



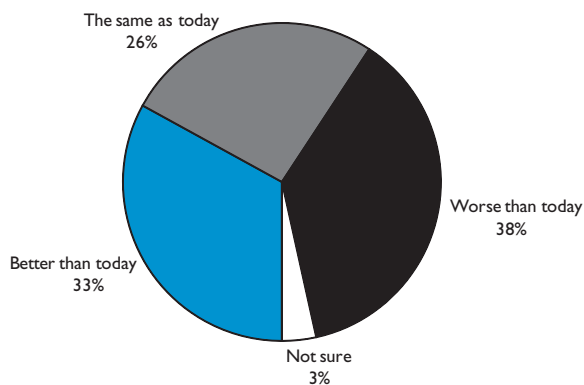
Survivor Corps staff member meeting one of the survey participants in Jordan
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Suggestions for the way forward for progress-oriented victim assistance (VA)

When asked about how they saw their situation in five years:

- 38% of survivors thought it would be **worse** than today.
- 33% of survivors thought that it would be **better** than today.
- 26% of survivors thought that it would be the **same** as today.

What do you think your situation will be like in five years?



These results send out unambiguous warning signs that, based on the last five years, two-thirds of survivors do not really believe in their governments' and the international community's ability to make progress. It also shows clearly that States Parties' status reports about their efforts to fulfill the core aim of the Mine Ban Treaty (MBT) might have little direct relationship with what survivors are experiencing on a daily basis.

Core aim of the MBT:

End the suffering caused by antipersonnel mines

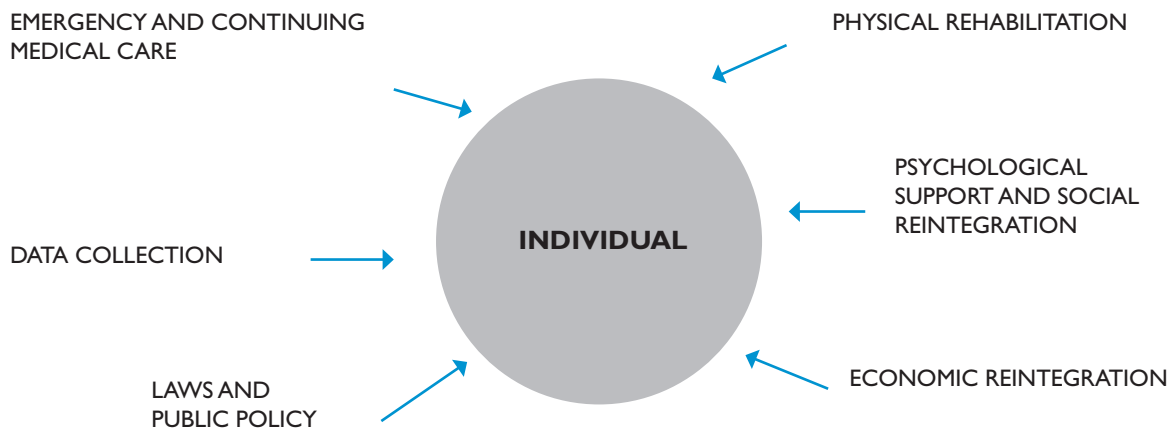
- For VA, "ending the suffering..." means: bringing about a demonstrable improvement to the lives of survivors and their full and equal participation in society.
- Improvement is achieved by implementing activities within the context of the legal framework of the MBT and coherent with other relevant frameworks.¹
- The guide to implementation of VA for the MBT is the Action Plan.
- To be able to show progress, actions need to be measurable and timely.
- The measurable and timely actions need to be monitored.
- Monitored results (progress and lack thereof) need to be reported transparently.

In 2005-2009, the majority of survivors indicated that their situation had remained unchanged. This means that states did not provide what is important for survivors, their families and affected communities ('victims')² or were not able to demonstrate that progress had been made to the citizens for whom it declared responsibility.

What is important for the 'victim'?

- Equal access to and input into services, the full exercise of their rights and participation in the decision-making process when and where needed.

Cartagena Action Plan



What is important for VA in the MBT context?

- **Demonstrating progress:** States must be able to prove that victims receive appropriate services and that their equal rights are respected, when and where they need them, no matter under which framework this assistance is provided.
- **Non-discrimination:** VA functions within the broader context of disability and development. VA actions should address the needs and rights of persons injured by other causes and other persons with disabilities. If existing disability, development or poverty reduction frameworks are in place, states must demonstrate that victims are assisted through these and/or modify them if they are not.
- **Synergy:** The scope of MBT VA cannot duplicate or replace the relevant broader human rights frameworks. More systematically, VA actions must coordinate with and build on these comprehensive frameworks, such as the UN Convention on the Rights of Persons with Disabilities (UNCPRD) and the Convention on Cluster Munitions (CCM), or poverty reduction strategies to ensure efficient use of resources in implementation, capacity building, monitoring, reporting, and funding because the outcome of this will be “greater than the sum of each part.”³
- **Scope:** Many of the challenges for VA are commonly faced by developing countries. Rather than being paralyzed by the extent of these challenges, such as competing priorities or weak bureaucratic structures, States Parties should look for creative solutions fitting within the scope of their VA obligations and use their experience to contribute to their country’s development goals.⁴

Unlike for other provisions, the MBT is very vague and unspecific for VA as it does not prescribe what exact obligations States Parties need to complete and by when. It is obvious that VA cannot have deadlines and that it requires a cross-cutting approach. But much more needs to be done to make VA truly measurable and show real progress in the lives of those affected rather than continuing the decontextualised situational updates observed over the last five years.

To States Parties committed to see “the full and effective participation and inclusion of mine survivors, and the families of those killed or injured, in the social, cultural, economic and political life of their communities”⁵ we present the following suggestions. These issues can only be addressed in the context of the future action plan.

The way forward:
Three main actions at two levels (national and international) with a clearly measurable structure⁶

The actions below apply in a non-discriminatory manner to persons injured by other causes and other persons with disabilities and in particular to victims of other explosive ordnance. It is acknowledged that policies, resources, demography and development levels differ among states and that States Parties might operate in a context of underdevelopment and poverty, conflict and **competing priorities**. The actions, therefore, allow States Parties to decide national priorities and to take a progressive approach to implementation by whatever means are appropriate.

The actions ensure the development and implementation of **measurable and sustainable** strategies and ultimately the **mainstreaming** of victim assistance in **disability-related policies, as well as development and poverty reduction strategies**. **Without delay**, adequate **age- and gender-sensitive** assistance, including medical care, physical rehabilitation, psychological support, and social and economic reintegration, must be provided in accordance with applicable national and international policies and standards. Each State Party must collect and report reliable data on the victims and on the services they have received.

To make measurable progress in advancing the full and effective participation and inclusion of mine survivors, and the families of those killed or injured, in the social, cultural, economic and political life of their communities, States Parties shall at:

National level

Action 1: Take full national ownership of sustainable strategies for victim assistance by:

- Mobilizing sufficient **political will** to ensure victim assistance advancements.
- Seizing every opportunity to increase **awareness** of action on victim assistance in all relevant sectors.
- Guaranteeing systematic victim **participation** in policy- and decision-making at all levels.
- Establishing effective and continuous national victim assistance **coordination**.
- Annually providing precise and transparent victim assistance **progress reports**.

The following specific measures shall be taken to make steady progress toward **action 1**:

- Without delay, designate an **actively functioning focal point** with a clear mandate and authority within the government for coordination of victim assistance efforts.⁷
- If not known, **assess the needs and priorities** of victims and the extent of current service provision, as soon as the focal point is established. Periodically update results.⁸
- Based on the assessment results, **develop a national plan** with **SMART** objectives,⁹ including all relevant VA components, and/or **amend existing relevant national strategies** to include victims.
- In conjunction with the national plan, develop a **budget** for the implementation of the plan in its entirety. Allocate sufficient national and international resources including by diversifying funding sources and mainstreaming activities into general development frameworks.
- As soon as the focal point is established, develop or amend implementing **laws and policies** with the aim of protecting victims' **rights** as necessary.
- In conjunction with the national plan, implement, and if needed establish, an **accountable and transparent mechanism to monitor** annual progress under the plan. The mechanism reports back to the focal point at regular intervals.
- Both nationally and internationally, disseminate **annual progress reports** detailing progress made against each objective in the national plan, progress compared to the previous year, challenges and proposed solutions. Progress reports shall also be used as a means to share good practices.
- Throughout the process, guarantee regular **inter-ministerial, inter-sectoral and inter-agency** coordination through involvement and empowerment of all stakeholders to avoid service

- provision duplication and gaps, and share good practices.
- Consult with **victims** and their organizations on an **equal basis to others**, for decision-making, coordination and monitoring.
- Systematically present information and positive role-models to **raise awareness** of the rights and capacities of victims and persons with disabilities as equal participants in society.

Action 2: Provide barrier-free services to victims and protect their equal rights by guaranteeing:

- **Needs-based** assistance to women, men, girls and boys.
- **Timely access** for victims to appropriate services, including ensuring that those injured by landmines become survivors.
- Acceptable **quality** standards of services rendered to victims.
- **Effectiveness** of services rendered to victims.
- Systematic victim **participation** in victim assistance implementation.
- **Continuous training and capacity building** for assistance implementers.

The following specific measures shall be taken to make steady progress toward **action 2**:

- While respecting privacy, **use up-to-date victim data**, including information on injury, socio-economic situation and services received, which is registered in a central surveillance mechanism.
- Always ensure that victims are not barred from immediate access to services by making services, medication and devices available at **affordable cost**, also for the poorest. Establish subsidy programs if needed.
- Always guarantee **physical access** by developing, promulgating and monitoring the implementation of minimum standards and accessibility guidelines for facilities and services open or provided to the public and using universal design.
- Increasingly overcome **geographical distance barriers** by cost-efficiently strengthening community and emergency response in mine-affected areas,¹⁰ and by providing transport and accommodation for the victim and, if necessary, for their care-takers.
- Carry out a **formalized referral system** consisting of mainstream and specialized services, in which governmental, non-governmental and private services coordinate and apply non-contradictory and non-discriminatory operating procedures.
- Ensure staff adherence to nationwide and internationally recognized minimum **quality standards** and systematically establish holistic teams with a variety of skills and appropriate to the cultural context.
- Assure **continuity of services** by recruitment based on qualifications, continuous staff learning/skill development, local and national staff retention through fair and competitive wages (comparable across government, private and non-governmental sectors), and psychological support for staff.
- Make available, in adequate quantities, **medication, supplies and materials** through central store management according to minimum standards, using internationally approved, but local production options and generic cure alternatives.
- Throughout service provision, include **victims** and their organizations on an **equal basis to others**, in service implementation, as well as treatment assessments and decisions.
- Guarantee that victims know their rights and available services through **up-to-date service directories** in formats accessible for different types of disabilities and educational levels.

International level (international cooperation)

Action 3: Seize every opportunity to support national victim assistance efforts by:

- **Sustaining** attention to victim assistance.
- Engaging in coherent international and regional **cooperation**.

- Guaranteeing systematic **victim** participation.
- Annually providing **precise information** on victim assistance support.
- Taking the necessary steps to increase sustainability through sharing of **expertise**.

The following specific measures shall be taken to make steady progress toward **action 3**:

- Sustain adequate levels of **long-term financial and technical support** to affected countries by providing multi-annual financial and in-kind contributions.
- Inform and encourage **funding mechanisms** for development, post-conflict recovery, humanitarian aid and human rights to **include victim assistance** within their funding mandate.
- Publicly disseminate standardized **annual funding reports** detailing resources (directly or indirectly) dedicated to victim assistance, ways in which spending is monitored, and output of contributions.
- Systematically ensure the effective and continuous **participation** of health, rehabilitation, social services, employment and disability rights **experts, victims and their organizations** and officials in Convention-related activities at regional and international level.
- Rationalize and ensure **efficiency in international reporting** obligations by using a standard progress reporting format in synergy with other relevant frameworks.
- **Supporting agencies** seize every opportunity to emphasize recruitment, training and retention of local staff for all aspects of planning, implementation, resource mobilization and monitoring, with the aim that local resources **replace** the supporting agency as soon as appropriate.