



International
Labour
Organization

▶ Issue paper
on child labour and
education exclusion
among indigenous
children



- ▶ **Issue paper on child labour and education exclusion among indigenous children**

ILO Fundamental Principles and Rights at Work Branch (FUNDAMENTALS)
ILO Gender, Equality, Diversity and Inclusion Branch (GEDI)



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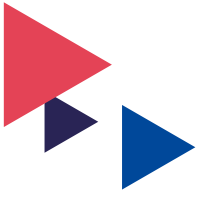
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Executive summary





Executive summary

This issue paper addresses the twin challenges of child labour and education exclusion among indigenous children. It is based on the desk review and analysis of a range of relevant reports and studies from around the world¹ as well as on a series of focus group discussions conducted with organizations of indigenous peoples from Cambodia, Kenya, the Russian Federation,² Nepal and Tanzania.³ Quantitative data on the child labour prevalence and school attendance was also analysed for the limited number of countries where this data was available, namely Bolivia, Brazil, Ecuador, Guatemala, Panama and Peru.⁴

Child labour and education exclusion

Where statistical information is available, it shows that indigenous children face a higher risk of child labour than other children, and often a dramatically higher risk. This situation appears to be common to indigenous children across regions, although the bulk of the representative data on child labour among indigenous children relates to the Latin America and Caribbean region. Evidence also suggests that in many contexts, indigenous children are significantly over-represented among the group of children in hazardous work and in worst forms of child labour other

than hazardous. The majority of indigenous children engaged in child labour are found in agricultural work, but child labour among indigenous children also extends to work in construction, commerce, manufacturing, and domestic work.

Indigenous children are also disadvantaged in terms of their access to education, contributing to their vulnerability to child labour and compromising their ability to acquire the skills and knowledge needed for work and life. In most countries where data is available, the school attendance of indigenous children in the age range of compulsory schooling is lower than for other children; the attendance gap is particularly pronounced for indigenous girls. Indigenous children face multiple educational barriers, including the non-recognition of indigenous knowledge and education systems, language barriers and the use of formal education as a means of assimilation that jeopardizes their cultural survival.

Causes of child labour and education exclusion

An array of studies and consultations with indigenous organizations make clear that child labour and education exclusion among indigenous children are driven in important part by broader violations of the rights

¹ The reports and studies examined include the following: ILO studies on indigenous child labour and indigenous peoples; relevant reports and country studies from UN agencies and bodies and other international organizations; observations and direct requests by the ILO CEACR related to ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), Worst Forms of Child Labour Convention, 1999 (No. 182), Minimum Age Convention, 1973 (No. 138), and Forced Labour Convention, 1930 (No. 29); concluding observations by the UN treaty bodies; reports by UN Special Procedures and regional human rights mechanisms; and studies by indigenous peoples' networks and organizations and civil society organizations referring to the situation of indigenous children.

² The ILO did not provide any technical assistance, and the research was carried out before the Russian Federation's aggression towards Ukraine.

³ These organizations were selected and convened in collaboration with the Indigenous Peoples Major Group for Sustainable Development, with a view to gathering indigenous peoples' perspectives as well as additional information on child labour and access to education of indigenous children.

⁴ The household surveys from these countries used for the analysis were conducted in 2019 or in 2020 and all included a question allowing for the self-identification of indigenous individuals.

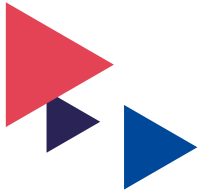
of indigenous peoples enshrined in ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the UN Declaration on the Rights of Indigenous Peoples. These violations are closely inter-related and mutually reinforcing, and rooted in persisting discrimination and continuing patterns of subjugation, marginalization, dispossession, and exclusion.

- **Processes of land dispossession and lack of control over their territories** jeopardize the capacity of indigenous communities and families to meet their most basic needs, impair their food security and threaten their ways of life and well-being. In this context, child labour may become a necessary element of the survival strategies of indigenous families, and indigenous children themselves may feel a responsibility to engage work to supplement the income of their families and support their siblings.
- **Climate change and environmental degradation.** Climate change is adding another layer of challenges to indigenous peoples who often live in very fragile ecosystems and depend on them for their survival. The environmental degradation of indigenous territories, including through contamination of natural resources by extractive industries and through deforestation, is having profound impacts on indigenous peoples and the ecosystems in which they live, adversely impacting their occupations, their food sources and their health, and ultimately their ability to make ends meet without recourse to child labour.
- **Constraints on traditional indigenous livelihoods.** These constraints stem from a range of policy measures and legal restrictions impeding traditional occupations, enacted out of a biased perception that these activities are outdated, unsustainable or 'harmful' to the environment. Lack of access to credit, the absence or inadequacy of training and skills development programmes and a lack of support for indigenous

entrepreneurial initiatives, among others, can all impede the livelihood prospects of indigenous communities.

- **The erosion of traditional institutions and disruption of informal community support structures.** Disruptions may be caused by the non-recognition of traditional institutions, pressures and divisions deliberately brought about by third parties to gain control over indigenous territories, the long-term impacts of assimilationist policies and forced displacements, among others. It has been reported, for example, that traffickers of indigenous girls take advantage of "the disintegration of society and the loss of family, community and traditional indigenous values". Conversely, some studies highlight the role played by indigenous peoples' institutions, traditions and worldview in *preventing* child labour.⁵
- **Migration and lack of access to decent work.** Indigenous adults and children are increasingly migrating away from their communities due, among other factors, to difficulties faced by indigenous peoples to sustain their livelihoods within their communities. Indigenous men and women leaving their communities to seek new jobs often end up in informal economy jobs marked by poor working conditions, low pay, discrimination and limited or no access to social protection. These work conditions put pressure on children to work to complement the meagre incomes of their parents. Perceived poor returns to education in the labour market can also lead indigenous parents to question the value of investing in their children's education and to opt instead to send them to work even when education facilities are available.
- **Inadequate basic services.** Many indigenous peoples lack adequate access to basic services, such as health care, education, water and sanitation, or electricity, because those services are unavailable, physically or financially

⁵ ILO-IPEC, 'Indigenous and Tribal Children: Assessing Child Labour and Education Challenges'.



inaccessible, culturally inappropriate or of low quality. A lack of access to basic services can be a severe impediment to adequate livelihoods in indigenous communities and necessitate greater child involvement in tasks such as water hauling and collection of fuel wood. Long distances, inadequate road infrastructure and concerns about public security can also discourage school enrolment, especially in the case of indigenous girls.

► **Culturally inappropriate education.**

Education programmes and services are rarely developed with the participation of indigenous peoples and as a result can be inappropriate to their needs and aspirations or incompatible with their lifestyle, and leave little or no room for indigenous peoples' traditional education or ways of learning. Against this background, some indigenous children may not enrol or drop out of school if their parents or the children themselves perceive that the education provided is not relevant or, worse, is alienating them from their culture, and instead enter the labour market prematurely. Indigenous children from different parts of the world also report experiencing bullying and mockery at school from non-indigenous students, also serving to push them out of school and into work.

► **Harmful social norms.**

Consultations held with indigenous peoples' organizations point to the need to "unpack culture" and identify the negative practices and traditions that potentially impede progress against child labour. This includes the social acceptance in some contexts of child labour as a normal part of childhood, rather than as a violation of children's rights and a threat to their well-being. Traditional norms concerning gender roles can lead to girls having to take on household responsibilities from an early age rather than attend school, or the investment of meagre household resources in the education of sons rather than daughters. The exposure to a market-based and consumerist society has also induced profound changes among some

indigenous adults and children alike, with some indigenous children engaging in child labour to meet new 'social status' needs.

- **Conflict and insecurity.** Violence and intimidation against indigenous peoples defending their lands occur in a number of countries, in some contexts leaving indigenous children and their families traumatised and without a livelihood. It is in the context of conflict and overall insecurity that some of the worst forms of child labour affecting indigenous children are found, including trafficking and commercial sexual exploitation as well as recruitment by armed groups and criminal organizations. Conflict and insecurity also frequently impede schooling. In some cases, schools are not accessible because of the overall context of insecurity affecting indigenous territories.

The way forward

Efforts against child labour and education exclusion must go hand in hand with efforts to address these violations of the broader collective and individual rights of indigenous peoples. There is an urgent overarching need to recognize "the aspirations of indigenous peoples to exercise control over their own institutions, ways of life and economic development and to maintain and develop their identities, languages and religions", as proclaimed in ILO Convention No. 169, and to recognize their right to the dignity and diversity of their cultures and aspirations, as stated in UN Declaration on the Rights of Indigenous Peoples.

- The establishment of appropriate mechanisms for the meaningful participation of indigenous peoples in the design and implementation of public policies, actions, plans and programmes in areas concerning them, including those specifically aimed at ending child labour, is crucial to ensuring that these efforts respond to indigenous priorities and are in line with their aspirations for their children's futures.

- ▶ Ensuring the recognition of indigenous peoples' rights to land, territories and resources is critical to ensuring their food security and adequate livelihoods without resort to child labour.
- ▶ Ensuring the right of indigenous peoples to social protection without discrimination is essential to mitigating the socio-economic vulnerability that can lead to a reliance on child labour.
- ▶ Ensuring the right of indigenous children to free education that is relevant, culturally appropriate, and of good quality is vital to providing families with a worthwhile alternative to child labour.

Across all of these areas, more and better information and data on the situation of indigenous children and their communities are needed to inform policy.

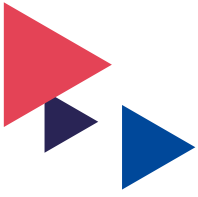
These are the fundamental building blocks of any national policy response to child labour and education exclusion among indigenous children.



1

Introduction





1. Introduction

Levels of child labour and education exclusion among indigenous children remain persistently high relative to other groups of children. In many contexts, indigenous children are also significantly over-represented among the group of children in hazardous work and in worst forms of child labour other than hazardous.

This issue paper addresses the twin challenges of child labour and education exclusion among indigenous children and the factors contributing to these violations of their rights. It is aimed at informing a discussion on how national and international policy responses to these rights violations can be strengthened in the lead-up to the 2025 target year set in Target 8.7 of the Sustainable Development Goals for eliminating child labour in all its forms. It is hoped that the issues paper will assist the ILO's tripartite constituents - governments and workers and employers' organizations, development partners and other stakeholders concerned in their efforts towards achieving this goal.

The study is based on the desk review and analysis of a range of relevant reports and studies⁶ as well as on a series of focus group discussions conducted with organizations of indigenous peoples from Cambodia, Kenya, the Russian Federation, Nepal and Tanzania.⁷ The focus group discussions sought to gather indigenous peoples' own perspectives on child labour and education of indigenous children, and on the factors influencing them. Quantitative data on

the child labour prevalence and school attendance was also analysed for the limited number of countries where this data was available.⁸

The desk review and review of datasets undertaken as part of the study highlighted the large regional variation in terms of the availability of information on indigenous children. As a result, although the study is global in its scope, much of the information presented relates to the Latin America and Caribbean region, where the information base on indigenous children is the most extensive. More research in other regions – undertaken with the active participation of indigenous peoples themselves – is needed to capture fully the diversity and specificity of the various experiences of indigenous children across the world.

The remainder of the report is structured as follows: Chapter 2 is devoted to the analysis of child labour and access to education of indigenous children, including the interplay between the two; Chapter 3 examines the main causes of child labour and impaired access to education of indigenous children and Chapter 4 concludes.

⁶ The reports and studies examined include the following: ILO studies on indigenous child labour and indigenous peoples; relevant reports and country studies from UN agencies and bodies and other international organizations; observations and direct requests by the ILO CEACR related to ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), Worst Forms of Child Labour Convention, 1999 (No. 182), Minimum Age Convention, 1973 (No. 138), and Forced Labour Convention, 1930 (No. 29); concluding observations by the UN treaty bodies; Reports by UN Special Procedures and regional human rights mechanisms; and studies by indigenous peoples' networks and organizations and civil society organizations referring to the situation of indigenous children.

⁷ These organizations were selected and convened in collaboration with the Indigenous Peoples Major Group for Sustainable Development, with a view to gathering indigenous peoples' perspectives as well as additional information on child labour and access to education of indigenous children.

⁸ The sample was limited to countries from Latin America, notably the Plurinational State of Bolivia, Ecuador, Guatemala, and Panama. The situation in other regions may differ.

► Box 1. The rights of indigenous children: an overview of main standards

Two main international human and labour rights standards – the ILO Minimum Age Convention, 1973 (No. 138) and the universally ratified ILO Worst Forms of Child Labour Convention, 1999 (No. 182) – set legal boundaries for child labour and provide grounds for national and international actions to end it. In accordance with these standards, child labour comprises work that children are too young to perform and/or work that, by its nature or circumstances, is likely to harm children's health, safety or morals.

ILO Minimum Age Convention, 1973 (No. 138) requires countries to establish national policies for the elimination of child labour. The Convention stipulates that the minimum age for admission to employment or work should not be less than the age of completion of compulsory schooling and, in any case, not less than 15 years,¹ and that the minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons, also referred to as “hazardous work”, shall not be less than 18 years.

ILO Worst Forms of Child Labour Convention, 1999 (No. 182) requires countries to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency. The worst forms of child labour comprise categories set out in article 3 of Convention No. 182. These entail all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; and work that, by its nature or circumstances, is likely to harm the health, safety or morals of children.

ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the **United Nations Declaration on the Rights of Indigenous Peoples** are key frameworks setting out a holistic approach for ensuring respect, protection and fulfilment of indigenous children's collective and individual rights, and providing specific guidance for States' action, in collaboration with indigenous peoples, to address the issues covered in this study. They recognize the right of indigenous peoples, individually and collectively, to enjoy all human rights without discrimination. They recognize their right to maintain their distinct cultures and identities, including their special relationship with their territories, to define their priorities for development and to be consulted and participate in decision-making processes concerning them.

Both instruments provide for the right of indigenous peoples to access education without discrimination and to develop their own education institutions. They also contain specific provisions addressing indigenous peoples' rights to lands, territories and natural resources, and to engage in their traditional occupations and other economic activities, among others (for more details on the contents of both instruments see the Annexes II and III of this report). They both also clarify that collective rights to culture, including their right to promote, develop and maintain distinct institutions, customs and practices, cannot justify the infringement of international human rights standards.

ILO supervision. The application of ratified ILO Conventions is subject of supervision by the ILO supervisory mechanisms. The ILO being a tripartite organization, with workers' and employers' organizations as constituents along with government, these organizations can raise concerns through these mechanisms. Indigenous peoples can network with them for this purpose. The comments and recommendations issued by the supervisory mechanisms provide specific guidance for ensuring effective application of the Conventions in question.²

¹ Countries where the economy and educational facilities are insufficiently developed are allowed, after consultation with organizations of employers and workers concerned, where such exist, to initially specify a minimum age of 14 years. Where children in particular age groups are permitted to engage in “light work” under national legislation in accordance with Article 7 of ILO Convention No. 138, such work should be excluded from the definition of child labour. According to Article 7 of ILO Convention No. 138, national laws or regulations may permit the work of persons as from 13 years of age (or 12 years in countries that have specified the general minimum working age of 14 years) in light work which is: (a) not likely to be harmful to their health or development; and (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority, or their capacity to benefit from the instruction received. While a restriction on weekly hours of work is required for this age group, the determination of the maximum number of hours is left to the competent national authorities.

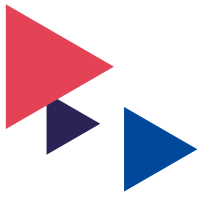
² See ILO. “Rules of the Game - An introduction to the standards-related work of the International Labour Organization”, fourth edition, 2019.



2

Child labour among
indigenous children





2. Child labour among indigenous children

This section brings together evidence – quantitative and qualitative – to describe the extent and nature of child labour and education exclusion among indigenous children, and how these compare with other groups of children. Such evidence is critical, as in many contexts the child labour and schooling situation of indigenous children tends to disappear in national averages that have little to do with their particular circumstances.

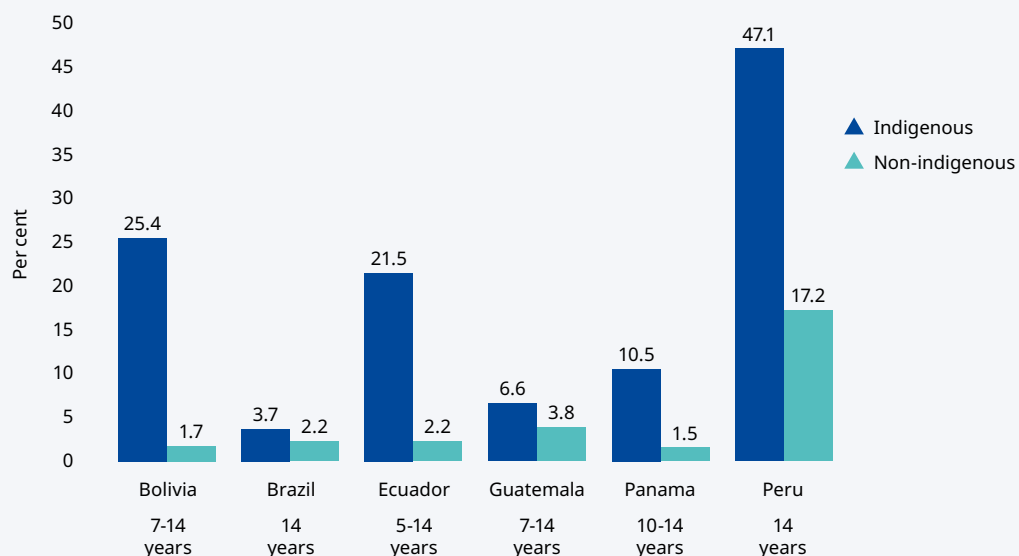
2.1 Prevalence of child labour

Data from national household surveys in a subset of six Latin American countries suggest that indigenous children face

a higher risk of child labour than other children, and often a dramatically higher risk (Figure 1). For all six countries, the pattern of greater involvement of indigenous children in child labour holds for both younger and older children (annex Figure A.1), female and male children (annex Figures A.2 and A.3) and for children living in both rural and urban areas (annex Figures A.4 and A.5). Section 3 of the report addresses some of the factors underlying the strong correlation between indigenous status and child labour.

Of particular concern is the disproportionate share of indigenous children in hazardous work. For all six Latin American countries where data is available, the prevalence of hazardous work among indigenous children much higher than that of non-indigenous

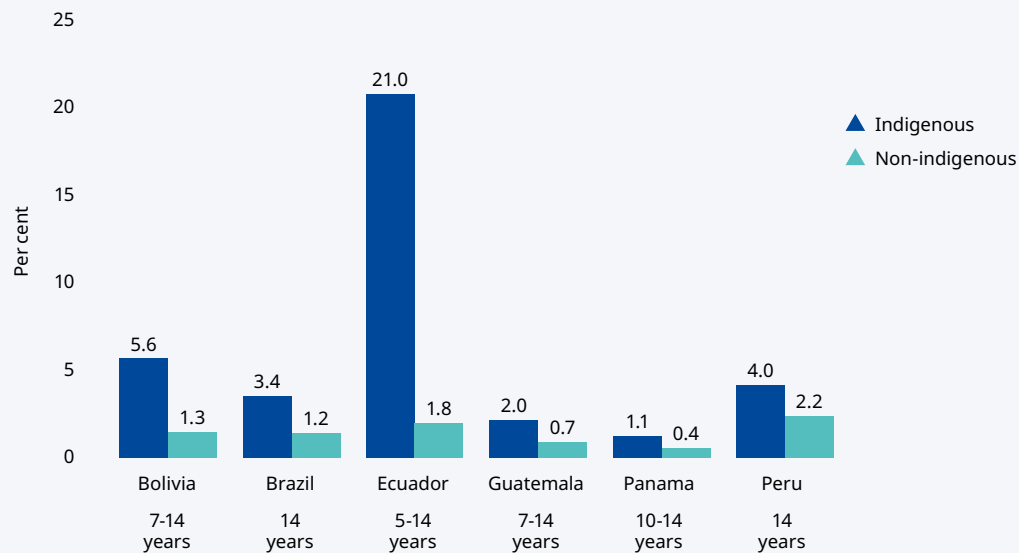
► Figure 1. Percentage of children in child labour, by indigenous status, selected countries



Note: The household surveys used for the analysis were conducted in 2019 or in 2020 and all included a question allowing for the self-identification of indigenous individuals. Estimates are not comparable across countries because they are based on different reference age ranges.

Source: ILO calculations based on Bolivia, Encuesta de Hogares (EH), 2020; Brazil, Pesquisa Nacional por Amostra de Domicílios Contínua (PNADC), 2020; Ecuador, Encuesta Nacional de Empleo, Desempleo y Subempleo (ENEMDU), 2020(Q4); Guatemala, Encuesta Nacional de Empleo e Ingresos (ENEI), 2019(Q2); Panama, Encuesta de Mercado Laboral 2019 (EML), 2019; and Peru, Encuesta Nacional de Hogares (ENAHO), 2020.

► **Figure 2. Percentage of children in hazardous work, by indigenous status, selected countries**



Note: The household surveys used for the analysis were conducted in 2019 or in 2020 and all included a question allowing for the self-identification of indigenous individuals. Estimates are not comparable across countries because they are based on different reference age ranges.

Source: ILO calculations based on Bolivia, Encuesta de Hogares (EH), 2020; Brazil, Pesquisa Nacional por Amostra de Domicílios Contínua (PNADC), 2020; Ecuador, Encuesta Nacional de Empleo, Desempleo y Subempleo (ENEMDU), 2020(Q4); Guatemala, Encuesta Nacional de Empleo e Ingresos (ENEI), 2019(Q2); Panama, Encuesta de Mercado Laboral 2019 (EML), 2019; and Peru, Encuesta Nacional de Hogares (ENAH), 2020.

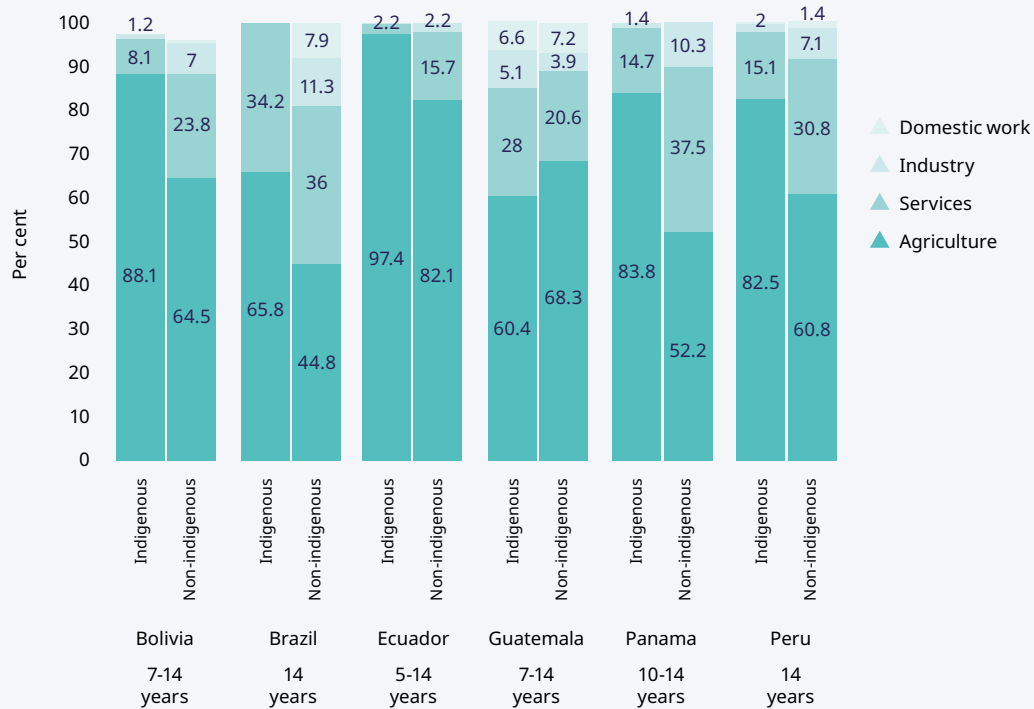
children (Figure 2). This pattern again holds for both younger children and older children (annex Figure A.1),⁹ boys and girls (annex Figures A.8 and A.9) and for both urban and rural children residence (annex Figures A.10 and A.11).

The demographic profile of children in child labour are similar for indigenous and non-indigenous children. For both groups, child labour is generally more common among boys than girls (annex Figure A.6), although the definition of child labour upon which the estimates are based does not include involvement in household chores in children’s own homes, a form of work for which girls typically shoulder a greater burden. Also for both indigenous and non-indigenous children, child labour is more common in rural compared to urban areas (annex Figure A.7).

There are differences in the nature of child labour between indigenous and non-indigenous children in the survey countries. Indigenous children in child labour are more likely than their non-indigenous peers to work in agriculture, although agricultural child labour predominates for both groups (Figure 3). Indigenous children in child labour are relatively less likely to work in services and in industry in most of the survey countries. Another difference in the child labour of indigenous and non-indigenous children lies in the relative importance of family-based work. In most survey countries, indigenous children are more likely to work for their own families, although family work predominates for indigenous and non-indigenous children alike (Figure 4).

⁹ For children in the 15 to 17 years age range above the minimum working age, child labour is limited to hazardous work and other worst forms of child labour.

► Figure 3. Sectoral composition of child labour, by indigenous status, selected countries



Note: The household surveys used for the analysis were conducted in 2019 or in 2020 and all included a question allowing for the self-identification of indigenous individuals. Estimates are not comparable across countries because they are based on different reference age ranges.

Source: ILO calculations based on Bolivia, Encuesta de Hogares (EH), 2020; Brazil, Pesquisa Nacional por Amostra de Domicílios Contínua (PNADC), 2020; Ecuador, Encuesta Nacional de Empleo, Desempleo y Subempleo (ENEMDU), 2020(Q4); Guatemala, Encuesta Nacional de Empleo e Ingresos (ENEI), 2019(Q2); Panama, Encuesta de Mercado Laboral 2019 (EML), 2019; and Peru, Encuesta Nacional de Hogares (ENAHO), 2020.

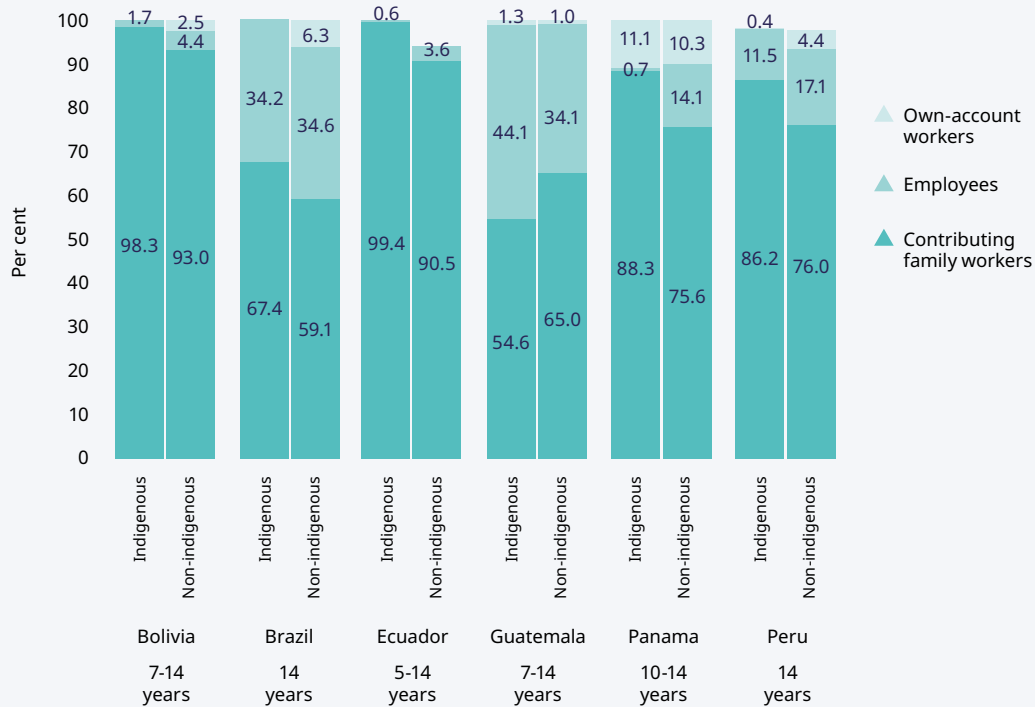
It is worth underscoring, however, that data on the child labour of indigenous children remains limited to a subset of countries in the Latin America and Caribbean region, and that the situation in other countries within the region and in other regions may differ.¹⁰ There is a critical need to expand and improve data collection on the child labour and schooling situation of indigenous children. The inclusion of a question allowing for the self-identification of indigenous individuals in existing national survey programmes on child labour is especially important in this regard. Such a question

enables the disaggregation of child labour statistics by indigenous status.

Beyond child labour, the absence of data on the situation of indigenous peoples in general, and indigenous children more particularly, remains a major issue that needs addressing. In the context of stand-alone or modular child labour surveys, more efforts should be made to identify indigenous children and capture the broader circumstances and conditions in which they live.

¹⁰ It should also be noted that the data available from each of the country examined do not always cover the same age range of children. For example, data available from the Plurinational State of Bolivia covers children from 7 to 17 years, while data from Panama captures the situation of children aged 10 to 17 (see Annex IV).

► **Figure 4. Child labour and status in employment, by indigenous status, selected countries**



Note: The household surveys used for the analysis were conducted in 2019 or in 2020 and all included a question allowing for the self-identification of indigenous individuals. Estimates are not comparable across countries because they are based on different reference age ranges.

Source: ILO calculations based on Bolivia, Encuesta de Hogares (EH), 2020; Brazil, Pesquisa Nacional por Amostra de Domicílios Contínua (PNADC), 2020; Ecuador, Encuesta Nacional de Empleo, Desempleo y Subempleo (ENEMDU), 2020(Q4); Guatemala, Encuesta Nacional de Empleo e Ingresos (ENEI), 2019(Q2); Panama, Encuesta de Mercado Laboral 2019 (EML), 2019; and Peru, Encuesta Nacional de Hogares (ENAHO), 2020.

2.2 Nature of child labour

Other, primarily qualitative, information sources – including prior studies and focus group discussions undertaken for the current study – permit additional insight into child labour among indigenous children, its key characteristics and the conditions under which it is performed.

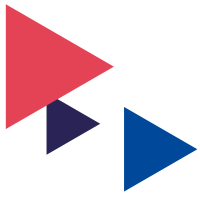
Indigenous children engage in a variety of activities – particularly in agriculture, construction, commerce, manufacturing and domestic work - as family workers, seasonal workers or self-employed, among others. The child labour of indigenous children is marked by a strong “migration” component, which encompasses both migration within rural areas to work as temporary workers

on, for example, plantations and livestock farms, and migration to urban areas. Both scenarios may sometimes involve international migration.

2.2.1 Child labour in agriculture

Child labour of indigenous children in the agricultural sector includes work on family farms as well as labour in commercial agriculture, where indigenous children are usually employed seasonally and where the work performed is often hazardous by its nature or because of the conditions under which it is carried out.

Consultations with indigenous peoples’ organizations undertaken in the context of earlier studies by the ILO on child labour



in Latin America shed light on some of the forms of hazardous agricultural work that indigenous children are engaged in. These include, among others, fumigation of fields; tree-cutting with motorized chainsaws or axes; rubber collection and cane cutting, which are exclusively performed by boys; coffee harvest; soil preparations and fertilization of the fields, which are undertaken by both boys and girls; hunting with a shotgun; and fishing with dynamite.¹¹

Historical and contemporary processes of land dispossessions and the imposition of restrictions on their livelihoods are among the circumstances resulting in child labour of indigenous children for third parties. Research from Guatemala, for example, shows that indigenous children who migrate to work on plantations - mainly rubber, sugar cane, coffee, and banana plantations - belong to families who either had lost their lands or controlled parcels of limited size and low quality that were insufficient to sustain the livelihoods and ensure the food security of the family.¹²

Research from Colombia points to large numbers of indigenous children in seasonal agricultural activities on plantations, including for coffee, rice or cotton. This plantation work involves their temporary migration, sometimes unaccompanied by their families.¹³ Likewise, studies in Honduras report many children in agricultural child labour working as seasonal workers on

coffee plantations.¹⁴ Indigenous children from Nicaragua have also been found to work on coffee plantations, which are often situated on lands of which their communities have been dispossessed.¹⁵ In a similar vein, in Panama, entire indigenous families belonging to the Ngöbe and Buglé peoples, including children, work as daily labourers on plantations, especially coffee plantations.¹⁶ It has been estimated that approximately 2,500 Ngöbe and Buglé children cross the Panama-Costa Rica border with their families each year to work in the coffee plantations as seasonal labourers. During these seasonal work periods, the children have limited or no access to education and social services.¹⁷

In Bolivia, indigenous children, including children younger than 12, are also involved in the sugarcane harvest, a seasonal activity that overlaps with the school year and affects their access to education.¹⁸ Often, indigenous children's work on these plantations occurs in the context of debt bondage schemes (see further below). In Nepal and Bangladesh, indigenous children work in child labour on tea plantations.¹⁹

Plantation work can be especially hazardous for indigenous children, involving the use of dangerous equipment and tools, the proximity to dangerous machinery, the risks of bites from animals, and the exposure to toxic substances, among others. In Bolivia, some indigenous children work in cotton

¹¹ ILO-IPEC, 'Trabajo infantil y pueblos indígenas. El caso de Honduras'; ILO-IPEC, 'La Problemática del Trabajo Infantil en los Pueblos Indígenas del Ecuador. Estudio Preliminar'; ILO-IPEC, 'Trabajo Infantil y Pueblos Indígenas. El caso de Guatemala'; ILO-IPEC, 'Trabajo Infantil y Pueblos Indígenas. El caso de Panamá'.

¹² ILO-IPEC, 'Trabajo Infantil y Pueblos Indígenas. El caso de Guatemala'.

¹³ ILO-IPEC, 'Trabajo Infantil Indígena en Colombia. Una síntesis de las miradas sobre el problema desde las comunidades indígenas, los académicos y las instituciones'.

¹⁴ ILO-IPEC, 'Trabajo infantil y pueblos indígenas. El caso de Honduras'.

¹⁵ ILO-IPEC, 'Trabajo infantil y pueblos indígenas. El caso de Nicaragua'.

¹⁶ ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), 'Direct Request (CEACR) - Indigenous and Tribal Populations Convention, 1957 (No. 107) - Panama'.

¹⁷ Cultural Survival, 'Convention on the Rights of the Child Alternative Report Submission: Indigenous Children's Rights Violations in Costa Rica'.

¹⁸ ILO-IPEC, 'La Problemática del Trabajo Infantil en los Pueblos Indígenas de Bolivia. Estudio Preliminar'.

¹⁹ ILO-IPEC, 'Indigenous and Tribal Children: Assessing Child Labour and Education Challenges'; Ahmmad and Hossain, 'A Study on Working Conditions of Tea Plantation Workers in Bangladesh'.

harvesting for three to four months of the year, and for more than 12 hours per day.²⁰ They are not provided with masks nor workwear and cotton harvesting exposes them to the risk of inhaling toxic pesticide residues and small particles of cotton, with adverse impacts on their respiratory systems.²¹ Concerns about the exposure of children to agro-chemicals have also been raised in Argentina in relation to child labour in soya bean production.²²

Other research indicates the involvement of indigenous children in child labour in fishing, sometimes from a very young age.²³ According to studies on child labour of indigenous children in Honduras, for example, indigenous children from the Miskito communities work in the fishing sector as boatmen (*cayuqueros*) or divers.²⁴ During the season of lobster and mollusc (caracol) fishing, usually from August to March, children drop out of school, as the fishing activities entail spending consecutive periods of 10-12 days at sea. Diving, undertaken with no protection or safeguards, leaves children susceptible to the impacts of sudden decompression, including disabilities and even death. Reportedly,

many children turn to alcohol and drugs to face the workload.²⁵ In Panama too, earlier studies found that indigenous children engage in undersea fishing of lobsters and octopuses.²⁶ In some cases, fishing may involve the use of dynamite.²⁷ This kind of work mainly concerns indigenous boys.

Additional forms of agricultural child labour affecting indigenous children include work in the logging sector, as has been observed, for example, in Bolivia,²⁸ Ecuador²⁹ and Colombia.³⁰ In Zimbabwe, indigenous San children work as goat herders and agricultural labourers for local non-San farmers, often without receiving any compensation and in situations that may amount to forced labour.³¹

2.2.2 Child labour in industry

Research indicates that indigenous children, especially boys, are also found working in the construction sector. In Colombia, children belonging to the Wayuu, Kamëntsó e Inga indigenous peoples are employed in the construction sector to carry materials along ramps on construction sites or to transport them between different

²⁰ ILO-IPEC, 'La Problemática del Trabajo Infantil en los Pueblos Indígenas de Bolivia. Estudio Preliminar.'

²¹ ILO-IPEC.

²² UN Committee on the Rights of the Child, 'Concluding Observations on the Combined Fifth and Sixth Periodic Reports of Argentina'.

²³ See, for example ILO-IPEC, 'Trabajo Infantil Indígena en Colombia. Una síntesis de las miradas sobre el problema desde las comunidades indígenas, los académicos y las instituciones'; and ILO-IPEC, 'La Problemática del Trabajo Infantil en los Pueblos Indígenas de Bolivia. Estudio Preliminar.'

²⁴ ILO-IPEC, 'Trabajo infantil y pueblos indígenas. El caso de Honduras'; Inter-American Court of Human Rights, 'Case of the Miskito Divers (Lemoth Morris et al.) v. Honduras. Judgment of August 31, 2021'.

²⁵ ILO-IPEC, 'Trabajo infantil y pueblos indígenas. El caso de Honduras'.

²⁶ ILO-IPEC, 'Trabajo Infantil y Pueblos Indígenas. El caso de Panamá'.

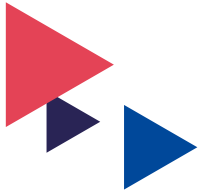
²⁷ See, for example, ILO-IPEC, 'La Problemática del Trabajo Infantil en los Pueblos Indígenas del Ecuador. Estudio Preliminar.'

²⁸ ILO-IPEC, 'La Problemática del Trabajo Infantil en los Pueblos Indígenas de Bolivia. Estudio Preliminar.'

²⁹ ILO-IPEC, 'La Problemática del Trabajo Infantil en los Pueblos Indígenas del Ecuador. Estudio Preliminar.'

³⁰ ILO-IPEC, 'Trabajo Infantil Indígena en Colombia. Una síntesis de las miradas sobre el problema desde las comunidades indígenas, los académicos y las instituciones'.

³¹ IWGIA - International Work Group for Indigenous Affairs, *The Indigenous World 2020*.



sites.³² Earlier studies on child labour of indigenous children in Ecuador, Nicaragua and Guatemala indicated that indigenous children can be found among mason's helpers and may assist adults lifting, carrying and mixing materials, manufacturing bricks and tiles, or providing help with paintwork and finishes.³³ For example, Guatemalan girls and boys aged between six and nine collect and carry water and horse manure; children 10 to 12 charge and discharge the ovens; and older children organize bricks in the oven and prepare brick piles.³⁴

When mining activities are undertaken on indigenous territories or in their vicinity, indigenous children, notably boys, are often involved in extractive work. In the Democratic Republic of the Congo, for example, indigenous children's work is reportedly used in the extractive businesses operating mainly in the east of the country in extremely hazardous conditions, including in cobalt mines.³⁵ In Uganda, indigenous children below the age of 14 work in marble quarries and other mining sites, crushing stones and loading them, and sometimes receiving a payment in kind in the form of the local gin.³⁶ In Colombia, indigenous children are found in the mining of gypsum and coal.³⁷ In Guatemala too, earlier studies

found indigenous children working in the gypsum sector, for example unloading trucks.³⁸ In Bolivia, indigenous children as young as 12 work underground in silver and tin mining, where dynamite is used.³⁹

In Peru, there are reports of oil companies hiring indigenous children to clean up oil spills without providing them with safety measures and information about the hazards involved.⁴⁰ The health centres in the Bagua area identified 243 persons who were exposed to oil without protection, more than one quarter of whom were children aged less than 14.⁴¹ Indigenous girls are recruited as cooks for extractive workers.⁴² As will be discussed in the next section, many reports also link the operation of extractive industries on or near indigenous territories with an increase in the commercial sexual exploitation of indigenous girls.

The garment industry is another sector where many indigenous working children are found. Earlier studies on child labour of indigenous children in Ecuador, for example, show that some indigenous children work in textile workshops, often for more than eight hours per day, as helpers of adults working with industrial or manual looms, in an overcrowded and highly polluted environment. In some cases, they are tasked

³² ILO-IPEC, 'Trabajo Infantil Indígena en Colombia. Una síntesis de las miradas sobre el problema desde las comunidades indígenas, los académicos y las instituciones'.

³³ ILO-IPEC, 'La Problemática del Trabajo Infantil en los Pueblos Indígenas del Ecuador. Estudio Preliminar'; ILO-IPEC, 'Trabajo Infantil y Pueblos Indígenas. El caso de Guatemala'.

³⁴ ILO-IPEC, 'Trabajo Infantil y Pueblos Indígenas. El caso de Guatemala'.

³⁵ UN Committee on the Rights of the Child, 'Concluding Observations on the Combined Third to Fifth Periodic Reports of the Democratic Republic of the Congo'.

³⁶ IWGIA - International Work Group for Indigenous Affairs, *The Indigenous World 2019*.

³⁷ ILO-IPEC, 'Trabajo Infantil Indígena en Colombia. Una síntesis de las miradas sobre el problema desde las comunidades indígenas, los académicos y las instituciones'.

³⁸ ILO-IPEC, 'Trabajo Infantil y Pueblos Indígenas. El caso de Guatemala'.

³⁹ Shahriari, 'Exploited Labor: Indigenous Children's Need to Work Despite Risks'.

⁴⁰ Inter-American Commission on Human Rights, 'Indigenous and Tribal Peoples of the Pan-Amazon Region'.

⁴¹ Inter-American Commission on Human Rights.

⁴² ILO-IPEC, 'Trabajo Infantil Indígena en Colombia. Una síntesis de las miradas sobre el problema desde las comunidades indígenas, los académicos y las instituciones'.

with transporting the products or selling them at local markets.⁴³

In addition, many indigenous children are involved in the production of traditional handicrafts, such as baskets, pottery, clothing, or hammocks. This activity is closely linked to the transmission of their people's culture and the learning of a variety of skills. In certain cases, however, children work to make handicrafts aimed at the market, which are then sold by their parents or directly by them. Children from the Wayuu people in Colombia, for example, are seen in the main street of Riohacha selling handicrafts from 6:00 to 22:00, every day, regardless of the weather conditions. In some cases, indigenous children may be recruited temporarily by third parties for the production of handicrafts in the exchange for a remuneration that usually hardly covers the costs of production.⁴⁴ Some studies highlight that tourism has led to an increase in child labour among indigenous children, which includes the production and sale of handicrafts or artistic performances, but can also extend to commercial sexual exploitation.⁴⁵

2.2.3 Child labour in services

Studies also point to the engagement of indigenous children in child labour in a range of activities in the service sector. Earlier studies on child labour of indigenous children in Ecuador documented some indigenous children traveling to cities during week days to work as street vendors or shoe shiners and return to their communities on Sundays.⁴⁶ Other studies undertaken in Bolivia found that indigenous children also work as loaders in local markets.⁴⁷ In Colombia, indigenous children, often from a very young age, work as street vendors selling handicrafts or home-made food.⁴⁸

In Nepal, indigenous children work in restaurants in activities including dishwashing.⁴⁹ A study undertaken in 2015 on the situation of working children at small restaurants and tea shops in the Kathmandu valley found that more than three quarters of the children concerned belonged to the Tamang indigenous community.⁵⁰ Indigenous children also work in bars, including karaoke bars.⁵¹ The presence of indigenous children in bars is often associated with the presence of extractive industries, for example oil companies in Ecuador, and concern particularly indigenous girls.⁵²

⁴³ ILO-IPEC, 'La Problemática del Trabajo Infantil en los Pueblos Indígenas del Ecuador. Estudio Preliminar.'

⁴⁴ ILO-IPEC, 'Trabajo Infantil Indígena en Colombia. Una síntesis de las miradas sobre el problema desde las comunidades indígenas, los académicos y las instituciones.'

⁴⁵ See, for example, ILO-IPEC, 'Trabajo infantil y pueblos indígenas. El caso de Honduras.'

⁴⁶ ILO-IPEC, 'La Problemática del Trabajo Infantil en los Pueblos Indígenas del Ecuador. Estudio Preliminar.'

⁴⁷ ILO-IPEC, 'La Problemática del Trabajo Infantil en los Pueblos Indígenas de Bolivia. Estudio Preliminar.'

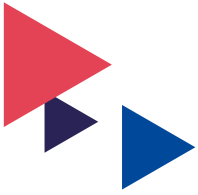
⁴⁸ ILO-IPEC, 'Trabajo Infantil Indígena en Colombia. Una síntesis de las miradas sobre el problema desde las comunidades indígenas, los académicos y las instituciones.'

⁴⁹ Cultural Survival, 'Convention on the Rights of the Child Shadow Report Submission: Indigenous Children's Rights Violations in Nepal.'

⁵⁰ Cultural Survival.

⁵¹ See, for example, ILO-IPEC, 'La Problemática del Trabajo Infantil en los Pueblos Indígenas del Ecuador. Estudio Preliminar.'

⁵² ILO-IPEC.



Indigenous children in Colombia have been reported in street begging in cities, either alone or with their families, often from a very early age.⁵³ In Paraguay, since 2001, an increasing number of indigenous families belonging to the Mbya Guaraní people have migrated to cities following the destruction of the forest on which they depended for their livelihoods, due to the expansion of intensive farming and the massive use of pesticides, especially for large-scale soybean production. Some have ended up in street situations where children engage in begging and, in some instances, particularly if unaccompanied, are sexually exploited or used for drug trafficking.⁵⁴ In some other cases, indigenous children engage in waste-dump recycling. For example, in Colombia, children are involved in scavenging in waste dumps to look for food and to pick up waste to recycle.⁵⁵ Some indigenous children in Paraguay are also involved in waste recycling.⁵⁶

Instances of informal “adoption” of a child by an indigenous family living in the city are observed in some countries in Latin America. Arrangements can range from the performance of domestic work by the child in exchange for food, accommodation and education, to work in the ‘adopting’ family, in exchange for a payment.⁵⁷ In some cases,

these practices may be related to debt-bondage (see next section).

Domestic work more generally is another form of child labour where indigenous children, especially girls, are found. In Colombia, for example, indigenous girls from an early age are engaged in domestic work in private households, mainly in urban centres, although instances of domestic work of indigenous girls are found also in rural areas.^{58,59} In some cases, where the mother is employed as a domestic worker, the eldest daughter may accompany her as a kitchen helper.⁶⁰ The remuneration for the work performed is usually established by the employer and cases are known of girls paid exclusively in kind, receiving accommodation and food in exchange for their work.⁶¹ In some cases, indigenous girls are obliged in practice to abandon their mother tongue and other distinctive signs of their identity in order to be accepted in the employer’s family and are subjected to profound discrimination and abuse.⁶²

Domestic work in private households can represent a temporary solution to meet family needs or those of the community. This is the case, for example, of the girls from the Nasa y Guambiana indigenous peoples in Colombia, who, from as early as the age of 12, leave their communities to work as domestic workers, frequently for

⁵³ See, for example, ILO-IPEC, ‘Trabajo Infantil Indígena en Colombia. Una síntesis de las miradas sobre el problema desde las comunidades indígenas, los académicos y las instituciones’.

⁵⁴ ILO-IPEC, ‘Prevención y erradicación del trabajo infantil de niños y adolescentes indígenas del pueblo Mbya con enfoque comunitario’.

⁵⁵ ILO-IPEC, ‘Trabajo Infantil Indígena en Colombia. Una síntesis de las miradas sobre el problema desde las comunidades indígenas, los académicos y las instituciones’.

⁵⁶ ILO-IPEC, ‘Prevención y erradicación del trabajo infantil de niños y adolescentes indígenas del pueblo Mbya con enfoque comunitario’.

⁵⁷ See, for example, ILO-IPEC, ‘Trabajo Infantil Indígena en Colombia. Una síntesis de las miradas sobre el problema desde las comunidades indígenas, los académicos y las instituciones’.

⁵⁸ ILO-IPEC.

⁵⁹ With the adoption of Resolution no. 1796 of 2018 by the Ministry of Labour, Colombia has included domestic work of children in its list of hazardous work. See: <https://actualicase.com/resolucion-1796-de-27-04-2018/>

⁶⁰ See, for example, ILO-IPEC, ‘Trabajo Infantil Indígena en Colombia. Una síntesis de las miradas sobre el problema desde las comunidades indígenas, los académicos y las instituciones’.

⁶¹ ILO-IPEC; ILO-IPEC, ‘Trabajo infantil y pueblos indígenas. El caso de Honduras’.

⁶² ILO, ‘Practical Guide to Ending Child Labour and Protecting Young Workers in Domestic Work’.

long hours each day, in private households. This happens more commonly in the case of large households with very limited land at disposal for their livelihood. Girls often do not receive remuneration, as their parents expressly request that the salary should be paid to the siblings that they send to collect it.⁶³ In other cases, girls are sent to

indigenous families living in cities to work as domestic helpers in exchange for the opportunity to access education.⁶⁴ Cases of domestic work for private, non-indigenous individuals have also been documented in Central Africa.⁶⁵

► Box 2. Child labour of indigenous children: A snapshot from focus group discussions

Participants in the focus groups referred to various instances of child labour of indigenous children concerning different economic sectors. According to participants in the focus groups from Nepal, waged labour is more frequent among indigenous boys, including across borders, although indigenous girls perform overall more work, such as labour on farms and household chores.

In Kenya, indigenous children may be sent by their families to work as herders for wealthier households for a monthly cash payment. Similarly, in Tanzania, indigenous children may be sent to work for wealthier families in exchange for a payment in kind (e.g., cattle) or cash. In Cambodia, indigenous children belonging to communities and families who have lost their lands or have seen them reduced in size, may be hired by large-scale farms that operate under concessions granted to foreign investors, and cultivate cashew nuts, sugarcane and cassava or harvest rubber. Cases of indigenous children working in farms were also reported in Tanzania.

In addition, the focus groups pointed to cases of indigenous children engaged in extractive work. In Tanzania, indigenous children as young as 8 and 9 work in the mining areas of the Longido district. In some cases, indigenous children go to the mining sites to look through remains, which they will then filter to find additional minerals to sell. In Kenya, indigenous boys are engaged in sand harvesting from rivers for the construction industry, loading sand trucks for approximately 300 Kenyan Shillings per day. Some of them also engage in charcoal burning. The logging sector was referred to as a particularly attractive market for indigenous adolescents in Cambodia, who, by working day and night to cut and transport wood from the forests to urban centres, can earn significant sums.

Concerning other typologies of work, participants indicated that in Cambodia, some indigenous children who have left their villages as a result of forest degradation and land loss work in garment factories. Some indigenous girls also work in shops in urban areas, while boys may work in garages to repair or wash cars and motorbikes. In Kenya, indigenous boys may be hired as night guards or in the transport sector to collect the price of transport from passengers on buses and trucks. In Tanzania, indigenous boys may be recruited as motorbike drivers and provided with a vehicle to provide rides across international borders.

Furthermore, in Kenya, some indigenous boys and girls sell ornaments and handicrafts in tourist areas and near hotels. Some indigenous children are also recruited in hotels. Participants from Cambodia and Tanzania further indicated that indigenous children, including girls, may work in

⁶³ ILO-IPEC, 'Trabajo Infantil Indígena en Colombia. Una síntesis de las miradas sobre el problema desde las comunidades indígenas, los académicos y las instituciones'.

⁶⁴ ILO-IPEC; ILO-IPEC, 'La Problemática del Trabajo Infantil en los Pueblos Indígenas del Ecuador. Estudio Preliminar.'

⁶⁵ Thornberry, 'Working Conditions of Indigenous Women and Men in Central Africa: An Analysis Based on Available Evidence'.



restaurants, for example as dishwashers or kitchen helpers. In Nepal, some indigenous children work in hotels and, especially in the case of girls, in the entertainment industry, including in bars and restaurants.

In Kenya, indigenous families sometimes make employment arrangements with other families to meet basic family needs, sending, for example, the boys to look after the livestock of others and the girls to work as domestic workers for families living in urban centres, and receive directly the remuneration for the work performed by their children. Some indigenous girls who have escaped from violence and abusive working relationships as child domestic workers have ended up working commercial sexual exploitation in urban areas because they lacked other opportunities. In Tanzania, indigenous girls aged 15 or 16 are hired as housemaids.

Cases of trafficking and sexual exploitation, particularly of girls, were also reported. In Tanzania, some indigenous girls are sexually exploited by adults along the border areas. Moreover, when parents work on the mining sites, children may be left alone the whole day and may become vulnerable to sexual abuse as they search for ways to earn the meal of the day. In Nepal, cases of sexual exploitation of indigenous children have been noted in connection with development projects. Indigenous children are also victims of trafficking, especially along the borders, for labour exploitation in circuses or factories in India. Moreover, instances of bonded labour, affecting both adults and children, were referred to. Participants from Nepal emphasized that the rehabilitation programme established by the Government was insufficient to meet the needs of the families concerned, in particular because the quantity of land distributed was inadequate.

Finally, in Tanzania, some indigenous boys are recruited to transport drugs (“muringi”), for example from the Kenyan border to Arusha and back, because, if caught, sanctions against them are less severe.

2.3 Other worst forms of child labour affecting indigenous children

The desk review and focus groups undertaken for this issue paper also point to the involvement of indigenous children in worst forms of child labour other than hazardous work. In addition to hazardous work, discussed above, worst forms of child labour, as defined in ILO Convention No. 182, include all forms of slavery or practices similar to slavery, commercial sexual exploitation, and involvement in illicit activities.⁶⁶ Some of these worst forms are looked at in more detail below.

2.3.1 Debt bondage and serfdom

Vestiges of slavery and slavery-like situations affecting indigenous peoples and their children are still found across the world. In the Republic of the Congo, for instance, serfdom of indigenous peoples reportedly persists.⁶⁷ Slavery-like situations affecting indigenous children have also been reported in the Democratic Republic of the Congo and in Zimbabwe.⁶⁸

Bonded labour involving indigenous children in agriculture or domestic work has been documented in various countries. In the sugar-cane plantation sector in Bolivia, subcontractors provide cash advances to recruit potential workers, usually from the indigenous Quechua people, leaving them obliged to work for the contractor, often along with women and children. It is reported that high interest rates and forced deductions to the workers' wages result in at least 60 per cent of the pay being retained, with the result that the workers accumulate increasing levels of debt, which are then used to retain them for further harvesting seasons. In the event of a worker's death, the children inherit the debt and remain bonded to work on the plantations.⁶⁹

In Bolivia and Paraguay, the figure of the "*criadazgo*" still exists in certain areas. This phenomenon involves the indenture of indigenous children of both sexes, usually aged 10 to 12, to wealthier families to perform household work in exchange for room and board.^{70, 71} Many of these children are in situations of servitude and are subjected to violence and abuse.⁷² In Paraguay, on some cattle ranches in the Chaco region, entire indigenous families are treated as part of the employer's property ("*empadronamiento*"),

⁶⁶ For the purposes of ILO Convention No. 182, the term "the worst forms of child labour" comprises: (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

⁶⁷ UN, 'Report of the Special Rapporteur on the Rights of Indigenous Peoples. Mission to the Republic of the Congo'.

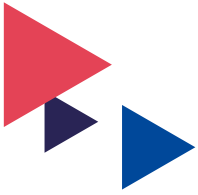
⁶⁸ Cultural Survival, 'Convention on the Rights of the Child Shadow Report Submission: Indigenous Children's Rights Violations in the Democratic Republic of the Congo'; IWGIA - International Work Group for Indigenous Affairs, *The Indigenous World 2020*.

⁶⁹ ILO, *Child Labour in the Primary Production of Sugarcane*.

⁷⁰ UN Permanent Forum on Indigenous Issues, 'Indicators of Well-Being, Poverty and Sustainability Relevant to Indigenous Peoples'; ILO et al, 'Trabajo infantil y niñez indígena en América Latina. Memoria del Encuentro Latinoamericano trabajo infantil, pueblos indígenas y gobiernos "De la declaración a la acción"'.

⁷¹ ILO-IPEC, Dirección General de Estadística, Encuestas y Censos, and (DGEEC) del Paraguay, 'Magnitud y características del trabajo infantil y adolescente en el Paraguay. Encuesta Nacional de Actividades de Niños, Niñas y Adolescentes (EANA) 2011'.

⁷² UN Human Rights Council, 'Report of the Special Rapporteur on Contemporary Forms of Slavery, Including Its Causes and Consequences, on Her Mission to Paraguay'.



with children performing household work for the employer.⁷³

In Guatemala, cases of child labour of indigenous children have also been documented in tortilla-making shops.⁷⁴ These cases involve indigenous girls in particular, who are often hired through mediators, individuals known to the parents of the girls, who may belong to the same indigenous communities. In some cases, they are recruited through direct contacts with the owners of the shops who are also of indigenous origin. Girls may also be deceived into moving to urban areas and working in the tortilla establishments through deceptive offers. They end up working from five or six in the morning to eight or ten at night. Reportedly, the majority of the victims are unaware of the slavery situation in which they live because they are accustomed, from a very young age, to consider these tasks as a normal part of their lives. It has been highlighted that, in most cases, indigenous girls live and work in these shops with the consent of their parents who trust the owners, and believe that the work in the *tortillerías* provides a good opportunity to support the family, in the midst of dire poverty. The remuneration is paid directly to the father of the girl.⁷⁵ Similar dynamics are also observed in other types of economic activities, including domestic work.

2.3.2 Trafficking

The trafficking of indigenous children, especially girls, including across borders, also persists in a number of contexts. This crime takes advantage, among other factors, of the widespread lack of birth registration and identity documents of indigenous children and their 'invisibility' within national societies.⁷⁶ In many instances, awareness-raising activities to prevent child trafficking and exploitation are carried out in the national languages or within schools and formal institutions and, as a result, may not reach indigenous peoples and their children.⁷⁷

In Nepal, indigenous boys as well as girls are reportedly trafficked for domestic servitude, entertainment enterprises, embroidering industries and for street begging.⁷⁸ Indigenous children with disabilities can be at particular risk of trafficking for commercial sexual and labour exploitation.⁷⁹ The sale of indigenous girls for the purpose of trafficking and in the context of debt-bondage situations has been documented, for instance, in Cambodia, China, Indonesia, Myanmar, Taiwan Province of China and Thailand.⁸⁰ In Thailand, girls aged 12 to 16 from the hill tribes of Thailand account for many of those who fall victim to internal trafficking.⁸¹ In Nepal, it has been estimated that 80 per cent of trafficking victims in

⁷³ UN Human Rights Council; UN Permanent Forum on Indigenous Issues, 'Indicators of Well-Being, Poverty and Sustainability Relevant to Indigenous Peoples'.

⁷⁴ Cultural Survival, 'Convention on the Rights of the Child Alternative Report Submission: Indigenous Children's Rights Violations in Guatemala'.

⁷⁵ Fuentes, 'La tortillería: de la tradición al trabajo semiesclavo de jóvenes indígenas en la ciudad de Guatemala'.

⁷⁶ See, for example, UN Human Rights Council, 'Visit to Ecuador: Report of the Special Rapporteur on the Rights of Indigenous Peoples'.

⁷⁷ See, for example UN Human Rights Council, 'Visit to the Lao People's Democratic Republic: Report of the Special Rapporteur on the Sale and Sexual Exploitation of Children, Including Child Prostitution, Child Pornography and Other Child Sexual Abuse Material'.

⁷⁸ Cultural Survival, 'Convention on the Rights of the Child Shadow Report Submission: Indigenous Children's Rights Violations in Nepal'.

⁷⁹ European Parliament, Directorate-General for External Policies of the Union and Inguanzo, *The Situation of Indigenous Children with Disabilities*.

⁸⁰ UN Women et al., 'Breaking the Silence on Violence against Indigenous Girls, Adolescents and Young Women'.

⁸¹ UN Women et al.

the country are women and girls from indigenous communities and Dalit women.⁸²

2.3.3 Forced or compulsory recruitment of children for use in armed conflict

There are reports from several countries of the recruitment of indigenous children for use in armed conflict. In Colombia, for example, despite the signing of the Peace Agreement, violence persists and indigenous children continue to be recruited by non-State armed groups.⁸³ Concerns about the risk of recruitment of indigenous children by non-State armed groups have also been expressed in Panama.⁸⁴ In Ecuador, cases of recruitment of indigenous children by non-State armed groups have been reported along the northern border of the country.⁸⁵ In the Democratic Republic of the Congo, rebel groups increasingly target indigenous children for recruitment as child soldiers, for their knowledge of the forests and local resources. They may be tasked with cooking and cleaning for the rebels but often are also expected to take part in combat. Indigenous girls are also sexually abused by the soldiers. This takes place in a broader context marked by an 'epidemic of

sexual violence' against indigenous women and girls deeply rooted in the discrimination faced by their peoples.⁸⁶

2.3.4 Commercial sexual exploitation

Involvement in commercial sexual exploitation is another worst form of child labour to which indigenous children are subjected in some locations. Available information concerning Canada indicates that aboriginal women and girls represent a high proportion of the victims of trafficking for commercial sexual exploitation.⁸⁷ In Guatemala, indigenous children are lured to cities where they are sold into brothels or other commercial sexual exploitation avenues.⁸⁸ Indigenous children are also exposed to the risk of commercial sexual exploitation when recruited in bars, especially around the areas where extractive industries operate, and when working in tourist areas.

Some indigenous women from Guatemala observe a direct correlation between the presence of mining projects and the increase in commercial sexual exploitation and domestic slavery.⁸⁹ In Peru, widespread sexual exploitation of indigenous girls

⁸² Sunuwar, '7 out of every 10 victims of trafficking in person are indigenous women and girls in Nepal'.

⁸³ UN Committee on the Elimination of Racial Discrimination, 'Concluding Observations on the Combined Seventeenth to Nineteenth Periodic Reports of Colombia'. See also, Comisión Económica para América Latina y el Caribe (CEPAL) and Fondo para el Desarrollo de los Pueblos Indígenas de América Latina y el Caribe (FILAC), 'Los pueblos indígenas de América Latina – Abya Yala y la Agenda 2030 para el Desarrollo Sostenible: tensiones y desafíos desde una perspectiva territorial'.

⁸⁴ UN Committee on the Rights of the Child, 'Concluding Observations on the Report Submitted by Panama under Article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict'.

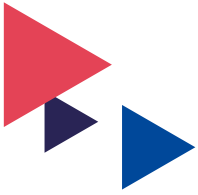
⁸⁵ UN Human Rights Council, 'Visit to Ecuador: Report of the Special Rapporteur on the Rights of Indigenous Peoples'.

⁸⁶ Cultural Survival, 'Convention on the Rights of the Child Shadow Report Submission: Indigenous Children's Rights Violations in the Democratic Republic of the Congo'.

⁸⁷ ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), 'Direct Request (CEACR) - Forced Labour Convention, 1930 (No. 29) - Canada'.

⁸⁸ Cultural Survival, 'Convention on the Rights of the Child Alternative Report Submission: Indigenous Children's Rights Violations in Guatemala'.

⁸⁹ UN Human Rights Council, 'Report of the Special Rapporteur on the Rights of Indigenous Peoples on Her Visit to Guatemala'.



has also been observed in mining areas.⁹⁰ Women working as artisanal gold miners from mining settlements in Putina reported an increase in prostitution and trafficking in girls in these settlements. Concerns have also been raised that the increase in illegal mining and logging settlements in the Amazonia and in areas high in the Andes may create further risks of trafficking and commercial sexual exploitation of indigenous girls.⁹¹ Likewise, in the United States, the operation of oil companies on indigenous territories has led to a notable increase in trafficking of indigenous women and children.⁹²

The Inter-American Commission of Human Rights underscores that human trafficking or commercial sexual exploitation of indigenous girls are often associated with pressures exerted for the control of indigenous territories.⁹³ Indigenous girls are reportedly subjected to forced labour and commercial sexual exploitation within the area declared to be in the public interest for construction of the Belo Monte hydroelectric plant in Brazil.⁹⁴ In Canada, concern has been expressed regarding

the particular vulnerability of indigenous women to trafficking for purposes of forced commercial sexual exploitation.⁹⁵

In Honduras, trafficking and commercial sexual exploitation of indigenous children are reported in connection with the operation of organized crime in or around indigenous territories.⁹⁶ In Panama, an increase in the commercial sexual exploitation of indigenous girls was reported in connection with growing tourism activities near or on indigenous peoples' territories.⁹⁷ Information gathered through the Indigenous Navigator⁹⁸ also confirms cases of commercial sexual exploitation of indigenous girls in Latin America and Africa.⁹⁹

2.3.5 Involvement in illicit activities

Indigenous children in some contexts face a heightened risk of recruitment by criminal organizations, including drug traffickers.¹⁰⁰ In Colombia, indigenous children are recruited by drug traffickers for the harvest and processing of coca,

⁹⁰ UN Committee on the Rights of the Child, 'Concluding Observations on the Report Submitted by Peru under Article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography'.

⁹¹ ILO, 'The Labour Situation of Indigenous Women in Peru'.

⁹² UN Human Rights Council, 'Report of the Special Rapporteur on the Rights of Indigenous Peoples on Her Mission to the United States of America'.

⁹³ Inter-American Commission on Human Rights, 'Indigenous and Tribal Peoples of the Pan-Amazon Region'.

⁹⁴ Inter-American Commission on Human Rights.

⁹⁵ UN Committee on the Elimination of Discrimination against Women, 'Concluding Observations on the Combined Eighth and Ninth Periodic Reports of Canada'.

⁹⁶ UN Human Rights Council, 'Report of the Special Rapporteur on the Rights of Indigenous Peoples on Her Visit to Honduras'.

⁹⁷ ILO-IPEC, 'Trabajo Infantil y Pueblos Indígenas. El caso de Panamá'.

⁹⁸ The Indigenous Navigator is a framework and set of tools for and by indigenous peoples to systematically monitor the level of recognition and implementation of their rights. For more information, see <https://indigenousnavigator.org/>

⁹⁹ Indigenous Navigator, *The Impact of COVID-19 on Indigenous Communities: Insights from the Indigenous Navigator*.

¹⁰⁰ Comisión Económica para América Latina y el Caribe (CEPAL) and Fondo para el Desarrollo de los Pueblos Indígenas de América Latina y el Caribe (FILAC), 'Los pueblos indígenas de América Latina – Abya Yala y la Agenda 2030 para el Desarrollo Sostenible: tensiones y desafíos desde una perspectiva territorial'.

poppy and marijuana.¹⁰¹ This situation is to be understood against the backdrop of the long-lasting internal conflict, which saw some indigenous peoples' territories taken control of to plant and produce narcotics.¹⁰² In Mexico, indigenous children are recruited by criminal organizations as well as by the police. The latter pay indigenous children to check the sites of their planned interventions in order to gather information about, for example, the number of people present and whether they carry any weapons, which expose indigenous children to great risks for their safety.¹⁰³

Earlier studies conducted by the ILO on child labour of indigenous children in Honduras and Panama found that indigenous children may be used as carriers ('mulas') to transport illicit drugs or are recruited to sale drugs, especially near tourist areas.¹⁰⁴ In some cases, indigenous girls are lured to work as cooks in drug-processing laboratories or on the plantations and are also sexually exploited by drug cartels.¹⁰⁵

In instances such as those reported in Guatemala, indigenous families had converted their fields into the cultivation of marijuana and poppy in response to the decreasing prices of agricultural food crops, and indigenous girls were involved in the labour on these fields.¹⁰⁶

101 ILO-IPEC, 'Trabajo Infantil Indígena en Colombia. Una síntesis de las miradas sobre el problema desde las comunidades indígenas, los académicos y las instituciones'.

102 ILO-IPEC.

103 UN Human Rights Council, 'Report of the Special Rapporteur on the Rights of Indigenous Peoples on Her Visit to Mexico'.

104 ILO-IPEC, 'Trabajo infantil y pueblos indígenas. El caso de Honduras'; ILO-IPEC, 'Trabajo Infantil y Pueblos Indígenas. El caso de Panamá'.

105 ILO-IPEC, 'Trabajo Infantil Indígena en Colombia. Una síntesis de las miradas sobre el problema desde las comunidades indígenas, los académicos y las instituciones'.

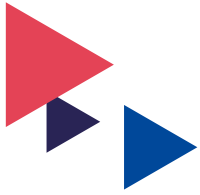
106 ILO-IPEC, 'Trabajo Infantil y Pueblos Indígenas. El caso de Guatemala'.



3

Education exclusion
among indigenous
children





3. Child labour among indigenous children

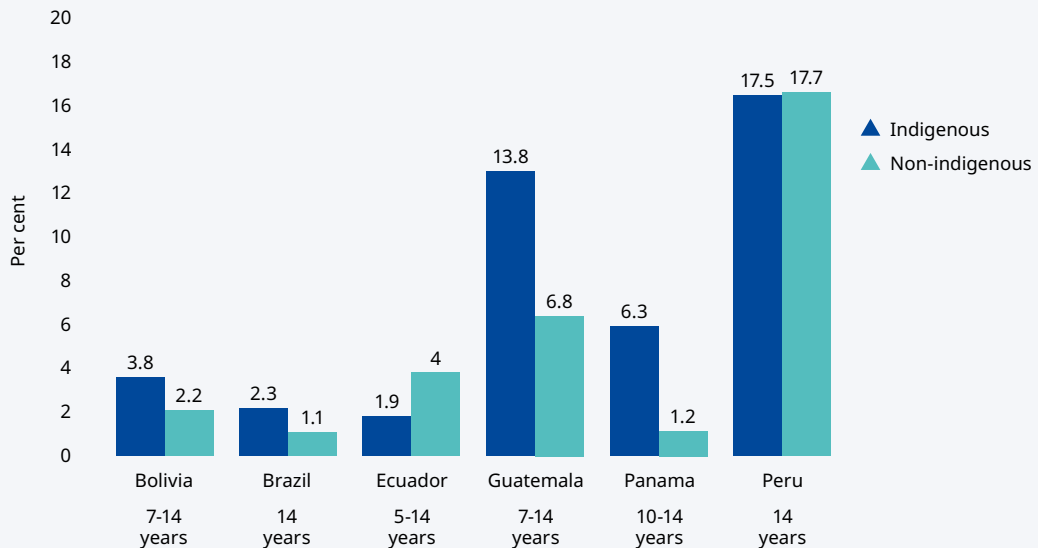
3.1 Prevalence of out-of-school children

Data from national household surveys in a subset of Latin American countries suggest that indigenous children also face a significantly higher risk of being out of school than other children (Figure 5). In Panama, the percentage of indigenous 10-14 year-olds who are out of school is more than three times that of same-aged non-indigenous children. In Guatemala and Bolivia, indigenous children are roughly

twice as likely to not be attending school as non-indigenous children. The exception is Ecuador, where *non*-indigenous 5-14 year-olds are more likely to be out of school. In all six countries, indigenous girls face a much higher risk of being out of school than their male peers (Figure 6). Some of the issues driving the education exclusion of indigenous status are looked at in Section 4.

Statistics from an array of other sources also indicate that low enrolment rates, especially in secondary and higher education, and high dropout rates are common among

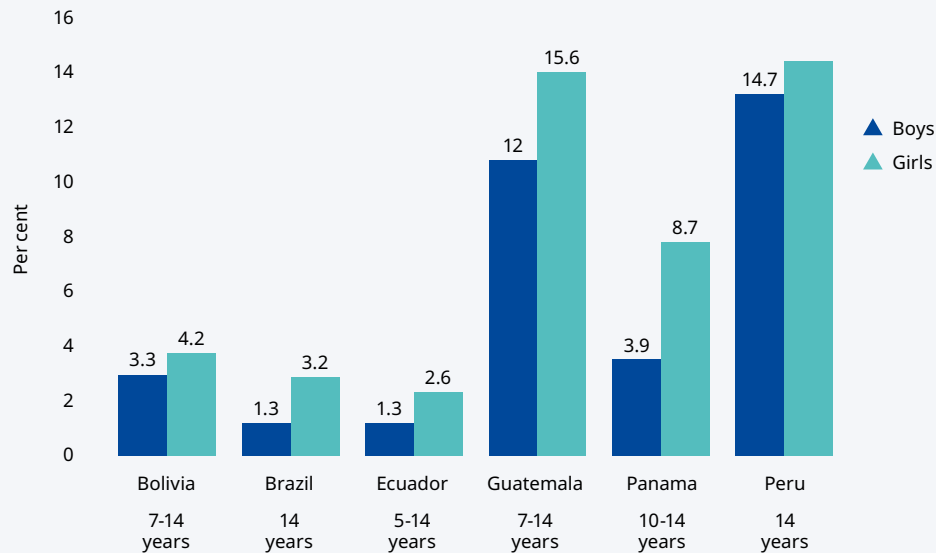
► Figure 5. Percentage of children out of school, by indigenous status, selected countries



Note: The household surveys used for the analysis were conducted in 2019 or in 2020 and all included a question allowing for the self-identification of indigenous individuals. Estimates are not comparable across countries because they are based on different reference age ranges.

Source: ILO calculations based on Bolivia, Encuesta de Hogares (EH), 2020; Brazil, Pesquisa Nacional por Amostra de Domicílios Contínua (PNADC), 2020; Ecuador, Encuesta Nacional de Empleo, Desempleo y Subempleo (ENEMDU), 2020(Q4); Guatemala, Encuesta Nacional de Empleo e Ingresos (ENEI), 2019(Q2); Panama, Encuesta de Mercado Laboral 2019 (EML), 2019; and Peru, Encuesta Nacional de Hogares (ENAHO), 2020.

► **Figure 6. Percentage of indigenous children out of school, by sex, selected countries**



Note: The household surveys used for the analysis were conducted in 2019 or in 2020 and all included a question allowing for the self-identification of indigenous individuals. Estimates are not comparable across countries because they are based on different reference age ranges.

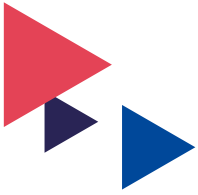
Source: ILO calculations based on Bolivia, Encuesta de Hogares (EH), 2020; Brazil, Pesquisa Nacional por Amostra de Domicílios Contínua (PNADC), 2020; Ecuador, Encuesta Nacional de Empleo, Desempleo y Subempleo (ENEMDU), 2020(Q4); Guatemala, Encuesta Nacional de Empleo e Ingresos (ENEI), 2019(Q2); Panama, Encuesta de Mercado Laboral 2019 (EML), 2019; and Peru, Encuesta Nacional de Hogares (ENAH), 2020.

indigenous children across all regions.¹⁰⁷ Indigenous children are also more likely to repeat grades than non-indigenous children.¹⁰⁸ Data gathered through the

Indigenous Navigator indicates that the completion of primary education remains a challenge for many indigenous children, especially in regions other than Latin

¹⁰⁷ See, for example, UN Committee on the Elimination of Racial Discrimination, 'Concluding Observations on the Combined Seventeenth to Nineteenth Periodic Reports of Colombia'; Comisión Económica para América Latina y el Caribe (CEPAL) and Fondo para el Desarrollo de los Pueblos Indígenas de América Latina y el Caribe (FILAC), 'Los pueblos indígenas de América Latina – Abya Yala y la Agenda 2030 para el Desarrollo Sostenible: tensiones y desafíos desde una perspectiva territorial'; ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) and Recommendations, 'Observation (CEACR) - Worst Forms of Child Labour Convention, 1999 (No. 182) – Nepal'; UN, 'Right to Education'; Cultural Survival, 'Observations on the State of Indigenous Human Rights in Botswana'; UN Committee on the Rights of the Child, 'Concluding Observations on the Combined Fifth and Sixth Periodic Reports of Panama'; UN Committee on the Rights of the Child, 'Concluding Observations on the Combined Third to Fifth Periodic Reports of Nepal' UN Committee on the Rights of the Child, 'Concluding Observations on the Report Submitted by Peru under Article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography'; UN Committee on the Elimination of Racial Discrimination, 'Concluding Observations on the Combined Sixteenth and Seventeenth Periodic Reports of Guatemala'; ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), 'Direct Request (CEACR) - Worst Forms of Child Labour Convention, 1999 (No. 182) – Peru'; UN Committee on the Elimination of Discrimination against Women, 'Concluding Observations on the Combined Eighth and Ninth Periodic Reports of Canada'; Asia Indigenous Peoples Pact (AIPP), 'Indigenous Peoples in ASEAN: Vietnam'; IWGIA - International Work Group for Indigenous Affairs, 'Post 2015 Development Process: Education'.

¹⁰⁸ See, for example, UN, 'Right to Education'; IWGIA - International Work Group for Indigenous Affairs, 'Post 2015 Development Process: Education'.



America.¹⁰⁹ The obstacles faced increase with higher levels of education, with the consequence that very few indigenous children enrol in or complete secondary and tertiary education. In the Republic of the Congo, for example, 65 per cent of indigenous children aged 12 to 16 do not go to school, as opposed to the national average of 39 per cent.¹¹⁰

Education exclusion means that indigenous peoples' education levels remain much lower than those of the other segments of the national population. The ILO has estimated that almost half of the total adult indigenous population in employment have no formal education compared to 17 per cent of the non-indigenous population.¹¹¹ Indigenous women are particularly disadvantaged, with almost 90 per cent of indigenous women in employment in Africa having no formal education compared to 62 per cent of non-indigenous women from the same region.¹¹² Globally, only a very small number of indigenous peoples (8 per cent of indigenous persons in employment) have a university degree, compared to almost 20 per cent of non-indigenous persons.¹¹³

3.2 Barriers to education

While progress has been made in the provision of primary education for indigenous children in some countries, education remains unavailable or physically and economically inaccessible for many

indigenous peoples across the world. Since the construction of schools is typically dependent on the number of students enrolled, indigenous peoples, who often live in remote and disperse communities, tend to lack physical school infrastructure and have to travel long distances to reach the nearest education facilities. Participants in the focus groups discussions undertaken for this report from the Russian Federation reported, for example, that as schools are often not available in their communities, children have to relocate to nearest centres, often accompanied by their mothers, which also ruptures family and community bonds.

Access to secondary and higher levels of education is even more challenging, requiring in many cases the migration of indigenous children to urban areas. In some countries, boarding schools or dormitories have been established to support the attendance of indigenous children.¹¹⁴ Focus group discussants from Tanzania also highlighted the lack of vocational training centres in indigenous areas, underscoring that those may be particularly relevant for pregnant girls and young mothers. In some cases, due to the lack of public schools, private education centres, especially at secondary level and for vocational training, are the only available options to indigenous children. Given their high costs, children can be obliged to combine work and school to be able to afford them or are unable to advance further in their education.¹¹⁵

¹⁰⁹ According to the information gathered through the Indigenous Navigator, while in Latin America some indigenous communities have a relatively high level of completion of primary education (approximately 80 per cent), in one African country only 30 per cent reported completion of primary schooling (Indigenous Navigator, *The Impact of COVID-19 on Indigenous Communities: Insights from the Indigenous Navigator*).

¹¹⁰ IWGIA - International Work Group for Indigenous Affairs, *The Indigenous World 2020*.

¹¹¹ ILO, 'Implementing the ILO Indigenous and Tribal Peoples Convention No. 169'.

¹¹² ILO.

¹¹³ ILO.

¹¹⁴ Participants in the focus groups from Cambodia indicated this type of measure has been found to help indigenous girls to a much lower extent than indigenous boys, given the reluctance of parents to allow them to be on their own.

¹¹⁵ See, for example, UN Committee on the Rights of the Child, 'Concluding Observations on the Report Submitted by Peru under Article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography'; ILO-IPEC, 'La Problemática del Trabajo Infantil en los Pueblos Indígenas de Bolivia. Estudio Preliminar.'

When schools are physically available for indigenous children, they often lack necessary equipment, including proper libraries, and basic facilities and services, such as electricity, internet, water and sanitation.¹¹⁶ Costs related to, for example, the purchase of books and school supplies, uniforms, transportation and food, may be prohibitive for many indigenous families.¹¹⁷ Additionally, in contexts such as in Nepal, the growing privatization of the education sector has resulted in the declining quality of the public schools attended by indigenous children, causing demotivation and loss of faith in the school system.¹¹⁸

The lack of qualified teaching staff is another major challenge. In some cases, the lack of teachers greatly affects indigenous children's education. Focus group participants from the Russian Federation indicated that in some schools in indigenous areas there is only one teacher to cover all subjects, with the consequence that certain subjects may not be covered at all, greatly impairing indigenous children's education and their further advancement into higher

levels of education. Similar difficulties are found also in other countries. In Cambodia, some schools in indigenous territories reportedly remain empty due to the absence of teachers.¹¹⁹

The availability of multicultural/intercultural bilingual education programmes, which form a core part of the requests of indigenous peoples and have been found to improve the educational outcomes of indigenous children, remains limited.¹²⁰ In Nepal, multilingual education is available in a very limited number of schools (as of 2016, only 24 schools out of a target of 7,500 could offer it).¹²¹ In Guatemala, bilingual education programmes have reportedly remained at a pilot level and cover only 20 per cent of indigenous children.¹²² In Sweden, the increased demand for first language education in school cannot be met due to the lack of qualified teachers and more resources have reportedly been invested in enhancing the offer of training.¹²³ In Australia, where in some circles "aboriginal languages are seen as a barrier to education rather than an asset", there has been regression in

¹¹⁶ See, for example, Indigenous Navigator, *Indigenous Peoples in a Changing World of Work: Exploring Indigenous Peoples' Economic and Social Rights through the Indigenous Navigator*; IWGIA - International Work Group for Indigenous Affairs, 'Post 2015 Development Process: Education'; Asia Indigenous Peoples Pact (AIPP), 'Indigenous Peoples in ASEAN: Vietnam'.

¹¹⁷ See, for example, IWGIA - International Work Group for Indigenous Affairs, *The Indigenous World 2020*; Cultural Survival, 'Convention on the Rights of the Child Alternative Report Submission: Violations of Indigenous Children's Rights in Cameroon'; Cultural Survival, 'Convention on the Rights of the Child Shadow Report Submission: Indigenous Children's Rights Violations in Kenya'; Ahmed and Hossain, 'A Study on Working Conditions of Tea Plantation Workers in Bangladesh'.

¹¹⁸ IWGIA - International Work Group for Indigenous Affairs and Lawyers' Association for Human Rights of Nepalese Indigenous Peoples, 'A Study on the Socio-Economic Status of Indigenous Peoples in Nepal'.

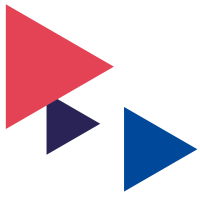
¹¹⁹ Asia Indigenous Peoples Pact (AIPP), 'Indigenous Peoples in ASEAN: Cambodia'.

¹²⁰ See, among others, UN, 'Right to Education'; UN Human Rights Council, 'Report of the Special Rapporteur on the Rights of Indigenous Peoples, Victoria Tauli Corpuz'; Errico, 'The Rights of Indigenous Peoples in Asia. Human Rights-Based Overview of National Legal and Policy Frameworks against the Backdrop of Country Strategies for Development and Poverty Reduction'.

¹²¹ Cultural Survival, 'Convention on the Rights of the Child Shadow Report Submission: Indigenous Children's Rights Violations in Nepal'; see also IWGIA - International Work Group for Indigenous Affairs and Lawyers' Association for Human Rights of Nepalese Indigenous Peoples, 'A Study on the Socio-Economic Status of Indigenous Peoples in Nepal'.

¹²² Cultural Survival, 'Convention on the Rights of the Child Alternative Report Submission: Indigenous Children's Rights Violations in Guatemala'.

¹²³ Council of Europe, 'Fourth Opinion on Sweden'; see also UN Committee on Economic, Social and Cultural Rights, 'Concluding Observations on the Sixth Periodic Report of Sweden'.



the provision of bilingual education in some communities.¹²⁴ In addition, learning materials are rarely available in the native languages of indigenous children.¹²⁵

Participants in the focus group discussions undertaken for this report in Cambodia indicated that the implementation of bilingual education is affected in practice by the lack of indigenous teachers. Indigenous children who do not receive education in their native language often feel discouraged and drop-out of school to start working, or they start attending irregularly and eventually quit because they cannot follow the programme and feel embarrassed vis-à-vis the other students.¹²⁶

Likewise, participants from Nepal indicated that, in the absence of bilingual education, it is difficult for indigenous children to interact with teachers and other students and “explain their worlds”, which results in high drop-out rates and engagement in child labour. They also highlighted that whereas parents consider teaching of their indigenous language important, teachers do not consider it a priority, because Nepali and English only are considered to be important and “civilized” languages. In their view, such biased approaches to indigenous peoples and their culture permeate all public policies and are difficult to change, given the lack of participation of indigenous peoples in decision-making, including in planning,

priority-setting and resource allocation. However, they also mentioned that some local governments started providing bilingual education at primary level in some indigenous areas and they considered it to be a good practice.

Participants from the Russian Federation indicated that teaching of native languages may be offered on a voluntary basis and, in the context of adoption of austerity measures, resources to support it may be dropped. In this connection, it was highlighted that it is fundamental to ensure the recognition of indigenous children as indigenous and ensure that their right to bilingual and culturally appropriate education is recognized in national legislation. The training of bilingual teacher also remains a major problem for them.

The challenges faced by indigenous peoples with regard to education also include the non-recognition of indigenous knowledge and education systems.¹²⁷ In most cases, the standardized curricula used do not accommodate traditional ways of learning of indigenous peoples, their histories, knowledge and values, including their ways of understanding the relationship with nature, and do not respond to indigenous children’s needs.¹²⁸ Existing education programmes and services in the majority of cases have been developed without the participation of indigenous peoples, and

¹²⁴ UN Human Rights Council, ‘Report of the Special Rapporteur on the Rights of Indigenous Peoples on Her Visit to Australia’.

¹²⁵ See, for example, UN Committee on the Rights of the Child, ‘Concluding Observations on the Combined Third to Fifth Periodic Reports of Nepal’; IWGIA - International Work Group for Indigenous Affairs and Lawyers’ Association for Human Rights of Nepalese Indigenous Peoples, ‘A Study on the Socio-Economic Status of Indigenous Peoples in Nepal’; IWGIA - International Work Group for Indigenous Affairs, ‘Post 2015 Development Process: Education’.

¹²⁶ See also Asia Indigenous Peoples Pact (AIPP), ‘Indigenous Peoples in ASEAN: Cambodia’.

¹²⁷ For regional overviews, see UN Department of Economic and Social Affairs, ‘State of the World’s Indigenous Peoples III, Education’.

¹²⁸ See, among others, World Bank, *Indigenous Latin America in the Twenty-First Century*; UN Human Rights Council, ‘Report of the Special Rapporteur on the Rights of Indigenous Peoples, Victoria Tauli Corpuz’; ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), ‘Direct Request (CEACR) - Indigenous and Tribal Peoples Convention, 1989 (No. 169) - Brazil’; IFAD, ‘Nota Técnica de País Sobre Cuestiones de Los Pueblos Indígenas: República Argentina’; Asia Indigenous Peoples Pact (AIPP), ‘Indigenous Peoples in ASEAN: Vietnam’; Asia Indigenous Peoples Pact (AIPP), ‘Indigenous Peoples in ASEAN: Cambodia’; Cultural Survival, ‘Convention on the Rights of the Child Shadow Report Submission: Indigenous Children’s Rights Violations in the Democratic Republic of the Congo’; Cultural Survival, ‘Observations on the State of Indigenous Human Rights in Botswana’; UN Human Rights Council, ‘Visit to Malaysia: Report of the Special Rapporteur on Extreme Poverty and Human Rights’.

do not reflect their cultures or capture their education systems.¹²⁹ It has also been noted that the teaching methods are ill-suited to indigenous realities.

Efforts to reconcile or combine indigenous traditional education systems and formal schooling have hitherto been scarce. The UN Special Rapporteur on the rights of indigenous peoples reports that indigenous students often find that education provided by the State promotes individualism and a competitive atmosphere rather than communal ways of life and cooperation.¹³⁰

Moreover, skills and talents of indigenous children are seldomly valued and tapped into under prevailing education systems. During the focus group discussions undertaken for this report, the introduction of competency-based education, for example in Kenya, was referred to as a promising practice that could address some of the shortcomings of current education programmes and services, although it was highlighted that gaps in infrastructure still need to be addressed in order for these developments to benefit indigenous children.¹³¹

Inadequate formal education systems have been shown to have an adverse impact on the acquisition and retention of indigenous knowledge.¹³² For example, educational attainment in mainstream education systems has been found to be directly related to the loss of a child's indigenous language.¹³³ A clear correlation has also been established with the loss of other aspects of indigenous culture such as ethnobotanical knowledge, medical knowledge and practices, and traditional social arrangements.¹³⁴ This places indigenous communities and families in front of a dilemma, having to choose between a formal schooling that, under the present circumstances, is often irrelevant and likely to alienate their children from their indigenous identity but could offer them the skills required to navigate the national societies, or educating them according to their own learning systems and values.

¹²⁹ See, among others, UN Department of Economic and Social Affairs, 'State of the World's Indigenous Peoples III, Education'; IWGIA - International Work Group for Indigenous Affairs, 'Post 2015 Development Process: Education'; Magni 2016; IWGIA - International Work Group for Indigenous Affairs, *The Indigenous World 2005*; Cultural Survival, 'Observations on the State of Indigenous Human Rights in Botswana'; Cultural Survival, 'Convention on the Rights of the Child Shadow Report Submission: Indigenous Children's Rights Violations in Kenya'.

¹³⁰ UN Human Rights Council, 'Report of the Special Rapporteur on the Rights of Indigenous Peoples, Victoria Tauli Corpuz'.

¹³¹ It was however also indicated that formal education programmes remain too long and too expensive for indigenous families.

¹³² See, for example, Comisión Económica para América Latina y el Caribe (CEPAL) and Fondo para el Desarrollo de los Pueblos Indígenas de América Latina y el Caribe (FILAC), 'Los pueblos indígenas de América Latina – Abya Yala y la Agenda 2030 para el Desarrollo Sostenible: tensiones y desafíos desde una perspectiva territorial'; Stavenhagen 2015 and World Bank, *Indigenous Latin America in the Twenty-First Century*.

¹³³ World Bank, *Indigenous Latin America in the Twenty-First Century*.

¹³⁴ World Bank.

► Box 3. Providing culturally appropriate education: some national experiences

Participants in the focus groups in Cambodia made reference to the Multilingual Education National Action Plan¹ launched by the government in 2015 as a noteworthy measure. The Plan provides for bilingual teachers as well as materials in indigenous languages and adapted curricula, involving also outdoor practical activities related to the livelihoods of indigenous peoples (such as teaching of animal husbandry). The focus group discussants considered these measures to as they are having a positive impact on indigenous children's school attendance. However, more efforts are required to extend their coverage. Multilingual education is for the moment only available in a few provinces in the north-east of the country, benefiting five indigenous groups out of the 24 recognized in Cambodia, and is only available for the first three of the six years of primary education.

An evaluation of the programme undertaken in 2018 noted that the operational costs of the programme are not much higher than those of non-multilingual education schools but there is a shortfall in dedicated funding for language-specific teacher training.² In order to address the current lack of qualified teachers, the Ministry of Education has allowed indigenous peoples with secondary education to enrol in training courses to become teachers in primary schools in indigenous communities (focus group discussions).

In Sweden, five Sami schools have been established as a part of the Swedish public school system. They follow the general curriculum but complement it with Sami language teaching and the teaching of Sami culture, trades and way of life. The Sami School Board has also developed and runs distance education in Sami.³ In Finland, the new core school curriculum for basic education encompasses the objective of teaching Sami language and culture. The number of students receiving education in Sami has increased. A pilot project to provide distance learning in Sami language outside the Sami territory has also been launched. The lack of Sami-speaking teachers remains, however, an obstacle to increasing the offer of teachings in Sami.⁴

Several other initiatives have also been taken directly by indigenous peoples' organizations and communities to ensure access to culturally appropriate education for their children. However, in some cases, a formal legislative or policy framework recognizing and supporting these education initiatives is lacking, with the consequence that they may lack adequate funding and children may not qualify to enrol in other education or vocational training afterwards.

For example, participants in the focus groups from the Russian Federation referred to nomadic schools in operation since the 1990s in some regions, including Yakutia and Yamal.⁵ After 30 years of experience with these types of schools, it was noted that they promote positive outcomes: indigenous children maintain their native languages and are also more likely to conserve their roots and return to their communities, compared to the children who attend formal education institutions. In 2006, the local Parliament in Yakutia adopted a law on nomadic schools, after an extensive process of consultation. In this case too, however, the lack of teachers remains a challenge as well as, in some cases, the lack of education materials. Focus group discussants suggested that improving access to internet may help the organization of nomadic schools by avoiding the need to carry additional weight related to education materials and supplies along nomadic routes.

¹ On the multilingual education programme in Nepal see Cultural Survival, 'Convention on the Rights of the Child Shadow Report Submission: Indigenous Children's Rights Violations in Nepal'; and IWGIA - International Work Group for Indigenous Affairs and Lawyers' Association for Human Rights of Nepalese Indigenous Peoples, 'A Study on the Socio-Economic Status of Indigenous Peoples in Nepal'.

² UNICEF, 'Evaluation of the Multilingual Education National Action Plan in Cambodia'.

³ Council of Europe, 'Fourth Opinion on Sweden'.

⁴ Council of Europe, 'Fifth Opinion on Finland'.

⁵ See also earlier experiences, for example, in Malaysia and Kenya, to develop education programmes for indigenous children described in IWGIA - International Work Group for Indigenous Affairs, *The Indigenous World 2005*. See also the Wekimün experience in Chile (UNESCO 2019).

3.3 Interplay between child labour and education exclusion for indigenous children

The challenges of child labour and education exclusion are closely related for indigenous children and for children generally. Children who engage in child labour face more difficulties in attending school and completing education, contributing to the inter-generational transfer of poverty and vulnerability to human rights violations, including child labour. For this reason, the ILO Committee of Experts on the Application of Conventions and Recommendations has emphasized that eliminating child labour and implementing the right to education for all children are intertwined and must be addressed in tandem.¹³⁵ Education, if relevant and of good quality, can be a crucial element to prevent child labour, although many other conditions need to be met as well for children not to engage in child labour.¹³⁶

Indeed, data from national household surveys in a subset of Latin American countries¹³⁷ indicate that children in child labour are much more likely to be out of school. In Guatemala, for example, the education exclusion rate of indigenous children in child labour is more than five times that of indigenous children not in child labour, while in Panama indigenous children in child labour are more than four times more likely to be out of school than other indigenous children (Figure 7).

The unavailability of education services in some indigenous areas in Latin America has been mentioned as a reason why indigenous parents may encourage their children to work in order to protect them from the risk of falling under the influence of local gangs.¹³⁸ Similarly, participants in the focus groups from Tanzania reported cases of indigenous children who are sent to live with families that are located closer to education facilities in order to overcome the obstacles related to the long distances, but then end up being exploited by the hosting families, including for domestic work, in the absence of regular follow-up by the parents.

Many of the factors that lead indigenous children into child labour also play a role in the low educational enrolment, retention and completion rates among indigenous children. During the focus groups conducted for this report, some participants highlighted that changes in indigenous peoples' livelihoods have a great impact on child labour and education. For example, land loss that has forced indigenous peoples to engage as seasonal workers on plantations has also brought about the engagement of children in this type of work, affecting their access to education and the regularity of their studies.

As discussed in more detail in section 4, poverty remains a major cause of low retention of indigenous children in schools, who in many cases drop out to work to support their families, and indigenous peoples continue to be the poorest among the poor.¹³⁹ Some indigenous children engage in child labour in order to afford to pay the costs of their education or to allow

¹³⁵ ILO, 'General Survey on the Fundamental Conventions Concerning Rights at Work in Light of the ILO Declaration on Social Justice for a Fair Globalization, 2008'; and ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), 'General Observation (CEACR) - Worst Forms of Child Labour Convention, 1999 (No. 182)'.

¹³⁶ The ILO Convention No. 182 prescribes the adoption of measures to support poverty eradication, social and economic development and universal education (art. 8).

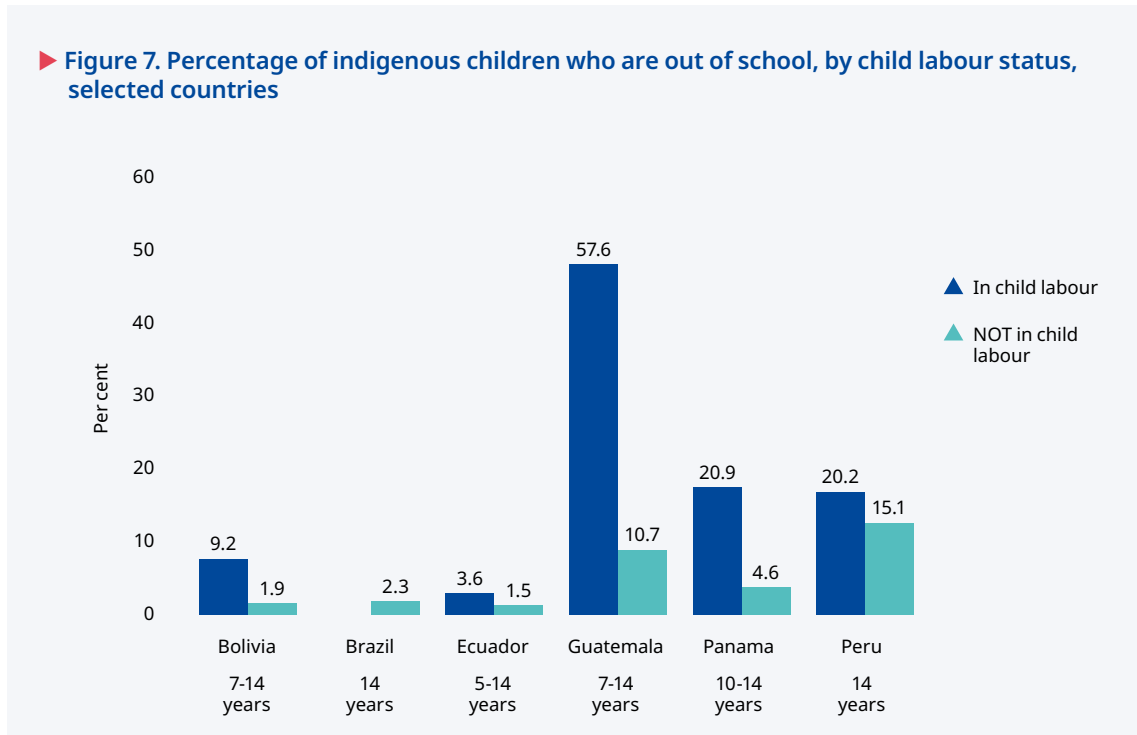
¹³⁷ Namely, the Plurinational State of Bolivia, Ecuador, Guatemala and Panama.

¹³⁸ ILO, 'Honduras: Perspectiva de los pueblos indígenas y afrohondureños sobre trabajo infantil en el contexto migratorio - Recomendaciones para la acción'.

¹³⁹ According to ILO's estimates, based on data available for 23 countries representing 83 per cent of the global indigenous population, indigenous peoples constitute 9.3 per cent of the population but almost 19 per cent of the extreme poor (ILO, 'Implementing the ILO Indigenous and Tribal Peoples Convention No. 169').



► **Figure 7. Percentage of indigenous children who are out of school, by child labour status, selected countries**



Note: The household surveys used for the analysis were conducted in 2019 or in 2020 and all included a question allowing for the self-identification of indigenous individuals. Estimates are not comparable across countries because they are based on different reference age ranges.

Source: ILO calculations based on Bolivia, Encuesta de Hogares (EH), 2020; Brazil, Pesquisa Nacional por Amostra de Domicílios Contínua (PNADC), 2020; Ecuador, Encuesta Nacional de Empleo, Desempleo y Subempleo (ENEMDU), 2020(Q4); Guatemala, Encuesta Nacional de Empleo e Ingresos (ENEI), 2019(Q2); Panama, Encuesta de Mercado Laboral 2019 (EML), 2019; and Peru, Encuesta Nacional de Hogares (ENAHO), 2020.

their younger brothers and sisters to go to school, because education remains in many cases financially inaccessible to indigenous children even when it is ostensibly provided as a free and compulsory service.¹⁴⁰ This also points to the lack of adequate social protection measures that could help indigenous children and their families in these situations.

During the focus group discussions undertaken for this report, participants from Kenya emphasized that imposing sanctions on the parents of children who do not go to school is an inefficient and harmful measure in that it ignores the overall context of marginalization of the child and his or her family and the sense of responsibility that

older children have towards their families and siblings, which may induce them to work instead of studying. Participants from the Russian Federation also referred to the risks that children may be taken away from their families as a sanction for not sending them to school, which ignores the present context in which schools in their communities may not be available. Participants from Tanzania in turn emphasized that sanctions must be accompanied by awareness-raising measures at community level as parents may not understand the reason for or the purpose of the sanctions, nor are they necessarily aware that certain behaviours are to be prohibited.

¹⁴⁰ See, for example, ILO-IPEC, 'Trabajo Infantil Indígena en Colombia. Una síntesis de las miradas sobre el problema desde las comunidades indígenas, los académicos y las instituciones'.

► Box 4. Combating child labour of indigenous children and promoting their access to education through social protection measures: some national experiences

Social protection measures have also been employed both to combat child labour of indigenous children and promote their access to education.

The *Oportunidades* programme in Mexico¹ has been found to have a positive impact on the reduction of child labour of indigenous children and school drop-out rates.² In Peru, the Government also reports progress on the reduction of child labour of indigenous children, especially in the agriculture sector, thanks to the implementation of cash transfer programmes.³

Indigenous leaders have emphasized that the provision of scholarships for indigenous children is often insufficient in the absence of accompanying measures aimed at supporting the livelihoods of indigenous communities. It has also been noted that the imposition of conditionalities can impair the impact of social protection interventions.⁴

Focus group participants from Nepal referred to a successful social protection initiative implemented in favour of indigenous Chepang children. The initiative consisted of a combination of scholarships for children and cash and in-kind support for their families. In general, during the focus groups undertaken for this report, the importance of designing and implementing social protection interventions in favour of indigenous peoples and their children was emphasized repeatedly.

¹ The *Oportunidades* programme in Mexico aims at breaking intergenerational transmission of poverty by providing mothers with two types of cash transfers: food and school grants that are respectively conditional on health check-ups for all family members and a monthly school attendance of 85 per cent for the targeted children in the household.

² FAO, Social Protection for Forest-Dependent Communities.

³ ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), 'Direct Request (CEACR) - Worst Forms of Child Labour Convention, 1999 (No. 182) - Peru'.

⁴ See, for example, UN, 'Report of the Special Rapporteur on the Rights of Indigenous Peoples. Mission to the Republic of the Congo', and more generally for a discussion on social protection for indigenous peoples ILO, 'Social Protection for Indigenous Peoples'.

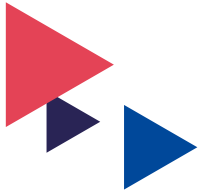
⁵ According to ILO's estimates, based on data available for 23 countries representing 83 per cent of the global indigenous population, indigenous peoples constitute 9.3 per cent of the population but almost 19 per cent of the extreme poor (ILO, 'Implementing the ILO Indigenous and Tribal Peoples Convention No. 169').



4

Main causes of child labour and education exclusion among indigenous children





4. Main causes of child labour and education exclusion among indigenous children

Child labour and education exclusion among indigenous children must be examined from a holistic perspective that encompasses the situation of the communities to which these children belong, and the entrenched, structural patterns of discrimination to which they are confronted, at individual and collective levels, as members of indigenous peoples.

During the focus groups, poverty was repeatedly mentioned as a cause of child labour of indigenous peoples along with an overall feeling of neglect on the part of states and a lack of understanding of what indigenous peoples' needs and aspirations are. According to ILO estimates, indigenous peoples account for 19 per cent of the extreme poor, defined as people living below a \$1.90 a day, while representing 9 per cent of the population, and continue to be the poorest among the poor.¹⁴¹ They are nearly three times more likely to be in extreme poverty compared to their non-indigenous counterparts.¹⁴² This makes indigenous children at special risk of falling into child labour.

Poverty, however, is a complex and multifaceted problem that needs to be understood beyond its income dimension, particularly in the context of indigenous peoples; it is a human condition characterized by sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights.¹⁴³ It is rooted in marginalisation, lack of participation in the design and implementation of relevant public policies, which in too many cases fail to respond to indigenous peoples' needs and aspirations, and the lack of control of indigenous peoples over their territories and development.¹⁴⁴ As put by one of the focus group participants, the problem of child labour is coming from marginalisation and neglect.

These issues are taken up in more detail in the discussion that follows.

¹⁴¹ ILO, 'Implementing the ILO Indigenous and Tribal Peoples Convention No. 169'.

¹⁴² ILO.

¹⁴³ UN Committee on Economic, Social and Cultural Rights, 'Substantive Issues Arising in the Implementation of the International Covenant on Economic, Social and Cultural Rights: Poverty and the International Covenant on Economic, Social and Cultural Rights'.

¹⁴⁴ On the latter point, see for example, the views expressed by indigenous leaders as captured in ILO-IPEC, 'Trabajo Infantil Indígena en Colombia. Una síntesis de las miradas sobre el problema desde las comunidades indígenas, los académicos y las instituciones'; more generally on indigenous peoples' views on well-being see, for some illustrations, UN Permanent Forum on Indigenous Issues, 'Indicators of Well-Being, Poverty and Sustainability Relevant to Indigenous Peoples'.

4.1 Land dispossession and lack of control by indigenous peoples over their territories

As was voiced by one participant in the focus groups undertaken for this report, “everything is related to land”. In many cases, indigenous children engage in child labour as a result of the land loss suffered by their communities and families.¹⁴⁵

Processes of land dispossession and lack of control over their territories jeopardize the capacity of indigenous communities and families to meet basic needs, impair their food security and threaten their ways of life and well-being. Some communities have been deprived entirely of the land basis for their occupations; others have seen it considerably reduced, making it insufficient to support their subsistence and inadequate for their livelihoods; still others have been forced into less fertile, more inhospitable soils; many live under the constant threat of forced evictions. In some cases, it is the individualization of land titles that has seriously impaired the capacity of indigenous families to meet their basic needs, given the size of the plots allocated and the varying pressures exercised on

them to sell the plots. As far as fishing communities are concerned, many have lost access to the coastal lands and with it to marine or inland water resources essential to their survival.¹⁴⁶

Connected to land dispossession is the lack of effective control by indigenous peoples of their territories and development.¹⁴⁷ Development projects of various kinds, including realization of infrastructure projects, resource extraction, agribusiness activities, industrial aquaculture, the establishment of national parks and conservation areas, and climate change mitigation measures, among others, continue to be implemented in many cases without the participation and consultation of the indigenous peoples concerned and without adequate consideration to possible adverse consequences on them.¹⁴⁸ At the same time, forced displacement and evictions are often not accompanied by the provision of alternative services, including schools, leaving indigenous children in many cases without education options.

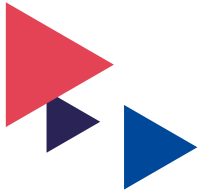
It is in this context that child labour may become a necessary component of the survival strategies of indigenous families. Indigenous children themselves may feel a strong responsibility to engage in work to supplement the income of their families

¹⁴⁵ See, among others, ILO-IPEC, ‘Prevención y erradicación del trabajo infantil de niños y adolescentes indígenas del pueblo Mbya con enfoque comunitario’; ILO-IPEC, ‘Trabajo Infantil Indígena en Colombia. Una síntesis de las miradas sobre el problema desde las comunidades indígenas, los académicos y las instituciones’; ILO-IPEC, ‘Trabajo Infantil y Pueblos Indígenas. El caso de Guatemala’; ILO-IPEC, ‘Trabajo infantil y pueblos indígenas. El caso de Honduras’.

¹⁴⁶ See, among others, ILO-IPEC, ‘Prevención y erradicación del trabajo infantil de niños y adolescentes indígenas del pueblo Mbya con enfoque comunitario’; ILO-IPEC, ‘Trabajo Infantil Indígena en Colombia. Una síntesis de las miradas sobre el problema desde las comunidades indígenas, los académicos y las instituciones’; ILO-IPEC, ‘Trabajo Infantil y Pueblos Indígenas. El caso de Guatemala’; ILO-IPEC, ‘Trabajo infantil y pueblos indígenas. El caso de Honduras’.

¹⁴⁷ For an overview of all the above, see among many others, UN Human Rights Council, ‘Visit to Ecuador: Report of the Special Rapporteur on the Rights of Indigenous Peoples’; UN, ‘Adequate Housing as a Component of the Right to an Adequate Standard of Living, and the Right to Non-Discrimination in This Context’; UN Human Rights Council, ‘Right to Food: Report of the Special Rapporteur on the Right to Food’; Comisión Económica para América Latina y el Caribe (CEPAL) and Fondo para el Desarrollo de los Pueblos Indígenas de América Latina y el Caribe (FILAC), ‘Los pueblos indígenas de América Latina – Abya Yala y la Agenda 2030 para el Desarrollo Sostenible: tensiones y desafíos desde una perspectiva territorial’; Errico, ‘The Rights of Indigenous Peoples in Asia. Human Rights-Based Overview of National Legal and Policy Frameworks against the Backdrop of Country Strategies for Development and Poverty Reduction’; Inter-American Commission on Human Rights, ‘Indigenous and Tribal Peoples of the Pan-Amazon Region’; .

¹⁴⁸ See CEACR’s comments available at <http://www.ilo.org/normlex> and UN treaty bodies’ comments at <http://www.ohchr.org>. See also Indigenous Navigator, *Indigenous Peoples in a Changing World of Work: Exploring Indigenous Peoples’ Economic and Social Rights through the Indigenous Navigator*.



and support their siblings, including with a view to ensuring that they can access basic services, such as education and health. Further, bonded labour has been reported to increase among communities that have been forcibly displaced from their lands.¹⁴⁹

Participants in the focus groups undertaken for this study indicated that, in some cases, children from communities who have been dispossessed of their lands and forced to move to other areas may lose months or more of schooling and face difficulties in catching up or simply feel uncomfortable about joining new classes with younger students, and thus decide to drop-out. During the focus groups, mention was also made of the difficult cases of communities in Cambodia that decided to remain in their villages despite the fact that schools had been shut down and services, including health and electricity, were interrupted, among others, and tried to organize schooling for their children through volunteer teachers. Focus group participants from Nepal similarly underscored that displacement caused by development projects increases the likelihood and the vulnerability of indigenous children to child labour.

4.2 Climate change and environmental degradation

Indigenous peoples in all regions of the world are among those especially affected by the impacts of climate change because they live in unique and fragile ecosystems most vulnerable to climate change and the

dependence of their livelihoods on lands and natural resources.¹⁵⁰ As highlighted by the UN Permanent Forum on Indigenous Issues : “[t]ropical forest fires, sea ice melt, the desertification of arid and semi-arid regions, the intensification of extreme weather events, ocean acidification and coral bleaching are depriving indigenous communities of the resources from which they derive much of their food and which often form the basis of their economic activities”.¹⁵¹

As emphasized by the FAO, “[c]limate change and environmental degradation make agricultural work more intensive, more hazardous and income less predictable”. As a result, children may work to compensate for the economic vulnerability of their families.¹⁵² Indigenous leaders interviewed in the context of a study on indigenous children in Guatemala indicated, for example, that drought had further worsened the situation of families who already faced high food insecurity and were obliged to involve their children in work.¹⁵³ Similarly, focus group participants from Kenya indicated that climate change is seriously impacting the livelihood of indigenous peoples practicing pastoralism, exacerbating their already precarious conditions, which force many indigenous children to work.

Pollution, including exposure to pesticides and other agro-chemicals from commercial agricultural enterprises, contamination of natural resources by extractive industries and wastewater discharges and garbage from hotels in tourist areas, as well as deforestation, among others, have profound impacts on indigenous peoples and the ecosystems in which they live, adversely impacting their occupations, their food

¹⁴⁹ See, for example, ILO-IPEC, ‘Indigenous and Tribal Children: Assessing Child Labour and Education Challenges’.

¹⁵⁰ ILO, ‘Indigenous Peoples and Climate Change: From Victims to Change Agents through Decent Work’; ILO, ‘Indigenous Peoples and Climate Change: Emerging Research on Traditional Knowledge and Livelihoods’,.

¹⁵¹ UN Permanent Forum on Indigenous Issues, ‘Indigenous Peoples and Climate Change’; see also ILO, ‘Indigenous Peoples and Climate Change: From Victims to Change Agents through Decent Work’.

¹⁵² FAO, ‘FAO Framework on Ending Child Labour in Agriculture’.

¹⁵³ ILO, ‘Guatemala: Perspectiva de los pueblos indígenas sobre trabajo infantil en el contexto migratorio – Recomendaciones para la acción’.

sources, and their health.¹⁵⁴ Indigenous peoples from Paraguay, for example, report that their families were forced to migrate to urban areas, where many indigenous children ended up engaging in begging, waste recycling, commercial sexual exploitation or trafficking of drugs, because of the deforestation and the pollution of their environment by agro-business companies, which deprived them of food and traditional remedies for illnesses and left the parents without means to sustain their families.¹⁵⁵ Forest degradation was also mentioned as an important factor in connection with the instances of child labour by focus group participants in Cambodia.

Increasingly, indigenous knowledge and the role of indigenous peoples in protecting vulnerable ecosystems are recognized as vital and could hold some of the keys to climate adaptation strategies.¹⁵⁶ Yet at the national level, indigenous people are often officially uncounted or uncountable using traditional census and survey methods, contributing to their exclusion from adaptation planning or emergency responses.¹⁵⁷ According to the participants of the focus group discussions in Nepal, the prevailing lack of understanding of indigenous peoples' ways of life, means that emergency responses do not take into account indigenous peoples' needs, or the full impact of natural disasters on them, and do not foresee the required interventions, including as regards protection of their land rights.

4.3 Constraints on traditional livelihoods

Constraints on indigenous livelihoods and the lack of access of indigenous adults to decent work opportunities represent another important underlying driver of child labour. In addition to the livelihood impacts of land dispossession and environmental degradation and climate change, these constraints on traditional livelihoods stem from a range of policy measures and legal restrictions impeding traditional occupations, enacted out of a biased perception that these activities are outdated, unsustainable or 'harmful' to the environment.

Some of these measures are adopted in the context of climate change mitigation or nature conservation. Certain occupations performed by indigenous peoples, such as shifting cultivation, hunting and nomadic pastoralism, have been particularly targeted. Pastoralist communities have, for example, been subjected to policies of forced sedentarization, which have greatly affected their nomadic lifestyle and their livelihood strategies. Forest-dependent communities have been evicted from their forests or have been impeded to access forest resources essential to their livelihoods. Fishing communities have similarly been affected by the implementation of conservation measures and deprived of access to water resources.¹⁵⁸

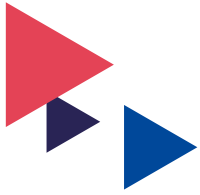
¹⁵⁴ See, for example, ILO-IPEC, 'Prevención y erradicación del trabajo infantil de niños y adolescentes indígenas del pueblo Mbya con enfoque comunitario'; Inter-American Commission on Human Rights, 'Indigenous and Tribal Peoples of the Pan-Amazon Region'; UN Committee on the Rights of the Child, 'Concluding Observations on the Combined Fifth and Sixth Periodic Reports of Argentina'; UN Human Rights Council, 'Report of the Special Rapporteur on the Rights of Indigenous Peoples on Her Visit to Mexico'; UN Human Rights Council, 'Report of the Special Rapporteur on the Rights of Indigenous Peoples on Her Visit to Guatemala'; and focus group.

¹⁵⁵ ILO-IPEC, 'Prevención y erradicación del trabajo infantil de niños y adolescentes indígenas del pueblo Mbya con enfoque comunitario'.

¹⁵⁶ IPCC, 'Climate Change 2022: Impacts, Adaptation and Vulnerability.'

¹⁵⁷ IPCC.

¹⁵⁸ For an overview on all these points, see UN Human Rights Council, 'Report of the Special Rapporteur on the Rights of Indigenous Peoples', 2017; UN, 'Adequate Housing as a Component of the Right to an Adequate Standard of Living, and the Right to Non-Discrimination in This Context'; UN Human Rights Council, 'Right to Food: Report of the Special Rapporteur on the Right to Food'; Errico, 'The Rights of Indigenous Peoples in Asia. Human Rights-Based Overview of National Legal and Policy Frameworks against the Backdrop of Country Strategies for Development and Poverty Reduction'. and Errico, 'Opportunities and Challenges to Strengthen Indigenous Peoples' Rights and Livelihoods in the Context of REDD+. A Study of REDD+ Implementation in Vietnam'.



Additional constraints on indigenous peoples' livelihoods relate to the absence of infrastructure and services and an overall policy environment that is unsupportive of their occupations. Lack of access to credit, absence or inadequacy of training and skills development programmes and a lack of support for indigenous entrepreneurial initiatives, among others, can all impede the livelihood prospects of indigenous communities.¹⁵⁹ Consequently, indigenous peoples often see a negative future for their children within the current socio-economic system.¹⁶⁰ The overall pessimism about the future and the overall socio-economic precarity of indigenous families induce some parents to involve children in work, for example on plantations, even when education facilities are available, in order to teach them basic skills that could ensure them access to work, should their parents no longer be there to support them.¹⁶¹

The focus group discussions undertaken for this report also pointed to the increasing challenges faced by indigenous peoples in pursuing their traditional livelihood strategies as a main reason for child labour among indigenous children. Focus group participants indicated that parents may not see the value of formal education because children who go to school are often no more successful than those who do not, given the high rates of unemployment. From the perspective of some indigenous children

too, education may appear as a 'waste of time'. Focus group participants also noted that indigenous children often lack successful role models who could help them overcome their feelings of inadequacy and encourage their future aspirations, as most of the educated people do not return to their communities.¹⁶² As voiced during some of the focus group discussions, many indigenous youth feel "frustrated and hopeless". Some indigenous adolescents from Latin America have emphasized that it is very difficult for them in general to find job opportunities to help their families and it is even hard to find 'permissible' forms of work.¹⁶³

Focus group participants indicated that there is an overall lack of understanding about the challenges faced by indigenous youth and the opportunities that could be tapped into to support them in sustaining a livelihood in keeping with their aspirations and distinct cultural identities. It was noted that, for example, government programmes aimed at youth in Kenya do not capture the realities of indigenous youth nor their aspirations, with the consequence that indigenous youth continue to feel neglected and left at the margins.

¹⁵⁹ See, for example, Errico, 'The Rights of Indigenous Peoples in Asia. Human Rights-Based Overview of National Legal and Policy Frameworks against the Backdrop of Country Strategies for Development and Poverty Reduction'.

¹⁶⁰ World Bank, *Indigenous Latin America in the Twenty-First Century*.

¹⁶¹ See, for example, Vargas Evaristo, 'El papel de los niños trabajadores en el contexto familiar. El caso de migrantes indígenas asentados en el Valle de San Quintín'.

¹⁶² On this point, see also IWGIA - International Work Group for Indigenous Affairs, *The Indigenous World 2005*. In this regard, participants from both Kenya and Cambodia highlighted the positive impact of successful individuals, women in the cases mentioned during the discussions, which returned to their communities to support them and work with younger generations (on this point see also the testimonies captured in ILO, 'Exploring and Tackling Barriers to Indigenous Women's Participation and Organization').

¹⁶³ See, for example, ILO, 'Guatemala: Perspectiva de los pueblos indígenas sobre trabajo infantil en el contexto migratorio - Recomendaciones para la acción'.

4.4 Erosion of traditional institutions and disruption of informal community support structures

The erosion of traditional institutions and disruption of informal community support structures can also oblige indigenous households to resort to child labour as a survival strategy.¹⁶⁴ Disruptions may be caused by the non-recognition of traditional institutions and the overlapping with state-appointed authorities, the pressures and divisions purposely brought about by third parties to gain control over indigenous territories, as well as cultural pressures and the long-term impacts of assimilationist policies and forced displacements, among others. It has been reported, for example, that traffickers of indigenous girls take advantage of “the disintegration of society and the loss of family, community and traditional indigenous values”.¹⁶⁵ Conversely, some studies highlight the role played by indigenous peoples’ institutions, traditions and worldview in *preventing* child labour.¹⁶⁶

4.5 Migration and lack of access to decent work

Indigenous adults and children are increasingly migrating away from their communities due to a variety of push and pull factors, including the difficulties faced by indigenous peoples to sustain their livelihoods within their communities. Indigenous peoples represent, for instance, the majority of the migrant population of Guatemala. The largest part of the migrant children who leave the country to go to Mexico, the United States or Canada.^{167,168}

Due to the lack of access to education and training, indigenous men and women leaving their communities to seek new jobs often end up in informal economy jobs marked by “poor working conditions, low pay and discrimination” with no access to social protection.¹⁶⁹ This puts pressure on children to work to complement the meagre incomes of their parents.¹⁷⁰ The ILO estimates that 86 per cent of the global indigenous population has an informal job compared to 66 per cent of non-indigenous people.¹⁷¹

¹⁶⁴ See, for example, ILO-IPEC, ‘Trabajo Infantil Indígena en Colombia. Una síntesis de las miradas sobre el problema desde las comunidades indígenas, los académicos y las instituciones’.

¹⁶⁵ UN Permanent Forum on Indigenous Issues, ‘Report on the Living Conditions of Indigenous Children and Adolescents in Mesoamerica and Compliance with Their Rights’.

¹⁶⁶ ILO-IPEC, ‘Indigenous and Tribal Children: Assessing Child Labour and Education Challenges’; see also Castelnuovo et al 2000.

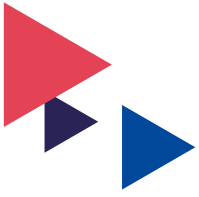
¹⁶⁷ ILO, ‘Guatemala: Perspectiva de los pueblos indígenas sobre trabajo infantil en el contexto migratorio – Recomendaciones para la acción’.

¹⁶⁸ The search for better job opportunities and family reunification are the reasons most frequently mentioned by these indigenous children to explain their decision to migrate (ILO.).

¹⁶⁹ ILO, ‘Implementing the ILO Indigenous and Tribal Peoples Convention No. 169’, p. 15.

¹⁷⁰ ILO-IPEC, ‘Trabajo Infantil y Pueblos Indígenas. El caso de Guatemala’; ILO-IPEC, ‘Trabajo Infantil y Pueblos Indígenas. El caso de Panamá’; ILO-IPEC, ‘Trabajo infantil y pueblos indígenas. El caso de Honduras’; ILO-IPEC, ‘Trabajo infantil y pueblos indígenas. El caso de Nicaragua’.

¹⁷¹ ILO, ‘Implementing the ILO Indigenous and Tribal Peoples Convention No. 169’.



4.6 Inadequate basic services

Many indigenous peoples lack adequate access to basic services, such as health care, education, water and sanitation, or electricity, because those services are unavailable, physically or financially inaccessible, culturally inappropriate, of low quality, or not adapted to the needs of the communities and their members. The lack of official registration at birth and, consequently, of identity documents remain a considerable obstacle to access basic services for many indigenous communities.¹⁷² In the event of forced evictions and displacement, the communities concerned are very often left without access to the needed services, including in the case of relocation.¹⁷³

The impact of inadequate basic services on indigenous communities is significant and multi-faceted. Lack of access to water, sanitation and healthcare, for instance, may translate in practice into the indebtedness of families, as well as ill-health and death of family members, which may push children into work, especially in a context where indigenous peoples continue to have very limited or no social protection coverage.¹⁷⁴ Malnutrition and ill-health of indigenous

children also figure among the factors impairing achievement and retention in school. Lack of sexual and reproductive health care services, goods and information, also has a negative impact on school attendance, especially of indigenous girls.¹⁷⁵ Early pregnancies often push girls, and boys, out of school and into child labour.

Long distances, the unavailability or prohibitive cost of transport, and concerns about security along the road to the nearest school are major causes of low enrolment and high drop-out rates of indigenous children, again especially in the case of girls.¹⁷⁶ In some cases, road infrastructure and connections are lacking, making commuting to school virtually impossible.¹⁷⁷ Focus group participants from Kenya referred to cases of indigenous girls having to “trade their bodies” to pay the cost of a ride to go to school, facing in turn the risk of unwanted pregnancies. During the focus groups with participants from the Russian Federation, reference was also made to austerity measures involving the closure of schools and other services in the areas where the local population does not reach a minimum size threshold, affecting disproportionately indigenous communities.

Finally, the digital divide, exposed particularly during the COVID-19

¹⁷² See, for example, UN Human Rights Council, ‘Visit to Malaysia: Report of the Special Rapporteur on Extreme Poverty and Human Rights’; UN Committee on the Elimination of Discrimination against Women, ‘Concluding Observations on the Seventh Periodic Report of the Congo’; Errico, ‘The Rights of Indigenous Peoples in Asia. Human Rights-Based Overview of National Legal and Policy Frameworks against the Backdrop of Country Strategies for Development and Poverty Reduction’.

¹⁷³ See, for example, UN Human Rights Council, ‘Report of the Special Rapporteur on the Rights of Indigenous Peoples on Her Visit to Guatemala’; UN, ‘Adequate Housing as a Component of the Right to an Adequate Standard of Living, and the Right to Non-Discrimination in This Context’.

¹⁷⁴ On the issue of social protection for indigenous peoples, see ILO, ‘Social Protection for Indigenous Peoples’.

¹⁷⁵ Inter-American Commission on Human Rights, ‘Indigenous and Tribal Peoples of the Pan-Amazon Region’; FAO, ‘FAO Framework on Ending Child Labour in Agriculture’.

¹⁷⁶ See, for example, Inter-American Commission on Human Rights, ‘Indigenous and Tribal Peoples of the Pan-Amazon Region’; IWGIA - International Work Group for Indigenous Affairs, ‘Post 2015 Development Process: Education’; Indigenous Navigator, *Indigenous Peoples in a Changing World of Work: Exploring Indigenous Peoples’ Economic and Social Rights through the Indigenous Navigator*.

¹⁷⁷ IWGIA - International Work Group for Indigenous Affairs, *The Indigenous World 2020*.

pandemic,¹⁷⁸ is an important factor behind the lower performance rates of indigenous children compared to non-indigenous children and their greater challenges to access education opportunities and services on an equal footing with the rest of the population.¹⁷⁹

4.7 Violence and harassment

Violence and harassment are additional factors affecting indigenous children's access to education and their risk of child labour. Indigenous children from Argentina, for example, refer to bullying and violence from non-indigenous students coupled with lack of action from their teachers as a reason for dropping out of school.¹⁸⁰ Indigenous children from the Republic of the Congo similarly report facing mockery and discrimination at school, which, along with other factors such as the irrelevance of the education programme, translate into a lack of motivation to continue to attend classes.¹⁸¹ Bullying and humiliation of indigenous children by students and adults is also reported in Cameroon.¹⁸² Abuse and

discrimination by staff of boarding schools and hostels has led to indigenous children deserting school in Botswana.¹⁸³ Violence against indigenous children is a major cause of children dropping out of school in Nepal.¹⁸⁴ In some cases, indigenous children hide or deny their indigenous origin to avoid discrimination and harassment at school.¹⁸⁵

For indigenous girls in particular, the risk of exposure to harassment and violence, including sexual violence, when they commute to school, is a formidable barrier to accessing education. In Peru, there are reports of indigenous girls facing sexual violence at school as well as harassment and sexual violence during the long walks or travel that they have to face to reach schools.¹⁸⁶

In some cases, indigenous children migrate away from their communities to escape situations of domestic violence and engage in child labour to sustain themselves.¹⁸⁷

178 More generally on the impact of the COVID-19 pandemic, see UN Human Rights Council, 'Indigenous Peoples and Coronavirus Disease (COVID-19) Recovery Report of the Special Rapporteur on the Rights of Indigenous Peoples, José Francisco Calí Tzay'. and Indigenous Navigator, *The Impact of COVID-19 on Indigenous Communities: Insights from the Indigenous Navigator*.

179 See, for example, Indigenous Navigator, *Indigenous Peoples in a Changing World of Work: Exploring Indigenous Peoples' Economic and Social Rights through the Indigenous Navigator*.

180 Colectivo de Derechos de Infancia y Adolescencia de Argentina (Colectivo Argentina), 'Informe alternativo de la aplicación de la convención sobre los derechos del niño en Argentina'.

181 IWGIA - International Work Group for Indigenous Affairs, *The Indigenous World 2020*.

182 Cultural Survival, 'Convention on the Rights of the Child Alternative Report Submission: Violations of Indigenous Children's Rights in Cameroon'.

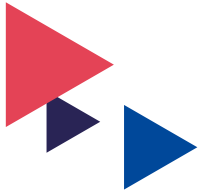
183 See, for example, Cultural Survival, 'Observations on the State of Indigenous Human Rights in Botswana'.

184 Cultural Survival, 'Convention on the Rights of the Child Shadow Report Submission: Indigenous Children's Rights Violations in Nepal'.

185 See, for example, ILO-IPEC, 'Indigenous and Tribal Children: Assessing Child Labour and Education Challenges'.

186 Inter-American Commission on Human Rights, 'Indigenous and Tribal Peoples of the Pan-Amazon Region'.

187 In Guatemala and Honduras, it has been observed that, due to the high levels of migration of indigenous individuals, children are often left in the care of third parties and, in some cases, they are victims of violence and abuse by their caregivers (ILO, 'Guatemala: Perspectiva de los pueblos indígenas sobre trabajo infantil en el contexto migratorio - Recomendaciones para la acción'; ILO, 'Honduras: Perspectiva de los pueblos indígenas y afrohondureños sobre trabajo infantil en el contexto migratorio - Recomendaciones para la acción').



4.8 Culturally inappropriate schooling

Formal education is still perceived by some indigenous peoples as an instrument of forced integration into mainstream society and, in many cases, as a reason for the alienation of children from their cultures and the breaking of bonds with older generations.¹⁸⁸ Formal education systems rarely reflect the histories, knowledge, values and realities of indigenous peoples. In some cases, they may even stigmatize indigenous knowledge and culture as something 'primitive' and 'backward', with profound impacts on indigenous children who may distance themselves from their roots.¹⁸⁹

Many indigenous peoples conceive education as a life-long process of learning-by-doing that is not confined to formal schooling or a fixed curriculum, but is also informed by observations, activities and interactions with nature and adults,¹⁹⁰ yet formal school systems rarely fit within this broader, more expansive view of education.

Focus groups participants from the Russian Federation, reported that current education systems are distant from their cultures. They indicated in many cases, indigenous children who attend formal schools forget

their language and do not return to their communities or their indigenous lifestyle, threatening the cultural survival of their peoples.

Education programmes and services are rarely developed with the participation of indigenous peoples and as a result can be irrelevant and inappropriate to their needs and aspirations or incompatible with their lifestyle.¹⁹¹ For example, as discussed earlier, in many countries, education continues to be provided only in the national language, which poses a great obstacle for indigenous children who do not master it and results in high drop-out rates in many countries.¹⁹² Further, school calendars are rarely adapted to indigenous peoples' lifestyles, which makes it impossible for children to attend school at certain moments of the school year and may eventually contribute to their dropping out. The lack of mobile schools and/or culturally adequate and safe boarding facilities has also been identified as a barrier to access education for indigenous children belonging to nomadic and semi-nomadic peoples.^{193, 194}

Against this background, some indigenous children may not enrol or drop out of school if their parents or the children themselves perceive that the education provided is not relevant or, worse, is alienating them

¹⁸⁸ IWGIA - International Work Group for Indigenous Affairs, 'Post 2015 Development Process: Education'; Magni 2016; IWGIA - International Work Group for Indigenous Affairs, *The Indigenous World 2005*.

¹⁸⁹ See, for example, Cultural Survival, 'Convention on the Rights of the Child Shadow Report Submission: Indigenous Children's Rights Violations in Kenya'.

¹⁹⁰ See, for example, Magni, 'Indigenous Knowledge and Implications for the Sustainable Development Agenda'.

¹⁹¹ See, among others, UN Department of Economic and Social Affairs, 'State of the World's Indigenous Peoples III, Education'; IWGIA - International Work Group for Indigenous Affairs, 'Post 2015 Development Process: Education'; Magni 2016; IWGIA - International Work Group for Indigenous Affairs, *The Indigenous World 2005*; Cultural Survival, 'Observations on the State of Indigenous Human Rights in Botswana'; Cultural Survival, 'Convention on the Rights of the Child Shadow Report Submission: Indigenous Children's Rights Violations in Kenya'.

¹⁹² See, for example, Cultural Survival, 'Convention on the Rights of the Child Alternative Report Submission: Indigenous Children's Rights Violations in Guatemala'; Cultural Survival, 'Convention on the Rights of the Child Shadow Report Submission: Indigenous Children's Rights Violations in Nepal'; Cultural Survival, 'Observations on the State of Indigenous Human Rights in Botswana'; Cultural Survival, 'Convention on the Rights of the Child Alternative Report Submission: Indigenous Children's Rights Violations in Costa Rica'.

¹⁹³ IWGIA - International Work Group for Indigenous Affairs, 'Post 2015 Development Process: Education'.

¹⁹⁴ In some cases, where mobile school units are available, like in Namibia, they lack sufficient teachers and learning materials (UN Committee on the Elimination of Racial Discrimination, 'Concluding Observations on the Combined Thirteenth to Fifteenth Periodic Reports of Namibia'). Participants in the focus groups with the Russian Federation shared similar challenges with regard to the implementation of 'nomadic schools'.

from their culture,¹⁹⁵ and instead enter the labour market prematurely. For example, in Cameroon, there are reports of indigenous Baka parents encouraging their kids to drop out of school because they consider the current education system not useful to their children and view the forest as a more adequate 'school'.¹⁹⁶

4.9 Harmful social norms and practices

Harmful social norms and practices are also relevant to the discussion of the causes of child labour and education exclusion among indigenous children. There is a social acceptance in some circles of child labour among indigenous children, linked to a wider pattern of discriminatory attitudes towards indigenous peoples. This results in the justification of child labour as a 'part of life' for indigenous children.

Consultations held with indigenous peoples' organizations also point to the need to "unpack culture" and identify the negative practices and traditions *within* the indigenous community that potentially impede progress against child labour.¹⁹⁷ Tradition, it was, could not be used to justify practices that were prejudicial to the child's dignity, health and development.

Parents and grandparents, for whom education consisted of knowledge transmission by elders in the community meeting hall, may not see the usefulness of formal education. Certain rituals of transition to adulthood may impair access to education for both boys and girls or affect their retention in school,¹⁹⁸ such as the institution of *morán* among indigenous Maasai peoples that entails boys' retreat in isolation in the bushes to acquire traditional skills and knowledge. It is also reported that after undergoing the ritual passage to adulthood, boys may be less willing to be directed by a teacher, which in turn leads to their low retention in school.

In some indigenous communities, indigenous girls may not attend school because they are expected to take on a series of household responsibilities from an early age, in order to allow their parents to work,¹⁹⁹ or because meagre household resources are invested in the education of indigenous boys rather than girls, who are expected to marry at a young age.²⁰⁰

Rates of adolescent pregnancies are often particularly high among indigenous girls, attributable in part to child marriage as well as lack of access to sexual and reproductive education and health services.²⁰¹ Early marriages and pregnancies were also cited in the focus groups undertaken for this report

¹⁹⁵ See, for example, UN Human Rights Council, 'Visit to Malaysia: Report of the Special Rapporteur on Extreme Poverty and Human Rights'; World Bank, *Indigenous Latin America in the Twenty-First Century*; IWGIA - International Work Group for Indigenous Affairs, *The Indigenous World 2005*.

¹⁹⁶ Cultural Survival, 'Convention on the Rights of the Child - Alternative Report Submission: Violations of Indigenous Children's Rights in Cameroon'.

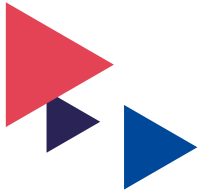
¹⁹⁷ ILO, 'Handbook on Combating Child Labour among Indigenous and Tribal Peoples'.

¹⁹⁸ In certain cases, the impact may be ascribed to the lack of flexibility and adaptability of the education programmes, although this may not be always the case.

¹⁹⁹ See UN Human Rights Council, 'Report of the Special Rapporteur on the Rights of Indigenous Peoples, Victoria Tauli Corpuz'; ILO, 'Exploring and Tackling Barriers to Indigenous Women's Participation and Organization'; UN, 'Report of the Special Rapporteur on the Rights of Indigenous Peoples. Mission to the Republic of the Congo'.

²⁰⁰ See, for example, Horbath Corredor et al., *La cuestión indígena en las ciudades de las Américas. Procesos, políticas e identidades*.

²⁰¹ See, for example, UN Committee on the Rights of the Child, 'Concluding Observations on the Report Submitted by Peru under Article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography'; UN, 'Issue of Child, Early and Forced Marriage'; ILO, 'Guatemala: Perspectiva de los pueblos indígenas sobre trabajo infantil en el contexto migratorio - Recomendaciones para la acción'; ILO, 'Honduras: Perspectiva de los pueblos indígenas y afrohondureños sobre trabajo infantil en el contexto migratorio - Recomendaciones para la acción'.



as important causes of school dropouts and child labour. Focus group participants referred to the situation of girls who often face early marriages and pregnancies and are forced to quit school. In some countries, educational institutions expel pregnant and married girls from schools and prohibit their re-entry even after childbirth.²⁰² In Nepal, early and forced marriages have been identified as a cause of suicide among adolescent girls.²⁰³

Focus group discussants from Tanzania emphasized that child marriages should be considered as a form of child labour, arguing that. Early and forced marriages of indigenous girls are used in practice as an instrument to acquire labourers, for example to look after their new family's livestock. They also indicated that parents may also marry off their daughters to earn the dowry and support the family's livelihood. Participants highlighted that decisions of this kind are the result of "failure in decision-making at household level", where women do not have a strong say and it is mainly men who decide on livelihood options, including child marriage.

Studies in Latin America have found that indigenous child labourers are often the sons, daughters, and the grandchildren of individuals who had been themselves child labourers.²⁰⁴ Although it may be portrayed as a 'traditional' element of the culture of certain communities, it is often the result of dynamics originating in the context of colonization and conquest. The Wixárika people in Mexico, for example, migrate annually to work on tobacco plantations

in the north of the country. This is often referred to as a 'custom' of the Wixárika people and for their children, migrating to work on the plantations has become a manner of marking their passage into adolescence. However, this practice has very little to do with their indigenous culture.²⁰⁵

Finally, the exposure to a market-based and consumerist society has also induced profound changes among some indigenous adults and children alike, with some indigenous children engaging in child labour to meet new 'social status' needs. Focus groups revealed, for example, that some indigenous children in Cambodia started working to be able to afford a new cell phone, a motorbike or a car. In the words of a focus group participant, "globalization and modernization are killing the peace and the solidarity of communities".

4.10 Conflict and insecurity

Conflict and insecurity affecting indigenous children take many forms, including conflicts with non-indigenous parties over the control of indigenous territories and conflicts stemming from the actions of criminal organizations.²⁰⁶ During the focus groups undertaken for this report, it was underscored that conflicts between indigenous communities may also be induced by governments, in a context of high tenure insecurity, with a view to taking control over their territories. Violence and intimidation against indigenous peoples defending their lands are common in many countries, in some contexts leaving

²⁰² On these points, see for example UN Working Group on Discrimination against Women and Girls et al, 'Communication to the Government of Tanzania'.

²⁰³ Cultural Survival, 'Convention on the Rights of the Child Shadow Report Submission: Indigenous Children's Rights Violations in Nepal'.

²⁰⁴ ILO et al, 'Trabajo infantil y niñez indígena en América Latina. Memoria del Encuentro Latinoamericano trabajo infantil, pueblos indígenas y gobiernos "De la declaración a la acción"'.

²⁰⁵ ILO et al.

²⁰⁶ See, for example, ILO-IPEC, 'Prevención y erradicación del trabajo infantil de niños y adolescentes indígenas del pueblo Mbya con enfoque comunitario'; ILO, 'Honduras: Perspectiva de los pueblos indígenas y afrohondureños sobre trabajo infantil en el contexto migratorio – Recomendaciones para la acción'; UN Committee on the Rights of the Child, 'Concluding Observations on the Combined Third to Fifth Periodic Reports of Kenya'.

indigenous children and their families traumatised and without a livelihood.²⁰⁷

It is in the context of conflict and overall insecurity that some of the worst forms of child labour affecting indigenous children are found, including trafficking, commercial sexual exploitation, and recruitment into armed groups and criminal organizations. A further dynamic has been observed in Honduras, where some parents encourage their children to work in order to protect them from the risk of getting involved with local gangs, in the absence of educational opportunities.²⁰⁸

Conflict also presents a significant barrier to indigenous children's access to education and school attendance.²⁰⁹ In some cases, schools are not accessible because of the overall context of insecurity affecting indigenous territories, including conflicts and the militarization of indigenous territories.²¹⁰ During the focus group discussions undertaken for this report, for instance, it was emphasized that some areas, such as the indigenous Samburu area in Kenya, are highly insecure and this affects indigenous children's access to education. Militarization of indigenous territories, because of the fear it instils in the concerned peoples and the frequent use of community schools as military detachments, represents a major impediment to indigenous children's education.²¹¹ In some cases, schools in indigenous territories are closed by the State in an effort to 'control' the area.²¹²

²⁰⁷ See, among many others, IWGIA - International Work Group for Indigenous Affairs, *The Indigenous World 2020*; UN Human Rights Council, 'Report of the Special Rapporteur on the Rights of Indigenous Peoples on Her Visit to Mexico'; UN Human Rights Council, 'Report of the Special Rapporteur on the Rights of Indigenous Peoples', 2018; UN Committee on the Elimination of Racial Discrimination, 'Concluding Observations on the Combined Fourteenth to Seventeenth Reports of Cambodia'; Cultural Survival, 'Convention on the Rights of the Child Alternative Report Submission: Violations of Indigenous Children's Rights in Cameroon'.

²⁰⁸ ILO, 'Honduras: Perspectiva de los pueblos indígenas y afrohondureños sobre trabajo infantil en el contexto migratorio - Recomendaciones para la acción'.

²⁰⁹ See, among others, UN Human Rights Council, 'Report of the Special Rapporteur on the Rights of Indigenous Peoples, Victoria Tauli Corpuz'; UN Human Rights Council, 'Report of the Special Rapporteur on the Rights of Indigenous Peoples on Her Visit to Mexico'; UN Committee on the Rights of the Child, 'Concluding Observations on the Combined Third to Fifth Periodic Reports of Nepal'; Colectivo Argentina 2017; Inter-American Commission on Human Rights, 'Indigenous and Tribal Peoples of the Pan-Amazon Region'; ILO, 'Handbook on Combating Child Labour among Indigenous and Tribal Peoples'.

²¹⁰ See, for example, IWGIA - International Work Group for Indigenous Affairs, 'Post 2015 Development Process: Education'.

²¹¹ IWGIA - International Work Group for Indigenous Affairs.

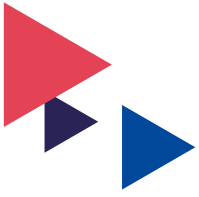
²¹² See, for example, IWGIA - International Work Group for Indigenous Affairs, *The Indigenous World 2020*.



5

Concluding remarks





5. Concluding remarks

The preceding discussion makes clear that the persistently high rates of child labour and education exclusion among indigenous children must be understood against a backdrop of broader structural discrimination and continuing patterns of subjugation, marginalization, dispossession and exclusion faced by indigenous peoples. The policy implications are equally clear. Progress against child labour and education exclusion of indigenous children must go hand in hand with efforts to prevent and address the violations of the broader collective and individual rights of indigenous peoples enshrined in the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the UN Declaration on the Rights of Indigenous Peoples.

There is an urgent overarching need to recognize “the aspirations of indigenous peoples to exercise control over their own institutions, ways of life and economic development and to maintain and develop their identities, languages and religions”, as proclaimed in ILO Convention No. 169, and to recognize their right to the dignity and diversity of their cultures and aspirations, as stated in the UN Declaration on the Rights of Indigenous Peoples.

The establishment of appropriate mechanisms for the meaningful participation of indigenous peoples regarding matters that concern them - as envisaged in Convention No. 169 - is crucial to ensuring that public policies and services, including those aimed at ending child labour, respond to their

priorities and are in line with their aspirations for their children’s futures. Ensuring the recognition of indigenous peoples’ rights to land, territories and resources, including preventing infringements and providing reparation in case of violations, is critical to ensuring their food security and adequate livelihoods without resort to child labour. Ensuring the right of indigenous peoples to social protection without discrimination is essential to mitigating the socio-economic vulnerability that can lead to a reliance on child labour. Ensuring the right of indigenous children to free education that is relevant, culturally appropriate, and of good quality - including enabling them to establish their own education systems - is vital to providing families with a worthwhile alternative to child labour. Across all of these areas, more and better information and data on the situation of indigenous children and the challenges they face are needed to inform policy.

Employers’ and workers’ organizations can play key roles in advancing the elimination of child labour among indigenous children. They can raise related issue and concerns in the context of the ILO’s system for supervision of international labour standards, take part and contribute to policy debates at national and international levels, and build partnerships, collaboration and alliances with indigenous peoples.

These are the fundamental building blocks of any national policy response to child labour and education exclusion among indigenous children.



A photograph of a person reading a book, with a large, semi-transparent blue arrow pointing from the left towards the word 'Bibliography'. The arrow is layered over the image, and several smaller triangles in blue, red, and white are scattered around it. The background is a blurred image of a person's face and hair, and a book with a blue cover is visible.

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Annexes

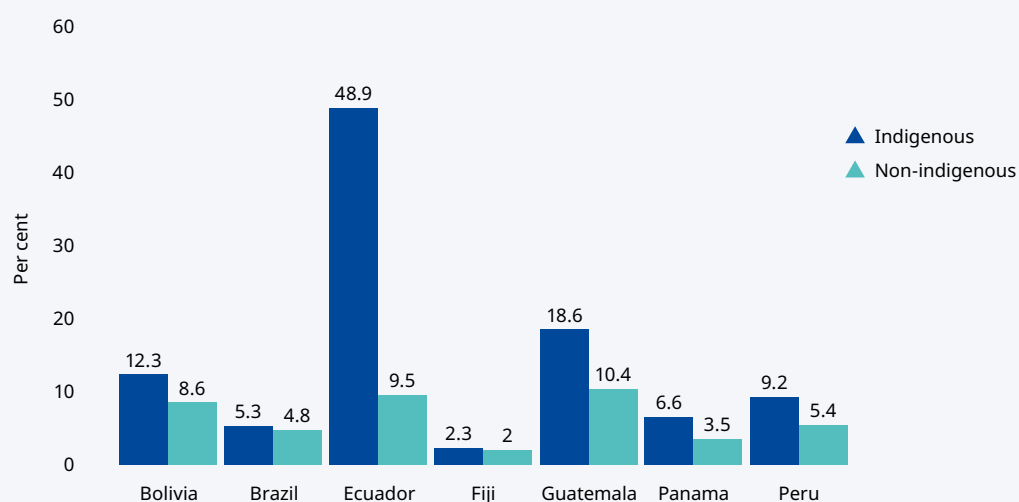


Annexes

Annex I: Additional statistical results

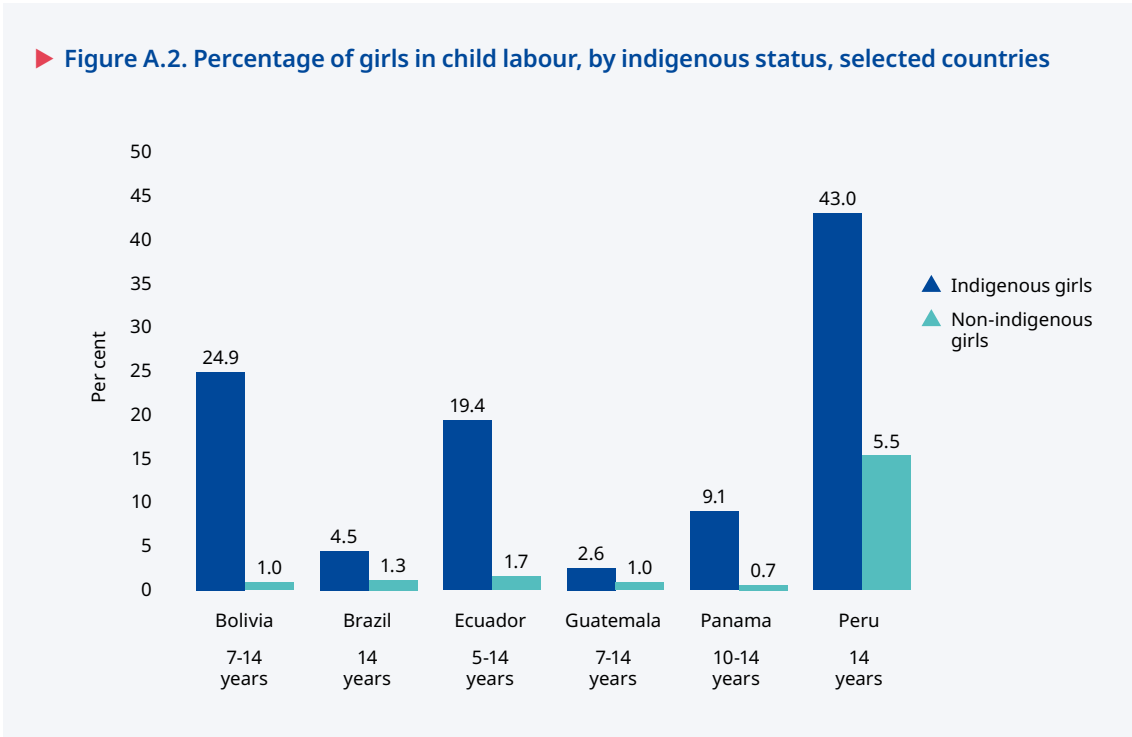
Child labour

► Figure A.1. Percentage of children in child labour, children aged 15-17 years, by indigenous status, selected countries

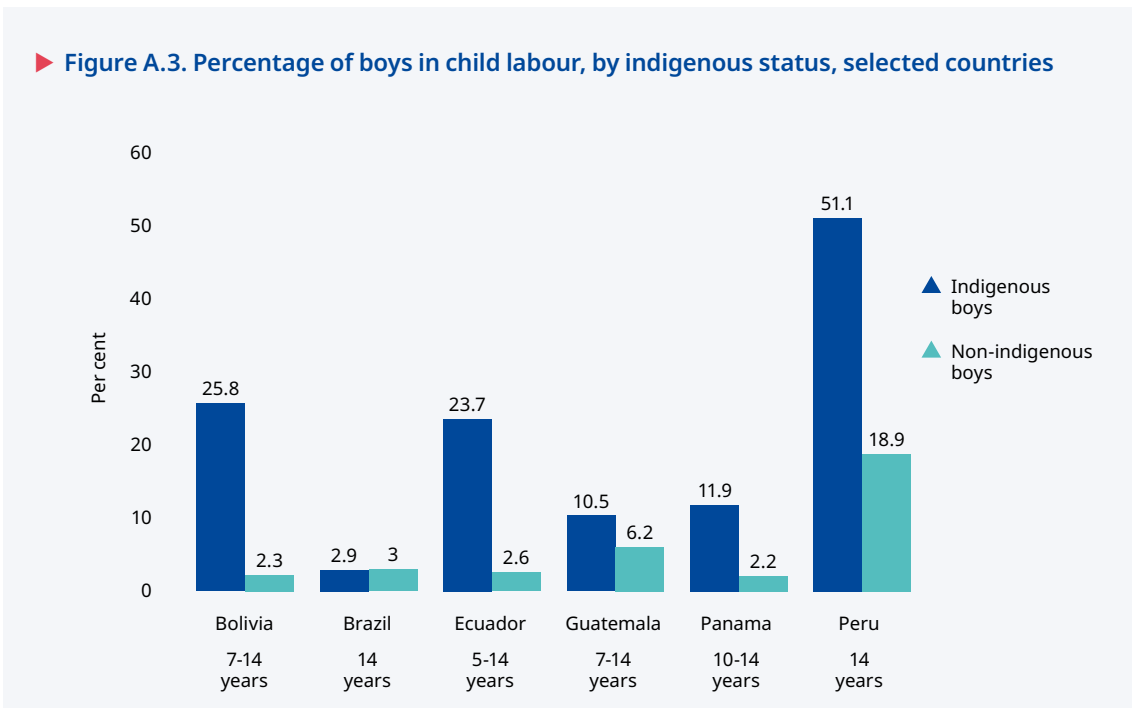


Note: The household surveys used for the analysis were conducted in 2019 or in 2020 and all included a question allowing for the self-identification of indigenous individuals.

Source (all charts): ILO calculations based on Bolivia, Encuesta de Hogares (EH), 2020; Brazil, Pesquisa Nacional por Amostra de Domicílios Contínua (PNADC), 2020; Ecuador, Encuesta Nacional de Empleo, Desempleo y Subempleo (ENEMDU), 2020(Q4); Guatemala, Encuesta Nacional de Empleo e Ingresos (ENI), 2019(Q2); Panama, Encuesta de Mercado Laboral 2019 (EML), 2019; and Peru, Encuesta Nacional de Hogares (ENAH), 2020.

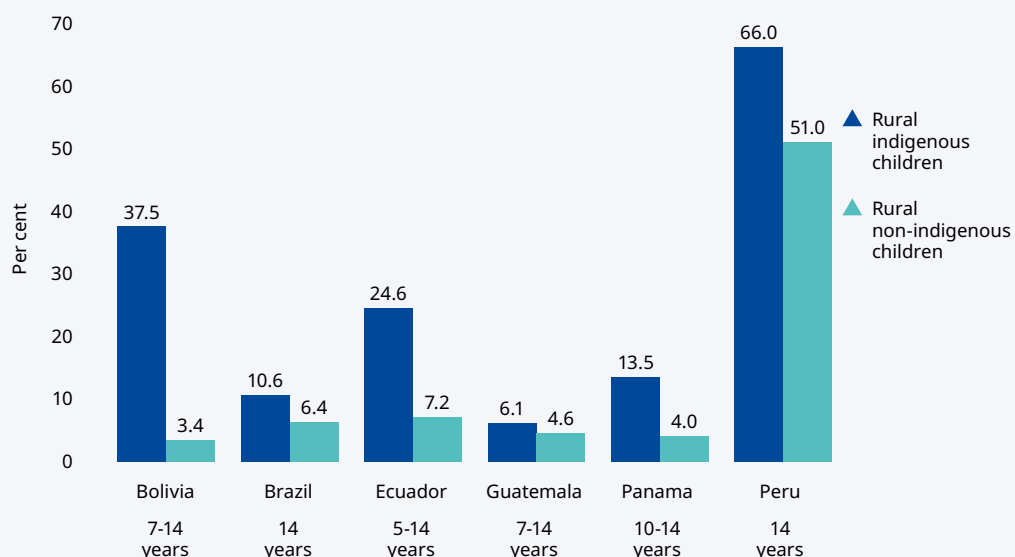


Note: The household surveys used for the analysis were conducted in 2019 or in 2020 and all included a question allowing for the self-identification of indigenous individuals. Estimates are not comparable across countries because they are based on different reference age ranges.



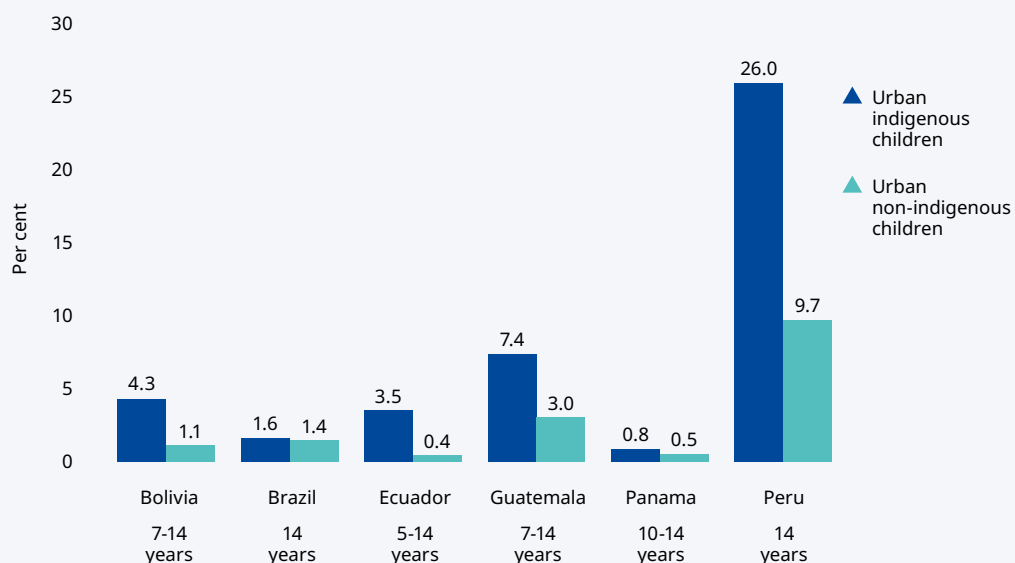
Note: The household surveys used for the analysis were conducted in 2019 or in 2020 and all included a question allowing for the self-identification of indigenous individuals. Estimates are not comparable across countries because they are based on different reference age ranges.

► **Figure A.4. Percentage of rural children in child labour, by indigenous status, selected countries**



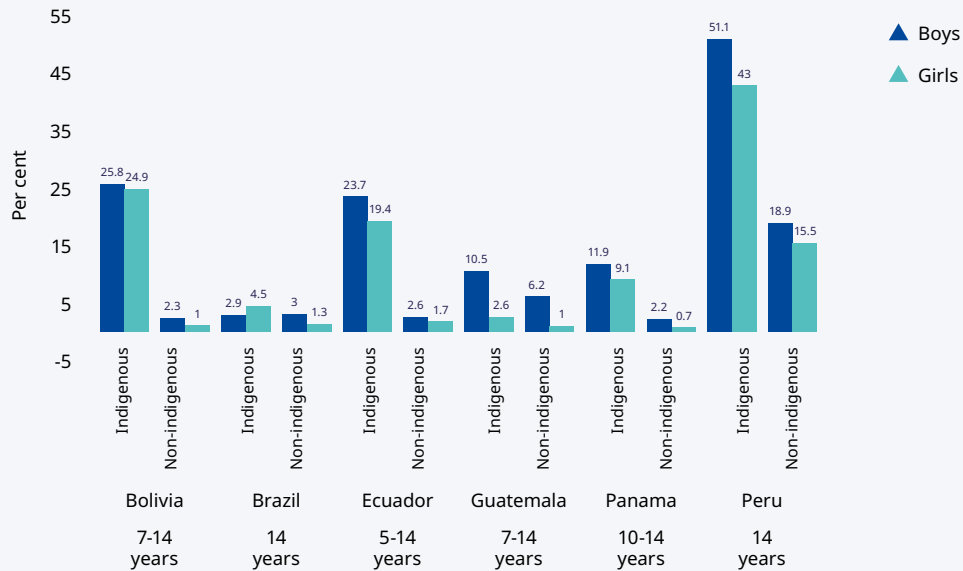
Note: The household surveys used for the analysis were conducted in 2019 or in 2020 and all included a question allowing for the self-identification of indigenous individuals. Estimates are not comparable across countries because they are based on different reference age ranges.

► **Figure A.5. Percentage of urban children in child labour, by indigenous status, selected countries**



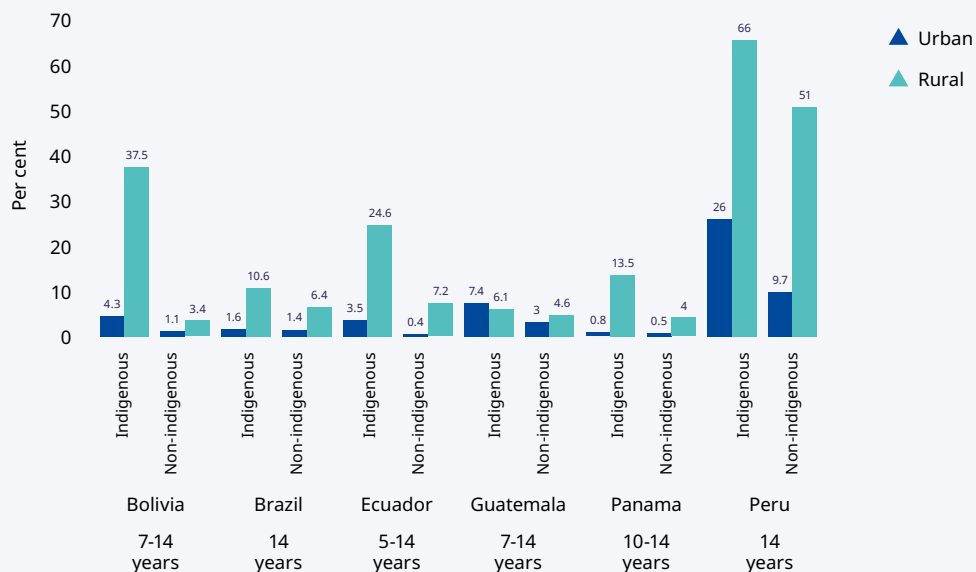
Note: The household surveys used for the analysis were conducted in 2019 or in 2020 and all included a question allowing for the self-identification of indigenous individuals. Estimates are not comparable across countries because they are based on different reference age ranges.

► **Figure A.6. Percentage of children in child labour, by sex and indigenous status, selected countries**



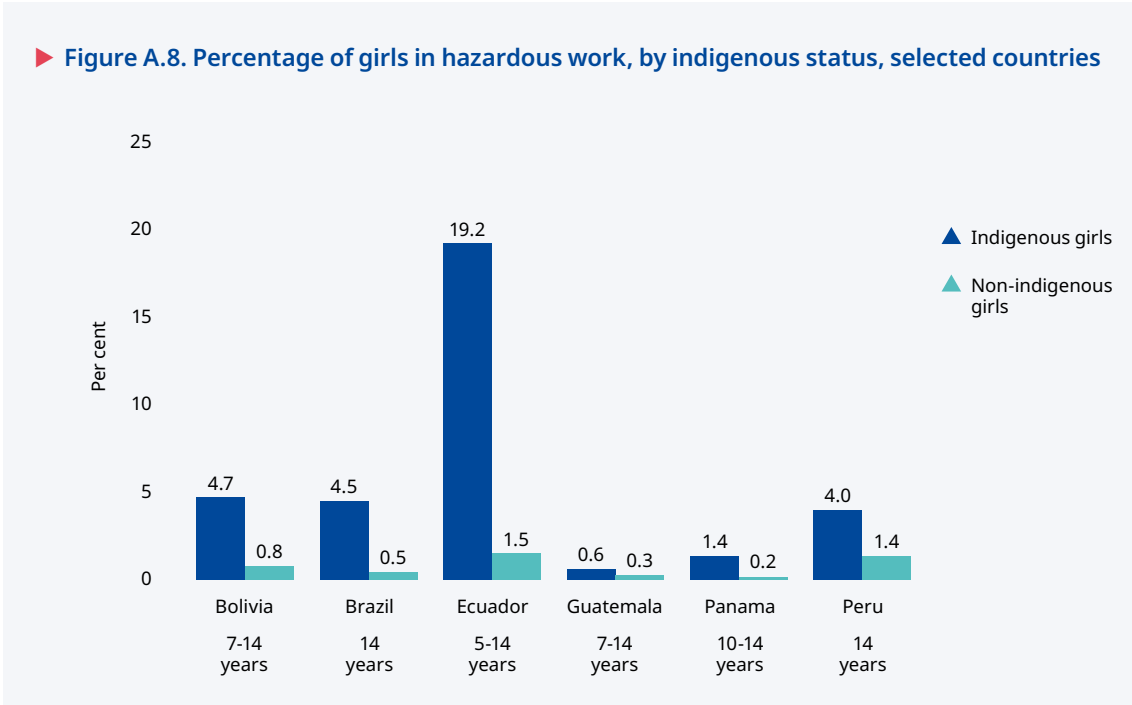
Note: The household surveys used for the analysis were conducted in 2019 or in 2020 and all included a question allowing for the self-identification of indigenous individuals. Estimates are not comparable across countries because they are based on different reference age ranges.

► **Figure A.7. Percentage of children in child labour, by residence and indigenous status, selected countries**

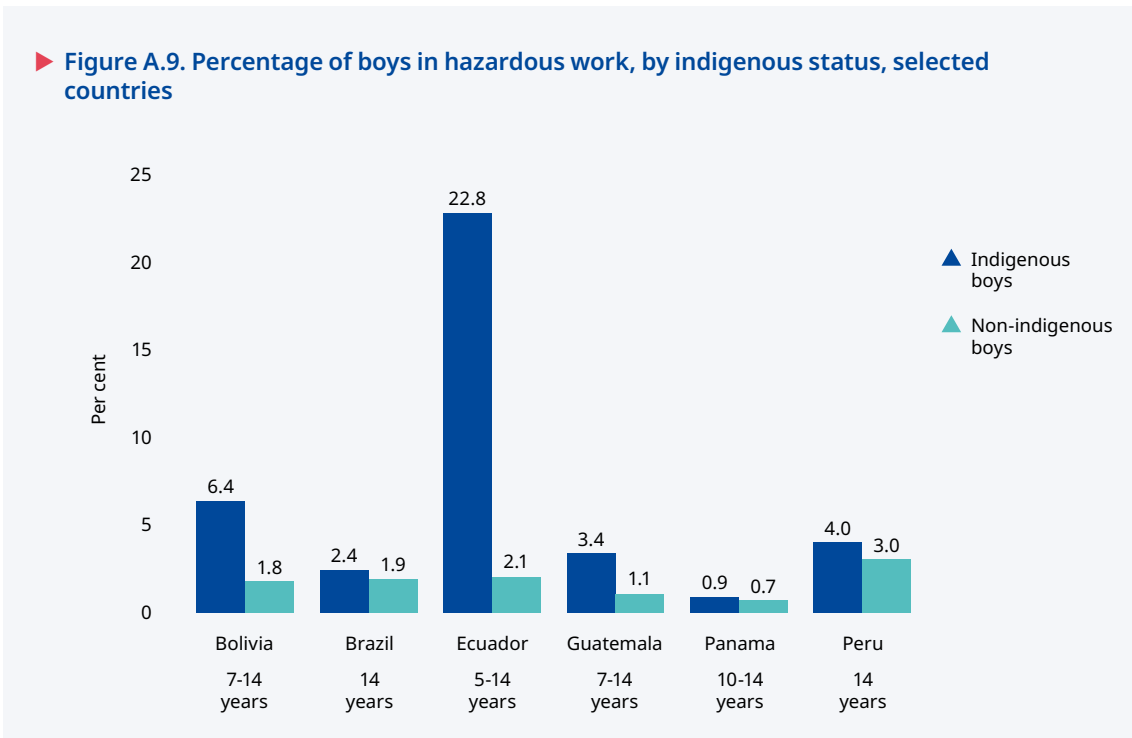


Note: The household surveys used for the analysis were conducted in 2019 or in 2020 and all included a question allowing for the self-identification of indigenous individuals. Estimates are not comparable across countries because they are based on different reference age ranges.

Hazardous work

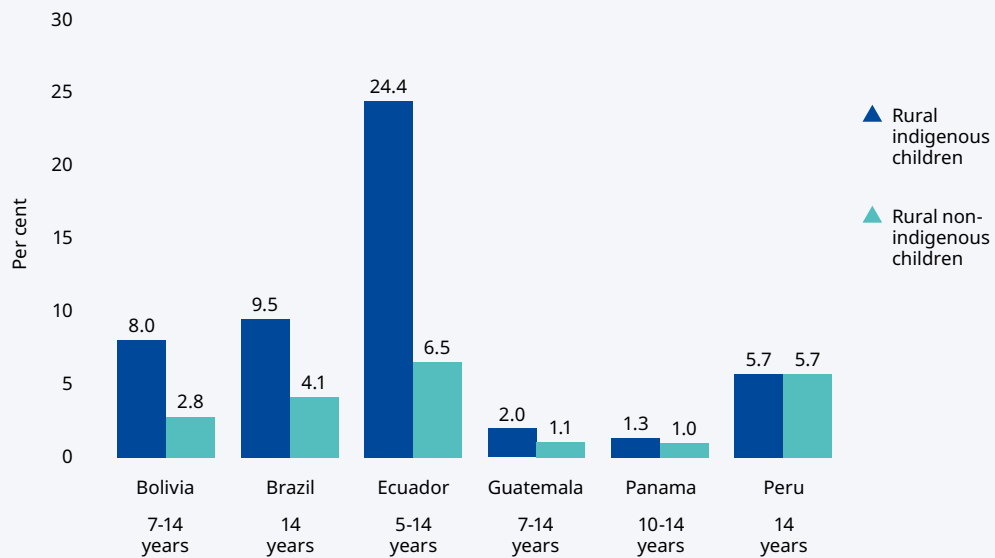


Note: The household surveys used for the analysis were conducted in 2019 or in 2020 and all included a question allowing for the self-identification of indigenous individuals. Estimates are not comparable across countries because they are based on different reference age ranges.



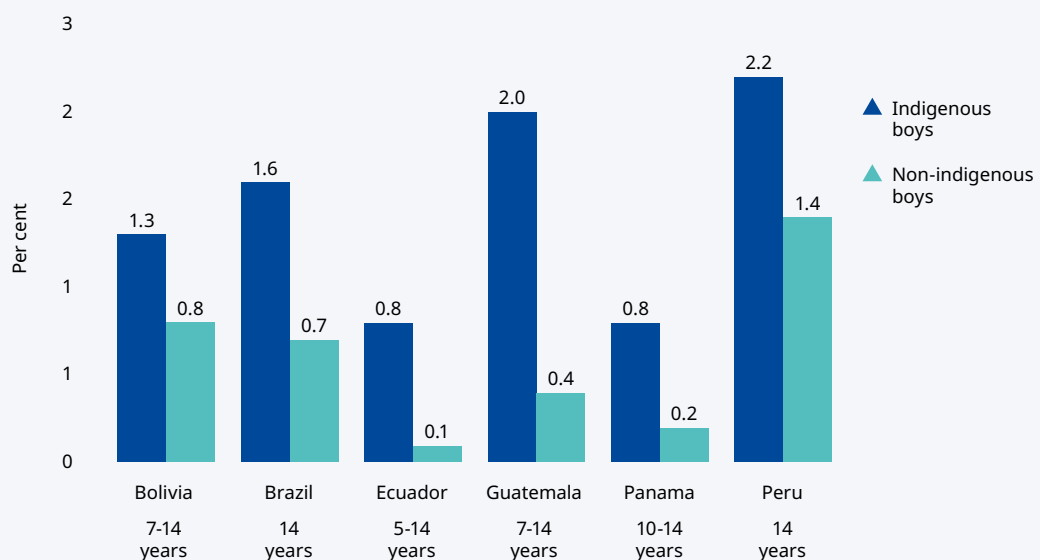
Note: The household surveys used for the analysis were conducted in 2019 or in 2020 and all included a question allowing for the self-identification of indigenous individuals. Estimates are not comparable across countries because they are based on different reference age ranges.

► **Figure A.10. Percentage of rural children in hazardous work, by indigenous status, selected countries**



Note: The household surveys used for the analysis were conducted in 2019 or in 2020 and all included a question allowing for the self-identification of indigenous individuals. Estimates are not comparable across countries because they are based on different reference age ranges.

► **Figure A.11. Percentage of urban children in hazardous work, by indigenous status, selected countries**



Note: The household surveys used for the analysis were conducted in 2019 or in 2020 and all included a question allowing for the self-identification of indigenous individuals. Estimates are not comparable across countries because they are based on different reference age ranges.

Annex II: Indigenous and Tribal Peoples Convention, 1989 (No. 169)

Preamble

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 76th Session on 7 June 1989, and

Noting the international standards contained in the Indigenous and Tribal Populations Convention and Recommendation, 1957, and

Recalling the terms of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the many international instruments on the prevention of discrimination, and

Considering that the developments which have taken place in international law since 1957, as well as developments in the situation of indigenous and tribal peoples in all regions of the world, have made it appropriate to adopt new international standards on the subject with a view to removing the assimilationist orientation of the earlier standards, and

Recognising the aspirations of these peoples to exercise control over their own institutions, ways of life and economic development and to maintain and develop their identities, languages and religions, within the framework of the States in which they live, and

Noting that in many parts of the world these peoples are unable to enjoy their fundamental human rights to the same degree as the rest of the population of the States within which they live, and that their laws, values, customs and perspectives have often been eroded, and

Calling attention to the distinctive contributions of indigenous and tribal peoples to the cultural diversity and social and ecological harmony of humankind and to international co-operation and understanding, and

Noting that the following provisions have been framed with the co-operation of the United Nations, the Food and Agriculture Organisation of the United Nations, the United Nations Educational, Scientific and Cultural Organisation and the World Health Organisation, as well as of the Inter-American Indian Institute, at appropriate levels and in their respective fields, and that it is proposed to continue this co-operation in promoting and securing the application of these provisions, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Indigenous and Tribal Populations Convention, 1957 (No. 107), which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention revising the Indigenous and Tribal Populations Convention, 1957;

adopts this twenty-seventh day of June of the year one thousand nine hundred and eighty-nine the following Convention, which may be cited as the Indigenous and Tribal Peoples Convention, 1989;

Part I. General policy

Article 1

1. This Convention applies to:

(a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;

(b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

2. Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply.

3. The use of the term peoples in this Convention shall not be construed as having any implications as regards the rights which may attach to the term under international law.

Article 2

1. Governments shall have the responsibility for developing, with the participation of the peoples concerned, co-ordinated and systematic action to protect the rights of these peoples and to guarantee respect for their integrity.

2. Such action shall include measures for:

(a) ensuring that members of these peoples benefit on an equal footing from the rights and opportunities which national laws and regulations grant to other members of the population;

(b) promoting the full realisation of the social, economic and cultural rights of these peoples with respect for their social and cultural identity, their customs and traditions and their institutions;

(c) assisting the members of the peoples concerned to eliminate socio-economic gaps that may exist between indigenous and other members of the national community, in a manner compatible with their aspirations and ways of life.

Article 3

1. Indigenous and tribal peoples shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination. The provisions of the Convention shall be applied without discrimination to male and female members of these peoples.

2. No form of force or coercion shall be used in violation of the human rights and fundamental freedoms of the peoples concerned, including the rights contained in this Convention.

Article 4

1. Special measures shall be adopted as appropriate for safeguarding the persons, institutions, property, labour, cultures and environment of the peoples concerned.

2. Such special measures shall not be contrary to the freely-expressed wishes of the peoples concerned.

3. Enjoyment of the general rights of citizenship, without discrimination, shall not be prejudiced in any way by such special measures.

Article 5

In applying the provisions of this Convention:

- (a) the social, cultural, religious and spiritual values and practices of these peoples shall be recognised and protected, and due account shall be taken of the nature of the problems which face them both as groups and as individuals;
- (b) the integrity of the values, practices and institutions of these peoples shall be respected;
- (c) policies aimed at mitigating the difficulties experienced by these peoples in facing new conditions of life and work shall be adopted, with the participation and co-operation of the peoples affected.

Article 6

1. In applying the provisions of this Convention, governments shall:

- (a) consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly;
- (b) establish means by which these peoples can freely participate, to at least the same extent as other sectors of the population, at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programmes which concern them;
- (c) establish means for the full development of these peoples' own institutions and initiatives, and in appropriate cases provide the resources necessary for this purpose.

2. The consultations carried out in application of this Convention shall be undertaken, in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures.

Article 7

1. The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly.

2. The improvement of the conditions of life and work and levels of health and education of the peoples concerned, with their participation and co-operation, shall be a matter of priority in plans for the overall economic development of areas they inhabit. Special projects for development of the areas in question shall also be so designed as to promote such improvement.

3. Governments shall ensure that, whenever appropriate, studies are carried out, in co-operation with the peoples concerned, to assess the social, spiritual, cultural and environmental impact on them of planned development activities. The results of these studies shall be considered as fundamental criteria for the implementation of these activities.

4. Governments shall take measures, in co-operation with the peoples concerned, to protect and preserve the environment of the territories they inhabit.

Article 8

1. In applying national laws and regulations to the peoples concerned, due regard shall be had to their customs or customary laws.

2. 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 recognised human rights. Procedures shall be established, whenever necessary, to resolve conflicts which may arise in the application of this principle.

3. The application of paragraphs 1 and 2 of this Article shall not prevent members of these peoples from exercising the rights granted to all citizens and from assuming the corresponding duties.

Article 9

1. To the extent compatible with the national legal system and internationally recognised human rights, the methods customarily practised by the peoples concerned for dealing with offences committed by their members shall be respected.
2. The customs of these peoples in regard to penal matters shall be taken into consideration by the authorities and courts dealing with such cases.

Article 10

1. In imposing penalties laid down by general law on members of these peoples account shall be taken of their economic, social and cultural characteristics.
2. Preference shall be given to methods of punishment other than confinement in prison.

Article 11

The exaction from members of the peoples concerned of compulsory personal services in any form, whether paid or unpaid, shall be prohibited and punishable by law, except in cases prescribed by law for all citizens.

Article 12

The peoples concerned shall be safeguarded against the abuse of their rights and shall be able to take legal proceedings, either individually or through their representative bodies, for the effective protection of these rights. Measures shall be taken to ensure that members of these peoples can understand and be understood in legal proceedings, where necessary through the provision of interpretation or by other effective means.

Part II. Land**Article 13**

1. In applying the provisions of this Part of the Convention governments shall respect the special importance for the cultures and spiritual values of the peoples concerned of their relationship with the lands or territories, or both as applicable, which they occupy or otherwise use, and in particular the collective aspects of this relationship.
2. The use of the term lands in Articles 15 and 16 shall include the concept of territories, which covers the total environment of the areas which the peoples concerned occupy or otherwise use.

Article 14

1. The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised. In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities. Particular attention shall be paid to the situation of nomadic peoples and shifting cultivators in this respect.
2. Governments shall take steps as necessary to identify the lands which the peoples concerned traditionally occupy, and to guarantee effective protection of their rights of ownership and possession.
3. Adequate procedures shall be established within the national legal system to resolve land claims by the peoples concerned.

Article 15

1. The rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded. These rights include the right of these peoples to participate in the use, management and conservation of these resources.

2. In cases in which the State retains the ownership of mineral or sub-surface resources or rights to other resources pertaining to lands, governments shall establish or maintain procedures through which they shall consult these peoples, with a view to ascertaining whether and to what degree their interests would be prejudiced, before undertaking or permitting any programmes for the exploration or exploitation of such resources pertaining to their lands. The peoples concerned shall wherever possible participate in the benefits of such activities, and shall receive fair compensation for any damages which they may sustain as a result of such activities.

Article 16

1. Subject to the following paragraphs of this Article, the peoples concerned shall not be removed from the lands which they occupy.

2. Where the relocation of these peoples is considered necessary as an exceptional measure, such relocation shall take place only with their free and informed consent. Where their consent cannot be obtained, such relocation shall take place only following appropriate procedures established by national laws and regulations, including public inquiries where appropriate, which provide the opportunity for effective representation of the peoples concerned.

3. Whenever possible, these peoples shall have the right to return to their traditional lands, as soon as the grounds for relocation cease to exist.

4. When such return is not possible, as determined by agreement or, in the absence of such agreement, through appropriate procedures, these peoples shall be provided in all possible cases with lands of quality and legal status at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. Where the peoples concerned express a preference for compensation in money or in kind, they shall be so compensated under appropriate guarantees.

5. Persons thus relocated shall be fully compensated for any resulting loss or injury.

Article 17

1. Procedures established by the peoples concerned for the transmission of land rights among members of these peoples shall be respected.

2. The peoples concerned shall be consulted whenever consideration is being given to their capacity to alienate their lands or otherwise transmit their rights outside their own community.

3. Persons not belonging to these peoples shall be prevented from taking advantage of their customs or of lack of understanding of the laws on the part of their members to secure the ownership, possession or use of land belonging to them.

Article 18

Adequate penalties shall be established by law for unauthorised intrusion upon, or use of, the lands of the peoples concerned, and governments shall take measures to prevent such offences.

Article 19

National agrarian programmes shall secure to the peoples concerned treatment equivalent to that accorded to other sectors of the population with regard to:

- (a) the provision of more land for these peoples when they have not the area necessary for providing the essentials of a normal existence, or for any possible increase in their numbers;
- (b) the provision of the means required to promote the development of the lands which these peoples already possess.

Part III. Recruitment and conditions of employment

Article 20

1. Governments shall, within the framework of national laws and regulations, and in co-operation with the peoples concerned, adopt special measures to ensure the effective protection with regard to recruitment and conditions of employment of workers belonging to these peoples, to the extent that they are not effectively protected by laws applicable to workers in general.

2. Governments shall do everything possible to prevent any discrimination between workers belonging to the peoples concerned and other workers, in particular as regards:

(a) admission to employment, including skilled employment, as well as measures for promotion and advancement;

(b) equal remuneration for work of equal value;

(c) medical and social assistance, occupational safety and health, all social security benefits and any other occupationally related benefits, and housing;

(d) the right of association and freedom for all lawful trade union activities, and the right to conclude collective agreements with employers or employers' organisations.

3. The measures taken shall include measures to ensure:

(a) that workers belonging to the peoples concerned, including seasonal, casual and migrant workers in agricultural and other employment, as well as those employed by labour contractors, enjoy the protection afforded by national law and practice to other such workers in the same sectors, and that they are fully informed of their rights under labour legislation and of the means of redress available to them;

(b) that workers belonging to these peoples are not subjected to working conditions hazardous to their health, in particular through exposure to pesticides or other toxic substances;

(c) that workers belonging to these peoples are not subjected to coercive recruitment systems, including bonded labour and other forms of debt servitude;

(d) that workers belonging to these peoples enjoy equal opportunities and equal treatment in employment for men and women, and protection from sexual harassment.

4. Particular attention shall be paid to the establishment of adequate labour inspection services in areas where workers belonging to the peoples concerned undertake wage employment, in order to ensure compliance with the provisions of this Part of this Convention.

Part IV. Vocational training, handicrafts and rural industries

Article 21

Members of the peoples concerned shall enjoy opportunities at least equal to those of other citizens in respect of vocational training measures.

Article 22

1. Measures shall be taken to promote the voluntary participation of members of the peoples concerned in vocational training programmes of general application.

2. Whenever existing programmes of vocational training of general application do not meet the special needs of the peoples concerned, governments shall, with the participation of these peoples, ensure the provision of special training programmes and facilities.

3. Any special training programmes shall be based on the economic environment, social and cultural conditions and practical needs of the peoples concerned. Any studies made in this connection shall be carried out in co-operation with these peoples, who shall be consulted on the organisation and operation

of such programmes. Where feasible, these peoples shall progressively assume responsibility for the organisation and operation of such special training programmes, if they so decide.

Article 23

1. Handicrafts, rural and community-based industries, and subsistence economy and traditional activities of the peoples concerned, such as hunting, fishing, trapping and gathering, shall be recognised as important factors in the maintenance of their cultures and in their economic self-reliance and development. Governments shall, with the participation of these people and whenever appropriate, ensure that these activities are strengthened and promoted.

2. Upon the request of the peoples concerned, appropriate technical and financial assistance shall be provided wherever possible, taking into account the traditional technologies and cultural characteristics of these peoples, as well as the importance of sustainable and equitable development.

Part V. Social security and health

Article 24

Social security schemes shall be extended progressively to cover the peoples concerned and applied without discrimination against them.

Article 25

1. Governments shall ensure that adequate health services are made available to the peoples concerned or shall provide them with resources to allow them to design and deliver such services under their own responsibility and control, so that they may enjoy the highest attainable standard of physical and mental health.

2. Health services shall, to the extent possible, be community-based. These services shall be planned and administered in co-operation with the peoples concerned and take into account their economic, geographic, social and cultural conditions as well as their traditional preventive care, healing practices and medicines.

3. The health care system shall give preference to the training and employment of local community health workers and focus on primary health care while maintaining strong links with other levels of health care services.

4. The provision of such health services shall be co-ordinated with other social, economic and cultural measures in the country.

Part VI. Education and means of communication

Article 26

Measures shall be taken to ensure that members of the peoples concerned have the opportunity to acquire education at all levels on at least an equal footing with the rest of the national community.

Article 27

1. Education programmes and services for the peoples concerned shall be developed and implemented in co-operation with them to address their special needs, and shall incorporate their histories, their knowledge and technologies, their value systems and their further social, economic and cultural aspirations.

2. The competent authority shall ensure the training of members of these peoples and their involvement in the formulation and implementation of education programmes, with a view to the progressive transfer of responsibility for the conduct of these programmes to these peoples as appropriate.

3. In addition, governments shall recognise the right of these peoples to establish their own educational institutions and facilities, provided that such institutions meet minimum standards established by the competent authority in consultation with these peoples. Appropriate resources shall be provided for this purpose.

Article 28

1. Children belonging to the peoples concerned shall, wherever practicable, be taught to read and write in their own indigenous language or in the language most commonly used by the group to which they belong. When this is not practicable, the competent authorities shall undertake consultations with these peoples with a view to the adoption of measures to achieve this objective.

2. Adequate measures shall be taken to ensure that these peoples have the opportunity to attain fluency in the national language or in one of the official languages of the country.

3. Measures shall be taken to preserve and promote the development and practice of the indigenous languages of the peoples concerned.

Article 29

The imparting of general knowledge and skills that will help children belonging to the peoples concerned to participate fully and on an equal footing in their own community and in the national community shall be an aim of education for these peoples.

Article 30

1. Governments shall adopt measures appropriate to the traditions and cultures of the peoples concerned, to make known to them their rights and duties, especially in regard to labour, economic opportunities, education and health matters, social welfare and their rights deriving from this Convention.

2. If necessary, this shall be done by means of written translations and through the use of mass communications in the languages of these peoples.

Article 31

Educational measures shall be taken among all sections of the national community, and particularly among those that are in most direct contact with the peoples concerned, with the object of eliminating prejudices that they may harbour in respect of these peoples. To this end, efforts shall be made to ensure that history textbooks and other educational materials provide a fair, accurate and informative portrayal of the societies and cultures of these peoples.

Part VII. Contacts and co-operation across borders

Article 32

Governments shall take appropriate measures, including by means of international agreements, to facilitate contacts and co-operation between indigenous and tribal peoples across borders, including activities in the economic, social, cultural, spiritual and environmental fields.

Part VIII. Administration

Article 33

1. The governmental authority responsible for the matters covered in this Convention shall ensure that agencies or other appropriate mechanisms exist to administer the programmes

affecting the peoples concerned, and shall ensure that they have the means necessary for the proper fulfilment of the functions assigned to them.

2. These programmes shall include:

- (a) the planning, co-ordination, execution and evaluation, in co-operation with the peoples concerned, of the measures provided for in this Convention;
- (b) the proposing of legislative and other measures to the competent authorities and supervision of the application of the measures taken, in co-operation with the peoples concerned.

Part IX. General provisions

Article 34

The nature and scope of the measures to be taken to give effect to this Convention shall be determined in a flexible manner, having regard to the conditions characteristic of each country.

Article 35

The application of the provisions of this Convention shall not adversely affect rights and benefits of the peoples concerned pursuant to other Conventions and Recommendations, international instruments, treaties, or national laws, awards, custom or agreements.

Part X. Final provisions

Article 36

This Convention revises the Indigenous and Tribal Populations Convention, 1957.

Article 37

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 38

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 39

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 40

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 41

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 42

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 43

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides-
 - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 39 above, if and when the new revising Convention shall have come into force;
 - (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 44

The English and French versions of the text of this Convention are equally authoritative.

Annex III: UN Declaration on the Rights of Indigenous Peoples

United Nations Declaration on the Rights of Indigenous Peoples

The General Assembly,

Taking note of the recommendation of the Human Rights Council contained in its resolution 1/2 of 29 June 2006, by which the Council adopted the text of the United Nations Declaration on the Rights of Indigenous Peoples,

Recalling its resolution 61/178 of 20 December 2006, by which it decided to defer consideration of and action on the Declaration to allow time for further consultations thereon, and also decided to conclude its consideration before the end of the sixty-first session of the General Assembly,

Adopts the United Nations Declaration on the Rights of Indigenous Peoples as contained in the annex to the present resolution.

107th plenary meeting 13 September 2007

Annex

United Nations Declaration on the Rights of Indigenous Peoples

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and good faith in the fulfilment of the obligations assumed by States in accordance with the Charter,

Affirming that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

Affirming also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

Reaffirming that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

Recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

Recognizing also the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end

all forms of discrimination and oppression wherever they occur,

Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

Recognizing that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

Emphasizing the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,

Recognizing in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

Considering that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

Considering also that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

Acknowledging that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as the Vienna Declaration and Programme of Action, affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Bearing in mind that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law,

Convinced that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

Encouraging States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

Emphasizing that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,

Believing that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

Recognizing and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

Recognizing that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,

Solemnly proclaims the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect:

Article 1

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

Article 3

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 5

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 6

Every indigenous individual has the right to a nationality.

Article 7

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
 - (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
 - (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - (d) Any form of forced assimilation or integration;
 - (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

Article 9

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 11

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12

1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.

3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

Article 15

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.

2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

Article 16

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.
2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

Article 17

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.
2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.
3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, *inter alia*, employment or salary.

Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, *inter alia*, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 22

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

Article 23

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 24

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.

3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

Article 30

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.

2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Article 33

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.

2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

Article 34

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

Article 35

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

Article 36

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.
2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

Article 37

1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

Article 38

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

Article 39

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

Article 40

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

Article 41

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

Article 42

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

Article 43

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

Article 44

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

Article 45

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

Article 46

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.

2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.

3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.



**Fundamental Principles and Rights at Work
Branch (FUNDAMENTALS)**

**Gender, Equality, Diversity and Inclusion
Branch (GEDI)**

International Labour Office
Route des Morillons, 4
CH-1211 Geneva 22 – Switzerland
T: +41 (0) 22 799 61 11
E: childlabour@ilo.org

► ilo.org/childlabour

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