

COVID19 GUIDANCE NOTE

PROHIBITION ON EVICTIONS

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April 28th, 2020¹

Housing has become the frontline defense against the coronavirus.

In order to prevent the spread of COVID-19, States across the world are ordering millions of people to “stay home”. And yet, at the same time, many households and communities continue to be threatened with eviction.

- At least 150 million people worldwide live in homelessness, in emergency shelters, or on pavements. Reports are emerging of many homeless people being removed from their encampments or rounded up by local authorities and placed in congregated settings such as stadiums, camps and convention centres.
- One quarter of the world’s urban population live in informal settlements, lacking security of tenure. They can be removed from their lands at any time. It has been reported that forced eviction of informal settlement dwellers have been considered in order to ‘de-densify’ settlements to implement physical distancing.
- Tenants and homeowners are struggling to make their rental or mortgage payments as a result of housing markets that are unaffordable, and now job loss and under-employment.
- Migrants living in labour camps are also losing their homes when lockdown policies are put into place.

Evictions are not only inconsistent with the ‘stay home’ policy, but forced evictions are a violation of international human rights law, including the right to housing, as are any evictions that result in homelessness.² **In the face of this pandemic, being evicted from your home is a potential death sentence.**

¹ Please ensure you are referring to the most recent version of this guidance note.

² See Committee on Economic, Social and Cultural Rights, General Comment No. 7 on forced evictions, passim and para 16.

The right to adequate housing is not subject to derogation in times of emergency. Limitations to this right are only permissible as determined by law and in so far as they are compatible with the nature of this right, and solely for the purpose of promoting the general welfare in a democratic society.³

In this context, States must ensure that everyone is protected against eviction. This will require cooperation between national and subnational governments, so that the necessary resources and capacities are available to ensure all efforts carried out in this regard are effective.

States must therefore take the following urgent measures, in conformity with their obligations under human rights law:

1. Declare 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. The only exceptions to this blanket policy should be where someone must be removed from his or her home because she or he is causing harm to others or in situation of a serious threat to the life of residents, e.g. to prevent death provoked by housing collapses or by natural disasters, such as flooding. Any person that is evacuated to prevent harm must be provided with secure and decent alternative housing.
2. With respect to informal settlements and encampments:
 - a. Declare an end to the forced eviction or displacement of informal settlements. Ensure the necessary resources are available to implement this order effectively, including resources to monitor and prevent extrajudicial evictions.
 - b. Prohibit emergency processes, such as 'de-densification', that involve the forced removal of large numbers of people from informal settlements/encampments.
 - c. Where households have agreed to be resettled for de-densification purposes, they must have the right to return or alternatively be able to remain in the resettlement area if they so wish and be provided there with security of tenure. Any resettlement should only take place after affected persons have been meaningfully consulted.
 - d. Cease the forced eviction or dismantling of encampments of homeless people and recognize that in some instances encampments may be safer than other available accommodation, such as collective shelters. Residents of encampments must, however, be provided with the option of moving to alternate accommodation where self-isolation is possible.

³ Articles 4 and 5 of the International Covenant on Economic, Social and Cultural Rights

See: Guidance Note on Informal settlements and Encampments:
<https://www.make-the-shift.org/covid19/>

3. When de-densifying emergency shelters by reducing the number of available beds, displaced shelter residents must be provided with safe alternative accommodation, otherwise such de-densification would amount to an eviction into homelessness, in violation of international human rights law.
4. Evictions for non-payment of rent, rental arrears, mortgage payment default, and utility payment arrears shall be prohibited during the pandemic and for a reasonable period thereafter. See: Guidance Note on Renters and Mortgage Payers: <https://www.make-the-shift.org/covid19/>
5. Where migrant workers or domestic workers are housed in their place of work or in accommodation provided by their employers, States must ensure that they can either remain housed free of charge or at a rent affordable to them. This is particularly important in situations where business operations, domestic services, and wages have been either reduced or suspended, or if their work contracts been ended as a consequence of the COVID-19 pandemic. If accommodation cannot be reasonably provided by their employers, the State is obliged to provide affected migrant and domestic workers with alternative secure accommodation. No migrant worker or domestic worker should be left in a situation of homelessness. Failing to do so is tantamount to a forced eviction strictly prohibited by international human rights law.
6. Ensure that any evictions or foreclosures that were approved before the pandemic commenced are suspended.
7. Provide sufficient resources to implement the ban of evictions effectively, including resources to monitor and prevent private actors from carrying out extrajudicial evictions.
8. In light of the economic recession, measures must be in place to ensure security of tenure and that no one is evicted into homelessness for a reasonable time after the end of the pandemic.
9. States must ensure that homeless populations are not displaced from where they are living or unwillingly rounded up and placed in jail or holding sites. These actions are tantamount to forced evictions. For those who received temporary accommodations in hotels and emergency shelters to protect them from the virus during the pandemic, they must not be returned to a situation of homelessness once the pandemic is over. This would be a retrogressive measure, contrary to international human rights law. These populations must be provided with access to long-term housing with supports. States must take this opportunity to eliminate homelessness in keeping with their international human rights obligations and their commitments under the Sustainable

Development Goals.

10. Ensure access to justice for those individuals, families or communities that have experienced an eviction and are seeking access to effective remedies.

