

COVID-19 AND THE RIGHT TO HOUSING

Impacts and the way forward

[A/75/148](#)

Report to 75th UN General Assembly by the Special
Rapporteur on the right to adequate housing,
Mr. Balakrishnan Rajagopal

INTRODUCTION

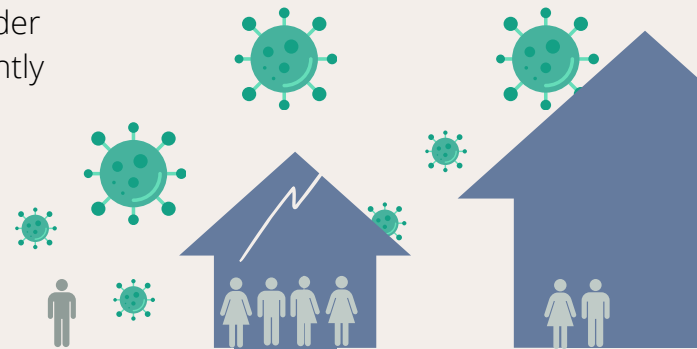
The report underscores that housing has emerged as a key defense against COVID-19. At the peak of the COVID-19 emergency response, more than 3.9 billion people, or half of the world's population, were asked or ordered to stay at home by their governments.

However, 1.8 billion people do not have a decent home and live in informal settlements where physical distancing is difficult or impossible. Many millions, especially renters and small landlords, are at risk of losing their home due to the economic impact of the pandemic. Too many people live in overcrowded homes in which it is hardly possible to self-isolate. Millions lack adequate access to water and sanitation to follow hygiene recommendations. And many have no home at all and live in street situations or in encampments.

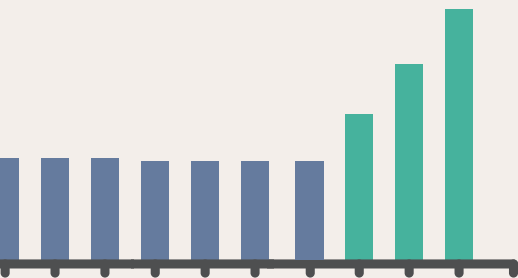
KEY FINDINGS

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.

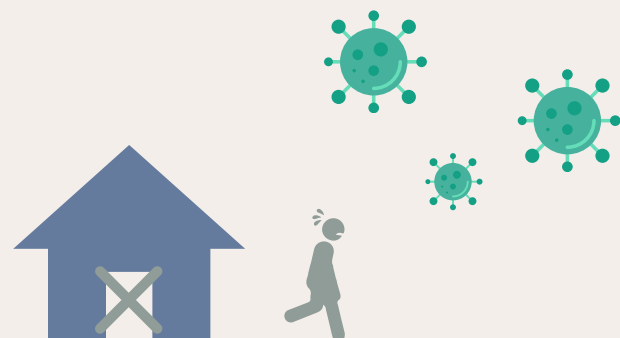
Inadequate housing conditions for millions of marginalized people have contributed to excessive, and largely preventable, levels of death and suffering. The economic crisis caused by the pandemic is **further entrenching these inequalities**.



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.



METHODOLOGY

To inform his report the Special Rapporteur invited States, local Governments, National Human Rights Institutions, UN agencies and civil society organizations to respond to a questionnaire and submit relevant information. In addition virtual consultations were held with States, local Governments and civil society organisations on 10, 16 and 24 June 2020.

[Responses to the questionnaire are available on the OHCHR website.](#)

THE RIGHT TO ADEQUATE HOUSING

It is recognized in 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.

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. 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”

POLICY RESPONSES

The Special Rapporteur welcomes that many countries have temporarily postponed evictions, offered relief to renters or mortgage payers or found temporary housing for homeless populations. The temporary mitigation measures taken by States and local governments prove that national laws and policies can be changed or interpreted to better protect the right to housing. 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.

Examples of positive measures include:

Providing water and sanitation facilities for informal settlements

Making a concerted effort to end street homelessness

Preventing evictions, through local, provincial, or national bans

Many States increased or established new social transfers to households to help them to cover rental, mortgage and other costs for their survival. Some States prohibited any utility service cut-offs to prevent energy poverty and ensure continued access to safe water and sanitation. Many of these measures should be renewed and be in force until the end of the pandemic is in sight, starting with a global moratorium on evictions.

GROUPS IN SITUATIONS OF VULNERABILITY



Racial and ethnic minorities and indigenous peoples



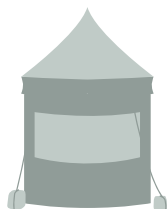
Women and children



Older persons and persons with disabilities



Lesbian, gay, bisexual and transgender persons



Residents of informal settlements



Persons experiencing homelessness



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



RECOMMENDATIONS



- The right to housing should be a key element of response and recovery measures to the pandemic. This requires that sufficient resources are allocated towards realising the right to adequate housing for all.



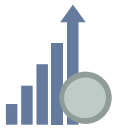
- States should halt all evictions proceedings, including against non-national residents, and to end the sweeping of encampments or tents of homeless people.



- National and local governments should house people experiencing homelessness in hotels or make vacant housing and buildings accessible to them. Homeless people should not be put back on the street.



- Recovery measures should not be discriminatory and should leave no one behind. Special measures must be put in place to guarantee that groups who have been subjected to systemic discrimination and marginalization benefit from the response and recovery measures. In order to address effectively marginalization and discrimination in relation to housing, data disaggregated by race, gender, caste, religion, disability, sexual orientation or gender identity must be collected and shared publicly.



- States should consider rent caps and subsidies for tenants and small landlords, and ensure that a global health crisis does not become a global housing crisis. As a general goal no one should have to pay more than 30 percent of her or his income towards housing.



- States should constrain the role of private equity firms as landlords and improve rights and protections of tenants.



- Low income countries should receive adequate development financing so that they can continue to address grossly inadequate housing conditions.

[Read the entire report](#)

COVID-19 GUIDANCE NOTES

Additional guidance notes developed by the previous Special Rapporteur on the right to adequate housing, Ms. Leilani Farha, are available here for download. These Guidance Notes have been endorsed by Mr. Rajagopal.

**Prohibition
of evictions**

**Protecting
Residents in
Informal
Settlements**

**Protection for
those living in
Homelessness**

**Protecting
renters and
mortgage payers**

**Protecting housing
from financialization
and building back a
better future**