



## Video Corner on Victim Assistance

### KEY MESSAGES

#### 1. Who are the victims?

i) casualties, which refers to people killed and injured by explosive hazards<sup>1</sup>, ii) the families of people injured and killed, and iii) affected communities. The Monitor has recorded more than 110,000 casualties between 1999 and 2016. If we count the families and affected communities, for instance the refugees who cannot go home due to contamination of their homes, it is not unreasonable to state that millions of people are victims.

#### 2. What is Victim Assistance?

It includes the actions to meet the needs of people injured, survivors, families of people injured and killed, and affected communities. Victim assistance includes but is not limited to the following elements: emergency and long-term medical care, rehabilitation, psycho-social support, and socio-economic inclusion (inclusive education, social and economic inclusion and social protection). Victim assistance requires states to collect data on casualties, the needs of victims and available services, and the development and implementation of laws and policies that promote the rights of victims.

#### 3. A Legal Obligation

Several international agreements require State Parties to provide assistance to mine and ERW victims. The *Anti-Personnel Mine Ban Convention* requires States Parties to provide assistance for the care and rehabilitation, and social and economic reintegration, of mine victims. The *Convention on Cluster Munitions* includes articles concerning assistance to victims of cluster munitions, including medical care, rehabilitation and psychosocial support, as well as social and economic inclusion. The *Convention on Certain Conventional Weapons - Protocol V* requires States Parties to provide support to victim assistance. The *Convention on the Rights of Persons with Disabilities* requires State Parties to promote the full rights and fundamental freedoms of person with disabilities.

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<sup>1</sup> In this document, explosive devices refer to mines, explosive remnants of war (ERW), cluster munitions and improvised explosive devices (IEDs).

#### **4. Why a Mine Action Area of Responsibility (MA AoR) under the Global Protection Cluster (GPC)?**

Humanitarian mine action is central to the protection of people in conflict areas. It protects people from explosive hazards and defends the right to life. In the words of the GPC Coordinator: ‘mine action is the hard edge of protection’. The MA AoR is a group of mine action practitioners working together to improve mine action and integrate it in humanitarian action more broadly, including through its inclusion in humanitarian plans in countries affected by explosive hazards where the Global Protection Cluster is activated. At the global level, the group decided to focus on victim assistance in 2018 as it was perceived to be a forgotten protection and health issue.

#### **5. Increasing Number of Casualties**

After nearly two decades of steadily diminishing casualty rates, the total number of people killed and injured by explosive hazards has leapt to its highest level since 1999: it went from 3,993 in 2014, to 6,967 in 2015. The casualty database for Landmine Monitor Report 2018 includes an updated total of 9,437 casualties for 2016 (2,472 killed, 6,937 injured, and 28 unknown) and 7,239 for 2017 (2,793 killed, 4,431 injured, and 15 unknown). On average, one person falls victim to [is killed or injured by] an explosive hazard almost every hour of any day while the lives of many others are irreversibly impacted. The true number is likely even greater since many casualties go unreported. The increased use of victim-activated IEDs contributed to a marked rise in civilian casualties, particularly and most tragically amongst children, who account for nearly half of the total number of new casualties. Displaced persons, refugees, and first returnees are especially at risk when they move through unfamiliar areas and are caught unaware of the potential dangers. The situation is particularly worrisome in Afghanistan, Colombia, DRC, Iraq, Libya, Mali, Myanmar, Syria, Ukraine and Yemen. On a more positive note, there has been a steady decline in casualties in post conflict settings.

The dangers of IEDs are highlighted in the UN Secretary-General’s July 2018 report “Countering the threat posed by improvised explosive devices,” wherein Action III calls on all states, NGOs, and other relevant parties to increase victim assistance.

#### **6. Victim Assistance Earmarked Funding Not Commensurate with the Needs**

Victim assistance is a crucial pillar of mine action that is critically underfunded. In 2017, direct international support for victim assistance activities remained below the level of most previous years and decreased significantly as a percentage of total mine action funding. Based on information available as of October 2018, \$15.8 million was reported in 2017, down from \$21 million in 2016. This represents just 2% of all reported support for mine action in 2017, in comparison, victim assistance funding ranged between 4% and 7% of all support from 2013 to 2016. The top three victim assistance donors—Germany,

Switzerland, and Norway—provided 60% (\$9.5 million) of all victim assistance funding in 2017 <sup>2</sup>.

The prospect of victim assistance earmarked funding now increasing to the levels required to fill existing needs and gaps is unlikely. Several donors have indicated that they prefer to mainstream their assistance through broader support to health or education yet are unable to demonstrate that this support is reaching explosive hazards victims. The future of this pillar of mine action depends on a much more active role of the mine action community to facilitate and advocate for multi-sector support, and for its integration into broader humanitarian, development and human rights efforts in countries affected by explosive hazards is at risk.

## **7. Mobilising the Humanitarian Community**

In 2018, the MA AoR asked the field coordinators to include victim assistance projects in the 2019 Humanitarian Response Plans to meet the specific needs of victims in Afghanistan, Central African Republic, Colombia, Democratic Republic of the Congo, Iraq, Lebanon, Libya, Mali, Myanmar, Nigeria, Palestine, Somalia, South Sudan, Sudan, Syria, Ukraine, Western Sahara and Yemen. In addition, the MA AoR has prepared a call to action to the Inter-Agency Standing Committee (main humanitarian coordination platform) to raise our concern that whilst the number of explosive hazards casualties are increasing, victim assistance seems to be disappearing. It calls for their engagement to make sure the needs of victims are met and will propose three critical steps that need to be taken: 1) increase data collection and sharing; 2) improve access to services for people injured and realize victim's rights; and 3) increase funding and advocacy for victim assistance.

## **8. Mobilising Donors on Data Collection**

From the perspective of accountability to affected populations – in the context of the Mine Ban Treaty, the Convention on Cluster Munitions, and the Convention on Conventional Weapons Protocol V, it is paramount that explosive hazards survivors remain visible in data being collected. This is the only way to know if they are being reached. Increasingly, data is being disaggregated by gender, age and disability, using the Washington Group Questions to identify persons with disabilities. This data does, however, not allow identification of explosive hazards survivors amongst the overall group of persons with disabilities as it does not ask a question about the cause of the impairment, nor include a marker on explosive hazards survivors. Determining whether victim assistance has been effectively integrated into broader efforts relies on collection of relevant data. Without data that informs as to whether people injured by explosive hazards, survivors and indirect victims are being reached amongst the broader group of beneficiaries of bilateral or multilateral humanitarian and development efforts, the future of victim assistance in the context of explosive hazards is in peril.

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<sup>2</sup> Landmine Monitor 2018, p 83.

## **9. Message to Affected States**

*Prioritise your resources differently:* today, several countries are struggling with protracted emergencies that are leaving many victims behind. People are dying or suffering due to lack of health care and other essential services (e.g. DRC, South Sudan, Syria). Affected governments must commit to delivering humanitarian assistance, and focus on life-saving assistance to the full extent of their capabilities. We ask that they facilitate safe access for humanitarian actors and invest in ensuring an adequate standard of living and social protection as per article 28 of the CRPD.

In many states and regions, provision of rehabilitation services is limited or unavailable in the rural and remote areas where the majority of victims live due to a variety of factors including cost, lack of infrastructure or lack of political will. On a positive note, construction of several much-needed prosthetics centres was reported in 2016–2017.

*Include survivors in decision-making:* Approximately two-thirds of the APMBC States Parties had active coordination mechanisms, and survivors' representatives participated in 17 of the coordinating processes among those 20 States Parties. Unfortunately, this often did not result in their contributions being taken into account. States Parties still need to demonstrate what they are doing to increase the capacity of survivors' organizations and to enhance their meaningful participation in all relevant matters.

*Access to employment, training, and other income-generation support activities* was reduced noticeably in many of the States Parties over the past few years, leaving significant gaps where opportunities for livelihoods are most needed.

## **10. The UN and Victim Assistance**

The UN Strategy on Mine Action for 2019-2023 proposes to strengthen its advocacy and coordinating role for sustainable support to survivors, family members and communities directly and indirectly impacted by explosive devices, consistent with the UN Victim Assistance Policy, 2016 and relevant international humanitarian laws and conventions, as well as the UN global commitment to “leave no one behind”. The United Nations will enhance its assistance to victims—understood as individuals (survivors), family members and communities directly and indirectly impacted by explosive devices—in accessing needed health services and ensuring their inclusion in social and economic life. During the 2019-2023 period, UN activities will be progressively expanded and scaled up geographically and sectorally in response to needs and requests, and subject to the availability of financing.

UN assistance will be provided in accordance with international humanitarian law provisions relating to victim assistance (notably the CCM), relevant international human rights instruments (including the CRPD, Convention on Elimination of Discrimination Against Women and the Convention on the Rights of the Child) and the United Nations

Victim Assistance Policy. The approach of the UN will be based on core principles including protecting the rights of those who have survived or been affected by explosive devices; promoting their participation and empowerment in social and economic activities; and ensuring respect for and safeguarding of their dignity. The UN will prioritize an integrated approach by advocating for, facilitating and supporting comprehensive and multi-sector national responses and, where necessary and subject to the availability of capacities and resources, addressing critical gaps in sectoral assistance, while taking into account the specific needs and priorities of men, women, girls and boys.

## 11. Principles of Victim Assistance

- Ensure that services supported with victim assistance earmarked funding are ***non-discriminatory***. Such support should not lead to the development of a parallel system of services. Instead, support should be focused on programmes for the wider population of persons injured or with disabilities, including victims of explosive hazards.
- Ensure ***a human rights approach to victim assistance***. This means that the end goal of victim assistance is ensuring the full and effective participation of persons with disabilities, including survivors of explosive hazards, in society, on an equal basis with others. This entails the highest attainable standards of health, rehabilitation, psychosocial support, inclusive education, work and employment, full participation and inclusion in society and adequate standard of living and social protection.
- ***Integrate victim assistance into broader humanitarian and development efforts***, including on health, mental health, rehabilitation, social services, education, employment, social protection, human rights, gender equality, development and poverty reduction.

MA AoR

*As of 23 November 2018*