



SAVE DALE FARM!

Stop the Eviction of Dale Farm Community, UK



What Is Dale Farm?

Dale Farm is the largest Gypsy and Traveller community in the UK, comprising of about 1,000 residents settled in Crays Hill, Essex. The area of the estate, covering about 12 acres, is divided into some 90 properties owned by members of the community. A number of enforcement notices ordering the removal of homes and caravans from the land they occupy was served by the Basildon District Council (BDC). The eviction concerns some 90 families, comprising of some 350 people, including many children, elderly and infirm.

Who Are The Families Living at Dale Farm and What Are The Issues At Stake?

Most are Romanies and Irish Travellers, the latter having a language, culture and musical traditions, and a history of nomadism even older than the Roma with whom they share part of what is virtually a village. It is estimated that there are some 350,000 Travellers, Gypsies and newly arrived Roma in Britain today. Under the Race Relations Act both Gypsies and Travellers are recognized as ethnic groups. For these peoples travelling has social and economic functions as it permits social organization and flexibility, and makes trading possible. But the community has faced discrimination for generations. Under planning law the question of who is a Gypsy revolves around land disputes and has threatened their right to maintain their own identity as an ethnic group. Many have had to give up their nomadic lifestyle because commons and other stopping places have been closed, and police harassment has increased, especially since the Criminal Justice Act gave extra powers to local authorities to move on caravan-dwellers. A unique way of life, which has existed since time immemorial, is threatened because the differences in outlook between traditional nomads and settled house-dwellers have yet to be successfully resolved. All Gypsies and Travellers want is a legal place to station their caravans and mobile homes, and to continue living as a community in peace, security and with dignity.



Editorial

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This is the second Dale Farm e-Bulletin. It is promoted by the Dale Farm Housing Association (DFHA) with the assistance of the Essex Human Rights Clinic. The Clinic works for the protection and promotion of human rights and proposes strategies that will advance solutions. As such, it partners with counsels and provides assistance to non-governmental, inter-governmental and grassroots organisations engaged in securing human rights and dealing with human rights violations. The DFHA was established to promote the human rights and stop the eviction of Dale Farm community. It is represented by Dr. Keith Lomax, solicitor, who leads the legal case.

The Current situation at Dale Farm – Threatened with Eviction

Alongside growing anti-Roma and Traveller racism in Europe, Dale Farm is increasingly threatened with an enormous eviction operation. On 29th of June, 6 pitches at the nearby Hovefields Drive were already bulldozed by BDC using the bailiff company Constant and Co. In August, Hovefields received a 28-day notice demanding more residents to pack up and leave or otherwise be evicted forcibly. Consequently, part of the remaining properties were cleared on three days between Tuesday and Thursday, 7-9th September 2010 (see table below) at a reported cost of £150,000.

Recognizing the growing Roma intolerance, Thorbjørn Jagland, Secretary General of the Council of Europe, and Antonio Miloshoski, Chairman of the Committee of Ministers, called a high-level Council of Europe meeting on Roma on the 20th October 2010¹ with the attendance of governments, the EU and international organizations. The purpose of this meeting was to agree priorities to improve the integration of Roma in Europe which have been codified in the “Strasbourg Declaration”, such as inclusion into education, housing and healthcare, as well as empowerment and better access to justice. The participants unanimously condemned widespread discrimination against Roma and their social and economic marginalisation. Jagland, said "the time for action has come. Today we have made a fresh start to actually helping the Roma population of Europe. Roma are fellow Europeans." Member states agreed to joint efforts to meet the needs of the estimated 12 million Roma in Europe. The Strasbourg Declaration also foresees training more than a thousand Roma mediators. Roma mediators and lawyers will advise communities and work to tackle access to housing, schools, health and jobs, and to link the Roma communities and civil society. With the expertise of the Council of Europe, relevant co-operation with national, regional and local authorities and international organisations will be developed. The Essex Human Rights Clinic sent a memorandum to the meeting asking participants to address the situation at Dale Farm and to include a resolution calling for the halting of forced evictions in the new initiative (see ‘Action Plan’, next page).

The Forced Eviction at Hovefields Drive, 7-9th September 2010



Traveller eviction at Hovefields, Essex, June 29th, 2010

Photo taken from
<http://www.indymedia.org.uk/en/2010/09/458405.html>

The following table compares the eviction process at Hovefields with the requirements set forth in the General Comment n. 7 on Forced Evictions² on Article 11.1 (right to adequate housing) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) shedding light on the actions of BDC and its agents Constant and Co. and the consequences now faced by the Gypsies and Travellers.

¹ Information on the CoE High Level Meeting on Roma taken from <https://wcd.coe.int/ViewDoc.jsp?id=1691599&Site=DC&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE>, accessed 20th October 2010.

² See document at <http://www.unhchr.ch/tbs/doc.nsf/0/959f71e476284596802564c3005d8d50?Opendocument>, accessed 18th October 2010.

GENERAL COMMENT N. 7	THE FORCED EVICTION AT HOVEFIELDS
<p>Para. 10. [...] Ethnic and other minorities, and other vulnerable individuals and groups all suffer disproportionately from the practice of forced eviction. Women in all groups are especially vulnerable given the extent of statutory and other forms of discrimination which often apply in relation to property rights or rights of access to property or accommodation, and their particular vulnerability to acts of violence and sexual abuse when they are rendered homeless. The non-discrimination provisions of articles 2.2 and 3 of the Covenant impose an additional obligation upon Governments to ensure that, where evictions do occur, appropriate measures are taken to ensure that no form of discrimination is involved.</p>	<p>Families, including children, pregnant women and elder persons have been rendered homeless. Additionally, no social services were provided during the eviction and heavy machinery was not kept within the safety perimeter. Immediately after the eviction, Direction to Leave notices were served by the Essex Police against the families who were rendered homeless when they attempted to stay on Government land owned by the Homes and Communities Agency, despite the fact that this land has been offered to BDC for use by Travellers. Police used powers under s61 of the Criminal Justice Act to move the same families several times over the next few days, each time neglecting to take into consideration the welfare of individuals, including two pregnant mothers and a boy with learning difficulties. Risk assessments were not provided by BDC.</p>
<p>Para. 13. States parties shall ensure, prior to carrying out any evictions...that all feasible alternatives are explored in consultation with affected persons, with a view to avoiding, or at least minimizing, the need to use force.</p>	<p>BDC has never engaged in meaningful consultations with the affected families and have refused to provide information on the eviction operation.</p>
<p>Para. 14. [...]where eviction is considered to be justified, it should be carried out in strict compliance with the relevant provisions of international human rights law and in accordance with general principles of reasonableness and proportionality.</p>	<p>BDC has not complied with:</p> <ul style="list-style-type: none"> • Article 11.1 (right to adequate housing) of the International Covenant on Economic, Social and Cultural Rights (ICESCR). • Evicted children, who were rendered homeless will not have an opportunity to continue their education. The disruption of their education violates various articles of the Convention on the Rights of the Child (CRC, e.g. articles 24, 27 (3) and 28). • Article 14 (2) (h) of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which guarantees the right to housing to women. • Article 5(e) (iii) of the Convention on the Elimination of All Forms of Racial Discrimination (CERD), which expressly prohibits discrimination in the housing sector.
<p>Para. 15. Appropriate procedural protection and due process should be applied in relation to forced evictions, which includes:(a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction (c) government officials or their representatives shall be present during an eviction</p>	<p>No notice was given by BDC prior to the eviction of the first 6 pitches in June, affected people were not consulted and no local governmental officials were present during the eviction operation.</p>
<p>Para. 16. Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.</p>	<p>The evicted families, already technically homeless as they had no legal place to live, were rendered de facto homeless. No alternative accommodation has been offered to them. Besides this, they have been moved by the police and have been continuously harassed wherever they pitched their caravan after, whether within Basildon district or further afield in other counties.</p>

Community Responses to Planned Eviction: Interview with Mary Ann McCarthy, Dale Farm Resident since 2002

At 61, Mary Ann McCarthy is a mother, grandmother, great grandmother and a proud Irish Traveller. “I have seven children and twenty-two grandchildren. I’m very proud of being a Traveller, I could never change.” She knows that as long as her family is together they will always be at home. “Everywhere we go, we are always home.” Home for Mary Ann has a special meaning and evolves around community, friendships and family. “We really are the same as everyone else - we just have a different culture.” For the Dale Farm residents living in caravans and mobile homes is their culture, it is living in a thriving community of other Travellers that



“All of us get wiped with one brush. If one person does something wrong, it gets blamed on all of us.”



represents their heritage, traditions, kinships and distinct ways of life. However, Mary Ann’s dignity as a Traveller has always been tried and tested with onslaughts of discriminatory treatment with terms like ‘dirty

pikeys’ and stereotypes that isolate the community from the majority of society. “I’ve known this discrimination all my life, when we tell someone we are Travellers they slam the door in our face. But, our boys and men are very hardworking and if people took the chance to know us, they could see this.” She adds, “All of us get wiped with one brush. If one person does something wrong, it gets blamed on all of us.” A lifetime living on the margins of society has culminated to the current situation where Mary Ann’s children, grandchildren and neighbours face an imminent eviction that would render them homeless. This separation would traumatize the Dale Farm community, whose quality of life is dependent on each other for every day support and their emotional well being. Mary Ann states, “All my family is here and to be split up from them would be a great loss.” She adds: “We aren’t squatting here - we bought and paid for every stone.” Facing the realities of an eviction has taken its toll on the community. “For 8 years it has been a nightmare for us. You get so stressed that it makes you sick. Waiting everyday for the 28 day eviction notice, but where are we going to go? Let us stay or help us find a place to move.” Another resident acknowledges with a deep sigh, “I guess we are still living on a chance.” For now, the community is mobilizing themselves to stop the eviction. They have organized interviews with the media to ensure their voices are heard.

STOP EVICTION! ACTION PLAN

The Dale Farm Housing Association with the assistance of the Essex Human Rights Clinic is pursuing international legal advocacy strategies to ensure all rights are realized:

► Presentation of a Memorandum to the Council of Europe Meeting for Roma on the 20th October 2010, with the main suggestion that **halting or suspending any planned forced eviction affecting such people until an adequate solution is achieved** be considered as part of the initiatives to be agreed by the Council of Europe High Level Meeting on Roma. Such an initiative would allow time for the development of appropriate solutions which respect the rights of all persons and countries, and serve as a catalyst for the development of tailored social integration policies.

► Presentation of a Freedom of Information Act request to BDC on various aspects of the Hovefields Drive eviction, including the elaboration of risk assessments, place to store movable property, and the provision of alternative sites. Submitted on 2nd September 2010.

► Appeal to the Information Commissioner Office regarding the refusal of BDC to disclose information on the object of the contract awarded to Constant and Co. Submitted 8th of July.

► Presentation of up to date information on the Hovefields eviction to the Early Warning and Urgent Procedure of the UN Committee on the Elimination of Racial Discrimination and to the Special Rapporteur on Adequate Housing. Submitted last week of July.

► Conducting of a training session for Dale Farm Community on 25th August, 2010, on the right to housing and to be protected against forced eviction. Please see: <http://righttohousing.org/en/news/blog/opinion/2010/10/21/university-of-essex-and-dale-farm-housing-association-held-training-session-on-right-to-housing>

The Dale Farm Community Training, August 25th 2010

While coordinating a workshop at Dale Farm to inform residents of their right to housing rights and to be protected from forced eviction, the Human Rights Clinic organizers experienced firsthand the discriminatory treatment towards the traveller community. This was represented in the companies that



were hired to assist in preparing the food and tents for the workshop, which upon realization that the materials were to be set up at Dale Farm immediately backed out of their agreement to facilitate the event. In addition, we also only found one marquee company willing to service Dale Farm. Once the provision of

services was sorted out, a four hour workshop was organized which brought together 30 residents from Dale Farm, along with community members and nongovernmental organizations. The training also included a Play and Learn workshop for the children, with the theme 'What does home mean to you?'



A detailed report of the training is published on the website of the UN Special Rapporteur on Adequate Housing. Please see: <http://righttohousing.org/en/news/blog/opiniaio/2010/10/21/university-of-essex-and-dale-farm-housing-association-held-training-session-on-right-to-housing>

Challenging BDC's Housing Policy

One of the many elderly couples at Dale Farm, grandparents Mary and John Flynn, have decided to challenge BDC's housing policy before Southend County Court, inspite of their poor health. They are dependent on the care of their adult children but have been offered a brick-and-mortar council flat by BDC following their application for re-accommodation. Their children say that Mary and John would not survive the isolation. They are used to living in caravans and all they want, like everyone at Dale Farm, is to continue this lifestyle in peace and security. BDC insists that if they do not move into the council flat they have to face eviction, together with the ninety other families.

Judge Peter Dedman decided in September to bar evidence about land offered to Basildon for the Dale Farm homeless by a government agency, the HCA, and a pre-application procedure by the Dale Farm Housing Association to develop a mobile-home park on an HCA site at Pound Lane. His ruling as to whether Mary and John should be offered a plot for their caravan instead of a council flat is expected before the end of November. Both parties in the case have indicated that they will ask for leave to appeal to the High Court should the ruling be unfavourable to their side.

Imminence of 28-day Notice

Meanwhile, on 24th September, Matilda Boswell, a plot owner at Hovefields served with a 28-day notice of eviction and having obtained a temporary injunction, applied unsuccessfully to the High Court for a judicial review of the BDC decision to evict her and her family on the grounds that her application for re-accommodation had not yet been fully processed. She had not received an offer even of a council-house and wished for an opportunity to argue her case in County Court for the right of accommodation appropriate to her traditional life-style as a Romani. The court decided that the Council

has a duty to look at the housing needs and homeless problems of the families affected by the eviction, but it does not have to wait for the conclusion of the homeless process before evicting. This means that the BDC can now serve a 28-day notice of eviction on residents at Dale Farm before completing their applications for re-accommodation as homeless.

Squandering of Public Money In Spite of Alternative Solutions **(By Grattan Puxon)**

Facing expenditure cuts, Tony Ball, Tory leader of Basildon, admits that BDC is now short of money to complete forced evictions. BDC already spent £2m on administration and legal costs and £150,000 each for the evictions at Hovefields. It has Constant & Co. under a £2.9m contract but cannot pay the huge police bill for accompanying the bailiffs.

Essex Police say the operation could last three weeks and involve hundreds of officers and specialized units, including riot police, resulting in a bill to the BDC of as much as £10m (Euro 12m). For half that sum those made homeless could move to land offered by the Homes and Communities Agency (HCA). Dale Farm Housing Association is currently seeking planning permission to allow Travellers to establish a new home there. For zero cost families could be permitted to stay at Dale Farm where they have built homes by clearing a former scrap-yard. In spite of all these alternative solutions, Councillor Ball has asked MP John Baron to seek a £10m loan from Communities secretary Eric Pickles to finance evictions. Theresa May at the Home Office has also been approached for similar funding by Essex police themselves.

In this situation, the UK Government could respond positively to the UN requests to stop the Dale Farm eviction simply by refusing the money needed to fund it.



This is a publication of the Dale Farm Housing Association (DFHA), created with the assistance of the Essex Human Rights Clinic.

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