

500,000 people at risk of eviction in Brazil as Supreme Court moratorium nears end

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The Zero Evictions Campaign has warned that 142,000 families might lose their homes if the STF-issued injunction against evictions is allowed to expire on June 30.

Brazil's Landless Rural Workers Movement (MST) is a central player in the struggle against evictions during the pandemic. Photo: MST
Half a million people in Brazil are at imminent risk of losing their homes within the next two weeks, as a federal moratorium nears its expiration on June 30. In June 2021, Minister of the Federal Supreme Court (STF) Luís Roberto Barroso issued an injunction against evictions during the pandemic called the Allegation of Non-Compliance or APDF No. 828. This was issued in a case first filed by the Socialism and Liberty Party (PSOL). The order, which was set to last until December 2021, was extended until March, 2022 and then again till June 30, following sustained pressure and mobilizations by the Zero Evictions Campaign, which also joined the PSOL case.

Launched in 2020, the Campaign is an “urgent call to address a serious problem in Brazil- that to live, work, and feed yourself is a class privilege.” It includes over 175 organizations, and urban and rural people’s movements against evictions and dispossession, including the Landless Rural Workers’ Movement (MST), the Homeless Workers’ Movement (MTST), the Union of Housing Movements (UMM), and the Movement in Neighborhoods, Towns, and Favelas (MLB).

According to data released by the Zero Evictions Campaign this month, over 142,000 families in Brazil are living under threat of eviction. These include 341,000 women, 97,300 children, and 95,100 elderly people. Children and elderly people represent 33% of those who have either already been evicted, or are at immediate risk of removal, in the country.

An “avalanche of evictions”

The Campaign has also stated that there are at least 14,600 people involved in court cases related to the repossession, which were deferred by the APDF 828. If the order is allowed to expire, it will cause an “avalanche” of removals. In Rio Grande do Sul alone, there are over 11,000 families at risk of removal.

The MST’s own land occupations, including the Marielle Vive camp in São Paulo which houses 450 families, have come under repeated attacks and threats. These have been at the hands of state forces including the police, and private companies and individuals seeking to dispossess and expel them from the land. The MST’s land occupations have been a vital source of food production and distribution, providing over 6,000 tons of emergency rations during the pandemic.

APDF 828 blocked evictions in both rural and urban areas, however, it was not the only legal remedy secured by the Zero Evictions Campaign. In October, Congress approved the Law for Zero Evictions, however this was only limited to urban residents and excluded rural areas. Other key mechanisms included Recommendation No. 90 of the National Council for Justice and Resolution No. 10 of the National Human Rights Council.

Even still, the Brazilian government has continued to carry out violent evictions throughout the pandemic, with at least 734 families removed from their homes without access to any housing alternatives. This act is a clear violation of the judicial directive in APDF 828, which accounted for the COVID-19 pandemic’s impact on already vulnerable communities in Brazil. However, when the eviction moratorium was extended in March, Minister Barroso had stated that it would be the last time that he could renew the order, unless the pandemic worsened again.

Persisting health and socio-economic risks

In the same month, the administration of President Jair Bolsonaro lifted the COVID-19 related public health emergency. However, the country has been witnessing an increase in cases since the end of May. According to Brasil de Fato, the moving average of the number of deaths each day reached 136 on June 20. This represents an increase of 73% as compared to the situation two weeks ago. In this context, the MST has argued that the extension of the APDF 828 is crucial in ensuring the health and safety of people living in occupations in rural and urban areas.

Joelson Santos Silva, an MST member and a Family and Community doctor in the state of Pernambuco, stated– “We know that eviction is a psychologically and/or physically violent act, and this violence lowers the immunity of these [affected] families. So this can increase the risk of contracting the infection...These families will be harmed, as well as having to leave their spaces where some are already producing food...At this moment, these families are not in a position to suffer these aggressions and experience violence in the midst of a pandemic. So it’s really unconstitutional for that to happen.”

The rates of vaccination, especially for booster doses, have been low and uneven due to factors including regional inequalities, systemic discrimination and racism, and poverty.

Social and economic disparities in Brazil have been exacerbated first by the pandemic, and then by evictions. The National Movement of Street People has estimated that 500,000 people are already unhoused and forced to live on the streets in Brazil. Research has shown that these populations are often left unaccounted for in public policies, and as such, are unable to access benefits. If evictions are allowed to proceed on July 1, the number of unhoused people in Brazil could soar to one million.

MST has argued that the impact of eviction and landlessness leads to the deprivation of other human rights including access to health, education, and food. A 2021 study by the Gallup Institute found that among 20% of the poorest people, 75% did not have enough money to buy food in the preceding 12 months. A projection by MB Associates cited by the MST also indicated that the inflation rate for food will rise to 12%.

Brazil has witnessed a record rise in food insecurity and poverty during the pandemic. The number of people facing hunger has doubled to 33 million, or 15.5% of households, in 2022. Existing wage levels are insufficient to afford basic necessities and nearly 12 million people are unemployed. Data analyzed by the Getulio Vargas Foundation showed that 23 million Brazilians were living below the poverty line at the end of 2021.

At this time of crisis, the MST has also condemned the federal government's decision to cut 98% of funds for the construction of new housing units for families with incomes up to R1,800 (\$346.8).

Collective action to ensure access to housing

According to the MST, joint efforts by the Zero Evictions Campaign and other social movements have been able to suspend 120 evictions. This has helped over 24,000 families to remain in their homes.

On June 21, a protest action will be held in front of the Caixa Econômica in Praça da Alfândega in Porto Alegre, Rio Grande do Sul to demand that the APDF 828 injunction be extended. People will also protest in front of the Legislative Assembly to demand for the approval of PL 35/22 which was filed in March, and similarly pertains to protections for families at risk of eviction, and the mediation of land conflicts.

MST has also announced a digital protest on social media platforms on June 21 under the hashtag "Despejo No Brasil Não". Beyond the fight against evictions, MST has also called for a broad agrarian and urban reform "to fulfill the essential human right to land, housing, food, and work."

The movement has condemned the hypocrisy of justice when it comes to land repossession, wherein the state's response to land conflicts involving land owners is often slow while repossessions and evictions against people are enacted quickly.

"As long as residing [in a home], living, and eating is a privilege, occupation is a right and it is legitimate. That is why we are in this very important fight against evictions.", stated Kelli Mafort, from the national coordination of the MST.