

INTERNATIONAL LABOUR OFFICE

REPORT FORM
FOR THE
INDIGENOUS AND TRIBAL POPULATIONS
CONVENTION, 1957 (No. 107)

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such a form and shall contain such particulars as the Governing Body may request."

The Government may deem it useful to consult the appended text of the Indigenous and Tribal Populations Recommendation, 1957 (No. 104), the provisions of which supplement the present Convention and can contribute to a better understanding of its requirements and facilitate its application.

PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

First reports

If this is your Government's first report following the entry into force of the Convention in your country, full information should be given on each of the provisions of the Convention and on each of the questions set out in the report form.

Subsequent reports

In subsequent reports, information need normally be given only on the following points:

- (a) any new legislative or other measures affecting the application of the Convention;
- (b) replies to the questions in the report form on the practical application of the Convention (for

example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organisations of employers and workers and on any observations received from these organisations;

- (c) **replies to comments by supervisory bodies:** the report must contain replies to any comments regarding the application of the Convention in your country which may have been addressed to your Government by the Committee of Experts or by the Conference Committee on the Application of Conventions and Recommendations.

Article 22 of the Constitution of the ILO

Report for the period to
made by the Government of

on the

INDIGENOUS AND TRIBAL POPULATIONS CONVENTION, 1957,

ratification of which was registered on

- I. Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done please forward copies of the said legislation, etc., to the International Labour Office with this report.

Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit of, or as a result of, ratification.

- II. Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc., or other measures under which each Article is applied.

If in your country ratification of the Convention gives the force of national law to its terms please indicate by virtue of what constitutional provisions the ratification has this effect. Please also specify what action has been taken to make effective those provisions of the Convention which require a national authority to take certain specific steps for its implementation, such as measures to define the exact scope of the Convention and the extent to which advantage may be taken of permissive exceptions provided for in it, measures to draw the attention of the parties concerned to its provisions, and arrangements for adequate inspection and penalties.

If the Committee of Experts or the Conference Committee on the Application of Conventions and Recommendations has requested additional information or has made an observation on the measures adopted to apply the Convention, please supply the information asked for or indicate the action taken by your Government to settle the points in question.

PART I. GENERAL POLICY

Article 1

1. This Convention applies to—

- (a) members of tribal or semi-tribal populations in independent countries whose social and economic conditions are at a less advanced stage than the stage reached by the other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;
- (b) members of tribal or semi-tribal populations in independent countries which are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation and which, irrespective of their legal status, live more in conformity with the social, economic and cultural institutions of that time than with the institutions of the nation to which they belong.

2. For the purposes of this Convention, the term "semi-tribal" includes groups and persons who, although they are in the process of losing their tribal characteristics, are not yet integrated into the national community.

3. The indigenous and other tribal or semi-tribal populations mentioned in paragraphs 1 and 2 of this Article are referred to hereinafter as "the populations concerned".

Please indicate the groups of the national population which, in the Government's view, fall within the scope of the Convention and benefit from the measures designed to give effect to it.

Please indicate the size of these groups (census or estimate) and the regions of the country inhabited by them.

Article 2

1. Governments shall have the primary responsibility for developing co-ordinated and systematic action for the protection of the populations concerned and their progressive integration into the life of their respective countries.

2. Such action shall include measures for—

- (a) enabling the said populations to benefit on an equal footing from the rights and opportunities which national laws or regulations grant to the other elements of the population;
- (b) promoting the social, economic and cultural development of these populations and raising their standard of living;
- (c) creating possibilities of national integration to the exclusion of measures tending towards the artificial assimilation of these populations.

3. The primary objective of all such action shall be the fostering of individual dignity, and the advancement of individual usefulness and initiative.

4. Recourse to force or coercion as a means of promoting the integration of these populations into the national community shall be excluded.

Please give particulars of all programmes of co-ordinated and systematic action for the protection of the populations concerned and their progressive integration into the life of the country.

Please indicate the public authorities or private bodies responsible for the carrying out of these programmes.

Article 3

1. So long as the social, economic and cultural conditions of the populations concerned prevent them from enjoying the benefits of the general laws of the country to which they belong, special measures shall be adopted for the protection of the institutions, persons, property and labour of these populations.

2. Care shall be taken to ensure that such special measures of protection—

- (a) are not used as a means of creating or prolonging a state of segregation; and
- (b) will be continued only so long as there is need for special protection and only to the extent that such protection is necessary.

3. Enjoyment of the general rights of citizenship, without discrimination, shall not be prejudiced in any way by such special measures of protection.

Please indicate the special measures adopted to give effect to these provisions and the population groups affected by them.

Article 4

In applying the provisions of this Convention relating to the integration of the populations concerned—

- (a) due account shall be taken of the cultural and religious values and of the forms of social control existing among these populations, and of the nature of the problems which face them both as groups and as individuals when they undergo social and economic change;
- (b) the danger involved in disrupting the values and institutions of the said populations unless they can be replaced by appropriate substitutes which the groups concerned are willing to accept shall be recognised;
- (c) policies aimed at mitigating the difficulties experienced by these populations in adjusting themselves to new conditions of life and work shall be adopted.

Please indicate the measures taken to give effect to these provisions, any difficulties encountered in the application of this Article, and the methods utilised to overcome them.

Article 5

In applying the provisions of this Convention relating to the protection and integration of the populations concerned, governments shall—

- (a) seek the collaboration of these populations and of their representatives;
- (b) provide these populations with opportunities for the full development of their initiative;
- (c) stimulate by all possible means the development among these populations of civil liberties and the establishment of or participation in elective institutions.

Please indicate any steps taken to associate the populations concerned in an effective manner in the application of the provisions of the Convention, particularly by the establishment of elective institutions, and supply information on any difficulties encountered and the results obtained.

Article 6

The improvement of the conditions of life and work and level of education of the populations concerned shall be given high priority in plans for the over-all economic development of areas inhabited by these populations. Special projects for economic development of the areas in question shall also be so designed as to promote such improvement.

Please give particulars of projects for the economic development of the regions inhabited by the populations concerned, and of the measures proposed to be taken for the improvement of their conditions of life and work and their level of education.

Article 7

1. In defining the rights and duties of the populations concerned regard shall be had to their customary laws.

2. These populations shall be allowed to retain their own customs and institutions where these are not incompatible with the national legal system or the objectives of integration programmes.

3. The application of the preceding paragraphs of this Article shall not prevent members of these populations from exercising, according to their individual capacity, the rights granted to all citizens and from assuming the corresponding duties.

Please indicate the main groups of the populations concerned among whom customary laws are still in force, and the matters to which these laws relate.

Article 8

To the extent consistent with the interests of the national community and with the national legal system—

(a) the methods of social control practised by the populations concerned shall be used as far as possible for dealing with crimes or offences committed by members of these populations;

(d) where use of such methods of social control is not feasible, the customs of these populations in regard to penal matters shall be borne in mind by the authorities and courts dealing with such cases.

Please give examples of the practice followed in the application of this Article.

Article 9

Except in cases prescribed by law for all citizens the exaction from the members of the populations concerned of compulsory personal services in any form, whether paid or unpaid, shall be prohibited and punishable by law.

Please indicate the methods of supervision employed and the sanctions prescribed to ensure the application of this Article.

Article 10

1. Persons belonging to the populations concerned shall be specially safeguarded against the improper application of preventive detention and shall be able to take legal proceedings for the effective protection of their fundamental rights.

2. In imposing penalties laid down by general law on members of these populations account shall be taken of the degree of cultural development of the populations concerned.

3. Preference shall be given to methods of rehabilitation rather than confinement in prison.

Please indicate the special measures by which persons belonging to the populations concerned are safeguarded against the improper application of preventive detention, and the cases in which they may take legal proceedings for the effective protection of their fundamental rights.

PART II. LAND

Article 11

The right of ownership, collective or individual, of the members of the populations concerned over the lands which these populations traditionally occupy shall be recognised.

Please indicate the regions where the one or the other of these two types of ownership of land or of generally recognised primary land and water use rights predominate, and the populations concerned benefiting from them.

In the case of collective ownership, please indicate the principal forms in which the rights recognised by law are exercised. In the case of individual ownership, please indicate whether there is any common use of land (e.g. co-operative farming) and the legal basis for it.

Article 12

1. The populations concerned shall not be removed without free consent from their habitual territories except in accordance with national laws and regulations for reasons relating to national security, or in the interest of national economic development or of the health of the said populations.

2. When in such cases removal of these populations is necessary as an exceptional measure, they shall be provided with lands of quality at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. In cases where chances of alternative employment exist and where the populations concerned prefer to have compensation in money or in kind, they shall be so compensated under appropriate guarantees.

3. Persons thus removed shall be fully compensated for any resulting loss or injury.

Please indicate the scope of the term "habitual territory" in the legislation and practice of your country.

Please indicate whether, and in what cases, the populations concerned may be removed from their habitual territories.

Please give particulars of the cases in which persons or groups belonging to the populations concerned have been removed from their habitual territories, including the grounds of removal and the terms of their settlement or resettlement and/or compensation.

Article 13

1. Procedures for the transmission of rights of ownership and use of land which are established by the customs of the populations concerned shall be respected, within the framework of national laws and regulations, in so far as they satisfy the needs of these populations and do not hinder their economic and social development.

2. Arrangements shall be made to prevent persons who are not members of the populations concerned from taking advantage of these customs or of lack of understanding of the laws on the part of the members of these populations to secure the ownership or use of the lands belonging to such members.

Please indicate whether customary procedures for the transmission of rights of ownership and use of land satisfy the needs of the populations concerned and the requirements of their economic and social development; if not, please indicate to what extent and why they do not meet these needs and requirements.

Please indicate the arrangements made to give effect to paragraph 2, and the sanctions prescribed in respect of contraventions.

Article 14

National agrarian programmes shall secure to the populations concerned treatment equivalent to that accorded to other sections of the national community with regard to—

- (a) the provision of more land for these populations when they have not the area necessary for providing the essentials of a normal existence, or for any possible increase in their numbers;
- (b) the provision of the means required to promote the development of the lands which these populations already possess.

Please give particulars of existing national agrarian programmes, and of the measures taken to give effect to this Article in relation to such programmes (e.g. provision of land, land and water use rights, technical advice, supply of tools and equipment, marketing and credit facilities).

PART III. RECRUITMENT AND CONDITIONS OF EMPLOYMENT

Article 15

1. Each Member shall, within the framework of national laws and regulations, adopt special measures to ensure the effective protection with regard to recruitment and conditions of employment of workers belonging to the populations concerned so long as they are not in a position to enjoy the protection granted by law to workers in general.

2. Each Member shall do everything possible to prevent all discrimination between workers belonging to the populations concerned and other workers, in particular as regards—

- (a) admission to employment, including skilled employment;
- (b) equal remuneration for work of equal value;
- (c) medical and social assistance, the prevention of employment injuries, workmen's compensation, industrial hygiene and housing;
- (d) the right of association and freedom for all lawful trade union activities, and the right to conclude collective agreements with employers or employers' organisations.

Please indicate the special measures adopted, within the framework of national laws and regulations, to ensure the protection provided for in paragraph 1. If such measures have not been considered necessary, please explain why.

Please indicate the measures taken to prevent all discrimination as regards the various matters mentioned in paragraph 2.

PART IV. VOCATIONAL TRAINING, HANDICRAFTS AND RURAL INDUSTRIES

Article 16

Persons belonging to the populations concerned shall enjoy the same opportunities as other citizens in respect of vocational training facilities.

Article 17

1. Whenever programmes of vocational training of general application do not meet the special needs of persons belonging to the populations concerned governments shall provide special training facilities for such persons.

2. These special training facilities shall be based on a careful study of the economic environment, stage of cultural development and practical needs of the various occupational groups among the said populations; they shall, in particular, enable the persons concerned to receive the training necessary for occupations for which these populations have traditionally shown aptitude.

3. These special training facilities shall be provided only so long as the stage of cultural development of the populations concerned requires them; with the advance of the process of integration they shall be replaced by the facilities provided for other citizens.

Article 18

1. Handicrafts and rural industries shall be encouraged as factors in the economic development of the populations concerned in a manner which will enable these populations to raise their standard of living and adjust themselves to modern methods of production and marketing.

2. Handicrafts and rural industries shall be developed in a manner which preserves the cultural heritage of these populations and improves their artistic values and particular modes of cultural expression.

Please indicate the measures taken to implement Articles 16, 17 and 18, and particularly the requirements of Article 17, paragraph 2.

PART V. SOCIAL SECURITY AND HEALTH

Article 19

Existing social security schemes shall be extended progressively, where practicable, to cover—

- (a) wage earners belonging to the populations concerned;
- (b) other persons belonging to these populations.

Please indicate to what extent existing social security schemes cover (a) wage earners and (b) other persons belonging to the populations concerned. Please also indicate the professional categories and number of persons covered, and the measures which have been taken to extend existing social security schemes to the areas inhabited by these populations.

Article 20

1. Governments shall assume the responsibility for providing adequate health services for the populations concerned.

2. The organisation of such services shall be based on systematic studies of the social, economic and cultural conditions of the populations concerned.

3. The development of such services shall be co-ordinated with general measures of social, economic and cultural development.

Please supply information, in particular, on the number and kinds of health services which exist, the regions in which they function, the size of their medical, paramedical and nursing staff, and the distribution of the staff among the regions served. Please also supply an estimate of the number of indigenous people benefiting from these services.

Please give particulars of any studies made in accordance with paragraph 2.

PART VI. EDUCATION AND MEANS OF COMMUNICATION

Article 21

Measures shall be taken to ensure that members of the populations concerned have the opportunity to acquire education at all levels on an equal footing with the rest of the national community.

Please indicate the measures in force to provide the populations concerned with the opportunity of education at all levels, and supply all available information as to the number and kinds of schools, the number of teachers, the regions in which the schools operate, the number of pupils, etc.

Please state whether the populations concerned have the opportunity to acquire education at all levels on an equal footing with the rest of the national community.

Article 22

1. Education programmes for the populations concerned shall be adapted, as regards methods and techniques, to the stage these populations have reached in the process of social, economic and cultural integration into the national community.

2. The formulation of such programmes shall normally be preceded by ethnological surveys.

Please indicate the measures taken to adapt education programmes as required by this Article.

Article 23

1. Children belonging to the populations concerned shall be taught to read and write in their mother tongue or, where this is not practicable, in the language most commonly used by the group to which they belong.

2. Provision shall be made for a progressive transition from the mother tongue or the vernacular language to the national language or to one of the official languages of the country.

3. Appropriate measures shall, as far as possible, be taken to preserve the mother tongue or the vernacular language.

Please indicate the measures taken to give effect to this Article.

Article 24

The imparting of general knowledge and skills that will help children to become integrated into the national community shall be an aim of primary education for the populations concerned.

Please indicate the measures taken with this end in view, and supply specimen primary education curricula.

Article 25

Educational measures shall be taken among other sections of the national community and particularly among those that are in most direct contact with the populations concerned with the object of eliminating prejudices that they may harbour in respect of these populations.

Please indicate the measures taken to give effect to this Article.

Article 26

1. Governments shall adopt measures, appropriate to the social and cultural characteristics of the populations concerned, to make known to them their rights and duties, especially in regard to labour and social welfare.

2. If necessary this shall be done by means of written translations and through the use of media of mass communication in the languages of these populations.

Please indicate the measures taken to give effect to this Article, and, by way of example, supply copies of some of the documentary material used in this connection.

PART VII. ADMINISTRATION

Article 27

1. The governmental authority responsible for the matters covered in this Convention shall create or develop agencies to administer the programmes involved.

2. These programmes shall include—

(a) planning, co-ordination and execution of appropriate measures for the social, economic and cultural development of the populations concerned;

(b) proposing of legislative and other measures to the competent authorities;

(c) supervision of the application of these measures.

Please give particulars of the agencies which administer the programmes relating to the matters covered by this Convention.

PART VIII. GENERAL PROVISIONS

Article 28

The nature and the scope of the measures to be taken to give effect to this Convention shall be determined in a flexible manner, having regard to the conditions characteristic of each country.

Article 29

The application of the provisions of this Convention shall not affect benefits conferred on the populations concerned in pursuance of other Conventions and Recommendations.

- III. In so far as such information has not been supplied under Part II above, please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced. In particular, please supply information on the organisation and working of inspection.
- IV. Please state whether courts of law or other tribunals have given decisions regarding questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.
- V. Please give a general appreciation of the manner in which the Convention is applied in your country including, for instance, extracts from official reports, information regarding the number and nature of the contraventions reported, and any other particulars bearing on the practical application of the Convention.
- VI. Please indicate the representative organisations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organisation.¹ If copies of the report have not been communicated to representative organisations of employers and/or workers, or if they have been communicated to bodies other than such organisations, please supply information on any particular circumstances existing in your country which explain the procedure followed.

Please indicate whether you have received from the organisations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention or the application of the legislation or other measures implementing the Convention. If so, please communicate a summary of the observations received, together with any comments that you consider useful.

¹ Article 23, paragraph 2, of the Constitution reads as follows: " Each Member shall communicate to the representative organisations recognised for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22."

ANNEX

The text of the

**INDIGENOUS AND TRIBAL POPULATIONS RECOMMENDATION, 1957
(NO. 104)**

is not reproduced here.

Please consult ILOLEX or other publications containing the text of ILO
Recommendations.