

# National Analytical Study on Housing

RAXEN Focal Point for the Netherlands

Dutch Monitoring Centre on Racism and Xenophobia (DUMC)

Jacky W. Nieuwboer, MA, LL.M

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## TABLE OF CONTENTS

<b>1. EXECUTIVE SUMMARY</b>	<b>5</b>
<b>2. GLOSSARY</b>	<b>9</b>
<b>3. INTRODUCTION</b>	<b>12</b>
<b>4. LEGISLATION AND POLICIES</b>	<b>15</b>
4.1. INTRODUCTION	15
4.2. BRIEF HISTORICAL SKETCH	15
4.3. LEGISLATION	15
4.3.1. PUBLIC HOUSING LEGISLATION	15
4.3.2. THE HOUSING ACT AND SUBSIDISED RENTED SECTOR MANAGEMENT DECREE	17
4.3.3. HOUSING ALLOCATION ACT	18
4.3.4. RENT ALLOWANCE ACT AND RENT ALLOWANCE DECREE	18
4.3.5. CIVIL CODE	19
4.3.6. EQUAL TREATMENT ACT	20
4.4. HOUSING ALLOCATION IN PRACTICE	21
4.4.1. INTRODUCTION	21
4.4.3. SUPPLY MODEL	22
4.4.4. COMPARING THE DISTRIBUTION MODEL AND THE SUPPLY MODEL	23
4.5. POLICIES	25
4.5.1. POLICY DOCUMENT ON HOUSING, PEOPLE AND THEIR NEEDS	25
4.5.2. LETTER ON SEGREGATION	26
<b>5. DESCRIPTION AND ANALYSIS</b>	<b>27</b>
5.1. MINORITY GROUPS AND HOUSING - DENSITY	27
5.1.1. DATA	27
5.2. MINORITY GROUPS AND HOUSING - QUALITY	33
5.2.1. DATA	33
5.3. DISTRIBUTION POLICY	36
5.3.1. ARGUMENTS FOR A DISTRIBUTION POLICY	36
5.3.2. ARGUMENTS AGAINST A DISTRIBUTION POLICY	37
5.3.3. EVALUATION	38
5.4. DATA ON COURT CASES	38
5.4.1. COMPLAINTS BEFORE THE BENCH AND BEYOND	38
<b>6. ANALYSIS OF DISCRIMINATION</b>	<b>40</b>
6.1. INTRODUCTION	40
6.2. INDIRECT DISCRIMINATION IN THE SUPPLY SYSTEM BY MEANS OF REQUIRED LENGTH OF RESIDENCE	40
6.3. SEGREGATION AND INCOME	42

<b>6.4. SEGREGATION AND EDUCATION</b>	<b>43</b>
<b>6.5. DATA ON COURT CASES</b>	<b>45</b>
6.5.1. HOUSING ALLOCATION	45
6.5.2. DISTRIBUTION POLICY	49
6.5.3. NEIGHBOURHOOD DISPUTES	50
<b>6.6. OTHER COMPLAINTS</b>	<b>51</b>
<b>6.7. ROOM RENTAL</b>	<b>57</b>
6.7.1. INTRODUCTION	57
6.7.2. DISTRIBUTION OF ROOMS	58
6.7.3. DISADVANTAGE AND DISCRIMINATION	59
6.7.4. COVENANTS	59
<b>6.8. PURCHASING MARKET</b>	<b>60</b>

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## **7. STRATEGIES, INITIATIVES AND GOOD PRACTICES**

<b>7.1. INTRODUCTION</b>	<b>62</b>
<b>7.2. BIG CITIES POLICY</b>	<b>63</b>
<b>7.4. HOUSING DISTRIBUTION</b>	<b>65</b>
<b>7.5. CONFLICT MEDIATION</b>	<b>67</b>

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## **8. SUMMARY AND CONCLUSIONS**

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## **ANNEX**

<b>FACTS AND FIGURES</b>	<b>72</b>
MIGRATION HISTORY	72
DEFINITION	74
DEMOGRAPHICS	74
PEOPLE WITH A FOREIGN BACKGROUND	82
ALIENS ACT	87
FOREIGN NATIONALS EMPLOYMENT ACT	89
NEWCOMERS INTEGRATION ACT	90

Figure 1	Proportion of rented and owner-occupied property in the housing supply, 1986-1998	16
Figure 2	Ethnic composition of the big cities	31

### **List of tables**

Table 1	Number of ethnic minorities by group of origin and part of the country, per hundred thousand residents, 1 January 2001	27
Table 2	Intensity index, ethnic minorities, 1996 and 2001 (100 = proportion equal to that within the total population)	28
Table 3	Intensity index, first and second generation ethnic minorities, 25 years and older, 2001 (100 = proportion equal to that of the total population 25 years and older)	29
Table 4	Type of dwelling per ethnic group	33
Table 5	Number of rooms per ethnic group	34
Table 6	Percentage of complaints about housing	39

## **1. Executive summary**

Ethnic minorities in the Netherlands are dependent to a large extent on the subsidised rented sector, an important part of the housing market in this country. Consequently, this will be the main focus in this report. The subsidised rented sector makes use of a number of protection mechanisms. Another striking feature is that the subsidised rented sector is determined by housing corporations, which usually allocate housing on the basis of a supply system whereby dwellings are listed weekly in the newspaper and people looking for housing can register for them. As a rule, the person with the longest history of residence has the best chance, although allocation can also depend on age or reaction time. It is very important that people looking for housing adopt an active attitude. The supply system is a vast improvement over the previous distribution system in which landlords had a great deal of control over who came to live where. This encouraged the placing of ethnic minorities in certain districts or blocks of flats without their having requested such a placement. People seeking housing had much less influence on their future housing than they do in the supply system. Another advantage of the supply system is that it is much more clear-cut than the distribution system.

The Dutch government does not pursue any specific group policy with regard to the housing position of ethnic minorities, although there is a certain amount of segregation, especially in the West and in the big cities. At the same time, the housing situation for ethnic minorities is of lower quality on average than that of the native population, although there are certainly no impoverished ghettos here. In the past, landlords did attempt to adopt a distribution policy. Distribution policy in the form of maintaining a quota (not permitting more than a certain number or percentage of ethnic minorities in a district) was rejected by the courts, however. The main obstacle to such a policy is its compulsory aspect. In practice, distribution did occur during the eighties and nineties under the distribution system, and the discussion of this topic has not yet subsided. Some political parties are great advocates of a distribution policy, but the supply system as described above does not provide very much room for it.

In fact, the regulation of the Dutch housing market has resulted in little or no direct discrimination. A great deal of improvement has also taken place with the disappearance of the distribution in recent years and the emergence of the supply system. Even so, indirect discrimination does exist.

The supply system can discriminate against ethnic groups indirectly if the emphasis is placed on length of residence, because such groups have a shorter history of residence on average than native Dutch people. As a result, ethnic minorities sometimes get stuck in the lowest strata of the housing market. A possible improvement might be to stress the 'length of registration' criterion. Income requirements also tend to put ethnic minorities at a disadvantage, since they generally earn less than native Dutch people. In fact, the situation concerning housing and segregation is mainly a socio-economic problem. Some consolation can be found in the system of individual rent subsidies, by which those with somewhat lower incomes can allow themselves slightly more expensive housing because they receive a monthly housing subsidy.

A consequence of segregation in certain districts is the black schools, schools in which the vast majority of the students are ethnic minorities. These schools are not necessarily of lower quality than the non-black schools, but it is a fact that among the weakest schools in the country there are more black than non-black schools. Segregation results in reduced opportunities for ethnic minority young people so they end up in a vicious circle as far as future opportunities, housing district and jobs are concerned.

In neighbourhoods that are more or less segregated there have also been conflicts down through the years, with discrimination playing a role. When neighbours become aware of the arrival of an ethnic minority resident, they sometimes try to bar the person by means of actions and petitions. Often the move never takes place. In a case in Utrecht in 1989, a complaint was made by a future ethnic minority resident concerning the inadequate efforts of the police and the Public Prosecution Service to deal with this kind of action that had been directed against him. Finally the complaint was taken to the CERD Committee of the United Nations. This Committee supervises compliance with the Convention on the Elimination of all forms of Racial Discrimination (1967), signed by the Netherlands, which requires member states to

resist all forms of discrimination. The Committee decided that the Dutch government should take more active measures against neighbours who discriminate in these kinds of cases.

Reports have also come in of ethnic minority residents being hounded out of the neighbourhood and forced to move. Sometimes the neighbours become violent: bricks are thrown through windows, small fires are started and car tyres punctured.

Lawsuits having to do with the allocation of dwellings, the distribution policy or neighbourhood disputes occur only sporadically. But the Equal Treatment Commission, which provides citizens with a low-threshold forum, deals regularly with such cases. No lawyer is required and the procedure is free of charge.

In addition to the rental of full residential units, the rental of rooms is also a feature of the Dutch housing market. There is little information on the national level concerning the disadvantages and discrimination that young people from ethnic minorities must deal with in the room-rental market. This is a subject that deserves further study.

As far as good practices are concerned, it should be noted that solutions are being found for neighbourhood disputes. Projects in the context of neighbourhood management, including arbitration between quarrelling parties, are very successful. More social cohesion is being introduced. An example of this is the Moroccan fathers in Amsterdam who deal with the behaviour of Moroccan young people there.

The government has been occupied for quite some time with the situation in the country's big cities in the context of the Big Cities Policy. This policy is aimed at improving the competitive position of 25 big cities by means of a coherent approach involving physical, social and economic goals. One of the components of the Big Cities Policy is urban renewal, which is subsidised by the government and which focuses in part on diversity. By building more expensive homes in urban renewal areas, attempts are made to attract residents with greater financial leeway – at the same time emphasising the importance of supportive measures so that urban renewal areas can also be equipped with a wide range of facilities. There is also public housing in the better districts. The goal is a distribution of population groups

without any compulsion; the main thing is that choices remain voluntary. Besides this, construction is focusing on the multicultural nature of the population so that the specific wishes of particular groups (such as the Mediterranean nationalities) can be met.

It can be concluded that there is little or no discrimination taking place in the Netherlands. There is a certain measure of segregation, although there are no ghettos. Another problem consists of racially motivated neighbourhood disputes, but hard work is being done on many different levels to improve the situation, at both the government and the district level. It is recommended that the Netherlands continue along this path. The supply system, which is how housing is distributed today as a rule, is sometimes indirectly discriminatory and in this respect is in need of adjustment. The allocation criteria should be studied to see whether they can be formulated in a more objective way.

## 2. Glossary

*Concentration:* relatively high percentage of ethnic minorities within a particular district.

*Discrimination:* any distinction, exclusion, restriction, or preference that has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise on an equal footing of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of social life. Discrimination is either direct (a) or indirect (b).

a) direct discrimination: discrimination between persons on the grounds of religion, belief, political opinion, nationality, race, sex, heterosexual or homosexual orientation or civil status;

b) indirect discrimination: discrimination on the grounds of other characteristics or behaviour than those meant under (a), resulting in direct discrimination.

*Distribution:* spreading of ethnic minorities and native people over different areas, the aim being to attain as proportionate a population as possible; can be compulsory or voluntary.

*Employed labour force:* Person aged 15-64 working at least 12 hours a week.

*Ethnic Minority:* see Non-Western foreign background. For the purposes of this report, persons belonging to ethnic minority groups are defined as people born in, or of whom at least one parent was born in, Africa, Asia (excluding Japan and former Dutch East Indies and Indonesia), South America and Turkey. The largest groups are Moroccans, Turks, and people from Suriname and the Netherlands Antilles/Aruba.

*First- and second-generation foreigners:* Persons are considered to have a foreign background if at least one parent was born abroad. A distinction is made between persons born abroad (first generation) and persons born in the Netherlands (second generation). The foreign background is determined by the country of birth of the person (first generation) or the country of birth of the mother (second generation). If the mother was born in the Netherlands, the person is classified according to the father's country of birth.

*Gross labour participation:* Labour force as a percentage of the population (15-64 years).

*Housing corporation:* private institution (foundation or association) whose exclusive goal is to work in the area of public housing and as such are authorised by the Crown.

Labour force: The labour force (15-64 years) includes:

- persons who work at least 12 hours a week;
- persons who have accepted work for at least 12 hours a week;
- persons willing to work at least 12 hours a week, who are available and actively seeking work for at least 12 hours a week.

The employed labour force includes all persons working at least 12 hours a week.

The unemployed labour force includes all persons unemployed or working less than 12 hours a week.

Labour position: Classification of the population aged 15-64:

- employed labour force,
- unemployed labour force,
- persons not included in the labour force.

*Net labour participation:* Employed labour force as a percentage of the population (aged 15-64 yrs).

*Non-Western foreign background (Du.: Niet-westerse allochtoon):* People born in, or of whom at least one parent was born in, Africa, Asia (excluding Japan and former Dutch East Indies and Indonesia), South America and Turkey. The largest groups are Moroccans, Turks, and people from Suriname and the Netherlands Antilles/Aruba. Reference to this term is made in connection with statistical data compiled by the Central Statistical Agency.

*Percentage unemployed:* Unemployed labour force as a percentage of labour force (15-64 yrs).

*Persons with a foreign background (Du.: allochtoon):* Persons are considered to have a foreign background if at least one parent was born abroad. A distinction is made

between persons born abroad (first generation) and persons born in the Netherlands (second generation). The foreign background is determined by the country of birth of the person (first generation) or the country of birth of the mother (second generation). If the mother was born in the Netherlands, the person is classified according to the father's country of birth.

*Refugee:* Person residing in the Netherlands on the basis of a permanent residence permit issued on the basis of recognition as a refugee, according to the Geneva Convention.

*Segregation:* cluster formation of ethnic minorities within certain areas.

*Self-employed:* Persons working in their own business or practice; persons working in their partner's or parents' business or practice; other self-employed, e.g. freelancers.

*Unemployed labour force:* Persons who have accepted work for at least 12 hours a week, or are willing to work at least 12 hours a week, who are available and actively seeking work for at least 12 hours a week.

*Western foreign background (Du: westers allochtoon):* People with a European background (excluding Turkish), North American, Oceanic, Japanese or Indonesian (including persons from the Dutch East Indies).

### 3. Introduction

In collecting and analysing data on the position of minorities in housing, and pinpointing the possible discrimination that may play an attendant role, a large number of sources were tapped.

First and foremost, an extensive study was carried out of the most relevant recent literature in this area from the years 1998 until now. This involved not only government publications but also relevant studies carried out at various Dutch universities. Second, sources were consulted for statistical information. One such source consisted of a number of databases that are usually used for research purposes. An example of this is the data available from the Central Statistical Agency -Statistics Netherlands- (Centraal Bureau voor de Statistiek; CBS). This agency collects statistical data on the Dutch population, including demographic and economic data. The statistics collected by the CBS are used in research, but they can also be consulted directly via the website or helpdesk. The CBS is therefore the source for a few of the figures used in this document. In general it does not provide specific data about housing and minority groups, so that its information is limited. Graphs and tables have been taken from other sources such as the literature mentioned above. Some of the data comes from the research on Social Position and Use of Services by Ethnic minorities-98. A more recent study has not yet been published.

Data on discrimination in housing are scanty. Information has been derived from organisations involved in dealing with complaints of discrimination: the anti-discrimination agencies. These agencies maintain registries with separate notations indicating whether the complaint took place within the housing system. The rulings of the Equal Treatment Commission have been studied as well. Complaints concerning housing can also be lodged with this Commission. Although few in number, such complaints do come in. Both organisations present their annual statistics in annual reports, which were used for this report.<sup>1</sup> Finally, use was also made of the inventory

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<sup>1</sup> Landelijke Vereniging van Anti Discriminatie Bureaus en Meldpunten [National Federation of Anti-Discrimination Agencies and Hotlines, or LVADB], (2001) Kerncijfers 2000 [Annual report 2000] The Hague: LVADB.  
LVADB. (2002) Kerncijfers 2001 [Annual report 2001] The Hague: LVADB.  
LVADB. (2003) Kerncijfers 2002 [Annual Report 2002] Amsterdam: LVADB.

and analysis of complaints of discrimination in this area that were part of the Racism and the Extreme Right monitoring project.<sup>2</sup>

The sources reveal that the housing market in the Netherlands is subject to strong government regulation. In the present report, chapter 4 will provide a description of how the Dutch housing market functions, both in theory and in practice. The subsidised rented sector is of great importance, especially for ethnic minorities. In the past a housing allocation system was mainly used, which gave landlords a great deal of room to accept or reject people seeking to rent living space (the distribution system). Today, however, a transparent system is commonly used in which those with the longest record of residence, whether native or ethnic minority, have the first right to a dwelling for which they must register (the supply system). The supply system is less sensitive to discrimination than the distribution system, but it has only been in force for about ten years. Chapter 5 explains what kind of effect the allocation policy had on ethnic minorities over time. To a certain extent segregation does exist, especially in the big cities of the West, while the quality of the dwellings leaves much to be desired relatively speaking. There are no ghettos in the Netherlands, however, nor is there any serious impoverishment. For various reasons, some municipalities have developed a distribution policy with the intention of attaining a proportionally composed population within their borders. Such a distribution policy has been rejected by the courts, however. Chapter 6 will focus on the discriminatory aspects within the housing department. A distinction is made between discrimination in the allocation of housing, discrimination in connection with the distribution policy, and the discrimination that plays a role in neighbourhood disputes. In the allocation of housing, the criterion of length of residence mentioned above in regard to the supply system is indirectly discriminating to ethnic minorities because they usually have a shorter residential history than native Dutch people. According to the courts, the distribution policy places an accent on ethnic origins and has therefore been forbidden. And ethnic minorities often have to move because they are being terrorised by their neighbours. Finally, this chapter will take a look at the

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T. Loenen (ed.). (2001) *Gelijke behandeling: Oordelen en commentaar 2000*. [Equal Treatment: Judgements and comments 2000] Utrecht: CGB. De Wolff, D.J.B. (ed.). (2002) *Gelijke behandeling: Oordelen en commentaar 2001*. [Equal Treatment: Judgements and comments 2001] Utrecht: CGB.

<sup>2</sup> J. van Donselaar and P.R. Rodrigues (2002) *Monitor racisme en extreem rechts; vijfde rapportage*. [Monitor on racism and the extreme right; fifth edition]. Amsterdam/Leiden: Anne Frank Stichting /University of Leiden.

discriminatory aspects of the room-rental market in the Netherlands and at discrimination in the purchasing market, which does not play a large role, however. Chapter 7 will examine the many good initiatives being carried out in the Netherlands, including the Big Cities Policy with the attendant urban renewal and neighbourhood management. Neighbourhood mediation also plays a significant, positive role in the Netherlands. Chapter 8 provides summaries and conclusions.

## **4. Legislation and policies**

### **4.1. Introduction**

This chapter is primarily devoted to examining the housing market in the Netherlands in general. It will begin with a discussion of the legislation that controls this market and then look at how this legislation works in practice (housing allocation). This will be followed by a glance at the specific legislation aimed at discouraging discrimination in the housing sector. The chapter will end with an outline of the government's policy with regard to discrimination against ethnic minorities in the housing market.

### **4.2. Brief historical sketch**

The Dutch government had become involved in construction and housing even before 1851. Building regulations were laid down that usually had to do with public safety (often fire safety) and health, but they still tended to be based on purely economic considerations. The 1901 Housing Act established a legal basis for quality control and quality testing in public housing. In the years after the Second World War, the government made decisions that were aimed at helping find housing for as many people as possible despite the post-war housing shortage. This shortage made it necessary to pass measures concerning housing distribution. Ceilings were put on rents, for example, and the option to terminate tenancy was limited. As we shall see, these kinds of regulations are still in force. There is strong government involvement in the Dutch housing market, which can be explained by looking at the past.<sup>3</sup>

### **4.3. Legislation**

#### **4.3.1. Public housing legislation**

In the Netherlands there are a number of laws in force in the area of housing. These are laws having to do with housing in general: the Housing Act, which contains many regulations governing not only building construction but also concerning the institutions involved in renting to the weaker members of society. This Act is worked out in greater detail in the Subsidised Rented Sector Management Decree and the Housing Allocation act, which make sure that municipalities are able to regulate the distribution of housing within their city limits. There is also more specific legislation

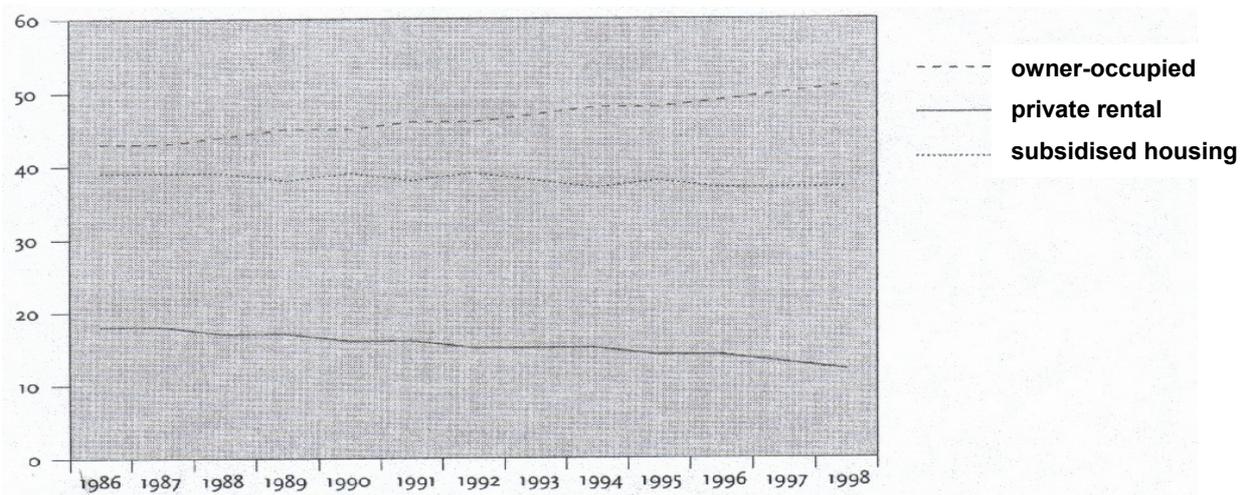
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<sup>3</sup> C.A. Adriaansens and A.Ch. Fortgens, *Volkshuisvestingsrecht*[Public housing law], Deventer: Kluwer, 2000, pp 1-18.

that covers the renting of living space: first the Civil Code, which lays down the obligations of tenants and landlords in a general sense; then the Rent Act,<sup>4</sup> the Residential Tenancies Rent Act, the Rent Decree and the Rent Allowance Act, with the accompanying Rent Allowance Decree.

In the opinion of the DUMC, this list makes it clear that a great deal of attention is being paid to home rental. This is not very surprising, since home ownership in the Netherlands, while it has steadily grown, occupies much less of the housing market than in other European countries. Figure 1 shows the proportion of rented and owner-occupied property in the housing supply between 1986 and 1998.

*Figure 1 Proportion of rented and owner-occupied property in the housing supply, 1986-1998*



source: CBS/DGVH-bewerking

Source: Ministry of Housing, Spatial Planning and the Environment, Policy Document on the Evaluation of Public Housing in the Nineties, [www.vrom.nl](http://www.vrom.nl), July 2003, p. 38

In the four big cities there is even less owner-occupied property; the number of owner-occupied dwellings there is only 25%, and in Amsterdam only 14%.<sup>5</sup> In the following sections of this report the accent will be placed on rental because ethnic

<sup>4</sup> The Rent Act is not of importance to the subject at hand. This act has existed since 1950, but more and more items have been transferred to the Civil Code so that the Rent Act is now only relevant to home offices, garages, warehouses, studios, etc. For this reason, this act is being left out of this discussion.

<sup>5</sup> Ministry of Housing, Spatial Planning and the Environment, Nota Wonen, mensen, wensen, wonen [policy document on Housing, People and their Needs], Lower House, 2000-2001, 27 559, no. 1, p. 11.

minorities live in rented dwellings for the most part, often concentrated in the big cities.<sup>6</sup>

#### **4.3.2. The Housing Act and Subsidised Rented Sector Management Decree**

The government is intensively involved in regulating the housing market. The Housing Act, for instance, allows for the setting up of institutions that act on behalf of public housing: housing corporations. These corporations find housing for people with a preference for those who, on account of their income or other circumstances, have difficulty finding suitable housing. By renting out dwellings that are under their management at relatively low rentals, the housing corporation gives as much preference as possible to people looking for housing who, considering their income, are especially suited for those dwellings. In principle these institutions are under the supervision of the Minister of Housing, Spatial Planning and the Environment.

Housing corporations have existed for more than a century. They developed from private initiatives aimed at improving the dreadful living conditions of the country's workers. They are companies governed by private law and having a social function that, within the framework of the Housing Act, has been further elaborated in the Subsidised Rented Sector Management Decree. After 1945, the housing corporations in the rental sector grew to become the primary means by which public housing is arranged.<sup>7</sup> The corporations have built 2.4 million good and affordable rental dwellings over the years, about 40% of the total housing supply in the Netherlands. The construction of public housing offers quality in more ways than one. The dwellings are generally solidly built and well maintained for the most part. They are affordable. And unlike in other countries, the rental sector is not a form of poor relief, in the opinion of the DUMC.

In the past, candidates for subsidised dwellings in many municipalities with a tight housing market were recommended by the municipality itself, and the corporation had less of a say. Today, most of the municipalities have transferred the work of

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<sup>6</sup> P.T.M. Tesser et al. (1995) Rapportage minderheden 1995, Concentratie en segregatie [Report on minorities 1995, Concentration and segregation], Rijswijk: Sociaal Cultureel Planbureau, p. 425.

<sup>7</sup> J. Janssen and K. Nagel (1991) Woningcorporaties: meer dan een huisbaas? Een onderzoek naar de dienstverlening van woningcorporaties [Housing Corporations: More than a landlord? A study of the services supplied by housing corporations], The Hague: Konsumenten Kontakt

housing distribution to the corporations. Since 1995, when the corporations were put on their own two feet, they became even more independent.<sup>8</sup>

#### **4.3.3. Housing Allocation Act**

The housing corporations do have to take the Housing Allocation Act into account, which stipulates that municipalities may lay down certain requirements applicable to those who want to settle within the city or town limits by means of a housing ordinance that governs housing permits. In such ordinances, housing space must be distributed in a balanced and fair way. Municipalities usually require economic or social ties with the municipality when property is sold below a certain price or rented below a certain rental. The goal is that when dwelling space is put to use at a relatively low price, preference be given to housing-seekers who, on account of their income, are especially suited to that dwelling. Such an ordinance is now in force in 25% of the country's municipalities, most of which are in urban areas. Generally speaking, what this boils down to is that a permit is required if the basic rent of a self-contained accommodation is below 541.36 euros. A person qualifies for such an accommodation if his or her yearly income is no more than 27,000 euros.<sup>9</sup>

#### **4.3.4. Rent Allowance Act and Rent Allowance Decree**

When a dwelling is allocated, the Rent Allowance Act and the Rent Allowance Decree are also taken into account. These should be appealed to as little as possible. These laws and regulations are meant to assist renters who live in a situation in which the accommodation is too expensive relative to their income but in which rent limits and income limits have been established. The dwelling space must be appropriate. The rent may not drop below 172.80 euros in any case, nor rise above 585.24 euros. The maximum income was set between 16,275 and 24,575 euros in 2002, with the possible addition of a small amount of property.<sup>10</sup> More than 1 million households make use of this regulation.<sup>11</sup> Since the eighties, this group has included a steadily growing group of ethnic minority households.

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<sup>8</sup> [www.aedes.nl](http://www.aedes.nl): Wat zijn woningcorporaties? [What are housing corporations?], July 2003.

<sup>9</sup> [www.Vrom.nl](http://www.Vrom.nl): Housing permit dossier, July 2003

<sup>10</sup> Volkshuisvesting, Ruimtelijke Ordening en Milieu brochure: Huursubsidie 2003-2004, Wanneer kunt u huursubsidie krijgen? [brochure issued by Public Housing, Spatial Planning and the Environment: Rent Subsidies 2003-2004, When can you get a rent subsidy?]

<sup>11</sup> Volkshuisvesting, Ruimtelijke Ordening en Milieu, Nota Mensen, wensen, wonen, [Public Housing, Spatial Planning and the Environment, policy document on Housing, People and their Needs] Lower House, 2000-2001, 27 559, no. 1, p.18.

#### **4.3.5. Civil Code**

The rights and duties of landlords and tenants are laid down in the Civil Code. The tenant must take good care of the dwelling he occupies and pay the rent. Rather far-reaching tenant protection is also important, that is, tenants should be protected from termination of the rental agreement by cancellation on the part of the landlord. Cancellation is only possible in very exceptional cases, such as 'urgent private use'. The tenant protection is so extensive it even protects a tenant from being evicted if he starts earning too much money, even though he was admitted to the subsidised housing sector in the first place on the basis of his salary. He cannot be put out of the subsidised housing sector.

Furthermore, the subsidised housing sector only works if the rents are controlled or restrained. If sizeable rent increases take place on a regular basis, the goal of the subsidised public housing policy will be surpassed. So tenant protection goes hand in hand with rent control.<sup>12</sup> This is where the Residential Tenancies Rent Act comes in, as well as the decree that is based on this act. In August 2003 the act will be repealed, but the regulations will be transferred to the Civil Code while the procedural questions will be laid down in Residential Tenancies Rent Implementation Legislation. People will still be able to acquire a dwelling on the basis of number of points, and reasonable prices will be established, including service costs and the like.<sup>13</sup>

Legislation such as that described above is what regulates the Dutch housing market. There is a large, high-quality subsidised housing sector in which housing corporations play an important role. These housing corporations still have to take into account any demands that the municipality might pose. The rent subsidy regulations and rent control are beneficial to low-income people seeking accommodation. In addition, tenant protection means that people do not have to be afraid of being tossed out of their homes.

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<sup>12</sup> Zuidema, Tj. (2001) *Recht voor de huurder* [Tenant's rights], Lelystad/ The Hague: Koninklijke Vermande, pp. 147-153.

<sup>13</sup> R.A. Dozy and Y.A.M. Jacobs (1999) *Hoofdstukken Huurrecht voor de praktijk* [Chapters on tenant's rights for the trade], third printing, Gouda: Gouda Quint, pp. 251-339.

#### **4.3.6. Equal Treatment Act**

The Equal Treatment Act plays a role in the struggle to overcome discrimination.<sup>14</sup>

The Equal Treatment Act, or ETA, has been in force since 1994. Its scope is not only the housing sphere; it also covers employment, education, and the provision of goods and services. The ETA regulates discrimination perpetrated on a number of grounds: besides race and ethnic origin, it covers religion, belief, political opinion, nationality, heterosexual or homosexual orientation and civil status. It may be noted that two grounds mentioned in the Framework Directive 2000/78/EC, handicap and age are not included. Separate legislation is being developed for these, and for the time being they will not be part of the ETA.

The ETA is a so-called closed system: there is a general prohibition of unequal treatment. Exceptions are only possible if they are explicitly mentioned in the Act.

According to the ETA, both direct and indirect discrimination are prohibited, although objective justifications may exist for indirect discrimination. These justifications are the same as those applied by the European Court of Justice in gender case law: the unequal treatment serves an objectively justified goal; the chosen measures are appropriate and necessary to reach this goal and the goal cannot be reached otherwise.

The ETA is supervised by the Equal Treatment Commission (Commissie Gelijke Behandeling, or CGB), a semi-judicial body. The Commission's main task is to investigate private complaints and to rule on whether the provisions of the ETA were violated.

The rulings of the Commission are non-binding. The reason for the choice for a non-binding status was that the Commission was intended to be easily accessible for persons complaining about discrimination. If the Commission had been given the status of a court, it would not have been able to play an active role in the proceedings, such as informing the victim of his or her rights. In the event that a ruling by the Commission is not followed, the victim or the Commission itself can present a case in a civil court and claim his or her rights.

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<sup>14</sup> This section was adapted from: D.C. Houtzager (2001) Equal Treatment in The Netherlands, in M. Miguel Sierra and K. Romberg (eds.) From Principle to Practice – evaluation of legislation dealing with racial and ethnic discrimination in certain EU Member States, Brussels: European Network Against Racism.

Changes in the ETA were proposed in 2003 in the context of the implementation of the EC Directive 43/2000 concerning equal treatment on the basis of race and ethnicity. The government presented the relevant proposals to Parliament on 28 January 2003.<sup>15</sup>

#### **4.4. Housing allocation in practice**

##### **4.4.1. Introduction**

What follows is a closer look at the practical aspects of housing allocation.

##### *4.4.2. Distribution model*

For many years, the so-called distribution model was used in the distribution of living accommodations, at least in non-liberalised areas (generally speaking, the Randstad, or the western conurbation, and urban areas elsewhere). There are several variations of this system, but most models contain the following characteristics:

- If a household wants to rent a subsidised dwelling, it must register with a Foundation for Housing Distribution, a cooperative partnership formed by the municipality and the housing associations in the city. The household's characteristics as well as its particular demands (such as price, neighbourhood, type, size) are included on the registration form.
- The household makes an appointment with a housing officer. At this meeting the housing demands are discussed.
- The allocation of a dwelling depends on the number of 'points' accumulated. A household receives two points for every month it is registered. A starter receives 24 points on joining. Urgency can also play a role.
- When a dwelling becomes vacant, it is offered to the household with the highest number of points (that is, the household at the top of the waiting list).
- Sequence is not the only criterion, however. Three suitability criteria also come into play: the relationship between household size and housing type, the relationship between income and the price of the dwelling, and suitability in terms of liveability and ties with the neighbourhood. This last criterion in particular makes it possible for housing officers to select on the basis of other characteristics than income or size of households. In this respect the system makes it possible for landlords to employ a

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<sup>15</sup> The Netherlands, Parliamentary Documents II, 2002/03, 28 770.

placement policy in which ethnic minorities are placed (or not placed) in particular blocks of flats, streets or districts.

#### **4.4.3. Supply model**

The distribution model is becoming less and less fashionable. In 1989 the city of Delft was the first to use the so-called supply model. Many municipalities have adopted this model and adapted it to their local situation. Housing associations in a municipality may join in following this model. Landlords publish housing advertisements in a weekly newspaper delivered to every address in the city. The procedure is often as follows:

- A household looking for a home must first register. Anyone aged eighteen years or older is eligible to do so. Registration is free. Registration with one association implies registration with the other associations.
- A house-seeker is expected to react to the advertisements in the weekly newspaper. Households may apply no more than once a week. If a household does not apply, it will never be offered a dwelling.
- The newspaper descriptions provide information about the type of dwelling, the floor on which it is located (in the case of flats), the year it was built, the rent, service costs, the target group (for example, above a certain age), the maximum number of persons, the required income of the prospective tenants, and the name of the housing corporation that owns the dwelling.
- Should there be several candidates for one dwelling (as is usually the case), sequence criteria come into play. These criteria are familiar to everybody. In the case of starters, the starter who has been registered the longest gets the offer; sometimes age is used as a criterion. In the case of transfer households, the duration of the stay in the present dwelling is the important factor. The longer one has lived in one's present dwelling, the greater the chance of finding a new one.
- Two suitability criteria play a role. The housing corporations offer the least expensive dwellings to the households with the lowest incomes, and the size of the dwelling is related to the size of the household. This information is made clear in the advertisement. The present income of the household is crucial.

In July 1995, 144 municipalities used this model. In 2000, it was estimated that 80 per cent of all municipalities were using the supply model.<sup>16</sup>

#### **4.4.4. Comparing the distribution model and the supply model**

The expectation is that under the supply model households eventually end up in dwellings and neighbourhoods that are more in keeping with their own wishes, because, unlike the distribution model, people are not made to wait passively under a supply model.<sup>17</sup>

The DUMC believes that the supply system is more transparent than the distribution system. There is less room for discrimination; more than 60% of the country's municipalities and almost 60% of the corporations agree with this assessment.<sup>18</sup> In the distribution system, the municipalities or housing corporations have the freedom to look at individual cases to see whether or not they want to place someone in a particular dwelling. Although a distribution policy with a maximum number of ethnic minority inhabitants per district, complex, street or block of flats was not legally permissible, theory proved weaker than practice. Under the motto 'careful placement policy' and the effort to attain 'a balanced population', the ethnic background of housing-seekers played a role right through the nineties. 'Placement policy' refers to a special form of housing allocation policy. Accepted criteria such as income, size of household and urgency were deemed insufficient by some landlords. They wanted to allow more subjective factors to play a role, such as the way of life and lifestyle of the housing-seeker and the housing culture in the neighbourhood. Often, implicitly or explicitly, a connection was made with the ethnic origins of the housing-seeker and the ethnic composition of the district or street. The distribution policy is tainted by the risk of arbitrariness and discrimination,<sup>19</sup> as was demonstrated in practice in Tilburg, where a housing corporation held up 'lifestyle' as a criterion. According to some

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<sup>16</sup> R. van Kempen and M. Idamir (2003) Housing Allocation and Ethnic Minority Groups: the Effects of Different Housing Allocation Models on Moroccan Households in Two Dutch Cities, to be published in *Journal of Housing and the Built Environment*.  
<sup>17</sup> Ibid.

<sup>18</sup> J. Jansen (2000), *Ergens anders onderdak, Een geschiedenis van opvang en huisvesting van immigranten in Nederland, 1945-1995* [Seeking shelter, A history of the reception and housing of immigrants in the Netherlands, 1945-1995], Leiden: University of Leiden, pp. 110-115.

<sup>19</sup> C.A. Tazelaar (2000) Huisvesting [Housing], in J.E. Overdijk-Francis et al. (eds), (1984-...) *Handboek Minderheden* [Minorities handbook], Houten: Bohn Stafleu Van Loghum, The Hague: SDU Uitgevers/Koninklijke Vermande, (loose-leaf), p. 6/1-1050-5.

people in public housing, this suggests that 'the migrant' has a deviant lifestyle by definition.<sup>20</sup>

In the supply system, however, the rules are firmly established and verifiable. Usually an indication is given as to who is eligible for a certain dwelling and on what grounds. In this way, anyone who is discriminated against can take action. In fact, the DUMC believes there is no longer any place for a local distribution or placement policy maintained by municipalities or housing corporations.

Even so, illegal discrimination can still occur within the supply system. To illustrate this, here is a complaint that was lodged with one of the Anti-Discrimination Agencies.

A man of Moroccan origin responded several times to advertisements in the housing newspaper in which available dwellings are announced in his town. The man was looking for a five-room dwelling and, according to his son, he is eligible for such a home. The man had been registered for a dwelling since 15-6-87. On two separate occasions, someone who registered at a later date was given the next available dwelling. On 19 April 2001 the man responded to an announcement of a dwelling in Boylestraat. Through the housing newspaper of 7 June 2001 he learned that this dwelling had been allocated to someone with a briefer registration period than his (since 9-11-92). So on 7 June 2001 the man wrote a letter to the Rijnmond Housing Distribution Arbitration Board. He received confirmation that his letter had been received. On 19 April 2001, the man had submitted another a request for a dwelling on Bellstraat. Later he read in the housing newspaper of 1 August 2001 that this dwelling had also been allocated to someone with a briefer registration period. So he sent another letter to the same board, dated 7 August 2001. On 24 August he received an answer from the board in writing. He was told that the dwelling on Boylestraat had been allocated in connected with a declaration of urgency. As for the dwelling on Bellstraat, the board had no information. They did tell him that the questions and/or complaints regarding this housing allocation were unfounded, since it was determined that no

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<sup>20</sup> M. Schuring (November/December 1993) De Geranium-norm in de volkshuisvesting [The Geranium Norm in housing], in Casablanca 6, volume 2, pp. 10-11.

rules had been broken. In the week of 27 August the man had a personal conversation with two employees of the housing corporation in his town. There he was told that the dwellings were not given to him because the people in the neighbourhoods where the dwellings are located do not tolerate foreigners. One of the employees also told him that this is why there are no ethnic minorities living in these districts. Apparently there were ethnic minorities living there at one time, but they were hounded out. The man was also given a map with several streets marked. The employee discouraged the man from registering for any dwellings in these streets since his father would not be eligible for them because he is an ethnic minority. The man went to look in the districts and told the Anti-Discrimination Agency that there was an entire multicultural population in the Bellstraat district. He also told them he thought the employee's remarks were highly discriminatory.<sup>21</sup>

The supply model is so transparent that, according to research carried out among Moroccans in two cities, Breda and Eindhoven, 90% of this group understand the system, while only a third of this group understood the distribution system.<sup>22</sup> It is true that older Turks and Moroccans have trouble assessing their chances through the newspaper and with filling in the weekly or bi-weekly housing forms to report for a certain dwelling.<sup>23</sup> Every aspect of the supply model, however, is a vast improvement over the distribution model, according to the DUMC.

## **4.5. Policies**

### ***4.5.1. Policy document on housing, people and their needs***

In the policy document on Housing, People and their Needs, the Ministry of Housing, Spatial Planning and the Environment formulated a framework for national government policy concerning housing in the 21st century. The document reveals that no specific target group policy aimed at such issues as improving the position of

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<sup>21</sup> Klachtendatabase van de Rotterdamse Anti Discriminatie Raad [Complaints database of the Rotterdam Anti-Discrimination Council], no. 431-01.

<sup>22</sup> R. van Kempen and M. Idamir (2003) Housing Allocation and Ethnic Minority Groups: The Effects of Different Housing Allocation Models on Moroccan Households in Two Dutch Cities, to be published in Journal of Housing and the Built Environment.

<sup>23</sup> J. Jongerden in cooperation with Osmose (2000) De gedeelde stad, Een case-study naar woningaanbodsystemen en differentiatie binnen wijken in Apeldoorn, Arnhem en Nijmegen [The divided city, A case study of housing supply systems and differentiation in districts of Apeldoorn, Arnhem and Nijmegen], Arnhem: Osmose, p. 20.

ethnic minorities is being carried out.<sup>24</sup> The Ministry is attempting to follow a consumer policy in which the citizen is to be more intensively involved in the planning, design and furnishing of the dwelling and the housing environment, and at an earlier point in time.

#### **4.5.2. Letter on segregation**

In a letter to the Lower House dated 9 January 2003, the Minister of Housing, Spatial Planning and the Environment and the Minister of Alien Affairs and Integration came out against segregation. They want to discourage the growth of districts with one-sided populations by offering a more varied supply of dwellings and by following a policy that creates more opportunities to find a place in the housing market for people seeking accommodation.<sup>25</sup>

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<sup>24</sup> Ministry of Housing, Spatial Planning and the Environment, Policy document on Housing, People and their Needs.

<sup>25</sup> Lower House, 2002-2003, 28 612, no. 3.

## 5. Description and analysis

### 5.1. Minority groups and housing - density

#### 5.1.1. Data

Seen in geographical terms, ethnic minorities are unequally distributed throughout the Netherlands. They live more in the west, and partly in the south, than in the north or the east of the country (see Tables 1, 2 and 3).

*Table 1 Number of ethnic minorities by group of origin and part of the country, per hundred thousand residents, 1 January 2001*

	North	East	West	South	Total in the Netherlands
Ethnic minorities	9216	13818	22740	15 907	17 953
Non-Western:	3 669	6 424	13 429	5 870	9 277
Turkey	412	2 043	2 574	1 495	1 999
Suriname	624	933	3 309	588	1 932
Morocco	262	775	2 640	1 230	1 706
Neth. Antilles/ Aruba	400	474	1 038	490	732
Iraq	284	277	254	148	239
China	167	176	236	171	202
Somalia	143	127	206	217	185
Afghanistan	159	160	170	162	165
Iran	127	142	189	105	154
Western:	5 546	7 394	9 312	10 037	8 676
Indonesia	1 610	2 318	2 985	2 188	2 526
Germany	1 922	2 784	1 856	3 842	2 494
Belgium	136	230	648	1 559	707
Former Yugoslavia	432	365	492	436	447

Source: Central Statistical Agency (2002) Ethnic minorities in the Netherlands 2002, Voorburg/Heerlen: Central Statistical Agency, pp. 98-99.

*Table 2 Intensity index, ethnic minorities, 1996 and 2001 (100 = proportion equal to that within the total population)<sup>26</sup>*

	North		East		West		South	
	1996	2001	1996	2001	1996	2001	1996	2001
Ethnic minorities	49	51	76	77	126	127	91	89
Non-Western:	36	40	66	69	148	145	60	63
Turkey	21	21	104	102	129	129	73	75
Suriname	34	32	41	48	174	171	30	30
Morocco	16	15	45	45	154	155	76	76
Neth. Antilles / Aruba								
Iraq	112	119	111	116	112	106	58	62
China	79	83	86	87	118	117	84	85
Somalia	132	77	77	69	103	111	100	117
Afghanistan	61	96	90	97	113	103	100	98
Iran	77	82	87	92	126	122	67	68
Western:	60	64	86	85	107	107	118	116
Indonesia	63	64	92	91	118	118	86	87
Germany	74	77	112	112	74	74	156	154
Belgium	17	19	31	32	90	92	226	220
Former Yugoslavia	86	97	77	82	118	110	90	98

Source: Central Statistical Agency (2002) Ethnic minorities in the Netherlands 2002, Voorburg/Heerlen: Central Statistical Agency, pp. 98-99.

<sup>26</sup> For the years 1996 and 2001, 'intensity indexes' were calculated for the major incoming foreign groups. If a certain group is distributed across the parts of the country in the same way as the total population, then the index figure for this group would be 100

*Table 3 Intensity index, first and second generation ethnic minorities, 25 years and older, 2001<sup>27</sup> (100 = proportion equal to that of the total population 25 years and older)*

	North		East		West		South	
	1st gen	2nd gen						
Ethnic minorities	46	59	71	95	136	100	77	124
Non-Western:	37	31	68	69	147	151	61	53
Turkey	21	19	105	108	128	126	74	76
Suriname	30	28	45	58	174	167	29	33
Morocco	15	23	46	54	154	135	76	104
Neth. Antilles/ Aruba	49	42	64	71	143	147	66	55
Western:	59	62	76	97	119	96	102	130
Indonesia	60	61	93	91	117	122	89	80
Germany	75	75	94	123	83	71	153	152
Belgium	18	17	29	33	108	80	187	243
Former Yugoslavia	92	59	81	68	114	113	93	121

Source: Central Statistical Agency (2002) Ethnic minorities in the Netherlands 2002, Voorburg/Heerlen: Central Statistical Agency, pp. 98-99.

Western minorities are more strongly represented in the north and east than non-Western ethnic minorities. This is even more the case for the south. Non-Western ethnic minorities are located mainly in the west.

In addition, ethnic minorities are concentrated in the four big cities: Amsterdam, Rotterdam, The Hague and Utrecht. In these cities, three out of every ten inhabitants belong to non-Western ethnic groups. In the other municipalities with more than 100,000 inhabitants this proportion is one in ten. In the smaller municipalities it is one in twenty.

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for all parts of the country. A value higher than 100 indicates concentration within a certain part of the country; a value lower than 100 indicated underrepresentation.

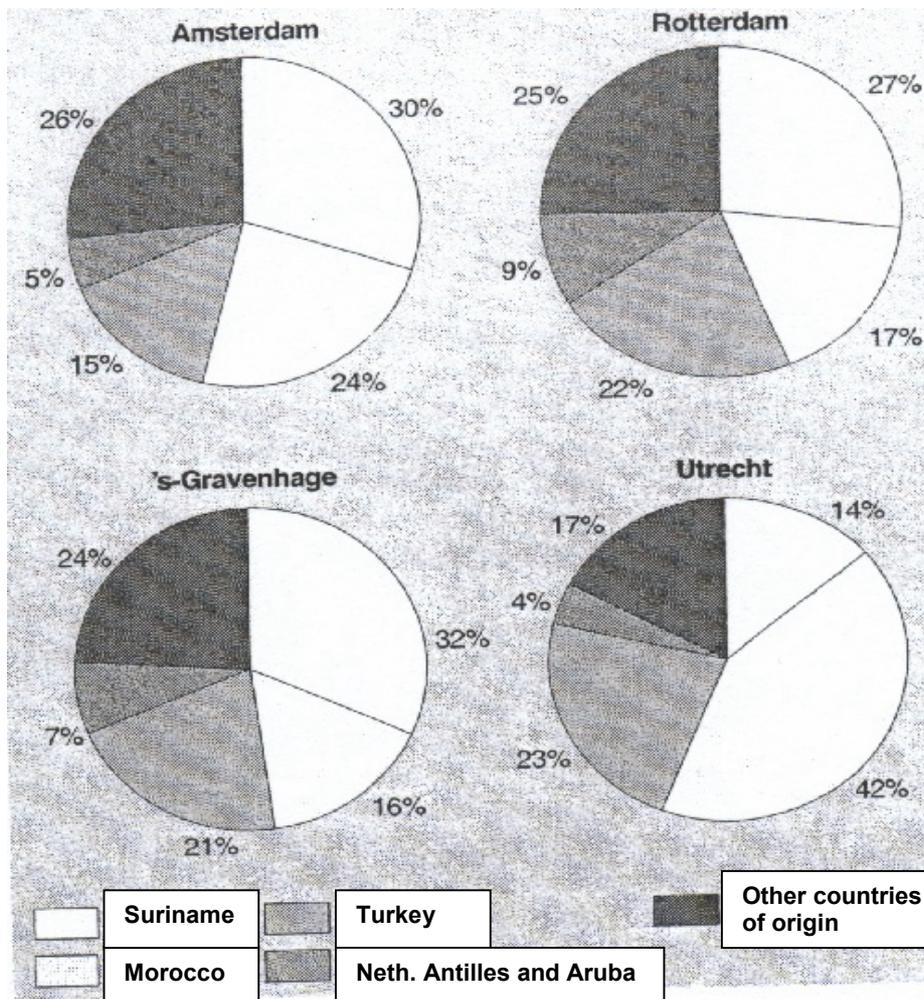
<sup>27</sup> For 2001, 'intensity indexes' were calculated for the major incoming foreign groups, divided into first and second generation. If a certain group is distributed across the parts of the country in the same way as the total population, then the index figure for this group would be 100 for all parts of the country. A value higher than 100 indicates concentration within a certain part of the country; a value lower than 100 indicates underrepresentation.

Approximately three-quarters of the total population of non-Western ethnic minorities in the four big cities consist of Surinamese, Moroccans, Turks and Antilleans or Arubans. There are large differences between the cities in the distribution according to land of origin, however. In Amsterdam and The Hague, the Surinamese constitute about one-third of the total number of non-Western ethnic minorities; in Utrecht this is one-seventh. There the Moroccans are the largest group by far, with 42% of the total.<sup>28</sup> In The Hague and Rotterdam there are significantly fewer Moroccans. Turks are much more evenly distributed throughout the four big cities, although their proportion in Amsterdam is relatively low. Finally, Antilleans and Arubans are most heavily represented in Rotterdam and The Hague (see figure 2).

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<sup>28</sup> P.T.M. Tesser, F.A. van Dugteren and C.S. van Praag speak of an overrepresentation, Report on Ethnic Minorities, 1994, Ruimtelijke Spreiding van Ethnic minorities: Ontwikkelingen, Achtergronden, Gevolgen [Spatial Distribution of Ethnic Minorities:

Figure 2 Ethnic composition of the big cities



Source: J. Garsen and A. Sprangers, Regionale spreiding van de ethnic minorities bevolking, Mndstat bevolking 2002/7 [Regional Distribution of the Ethnic Minority Population, Monthly Statistics Population 2002/7 , Rijswijk: Central Statistical Agency, p. 5.

This study will mainly focus on these four big cities, home to 44% of all ethnic minorities, while only 13% of the total population of the Netherlands live there.<sup>29</sup>

Taken as a whole, from the first to the second generation of ethnic minorities, the concentration of non-Western ethnic minorities in the western Netherlands has increased rather than decreased.<sup>30</sup>

Developments, Backgrounds, Consequences], Rijswijk: Sociaal en Cultureel Planbureau, pp. 39-65.

<sup>29</sup> R. van Kempen et al. (2000) Segregatie en concentratie in Nederlandse steden: mogelijke effecten en mogelijk beleid [Segregation and concentration in Dutch cities: possible effects and possible policy], Assen: Van Gorcum, p.13.

<sup>30</sup> See note 5, p. 8.

As was said earlier, the non-Western ethnic minorities are concentrated mainly in the four big cities in the western part of the country: Amsterdam, Rotterdam, Utrecht and The Hague. Within these cities there are also concentrated districts. Segregation is certainly present, and is markedly stronger in Rotterdam and The Hague than in Amsterdam or Utrecht, but it is certainly not the case that the groups distinguished only live in a few neighbourhoods while the rest of the city is not accessible. It is also clear that in general Turks and Moroccans are more strongly segregated than other groups such as Surinamese and Antilleans.<sup>31</sup>

There are historical reasons for the segregation that exists. Originally, the ethnic minorities lived mainly in boarding houses in the cities. In the first phase of their transition from boarding house life to autonomous housing, discrimination resulted in a concentration of ethnic minority households in the old districts of the big cities. When subsidised housing was opened to them, the location of the available dwellings and the practices being followed in the allocation of those dwellings contributed to the development of substantial concentrations of ethnic minority households in the inner cities.<sup>32</sup> At the moment, people who earn a bit more money are moving to the new subsidised residential districts that are being built farther outside the city, the so-called 'vinexlocaties'. Some ethnic minorities are disappointed when they encounter their old neighbours in these districts, but on the whole these new districts are seen as an opportunity to build a good life.<sup>33</sup> Income is a very important factor in finding a new place to live.

It is the opinion of the DUMC that the segregation phenomenon should not be exaggerated, however. It manifests itself rather differently in each of the four big cities. Segregation can be expressed in an index indicating what percentage of the ethnic minorities would have to move to create a distribution in the city equal to the distribution of the entire population. According to this index, the percentages for The Hague, Rotterdam, Utrecht and Amsterdam are 51.0, 46.1, 35.0 and 32.5 respectively. By way of comparison: in the big cities of the United States, the indexes for the segregation of the black population have been calculated from between 70 to

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<sup>31</sup> G. Bolt, P. Hooimeijer and R. van Kempen (2002) Ethnic segregation in the Netherlands: new patterns, new policies?, in *Tijdschrift voor economische en sociale geografie*, vol. 93, no. 2, p. 215.

<sup>32</sup> P.T.M. Tesser, F.A. van Dugteren and C.S. van Praag, *Rapportage Minderheden 1994, Ruimtelijke Spreiding van Ethnic minorities: Ontwikkelingen, Achtergronden, Gevolgen* [Minorities Report 1994, Spatial distribution of ethnic minorities: Developments, backgrounds, consequences], Rijswijk: Social and Cultural Planning Agency, p. 37.

<sup>33</sup> J. Chorus (7/8.06.2003) 'Zwarte vlucht' naar vinexwijk ['Black flight' to vinexwijk], in het NRC Handelsblad.

80.<sup>34</sup> Taken as a whole, the concentrations of ethnic minorities in other countries are much higher than in the Netherlands.<sup>35</sup>

## 5.2. Minority groups and housing - quality

### 5.2.1. Data

Besides the research on distribution and segregation, research has also been carried out on the quality of the dwellings in which people live in the Netherlands. Table 4 shows that in 1998, ethnic minorities were overrepresented in flats and were to be found far less frequently in single-family dwellings. Moroccans frequently live in blocks of flats, upstairs flats or ground-floor flats. The overrepresentation of single-room dwellings among the Antilleans has to do with the relatively large number of Antillean students.

Table 4 Type of dwelling per ethnic group

%	Turks	Moroccans	Surinamese	Antilleans	native Dutch
Flats	37	31	33	33	19
Block of flats / upstairs flats / ground-floor flats	25	39	27	28	25
Single-family dwellings	31	25	31	24	45
Other dwellings	7	2	6	6	7
Single-room dwellings	1	2	3	10	4
Number of respondents	1,578	1,410	1,842	1,076	1,387

Source: Sociale Positie en Voorzieningengebruik door Ethnic minorities - 98 (Social Position and Use of Services by Ethnic Minorities - 98, hereafter: SPVA-98), Institute for Socio-Economic Research (Erasmus University, Rotterdam; hereafter: ISEO) & Socio-Cultural Planning Agency (hereafter: SCP).<sup>36</sup>

The same study shows that within the native Dutch reference group, an average of less than one room per person is quite unusual, whereas one-third of the Turkish and

<sup>34</sup> L. de Lange (03.1995) Segregatie van allochtonen heeft geen negatief maatschappelijk effect [Segregation of ethnic minorities has no negative social effect], in Agora, p. 13.

<sup>35</sup> J. Teunissen and C. Veltman (30.10.1993) Angst voor een donkere huid [Fear of dark skin], in HN, p. 12.

<sup>36</sup> E.P. Martens (1999) Minderheden in beeld [Minorities at a glance], SPVA-98, Rotterdam: Institute for Socio-Economic Research, p. 69.

Moroccan households had to manage with such a living situation (see table). Surinamese and Antilleans fall somewhere in between. The average figures revealed that Turks have the least number of rooms per person.

*Table 5 Number of rooms per ethnic group*

%	Turks	Moroccans	Surinamese	Antilleans	native Dutch
Less than one room p.p.	33	35	10	9	3
One room p.p.	30	21	24	28	14
One to two rooms p.p.	23	20	28	26	28
Two to three rooms p.p.	9	14	19	21	28
At least three rooms p.p.	5	10	18	16	27
Average	1.22	1.38	1.77	1.71	2.15
Number of respondents	1,606	1,451	1,835	1,074	1,466

Source: SPVA-98, ISEO & SCP<sup>37</sup>

From this data it can be concluded that despite steady improvement, ethnic minority groups are less well accommodated than native Dutch people, with Turks ranking lowest of all. All this has to do with large families who settle in the city, where there are relatively few large dwellings but where housing is the cheapest. These families soon find themselves in accommodations that are relatively inadequate.<sup>38</sup> This is closely related to the income position of these groups. People who came to the Netherlands after 1980 have much better housing than those of the previous

<sup>37</sup> Ibid, pp. 69-70.

<sup>38</sup> Also see R. van Kempen (1997) *Turks in the Netherlands: housing conditions and segregation in a developed welfare state*, in S. Özüekren and R. van Kempen (eds) (1997) *Turks in European cities: housing and urban segregation Utrecht*, Utrecht: European Research Centre on Migration and Ethnic Relations, Utrecht University, The Netherlands, pp. 158-191; F. van Dugteren (1993) *Woonsituatie minderheden, Achtergronden en ontwikkelingen 1982-1990 en vooruitzichten voor de jaren negentig* [The housing

generation.<sup>39</sup> It is also expected that second-generation Turks and Moroccans will spread themselves across the entire scope of the Dutch housing market, just like the native Dutch population.<sup>40</sup> In general, second-generation non-Western ethnic minorities live under better conditions than the first generation.<sup>41</sup> In the opinion of the DUMC there is absolutely no evidence of cumulative misery or ghetto formation in certain areas, and the social inequality in the Netherlands is relatively small,<sup>42</sup> although it cannot be denied that in concentrated neighbourhoods the unemployment and criminality are higher and the incomes, educational levels and housing quality are lower.<sup>43</sup>

It should be noted that housing in concentrated districts is not always a question of necessity by any means. Especially when the frame of reference is still the mother country, the housing preferences of the immigrant groups differ from the preferences of the native population. People imbued with the myth of return will seek to minimise housing expenditures, as will those with financial obligations. Another consequence of mother country orientation is that immigrant groups accept lower quality dwellings, not only because of the lower housing costs but also because the standard of housing is lower in their mother country than in the host country. Importance is also attached to the presence of co-ethnics in the neighbourhood.<sup>44</sup>

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situation of minorities, Backgrounds and developments 1982-1990 and prospects for the nineties], Rijswijk: Social and Cultural Planning Agency, Rijswijk, p. 39, p. 54, p. 105.

<sup>39</sup> J. Teunissen and C. Veltman (30.10.1993) Angst voor een donkere huid [Fear of dark skin], in HN, p. 12; R.C. Kloosterman (1998) Migration in the Netherlands and the emerging post-industrial social divide in urban areas, in OECD, Immigrants, Integration and Cities, Exploring the Links, Paris: OECD, p. 81.

<sup>40</sup> G. Bolt (2001) Wooncarrières van Turken en Marokkanen in ruimtelijk perspectief [The housing careers of Turks and Moroccans in spatial perspective], Utrecht: University of Utrecht, p. 179.

<sup>41</sup> W. van der Zanden (2001) Huisvesting [Housing], in Minority Monitor 2000, Etnische minderheden in Rotterdam [Ethnic minorities in Rotterdam], Rotterdam: Institute for Socio-Economic Research, Erasmus University and Centre for Research and Statistics, city of Rotterdam, p. 82.

<sup>42</sup> L. Veldboer (2001) De naïviteit van het stedelijk beleid [The naïvete of urban policy], in Tijdschrift voor de sociale sector, p. 16; P.T.M. Tesser et al. (1995) Rapportage minderheden 1995, Concentratie en segregatie [Minorities Report 1995, Concentration and segregation], Rijswijk: Social Cultural Planning Agency, p. 411; C.A. Tazelaar (2002) Is in Nederland sprake van gettovorming op de woningmarkt? [Is ghetto formation taking place in the Dutch housing market?], in C.A. Tazelaar (ed.) (2002) Multicultureel Nederland in 70 vragen [The multicultural Netherlands in 70 questions], Houten/Diegem: Bohn Stafleu Van Loghum and Lelystad: Koninklijke Vermande, pp. 87-88.

<sup>43</sup> G. Bolt (2001) Turken en Marokkanen over concentratiebuurten: eindbestemming of tussenstation? [Turks and Moroccans on concentrated districts: final destination or stop along the way?], in Migrantenstudies, no. 4, p. 226.

<sup>44</sup> G. Bolt and R. van Kempen (2002) Moving Up or Moving Down? Housing Careers of Turks and Moroccans in Utrecht, the Netherlands, in Housing Studies, Vol. 17, no. 3, pp. 403-404.

### **5.3. Distribution policy**

A certain measure of segregation of non-Western ethnic minorities is a fact, especially in the western part of the country and in a more pronounced way in the four big cities, where the segregation is concentrated in certain districts. Changes in the spatial distribution of certain groups can be influenced by policy. A distribution policy in which only a maximum number of ethnic minorities are admitted to a particular district is not permitted in the Netherlands, however, as Chapter 6 will show. This is mainly because such a policy involves a certain compulsion, which takes the place of housing on a voluntary basis. There are other ways to achieve distribution: in better districts, contingent dwellings for ethnic minorities can be reserved;<sup>45</sup> room can be made for the building of subsidised dwellings in better districts and a more varied assortment of dwellings can be built in concentrated districts by means of urban renewal.<sup>46</sup> These methods all result in a more varied population mix in the various districts and neighbourhoods. The crucial element is not compulsion but a policy of encouragement.

#### **5.3.1. Arguments for a distribution policy**

In the Netherlands, preventing friction among population groups and avoiding large concentrations of ethnic minorities living under inadequate conditions were the arguments once put forward for a compulsory distribution policy. A compulsory distribution policy is still being encouraged by some, especially by the political parties (such as the Socialist Party and the Volkspartij voor Vrijheid en Democratie, which is the party of free-market liberals). It is also popular within the Moroccan and Tunisian Cooperative,<sup>47</sup> partly because in concentrated districts the contacts between the various populations groups are limited, which reduces the opportunities for integration. Arguments in support of a compulsory distribution policy are also being voiced on the basis of academic research, to fight against social disadvantage and

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<sup>45</sup> Although there is opposition here as well; see Tazelaar, C.A. (2002) Hebben ethnic minorities voorrang bij woonruimteverdeling? [Do ethnic minorities have priority in housing distribution?], in C.A. Tazelaar (ed.) (2002) Multicultureel Nederland in 70 vragen [The multicultural Netherlands in 70 questions], Houten/Diegem: Bohn Stafleu Van Loghum and Lelystad: Koninklijke Vermande, pp. 85-86. This is said to be at variance with the Equal Treatment Act, which requires that a person be in a position of disadvantage (the question being whether this can be proven in this area) before there can be any preferential treatment.

<sup>46</sup> C.S. Van Praag (1981) Ethnic minorities, huisvesting en spreiding [Ethnic minorities, housing and distribution], S.C.P. Cahier no. 22, Rijswijk: Social and Cultural Planning Agency, p. 94

<sup>47</sup> J. Marijnissen (28.10.1993) Spreidingsbeleid tegen gettovorming is absoluut nodig [Distribution policy to combat ghetto formation is absolutely necessary], in de Haagsche Courant; A. Kant (2000) Verplichte spreiding is enige oplossing [Compulsory distribution is the only solution], in Contrast, 23/2000, p. 9; O. Stomp (06.06.2002) Het integratiebeleid is veel te soft geweest [The integration policy is much too soft], in Contrast 19, pp. 15-17; J.J.A. van Doorn (28.04.1995) Spreiding van nieuwkomers [Distribution of newcomers], in HP/De Tijd, p. 18

criminality in depressed areas in the big cities.<sup>48</sup> And whereas in 2000 the then Minister of Housing Remkes said that a municipality was not to distribute tenants on the basis of their origins, later Ministers Kamp (Housing) and Nawijn (Alien Affairs and Integration) wanted to drop this idea.<sup>49</sup>

### **5.3.2. Arguments against a distribution policy**

Arguments against a distribution policy are mostly of a legal nature having to do with the principle of equal treatment of residents of this country. The argument goes that a distribution policy that is specifically aimed at ethnic minorities and makes distinctions in the allocation of housing according to ethnic background is discriminatory and illegal. The idea that ethnic minorities constitute a problem that could be overcome by means of spreading them out over a larger area – by watering them down – is said to be fundamentally discriminatory. Compulsion is deemed inadmissible. Conflicts between native Dutch people and ethnic minorities in concentrated districts are mainly determined by the poor housing and living climate to which both groups are exposed, not so much by the concentration itself. Better relations between the two groups could be promoted by a general policy aimed at overcoming disadvantages.<sup>50</sup> According to some, concentrations play an important role in the reception of migrants. They form a safety net against psychic isolation, provide a social basis for supporting special facilities and a special cultural pattern, and form a bulwark against aggression from the majority.<sup>51</sup>

It is also emphasised that concentration of a particular population group is not a problem as such. The problem has to do with work and schooling. These are the problems that must be tackled, and not the segregation of ethnic minorities.<sup>52</sup>

Some people object to possible positive discrimination – affirmative action – that could develop on account of the position of native housing-seekers and Dutch people living in depressed areas.<sup>53</sup>

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<sup>48</sup> K. Bessems (18.11.2002) Gedwongen spreidingsbeleid [Compulsory distribution policy], Trouw.

<sup>49</sup> Rotterdams Dagblad (28.12.2002) Kabinet wil buitenlanders spreiden over woonwijken [Cabinet wants to spread foreigners throughout residential areas].

<sup>50</sup> This tone can also be found in V.J.M. Smit (1994) Van segregatie naar toegankelijkheid [From segregation to accessibility], in Stedebouw en Volkshuisvesting 1994, number 1/2, p. 18.

<sup>51</sup> C.S. van Praag (1981) Ethnic minorities, huisvesting en spreiding [Ethnic minorities, housing and distribution], S.C.P. Cahier no. 22, Rijswijk: Social and Cultural Planning Agency, pp. 94-101.

<sup>52</sup> S. Musterd and W. Ostendorf (25.02.2003) Integratie lukt ook zonder spreidingsbeleid [Integration also works without a distribution policy], de Volkskrant.

### **5.3.3. Evaluation**

Generally speaking, many voices came out against compulsory distribution and rigid ceilings. According to some, the policy should confine itself to the removal of obstacles that ethnic minorities encounter in their effort to find a home, and to adopting substantial freedom of choice in housing. Making the (better) Housing Act sector more accessible for ethnic minorities implies more distribution. An argument has been put forward for a policy in which ethnic minorities are offered dwellings outside concentrated areas. One proposal was to offer a 5% preferred dwellings arrangement, which was done with success during the great influx of Surinamese and Antilleans in the seventies.<sup>54</sup> The decision by the corporations to set aside housing quotas especially for the benefit of minorities was applauded.<sup>55</sup> Others are insisting, however, that affirmative action on behalf of ethnic minority housing-seekers is no longer necessary or even desirable. With the supply system, which is commonly used in the distribution of living space, ethnic minorities are now able to quickly overcome the initial disadvantage with which they were initially saddled by means of the normal allocation criteria.<sup>56</sup> Finally, a more extensive distribution of the various population groups is made possible through urban renewal, especially by means of differentiated housing supply.

## **5.4. Data on court cases**

### **5.4.1. Complaints before the bench and beyond**

Few cases have been brought to court in recent years. In 1974 and 1984, the court passed judgement on the distribution policy. In 1982 there was a case in which the use of statistical information played a role. One case having to do with a neighbourhood dispute was brought before the CERD Committee. Finally, the Equal Treatment Commission has made fourteen pronouncements on housing questions since 1994, the year it was established. These cases will be discussed in greater detail in Chapter 7.

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<sup>53</sup> Rotterdams Dagblad, 30.12.2002, Pvd A wijst spreiding woningzoekenden af [PvdA rejects the distribution of housing-seekers].

<sup>54</sup> W. Blauw (1991) Housing Segregation in the Netherlands, in E.D. Huttman, W. Blauw and J. Saltman (eds) 1991) Urban Housing Segregation of Minorities in Western Europe and the United States, Durham and London: Duke University Press, 1991, p. 52; J. Jansen (2000) Ergens anders onderdak, Een geschiedenis van opvang en huisvesting van migranten in Nederland, 1945-1995 [Seeking shelter, A history of the reception and housing of immigrants in the Netherlands, 1945-1995], Leiden: University of Leiden, pp. 53-63.

<sup>55</sup> C.S. van Praag (1981) Ethnic minorities, huisvesting en spreiding [Ethnic minorities, housing and distribution], S.C.P. Cahier no. 22, Rijswijk: Social and Cultural Planning Agency, pp.112-113.

<sup>56</sup> C.A. Tazelaar (2002) Hebben ethnic minorities voorrang bij de woonruimteverdeling? [Do ethnic minorities have priority in housing distribution?], in C.A. Tazelaar (ed.) (2002) Multicultureel Nederland in 70 vragen [The multicultural Netherlands in 70 questions], Houten/Diegem: Bohn Stafleu Van Loghum and Lelystad: Koninklijke Vermande, p. 86.

Many complaints have been made concerning neighbourhood disputes. These were documented as follows.

*Table 6 Percentage of complaints about housing*

Year	1997-1999	2000	2001	2002
Total number of complaints concerning discrimination	9925	3297	3913	3902
Complaints about housing	Ca. 1500	Ca. 655	Ca. 800	842
Percentage of total number of complaints that concern housing	14.7%	20%	20%	18%

Basis: information from the following reports, all from the National Federation of Anti-Discrimination Agencies and Hotlines: Rapport Kerncijfers Discriminatie 1997-1999 [Report on Discrimination, Key Figures 1997-1999], Een globale analyse van trends en ontwikkelingen [A global analysis of trends and developments], The Hague, 2000, pp. 6 and 12; Kerncijfers discriminatie 2000 [Key figures on discrimination 2000], Landelijke cijfers over geregistreerde meldingen van discriminatie [National figures concerning registered reports of discrimination], The Hague, 2001, pp. 5 and 7; Rapport Kerncijfers Discriminatie 2001, Een overzicht van discriminatieklachten en -meldingen [Report on Discrimination, Key Figures 2001, An overview of complaints and reports of discrimination], The Hague, 2002, pp. 3 and 8; Klachten en meldingen over ongelijke behandeling, Een overzicht van discriminatieklachten en -meldingen [Complaints and reports of unequal treatment, An overview of complaints and reports of discrimination], 2003, Amsterdam, pp. 4 and 11. These matters will be further discussed in the following chapter.

## **6. Analysis of discrimination**

### **6.1. Introduction**

As the previous chapters suggest, there is evidence of segregation in the Netherlands as well as poorer living conditions for the ethnic minority population in comparison with the native population. According to Veldboer & Duyvendak, equality in the housing market is being held back by three factors. The first issue is exodus: middle and higher income households leaving for better districts. The second is displacement: low income households being forced to leave because of the composition of more mixed districts. And finally there is reduced freedom of choice caused by the scarcity on the housing market.<sup>57</sup> These mechanisms can be regarded as unintentional forms of exclusion but not as discrimination in the sense of intentional subordination. Gowricharn draws the same conclusion with regard to housing in his analysis of inclusion and exclusion in the Netherlands.<sup>58</sup> In the following part of the report we will look more closely at the causes and at the extent to which discrimination plays a role.

### **6.2. Indirect discrimination in the supply system by means of required length of residence**

Despite the existence of a more transparent allocation system, ethnic minorities are still being concentrated in certain districts in the big cities, as we saw in Chapter 5. This is partly because of history, but it can also be explained to a certain extent by the fact that ethnic minorities still do not qualify for the better districts to which they are submitting requests – despite the fact that the supply system is a great step forward over the distribution system. It is the belief of the DUMC, however, that the criteria used by many municipalities and housing corporations still tend to reinforce inequality between native Dutch people and ethnic minorities. The most common criteria are length of residence, length of time on the waiting list and age. Length of residence and age are especially obstructive for the housing of young people as well as for those who have only been active in the Dutch housing market for a short time. The relatively shorter length of residence for ethnic minorities is a result of their

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<sup>57</sup> L. Veldboer and J.W. Duyvendak (2000) De woningmarkt en de politiek van gelijke kansen, Segregatie als probleem en differentiatie als gerechtvaardigde oplossing? [The housing market and the politics of equal opportunity, Segregation as a problem and differentiation as a justified solution?], in R. Holtmaat (ed.) (2000) De toekomst van Gelijkheid, de juridische en maatschappelijke inbedding van de gelijkebehandelingsnorm [The future of Equality, the legal and social embedding of the equal treatment norm], Deventer: Kluwer, pp. 145-160.

<sup>58</sup> R. Gowricharn (2001) In- en uitsluiting in Nederland, Een overzicht van empirische bevindingen [Inclusion and exclusion in the Netherlands, A survey of empirical findings], WRR working document 122, The Hague, p. 23.

younger age structure and the fact that they have been living in the Netherlands for shorter periods of time. As a result of the use of length of residence and/or age as ranking criteria, ethnic minority groups are allocated to the less popular subsidised housing or to private rental. There at least they have less competition from people (often native Dutch) who have a longer length of residence. In this way, ethnic minorities can be confronted with indirect discrimination. An improvement would be to place the accent on length of time on the waiting list.<sup>59</sup>

The negative effect of the length of residence criterion was also revealed in a study carried out in The Hague by the Anti-Discrimination Hotline on concentration and segregation in housing.<sup>60</sup> It was shown that relatively few ethnic minorities live in the better (but often more expensive) rentals. According to the study it must be assumed that factors other than income also play a role in the development of concentrated districts for ethnic minorities. The study also suggests that this situation may be due to the criterion of length of residence that is used to determine allocation. Since the average length of residence built up by ethnic minorities is less than half that of the native population, this is useful for explaining the continued existence of concentrated neighbourhoods. Length of residence is the most important requirement for gaining access to the better houses in the better districts, which is why the length of residence criterion results in discrimination based on ethnicity. There will be less discrimination over the course of time, however, according to the study. The same findings came to light in Rotterdam.<sup>61</sup> Another negative factor is there are very few large dwellings for rent, relatively speaking, that are not too expensive. More ethnic minority families are allotted to that segment of the housing market than native Dutch families.<sup>62</sup>

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<sup>59</sup> J. Jongerden in cooperation with Osmose (2000) *De gedeelde stad, Een case-study naar woningaanbodsystemen en differentiatie binnen wijken in Apeldoorn, Arnhem en Nijmegen* [The divided city, A case study of housing supply systems and differentiation in districts of Apeldoorn, Arnhem and Nijmegen], Arnhem: Osmose, p. 17

<sup>60</sup> L. Lindler (2002) *Ruimtelijke segregatie van afkomstgroepen in The Hague: Wiens keuze* [The spatial segregation of groups of origin in The Hague: Whose choice], The Hague: Meldpunt Discriminatiezaken.

<sup>61</sup> COS/Radar (2001) *Migranten op de Rotterdamse woningmarkt: verhuisstromen en zoekervaringen binnen het aanbodmodel* [Migrants in the Rotterdam housing market: housing currents and search experience within the supply model], Rotterdam.

<sup>62</sup> L. Lindler (2002) *Ruimtelijke segregatie van afkomstgroepen in The Hague: Wiens keuze* [The spatial segregation of groups of origin in The Hague: Whose choice], The Hague: Meldpunt Discriminatiezaken

### 6.3. Segregation and income

One obstacle that may be difficult to remove is the considerable spatial segregation according to income and ethnicity that exists in the big cities. Many see segregation in housing as mainly a socio-economic problem.<sup>63</sup> For financial reasons, ethnic minorities are sometimes no match for the native Dutch population in the competition for better housing. The fact that the average household incomes of ethnic minorities are lower than those of native Dutch people explains their less favourable position in the more expensive segments of the housing market.<sup>64</sup>

Although labour participation increased for most minority groups in 2002, it is still low in comparison with native Dutch participation. Less than half the women with a non-Western foreign background participate in the labour process. The decline in unemployment came to a halt in 2002; because of the economic decline, all groups experienced greater unemployment than in previous years. People with a non-Western foreign background seem to have a greater chance of becoming unemployed than those with Western backgrounds, which may be connected with the fact that they are more likely to have flexible and temporary work contracts. Similarly, more people with non-Western foreign backgrounds receive disablement benefits than other groups. Women with Turkish backgrounds have the greatest chance of ending up in the disablement pool. In addition, there are significant differences in remuneration between native Dutch workers and people with a non-Western foreign background.<sup>65</sup> The latter work more often at badly-paid jobs (usually without any career perspective) or are among the long-term unemployed.<sup>66</sup> This is especially true for Turks, Moroccans, Surinamese and Antilleans.<sup>67</sup> It is clear that housing can only play a role in preventing segregation in combination with other policy fields such as labour market policy and social security.<sup>68</sup>

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<sup>63</sup> G.S. Bolt and R. van Kempen (year unknown) Segregation and Turks' housing conditions in middle-sized Dutch cities, in *New Community* 23 (3), p. 363-384; C.A. Tazelaar (2000) *Huisvesting* [Housing], in J.E. Overdijk-Francis et al. (1984-...) *Handboek Minderheden* [Minorities handbook], Houten: Bohn Stafleu Van Loghum and The Hague: SDU Uitgevers/Koninklijke Vermande, (loose-leaf), p. 6/1050-7; J. Teunissen and C. Veltman (30.10.1993) *Angst voor een donkere huid* [Fear of dark skin], in *HN*, p. 12.

<sup>64</sup> J. van Donselaar and P.R. Rodrigues (2002) *Monitor racisme en extreem-rechts, vijfde rapportage* [Monitor on racism and the extreme right, fifth edition], Amsterdam: Anne Frank Stichting and Leiden: Department of Public Administration, University of Leiden, pp. 156-157.

<sup>65</sup> DUMC labour report, 2003

<sup>66</sup> P.T.M. Tesser, F.A. van Dugteren and C.S. van Praag, *Rapportage Minderheden 1994, Ruimtelijke Spreiding van Ethnic minorities: Ontwikkelingen, Achtergronden, Gevolgen* [Minorities Report 1994, Spatial distribution of ethnic minorities: Developments, backgrounds, consequences], Rijswijk: Social and Cultural Planning Agency, p.88.

<sup>67</sup> R. van Kempen et al. (2000) *Segregatie en concentratie in Nederlandse steden: mogelijke effecten en mogelijk beleid* [Segregation and concentration in Dutch cities: possible effects and possible policy], Assen: Van Gorcum, pp. 28-29.

<sup>68</sup> R. van Kempen and H. Priemus (1999) *Undivided Cities in the Netherlands: Present Situation and Political Rhetoric*, in *Housing Studies*, Vol. 14, No. 5, p. 655

The fact that ethnic minority groups have lower incomes does not fully explain the problems in subsidised renting, however. The system of individual rent subsidies described above is supposed to guarantee accessibility to the dwellings in this sector for low-income households. Research shows that in reality this is not always the case. This has to do with the fact that individual rent subsidies involve only modest amounts, with income requirements applicable to various rents. A large group of ethnic minorities does profit from this: 40% of all ethnic minority households make use of the system as opposed to 25% of the native Dutch households.<sup>69</sup> This enlarges the freedom of choice in the housing market; the strength of the system has a desegregating effect, according to the DUMC.<sup>70</sup>

#### **6.4. Segregation and education**

The DUMC report on education reveals that there are a growing number of black schools.<sup>71</sup> This is partly a result of the composition of the district in which a particular school is located, but the parental decision to choose a school that is different from the district school also plays a role. Article 23 of the Dutch Constitution lays down the principle of free school choice for everyone. Children are not obligated to attend any school in particular, although school choice seems mainly to be based on proximity. This means that schools in neighbourhoods with large numbers of ethnic minorities take in large number of ethnic minority pupils.

However, ethnic segregation in the distribution of students in schools is greater than residential segregation. It is suspected that for parents, the number of ethnic minority children serves as another factor in making a school choice, in addition to proximity. Given the sensitive character of such considerations, it is not clear how many parents decide on another more distant school for this reason. This phenomenon, which for years has been described as 'white flight', is not limited to native Dutch parents. More and more ethnic minority parents are choosing what are called 'whiter' schools. This is referred to as 'black flight'. According to the SCO-Kohnstamm Institute, ethnic segregation in primary schools is a common phenomenon that is on the increase. It is caused by a combination of demographic factors, parents' school choice patterns and

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<sup>69</sup> E.P. Martens (1999) *Minderheden in beeld* [Minorities at a glance], SPVA-98, Rotterdam: Institute for Socio-Economic Research (Sociologisch-Economisch Onderzoek; ISEO), p.72.

<sup>70</sup> C.A. Tazelaar (2000) *Huisvesting* [Housing], in J.E. Overdijk-Francis et al. (eds.) (1984-...) *Handboek Minderheden* [Minorities handbook], Houten: Bohn Stafleu Van Loghum and The Hague SDU Uitgevers/Koninklijke Vermande, (loose-leaf.), p. 6/1050-10.

<sup>71</sup> DUMC education report 2003.

the way the schools present themselves.<sup>72</sup> The opposite is also known to occur. In Amsterdam one neighbourhood was so thoroughly restructured that many young families came to live there. This caused the neighbouring school to become more 'white', with 35% of all the students coming from the newly constructed homes. Before that, 70% of the students at this school were from ethnic minority backgrounds; now that was no longer the case.<sup>73</sup>

If proportionately more native Dutch parents choose white schools, this contributes to segregation. But if ethnic minority parents are dealing with the same considerations, and have the same opportunities regarding choice of school for their child, then the ethnic minority parents are also free to move their children from a black to a white school.

This is not to say that black schools are of lower quality than white schools. A report issued by the Social and Cultural Planning Office (Sociaal Cultureel Planbureau; SCP) in 1995 stated that at that time there was no convincing proof that social integration at schools is impeded when many ethnic minority students are in attendance, and that the degree of concentration as such contributes to poorer academic performance. The differences in academic performance between schools are so large that they cannot be attributed to concentration alone. In other words, there are also qualitatively good black schools and qualitatively poor white schools. This picture is confirmed in the 2001 Minorities Report.<sup>74</sup> It is true, however, that the Schools Inspectorate stated in its report for 2001 that there were proportionately more black schools among the weak schools. The Council noted at the same time that this lower quality cannot be blamed on ethnic minority students, but that the black schools struggle with multiple problems varying from poor building structures to understaffing on account of long-standing job openings.

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<sup>72</sup> S. Kartsen et al. (2002) *Schoolkeuze in een multi-etnische samenleving* [Choice of school in a multi-ethnic society], Amsterdam: SCO Kohnstam Instituut, p.121

<sup>73</sup> E. van Beckhoven and R. van Kempen (2003) *Het Utrechtse Ondiep en de Amsterdamse Staatsliedenbuurt, Over de maakbaarheid van herstructureringswijken* [The Utrecht Ondiep and the Amsterdam Staatsliedenbuurt, On the possibility of engineering the restructuring districts], in *Geografie*, May 2003, p. 31

<sup>74</sup> P.T.M. Tesser and J. Iedema (2002) *Rapportage Minderheden 2001: Vorderingen op school* [Minorities Report 2001: Progress at school], The Hague: SCP, p.208

## 6.5. Data on court cases

### 6.5.1. Housing allocation

#### 6.5.1.1. Supreme Court

Usually, a landlord will not regard the ethnic background of a candidate tenant as grounds for refusal to enter into a rental contract. It is not always easy to demonstrate the discriminatory character of the refusal, but sometimes it can be done. The Binderen arrest of 1982 was a pioneering arrest.<sup>75</sup> The Supreme Court decided to reverse the burden of proof on the grounds of statistical information. Kaya, a Turkish man with Dutch citizenship, substantiated his claim for allocation of living space by successfully pleaded in court that from 1975 through 1980 the Binderen housing corporation had allocated only one of the 543 newly available dwellings to what was still being designated as a foreigner. By way of comparison: other local corporations allocated 7.2% of the newly available dwellings to foreigners. In addition, Kaya related the number of home-seeking registered foreigners (10.2%) to the proportion of such home-seekers in Binderen's rental file (three foreigners out of 1,788 renters). This was put forward to prove that Binderen's discriminatory behaviour was the reason why Kaya, too, had been forced to wait for years for a dwelling. The court followed the argument for the most part and requested Binderen to demonstrate that not offering Kaya a dwelling had been based on lawfully admissible grounds, thereby in a certain sense reversing the burden of proof. In cassation, the Supreme Court decided 'that there was no legal ruling against the court regarding statistical differences such as those presented as sufficient justification for the allegation that discrimination has taken place, nor does court derive a substantial suspicion of discrimination from such differences, and only on the grounds that suspecting the party accused of discrimination places the burden on him to demonstrate that the discrimination of which he is accused is based on legally admissible grounds.'<sup>76</sup>

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<sup>75</sup> HR 10 December 1982, NJ 1983, 687; also published in A.C. Possel (ed.) (1987), *Rechtspraak Rassendiscriminatie* [Administering law in racial discrimination], Lelystad: Koninklijke Vermande Uitgevers, no. 44.

<sup>76</sup> C.A. Tazelaar (1997) *Huisvesting* [Housing], in C.F. Pattipawae and C.A. Tazelaar (ed.) (1997) *Met recht discriminatie bestrijden* [Fighting discrimination with law], Utrecht: National Agency to Combat Racial Discrimination, pp. 145-146.

#### *6.5.1.2. Equal Treatment Commission*

In 1997, the first of the total of fourteen judgements passed by the Equal Treatment Commission concerning allocation and rental of living space was pronounced.<sup>77</sup> The first judgement had to do with a petitioner who had registered for a rented dwelling and had been on the waiting list for years. The only dwellings he was offered by the opposing party, a landlord, were those that did not satisfy his needs. In addition, the opposing party had offered dwellings that did satisfy his needs to other people for whom such a dwelling was not necessary. The petitioner argued that by not offering him any suitable dwellings, the opposing party was discriminating on the basis of his ethnic origins. The Commission came to the conclusion that the opposing party had clearly demonstrated that the situation was to be attributed to the accumulation of the petitioner's specific dwelling needs. The Commission determined that no law had been broken.

In 2000, two judgements were passed concerning the same petitioner, who had responded to an advertisement for a rented dwelling which turned out to have been already allocated to another tenant. The petitioner did not qualify for another rented dwelling because his taxable income was too low. According to the Commission, ethnic origins played no role in the refusal.<sup>78</sup> In the other case concerning the same complaint, the Commission decided that the petition was not admissible.<sup>79</sup>

In 2001, two complaints were submitted concerning the refusal to rent accommodations for the housing of single, underage asylum seekers.<sup>80</sup> The Commission decided that in the first case the landlord had committed indirect discrimination on the basis of nationality and had broken the law; the landlord argued that the accommodation which the asylum seekers had applied for could not be rented to the asylum seekers because the space had already been rented out in the period concerned. This could not be proved by the landlord, however, so that according to the Commission the suspicion of discrimination was justified. The second case had to do with mediation in the rental of accommodation for asylum seekers. The question under discussion was whether the mediator should have clearly explained to the asylum seekers what kinds of steps had been taken against

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<sup>77</sup> CGB judgement no. 1997-91.

<sup>78</sup> CGB judgement no. 2000-78.

<sup>79</sup> CGB judgement no.2000-77.

the landlord as a result of the discriminatory rental policy mentioned in the previous case. The Commission decided that this negligence did not warrant concluding that the mediator was also guilty of discrimination.

In the case of a Sudanese asylum seeker who was refused the rental of a room, the Commission's judgement was that direct discrimination on the basis of nationality had taken place.<sup>81</sup> An employee of the room rental company had announced by telephone that supposedly there were too many asylum seekers living in the location in question. The opposing party was not able to refute this suspicion of direct discrimination.

A complaint by an Antillean room-seeker made in 2001 was rejected.<sup>82</sup> According to the Commission, the room rental company had not discriminated against him on the basis of his origins. The refusal, which was based on the man's history of drug involvement and his inadequate means of support, were not connected to his ethnicity.

Petitioners of Iranian origin in 2002 accused a housing corporation that rents dwellings in the subsidised sector that it had discriminated on the basis of race.<sup>83</sup> They said native Dutch housing-seekers had a better chance on the housing market than ethnic minorities. The Commission, however, decided that on the grounds of the actual course of events, the petitioners themselves were partly responsible in this case for not moving on within a reasonable or average amount of time to a suitable and larger dwelling. Indirect discrimination on the basis of race was not demonstrated. No law had been broken. The same decision was made in a second complaint by the Iranians against another housing corporation.

At the end of 2002 a judgement was made that was based more on principles. The petitioner was an asylum seeker from Sierra Leone and holder of a residence permit for a fixed period of asylum.<sup>84</sup> He was registered with a landlord from the subsidised housing sector. The petitioner was offered a dwelling in writing, but the offer was

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<sup>80</sup> CGB judgement nos. 2001-69 and 2001-70.

<sup>81</sup> CGB judgement no. 2001-31.

<sup>82</sup> CGB judgement no. 2001-41.

<sup>83</sup> CGB judgement no. 2002-158 and 2002-159.

verbally withdrawn because the petitioner was an asylum seeker. The defendant was prepared to offer the petitioner a dwelling on sublease, with the municipality acting as landlord. The Commission was of the opinion that this makes the defendant guilty of indirect discrimination on the basis of nationality because the defendant's policy would overwhelmingly affect persons of non-Dutch nationality. The Commission deemed the goal of this policy – limiting the business risk of the defendant – to be of insufficient weight. The indirect discrimination committed by the defendant on the basis of nationality was therefore not objectively justified. This case had a follow-up on 23 May 2003.<sup>85</sup> The Commission argued that the present Rent Act contains a flaw. Under the present law, the rental agreement does not automatically end when the residency status of a foreigner is terminated or withdrawn, which makes landlords reluctant to enter into rental agreements in the first place. But this is in conflict with the equal treatment legislation. Several parties have now been made aware of this and will pose questions to the Permanent Parliamentary Committee for Housing on the possibility of adapting the Rent Act on this point. The Commission has sent its judgement to the Ministers of Housing and Alien Affairs.

A recent case took place in Oostburg.<sup>86</sup> The Equal Treatment Commission decided that an estate agent from Oostburg had discriminated when he refused to rent a dwelling in Sluis to a Turkish family. The family in question consisted of four persons from an asylum seeker centre in Cadzand who were looking for temporary housing. Initially the landlord agreed to rent the dwelling. But when he discovered that the family were Turkish, he backed out. One of his fears was that the family would make a mess in the dwelling. The estate agent argued that he only rented to one- and two-person households because the dwellings he owned were not suitable for families. The Equal Treatment Commission was not convinced, however. On the basis of this decision the Turkish family were able to take further legal steps, but they decided not to because in the meantime they found other housing in Sluis.

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<sup>84</sup> CGB judgement no. 2002-202.

<sup>85</sup> See notes under judgement no. 23-05-2003 of the Equal Treatment Commission, [www.cgb.nl](http://www.cgb.nl) (July 2003)

<sup>86</sup> R. van Stee (27.05.2003) Makelaar ontkent discriminatie van Turks gezin [Estate agent denies discriminating against Turkish family], in De Stem, CGB judgement no. 2003-65.

## 6.5.2. Distribution policy

### 6.5.2.1. *The Crown*

There are some older cases that are of importance, especially regarding a possible distribution policy. On 17 August 1972 and 28 September 1972 (in altered form), the city of Rotterdam agreed to a change in the housing allocation ordinance in which it was decided that a housing permit could be refused if by granting of the permit 'the proportional composition of the population of the district in which the dwelling is located becomes endangered.' The ordinance became known as the '5% ordinance'. According to the documents, the ordinance was aiming for a proportional distribution of foreigners across the city. In principal, no more foreigners would be placed in the district as soon as the 5% limit had been reached. The limit could be shifted some time in the future, depending on the growth of the total population of foreigners in Rotterdam.<sup>87</sup>

The decision was nullified by the Crown in 1974 because it would be foreign to the effective division of housing as intended in the Housing Act, and it would be discriminatory (Royal Decree of 10 September 1974). According to the Crown, the result of the decree was that everyone was not guaranteed equality before the law, free of discrimination based on race, skin colour or national or ethnic origins with regard to the right to housing, so the decisions were nullified.<sup>88</sup>

### 6.5.2.2. *Subdistrict court*

A housing foundation in Eindhoven wanted to create a more evenly composed population and thereby promote the integration of ethnic minorities as well. For this reason it decided not to participate in a planned housing exchange because it thought the exchange would create concentrations of foreigners. The subdistrict court rejected the reasoning and decreed that the foundation's decision was manifestly discriminatory and in conflict with art. 429quater of the Penal Code.<sup>89</sup> The subdistrict court thereby decided in line with art. 1 of the Convention on the Elimination of all forms of Racial Discrimination and art. 90quater of the Penal Code. In the definitions

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<sup>87</sup> C.A. Tazelaar (1992) *Woningtoewijzing en etniciteit, Juridische grenzen aan spreidingsbeleid* [Housing allocation and ethnicity, Legal limits to distribution policy], in *Migrantenrecht*, no. 2/3, p.53.

<sup>88</sup> A.C. Possel (ed.) (1987), *Rechtspraak Rassendiscriminatie* [Administering law in racial discrimination], Lelystad: Koninklijke Vermande, 1987, nos. 1 and 2.

of discrimination included in those pieces of legislation there is mention of discrimination that results or can result in an attack on rights. The point is therefore not whether the perpetrator has intended to commit discrimination; the important thing is whether his actions (or neglect) resulted or could result in discrimination.<sup>90</sup> Here, too, the distribution policy was weakened by the court.

### **6.5.3. Neighbourhood disputes**

#### **6.5.3.1. Introduction**

Neighbourhood disputes are sometimes discriminatory in character. A victimized resident can wrongfully sue the troublemaker. A demand can be made to stop the trouble, accompanied by a demand for the imposition of damages. This path is rarely taken. It is also important here that the landlord can be sued as well. The landlord is responsible for the peaceful living situation of his tenants. If other tenants disturb this living situation, they are not using the rented property as good tenants, which means they are not complying with all their obligations as laid down in the rent law. The landlord can then appeal to the court to annul the rental contract with the troublemaker. The Supreme Court has been also of this opinion.<sup>91 92</sup> In only a few cases has the legal path been opted for in the case of neighbourhood disputes.

#### **6.5.3.2. CERD Committee**

An example of taking the option to submit a complaint to the CERD Committee was that of a Moroccan man in 1989, who was about to be allocated a dwelling by the housing corporation but was unable to look at and then accept it because the neighbourhood residents made it impossible for him. This involved a series of criminal acts. A group of neighbourhood residents living in the street let him know that they wanted no more foreigners living there. The residents then went around with a petition and gathered signatures. During both the first and the second visit (along with someone from the Housing Management service) it was said that the dwelling

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<sup>89</sup> A.C. Possel (ed.) (1991) *Rechtspraak Rassendiscriminatie 1988-1990* [Administering law in racial discrimination 1988-1990], Zwolle: W.E.J. Tjeenk Willink, no. 162.

<sup>90</sup> C.A. Tazelaar (1997) *Huisvesting [Housing]*, in C.F. Pattipawae and C.A. Tazelaar (ed.) (1997) *Met recht discriminatie bestrijden [Fighting discrimination with law]*, Utrecht: National Agency to Combat Racial Discrimination, p. 143.

<sup>91</sup> HR 16 October 1992, NJ 1993, 167; also see note with Pres. Rb Amsterdam 19 October 1989, A.C. Possel (ed.) (1991) *Rechtspraak Rassendiscriminatie 1988-1990* [Administering law in racial discrimination 1988-1990], Zwolle: W.E.J. Tjeenk Willink, no. 229

<sup>92</sup> C.A. Tazelaar (1997) *Huisvesting [Housing]*, in Pattipawae, C.F. and C.A. Tazelaar (ed.) (1997) *Met recht discriminatie bestrijden [Fighting discrimination with law]*, Utrecht: National Agency to Combat Racial Discrimination, p. 155-156

would be set on fire if the plaintiff moved in. According to the police it was no longer possible to ascertain which of the residents was responsible for the threats. No criminal proceedings were brought against the residents. The complaint had to do with the failure to initiate criminal proceedings. The complaint was rejected and with that the national means of legal redress were exhausted. The Moroccan turned to the CERD Committee. The Committee came to the following conclusion in 1993: 'When threats of racial violence are made, and especially when they are made in public and by a group, it is incumbent upon the State to investigate with due diligence and expedition. In the instant case, the State party failed to do this.'<sup>93</sup>

#### *6.5.3.3. President of the Almelo Court of Law*

A housing corporation in Oldenzaal withdrew an offer of a dwelling that had been made to a Roma or Sinti family. The family had already accepted the offer made by the corporation within the appointed time limit, but three weeks after the acceptance the landlord withdrew the offer. Neighbourhood residents had objected to the arrival of the family. The president of the Almelo Court of Law sustained the claim for allocation of the dwelling on formal grounds: he held that 'first making an offer, and then withdrawing the offer when objections arise (...) must be regarded (...) as unlawful.' He did not pass judgement on whether a landlord is entitled to allow an offer of a dwelling to depend (or partly depend) on discriminatory objections made by neighbourhood residents. Tazelaar is of the opinion that the argument that refusing a contract on the basis of discriminatory considerations is valid is blatantly unlawful.<sup>94</sup>

### **6.6. Other complaints**

Unlike the few cases that are introduced to the Equal Treatment Commission, a large number of complaints are brought before the Anti-Discrimination Agencies of the Netherlands. The figures are collected by their coordinating organisation, the National Federation of Anti-Discrimination Agencies and Hotlines (Landelijke Vereniging van Anti Discriminatie Bureaus en Meldpunten, or the LVADB). These complaints are not related to the dwellings themselves so much as the housing environment, which implies neighbourhood conflicts. Examples of this are a Surinamese woman who was called a 'nigger' and 'ape' by a neighbourhood resident. Her young son was beaten

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<sup>93</sup> E.C. De Jong-Behoekoe Nam Radja (1997) *Strafrecht* [Criminal law], in C.F. Pattipawae and C.A. Tazelaar (ed.) (1997) *Met recht discriminatie bestrijden* [Fighting discrimination with law], Utrecht: National Agency to Combat Racial Discrimination, p. 55.

<sup>94</sup> President of the Almelo Court of Justice, 12 April 1990, A.C. Possel (ed.) (1991) *Rechtspraak Rassendiscriminatie 1988-1990* [Administering law in racial discrimination 1988-1990], Zwolle: W.E.J. Tjeenk Willink, no. 240, annotated by Tazelaar.

and kicked. All this was accompanied by discriminatory remarks. Another example is a family that received a letter containing the threat 'Go back to the country where you came from...'. A small flag with a skull is included with the letter. The family were also harassed at the door. The perpetrators even subscribed them to various magazines and newspapers without their consent.<sup>95</sup> From 1997 to 1999, complaints involving housing made up 14.7%, or about 1,500, of all complaints received. In 2000 they made up 655 complaints, 20% of the total, a rise of 3%. In 2001 the figure was around 800 complaints involving housing, again 20% of the total. Incidents between neighbours and neighbourhood residents, in other words, have increased dramatically. Finally, there were 842 complaints concerning housing in 2002, 21%, with the accent explicitly on neighbourhood conflicts (18%).<sup>96</sup> In 2002, for the first time this area formed a larger share of the total than the 'labour market' area, which up until then had always taken first place.

In Amsterdam, the 'neighbourhood dispute' group formed half of the total number of cases involving housing in 2000.<sup>97</sup> This was also true in The Hague: 54% in 1999 and 42% in 2000.<sup>98</sup> The figures were just as high in Rotterdam.<sup>99</sup>

The neighbourhood or district is the quintessential location where the transition to the multi-ethnic society – and all the attendant tensions – are expressed. The LVADB is of the opinion that there is reason to believe that complaints of discrimination in the neighbourhood to a great extent reflect social relationships. In 2001 and 2002, the discussion on the multi-ethnic society was carried on with great intensity, and the attacks in the United States also had an effect on the way in which various ethnic groups in the Netherlands regard each other. It is possible that these tensions were reinforced by the way in which the themes of migration and integration were addressed during the course of the elections. In the past these subjects were discussed with caution, but this seems to have been discarded in the name of

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<sup>95</sup> National Federation of Anti-Discrimination Agencies and Hotlines (2002) Rapport Kerncijfers Discriminatie 2001, Een overzicht van discriminatieklachten en - meldingen [Report on the key figures for discrimination for 2001, A survey of complaints and reports of discrimination], The Hague: LVADB's and Hotlines, p. 9.

<sup>96</sup> National Federation of Anti-Discrimination Agencies and Hotlines (2003) Kerncijfers 2002, Klachten en meldingen over ongelijke behandeling, Een overzicht van discriminatieklachten en - meldingen [Key figures for 2002, Complaints and reports of discrimination], Amsterdam: LVADB, p. 11.

<sup>97</sup> Annual report 2000, Amsterdam Discrimination Hotline.

<sup>98</sup> Trend report from the Bureau for discrimination law suits 1999-2000, Bureau for discrimination law suits, The Hague.

<sup>99</sup> C. Lepelaars and A. van Ast (2000) Discriminatie en achterstelling van minderheden in de huisvestingssector in Rotterdam (1998-1999) [Discrimination and neglect of minorities in the housing sector in Rotterdam (1998-1999)], Rotterdam: Rotterdams Anti-Discrimination Council.

freedom of expression. It is conceivable that the way in which the social questions of safety and minorities are combined in the public debate has been translated in the increase of interethnic conflicts.<sup>100</sup>

Some of the following cases are related to the case of the Moroccan who was excluded from a neighbourhood in Utrecht and turned to the CERD Committee for help.

- In the summer of 1997, a Somalian family was awarded a dwelling in Den Bosch. When they went to look at the house they had been given, a group of thirty angry neighbourhood residents was there waiting for them. Written on their banner were the words 'We don't want Somalians; full is full.'
- A similar situation took place in Tilburg in 1998. This had to do with a Roma or Sinti family. On the banner were the words 'Gypsies go home' and 'Think different. Think Dutch'.<sup>101</sup>
- A Yugoslav refugee family who wanted to move from Papendrecht to a certain district in Dordrecht also ran into problems. The Yugoslavs had been given a house by the Woondrecht foundation. First all the windows of the house were smashed. Then the dwelling was covered with Nazi slogans, swastikas and runic signs. The housing corporation also received many threatening telephone calls. Woondrecht therefore decided to place the Balkan family elsewhere in Dordrecht.<sup>102</sup>
- In Delft in 2000, a Surinamese woman decided not to move into a dwelling in Trompetstreet because of threats she had received. First racist slogans were scribbled on the dwelling ('Negroes go home'), then the woman's car tyres were punctured.<sup>103</sup>

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<sup>100</sup> National Federation of Anti-Discrimination Agencies and Hotlines (2003) Kerncijfers 2002, Klachten en meldingen over ongelijke behandeling. Een overzicht van discriminatieklachten en -meldingen [Key figures for 2002, Complaints and reports of unequal treatment, A survey of complaints and reports of discrimination], Amsterdam: LVADB, p. 15.

<sup>101</sup> Both cases mentioned by A. Kloosterman (1998) Mogelijkheden van huurrecht bij buurtprotest tegen woningtoewijzing [Possibilities of rental rights in neighbourhood protest against housing allocation], in LBR-Bulletin, 2/98, p. 8.

<sup>102</sup> H. Horsten (23.05.1996) Buitenlanders zijn welkom, zolang het mag van de buurt [Foreigners are welcome as long as the neighbourhood consents], in de Volkskrant

<sup>103</sup> NRC Handelsblad (10.02.2000)

- A man of Turkish origins wanted to buy a house in 's Gravenland, Capelle aan de IJssel in 2003. After the man had made all the arrangements, the estate agent told him that he had received a fax signed by all the neighbourhood residents saying they did not want any foreigners in their neighbourhood. The estate agent still wanted to sell the man the house, and he tore the fax up. The man no longer wanted to buy the house, quoting a saying from the Turkish culture: 'if the neighbours are good, the house is good'. RADAR, the Rotterdam anti-discrimination agency, got in touch with the estate agent. It was learned that the fax had said that if foreigners moved into the house it would take the pleasure out of living in the neighbourhood. The fax was signed, 'the neighbourhood residents'.<sup>104</sup>

In other cases, people move away, or threaten to move away, under pressure from a hostile environment.

- In 1998, an Iraqi family in Volendam were harassed until they moved away. They had lived there for five years. It started with an egg that was thrown at one of their windows. After the egg came a brick, then a paving stone. Several windows were smashed. Then the living room window, the back window, the window in the front door. Rubbish bags were put in the front garden. The police were notified sixteen times. In the meantime, the satellite dish was destroyed and slogans were scribbled on the windows. A Molotov cocktail was thrown into the garden, with flames rising to the bedroom window. Neighbourhood residents testified that little was seen of the police. The police, however, insisted they could not investigate the incidents as long as they did not follow a regular pattern. After five years the Iraqi family heard they could get a flat in Zoetermeer, so they decided to move.<sup>105</sup>
- This kind of incident was still taking place in 2003. A family with two adopted children from Haiti had lived in Veenendaal-West since 1 February 2001. Few problems occurred until certain families came to live in the neighbourhood.

<sup>104</sup> Complaint database of the Rotterdam Anti-Discrimination Council, no. 461-02

<sup>105</sup> E. Brandt (03.06.1998) Weggepest uit Volendam [Driven out of Volendam], in de Groene Amsterdammer.

After that, toys were snatched, a child was threatened with a knife, threats were made with a toy pistol, eggs were thrown at the windows, an attempt was made to set the carport on fire, cars were scratched and tyres punctured. The dustbins were tipped over several times. The house is now being sold so the family can move out.

- An African woman at first had good contact with her neighbours in The Hague. After an incident with these neighbours, several neighbourhood residents conspired together against her. The conflict got out of hand; the woman was assaulted and felt it necessary to leave the neighbourhood.<sup>106</sup>
- A Dutch man and woman of 64 years called the Rotterdam anti-discrimination agency to lodge a complaint against a group of Moroccan boys who had been causing problems in the neighbourhood for quite some time. The situation involved a group of about twelve boys in the western part of the city who were making the entire neighbourhood unsafe. The man and woman had already been troubled by them several times. This resulted in threats, being spat on, vandalism and broken windows. The couple had tried to talk with the parents of the boys on several occasions, but the couple said the parents could not understand Dutch. The police took no action either. The couple said they were supporters of the multicultural society, but this, they said, was going too far.
- A 45-year-old woman of Surinamese origins had lived in a district of eastern Rotterdam for seventeen years. Three years before, new people had come to live next door, a Dutch family. In April 2003 the 13-year-old daughter of the Surinamese woman began complaining that these neighbours were exhibiting a racist attitude towards her. On 23 September, her daughter and a girlfriend were spoken to in the street by the neighbours (man, woman, daughter and son-in-law). The neighbours shouted that the daughter had urinated in the stair well and had been a nuisance. The child was verbally attacked by these four persons. That evening, the mother came home and heard this from her daughter. The daughter was extremely upset by what had happened. The next

day, the mother went to talk to the neighbours. She was met at the door by the family's son, who no longer lived at home. The Surinamese woman told him what had happened, and the boy said, 'If you touch them, you touch me'. He called her daughter a 'fat Surinamese girl' and threatened to 'beat [the mother] to a pulp'. The mother and sister later walked up and began to rant at the Surinamese woman: 'This is why we voted for Pim Fortuyn, to get rid of you people and send you back to your own country'; 'I'm not afraid of you'. There were witnesses to this discussion. The Surinamese woman then called the housing corporation and explained what had happened. They listened to sympathetically. Other complaints had come in about the same neighbours.<sup>107</sup>

It can be concluded that a considerable number of conflicts take place in local neighbourhoods that seldom end up in court. The solution to these kinds of conflicts usually does not lie in taking legal action. Although in the above cases this was not always possible, neighbourhood arbitration is often called in.

Individual violent incidents regularly take place that are somewhat disconnected from neighbourhood conflicts, although the dividing line is not always easy to draw. The following examples come to mind:

- The car of a Jewish family was covered with stickers from an international neo-Nazi organisation; a sizeable number of Jewish families have been targets of specific graffiti scrawled on the front door, fencing or letter box.
- The home of a Turkish family was smeared with slogans: 'filthy dirty Turk' and 'Turk go home'.
- An ethnic minority family was threatened by neighbours: 'I'll murder your kids and cut them up in pieces and stick them in a rubbish bag'.

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<sup>106</sup> These last mentioned cases are both from J. van Donselaar and P.R. Rodrigues (2001) *Monitor racism en extreem-rechts, vierde rapportage* [Monitor on racism and the extreme right; fifth edition], Amsterdam: Anne Frank Stichting, Leiden: Department of Public Administration, University of Leiden, p. 105.

<sup>107</sup> Complaints database of the Rotterdam Anti-Discrimination Council, no. 428-02.

- A paving stone was thrown through the window of the home of an ethnic minority family. A letter was tied to the stone with the words 'Ausländer raus'.
- The windows were smashed in the homes of a Turkish and a Moroccan family in Maastricht
- A Turkish man was assaulted by his neighbours.<sup>108</sup>
- A Moroccan family in Gouda became the target of racist actions. The house and car were smeared with intimidating and insulting words and drawings. The tyres of the care were also punctured. The police speak of actions of a specifically racist nature.
- Arson is committed at the home of an Iraqi family in Deventer. The perpetrators threw a stone through a window and tried to set fire to the living room and bedrooms.<sup>109</sup>

## 6.7 Room rental

### 6.7.1. Introduction

Problems occur not only in the renting of full dwellings but also in the renting of rooms. The room rental market is that part of the housing market that has to do with the renting of attached living space. In the Netherlands, individual rooms are also sometimes rented out privately by the main residents of a particular dwelling. This kind of rental will not be discussed here because the equal treatment of native and ethnic minority young people in this part of the market cannot be achieved by means of public law. The second segment of the room rental market takes place in the commercial realm. The landlord himself usually does not live in the same rented building. The landlord may also be a company. Commercial room rental takes place through the owners of buildings (not housing corporations), who rent these living spaces entirely or partially on a room-by-room basis to make a profit. Subsidised

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<sup>108</sup> Examples mentioned in J. van Donselaar and P.R. Rodrigues (2001) *Monitor Racisme en Extreem Rechts*, vierde rapportage [Monitor on racism and the extreme right; fourth edition], Amsterdam: Anne Frank Stichting, Leiden: Department of Public Administration, University of Leiden, pp. 8-11.

room rental forms the third segment of the room market. Besides the housing corporations, the Student and Young People's Housing Foundation is involved with this aspect of room rental. Government involvement in the distribution of rented rooms is possible in the second and third segments. There are room rental mediating authorities active in all segments of the room rental market. They mediate between people looking for rooms and the private, commercial and subsidising landlords. Government involvement is also possible in room rental arbitration.

### **6.7.2. Distribution of rooms**

Landlords of both commercial and subsidised room have always had a great deal of freedom to employ their own distribution system and to establish their own rules for allocation. The criteria that are most often used are age, time of the waiting list or travel distance. Ultimately it is the so-called co-option system that determines who will be assigned a particular room. This means that current residents have an important contribution to make in allocating the available room. Often the procedure is as follows. The room landlord sent a number of (urgent) room seekers to the department, corridor or unit where the room has become available. The current residents can then organise a meeting. The room seekers attend the meeting and try to make a good impression with the current residents in the hope of being chosen to sign a contract with the landlord. Usually the co-option system is never 'pure' (the current residents are free to determine who may rent the vacant room) but 'limited' (residents must choose between, say, three room seekers who are appointed by the landlord).

The danger with this system has always been that native Dutch residential pools remain native. Sometimes there are room mediation agencies that operate as intermediaries between landlords and room seekers. Obviously, any discriminatory wishes that a landlord may have (such as 'only Dutch' or 'only Dutch-speaking candidates will qualify') in the intermediaries' selection mechanisms will play a role.

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<sup>109</sup> J. van Donselaar and P.R. Rodrigues (2002) Monitor Racisme en Extreem Rechts, vijfde rapportage [Monitor on racism and the extreme right; fifth edition], Amsterdam: Anne Frank Stichting en Leiden: Department of Public Administration, University of Leiden, p.20.

### **6.7.3. Disadvantage and discrimination**

There is little information at the national level on disadvantage and discrimination against ethnic minority young people in the room rental market. This situation should be studied more closely. As far as the relationship between municipality and room rental landlords is concerned, researchers Langbroek and Snijders see an advantage in gathering information on the position of ethnic minorities in the local room rental market and, on the basis of that information, drawing up agreements with landlords and intermediaries in order to overcome any disadvantage and discrimination.<sup>110</sup> As far as the relationship between municipality and room rental intermediaries is concerned, Langbroek and Snijders have the impression that ethnic minority young people are still sometimes being turned away by room rental landlords in the private rental market. They do not rule out that commercial intermediaries in particular are willing to take the discriminatory wishes of landlords into account. It is possible to take legal action on the basis of criminal law, but legal action is also possible on the basis of civil law (the Equal Treatment Act). In the area of administrative law, an autonomous municipal ordinance for housing and room rental mediation might be possible, in which a system of permits is put into action for professional mediation in housing rental. An anti-discrimination regulation can be linked to the granting of a permit. In order to preserve the norm, a maximum sanction might be the cancellation of the permit, but less extreme sanctions could be considered for first offences such as warnings and (conditional) suspension of the permit. Measures in the area of registration and reporting on mediating on behalf of ethnic minority and native Dutch room seekers might be considered. Subsidised room rental mediation agencies could be connected on the basis of an anti-discrimination provision in the subsidy ordinance or decree to keep each other from discriminatory practices. Suspension, reduction or withdrawal of subsidies are possible sanctions. In addition, local government legislation makes it possible to impose a penalty in order to maintain any norms that are set.

### **6.7.4. Covenants**

Private law also affords possibilities for striving for equal treatment in the distribution of rented rooms. Langbroek and Snijders regard a housing distribution covenant

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<sup>110</sup> J.J. Snijders and P.M. Langbroek (1993) *Gelijke behandeling van allochtone en autochtone jongeren op de kamermarkt* [Equal treatment of ethnic minority and native Dutch young people in the room rental market], Utrecht: National Bureau to Combat Racism..

between municipality and landlords – possibly in combination with an ordinance – as a useful instrument for drawing up agreements on room distribution. Ultimately, the municipality has the threat of a more far-reaching public law ordinance as a motivating force. But the decision on the part of landlords to voluntarily cooperate with the drawing up of a covenant is probably more effective than compelling that cooperation by means of public law. For the same reason, mediators can be involved in the drawing up of covenants, whether separately or jointly with the landlords.

Depending on the local situation, there are many things that can be regulated through a covenant. First is the way in which information on the position of ethnic minority young people in the room rental market is gathered and registered. In addition, Langbroek and Snijders list the following points: an anti-discrimination proviso (for landlords as well as intermediaries), how to deal with urgent room seekers, whether or not to curtail or even dispense with the co-option system, whether or not to establish an affirmative action policy to make up for any detected disadvantage. In conclusion, a few general points to keep in mind concerning covenants are protecting the rights of the room-seeker, rules on the settlement of disputes and supervising compliance with the agreement.<sup>111</sup>

The DUMC recommends that when a contract is refused the room-seeker has the right to ask for a well-reasoned, written rejection notice. Such a notice is important for avoiding misunderstandings, and it also makes the decision verifiable and contestable, if necessary. The right to a well-reasoned rejection is an adequate instrument for preventing and overcoming discrimination.

### **6.8. Purchasing market**

The previous discussion had to do with the rental sector. Another case that took place in the past and is deserving of attention was an incident in the purchasing sector.

On 8 February 1994 a case was brought against an estate agent. The seller of a house in Barneveld had instructed the estate agent not to sell the house to a Turkish guest worker who had looked at the house and made an offer. The seller apparently

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<sup>111</sup> K. Tazelaar (1994) *Allochtone jongeren op de kamermarkt, Een gemeentelijk beleid gericht op gelijke behandeling* [Ethnic minority young people in the room rental market, A community policy aimed at equal treatment], Utrecht: National Bureau to Combat Racism.

said to the estate agent, 'Even if they want to pay the asking price, I still will not sell the house to those foreigners.' The estate agent passed on this message, and the court held that the estate agent is responsible for his own actions, and that he cooperated with discrimination on the grounds of race. He and the seller were both convicted.<sup>112</sup> An exceptional feature of this case is that the involved parties themselves admitted that they did not want to sell to ethnic minorities.

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<sup>112</sup> P.R. Rodrigues (1994) Contractsweigerering wegens ras [Refusing contracts on account of race], in *Rechtshulp, Maandblad voor de Sociale Praktijk*, 1994-4, pp. 23-27.

## **7. Strategies, initiatives and good practices**

### **7.1. Introduction**

Generally speaking, the government does not have a policy specifically aimed at improving the position of ethnic minorities in the housing market. The system of subsidised housing and subsidised renting in the Netherlands, however, does have positive ramifications for this group. There is also a Big Cities Policy, in which the focus is on advancing the quality of life and the social elements within the big cities. Urban renewal is subsidised within this context, with its emphasis on diversity. Attention is also being paid to housing that is more in line with the needs of ethnic minority home-seekers.

In the letter from the Minister of Housing, Spatial Planning and the Environment and the Ministry of Alien Affairs and Integration, mentioned in Chapter 4, segregation and the attendant problems and possible solutions was examined in detail. Competence, contact and accessibility are seen as basic elements. Competence, according to the ministers, involves gaining the ability to live independently and developing the skills of immigrants and their children in schools, the labour market, housing and health care. A minimal demand is that immigrants have a mastery of the Dutch language. Ethnic minorities will be more inclined to learn Dutch when the need to do so exists, if they cannot manage to live without it. Concentrated districts create an environment in which this necessity is much less evident than elsewhere. So such a situation can be disadvantageous; change is desirable. Contact, explained the ministers, has to do with identities and cultures living together on the basis of communality. The existence of an open and active ethnic community can promote conciliation between ethnic minorities and the native Dutch population. The service structure offered within a district also plays a role here. Accessibility, according to the ministers, means furnishing the public and private facilities in such a way that their products and services yield an equal return for all citizens, regardless of their origins. What first comes to mind in this regard are government services in the realms of education, health care and social security. But the accessibility of markets, such as the housing market, can also be a very important factor in the integration of ethnic minorities. In order to keep the populations of the cities from acquiring an overly high proportion of people with low incomes and ethnic minorities with lower capacity, a sufficient

amount of adequately varied buildings must be constructed to keep the population from moving out, especially the middle- and high-income households, according to the ministers. The supply of dwellings in the urban areas needs to be more attuned to the existing demand.

Wherever segregation still exists, there are neighbourhood conflicts. Housing management and neighbourhood management, including arbitration, can serve as solutions to this problem.

## **7.2. Big Cities Policy**

For several years now, the government has focused its attention on the Big Cities Policy. The Big Cities Policy has to do with improving the competitive position of 25 big cities by means of a coherent approach to dealing with the physical, social and economic infrastructure, with the emphasis on quality of life and social renewal. In this context, the government supports urban renewal by means of the Urban Renewal Investment Budget (the *Investeringsbudget Stedelijke Vernieuwing*, or ISW) on the basis of the Urban Renewal Act. Municipalities must present a five-year plan to the government for the years 2000-2005 to see if they qualify for funding. In this respect urban renewal involves striving for varied living environments, suitable housing for target groups and opposing segregation. One of the twelve criteria is that varied living environment must be available. In its development programme, the city must indicate how it plans to achieve varied and differentiated living environments with the accompanying features such as type of dwelling, facilities, combination of functions and density. The variation and differentiation must be geared to the regional demand and must provide home-seekers with adequate freedom of choice. In any case the city is to implement measures with regard to such problems as involuntary segregation.<sup>113</sup> The Minister of Housing, Spatial Planning and the Environment and the Minister of Alien Affairs and Integration also emphasise the importance of a multiplicity of functions that can contribute to promoting a favourable living climate in concentrated districts. This, they suggested, might include supportive measures (such as providing credit possibilities in order to keep up the quality of

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<sup>113</sup> Ministry of Housing, Spatial Planning and the Environment, Policy document on the Policy framework for urban renewal, The Hague, June 1999.

shopping facilities in disadvantaged areas), which can contribute to maintaining the living environment in these districts.<sup>114</sup>

The DUMC finds it striking that there seems to be a desire to tinker with the more inferior districts. These, it is said, must be constructed better. Other voices, however, insist that less expensive buildings should be constructed in better districts so that distribution can take place there.<sup>115</sup> This is already happening in Amsterdam. The city has invested a great deal of money in purchasing houses in up-market districts. People with low incomes can purchase them for small amounts of money. But whether this practice will ever result in cohesion among the various population groups is a big question. Some think it is better to provide more diverse facilities in disadvantaged areas without differentiated construction, such as the Lombok district in Utrecht. The focus is mainly on social problems.<sup>116</sup> Professor Duyvendak presses for the development of 'social cement' in urban districts in which institutions in the neighbourhood must play a supportive role. He calls for places where people from various backgrounds can encounter each other on a daily basis: the primary school, the football club, the neighbourhood clubhouse or the library.<sup>117</sup> Bolt, Hooimeijer and Van Kempen also argue for an integrated approach, one that would involve the improvement of access to employment opportunities from the neighbourhoods in the inner city, the extension of the housing opportunities for groups with a low income outside the city and the improvement of the quality of the housing and the residential environment in the city itself.<sup>118</sup> This is based on the idea that there is nothing wrong with concentration as such, but that there are underlying problems, such as poverty, that must be dealt with.

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<sup>114</sup> Lower House, 2002-2003, 28 612, no. 3, p. 6

<sup>115</sup> E. Verkaar (2003) Spreidingsbeleid en de nieuwe daadkracht [Distribution policy and the new decisiveness], in het Tijdschrift voor de Sociale Sector, July/August, p. 14.

<sup>116</sup> J.W. Duyvendak and M. de Rijk (24.06.1998) De mythe van de gemengde wijken [The myth of mixed neighbourhoods], in De Groene Amsterdammer; a survey by the Ministry of Housing, Spatial Planning and the Environment also suggests that differentiated construction does not always go hand in hand with social cohesion: R. Kleinhans, L. Veldboer and J.W. Duyvendak (2000) Integratie door differentiatie, Een onderzoek naar de sociale effecten van gemengd bouwen [Integration through differentiation, A survey of the social effects of mixed construction], Nieuwegein Ministry of Housing, Spatial Planning and the Environment, p. 127.

<sup>117</sup> E. Balci (11.09.1997) Mengen gaat moeizaam [Mixing is difficult], in Contrast; also see C.A. Tazelaar (2000) Huisvesting [Housing], in J.E. Overdijk-Francis et al. (eds.) (1984-...), Minorities handbook, Houten: Bohn Stafleu Van Loghum en The Hague: SDU Uitgevers/Koninklijke Vermande, The Hague, (loose-leaf.), p. 6/1050-8.

<sup>118</sup> G. Bolt, P. Hooimeijer and R. van Kempen (2002), Ethnic Segregation in the Netherlands: new patterns, new policies?, in the Tijdschrift voor economische en sociale geografie, vol. 93, no. 2, p. 219-220.

### **7.3. Multicultural building and housing<sup>119</sup>**

In the spring of 2001, the State Secretary of Spatial Planning supported the new construction for ethnic minorities. To some extent, ethnic minorities have different housing needs than native people: they tend to prefer living in flats more than native Dutch people, their need for rooms and surface area is lower, fewer ethnic minorities want to own their own home, and they are more likely to opt for inexpensive rentals.<sup>120</sup> The State Secretary supported the plans of a housing corporation in Almere to place ethnic minorities in separate blocks of flats, if they so desired. The size of such districts can differ according to the city or village. What the State Secretary had in mind was neighbourhoods with 50 to 75 dwellings. In January 2001, the housing corporation presented the proposal to house ethnic minorities in their own neighbourhoods. The city of Almere was opposed to the plan because they thought it would encourage ghetto formation and impede integration.<sup>121</sup>

Dozens of similar projects have been realised or are in preparation throughout the country, however. A not insignificant number of ethnic minorities in the Netherlands seem to attach importance to having more opportunities to give voice to their own culture and means of expression in their own living environment. A great deal of attention is being paid to adapting the floor plans of dwellings for future residents, both in new housing and in alterations being made to existing housing.<sup>122</sup> This has already happened in Amsterdam, for examples, in the 'Indische buurt' district (ten dwellings), in the Schilderswijk district of The Hague (106 dwellings), in Rotterdam Feijenoord (52 dwellings), in Rotterdam Spangen (127 dwellings), in Rotterdam Middelland (where small dwellings that were difficult to rent were transformed into large, more attractive flats). In general the projects are seen as positive.<sup>123</sup>

### **7.4. Housing distribution**

It came to the attention of the Minister of Housing, Spatial Planning and the Environment and the Minister of Alien Affairs and Integration that municipalities use criteria in allocating housing that can be discriminatory. There is a possibility that

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<sup>119</sup> Tastes differ: Multicultural building and housing, The Hague, VROMraad, Advice 032, 07.03.2002.

<sup>120</sup> Ibid., p. 66.

<sup>121</sup> J. van Donselaar and P.R. Rodrigues (2002) Monitor Racisme en Extreem Rechts, vijfde rapportage [Monitor on racism and the extreme right; fifth edition], Amsterdam: Anne Frank Stichting and Leiden: University of Leiden, p. 157.

<sup>122</sup> Tastes differ: Multicultural building and housing, The Hague: VROMraad, Advice 032, 07.03.2002, p. 21.

<sup>123</sup> Tastes differ: Multicultural building and housing, The Hague: VROMraad, Advice 032, 07.03.2002, p. 87 ff.

stronger income districts will develop, especially if these districts are monotone in character and consist of the same kinds of dwellings and the same rent.

In the Knooppunt Arnhem-Nijmegen (the Arnhem-Nijmegen junction), reported the ministers, an experiment was carried out in 2001 under the supervision of the Steering Committee for Experimental Housing with a supply model that dispensed with a number of 'traditional' control criteria. The 'rent/income' and 'household size/size of dwelling' suitability criteria were dropped. The housing consumer was given the opportunity to choose among a broad assortment of dwellings. This led to a greater distribution according to household size and income, which was not possible when the traditional criteria were used. For ethnic minority households, this also meant that it was possible to live in a different – and better – neighbourhood. In some neighbourhoods, this change created a breakthrough in the one-sided population composition, resulting in more differentiation.

The Ministers will analyse what kinds of segregation-reinforcing patterns emerge from the various systems of housing allocation, keeping in mind both the distribution and especially the supply model. The results of this analysis could lead to proposals regarding the desirable application of the various possibilities on the basis of the House Allocation Act. The possibilities created by the use of 'promoting integration' as housing distribution criterion for newcomers in Dutch society or starters in the housing market (especially ethnic minorities arriving for purposes of family reunification) will also be explored, so that people do not automatically end up in concentrated districts. The ministers also discussed urgency point scores for ethnic minorities. They said that certain preconditions had to be met in order to enable ethnic minorities to qualify for decent dwellings with these scores, especially the construction of affordable housing in new districts. By opening up other districts and thereby increasing the options, said the ministers, those who want to move out of the district have more opportunities to do so, and involuntary segregation is thereby discouraged.<sup>124</sup>

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<sup>124</sup> Lower House, 2002-2003, 28 612, no.3, pp. 6-7

## 7.5. Conflict mediation

In Rotterdam in 1994, Ben Dubbeldam started his 'agency for community building'. The name of his agency – The Five – refers to the five kinds of projects he directs, from neighbourhood research and arbitration to supporting newcomers. Residents who are involved in a conflict can bring their complaints to a neighbourhood council. Fellow residents, who sit on the council as volunteers (including ethnic minorities), tackle the problems. After both parties have been heard, the council members help the residents solve their disagreement.<sup>125</sup> Initially the neighbourhood arbitration in Rotterdam was an experiment, but the transition from 1998 to 1999 marked a change: from an experiment in two boroughs and three neighbourhoods to structural continuation in at least five boroughs and at least nine neighbourhoods,<sup>126</sup> which later ended in twenty districts.<sup>127</sup> In Amersfoort, a special Moroccan mediator was appointed to solve problems there. A project of a somewhat different order, but certainly comparable in kind, is the so-called 'fathers' project' in Amsterdam-West. After several disturbances occurred in the spring of 1998, a group of Moroccan fathers in Slovervaart/Overtoomse Veld stepped in. They patrol the neighbourhood in groups, going to the places where the most problems occur and speaking directly with young people who are misbehaving.<sup>128</sup> In Gouda and Leiden, Moroccans actively involved in the neighbourhood in eight steps. These begin with being brought together in a preparation groups, after which a migrants' work group is set up. These migrant work groups are devoted to promoting the quality of life in the neighbourhood and should ultimately be integrated into the neighbourhood district organisation.<sup>129</sup>

A somewhat more recent project in Rotterdam is the city etiquette project. Attempts were made in a few districts to draw up agreements concerning the level of culture in the district. It was agreed that residents would greet each other, and that residents could approach each other concerning leaving rubbish next to the container or the safety of children, for example. The social cohesion increased as a result, reducing

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<sup>125</sup> K. Pos (2000) 'Buren weten zelfs niks meer van elkaar' ['Neighbours don't even know each other any more'], in *Zorg + Welzijn*, 09.08.2000

<sup>126</sup> W.J. de Jong (ed.) (1999) *Buurtbemiddeling, Het Rotterdamse Model* [Neighbourhood arbitration, The Rotterdam model] Delft: Eburon, p. 7

<sup>127</sup> A. van Thiel (2002) *Monitor 2001*, Rotterdam: SONOR

<sup>128</sup> J. van Veen (1999) *Marokkaanse bemiddelaar lost problemen op* [Moroccan arbitrator solves problems], in *Contrast* 39/40, 16.12.1999, p. 7

<sup>129</sup> T. El Baroudi (1998) *Marokkanen actief in de woonomgeving* [Moroccans active in living environment], Utrecht: Forum

the chance of conflict.<sup>130</sup> The same kind of greeting campaign was started in Deventer. The intention is that greetings lead to further contact and possibly even to mutual help and care.<sup>131</sup> In Eindhoven, in the multicultural Achtse Barrier district, a project was started in which neighbourhood residence tell each other stories. A neighbourhood afternoon was also organised, a Flemish fair, a neighbourhood weekend and a neighbourhood clean-up day. The mutual relations have improved, and people have the feeling that they themselves are able to do things to improve the district.<sup>132</sup>

## 8. Summary and conclusions

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<sup>130</sup> M. Kremer (2003) Gedragstherapie voor de wijk [Behaviour therapy for the neighbourhood], in het Tijdschrift voor de Sociale Sector, April 2003, pp. 5-9; M. Zuithof (2003) Het antwoord op hufterigheid [The answer to bad manners], in Zorg+ Welzijn, 2 April 2003

<sup>131</sup> Raster Welzijnsgroep - Platform Samenleven van verschillende Culturen [Platform for multi-cultural living] (2000) Dag Deventer: Schep een band met je hand! Groetcampagne [Hi, Deventer: shake hands and make friends, the Deventer Greeting Campaign], Deventer: Raster Welzijnsgroep.

<sup>132</sup> Palet, centre for multicultural development in Noord-Brabant, and Prisma, provincial support for welfare and education (1999) Jullie hebben makkelijk praten, Samen leven in een multiculturele wijk [That's easy for you to say, Living together in a multicultural neighbourhood], Tilburg: Prisma and Eindhoven: Palet, pp. 8-9.

The housing market in the Netherlands consists to a great extent of a subsidised rental sector to which ethnic minorities are usually referred. The subsidised rental sector is determined by housing corporations, which usually allocate dwellings on the basis of a supply system. This means that an active attitude on the part of home-seeking households is very important. The Dutch government does not pursue any specific target group policy aimed at the housing of ethnic minorities, although there is a certain amount of segregation, especially in the west and in the big cities. At the same time ethnic minorities live in poorer accommodations on average than native Dutch people, although the situation has improved in recent decades. There is certainly no evidence of ghettos. The problems that do exist are primarily of a socio-economic nature.

In the past, the existence of segregation led to a distribution policy that has now been overturned by the courts. In practice, however, the distribution policy was followed for a long time, especially when use was still being made of the distribution system in the allocation of dwellings, which could have a random and discriminatory effect. The supply system came as a great improvement and is now being used in most of the municipalities of the Netherlands. Unlike the distribution system, the supply system is easier for ethnic minorities to understand. If the emphasis is on length of residence, however, the supply system tends to be indirectly discriminatory where ethnic groups are concerned because they have a briefer residential history on average than native Dutch people. This means that ethnic minorities sometimes get stuck in the lowest segment of the housing market. Even the existence of rent subsidies does not adequately deal with the problem.

Income requirements in housing allocation lead to discrimination, since ethnic minorities usually earn less than native Dutch people do. In this respect work and income are clearly connected to the position of ethnic minorities in the housing market. A consequence of a certain degree of segregation in urban districts are the black schools: schools in which the population consists overwhelmingly of students belonging to the ethnic minorities. Black schools serve to impede the integration of ethnic minorities, even at an early age. For some ethnic minorities this means the beginning of a vicious circle as far as future opportunities are concerned – including housing and jobs.

In more or less segregated neighbourhoods and districts, conflicts with newcomers regularly occur. When neighbourhood residents become aware that an ethnic minority fellow resident has arrived, they sometimes turn the newcomer away by means of actions and petitions. Unfortunately, the neighbourhood residents usually come off best, even if the Commission that supervises the Convention against all forms of Racial Discrimination has managed to bring a successful case before the courts. This has inspired the government to become more active in dealing with excesses. Sometimes ethnic minority residents are harassed out of the districts where they live. The actions of neighbourhood residents are occasionally violent: bricks are thrown through windows, fires started and car tyres punctured. Besides these extreme cases there are also quarrels for which solutions are found by means of arbitration or projects, by which more social cohesion is created. This is what happened as a result of the city etiquette project in which people make agreements about how to interact with each other. Residents themselves also step in to improve the quality of life in their neighbourhood; an example are the Moroccan fathers in Amsterdam, who monitor the behaviour of their young people.

Court cases in the area of housing discrimination are rare. The Equal Treatment Commission, however, regularly hears such cases. They are quite diverse in nature, and complaints are more often dismissed than allowed.

To further improve the situation in concentrated districts, the government provides subsidies in the context of the Big Cities Policy, especially urban renewal efforts in which the focus is on diversified building. Attempts are also made to keep the building multicultural so that the specific needs of the residents, especially Mediterranean population groups, can be met. The government will also focus attention on the way the living space is divided and the discriminatory aspects that can play a role in this division. Another idea is to employ housing division criteria such as 'the promotion of integration' in the case of newcomers or those who are looking for a home for the first time in Dutch society (family reunification in particular), so that people do not automatically end up in concentrated districts. Another possibility is an urgency point system, which can be of assistance to help ethnic

minorities who want to leave certain districts, in connection with a good housing supply.

## Annex

### FACTS AND FIGURES

#### *Migration history*

Through the ages, the Netherlands has received immigrants from many parts of the world, often victims of political suppression. Huguenots from France and Jews from Eastern Europe, Spain and Portugal found shelter in the Netherlands.<sup>133</sup> Shortly after the Second World War, when the former colonies became independent, about 100,000 expatriates returned from the Netherlands East Indies. After 1949, when the Netherlands East Indies became formally independent, another group of expatriates returned, also numbering about 100,000. The majority of these immigrants consisted of people of colour, the 'Eurasians', who were entitled to settle in the Netherlands on the basis of their Dutch citizenship. A third group returned later, between 1952 and 1955. This group consisted of 40,000 people. The last group - also 40,000 persons - arrived at the end of the 1950s, when Indonesia announced plans to annex New Guinea. In general the expatriates were well-educated and assimilated more or less easily into Dutch society. The fourth and last group of expatriates from the Netherlands East Indies also included 12,500 persons of Moluccan origin, mostly ex-soldiers from the KNIL, the Dutch Colonial Army. They were less educated for the most part and, due to promises of the Dutch Government, regarded their stay as temporary and expected to return to the Moluccan Islands.

Although Suriname and the Netherlands Antilles were also part of the Dutch colonial empire, the immigration from these two areas was of a totally different character and followed an entirely different course than that of Indonesia. The differences are to a significant degree the result of the fact that Suriname and the Antilles did not become independent shortly after the Second World War. Actual immigration was from the middle class and small in scale. However, from 1965 on more and more unskilled workers also ventured the crossing. Immigration from Suriname swelled in the years before independence (1973-1975) and again in 1979-1980, prior to the expiration of

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<sup>133</sup> Based on: Lucassen, J., Penninx, R., (1997) *Newcomers: immigrants and their descendents in the Netherlands 1550-1995*, Amsterdam: Het Spinhuis; Vermeulen, H., Penninx, R., eds. (2000), *Immigrant integration: the Dutch case*, Amsterdam: Het Spinhuis, pp. 5-8.

the transitional agreement on the settlement of mutual subjects. Twenty years after independence there were about 296,000 people of Surinamese origin in the Netherlands, about 35% of these having been born on Dutch soil.

Like the Surinamese immigration, the Antillean immigration remained at a very low level for a long time and consisted mainly of students. In 1964 the immigration flow broadened to include immigrants from the lower class. Dutch businesses lured them to migrate to the Netherlands under contract. Numbers still remained small, although they slowly increased. The immigration became considerable only after 1985 when the Lago refinery in Aruba closed. In the same year, Shell too left Curaçao. The refinery did stay open, but only after great sacrifices including loss of jobs and wage restraints. The crisis in the oil industry, which to a significant degree kept the economy of the islands afloat, led to a sharp increase in emigration, especially among the lower classes. When taken as a percentage of the small island populations, emigration has remained high up to now.

In the post-war era, and until the end of European labour recruitment in 1974, the Netherlands, like Germany and other Western European states, received guest workers. These workers came primarily from Mediterranean countries including Italy, Spain, Turkey, Morocco and former Yugoslavia. Their migration was intended to be temporary, but in many cases it was not. In 1973 the number of these so called guest-workers ('gastarbeiders') amounted to about 100,000 (the entire population of the Netherlands in 1973 was about 13.5 million). Recruitment from the Mediterranean countries halted abruptly after the 1973 oil crisis. After the oil crisis an economic decline started, which lasted until 1984. Though recruitment from the Mediterranean countries was halted, the number of persons of Mediterranean origin increased due to family reunification and family formation (except the refugee migration from former Yugoslavia in the 1990s).

From 1945 to the early 1980s, relatively few refugees arrived in the Netherlands. Those who did were mostly resettled. Some refugees simply joined the ranks of economic migrants until 1974. During the latter half of the 1980s the number of asylum seekers swung in a range from 3,500 to 14,000. In the early 1990s they were generally in the 20,000 to 30,000 range. During the mid-1990s, asylum seeker figures rose to over 40,000 per year.

Thus a wide range of different groups from different countries, with different backgrounds and different cultures and religions, have come to live in the Netherlands.

### **Definition**

The Dutch statistical and analytical literature refers to immigrants with the term 'allochtonen'. This term cannot be literally translated into English (the word 'allochtoon' is derived from ancient Greek and means something like 'originating elsewhere'). The Central Statistical Agency (Centraal Bureau voor de Statistiek, or CBS) uses the description 'population with a foreign background'. The CBS considers persons to have a foreign background if at least one parent was born abroad. A distinction is made between persons born abroad (first generation) and persons born in the Netherlands (second generation). The foreign background is determined by the country of birth of the person (first generation) or the country of birth of the mother (second generation). If the mother was born in the Netherlands, the person is classified according to the father's country of birth.<sup>134</sup> This population group is broader than the one usually associated with ethnic minorities. For example, Belgian persons living in the Netherlands have a foreign background but are normally not considered ethnic minorities. Persons with a foreign background are classified by the CBS as Western or non-Western, depending on their country of birth. The category 'non-Western' includes persons from Turkey and countries in Africa, South America and Asia except for Indonesia and Japan. The latter two countries are included with the Western countries on the basis of their socio-economic and socio-cultural position. For all practical purposes the population of non-Western origin will be referred to here as ethnic minorities.

### **Demographics**

As of January 1, 2002, the Central Statistical Agency estimated the population of the Netherlands at 16,105,285 (in rounded figures: 16.1 million): 13,140,336 (13.1 million) native-born Dutch people and 2,964,949 (3 million) people with a foreign background.<sup>135</sup> 1,558,353 (1.6 million) of the people with a foreign background are of non-Western origin. That is 9.7% of the total population. Compared with January

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<sup>134</sup> For terminology used and details about this conceptual definition, see: Alders, M. (2001) Classification of the population with a foreign background in the Netherlands: Paper presented at the conference 'The measure and mismeasure of population. The statistical use of ethnic and racial categories in multicultural societies' in Paris, France, 17-18 December 2001, <http://www.cbs.nl/nl/publicaties/publicaties/maatschappij/bevolking/papers/classification-foreign.pdf> (08.04.2003)

<sup>135</sup> Source: Centraal Bureau voor de Statistiek [CBS], Kerncijfers Bevolking, Statline Tabellen [Central Statistical Agency, Key Population Figures, Statline Tables], <http://statline.cbs.nl> (08.04.2003).

2001, when the number of persons of non-Western origin amounted to 1,483,175 (1.5 million), this group has grown by 75,178 (75 thousand) people.

There are indications of an increase in the proportion of the second-generation ethnic minority population. The first generation comprises 971,706 persons (62%), and the second-generation 586,656 persons (38%), as of 1 January 2002. The growth of the second-generation is steadily accelerating. Around one-third of the ethnic minority individuals are second-generation, and this group is growing at an ever-faster rate. The number of second-generation increased by 152,000 in the last five years. In terms of percentage, growth among the second generation exceeds that of the first generation. The proportion of second-generation individuals is increasing among the 'classical' ethnic minority groups in particular, such as the Turks, Moroccans and Surinamese. Three-quarters of the second-generation have two parents born in foreign countries.<sup>136</sup>

The total population of the Netherlands has increased by 3.5% since 1997. The ethnic minority population grew approximately eight times faster than that during the same period. Recent sharp increases in size have been especially prevalent among the 'new' groups of non-Western origin such as the Afghans and Iraqis. The 'classical' ethnic minority groups such as Turks, Moroccans, Surinamese and Antilleans/Arubans are the largest groups by far. All together they make up approximately two-thirds of all ethnic minority groups.<sup>137</sup>

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<sup>136</sup> CBS (2003), *Allochtonen in 2002* [Ethnic minorities in 2002], Voorburg: CBS, p. 15, <http://www.cbs.nl/nl/publicaties/publicaties/maatschappij/bevolking/b-52/b-52-02.pdf> (08.04.2002).

<sup>137</sup> *Ibid.*, p. 14.

Table 1: People with a foreign background by group of origin <sup>138</sup>

People with a foreign background by group of origin, 1 January				
		Total first and second generation	Total first generation	Total second generation
Group of origin	Periods	x 1000		
<b>Total non-Western</b>	<b>1997</b>	2 554	1 310	1 243
	<b>2000</b>	2 775	1 431	1 344
	<b>2001</b>	2 870	1 488	1 381
	<b>2002</b>	2 964	1 547	1 417
	<b>1997</b>	1 221	785	435
	<b>2000</b>	1 408	886	522
	<b>2001</b>	1 483	928	554
	<b>2002</b>	1 558	971	586
<b>Morocco</b>	<b>1997</b>	232	142	90
	<b>2000</b>	262	152	109
	<b>2001</b>	272	155	117
	<b>2002</b>	284	159	124
<b>N. Antilles and Aruba</b>	<b>1997</b>	88	56	32
	<b>2000</b>	107	69	37
	<b>2001</b>	117	76	40
	<b>2002</b>	124	82	42
<b>Suriname</b>	<b>1997</b>	285	179	105
	<b>2000</b>	302	183	119
	<b>2001</b>	308	184	124
	<b>2002</b>	315	186	128
<b>Turkey</b>	<b>1997</b>	279	169	110
	<b>2000</b>	308	177	131
	<b>2001</b>	319	181	138
	<b>2002</b>	330	185	144
<b>© Central Statistical Agency, Voorburg/Heerlen 2003</b>				

The four largest ethnic minority groups together comprised more than one million persons (1,054,980) in 2002. This group includes 330,709 persons of Turkish origin, 315,177 of Surinamese origin, 284,224 of Moroccan origin and 124,870 of

<sup>138</sup> Source: Centraal Bureau voor de Statistiek [CBS], Kerncijfers Bevolking, Statline Tabellen [Central Statistical Agency, Key Population Figures, Statline Tables], <http://statline.cbs.nl> (08.04.2003).

Antillean/Aruban origin. The distribution in terms of percentages from earlier migration countries is as follows: Turkey 26.6%, Suriname 25.4%, Morocco 22.9%, Antilles/Aruba 10.0%. Together they comprise approximately two-thirds of all ethnic minorities.<sup>139</sup> The Turks clearly have become the largest ethnic minority group.

Yet the new ethnic minority groups have become increasingly significant in terms of numbers. According to the CBS counts, nine new groups, comprising more than 16,000 persons each, could be distinguished as of 1 January 2002. These are persons of Iraqi (41,323), Somali (28,979), Afghan (31,167), Iranian (26,789), Ghanaian (17,232), Pakistani (17,325), Egyptian (16,108), Vietnamese (16,012) and Chinese (55,117) origin.<sup>140</sup> In the year 2002, these nine comprised approximately 250,000 persons in total. One notable point is the drop in the number of Somalis. In 2001 there were 29,631 Somalis living in the Netherlands. This drop has to do with the migration of Somalis to other countries, such as Great Britain.<sup>141</sup>

Included among the ethnic minorities are the Moluccan population group (42,300 persons),<sup>142</sup> caravan dwellers (23,000),<sup>143</sup> and Roma and Sinti (3,500).<sup>144</sup>

Also living in the Netherlands are 187,700 Southern Europeans, 74,640 of whom are from the various countries of former Yugoslavia, 35,193 Italians, 30,897 Spanish, 15,881 Portuguese, 12,077 Greeks and 19,012 Cape Verdeans.<sup>145</sup>

In addition, there are an estimated 112,000 to 163,000 persons living in the Netherlands illegally.<sup>146</sup>

The brief history of many population groups of non-Western origin in the Netherlands and the average young age of non-Western immigrants determine to a great extent the age distribution of these groups. The age distribution of non-Western groups reveals striking differences when compared with the native Dutch population. In most cases, these ethnic minority groups are considerably younger, and the men are in the

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<sup>139</sup> Ibid.

<sup>140</sup> Ibid., p. 91.

<sup>141</sup> Kamerstukken II [Parliamentary Documents II] 2002/03, 28 612, no. 2, p. 4.

<sup>142</sup> G. Beets, E. Walhout and S. Koeseobjono (2002) Demografische ontwikkeling van de Molukse bevolkingsgroep in Nederland [Demographic developments of the Moluccan population group in the Netherlands], in *Maandstatistiek van de Bevolking*, vol. 50, no. 6, pp. 13-17, <http://www.cbs.nl/nl/publicaties/publicaties/maatschappij/bevolking/b-15/b-15-02-06.pdf> (22.04.2003).

<sup>143</sup> Kamerstukken II [Parliamentary Documents II] 2002/03, 28 612, no. 2, p. 4, <http://www.overheid.nl> (22/04/2003).

<sup>144</sup> The figure concerning the number of Roma and Sinti is taken from: ECRI (2001), Second report on the Netherlands. Strasbourg: Council of Europe, p. 14.

[http://www.coe.int/T/E/human\\_rights/Ecri/1-ECRI/2-Country-by-country\\_approach/Netherlands/CBC2\\_Netherlands.pdf](http://www.coe.int/T/E/human_rights/Ecri/1-ECRI/2-Country-by-country_approach/Netherlands/CBC2_Netherlands.pdf) (22.04.2002) The Dutch government estimates the number of Roma and Sinti at 2,000; the National Organization of Roma and Sinti estimates 5,000.

<sup>145</sup> CBS (2003), *Allochtonen in 2002* [Ethnic minorities in 2002], Voorburg: CBS, p. 91.

<sup>146</sup> NRC Handelsblad, (01.02.2003).

majority. Such a skewed ratio of men to women is most pronounced among those population groups that settled in the Netherlands relatively recently, such as the Iranians. The population pyramids for these groups greatly resemble those of the Turks and Moroccans living in the Netherlands in the 1970s.<sup>147</sup>

At the moment, four out of ten members of the ethnic minority population are younger than 20 years of age. This proportion is almost twice as large as that of foreigners of Western origin and native Dutch people. The proportion of second-generation members of the ethnic minority population younger than 20 years of age is even greater: eight out of ten.

The percentage of people over 65 among ethnic minorities is extremely low: 2%. This percentage will slowly increase in the coming years. In 2010, 4% of the ethnic minority population will be 65 years of age or older, and it will be quite some time before this population group will have to deal with any significant ageing phenomenon.<sup>148</sup>

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<sup>147</sup> Ibid., p. 18.

Table 2: People with a foreign background by sex and group of origin <sup>149</sup>

People with a foreign background by sex and group of origin, 1 January, 2002				
	First generation		Second generation	
	Men	Women	Men	Women
Continents	x 1000			
Africa	159	121	93	90
America	151	178	107	104
Asia	172	172	170	163
Europe	279	309	341	339
Oceania	3	4	6	6
<b>Non-Western</b>				
Afghan	16	12	1	1
Brazilian	2	4	2	2
Cape Verdean	6	6	4	4
Chinese	12	13	6	5
Egyptian	7	3	3	3
Ghanaian	6	5	3	3
Hong Kong Chinese	5	5	4	4
Indian	5	3	2	2
Iranian	13	10	2	2
Iraqi	22	14	3	3
Moroccan	87	72	63	61
N. Antillean and Aruban	40	42	22	21
Pakistani	7	4	3	3
Philippine	2	6	2	2
Somali	12	9	4	4
South African	4	4	3	3
Surinamese	86	100	65	64
Turkish	97	89	75	70
Vietnamese	6	5	3	3
Other non-Western	69	62	29	28
<b>Total</b>	<b>503</b>	<b>469</b>	<b>300</b>	<b>287</b>
© Central Statistical Agency, Voorburg/Heerlen 2003				

<sup>148</sup> Ibid., p. 20.

<sup>149</sup> Ibid., p. 94.

Table 3: People with a foreign background by age and group of origin <sup>150</sup>

People with a foreign background by age and origin, 1 January, 2002							
	0-9 yrs	10-19 yrs	20-29 yrs	30-39 yrs	40-49 yrs	50 yrs and older	Total
<b>Continents</b>	<b>x 1000</b>						
<b>Africa</b>	8.0	33.9	67.7	83.7	46.8	39.4	279.4
<b>America</b>	12.1	29.2	59.6	86.9	75.0	65.8	328.6
<b>Asia</b>	15.0	33.7	45.0	62.5	62.9	124.7	343.9
<b>Europe</b>	12.1	43.1	110.3	153.2	99.4	161.4	588.4
<b>Oceania</b>	0.4	0.6	1.8	2.1	1.2	0.7	6.8
<b>Non-Western</b>							
<b>Afghan</b>	4.1	7.6	5.5	5.9	3.2	2.2	28.4
<b>Brazilian</b>	0.4	0.8	1.4	2.0	1.1	0.4	6.3
<b>Cape Verdean</b>	0.1	0.8	1.4	3.1	3.2	2.6	11.2
<b>Chinese</b>	1.1	3.7	5.8	5.8	3.7	4.5	24.6
<b>Egyptian</b>	0.6	0.3	1.1	3.9	3.0	0.9	9.8
<b>Ghanaian</b>	0.1	0.8	1.7	3.8	4.2	0.6	11.3
<b>Hong Kong Chinese</b>	0.1	0.5	1.2	2.4	3.6	2.5	10.2
<b>Indian</b>	0.4	0.5	1.7	2.4	1.7	1.8	8.6
<b>Iranian</b>	0.8	4.4	3.5	7.1	4.8	2.4	23.0
<b>Iraqi</b>	3.4	7.5	7.1	10.0	5.1	2.8	35.9
<b>Moroccan</b>	2.4	13.5	41.3	47.1	25.0	30.3	159.6
<b>N. Antillean and Aruban</b>	6.0	11.3	19.5	17.4	15.0	13.2	82.2
<b>Pakistani</b>	0.5	1.0	2.2	3.3	2.7	1.1	10.8
<b>Philippine</b>	0.3	0.6	1.5	2.1	1.7	1.0	7.2
<b>Somali</b>	1.1	5.5	5.6	6.0	1.9	1.1	21.1
<b>South African</b>	0.6	1.1	2.2	1.9	1.1	0.9	7.9
<b>Surinamese</b>	1.9	11.0	28.0	52.8	48.2	44.4	186.3
<b>Turkish</b>	2.7	11.6	42.5	63.9	30.4	34.8	185.9
<b>Vietnamese</b>	0.1	0.7	2.8	3.3	2.8	1.3	11.0
<b>Other non-Western</b>	7.7	21.3	29.7	37.9	22.3	11.5	130.5
<b>Total</b>	34.4	104.4	205.8	282.0	184.9	160.2	971.7
<b>© Central Statistical Agency, Voorburg/Heerlen 2003</b>							

<sup>150</sup> Ibid., p. 97.

Ethnic minorities contribute significantly to population growth of the Netherlands. At the present time, almost half the population growth can be ascribed to immigration. Immigration, combined with the higher average fertility rate among ethnic minorities, has meant that two-thirds of the population increase in the past five years has consisted of ethnic minorities. The expectation is that in 2010 there will be two million persons of non-Western origin in the Netherlands.<sup>151</sup> Although the average number of children among ethnic minorities is dropping, the fertility rate of Moroccan and Turkish women is still significantly higher than the Dutch average.<sup>152</sup>

In recent years, almost half of the influx of immigrants not of Dutch nationality consisted of 'follow-up migrants'. They are persons who come to join their families in the Netherlands or persons who come to live in the Netherlands to marry or live in partnership. The inflow of persons who have immigrated for purposes of family reunification has shrunk and the number of persons creating new families has increased.<sup>153</sup>

In 2001, 133,404 (133 thousand) immigrants came to the Netherlands – 14.2 thousand non-Dutch immigrants for purposes of family reunification and 20.4 for family formation. Most of the immigrants coming for family reunification and family formation have come from Turkey and Morocco. In 2001, 3.3 thousand Turks and 3.2 thousand Moroccans came to the Netherlands to form new families. Those who came for family reunification from these countries were 1.0 thousand and 1.2 thousand respectively.<sup>154</sup>

Immigration resulting from family formation and family reunification is extremely high. Asylum migration, however, is dropping. In 2001, the number of asylum seekers was 32,579. This number was a decrease of almost 25% with respect to 2000 (43,895).<sup>155</sup> In 2002 the number of registered asylum seekers was 18,667, a decrease of at least 43%. As a result, the Netherlands underwent the largest change in rank in Western

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<sup>151</sup> Ibid., p. 15.

<sup>152</sup> Ibid.

<sup>153</sup> Ibid., p. 17.

<sup>154</sup> A. Sprangers and J. Garssen, Migratie in 2001 per saldo afgenomen [Migration in 2001 decreased on balance], in Centraal Bureau voor de Statistiek Webmagazine (10.06.2002),

<http://www.cbs.nl/nl/publicaties/artikelen/algemeen/webmagazine/artikelen/2002/0985k.htm> (08.04.2003);

Europese immigrantenstroom verandert [European immigration stream changes], in Centraal Bureau voor de Statistiek Webmagazine (23.09.2002), <http://www.cbs.nl/nl/publicaties/artikelen/algemeen/webmagazine/artikelen/2002/1040k.htm> (08.04.2003);

Nicolaas, H., Sprangers, A., Toename aandeel asielzoekers in immigratie [Increase in number of asylum seekers in immigration], in Centraal Bureau voor de Statistiek Webmagazine (05.08.2002),

<http://www.cbs.nl/nl/publicaties/artikelen/algemeen/webmagazine/artikelen/2002/1019k.htm> (08.04.2003).

<sup>155</sup> UNHCR (March 2003) Asylum applications lodged in industrialized countries: levels and trends, 2000-2002, <http://www.unhcr.ch> (25/04/2003)

Europe. Whereas the country received the third highest number of claims in 2000, it fell to the fourth position in 2001 and ranked seventh in 2002.

*Table 4: Population projections of people with a foreign background by group of origin*<sup>156</sup>

Population projections of people with a foreign background by group of origin, 2003-2050												
		People with a foreign background	Non-Western									
			Total non-Western	Africa	Asia	Latin America	Morocco	N. Antilles and Aruba	Suriname	Turkey	Indonesia	Other non-European
Generation	Periods	x 1000										
Total first and second generations	2008	3 344	1 879	223	366	79	341	146	342	380	390	69
	2013	3 686	2 113	251	443	98	384	163	358	413	380	85
	2018	4 024	2 338	281	523	119	419	181	370	441	370	104
	2023	4 338	2 551	312	603	141	448	199	379	465	359	118
	2028	4 630	2 752	343	682	163	472	217	385	486	346	130
	2033	4 903	2 939	373	758	184	492	235	388	505	331	141
	2038	5 156	3 113	403	831	206	509	252	389	521	313	152
	2043	5 389	3 270	431	898	227	523	267	386	535	291	162
	2048	5 600	3 408	458	960	246	534	282	381	544	269	172
	2050	5 678	3 458	468	984	254	537	287	379	546	260	176
First generation	2008	1 709	1 102	138	260	49	173	90	190	199	125	33
	2013	1 878	1 186	143	300	60	183	96	192	209	115	45
	2018	2 044	1 270	152	339	71	192	103	194	217	105	57
	2023	2 189	1 349	162	376	81	200	110	194	223	96	63
	2028	2 317	1 421	173	411	91	207	117	192	228	87	67
	2033	2 426	1 483	184	444	100	212	123	187	231	80	69
	2038	2 519	1 535	195	473	107	215	127	181	233	73	71
	2043	2 594	1 574	205	498	114	218	132	173	233	68	72
	2048	2 652	1 599	213	518	119	218	135	163	230	65	73
	2050	2 671	1 606	215	525	121	217	136	160	228	64	73

<sup>156</sup> Source: Centraal Bureau voor de Statistiek [CBS], Kerncijfers Bevolking, Statline Tabellen [Central Statistical Agency, Key Population Figures, Statline Tables], <http://statline.cbs.nl> (08.04.2003)

<b>Second generation</b>	<b>2008</b>	1 634	777	85	106	29	167	55	151	180	265	35
	<b>2013</b>	1 808	926	108	143	38	200	66	165	204	265	40
	<b>2018</b>	1 979	1 067	129	184	48	226	77	176	224	264	46
	<b>2023</b>	2 148	1 201	150	227	59	247	88	185	242	262	54
	<b>2028</b>	2 313	1 330	169	270	71	265	100	193	258	258	63
	<b>2033</b>	2 476	1 455	188	314	84	280	112	200	273	251	72
	<b>2038</b>	2 637	1 578	207	357	98	293	124	207	288	239	80
	<b>2043</b>	2 795	1 696	226	400	112	305	135	213	301	223	89
	<b>2048</b>	2 948	1 808	245	442	126	315	146	218	313	204	98
	<b>2050</b>	3 007	1 851	252	458	132	319	151	219	318	195	102
<b>© Central Statistical Agency, Voorburg/Heerlen 2003</b>												

Besides the differences in age and sex, there are also differences in educational level and vocation. The relative number of less educated people is higher among the ethnic minorities than among the native Dutch (see Table 5). But differences can also be observed among the various ethnic minority groups themselves. The educational levels among Turks and Moroccans in particular are lagging behind – half of them have received no more than primary education. Men of non-Western origin are somewhat better educated than women of non-Western origin, while more second-generation than first-generation individuals have received some form of further education.

Table 5 Educational levels of people aged 15-64 with a foreign background by sex and group of origin <sup>157</sup>

Educational levels of people aged 15-64 by sex and group of origin, 2001 (in %)									
		primary educati on	lower general secondar y educatio n	lower vocation al educatio n	higher general secondar y educatio n	intermedia te vocation al education	higher vocation al educatio n	universi ty educati on	total = 100% (x 1000)
<b>Women</b>									
	<b>total</b>	15	11	15	7	31	15	5	5 332
	<b>Dutch</b>	12	11	16	7	33	16	5	4 324
	<b>foreign background</b>	27	11	11	8	23	13	6	1 007
	<b>first generatio n</b>	33	10	11	8	20	12	6	654
	<b>second generatio n</b>	15	14	12	9	27	15	6	351
<b>Western</b>									
	<b>first generatio n</b>	17	9	12	10	24	17	11	246
	<b>second generatio n</b>	13	12	12	8	30	17	7	267
<b>non- Western</b>									
	<b>first generatio n</b>	43	10	10	7	17	9	3	408
	<b>second generatio n</b>	23	20	11	13	20	10	2	83
	<b>Turkish</b>	58	8	12	6	12	3	0	102
	<b>Morocca n</b>	57	11	10	5	12	3	2	82
	<b>Suriname se</b>	23	19	10	6	27	13	2	116
	<b>N. Antillean/ Aruban</b>	29	15	14	7	22	10	3	43

<sup>157</sup> W. Portegijs, A. Boelens and S. Keuzenkamp(2002), Emancipatiemonitor 2002 [Emancipation Monitor 2002], The Hague: Social Cultural Planning Agency, Central Statistical Agency, p. 53,  
<http://www.cbs.nl/nl/publicaties/publicaties/maatschappij/leefsituatie/emancipatiemonitor-2002.pdf> (27.05.2003)

	<b>other non-western</b>	35	9	9	13	16	13	6	150
<b>Men</b>									
	<b>total</b>	13	8	15	7	33	15	9	5 469
	<b>Dutch</b>	11	7	15	6	36	16	8	4 443
	<b>foreign background</b>	25	9	14	9	22	13	9	1 025
	<b>first generation</b>	30	8	14	8	19	12	9	631
	<b>second generation</b>	15	12	13	11	26	14	10	392
	<b>Western</b>	13	8	13	10	27	17	13	497
	<b>first generation</b>	15	7	13	8	24	17	16	208
	<b>second generation</b>	11	9	13	11	29	17	11	289
	<b>non-Western</b>	36	10	14	8	17	9	6	527
	<b>first generation</b>	38	8	14	8	17	9	6	423
	<b>second generation</b>	26	19	13	11	19	7	5	103
	<b>Turkish</b>	48	9	18	6	11	4	3	112
	<b>Moroccan</b>	51	9	12	6	16	5	1	95
	<b>Surinamese</b>	26	13	16	6	24	10	7	104
	<b>N. Antillean/Aruban</b>	22	12	17	9	27	7	7	41
	<b>other non-western</b>	29	9	12	12	15	13	9	175

The ethnic minority population of the Netherlands is more unevenly distributed across the country than the native Dutch population.<sup>158</sup> Large concentrations of ethnic minorities are located in the western part of the country, partly due to the appeal of the four big cities. The western provinces – Noord-Holland, Zuid-Holland, Utrecht and Zeeland – exert a stronger attraction on ethnic minorities than on immigrants of

Western origin. On 1 January 2001, 13.4% of the total population of this region of the Netherlands consisted of ethnic minorities. In the northern provinces – Groningen, Friesland and Drenthe – that proportion was 3.7%. Of those ethnic minorities, it is mostly persons with Surinamese or Moroccan backgrounds who are so intensely concentrated in the western provinces. This is also true of the Antilleans and Turks, but to a lesser degree. The Turks are also to be found relatively frequently in the eastern Netherlands, especially in southwest Overijssel. This has to do with the nature of the initial immigration from Turkey and Morocco. Many less educated immigrants from these countries settled as guest workers in the Randstad – the western conurbation – and the industrial cities of Twente and Noord-Brabant during the 1960s and 1970s. For this reason, these groups are still strongly represented in these areas.

Among the four largest ethnic minority groups – those from Turkey, Morocco, Suriname and the Netherlands Antilles/Aruba – it is especially striking that the pattern of spatial distribution and concentration hardly changes. The only dispersal taking place is among the Surinamese, from the western to the eastern Netherlands. This is mainly the consequence of a heavy flow of people moving from Amsterdam to Almere. Notable developments are in evidence among the ‘younger’ groups of non-Western origin. There is no longer any concentration of Somalis in the northern Netherlands, for instance, although there is a stronger concentration in the western and southern Netherlands. Tilburg in particular seems to exert a great attraction on this group. Afghans, on the other hand, who initially were underrepresented in the northern Netherlands, have become uniformly distributed across all the parts of the country in recent years. It is becoming significantly less common to encounter persons from Iraq and Iran in the southern provinces.

Most second-generation persons aged 25 and older have left their parents’ home by now. The size of this group is 620 thousand persons. The second generation of immigrants of Western origin has spread itself more uniformly across the Netherlands (except for the southern Netherlands) than the Western first generation. By contrast, the concentration of ethnic minorities in the western Netherlands has increased from the first to the second generation, although a shift did take place among second-generation Surinamese and Moroccans over the age of 25 from the western to the eastern and southern Netherlands.

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<sup>158</sup> CBS (2003), *Allochtonen in 2002* [Ethnic minorities in 2002], Voorburg: CBS, pp. 23-25.

There is a substantial overrepresentation of ethnic minorities in the four big cities. In 2001, almost 30% of the population of these cities was of non-Western origin, in comparison with 9.3% for the Netherlands as a whole. Of the four big cities, the proportion of ethnic minorities is highest in Amsterdam and Rotterdam, with almost 32%, and lowest in Utrecht, with upwards of around 19%.

About three-quarters of the total population of non-Western origin in the four big cities consist of Surinamese, Moroccans, Turks and Antilleans/Arubans.

There are substantial differences among the big cities themselves, however, in the distribution based on origin. In Amsterdam and The Hague, Surinamese make up approximately one-third of the total number of ethnic minorities, while in Utrecht that proportion is only one-seventh. There, Moroccans are the largest group by far, with 42% of the total. In The Hague and Rotterdam there are considerably fewer Moroccans. Turks are more uniformly spread throughout the four big cities, although their proportion in Amsterdam is relatively low. Finally, Antilleans and Arubans are most strongly represented in Rotterdam and The Hague.

By imposition of the Dutch government, Moluccans were settled 'temporarily' in rural, sometimes even remote, areas of the country. Though they are increasingly moving away from these areas, they are still the least likely of all the immigrant groups to be found in big cities.

### **ALIENS ACT**

The Dutch government expects the proportion of ethnic minorities to increase, despite measures that will be taken to limit the inflow of such groups.<sup>159</sup> A stricter immigration policy for those entering the Netherlands from countries outside the European Union was the aim of the new Aliens Act 2000 (*Vreemdelingenwet 2000*).<sup>160</sup> For immigrants with a temporary residence permit (*machtiging tot voorlopig verblijf*, or *MVV*), the most significant change in the Aliens Act, which came into force in April 2001, is that there is now only one status (in theory) in the Netherlands.<sup>161</sup> A person can be granted a single form of temporary status for one year (renewable twice) if he or she fulfils one of the following criteria:

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<sup>159</sup> Kamerstukken II [Parliamentary Documents II] 2002/03, 28 612, no. 2, p. 4, <http://www.overheid.nl> (25/04/2003).

<sup>160</sup> A. Fermin, The justification of mandatory integration programmes for new immigrants. Summary of the Dutch report 'Verplichte inburgering van nieuwkomers' (Utrecht University, European Research Centre on Migration and Ethnic Relations, ERCOMER Research Paper 2001/01), [http://www.ercomer.org/publish/reports/Alfons\\_report\\_Verplichte\\_Inburgering.pdf](http://www.ercomer.org/publish/reports/Alfons_report_Verplichte_Inburgering.pdf) (25/04/2003).

<sup>161</sup> Wet van 23 november 2000 tot algehele herziening van de Vreemdelingenwet [Act dated 23 November 2000 for a general revision of the Aliens Act 2000], Staatsblad [Bulletin of Acts and Decrees] 2001, 142, <http://www.overheid.nl> (25/04/2003).

He is a Convention refugee (someone with objective reasons to claim that he or she will face genuine risk if deported – risk of torture, inhuman or cruel treatment or punishment);

He is a person who, for humanitarian reasons (such as, but not exclusively, a violent widespread conflict), has fled the situation in his country of origin;

He is the spouse or minor child of someone of the same nationality who is granted status in the Netherlands on one of the above grounds, and who has travelled with, or followed, the main applicant within a period which does not exceed three months;

He is the dependent partner or child over 18 of the person recognised (Article 29, Dutch Aliens Act 2000).

The status of those fulfilling these criteria is converted to that of permanent resident if, at the end of the three years with temporary status, returning to the country of origin proves impossible. The government is also committed to a maximum six-month processing period to assess each claim. In exceptional circumstances, such as a mass influx, the government has allowed an additional year to process some claims.

Reports in the Netherlands suggest the new law is having some effect. While the level of asylum claims in Western Europe as a whole remained stable, the number of asylum applications in the Netherlands dropped from 43,895 in 2000 to 32,579 (a 25% decrease) in 2001, to 18,667 (a 43% decrease) in 2002.<sup>162</sup>

Any discussion of asylum in the Netherlands must make note of one unusual feature of the pattern of arrivals to the country in recent years. In 2000, 15 percent (6,705) of all the asylum seekers in the Netherlands were unaccompanied minors. The top five countries of origin were Angola, China, Guinea, Sierra Leone, and Somalia. Fully two-thirds of all asylum claims from China in the Netherlands were being made by children arriving alone. This figure was 59% for Guinea and 49% for Angola. The level of claims by unaccompanied minors was not nearly this high in other European countries. The EU average in 2000 was 3.5% of the total asylum claims. For Germany the figure was 1% (946 unaccompanied minors), for the UK 3% (2,733 unaccompanied minors), and for Portugal 5% (10 out of the 200 total asylum claims).<sup>163</sup>

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<sup>162</sup> UNHCR (March 2003) Asylum applications lodged in industrialized countries: levels and trends, 2000-2002.

<sup>163</sup> UNHCR (November 2001), Trends in unaccompanied and separated children seeking asylum in Europe, 2000, <http://www.unhcr.ch> (25/04/2003).

Various factors are presumed to contribute to the high numbers of unaccompanied minors in the Netherlands. Suggestions range from the level of educational opportunities offered to asylum seekers and refugees to the existence of a thriving sex industry. However, the real motives remain unknown. In response to this phenomenon, the Ministry of Justice created a new policy on unaccompanied minors in 2000, which began to be implemented in 2001. The focus is on the return of these children to their countries of origin, with provisions such as special arrangements for monitoring via the International Organisation for Migration in China. The policy also provides for a medical examination of the claimant to ensure that the child is under 18; this is primarily done using x-rays of the collarbone.

### ***FOREIGN NATIONALS EMPLOYMENT ACT***

The Foreign Nationals Employment Act (Wet Arbeid Vreemdelingen, or WAV)<sup>164</sup> governs the take-up of employment by non-EU foreigners and their integration into the Dutch labour market.<sup>165</sup> This law went into effect in January 1995 and replaced the Foreign Workers Employment Act (Wet Arbeid Buitenlandse Werknemers, or WABW) of 1979. Under this law employers will not be issued a work permit for non-EU foreigners so quickly, and the work permit will only be granted subject to a number of conditions. In addition, the central labour market authority will set a time limit for such work permits. A modification to the Dutch employment law stipulates that non-EU foreigners who are not permitted to work in the Netherlands will not be able to register with the employment office.

In principle employers wishing to hire a foreign national in the Netherlands require a work permit. For this purpose, an employer is any person who has somebody working for him. This means that the employment of foreign nationals for domestic or other personal services is covered by the law. And unlike in the previous legislation, this now also applies to the public administration. In the case of sub-contractors or agency work, it is the final contractor who is responsible. The final contractor does not, however, require a new permit if the sub-contractor or the placement agency has already presented a work permit. For the purpose of the law foreigners are all those not in possession of Dutch nationality. The law does not apply to au-pairs.

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<sup>164</sup> Wet van 21 december 1994, tot vaststelling van de Wet arbeid vreemdelingen [Act dated 21 December 1994 for the adoption of the Foreign Nationals Employment Act], Staatsblad [Bulletin of Acts and Decrees] 1994, 959, <http://www.overheid.nl> (25/04/2003).

<sup>165</sup> A. Fermin, The justification of mandatory integration programmes for new immigrants.

A work permit is not required for the employment of persons from member states of the European Union. No work permit is required for foreigners possessing a residence permit issued by the Ministry of Justice, provided it is clear from this residence permit that no restrictions have been placed on taking up paid employment. The Ministry of Justice has removed these restrictions on foreigners who are entitled to live and work in the Netherlands, that is foreigners with a residence entitlement, refugees, or those who have held a residence permit for more than three years. In future employers will be able to see from all new residence permits whether the foreigner in question is allowed to work in the Netherlands or not. An employer seeking to fill a vacancy should do everything in his power to fill this vacancy with a person from the so-called 'priority labour supply', which is made up of persons requiring no work permits. At least five weeks before the employer applies for a work permit he must have registered the vacancy with the employment office. In addition he must also conduct an active search himself, e. g. by placing advertisements or offering retraining or further training opportunities. If it becomes apparent that the employer is unable to fill the vacancy and no suitable person can be found by the employment office, the central labour market authority is empowered to grant a work permit. Normally a work permit will be granted within five weeks.

### ***NEWCOMERS INTEGRATION ACT***

In the early sixties the Dutch government assumed that the labour migrants would stay temporarily. Policy focusing on the integration of these groups was not under discussion. In practice, however, it became apparent that they had come for good, had brought their families over, and that their children were growing up here. As a result the government's perception of the assumed temporary stay of these people gradually changed.<sup>166</sup>

The people who chose to build up an existence in the Netherlands had a lot of catching up to do in comparison with the native Dutch population, and at the same time the society was insufficiently equipped to handle them. Most immigrants encountered gaps in education, work and housing that seemed impossible for them to overcome on their own. In addition, there were barriers in society that thwarted the

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<sup>166</sup> V. Beetz van (2000), The legal instruments required in the strategy for a successful integration policy in The Netherlands. Strategies for implementing integration policies proceedings (Prague, 4-6 May 2000), <http://www.social.coe.int/en/cohesion/action/publi/migrants/beetzen.htm> (25/04/2003).

integration process. Intervention by the government was required. The Ministry of Home Affairs and Kingdom Relationships played a coordinating role.

In 1998 a separate portfolio was created within the Ministry of Home Affairs and Kingdom Relationships for the Large Cities and Integration Policy. The Netherlands indicated it was more serious than it had been about the integration of minorities by appointing a special state secretary (or junior minister).<sup>167</sup>

The most important tasks of this state secretary are promoting and guarding the coherence of the integration policy; checking the extent to which the objectives of the integration policy have been realised; determining whether the relevant policy intentions of the various departments are compatible with the objectives of the minorities policy and signalling when announced intentions fail to materialise; where necessary taking the initiative to develop, adjust and evaluate policy; promote communication among all organisations involved in the minorities policy; and make a coherent presentation of the minorities policy.

One of the main priorities of this policy is to ensure that newcomers are able to manage for themselves in society as quickly as possible. Getting settled is a first step in the integration process. Settlement procedures ensure that newcomers learn the Dutch language, acquire a first insight into the social and political relationships in our society and acquire some knowledge of the Dutch labour market. This integration strategy is laid down in the Newcomers Integration Act (Wet Inburgering Nieuwkomers, or WIN).<sup>168</sup>

On 30 September 1998, WIN went into force in the Netherlands, establishing the rights and obligations of newly arrived adult immigrants concerning settlement or integration programmes.<sup>169</sup> The rationale behind the policy is that newly arrived adult immigrants should acquire a basic knowledge of the Dutch language, society and labour market as soon as possible, because this is essential for functioning independently in Dutch society in general and for participating in further education and the labour market in particular. They should be offered preparation and guidance in taking their first steps in the new society as soon as possible, to avoid the formation of new disadvantaged groups and dependence on public support. The first responsibility for implementing the integration policy lies with the municipalities. But

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<sup>167</sup> Following the change of government in 2002, a Minister for Integration and Immigration was appointed.

<sup>168</sup> Wet van 9 april 1998, houdende regels met betrekking tot de inburgering van nieuwkomers in de Nederlandse samenleving (Wet inburgering nieuwkomers) [Act of 9 April 1998, providing for regulations concerning the integration of newcomers in Dutch society (Newcomers Integration Act)], Staatsblad [Bulletin of Acts and Decrees] 1998, 533, <http://www.overheid.nl> (25/04/2003).

the central government defines the parameters of this policy by means of financial support, rules and laws such as WIN.

WIN's target group consists of newly arrived immigrants aged 16 years or older who are settling in the Netherlands for the first time on a non-temporary basis. An exemption is made for persons who, pursuant to international treaties, may not be obliged to participate in such programmes, especially citizens of the European Union. Included in the target group, however, are Dutch nationals from the overseas parts of the Kingdom, from the Netherlands Antilles and Aruba.

Newcomers are obliged to report for an integration inquiry within six weeks after arriving in a municipality or receiving a residence permit. Exemptions are possible on certain grounds. The integration inquiry is conducted to determine the need for and make-up of the programme. Previous knowledge, previous training and work experience are taken into account in the inquiry to determine to what extent the newcomer is under risk of becoming underprivileged and in which parts of the integration programme participation is necessary. The inquiry is concluded with a decision by the municipality specifying the programme that the newcomer is obliged to follow.

Within four months after applying for integration the newcomer is required to enrol at an educational institution. The integration programme consists of an educational section of approximately 600 hours: courses in Dutch as a second language (NT2), Social Orientation and Vocational Orientation. The programme concludes with a final test on NT2 and Social Orientation no later than 12 months after the enrolment at the educational institution. In addition to these courses, the newcomer receives general programme coaching and social counselling. The general programme coach should personally assist the newcomer. He or she should provide support if necessary and help to motivate the newcomer. The total programme is concluded no more than six months after the final test with a referral to the labour exchange, a follow-up course or other follow-up activities. So the total duration of the programme is close to two years at the most.

WIN specifies the obligations of newcomers and municipalities concerning the settlement programme. The newcomer is obliged to apply for the integration inquiry, to register with the educational institution and participate in the training, to take the final test and to participate in other parts of the integration programme. The Act

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<sup>169</sup> A. Fermin, The justification of mandatory integration programmes for new immigrants.

stipulates sanctions for newcomers who fail to meet their obligations: reduction of benefit payments or fines. In turn, the municipalities are obliged to ensure that all newcomers in need of a settlement programme are offered an adequate one.

Local integration policy was given new impetus from the introduction of WIN.<sup>170</sup> The educational supply improved gradually, both quantitatively and qualitatively. However, in 2001 even the central government recognised that the policy had not yet succeeded due to several problems with its implementation on local level. Evaluation studies revealed that many municipalities have problems with organising the cooperation of the many organisations and agencies concerned. Most newcomers failed to acquire sufficient command of the Dutch language within the allotted 600 hours for a referral to the labour exchange, although this was a central goal of the policy. The disappointing results were also caused by the fact that municipalities could rarely provide made-to-measure programmes for the heterogeneous group of newcomers, and by high dropout and absenteeism rates. At the same time, municipalities seldom impose the sanctions WIN stipulates because they consider the sanctions ineffective or unjustified given the actual low supply of programmes. Another reason is that municipalities prefer positive sanctions over negative ones. Furthermore, as an unintended side effect, the increase in the number of newcomers has occurred at the expense of the number of Dutch courses for those immigrants who have been in the Netherlands for quite some time without having acquired enough language skills for self-sufficiency (these immigrants are known as 'oldcomers').

In response to these disappointing results, the central government set out to initiate improvements and adjustments in the newcomer integration policy. An integration task force was established by the government to further this aim and a separate policy for the integration of oldcomers was developed. At the same time WIN's target group has been redefined. First, an act was passed to oblige specific groups of immigrants who have temporary residence permits but fulfil functions of social importance - such as clergymen (especially imams) - to participate in integration programmes. Second, the introduction of the Aliens Act 2000 was accompanied by another change in the target group; from then on immigrants with temporary residence status were also included in WIN.

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<sup>170</sup> A. Odé and M. Brink, (2002) Evaluatie effectiviteit Wet Inburgering Nieuwkomers: verscheidenheid in integratie [Evaluation of the effectiveness of the Newcomers Integration Act: diversity in integration], in *Migrantenrecht*, vol. 17, no. 5, pp. 154-158.