

The State of Housing for Domestic Violence Victims in Boston During the COVID-19 Pandemic:

An Assessment of Boston as a Human Rights City



The State of Housing for Domestic Violence Victims in Boston

During the COVID-19 Pandemic:

An Assessment of Boston as a Human Rights City

Introduction

In 2011, Boston’s City Council adopted a Resolution proclaiming Boston as a Human Right City.¹ This obligates Boston to be “a model for communities around the world to witness practical ways in which the human rights framework can make every citizen a partner for sustainable change.”² As a human rights city, Boston endeavors to provide “leadership” and “advocacy” and “secure, protect, and promote human rights for all people.”³ Furthermore, in 2014, Boston’s City Council adopted a Resolution Declaring freedom from domestic violence as a human right.⁴ The Council acknowledged that “there is no singular, stereotypical example of domestic violence and that this issue affects every segment of society and that “freedom from domestic violence is a fundamental human right that no person shall infringe upon.”⁵

¹ *Resolution Proclaiming Boston as a Human Rights City*, CITY OF BOSTON IN COUNCIL (Apr. 13, 2011), https://www.umb.edu/editor_uploads/images/sgisd_humanrights/Boston_A_Human_Rights_City_Resolution.pdf. Boston was following the lead of Washington, D.C., which became the first human rights city in the United States in 2008.

² *Id.*

³ *Id.*

⁴ *Resolution Declaring Freedom From Domestic Violence As A Human Right*, CITY OF BOSTON IN COUNCIL (May 7, 2014), <https://meetingrecords.cityofboston.gov/sirepub/cache/2/bhm2g5tbqkaj5ys54h4n5d0n/10191403242021085003560.PDF>.

⁵ *Id.*

The universal human right to safe and adequate housing is well recognized. Adequate housing is defined in international law as “not having to worry about being evicted or having your home or lands taken away...living somewhere that is in keeping with your culture, and having access to appropriate services, schools, and employment.”⁶ Appropriate government policy and programs are necessary to implement this right.⁷ The human right to housing is codified in the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Universal Declaration of Human Rights (UDHR), and the American Declaration of Human Rights (ADHR).

“[F]reedom from domestic violence is a fundamental human right that no person shall infringe upon.”

The UN Special Rapporteur (SR) on adequate housing as a component of the right to an adequate standard of living, Balakrishnan Rajagopal, published a July 2020 report assessing worldwide responses to COVID-19 and their impact on adequate housing. Among his findings, the SR observed that “[a]s 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.’”⁸ Victims of domestic violence are living in unsafe conditions which are exacerbated by the pandemic’s quarantine requirements, threatening their human rights. In becoming a human rights city, Boston made a commitment to ensure the human rights of its citizens, which includes the right to

⁶ *The human right to adequate housing*, UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMM’R, <https://www.ohchr.org/EN/Issues/Housing/Pages/AboutHRandHousing.aspx>.

⁷ *Id.*

⁸ U.N. Secretary-General, *Adequate housing as a component of the right to an adequate standard of living*, ¶ 6, U.N. Doc. A/75/148 (July 27, 2020). We recognize that the effects of domestic violence (DV) are not limited to women, but for the purpose of this report we use “victims,” “survivors,” and “women,” interchangeably based on available information.

safe and adequate housing. The COVID-19 pandemic has challenged Boston to live up to that commitment.

This report lays out six human rights recommendations for Boston to implement to ensure that domestic violence victims' human rights to safe and adequate housing are protected during the COVID-19 pandemic and similar public health challenges. Each recommendation includes three parts: (1) a discussion of the relevant human rights standards; (2) a description of Boston's policies relevant to these standards; and (3) an evaluation of Boston's responses and recommendations for further positive action by the City of Boston.

Our goal in preparing this report is to bolster Boston's ability to realize the human rights of all of its residents and foster a community that is aware of its rights. Consistent with the essence of a human rights city, we seek to empower victims of domestic violence to hold Boston's government officials accountable for protecting human rights to safe and adequate housing during the COVID-19 pandemic and any future public health crises.

Recommendations

I. Boston should employ a gender-based approach to providing both short and long-term safeguards against evictions of domestic violence victims.

■ Human Rights Standards

A major global issue facing victims of domestic violence is the lack of long-term housing solutions, a situation that is exacerbated during COVID-19.⁹ The SR on Housing has called for a halt to all evictions during the pandemic, while recognizing the particular vulnerabilities of victims of family and domestic violence. In some instances, an eviction may provide victims with an opportunity to leave an abusive situation. But according to the SR, in cases of domestic violence, maintaining the victim’s current housing should be a viable option, provided it is consistent with safety concerns. Specifically, “victims should not have to flee their homes. Instead, the perpetrators of such violence must be effectively prohibited from accessing the homes of their victims.”¹⁰

“Victims should not have to flee their homes. Instead, the perpetrators of such violence must be effectively prohibited from accessing the homes of their victims.”

■ Boston’s Policies

Boston had to respond quickly to the new challenges of housing domestic violence victims during the COVID-19 pandemic. In doing so, the city did not adopt clear policies informed by gender analysis. Instead, the city has followed state and federal directives that currently impose a blanket moratorium on the execution of most residential evictions—a

⁹ *The Essentials for Responding to Violence Against Women and Girls During and After COVID-19*, INT’L RESCUE COMM. (June 26, 2020), <https://www.rescue.org/report/essentials-responding-violence-against-women-and-girls-during-and-after-covid-19>.

¹⁰ Balakrishnan Rajagopal, Special Rapporteur on the right to adequate housing, United Nations Human Rights Office of the High Comm’r, International summit on domestic/family violence during COVID-19 era (Nov. 19, 2020).

moratorium that is set to expire on June 30, 2021, well before many individuals in the state will have access to COVID-19 vaccinations.

Likewise, Boston has adopted public housing waivers under the federal CARES Act, but the waivers Boston Housing Authority has chosen to adopt do not carve out any specific safeguards for victims of domestic violence.¹¹ Boston’s COVID-19 health equity team -- comprised of twenty-eight members holding a variety of different specialties and backgrounds -- includes no members affiliated with domestic violence-related organizations or initiatives.¹² The team issued a community engagement recommendation that the state “prioritize investment in multilingual outreach to communities most critically impacted by COVID-19 regarding testing, protection at home and workplace, and how to access state assistance programs and resources available” and “[d]eliver explicit message at the highest level – ensuring people that they should feel safe getting services and health care (especially immigrants, domestic violence victims).”¹³ However, there has not yet been any indication that the team’s recommendation regarding outreach to domestic violence victims or proposals to include domestic violence in general outreach efforts have been implemented. Further, there have been no proposals to add members to the health equity team who bring expertise or experience regarding domestic violence.

Still, federal and local laws that preceded the pandemic continue to provide some important protections for domestic violence victims. The federal Violence Against Women Act (VAWA) provides that a public housing authority (PHA) can only evict an individual if the

¹¹ *BHA Waiver Implementation for Families*, BOSTON HOUSING AUTHORITY (2020), <https://www.bostonhousing.org/getattachment/Departments/Planning-and-Real-Estate-Development/The-Annual-Plan/CARES-Act-Waivers/BHAWaiverImplementationforFamilies12-7-20.pdf.aspx>.

¹² *Massachusetts Department of Public Health COVID-19 Health Equity Advisory Group*, MASS.GOV, <https://www.mass.gov/doc/covid-19-health-equity-advisory-group-member-list/download>.

¹³ Covid-19 Health Equity Advisory Group, *Health Equity Advisory Group Recommendations – July 2020*, MASS.GOV (July 2020), <https://www.mass.gov/orgs/covid-19-health-equity-advisory-group>.

behavior of the abuser creates an “actual or imminent threat” of violence to other tenants or staff.¹⁴ This rule also applies to project-based Section 8 housing and housing voucher programs.¹⁵ Boston has further provided that a survivor of domestic abuse living in federal public housing cannot be evicted for reasons directly related to domestic abuse.¹⁶ For example, if an abuser were to create loud noises disturbing other neighbors, the victim could not be evicted; instead, the perpetrator alone would be subject to eviction.¹⁷ Additionally, if an individual is living in state public housing and experiencing domestic violence, the individual is entitled to “reasonable and appropriate” assistance from the local housing authority (LHA) in transferring housing.¹⁸

■ Evaluation and Next Steps for Boston: Grade C

In some respects, Boston is complying with human rights standards concerning eviction of domestic violence victims, particularly with respect to public housing. Yet some of the most

“Boston has an opportunity to fill in the gaps by adopting a gender lens as it continues to develop policies in this area.”

important the protections available in the city – such as the general eviction moratorium -- are driven by federal authorities and subject to tight, even precipitous, time limits. Further, these protections are not tailored to this impacted population.

¹⁴ Violence Against Women and Department of Justice Reauthorization Act of 2005, 42 U.S.C. § 13701 (2006).

¹⁵ *The Rights of Domestic Violence Survivors in Public and Subsidized Housing*, ACLU, <https://www.aclu.org/sites/default/files/pdfs/subsidizedhousingdv.pdf>.

¹⁶ *Coronavirus/Covid-19: BHA Actions and Updates*, BOSTON HOUS. AUTH. (Apr. 20, 2020), <https://bostonhousing.org/en/News/Coronavirus-Covid-19-BHA-Actions-and-Updates.aspx>.

¹⁷ U.S. DEPT. OF HOUS. AND URBAN DEV., VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013 GUIDANCE (2017). See also Greater Boston Legal Services, *Information for Victims of Abuse in Federal Public Housing*, MASS LEGAL HELP (Oct. 2007), <https://www.masslegalhelp.org/domestic-violence/housing/vawa-federal-public-housing>.

¹⁸ 760 C.M.R. § 6.06(4)(q).

Boston has an opportunity to fill in the gaps by adopting a gender lens as it continues to develop policies in this area. For example, Boston has created some mechanisms to research and study the disparate treatment and effects of COVID-19 on the city's population, but the city has not emphasized the needs of victims of domestic violence. Boston should continue its efforts with the health equity team but further carve out a space for researching the effects on victims of domestic violence, and implementing the recommendations of the team regarding this group. Boston should take further advantage of the U.S. Department of Housing and Urban Development (HUD) regulation that allow PHAs to adopt guidelines giving preference to victims of domestic violence.¹⁹ For example, Boston should consider loosening restrictions on the level of proof a victim must show to get priority housing. Currently, the required proof consists of a combination of the following documentation, based on the individual circumstances: medical reports, police reports, court records, an attempt at receiving a restraining order, a filing of a civil or criminal complaint against accused, a letter from an attorney stating case, a letter from a counselor, a psychological report, a letter from social service agency, or a detailed explanation of the circumstances that led to the present housing situation.²⁰ An applicant must also prove that they were a primary resident at the address they were displaced from, and that the abusive situation was the reason for the displacement.²¹

Boston should also expand its outreach to communities to raise awareness that priority housing exists for domestic violence victims and what is needed to qualify. In addition, Boston

¹⁹ 24 CFR §§ 960.206 (b)(4), 982.207(b)(4).

²⁰ Equal Housing Opportunity, *Checklist of Required Verification Documents for Housing Situation Priority Status*, MASS.GOV (Jan. 2019), <https://www.mass.gov/doc/checklist-of-required-verification-documents-for-housing-situation-priority-status-b4/download>.

²¹ *Id.*

should adopt more policies to guard against evictions of victims, such as rent waivers for victims who previously relied on their abusive partner's income.

II. Cities should collect and report disaggregated data on COVID-19 and its impact on the right to housing of victims of domestic violence.

■ Human Rights Standards

In his report to the UN General Assembly on COVID-19 and the right to housing, the SR expressed concern about the “lack of disaggregated data to show the impact [of the pandemic] in terms of gender, race and caste or along other lines.”²² The SR specifically underscored the “lack of disaggregated data on the impact of COVID-19 on women’s right to safe and adequate housing.”²³ To remedy this situation, and to provide the information necessary to ensure that human rights to housing are protected, the SR recommended that governments “[c]ollect and make public data on COVID-19 and its impact on the right to adequate housing and vulnerable communities.”²⁴

Reporting to the UN General Assembly, the SR specifically underscored the “lack of disaggregated data to show the impact of COVID-19 on women’s right to safe and adequate housing”

■ Boston’s Policies

Recent Massachusetts legislation recognizes the importance of collecting data and issuing reports on how COVID-19 affects at-risk groups.²⁵ The law, An Act Addressing Covid-19 Data Collection and Disparities in Treatment, requires the State

Department of Public Health to compile information and provide daily online reports on the

²² U.N. Secretary-General, *supra* note 8, at ¶ 6.

²³ *Id.* at ¶ 18.

²⁴ *Id.* at ¶ 68(a).

²⁵ *COVID-19 Health Inequities Task-Force Created*, CITY OF BOSTON (Oct. 16, 2020), <https://www.boston.gov/news/covid-19-health-inequities-task-force-created>.

number of people tested for COVID-19, positive cases, hospitalizations and deaths along with the gender, race, ethnicity, primary residence, occupation, disability, age and primary language of each case.²⁶ While this data is useful for tracing some aspects of the public health impacts of the virus, it stops short of what is needed to inform sound public policy concerning intersections of COVID-19, domestic violence and housing. It only captures a snapshot of individuals who are testing and testing positive. It in no way captures how the virus, distancing protocols and changes in behavior have impacted this particular population.

■ **Evaluation and Next Steps for Boston: Grade C-**

The SR recommends that collected data go beyond the categories identified in the Massachusetts law to include migrant, refugee or immigration status, as well as “various indicators of the right to housing, including homelessness, overcrowding, availability, quality and affordability, and detailed information in relation to security of tenure, in particular the number of evictions and who is threatened and affected by them.”²⁷ In addressing these issues, it is especially important that Boston study the effects of COVID-19 through an intersectional framework. Many victims of domestic violence have multiple intersecting identities that can compound the negative effects of COVID-19. Research shows that COVID-19 rates are higher for people of color nationally and within Boston.²⁸ Other factors that contribute to negative impacts from COVID-19 for victims of domestic violence could include lack of health insurance, pre-existing health conditions or physical disabilities, frayed social/familial relationships, lack of resources to cover childcare, lack of social mobility, lack of personal space, lack of access to clean living quarters and difficulty accessing medical assistance. These factors must be

²⁶ An Act Addressing Covid-19 Data Collection and Disparities in Treatment, ch. 93, 2020 Mass. Acts.

²⁷ U.N. Secretary-General, *supra* note 8, at ¶ 68(a).

considered in Boston’s COVID-19 data collection, analysis and reports, and used to inform sound public policy approaches to the human right to housing.

III. Boston should designate domestic violence shelters as essential services and ensure access to both emergency and long-term housing.

■ Human Rights Standards

In his report to the UN General Assembly, the UN Special Rapporteur observed that the right to adequate housing “is central to any COVID-19 response” and urged that sufficient funds be allocated to realize that right for all.²⁹ As much as emergency housing must be a priority, the SR stressed that long-term housing is a critical component of ensuring the safety of victims of domestic violence. Furthermore, the UN Special Rapporteur on violence against women Dubravka Simonovic made a statement in March 2020 calling on States to ensure that in their efforts to address the threats of COVID-19, they do “not leave behind women and children victims of domestic violence, as this could lead to an increase of domestic violence including intimate partner femicides.”³⁰ She went on to warn, “[t]he risk is aggravated in a time when there are no or fewer shelters and help services available for victims; when it is difficult to access those that are still open; and when there is less community support; fewer police interventions and less access to justice as many courts are closed.”³¹

■ Boston’s Policies

Soon after Boston began its pandemic lockdown measures in March 2020, the city established the Boston Resiliency Fund. As of February 2021, the Fund had distributed more

²⁹ U.N. Secretary-General, *supra* note 8, at ¶ 69.

³⁰ Press Release, Human Rights Office of the High Comm’r, States must combat domestic violence in the context of COVID-19 lockdowns – UN rights expert; U.N. Press Release (Mar. 27, 2020) (<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25749&LangID=E>).

³¹ *Id.*

than \$34 million to assist families, first responders, school-age children, and others negatively affected by the pandemic. One of the guiding principles of the Fund is to apply a lens of equity when directing all donations.³² Survivors of domestic violence and those experiencing homelessness are both listed as populations that are most in need during COVID-19.³³ The Fund has provided important support to both of these groups.

The Boston Resiliency Fund builds on Massachusetts' recognition as early as 2008 that domestic violence constituted a public health emergency in the Commonwealth.³⁴ Yet although state-funded homeless shelters must give priority to victims of domestic violence, those victims have many hoops to jump through before they will be prioritized. Domestic violence victims must present proof of the abuse before they are given priority.³⁶ Furthermore, many state programs require victims to show they took reasonable steps to avoid the threat of violence – such as obtaining a restraining order -- before they will be given priority.³⁷ Boston has designated some of its shelters as emergency shelters, however those only provide temporary refuge, and general population shelters may be unsafe for domestic violence survivors.³⁸ According to the resources listed on the Massachusetts state website, only

“As of February 2021, the Fund had distributed more than \$34 Million to assist families, first responders, school-age children, and others negatively affected by the pandemic.”

³² *Boston Resiliency Fund*, CITY OF BOSTON (Feb. 25, 2021), <https://www.boston.gov/departments/treasury/boston-resiliency-fund>.

³³ *Id.*

³⁴ *Domestic Violence in Massachusetts*, NAT'L COAL. AGAINST DOMESTIC VIOLENCE (2015), <https://assets.speakcdn.com/assets/2497/massachusetts.pdf>.

³⁵ An Act Relative to Domestic Violence ch. 260, 2014 Mass. Acts.

³⁶ *Special Priorities*, MASS. LAW REFORM INST. (Dec. 2009), <https://www.masslegalhelp.org/housing/special-priorities>.

³⁷ *Id.*

³⁸ *DPH Domestic Violence Programs*, MASS.GOV, <https://www.mass.gov/info-details/dph-domestic-violence-programs#residential-domestic-violence-programs->

1 out of the 11 emergency shelters provides for longer term refuge and/or services.³⁹ The rest of the shelters only provide temporary shelter and assistance for victims and their families.

■ Evaluation and Next Steps for Boston: Grade B

Boston has been nimble in its response to COVID-19, providing rapid responses through

“According to the resources listed on the Massachusetts state website, only 1 out of the 11 emergency shelters provided for longer term refuge and/or services.”

the Boston Resiliency Fund early in the pandemic. For example, the Fund quickly disbursed grants to nonprofits and charities and supplied families in need with essentials, such as meals, groceries and produce, and diapers and formula. Additionally, in its partnership with Casa Myrna, the Fund provided hotel accommodations for domestic violence survivors.⁴⁰ Still, arcane requirements can prevent victims from accessing the

services that are available. In particular, the requirement that victims present proof of their abuse is often a high hurdle that prolongs the time a victim will remain homeless or in an unfit or unsafe living environment. Victims who cannot produce enough evidence to meet this standard may also be prevented from getting housing assistance. The mandate that victims prove they took reasonable steps to avoid violence is another onerous requirement that prevents victims from getting the relief they need quickly. Boston should either get rid of these requirements altogether, put a pause on them for the foreseeable future, or allow victims to receive their housing benefits prior to fully meeting the proof standards.⁴¹

³⁹ *Id.*

⁴⁰ *COVID-19 Affordable Housing Response Meeting*, CHAPA (Apr. 10, 2020), <https://www.chapa.org/sites/default/files/2020-04/April%2010th%20Notes.pdf>.

⁴¹ MASS. GEN. LAWS ch. 186, § 24 (2013).

IV. Boston should continue its commendable efforts to expand the capacity of shelters for victims of violence by repurposing alternative spaces.

■ Human Rights Standards

In his General Assembly report, the SR took special note of countries and cities around the world, including in the U.S., that have recognized the strain on domestic violence shelters as they try to keep up with housing demand while taking safety precautions for COVID-19., some domestic violence shelters are full, and, in some countries, shelters have closed or been repurposed as health centers.⁴² Women may also be turned away from domestic violence shelters during COVID-19 due to new measures barring entry for fear of further spreading the virus.⁴³ The traditional model for emergency housing at domestic violence shelters is insufficient during a pandemic because these shelters rely on “congregate living spaces.”⁴⁴ Survivors eat together, children play together, and many women get group counseling.⁴⁵ When women are turned away from domestic violence shelters, they are at risk of homelessness.⁴⁶

“Women may also be turned away from domestic violence shelters during COVID-19 due to new measures barring entry for fear of further spreading the virus.”

⁴² U.N. Secretary-General, *supra* note 8, at ¶ 17.

⁴³ *UN chief calls for domestic violence ‘ceasefire’ amid ‘horrifying global surge’*, UN NEWS (Apr. 6, 2020), <https://news.un.org/en/story/2020/04/1061052>.

⁴⁴ Isabela Dias, *Protecting Domestic Violence Survivors From Eviction Is Always Important—but Especially During COVID*, MOTHER JONES (Dec. 29, 2020), <https://www.motherjones.com/coronavirus-updates/2020/12/protecting-domestic-violence-survivors-from-eviction-is-always-important-but-especially-during-covid/>.

⁴⁵ Naomi Snyder, *Empty Hotel Rooms Provide Safe Haven For Domestic Violence Survivors During The Pandemic*, HUFFPOST (May 4, 2020), https://www.huffpost.com/entry/empty-hotel-rooms-provide-safe-haven-for-domestic-violence-survivors-during-the-pandemic_n_5eac5ab2c5b6e5f842971202.

⁴⁶ *No Room at the Shelter, Now What?: Domestic violence survivors face homelessness, higher threat of violence when turned away*, DOMESTICSHELTERS.ORG (Apr. 26, 2015), <https://www.domesticshelters.org/articles/housing/no-room-at-the-shelter>.

To address this, the SR on Adequate Housing “welcome[d] the many temporary measures taken by Governments” including “housing homeless populations in temporary shelters and hotels.”⁴⁷ He identified these as “steps in the right direction to protect the right to housing at a time of global peril.”⁴⁸ The SR further recommended that governments should “[h]ouse people experiencing homelessness in hotels, motels, second homes, dormitories and/or other vehicles for the duration of the crisis and make plans to move people to permanent housing rather than back on to the streets.”⁴⁹ He urged that “[h]omelessness should be tackled through a sharp increase in the appropriation of funding for temporary housing.”⁵⁰ UN Women has likewise recommended “[e]xpanding the capacity of shelters for victims of violence by re-purposing other spaces, such as empty hotels . . . to accommodate quarantine needs, and integrating considerations of accessibility for all.”⁵¹

According to the SR on Housing, countries like Italy and Spain have set up “nationwide programmes to house victims of abuse in hotels if existing shelters were full.”⁵² In March 2020, France announced that it would pay for up to 20,000 hotel nights for victims of domestic violence.⁵³ In Australia, hotels have signed up to access \$35 million from state governments offering temporary accommodation for “families trying to escape domestic violence during

⁴⁷ U.N. Secretary-General, *supra* note 8, at ¶ 19.

⁴⁸ *Id.*

⁴⁹ *Id.* at ¶ 21.

⁵⁰ *Id.*

⁵¹ United Nations, Policy Brief: The Impact of COVID-19 on Women 17 (Apr. 9, 2020), <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2020/06/report/policy-brief-the-impact-of-covid-19-on-women/policy-brief-the-impact-of-covid-19-on-women-en-1.pdf>.

⁵² U.N. Secretary-General, *supra* note 8, at ¶ 14.

⁵³ Snyder, *supra* note 45. See also News Wires, *France to put domestic violence victims in hotels as numbers soar under coronavirus lockdown*, FRANCE 24 (Mar. 30, 2020), <https://www.france24.com/en/20200330-france-to-put-domestic-violence-victims-in-hotels-as-numbers-soar-under-coronavirus-lockdown>.

Covid-19.”⁵⁴ In Russia, Hotel Skazka, which translates to “fairytale hotel,” specifically sets aside rooms for domestic violence survivors.⁵⁵

Many U.S. cities have mounted similar efforts. The city of Los Angeles, with support from private funding, has launched a project to provide safe housing for survivors of domestic violence.⁵⁶ Chicago has partnered with Airbnb and Hotel Tonight to find housing for victims of

In Austin, the City Council approved a resolution for the city to buy a hotel specifically for victims of domestic violence.

domestic abuse during COVID-19, and Houston set up a \$650,000 program to house victims in hotels.⁵⁷

In Austin, the City Council approved a resolution for the city to buy a hotel specifically for victims of domestic violence.⁵⁸

■ Boston’s Policies

During the pandemic, the Boston Resiliency Fund, an initiative by the City of Boston to coordinate fundraising and philanthropic efforts to provide essential services to Boston residents immediately impacted by COVID-19, has given funding to domestic violence organizations and shelters.⁵⁹ The Boston Area Domestic Violence Partnership, for example, received funding in July 2020 to expand capacity in the domestic violence shelter system.⁶⁰ Casa Myrna, a Boston

⁵⁴ Renee McKeown, *Hotels Provide Rooms for Domestic Violence Survivors During Covid-19*, THE URBAN DEVELOPER (Apr. 20, 2020), <https://theurbandev.com/articles/hotels-provide-rooms-to-domestic-violence-survivors-during-covid-19>.

⁵⁵ *Moscow hotel hosts domestic violence survivors as abuse cases soar*, DW AKADEMIE, <https://www.dw.com/en/moscow-hotel-hosts-domestic-violence-survivors-as-abuse-cases-soar/a-53693748> (last visited Feb. 9, 2021).

⁵⁶ Annalisa Merelli, *Domestic violence shelters are filling up and cities are looking to hotels for help*, QUARTZ (Sept. 2, 2020), <https://qz.com/1898911/cities-are-using-hotels-to-house-victims-of-domestic-violence/>.

⁵⁷ *Id.*

⁵⁸ Jordan Parker Erb, *Austin City Council seeks hotel to shelter victims of family violence*, AUSTIN AMERICAN STATESMAN (June 11, 2020), <https://www.statesman.com/story/news/politics/county/2020/06/11/austin-city-council-seeks-hotel-to-shelter-victims-of-family-violence/42404013/>.

⁵⁹ *Boston Resiliency Fund*, CITY OF BOSTON, <https://www.boston.gov/departments/treasury/boston-resiliency-fund> (last visited Feb. 9, 2021).

⁶⁰ *Boston Resiliency Fund Grantees, Grants made on July 2, 2020*, CITY OF BOSTON (last updated Mar. 9, 2021), <https://www.boston.gov/news/boston-resiliency-fund-grantees>.

domestic violence shelter, received a grant to provide direct support for emergency housing for survivors and members of their household.⁶¹ The Boston Resiliency Fund has also helped pay for hotel shelter, working with DHCD and the Federal Emergency Management Agency (FEMA) to not only move survivors out of shelters and into hotels, but also to expand hotel room and long term stay apartment availability. This alternative housing is crucial for survivors who may not have other options.

■ **Evaluation and Next Steps for Boston: Grade A-**

To continue to protect and promote human rights during both the global pandemic and the shadow pandemic of domestic violence, Boston must take positive steps to affirm its designation as a human rights city. Directing funds to domestic violence shelters and hotels is an excellent way to help victims during the pandemic. Boston should continue to provide funding to hotels as alternative shelters for domestic violence victims. In addition, Boston should consider implementing efforts like those initiated globally and elsewhere in the U.S., such as pledging consistent funding to housing for victims, coordinating directly with hotels to keep rooms open, and collaborating with housing organizations. While the Boston Resiliency Fund and other efforts to respond to housing during the pandemic have been important and commendable, more steps can be taken to provide long-term and permanent aid to victims of domestic violence experiencing housing issues during COVID-19. These efforts would align with recommendations made by the SR on Adequate Housing and other human rights entities.

⁶¹ *Id.*

V. **Boston should designate safe spaces for women where they can report abuse without alerting perpetrators and some DV services should be accessible online.**

■ **Human Rights Standards**

The right to safe and adequate housing requires that victims of domestic violence have access to safe spaces where they can report abuse during COVID-19 without alerting their perpetrators. The Secretary-General of the UN has called for “the creation of safe ways for household members to seek support without alerting their abusers, including emergency warning systems in pharmacies and grocery stores.”⁶² UN Women also recommends “[d]esignating safe spaces for women where they can report abuse without alerting perpetrators, e.g. in grocery stores or pharmacies” and “[m]oving services online.”⁶³

Grocery stores and pharmacies are often the only places victims can go without triggering suspicion from their abusers.⁶⁴ Moreover, grocery stores have been deemed essential services that remain open during the pandemic.⁶⁵ In

France, Germany, Italy, Norway and Spain, “pharmacies and supermarkets have become safe ‘go-to’ spaces where the utterance of a code word (‘MASK 19’) signals an urgent request for protection from domestic abusers.”⁶⁶ In Buenos Aires, victims can use the code word “red mask”

“The right to safe and adequate housing requires that victims of domestic violence have access to safe spaces where they can report abuse during COVID-19 without alerting their perpetrators.”

⁶² *Domestic Abuse: How to Respond?*, UNITED NATIONS, <https://www.un.org/en/coronavirus/domestic-abuse> (last visited Feb. 9, 2021).

⁶³ United Nations, *supra* note 51, at 18.

⁶⁴ The Department of Global Communications, *UN supporting ‘trapped’ domestic violence victims during COVID-19 pandemic*, UNITED NATIONS (June 12, 2020), <https://www.un.org/en/coronavirus/un-supporting-%E2%80%98trapped%E2%80%99-domestic-violence-victims-during-covid-19-pandemic>.

⁶⁵ *Id.*

⁶⁶ *Id.*

to report abuse to pharmacists.⁶⁷ In Bogota, Colombia, the managers of hundreds of grocery stores and pharmacies have received special training on how to respond to women seeking help and how to contact the police.⁶⁸ In the United Kingdom, the Boots pharmacy chain designated many of its pharmacies as places where victims have access to safe space consultation rooms.⁶⁹

Offering victim services online gives survivors access to caseworkers and services that may help them relocate to adequate housing. In his report, the SR on Adequate Housing cites the International Rescue Committee's (IRC) key findings and recommendations on responding to gender-based violence during COVID-19.⁷⁰ According to the IRC, caseworkers are "lifelines" for victims, because they provide them with access to "legal and safety services by facilitating confidential and coordinated referrals across key service providers."⁷¹ Pandemic conditions require access to remote services, including providing information over a "technology platform such as a hotline, chat or SMS," and a number of governments have stepped up to respond to these needs.⁷² In Colombia, for example, "the government has guaranteed continued access to virtual gender-based violence services, including legal advice, psychosocial advice, police and justice services, including hearings."⁷³ In Spain, the government's COVID-19 plan offers a new service via WhatsApp, run by specialists in gender-based violence, available 24/7 "for advice

⁶⁷ Anastasia Moloney, *Bogota's supermarkets become safe spaces for women to report abuse*, REUTERS (Apr. 22, 2020), <https://www.reuters.com/article/us-health-coronavirus-colombia-women-trf/bogotas-supermarkets-become-safe-spaces-for-women-to-report-abuse-idUSKCN22506J>.

⁶⁸ *Id.*

⁶⁹ Jamie Grierson, *Boots to provide help for domestic abuse victims*, THE GUARDIAN (Apr. 30, 2020), <https://www.theguardian.com/business/2020/may/01/boots-to-provide-help-for-domestic-abuse-victims-coronavirus-lockdown>.

⁷⁰ *The Essentials For Responding To Violence Against Women And Girls During And After Covid-19*, INTERNATIONAL RESCUE COMMITTEE, <https://www.rescue.org/sites/default/files/document/4981/essentialsofgbvduringandaftercovid-19625vfupdated629.pdf> (last visited Feb. 9, 2021).

⁷¹ *Id.*

⁷² *Id.*

⁷³ United Nations, *supra* note 51, at 18.

and immediate emotional and psychological counseling for survivors.”⁷⁴ In the United States, Cayahoga County, Ohio, announced \$200,000 to fund remote domestic violence services, including advocacy, case management, and relocation to safe shelter for survivors.⁷⁵

■ **Boston’s Policies**

It does not appear that Boston has taken measures similar to France or Italy in creating safe reporting spaces for women at grocery stores or pharmacies. No similar efforts have been made at the city-level to dedicate resources to finding creative ways for women to report abuse and find shelter through online services. Worth noting is that there are other efforts in Boston being taken to serve victims on a non-governmental level. At Northeastern University School of Law, the Domestic Violence Institute partnered with the NULawLab to create an online tool for victims – dvilegal.org -- to fill out relevant forms and coordinate a convenient and secure time to talk or text.⁷⁶ From there, victims are directed to an app that can be hidden on their phone where they can document instances of abuse.⁷⁷ Margo Lindauer, director of the Domestic Violence Institute, believes that this technology can be replicated on a larger scale.⁷⁸

■ **Evaluation and Next Steps for Boston: Grade D**

Other than the Resiliency Fund, Boston has not provided funding or resources aimed specifically at setting up remote services like the efforts taken in several European nations and, closer to home, in Cuyahoga county. There are ready opportunities for Boston, as a human rights city and an innovation hub, to create and scale-up accessible services that will help victims

⁷⁴ *COVID-19 crisis and the Spanish experience: “Women need to know that we are with them”*, UN WOMEN (Apr. 9, 2020), <https://eca.unwomen.org/en/news/stories/2020/4/covid-19-crisis-and-the-spanish-experience>.

⁷⁵ Lisa Ryan, *New Remote Services Will Help Domestic Violence Survivors During Pandemic*, IDEASTREAM (Apr. 24, 2020), <https://www.ideastream.org/news/new-remote-services-will-help-domestic-violence-survivors-during-pandemic>.

⁷⁶ *DVI Legal Clinic*, DVI LEGAL CLINIC, <https://dvilegal.org/> (last visited Mar. 24, 2021).

⁷⁷ *Id.*

⁷⁸ *Id.*

escape their unsafe housing situations, find safe and adequate housing, and realize their human rights.

VI. Survivors should be consulted and included as decisionmakers in all policy development surrounding COVID-19, and response plans should include considerations of special issues relating to domestic violence.

■ Human Rights Standards

In his report, the SR on Adequate Housing notes “the severe impact of COVID-19 on the right to housing of women, and on the rights of other women.”⁷⁹ Finding that the “lockdown has also resulted in a higher level of domestic abuse and violence,” the SR recognizes that countries such as New Zealand have “included domestic abuse preparations in their broader lockdown planning from the outset.”⁸⁰ Likewise, the Secretary General of UN has urged “all governments to make the prevention and redress of violence against women a key part of their national response plans for COVID-19.”⁸¹

Beyond planning, the SR on Violence Against Women has urged States to include women in the development of COVID-19 response plans. She notes, “[i]n some States, women were fully included in the design of COVID-19 response plans, including in a leadership role, however, in the vast majority of countries women are largely absent from local, national and global COVID 19 response teams, policy spaces and decisionmaking.”⁸² The International Rescue Committee also emphasizes that “women should be consulted with and included as

⁷⁹ U.N. Secretary-General, *supra* note 8, at ¶ 14.

⁸⁰ *Id.*

⁸¹ António Guterres, *Make the prevention and redress of violence against women a key part of national response plans for COVID-19*, UNITED NATIONS, <https://www.un.org/en/un-coronavirus-communications-team/make-prevention-and-redress-violence-against-women-key-part> (last visited Feb. 9, 2021).

⁸² Dubravka Šimonović, Special Rapporteur on violence against women, UN General Assembly (Nov. 19, 2020).

decision-makers in all response plans and activities, and gender analysis should be included across all sector planning.”⁸³

Finally, the International Rescue Committee has recognized that this crisis will not end with widespread vaccinations. According to the IRC, “[a]n increase in protection services will be needed after the pandemic, as access to services decreased and risks increased during the pandemic.”⁸⁴ This is especially important when it comes to victims’ ability to access safe and adequate housing in the long term.

In May 2020, the European Commission for the European Union released a report titled “Good Practices for tackling domestic violence in the context of COVID-19.”⁸⁵ The Commission explored lessons learned from good practice approaches taken in Spain. Spain issued a contingency plan that specifically addressed the increased risk to women and children in the gender-based violence context of the “domiciliary confinement measures taken in response to the COVID-19 pandemic.”⁸⁶ Pilar Vilaplana, Spain’s Senior Advisor to the Government Delegate against Gender-based Violence, Ministry of Equality, “outlined key measures to ensure continued protection and assistance of victims.”⁸⁷ According to Bárbara Tardón, the Advisor to the Spanish Minister of Equality, “[s]pecialized services protecting and assisting victims of violence against women and their children should be declared as essential during COVID-19.”⁸⁸

The plan states that service providers must guarantee that 24-hour service is offered to victims of

⁸³ International Rescue Committee, *supra* note 70, at 6.

⁸⁴ *Id.*

⁸⁵ The EU Mutual Learning Programme in Gender Equality, *Good Practices for tackling domestic violence in the context of COVID-19*, EUROPEAN COMMISSION 3 (May 19, 2020), <https://rm.coe.int/summary-report-webinar-on-domestic-violence-and-covid-19/16809ea45a>.

⁸⁶ *Id.* at 3.

⁸⁷ *Id.*

⁸⁸ *COVID-19 Crisis and the Spanish Experience: “Women need to know that we are with them”*, UN WOMEN (Apr. 2, 2020), <https://eca.unwomen.org/en/news/stories/2020/4/covid-19-crisis-and-the-spanish-experience>.

violence, including a 24-hour telephone hotline, online services monitoring, enforcement of restraining orders, and emergency shelters and safe accommodation for women.⁸⁹

■ **Boston's Policies**

Prior to the pandemic, Boston City Councilors held a hearing on domestic violence at a public session at Northeastern University, during which they promised would be “the first of many.”⁹⁰ Before the hearing, Councilors met with domestic violence service providers. Among other things, the Councilors heard that the city needs to make reporting for domestic violence easier, especially for people who do not speak English, and to make housing available for people seeking emergency shelter.⁹¹

In April 2020, Councilors Liz Breadon and Richard Arroyo co-sponsored a Committee hearing on domestic violence, social isolation, and mental health.⁹² The hearing, held via zoom, involved testimony from various organization/advocate panelists that specialized in each of the hearing topics, followed by a period of public testimony.

■ **Evaluation and Next Steps for Boston: Grade C**

Boston's efforts to hold public hearings to address issues is consistent with its status as a human rights city. However, these public discussions have been sporadic. They do not seem to have always included survivors nor to have resulted in any real change.

⁸⁹ *Id.*

⁹⁰ Sean Philip Cotter, *City Council plans hearing on sexual, domestic violence*, BOSTON HERALD (Sept. 19, 2019), <https://www.bostonherald.com/2019/09/19/city-council-plans-hearing-on-sexual-domestic-violence/>.

⁹¹ *Id.*

⁹² Boston City Councilor Liz Breadon, FACEBOOK, <https://www.facebook.com/Liz4AB/posts/tomorrow-is-a-double-header-of-vital-events-1st-at-2pm-my-hearing-on-domestic-vi/925287434588678/> (last visited Mar 24, 2021). *See also* Committee on Public Health on Docket #0560, YOUTUBE, <https://www.youtube.com/watch?v=5vkz4fK6Dt8> (last visited Mar 24, 2021).

This report recommends that the Boston City Council or other government bodies hold regular opportunities to hear from the community, including survivors themselves, regarding the issues that they are facing. For victims who may feel uncomfortable or afraid to come forward, Boston should provide another mechanism for victims to submit reports of abuse and specify any housing needs.

This report was conceived by Kelly Gibson, NUSL '22 and Adya Kumar, NUSL '22, with additional input from Carly Gleichenhaus, NUSL '22, Professor Margo Lindauer, and Professor Martha F. Davis. The authors thank Professor Margaret Drew of University of Massachusetts School of Law for her insightful comments on an earlier draft.