**REPORTS ON DISCRIMINATION, SEGREGATION AND THE RIGHT TO ADEQUATE HOUSING**

QUESTIONNAIRE

**Background and Objective of the report**

The thematic reports of the Special Rapporteur on the right to adequate housing,
Mr. Balakrishnan Rajagopal, to the General Assembly in 2021 and to the Human Rights Council in 2021 will focus on the issue of discrimination in relation to the right to adequate housing, including the impact of spatial segregation in urban or rural-urban environments on the enjoyment of human rights.

Spatial segregation can be understood as the imposed or preferred separation of groups of people in a particular territory by lines of race, caste, ethnicity, language, religion or income status. Spatial, including residential segregation can have different forms depending on the territorial, cultural or historical context and is often characterized by forms of economic and social exclusion, inequity and spatial disparity in access to infrastructure, services and livelihood opportunities.

Discrimination is understood as any formal or substantive distinction, exclusion, restriction, preference or other differential treatment that is directly or indirectly based on the prohibited grounds of discrimination as to race, colour, sex, language, religion, national or social origin, political or other opinion, property, birth or other status - including disability, age, nationality, marital and family status, sexual orientation and gender identity, health status, place of residence, economic and social status - which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights.[[1]](#footnote-1)

The main objectives of the two interrelated reports will be to identify contemporary and historical forms of discrimination and segregation that affect the right to adequate housing, to highlight good practices in the prevention of discrimination and segregation and to provide guidance to States on how they can ensure their human rights obligations in relation to non-discrimination and the right to adequate housing.

To inform his reports Mr. Rajagopal welcomes contributions from States, local and regional governments, national human rights institutions, civil society organizations, academics, UN agencies and other stakeholders.

The questionnaire is detailed to allow for comprehensive collection of information covering all aspects of the right to adequate housing. However, responding to only those questions on which the responding organization, institution or entity has information, or expertise is much appreciated.

**BASIC INFORMATION**

1. Name of Individual, Organization, Institution, Agency or State: Recht op de stad Rotterdam (translates as: Right to the city Rotterdam)

Type of Entity\*

[ ]  National Government or federal governmental ministry/agency

[ ]  Inter-governmental organization or UN agency

[ ]  Local or regional government, agency, representative or mayor

[ ]  Association, tenant union or housing cooperative

[ ]  NGO network, umbrella organization

[x]  **Community-based NGO**

[ ]  Academia

[ ]  Foundation

[ ]  National human rights organization, ombudsperson

[ ]  Real estate, urban planning or construction

[ ]  Real estate investor or investment fund

[ ]  Trade Union

[ ]  Other:

2. Categorization of your Work

Please select one or more responses, as appropriate.

[ ] Public administration

[x] Advocacy

[ ] Funding

[ ] Legal Assistance

[x] Networking

[ ] Policy

[ ] Research

[ ] Technical Assistance

[ ] Training

[ ] N/A

[ ] Other:

3. City/Town: Rotterdam

4. State/Province: Zuid-Holland

5. Country (please indicate your region or “international” if focus the work of your organization covers multiple countries); the Netherlands

6. Contact e-mail (will remain confidential) in case we have questions:

**HOUSING DISCRIMINATION**

7. What specific forms of de facto or legal discrimination or barriers towards equal enjoyment of the right to adequate housing do the following groups face in your country (please provide evidence with examples, studies, reports and relevant statistical information):

* Racial, caste, ethnic, religious groups/minorities or other groups / migrants, foreigners, refugees, internally displaced persons
* Persons with disabilities
* Low income persons, including people living in poverty
* Persons experiencing homelessness
* Other social groups, please specify: people with a criminal record/police registration

THE NETHERLANDS

Private rental sector

Several studies in the past few years have shown evidence of discrimination in the private rental sector in the big cities and in the Netherlands as a whole. These studies are based on experiments (i.e., responding to offers using different names signifying different ethnic or migrant backgrounds, and mystery calls to real estate agents). Depending on the study, people with an Arabic, Hindustan, Polish or ‘non-western’ sounding name have less chance to be invited by real estate agents to visit a rental offer. A study by Radar revealed that 9 out of 10 real estate agents do not object to a landlord saying they do not want to rent to people of Moroccan, Turkish, Polish or Bulgarian background.

A recent national study by Art.1 and Radar, commissioned by the Dutch Ministry of interior affairs (BZK), found that only 14% of agents outright refused the request to discriminate against non-Dutch people.

A recent (national) report on this:

Sources

Research in the Netherlands

* Radar/Art.1 (2021), ‘Gelijke kansen op een huurwoning in Nederland?’ , <https://radar.nl/discriminatie-bij-woningverhuur-landelijk-probleem/>
* De Groene Amsterdammer (2018), ‘Rachid is ook gewoon een nette jongen’, <https://www.groene.nl/artikel/rachid-is-ook-gewoon-een-nette-jongen>
* Radar (2019), Steekproef van Radar: Negentig procent van verhuurmakelaars discrimineert, <https://radar.avrotros.nl/uitzendingen/gemist/item/steekproef-van-radar-negentig-procent-van-verhuurmakelaars-discrimineert-radar-checkt/>

Research in Amsterdam (2020): Discriminatie in de Amsterdamse particuliere huursector, <https://www.rigo.nl/discriminatie-op-de-amsterdamse-woningmarkt/>

Research in The Hague (2021): Discriminatie op de Haagse woningmarkt, <https://www.rigo.nl/discriminatie-op-de-haagse-woningmarkt/>

Research in Utrecht (2020): Onderzoek discriminatie op de woningmarkt in Utrecht, <https://www.vastgoedbelang.nl/over/over-ons/afdelingen/afdeling-midden/onderzoek-discriminatie-op-de-woningmarkt-in-utrecht/>

Research in Rotterdam (2020): Discriminatie woningverhuur Rotterdam aangepakt, <https://radar.nl/discriminatie-woningverhuur-rotterdam-aangepakt/>

Exclusion of groups based on income, socioeconomic characteristics and criminal/police registration is allowed by law/policy

People who receive social assistance benefits are excluded from the social rental market (public and private housing) in several municipalities, based on the ‘income measure’ of the Special Measure for Urban Problems Act. The Special Measure for Urban Problems Act (the so-called Rotterdam Act) is a national law implemented in 2006 which allows the exclusion of people receiving social assistance benefits (article 8 of the Act, usually called the ‘income measure’), from private or public social housing in designated areas in cities. The Act was implemented on national level in 2006 after an experiment in a Rotterdam neighbourhood in 2005. The Act allow municipalities to request the minister of Interior Affairs (BZK) to apply the income measure in designated areas, based on qualitative and quantitative information that should demonstrate problems of ‘liveability’ (social safety, disorder) in areas. Permission of the minister is granted for four years, after which the measure should be evaluated and municipalities may request an extension. The Special Measure for Urban Problems Act are supposed to be a ‘last resort’ measure, to be used only if other measures have not been effective in improving the liveability of areas.

The city of Rotterdam was the first to apply the income measure in five and later four neighbourhoods in 2006-2019. Several other municipalities have implemented the income measure in recent years, among which Tilburg and Nijmegen.

* Rotterdam (between 2006 and 1 March 2019 in four or five neighbourhoods, as of 1 March 2019 in 55 streets, of which most are in Rotterdam-South),
* Tilburg (between 2016 and December 2020 applied to 74 addresses, as of 1 December 2020 at 700 addresses,
* Nijmegen: as of 2 February 2015 in four neigbourhoods/400 addresses,

In 2016, the Special Measure for Urban Problems Act was amended with article 9 to add the option to give priority to candidate-renters based on ‘certain socioeconomic characteristics’, e.g. certain occupations (in health care, education, police), people who do volunteer work or give informal care. Article 9 is likely to result in similar exclusion of people in precarious socioeconomic circumstances as article 8 which excludes people receiving social assistance benefits.

Examples of municipalities which apply this measure (non-exhaustive list):

* Rotterdam has applied article 9 as of 1 April 2021 in 25 neighbourhoods in a total of 128 streets.
* Schiedam has applied article 9 as of 2018 in 12 neighbourhoods/2688 addresses.
* Other municipalities: Tilburg, Den Haag.

People with a criminal record or police registration

People with a (police) record of criminal or disorderly behaviour may be excluded from rental housing in designated areas, as permitted by national law, the Special Measure for Urban Problems Act of 2006. The Act was amended in 2016 to add the option to exclude candidate-renters based on their record of criminal or disorderly behaviour (article 10 of the Act). Municipalities may ask the minister for Interior Affairs (BZK) for permission to appoint certain areas to apply this measure. Upon application for housing, candidate-renters and their household members from the age of 16 are checked based on criminal records (conviction) and police records (not convictions but registrations made by the police) and may be refused housing if the record of behaviour is deemed a risk to neighbourhood order (based on a non-exclusive list of examples of disorder and crime). The responsibility of the background check lays with the Mayor of the municipality.

Examples of municipalities which apply this measure (non-exhaustive list):

* Rotterdam (as of 1 March 2019 in 31 streets, of which 24 are in Rotterdam-South), as of 1 April 2021 in 30 neighbourhoods in a total of 135 streets.
* Tilburg (as of 2017 in one street, as of 1 December 2020 at 700 addresses),
* Den Bosch (as of 2017 in two neighbourhoods),
* Schiedam (as of 2018 in 12 neighbourhoods/2688 addresses).

8. Discrimination in housing can affect various dimensions of the right to adequate housing and other human rights. Could you provide more details regarding the specific areas in which housing discrimination is experienced? Below are examples of various forms of discrimination that can be experienced in relation to different dimensions of the right to adequate housing:

*Accessibility*

* Discrimination in relation to access to land, including water and natural resources essential for habitation;
* Discrimination in relation to housing for rental or for acquisition or in accessing public or social housing;
* Access to emergency and/or transitional housing after disaster, conflict related displacement or in case of homelessness, family or domestic violence;
* Accessibility of housing for persons with disabilities or older persons, including access to housing for independent living or to care homes;
* data collection or requirements to furnish certain certifications resulting in the exclusion of particular persons from accessing housing;

*Habitability*

* discrimination in relation to housing conditions, overcrowding or housing maintenance;
* Exposure to health risks within the home, including lack of ventilation, heating or insulation, exposure to fire or housing collapse risk, unhealthy building materials, or other unhealthy housing covered by the WHO Guidelines on housing and health;
* Exposure to other risks which render housing uninhabitable, including sexual or gender-based violence, interference with privacy and physical security in the home and neighbourhood;
* Discrimination in relation to housing renovation or permission of housing extension;

*Affordability*

* Discrimination in relation to access to public benefits related to housing;
* Lack of equal access to affordable housing;
* Discrimination in public and private housing financing;
* Discrimination related to housing and service costs, housing related fees, litigation or taxation;

*Security of tenure*

* Discrimination in relation to ownership or inheritance of housing and land and related natural resources including water including on the basis of a distinction between formal and informal tenure arrangements;
* Discrimination in relation to evictions, resettlement and compensation for loss or damage of housing, land or livelihoods;
* Differential treatment in land or title registration, permission of housing construction;

*Availability of services, materials, facilities and infrastructure*

* Discrimination in relation to access to work, schooling, health care or public benefits based on the residential address or related to a lack of an official address;
* Public transportation services and transportation costs;
* Provision of water, sanitation, energy, waste collection and other utility services; their quality or cost, including interruptions/blackouts including policies relating to disconnection from utility services;
* spatial disparities in access to health care, education, child care, cultural and recreational facilities;

*Location*

* Discrimination in relation to freedom of choice of the place of residency within the country, within a particular region or location;
* Discrimination based on place of residence or address, such as exclusion from invitation to job interviews or access to credit;
* Exposure to environmental health risks, such as external air quality, flooding, toxic ground exposure; noise; risk of landslides etc.;
* Living quality and physical security in the neighbourhood, including geographical disparities in policing and law enforcement;

*Cultural adequacy*

* Discrimination in relation to the recognition of culturally adequate dwellings as housing as well as equal access to public space;
* Prohibition of accessing, maintaining or constructing culturally adequate housing;
* Lack of recognition of mobile forms of residency.

THE NETHERLANDS

Housing for people with a disability or chronic illness

The availability of suitable, accessible and affordable forms of housing and housing for people with a disability or chronic illness in the Netherlands is not sufficient and not diverse enough. Iederin, the Dutch network for people with a disability or chronic illness, urges national and local governments, as well as housing corporations, developers, builders and landlords, to make more much effort to adequately house this group of people. Iederin also urges to implement one national policy for support and housing to people with a disability or chronic illness, instead of allowing municipalities to implement the law differently. Source: https://iederin.nl/onze-doelen/wonen/

Housing for low income groups, people living in poverty

There is a shortage of housing available for people with low incomes, which is for a large part the result of a deliberate diminishing of the social housing sector in the Netherlands. Waiting times for people reliant on social housing have increased. In a quarter of all municipalities the waiting time is more than 7 years (NOS, 2021). Housing corporations find it increasingly difficult to find housing for homeless people and for people who need housing urgently due to divorce or less of income due to unemployment.

Since the 1990s, housing corporations have sold a significant part of their social housing stock or transferred housing to the private rental market, leaving more people reliant on the private rental market (as many low-income persons are unable to apply for a mortgage to buy a house). Between 2009-2020, all Dutch housing corporations sold more than 236,000 dwellings (Kadaster, 2021), since 2015 increasingly to investors.

The private rental market has seen a rise in rental prices and evictions after temporary rental contracts. Currently, half of the private rental dwellings are rented on temporary contracts, which has resulted in housing insecurity for many renters.

Sources

Kadaster (2021): <https://www.kadaster.nl/-/corporaties-verkopen-minder-woningen-aan-starters>

NOS (2021), waiting times: <https://nos.nl/op3/artikel/2377995-sociale-huurwoning-in-zeker-een-kwart-van-de-gemeenten-wacht-je-meer-dan-7-jaar>

Homeless people

According to estimates of Netherlands Statistics, 36,000 people were unhoused in the Netherlands on 1 January 2020. (However, other estimates are much higher, e.g. 70,000 according to Federatie Opvang (now: Valente) in 2017.) Most unhoused people are located in the four big cities, Amsterdam, Rotterdam, The Hague and Utrecht. 23 percent of unhoused people are aged 18-27. Half of the unhoused people have a ‘non-western’ migration background, 10 percent have a ‘western’ migration background. This indicates discrimination based on migration background.

Source: Netherlands Statistics, https://www.cbs.nl/nl-nl/nieuws/2021/13/stijging-van-het-aantal-daklozen-tot-stilstand-gekomen

ROTTERDAM

The municipality has since 2016 intensified its gentrification policy, even though there is a shortage of affordable housing in Rotterdam. While other cities are stimulating gentrification in some areas, the municipality of Rotterdam is the only one of the four large cities in the Netherlands that is committed to significantly reducing the social housing stock and aim its building programme towards housing for middle- and high-income groups. Based on the municipal multi-year housing policy anchored in the 'Woonvisie Rotterdam 2030' ('Housing vision Rotterdam 2030', 15 December 2016) and an addendum 'Thuis in Rotterdam' ('At home in Rotterdam', 11 March 2019), the municipality wants to reduce the affordable housing stock by 13,500 homes. Of these, 10,900 homes in the cheapest segment (with rents up to € 640 or housing values up to € 180,000, price level 2017) will be demolished.

The gentrification policies is focused in particular on seven ‘focus areas’ in Rotterdam South, which is traditionally an area with more low-income households, as many of ites neighbourhoods were built to house labour workers who settled in the city to work in the Port of Rotterdam from the early twentieth century onwards.

The housing policy of Rotterdam has increasingly been insufficient of addressing problems as Rotterdam, and the Netherlands as a whole, is suffering a housing crisis. It is estimated that 4,000 people in Rotterdam are unhoused, with some estimates three times higher. Of all people on a waiting list for social housing, the average waiting time is nearly three years. However, the waiting time for people without ‘urgent status’ is almost 5 years. Within this context, the municipality of Rotterdam has refused to amend its housing policy. In its housing policy, the municipality simultaneously aims for an increase in rental and owner-occupied homes in the middle, higher and top segment by 46,600 homes, while the increase in demand for these homes is not demonstrated. The Rotterdam housing corporations and the Common Consultation on Tenant Organizations have warned for a shortage of more than 9,000 affordable homes for the primary target group for social housing in 2030. Many people with lower incomes will no longer be able to live in the city or will be forced to leave as a result of the Rotterdam housing policy.

The municipality of Rotterdam anticipates the (forced) departure of the lower income groups from Rotterdam, and has made agreements with surrounding regional municipalities to house low-income people. However, also in these regional municipalities has the social housing stock decreased in recent years. In addition, Rotterdam applies various measures of the 'Special Measures for Urban Problems Act' (the so called 'Rotterdam Act'), which allows to exclude people who receive social assistance benefits and give priority to people with certain socioeconomic characteristics (see above) which also makes it more difficult for people with low incomes to access social housing.

The housing policy has targeted several neighbourhoods for demolishment or ‘upgrading’ by renovation, among which the Wielewaal, Tweebosbuurt and Patrimonium’s Hof, all in the south of Rotterdam. In the Tweebosbuurt 535 social rental housing units, mainly belonging to Vestia (a housing association) and several dozen commercial spaces, will be demolished. In return, 374 homes will be built back, of which 130 are new social rental homes on an adjacent site. In a court case about the forced eviction of residents, Vestia justified demolishing the neighbourhood by referring to the alleged ‘negative association of the neighbourhood with non-Dutch people’, which amounts to discrimination.

In the Wielewaal, 545 social rental houses (belonging to housing corporation Woonstad) are demolished and replaced by 675 units, but only 68 of them are in the social segment. The residents have proposed their own plan for cooperative housing but they have been unable to discuss their plan with the municipality or the housing corporation.

In Patrimonium’s Hof, 103 social rental houses would be renovated (by Vestia), resulting in 87 units with a higher rent. Initially, none of the residents would be able to return, even if they could be the higher rent. Only after protest, Vestia changed plans and is now negotiating with residents about the options to return for some households but not all.

These are only a few examples of the effect of the current housing policy on lower-income households, among which many people with a migration background, who are forced by the municipality and housing corporations to move to another house, often in another neighbourhood and sometimes outside the city, in order to make place for households with a higher income.

Rotterdam: lack of meaningful participation and limited access to justice

The residents of neighbourhoods that are selected for urban restructuring/gentrification, based on the share of low-income households, are usually presented with a fait accompli. Residents are forced to engage in an unfair and often overly stressful or even traumatizing struggle for their right to housing. Rotterdam housing corporations have not made agreements to ensure meaningful participation of residents in the design and implementation of plans for their neighbourhood. Some other municipalities have made these agreements explicit in a ‘Social Statute’ such as Leiden and Amsterdam, but Rotterdam lacks such a document. Participation for residents is therefore possible only after decisions have been made by the city council and the housing corporations.

In addition, the municipality does not provide residents with independent support by professionals who have legal and technical expertise to help residents during the process of restructuring. For example, in Amsterdam, the!WOON tenant support agency is funded by the Amsterdam municipality and provides information, advice and support for tenants, in general and specifically during a restructuring process. This helps residents to know and use their legal rights. As the Rotterdam housing policy aimed at gentrification through demolishment and upgrading targets low-income neighbourhoods specifically, the lack of opportunities for meaningful participation hinders the access to justice specifically for low-income groups.

Finally, in two neighbourhoods, the Tweebosbuurt and the Wielewaal, which are being demolished, the municipality, housing corporations and project developers do not respect ongoing legal procedures. In the case of the Tweebosbuurt, a higher appeal in court is due end of 2021 which is about the question, among others, of the right to housing versus forced eviction. However, the housing corporation in April 2021 started demolishing the houses that are currently without tenants, effectively making the neighbourhood unliveable for the remaining tenants who legally have a right to stay and await the outcome of the legal procedure. In the Wielewaal, the developer announced to start building new dwellings in May 2021, while the highest court (Hoge Raad) is due to rule in July 2021 about the question whether the housing corporation was allowed to sell the land including the dwellings to the project developer. In both cases, the municipality allows that the housing corporation and the project developer ignore the ongoing legal procedures, in effect limiting the access to justice for residents.

**9. Are there any particular current laws, policies or practices in your country, region or town/community that contribute to or exacerbate discrimination in relation to the right to adequate housing?**

The **'Special Measures for Urban Problems Act'** (the so called 'Rotterdam Act'), see above, is applied in several municipalities, most extensively in Rotterdam (see above). Rotterdam furthermore has intensified its gentrification policy in 2016, based on the policy document ‘Woonvisie 2016, koers naar 2030’ (transl: Housing vision, heading for 2030).

An additional discriminatory practice is the use of a statistical tool that measures the ‘liveability’ (social safety) developed by the Ministry of Interior Affairs (BZK). The tool is called the **‘Leefbaarometer’** (translates as ‘Liveable-o-meter’). Municipalities use this tool to legitimate the application of one of three measures (discussed above, articles 8, 9 and 10) of the Special Measures for Urban Problems Act. The tool provides an estimate of the liveability based on 100 characteristics (indicators) of an area. A regression model estimates the correlation between the 100 indicators and the liveability score of a geographical area. The liveability score is composed of residents’ judgement of the liveability in their neighbourhood and by the housing values (both count for 50 percent). Subsequently, the 100 indicators and the regression coefficients are used to estimate the local liveability at a lower scale level, e.g. on street level. In this way, the Leefbaarometer can be used to select streets to apply special measures of the Special Measures for Urban Problems Act, for example the income measure, or prioritizing people with certain socioeconomic characteristics of checking criminal or police registration for housing seekers.

The Leefbaarometer is a discriminatory tool because the model uses indicators that refer to migration background and socioeconomic status. The model consists of 100 indicators, divided into five dimensions. One of these dimensions is "Residents" which consists of 16 indicators. 7 out of 16 indicators directly refer to migration background: the share of 'Western immigrants' in a street, neighbourhood or district counts positively for the assessment of the quality of life, while the share of ‘Central and Eastern Europeans’, 'non-Western immigrants', 'Moroccans', 'Surinamese', 'Turks' and 'other non-western immigrants' have a negative impact on the liveability score of an area. In the Netherlands, residents who have at least one parent who was born outside the Netherlands are considered have a ‘migration background’. In addition, the proportion of people receiving disability benefits and people receiving social assistance benefits are both negative correlated to the liveability score. Critics of the Leefbaarometer, among whom social scientists, have pointed to the discriminatory and stigmatizing nature of the tool, as it at least suggests a correlation between people who have a migration background and people receiving social benefits on the one hand, and the liveability of an area on the other hand. There is also a risk that the tool is interpreted as a causal model by lay people or professionals who lack statistical expertise, as is a known problem in interpreting algorithmic tools.

In December 2018, the Rotterdam city council has requested that the Ministry of Interior Affairs would consider revising the tool with respect to using indicators that refer to migration background. The Minister has denied the discriminatory nature of the tool, claiming that it is not a causal model. In response to questions of Senate members in March 2021, the Minister has again denied the discriminatory nature of the tool, but has also promised to exclude indicators referring to migration background in the revised edition of the Leefbaarometer. The revised edition has as of yet (14 May 2021) not been released.

**10. Can you explain exemptions in national law that allow (certain) public, private or religious housing providers to give preferential or exclusive access to housing to members of a particular group, for example based on membership, employment contract, public service, age, disability, civil status, sex, gender, religion, income or other criteria?**

The 'Special Measures for Urban Problems Act', see above, allows for preferential access to social housing (public and private) based on ‘socioeconomic characteristics of individuals, among which certain occupations (e.g. civil servants, service occupations, health care workers, educational workers, police/security), volunteers, students, people who provide informal care, or people who are employed in health care, policing or education in the Rotterdam area. Preferential access is legitimated according to the national government because it would help improve the liveability of designated areas, by 1) preventing overburdening local resources available for residents who need government support, 2) ensuring a ‘balanced’ composition of the population in designated areas, and 3) decreasing problems of disorder and crime.

**11. In case there may be differential treatment of particular groups in relation to housing, please explain why such treatment could be justifiable according to international human rights standards - for example positive measures benefiting a particular group to overcome systematic discrimination or disadvantage-or if it would amount to discrimination?**

The differential treatment based on the income measure of the 'Special Measures for Urban Problems Act' would amount to discrimination of people in a precarious socioeconomic position, as targets people who are unemployed and who receive social assistance benefits with the aim to exclude them from local social housing and thus makes it more difficult for them to access affordable social housing, in addition restricting their freedom of movement and freedom of residence.

According to Dutch law, income (or socioeconomic status, class, property) is not a ground for discrimination, which makes it very difficult to bring a discrimination case to court. The European Court of Human Rights in Garib v. The Netherlands (Application no. 43494/09) in 2016 ruled the income measure as legitimate. However, the Chamber omitted to address discrimination based on poverty. In their ‘joint dissenting opinion’, two judges wrote that discrimination based on income cannot be justified as it does need fulfil the tests of necessity and proportionality:

“Of much greater concern, however, is the income-based restriction. It not only leads to stigmatisation of the poor, but it indirectly creates discrimination based on race and gender, since the people most gravely affected by unemployment are immigrants and single mothers. In our opinion, therefore, the contested measure does not qualify as necessary in a democratic society. The poor do not *per se* pose a threat to public security, nor are they systematically the cause of crime, and the legitimate aim of the Inner City Problems (Special Measures) Act – the need to reverse the decline of impoverished inner-city areas – can be achieved through other policy measures not tied to personal characteristics. […] We therefore consider that a restriction on choosing one’s residence based on income does not fulfil the test of necessity and the requirements of proportionality.”

**SPATIAL AND RESIDENTIAL SEGREGATION**

12. What forms of spatial segregation along racial, caste, ethnicity, religion, nationality, migration status, heritage, economic status/income or other social grounds can be observed in urban and urban-rural contexts in your country?

Click here to enter text.

13. What impacts do these forms of spatial and residential segregation have on affected communities? Please point to indicators such as rates of poverty, un-employment and under-employment; prevalence rates of malnutrition; disparities in access to services and facilities (such as access to schooling, health care or other public benefits); disparities in access to infrastructure (lack of and/or poor quality provision of water, sanitation, transportation, energy, waste collection and other utility services); rates of exposure to environmental health risks (poor air quality, flooding, toxic ground exposure, etc).

Click here to enter text.

14. Have any particular historical or current laws, policies or practices in your country, region or town/community caused or exacerbated segregation?

Click here to enter text.

15. In your view, what factors (current or historical) are the principal *drivers* of spatial and residential segregation in urban and urban-rural contexts in your country?

Click here to enter text.

16. Are there examples in your country of where spatial and residential clustering has been a result of voluntary choices of residence by members of particular groups?

Click here to enter text.

17. The preservation of cultural identity, the right to self-determination of indigenous peoples and the protection of minority rights are examples of grounds for which groups may choose to live separately. Can you comment on how these forms spatial/territorial separation are evidenced in your country, if these communities they are subject to discrimination and suffer adverse consequences from spatial segregation such as through disparities in access to services, infrastructure, living conditions, etc.?

Click here to enter text.

18. In your view, are certain forms of observed residential separation/voluntary clustering compatible with human rights law and if so why? (for example to protect rights of minorities or to respect the freedom of choice of individuals to decide with whom to live together).

Click here to enter text.

19. Are there any laws or policies requiring certain individuals (and their families) to live in particular housing provided to them or in a particular geographical area (e.g. asylum seekers, migrants, IDPs, refugees, ethnic, religious, linguistic or other minorities, indigenous peoples, persons with disabilities, public service and military personnel)?

Click here to enter text.

20. In your view, what are the principal *barriers* to diminishing spatial, including residential segregation?

Click here to enter text.

**MEASURES AND GOOD PRACTICES TO CURB DISCRIMINATION AND REDUCE SEGREGATION**

21. What laws, policies or measures exist at national or local level to prevent or prohibit discrimination in relation to the right to adequate housing?

Click here to enter text.

22. Have your State, regional or local Government adopted any positive measures, such as measures of affirmative action, to reduce discrimination, segregation or structural inequality in relation to housing? To what extent have such initiatives been successful to address housing discrimination and segregation?

Click here to enter text.

23. Have any particular laws, policies or measures been implemented to limit or reduce residential segregation? To what extent have such policies raised human rights concerns?

Click here to enter text.

24. What is the role of the media, as well as other non- governmental organizations, of religious and governmental institutions, in fostering a climate that reduces or exacerbates discrimination in relation to housing and segregation?

Click here to enter text.

25. Which institutional mechanisms exist to report, redress and monitor cases of discrimination or segregation in relation to the right to adequate housing and how effective have they been to address discrimination?

Click here to enter text.

26. In your view, what are the principal barriers to seek justice for discrimination/segregation in relation to the right to adequate housing?

27. Can you specify how individuals and groups subject to structural discrimination or experiencing segregation can submit complaints to administrative, non-judicial or judicial bodies to seek relief? Please share any leading cases that have been decided by your courts or other agencies in this respect.

Click here to enter text.

**DATA ON DISCRIMINATION IN HOUSING AND SPATIAL/RESIDENTIAL SEGREGATION**

28. Is any data on housing disparities, housing discrimination and spatial segregation collected and publicly available? If so where can it be accessed? Are there any practical or legal barriers to collect and share such information in your country?

Click here to enter text.

29. Can you kindly share any studies or surveys by local, regional or national Governments or by other institutions to understand better housing disparities, housing discrimination and spatial segregation and how it can be addressed (e.g. title and link, or kindly submit document).

Click here to enter text.

30. Can you provide information and statistics related to complaints related to housing discrimination, how they have been investigated and settled, and information on cases in which private or public actors have been compelled successfully to end such discrimination or been fined or sanctioned for non-compliance?

Click here to enter text.

1. See article 2.1 of International Covenant on Economic, Social and Cultural Rights and the related General Comment No. 20 of the Committee on Economic, Social and Cultural Rights. [↑](#footnote-ref-1)