

# Forced Labour & Indigenous Peoples

What is Forced Labour?

How does it affect indigenous and tribal peoples ?

What does the ILO do to combat forced labour?



# What is Forced Labour ?

Forced labour is defined in the ILO Forced Labour Convention, No. 29 (1930) as:

« all work or service that is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily »  
(Article 2.1.)

In practice, forced labour occurs when people are subjected to psychological or physical coercion in order to perform some work which they would otherwise not have freely chosen



# What is Forced Labour ?

The Forced Labour Convention, 1957 (No. 105), supplements Convention No. 29. It outlines 5 specific purposes for which forced labour can never be imposed:

- 1) as a means of political education
- 2) as a means of mobilising labour for economic development
- 3) as a means of labour discipline
- 4) as punishment for having participated in strikes
- 5) as a means of racial or other form of discrimination



# What is not Forced Labour ?

- 1) compulsory military service
- 2) normal civic obligations
- 3) certain forms of prison labour
- 4) work in emergency situations
- 5) minor communal services



# Means of coercion

Coercion is an essential element of forced labour. It may take various forms, which are often punished as criminal offences

- Physical or sexual violence (assault)
- Restriction of movements (false imprisonment)
- Debt bondage (obtaining pecuniary advantage by deception)
- Withholding or non-payment of wages (theft)
- Retention of identity documents (theft)
- Threat of denunciation to authorities (blackmail)
- Kidnapping or abduction (crimes in themselves)



# Forms of Forced Labour

- **State-imposed forced labour** (in decline)
  - Mostly in Myanmar, China (RETL)
  - Industrial countries: Compulsory labour in prisons for private companies
- **Private-imposed forced labour**
  - "Traditional" forced labour
    - Bonded labour
    - Slavery
  - **Coercion in global sub-contracting chains**
    - Forced overtime in export processing zones
  - **Forced labour as an outcome of trafficking**
    - Trafficking for forced commercial sexual exploitation
    - Domestic workers
    - Migrant workers in agriculture or construction



# Indigenous Peoples are disproportionately affected

“In some cases, the persistence of forced labour today can be the result of very longstanding patterns of discrimination against certain ethnic and caste minorities. ”

A Global Alliance against Forced Labour, Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, 2005

## Examples:

- Bonded labour in South Asia
- Rural temporary workers in Latin America
- Slavery and slavery-like practices in Africa



# Indigenous peoples as victims of Forced Labour

Indigenous peoples may be at risk because:

- They have **no access to land and resources**, no legal titles, are deprived of their land.
- They are **isolated, living in remote areas**
  - With no access to state systems of protection to labour justice or to labour courts
  - With little access to education, and are more likely to be tricked into bondage, debts and non-payment of wages



# Examples of forced labour affecting indigenous peoples

- **Paraguay (ILO study 2004):**  
Indigenous peoples suffer from discrimination, which can turn into forced labour, especially in large and remote cattle farms. Between 7,000 and 8,000 indigenous are estimated to be in a form of servitude, similar to traditional debt bondage
- **Bolivia**  
Up to 7,000 Guaraní work under conditions close to serfdom, raising cattle or producing corn, peanuts and chilli peppers. Sometimes the entire community is held in debt bondage by regional caciques, through coercion and violence
- **Peru (ILO study 2003-4)**  
In the Amazon forest, many workers from indigenous communities are in debt bondage, through wages advances or recruited in logging camps and then tricked into debt bondage (withhold wages for tools and subsistence goods sold at artificially high prices)



# Examples of forced labour affecting indigenous peoples

- **India & Pakistan:** Dalit community, “untouchable”, trapped in debt bondage. Caste status and debts are transmitted to the subsequent generations.
- **Nepal:** Indigenous Tharu in bonded labour under the Kamaiya system (abolished in 2002)
- **Cameroon:** Baka tribe submitted to forced labour by Bantu tribes



# What is ILO doing to combat Forced Labour

- Improving knowledge on Forced Labour
- Awareness-raising
- Capacity-building
- Direct support to victims

