

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

REFERENCE:  
OL OTH 69/2018

23 November 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.

On 11 July 2018, I addressed an open letter to you asking for updates regarding the operation and funding of the Trust Fund established in July 2017 and charged with implementing community-based assistance projects in several municipalities of Kosovo.<sup>1</sup>

These municipalities are currently home to a number of Roma, Ashkali and Egyptian families, who between 1999 and 2013 had been internally displaced and housed by the United Nations in camps constructed on lead-contaminated toxic wasteland. The affected families, including children, have suffered and continue to suffer serious health consequences as a result of lead contamination.

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*, which recommended that UNMIK make a public apology to the victims, as well as take appropriate steps and to compensate 138 victims for both material and moral damage which had been inflicted. At the time, I endorsed a joint statement that called on the world organisation to implement the opinion of the HRAP and to hold UNMIK accountable for leaving Roma families exposed to lead poisoning in camps for the internally displaced in Kosovo.

On 5 October 2018, I received a reply to my open letter, addressed to you, by the Under-Secretary-General for Peacekeeping Operations, informing me that despite targeted outreach and resource mobilization campaigns by a UN Task Force encouraging contributions to the Trust Fund, **"no contribution has yet been received from the international community in response to these appeals."**

Meanwhile, the communities continue to live in conditions of economic and social deprivation, lacking access and means for receiving adequate medical services. As previously mentioned in my letter, the Trust Fund alone will not fully address the serious and irreversible damage suffered by the victims of lead poisoning, nor meet their pressing medical needs. However, the lack of any tangible action by the United Nations, despite clear findings of the HRAP of violations of the human rights of community members to

---

<sup>1</sup> Any reference to Kosovo, whether to the territory, institutions or population, is to be understood in full compliance with Security Council resolution 1244 (1999) and without prejudice to the status of Kosovo.

life, freedom from inhuman and degrading treatment and respect for private and family life, is inflicting further suffering on these victims.

While I am dismayed at the lack of resources in the established Trust Fund and the level of disengagement of member states, this does not absolve the United Nations of its responsibility. I continue to believe that the United Nations has the ultimate responsibility for providing remedy and assistance to victims housed by the United Nations in camps constructed on lead-contaminated toxic wasteland. The United Nations should address its responsibilities and the needs of the victims by providing the necessary resources, without any further delay, independent of any possible contributions to the Trust Fund by member states.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would therefore be grateful for your observations on the following matters:

1. Does the United Nations envisage assuming its direct responsibilities towards the victims?
2. If not, besides efforts directed at mobilisation of resources for the Trust Fund, what other alternative action does the United Nations consider for providing immediate relief and compensation to the victims?

I would appreciate receiving a response in 30 days. This communication and any response received will be made public via the communications reporting [website](#) within 30 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

I may publicly express my concerns in the near future as, in my view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. I also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that I have been in contact with you to clarify the issue/s in question.

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