



## European network of legal experts in gender equality and non-discrimination

### NEWS REPORT

<b>Country:</b>	The Netherlands
<b>Title:</b>	The Netherlands Ombudsman considers municipal housing policies regarding Roma discriminatory
<b>Date:</b>	16 June 2017
<b>Expert:</b>	Titia Loenen
<b><u>Context</u></b>	
<b>Issue at stake:</b>	A report of the Netherlands' Ombudsman of 17 May 2017 on the treatment of Roma, Sinti and Travellers by the public authorities in respect of housing
<b>Ground of discrimination:</b>	Race/ethnic origin
<b>Source:</b>	The Netherlands Ombudsman
<b>Field:</b>	Housing
<b>Applicable law:</b>	Miscellaneous; including non-discrimination law

### **Content**

**Case:** In response to many complaints regarding proper housing opportunities submitted to this body by Roma, Sinti and Travellers, the Netherlands' Ombudsman initiated an investigation in 2016 and has now come up with its report. The Roma object to the policy of many municipalities to reduce or minimize the number of caravan or trailer sites. The Ombudsman concludes that municipal authorities discriminate against these groups in their housing policies by not making available sufficient caravan or trailer sites. Instead of treating them the same as other people looking for housing, the principle of equality requires municipal governments to treat them differently in order to respect their cultural identity and accommodate the specific housing needs this identity brings along. The Ombudsman makes several recommendations to both the national and local governments to develop non-discriminatory housing policies that will cater to the needs of Roma, Sinti and Travellers by making available sufficient trailer locations. This means there should be a reasonable relationship between the number of trailer sites made available by the local authorities and the needs of the groups concerned.

**Key points of analysis:** The Netherlands' Ombudsman gives a clear message to the public authorities at both the national and local level by condemning the housing policies of many municipalities that seek to reduce or minimize the number of trailer sites to induce Roma, Sinti and Travellers to give up their particular way of life. Its approach ties in with the position consistently taken by the national equality body, the Netherlands Institute for Human Rights. In its opinions rendered under the General Equal Treatment Act the NIHR has held that such policies infringe the non-discrimination standards laid down in the GETA.<sup>1</sup> Though the findings and recommendations by the Ombudsman are not legally binding and it is up to the public authorities to decide whether or in which ways they want to comply with them, they are very authoritative and carry a lot of

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<sup>1</sup> See e.g. NIHR opinion 2016-19, available at the website of the NIHR <https://www.mensenrechten.nl/publicaties/oordelen>.

weight. The issue being on the Ombudsman agenda will no doubt add to the pressure on the authorities to do so.

**Internet link source:** The report 'Woonwagenbewoner zoekt standplaats. Een onderzoek naar de betrouwbaarheid van de overheid voor woonwagenbewoners' (Trailer inhabitant looks for a trailer site. An investigation into the reliability of the public authorities for trailer inhabitants) can be found at

<https://www.nationaleombudsman.nl/system/files/onderzoek/DEF%20Rapport%202017060%20Woonwagenbewoner%20zoekt%20standplaats.pdf>

(last accessed 14 June 2017).