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Executive summary

The ILO has been working with indigenous peoples since the 1920s. The ILO's Indigenous and Tribal Peoples Convention, 1989 (No. 169), has been ratified by 17 countries and is internationally recognized as the foremost instrument on the subject. The ILO's work in the field of indigenous and tribal peoples falls into two categories: supervision of relevant ILO Conventions; and technical co-operation. This includes ILO projects and programmes that address indigenous and tribal peoples both directly and indirectly.

This document provides a summary of the most notable developments concerning technical co-operation within the past year, in response to Recommendation Nos. 5(a), 116 and 35 of the Permanent Forum at its second session (2003).

PART 1: RESPONSE TO PFII RECOMMENDATIONS 116 AND 35

(DECLARATION)

INTRODUCTION

1. As of February 2004, the ILO's Indigenous and Tribal Peoples Convention, 1989 (No. 169), had been ratified by 17 countries. A number of other ILO instruments are of relevance to indigenous and tribal peoples. These include, but are not limited to: the Forced Labour Convention, 1930 (No.29); the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Worst Forms of Child Labour Convention, 1999 (No. 182); and the Declaration on Fundamental Principles and Rights at Work. Many ILO technical co-operation projects and programmes also address issues pertaining to indigenous and tribal peoples. The ILO's work in the specific field of indigenous and tribal peoples falls into two categories:

- Supervision of Conventions Nos. 107 and 169
- Technical Co-operation

2. Since November 2003, the ILO's new website on issues pertaining to indigenous and tribal peoples, has been accessible at: www.ilo.org/public/english/indigenous.

I. TECHNICAL CO-OPERATION

3. The following is a summary of the main ILO technical co-operation activities of relevance to indigenous and tribal peoples that have been undertaken during the past year.

Equality and Employment Branch

4. A national workshop on ILO Convention No. 169 was organized by the Suriname Ministry of Labour, Technological Development and Environment; the Equality and Employment Branch of the ILO; and the ILO's Sub-regional Office for the Caribbean in Port of Spain. The workshop took place in Suriname in October 2003. Its aims were to initiate discussions on the Convention, clarify its provisions, and exchange information on the current situation and legal and policy framework for indigenous and tribal peoples in Suriname. It is being followed up with continuing support for informal dialogue.

The Project to Promote ILO Policy on Indigenous and Tribal Peoples

5. The Project to Promote ILO Policy on Indigenous and Tribal Peoples, works at the policy level. It promotes the application of the principles of Convention No. 169 and provides assistance in the development of policies and legislation that address the particular needs of indigenous peoples. The Project began in 1996, and is financed by DANIDA. It is based in the Equality and Employment Branch of the ILO. The principal geographical focus of the project is on Africa, and South and South-East Asia. The following is a summary of the Project's main activities during the past 12 months. For further information or documentation on any of the Project's activities, please consult the ILO's website on indigenous issues at www.ilo.org/public/english/indigenous. The website went online in November 2003, and contains links to all ILO projects and programmes that are of direct relevance to indigenous and tribal peoples.

Asia

6. At the invitation of the Royal Government of **Cambodia**, the Project attended a seminar on indigenous peoples and decentralization, sponsored by the Administrative Reform Council and the Council of Ministers of the Royal Government of Cambodia, German Co-operation (GTZ) and UNESCO, in November 2003. The Project is currently developing modalities to support the continuing work of the Inter-Ministerial Committee on Highland Peoples' Development of the Royal Government of Cambodia.

7. In **India**, a study on national policies concerning Adivasis is currently underway, and follow-up, including a national tripartite meeting, will take place during 2004.

8. In the **Philippines**, a one-year research project has just been completed. This analysed the legal framework for the protection of indigenous peoples' rights in the Philippines and its implementation. Recommendations from this study will be followed-up in 2004.

9. In **Nepal**, ILO organised a seminar with NEFEN (Nepal Federation of Indigenous Nationalities) as well as with traditional tripartite partners- government, employers and trade unions concerning the promotion of Convention No. 169. The seminar recommended that the Government ratify Convention No. 169 in order to promote and address Nepalese indigenous peoples' issues. A possible role for the Convention in resolving the ongoing conflict was also discussed. The seminar recommended the ILO to continue supporting and facilitating the promotion of C.169, with NEFEN playing a key role in promoting the convention at the national and international level. Women's participation at all levels was highlighted. LAHURNIP (Lawyers Association for Human rights of Nepal's indigenous peoples), in collaboration with ILO, is conducting a study on the compatibility of C.169 with national legislation and the rationale behind ratification in the context of Nepal.

Africa

10. In **Cameroon**, a national study is underway, on the legal framework for the protection of the rights of indigenous and tribal peoples. Three provincial consultations with the main indigenous/tribal groups have taken place as an integral component of this study, in order to assess the impact of national policies at the local and provincial levels. The study will be discussed in a national seminar, where possibilities for follow-up will also be outlined.

11. In the **Democratic Republic of Congo**, the Project is working in collaboration with the Centre International de Defense des Droits des Batwa, to undertake a project to sensitize and train Batwa communities on ILO Convention No. 169. To this end, a booklet depicting the principal themes of the Convention in cartoon form has been produced. This is aimed at communities with low literacy levels who would otherwise be unable to use written education materials concerning human rights.

12. In **Kenya**, work has continued to support the participation of pastoralists and hunter-gatherers in the Constitution review process, which is still ongoing. Activities of the last 12 months have included a workshop for indigenous peoples on gender issues, aimed at increasing the participation of women in the ongoing process; and several other activities to support the Pastoralists and Hunter Gatherers Network established with the assistance of the Project in 2001.

13. In **Morocco**, a National Seminar on the Human Rights of Indigenous and Tribal Peoples, with specific reference to ILO Convention No. 169, was held in October 2003. The seminar was organized and implemented by Association TAMAYNUT, and the Project. The objectives of the seminar were to discuss issues of major importance to the indigenous and tribal peoples of Morocco, including UN and national processes of relevance, as well as to train participants on ILO Convention No. 169 and the ILO's supervisory mechanisms. The seminar was attended by Amazigh representatives from all over Morocco, representatives of the Moroccan

Ministry of Human Rights, the Royal Institute for Amazigh Culture, the Office of the United Nations High Commissioner for Human Rights, the Permanent Forum on Indigenous Issues, and a number of NGOs.

Latin America

14. In **Argentina**, the Project is supporting an initiative aimed at the promotion of Convention 169, in collaboration the University of Buenos Aires and ACCESOS.

Fellowship Programme

15. The Project's first fellowship programme for indigenous and tribal peoples was implemented between July and September 2003. Four fellows from Burkina Faso, Democratic Republic of Congo, Guatemala and Nepal took part in the programme. As a follow-up to the fellowship programme, the fellows are currently undertaking 6-month projects to put into practice what they learned from participating in the fellowship. These projects include: translation and dissemination of C169 in indigenous languages (Burkina Faso and Mali); a study and national workshop on the compatibility of Convention No. 169 with national legislation (Nepal); and a media project to sensitize indigenous/tribal peoples on their rights (DR Congo). A report of the programme, including details of fellows' individual projects, will be available in May 2004.

16. Details and application information for the 2004 ILO Fellowship Programme for Indigenous and Tribal Peoples are available on the website cited above.

The ILO-INDISCO Programme

17. The Interregional Programme to Support Self-Reliance of Indigenous and Tribal Peoples through Cooperatives and Self-Help Organizations (INDISCO) was launched in 1993 under a DANIDA/ILO Framework Agreement. The objective of the programme is to contribute to the improvement of the socio-economic conditions of indigenous and tribal peoples through demonstrative pilot projects and dissemination of best practices for policy improvement. Various projects and activities are funded by donors such as DANIDA, the Netherlands, CIDA, AGFUND, UNDP, UNV, WFP, Rabobank, the Philippine International Association, AUSAID, GTZ and INWENT.

Asia

18. All INDISCO initiatives are in keeping with national priorities and in consultation with all stakeholders. The INDISCO National Advisory Committee (INAC) provides a platform to bring grassroots experiences to the notice of all stakeholders, comprising tribal representatives, Government, NGOs/implementing

agencies, cooperative organizations, experts on tribals and development and interested employers and workers unions. Following 5 pilot projects in **India**, INDISCO has an expanded project in Orissa aimed at contributing to the socio-economic empowerment of tribal people through a cluster level approach to job creation, and strengthening of tribal organizations. The continuation of this project is currently being discussed with interested donors. The INDISCO study on the Bondo Highlanders has been finalised and published jointly with the Ministry of Tribal Affairs. Follow-up will be made in 2004. The INDISCO study on tribal cooperatives has been finalised and discussed during a national workshop.

19. With funding from UNDP, an SPPD project aimed at supporting the full implementation of the Indigenous Peoples Rights Act (IPRA) in the **Philippines**, has been carried out in partnership with the National Commission on Indigenous Peoples (NCIP). Case studies on best practices by indigenous peoples and on the resolution of issues concerning the rights of the indigenous peoples were also undertaken. The results of these activities are now being used as inputs by the NCIP in the formulation of its medium-term action programme and financial plan. A pilot project initiative aimed at testing indigenous-driven education approached against child labour is currently being carried out in the Philippines jointly with the ILO's InFocus Programme on Child Labour (IPEC).

20. In **Indonesia**, a survey on the livelihoods of indigenous and tribal peoples in West Papua is being prepared. The aim of the survey will be to develop a poverty reduction framework for West Papua together with a broad range of stakeholders. Within this framework, INDISCO will promote its community-driven participatory approach to indigenous and tribal peoples' development.

21. In the **Mekong Region**, three surveys on the employment creation potential of cooperatives and self-help organizations among ethnic minorities are being finalised and prepared for discussion with stakeholders in the region. The aim of this initiative is to develop community-based technical cooperation together with a broad range of stakeholders.

Africa

22. Baka communities in **Cameroon** have been supported to establish their own self-help organization, and a project, with funding from ILO's Jobs for Africa programme, is being implemented with the Pygmies. Preparations are being made to expand the ongoing project.

23. In **Tanzania**, INDISCO activities continue to support Maasai communities to develop and strengthen their own self-help organizations. Funding is being sought for an initiative that aims at creating a cooperative community center for urban-based

Maasai people to strengthen their participation, promote sustainable livelihoods and income generation, and to improve dialogue and partnership with government and the tourism industry.

International Programme on the Elimination of Child Labour (IPEC)

24. IPEC and the Equality and Employment Branch (EGALITE) collaborated closely to ensure ILO contribution and presence at the international meetings on the subject of indigenous children, such as: the Permanent Forum on Indigenous Issues in May 2003 (New York); and the UN Committee on the Rights of the Child (CRC) general discussion day in September 2003 (Geneva). Child labour is in fact an issue not often focused on by actors concerned with indigenous peoples, and ILO's presence greatly contributed to shedding new light on this particular aspect of indigenous children's rights. See section III for more information.

25. In addition, the working paper (IPEC/INDISCO) on "Indigenous and tribal children: Assessing child labour and education challenges" was published in June 2003. This is available at:

<http://www.ilo.org/public/english/standards/ipec/publ/education/indigenous.htm>

26. There are several technical cooperation activities being undertaken around the world, that seek to counteract the social exclusion mechanisms that push indigenous children out of school and pull them into the worst forms of child labour, including child trafficking.

27. IPEC is strengthening its work agenda to address the needs of indigenous and tribal children. Ongoing technical cooperation activities in various countries address their needs. These include trafficking in the Mekong region, bonded labour in Nepal and bilingual education in Latin America.

28. IPEC and the Community Action Centre- Nepal have conducted a study on internal trafficking among children engaged in prostitution (South Asia). This study documented that out of the total sample of commercial sex workers, 43% belong to hill ethnic groups (Gurung, Magar, Rai, Limbu, Tamang, Lama and Sherpa) as compared to Chhetri (33%) and Brahmins (9.8%). This supports the widespread perception that indigenous and tribal peoples are more vulnerable to different forms of exploitation, including sex work and trafficking.

29. IPEC also contributed substantially to the ILO's paper on data collection and disaggregation concerning indigenous and tribal peoples, for the workshop on data collection and disaggregation, organized under the auspices of the Permanent Forum on Indigenous Issues in January 2004 (see www.ilo.org/public/english/indigenous for further details).

30. Many ILO-sponsored child labour surveys include a question on “Ethnic group”. A number of child labour surveys include an “Ethnic group” parameter (Belize 2000, Costa Rica 2002, Honsuras 2002, and others). All these data are available on the SIMPOC web site:
(<http://www.ilo.org/public/english/standards/ipec/simpoc/index.htm>)

Legal empowerment of indigenous peoples in Central America Project (now completed)

31. Some of the legal teams trained by the project filed court cases on behalf of indigenous peoples/communities. For example, in Panama and Costa Rica, court decisions are awaited. These cases concern the defence of indigenous lands in respect of the construction of the Tabasará 2 Hydroelectric Project, and the delimitation, and transfer and registration of the indigenous territories of Boruca and Terraba respectively.

32. Other teams opted for a strategy of negotiation. For example, the legal team in Guatemala has been working to defend the community forests of Totonicapán, and the legal team of Costa Rica for the approval of the Act for the autonomous development of indigenous peoples.

33. A successful litigation case has been concluded, supported by the project. This concerns the recourse of “Amparo” presented by the group of communities affected by petroleum concessions on the Caribbean coast of Costa Rica. The Constitutional Court of Costa Rica, in its decision No. 2000-08019 of 8th September 2000, declared null and void the concession to MKL Exploration Inc. (Resolution R-702 of the Ministry of Energy and the Environment), and asked the Government to consult with the indigenous peoples affected in an appropriate manner, in accordance with Convention No. 169. Furthermore, it asked the State to provide compensation for damages.

II. INTER-AGENCY COLLABORATION

34. The ILO has been actively involved in continuing inter-agency support to the **Permanent Forum on Indigenous Issues**. This has included a substantial ILO contribution to the January 2004 workshop on data collection and disaggregation and indigenous peoples (see the ILO’s contribution at www.ilo.org/public/english/indigenous), as well as other contributions to the meeting of the Forum in 2003. Other examples of inter-agency collaboration have been within the context of country and regional activities, which are outlined above, in summaries of individual projects and programmes.

35. EGALITE and IPEC made an active contribution to the **Committee on the Rights of the Child (CRC)** discussion day on the rights of indigenous children in September 2003. The full text of the ILO's written contribution can be found at: http://www.ilo.org/public/english/standards/ipec/publ/download/edu_crc_19092003.pdf

36. In 2003, the ILO initiated a **Fellowship Programme** for Indigenous and Tribal Peoples. Direct collaboration with the Indigenous Fellowship Programme of the Office of the High Commissioner for Human Rights continued in parallel to the ILO programme. Both groups of fellows attended joint training and briefing sessions, as well as engaging in joint work assignments and information exchanges.

PART 2: RESPONSE TO PFII RECOMMENDATIONS 5(A), AND 35 (IPEC ACTIVITIES)

III. CHILD LABOUR, EDUCATION AND INDIGENOUS CHILDREN

37. In many cases, working children belong to the strata of society most discriminated against in terms of ethnicity and culture. Indigenous children thus constitute a typical example of "children at special risk" of worst forms of child labour, which ILO Convention No.182 obliges governments to identify and reach out to (Article 7(2)(c)). Given the importance of free and good quality education in the elimination of child labour, many of the technical cooperation projects supported by the ILO International Programme on the Elimination of Child Labour (IPEC) touch upon the child labour situations of indigenous children and their education as measures of either prevention or reintegration. Even where the projects do not exclusively aim at indigenous children, many of them on specific issues such as child trafficking, or child domestic labour, as well as statistical surveys and researches on child labour, and especially its worst forms, do cover indigenous children, who are one of the most vulnerable groups of all.

38. More specifically on the education of indigenous children, IPEC is working with the INDISCO programme to understand better how these exclusion mechanisms affect the education of indigenous and tribal peoples. IPEC is making efforts to mainstream and integrate the concerns of these children into national development frameworks including the PRSP, EFA and MDGs in general.

IPEC-INDISCO collaboration: The challenges of education and child labour among indigenous and tribal children

39. IPEC and INDISCO are jointly working to mobilize indigenous organizations and communities against child labour through indigenous-driven education in the Mindanao region in the Philippines. This initiative seeks to test and strengthen innovative approaches through teacher training, curriculum development, skills

training, policy development and other mechanisms for increasing access and quality of education for indigenous children. Strong links are being made between this pilot project and the national TBP to eliminate the worst forms of child labour. This activity is based on the findings of the joint IPEC/INDISCO working paper "Indigenous and tribal children: assessing child labour and education challenges".

40. Based on a global review of existing evidence and documentation, indigenous and tribal children are identified as a particular risk group in terms of child labour and school drop-out. The paper describes common forms of social exclusion such as discrimination and cultural marginalization. To overcome these, the paper argues for a rights-based approach, which emphasizes the right of indigenous and tribal peoples to determine appropriate development and education solutions. A number of project and policy approaches are evaluated followed by a list of recommendations for action. The provision of quality education based on indigenous priorities is highlighted as a principal strategy.

New initiatives by IPEC

41. The following are good practice pilot initiatives by IPEC, which are being supported, documented and disseminated to promote replication and influence policy:

"Teacher's training proposal among indigenous communities on the border areas of Chile and Bolivia"

42. The Colegio de Profesores (College of Teachers) carried out a programme to mobilize and build capacity of teachers to address child labour problems among children of ethnic minorities in Chile. Teachers from communities of ethnic minorities (in the I and the IX Region of Chile) took part in a participatory assessment of the problem and designed strategies to sensitize and train teachers in order to enhance the integration and retention of minority children in school. A video and teachers' training materials were produced and have contributed to a successful awareness raising campaign which has reached hundreds of teachers already working in schools where ethnic minority children abound, hundreds of rural communities and teachers' training institutes, nearly a thousand parents' associations, community leaders and education authorities and various ministries. Apart from training sessions, two regional seminars were organized subsequently where teachers shared their experience in this program.

"Preventing and combating the trafficking of ethnic minority girls through education in Yunnan Province, China" by the Yunnan Provincial Education Department in coordination with the China Women's Federation"

43. In Yunnan Province, China, the Education Bureaus of four counties are carrying out a programme to improve access to middle school education for ethnic minority girls in remote mountainous areas in order to reduce their risk of being trafficked.

Eight-hundred at-risk girls are getting the chance to study in 20 "Spring Bud" schools, where they receive middle school education strengthened with curricula adapted to their needs: study of indigenous culture in their native language; awareness about trafficking, gender equality, HIV/AIDS, public health, etc.; life skills and traditional livelihood strategies; and labour market-oriented skills training and apprenticeship, career counselling. The teachers and principals in the "Spring Bud" schools are trained to use the adapted curriculum and are sensitized on the needs of these ethnic minority girls. The girls are encouraged to return to their villages to promote awareness about education and the risks of trafficking. Good practices resulted from this program are being documented, and in order to encourage their replication in other parts of Yunnan and China, written and audio-visual materials are produced to help share and promote such successful experience.

Peru: Research For Analysis of Child Labour Among Indigenous Amazonian People with A Gender Perspective

44. Research is being carried out in Peru for the analysis of child labour occurrences and practices among indigenous Amazon people from a gender perspective.

45. The research team is the organization "Centro Amazónico de Aplicación Práctica" (Amazon Centre Practical Application), which has expertise in indigenous communities. The development objective aims to generate knowledge on the protective factors and risk factors regarding child labour in indigenous Amazon people from a gender perspective. The research analyzes indigenous communities of Ashaninka (Junin region), Shipibo (Ucayali region), Cocoma (Loreto region) and Aguaruna (Amazonas region) people. In all communities the research consists of collecting information about activities by boys and girls; knowledge, capacities and attitudes of boys and girls, women and men; consequences of activities done by child; and social and cultural factors of the communities to identify a gender strategy to eradicate child labour. The results of this study will become available in the course of 2004.

PART 3: INDIGENOUS AND TRIBAL PEOPLES AND GENDER QUESTIONS

IV. The ILO, indigenous and tribal peoples and gender

46. Gender, along with development, is a **cross-cutting issue** in all ILO programmes and activities. The goal of mainstreaming gender equality is the transformation of unequal social and institutional structures into equal and just structures for both men and women. This may involve developing or acquiring gender-sensitive data, development tools and indicators, and methodologies for analysis to ensure that gender concerns are incorporated into planning, programming, implementation, monitoring and evaluation of ILO projects and programmes. Most of this paper

refers not only to indigenous women, but to gender in the wider sense, as the issues raised are applicable to both men and women.

47. The ILO's fourth Global report under the *Declaration on Fundamental Principles and Rights at Work - Time for Equality at Work* - addressed issues of discrimination in employment and occupation. It recognized that:

“The employment status of men and that of women display different features. Men are more likely to be in core or regular and better remunerated positions, whereas women are often in peripheral, insecure, less-valued positions.”

48. The Global Report also recognizes that gender is not the only characteristic that leads to discrimination against women.

“The disadvantages or deprivations that women experience because of their gender cannot be separated from the disadvantages, stemming from other personal attributes and identities related to their religion, race or national extraction. The interplay of identities results in experiences of exclusion and disadvantage that are unique to those with multiple identities.”

49. Indigenous women undoubtedly have multiple identities, and are often doubly or even triply disadvantaged, on account of their gender, their belonging to an indigenous people, and often because they also are among the poorest of the poor in the countries in which they reside.

50. Like indigenous peoples in general, indigenous women face discrimination in almost every aspect of their everyday lives.

51. The ILO's Indigenous and Tribal Peoples Convention, 1989 (No. 169) is a comprehensive instrument addressing a wide range of issues of relevance to indigenous and tribal peoples (including indigenous and tribal women), including, *inter alia*, land rights, cultural rights, employment, vocational training, health and social security, and education. The ILO also has several projects and programmes that aim to promote this Convention. A number of ILO projects and programmes that do not take indigenous and tribal peoples as their specific focus also address issues of relevance to indigenous and tribal peoples and to indigenous and tribal women and girls.

V. ILO TOOLS TO ADDRESS INDIGENOUS AND TRIBAL WOMEN: A RIGHTS-BASED APPROACH TO PROTECTING THE RIGHTS OF INDIGENOUS AND TRIBAL WOMEN

Provisions of ILO Convention No. 169 of relevance to indigenous and tribal women

52. The aim of ILO Convention No. 169 as a whole is to protect the social, economic and cultural rights of indigenous and tribal peoples, with respect for their social and cultural identities, customs and traditions, and their institutions. It also aims to ensure that these peoples benefit on an equal footing from the rights and opportunities that national laws and regulations grant to other members of the population; and that socio-economic gaps between indigenous and other members of the national community are eliminated.

53. Convention No. 169 applies to all members of indigenous and tribal peoples' societies, including women, without distinction, as is indicated specifically in Article 3.1 of the Convention:

“...The provisions of the Convention shall be applied without discrimination to male and female members of indigenous and tribal peoples.”

54. Article 8(2) also contains a provision of particular interest to indigenous and tribal women:

“these peoples shall have the right to retain their own customs and institutions, where these are not incompatible with fundamental rights defined by the national legal system, and with internationally recognized human rights. Procedures shall be established, whenever necessary, to resolve conflicts which may arise in the application of this principle.”

55. This was included in the Convention in part to ensure that cultural practices would not prevent members of these peoples from exercising their fundamental human rights.

56. As women constitute an integral part of indigenous and tribal peoples' societies, they are protected by the Convention in its entirety. However, due to the multiplicity of disadvantages indigenous and tribal women experience particularly in employment – as women, and as indigenous or tribal persons – the Convention also contains a specific provision with regard to work. Article 20 stipulates that governments shall adopt special measures to ensure the effective protection with regard to recruitment and conditions of employment of workers belonging to indigenous and tribal peoples. Among these measures shall include measures to ensure that workers belonging to indigenous and tribal peoples enjoy equal

opportunities and equal treatment in employment for men and women, and protection from sexual harassment.

57. The ILO's Committee of Experts on the Application of Conventions and Recommendations (CEACR) has made observations specifically on indigenous women under ILO Convention No. 107 (the older Convention revised by Convention No. 169, still in force for some countries that have not yet ratified Convention No. 169), including on alleged practices of "inhuman working conditions" of adivasis and tribals (mostly women) in Gujarat, India, and diseases and death caused by infection, and forced prostitution of Indian women in Brazil. The occasion to make similar comments under Convention No. 169 has not yet arisen, but it can be expected that the Committee of Experts will take full advantage of that Convention's stronger protections when the time comes.

Discrimination in employment and occupation

58. One of the ILO's four categories of basic principles and rights, as outlined in the ILO's *Declaration on Fundamental Principles and Rights at Work*, is the elimination of discrimination in respect of employment and occupation. The Declaration's priorities are based on the *Discrimination (Employment and Occupation) Convention, 1958 (No. 111)*, ratified so far by 159 states, which prohibits discrimination on the grounds of race, colour, sex, religion, political opinion, national extraction and social origin, among others. By virtue of being indigenous or tribal, and women, indigenous and tribal women face multiple discrimination in respect of employment and occupation, and are often specifically referred to by the ILO's supervisory bodies. In its examination of Convention No. 111, the CEACR has made observations, for instance, on the adverse situation of indigenous women and the lower rate of participation of these women as compared to non-indigenous women in the labour force in Australia; provisions for equality in employment (including aboriginal people and women) in Canada; the prevention of discrimination on the grounds of, *inter alia*, race, sex, and belonging to indigenous peoples in Guyana; as well as on other information of relevance to indigenous women.

Child labour

59. Another of the ILO's four categories of basic principles and rights is the elimination of child labour. There are two fundamental Conventions on this subject, both of which come into play here. The **Minimum Age Convention, 1973 (No. 138)**, with over 130 ratifications, sets out the basic ILO policy on access to employment and work for children, and ILO research indicates that a large proportion of the world's 250 million working children are indigenous.

60. The **Worst Forms of Child Labour Convention, 1999 (No.182)**, which has achieved the fastest rate of ratifications in ILO history (147 States to date), addresses

forms of work such as slavery and bonded labour, trafficking, involvement in prostitution and pornography, and highly dangerous work. It demands the immediate release of children from these forms of labour. Children from indigenous and tribal peoples are highly at risk of these abuses, and require special protection. Article 7(e) of this Convention requires that Members take account of the special situation of girls.

VI. ILO TECHNICAL ASSISTANCE CONCERNING INDIGENOUS AND TRIBAL WOMEN

61. This section highlights selective activities, or findings from ILO technical co-operation and research concerning indigenous and tribal women. These have been grouped into a number of categories for ease of reference, but most of these categories are not mutually exclusive.

Ethnicity, gender and poverty

62. The **In-focus Programme to Promote the ILO Declaration on Fundamental Principles and Rights at Work (DECLARATION)**, in collaboration with the ILO Office in San José, Costa Rica, commissioned a paper measuring the gender and ethnic inequalities in the labour market of Guatemala in November 2003. The paper is based on data of ENCOVI 2000 (Guatemalan household survey) which covers both urban and rural households, as well as the eight regions into which the country is administratively divided. For the first time, the household survey asked for the ethnic affiliation of respondents. The findings confirm, *inter alia*, the link between ethnicity and poverty. Sixty-four percent of indigenous households were found to be below the poverty line, with 20% in extreme or indigent poverty. This was in comparison to 32% of non-indigenous households (with 5% in extreme or indigent poverty). These results also show that the incidence of poverty is greater among male-headed households than female-headed households, both in the case of indigenous and non-indigenous heads of households; and that there is serious gender and ethnic discrimination in remuneration.

63. **INDISCO** project activities among tribal peoples in **India** have shown that the empowerment of tribal women has had a significant impact on poverty. Family incomes have risen by almost 50 % in three years and there has been a considerable strengthening of the tribal women's self-reliance and self-management.

Gender, forced and child labour, and trafficking

64. Under the gender-mainstreaming initiative of the ILO's **International Programme on the Elimination of Child Labour (IPEC)**, qualitative research on *gender dimensions of indigenous child labour* is currently being carried out in several

indigenous communities in Peru, in order to identify sex-based differences in tasks, hours of work and roles assigned to boys and girls. As part of the Gender component of the UK Department for International Development (DfID) networking, IPEC is following up on a study entitled *Consultancy to elaborate an analysis of child labour among Amazonian indigenous populations with an intercultural and gender perspective*. The overall objective of this work is to develop knowledge of the protection and risk factors with respect to child labour amongst Amazonian indigenous populations, and the specific objectives include: identifying strategies focussing on gender that contribute to the fight against child labour among indigenous peoples; evaluating socio-cultural and economic factors that determine the use of time of indigenous children; and identifying strategies to combat child labour amongst indigenous children, focussing on gender. Some preliminary conclusions are extremely revealing:

- Girls in particular are in a situation of vulnerability as they tend to undertake domestic work, with the risk of sexual abuse and cultural discrimination.
- Girls in particular are engaged in the sex industry (prostitution) and dangerous work, in restaurants and bars.
- Both girls and boys begin to work at home very early, with the family and in “chacra” work (family work in the fields). Some of this work includes caring for babies. This is particularly difficult for young girls due to the responsibility of caring for others. Girls therefore have less leisure time than boys.

65. Furthermore, **IPEC** has undertaken several projects that have an impact directly on indigenous peoples, with a special focus on gender. The two projects given as examples below have both been identified as good practices in gender mainstreaming, within the framework of an overall IPEC effort at gender mainstreaming in all its activities. These two projects are as follows:

- *Trafficking in Women and Children Project*. This project began in 1997, and began its second phase in 2003. It covers Cambodia, the Lao People’s Democratic Republic, Thailand, Vietnam, and the Yunnan Province in China. The project aims to reduce trafficking in children and women within the **Greater Mekong Sub-region**. The project, which addresses several ethnic minority groups in the region, aims to give girls, women and other marginalized people a voice through an emphasis on participatory development (a vital component of gender mainstreaming); awareness-raising regarding the status of women and girls; and an integrated gender component. One outcome of the project has been greater activism and commitment, and the enhancement of national capacities to address the issue of trafficking in women and children.
- *Project on the Progressive Elimination of Child Labour in the Coffee Industry in Guatemala*. This project is undertaken by the ILO-IPEC Hazardous Child Labour in Agriculture Unit. A high percentage of indigenous peoples inhabit the coffee-growing areas, and women are often discriminated against legally and

traditionally. Here, a gender equality awareness-raising exercise in 22 communities was key to the success of the project. In an attempt to challenge the patriarchal nature of these communities, the gender inequalities were highlighted. The ultimate goal of these exercises was the acceptance of the participation of women in project-related committees and other participatory activities.

- In **Nepal**, a study by ILO-IPEC and Community Action Centre- Nepal, on Internal trafficking among children engaged in prostitution, documented that out of the total sample of commercial sex workers, 43% belong to hill ethnic groups (Gurung, Magar, Rai, Limbu, Tamang, Lama and Sherpa) as compared to Chhetri (33%) and Brahmins (9.8%). Thus confirming the perception that ITPs are more vulnerable to different forms of exploitation, including sex work and trafficking.

Gender and decision-making

66. The **Project to Promote ILO Policy in Indigenous and Tribal Peoples (ITP Project)** has a special concern for consultation with, and participation of indigenous and tribal peoples in all its activities. This is of utmost consequence for the formulation of policies and legislation that accurately reflect the needs of indigenous and tribal peoples, and that are culturally appropriate. In this respect, the Project has also sought to encourage the participation of women in the decision-making processes that are an integral aspect of the projects undertaken. In many instances, women have been conspicuously absent from decision-making processes, are reluctant to express their views within the context of workshops and other project activities, or their views are not readily taken into account by male decision-makers. The ITP Project has sought to address this in a number of ways. In some instances, the lack of participation by women in decision-making processes has necessitated project activities (within the framework of national projects) that are specifically directed at mainstreaming gender concerns into projects that concern indigenous and tribal peoples. In **Kenya**, the lack of active participation of women in project activities, despite their presence at these workshops, prompted special attention. In collaboration with a Maasai Women's organization, a gender sensitisation workshop was implemented in 2003. It preceded a national consultative forum in which indigenous representatives from all over Kenya were present. The gender sensitisation workshop was held to ensure that the voices and concerns of indigenous women (who are discriminated against by virtue of their being indigenous, being women, and often because they are also poor) are not forgotten or lost in the overall discussions of the rights of indigenous peoples. Indigenous peoples are not homogeneous societies, and care was taken to ensure that the women and men present at the workshop were able to discuss the issues of concern to them. Women participants were also given special

training on the issues of relevance to them, ensuring mutual understanding of problems, and facilitating a better mutual understanding.

67. The **INDISCO** project initiative among tribal peoples in Orissa, **India**, has improved gender equality through constant sensitization on gender-related issues and women's training in self-help management. Women leaders have managed to mobilize community action and participation through the strengthening of their *mahila mandals* (women's groups). They have been able to manage the savings and credit activities in the villages and have become equal partners in decision-making processes at the village level, not only restricted to household issues. This empowerment has helped boost the morale and self-esteem of the tribal women, who now actively engage in village decision-making and constitute up to 70 % of the executive committees of self-supporting cooperative societies. Similar achievements have been made in the remote Latehar district of Jharkhand in India where, after 3 years of project implementation, women from 664 households emerged as confident, empowered partners in the socio-economic and decision-making process. In spite of this internal empowerment, tribal women still face vast discrimination from the surrounding society in decision-making processes outside their villages.

68. INDISCO facilitative support in the **Philippines** has improved the capacity of Baguio City indigenous women to assert their rights. Indigenous women leaders have engaged in dialogue with the city mayor and have begun negotiating with the Department of Social Welfare and Development. In some communities, women have gained greater decision-making power due to their year-round work as compared to their husbands who are usually seasonal labourers.

69. Considerable improvement in indigenous women's decision-making power has been achieved even outside their own communities through the support of INDISCO among the indigenous women in Bakun, the **Philippines**. Women leaders have entered into the highest policy and decision-making body of their communities, and women have achieved a growing influence in local government legislative bodies, where they successfully lobby to change policies and legislation for their own benefit.

70. Stronger decision-making power at the village level has also been achieved by the Maasai women of INDISCO-supported communities in **Tanzania**. As a result of gender-specific focus and empowerment, the women have been trained to manage the cattle dips that are used by the Maasai communities to disinfect their cattle from diseases. The indigenous women fully manage and control the functioning of the dip as a form of cooperative.

71. An ILO-INDISCO supported situational analysis on Bondo highlanders in Orissa has laid the groundwork for future interventions. It revealed that although Bondo women take an active part in household decision-making and market transactions, without mediation of men, in wider village affairs, women's participation is minimal.

Recommendations cited equal participation of women in representative institutions and decision making bodies as an integral in ensuring Bondo respond positively to development initiatives aimed at freeing themselves from bondage and progressing towards free enterprise on their own terms.

Gender and sustainable natural resource management

72. The **INDISCO** project in Orissa, **India**, implemented by the local partner organization Social Science and Development Research Institute (SSADRI), has managed to organize about 1,700 women from 604 households into self-help groups and cooperatives engaged in utilizing the abundantly available natural resources, such as *sabai* grass for rope-making and *sal* leaves for cup/plate pressing with simple mechanization and training, *tasar* silk worm rearing and reeling, tailoring, etc. As a result, the average household income has more than doubled largely due to the “value addition” created by the tribal women. Similar skills development activities have taken place in the Philippines, where INDISCO has supported indigenous women with organizational management training and sustainable natural resource management.

73. With the support of INDISCO and within the framework of the Indigenous Peoples Rights Act (IPRA) in the **Philippines**, indigenous women of Bakun have strengthened their role in ancestral domain management.

74. The INDISCO Programme, in collaboration with the ILO’s **In-focus Programme on Crisis Response and Reconstruction** undertook a study on Coping strategies and early warning systems of tribal people in India in the face of natural disasters. Some of the findings were as follows:

- there exists no gender disaggregated information on the role of women in coping strategies and early warning systems.
- There is a need for research on the differential impacts of natural disasters on indigenous women in India. While studies have been done highlighting the increased vulnerability of indigenous and tribal peoples in natural disasters, few focus on gender dimensions.

Gender and occupation

75. As part of the preparation of the 2003 **Global Report**, and in response to a request from the Ministry of Labour of **Peru** for information and data on gender-based labour market discrimination in the country, a study on the subject was carried out at the end of 2002 by **DECLARATION**. The study contains an analysis of the size and trends in labour market gender inequalities and a critical review of laws, policies and

programmes aimed at addressing gender discrimination and promoting gender equality in the field of work. It also looks at how institutions and programmes targeting indigenous peoples address the relevant gender dimensions. Of particular interest is the labour market data section of the paper, as it covers both urban and rural areas (household surveys in Peru usually cover only metropolitan areas). Data is not disaggregated by ethnic group. Nonetheless, it is known (and this is confirmed by the 2000 Census) that the rural population comprises a significant proportion of indigenous or native peoples, especially in certain regions of the country. Hence, rural-related data could be considered as proxies for the labour market situation of indigenous peoples (however, it must be taken into account that this could be complicated by the urbanization of indigenous peoples during the past two decades). Inequalities between rural and urban women are striking and have widened.

76. The **Women's Empowerment through Employment and Health (WEEH) project** has recently carried out a study among income-poor women and their households in 7 districts in Bangladesh. The study has taken an 8% sample of more than 4,000 women who are the selected target group of the WEDE project (a sub-project of the overall WEEH programme). Eighty-three percent of the women are Bengali, while the others belong to other ethnic/indigenous groups (Monipuri, Chakma, Marma, Santal, Khaisia, Ohomia, Tipra and Nepali). The study shows that the women, on average, earn Tk. 55 per day (less than 1 USD/day). Households in Dhaka earn on average Tk. 113 (almost 2 USD/day), compared to Tk. 31 in Dinajpur district (1/2 a USD/day). Fifty-two percent of women and 27% of men who are heads of households do not have any formal education or are illiterate.

77. An interesting finding from this study was that Rangamati women in the Chittagong Hill Tracts seem to be best educated, compared to the other 6 areas. The Dinajpur women are the least educated and the sample includes ethnic minorities. Another district with ethnic minorities is Moulvibazar and the majority of our women entrepreneurs there are from various ethnic minority groups. However, the Dinajpur district turned out to be among the poorest and most deprived in the study (and in the country). A similar situation exists concerning child school enrollment rates - 92% of children in Rangamati are enrolled in school while only 78% are enrolled in Dinajpur. One reason for the higher figure in Chittagong Hill Tracts is that the women there are in urban and semi/urban areas.

78. Thirty-eight percent of the incomes of the households come from various enterprises supported through the project. Twenty-seven percent of these households are headed by women. The average family size of the target group is similar to the national average - 5.05 members (compared to 5.63 in Comilla, where it is highest, and 4.22 in Dinajpur, where it is lowest).

79. **INDISCO** pilot projects in **India** have shown that tribal women have engaged in alternative income generation activities and “untraditional” forms of occupation through the establishment of their own self-help groups and cooperatives. This has given rise to their participation in socio-economic and decision-making processes at the village level. Through their own self-help groups, the tribal women are engaged in a variety of new income generation activities, including the management of village savings and credit activities, horticulture and non-farm production, tailoring, etc.

80. The INDISCO Study on Tribal Cooperatives in India, which includes case studies and recommendations for future action, observed:

...an amazing capacity in women from the tribal communities to take on their immediate and even the larger world of business, employment and justice for women.

81. It also strongly recommends that tribal women, as primary collectors of forest produce, be members of cooperatives in their own right, and that legal, cultural and other constraints against their participation, be addressed.

82. In the **Philippines**, INDISCO activities have promoted gender awareness among indigenous communities and have specifically strengthened the voice of indigenous women as a result of their economic power. Baguio City indigenous women have engaged in new forms of occupation and income generation activities such as weaving, sewing and vending goods and they have gained considerable revenues for their households and communities.

83. In **Cameroon**, within the framework of the *Employment creation through micro-small enterprises development in West and Central Africa* project, a number of activities concerning indigenous and tribal peoples have been initiated. A fact-finding mission undertaken in November 2001 served to explore the means of subsistence of the Baka, Bakola and Bagyeli in Cameroon, as well as to identify new opportunities for employment and income-generation, in conformity with the principles of Convention No. 169. Of the persons surveyed for the collection of this information, 29% were women.

84. The assessment confirmed that these peoples rely primarily on “traditional” activities for their subsistence (handicrafts, hunting and gathering, fishing and agriculture), and on the jobs that are reserved for them (agricultural work, circumcision, traditional midwifery and traditional medicine). A number of these activities are performed by women. Recommendations emerging from this assessment prompted the launch of a project in 2002, to create employment and generate income. Within this framework, several activities have been initiated that are aimed directly at increasing the revenue of indigenous women, and combating their marginalization. These are: fishing; participation of Baka women in the marking of International

Women's Day; assistance with hunting activities; awareness of the women on sustainable managements techniques; training in basketwork; and financial and administrative support (including to obtain national identity cards). Another activity that may be cited is a training of trainers on Convention No. 169, which took place in December 2003. Participants included a number of indigenous women.

VI. CONCLUSIONS AND DISCUSSION POINTS

85. Although it is difficult to draw concrete conclusions from the limited examples and issues outlined in this paper, it is clear that indigenous and tribal women and girls often face problems that are different in nature from their male counterparts. It is difficult to attribute the specific nature of the difficulties faced by indigenous women to specific causes, as a multiplicity of factors interact to create specific circumstances.

86. Care must be taken in addressing issues pertaining to indigenous and tribal peoples, to ensure that the particular situation of indigenous women and girls is taken into account, and to acknowledge that this may have to be addressed specifically. There is often a tendency to glaze over the specific problems of indigenous women in general work on indigenous issues, due to the fact that indigenous peoples in general are among the most marginalized populations in the countries in which they live. There may also be a tendency to a romanticized view that indigenous societies are more egalitarian than their non-indigenous counterparts, as well as to view indigenous societies as homogeneous or unchanging. Some indigenous societies are more egalitarian, and some are not, and it is often indigenous women themselves who point this out.

87. Indigenous children, both boys and girls, are often engaged in forms of work in a family environment. Great care needs to be taken in assessing to what extent this may constitute "child labour". In many cases for indigenous and tribal peoples, forms of family work constitute part of the socialization process, as well as of the cultural identity of these peoples. Such instances, as well as gender questions concerning indigenous and tribal peoples need to be handled from a cultural perspective, as well as from a rights perspective.

88. What is clear from work undertaken by the ILO, is that indigenous women face multiple discrimination, and that gender issues should not be obscured when focusing on working with indigenous and tribal peoples. Of course, this involves not only addressing indigenous women, but requires that the social, economic, political and cultural factors that lead to this multiple discrimination are addressed. This involves indigenous men as well as women, and possibly the wider non-indigenous society as well. In some cases, special components of projects or programmes that address indigenous and tribal peoples may need to be developed in this regard, in particular to ensure that indigenous and tribal

women are consulted, and participate in relevant activities in accordance with Articles 6 and 7 of ILO Convention No. 169.

89. Finally, it is clear that while indigenous women often start out in a situation of disadvantage, assistance activities that focus on them are productive, and often successful. Empowerment of women to take advantage of economic opportunities is a very productive target for development assistance. In addition, empowering women to participate in decision-making and to ensure they are aware of their rights is of utmost importance.
