

# Urgent Statement

## Forced Eviction of the Guernica Encampment

**Leilani Farha**

Global Director, The Shift

Former UN Special Rapporteur on the right to housing

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The forced eviction of the Guernica encampment in Presidente Perón, Province of Buenos Aires, violently carried out on 29 October 2020 constitutes a gross violation of Argentina's obligations under international human rights law, in particular the right to housing. These obligations extend to the government of the province of Buenos Aires, the national government, and all public authorities involved in carrying out the forced eviction.

In the early hours of Thursday morning approximately 1400 families residing in the Guernica encampment awoke to rubber bullets and tear gas as 6000 police officers, helicopters and water tanks stormed the camp, demolished and set fire to the residents' homes, triggering clashes lasting several hours. 40 individuals were taken into police custody while many of the families, including women and children, were left homeless in the middle of a pandemic. The use of such barbaric tactics in order to evict people from their homes is likely to have caused significant physical and emotional harm to the families living in the Guernica encampment. Indeed, it has been recognized internationally that setting fire to someone's home in front of them may constitute inhuman treatment.

The Guernica encampment was composed mainly of families and households who had either been rendered homeless due to the economic downturn triggered by COVID-19; lived in overcrowded housing and needed space to isolate during the pandemic; or women and children who were fleeing domestic violence which increased significantly as a result of the stay at home orders implemented to stop the spread of COVID-19.

Governments have an obligation to meaningfully consult residents until a satisfactory conclusion is reached by both parties. An eviction order for the Guernica encampment had been issued and suspended for weeks in order to allow this consultation process to take place with residents and their representatives. Despite the consultation process not reaching a satisfactory conclusion, the government moved forward with the eviction order, upending the consultation and thereby failing to uphold their human rights obligations according to international law.

The International Covenant on Economic, Social and Cultural Rights, ratified by the Government of Argentina on 8 December 1986, holds that all levels of government and public bodies have human rights obligations that they must uphold, including prosecutors, judges, police officers and regional

governments. Moreover, forced evictions constitute a gross violation of human rights, as they impact the rights to adequate housing, food, water, health, education and life. In this case, the evictions are a particularly egregious act as they were carried out without warning, with a disproportionate use of force, in the early hours of the morning and during the middle of a pandemic where housing (even when inadequate) can be a frontline defence against the COVID-19 virus. In my former role as UN Special Rapporteur on the right to housing, I issued a Guidance Note on Evictions during COVID-19 where I called for the strict prohibition of all forced evictions including of encampments and I warned that Governments must recognize that in some instances encampments are a safer alternative for residents than congregate settings such as shelters or transitional accommodations.

The Camp represents the failure of the government to secure the right to housing for these residents, but it also represents a human rights claim by the residents who took over public space in order to secure their own place to live in dignity and safety during a pandemic, despite the inadequate conditions in Guernica. The government now has an obligation to urgently work with those families who have been left homeless to ensure that the gross violations they have experienced are rectified on an urgent basis. All of those evicted must be provided with compensation for their loss and must be meaningfully consulted in order to find alternative accommodations that are compliant with human rights.

I intend to continue to monitor the situation faced by the residents of the Guernica encampment and will be available to support government authorities in ensuring that any decision they make serves to secure the right to housing of those affected by the forced eviction and uphold the Government's obligations under international human rights law. I will also be conducting a virtual fact finding visit to the city and province of Buenos Aires from November 23<sup>rd</sup> – 29<sup>th</sup> where I intend to discuss this matter further with civil society, government officials, and those affected.



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Global Director, The Shift  
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