Right to Food
in Argentina

Report of the
International Fact Finding Mission
to Argentina

April 2003

Report and Recommendations
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by

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# Table of Contents

Summary 4

1. Introduction 6

1.1. Nature and Objectives of the Mission 6

1.2. General Information on the Situation of Economic, Social and Cultural Rights in Argentina 7

1.2.1. Legal Situation 7

1.2.2. Global Socioeconomic Situation 9

1.2.3. Government Programmes to face Food Vulnerability 12


2.1. “Aníbal Verón” Unemployed Workers Movement, Buenos Aires Province 13

2.2. “Carballito” Community Centre – Villa Muñecas Norte, Tucumán 15

2.3. Peasant Communities in Santiago del Estero 16

3. Conclusions 19

4. Recommendations 23
Summary

Between the 15th and the 20th of January 2003, FIAN International and EED carried out an international fact finding mission to Argentina. FIAN (Food First Information & Action Network) is the international human rights organization that works for the right to food. EED is the Church Development Service and an Association of the Protestant Churches in Germany.

The objective of the visit was to collect information in order to determine whether the Argentinian Government is fulfilling its obligations on public international law, deriving from the ratification of the International Covenant on Economic, Social and Cultural Rights (ICESCR). The States Parties to the ICESCR have the obligation to immediately comply with the core content of the right to food, which means, that every person must be, at least, free from hunger. Furthermore, the mission wanted to study the impact that policies promoted by international financial institutions have in the Argentinian human rights situation, in order to determine whether the action of such bodies and that of their Member States are in accordance with the obligations imposed by the Covenant.

To make sure that Argentina is fulfilling its human rights obligations, the participants in the mission interviewed affected groups and communities, as well as civil society and human rights organizations and some of the responsible authorities.

The structural adjustment policies fostered by international financial institutions and implemented by the Argentinian Government since last decade have had disastrous effects in the realization of economic, social and cultural rights for most of the population. Statistics speak for themselves: between October 2000 and May 2002 the number of people that could not have access to a Basic Nutrition Basket grew from 3.7 million to 8.7 million (24.8% of the population). These data are even more dramatic if we take into account that of these people, 4,138,000 are children. According to the most recent information, the percentage of the population without access to a Basic Nutrition Basket increased by 27.5% in October 2002.

The constant growth of unemployment and the increasingly precarious working conditions are also dramatic: it is estimated that a total of 37.7% of the population is unemployed or has a part-time job and that 56.9% of the employed population is in a vulnerable working situation. Workers’ income have constantly decreased, due to the fact that wages do not keep pace with the increase of food prices.

Although there is no precise information on the actual rural situation, rural poverty is greater than that of urban areas, due to the deprivation of access to land, the insecurity that owning land entails and the lack of support to small producers.

The mission declares that the human right to adequate food in the visited cases is being violated. The main problems found were the following:

- Destruction of the existing access to a livelihood through evictions of peasant families owning land in the north-western and north-eastern provinces of Argentina.
- Absence of State protection for peasant families owning land against systematic and continuous attacks of landlords, that want to seize their land.
- Exploitation of male and female workers in the citrus cultivations of Tucumán. Male and female workers are not able to sustain themselves and their families with their work, due to the lack of labour protection.
• Lack of protection for the population who are in an extreme vulnerable and food defenceless situation (indigent girls and boys younger than 5 years old) concerning food consumption that can damage their health.
• Lack of State support to self-managed production projects coming from unemployed workers, which would enable them to overcome social exclusion and to live from their own work.
• Absence of economic policies that would massively boost the creation of decent jobs.
• State’s negligence to strengthen land rights of peasant families who own land through generations and have not been able to realize their rights of prescription in good faith.
• State’s abandonment of farming policies aimed at enhancing peasant’s economy and their production ability as small male and female producers.
• Absolute deficiency of food assistance programmes and income transfer programmes. Arbitrariness, patronage practices and discrimination in the implementation of such programmes.
• State’s negligence to adopt tax policies aimed at redistributing wealth and providing the State the required resources to fulfil its human rights obligations.
• Limitation of social expenditure and restriction of the State’s ability to mobilize resources so as to fulfil its human rights obligations, due to credit agreements with the international financial institutions.

The mission recommends the following measures to the Argentinian Government and the governments responsible for the actions carried out by the international financial institutions, with the purpose of guaranteeing the full realization of the human right to adequate food:
• Guarantee enough and appropriate income transfer and food assistance programmes.
• Decidedly support self-managed production projects arising from unemployed workers.
• Protect female and male workers in citrus cultivations and workers in general from work exploitation and precarious working conditions.
• Give priority to the implementation of economic policies promoting the massive creation of decent jobs and providing the required economic access to adequate food.
• Put an end to the practices of forced evictions suffered by peasant families owning land.
• Develop a complete strategy that protects peasant families against land grabbing.
• Redefine national farming policies, so that priority is given to strengthening production ability of small farmers.
• Abstain from conditioning the financial aid given to countries in a difficult economic situation to the limitation of social expenditure, which entails the violation of fundamental rights from large sectors of the population.
• Fully guarantee civil rights, especially the right of freedom of expression, free association, habeas corpus.
1. Introduction

1.1 Nature and Objectives of the Mission

FIAN International and EED carried out an international fact finding mission to Argentina between the 15th and the 20th of January 2003.

FIAN (Food First Information & Action Network) is the international human rights organization that works for the right to food. It was funded in 1986, has consultative status with the United Nations and has members in more than 50 countries all over the world. FIAN's objective is to help in the struggle aimed at achieving the respect and fulfilment of the International Bill of Human Rights world-wide. FIAN works particularly towards the realization of the right to food of those threatened by hunger and malnutrition. The headquarters of FIAN International Secretariat are located in Heidelberg (Germany).

EED (in German: Evangelischer Entwicklungsdienst) has its headquarters in Bonn (Germany). It is an Association of German Protestant Churches. EED supports the development work of churches, Christian organisations and private agencies through funding, seconding qualified personnel, scholarships and by offering consultancy services. Within the framework of a global partnership network, EED plays its role in creating a just society. It opposes all forms of discrimination on the grounds of race, sex or religious affiliation. Thus, EED assists those who live in abject poverty and need, whose dignity is violated or whose lives are threatened by war or other disasters.

EED creates and strengthens awareness of development concerns in Germany in the churches, the general public and in politics, to increase the willingness and the capacities to overcome poverty, persecution and violence in the world.

The mission group was made up of three people: Bruno Inkermann, representing the Ecumenical Workshop, Kassel; Sofía Monsalve Suárez, representing FIAN International; and Jürgen Reichel, representing EED.

The goal of the mission was to collect information, in order to determine whether the Argentinian Government is fulfilling its public international law obligations on the right to food. Such obligations derive from the ratification of the International Covenant on Economic, Social and Cultural Rights. Furthermore, the mission wanted to study the impact that policies promoted by international financial institutions (IMF, WB) have in the Argentinian human rights situation, in order to determine whether the actions of these bodies and that of their Member States are in line with the obligations imposed by the Covenant. Thus, the participants in the mission paid a visit to three affected groups and communities: Unemployed Workers Movement ("Aníbal Verón" of Solano, Lanús and Guernica in the Buenos Aires province); the "Carballito" Community Centre (Villa Muñecas Norte in the province of Tucumán); and peasant communities in the province of Santiago del Estero, belonging to the Peasant Movement of Santiago del Estero MOCASE.

Furthermore, the participants in the mission had the opportunity to discuss with various civil society and human rights organizations, which provided very worthy information and contributed with its analysis to a greater understanding of the food situation in the country. The organizations interviewed were the following: Abuelas de la Plaza de Mayo (Grandmothers of the Mayo Square), Asociación Civil Madre Tierra (Civil Society Association Mother Earth), Asociación Sindical de Profesionales de la Salud (Trade-union Association for Health Professionals/Buenos Aires Province), Centro de Comunicación Popular y Asesoramiento Legal CECOPAL (Popular Communication and Legal Advice Centre/Córdoba),
Report of the Fact Finding Mission to Argentina

Centro de Estudios Legales y Sociales CELS (Centre for Legal and Social Studies), Centro Nueva Tierra (New Earth Centre), Encuentro por la Memoria (Meet for the Memory), Intersalud (a health Commission-Assembly), Liga Argentina por los Derechos del Hombre (Argentinian League for Human Rights), Oficina Conjunta de Proyectos de la Iglesia Evangélica Luterana Unida y la Iglesia Evangélica del Río de la Plata IELU-IERP (Lutheran Evangelic Church and Evangelic Church from Río de la Plata Alliance), Red por los derechos de las personas con discapacidad REDI (Network for the Rights of the Disabled).

The participants also had the chance to interview Dr. Oscar Luján Fappiano, Human Rights Subsecretary in the Ministry of Justice. During the interview, they could classify some preliminary observations. Dr. Fappiano committed himself to follow up the mission’s results and make the necessary research work required by the claims of this document.

1.2. General Information on the Situation of Economic, Social and Cultural Rights in Argentina

1.2.1. Legal Situation

With the Constitutional Amendment of 1994, the Argentinian Government included into the national Constitution different international treaties and instruments on human rights, among others, the Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Since then, the right to adequate food, as human rights standard of international law, has a constitutional status in the Argentinian legal system.

The UN Committee on Economic, Social and Cultural Rights presented in its General Comment No. 12 of 1999 on the right to adequate food a detailed and authoritative interpretation of the provisions of the Covenant. The Comment establishes in the normative content of paragraphs 1 and 2 of the article 11 of the ICESCR that: "The right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement". For the Committee, the core content of the right to adequate food includes the following: “The availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture. The accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights”. (GC 12, 8).

The General Comment 12 sums up in paragraphs 14-20 the obligations and violations concerning the human right to adequate food. In respect with the nature of the obligations, it states: "The nature of the legal obligations of States parties are set out in article 2 of the Covenant and has been dealt with in the Committee’s General Comment No. 3 (1990). The principal obligation is to take steps to achieve progressively the full realization of the right to adequate food. This imposes an obligation to move as expeditiously as possible towards that goal. Every State is obliged to ensure for everyone under its jurisdiction access to the minimum essential food which is sufficient, nutritionally adequate and safe, to ensure their freedom from hunger" (GC 12, paragraph 14).

Art. 25 of the UDHR: “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical ….” Art. 11 of the ICESCR:

"1. The States parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.
2. The States parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed: a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources.”.
"The right to adequate food, like any other human right, imposes three types or levels of obligations on States parties: the obligations to respect, to protect and to fulfil. In turn, the obligation to fulfil incorporates both an obligation to facilitate and an obligation to provide. The obligation to respect existing access to adequate food requires States parties not to take any measures that result in preventing such access. The obligation to protect requires measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food. The obligation to fulfil (facilitate) means the State must proactively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including food security. Finally, whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to fulfil (provide) that right directly. This obligation also applies for persons who are victims of natural or other disasters.” (GC 12, paragraph 15).

It is clearly defined that within its obligation to respect the realization of the right to food, the State parties to the ICESCR must identify and supply the vulnerable populations in their jurisdiction, using strategies that ensure at a short, medium and long term the ability of these people to realize and enjoy their right by themselves. Even if States face severe resources constraints, caused by economic adjustments, economic crisis or other reasons, the vulnerable population has the right of being protected through social programmes aimed at making easier the access to adequate food and satisfying nutritional needs. All States have the obligation to immediately enforce the core content of the right to food, which means, that every person must, at least, be free from hunger.

In this respect, paragraph 17 of the General Comment No. 12 states: "Violations of the Covenant occur when a State fails to ensure the satisfaction of, at the very least, the minimum essential level required to be free from hunger. In determining which actions or omissions amount to a violation of the right to food, it is important to distinguish the inability from the unwillingness of a State party to comply. Should a State party argue that resource constraints make it impossible to provide access to food for those who are unable by themselves to secure such access, the State has to demonstrate that every effort has been made to use all the resources at its disposal in an effort to satisfy, as a matter of priority, those minimum obligations. This follows from Article 2.1 of the Covenant, which obliges a State party to take the necessary steps to the maximum of its available resources, as previously pointed out by the Committee in its General Comment No. 3, paragraph 10. A State claiming that it is unable to carry out its obligation for reasons beyond its control therefore has the burden of proving that this is the case and that it has unsuccessfully sought to obtain international support to ensure the availability and accessibility of the necessary food." (GC 12, paragraph 17).

It is worth mentioning that the obligation to ensure the realization of the right to food does not only concern the State parties to the ICESCR, but it is also binding for the international financial institutions. Paragraph 41 of the General Comment No. 12 declares the following in this respect: "The international financial institutions, notably the International Monetary Fund (IMF) and the World Bank, should pay greater attention to the protection of the right to food in their lending policies and credit agreements and in international measures to deal with the debt crisis. Care should be taken, in line with the Committee's General Comment No. 2, paragraph 9, in any structural adjustment programme to ensure that the right to food is protected". Therefore, an agreement between a State party and an international financial body implying the restriction of the ability of the State Party to fulfil its obligations concerning the right to food, would be a breach of such right. In these countries, where the International Bill of Human Rights are included into national laws and international agreements, the first should prevail given conflict.
1.2.2. Global Socioeconomic Situation

Structural Adjustment Policies and Disappearance of the Argentinian Welfare State

In the 1990s the Argentinian welfare state, which had been considered one of the pioneering and most developed in Latin America, started to disappear, due to the crisis of the so-called “economic accumulation model” and the changes in the political alliances that had supported it. Among the most important changes are the following:

- Privatization of almost all public enterprises that offered services of massive economic use (communications, energy, water, transport, iron and steel industry).
- Promotion and opening up of capital flows.
- Opening up of the economy and total liberalization of foreign trade, at the same time as a trade agreement with neighbouring countries was signed (MERCOSUR).
- Implementation of a currency board system that fixed the Argentinian peso to the US dollar.
- Foreign debt reschedule, so that the Government committed itself to strictly respect the payments included in the Brady Plan, together with an indebtedness that was more than twice the debt of the early 1980s.
- Labour legislation reform, which caused a decrease in work stability, added part-time and limited-time jobs, lowered hiring, redundancy payments and employer’s responsibilities concerning accidents at work and bankruptcy of enterprises.

Poverty, Indigence and Infant Malnutrition

The impoverishment and increasingly precarious living conditions of large sectors of the Argentinian population have grown very rapidly in a very short period of time. In May 1992, 19.3% of the population lived under the poverty line and 3.3% was in a situation of indigence. In May 2002 indicators showed that the percentage of population living in poor conditions had increased by 53% (nearly 18.5 million people). For their part, the number of indigents had passed from 3.7 million in October 2000 to 8.7 million (24.8% of the population) in May 2002. According to the most recent data of the Argentinian Statistics and Census Institute (INDEC) of October 2002, indigence and poverty have kept on increasing: 27.5% of the population lives under the indigence line, whereas 57.5% is not over the poverty line.

This percentages are even more dramatic if we take into account that poverty and indigence affect more often to children and young people: 67.3% of all the minors lives in poor families and 34.1% is indigent. Of the 8.7 million people considered indigents, 4,138,000 are children. Considering the data of each province, it can be observed that the proportion of child population suffering from poverty and indigence is higher in the inner provinces, notably in the north of the country. In Tucumán, for example, in Gran Tucumán-Tafi Viejo, 63.8% of the population lives in poverty and 27.2% is indigent. Moreover, 75.7% of the population under 14 lives in poverty conditions, whereas 39.3% is indigent. In the urban area of Santiago del Estero-La Banda, 60.2% of the population live in poverty conditions and 27.8% in indigence. In the case of minors under 14 years of age, 72.9% is poor, whereas 39.7% is indigent.

The generalized situation of poverty and indigence entail serious consequences for the nutrition of girls and boys. Although the information at a national level is scarce to evaluate exactly the nutrition situation of the child population, the increase of malnutrition among girls and boys is a serious concern. The following section is based on the document: Barbeito, Alberto/ Lo Vuolo, Rubén / Rodríguez, Corina 2002: La inseguridad socio-económica como política pública: Transformación del sistema de protección social y financiamiento social en Argentina (Socioeconomic Insecurity as Public Policy: Transformation of the social protection and financing system in Argentina). Document Nr. 33, Interdisciplinary Centre for the Study of Public Policies (Centro Interdisciplinario para el Estudio de Políticas Públicas), Buenos Aires.

A person is under the poverty line when the income of households is not enough to cover the costs of a Basic Needs Basket, which includes nutritional needs, among other needs (clothing, housing, transport, education, health, etc). A person is under the indigence line when the income of households is not enough to buy a Basic Nutrition Basket.
minors is alarming. In the north of the country, infant malnutrition has reached worrying levels. According to the register of the children’s health care unit at Hospital Regional de Concepción, in the province of Tucumán in December 2001, there was a total of 32 children between 2 and 6 years old suffering from malnutrition. In November 2002 this number had amounted to 204, which means an increase of 637% in one year. According to estimations the Local Health System of the province of Tucumán, there are 11,000 girls and boys suffering malnutrition.

Unemployment
The economic reform introduced in the 1990s has had a great impact in the labour market. The current situation is the result of a combination of factors: capital became cheaper due to the currency board, enabled machinery and equipment renewal and resulted in the disappearance of countless jobs. With the deregulation and flexibilization of jobs, precarious working conditions increased. Thus, there is now a high proportion of workers that does not have social security nor work stability. The opening up to foreign trade with no protection what so ever for the national industry led many enterprises to bankruptcy. Moreover, the worsening of social policies and the increase in the supply of women, young and elderly people as workers have also contributed to this scenario.

Nowadays we could talk of a situation of generalized unemployment in Argentina: according the most recent statistics from the INDEC in October 2002, 17.8% of the population (1.8 million people) was unemployed. If we include in this group the unemployed people benefiting from a subsidy in exchange of a labour work (Heads of Household Programme), the percentage would increase up to nearly 23.6% (2.5 million people). On the other hand, part-time rates of those looking for another job and those who do not have gone up to 13.8% and 6.1% respectively. This means that there is a total of 37.7% of the population with employment problems. At the same time, actual wages were reduced in 23.8%, as a result of an actual decrease by 33.2% of clandestine workers’ income, of 28.7% for state workers and of 17.1% for registered private workers.

Moreover, work precariousness has become a structural feature: it is estimated that 56.9% of the employed population is in a vulnerable working situation. Worker’s income has also declined constantly, for it does not increase at the same rhythm as prices of the Basic Needs Basket do. In 2002, staple food price raised in the domestic market by more than 100%, and that of the Basic Nutrition Basket by more than 70%, whereas annual inflation hardly exceeded 40%.

Wealth Concentration
The impoverishment process that massively affects the Argentinian population has not been a consequence of a nation-wide impoverishment, although it is true that the economy has shrunk during the last few years. Parallel to this impoverishment and indigence process, a process of wealth concentration in a very small sector of the population has developed. In 1974, the richest 20% of the population had an income of 7.8 times higher than the income of the poorest 20% of the population. Currently, it is calculated, that the richest 10% earns 34 times as much as the poorest 10% of the population.

The Argentinian taxation system is characterized by a strong inequality and regression. The taxation structure is chiefly based upon excise duties (48.2% of the total), whereas the participation of income tax is low (19%). Tax burden amount to 21% of the GDP. In
addition, tax avoidance is a major problem that considerably affects the State’s ability to fulfil its obligations.

**Rural Population and Land Tenure**

It was not possible to find general and recent information on the living conditions of the rural population. Besides, most statistics are designed for urban areas and, therefore, do not offer accurate information on the situation in the rural areas. Nevertheless, it is estimated that poverty in rural areas is much higher as in urban ones 7. According to data of the National Census of Population and Housing of 1991, the percentage of rural population living without being able to satisfy their basic needs was of 34.2%, whereas the percentage in urban areas was of 16.7%. A study carried out by the Ministry of Economy on the situation in the provinces of Mendoza, Rio Negro and Santa Fé, showed that 31% of the rural households in the province of Mendoza has less than two dollars per day and person, and 53% of the population is under the poverty line 8.

The lack of access to land, land tenure insecurity and the scarce support to small producers are some of the main reasons for the terrible living conditions of rural communities. Land tenure insecurity is a major problem in the northwest and northeast of Argentina and is the main obstacle that prevents peasant families from consolidating themselves as producers. Land tenants of State land in the north-eastern and north-western regions and Patagonia amount to 8% of the total number of farms in the country, whereas landtenants of private land (absentee landlords) in the northwest of Argentina (especially in Santiago del Estero and Salta) represent 2.5% of the total farms 9. These groups, as well as community land would require complete land titling processes in order to overcome tenure insecurity.

Structural adjustment policies, in general, and those of the farming sector in particular, have lead to the concentration not only of farm production, but also of land tenure. Technical changes (introduction of new machinery, transgenic cultivations, fertilizers, etc.) resulted in great modifications of the way of production that favoured large investors, for new changes were designed for economies of scale and required large capital investments. Thus, countless jobs disappeared in rural areas. Besides, today there are more than 400,000 peasants who are ruined and have been evicted from their land and more than 13 million hectares have been confiscated due to the non-payment of their mortgage debts 10. In this conditions, large investors have bought land below its actual value. Nowadays, 20 million hectares of the best arable land of the country are in the hands of around 2,000 enterprises. Businessmen like Luciano Benetton, George Soros, or the Bunge and Born group are among the country’s largest landlords involved in farm activities aimed at export 11. Moreover, the production of cash crops such as soya and its derived products and citrus fruits have reduced the production of peas, lentils and rice, among others, thus placing national food security in a vulnerable situation. According to the data of the Agriculture Secretariat, between 2000-2001 soya cultivations represented only 42% of the farmland and 44% of the total volume of basic grains.

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11 See Página 12, Suplemento Cash 05-03-00
1.2.3. Government Programmes to face Food Vulnerability

As an answer to the critical situation of hunger and poverty of the unemployed population, the government of President Mr. Duhalde set up in May 2002 the Heads of Household Programme. Such programme is aimed at heads of household, both men and women, that are unemployed and have children up to 18 years old, with the goal of making easier the incorporation of these children in the formal education or in some type of professional training that would help them in their future labour insertion. The programme offers a subsidy of $150 (around US$40) per month and beneficiary during a period of 3 months, which can be extended. The enforcement of this programme falls into the competence of each province and it is managed by the municipalities.

Parallel to the Heads of Household Programme, the Government declared in 2002 a food emergency—which lasted until the 31st of December 2002— and created the Food Emergency Programme, aiming at groups in a vulnerable food situation. Since it is a federal programme, the national government transfers the funds from the Ministry of Social Development to the local governments in each province of the country. The beneficiaries of the programme are chiefly pregnant women, people under 18, elderly people without retirement pension and disabled people. Each province determines how it is going to supply assistance, such as, for example, through food packages and/or food supply, tickets, vouchers and/or debit cards, canteens, vegetable gardens. At the end of 2002, the National Congress passed a law, enabling the creation of the National Nutritional and Food Programme. The scope and type of action of this new programme had not yet been defined at the beginning of this year.

2.1. "Aníbal Verón" Unemployed Workers Movement

The participants in the mission interviewed members of the Solano, Lanús and Guernica Unemployed Workers Movement (MTD: Movimiento de Trabajadores Desplazados) from the Buenos Aires province.

Unemployed workers movements are grass-root organizations of unemployed male and female workers who come together with the goal of realizing rights they have lost. These movements arose from the increasingly dramatic situation at the end of the '90s concerning massive dismissals and structural unemployment. This situation led to the worsening of the living conditions to such an extent that today many of these people and their children suffer from hunger. In the Guernica MTD, for example, 60% of the girls and boys of the canteen that they have set up suffers second-degree malnutrition.

Solano has around 60,000 inhabitants and is made up of shanty towns of immigrants, who came from the inner provinces to settle in this land. Many of them come from peasant families that had to abandon their land because they were ruined. The Solano MTD was founded in 1997 by a grass-root group composed of neighbouring and ecclesiastic communities in order to face the situation of unemployment and poverty in which they were forced to live. Currently, the movement has near 2,000 organized families in 8 quarters. Lanús MTD gathers around 300 families.

The „Aníbal Verón“ MTD works towards three main objectives: work, dignity and social change. These movements are independent from political parties and trade unions. The visited movements organized self-managed production workshops, financed through subsidies received from the government (Heads of Household Programme). Thus, movements have set up—with a lot of efforts and scarce resources—bakeries, clothing and shoe industries, self-helped housing, canteens, community vegetable gardens and pharmacies. Products are used for self-consumption, exchange with other urban and rural communities or are sold at solidary prices. The mission had the opportunity to visit a community farm that movements set up where there used to be a factory of refrigerators that went to bankruptcy. As this land was abandoned, movements occupied it 4 months ago. The land is now being transferred to the financial institution Banco Ciudad de Buenos Aires, creditor of the factory. As the interviewed members pointed out, production projects are very important for the movements, since through them, they overcome exclusion and marginalization, regain their dignity and strengthen their autonomy.

According to the testimonies heard in the interview with the members of the Solano, Lanús and Guernica MTDs, these government programmes (Heads of Households and Food Emergency programmes) involve essential problems when it comes to their implementation, because they are managed with a high political arbitrariness and instrumentalization. Thus, the punteros or local leaders of the different political parties determine the beneficiaries of the programmes using patronage and political support criteria. This means that politically independent communities and groups, like many MTDs, are often discriminated or have to put up with arbitrary treatments to have access to financial aids. On the other hand, food packages are not distributed on a regular basis and only cover a third of the needs of those who receive them. Moreover, subsidies of the Heads of Household Programme are utterly insufficient to feed a family: it is estimated that a family of 4 members requires almost $300 (US$ 80) to cover the Basic Nutrition Basket.
Another problem mentioned by the members of the MTDs is related to the distribution of soya in the framework of the “Solidary Soya” initiative. This private initiative, launched in February 2002 by the Asociación de Productores en Siembra Directa (AAPRESID: a network of innovative farmers), promotes soya donations, which are distributed to the people in need through different ways. This initiative defends that soya constitutes a high-quality product for human nourishment and, therefore, can be partly the solution to the hunger suffered by many Argentinian inhabitants. Since soya is not one of the products of their traditional food, it is necessary to develop the habit of its consumption. According to data from the AAPRESID, during 2002, 76,585 inhabitants of Rosario introduced soya to their daily meals (around 450,000 people in Capital Federal and Buenos Aires and nearly 9,536 in Santa Fe).\footnote{See web page www.sojasolidaria.org.ar}

The Guernica MTD refused soya donations for their canteens. The reasons are based upon the declarations of nutritionists, paediatricians and other experts\footnote{See Del granero del mundo a la republiqueta sojera. Por qué estamos en contra del modelo transgénico (Why we are against the transgenic model). Land and Food Forum, October 2002. Sabini Fernández, Luis 2003: Soja y sometimiento: A propósito de las soja solidaria. (Soya and Submission: Concerning Solidary Soya), at: www.ecoportal.net/articulos/soja_someti.htm. Gorban, Miriam 2003: Food strategies, presented at the World Social Forum, Porto Alegre. Rulli, Jorge Eduardo 2003: La biotecnología y el modelo rural en los orígenes de la catástrofe argentina (Biotechnology and Rural Model at the Origins of the Argentinian Catastrophe).} on the negative effects of soya consumption, especially for children under 5 years of age: due to their high level of phosphorus, soya causes calcium deficiency. Therefore, its consumption is considered dangerous for pregnant women, breast-fed children, infants, mellow women (osteoporosis) and indigents (due to its deficit in minerals, such as iron and calcium). The nutritionists’ forum declared in the "Forum for a Nutrition and Food Plan", organized by the national government in July 2002, that soya juice cannot replace milk and firmly disapproved soya consumption for those under 5 years old, and especially under 2.

The members interviewed expressed serious complaints on the criminalization of popular protests and the repression they are victims of. Particularly important were the events of the 26\textsuperscript{th} of June 2002, when different movements of piqueteros (unemployed workers) organized a national protest blocking all access to the federal capital. The four types of security forces located at the bridge called Puente Pueyrredón (national gendarmerie, prefecture, federal police and the local of Buenos Aires province), were quite violent and left behind more than 30 injured demonstrators, struck by lead bullets. Moreover, these actions caused the death of two young members of the „Aníbal Verón“ MTD, Dario Santillán and Maximiliano Kosteki. A bullet reached Dario Santillán from behind while he was helping Maximiliano Kosteki, mortally wounded.

The criminalization and repression of popular protests are not sporadic phenomena. The increasingly dramatic living conditions of large sectors of the Argentinian population multiplicated claims and public protests during the 1990s. Blocking routes has been the most emblematic way of putting pressure on the authorities, so that they ensure subsidies, jobs and an increase of social expenditure. According to the report of the Centre for Legal and Social Studies (CELS): "Many of the actions carried out by persons participating in the protests of the 1990s were considered illegal, which placed protestors and their message outside the protection of the law while engaging in the legitimate exercise of the freedom of expression. Although some of the demonstrators and activists have been accused, the phenomenon of greater importance has been the prosecution of participants. State control over protests was exercised on numerous occasions in this way, through the laying of criminal charges. What is more, on many other occasions, the popular protests were quelled illegitimately by the police forces of the nation and the provinces. These cases were characterized by the use of violence which produced deaths and a great number of injuries nation-wide."\footnote{CELS 2002: Derechos Humanos en Argentina (Human Rights in Argentina). Report of 2002. Events in January-December 2001. Buenos Aires.}
2. 2. „Carballito“ Community Centre – Villa Muñecas Norte, Tucumán

The mission visited in the outskirts of the city San Miguel de Tucumán the Carballito Community Centre. This centre was founded in 2001 and gathers nearly 120 families under the motto "Bread, Work and Dignity". The members of the Community Centre consider themselves as part of the unemployment social movement, are organized and coordinate, since they are an independent organization, public protests along with similar organizations, mainly with the Corriente Clasista y Combativa (unemployed workers movement), but also with the other unemployed and employed workers movements (lemon workers). This Community Centre, as part of their activities, has set up a canteen were near 200 girls and boys are assisted, and also a school for popular education. Furthermore, they have organized workshops on different topics (community bakery, farming, seedbeds, sewing workroom, reforestation and clean-up of neighbouring lands). Despite the difficulties resulting from the lack of inputs and tools, they do work thanks to the efforts made by the participants. Currently the Centre is building a room which will be used for different events with the financial aid of its members.

Poverty and unemployment in Tucumán are closely linked to the decline of sugar industry in the province. The Tucumán economic structure has depend for years on this activity. The activity overproduction, the drop of sugar prices in the international markets and the monopoly competition have led, among other factors, to a new situation where investors search new options for capital investment, either speculative options or more profitable ones, from the point of view of business profitability. On the other hand, the few sugar refineries that were not closed down, introduced new machinery, causing the disappearance of many jobs: it is estimated that each machine replaced 300 workers in the sugar cane plantations.

Tucumán has been one of the provinces more affected by hunger and malnutrition, especially by infant malnutrition. In the last few months, the province draw the attention of the media, and images of undernourished children were broadcasted at a national and international level. However, the problem is an old one: the Hospital del Niño Jesús in Tucumán had already denounced in 1982 malnutrition cases affecting two generations, as well as the crammed way in which meningitis and undernourished patients were in 1996. The reason why the situation did not have such a dramatic effect back then may be that hospitals had inputs and resources to deal with victims of malnutrition. Nowadays this is not possible, due to the sanitary crisis in the whole country.

The food situation for the members of Carballito is alarming: many girls and boys suffer second-degree malnutrition. On the day of the interview with the mission, families had not eaten for two days. They were so desperate that, on that same day, they had gone out to block a route in order to collect some money. The police put an end to this blocking using violence some hours later.

Concerning the government programmes earlier described (Heads of Household and Food Emergency programmes), aimed at mitigating poverty and unemployment effects, the families of the Centre expressed serious complaints. Firstly, there is a high number of people in the community who do not have the right to be beneficiaries: among them, nearly a hundred of young people with no children, as well as elderly and retired people. Some of

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15 See paragraph 1.2.2.
16 See Información del estado de la salud en Argentina (Information on the Health Situation in Argentina), presented to the Executive Secretary of the Inter-American Commission on Human Rights, on the 18 of October 2002, by twelve Argentinian health and human rights organizations, among which: Asociación de Médicos Municipales (Municipal Doctor Association), Cátedra Libre de Salud y Derechos Humanos (Health and Human Rights Association), CELS, Federación Nacional de Salud y Seguridad Social (National Federation on Health and Social Security), Intersalud, Servicio Paz y Justicia (Peace and Justice Service). See also Medicamentos para todos en una Argentina nueva, es posible (Medicines for all in a New Argentina, is Possible). Document elaborated by the Comisión Pro Cátedra Libre de Salud y Derechos Humanos (Commission on Health and Human Rights) in the Faculty of Medicine of the UBA (University of Buenos Aires).
them should not have theoretically people at their charge, but in practice they are often responsible for raising grandsons and granddaughters. Other people that have the right to be beneficiaries have not been able to access to the subsidy of the Heads of Household Programme due to lack of documentation.

In relation to the beneficiaries, the major problem is that $150 (US$ 40) can only be used by the families to buy food for a week. Moreover, the arbitrary way in which programmes are implemented constitutes an outrage against the dignity of the person. Several people interviewed described how they lose the financial support during some months with no justification at all. In other cases, they are told to go to different cities to collect their subsidy, which is for them impossible, and they therefore lose such subsidy. The vouchers for the Food Emergency Programme are also distributed arbitrarily. For 4 months, families in Carballito had not received any more vouchers of $25 (US$ 7) per month.

The arbitrariness in the subsidy payments are linked to the patronage practices used by parties to control the financial distribution of these programmes. Thus, independent groups, such the Carballito Community Centre, are discriminated by those who control the implementation of such programmes.

Another problem expressed by the members of the centre is related to the precarious working conditions of those who have temporary jobs (4 or 5 months per year) in the citrus cultivations. According to the testimonies gathered, people do not have right to a minimum wage and the payment of the fortnightly wages is subject to the amount of lemons that workers can collect in a working day (8 hours), which can mean, after an exhausting work, a sum of $60 (US$ 16). Work depends always on climatic conditions, but if they do not work one day, they do not get paid for that day. Moreover, to earn more money, often several members of the family work, including boys and girls. Labourers do not have appropriate working clothing that protects them from the agro-chemical products used in plantations. Most of the times, the work is black work, so that women are not beneficiaries of any social security scheme; other times, collective labour agreements are infringed. Such is the case, for example, of the non-payment of increased salary of 100 pesos (US$ 26).

2.3. Peasant Communities of Santiago del Estero

In the province of Santiago del Estero, the participants in the mission verified the complaints made by the Peasant Movement of Santiago del Estero MOCASE concerning the systematic and continuous harassment that landlords and property companies, in complicity with the judicial authorities and the police of the province, practice on peasant communities to seize their land.

MOCASE is a peasant movement set up in 1990, which has its origins in the conflicts between peasants and large investors and landlords. The land problem became more acute during the 1980s, due to the good prices of cotton and the development of different types of soya suitable in the harsh environmental conditions of the semi-arid region of Santiago. MOCASE has its origins in the grass-root organizations that defend land rights and that gathers today almost 8,500 families. For MOCASE, struggle for land is the touchstone of the movement, upon which a specific way of life of myths and customs is based: an autonomous and collective way of life with ways of production that respect nature and its resources.

The mission visited the Tortuga Peasant Community, located in the district of Pinto, in the department of Aguirre. This peasant community is made up of nearly 200 families that work with goats, pigs and cattle and tilling the land. Families have lived for years (100 years approximately) in this region and are distributed in seven rural areas located in five cadastral lots (Fisco, Colonia Santa Rosa, Quebrachito, lote 20, lote 24). Families do not have title deeds for their lands, but they have inherited them through generations and, therefore, have the right to become owner through prescription in good faith. According to the Argentinian
legislation, owners fulfilling specific requirements can acquire the land after twenty years through prescription. This means, that families working on and owning a piece of land (they cultivate it, breed animals, build on it and enclose it), aspiring to receive land titles throughout a period of more than twenty years, can ask the judge to declare that they have acquired the land through prescription. Furthermore, the owner has various rights, such as protection against harassment and seizure.

Since 1998 families from this peasant community have been exposed to all types of harassment by the landlords Claudio Trono and Rudesindo Bertero. The aggressions have the clear purpose of forcing families to abandon the lands they own, so they can seize them. Moreover, with these attacks, they want to intimidate families for belonging to MOCASE and organizing themselves in such way to defend their rights. In the following lines various testimonies gathered by the mission can be read. Such testimonies constitute the main violations committed against families since August 1999:

- Forest destruction using bulldozers: on the 4th of August 1999, Claudio Trono and Rudesindo Bertero entered with a bulldozer in the land of Celso Coria, Gregoria Chávez and Mercedes Almaraz, thus destroying part of the forest. On the 9th of January 2000, Claudio Ponce entered with a bulldozer into the lot number 20, destroying a thousand kilometres of different leguminous trees. Peasants, since the police did not intervened, organized themselves to block the way to the bulldozer, which finally left.

- Destruction of boundaries, theft of land enclosures: on the 6th of September 1999, Claudio Ponce and Miguel Casaggione robbed 2,000 metres of enclosures from the land belonging to Silveriano Aguirre and Cristina Loaiza. On the 23rd of October 2001, a group of unknown people robbed at night all the land enclosure from Gregoria Chávez. On the 8th of February 2002, Claudio Trono and one of his supporters stole part of the enclosure belonging to Miguel Rodríguez. The same group destroyed on the 19th of June 2002 the western boundary of the land of Luis Beltrán Aguirre.

- Theft and killing of animals: on the 12th of May 2000, Claudio Trono’s supporters robbed 37 heads of cattle from Luis Aguirre. Throughout 2002 various families were victims of multiple thefts of animals, being Claudio Trono and its supporters the main responsible. Given the reluctance of the police station Nr. 17 of Pinto to answer the claims of thefts of animals, some of them decided to go to the Justice of the Peace of Pinto, Melisa Lorena Nassif. The acts are of the 23rd and 29th of August 2002. In many cases, claims are not reported to the responsible judge in the city of Añatuya.

- Blocking of routes: on the 25th of August 2000, the Ruta Provincial Nr. 146 was blocked at three points. The order was given by Claudio Trono and Rudesindo Bertero. This route is the way used by children of the communities to go to school.

- Intimidations: often, the police has intimidated families so that they sign agreements with alleged landowners. Families are also victim of false accusations.

- Attempt of eviction: on the 14th of July 2001, Rudesindo Bertero along with two judges from Añatuya and a group of more than ten policemen, entered using violence into the land of Ema Díaz and Celso Coria. Bertero adduced that he was the owner of the land. During the action, the home of the family was partly destroyed and their belongings were robbed. Moreover, the responsible destroyed and confiscated provisions that the family had in their store. The eviction was not finally carried out, because more than fifty people arrived to participate in the resistance.

- False accusations against male and female peasants, and arbitrary detentions: on the 24th of May 2000, two policemen of Pinto and three agents of the Regional Unit of Añatuya arrested Sabino Chávez. According to the accusations, Chávez was tortured. On the 2nd of

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1 Intimidations to peasant communities belonging to MOCASE are not only land conflicts. Some of the people interviewed mentioned that, within the Social Farming Programme (PSA) and the Development Project for Small Farming Producers (PROINDER), the members of MOCASE are victims of discriminate treatments. Recently, the PSA declared that 30 communities would not receive any more subsidies, due to the late payment of their credits, without letting them make clarifications and with all the serious consequences that this declaration entails in the credit system.
July 2000, twenty policemen of the police station Nr. 17 and of the rural brigades of Añatuya broke into different homes and violently arrested Omar Fabián Aguirre, Gregoria Chávez and Sabino Chávez, who had been denounced by Claudio Trono for alleged threats. In the past two years, the police has arrested more than twenty male and female peasants, children and elderly people, arguing that the members of the MOCASE are responsible for animal thefts and other violent acts.

The last aggression to a member of the peasant commission took place on the 14th of November 2002, when Miguel Rodríguez was taking water out of the public well (as settlers call it) in lot number 20. Julio Cejas and other armed men came then and threatened Miguel Rodríguez, so that he would not use the well again. Since he ignored what they were saying, they attacked Mr. Rodríguez and ended by shooting him at his foot. Policemen from the police station Nr. 17 of Pinto came to the scene of the crime 20 hours later.

According to interviews made to members of the secretariats of communication and of land and human rights belonging to MOCASE in Quimilí, the situation of the peasant community of Pinto is not the only one. Currently, MOCASE members in other regions of the province are involved in 38 land conflicts of similar characteristics as the ones mentioned. According to the declarations of the ombudsman of the province Santiago del Estero, David Beltrán, nearly 24,000 legitimate land owners face eviction in accordance with claims and recently collected information carried out recently. In this situation, the ombudsman said that he did not put aside the existence of an organization in charge of this type of manoeuvrings to speculate with land.

It is estimated that 73% of the peasant families of Santiago del Estero own the land they live in, but they have not been able to get title deeds, due to different obstacles: on the one hand, because they do not have enough resources to pay for the prescription procedures and to access the legal system; on the other hand, because property registers are out of date and legal procedures to carry out such legal action (acquisitive prescription dead-line, criteria proving tenancy, etc.) are complicated and obsolete. Due to this insecure situation concerning land tenure, families are exposed to an extreme vulnerability, which, furthermore, makes it easier for third parties to carry out attacks (landlords, businessmen and other intruders), who, in complicity with local authorities, come up with alleged title deeds ready to evict families from their land. Extremely worrying is that these practices—which clearly violate the rights of the owners—were given the appearance of legal practices by the province's Chamber of Deputies through the amendment in 2000 of the province's Criminal Code Proceedings (art. 182 bis), thus making possible the immediate eviction of peasant families, which were accused of being intruders. There is no need of legal proof to carry out the eviction: the claim of the alleged owner only has to be believed by the judge.

Land usurpers can act with impunity, due to the collusion that exists in Santiago del Estero between the judicial authorities, the local government and the police. The clear lack of independence between the judicial authorities of the province and its links with the governing party are alarming. Moreover, MOCASE denounced in 2000 a ideology spionage network coordinated by the information department of Santiago del Estero's police. The government of the province has not answered the claims and did not remove the head of the department, Antonio Musa Azar, who was two years imprisoned for crimes committed during the last military dictatorship and was later set free through an Amnesty Law 23.492 or Ley de Punto Final.

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20 CELS 2002, op. cit. p. 370, 371
3. Conclusions

In the light of the obligations assumed by the Argentinian State through the ratification of the International Covenant on Economic, Social and Cultural Rights, the mission could establish that the human right to adequate food in the visited cases is being violated. In the following lines, and based on the three types of obligations imposed on State parties by the International Bill of Human Rights, the obligations violated by the Argentinian government relating the right to adequate food are explained in detail:

Obligation to respect
The obligation to respect existing access to adequate food requires States not to take any measures that result in preventing such access.

The action of the judicial authorities and the police in the eviction suffered by the Tortuga Peasant Community is a clear violation of the obligation to respect the access that these families have to a livelihood (essentially their land). As the mission could state, evictions are not isolated phenomena, but they affect a high number of peasants in the province of Santiago del Estero. In this sense, the modification of the Criminal Code of the province (art. 182 bis), legalizing evictions, breaches with no doubt the obligation the Argentinian State has to respect the access of the peasant families of Santiago to their land.

Obligation to protect
The obligation to protect requires measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food.

Male and female worker’s exploitation in the citrus cultivations in Tucumán is a violation of the right to a proper work and to economic access to food. Female and male workers cannot sustain themselves and their families with these jobs, since the Argentinian State does not fulfil its obligation of ensuring an effective labour protection.

Not protecting families of the Tortuga Peasant Community from the landlord's systematic and continuous attacks to seize their land, is a violation of the right to food of these families. The Argentinian State has the obligation to protect the livelihood of the citizens against attacks coming from third parties.

As the mission observed, after discussing with nutritionists and gathering information from different sources, soya consumption is not advisable for people under 5 years of age. The right to adequate food means having access to healthy, nutritive and culturally acceptable food. In this context, not protecting the population from the consumption of damaging products is a violation of the human right to adequate food; even more in a situation of extreme vulnerability and defencelessness, like the one thousands of Argentinian indigent girls and boys are in. To assume that people who suffer hunger do not have the right to healthy, nutritive and culturally acceptable food, but have to agree to what they are offered, is a vision that constitutes an outrage against human dignity.

Obligation to fulfil (facilitate)
Obligation of fulfil (facilitate) means the State must proactively engage in activities intended to strengthen people’s access to and utilization of resources and means to ensure their livelihood, including food security.

The lack of state support to self-managed production projects arising from Solano, Lanús and Guernica MTDs, as well as from the Carballito Community Centre are a violation of the
obligation to facilitate the efforts that victims make to feed themselves in dignity. The Argentinian State has the obligation to ensure access to inputs, tools, professional training and land that unemployed workers require to overcome social exclusion and to be able to live from their own work.

The absence of economic policies boosting the creation of decent jobs represents a violation of the human right to food. Without jobs, the situation of hunger and poverty in which large sectors of the Argentinian population live will not be overcome at a medium-term.

The reluctance of the Argentinian State to strengthen the right to land that peasant families have had throughout generations and the fact that they have not been able to benefit from their rights of prescription in good faith is a violation of the human right to food. Land tenure insecurity exposes peasant families to every type of attack coming from land intruders and prevents them from consolidating themselves as producers. For this reason, affected families cannot use their production resources in a way that would enable them to feed themselves and work in dignity.

The State’s abandonment of farm policies aiming at enhancing peasant economy and the production ability of small farmers is a violation of the human right to food. Giving priority to export and cash crops farm policies has not only ruined small producers, but has also endangered national production and availability of staple food with the impact in food security that this involves. On the other hand, one-crop farming such soya, which makes an intensive use of agro-chemical products, has serious environmental effects (especially in delicate ecosystems) and is reducing production resources for future generations.

Obligation to fulfil (provide)
Whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to fulfil (provide) that right directly. This obligation also applies for persons who are victims of natural or other disasters.

In the current situation of economic crisis, generalized unemployment and massive poverty, large sectors of the Argentinian population cannot feed themselves through their own means. The affected people cannot wait until an economic and labour market recovery takes place to realize their right to food. The core content of the right to adequate food (the fundamental right to freedom from hunger) requires the State to immediately make transfers or give food packages to protect this sectors from hunger. This obligation is still more urgent in the case of pregnant women and minors, due to the devastating and irreversible consequences that malnutrition has in the development of children.

The Argentinian State is violating the core content of the right to adequate food of millions of citizens. The Government does not have detailed information on the malnutrition situation of children. The existing food and income transfer programmes are absolutely insufficient to ensure the fundamental right of being free from hunger and have hardly partially mitigated food vulnerability. In the cases visited by the mission, beneficiaries of programmes still suffer from hunger, whereas other groups also affected (young people, heads of households without children, retired people without right to social benefits) do not have access to the income transfer programme. Another serious aspect is that the implementation of these programmes does not comply with the basic principles of human rights, such as the non-discrimination and the respect for human dignity. Subsidies coming from such programmes are distributed as gifts of patronage practices that discriminate independent citizens and organizations. Moreover, the actual benefit of these transfers is arbitrary, as for it is subject to sudden budget cuts and to every type of administrative change, which plunges the affected people into uncertainty within a situation of extreme necessity.
Obligation to progressively implement the provisions of the Covenant up to the maximum of available resources

According to verifications of the mission, the harsh impoverishment of large sectors of the Argentinian population has not been a consequence of a global impoverishment in the country, as it happens in wars or serious natural disasters. On the contrary, this declining process has been concomitant to the process of wealth concentration. This is not surprising if we take into account that the Argentinian taxation system is characterized by a high regression, for it is based upon the collection of the value added tax, which does not make a difference among different tax capacities and that is not often paid by all the chain of consumers. This would mean that deprivation of an appropriate standard of living for millions of people in Argentina is not caused by the lack of national resources. The Argentinian State has, therefore, the obligation to prove that it has not violated the ICESCR for not having made all possible efforts to use available resources and thus not having fulfilled its obligation to ensure that the population is free from hunger.

If the Argentinian State showed that they do not have the resources to fulfil the obligations derived from the ICESCR, the State is not discharge of these obligations. If this were to be the case, the Argentinian State would also have to prove that it has done all it could do to get the support of the international community and prevent its citizens suffering from hunger.

Instead of acting in line with the ICESCR, international financial institutions —main cooperation actors of the international community— have had very negative impacts in the realization of fundamental rights, since they have seriously limited the ability of the Argentinian State to make use of its available resources. Argentina was considered until recently one of the countries where the structural adjustment measures defended by the International Monetary Fund and the World Bank were applied more rigorously. Looking now backwards and considering the effects that they have had not only in Argentina but in many other countries, there is no doubt that policies imposed by the IMF are mainly designed for the creditors of indebted countries in order to ensure the payment of the foreign debt service. At the same time, they have had a devastating effect in the employment levels and living conditions of large sectors of the population.

Obviously, international financial institutions are responsible for the serious decline in the living conditions of millions of Argentinians. The analysis —from a human rights perspective— of the IMF’s responsibility would exceed the task of this mission. Nevertheless, the mission wants to highlight the role that the IMF has played in the fulfilment or non-fulfilment of the minimum obligation of making possible the realization of the right to food in situations where victims are not able to sustain themselves without help. Particularly, the mission evaluates the impact that the IMF’s policies of fiscal austerity have had in the reduction of social programmes in recent years, especially those concerning food for vulnerable groups.

According with the agreement signed between the IMF and the Argentinian government in 1999, President Carlos Menem ordered a reduction of the budget of that year of $1,400 million (US$ 373 million). Of this amount, $1,000 million (US$ 266 million) corresponded to the areas of education, public works and social development. Back then food programmes suffered serious limitations concerning resources: National Child Nutrition Programme (PRANI) had a reduction of 14.49% of the sum for the year 1999, whereas Food Support for the Elderly (ASOMA) dropped by 25% and the Garden Promotion Programme (PROHUERTA) by 60%.

Months before the popular protest on the 19th and 20th of December 2001, which resulted in the resignation of President Fernando de la Rúa, the Law 25.453, better known as „the zero

See CELS/SERPAJ 2001: Submission to the Committee on Economic, Social and Cultural Rights. Topics to be considered in the evaluation of second report on Argentina according with articles 16 and 17 of the Covenant, page 24.
deficit law\textsuperscript{1} was passed in July 2001 as main measure to ensure the foreign capital flow and regain investor’s confidence. This law provided that if the estimated budgetary resources were not enough to cover all foreseen expenses, these latter should reduced proportionally to the resources, so that the balance between both could be kept\textsuperscript{24}. Despite the public commitment that the cut would not affect funds designated to food programmes, among others, the law did not included any section on this. In fact, months later, the Cabinet ordered through the administrative decision Nr. 228/2001 the budget cut for the Food and Family Support Programme from $63,522,000 (US$ 17 million) to $46,530,000 (US$ 12,5 million)\textsuperscript{25}.

Between October and November 2001, these programmes were virtually paralyzed. The budget cut did not only have a negative effect in the quality and quantity of social benefits for groups in a situation of food vulnerability. It also had a negative impact in the operative capacity of the institutions involved in such food aids. The PROHUERTA programme, for example, suffered a cut of 40\% in seeds, of 50\% in operative expenditure and 20\% in salaries and employees. The situation was so alarming that the citizens Hugo Reinaldo Escobar, Yolly Mery Dal Seno Franco, Francisca Antonia Pastor and Angel Otero, residents in Partido de La Matanza (Buenos Aires province) promoted, helped by the CELS, a popular recourse action (acción de amparo) against the Government in which they demanded the invalidity of the administrative decision and that the Government should continue giving the subsidies for those programmes, or an equivalent benefit that protected their food rights. Unfortunately, this recourse action was not given, claiming that a judicial review was not justified, and that the case had not the urgency required to take the legal protection into consideration. Therefore, they could use other ways to protect the right to adequate food instead. The dramatic situation of lack of food became worse and, along with other factors, led to generalized lootings and the popular protest of the end of 2001.

As a result of this deep crisis, Duhalde’s government introduced at the beginning of 2002 the programmes concerning income transfer and food assistance described in section 1.2.3. In the new statement of intent that the Argentinian government signed with the IMF in January 2003, the financing of these programmes in that year is guaranteed at the same level as the previous one. At the same time, the statement of intent strictly limits the possibility of increasing social expenditure and insists in the importance of reducing public expenditure and increasing primary surplus. This means that the coverage of the mentioned programmes could not be extended, neither in relation with the unprotected groups (young people, heads of household without children, elderly people with no social benefits) nor with the amount of transfers. This statement of intent confirms the existing situation and contains the violations to adequate food described in this report.

\textsuperscript{1}IMF rejects responsibility concerning the introduction of the "zero deficit law". In an interview with Horst Köhler, president of the IMF, published by the German newspaper Die Zeit, he answered as follows to the question of whether the "zero deficit policy" had not been a demand from the IMF: "No, that was a decision of the President of that time, Fernando de la Rúa, and his Minister of Economy, Domingo Cavallo. What the IMF did was strive for the Argentinian to actually reach the ambitious goals they had" (Die Zeit Nr. 5, 24\textsuperscript{th} of January 2002). This declaration shows that, regardless who took the decision, the IMF approved it and it is, therefore, co-responsible.

\textsuperscript{2}This programme included the UNIDOS, PROHUERTA and the Federal Food System. UNIDOS was a programme aimed at heads of households with uncompleted primary education, among other conditions. The programme gave transfers to buy food for the community, as well as the food packages. PROHUERTA is a programme aiming at improving the food situation of the vulnerable situation through food self-production (vegetable gardens and farms for families, schoolchildren and communities).
4. Recommendations

In the light of the information aforementioned and to contribute to the enforcement of the International Covenants on Human Rights, the mission recommends the following measures to the Argentinian Government and the governments responsible for the actions carried out by the international financial institutions, with the purpose of guaranteeing the full realization of the human right to adequate food:

- Identify the most vulnerable groups concerning food insecurity and the causes of such vulnerability. Improve the information on the malnutrition situation of children and have this group of the population as a priority in all the programmes.
- Guarantee programmes on income transfers and food assistance that:
  - give access to healthy, nutritive and culturally acceptable food;
  - cover all groups in a situation of food vulnerability. In the specific case of the Unemployed Heads of Household Programme, the inscription should be reopened and its application extended to sectors that do not receive subsidies yet (unemployed young people, people over 60 without social coverage, unemployed heads of household without children);
  - ensure the actual cost of a Basic Nutrition Basket and the fulfilment of other basic needs;
  - constitute a priority in the state policies with total independence of fiscal austerity;
  - count with suitable control mechanisms and judicial remedies to avoid patronage, arbitrary and discriminatory practices.
- Decidedly support self-managed production projects arising from unemployed workers movements, ensuring access to inputs, tools, professional training and land so that male and female workers can live from their own work.
- Protect female and male workers in the citrus cultivations and, in general, from work exploitation and precarious work conditions. To meet this objective, it is necessary to implement and ensure labour regulations (minimum wage, protection against toxic substances, social benefits) that would strengthen the rights of female and male workers.
- Give priority to the implementation of economic policies which promote the massive creation of decent jobs and allow the economic access to adequate food.
- Put an end to the practices of forced eviction suffered by peasant families owning land. Abolish legislative measures such as the modification of the Criminal Code Proceedings (art. 182 bis) of the province of Santiago del Estero, which made these practices legal.
- Develop a complete strategy that protects peasants families from the attacks from those seizing their land, including:
  - Putting an end to land tenure insecurity suffered by peasant families, using title-deed programmes that enable these families to exercise their right to acquire land by prescription in good faith. To design and implement these programmes, it is necessary to ensure the active participation of the families owning land and their organizations.
  - Investigating crimes committed against communities such as the case of the Tortuga Peasant Community and punish the responsible.
• Investigating the existence of organized networks aiming at the seizure of land and dismantle them.
• Guaranteeing the independence of the judicial authorities and making easier the access to justice for the victims of violations of the human rights.

• Investigate claims on ideology espionage in the province of Santiago del Estero, which constitute an outrage against the freedom of association for organizations like MOCASE, and the required measures to fully ensure the realization of this right.
• Redefine national farming policies, so that priority is given to strengthening productive capacity of small farmers, national production of essential grains and agricultural practices that take care of the soil and other natural resources.

• Implement tax policies that redistribute wealth and provide the State with the required resources to fulfil its human rights obligations.

• Abstain from conditioning the financial aid given to countries with economic difficulties to the limitation of social expenditure, which entails the violation of fundamental rights from large sectors of the population. Take the required measures to guarantee that international financial institutions, especially the International Monetary Fund and the World Bank, do not violate the right to food with their lending policies and credit agreements.

• Fully guarantee civil rights, such as freedom of expression, free association, habeas corpus and others, and abstain from answering social protests with discriminatory measures, repression and use of violence.