

Europe

Katalin Halász

The year 2011 marked the tenth anniversary of the 11 September 2001 attacks on the United States. These al-Qaeda attacks and subsequent incidents in European cities, with bombings in Madrid in 2004 and London in 2005, fuelled fears that immigrants and ethnic, religious and linguistic minorities could present a security threat in Europe. European policy-makers responded by tightening immigration laws and imposing stricter controls over newcomers. New or strengthened anti-terrorism laws have had profound implications for migrant and minority communities.

The events of September 2001 also served to compound existing Islamophobia. Right-wing commentators have ramped up fears in recent years, amid growing economic and social problems caused by the global recession. The European Network Against Racism (ENAR) and other human rights groups used the anniversary to appeal to European countries to move away from the politics of fear and acknowledge human rights abuses committed during the so-called 'global war on terror'. In May, Council of Europe Commissioner for Human Rights Thomas Hammarberg voiced his concern that the official responses to the attacks have undermined human rights in Europe, while at the same time he called for respect to be paid to those who lost their families and friends. Islamophobia continues to rise. According to figures released by the French Interior Ministry, 115 cases of attacks and harassment against Muslims were reported to police in France in the first nine months of 2011; the Muslim umbrella group, Conseil Français du Culte Musulman (CFCM) commented that the figure was probably a gross underestimate since many cases go unreported. CFCM feared that these figures will increase ahead of the 2012 general election, as the main political parties remain divided in an ongoing national debate on secularism and the place of Islam in French society.

In April 2011, France became the first country in Europe to ban wearing a full-face veil, *burqa* or *niqab*, in public, which some Muslim women regard as a religious duty. In July, a law banning the full-face veil also came into force in Belgium; and in February the central German state of Hesse forbade public sector employees

Right: Migrants from Libya, being transported to Lampedusa, Italy. These people were among almost 500 people rescued from a skiff in the Mediterranean Sea. *UNHCR/F. Noy*

from wearing the garment. These measures not only stigmatize minority women but also risk effectively excluding them from access to essential social services.

An event shook the continent on 22 July, when two attacks – in the Norwegian capital of Oslo and on the nearby tiny island of Utøya – claimed the lives of 77 people. As it emerged that the perpetrator of the gruesome massacre, Anders Behring Breivik, had links to extreme right-wing groups, the European Union's (EU's) Fundamental Rights Agency (FRA) and EU politicians warned against xenophobia and growing intolerance in Europe.

The far right continues to grow across Europe, espousing an ideology that openly embraces hard-line nationalist, anti-immigrant and xenophobic rhetoric. In some EU countries – such as Sweden, Finland, Hungary and the Netherlands – far-right parties have experienced sudden electoral successes in recent years. However, in other countries, such as France, Italy, Austria, Denmark and Switzerland, where they are an established part of the political architecture, far-right parties have experienced varying degrees of electoral support in 2011.

In France, Marine Le Pen, the daughter of Jean-Marie Le Pen took control of the 38-year-old National Front party in January 2011 and recorded increased support in the first round of the 2012 presidential election. Swiss and Danish far-right parties lost ground in the 2011 national elections, showing a positive shift away from their decades-long influence on mainstream politics.

But in Germany and in the Czech Republic, extremists and neo-Nazi groups took to the streets. In May 2011 around 150 neo-Nazis tried to march through the mainly alternative district of Kreuzberg in Berlin. Participants in the march chanted '*Wahrheit macht frei*' ('The truth makes one free') – a slogan resembling the one at the gates to several Nazi concentration camps, such as Auschwitz and Dachau, '*Arbeit macht frei*' ('Work makes one free'). In Dresden 17,500 protested against the annual neo-Nazi



march to mark the anniversary of the bombing of the city during the Second World War. Neo-Nazi gatherings and marches took place in other towns and cities across the country, which is fighting a hard battle against extremism. Far-right supporters also faced opponents in the Czech city of Brno in May, when eight extremists were detained, including one German. In Italy, a member of an extremist group killed two Senegalese traders and injured others in December in an attack that was condemned by Italy's President Giorgio Napolitano as a 'blind explosion of hatred'.

The popular protests and ensuing unrest in North Africa and the Middle East in 2011 brought thousands of migrants and asylum-seekers to European shores.

The UN estimated that at least 1,400 people died crossing the Mediterranean in the first seven months of 2011, most as they tried to flee Libya. The UN refugee agency UNHCR urged European states to improve their mechanisms for rescue at sea. In May, a delegation of the Committee on Migration, Refugees and Population of the Parliamentary Assembly of the Council of Europe (PACE) visited Lampedusa, a tiny Italian island in the Mediterranean Sea, where large numbers of those fleeing North Africa were arriving, and called for rapid action. But prior to the visit, the EU rejected Italy's

call for help with funds and accommodating migrants, criticizing the country for raising false alarms. In fact, according to UNHCR, over 55,000 boat migrants, including at least 3,700 unaccompanied children, reached Lampedusa from North Africa in the first seven months of the year. By September, the Italian authorities declared the island an unsafe port. The decision was taken in the wake of violent disturbances which saw Tunisian migrants damage the island's reception centre and other buildings.

Amid fears of a flood of North African migrants, European countries' first reaction was to close their borders and to press for re-admission accords with governments in the Middle East and North Africa. Italy and France proposed a radical revision of the Schengen Agreement – the regime of passport-free travel within the EU's borders – in order to allow member states to restore border controls. The agreement covers more than 400 million people in 22 EU countries, as well as Norway, Switzerland, Liechtenstein and Iceland. Germany, the Netherlands, Greece and Malta also supported the move to curb freedom of travel, one of the cornerstones of an integrated Europe, while still underlining the importance of an 'open Europe'.

This policy shift followed the Danish government's decision to reintroduce security

checks at the country's borders with Sweden and Germany. But after the European Commission criticized the 'unjustified' new border controls, the new centre-left Danish government agreed to roll back the controversial policy. However, at an emergency meeting on immigration and the Schengen Agreement in June, EU leaders agreed to establish a 'safeguard mechanism' allowing the reintroduction of internal borders in exceptional circumstances. The European Council President Herman Van Rompuy insisted this did not weaken the basic principle of free movement of persons, stating that 'the mechanism now allows "as a very last resort" the exceptional reintroduction of internal border controls in a truly critical situation'. But the move to reinstate internal border checks in the EU's Schengen zone was sharply criticized by Commissioner Hammarberg: 'It is proof that Europe is not living up to its own declarations about human rights', he said.

In its annual review of the application of the EU's Charter of Fundamental Rights, the FRA underlined three major concerns: member states' poor treatment of asylum-seekers; continuing social exclusion of the Roma; and poor personal data protection. The FRA also provided evidence on the persistent discrimination against minorities in many areas of life, including employment, education, housing and health care. Both the FRA and the European Parliament repeated calls for the adoption by EU member states of the draft anti-discrimination directive, which was proposed in 2008. But Germany and other member states halted any dialogue on the draft, which would add to the existing EU anti-discrimination legislation by forbidding discrimination based on religion or belief, disability, age or sexual orientation in access to goods and services, education and social benefits.

Recent surveys show that discrimination is rife in Europe – both within EU member states and beyond EU borders. In February, the FRA published its first ever EU-wide survey on multiple discrimination. The survey showed that people belonging to 'visible' minorities, such as people of African origin and Roma, are more likely to be discriminated against on more than one ground compared to other minorities. Surveys on discrimination outside the EU

Right: Roma children at the village of Cetățeni, Romania. *Cinty Ionescu.*

confirm the high degree of discrimination faced by many minorities in Europe. The Macedonian Centre for International Cooperation found that 67.7 per cent of the interviewees believe people suffer from discrimination on an ethnic basis. An opinion poll carried out by the Centre for Democracy and Human Rights in Montenegro revealed that one-fifth of the respondents did not want an ethnic Albanian neighbour.

The 2011 European Commission on Racism and Intolerance reports on Azerbaijan, Cyprus and Serbia also highlight concerns regarding the institutional and legislative frameworks to combat racial and religious discrimination. The Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities welcomed a number of measures Armenia has taken to further the implementation of the Framework Convention but, in a report issued in April, pointed to the lack of comprehensive anti-discrimination legislation, as well as the urgent need to take action to protect minorities from racially motivated violence, and promote minority cultural, media and linguistic rights.

Roma

Europe's 10–12 million Roma continue to face a climate of increasing violence, harassment and intimidation across the continent. Roma communities, who live dispersed across Europe, were targeted for mass expulsions and evictions throughout 2011. The French government's campaign to evict and deport Roma, which attracted strong international criticism in 2010, continued aggressively in 2011. In June, the French Interior Minister Claude Guéant announced plans to return as many as 28,000 allegedly illegal immigrants in 2011.

Roma continued to be targeted for ongoing evictions in other countries in Europe. According to the European Roma Rights Centre (ERRC), evictions were carried out during 2011 by Albania, Bulgaria, France, Italy, Macedonia, Romania, Serbia, Slovakia and the UK. Between April and October, 46 evictions affecting 5,753 people were recorded by the organization in



France. Between June and August, at least 500 Roma were evicted from camps in Marseille. The Italian authorities have also been aggressive in pursuing a policy of evictions, affecting thousands of Roma in both Milan and Rome in recent years. Between April and December, ERRC monitored 131 evictions (usually affecting many households at a time) in Italy. Roma support groups reported evictions taking place during the spring of the Roma community in the Magliana aqueduct area of Rome, several families in the Piazza Lugano settlement in Milan and a family in Prato. With no alternative accommodation being provided, these clearances had disastrous consequences for the affected families.

In northern Romania, the local authorities of Baia-Mare erected a concrete wall to separate a Roma community from the rest of the town. In response to criticisms of institutionalized racism and ghettoization, the mayor of the town claimed that the wall was to protect citizens against car crashes.

In Portugal, the municipality of Vidigueira destroyed the water supply of 67 Roma

(including children, pregnant women and elderly people) in February. After an intervention by ERRC, the authorities restored the water supply, but the reconnection was not made known to residents and living conditions remain deplorable.

In Serbia in June, Police Minister Ivica Dacic issued an official apology to a Roma family, four years after their son was brutally beaten by police in the eastern city of Vrsac. Police brutality is widespread in the country according to human rights groups. ERRC also raised concerns about disproportionate use of police force in Lviv city in western Ukraine, and urged authorities to investigate unlawful discriminatory identity checks of Roma youth, including fingerprinting and document verification without any allegation of involvement in criminal activities.

In Hungary, Roma were targeted by a far-right vigilante paramilitary group – ‘For a Better Future’. The group deployed patrols in the northern village of Gyöngyöspata. The intimidation reached its peak in March, when 1,000 black-uniformed neo-Nazis marched through the village with dogs and armed with

whips and chains. These incidents prompted the UN Special Rapporteur on racism, Githu Muji, to visit the village in May and meet with representatives of the Roma community, local politicians and police authorities. He said that the country had yet to effectively tackle racism, xenophobia and related intolerance.

Forced sterilization of Roma women remains an unresolved issue in some countries. Roma women in the Czech Republic are still waiting for adequate redress for irreparable injuries two years after the Czech government under Prime Minister Jan Fischer expressed regret for individual sterilizations. However, a 20-year-old woman won her human rights appeal against Slovakia before the European Court of Human Rights (ECtHR) in November. In its first judgement on sterilization, the Strasbourg court ordered Slovakia to pay €43,000 in damages for violating the human rights of a woman who was sterilized without her informed consent.

Amid growing controversy, the European Commission adopted the EU Framework for National Roma Integration Strategies in June. This was welcomed as a step forward and will enable the EU to take steps to fight anti-Roma discrimination and racism. But MRG has pointed out that the Framework, by narrowly focusing on the social and economic situation of Roma, falls far short of fully tackling the challenges of Roma exclusion. It remains to be seen how well the European Commission and the member states convert the Framework's human rights commitments into tangible and ambitious national strategies that are effectively implemented. Sadly, only 15 out of 27 EU member states had met the end of 2011 deadline for submitting national integration strategy reports.

Bulgaria

Issues concerning ethnic and religious discrimination featured prominently in public debates in Bulgaria in 2011. The mistreatment of the Roma community – who make up more than 10 per cent of the country's population and are the country's second largest ethnic minority after ethnic Turks – continued to remain a grave concern. Gay McDougall, UN Independent Expert on Minority Issues,

..... **Case study**

Corporate abuse flows along the Baku–Tbilisi–Ceyhan oil pipeline

.....

Early in 2011, the UK government ruled that a BP-led oil consortium was not carrying out the human rights responsibilities of multinational companies in its operations on the controversial Baku–Tbilisi–Ceyhan (BTC) oil pipeline. The 1,770 km pipeline runs from offshore oil fields in the Caspian Sea near Azerbaijan's capital Baku, to Tbilisi, the capital of Georgia, and on to the port of Ceyhan on the southern shores of Turkey in the Mediterranean Sea. Construction of the BP flagship project started in 1993 and was completed in 2006. BP has consistently promoted the BTC pipeline project as exemplary in its approach to human rights.

The ruling followed a complaint lodged in 2003 by a group of six NGOs and human rights organizations under the Organization for Economic Co-operation and Development's (OECD's) Guidelines for Multinational Enterprises. The BTC pipeline passes through areas with significant ethnic and religious minorities; Kurdish villagers living in north-eastern Turkey have struggled to hold the consortium accountable for alleged human rights abuses associated with its development. Between 2003 and 2005, the NGO coalition conducted annual fact-finding missions to areas along the route of the BTC pipeline in the three countries.

The coalition found that the BTC consortium had failed to ensure that the project complied with OECD guidelines and the Voluntary Principles on Security and Human Rights, which say that: '[C]ompanies should record and report any credible allegations of human rights abuses by

public security ... Where appropriate, companies should urge investigation and that action be taken to prevent any recurrence.' Since the inception of the project, human rights campaigners in Turkey and the UK have been alarmed that Kurds and members of other local communities have faced intimidation and interrogation by security forces when they have raised objections to the pipeline. Ferhat Kaya, a local human rights defender, was reported to have been detained and tortured by the paramilitary police for insisting on fair compensation. The coalition argued that intimidation deterred local people from participating in BP's consultations about the BTC pipeline's route and from seeking compensation for loss of their land and livelihoods.

The group also found that, in Turkey, the BTC project has contributed to displacement of the Kurdish minority, who have been subject to state repression for decades. In north-eastern Turkey, where Kurds constitute 30–40 per cent of the local population, displacement has been less a result of direct military action against the supporters of the Kurdistan Workers' Party (PKK) – which was more the case in other parts of the country – but was due to gradual economic pressure and state harassment. Affected villagers described the BTC pipeline as an added pressure on them to leave; it disrupted their subsistence agricultural production without providing any compensation or alternative source of income. There were also allegations that the BTC project discriminated against ethnic

minorities in relation to employment practices and in the carrying out of development programmes.

In Georgia, concerns were raised about expropriation of land, poor environmental standards, lack of consultation or compensation for damage caused, unacceptable use of untested materials during construction and labour violations. In Azerbaijan, serious concerns were raised over compensation for land, corruption and restrictions on local press and affected communities regarding criticism of the project. But the most serious issues relating to minorities were raised in Turkey. The UK government ruled that, despite widespread awareness of the heightened risk of intimidation, BP failed adequately to respond or to investigate allegations brought to its attention of cases of abuse by state security forces in Turkey guarding the pipeline.

The ruling could set a new precedent for multinationals to implement more robust human rights impact assessments. Rachel Bernu of the Kurdish Human Rights Project reflected on the ruling, saying that:

'It has taken eight years for the claims of villagers facing repression in this isolated area of Turkey to be recognized. We hope this ruling marks a turning point for the governments and companies involved so that villagers receive just compensation, and human rights are not only respected but also promoted through investment in future.' ■



visited the country in July in order to assess the situation of minorities – particularly Roma, Turks and other Muslim minorities. She concluded that government measures to address the deep-rooted discrimination, exclusion and poverty faced by Roma have been superficial and inadequate. Bulgarian government commitment to Roma equality remains weak: Roma unemployment rates are peaking at 80 per cent; in the capital, Sofia, 70 per cent of the Roma population lives in dwellings without access to basic infrastructure such as running water, sewerage, paved streets, waste collection or street lights. The current financial crisis has put a strain on resources, but, as highlighted by the Independent Expert, the government's current inconsistent pilot project-based approach will never be sufficient to address these socio-economic challenges.

Roma have also been the victims of forced evictions. Although the government, in its third periodic report on the implementation of the International Covenant on Civil and Political Rights, stated that Roma were only evicted after extensive legal procedures were carried out, giving Roma time to find alternative accommodation, reports by the Bulgarian Helsinki Committee, ENAR Bulgaria and Justice 21, a Bulgarian human rights organization, do not support this view. The Bulgarian Helsinki Committee pointed to large-scale house demolitions in Sofia and Burgas in 2009, and in Yambol and Maksuda in 2010, noting that few if any alternatives were provided and that the evictions were often accompanied by excessive use of force.

In September, an incident in Katunitza, in which a Bulgarian teenager was killed by a Roma driver allegedly linked to a notorious crime-boss, the self-proclaimed 'Gypsy Tsar' Kiril Rashkov, sparked violent clashes in the village. Anti-Roma protests spread across the country. The right-wing party Ataka held demonstrations and demanded tough action from the government, even calling for the death penalty to be reinstated in the country.

Prime Minister Boyko Borisov came under criticism for not reacting quickly enough to the unrest. The ERRC and Amnesty International urged the Bulgarian authorities to protect

Roma and to conduct a full investigation and prosecution of all responsible perpetrators. The UN also voiced deep concern about the anti-Roma rallies and accompanying hate speech. Although incitement to racial hatred and discriminatory public communication are prohibited under Bulgarian law, these provisions are rarely enforced. MRG has stated its alarm that non-enforcement of the law creates a sense of impunity and erodes what little mutual trust remains between Roma and non-Roma communities.

These events stirred up panic among other minority communities as well. Turkey's *Hürriyet* newspaper reported that the Turkish community in Bulgaria feared a nationalist backlash in the wake of the anti-Roma rallies. And on 20 May, Ataka provoked clashes with Muslims gathered for Friday prayer at the Banya Bashi mosque in Sofia, protesting against the use of loudspeakers to issue the call to prayer. Bulgarian politicians condemned the ensuing violence and desecration of religious symbols.

Shortly after, the ruling political party GERB distanced itself from the far-right Ataka by proposing a declaration adopted by the parliament which condemned the attack on the mosque. The secretary of the Chief Mufti's Office, Husein Hafazov, provided a detailed account of numerous cases of harassment of Muslims in Bulgaria, including: threats against Muslim women wearing headscarves, setting dogs on them and spitting, painting the walls of religious schools and mosques with anti-Islamic slogans, destroying mosques and religious property, and physical attacks.

Other religious minorities also suffered from harassment, physical attacks and damage to property in 2011. The Jewish community has long suffered from anti-Semitic attacks. In 2011, a Jewish organization, Shalom, published its first bulletin on 'Anti-Semitic actions in Bulgaria in 2009–2010', which includes a long list of acts of religious desecration and damage to religious buildings. In April, the House of Prayer of Jehovah Witnesses, a legally registered religion in Bulgaria since 2003, was violently attacked in a rally organized by VMRO (the International Macedonian Voluntary Organization) in Burgas.

Greece

On 3 January 2011, the Minister for Citizen Protection, Christos Papoutsis, announced plans to build a 12.5 km fence along its border with Turkey, to prevent undocumented migrants entering the country. The minister stated that some 128,000 migrants and asylum-seekers reached Greece in 2010, more than 40,000 of them crossing the border from Turkey at the Evros border post. Greece's land border with Turkey is more than 200 km long, running mostly along the Evros River, and is increasingly used by Asian and African migrants to enter the country since traditional routes across the central and western Mediterranean have been blocked by strengthened maritime surveillance and bilateral repatriation deals between Italy and Spain with various African countries. But it is unlikely that a 12.5 km fence will prevent waves of immigrants from flowing into the country.

Various agencies, including the European Commission, UNHCR and the International Organization for Migration, expressed concern that the fence would simply make migrants more dependent on people-smugglers and therefore more vulnerable. Fears that many more would drown in the river at the hands of smugglers are compounded by serious shortcomings of the Greek asylum system, which has been described as 'dysfunctional' by the UNHCR. The FRA carried out a field research mission in the Evros region in January and concluded that the humanitarian situation of asylum-seekers and migrants, particularly those held in detention centres, was extremely worrying.

Despite the international outcry, the Greek government moved ahead with plans to build the fence. 'We have unemployment and serious problems', commented Papoutsis, who denounced the 'hypocrisy of those who criticize'. Just days after the announcement of plans to build a fence, Papoutsis put forward a plan to use floating prisons and old army bases to house undocumented migrants. Greece's administrative court subsequently approved the plans to build a fence, and construction began in February 2012, despite the EU's refusal to fund the project.

Also in January 2011, the Greek parliament passed a new law to remove control of asylum-seekers from the police and hand it over to a

new asylum service that will deal with a backlog of applications. The law also puts in place a procedure for appeal following the rejection of an asylum request. The move comes after repeated delays. In 2011, the largest groups of people came from Afghanistan (with 44 per cent), as well as Algeria (16 per cent), with other smaller groups arriving from Pakistan, Somalia and Iraq.

In September 2011, Human Rights Watch (HRW) raised grave concerns regarding the conditions of migrants and asylum-seekers kept in detention. Unaccompanied children, single women and mothers with children are housed with unrelated adult men in overcrowded conditions. HRW accused the EU and its member states of becoming 'complicit in Greece's shameful conduct' when a multinational team of FRONTEX (the EU border agency) border guards were deployed along the Turkish border and helped Greece apprehend and detain undocumented migrants. At the same time, the ECtHR fined the Belgian and Greek authorities after Belgium had sent an Afghan back to Greece. In December, the European Court of Justice advised courts in the UK and Ireland that transfers of asylum-seekers to Greece should not take place if their human rights would be jeopardized. By the end of the year, Germany, the UK, Sweden, Norway and Iceland had suspended transfers of asylum-seekers to Greece because of the poor conditions awaiting them there.

The impact of the worst economic and social crisis in Greece's recent history has been felt among the country's minority and migrant populations. The Turkish minority in Western Thrace has been severely affected economically, according to the Anatolia News Agency, as a result of the collapse of the local tobacco industry and small businesses that were their primary source of income. Government restrictions on tobacco-growing had affected the local Turkish community even before the economic crisis, and the small number of factories left in the region have gradually closed.

The economic crisis has weakened migrant workers' labour rights, rendering this group increasingly vulnerable. On 25 January, 250 migrants in Athens and 50 in Thessaloniki began a hunger strike to protest against their living conditions and insecure legal status. The strike

ended after six weeks when the government offered a deal for them to obtain residence permits, which ensure continuous employment and social insurance payments.

The legal requirements for acquiring Greek citizenship have changed to allow second-generation migrants who were born in the country or have studied in Greece for six years to apply for Greek citizenship. Further legislative changes have made it easier for long-term residents to vote and stand in local elections. Another initiative established local integration councils that act as consultative bodies for migrants. As the Greece Section of ENAR has commented, these developments were positively received by civil society and migrant communities, but there is still concern over whether these reforms will be implemented effectively.

Social tensions increased between the majority population and minority and migrant communities throughout 2011, according to ENAR-Greece and HRW. The number of racist incidents and hate crimes against minorities and migrants has increased with the rise in the number of migrants and asylum-seekers over past decades. The economic crisis has exacerbated already existing xenophobia, Islamophobia and anti-Semitism in Greece. Local media often associate migrants – and especially Muslims of different ethnic backgrounds – with crime and criminality, ENAR-Greece pointed out. Far-right groups, such as Golden Dawn, with xenophobic, nationalist and anti-immigrant agendas are gaining popularity.

On 6 December 2011, the government proposed a draft measure to tighten Greek laws on speech that incites hatred, discrimination or violence, in line with EU rules on hate speech. In the same month, HRW issued a report on increased racist violence in Greece, welcoming the trial of three people who assaulted an Afghan asylum seeker in Athens in September 2011. This was the first trial of its kind since 1999, even though racist violence in the capital has increased in recent years, reaching alarming proportions in 2011. As HRW stated, this case is just the tip of the iceberg in the crisis-torn country, where the police and state authorities remain tardy and ineffective in responding properly to racist violence.

.....
Case study
.....

Sami rights to culture and natural resources

.....

In January 2011, James Anaya, the UN Special Rapporteur on the rights of indigenous peoples, issued his report on the human rights situation of the Sami indigenous people living in the Sápmi region of Norway, Sweden, Finland and Russia. A semi-nomadic people, who rely on reindeer herding, hunting, gathering and fishing, the Sami are united by a common identity and linguistic and cultural bonds.

Reviewing the situation of Sami in the Nordic countries, the Special Rapporteur concluded that they do not have to deal with many of the socio-economic concerns that commonly face indigenous peoples throughout the world, such as serious health problems, extreme poverty or hunger. In particular, the governments of Norway, Sweden and Finland each pay a relatively high level of attention to indigenous issues, at least in comparison to other countries. However, more remains to be done to ensure that Sami people can pursue their right to self-determination and their right to natural resources.

The Sami population is estimated to be between 70,000 and 100,000 in northern Europe, with about 2,000 living in the Russian Kola Peninsula. Of the three Nordic countries, Finland hosts the smallest Sami population of about 9,000. The first elected Sami body within any of the Nordic states was the Sami Delegation (Sámi Parlamenta) in Finland, established in 1972, and now replaced by the Finnish Sami Parliament (Sámediggi). There are now Sami parliaments in all three Nordic countries, with varying degrees of authority, as well as the regional Sami Parliamentary Council.

Finland

Sami are recognized as indigenous people by the Constitution of Finland, which also stipulates their right to cultural autonomy within their homeland, noting that ‘in their native region, the Sami have linguistic and cultural self-government’. However, large-scale natural resource exploitation and development projects threaten the traditional way of living for the reindeer-herding community. In February 2011, the world’s fourth largest mining company, Anglo-American, conducted exploratory drilling in a Sami reindeer-herding area, and found large deposits of nickel, copper and gold. The Canadian mining company First Quantum is also conducting exploratory drilling in the region.

The expansion of mining activities could make reindeer herding increasingly difficult in Finland. Relevant legislation does not acknowledge or grant any special land rights to the Sami community or acknowledge any exclusive rights for Sami people to pursue their traditional livelihoods. Furthermore, unlike in Norway and Sweden, reindeer husbandry is not reserved for Sami in Finland, but is open to any citizen of the EU.

The Finnish Sami Parliament lacks specific decision-making powers regarding the use of lands or access to water and natural resources in Sami territory. The state is the legal owner of 90 per cent of the land designated as Sami homeland. There is at least a measure of protection, however. The Finnish Reindeer Husbandry Act of 1990 affirms that state authorities should consult with representatives of Sami reindeer-herding cooperatives when planning measures on state land that will have a substantial effect on reindeer herding.

Finland has ratified all major UN human rights treaties, including the Framework Convention for the Protection of National Minorities, and voted in favour of adoption of the UN Declaration on the Rights of Indigenous Peoples. However, the country has not ratified the International Labour Organization Indigenous and Tribal Peoples Convention No. 169 (ILO 169), which would grant Sami stronger land rights as it recognizes the rights of indigenous peoples to land and natural resources as central to their material and cultural survival.

Sweden

On 1 January 2011, the Swedish Constitution was amended to explicitly recognize Sami as a people. This was pursuant to a long-standing request of Sami to be distinguished from other minority groups in Sweden. Nonetheless, the UN Special Rapporteur heavily criticized Sweden in his 2011 report for its failure to tackle the most pressing issues for Sami, in particular those related to land and resource rights. Like Finland, Sweden has not yet ratified the ILO 169.

The Swedish Sami Parliament’s powers are limited to monitoring the issues related to Sami culture. It has limited opportunity to participate in decision-making processes when it comes to issues about land and natural resources. In Sweden, 3,000 Sami practise reindeer herding, managing approximately 250,000 reindeer in areas scattered across the northern 40 per cent of the country. The 1971 Reindeer Grazing Act allows Sami to use land and water for themselves and for their stock, but only within certain geographic areas defined by the law. Reindeer-herding rights in Sweden are exclusive and limited to those Sami who live within designated communities, called *samebyar*, and practise reindeer herding as their principal livelihood. But specific reindeer-grazing areas have not been demarcated and Swedish courts put the burden of proof on Sami to demonstrate land use. Sami are required to prove long-term use of the area claimed, despite the fact Sami leave few if any physical marks on the land they use.

‘It is remarkable that still in 2011, a colonizing power tells the indigenous population that it must prove its right to exist on its traditional land before the courts of the colonizer’, said Mattias Åhrén, head of the Sami Council’s human rights unit, commenting on a case in which three Sami reindeer-herding communities in the Härjedalen region were being pushed by the state to sign a tenancy fee agreement, forcing them to pay grazing fees to local land-owners. This follows a lawsuit in 2004, when majority land-owners in Härjedalen successfully claimed that no grazing rights existed for Sami on land to which they hold title. In a positive development during April 2011, however, Sweden’s Supreme Court ruled that customary land use, showing due

Case study continued

consideration to reindeer-herding practices, as opposed to Swedish property law, should determine access.

The development of renewable resources, such as wind turbines and hydroelectric dams, is also increasingly encroaching on reindeer-grazing lands in Sweden. Over 2,000 wind turbines have been planned in reindeer-herding areas. In March, Lars-Anders Baer, a reindeer herder and a former president of the Swedish Sami Parliament, called recent developments 'windmill colonialism'. He was specifically reacting to the Markbygden wind farm project, which the Swedish Sami Parliament has criticized regarding the lack of proper consultation, disrespect of their rights and the fact that they were not offered fair compensation for the loss of land and livelihoods. With more than 1,100 wind turbines planned, Markbygden will be Europe's largest land-based wind-power park and will be built in the municipality of Piteå, where the Sami community of Östra Kikkejaur has its winter reindeer-herding pastures.

Sami in Sweden are also not protected from expanding mining projects, as existing mining laws do not contain provisions to safeguard the rights of Sami people. In Kiruna town, Luossavaara-Kiirunavaara AB company has plans to relocate half the town in order to accommodate the expansion of an existing iron ore mine into reindeer-herding lands and vital reindeer migration paths, without consulting the Sami community.

Norway

The Sami National Day on 6 February, commemorating the first Sami congress held in Trondheim, Norway in 1917, is celebrated in all four countries where Sami live today. Norway was the first Nordic country to ratify the ILO 169 and voted in favour of the adoption of the UN Declaration on the Rights of Indigenous Peoples in 2007. Norway has also recognized and apologized for the discrimination and imposed assimilation that Sami people suffered,

including the prohibition of their languages under the 'Norwegianization' policies enforced in the past.

The Finnmark Act of 2005 was an important step forward for Norwegian Sami's right to self-determination and control over natural resources. Although the legislation was a compromise between Sami and majority interests, and has therefore met with some criticism, it recognizes that Sami and others have acquired rights to land and resources through long-term customary use. The Act transferred 95 per cent of the land in the Finnmark region to the Finnmark Estate, the board of which comprises local government officials and Norwegian Sami Parliament representatives. Concern has been expressed that the Act does not go far enough to protect the rights of particularly vulnerable indigenous communities, such as the East Sami people.

The right of access to marine resources is a particular worry for Norwegian Sami, due in part to the industrialization of Norwegian fisheries. This has led to diminished local control as well as environmental problems. Also, regulation of stock is decided centrally, without taking into account customary decision-making or local knowledge.

The Norwegian Mineral Act requires that the Sami way of life be safeguarded and that the Norwegian Sami Parliament should have an opportunity to comment when permits are being considered. However, Sami representatives have criticized the limited scope of the consultation process as well as the fact that it is limited to Finnmark and does not extend to traditional lands elsewhere.

Russia

In Russia, the Sami language is endangered, partly due to the comparatively small size of the community. Sami arrived at the Kola Peninsula some 5,000 years ago, but the traditional way of life for the Sami in Russia has been slowly fading away, as they have been pushed back from tundra grazing lands by a steady expansion of industry, forestry and mining, and by urbanization. During the Cold War, Sami reindeer herders were pushed back from a 200-mile exclusion zone along the border, and Sami fishermen were forced away from the shore of the Barents Sea, as



Above: A Sami reindeer herder in Russia.
Alexander Stepanenko.

the Soviet military built a network of secret navy installations there. Further threats have emerged as the mineral riches of the Kola Peninsula and its geographical location on the shores of the Barents Sea have made it attractive to the oil and gas, and other extractive industries. Sami also complain that tourism companies keep them from practising their traditional fishing by the Voronya River and Lovozero Lake.

The Shtokman oil field is one controversial project under development that will potentially have a grave impact, not just on the Sami but on other communities living on the Kola Peninsula. One of the largest explored natural gas fields in the world, the shelf deposit lies in the Russian part of the Barents Sea, some 600 km from Murmansk town, a large regional centre on the Kola Peninsula where the Russian part of the Sápmi region lies.

The Shtokman Development AG has plans to

extract gas from the sea and transport some to Murmansk; but, from 2016, the majority of the gas will be piped to Europe across the Baltic Sea via the Nord Stream pipeline. Shtokman Development AG is a joint project of Gazprom, Total SA and Statoil ASA. According to the Shtokman company, gas supply in the Barents Sea is enough to meet global demand for a year. A civil society expert group organized by the World Wildlife Fund (WWF) conducted an investigation into the Shtokman project and in February 2011 concluded that environmental damage could be great should development of the field proceed. While large-scale investment in the Shtokman project could improve conditions in Teriberka town, where unemployment is high and living standards are desperately low, experts warn that its environmental impact could have tragic consequences for natural ecosystems in the region and further curtail the traditional way of living of the Sami. ■

Turkey

Electra Babouri

Despite the government's announcement of its 'democratic opening' programme in the summer of 2009, aimed at bringing about a peaceful solution to the Kurdish situation and upholding the rights of all groups in the society, little progress was made in 2010. However in 2011, Turkey witnessed some potentially positive developments.

At the general election in June 2011, the Justice and Development Party (AKP) won a third term in office with 50 per cent of the vote. The election brought Kurdish success too as 36 independents fielded by the pro-Kurdish Peace and Democracy Party (BDP) won seats (rising from 24 in the 2007 election). Seventy-eight women, one of whom is Kurdish, won seats in the 550-seat parliament (rising from 50 in the 2007 election).

Prime Minister Recep Tayyip Erdogan promised that the process to fully revise Turkey's Constitution would commence: 'through consensus and negotiation ... with the opposition, parties outside of parliament, the media, NGOs, with academics, with anyone who has something to say'. Changes to the Constitution are crucial for Turkey's minorities, since only three minority groups are currently recognized, namely Armenians, Greeks and Jews; others, including Alevi, Kurds and Roma, remain excluded. Even recognized minorities continue to face discrimination. The Parliament Conciliation Commission has been set up to work on revising the Constitution, with draft expected in 2012. Representatives of minority groups have begun to push for their cultural, linguistic and civil and political rights to be incorporated in the new Constitution, and to be recognized as equal citizens.

In August, the Ministry of Justice established a Human Rights Directorate to help harmonize Turkey's judicial practices with those of the EU. This will hopefully push forward implementation of rulings from the ECtHR. Turkey ranks second after Russia in terms of the number of cases taken to the ECtHR, with nearly half of them on violations of fundamental human rights. In 2011, Turkey topped the list of countries that had been found by the ECtHR to have violated

the European Convention on Human Rights (ECHR), with 159 cases.

Following the Kurdish Workers Party (PKK) ceasefire declaration and subsequent decrease of clashes between the PKK and the security forces in 2010, violence escalated again significantly in 2011 with fatalities on both sides. There were also significant Kurdish civilian fatalities as a result of the attacks, and upheaval within these communities continued, particularly in the south-east of the country and near the Iraq border. During an air raid in December 2011 near the Turkey-Iraq border, 35 Kurdish civilians were killed. The government stated that the attacks were targeting armed PKK forces and passed on official condolences to the bereaved families.

In addition, Kurdish officials and activists, most of them allegedly associated with the Union of Kurdistan Communities (KCK) and the PKK, continued to be arrested. In August 2011, 98 former mayors and eight other politicians were arrested because they had demanded better conditions for Abdullah Öcalan, the imprisoned ex-PKK leader. An estimated 9,000 individuals have been arrested since 2009 for alleged links to the KCK. In spring 2011, trials of another 153 Kurds in custody resumed. The defendants in the Diyarbakir Heavy Penal Court asked to conduct their defence in Kurdish, but this was denied by the court.

It remains illegal for Kurdish to be spoken and taught in schools, thus Kurdish pupils continue to face disadvantage, sometimes taking years longer to learn to read and write compared to their Turkish classmates. Moreover, it is prohibited for official signs to appear in Kurdish alongside Turkish. Recently, though, there have been a few positive developments as Kurdish-speaking radio and television have been allowed, and in October the first Turkish University (Artuklu University in the south-east) began teaching a degree course in Kurdish.

Other minorities in Turkey face similar discrimination. Assyrians who have adopted Turkish surnames because of prior legislation now want to go back to using their original surnames, but a Constitutional Court ruling in 2011 said that the law did not permit this. Many Assyrians felt increasingly frustrated and under attack in 2011 as the trial involving

their most sacred site, the 1,700-year-old Mor Gabriel monastery, continues. The monastery is located in Mardin province in south-east Turkey. In 2008, the inhabitants of the villages of Yayvantepe, Çandarlı and Eğlence filed a suit against the monastery, claiming that the land on which it is situated does not belong to the monastery. Simultaneously, some government authorities filed similar land-related suits against the monastery. Assyrian representatives rebut these claims and have brought their case to the ECtHR. The first hearing has yet to take place.

Alevis, whose belief system combines elements of Shi'a Islam and pre-Islamic folk customs, make up 10–30 per cent of Turkey's population according to unofficial estimates. In school they have to take compulsory religious education classes that exclude their own belief system. Alevis, whose places of worship are not recognized, have requested that they be exempt from these compulsory classes and some have taken the issue to court. Despite an ECtHR ruling in 2007 that such exemption should be permitted, Turkey's Department of Education has not yet complied with the verdict. In December 2011, Education Minister Ömer Dinçer pledged that passages in Turkish history textbooks that are antagonistic towards Armenians and Assyrians would be amended.

In 2011, the Greek Orthodox Patriarchate and others continued to demand that Turkey allow the Halki seminary on the island of Heybeliada to be reopened. The seminary trained generations of patriarchs and was shut in 1971. Turkish courts have ruled that an old orphanage should be handed back to the Patriarchate, and in August the government signed a historic decree to return property seized 75 years ago from minority foundations, including schools, stores and houses.

Since Turkey collects no disaggregated data on minorities, it is difficult to gain a clear picture of how the situation looks for minority women in the country. But at the fourth UN Forum on Minority Issues in November, a Turkish NGO, Association for Social Change, highlighted the acute levels of discrimination faced by Kurdish women as a result of customs regarding women and girls, sexual violence, employment and poverty. The latter is more acute within these

communities as, due to the conflict over the decades between PKK and Turkey, many have been displaced from their land.

The government took some steps in 2011 towards safeguarding women's rights. In May, Turkey was the first signatory to the Council of Europe Convention Against Domestic Violence and Violence against Women. However the situation remains grave. According to a report based on a national survey by a consortium of Turkish academic institutions, in the south-east of the country, one in two women have experienced violence, which is above the national average. A report by Roj Women's Association, which works on Kurdish and Turkish women's rights, states that: '[I]n 80 per cent of cases, victims of custodial rape were Kurdish women, and in 90 per cent of cases women cited political or war-related reason as causes for their arrest.' Despite there being legislation and relevant protections in place to help protect women, such as emergency shelters, these laws exclude unmarried and divorced women and those married according to unrecognized religions. The gaps in the law, coupled with the lack of enforcement, perpetuates the cycle of incidents not being reported, perpetrators not being penalized and women not being able to escape their violent environments.

Economic development

Turkey's continued economic growth has often affected its minority communities negatively. As many of these groups may be socio-economically vulnerable and reside within areas earmarked for development, they have been unable to assert their rights or benefit from these projects. For example, in 2008 several thousand Roma were evicted from the Sulukule area (one of the oldest permanent Roma settlements in the world) in Istanbul. The Roma in Sulukule ended up having to sell their homes to private investors and the Fatih municipality and moved to a new district, Tasogluk. But costs of this alternative accommodation proved to be too high, and Sulukule residents have subsequently had to move again to find affordable housing.

In 2011, other minority families, including Roma, Kurds and Greeks, have been threatened with eviction and some have been forced to

leave Tarlabaş, a small area in the middle of the city. Some of the Kurds living in Tarlabaş had settled there after they had been displaced from south-eastern Turkey during the 1990s, when the conflict between the Turkish government and the PKK was particularly violent. Residents were intimidated and threatened by the local municipality and law enforcement officials, according to an Amnesty International report. Residents facing eviction had not been consulted, given adequate notice, access to legal remedies, or given adequate alternative housing or compensation. Some officials reportedly forced residents to sign eviction notices without permitting them to read them.

These problems are not restricted to urban redevelopment. In March 2011, a report launched by Turkish and German civil society organizations highlighted how Turkish dam construction projects have caused severe human rights violations. Dams are developed without meaningful consultation with the affected communities, and without sufficient compensation or the provision of alternative income sources for those affected. The report highlighted the particularly vulnerable Sarıkeçili Yuruks, who are Turkish nomads who have lived in Anatolia for 900 years and now consist of approximately 200 families. Nomads remain completely dependent on river valleys and pastures to support their subsistence life based on herding.

In the Göksu-Ergene basin in southern Turkey, many small dams and hydroelectric plants are being built. Construction work is closing many of the traditional routes that nomads use to move between winter and summer pastures, leaving many families without water and food.

Development of hydroelectric dams continues, despite the negative impact on humans and the environment. The Turkish government intends to build over 1,700 dams and hydroelectric power plants within the next 12 years.

Some of Turkey's larger proposed dam projects in the Kurdish south-east have sparked fierce opposition. For example, the construction of the 1,200 megawatt Ilisu dam on the Tigris River in south-east Turkey will displace as many as 55,000–65,000 Kurds. European backers withdrew funding in 2009 because of

serious problems and strong opposition. But campaigners fear the government will push ahead with the project. Ilisu is only one of a series of dams planned as part of the US\$ 32 billion Southeastern Anatolian Project (Güneydoğu Anadolu Projesi) in the Euphrates and Tigris basins that envisions the construction of 22 dams and 19 hydroelectric plants. The US\$ 4 billion Beyhan project on the Euphrates is causing great concern that the local population will face forced evacuation. At another project in the Senoz valley on the Black Sea, dam work continues despite court rulings. Large forest sections above the valley have been cleared, causing landslides and soil erosion, and the water is being polluted adversely affecting the local community and killing thousands of fish.

Ukraine

The twentieth anniversary of a referendum that restored the Crimean Peninsula's autonomous status was marked in Ukraine on 20 January 2011. The referendum, approved by 93 per cent of voters shortly before the dissolution of the Soviet Union, continues to cause divisions on the Peninsula. The pro-Russian Sevastopol–Crimea–Russia National Front held a protest on the anniversary, claiming that the 1991 referendum was really about the Republic of Crimea becoming a union republic within the Soviet Union (USSR), not within Ukraine, as the USSR still existed when the referendum was held.

Many Crimean Tatars, who are indigenous to the Crimean Peninsula, boycotted the referendum. According to Refat Chubarov, a Crimean Tatar community leader quoted by the media outlet Radio Free Europe/RadioLiberty (RFE/RL) Ukrainian service, the Crimea's current autonomous status does not guarantee the protection of cultural, social or economic rights of the Crimean Tatars.

On 18 May, more than 15,000 Crimean Tatars gathered in the centre of Simferopol, the capital of Crimea, to mark the anniversary of the mass deportation of the Crimean Tatars by Soviet leader Joseph Stalin in 1944, when the entire Crimean Tatar population was deported to Central Asia and the Siberian region of Russia for alleged collaboration with Nazi Germany. As reported by RFE/RL, the demonstrators carried

Ukrainian and Crimean Tatar national flags and banners with slogans such as 'The deportation of 1944 should be recognized as genocide against the Crimean Tatars!' The Crimea was officially transferred from Russia to the Ukrainian Soviet Socialist Republic in 1954. Crimean Tatars started returning *en masse* to Crimea from Central Asia in the late 1980s and 1990s, and demanded their land and property back. They currently account for about 13 per cent of the Peninsula's 2 million population, 60 per cent of whom are Russians.

In February 2011, the *Kyiv Post* reported on the long struggle of the repatriated Crimean Tatars to reclaim their land. Allegedly a total of 1,400 hectares of land are occupied by 15,000 Crimean Tatars who have been unable to buy land legally on their return to Crimea. Some are now squatting illegally on plots of land without basic infrastructure, running water and electricity. Crimean Tatars and the authorities contest the requirements for obtaining land. Prime Minister Vasyl Dzharty reportedly stated that Tatars do not face discrimination in obtaining land, while according to the newspaper source more than 60 per cent of the Tatars have never received any land and have no place to live.

In its 2011 report, CERD noted that the question of 'restitution and compensation for the loss of over 80,000 private dwellings and approximately 34,000 hectares of farmland upon deportation remains unresolved'. This is a particularly crucial issue since 86 per cent of the Crimean Tatars living in rural areas did not have the right to participate in the process of agricultural land restitution because they had not worked for state enterprises. CERD called for the government to restore the political, social and economic right of the Tatars in Crimea.

At the UN Forum on Minority Issues in 2011, Nara Narimanova of the Crimean Tatar Youth Council, gave evidence on the situation of Crimean Tatar women in Ukraine. High levels of unemployment, poor living conditions and discrimination have put Crimean Tatar women in a particularly vulnerable situation, according to Narimanova.

A major issue is the lack of opportunity for Crimean Tatars to educate children in their mother tongue; there are only two universities

where Crimean is taught. In April 2011, the Supreme Council of the Autonomous Republic of Crimea announced that adopting a draft law on languages in Ukraine was an issue 'of extreme urgency'. In February 2012, the Crimean parliament appealed to the Ukrainian parliament to adopt draft legislation that would ensure the use of minority languages in culture and education. The Council of Europe's Venice Commission recommended passage of the draft law in December 2011. The law was also supported by 16 higher educational institutions and the representatives of 36 national minorities.

United Kingdom

The UK prime minister's condemnation of 'state multiculturalism' and call for a stronger 'shared national identity' stirred up heated reactions in Europe. David Cameron, addressing a security conference in Munich on 5 February 2011, argued that previous policies dealing with ethnic and cultural diversity had encouraged different cultures to live separate lives and 'even tolerated these segregated communities behaving in ways that run counter to our values'. Cameron's speech came after the German Chancellor Angela Merkel remarked on the 'utter failure' of Germany to create a multicultural society in October 2010. Stating terrorism as the biggest threat to his country, Cameron was careful to differentiate between Islam as a religion and Islamic extremism as a political ideology. His speech was nonetheless condemned by the opposition Labour Party, who accused him of 'inflaming racial tensions', and by human rights and Muslim community groups. ENAR argued that Cameron's statement reinforced 'prejudice and discriminatory perceptions against immigrants, and more generally against British Muslims largely perceived as foreigners'.

Policing was also a key concern in 2011. The fatal shooting of Mark Duggan by the police in Tottenham, north London, on 4 August sparked off violence after years of simmering tensions between locals and the police; riots quickly spread across other neighbourhoods in London and cities in England. David Cameron cut short investigations into the underlying causes, asserting that the riots were 'criminality pure



Left: A caravan burns as police and bailiffs in Basildon, UK, begin the eviction of Travellers living at Dale Farm on 19 October 2011.

Mary Turner/Peace Fellow of The Advocacy Project 2011.

and simple' and that the 'broken society' must be replaced by a stronger sense of morality and responsibility. But human rights groups urged the UK government to conduct a serious public inquiry into the multi-faceted causes of the riots: public policy; social and racial inequality; high unemployment; and cuts in public services and economic collapse. Questions were raised over police responses, especially their stop-and-search policies, for singling out particular minorities and hindering the promotion of equality.

Issues concerning policing are not without precedent in the country. In January 2012, two men were finally convicted of murdering Stephen Lawrence in April 1993. Stephen Lawrence was a black British youth who was murdered while waiting at a bus stop by a gang of young white people chanting racist slogans. A public inquiry was held in 1998 to examine the initial Metropolitan Police Service investigation, led by High Court judge Sir William Macpherson. The inquiry concluded that the police force was 'institutionally racist', and acknowledged professional incompetence as well as a failure of leadership in the capital's police force.

The UK government has not developed a race equality strategy. This was a key issue outlined in the UK NGOs Against Racism submission, led by the Runnymede Trust, to the UN Committee on the Elimination of Racial Discrimination (CERD) in August 2011. CERD raised concerns about the government's response to the August riots; the reported increase in negative portrayals of ethnic minorities, immigrants, asylum-seekers and refugees by the media, especially pointing to the depiction of minority women as unempowered; and the impact of austerity measures adopted in response to the current economic downturn.

There are an estimated 90,000–120,000 nomadic Travellers and Gypsies in the UK and a further 200,000 who live in housing, according to the Gypsy and Traveller Law Reform Coalition. The Gypsy and Traveller community

of Dale Farm in Essex made major headlines in 2011, galvanizing civic action against their planned eviction from a site between the towns of Billericay and Basildon. In March, Basildon Council cut short a decade-long legal battle with the residents, and voted to take direct action and evict 400 residents from Dale Farm, with only a 28-day notice period and a budget of £18 million put aside for the operation after the High Court ruled that the eviction could go ahead. CERD called on the UK government to suspend the planned eviction of Dale Farm residents and to ensure 'a peaceful and appropriate solution, including identifying culturally appropriate accommodation, with full respect for the rights of the families involved'. The eviction affected 90 families, including older residents, women and 150 children. Representatives from the Council of Europe also visited the site and petitions were signed to stop the largest ever eviction of Travellers in the UK.

UK jurisprudence recognizes Irish Travellers and Romany Gypsies as separate ethnic minorities. At Dale Farm, the residents were mainly Irish Travellers. After a short delay granted in September restraining Basildon council from clearing structures until the case had been heard in the High Court, the Court finally ruled that the eviction could go ahead. According to the ruling, the Travellers delayed too long in challenging Basildon's decision, and the council's actions were not deemed to be disproportionate. But hours after the eviction operation started on 19 October, violence erupted. Bricks and debris were thrown at police, as officers used taser electro-shock weapons at close range. The operation to remove caravans and chalets from 51 unauthorized plots finished at the beginning of November, but despite the injunction obtained by Basildon council to prevent reoccupation of the site, some Travellers attempted to return and continue to live there. ■