

NEWS REPORT

Date:	23 January 2014
Expert:	Rikki Holtmaat
Title:	Municipal policy on trailer parks found discriminatory
Country:	The Netherlands
<u>Context</u>	
Issue at stake:	Municipal policy passively reducing the number of trailer parks to zero discriminatory on the ground of race
Ground of discrimination:	Race / ethnic origin
Source:	National equality body decision
Field:	Housing
Legislative provisions:	Article 7a General Equal Treatment Act

Content

Case: The Dutch equality body Netherlands Institute for Human Rights (NIHR), in Decisions 2014-165, -166 and -167 (rendered on 19 December 2014), has found that a policy implemented by a local government that would eventually put an end to 'trailer parks' ("woonwagenkampen") amounts to discrimination on the ground of race (ethnic identity). In the Netherlands, many Roma and Traveller people live in caravans or trailers, situated on officially designated trailer parks.

In the small town of Oss in the Dutch province of Noord-Brabant, approximately 60 persons live on a total of thirteen trailer parks, scattered throughout the city. The municipal government, with a reference to the costs of these parks, dismantles every stand that, either because the former inhabitants move or because they pass away, gets unoccupied. This policy, referred to as "passive-zero" because eventually it will passively reduce the number of trailer parks to zero, renders it effectively impossible for (the children of) current residents to move to another trailer and thus threatens their way of living.

Residents of the parks brought cases before the NIHR against the municipal government and against a housing association that owns two of the parks, complaining about the policy. Article 7a of the Dutch General Equal Treatment Act (GETA) provides – only for the ground race – that unilateral acts and decisions concerning social security and social advantages can be contested, which according to the NIHR's case-law also includes housing policy (including housing policy by private legal entities). As residents of trailer parks distinguish themselves by their culture, the applicants can under the NIHR's case-law invoke the ground race/ethnicity.

Decision of the equality body: The NIHR finds that the "passive-zero" policy affects the core of the caravan culture. The financial costs do not explain why all thirteen locations have to disappear, and the municipality moreover refuses to search for an alternative solution, such as selling the stands to the residents. Because of this, and because the policy affects only one homogenous group of individuals, which for cultural reasons wants to live in trailers, the NIHR finds that the policy amounts to

direct discrimination on the grounds of race. The NIHR will bring its decision to the attention of the Association of Dutch Municipalities (VNG) and Mr Blok, the current Minister of Housing.

The NIHR is a low-threshold pseudo-judicial body which renders decisions that are non-binding but nevertheless followed in the vast majority of cases. After the NIHR has rendered a decision, a complaint may still be lodged before a conventional civil/administrative court if the applicant wishes to obtain a binding judgment. The NIHR's decisions are taken into account by the regular courts and widely considered to be authoritative.

Internet link source:

The NIHR's Decisions (2014-165, -166 and -167) may be found at:

<http://www.mensenrechten.nl/publicaties/oordelen/2014-165/detail>

<http://www.mensenrechten.nl/publicaties/oordelen/2014-166/detail>

<http://www.mensenrechten.nl/publicaties/oordelen/2014-167/detail>