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UNITED NATIONS

OFFICE OF
THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Room No. 3-017	Tel No. 00 41 22 917 94 07	Date 7 April 2011
Priority IMMEDIATE	To: His Excellency Mr. Peter Gooderham Ambassador Extraordinary and Plenipotentiary Permanent Representative Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office and other international organizations in Geneva Fax: 022 918 23 33	
File No. UA Housing (2000-9) Minorities (2005-4) GBR 2/2011		
Subject: COMMUNICATION FROM SPECIAL PROCEDURES: URGENT APPEAL		

(5 PAGES ATTACHED)

Please find attached an urgent appeal sent by the Independent Expert on Minority Issues and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context.

We would be grateful if this communication could be transmitted at your earliest convenience to

His Excellency Mr. William Hague
Secretary of State for Foreign and Commonwealth Affairs



PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

Mandates of the Independent Expert on Minority Issues and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

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Address:
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REFERENCE: UA Housing (2000-9) Minorities (2005-4)
GBR 2/2011

7 April 2011

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context and Independent Expert on minority issues pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 15/8 and 7/6.

We would like to draw to the attention of your Excellency's Government to information we have received about the **imminent threat of eviction of 86 Romani and Irish Traveler families from the community of Dale Farm in Essex.**

From the outset, we would like to refer to previous communication sent to your Excellency's Government on 12 April 2010, by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, regarding previous decisions of eviction of the Dale Farm community, and to thank your Excellency's Government for the detailed reply transmitted on 2 September 2010. We would also like to refer you to a letter sent to your Excellency's Government on 12 March 2010, by the Chair of the UN Committee on the Elimination of Racial Discrimination, raising similar concerns.

According to recent and updated information received:

Dale Farm is the largest Romani and Irish Traveler community in England. The settlement with about 1000 residents extends onto land owned by the community.

His Excellency
Mr. Peter Gooderham
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of the United Kingdom
to the United Nations Office at Geneva

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Approximately one third of the Dale Farm community (86 families, approximately 300 people, including 110 children) is now facing an imminent threat of forced evictions, following the recent decision of the Basildon District Council on 14 March 2011. This decision would affect not only the 86 families who are to be evicted, but also the entire Dale Farm community, in light of the strong familial and social ties characterizing the community. Although the Romani and Irish Traveler community at Dale Farm has possession of the land from which a large portion of its members are to be evicted, some families have been repeatedly denied planning permission for their caravans, due to the restrictive "Green Belt" planning permission policy applied in the region. According to this policy, planning permission is not to be granted in the "Green Belt" unless there are very special circumstances justifying it. From the late 1990s the Basildon District Council has served a number of enforcement notices to members of the Dale Farm community, ordering the removal of the chalets, mobile homes and caravans from the land they occupy. As the enforcement notices were not complied with, the Basildon District Council has undertaken legal action, which was upheld by the Court of Appeal on 22 January 2009.

Allegedly, the cost of the planned forced evictions is estimated at £18 million, including £10 million policing costs. However, these costs do not include the provision of adequate alternative accommodation for the families affected by the eviction.

According to the information provided by your Excellency's Government in a reply dated 2 September 2010, according to English law, if evictions will take place in Dale Farm, the affected families will be entitled to suitable alternative accommodation, taking into account their specific cultural needs. However, according to recent information received no adequate provisions have been made by Basildon District Council for such accommodation. Furthermore, according to the same reply of your Excellency's Government, the affected families have been invited to make homeless applications. However, allegedly, the housing options that have been offered by the Council were unsatisfactory and failed to meet the specific cultural needs of the affected community. Moreover, in 2010, Basildon District allegedly withdrew from negotiations with representatives of Dale Farm, designated to identify alternative land for the evicted families. In addition, the affected families are required to identify their own sites and apply individually for planning permission. However, most of the families reportedly lack the financial capacity to meet the high costs of identifying sites and applying for permission. The Dale Farm Housing Association has recently applied for planning permission for the use of Pound Lane site for accommodation.

While we do not wish to prejudge the accuracy of these allegations, we would like to remind your Excellency's Government of article 11.1 of the International Covenant on Economic, Social and Cultural Rights, of which the United Kingdom is a party, which holds that "the States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food,

clothing and housing, and to the continuous improvement of living conditions.” The Committee on Economic, Social and Cultural Rights commented the right to adequate housing in its General Comment No. 4, stressing that the right to housing should not be interpreted in a narrow or restrictive sense such as merely having a roof over one’s head; rather, it should be seen as the right to live somewhere in security, peace and dignity. With “due priority to those social groups living in unfavourable conditions,” the right to housing includes guaranteeing: (a) legal security of tenure; (b) availability of services, materials, facilities and infrastructure; (c) affordability; (d) habitability; (e) accessibility; (f) location; and (g) cultural adequacy. The Committee also added that “the right to housing should be ensured to all persons irrespective of income or access to economic resources.”

As stated repeatedly, including in resolution 1993/77 and 2004/28 of the Commission on Human Rights, forced evictions constitute prima facie violations of a range of internationally recognized human rights, and large-scale evictions may only be carried out under exceptional circumstances and in full compliance with international human rights law.

We would also like to draw your Excellency’s Government attention to General Comment No. 7 on forced evictions, adopted by the Committee on Economic, Social and Cultural Rights in 1997. In paragraph 15, the Committee stated that:

“15. Appropriate procedural protection and due process are essential aspects of all human rights but are especially pertinent in relation to a matter such as forced evictions which directly invokes a large number of the rights recognized in both the International Covenants on Human Rights. The Committee considers that the procedural protections which should be applied in relation to forced evictions include: (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) 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; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

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.”

In view of the above, we wish to recall the Basic principles and guidelines on development-based evictions and displacement (contained in document A/HRC/4/18) that

aims at assisting States in developing policies and legislation to prevent forced evictions at the domestic level. Your Excellency's Government may find useful in the current circumstances relevant sections of the guidelines in regards to state obligations prior to, during and after evictions.

Furthermore, we draw the attention of your Excellency's Government to the provisions of the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Article 1 requires that "States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity". In addition, article 4 of the Declaration establishes that: "States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law." Article 4 (2) requires that "States shall take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs, except where specific practices are in violation of national law and contrary to international standards."

We therefore urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the aforementioned persons are respected.

We would greatly appreciate detailed information from your Excellency's Government concerning the situation described in this letter and about the steps taken by the competent authorities in compliance with the provisions contained in the international legal instruments.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council to seek to clarify all cases brought to our attention. Since we are expected to report on such situations to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the alleged facts in the above summary of the case accurate?
2. How many people will be affected by the planned forced eviction and how many of them are considered to be especially vulnerable (such as children, pregnant women, persons with disabilities and older persons)?
3. Did appropriate consultations take place with the affected persons? If yes, please give the details, date and outcome of these consultations.
4. Were measures taken in order to reach a peaceful and viable solution in agreement with the Dale Farm community? In this context, were negotiations between the Basildon District Council and Dale Farm community representatives halted in 2010? If so, what efforts have been made to resume negotiations before proceeding with the

plans for forced evictions, in order to reach a peaceful agreement regarding the adequate accommodation for the affected families?

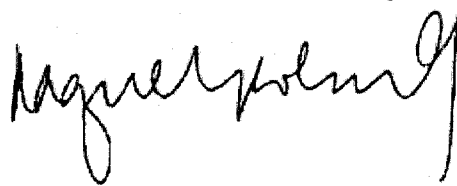
5. Were the planned evictions halted until an adequate solution is achieved to meet the housing needs, including suitable and cultural adequate accommodation, of the Dale Farm community?

6. What measures have been foreseen to ensure that the persons affected by the evictions will not become homeless? Have permanent or temporary alternative halting sites have been identified by the relevant authorities? If yes, please give the details of the alternative sites identified that were proposed to the Dale Farm community members.

7. Did the Basildon District Council consider Dale Farm community's application for planning permission for the use of Pound Lane site as alternative permanent accommodation? If yes, please present the Council's decision on that application and the reasoning for the decision. Otherwise, please indicate whether the planned evictions have been halted until such a decision is made.

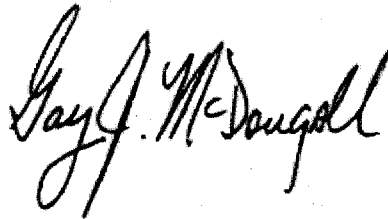
We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the reports we will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.



Raquel Rolnik

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context



Gay J. McDougall
Independent Expert on Minority Issues

* * * RAPPORT DE RESULTAT DE LA COMMUNICATION (7. AVR. 2011 16:45) * * *


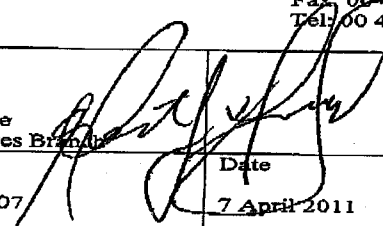
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CAUSE DE L'ERREUR
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E-3) PAS DE REPONSE

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E-4) PAS UN TELECOPIEUR

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