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Visit to The Netherlands

Report of 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, Balakrishnan Rajagopal^{*}, ^{}**

Summary

The Special Rapporteur on the Right to adequate housing as a component of the right to an adequate standard of living and the right to non-discrimination in this context, submits in accordance with Human Rights Council Resolution 52/10, his report on his visit to the Netherlands, from 11 to 21 December 2023. The present report analyses the legal protection and enjoyment of the right to adequate housing in the country, the state of housing crisis and its causes, social housing and urban renewal policies and the challenges experienced by various social groups, including by persons experiencing homelessness, communities affected by earthquakes caused by natural gas extraction, Sinti, Roma, caravan dwellers, students, older persons, persons with disabilities, migrant workers, asylum seekers and refugees.

* The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission only.

** The present report was submitted after the deadline in order to reflect the most recent developments.

Annex

Report of 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 on his visit to The Netherlands

I. Introduction

1. 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, Balakrishnan Rajagopal, visited the Netherlands from 11 to 21 December 2023 at the invitation of the Government. The visit took place shortly after the Netherlands held early general elections on 22 November 2023, following the resignation of the Government earlier in the year. The Special Rapporteur is grateful to the Government for accommodating the visit during a time of transition and trusts that the recommendations contained in this report will be taken into consideration by any future Government that is formed.

2. The Special Rapporteur thanks the Netherlands for the invitation and its full cooperation before, during and after the visit. He was warmly welcomed by government officials at the central, provincial and local levels. The Special Rapporteur visited the Hague, Rotterdam, Amsterdam and Groningen, among others. He thanks all interlocutors for the helpful briefings and discussions, including judges and lawyers, independent human rights organisations, housing associations and industry representatives, service providers, researchers, civil society, residents, minorities, migrants, refugees and asylum seekers. Particular thanks go to those individuals and organisations that responded to the Special Rapporteur's call for submissions before the visit.

II. Legal, policy and institutional framework

A. International human rights law

3. The Netherlands has ratified most international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights (ICESCR), which sets out the right to adequate housing in article 11; however it has only signed but not ratified, the Optional Protocol thereto.

4. The Netherlands has ratified the European Social Charter, and also accepted to be bound by its article 31 guaranteeing the right to housing. It has also ratified the Additional Protocol to the European Social Charter, which allows non-governmental organizations and other organizations to lodge collective complaints.

B. Foreign policy and human rights responsibilities

5. The Special Rapporteur commends the Netherlands' commitment to investing in the UN human rights system, including by maintaining long-term financing for the Office of the High Commissioner for Human Rights and the system of UN Special Procedures¹, as well as its foreign policy priority areas in the field of human rights: women and girls; LGBTIQ+ persons; freedom of religion and belief; freedom of expression; and human rights defenders and civic space. However, the funding for the first year of accommodation for asylum seekers in the Netherlands comes from Dutch Official Development Assistance, detracting resources for development cooperation with partner countries abroad. The Special Rapporteur

¹ 2023 Policy Note on human rights, democracy and the international legal, p. 14 regarding demolition of social housing.

welcomes the order by the Hague Court of Appeals on 12 February 2023 to cease exporting F-35 military jet parts to Israel via a logistics hub in the Netherlands. The Special Rapporteur remains concerned that facilitating the transfer of military equipment that may be used to bomb or destroy civilian infrastructure and housing in Gaza could not only constitute complicity in the commission of war crimes and widespread or systematic violations of the right to adequate housing, but potentially violate the Genocide Convention as well.²

6. The Special Rapporteur notes that the Dutch courts are competent to hear claims against business enterprises domiciled in the Netherlands for alleged human rights abuses abroad, based on Dutch tort law, which may be an avenue for redress if such businesses are involved in domicile, forced evictions or other violations of the right to adequate housing.

C. National legal framework and justiciability of the right to housing

7. Despite the recognition of the right to adequate housing through the ratification of international and regional instruments, the right does not appear to be available as a justiciable right in the domestic legal order of Netherlands. The Special Rapporteur heard of various cases wherein the right to adequate housing could not be invoked or defended in court, including in eviction cases and cases of water disconnections due to unpaid bills. For judges, article 11 of ICESCR does not seem to have a direct effect since housing is understood only as a policy objective, not as a protected and enforceable right of individuals against the State or other duty bearers, which is the fundamental characteristic of all human rights. The Special Rapporteur also learned that it is very difficult to lodge collective complaints and to bring strategic litigation to courts.

8. The current provision of the Constitution relating to housing (article 22.2) reads simply that “It shall be the concern of the authorities to provide sufficient living accommodation”. While the article provides guidance to State authorities, it does not recognize housing as a human right, corresponding with the international human rights obligations the Netherlands has assumed under the ICESCR, including effective remedies for violations of the right to adequate housing. Moreover article 120 of the Constitution of the Kingdom of the Netherlands does not allow any courts to conduct constitutional review of legislation.

9. Significant new legislation has been recently enacted or may be enacted that will have an effect on the affordability of housing and security of tenure. The Special Rapporteur commends the Netherlands for the Good Landlordship Act. The Special Rapporteur also welcomes the development of a draft Affordable Rent Act and a draft Public Housing Management Act, the latter of which will require municipalities to have a certain percentage of social housing and to prioritize certain groups such as people experiencing homelessness. It is important that all this new legislation and their implementation are consistent with the Netherlands’ international obligations to implement the right to adequate housing.

10. The Minister of Interior Affairs and Kingdom Relations recently informed the Parliament of the intention to revise the Inner City Problems (Special Measures) Act. The Special Rapporteur remains concerned that the planned revision will not adequately address the concern that the Act may lead to direct and indirect discrimination in the exercise of the right to adequate housing. He earlier conveyed his views on the Inner City Problems Act in a communication to the Netherlands.

D. National institutional framework

11. Despite a rich legacy of social housing, in recent decades, there has been a regrettable turn to a belief that housing is so well organized in in the Netherlands that the market will primarily be able to take care of the housing needs of the population, and that social housing

² See the ongoing litigation before the ICJ between South Africa and Israel, and the joint statement of from 23 February 2023 available at: <https://www.ohchr.org/en/press-releases/2024/02/arms-exports-israel-must-stop-immediately-un-experts> and <https://www.ohchr.org/en/press-releases/2023/11/gaza-un-experts-call-international-community-prevent-genocide-against>.

and the involvement of the State should no longer have an active role. This belief led to the disbanding of the Ministry of Housing, Spatial Planning and the Environment in 2010 and paved the way to the current housing crisis, which in 2021 resulted in widespread public protests in Dutch cities. Realizing that housing needs to be re-prioritized, the Government established the Directorate General of Housing, and a Directorate General of Spatial Planning within the Ministry of Interior and Kingdom Relations in 2022. The Directorate General was still building its capacity at the time of this visit. It has already introduced significant policy changes, including by backtracking on some of the earlier policies that contributed to the housing crisis such as the levying of a tax on social housing associations. While the re-establishment of ministerial responsibility over housing and spatial planning is to be welcomed, these directorates are not yet part of a separate and independent ministry of housing.

12. The need for a central ministry of housing becomes more obvious when considering the following. At the central level, public housing, housing construction and sustainability falls under the competence of the Ministry of the Interior and Kingdom Relations. Social assistance, income security, and accommodation security are the responsibility of the Ministry of Social Affairs and Employment. Homelessness policy is under the direction of the Minister of Health, Welfare and Sport, and coordinated at the municipal level by local health departments. The Authority for Housing Associations (*Autoriteit woningcorporaties*) is within the Ministry of Infrastructure and Water Management. The fragmentation of housing policy across and between government ministries has led to policy coordination and implementation problems and important protection gaps. In addition, in the absence of detailed requirements and goals defined at central level, accompanied by monitoring and supervisory capacity, municipalities have been left to determine how to apply central legislation and policies, leading to disparate approaches and outcomes.

E. National policy framework

13. In March 2022, the Ministry of Interior and Kingdom Relations, which houses the directorate general of Housing, launched a National Agenda for Housing and Construction with three main objectives – housing availability, affordability and quality. The National Agenda is elaborated in six interconnected programs in the areas of: housing construction; affordable housing; housing for everyone; housing and care for older persons; acceleration of the sustainable built environment; and national liveability and safety.

14. It is important to continue developing these programmes and ensure that they are fully consistent with the requirements of the right to adequate housing. The goal of constructing 981,000 new housing units by 2030 should be consistent with the Netherlands' responsibility to meet decarbonization commitments including by creating housing from existing housing stock, and avoiding demolitions of social housing which also lead to emissions. Unfortunately, the programme on national liveability and safety seems to continue the same approach of “problem neighbourhoods” as is taken in the controversial Inner City Problems Act. The programme on housing for everyone does not guarantee that the most vulnerable groups such as people experiencing homelessness will be taken care of. In addition to setting targets to reduce emissions in the sustainable built environment, it is important to ensure that low-income households and other groups at risk of marginalization are not left behind and are not adversely affected by the green transition.

F. Data collection

15. The Special Rapporteur has noted the revision in 2022, of the ‘neighbourhood liveability barometer’, a statistical tool developed by the Ministry of Interior and Kingdom Relations, which raised concerns about stigmatization of migrants and discriminatory impact. In the view of the Special Rapporteur, the revised version does not address these concerns.

16. Another algorithm that has been discriminatory is one that was used to tag people with non-Dutch sounding names as suspects in a child welfare benefits scandal. This led the tax authorities to claim tens of thousands of euros from an estimated 30,000 families, leading

many families to lose their homes. Many children whose families ended up on the street were taken away in protective custody, some still remaining unaccounted for. The damage and suffering that has been caused by the responsible institutions will take years to unravel and reckon with.

III. Issues related to the right to adequate housing

A. Housing crisis in the Netherlands

17. The Netherlands has been facing an acute housing crisis, manifesting itself as a crisis of both availability and affordability. This crisis has had a long gestation over two or more decades, and has many structural causes including lack of adequate land for new affordable housing, lack of regulation of the social housing providers, introduction of income limits for eligibility, lack of rent caps or their enforcement in the private rental sector, insufficient attention to the role of speculation and large investors in the real estate market, and insufficient protection of renters' rights including through eviction prevention. But an alternative narrative has emerged in the Netherlands that an "influx of foreigners" arriving in the country is responsible for the housing crisis, which has been exploited for political ends and has radicalized and divided public opinion. It is important to break down who are the foreigners that arrive in the Netherlands and to understand how they are housed.

18. On average half of all migrants coming to the Netherlands are from EU countries and only around 11% of the migrants are asylum seekers. Since February 2022, people fleeing the conflict in Ukraine, are granted temporary protection in the country.

19. Low skilled migrant workers, primarily from other countries in the European Union (Poland, Romania, Bulgaria, etc.) are often housed in sub-standard accommodations, often in homes rented out by private individuals, disused buildings, barns and caravans. Such migrant workers are seen as indispensable since the Netherlands is experiencing shortage of workers in a number of sectors. There are also far fewer, undocumented migrants in the Netherlands, living in very precarious conditions on the verge of or in actual street homelessness.

20. The vast majority of non-Ukrainian asylum seekers are hosted in emergency and other reception centers, where they remain on average about a year and a half, while awaiting determination decisions. Those who obtain refugee status should be housed by municipalities, and are usually placed on waiting lists for social housing, but many remain living in the reception centers or are placed in temporary, sometimes substandard, housing including container housing. In fact, a quarter, about 16,000 out of the 64,000 residents in reception centers are recognized refugees. Compared to this, of the around 113,000 refugees from Ukraine, around two-thirds are hosted in reception centers operated by municipalities which are on average of better quality, while the rest are either renting or are accommodated by private hosts. The Special Rapporteur appreciates the generous hospitality shown by the Netherlands towards refugees from Ukrainian, but cannot fail to notice the stark difference in the treatment between them and asylum seekers from Syria and other countries who are housed in vastly inadequate conditions in emergency reception centers. This difference in treatment is not defensible under the principle of non-discrimination towards all refugees and asylum seekers with regard to adequate housing and other rights.

21. Rather than posing a competition to Dutch nationals when it comes to access to adequate housing, these groups mostly find themselves at the bottom of the society competing for housing which most Dutch citizens are either not eligible for or would not wish to move into. Certain number of highly-qualified expatriates employed in specific industries or international organizations may pose some competition, which can, in specific areas, drive up housing prices, but this is not, by all available evidence, the cause of the general housing crisis in the Netherlands.

22. It is also important to note that many asylum seekers arrive from countries such as Syria where there have been military interventions supported by the Netherlands and other NATO countries, contributing to the flight of the asylum seekers. The Special Rapporteur

also noticed that many of the asylum seekers and refugees he met are highly qualified professionals, including medical professionals and engineers, whose skills the Netherlands could utilize better.

B. Social housing

23. The Netherlands has a long and rich tradition in social housing characterised by quality housing, providing affordable homes for lower, and to some extent, to middle-income households – it is indeed, a cultural heritage of the Netherlands. Although the Netherlands still has the highest rate of social housing in Europe with 4 million people living in 2.3 million social housing units, amounting to around one third of all residential dwellings, there is a significant shortage of social housing due to the years of policy choices which reduced access social housing.

24. The concentration of lower-income households and other vulnerable groups in social housing, has led to social stigma, and has been blamed for concentrations of poverty and lowering of the liveability of neighbourhoods. When such stigmatization is combined with lack of maintenance of social housing complexes, or perceived degradation of entire neighbourhoods, it provides arguments for the demolition of social housing..

25. In addition of shortage of supply, privately rented housing and social housing face sustainability challenges. While energy efficiency in the private rental sector is on average worse than in social housing, some social housing associations have reportedly engaged in ‘greenwashing’, using energy efficiency labels to raise rents, which has been very difficult for tenants to challenge. As the construction sector contributes to enormous carbon and nitrogen emissions – estimated to be around 37% globally³ – the challenge of not only how to build in the face of zero-carbon commitments, but also how to reduce emissions of existing houses, looms large. 89.5% of heating of homes in the Netherlands is based on natural gas and thus, decarbonization of the built environment is a critical part of how ensure the right to adequate housing, which includes a commitment to sustainability, as the Special Rapporteur has advocated⁴.

26. In the face of these multiple challenges, there is recently an effort to improve the functioning of housing associations, including through oversight by the Housing Authority over financial activities of housing associations, new construction and sustainability targets, and new EU-wide built environment and energy transition plans. The Special Rapporteur welcomes these efforts, but remains concerned about the lack of adequate substantive oversight, transparency and accountability, including access to effective remedies from housing associations. The current inability of the National Ombudsman to receive complaints against housing associations, is a telling example of this lack of accountability.

C. Demolitions of social housing due to urban renewal

27. Many municipalities and housing associations continue to demolish social housing for the purposes of urban renewal, although demolitions have seen a decline in recent years. To better understand this phenomenon, the Special Rapporteur visited several social housing neighbourhoods - Weigeliaplein in the Hague; Pompenburg and Tweebosbuurt in Rotterdam. Weigeliaplein is a social housing complex in the Hague, built 100 years ago as a neighbourhood for working people on low income. Designed to have a green area in the middle, it is cherished by its current residents who describe it as a “small village in a big city”, given its proximity to the city center. Pompenburg, in the heart of Rotterdam, is a 14-floor U-shaped residential building comprising 226 social housing units built around an inner courtyard with a tree of an impressive size standing in the middle. In April 2021, the Special Rapporteur addressed a communication⁵ to the Government, urging the halt of imminent forced evictions and demolitions of 535 social housing units in Tweebosbuurt neighbourhood

³ See A/HRC/52/28.

⁴ Ibid.

⁵ NDL 3/2021.

in Rotterdam South, which had been targeted for demolition and renewal under claims that housing is technically outdated and there were relatively significant socio-economic problems. It was a sad privilege for the Special Rapporteur to visit Tweebosbuurt in person, with demolition works in their final phases, and to fully listen in person to the trauma and tears of affected former residents, and the handful of those who have managed to remain.

28. Some common patterns emerged through these visits, as well as through examining written submissions about additional similar cases of demolitions for urban renewal.

29. Residents complain about a) top-down decisions about demolitions which are seen to result from secret deals between municipalities, housing associations and developers; b) the failure of tenant participation and consultation mechanisms whereby they can freely voice their opposition, challenge demolition decisions and present alternative proposals; c) insufficient notice of intent to demolish buildings, often served in an arbitrary and haphazard manner, including through a video message delivered through a tablet, in one case. In many cases, residents also stated that their homes are structurally solid - although needing upgrades due to lack of maintenance by the housing associations - and could have lasted for many more decades to come. Residents are also not guaranteed the possibility to return to the newly rebuilt housing at the same location, or if they are, they fear rent increases and decreased liveability during the prolonged construction phase. This matters because, a disproportionate number of them are elderly people on fixed incomes. Those that are not able to or not guaranteed return are offered emergency priority in the allocation of new social housing, but placements are usually offered in remote, peripheral neighbourhoods, where they have no social links. Residents place value on the unique historic, cultural, social, ecological and architectural attributes of the buildings, communities and neighbourhoods, which encourage social interaction and well-being, and compare them to cultural heritage – an important dimension of the right to adequate housing, one of whose core elements is cultural adequacy.⁶

30. Residents also feel that their neighbourhoods were targeted for demolition because of lower incomes and higher numbers of residents of non-ethnic Dutch origin or background. The experience of forced relocation, combined with the loss of previously enjoyed social cohesion, has led to trauma, mental suffering, health problems, and a lasting sense of deep loss and helplessness. There are significant and specific impacts on older people, people with disabilities, children, and women including single parents. Residents that resist relocation experience decreased security perception of the neighbourhood due to the new people who have moved in, or due to homes remaining empty.

31. Given the ongoing housing and climate crisis, the Special Rapporteur finds the destruction of structurally sound social housing that he witnessed, indefensible in human rights terms and detracting from the Government's goal of increasing the overall housing stock and its climate commitments. Instead, this trend only contributes to the already existing pressures on social housing and feeds the already ongoing gentrification and financialization of housing. Under international human rights law, people are entitled to security of tenure and any resettlement should be designed, implemented, and monitored with the participation of and in consultation with residents.

32. While Rotterdam municipality has developed a new and improved National Programme for Rotterdam South and Housing Vision, the Special Rapporteur notes with concern that too many people in lower and middle income groups continue to find housing unaffordable. In addition, the municipality continues to target neighbourhoods with concentrations of people from vulnerable groups and lower incomes, a practice inconsistent with the legal commitment to non-discrimination. While spatial segregation is a negative phenomenon that needs to be countered, there is no evidence that any perceived problems, for e.g. regarding security, arose from such segregation rather than from other structural factors such as inadequate or biased policing. Besides, there are better ways to achieve the goal of improving the quality of living and coexistence in neighbourhoods than by relocating racially different poor people out of functioning neighbourhoods. Counter examples of such positive planning do exist: the Special Rapporteur was given the examples of W1555 in Rotterdam and Boschgaard in Den Bosch, where the housing corporations, Woonstad and

⁶ The seven core elements of the right to adequate housing, GC No.4.

Zayaz, cooperated with the residents' collectives to renovate housing in a sustainable and socially responsible way.

D. Temporary and anti-squat housing

33. In 2016, the Government introduced temporary rental contracts in an attempt to encourage owners to rent out homes and vacant buildings for a period of up to two years.. While the motivation may have been to make vacant homes and buildings accessible for housing, the policy has serious drawbacks in practice. Lacking the tenant protections in place for regular tenancy contracts, abusive practices emerged that led to higher rents, less tenant security and inadequate housing conditions. Tenants are afraid to demand their rights because they are afraid of losing their rental contracts.

34. The Special Rapporteur was informed that there are all kinds of temporary contracts, including anti-squat contracts, which are essentially contracts of use – not rental contracts – whereby tenants have very few rights and can be evicted on very short notice. Anti-squat contracts are often used to repopulate housing units after residents are evicted due to renewal projects and until the moment demolitions would start. The Special Rapporteur has also learned that anti-squats are outsourced by the municipalities and managed by private companies, some of them rather big and operating at pan-European level. These anti-squatting agencies aim mainly to make a quick profit from tenants who have few rights, while offering them very inadequate housing, often based on exploitative contracts, for example, that the residents will not conceive children while living in such housing. Reportedly, there are thousands of such residents across the Netherlands.

35. The Special Rapporteur visited a large privately-owned residential building in Vlaardingen, which was stacked full of temporary migrant workers with very few rights. In the affluent-municipality of Castricum, he observed temporary housing in the form of container housing – metal boxes camouflaged to look like an eco-friendly construction – where various groups are housed including persons labeled as “economic homeless” and recognized refugees. Water pouring through the roof when it rains, dangerously high levels of humidity coupled with lack of ventilation producing mold, and extreme heat in the summer, combine to create unhealthy and undignified housing conditions.

36. The Special Rapporteur welcomes the adoption in November 2023 of a law banning temporary housing rentals, although he understands that many exceptions will still remain.

E. Homelessness, its stigmatization and criminalization

37. Homelessness is a prima facie violation of the right to adequate housing and may violate a number of other human rights such as the right to life, health, water and sanitation, security of the person and the freedom from cruel, degrading and inhuman treatment.⁷

38. The Special Rapporteur was informed that living on the street in the Netherlands drastically reduces life expectancy of people who end up homeless. Affected persons eventually develop physical and mental health problems, finally qualifying for support, but by that time the damage done is often already irreparable.

39. The 2023-2030 National Action Plan on Homelessness was developed through collaboration between the Ministry of Interior and Kingdom Relations, the Ministry of Social Affairs and Employment, and the Ministry of Health, Welfare and Sport. It sets the ambition to significantly and structurally reduce homelessness in the Netherlands, in line with the Lisbon Declaration to end homelessness by 2030. The Action Plan has been funded by EUR 65 million, in addition to the regular EUR 385 million that municipalities receive for social care. Hailed as a step in the right direction by civil society, the Action Plan highlights the need for a paradigm shift to address homelessness, which should focus on prevention and Housing First. However, implementation of the National Action Plan is left at the discretion of the municipalities.

⁷ A/HRC/43/43.

40. While homelessness doubled in the Netherlands in the decade between 2009 and 2018⁸, the most recent estimates from Central Bureau of Statistics Netherlands show a decrease in the past three years⁹, indicating the number of people in homelessness dropped to 26,600 in 2022. However, official statistics only include people in street homelessness aged between 18 and 65 years and do not include undocumented migrants, nor people living in homeless shelters on a long-term basis. Academics, civil society and service providers maintain that the level of homelessness is much higher and in fact has risen further, with unprecedented numbers approaching shelters at the start of the winter when this country visit took place. Pilots carried out in two regions which included several municipalities using the ETHOS Light methodology - which includes those living in hidden homelessness - yielded numbers that are much higher than those reported in official statistics and indicating that children and youth formed 40% of all homeless people, while women account for almost one third.¹⁰ According to service providers, the number of homeless EU migrant workers has increased dramatically over the past few years.

41. Support for homelessness is conditioned on the concept of self-reliance, anchored in the Social Support Act which places this responsibility on municipalities. Specifically, Article 1.2.1 limits the provision of support and shelter only to residents who are unable to maintain themselves in society on their own, with informal care or with the help of other persons from their social network. Foreign nationals are only eligible for support and shelter only if they have been lawfully residing in the Netherlands. Some municipalities have required persons in situation of homelessness to demonstrate a “local connection” to the city where they seek assistance. In reality, many have difficulty providing sufficient proof since the criteria can be arbitrarily applied. The Special Rapporteur was informed by many interlocutors that municipalities compete “in a race to the bottom” in discouraging migrants from accessing shelter including by applying the local connection requirement.

42. The differential treatment of foreigners in situation of homelessness amounts to discrimination violating the right to adequate housing. While the State is not obliged to provide housing to those that can access and afford it by themselves, the State cannot deny support to persons experiencing homelessness who are most in need the right to adequate housing. Such denial amounts to a State failure and also leads to stigma that many people in homelessness are undeserving of help.

43. The Special Rapporteur visited a shelter in Amsterdam funded by the municipality, which remains open from 1 December to 1 April, providing night shelter only to those who qualify. When the temperature drops below zero degree centigrade the shelter is open to all. It is evident, including from the testimonies of the staff of the shelter that such shelters need to be open all year; however, they do not have the funding, nor the permission to do so from the municipality. While the municipality offers other day and night care, the shelter capacity of the municipality is not sufficient for the demand, while more support requested by Amsterdam from the central government has not yet been provided.

44. In Rotterdam, the Special Rapporteur visited Pauluskerk – a church providing daytime services and very limited shelter places to migrants in homelessness situations, especially EU and undocumented migrants, who would otherwise only be able to access emergency shelter when the temperatures drop below zero degree centigrade. The stories of undocumented people that the Special Rapporteur heard indicate that many of them may have fallen through the cracks of the asylum application system and may have qualified for asylum if they received adequate legal counsel and representation. Different interlocutors attested that undocumented migrants in homelessness, particularly undocumented families with children, mostly hide and avoid contact with institutions as they fear being detained or deported. The Special Rapporteur heard that ambulances release sick people at the church doorstep because health workers know they would otherwise get much worse on the street. This tacit recognition of the threat to life and irreparable harm is a clear testament to the acute need to

⁸ <https://www.cbs.nl/en-gb/news/2019/34/homelessness-more-than-doubled-since-2009>.

⁹ <https://www.statista.com/statistics/522768/netherlands-number-of-homeless-people-by-location/>.

¹⁰ Provide citation.

ensure that all emergency housing is open to everyone, all times during the day, irrespectively of weather conditions including for undocumented migrants.

45. The Special Rapporteur visited a Housing First project in the Hague, where he spoke with several organisations implementing Housing First programmes in different parts of the country and met a beneficiary who described the transformative power of the programme. Professionals see enormous benefits of the Housing First approach. However, funding is still very limited and access is very restricted. In addition, in many programmes, housing contracts are in the name of the care provider as an intermediary between the beneficiary and the social housing provider, which leaves the beneficiary vulnerable in case of disagreement with the care provider and erodes their security of tenure, missing the fundamental principles of the Housing First approach that tenancy arrangements should be separated from care provision.

46. Finally, the Special Rapporteur would like to recall the decision of the European Committee of Social Rights of 2 July 2014 which found that the Netherlands is in violation of many articles of the European Social Charter in relation to various policies related to homelessness.¹¹ He is concerned that during the last decade inadequate measures have been taken to address the violations enumerated in the decision¹².

47. Although being homeless is not, per se, punishable in the Netherlands, several provisions in national and local legislation can result in the criminalization of persons living in homelessness. Since 2010, squatting, which was traditionally tolerated, is punishable with imprisonment of up to one year (article 429 of the Dutch Criminal code). ‘Trespassing’ (articles 138 and 139), ‘Failure to comply with an order’ (article 184) and ‘Causing noise that can disturb sleep’ (article 431) are also criminal offenses in the Netherlands, which can result in fines or imprisonment. Being in a state of “obvious drunkenness” on the street is also criminalized and can lead to imprisonment of up to 12 days (article 453).

48. The previous Special Rapporteur raised concerns¹³ about an Amsterdam city ordinance that bans behaviours specifically associated with homeless persons such as sleeping in the street, “leaning against a door, or window” or staying in common areas of a building without a reasonable purpose; The municipality of Amsterdam has informed the Special Rapporteur that it has agreements with the police that homeless people will not be fined for merely sleeping outside. In Rotterdam, there is a fine of EUR 150 for sleeping on the street. While law enforcement officials encountering rough sleepers are guided to contact first care partners to find alternatives, the fine can be imposed in the event of significant or repeated violations. The Special Rapporteur heard testimonies from several persons interviewed that the municipality aims to fine “notorious rough sleepers” from the EU at least 6 times, after which they can be sent back to their country of origin..

F. Homes impacted by earthquakes due to gas extraction

49. The Special Rapporteur visited Groningen and Eemsdelta where he learned about the impact of seismic activity linked to natural gas extraction from underground reservoirs by the Dutch Petroleum Company (NAM), owned by Shell and ExxonMobil, on the enjoyment of the right to adequate housing. He visited houses in Garrelswaer where reinforcement and reconstruction works were being carried out, and had discussions with affected individuals, civil society and national, provincial and local government representatives.

50. The Special Rapporteur was informed that shallow earthquakes started in the region in 1993 but for a long time the risks that they could lead to damage were underestimated. It later emerged that authorities knew about the risks of tremors much earlier. At the beginning, NAM had little oversight, and were settling damages themselves, meaning they were

¹¹ No. 86/2012 European Federation of National Organisations working with the Homeless (FEANTSA) v The Netherlands. See Decision on the merits of the Complaint 86/2012.

¹² See as well European Committee on Social Rights, Second assessment on follow-up (2017), available at :

[https://hudoc.esc.coe.int/eng/#{%22sort%22:\[%22escpublicationdate%20descending%22\],%22escdcidentifier%22:\[%22cc-86-2012-Assessment2-en%22\]}](https://hudoc.esc.coe.int/eng/#{%22sort%22:[%22escpublicationdate%20descending%22],%22escdcidentifier%22:[%22cc-86-2012-Assessment2-en%22]}).

¹³ AL NLD 4/2019.

responsible for correcting their own wrongdoing. In 2019, the Ministry of the Interior and Kingdom Relations became responsible for reinforcement works. Over the years, different assessment methods have been applied to determine whether such reinforcement works are necessary, leading to disparities in compensation and reinforcement, eroding significantly social cohesion and the trust in institutions in the affected communities. There is a sense of injustice throughout the region which lags behind the country average in terms of socio-economic development. While billions have been made from the extraction of gas resources – EUR 363 billion in proceeds for the State and more than EUR 66 billion for Shell and ExxonMobil, just 1% of the proceeds is estimated to have remained in the earthquake-affected region itself. According to studies, thousands of people have mental and other health problems, resulting from the combined distress linked to damages and safety concerns that the tremors provoked, and issues with compensation and reinforcement.

51. Following a parliamentary inquiry which found that the interests of residents were systematically disregarded, with financial interests consistently taking precedence over safety, there is now a new approach towards a recognition of what residents have gone through. EUR 22 billion have been allocated for compensation and reinforcement activities, as well as investing in the sustainability of homes, to be completed in 2028 and 2035 respectively. The Special Rapporteur was informed that gas extractions have stopped since 1 October 2023, but that they could resume, on an exceptional basis until 1 October 2024. Tremors are expected to continue in the coming years.

52. In Garrelswaer, the Special Rapporteur was impressed with a holistic pilot project in 4 small villages that aims to minimize the impacts of reconstruction works on the community, including by reducing the use of heavy machinery to what is absolutely necessary. He was also impressed with the quality of temporary homes used to accommodate people while they await the completion of reinforcement works on their homes.

53. Nevertheless, the Special Rapporteur finds that there continues to be a lack of shared understanding between the responsible institutions at central and local levels, and the inhabitants of the affected communities, with confusion remaining about who qualifies for compensation, repair and reinforcement support. Outside the most ‘declared’ affected areas, residents still have to prove that damages to their homes were linked to the tremors in order to get support and compensation. But beyond compensation, what the grieving community in the earthquake region needs is a truth and reconciliation process that aims to heal the wounds of marginalization and exploitation.

IV. Specific groups

A. Persons with disabilities and older persons

54. With an aging population, the housing sector in the Netherlands is faced with the challenge of a growing demand for smaller or single-person homes, and specifically homes that are accessible and adapted to persons with disabilities or with age-related impairments. The housing crisis makes it particularly difficult for persons with disabilities to find accessible housing that is affordable for them, including housing suitable for persons with mental disabilities.¹⁴ The Special Rapporteur observed that a number of public buildings and spaces were inaccessible for persons with disabilities. He welcomes efforts of the Netherlands Standardization Institute which has developed a voluntary standard for accessible construction, to improve accessibility of housing for persons with disabilities, but remains concerned that such a voluntary standard will be insufficient to address shortage of accessible and affordable housing for persons with disabilities and to ensure their right to live independently within the community at a place of their choice.

¹⁴ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCRPD%2FICO%2FNLD%2F47910&Lang=en.

B. Students

55. In the 2022-23 academic year, a total of 754,000 students were enrolled in higher education. More than half of them, 398,900 students, lived in own accommodation, including most of the more than 120,000 international students. There has been an increase in the number of international students arriving in the Netherlands due to an increase of relatively affordable English-taught university programmes of high quality. For all students it is difficult to find adequate housing, with international students left in the most vulnerable situations, who usually cannot rely on a local social network for support. Many Dutch students are forced to commute long distances to participate in classes. International students report online scamming, discrimination and harassment by abusive private landlords. There are many issues: landlords charge more rent for international students; rental contracts are only in Dutch; the landlords enter properties randomly to check, and the fire safety seems very questionable. International students are afraid to report irregularities because they are afraid to be left out on the street. In Groningen, the Special Rapporteur was informed that many foreign students find themselves homeless in the first months of the academic year and had to resort to living in tents.

56. The Special Rapporteur was told that universities have delegated budgets, so they aim to attract more students, especially from abroad, in order to receive more funding. Although they provide useful information to students, universities maintain that they are not primarily responsible for their housing. Students often arrive for the academic year and are then absorbed with housing arrangements. Instead of blaming students for the housing crisis, the Special Rapporteur believes that universities must be held to account for providing housing solutions for the students that they admit. The Special Rapporteur notes, that, the central government has drawn up an action plan with municipalities and student representatives that should lead to 60,000 additional units for students by 2030.

C. Caravan dwellers, Sinti and Roma

57. The Special Rapporteur visited a caravan site in Amsterdam where he met with representatives of the caravan dwellers, Sinti and Roma communities, who informed him about the persecution, exclusion and discrimination these communities have experienced historically. Representatives referred to many years of “extinction policy” pursued by the State by reducing the number of pitches for people identifying themselves as caravan dwellers. The implementation of the 2018 Municipal Caravan and Pitches Policy - seen initially as progressive - was left to municipalities to implement and hardly any new pitches were made available.¹⁵ Today, there continues to be a shortage of caravans and pitches. Only about 15% of caravan pitches are owned by the residents, preventing parents from bequeathing them and leading to the unnecessary destruction of caravans upon their death. It is close to impossible to obtain a mortgage for buying a caravan (only Rabobank gives this option, but caravans already need to be on location), to get a starter loan, or to get a caravan insured. Highly problematic practices have emerged in several municipalities, such as by placing concrete blocks to prevent the use of certain pitches, as well as the stacking up of caravans on top of each other. The communities continue to experience discrimination on a daily basis in their dealings with the rest of the public including in schools and the justice system.

D. Migrant workers from EU

58. The Special Rapporteur learned of shocking employment conditions of EU migrant workers akin to labour exploitation whereby people pay exorbitant fees for their housing, health insurance and even transportation to and from work to the same employment agency

¹⁵ The Special Rapporteur has been informed that in September 2023, the municipality of Amsterdam adopted a policy framework for caravans and pitches in collaboration with the caravan community, to make it easier for caravan residents to finance a caravan, to expand caravan sites and identify new locations.

which initially recruits them. At the end of the work week, some who were interviewed may be left with as little as EUR 50 of real earnings, provided they do not get “fined” for breaking the rules such as for example, not taking out the trash. Should they get injured, or fall sick, or raise questions, they stand to lose their jobs, and with that, automatically lose their accommodation, and end up on the street. There are 12,000 such employment agencies registered in the Netherlands, whose activities are not sufficiently regulated and monitored. Employment agencies can be simply registered by a municipality when they show up to register, and there is no oversight to speak of.

E. Asylum seekers and persons under temporary protection

59. The Special Rapporteur was well aware of the crisis in reception centers due to overcrowding that the Netherlands has been experiencing on and off since 2015/2016, vividly illustrated by asylum seekers sleeping on office chairs and in sleeping bags outside the main application center in Ter Apel. These images, which shocked the country, are but the tip of the iceberg, as the Special Rapporteur learned from professionals in the field. Contributing factors are a purposefully maintained low capacity in the asylum accommodation system and delays in the refugee determination procedure resulting in long waiting times and a backlog of 25,000 cases.

60. The Central Agency for the Reception of Asylum Seekers (COA), although staffed with many committed professionals, is mired in administrative morass, including the most pressing challenge of achieving cooperation agreements with municipalities for the establishment of regular long term reception centres. Many of the municipalities only agree to the temporary opening of emergency reception centers. Most centers are located in the more remote northern and eastern part of the country and not in the so-called Randstad urban conurbation in the Western and central part of the Netherlands. This poses enormous logistical problems and pressures on the system. Furthermore, many municipalities insist on taking in only families with children – which local communities would accept more willingly. Thus, children are paradoxically the ones that end up moving the most – from one inadequate temporary facility to another, often too far from the nearest local school. Due to difficulties, COA and the municipalities have resorted to hosting asylum seekers also on boats and cruise ships, which pose their own specific challenges.

61. To learn more about the structural issues in the accommodation of asylum seekers, the Special Rapporteur visited three reception centers in the country. The newly-rebuilt Azc Delfzijl reception center for asylum seekers represents accommodation conditions at their best, as attested by staff and residents, and is a testament to the commitment of the local municipality and community to host asylum seekers.

62. In Biddinghuizen, the Special Rapporteur visited a large temporary reception facility for around 1,450 people. The facility is open for several months each year, closing in summer to give way to an amusement park, and it needs to be set up anew each autumn. Last year it comprised few very large tents. During the Rapporteur’s visit, it consisted of container housing, with a separate section with capacity to accommodate 50 unaccompanied minors. The facility has organized a free shuttle to the nearest town which has a train station. Despite the best efforts of the management to organize it in a way that it conforms to accommodation standards, the facility is faced with a number of challenges, ranging from security to hygiene to mobility and nutritional issues. In the general section, people have no access to a kitchen and are therefore not able to cook for themselves. Food is organized through a catering company from Belgium, but there are complaints about the food’s taste, nutritional quality and lack of options for people with dietary and cultural requirements and food allergies. Medical care on site is limited and not available overnight. Families with young children find it particularly challenging that they are not able to prepare hot meals or access non-emergency health care on site. The weekly allowance of around EUR 14,01 per week is used to purchase any extra food from outside to supplement their catered food, which is plainly inadequate, as they also need to buy other supplies from that allowance. Elderly persons and persons with medical conditions find it very hard to walk to the toilets or bathrooms which are set quite far away in other containers, and accessible only by a walk through frigid and windy weather, which is especially hard at night. While the section for minors is equipped with cooking

stations, some of the youngsters did not appear too motivated and able to cook for themselves and do not appear to have access to the general canteen. They have to survive on food that they purchase with their weekly allowance and prepare themselves. Having to prioritize food, it was obvious in both sections that many cannot afford to buy basic items such as season-appropriate shoes. The Special Rapporteur was shown bathrooms where the lights had stopped working. There was no toilet paper or soap in some of the toilets and people were expected to line up outside in windy weather for hours for hygiene packs.

63. The Special Rapporteur also visited a boat moored in an industrial area of Groningen, used as temporary reception facility for 140 asylum seekers, mostly men, and no children. In the absence of public transport links, residents purchase second-hand bicycles to go to the city. However, those who cannot ride, in particular older women coming from countries where cycling is not a tradition as in the Netherlands, end up feeling quite isolated. Residents that the Special Rapporteur spoke to and witnessed, are paired in very small rooms, leading to lack of privacy and sometimes, to conflicts and have not been allowed to change who they share a room with. On the lower deck residents complained that they cannot open the windows and face high humidity. Residents have a weekly allowance of EUR 70 per person from which they are expected to purchase and prepare their own food. While there are two containers with rudimentary cooking stations on site, they were in terrible shape, allegedly infested with rats and worms, according to information received. The food was stored in individual lockers in a container and the entire container was refrigerated resembling an icebox.

64. Various interlocutors told the Special Rapporteur that there are reception centers where conditions are much worse, including where there is very little privacy, especially in the big tents and sports halls where individuals can be separated by just curtains, with often 6 people to a room with no ceiling. There is also a feeling that people of certain nationalities have their asylum applications considered more quickly, therefore they remain for shorter times in such accommodations. Many asylum seekers asked to be accommodated together with family members, including an older woman who was worried about her daughter expecting a baby in a far-away facility.

65. The Special Rapporteur welcomes the adoption in January 2024 of the Distribution Law, which tasks municipalities on the basis of a distribution key, to host refugees in reception centers 17 months after it enters into force.

66. In contrast to reception centers available to asylum seekers from non-European countries, the Special Rapporteur had the opportunity to visit an accommodation center in Rotterdam hosting 143 persons, mostly families, who fled the conflict in Ukraine, that offers housing conditions in line with the right to adequate housing. The commitment of staff, and the extent to which residents were met with compassion and understanding was impressive. It should be noted that Ukrainians do not have to undergo asylum determination either and have direct access to the job market. This was all in sharp contrast with how asylum seekers arriving from other countries, mainly non-European, are dealt with. This strongly disparate housing and living conditions between European and non-European asylum seekers and refugees is inconsistent with the basic norm of nondiscrimination which is common to human rights law and refugee law.

V. Recommendations

67. **The Special Rapporteur calls on the Netherlands to:**

(a) **Legal and institutional:**

(i) **Incorporate the right to adequate housing in its domestic law, starting with Article 22.2 of the Constitution, which could be amended to read: “It shall be the obligation of the State to respect, protect and fulfill the right to adequate housing for all persons. No one may be evicted from their home or have their home demolished, without ensuring adequate alternative housing and only after an order of court.”**

- (ii) **Ratify the OP-ICESCR and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;**
- (iii) **Fully align its policy, law and practice including in bilateral investment treaties with the OECD Due Diligence Guidance for Responsible Business Conduct, EU Corporate Sustainability Due Diligence Directive and the UN Guiding Principles on Business and Human Rights; and bolster the capacity of the National Contact Point under the OECD Guidelines;**
- (iv) **Fully align its foreign and security partnerships to ensure that Dutch resources, personnel and territory are not used for operations by or in third countries that lead to or result in gross violations of the right to adequate housing, including domicile;**
- (v) **Regulate rents in the private rental sector and authorize disputes to be heard by rental tribunals including those brought by undocumented residents;**
- (vi) **Ensure that rental contracts and advertisements for tenants should be non-discriminatory and not express preferences based on citizenship, nationality, gender, family status or other disallowed grounds under international law;**
- (vii) **Create a licensing system for real estate agents and mandate their training and certification in accordance with guarantees of non-discrimination;**
- (viii) **Develop with all relevant stakeholders and enact a tenant bill of rights including access to justice, protection against usurious rent increases, adequate notice of renovations and demolitions;**
- (ix) **Ensure support for tenant participation in the tripartite arrangements for social housing with organizational and legal resources to create a level playing field. Such agreements must be legally enforceable in courts;**
- (x) **Authorize Dutch municipalities to explore the use of land banks or land pooling arrangements; legally recognize community land trusts or other public, non-governmental collective ownership or management of land;**
- (xi) **Fully authorize municipalities to impose rent caps or rent control as needed;**
- (xii) **Authorize and regulate cooperative housing that is non-profit and not owned by private sector, which can enable individuals to develop housing for themselves;**
- (xiii) **Ensure that all temporary contracts enjoy the same legal protections as permanent rental contracts with regard to evictions and habitability. Furthermore, temporary rental contracts should not replace permanent contracts in any housing redevelopment project;**
- (xiv) **Decriminalize squatting and ban anti-squat contracts, that are a blatant violation of the right to adequate housing including security of tenure;**
- (xv) **Impose fines on landlords who leave their property vacant for profit, as already foreseen by law and repurpose vacant property after due notice, for emergency or other housing through compulsory rental auctions;**
- (xvi) **Conduct a review of local government bye-laws and remove or amend them to ensure that persons experiencing homelessness are not penalized for life sustaining acts such as sleeping rough or eating; Fines imposed should not be treated as debt for the purpose of incarceration, deportation or denial of statutory benefits;**
- (xvii) **Enshrine in national law that persons with disabilities should have access to all existing and new public buildings, social housing, hotels, commercial establishments and businesses, as well as sidewalks and public spaces;**

(xviii) **Ensure that courts can apply provisions of the ICESCR domestically, especially article 11, (similar to the application currently of the provisions of the CRC such as the principle of the best interests of the child);**

(xix) **Enable national courts to entertain collective/public interest complaints for violation of the right to adequate housing;**

(b) Administrative:

(i) **Establish the Ministry of Housing as an independent and well-resourced Ministry, with all responsibilities related to housing, including for housing benefits, homelessness prevention, sustainability, and housing for refugees and asylum seekers;**

(ii) **Bring COA under the Ministry of Housing and ensure all budget for the accommodation of refugees and asylum seekers is paid for by the Ministry of Housing and not the Ministry of Foreign Affairs;**

(iii) **Expand and strengthen the capacity of the Authority for Housing Cooperation and transform it into a fully independent public body;**

(iv) **Authorize the National Ombudsman to receive complaints from residents of social housing and ensure adequate oversight of social housing associations through appropriate mechanisms;**

(v) **Bolster the capacity of local municipalities to shoulder their legal, tax, fiscal and administrative competences and powers to ensure full realization of the right to adequate housing;**

(c) Planning and Policies:

(i) **Continue developing the National Agenda for Housing and Construction and adopt a comprehensive national plan for decarbonization of the built environment consistent with the housing agenda;**

(ii) **Expand the National Heat Fund providing free or preferential loans for homeowners with low incomes for energy upgrades to reduce emissions in conformity with the goals of the Paris Agreement.**

(iii) **Increase the construction of new social and affordable housing and consider expanding access to social housing also to middle income groups that are above the annual income limit of 47.699 or 52.671 (for single and multi-person households respectively) euros, paying particular attention to the impact of such measures on the access to social housing of those who are below the annual income limit;**

(iv) **Ensure that priority access to social housing is for persons experiencing or at risk of homelessness, or other forms of severe housing exclusion including disabled or elderly individuals;**

(v) **Ensure that both municipalities and housing associations step up early and meaningful communication, participation and consultations, especially on important decisions such as urban renewal, and ensure full accountability and transparency vis-à-vis the residents they are meant to serve;**

(vi) **Encourage alternative or counter-planning by community members. Municipalities should establish a Bureau to support such efforts;**

(vii) **Mandate mediation and increase the capacities of ombudsman institutions at local level to mediate social housing disputes;**

(viii) **Create a ranking of social housing providers based on quality and service criteria, rent, number of disputes, and other relevant factors and make such ranking public and share with renters before they sign contracts;**

(ix) **Overhaul and expand the emergency shelter system, while ensuring that persons accessing emergency housing can, within two months, access housing units that are safe, affordable, adequate;**

- (x) Conduct a biannual shelter assessment survey, funded by the State to evaluate needs and quality;
 - (xi) Open all emergency and night shelters 24 hours a day to all who seek it, regardless of their nationality, administrative status or personal background;
 - (xii) Actively counter incitement of hatred against foreigners who have been blamed for the housing crisis;
 - (xiii) Ensure speedy remedies, including compensation and appropriate acknowledgement, for residents of Tweebosbuurt and other neighbourhoods that may have been demolished;
 - (xiv) Ensure access to long-term social housing to all persons legally residing in the country, as well as to migrant workers;
 - (xv) Strengthen homelessness prevention, including by increasing funding and expanding the eligibility criteria for Housing First programmes;
 - (xvi) Ensure, as soon as possible, the final closure of all gas extraction in the Groningen/Eemdelta region;
 - (xvii) Ensure appropriate remedies and reparation including appropriate acknowledgement of grief, and psychological impacts including loss, to anyone whose home suffered damages due to gas drilling in Groningen/Eemdelta region, including by holding charettes among all stakeholders and affected families - a form of collaborative and participatory planning process that represents transformative community change, for a population that has experienced trauma;
 - (xviii) Ensure greater benefit sharing and rebuilding in any future development of the affected communities in the Groningen/Eemdelta region due to the disproportionately negative impacts of gas extraction in the past.
- (d) **Data, eligibility and measurement:**
- (i) Commission an independent expert evaluation of the ‘liveability barometer’ to ensure compliance with human rights including non-discrimination and participation;
 - (ii) Replace the ‘cost-sharing standard for welfare assessments with more individualized risk assessment criteria consistent with reducing homelessness;
 - (iii) Begin mapping homelessness using the ETHOS Light method, as foreseen in the National Action Plan on homelessness including by the Central Bureau of Statistics and harmonize all national and local laws, policies and programs on homelessness in the light of this method;
 - (iv) Abolish the self-reliance criteria and the local connection requirement as preconditions for accessing more structured support and long-term social housing for persons experiencing homelessness;
- (e) **Students:**
- (i) Ensure that all universities must provide adequate housing rental options for the duration of the study for which students are admitted, which is affordable. The number of students admitted by any university should not exceed the number of available rental housing in the area where the university is located;
- (f) **Caravan dwellers, Sinti and Roma communities:**
- (i) Conduct a parliamentary inquiry to establish and acknowledge the historic wrongs against caravan dwellers, Sinti and Roma communities;
 - (ii) Ensure security of tenure for caravan dwellers over their plots, through long term leases or outright purchase through programs such as rent-to-own;

- (iii) **Require municipalities to allocate adequate plots for caravan dwellers – in many cases by increasing the number of plots. Allocation time cannot be longer than that for obtaining social housing for a similar unit.**
- (iv) **Regulate lending for caravan dwellers to enable easier borrowing including through more banks.**
- (v) **Ensure that evictions or demolitions of the housing of caravan dwellers do not happen without obtaining their free, prior, informed consent and without ensuring an equivalent plot that assures community cohesion. If the area being cleared is going to be redeveloped, housing in that location should be offered as an option or benefit-sharing must be assured;**
- (vi) **Ensure the availability of insurance policies for caravans through adequate number of companies while ensuring that such insurance companies are independent from any bank that lends money for purchase or rental of caravans;**
- (g) **Migrants:**
 - (i) **Establish oversight over the temporary employment agencies which recruit migrant workers, including through a centralized registration system, and issue regulations as appropriate to prevent abuses;**
 - (ii) **Create a single centralized portal online for all employment applications from EU migrant workers;**
 - (iii) **Rank employment agencies based on a set of objective criteria, including reputation, transparency, number of complaints and business ratings by employers and users, and make these rankings public;**
 - (iv) **Mandate that all employment contracts must be in Dutch as well as in the employee's language, and must offer housing or housing subsidies for the duration of the contracts and other appropriate benefits including health insurance payments. Mandate that employment contracts shorter than one year must always provide employer-provided housing which meets standards ensuring the right to adequate housing;**
 - (v) **Ensure that parental custody is never taken away solely due to the family being at risk of homeless, including for undocumented migrants, and instead ensure with priority that all families with children are adequately housed;**
- (h) **Asylum seekers and refugees:**
 - (i) **End discriminatory treatment between Ukrainian refugees and asylum seekers and those from non-European countries with respect to the quality and number of housing options as well as right to obtain employment;**
 - (ii) **End immediately the practice of relocating families with children from one reception center to another, placing them with priority in the existing long-term reception centers which have the best facilities and access to education and healthcare;**
 - (iii) **Ensure that conditions in reception centers are consistent with the right to adequate housing and the principle of human dignity, by for example making sure people are able to maintain a basic level of hygiene and to prepare their own culturally appropriate meals for themselves and their children, and provide adequately proximate and weatherized access to bathrooms and toilets for elderly people and people with medical conditions, especially in centers such as Biddinghuizen;**
 - (iv) **Ensure that members of immediate families are not separated to be housed in different reception centers across the country;**
 - (v) **Put in place more effective complaints mechanisms in its reception centers for asylum seekers and consider putting in place a system of regular unannounced visits by a body fully independent from COA and the MOJ;**

(vi) **Provide all asylum seekers who have been accepted to remain for the interview process by the IND with equal access to housing and equal opportunity to obtain employment in Netherlands without discrimination based on national origin, in compliance with Dutch law as confirmed by a Dutch court recently;**

(vii) **Ensure that all refugee status holders are entitled to housing which meets the standards of social housing for a unit of a similar size and price, and not accommodated in container or other temporary housing for a substantial period.**

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