



**CMC intervention on Victim Assistance, delivered by Firoz Ali Alizada, ICBL
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Victim assistance is one of the key obligations in the CCM. The Convention recognizes victim assistance as a human rights issue and requires States Parties to develop a victim assistance plan that is articulated based on the needs of cluster munition victims. It is important to note that the Convention defines a “*victim*” as the individuals directly injured or affected by cluster munitions, as well as their affected families and communities.

The Convention obligates the States Parties to protect and fulfill human rights of cluster munitions victims and to provide adequate assistance, including medical care, rehabilitation, and psychological support, social and economic inclusion. The Convention guarantees meaningful inclusion and full participation of the victims in all aspects of victim assistance programs. The right based approach in article five also requires that victim assistance obligation are implemented without discriminating against other persons with disabilities.

The CCM's victim assistance provisions are broad in scope, but international human rights law foresees the possibility that some rights that are social or economic by nature may have to be implemented gradually, utilizing the maximum available resources. Creating a national plan, with a timeframe and milestones that can be monitored, can help guarantee effective implementation. Within the framework of progressive realization, States Parties should proceed to make all services in affected communities accessible. This work can start at once and create concrete improvements in the lives of victims while ensuring sustainability of services to all.

The Vientiane Action Plan should help States Parties in such progressive implementation by providing concrete, time-bound and action- oriented guidance for implementing the provisions of Article 5. The CMC believes the following elements should be included in the VAP. We strongly believe these actions are feasible and measurable, and represent concrete steps for progress in implementation states' convention requirements:

- By the first half of 2011 designate a focal point within the government to coordinate the implementation and monitoring of victim assistance obligations, and make sure the focal point has the authority, expertise and adequate/sufficient resources to carry out its task.
- By the third quarter of 2011 establish an inter-ministerial/inter-sectoral coordination mechanism for the development, implementation, monitoring and evaluation of victim assistance national policies, legal frameworks and plans, and make sure the coordination mechanism has the authority, expertise and resources to carry out its task.

By the 2ndMSP the States Parties should have:

- Collected all necessary data on victims, namely not just numbers but also about their economic, social, health, education situation as well as their needs and priorities.
- Reviewed the accessibility to victim assistance services, identified solutions to remove attitudinal or environmental barriers, and started to take action.
- Reviewed relevant national laws and policies with a view to adapting them as soon as possible to the victim assistance obligations of the Convention.
- Developed or adjusted a national plan with budget, to address the rights, needs and priorities the victims.
- Reviewed the existing national funding mechanisms and ensure they include financial support for victim assistance efforts.

States Parties should continuously consult with and actively involve cluster munition victims and their representative organizations in all stages of victim assistance.

The States Parties make sure to not duplicate, if an action plan exists, if coordination mechanism is in place, if a focal point already designated and so on.

All States Parties have to report on their progress in implementing the treaty, including efforts taken to provide victim assistance. . The initial report should provide as much information as is currently available on the status of victims and goals for improving their situation. The report should also describe how victims and their representative organizations are involved in the development, implementation and monitoring of a national plan. Subsequent reports should clearly indicate measurable progress towards the fulfillment of Article 5 obligations, any obstacles it has been facing and plans to overcome such problems, and any needs for international cooperation and assistance.

We call on the affected states that are already part of the convention, including Albania, Croatia and Montenegro, and most importantly Lao PDR as the most affected country and host of the 1MSP, to begin the work of applying Article 5 of the convention immediately so that they can already report on progress at the 1MSP and in their initial report.

We expect continued focused work on victim assistance through a Friend of President. The leaders and other interested states from different treaties, plus civil society and other stakeholders should coordinate their work on victim assistance.

Finally, we take this opportunity to remind all States Parties that the Convention calls on States Parties to provide, and report, on national resources and international assistance dedicated to the implementation of the treaty, including Article 5 on victim assistance.

I am a landmine survivor allow me to express a word on behalf of survivors, who have been actively involved in development of the CCM and are fully committed to continue with our full participation and enthusiasms in the implementation as well as the universalization of this convention. And we want all states to get on board and keep the momentums continue.

Thank you.