



30/01/2015

EUROPEAN SOCIAL CHARTER

Comments by SGBV on the
8th national report
on the implementation of the revised European Social Charter

submitted by

THE GOVERNMENT OF THE NETHERLANDS

(Article 31 for the period
01/01/2010 – 31/12/2013)

Report registered by the Secretariat on 30 January 2015

CYCLE 2015



Stichting Gelijke Behandeling Volkshuisvesting

Foundation
equal treatment
Public housing



Registered office in Amstelveen, The Netherlands.
Chamber of Commerce register number 53578465

Council of Europe
Department of the European Social Charter
Agora
1, quai Jacoutot
F-67075 Strasbourg Cedex,
France



Amstelveen, December 13th 2014

Urgent request

Subjects

1. Public housing in the Netherlands
2. Striking a blow for equal rights in public housing

Dear Madam/Sir,

The board of our foundation is addressing you on the recommendation of the Commissioner of Human Rights, Mr. Muižnieks (see attachment 1 of this letter).

Points of interest

The Dutch government's public housing policy sustains huge differences in treatment between owner-occupiers and tenants, this to the detriment of the latter group. Pleasurable living is seriously disturbed by home evictions, demolition, and sell-outs of their homes. The Dutch government does not honour the right to an adequate standard of living (art. 11 ICESCR). This also entails an invasion of privacy (art. 17 Dutch Civil Law and art. 8 ECHR).

Since 2013, under the guise of 'housing market reform', housing corporations have to pay a taxation having major adverse consequences to tenants. Housing expenses for tenants have already risen to irresponsible heights before and now continue to rise even more. Tenants face with financial problems, social exclusion, and health issues. This implies inhuman treatment (art. 3 ECHR) by the Dutch government. In this way the Dutch government grossly violates her duty of care. Human dignity is at stake.

European Parliament

On June 17th 2013, the European Parliament presented a [report](#)¹ (and a subsequent resolution) condemning the way the housing rental market is dealt with in Europe. The Dutch government was summoned to protect social housing.

Point 55 of this report (quote): *"calls on the Member States to pursue housing policies which are based on the principle of neutrality between home ownership, private rented accommodation and rented social housing, taking specific local circumstances into account;"*.

¹ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A7-2013-0155+0+DOC+XML+V0//EN>



The report in question and the ensuing report makes clear that the European Parliament condemns the way the housing rental market is dealt with.

- The Dutch Minister of Housing disregarded the report and the resolution.²

The International Union of Tentants (IUT)

The International Union of Tenants (IUT) issued a press release³ commenting on the report.

Housing market reform

The so-called housing market reform that came into effect in 2013 gave an exceptional boost to the distinction between tenants and home-owners preserved by the Dutch government. Public housing has been excluded from the Dutch General Equal Treatment Act (Algemene Wet Gelijke Behandeling). Nevertheless, one cannot do otherwise than to conclude that within the public housing sector there actually is inequality in housing costs.

Before 2013, owner-occupier housing costs were 10% lower than those of tenants. On top of that, the housing market reform resulted in a one-sided rise in housing costs for tenants of 4 to 6.5% yearly. This has been caused by the newly introduced Landlord Tax Law (Wet Verhuurderheffing) causing extra rent increases.

Hundreds of thousands of tenants have been put into financial problems by this policy of the Dutch government. Consequences are poverty, social exclusion, and adverse health effects.

Owner-occupiers have only faced a decrease in home mortgage interest deduction of 52% to 51.5%. This minor subsidy decrease sharply contrasts the excessive rent increases. Furthermore, home mortgage interest deduction (hypotheekrenteaftrek) is a subsidy not in line with the European Social Charter.

- This 'reform' is in breach of the Constitution and the European Social Charter.

European Social Charter

The system of supervision of compliance with the European Social Charter should have the effect that states (i.c. the Dutch state) amend their legislation and/or practises. This in order to bring the situation in harmony with the European Social Charter.

Human dignity

The European Court of Human Rights was established to protect human rights. To a large extent, tenants' rights are being violated by the Dutch government because of the way tenants are treated by legislation and legal and fiscal regulation.

Earlier request to the Council of Europe/Commissioner on Human Rights

² <http://www.rijksoverheid.nl/documenten-en-publicaties/kamerstukken/2013/06/26/beantwoording-kamervragen-over-aangenomen-resolutie-over-sociale-huisvesting-in-europese-unie.html>

³ http://www.iut.nu/EU/Pressreleases/EPhousingReport_Vote%2011_06_2013.pdf



On the 17th of February 2012 our foundation sent a registered request to the Commissioner of Human Rights (Council of Europe) in which we called for attention to the discriminatory policy of the Dutch government on the current subject. We also requested to sentence this policy and to have the Council of Europe take proper action.

In order to give evidence to aforementioned inequalities, the foundation drew up a report that was sent to the Commissioner of Human Rights in 2012.

Legislation and regulation

The cause of aforementioned policy is Dutch legislation and regulation providing the means to the authorities to act in the way described earlier, notwithstanding the fact international and European regulation disallow this policy.

Documents

On our website (www.webklik.nl/sgbv) you will find:

- the [report 'Equal Treatment Public Housing'](#) ('Gelijke Behandeling Volkshuisvesting'): a report based on facts and numbers describing and pillorying inequality in Dutch public housing.⁴
- the [overview 'Distinction and discrimination on the housing market'](#) ('Onderscheid en discriminatie op de woningmarkt'): a comparison overview listing various issues concerning distinction and discrimination between four major groups in the housing market.^{5 6}
- a [Housing Cost Scheme](#) ('Woonlastenregeling'): our proposition to reach a fairer and more uniform housing cost scheme for both tenants and owner-occupiers.^{7 8}
- various [bulletins](#) and [press releases](#) sent to the press during the past couple of years.^{9 10 11}
- the correspondence held with the Commissioner of Human Rights of the Council of Europe.

Request

We kindly request you to

1. sentence the Dutch government for employing discriminatory legislation and regulation in public housing due to unilateral government action and the sole application of instruction standards instead of safeguard standards;
2. sentence the Dutch government for employing discriminatory fiscal regulations in public housing;

⁴ http://sgbv.webklik.nl/user_files/2011_09/299898/Docs/Rapporten/SGBV%20-%20Report%20Equal%20Treatment%20Public%20Housing%20-%20januari%209%202012.pdf

⁵ http://sgbv.webklik.nl/user_files/2011_09/299898/Docs/Rapporten/SGBV%20-%20Onderscheid%20en%20discriminatie%20op%20de%20woningmarkt%20-%20Schema.pdf

⁶ In Dutch only

⁷ <http://sgbv.webklik.nl/page/publicatie#woonlastenregeling-voorstel-uitgave2>

⁸ In Dutch only

⁹ <http://sgbv.webklik.nl/page/bulletin>

¹⁰ <http://sgbv.webklik.nl/page/persbericht>

¹¹ In Dutch only



**Stichting Gelijke Behandeling
Volkshuisvesting**

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3. sentence the Dutch government for acting in breach of the Dutch Constitution, as far as rendering assistance in housing (to those not financially able to provide for housing) is concerned;
4. sentence the Dutch government for acting in breach of the European Social Charter;
5. coerce the Dutch government to amend its legislation and/or practices.

Yours sincerely,

On behalf of the board of Stichting Gelijke Behandeling Volkshuisvesting (Foundation Equal Treatment Public Housing)

Mr. G.H. Groters, president



**Stichting Gelijke Behandeling
Volkshuisvesting**

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Attachment 1 – Response from the Commissioner of Human Rights

From: [GACHET Isil](#)
Sent: Tuesday, August 19, 2014 2:25 PM
To: <mailto:sgbv.ghg@ziggo.nl>
Cc: [CARDINALE Giancarlo](#) ; [LAM Claudia](#)
Subject: Letter to Commissioner Muižnieks

Dear G.H. Groters and F.F. Del Pomo,

The Commissioner for Human Rights, Mr. Nils Muižnieks, has received your letter and email concerning certain aspects of social housing, including the 2013 European Parliament's Report and Resolution on Social Housing in the European Union, and asked me to reply on his behalf.

As mentioned in earlier correspondence, the Commissioner for Human Rights is an independent institution of the Council of Europe entrusted with promoting the effective observance and full enjoyment of human rights in Europe. To this end, the Commissioner is mandated to address reports, recommendations and opinions to the authorities of the 47 member States of the Council of Europe as well as to the Committee of Ministers and the Parliamentary Assembly of the Council of Europe.

The Commissioner has taken note of the contents of your letter and email and is also familiar with your February 2012 report Equal Treatment Public Housing, which you kindly sent us around the time of its publication. The extent to which he will use this information depends on his decisions on the human rights areas on which he targets priority attention in the Netherlands.

In this connection, you may wish to note that, following the Commissioner's visit to the Netherlands on 20-22 May 2014 which focused on the legal and institutional framework for the protection and promotion of human rights and on the human rights of children and of asylum seekers and immigrants, a Commissioner's report is expected in the Autumn covering these issues.

We thank you for the additional elements you sent but would like to inform you that no further action will be taken at this stage. If you have not done so already, you may wish to convey these elements to the Netherlands Institute for Human Rights (*College voor de Rechten van de Mens*) or the Secretariat of the European Social Charter in the Council of Europe. The latter can be reached at the following address:

Council of Europe Department of the European Social Charter

Directorate General of Human Rights and Rule of Law

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With best wishes,
Isil Gachet

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