

Leaflet No. 4

Indigenous children and child labour

1. What is child labour?

It is first necessary to clarify what is *not* meant by the term child labour. Children's or adolescents' participation in work that does not affect their health and development, or interfere with their schooling, is generally regarded as being something positive: for example, helping their parents care for the home and the family, or earning pocket money outside school hours and during school holidays. It contributes to children's development and to the welfare of their families; it provides them with skills, attitudes and experience, and helps to prepare them to be useful and productive members of society during their adult life. In no way can such activities be equated with child labour that we aim to eliminate.

We want to stop work that:

- is mentally, physically, socially or morally dangerous and harmful to children; and
- interferes with their schooling.

In its most extreme forms, it involves children being enslaved together with or separated from their families, exposed to serious dangers and illnesses at work, or dire forms of exploitation such as prostitution, or used in crimes – all of this often at a very early age.

2. Why is it relevant for indigenous peoples?

There are a number of issues pertaining to child labour that are of specific importance for indigenous and tribal children.

Recent studies have shown that indigenous children are a particular risk group to end up in the worst forms of child labour, for instance debt-bondage, trafficking and prostitution in Asia, and agricultural wage labour on plantations in Latin America. Their disproportionately high levels of child labour and poor educational performance and school enrolment are rarely captured in disaggregated statistics.

Child labour is a hindrance to education, training and future employment opportunities, in a vicious cycle of poverty and social inequalities. Exploitation of indigenous and tribal children at too young an age would deprive them of the opportunity to education and full and healthy development, thus most likely perpetuate discrimination and poverty to the next generation. It is true that certain forms of work may have the benefit of passing traditional ways of production to children. However, such recognition should not mislead to condoning the exploitation of children that would be harmful to their education and development, simply because the children are of indigenous origin.

A joint working paper was published by two ILO programmes – the International Programme to Eliminate Child Labour (IPEC) and INDISCO – entitled *Indigenous and Tribal Children: Assessing child labour and educational challenges*.¹ This study found, inter alia, that the neglect of indigenous and tribal rights, identities and concerns in national education programmes is a key factor in social exclusion and marginalization, and therefore the recognition of indigenous education priorities is an important step to take to address issues of child labour through education.

¹ International Labour Office, June 2003.

- Indigenous and tribal children are at special risk in relation to the worst forms of child labour, linked to extreme poverty, low levels of education and low literacy rates, poor health and high mortality.
- Racial discrimination and the resulting social exclusion result in cultural marginalization, increased poverty and worse exploitation.
- Education systems and services including curricula are often not relevant to indigenous children's needs, either in their structure or their content. Culturally appropriate measures, developed in consultation with the peoples concerned, are essential if education programmes for indigenous and tribal peoples are to be effective and sustainable.²
- Statistics at the national and international levels rarely reflect the special reality of indigenous and tribal children.³

3. What are the main ILO standards dealing with child labour?

Worst Forms of Child Labour Convention (No.182) and Recommendation (No.190)

These were unanimously adopted on 17 June 1999. They cover all persons under the age of 18, in line with the definition of the "child," outlined in the UN Convention on the Rights of the Child, and its call for "immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency." The immediacy of the means has been emphasized.

The worst forms of child labour are:

1. slavery and forced labour, including child trafficking and forced recruitment for armed conflict;
2. using a child in prostitution or pornography;
3. using a child in illicit activities like drug trafficking; and
3. work likely to harm the health, safety or morals of children.

Convention No.138 of 1973 on minimum age, and Recommendation No.146

These instruments provide a framework for setting minimum ages for work

| Categories | General | For developing countries |
|---------------------------------|---|--|
| General minimum age (Article 2) | Not less than the end of compulsory schooling, 15 years or more | 14 years |
| Light work (Article 7) | 13 years | 12 years |
| Dangerous work (Article 3) | 18 years (16 years under certain conditions) | 18 years (16 years under certain conditions) |

² ILO submission to the Permanent Forum on Indigenous Issues at its Fourth Session, February 2005.

³ Committee on the Rights of the Child Day of discussion on the rights of indigenous children, 19 September 2003, Contribution of the International Labour Office.

4. What is the ILO doing to eliminate child labour?

The ILO itself has been assisting member countries in their fight against child labour through practical projects in the field, through its International Programme on the Elimination of Child Labour (IPEC), launched in 1992. The promotion of the Conventions and other advocacy activities are thus offering frameworks for action, and at the same time, have been complemented by programmes and projects for direct action.

IPEC is the ILO's largest technical cooperation programme, and has undertaken projects to translate the principles of relevant ILO Conventions into reality. IPEC's priority target groups include bonded labourers, trafficked children, children in hazardous working conditions and occupations - all these are where we often find indigenous children.

Many of the IPEC projects do include indigenous children among their beneficiaries, even without being explicitly called "projects for indigenous children". However, some can be mentioned as examples of more focussed attention to their special vulnerability.

IPEC has been promoting "Time Bound Programme" approach that aims at comprehensive action to eliminate the designated worst forms of child labour in a defined period of time, now carried out in about 20 countries. The first three countries that initiated time bound programmes (El Salvador, Nepal and Tanzania) all included indigenous children among the target groups. In Nepal, for example, indigenous Tharu families and children, formerly caught in debt-bondage (the kamaiya system), are being supported to find viable alternatives.

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A study by ILO-IPEC and Community Action Centre- Nepal, on Internal trafficking among children engaged in prostitution, documented that out of the total sample of commercial sex workers, 43% belong to hill ethnic groups (Gurung, Magar, Rai, Limbu, Tamang, Lama and Sherpa) as compared to Chhetri (33%) and Brahmins (9.8%). This confirmed the perception that indigenous and tribal peoples are more vulnerable to different forms of exploitation, including sex work and trafficking.⁴

In Latin America, namely in Costa Rica and in Peru, IPEC is finalizing studies that look into the triangular relationship between gender, child labour and discrimination against indigenous people. This is quite a delicate field of study and action as some traditional practices may be especially harmful to indigenous girls, and reinforcing certain gender roles, such as work within the domestic realm. These studies bring to light some of these issues, especially relevant for programming direct action benefiting indigenous girls and boys, and preventing or rescuing them from child labour.

⁴ILO Submission to the Permanent Forum on Indigenous Issues, February 2005.

5. Where can I look for further information about my own country?

Electronic resources

For further information about ILO Conventions and work on child labour, you can visit the following websites:

- The International Labour Standards Department: www.ilo.org/normes.
- The IPEC website: www.ilo.org/childlabour
- In addition, you can contact IPEC@ilo.org.

Key publications

- *Eliminating the worst forms of child labour - A practical guide to ILO Convention No.182* which is available on the Internet at:

http://www.ilo.org/public/english/standards/ipec/publ/ipu_2002_gb_web.pdf

- More generally on child labour, there is also ILO Global Report. *A future without child labour* <http://www.ilo.org/public/english/standards/decl/publ/reports/report3.htm>

- On the latest global estimate of the extent of child labour, please see our 2002 report *Every child counts* at <http://www.ilo.org/public/english/standards/ipec/simpoc/others/globalest.pdf>

- Our programme (IPEC) implementation report is available at:

http://www.ilo.org/public/english/standards/ipec/publ/download/implementation_2004_en.pdf