convention

Under Article 7 of the Cluster Munition Convention, States Parties are required to submit reports on the status and progress of implementation of all victim assistance obligations. This reporting requirement is both a legal obligation and an opportunity. States who have made important strides in addressing the needs of cluster munition victims can share this progress with other States Parties, providing a positive example and strengthening the norm for victim assistance.

States should feel compelled to implement Article 5 of the convention with concrete actions in order to have victim assistance progress on which to report. States who face challenges in addressing needs can clearly present those challenges and how technical and/or financial support from the international community might help overcome them.

The “GUIDE TO REPORTING UNDER ARTICLE 7 OF THE CONVENTION ON CLUSTER MUNITIONS” provides clear instructions to inform the contributions of states under Article 7. In addition, I offer two broad recommendations that might enhance reporting.

To make it as useful as possible, reporting should consider the impact that actions have on all cluster munition victims, including survivors, rather than simply listing actions taken. For example, under section 6 on services, States Parties should reflect on both the availability and accessibility of services—if services are available, can cluster munition victims access them? Are there referral programs available to facilitate access? If issues of access have been resolved, what are the outcomes for victims who use the services- are they of sufficient quality to ensure full inclusion of survivors and other victims in their communities?

The reporting form also provides numerous opportunities to demonstrate how the needs of cluster munition victims have been considered across a range of national policies and programs and in line with other obligations and commitments under international law. For example, under section 3, States that are also party to the Convention on the Rights of Persons with Disabilities might mention how their efforts to align national laws and policies to that convention also benefit cluster munition survivors as persons with disabilities. Information on the impact of inclusive development programs that include cluster munition victims and affected communities should be reported in section 6. Similarly, the reporting of states parties on the CRPD, poverty alleviation or the Universal Periodic Review provide a complementary opportunity to mention the results of victim assistance.

The existing guidelines and these recommendations, together with the examples of what States Parties have done so far, can also aid States who may be preparing their reporting for the first time, such as Chad and Iraq and others who have victim assistance obligations, as they join the convention.

For the most recent period available, all States Parties with cluster munition victims that submitted their Article 7 report for 2012 included information on victim assistance in Form H; most provided detailed information, or new factual reporting, including updates of contact information for focal points. Based on the reports submitted thus far, I provide the following examples from States parties:

BiH, for example, could report on the contacts for the VA focal point which it has stopped reporting. If there is any confusion among government representatives working on victim assistance, more than one focal point can be reported, as by Afghanistan and Montenegro.

Lebanon which presents great insightful details about activities and resources, could use the section on casualties to report actual numbers of casualties, and in future, the results of needs assessments. **Afghanistan** reports in detail on all areas of the reporting form but could better use the form to express efforts to fill the current gaps of injury surveillance, monitoring needs through the rehabilitation networks and overall needs assessment.

In other cases, states overlook some of the activities done by- or with- their NGO partners, as is seen in the otherwise very thorough reporting by **Albania**. It does not mention the work done there on raising awareness of the rights of cluster munition victims and other persons with disabilities through many popular media and public events held throughout the year.

If **Lao PDR** were to hold meetings on victim assistance activities during working group meetings, it could better report on coordination and survivor participation. Currently, since meetings focus only on data collection issues, while the reporting is focused on the outcomes of these meetings along with funding of NGO activities, the reporting misses the role of the state in implementing its obligations under the convention.

Croatia gives the most honest account of progress of all states. I would encourage all countries to reflect as sincerely. Yet, despite noting the gaps, Croatia has not included proposals for specific steps or actual needs for national resources or international cooperation which could help fill those gaps, such as for the work of survivor networks.

Mozambique has shared progress in developing its 2nd national disability plan with the participation of victims and indicated the need for both technical support and financial support to ensure the effective implementation of the plan. While Mozambique lacked detail on the types of services available, it indicated that this information could be found in its disability plan. While even greater detail could have been provided on specifically how international support could best advance the country's planning efforts, Mozambique's reporting does demonstrate an effective use of the reporting tool.

Guinea Bissau is yet to submit its report and **Sierra Leone** has not used form H. Even countries with few, or an unknown number of cluster munition casualties, however, can use the Form H well. For example, **Montenegro**, where there are relatively few cluster munition casualties, provided a brief but sufficient report conveying key information about how the needs of cluster munition victims should be addressed according to the law, within existing state services. Importantly, Montenegro also provided contact information of focal points for follow up.

I hope that States use the guidelines and examples like these to make the most out of their reporting.

(Not to be read, but for my information/reference)

Convention on Cluster Munitions Form H reporting on victim assistance

State Party	Submitted/Date due	Note
Afghanistan	Submitted for 2012	Included detailed information
Albania	Submitted for 2012	Included detailed information
BiH	Not submitted for 2012	(Was due 30 April 2013)
Chad	28 February 2014	Not yet due
Croatia	Submitted for 2012	Included basic information
Guinea-Bissau	Not submitted	(Initial report was due 28 October 2011)
Iraq	30 April 2014	Not yet due
Lao PDR	Submitted for 2012	Included detailed information
Lebanon	Submitted for 2012	Included detailed information
Montenegro	Submitted for 2012	Included new information
Mozambique	Submitted for 2012	Included detailed information
Sierra Leone	Not submitted for 2012	(Was due 30 April 2013)