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**Promotion and protection of all human rights, civil,
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including the right to development**

Visit to the Kingdom of 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

In accordance with Human Rights Council resolution 52/10, the Special Rapporteur on the right to adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, submits his report on his visit to the Kingdom of the Netherlands, from 11 to 21 December 2023. The present report contains an analysis of the legal protection and enjoyment of the right to adequate housing in the country, the state of the 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 present report was submitted to the conference services for processing after the deadline so as to include the most recent information.

** 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.



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, Balakrishnan Rajagopal, on his visit to the Kingdom of 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 Kingdom of the Netherlands from 11 to 21 December 2023 at the invitation of the Government. The visit took place shortly after the early general elections, which were held 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 the present report will be taken into consideration by any future Government that is formed.

2. The Special Rapporteur thanks the Kingdom of 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 organizations, housing associations and industry representatives, service providers, researchers, members of civil society, residents, minorities, migrants, refugees and asylum-seekers. Particular thanks go to those individuals and organizations 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 Kingdom of the Netherlands has ratified most international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights, which sets out the right to adequate housing in article 11; however, it has signed, but not ratified, the Optional Protocol thereto.

4. The Kingdom of the Netherlands has ratified the European Social Charter and is bound by article 31 thereof, which guarantees the right to housing. It has also ratified the Additional Protocol to the 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 commitment of the Kingdom of the Netherlands to investing in the United Nations human rights system, including by maintaining long-term financing for the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the special procedures of the Human Rights Council,¹ as well as its foreign policy priority areas in the field of human rights: women and girls; lesbian, gay, bisexual, transgender and intersex persons; freedom of religion and belief; freedom of

¹ Kingdom of the Netherlands, Ministry of Foreign Affairs, *Policy Document: Human Rights – Democracy – the International Legal Order* (The Hague, 2023), p. 14.

expression; and human rights defenders and civic space. However, the funding for the first year of accommodation for asylum-seekers in the Kingdom of the Netherlands comes from Netherlands official development assistance, diminishing resources for development cooperation with partner countries abroad. The Special Rapporteur welcomes the order by The Hague Court of Appeals on 12 February 2023 that the Kingdom of the Netherlands cease exporting F-35 military jet parts to Israel via a logistics hub in the Kingdom of 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 Convention on the Prevention and Punishment of the Crime of Genocide as well.²

6. The Special Rapporteur notes that the Netherlands courts are competent to hear claims against business enterprises domiciled in the Kingdom of the Netherlands for alleged human rights abuses abroad, based on Netherlands 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 the Kingdom of the 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 disconnection due to unpaid bills. For judges, article 11 of the International Covenant on Economic, Social and Cultural Rights 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: “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 that the Kingdom of the Netherlands has assumed under the International Covenant on Economic, Social and Cultural Rights, including effective remedies for violations of the right to adequate housing. Moreover, article 120 of the Constitution does not allow any courts to conduct a constitutional review of legislation.

9. Significant new legislation has recently been enacted or may be enacted that will have an effect on the affordability of housing and security of tenure. The Special Rapporteur commends the Kingdom of the Netherlands for the Good Landlordship Act. The Special Rapporteur also welcomes the development of the draft affordable rent act and the 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 of the new laws, and the implementation thereof, are consistent with the international obligations of the Kingdom of the Netherlands to implement the right to adequate housing.

10. The Minister for the Interior 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

² See the ongoing litigation before the International Court of Justice on *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*; OHCHR, “Arms exports to Israel must stop: UN experts”, press release, 23 February 2024; and OHCHR, “Gaza: UN experts call on international community to prevent genocide against the Palestinian people”, press release, 16 November 2023.

to adequate housing. He had earlier conveyed his views on the Inner City Problems (Special Measures) Act in a communication to the Government.

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 the Kingdom of the Netherlands that the market will primarily be able to take care of the housing needs of the population, and that social housing and the involvement of the State should no longer play 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 Netherlands cities. Realizing that housing needed to be reprioritized, the Government established the Directorate General of Housing and the Directorate General of Spatial Planning within the Ministry of the Interior and Kingdom Relations in 2022. The Directorate General of Housing was still building its capacity at the time of the Special Rapporteur's visit. It has already introduced significant policy changes, including by rescinding 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 fragmentation of housing policy across and between government ministries. At the central level, public housing, housing construction and sustainability fall 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 for Health, Welfare and Sport and coordinated at the municipal level by local health departments. The Authority for Housing Associations is within the Ministry of Infrastructure and Water Management. This fragmentation has led to policy coordination and implementation problems and important protection gaps. In addition, in the absence of detailed requirements and goals defined at the 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 the Interior and Kingdom Relations, which houses the Directorate General of Housing, launched the National Agenda for Housing and Construction, with three main objectives, namely, ensuring housing availability, affordability and quality. The National Agenda is elaborated in six interconnected programmes in the areas of housing construction, affordable housing, housing for everyone, housing and care for older persons, acceleration of the sustainability transition in the 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 responsibility of the Kingdom of the Netherlands to meet decarbonization commitments, including by creating housing from existing housing stock and avoiding the demolition of social housing, which also leads 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 (Special Measures) 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 the Interior and Kingdom Relations which raised concerns about the stigmatization of migrants and discriminatory impacts. In the view of the Special Rapporteur, the revised version does not address those 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, and some still remain 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 Kingdom of the Netherlands

17. The Kingdom of the Netherlands has been facing an acute housing crisis, which has manifested itself as a crisis of both availability and affordability. The crisis has had a long gestation over two or more decades, and has many structural causes, including the lack of adequate land for new affordable housing, the lack of regulation of the social housing providers, the introduction of unrealistic income limits for eligibility for social housing, the 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. However, an alternative narrative has emerged in the Kingdom of the Netherlands, namely, that an influx of foreigners into the country is responsible for the housing crisis. This narrative has been exploited for political ends and has radicalized and divided public opinion. It is important to break down who the foreigners are and to understand how they are housed.

18. On average, half of all migrants coming into the Kingdom of the Netherlands are from European Union countries, and only around 11 per cent of the migrants are asylum-seekers. Since February 2022, people fleeing the conflict in Ukraine have been granted temporary protection in the country.

19. Low-skilled migrant workers, primarily from other countries in the European Union (such as Poland, Romania and Bulgaria) are often housed in substandard accommodations, often in homes rented out by private individuals, disused buildings, barns and caravans. Such migrant workers are seen as indispensable, since the Kingdom of the Netherlands is experiencing a shortage of workers in a number of sectors. There are also far fewer undocumented migrants in the country, 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 centres, where they remain, on average, for 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 in the reception centres or are placed in temporary, sometimes substandard, housing, including container housing. In fact, a quarter of the residents in reception centres, or about 16,000 of the 64,000 residents, are recognized refugees. In comparison, of the approximately 113,000 refugees from Ukraine, about two-thirds are hosted in reception centres operated by municipalities that 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 Kingdom of the Netherlands towards refugees from Ukraine, but cannot fail to notice the stark difference in the treatment between them and asylum-seekers from the Syrian Arab Republic and other countries, who are housed in vastly inadequate conditions in emergency reception centres. 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 acting as competition to Dutch nationals when it comes to access to adequate housing, these groups mostly find themselves at the bottom of society, competing for housing that most Netherlands citizens are either not eligible for or would not wish to move into. A 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 there is no evidence that that is the cause of the general housing crisis in the country.

22. It is also important to note that many asylum-seekers arrive from countries such as the Syrian Arab Republic, where there have been military interventions supported by the Kingdom of the Netherlands and other North Atlantic Treaty Organization countries that contributed to the flight of the asylum-seekers. The Special Rapporteur also noticed that many of the asylum-seekers and refugees he met were highly qualified professionals, including medical professionals and engineers, whose skills the Kingdom of the Netherlands could utilize better.

B. Social housing

23. The Kingdom of the Netherlands has a long and rich tradition in social housing characterized by the provision of quality affordable housing for lower-income and, to some extent, middle-income households – it is indeed a cultural heritage of the country. Although the Kingdom of 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 owing to years of policy choices that reduced access to 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 a decrease in the liveability of neighbourhoods. When such stigmatization is combined with the lack of maintenance of social housing complexes or the perceived degradation of entire neighbourhoods, it provides arguments for the demolition of social housing.

25. In addition, 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 significantly to carbon dioxide emissions – its contribution is estimated to be around 37 per cent globally³ – the challenge not only of how to build in the face of zero-carbon commitments, but also how to reduce the emissions of existing houses, looms large. Some 89.5 per cent of heating of homes in the Kingdom of the Netherlands is based on natural gas. The decarbonization of the built environment is therefore a critical part of ensuring the right to adequate housing, which includes a commitment to sustainability, as the Special Rapporteur has advocated.⁴

26. In the face of these multiple challenges, there has been a recent effort to improve the functioning of housing associations, including through oversight by the Authority for Housing Associations over financial activities of housing associations, new construction and sustainability targets and new European Union-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 that lack of accountability.

³ See [A/HRC/52/28](#).

⁴ *Ibid.*

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, and Pompenburg and Tweebosbuurt in Rotterdam. Weigeliaplein was 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 centre. 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 the Tweebosbuurt neighbourhood in Rotterdam South, which had been targeted for demolition and renewal under claims that the housing was technically outdated and that there were significant socioeconomic problems. It was a sad privilege for the Special Rapporteur to visit Tweebosbuurt, with demolition works in their final phases, and to hear in person about the trauma experienced by the affected former residents and the handful of those who have managed to remain and to witness their tears.

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

29. Residents complained 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, which were meant to ensure that tenants could freely voice their opposition, challenge demolition decisions and present alternative proposals; and (c) insufficient notice of intent to demolish buildings, often served in an arbitrary and haphazard manner, including, in one case, through a video message delivered on a tablet. In many cases, residents also stated that their homes were structurally solid, though they needed upgrading owing to a lack of maintenance by the housing associations, and could have lasted for many more decades. Furthermore, residents are 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 who are not able or not guaranteed to 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, which is an important dimension of the right to adequate housing, one of whose core elements is cultural adequacy.⁶

30. Residents also expressed the feeling that their neighbourhoods were targeted for demolition because of the lower incomes and higher numbers of residents of ethnic origins or backgrounds other than Dutch. 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 a perception of decreased security of the neighbourhood due to the fact that new people have moved in or 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. It also detracts from the Government's goal of increasing the overall housing

⁵ See communication NLD 3/2021, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26359>.

⁶ For the seven core elements of the right to adequate housing, see Committee on Economic, Social and Cultural Rights, general comment No. 4 (1991), para. 8.

stock and its climate commitments. It only contributes to the existing pressures on social housing and feeds the 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 the municipality of Rotterdam 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 with 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 example regarding security, arose from such segregation rather than from other structural factors, such as inadequate or biased policing. Furthermore, 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 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 available 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, until the moment demolitions start. The Special Rapporteur also learned that anti-squats are outsourced by the municipalities and managed by private companies, some of them rather big and operating at the 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, stipulating, for example, that the residents are not to conceive children while living in such housing. Reportedly, there are thousands of such residents across the Kingdom of the Netherlands.

35. The Special Rapporteur visited a large privately-owned residential building in Vlaardingen, which was 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 eco-friendly constructions – where various groups are housed, including persons labelled as “economic homeless” and recognized refugees. Water pouring through the roofs when it rains, dangerously high levels of humidity coupled with a lack of ventilation, leading to mould, 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 remain.

E. Homelessness and 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 rights to life, health, water and sanitation, security of the person and freedom from cruel, degrading and inhuman treatment.⁷

38. The Special Rapporteur was informed that living on the street in the Kingdom of the Netherlands drastically reduces the 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 irreparable.

39. The 2023–2030 National Action Plan on Homelessness was developed through collaboration between the Ministry of the Interior and Kingdom Relations, the Ministry of Social Affairs and Employment, and the Ministry of Health, Welfare and Sport. It sets the goal of significantly and structurally reducing homelessness in the Kingdom of the Netherlands, in line with the Lisbon Declaration on the European Platform on Combating Homelessness. The National Action Plan has been funded with €65 million, in addition to the regular €385 million that municipalities receive for social care. Hailed as a step in the right direction by civil society organizations, the National 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 to the discretion of the municipalities.

40. While homelessness doubled in the Kingdom of the Netherlands in the decade between 2009 and 2018,⁸ the most recent estimates from the Netherlands Central Bureau of Statistics show a decrease in the past three years,⁹ with the number of people in situations of homelessness dropped to 26,600 in 2022. However, official statistics only include people in street homelessness between 18 and 65 years of age and do not include undocumented migrants or people living in homeless shelters on a long-term basis. Academics, civil society organizations 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 the Special Rapporteur’s visit took place. Pilot projects carried out in two regions that included several municipalities, using the European Typology of Homelessness and Housing Exclusion (ETHOS) Light methodology, which includes those living in hidden homelessness, yielded numbers that were much higher than those reported in official statistics and indicated that children and youth formed 40 per cent of all persons in situation of homelessness, while women accounted for almost one third.¹⁰ According to service providers, the number of European Union migrant workers in situations of homelessness has increased dramatically over the past few years.

41. Support for persons in situations of homelessness is conditioned on the concept of self-reliance, anchored in the Social Support Act, which places responsibility on municipalities. Specifically, article 1.2.1 of the Act limits the provision of support and shelter 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 eligible for support and shelter only if they have been lawfully residing in the Kingdom of the Netherlands. Some municipalities have required persons in situations 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 situations 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 on their own, the State cannot deny

⁷ See [A/HRC/43/43](#).

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

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

¹⁰ See <https://www.kansfonds.nl/themas/dak-en-thuisloosheid/telling/resultatenethostelling/> (in Dutch).

support to persons experiencing homelessness who are most in need. Such denial amounts to a State failure and also perpetuates stigma and attitudes 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 degrees 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 have neither 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 to meet the demand, and additional 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 for migrants in homelessness situations, especially European Union and undocumented migrants, who would otherwise only be able to access emergency shelter when the temperatures dropped below zero degrees centigrade. The stories of undocumented people that the Special Rapporteur heard indicated that many of them might have fallen through the cracks of the asylum application system and might have qualified for asylum if they had received adequate legal counsel and representation. A number of interlocutors stated that undocumented migrants in homelessness situations, 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 ensure that all emergency housing is open to everyone, including undocumented migrants, at all times of day, irrespective of weather conditions.

45. The Special Rapporteur visited a “housing first” project in The Hague, where he spoke with several organizations 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 in 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 the beneficiary’s security of tenure, in contradiction of the fundamental principle of the “housing first” approach that tenancy arrangements should be separated from care provision.

46. The Special Rapporteur recalls the decision of the European Committee of Social Rights of 2 July 2014, which found that the Kingdom of the Netherlands was 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 past decade inadequate measures have been taken to address the violations enumerated in the decision.¹²

47. Although being homeless is not, per se, punishable in the Kingdom of 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 (art. 429 of the Netherlands Criminal Code). Trespassing (arts. 138 and 139), failure to comply with an order (art. 184) and causing noise that can disturb sleep (art. 431) are also criminal offenses in the Kingdom of 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 (art. 453).

¹¹ See European Committee on Social Rights, *European Federation of National Organisations working with the Homeless (FEANTSA) v. the Netherlands*, complaint No. 86/2012, [Decision on the merits](#).

¹² *Ibid.*, “Second assessment of the follow-up”, 13 September 2017, available at [https://hudoc.esc.coe.int/eng/#{%22sort%22:\[%22escpublicationdate%20descending%22\],%22escdciidentfier%22:\[%22cc-86-2012-Assessment2-en%22\]}](https://hudoc.esc.coe.int/eng/#{%22sort%22:[%22escpublicationdate%20descending%22],%22escdciidentfier%22:[%22cc-86-2012-Assessment2-en%22]}).

48. The previous Special Rapporteur raised concerns¹³ about an Amsterdam city ordinance that banned behaviours specifically associated with persons in situations of homelessness, such as sleeping in the street, leaning against a door or window and 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 persons in situations of homelessness will not be fined for merely sleeping outside. In Rotterdam, there is a fine of 150 euros 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 that the municipality aims to fine notorious rough sleepers from the European Union at least six 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 Nederlandse Aardolie Maatschappij, owned by Shell and Exxon Mobil, 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 representatives 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 risk that they could lead to damage was underestimated. It later emerged that the authorities knew about the risks of tremors much earlier. At the beginning, the petroleum company involved had little oversight and was settling damages itself, meaning it was responsible for correcting its 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 were necessary, leading to disparities in compensation and reinforcement, significantly eroding social cohesion and 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 socioeconomic development. While billions have been made from the extraction of gas resources – €363 billion in proceeds for the State and more than €66 billion for Shell and ExxonMobil, just 1 per cent 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 recognition of what residents have gone through. A total of €22 billion has been allocated for compensation and reinforcement activities and investment in the sustainability of homes, to be completed in 2028 and 2035, respectively. The Special Rapporteur was informed that gas extractions had stopped on 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 four small villages that is aimed at minimizing the impacts of reconstruction works on the community, including by reducing the use of heavy machinery to only that which is absolutely necessary. He was also impressed with the quality of temporary homes used to accommodate people while they awaited the completion of reinforcement works on their homes.

¹³ See communication NLD 4/2019, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25008>.

53. Nevertheless, the Special Rapporteur finds that there continues to be a lack of shared understanding between the responsible institutions at the 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 areas declared to be most affected, residents still have to prove that damages to their homes are linked to the tremors in order to get support and compensation. However, 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 its population ageing, the Kingdom of 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, 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 the efforts of the Netherlands Standardization Institute, which has developed a voluntary standard for accessible construction to improve the accessibility of housing for persons with disabilities, but remains concerned that such a voluntary standard will be insufficient to address the shortage of accessible and affordable housing for persons with disabilities and to ensure their right to live independently within the community in a place of their choice.

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, did not live in their family home, including most of the more than 120,000 international students. There has been an increase in the number of international students arriving in the country owing to an increase in relatively affordable English language university programmes of high quality. For all students, it is difficult to find adequate housing, with international students left in the most vulnerable situations, as they 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; landlords enter properties randomly; and the fire safety of the properties is questionable. International students are afraid to report irregularities because they are afraid to be left 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 have had to resort to living in tents.

56. The Special Rapporteur was told that since universities have delegated budgets, they aim to attract more students, especially from abroad, in order to receive more funding. Although they provide useful information to students about housing, universities maintain that they are not primarily responsible for arranging student housing. Students often arrive for the academic year and are then absorbed with housing arrangements. The Special Rapporteur believes that, instead of blaming students for the housing crisis, 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.

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

C. Caravan dwellers and Sinti and Roma communities

57. The Special Rapporteur visited a caravan site in Amsterdam, where he met with representatives of the caravan dwellers and Sinti and Roma communities, who informed him about the persecution, exclusion and discrimination the communities have experienced historically. Representatives referred to many years of “extinction policy” the State had pursued by reducing the number of pitches for people identifying themselves as caravan dwellers. The implementation of the 2018 municipal caravan and pitches policy, which was seen initially as progressive, was left to municipalities, and hardly any new pitches were made available.¹⁵ Today, there continues to be a shortage of caravans and pitches. Only about 15 per cent 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 next to impossible to obtain a mortgage to buy a caravan (only Rabobank provides this option, but the caravan already needs to be on location), to get a starter loan or to have a caravan insured. Highly problematic practices have emerged in several municipalities, such as the placement of concrete blocks to prevent the use of certain pitches and the stacking of caravans on top of one another. 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 the European Union

58. The Special Rapporteur learned of the shocking employment conditions of European Union migrant workers, which are 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 which initially recruited them. At the end of the work week, some who were interviewed can be left with as little as €50 of real earnings, provided they do not get fined for breaking the rules, such as, for example, not taking out the trash. If they get injured, fall sick or raise questions, they can lose their jobs, and thus immediately their accommodation, and end up on the street. There are 12,000 such employment agencies registered in the Kingdom of the Netherlands, the activities of which are not sufficiently regulated or monitored. To register an employment agency with a municipality, one can simply show up at the chamber of commerce, 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 centres due to overcrowding that the Kingdom of the Netherlands has been experiencing on and off since 2015/16, which was vividly illustrated by asylum-seekers sleeping on office chairs and in sleeping bags outside the main application centre 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, although staffed with many committed professionals, is mired in an administrative morass. Its most pressing challenge is the achievement of 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 centres. Most centres are located in the more remote northern and eastern part of the country and not in the so-called Randstad conurbation in the western and central parts of the country. This poses enormous logistical problems and creates pressures on the system. Furthermore, many municipalities insist on

¹⁵ The Special Rapporteur was informed that in September 2023, the municipality of Amsterdam had 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 to identify new locations.

taking in only families with children, which local communities accept more willingly. Thus, children are paradoxically the ones who end up moving the most – from one inadequate temporary facility to another, often too far from the nearest local school. As a result of these difficulties, the Central Agency for the Reception of Asylum-Seekers and the municipalities have also resorted to hosting asylum-seekers on boats and cruise ships, which pose their own specific challenges.

61. In order to learn more about the structural issues in the accommodation of asylum-seekers, the Special Rapporteur visited three reception centres in the country. The newly rebuilt Azc Delfzijl reception centre 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 hosting asylum-seekers.

62. In Biddinghuizen, the Special Rapporteur visited a large temporary reception facility for approximately 1,450 people. The facility is open for several months each year, closing in summer to give way to an amusement park, and it is set up anew each autumn. Last year it comprised a 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 such a way as to conform to accommodation standards, the facility is faced with a number of challenges, including security, hygiene, 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 and nutritional quality, as well as the lack of options for people with dietary and cultural requirements and food allergies. On-site medical care is limited and is not available overnight. Families with young children find it particularly challenging not to be able to prepare hot meals or access non-emergency health care on site. The weekly allowance of approximately €14 per week is used to purchase any extra food from outside to supplement the catered food. The amount is plainly inadequate, as any other supplies required must also be paid for with 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 are accessible only by walking through frigid and windy weather, which is especially difficult at night. While the section for minors is equipped with cooking stations, some of the youngsters did not appear motivated or able to cook for themselves and did 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. It was obvious in both sections that, given the need to prioritize food, many could not 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, end up feeling quite isolated. The Special Rapporteur observed that residents are paired in very small rooms, leading to a lack of privacy and sometimes to conflicts, and are not allowed to change who they share a room with. On the lower deck, residents complained that they cannot open the windows and that the level of humidity is high. Residents receive a weekly allowance of €70 per person, from which they are expected to purchase their own food. While there are two containers with rudimentary cooking stations on site, they were in terrible shape and were allegedly infested with rats and worms. The food was stored in individual lockers in a container and the entire container was refrigerated.

64. Various interlocutors told the Special Rapporteur that there are reception centres where conditions are much worse and where there is very little privacy, especially in the big tents and sports halls, where individuals are sometimes separated only by curtains, often with six people to a room with no ceiling. There is also a feeling that people of certain nationalities have their asylum applications considered more quickly and 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, who was expecting a baby in a far-away facility.

65. The Special Rapporteur welcomes the adoption in January 2024 of the Distribution Act, which tasks municipalities, on the basis of a distribution key, with hosting refugees in reception centres 17 months after it enters into force.

66. The Special Rapporteur had the opportunity to visit an accommodation centre in Rotterdam hosting 143 persons, mostly families, who had fled the conflict in Ukraine. In contrast with the reception centres available to asylum-seekers from other, mainly non-European, countries, the housing conditions of that centre were 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 and have direct access to the job market. This was all in sharp contrast with the treatment of asylum-seekers arriving from other, mainly non-European, countries. The disparity in the housing and living conditions provided for Ukrainian asylum-seekers and refugees and those from other countries is inconsistent with the basic norm of non-discrimination, which is common to human rights law and refugee law.

V. Recommendations

67. The Special Rapporteur calls on the Kingdom of the Netherlands to take the following measures:

- (a) **Legal and institutional measures:**
 - (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 fulfil the right to adequate housing for all persons. No one may be evicted from their home or have their home demolished without adequate alternative housing being ensured and without an order of court having been issued”;**
 - (ii) **Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights 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 Organisation for Economic Co-operation and Development (OECD) Due Diligence Guidance for Responsible Business Conduct, the Corporate Sustainability Due Diligence Directive of the European Union and the Guiding Principles on Business and Human Rights, and bolster the capacity of the national contact point under the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct;**
 - (iv) **Fully align its foreign and security partnerships to ensure that the resources, personnel and territory of the Kingdom of the Netherlands 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 are non-discriminatory and do 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 tenants' bill of rights that includes access to justice, protection against usurious rent increases and 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 Netherlands municipalities to explore the use of land banks or land-pooling arrangements and 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 the private sector to enable individuals to develop housing for themselves;**
- (xiii) **Ensure that all temporary rental 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, which 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 bylaws 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 a requirement 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 International Covenant on Economic, Social and Cultural Rights domestically, especially article 11 thereof (similar to the current application of the provisions of the Convention on the Rights of the Child, such as the principle of the best interests of the child);**
- (xix) **Enable national courts to entertain collective/public interest complaints for the violation of the right to adequate housing;**
- (b) **Administrative measures:**
 - (i) **Establish the Ministry of Housing as an independent and well-resourced ministry, with all responsibilities related to housing, including housing benefits, homelessness prevention, sustainability and housing for refugees and asylum-seekers;**
 - (ii) **Bring the Central Agency for the Reception of Asylum-Seekers under the Ministry of Housing and ensure that all financing for the accommodation of refugees and asylum-seekers is paid for by the Ministry of Housing and not by the Ministry of Foreign Affairs;**
 - (iii) **Expand and strengthen the capacity of the Authority for Housing Associations 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 use their legal, tax, fiscal and administrative competences and powers to ensure full realization of the right to adequate housing;**
- (c) **Planning and policy measures:**
- (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 agenda;**
- (ii) **Expand the National Heat Fund, which provides free or preferential loans for low-income homeowners 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 to middle income groups that are above the annual income limit of €47,699 or €52,671 (for single and multi-person households, respectively), 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 given to persons experiencing or at risk of homelessness or other forms of severe housing exclusion, including persons with disabilities and older persons;**
- (v) **Ensure that both municipalities and housing associations step up early and meaningful communication, participation and consultation, especially concerning 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 planning 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 the 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 the ranking public and share it 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 and 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 them, 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 for 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 region;**
- (xvii) **Ensure appropriate remedies and reparations, including appropriate acknowledgement of grief and psychological impacts, including loss, to anyone**

whose home suffered damages owing to gas drilling in the Groningen region, including by holding charrettes among all stakeholders and affected families, as a collaborative and participatory planning process that can lead to 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 region due to the overwhelmingly negative impacts of gas extraction in the past;**

(d) **Data, eligibility and measurement measures:**

(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 the mapping of homelessness using the ETHOS Light method, as provided for in the National Action Plan on Homelessness, including by the Central Bureau of Statistics, and harmonize all national and local laws, policies and programmes on homelessness using 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) **Measures for students: ensure that all universities provide adequate, affordable housing rental options for the duration of the study for which students are admitted. The number of students admitted by any university should not exceed the number of available rental housing units in the area where the university is located;**

(f) **Measures for caravan dwellers and Sinti and Roma communities:**

(i) **Conduct a parliamentary inquiry to establish and acknowledge the historic wrongs against caravan dwellers and Sinti and Roma communities;**

(ii) **Ensure security of tenure for caravan dwellers over their plots through long-term leases or outright purchase through programmes such as rent-to-own programmes;**

(iii) **Require municipalities to allocate adequate plots for caravan dwellers, in many cases by increasing the number of plots. The waiting period for allocation should not 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 their free, prior and informed consent and assurance of an equivalent plot, so that community cohesion may be maintained. If the area being cleared is 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 an adequate number of insurance companies, while ensuring that such companies are independent from any bank that lends money for the purchase or rental of caravans;**

(g) **Measures for migrants:**

(i) **Establish oversight over the temporary employment agencies that 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 European Union 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 those 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 include employer-provided housing that meets standards consistent with the right to adequate housing;
- (v) Ensure that parental custody is never taken away solely due to the family being at risk of homelessness, including for undocumented migrants, and instead ensure, as a matter of priority, that all families with children are adequately housed;
- (h) Measures for 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 centre to another, placing them, as a matter of priority, in the existing long-term reception centres, which have the best facilities and access to education and health care;
 - (iii) Ensure that conditions in reception centres are consistent with the right to adequate housing and the principle of human dignity, by, for example, making sure that people are able to maintain a basic level of hygiene and 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 centres such as Biddinghuizen;
 - (iv) Ensure that immediate members of families are not separated to be housed in different reception centres across the country;
 - (v) Put in place more effective complaints mechanisms in the reception centres for asylum-seekers and consider putting in place a system of regular unannounced visits by a body fully independent from the Central Agency for the Reception of Asylum-Seekers and the Ministry of Justice;
 - (vi) Provide all asylum-seekers who have been accepted to remain for the interview process by the Immigration and Naturalization Service with equal access to housing and equal opportunity to obtain employment in the Kingdom of the Netherlands without discrimination based on national origin, in compliance with Netherlands law, as recently confirmed by a Netherlands court;
 - (vii) Ensure that all refugee status holders are entitled to housing that meets the standards of social housing for a unit of a similar size and price, and are not accommodated in containers or other temporary housing for a substantial period.