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PRESS RELEASE

The Human Rights Advisory Panel adopted its opinion in the case *N.M. and others against UNMIK* (no. 26/08)

On 26 February 2016, during its 91st session held in Prishtinë/Priština, the Human Rights Advisory Panel (the Panel) adopted its opinion concerning the case of *N.M. and others v. UNMIK*. The complainants are 138 members of the Roma, Ashkali and Egyptian (RAE) community in Kosovo who used to reside in five UNMIK administered camps for internally displaced persons (IDPs) throughout northern Mitrovicë /Mitrovica.

During the 1999 conflict in Kosovo, many Roma who had formerly lived in the Roma Mahala settlement in south Mitrovica/Mitrovicë fled to north Mitrovica/Mitrovicë as a result of inter-ethnic violence and the destruction of their homes. Approximately 600 Roma were placed in IDP camps (Zhikoc/Žitkovac, Cesminluke/Česmin Lug, Kablare, Laposaviq/Leposavić, and Osterode) near the Trepca smelter and its sites used to store the waste from mining.

Approximately half of the complainants were children when the complaint was filed with the Panel. About 75 complainants are women and girls. At least 13 of them delivered babies in the camps and have submitted the complaint also on behalf of their children.

All complainants claim to have suffered lead poisoning and subsequent health problems on account of the soil contamination in the camp sites due to their proximity to the Trepca smelter and mining complex and on account of the generally poor hygiene and living conditions in the camps. Four complainants claim that their family members died in the camps as a result of lead poisoning.

The complainants claim that UNMIK violated their human rights by placing them in IDP camps on land known to be highly contaminated, by not providing them with timely information about the health risks or the required medical treatment, as well as by failing to relocate them to a safe location.

The Panel found that UNMIK violated the complainants' right to life, in its substantive and procedural aspects, as guaranteed by Article 2 of the European Convention on Human Rights (ECHR), their right to be free from inhuman and degrading treatment (Article 3 ECHR) and their right to respect for private and family life (Article 8 ECHR). The Panel considered that UNMIK's failure to relocate them to a safe environment constituted discrimination against the complainants as members of the RAE community in violation of Article 14 of the ECHR, taken in conjunction with the ECHR provisions mentioned above, of Articles 2 and 26 of the International Covenant on Civil and

Political Rights and Article 2 of the of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The Panel further found that the unhealthy and unhygienic conditions in the camps constituted a violation of the complainants' rights to an adequate standard of living, including the right to housing (Article 11 of the ICSECR) and the right to the highest attainable standard of health (Article 12 of the ICESCR).

With respect to female complainants, the Panel considered that they were also subject to multiple discriminations in the enjoyment of their fundamental rights, as women, as IDPs and as members of the RAE community in violation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The Panel also found UNMIK responsible for compromising irreversibly the life, health and development potential of the complainants that were born and grew as children in the camps, in violation of Articles 3, 6, 24, 27 and 37 of the Convention on the Rights of the Child.

The Panel provided a number of recommendations to UNMIK including, among other things, to publicly acknowledge its failure to comply with applicable human rights standards in response to the adverse health condition caused by lead contamination in the IDP camps and the consequent harms suffered by the complainants, and to make a public apology to them and their families.

The Panel also recommended that UNMIK take appropriate steps towards payment of adequate compensation for material and moral damage in relation to the finding of the violations of the human rights provisions listed in the opinion.

The Panel also recommended that UNMIK take appropriate steps to ensure that UN bodies working with refugees and IDPs promote and ensure respect for international human rights standards and that the findings and recommendations of the Panel in this case are shared with such bodies, as a guarantee of non-repetition. The Panel also recommended that UNMIK take appropriate steps towards UN bodies to ensure effective distribution of information relevant to the health and well-being of people under their authority and control.

In addition, the Panel recommended that UNMIK urge UN bodies and relevant authorities in Kosovo to protect and promote the human rights of Roma people, especially women and children, ensuring that they have a proactive role.

The full English text of the opinion can be accessed on the HRAP website [<here>](#). The Albanian and Serbian versions will be made available after translation.

This press-release is a document produced by the Panel's Secretariat. It does not bind the Panel. For further information, please contact Mr Andrey Antonov, Executive Officer of the Panel's Secretariat, via e-mail: antonov@un.org, phone: +381 (0)38 504 604 ext. 5847. Decisions, opinions and further information about the Panel can be found on its webpage: www.unmikonline.org/hrap