



## Constant risks, looming disaster: the urgent case for a moratorium on evictions

April 2020

### Key messages

- **Evictions will enable propagation of the COVID-19 virus in Somalia.** Evictions already represent among the most severe and prevalent protection threats in Somalia and will, in the context of a COVID-19 outbreak, expose already vulnerable populations to greater risk of infection. Heightened health risk for any member of the community will equate to heightened risks for all members of the community.
- **The COVID-19 pandemic does not discriminate, nor should prevention and response efforts.** The Federal Government of Somalia and its Member States have demonstrated highly proactive prevention and response to the threat of COVID-19; action to protect people at risk of eviction would serve to reinforce the commitment of the government to putting people first, promoting dignity and ensuring people in Somalia have the best possible capacity to respond to government guidance.
- **Somalia cannot afford actions that undermine government and humanitarian investment in water, shelter and livelihoods.** As the Federal Government of Somalia projects notable economic slowdown as a result of the pandemic, every government and humanitarian investment becomes even more critical to the Somali economy. Evictions damage and destroy infrastructure, compromise livelihoods and divert humanitarian funds to response activities in a manner that is highly counterproductive to ensuring the most effective use of available resources.
- **A nation-wide moratorium on evictions accords with positive steps already taken in this direction.** The imposition, of a nationwide moratorium on evictions reflects a significant, timely advancement of efforts already underway in Somalia to ensure security and protections for vulnerable populations. Publicity of such an order with clearly-defined responsibilities for its enforcement will advance the protection agenda already in place within governments and model best practice to other nations in the region.

### Rationale

**Evictions represent a constant risk for vulnerable communities in Somalia**, including displaced populations living in collective settlements and other urban poor in densely populated areas. Through 2019, more than 268,800 people were forcibly evicted from their homes, including 156,000 in Mogadishu alone. While these figures suggest a decrease compared to 2018, evictions remain at highly problematic levels, where 48,200 people have already been evicted through 2020, including 33,400 in Mogadishu<sup>1</sup>.

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<sup>1</sup> Statistics Housing, Land and Property AOR.

**Evictions manifest in disastrous consequences for the people evicted**, as for the broader community, which experiences a lack of stability, economic upheaval and widespread indignities as a result. As the COVID-19 pandemic takes hold in Somalia, evictions represent an even greater threat, where existing infrastructure is wasted, investments undermined and a greater number of people left without the capacity to adhere to health and hygiene guidance. Their increased exposure to the virus represents an individual injustice and a threat to the broader community, whose risk of exposure is in turn increased.

**With the Federal Government of Somalia projecting an 11 per cent decline in nominal GDP through 2020, the risk of actions that disadvantage the most vulnerable people is exacerbated**, including the risk of evictions. Any economic slowdown threatens to impact negatively on access to livelihoods and income generating activities across Somalia, and to place additional pressures on households trying to meet basic needs. For many households, incomes will decrease considerably, challenging their ability to face core expenditures, including food, water and rent. While such implications will have far-reaching consequences for households in Somalia, additional protections are needed to ensure a minimum threshold is maintained for those at greatest risk of destitution, illness, abuse and exploitation. Where the threat of evictions is aggravated, so too is the threat of a greater number of people falling beneath safety nets, undermining considerable efforts across Somalia to promote durable solutions and resilience within communities affected by climatic shocks and conflict.

As they currently occur in many parts of the country, **evictions leave thousands of households to the street, without the basic requirements for survival**. Large numbers of people are left without basic shelter, inadequate access to water, little or no sanitary facilities and few to no options for livelihoods, education or basic healthcare. The shock of an eviction, including the destruction of assets, on already vulnerable households can only lead to the deterioration of the socio-economic status, their health and mental well-being, further aggravating their vulnerability to the virus. Removing people from the basic facilities to which they have access serves to expose more people to the virus, and their subsequent movement through densely populated areas risks aggravating its spread.

The risk of a COVID-19 crisis in Mogadishu calls for limitations on the movement of humanitarian workers to respond to humanitarian situations which cannot or can hardly be prevented. This is not the case of a large proportion of forced evictions. In the case of IDPs, evictions are often a form of manipulative pressure exerted by landlords or gatekeepers on households. Displaced populations have often been evicted to artificially trigger a response from humanitarian organisations and obtain an input of resources such as cash into a given community, to enable the ongoing payment of rent. **This pattern of eviction aggravates already-fragile conditions for internally displaced people and undermines humanitarian investments** that must be prioritised for life-threatening situations in the current climate. The physical movement of people, including humanitarian personnel, should be limited to what is essential, as communicated in various government directives.

**Evictions will invariably affect sustainable trade and local business operations**. As tenants of commercial facilities, including retail shops, risk financial losses related to widespread economic downturn, evictions will exacerbate risks of severe impoverishment and socio-economic destitution. The loss of productive assets can also aggravate the risk of eviction from one's housing, and contribute to further exposure to and dissemination of the virus. Protection from eviction for commercial or productive facilities will enable a more rapid recovery of the economy when conditions for recovery will be restored.

**A moratorium on evictions: Recommended scope and modalities**

The moratorium on evictions should be nation-wide, for a prescribed period, applying to:

- Public and private properties
- Land/properties used for housing
- Land/properties used for commercial and productive purposes (shops, offices, spaces in market places)

**The moratorium on evictions should reflect the following:**

- Such actions are applicable to all people in Somalia rather than any one particular group (such as IDPs). In the current situation, eviction poses a threat to every individual, household and community, and that housing remains an essential protection against the spread of the virus in Somalia.
- Enforcement by way of an executive document from the Office of the Prime Minister. Responsibilities for enforcement of the moratorium at the local level must be clearly defined and District Commissioners potentially designated as responsible for disseminating the order, monitoring its implementation and ensuring support from the police and judiciary. The order should also refer to the punishment (imprisonment or fines) for offenders (whether landlords, their representatives or any other party enforcing an eviction), in line with the penal code and procedures for offences of similar severity.
- The government could create or authorise the creation of a hotline for people can call for more information or in case of an eviction threat during the moratorium period.
- It is recommended to issue a moratorium for evictions for the whole country. If the moratorium is left to municipalities or members states, areas where a moratorium does not apply may face an upsurge of evictions in anticipation to a possible moratorium, and displacements may take place unnecessarily, placing greater pressure on resources in areas where the moratorium applies.
- The order enforcing the eviction moratorium should be widely publicised, with public statements from the highest government officials explaining the order, its justification and the way it will be enforced. The National Eviction Guidelines by the Cabinet of Ministers were endorsed in November 2019 with insufficient dissemination work or publicity done around them, resulting in low levels of awareness among relevant stakeholders. An eviction moratorium will only be effective if appropriate measures are taken to disseminate relevant information from relevant authorities, using all means available including statements, radio, social media and religious leaders.
- The moratorium on eviction should not entail a waiver on rents owed by private individuals or corporate entities. However, landowners should be encouraged to defer rental payments, in particular in the case of vulnerable tenants.

**A moratorium on evictions would ideally be accompanied by:**

- Subsidies for vulnerable households who are unable to pay their rent.
- A programme for shelter and WASH improvements in the most destitute settlements (to be implemented by municipalities).
- Endorsement and related guidance from the Ministry of Health for isolation or quarantine measures at the community level, so as to prevent objections and concerns related to congestion in densely populated areas.

**Duration and termination**

The moratorium could be enforced for a period of three months, or, the timeline for the COVID prevention plan for Somalia, renewable according to the circumstances. The government should be ready to face an upsurge of evictions upon the end of the moratorium and institute measures to help prevent this. The lifting of the moratorium could be accompanied by:

- Concrete steps to ensure the conversion of the National Eviction Guidelines into a stronger legal instrument (Eviction decree or law);
- Improved awareness of the existing policy framework for evictions, with training on its provision to District Commissioners, the judiciary system, mayors, and civil society;
- Written instructions to District Commissioners to monitor evictions, support the conclusion of formal agreements of tenure for IDPs, and intervene in case of forced/abusive evictions;
- A national conference on eviction, right to housing and durable solutions to displacement and homelessness; and
- An agreement with State members to combat forced evictions of vulnerable households and communities.
- Consultations with landowners to promote a code of conduct and compliance with National Eviction Guidelines

Humanitarian actors in Somalia stand ready to support all stakeholders in actions that help mitigate the risk of COVID-19 to the Somali population, support sustained economic activity and protect the most vulnerable members of the community.

#### **Notable references**

- On 18 March 2020, Ms. Leilani Farha, UN Special Rapporteur on the right to adequate housing, issued a statement calling for urgent measures to prevent homelessness which may be arise from COVID 19, and ensure access to adequate housing for people without<sup>2</sup>. The Rapporteur calls States to take “extraordinary measures” to ensure housing to ensure protection against COVID 19. Measures suggested include: moratoriums on evictions due to rental and mortgage arrears; deferrals of mortgage payments for those affected by the virus; extension of winter moratoriums on forced evictions of informal settlements; increased access to sanitation and emergency shelter spaces for homeless people.
- Eviction moratoriums in the context of COVID 19 pandemic have been put in place in various countries across the world. In Africa, South Africa suspended all evictions (20 March) in response to the COVID crisis, during the period of the lockdown currently in force.

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<sup>2</sup> See: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25727&LangID=E>