



International  
Labour  
Organization

# Indigenous Peoples in the World of Work Snapshots from Asia

*International development enters a new phase in 2015 with the adoption of the Sustainable Development Goals and a strong commitment to eradicate poverty and tackle rising inequalities. Being one of the most vulnerable sections of the population, a focus on indigenous peoples is crucial as a new framework for development takes form. Addressing poverty and inequalities will also require attention to their specific needs particularly with regard to the world of work. Engaging with indigenous peoples in the world of work, which is marked by particular problems, ranging from loss of livelihoods to increasing dependence on the informal economy, is among the initial and crucial steps in that direction. This Brief seeks to contribute to debates on these issues and highlight related aspects pertaining to the situation of indigenous peoples. It also draws on examples of policies and measures in a number of countries in the Asia-Pacific region.<sup>1</sup>*

## Poverty and Inequalities

Over the last two decades, economic growth in most Asian countries has been robust and higher than in other emerging regions, which has consequently resulted into significant reductions in poverty.<sup>2</sup> The past two decades have also witnessed faster poverty reduction in Asia than in any other region in the world or at any other time in history.<sup>3</sup> However, Asia nevertheless continues to be a region which is home to the largest number of the world's poor and is experiencing rising inequalities. An Asian Development Bank report, taking into account numerous factors and vulnerabilities, estimated that in 2010, 1,750 million Asians, or 49.5 per cent, could be considered living in extreme poverty, and stressed that poverty in Asia must remain a priority development challenge in the coming decades.<sup>4</sup>

Situating indigenous peoples with regard to poverty and inequalities in Asia is of particular importance due to their continued vulnerability to socio-economic exclusions. A focus on their situation will be instrumental to make progress in implementing the Sustainable Development



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Goals. Indigenous peoples, as a World Bank policy brief has observed, are “still among the poorest of the poor” and MDG-like indicators for them are worse than population averages for most Asian countries.<sup>5</sup> It is also estimated that although indigenous peoples constitute about 5 per cent of the world’s population, they account for 15 per cent of the world’s poor.<sup>6</sup> In India, for example, a High Level Committee report has noted that the Scheduled Tribes (over 100 million in population) disproportionately represent the people living below the poverty line while being among the most marginalized sections of the society.<sup>7</sup> Similarly, in Vietnam, a World Bank study has highlighted that, while poverty rates have drastically reduced in rural areas of the country, minority communities experience higher than average poverty rates, with the poverty rate for ethnic minorities being more than 5 times higher than the Kinh and Chinese.<sup>8</sup>

With nearly 70 per cent to 80 per cent<sup>9</sup> of the over 370 million<sup>10</sup> indigenous peoples world wide spread across Asia and the Pacific, any meaningful discussion on poverty and inequalities in the region thus requires that the specific needs, concerns and aspirations of indigenous peoples are explored and addressed. The world of work is an important entry point in this regard, as it is not only a manifestation of the socio-economic relations that indigenous peoples are a part of but also defines relations of indigenous groups with other sections of the population. The working lives of indigenous women and men are often marked by discrimination and exploitation, livelihoods insecurity, lack of recognition and protection of rights to land which they have traditionally occupied or used, poor access to opportunities, dependence on the informal economy, low productivity and a dearth of training, among other issues, that serve to further socio-economic exclusions. In this context, indigenous women are particularly exposed to multiple forms of discrimination and exploitation, including those that stem from within and outside the community.

### Identifying indigenous peoples

The ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) sets out criteria for identifying the peoples concerned:

	Subjective criteria	Objective criteria
<b>Indigenous peoples</b>	Self-identification as belonging to an indigenous people.	Descent from populations, who inhabited the country or geographical region at the time of conquest, colonisation or establishment of present state boundaries.  They retain some or all of their own social, economic, cultural and political institutions, irrespective of their legal status.
<b>Tribal peoples</b>	Self-identification as belonging to a tribal people.	Their social, cultural and economic conditions distinguish them from other sections of the national community.  Their status is regulated wholly or partially by their own customs or traditions or by special laws or regulations

Source: Understanding the Indigenous and Tribal People Convention, 1989 (No. 169). Handbook for ILO Tripartite Constituents. International Labour Organization, 2013.

Note: For practical reasons, this brief primarily uses the term “indigenous peoples”, which is now also the most commonly used term.

## Who are the indigenous peoples?

There is no single universal definition of indigenous and tribal peoples but the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) provides a set of objective and subjective criteria that can be used to identify these groups.<sup>11</sup> The Convention offers a practical and inclusive approach for the identification of the peoples concerned, while also emphasizing self-identification as one of the criteria. It uses the terminology of “indigenous” and “tribal” peoples giving both groups the same set of rights.<sup>12</sup>

Asia is among one of the most culturally and ethnically diverse regions of the world. The United Nations Special Rapporteur on the rights of indigenous peoples has noted that while the vast majority of the people in the countries of the Asian region may be considered, in a literal sense, indigenous to the region, there are particular groups that distinguish themselves from the broader populations and fall within the scope of the international concern of the indigenous peoples as it has developed throughout the United Nations system. Such groups include those that are referred to as ‘tribal peoples’, ‘hill tribes’, ‘scheduled tribes’, ‘adivasis’ or ‘janajatis’, among others.<sup>13</sup> The characteristics, relative size compared to the national population and situation of these groups vary greatly. However, they also share certain characteristics, such as their reliance on land and natural resources for their livelihoods or the practice of traditional livelihood activities and occupations that form an integral part of their distinct cultures.

## Struggling for recognition and rights

Nepal and Fiji are the only countries to have ratified ILO Convention No. 169 in the larger Asia-Pacific region so far. However, a number of countries in the region have ratified the ILO’s older instrument on this topic, the Indigenous and Tribal Population Convention, 1957 (No. 107). As this Convention has been considered outdated due to its assimilationist and integrationist approach, Convention No. 169 was adopted in 1989 as a revised version and the ILO has invited countries that have ratified Convention No. 107 to consider ratifying Convention No. 169. Furthermore, in 2007, the United Nations General Assembly adopted the Declaration on the Rights of Indigenous Peoples (UNDRIP), with the support of most Asian countries.

A number of countries in Asia have enacted national laws for the protection of indigenous groups. In the Philippines, for instance, the 1987 Constitution explicitly

recognizes the rights of indigenous cultural communities, and the Indigenous Peoples’ Rights Act of 1997 offers a comprehensive legal framework recognizing rights related to ancestral domains, self-governance, social justice and human rights, including equality at work and cultural integrity. It also addresses consultation and participation of indigenous peoples. In Cambodia, the 2001 Land Law forms the legal basis for recognizing indigenous communities and their collective land rights. In Bangladesh, legislation pertaining to the Chittagong Hill Tracts addresses numerous aspects of tribal peoples’ rights in the region. In India, the Scheduled Tribes<sup>14</sup> are protected through both constitutional as well as legislative provisions, with corresponding institutional structures. In some countries, the courts have also played an important role, as is the case for Indonesia where a 2013 ruling of the Constitutional Court regarding the Forestry Law declared that customary forests are forests located in indigenous peoples’ territories.

Yet, in many countries in the region an explicit recognition of indigenous peoples through dedicated legal, policy and institutional frameworks is absent, which poses challenges for ensuring respect for universally accepted human rights and for tackling structural issues that perpetuate socio-economic exclusion and marginalization. Where indigenous peoples are legally recognized and protected, the issue of which groups are included within the scope of such schemes is often an issue of considerable debate.<sup>15</sup> Experience has also shown that legal recognition is only one important step, which needs to go along with broader processes that enhance dialogue, understanding and respect for indigenous peoples’ cultures, identities, and ways of life, so as to avoid cultural differences from serving as drivers of exclusion.

## Indigenous peoples in national development plans

Several Asian countries have incorporated indigenous issues within their policy frameworks. For example,

### Ministry of Tribal Affairs in India

The Ministry spearheads a focused approach for integrated socio-economic development of the Scheduled Tribes. Its mandate includes tribal welfare-planning, policy formulation, research, training as well as administering tribal areas and schemes. It serves as the nodal ministry for overall policy, planning and coordination of programmes of development for the Scheduled Tribes.

For more details: <http://tribal.nic.in/>

India's Five Year Plan (2012-2017) specifically addresses tribal issues.<sup>16</sup> In Cambodia, the National Strategic Development Plan (2014-2018) also pays particular attention to the situation of the country's indigenous communities, including aspects related to land rights.<sup>17</sup> The Ministry of Rural Development of Cambodia is charged with coordinating the implementation of a National Policy on Indigenous Peoples. Bangladesh is another country where the Five Year Plan (2011-2015) specifically identifies the issues faced by ethnic communities and has a strong institutional body in the form of the Ministry of Chittagong Hill Tracts.<sup>18</sup> Yet, the effective implementation of such national policy frameworks with regard to indigenous and tribal peoples is often challenging. Furthermore, in a considerable number of countries there is still an absence of a specific focus on the needs of indigenous peoples.<sup>19</sup>

The lack of focus on indigenous peoples in national development and weak implementation are both factors in the exclusion of indigenous peoples from the benefits of rapid economic growth that the region is experiencing. However, promoting access to sustainable livelihoods and decent work for indigenous communities, including support for their traditional economic activities, is a strategic entry point for achieving inclusive development.

### Consultation with and participation of indigenous peoples

Consultation with a view to seeking indigenous peoples' consent and their participation in decision-making more broadly are important facets of empowerment especially with regard to designing and implementation of laws, policies, development projects and other measures that may affect indigenous peoples.<sup>20</sup> Presently however, there are only a few examples in Asia of mechanisms that address the issue of consultation with regard to indigenous

peoples. Moreover, lack of consultation and participation in decision-making tends to be linked with a lack of recognition of indigenous peoples as distinct groups with their own institutions, aspirations, cultures and traditions.

Among the countries that have addressed consultation and participation is the Philippines where the Indigenous Peoples' Rights Act, 1997 requires free, prior and informed consent of indigenous communities in specific situations, including the granting of licences for the exploitation of natural resources affecting indigenous communities. In India, The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 provided for social impact assessment and consent of the community regarding land acquisition for different projects, although the scale and scope of these aspects continue to be heavily debated and have undergone amendments.<sup>21</sup>

While such provisions are an important step forward in addressing the exclusion of indigenous peoples within the decision making processes, focus is also required on identifying and understanding indigenous peoples' own development priorities, including those concerning their livelihood strategies and economic activities. Consultation and participation of indigenous peoples are rights set out in international instruments such as ILO Convention No. 169 and United Nations Declaration on the Rights of Indigenous Peoples, and even where they are reflected in national legal frameworks, implementation in practice tends to be weak or the validity of the rights is subject to challenges. The strong on-going contestation surrounding amendments to India's Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which affect aspects regarding social impact assessment and consent, is a case in point of the continued challenges associated with consultation and participation.

#### Republic Act No. 8371 of Philippines

Also known as the Indigenous Peoples' Rights Act of 1997, the legislation recognizes, protects and promotes the rights of indigenous cultural communities/indigenous peoples. The Act requires free, prior and informed consent in specific contexts that can potentially affect the lives of indigenous peoples. The Act also provides the right of indigenous communities to determine and decide priorities for development. In this context it provides for participation in the formulation, implementation and evaluation of policies, plans and programmes that affect indigenous peoples at all levels of decision-making.

For more details:  
<http://www.gov.ph/1997/10/29/republic-act-no-8371/>

#### The central place of land and natural resources

Land and natural resources continue to be among the most important sources of livelihoods for indigenous peoples across Asia. From sedentary agriculture to shifting cultivation, from hunting and gathering to fishing or basket weaving, the indigenous peoples of Asia are involved in a range of traditional occupations that can only be sustained by access to land and natural resources. Traditional occupations and livelihood strategies, which are themselves undergoing changes, are important not only for subsistence and food security<sup>22</sup> but also for indigenous cultures and traditions. Furthermore, indigenous peoples' occupations, skills and knowledge are assets that can also provide a basis for the creation of enterprises and cooperatives of indigenous women and men.<sup>23</sup>



Agricultural work is a significant source of livelihoods and income generation for indigenous peoples in Asia, and thus an essential aspect of indigenous peoples in the world of work. In India, for instance, 2011 figures reveal that among Scheduled Tribe workers, 34.5 per cent were cultivators and 44.5 per cent were agricultural labourers.<sup>24</sup> In Malaysia, 2013 figures reflect that 32.4 per cent of the statistical category of “Other Bumiputeras” (comprised of ethnic minorities or indigenous peoples of the country) were involved in agriculture, forestry or fishing. This is considerably higher than the 11.4 per cent figure for all Malaysian citizens.<sup>25</sup> Similarly, in Viet Nam, 2012 figures indicate that 35.6 per cent of Kinh and Hoa population was engaged in agriculture while the figure for other ethnic groups (comprised of minority or indigenous groups) is 78.3 per cent.<sup>26</sup> Nepal is another example where 2001 figures reflect that 60.2 per cent of indigenous peoples were farm or fishing workers while a much lower percentage of 23.6 per cent were production workers.<sup>27</sup>

The dependence of indigenous peoples on land and natural resources for livelihoods makes it indispensable to protect their access. However, land alienation and restrictions on accessing natural resources pertaining to lands

they traditionally occupy or use are creating threats to livelihoods as well as food insecurity, and are causing impoverishment of indigenous communities. A combination of factors are contributing to this and include added pressures on natural resources from globalization and economic growth, especially from resource intensive and resource extractive industries; weak laws protecting ancestral lands; considerations for environmental conservation; as well as the absence of inclusive frameworks that facilitate consultation and participation.

The 2001 Land Law in Cambodia is an important example of a piece of legislation that ensures indigenous lands are protected by embracing the concept of communal land rights. It essentially enables the granting of collective land titles to indigenous communities by the State while recognizing the practice of shifting cultivation as part of traditional land management system. However, the process of issuing collective land titles for the country’s approximately 400 indigenous communities has been slow. Even after the presence of a favourable law, land alienation is a major threat to indigenous peoples in the country.<sup>28</sup> Many countries in Asia have also been facing instances of violence and conflicts that are closely connected to the issues concerning access to land



and natural resources. Ensuring access to and protecting land and natural resources in the context of indigenous peoples remains a difficult and challenging task in the region. Nevertheless, it is instrumental for a stable socio-economic climate where sustainable and truly inclusive development processes can unfold.

### Accessing new opportunities in the labour market

Asian countries increasingly represent the economic powerhouse of a changing globalized world and are lifting millions out of poverty. However, indigenous peoples remain especially vulnerable to poverty as well as discrimination and their employment situation is a reminder of this facet. In Malaysia, for instance, the unemployment rate for Malays was 3.1 per cent according to 2013 figures, while for the statistical category of “Other Bumiputeras”, comprising ethnic minorities or indigenous peoples of the country, it was 5.5 per cent.<sup>29</sup> In the Philippines, between 2013 and 2014, the unemployment rate for the entire country decreased from 7.2 per cent to 6.8 per cent. However, in the Cordillera Administrative Region, which has the highest proportion of indigenous peoples, the unemployment rate increased from 4.6 per cent to 5.5 per cent.<sup>30</sup> Similarly, in India, between 2004-05 and 2009-10 the unemployment rate remained at the same level or decreased for all other social groups. However, during this period, the unemployment rate for men belonging to Scheduled Tribes (ST) in rural areas increased from 1.1 per cent to 1.7 per cent; for ST women in rural areas, it increased from 0.4 per cent to 0.9 per cent; for ST men in urban areas it increased from 2.9 per cent to 4.4 per cent, and for

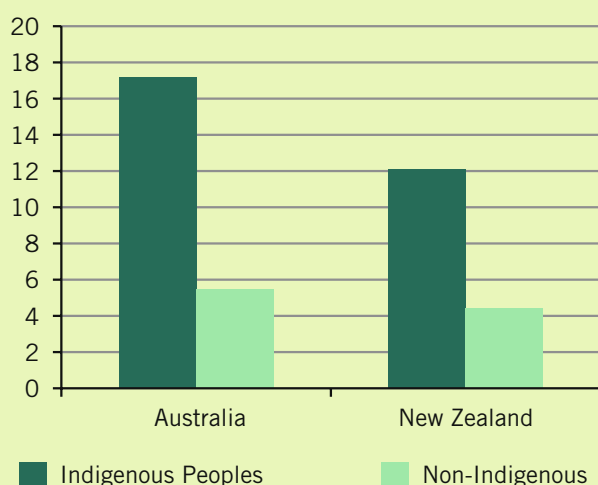
ST women in urban areas it increased from 3.4 per cent to 4.3 per cent.<sup>31</sup>

Also in high-income countries such as Australia and New Zealand, the disparity between indigenous and non-indigenous employment patterns is marked. In the case of Australia, according to 2011 figures, Aboriginal and Torres Strait Islander Australians were more than 3 times as likely as non-indigenous peoples to be unemployed: 17.2 per cent of those in the labour force compared with 5.5 per cent, a gap of 11.7 percentage points.<sup>32</sup> With regard to New Zealand, the unemployment rate for Māori in 2014 was 12.1 per cent, while for New Zealand Europeans it was 4.4 per cent.<sup>33</sup>

Furthermore, indigenous peoples who find employment tend to receive lower wages, have a weaker contract status and a higher likelihood of losing their job. For example, the India Exclusion Report 2012-13 stressed that tribal communities undertake the hardest work while receiving the lowest wages.<sup>34</sup> A recent study covering eleven developing countries, including India and Viet Nam, found that the level of compliance with minimum wage laws is markedly lower for tribal or ethnic groups, particularly women, than for the workforce as a whole.<sup>35</sup> Wage disparities between indigenous and non-indigenous parts of the population are also observed in high-income countries such as New Zealand, where the median hourly earnings from wage and salary jobs in the June 2014 quarter were \$19.5 for Māori and \$23.01 for New Zealand Europeans.<sup>36</sup>

Amidst loss of traditional livelihoods, economic activities of indigenous women and men in Asia are undergoing many transformations. Such changes can have a positive potential if indigenous women and men are able to avail the opportunities presented by the modern economy on

**Unemployment rate (%) disparity in select High-Income countries**



Source: Australian Bureau of Statistics and Statistics New Zealand

### Traditional Knowledge to ensure Decent Work in the Philippines

ILO pioneered in helping indigenous peoples establish the first ever traditional knowledge based corporation in the country. It produces and markets organic flour from sago palm trees. The indigenous peoples of Veruela have increased production and have also implemented a highly functional business model to produce wheat flour that is being used by local and national ice cream, cookie and bread manufacturing companies.

For more details: The ILO at Work  
<http://ilo-results.itcilo.org/index.php/en/the-ilo-at-work/2014-05-13-15-37-30/objectives/53-using-traditional-knowledge-to-ensure-decent-work-for-indigenous-and-tribal-peoples>

an equal footing. However, the observed disparities with regard to labour market participation and working conditions, along with discrimination, point to barriers preventing equal access to such opportunities. Reinforcing protection for individual workers from workplace discrimination based on indigenous identity, ethnicity and gender, and often a combination of grounds is essential. Promoting a workplace that fosters diversity is also important. There is a need to tackle underlying structural issues that exclude indigenous women and men from finding employment, starting a business, securing steady contracts and having access to social protection. Some countries in Asia have introduced positive measures to overcome historic and persisting patterns of discrimination and exclusion. India and Bangladesh, for instance, reserve a certain percentage of government jobs through quotas for tribal women and men.

Indigenous peoples also face issues associated with low skills and educational levels as well as low productivity of their economic activities. This limits their engagement with the modern economy, while also curtailing the possibility of higher income generation through traditional livelihoods. In the case of Viet Nam, for instance, a World Bank study observed that ethnic minorities are unable to adequately take advantage of the economic development amidst a lack of information on markets, and of education and training, as well as financial and technical difficulties.<sup>37</sup> With regard to ethnic groups in Laos, the National Human Development Report stressed that addressing low productivity in agriculture, lack of investment in social and physical infrastructure, low human capital endowment and a dearth of diversified income sources is vital.<sup>38</sup> In the context of Nepal, an ILO report highlighted that subsistence-oriented low productivity is simply transferring skills from one generation to another, thereby sustaining a trap that is denying the indigenous peoples of Nepal entry into new markets.<sup>39</sup> Similarly, in the case of Pakistan, enhancing crop and livestock productivity along with skills development in the region of Balochistan (home to many of the indigenous peoples of the country) has been identified as a concern by United Nations Development Programme.<sup>40</sup>

Indigenous peoples, including in the Asian context, face numerous barriers to accessing decent work opportunities. A multitude of measures need to be taken including skills development, training for enhancing productivity, recognition of traditional skills, land security and access to natural resources, access to credit and markets, as well as improved infrastructural connectivity and access to public services. These are important in order to address the limitations that indigenous peoples face in the world of work in a region that is undergoing rapid

transformations. This will be of particular significance to be able to engage with issues of poverty and inequalities, as without adequate intervention, the indigenous peoples of Asia risk being left behind. Promoting dialogue between the government institutions concerned, workers' and employers' organizations, and indigenous peoples can serve as an important step to enhance an understanding of indigenous peoples' wishes and priorities with regard to ensuring their access to decent work and social protection.

### Informality, migration and precarious work

Issues ranging from a dearth of recognition and protection of indigenous peoples' rights to loss of traditional livelihoods and numerous barriers to entry into the modern labour market continue to shape the experience of indigenous peoples in the world of work in Asia. As a direct consequence, numerous indigenous peoples struggle to make a living in the informal economy, sometimes by migrating away from their traditional areas, where work is often precarious or hazardous. Indigenous peoples increasingly seek income from wage work, casual as well as seasonal, in both rural and urban areas, through work in farms, plantations, mines, construction sites, informal enterprises or as street vendors and domestic workers, among others. Especially in rural areas, many such activities form a key aspect of where the global supply chains begin.

In India, for instance, a comparison between 2001 and 2011 figures reveal that of the total workers belonging to Scheduled Tribes, 44.7 per cent were cultivators in 2001, which dropped to 34.5 per cent in 2011. However,

#### The Mahatma Gandhi National Rural Employment Guarantee Act in India

The Act guarantees 100 days of employment in a financial year to any rural household whose adult members are willing to do unskilled manual work. This scheme plays an important part in curtailing informality as well as migration and enhancing livelihood security. Numerous Scheduled Tribes households also benefit from this scheme. Furthermore, the Ministry of Rural Development has recently decided to increase the central funding for securing up to 50 days of additional wage employment beyond the stipulated 100 days per Scheduled Tribe household living in the forest areas, provided that the household has no other private property except for land rights provided under the Forest Rights Act, 2006.

For more details: The Mahatma Gandhi National Rural Employment Guarantee Act 2005  
<http://www.nrega.nic.in/netnrega/home.aspx>



36.9 per cent were in agricultural labour in 2001, which rose to 44.5 per cent in 2011.<sup>41</sup> This implies that there was a considerable increase in wage labour within the agricultural sector among Scheduled Tribes while experiencing loss of control over land. Malaysia is another example where 2013 figures highlight that the highest percentage of those employed in the informal sector are Bumiputera (which include the ethnic minorities or indigenous peoples of the country) at 67.3 per cent.<sup>42</sup> Similarly in Thailand, 2012 figures reflect that while 62.2 per cent of those employed in the country were engaged in informal employment, in the case of the Northern Region (home to numerous hill-tribes), the figure was 73 per cent.<sup>43</sup> Such forms of work are often marked by poor or no contracts, with little or no work-place security, often entailing health and safety risks, while having negligible access to social protection. The increasing dependence of the indigenous peoples of Asia on the informal economy is hence serving to exacerbate their already vulnerable position particularly with regard to exploitation.

An issue closely related to lack of livelihoods and economic opportunities is migration in search of work. Migration by indigenous peoples in Asia is occurring within rural areas as well as to urban areas, which then feeds into the informal economy. There are also numerous instances of international migration. Comparative figures from India, for instance, between January - June, 1993 and 2007-08 reveal that the number of migrant households among Scheduled Tribes decreased from 27 to 19 (per 1000 households) in rural areas but increased from 29 to 62 (per 1000 households) in urban areas.<sup>44</sup> This shows that although migration is happening at a much faster rate to urban areas in India, migration within rural areas by Scheduled Tribes is also quite prevalent. In the case of Pakistan, 2012-13 figures detailing migration reflect that 14.35 per cent and 5.45 per cent of the migrant population's previous residence was rural Khyber Pakhtunkhwa and Federally Administered Tribal Areas (regions with high tribal populations) respectively.<sup>45</sup> Furthermore, data for 2010-11 suggests that indigenous persons represented 37 per cent of the total Nepalese international migrant population. The participation for international migration was higher among Nepalese indigenous women than for non-indigenous women, 18 and 14 per cent respectively. Similarly, the disaggregated data for all women migrant domestic workers, based on ethnicity, shows a higher participation rate of Nepalese indigenous women in domestic work compared to non-indigenous women, 52 and 48 per cent respectively.<sup>46</sup>

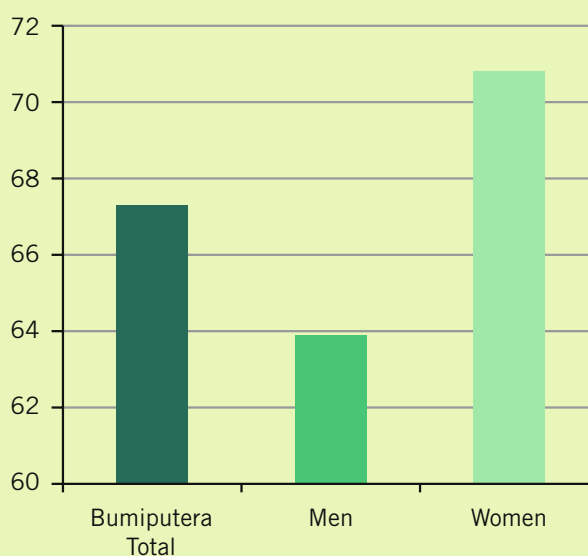
It is in the informal economy where risks of being exposed to violations of fundamental rights at work and unacceptable forms of work are most prevalent.

Disproportionate instances of child labour among indigenous peoples are a stark reminder of this aspect. In Viet Nam, for example, a Multiple Indicator Cluster Survey has shown that the percentage of child labourers among ethnic minority children compared to Kinh/Hoa children aged 5-14 years is 3 times higher. Even a child who attends school is roughly 3 times more likely to become a labourer if living in an ethnic minority household.<sup>47</sup> A report on Thailand has observed that ethnic minority, stateless and migrant children are the most at risk of engaging in the worst forms of child labour, especially in the informal sector.<sup>48</sup> Similarly, a survey in Bangladesh has highlighted that child labour prevalence was found to be 12.8 per cent nationally with the highest rates of child labour prevalence in slum and tribal areas, 19.1 per cent and 17.6 per cent respectively.<sup>49</sup> These statistics are emblematic of how deeply rooted inequalities and poverty has become among the indigenous peoples of Asia. If vicious cycles of exploitation and discrimination are not tackled urgently, inequalities will be exacerbated for the next generations.

### Indigenous women: facing discrimination on multiple grounds and gender-based violence

Indigenous women face discrimination on at least two fronts: from within the community as well as outside, thereby introducing added vulnerabilities to socio-economic exclusions. In the world of work, especially in the Asian context, indigenous women make strong contributions to marginal and unpaid work in traditional

**Employment in the informal sector of Bumiputera (men and women by percentage) in Malaysia**



Source: Informal Sector Workforce Survey Report Malaysia 2013



as well as care-related household activities. In Indonesia, for instance, 2010 figures highlight that 47.16 per cent and 66.96 per cent of unpaid family workers in Papua Barat and Papua (regions with large indigenous or ethnic populations) respectively were women.<sup>50</sup> Looking at India, 2011 figures reveal that among the category of Scheduled Tribes Marginal Workers, 40.23 per cent were men and 59.77 per cent were women.<sup>51</sup> Furthermore, when indigenous women are paid wages, they tend to be lower than those of men, as was highlighted in a study of plain-land tribal communities in Bangladesh which observed that, while both men and women work as daily wage labourers, women earn much less than men.<sup>52</sup>

Women and girls from indigenous communities also tend to be disproportionately represented among the victims of human trafficking. For instance, in Sri Lanka, a study on the Vedda community supported by the Ministry of Culture and Arts stressed that amidst complex economic concerns as well as entrenched poverty, some women have become victims of the organized and the unorganized sex trade. There are also instances of women and children being coerced, procured and trafficked for employment as domestic workers.<sup>53</sup> Similarly, in Thailand, it has been observed that minority girls are disproportionately represented in the sex trade and have ended up in prostitution,<sup>54</sup> while in Nepal, women and girls from indigenous communities, along with Dalit women, are reported to amount to 80 per cent of trafficking victims in the country.<sup>55</sup> A 2013 report highlighting the magnitude and threat of violence against indigenous girls, adolescents and young women, specifically observed that the countries of the Asia-Pacific serve as one or a combination of origin, transit or destination points for child trafficking, thereby making indigenous women and girls especially vulnerable to trafficking for sexual exploitation.<sup>56</sup> Furthermore, gender-based violence is an issue that can also stem from outsiders entering indigenous communities. For instance, allegations have been rife about employees of logging and palm oil companies entering into native lands and subjecting indigenous women in Penan (Malaysia) to sexual violence and exploitation.<sup>57</sup>

Poor opportunities in the formal economy and increasing limitations on accessing land as well as natural resources have further enhanced the pressures that indigenous women already face. Besides increases in financial burdens, everyday household and traditional activities are also affected due to this. A striking example is related to the collection of firewood and other subsistence related products. It has been observed in Indonesia that indigenous women, who have been the traditional collectors of food from the forests, now have difficulties acquiring food and spend longer hours collecting firewood due

to the expansion in commercial forestry.<sup>58</sup> Such a case of heightened vulnerability to food insecurity is not an isolated one but cuts across the experience of many indigenous women in Asia. As most countries in the region are yet to formally recognize indigenous peoples, the compounded discrimination and marginalization that indigenous women face is largely overlooked.

### Invisibility in data

The non-recognition of indigenous, tribal and minority groups in many Asian countries has played a major role in the invisibility of such groups in the socio-economic statistical data collected and made available at the country level. Disaggregated data on indigenous peoples is hence extremely limited. This introduces numerous constraints, not only for a deeper discussion on the world of work but also for deriving an adequate understanding of the nuances of poverty. Where some data is available, as is the case of India and Viet Nam, it is clear that race and ethnicity have a very strong relationship with poverty and inequalities, and the likelihood of indigenous peoples being more vulnerable to socio-economic exclusions than the majority populations is much higher. Efforts to enhance availability of statistics regarding the informal economy could contribute to better visibility of indigenous peoples in employment data, especially if data is properly disaggregated by sex, ethnicity, age and other relevant socio-economic characteristics. In turn, better data on indigenous peoples in the world of work would help break cycles of impoverishment and inequalities as legal and policy interventions can be informed by a better understanding of the scale and scope of the problem, and their effectiveness can be properly assessed.

### Māori in the Labour Market report in New Zealand

This report has a targeted focus on the indigenous peoples of the country and presents in-depth data on their situation within the labour market. It was prepared by New Zealand's Ministry of Business, Innovation and Employment and serves as an authoritative source for policy makers. The report brings together both analysis and data on Māori in a comprehensive manner with regard to the country's labour market. It emerges as a model of how disaggregated data on indigenous peoples can be used to highlight the specific issues they face in a particular socio-economic context as well as identify success stories, which in turn, can be drawn upon to make sound and evidence-based policy interventions.

For more details: *Māori in the Labour Market*.  
Ministry of Business, Innovation and Employment, March 2015.

The invisibility of indigenous peoples in data signifies their invisibility in the broader socio-economic processes of many countries in Asia. This invisibility is symbolic of the position that indigenous peoples occupy in such countries, where their particular issues are often overlooked. A fundamental step in combating the marginalization of indigenous peoples is to highlight their present situation, for which disaggregated data is vital. To portray their condition in different socio-economic spheres, including the world of work, a concerted effort from governments, inter/non-governmental organizations as well as academics, will be of particular significance.

### Seizing the momentum

The international community will be embarking on a new phase of the development process with the adoption of the Sustainable Development Goals within the post-2015 framework. This emerging framework commits countries to eradicate poverty and tackle inequalities as well as achieve a world that is just, equitable, tolerant and inclusive. There is hence a very important opportunity to address the specific needs and aspirations of indigenous peoples and ensure that their rights are respected and protected. Consultation with and participation of indigenous peoples, both in the context of specific development projects as well as in broader development strategies and plans are essential in this regard.

Momentum has already been building over the past few years to address such issues under various international processes. Most recently, the Outcome Document of the 2014 World Conference on Indigenous Peoples<sup>59</sup> is a testimony to the international commitment towards respecting, promoting and advancing the rights of indigenous peoples, including indigenous women. It also addresses the numerous issues they face ranging from violence and discrimination to eliminating barriers that limit political, social, economic and cultural participation. ILO Convention No. 169 and the United Nations Declaration on the Rights of Indigenous Peoples, along with other relevant ILO instruments, as well as the recently adopted Recommendations concerning social protection floors and the formalizing the informal economy, provide guidance for promoting the economic activities of indigenous women and men, including youth, and securing their access to decent work and social protection. Engaging with indigenous peoples in the world of work is an important point of departure for the post-2015 phase and is a fundamental step to achieve just and inclusive societies.

#### World Conference on Indigenous Peoples, 2014, Outcome Document

Among the commitments made by UN Member States in the Outcome Document are the following:

“10. We commit ourselves to working with indigenous peoples to disaggregate data, as appropriate, or conduct surveys and to utilizing holistic indicators of indigenous peoples’ well-being to address the situation and needs of indigenous peoples and individuals, in particular older persons, women, youth, children and persons with disabilities.”

“25. We commit ourselves to developing, in conjunction with the indigenous peoples concerned, and where appropriate, policies, programmes and resources to support indigenous peoples’ occupations, traditional subsistence activities, economies, livelihoods, food security and nutrition.”

“26. We recognize the importance of the role that indigenous peoples can play in economic, social and environmental development through traditional sustainable agricultural practices, including traditional seed supply systems, and access to credit and other financial services, markets, secure land tenure, health care, social services, education, training, knowledge and appropriate and affordable technologies, including for irrigation and water harvesting and storage.”

“37. We note that indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In this regard, we commit ourselves to giving due consideration to all the rights of indigenous peoples in the elaboration of the post-2015 development agenda.”

For more details: *Outcome Document of the High-Level Plenary Meeting of the General Assembly Known as the World Conference on Indigenous Peoples.*

## Endnotes

- <sup>1</sup> This Brief is based on information from a forthcoming ILO study by Rishabh Kumar Dhir on indigenous peoples in the world of work in Asia.
- <sup>2</sup> Balakrishnan, Ravi, Chad Steinberg, and Murtaza Syed. *The Elusive Quest for Inclusive Growth: Growth, Poverty, and Inequality in Asia*. IMF Working Paper. International Monetary Fund, June 2013.
- <sup>3</sup> Zhuang, Juzhong, Ravi Kanbur, and Changyong Rhee. *Rising Inequality in Asia and Policy Implications*. ADBI Working Paper 463. Asian Development Bank Institute, February 2014.
- <sup>4</sup> *Key Indicators for Asia and Pacific 2014, 45th Edition, Special Chapter, Poverty in Asia: A Deeper Look*. Asian Development Bank, 2014.
- <sup>5</sup> *Still among the Poorest of the Poor*. Indigenous Peoples Policy Brief. The World Bank, 2011.
- <sup>6</sup> *Implementation of Operational Directive 4.20 on Indigenous Peoples: An Independent Desk Review*. OEDCR, World Bank, January 10, 2003.
- <sup>7</sup> *Report of the High-Level Committee on Socio-Economic, Health and Educational Status of the Tribals of India*. Ministry of Tribal Affairs, Government of India, May 2014.
- <sup>8</sup> The poverty rate for ethnic minorities was more than 5 times higher than the Kinh and Chinese in 2006, up from 1.6 times in 1993. See *Country Social Analysis: Ethnicity and Development in Vietnam*. The World Bank, 2009.
- <sup>9</sup> 70% is the figure provided by IFAD and 80% is the figure provided by The World Bank. Also see “Statistics and Key Facts about Indigenous Peoples.” *Rural Poverty Portal, Powered by IFAD*, [http://www.ruralpovertyportal.org/topic/statistics/tags/indigenous\\_peoples](http://www.ruralpovertyportal.org/topic/statistics/tags/indigenous_peoples).
- <sup>10</sup> “History of Indigenous Peoples and the International System.” *United Nations Permanent Forum on Indigenous Issues*, <http://undesadspd.org/IndigenousPeoples/AboutUsMembers/History.aspx>.
- <sup>11</sup> See *Understanding the Indigenous and Tribal People Convention, 1989 (No. 169). Handbook for ILO Tripartite Constituents*. International Labour Organization, 2013.
- <sup>12</sup> See Article 1 of Convention No. 169.
- <sup>13</sup> *Report of the Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, Consultation on the Situation of Indigenous Peoples in Asia*. United Nations, Human Rights Council, July 31, 2013. See also *Understanding the Indigenous and Tribal People Convention, 1989 (No. 169). Handbook for ILO Tripartite Constituents*. International Labour Organization, 2013 (Page No. 3).
- <sup>14</sup> This category is the basis for a directed institutional framework that ensures specific privileges, protection and benefits. The primary motive behind the creation of the Scheduled Tribes category, which is an administrative classification, has been to uplift sections of the population that are considered historically disadvantaged through governmental protection and intervention.
- <sup>15</sup> For instance, in Bangladesh, tribal peoples in the Plains are not covered by the legislation covering the Chittagong Hill Tracts. In India, a report by the National Commission for Denotified, Nomadic and Semi-nomadic Tribes has noted that their population can be estimated to be more than 100 million. Many of these tribes are not constitutionally protected and are often at the receiving end of atrocities as well as human rights violations. For more details: *National Commission for Denotified, Nomadic and Semi-nomadic Tribes. Report I, Volume I*. Ministry of Social Justice and Empowerment, Government of India, 2008.
- <sup>16</sup> *Twelfth Five Year Plan (2012–2017) - Faster, More Inclusive and Sustainable Growth - Volume 1*. Planning Commission (Government of India), 2013.
- <sup>17</sup> *National Strategic Development Plan 2014–18*. Kingdom of Cambodia, 2014.
- <sup>18</sup> *Sixth Five Year Plan (FY2011–FY2015), Accelerating Growth and Reducing Poverty, Part - I, Strategic Directions and Policy Framework*. General Economics Division, Planning Commission, Ministry of Planning, Government of the People's Republic of Bangladesh.
- <sup>19</sup> For instance, Indonesia's Medium-Term Development Plan (2010–2014), while having a strong focus on poverty reduction, inclusion and empowerment, overlooks the specific needs of the country's indigenous peoples. Similarly, Thailand's National Economic and Social Development Plan (2012–2016) addresses broader issues of governance, sustainability and inequality but does not have a targeted approach for engaging with the issues faced by the hill tribes. Sri Lanka is another example where the indigenous peoples of the country are largely absent within the national development policy framework.
- <sup>20</sup> See Article 6 of Convention No. 169 and Article 19 of the United Nations Declaration on the Rights of Indigenous Peoples.
- <sup>21</sup> See “The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2015.” *Press Information Bureau*, May 30, 2015. <http://pib.nic.in/newsite/PrintRelease.aspx?relid=122149>.
- <sup>22</sup> See Erni, Christian, ed. *Shifting Cultivation, Livelihood and Food Security: New and Old Challenges for Indigenous Peoples in Asia*. Bangkok: FAO, IWGIA, AIPP, 2015.
- <sup>23</sup> “69th Session of the UN General Assembly: ILO Director-General's Statement to the World Conference on Indigenous Peoples Rights.” *ILO*, September 23, 2014. [http://www.ilo.org/global/about-the-ilo/who-we-are/ilo-director-general/statements-and-speeches/WCMS\\_308970/lang-en/index.htm](http://www.ilo.org/global/about-the-ilo/who-we-are/ilo-director-general/statements-and-speeches/WCMS_308970/lang-en/index.htm).
- <sup>24</sup> *Statistical Profile of Scheduled Tribes in India*. Ministry of Tribal Affairs, Statistics Division, Government of India, 2013.
- <sup>25</sup> *Labour Force Survey Report 2013*. Department of Statistics, Malaysia, June 2014.
- <sup>26</sup> “Data Results of the Viet Nam Household Living Standards Survey 2012.” *General Statistics Office of Viet Nam*, [http://www.gso.gov.vn/default\\_en.aspx?tabid=515&idmid=5&ItemID=13971](http://www.gso.gov.vn/default_en.aspx?tabid=515&idmid=5&ItemID=13971).
- <sup>27</sup> Bajracharya, Bhuvan B. “Access to Employment for Indigenous Nationalities.” In *ILO Convention 169 and Peace Building in Nepal*, edited by Sara Webster and Om Gurung. Nepal Federation of Indigenous Nationalities, ILO Office in Nepal, 2005.
- <sup>28</sup> See *Facing Crisis - Indigenous People of Cambodia*. Submission by indigenous people of Cambodia to the Asia Preparatory Meeting for United Nation Permanent Forum on Indigenous Issues, 2009.
- <sup>29</sup> *Labour Force Survey Report 2013*. Department of Statistics, Malaysia, June 2014.
- <sup>30</sup> *Annual Labor and Employment Estimates for 2013 and 2014*. Philippine Statistics Authority.
- <sup>31</sup> *Statistical Profile of Scheduled Tribes in India*. Ministry of Tribal Affairs, Statistics Division, Government of India, 2013.
- <sup>32</sup> “Australian Social Trends, 2014: Exploring the Gap in Labour Market Outcomes for Aboriginal and Torres Strait Islander Peoples.” *Australian Bureau of Statistics*, August 27, 2014. <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/4102.0main+features72014#PARTICIPATION>.
- <sup>33</sup> “Labour Market.” *Statistics New Zealand*, [http://www.stats.govt.nz/browse\\_for\\_stats/snapshots-of-nz/nz-social-indicators/Home/Labour%20market.aspx](http://www.stats.govt.nz/browse_for_stats/snapshots-of-nz/nz-social-indicators/Home/Labour%20market.aspx).
- <sup>34</sup> *India Exclusion Report 2013–14*. Books for Change, 2014.
- <sup>35</sup> Rani, Uma, Patrick Belser, Martin Oelz, and Setareh Ranjbar. “Minimum Wage Coverage and Compliance in Developing Countries.” *International Labour Review* 152, no. 3–4 (December 2013): 381–410.
- <sup>36</sup> “Labour Market.” *Statistics New Zealand*, [http://www.stats.govt.nz/browse\\_for\\_stats/snapshots-of-nz/nz-social-indicators/Home/Labour%20market.aspx](http://www.stats.govt.nz/browse_for_stats/snapshots-of-nz/nz-social-indicators/Home/Labour%20market.aspx).
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