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Institucioni i Ombudspersonit • Ombudsperson Institucija • Ombudsperson Institution**

Pristina, 1 April 2009

Mr. Hashim Thaqi,
Prime Minister of the Republic of Kosovo

***Ex Officio* No. 304/2008**

Concerning the lead contamination affecting the Roma community living in the camps located in the northern part of Mitrovicë/Mitrovica

Dear Mr. Thaci,

I would like to inform you that the Ombudsperson Institution opened an *ex officio* investigation on 4 July 2008 following the publication of an article in the newspaper “Kosova Post” on 30 June 2008, and the subsequent meeting with the Head of the German NGO “Society for Threatened People” concerning the issue of lead contamination continuously affecting the Roma community living in the camps located in the northern part of Mitrovicë/Mitrovica since 1999.

Based on the information obtained by the Ombudsperson Institution, it appears that in November 1999, UNHCR moved the Roma population displaced in the North to camps established near the former Trepça mine and toxic wastelands, which were indicated by UNMIK as the only places available to relocate this population. Although this solution should have been temporary, the Roma families were still living in these camps by mid 2006 when UNMIK closed two of the camps following pressure from the international press and the Ombudsperson Institution, and moved 100 families to the Osterode camp which was thought to be safer. Some of these families have been entitled to return to the Roma Mahala in the South of Mitrovicë/Mitrovica in 2007 and 2008, but the majority of them continue to live in camps in the North of Mitrovicë/Mitrovica in very poor hygienic conditions.

As early as 2000, WHO performed a medical survey of Mitrovicë/Mitrovica, the results of which conducted UNMIK to close down the smelter in order to reduce health risks caused by pollution. Already on 2000, the inhabitants of the camps in the North were the most affected by the lead contamination and WHO recommended that the Roma camps be evacuated. During the 9 years of

displacement of these Roma families, several medical tests were performed on the population by WHO and the United States Centre for Disease Control and Prevention, notably between 2004 and 2007. In April 2008 the Republic of Serbia Institute for Public Health and Protection performed another series of tests on 104 children, which showed that the Roma population still suffered from an extremely high level of contamination, some of them having such a high concentration of lead in their blood that the testing instruments were not able to measure it. The analysis also showed that there are traces of other heavy metals in their blood.

This lead contamination has affected not only the life and health of the Roma population living in the camps, but also the mental and physical development of generations of children and adults.

Eventually, the responsibility for the management of Camp Osterode was handed over from UNMIK/Department of Central Administration to the Ministry for Communities and Returns on 1 May 2008.

Considering Article 12 of the International Covenant on Economic, Social and Cultural Rights which defines the right to health as the “right to everyone to the enjoyment of the highest attainable standard of physical and mental health” and Article 2 of the European Convention of Human Rights and Fundamental Freedoms, which safeguards the right to life, and having in mind the right to adequate housing, the principle of non-discrimination foreseen by the Law on Anti-Discrimination and the rights enshrined in the Convention on the Rights of the Child, the Ombudsperson Institution concluded that the above-mentioned elements give rise to a continuous violation by UNMIK of more than one international human rights standards directly applicable in Kosovo. The Ombudsperson Institution however observed that this issue has now become the responsibility of the Kosovo government.

The Ombudsperson Institution further assessed that the current level of lead contamination among the Roma population in the North constitutes an emergency according to the Section 1-j of the Health Law No.2004/4 promulgated by Regulation No.2004/31, since the current situation “poses a risk of death or of serious permanent damage to the health of the citizen”. The Ombudsperson Institution observed that it is the primary interest and obligation of public institutions to ensure the promotion and protection of the health conditions of the population without discrimination.

Therefore, in order to put an end to what was already considered as “one of the most serious lead-related environmental health disasters in the world and history” by a WHO expert in February 2005, notwithstanding the right to return to home of displaced persons and keeping in mind that many members of the Roma population are not able to prove their right of property or ownership, I

Recommend:

- the immediate and sustainable relocation of the Roma population living in the camps in the North, in consultation with the community leaders, in a location where their safety and dignity are guaranteed;
- considering the emergency and the gravity of the situation, the construction of adequate housing regardless whether they are able to prove a right of property or ownership in Mitrovicë/Mitrovica South or in other municipalities in Kosovo;

- the immediate intervention of the Ministry of Health, in cooperation with the Ministry of Communities and Return in order to improve the health condition of the Roma population still living in the camps and/or still affected by the lead contamination.

Pursuant to section 4.6 of UNMIK Regulation No. 2006/06 on the Ombudsperson Institution in Kosovo, I would appreciate if you could inform me about the actions you are planning to undertake concerning this issue as soon as possible, and no later than within 30 days.

Thank you for your cooperation.

Best regards,

Hilmi Jashari,
Acting Ombudsperson

CC:

Mr. Jakup Krasniqi, President of the Assembly of Kosovo
Mr. Ismet Beqiri, President of the Committee for Human Rights, Gender Equality, Missing Persons and Petitions of the Assembly of Kosovo,
Mr. Alush Gashi, Minister of Health,
Mr. Saša Rašić Minister of Communities and Returns,
Mr. Nenad Rasic, the Minister of Labour and Social Welfare.