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Mandate of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

11 July 2018

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, pursuant to Human Rights Council resolution 36/15.

I am writing to you in connection with the situation faced by Roma, Ashkali and Egyptian (RAE) families displaced during the Kosovo conflict, whom the United Nations housed in camps constructed on lead-contaminated toxic wasteland between 1999 and 2013. The affected communities, including children, continue to suffer from long-term, serious damage to their health as a result of poisoning. Their situation requires urgent medical assistance, treatment and rehabilitation. Furthermore, these communities continue to live in conditions of economic hardship and social deprivation, hampering their access to adequate medical services.

In April 2016, the Human Rights Advisory Panel (HRAP) of the United Nations Interim Administration Mission in Kosovo (UNMIK) released an opinion on the case of N.M & others against UNMIK. The opinion concluded that a number of articles of the European Convention on Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political rights have been violated. For more than a decade, the UNMIK failed to make sufficient efforts to relocate the displaced families despite awareness of evidence pointing to a serious risk to their health and wellbeing. HRAP recommended that UNMIK make a public apology to the victims and their families, as well as take appropriate steps towards payment of adequate individual compensation to 138 members of the Roma, Ashkali and Egyptian (RAE) communities who resided in the camps from 1999, among other recommendations.

In May 2017, you announced your decision to establish a Trust Fund charged with implementing community-based assistance projects, primarily in North Mitrovica, South Mitrovica and Leposavić, which would benefit the affected communities. This statement, issued by your Spokesperson, did not mention the HRAP recommendations to provide much needed compensation to the complainants and their families.

Without undermining the potential benefits the Trust Fund could generate for the general wellbeing of the affected communities, there are strong grounds to believe that

His Excellency
Mr. Antonio Guterres
United Nations Secretary General

the Trust Fund cannot wholly address the serious damage suffered by the victims, nor meet their pressing medical needs. The need to provide the victims, who continue to face economic and social hardship in addition to grave health concerns, with individual compensation remains as critical as ever. In addition, recent information regarding the progress and functioning of the Trust Fund itself raises further grounds for concern. The activities of the Trust Fund have allegedly been brought to a halt due to lack of resources.

In this respect, I would like to ask our Excellency to provide my mandate with an update regarding the operation of the Trust Fund, the target and the current state of funding replenishment as well as the level of Member States' engagement with the Fund. It would also be helpful to be informed of the UN Secretariat's efforts to solicit contributions from Member States, as well as to receive information on the scope and actual impact of projects that the Trust Fund is charged with implementing.

I would appreciate receiving a response at your earliest convenience. I intend to make this letter and your response publicly available, and may issue a public statement on the situation in accordance with the mandate conferred to me by the Human Rights Council of the UN.

Please accept, Excellency, the assurances of my highest consideration.



Baskut Tuncak

Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes