

CENTRE ON  
HOUSING RIGHTS  
AND EVICTIONS



Geneva, 10 August 2009.

**LEGAL MEMORANDUM ON THE RIGHT TO BE PROTECTED AGAINST  
FORCED EVICTIONS AND THE RIGHT TO HOUSING OF IRISH TRAVELLERS  
AND ROMANI GYPSIES OF DALE FARM AND HOVEFIELDS**

**Presented by: Centre on Housing Rights and Evictions with the support of the Human Rights Clinic/ Human Rights Centre at Essex University**

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**Ref.: Eviction of Gypsy and Traveller families of Dale Farm, Crays Hill, Essex, UK**

The Centre on Housing Rights and Evictions (COHRE), acting on the request of the Dale Farm Housing Association and the Gypsy Council, and with the support of the Human Rights Clinic of the University of Essex<sup>1</sup>, presents this legal memorandum with the aim of proactively advising the members of Basildon District Council (BDC) as they address the circumstances under which the eviction of the Irish Travellers and the Romani Gypsies of Dale Farm will be carried out, in order to assure that the residents' human rights are respected and protected. COHRE would like to encourage dialogue between BDC and the families of Dale Farm with a view to developing negotiated alternatives to the eviction and encouraging the application of national and international human rights law to resolve the conflict.

COHRE is an international human rights non-governmental organisation based in Geneva, Switzerland, with offices throughout the world. COHRE has consultative status with the United Nations and works to promote and protect the right to adequate housing for everyone, everywhere, including preventing or remedying forced evictions.

COHRE would like to encourage dialogue between BDC and the families of Dale Farm and their representatives with a view to mutually developing alternatives to the eviction, in accordance with national and international law.

This memorandum seeks to provide informed advice and recommendations with regard to the situation of the Irish Travellers and Romanies now residing within the Basildon District who are currently under threat of forced eviction. It addresses the alternatives to eviction and lays out the obligations by which Basildon District Council is bound should it choose to go ahead with direct action enforcement. Specifically, such obligations include the duty to use all appropriate means to ensure, prior to carrying out the eviction, or evictions, that all feasible alternatives are explored in consultation with the affected residents, with a view to avoiding the need to employ force.

Given that a large and vulnerable group is involved, the responsibility rests with the Council to guarantee the greatest possible security to the residents' present property and accommodation. The advice and recommendations set out below take into consideration all relevant national legislation, particularly in regards to human rights and the rights of children, with which the UK has agreed to comply<sup>2</sup>.

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<sup>1</sup> The Human Rights Clinic of the Human Rights Centre, University of Essex is directed by Prof. John Packer, and the following staff and students are participating in this research: Dr. Bob Watt, and the LLM Students Fabien Maitre, Evie Francq, Amanda Gray, Chiara Lyons and Sylvain Aubry.

<sup>2</sup> Such as the International Covenant on Economic, Social and Cultural Rights (ICESCR – ratified by the United Kingdom on 20/5/76); the International Covenant on Civil and Political Rights (ICCPR - ratified on 20/5/76), which protects persons from arbitrary or unlawful interference with their home (Art. 17); the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD - ratified on 7/3/69), Art. 5(e)(iii), prohibits discrimination on account of race, colour, or national or ethnic origin with respect to the right to housing; the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW - ratified on 7/4/86), in Art. 14(2)(h), obliges States Parties to eliminate discrimination against women in rural areas in order to ensure the enjoyment of adequate living conditions, particularly in relation to housing; and the Convention on the Rights of the Child (CRC - ratified on 16/12/91), which obliges States Parties to provide, in case of need, material assistance and support programmes to families and children, particularly with regard to housing (Art. 27(3)). At regional level, the European Convention for the Protection of Human Rights and Fundamental Freedoms recognises the right of everyone to respect for his private and family life, his home and correspondence (Art. 8). The Convention was ratified on 8/3/1951; entry into force was on 3/9/53.

## I. Alternatives to eviction

COHRE reiterates the widely accepted position of the international community regarding forced evictions which links this practice to major human rights violations and to disproportionate suffering which it brings upon women, children, youth, older persons, ethnic minorities and other vulnerable individuals and groups. In this sense and in support of the wishes of the residents of Dale Farm, COHRE demands that Basildon Council refrain from carrying out an eviction and instead ensure that protective measures are put in place to safeguard their fundamental human rights.

Given the legal obligations with which Basildon District Council would have to comply should the eviction be carried out, it would be in both the community's and the Council's interest to consider allowing the Gypsies and Travellers to stay at Dale Farm.

### 1. Practical arguments against eviction

#### *a. The obligation on Basildon District Council to provide 62 additional pitches by 2011*

After extensive research into the needs of travellers and gypsies in the UK, on 20 July the Department for Communities and Local Government informed BDC and the Gipsy Council that the District Council is required to provide sufficient land for 62 (sixty two) additional pitches. A great deal of public money and effort could be avoided in the fulfilment of this duty by simply granting planning permission for the 52 (fifty two) unauthorised pitches already in existence at Dale Farm. By adopting such a remedy, BDC would meet the necessary provision at no cost to the tax payer, and with less difficulty than might be encountered in finding other locations in or outside the district.

The UN Committee on the Rights of the Child in 2008 recommended that the UK "reintroduce a statutory duty for local authorities to provide safe and adequate sites for Travellers", in order to achieve "an adequate standard of living [which] is essential for a child's physical, mental, spiritual, moral and social development".<sup>3</sup>

Similarly, the UN Committee on Economic, Social and Cultural Rights in 2009 expressed its concern about "the shortage of adequate stopping sites for Roma/Gypsies and Irish Travellers and reports concerning evictions of groups of Roma from their sites". The Committee then recommended that the UK ensure the protection of the most disadvantaged and marginalized individuals and groups in line with the Committee's General Comment No. 7 (1997) on forced evictions<sup>4</sup>.

#### *b. Cost of the eviction*

Not only would BDC avoid the costs of providing new pitches by giving planning permission for the pitches already occupied at Dale Farm, but more importantly, they could avoid spending three million pounds on an eviction and demolition operation, money that could be used for improving the living conditions of the whole population of BDC in a more constructive way.

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<sup>3</sup> See at CRC/C/GBR/CO/4, 20 October 2008, para. 65.

<sup>4</sup> See at E/C.12/GBR/CO/5 (CESCR, 2009), para. 30. General Comments are adopted by human rights treaty bodies with a view to assisting the States Parties in fulfilling their report obligations and to promote their further implementation of the Covenant on Economic, Social and Cultural Rights. See at HRI/GEN/1/Rev.7, p. 9.

Furthermore, by allowing the residents to stay lawfully in their present properties at Dale Farm, the Council will be released from its obligation to take all appropriate measures and resources to ensure adequate alternative accommodation, through resettlement and/or access to land with planning permission elsewhere.

Moreover, the human cost of forced evictions almost always accounts for an increase in poverty and in social stress and trauma, as has been pointed out by Wickford Primary Care Trust, which warns of inevitable injury and psychological harm to children. Forced evictions not only deprive people of their homes and land but also of their livelihoods, their communities and social networks, access to public services and utilities. At an individual level, forced evictions can lead to increases in anxiety, depression, and suicide. In most cases, evictees find themselves in worse material and social conditions than before the eviction, even if their living conditions were less than ideal prior to the event.

The UN Special Rapporteur on Adequate Housing has advised that “Forced evictions intensify inequality, social conflict, segregation and “ghettoisation”, and invariably affect the poorest, most socially and economically vulnerable and marginalised sectors of society, especially women, children, minorities and indigenous peoples”<sup>5</sup>.

## 2. Legal arguments to halt the eviction

The Council should assume that if the eviction is carried out those at Dale Farm forced to leave the land will have to resort to camping on the roadside, on public car parks or private land, thus again finding themselves in an unauthorized and unlawful situation likely to provoke further harassment of the families, and futile public expenditure moving them from place to place. COHRE would argue that in this case the families are being in effect compelled a) to break the law, and b) forced to face worse breaches of their basic human rights, including in the present atmosphere of intolerance and racial hatred, attacks by vigilante groups (note the attack on Travellers at Tamworth), etc.

The Council must also consider that if it decides to evict Irish Travellers and Romanies from the area, it may well be held to be in breach of international law and domestic human rights law, both of which protect the right to non-discrimination<sup>6</sup>, the right to housing<sup>7</sup>, the right to property and to private and family life<sup>8</sup>. if appropriate procedural protection and due process are not taken into consideration. Such violations would be particularly likely if appropriate procedural protection and due process are not taken into consideration. Such protections would include the provision of adequate alternative accommodation, security of tenure and compensation for any property, both real and personal, which is damaged.

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<sup>5</sup> A/HRC/4/18, 5 February 2007, Basic Principles and Guidelines on Development-Based Evictions and Displacement, para. 7.

<sup>6</sup> Discrimination has been interpreted to “imply any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, language, religion, national and social origin, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms”. See General Comment n. 18 of the Human Rights Committee on non-discrimination under the Covenant on Civil and Political Rights. UN doc. HRI/GEN/1/Rev.2 of 29 March 1996.

<sup>7</sup> Article 11(1) of the International Covenant of Economic, Social and Cultural Rights guarantees the right of everyone to an adequate standard of living including adequate housing, and to the continuous improvement of living conditions.

<sup>8</sup> Article 8 of the European Convention on Human Rights protects individuals and groups against interference with the right to respect for private life, family life and home.

COHRE suggests herein alternatives that can be implemented by the Council to allow the residents to stay at Dale Farm lawfully and peacefully.

***a. Re-zoning the Green Belt area in order to allow the community to remain is lawful, proportionate and reasonable***

One of the main arguments of BDC to not grant planning permission for the pitches at Dale Farm is the fact that they were -technically- situated within Green Belt zone. BDC argued that it is not possible to rezone the area as the impact upon the Green Belt by reason of the inappropriateness of the development continues to weigh against permitting Dale Farm to remain<sup>9</sup>. The council has also emphasised that Gypsies and Travellers have to be treated equally to the rest of the population.

In this regard, COHRE highlights that Gypsies and Travellers constitute a minority group and are thus entitled to special rights as a means to achieving equality of treatment as non-discrimination. As such, their situation can be regarded as an exceptional circumstance which is relevant to justify alterations to the Green Belt for housing and other types of residential developments. Despite the difficulty in arriving at a universally acceptable definition, minorities are entitled to be accorded special rights as a means to achieving equality of treatment as non-discrimination.<sup>10</sup> Such special rights are not privileges, but are granted to make it possible for minorities to preserve their traditions, identity and culture. Differences in treatment of such groups, or individuals belonging to them, are justified if they are exercised to promote effective equality and the welfare of the community as a whole. “This form of affirmative action may have to be sustained over a prolonged period in order to enable minority groups to benefit from society on an equal footing with the majority.”<sup>11</sup> General Comment n. 4 of the UN Committee on Economic, Social and Cultural Rights<sup>12</sup> provides that “States parties must give due priority to those social groups living in unfavourable conditions by giving them particular consideration”. In the same vein, Principle 14 of the Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights states that “given the significance for development of the progressive realization of the rights set forth in the Covenant of ESC Rights, particular attention should be given to measures to improve the standard of living of the poor and other disadvantaged groups, taking into account that special measures may be required to protect cultural rights of minorities”.

For instance, in the case *Chapman v. The United Kingdom*<sup>13</sup> the majority of the Court considered that the applicants’ occupation of their caravans was an *integral part of their ethnic identity* as Gypsies and that certain enforcement measures and planning decisions interfered with their rights to respect for their private and family life, enshrined in Article 8 of the European Convention of Human Rights. Furthermore, in the case *Buckley v UK*<sup>14</sup> two judges made very compelling dissenting

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<sup>9</sup> Information reported by the Officers of Basildon Council, Court of Appeal [2009] EWCA Civ 13 between Basildon Council and McCarthy & Ors.

<sup>10</sup> No universal satisfactory definition for ‘minority’ has proved acceptable to the UN Sub-Commission on the Promotion and Protection of Human Rights as well. See “Definition of Minorities” by Mr. Stanislav Chernichenko, E/CN.4/Sub.2/AC.5/1996/WP.1 and E/CN.4/Sub.2/AC.5/1997/WP.1; and “Classification of minorities and differentiation in minority rights”, by Mr. Asbjorn Eide, E/CN.4/Sub.2/AC.5/1996/WP.2

<sup>11</sup> OHCHR. UN Fact-Sheet n. 18, Minority Rights, Geneva, 1998, p. 5.

<sup>12</sup> See UN Doc. E/1992/23-E/C.12/1991/4, annex III. All General Comments are available under OHCHR website

<sup>13</sup> Chapman (2001) 33 EHRR.

<sup>14</sup> Buckley (1996) 23 EHRR.

opinions. They expressed their wish that the Court confirm the need to provide affirmative action in favour of cultural heritage and aim to achieve equality of rights via equality of opportunity. This means that the goal to be achieved is substantive equality rather than mere *de jure* equality as envisaged by planning law. The European Court of Human Rights has also recognised that the vulnerable position of Gypsies and Travellers as a minority requires that special consideration should be given to their needs and their different lifestyle both in the relevant regulatory planning framework and in reaching decisions in particular cases....<sup>15</sup> This consists of a positive obligation imposed on states by Art. 8 of the European Convention to “facilitate the Gypsy way of life”.<sup>16</sup> As such, special rights have to be granted to make it possible for ethnic minorities to preserve their traditions, identity and culture. Differences in treatment of such groups, or individuals belonging to them, are justified if they are exercised to promote effective equality and the welfare of the community as a role.<sup>17</sup>

The question of proportionality that arises here involves weighing the interests of the community at large in upholding planning control and policy against the hardship this would cause to the occupiers of the site. The Council’s main argument has hinged on the statement that the placing of caravans and mobile homes on the site is “inappropriate development”, which is “by definition harmful to the Green Belt and should not be approved except in “very special circumstances”<sup>18</sup>. When analysing such “very special circumstances” the Council concluded that they did not exist, despite admitting that the residents of Dale Farm may have Gypsy status. Should the Council recognise the relevance the land has for the preservation and reproduction of Gypsy’s and Traveller’s genuine culture and traditions, as well as to avoid disruption to the families and children’s education, there will be a strong exceptional circumstance which can outweigh the general interest of preserving the planning decisions that refused permission for them to live in the area. Although BDC has taken into account some of the residents’ personal circumstances – such as individual health issues and attendance of school – in the balancing exercise (but has been unaware of others), we noticed it has failed to give full attention to their special needs and rights as a minority ethnic group, such as the importance to live in a community and in the company of their extended families.

The significant adverse impact that the application of Green Belt policy and its enforcement has upon Gypsies and Travellers is well known, and it affects their access to utilities and public services and to affordable and adequate land, the preservation of their culture and traditions and the full exercise of their fundamental human rights. Although the actions which will result in such impact have been justified by BDC as lawful, COHRE notes that there has been a significant lack of proportionality when the requirements of planning control (the restoration of the Green Belt function) was weighed against the significant adverse impact it will cause on the lives of the residents of Dale Farm<sup>19</sup>.

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<sup>15</sup> Buckley (1996) 23 EHRR 101 at paras 76, 80, 84; Chapman (2001) 33 EHRR at para. 96.

<sup>16</sup> Murray Hunt and Marc Willers, *How the Human Rights Act 1998 affects Gypsies and Travellers*, in Chris Johnson and Marc Willers (Eds), *Gypsy and Traveller Law*, Legal Action Group, 2007, p.33.

<sup>17</sup> See UN doc. E/CN.4/52, section V.

<sup>18</sup> Report provided by Clive Simpson, Manager of Planning Services of BDC to the Development Control and Traffic Management Committee dated Tuesday 13 February 2007 entitled: ‘Planning Application No. 06/01548/FULL – Retention of Seven Gypsy Caravan Pitches and Associated Development for a Temporary Period of Three Years – Land at Oak Lane, Dale Farm, Crays Hill, Billericay’, p. 11: “Officers were of the opinion that the applicants and their dependants may have such [Gypsy] status”.

<sup>19</sup> The Human Rights Act (HRA) 1998 requires public authorities to consider carefully the proportionality of their actions when making decisions which interfere with the right to respect for the home (Art. 8 of the European Convention).

Regarding such matters, in 2003 the UN Committee on the Elimination of Racial Discrimination urged the UK to continue taking affirmative measures in accordance with article 2, paragraph 2, of the Convention [on the Elimination of all forms of Discrimination] to ensure equal opportunities for Roma/Traveller/Gipsy populations for the full enjoyment of economic, social and cultural rights<sup>20</sup>.

With regard to other considerations alluded to by BDC to refuse the granting of planning permission, such as the Green Belt function of the land and the harm caused by the caravans to its openness, it is important to notice the special circumstances by which this area had lost the function of Green Belt, which in fact dates too long before the families started to settle down in the area. The planning history of the area has shown that the site had been used without planning permission since early 1990's for a variety of industrial uses. In 1992 BDC issued Enforcement Notices against various unauthorised commercial activities that were being pursued on the site. Part of the land at the east side of the site was previously the subject of two temporary consents for the breaking of motor vehicles, sale of vehicle parts and dealing in scrap metals<sup>21</sup>. This use ceased following the vacation of the land by the business proprietors in 2001.

When the unauthorised development of the application site first came to the Council's attention in September 2003, the land to the east of the site had been used as a scrap yard from 1978 until 2001 under a permission granted by the Council to be used as such. If an exception was allowed for the scrap metal yard, surely an exception can be made for a vulnerable minority group to continue to live there, particularly given that many of them have already been through traumatic experiences of forced eviction.

The European Court of Human Rights has acknowledged the wide margin of appreciation left to national authorities when making judgements as to define particular land uses where there are legitimate planning objections<sup>22</sup>. As such, although there can be a general presumption against inappropriate development within Green Belts, BDC can rely on the Circular 01/2006 at para. 51 to alter Green Belt boundaries or re-zone land usage. The Circular states that "alterations to Green Belt boundaries can be used in exceptional circumstances for housing and other types of development inappropriate for Green Belt...". A reasonable exceptional circumstance to be considered is the Dale Farm residents' wish to keep the proximity of family members, as a means to preserve and reproduce their cultural traditions and ways of life. The judgement of the Court of Appeal in the present case recognised both when considering whether planning permission should be granted and when making an assessment under article 8 of the Convention [European Convention of Human Rights], that personal circumstances such as the proximity of family members may also be a factor of substantial weight<sup>23</sup>.

Knowing that the decision to take direct action to evict the Gypsies and Travellers from Dale Farm would render them homeless<sup>24</sup> which would be the reasonable factors to be weighed in

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<sup>20</sup> CERD/C/63/CO/11, 10 December 2003, para. 24.

<sup>21</sup> Report provided by Clive Simpson, Manager of Planning Services of BDC to the Development Control and Traffic Management Committee dated Tuesday 13 February 2007 entitled: 'Planning Application No. 06/01548/FULL – Retention of Seven Gypsy Caravan Pitches and Associated Development for a Temporary Period of Three Years – Land at Oak Lane, Dale Farm, Crays Hill, Billericay', p. 7.

<sup>22</sup> In *Chapman v United Kingdom* [2001] 33 EHRR 18, para. 92.

<sup>23</sup> Judgment of Court of Appeal [2009] EWCA Civ 13 between Basildon Council and McCarthy & Ors., para. 43.

<sup>24</sup> According to the 2007 decision of the Secretary of State mentioned in the judgment of Court of Appeal [2009] EWCA Civ 13 between Basildon Council and McCarthy & Ors.

support of an action that will force the residents to move from an illegal unauthorised site to an illegal camp on other land?

Finally, COHRE suggests that BDC re-allocate the use of £3,000,000 pounds towards the improvement of the health and environmental conditions, which would benefit all residents of Basildon region instead of spending such a large sum at a time of financial restraint to evict the Gypsies and Travellers in a manner which will only shift the issue of their need for secure accommodation to another district.

### ***b. Protection of the Right to Property***

The Gypsy and Traveller families have purchased the land at Dale Farm where their chalets, mobile-homes and caravans are stationed. As such, their homes were lawfully established and thus they have the legal right to their properties, which is self-evidently something which can weigh against the legitimacy of requiring the families to move. The unlawfulness of the siting of their homes (as distinct from the homes themselves) which results from the refusal to grant planning permission for the location cannot undermine their right to peacefully enjoy such homes and possessions. The right to property is a fundamental human right protected by Article 1 of Optional Protocol I of the ECHR to which the UK is a party. It consists of an obligation to ensure “the peaceful enjoyment of [one’s] possessions”. The meaning of “possessions” has been interpreted by the European Court of Human Rights as including “existing possessions” or assets, including claims, in respect of which the applicant can argue that he or she has at least a “legitimate expectation” of obtaining effective enjoyment of a property right”.<sup>25</sup>

In the present case, where the UK is under an obligation to respect the right to property, in its decision as to whether or not to go forward with the eviction, BDC must balance such a decision against the full extent of the property rights of the individuals living in Dale Farm.

## **II. Implementation of the forced eviction**

Should BDC proceed with the eviction it must be carried out in a manner consistent with human rights principles and provisions enshrined in national and international legislation. In addition, it should be consistent with the undertakings which the Council presented to the High Court on 9 May 2008 and which were held to be part of the Court of Appeal judgment of 22 January 2009. Failure to do so would mean that BDC could be held accountable before national, international and European human rights bodies and courts.

### **1. Concept of forced eviction**

For the purposes of this memorandum, forced eviction is defined as the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, or access to, appropriate forms of legal or other protection.<sup>26</sup> As such, it would appear that what the Council refers as the taking of enforcement action against the residents of Dale Farm would fall within this definition. Those

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<sup>25</sup> ECtHR Case of *Kopecky v. Slovakia* (7 January 2003).

<sup>26</sup> See Committee on Economic, Social and Cultural Rights, General Comment 7, HRI/GEN/1/Rev.7, para. 3.

who live in Dale Farm unlawfully do so since the Secretary of State has declined to grant planning permission in favour of them.

Forced evictions are, in principle, incompatible with the requirements of the Covenant on Economic, Social and Cultural Rights to which the UK is a party, and they can only be justified “in the most exceptional circumstances, and in accordance with the relevant principles of international law”.<sup>27</sup> Therefore, any action that results in the removal of people from their homes or land without respect for the standards set out below will constitute an illegal forced eviction. Such practice would constitute a gross violation of a broad range of human rights as emphasised by the United Nations Commission on Human Rights.<sup>28</sup>

COHRE recommends that BDC use all appropriate means to promote all the rights of the residents of Dale Farm so as to provide the greatest possible security of tenure to them. BDC should also control the circumstances under which the eviction is carried out. This entails the fulfilment of human rights obligations based on Article 11(1) of the ICESCR, read in conjunction with other relevant provisions described and discussed in this memorandum.

COHRE is aware of the comments of Justice Collins in the High Court when he spoke of viewing a video film of an eviction carried out by Constant & Co bailiffs, the firm likely to be engaged by the BDC for enforcement action at Dale Farm and Hovefields. Justice Collins said on that occasion that the employment of this company was inappropriate. COHRE has also seen the Complaint Against Constant which was presented to the Ministry of Justice for the purpose of its review of the regulation of private security and bailiff companies in the UK. Much evidence has pointed to the disregard of health and safety regulations, the needless destruction of property (when removal rather than burning is called for by Enforcement Notices), and the handling of children by unqualified bailiffs.

## **2. Basildon District Council must enable the community to participate in decisions which affect them**

The Council has undertaken to “actively solicit the engagement and cooperation of the gypsy/traveller community affected by the action and their representatives as well as other statutory agencies”<sup>29</sup>. The Council therefore has a domestic obligation to genuinely consult the people it wants to evict. Participation of those affected by decisions is also considered to be a clear international obligation under international human rights law.

General Comment n. 4 can provide guidance to BDC on how to effectively engage in consultations with the resident of Dale Farm in order to allow for their participation in decision making-processes related to the eviction. According to this General Comment, States parties to

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<sup>27</sup> See Committee on Economic, Social and Cultural Rights, General Comment 4, par.18.

<sup>28</sup> In 1993 the UN Commission on Human Rights indicated that “forced evictions constitutes a gross violation of human rights” (Commission on Human Rights Resolution 1993/77). In 1998, the UN Sub-Commission on the Protection and Promotion of Human Rights reaffirmed that “the practice of forced evictions constitutes a gross violation of a broad range of human rights, in particular the right to adequate housing, the right to remain, the right to freedom of movement, the right to privacy, the right to property, the right to an adequate standard of living, the right to security of the home, the right to security of the person, the right to security of tenure and the right to equality of treatment.” (Sub Commission on the Protection of Minorities Resolution 1998/9). Other resolutions related to forced evictions: Commission on Human Rights Resolution 2004/28; Sub Commission on the Protection of Minorities Resolutions 1997/6, 1996/27, 1995/29, 1994/39, 1991/12.

<sup>29</sup> Statement presented by Basildon District Council to the High Court on 9 May 2008 regarding how it would undertake the proposed eviction, item 1.

the International Covenant on Economic and Social Rights should, in their implementation of the right to housing, proceed in genuine consultation with affected persons and groups (para.8). Furthermore, it affirms that the right to participate in public decision-making is indispensable if the right to adequate housing is to be realised and maintained by all groups in society (para.9). Moreover, in order to ensure respect for other human rights, housing rights strategies should reflect extensive genuine consultation with, and participation by, all of those affected, including the homeless, the inadequately housed and their representatives (para.12).

General Comment n. 7 specifies that States parties must ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with the affected persons, with a view to avoiding, or at least minimizing, the need to use force (para.13). In addition, the UN Commission on Human Rights encourages governments to take all necessary measures giving full protection against forced evictions, “based upon effective participation, consultation and negotiation with affected persons or groups”.<sup>30</sup>

The UN Declaration on Minorities also provides that “persons belonging to minorities have the right to participate effectively in public life” and “the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live”<sup>31</sup>.

The Council of Europe Framework Convention for the Protection of National Minorities<sup>32</sup> equally states that the Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them (art.15). In its resolution on the implementation of the Framework Convention for the Protection of National Minorities by the United Kingdom<sup>33</sup>, the Advisory Committee invited the UK to “take the necessary steps to address the accommodation needs of Gypsies and Travellers, in consultation with the persons concerned; [and] provide Gypsies and Travellers with adequate access to support in securing the legal protection of their rights”.

To achieve such objective, COHRE suggests that BDC engage in meaningful and systematic consultations with the residents of Dale Farm in order to discuss alternatives to the eviction, the provision of alternative relocation/accommodation and the conditions under which the site may be vacated.

### **3. Basildon District Council must ensure that evictees are not rendered homeless and are guaranteed adequate alternative housing/accommodation**

According to international law, evictions should not result in rendering individuals homeless or vulnerable to violation of other human rights. General Comment n. 7 makes it incumbent on governments to guarantee that people who are evicted – whether illegally or in accordance with the law – are to be ensured of some form of alternative housing and a measure of security of tenure<sup>34</sup>.

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<sup>30</sup> Resolution 1993/77, adopted 10 March 1993.

<sup>31</sup> United Nations Declaration on Minorities of 1992, Article 2, paragraphs 2 and 3.

<sup>32</sup> Ratified by UK 15/01/1998, entered into force 01/05/1998

<sup>33</sup> Resolution CM/ResCMN(2008)7

<sup>34</sup> General Comment n. 7 states that “... the State Party must take all appropriate measures, to the maximum of its available resources, to ensure adequate alternative housing, resettlement of access to land, as the case may be, is available” (para. 17).

Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources<sup>35</sup>, to ensure that adequate alternative housing/accommodation, resettlement or access to productive land, as the case may be, is available (para.16). There is a duty incumbent upon those exercising powers of governance to give due priority to those social groups living in unfavourable conditions by giving them particular consideration.<sup>36</sup> This duty has been systematically underlined by the Committee in its examinations of States' reports, in similar situations to that of Dale Farm.<sup>37</sup>

The residents of Dale Farm are also entitled to the right to adequate housing, as set out in the International Covenant on Economic, Social and Cultural Rights<sup>38</sup> and in the 2004 Housing Rights Act. The United Kingdom is bound by Article 11(1) of the ICESCR which guarantees the right of everyone to an adequate standard of living including adequate housing, and to the continuous improvement of living conditions. Housing, to be adequate, may take into account a number of factors in determining such conditions<sup>39</sup>: a) legal security of tenure; b) availability of services, materials, facilities and infra-structure; c) affordability; d) habitability; e) accessibility; f) location; and g) cultural adequacy<sup>40</sup>.

In order to fulfil such obligations regarding the right to housing/accommodation, the UK must take steps to the "maximum of its available resources"<sup>41</sup>, with a view to achieving this right

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<sup>35</sup> According to General Comment n. 3 of the CESCR, even when available resources are verifiable inadequate, States must nonetheless strive to ensure the widest possible enjoyment of the relevant rights under prevailing circumstances and must demonstrate that every effort has been made to use all resources that are at its disposition in an effort to the minimum core obligation, its minimum responsibility.

<sup>36</sup> The obligation of governments to prioritize attention to securing the housing rights of the most disadvantaged groups in society is also addressed in *General Comment No. 4*: "States parties must give due priority to those social groups living in unfavourable conditions by giving them particular consideration. Policies and legislation should correspondingly not be designed to benefit already advantaged social groups at the expense of others" (Para. 11)

<sup>37</sup> Ireland has for instance been urged to 'enhance efforts to provide, as early as possible, alternative accommodation for 1,200 traveller families who are living in roadside encampments without adequate facilities' ([E/C.12/1/ADD.77, CESCR, 2002](#)), para. 32). Equally, Serbia has been reminded by the CESCR 'to ensure that adequate alternative housing is provided whenever forced evictions take place' ([E/C.12/1/ADD.108, CESCR, 2005](#)); Paragraph(s) 58). In application of these principles, some countries such as the Philippines, South Africa, or India have already taken some measures eviction is not sanctioned without an option of the relocation of the occupants (See UN-Habitat, *Handbook on Best Practices; Security of Tenure and Access to Land*, 1999, <http://ww2.unhabitat.org/publication/BPmaster.pdf> [06.08.2009], p.11). South African local councils have consistently had to find adequate relocations in order to proceed to evictions, in accordance with the national constitution (*Port Elizabeth Municipality v. Various Occupiers* [2004] (12) BCLR 1268 (CC); *Occupiers of 51 Olivia Road, Berea Township and 197 Main Street Johannesburg v City of Johannesburg and Others* [2008] ZACC 1). Several examples around the world demonstrate that this obligation is applicable, and can be of the interest of all involved parties. For instance in Uruguay, in the settlement Máximo Tajés, the Municipality of Montevideo, although it did not consult the population concerning an eviction for a project of highway exit, it led extensive consultation on the relocation programme (COHRE, *Success and Strategies: Responses to Forced Evictions*, COHRE, 2008, p.101-104). The discussions, which included the question of where the family would be relocated and on which site, and the type and quality of housing, allowed to find alternative sites. The new houses were finally built under the direction of the municipality, in coordination with an NGO, and with an involvement of the community. See also [E/C.12/1/ADD.97 \(CESCR, 2004\)](#), para. 44; [E/C.12/1/ADD.103 \(CESCR, 2004\)](#) para.45; [E/C.12/1/ADD.99 \(CESCR, 2004\)](#); [para. 39](#); and [E/C.12/1/ADD.99 \(CESCR, 2004\)](#).

<sup>38</sup> Ratified by the United Kingdom on 20/5/76.

<sup>39</sup> *Ibid.*, para. 8.

<sup>40</sup> The 'cultural adequacy component' refers to the way housing is constructed or provided. The building materials used and the policies supporting these must be appropriate to enable the expression of cultural identity and diversity of housing. Activities geared towards development or modernisation in the housing sphere should ensure that the cultural dimensions of housing are not sacrificed (General Comment. N. 4, para.8.g). Gypsies and Travellers must be given the chance to partake in the planning of housing to ensure a reflection of their collective identity.

<sup>41</sup> According to General Comment n. 3 of the CESCR, even when available resources are verifiably inadequate, States must nonetheless strive to ensure the widest possible enjoyment of the relevant rights under

progressively<sup>42</sup>. Notwithstanding the level of economic development, the State has a minimum core obligation to ensure that its population is guaranteed the minimum essential components of the right to housing. Thus a State must address immediately the housing needs of its population if any significant number of individuals [or groups] is deprived of basic shelter. Moreover, any deliberate retrogressive measures and the practice of forced evictions may be considered a *prima facie* violation of the right to adequate housing<sup>43</sup>.

Security of tenure is one of the key issues in the analysis of the right to adequate housing in as far as the accommodation of the Gypsies and Travellers of Dale Farm is concerned. Without security of tenure, whether formal or informal, the right to housing is under constant threat and the risk of forced eviction will always be imminent. A person or household can be said to have secure tenure “when they are protected from involuntary removal from their land or residence, except in exceptional circumstances, and then only by means of a known and agreed legal procedure, which must itself be objective, equally applicable, contestable and independent. Such exceptional circumstances might include situations where physical safety of life and property is threatened or where the persons to be evicted have themselves taken occupation of the property by force or intimidation”.<sup>44</sup> General Comment n. 4 places security of tenure in the category of legal entitlements arising under the ICESCR: “tenure takes a variety of forms, including rental (public and private) accommodation, cooperative housing, lease, owner-occupation, emergency housing and informal settlements, including occupation of land or property. Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment or other threats”.

Being a central element of the human right to housing, security of tenure must be guaranteed to all, with equity and without discrimination.<sup>45</sup> Attention to the special needs and priorities of minorities groups should be given by governments at appropriate levels, so as to democratise access to land and guarantee security of tenure and adequate shelter.

In light of such requirements, BDC has undertaken to provide practical and sustained support for those families affected by the eviction<sup>46</sup>. This undertaking includes:

- Facilitating identification of alternative school places closer to their new location, which might include accompanied visits, ensuring education assessments are available to the new school and provision of school transport where required;
- Facilitating identification of alternative health providers such as GP's, clinics and outpatient services where necessary; again this would also include ensuring health records are readily available to the health professionals and any other appropriate measures to secure ongoing healthcare;
- In recognition of the potential disruption between the ‘old’ and ‘new’ arrangements, it would be ensured that individuals have sufficient amount of prescribed medication and/or repeat prescription facility as necessary;

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prevailing circumstances and must demonstrate that every effort has been made to use all resources that are at its disposition in an effort to the minimum core obligation, its minimum responsibility.

<sup>42</sup> Art. 2 of the ICESCR.

<sup>43</sup> UN Habitat. Housing Legislation. United Nations Housing Rights Programme, Report n. 1, Nairobi, 2002, p. 21-22.

<sup>44</sup> UNCHS, *Implementing the Habitat Agenda: Adequate Shelter for All, Global Campaign for Secure Tenure*, UNCHS, Nairobi, 1999.

<sup>45</sup> Article 2(2) of the ICESCR and Art. 5(e)(iii) of the ICERD, which prohibits any discrimination disparately affecting the enjoyment of the right to adequate housing.

<sup>46</sup> Statement presented by Basildon District Council to the High Court on 9 May 2008 regarding how it would undertake the proposed eviction, item 3.

- Ensuring that regular care services provided through social services or from the District Nurse service, for example, are delivered without impact on the continued care of individuals;
- Facilitating introductions for those individuals who require it to religious leaders and communities.

Such undertakings must be taken into consideration by BDC when defining the alternative resettlement/accommodation project, in conjunction with the affected families.

The final judgement of the Court of Appeal addresses the issue of homelessness. Lord Justice Pill has acknowledged that possibilities for alternative accommodation have to be offered by the Council in case it decides to take further action to enforce planning control. He expressed having “no doubt that the Council is aware of its duties under the 1996 Housing Act and will give effect to them. Evidence has been provided as to how that will be done”<sup>47</sup>.

In Annex I of the present memorandum we provide BDC with a list of those persons affected by the eviction of Dale Farm who are in receipt of social benefits and cannot afford to purchase another site where they could lawfully live, in peace and security.

#### **4. Basildon District Council must ensure that any accommodation/housing provided is culturally adequate for Irish Travellers and Romani Gypsies**

Romani Gypsies and Irish Travellers are entitled to be accorded alternative housing/accommodation in case the eviction is to proceed. The provision of such alternative accommodation will have to take into consideration the “cultural adequacy component”. This refers to the way housing/accommodation is constructed or provided. Thus, when relocation is unavoidable, the physical, environmental, and socio-economic conditions of the new location cannot render evictees worse off than before the resettlement.<sup>48</sup>

The building materials used and the policies supporting these must be appropriate to enable the expression of cultural identity and diversity of housing. Activities geared towards development or modernization in the housing sphere should ensure that the cultural dimensions of housing are not sacrificed (General Comment. n. 4, para.8.g). It is therefore even more crucial that Gypsies and Travellers are given the chance to partake in the planning of the alternative relocation project to ensure a reflection of their collective identity.

The Homelessness Code of Guidance (July 2006) noted that “some Gypsies and Travellers may have a cultural aversion to the prospect of ‘bricks and mortar’ accommodation. In such cases, the authorities should seek to provide an alternative solution and give consideration to the needs and lifestyle of Gypsies and Travellers when considering their application [of homelessness]...” (para.16.38).

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<sup>47</sup> The evidence he refers to is provided by statement presented by Basildon District Council to the High Court on 9 May 2008 regarding how it would undertake the proposed eviction. Court of Appeal, *Basildon District Council v McCarthy & Ors* [2009] EWCA Civ 13., para. 73-75.

<sup>48</sup> ‘Forced Evictions and Human Rights’, Fact-Sheet n. 25, Centre for Human Rights, 1996, p. 11.

## 5. Basildon District Council must respect certain procedural requirements in order to proceed with the eviction

In evicting the Gypsies and Travellers from Dale Farm, BDC will have to abide by national and international human rights law. When forced evictions are carried out as a last resort and in full accordance with General Comment n. 7, affected persons must, in addition to being assured that homelessness will not occur and that all of the criteria previously noted are complied with in full, also be afforded certain procedural prerequisites prior to any eviction taking place (para.16), including notably:

- adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;
- information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected;
- especially where groups of people are involved, government officials or their representatives to be present during an eviction;
- all persons carrying out the eviction to be properly identified;
- evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise;
- provision of legal remedies; and
- provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

Similarly, the UN Special Rapporteur on Adequate Housing<sup>49</sup> reaffirmed these requirements and specified that:

- Neutral observers, including regional and international observers, should be allowed access upon request, to ensure transparency and compliance with international human rights principles during the carrying out of any eviction;
- States must also take steps to ensure that women are not subject to gender-based violence and discrimination in the course of evictions, and that the human rights of children are protected;
- Evictions shall not be carried out in a manner that violates the dignity and human rights to life and security of those affected;
- Any legal use of force must respect the principles of necessity and proportionality, as well as national and international law standards on the use of force by law enforcement officials;
- Evictions must not take place in inclement weather, at night, during festivals or religious holidays, prior to elections, or during or just prior to school examinations;
- Property and possessions left behind involuntarily should be protected against destruction and arbitrary and illegal appropriation, occupation or use.

Furthermore and prior to eviction, BDC should give “due eviction notice [that] should allow and enable those subject to eviction to take an inventory in order to assess the values of their properties, investments and other material goods that may be damaged. Property and possessions that might be left behind must also be protected against “destruction, and arbitrary or illegal

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<sup>49</sup> A/HRC/4/18, 5 February 2007, Basic Principles and Guidelines on Development-Based Evictions and Displacement.

appropriation, occupation or use”<sup>50</sup>. Adequate compensation must be given for any loss of property incurred by the individuals subject to eviction. Compensation is a fundamental component of the right to access to an effective remedy<sup>51</sup> for all those threatened with or subject to forced evictions. It has been emphasised by the Committee on Economic Social and Cultural Rights that “all individuals have a right to adequate compensation for any property, both personal and real, which is affected”<sup>52</sup>. Adequate compensation means compensation which is fair and just and includes “any losses of personal, real or other property or goods, including rights or interests in property”<sup>53</sup>. Moreover, those subject to eviction should also be given the opportunity to assess and document non-monetary losses to be compensated”<sup>54</sup>. In practice, compensation should be provided for “any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case, such as: loss of life or limb; physical and mental harm; lost opportunities, including employment, education and social benefits; material damages and loss of earnings, including loss of earning potential; moral damage; and costs required for legal or expert assistance, medicine and medical services, and psychological and social services”<sup>55</sup>.

Compensation should be assessed in each individual case so as to include all related losses, and must be paid immediately upon eviction. Finally, BDC must note that the payment in cash to compensate any potential losses does not relieve it from its obligation to provide alternative accommodation in accordance with international human rights law.

COHRE, in conjunction with the Dale Farm Housing Association and the Gypsy Council, will monitor the measures being undertaken by BDC to comply with such requirements in order to keep the relevant national authorities and international human rights bodies duly informed on the circumstances under which the residents will be evicted.

#### **6. Basildon District Council must ensure that the evictions take place in a manner that is not inhumane or degrading**

Forced evictions, if they are not carried out according to the law, can constitute inhumane or degrading treatment, in violation of Article 3 of the European Convention of Human Rights and of the Human Rights Act. This right is absolute and non-derogable.

The link between inhumane treatment and forced eviction has already been proven in different international cases. In the *Hijirizji et al v Yugoslavia* Case before the UN Committee against Torture, it has for instance been found that the failure of the authorities to protect residents from violent eviction from their houses constituted cruel, inhuman or degrading treatment or punishment.<sup>56</sup> Similar conclusions have been found by the European Courts on Human Rights.<sup>57</sup>

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<sup>50</sup> Ibid., para. 50

<sup>51</sup> Recognised in art. 13 of the European Convention on Human Rights: “Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.”

<sup>52</sup> General Comment 7 Committee on Economic, Social and cultural rights, ‘the right to adequate housing (Art.11.1): forced evictions’ (1997), para. 14.

<sup>53</sup> A/HRC/4/18 of 5 February 2007, Basic Principles and Guidelines on Development-Based Evictions and Displacement, para. 60

<sup>54</sup> Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari, 5 February 2007, A/HRC/4/18, para. 42.

<sup>55</sup> Ibid.

<sup>56</sup> Communication No. 161/2000, UN Doc CAT/C/29/D/161/2000 (2 December 2002), para 9.2

<sup>57</sup> See for instance *Selçuk and Asker v. Turkey*, App. no. 00023184/94; 00023185/94, Judgment 24 April 1998, par.73-78.

In addition, possessions or property should not be arbitrarily deprived as a result of demolition.<sup>58</sup> It is therefore the responsibility of the Council to make sure that the eviction is carried out legally, with the least possible violence. BDC should notably protect the residents from third-party violence. With regard to this, the choice of bailiff is particularly important, and the Council would be held responsible for any abuse carried out by such bailiffs. In this regard, General Comment n. 7 provides that States “must ensure that legislative and other measures are adequate to prevent and, if appropriate, punish forced evictions carried out, without appropriate safeguards, by private persons or bodies...”(para. 10).

Furthermore, the trauma undertaken by the people who have been forcibly evicted can also constitute inhumane or degrading treatment., in particular if such people become homeless, lose their jobs or their access to school, or if they are put in situations of severe stress that are not justified by the circumstances.

### **III. Recommendations**

Should Basildon District Council proceed with the forced eviction while failing to comply with the standards indicated above, it may be held to be violating substantive national and international human rights law. COHRE reminds BDC that the Human Rights Act (1998) makes it unlawful for any public body to act in a way which is incompatible with the European Convention of Human Rights. The Act requires UK judges to take account of decisions of the Strasbourg court, and to interpret legislation, as far as possible, in a way which is compatible with the Convention, thus domesticating the European Convention of Human Rights.

COHRE recommends that Basildon District Council take into consideration the arguments posed in the present memorandum, in order to achieve the best solution in the interests of the parties involved, in accordance with the relevant provisions of human rights legislation. As such, COHRE recommends that BDC:

- (1) Engage in meaningful consultation discussions and meetings with the affected residents of Dale Farm, and their representatives, for the purpose of seeking to achieve an amicable solution, considering both the possibility of issuing planning permission to allow their permanent residence on their present properties, and/or of providing an alternative area where the residents can relocate their chalets, mobile-homes and caravans.
- (2) Comply with the requirement placed on the Council by the Secretary of State for Communities and Local Government to allocate land sufficient for a minimum of 62 pitches. Compliance can be achieved by the granting of planning permission for the permanent residence of Gypsies and Travellers in Dale Farm.
- (3) Design sites assigned for the relocation of the evictees (if this be the agreed course of action) with the direct participation of the affected families in order to better reflect the specificities of their long standing culture (visibility from caravans, extended families, kinships, closeness between home and self employed work, cultural and social norms etc.).

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<sup>58</sup> See for instance *Government of the Republic of South Africa v Grootboom* 2001 (1) SA 46 (CC) para.88.


(4) Should BDC disregard (1) and (2), and decide to proceed with the eviction of Dale Farm and Hovefields, employing as their agents Constant & Co (or any other private security firm), we call upon the Council to limit the scale of suffering by:

- i) Complying with all requirements detailed in Chapter II of the present memorandum, sub-sections 1 to 6, in order to carry out the eviction in accordance to relevant international and national human rights legislation;
- ii) Drawing up a Risk Assessment Report, with the participation of all parties including representatives of the families facing eviction;
- iii) Working with local churches who have offered to help transport the most vulnerable to church halls at the start of eviction operations;
- iv) Complying with all procedural protections detailed in item II(5) and with Health and Safety and Demolition Site Regulations, including erection of perimeter safety fencing, and evacuation of children, the elderly and sick before heavy machinery is brought in;
- v) Respecting the human rights of the legal residents of Dale Farm and Hovefields to the peaceful enjoyment of their homes by avoiding any trespass on their private rights of way, roads and properties and refraining from destroying any of their belongings and properties, and/or disturbing their right to the peaceful enjoyment of their homes.

(5) Take into consideration that under international human rights law, minorities, low-income and/or vulnerable individuals or groups who are the target of forced eviction have a strong claim to be re-settled in alternative accommodation compatible with their culture and traditions and with the requirements of an adequate housing.

(6) Fulfil its duties in respect to any and all vulnerable, disabled, poor, and disadvantaged persons affected by the eviction of Dale Farm, who may be rendered homeless through the imminent enforcement, and to enable other authorities, such as Essex County Council, to carry out their duties and obligations.

COHRE would be happy to continue the dialogue with the Council and also appreciates receiving a written response indicating whether and how the Council intends to follow the guidance and suggestions regarding the forced eviction of Dale Farm presented herein.



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## ANNEX I

### LIST OF PERSONS OF LOW INCOME AT DALE FARM

For the purpose to be included in a project of resettlement following any forced eviction

This survey, conducted in July 2009, seek to identify all persons under the threaten of forced eviction who are living under social benefits, and encountered a total of 127 adults and 115 children.

#### CAMILLA DRIVE

1 (Oak Lane East) Nora Sheridan, b1925 Dan Sheridan b 1950 (her son and carer)	11 Margaret McCarthy b65 and 3 children Serena Flynn b1990
2 Bridget Quilligan b67 and 4 children	12 Lorraine Mulligan b64 and 4 children Margaret O'Brien
3 Bridget Sheridan b47	13 Kathleen Sheridan b81 and 4 children Catherine Sheridan b65 and 4 children
4 Margaret Sheridan b 57 Cathleen Sheridan Margaret Sheridan (26) and 1 child	Margaret Sheridan b82 Daniel Sheridan b87 Nora Sheridan b89 Nora Sheridan b1935
5 Marianne (Marie) Sheridan b1960 and 2 children	14 Margaret Gammell b55 Kathleen Slattery b53 and 1 child Bridget Gammell b77
7 Kathleen (P) McCarthy b62 and 1 child Martina McCarthy and 2 children	15 Mary Gore b75 and 3 children
8 Nora Berry b1984 and 2 children Alice Berry b1987 Margaret Berry b88 Mrs Margaret Berry and 2 child	<u>Beauty Drive</u> (also known as Oak Lane) Woodview (corner yard) Ann Quilligan b64 Nora Quilligan b1943 Ann Culligan b76 and 3 children
9 Nora Egan and 3 children Jean Quilligan b74	25 (26) Nora Sheridan b70 and 2 children Ellen Sheridan b55 John Sheridan
10 Mary Ann McCarthy b41	

27

Joann McCarthy b89

28

Margaret Flynn b80 and 3 children

29

Jean Gammell b73 and 4 children

Bridget Gammell

Colinus Sheridan b54

Nora Sheridan b59

Helen Gammell b68

Mary Gammell

30 (Melrose Place)

Mary O'Brien b69

Jan Gammell b81

Kathleen O'Brien b69 and 3 children

31

Nora Sheridan b74

John Flynn b c40

Mary Flynn b40

**OAK DRIVE (aka Oak Place)**

18

Daniel Sheridan b31

Margaret Sheridan b66

Nora Flynn b70

Jean Sheridan b73

Nora Sheridan b63

19

Mary Culligan/Quilligan b52

Philomena Quilligan and 4 children

Nora Quilligan b87

Margaret Quilligan b66 and 4 children

Nora Sheridan b65

20

James Sheridan

Mary McCarthy b64

21

Patrick Culligan b32

Anne Culligan

Philomena Sheridan b61

22

Kathleen O'Brien b81

Tom O'Brien b48

Louise O'Brien b85

Nora O'Brien b50

Jeremy O'Brien b80

23

Margaret Gammell and 2 children

Bridget Sheridan b39

Richard Sheridan

Mary Sheridan b76 and 3 child

24

Bridget Gammell b68

Helen Sheridan b76 and 5 children

**ROYAL OAK**

Mary Culligan b75 and 3 children

Julia Sabrina O'Brien b78 and 1 child

Sarah Culligan b52

Joanna Culligan b80 and 2 children

Margaret Slattery b66

Helen Quilligan b82 and 2 children

**SWALLOW COURT (Drive)**

1

Elizabeth Sheridan b81 and 2 children

2

July Flynn b75

3

Joanne Sheridan and 3 children

Margaret Sheridan

James Sheridan b1935

4

Kathleen Quilligan b80 and 2 children

5

Cathleen Quilligan b51

6A

Kathleen Sheridan and 5 children

Joanna Sheridan

Julie Ann Sheridan

7  
Helen Sheridan b62 and 2 Children  
Patrick Sheridan b82

9  
Michael Slattery  
Michael Sheridan b47  
Nora Gammell b66 and 3 children

10  
Anita Sheridan b69 and 2 children  
Kathleen O'Brien b72  
Nora Sheridan b1942

11  
Jean Sheridan (O'Brien) b84 and 4 children  
(triplets)  
Breda Sheridan b74  
Jean O'Brien b44

12  
Helen Sheridan b69 and 3 children

13 Williams Lodge  
Nora Slattery b52  
Nora Gore b81 and 1 child

14  
Bridget Flynn b65 and 4 children  
Cathleen Flynn b41  
Mary Slattery b53

15  
Barbara Sheridan and 3 children

16  
Mary Ann Sheridan b81  
Bridget Sheridan b86  
Breda Elby Culligan b1983

### **OTHER YARDS**

34 Dale Farm, Oak Lane  
Mark Yalor b70

Dale View  
Margaret Gore and 2 children

11 Buttons Lodge  
Bridget Sheridan b74 and 3 children

Dale Farm House  
Kathleen Caroline Sheridan b77 and 2  
children  
Bridget Quilligan

5 Dale Farm  
Philomena Quilligan b76

6 Dale Farm  
Mary Teresa Sheridan