

COVID-19 AND THE RIGHT TO HOUSING

SUBMISSION TO THE UN SPECIAL RAPPORTEUR ON ADEQUATE HOUSING

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INTRODUCTION

Amnesty International welcomes the call for inputs by the United Nations (UN) 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 (hereafter the Special Rapporteur on adequate housing), to inform his report to the General Assembly in October 2020.

Amnesty International appreciates the present and previous Special Rapporteurs' efforts in highlighting the importance of the right to adequate housing in the context of the COVID-19 pandemic.¹ Access to adequate housing is critical to protecting oneself from COVID-19, stopping its spread and recovering from it. And yet, states have largely failed to take steps to adequately guarantee the right to housing for all. Where countries have introduced emergency relief/accommodation measures with regard to evictions and homelessness in the context of the pandemic, there is concern that these are inadequate and provide only temporary relief. Amnesty International is concerned that the economic fallout of the pandemic in the absence of human rights compliant housing strategies will exacerbate the housing crisis across the world, with those who face discrimination and marginalisation bearing the brunt.

The following submission draws on Amnesty International's research and monitoring of the right to adequate housing in several countries around the world.² It focuses on some key developments, highlights some violations in the COVID-19 context and elaborates some fundamental steps that states must take in order to ensure compliance with their obligation to guarantee the right to adequate housing.

HOMELESSNESS

Homelessness has been described as the most extreme violation of the right to adequate housing.³ Without adequate housing, it is almost impossible to comply with lockdown measures and keep oneself and others safe. As the text below indicates, some states introduced temporary emergency accommodation measures including the use of empty buildings, hotels and schools to house people who have been homeless but in other states no emergency housing has been provided. In some states, people who are homeless have also been penalized for not complying with lockdown measures.

In **Portugal** the Social and Economic Stabilization Plan in the context of COVID-19 includes a 7.5M€ National Fund for Urgent Housing. The fund will complement public housing efforts and in collaboration with city councils and NGOs, it aims to provide a temporary response to emergency situations such as homelessness,

¹ See Special Rapporteur on Adequate Housing, COVID-19 Guidance Note: Prohibition on Evictions, 28 April 2020 at https://www.ohchr.org/Documents/Issues/Housing/SR_housing_COVID-19_guidance_evictions.pdf; Special Rapporteur on Adequate Housing, COVID-19 Guidance Note: Protecting residents of informal settlements, 23 April 2020 at https://www.ohchr.org/Documents/Issues/Housing/SR_housing_COVID-19_Guidance_informal_settlements.pdf; Special Rapporteur on Adequate Housing, COVID-19 Guidance Note: Protecting those living in homelessness, 28 April 2020 at https://www.ohchr.org/Documents/Issues/Housing/SR_housing_COVID-19_guidance_homeless.pdf

² Information in this submission draws on research conducted by Amnesty International as well media and NGO reports.

³ 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: Homelessness as a global human rights crisis that demands an urgent global response; Paragraph 4, A/HRC/31/54

loss of housing due to the inability to pay rent or mortgage, and domestic violence.⁴ However, it is too early to assess the effectiveness of this measure.

In **Indonesia**, as part of its COVID-19 response, the government of Jakarta designated sports centres⁵ and public halls⁶ to temporarily accommodate people who were homeless. Many of the people who were homeless were those who had lost their jobs due to the economic consequences of the pandemic, and therefore had not been able to pay rent. The Jakarta Legal Aid Institute, however, raised concerns about the adequacy of the Jakarta government's response, as it was not sufficient to house all those who were homeless. The number of people who are homeless around the Greater Jakarta Area had reached 24,500 people in the period of 2018-2019, with possibilities of this number increasing as a result of unemployment and the risk of increased poverty as a result of the pandemic.⁷

Significant efforts have been made by local authorities across the **United Kingdom** to offer emergency accommodation to a majority of rough sleepers. According to government figures, by mid-April over 90% of rough sleepers in England had been offered emergency accommodation and by May nearly 15,000 people had been provided emergency accommodation by local authorities in England.⁸ In late June the government announced an additional £105 million to support people who are and at risk of homelessness to access accommodation. However, as pointed out by Crisis an NGO working on homelessness in the UK, the additional funds need to be accompanied with emergency legal measures to empower local authorities and ensure that they can provide housing support to all regardless of immigration status.⁹

In **France**, starting in late March, the department in charge of housing opened new accommodation places in hotels for people who are homeless. A system of vouchers was also introduced to enable 90,000 homeless people to buy essential items.¹⁰ However, media reports also show that the police in **France** fined dozens of homeless people for their inability to comply with lockdown measures.¹¹

In **Italy**, on 28 March 2020, Ministry of Labour and Social Policies issued a circular relating to the management of the social services system during the COVID-19 emergency, recommended the setting up of canteens, night reception services and distribution points for basic necessities for people who were homeless.¹² It also suggested local and regional authorities coordinate between public services and the third sector in order to identify places to house people and activate emergency support measures for people in need.

⁴ Republica Portuguesa XXII Governo, 'Programa de Estabilização Económica e Social', <https://www.portugal.gov.pt/download-ficheiros/ficheiro.aspx?v=ee61964f-3d28-4a6e-a866-dc74919b11e8>

⁵ Tempo, Lima GOR di DKI Tangerang 173 Tunawisma, <<https://metro.tempo.co/read/1338501/lima-gor-di-dki-tampung-173-tunawisma/full&view=ok>>

⁶ Kompas, DKI Siapkan GOR untuk Warga Telantar yang Tak Mampu Bayar Kontrakan, <<https://megapolitan.kompas.com/read/2020/05/03/13195981/dki-siapkan-gor-untuk-warga-telantar-yang-tak-mampu-bayar-kontrakan>>

⁷ Jakarta Legal Aid Institute, Pemerintah Pusat dan Daerah Harus Perhatikan Pemenuhan Tempat Tinggal Alternatif Sementara Bagi Warga Tunawisma di Situasi Wabah Pandemi COVID-19, <<https://www.bantuanhukum.or.id/web/pemerintah-pusat-dan-daerah-harus-perhatikan-pemenuhan-tempat-tinggal-alternatif-sementara-bagi-warga-tunawisma-di-situasi-wabah-pandemi-covid-19/>>

⁸ Wendy Wilson and Hannah Cromarty, 'Coronavirus and help for rough sleepers' Briefing Paper 08867, House of Commons Library, pp 1, 25 June 2020 <https://commonslibrary.parliament.uk/research-briefings/cbp-8867/>

⁹ CRISIS, '£105m announced to keep people sleeping rough safe and off the streets during pandemic – Crisis response' <https://www.crisis.org.uk/about-us/media-centre/105m-announced-to-keep-people-sleeping-rough-safe-and-off-the-streets-during-pandemic-crisis-response/> 24 June 2020

¹⁰ Ministre De La Cohesion Des Territoires Et De Relation Des Avec Les Collectivites Territoriales, 'Aide Aux Sans-Abris: Des "Cheques Services" Finances Par L'Etat Pour Permettre L'Access Aux Produits D'Alimentation Et D'Hygiene Pour Les Personnes Sans Domicile', 1 April 2020 <https://www.cohesion-territoires.gouv.fr/aide-aux-sans-abri-des-cheques-services-finances-par-letat-pour-permettre-lacces-aux-produits>

¹¹ See Fabien Leboucq, 'Est-ce que des SDF ont été verbalisés en France pour non-respect du confinement?', Liberation, 24 March 2020 https://www.liberation.fr/checknews/2020/03/24/est-ce-que-des-sdf-ont-ete-verbalises-en-france-pour-non-respect-du-confinement_1782742 and Par Justine Boch, 'Lyon : des réfugiés sans abris verbalisés pendant le confinement', Lyon Capitale, 28 Mai 2020 <https://www.lyoncapitale.fr/actualite/lyon-des-refugies-sans-abris-verbalises-pendant-le-confinement/>

¹² Full text of the circular available at <https://www.lavoro.gov.it/redditocittadinanza/Documenti-norme/Documents/Circolare-27-03-2020.pdf>

Although some actions were taken by authorities, the situation differed significantly across the country and some NGOs have criticized the overall lack of adequate measures. On 8 April, the NGO Avvocato di Strada, which works with homeless people, sent letters to dozens of authorities calling for the strengthening of health protection measures for people who were homeless and provision of emergency accommodation for those in need.¹³ The letter also stressed the need for the authorities to instruct competent bodies not to sanction homeless people merely for being on the street as they were not in a position to obey the lockdown measures.

Between the beginning of the health emergency on 31 January and mid-June, in **Italy**, Avvocato di Strada collected at least 17 cases in which homeless people were fined for breaching lockdown measures and restrictions on freedom of movement.¹⁴ In April, police fined a homeless man in a city¹⁵ in northern Italy as he was on his way from a shelter where he was staying to a canteen run by volunteers. The media has also reported numerous other cases in which police fined people who were homeless. In March, police fined five homeless people near the Termini train station in the city of Rome. They had a place to sleep in a hostel at night, however during the day, they did not have access to a regular place of shelter.¹⁶ In early April, police served a fine of €280 on a migrant who was from Morocco, and who slept close to the Termini train station since he was homeless.¹⁷

In **Spain**, Amnesty International has raised concerns regarding the disproportionate impact of the enforcement of lockdown measures on people who are homeless.¹⁸ Despite guidelines that state that homeless people should be allowed to be on public roads during the lockdown,¹⁹ NGOs²⁰ and media reported of dozens of cases where people who were homeless received fines for breaching lockdown measures, including in Madrid,²¹ Barcelona²² and Valencia.²³

In **Sweden**, Amnesty International carried out a survey to assess how the 25 most populous municipalities in the country conducted their work relating to homelessness during the pandemic. Out of the 17 municipalities who responded, five had not made any adjustments at all. The remaining had made some minor adjustments. The most common measure was extended opening hours at local shelters for the homeless as well as providing extra rooms/facilities to offer the possibility of social distancing. Several municipalities had increased the number of staff in shelters and outreach social work. Most of the municipalities stated that they had implemented measures suggested by the Public Health Agency of Sweden and that they provided

¹³ Letter available at Avvocato di Strada: "Emergenza e persone senza dimora, la battaglia continua" 9 April 2020, <http://www.darvoce.org/blog/news/avvocato-di-strada-emergenza-e-persone-senza-dimora-la-battaglia-continua/>

¹⁴ On 22 March, the Italian authorities established by decree a ban on all movement to a different municipality, except for proven work needs, absolute urgency, or for health reasons. It also provided for sanctions for those failing to stay at home, except for these reasons. For more information, see <http://www.governo.it/it/faq-iorestoacasa>

¹⁵ In order to protect the identity of the person, and in agreement with Avvocato di Strada, the name of the city has been withheld.

¹⁶ Michelle Di Lolo, 'Senzatetto denunciati a Termini, la Caritas: "Paghiamo noi la multa"', il Gionale.it 19/03/20 <https://www.ilgiornale.it/news/roma/senzatetto-denunciati-termini-caritas-paghiamo-noi-multa-1843028.html>

¹⁷ Giulia Bellardelli 'È fuori casa, perché "vivo per strada". Senzatetto multato a Roma' Huffington Post, 06/04/2020 https://www.huffingtonpost.it/entry/multe-senza-fissa-dimora_it_5e8b1d43c5b6e7d76c674726?fbclid=IwAR1b7jz2P-JXpAQbqwwkllw2-5IkXDINBbYiUoRdJXju7J8UIUtPsi8ciRU

¹⁸ Amnesty International, 'España: Amnistía Internacional denuncia casos de arbitrariedad policial en la imposición de multas durante el estado de alarma' 8 May 2020, <https://www.es.amnesty.org/en-que-estamos/noticias/noticia/articulo/espana-amnistia-internacional-denuncia-casos-de-arbitrariedad-policial-en-la-imposicion-de-multas-du/>

¹⁹ Actuación Operativa de la Dirección General de la Policía de 9 de abril de 2020.

²⁰ Email from a social worker at Samur Social in Madrid, 13 May 2020.

²¹ Beatriz Asuar, 'La Policía denuncia a una persona sin hogar pese a que los recursos de Madrid están llenos y no tiene donde ir', Público, 8/04/20.

<https://www.publico.es/sociedad/policia-denuncia-persona-hogar-pese-recursos-madrid-llenos-no.html>;

²² Elisenda Collell, 'Arrels denuncia multas a sintecho de Barcelona por no confinarse en domicilios por el coronavirus', elPeriodico, 19 March 2020.

<https://www.elperiodico.com/es/sociedad/20200319/arrels-multas-sintecho-barcelona-no-confinarse-coronavirus-7896784>;

²³ Loreto Ochando, 'La Policía Nacional multa a personas sin hogar por "saltarse el confinamiento"', Valencia Plaza, 1 May 2020 <https://valenciaplaza.com/la-policia-nacional-multa-a-personas-sin-hogar-por-saltarse-el-confinamiento> and la Sexta 'La Policía denuncia en Valencia a personas sin hogar por "saltarse el confinamiento"', 1 May 2020 https://www.lasexta.com/noticias/nacional/policia-denuncia-valencia-personas-hogar-saltarse-confinamiento_202005015eabed9b40ae100001c3bb81.html

residents with basic hygiene equipment. One municipality (Lund) wrote that it had procured hotel rooms so that people “identified as risk groups” could be housed there and self-isolate. Another municipality (Borås) has made accessible smaller camping units for the same purpose.

On June 4, the government announced 50 million SEK (about 500,000 EUR) for “civil society organizations working for people in particularly vulnerable situations”, including people who are homeless.²⁴

Despite repeated calls from Amnesty International and other civil society organizations, Sweden does not have a national homelessness strategy.

FORCED EVICTIONS

Forced evictions constitute violation of a range of human rights including the right to adequate housing and are therefore prohibited in all circumstances.²⁵ In the COVID-19 context, they also deny people one of the most significant protective measures against the virus often leaving people, where they are made homeless, with no option but to breach public health measures such as lockdowns. However, even as States vigorously initiate and enforce lockdown measures, some have also allowed and actively engaged in forced evictions. In some cases, people have been forcibly evicted despite government announcements of a moratorium on evictions. Below are some cases of forced evictions based on Amnesty International’s research and media reports.

On 6 April, the government in **Kenya** announced lockdown measures in response to COVID-19. People were asked to remain in their homes in order to contain the spread of the virus. However, while the lockdown measures were still in force, from 4 to 6 May, the Nairobi City Water Sewerage Company (NCWSC) forcibly evicted an estimated 7,000 families who were living in Kariobangi Sewerage Farmers Slum, Korogocho Market, Nyayo Village, and Kisumu Ndogo in Nairobi. The residents were verbally ordered to vacate their homes and allow the NCWSC to use the land to which they claimed ownership. The forced eviction was carried out in the absence of due process²⁶ and despite an interim court order to halt the evictions until the dispute between the residents and NCWSC was resolved. Within three days, the NCWSC rendered 7,000 families homeless.²⁷ While most of the residents dispersed to different parts of Nairobi, some are trying to seek permission from authorities to travel to Western and Central Kenya following the COVID-19 travel restrictions. There are however close to 25 families currently sleeping in the open at the demolition site and in need of urgent accommodation. They lack access to clean water and sanitation, which is key for protecting themselves against COVID-19.

On 11 May, five days after the Kariobangi forced evictions, the President of Kenya, through the Cabinet Secretary for Interior and Co-ordination of National Government, announced that “until the country is done with the COVID-19 pandemic challenges, no evictions should take place”.²⁸ He also announced that the police had been instructed to cease all evictions and that police officers were required to confirm court orders on evictions through the Office of the Attorney General. However, soon after this announcement, 1,500 people were forcibly evicted, and their homes were demolished in connection to the Ruai Sewerage Pipeline

²⁴ Press release, 4 June 2020, “Nu stärks civilsamhällets insatser för samhällets mest utsatta med 100 miljoner kronor” (*Now we will support civil society’s endeavors for the most vulnerable in society with 100 million kronor*). Out of these 100 million SEK, 50 million are devoted to supporting efforts to break loneliness and isolation among older persons, the rest to people in “socially particularly vulnerable situations”. Available at <https://www.regeringen.se/pressmeddelanden/2020/06/nu-starks-civilsamhallets-insatser-for-samhallets-mest-utsatta-med-100-miljoner-kronor/>.

²⁵ See CESCR, General Comment 7: The right to adequate housing – forced evictions (Article 11.1), 20 May 1997, paras 13, 15 and 16

²⁶ Due process includes include genuine consultation with affected communities to identify all feasible alternatives to eviction, prior and adequate notice, provision of legal remedies, compensation for losses, and adequate alternative housing to those who cannot provide for themselves.

²⁷ Amnesty International, ‘Kenya: Evicted Residents Vulnerable to COVID-19’ 7 May 2020, <https://www.amnesty.org/en/documents/AFR32/2284/2020/en/>

²⁸ 47th Sitting (CS Interior) Senate Ad-Hoc Committee https://drive.google.com/file/d/1e_h5siPS2NkEQR7S8S9-5vPu6J-HbEpg/view (Starts from 1:10:00)

Project on the night of 15 May.²⁹ The forcibly evicted families were not provided with alternative housing and rendered homeless.

The government of Kenya plans to reclaim 13 areas in Nairobi for similar water and sanitation projects.³⁰ Amnesty International is concerned that this will lead to more mass evictions and even forced evictions and homelessness if the plans proceed in the absence of international human rights safeguards.

In **Ethiopia**, beginning in early April and in a three-week period, Addis Ababa municipal authorities demolished dozens of homes belonging to day labourers, rendering at least 1,000 people homeless amidst the pandemic. After the demolitions of their permanent homes, affected families attempted to build temporary shelters made from canvas and tarpaulin, but these too were pulled down and their materials confiscated by police in yet another round of demolitions that started on 14 April 2020. Most of those rendered homeless were construction workers with families who had lost their jobs due to the ongoing COVID-19 shutdowns.³¹ Amnesty International has also documented how people who were forcibly evicted due to security operations in the Oromia region are living in settlements lacking access to clean water and toilets thus increasing their vulnerability to infections including Covid-19.³²

Since March 2019, there have been multiple instances of destruction of property belonging to people suspected of supporting Oromo Liberation Army (OLA). Ethiopian security forces have burnt houses and destroyed farms belonging to people they suspected of supporting OLA in East Guji and West Guji zones. Amnesty International has confirmed that the practice of burning houses belonging to people suspected of supporting OLA has continued leaving hundreds of people homeless even while COVID-19 is spreading in the country.³³

Although lockdown measures were initiated in **Nigeria** on 30 March, forced evictions have continued. On 21 April, the Lagos State Ministry of Environment and Water Resources carried out a forced eviction demolishing over 10 houses in Yaya Abatan in Ogba, Lagos State. According to the State Environment and Water Resources Commissioner, the homes were demolished as they were “illegally erected on the drainage system in the area.”³⁴ Following calls to immediately halt further demolitions and provide alternative accommodation to affected families, by NGOs including Amnesty International, on 23 April the Lagos state government announced the suspension of the demolitions in view of the ongoing COVID-19 pandemic.³⁵

On 13 May 2020, over 20 houses were demolished in Logo 1 area of Makurdi, Benue State. The demolition was executed under the close watch of heavily armed policemen.³⁶ According to the Chief Press Secretary to the Benue State Governor, the eviction was carried out to implement a court order in a property dispute.³⁷ However, the government failed to ensure that the necessary due process was followed and did not provide any alternative housing to the people who were rendered homeless as a result of the eviction.

²⁹ Maureen Kinyanjui, ‘State breaks promise, leaves thousands homeless in Ruai’, The Star, 17 May 2020, <https://www.the-star.co.ke/counties/nairobi/2020-05-17-state-breaks-promise-leaves-thousands-homeless-in-ruai/>

³⁰ Raquel Muigai ‘Gov’t to extend evictions to 13 other areas in Nairobi for water, sanitation projects’, Citizen Digital, 16 June 2020, <https://citizentv.co.ke/news/govt-to-extend-evictions-to-13-other-areas-in-nairobi-for-water-projects-335812/>

³¹ Amnesty International, ‘Ethiopia: Forced evictions in Addis Ababa render jobless workers homeless amid COVID-19’ 29 April 2020 <https://www.amnesty.org/en/latest/news/2020/04/ethiopia-forced-evictions-in-addis-ababa-render-jobless-workers-homeless-amid-covid19/>

³² Amnesty International, Beyond Law Enforcement: Human Rights Violations by Ethiopian Security Forces (in Amhara and Oromia (Index: AFR 25/2358/2020), 29 May 2020., p 31.

³³ Amnesty International, Beyond Law Enforcement: Human Rights Violations by Ethiopian Security Forces (in Amhara and Oromia (Index: AFR 25/2358/2020), 29 May 2020, p 32.

³⁴ Kayode Oyoro, ‘CSO kicks as Lagos demolishes houses during lockdown,’ Punch News, 29 April 2020 <https://punchng.com/cso-kicks-as-lagos-demolishes-houses-during-lockdown/>

³⁵ PM News, ‘Lagos suspends demolition of illegal structures on drainage alignment,’ 22 April 2020 <https://www.pmnewsnigeria.com/2020/04/22/lagos-suspends-demolition-of-illegal-structures-on-drainage-alignment/>

³⁶ Olawale Oyegbade, ‘Lawyers Alert calls for investigation on Logo 1 demolition in Makurdi,’ The Nigerian Voice 16 May 2020 <https://www.thenigerianvoice.com/news/288037/lawyers-alert-calls-for-investigation-on-logo-1-demolition.html>

³⁷ Joseph Wantu, ‘Ortom denies involvement in logo 1 Demolition,’ The Guardian, 16 May 2020 <https://guardian.ng/news/ortom-denies-involvement-in-logo-1-demolition/>

Even as the pandemic grips Nigeria, the Tarkwa Bay community and residents of other island communities in Lagos continue to face harassment and threats of imminent eviction by the Nigerian Navy in defiance of subsisting court orders.³⁸ Despite the COVID-19 pandemic, the Nigerian Navy has continued to harass, threaten, and intimidate residents. On 30 May, these threats became more concrete when a town crier went around the community telling all remaining residents to leave the area within two weeks. According to some community members, the call to vacate the area extends to neighboring island communities of Ogogoro and Sabo Kodji, which have not faced evictions so far and are both covered by the subsisting court injunctions.³⁹

In **France**, despite the declaration of a health-related state of emergency on 17 March 2020, refugees, asylum seekers and migrants living in temporary makeshift tents in Calais and Grand-Synthe continued to be subjected to forced evictions, harassment and excessive use of force by law enforcement officials. Human rights defenders told Amnesty International that law enforcement officials forcibly evicted people living in tents to implement the policy of preventing so-called “attachment points”, to deter people staying in the area. In practice this involves routine demolitions of new camps, removing tents and leaving those living in them without adequate emergency shelter or essential services such as water and sanitation.⁴⁰ Human Rights Observers, a team of volunteers who work with different NGOs, documented 175 forced evictions of migrants, asylum-seekers and refugees in Calais between March and May.⁴¹ Dismantling of camps or informal settlements have also taken place in Aubervilliers, Porte de la Villette and along the Canal Saint Denis near Paris.

According to local organizations, up to 1,500 people, including 160 unaccompanied minors, in Calais and up to 600 people, including 80 to 100 unaccompanied minors, in Grande Synthe are being denied adequate access to health services, water, sanitation, and food and are living in inadequate housing and therefore are at particular risk of contracting COVID-19.⁴²

While the first case of COVID-19 was identified in **Portugal** on the 2 March, the state of emergency in response to COVID-19 was only implemented on 18 March. The Parliament of Portugal approved a number of “extraordinary and temporary measures” to protect businesses and families during and after the state of emergency, which included suspending all evictions (until the end of June).

On 28 February, Lisbon City Council evicted 70 people, including children, who were occupying 11 municipal houses in the Alfredo Bensaúde neighbourhood.⁴³ At least nine families claimed to have been evicted without notice or being provided alternative housing. The families had to sleep in vans, tents or at the entrance of the neighbourhood buildings. The City Council however denied the accusations and claimed that all evictions were done after the proper notice and other legal requirements. The housing rights NGO Habita supported the families’ claims – refuted by the Council - that there was no social evaluation of their situation prior to the evictions and that no alternative housing was provided.⁴⁴

³⁸ Chief F.A Olusesi and others V. The Chief of Naval Staff and others, High Court of Nigeria, Lagos Judicial Division, Suit NO: FHC/L/CS/85/2020

³⁹ Earlier this year, on 22 January, the Nigerian Navy forcibly evicted thousands of residents of residents of Tarkway Bay in the most violent manner. @AmnestyNigeria, <https://twitter.com/AmnestyNigeria/status/1271072409416761344>

⁴⁰ Amnesty International, ‘Targeting Solidarity: Criminalization and Harassment of People Defending Refugee and Migrants Rights in Northern France’, : EUR 21/0356/2019 <https://www.amnesty.org/download/Documents/EUR2103562019ENGLISH.PDF> section 1.2

⁴¹ <https://twitter.com/HumanRightsObs/status/1260170204350418945>

⁴² Information collected by Utopia 56 (an association created in January 2016 in Brittany (France) for volunteers helping in the Calais jungle) and Human Rights Observers (Humans Rights Observers (HRO) is a team of experienced volunteers from the association networks of Calais and Grande-Synthe, including Help Refugees, L’Auberge des Migrants, Utopia 56, Refugee Women’s Centre, Refugee Info Bus, Legal Shelter, and Drop Solidarité).

⁴³ Despejos No Bairro Alfredo Bensaude (Olivais) [5 DE MARÇO 2020] 5 March 2020 <https://stopdespejos.wordpress.com/portfolio/despejos-no-bairro-alfredo-bensaude-olivais-5-de-marco-2020/>

⁴⁴ Cristiana Faria Moreira, ‘Câmara desocupou 11 casas no Bairro Alfredo Bensaúde mas famílias dizem não ter sido avisadas’ 5 March 2020 <https://www.publico.pt/2020/03/05/local/noticia/camara-desocupou-11-casas-bairro-alfredo-bensaude-familias-nao-avisadas-1906656>

HUMAN RIGHTS CONCERNS WITH EVICTIONS DURING THE PANDEMIC

Describing housing as becoming the “frontline defense” against the COVID-19 pandemic, the former Special Rapporteur on adequate housing has called for “an end to all evictions of anyone, anywhere for any reason until the end of the pandemic and for a reasonable period of time thereafter”.⁴⁵ Evictions during the pandemic when lockdown measures are in force make it extremely difficult for affected families to find alternative housing and comply with public health measures. They also increase the burden of housing and homelessness services at a time when the services are struggling with people who are already homeless. However, not all states have heeded to this call.

In **Austria** a prohibition on evictions has been introduced since the beginning of April.⁴⁶ The prohibition applies in situations where a person is unable to pay rent as a result of the COVID-19 lockdown measures. Currently, this provision applies for the time period 1 April and 30 June. Tenants have until 31 December 2020 to pay the overdue rent. However, there is a default interest of 4% that has to be paid in addition to the overdue rent. **Spain** has adopted two Royal Decree Laws on housing during COVID crisis, suspending rental evictions for six months after coming into force and introducing a three-month moratorium on acquisition of homes for those who are unable make their mortgage payments pay as a result of the COVID-19 crisis.⁴⁷

In the **UK**, governments have introduced some measures to increase protection for tenants and avoid homelessness. The Coronavirus (Scotland) Act 2020 for example protects tenants from eviction for up to six months. It also temporarily makes all grounds for eviction in the private rental sector discretionary, allowing for tribunals to take into account all factors relating to the impact of COVID-19 on the landlord and tenant, before deciding on eviction.⁴⁸ Similarly, the government announced a moratorium on eviction of renters in England and Wales until 23 August⁴⁹ and in Northern Ireland legislation has been introduced where private landlords are required to give tenants a 12 week notice⁵⁰ Despite this and measures to increase the housing benefit to cover the 30th percentile of the rental market, according to data collected by Citizen’s Advice, around 2.6 million people were said to be behind or expected to be behind on their rent due to COVID-19 and could face evictions in the absence of long term support.⁵¹

On the other hand, there are several countries who, despite the pandemic and the increased importance of adequacy of housing in this period, have not declared a moratorium on evictions. Such countries include **Nigeria, Sweden, Kenya** (where a moratorium on mass evictions have been announced but there is no provision to protect private tenants), and **Indonesia**.

Sweden has not declared a prohibition on evictions.⁵² The Enforcement Authority (*Kronofogdemyndigheten (KFM)* in Swedish) is a government agency that registers, monitors and collects debts, and it is also the

⁴⁵ Special Rapporteur on Adequate Housing, COVID-19 Guidance Note: Protecting those living in homelessness, 28 April 2020 https://www.ohchr.org/Documents/Issues/Housing/SR_housing_COVID-19_guidance_evictions.pdf

⁴⁶ BUNDESGESETZBLATT FÜR DIE REPUBLIK ÖSTERREICH, 4 April 2020 https://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2020_I_24/BGBLA_2020_I_24.html

⁴⁷ See Real Decreto-ley 11/2020, de 31 de marzo, por el que se adoptan medidas urgentes complementarias en el ámbito social y económico para hacer frente al COVID-19 31 March 2020 <https://www.boe.es/buscar/act.php?id=BOE-A-2020-4208> and Real Decreto-ley 8/2020, de 17 de marzo, de medidas urgentes extraordinarias para hacer frente al impacto económico y social del COVID-19. https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-3824

⁴⁸ See Government of Scotland, ‘Renting and your rights during coronavirus if you have a private landlord’, 11 June 2020 <https://www.mygov.scot/private-rental-rights/>

⁴⁹ See Government of UK, ‘Ban on evictions extended by 2 months to further protect renters’ 5 June 2020 <https://www.gov.uk/government/news/ban-on-evictions-extended-by-2-months-to-further-protect-renters>

⁵⁰ See Department of Communities, Northern Ireland <https://www.communities-ni.gov.uk/landing-pages/covid-19-housing>

⁵¹ Citizens Advice, ‘Near the cliff-edge: how to protect households facing debt during COVID-19’ https://www.citizensadvice.org.uk/Global/CitizensAdvice/Debt%20and%20Money%20Publications/FINAL01_05%20-%20Near%20the%20cliff-edge_%20how%20to%20protect%20households%20facing%20debt%20during%20COVID-19.pdf

⁵² There have however been calls for a moratorium on evictions during the corona pandemic from one of the opposition parties. See Arena Idé: “Regeringen: Inget förbud mot vräkningar” (*The [Swedish] government: no ban on evictions*), 8 April 2020, at <https://www.dagensarena.se/innehall/regeringen-inget-forbud-mot-vrakningar/>

agency involved in evictions and “removals”.⁵³ According to KFM’s data, a total of 687 evictions were executed between February and May of this year affecting 479 men, 208 women and 161 children.⁵⁴ The only change in KFM’s eviction procedures is that for persons aged 70 and over, in order to eliminate or postpone physical contact, notices of eviction are primarily being given over the phone.⁵⁵ KFM places the main responsibility of averting evictions on landlords and according to KFM’s press secretary, “In such a dire economic situation one can only hope that landlords will think twice before they evict a family with children”.⁵⁶

Evictions of persons living in informal settlements (mainly EU migrants from Romania and Bulgaria who do not have a formal right to residence) are still being enforced in **Sweden**. According to information Amnesty International received from KFM, there were at least 14 evictions from informal settlements between February and the beginning of June 2020. Out of these, 11 took place in the Stockholm region. When asked about the risk of exposing people to even higher risk for contracting the virus, the Municipal Commissioner for Social Affairs in Stockholm’s response included that the vulnerable EU migrants are “free to return to their countries of origin and will be supported in doing so”.⁵⁷

In **Greece** the government resumed implementing the plan to discontinue the provision of housing to recognized refugees as well as to those whose asylum applications had been rejected. The first phase of the plan, which had been postponed from April to 31 May 2020 because of COVID-19 restrictions, affected over 11,000 people who were required to leave their accommodation by 1 June 2020. More will be required to leave their accommodation in the future.⁵⁸

The 1 June deadline follows a change in Greek law that came into force on 11 March 2020,⁵⁹ whereby, upon obtaining recognition, refugees and subsidiary protection beneficiaries are required to leave their accommodation within 30 days instead of within six months.⁶⁰ The measure affects people living in housing schemes, camps and other facilities. The implementation of the decision to reduce the notice period for discontinuation of housing support comes at a time of uncertainty and anticipated economic recession due to COVID-19. It is not clear how people who are now required to leave their accommodation will be able to find a job or rent a house when they still face daily restrictions on all movements, especially as lockdown measures for people in camps on the Aegean islands and some mainland facilities are extended until early July.⁶¹

Refugees facing termination of housing are eligible to benefit from the HELIOS 2 program, which provides assistance with securing a rental contract and rental subsidies, however the latter are only paid once the contract is secured.⁶² Therefore, many people losing housing support from June, will be left to fend for themselves in the exceptional circumstances of the pandemic, after months of isolation, often facing language

⁵³ It is worth noting that according to Swedish law, a distinction is made between *eviction* and *removal*, where an eviction is carried out when persons have had, and subsequently have lost, a legal right to occupy the space/land (right of possession). A “removal” is carried out when no legal right of possession has existed. The latter often pertains to vulnerable EU migrants, most of whom are Roma from Romania or Bulgaria, living in informal settlements.

⁵⁴ According to email correspondence from KFM, on file with Amnesty International, Sweden.

⁵⁵ KFM, Frågor och svar om Kronofogden och corona (*Questions and answers about the Enforcement Agency and corona*), at <https://kronofogden.se/corona.html>

⁵⁶ Arena Idé: “Regeringen: Inget förbud mot vräkningar “ (*The [Swedish] government: no ban on evictions*), 8 April 2020, at <https://www.dagensarena.se/innehall/regeringen-inget-forbud-mot-vrakningar/>

⁵⁷ Email from Jan Jönsson, Stockholm Municipal Commissioner for Social Affairs, 18 May 2020. On file with AI Sweden.

⁵⁸ Press release of the Greek Minister for Immigration and Asylum, of 29 May 2020, in Greek at: <https://www.mitarakis.gr/gov/migration/6153-dt-yma-apoxwrisi-prosfygwn-estia>. Also: https://www.efsyn.gr/ellada/dikaiomata/244153_shedio-exosis-10000-prosfygon; <https://www.ekathimerini.com/253138/article/ekathimerini/news/about-11000-asylum-seekers-facing-eviction>

⁵⁹ Greek Law no. 4674/2020, Article 111 amending article 114 of the Law on international protection and other provisions, no. 4636/2019. The change was aimed at freeing places for new asylum-seekers, however, there was no contingency plan for those who would need to leave their housing. The only covid-related mitigation measure was to postpone exits to end of May.

⁶⁰ See: Announcement of the Greek Minister for Immigration and Asylum of 30 March 2020, in Greek, <https://www.mitarakis.gr/gov/migration/1973-dt-yma-estia-ii>

⁶¹ Benjamin Bathke, ‘Pro-migrant protests in Athens as Greece extends lockdown’ 22 June 2020 <https://www.infomigrants.net/en/post/25521/pro-migrant-protests-in-athens-as-greece-extends-lockdown>

⁶² See IOM Hellenic Integration Support for Beneficiaries of International Protection (HELIOS), <https://greece.iom.int/en/hellenic-integration-support-beneficiaries-international-protection-helios>

or other barriers. Talking to Amnesty International, an NGO working with women refugees in Greece expressed fear about the increased precariousness and vulnerability that women will face.⁶³

On 22 May 2020, the President of **Peru** extended strict measures to tackle COVID-19, including lockdowns and curfews until at least 30 June. These measures are part of the state of emergency declared on 14 March in response to the COVID-19 pandemic. Impacted by these measures, many marginalized people, such as Venezuelan refugees, are left unprotected, as they are not able to pay their rent because of not being able to work or access other sources of livelihood and are therefore being evicted from their homes. In this context, it is difficult to find alternative housing, and therefore there is a risk that many will be homeless. The absence of a prohibition on evictions in the government's COVID-19 response puts people in Peru including Venezuelan refugees at heightened risk of COVID-19. Even though Perú has included some marginalized groups in its response plan to COVID-19, in the form of special subsidies and social protection plans, it has not included any provision regarding the right to housing, nor accounted for the special situation of refugees and migrants in the country.⁶⁴

KEY RECOMMENDATIONS

Amnesty International has presented the above as examples of the challenges faced by people vis-à-vis the right to adequate housing in the COVID-19 context and the importance of ensuring that no one is left behind or penalized for a lack of adequate housing. Concerted effort is needed to ensure that public policy responses to COVID-19 account for the rights and special circumstances of those living in poverty and facing structural discrimination including LGBTI people, older people, Indigenous people, those discriminated based on descent and work, people with disabilities, and women and girls within these groups, are not forgotten in public policy responses to crisis.

In light of this, and considering that this is the moment to learn lessons and ensure that the recovery from COVID-19 is just and human rights compliant, Amnesty International presents the following recommendations to the Special Rapporteur for consideration to be included in the upcoming report to the General Assembly:

- States must ensure that the right to adequate housing, among other human rights, is central to any COVID-19 response and recovery measures and sufficient resources are allocated towards realizing this right for all, including through the formulation and implementation of human rights compliant housing strategies and sufficient budgetary allocations.
- States must ensure that the response and recovery measures are non-discriminatory and leave no one behind including those who are discriminated against based on their gender, race, ethnicity, nationality, socio-economic status or other grounds. Where relevant, states must ensure that special measures are put in place to guarantee that groups who have been subject to systemic discrimination and marginalization benefit from the response and recovery measures.
- States must end forced evictions and uphold the right to housing of all, including non-nationals resident in the country.
- 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 rent or mortgage. Where landlords are dependent on the rent for their livelihood, States must ensure that they are adequately supported for the period of the crisis in a manner that does not negatively impact their right to an adequate standard of living among other human rights.
- States must urgently ensure that all persons can access adequate and safe water and sanitation facilities, in order to ensure that those who are homeless or living in inadequate housing such as informal settlements, are able to maintain the necessary levels of hygiene, including washing their hands, to protect themselves from COVID-19. These facilities must be located in places which are safe and accessible to all including women, older people, people with disabilities, and children, and should be designed in a manner that allows people to effectively protect themselves from the illness.

⁶³ Email exchange with NGO member on 8 June 2020.

⁶⁴ Amnesty International, 'EVICTIONS OF VULNERABLE PEOPLE' Urgent Action, 27 May 2020
<https://www.amnesty.org/download/Documents/AMR4624002020ENGLISH.pdf>

- States must refrain from penalizing people who are homeless for their inability to comply with lockdown measures. Steps must be taken to ensure that everyone is supported and empowered to act in accordance with public health and safety requirements.
- In order to build resilient societies based on equality and non-discrimination, and in order to be consistent with their human rights obligations, States must ensure that all individuals can access social protection measures, including protection against loss of income due to unemployment, old age, sickness, care responsibilities, and access to affordable housing and health care for all without discrimination.