

Parallel Report of The Shift

Submitted to the United Nations Committee on Economic, Social and Cultural Rights for consideration in the formulation of its Concluding Observations on The Netherlands during its 78th Session

Introduction

This parallel report is submitted by The Shift; an international human rights organization operating at the nexus of housing, climate, and finance to promote the realization of the human right to adequate housing for all, globally. The Shift was founded, and is led by, the former United Nations Special Rapporteur on the right to housing, Leilani Farha, and internationally recognised human rights advocate Julieta Perucca. The Shift works with governments, industry, rights-holders, and civil society to drive understanding and awareness of the human right to housing and help push forward effective policies and practices to ensure that all people have access to homes which provide them with peace, security, and dignity.

The Shift is grateful for the opportunity to make this submission in support of the Committee's formulation of its Concluding Observations on The Netherlands. Our submission focusses on six key areas, namely: **(1) the increasing levels of homelessness in The Netherlands and the inadequacy of the homelessness support system; (2) challenges regarding access to affordable and social housing; (3) prevalent housing discrimination; (4) the financialization of housing; (5) the inadequacy of The Netherlands' housing-related climate policies; and (6) The Netherlands' ongoing support of the State of Israel.** We conclude by offering recommendations to assist the Government to improve its compliance with international human rights law.

1. Homelessness

Homelessness is a prima facie violation of the human right to adequate housing and only by ending homelessness in its entirety, as expeditiously as possible, can States be regarded as complying with their human rights obligations. For this reason, States must take immediate and concerted steps to ensure all people experiencing homelessness are afforded safe, secure and affordable places to live as quickly as possible.

Official statistics¹ show that between 2018 and 2022² homelessness had been steadily declining in The Netherlands, however, between 2022 and 2024 the country saw two years of consecutive increases. Between January 2022 and January 2023, homelessness in The Netherlands increased by 15%, from 26,600 to 30,600, whilst between January 2023 and January 2024 homelessness increased by a further 7%, from 30,600 to 33,000.³ The most recent data shows that of the 33,000 people experiencing homelessness in The Netherlands, 9,400 are 'registered' meaning they have been identified as homeless through their registration at a shelter, their social assistance benefits applications, or through contact with the probation service. A further estimated 23,600 people are 'unregistered', meaning they have not utilised any of these services. Those in the 'unregistered' group may be sleeping outdoors or may be 'sofa surfing', living in cars, or in squatted accommodation.⁴

Demographic data on homelessness highlights nearly half of all people experiencing homelessness are from countries other than The Netherlands, with 9% from other European countries and 37% from non-European countries.⁵ Whilst official homelessness data only includes those experiencing homelessness who are aged between

¹ Until 2022, data on homelessness in The Netherlands was unreliable due to the use of estimates and the exclusion of certain groups. Since then, the University of Applied Sciences in Utrecht has used the ETHOS Light framework, a broader, human rights-based model, to conduct homelessness counts. These counts were conducted in 2 regions in 2022, 6 regions in 2023, and will expand to 9 more regions in October 2025. See, <https://www.hu.nl/onderzoek/projecten/ethos-telonderzoek>

² Figures for 2019 are unavailable. See, CBS, '30.6 thousand homeless people in the Netherlands (26th Mar 2024) online at: <https://www.cbs.nl/en-gb/news/2024/13/30-6-thousand-homeless-people-in-the-netherlands>

³ See, CBS, '33,000 people will be homeless by early 2024' (28th Jan 2025), online at: <https://www.cbs.nl/nl-nl/nieuws/2025/05/33-duizend-mensen-dakloos-begin-2024>

⁴ *ibid*

⁵ *ibid*

18-65, data from the 2024 ETHOS Light count found that 18% of all people experiencing homelessness in the regions surveyed are children.⁶ The count also highlighted that 25% were women, and around 76% were living in situations other than rough sleeping or living in homeless shelters.⁷

Traditionally in The Netherlands, homelessness has been seen as a care issue. This has led to policies which regard people living in homelessness as needing healthcare interventions, rather than the provision of secure, adequate housing. As a result, those who are experiencing homelessness are often required to show they have care-based needs, such as addiction or mental health issues, before being assisted to find housing by local authorities. Those who do not have such needs are often refused help.⁸

The Government's 2023 Action Plan on Homelessness was expected to overturn this inadequate approach to homelessness. This plan committed the Government to take a Housing First approach, wherein people experiencing homelessness would first be assisted to obtain housing, with other supports subsequently provided.⁹ It has been noted, however, that insufficient action has been taken by the Government to ensure municipal governments, who are responsible for implementing housing and homelessness policy, can implement this plan, leading to a continuation of the care-based approach.¹⁰ Recent research has found that only 10 of 43 municipal homelessness policies even mention housing, and of these only 5 are signed by the Alderman for Housing.¹¹ In most of these 5 instances, however, the Alderman for Housing was also the Alderman for Care.¹² This suggests a concerning lack of progress towards moving away from the ineffective and exclusionary care-based model of homelessness support and toward ensuring that all those who are experiencing homelessness have access to adequate housing.

Additionally, whilst people experiencing homelessness are afforded priority access to social housing in The Netherlands, there exists a discrepancy between homelessness policy and social housing policy, which makes it challenging for many people experiencing homelessness to gain priority access to social homes. In this regard, whilst, as of 2022, the Government has officially adopted the ETHOS Light definition of homelessness,¹³ meaning it recognises those who are living outside of the shelter system as coming under its homelessness policy, social housing policy limits its definition of homelessness to only those who utilise the homeless shelter system.¹⁴ As a result, despite being regarded as homeless by the Government, people who have not engaged with the shelter system are not able to qualify for priority access to social homes. Whilst advocates in The Netherlands have pushed the Government to expand the definition of homelessness under the social housing policy to include all those living in situations covered by ETHOS Light, to date only ETHOS Light-defined homeless families with children have been added to the priority list for social homes.¹⁵ With many shelters operating at maximum occupancy,¹⁶ the failure to grant priority to all people living in homelessness means a vast number of people may be excluded from accessing social housing quickly or must uproot their lives and enter shelters to do so.

The criminalization of those experiencing homelessness is also a cause for concern. Whilst simply being homeless is not a criminal offence in The Netherlands, advocates have noted that several laws and policies prohibit people

⁶ -----, '20% homeless people in Netherlands are children; Third of adults are women' (9th October 2024) NL Times, online at: <https://nltimes.nl/2024/10/09/20-homeless-people-netherlands-children-third-adults-women>

⁷ See report of 2024 count at, <https://www.hu.nl/onderzoek/projecten/ethos-telonderzoek> (in Dutch)

⁸ See, for example, Jan de Ridder, Arjan Kok and Marcella van Doorn, 'Access to homeless services and housing in Amsterdam' (Spring 2018), online at: <https://www.feantsa.org/download/access-to-homeless-services-in-amsterdam6478753421177587927.pdf>, page 12. Information provided by local advocates for this parallel report suggests this approach is ongoing.

⁹ See, Dutch National Action Plan on Homelessness: Housing First (2023-2030), online at: <https://www.eersteenthuis.nl/documenten/2023/4/13/housing-first-engels>

¹⁰ See, Netherlands Institute for Human Rights, Written Submission for CESCR's 73rd Working Session (August 2023), para 25

¹¹ Dakloosheid Voorbij and Samen Thuis 2030, 'Analyse regionale plannen aanpak dakloosheid' (December 2024), online at: <https://dakloosheidvoorbij.nl/wp-content/uploads/2024/12/Analyse-regionale-plannen-aanpak-dakloosheid-Dakloosheid-Voorbij-SamenThuis2030-1.pdf>, page 9 (in Dutch)

¹² ibid at page 10

¹³ Supra note 9, at page 33

¹⁴ See, <https://www.allesbeginnmeteenthuis.nl/campagnes/urgentie-voor-alle-dakloze-mensen/>

¹⁵ Advocates have noted that Dordrecht and Utrecht have introduced measures to test granting priority to all people experiencing homelessness, as defined under ETHOS Light. Similar proposals are being debated in Ede, Leiden and Nijmegen.

¹⁶ -----, 'Complaints about homeless people doubled in 5 years' (November 2024) NL Times, online at: <https://nltimes.nl/2024/11/08/complaints-homeless-people-doubled-five-years>

who are experiencing homelessness from engaging in acts which are essential for their survival or quality of life, or disproportionately target them because of their homelessness. Such laws include the national ban on squatting, which is punishable by up to a year in prison,¹⁷ and the ban against making noise in public which is likely to disturb sleep.¹⁸ At the local level, cities including Amsterdam and Rotterdam impose fines for life-sustaining activities such as sleeping outside.¹⁹ These laws disproportionately target people without housing and put their well-being at risk.²⁰ Similarly, municipalities in the Netherlands have the power to implement ‘area bans’, which enable them to exclude certain people from particular areas if it is suspected they will engage in criminality or anti-social behaviour. The breach of such an exclusion is regarded as a felony.²¹ Whilst such bans are, ostensibly, intended to prevent serious disorder, Dutch caselaw highlights that they have been utilised to criminalize people living in homelessness.²²

Whilst the Government of The Netherlands should be praised for its signing of the Lisbon Declaration, wherein it has committed to eradicating homelessness by 2030,²³ it is essential that the Government takes immediate and concerted steps to strengthen its approach to homelessness. This includes requiring and enabling local governments to implement the Housing First approach outlined in its National Action Plan and ensuring all people experiencing homelessness have priority access to social homes. Laws which directly or indirectly target people living in homelessness with criminal or other sanctions should immediately be reviewed and revised or repealed to ensure that no person is criminalized due to not having access to a home. Those who have already been sanctioned because of these laws should have their convictions quashed and be afforded adequate remedies. People with lived and living experience of homelessness should be meaningfully involved at all stages of the decision making around, and the implementation of, homelessness and housing policy.

2. Access to Affordable Housing

Housing affordability is a central requirement for the enjoyment of the human right to housing. Where housing is unaffordable, this can lead to increased insecurity, poverty and homelessness. A lack of affordable housing impacts the enjoyment of other rights, including the right to health and the right to education. As a result, action to ensure the affordability of housing is a vital aspect of States’ compliance with their human rights obligations.

Whilst recent reports have highlighted that, as compared to the rest of the European Union, housing in The Netherlands is still “relatively affordable”,²⁴ housing unaffordability has been growing in recent years and the country has witnessed a worrying decline in the availability of social housing, potentially undermining the right to housing for those who most pressing need access to affordable homes.

As of 2024, less than 2% of homes for owner occupation in The Netherlands were affordable for those on the average income,²⁵ with the average home costing nearly 10x the average salary.²⁶ Both social and private rents have also increased. Between July 2023 and July 2024, average rents rose by the largest level in 30 years, with social rents increasing by around between 5.6% and 5.7%,²⁷ and private rents rising by 5%.²⁸

¹⁷ Articles 429quinquies, 429sexies of the Dutch Criminal Code; -----, ‘Five years on, ban on squatting has had little impact’ (10th Feb 2016) Dutch News, online at: <https://www.dutchnews.nl/2016/02/five-years-on-ban-on-squatting-has-had-little-impact-nrc/>

¹⁸ Article 431 of the Dutch Criminal Code

¹⁹ Special Rapporteur on Housing, Report on Mission to The Netherlands (2nd April 2024) A/HRC/55/53/Add.1, para 48

²⁰ The City of Amsterdam has an agreement with the police to not target homeless individuals, while Rotterdam will only fine those who repeatedly breach the law and will initially direct them to support services. However, these assurances are not legally binding and could be withdrawn at any time

²¹ See, Els Schipaanboord & Michel Vols, ‘Criminalising Homelessness: The Case of Area Bans in The Netherlands (24th Nov 2023) Evict, online at: <https://www.eviction.eu/criminalising-homelessness-the-case-of-areas-bans-in-the-netherlands/>

²² *ibid*

²³ See, Lisbon Declaration on the European Platform on Combatting Homelessness (21st June 2021) online at: <https://ec.europa.eu/social/BlobServlet?docId=24120&langId=en>

²⁴ Mike Langen, ‘Housing market monitor - EU housing markets share common problems’ (30th Apr 2025) ABN.AMRO, online at: <https://www.abnamro.com/research/en/our-research/housing-market-monitor-eu-housing-markets-share-common-problems>

²⁵ -----, ‘Average Joe can afford less than 2% of homes on Dutch market’ (20th August 2024) NL Times, online at: <https://nltimes.nl/2024/08/20/average-joe-can-afford-less-2-homes-dutch-market>

²⁶ Jon Henley, ‘Everything’s just ... on hold’: the Netherlands’ next-level housing crisis’ (6th May 2024) The Guardian, online at: <https://www.theguardian.com/news/article/2024/may/06/netherlands-amsterdam-next-level-housing-crisis>

²⁷ Social rents set by social landlords rose by an average of 5.6% whilst social rents set by other landlords rose by an average of 5.7%, see, <https://www.cbs.nl/en-gb/news/2024/36/rent-increases-the-highest-in-over-30-years>

²⁸ *ibid*

In recent years, the Government has taken action to promote rental housing affordability, including through the implementation, in July 2024, of a nationwide rent cap.²⁹ Under the law, homes are divided into three categories: low-, middle- and high-income. Each house receives points based on its individual characteristics, with the total points received determining which category it falls into. The law then sets a maximum total rent and yearly rent increase for the low- and middle-income housing categories, with rents in the high-income category being left to the discretion of the landlord.³⁰ As of 1st January 2025, the maximum rent for a new tenancy in a low-income property was €879.66 per month,³¹ with a 5% yearly rent increase allowable.³² The maximum rent for a new tenancy in a middle-income home was €1184.82,³³ with an allowable yearly rent increase of 7.7%.³⁴ The law also allows for income-based rent increases to prevent those on high-incomes from taking up affordable housing.³⁵

The introduction of this rent cap should be praised as an important measure aimed at curbing the increasing unaffordability of housing in The Netherlands. However, advocates have noted that the rent cap law has had unintended consequences which could undo its positive effects. In particular, some landlords have responded to the imposition of the rent cap, coupled with existing high taxes, by selling their rental homes.³⁶ In 2024, following the announcement and implementation of the law, The Netherlands saw a 67% increase in the number of rental homes sold privately – from 30,000 in 2023, to 50,000 in 2024.³⁷ Whilst this led to a small decrease in the average price of owner-occupied housing,³⁸ it has generated a shortage of middle-income rental housing, thereby making it more challenging for renters to secure affordability-regulated homes.³⁹ The Government has responded to this sell-off of rental housing, however rather than seeking to maintain both availability and affordability in line with its human rights obligations, it intends instead to adjust the points allocation for middle-income housing to allow landlords to charge higher rents.⁴⁰ This approach places the needs of those with higher net worths over those who are struggling to access affordable housing and may degrade the efficacy of the affordable rent law. The Government should instead look at alternative approaches to ensure the availability of affordable rental housing, including by affording municipalities the right of first refusal for rental properties being sold and providing dedicated funding for the purchase of these homes. Any homes purchased under such a scheme should be maintained as off-market affordable housing for middle- and low-income households in perpetuity.

With concerns remaining regarding the availability of affordable private rental housing, it is essential that the social housing sector remains robust and therefore able to ensure those who most acutely need affordable housing can gain access to it. Recent years, however, have seen the shrinkage of the Dutch social housing sector.

In this regard, whilst The Netherlands continues to boast the highest proportion of social housing in Europe, policy decisions have seen the social housing stock steadily decrease. As of 2012, 37% of the total housing stock was designated as social, yet this had reduced to 34% in 2021,⁴¹ and the figure now sits at 30%.⁴² In some cities, this

²⁹ See, <https://www.government.nl/topics/housing/rented-housing>; See also, Government of The Netherlands, ‘What does the Affordable Rent Act mean for me?’ online at: <https://www.volkshuisvestingnederland.nl/binaries/volkshuisvestingnederland/documenten/publicaties/2024/06/25/brochure-wet-betalebare-huur/Brochure+voor+online+gebruik+Engels.pdf>

³⁰ Eleanor Butler, ‘Squeezed out of the market: Why is renting so difficult in The Netherlands?’ (13th Dec 2024) Euronews, online at: <https://www.euronews.com/business/2024/12/13/squeezed-out-of-the-market-why-is-renting-so-difficult-in-the-netherlands>

³¹ See, <https://www.rijksoverheid.nl/onderwerpen/huurwoning-zoeken/vraag-en-antwoord/hoeveel-huur-betaal-ik-maximaal-voor-mijn-woning>

³² See, <https://www.delissenmartens.nl/en/the-latest/rent-increase-on-july-1-2025-what-does-it-mean-for-landlords-and-tenants>

³³ See, <https://www.rijksoverheid.nl/onderwerpen/huurwoning-zoeken/vraag-en-antwoord/hoeveel-huur-betaal-ik-maximaal-voor-mijn-woning>

³⁴ See, <https://www.delissenmartens.nl/en/the-latest/rent-increase-on-july-1-2025-what-does-it-mean-for-landlords-and-tenants>

³⁵ *ibid*

³⁶ -----, ‘Private rental market continues to shrink as landlords sell up’ (16th Jul 2025) Dutch News, online at: <https://www.dutchnews.nl/2025/07/private-rental-market-continues-to-shrink-as-landlords-sell-up/>

³⁷ -----, ‘Housing Minister considering measures to stop mass sell-off of rental properties’ (27th Feb 2025) NL Times, online at:

<https://nltimes.nl/2025/02/27/housing-minister-considering-measures-stop-mass-sell-rental-properties>

³⁸ -----, ‘House prices dip in big cities as landlords sell off rentals’ (10th Apr 2025) Dutch News, online at: <https://www.dutchnews.nl/2025/04/house-prices-dip-in-big-cities-as-landlords-sell-off-rentals/>

³⁹ -----, ‘Dutch landlords sell €14.2 billion in rental homes amid tax and regulatory pressures’ (10th April 2025) NL Times, online at: <https://nltimes.nl/2025/04/10/dutch-landlords-sell-eu142-billion-rental-homes-amid-tax-regulatory-pressure>

⁴⁰ Letter from Minister Keijzer to the House of Representatives (10th Apr 2025) online at: <https://open.overheid.nl/documenten/f8d98ef6-7aae-4055-9ef1-3015edaf664b/file> (in Dutch); See also, -----, ‘Cabinet plans rent rule changes to stop landlords selling up’ (10th Apr 2025) Dutch News, online at: <https://www.dutchnews.nl/2025/04/cabinet-plans-rent-rule-changes-to-stop-landlords-selling-up/>

⁴¹ -----, ‘Percentage of low cost social housing falling, especially in Amsterdam’ (20th October 2022) NL Times, online at <https://nltimes.nl/2022/10/20/percentage-low-cost-social-housing-falling-especially-amsterdam>

⁴² See, <https://www.tomorrow-building.com/richest-european-countries-more-social-housing/>

decline is even more pronounced. In Amsterdam, for example, the proportion of social housing has reduced from around 61% of the total housing stock in 2012, to around 47% in 2021.⁴³ As of 2023, the average waiting time to access social housing was seven years, but this could be as high as 19 years in some cities.⁴⁴

The decrease in social housing has been attributed to several factors, including the sale of social homes on the private market,⁴⁵ and the demolition of social housing as part of ‘urban renewal’ policies.⁴⁶ The demolition of social housing has been well-documented by the Special Rapporteur on the right to housing in his 2024 report on his visit to The Netherlands wherein he found examples of urban renewal policies leading to the destruction of social homes in The Hague and Rotterdam.⁴⁷ Many of these projects entailed the forced eviction and displacement of social housing residents, typically with insufficient notice given and little allowance for meaningful participation.⁴⁸ Some residents displaced by the demolitions were not guaranteed the right to return and were instead only offered housing in alternative areas, away from networks and familiar services.⁴⁹

The Shift has spoken to advocates who have highlighted that the sale and demolition of social housing remains ongoing in The Netherlands. Whilst, in some instances, there is improved involvement of social residents, with better guarantees of the right to return and protections against immediate rent increases,⁵⁰ these policies are still leading to a reduction in the availability of social housing, with those engaged in urban renewal often replacing demolished social homes with a mix of social and private housing. Furthermore, the decline in social housing is likely to continue due to a new law being introduced which aims to require every region to ensure 30% of new housing is social housing.⁵¹ Whilst such a policy might seem like a positive measure aimed at ensuring levels of social housing are maintained, it has been noted by local advocates that the law will, in practice, dissuade those regions which are currently constructing more than 30% of homes as social housing from doing so. Furthermore, levels of social housing loss through demolitions and sales are such that even the construction of 30% of new units as social will still lead to an overall drop in the number of social homes in The Netherlands.⁵²

In the context of an already significantly overburdened social housing sector the decline in social housing represents a troubling trajectory which is in stark contrast to the obligation of the Government to ensure housing affordability for all. If the Government is to comply with its human rights obligations it must prevent the demolition and sale of usable social housing and, where there is no alternative but to demolish or sell social housing, ensure that this is done in full coordination with residents, without discrimination, and that all social homes lost in this way are replaced. Once replaced, any residents who were displaced must be allowed to return and be provided with units that are comparable to those they left, at a rent that is proximate to what they were paying before they left.

3. Housing Discrimination

Housing discrimination has a serious impact on the enjoyment of human rights, often preventing access to decent homes, forcing households to pay significantly more for their housing, or leading to an increased likelihood of eviction or displacement. For this reason, under the International Covenant on Economic, Social and Cultural Rights (ICESCR), governments must ensure access to housing and housing supports without discrimination.

⁴³ See, <https://www.propertyanddemocracy.org/results/the-demolition-of-social-housing-in-the-netherlands/>

⁴⁴ -----, ‘Social housing wait average is over 7 years; Over 25% rented to tenants with “priority”’ (13th Nov 2023) NL Times, online at: <https://nltimes.nl/2023/11/13/social-housing-wait-average-7-years-25-rented-tenants-priority>

⁴⁵ See, <https://www.propertyanddemocracy.org/results/the-demolition-of-social-housing-in-the-netherlands/>

⁴⁶ Paul Jonken-Hoffrén, ‘Policy tensions in demolition: Dutch social housing and circularity’ (2023) 4:1 Buildings and Cities, 405, 406

⁴⁷ Special Rapporteur on Housing, Report on Mission to The Netherlands (2nd April 2024) A/HRC/55/53/Add.1, para 27

⁴⁸ Ibid at paras 27-29

⁴⁹ Ibid

⁵⁰ See, for example, Bryan van Putten, ‘Tenant involvement in Rotterdam demolitions agreed’ (18th Dec 2024) online at: <https://rotterdamstyle.com/government/tenant-involvement-in-rotterdam-demolitions-agreed>

⁵¹ Dutch National Action Plan on Homelessness: Housing First (2023-2030), online at: <https://www.eersteenthuis.nl/documenten/2023/4/13/housing-first-engels>, page 34

⁵² See, Johan Conijn, ‘Decrease in the size of the social housing sector to 25.7%’ (20th Mar 2023) Finance Ideas, online at: <https://finance-ideas.nl/daling-omvang-sociale-huursector-naar-257/>

Assessments of The Netherlands' housing policies routinely find these operate in a discriminatory manner. Whilst such discrimination exists, the Government cannot be regarded as complying with its obligations under ICESCR.

Evidence clearly shows that migrants and refugees in The Netherlands have significantly more difficulty accessing housing and housing services than others and are greatly over-represented in homelessness statistics.⁵³ Advocates have informed us that migrants' housing is often tied to their employment and therefore if they lose their employment, they lose their homes.⁵⁴ Migrants struggle to access the Dutch shelter system, or are funnelled into a shelter system that is specifically intended for migrants, which predicates access on individuals either returning to work, or returning to their home country.⁵⁵ This is often the case even for EU migrants who, until they obtain residency status, are regarded by many municipalities as "non-entitled homeless persons" and are denied access to overnight shelters and the general shelter system.⁵⁶ The Special Rapporteur on housing, in his 2024 report on The Netherlands, noted that the "differential treatment of foreigners in situations of homelessness amounts to discrimination, violating the right to adequate housing."⁵⁷

Those seeking refuge in The Netherlands are commonly stuck in the refugee accommodation system for significant periods of time due to a lack of available social housing in the country. Whilst Dutch policy states that refugees should receive permanent housing within 10 weeks of obtaining residency,⁵⁸ as of July 2025, around 18,000 refugees who should have moved into permanent housing are being forced to remain in refugee accommodation due to there being no available homes.⁵⁹ Even where refugees are offered housing, they are afforded little choice in what they receive and should they refuse housing due to it being inadequate for their needs, they face being evicted from their current accommodation and made homeless.⁶⁰

In the context of a housing system which is already hostile towards migrants and refugees, The Shift is concerned about recent measures passed by the House of Representatives which make it even more challenging for migrants and refugees to access adequate housing. In this regard, in July 2025 the House passed legislation which stripped refugees and migrants of their status as priority recipients of social housing, even after they have been granted residency, and even where they are made homeless.⁶¹ The Government's own lawyers have noted that this measure potentially breaches anti-discrimination rules,⁶² whilst advocates have suggested that the denial of social housing to migrants may cost the Dutch Government billions of Euros given the high costs associated with keeping migrants and refugees in temporary accommodation.⁶³

This proposed change in the law represents a clear example of retrogression, which is prohibited under international human rights law in all but the most extenuating of circumstances.⁶⁴ As such, these measures must be immediately withdrawn and migrants and refugees should continue to be afforded priority access to social housing, in line with their recognised acute need. The Government should also take steps to significantly improve the existing housing conditions faced by migrants and refugees in the country, including ensuring migrants have access to the shelter system without this being predicated on work or return requirements, and taking all necessary measures to reduce the over-representation of migrants amongst those experiencing homelessness.

⁵³ Supra note 3

⁵⁴ See, De Regenborg Groep, 'Homeless EU Citizens in Focus, Who is Entitled to Equal Treatment?' (2025) online at: https://correlation-net.org/wp-content/uploads/2025/01/2024_de-Regeboog-Groep_Homeless-EU-citizens-in-Amsterdam.pdf, page 13; Legislation to disconnect housing access and work has been proposed but has not been passed at date of submission.

⁵⁵ Information provided by local advocates; See also, for example, -----, 'Does Rotterdam's approach to homeless East Europeans work?' (24th Feb 2025) Dutch News, online at: <https://www.dutchnews.nl/2025/02/does-rotterdams-approach-to-homeless-east-europeans-work/>

⁵⁶ Dion Kramer, Mobilizing the Rights of Homeless EU Citizens in the Netherlands (2024) 25 German Law Journal 910, 911

⁵⁷ Special Rapporteur on Housing, Report on Mission to The Netherlands (2nd April 2024) A/HRC/55/53/Add.1, para 42

⁵⁸ -----, 'Measures to end housing priority for refugees backed by MPs' (4th Jul 2025) Dutch News, online at: <https://www.dutchnews.nl/2025/07/measures-to-end-housing-priority-for-refugees-backed-by-mps/>

⁵⁹ *ibid*

⁶⁰ *ibid*

⁶¹ -----, 'Parliament adopts housing law that stops refugees' priority for social rentals' (4th Jul 2025) NL Times, online at: <https://nltimes.nl/2025/07/04/parliament-adopts-housing-law-stops-refugees-priority-social-rentals>; -----, 'Concerns in the Senate about a possible discriminatory part of the Housing Act' (8th Jul 2025) NOS, online at: <https://nos.nl/artikel/2574211>

⁶² Supra note 58

⁶³ -----, 'Refugee housing to cost billions more after priority rule change' (8th Jul 2025) Dutch News, online at: <https://www.dutchnews.nl/2025/07/refugee-housing-to-cost-billions-more-after-priority-rule-change/>

⁶⁴ Committee on Economic, Social and Cultural Rights, General Comment No.3, para 9

In addition to migrants and refugees, ongoing housing discrimination is also evident against other marginalized groups, including people on low incomes. In this regard, The Shift is concerned by the continued operation of the Inner City Problems (Special Measures) Act 2006, often known as the Rotterdam Act. Under the Rotterdam Act, local governments have the power to exclude those who have lived in a particular region for under 6 years, and who receive state benefits or who have no source of income, from accessing social or private rental housing in designated areas. They can also deny housing to individuals where there is ‘evidence’ that they may cause social problems, with police data accessed to make such a determination.⁶⁵

The Rotterdam Act has a directly discriminatory effect against those on low incomes, preventing them from accessing housing in particular areas and forcing them away from support networks and vital services, often into deprived neighbourhoods where their marginalization only increases.⁶⁶ The Rotterdam Act has, so far, been applied in 10 cities in The Netherlands and has been used to exclude low-income people from multiple neighbourhoods. This is even despite research finding that the application of the Act generates no benefits in terms of safety and decreased nuisance.⁶⁷ Whilst the National Coordinator on Discrimination and Racism has recently endorsed a review of the Rotterdam Act which found the Act was not discriminatory,⁶⁸ it is important to note that the Coordinator only assesses discrimination on legally recognised grounds, and socio-economic status is not a legally recognised ground for discrimination in The Netherlands.

The Shift is troubled to learn of plans to extend the Rotterdam Act even further, including by expanding its application to more regions, including rural areas, scrapping the 6-year residency exemption, and expanding the number of offences which can be used as evidence someone is likely to cause problems in a particular area.⁶⁹ The Rotterdam Act is clearly in direct contrast to the Government of The Netherlands’ obligations under Article 2.2 of ICESCR and any extension to it would represent a serious and continued breach this obligation. The Government must instead take immediate steps to repeal the Act, reverse all existing decisions that have been based on it, and provide effective remedies for all those who have been discriminated against under it.

4. The Financialization of Housing

The financialization of housing can have a profoundly negative impact on the enjoyment of the human right to housing. Where housing is financialized, tenants often report that their homes become more unaffordable as rents are regularly increased to boost profitability, more uninhabitable as services and maintenance are cut to reduce expenditure, and more insecure as investors commonly seek to evict tenants, often to facilitate profitable renovations.⁷⁰

Financialization continues to be a prominent aspect of the Dutch housing sector. Between 2023 and 2024, levels of annual investment into housing increased greatly, from \$2.8bn to \$5bn,⁷¹ and research indicates that as of June 2025, investors own a quarter of all homes in major Dutch cities.⁷² Between 2007 and 2020 institutional investors

⁶⁵ See, Special Rapporteur on the Right to Housing, Communication to The Netherlands (19th Apr 2021) online at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26359>, page 3

⁶⁶ Wouter van Gent, Cody Hochstenbach and Justus Uitermark, ‘Exclusion as Urban Policy: The Dutch ‘Act on Extraordinary Measures for Urban Problems’ (2017) 55:1 Urban Studies 1, 13

⁶⁷ Wouter van Gent, Cody Hochstenbach and Justus Uitermark, ‘Blog: Exclusion as Urban Policy: The Dutch ‘Act on Extraordinary Measures for Urban Problems’ University of Amsterdam, online at: <https://urbanstudies.uva.nl/content/blog-series/exclusion-as-urban-policy.html>

⁶⁸ See, National Coordinator Against Discrimination and Racism, ‘National Programme Against Discrimination and Racism 2023’ online at: <https://www.bureauondr.nl/binaries/bureauondr/documenten/nationale-programmas/2023/12/12/national-program-2023--english/National+Programme+against+Discrimination+and+Racism+2023-+English.pdf>, pages 66-67; Letter from Minister Keijzer to the House of Representatives (25th Jun 2025) online at: <https://zoek.officielebekendmakingen.nl/kst-33340-B.pdf> (in Dutch), page 4

⁶⁹ Letter from Minister Keijzer to the House of Representatives (25th Jun 2025) online at: <https://zoek.officielebekendmakingen.nl/kst-33340-B.pdf> (in Dutch)

⁷⁰ See, Leilani Farha, Sam Freeman and Manuel Gabarre de Sus, The Shift Directives: From Financialized to Human Rights-Based Housing, online at: <https://make-the-shift.org/wp-content/uploads/2024/10/The-Shift-Directives.pdf>; See also, UN Special Rapporteur on the right to housing, Report on the financialization of housing (2017), available at: <https://docs.un.org/en/A/HRC/34/51>

⁷¹ Dré van Leeuwen and Madeline Buijs, ‘The real estate market has found its way up again in 2024’ (15th Jan 2025) Colliers, online at: <https://www.colliers.com/en-nl/research/outlook-2025>

⁷² Amber Howard, ‘Are rents affordable in Amsterdam? Not if you are a newcomer’ (30th Jun 2025) The Guardian, online at: <https://www.theguardian.com/commentisfree/2025/jun/30/rents-amsterdam-affordable-newcomers-social-housing>

made around €23bn of housing investments in Amsterdam alone, making it the second most invested in city in Europe over this period after London.⁷³

The Shift is pleased to note that the Government of The Netherlands has sought to protect its affordable housing market from investors, most prominently through the introduction of the Opkoopbescherming which enables municipalities to prevent affordable homes in specific areas from being rented out for a set period of time (usually four years) after being purchased by an investor.⁷⁴ Both Amsterdam and Utrecht have applied the law to all areas in their respective cities.⁷⁵ Such laws can help to address housing imbalances, ensuring people are not priced out by investors. Despite this, it is noted that the Opkoopbescherming only applies to existing rental housing, with newly constructed homes and alternative forms of housing, such as purpose-built student accommodation, falling outside of its scope. For this reason, it is questionable whether it is comprehensive enough to protect the Dutch housing market from financialization. Whilst the interplay between the Opkoopbescherming and other laws such as the law on affordable rent are yet to be evaluated in the context of housing financialization, The Shift regards it as a vital aspect of its international commitments that the Government adopts dedicated measures to curb financialization across all forms of housing, ensuring that the human rights of individuals and communities are afforded greater value than the profits of investors.

5. Housing-Related Climate Policy

Climate change and housing are intrinsically linked. Without effective action to prevent climate change, housing will become more precarious, more uninhabitable, and more unaffordable.⁷⁶ At the same time, housing is a significant contributor to CO₂ emissions and the failure to properly manage the housing sector – particularly with regards to construction and renovation – may greatly exacerbate the climate crisis.⁷⁷ As a result, States Parties have an obligation to “adopt and implement policies aimed at reducing emissions, which reflect the highest possible ambition, foster climate resilience and ensure that public and private investments are consistent with a pathway towards low carbon emissions and climate resilient development”, doing so in a manner which is consistent with human rights.⁷⁸

With most homes in The Netherlands currently being poorly insulated and having fossil-fuel based heating systems,⁷⁹ the Government has recognised the need to decarbonise its housing stock. To achieve this, it has introduced a variety of policies, including the National Insulation Program, which seeks to insulate 2.5 million homes (around 30% of the total housing stock) by 2030,⁸⁰ a prohibition on renting out properties with energy efficiency ratings of E, F, or G from 2030,⁸¹ and subsidy and loan schemes for housing decarbonization, including for the connection of homes to heat networks and the installation of heat pumps.⁸²

Whilst it is encouraging to see that the Government of The Netherlands has made the connection between housing and climate and is implementing interventions in this sphere, concerns have been raised regarding the efficacy of its existing plans and the ability of these to ensure it meets its climate targets.

⁷³ *ibid*

⁷⁴ See, <https://www.amsterdam.nl/en/housing/regulations-letting-privately-owned/>; <https://www.rotterdam.nl/opkoopbescherming>; <https://www.utrecht.nl/nieuws/nieuwsarchief/nieuwsbericht-gemeente-utrecht/prijsgrens-opkoopbescherming-stijgt-naar-eur611000>

⁷⁵ See, -----, ‘Buy-to-let ban is good for first-time buyers but bad for tenants’ (19th Jun 2023) Dutch News, online at: <https://www.dutchnews.nl/2023/06/buy-to-let-ban-is-good-for-first-time-buyers-but-bad-for-tenants/>

⁷⁶ See, Report of the Special Rapporteur on the right to adequate housing, ‘Towards a just transformation: climate crisis and the right to housing’ (23rd Dec 2022) UN Doc A/HRC/52/28, online at: <https://docs.un.org/en/A/HRC/52/28>

⁷⁷ *Ibid*, para 35

⁷⁸ Committee on the Elimination of Discrimination Against Women, Committee on Economic, Social and Cultural Rights, Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, Committee on the Rights of the Child, Committee on the Rights of Persons with Disabilities, ‘Joint statement on “Human Rights and Climate Change”’ (16 September 2019) online at: <https://www.ohchr.org/en/statements/2019/09/five-un-human-rights-treaty-bodies-issue-joint-statement-human-rights-and>

⁷⁹ Elham Maghsoudi Nia, Queena K. Qian and Henk J. Visscher, ‘Occupants’ inquiries for energy efficiency retrofitting in the Netherlands’ (2024) 308 Energy & Buildings 1, 1

⁸⁰ Anna Devenish and Matthew Lockwood, ‘Locally-led governance of residential heat transitions: Emerging experience of and lessons from the Dutch approach’ (2024) 187 Energy Policy 1, 4

⁸¹ *ibid*

⁸² *ibid*

In particular, it has been noted that efforts to decarbonize the housing sector are moving too slowly to ensure the country achieves its climate goals. The development of heat networks, for example, has stalled, with the levels of heat delivered through these networks largely unchanged since 2019.⁸³ Experts have noted that given it takes around 6 to 7 years to plan and develop a heat network, even with immediate action such networks are unlikely to lead to a reduction in emissions until after 2030.⁸⁴ Equally, there is poor uptake of subsidies and incentives for climate adaptations by private households, with research indicating that few households know about these options, or choose not to utilise them due to a perception of poor borrowing conditions.⁸⁵ Of the households who undertook climate adaptation renovations up to 2024, only 5% utilised government loans to do so.⁸⁶ This low uptake suggests a pressing need for the Government to improve the level and quality of information which is provided regarding subsidy and loan options, and ensure that sufficient support is provided to assist households to access these funds.

Furthermore, it is also essential that the Government makes adequate budgetary allocations to cover its housing-related climate programmes. Research has indicated that some of the key programmes that have been implemented by the Dutch Government are wholly underfunded and will therefore be incapable of having the level of impact required to halt climate change. The National Insulation Program, for example, has received funding from the government amounting to €4bn to improve the energy performance of the housing stock, starting with the most poorly performing homes.⁸⁷ However, research from 2022 has highlighted that the cost of upgrading the 1.5 million E, F, and G rated homes in The Netherlands to an A rating would amount to €35bn, with the cost of upgrading the entire housing stock to an A rating as high as €100bn.⁸⁸

With effective climate action being a vital requirement for the fulfilment of States' human rights obligations, the Government must take immediate steps to strengthen its climate renovations policies, moving as expeditiously as possible towards its goal of achieving net zero in the built environment, using the maximum of available resources, and ensuring that it takes human rights into account at all stages of this process.

6. Continued Economic Support for Israel

The Shift is concerned that the Government of The Netherlands continues to provide support for the State of Israel, even despite international recognition of the State of Israel's egregious acts of criminality towards the Palestinian people. Whilst The Shift is pleased to note that The Netherlands has exported no weapons to Israel since 2023, and that the Government has imposed tighter restrictions on the export of 'dual use' goods,⁸⁹ it is understood that The Netherlands continues to be one of Israel's key trading partners.⁹⁰ As of 2024, The Netherlands was the 4th largest purchaser of Israeli goods and the 13th largest seller of goods to Israel.⁹¹ Through its trading relationship, in 2024 The Netherlands contributed a net \$1.2bn to the Israeli economy.⁹²

By economically supporting Israel through trade, The Netherlands' is enabling gross violations of international human rights law and international humanitarian law, including violations of the right to adequate housing. Recent data shows that 92% of homes in Gaza have been destroyed or damaged,⁹³ and makeshift shelters have also been

⁸³ *ibid*

⁸⁴ *ibid*

⁸⁵ -----, 'Almost all Dutch homeowners able to finance climate measures' (22nd Apr 2024) De Nederlandsche Bank, online at: <https://www.dnb.nl/en/general-news/news-2024/almost-all-dutch-homeowners-able-to-finance-climate-measures>

⁸⁶ *ibid*

⁸⁷ See, <https://www.volkshuisvestingnederland.nl/onderwerpen/nationaal-isolatieprogramma>

⁸⁸ See, <https://www.abnamro.com/research/en/our-research/sustainaweekly-dutch-governments-insulation-programme-falls-short>

⁸⁹ Dual use goods are those which can be used for both civilian and military purposes. See, Laura Kayali, 'Dutch ministers ramp up controls on weapons exports to Israel' (7th Apr 2025) Politico, online at: <https://www.politico.eu/article/the-netherlands-will-control-arms-exports-to-israel-more-closely/>

⁹⁰ -----, 'Countries denounce Israel but keep trading with it' (27th Jul 2025) Al Jazeera, online at: <https://www.aljazeera.com/news/2025/7/27/countries-denounce-israel-but-keep-trading-with-it>; See also, <https://www.government.nl/topics/israel-and-the-palestinian-territories/dutch-policy-on-the-situation-in-israel-and-the-palestinian-territories>;

⁹¹ -----, 'Which countries trade the most with Israel and what do they buy and sell?' (22nd May 2025) Al Jazeera, online at: <https://www.aljazeera.com/news/2025/5/22/which-countries-trade-the-most-with-israel-and-what-do-they-buy-and-sell>

⁹² *ibid*

⁹³ United Nations, 'Gaza: Destruction of vital lifting gear halts search for thousands buried under rubble' (22nd April 2025) online at: <https://news.un.org/en/story/2025/04/1162491>

bombed. This has left at least 2 million Palestinians in Gaza with nowhere to live.⁹⁴ Similarly, in the West Bank, the right to housing is being systematically violated by Israel, including through the rapid expansion of illegal settlements and the violent displacement of Palestinians.

We note that the Government of The Netherlands has recently called upon Israel to cease its violence against Palestinians,⁹⁵ has publicly condemned Israel's plans to forcibly displace Palestinians and construct new illegal settlements,⁹⁶ has banned two Israeli ministers from The Netherlands for inciting violence against Palestinians,⁹⁷ and intends to push the EU to scrap its trade deal with Israel.⁹⁸ Whilst such steps are welcome, under ICESCR the Government of The Netherlands has an obligation to ensure its actions, and the actions of businesses under its jurisdiction, do not interfere with the enjoyment of economic, social and cultural rights outside of its jurisdiction.⁹⁹ By continuing to provide economic support to the State of Israel in the form of trade, the Government of The Netherlands must be regarded as being in breach of this obligation.

Recommendations for the Government of The Netherlands

Taking into account the information provided within this report, The Shift recommends that the Government of The Netherlands should:

1. Repeal all laws which directly or indirectly criminalize people living in homelessness and ensure the national implementation of the Housing First approach, including by providing municipalities with the powers and resources they require to house all people experiencing homelessness as quickly as possible.
2. End the demolition and sale of usable social housing and take all necessary steps to increase the availability of social and affordable homes across the country.
3. Take dedicated measures to end all forms of housing discrimination, including by halting the implementation and expansion of the Rotterdam Act and ensuring migrants and refugees are afforded with priority access to social homes in line with their recognised acute need.
4. Introduce effective and dedicated measures to curb the financialization of housing, including by extending the application of the Opkoopbescherming to all forms of housing and requiring housing investors to uphold human rights standards.
5. Improve the efficacy of its housing-related climate renovation and adaptation policies to ensure that these are capable of achieving its net-zero ambitions. This includes driving greater uptake of renovation subsidies and loans and allocating sufficient funding to housing climate adaptation and mitigation, in line with its obligation to utilise the maximum of its available resources to realize the human right to housing.
6. End its economic relationship with the State of Israel until such time as the State of Israel halts its gross breaches of the human rights of Palestinians.

⁹⁴ World Food Programme, 'Hunger in Gaza: First aid trucks roll in as ceasefire takes effect' (19th January 2025) online at: <https://www.wfp.org/stories/hunger-gaza-first-aid-trucks-roll-ceasefire-takes-effect>

⁹⁵ -----, 'Dutch gov't issues entry ban against 2 Israeli Ministers, summons ambassador over Gaza' (29th Jul 2025) NL Times, online at: <https://nltimes.nl/2025/07/29/dutch-govt-issues-entry-ban-2-israeli-ministers-summons-ambassador-gaza>

⁹⁶ See, Occupied Palestinian Territories: Joint Statement, dated 21 July 2025, online at: <https://www.gov.uk/government/news/joint-statement-on-the-occupied-palestinian-territories>

⁹⁷ -----, 'Dutch summon Israeli ambassador, impose travel ban on ministers' (29th Jul 2025) Reuters, online at: <https://www.reuters.com/world/middle-east/dutch-summon-israeli-ambassador-impose-travel-ban-ministers-2025-07-29/>

⁹⁸ -----, 'Netherlands will push EU to scrap trade part of Isreal deal over Gaza' (30th Jul 2025) NL Times, online at: <https://nltimes.nl/2025/07/30/netherlands-will-push-eu-scrap-trade-part-isreal-deal-gaza>

⁹⁹ See, Maastricht Principles, Article 9(b) and Article 13, online at: https://www.etoconsortium.org/wp-content/uploads/2023/01/EN_MaastrichtPrinciplesETOs.pdf