



Shadow Report to the Committee of the Convention on the
Elimination of All Forms of Discrimination against Women
(CEDAW-UN) -Session 65-

**Access to Natural Resources of Rural Women
in the Gran Chaco region, Argentina**

The following report has been made with the support of the International Land Coalition (ILC) and the coordination of Fundación Plurales, as part of a team effort between the four organizations of Argentina members of this coalition: Fundapaz, Redes Chaco, Federación Agraria Argentina y Fundación Plurales.

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**INTERNATIONAL
LAND
COALITION**

PARTICIPATING ORGANIZATIONS

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Community, Indigenous, Peasant and Base Organizations:

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Equipo Nacional de Pastoral Aborigen (ENDEPA), Junta Unida de Misiones (JUM - Chaco), Asociación Civil por los derechos de los Pueblos Indígenas (ADEPI-Formosa), Red Agroforestal Chaco Argentina (REDAF), Asociación de Abogados y Abogadas en Derecho Indígena (AAD), Fundación Gran Chaco, Fundación para el Desarrollo de Políticas Sustentables (FUNDEPS). Asociación Tepeyac (Morillo) - Asociación Tepeyac (Formosa) - Fondo de Mujeres del Sur (FMS) - Colectivo de Mujeres del Gran Chaco Argentino - Mujeres Federadas (FAA)

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1. INTRODUCTION

A) Objectives

The aim of this report is to give an account of the current situation of the rights of rural women, referring in particular to peasants, criollas¹ and indigenous women in the region of Gran Chaco Argentino, in relation to access to land and natural resources, and the interrelated relationship with other rights.

The successive socio-economic crisis in the country have impacted more intensely in these mentioned groups, mainly by the deficit presence of the state in health, education, work, communication and real possibilities for women's access to natural resources. In addition often they suffer multiple discrimination and violation of rights.

In the Chaco region, women have large ethnic identities; sometimes self-assigned or assigned by the technical or political teams that work with them. Thus, in the same territory there are women who are recognized as criollas, peasant or indigenous. To visualize this heterogeneity is crucial to think about future focused and specific interventions where required.

It is because this heterogeneity of identities present in the territory, that we have chosen to speak of rural women globally to mention women who inhabit this area, noting that this does not dilute the differences that exist in the real and semantics.

The report shows clearly how the lack of access to land / territory and water or control of natural resources -essential means for conducting human rights- and adversely impacts most harshly on women.

It shows clear how in the Chaco region of Argentina (a country with a legislation that is considered progressive in recognizing human rights, and signed all international treaties related to the rights of women), today there remains a deep gap between that legislation and its effective implementation.

The analysis takes as central references: the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) -especially Article 14- and Recommendation 34.

b) Delimitation of time and geographical space

This report takes into account the period from 2014 until September of this year, 2016. Geographically, the report refers to the ecoregion of Gran Chaco Argentino.

The Gran Chaco is a huge American ecosystem of more than one million hectares distributed among the countries of Argentina, Bolivia, Paraguay and a small portion of Brazil. It is characterized by its extraordinary biodiversity, with large tracts of forests and native forests with profuse variety of flora and fauna, and cultural, sheltering approximately half million people and, mostly belonging to indigenous peoples, being the region with the highest ethnic diversity. Despite political boundaries, the overall situation is characterized by the marginalization of their regions to national political centers, which means among other things, little or no presence of institutions and services to be provided by states / governments.

In Argentina the Gran Chaco covers an area of approximately 675,000 km², which represents 24% of the national territory. It covers in its whole the provinces of Chaco, Formosa and Santiago del Estero and partly the provinces of Salta, Jujuy, Tucuman, La Rioja, Catamarca, San Juan, San Luis, Córdoba, Santa Fe and Corrientes. This is an area of arid soils generally unsuitable for traditional crops that demand high water use; usually have few water channels and high temperatures in summer.

c) Methodology and implementation

In order to account for the reality of women in the Gran Chaco Argentino, it was considered central, the testimony of rural women of this region itself. For this reason, the report has been prepared in a participatory manner, with statements and contributions of women from Gran Chaco, concerning non-governmental organizations, church institutions and universities.

To accomplish this goal, workshops were held to gather testimonies, data and specific information. They were developed in different provinces of the region to encompass as many organizations wishing to participate in this research. In these workshops approximately 150 rural women in peasant and indigenous organizations participated. The conclusions of these workshops were reflected in

¹ When we speak of Cirollo or Criolla, we are referring to peasants women and men, who in territories with large indigenous presence, they specifically don't recognize themselves as indigenous.

subregional reports² that, combined, they resulted in a first draft of this report. The same was sent to the participating organizations that developed subregional meetings analysis of the final report for validation. The considerations arising from the different organizations in the report were included, and then proceeded to share it with other institutions interested in validating, by the affinity with the subject from academic, research and / or intervention role.

In the body of the report (section 3) the different sections develop the current situation that showed up from the above workshops, in relation to access to natural resources of rural women in the region of Gran Chaco Argentino, mentioning at each point on the recommendation of CEDAW which is unavoidable for analysis. Finally, the new recommendations were developed from what showed up in the workshops.

It should be noted that when referring to those women throughout the report is made, we are referring to women consulted in the Chaco region, who participated in these workshops we mentioned.

2. RURAL WOMEN AND THEIR RIGHTS IN THE CHACO ARGENTINO

a) New territorial reconfigurations in the Gran Chaco

Throughout history, and specifically during the period of colonization, there was a profound change in the Chaco environment, marked by conquest indigenous land expropriation, reconfiguring traditional systems -Hunting, gathering and fishing-, and with criollos seeking to develop livestock to occupy border territories. This process, had from its inception, a marked widespread resistance with peasant rebellions, suggesting a struggle for land ownership that has different meanings: the basic productive resource that for rural people represents the primary source of livelihood, for others it represents the source of personal wealth, power and privileges (Veltmeyer: 2008).

In the last two decades the change has been most significant, and has increased this struggle for land. Business ventures were strengthened by advancing agricultural and livestock activities on natural areas, and alteration of watercourses were enhanced. All this, ignoring management practices and traditional use of natural resources. Such ventures, are generating an accelerated expansion of the agricultural frontier, mostly for production of transgenic soybean and livestock shift due to the pressure of agriculture in the core center of the country. All this, also causes imbalances in the fragile Chaco ecosystem by selective logging of forest species, oil exploitation and transnational megaprojects. The struggle for land, represents for the families of Gran Chaco not only a defense of their productive activity, but also all of what gives meaning to their lives.

The environmental impact of these processes is verified on the soil desertification, loss of biodiversity, increased droughts and floods, forest fires, among other negative effects. Alarmingly, such activities are causing pollution, also they are conducted without adequate environmental impact studies, usually in charge of the company and with minimal public participation (ENDEPA and OCLADE Foundation 2016). In any case consultation and prior, free and informed consent are respected.

As the SAF (2013) points, between 1998 and 2011 the increase in land prices has been up 600%, and not only in the core area, also in arable areas of provinces like Santiago del Estero and Salta. Moreover, not only increases the price of land available for cultivation, but new tracts of land are enabled from clearing and turns in production, livestock farming. All this has consequences, of course, in terms of land conflicts (SAF: 2013).

The Chaco forest is semiarid and suitable for traditional crops and livestock that do not involve high water demand. Declining water needs next coupled with transgenic crops has resulted in an increase in demand for these territories for this type of production. On the other hand, from the technical point of view, the risk of using this land for intensive agriculture, remains high by climate variability. Therefore it is observed that profitability is given by other factors: soil fertility new clearings, low cost of land if appropriate unduly, and so on. It is possible then that the main source of conflict in land use, is linked with livestock expansion in the region, and the fact that large areas of native forest are being cleared for both: agricultural and livestock production. This situation prevents rural families to develop their traditional ways of life, affecting the continuity of their survival activities, thus creating conditions increasingly extreme poverty.

In this context of deep inequality in access to natural resources which results in collective claims, women have been active players in his defense, trying to stop the deforestation and pollution by agricultural chemicals to preserve sources survival of their families. Despite this prominence that makes

² Partial reports are available on the following link: www.plurales.org/biblioteca/

visible women, formal land rights are not equally positioned, but on the contrary: in this scenario of emergency and widespread vulnerability, other rights are subordinated.

b) Access to natural resources

Right of access over land

The mentioned reconfiguration of the territory has caused insecurity in property and land tenure for rural families, which is linked to precarious forms of tenure, pressures, threats or degradation of their own spaces. This brings about forced displacement, marginalization, acts of usurpation, intimidation, confinement in urban or peri-urban areas and pauperization of the minimum conditions of these populations.

There are numerous conflicts in the region by tenure and land use, among family farmers and other actors who dispute the territory. Some of these conflicts are expressed violently. Others are channeled through the courts, lasting in some cases between 15 and 20 years of duration.

Chaco Argentina Agroforestry Network (Redaf) relieved in a report of 2013, 248 territorial disputes, affecting 1,580,580 people in an area of 11,824,660 hectares. The report states that 8 out of 10 disputes were initiated from 2000, matching mode with a renewed impetus to agro-export model and an expansion of the agricultural frontier in the Chaco region. Redaf explains that for the private sector and the state, "what is at stake is the imposition of a form of production based on large-scale agribusiness, intended mainly for export. Land represents a necessary economic good to produce them profitably, regardless of the environmental, cultural and social costs involving "(page 12, 12/03/2016).

There are other important factors of conflict, such as the lack of assembly chains livestock value from breeding to marketing, timber extraction, tourism as a factor that caused the rise in the price of the land or the purchase of same for speculative purposes.

Evictions for the expansion of the agricultural frontier, are always crossed by situations of violence and harassment of communities. Particularly it is women who suffer most from these intimidations, they are deprived of freedom movement, for fear of being raped if they walk alone. They are violated their most basic rights. As part of persecution, they are usually harassed with the impediment to sell what is produced in the Community; often when women are coming out to routes to market their products, they are arrested by the police and their production is seized -melons, watermelons, squashes among other products-. Not only they are evicted from their territories, but also prevented from generating income to survive and resist.

The lack of legal security over land that often families experience, either by precarious tenure, government decrees without deeds, possessions without titles that didnt make suits for acquisitive possession (known as veinteañal possession) or other situations of the type, has serious consequences that complicate the situation of rural women. Not only because of the ease with which they are evicted from their territories, but because it brings about a degradation of other rights such as health, education, food sovereignty, and so on.

Another issue to note are migratory processes that are related to family reproduction and the impossibility of their land to hold more family members to the high level of urbanization even in peasant and indigenous territories. In many cases, unable to work in traditional productive activities in their territories, either because they are in areas where subdivisions and paths are urban court or shortage of products from the mountain or river (pollution, degradation or deprivation of access), men are forced to migrate in search of other sources of income. Women are then who must assume temporarily increased responsibilities including the defense of the land, resulting in overloaded at work. Also, they are most vulnerable against encroachments³. They also must take the necessary economic expenses for family support.

All these issues regarding access to land, create a situation of extreme vulnerability, which often exposes women to trafficking networks -for sexual exploitation, or laboral- by the inability to guarantee their own livelihoods. Argentina is characterized by high levels of internal trafficking, where rural areas of the Gran Chaco, are places where this networks privilege for capturing women.

Specifically with regard to land tenure mostly, from what was said by the surveyed women, women and men legally have the same right to own them. However, in reality, distribution and possession has not been equitable.

³ Similar planteos made indigenous women in the Inter-American Commission Hearing women. OEA / Ser.L / V / II. Doc. 47/15. December 31, 2015.

It must be considered the strong presence of indigenous people in the Chaco region, where many communities are collectively owners of the land. This form of ownership makes it more complex to identify the current state of access to land by women, added a few data based on sexed indicators. Still, the Unit for Rural Change (UCAR) developed their own statistical (Ferro: 2013) according to data requested from the Institute of Colonization of Chaco Province, by the regularization of land tenure in the province. Although data correspond only to Chaco province, it is considered to be representative, since it is the province with the highest concentration of indigenous people in the region of northeastern Argentina (Ribotta, 2010). Specifically, in the period 1997-2007, including Title Deeds -both collective and individual- conducted by the Institute for native peoples, it states that 71% was entitled to name of men, 27% women and 2% at the community title.

In the case of non-indigenous women, it is also a higher percentage of men than women have ownership of the land, even having the same right of ownership. Regarding the use of it, both men and women participate in decision making. However, women surveyed report that, situations that favor males are presented.

In this scenario the actions undertaken by the Argentine government in the past year regarding access to land, are extremely worrying because it has developed economic policies linked to the expansion of the agricultural frontier which step up the expansion of extractive model, already in force.

Withholdings on exports of soybean decreased, and they were eliminated in the case of maize and wheat, taxes on mining at the expense of regional economies were also eliminated. They are equally questionable, recent amendments to the Land Act, regardless of the negative consequences that this entails on rural families, family farming and territories.

All of above description, it is compounded by the acquisition of land by national and transnational corporations, by the advance of illegal deforestation of the native Chaco, with serious consequences on the environment and the physical and economic integrity of rural women. It is worth mentioning that according to data obtained from Land Matrix⁴ on large land acquisitions in Argentina the concentration thereof is strongly linked to domestic investments.

Given this, in line with Article 14 (2a) and Recommendation 34 (11, 54e, 62c and 64), it is suggested the Committee to urge the Argentine state:

- 1- Check their economic policies leading to the expansion of the agricultural frontier and act to protect the land rights of peasant families and indigenous communities.
- 2- Take real and effective measures to stop the advance of deforestation in the Chaco region measures.
- 3- Implement comprehensive programs to strengthen regional economies and promote decision-making processes with the effective participation of women in relation to access / use of land resources.

Right to safe water

Directly related to conflicts over land tenure and land use, it is noteworthy that many of the communities in the Gran Chaco region are currently affected by great difficulty in accessing water. In several provinces of the region, the figures indicate 41% of households without safe water⁵. This region is the most vulnerable in all aspects, and it is estimated that the percentage of rural households with Unsatisfied Basic Needs (UBN) reaches 37% (Census, 2010) in some of its provinces. The main problem identified by the governments and people, is shortages of water for consumption and production (Sedcero, 2016). This data is centrally significant because in areas with little water or where there is no nearby source, it is impossible to raise animals and harvesting. This directly impacts on households, creating greater dependence on state handouts.

Those communities that are settled near a village, usually have access to tap water or drinking but not necessarily good quality for human consumption. The provision is made, often at considerable distances from common water taps and often cut for extended periods of time. This occurs most

⁴ Land Matrix report for Argentina. Available in: http://www.landmatrix.org/en/get-the-detail/by-targetcountry/argentina/?order_by

⁵ Data obtained from Plurales Foundation report on "Access to Water in Rural Communities of Argentina" 2016, which analyzes data from the national census 2010.

frequently in the summer season in which temperatures in the area amounting to 40 ° and 50 ° C are recorded.

In many communities, the existence of water wells or cisterns to collect rainwater has been achieved thanks to the articulation of civil society organizations. However, water from wells or ditches, does not guarantee its quality or fitness for human consumption from the same source animals often are supplied. At other times, the reservoirs have been built without cap care water pollution. Another factor is climate change impacting deepening drought: in dry seasons, each longer and more frequent, water supply well or cistern is not guaranteed.

Often, access to water is paid up to 8 times more than in urban areas, and when families dont have the financial resources, fetching water falls mainly on women and girls. It is not uncommon for women to spend up to 6 hours a day walking, queuing and carrying water, unable to devote that time to other activities. In many cases, the water collected comes from unprotected sources and its not in conditions suitable for human consumption. Women's health can be profoundly resent by the heavy task of hauling water, and acquiring diseases that are contracted by unsafe water.

In many communities, the state is present by distributing water in tankers often raw, untreated. This presence is strengthened in times of extreme drought. In some cases, government officials have disclaimed responsibility regarding the possibility of structural measures, stating that they can not develop new constructions in communities where there are no power lines.

In relation to water resources it is key to consider that we make special reference due to its importance, not only in terms of subsistence, but also in relation to growth and rural and local development. The Argentine government carries out plans and programs to support family farming through different programmes but are only applicable if the receivers have water for consumption and production on their land. This leaves the excluded population that most need to have policies to support production, the most affected in terms of their precarious access to land resources and water.

With regard to access to water in accordance with Article 14 (2h) and Recommendation 34 (85a), it requested the Committee to recommend to the Argentine State:

4- Implement appropriate measures to ensure to rural women the right to access to water for the development of their traditional economic activities, which is fit for human consumption and that meets the standards of availability, quality and affordability and physical actions.

Right to a healthy environment

The expansion of the agricultural frontier in the region of Gran Chaco, in addition to massive deforestation and land degradation, brings about pollution of land and water resources in the areas surrounding the production, by the indiscriminate use of pesticides and agricultural chemicals, companies waste, industries, tanneries and oil refineries. Medical Network of Fumigated Peoples said that in Argentina pesticide use increased from 30 million liters per year in 1990 to 300 million per year in 2011 (200 million correspond to the herbicide glyphosate). In the same years, it went from 2 liters of glyphosate per hectare, about 10 liters per hectare (Aranda, 2016). Soybean monoculture brings with it the elimination of other crops, destruction of biodiversity in addition to direct toxicity in the air, soil and water, thus generating serious health problems. In a study funded by the Ministry of Health of the Nation, they have proven "causal relationships and children's cancer cases malformations among populations exposed to environmental pollution factors, such as agrochemicals" (Aranda, 2016).

In presenting the 2010-2016 Federal (PEA) Agrifood and Agroindustrial Participatory Strategic Plan by the state, the opportunities of Argentina to become a leading agribusiness country are analyzed. Among production goals fixing, taking as baseline 2010, it is: able to produce, in 2020, 157.5 million tons of grain, this is about 60% more than in the 2010. This would mean going from a planted area of 33 million hectares to 42 million hectares; in percentage terms it would represent an increase of 27% of the area for sowing (Gutierrez S / D). The Argentine government clearly does not take any action resulting to address specific threats for rural women, on the contrary, it proves to be promoting economic policies that undermine and threaten their lives. Specifically, threats refered to the consequences of climate change, natural disasters, land degradation and soil, water pollution, droughts, floods, desertification, use of pesticides and agrochemicals industries mining, monocultures, biopiracy and loss of biodiversity, especially agricultural.

This described situation with respect to natural resources, coupled with other violations of rights of rural families (paragraph c) are reflected in the official figures, which show a sharp decline in the rural population nationwide. Currently, 91.03% of the population is urban⁶.

Chart: Percentage of rural population in Argentina in the last 30 years.



Source: Prepared based on National Population Census.

Given the serious effects that the massive use of pesticides cause health and subsistence economy of rural women, and the lack of response from the Ministries of Health and Agriculture to complaints and requests for a solution to this situation by women affected, requested the Committee, in accordance with Recommendation 34 (12) to instruct the Argentine state:

- 5- Implement state policies aimed at addressing these threats on the lives of rural women in the region.
- 6- Develop a mitigation plan and remediation of the effects of harmful practices of the current development model.
- 7- Ensure participation of rural women in developing programs and projects that have an impact on the environment.

c) Access to other rights

Right to health and education

In the Chaco region, it is observed that health posts lack of medical professionals and nursing. Often predominates care provided by health aides. Besides health centers mostly they have minimum dimensions and lack of water and electricity. In many cases they should appeal to referrals to hospitals in urban centers, presenting difficulties for relocation, long waits, and having to take turns at times when there is still no daylight. Women often are afraid to go out in these conditions, added to bad treats by professional repeatedly.

A recurring theme is the lack of access to gynecological check. They are made in isolated and irregular campaigns. Possibly linked to the above, women report a significant number of miscarriages⁷. Maternal mortality does not decrease, and current policies proposed to derive large maternity hospitals, which threatens the respect for the values and needs of these women.

It is also worth noting the numerous health problems (skin defects, cancer, fertility problems, etc.) related to environmental pollution.

Regarding the right to education, a common situation is the lack of schools in the communities themselves. To study, they must head to another community, often several kilometers away. For these conditions, many girls can not attend.

This situation is changing in some cases where more women take leading roles in the public sphere: education, health and politics. In the province of Chaco, for example, the current president of the Institute for Indigenous Chaqueño (IDACH) is a woman Qom.

It is clear that the state does not guarantee access to adequate sanitation, and doesn't provide

⁶ See www.indec.mecon.ar/nuevaweb/cuadros/2/f020208.xls

⁷ The exrelator of Indigenous Rights released a study by the Ministry of Health in 2007 revealed that the 12.65% of the interviewed indigenous women had at least one child who died before the first year of life and 60% of these deaths was by highly preventable causes

opportunities for access to education for women and girls living in remote areas of the region. Therefore we suggest the Committee, in accordance with Article 14 (2b) and Recommendation 34 (B, 39, 39a and 39 e), to request the Argentine state:

8- Providing health services to women and girls, ensuring the existence of health centers in suitable building conditions and corresponding medical professionals in different specialties.

9. Ensuring access to quality education and suitable characteristics for these communities.

Access to justice

Women participants of the workshops highlight the multiple difficulties they face in accessing to justice and that justice could respond their needs: lack of resources to pay lawyers, courts away from the communities where they live, discrimination by public servants with sexist positions against their claims, whether they are by issues of access to natural resources, violence and abuse, or other claims.

Given this, and in line with Recommendation 34 (8, 9d, 9f, 9g and 54c), it requires the Committee to urge the Argentine government:

10- To ensure physical and economic access of rural women to justice generating suitable as mobile courts with professionals and officials / trained / as to address specific regional mechanisms.

d) Access rights of indigenous women

In the region of the Chaco Argentino, native people are: Wichi, Moqoit, Qom (Toba), Pilagá, Nivaklé (Chulupí), Ava Guaraní, Chane, Iyojwaja (Chorote) and Tapiete, among others.

The Rapporteur of Indigenous Rights of the United Nations, in the official visit to our country in 2011, said that in Argentina there are legacies of the era of colonization still visible in the exclusion of indigenous peoples. This is observable in the conditions of disadvantage they suffer, lack of adequate protection of their land rights and the continued development of patterns of marginalization and discrimination against them. Thus the Gran Chaco Argentino, is the region of greatest structural poverty and the worst social, health and educational indicators across the country. According to UNICEF, 23.5% of indigenous households are with UBN, compared with 13.8% of non-indigenous households. The provinces with alarming levels of UBN in indigenous households are Formosa (74.9%), Chaco (66.5%) and Salta (57.4%). In addition, according to a study by the Ministry of Health, the household income of the indigenous population is, on average, 7 times lower than of all households in the country⁸.

The right to possession and ownership of lands traditionally occupied by indigenous communities in Argentina is guaranteed by the Constitution and international treaties⁹. Still, the gap is huge between legal recognition and effective enjoyment. As a significant example we can mention the Province of Chaco, where the percentage of Title Deeds to indigenous peoples regarding total land titling in the period 1997-2007, was only 16% (Ferro, 2013).

It should be noted that since 2006 an emergency law regarding possession and ownership indigenous is in force (National Law No. 26,160 / 2006) suspending the eviction of communities and imposes on the state the obligation to carry out -within three years- a survey of community territories in order to move towards regularization.

The above deadline was not met, making it necessary to extend the aforementioned law until November 23, 2017 (by Law No. 26,894 / 2013). The latest official reports indicate the conclusion of agreements between National government and provinces for the allocation of funds, but little has been done in the community survey work in the field.

Argentina has not provided a mechanism for titling of lands/territories of Indigenous Peoples, the law mentioned in the preceding paragraph only guarantees the technical, legal and cadastral identification

⁸ See: http://acnudh.org/wp-content/uploads/2012/07/2012_report_argentina_sp_auversion1.pdf

⁹ United Nations Declaration on the Rights of Indigenous and Tribal Peoples. Convention 169 International Labour Organization (ratified by Law No. 24.071)

of Community territory, but does not recognize property titles. Despite the importance of the rule to stop evictions, neither this law nor the state's actions in the matter can be valued as a procedure in accordance with international standards to ensure its territorial claims and the subsequent enjoyment of property rights of indigenous communities. Worryingly, the state also hasn't delivered to the communities that have already been surveyed as part of this procedure, the information and results, even after several years after the survey was done, being of utmost importance because it will become the only public document containing its territorial claim¹⁰.

The profound asymmetry of power between the indigenous communities and the corporate economic system that seeks their land, makes prevail the interests of the latter over the former. Native forests, for its richness unequalled since time immemorial constitute the necessary support for the survival of communities stationed there. The forest is not only a supplier of material resources but keeps with indigenous communities an indivisible spiritual relationship: it is the site of transmission of culture from generation to generation; their ancestors and holy sites are located there, and community identity is developed in perfect harmony with nature.

To moderate this asymmetry in 2007 the National Congress passed No. 26,331 Minimum Budget Law for Environmental Protection of Native Forests imposing to provincial governments the obligation to conduct a land use zoning to forested areas based on environmental sustainability criteria, being one of the factors to take into account the "given by indigenous communities and that can make use of their natural resources for the purpose of survival and maintaining their culture value" (Law 26.331 / 2007). However the good intention, this system was highly questioned in the provinces members of the Chaco region by the little citizen participation held and the lack of rigor in the technical instruments used. Nor indigenous consultation processes much less women participation guaranteed. To date yet re-category processes and design of new territorial systems are challenged.

Many of the natural water sources traditionally used by indigenous peoples, such as lakes or rivers today are not accessible due to the gradual expropriation or appropriation of land by others. Access may be also threatened by illegal pollution or overexploitation. Likewise, natural water sources are often diverted to supply drinking water to urban areas.

In 2007 the Ombudsman's Office filed a joint lawsuit against the national government and the government of the Province of Chaco before the Supreme Court of Justice of the Nation, for the high number of deaths and malnutrition and the state of abandonment indigenous peoples throughout the region known as El Impenetrable. As a result, the Court ordered governments to implement a series of actions to ensure health care, water supply and adequate food to all the inhabitants thereof. Compliance has been conducted irregularly and the injunction remains in force. The Inter-American Commission on Human Rights in its report 47/15 has identified a pattern of discrimination and various forms of violence against indigenous women. The pressure on land and the expropriation of natural resources by externals, makes women have to look how to provide resources to their families in other ways, being forced oftenly to migrate to urban centers in search of gainful employment. In urban centers, these women face many difficulties for existing discrimination, being very complex to adapt to a medium not only different but also hostile.

In education, indigenous women often are discriminated In education, indigenous women are often discriminated by their own communities, due to the support of sexist cultural stereotypes -of course, not unique to those communities- that take them away from school and other tasks are assigned to them as priority, usually the household. It is them who have greater difficulty accessing educational services, and shows in higher dropout rates.

Another reality around the school is the lack of effective implementation of bilingual and intercultural education and the lack of plans in bilingual adult literacy, this being particularly severe when the state because of the difficulty in handling native languages, channels communication with indigenous communities through men.

According to the National Census of 2010, the country illiteracy level is around 2.4%; while in indigenous communities it amounts to 3.4%. Considering only the Chaco region, the values begin to rise among the indigenous population: 6.1% in Formosa; 6.6% in Salta and Jujuy 7.9%. Most alarming and significant fact is that, in the region of Gran Chaco: 2 out of 3 illiterate people are women¹¹.

¹⁰ Civil society organizations (2016) Assessment of compliance with the International Covenant on Civil Rights and Political in Argentina, presented under the 5th report to the Human Rights Committee 117th period session.

¹¹ See: National Census 2010; Percentages of illiterate indigenous women in the total of illiterates indigenous, by province: Chaco 55%; Salta 62.02%; Formosa: 65%; Jujuy: 72.63%. Available in: www.indec.gov.ar

80% of indigenous women in the Chaco region do not have social work, state or prepaid plan, according to data from the National Census 2010. This condition, coupled with the level of structural poverty, determines that the health services that access can be provided only by the state. These services generally are deficient and of poor quality.

In conclusion, it should be noted that throughout the workshops mentioned conflict between criollas and Indigenous communities. In this regard we believe that the dichotomy Criollo-Indigenous in the Chaco region should be analyzed from the perspective of complementarity, both in their cosmovision and ways of life, as in the use of natural resources. It is true that both groups have different points of view that faces them in some situations, such as the use of natural resources, community or private property, but eventually both suffer marginalization, poverty and have been on the margins of public policies. The development of these populations depends largely on promoting processes of articulation between them that allow to turn from conflict with each other, to the capacity for joint proactive against the state. This confrontation often favors inaction of state or diverts their attention from the central issues. Instead, their articulation would lead advance demand for the recognition of the rights of both social groups, as well as the generation of technological, productive and appropriate proposals of land management respecting the cultures and customs of the groups.

In all the areas covered by this report an absolute absence of public policies to reverse the violations of the fundamental rights of indigenous women of the Chaco Argentino. There is no mechanism to ensure their participation in the development and/or implementation of measures that affect them.

In the last presentation to CEDAW, the Argentine government reported as only measures in relation to indigenous women (and limited to rural women) the creation of the Gender Area in the field of the Ministry of Family Agriculture and Rural Development and the development of a National Register of Family Agriculture (RENAF) to relieve the participation of rural women in productive and social activities. We inform the Committee that both creations were dismantled in the last year (2016) throughout the Chaco region.

Meanwhile, the State hasn't developed any specific action that addresses the Committee's recommendation in which "urges the State party to continue paying special attention to the needs of women in rural areas, particularly older women and indigenous women, and ensure that they participate in the decision-making processes and have full access to education, health services and credit facilities "(CEDAW, 2010: 9).

For all this, it requires the Committee to recommend to the Argentine State:

11- To adopt concrete mechanisms to ensure gender and intercultural approach across all policies, programs and plans that are developed.

12- Implement all necessary measures to complete the survey of territorial possession and indigenous community ownership and effective regularization, making this information publicly available.

13- The necessary means to ensure for all indigenous women in the Chaco region adequate living conditions, particularly in the areas of housing, health services, transport and communications, electricity and water supply.

14. Take all necessary measures to prevent the advance of illegal deforestation in indigenous territories and indiscriminate deforestation of the Chaco native forest.

15- Ensure participation and consultation with indigenous women in all official agencies of analysis use of natural resources.

16- Implement urgent and effective measures to address the structural factors contributing to the problems of education and health of indigenous peoples actions, considering the special situation of women and girls, especially with regard to cultural and language differences, overcoming discrimination in educational and health facilities, and ensuring respect for their dignity as persons.

17- Generate special mechanisms to prevent, investigate and punish acts of physical, moral and/or sexual perpetrated against indigenous girls and women violence.

e) Organizations, policies and programs

This section of the report highlights that even in an ideal situation -regularized possession of land- if there isn't water resources, production inputs, access to information, training and full support of national

governments, provincial and local; the development of rural areas becomes a very complex goal, especially for women.

In order to account for the empirical effectiveness of agencies, state policies and programs in rural areas, and specifically with regard to rural women, it has been investigated about the experience, recognition and evaluation of them by women. Being consulted about which public organism they generally know, it was not easy for them to identify and in relation to the programs carried out on its territory, they recognized only a few.

The two state agencies most identified were the INTA (National Agricultural Technology Institute) and the SAF (Secretariat of Family Agriculture). In some cases it was mentioned the Ministry of Social Development and the ANSES (National Administration of Social Security).

In the Province of Formosa they were also mentioned two provincial agencies such as the PAIPPA (Provincial Institute of Integral Action for the Small Producer) and CEDEVA (Centre for the Validation of Agricultural Technologies).

A description of the identified organisms by women and their experience is held:

National Agricultural Technology Institute (INTA)

This agency has 60 years of work across the country, having a strong presence in the territories where the rest of the government agencies does not reach and therefore being an important access to the public sector by small producers. One of the activities carried out by this organization is the rural development "accompanying peasants to be competitive, grow up in a context of social equity and produce preserving the environment for future generations." Thus it has a wide insertion in the territories, with more than 330 extension units located along and across the country. Among the services provided by the INTA include: advice and training, evaluation and sale of products, machinery and equipment, animal production, seeds and others.

These services are critical for rural women living on small plots crops and animal husbandry. Currently, the agency is weakened already despite having units across the country, in some provinces mentioned they do not have sufficient human resources or that each agent must address a too large region, making more difficult the answer to the demands of the rural population. In the last year, they have been reduced inputs, mainly those for small family production as seeds and chickens.

In workshops, emerged as major challenges to INTA, the following:

- Selectivity in the implementation of programs: in some cases the political bias of the agency, including links with municipalities and private institutions mentioned: the most important claim is that the benefits that municipalities receive are politically used or never reach communities "The municipal committees are privileged and we are harmed".
- Regarding benefits: They are not clear about the necessary conditions for women to access certain programs or benefits. "The Pro Huerta program gives us few seeds, they say that the amount of land, are not recognized in any category." "No machinery delivered equally to all communities." Perhaps this lack of clarity promotes an unequal distribution of benefits and confusion among women about whether they are recipients of that resource or not.
- They were never consulted about the programs or actions implemented by the INTA.

The draft 2017 budget presented by the Government, which is currently in legislative-stage analysis, has raised a significant budget reduction. This would imply a cut both in terms of technical agents as inputs, which would affect the different jurisdictions in which the INTA works and leave rural women without this support that although perfectible, is very important for them and for all small producers.

Ministry of Family Agriculture (SAF)

The main objectives of this agency relates to: on the one hand to "design, propose and coordinate the implementation of policies, plans and programs addressing the specific needs of various organizations, regions and agro-productive sectors linked to family farming, identifying the factors that affect the development of the sector" and on the other to " identify, design and implement policies and programs that address the specific needs of family farming sector. "

The opinion of women on this secretariat is summarized in the following points:

- They consider this as part of the region. Most women know public officials working in the SAF, although in some cases the offices are very distant from the territory where they live. They remark that some of the technicians that work in the SAF are members of communities and many tend to

be permanently available. They consider the presence of field technicians strengthens community organization.

- In some cases, women know what budget account and mentioned that the SAF is very small, but argue that resources are used properly. Due to budgetary constraints, they commented that the SAF generates solutions to their main demands but are partial, not definitive.
- On the positive side the RENAF and Social Monotributo Agriculture is highlighted, although it is noted that the purpose of the former is not known and that efforts to obtain the second are extremely bureaucratic.
- Women were never consulted on the development of plans and programs of the SAF.

It is important to note that in recent months the SAF disassociated a certain amount of field technicians in several provinces of Gran Chaco, which brought significant damage to the continuity of programs and projects already underway and especially for contact between the community and SAF, which is very important if you consider that along with the INTA are the only state agencies that women recognize as present in the territory. It is also relevant given that one of the virtues mentioned by women resided mainly in contact and link with the technicians in the territory, rather than offices and programs itself.

Provincial Institute of Integral Action for the Small Producer (Institute PAIPPA-Formosa)

Regarding this Institute, women say that does not address the main needs they have and that is not available to small producers but is mainly used for political propaganda, also giving more benefits to large producers than to small. Currently sometimes they gain access to seeds, but noted that they are transgenic.

Regarding PAIPPA linked to public servants, women do know and agree that this Institute has human and economic resources, but unfortunately they are not focused on small producers.

They were never consulted on the functioning of the Institute.

National Administration of Social Security (ANSES)

It was really beneficially for rural women the access to universal child allowance (AUH) and the possibility of retirement. In that sense, and with few exceptions the children perceive AUH through their mothers.

This state program came into force in 2009 and is currently guaranteed by law. Its aim is to guarantee an income to children and adolescents whose parents are in a situation of job insecurity, not perceiving family wage, and having a lower income to the minimum living wage. The AUH is a conditional transfer, which involves the fulfillment of commitments by parents, in terms of education and health for children.

It constitutes a significant advance, since impacts on the status of women as mothers and inclusion in areas such as banking, needed to access the benefit. However, in some rural places access to these services by isolation, lack of light, ATMs becomes difficult because many women do not know who can access this benefit for communication failures by the state or by the absence of ANSES offices.

The program management

After the recognition of organisms present in the territory, it was investigated the management of programs by public servants. Women mostly referred to them as regular. It was also asked if they know which agent state should go in case of problems of land. Generally they know where to turn but they do not get answers from them.

Women in the region are not consulted for the development of programs or participate in any way in its management. Therefore, the actions that the state performs are neither suitable nor sufficient to meet the major demands, specially linked to the support of the survival strategies of women and access to health care.

Overall in solving their problems of access to natural resources, rural women identify more actions of non-governmental organizations. It is mentioned that some solutions provided by the state are limited by water shortage, because it remains a problem in the region, and the solutions are not structural and definitive but rather care and palliative.

As regards agencies and programs present in the territory, are extremely worrying the following aspects: selectivity in the implementation of plans and programs, low budgets, with no consultation

with women for the development and implementation programs and plans for family farming; and untying in recent months, a large number of technical and dismantling the gender area in the Chaco region by the SAF, central agency to develop the tools of empowerment and economic independence of women.

Therefore, it is suggested to the Committee, in accordance with Article 14 (2a) and Recommendation 34 (17b, 17c, 62) to instruct the Argentine state:

18- To develop the necessary strategies to plans and programs for family farming reach all women, organized or otherwise, universally, without political intermediation.

19- Provide agencies such as INTA and SAF human resources and sufficient materials to meet the demands of family producers.

20- Include in the policies developed for the sector, the gender perspective absent today, and recognize and respect the knowledge and culture of women in the region.

21- Implement consultation mechanisms to women for the development and implementation of programs which are targeted.

3. CASES

(1) Wichi Community Pampa 20

The Wichi Community Pampa 20, is located few kilometers away from the town of Lomitas, Province of Formosa. The families of this community lived in a nearby reduction which could not have animals or crops, as they had urban lots. It was 400 families in 4 hectares.

In 2012, they returned to the land of their ancestors, where the cemetery, and where the slaughter of his people took place. They have a few animals, usually only chickens, and planted melons, watermelons and squashes, taking advantage of the characteristics of the soil and climate.

Currently, the community faces eviction order firm as a particular intended their land and initiated therefore robbery trial. While you do not have papers to support this claim nor registered in any registration or facts that hold possession, this person claims to have bought the land belonging from time immemorial to Pilagá Pueblo. So he has made a major machinery of violence, constantly monitoring the community and has also obtained a court injunction, preventing the villagers to harvest, sell their products and have light -despite having received the donation of a generator-.

Another obstacle facing this group is the lack of nearby school. They solved it by staying Monday through Friday near the village reduction (only women and children). This situation reduces the possibility of raising animals and harvesting to be only men who stay all week in the territory. The lack of light is a major obstacle, they are exposed to dangers vipers area. With help from an organization of civil society, they have been installed on its territory, water pumps.

The main difficulty facing the community is the eviction order and the constant institutional violence by police and private citizens. Another major difficulty is the injunction: although in this context is an achievement of the community have harvest melons, pumpkins and watermelons, there are difficulties in selling products. It is presented as an achievement, although that eviction order is firm for years, justice has not been able to run it, because families have held the territorial recovery. It is also an achievement the fact of having water pumps.

(2) Lot 88, Campo Alegre y Flores

This community is located in the town of Miraflores, Chaco province, a few kilometers from Castelli. Near the town of Miraflores are located indigenous reserves: Lot 88, Campo Alegre and Flores. Indigenous communities who live there is wichi ethnicity. That zone has no waterways, and the flora is characteristic of the Chaco native forest.

Indigenous women in the area are engaged in animal husbandry, not being profitable the crafts, Wichi activity of this community, who also really enjoy knitting.

Communities do not have access to potable water, which is a problem and a strong concern for women, who are really desperate. They have tanks or canals, but the water is dirty or smelly. In periods of low rainfall, these sources of water dry up.

The municipality has no program distribution of drinking water in communities having to face freight costs to periods of water shortage. Also, the lack of water leads to the impossibility or difficulty of raising animals. In search of water, the animals go away and it is women who are going to look for them.

This indigenous community is particularly affected by the use of its territory, as there are criollas populations installed on the same, they have different views on the use of resources and respect the rights of each group. Some Criollos groups do not have a good living with indigenous people, Wichi women report that criollos are often aggressive with them. The lack of negotiation and agreements between the two groups and lack of state interest to advance in creating conditions of use of resources for both groups -recognizing their visions, their lifestyles and their rights- produces conflicts between them when in they should be able to fight together to overcome marginalization and poverty that affects both groups since decades. Criollas families made police reports when animals from Wichi community enter the lots that have been identified as their own, and in many cases also Wichi denounce the Criollos. This situation favors the inaction of the state, which does not advance with real solutions and thus unconsciously both groups are not functional to full recognition of their rights.

On the other hand, although live in indigenous reserve, the Criollos say they have purchased the lots exposing the different legal situations access to land both. The Criollos are guided by the civil and private property and indigenous code as community rights and ethnic pre-existence. Understanding that there are no absolute rights, processes of dialogue and agreements become central.

The main achievement to highlight corresponds to the communities of Campo Alegre and Flores, and having obtained the title of community ownership of their land. As partial achievement, it may be mentioned that the national state had begun building homes in the area, but the program is suspended. The difficulties are linked on the one hand, to the presence of Criollas populations in their territory, especially in the case of Block 88 that is close to the town, and secondly, with water shortages.

(3) Loma Senés - Team of Rural Women – MoCaFor

Loma Senés is a rural settlement or colony that is located near Pirané, of the Province of Formosa. It is a conglomerate of farms of small and medium scale, which some large farms are added. They combine crops for subsistence and crops for selling in the market. Among the latter, they include cotton and vegetables. All this were sold mostly, in the free fair Pirané. Large-scale farms spend their land to cattle breeding.

Between late 1990 and early 2000, companies engaged in the cultivation of GM soy, from extra-provincial origin, and known as sowing pools, they began to lease land in the colony. It was so in February 2003, there was a toxic drift from spraying pesticides (including substances such as 24D and glyphosate) in one of the leased land. The strong wind, common in the area, dragged substances several kilometers around, causing contamination of the small farms of 23 families of small producers.

The effects were terribly harmful: the affected farmers lost all their production plants, suffered the death of farm animals and their small herds of cattle. The most insidious results occurred in the health of people, as most of them showed various disease the days after the episode of contamination happened.

Affected rural residents began a political and legal battle that combined legal complaint with disruptive actions, such as blocking roads, to the businesses and to the provincial government. The words of Eugenia Gimenez, from the Rural Women Team of Loma Senés, condenses the claim that animated these actions: "danger our children, grandchildren and future generations. We want to stop fumigation, and the environmental and epidemiological impact is conducted to determine the extent of contamination in both the environment and the health of residents." As a result of peasant protest, the court ordered the suspension of fumigations, first for 6 months and then extended the measure for 3 months. Other legal measures, such as financial compensation, and the study of environmental effects never met.

In 2009 there were serious contamination by pesticides again. Currently, the fumigations continue and most troubling is that the provincial government ends up being functional to polluting companies with programs such as the Provincial Agricultural Program.

In short, the process of struggle that staged the farmers of Loma Senés colony, with the support of the Peasant Movement of Formosa (MoCaFor) and different social and political organizations of the whole country, had an ambiguous result. On the one hand, drizzled stopped, considering the urgent order, but on the other hand, until the day today has not obtained a satisfactory response to the entire set of demands.

It should be noted that one of the merits of this process was to give visibility to the damaging effects of the agroindustrial model, highly polluting and socially predatory. Indeed, the Loma Senés case has become a test case in the fight against the agribusiness model.

Team Women - MOCAFOR is against policies that immerse women in dependency, unemployment, pollution and health risks.

4. CROSS-CUTTING RECOMMENDATIONS

From what was found in the workshops, as stated, and reading the Report presented by Argentina in January 2015, on the one hand, and the list of issues and questions raised by CEDAW, on the other; the following cross recommendations arise:

- a) Develop policies and programs that address specifically the reality of rural women, since the existence of plans and programs that were not designed for them, but that among its beneficiaries, does not imply that these adequately meet their particular needs and situations.
- b) Incorporate the participation of women/target at increasingly early instances of the planning and development of public policies and to increasingly advanced and complex implementation and evaluation instances. This would allow a better understanding of the difficulties and vulnerabilities that cross-of the interrelated forms of discrimination, and better development of innovative responses with greater capacity to structurally solve the problem. The feedback in the planning, implementation and evaluation, is key to generating appropriate responses.
- c) Publicize, allow access to the statistics, data and records that the state manages to gather regarding gender gaps in rural areas; this information will be useful not only for government agencies at different levels in the territory, it will also be for social organizations and, most importantly, for the empowerment of rural women.
- d) Deepen and mainstreaming gender perspective, incorporating specialized teams in planning, development and evaluation of different public policies. It has been perceived in the reports, indicators and arguments of the Argentine state, some limitation on incorporating such approach. For example, it is observed in their policies, lacking consideration of domestic work that adds to the productive tasks assumed by women.
- e) Generate and develop instances of gender awareness, especially in rural areas, so as to counteract the gender biases that undermine the full exercise of the rights of women. For example, regarding the right to ownership of the land, from the formal point of view women they are equal as men to possess, use and enjoy the land, but from the point of view of substance, there are still gender bias which it has not raised a specific action from the state to correct or fix them incrementally. The gender awareness is key among public servants, who are the face of state for rural women. Violence against women can also be embodied in this link and prevent it is the duty of the state.
- f) Increasing investment in communications infrastructure. The technical possibilities for better integration of rural populations exist but have not made sufficient investments to improve internet access in schools, health centers, government organizations, non-governmental and homes in rural areas. All this would result in benefits and new opportunities for the full enjoyment of their rights by rural women.
- g) Compare the statistical data obtained in education, health and other rights, in rural and urban areas can help to assess the degree of delay or neglect regarding the rural reality. Statistics not located -of rural/urban comparative form or by age groups or by geographic areas- is hardly accessible and provides no information on state actions to reduce gaps.
- h) Extending the activities of existing agencies such as the National Council of Women, to rural areas. The existence of the Council is pondered, but their absence in rural areas and their separation from the problems facing rural women is claimed.
- i) Eliminate all forms of violence against women and take action on risks that the sum of vulnerabilities brings about. To this end, it is elemental articulate with the states of other bordering countries, and provincial and municipal states of the Chaco region.
- j) Finally, it should be noted that the sum of inequalities and vulnerabilities makes it more difficult to repair and reverse a situation: gender inequality + rural/urban inequality + ethnic inequality. Hence the importance of the work focused on the public sector, and the articulation between the different levels of the state and civil society organizations.

The preparation of this shadow report has meant a huge joint effort between multiple organizations and different perceptions of reality regarding access to land and natural resources by rural women in the Chaco region. In addition, it implied an additional challenge to capture in such a short report, the many links between the rights of access to natural resources, with other violated rights of women. The large team that participated in this challenge, hopes that the results reflected in this report, constitute a real contribution to defining new and better public policies for rural women.

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