Victim Assistance and Disability Rights: Beyond the Rhetoric

This article provides a brief overview of the evolution of victim assistance, the coherence between victim assistance and the Convention on the Rights of Persons with Disabilities, and stresses the importance of moving beyond disability rhetoric by turning ideas and words into concrete action.

by Sheree Bailey

Landmine survivors were first given an international voice to raise awareness of their rights and needs at the Review Conference of the Convention on Certain Conventional Weapons in Vienna in September 1995. Later, in October 1996 at a Canadian-hosted landmine conference in Ottawa, Landmine Survivors Network founders Jerry White and Ken Rutherford spoke in the plenary on behalf of survivors around the world and challenged delegates to do more to give survivors “a chance to be productive again, not to be dependent on charity.”

In the early years of efforts to assist survivors of landmines and other explosive remnants of war, photos often depicted survivors as objects of pity with sad faces and amputees with no prosthesis. Over time, the Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their Destruction (Anti-Personnel Mine Ban Convention or APMBC), Protocol V to the CCW and, more recently, the Convention on Cluster Munitions, came to understand that victim assistance is not about providing charity. Assisting survivors is no longer understood as merely a medical or rehabilitation issue. Rather, victim assistance is about empowering survivors and the families of those killed or injured to access their rights and opportunities without us.”

The relevance of linking victim assistance and disability rights gained momentum in the early 1990s as the APMBC negotiations, which in turn encouraged the active participation of persons with disabilities in the negotiations of the CRPD. The catchphrase “nothing about us” has become significant as survivors and other persons with disabilities are recognized as constructive partners on issues affecting their lives.

The CRPD

The 2006 U.N. Convention on the Rights of Persons with Disabilities reinforced the importance of respecting human rights in the process of assisting survivors. Survivors and civil society played a role in the 1990s during the APMBC negotiations, which in turn encouraged the active participation of persons with disabilities in the negotiations of the CRPD. The catchphrase “nothing about us” has become significant as survivors and other persons with disabilities are recognized as constructive partners on issues affecting their lives.

The Convention on Certain Conventional Weapons (CCW) and other international humanitarian and human rights conventions set out the State’s necessary obligations to meet the rights of persons with disabilities. The CRPD does not introduce any new rights not already covered in other human rights instruments. Instead, the CRPD sets out the State’s necessary obligations to meet the existing civil, cultural, economic, political and social rights in the specific context of persons with disabilities.

The CRPD is relevant to victim assistance, because many survivors of landmines, cluster munitions or other ERW incidents are left with a permanent disability and may require various forms of assistance throughout their lifetimes. Individuals with a disability have specific needs that require consideration in efforts to address obligations under relevant instruments of international humanitarian and human rights law to assist the victims. The CRPD aims “to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms of all persons with disabilities.”

Given the coherence between the three disarmament instruments and the CRPD, promoting greater efforts to link victim assistance and disability rights offers potential to improve the quality of daily life for survivors and their families. By bringing victim assistance into broader policy and planning processes for all persons with disabilities, a more systematic, sustainable, gender-sensitive and human rights-based approach may be possible.

Challenges

Is this coherence in legal texts and understandings reflected in the reality of efforts on the ground in affected communities? What challenges and obstacles may prevent the progress of improving the quality of daily life of survivors?

Many affected countries are among the poorest and least developed in the world—one of the most significant challenges. The concept of disability rights has little resonance for many survivors who live in poverty and lack...
forts should not be diluted when ensuring that this broad development. Nevertheless, victim assistance-related efforts should be made aware of their State’s obligation to assist the victims under relevant instruments of international humanitarian law and ensure that all policies, programs and services are accessible to survivors and their families in their communities.

The time may have come to move beyond the concept of victim—to stop implementing victim assistance projects. Instead, all actors should be encouraged to implement projects and programs that are explicitly accessible to survivors, other persons with disabilities and all those living in vulnerable situations. While the reality on the ground may be that victim assistance projects do not discriminate, the perception remains that victim assistance is somehow a separate activity.

Integrating victim assistance into broader efforts will not remove the obligation of Parties to the dissemination conventions to report on their efforts to assist victims. However, in order to report appropriately, affected States must improve disability data information systems to clearly identify survivors who access services and other relevant programs.

Transforming Words into Actions

Survivors and other persons with disabilities are not a problem to be solved; they are individuals with hopes and dreams for themselves and/or their families. They are assets with the capacity to be productive members of society. For more than a decade, I have been privileged to work with and for survivors at the national and international level. In many countries I witnessed the challenges of daily life for survivors and their families. I also saw the ability of empowered survivors to reach their full potential through access to rights and opportunities. Many of these individuals are now effective advocates for change and positive role models for other persons with disabilities.

The APBMC, Protocol V to the CCW, the CCM and the CRPD have given hope to survivors and their families that actions will be taken to improve the quality of their daily lives and to ensure they enjoy equal opportunities to participate in the social, cultural, economic and political life of their communities. However, a vast majority of survivors live in countries with limited resources to address their rights and needs or those of others living in vulnerable situations.

The time has come to move beyond the rhetoric of victim assistance and disability rights and turn words into concrete actions in affected communities. Although short-term solutions such as vocational training and microfinancing help, efforts should focus on long-term developmental strategies. These strategies include raising awareness in communities where survivors do not enjoy their rights and others do not realize survivors’ true capabilities. In addition to the continuous need for targeted, disability specific policies and programs, governments, the donor community, international agencies, nongovernmental organizations and other service providers must provide an environment that will ensure survivors and other persons with disabilities enjoy equal rights and access to services and opportunities that could improve the quality of their daily life. Only then will they be empowered to reach their full potential. Only then will the promise of the conventions be realized.

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