handbook on

Combating Child Labour

among indigenous and tribal peoples

A joint PRO 169 and IPEC Initiative
This handbook has been developed with financial support from the Government of Denmark (Danida), and has been developed in a collaboration between two ILO programmes:

- The International Programme to Eliminate Child Labour (IPEC); and
- The Programme to Promote ILO Policy on Indigenous and Tribal Peoples (PRO 169)

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Methodologically, the guidelines are based on reviews of relevant Conventions, policy and programme documents, including IPEC Time Bound Programme manuals, as well as consultations with ILO/IPEC field staff, partners and indigenous organizations.

As a key part of the process, three national workshops were organized in the Philippines, Kenya and Guatemala. The workshops brought together ILO staff, partners and indigenous representatives, identifying the country-specific concerns and providing recommendations for IPEC and general child labour programmes.

For more information, including the country-specific reports from Kenya, Guatemala and the Philippines on indigenous peoples and child labour, see: www.ilo.org/indigenous and www.ilo.org/ipec
# A Rights-Based Approach to Indigenous Child Labour

## Introduction

- Indigenous children – special rights and special needs
- The extent of indigenous child labour
- The causes of indigenous child labour
- Indigenous experiences with child labour
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- Cultural perceptions of childhood and child labour
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“We fight the Worst Forms of Child Labour and often end up finding indigenous children.”

– IPEC staff
Recent consultations undertaken by the ILO in Kenya, the Philippines and Guatemala have confirmed that:

- There is little awareness about child labour issues among indigenous peoples;
- Previous child labour studies and research largely ignore indigenous communities; and
- Few programmes and projects address indigenous child labour.

It has, however, also become increasingly clear that:

- Indigenous children are disproportionately affected by the worst forms of child labour; and
- Specific approaches are needed to effectively combat child labour among indigenous peoples.

This handbook has been elaborated in order to provide practical guidance to ILO staff and partners on how to address the specific needs and rights of indigenous peoples - and thus combat child labour among indigenous children.

The elaboration of the handbook was undertaken in collaboration between two specialised programmes of the ILO:

- The International Programme to Eliminate Child Labour (IPEC); and
- The Programme to Promote ILO Policy on Indigenous and Tribal Peoples (PRO 169)

The handbook should be seen as a supplement to the very comprehensive guidelines elaborated by IPEC/Time Bound Programme (TBP), which constitute an important frame of reference and in many cases can be used in the work towards the elimination of indigenous child labour. However, the TBP guidelines address child labour in general and do not take into account the specificities of indigenous peoples and their children. These call for specific considerations, approaches and solutions.

THE HANDBOOK IS STRUCTURED IN FOUR MAIN PARTS:

PART I: A rights-based approach to indigenous child labour
This section introduces the major arguments for addressing indigenous child labour specifically, emphasising the relevance and principles of a rights-based approach, within the framework of ILO Conventions Nos. 138, 169 and 182.

PART II: Improving education to combat child labour
This section identifies the existing barriers to education and looks at the specific rights and needs of indigenous children with respect to school education and vocational training.

Part III: Operationalizing the participation of indigenous peoples in the programming cycle
This section outlines a number of operational opportunities for ensuring indigenous participation in the programming cycle of child labour initiatives.

Part IV: References and resources
This section provides references to additional information resources on key topics.

1 The ILO Convention No. 169 uses the terminology of “indigenous and tribal peoples”. For practical reasons, this is hereafter summarized as “indigenous”.
Indigenous peoples constitute approximately 370 million people worldwide, the vast majority living in developing countries with high incidence of child labour. They constitute more than 5,000 distinct communities, with distinct histories, languages, beliefs and livelihood strategies. They are characterized by retaining some or all of their own social, economic, cultural and political institutions but live under a great diversity of ecological, economic and political conditions.

In general, they are peoples who, through historical processes, have been denied their right to control their own development and who therefore face similar and inter-linked problems:

- Deprivation of fundamental human rights;
- Discrimination and non-recognition of their particular life-styles, cultures, languages and traditional knowledge;
- Lack of recognition of collective rights to lands and natural resources including dispossession of traditional territories;
- Gender-related discrimination of girls and women;
- Marginalization in mainstream political and developmental processes, with little influence on their own social and economic development; and
- Inadequacy of existing social services, in particular education.

The basic challenge when working with indigenous peoples is thus two-fold:

On one hand, they have the right to be fully included in the development process - and to benefit from the global efforts to combat child labour. On the other, their right to define their own development path and priorities must be respected.

This basically implies that initiatives to combat child labour among indigenous peoples must be culturally appropriate and contribute to strengthening the rights and realizing the potential of these peoples.

Although efforts against child labour in general have increased, indigenous children are not benefiting on an equitable basis. While the share of non-indigenous children working declined steadily from 1995-2004 in Guatemala, the percentage changed barely at all for indigenous children of the same age (Hall and Patrinos, 2005). Similar trends are found in other regions, including Kenya and the Philippines.

Therefore, unless the specific conditions of indigenous child labour and education are addressed pro-actively, overall child labour elimination efforts are likely to fail. Such specific conditions are intimately linked with the characteristics, collective concerns and rights of indigenous and tribal peoples.
THE EXTENT OF INDIGENOUS CHILD LABOUR

Child labour among indigenous peoples has until recently received little attention from governments and international institutions as well as from indigenous peoples themselves. It therefore largely remains an invisible issue and there exist no comprehensive data on the magnitude of the problem or on the conditions and types of work in which indigenous children are engaged.

However, a series of cases and examples drawn from all over the world indicate that indigenous children are disproportionately affected by high rates of child labour.

Although indigenous child labour takes many forms - including the worst forms such as bonded labour, prostitution, and illicit and hazardous work - and vary from one country or one region to another, a few general trends can be noted:

- Indigenous children constitute an increasing large percentage of the migrant labour force that works in plantations and other forms of commercial agriculture;
- In a number of countries, indigenous children are at risk of being recruited and used as soldiers in armed conflicts;
- Child labour affects boys and girls differently, the same is true for indigenous child labour;
- Gender discrimination means that indigenous girls in the rural areas are, in some cases, less likely to go to school than indigenous boys;
- In many countries, high numbers of indigenous girls migrate to urban areas to work as domestics. This makes them less “visible” and more vulnerable to exploitation, sexual abuses and violence;
- Some indigenous children combine school with work but the majority of child labourers have little or no schooling;

- Indigenous child labour still prevails in rural areas but is also on the increase in urban areas;
- Children of female-headed households and orphans are the most vulnerable;
- Indigenous children work within the formal as well as the informal sector, but tend to be more numerous in the latter where they usually work very long hours and often only receive payment in kind (food);
Indigenous child labour around the world

In Latin America, it is estimated that indigenous children are twice as likely to work as their non-indigenous peers. A recent ILO/IPEC study in Chile shows that 86% of the interviewed indigenous children worked between four and six hours daily, and 72% did so on a permanent basis (Negrón, 2005). Documented forms of child labour among highland and lowland indigenous communities in South America include forced labour, domestic work, migrant work, mining, commercial agriculture, and prostitution.

It is estimated that 32 percent of the indigenous labour force in the agricultural regions in Northern Mexico are children and research has shown that migrant child labour in general is substantially higher among indigenous children (54.42%) than mestizo children (38.5%) (Sanchez Muñohierro 1996).

In Guatemala, the ILO consultation showed that exploitative child labour included working in commercial agriculture, firework manufacturing and handicrafts. The interviewed indigenous children said the work was tough and even dangerous but they needed the money because they were poor, had to eat or had to help their parents so they could afford to send them to school.

In Sub-Saharan Africa, ILO (2000) estimates that 26.4% of all children between the ages of 5-14 are involved in some form of economic activity. Although there are no specific data, reports from Kenya, Cameroon and other countries in Central Africa indicate that child labour is a growing phenomenon in indigenous communities, who increasingly rely economically on their children’s work. Among pastoralists and agro-pastoralists as well as hunter-gatherers, forms of child labour include exploitative forms of pastoralism, participation in armed conflicts, domestic work, tourism and prostitution. Urban migration of indigenous children and youth is also raising growing concern among indigenous organizations, which have highlighted the spiral of unemployment delinquency, alcohol and drug addiction, prostitution and AIDS (Martínez 2000).

In Kenya, pastoralists and hunter-gatherers emphasized the increase of child labour in commercial herding, domestic work and prostitution. In addition, a diversity of child labour forms were found in different districts linked to localized conflicts in border areas, tourism, commercial resource extraction and commercial agriculture. Child labour was found to be driven by poverty and lack of awareness, in turn aggravated by land loss, pressures on customary livelihoods, lack of basic services, HIV/AIDS, gender discrimination and poor governance.

In Asia-Pacific, ILO (2006) estimates that around 20% of the children are economically active. Surveys have shown that many of those involved in the worst forms of child labour as, for example, bonded labour, prostitution, child soldiers, commercial agriculture, domestic work and migrant urban labour, come from indigenous communities.

The indigenous population of Nepal is estimated to be around 37% of the population (2001 census). Research done by ILO-IPEC, however, has shown a quan-
titative over-representation of indigenous children in all forms of child labour, including the worst forms. Thus, 47.1% of the commercial sex workers and 25% in the domestic child labour sector, for example, were found to belong to indigenous groups (Kumar et al. 2001 and Sharma et al. 2001).

In India, girls from adivasi communities are found in all forms of child labour, including the worst forms. Adivasi girl children are particularly over-represented in the domestic labour sector in urban centres in India (Kujur and Vikas 2005).

A recent ILO study on tribal migrants in the cities of Chiang Mai and Chiang Rai in Thailand showed that the majority of street children under the age of 15 were from indigenous areas in Thailand and Burma. Most were boys who earned a living from selling flowers, begging, or offering sex services (Budaeng et al. 2001).

In the Philippines, the indigenous communities are increasingly experiencing that children work in mining, commercial agriculture, or as domestic workers and child soldiers within their ancestral territories. This is aggravated by external resource extraction, violation of collective rights to land and lack of basic social services. Such factors are also leading to increased out-migration of indigenous children and youth to urban or non-indigenous rural areas, where many become domestic workers, prostitutes, vendors and haulers.

THE CAUSES OF INDIGENOUS CHILD LABOUR

Indigenous child labour should be seen as the reflection of the marginalization and deprivation many indigenous peoples experience.

Most indigenous peoples have distinct livelihood strategies, based on access to traditional land and resources and strongly linked to their cultural and spiritual values. Wherever indigenous peoples’ collective rights to land and resources and their indigenous identity and culture are not respected, customary livelihoods become disrupted and communities face poverty. As a result, children are pushed into child labour: poverty is the key reason why parents send their children to work. In poor households, working children contribute to the income directly by supplementing household income and indirectly – when they out-migrate - by saving the consumption expenditure.

Poverty and indigenous peoples’ perception of poverty Studies done by the World Bank and the regional development banks, show that indigenous peoples are overrepresented among the world’s poor. While indigenous peoples make up 5% of the world population, they represent approximately 15% of the world’s poorest. Indications are that this trend is worsening. The 2004 Human Development Report concluded that indigenous peoples are more likely to be poor than non-indigenous peoples, and recent World Bank data from Latin America show that where general gains in poverty reduction were made during the Indigenous Peoples’ Decade (1994-2004), indigenous people were those that benefited less (Hall and Patrinos, 2005).

Most of the Poverty Reduction Strategy Programmes (PRSPs) and other national poverty alleviation strategies being implemented by developing countries have thus up till now failed to alleviate indigenous poverty.

A major reason is that these strategies do not take into account indigenous peoples’ distinct perceptions and notions of poverty. For many indigenous peoples, poverty is essentially rooted in the denial of their specific rights within national societies, as for instance the lack of political participation and the loss of land, languages, traditional authorities and spiritual values. In fact, where indigenous concepts of poverty are not reflected in national development and poverty reduction efforts, these may even intensify the marginalisation and impoverishment of indigenous peoples. This is particularly the case with large-scale trade and development strategies. Another reason is that indigenous peoples are not involved in the planning, design and implementation of the poverty alleviation efforts.
RECENT NATIONAL CONSULTATIONS WITH INDIGENOUS ORGANIZATIONS REVEALED THAT:

- In the Philippines, strengthening the indigenous management of ancestral territories and providing appropriate education would be critical to preventing the increase of indigenous children labour in commercial resource extraction by outsiders.

- In Kenya, further policy recognition of herding rights and investments in pastoralism could substantially reduce the marginalization and decrease the number of impoverished households, especially female-headed households, which are hiring out children.

- In Guatemala, alternative programmes should address the economic sustainability of indigenous families’ access to basic services (education, health, food), ensuring at the same time a pluricultural vision (e.g. promoting their language) in order to strengthen their indigenous identity.

CRITICAL STEPS TOWARDS PREVENTING AND ELIMINATING CHILD LABOUR ARE THEREFORE TO:

- Facilitate the mainstreaming of indigenous priorities in poverty reduction strategies;

- Support and facilitate indigenous participation in the development of such strategies, including PRSPs and strategies to reach the Millennium Development Goals (MDGs); and

- Promote a multifaceted development approach based on customary livelihoods

Some positive experiences in this direction exist, which should be further promoted. For example, a number of Latin American PRSPs include indigenous priorities such as the demarcation and titling of traditional lands, bilingual and intercultural education and indigenous self-government (Tomei 2005).

Child labour programmes alone cannot redress the balance. But they can promote alternative development scenarios, which take on board and work through indigenous priorities and address the root causes of child labour. In this process, there are ample opportunities for collaborating and coordinating with a series of actors, which have recognized the importance of addressing the specific concerns of indigenous peoples. These include both UN agencies and multilateral development partners with strong institutional policies on indigenous peoples, such as the World Bank and the EU, as well as a number of bilateral donors.

However, more immediate economic changes in the conditions of families that struggle to survive are also needed if child labour is to be successfully addressed. Many child labour initiatives therefore also involve income generation and livelihood activities that can contribute to the short-term reduction of poverty.
Consultations in the Philippines highlighted the loss of land, violation of collective rights and commercial extractive industries, which lead to worsening economic conditions and the physical and economic dislocation of indigenous peoples from their ancestral domains, as key drivers behind child labour in certain areas.

In Kenya, the livelihood of indigenous peoples (mainly pastoralists and hunter-gatherers) is precarious and their survival options are becoming increasingly limited. National policies and legal frameworks are insensitive to the needs of these communities and only increase their exclusion and marginalization and child labour is closely linked to socio-political marginalization.

In Guatemala, consultations with state institutions and NGOs revealed that child labour among indigenous peoples was often being justified with stereotypes and prejudices, like for example, “the indigenous child is mentally inferior” or “work is part of their life”. Indigenous peoples in general were seen as only “made for work” irrespective of their age, and their work was perceived as essential for the national economy. From a different perspective, child labour was seen as the result of several factors:

- Structural deficiencies, including poverty, the failure of the government to respond to the needs of the indigenous peoples, the aftermath of the internal conflict, migration, etc.; and
- The disintegration of families, including lack of responsibility, alcoholism, illiteracy, desertion, etc.; and
- Social disruption related to discrimination, violence, conflicts and lack of local leadership etc.

In Nepal, research has revealed that conflict, insurgency and social exclusion of indigenous peoples are major contributing factors to indigenous child labour.

An extreme reflection of the marginalisation of some indigenous peoples is the denial of citizenship of indigenous children, as for instance “Pygmy” children in Cameroon who have not been properly registered at birth. Without citizenship, children do not have access to basic human rights and social services such as health care, education, the right to residence and travel, etc., and stand therefore a high risk of becoming child labourers.

Some of the indigenous hill tribes of Thailand and the Yunnan province of China do not have citizenship, and their children are at particular risk of falling victims to child trafficking, because stateless children are easier to hide and manipulate. Their lack of nationality also hinders their access to educational and employment opportunities. Instead, they become easy prey for those who seek to make a profit by exploiting their vulnerability and recruit them as street beggars, domestic servants in slave-like arrangements, or child soldiers. (Development Gateway, November 12, 2004).
INDIGENOUS EXPERIENCES WITH CHILD LABOUR

The discussion about child labour among indigenous peoples is relatively new and in many indigenous communities the concept is not yet well understood.

This was confirmed during consultations undertaken in 2005 in the Philippines, Kenya and Guatemala.

In the Philippines, there were different levels of appreciation and understanding of the problem of child labour among indigenous peoples. A significant number of them found justification for such practices and did not regard child labour as a serious problem. In Kenya, people at community level were little aware of the problems related to child labour and some of the local organizations felt that they would be at loggerheads with their members if they raised the issue. In Guatemala, child labour is related to poverty and therefore seen as a necessary evil since it supplements the family income.

Several indigenous leaders, however, also expressed a growing concern about the consequences of certain types of non-traditional child labour involving e.g. migration and prostitution, which they see as increasingly affecting their communities socially, economically and culturally.

Child labour has the same general negative consequences for indigenous children as for all other children. These include harming their health, putting their safety and life at risk, and impeding their physical and mental development. But, in addition to this, indigenous child labourers will often experience discrimination and differential treatment (for instance, lower wages). Furthermore, child labour among indigenous peoples has also severe consequences in terms of the continuity, survival and development of these peoples’ distinct ways of life, language and culture.

DISTINGUISHING CHILD LABOUR FROM ACCEPTABLE WORK DONE BY CHILDREN

There is a need to distinguish between acceptable work done by children and child labour that needs elimination – this is a fundamental principle applicable

Cultural consequences of child labour

IN RECENT CONSULTATIONS, INDIGENOUS PEOPLES UNDERLINED THE FOLLOWING CONSEQUENCES OF CHILD LABOUR:

In the Philippines, indigenous children provide the continuity of indigenous culture, life and knowledge. This fundamental socio-cultural function is threatened by child labour. Indigenous child labourers have become more vulnerable to losing or denying their indigenous identity and are drawn towards consumerism, individualism and anti-social behaviours and activities. Indigenous children are also more exposed to exploitation, sexual and other forms of abuse, which will further aggravate their vulnerability to losing their dignity and self-respect as indigenous persons. In this sense, child labour, particularly outside the traditional land, was seen as threatening the entire transmission of identity, culture, knowledge and language to future generations.

In Guatemala, being Maya is to have one’s own identity, language and religion; to have principles and values; to respect the elders, one’s parents and Mother Nature. All this is part of the Mayan world view and is something the child learns by being with its parents, in its own community. But this learning process is no longer possible when a child migrates and engages in child labour. This child will no longer be socialized in the traditional way and subsequently not be able to transmit his or her Mayan identity and language to the next generation.

In Kenya, due to the decline in pastoralist production, conflicts and poverty, many young children leave their communities at the age of 10-15 when they are expected to start building their identity and livelihood which to a large extent is defined by and related to the possession of livestock. Instead, they end up working as security guards in urban centres, beach boys and dancers in the tourist industry, or as prostitutes. Because they are illiterate, they are exploited by hotel owners and others. Out-migration of indigenous children raises concerns about the entire transmission of identity, culture, knowledge and language to future generations. These children are also exposed to HIV/AIDS, drugs and prostitution which directly endanger their lives.
Child labour was perceived as a symptom of and an aggravating factor in the continuous marginalization of indigenous communities. In Guatemala, indigenous people stressed that exploitative child labour is characterized by being remunerated and therefore reflects a reality and concept that is alien to them and which they identify with what they call Western culture.

Many indigenous peoples consider their children as an invaluable wealth and at the same time treat them as the collective children of the clan and tribe, not just as children of an individual family. In the Philippines, for instance, children are seen as the connecting thread to the future of the family as well as the clan. Therefore, it is a collective responsibility to protect, nurture and train the children in their traditional knowledge, culture, socio-economic systems and values and ensure the continuation of their distinct indigenous identity.

Most indigenous children have particular working roles reflecting elaborate cultural notions of childhood development distinguished by age-groups, gender, social status and often accompanied by rituals such as those marking adulthood. Furthermore, indigenous communities often have particular child protection strategies, social safety nets and mutual help practices. Becoming a good pastoralist, hunter-gatherer and a well-balanced indigenous individual requires something different from, and complementary to, formal education. Light child work is often part of this.

**CULTURAL PERCEPTIONS OF CHILDHOOD AND CHILD LABOUR**

Some indigenous communities and parents defend child labour as culturally appropriate. There may even be cases where indigenous perceptions of work and childhood contribute to the high incidence and pervasiveness of child labour. It should also be noted that indigenous conceptions of childhood may differ from the formal definition used by states and international organisations (most often defining a child as a person who is under 18 years old). In indigenous societies, rituals marking adulthood will often take place irrespective of the age of a child.

Article 8 of Convention No. 169 clearly states that collective rights to culture and custom should not infringe upon core human rights. Consequently, “culture” or “tradition”, whether used by governments or communities, does not legitimise child labour, gender discrimination, unequal access to education services or any other violations of individual human rights.
Traditional work by children in Indigenous Communities

In the Philippines, as part of their socialization, children are taught and trained through various traditional work tasks, which they gradually take on under the direct supervision of their parents or other members of the clan. The work of the children is differentiated according to gender. Girls normally follow the work of their mothers, take care of younger siblings, pound rice, cook, wash, clean and participate in the weeding, planting, harvesting, and gathering of food. Boys are trained to do the work of their fathers like gathering firewood, hunting, rehabilitation of rice-fields and land preparation for planting.

In Kenya, indigenous boys and girls contribute from an early age to their families’ livelihood by looking after the livestock and doing domestic chores. Girls have a double work load: they are supposed to fetch water and firewood while herding, and in the evening, after bringing the animals as well as more firewood and water back home, they will help their mothers with taking care of their siblings. This way, indigenous children acquire the skills they and their families need in order to survive, and at the same time they ensure the continuity of their family’s identity, culture and position within the larger community.

In Guatemala, work within the family is seen as a learning process – a kind of training which throughout generations has allowed the transmission of principles and values, and at the same time established a close relationship with nature. This training starts within the family, assigned roles being transmitted from mother to daughter and from father to son, but it is also seen as a contribution to the community. As members of the community, children hold a certain degree of responsibility. This collective responsibility is understood as a principle of solidarity that materializes itself by collaborating from an early age within the family and for the community.

Adulthood defined through rituals

In Kenya, most pastoralist communities have initiation ceremonies to define who is a child and who is an adult. In the Maasai, Samburu and Rendille communities, the circumcision of boys is used to define adulthood, irrespective of age. Once circumcised, boys are usually able to get a national identity card even if they are under 18, and thus start working.

Most of the pastoralist communities also practice female genital mutilation (FGM), although it is illegal. Girls undergo this at an early age and once it has been performed, they qualify as adults. This practice thus becomes a gateway that exposes young girls to early marriages and all forms of work, which violate their rights as children.

The Role of Cultural Practices

During consultations in Kenya, the question of cultural practices and their relation to child labour was raised several times. It was stressed that not all cultural practices are harmful but that there is a need to “unpack culture” and identify the negative practices and traditions that contribute to child labour.

In the Philippines, local attempts to address the problem of indigenous child labour in the vegetable industry showed that the various stakeholders (indigenous local officials, church workers, government employees and local residents) perceived child labour as part of an important learning process as well as a crucial economic contribution to their families’ livelihood. This shows that in order to ensure the participation and commitment of the various stakeholders, it is necessary to start with creating a better understanding of what constitutes child labour as opposed to indigenous traditions for child work.
However, understanding community thinking and reasoning behind the defense of child labor remains fundamental. Indigenous child labor is often a coping strategy related to the lack of viable opportunities and marginalization, that most indigenous communities experience. Unjustified labeling of cultural practices as child labor or imposition of top-down policy solutions may lead to community resistance - often with good reason. In contrast, raising awareness about child labor and its factors as well as a firm commitment to support communities in identifying the problems and appropriate steps from their perspective can generate both community support and relevant responses.

It is therefore critical to firmly situate the analysis of causes and drivers behind child labor in the wider socio-economic context – including local (often discriminatory) perceptions of indigenous peoples - and grasp the key issues as well as the perspectives of indigenous peoples. Solving the child labor challenge involves understanding it as a symptom reflecting wider collective problems and working with communities to identify collective solutions.

Engaging in dialogue with the concerned communities on child labor issues is therefore a necessary starting point. Such dialogue must be based on the recognition of the individual as well as collective rights of indigenous children.

**A RIGHTS-BASED APPROACH BASED ON ILO CONVENTIONS**

The ILO carries a double and complementary mandate to promote the recognition of the rights of indigenous and tribal peoples (Conventions Nos. 107 and 169) and to promote the elimination of child labor (Conventions Nos. 138 and 182). All of these complement the more comprehensive set of children’s rights in the UN Convention on the Rights of the Child.

**ILO Convention No. 169**

The ILO adopted the Convention No. 169 in 1989, modernizing and replacing the earlier Convention No. 107 from 1957.

To date, 17 countries, mainly in Latin America, have ratified Convention No. 169 while Convention No. 107 is still in force in 18 countries. In these countries, the Conventions constitute the framework for addressing the situation of indigenous peoples.

Beyond these countries, Convention No. 169 forms part of the legal framework guiding the technical cooperation of the ILO whenever indigenous peoples are addressed or affected. In addition, the provisions of the Convention are reflected in a number of institutional policies of multi- and bilateral agencies, because they provide sound principles for improving the situation of indigenous communities and children. Lack of governmental ratification should therefore not prevent the application of the Convention’s principles in the best interest of the indigenous child.

**The Convention on the Rights of the Child**

ILO Convention No. 169 only refers directly to indigenous children in Articles 28 and 29, which recognize the language and education rights of these children. The other general civil, political, economic, social and cultural rights of children are addressed by the UN Convention on the Rights of the Child (CRC), which has been ratified by 192 State parties.

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**Facts about ILO Convention No.169**

- Convention No.169 is the only international legally-binding instrument for the protection of indigenous peoples’ rights and has gained recognition far beyond the countries that have ratified it.
- Convention No.169 is based on the respect for indigenous and tribal peoples’ cultures, identities and customary practices. It recognizes that indigenous peoples constitute organized societies and communities in their own right and thus have the right to determine their own development priorities. Consequently, any legislative or developmental measures affecting them should apply the key principles of participation and consultation with the concerned communities.
- Convention No.169 is a comprehensive policy standard, covering general principles on consultation and participation and a series of specific matters, such as land, labour, social security, vocational training and education. The diversity of substantive issues addressed reflects the multi-faceted challenges indigenous peoples face.
The CRC covers all children, including indigenous children, and puts forward the principle of non-discrimination (Article 2). But it also contains specific provisions on indigenous children, particularly emphasizing the need for addressing the linguistic needs of indigenous children in mass media (Article 17 (d)) and for respecting their cultural identity, language and values (Article 29 (c), (d) and Article 30). Furthermore, a number of the Convention’s articles are in line with some of the rights and provisions in Convention No. 169.

As regards child labour, Article 32 of the CRC establishes “the right of the child to be protected from economic exploitation and 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.”

Furthermore, Article 32, paragraph (2) of the CRC explicitly calls for the setting of a minimum working age, with reference to “relevant provisions of other international instruments” – hence the need to look into ILO standards concerning child labour.

**The Committee on the Rights of the Child**

In 2003, the Committee on the Rights of the Child, which is the body that monitors how well States are meeting their obligations under the Convention, organized a General Discussion Day on the rights of indigenous children. The recommendations call for a “broader rights-based approach” to indigenous children, based on the CRC and ILO Convention No. 169.

In the field of action against child labour, the Committee on the Rights of the Child and the ILO supervisory mechanisms have been complementing each other by sharing information and encouraging the governments’ action under each instrument.

**ILO Conventions No. 138 and No. 182**

Child labour is addressed by two main ILO Conventions on child labour: The Minimum Age for Admission to Employment Convention, 1973 (No. 138) and the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour Convention, 1999 (No. 182) both supplemented by the relevant Recommendations (Nos. 146 and 190). As already discussed in 1.5 above, the ILO’s appeal to eliminate child labour should not be misunderstood as a complete ban on all forms of work by children. The principle of the effective abolition of child labour is inseparable from the belief that children’s place is in school and not at work until they finish at least compulsory schooling. ILO Convention No.138 on Minimum Age (supplemented by Recommendation No.146) thus requires a general minimum age for work to be fixed nationally at a level not less than the age of finishing compulsory education, and normally not less than 15. The general criteria for setting minimum ages for different types of work can be summarized as follows:

<table>
<thead>
<tr>
<th><strong>Minimum age for employment or work – under ILO Convention No.138</strong></th>
<th><strong>GENERAL</strong></th>
<th><strong>DEVELOPING COUNTRIES</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GENERAL MINIMUM AGE (ARTICLE 2)</strong></td>
<td>Not less than the end of compulsory schooling, 15 years or more</td>
<td>14 years *1</td>
</tr>
<tr>
<td><strong>LIGHT WORK (ARTICLE 7)</strong></td>
<td>13 years</td>
<td>12 years</td>
</tr>
<tr>
<td>*<em>HAZARDOUS WORK <em>2 (ARTICLE 3)</em></em></td>
<td>18 years (16 years under certain strict conditions)</td>
<td>18 years (16 years *3 under certain strict conditions)</td>
</tr>
</tbody>
</table>

*1 This is an option available to developing countries, but not an obligation. Some countries voluntarily choose to set a higher minimum age, e.g. at 16 years in Brazil, China and Kenya, while some of the most industrialized countries remain at the general level e.g. 15 years in Germany, Japan and Switzerland.

*2 The exact contents of hazardous work must be determined nationally after tripartite consultation (i.e. among the government, and workers’ and employers’ representatives).

*3 The exceptional authorization of hazardous work from 16 years of age is not because of the under-development of the country, and is used often by developed countries to allow adolescents to be trained on the job for specific hazardous tasks.
The CRC covers all children, including indigenous children, and puts forward the principle of non-discrimination (Article 2). But it also contains specific provisions on indigenous children, particularly emphasizing the need for addressing the linguistic needs of indigenous children in mass media (Article 17 (d)) and for respecting their cultural identity, language and values (Article 29 (c), (d) and Article 30). Furthermore, a number of the Convention’s articles are in line with some of the rights and provisions in Convention No. 169.

As regards child labour, Article 32 of the CRC establishes “the right of the child to be protected from economic exploitation and performing any work that…”

Committee on the Rights of the Child

In the preamble of its recommendations following the Day of General Discussion on the Rights of Indigenous Children, the Committee states:

“Although indigenous children are disproportionately affected by specific challenges such as institutionalization, urbanization, drug and alcohol abuse, trafficking, armed conflict, sexual exploitation and child labour…[they] are not sufficiently taken into consideration in the development and implementation of policies and programmes for children.”

In the recommendations, is also stated that the Committee:

“reaffirms its commitment to promote and protect the human rights of indigenous children by addressing more systematically the situation of indigenous children under all relevant provisions and principles of the Convention when periodically reviewing State party reports.”

What is child labour to be abolished?

| CHILDREN BETWEEN THE MINIMUM AGE AND 18 |  |  |
| CHILDREN BETWEEN 12/13 AND THE MINIMUM AGE |  |  |
| CHILDREN BELOW 12/13 YEARS OF AGE |  |  |
| WORK* EXCLUDED FROM MINIMUM AGE LEGISLATION | LIGHT WORK | NON-HAZARDOUS, NON-LIGHT WORK | HAZARDOUS WORK (AND ALSO OTHER WORST FORMS OF CHILD LABOUR) |

Shaded area = child labour for abolition

* For example, household chores done by children in their own home, and work carried out in the context of education and training under protective conditions.

All governments that ratify Convention No. 182 make a commitment to act by taking immediate and effective time-bound measures to eliminate WFCL in their countries, and some ILO member states have chosen to develop and implement a Time-Bound Programme (TBP) to manage the implementation process and fulfill their obligations under Convention No. 182.

Convention No. 182 does not directly address the specific situation and rights of indigenous children but its Art.7 (2) states that “Each Member shall… take effective and time-bound measures to identify and reach out to children at special risk”. The Convention also includes a number of recommendations that are in line with some of the recommendations and specific rights mentioned by Convention No. 169, notably those under Part III on Recruitment and conditions of employment.

OPERATIONALISING A RIGHTS-BASED APPROACH

Taken together, these conventions provide a normative framework and means for addressing the collective concerns and rights of indigenous peoples as well as effectively and equitably realizing the individual children’s rights.
**TABLE 1. The International Framework of the rights the Indigenous Child**

<table>
<thead>
<tr>
<th>PRINCIPLES</th>
<th>RELEVANT ARTICLES FROM ILO CONVENTIONS NOS. 169, 138 &amp; 182 AND THE CONVENTION ON THE RIGHTS OF THE CHILD (CRC)</th>
</tr>
</thead>
</table>
| Collective rights, collective aspects of rights | * Throughout the ILO Convention No. 169  
General references to rights of peoples  
* Article 13.1 of the ILO Convention No. 169  
…governments shall respect the special importance for the cultures and spiritual values of the ITPs of their relationship with the lands or territories… which they occupy or otherwise use, and in particular the collective aspects of this relationship.  
* Preamble, Para. 5 of the CRC  
… the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can assume its responsibilities within the community.  
* Article 30 of the CRC  
… a child who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion or to use his or her own language. |
| General citizenship rights | * Article 4.3. of the ILO Convention No. 169  
Enjoyment of the general rights of citizenship, without discrimination, shall not be prejudiced in any way ….  
* Article 7.1 and 2 of the CRC  
1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality….  
2. States Parties shall ensure the implementation of these rights…. In particular where the child would otherwise be stateless.  
* Article 8.1 and 2 of the CRC  
1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality….  
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection with a view to re-establishing….his or her identity. |
| Right to registration at birth and to nationality |  |
| Right to legal identity/nationality |  |
| Right to cultural and indigenous identity | * Article 1.2 of ILO Convention No. 169  
Self-identification as indigenous or tribal shall be regarded as a fundamental criterion…  
* Article 2.2(b) of ILO Convention No. 169  
Government shall have the responsibility …. promoting the full realisation of the social, economic and cultural rights of ITPs with respect for their social and cultural identity, their customs and traditions and their institutions.  
* Article 13.1 of ILO Convention No. 169 (see above.)  
* Article 23.1 of ILO Convention No. 169  
… subsistence economy and traditional activities of the ITPs such as hunting, fishing, trapping and gathering, shall be recognized as important factors in the maintenance of their cultures, and in their economic self-reliance and development….and whenever appropriate, …. be strengthened and promoted.  
* Article 30 of CRC (see above.) |
<table>
<thead>
<tr>
<th>PRINCIPLES</th>
<th>RELEVANT ARTICLES FROM ILO CONVENTIONS NOS. 169, 138 &amp; 182 AND THE CONVENTION ON THE RIGHTS OF THE CHILD (CRC)</th>
</tr>
</thead>
</table>
| **Protection against discrimination** | * Article 3.1 of ILO Convention No. 169  
  ITPs 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.  
* Article 4.3 of ILO Convention No. 169 (see above.)  
* Article 20.2 of ILO Convention No. 169  
  Governments shall do everything possible to prevent any discrimination between ITP workers and other workers...as regards  
  (a)...employment..., promotion and advancement  
  (b)...remuneration  
  (c) medical and social assistance, occupational safety and health, housing,  
  (d) right of association and freedom for all lawful trade union activities....  
* Article 2.1 and 2 of the CRC  
  1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind....  
  2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination... |
| **Systematic protection** | * Article 2.1 of ILO Convention No. 169  
  Government shall have the responsibility for developing, with the participation of ITPs, co-ordinated and systematic action to protect the rights of these peoples and to guarantee respect for their integrity.  
* Article 33.2 of ILO Convention No. 169  
  These programmes [affecting the ITPs] shall include:  
  (a) the planning, co-ordination, execution and evaluation, in co-operation with the ITPs, 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. |
| **Protection from exploitation and child labour** | * Throughout ILO Conventions Nos. 138 and 182  
* Article 20.1 and 3 (a), (b), (c), (d) of ILO Convention No. 169  
  1. Governments shall...ensure the effective protection with regard to recruitment and conditions of employment of ITP workers.....  
  3.... Measures to ensure that ITP workers:  
  (a) ... including seasonal, casual and migrant workers... enjoy the protection afforded by national law...and that they are fully informed of their rights.....  
  (b) ...are not subjected to working conditions hazardous to their health....  
  (c) ...are not subjected to coercive recruitment systems, including bonded labour....  
  (d) ...enjoy equal opportunities and equal treatment in employment for men and women, and protection from sexual harassment.  
* Throughout ILO Conventions Nos. 138 and 182  
* Article 32.1 and 2 (a), (b) of CRC  
  1. States Parties recognize the right of the child to be protected 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. |
### Protection from exploitation and child labour (cont’d)

2. States Parties shall take legislative, administrative, social and education measures to ensure the implementation of the present article….States parties shall in particular:

- (a) Provide for a minimum age for … employment
- (b) Provide for appropriate regulation of the hours and conditions of employment….

### Measures for specific groups

- * Article 4.1 of ILO Convention No. 169
  Special measures shall be adopted as appropriate for safeguarding the persons, institutions, property, labour, cultures and environment of ITPs.

- * Article 7.2(d) of ILO Convention No. 182
  2. Each Member shall take all necessary measures to…
  (d) identify and reach out to children at special risk….

- * Article 30 of CRC (see above.)

### Right to consultation

- * Article 6.1 (a) of ILO Convention No. 169
  Governments shall consult the peoples concerned….whenever consideration is being given to legislative or administrative measures affecting ITPs…

- * Article 15.2 of ILO Convention No. 169
  In cases in which the State retains the ownership of mineral or sub-surface resources or rights to other resources pertaining to [ITPs’] lands, governments shall establish or maintain procedures through which they shall consult these peoples… before undertaking or permitting any programmes for the exploration or exploitation of such resources.

- * Article 16.1 and 16.2 of ILO Convention No. 169
  1. ITPs shall not be removed from the lands which they occupy.
  2. Where the relocation is considered necessary as an exceptional measure, such relocation shall take place only with their free and informed consent.

- * Article 6. 2 of ILO Convention No. 182
  2…. programmes of action [to eliminate… the worst forms of child labour] shall be designed and implemented in consultation with relevant government institutions….taking into consideration the views of other concerned groups….

### Participation

- * Article 2.1 of ILO Convention No. 169 (see above.)
- * Article 6.1 (b) of ILO Convention No. 169
  …establish means by which [ITPs] can freely participate… at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programmes which concern them.

- * Article 7.1 of ILO Convention No. 169
  The [ITPs] concerned…. shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly.

- * Article 15.1 of ILO Convention No. 169
  The rights of ITPs to the natural resources pertaining to their lands… include the right… to participate in the use, management and conservation of these resources.

- * Article 22.2 of ILO Convention No. 169
  …[in order to] meet the special needs of ITPs, governments shall, with the participation of ITPs ensure the provision of special vocational training programmes and facilities.
### PRINCIPLES

#### Participation (cont’d)

<table>
<thead>
<tr>
<th>Article 23.1 of ILO Convention No. 169</th>
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<tbody>
<tr>
<td>Governments shall, with the participation of ITPs and whenever appropriate, ensure that [subsistence economy and traditional] activities are strengthened and promoted.</td>
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<table>
<thead>
<tr>
<th>Article 25.2 of ILO Convention No. 169</th>
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<tr>
<td>Health services shall … be community-based… and planned and administered in co-operation with ITPS…</td>
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<tr>
<th>Article 27.1 of ILO Convention No. 169</th>
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<tbody>
<tr>
<td>Education programmes and services for ITPs shall be developed and implemented in co-operation with them…</td>
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<table>
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<tr>
<th>Article 33.2 of ILO Convention No. 169 (see above.)</th>
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<tr>
<th>Article 9.2 of CRC</th>
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<tbody>
<tr>
<td>[In cases of separation of the child from his or her parents against their will…] In any [judicial] proceedings all interested parties shall be given an opportunity to participate in the proceedings and make their views known.</td>
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<thead>
<tr>
<th>Article 12.1 of the CRC</th>
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<tbody>
<tr>
<td>States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child….</td>
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<thead>
<tr>
<th>Article 13 of the CRC</th>
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<tbody>
<tr>
<td>The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds…</td>
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#### Rights to lands, territories and natural resources

<table>
<thead>
<tr>
<th>Part II of ILO Convention No. 169</th>
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#### Respect for customs

<table>
<thead>
<tr>
<th>Article 2.2(b) of ILO Convention No. 169 (See above.)</th>
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<table>
<thead>
<tr>
<th>Article 8.1 and 2 of ILO Convention No. 169</th>
</tr>
</thead>
</table>
| 1. In applying national laws and regulations to the ITPs, due regard shall be had to their customs or customary laws.  
2. ITPs shall have the right to retain their own customs and institutions where these are not incompatible with fundamental rights defined by the national legal system and with internationally recognized human rights…. |

<table>
<thead>
<tr>
<th>Article 9.1 and 2 of ILO Convention No. 169</th>
</tr>
</thead>
</table>
| 1. To the extent compatible with the national legal system and internationally recognized human rights, the methods customarily practiced by ITPs for dealing with offences committed by their members shall be respected.  
2. The customs of ITPs in regard to penal matters shall be taken into consideration…. |

<table>
<thead>
<tr>
<th>Article 17.3 of ILO Convention No. 169</th>
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<tbody>
<tr>
<td>Persons not belonging to ITPs 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.</td>
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<tr>
<th>Article 5 of CRC</th>
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<tr>
<td>States Parties shall respect the responsibilities, rights and duties of parents or… community…. to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance …</td>
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</table>
Right to Education

* Article 26 of ILO Convention No. 169

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

* Article 27.1, 2 and 3 of ILO Convention No. 169

1. Education programmes and services for ITPs 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 ITPs and their involvement in the formulation and implementation of education programmes with a view to the progressive transfer of responsibilities...

3. Governments shall recognize the right of ITPs to establish their own educational institutions and facilities...

* Article 28.1, 2 and 3 of ILO Convention No. 169

1. ITP children shall... be taught to read and write in their own indigenous language....

2. ... measures shall be taken to ensure that ITPs have the opportunity to attain fluency in the national language....

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

* Article 29 of ILO Convention No. 169

[The aim of] the imparting of general knowledge and skills [is to] help ITP children to participate fully and on an equal footing in their own community and in the national community.

* Article 30.1 and 2 of ILO Convention No. 169

1. Governments shall adopt measures appropriate to the traditions and cultures of the ITPs, 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 should be done by means of written translations and through the use of mass communications in the languages of the ITP's.

* Article 31 of ILO Convention No. 169

Educational measures shall be taken among all sections of the national community, ..., with the object of eliminating prejudices that they may harbour in respect of ITPs....

* Article 7 (c) of ILO Convention No. 182

[Each member] shall ensure access to free basic education..... for all children removed from WFCL.

* Article 8 of ILO Convention No. 182

... [give] effect to the provisions of this Convention through, ..., universal education.

* Article 28.1 of the CRC

States Parties recognize the right of the child to education... and... they shall

(a) Make primary education compulsory and free for all;

(b) Encourage the development of different forms of secondary education...

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance and the reduction of drop-out rates.

* Article 29.1 (c) of the CRC

... the education of the child shall be directed to...

(c) The development of respect for the child's... own cultural identity, language and values, for the national values of the country in which the child is living...and for civilizations different from his or her own.
In practice, realizing the individual right to quality education, for example, relies upon the realization of indigenous collective rights to relevant quality education and participation in the development of education approaches. Addressing individual child poverty among indigenous communities entails addressing their collective rights to land, resources and development concerns. This fits well with the CRC approach not only to protect the individual child – based on the concept that “the best interest of the child ... shall be a primary consideration in all actions concerning children” (Art.3), but also to create conditions under which children can develop their full potential based on the concept of the child’s “evolving capacities”, which recognizes that children require protection and guidance in accordance with their evolving capacities (Art.5).

In the rights-based approach, there are rights-holders as well as duty-bearers; Indigenous children are right-holders rather than just “vulnerable”, while duty-bearers are the institutions, groups or persons responsible for the realization of such rights.

Ultimately, the States must have both the political will and the means to ensure the realization of such rights, and they must put in place the necessary legislative, administrative, and institutional mechanisms required to achieve that aim. This requires adequate legislation, policies, institutional mechanisms and administrative procedures and practices as well as mechanisms of redress and accountability that can deliver on entitlements, respond to denial and violations, and ensure accountability. The rights-based approach also calls for the translation of universal standards into locally determined benchmarks for measuring progress and enhancing accountability.
THE MAIN ELEMENTS OF A RIGHTS-BASED APPROACH INCLUDE:

- Using indigenous children’s individual and collective rights as the overall framework for a situation analysis (with particular reference to the children’s right to protection from exploitation and child labour, linked closely with their right to education and training);
- Identifying violations and gaps in the provision of such rights and their causes;
- Strengthening dialogue and interaction between right-holders and duty-bearers;
- Building capacity of both right-holders and duty-bearers to respectively claim rights and implement obligations; and
- Establishing mechanisms for consultation and participation and enhancing accountability of duty-bearers.

OPERATIONALLY, THE RIGHTS OF INDIGENOUS CHILDREN ARE PROMOTED THROUGH:

- Recognizing indigenous peoples’ collective rights to land and resources;
- Strengthening of indigenous economies based on customary livelihood strategies;
- Awareness raising and capacity-building on children’s rights and child labour among indigenous organisations, communities, parents and children;
- Awareness raising and capacity-building on indigenous peoples’ and children’s rights among government agencies, civil society organizations, NGOs, international agencies, media etc.; and
- Building alliances with development partners (UN country teams, bi- and multi-lateral donors) to influence large-scale economic policies, processes and programmes.
THE DIALOGUE WITH INDIGENOUS COMMUNITIES SHOULD BE GUIDED BY THE FOLLOWING PRINCIPLES:

- Engage in dialogue with indigenous peoples and their organizations to raise awareness about child labour and policy issues and to identify specific child labour challenges;

- Make clear distinctions between acceptable forms of work done by children and types and conditions of work, which are likely to harm the child, including his or her learning capacity and healthy development;

- Where children are engaged in educative forms of work, which serve to transmit and strengthen indigenous culture and identity, make sure that they are protected from risks of harm to their health, safety and morals;

- Promote discussion on traditions and customs to identify negative practices and traditions that contribute to child labour;

- Conduct situation and problem analysis with indigenous children and their communities, including the views of both male and female community members;

- Make sure the differentiated situations, needs and priorities of indigenous girls and boys are addressed;

- Assess indigenous peoples’ own perceptions of poverty and its root causes; and

- Work through, support and build on indigenous development priorities and visions and employ community-driven approaches when supporting income-generation and livelihoods.
PART II: 
Improving Education to Combat Child Labour

BARRIERS TO EDUCATION

Lack of quality education services for indigenous children remains a “discriminatory” root cause behind indigenous child labour.

Most countries do not have disaggregated data that can give an accurate description of indigenous peoples’ education situation. However, where data are available, they suggest that indigenous peoples are lagging behind the general population with regards to educational achievements. The rates of enrolment and completion among indigenous children, in particular girls, remain low.

Even in countries where the general level of schooling has increased, for instance several Latin American countries (Hall and Patrinos 2005) and Canada (Indian and Northern Affairs Canada 2003), the quality gap in schooling persists, resulting in poor education outcomes for indigenous peoples.

The consultations in Kenya and the Philippines confirmed this situation. In Kenya, the majority of pastoralist girls and boys are kept at home to look after livestock and help with household chores and do not attend school. No exact data exist, but the low enrolment rates in pastoralist areas provide evidence that many children are out of school. In the Philippines, where great value is attached to school education and indigenous children are encouraged to go to school, different surveys indicate that their literacy level and completion rates are lower than the national level.

The most prominent reasons for this situation will be explored in further details in the following sections:

- Deficient school services and poverty
- Gender-related constraints
- A discriminatory and irrelevant school system

Deficient school services and poverty

Education services in indigenous areas are as a rule under-funded, of low quality and poorly equipped. Poor and indigenous children therefore often attend the worst schools, are served by the least educated teachers, and have the smallest amount of didactic resources.

Indigenous children are also more likely to arrive at school hungry, ill and tired. In Latin America malnutrition rates among indigenous children continue to be extremely high, and stunting (height/age), for instance, is about twice as widespread among indigenous children than among non-indigenous. Data also show that the probability of combining work and school rises significantly for indigenous children, and this may in many cases constrain their learning (Hall and Patrinos 2005).

Economic difficulties may also simply rule out the possibility of sending children to school since free public school may entail expenses such as transportation, uniforms, shoes and school supplies, that are often insurmountable. As a consequence, indigenous children have less opportunity to learn than their better-off peers, have lower attendance rates, and

The Coolangatta Statement

In 1999, the World Indigenous Peoples’ Conference on Education (WIPCE) outlined in the Coolangatta Statement on Indigenous Peoples’ Rights in Education the effects that formal education – often compulsory – has had upon indigenous communities.
are less likely to be promoted to the next grade level and complete the primary cycle.

**Gender-related constraints**

In many indigenous societies, the education of the girl child will get low priority compared with that of a boy child. There may be both cultural and economic reasons for this. Girls usually have multiple work tasks within their family and some will never be enrolled or will drop out at an early age, usually to get married. Others will migrate, even at a very young age, to urban centres and engage in domestic work. In India and Nepal, the deeply entrenched caste system, based on notions of purity and pollution, means that in many urban centres, girls from indigenous communities are preferred for domestic work, as they are considered as “outside” the caste system. Specific approaches and strategies therefore have to be developed in order to reach the girl child and convince their parents of her need for an education.

**A discriminatory and irrelevant school system**

Another major deterrent for indigenous peoples to send their children to school is discrimination, for example related to admission requirements including dress code, language, identity and gender. Many parents also feel that their children are taught things that are irrelevant for their way of life and perceive the school system as trying to alienate their children from their indigenous identity without preparing them to participate fully and on an equal footing in the national community.

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"Historically, Indigenous peoples have insisted upon the right of access to education. Invariably the nature, and consequently the outcome, of this education has been constructed through and measured by non-Indigenous standards, values and philosophies. Ultimately the purpose of this education has been to assimilate Indigenous peoples into non-Indigenous cultures and societies. Volumes of studies, research and reports dealing with Indigenous peoples in non-Indigenous educational systems paint a familiar picture of failure and despair. When measured in non-Indigenous terms, the educational outcomes of Indigenous peoples are still far below that of non-Indigenous peoples. This fact exists not because Indigenous peoples are less intelligent, but because educational theories and practices are developed and controlled by non-Indigenous peoples."

–(Coolangatta Statement 1999, section 1.3.1.)

**IN SUMMARY, THE MAIN PROBLEMS FACED BY INDIGENOUS CHILDREN IN THE SCHOOL SYSTEM ARE:**

- Poverty, which prevents parents from sending their children to school;
- Difficult access to schools, as indigenous peoples often live in geographically marginalised areas with poor infrastructure;
- Poor educational infrastructure (shortage of class rooms, teachers, books, etc.);
- Education used as a means of assimilation, resulting in discrimination against expressions of indigenous cultures and inadequate curricula and teaching methodologies;
- Monolingual education in non-indigenous languages, accelerating the disappearance of indigenous languages and contributing to low levels of school achievement;
- Cultural, social and economic barriers to the education of girls;
- Health factors constraining learning outcome; and
- Conflict situations, which affect indigenous children disproportionately and in which cultural differences are often mobilised and politicised through the public education system.
POVERTY
The recent ILO consultations all pointed at poverty as a major reason for children working instead of going to school. In the Philippines a mother explained that “Because of the hard life in the village, I am grateful that my son is earning money from farm work. We cannot afford to support the education of our children so the older ones will need to sacrifice and help us support the education of their younger siblings”. In urban areas, many indigenous child labourers have to pay for their own education. In Kenya, workshop participants noted that free universal education in its current form does not encourage enrolment and sustainable results: “Books alone are not enough. Lunch or a food programme should be included in the free education initiative.” In Guatemala, some of the interviewed children had to take remunerated work and thereby help their parents to send them to school.

GENDER DISCRIMINATION
The girl child is most at risk for not getting an education. In Kenya, most girls engage in both domestic and herding activities. As the marriage of a girl child is a source of wealth for her family, girls tend to be married as soon as they have been circumcised.

In the Philippines, young girls from 9 to 15 years old often work as domestic servants. They usually come from remote villages, trying to find work outside their territory to earn some income and help support their families. Domestic work includes all sorts of tasks in the house - cleaning, laundry, cooking, etc., and even sometimes farm work.

A FAILED EDUCATION SYSTEM
In Kenya, a legal framework has been established to provide free and compulsory education for all children. However, there is no comprehensive strategy that ensures that the curriculum and the education system are relevant to the livelihood situation of pastoralists and hunter-gatherers. One of the issues discussed during consultations was therefore how the education system can benefit the pastoral community or as one of the participant put it: “If I put my child in school, what and when will I reap”? Another comment was that school educated children often detach themselves from their traditional lifestyle: “If after finishing school they remain unemployed, they end up belonging to nowhere.” In the Philippines, interviewed persons commented that some educated and rich indigenous people have lost their indigenous values and have become like the “others” with no regard for indigenous values and ways of life. In Guatemala, the general agreement was that the education system does not correspond to the reality, the world view and the needs of indigenous peoples, and that this is the reason why the levels of illiteracy, school desertion and truancy in regions with an indigenous population are the highest in the country.
THE RIGHT TO QUALITY EDUCATION

Endeavours to increase school enrolment and completion rates among indigenous children have to address a number of challenges: reducing the economic constraints that make it impossible for indigenous parents to send their children to school; increasing the number of schools in indigenous areas and improving them in terms of class rooms, learning materials and teachers; developing special approaches including awareness raising to increase the enrollment of girl children; and addressing health issues such as malnutrition that impact on the learning process.

But, no less important is to ensure that education services are of good quality and relevant to the particular linguistic and cultural context of the indigenous children. Otherwise, there is a risk that mainstream education will repeat the mistakes of decades of education programmes seeking to “educate” and “civilize” children out of their cultures, leading to high levels of school drop outs and psychological stress.

Recognising the centrality of education, Convention No. 169 provides elaborate guidance on the rights of indigenous peoples to education.

Within the framework of Convention No. 169, the following main elements of an adequate response to indigenous peoples’ education needs will be explored in more detail in the following sections:

- Economic incentive programmes
- Improving education quality and relevance
- Special education curricula and programmes
- Non-formal education systems
- Involving the community and the parents
- Opportunities within the Education for All (EFA) framework
- The right to vocational training

Convention No. 169 on education (articles 26-31)

INDIGENOUS CHILDREN:

- Shall have the opportunity to acquire education on an equal footing;
- Shall be taught to read and write in their own indigenous languages;
- Shall have the opportunity to attain fluency in the national languages

EDUCATION PROGRAMMES AND SERVICES:

- Shall be developed and implemented in cooperation with indigenous peoples;
- Shall incorporate their histories, knowledge, technologies, value systems and their further social, economic and cultural aspirations
- Shall impart general knowledge and skills that help indigenous children to participate fully and on an equal footing in their own and in the national community
- Shall contribute to eliminating prejudices among all sections of the national community

INDIGENOUS PEOPLES:

- Shall be trained and be involved in the formulation and implementation of education programmes
- Shall be allowed to establish their own education institutions
Overcoming Barriers to Education

USING ECONOMIC INCENTIVES
In Guatemala and Peru, major school programmes related to overall poverty reduction have had few results for indigenous peoples: in Guatemala only four of the five major school supplies and school-based nutrition programmes slightly favour indigenous people, though they are vastly over-represented among the poor. One programme even favours the non-indigenous children. In Peru, only one major school programme has higher incidence among indigenous people, the rest favour non-indigenous (Hall and Patrinos 2005).

In the Philippines, government-sponsored scholarship programmes for indigenous students have had mixed results because they are highly political and beneficiaries tend not to go back to their communities after finishing their studies. An NGO-funded scholarship programme requires its scholars to do work in their community after finishing their studies so they can share their knowledge and skills with their own people. The challenge of avoiding a drain of educated youth from the communities is very common in many regions and countries.

INTRODUCING BILINGUAL EDUCATION
In Guatemala the introduction of bilingual schools in indigenous communities increased school attendance: in the 1970s, while most parents in communities targeted for having bilingual primary schools expected their children to leave school after three or four years (less for girls), parents from the same communities believed in the 1990s that their children should remain in school longer, due to the improvements in the educational services provided. Decreasing drop-out rates, increased proficiency in Spanish and academic performance were among the other noteworthy results (Siddiqi and Patrinos 1996).

THE NEED FOR SPECIAL EDUCATION CURRICULA AND PROGRAMMES
The national consultation in the Philippines underscored the need to develop an education curriculum and programme that is well-rounded, culturally-sensitive, and innovative, and that is motivational and attractive for indigenous children while maintaining their self-respect, dignity, identity and culture as indigenous peoples. It was recommended that curriculum development should be done with the direct participation of indigenous leaders, especially the elders and those with rich experience in indigenous education.

In Kenya, participants in the national consultation found that the curriculum was in conflict with indigenous peoples’ lifestyles. It was stressed that education as a measure to counter child labour needs to be relevant, flexible and affordable as well as appropriate for the specific communities, with exams relevant to them, for example, in the case of pastoralists on animal husbandry.

The Village Schools Project (VSP) in Namibia is a unique project that integrates ‘traditional’ and culturally-appropriate, mother-tongue education with formal education. The Ju’hoansi of Nyae Nyae, unlike most San in the region, still live on part of their ancestral land, and thus have the opportunity to practice their traditional subsistence activities of
hunting and gathering. The VSP should be seen as a response to Ju|’hoan children’s lack of participation in the local government schools. The Village Schools are meant to create a safer, more familiar and more comfortable environment in which the children can learn in their own languages about things relevant to their lives for the first three years of school. Children are taught in the Ju’hoansi language, by members of their own speech community, making the project one of the only places in southern Africa where San children have access to formal education in their mother tongue (Hays 2004).

USING NON-FORMAL EDUCATION SYSTEMS

In **Kenya** the Shepherd Education Project was launched by a local NGO as a response to the needs of the pastoralists’ children who are not in school because their nomadic way of life does not fit with the formal school system. The project provides learning classes in the afternoons and evenings at strategic points of easy access to the shepherds. Classes are also provided on holidays when formal schools are closed and the children attending formal schools can relieve their brothers and sisters of domestic herding work.

In the **Philippines**, an IPEC experience in education showed that the most effective component in areas where discrimination of indigenous peoples is prevalent is the non-formal or alternative learning programmes that raise their competencies through focused intervention.
The importance of language

UNESCO (2001) estimates that close to half of the 6,000 languages spoken in the world are likely to disappear in the foreseeable future. Due to the structural marginalization of indigenous peoples, there is often little institutional support or social acceptance of indigenous languages. Bilingual education is a strong instrument to counter this situation.

Moreover, the right to education in indigenous languages is central to the identity and the socio-cultural and linguistic rights of indigenous peoples - and to the overall empowerment of indigenous children within and outside the school. A child, who is taught and can use his or her mother-tongue in school, particularly during the early years, and gradually transits to national languages will have much better chances of performing well in the education system. Mother-tongue literacy is a means or vehicle to achieve fluency in national languages as bilingual education allows the child to develop more flexible and alert minds on the basis of a greater volume of memory for mastering different language systems.

Economic incentive programmes

Supporting targeted economic incentive programmes for indigenous children and their parents is emerging as an important priority area for stimulating demand and it has been documented that e.g. conditional cash transfer, scholarships and food provisions programmes have resulted in increased school attendance.

However, most of these programmes are time-bound. Therefore, it is important, at the same time, to provide sustainable economic alternatives that in the long term can improve the livelihood of the parents and their communities and thereby allow future children to go to school.

Beyond the primary levels of education, there is also an acute need for improving indigenous access to secondary and higher education not least in order to respond to the lack of indigenous professionals in both private (e.g. business management) and public sectors (e.g. health and education). The access of indigenous students should be encouraged with economic incentives including scholarships, affirmative action programmes and appropriate options for distance education if relevant.

Improving education quality and relevance

In line with the provisions of Convention No. 169, indigenous peoples worldwide demand intercultural and bilingual education for their children.

Intercultural education implies a mutual learning process, accepting those who are different without losing one’s own identity. It involves all ethnic groups and uses education as an instrument for promoting democracy, tolerance, human rights and more inclusive and respectful societies. Intercultural education should thus be offered to all students, indigenous and non indigenous, as a means of combating prejudices and discrimination.

Bilingual education allows the children to develop capacities in their mother tongue and also to fully engage in the national society through the learning of a national language. It allows them to preserve their identity, self-respect and self-esteem while being able to engage on an equal footing in the national society.

Intercultural bilingual education is sometimes perceived as an expensive “luxury” compared to immediate literacy, numeracy and national language needs. In Guatemala, however, it has been estimated that a shift to bilingual schooling would result in considerable cost savings as a result of reduced repetition and drop outs, not to mention the higher scores that bilingual students get (Hall and Patrinos 2005).

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Some parents and indigenous representatives question the relevance of bilingual education services, fearing the establishment of second-rate segregated education systems, and in practice, many intercultural bilingual education initiatives still remain small-scale, chronically under-funded, and face considerable limitations in terms of teacher capacity, materials available and wider political support.

However, significant advances are being made in the field of intercultural bilingual education, particularly in Latin American countries that have ratified Convention No. 169. In these countries, the remaining challenge is to ensure the adequate institutional and technical capacity as well as resources for the implementation. In Africa and Asia the challenge of gaining understanding and acceptance of indigenous peoples’ special learning needs generally remains.

**Development of special education curricula and programmes**

Intercultural and bilingual education requires the development of special education curricula and programmes that respect and reflect the specificities of indigenous peoples and make use of the wealth of knowledge found among them and which is relevant for the further development of their livelihood strategies. Such curricula and programmes should be developed in partnership with indigenous leaders, organizations and communities.

Experience shows that the training of indigenous teachers is a necessary starting point for further development of such relevant education programmes, curricula and methodologies. There is thus a need to focus specifically on national policies, strategies and programmes for indigenous teacher training, recruitment and deployment.

**Non-formal education systems**

A related demand from indigenous peoples is that specific consideration be given to those peoples whose way of life does not fit with the formal education system.

As brought forward in the ILO consultations, there is a real need for flexible, innovative non-formal education (NFE) systems that take as their point of departure the livelihood situation of the indigenous communities. Given their great variety, there can be no blueprint approach but among the suggestions made were mobile schools for nomadic children, school timetables and term times compatible with local agricultural/pastoral work cycles or schools systems giving specific attention to the situation of the girl child.

The same need applies for urban centres, commercial agricultural zones, mining areas, etc. Here, one of the challenges is to offer NFE systems that are easily adaptable to such times and opportunities as the children may take from work since the survival of the children and often of their families depends on the income provided by child labour. This involves raising the awareness and sensitivity of the employers so that they let the children go for a few hours per day to attend “classes” (Seabrook 2001).

**Involving the community and the parents**

An important precondition for improving education quality and relevance is the active involvement of the community including parental participation. Programmes at the local level cannot succeed if the community is indifferent or even hostile to the objective of preventing children from engaging in child labour or do not see the need for education. Improving the quantity and quality of educational service provisions (school infrastructure, teachers, etc.) also presupposes that indigenous peoples can monitor service providers and hold them accountable.

It is therefore important to identify and involve existing structures at community level, such as indigenous organisations, council of elders, school boards, Parents-Teachers Associations, etc. Where such organisations do not exist, their creation should be encouraged. By raising their awareness and building their capacity, they should be motivated to make their demands known to the duty-bearers and monitor any progress made.

**Opportunities within the EFA framework**

Most countries have developed national Education For All (EFA) strategies in order to achieve the goals set out in the Dakar Framework for Action and subsequently the MDGs (Millennium Development Goals). Considering the remaining challenges for ensuring indigenous children’s access to education, it is clear that the MDGs will not be achieved by 2015 - unless indigenous peoples’ specific rights and priorities in the education sector are addressed.
The goals of the Dakar Framework include a number of entry points for addressing the concern of indigenous children (sections of special relevance for indigenous peoples are presented in bold):

- Expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children;
- Ensuring that by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to and completely free and compulsory primary education of good quality;

The integration of indigenous education priorities in EFA National Strategies, Plans and Programmes, Fast Track & Flagship initiatives, wider implementation efforts and evaluation is thus a main priority that requires the commitment and collaboration of a range of actors, including indigenous and government partners, UN agencies, donors and civil society.

The right to vocational training
The transition from school to Decent Work for indigenous youth continues to present enormous challenges all over the world. The Dakar framework of Action puts a strong emphasis on “equitable access to appropriate learning and life skills programmes”. The ILO also emphasizes vocational and skills training as a means for former child labourers to gain relevant skills for future employment. Convention No. 169 sets specific standards on vocational training.

Convention No. 169, reflects a double challenge for indigenous peoples. On the one hand, vocational and skills training programmes are of critical importance for their communities - for strengthening and further developing their economies and enabling them to compete on an equal footing in a discriminatory labour market. On the other hand, vocational training efforts are at times used by outsiders, to “engineer” alternatives to customary livelihoods that are considered outdated or non-viable, such as shifting cultivation, pastoralism and hunting-gathering. The alternatives proposed are rarely socially, economically or environmentally sustainable, but often successful in stigmatizing customary livelihoods and disrupting traditional knowledge transfer. Depending on the approaches taken, skills training can contribute to either one of the processes.

Key points to remember when designing vocational training programmes for indigenous peoples are:

- Consultation: it is fundamental that indigenous communities are consulted in order to ensure that programmes do not reinforce discrimination but respond to identified indigenous needs and priorities and contribute to the development of customary livelihoods and indigenous resource management. This may involve strengthening practices based on indigenous knowledge or the introduction of complementary skills such as marketing, quality enhancement, negotiation, computer literacy, self-help organization, enterprise development, commerce, etc.

- Indigenous trainers: vocational training should ideally be provided by indigenous trainers or, if that is not possible, by trainers that are both technically experienced and culturally able to earn the confidence of indigenous people. Training should be primarily practice-oriented and include exchanges, meetings, events, demonstrations, field trips and other hands-on activities.

- Employment orientated: vocational training, especially in urban areas, should be integrated or linked with employment opportunities created through local business and government development initiatives. As noted by Seabrook (2001), “many small entrepreneurs employing child labour are as good as vocational training centres and serve to build careers for young people. But some are exploitative and most employers have to be sensitized to the child’s needs: the exploiter must become trainer, see himself as developer of the valuable human resources he has in his charge.” This is a challenge that needs to be addressed.
Convention No. 169 on vocational training

- Equal opportunities and promotion of voluntary participation in general vocational training programmes;

- Provision of special training programmes and facilities whenever existing vocational training do not meet the special needs;

- Special training programmes, based on the economic environment, social and cultural conditions and practical needs of the peoples concerned and progressively transferred to these, if they so decide.
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Education and Vocational Training

ADDRESSING THE BARRIERS TO EDUCATION

- Assess and monitor school access, enrolment, retention and achievement of indigenous boys and girls, and identify barriers and constraints;
- Consult with indigenous peoples to explore their perceptions of existing barriers to education;
- Promote and support efforts to improve school infrastructure to enhance accessibility;
- Support the extension of basic social services to indigenous communities and improve accountability in the delivery of these social services;
- Consult with indigenous people to identify and promote long term economic alternatives based on their customary livelihood strategies;
- Ensure that indigenous children are identified as target group for poverty alleviation efforts;
- Promote incentive programmes, including “out of school” measures such as food, health and pre-school initiatives for particularly vulnerable children;
- Promote and support increased parental and community participation;
- Identify possible alternative learning systems and education opportunities in close partnership with indigenous communities and organizations;
- Support information campaigns (e.g. through mass communication) to raise awareness about child labour and education in indigenous communities;
- Promote dialogue with indigenous communities to raise awareness of the importance of addressing the education needs of the girl child;
- Develop appropriate strategies to enable and motivate children, in particular girl children, to attend school;
- Support targeted re-enrollment, catch-up, tutoring and counseling efforts of indigenous child labourers.
SUPPORTING INDIGENOUS PEOPLES’ SPECIFIC RIGHTS TO EDUCATION

- Support capacity-building and facilitate dialogue between indigenous rights-holders and duty-bearers to respect indigenous peoples’ rights to education services and to provide better services;
- Strengthen the capacity of indigenous stakeholders to monitor educational service delivery and hold duty-bearers accountable for that delivery;
- Facilitate the establishment of parents’ associations, PTAs, community school councils etc.
- Identify specific indigenous peoples’ education needs and priorities and promote intercultural bilingual education;
- Promote and support the development of culturally and contextually sensitive education curricula, curricular materials and programmes;
- Promote and support training, recruitment and deployment of indigenous teachers;
- Promote non-formal education systems whenever it is necessary to make education more inclusive and more relevant for the needs of indigenous children/indigenous child labourers;
- Promote and facilitate dialogue with child labourers’ employers, employers’ organizations and trade unions to raise their awareness and sensitivity towards children’s educational needs and mobilize their support;
- Promote educational measures in the general education sector to reduce prejudices against indigenous societies and cultures;
- Strengthen indigenous participation in education planning, implementation and monitoring at all levels, from school boards to EFA and MDG strategies.

FACILITATE ACCESS TO ADEQUATE VOCATIONAL TRAINING

- Undertake participatory skills and training needs assessments with indigenous communities and youth (boys and girls) with an emphasis on customary livelihoods and local business and employment opportunities;
- Promote equal access and voluntary participation in standard vocational education and skills training, e.g. through placement programmes, on-site or mentored training, access to counselling, trainee-support services;
- Promote the provision of special training programmes and facilities tailored to indigenous youth, including girls;
- Promote indigenous ownership of special training programmes and support indigenous efforts to develop and strengthen community-based training curricula and programmes relevant to local environments and economic opportunities;
- Employ indigenous trainers where possible or ensure that trainers are experienced and culturally sensitive;
- Ensure that training is practice-oriented rather than classroom based;
- Engage business entrepreneurs, community organizations, employers’ associations, trade unions and government agencies to jointly implement appropriate training and job creation programmes;
- Raise the awareness of small entrepreneurs that employ child labour and sensitize them to the needs of the children in terms of work conditions and training needs.
BUILDING A KNOWLEDGE BASE

Identifying indigenous children
Identifying indigenous children is the first necessary step for specifically addressing their rights and needs, but one that many child labour programmes have yet to take.

Convention No. 169 does not define indigenous and tribal peoples, but includes a “statement of coverage”. It describes the characteristics of the peoples the Convention aims to protect and emphasises the principle of self-identification. Debates about definition should therefore not be perceived as a barrier to addressing the particular rights and needs of children belonging to communities fitting such characteristics.

The principles of the Convention remain relevant even when other categories or terms are used. This is the case in many countries where other terms may be used interchangeably with, or instead of, the term “indigenous” as for example hunter-gatherers, pastoralists, nationalities, ethnic minorities, adivasi (India), pueblos originarios (Latin America), etc.. Indigenous communities may sometimes even just be called “marginalized”, “vulnerable” or “hard to reach”. Many indigenous peoples may also prefer to use the name by which they identify themselves as a people (Maasai, Lumak, Maya, etc.).

Gathering information and data on indigenous children
Although many communities and individuals identify themselves as indigenous, the lack of basic and reliable statistics is a major issue, which makes it difficult to assess their numbers, their situation and the scope of their problems, including the incidence of child labour.

National censuses often downplay their numbers by not using relevant criteria for identification. In many, particularly Asian and African, countries the category of indigenous peoples is absent or contested – and thus not reflected in statistics. Fear of discrimination may also in certain cases prevent indigenous peoples from identifying themselves as such. The number of indigenous peoples in a given country may therefore vary greatly from one census to another.

The lack of census data is subsequently reflected in national surveys, including surveys on child labour, which may simply overlook indigenous areas or identities. This has been the case in Kenya, where the issue of indigenous child labour has been ignored by most if not all of the studies undertaken on child labour because indigenous pastoralist and hunter-gatherer communities are physically far removed from the decision-making centres and their traditional occupations and forms of livelihood to a large extent are not recognized by national policies. Similar findings were made in Guatemala: the issue of indigenous child labour was not on the public agenda and little was known about its dimension, forms and consequences.

Gathering information on indigenous children and child labour in a given country or region is therefore a major challenge and requires specific efforts from ILO/IPEC and other programme staff.
These efforts will typically involve surveys – of communities, households, workplaces and schools – and other methods such as Rapid Assessments. Targeted interventions that require data on certain “invisible” forms of child labour (domestic work, prostitution) may involve visits to indigenous communities and families and interviews, including with the children themselves.

Such data collection - including questionnaires and other tools - should always be prepared and carried out in collaboration with indigenous organisations or indigenous individuals in order to ensure that the methodologies and approaches used are adapted to the local context and culturally appropriate.

All collected data should be disaggregated by ethnicity, gender and age.

**Identifying indicators**

The lack of adequate indicators is another major challenge for appropriate policy development, monitoring and evaluation (M&E).

In general, far too little is known about the disparities between indigenous peoples and other sections of the population, e.g. with regards to poverty levels, school enrollment, retention and achievement rates. In most countries, disaggregated data are not available and the vulnerabilities of indigenous peoples are hidden in national averages. Practically, it is often necessary to combine or correlate different sets of data (e.g. school enrollment rates in areas mainly inhabited by indigenous peoples) to gain an approximation of the situation.

Furthermore, existing indicators - which are not always adequate to capture the specificities of indigenous peoples’ situations - use, for example, monetary income as an indicator of the level of poverty in subsistence-oriented communities.

**Recommendations for ILO/IPEC**

ILO/IPEC child labour programmes can contribute to overcome these difficulties in several ways.

At the **programme level**, it can be done by ensuring indigenous participation in the identification of M&E indicators in the planning stage as well as in the monitoring and evaluation process itself. Indigenous peoples will have their own perspective and perceptions and may on that basis identify M&E indicators that are more relevant for the situation in their communities and give a better reflection of what people perceive as an improvement of their situation.

At the **national level**, ILO/IPEC can promote indigenous participation in wider M&E processes, e.g. related to EFA, PRSP and MDG strategies.

At the **international level**, a further step will be for ILO/IPEC to promote the development and use of a list of standardized questions related to indigenous peoples in general and indigenous child labour in particular to be included in ILO’s Statistical Information and Monitoring Programme on Child Labour (SIMPOC) and possibly in national censuses and surveys. This would allow comparisons to be made between countries and regions and would provide relevant M&E indicators for assessing the overall struggle for the elimination of the worst forms of child labour.

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3 See ILO/IPEC Guide Book III, 2002. Different data collection tools have been developed by IPEC’S Statistical Information and Monitoring Programme on Child Labour (SIMPOC) and manuals are available from its website: www.ilo.org/public/english/standards/ipec/simpoc/guides/index.htm.
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Establishing a Knowledge Base

IDENTIFYING INDIGENOUS CHILDREN

- Make use of self-identification;
- Adapt identification processes to regional and national categories such as hunter-gatherers or pastoralists in Africa, scheduled tribes or adivasis in India, pueblos originarios in certain parts of Latin America, etc.;
- Consult and use national, regional and local surveys as well as anthropological and other social science research reports to map indigenous identities;
- Identify and consult complementary sources of information, such as indigenous organizations, research institutions, NGOs, trade unions, school teachers, churches, etc.;
- Map indigenous identities and check overlaps with low school enrolment and high child labour incidence.

At the individual level and outside indigenous traditional territories (e.g. urban areas, commercial agricultural areas, mining districts, etc.):

- Identify distinct characteristics (language, dress, etc.);
- Identify place of origin.

GATHERING INFORMATION AND DATA ON INDIGENOUS CHILDREN

- Consult with indigenous representatives on methodologies and approaches for data collection;
- Ensure that indigenous communities and areas are covered in child labour surveys through participatory identification processes and gathering of disaggregated data according to ethnicity, gender and age;
Undertake case studies and surveys that can be used to raise awareness and inform policy and programme implementation;

- Collect disaggregated data through representative samples that can complement national, regional and local census data and correlate data from different sources to gain an approximation of the situation;

- Emphasize disaggregated data collection and targeted research in urban and rural migration areas to identify “invisible” indigenous children and monitor the situation of indigenous boys and girls;

- Ensure that disaggregated data on ethnicity, age and gender are included in IPEC country reports and corresponding statistics in the Statistical Information and Monitoring Programme on Child Labour (SIMPOC) and promote their inclusion in national surveys and statistics;

- Ensure that the collection and inclusion of disaggregated data becomes part of ILO/IPEC/SIMPOC overall policies.

IDENTIFYING M&E INDICATORS

- Identify and develop adequate M&E indicators in partnership with the concerned indigenous communities;

- Ensure indigenous participation in the monitoring and evaluation processes at the local level;

- Build capacity of indigenous institutions and ensure indigenous participation and ownership in monitoring and evaluation processes of targeted child labour programmes;

- Promote indigenous participation in wider monitoring and evaluation processes, e.g. related to EFA, PRSP and MDG strategies;

- Promote that a list of standardized questions related to indigenous peoples in general and indigenous child labour in particular be developed and used by SIMPOC;

- Promote the inclusion of such a list in national censuses and surveys.
CONVENTION NO. 169 STIPULATES THAT GOVERNMENTS SHALL:

- Consult indigenous peoples through appropriate procedures and through their representative institutions;
- Establish means by which indigenous peoples can freely participate at all levels of decision-making;
- Establish means for the full development of indigenous peoples’ own institutions and initiatives.

THE CONVENTION FURTHERMORE REQUIRES THAT CONSULTATIONS SHALL BE UNDERTAKEN:

- In good faith;
- In a form appropriate to the circumstances; and
- With the objective of achieving agreement or consent.

TO CLARIFY FURTHER, THE PROVISIONS ON CONSULTATION AND PARTICIPATION SHOULD BE READ IN THE LIGHT OF OTHER FUNDAMENTAL PRINCIPLES OF THE CONVENTION, WHICH STIPULATE THAT INDIGENOUS PEOPLES HAVE THE RIGHT TO:

- Decide their own priorities for the process of development as it affects their lives, beliefs, institutions, spiritual well-being and lands;
- Exercise control over their own economic, social and cultural development; and
- With the objective of achieving agreement or consent.
- Participate in the formulation, implementation and evaluation of development plans, which may affect them directly.

OVERALL, THE CONVENTION REQUIRES THAT COORDINATED AND SYSTEMATIC ACTION BE TAKEN, IN COOPERATION WITH THE PEOPLES CONCERNED, IN ORDER TO PROTECT THEIR RIGHTS.

Rescue operations

“Rescue”, withdrawal and rehabilitation of indigenous children for education purposes invoke painful experiences for many indigenous communities that have experienced forced removal by social welfare and education authorities. Rapid removal policies and “rescue operations” of children in hazardous work situations risk reinforcing similar approaches, particularly in countries where indigenous cultures and practices are stigmatized. Such operations are often undertaken by external actors that may not be fully aware of relevant socio-cultural specificities. Working directly with indigenous communities and their organizations in identifying appropriate “rescue” and “rehabilitation” approaches is fundamental – also to link this to effective “prevention” strategies.
THE RIGHT TO CONSULTATION AND PARTICIPATION: ESTABLISHING A DIALOGUE

One of the key drivers behind indigenous peoples’ continued marginalisation is the lack of consultation and participation in the definition of development priorities and in policy processes.

The spirit of consultation and participation constitutes the cornerstone of Convention No. 169 on which all its provisions are based. Articles 2 and 33 are especially relevant in this respect. The Convention requires that indigenous peoples be consulted on issues that affect them. It also requires that they be able to engage in free and informed participation in policy and development processes that affect them, in a way adapted to their cultures and characteristics.

**Programming from an indigenous perspective**

Although most project and policy documents make reference to “consultation and participation”, too many interventions are still characterized by compartmentalized approaches, limited community ownership and externally-driven efforts. The result is that many indigenous communities have considerable mistrust when it comes to the intentions and relevance of external programmes.

There are numerous examples of communities and children having suffered from misguided projects, insensitive policies and discriminatory practices. It is not uncommon to see indigenous children being identified as a particularly vulnerable group and responses being planned and implemented without first consulting the concerned indigenous communities or their representative organizations. The consequences are that indigenous priorities are often overlooked and that the expected results are not achieved.

In extreme cases, where indigenous peoples have experienced heavy-handed external interference, they may even be afraid of participating in new programmes. This was for instance noted in Guatemala, where the low level of indigenous participation in programmes was linked to the country’s protracted internal armed conflict and its impact on the indigenous population. In such cases, confidence building is a necessary first step before participation can be ensured.

Conversely, efforts built around consultation and participation with indigenous peoples based on the core principles of Convention No. 169 are proving effective in finding alternative approaches and comprehensive solutions, thereby making a difference.

There are multiple entry points or levels at which consultations can be promoted with indigenous communities and organisations and facilitating indigenous participation in the programme cycle.

In the case of ILO/IPEC programmes that already are well-defined and underway, but have not hitherto taken into account the issue of indigenous child labour, opening up for this issue implies:

- Building a knowledge base (i.e. identify and map indigenous children, generate disaggregated data, etc.);
- Consulting with indigenous people to identify opportunities to integrate indigenous education and child labour priorities;
- Ensuring that indigenous concerns are integrated in programme components; and
- Supporting indigenous participation throughout the process and within key programme structures.

**An alternative approach**

Experiences from an ILO-INDISCO and IPEC project in the Philippines that addresses child labour issues in the mining industry show that a bottom up approach, including the implementation of a culturally-anchored livelihood programme combined with literacy programme, cultural sensitization of community organizers and supporters, strengthening of community organization and leadership structures had positive results: higher level of awareness of the community on the hazards of mining was achieved; 98 child labourers refused to return to mining activities and 25% of them went back to school; and 88 hectares of community land were planted with abaca which provided a source of income to the local people (ILO consultations in the Philippines, 2005).
Dialogue between rights-holders and duty-bearers
Consultation and participation should not be limited to the project cycle. In many countries, however, indigenous participation and equitable representation cannot be assumed through mainstream political structures, ILO social partners and traditional child labour partners. It is therefore critical to identify those that have the responsibility to protect, promote and provide for the fulfillment of indigenous child rights – i.e. the duty-bearers – and facilitate a dialogue between them and indigenous peoples – the right-holders.

International institutions such as ILO/IPEC and international NGOs can play a crucial role in initiating and facilitating such a dialogue. The recent national dialogue workshops held in the Philippines and Kenya are a case in point: here indigenous representatives met with a broad spectrum of civil society actors and government authorities, all involved in combating child labour. The meetings were clearly instrumental in getting to know each other, building common understanding and mapping out ways forward.

Establishing such dialogue may require creating an enabling environment and will often imply capacity-building and awareness-raising of both the rights-holders and the duty-bearers. The consultations in Guatemala, for instance, revealed that in order to have a stakeholder dialogue and a participatory process leading to a platform for joint action, an important necessary first step was to enhance the duty-bearers’ awareness of indigenous child labour issues and conversely the right-holders’ knowledge of legislation and policies relevant to the rights of the child. Consequently, it was recommended to use the media (particularly radio and press), including the indigenous community radios, to generate awareness and knowledge, and to that effect train media facilitators in child labour issues.
### RIGHT-HOLDERS:
Are entitled to certain standards, services and opportunities.

These include the indigenous children but also the wider community, e.g., parents, youth organizations, traditional authorities, community representative institutions, indigenous education institutions.

### DUTY-BEARERS:
Have the responsibility to protect, promote and provide for the fulfilling of indigenous child rights.

Government authorities, at the various levels, are the main duty bearers responsible for ensuring that indigenous child rights are respected and upheld. However, a range of other actors, such as donors, UN agencies, private sector and civil society actors including employers’ organizations, and trade unions also have responsibilities.

In the case of education, duty-bearers comprise ministries, departments, training institutions all the way down to individual teachers and employers.

Indigenous communities and parents are also a group of duty-bearers with regards to indigenous childhood development and school attendance.
**guiding principles**

**Consultation, Participation and Dialogue**

ENSURING CONSULTATION AND PARTICIPATION

- Identify country-specific and gender-sensitive approaches to consultation and participation and explore how these can be implemented and strengthened in line with the principles of Convention No. 169;

- Assess whether people are sufficiently confident and prepared to be consulted and asked to participate, or whether time for confidence-building and other socio-psychological measures should be taken;

- Institutionalize mechanisms for consultation and participation at the levels of design, implementation and monitoring of projects and programmes, and ensure that consultations are held with the indigenous leadership, the men and women in the community and, as far as possible, with the children;

- Pay specific attention that the participation of indigenous men and women is maintained throughout the entire project process and develop jointly practical ways of ensuring that the voices of youths and children are taken into account in implementation efforts;

- Build capacity of indigenous communities and organizations to effectively participate in all relevant processes including programme overview, implementation as well as monitoring and evaluation, and at all levels exploiting policy, programme and project opportunities;

- Raise awareness and strengthen capacity of partners to understand and support indigenous participation.
ESTABLISHING A DIALOGUE

- Support and provide capacity-building, awareness-raising and advocacy on child labour concerns among indigenous peoples’ organisations and duty-bearers;

- Use the media to disseminate information and raise awareness; if necessary, train media facilitators in relevant aspects of indigenous child labour issues;

- Facilitate meetings, workshops, etc., between rights-holders and duty-bearers to initiate and develop dialogue;

- Support the institutionalisation of indigenous participation in mainstream national and local decision-making bodies dealing with child labour and education (EFA and PRSP fora, steering committees, advisory boards and other organs);

- Ensure that efforts to promote “child participation” in decision-making processes include indigenous children.
COMBINING UPSTREAM AND DOWNSTREAM APPROACHES

Most child labour initiatives have insufficient resources to alone address the broader issues of poverty, marginalisation and non-recognition of indigenous peoples’ rights, that lead to child labour.

The ILO/IPEC Time-bound programmes (TBP) therefore, as a general rule, combine interventions at two different levels: “upstream” with measures aimed at creating an enabling environment for the elimination of WFCL, and “downstream” with direct interventions targeted at groups or economic sectors where WFCL are prevalent.

The rationale for combining both types of approaches is that “effective action will often require a series of complementary interventions in several sectors or domains” (IPEC/ILO Guide Book II 2002). Furthermore, interventions at the policy level can contribute to ensure that results achieved at the programme/project level can be sustainable in the longer term, and can benefit other indigenous groups, through replication of suitable models.

Designing responses with indigenous communities thus involves exploring the use of both upstream and downstream approaches:

<table>
<thead>
<tr>
<th>DOWNSTREAM: TARGETED PROGRAMMES</th>
<th>UPSTREAM: POLICY AND MAINSTREAMING EFFORTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADVANTAGES</td>
<td></td>
</tr>
<tr>
<td>◮ Explicit focus</td>
<td>◮ Broad impact at all levels, including policies</td>
</tr>
<tr>
<td>◮ Specific capabilities</td>
<td>◮ Sustainability</td>
</tr>
<tr>
<td>◮ Immediate results</td>
<td></td>
</tr>
<tr>
<td>DISADVANTAGES</td>
<td></td>
</tr>
<tr>
<td>◮ Reduced long-term impact</td>
<td>◮ Risk of losing focus</td>
</tr>
<tr>
<td></td>
<td>◮ Lack of specific capabilities</td>
</tr>
<tr>
<td></td>
<td>◮ Few immediate results</td>
</tr>
</tbody>
</table>

While targeted programmes may generate immediate results in terms of school attendance and child labour reduction, they may also be confined to a small number of children and fail to address wider child labour drivers among indigenous communities. Countering such drivers may in turn require mainstreaming indigenous development priorities in wider programme and policy support provided to governments. This may have larger and longer-term impact, e.g. in terms of improved education policies.

Targeted programmes
These may include:

- Community mobilization including capacity building of leaders;
- Awareness raising of parents and community around the issue of child labour vs. education;
- Culturally appropriate rapid response to cases of worst forms of child labour;
- Economic empowerment of targeted families so they can afford to let their children attend school; and
- Provision of learning based on intercultural and bilingual education with a curriculum respecting and reflecting indigenous perspectives, etc.

Mainstreaming interventions
Mainstreaming can be defined as “a process for assessing the implications for child labourers, or those at risk of becoming child labourers, of any planned action, including legislation, policies, or programmes, in any area and at all levels; and a strategy for making the concerns about child labour an integral part of the design, implementation, monitoring, and evalu-
ation of policies and programmes in all political, economic, and societal spheres, so as to reduce both the supply of and demand for child labour, especially in its worst forms, its ultimate goal being to “achieve the total elimination of child labour as soon as possible” (Tabatabai 2003).

Mainstreaming approaches include:
- Raising awareness and building capacity,
- Using networking among public and private institutions,
- Doing advocacy work,
- Building alliances and strengthening the dialogue with a wide spectrum of institutions, organizations, mechanisms, at the national and international level.

Reviewing social policies
One of ILO/IPEC priorities is to promote the integration of child labour within wider social policies and, in order to ensure application of Convention No. 182, to review and reform not only child labour legislation but also “other areas where law affects the root causes of child labour” (ILO/IPEC Guide Book I 2002).

The core question is to examine to what extent existing legislation, social policies and programmes reflect indigenous peoples’ perceptions, needs and priorities to assess whether they are conducive to the reversal of social exclusion processes leading to indigenous child labour and address the gaps and needs identified in both upstream and downstream interventions.

This entails a comprehensive review of existing social policies and legislation, including pro-indigenous legislation, national poverty reduction strategies, MDG strategies, etc.

This review will have the following main purposes:
- To identify gaps and opportunities for revising or strengthen existing social policies;
- To assess the level of implementation of existing social policies and programmes; and
- To identify awareness raising and capacity-building needs of key actors (i.e. government institutions, NGOs, indigenous organizations, etc.) to be addressed in child labour programmes.

It should also be noted that some indigenous communities have their own customary legal system. In this case, a review should also be made of customary laws, using a child’s rights perspective. Such a review should be based on consultations with indigenous peoples, in line with articles 2 and 33 of ILO Convention No. 169. These two articles call for coordinated and systematic action, in co-operation with indigenous peoples, in order to protect their rights, as well as for programmes that affect indigenous peoples to “include the proposing of legislative and other measures to the competent authorities and the supervision of the application of the measures taken, in co-operation with the peoples concerned”.

The implementation of these articles is a way of incorporating the rights of indigenous peoples in the State’s global policies. In other words, in order to be effective, specific or ad-hoc consultations must become part of a more general framework of dialogue, consultation and participation of indigenous peoples at the level of global policies. In relation to child labour eradication among indigenous communities, this means that guidelines should be elaborated in consultation with indigenous peoples at the level of the State’s planning policies so that the guidelines can be reflected in the work of the relevant Ministries (Health, Labour, and Education) as well as in their budgets.

Negative effects of a good law
In 2002, the Government of Nepal passed a law prohibiting the bonded labour system known as “kamaiya”. While many “ex-kamaiya” were given land and thus improved their situation, thousands remained unregistered, landless and without any forms of support. Living in abject poverty, many have seen themselves forced to send their children away to work for their former landlords as “kamalaris” or bonded domestic servants. The law clearly states that it is illegal to keep kamalaris, as the Kamaiya Labour Act defines the practice as a form of bonded labour. But as long as the situation of the landless ex-kamaiya has not been addressed, the kamalari system will continue since survival is at stake (Rupesh Silwal, 2005).

For areas and types of law that should be scrutinized see ILO/IPEC Guide Book IV, 2002.
guiding principles

Combining Downstream and Upstream Approaches

DOWNSTREAM APPROACHES

- Build capacity and empower communities to identify strengths, weaknesses and opportunities to address child labour together with duty-bearers;

- Promote dialogue, collective planning and institutionalized participation of indigenous communities and organizations along with other local social partners and duty-bearers (avoiding compartmentalized approaches);

- Take indigenous development visions and existing activities as a point of departure, rather than imposing narrow “child labour” agendas and activities;

- Establish mechanisms for community ownership before moving to implementation.

UPSTREAM APPROACHES

- Assess the implications of any planned action – including wider economic development plans - for indigenous communities and child labourers;

- Build capacity of indigenous peoples to participate in broader development and economic policy discussions and decisions;

- Engage in critical dialogue with government representatives and other institutional actors with a view to introducing/strengthening an indigenous perspective in policy frameworks and programmes on education, child labour and wider social policies (e.g. health) impacting on indigenous children;
- Ensure that indigenous representatives participate and that indigenous perceptions and opinions are taken into consideration in PRSPs, MDGs and other policy frameworks;

- Develop and implement, together with indigenous representatives, strategies for social mobilization with a view to creating awareness about the issue of indigenous child labour;

- Facilitate and support dialogue between right-holders and policy makers, decision- makers, employers’ associations, trade unions, etc. in order to raise their awareness and become committed to the issue;

- Approach and make alliances with relevant institutional actors for specific actions (for example providing support for educational reforms, for non-formal education systems, etc.);

- Inform and if necessary, ask for the support of, relevant international bodies such as the UN Permanent Forum on Indigenous Issues, the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People, the UN Committee on the Rights of the Child, the UN Committee on the Elimination of Racial Discrimination.

**A PARTICIPATORY REVIEW OF SOCIAL POLICIES**

- Consult with and ensure the participation of indigenous representatives in the review process; if necessary build capacity of indigenous organizations to effectively participate in all relevant processes;

- Assess the level of knowledge among duty-bearers (government institutions, NGOs, etc.) of relevant legislation, policies and programmes; if necessary provide information and training;

- Make an inventory of relevant ratified international treaties and conventions and assess their implementation;

- Assess relevant national and local laws, decrees, ordinances, etc., including when applicable indigenous customary laws that directly or indirectly impact on indigenous children and their rights, including child labour;

- Assess the relevance of policies and programmes on indigenous issues, child labour and wider social policies from an indigenous child rights perspective and identify key gaps (access to health care, labour regulations, education policy, etc.);

- Identify possible barriers and constraints in the implementation of pro-indigenous legislation;
Take into consideration indigenous perceptions and assessments of the implementation of indigenous child rights;

Support and strengthen the capacity of right-holders to present and lobby for their views;

Assess the capacity of right-holders and duty-bearers to implement indigenous policies and programmes of relevance to indigenous children;

Identify opportunities to strengthen/revise policies, programmes and their implementation with respect to indigenous child rights;

Promote dialogue between stakeholders and indigenous representatives.
CHOOSING PARTNERS FOR IMPLEMENTATION

In practice, child labour programmes are often designed and implemented by mandated government agencies and NGOs. However, in the case of indigenous child labour, there is a serious risk of undermining the legitimacy and capacity of indigenous peoples’ own institutions if these are not involved in the implementation strategies employed.

Implementation through indigenous organizations
A critical starting point is the mapping of indigenous organizations and customary institutions, their mandates and capacities. Without a proper mapping there is a risk of overlooking existing indigenous structures, particularly non-formal institutions. In some cases, competing institutions may exist but the challenge is to seek complementarity between the different levels and types of indigenous structures and organizations. Engaging openly with all indigenous stakeholders to assess indigenous child labour challenges is therefore the starting point to gradually map out their particular roles, representative status, interest and capacities.

The identification and assessment of indigenous stakeholders include looking at a number of key issues as outlined in the table below.

<table>
<thead>
<tr>
<th>MAIN ISSUES</th>
<th>ORGANISATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>MANDATE AND REPRESENTATIVE STATUS</td>
<td>E.g. traditional authority, independent NGO, umbrella organization, governmental agency in charge of indigenous education, area or community-based representative institution, etc.</td>
</tr>
<tr>
<td>SUBSTANTIAL FOCUS</td>
<td>E.g. primary health care, bilingual education, eliminating child labour in the mining sector, etc.</td>
</tr>
<tr>
<td>TYPES OF INTERVENTIONS</td>
<td>E.g. national advocacy, community development, policy research, training, etc.</td>
</tr>
<tr>
<td>EXPERIENCE WITH CHILD LABOUR AND EDUCATION</td>
<td>E.g. implemented grassroots education initiatives in communities, contributed to dialogue on PRSP, etc.</td>
</tr>
<tr>
<td>ATTITUDES TO AND EXPERIENCE WITH COMMUNITIES</td>
<td>E.g. long-standing working relationships with community institutions in the respective regions.</td>
</tr>
<tr>
<td>ORGANIZATIONAL CAPACITY</td>
<td>E.g. number, ethnic and gender composition and qualifications of staff, membership, project implementation capacity, presence in different regions, administrative capacity, experience in working with governmental, international agencies and indigenous peoples as well as with gender issues.</td>
</tr>
<tr>
<td>CAPACITY GAPS</td>
<td>E.g. limited technical capacity, lack of staff, operational budgets, lack of awareness, political support, etc.</td>
</tr>
</tbody>
</table>
IPEC has an increasing number of experiences in working directly with indigenous organizations as project implementing agencies. These projects typically address a specific set of local child labour and education challenges identified in a particular region or sector. Working with local decision-making structures and organizations may be the natural starting point for securing indigenous ownership of the process, while working with regional, national or NGO type indigenous organizations can provide intermediary technical support to the process. In addition, there are also good opportunities to work with indigenous organizations at the policy level.

Capacity-building will often be a key element of the process as many indigenous organizations have relatively low implementation capacity and remain overstretched and highly dependent on a few individuals.

**Working through non-indigenous institutions**

There may not always be indigenous organizations or institutions with the immediate capacity to undertake a child labour and education project. In practice, many “indigenous” projects are implemented by non indigenous NGOs and other external institutions.

This is not without certain risks. One is that these external institutions may justify their own continued presence rather than build the capacity of indigenous institutions and duty-bearers to eventually take over and assume responsibility.

Another risk is overlooking existing indigenous capacity, such as traditional authorities, when seeking to identify one agency that can do it all (not least given the time frames of many international projects). Language may also be a problem, especially in regions where several indigenous languages are spoken. Finally, there may also be considerable mistrust between indigenous communities and some external institutions.

These problems can be avoided by identifying and assessing external institutions through a consultation with indigenous communities. Such an assessment can be done along the same lines as outlined in Table 2, but should also look into specific key areas of concern such as the availability of indigenous staff or staff speaking same indigenous language as targeted communities and the general attitude in the institution towards indigenous peoples.

Working through non-indigenous institutions furthermore requires that the project design includes capacity-building for indigenous stakeholders and exit strategies for the non-indigenous partner in order to allow for a gradual take-over by the indigenous stakeholders. Project design should also ensure that the communities participate in overall project decision-making, monitoring and evaluation of activities.
guiding principles

Working with Partners

IMPLEMENTING THROUGH INDIGENOUS STAKEHOLDERS

- Undertake a thorough mapping of existing indigenous structures and organizations;
- To the extent possible, choose indigenous organizations as implementing agencies;
- Undertake capacity needs assessments and include capacity-building as an integral element of project design.

IMPLEMENTING THROUGH NON-INDIGENOUS INSTITUTIONS

- Collaborate with indigenous authorities/communities in identifying external institutions;
- Agree with indigenous authorities/communities about the role and responsibilities of external institutions in community-defined activities, projects and programmes;
- Ensure that external institutions have sufficient and relevant capacity (in terms of knowledge, staff composition, language and attitudes) to engage with indigenous men, women, youth and children;
- Where indigenous capacity is low, promote joint implementation focusing on capacity building and gradual indigenous take-over, with clear exit strategies for implementing institution;
- Ensure indigenous representation, participation and voice in overall project decision-making, monitoring and evaluation.
GENERAL INFORMATION ON INDIGENOUS RIGHTS

The UN Permanent Forum on Indigenous Issues (UNPFII) is the main UN body dealing with indigenous issues and provides a critical space for indigenous participation and dialogue. Its website includes a database with recommendations on indigenous issues namely in economic and social development, culture, the environment, education, health and human rights: www.un.org/esa/socdev/unpfii/

The Development Gateway Portal on Indigenous issues contains many references divided into key topics such as education, development and rights: http://topics.developmentgateway.org/indigenous.

The ILO website on indigenous peoples has a wealth of information on ILO standards, technical cooperation activities in different countries and publications, including a guide to Convention No. 169 as well as a number of country and policy studies. Translations of Convention No. 169 are available in various languages. Most of these documents can be downloaded as PDF files. The site has links to the various ILO projects with indigenous peoples, such as the Project to Promote ILO Convention No. 169 (PRO 169) and the Interregional Programme to Support Self-Reliance of Indigenous and Tribal Peoples through Cooperatives and Self-Help Organizations (ILO-INDISCO). www.iolo.org/indigenous

The Office of the UN High Commissioner on Human Rights has a special Web site on indigenous issues, including links to the Special Rapporteur on Indigenous Issues, documents from UN processes such as the CRC Discussion Day on Indigenous Children and the UN Working Group on Indigenous Populations: www.ohchr.org/english/issues/indigenous/index.htm

The Organization of American States (OAS) has a special webpage on Indigenous Peoples and the American Draft Declaration on the Rights of Indigenous Peoples: www.oas.org/OASpage/Inter-American_System.asp

Many multi- and bilateral donor agencies including the World Bank and the EU, have institutional policies and related Web sites on indigenous issues.

- The Inter-American Development Bank: www.iadb.org.

The Inter-American Development Bank hosts a database on indigenous legislation, which permits thematic search, e.g. on education, family rights and language. http://www.iadb.org/sds/ind/index_ind_e.htm.
INDIGENOUS PEOPLES AND THEIR ORGANIZATIONS

Many indigenous peoples do not have access to modern means of communication and are thus not easily accessible. On the other hand, many local, national and regional organizations and federations now exist, which can facilitate further contacts to the communities. Country-specific information is best achieved through consultation with indigenous organizations and relevant government agencies. Publications and documentation by regional and support organizations (such as the year book, The Indigenous World, published by the International Work Group on Indigenous Affairs) also provide useful overviews.

Furthermore, a number of regional and international networks have been established, which can serve as entry points for further contacts. It is impossible to provide an exhaustive list of these organisations, but a few key references are:

- **International Alliance of Indigenous and Tribal Peoples of Tropical Forests**
  www.international-alliance.org

- **The Indigenous Peoples of Africa Coordinating Committee (IPACC)**: www.ipacc.org.za

- **Asia Indigenous Peoples Pact**: www.aippfoundation.org

- **Pacific Concerns Resource Centre (PCRC)**: www.pcrc.org.fj

- **Coordinadora de Organizaciones Indígenas de la Cuenca Amazónica**: www.coica.org.ec

- **Carribbean Amerindian Centrelink, CAC**: www.centrelink.org/

- **The Arctic Network for the Support of the Indigenous Peoples of the Russian Arctic (ANSIPRA)**: www.npolar.no/ansipra

- **Russian Association of Indigenous Peoples of the North - RAIPON**: www.raipon.org

- **The Resource Centre for the Rights of Indigenous Peoples (Saami people)**: www.galdu.org/english/

- **The Aboriginal Canada Portal (ACP)**:
  www.aboriginalcanada.gc.ca

- **Indigenous Peoples of Africa and the San People**: www.san.org.za

- **Tebtebba Foundation (Indigenous Peoples’ International Centre for Policy Research and Education)**: www.tebtebba.org

- **NEFIN (Nepal Federation of Indigenous Nationalities)**: www.nefin.org.np

- **Indian Law Resource Centre**: www.indianlaw.org

- **Centro por los Derechos de los Pueblos Indígenas de Meso y Sudamérica - The South and Meso American Indian Rights Center (SAIIC)**:
  www.saic.nativeweb.org

- **Consejo Internacional de los Tratados Indios - International Indian Treaty Council**:
  www.treatycouncil.org


- **European Network for Indigenous Australian Rights (ENIAR)**: www.eniar.org

The web-sites of support organizations include links to indigenous organizations as well as other resources:

- **Forest Peoples Programme**: www.forestpeoples.org

- **International Work Group on Indigenous Affairs**: www.iwgia.org

- **Minority Rights Group**: www.minorityrights.org
CHILD LABOUR IN GENERAL AND AMONG INDIGENOUS PEOPLES

Regarding child labour in general, ILO/IPEC published in 2002 a manual in five volumes for their Time-Bound Programmes for Eliminating the Worst Forms of Child Labour.

- Guide Book I: How to Use the Time-Bound programme MAP.
- Guide Book II: Time-Bound Programmes for Eliminating the Worst Forms of Child Labour – An Introduction
- Guide Book III: Creating the Knowledge Base for Time-Bound Programmes

They are all available on the Internet at: www.ilo.org/public/english/standards/ipec/themes/timebound/map.htm

ILO (2002) has also published a practical guide to Convention No. 182: Eliminating the worst forms of child labour - A practical guide to ILO Convention No.182, which is available on the Internet at: www.ilo.org/public/english/standards/ipec/publ/ipu_2002_gb_web.pdf

The Inter-American Children's Institute is a specialized organization of the OAS on child-related issues, including child trafficking and child labour: www.iin.oea.org

The Office of the United Nations High Commissioner for Human Rights (Santiago, Chile) and UNICEF-TACRO (Regional Office for LAC, Panama) have recently published a compilation of the Committee on the Rights of the Child's concluding observations for Latin American and Caribbean countries in their original languages: Compilación de observaciones finales del Comité de los Derechos del Niño sobre países de América Latina y el Caribe (1993-2004). The publication contains all the concluding observations of the Committee from 1993 to 2004 relating to Spanish-speaking countries in Spanish, English-speaking countries (as well as Brazil) in English, and Francophone countries in French. It is available on the Internet from: www.ohchr.org/spanish/bodies/crc/


There is also an increasing number of site-specific studies and surveys on indigenous child labour, mostly unpublished (Nepal, Peruvian Amazon, urban indigenous child labour, Chiang Mai, Thailand, trafficking in South-east Asia, situation analyses Philippines and Kenya, case studies from the Cordillera and Mindanao, Philippines).

In addition, a number of sector specific child labour assessments have some level of ethnic data disaggregation (Ecuador, Guatemala). Furthermore, a number of studies on forced labour (e.g. Peru, Bolivia and India) include documentation.

Further information on these can be requested from IPEC: ipec@ilo.org

FOR A GENERAL OVERVIEW, SEE:


COUNTRY SPECIFIC STUDIES:
The National Labour Academy-Nepal has elaborated a number of reports on child labour in Nepal, that include data on child labour among indigenous peoples. www.labournepal.org

ILO/IPEC Nepal has published a number of Rapid Assessments on child labour, which are available and downloadable from www.ilo.org/childlaboursa:
COMMUNITY-OWNERSHIP, PARTICIPATION AND CONSULTATION

Effective approaches to participation and consultation are context-specific, and require documentation and exchange of experiences and good practices as well as mechanisms proposed by indigenous organizations. International policy discussions about what constitutes adequate participation and consent (see UNPFII) and guidelines provide useful references as do concrete project experiences and case studies. Learning from other governmental and international efforts to institutionalize participation and consultation may require reading literature from other sectors such as natural resource management, poverty alleviation and governance. See:

DANIDA. 2004: Tool kit: best practices for including indigenous peoples in sector programme support. Danish Ministry of Foreign Affairs (the publication can be ordered from the Danish State Information Centre, www.danida-publikationer.dk).

CUSTOMARY LIVELIHOODS, POVERTY AND DEVELOPMENT

The following web sites of multilateral banks have extensive country and regional poverty analysis and publications on indigenous issues:

- Inter-American Development Bank (IDB):

PRO 169 has published a series of case studies on PRSP


Other resource publications are:


INDIGENOUS PEOPLES AND EDUCATION

Much has been written on indigenous peoples and education. Indigenous peoples at the international and national levels have come out with statements and declarations such as:


A number of recent studies also deserve mentioning:


The UNESCO site on cultural and linguistic diversity in education includes important links to normative frameworks, web-sites on disappearing languages, guidelines and a data base on linguistic rights and legislation (http://www.unesco.org/most/ln2lin.htm).

See also The Endangered Languages Programme, a register of good practices in language preservation (www.unesco.org/endangeredlanguages/goodpractices).

Terra Lingua supports the integrated protection, maintenance and restoration of the biocultural diversity of life - the world’s biological, cultural, and linguistic diversity. Its Web site includes downloads and additional resources on linguistic diversity, indigenous perspectives on language http://www.terralingua.org/


Indian and Northern Affairs Canada. 2003: Education Program Reports (http://www.ainc-inac.gc.ca/ps/edu/rep03/edu_e.pdf


Kumar, Bal et al. 2001: Nepal: Trafficking in Girls with Special Reference to Prostitution: A Rapid Assessment. ILO-IPEC, No. 2.


