

**SRSG's decision in the complaint of
N.M. and Others (no. 26/08)**

After reviewing the opinion and the recommendations of the Human Rights Advisory Panel on the complaint of N.M. and Others (no. 26/08), I informed the Advisory Panel, on 22 April 2016, of the following:

- I wish at the outset to express my appreciation for the work of the Panel and for the recommendations it has made in relation to the present complaint.
- I wish to express regret regarding the adverse health conditions suffered by the complainants and their families at the internally displaced persons ("IDP") camps.
- I note the Panel's opinion regarding "UNMIK's failure to comply with applicable human rights standards in response to the adverse health condition caused by lead contamination in the IDP camps". I am carefully examining this opinion.
- I have also taken note of the Panel's recommendation that I take appropriate steps towards the payment of adequate compensation for the harm suffered by the complainants in relation to the proceedings before the Panel.
- I wish to recall that the acts in question relate to activities carried out by the institutions established under the interim administration of Kosovo. As such, had UNMIK continued to have control over the institutions today, UNMIK would have been in a position to refer the Panel's recommendation to those institutions for appropriate action. I am prepared to discuss the possibility of setting up a mechanism to deal with such matters with the relevant authorities at the appropriate juncture.
- I also wish to recall that, as the Panel is aware, the complainants' claims for material damages have been assessed through the existing United Nations third party claims process.
- I have nevertheless brought these issues to the attention of United Nations Headquarters. I will also continue to draw the attention of competent United Nations bodies to these issues.
- In relation to the Panel's recommendation that I urge United Nations bodies and relevant authorities in Kosovo to protect and promote the rights of the Roma, Ashkali and Egyptian communities ("RAE"), I note that UNMIK has taken substantial steps to improve the condition of the RAE populations in Kosovo. I remain committed to ensuring that UNMIK continues to work with, and promote the human rights of, these communities, especially women and children, in Kosovo.
- Regarding the Panel's recommendations relating more broadly to the UN's roles and responsibilities when working with refugees and IDPs, including that the relevant United Nations bodies promote and ensure respect for international human rights standards and ensure effective distribution of information relevant to the health and well-being of people under their care, I note that I will share the Panel's findings and recommendations in this case with interlocutors and relevant United Nations bodies, as appropriate.
- As a general matter, I wish to recall that promoting and protecting human rights is one of the core purposes of the United Nations. The Organization continues to make efforts to strengthen the capacity of its field operations to contribute to the fulfilment of human rights within the areas where they can make a difference. In this regard UNMIK will continue to strive to protect people from harm.

Zahir Tanin –
Special Representative of the Secretary-General
Head of UNMIK