



GLOBAL HUMAN RIGHTS DEFENCE

# HOUSING VULNERABILITY REPORT

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INTERNATIONAL HUMAN RIGHTS DAY



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# GLOBAL HUMAN RIGHTS DEFENCE

## 2022 REPORT ON HOUSING VULNERABILITY IN THE NETHERLANDS

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### **With special thanks to**

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and many others...

**Housing  
Discrimination  
TODAY**



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# Abbreviations

**AABRP:** Act on the Basic Registration of Persons (in Dutch: 'Wet basisregistratie personen')

**Art:** article

**BRP:** Basic Registration of Persons (in Dutch: 'Basisregistratie Personen')

**BSN:** Burgerservicenummer (in English: citizen service number)

**CESCR:** Committee on Economic, Social and Cultural Rights

**ECHR:** European Convention for the Promotion of Human Rights and Fundamental Freedoms

**eds:** editors

**GC:** General Comment

**ICCPR:** International Covenant on Civil and Political Rights

**ICESCR:** International Covenant on Economic, Social and Cultural Rights

**NAP:** National Action Plan

**NSHAP:** National Student Housing Action Plan

**Res:** resolution

**UNGA:** United Nations General Assembly



**Housing Vulnerability  
Survey and Report**

# Introduction

In 2022, finding housing in the Netherlands is a difficult task. For internationals, students, persons of colour, the LGBTQIA+ community and many others who are relatively more vulnerable in their search for housing, it is nearly impossible. Global Human Rights Defence has conducted the 2022 GHRD Housing Vulnerability Survey to collect the stories of those who have recently searched for housing in the Netherlands in an attempt to understand the factors which contribute to "housing vulnerability".

The present report will start by outlining the right to adequate housing in international human rights law, briefly explain its relation to the right to non-discrimination, discuss the domestic laws and regulations of the Netherlands regarding housing and the Netherlands' current policies aiming to bring relief to the current housing crisis. It will then delve into a literature review of previous research revealing the patterns of housing vulnerability in the Netherlands, and finally share the results of the 2022 GHRD Housing Vulnerability Survey.

Chapter I starts with a brief history of the right to adequate housing, discusses the right to adequate housing as it relates to the right to non-discrimination, and establishes that even though the right to adequate housing is subject to progressive realisation, the state has an obligation to act immediately when it comes to the right to non-discrimination.

Chapter II of this report discusses the laws and regulations in the Netherlands as regards housing, including the right to housing as protected by the constitution and the requirements for registration at an address, which is a source of much confusion for landlords and tenants as revealed by the 2022 GHRD Housing Vulnerability Survey in Chapter III. It then introduces the National Action Plan on Human Rights and the National Student Housing Action Plan before presenting the reader with a short review of previous surveys conducted in the Netherlands seeking to understand the discriminatory practices in the housing market.

Chapter III reveals the results of the 2022 Housing Vulnerability Survey conducted by Global Human Rights Defence in October and November 2022. In addition to facts and figures, the chapter includes selected testimonies from respondents, further clarifying the urgency of the need for solutions for the current crisis.



**Housing Vulnerability  
Survey and Report**

# CHAPTER I

## THE RIGHT TO ADEQUATE HOUSING IN CONTEXT

### 1. A Brief History of the Right to Adequate Housing

The right to adequate housing is recognised as part of the right to an adequate standard of living as enshrined in Article 25 of the 1948 Universal Declaration of Human Rights.[1] The 1966 International Covenant on Economic, Social and Cultural Rights has included the right to an adequate standard of living in Article 11 of the Covenant, stating "The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent."[2]

The right to adequate housing therefore, was established as a standalone right through resolutions, reports, and interpretive instruments.[3] General Comment No.4 of the UN Committee on Economic, Social and Cultural Rights on the Right to Adequate Housing of 1991 has firmly established the right and its numerous aspects while also reinstating that the right to adequate housing will apply to individuals as well as families, regardless of age, economic status, group, or other affiliation and that enjoyment of this right must, in accordance

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[1] Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III) (UHR) Art.25/1 "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."

[2] International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966 UNGA Res 2200A (XXI) (ICESCR) Art. 11. / Many international human rights treaties recognize the right to adequate housing: Convention Relating to the Status of Refugees (adopted 28 July 1951 UNGA Res 429 (V) Art. 21), International Convention on the Elimination of All forms of Racial Discrimination (adopted 21 December 1965 UNGA Res 2106 (XX) Art. 5/e.iii), International Covenant on Civil and Political Rights (adopted 16 December 1966 UNGA Res 2200A (XXI) Art. 17), Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979 Arts. 14/2, 15/2), Convention on the Rights of the Child (adopted 20 November 1989 UNGA 44/25 Arts. 16/1, 27/3), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (adopted 18 December 1990 UNGA Res. 45/158 Art. 43/1d), Convention on the Rights of Persons with Disabilities (adopted 13 December 2006 UNGA Res 61/106 Arts. 9,28); in the European region, European Convention on the Legal Status of Migrant Workers (24 November 1977 ETS No.093), Revised European Social Charter (1996 ETS No.163).

[3] Miloon Kothari, 'The right to adequate housing and land: guaranteeing the dignity to dwell' in eds. Stephen P. Marks and Balakrishnan Rajagopal, *Critical Issues in Human Rights and Development*, Elgar 2021, p.215.

with article 2(2) of the ICESCR, not be subject to any form of discrimination.[4] General Comment No. 4 was followed by General Comment No. 7 on Forced Evictions in 1997[5], and the mandate for a UN Special Rapporteur on Adequate Housing was created by the UN Commission on Human Rights in April of the year 2000. While the European Convention for the Promotion of Human Rights and Fundamental Freedoms of 1950 does not explicitly refer to the right to adequate housing, the European Court of Human Rights through its jurisprudence has established the protection of the right to adequate housing deriving it from the enjoyment of other human rights such as the right to privacy and the right to property. [6]

European Social Charter, which is a Council of Europe treaty that guarantees social and economic rights as a counterpart to the ECHR referring to civil and political rights has in its Article 31 regulated the right to adequate housing as follows, "With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

1. to promote access to housing of an adequate standard;
2. to prevent and reduce homelessness with a view to its gradual elimination;
3. to make the price of housing accessible to those without adequate resources."[7]

## 2. Different Aspects of the Right to Adequate Housing

UN Factsheet No. 21 on the Right to Adequate Housing, drawing from General Comment No. 4 and General Comment No. 7 of the Committee on Economic, Social and Cultural Rights, states that the right to adequate housing contains freedoms and entitlements. The freedoms it contains include protection against forced evictions and the arbitrary destruction and demolition of one's home, the right to be free from arbitrary interference with one's home, privacy and family, and the right to choose one's residence and to freedom of movement. The entitlements mentioned are security of tenure, housing land and property restitution, equal and non-discriminatory access to adequate housing and participation in housing-related decision-making at the national and community levels.[8]

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[4] UN Committee on Economic, Social and Cultural Rights (CESCR) General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant), 13 December 1991, E/1992/23, para 6.

[5] UN Committee on Economic, Social and Cultural Rights (CESCR), Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, E/1998/22.

[6] Office of the United Nations High Commissioner for Human Rights (OHCHR) Factsheet No 21/ Rev.1: The Right to Adequate Housing (2009), p. 12.

[7] Council of Europe, European Social Charter (18 October 1961, ETS 35) Art. 31 "With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed: 1 to promote access to housing of an adequate standard; 2 to prevent and reduce homelessness with a view to its gradual elimination; 3 to make the price of housing accessible to those without adequate resources.

[8] OHCHR Factsheet No. 21, p. 4.



The term "adequate housing" for the purposes of the ICESCR was interpreted by General Comment No. 4 as including the following aspects:

- a. Legal security of tenure, which guarantees that all persons should have legal protection against forced eviction, harassment and other threats, and that States should take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups.
- b. Availability of services, materials, facilities and infrastructure, which means that an adequate house would contain facilities essential for health, security, comfort and nutrition.
- c. Affordability, which demands that States take steps to ensure that housing related costs are commensurate with income levels, and tenants should be protected from unreasonable rent increases.
- d. Habitability, which is that inhabitants have adequate space and are protected from cold, damp, heat, rain and other threats, along with the physical safety of occupants being guaranteed.
- e. Accessibility, which is that disadvantaged groups such as elderly, children, persons with persistent medical problems, HIV positive individuals and others are ensured housing which pertains to their special housing needs.
- f. Location, which is that housing should be built in a location which allows access to social facilities.
- g. Cultural adequacy, which is that housing must appropriately enable the expression of cultural identity and diversity. [9]

It must also be kept in mind that human rights are interdependent, indivisible and interrelated; therefore the violation of the right to adequate housing may negatively affect the enjoyment of a wide range of other human rights such as the right to work, health, social security, the right to vote, the right to privacy and the right to education.[10]

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[9] CESCR GC 4, para 8.

[10] OHCHR Factsheet No. 21, p 9.





### 3. Progressive Realisation

Article 2(1) of the ICESCR states that each State Party to the Covenant undertakes to take steps, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realisation of the rights recognised in the Covenant. General Comment No. 3 of the Committee on Economic, Social and Cultural Rights on the nature of States Parties' Obligations explains that the aforementioned article describes the nature of the general legal obligations undertaken by States parties to the Covenant, which is that the Covenant provides for "progressive realisation".[11]

Taking into consideration that economic, social and cultural rights will generally not be able to be achieved in a short period of time, the Covenant holds States accountable for taking steps to the maximum of their available resources toward the realisation of the rights enshrined in it. The General Comment warns against seeing progressive realisation as depriving the obligation of meaningful content, and reminds that it is a device of flexibility reflecting the difficulties involved in ensuring full realisation of economic, social and cultural rights.[12]

The right to adequate housing must be understood as a fundamental right, and treated as such by governments who have an obligation to ensure appropriate budgeting and resource allocation based on "maximum available resources" and to use all appropriate means including regulatory and legislative measures, for example by regulating private actors, to progressively realise the right to adequate housing.[13] States then have the burden of proof to demonstrate that they are making progress towards the full realisation of the right, taking deliberate and concrete steps.[14] States also have an obligation to monitor the impact of housing policies on the right to adequate housing, when a policy is found to be detrimental to the right, it should be modified.[15]

Most importantly, the General Comment emphasises that even though the ICESCR provides for "progressive realisation" acknowledging the limits of available resources, it still imposes various obligations which are of "immediate effect". One of the said obligations, and perhaps the most pronounced among them is the principle of non-discrimination; signing the Covenant, States parties agree that relevant rights will be exercised without discrimination.[16]

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[11] UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 3: The Nature of States Parties' Obligations (Art. 2, Para. 1, of the Covenant), 14 December 1990, E/1991/23, para 1.

[12] CESCR GC 3, para 9.

[13] Michele Biss, Bruce Porter, Sahar Raza, David Desbaillets, 'Progressive Realization of the Right to Adequate Housing: A Literature Review (2020) The National Right to Housing Network of Canada, available at <<https://housingrights.ca/progressive-realization-right-to-housing/>> accessed 15.11.2022.

[14] Ingrid Leijten, Kaisa de Bel, 'Facing financialization in the housing sector: A human right to adequate housing for all', Netherlands Quarterly of Human Rights 38:2, 2020, p 99.

[15] Leijten, de Bel, p 107.

[16] CESCR GC 3 para 1.

#### 4. The Principle of Non-Discrimination and the Right to Adequate Housing

Article 2(2) of the ICESCR determines that States Parties to the Covenant undertake to guarantee that the rights enunciated in the Covenant will be exercised without discrimination of any kind as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

General Comment No. 20 of the CESCR starts by stating that discrimination greatly undermines the fulfillment of economic, social and cultural rights for many, as individuals and groups of individuals face great socioeconomic inequality often due to historical and contemporary forms of discrimination.[17] The general comment goes on to explain formal and substantive discrimination, while formal discrimination can be eliminated by ensuring that a State's laws and policies are not discriminatory, substantive discrimination is rooted in historical or persistent prejudice and States parties must "immediately adopt the necessary measures to prevent, diminish and eliminate the conditions and attitudes which cause or perpetuate substantive or de facto discrimination." [18]

Discrimination can also be direct, or indirect. Direct discrimination is present when an individual is treated less favourably than another in a similar situation on a prohibited ground, indirect discrimination refers to "laws, policies or practices which appear neutral at face value but have a disproportionate effect on the exercise of covenant rights." [19]

The effect of discrimination is compounded when one has more than one marginalising identity, such as when one is an immigrant and a woman or when one is a student, an international, and part of the LGBTQIA+ community. This compounding effect of marginalising identities is called intersectionality, which is a theory about identity and its relationship to power that recognises that people's lives are shaped by their identities, relationships and social factors which create intersecting forms of privilege or oppression.[20] Intersectionality and its effects on those looking for housing in the housing market in the Netherlands will be further explored in Chapter III of the present report.

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[17] UN Committee on Economic, Social and Cultural Rights (CESCR), General comment No. 20: Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights), 2 July 2009, E/C.12/GC/20, para 1.

[18] CESCR GC 20, para 8.

[19] CESCR GC 20, para 10.



In a draft resolution titled "Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context" created at the Forty-ninth session of the Human Rights Council by states of which the Netherlands was one, states were urged to prohibit all forms of discrimination and in particular racial discrimination in the context of the right to an adequate standard of living by public and private entities. States were then advised to regularly monitor and identify any form of systemic discrimination and in particular racial discrimination in relation to housing. The establishment of accessible and sufficiently resourced non-judicial mechanisms was emphasized as a step towards compliance, such as ombudspersons and national human rights institutions that have the competence to investigate individual and collective complaints of housing discrimination. Finally, states were urged to recognise that all persons should possess a degree of security of tenure that guarantees legal protection against forced eviction, harassment and other threats.[21]

In conclusion, it is clear that the right to adequate housing is one which has been established through many different instruments of international human rights law, one which is still growing as a concept through interpretation by various judicial and non-judicial bodies, and one which brings upon states signatory to such instruments an obligation to progress toward the full realisation of the right.

The right to non-discrimination in the context of the right to adequate housing on the other hand is, as discussed above, a right of immediate effect, which obliges states to immediately act. The next chapter will take a look at the right to adequate housing in the Netherlands by briefly explaining domestic laws, action plans which are in place to progressively realise the said right, and previous surveys hinting at the prevalence of housing discrimination in the country.

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[20]UN Women, 'Intersectionality Resource Guide and Toolkit' (2021) available at <<https://www.unwomen.org/en/digital-library/publications/2022/01/intersectionality-resource-guide-and-toolkit>>, accessed 25.11.2022, p 8.

[21]UN General Assembly Draft Resolution 'Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context' A/HRC/49/L.35, (2022)

# CHAPTER II

## THE RIGHT TO ADEQUATE HOUSING IN THE NETHERLANDS

The Netherlands, as party to the International Covenant on Economic, Social and Cultural Rights and other international instruments covering the right mentioned in Chapter I, has an obligation to progressively realise the right to adequate housing and to take immediate action to uphold the right to non-discrimination in this context.

This chapter will start by exploring the domestic laws and regulations around the right to adequate housing and the requirement of registration, which, according to the results of the 2022 GHRD Housing Vulnerability Survey that will be discussed in Chapter III, is one of the issues that causes much confusion among those searching for housing in the Netherlands. Secondly, this chapter will outline the steps that will be taken to better the housing situation and alleviate discrimination in the housing market as decided by the 2020 National Action Plan on Human Rights and the 2022 National Student Housing Action Plan. Finally in a short literature review, the current situation regarding discrimination in search for housing in the Netherlands will be explained mentioning previous studies that have been conducted on the issue.

### 1. Law

#### 1.1. Generally

In the Netherlands, the right to adequate housing is enshrined in the Constitution.[22] Article 22(2) of the Dutch Constitution states “It shall be the concern of the authorities to provide sufficient living accommodation.”[23]

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[22] Frederik Christian Sanders, ‘Housing policy and community: A Dutch perspective’ (2007) 9 (1) Integrative Anthropology International Medical and Philosophical Magazine  
[https://www.researchgate.net/publication/45665679\\_Housing\\_policy\\_and\\_community\\_A\\_Dutch\\_perspective](https://www.researchgate.net/publication/45665679_Housing_policy_and_community_A_Dutch_perspective)> accessed 30 November 2022

[23] artikel 22, tweede lid, van de Grondwet



The text and commentary to the article provide that ‘sufficient living accommodation’ should not only be interpreted quantitatively, but also qualitatively, looking at the volume, quality, safety, and health situation of the dwelling.[24] The concept of ‘sufficient housing facilities’ stretches to include ‘sufficient affordable housing’. The provision does not guarantee housing for all, but creates an obligation that policy should aim to ensure that a situation of an insufficient number of housing units would exist only in emergencies.[25]

Those residing in the Netherlands are required by law to report to the municipality the address where they reside.[26] According to Article 2.38(1) of the Act on the Basic Registration of Persons (Wet basisregistratie personen, hereinafter ‘ABRP’), all persons residing, or planning to reside, for over four months on the territory of the Netherlands must register their address in the Basic Registration of Persons (Basisregistratie Personen or BRP) within five days upon arrival at the municipality.[27] Article 2.39 of the Act sets out that those changing their address must register their new address accordingly within the first five days of their move.[28] Registration at the address where one resides is essential to obtain, amongst others, a Dutch passport[29], identity card[30], a citizen service number (Burgerservicenummer or BSN)[31] (for non-Dutch nationals) without which one cannot have a bank account, health insurance and remains deprived of many other services and financial benefits such as housing benefit[32] and social assistance[33].

According to Article 4.17 ABRP, the Municipal Executive (college van burgemeester en wethouders) may impose an administrative fine of a maximum of €325 in a variety of cases of mal registration, which include 1) when one is not registered at the address where they live; 2) if one permits another to register at their address, while that person does not live there; 3) if one permits another to use a postal address at their address, while that person has a residential address; and 4) if one registers themselves in the Netherlands for the first time and does not submit the requested supporting documents.[34]

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[24] Kamerstukken II 1975/76, 13873, nr. 3, p. 14

[25] D.E. Bunschoten, commentaar op art. 22 Gw, in P.P.T. Bovend'Eerst, J.L. W. Broeksteeg, D.E. Bunschoten & H.G. Hoogers (red.), Tekst & Commentaar Grondwet en Statuut, Deventer: Kluwer 2018.

[26] Wet basisregistratie personen

[27] artikel 2.38, eerste lid, van de Wet basisregistratie personen

[28] artikel 2.39 van de Wet basisregistratie personen

[29] artikel 40, eerste lid, onderdeel a, van de Paspoortwet

[30] artikel 16a, eerste lid, van de Paspoortwet

[31] artikel 8, eerste lid, van de Wet algemene bepalingen burgerservicenummer

[32] artikel 9, eerste lid, onderdeel a, van de Wet op de huurtoeslag

[33] artikel 40, tweede lid, van de Participatiewet

[34] artikel 4.17 van de Wet basisregistratie personen



Article 7.18(1) of the Building Decree (Bouwbesluit) 2012 states that “a residential function shall not be occupied by more than one person per 12 square metres of usable area”[35] but this article is rather intended to prevent the health of tenants from being compromised by overcrowding, instead of setting standards in the context of housing allocation. Based on the Building Decree, the competent authority can only act in the exceptional case that there are so many people living in a dwelling that this may cause health problems.[36]

Since 2015, municipalities are able to adopt housing ordinances (huisvestigingsverordeningen) based on Article 4 of the Housing Act (Huisvestigingswet)[37] in which they can set rules regarding housing distribution[38] if this is necessary and appropriate to combat unbalanced and unjust effects of the scarcity of low-cost housing.[39] Under Article 21(1)(c) of the Housing Act, a municipality may designate areas where conversion of an independent residential accommodation into a non-independent accommodation (e.g. room rental) is not allowed without a permit,[40] called a ‘conversion permit’ (omzettingsvergunning kamerverhuur).[41] Larger municipalities, such as Amsterdam[42], Rotterdam[43], The Hague[44], and Schiedam[45], have in particular made use of the power to draw up an ordinance. This practice has also been followed by smaller municipalities, such as Lansingerland[46], Hoeksche Waard[47], Westland[48], and Vlissingen.[49] Since the 2022 GHRD Housing Vulnerability Survey received the majority of responses from Amsterdam and The Hague, the present report will focus on the criteria for landlords to obtain a conversion permit in these two municipalities.

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[35] artikel 7.18, eerste lid, van het Bouwbesluit 2012

[36] Bouwbesluit 2012 (Integrale nota van toelichting Bouwbesluit 2012, 2022), Artikelsgewijze toelichting, Artikel 7.18 Overbewoning

[37] artikel 4 van de Huisvestigingswet

[38] Rijksoverheid, ‘Gemeenten krijgen meer ruimte om huur- en koopwoningen toe te wijzen aan inwoners met lokale binding’ (13.09.2022)

< <https://www.rijksoverheid.nl> > accessed 30.11.2022

[39] artikel 2, eerste lid, van de Huisvestigingswet

[40] artikel 21, eerste lid, onderdeel c, van de Huisvestigingswet

[41] Netherlands Enterprise Agency ‘Applying for a conversion permit for letting accommodation’ (5.12.2021) <[business.gov.nl](https://business.gov.nl)> accessed 30.11.2022

[42] Huisvestigingsverordening Amsterdam 2020

[43] Verordening toegang woningmarkt en samenstelling woningvoorraad 2021

[44] Huisvestigingsverordening Den Haag 2019

[45] Verordening van de gemeenteraad van de gemeente Schiedam houdende regels omtrent woonruimtebemiddeling (Verordening Woonruimtebemiddeling regio Rotterdam 2020)

[46] Verordening van de gemeenteraad van de gemeente Lansingerland houdende regels omtrent woonruimtebemiddeling (Verordening Woonruimtebemiddeling gemeente Lansingerland (2e wijziging))

[47] Verordening van de gemeenteraad van de gemeente Hoeksche Waard houdende regels omtrent woonruimtebemiddeling (Huisvestigingsverordening gemeente Hoeksche Waard 2021-2025)

[48] Verordening van de gemeenteraad van de gemeente Westland houdende regels omtrent woonruimtebemiddeling (Huisvestigingsverordening Westland 2019)

[49] Huisvestigingsverordening Vlissingen 2021

## 1.2. Amsterdam

From 1 April 2020, the rules in Amsterdam to share a dwelling have changed. Accordingly, if one is to rent out a dwelling to be occupied by three or more persons who do not form a family, one needs a permit for room rental.[50] If one rents out a dwelling and it is occupied by two persons, a permit is not needed.[51] If the person renting out the property also lives there, they must count themselves as one of the aforementioned persons.[52]

According to Article 3.1.1(3)(c) of Amsterdam's housing ordinance, it is prohibited to convert or keep converted an independent residential accommodation into a non-independent accommodation without a permit from the Mayor and Aldermen.[53]

The general rules to obtain a conversion permit are as follows. First, the common room must be at least 11 square metres and at least 3 metres wide.[54] Second, only one adult is allowed to live in one room[55] (or two per room in case of a marriage or registered partnership[56]).

Third, each tenant must have their own rental agreement.[57] And, fourth, the dwelling must meet fire safety requirements.[58]

In addition to the requirements above, there is a maximum number of permits available per neighbourhood and per property and one can only apply for a permit if spaces (quota) are still available in the neighbourhood.[59] Should one convert their accommodation without a permit, they risk incurring a fine of €12,570 for dwellings with less than five non-independent living spaces and €21,750 for five or more non-independent living spaces. In case there is a conversion with a permit but a violation of conditions or regulations, the amount of the fine depends on the type of violation. If an individual's rental contract is lacking, the fine entails €8,380 per missing individual contract. In case the accommodation is converted to more living spaces than licensed, the fine will amount to €8,380 per excessive converted living space. When there is a violation of the condition of more than one adult per non-independent living space, the fine amounts to €8,380 per excess living adult. In case of non-compliance with the requirement of eleven square metres joint living space, the fine incurred will be €4,190.[60]

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[50] Gemeente Amsterdam, 'Kamerverhuur' available at <https://www.amsterdam.nl/wonen-leefomgeving/wonen/kamerverhuur/> accessed 30.11.2022

[51] artikel 3.1.4, eerste lid, van de Huisvestigingsverordening Amsterdam 2020

[52] Gemeente Amsterdam, 'Kamerverhuur'

[53] artikel 3.1.1, derde lid, onderdeel c, van de Huisvestigingsverordening Amsterdam 2020

[54] artikel 3.3.13, eerste lid, onderdeel a, van de Huisvestigingsverordening Amsterdam 2020

[55] artikel 3.3.13, tweede lid, onderdeel a, van de Huisvestigingsverordening Amsterdam 2020

[56] artikel 3.3.13, vierde lid, van de Huisvestigingsverordening Amsterdam 2020

[57] artikel 3.3.13, tweede lid, onderdeel a, van de Huisvestigingsverordening Amsterdam 2020

[58] artikel 3.3.13, tweede lid, onderdeel c, van de Huisvestigingsverordening Amsterdam 2020

[59] artikel 3.3.11 van de Huisvestigingsverordening Amsterdam 2020

[60] tabel 3 bestuurlijke boete omzetting (in Bijlage 3 behorende bij artikel 4.2.1 Bestuurlijke boete), Huisvestigingsverordening Amsterdam 2020

### 1.3. The Hague

In The Hague, one may rent a room at an address to a maximum of two without needing a conversion permit. Every person (including the landlord and their family members) counts towards the maximum number of persons. Therefore, if one lives alone in a dwelling, they may rent out a room to only one other person without a permit.[61] In case of room occupation of three persons or more, one must apply for a conversion permit.[62] The municipality issues the permit under certain conditions. Firstly, concerning the neighbourhood, the neighbourhood's average property value ('WOZ value') must be higher than the cheap or medium-priced segment[63] and only five per cent of the houses in the neighbourhood must currently be used for room occupation.[64] Secondly, the neighbourhood must not have been designated as vulnerable by the municipality.[65] And, third, concerning the dwelling, the dwelling must have at least 18 square metres of user area per occupant[66], meet noise insulation requirements if there are more than five occupants[67], and there must be no more than eight occupants in total.[68]

In case one does not obtain a conversion permit if required to do so, they risk incurring a fine of €5,000 for the first time and €10,000 for the second time in case of non-commercial exploitation. In case of commercial exploitation, the fine amounts to €10,000 for the first time, €20,000 for the second time, and €40,000 for the tenth time.[69]

## 2. Policy

Upon recommendation by the Committee on Economic, Social and Cultural Rights in its concluding observations on the sixth periodic report of the Netherlands, the Netherlands in their follow-up report agreed to prepare a renewed National Action Plan on Human Rights.[70] The 2020 National Action Plan on Human Rights determined that the recommendations by international monitoring bodies focused on three overarching themes, of which "combating discrimination and the exclusion of people in vulnerable situations" was one.[71]

[61] Den Haag 'Kamerbewoning' (24.03.2022) available at <[www.denhaag.nl](http://www.denhaag.nl)> accessed 30.11.2022

[62] artikel 5:2, onderdeel b, van de Huisvestigingsverordening Den Haag 2019

[63] artikel 5:6, tweede lid, van de Huisvestigingsverordening Den Haag 2019

[64] artikel 5:6, derde lid, van de Huisvestigingsverordening Den Haag 2019

[65] artikel 5:6, eerste lid, van de Huisvestigingsverordening Den Haag 2019

[66] artikel 5:4, onderdeel d, van de Huisvestigingsverordening Den Haag 2019

[67] artikel 5:4, onderdeel e, van de Huisvestigingsverordening Den Haag 2019

[68] artikel 5:6, vierde lid, van de Huisvestigingsverordening Den Haag 2019

[69] bijlage II van de Huisvestigingsverordening Den Haag 2019

[70] UN Economic and Social Council, Concluding observations on the sixth periodic report of the Netherlands E/C.12/NLD/CO/6 (2017); UN Economic Social Council, Information received from the Netherlands on follow-up to concluding observations, E/C.12/NLD/CO/6/Add.1 (2019).

[71] Government of the Netherlands, National Action Plan on Human Rights (NAP) (2020), available at: <<https://www.government.nl/documents/publications/2020/05/31/national-action-plan-on-human-rights-2020>> accessed 12.11.2022, p.11.



The National Action Plan on Human Rights acknowledges housing discrimination, in fact it has three courses of action planned out. The first is to ensure that private-sector landlords and rental agents are involved in the development of a method to avoid discrimination when selecting potential candidates for rented accommodation, and to try out possible solutions in the course of 2020. The second is to use "mystery client" surveys to identify and tackle housing discrimination in the rental market, and the third is to make sure that there is greater public awareness on the issue of housing discrimination so as to encourage people to report possible cases of housing discrimination. All steps were decided to be taken by the Ministry of Interior and Kingdom Relations, and the timing for the last two steps mentioned were marked as "to be determined." [72]

On the 8th of September 2022, the National Student Housing Action Plan 2022-2030 prepared with the involvement of municipalities, educational institutions, housing associations, private investors and students was introduced. The NSHAP, stating that in 2021 the Netherlands had a shortage of 279,000 homes, identified students as one of the focus groups that are less likely to find suitable accommodation. [73]

It was decided that efforts would be made to accelerate construction to build 37,500 student homes in the period of 2022-2024, and a total of 60,000 by 2030. It was emphasised however that the solution did not only lie in construction and that more control over the influx of international students would be needed. Robbert Dijkgraaf, Minister of Education, Culture and Science is expected to propose statutory steering instruments at the beginning of the 2023 which will "enable universities to take control of the intake of international students in a targeted manner, without jeopardizing the benefits of internationalization." [74]

The NSHAP identifies five problems to be solved about the student housing crisis, and the first is that there is not sufficient control on the inflow of international students. The Action Plan states that students from the EU, according to EU law, must be treated equally with Dutch students with regard to accessibility of education, and this also applies to persons from states within the European Economic Area. Measures aimed at limiting the inflow of EU and EEA students therefore; will not be possible. [75] This means international students, the most vulnerable group, will most likely see their opportunities and protection limited even further.

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[72] NAP, p.21.

[73] Landelijk Actieplan Studentenhuisvesting 2022 tot 2030 (The Netherlands National Student Housing Action Plan 2022 to 2030) (NHSAP) (2022) available at <<https://www.kences.nl/publicaties/landelijk-actieplan-studentenhuisvesting-2022-2030-2/>> accessed 28.11.2022, p. 8.

[74] Rijksoverheid, National Action Plan for 60,000 additional student residences in 2030, available at <<https://www.rijksoverheid.nl/actueel/nieuws/2022/09/08/landelijk-actieplan-voor-60.000-extra-studentenwoningen-in-2030>> accessed 11.11.2022.

[75] NSHAP, p 14.

NSHAP's second problem to be solved is the shortage in the supply of housing, the steps to be taken have been identified as municipalities determining concrete target numbers of new construction; municipalities, student housing providers and students to make long-term agreements about building more student housing and holding each other accountable, and municipalities and student housing providers to actively look for opportunities to transform vacant buildings and build flexible housing on temporarily available land.[76] The third problem identified is that student housing must be affordable, and for this the Ministry of the Interior, Kences and the Dutch Student Union will develop guidelines to rate the affordability of different types of student rooms.[77] The fourth problem was identified as being that every year in August/ September and January/ February new students arrive, which puts a lot of stress on the market as many students look for accommodation at the same time. It was agreed upon that higher education institutions, municipalities and student housing providers will consult intensively prior to the beginning of an academic year to have an estimate of the amount of student housing that will be needed, and to offer temporary housing and also temporary house sharing, which would allow the placement of two students in the same room temporarily. [78] The fifth problem was identified to be the situation of international students in the housing market. This was identified as a separate issue because international students need guaranteed housing immediately upon arrival since they have nowhere else to go. They don't have time to wait to find accommodation, and they are more likely to be victims of discrimination in the housing market.

The report also mentioned that student houses often have a "no internationals" policy with the argument being that students want to speak Dutch in the house. International students' unawareness of their rights and the legal system was also mentioned here, with a reference to the language barrier.[79]

### 3. Reality

Having discussed law and policy, it is beneficial here to reflect on the reality of housing discrimination in the Netherlands by touching upon previous surveys that have been conducted before diving into the stories collected by the 2022 GHRD Housing Vulnerability Survey in the next chapter.

Previous research has concluded that certain ethnic groups in the Netherlands live in housing conditions that are of lesser desirability; and other research on Germany and Belgium, neighbouring countries to the Netherlands, pointed out that often landlords are one of the major sources of discrimination against ethnic groups in the housing market. [80]

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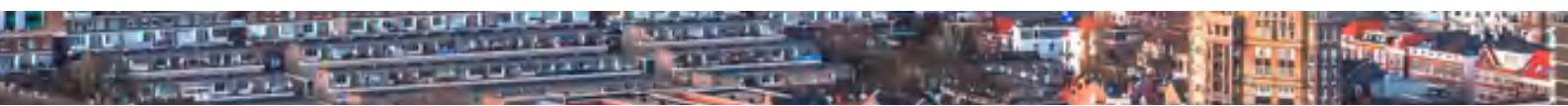
[76] NSHAP, p 15.

[77] NSHAP, p 19.

[78] NSHAP, p 21.

[79] NSHAP, p 22.

[80] Christian Fang, Ilse van Liempt, 'We Prefer Our Dutch': International Students' Housing Experiences in the Netherlands, *Housing Studies* 36:6, p. 824.; A. Sule Ozuekren, Ronald Van Kempen, 'Housing careers of minority ethnic groups: Experiences, explanations and prospects' *Housing Studies* 17:3 (2002); Manuel B. Aalbers, 'Place-based and race-based exclusion from mortgage loans: evidence from three cities in The Netherlands', *Journal of Urban Affairs*, 29:1 (2007); Gideon Bolt, Deborah Phillips, Ronald van Kempen, 'Housing policy, (de)segregation and social mixing: An international perspective' *Housing Studies*, 25:2 (2010).



Numerous studies have found that those with foreign-sounding names have a difficult time finding housing in times of shortage. A study conducted by Verwey Jonker Instituut examined to what extent people with a foreign sounding name experienced discrimination in the housing market by having one profile which had a Moroccan or Polish sounding male or female name and one profile with a Dutch sounding name reply to advertisements on rental properties offered via the rental platform Pararius; in an attempt to determine whether a person's presumed ethnic background influences their chance of being invited for a viewing.[81] Results were concerning, the study found "significantly adverse treatment of non-Dutch sounding names" as profiles with a Moroccan sounding fake name had a 23% lower chance of being invited for a viewing than profiles with a Dutch-sounding male name, and profiles with a Moroccan sounding female name had a 22% lower chance than a profiles with a Dutch-sounding female name.[82]

An additional study conducted by Verwey Jonker Instituut had two actors with Dutch-sounding names call 193 housing intermediaries as landlords and ask them whether it would be possible to not rent out to "Moroccans, Turks and Poles". 16% of housing intermediaries rejected the request, saying that would amount to discrimination and they were not willing to discriminate.

35% of housing intermediaries said that the request would amount to discrimination and therefore is not allowed, but that they would be willing to comply with it still. 12% of all mystery calls resulted in the housing intermediaries saying that they would not be able to discriminate on the basis of race but that they would find a "decent tenant" that "presents himself well", which was interpreted by the conductors of the survey as criteria that can indirectly exclude people where prejudices unconsciously lead to a discriminatory outcome. Finally 34% of all mystery calls resulted in housing intermediaries emphasizing the fact that as the owner of the home the landlord selects the candidate, and agreeing to comply with the request. In one incident the housing intermediary who herself was a person of colour expressed outrage at the request but still agreed to comply adding that the landlord as the owner of the house had the final say.[83]

In a shortage, landlords occupy a very powerful position. In addition to discriminating between potential tenants, landlords can make exceptionally high demands, such as asking for extra security deposits or several months of rent in advance, they may not feel obliged to maintain the property properly, they may only agree to make temporary contracts with tenants in order to increase turnover which would also mean an increase in rent with the next tenant, they may even have tenants in their properties without proper contracts and with no registration in the case of the Netherlands, which leaves the tenant in an especially vulnerable situation.

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[81] Arwen Hoogenbosch, Bas Tierold, Marte Sikkema, Maarten Kwakernaak, Amella Mesic, Verwey Jonker Instituut, 'Monitor Discriminate Bij Woningverhuur 2022' available at <<https://www.verwey-jonker.nl/publicatie/monitor-discriminatie-bij-woningverhuur-2022/>> accessed 10.11.2022, p 4.

[82] Hoogenbosch, Tierold, Sikkema, Kwakernaak, Mesic, p 4.

[83] Hoogenbosch, Tierold, Sikkema, Kwakernaak, Mesic, p 40.

In reality, landlords may not even be aware of their discriminative practices towards potential tenants. When renting a house, the provider makes an assessment of whether the tenant is "reliable", will they be able to afford and pay the rent on time, will they keep the house tidy and clean, will they get along well with neighbors and cause a minimum amount of problems. Housing providers' negative prejudices against certain groups, and stereotypes about their reliability affects the landlords' choice of tenants in more subtle ways, they may not recognise their own discriminative practices but feel that they are guided by their "gut feeling", which results in people with one or more marginalising factors to be left out.[84]

Concluding this chapter, it must be said that the complicated nature of registration requirements might be making it difficult for both landlords and tenants to comprehend and comply with them. This might be, in turn, creating confusion and fear, or simply unwillingness to act, where a landlord who knows they have an endless supply of tenants who will rent a room without being able to register will simply not take the time and put in the effort to comply with the requirements. Many such stories are highlighted in the testimonies from respondents to the 2022 GHRD Housing Vulnerability Survey in the next chapter. The requirements might also be unnecessarily limiting the amount of accommodation available, considering that the price paid for such high requirements is a largely unregulated housing market where the vulnerable are exposed to severe exploitation. Another issue of concern would be the National Student Housing Action Plan's agenda to only limit the amount of non-EU and non-EEA students, in an effort to reduce demand for housing. Much attention must be paid to the implementation of this agenda item, to ensure that it does not result in a violation of the right to non-discrimination.

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[84] Hoogenbosch, Tierold, Sikkema, Kwakernaak, Mesic, p 10.

# CHAPTER III

## 2022 GHRD HOUSING VULNERABILITY SURVEY

The 2022 Global Human Rights Defence Housing Vulnerability Survey started accepting responses on October 5, 2022 and was active until November 10, 2022. 222 responses were received during this period.

### 1. Methodology and Limitations

The Survey was meant to collect the stories of those who have faced difficulty in finding housing in the Netherlands. Taking the form of a Google Forms link, the Survey was disseminated through the social media channels of Global Human Rights Defence and was mostly answered by students, which could be attributed to GHRD's social media following largely consisting of students, and/or to the fact that students are one of the most affected groups of the current housing crisis.

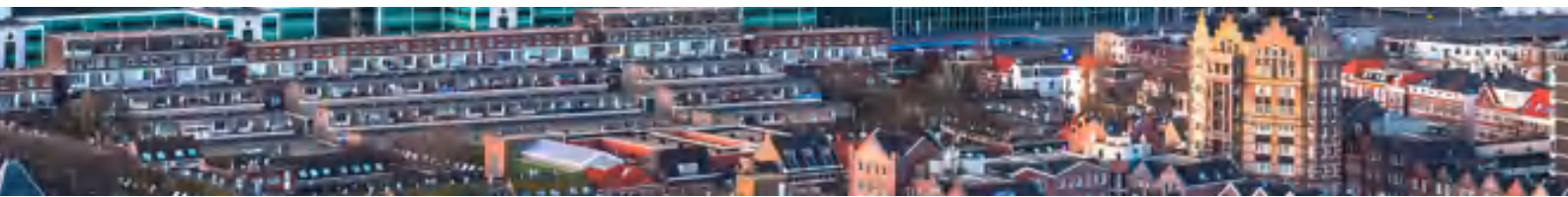
The Survey consisted of six questions aimed to gather the personal experiences of respondents in their search for housing in the Netherlands. The first question asked respondents whether they, at the time of answering the survey, had a safe place to stay where they were also registered. This was the only “yes or no” question. The rest of the questions were open-ended, giving respondents freedom to describe their personal stories without influencing their thought and limiting them to pre-conceived responses.

Any facts, figures, and personal stories that have been quoted in this Survey have originated entirely from the respondents. Therefore, the results of the Survey depend on the self-perceived identities of the respondents. It must be kept in mind then that certain respondents may have been unaware of the factors which make them vulnerable in their search for housing, for example, a respondent may not have identified that their lack of knowledge of the Dutch systems was a factor in the difficulties they faced in their search for safe housing.

The results of the Survey pertain to the 222 responses received, and is by no means representative of the entire population. Nevertheless, this is a good start to understand some of the problems those looking for housing in the Netherlands face, as no previous study on this subject has been conducted on this scale.

Another limitation is that, even though the Survey aimed to reach many who have easily found housing as well, it is likely those who have faced housing discrimination and other problems were more likely to participate in this Survey.

Testimonies included in this chapter were selected among those of respondents who have consented to having their testimonies published within this report. Testimonies were added to the chapter as they were received; all typing errors, grammar and factual mistakes contained within must therefore be attributed to respective respondents.



## 2. Survey Results

Respondents to the Survey were located in different areas in the Netherlands, with The Hague, Amsterdam, Leiden, Rotterdam, Delft and Utrecht being the most prominent.

### 2.1. Question No. 1

The first question to the survey, "Do you have a place you consider safe where you are registered right now?" was answered by 205 respondents. One-fourth of the respondents (53) answered "no".

### 2.2. Question No. 2

The second question was as follows: If you answered "yes" to Question No.1, how long has it taken you to find a safe place where you can register? Out of 176 respondents, 10% (18) stated it took them "less than one month", 29% (51) stated it took them "1-2 months", 39% (69) stated it took them "3-5 months" and 22% (40) stated it took them "5+ months".

### 2.3. Question No. 3

Those who answered "yes" to Question No. 1 were then asked to explain the experience they have had before finding a safe place to live where they can register and/or the process through which they have found a safe place to live where they can register. This question was answered by 160 respondents.

Interestingly, 35 respondents found their current housing through their social circles such as through friends, parents, relatives, and even acquaintances. It is not surprising then, that international students coming in from different continents or even other European nations have more difficulty finding safe housing where they can register. They lack "social and cultural capital", social capital referring to the personal social network one can draw on when searching for housing; while cultural capital refers to being culturally compatible with the local housing market, which could mean speaking the language or knowledge of the local housing-market practices.[85]

41 respondents to Question No.3, even though at the time of responding to the Survey they had safe accommodation where they were registered, rued the inordinate length and complexities of their search. As testimonies below will reveal, just because they were safe and registered legally did not mean that they did not face other harassments.

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[85] Fang, Liempt, p 823.



## Out of the 160 responses to Question No.3,

**7** of the respondents answered that they live with their parents

**2** of the respondents answered that they live with relatives

**2** reported they live with friends

**41** answered that their search for housing took "a very long time"

**14** had to resort to a series of temporary solutions

**10** responded that they have been "homeless" before

**2** stated that they are about to be evicted and will soon be "homeless"

**20** stated that they were discriminated against in their search for housing

**15** stated that they have been in unsafe housing situations

**23** reported that they have been exploited in their search for housing

**2** reported having had their deposit stolen

**16** were scammed or almost scammed

**4** reported that they have considered leaving the country because of their inability to find housing

**2** reported as being uncomfortable where they currently reside

**6** reported they are currently unregistered (even though the question was targeting those who were safe and registered)

**3** reported as being illegally registered

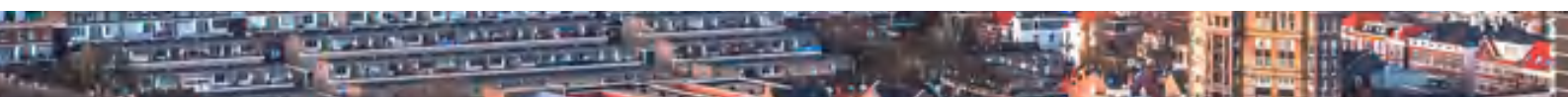
## Below are selected answers by respondents to Question 3:

"I sent hundreds of emails and made hundreds of calls through various agencies and websites to find housing. I barely received any emails or calls back. I showed up to viewings only to be told right then that the apartment had already been rented. I was lead on for weeks with one apartment, told the landlord was close to saying yes, declined another apartment as a result, and then last minute the landlord said she couldn't take me because I was a student (even though she had known that all along and I had had multiple calls with her in the process) I tried agencies to no avail. I was told that i could not be registered if i was moving in with more than one person, but my budget only allowed my to live with two other roommates. In first year I did not hear back from UvA housing until the end of August and by then it was too late."

"The experience was very stressful and tiring. It took me hours every single day, writing hundreds of emails to landlords, spending hundreds of euros on rental platform subscriptions just so I can send a message. I started searching for an accommodation in the beginning of April and I was sure that I would get a place only at the end of August. It is important to note that my previous contract expired on August 12th so I had to go from sublet to sublet. My current place was only available starting from October 1st so I also had to live in another sublet till then. "

"I was homeless for 5 months last year when I started my studies. I was always applying for houses but 90% of the time did not even get a reply as a non-EU student. I could not register the tentative places I was staying in so I did not have a BSN number until February this year. I did not have a bank account, personalised train card, museum card etc. Daily things where sometimes huge problems. I was afraid to leave the country or go to a governmental office/police station if I needed to go, because I was not registered and I knew as a breach of my residence permit it could create problems for me. Housing was and still is a significant mental problem, I was really depressed last year especially around November-January."

"At first I had to live at a student Hotel for 850€ for a month. It was not even in the city of my uni and did not have a proper kitchen, nor well working washing machines. The laundry came out smelling weird and I could get registered, but had to pay the hotel a fee for me to get registered. Then, a month later, I moved into a flat share. I don't speak Dutch, but the rental contract was in Dutch and stated that I have to talk to the landlord before getting registered. I wrote him on WhatsApp so often about it, yet he never replied. One day police came to our house. Apparently we were more people in the house than allowed, so two of us had to move out. In the end everyone moved out because we didn't trust the landlord. We could live in the house for as long as we needed to find new housing. Yet, on new years day, my landlord called. I was celebrating with my family in Germany, yet was pressured to move out within 4 days. I could push the deadline to 6 days because it was difficult to find a train connection to the Netherlands. After moving out on the agreed day, I did not receive my deposit. I've been waiting for it since January."





## Below are selected answers by respondents to Question 3:

"Before the current place, I lived in a place where the landlord was abusing us, making unexpected visits at random times, sending his friends to check on us, making us pay random amounts of money without proof for different "service cost", and we managed to move after four months in that situation. Nevertheless, he also stole our deposit after leaving. The only way we found a proper place to live was to pay one year of rent in advance, which is something most couldn't manage to do."

"The process was extremely difficult. I had to find informal whatsapp and Facebook groups in order to find potential owners who want to rent out. Reaching out to these people was also very difficult as most times I wouldn't get an answer. I have tried reaching out to makelaars for professional help, but they also disregarded me as I was just a student for them. No one would take me seriously. Because the housing market is so scarce students like me are forced to sign contracts which are not favorable for the student. What makes the situation very bad is that dutch students are provided with accommodation for as long as they are registered as students at a university (companies like Duwo operate this way) but international students are kind of kicked out after year one. Shouldn't internationals have some sort of protection considering they don't know anyone in the country? In the housing market there is also a lot of discrimination based on nationality, in Facebook a lot of people who place advertisements for housing state that they only want dutch people. This makes internationals even more vulnerable. Yes it is terrible."

"I found my housing (room) through Facebook groups, I currently reside in an apartment complex with two other tenants. Although a safe place to live, many facilities such as the shower are not up to healthy/safe standards and the landlord knowingly takes advantage of vulnerable students that would accept low standards due to the crisis."

"It was very hard to get through the other applicants and as a person that studies and only works part-time with guarantors abroad to find a place, even when replying to newly listed possibilities almost instantly. It was frustrating, nerve wrecking and gave me lots of anxiety and uncertainty for many months."

"I'm Romanian and the agencies/people would not reply to my requests. I had to ask my boyfriend (Dutch) to talk to them and he would get a reply within hours/ 1 day."

"I lost my money (Euro 1,700) because of a scam."

"Two frauds where I almost got robbed and countless ignored applications. I've had to settle for a room in a super expensive place with low value for money."

"Moved 9 times in one year because couldn't find something long term and with registration. Happened to live in the most disgusting places, sometimes sleep on someone's couch, with somebody in one room or even on a mattress on the floor. Now I found a nice studio, but I know I am overpaying for it so much."

## 2.4. Question No. 4

Those who answered "no" to Question No. 1 were then asked to explain their current housing situation, including why they feel unsafe where they currently reside. Out of the 59 respondents that answered this question,

**6** reported that they are currently facing exploitation by landlords and housing providers

**15** reported that they are currently unregistered, however; this number can be estimated to be higher as those reporting themselves as "living with a friend" or "subletting" or "homeless" must also be either unregistered or illegally registered

**18** reported that they feel unsafe in their current housing situation

**7** reported that they currently only have a temporary solution to their housing problem

**7** reported they are currently staying at a friend's house

**8** reported as being "homeless"

**1** reported that they have recently been "kicked out" of their accommodation

**4** mentioned that they have no tenure security

**1** has had to drop out of their studies and return to their home country because they failed to find housing

**2** reported that they are "soon to be homeless", meaning they are about to have to move out of their current temporary solution with no plan for what to do next

## Below are selected answers by respondents to Question 4:

"I have come to The Netherlands in August 2022 with an orientation year visa for highly educated persons. Ever since I received my visa to come to the Netherlands, the hardest issue for me has been to find housing. I was told I have to register within 4 months here, most of the rooms I find on the internet are places where "registration is not possible". The websites on the internet such as Kamernet are filled with scammers, most advertisements for rooms direct one to different websites, where one has to pay to sign up, from whom one never hears back. Then, all non-scammer advertisements for housing have requirements such as one needing to prove that they make 2.5 times the rent a month, or prove that they have a guarantor who makes 3 times the rent. This might sound easy for Europeans, not so much for me. Neither of my parents, who are both Medical Doctors in Turkey who also teach in university as Prof. Dr., makes 3 times the rent for any of the places I wish to rent, so I can rent and share with a friend. This situation is leaving many people like me very vulnerable to exploitation from men on Facebook, who have a rented place, looking for a roommate from whom they expect sexual favours. It is very difficult for boys to find a place, as the men with the houses are specifically looking for girls as roommates. I have found no way to register. These men who are subletting illegally, have no intention to make it possible for one to register. If I cannot register, I cannot have a bank account, and I cannot work legally. Once one is subletting where they cannot register, they fall prey to those who expect a payment of around 250 euros a month, to register at their address. To apply for a benefit, you need to be registered first. To register at an address, you need to find housing where it is possible to register. To find that, you need to be lucky enough, and to be earning enough income to be able to even be considered for an apartment that is not a scam."

"At the moment I am living with friends, sharing a room with one of them which does not give any privacy or safe space that a person needs. Although we are good friends, I feel we are both getting more and more uncomfortable. I feel like I am very restricted in what I do, when I come back and how I live in this house. The feeling of being a burden is growing on me day by day and I'm afraid that one day we will have a serious argument which might leave me in an even worse situation. The uncertainty of me finding an apartment is worrying, I fear that I will have to stay in this situation for a while."

"I have been couch surfing and staying at hostels since August."

## Below are selected answers by respondents to Question 4:

"I have moved three different houses since the beginning of my Studies in 2021. The first place was extremely far from the city and I had to pay high monthly checks to use the public transportation. After a couple of months I found another place where to live closer to Leiden, so I made the decision to move. Not too long after moving in, the landlord who also lived in the same house started to be constantly drunk and violent with both me and my other housemate. After moving out with nowhere to go for a couple of months, I finally found a DUWO room and I moved in overtaking another student's contract. Too bad that, besides only spending 4 months in the DUWO room, Leiden University did not allow to extend my contract, leaving me homeless once again. Since August 2022 I could not find a place where to live, so I went back home in Italy. Now I am forced to drop my studies."

"I am moving in on the 1st of November to my apartment, however, many landlords and agencies have declined my application due to the fact that my parents do not earn 5000€ a month or because I am not dutch, or even more accurately, because I am a student."

"I am living with my partner in a place where we can't register. There is no written contract, so I the landlord wants to kick us out, there is no protection for us. Also, the house where we live is shared with the landlord, and there is no separate key for our space. That means that we can't lock our door and that the landlord can get in anytime they want."

## 2.5 Question No. 5

All respondents were then asked to explain if they believe they are vulnerable to exploitation regarding their current housing situation or in their search for housing, and if so, how. They were asked to mention, if they believe to be relevant and to the extent they wished to disclose, their gender, ethnicity, nationality, sexual orientation, refugee status, level of income, student status, age, etc. Out of the 157 who have answered this question,

**65** reported that they believe their nationality is a factor that makes them vulnerable to exploitation regarding their current housing situation

**52** reported that they perceived their student status to be a marginalising factor

**20** mentioned their gender,

**20** their age,

**33** their low income level,

**8** their race,

**7** their employment status,

**6** their LGBTQIA+ status,

**1** their refugee status,

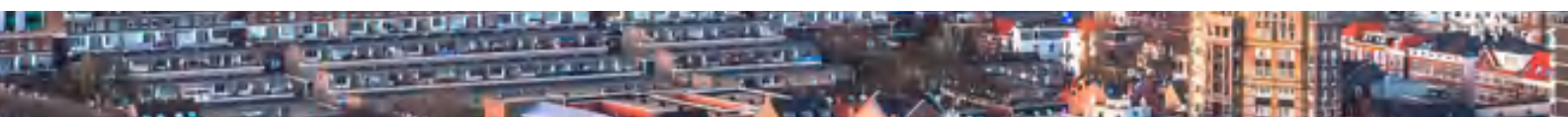
**1** their religion,

**1** their neurodivergent status as a marginalising factor

**28** mentioned their lack of choice in the housing market as a vulnerability factor

**4** mentioned that their lack of knowledge of Dutch law, housing and registration systems contributed to their vulnerability

**13** mentioned that their non-Dutch speaking status was a marginalising factor



The most significant perceived barrier to finding housing in the Netherlands was non-Dutch nationality (65). The next largest perceived barrier was student status (52).

More than half (54%) of those who felt discriminated against because they were students also highlighted their lack of Dutch citizenship as a factor in their search for safe housing. Among those who identified their nationality as a barrier, a whopping 62% also identified their race, ethnicity and skin colour as barriers. About a quarter of non-nationals (24%) found the available housing to be unaffordable. This figure doubled to 44% when international (non-EU) students were concerned.

More than half (55%) of those that perceived gender discrimination also stated that their nationality and citizenship negatively impacted their chances of finding housing. Interestingly, among those who identified their gender as a marginalising factor, almost half (40%) identified that their age made them additionally vulnerable in front of landlords and housing agencies.

A significantly large amount of respondents stated that housing agencies contributed to their stress in finding housing. Several testified that they paid certain fees to these agencies and received no services. 21 respondents reported that they faced economic exploitation and price gouging from either landlords or housing agencies. They felt that they pay far too much rent for the facilities they receive. Further, some were also bound by unfair and bizarre contract terms such as forbidding male guests to use the bathroom.

## Below are selected answers by respondents to Question 5:

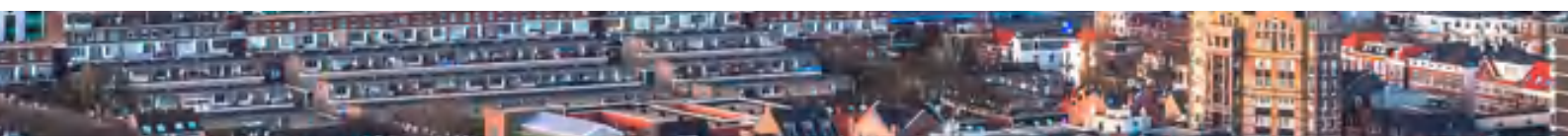
"I am a young Turkish woman, and since I cannot find legitimate housing on legitimate housing websites, I find myself having to resort to seeking housing on Facebook. The housing I find is mostly men who are in their 30s who live alone, looking for young girls to rent a room in their apartment without being able to register. This is not ideal for a girl like me to rent a room with these men, but I find myself with no choice. This situation is leaving me extremely vulnerable to exploitation."

"Before this house, I found a place from housinganywhere.com prior to arriving to Netherlands. I have stayed in that house with the landlord for 6 months. The landlord made my life miserable, he showed no respect to my privacy but over-controlling behaviour. He 'mansplained' me everything and was very patronising in a way that he kept reminding me I am a woman coming from a third world country."

"I am an international student with a mediocre income. With this housing situation, I am forced to buy cheap food only."

"Because I am an international student, and housing is very limited for us, landlords often exploit pricing of homes. They charge much more than the place is even worth, because they know students have no choice but to take it due to the limited options."

"Yes, my landlord is completely disregarding the status of our housing (presumably because we are international's who do not know/cannot enforce our housing rights). The housing has several health violations such as mold and mice infestations."

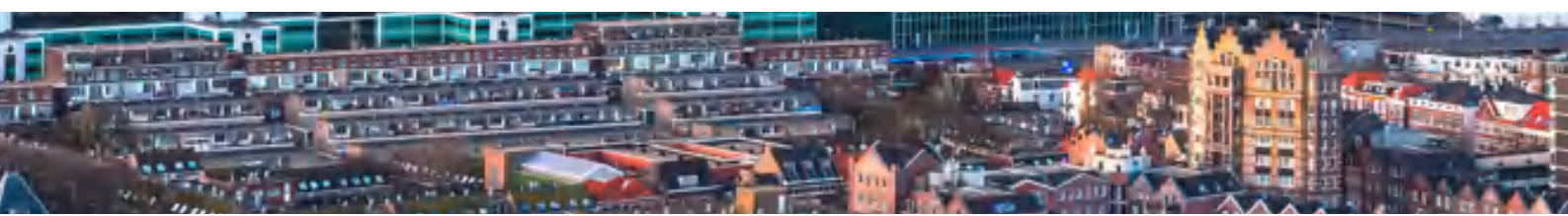


## Below are selected answers by respondents to Question 5:

"I am vulnerable as I am Bulgarian and Bulgarians are looked down upon; I am a woman and received multiple creepy living invitations."

"I think students are vulnerable to exploitation because of the lack of housing availabilities in Amsterdam and the lack of shared housing. This means many students cannot find housing and have to couch surf or have to resort to living somewhere illegally without registering."

"I would not say that I feel too vulnerable to exploitation. However, as an international student I know that there are lots of things that I am unaware of when looking for housing. Another issue I run into a lot is that I am mostly trying to finance myself. I do have a guarantor who is able to provide proof of income, but he works internationally so his income is half salary half allowance from government. This makes it a bit difficult to send "paychecks" as proof of income as his salary is often not 3x the rent. And as I have learned from other internationals in similar situations, the truth is if you come from a poorer country where your family might be considered comfortable or rich, in The Netherlands you might fall way below the average income."





## Below are selected answers by respondents to Question 5:

"I was discriminated based on my nationality, because I am not Dutch and did not speak Dutch. Despite fully speaking 3 languages (italian, spanish, english) almost no one was willing to give me a place to stay. I had a more than decent budget and was moving there to study, still I was left without a place to live."

"Being international student who not speaking dutch plus has no income (which is make sense as a student) is almost guaranteed that you will end up to scam before you learn how this housing market operates, including the monthly fee you're required to pay to those housing agencies to directly contact the landlords who never actually reply you back."

"I feel like as an international student you are especially vulnerable to exploitation because it is difficult to attend viewings when you don't even live in the country. Oftentimes flatshares on kamernet ask for "no internationals" or have their descriptions in Dutch, which a lot of internationals don't understand. Aside from this, internationals are more hesitant to pursue legal help because often times, we don't even know it is available to us, in case we have trouble with our housing situation."

## Below are selected answers by respondents to Question 5:

"Last year when I was looking for a place for 5 months I had many issues. People said I can get fake registrations in exchange of money which was stressfull but I know many people who had to do it. I had to sign up to tens of real estate websites with subsription fees and lost a lot of money and did not get anything. I was sending words to the community to find a place and was approached by a dubious religious/political group that promised to find me housing if I become a part of their group because they had their own connections. I was chosen for a one house among hundreds I applied for, I was asked to sign a letter of intent on the site by the agency that only said "I accept to be bound with the rent contract otherwise I'll pay a penalty of 750 euros". I asked for the contract before signing, they refuses to share it with me. I asked questions especially concerning termination provisions because they were obliging me a 2 year contract, they first said 3 completely contradicting things about termination and possible penalties. I said I cannot sign the letter and accept a contract I do not know in pain of a high penalty. When I pushed for clarity and asked a list of questions about possible issues with termination, the rental agency stopped answering my messages on whatsapp. They were reading them but not answering. They were in a sense saying that I had no choice but to comply with their terms and rude behaviour because of my housing situation. Lots of places do not want internationals as tenants, I am currently looking for a job and unemployed, as a foreigner woman from a Middle Eastern country (although I don't look "physically" like a Middle Eastern/minority/foreigner, which I am told a lot for some reason. When I mention my country they usually display in one way or another that I would not be their first choice), I feel vulnerable. I was vulnerable as a student for exploitation and I still feel so."

## Below are selected answers by respondents to Question 5:

"Yes we are being exploited as a closet-sized room is being rented out for 650 or even 700 euros. Landlords know that students will sign and accept everything, so they put terms on the contract like mandatory cleaning and they are forcing you to pay for a cleaner and make you overpay for that too."

"Well utmost it would be that they are exploiting in the price really, because they know the missing opportunities, they make high prices and people don't have another choice and therefore have to lower their living standards in other parts of their life."

"I think I'm very lucky from this point of view, I live with two male students in their 20s but I feel safe in the apartment. I'm a girl and I have been offered many rooms by old men who wanted to sleep in the same room as me, or asked me if I was single before letting me rent the room."

"Because I am a student with no income of my own I have been rejected from everywhere I have applied so far and it has lead me to having to offer to pay several month or even my whole stay at once out of desperation and no better option even though doing so would leave me defenceless in case of problem with the apartment on its own or the landlord. I have also been contacted by a lot of apartment scammers trying to use our vulnerability and desperation against."



## Below are selected answers by respondents to Question 5:

"Student status and nationality play a big role in finding a housing, as well as exploitation. My past landlord stole 1800€ from our deposit, and we are planning to press charges."

"The other option to my current housing is being homeless. I stayed in hostels for a month until i could not afford it. Looking for places as a young woman was also quite dangerous at times, as landlords and potential roommates know that i needed housing and may have felt like i could be used."

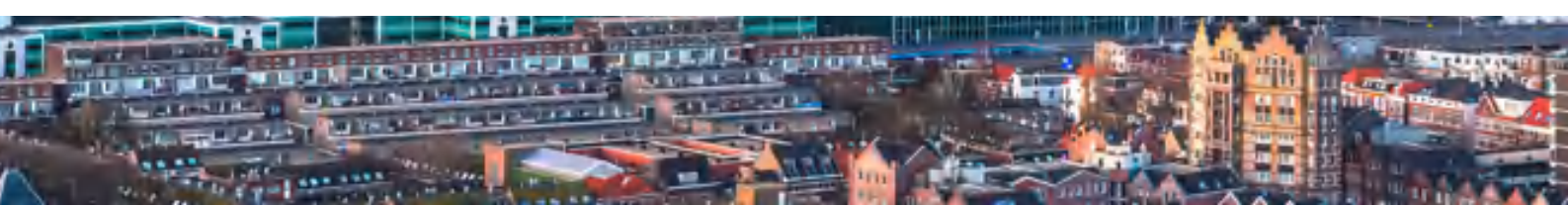
"I do feel there is some kind of exploitation as the landlord is asking a high rent, but i and my roommates can't do anything about it as we are living unregistered so if we would do something it would only hurt us more."

"The other option to my current housing is being homeless. I stayed in hostels for a month until i could not afford it. Looking for places as a young woman was also quite dangerous at times, as landlords and potential roommates know that i needed housing and may have felt like i could be used."

## Below are selected answers by respondents to Question 5:

"I believe I am because I am not Dutch and I do not speak Dutch, my previous landlord gave me a 23 page contract to sign in Dutch and when I asked for the English translation they told me to use google translate. Furthermore, I was not familiar with the Dutch rental law, and my previous landlord threatened to not give me back my deposit so I had to get legal advice in Het Juridisch Loket."

"As a young 20 year old female student, who appears to be much younger due to my height for example, and does not speak Dutch confidently (of which I could not learn the language in advance due to not knowing if I'd be able to find a flat in time to travel to the Netherlands), I found the process dangerous at times! For one video viewing, a man expected me to live with him in his laundry room, and not register purposefully so he could continue to receive a housing benefit. I also encountered untrustworthy and precarious landlords (all men) throughout my search. Fortunately, I knew my rights, and the documents I needed from landlords to prove ownership, how much of a deposit can be legally paid, etc, due to my background as a law student. I fear that others may not do the same, and end up in illegal, unsafe contracts. Luckily, as I am a girl, I had a few interviews for flats owned by females who needed a flatmate. For example, I currently live with my female landlord, who made it clear that she would only live with someone of the same gender. That being said, I live in a living room which I've converted into a bedroom, and it is not worth the money I pay for when I add travel costs on top. However, I feel reasonably safe, and glad to have a roof over my head!"



## Below are selected answers by respondents to Question 5:

"Although my landlord does not pose a threat to my existence, I do feel an awkward power relation between me and them. For example, I don't have the resources to contest their arbitrary decisions. I am not even sure that I would have the resources to sue them if they decided to break our contract. Most importantly I have no other option than to stay here because of the (relatively) low price. With regards to who I am, I am a young woman with a female landlord that delegates all of her work to her son. It makes me uncomfortable that I have to deal with certain important issues with him instead of her, because he is not the one who has signed the contract. Moreover, he has disrespected me and my boundaries a number of times and I do not feel entirely safe around him."

"I would agree that I have been vulnerable for many weeks regarding my housing situation. I stayed 2 nights outside in some less populated area, aware that it is forbidden and dangerous. I would have done it another night if there were no sleeping options. I called the homeless office to ask for a homeless ID because I started to identify as one. I would have committed fraud to get an apartment. I was considering marrying a dutch person to have better chances of finding an apartment or a sugar daddy so that I can afford any room offered at this time. I would have manoeuvred my car after at least 8 shots. I slept at a guys apartment which I barely knew and who wanted to have sex with me."

"I am paying a subscription to Kamernet, where I see countless offers for women exclusively with very low rent. They are asking for "open-minded" women, which I am guessing means something sexual. The rental market is crazy and because I am an expat, I don't have any contacts who can help me find affordable housing. Therefore, I have to stick to crazy expensive flats that I earn too much to be accepted or that I can't even afford."

## 2.6 Question No. 6

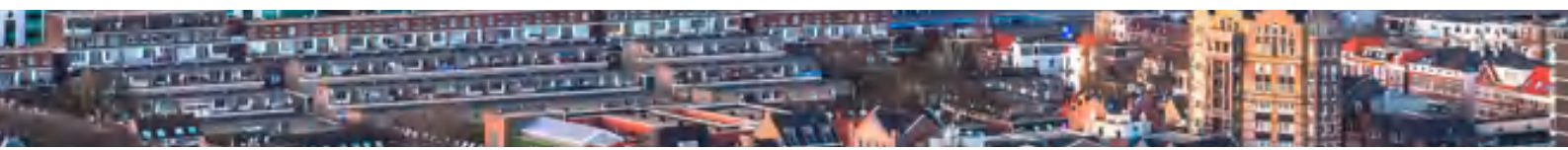
The last question asked respondents to add any additional information they would like to disclose.

Below are selected answers by respondents to Question 6:

"My search for housing took so long and was so much more stressful than it needed to be. I considered dropping out, I was in an unsafe housing situation for a month I still have mild PTSD from, and I moved 4 times within one year. We are young people who want to enjoy this beautiful country of the Netherlands, meanwhile focus on our studies at these prestige universities. Our intent of being here however is so massively impacted by the unnecessary housing situation which exploits us, is unsafe, and causes so many to drop out or take on ridiculous work hours to pay for rent."

"I have been actively searching for an apartment for the last 5-6 months for this academic year but I have been unsuccessful so far because there are a lot of people out there with a better profile than me also looking for an apartment. My university has been no help in trying to accommodate my situation and has refused any online accommodations I have asked for which has led me to having to drop classes because I couldn't be present enough on campus."

"My landlord didn't want to give me a permanent contract, even after one year in the flat. I had to negotiate and prove (with official websites) that after one year, I had de facto a permanent contract. She was Dutch and pretended to not understand these Dutch legal websites. I knew my rights but I know people that were forced to live their home even though it was illegal."



## Below are selected answers by respondents to Question 6:

"Trying to search housing for months now while simultaneously working to pay off all my bills, I figured that housing is not only a monetary crisis, but it is also a crisis that has HUGE effects on mental and physical health. I was so stressed with work, university, and finding housing at the same time, that my stress has meanwhile caused heart problems, sleepiness, depression, etc. I consider myself quite an emotionally stable and especially healthy person, but this is too much. I also have a friend who sleeps in a tent in midst of Dutch weather, I cannot imagine the stress she experiences."

"There are many housing websites which requires us to pay a platform fee to contact the landlords. So it becomes impossible to access all the websites. Although FB housing are said to be effective, you would come across many scammers which worsens the situation. With the large influx of international students and less number of available accommodation, it becomes extremely difficult to find something that is habitable. For this reason, we are pushed to an extent that we accept anything that is offered to us. Moreover, the educational universities tend to not get involved and request the students to defer their studies if they do not find any accommodation which causes more distress to the students."

"It is really hard to find a place being a trans woman due to stigma/discrimination."

"As a student you are per definition on a tight budget but need accommodation to complete your studies and therefore probably willing to spend much more than what you can afford. This leaves us in a rather desperate situation where exploitation is likely since we try to get some place to sleep. At some point no matter how bad."



## Below are selected answers by respondents to Question 6:

"I have never been contacted by landlords. My best guess is because of my name and last name, which don't sound Western. I used Kamernet.nl, facebook pages."

"Last year I lived in a spacious five room apartment with four good-sized bedrooms, however, the municipality only allowed three people to be registered there. It was completely ridiculous as it was a big apartment and all the bedrooms were at least 8sqm and had windows, so there was no reason not to have four people living there. It made us feel vulnerable in regards to the landlord because we didn't have a contract for the fourth person. The landlord was also a completely incompetent and ignored our complaints about mold, broken appliances, and other issues. But we felt like we could not make a formal complaints as one of us were living there unregistered. "

### 3. Discussion

The Survey has revealed that finding housing through friends and acquaintances is easier as opposed to finding housing through rental websites or via Facebook, which leaves those who do not yet have "social capital", meaning enough acquaintances in the Netherlands excluded from this pathway to finding housing.

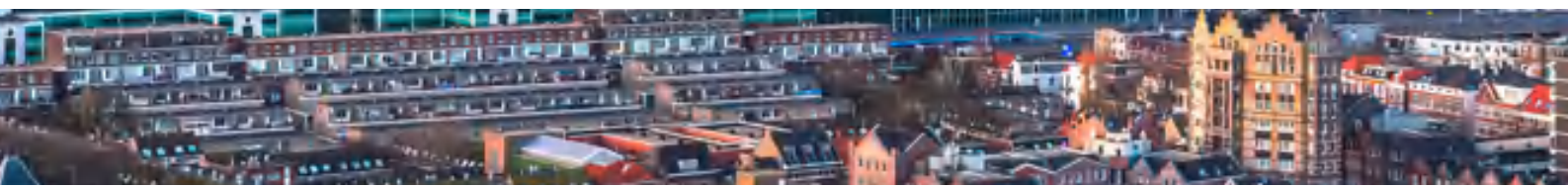
Respondents were mostly aware of the marginalising factors making them less likely to be able to find housing, however; almost none knew where to seek help or how to report once they have faced discrimination or other troubles in their search for housing such as being scammed.

Many tenants and potential tenants who have responded to the Survey were unaware of their rights, which left them open to exploitation. The Survey has also revealed that even when they were aware of their rights, tenants still found it difficult to stand up against their landlords for fear of being evicted and not being able to find housing again. The power imbalance between landlords and tenants was disproportionately pronounced in the responses received, it can therefore be concluded that the current housing crisis, while emboldening landlords, is greatly disempowering tenants and potential tenants.

Another interesting finding of the Survey was that, the rules and regulations for registration were mostly an enigma for potential tenants. When renting a room where they could not register, they were afraid that they were doing something "illegal", they were therefore even more hesitant to search for help or contact the help that is available to them for fear of getting in trouble.

Even though this was not a conclusion reached by the results of the Survey as the Survey was not aimed at landlords and those subletting; it could be said that the rules and regulations for registration are also causing confusion on their part, making them unable or unwilling to do what is necessary to make it possible for their tenants to register where they reside. Landlords and those subletting could also be apathetic to the troubles tenants who are unregistered face, as potential tenants are plenty. The disproportion between supply and demand when it comes to housing has also been found to give landlords and those subletting an extreme advantage to the point where they are in a position to completely disregard any demands from tenants, such as to fix issues within the property ranging from mold to rodent infestations.

The outcomes of this Survey make it clear that there is need for tenants and potential tenants, particularly those who are vulnerable to exploitation to have access to more information about their rights on the housing market including their right to non-discrimination, their rights stemming from rental contracts and their options for registration when they are unable to register where they reside. The creation of a hotline for tenants and potential tenants, where they could learn about their rights and how to enforce said rights and where they could be directed toward the help that is already available (such as discrimination agencies) could be discussed.



Certain "housing pathways" have been determined by researchers conducting a similar study to ours, who have interviewed 18 students in the Netherlands and divided their housing biographies into specific pathways.

"The Linear Pathway" is when one finds housing quickly, and each subsequent dwelling is of better quality than the previous one.[86] "The chaotic pathway" is marked by a series of unwanted moves, and instability. In this path, one finds themselves spontaneously having to move and with a relatively short time to search for the next dwelling.[87] "The inverse pathway" is where one's housing situation deteriorates over time. This is the pathway when one has a temporary rental contract to begin with, and as the end of said contract approaches, one fails to find subsequent accommodation and has to take any offer they can get.[88] A more comprehensive survey could be conducted in the future to determine whether there exists correlation between specific housing pathways and vulnerability factors.

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[86] Fang Liempt, p 830.

[87] Fang, Liempt, p 832.

[88] Fang, Liempt, p 835.

# Conclusion

In conclusion, while there is a general housing crisis in the Netherlands, it is clear that certain groups are disproportionately affected by it.

The present report, having outlined the right to adequate housing and how it relates to the right to non-discrimination as determined by international human rights law instruments in Chapter I; having briefly explained the domestic law, policy and reality as regards the right to adequate housing in the Netherlands in Chapter II and having revealed and discussed the results of the 2022 GHRD Housing Vulnerability Survey in Chapter III, shall conclude with the following suggestions:

1. The current housing crisis is creating an immense power inequality between landlords and tenants/potential tenants. This inequality is further perpetuated as tenants and those in the search for housing are unaware of their rights and of the help that is available to them. The creation of a hotline where tenants and potential tenants could access correct information and be directed to the help that they require, would be greatly helpful in alleviating the power imbalance in individual situations.
2. There is need for a more comprehensive survey reaching many different groups in the population to see how vulnerability factors play into the housing pathway one finds themselves in. The linear, chaotic and inverse housing pathways as defined in Chapter III could be used to thoroughly determine the hidden patterns of discrimination in the housing market, which would in turn make it possible to take action against it.
3. The suggestion in the National Student Housing Action Plan to only limit the amount of Non-EU and Non-EEA international students coming into the Netherlands for their studies should be closely monitored to make sure that it does not give way to additional discriminatory practices.

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*Table of Dutch Legislation*

Bouwbesluit 2012: artikel 7.18, eerste lid

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Huisvestingsverordening Amsterdam 2020:

-artikel 3.1.1, derde lid, onderdeel c;

-artikel 3.1.4, eerste lid;

-artikel 3.3.11;

-artikel 3.3.13, eerste lid, onderdeel a;

-artikel 3.3.13, tweede lid, onderdeel a;

-artikel 3.3.13, tweede lid, onderdeel c;

-artikel 3.3.13, tweede lid, onderdeel f;

-artikel 3.3.13, tweede lid, onderdeel g;

-artikel 3.3.13, vierde lid;

-Tabel 3 bestuurlijke boete omzetting.

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-Bijlage II;

-artikel 5:2, onderdeel b;

-artikel 5:4, onderdeel d;

-artikel 5:4, onderdeel e;

-artikel 5:6, eerste lid;

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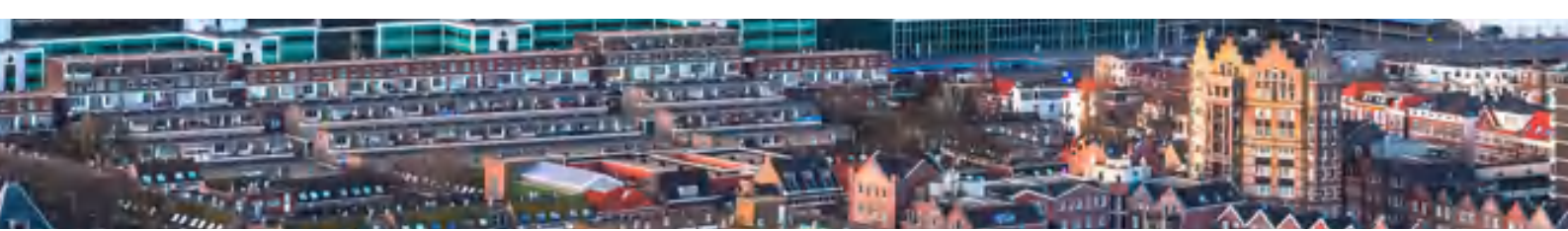
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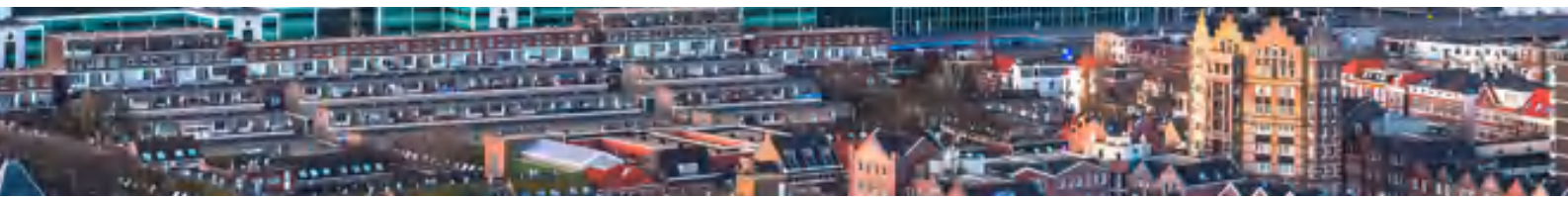
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"Kivilcim, when you write this report, can you also add one or two sentences on how ironic the term 'landlord' is? They absolutely are not lords. They are mortals who are bound by the same laws and obligations other humans are!"

- Mandakini J via Slack to Kivilcim Ceren Buken  
November 25 2022, 3.40 PM



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