

# Article 36

## **Weapons, casualty recording and victims' rights**

### **Advocacy note for CCM Intersessional meetings, 15-18 April 2013**

Understanding and documenting victimisation from cluster munitions is an obligation under Article 5 of the Convention on Cluster Munitions (CCM) and is essential to ensuring the rights of victims of armed violence.

Data on victimisation from weapons have been important to international efforts that have established stronger policy and legal protections for civilians. The movements to ban anti-personnel mines and cluster munitions, as well as regulations on explosive remnants of war and the international arms trade were motivated and informed by data on victimisation. Current concerns around explosive weapons in populated areas, incendiary weapons, drones and toxic remnants of war also draw on data regarding victimisation. Such data is also important to the monitoring of existing instruments.

Efforts to control weapons have also provided a framework for developing our understanding of the rights of victims and the responsibilities of states to ensure assistance. In the CCM Article 5, and the Plan of Action on Victim Assistance under CCW Protocol V, it is recognised that data on victimisation is a requirement for ensuring victims' rights. Elsewhere, under the framework of the Oslo Commitments on Armed Violence (2009) and the 2011 Outcome Document of the 2<sup>nd</sup> Review Conference to the Geneva Declaration on Armed Violence and Development, states have accepted the need to recognise and ensure the rights of victims of armed violence and to measure and monitor the incidence and impact of armed violence at national and sub-national levels.

Therefore, it can be recognised that:

- Casualty recording data can be fundamental to the broad efforts to put in place the mechanisms needed to control weapons.
- Casualty recording data is necessary for ensuring the rights of victims not only from cluster munitions but from all weapons, and armed violence more generally.

However, in many contexts casualty recording data on armed violence is inadequate, either because the systems are not in place at a national level or because parties undertaking violence do not take responsibility for understanding harms being caused.

Article 36 calls on states participating in the Intersessional meetings of the CCM to:

- Recognise the importance of casualty recording to ensuring victims' rights
- Recognise that the obligation to document victimisation from cluster munitions should be extended to victimisation from all weapons.