

Article

Pushing for Political and Legal Change: Protecting the Cultural Identity of Travellers in the Netherlands

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Abstract

On 12 July 2018, the central government of the Netherlands changed its approach relating to traveller camps in the Netherlands. This change constitutes a huge political shift, as the government had previously adopted a ‘hands-off’ and ‘repressive-inclusion’ strategy, which was especially known for its infamous ‘phase-out policy’ or ‘extinction policy’ of traveller camps. This has now been replaced by a fundamental rights-proof approach that facilitates the travellers’ way of life. This article aims to uncover the various actions undertaken by international and national actors that seem to have contributed to the Dutch government’s changed stance. It looks particularly at the role played by four national actors: the Netherlands Institute for Human Rights, the National Ombudsman, the Public Interest Litigation Project, and activist Roma, Sinti and travellers and their various interest groups. The article concludes that these actors’ efforts to establish political and legal change were successful as they addressed the same issue from different vantage points and through different means. That is, they all focused on the issue of the incompatibility of the phase-out policy with fundamental rights standards and relied on a variety of means available to them (such as litigation, lobbying, reporting, raising international awareness, and ensuring media coverage). By drawing some general lessons from this case study, this article aims to contribute to the existing literature on mobilizing human rights. In particular, it focuses on the (legal) activities national actors can undertake to bring about political and legal change in order to enforce the compliance of national authorities with fundamental rights standards in both law and policy.

Keywords: cultural identity; mobilizing rights; Roma and travellers; strategic litigation and impact litigation; traveller camps policies in the Netherlands

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1. Introduction

Roma, Sinti and travellers are seen to belong to one of the most discriminated and disadvantaged groups in Europe (Committee of Ministers of the Council of Europe 2008; European Commission 2017: 6). In the Netherlands, too, concerns have been raised about the protection of their rights. In particular, the lack of respect for and protection by national and local authorities of their cultural identity has been criticized (NO 2017). These concerns relate especially to their living situation—that is, travellers¹ wish to live in caravans, with close family and social ties, in so-called ‘traveller camps’ (*woonwagenkampen*). The infamous ‘phase-out policy’ of traveller camps, also known as the ‘extinction policy’ (*uitsterfbeeld*), which was adopted by several municipalities, is perhaps the most straightforward and flagrant violation of the rights of travellers in the Netherlands (Huijbers 2015; Loven 2017). The aim of that policy was to abolish traveller camps, either by offering regular housing to residents of these camps or by dismantling caravan plots once the previous residents had left. The phase-out policy was not developed by the local authorities themselves, but was, in fact, proposed as a policy option by the Dutch central government in the Guide to Municipalities of 2006 (hereinafter: the Guide of 2006) (VROM 2006). For many years, international organizations and national institutions criticized the Dutch traveller camp policy. Finally, on 12 July 2018, the Dutch central government overturned its policy and adopted the Policy Framework—Municipal Caravan and Pitch Policy (hereinafter: the new Policy Framework). This new framework aims ‘to provide protection of travellers against discrimination, safeguard their human rights and offer legal certainty and clarity in relation to their housing situation’ (BZK 2018b: 7).

The new Policy Framework is certainly to be welcomed in light of fundamental rights and provides important recognition of travellers’ rights in the Netherlands. The policy change came, however, rather unexpectedly as the Dutch central government for a long time denied any responsibility for municipalities’ policies for traveller camps, including any fundamental rights issues arising from them. Hence, this article aims to uncover the various actions undertaken by national (and international) actors which seem to have contributed to the Dutch government’s changed stance. In order to do so, Dutch legislation and policy documents, as well as reports, judgments and other (legal) actions of international and national actors regarding traveller camps in the period between 2006 (presentation Guide of 2006) and 2018 (presentation new Policy Framework) were studied. The discussion of the various actions undertaken by the actors is further broadened through informal conversations the authors have had with representatives from the national actors, and their own work for two of them (the Public Interest Litigation Project (PILP) and the National Ombudsman (NO)). Although this article entails a specific case study, and is primarily descriptive in nature, the conclusion draws some tentative lessons beyond the context of the housing situation of travellers in the Netherlands. By doing so, this article aims to contribute to existing literature on mobilizing the human rights of travellers (e.g. Bhabha et al. 2017; Handmaker 2018). More specifically, it focuses on the (legal) activities national

1 Roma, Sinti and traveller communities in the Netherlands all have a different background and their own particular culture and traditions. Importantly not all live or want to live in traveller camps. This article uses the notion of ‘travellers’ (*woonwagenbewoners*) as an umbrella term for the sake of brevity and to refer to those who live or would like to live in caravans in traveller camps as part of their cultural identity and tradition. For more information on the various communities see European Commission (2011: 1–2) and Rodrigues and Matelski (2004: 11ff.)

actors can undertake to bring about political and legal change in order to enforce compliance by national authorities with fundamental rights standards in law and policies (e.g. [Duffy 2018](#): 59–67; [Simmons 2012](#): 113ff.).

The article starts by outlining the Dutch legal and policy framework regarding traveller camps and the central government's position over the years (Section 2). It then addresses the various ways by which international and national actors have urged the government to change its policy (Section 3). Subsequently a discussion is held on some of the challenges the national actors have experienced in their joint efforts to overturn the policy of phasing out traveller camps (Section 4). Finally, the article is wrapped up by a conclusion that puts forward some ideas on mobilizing fundamental rights in light of the lessons learned from this case study (Section 5).

2. Dutch legal and policy framework

To understand the developments that led to the Dutch government's changed stance, it is necessary to clarify the Dutch legal and policy framework regarding traveller camps and the applicable fundamental rights standards. Before doing so, it is important to briefly explain that housing policy, including traveller camps policy, is decentralized in the Netherlands. Decentralization relates to the division of tasks between different and autonomous levels of administration where the primary responsibility lies with local authorities (e.g. [VNG 2018](#)). The new Policy Framework, put forward by the Ministry of Interior and Kingdom Relations (BZK), sets out the division of tasks in relation to traveller camps policies ([BZK 2018b](#): 19–20). The central government plays a framework-setting role, while municipalities and housing corporations are responsible for developing policies for traveller camps, implementing these policies, managing traveller camps, and enforcing the law.

This section establishes the background against which the developments of the new Policy Framework on traveller camps will be discussed. Firstly, it addresses the applicable fundamental rights framework by clarifying the standards against which the Dutch traveller camps policy has been measured (Section 2.1). Subsequently, a short chronological overview of the Dutch regulatory framework and factual situation of traveller camps is provided (Section 2.2), followed by an outline of the new Policy Framework (Section 2.3).

2.1 National and international standards for the protection of the caravan lifestyle

Over the years, the framework for travellers' rights has taken shape. It goes beyond the scope of this paper to thoroughly set out the applicable legal standards (e.g. [Huijbers 2015](#); [Donders 2016](#); [NO 2017](#); [NIHR 2018a](#)), however, the most relevant international, European and national human rights standards are set out below. Even though not all of these standards and decisions are legally binding, such as the decisions of the Netherlands Institute for Human Rights (NIHR) and the European Committee for Social Rights (ECSR), they are considered authoritative and have influenced the legal framework adopted in the new Policy Framework as well as judgments of Dutch courts.²

2 The judgment of the Subdistrict Court of The Hague (2019) provides a good example of this, as it bears many similarities to the line of jurisprudence of the Netherlands Institute for Human Rights. Regarding the new Policy Framework, see Section 2.3.

The European Court of Human Rights (ECtHR) has held that states have ‘a positive obligation ... to facilitate the way of life of Roma and travellers’ under Article 8 of the European Convention on Human Rights (ECtHR *Winterstein and Others v. France* (2013): para. 148(ζ)). This is based on the vulnerable position of these groups in society and their unique way of living. This unique way of living is characterized by living and travelling in caravans, even when it is merely nomadic in spirit (e.g. ECtHR *Winterstein*: para. 148 (α)-(β); ECtHR *Connors v. UK* (2004): para. 68; ECtHR(Grand Chamber) *Chapman v. UK* (2001): para. 73), and by close social and family ties (ECtHR *Yordanova and Others v. Bulgaria* (2012): para. 105). Therefore, national authorities must pay ‘some special consideration [to travellers]’ needs and their different lifestyle both in the relevant regulatory planning framework and in reaching decisions in particular cases’ (ECtHR *Winterstein*: para. 148(ζ)). In a similar vein, the Netherlands Institute for Human Rights has held that the policy of phasing out traveller camps discriminates against travellers, as it affects the core of their lifestyle and thus disadvantages travellers on the basis of their race (NIHR *Municipality of Vlaardingen* (2015): paras 3.10–3.12; NIHR *Municipality of Oss* (2014): para. 3.18). The Netherlands Institute for Human Rights monitors compliance with the Dutch Equal Treatment Act (*Algemene Wet Gelijke Behandeling*), which implements the Racial Equality and Employment Equality Directives of the European Union (EU). According to the Netherlands Institute for Human Rights, it is crucial that travellers can find ‘within a foreseeable time’ a caravan plot (NIHR *Municipality of Waddinxveen* (2016): para. 5.3; also in a similar vein see ECSR *International Federation of Human Rights (FIDH) v. Belgium* (2012b): paras 121, 141). This means that the waiting period for a caravan pitch should at least be comparable to that for regular social housing.

In line with the European Convention on Human Rights, other international treaties and the Dutch Equal Treatment Act, travellers’ rights also encompass an obligation for states to provide suitable alternative housing (e.g. ECtHR (admissibility decision) *Codona v. UK* (2006); UN Human Rights Committee *Naidenova and Others v. Bulgaria* (2012): para. 15). The European Court of Human Rights found that it cannot be held against a traveller that he/she does not accept culturally inadequate alternative housing (ECtHR *Stenegry and Adam v. France* (2007)). In the Dutch context, the Netherlands Institute for Human Rights has considered the travellers’ ‘way of living [to be] so specific [that] a similar enjoyment of living is only possible on another caravan site’ (NIHR *Municipality of Oss* (2014): para. 3.15). A regular house or a ‘trailer house’³ does not provide a culturally suitable alternative. For these reasons, the Netherlands Institute for Human Rights found a violation of the Equal Treatment Act in cases where travellers were forced to move to trailer houses (NIHR *Woonpartners Midden-Holland* (2018): paras 6.5–6.6). Cultural adequacy may also relate to respect for the family ties of travellers and the availability of temporary halting sites (e.g. NIHR 2018a: paras 2.1–2.2; Committee of Ministers of the Council of Europe (2004); ECSR *European Roma and Travellers Forum (ERFT) v. France* (2012): para. 110). The Netherlands Institute for Human Rights has nevertheless clarified that the right to family life does not constitute an absolute right (NIHR *Municipality of Deventer* (2019): para. 6.6).

3 These are houses that have some similarities to modern mobile homes, however, they are made of stone and are fixed to the ground.

2.2 The Netherlands' repression of the caravan lifestyle

The Netherlands has a long history of nomadic groups, even dating back to 1420 (Rodrigues and Matelski 2004: 12–13). Throughout time, Dutch authorities have imposed various restrictive measures on the travellers' way of life. After the Second World War, the Dutch government aimed to centralize travellers in big, and often desolate, traveller camps, restricting their nomadic lifestyle (Van Bochove and Burgers 2010: 211). A definitive end to the nomadic way of living came about with the establishment of the Caravan Act (*Woonwagenuwet*) (Huijbers 2015: 390–1). Soon after adopting a centralizing strategy, it became clear that large desolate camps resulted in isolated communities, with lower standards of living and, allegedly, disorder and crime (Van Bochove and Burgers 2010: 211–12). The Dutch government therefore opted for a different 'normalization' strategy. It started to establish small-scale traveller camps and increasingly tried to accommodate travellers in regular houses (Huijbers 2015: 390–1). To fully implement this new strategy, the Caravan Act was repealed in 1999, resulting in the complete decentralization of caravan policy and the loss of a specialized legislative framework for the travellers' lifestyle (Widdershoven 2005: 44ff.).

Since 1999, the municipalities have held the primary responsibility for developing and implementing policies for traveller camps. In fact, as is clear from the reports of the UN Committee on the Elimination of Racial Discrimination (CERD) of 2015 (UN CERD 2015: paras 19–20) and the European Commission against Racism and Intolerance (ECRI) of 2013 and 2008 (ECRI 2013: paras 168–9; 2008: paras 87–90), the Dutch central government took the stance that traveller camps policy was the *sole* responsibility of municipalities. Yet in response to requests from municipalities and especially to the Vinkenslag incident,⁴ the government provided some guidance for municipalities with its Guides of 2006 and 2009 (VROM 2006, 2009). These Guides were mainly aimed at law enforcement, focusing on how municipalities should deal with alleged criminal activities and safety issues at campsites. The Dutch authorities thus primarily considered traveller camps as a nuisance, and wished to continue reducing the number of caravan sites in the Netherlands by 'normalizing' the living situation of travellers (VROM 2006). These goals were translated into five policy options (ibid: 6–7). The first two options concerned the 'zero-option' (*nuloptie*), better known as the 'extinction policy' or 'phase-out policy', and the 'reduction policy' (*afbouwbeleid*). As explained in the introduction, the phase-out policy concerned the complete elimination of campsites in a municipality. The reduction policy was aimed at a (significant) decrease in the number of caravan plots, regardless of the demand for such plots. Although municipalities were free to determine whether they would apply the policy options mentioned in the Guide of 2006, it has become clear that at least a couple of dozen had chosen one of these two options.⁵

4 Early in the morning of 15 April 2014 there was a large-scale raid by around 400 police officers at Vinkenslag, a traveller camp in Maastricht. The raid came in response to a protest by around a hundred travellers who had blocked a motorway earlier that week, as well as to suspicions of illegal activities, such as large-scale hemp cultivation. It led to the arrest of 16 people for involvement in the protest, two people for alleged violation of the Opium Act, and one person for opposition to police enforcement. See Nu.nl (2004) and *De Volkskrant* (2004).

5 An inventory of municipalities' policies for traveller camps was lacking. The numerous complaints to the Netherlands Institute for Human Rights, however, already indicated that several municipalities had implemented one of these policy options. Moreover, in a letter of the National

For these reasons, the central government's approach was held to amount to a 'repressive inclusion strategy'. By proposing traveller camps policy options that would limit the number of caravan sites, the government 'pressed or even forced [travellers] to assimilate, or in terms of the local policy, to "normalize"' (Van Bochove and Burgers 2010: 217). In addition, the Dutch central government took a 'hands-off' approach by rejecting any responsibility concerning (rights) issues relating to traveller camps policy. Together, these elements led to a serious shortage of caravan plots in the Netherlands. The estimated shortage in 2009 concerned 3,000 caravan sites, which made up 36 per cent of the total number of available caravan plots (Schriemer 2009; BMC Research 2012: 4; Art. 1 Dutch Knowledge Centre on Discrimination 2012: 9). This shortage is assumed to have intensified ever since due to the successful implementation of phase-out and reduction policies.

2.3 The Dutch central government's sudden change of approach

In 2018 the Dutch central government shifted its approach radically towards one of facilitating fundamental rights. Even though various actors had pushed for such an approach for many years, it was not until mid-2017 that the Dutch government started to recognize that its previous strategy was no longer viable. This was a rather sudden change, as on 16 February 2017 the government had still rejected any responsibility for the discriminatory policies of municipalities during a hearing at the Netherlands Institute for Human Rights (NIHR *Central Government* (2017): para. 5.4). In April 2018 the government took a first step towards the recognition of travellers' rights in the Netherlands, as it explicitly set out a fundamental rights framework concerning the cultural rights of travellers and their way of life in its Guide on Anti-Discrimination (BZK 2018a: 5, 60–63). A couple of months later, on 12 July 2018, the central government published a specific policy concerning traveller camps. This new Policy Framework contains historical and cultural information about travellers in the Netherlands and about the development of Dutch traveller camps policy over the years, and sets out the fundamental rights standards for traveller camps policy, including references to judgments of the European Court of Human Rights and decisions of the Netherlands Institute for Human Rights. It also explicitly states that the goal is 'to provide protection to travellers against discrimination, safeguard their human rights and offer legal certainty and clarity in relation to their housing situation' (BZK 2018b: 7). More concretely: municipalities need to adopt policies for traveller camps; their policies should sufficiently take into account and provide space for the travellers' lifestyle; municipalities or, alternatively, provinces should provide clarity about the demand for halting sites on the basis of inventories; housing associations should provide housing to travellers when they fall within their target group (social housing); the phasing out of halting sites is not permitted (save for exceptional circumstances); and a traveller looking for a caravan should have the opportunity to find a halting site within a reasonable period of time (*ibid.*: 7–19). The new Policy Framework thus places traveller camps policy in the context of fundamental rights standards (as set out in Section 2.1) as it aims to protect as well as facilitate the travellers' way of life in the Netherlands.

From the new Policy Framework it also follows that the central government does envisage a role for itself, albeit a small one. Despite the fact that the primary responsibility for traveller camps policy remains with the municipalities, within the new Policy Framework a

Ombudsman, it became clear that there are still some municipalities which do not wish to bring their policies for traveller camps in line with fundamental rights (NO 2018). Also the [Companen 2018](#) baseline measurement report, requested by the Dutch central government, does not indicate what kind of policies municipalities have adopted ([Companen 2018](#): 9–10).

facilitating and framework-developing role for the central government is envisaged. The government sees its role from the perspective of its 'system responsibility' for compliance with fundamental rights, and therefore it aims to 'guard' the number of halting sites in the Netherlands over time as well as to continuously invest in a good relationship with representatives from the Dutch Roma, Sinti and traveller communities (*ibid*: 19). In light of this role, the central government requested a baseline measurement of the available caravan plots on 1 January 2018 (*Companen 2018*).

3. Pushing for change

It has become clear that the approach of the Dutch central government concerning traveller camps changed drastically in 2018, shifting from a 'hands-off' and repressive inclusion approach to an approach which was more based on respecting and facilitating fundamental rights. The new Policy Framework attests that pressure from international and national organizations has led the government to adopt its new approach. It states that the policy change has been influenced by the need for a traveller camps policy respectful of human rights, as indicated by various organizations, including a number of interest groups, the Netherlands Institute for Human Rights, the National Ombudsman, the European Court of Human Rights, and international organizations (*BZK 2018b*: 3). This section explains what actions may have pressured the government into changing its stance and, especially, the role national actors have had in this regard. It thus draws correlations (and not causalities) between the various activities of actors and the government's policy change (e.g. *McGrogan 2016*: 616, 630–6).

This section begins by discussing four of the main national actors or 'vernacularizers':⁶ the Netherlands Institute for Human Rights, the National Ombudsman, the Public Interest Litigation Project and national and local interest groups (Section 3.1). Although other actors could be mentioned as well, such as academics and a number of civil servants, these four actors have been the most prominent in addressing the Dutch traveller camps policy. This section provides the necessary background as to how and why the Netherlands Institute for Human Rights, the National Ombudsman, the Public Interest Litigation Project and interest groups are involved in the protection of travellers' rights in the Netherlands. Subsequently, the most important developments at the international level are discussed as well as the role these national actors have had in that regard (Section 3.2). This is followed by a discussion of the developments at the national level (Section 3.3) and a short reflection on how the various actions may have pushed the Dutch government towards changing its approach (Section 3.4).

3.1 National (fundamental rights) actors

The first relevant national actor is the Netherlands Institute for Human Rights (NIHR). This is the Dutch equality body and the Dutch National Human Rights Institute established

6 The notion 'vernacularization' is used in socio-legal research to refer to the adaptation of international fundamental rights law and case law to local cultural, political and social contexts. 'Vernacularizers' are those persons or organizations that 'convey ideas from one context to another, adapting and reframing them from the way they attach to a source context to one that resonates with the new location' (*Levitt and Merry 2009*: 449; see also *Merry 2006*: 219–22).

in accordance with the United Nations Paris Principles. It has a dual mission: on the one hand it renders non-legally binding, yet authoritative, decisions on the compatibility of governmental authorities with the Equal Treatment Act and, on the other hand, it reports on and advises state authorities and private entities on the compatibility of legislation, policies and practices with human rights standards (see Sections 2.1 and 3.3; NIHR 2016). Until the new Policy Framework was published in July 2018, the NIHR had delivered 37 decisions relating to traveller camps policy, and in 21 of them it found there had been a violation.⁷ The Netherlands Institute for Human Rights also advised the Dutch government on the development of the new Policy Framework. In its Advice, it focused on broader human rights issues relating to the traveller camps policy (NIHR 2018a).

The National Ombudsman (NO) is another relevant national actor. The National Ombudsman is one of the five 'High Councils of State', meaning that its impartial and independent position is guaranteed by the Dutch Constitution (Article 78a). The main task of the National Ombudsman is to scrutinize the way public sector authorities, ranging from government ministries, provinces, and municipalities to their executive agencies and the police, fulfil their statutory responsibilities. To do this, the National Ombudsman can start an investigation after having received a complaint or multiple complaints from citizens, or on its own initiative. Over the years, the National Ombudsman had received complaints from various travellers about the phase-out policy, which ultimately led to its report on Dutch traveller camps policy in 2017 (NO 2017).

The third actor is the Public Interest Litigation Project (PILP) of the Dutch Section of the International Commission of Jurists (NJCM). The Public Interest Litigation Project was set up in May 2014 as a pilot for exploring the possibilities of strategic litigation for human rights in the Netherlands. It can initiate legal proceedings, alone or in cooperation with law firms, NGOs, and civil society organizations, in relation to fundamental rights issues in the Netherlands. Contrary to regular legal proceedings, its procedures are based on strategic choices and aimed at addressing a broader fundamental rights issue. The housing situation of travellers was one of the first issues taken up by the Public Interest Litigation Project. After a meeting with representatives from the Roma, Sinti and traveller communities, policy experts and lawyers, the Public Interest Litigation Project decided to focus on the phase-out policy with the aim of overturning this policy, on paper as well as in practice.

The final, and most important, actors are the activist Roma, Sinti and travellers and the interest groups established by them. Not only are they the ones whose rights are at stake, but their continuous involvement in fighting for their rights has been essential for the travellers' rights movement in the Netherlands. In recent decades travellers have increasingly organized themselves in formal and informal networks,⁸ and voiced their problems and views in international, national and local (political) forums. Several, very active, members of these communities have played a crucial role in raising awareness regarding their situation in the Netherlands through lobbying, contacting the media, organizing events, providing

7 This is based on an empirical analysis of the decisions published on the NIHR website and concerns the decisions concerning traveller camps policy that were decided before July 2018.

8 For example, through a magazine and website, *Het Wiel*, these groups share information about relevant policies, legislation, recent news articles, as well as on fundamental rights and legal proceedings relating to their traveller lifestyle. See the *Het Wiel* website <https://www.hetwiel.info> (referenced 18 May 2018). For a short discussion of the website, see [Loven 2017: 20](#).

information about their culture, raising complaints, and starting legal proceedings. In their work they have often been supported by (legal) advisers. The continuous efforts of travellers are also clear from the RAXEN study of 2009 (discussed further in the next Section), which refers, for example, to the initiative of one of the activist travellers 'to activate others living on halting sites to speak up for their rights and ask municipalities to provide more halting sites' (Schriemer 2009: 35).

It should, however, be noted that the Roma, Sinti and traveller communities do not form a homogeneous group in the Netherlands. These communities consist of Roma, Sinti and traveller populations, and within these groups, subgroups can be distinguished. This is illustrated by the various interest groups representing them at national and international levels, for example, Travellers United Nederland, Vereniging Behoud Woonwagencultuur, and Vereniging Sinti, Roma, Woonwagengewoners Nederland. In addition, there is a difference in activism within these groups. It has, for example, been noted that travellers with a Dutch origin and Sinti appear to be more active in voicing their problems, while Roma seem to consider it less in their nature to fight for their rights (Loven 2017: 21–2).

3.2 Pushing for change at the international level

Although efforts of travellers to address the repressive integration strategy of the Dutch central government have been ongoing for several decades, the first legal recognition of their struggle as a fundamental rights issue came at the European level. The European Commission against Racism and Intolerance (ECRI) explicitly paid attention to the housing situation of travellers in the Netherlands in its third monitoring report of 2008 (ECRI 2008: paras 87–90). In that report, as well as in its report of 2013, it underlined the need for the Dutch government to take responsibility in relation to discrimination towards travellers. In 2013 it also recommended the Netherlands to 'make an assessment of the needs of Roma, Sinti and Travellers who live in caravans and ensure that sufficient caravan sites are made available so that they can live according to their traditions and culture' (ECRI 2013: para. 168). ECRI's report was based on information provided not only by the Dutch authorities, but also by civil society organizations (ECRI 2008: para. 88), and by representatives from Roma, Sinti and traveller communities (ECRI 2013: para. 168). In addition, it was influenced by a RAXEN study, commissioned by the European Union Agency for Fundamental Rights (FRA) in 2009. This study stated that '[t]he shortage of halting sites is the main problem with respect to the housing situation of Roma, Sinti and Travellers in The Netherlands . . . [which] is also a result of a policy and/or a lack of government involvement towards the housing situation of Roma, Sinti and Travellers' (Schriemer 2009: 40). Besides desktop research relating to the legal and policy framework in the Netherlands, the RAXEN study relied on interviews, including those with experts on Dutch traveller camps policy and travellers themselves (ibid: 29–33).

In 2011, the European Committee of Social Rights (ECSR) required the Dutch government to provide information about the progress it had made in providing sufficient caravan plots (ECSR 2011). Four years later, in 2015, in the absence of any information on the progress made, the ECSR found the Netherlands to have failed to act in conformity with the right to housing (Article 31, para. 1 of the European Social Charter). It concluded that 'there is an insufficient number of halting sites for non-sedentary populations and the living conditions on such sites [are] poor' (ECSR 2015). Earlier that year, the UN Committee on the Elimination of Racial Discrimination (CERD) recommended the Netherlands to take

specific measures to combat discrimination towards travellers as well as provide sufficient campsites (UN CERD 2015: paras 19–20). This recommendation seemed to have been inspired by information provided by a coalition of Dutch NGOs, including the Dutch Section of the International Commission of Jurists (NJCM)—the parent organization of the Public Interest Litigation Project—in their Joint Parallel Report (NJCM 2015).

Finally, in October 2017 an EU report on Roma and the Enforcement of Anti-Discrimination Law was published by the European Commission, covering the period between 2011 and 2016 (European Commission 2017). The report referred several times to the situation in the Netherlands, emphasizing that there appeared to be a general shortage of caravan plots, and to the series of decisions of the Netherlands Institute for Human Rights. In addition, the report mentioned patterns of segregation in the Netherlands without any specific progress being made since 2011 (ibid: 20).

3.3 Pushing for change at the national level

It was not until 2014 that significant fundamental rights changes can be noted at the national level. That year seems to be the tangible starting point or ‘critical juncture’ (e.g. McEvoy and Rebouch 2007: 278) of the different actions undertaken by the four main actors, even though, as already mentioned, travellers had been active for many years. In August 2014, after considerable efforts by one interest group, the travellers’ culture was placed on the UNESCO list of Intangible Cultural Heritage (see Dutch Centre for Intangible Cultural Heritage, no date). This was a hugely important step for the travellers, as many of them see this as the first official recognition and protection of their culture (Loven 2017: 18; Wagenaar and Rodenberg (forthcoming)). That same year the Netherlands Institute for Human Rights held, for the first time, that a municipality had acted in violation of the Equal Treatment Act by implementing its traveller camps policy (NIHR *Municipality of Oss* (2014)). In addition, as the decisions of the Netherlands Institute for Human Rights are not legally binding, the Public Interest Litigation Project took its first steps in litigating for the rights of travellers in a case against the municipality of Oss.

It is hard to identify one concrete reason for 2014 being the starting point, yet it appears that the international acknowledgement had an impact on the national recognition of the fundamental rights problem. In addition, the continuous efforts of activist travellers to get their situation on the agenda of national institutions seems to have set things in motion. The first decision by the Netherlands Institute for Human Rights, for example, was a result of an activist traveller bringing a case to the NIHR. The decision of the Netherlands Institute for Human Rights, in turn, also strengthened the arguments of the Public Interest Litigation Project in its legal proceedings against the municipality of Oss. And the Public Interest Litigation Project’s perception of the problems faced by travellers was informed by representatives from the various Roma, Sinti and traveller communities.

The important role of activist travellers is also clear from the start of the involvement of the National Ombudsman. Although, officially, the National Ombudsman did not pay particular attention to travellers as a target group in 2014, it did already have exploratory talks with one of the interest groups. In 2015 it intended to investigate complaints of travellers relating to their lack of involvement in policy decisions regarding traveller camps. Yet, because of the increased international and national recognition of the cultural identity of travellers, the National Ombudsman started a broader investigation in the summer of 2016

relating to the recognition of and respect for the cultural identity of travellers by national and local authorities (NO 2017: 6–7).

In the meantime, the national fundamental rights framework continued to develop (see Section 2.1). The Netherlands Institute for Human Rights, after rendering a first decision in 2014, delivered another four decisions in 2015 and seventeen decisions in 2016. Besides the decisions of the Netherlands Institute for Human Rights, the Public Interest Litigation Project continued its case against the municipality of Oss at a District Court as well as at the Court of Appeal (PILP 2016a, 2017), and wrote an *amicus curiae* letter to the NIHR in relation to the central government's responsibility for the discriminatory traveller camps policies (PILP 2016b). It also tried to raise awareness regarding the fundamental rights of travellers in various news items and general and political debates, as well as by publishing an 'Alternative Guide for Traveller Camps Policy', setting out the relevant fundamental rights standards for civil servants (PILP 2015a).

The steps taken by the actors between 2014 and 2016 can be described as paving the way for the defining steps in 2017. It was only in 2017 that the role of the central government was addressed in light of fundamental rights standards. On 1 May 2017, the Netherlands Institute for Human Rights held that the central government had directly discriminated against travellers by including a phase-out policy in its Guide of 2006 (NIHR *Central Government* (2017): para. 5.11). Shortly after this decision the National Ombudsman published its report, also concluding that the government had failed to safeguard travellers' (cultural) rights (NO 2017). Against this background, the Public Interest Litigation Project considered that it had sufficient leverage to take the first steps towards civil proceedings against the government on behalf of two interest groups. It therefore invited the Dutch government to a formal meeting with representatives from the Roma, Sinti and traveller communities that, ultimately, resulted in constructive talks, making litigation unnecessary.

In light of the change of government in 2017, with a new Minister of BZK (a member of D66, a progressive political party), the timing of these actions could probably not have been better. The new government may have been more receptive of the focus on the rights of travellers, as it seems to fit well with the emphasis on fundamental rights-friendly policies by two of the ruling coalition parties (D66 and CU). Because of the positive response from the central government, the national actors replaced 'hard means', such as decisions by the Netherlands Institute for Human Rights, reports from the National Ombudsman and litigation by the Public Interest Litigation Project, by 'soft means' in mid-2017, such as lobbying, advising and influencing. The letter from the Minister of BZK in September 2017 made it clear that the government would change its point of view and, importantly, that it would base its approach on the applicable fundamental rights framework (Minister of BZK 2017). Since then, several meetings took place between the government and the four national actors in 2017 and 2018. In the process of designing a new Policy Framework, the government also involved the four national actors. In addition, it requested the Netherlands Institute for Human Rights to provide advice on the human rights position of travellers and traveller camps policy (NIHR 2018a). In preparing this, the Netherlands Institute for Human Rights deliberated with various representatives from the Roma, Sinti and traveller communities (*ibid*: 9). Lastly, the National Ombudsman remained active and turned its focus to the municipalities and the follow-up on its report (NO 2018).

3.4 Reflections on pushing for change

The previous sections provided an overview of the different international and national actions that were undertaken to address the central government's approach to traveller camps policy. It indicates that the voice of the Dutch travellers was first heard at the international level. This can be explained in light of the European institutions' strategies focused on combating the discrimination and disadvantages Roma experience across Europe—strategies that continue to run (e.g. [FRA 2012b](#); [Council of Europe and European Union 2015](#)). Indeed, the RAXEN study discussed above was initiated by FRA to assist EU institutions and EU member states in developing appropriate policies to improve the situation of travellers in Europe ([FRA 2012a](#)). This study was also relied upon by other international monitoring bodies, as it provided essential information about the travellers' situation in the Netherlands. International reporting may thus be considered as *international push factors* in the Dutch government's policy change. Moreover, it contributed to the development of the fundamental rights framework.

Research, however, has shown that the effectiveness of reports by international monitoring bodies is limited in the Netherlands ([Krommendijk 2014](#): 261–5; [Oomen 2013](#): 70). Against this background and based on the timeline, the European Commission's report in 2017 appears to have been a more effective push factor. This can be explained by the possibility for the European Commission to start infringement proceedings (Article 258 of the Treaty on the Functioning of the European Union (TFEU)), which it initiated against the Czech Republic (2014), Slovakia (2015), and Hungary (2016) for a violation of the Race Equality Directive in areas concerning the education and housing of Roma ([European Commission 2017](#)). Considering the patterns of segregation and discriminatory traveller camps policy in the Netherlands as noted in the report, it was not unlikely that the European Commission would enforce such 'hard' legal measures against the Dutch authorities as well. This might also explain why the Dutch government decided to explicitly set out the 'fundamental rights framework of Roma, Sinti and travellers' in its Guide to Municipalities on Anti-Discrimination Policy ([BZK 2018a](#)).

Where Netherlands-related issues were at stake, national actors contributed directly to these international reports. Not only by providing international monitoring bodies with the necessary information, for example, as was done in the RAXEN study (see Section 3.2), but also in the form of agenda setting. For many years, various activist travellers and their advisers have been actively involved in debates and consultation procedures at various institutions of the European Union and the Council of Europe, raising awareness regarding their situation in the Netherlands, including the shortage of caravan plots. At the same time, the national actors relied heavily on international reporting and the fundamental rights standards set out by international monitoring bodies, as well as in judgments of the European Court of Human Rights and the European Court of Justice. This can be illustrated by the fact that from 2014 onwards the national actors all started to address the same issues and frame this in the same way: the incompatibility of the Dutch framework for traveller camps policy with fundamental rights. In this way, the international and national actors strengthened each other's work. Indeed, the effectiveness of the monitoring activities of international organizations is considered to increase when they are actively taken up by civil society organizations (e.g. [Krommendijk 2014](#); [Oomen 2013](#): 70–72).

To further strengthen their case, the national actors undertook various actions. Activist travellers, the Public Interest Litigation Project and the National Ombudsman tried to get

recognition for travellers' rights in the media. The four national actors also addressed problems related to travellers at different administrative levels of authority (local and national), and travellers and the National Ombudsman have been active in making their case in different (political) forums (local, national and international). The national actors also relied on various means, such as lobbying (all four actors), issuing reports (National Ombudsman and Netherlands Institute for Human Rights), litigation (travellers and Public Interest Litigation Project), and raising international awareness about the situation in the Netherlands (travellers and Public Interest Litigation Project). Furthermore, the national actors did not just focus on the same issue, but they converged their actions by working closely with one another and by sharing information. Seemingly, by attuning their strategies, each focusing on their strengths and expertise, the national actors have been able to bolster each other's work. This seems to have led to strong and coherent *national push factors* for the government to change its approach.

While the national actors are discussed here as organizations and institutions, many of the above actions were carried out by specific individuals. Activist travellers have already been mentioned, but also employees at the National Ombudsman, the Netherlands Institute for Human Rights and the Public Interest Litigation Project have been particularly involved in raising awareness regarding travellers' rights among civil servants. Likewise, individuals in the central government seem to have played an important role, as several civil servants have shown willingness to engage with the problems travellers encounter and to look for ways to effectuate policy change (in a similar vein see [Oomen 2013: 70–71](#)).

4. Challenges for long-lasting changes

So far, this article has addressed the developments for pushing for legal and political change of the Dutch traveller policy as a success story of mobilizing rights. This process, however, has not been without challenges. This section addresses several difficulties encountered by national actors and how they have tried to cope with these (Section 4.1). In addition, this section mentions some challenges the authors envisage—some of which have already materialized in the meantime—for ensuring the protection of travellers' rights in the future (Section 4.2).

4.1 Challenges prior to the new Policy Framework

A first challenge relates to the involvement of all four national actors in the deliberations on the new Policy Framework of the Dutch government. The involvement of these actors by the government was commendable, but at the same time there were concerns that the government might cherry-pick from their input, and fall back to the lowest fundamental rights standard provided by one of the actors. Although these concerns did not materialize in practice, the various actors responded to this challenge by regularly informing each other of their activities, especially at the beginning of the discussions with the government. By doing so, the actors were also able to strengthen each other's work and to put forward the same message.

In addition, the Netherlands Institute for Human Rights, the National Ombudsman and the Public Interest Litigation Project made sure that representatives from the Roma, Sinti and traveller communities were consulted, to ensure that they would have as much information as possible about the problems faced by these communities, and could give a voice to them. The involvement of representatives from the Roma, Sinti and traveller

communities relates to the next challenge faced. This concerns the question of who can be considered to represent the Roma, Sinti and traveller communities. From a fundamental rights perspective (Huijbers 2015: 410–11) and the perspective of the Public Interest Litigation Project, the National Ombudsman, and the Netherlands Institute for Human Rights, it is crucial that these communities are involved in the deliberations on new policies relating to them and their lifestyle. However, as these communities do not form a homogenous group, the different national interest groups may not always be the rightful representatives from these communities, or at least not be considered as such by all individuals in these communities. Some groups might also be over-represented as they are more active in voicing their problems (see Section 3.1). The National Ombudsman has tried to deal with these issues by opening a complaints hotline (*klachtenlijn*), which enabled any member of the communities to express their concerns (NO 2017; Loven 2017). The Public Interest Litigation Project, in turn, has contacted many interest groups and allows individuals to submit a case. Over the years, the Public Interest Litigation Project has informed each of these groups and individuals on the developments and actions undertaken and has asked them to participate in, or to provide input for, brainstorm meetings or, for the draft version of the new Policy Framework. The Netherlands Institute for Human Rights has also tried to involve as many representatives as possible in the preparation of its Advice (NIHR 2018a: 9). The National Ombudsman, the Public Interest Litigation Project and the Netherlands Institute for Human Rights thus tried to avoid a narrow-minded understanding of the issues faced by travellers, by opening up their channels of communication to a large number of interest groups and members of the community. Nevertheless, it is hard to determine whether all subgroups have been fully represented.

A final challenge addressed here concerns the issue of stigmatization. Several national actors feared that framing Dutch traveller camps policy in terms of fundamental rights, especially the focus on travellers' cultural identity, might lead to the stigmatization of travellers in the media, by civil servants or in society in general (e.g. De Zwart 2005, and 2012: 312–4). In the past, the media primarily painted a negative picture of traveller communities by focusing on issues related to criminal activities at traveller camps (e.g. OneWorld 2018). National actors were concerned that a focus on travellers' rights would not be taken seriously, or that the emphasis on their cultural identity would stimulate the view that travellers are 'different' and 'outsiders'. These concerns can be compared to the discussion on the effects of the 'vulnerable group' label as attached by the European Court of Human Rights, among others, to the Roma and travellers (e.g. ECtHR *Winterstein*: para. 148 (ç) and ECtHR *Chapman*: para. 96; David 2018: 97ff.). While labelling groups as 'vulnerable' may empower these groups, it can, at the same time, be potentially harmful. A focus on the vulnerability of a group can lead to increased stigmatization (e.g. Fineman 2013: 16; Peroni 2014: 100; Wiesbrock 2015: 80, 90; Nifosi-Sutton 2017: 228), as 'vulnerability' is often associated with negative connotations such as harm and injury, and it may draw attention to certain aspects of these disadvantaged groups and individuals, emphasizing that they are different from others and disregarding other talents and abilities these persons possess (Peroni and Timmer 2013: 1072). The national actors tried to prevent such adverse effects. The Public Interest Litigation Project took a strategic approach in deciding what information it would share publicly and, particularly, when and how to involve the media in its activities. Interest groups, in turn, have tried to get positive media attention for their culture, for instance,

by organizing the Roma Pride in the Netherlands⁹ and by inviting politicians and political figures to their homes and camps. The National Ombudsman shared its message more broadly in the media, trying to get the word out that traveller camps are a fundamental rights issue. To increase citizens', as well as civil servants', understanding of the traveller culture and the challenges travellers have faced and still face, the National Ombudsman also attributed an important part of its report to stories by travellers. Slowly but surely, the media seems to have picked up on this and it has increasingly reported on the discrimination experienced by travellers in the Netherlands. This development is especially visible in the various news items that focused on fundamental rights of travellers, as well as, for example, the visit by the King of the Netherlands to a renovated traveller camp in Zeist (NOS 2017). Also, the reporting after the publication of the new Policy Framework was overall very positive.

4.2 Challenges for follow-up on the new Policy Framework

The three challenges prior to the publication of the new Policy Framework—cooperation, representation and fears of stigmatization—also relate to issues of ensuring long-term impact. Indeed, while the Dutch government might have changed its stance, and it intends to monitor the situation, it is clear that this is not the end of the story. With the new Policy Framework, the next focus will be on the local authorities and housing corporations, which are the authorities first and foremost responsible for developing and implementing policies for traveller camps (NO 2018; NIHR 2018b; PILP 2018). The current challenge therefore seems to be the implementation of the new Policy Framework and ensuring that travellers' rights are protected throughout the Netherlands. Besides conveying the fundamental rights message to civil servants,¹⁰ (legally) empowering travellers appears to be a crucial element. Although the Netherlands Institute for Human Rights, the National Ombudsman and the Public Interest Litigation Project will remain involved in the follow-up of the new Policy Framework in the near future,¹¹ they may not be able to be involved in the same manner in the long term. The Public Interest Litigation Project, for example, is a small organization aimed at strategic litigation. This means that if it has reached its goal—the turnaround of the phasing-out policy—its work is 'done'. The National Ombudsman might also be less actively involved in traveller camps policy, although its channels will always be open for individual complaints. For the reason that the Netherlands Institute for Human Rights has a limited mandate, it will not be able to address all the different struggles faced by travellers in the implementation of the new Policy Framework. Against this background, it is recommended that the Netherlands Institute for Human Rights, the National Ombudsman and the Public Interest Litigation Project share their (legal) knowledge with the travellers and

9 The Roma Pride is organized by interest groups on a yearly basis. The Public Interest Litigation Project received the Roma Pride Award 2015 for its role in ensuring the protection of the rights of travellers (see PILP 2015b).

10 On 17 October 2018 three regional mayors in Limburg, Zeeland-West-Brabant and Oost-Brabant indicated that they were unwilling to enforce the new Policy Framework as it insufficiently took into account the 'daily (safety) practice' in which criminality and traveller sites jeopardized the cultural identity of Roma, Sinti and travellers (Three Regional Mayors 2018). This triggered various responses by the Public Interest Litigation Project and travellers' interest groups.

11 The Public Interest Litigation Project, for example, is considering initiating legal proceedings against municipalities refusing to implement the new Policy Framework.

the interest groups. By doing so, they will help to further empower travellers in fighting for their rights and ensure long-lasting change.

Even where local authorities are willing to change their policies and develop new caravan plots for travellers, their task may not be easy. There is a general shortage of social housing and dwelling space in the Netherlands, which may give rise to conflicts over the distribution of land and social housing (in a similar vein see [Wilson 2007](#): 355–6). Indeed, in the months following the adoption of the new Policy Framework, travellers occupied land in various municipalities to push them to develop new plots.¹² In response, the responsible Minister indicated that travellers should have realistic expectations of the follow-up of the new Policy Framework, as municipalities need time to make adjustments, and as limited (dwelling) space may impede the realization of new traveller plots in the short term ([Minister of BZK 2018a](#): 2–3). Furthermore, as long as there is a shortage of caravan plots in the Netherlands, the allocation of new plots may potentially lead to conflicts within the Roma, Sinti and traveller communities about who is entitled to a specific plot ([Loven and Huijbers 2018](#): 2892).

5. Conclusion: lessons for mobilizing fundamental rights

This article has shown that in relation to traveller camps policy, the Dutch government has left its former hands-off and repressive integration strategy behind and has opted for a new fundamental rights-proof approach; an approach that aims to facilitate travellers' culture in the Netherlands. The article has clarified what might have influenced this change of policy. To this end, it explored the various actions undertaken by international actors and by four national actors (the Netherlands Institute for Human Rights, the National Ombudsman, the Public Interest Litigation Project, and interest groups). A picture arises in which the actions of these actors have been successful by addressing the same issue from different vantage points and through various activities. Some actors, for example, focused on lobbying at the local level, while others focused mainly on legal standard-setting and litigation. Although it is difficult to draw general lessons from one single case study, especially as 'translation between international [fundamental rights] law and local cultural norms is often a partial, unpredictable, and haphazard process' ([Wilson 2007](#): 357), several insights may nonetheless be of broader relevance. In that regard, some tentative lessons for mobilizing human rights by national actors are put forward below.

Firstly, it appears that a combination of international and national push factors may be an effective way to create momentum for change, and to put pressure on the authorities to change their approach. This 'sandwich formula' requires international attention for the national situation, which may be created by information provided by national actors. These national actors, in turn, rely on the reports, decisions and judgments of these international organizations. The effectiveness of international reports is, at least in the Netherlands ([Krommendijk 2014](#); [Oomen 2013](#): 70–72), considered to increase when civil society organizations follow up on them (e.g. [Cavallero and Brewer 2008](#): 788). National actors thus have an important role in ensuring effectiveness of international monitoring and international standard-setting by translating and applying it to the national context.

Secondly, it seems that national actors can nudge authorities in a certain direction, by addressing the same issue with a multitude and great diversity of means (e.g. [Duffy 2018](#):

12 An overview of these demonstrations can be found in the Letter of the [Minister of BZK \(2018b\)](#).

41; [Open Society Justice Initiative Report 2018](#): 81ff.). They can start legal proceedings and issue reports and decisions, and they can emphasize issues at different administrative levels (national and local level). At the same time, the instruments used should be chosen strategically (e.g. [Duffy 2018](#): 233ff.). For example, whether to use hard and/or soft means depends on the context. Litigation, when there is room for negotiations and consultations, may sometimes have adverse effects. In addition, activities by national actors appear most influential when they fall within their mandate or their function; when these actors stay within their mandate or task, governmental authorities seem to accept actors' expertise more easily. Furthermore, convergence of actions of national actors appears to be a successful strategy. This does not mean that national actors should speak with one voice, but rather that national actors should target the same issue from their own vantage point (in a similar vein see [Duffy 2018](#): 248–9; [Budlender et al. 2014](#): 118–9).

Lastly, the importance of motivated individuals should not be underestimated. Courageous individuals who are suffering from certain policies and speak up about it seem to be crucial in prompting any change. They can put their situation on the agenda of other actors, enabling others to chime in and do their work. Reaching a result may be a lengthy process and setbacks may be encountered along the way ([Duffy 2018](#): 42–4; [Albiston 2011](#): 71). Continuous efforts will therefore be needed. In addition, national actors should remember that governmental institutions consist of individuals too. Finding civil servants who understand the problem, and who are willing to influence political bodies from within, can be very helpful in pushing for legal and political change. National actors can help these civil servants by providing valuable tools to convince the political bodies to change their policies. Sometimes legal proceedings may be regarded as such tools, but media coverage is also generally a useful means (also, [Duffy 2018](#): 246–7).

In pushing for political and legal change, there are of course also challenges and dangers national actors should take into account. These can vary according to the issue at stake, the constitutional and political setting, and other contextual factors. However, when dealing with vulnerable groups, it seems important that legal actors make sure, as far as possible, that they are in communication with representatives from these groups. This means that they should refrain from speaking on behalf of these groups, when they are not sure what these groups are experiencing on a daily basis ([Hopgood 2013](#): 173). Another word of caution relates to the involvement of the media. Negative reporting may result in a serious backlash. Therefore a careful media strategy should be adopted, including a strategic way of framing the issue.

Finally, as is the case with any change, political and legal change on paper does not necessarily mean change in practice. National actors should follow up on their activities, even after a fundamental rights-proof policy has been adopted. As is the case with travellers in the Netherlands, while an important political change has been put into motion, it is too early to rest assured. With 380 Dutch municipalities—each of them responsible for their own policy for traveller camps—there are still considerable challenges to be addressed before the cultural identity of travellers in the Netherlands is properly secured.

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References

- Albiston, C. 2011. The Dark Side of Litigation as a Social Movement Strategy. *Iowa Law Review* 96: 61–77.
- Art. 1 Dutch Knowledge Centre on Discrimination. 2012. Netherlands: FRANET National Focal Point, Social Thematic Study: The Situation of Roma.
- Bhabha, J., A. Mirga, and M. Matache (eds). 2017. *Realizing Roma Rights*. University of Pennsylvania Press.
- BMC Research. 2012. Woonwagengewoners in Nederland 2011 [Travellers in the Netherlands 2011].
- Bochove, M. van, and J. Burgers. 2010. Disciplining the Drifter: The Domestication of Travellers in the Netherlands. *British Journal of Criminology* 50: 206–21.
- Budlender, S., G. Marcus SC, and N. Ferreira. 2014. Public Interest Litigation and Social Change in South Africa: Strategies, Tactics and Lessons. Atlantic Philanthropies.
- BZK (Ministry of the Interior and Kingdom Relations). 2018a. Handreiking Antidiscriminatiebeleid voor Gemeenten [Guide to Municipalities on Anti-Discrimination Policy]. <https://www.rijksoverheid.nl/documenten/rapporten/2018/04/26/bijlage-7-handreiking-antidiscriminatiebeleid-gemeenten> (referenced 4 May 2018).
- . 2018b. Beleidskader Gemeentelijk Woonwagen- en Standplaatsenbeleid [Policy Framework—Municipal Caravan and Pitch Policy]. <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/rapporten/2018/07/02/beleidskader-gemeentelijk-woonwagen-en-standplaatsenbeleid/beleidskader-gemeentelijk-woonwagen-en-standplaatsenbeleid.pdf> (referenced 18 July 2018).
- Cavallero, J., and S. E. Brewer. 2008. Reevaluating Regional Human Rights Litigation in the Twenty-First Century: The Case of the Inter-American Court. *American Journal of International Law* 102(4): 768–827.
- Committee of Ministers of the Council of Europe. 2004. Recommendation on the Movement and Encampment of Travellers in Europe. CM/Rec(2004)14.
- . 2008. Recommendation on Policies for Roma and/or Travellers in Europe. CM/Rec(2008)5.
- Companen. 2018. Woonwagenstandplaatsen in Nederland: Ministerie van Binnenlandse Zaken en Koninkrijksrelaties [Caravan plots in the Netherlands: Ministry of the Interior and Kingdom Relations].
- Council of Europe and European Union. 2015. Joint Programme on Democratic Governance and Community Participation through Mediation (ROMED2). <http://coe-romed.org/romed2/about> (referenced 15 August 2018).
- David, V. 2018. Crossing Divides and Seeing the Whole: An Integrated View of Cultural Difference and Economic Disadvantage in Regional Human Rights Courts. Dissertation, University of Ghent. <https://core.ac.uk/download/pdf/157575295.pdf> (referenced 20 May 2018).
- Donders, Y. 2016. Protecting the Home and Adequate Housing: Living in a Caravan or Trailer as a Human Right. *International Human Rights Law Review* 5: 1–25.

- Duffy, H. 2018. *Strategic Human Rights Litigation: Understanding and Maximising Impact*. Oxford: Hart Publishing.
- Dutch Centre for Intangible Cultural Heritage. No date. Caravan Dwellers' Culture. <https://www.immaterieelerfgoed.nl/en/woonwagencultuur> (referenced 20 May 2018).
- European Commission. 2011. Netherlands—Promoting Social Inclusion of Roma: A Study of National Policies.
- . 2017. Roma and the Enforcement of Anti-Discrimination Law.
- ECRI (European Commission against Racism and Intolerance). 2008. Report on the Netherlands (Third Monitoring Cycle). CRI(2008)3.
- . 2013. Report on the Netherlands (Fourth Monitoring Cycle). CRI(2013)39.
- ESCR (European Committee of Social Rights). 2011. Conclusions 2011—Article 31-1. 2011/def/NLD/31/1/EN.
- . 2015. Conclusions 2015—Article 31-1. 2015/def/NLD/31/1/EN.
- Fineman, M. A. 2013. Equality, Autonomy, and the Vulnerable Subject in Law and Politics. In M. A. Fineman and A. Grear (eds), *Vulnerability: Reflections on a New Ethical Foundation for Law and Politics*, pp. 13–27. Farnham: Ashgate.
- FRA (Fundamental Rights Agency of the European Union). 2012a. Housing Conditions of Roma and Travellers in the EU: Background. <https://fra.europa.eu/en/project/2011/housing-conditions-roma-and-travellers-eu> (referenced 13 July 2018).
- . 2012b. Multi-Annual Roma Programme. <https://fra.europa.eu/en/project/2013/multi-annual-roma-programme> (referenced 13 July 2018).
- Handmaker, J. 2018. Toward Great Tolerance? Ethno-Nationalist Lawfare and Resistance through Legal Mobilisation. ISS Blog on Global Development and Social Justice. <https://issblog.nl/2018/01/26/toward-greater-tolerance-ethno-nationalist-lawfare-and-resistance-through-legal-mobilisation-by-jeff-handmaker> (referenced 20 May 2018).
- Hopgood, S. 2013. *The Endtimes of Human Rights*. Ithaca, NY: Cornell University Press.
- Huijbers, L. M. 2015. Het Woonwagenbeleid in Nederland vanuit Mensenrechtelijk Perspectief [Traveller Camps Policy in the Netherlands from a Human Rights Perspective]. *NTM/NJCM-Bulletin* 40(4): 387–417.
- Krommendijk J. 2014. *The Domestic Impact and Effectiveness of the Process of State Reporting under UN Human Rights Treaties in the Netherlands, New Zealand and Finland*. Dissertation, Maastricht University. Cambridge: Intersentia.
- Levitt, P., and S. E. Merry. 2009. Vernacularization on the Ground: Local Uses of Global Women's Rights in Peru, China, India and the United States. *Global Networks* 9(4): 441–61.
- Loven, C. M. S. 2017. Woonwagenbewoners in Nederland: Een Strijdbaar Volk. Een Onderzoek naar het Belang van Mensenrechten voor Woonwagenbewoners [Travellers in the Netherlands: An Assertive Community. Research into the Importance of Human Rights for Travellers]. *Recht der Werkelijkheid* 38(3): 6–24.
- Loven, C. M. S., and L. M. Huijbers. 2018. Woonwagencultuur mag toch Blijven. Nederlandse Overheid Neemt Officieel Afscheid van het Uitsterfbeleid [Travellers' Culture may Remain. The Dutch Government Officially Leaves the Extinction Policy Behind]. *Nederlands Juristenblad* 2018/1998(38): 2888–92.
- McEvoy, K., and R. Rebouch. 2007. Mobilizing the Professions: Lawyers, Politics, and the Collective Legal Conscience. In J. Morison, K. McEvoy, and G. Anthony (eds), *Judges, Transition, and Human Rights*, pp. 275–314. Oxford University Press.
- McGrogan, D. 2016. The Problem of Causality in International Human Rights Law. *International and Comparative Law Quarterly* 65(3): 615–44.
- Merry, S. E. 2006. *Human Rights and Gender Violence: Translating International Law into Local Justice*. University of Chicago Press.
- Minister of BZK (Minister of the Interior and Kingdom Relations). 2017. Letter of Minister Plasterk to the National Ombudsman. <http://rijksoverheid.nl/documenten/brieven/2017/09/15/>

- brief-aan-de-nationale-ombudsman-over-het-rapport-%E2%80%98woonwagenbewoner-zoekt-standplaats%E2%80%99 (referenced 16 May 2018).
- . 2018a. Letter of Minister Ollongren concerning the Explanation of the Policy Framework. <https://www.tweedekamer.nl/downloads/document?id=734fa030-688f-4327-b863-7fc4bdf12505&title=Toelichting%20op%20het%20Beleidskader%20gemeentelijk%20woonwagen-%20en%20standplaatsenbeleid.docx> (referenced 11 February 2019).
- . 2018b. Letter of Minister Ollongren to municipalities concerning the Policy Framework. <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2018/12/18/aanbiedingsbrief-bij-afschrift-brief-aan-gemeenten-over-het-beleidskader-gemeentelijk-standplaatsenbeleid/aanbiedingsbrief-bij-afschrift-brief-aan-gemeenten-over-het-beleidskader-gemeentelijk-standplaatsenbeleid.pdf> (referenced 11 February 2019).
- Nifosi-Sutton, I. 2017. *The Protection of Vulnerable Groups under International Human Rights Law*. New York: Routledge.
- NIHR (Netherlands Institute for Human Rights). 2016. Strategic Plan 2016–2019. <https://mensenrechten.nl/publicaties/detail/36378> (referenced 20 May 2018).
- . 2018a. Advies aan Minister van Binnenlandse Zaken en Koninkrijksrelaties inzake Woonwagen- en Standplaatsenbeleid [Advice to the Minister of Interior and Kingdom Relations Concerning Traveller Camp and Caravan Policy]. <https://mensenrechten.nl/publicaties/detail/38448> (referenced 16 May 2018).
- . 2018b. Nieuw Beleid van het Rijk voor Woonwagenbewoners om Discriminatie te Voorkomen: Beter Borging van Mensenrechten [New Travellers' Policy to Prevent Discrimination towards Travellers: Better Protection of Human Rights]. <https://mensenrechten.nl/nl/toegelijk/nieuw-beleid-van-het-rijk-voor-woonwagenbewoners-om-discriminatie-te-voorkomen-beter> (referenced 15 August 2018).
- NJCM (Dutch Section of the International Commission of Jurists). 2015. Joint Parallel Report to the Nineteenth to Twenty-First Periodic Reports of the Netherlands on the International Convention on the Elimination of all Forms of Racial Discrimination (CERD). https://tbinter.net.ohchr.org/Treaties/CERD/Shared%20Documents/NLD/INT_CERD_NGO_NLD_21177_E.pdf (referenced 20 May 2018).
- NO (National Ombudsman). 2017. Woonwagenbewoner Zoekt Standplaats: Een Onderzoek naar de Betrouwbaarheid van de Overheid voor Woonwagenbewoners [Travellers in Search of Caravan Plots: Research into the Reliability of the Government for Travellers]. Report No. 2017/060.
- NO (National Ombudsman). 2018. Letter to Minister Ollongren. <https://www.nationaleombudsman.nl/nieuws/2018/nationale-ombudsman-nog-steeds-zorgen-over-nieuw-standplaatsenbeleid> (referenced 16 May 2018).
- NOS. 2017. Koning Bezoekt Voorbeeldig Woonwagenkamp [King Visits Traveller Camp]. <https://nos.nl/artikel/2204106-koning-bezoekt-voorbeeldig-woonwagenkamp-we-hebben-het-mooi-voor-elkaar.html> (referenced 18 May 2018).
- Nu.nl. 2004. Inval in Woonwagenkamp Vinkenslag [Raid Traveller Camp Vinkenslag]. <https://www.nu.nl/algemeen/307818/inval-in-woonwagenkamp-vinkenslag.html> (referenced 16 May 2018).
- Oomen, B. 2013. The Rights for Others: The Contested Homecoming of Human Rights in the Netherlands. *Netherlands Quarterly of Human Rights* 31(1): 41–73.
- OneWorld. 2018. Uitsterf beleid voor Sinti, Roma en Reizigers: Mensenrechtenschending in Nederlandse Woonwagenpolitiek [Extinction Policy for Sinti, Roma and Travellers: Human Rights Violations in Dutch Traveller Camps Politics]. <https://www.oneworld.nl/movement/uitsterf-beleid-woonwagenbewoners> (referenced 17 May 2018).
- Open Society Justice Initiative. 2018. Strategic Litigation Impacts: Insights from Global Experience. Open Society Foundation.

- Peroni, L. 2014. Opening up the European Convention Human Rights Subject: An Inclusive Multilayered Framework for Adjudicating Religious and Cultural Claims. Dissertation, Ghent University.
- Peroni, L., and A. Timmer. 2013. Vulnerable Groups: The Promise of an Emerging Concept in European Human Rights Convention Law. *International Journal of Constitutional Law* 11(4): 1056–85.
- PILP (Public Interest Litigation Project). 2015a. Alternative Guide for Traveller Camps Policy. https://pilpnjcm.nl/wp-content/uploads/2014/10/Mensenrechtelijk-kader-woonwagenbeleid-2015_7_2.pdf (referenced 20 May 2018).
- . 2015b. Jelle Klaas Receives Roma Pride Award. <https://pilpnjcm.nl/en/jelle-klaas-receives-roma-pride-award> (referenced 20 May 2018).
- . 2016a. Oss Resident May Keep His Caravan-Pitch after the Municipality's Extinction Policy is Set Aside. <https://pilpnjcm.nl/en/ossenaar-mag-standplaats-woonwagen-behouden-ondanks-gemeentelijk-uitsterf-beleid-kampen> (referenced 20 May 2018).
- . 2016b. PILP Intervenes in Procedure about Mobile Home Sites Policy at the Netherlands Institute for Human Rights. <https://pilpnjcm.nl/en/pilp-intervenes-procedure-mobile-home-sites-policy-netherlands-institute-human-rights> (referenced 20 May 2018).
- . 2017. Court of Appeal: Traveller Allowed to Continue to Reside in Caravan. <https://pilpnjcm.nl/en/court-appeal-traveller-allowed-continue-reside-caravan> (referenced 20 May 2018).
- . 2018. Government Presents New Policy for Roma, Sinti, Travellers and Mobile Homes. <https://pilpnjcm.nl/en/government-presents-new-policy-roma-sinti-travellers-mobile-homes> (referenced 15 August 2018).
- Rodrigues, P. R., and M. Matelski. 2004. Anne Frank Stichting. Monitor Racisme & Extrem Rechts: Roma en Sinti [Monitor on Racism and Extreme Right: Roma and Sinti].
- Schriemer, R. 2009. The Netherlands RAXEN National Focal Point Thematic Study: Housing Conditions of Roma and Travellers. Fundamental Rights Agency of the European Union (FRA).
- Simmons, B. A. 2012. *Mobilizing for Human Rights: International Law in Domestic Politics*. Cambridge University Press.
- Three Regional Mayors. 2018. Letter to Minister Ollongren concerning the Policy Framework. <https://woonwagenwijzer.nl/?p=5601> (not available on an official website; referenced 11 February 2019).
- UN CERD (Committee on the Elimination of Racial Discrimination). 2015. Concluding Observations on the Nineteenth to Twenty-First Periodic Reports of the Netherlands. CERD/C/NLD/CO/19–21.
- VNG (Association of Netherlands Municipalities). 2018. Local Government in the Netherlands. <http://publieksdiensten.nl/wp-content/uploads/2018/04/DENMARK-4-Local-Government-in-the-Netherlands.pdf> (referenced 14 August 2018).
- De Volkskrant*. 2004. Politie Kamt Woonwagenkamp Vinkenslag Uit [Police Search Traveller Camp Vinkenslag]. <https://www.volkskrant.nl/nieuws-achtergrond/politie-kamt-woonwagen-kamp-vinkenslag-uit~bed90cf4> (referenced 16 May 2018).
- VROM (former Ministry of Public Housing, Spatial Planning, Environment and Infrastructure). 2006. Werken aan Woonwagenlocaties. Handreiking voor Gemeenten: over Beleid en Handhaven [Working on Traveller Camps. Guide to Municipalities: Concerning Policy and Enforcement]. No. 6374. <https://pilpnjcm.nl/wp-content/uploads/2014/10/VROM-2007-Werken-aan-Woonwagenlocaties-Handreiking-voor-gemeenten-over-beleid-en-handhaven.pdf> (referenced 23 August 2018).
- . 2009. Handreiking Brandveiligheid van Woonwagens en Woonwagenlocaties [Guide on Fire Safety of Caravans and Traveller Camps]. No. 8304. <https://www.rijksoverheid.nl/documenten/rapporten/2009/03/01/handreiking-brandveiligheid-van-woonwagens-en-woonwagen-locaties> (referenced 23 August 2018).

- Wagenaar, P., and J. Rodenberg. (forthcoming). Listing to Survive: Why the Dutch Traveller Community Wanted to Have Its Heritage Officially Recognized.
- Widdershoven, E. H. M. 2005. Afschaffing van de Wet op de Woonwagens en Woonschepen: Een Act van Normalisering of een Weloverwogen Integratie? [Repealing the Caravan Act: An Act of Normalisation or Deliberate Integration?]. Masters thesis, Erasmus University Rotterdam. hdl.handle.net/2105/3644 (referenced 16 May 2018).
- Wiesbrock, A. 2015. Disability as a Form of Vulnerability under EU and CoE Law: Embracing the Social Model? In F. Ippolito and S. Iglesias Sanches (eds), *Protecting Vulnerable Groups: The European Human Rights Framework*, pp. 71–94. Oxford: Hart Publishing.
- Wilson, R. A. 2007. Tyrannosaurus Lex: The Anthropology of Human Rights and Transnational Law. In M. Goodale and S. E. Merry (eds), *The Practice of Human Rights: Tracking Law between the Global and the Local*, pp. 342–69. Cambridge University Press.
- De Zwart, F. 2005. The Dilemma of Recognition: Administrative Categories and Cultural Diversity. *Theory and Society* 34(2): 137–69.
- . 2012. The Pitfalls of Top-Down Identity Designation: Ethno-Statistics in the Netherlands. *Comparative European Politics* 10(3): 301–18.

Cases

ECSR (European Committee of Social Rights)

European Roma and Travellers Forum (ERFT) v. France, 24 January 2012, Complaint No. 64/2011 (decision on the merits).

International Federation of Human Rights (FIDH) v. Belgium, 21 March 2012, Complaint No. 62/2010 (decision on the merits).

ECtHR (European Court of Human Rights)

Chapman v. UK, 18 January 2001, Application No. 27238/95 (Grand Chamber).

Connors v. UK, 27 May 2004, Application No. 66746/01.

Codona v. UK, 7 February 2006, Application No. 485/05 (admissibility decision).

Stenegry and Adam v. France, 22 May 2007, Application No. 40987/05 (admissibility decision).

Yordanova and Others v. Bulgaria, 24 April 2012, Application No. 25446/06.

Winterstein and Others v. France, 17 October 2013, Application No. 27013/07.

NIHR (Netherlands Institute for Human Rights)

Municipality of Oss, 19 December 2014, No. 2014-165.

Municipality of Vlaardingen, 28 May 2015, No. 2015-61.

Municipality of Waddinxveen, 8 March 2016, No. 2016-19.

Central Government, 1 May 2017, No. 2017-55.

Woonpartners Midden-Holland, 24 January 2018, No. 2018-9.

Municipality of Deventer, 18 June 2019, No. 2019-58.

Subdistrict Court of The Hague

10 January 2019, ECLI:NL:RBDHA:2019:76.

UN Human Rights Committee

Naidenova and Others v. Bulgaria, 30 October 2012, Communication No. 2073/2011.