

THE DANISH  
INSTITUTE FOR  
HUMAN RIGHTS



# USING ILO INTERNATIONAL LABOUR STANDARDS TO ADDRESS DISCRIMINATION AGAINST INDIGENOUS PEOPLES WORKING IN FISHERIES AND AQUACULTURE

A GUIDANCE NOTE ON ILO DISCRIMINATION (EMPLOYMENT AND OCCUPATION)  
CONVENTION, 1958 (NO. 111)

**USING ILO INTERNATIONAL LABOUR STANDARDS TO ADDRESS  
DISCRIMINATION AGAINST INDIGENOUS PEOPLES WORKING IN FISHERIES  
AND AQUACULTURE**

A GUIDANCE NOTE ON ILO DISCRIMINATION (EMPLOYMENT AND OCCUPATION)  
CONVENTION, 1958 (NO. 111)

**Author:** Stefania Errico, with input from Birgitte Feiring

**ISBN:** 978-87-7570-159-9

**e-ISBN:** 978-87-7570-158-2

**Photo:** Nirmal Rajendharkumar, Unsplash

**Layout:** Hedda Bank

© 2023 The Danish Institute for Human Rights  
Denmark's National Human Rights Institution  
Wilders Plads 8K, DK-1403 Copenhagen K  
Phone +45 3269 8888  
[www.humanrights.dk](http://www.humanrights.dk)

Provided such reproduction is for non-commercial use, this publication, or parts of it, may be reproduced if authors and source are quoted.

At the Danish Institute for Human Rights we aim to make our publications as accessible as possible. We use large font size, short (hyphen-free) lines, left-aligned text and strong contrast for maximum legibility. For further information about accessibility please click [www.humanrights.dk/accessibility](http://www.humanrights.dk/accessibility)

# CONTENTS

<b>PREFACE</b>	<b>4</b>
<b>INDIGENOUS PEOPLES' EMPLOYMENT AND OCCUPATION IN FISHERIES AND AQUACULTURE</b>	<b>5</b>
THE NATURE OF INDIGENOUS PEOPLES' EMPLOYMENT AND OCCUPATION IN THE FISHERIES AND AQUACULTURE SECTOR	5
DISCRIMINATION AGAINST INDIGENOUS PEOPLES IN EMPLOYMENT AND OCCUPATION IN FISHERIES AND AQUACULTURE	6
<b>THE RELEVANCE OF ILO DISCRIMINATION (EMPLOYMENT AND OCCUPATION) CONVENTION, 1958 (NO. 111) FOR ADDRESSING DISCRIMINATION OF INDIGENOUS PEOPLES WORKING IN FISHERIES AND AQUACULTURE</b>	<b>8</b>
THE ILO SUPERVISORY BODIES	11
APPLYING ILO CONVENTION NO. 111 TO INDIGENOUS PEOPLES IN FISHERIES AND AQUACULTURE: EXAMPLES OF IMPLEMENTING MEASURES	13
<b>THE ROLE OF INDIGENOUS PEOPLES IN THE SUPERVISION OF THE APPLICATION OF CONVENTION NO. 111</b>	<b>20</b>
<b>ENDNOTES</b>	<b>21</b>

# PREFACE

This Guidance Note provides an introduction to some of the principal discriminatory practices facing indigenous peoples in respect of employment and occupations in the fisheries and aquaculture sectors; explores the standards and guidance provided by the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) to prevent, address and remedy this discrimination; and suggests concrete ways in which indigenous peoples can use these standards and the related ILO supervisory mechanisms to gain further respect for their rights in fisheries and aquaculture.

The Guidance Note is published in the context of the Danish Institute for Human Rights' broader efforts towards promoting human rights in the context of fisheries and aquaculture and equipping stakeholders in the sector with tools and analysis that enable action in that regard.

The Guidance Note complements other resources on indigenous peoples' rights in the context of fisheries and aquaculture, all available here:

<https://www.humanrights.dk/promoting-human-rights-fisheries-aquaculture>

## Indigenous peoples' rights

**Indigenous peoples' rights to traditional fishing grounds are violated all over the world, causing devastating effects on their communities.**

**Companies and states must ensure respect for indigenous peoples' rights to the fishing grounds they traditionally use.**

Find more on indigenous peoples' rights in the fisheries and aquaculture sectors below.

**THE RIGHTS OF INDIGENOUS PEOPLES IN THE CONTEXT OF FISHERIES AND AQUACULTURE**

**The rights of indigenous peoples in the context of fisheries and aquaculture**

**FIND THE FULL REPORT HERE** >

**THE OBLIGATIONS OF STATES TO RESPECT INDIGENOUS PEOPLES' RIGHTS TO SUSTAINABLE FISHERIES AND AQUACULTURE**

**State obligations related to the rights of indigenous peoples in the context of sustainable fisheries and aquaculture**

**FIND THE FULL REPORT HERE** >

**KEY MESSAGES ON INDIGENOUS PEOPLES' RIGHTS IN THE CONTEXT OF FISHERIES AND AQUACULTURE**

**Key messages on Indigenous Peoples' rights in the context of fisheries and aquaculture**

**FIND THE FULL REPORT HERE** >

# INDIGENOUS PEOPLES' EMPLOYMENT AND OCCUPATION IN FISHERIES AND AQUACULTURE

## THE NATURE OF INDIGENOUS PEOPLES' EMPLOYMENT AND OCCUPATION IN THE FISHERIES AND AQUACULTURE SECTOR

According to ILO statistics, 55% of the employed indigenous population, compared to 26.9% of the non-indigenous population, work in the agricultural sector (including agriculture, forestry, and fishing).<sup>1</sup> Traditional occupations, such as small-scale agriculture, fishing, hunting, trapping (including trapping fish in coastal and inland waters for the purpose of aquaculture), gathering forest products, livestock raising and production of handicrafts and food items, play a central role in indigenous peoples' livelihoods and are intimately connected with their cultural lives and identities.

For indigenous peoples who live near rivers, lakes, seas and other water bodies, fishing and aquaculture are fundamental occupations on which their livelihoods are based. It has been estimated that coastal indigenous peoples consume globally a total of 2.1 million (1.5 million–2.8 million) metric tonnes of seafood every year, equal to around 2% of the global yearly commercial fisheries catch.<sup>2</sup> For some inland indigenous peoples, marine resources are also crucial for their livelihoods and food security: salmon that migrate upstream through rivers are a key resource for communities that may live thousands of kilometres inland. In British Columbia, First Nations living more than 400km upstream on the Skeena River eat an average of 11kg of salmon per person per year, and consume salmon 63 days a year on average, an amount similar to First Nations living on the coast.<sup>3</sup>

Indigenous peoples are also more often involved in occupations as independent workers than wage and salaried workers. They are also more likely to be in the informal economy compared to non-indigenous individuals, especially as far as indigenous women are concerned.<sup>4</sup> However, an increasing number of indigenous individuals are resorting to complementary or alternative sources of living to adapt to shifting circumstances beyond their control. They engage in a variety of wage jobs, including casual and seasonal work in the fishing industry.

Many indigenous fishers, faced with increasing pressures, including dispossessions, depletion of coastal fish stocks, marine pollution, and climate change, as well as reduced income and food insecurity, have sought employment with larger industrial operations, where their labour rights may often be violated due to discrimination. For example, Miskito divers in Honduras face precarious working conditions, including the lack of occupational safety measures, which result in high numbers of divers who are victims of accidents due to underwater fishing.<sup>5</sup>

## DISCRIMINATION AGAINST INDIGENOUS PEOPLES IN EMPLOYMENT AND OCCUPATION IN FISHERIES AND AQUACULTURE

Indigenous peoples face a range of challenges in accessing and performing the occupation or the employment of their choice, due to structurally embedded centuries-old discrimination. Indigenous peoples often experience “multiple discrimination”, which means differential treatment based on multiple and intersecting grounds, such as race, colour, national extraction, religion or social origin.

Marine territories and resources are understood to comprise the marine spaces and the associated resources, notably marine living resources, that indigenous peoples have traditionally managed and used according to their customary law and management systems.

Across the globe, **the lack of recognition of indigenous peoples’ right to the lands, territories, and resources** which they have traditionally owned, occupied or otherwise used or acquired, is a major barrier to indigenous peoples’ access to and performance of their occupations without discrimination. This challenge also concerns access to marine territories, marine resources, and coastal and waterfront land. For indigenous fishing communities, land and territorial rights in coastal and waterfront areas are central to their livelihoods. These areas are used to access fishing grounds; store boats, nets, and other equipment; and to undertake post-harvest activities. Moreover, in many cases, sea-based activities of indigenous peoples are combined with other occupations, including cultivation, livestock-raising, or hunting, which require access to land and its pertaining resources.

The **current system of commercial fishing licences and quotas** has often led to the dispossession of indigenous fishing communities: their traditional fishing rights have not been recognized and they have faced restrictions on obtaining fishing permits and practising fishing, including, for instance, the use of nets or modern equipment.<sup>6</sup> In some countries, the practice of traditional fishing by indigenous communities has *de facto* been criminalized.<sup>7</sup>

Indigenous peoples engaged in wage or salaried employment generally suffer from poor working conditions, low pay and discrimination.<sup>8</sup> Globally, indigenous peoples earn 18.5% less than non-indigenous people. Discrimination continues to be one of the root causes of indigenous peoples earning less than their non-indigenous counterparts, even when they are employees.<sup>9</sup>

Frequently, the livelihoods of indigenous peoples relying exclusively or partially on access to fisheries are challenged by **“blue economy” initiatives**, including commercial aquaculture, tourism, and ocean-based energy and extractive industries. This may lead to dispossession and relocation from their territories, or adverse environmental impacts on those territories. In Chile, for example, the expansion of the salmon industry has been made possible by the fact that the State has allowed companies to base their salmon aquaculture operations in areas that were traditionally used by indigenous communities, disregarding their rights.<sup>10</sup> Indigenous fishers in Chile

have seen their fishing stocks depleted as a result of this large-scale corporate salmon aquaculture and its continuous spill of non-native breed species into freshwaters or oceans, disrupting local and regional ecosystems.<sup>11</sup>

Indigenous fishing communities are also negatively impacted by **marine conservation initiatives** which are often designed and implemented without their consultation and participation, with negative repercussions on the sustainability of their livelihoods.

The situation is even harsher in the case of **indigenous women**. Indigenous women are often the victims of multiple and intersecting forms of discrimination at work, on the grounds of their gender, indigenous identity and socio-economic status. This affects both their job opportunities and their working conditions. Low levels of education, language barriers and family-care responsibilities represent additional obstacles for them when seeking employment. This may reflect patterns of discrimination existing both inside and outside their communities. As a result, indigenous women tend to rely heavily on the informal economy, with limited or no social protection, and low levels of wages.

#### **MANY INDIGENOUS WOMEN:**

- “Have less access to education and training at all levels.
- Are more affected by un- and under- employment.
- Are more often involved in non-remunerated work.
- Receive less pay for equal work.
- Have less access to material goods and formal recognition needed to develop their occupation or to obtain access to employment.
- Have less access to administrative and leadership positions.
- Experience worse conditions of work, for example related to working hours and occupational safety and health.
- Are particularly vulnerable to sexual abuse and harassment and trafficking, as they often have to seek employment far away from their communities.
- Are limited by discriminatory cultural practices which, for example, inhibit the education of the girl-child or prevent women from inheriting land or participating in decision-making processes.”

ILO, Eliminating discrimination against indigenous and tribal peoples in employment and occupation, A Guide to ILO Convention No. 111, 2008, pp. 6-7.

In fishing communities, indigenous women are mainly involved in post-harvest activities, such as processing and marketing fish. When their communities lose access and control over marine territories, marine resources and coastal lands, the impact on them is thus both great and differentiated. Moreover, their needs for sustaining and enhancing their occupations, including access to markets, credit, and support to address post-harvest losses may differ from those of men, given the distinct tasks and responsibilities they have. Indigenous women may also face obstacles within their own communities when community practices exist that prevent them from holding or inheriting land, particularly coastal land and other resources needed to perform their occupations.

# THE RELEVANCE OF ILO DISCRIMINATION (EMPLOYMENT AND OCCUPATION) CONVENTION, 1958 (NO. 111) FOR ADDRESSING DISCRIMINATION OF INDIGENOUS PEOPLES WORKING IN FISHERIES AND AQUACULTURE

The ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) is one of the eleven fundamental Conventions of the ILO. Adopted by the International Labour Conference in 1958, Convention No. 111 aims at eliminating discrimination and promoting equality of opportunity and treatment for all in respect of all aspects of employment and occupation.

It is accompanied by the Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111) which provides non-binding guidelines on the application of the Convention.<sup>12</sup>

The Convention applies to all workers, whether nationals or non-nationals, in all sectors of activity. This cover both the public and the private sectors and the formal and informal economy. It covers both wage-earning work and independent and own account work, including the traditional occupations practised by indigenous peoples.<sup>13</sup>

175 States have ratified ILO Convention No. 111 to date.

ILO Member States, even where they have not ratified Convention No. 111, have an obligation, arising from their very membership of the Organization to respect, promote and realize, in good faith and in accordance with the Constitution of the ILO, the principles concerning the fundamental right to equality and non-discrimination which is the subject of the Convention, and are thus bound to eliminate discrimination in respect of employment and occupation.

The term “employment” refers to work performed under an employment relationship with an employer. “Occupation” instead means the trade, profession or type of work performed by an individual, irrespective of the branch of economic activity or the professional status of the worker. Activities such as shifting cultivation, fishing, trapping, hunting, livestock-raising or handicraft production are “occupations” under the Convention.

Under the Convention, the scope of the terms “employment” and “occupation” cover the following:

- Access to vocational guidance and training;
- Access to employment and to particular occupations, including access to placement services, selection and recruitment processes. It further includes access to the material goods and services required to carry out a particular occupation, such as land, resources, credit, market facilities, etc;



- Terms and conditions of employment, including career advancement; security of job tenure; equal remuneration for work of equal value; conditions of work such as hours of work, rest periods, annual holiday with pay; occupational safety and occupational health measures; and social security measures and welfare facilities and benefits provided in connection with employment.

“For the purpose of this Convention, the term ‘discrimination’ includes:

- (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.”

ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), Article 1 (a).

According to Convention No. 111, discrimination occurs when a distinction, exclusion or preference is made (“differential treatment”) on the basis of certain grounds (“prohibited grounds”), and such differential treatment has a negative effect on the enjoyment of equality of opportunity and treatment in employment and occupation.

Discrimination in employment and occupation experienced by indigenous peoples is considered an aspect of discrimination on the basis of race, colour and national extraction.

The ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) addresses **discrimination in employment and occupation experienced by indigenous peoples as** “an aspect of discrimination on the basis of race, colour and national extraction”.

ILO CEACR, General observation adopted 2018, published 108th ILC session (2019) - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

The Convention covers both direct and indirect discrimination as well as multiple and intersecting forms of discrimination.

**Direct discrimination** refers to rules, policies and practices that exclude or disadvantage certain individuals because they belong to a particular group or because they have certain characteristics (example: indigenous origin, sex, religion, etc.). For example, a fishing business hires indigenous and non-indigenous workers to perform work as casual workers. However, indigenous workers are not hired under regular labour contracts, under which better wages are paid and benefits and allowances are available. Direct discrimination also occurs when certain requirements to practise fishing activities are only applied to indigenous fishers, such as prohibition from using nets or modern equipment.

**Indirect discrimination** refers to apparently neutral situations, regulations or practices which, in practice, result in unequal treatment of persons with certain characteristics. It occurs when the same conditions, treatment or criteria are applied to everyone, but have a disproportionately harsh impact on particular persons or groups because of certain characteristics. For example, requiring animal ownership to be attested through a title of land ownership or legal occupancy as a prerequisite for carrying out an occupation such as breeding, producing and trading livestock products (wool, meat, leather) may amount to indirect discrimination against indigenous peoples in national contexts where indigenous peoples lack such official recognition of their land rights.

The Convention also covers “**racial harassment**”, which occurs where a person is subject to physical, verbal, or non-verbal conduct or other conduct based on race which undermines their dignity or which creates an intimidating, hostile or humiliating working environment for the recipient.<sup>14</sup>

However, not all distinctions, exclusions or preferences in employment and occupation amount to discrimination. The Convention identifies three categories of measures which are not deemed to be discriminatory, namely:

- Those based on the inherent requirements of a particular job;
- Those warranted by the protection of the security of the State;
- Measures of protection or assistance designed to address the specific needs of certain persons or groups or the effects of past discrimination with a view to restoring a balance (Article 5 of the Convention).

The underlying causes of discrimination and de facto inequalities, resulting from **deeply entrenched discrimination and long-standing social exclusion**, cannot effectively be addressed without **proactive measures**. In many cases, special measures of the type outlined in Article 5 of the Convention are needed to remedy the effects of past and present discriminatory practices, and to promote equal opportunities for all.

ILO CEACR, General observation adopted 2018, published 108th ILC session (2019) – Discrimination (Employment and Occupation). Convention, 1958 (No. 111).

Convention No. 111 expressly refers to special measures provided for in other relevant ILO Conventions and Recommendations, such as the Indigenous and Tribal Peoples Convention, 1989 (No. 169), specifically addressing the situation of indigenous peoples. On this basis, Convention No. 111 allows ratifying States to take special measures to protect the rights, cultures, and lifestyles of indigenous peoples.

For example, such measures may be measures to:

- Ensure effective protection of indigenous workers with regard to recruitment and employment conditions, when they are not protected by the laws applicable to workers in general (Convention No. 169, Article 20 (1));
- Prevent encroachment or illegal taking-over of indigenous peoples' lands by non-indigenous outsiders (Convention No. 169, Articles 14 (2) and 14 (3));

- Ensure that education programmes and services address indigenous peoples' needs, and incorporate their histories, their knowledge and technologies, their value systems and further their social, economic and cultural aspirations (Convention No. 169, Article 27).

Furthermore, any special measure taken should be determined in consultation with the groups concerned in advance.

Affirmative action based on **prior consultation and the consent** of stakeholders helps to ensure that the measures taken are broadly accepted, effective and in line with the principle of non-discrimination.

ILO CEACR, General Survey on the Fundamental Conventions, 2012, para. 862.

## THE ILO SUPERVISORY BODIES

States' application of ILO Convention No. 111 in law and practice is reviewed through a regular supervisory mechanism and special procedures.

### The regular system of supervision

Once a country has ratified Convention No. 111, as other ILO Conventions, it is required, under Article 22 of the ILO Constitution, to report every three years on implementation measures. Governments are also required to submit copies of their reports to employers' and workers' organizations. These organizations may comment on the government reports or send comments directly to the ILO on the application of the Convention.

Reports by the government and any comments received by employers' and workers' organizations are then examined by the **Committee of Experts on the Application of Conventions and Recommendations** (CEACR).

The CEACR is made up of 20 jurists appointed by the Governing Body for three years at a time. Its function is to provide impartial and technical evaluations of the application of International Labour Standards in ILO member States.

In addition to the government's report, the CEACR also examines other information of relevance, such as information from the United Nations System. This can include information from the UN treaty bodies responsible for monitoring the implementation of specific human rights treaties, as well as official information emerging from relevant UN bodies and mandates, including the Permanent Forum on Indigenous Issues and the UN Special Rapporteur on the rights of indigenous peoples.

When examining the application of International Labour Standards, the CEACR makes two kinds of comments to governments: observations and direct requests. **Observations** contain comments on fundamental questions raised by the application of a particular Convention in a State. They highlight areas of progress as well as areas of concern. These

observations are published in the annual report of the CEACR. **Direct requests**, on the other hand, relate to more technical questions or requests for further information. They are not published in the report but are communicated directly to the governments concerned. Both observations and direct requests can be found at: [www.ilo.org/normlex](http://www.ilo.org/normlex).

The annual report of the CEACR containing its observations is usually adopted in December, published in February the following year, and submitted to the International Labour Conference in June. Here it is examined by the Conference Committee on the Application of Standards. The Conference Committee examines the CEACR's report in a tripartite setting and selects the observations for discussion. The governments referred to in these observations are invited to respond before the Conference Committee and to provide information on the case. In many cases, the Conference Committee draws up conclusions, recommending that governments take specific steps to remedy a problem or accept ILO missions or technical assistance. The discussions and conclusions on the individual cases (normally 24 cases) examined by the Conference Committee are then published in its report and are made available at [www.ilo.org/normlex](http://www.ilo.org/normlex).

### Special Procedures

The special procedures applying to Convention No. 111 consist of a representations procedure and a complaints procedure.

**Representations** are governed by Article 24 of the ILO Constitution. A representation alleging a government's failure to observe certain provisions of Convention No. 111 can be submitted to the ILO by a workers' or employers' organization. Representations should be submitted in writing and invoke Article 24 of the ILO Constitution. They should outline which provisions of the Convention are alleged to have been violated.

Once the representation has been received, the ILO's Governing Body appoints a Tripartite Committee to examine it. The Tripartite Committee consists of one government representative, one employer representative, and one worker representative. The Tripartite Committee prepares a report that sets out the legal and practical aspects of the case, examines the information submitted, and concludes with recommendations. These reports are available at: [www.ilo.org/normlex](http://www.ilo.org/normlex).

**Complaints** are governed by Articles 26 to 34 of the ILO Constitution. A complaint may be filed against a member State for not complying with the Convention by: a) another member State which has ratified the same Convention, or b) a delegate to the International Labour Conference or the Governing Body of its own motion.

Upon receipt of a complaint, the Governing Body may establish a Commission of Inquiry which consists of three independent members. The Commission is responsible for carrying out a full investigation of the complaint, ascertaining all the facts of the case, and making recommendations on measures to be taken to address the problems raised by the complaint. A Commission of Inquiry is the ILO's highest-level investigative procedure. It is generally set up when a member State is accused of committing persistent and serious violations and has repeatedly refused to address them. To date, three Commissions of Inquiry have been established to deal with non-compliance with Convention No. 111.<sup>15</sup>

## APPLYING ILO CONVENTION NO. 111 TO INDIGENOUS PEOPLES IN FISHERIES AND AQUACULTURE: EXAMPLES OF IMPLEMENTING MEASURES

The State's primary obligation under the Convention is to declare and pursue a national policy designed to promote equality of opportunity and treatment in respect of employment and occupation. The aim is to eliminate discrimination on at least seven grounds, namely race, colour, sex, religion, political opinion, national extraction, and social origin.<sup>16</sup>

Although the Convention leaves a certain degree of flexibility to States regarding the adoption of the methods that are most appropriate to national conditions and practice, States have the immediate obligation to:

- Declare a national policy designed to promote equality of opportunity and treatment in respect of employment and occupation. This means that programmes should be developed and implemented; appropriate measures adopted; and monitoring mechanisms should be put in place;
- Repeal any statutory provisions and modify any administrative instructions or practices inconsistent with the equality policy;
- Pursue the policy in respect of employment under the direct control of a national authority;
- Ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the direction of a national authority;
- Supply reports on the results achieved of the action taken.<sup>17</sup>

The enactment of constitutional or legislative provisions or regulations continues to be one of the most widely used means to give effect to the principles of the Convention.

ILO CEACR, General Survey on the Fundamental Conventions, 2012, para. 735.

The implementation of a national equality policy presupposes the adoption of a range of specific measures. This often consists of a combination of legislative and administrative measures, collective agreements, public policies, affirmative action measures, dispute resolution and enforcement mechanisms, specialized bodies, practical programmes and awareness raising.<sup>18</sup>

The CEACR has noted that discrimination on the grounds of race, colour, and national extraction (distinctions based on one's place of birth, ancestry or foreign origin) is generally prohibited in the national legislation of most countries. Far fewer countries, however, have adopted proactive and comprehensive measures aimed at promoting substantive equality in respect of these grounds. It has further underlined that when reviewing the situation and deciding on the measures to be taken, it is essential that attention be given to all the grounds in implementing the national policy.<sup>19</sup> For example, the CEACR has expressly asked States to provide information, disaggregated by sex, on the situation of indigenous peoples in employment and occupation, including in entrepreneurship and traditional activities.<sup>20</sup> Moreover, the CEACR has underscored the importance of consulting the interested groups.

In fulfilling their obligations under the Convention to prevent and address the discrimination faced by indigenous peoples in respect of employment and occupation, including in fisheries and aquaculture, and to ensure that they enjoy equality of opportunity and treatment on an equal footing with the rest of the population, States may be required to adopt the following measures under the national equality policy:

“The Committee also wishes to stress the importance of consulting with the social partners and the interested groups on the design, monitoring, implementation and evaluation of the measures and plans adopted with a view to ensuring their relevance, raising awareness about their existence, promoting their wider acceptance and ownership and enhancing their effectiveness.”

ILO CEACR, General observation - Discrimination (Employment and Occupation) Convention, 1958 (No. 111), adopted 2018, published 108th ILC session (2019).

### **1. Recognize indigenous peoples’ rights to their territories, land and resources, including marine territories, marine resources and coastal lands**

The CEACR has recognized that insecure tenure continues to pose serious challenges to the enjoyment of equality of opportunity and treatment in respect of occupation. It has therefore emphasized that promoting and ensuring secure access to land and resources required to carry out an occupation, without discrimination, should be part of the objectives of a national policy on equality under Article 2 of Convention No. 111.<sup>21</sup>

“Recognition of the ownership and possession of the lands [indigenous peoples] traditionally occupy and access to their communal lands and natural resources for traditional activities is essential.”

ILO CEACR, General Survey on the Fundamental Conventions, para. 768.

For example, in the case of Burundi, the CEACR has requested the State to intensify its efforts to ensure that indigenous peoples have the right to practise their traditional activities and retain their means of subsistence without discrimination.<sup>22</sup> Concerning indigenous women, the CEACR has welcomed strategies aimed at improving their participation in all processes to regularize and issue titles in respect of community ancestral lands.<sup>23</sup>

In situations marked by rapid granting of concessions on land traditionally occupied by indigenous peoples, the CEACR has asked the State to provide information on the measures taken to protect indigenous peoples’ land rights, pending the registration of their collective land titles.<sup>24</sup>

Concerning fisheries and aquaculture, States should ensure that indigenous peoples have secure access to marine resources and coastal lands. States should, for example, review the system of commercial fishing licences and quotas and the related legislation

to ensure that indigenous peoples' fishing rights are respected. States should also ensure that their fishing activities are not undermined by discriminatory treatment. Fisheries subsidies should also be reviewed to assess the impact on indigenous peoples' livelihoods.

## **2. Ensure access to other material goods and services required to carry out an occupation, without discrimination**

Ensuring secure access to their territories, land, and resources, including marine spaces and coastal land, is often not sufficient to ensure that indigenous peoples are able to perform the occupation of their choice without discrimination. The CEACR has underlined that access to credit, marketing facilities, agricultural extension, and skills training facilities, among others, should also be provided to indigenous peoples on an equal footing with other parts of the population.<sup>25</sup> Measures to promote and ensure such access without discrimination should be part of the national equality policy that States are required to adopt and implement under Convention No. 111. In the case of fishing communities, such goods and services may also include insurance schemes and support for processing and storing fish, among other things.

“Promoting and ensuring access to material goods and services required to carry out an occupation [...] should therefore be part of the objectives of a national policy on equality.”

ILO CEACR, General Survey on the Fundamental Conventions, para. 756.

## **3. Eliminate biased approaches enshrined in law, policies and practices affecting indigenous peoples' traditional occupations**

The CEACR has acknowledged the persistence of biased approaches towards the traditional occupations of indigenous peoples. These occupations are often perceived as outdated, unproductive, or environmentally harmful. It has underlined that such biases impair the enjoyment of equality of opportunity and treatment in respect of occupation.<sup>26</sup>

The national equality policy should include measures to address prejudices and stereotypes and to promote mutual understanding and tolerance among all sections of the population.

ILO CEACR, General observation - Discrimination (Employment and Occupation) Convention, 1958 (No. 111), adopted 2018, published 108th ILC session (2019).

States should take proactive measures to address such biases, including by reviewing relevant laws, policies and practices. For example, States should remove discriminatory restrictions grounded on such biased approaches, which affect the ability of indigenous fishing communities to practice fishing activities.

#### 4. Remove discriminatory law and practice affecting equality of opportunity and treatment of indigenous peoples in employment

The CEACR has noted that discriminatory attitudes and stereotypes based on the race, colour or national extraction of men and women workers continue to hinder their participation in education and vocational training programmes and their access to a wider range of employment opportunities. The result is often persisting occupational segregation and lower remuneration received for work of equal value. These factors frequently drive individuals from these groups into jobs in the informal economy. The CEACR has also noted that employment quotas, where they exist, remain frequently unfilled, reportedly often due to the lack of skilled persons from the designated groups or because of insufficient efforts to actively recruit the persons targeted, which includes indigenous individuals.<sup>27</sup>

“[I]t is necessary to adopt a **comprehensive and coordinated approach** to tackling the obstacles and barriers faced by persons in employment and occupation because of their race, colour or national extraction, and to promote equality of opportunity and treatment for all. Such an approach should include the adoption of interlocking measures aimed at addressing gaps in education, training and skills, providing unbiased vocational guidance, recognizing and validating the qualifications obtained abroad, and valuing and recognizing traditional knowledge and skills that may be relevant both to accessing and advancing in employment and to engaging in an occupation.”

ILO CEACR, General observation - Discrimination (Employment and Occupation) Convention, 1958 (No. 111), adopted 2018, published 108th ILC session (2019).

Among other things, the CEACR has asked States to take steps to promote a wide range of training and employment opportunities for indigenous peoples; to provide information on the measures taken to fight discrimination and prejudice; and to enhance equal opportunities and the equal treatment of indigenous peoples, including information on the results achieved through the implementation of quota systems in public services and educational institutions.

It has further called on States to address sexual harassment faced by indigenous peoples. The CEACR has also called on States to adopt specific measures to take into account the particular needs of indigenous peoples, enabling them to have access in practice to all levels of education and employment and to benefit from equality of treatment with other categories of the population.<sup>28</sup>

States should, for example, address the discrimination that indigenous peoples may face in recruitment and working conditions in the fishing industry, including in respect of occupational safety and health, remuneration for work of equal value, and social security. Furthermore, States should prevent and address sexual and racial harassment, recognize and value traditional knowledge and skills, and should strengthen labour inspection services to ensure compliance with international and national labour law.



## **5. Consult indigenous peoples on measures concerning them adopted under the national equality policy**

The CEACR has emphasized the importance of consulting with the interested groups with regard to the measures required under the national equality policy.<sup>29</sup> With that in mind, it has asked States to provide information on the measures taken to consult with indigenous peoples when developing and implementing relevant programmes and policies.<sup>30</sup> The CEACR has also underlined that affirmative action grounded on prior consultation and the consent of the stakeholders helps to ensure that the measures taken are broadly accepted, effective, and in line with the principle of non-discrimination.<sup>31</sup>

## **6. Mainstream measures under the national equality policy in other relevant policies and programmes**

Mainstreaming the promotion of equality of opportunity and treatment in employment and occupation in relevant national policies and programmes, including those related to sustainable development, poverty reduction, income generation, environmental protection and climate change mitigation and adaptation, among others, is particularly relevant for indigenous peoples, including indigenous peoples for whom fishing is a traditional occupation.

“[I]t is important to mainstream the promotion of equality of opportunity and treatment in employment and occupation in relevant national policies, such as education and training policies, employment policies, poverty reduction strategies, rural or local development programmes, women’s economic empowerment programmes, and climate mitigation and adaptation strategies.”

ILO CEACR, General observation - Discrimination (Employment and Occupation) Convention, 1958 (No. 111), adopted 2018, published 108th ILC session (2019).

## **7. Collect quantitative and qualitative information on the situation of indigenous peoples in employment and occupation**

The availability of disaggregated data on the social and economic situation of indigenous peoples, including in relation to their employment and occupation, is generally extremely limited. Indigenous peoples’ statistical invisibility, together with their exclusion from decision-making processes affecting them, influences the understanding of the issues at stake and the development of appropriate responses.<sup>32</sup>

The CEACR has stressed that data and qualitative research on the nature and extent of labour inequalities, including their underlying causes, are crucial for determining the nature, extent and causes of discrimination; for designing and implementing a relevant and effective national equality policy; and for monitoring and evaluating results.<sup>33</sup> It has regularly asked States to provide information on the situation of indigenous peoples in employment and occupation.<sup>34</sup>

“The Committee encourages governments, in cooperation with workers’ and employers’ organizations and other interested bodies, to strengthen their efforts in the following areas [...] **assessing the situation in employment and occupation of all ethnic groups** in their countries and the discrimination faced by them, **through dedicated studies, surveys and disaggregated data gathering, respectful of confidentiality, through informed consent and voluntary self-identification**, in order to inform the formulation and evaluation of appropriate measures, taking into account the effects of multiple forms of discrimination [...]”

ILO CEACR, General observation - Discrimination (Employment and Occupation) Convention, 1958 (No. 111), adopted 2018, published 108th ILC session (2019).

## **8. Monitor and evaluate the results achieved under the national equality policy with the participation of indigenous peoples**

Under the Convention, States are required to provide information on the results obtained through the national equality policy towards the achievement of the objectives of eliminating discrimination and ensuring equality of opportunity and treatment for all.<sup>35</sup> The CEACR has noted with regret that the impact of the measures taken remains uncertain in most cases, particularly in the absence of regular monitoring and periodic evaluations.<sup>36</sup> It has thus systematically asked States to regularly assess the impact of the policy in order to review and adjust existing measures and strategies on a continuing basis.<sup>37</sup> It has also emphasized that the interested groups should be involved in the monitoring and evaluation of the measures adopted.<sup>38</sup>

## **9. Ensure access to justice and remedies**

The CEACR has asked States to take steps to better inform indigenous peoples of their rights, including in terms of access to justice.<sup>39</sup> It has noted that significant barriers remain in many countries that impede access to justice, including physical, financial and linguistic obstacles.

The Committee recalls that the Indigenous and Tribal Peoples Convention, 1989 (No. 169) provides important elements for overcoming discrimination against indigenous and tribal peoples and ensuring their equality of opportunity and treatment. The Committee considers that ratification of this Convention constitutes progress in achieving the objective of Convention No. 111.

ILO, General Survey on the Fundamental Conventions, 2012, para. 772.

The Committee has invited States to establish accessible dispute resolution mechanisms, where they do not yet exist.

It has also encouraged States to explore avenues towards expanding the accessibility of existing mechanisms, including by amending the rules on legal standing to include civil society organizations, equality bodies, workers’ and employers’ organizations

and other representative institutions, and to raise public awareness of the relevant legislation and remedies available.<sup>40</sup>

In the case of Argentina, for example, the CEACR has requested the government to provide information on any measures adopted or envisaged for assessing whether existing provisions and procedures allow indigenous peoples and their members, in practice, to lodge and proceed with complaints. They have also asked for the number of complaints of discrimination, their nature and outcome.<sup>41</sup>

The CEACR has also recognized that Convention No. 169 and the United Nations Declaration on the Rights of Indigenous Peoples complement and reinforce each other.<sup>42</sup>

# THE ROLE OF INDIGENOUS PEOPLES IN THE SUPERVISION OF THE APPLICATION OF CONVENTION NO. 111

Indigenous peoples do not have direct access to the ILO supervisory bodies. Nevertheless, they can ensure that their concerns are dealt with under the Convention's regular system of supervision in some of the following ways:

- By sending verifiable information directly to the ILO on, for example, the text of a new policy, law, or court decision;
- By strengthening alliances with workers' or employers' organizations. For information to be officially considered by the ILO, it must be sent by one of the ILO constituents. Workers' organizations often have a more direct interest in indigenous issues. Therefore, to ensure indigenous peoples' issues are raised in these processes, indigenous peoples should strengthen their alliances with workers' organizations (trade unions);
- By drawing the attention of the ILO to relevant official information from other UN supervisory bodies, fora or agencies, including the UN Special Rapporteur on rights of Indigenous Peoples and the UN Permanent Forum on Indigenous Issues;
- Through innovative approaches, for example, via the establishment of formal relations and procedures between indigenous peoples and governments. Norway requested, for instance, that the Saami Parliament submitted its own independent comments on the government's regular reports under the Convention, and that these comments be considered by the ILO, alongside the Government report.

## ENDNOTES

- 1 See Dhir, R.K., Cattaneo, U, Cabrea Ormazá, M.V., Coronado, H, Oelz, M. International Labour Organization (ILO). 2019. Implementing the ILO Indigenous and Tribal Peoples Convention No. 169: Towards an inclusive, sustainable and just future. Geneva (Switzerland) (available at: [https://www.ilo.org/global/publications/books/WCMS\\_735607/lang--en/index.htm](https://www.ilo.org/global/publications/books/WCMS_735607/lang--en/index.htm)).
- 2 See Cisneros-Montemayor, A.M., Pauly D, Weatherdon L.V., Ota Y. 2016. A Global Estimate of Seafood Consumption by Coastal Indigenous Peoples. PLoS ONE 11 (12): e0166681. Ed. Clark, T.D., University of Tasmania, Australia. (available at: <https://doi.org/10.1371/journal.pone.0166681>).
- 3 See Vierros M.K. et al. 2020. Considering Indigenous Peoples and local communities in governance of the global ocean commons. in Marine Policy, vol. 119. (available at: <https://www.sciencedirect.com/science/article/pii/S0308597X19309212>).
- 4 See Dhir, R.K., Cattaneo, U, Cabrea Ormazá, M.V., Coronado, H, Oelz, M. International Labour Organization (ILO). 2019. Implementing the ILO Indigenous and Tribal Peoples Convention No. 169: Towards an inclusive, sustainable and just future. Geneva (Switzerland) (available at: [https://www.ilo.org/global/publications/books/WCMS\\_735607/lang--en/index.htm](https://www.ilo.org/global/publications/books/WCMS_735607/lang--en/index.htm)).
- 5 See Office of the United Nations High Commissioner for Human Rights (OHCHR). 2019. Concluding observations on the combined sixth to eighth periodic reports of Honduras (CERD/C/HND/CO/6-8) (available at: <https://daccess-ods.un.org/tmp/4440480.47065735.html>). See also I/A Court H.R., Case of the Buzos Miskitos (Lemoth Morris et al.) v Honduras. Judgment of 31 August 2021. Series C No. 432. (available at: [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_432\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_432_ing.pdf)).
- 6 See, for example, UN. Committee on the Elimination of Racial Discrimination (93rd sess.) (ERD/C/RUS/CO/23-24). 2017. Concluding observations on the 23rd and 24th periodic reports of the Russian Federation. Geneva (Switzerland) (available at: <https://digitallibrary.un.org/record/1311178/usage?ln=en>).
- 7 See, for example, Mamo, D. The International Work Group for Indigenous Affairs (IWGIA). 2021. The Indigenous World 2021. (discussing the case of the Ainu people of Japan). Copenhagen (available at: [https://iwgia.org/doclink/iwgia-book-the-indigenous-world-2021-eng/eyJ0eXAiOiJKV1QiLCJhbGciOiJIUzI1NiJ9.eyJzdWUiOiJpd2dpYS1ib29rLXRoZS1pbmRpZ2Vub3VzLXdvcmx-kLTIwMjEtZW5nliwiaWF0IjoxNjI4ODM5NjM2LCJleHAiOiE2Mjg5MjYwMzZ9.z1CuM7PcT5CPkV0evx8ve88y6v0vmwDu\\_51JQ\\_lwAkM](https://iwgia.org/doclink/iwgia-book-the-indigenous-world-2021-eng/eyJ0eXAiOiJKV1QiLCJhbGciOiJIUzI1NiJ9.eyJzdWUiOiJpd2dpYS1ib29rLXRoZS1pbmRpZ2Vub3VzLXdvcmx-kLTIwMjEtZW5nliwiaWF0IjoxNjI4ODM5NjM2LCJleHAiOiE2Mjg5MjYwMzZ9.z1CuM7PcT5CPkV0evx8ve88y6v0vmwDu_51JQ_lwAkM)).
- 8 See Dhir, R.K., Cattaneo, U, Cabrea Ormazá, M.V., Coronado, H, Oelz, M. International Labour Organization (ILO). 2019. Implementing the ILO Indigenous and Tribal Peoples Convention No. 169: Towards an inclusive, sustainable and just future. Geneva (Switzerland) (available at: [https://www.ilo.org/global/publications/books/WCMS\\_735607/lang--en/index.htm](https://www.ilo.org/global/publications/books/WCMS_735607/lang--en/index.htm)).
- 9 Ibid.
- 10 See Riedemann Fuentes, A, Bansal, T, Pardo Núñez, F. Danish Institute for Human Rights (DIHR). 2021. The Salmon industry and human rights in Chile: Sector-Wide

- Impact Assessment. Santiago (Chile) and Copenhagen (available at: <https://www.humanrights.dk/sites/humanrights.dk/files/media/document/The%20Salmon%20Industry%20and%20Human%20Rights%20in%20Chile.PDF>).
- 11 See Transnational Institute (TNI). 2014. The Global Ocean Grab. (available at: [https://www.tni.org/files/download/the\\_global\\_ocean\\_grab.pdf](https://www.tni.org/files/download/the_global_ocean_grab.pdf)).
  - 12 The texts of the Convention and the Recommendations are available at: [www.ilo.org/normlex](http://www.ilo.org/normlex).
  - 13 For more information, see ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR). 2012. General Survey 2012 (Fundamental Conventions). (available at: [https://www.ilo.org/global/standards/WCMS\\_125798/lang--en/index.htm](https://www.ilo.org/global/standards/WCMS_125798/lang--en/index.htm)).
  - 14 See ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR). 2019. General observation adopted 2018, published 108<sup>th</sup> ILC session (2019). Discrimination (Employment and Occupation) Convention, 1958 (No. 111). (available at: [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P11110\\_COUNTRY\\_ID,P11110\\_COUNTRY\\_NAME,P11110\\_COMMENT\\_YEAR:3996050,,2018](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3996050,,2018)).
  - 15 See ILO. Complaints/Commissions of Inquiry (Art 26) (available at: [https://www.ilo.org/dyn/normlex/en/f?p=1000:50011::NO:50011:P50011\\_ARTICLE\\_NO:26](https://www.ilo.org/dyn/normlex/en/f?p=1000:50011::NO:50011:P50011_ARTICLE_NO:26)).
  - 16 Convention No. 111 allows for additional prohibited grounds of discrimination to be identified by ratifying States in consultation with representative organizations of workers and employers and other appropriate bodies. Thus, in some countries, other grounds, such as age, health, disability, HIV/AIDS status, nationality or sexual orientation and gender identity have been added to the seven grounds expressly listed in the Convention.
  - 17 See ILO. C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111), art. 3. (available at: [https://www.ilo.org/dyn/normlex/en/f?p=NORML-EX PUB:12100:0::NO::P12100\\_Ilo\\_Code:C111](https://www.ilo.org/dyn/normlex/en/f?p=NORML-EX PUB:12100:0::NO::P12100_Ilo_Code:C111)). See also ILO. R111 - Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111). (available at: [https://www.ilo.org/dyn/normlex/en/f?p=1000:12100::NO:12100:P12100\\_INSTRUMENT\\_ID:312449](https://www.ilo.org/dyn/normlex/en/f?p=1000:12100::NO:12100:P12100_INSTRUMENT_ID:312449)).
  - 18 See ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR). 2012. General Survey 2012 (Fundamental Conventions), para. 848. (available at: [https://www.ilo.org/global/standards/WCMS\\_125798/lang--en/index.htm](https://www.ilo.org/global/standards/WCMS_125798/lang--en/index.htm)).
  - 19 See ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR). 2012. General Survey 2012 (Fundamental Conventions), para. 849. (available at: [https://www.ilo.org/global/standards/WCMS\\_125798/lang--en/index.htm](https://www.ilo.org/global/standards/WCMS_125798/lang--en/index.htm)).
  - 20 See, for example, ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR). 2021. Observation (CEACR) - adopted 2019, published 109<sup>th</sup> ILC session (2021) - Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - Guyana (Ratification: 1975). (available at: [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P13100\\_COUNTRY\\_ID:3995855,103086](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:3995855,103086)).
  - 21 See ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR). 2019. General observation adopted 2018, published 108<sup>th</sup> ILC session (2019). Discrimination (Employment and Occupation) Convention,

- 1958 (No. 111) (available at: [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P11110\\_COUNTRY\\_ID,P11110\\_COUNTRY\\_NAME,P11110\\_COMMENT\\_YEAR:3996050,,,2018](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3996050,,,2018)).
- 22 See ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR). Observation (CEACR) - adopted 2020, published 109th ILC session (2021) Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - Burundi (Ratification: 1993). (available at: [http://www.ilo.int/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100\\_COMMENT\\_ID:3331432](http://www.ilo.int/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3331432)).
- 23 See ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR). 2012. General Survey 2012 (Fundamental Conventions), para. 769. (available at: [https://www.ilo.org/global/standards/WCMS\\_125798/lang--en/index.htm](https://www.ilo.org/global/standards/WCMS_125798/lang--en/index.htm)).
- 24 See, for example, ILO. Committee of Experts on the Application of Conventions and Recommendations (CEACR). Direct request (CEACR) - adopted 2010, published 100th ILC session (2011) Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - Cambodia (Ratification: 1999). (available at: [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P13100\\_COUNTRY\\_ID:2325191,103055](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:2325191,103055)).
- 25 See ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR). 2012. General Survey 2012 (Fundamental Conventions), para. 768. (available at: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_174846.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_174846.pdf)).
- 26 See ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR). 2019. General observation - Discrimination (Employment and Occupation) Convention, 1958 (No. 111), adopted 2018, published 108th ILC session (2019). (available at: [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P11110\\_COUNTRY\\_ID,P11110\\_COUNTRY\\_NAME,P11110\\_COMMENT\\_YEAR:3996050,,,2018](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3996050,,,2018)).
- 27 Ibid.
- 28 See ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR). Observation (CEACR) - adopted 2019, published 109th ILC session (2021) - Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - Guyana (Ratification: 1975) (available at: [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P13100\\_COUNTRY\\_ID:3995855,103086](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:3995855,103086)); ILO CEACR. Direct request (CEACR) - adopted 2019, published 109th ILC session (2021) Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - Bangladesh (Ratification: 1972) (available at: [https://ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:4022897:NO](https://ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:4022897:NO)); ILO CEACR. Direct request (CEACR) - adopted 2020, published 109th ILC session (2021) Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - Gabon (Ratification: 1961) (available at: [http://www.ilo.int/dyn/normlex/en/f?p=1000:13100:0::NO::P13100\\_COMMENT\\_ID,P13100\\_LANG\\_CODE:4046713,en:NO](http://www.ilo.int/dyn/normlex/en/f?p=1000:13100:0::NO::P13100_COMMENT_ID,P13100_LANG_CODE:4046713,en:NO)).
- 29 See ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR). 2019. General observation - Discrimination (Employment and Occupation) Convention, 1958 (No. 111), adopted 2018, published 108th ILC session (2019). (available at: [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P11110\\_COUNTRY\\_ID,P11110\\_COUNTRY\\_NAME,P11110\\_COMMENT\\_YEAR:3996050,,,2018](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3996050,,,2018)).

- 00:0::NO:13100:P13100\_COMMENT\_ID,P11110\_COUNTRY\_ID,P11110\_COUNTRY\_NAME,P11110\_COMMENT\_YEAR:3996050,,,2018).
- 30 See, for example, ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR). Observation (CEACR) - adopted 2009, published 99th ILC session (2010) Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - Vietnam (Ratification: 1997). (available at: [https://ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100\\_COMMENT\\_ID,P13100\\_COUNTRY\\_ID:2310116,103004](https://ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID,P13100_COUNTRY_ID:2310116,103004)).
- 31 See ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR). 2012. General Survey 2012 (Fundamental Conventions), para. 863. (available at: [https://www.ilo.org/global/standards/WCMS\\_125798/lang--en/index.htm](https://www.ilo.org/global/standards/WCMS_125798/lang--en/index.htm)).
- 32 See Errico, S. ILO. 2017. The Rights of Indigenous Peoples in Asia. Human rights-based overview of national legal and policy frameworks against the backdrop of country strategies for development and poverty reduction. Geneva (Switzerland).
- 33 See ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR). 2019. General observation – Discrimination (Employment and Occupation) Convention, 1958 (No. 111), adopted 2018, published 108<sup>th</sup> ILC session (2019). (available at: [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P11110\\_COUNTRY\\_ID,P11110\\_COUNTRY\\_NAME,P11110\\_COMMENT\\_YEAR:3996050,,,2018](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3996050,,,2018)).
- 34 See, for example, ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR). Observation (CEACR) – adopted 2019, published 109<sup>th</sup> ILC session (2021) – Discrimination (Employment and Occupation) Convention, 1958 (No. 111) – Guyana (Ratification: 1975) (available at: [https://www.ilo.org/dyn/normlex/es/f?p=1000:13100:0::NO::P13100\\_COMMENT\\_ID,P13100\\_LANG\\_CODE:3995855,en:NO](https://www.ilo.org/dyn/normlex/es/f?p=1000:13100:0::NO::P13100_COMMENT_ID,P13100_LANG_CODE:3995855,en:NO)); ILO CEACR. Direct request (CEACR) – adopted 2020, published 109<sup>th</sup> ILC session (2021) Discrimination (Employment and Occupation) Convention, 1958 (No. 111) – New Zealand (Ratification: 1983).
- 35 See ILO Convention No. 111, art. 3. (available at: [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100\\_COMMENT\\_ID,P13100\\_LANG\\_CODE:4054168,en](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID,P13100_LANG_CODE:4054168,en)).
- 36 See ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR). 2019. General observation - Discrimination (Employment and Occupation) Convention, 1958 (No. 111), adopted 2018, published 108<sup>th</sup> ILC session (2019). (available at: [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P11110\\_COUNTRY\\_ID,P11110\\_COUNTRY\\_NAME,P11110\\_COMMENT\\_YEAR:3996050,,,2018](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3996050,,,2018)).
- 37 Ibid. See, for example, ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR). Direct request (CEACR) - adopted 2016, published 106<sup>th</sup> ILC session (2017) Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - Cameroon (Ratification: 1988) (available at: [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO::P13100\\_COMMENT\\_ID,P13100\\_LANG\\_CODE:3292648,fr:NO](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO::P13100_COMMENT_ID,P13100_LANG_CODE:3292648,fr:NO)).
- 38 See ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR). 2019. General observation - Discrimination (Employment and Occupation) Convention, 1958 (No. 111), adopted 2018, published 108<sup>th</sup> ILC session (2019). (available at: [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P11110\\_COUNTRY\\_ID,P11110\\_COUNTRY\\_NAME,P11110\\_COMMENT\\_YEAR:3996050,,,2018](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3996050,,,2018)).



00:0::NO:13100:P13100\_COMMENT\_ID,P11110\_COUNTRY\_ID,P11110\_COUNTRY\_NAME,P11110\_COMMENT\_YEAR:3996050,,,2018).

- 39 See, for example, ILO CEACR, Direct Request (CEACR) - adopted 2021, published 110th ILC session (2022) Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - Congo (Ratification: 1999) (available at: [https://ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P13100\\_COUNTRY\\_ID:4123555,103376](https://ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4123555,103376)).
- 40 See ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR). 2019. General observation - Discrimination (Employment and Occupation) Convention, 1958 (No. 111), adopted 2018, published 108th ILC session (2019). (available at: [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P11110\\_COUNTRY\\_ID,P11110\\_COUNTRY\\_NAME,P11110\\_COMMENT\\_YEAR:3996050,,,2018](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3996050,,,2018)).
- 41 See ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR). 2019. Observation - adopted 2018, published 108th ILC session (2019) Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - Argentina (Ratification: 1968) (available at: [http://www.oit.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3960603](http://www.oit.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3960603)).
- 42 See ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR). 2019. General observation (CEACR) - adopted 2018, published 108<sup>th</sup> ILC session (2019) Indigenous and Tribal Peoples Convention, 1989 (No. 169). (available at: [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P11110\\_COUNTRY\\_ID,P11110\\_COUNTRY\\_NAME,P11110\\_COMMENT\\_YEAR:3996110,,,2018](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3996110,,,2018)).





