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**Follow-up information on the eviction of the Romany and Irish Traveller
Community of Dale Farm, United Kingdom**

The Centre on Housing Rights and Evictions (COHRE) and the Human Rights Clinic of the University of Essex, in support of the Dale Farm Housing Association, would like to bring to the attention of the Early Warning and Urgent Action Procedure of the Committee on the Elimination of Racial Discrimination (CERD) the eviction of part of the Gypsy and Traveller community at Hovefield Drive, Wickford, where members of the extended families who live at Dale Farm, which took place on 29 June. The eviction was carried out without prior notice to the residents and without taking into account the relevant principles of international law.

The CERD considered in its 76th session the situation of this community under its early warning and urgent action procedure in light of information submitted by COHRE and the Essex Human Rights Clinic. The Committee has expressed concern about the information presented by the abovementioned organisations and on 12 March issued a letter to the UK government requesting an urgent clarification of the situation to be submitted by 31 July.

However, on 29 June 2010 at 7.30 am, the bailiff company Constant and Co. (Bedford) Ltd., contracted by Basildon District Council, arrived at Hovefield Drive accompanied by Essex police officers. Bailiffs began knocking on caravans and mobile-homes giving occupants one hour to pack up and leave. At about 8.00am lowloaders arrived in the site bearing three heavy digger machines. No notice of this work had been given. Within half an hour of arrival the digger operators starting digging up plots whose families were travelling. No written advance warning of the arrival of the bailiffs on that day was given to any residents in the community. No warning signs were displayed that demolition would take place; no safety fencing was erected, although such fencing was brought to the site and left piled on the ground. No attempt was made either by Constant and Co. or police officers to warn children and adults away from the demolition site after work had started.

The eviction operation took place as a direct action without recourse to a court of law, based on powers under the Town and Country Planning Act and justified by the BDC to prevent permanent residential development within a greenbelt zone.

Four plots along with moveable and immovable property were broken up by the diggers. The owners of the plots were known to be away seeking work, as this is the custom of the Gypsies and Travellers in the summer. One pitch owner returned the night before the eviction and was present with her caravan. Residents informed the Council of these circumstances before the eviction.

The four plots were covered in compacted hardcore and gravel designed to give a stable base for residential caravans and chalets and there were a number of buildings on these plots (see photo below). Access to these buildings was not interdicted and children were able freely to enter the building shortly before it was demolished (see photo). These buildings are used as lavatories, or for washing, and are connected to underground four thousand gallon cess tanks. No attempt had been made to empty the cess tanks before demolition work commenced. The tanks were breached. It was immediately apparent that foul sewage had contaminated the site because of the smell. The ground was so churned up that it is inevitable that sewage contaminated the ground and may enter run off to adjacent occupied properties and ground water. This amounts to an accidental release of a substance (raw sewage) which may damage health. Water and electricity were disconnected by Constant's operatives without the involvement of representatives of the utility companies. No apparent precautions were taken to ensure electrical safety during live working. No apparent precautions were taken to ensure that water supplies were not contaminated with sewage.

Although BDC has since claimed six such properties were cleared and that all six had been abandoned by their owners, in fact the owner of one property had returned the night before, Ms Ann Coyle, and appealed to bailiffs not to destroy her home, which included a utility unit. It was nevertheless smashed and she is seeking compensation. In the case of two other properties, the owners arrived back during the eviction and through legal representatives they prevailed upon the BDC to halt destruction for the time being. Other Travellers and Romanies living at Hovefields are known to be away seeking work, which is usual during the summer months.

Ms. Ann Coyle, a permanent resident of Hovefields, returned on 28 June and because of a breakdown, and for family company, towed her caravan onto the plot nearby known as Upton Place (belonging to Mr. Sweeney). She had received no notice of the eviction and when the demolition work started on her plot, Riverview, she was totally taken by surprise and shocked. She has a son, 16-year-old Martin Christopher Coyle, who is particularly vulnerable as he has learning difficulties and is easily upset. Up until recently he attended a special needs school in Basildon. Ms. Coyle approached a member of the Constant workforce to inform them that she was still living at Riverview and therefore they should cease any intended demolition there. This request was ignored and a digger commenced to demolish her utility unit. On further appeal, however, she prevailed on workmen to salvage her washing machine from the unit and also to remove to the side of her plot the family Holy Shrine (both are now on Mr. Sweeney's plot). When she raised the matter of the destruction of her utility unit, which was crashed and put into a large skip, she was advised by Constant to contact Basildon Council. Ms. Coyle is now requesting that the Council repays her for the loss of her utility unit, which costs £650. She did not understand why the utility unit was not taken into storage as Basildon

Council previously has stated that the procedure to be followed in such operations is to store property so that it can be reclaimed by the owners. There was also an apparent lack of control by Basildon Council over their agents, which was emphasised by the fact that no senior staffs from Basildon Council were present on 29 June. The only BDC employees present were members of the Council's public relations department and the Essex Police did not undertake any measure to prevent such an illegal eviction. Moreover, the manager for Constant and Co. said that a risk assessment had been prepared for the demolition work at the Hovefields site, but has refused to show it to the residents.

As regards the police conduct, we note that the Dale Farm Housing Association and Dr. Bob Watt of the Human Rights Law Clinic of the University of Essex, held a meeting with the Assistant Chief Constable of Essex, Mr. Derek Benson, together with police solicitor Mr Adam Hunt on 25 June 2010. Dale Farm mothers who attended the meeting expressed their security concerns for their children. It was requested that police officers, in case of an eviction of Dale Farm or Hovefields, make sure bailiffs keep within the law, especially as regards health and safety law. Police assured the Dale Farm Housing Association that officers would be fair and impartial in their law enforcement role. It is clear that at Hovefields on 29 June they failed to uphold the law as regards safety law.

On top of these facts, following the bulldozing of the yards at Hovefields on 29 June, the Basildon District Council obtained on 7 July an injunction (Claim No.HQ10X02458, High Court of Justice, Queen's Bench Division) against a number of named (Dave Anderson, Michael Reading, Ann Hamilton, Miles Connors, Michael O'Brien, Mary Theresa McCarthy) and unnamed persons still living on their properties who are now threatened with imprisonment for contempt of court. They include a mother of five children, Mary Theresa McCarthy, who is part of an extended Romani-Irish Traveller family with roots in the Dublin area.

The above situation calls for immediate attention under the Early Warning and Urgent Action Procedure. Although CERD has already urged the UK government and its institutions to consider suspending any planned evictions until an adequate solution is achieved, with the meaningful participation of the Dale Farm community, Basildon District Council has instead decided to go ahead with its forced eviction plan. No survey or risk assessment was conducted to study the immediate and long term adverse social and economic effects of this eviction, specially for the most vulnerable, as advised by CERD.

COHRE and the Essex Human Rights Clinic are extremely concerned that Basildon District Council will continue with its plan to evict the Dale Farm community without the provision of adequate alternative accommodation. The reasons for this concern are, *inter alia*,

- (i) the unjustified decision to forcibly evict regardless of the negative impacts of such a measure, along with the failure to take into account the needs of the Dale Farm community and failure to engage in meaningful consultations with the affected residents;
- (ii) the risk of an imminent eviction without provision of culturally adequate alternative sites which risks rendering the resident homeless;
- (iii) the forced eviction of Hovefield residents who were travelling and now have no place to which to return and reside;

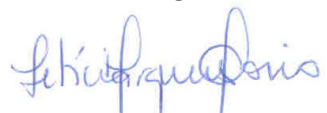
- (iv) the implementation of the eviction without due regard to international human rights obligations, such as those enshrined in the General Comment No. 7 of the Committee on Economic, Social and Cultural Rights which should inform the application of Article 5 (e) (iii) of the International Convention on the Elimination of All Forms of Racial Discrimination; and
- (v) the hiring of Constant & Co as Bailiff company to carry out the eviction, which risks leading to discriminatory and traumatic enforcement of eviction, destruction of property and other violations.

Finally the UK government and its institutions have disregarded the recommendation issued by CERD that in case the government decides to proceed with the eviction it should be carried out in a humane manner, in accordance with international human rights law, and that a culturally adequate alternative site should be designated to the affected community.

In our opinion, these facts are sufficient to demonstrate the presence of a forced eviction and a violation of Art 5(e)(iii) ICERD on account of its racially discriminatory intent and effect. We are concerned that this disregard of international human rights law will be repeated against other residents of Dale Farm. Our concerns are further deepened by the cancellation by the new Coalition Government of the UK of the requirement placed on local authorities to designate land for caravan sites in accordance with needs assessment, together with the withdrawal of 30 million GBP in funding made available for such sites.

COHRE and the Essex Human Rights Clinic, on behalf of the Dale Farm Housing Association, kindly request CERD to consider the information herein supplied for its subsequent communication with the UK government.

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ANNEX I
PHOTOS OF THE HOVEFIELDS EVICTION – 29 JUNE 2010



Heavy machine was brought to Hovefields without prior notice



Child enters the demolition site



A bank of earth was erected to bar Travellers from returning back



Child enters the building shortly before it was demolished