

June 2011

## Convention on Cluster Munitions Victim Assistance Reporting

The Convention on Cluster Munitions, through Article 5, obliges States Parties with cluster munition victims to implement comprehensive victim assistance activities. Article 7 of the Convention requires that each State Party provide transparency reporting which includes:

“The status and progress of implementation of its obligations under article 5 of this Convention to adequately provide age- and gender-sensitive assistance, including medical care, rehabilitation and psychological support, as well as provide for social and economic inclusion of cluster munitions victims and to collect reliable data with respect to cluster munitions victims.”<sup>1</sup>

At the First Meeting of States Parties in November 2010, States Parties adopted and recommended for use a detailed “Form H” for Article 7 reporting on victim assistance activities.

Seven States Parties with cluster munition victims in areas under their jurisdiction have Article 7 reports due in 2011: **Albania, Bosnia and Herzegovina (BiH), Croatia, the Lao People’s Democratic Republic (Lao PDR), Lebanon, Montenegro and Sierra Leone.**

### States Parties with cluster munition casualties

State Party	Monitor reported cluster munition casualties*	States Parties reporting cluster munition casualties in Article 7	All known mine/ERW casualties by end 2009**	Date Article 7 report submitted	Victim assistance Form H completed
Lao PDR	7,816	Not reported	50,136	25 January 2011	Yes
Lebanon	706	Not reported	3,857	Due 28 October 2011	N/A
Croatia	238	Not reported	1,920	24 January 2011	Yes
BiH	155	Not reported	7,431	Due 28 August 2011	N/A
Albania	55	53	958	27 January 2011	Yes
Sierra Leone	28	Not reported	Unknown	25 January 2011	No
Montenegro	8	0	262	27 January 2011	No

*N/A = not applicable*

\* **Including** casualties during cluster munition strikes, since victims of strikes and cluster munition remnants are both considered cluster munition casualties.

\*\* **Not including** casualties during cluster munition strikes because mine and ERW casualties are only those people who have been killed or injured by an explosive device that is activated by the victim and unintentionally, not including casualties by strikes, or any other kind of direct attack during intentional use.

As of June 2011, three of these states (**Albania, Croatia and Lao PDR**) had submitted applicable information in Form H. However, the completeness of information provided has been variable and far from exemplary given the comprehensive design of the

<sup>1</sup> According to the Convention on Cluster Munitions, cluster munition victims are defined as all persons who have been killed or suffered physical or psychological injury, economic loss, social marginalization, or substantial impairment of the realization of their rights caused by the use of cluster munitions. Cluster munition victims include those persons directly impacted by cluster munitions as well as their affected families and communities.

reporting format. Another two States Parties (**Sierra Leone** and **Montenegro**) did not include information on cluster munition casualties that have been reported by the Monitor or on assistance to cluster munition victims. Two of the states have yet to report and must report as soon as practicable but no later than 28 August 2011 for **BiH**, and 28 October 2011 for **Lebanon**.

In all cases of reporting so far, information was limited to those directly affected by incidents and does not include information on assessed needs or services for the broader definition of cluster munition victims which includes all affected communities.

## **Summary evaluation of initial reporting on victim assistance for the Convention on Cluster Munitions:**

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**Albania:** Reporting is quite complete, identifying the victim assistance focal point, including objectives from its victim assistance strategy, describing how cluster munition survivors have been progressively involved in the planning, monitoring and implementation of victim assistance and providing detailed information on available victim assistance services. Albania also described efforts to mobilize national and international resources. Albania noted in its report that efforts to implement the Convention on the Rights of Persons with Disabilities (CRPD), of which it has been a State Party since 2009, would complement victim assistance efforts.

**BiH:** Although BiH has yet to submit its initial Article 7 report, it made a statement on victim assistance at the First Meeting of States Parties in November 2010. It did not use that statement to declare itself a state with responsibility for cluster munition victims. However, the Monitor has identified casualties of cluster munition remnants from the national mine action center's own data as well as casualties during cluster munition strikes identified through other reporting sources.

**Croatia:** Form H of Croatia's report does not identify the national victim assistance focal point. It provides minimal information in each of the other areas of the form. For example, information on assessed needs of cluster munition victims provides no indication that a survey has been conducted to determine these needs. Information on the process to develop a victim assistance plan is included, but with no expected date on which the plan should go into effect and no indication whether the plan will be accompanied by a budget. No detail is provided on victim assistance services outside of medical and physical rehabilitation attention. Challenges in including survivors in planning and implementation of victim assistance are addressed.

**Montenegro:** Montenegro declared in Form H, "In Montenegro there are no cluster munition victims." However, the Monitor has identified cluster munition casualties in Montenegro from detailed research in 2007 which specifies the number and location of cluster munition victims. Casualties occurred both during cluster munition strikes and in cluster munition remnants incidents.

**Lao PDR:** For its initial Article 7 report submission, Lao PDR provided information for the period from 1996 to November 2010, presumably to present a full picture of activities that have been underway for some time. The Victim Assistance focal point is identified and the results of the first phase of its National Victim survey shared. The "Safe Path Forward II" is described as the national policy on victim assistance, which was developed with input

from the Lao Disabled Peoples Association, but Form H does not include details of its objectives or budget. Information on available victim assistance services is adequate but fails to convey whether or not current needs are being met. Similarly, while Lao PDR identifies the need for international cooperation in all areas, no details that might guide donor governments are included.

**Lebanon:** Although Lebanon has yet to submit its initial Article 7 report, at the First Meeting of States Parties Lebanon declared that it has cluster munition victims under its jurisdiction.

**Sierra Leone:** Did not complete Form H in its initial Article 7 submission. However, it did report that cluster munitions were used in the country in the same incidents which were identified by the Monitor as having caused casualties.