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Economic, social and cultural rights and the internet

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ARGENTINA

THE RIGHTS OF INDIGENOUS CULTURES AND THE INTERNET



KEYWORDS: culture, minorities, social security

Nodo TAU

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Introduction

According to a national census in 2010, there are 955,032 descendants of indigenous people in Argentina, comprising 368,893 of the total number of households. Indigenous people comprise 2.38% of the total population (or 3.03% of the total number of households).¹ Two things are apparent from the census:

- Although the census included questions relating to the integration of indigenous communities – a recent step forward in making indigenous communities more visible – the possibility exists that many people in these communities did not answer the questions due to social prejudices that make them feel ashamed about belonging to those communities. Nevertheless, self-identification among indigenous people as belonging to the indigenous population group is growing from the 650,000 people recorded in 2004.
- The census shows that 63.34% of indigenous people live in houses they own, a percentage similar to the national average. However, the report warned that “the conceptual categories used by the census do not reflect the indigenous worldview in their relationship to the land,” which prioritises community property.

In Argentina, as well as in all Latin America, indigenous people suffer exclusion on several levels. A key issue in their struggle to advance their rights is the concept of “historical reparations”, which, together with a recognition of the fundamental rights of these communities, is part of public policy and legislation. The internet is a key way in which indigenous communities can access the fruits of these policies, including accessing social security benefits, empowering the youth, and sharing and discovering stories about their communities. The extent to which these

communities have access to the internet is therefore an important part of the analysis of the extent to which their rights are being fulfilled.

The economic, social and cultural rights (ESCRs) specifically relevant to this report are the right to social security, the right to cultural expression and the preservation of culture. A right such as the right to social security impacts on others such as the right to work and the standard of living conditions, and is dependent on the right to access information as well as freedom of expression (civil and political rights). The same applies to cultural participation. Both social security and cultural participation rely on the ability of communities to express themselves, make their needs known, and to secure resources to respond to these needs concretely.

Policy and political background

Key civil and political rights in Argentina are enshrined in Article 14 of the constitution: all inhabitants of the national territory have the right to work, to petition the authorities, to publish their ideas through the press, to use and dispose of their property, to associate, to freely practise their religion, and to teach and learn, among others. A reform of the constitution in 1957² added Article 14 *bis* which details rights related to work (decent and equitable working conditions, equal pay for equal work, protection against arbitrary dismissal, and the right to form democratic unions, among others). It also defined state obligations such as social security benefit grants, retirement and pensions, the protection of the family and family property, allowances for families with children, and access to decent housing.

Argentina signed the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1968, and the covenant was fully ratified in 1986. Argentina also signed the Convention on the Elimination of all Forms of Racial Discrimination (1965), the Convention on Elimination of all forms of Discrimination against Women (1979), the Convention on the Rights of the Child (1989), and the Convention on Biological Diversity (1992).

1 National Institute of Statistics and Census. (2010). Pueblos Originarios. www.indec.gov.ar/nivel4_default.asp?id_tema_1=2&id_tema_2=21&id_tema_3=99

2 Ministerio de Justicia y Derechos Humanos de la Nación. (2015). Derechos de los Pueblos Indígenas en la Argentina. www.jus.gob.ar/media/3114381/derechos-de-los-pueblos-indigenas-121115.pdf

As regards the rights of indigenous communities, Article 75 of the constitution, amended during the latest constitutional reform in 1994, requires congress to recognise the ethnic and cultural existence of indigenous peoples prior to European colonisation; to respect their identity and their right to bilingual and intercultural education; to recognise the legal status of the communities and their community ownership of lands; and to ensure their participation in the management of natural resources and other interests affecting them.

In 1995 the National Institute of Indigenous Affairs (*INAI - Instituto Nacional de Asuntos Indígenas*) began to recognise the legal status of indigenous communities through encouraging indigenous groups to register in a National Register of Indigenous Communities. In 2004, communities were invited by government to create the Council of Indigenous Participation (*CPI - Consejo de Participación Indígena*), which was made up of the 31 indigenous groups that registered, each one represented by an elected member of that community.

Since then, several initiatives have institutionalised the rights of indigenous communities. In 2006, the National Law of Education³ recognised bilingual and intercultural education for the first time. In 2007, the Emergency Law⁴ regulated the ownership of lands traditionally occupied by indigenous communities. In 2009, the Law of Audiovisual Communication Services⁵ included the preservation of the identity and cultural values of indigenous peoples and promoted their access to media, while also considering strategies for developing media content relevant to them. There are more than 30 radio stations and one TV station where this content can be broadcast. However, the implementation of the policy is poor.

In December 2015 a new, conservative government, led by businessman Mauricio Macri, replaced the socially oriented Kirchner government, ushering in a change in the political approach to indigenous issues. Some of them were positive: responding to a demand by indigenous communities, the INAI was placed under the Ministry of Justice and Human Rights. However, the government also created a new body for participation by decree⁶ which does not recognise the CPI, generating political conflict

amongst communities.⁷ Local communities have also said that government support has ended. “We used to have projects that were financed by the government each year giving us a framework of sustainability and allowing us to develop other projects in the communities,” said Oscar Talero, a member of the Qom community.

Los Pumitas community

Los Pumitas is a community of Qoms – also known as Tobas, an indigenous ethnic group originally from the province of Chaco, in the northeast of the country – who nowadays live on the outskirts of the city of Rosario, in the province of Santa Fe. They used to live in the forest, but due to discrimination, poverty and the deforestation of their lands they began to move to the big cities.

The 2010 census shows that there are 126,967 people who self-identify as Qoms across the country, of which 4,717 live in Rosario. Qoms make up 72% of the 6,521 indigenous inhabitants of the city living in 18 different communities. Los Pumitas is a community of 867 people.

A recent local government report shows that:

- Only 18% of the indigenous people in Rosario speak, read and write in their indigenous language, while 60% understand it.
- 8.5% do not read and write Spanish (9.2% of women and 7.7% of men). So, literacy in native communities has more than tripled over the past four years. (According to the 2010 census the overall average of illiteracy in Rosario is 2.4%.)
- As regards employment rates, 42% of the population over 18 do not work – 22.4% of males compared to 68.7% of women.⁸

The Los Pumitas community built a cultural centre, naming it Qadhuoté, in 2004. They have formally registered their community in the national register of indigenous communities, and have also helped other communities in Rosario to do the same. “We help our brothers to register. The state will never finance us if we have no organisation,” said Oscar Talero, president of Qadhuoté through a community vote, and also a representative of the Qom community in the CPI at the national level.

Qadhuoté is a small building where the community participates in meetings, holds various activities such as literacy activities for children and

3 Law Nº 26.206. servicios.infoleg.gob.ar/infolegInternet/anexos/120000-124999/123542/norma.htm

4 Law Nº 26.160. servicios.infoleg.gob.ar/infolegInternet/anexos/120000-124999/122499/norma.htm

5 Law Nº 26.522. servicios.infoleg.gob.ar/infolegInternet/anexos/155000-159999/158649/norma.htm

6 Equipo Nacional de Pastoral Aborigen. (2016, 21 February). Se creó la Mesa de Trabajo y Diálogo Político de los Pueblos Indígenas de Argentina con el Estado Nacional. *ENDEPA*. endepa.org.ar/?p=1505

7 Grupo de Apoyo Jurídico por el Acceso a la Tierra. (2016, 24 February). Atentos al nuevo panorama del INAI: más preguntas que respuestas. *GAJAT*. www.gajat.org.ar/2016/02/atentos-al-nuevo-panorama-del-inai-mas-preguntas-que-respuestas

8 Censo 2014. Pueblos originarios en la ciudad de Rosario. www.rosario.gob.ar/ArchivosWeb/censo.pdf

adults, and provides children with dietary supplements such as milk. They also set up a telecentre with the technical assistance of Nodo TAU, an Association for Progressive Communications (APC) member and an organisation that works towards digital inclusion.⁹

After trying to set up a community wireless network that was not stable due to problems with the electricity in the centre and the range of the antenna, they paid a private company to install Wi-Fi. However, the company did not comply with the service agreement offered. Nowadays they are connected to a Wi-Fi connection provided by the local government. “They were asking for the street to be paved, but the government provided them with the Wi-Fi connection,” said Emma Fernández Peña, a Nodo TAU coordinator, ironically.

Fernández Peña worked in Qadhuoté from 2010 to 2014. The centre has eight computers used for capacity building for children, youth and adults. Capacity building includes the use of a word processor, spreadsheets, email and the internet, as well as the design of blogs and creating social network profiles. The workshops, run by Fernández Peña, use the popular education methodology of Paulo Freire, a Brazilian pedagogist, that has been used in grassroots organisations extensively. “We worked hard on our own projects. We always posed a final goal that goes beyond the workshop itself. We ask ourselves what we do, why we do what we do in the way we do it, what our individual goals and our community goals are, because we are in a community,” she said.

The workshops do not mix people who do not read or write with those who can. “Those who do not use the computer as a tool, who can’t recognise letters or form words, can easily be ashamed by those who do, and who work faster,” Fernández Peña explained. For her, the main achievement of the workshops is related to identity. “Much of what we achieved related to knowledge about ourselves, as a community. I say ‘we’ because I worked so long in the community that I feel part of the community and their political project. Building web pages gave us visibility. The internet allowed us to show ourselves to the rest of the community, not only in Rosario but also in Chaco. The leadership of Talero was also strengthened by this visibility.”

Students from different universities studying communications, history, arts and architecture and activists from political organisations started approaching Los Pumitas to develop project ideas in collaboration with the community. The community

defined a methodology to include the volunteers: the groups should work on projects already defined by the community; they should contribute their skills and specialisations, but their work should be organised in line with the needs and requirements of the community to guarantee continuity. Communications students, for example, helped develop the magazine *Miradas abiertas* (Open Glances),¹⁰ written in Spanish and in Qom, which is now published three times a year.

Fernández Peña said the community has been strengthened through these interventions: “We are in a time where belonging to an indigenous community is synonymous with being bad, dirty, lazy, drunk. There are things you can do and things that you cannot do. And every statement about indigenous people is made by outsiders. These ideas entered the community and defined their identity and aboriginal status for them – and they are culturally transmitted. People say Qoms are quiet, shy and slow-speaking. We do not want them saying that it is difficult for us to communicate. What happens is that we are ashamed because we do not understand the [Spanish] language. We are not ashamed to say what we think, but we are not understood because we speak another language. We can now say these things, after being able to use the internet, after making the magazine, among other things.”

Getting the community online

During the workshops run by Nodo TAU, people approached the telecentre to ask for help to complete procedures related to social security. “Today the government is a closed system. If we are outside that system, we are out of the information loop and can’t access the rights we have. We see it. So we struggle all the time for internet access,” Talero said. To access social security benefits, several procedures must be followed on a government website, where people are informed about whether or not their application has been accepted, and how to receive the payment (for example, by providing bank information). “There were people who waited more than a year after knowing their application was approved. They keep the paper in their pockets, hoping that someday someone will send them a letter or call them on the phone,” he said.

In 2013 Nodo TAU, together with the community, organised a workshop on the procedures necessary to request social security. “We asked people from the National Administration of Social Security to

¹⁰ Giménez, E. (2012, 3 August). Historias en lengua originaria. *enREDando*. www.enredando.org.ar/2012/08/03/revista-miradas-abiertas-de-los-pumitas

⁹ www.cunadelanoticia.com/wp-content/uploads/talero.mp3

teach us how to ask for an appointment, how to fill in forms both online and offline, how to submit the documentation. We started working with the leaders of the communities and other institutions,” explained Fernández Peña. Nodo TAU also did training in the community showing them how to access information from the different ministries through their websites: where they can find grants for indigenous people, calls for project proposals, information on the requirements for accessing benefits, as well as platforms where they can present their own projects. “For example, we looked at what the Ministry of Culture offered, what programmes it has, how to register the community, what documentation is required, what information we can download that will serve my community,” she said.

Nowadays the telecentre is open three days a week, but does not have proper coordination. The community is developing a project aimed at the capacity building of young people to help them work on the relationship between the community and the state. But there are no resources for that. They are trying to include this request in a national government project financed by the World Bank that is offering assistance to local social programmes aimed at children.¹¹

Political process and projects

On several occasions Talero mentioned the “process” they are following: “We want to offer a process of knowledge in which we simplify the issues for our brothers, because we are talking about rights that we deserve as indigenous people.” When asked about historical reparations, he said that this could concretely be achieved through the respect of rights such as bilingual and intercultural education, community health, and the respect of community ownership of the land. All of these, he says, still have some way to go: “Intercultural education, for example, is only a decree, not even a law. We have only two schools in Rosario for all the communities.” Talero highlighted the difficulties in obtaining resources to support the community. At times they are able to access resources at national level, but find it difficult to do the same with local authorities or other actors.

*Conectar Igualdad*¹² (Connect Equality) is a national programme that distributes computers to all secondary students, who are allowed to take them home. Fernández Peña said this created new challenges: “The computers became in a moment a source of power in the community. Who is going to control them? Would it be the school, the cultural

centre, the community? Due to social prejudices, even our intercultural schools said the computers should remain at school because in the homes [of the Qom community], where they are supposed to go, there is a risk they will be sold by the students’ families. Finally, and after a year of discussions, students were allowed to take the computers to their houses.” Fernández Peña said that this shows that even schools stigmatise indigenous communities.

The community also faced difficulties with their community radio project. They secured a radio frequency under the country’s media law. Having the antenna and other necessary equipment, they began to build the studio on the first floor of Qadhuoté, with the help of a group of architects from the local university.¹³ But now they have no resources to finish the studio. They need windows, doors and electricity. The former national government launched a three-year fund for the development of audiovisual media,¹⁴ with a particular emphasis on community projects run by indigenous people. However, the Los Pumitas community never knew about the fund so they did not apply. Now the fund is no longer available.

“Everything always costs us more and more,”¹⁵ said Talero. “We need a framework of sustainability provided by the state. The culture is here, in the territory, the language, our customs; we have shamans, healers, midwives in the community. We have all that. We want to work with the state and they have to give us sustainability. If they do not, what we propose cannot be done and cannot be seen. That is the issue.”

Conclusions

While the internet holds great promise for indigenous communities, this report also suggests how the internet can be a “disabler” of rights – largely because communities without access cannot benefit from the policies aimed at helping them when these benefits are delivered online. The internet, in this way, increases their social marginalisation, highlighting the importance of working towards their digital inclusion.

¹³ www.matericosweb.com

¹⁴ AMARC Argentina. (2016, 25 julio). Los medios comunitarios, alternativos y populares nos movilizamos al ENACOM. amarcargentina.org/2016/07/25/los-medios-comunitarios-alternativos-y-populares-nos-movilizamos-al-enacom

¹⁵ Ciarniello, M. C. (2013, 14 May). “Cuando el pueblo originario defiende su tierra tenemos en claro que corre sangre”. *EnREDando*. www.enredando.org.ar/2013/05/14/cuando-el-pueblo-originario-defiende-su-tierra-tenemos-en-claro-que-corre-sangre

¹¹ www.anses.gob.ar/prestacion/asignacion-universal-por-hijo-92

¹² www.conectarigualdad.gob.ar

Although the main duty bearer with regards to fulfilling the socioeconomic rights of indigenous communities is the state, other stakeholders, such as civil society and the private sector, also have a role to play. The media – which frequently reports on indigenous communities in a way that reinforces stereotypes – also has a role to play in making the needs and demands of these communities visible.

Los Pumitas is, however, on the path. They are offering the community Wi-Fi access to the internet through the telecentre, and secondary school children have computers to use through the *Conectar Igualdad* programme. As regards the use of internet, they identified the need for connecting to state services, but also mentioned uses related to their identity and online cultural content. In the cultural field, illiteracy and the conservation and diffusion of their culture are key challenges facing the community.

Our evaluation of the capacity-building workshops held at the telecentre shows that the community felt training was valuable. The evaluation stated that: “We can say that the internet has become an effective bridge to the outside world. The people we trained can pass their skills to others in the community. The sense of solidarity in the group’s work allowed the participants to gain confidence in themselves, believing in the real possibility of social integration.”

A good analogy can be found in a documentary called “Punto Qom” (Dot Qom, a play on .com). A powerful image in the documentary shows Talero standing on a bridge over the Bermejo River in Chaco. A fade-in of another shot is used, this time of him on a bridge over a small river near Los Pumitas in Rosario. “Our point of view today,” Talero said, “is the Punto Qom point of view.”

Action steps

The following action steps can be suggested for helping indigenous communities:

- Develop a campaign that highlights the need of communities to access the internet so that they can in turn access state benefits meant for them.
- Collect and document good practices from the region with regard to accessing and using the internet in intercultural contexts.
- Gather accurate statistical data on the extent to which indigenous communities have access to the internet. This should feed into policy and legislative frameworks that seek to advance the socioeconomic rights of these communities.
- Make the needs and demands of indigenous communities visible in policy and multistakeholder spaces nationally, regionally and globally, including the national and regional Internet Governance Forums.
- Develop materials to work on these issues through feedback provided by the communities.

Economic, social and cultural rights and the internet

The 45 country reports gathered here illustrate the link between the internet and economic, social and cultural rights (ESCRs). Some of the topics will be familiar to information and communications technology for development (ICT4D) activists: the right to health, education and culture; the socioeconomic empowerment of women using the internet; the inclusion of rural and indigenous communities in the information society; and the use of ICT to combat the marginalisation of local languages. Others deal with relatively new areas of exploration, such as using 3D printing technology to preserve cultural heritage, creating participatory community networks to capture an “inventory of things” that enables socioeconomic rights, crowdfunding rights, or the negative impact of algorithms on calculating social benefits. Workers’ rights receive some attention, as does the use of the internet during natural disasters.

Ten thematic reports frame the country reports. These deal both with overarching concerns when it comes to ESCRs and the internet – such as institutional frameworks and policy considerations – as well as more specific issues that impact on our rights: the legal justification for online education resources, the plight of migrant domestic workers, the use of digital databases to protect traditional knowledge from biopiracy, digital archiving, and the impact of multilateral trade deals on the international human rights framework.

The reports highlight the institutional and country-level possibilities and challenges that civil society faces in using the internet to enable ESCRs. They also suggest that in a number of instances, individuals, groups and communities are using the internet to enact their socioeconomic and cultural rights in the face of disinterest, inaction or censure by the state.

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