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PRESENTATION OF THE STUDY ON INDIGENOUS PEOPLES AND FORCED LABOUR

During its 9th session in 2010, the Permanent Forum on Indigenous Issues requested Ms. Elisa Canqui to prepare a report on forced labour and indigenous peoples to be presented at the tenth session. Unfortunately, Ms. Elisa Canqui's was not able to attend this year's session of the permanent forum; therefore, I will make a brief presentation of her report.

The ILO has estimated that there are at least 12.3 million people who are victims of forced labour in the world. Today, people still live in slavery-like conditions and are treated as commodities and exploited for economical profits in labour, for sexual purposes, in crime, in begging, in violent conflicts.

Some researchers estimate that there are up to 27 million people living in slavery-like conditions today, perhaps more than ever. Trafficking in human beings whether it's be crossing borders or happening within national territories in rural areas or urban regions, is a growing challenge in all countries. Persons in migration, who are in an irregular situation and not familiar with the language nor the circumstances, are particularly at risk of being exploited in the most serious ways. Women and children are very vulnerable and in addition to being exploited for labour often become victims of sexual abuse and violence.

Forced labour takes place in all regions throughout the world, and it is often linked to long-standing patterns of discrimination. Historically, indigenous peoples have suffered enormously from slavery and forced labour and many still continue to do so today. Due to discrimination, marginalization, poverty, lack of livelihoods and little information about their rights, indigenous peoples are particularly vulnerable to

exploitation and sometimes end up in forced labour, debt bondage, and trafficking of all forms.

Men, women and children are forced into labour in inhumane conditions. Victims of forced labour and human trafficking can be found in a number of sectors ranging from agriculture, fisheries, construction work, domestic servitude, tourism and manufacturing. ILO estimates that 20 % of the people living in slavery like conditions have been internationally trafficked for sexual exploitation, the vast majority of them being women or children. However, it is important to remember that we are discussing a clandestine criminal activity, which is not likely to be identified by authorities, even when mechanisms for combating human trafficking such as criminalization, national action plans, national coordinators and national rapporteurs, are set in place as recommended in international instruments. Additionally the purposes of exploitation may vary and may be combined.

Indigenous children are disproportionately affected by trafficking in human beings and trafficking for forced labour. In Brazil it has been reported that indigenous children are recruited to cut trees or to work in mines. In Peru, a high number of indigenous children are forced to work in the gold mining industry. In Madre de Dios in Peru, 20 % of the workers are between 11 and 18 years of age.

Be it that the ILO 182 Convention on Child Labour has been in force since 1999, child labour flourishes in the world. Studies show clear correlation between low school enrolment and child labour. According to UNICEF there are 150 million children working; the highest prevalence of child labour being in Sub Saharan Africa. According to the ILO 115 million children are found in the worst forms of labour - labour that clearly is harmful to their health. Gender statistics imply a higher number of boys in child labour, whereas girls make 90 % out of domestic child labour.

For the future, the high numbers of youth unemployment with a growing indigenous youth population should be of significant concern, bearing in mind the risks of becoming victims of labour exploitation and trafficking. Children and youth migrating nationally or internationally are facing particular hazards. To illustrate this let me tell you that in the last two years alone 58.000 adolescent children - 34 000 of them unaccompanied- were repatriated from the US to Mexico and 9000 of them further to their countries of origin. Many of these children were indigenous.

While providing a brief global overview of the situation of indigenous peoples in forced labour, Ms. Canqui's study focuses largely on the situation in Latin America. This study, as well as many other studies, shows that forced labour is often related to the activities of the private sector but that states too are involved in the practices of forced labour. The study recognizes that this has been the case with the sugar industry in Mexico.

As has already been mentioned, indigenous peoples constitute a particularly vulnerable group. They face social exclusion and discrimination and due to little or no awareness about their rights and the fact that many live in remote areas they are disproportionately affected by forced labour.

The situation of indigenous peoples in the context of forced labour has been discussed in the Permanent Forum on previous occasions as members of the forum conducted a mission to Paraguay and Bolivia in 2009 to investigate indigenous peoples in forced labour.

The situation of indigenous peoples in forced labour in Bolivia was also brought to light by the Inter-American Commission on Human Rights which, in 2008, reported that many indigenous Guarani people live in a state "reminiscent of slavery...in extreme and are subjected to punishments, including lashings".

The study prepared by Ms. Canqui examines, amongst other, the situation of indigenous “domestic workers”. Indigenous domestic workers are often working under slave-like conditions in areas far from their own homelands or territories. The victims do not get the protection or support they need, sometimes because there is a lack of criminalisation of the crime of forcing people into labour or because the existing legislation is not implemented enough.

The ILO reports that in Latin America and the Caribbean, at least two million girls work as maids. These girls are at high risk of various kinds of exploitation ranging from verbal and emotional mistreatment to sexual and physical violence. The ILO notes that girls working as domestic workers are often submitted to discriminatory and humiliating treatment, and frequently work in subhuman conditions, such as sleeping on the floor and eating leftovers, and working 12 to 16 hour-days a week, with no holidays or vacation which renders it impossible for them to obtain an education.

It is of utmost importance that states, in collaboration with UN agencies and regional intergovernmental organizations, increase their efforts to combat forced labour and human trafficking and that they put in place adequate instruments to protect victims, paying particular attention to indigenous peoples and the restoration of victims’ rights.