

Mandates of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the right to development; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on minority issues and the Special Rapporteur on extreme poverty and human rights

REFERENCE:
AL NLD 3/2021

19 April 2021

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Special Rapporteur on the right to development; Special Rapporteur on the human rights of migrants; Special Rapporteur on minority issues and Special Rapporteur on extreme poverty and human rights, pursuant to Human Rights Council resolutions 43/14, 42/23, 43/6, 43/8 and 44/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **housing policies of the municipality of Rotterdam aiming to reduce the number of affordable homes, in an overall climate of predicted growing shortages of affordable housing and homelessness in Rotterdam. In particular, the municipality's involvement together with Vestia housing association in the rushed implementation of a controversial project in Tweebosbuurt neighbourhood aiming at the demolition of 535 social rental homes may be in violation of the human right to adequate housing, which will be further impacted by the imminent scheduled demolitions. The project has already displaced the vast majority of Vestia's tenants in the neighbourhood, without a chance to be properly consulted or receive assistance to find alternative housing. Nearly an entire neighbourhood is due to be razed, not so much due to structural problems with the concerned housing units, but allegedly for the financial benefit of the housing association, which seems to be facing continued financial difficulties due to prior unmanaged risk-taking on financial markets. These actions would undoubtedly affect disproportionately migrants and individuals and families of minority and immigrant background, and contribute to their further social vulnerability and risk of falling into homelessness. The City of Rotterdam is also implementing the Special Measures for Metropolitan Problems Act ("Rotterdam Act"), which has discriminatory features.**

This communication is also sent in follow up to the earlier communication ([AL NLD 4/2019](#)) of the former Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on non-discrimination in this context, Ms. Leilani Farha, to the Netherlands on 20 December 2019, concerning persons living in homelessness. In this communication, the Special Rapporteur pointed out that evictions have contributed to homelessness in the Netherlands and that more than half of all persons living in homelessness and situations of extreme social vulnerability have an immigrant background. The current Special Rapporteur

on adequate housing regrets that the Netherlands has not yet responded to the questions asked in this earlier communication, and looks forward to receiving a reply as soon as possible.

According to information received:

The Netherlands has been facing a housing shortage particularly affecting the availability and costs of housing in its major cities. By 2030, an estimated 845,000 new homes will be required to bridge the housing gap, provoked by population growth among others. This shortage is one of the causes of a sharp increase in the number of people living in homelessness, which doubled between 17,800 in 2009 and 39,300 in 2019. The Government has been making efforts to address these issues of housing shortage¹ and homelessness², notably by committing in June 2020 to allocate an additional EUR 200 million for the provision of 10,000 additional housing facilities for the homeless by 1 January 2022.

Currently, there are more than seven million homes in the Netherlands, of which three million are rentals.³ About 75% of rented homes are owned by housing associations, charged with public functions as defined and regulated by the Housing Act. Among others, their task is to build, maintain and rent quality affordable housing to people with low income. Housing associations are obliged to let 80% of their vacant social housing to people with an income of up to EUR 36,798 (in 2018) and 10% to people with an income of between EUR 36,798 and EUR 41,056 (in 2018). The associations may let 10% of their social housing to households with higher incomes.⁴

Rotterdam (population of 651,446 in 2020) is the poorest city in the Netherlands, with more than 15% of its residents living below the poverty line and at least 4,000 persons living in situation of homelessness, although some estimates suggest a greater number. In Rotterdam, 185,600 households (which represent 58% of all households) qualify for social rental agreements, while only 173,148 social rental units were available in 2020. This deficit has resulted in a significant waiting time for social housing, which was 39 months on average in 2019. In Rotterdam South in particular, many people depend on affordable housing.

Afrikaanderwijk district, located in Rotterdam South, is one of the poorest districts of Rotterdam, since it was significantly affected by the loss of opportunities resulting from the crisis of the harbor or shipbuilding sector in the 1980s. Many of its residents are migrants or have an immigrant

¹ <https://www.dutchhousingpolicy.nl/topics/housing-deals>

² <https://www.dutchhousingpolicy.nl/latest/news/2020/06/03/additional-10000-housing-facilities-for-the-homeless>

³ <https://www.government.nl/topics/housing/housing-market>,
<https://www.government.nl/topics/housing/rented-housing>

⁴ <https://www.government.nl/topics/housing/housing-associations>,
<https://www.rijksoverheid.nl/onderwerpen/huurwoning-zoeken/vraag-en-antwoord/wat-is-het-verschil-tussen-een-sociale-huurwoning-en-een-huurwoning-in-de-vrije-sector>,
<https://www.dutchhousingpolicy.nl/topics/allocation-by-housing-associations>,

background. Demand for housing in Afrikaanderwijk has nevertheless been on the rise in recent years due to the availability of many services, affordable housing, improved safety and strong social cohesion. Many of its residents provide care and assistance to relatives or elderly people also residing in their neighbourhood.

Regulatory and policy framework

Rotterdam applies the nation-wide Special Measures for Metropolitan Problems Act (“Rotterdam Act”) in several neighbourhoods in Rotterdam South – Carnisse, Hillesluis, Oud-Charlois, Tarwewijk, and Bloemhof. The Act has been criticized for being discriminatory in that it allegedly allows for excluding people from housing on the basis of their class and origin. In particular, Article 8 enables municipalities to limit - for the purpose of combating metropolitan problems – housing to certain designated neighbourhoods or areas by instituting a system of housing permits (for the use of certain housing categories). Thus, municipalities are permitted to deny housing to persons residing less than six years in the respective region, if those do not receive income from work, self-employment, business, a retirement scheme, or financial assistance as a student. Under Article 10, municipalities are allowed to refuse housing to persons aged over 16 years, if there is a well-founded suspicion that their moving in would increase nuisance or crime in certain neighbourhoods, streets or areas. In order to determine this risk, it is allowed to use police data in relation to the acts of: causing nuisance; unlawful use of a home; use of offensive or discriminatory language; violence, threats or mistreatment of neighbors or visitors; activities that are punishable under the Opium Act; public intoxication; property crimes; arson, destruction and vandalism; radicalizing, extremist or terrorist behavior.

The National Programme for Rotterdam South (NPRZ) is implemented by the national Government and the city of Rotterdam with the aim of reaching average national levels in education, labour participation and quality of life in Rotterdam South by 2030. While these aims are welcome, the NPRZ envisions at the same time a decrease of thousands of affordable homes in exchange for more costly housing. Afrikaanderwijk is one of the focus districts identified in the National Program for Rotterdam South (NPRZ) of 2011.

According to Rotterdam’s multi-year housing policy “Housing Vision Rotterdam 2030”, announced in 2016, the municipality plans on reducing the affordable housing stock by 13,500 homes, of which 10,900 homes in the cheapest segment (with rent up to EUR 640 in 2017) are planned to be demolished. Simultaneously, the municipality is planning to increase the number of rental and owner-occupied homes in the middle, higher and top price ranges and above by 46,600 new housing units, whereas it seems that there is no real demand for such housing options. As a result of this planned decrease in the affordable housing stock, it is feared that many people on low income, presumably including migrants and people of immigrant background, will be forced to relocate out of the city. Rotterdam municipality has reportedly made agreements with neighbouring municipalities to

accommodate low-income people, however the social housing stock has been on the decline as well in those municipalities in recent years. A wave of protests and a referendum followed the announcement of the “Housing Vision Rotterdam 2030”.

The municipality’s decision to reduce the housing stock is based on the premise that the number of social housing units is greater than the number of households qualifying for social housing. However, this premise is disputed and there have been warnings that by 2030 the above-mentioned housing policies will result in a shortage of 9,000 affordable homes for those in need of social housing in Rotterdam.⁵

Residents have not been involved in the planning and decision making for renewal plans and demolitions in their neighbourhoods in the context of the “Housing Vision Rotterdam 2030”. Moreover, renewal plans do not take into account social networks, which reduce the vulnerability of poor individuals and households. Relocation assistance is provided to those whose homes are about to be affected, but there will be no right to return to their neighbourhoods, which will result in a major disruption for many families.

Under the Tenants and Landlords (Consultation) Act, landlords are required to inform tenants and residents as soon as possible of any plans involving policy or management changes, including any demolition and renovation plans, in order to enable them to obtain clarifications and engage in consultation.

⁵ <https://www.trouw.nl/nieuws/mensen-met-een-laag-inkomen-willen-ook-in-rotterdam-wonen~ba2be7ad/>, <https://www.trouw.nl/nieuws/rotterdam-jaagt-armen-de-stad-uit~baa69256/?referer=https%3A%2F%2Fduckduckgo.com%2F>, <https://www.rijnmond.nl/nieuws/180085/Woningcorporaties-hekelen-plannen-sociale-woningbouw-Rotterdam>

Transformation project in Tweebosbuurt neighbourhood, Afrikaanderwijk district, South Rotterdam

On 26 June 2018, Vestia housing association - formerly the largest housing association in the Netherlands and still in charge of 65,500 rental units across the country - applied for a discount on their landlord levy via a scheme, which the Ministry of Interior and Kingdom Relations was about to terminate as of 1 July 2018. Under this scheme, Vestia would be entitled to receive a discount of EUR 25,000 for each rental home that is taken out of the social housing stock through demolition or other means. This move may as well be motivated by financial considerations to make up for earlier speculative mismanagement by Vestia, which took a massive hit in 2011 due to unmanaged risk-taking on financial markets. Vestia's resulting debt of over EUR 2 billion required a government bailout and assistance from other housing associations.⁶

In a letter⁷ dated 9 July 2018, Rotterdam's Municipal Executive informed the City Council that on 3 July it had concluded a cooperation agreement with Vestia housing association for the transformation of Tweebosbuurt neighbourhood, which is located in Afrikaanderwijk district, South Rotterdam. This was done in anticipation of a decision by the City Council expected in September/October 2018 to approve the cooperation agreement. The letter states that it was important to act quickly in order to enable Vestia to make use of EUR 27 million from the scheme for the reduction of the landlord levy.

The transformation project concerned five residential blocks, largely property of Vestia - in total 694 homes and business premises, of which 625 social rental homes. According to the plans, 599 homes and business premises would be demolished, of which 535 social rental homes. In their place, 374 new homes would be built, of which only 130 will be made available for social housing, but those would be "liberalized" (rented out at market value) once the first tenants to be installed after their construction move out of their free will. The remaining 90 social rental units (out of the initial 625), will be renovated.

The justification for the project, as indicated in the letter from the Municipal Executive to the City Council, is that housing is technically outdated and that there are relatively large socio-economic problems in the district. However, other sources report that most of the concerned homes are in relatively good condition and that their demolition is not required. In fact, many of them have been improved in 1970s and 1980s, while many others were actually constructed in 1980s. In addition, updated socio-economic data for the Tweebosbuurt neighbourhood is reportedly not available and the municipality and Vestia rely on outdated data for the entire Afrikaanderwijk.

⁶ <https://www.ft.com/content/0fbd5ad4-7724-11e4-a082-00144feabdc0>,
<https://www.theguardian.com/housing-network/2012/feb/29/dutch-housing-association-sell-homes>

<https://rotterdam.raadsinformatie.nl/document/6790201/1#search=%22samenwerkingsovereenkomst%20vestia%20tweebosbuurt%22>

This transformation project is being implemented under the Implementation Plan 2015-2018 for the NPRZ and the “Housing Vision Rotterdam 2030” among others, and will affect 18% of homes in Afrikaanderwijk.

Also on 9 July 2018, Vestia informed Tweebosbuurt residents by letter in no ambiguous terms that their homes and business spaces will be demolished, starting as of 1 January 2020.

Vestia’s representatives proceeded to hold brief information meetings with different sets of tenants, but critical questions were not answered on the spot and instead tenants were referred to written information that could be accessed through other Vestia employees or the municipality. Many residents could not participate since the information sessions took place during the summer holidays. Residents of Tweebosbuurt neighbourhood were taken by surprise because until then Vestia had been communicating to them that there were no plans for renovation works or for the construction of new housing units in the neighbourhood.

During the information meetings with tenants, Vestia distributed a “Social plan for rehousing - Demolition Tweebosbuurt” (the social plan)⁸, which specified the terms for the resettlement of the tenants. According to the social plan, relocation was supposed to start already on 3 July 2018, even though tenants were only informed on 9 July 2018 of the demolition plans for the neighbourhood. Residents would be provided with a “declaration of priority” to assist them in searching for new social housing, which will be valid for the entire Rijnmond (Greater Rotterdam Area). However, the tenants would be responsible for finding by themselves new accommodation and were expected to start looking for a new home as soon as possible. Tenants could apply for one of the 130 new housing units to be constructed in Tweebosbuurt, but had no guarantee of returning to the neighbourhood.

In addition, tenants would be entitled to one-time relocation allowance of EUR 5,993, if they could present an extract from the municipal population register, confirming their official residence in the Tweebosbuurt neighbourhood. If Vestia deemed that a tenant did not cooperate or make sufficient effort to find a new home, it would terminate the lease and the tenant would no longer be entitled to a relocation allowance. Vestia could also claim any instalment for relocation paid out.

On 1 November 2018, Vestia informed through notifications Tweebosbuurt residents, who had not yet relocated, that their rental contracts would be terminated on 1 January 2020 for reasons of “urgent personal use”.

On 29 November 2018, the City Council of Rotterdam approved the demolition plans for homes in Tweebosbuurt. The cooperation agreement between the Municipal Executive and Vestia was eventually signed in March 2019.

⁸ <https://www.vestia.nl/Media/ad90559ab1c9484c6c561457ea3805dd/original/20180801-tw-social-plan-sloop-tweebosbuurt-def.pdf/>

Dozens of tenants refused to leave Tweebosbuurt. Vestia subpoenaed those residents separately in several groups. A first court ruling⁹, concerning 13 tenants and, delivered on 6 September 2019, ruled that Vestia was entitled to terminate the lease for reasons of “urgent personal use”. The judges for further two cases, who delivered a combined ruling¹⁰ on 10 January 2020 affecting 17 tenants, however, came to the opposite conclusion - that Vestia was not entitled to terminate the leases since urban renovation would not qualify as an “urgent personal need”. Furthermore, Vestia had failed to prove the social needs that justified their demolition plans. The ruling also confirmed that residents were not involved in the development of the restructuring plans and that the correspondence from Vestia to the residents gave the impression that the demolition on their homes was a “fait accompli”. Vestia has appealed these decisions before the High Court, which is expected to deliver its ruling in December 2021.

Since then, other court judgments have followed on 13 March 2020 and 23 or 24 December 2020 in relation to three or four families, similar to those issued on 10 January 2020.

As a result of the court rulings, the City Council ordered Vestia to negotiate a mediated solution with the tenants. In November 2020, Vestia unilaterally cancelled these negotiations, altering slightly its plan: instead of the initially communicated 535 rental units, the current plan is to demolish 524 social rental units.

The remaining tenants have expressed interest to buy one of the housing blocks from Vestia. Under the Housing Act, they are entitled to perform a feasibility study and the housing association is required to halt the implementation of the plans by 6 months. Vestia has however refused to halt the demolition plans.

The tenants who are still living in Tweebosbuurt neighbourhood have lodged in court a request for an order to stop the demolition until the High Court delivers its ruling on the above-mentioned appeal from Vestia. The judge is due to rule on this request shortly before the demolitions start on 15 April 2021. It is feared that the liveability of the neighbourhood will be adversely affected with this first set of demolitions.

As a result of the actions of Vestia and the Rotterdam municipality, the vast majority of tenants have left Tweebosbuurt neighbourhood, turning a previously vibrant working-class neighbourhood into a desolate place. Some vacant homes are already becoming uninhabitable. The majority of remaining persons staying in the neighbourhood have been evicted, and only 50 to 53 remain as of 31 March 2021. Demolitions are due to start on 15 April 2021 on about 20% of the neighbourhood.

⁹ <http://deelink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBROT:2019:7128>

¹⁰ <http://deelink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBROT:2020:125>

Other neighbourhoods of Rotterdam have gone through similar experiences, including for example Wielewaal, Patrimoniumshof and Carnisse in Rotterdam-South, the HKT blocks in Rotterdam-North and Gerdesia-Midden in Rotterdam-East. Further major interventions are foreseen in Rotterdam South as per the municipal housing policy until 2030, and only afterwards in other parts of the city.

Without prejudging the accuracy of the information received, we wish to express our serious concern that by reducing the number of affordable homes through its housing policy – expressed through the NPRZ and the “Housing Vision Rotterdam 2030” among others, the municipality of Rotterdam promotes actions that work against the progressive realization of the right to adequate housing. Genuine consultation with the participation of the affected population does not seem to have taken place in the design and implementation of the said housing policy.

In addition, we are deeply concerned that the reduction of affordable housing stock would place more vulnerable individuals and families in precarious situation and at risk of poverty and homelessness, in a context, in which the Netherlands and the City of Rotterdam are already failing to eliminate homelessness and thus unable to guarantee the enjoyment of the core content of the right to adequate housing to all people living within their jurisdictions. It should be noted that ensuring essential minimum content of the right to adequate housing is an immediate obligation under international human rights law, not subject to progressive realization and extends to all persons that are living in the territory, including those that have no official registered address. Rendering homeless those people who previously enjoyed adequate housing by demolishing their homes, would violate the principle of non-retrogressive measures in international human rights law.

Targeting in particular Rotterdam South, where a significant proportion of the residents are migrants or have a minority and immigrant background, may have the effect of discriminatory distinction, which impairs the exercise of the right to adequate housing.

With regard to the households affected in the project under implementation in Tweebosbuurt neighbourhood in Afrikaanderwijk district, we are deeply concerned that the City of Rotterdam and Vestia housing association have terminated tenancy contracts on inappropriate grounds “such as requesting housing for personal use”, as already established by courts; not provided tenants with an opportunity to undertake genuine consultations about their resettlement; and have not offered alternative affordable accommodation, nor the possibility to return to the neighbourhood or in its close proximity. In particular, tenants were informed unequivocally that their homes would be demolished, while a formal decision by the City authorities about the redevelopment project was still pending. These actions have deprived residents from security of tenure provided for under national law and are as well contrary to the right to adequate housing under international human rights law. We are also concerned at information that the affected residents were in no way involved in the development of the restructuring plans, and instead were given the impression that the demolition on their homes was a “fait accompli”.

In addition, providing priority status for accessing other social housing is in our view an insufficient measure to comply with the right to adequate housing under international human rights law, in light of the insufficient alternative affordable social housing available in Rotterdam and in adjacent municipalities. Furthermore, the relocation plan for the Tweebosbuurt project does not include any entitlements or adequate measures to guarantee the right to adequate housing for persons at risk of marginalization, including those that may de facto live in the neighbourhood but have for various reasons not been able to officially register their place of residency.

Thus, the planned demolition of housing will likely disproportionately affect sub-tenants, including undocumented migrants, who may be evicted into homelessness, without any alternative housing option. While entitlements may be different for tenants with rental contracts, we wish to stress that right to adequate housing must at its core be guaranteed for all, including undocumented migrants in and to people who do not have an official address. There should be no evictions into homelessness and provision of alternative housing should extend to persons living in the neighbourhood who are not registered as such.

With regard to information that persons have been evicted in the transformation project, we wish to remind your Excellency's Government that forced evictions may violate the right to adequate housing and may also result in violations of other human rights. We wish to underscore that, notwithstanding the type of tenure, all persons should possess a degree of security of tenure, which guarantees legal protection against forced eviction, harassment and other threats. States parties shall ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with the affected persons.

In light of the overwhelming case against evictions during the Covid-19 pandemic and the risks of homelessness, we call on your Excellency's Government to urgently cease and desist from conducting evictions until better solutions can be meaningfully explored.

Finally, we are deeply concerned that actions by Vestia housing association in relation to Tweebosbuurt may be motivated by an effort to recover outstanding financial losses, rather than by its public function entrusted by your Excellency's Government under the Housing Act, in particular in relation to the provision of much-needed social housing.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide an overview of measures taken by your Excellency's Government to guarantee the right to adequate housing, to prevent homelessness and to reduce the number of people living in homelessness, including by ceasing the evictions contemplated or planned.
3. Please provide information on the actual or potential discriminatory impact on racial minorities, migrants or other vulnerable groups, due to the evictions contemplated or planned, and an assessment of how any disparate impacts are justified under international legal obligations relating to racial equality and equal treatment, in relation to housing.
4. Please provide information on the state of implementation of the Special Measures for Metropolitan Problems Act ("Rotterdam Act") by municipalities across the Netherlands, in particular the number of persons, to whom housing has been denied per municipality, and disaggregated per type of justification. In addition, please provide information on the outcome of any review, which may have been conducted on its compatibility with international human rights law, and in particular with the enjoyment of the right to adequate housing and non-discrimination in this context.
5. Please provide information on any review, which may have been conducted into Rotterdam's housing policy, particularly in the context of the National Programme for Rotterdam South and the "Housing Vision Rotterdam 2030", for its compatibility with the obligation to fulfil the human right to adequate housing.
6. Please provide information on the status, responsibilities, relevant regulatory framework and government authority overseeing the activities of the housing associations in the Netherlands, such as Vestia.
7. Please provide information on any investigation, which may have been conducted following allegations of violations by Vestia housing association and the municipality of Rotterdam in the implementation of the transformation project in Tweebosbuurt neighbourhood and any subsequent action to ensure that all residents inadvertently affected by those actions, including vulnerable people, minorities and undocumented migrants, would be provided with adequate alternative housing and assistance to relocate.
8. Please provide information on measures undertaken by or under the consideration of your Excellency's Government to address the broader systemic issues of financialisation and commodification of housing.

9. Please provide information on the consultations carried out with concerned tenants and on the measures taken to ensure that affected tenants were involved in the planning and decision making for renewal plans and demolitions in their neighbourhoods in the context of the “Housing Vision Rotterdam 2030”.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency’s Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that the execution of the measures leading to the alleged violations be suspended and that, in the event that the investigations support or suggest the allegations to be correct, to ensure that the victims are provided with adequate redress.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency’s Government’s to clarify the issue/s in question.

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

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

Saad Alfarargi
Special Rapporteur on the right to development

Felipe González Morales
Special Rapporteur on the human rights of migrants

Fernand de Varennes
Special Rapporteur on minority issues

Olivier De Schutter
Special Rapporteur on extreme poverty and human rights

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your Excellency's Government's attention to the applicable international human rights norms and standards, as well as authoritative guidance on their interpretation.

We would like to draw the attention of your Excellency's Government to its obligations under article 11.1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by the Netherlands on 11 December 1978, which recognizes the right of everyone to an adequate standard of living for himself and his family, including housing. In its General Comment No. 4 on the right to adequate housing, the CESCR has clarified that the obligation to realize the right to housing requires the adoption of a national housing strategy, which "should reflect extensive genuine consultation with, and participation by, all of those affected"; and should define the objectives for the development, identify the resources available to meet these goals and the most cost-effective way of using them. In its General Comment No 7, CESCR provides that if an eviction is to take place, procedural protections are essential, including, among others, genuine consultation, adequate and reasonable notice, alternative accommodation made available in a reasonable time, and provision of legal remedies and legal aid. Under no circumstances, should evictions result in homelessness, and the State party must take all appropriate measures to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available to affected individuals, where they are unable to provide for themselves. We wish to recall that in their most recent concluding observations (E/C.12/NLD/CO/6) adopted in 2017, CESCR urged your Excellency's Government to investigate the root causes of homelessness and recommended that it take all necessary measures, including securing affordable social housing, in particular for those marginalized and disadvantaged.

We further wish to recall the United Nations Basic Principles and Guidelines on Development-based Evictions and Displacement (A/HRC/4/18, Annex 1), which state that any settlement agreement must satisfy the criteria of adequacy, accessibility, affordability, habitability, security of tenure, cultural adequacy, suitability of location, and access to essential services such as health and education. Urban planning and development processes should involve all those likely to be affected and should include: appropriate notice to all potentially affected persons that eviction is being considered and that there will be public hearings on the proposed plans and alternatives; effective dissemination by the authorities of relevant information in advance, including proposed comprehensive resettlement plans specifically addressing efforts to protect vulnerable groups; a reasonable time period for public review of, comment on, and/or objection to the proposed plan; opportunities and efforts to facilitate the provision of legal, technical and other advice to affected persons about their rights and options; and holding of public hearing(s) that provide(s) affected persons and their advocates with opportunities to challenge the eviction decision and/or to present alternative proposals and to articulate their demands and development priorities.

Moreover, these Principles and Guidelines state that States must give priority to exploring strategies that minimize displacement. Comprehensive impact assessments should be carried out prior to the initiation of any project that could result in development-based eviction and displacement, with a view to securing fully the human rights of all potentially affected persons, groups and communities, including their protection against forced evictions. “Eviction-impact” assessment should also include exploration of alternatives and strategies for minimizing harm. The State must make provision for the adoption of all appropriate measures, to the maximum of its available resources, especially for those who are unable to provide for themselves, to ensure that adequate alternative housing, resettlement, is available and provided. Alternative housing should be situated as close as possible to the original place of residence and source of livelihood of those evicted.

In his recent report to the General Assembly (A/75/148, para. 68(b)), the Special Rapporteur on the right to adequate housing highlighted that the ramping up of evictions during the Covid-19 pandemic threatens to increase the number of homeless persons and called for a moratorium on evictions, including of non-nationals resident in a country.

With regard to States’ obligations concerning racial discrimination in the enjoyment of the right to adequate housing, we wish to refer to the provisions of article 5(e)(iii) of the International Convention on the Elimination of All Forms of Racial Discrimination, ratified by the Netherlands on 10 December 1971, as well as article 2.2 (non-discrimination) of the ICESCR, which must be read in conjunction with Article 11.1. We recall that the CESCR, in its General Comment No. 20 on non-discrimination, has clarified that the right to adequate housing applies to everyone, including non-nationals, such as refugees, asylum-seekers, stateless persons, migrant workers and victims of international trafficking, regardless of legal status and documentation. Additionally, Resolution 9/5 of the Human Rights Council, which addresses the issue of the human rights of migrants, ‘reaffirms the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants, (...) regardless of their immigration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party.

Recognizing that a large part of the individuals affected are minorities in the Netherlands, we would like to bring to your attention the international standards regarding the protection of the rights of persons belonging to minorities, in particular article 27 of the International Covenant on Civil and Political Rights, ratified by the Netherlands on 11 December 1978, and the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which refers to the obligation of States to protect the existence and the identity of minorities within their territories and to adopt the measures to that end (article 1) as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination and in full equality before the law (article 4).

We also wish to recall that the UN Declaration on the right to development (A/RES/41/128) defines the right to development as an inalienable human right by

virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development (article 1.1). The Declaration further states that the human person is the central subject of development and should be the active participant and beneficiary of the right to development (article 2.1) and requires that States should encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights (article 8.2). We refer to the Guidelines and recommendations on the practical implementation of the right to development, which urge states to design and implement development projects after holding meaningful consultations to identify the development priorities of the communities in a project area and benefits-sharing arrangements that would be suitable for those affected (A/HRC/42/38, para 18).