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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Adequate housing as a component of the right to an adequate standard of living

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Balakrishnan Rajagopal, in accordance with Human Rights Council resolution [43/14](#).

* [A/75/150](#).



Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Balakrishnan Rajagopal

COVID-19 and the right to adequate housing: impacts and the way forward

Summary

Housing is the front line in the fight against the coronavirus disease (COVID-19) pandemic, as demonstrated by stay-at-home and lockdown orders. However, the pre-existing housing crisis and the economic downturn that followed the outbreak of the pandemic threaten to turn a public health emergency into a housing emergency of global dimensions.

While many States have temporarily staved off the worst through measures such as moratoriums on evictions and protection for renters or mortgage payers, there is great concern on three fronts.

First, the impact of the pandemic on the right to housing has been very unequally distributed, reflecting pre-existing hierarchies and inequalities along racial, gender and other lines. Mortality and infection rates are significantly higher among minorities and other vulnerable groups. Inadequate housing conditions for millions of marginalized people have contributed to excessive, and largely preventable, levels of death and suffering. The economic crisis caused by the pandemic is further entrenching these inequalities.

Second, while the pandemic continues to rage, many temporary mitigation measures have either already ended or may soon do so. An unprecedented spike in evictions, hunger, homelessness and, eventually, mortality is therefore to be expected.

Third, forced evictions have continued, if not accelerated, during the pandemic. Homeless persons, persons who live in informal settlements, migrant workers and many other vulnerable groups are now facing worsening conditions, with a heightened risk of infection, community spread of the virus and mortality.

The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Balakrishnan Rajagopal, believes that these bleak outcomes can and should be avoided and that a better approach to combating the worst impacts of the COVID-19 pandemic on the right to housing is available and possible. He concludes the present report with a set of short-term, medium-term and long-term recommendations to ensure that the right to adequate housing is protected and fulfilled during and beyond the pandemic.

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I. Introduction

1. In the present report, his first to the General Assembly, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Balakrishnan Rajagopal, examines the impact of the coronavirus disease (COVID-19) pandemic on the right to adequate housing.

2. To inform the report, the Special Rapporteur, together with other human rights experts appointed by the Human Rights Council, issued a questionnaire on the impact of COVID-19 on human rights, including the right to adequate housing. He expresses his gratitude to all the States, national human rights institutions, local governments, United Nations entities, civil society organizations and academic scholars who responded.¹ Replies were received from 135 civil society organizations, 29 States, 21 national human rights institutions and ombudspersons, 12 academic institutions, nine United Nations bodies and six local governments and their networks. The Special Rapporteur is grateful to all of them, especially as the replies were written at a time marked by professional and personal challenges.

3. The present report is based on those replies and on reports, data and legal documentation issued by the United Nations, international organizations and States, as well as academic publications, that were publicly available as of July 2020. The Special Rapporteur acknowledges that much remains uncertain or even unknown, including transmission pathways of the virus, possible treatment of and immunization against the virus and the depth of the global economic crisis that the pandemic has triggered. The ultimate impact of the crisis on the right to housing may depend much on these factors. It is therefore acknowledged that the information analysed in the present report is of a preliminary nature and that the impact of the pandemic and of the measures taken to combat it, including measures aimed at protecting the right to housing, will have to be assessed continuously in the coming months.

4. COVID-19 has revealed pre-existing crises, while generating new ones. Even before the COVID-19 pandemic, there was a pandemic of evictions, increasing homelessness, insecure or inadequate housing, discrimination in access to housing, rising rents and land and real estate speculation in too many countries. The pre-existing pandemic was already being felt disproportionately among communities of colour, indigenous peoples and other socially, culturally and economically marginalized groups. COVID-19 hit at a time of deepening socioeconomic inequalities across racial, gender, caste and religious lines, and in addition triggered global public health and unemployment crises of epic proportions. The collective impact of these developments on the right to housing is proving devastating and may worsen significantly depending on how countries respond.

A. Housing as the front line in the fight against the pandemic

5. Housing is the front line in the fight against the COVID-19 pandemic,² and the United Nations has underlined that prioritizing basic economic and social rights is key in the response to it.³ The previous mandate holder, Leilani Farha, called for a global ban on evictions and developed several guidance notes on COVID-19 to

¹ Replies and submissions, except those for which confidentiality was requested, are available at www.ohchr.org/EN/Issues/Housing/Pages/callCovid19.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Joint-questionnaire-COVID-19.aspx.

² Balakrishnan Rajagopal, "The pandemic shows why we need to treat housing as a right", *Washington Post*, 7 May 2020.

³ United Nations, "COVID-19 and human rights: we are all in this together", April 2020, p. 8.

protect various vulnerable communities, such as persons living in homelessness or in informal settlements.⁴ Although many Governments have proactively adopted policy measures, such as eviction bans, rent and mortgage support payments and measures to protect persons living in homelessness, housing is not yet seen as a life-or-death issue. In the context of COVID-19, however, having no home, lacking space for physical distancing in overcrowded living areas or having inadequate access to water and sanitation has become a “death sentence”, handed out predominantly against poor and marginalized communities. Many States realize this and have adopted temporary measures to postpone the impact of the COVID-19 crisis on housing.

B. Lack of disaggregated data and impact of emergency laws

6. The primary impediment to understanding the impact of COVID-19 on the right to adequate housing has been the lack of disaggregated data to show the impact in terms of gender, race and caste or along other lines. Regrettably, no State submission contained detailed data showing to what extent homelessness, the housing situation of individuals, their housing quality or overcrowding is linked to the risk of COVID-19 infection and mortality. Nor have any detailed data been provided on how the economic crisis that has followed the pandemic has affected housing affordability, security of tenure, access to services or other indicators that can track the realization of the right to adequate housing.

7. The lack of such data has been a major impediment to assessing the impact of the crisis and what needs to be done, and by whom, in response. Since the virus shows no sign of abating soon, it is not too late for countries to request their statistical offices and health authorities to collect disaggregated data on COVID-19 and its impact on the right to housing. Data collection and analysis should be participatory and include data disaggregated by age, gender, race, ethnicity, nationality, residential status, religion, socioeconomic status and other characteristics that would make it possible to understand better how housing status, housing quality and overcrowding contribute to COVID-19 transmission or mortality rates. Information should also be included on the broader impact of the economic crisis and of response measures, as well as on the availability and affordability of housing, security of tenure, energy poverty, access to utilities and the Internet, domestic violence and evictions.

8. The Special Rapporteur is also concerned that emergency laws authorized in the context of the pandemic are being used to undermine the right to adequate housing. It appears that there were many cases of mass evictions being carried out during lockdowns to take advantage of the curfew-like conditions, in which access to legal remedies and the movement of affected persons were restricted. In a number of countries, the pandemic resulted in a partial shutdown of the justice system or the suspension of certain law enforcement measures, triggering a wave of irregular evictions and other housing rights violations. As the pandemic lingers, the threat of home demolitions and evictions will ramp up significantly. The prevailing emergency conditions in many countries impede access to justice, restrict movement, association and the expression of civil dissent and continue to loom as threats to the realization of the right to housing.

C. Meaning of “safe” and “adequate” housing

9. The COVID-19 crisis has exposed the fact that housing remains unsafe and inadequate for much of humanity. The lack of safe and adequate housing makes the stay-at-home orders issued by various countries difficult, if not impossible, to follow.

⁴ The COVID-19 guidance notes are available at www.ohchr.org/EN/Issues/Housing/Pages/COVID19RightToHousing.aspx.

Most poor communities, including marginalized communities, lack adequate housing, and in informal settlements and collective or substandard housing, physical distancing, which is sought through stay-at-home orders, has become hard to achieve. Physical distancing, isolation and handwashing are impossible for most poor, economically and socially marginalized communities living in inadequate housing without regular access to water and sanitation. For persons experiencing homelessness, there is nowhere to hide from the virus unless they are granted access to affordable housing that ensures privacy and physical distancing. As a result of stay-at-home orders, an increased number of women and children have become victims of domestic abuse, and for them housing is not “safe”. Adequate housing must not only be seen as having minimum standards, but also maximum standards, especially in the context of climate change, which calls into question spatially wasteful and excessive housing design and human settlements. It is dramatically obvious that too many people lack access to safe and adequate housing, and responses to the pandemic must be based on a recognition of that reality.

D. Pre-existing legal, social and political cleavages and inequalities

10. The COVID-19 crisis has lifted the veil on pre-existing inequalities in societies. These include inequalities resulting from racial, ethnic or gender discrimination, and discrimination based on income or social status. Such inequalities have been revealed during the pandemic through high death and infection rates, job losses and other adverse economic consequences for those who were already marginalized. Criminalization of homelessness, insecurity of tenure, unacceptable living conditions in many informal settlements and low-income communities and mass regular evictions, to name only the most obvious, were common in many countries before the outbreak of the pandemic. Racial segregation, discrimination and bias against minorities indelibly shaped the spatial, political and economic structure of cities and countries before the pandemic. The disproportionate costs borne by such minorities are simply a reflection of those pre-existing cleavages and inequalities, often secured by laws and policies.

E. Applicable legal considerations: human rights law, private property law and humanitarian law

11. The pandemic has raised questions about important aspects of human rights law relating to the right to housing, humanitarian law and national laws concerning property and land use. Forced evictions constitute a violation of human rights law regarding, among other things, the right to security of tenure, as part of the right to housing.⁵ Other elements of the right to adequate housing enshrined in article 11 of the International Covenant on Economic, Social and Cultural Rights, such as the availability of services, habitability and accessibility, are similarly relevant in the context of the pandemic.⁶ Homelessness and insecure and inadequate housing have long been recognized as contrary to international human rights law (see [A/HRC/31/54](#) and [A/HRC/43/43](#)). Humanitarian law is also applicable in the context of the pandemic, as can be seen in the clear recognition of a rights-based approach to

⁵ Committee on Economic, Social and Cultural Rights, general comment No. 7 (1997) on forced evictions; and the basic principles and guidelines on development-based evictions and displacement ([A/HRC/4/18](#), annex I).

⁶ Committee on Economic, Social and Cultural Rights, general comment No. 4 (1991) on the right to adequate housing.

disaster risk reduction and management in the Sendai Framework for Disaster Risk Reduction and other evolving norms of international law.⁷

12. It is recognized in those international norms that the right to housing must be central to any response to the pandemic, and such norms contain calls for a rights-based response in measures to tackle it. Under international human rights law, the right to adequate housing cannot be subject to any derogation, and thus exceptional circumstances do not allow States to ignore the prohibition on forced evictions or to flout their obligation to protect the right to adequate housing.

13. While protection of the right to housing during the pandemic is emphasized in international law, national laws continue to be applied arbitrarily and capriciously in many countries. In that context, the Special Rapporteur welcomes the fact that many countries have temporarily postponed evictions, offered relief to renters or mortgage payers or found temporary housing for homeless populations. He is, however, concerned that, at the time of writing, many of those temporary measures are at immediate risk of expiring or have already done so.

14. The temporary mitigation measures taken by States and local governments prove that national laws can be changed or interpreted to better protect the right to housing. That it took a pandemic to push States to adopt more serious measures to protect the right to housing shows that what was missing was mainly political will. What is needed now is the political will to turn temporary measures into more permanent solutions that ensure the protection and realization of the right to adequate housing for all, in line with international human rights obligations and the commitments made under the 2030 Agenda for Sustainable Development, in particular target 11.1 of the Sustainable Development Goals.

II. Policy responses to the crisis

A. Eviction bans and renters' rights

15. Many national and local governments, as well as judicial authorities, have imposed temporary bans or moratoriums on evictions, although evictions have nevertheless continued in several countries. Several Governments have combined moratoriums on evictions with measures to protect tenants' rights, such as relief for rental arrears or the temporary prohibition or cancellation of rental contracts. Such measures are welcome and have, for now, prevented the housing crisis from becoming a catastrophe. Measures taken by Governments include the following:⁸

(a) By decree 320/2020, Argentina suspended the execution of court-ordered evictions, including evictions that had been ordered before the effective date of the decree but that had not yet been carried out, in Buenos Aires until 30 September 2020. With regard to tenants, rental contracts that expired after 20 March were extended by the decree, and a moratorium on rent increases was extended until 30 September;⁹

(b) In Austria, evictions and power cut-offs were suspended between April and June 2020. Rental agreements cannot be terminated owing to rent arrears, and tenants have the right to pay arrears until 2021;

⁷ Inter-Agency Standing Committee Task Force on Accountability to Affected Populations, operational framework, 2006; and International Law Commission, draft articles on the protection of persons in the event of disasters (A/71/10, para. 48).

⁸ See submission by the European Federation of National Organisations Working with the Homeless.

⁹ See submission by the City of Buenos Aires Public Ministry of Defence, Argentina.

(c) In Colombia, the Government prohibited the eviction of tenant families and ordered a freeze on rent increases during the period of public emergency. Evictions ordered before the state of emergency are suspended, and more than 300,000 families have been granted financial relief for home loans;¹⁰

(d) In France, the annual winter moratorium, covering the suspension of evictions unless the rehousing of the persons concerned is ensured, was extended until 10 July 2020;

(e) Germany prohibited any cancellation of rent contracts from April to June 2020 if tenants could not pay their full rent owing to the pandemic. The regulation is valid until 30 June 2022;

(f) In India, the central Government issued a notification directing homeowners who house workers in rented accommodation not to demand rent for one month. It also made the eviction of students and workers owing to the non-payment of rent a punishable offence. Many state governments prohibited evictions owing to the non-payment of rent or arrears, and several state high courts also directed state authorities not to evict people or demolish homes during the lockdown;¹¹

(g) In Italy, the Government introduced measures to protect renters and mortgage payers. On 16 March, the Council of Ministers approved the suspension of mortgage payments and evictions until June 30;

(h) In Malaysia, while there was no prohibition of evictions, the Prime Minister announced a stimulus package on 27 March, including six-month rental waivers for public housing. The banks were also instructed by the central bank to allow a six-month suspension of repayments for housing loans, personal loans and hire purchases;

(i) In Spain, the judiciary ordered the postponement of all non-urgent judicial activities nationwide, including evictions. Under legislation passed on 17 March, a moratorium on mortgage payments and a suspension of evictions for tenants in vulnerable situations left without alternative housing were guaranteed;

(j) In South Africa, the Government published a notice on 16 April in which evictions were expressly prohibited;¹²

(k) In the United Kingdom of Great Britain and Northern Ireland, landlords were not able to initiate court proceedings to evict tenants for at least a three-month period, from 27 March;

(l) In the United States of America, the federal Government issued a temporary eviction and foreclosure moratorium through the Coronavirus Aid, Relief and Economic Security Act. The provision was supplemented by a patchwork of local and state-level bans on evictions and measures to protect renters' rights.¹³

16. The above measures and similar efforts taken by other Governments show that it is possible for Governments to act to protect the rights of renters and self-occupying homeowners and to ensure their security of tenure during a period of high eviction risk. The Special Rapporteur welcomes the measures. However, there are two questions that logically follow. First, what comes after the expiration of the temporary measures to avoid the resumption of evictions as before? Second, why is it not possible for States to move to a more permanent solution by adopting national

¹⁰ See submission by Colombia.

¹¹ See submission by the Housing and Land Rights Network, India.

¹² See submission by the Legal Resources Centre, South Africa.

¹³ Anti-Eviction Mapping Project, COVID-19 Global Housing Protection Legislation and Housing Justice Action database. Available at <https://antievictionmappingproject.github.io/covid-19-map>.

legislation that strengthens tenants' rights and provides strong safeguards against evictions in full compliance with international human rights law?

B. Homelessness

17. Many countries have responded, with varying levels of swiftness, to assist those who are homeless during the pandemic. Such measures illustrate the fact that homelessness is a problem that can be tackled if there is political will.¹⁴ While the pandemic has not solved the global homeless problem – indeed, the simultaneous ramping up of evictions threatens to increase the number of homeless persons – the measures adopted by Governments such as that of the United Kingdom show that, with sufficient funding and political prioritization, Governments can help to end homelessness, as Finland has done rather successfully.

18. The following are examples of measures taken by Governments to tackle homelessness (although the effectiveness of the measures is yet to be assessed):

(a) In Portugal, the COVID-19 social and economic stabilization plan includes a €7.5 million national fund for urgent housing. The fund will complement public housing efforts of city councils and non-governmental organizations and is aimed at providing a temporary response to emergency situations such as homelessness, loss of housing owing to the inability to pay rents or mortgages and domestic violence;

(b) In Indonesia, as part of its COVID-19 response, the government of Jakarta designated sports centres and public halls for the temporary accommodation of homeless persons. Many had lost their jobs owing to the economic consequences of the pandemic and therefore had been unable to pay rent;

(c) In the United Kingdom, significant efforts have been made by local authorities to offer emergency accommodation to a majority of rough sleepers. According to government figures, by mid-April over 90 per cent of rough sleepers in England had been offered emergency accommodation, and by May nearly 15,000 people had been provided with emergency accommodation by local authorities in England. In late June, the Government announced an additional £105 million to help people at risk of homelessness to obtain access to accommodation;

(d) In France, starting in late March, the department in charge of housing opened new accommodation places in hotels for homeless persons. A system of vouchers was also introduced to enable 90,000 homeless persons to buy essential items.

19. In addition, action to assist homeless populations during the pandemic has also been taken by a number of city governments, including those of Adelaide and Sydney (Australia), Brussels (Belgium), Bengaluru (India), Tshwane (South Africa), Glasgow and Greater Manchester (United Kingdom) and Chicago (United States).¹⁵ Such measures have included food assistance and shelter.

C. Social protection measures, including the prevention of utility cut-offs

20. The need for broad-based social protection has become extremely clear during the pandemic. The International Labour Organization has estimated that, as of June 2020, an overwhelming 93 per cent of the world's workers were residing in countries in which workplace closure measures of some kind were still in force.¹⁶ The

¹⁴ Yasmeen Serhan, "What the coronavirus proved about homelessness", *The Atlantic*, 18 July 2020.

¹⁵ See submission by the Institute of Global Homelessness.

¹⁶ See, for example, International Labour Organization (ILO), "ILO monitor: COVID-19 and the world of work", 5th ed., 30 June 2020.

consequences for housing are twofold: first, unemployment and reduced income threaten to unleash a tsunami of evictions and homelessness. Second, the negative impact will be felt most acutely by female workers, who are also overrepresented in front-line health-care and social care sectors. As the home has increasingly become a workplace during lockdown, protecting the right to work is intimately connected with protecting the right to housing. The current crisis has also starkly illustrated the fact that having a functioning home – with running water, electricity, heat and Internet – is a matter of survival and therefore a key aspect of the right to adequate housing. Some of these elements were already well recognized in human rights law, but others – such as the importance of a functioning Internet service at home – have been revealed to be important during the pandemic.

21. Countries have responded mainly in the following three ways: (a) stimulating the economy and jobs; (b) securing support for income and employment; and (c) ensuring emergency food, water, shelter and health assistance for vulnerable communities in the form of direct assistance or bans on utility cut-offs.¹⁷ These measures have a key role in protecting the right to housing.

22. A significant number of countries, including several European countries, China and the United States, have attempted to implement such measures. In the United States, for example, the Coronavirus Aid, Relief and Economic Security Act, now expired, provided financial assistance during the surge in unemployment and largely prevented a massive wave of evictions, homelessness and insecure housing until July. In Denmark, the State offered to cover for three months 75 per cent of the salaries of employees who would otherwise have been made redundant, with companies paying the remainder. The Government covered 90 per cent of the wages of workers employed by the hour.

23. In France, exceptional solidarity payments were to be made automatically from 15 May to low-income households. In Greece, €800 was provided to all employees and workers who had stopped working owing to a State order. In Portugal, tenants whose incomes have been reduced as a result of the pandemic are entitled to financial support in the form of a zero-interest loan by the National Institute for Housing and Urban Rehabilitation for the payment of rents that they cannot afford. Small-scale landlords who suffer a significant loss of income owing to the non-payment of rents can also apply for a zero-interest loan. Such fiscal measures are a welcome use of powerful tools to address the right to adequate housing.

24. The Special Rapporteur regrets that most States have not issued clear national directives on utility cut-offs during the pandemic, although local directives have been issued. In India, there has been no national directive, but several states, including Andhra Pradesh, Delhi, Haryana, Gujarat, Punjab, Rajasthan and Uttarakhand, deferred the payment of electricity and water bills during the lockdown to ensure that households were not cut off from essential services.¹⁸ Various States, such as Argentina, Colombia, Malaysia and Paraguay, have taken temporary measures of a similar nature, whether by assuring that there will not be utility cut-offs for a few months or by providing financial assistance to affected households or utility service providers.

25. The Special Rapporteur welcomes such measures, but notes their temporary nature while the pandemic continues to rage. He underlines the importance of social protection and the right to have access to functioning and affordable utility services, including water and sanitation, during the pandemic. This is even more important at a time when the home becomes a work space, a crèche, a day-care centre and a senior care home.

¹⁷ See www.ilo.org/global/topics/coronavirus/country-responses/lang--en/index.htm.

¹⁸ See submission by the Housing and Land Rights Network, India.

III. Forced evictions

26. Notwithstanding the lockdown orders and temporary eviction bans issued by Governments, mass evictions and home demolitions have continued apace. Forced evictions have been carried out by public authorities and private actors. They have mostly targeted vulnerable communities – those who live in informal settlements or rural communities, migrant labourers, refugees, those who belong to ethnic, racial and other minorities, and indigenous peoples. Forced evictions constitute gross violations of human rights law in normal times, and during a pandemic may also constitute grave violations of humanitarian law.

27. Unlike in some countries, the Government of India has not issued a national moratorium on evictions.¹⁹ Instead, evictions and home demolitions have continued, carried out by State authorities and other public entities. Between 16 March and 16 June, the Housing and Land Rights Network documented at least 22 incidents of forced eviction and home demolitions across India, affecting over 13,500 persons from indigenous (Adivasi) communities and Dalits (scheduled castes).²⁰ Most of the evictions appear to have been for largely discretionary reasons, not related to the prevention of life-threatening situations, such as “beautification” projects, government land clearance and “smart city” projects.

28. In South Africa, people may not be evicted from their homes, or have their homes demolished, without a court order issued after consideration of all relevant circumstances. On 16 April, the Government published a notice expressly prohibiting evictions.²¹ Nevertheless, according to information received, hundreds of individuals have been evicted and their homes demolished during the lockdown in several municipalities.²² For example, the Azania informal settlement has been subjected to at least 11 evictions and demolitions, mostly carried out by a security agency contracted by the municipality of eThekweni, Calvin Family Security Services, making over 300 persons homeless. On 31 March, two people were allegedly shot with live ammunition and three with tear-gas canisters. Forced evictions and demolitions were also reported in other informal settlements in the eThekweni municipality, such as Mathambo, eKhenana and Ekuphumeleleni, as well as in the Empolweni informal settlement in Cape Town and another one near Kommetjie.

29. In Ethiopia, municipal authorities in Addis Ababa reportedly demolished dozens of homes belonging to day labourers, rendering at least 1,000 people homeless during the pandemic in April. In Nigeria, forced evictions have continued despite the lockdown that began on 30 March, in Yaya Abatan in Ogba, Lagos State, and in Makurdi, Benue State.²³ According to information received, the Government failed to ensure due process and did not provide alternative accommodation, rendering those evicted homeless.²⁴

30. In France, asylum seekers and migrants living in temporary makeshift tents in Calais and Grand-Synthe have continued to be subjected to forced evictions, harassment and the excessive use of force by law enforcement officials, with

¹⁹ Ibid. There have, however, been a few notifications related to specific areas, such as Jharkhand, but, without specific enforcement mechanisms, such notifications have served mostly as directives for homeowners.

²⁰ See submission by the Housing and Land Rights Network, India.

²¹ See submissions by the Legal Resources Centre and the Socio-Economic Rights Institute, South Africa.

²² Ibid.; see also submission by the Church Land Programme, Durban, and Ndifuna Ukwazi, South Africa.

²³ See submission by Amnesty International.

²⁴ Forced evictions raised by the previous mandate holder in Nigeria appear to have continued unabated; see [A/HRC/43/43/Add.1](#).

175 forced evictions of migrants and refugees in Calais between March and May 2020.²⁵ Camps or informal settlements have also been dismantled in Aubervilliers and Porte de la Villette and along the Canal Saint-Denis in Paris. Up to 1,500 people in Calais and up to 600 in Grande-Synthe, among them several unaccompanied minors, were denied adequate access to health services, water, sanitation, food and housing and are at particular risk of contracting COVID-19.²⁶

31. In Kenya, no nationwide moratorium on evictions has been put in place. Although the national health authorities issued a stay-at-home order, forced evictions occurred in the Kariobangi, Ruai and Kisumu areas, affecting a total of around 20,000 families.²⁷ On 26 February, in the village of Dago, Kisumu County, over 150 homes were demolished, as were informal schools and water distribution points. On 3 May, over 8,000 residents of the Kariobangi informal settlement in Nairobi were left homeless despite court orders to the contrary. The evicted families were living on government-owned land and had been paying rent for years. As at 15 July, the Government had not taken action to provide the families with food, temporary shelter, access to water and sanitation or compensation. Over 8,000 persons were therefore rendered homeless and need urgent assistance.

32. In Brazil, the National Justice Council, a body responsible for judicial policy, issued recommendations between March and June to suspend the judicial deadlines for all evictions, even in cases of “repossession”. Despite the recommendations and several decisions issued by the High Council of the Judiciary of the São Paulo Court of Justice, many cases of forced evictions and arson attacks were reported in São Paulo State between March and June, affecting over 2,000 families, including members of the Landless Workers’ Movement.²⁸ Regrettably, on 11 June, the President announced that he had vetoed the suspension of evictions for the non-payment of urban property rent until December 2020, contained in bill 1179/2020, which had been passed by Congress.²⁹

33. In the United States, a “tsunami of evictions” is being predicted,³⁰ as the temporary patchwork of measures against evictions in various jurisdictions comes to an end. While the federal Government has issued a temporary eviction and foreclosure moratorium through the Coronavirus Aid, Relief and Economic Security Act, formal and informal evictions have persisted, and corporate landlords appear to be responsible for a disproportionate share.³¹ Federal protection against evictions and foreclosure applies only to properties with some form of federal assistance or a federally backed mortgage. Many renters are not aware of, or are unable to prove, the federal status, leaving them to rely on local and state-level interventions, which vary in time and effect. Academic analysis of the local measures against evictions shows that the overall impact for tenants varies considerably by jurisdiction, and it is

²⁵ See submission by Amnesty International. Forced evictions in the region have been a serious concern of United Nations human rights experts for several years; see [A/HRC/43/43/Add.2](#).

²⁶ See submission by Amnesty International.

²⁷ See submissions by the Economic and Social Rights Centre (Hakijamii) and Amnesty International. The Special Rapporteur raised the matter with Kenya in communication KEN 1/2020 dated 20 May 2020 and issued a press statement on 22 May. At the time of submission of the present report, no response had been received. All communications and replies are available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

²⁸ See submissions by LabCidade, Observatório de Remoções, Habitat for Humanity, Terra de Direitos and Labá (Direito, Espaço e Política), Brazil.

²⁹ The Special Rapporteur raised the matter of the evictions in São Paulo in communication BRA 5/2020 dated 3 July 2020 and issued a press statement on 9 July. At the time of submission of the present report, no response had been received.

³⁰ Leticia Miranda, “A ‘tsunami of evictions’ is coming, warn housing advocates”, NBC News, 15 July 2020.

³¹ Ibid.

therefore difficult to draw firm conclusions about whether local measures are genuinely capable of protecting the right to housing of renters and those at risk of eviction.³² There are also procedural barriers that weaken eviction bans: since state-level landlord-tenant law requires that rent be posted so that a judge can hear a case, many evictions proceed by default.

34. The outlook is dim. Not only are many eviction bans coming to an end, but unemployment benefits under the federal Act have also expired, and the financial stress experienced by households is likely to result in a major wave of evictions. Particularly at risk are the 110 million renters in the United States. At least 20 per cent are estimated to be at risk of eviction by 30 September.³³ If many renters begin to default on their monthly rents, a cascading wave of foreclosures can be predicted, as many homeowners who pay mortgages depend on rent payments to service their debt. The Special Rapporteur therefore emphasizes that countries should not only adopt national moratoriums on evictions, but also offer financial assistance to renters and mortgage payers.

IV. Impact on vulnerable groups

A. Non-discrimination as a central aspect of the right to adequate housing

35. The right to adequate housing in international law is closely related to the right to non-discrimination, as set out in articles 2 and 11 of the International Covenant on Economic, Social and Cultural Rights. The official title of the Special Rapporteur underlines the intimate interrelation of those rights. The obligation to ensure non-discrimination with regard to the right to adequate housing involves the full scope of State obligations to respect, protect and fulfil the right to housing. That includes not only the duty to provide access to housing without discrimination, but also the duty to address systemic legacy barriers to it – such as racism or casteism. Nowhere has this duty been clearer than in the context of the pandemic, in which the impact has been felt disproportionately by people of colour, ethnic and racial minorities and indigenous peoples, as well as by women who have had to shoulder childcare and employment duties, while being subjected to abuse and violence.

B. “Colour of COVID-19”: racial and ethnic minorities and indigenous peoples

36. Some of the most devastating effects of COVID-19 have been felt by racial and ethnic minorities and indigenous peoples. In the United States, the North American epicentre of the pandemic, the “colour of COVID-19” has been obvious: the victims have largely been people of colour. For example, the Centers for Disease Control and Prevention reports that, as at 12 June 2020, Native Americans and African Americans had an age-adjusted hospitalization rate that was five times that of non-Hispanic white Americans, while Hispanic Americans were four times as likely to be hospitalized as

³² Emily A. Benfer and others, COVID-19 Eviction Moratoria by State, Commonwealth and Territory: All States database, available at <https://docs.google.com/spreadsheets/u/1/d/e/2PACX-1vTH8dUIbfnt3X52TrY3dEHQCAm60e5nqo0Rn1rNCf15dPGeXxM9QN9UdxUfEjxwvfTKzbCbZxJMR7X/pubhtml>; and Eviction Lab, COVID-19 Housing Policy Scorecard database, available at <https://evictionlab.org/covid-policy-scorecard>.

³³ Renae Merle, “Evictions are likely to skyrocket this summer as jobs remain scarce. Black renters will be hard hit”, *Washington Post*, 6 July 2020. See also submission by the Florida Housing Justice Alliance and Community Justice Project, United States of America.

non-Hispanic white Americans.³⁴ The data are confirmed by several independent sources, which report similarly alarming findings.³⁵ In other severely affected countries, such as Brazil and India, such data are not collected or forthcoming, although it is evident that the impact has been felt mostly by marginalized communities, which tend to be indigenous, quilombola or lower caste.³⁶ As noted above, the lack of such disaggregated data is a major impediment to understanding the impact of the pandemic on particular vulnerable groups and the right to housing. In Brazil, the Federal Court of Rio de Janeiro issued an order – regrettably subsequently revoked – that health statistics about COVID-19 and deaths were to be recorded, with information related to ethnicity, gender and location, to protect the health of the most vulnerable.³⁷

C. Women and children

37. In many submissions, the severe impact of COVID-19 on the right to housing of women, and on other rights of women, was highlighted. As front-line workers in the health-care and social sectors, as well as in agriculture, the informal sector and street vending, women workers have been disproportionately affected.³⁸ In addition to experiencing job and income losses, they have borne the brunt of childcare and other domestic work that significantly increased as a result of stay-at-home orders, while juggling it with their professional work.³⁹ The lockdown has also resulted in a higher level of domestic abuse and violence.⁴⁰ Some countries, such as New Zealand, included domestic abuse preparations in their broader lockdown planning from the outset; Italy, Spain and other countries set up nationwide programmes to house victims of abuse in hotels if existing shelters were full; and Germany made an open-ended pledge to fund shelters and other crucial services. But many countries, such as the United Kingdom, have not done so.⁴¹

38. While some local governments, such as that of Barcelona, and national Governments, such as that of Greece, have enacted specific policies that safeguard women’s rights (for example, to protect women who are victims of domestic violence)⁴² there is a lack of disaggregated data on the impact of COVID-19 on women’s right to safe and adequate housing. A similar conclusion can be drawn about the impact on children.

³⁴ See www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/racial-ethnic-minorities.html.

³⁵ See for example, APM Research Lab, “The colour of coronavirus: COVID-19 deaths by race and ethnicity in the U.S.”, 5 August 2020; Richard A. Opiel, Jr. and others, “The fullest look yet at the racial inequity of coronavirus”, *New York Times*, 5 July 2020; Pew Research Centre, “Health concerns from COVID-19 much higher among Hispanics and blacks than whites”, 14 April 2020; Emory University, COVID-19 Health Equity Interactive Dashboard database, available at <https://covid19.emory.edu>; and Elise Kaplan and Theresa Davis, “‘Huge disparity’ in COVID-19 death rates for Native Americans in NM”, *Albuquerque Journal*, 31 May 2020.

³⁶ NPR, “The coronavirus is spreading through indigenous communities in the Amazon”, 12 June 2020.

³⁷ See submission by Terra de Direitos and Labá (Direito, Espaço e Política), Brazil.

³⁸ ILO, “ILO monitor”, note 16.

³⁹ For an analysis, see United Nations, “Policy brief: the impact of COVID-19 on women”, 9 April 2020.

⁴⁰ International Rescue Committee, “The essentials for responding to violence against women and girls during and after COVID-19”, 26 June 2020.

⁴¹ Amanda Taub and Jane Bradley, “As domestic abuse rises, U.K. failings leave victims in peril”, *New York Times*, 2 July. For more details, see [A/75/144](https://www.nytimes.com/2020/07/02/world/europe/coronavirus-domestic-abuse.html).

⁴² See submission by Barcelona Provincial Council, Spain.

D. Migrant workers

39. Domestic and international migrant workers have been among those most severely affected by COVID-19. They provide a large percentage of the urban workforce in emerging economies such as China and India, in both the formal and informal economies. Globally, many migrant workers depend on street vending, are employed as domestic workers in private households or work in sectors that have been strongly affected. They have been particularly exposed to the economic impact of lockdowns and the closing of workplaces. Many lack a permanent address, official work authorizations or work contracts and are thus often excluded from national social protection systems or face significant barriers to justice for violations related to work and housing rights.

40. In many countries, migrant workers not only lost all their income, but also were asked to return to their country or place of origin even though there was no ability to do so owing to the suspension of national and international travel or the closing of borders. While Governments have enacted some humanitarian measures to assist migrant workers, often at the instigation of the judiciary, an overwhelming number of such workers, who are drawn from poor or other marginalized groups, remain extremely vulnerable.

41. In some egregious cases, as in India, migrant workers have had to walk hundreds of miles to their home villages and towns in the absence of transport options after lockdown orders were enacted. In the absence of social or low-cost housing policies for migrant workers in cities, a large majority lived at their workplaces, including in factories, shops, construction sites and restaurants, and were thus rendered homeless when the lockdown was announced. On 28 March, states in India were ordered to seal borders and stop migrants from returning home, reportedly to control the spread of the virus. Although the central Government, along with many states, prohibited the eviction of migrant workers, students and working women in hostels owing to the non-payment of rent and issued advisories to states to ensure that migrant workers had access to shelter and food during the lockdown, and notwithstanding the delayed opening of many relief camps and emergency shelters for migrant workers, they faced massive challenges in terms of hunger and destitution, characterized by the violation of many human rights, including the right to housing, and many died owing to exhaustion, hunger and thirst.⁴³ Lacking the right to a safe and adequate home has meant a death march for many migrant workers.

E. Older persons and persons with disabilities

42. Older persons have been one of the groups most affected by the COVID-19 pandemic.⁴⁴ Not only are they at a heightened risk of severe illness from the virus – in nearly all countries, COVID-19 mortality is more concentrated in those aged 70 years and above – but many older persons also depend on social support structures to maintain an independent life. Physical distancing protocols and quarantine measures, combined with systematic understaffing in care institutions, social support services and partial shutdowns of ambulant care services, resulted in the appalling neglect of an entire generation of people in several countries. Similar challenges were experienced by persons with disabilities, who remained relatively invisible in the submissions received, a matter of great concern given that the pandemic seriously

⁴³ The Special Rapporteur raised concerns with India in communication IND 9/2020 dated 28 May 2020 and issued a press release on 4 June. He thanks India for its reply dated 26 June.

⁴⁴ See www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/older-adults.html.

undermined their rights, including their access to health care and to other services required for independent living within the community.

43. There has been an enormous emotional and psychological toll on older persons given that they are not able to maintain social ties owing to stay-at-home orders, physical distancing measures and the prospect of extended hospital stays without their loved ones being able to visit. Most acutely, this was felt by older persons and persons with disabilities in care institutions, which restricted or prohibited visits by family members. The full, cumulative impact on the rights of older persons and persons with disabilities is not yet known but is likely to be severe.

44. The Special Rapporteur wishes to underline that safety, the availability of essential services and cultural adequacy are key elements of the right to adequate housing, as recognized in general comment No. 4 of the Committee on Economic, Social and Cultural Rights, as well as in inter-relationship to other human rights. A home is more than a roof over one's head. Safety and cultural adequacy are key elements of the right to adequate housing, including the right to maintain social connections. This means also that a "home" should allow for psychological well-being, irrespective of whether one resides alone, in a multigenerational setting or in a care institution.

F. Lesbian, gay, bisexual and transgender persons

45. In many submissions, lesbian, gay, bisexual and transgender persons were identified as being among those most at risk of marginalization owing to the pandemic and its impact on the right to housing.⁴⁵ Regrettably, disaggregated data on the impact on that group are often not available. In certain regions, including South Asia and the Pacific, transgender and gender-diverse persons often live in communal spaces owing to social ostracization and discrimination by landlords.⁴⁶ In many countries in the Asia-Pacific region, they do not have access to safe shelters and adequate transgender-friendly sanitation facilities at home, at school or in health-care settings during the lockdowns, especially in rural areas. In Indonesia, 90 per cent of transgender women surveyed were at high risk of contracting COVID-19 owing to their living conditions in informal settlements and cramped areas and their work involving high degrees of interaction with other people. Relief packages issued by the federal Government have not specifically addressed the vulnerabilities and needs of lesbian, gay, bisexual and transgender communities.

46. In India, the lockdown had a catastrophic impact on the livelihoods of transgender persons employed in informal sectors such as entertainment, sex work and street work, and forced them to return to their home towns and villages, similar to many migrant workers. In Pakistan, many lesbian, gay, bisexual and transgender persons experience homelessness and/or live in crowded community homes, where physical distancing is not practically possible. Owing to heightened stigma and social marginalization, they also frequently experience discrimination from officials as they seek access to relief packages.⁴⁷

⁴⁵ They include submissions by Colombia; the City of Buenos Aires Ministry of Public Defence, Argentina; General Alvear municipality, Mendoza Province, Argentina; the Cambodian Centre for Human Rights; and the Housing and Land Rights Network, India.

⁴⁶ See submission by the Asia Pacific Transgender Network.

⁴⁷ For a more detailed assessment of the impact of COVID-19 on lesbian, gay, bisexual and transgender persons, see [A/75/258](#).

G. Residents of informal settlements

47. Many persons in informal settlements live in conditions that do not respect the right to adequate housing and lack security of tenure. It has often been assumed as part of the lockdown measures that people have the ability to practise physical distancing in their homes, but this is impossible in informal settlements, which are often marked by high population density and the sharing of small rooms and limited public spaces among families and neighbours. A lack of adequate access to water and sanitation has made frequent handwashing challenging. There are also major disparities between people living in informal settlements and residents of formal housing in relation to access to medical care, health services, testing, hygiene kits and protective gear, as well as the economic benefits offered by States to cope with the devastating impact on livelihoods and incomes.

48. As noted in paragraphs 26 to 34 above, in several countries affected by COVID-19, such as Brazil, Ethiopia, France, India, Kenya, Nigeria and South Africa, people living in informal settlements and temporary or makeshift housing have been evicted during the pandemic. Such forced evictions have put residents of informal settlements at even greater risk of infection and homelessness, at a time when everyone was ordered to stay at home. Such evictions are also exposing other population groups to possible community spread of the virus.

49. Although some Governments, such as that of Italy, have carried out an evaluation of the situation of people in informal settlements (many of whom are Roma), Roma settlements in other countries, such as Romania, remain extraordinarily precarious, with residents facing threats of eviction, homelessness and structural issues of environmental racism.⁴⁸ Slovakia and Ukraine undertook evaluations of the situation of people in Roma settlements, where problems of access to water and sanitation continue to be major issues.⁴⁹ Many other States, such as Argentina and Mexico, instituted further protective measures for informal settlements in the form of additional water connections or the provision of water supplies, as well as extra food, hygiene and health services.⁵⁰

H. Persons experiencing homelessness

50. In Spain, despite guidelines allowing persons experiencing homelessness to stay in public spaces during the lockdown, dozens were reported to have received fines for breaching lockdown measures, including in Madrid, Barcelona and Valencia. In Sweden, which lacks a national homelessness strategy, only minor changes appear to have been made to accommodate homeless persons' needs during the pandemic, such as extended opening hours at shelters or providing extra rooms and facilities to offer the possibility of physical distancing.⁵¹

51. In the United States, a significant number of people, estimated to be more than 500,000, were already living in homelessness before the COVID-19 pandemic. That number is likely to increase further, unless far-reaching measures are put in place that build upon temporary protections against evictions. If no additional measures are taken, the economic fallout from the pandemic may increase the number of people experiencing homelessness in the United States by as much as 45 per cent by the end of 2020.⁵²

⁴⁸ See submissions by Italy and Căși sociale ACUM!, Romania.

⁴⁹ See submissions by Slovakia and the United Nations country team, Ukraine.

⁵⁰ See submissions by Mexico and Argentina.

⁵¹ See submission by Amnesty International.

⁵² See submission by the National Law Center on Homelessness and Poverty, United States.

52. People experiencing homelessness lack adequate ability to physically distance in shelters, are more at risk of facing community spread, lack equal access to health services and are thus exposing their rights to health and life to major risk. As noted in paragraphs 17 to 19 above, several Governments in Europe, and some states in the United States, such as California, Connecticut and Virginia, have provided private rooms for people experiencing homelessness in currently unoccupied spaces, such as hotels and dormitories. However, many national and local governments have not taken additional steps to protect people experiencing homelessness beyond measures already in place before the pandemic.

53. In the United States, a major concern has been the break-up of encampments by local governments contrary to official advice issued by the Centers for Disease Control and Prevention in March 2020. Several municipalities, including New York City, Miami, Denver and Philadelphia – unlike others such as Reno, Oakland or Chico – have cleared encampments of homeless persons without providing adequate alternative accommodation or have conducted sweeps of homeless persons sheltering in subways or public places. Given that most homeless shelters in the United States are overcrowded, the policy of breaking up encampments makes little sense in terms of protecting people from COVID-19. While encampments for homeless persons are not in compliance with the requirement under international human rights law to provide safe and adequate housing to those who lack it, clearing them during the pandemic without providing alternatives and secure housing is a gross violation of the right to adequate housing, which infringes upon human dignity.

I. Persons living in institutionalized settings or in situations of conflict or violence

54. People fleeing situations of conflict and violence, such as refugees, internally displaced persons and migrants, are at particular risk during the pandemic, and their right to adequate housing and other human rights are often violated. Lacking adequate access to housing or to basic amenities to survive, they are also often subjected to home demolitions during the course of conflicts. The pandemic has led to the closure of borders, including COVID-19-specific travel restrictions, thus affecting the ability of individuals to apply for asylum.⁵³ Undocumented migrants are at particular risk of eviction, as their status prevents them from seeking judicial relief.⁵⁴ As the pandemic surges in zones of conflict, the lack of adequate housing has become a central part of the humanitarian crisis.⁵⁵

55. The Internal Displacement Monitoring Centre reports that forced evictions of internally displaced persons have continued during the pandemic owing to the fear of COVID-19 infection.⁵⁶ For example, doctors who work with migrants have reportedly been evicted from their homes owing to fears that they may spread COVID-19 in their communities; and in Guangzhou, China, several people of African descent were evicted from their places of residence after local authorities announced that five Nigerians had tested positive for the virus. Within days, a campaign was launched to test and track all Africans in the city, raising concerns about racial discrimination. In cities such as Mogadishu, Nairobi and Kabul, internally displaced persons and

⁵³ See the analysis by the Office of the United Nations High Commissioner for Refugees, available at im.unhcr.org/covid19_platform/#_ga=2.205407256.902499537.1595336565-1933388451.1454743330.

⁵⁴ Caitlin Dickerson, “Sleeping outside in a pandemic: vulnerable renters face evictions”, *New York Times*, 4 July 2020.

⁵⁵ See, for example, on Yemen, International Rescue Committee, “Yemen on the brink: COVID-19, starvation, war”, 2 July 2020.

⁵⁶ See submission by the Internal Displacement Monitoring Centre.

refugees are a significant part of the informal urban population and at greater risk of contracting the virus while lacking the ability to obtain access to benefits or assistance programmes offered by States or donors, which may be available only to citizens. Given the very large number of internally displaced persons in Lagos, at least 100,000, there is a real humanitarian and human rights emergency in the city, especially as the number of evictions has increased during the pandemic.

56. Most institutionalized settings, such as prisons and detention camps, pose a great risk in terms of rapid transmission of the virus in a context in which persons in such settings are already lacking access to basic human rights, including access to adequate housing. The initial spread of the virus was a result of similar institutionalized settings of a voluntary nature, such as nursing homes, where clusters of infections exploded. Notwithstanding efforts to decongest prisons during the pandemic, for example in Cambodia, Indonesia, Peru and the State of Palestine,⁵⁷ institutionalized individuals remain at great risk, as their right to adequate housing – sharply curtailed owing to their imprisonment – becomes even riskier.

V. Housing after the pandemic

A. Beyond temporary measures

57. The Special Rapporteur welcomes the many temporary measures taken by Governments – moratoriums on evictions, assistance to renters and mortgage payers and housing homeless populations in temporary shelters and hotels – as steps in the right direction to protect the right to housing at a time of global peril. However, it is imperative to recognize that, before the outbreak of the pandemic, the right to housing existed in many countries in name only. Unless the structural factors that make safe and secure housing so hard to enjoy are addressed, the temporary mitigation measures of today will turn out to be a mirage.

58. There was a pandemic of evictions before the outbreak of COVID-19; homelessness was sharply on the rise; discrimination was rampant in housing access; and the development strategies of countries did not treat housing and land access as a priority, despite global commitments such as Sustainable Development Goal 11. Owing to the financialization of housing, it was treated purely as a commodity, while too many Governments did not develop effective tools to deal with the affordability crisis that rampant speculation had created over decades.⁵⁸ This is the background against which the temporary measures against evictions or homelessness have to be assessed, even as many of them expire. There is a dire need to reimagine a world in which past mistakes are not repeated.

59. The pandemic has changed the meaning of “home” fundamentally. Stay-at-home orders – which will continue to be issued periodically as the virus likely spikes during the coming months – compel the reimagining of what a home is: it is not only a refuge from the virus and a safe place for physical distancing; it is also a place of paid and unpaid work, especially for those who were asked to telecommute; it is a childcare centre and a school as many schools wait to see whether they can reopen. The

⁵⁷ See submissions by Indonesia; Centro de Investigación, Documentación y Asesoría Poblacional, Peru; Sahnakum Teang Tnaut, Cambodia; and the State of Palestine.

⁵⁸ Academic and policy literature is comprehensive in support of this. See, for example, Raquel Rolnik, *Urban Warfare: Housing under the Empire of Finance* (London, Verso, 2019); Olivier De Schutter and Balakrishnan Rajagopal, eds., *Property from Below: Commodification of Land and the Counter-Movement*, Routledge Complex Real Property Rights Series (Abingdon, United Kingdom, Routledge, 2019).

combination of so many functions in a single entity – the home – should lead to a basic rethinking of the right to adequate housing and a greater recognition of its centrality.

B. Policy, legal and fiscal challenges

60. As countries grapple with the effects of COVID-19, they face the following two dilemmas. First, to what extent can or should one go back to the way things were before the outbreak of the virus? Second, what are the real constraints and choices that will determine how to get to where one wants to go? In the context of the right to housing, going back to the way things were cannot be a viable option, given that it would mean the resumption of mass evictions, the expansion of homelessness and the acceptance that discrimination in access to housing is spatially shaping the contours of urbanization. The current temporary reprieve from such phenomena should be seized upon to reimagine a better future for housing as a human right.

61. The major constraints on Governments in determining how they should respond to the impact of COVID-19 on housing are fiscal, policy and legal constraints, but also ultimately one of political vision and will. The Special Rapporteur strongly believes that there are enough tools to tackle the constraints as long as there is a strong political commitment. In the specific recommendations set out in section VI below, he explores many of those tools and steps. Many of the policy, legal and fiscal tools are not out of reach for Governments and are required for the full enjoyment of the right to housing during and after the pandemic.

VI. Conclusions and recommendations

62. **The present report is based on a large number of responses from States, local governments and civil society organizations to a call for input issued by the Special Rapporteur and other United Nations human rights experts. In the report, the Special Rapporteur has argued that housing is the front line in the battle against the pandemic, during which States requested their citizens to stay at home. However, the insufficient and discriminatory access to safe, affordable and adequate housing that characterized the world before the COVID-19 pandemic and has been further entrenched by the economic crisis following the pandemic threatens to turn a public health emergency into a housing emergency of global dimensions.**

63. **The Special Rapporteur welcomes the fact that many States around the world have temporarily staved off the worst consequences of the pandemic for housing through moratoriums on evictions and protections for renters and mortgage payers. Even so, however, there is great concern on three fronts.**

64. **First, the impact of COVID-19, including on housing, has been very unequally distributed and is reflecting pre-existing hierarchies and inequalities along racial, gender and other lines. The strongly disparate mortality and infection rates in countries with deeper social and economic cleavages are being revealed. Homelessness, overcrowding and inadequate housing conditions for millions of marginalized people have contributed to excessive, largely preventable death and suffering. Regrettably, there are strong reasons to fear that pre-existing inequality and discrimination in access to safe and adequate housing will be further entrenched by the economic crisis caused by the pandemic.**

65. **Second, while the pandemic continues to rage, many temporary mitigation measures will end over the coming months – or have already done so. An**

unprecedented spike in evictions, hunger, homelessness and, eventually, mortality is to be expected.

66. Third, forced evictions have continued, if not accelerated, even during the pandemic. Homeless persons, persons who live in informal settlements, migrant workers and many other vulnerable groups are facing worsening conditions, with a heightened risk of infection, community spread of the virus and mortality.

67. The Special Rapporteur believes, on the basis of the submissions received and in his considered judgment, that such outcomes can and should be avoided and that a better approach to combating the worst effects of COVID-19 on the right to housing is available and possible. To that end, five short-term and nine medium-term and long-term recommendations are respectfully put forward.

68. The Special Rapporteur recommends that, in the short term, Governments:

(a) Collect and make public data on COVID-19 and its impact on the right to adequate housing and vulnerable communities, disaggregated by race, gender, caste, religion, disability, sexual orientation, gender identity and other applicable metrics, such as migrant, refugee or immigration status. Such data should cover various indicators of the right to housing, including homelessness, overcrowding, availability, quality and affordability, and detailed information in relation to security of tenure, in particular on the number of evictions and who is threatened and affected by them;

(b) Enforce a moratorium on evictions and foreclosures and on eviction proceedings against everyone, including non-nationals resident in a country. In particular during the pandemic, there must be a zero-eviction commitment from Governments to avoid forced evictions. This should also include a moratorium on sweeping encampments or tents of homeless persons;

(c) House people experiencing homelessness in hotels, motels, second homes, dormitories and/or vehicles for the duration of the crisis and make plans to move people to permanent housing rather than back on to the streets. Homelessness should be tackled through a sharp increase in the appropriation of funding for temporary housing and for the purchase or expropriation of empty or vacant property for permanent housing;

(d) Improve and continue social protection measures, including income and employment support for low-income individuals, and increase access to water, hygiene and sanitation services for those living in unsheltered areas, including persons living in homelessness or informal settlements;

(e) Immediately and safely decrease the number of people incarcerated for violations of laws that criminalize homelessness and other non-violent offences, decongest prisons, detention camps or other institutions and provide alternative accommodation to persons in such institutions;

69. The Special Rapporteur also recommends that, in the medium and long term, Governments:

(a) Ensure that the right to adequate housing, among other human rights, is central to any COVID-19 response and recovery measures and that sufficient resources are allocated to realizing that right for all, including through the formulation and implementation of human rights-compliant housing strategies and sufficient budgetary allocations;

(b) Ensure that the response and recovery measures are not discriminatory and leave no one behind, including those who are discriminated against on the basis of their gender, race, ethnicity, nationality or socioeconomic

status or on other grounds. Where relevant, special measures must be put in place to guarantee that groups who have been subjected to systemic discrimination and marginalization and who are acutely experiencing the negative effects of COVID-19 benefit from the response and recovery measures;

(c) End forced evictions forever and enact laws for a more regular and orderly eviction process that is fully consistent with international human rights law. That will necessarily involve fundamental changes to eminent domain laws and eviction procedures. It is critical that States ensure that no one is left in a position of increased vulnerability to COVID-19, including by being evicted for their inability to pay their rent or mortgage;

(d) Ensure that all persons can have access to adequate and safe water and sanitation facilities – in line with the Sustainable Development Goals – so that those who are homeless or living in inadequate housing, such as informal settlements, are able to maintain the necessary levels of hygiene, including handwashing, to protect themselves from COVID-19. Such facilities must be located in places that are safe and provide non-discriminatory access to all so that they can effectively protect themselves from the disease;

(e) Enact rent caps and subsidies for tenants and small-scale landlords, consistent with their needs and to ensure stability in the housing market during the pandemic so that a global health emergency does not become a housing emergency;

(f) Enact policies that ensure that there is adequate supplemental income or unemployment support during the pandemic and that no one is paying more than 30 per cent of their income for housing;

(g) Explore financial interventions to bail out low-income tenants, as well as non-corporate, small-scale landlords, in exchange for tenant protection;

(h) Provide low-income countries and the least developed countries with adequate development financing to ensure that the Sustainable Development Goals, including Goal 11, are not sacrificed in the name of austerity at a time of shrinking budgets during a global economic contraction;

(i) Constrain the role of private equity firms as landlords and improve the rights and protections of tenants and renters. This should include legislating permissible rent adjustments or rent caps and the effective prevention of evictions related to economic hardship caused by the pandemic.