A photograph of two construction workers at a stadium under construction. The worker in the foreground is wearing a blue hard hat, sunglasses, a patterned face covering, and a high-visibility yellow safety vest over a blue long-sleeved shirt. The worker in the background is also wearing a blue hard hat, safety glasses, and a high-visibility yellow safety vest over a blue long-sleeved shirt. The background shows the stadium's seating bowl under construction with several cranes against a clear blue sky.

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# Minority and Indigenous Trends 2022

Focus on work



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Cover: Construction workers walking inside the Lusail Stadium while it is under construction for the 2022 FIFA football World Cup. In preparation for the tournament, Qatar spent billions of dollars on an infrastructure programme that requires vast numbers of migrant workers, but its treatment of migrants has raised concern internationally. Lusail, Qatar.

*Adam Davy/Alamy.*

Inside front cover: Indigenous Ecuadorians march through the streets to celebrate World Water Day and demonstrate their disagreement with the privatization of water and its use in clandestine mining, in Quito, Ecuador.

*Rafael Rodriguez/NurPhoto/Shutterstock*

Inside back cover: A portrait of Unggun, a Bajau Laut man, off the coast of Semporna, Sabah, Malaysia.

*Huiyee Chiew*

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# Minority and Indigenous Trends 2022

**Focus on work**

Edited by Peter Grant

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# Foreword



**Tomoya Obokata**

*UN Special Rapporteur on contemporary forms of slavery,  
including its causes and consequences*

For some, work forms a central part of our identity, a source not only of income but also of meaning and economic well-being. For many members of minority communities, indigenous peoples, migrants and other marginalized communities, however, the opposite is often true – poorly paid, exploitative wage labour, servitude and slavery may trap these groups in poverty, perpetuate negative stereotypes and compromise their dignity on a daily basis, sometimes over generations.

This report, showcasing experiences regarding conditions of work and employment from around the world, demonstrates just how complex the barriers can be to equitable employment and access to decent work. Today, in fact, over 40 million people in all regions of the world are still enslaved in undignified working conditions. Tragically, contemporary forms of slavery are a global crime that, despite distinct manifestations depending on the country and region, are nevertheless characterized by the dehumanization of its victims through forced labour and other forms of coercion.

There are other forms of work-related human rights violations, too, such as the loss of traditional livelihoods suffered by indigenous communities evicted from their lands, that also deprive those affected of their opportunity to access decent employment. Each case requires a specific and urgent response, a fact that has been underscored by the Covid-19 pandemic and its many unequal impacts on minorities, indigenous peoples and other groups in vulnerable situations.

So what can be done to support fairer labour markets and by extension more inclusive societies as a whole in order to prevent contemporary forms of slavery and other exploitative practices? Legal reform, while important, is not enough on its own to resolve these challenges: in most countries, equality is enshrined in law, even if it is not observed in practice. It is also necessary to address the social prejudice, lack of access to services and political invisibility that underpin work discrimination and exclusion.

The moral responsibility for ensuring decent, inclusive, equitable and safe work for all lies primarily with governments, businesses and dominant populations who may benefit to varying degrees from keeping things as they are, not as they should be from a human rights perspective. Yet, as documented in these pages, minorities and indigenous peoples are themselves driving much needed progress through their advocacy and activism, whether by mobilizing action through trade unions or by engaging in reskilling and adult education to access opportunities in emerging sectors such as the digital economy. These and other inspiring initiatives demonstrate that there are alternatives to the exclusion and injustice that so often characterize work and employment.

To return to my opening point – work defines us, both as individuals and as societies. Ensuring everyone can work in secure, safe and humane conditions, with reasonable hours and adequate pay, is a prerequisite for accessing many other rights and protections. The rollback of even basic safety nets, the increasingly precarious nature of employment in sectors such as the gig economy, are developments that ring alarm bells. The abuses highlighted in this volume, though frequently distressing, are also a call to action to work together to bring an end to exploitation in the workplace.

# Executive Summary

Work is central to a whole host of other rights, providing the basis for a safe, healthy and dignified existence. For members of minorities, indigenous peoples and other marginalized groups such as migrants, however, work is all too often an arena of discrimination, abuse and exploitation. From poor pay and dangerous working conditions to a lack of basic labour protections and barriers to promotion, the challenges they face are wide ranging and often entangled in other areas of inequality, such as access to education.

It is also the case that work, besides reflecting broader patterns of exclusion, can serve to reinforce them. This is especially evident in the persistence of caste-based hierarchies in countries such as India, where Dalits and other stigmatized groups still make up the majority of workers in public sanitation and other sectors traditionally seen as 'unclean'. Occupations such as these, frequently labelled dirty, dangerous and demeaning, serve to perpetuate the false narrative of caste supremacy long after the system was officially abolished. However, criminalization in law can only achieve so much without a wider societal transformation. This is evident in Mauritania, for example, where the criminalization of slavery has not resulted in true equality for the Haratine population, many of whom are still trapped in a state of servitude with their former masters.

The increasing integration of the world economy, besides creating new pressures for communities already contending with the threat of expropriation and labour exploitation, has had other troubling implications. In particular, as production and supply chains have become increasingly globalized, so too has the moral culpability associated with labour exploitation. In China, where the coercion of tens of thousands of Uyghurs as workers in factories has attracted international condemnation, a large proportion of the cotton products exported from the country and sold across the world is tainted by forced labour – in the process implicating western governments, companies and consumers who would never countenance these practices in their own countries.

Migration, whether through formal channels or undocumented, is also interlinked with structural inequalities that are in many instances consciously designed by governments to create a ready supply of cheap and disempowered labour. This situation is already well documented in Gulf countries such as Qatar, where hundreds of thousands of migrants are recruited with exploitative contracts to work in constructing the country's shifting cityscape, including stadiums and other facilities built for the 2022 World Cup. While Qatar adopted laws to dismantle the notorious *kafala* system in 2020, implementation and enforcement remain weak. In Canada, too, under the so-called Seasonal Agricultural Workers Program, Canada imports tens of thousands of workers every year from Mexico and the Caribbean to work in the agricultural sector. Locked in a state of precarity by a policy framework that denies them basic labour protections and keeps them dependent on the goodwill of their employers, their situation has been compared to a modern form of indentureship.

For migrants without a formal legal status, however, the risk of abuse and exploitation is even more acute. In the infamous 'sea of plastic' in southern Spain, for example, thousands of migrants toil in polythene hothouses to provide Europe with a cheap and plentiful supply of fruit and vegetables. The undocumented status of many migrants means they have little recourse to justice or alternative work opportunities in the event of unpaid wages, excessive working hours or other rights violations.

A common challenge faced by marginalized workers worldwide is that, even in the midst of an economic boom, their working conditions and pay do not necessarily improve: in fact, increased demand and productivity may drive further attrition of their own rights and welfare. But while development programmes and investments often fail to deliver promises of employment for minorities and indigenous peoples, and may even serve to marginalize them further from these opportunities, another path is possible. This is illustrated, for example, in the tourism sector – an industry often associated with discrimination, exclusion and even exploitative stereotyping of local cultures and beliefs – where indigenous-led models designed around sustainability, traditions and the empowerment of community members are gaining in popularity. As in other areas of work, proper representation and equitable participation are key.

Despite progress, discrimination towards members of minorities and indigenous peoples, particularly women, is widespread and not only manifested in unregulated parts of the economy, such as the informal sector, but also in academia, technology and other knowledge-based economies. Limited representation in these industries, especially at senior levels, can often occur despite legal assurances of equality and the avowed commitment of employers themselves to remove 'glass ceilings' (whether based on gender, religion or ethnicity) in their recruitment practices. This demonstrates the need for a wider process of transformation, addressing entrenched social stigma and other drivers of exclusion, to ensure equitable work and employment opportunities for all.

This is not to deny the power and urgency of labour activism. In the United States, for instance, Black American and Latinx workers are disproportionately represented in unions and labour organizations currently mobilizing for higher wages, sick leave and other basic protections from employers like Amazon. These activities have delivered concrete victories against exploitative practices such as 'zero hours' contracts that have adversely affected the most marginalized workers, many of whom belong to minorities and indigenous peoples. But societies also need to commit to addressing the broader challenges these communities face, such as limited access to education and reskilling, that contribute to their disenfranchisement in the world of work. In countries such as Germany, for example, refugees and civil society are working together to expand opportunities in the digital economy through training and workshops.

A truly fair and inclusive labour market would deliver a wide range of economic and societal benefits, creating opportunities for marginalized workers to participate fully in the formal economy with the same rights, protections and support as those enjoyed by others, guaranteed by international law. Beyond this, however, it has the potential to deliver lasting change to the situation of minorities, indigenous peoples and migrants worldwide, ensuring they receive a proper share of any economic gains in their countries and can participate fully in public life.

## RECOMMENDATIONS

**Develop a comprehensive approach to addressing obstacles to employment for excluded communities, including lack of education, language barriers and limited access to digital skills:**

Enhancing access to training and reskilling opportunities, as well as improving educational outcomes in schools and universities, are crucial to the realization of more equitable work conditions for all. For minorities, indigenous peoples and migrants, in particular, there may be additional barriers such as language, unrecognized qualifications and limited digital literacy that may constrain entry into some employment sectors.

**Enforce anti-discrimination legislation to ensure that work-related discrimination is effectively prohibited:**

Public and private employers alike should follow clear legal protocols to guarantee equitable treatment in the recruitment and working conditions of their employees, with transparent and accessible measures in place for reporting, investigating and penalizing incidents of discrimination at work. Independent complaints procedures must be open to all workers regardless of their employment or migration status. Particular attention must be paid to addressing the intersectional discrimination faced in the workplace by marginalized groups, including women, LGBTQ+ persons and persons with disabilities, belonging to minorities and indigenous peoples.

**Support the development of comprehensive and disaggregated data collection on minority and indigenous representation in different economic sectors:**

To develop a clear picture of work-based inequalities, governments and employers should commit to properly assessing the relative share of community members in key sectors such as law, politics, public services and business, particularly at a senior level. These indicators should include an intersectional focus on other areas of discrimination, such as gender, age and disability, and be used to guide the rollout of targeted policies to address the obstacles faced by marginalized groups.

**Strengthen research on conditions in informal and wage-based work, with a particular focus on the situation of members of marginalized communities such as minorities, indigenous peoples and migrants:**

The invisibility of much informal sector activity, sometimes as a direct result of its criminalization by authorities, can create an enabling environment for the abuse and exploitation of workers who have few livelihood alternatives or options to pursue justice in the event of abuse.

**Recognize the historic and deep-seated nature of slavery and caste-based discrimination:**

While slavery and caste-based discrimination are legally prohibited across the world, their persistence or reconfiguration as other forms of exploitation, including indentured servitude, demonstrates the need for a wider societal transformation to address their lasting legacy in many countries. This means, besides improving access to education and other services, challenging hate speech and social prejudice within dominant communities.

**Ensure international migration regimes are fully in line with international human rights law, including the right to decent, safe and equitable**

**employment:** Many countries continue to use restrictive and exploitative migration frameworks to facilitate the entry of foreign workers while evading their legal and moral responsibility to protect their human rights, with some explicitly designed to disempower migrants as a cheap and expendable labour force. Governments should revise these policies to ensure that foreign workers have the same rights as those enjoyed by resident citizens, in line with international law.

**Establish clear protocols of accountability for human rights violations throughout global supply chains, including the exploitation of minority and indigenous labour:**

At present, a gap separates the enforcement of domestic legal prohibitions on labour abuses from the continued flow of imported goods produced through forced labour in other countries. Governments, companies and consumers need to work together to ensure more effective oversight of the production of clothing, technological devices and other items at every stage, with clear and enforceable penalties for any infractions along the chain.

**Respect the existence of traditional livelihoods and their role in the lives of minorities and indigenous peoples:**

Development programmes, particularly those with the potential to affect minority and indigenous communities, should ensure that their employment and income-generating options are properly understood and protected through meaningful consultation. This requires placing free, prior and informed consent at the heart of any process affecting indigenous peoples, including the creation of conservation areas: steps should be taken to ensure that community members are able to maintain traditional practices and are not excluded from their ancestral lands.



# Thematic Chapters

# The implications of the globalized extractive trading model for communities, environment and work: An urgent need for system change

Joshua Castellino



Members of indigenous communities camp on the property of the Chinese-owned Las Bambas copper mine, in Las Bambas, Peru.

Reuters/Angela Ponce

It is impossible to obtain a complete picture of the various types of exploitation and discrimination that members of minorities and indigenous peoples face in the world of work without understanding the deep structural inequalities of the global political economy. Indeed, such an understanding also requires a thorough consideration of the legacy of colonialism and slavery, and how the systems that were put in place by the European powers over the course of the past several centuries continue to steer and influence the global economy today.

Colonization is often portrayed and understood as an exclusively European project. This is perhaps because those who focus on the subject are often its most recent victims, while others simply deny its impact, or discount it as having occurred 'too long ago'. As Frankopan narrates in his seminal work *The New Silk Roads*,<sup>1</sup> it is often true that the lens of history is only trained on what is most recent, relegating the more distant past to irrelevance, assuming it has nothing to offer. Intellectually curious and critical students of global history may point to older colonial adventures undertaken by Aztecs, Mongols, Arabs, Han, Guptas, Vikings, Shona and countless others – too many to recount – in highlighting that colonization was not 'invented' four centuries ago by Europeans. Many modern countries' treatment of their neighbours, and many activities undertaken by majority populations within their own countries towards communities they deem peripheral, may also bear striking resemblance to this phenomenon.

Rather than spreading blame for colonial activities to a wider segment of the global population, what these historical references may show is that the attempt to dominate, capture, exploit and profit may be an intrinsic, baser part of human nature itself, rather than the preserve of a particular dominant ethno-religious group. Attempts to restrain such facets and develop challenging concepts such as equality, human rights, solidarity, freedom, fairness and equity reflect the flip side of human history: of those, some of whom may even have been (consciously or unconsciously) part of the colonial machineries themselves, who sought to reign in absolute power in the name of higher ideals.

Of course, there are a few key respects in which European colonial rule of vast tracts of the globe differed from previous attempts at domination by others. These include the sheer geographical breadth of these activities and the competitive manner in which they were conducted. However, the

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1 Frankopan, P., *The New Silk Roads*, London, Bloomsbury, 2018.

most germane of these differences, in the context of this chapter, lie in, first, the unquantifiable scale of environmental devastation the activities have caused and, second, the extent to which colonial activities created a blueprint for the international political economy that is proving difficult to dismantle as economic activity hurtles past the limits of sustainability for human life on the planet. In providing a perspective of the impact of globalized trading systems on groups far from sites of power – minorities and indigenous peoples – this chapter argues that European colonization, with its attendant values inbuilt in the global political economy, is central to current global inequities. But the ‘blame’, for what it is worth, does not accrue on just racial grounds. Postcolonial and other states that have incorporated into these systems have shown themselves to be just as driven by profit motivations, justifying their activities using all kinds of rhetoric, but essentially pursuing profit without ensuring that benefits accrue beyond a small and privileged segment of the dominant majority ethno-religious linguistic community holding power.

To assess this proposition in greater detail, this chapter is divided into three parts. The first focuses on key elements that have contributed to the current global financial system; the second traces the impact of contemporary dimensions of the global economy that negate access to rights by minorities and indigenous peoples; while the third suggests

seven starting points and a ten-point action agenda aimed at disrupting the global economy and moving it closer to socio-economic prosperity and justice.

## The historical role of trade in the foundations of inequality

While many have highlighted that the broken state of the world derives from its chequered past, not least its most recent colonial experience, others have dismissed any attempt to attribute the ills of the present to this destructive historical legacy. It could instead be argued that a poor understanding of the past, institutionalized in the teaching of histories at national level, is a contributing factor to our present crises. These are complex issues meriting deep engagement, but their current relevance is summarized in the following statement:

*The contemporary climate emergency is directly traceable to colonial activities commenced on indigenous territories, continued under post-colonial regimes, with the active support (material and logistic) of the former colonial powers. These practices stimulated demand for ‘products’, treated territories as resource hotbeds, and ignored the human rights of indigenous peoples who were treated as objects rather than subjects of law, and resulted in the systematic destruction of habitats hastening the breach of planetary boundaries.<sup>2</sup>*

2 Castellino, J., ‘Colonial crime, environmental destruction and indigenous peoples: A roadmap to accountability and protection’, in M. Bergsmo, W. Kaleck and K.Y. Hlaing (eds), *Colonial Wrongs and Access to International Law*, Brussels, Torkel Opsahl Academic EPublisher (TOAEP), 2020, pp. 577–602.



Members of the Herero and Nama communities take part in the Reparation Walk 2019, holding a poster that reads, 'Genocide does not expire', to honour the victims of the German colonial power over the country and to demand reparation from the German state. Swakopmund, Namibia

*Christian Ender/  
Getty Images*

Alongside the climate emergency, the still widely accepted notion that there are different 'races' among humanity shows how deeply ingrained 'race-related' or 'racist' thinking is.<sup>3</sup> The misconstruing of different ethnic physical characteristics among human beings (most visibly 'colour') as constituting an entirely difference 'race' (a biological term to refer to classes of life) was based on the notion that there was one superior race – self-defined as 'white', with all 'deviants' deemed different and therefore sub-human. This mindset gave the elites of one continent, Europe, which had gained ascendancy through the use of 'guns, germs and steel',<sup>4</sup> an ideology to accompany its conquest and hegemony over other continents.

Motivated by a spirit of adventure that probably commenced with explorers seeking new lands, these ventures

quickly translated into a process of territorial and wealth acquisition. A number of 'justifications' were offered for what, even at the time, was questioned as a form of theft. Economic theories suggested that the leaving of land, a factor of production, 'fallow' constituted a waste, and that there was a 'God-given' duty to cultivate it, to supply the population's needs. This justified land acquisition, especially the territories of indigenous peoples for whom cultivation of one space was not a priority. Indeed, for many indigenous peoples, movement from place to place has long been a key means for ensuring sustainable use of natural resources. In contrast, the idea was also posited of the intellectual development of the human brain, and how civilization necessitated a shift from nomadic to settled ways of living. When faced with communities that were different, the state-sponsored

3 Bowser, B., 'Racism: Origin and theory', *Journal of Black Studies*, vol. 48, no. 6, 2017, pp. 572–90.

4 Diamond, J., *Guns, Germs and Steel*, New York, W.W. Norton, 1997.

machineries of Western European countries, commencing with Portugal and Spain and later joined by France, Britain, Belgium, the Netherlands, Germany and Italy, proceeded to race each other to capture parts of the globe to generate wealth for their home economies. They were aided greatly by a Papal Bull which commanded Portugal, the world's leading seafaring power at the time, to propagate Christianity. Portuguese hegemony was contested by the development of Spanish fleets and, after the 'discovery' of the Americas, the two powers signed the notorious Treaty of Tordesillas of 1494, dividing the world into two hemispheres of influence, to avoid competing against each other in a bid to civilize the rest. As the shipping prowess of other European powers developed, they joined the game too, culminating in the nineteenth century with the infamous 'Scramble for Africa'. Commencing from the 1880s, the most notorious episode of this 'scramble' must be the 1896 Conference of West Africa, held in Berlin, where Africa was carved up among European governments. The spirit of economic collaboration between the Western powers, at the expense of the peoples of other continents, still echoes in the inequitable frameworks of international trade and global finance that continue to structure the world today.

In the midst of these incursions, people and nature were codified, with pseudo-intellectual arguments proffered for each. The notorious transatlantic slave trade treated Africans as chattels, justifying their treatment through spurious, self-serving intellectual reasonings that blended theology with a belief in the civilizational supremacy

of white, Christian Europe. Meanwhile, nature was viewed from the completely anthropocentric perspective of being there to serve 'mankind'. Thus, animals and birds were slaughtered, forests were felled and minerals extracted from the ground, and developed into products that provided eye-watering returns to colonial Europe. Individuals were venerated as entrepreneurs risking capital to generate wealth, rather than being viewed as common thieves profiting from a neighbour's wealth through a combination of force, deceit and stealth.

The vaunted ideas of the Enlightenment, still so celebrated in textbooks, including the enshrining of laws guaranteeing property rights, were not extended to any colonial population. Instead, law was used as a weapon to dispossess these communities – typically viewed as inferior and therefore undeserving of equal treatment – on the grounds that their ancestral domains could not possibly be owned by them, since they were mere users and not claimants to such land. Instead, incoming settlers could lay claim to these as *terra nullius*, blank unoccupied lands, with no existing claimants. This inane construction of *usus* versus *propiedad* is central to modern legal systems and still perpetrated unproblematically by jurists who lack adequate understanding of its historical context, in the belief that it generates order and the stable possession of land, while overlooking other forms of attachment (from communal sharing to spiritual meaning).

The most central impact of these brutal, systematic expropriations

(notwithstanding the genocides, ethnic cleansings, rapes, massacres, and systemic individual and collective discrimination) from the perspective of the global economy could be summed up in three central ideas. First, the absolute *annihilation of circular economies*, many of which were prosperous despite being dismissed as primitive or subsistence-oriented. Thus, all the elements that existed in this newly found nature were viewed as resources that could simply be caught, acquired, traded and excavated without any attention being paid to acquisition or replenishment costs. Increasing the volume of these activities through stimulation of demand generated more profits, siphoned off from where the resources were extracted and brought back to Europe to beautify its cities or to be reinvested to generate further revenue. As stated at the outset of this chapter, this model has simply transferred to new non-European governments which have continued to exploit nature, often driven by lucrative demand in the global north. Besides pushing at the boundaries of sustainability of human life on Earth, this model continues to provide minimal benefits to those at the metaphorical and, in some cases, literal coalface, who earn a pittance, while the resources they extract steadily accumulate value along the supply chain to consumers in wealthier countries elsewhere.

The second major impact is the mistaken veneration of a concept of *pristine nature* which specifically prioritizes biodiversity, especially among animals, over local communities, whose activities are often viewed by international and domestic

power-holders as harming their own environment. Initially at least, certain areas that were set aside – such as those in the Congo Basin, often referred to as the cradle of civilization – were reserved exclusively for royalty so that they could enjoy these benefits, such as undertaking their pastime of hunting, without being subjected to interruption by people they condescendingly described as ‘natives’. By voiding native personhood and laying claim to their ancestral domains, colonizers effectively forcibly locked communities out of their homes, which were then repurposed, not least for commercial exploitation and the destruction of biodiversity for entertainment and a sense of challenge. The legacy of this continues today in the denial of the legitimacy of indigenous peoples’ claims to their ancestral homelands, instead prioritizing other more questionable claims to land, on the basis of racism.

The third major impact included in this brief summary is the *inherent racism* of colonialism. While reflected earlier in history as the absolute right of one ethno-religious community to acquire absolute domination over lands and people through their subjugation, followed by the exploitation of those communities’ resources to benefit their own, its legacy today lies in the absolute conviction – unsubstantiated by any evidence – of racial superiority by the world’s dominant powers over indigenous peoples and their natural environment. This has long given Western scientists a complete monopoly over determining environmental solutions, and Western finance a near uncontested scope to determine global priorities. The

irony – that a significant part of their focus appears to be on communities and people whose carbon footprint is minuscule, and the destruction of whose lands and properties by others brought about the current state of affairs – does little to introduce even the smallest element of doubt regarding this conviction.

### **Built to last? The baked-in extractive economic model**

If European colonization was but a single episode in a history of similar ventures by other dominant powers at other times in human history, why should its contemporary legacy be so significant? The answer to this lies in four interconnected factors.

First of these is the relative monopoly on the narration of history: the presentation of a single definitive discourse about the colonial encounter and its ‘benefits’ is still the dominant narrative. The idea that wealth can legitimately be acquired through this one-sided process of extraction drives all but a minuscule part of global economic activity: in fact, the international political economy is entirely based on this model. Thus, newly emerging global superpowers aspire to excellence within this same model, even countries such as China and India, with their own autochthonous ancient values that are significantly different from those imposed by the former colonial powers through the current global trade and financial systems. Part of this lies in the lure of easy wealth that is driving an elite in both countries to collaborate with

other beneficiaries, mostly derived from among the dominant majority populations in their countries. The close nexus between governance and economic domination needs to be understood as more than a mere coincidence. It should also be highlighted that the models emerging from China and India include a recalibration of histories on the basis of a supremacist model, one that provides the incumbents with further justification to embark on a path that is culturally markedly different from those of their venerated predecessors whose legacies they lay claim to.

A second factor is the seemingly impermeable system of international relations that has been constructed around the global political economy. The idea of the state itself is a European export to other parts of the world. It has swallowed up other systems, including localized autonomies, whether regional or personal, and defeated looser governance arrangements, such as emirates and city states, that existed in other parts of the world. The system is still venerated in political science around the world as ending feudalism, though a more forensic assessment of property regimes and contemporary hegemonies may reflect a far greater resemblance to feudal systems than superficially apparent. These latter traits are all forgiven on the basis that most have emerged by a process of democracy, ignoring both the extent to which the consent of the majority has been shaped by a self-interested construction of facts, and the idea that democracy is meant to represent more than the sheer weight of numbers. By simply transferring the



A health worker vaccinates a Palestinian man in Gaza city.  
*Sipa USA/Alamy Live News*

European state and its imagination of international society to the global level, not least through the creation of the United Nations (UN), it has become hard to imagine other forms of governance of international relations. The admittance of new states into the system following decolonization, and the dissolution of compound states such as the Union of Soviet Socialist Republics (USSR), Yugoslavia and Czechoslovakia, while achieved on the basis of self-determination, was nonetheless restricted to entities that existed in pre-drawn boundaries.

The fact that the vast majority of legal systems around the world derive from a small segment of Western states is a third reason why the extractive industry model appears locked into a predetermined future. This model celebrates the generation of wealth irrespective of its origin, putting safeguards in place to maintain and perpetuate such wealth, using land tenure systems that create an inbuilt

bias towards particular lifestyles and economic activities. While the emergence of women's rights has challenged these patriarchal systems to a certain extent, the changes that have been achieved remain superficial. The need to be part of a single global trading regime also means that compromises have to be made to suit the dominant narrative. A good example of this is the global regime on intellectual property rights, which celebrates specific types of innovations while failing to acknowledge others. Thus, while traditional knowledge is now accepted as a form of intellectual property, it remains possible for corporations to exploit indigenous knowledge for profit without ensuring adequate return to the community. In a modern travesty, the formulas for vaccines against Covid-19, developed mainly using taxpayer monies in the United States (US), United Kingdom (UK), Switzerland and Germany, are still allowed to shelter under

intellectual property rights, generating windfall profits for pharmaceutical companies while contributing to the continuation of the pandemic in other countries. Somehow the privileging of profit over people, even when the return on investment has more than paid out, is not considered an issue that warrants change.

Business models and modern economics need to be acknowledged as a fourth factor in the legacy of colonialism. The continued justification of the pursuit of profit, and the acceptance of profit as a justifiable 'return on investment' lies at the heart of the system. The failure to forensically account for the natural environment — both its importance in sustaining life on the planet, and in terms of the true environmental costs of the extraction of what were once seen simply as fruits to benefit humankind — continues unabated. Thus demand and supply curves are still taught without adequate attention being paid to key externalities, including land and biodiversity degradation, or the impact on local populations. The sharp rises in temperature are finally forcing a significant change, but the failure adequately to account for and model such 'externalities' persists. While it is assumed that state budgets, some corporate activities, and individual households will have to pay more to finance the transition towards less damaging forms of consumption and production, adequate efforts are not being made to address the nefarious but quasi-legitimate activities that result in significant loss of tax revenues, as profits are diverted to

global tax havens. A sea-change is required in how value is defined, wealth is generated and parameters for economic growth are established. The use-and-throw-away nature of products, while potentially generating jobs and growth in the short term, consume far too many resources in manufacture and create mountains of waste at unsustainable levels.

Systemic change also requires the re-examination of three key ideas that underpin contemporary structural inequality: first, that exploitation of nature for commerce is legitimate, can fuel prosperity and must be recognized as entrepreneurship; second, that only Western notions of what constitutes property and the legitimacy of private ownership over communal claims count; and third, that legal regimes of non-discrimination, by supposedly guaranteeing a 'level playing field', are sufficient in themselves to build egalitarian, meritocratic societies that can overcome lack of access to opportunity.<sup>5</sup> Together, these assumptions result in the veneration of the wealthy irrespective of how their wealth was acquired and despite the destruction of circular indigenous economies elsewhere. The lack of interest in ensuring the sustainability of natural resources is as much an accounting failure as a moral one. Assuming natural assets to have minimal value has been central to environmental destruction, the effects of which are felt elsewhere far more dramatically than in the more temperate zones of the European continent. Depriving communities of their livelihoods, resources and

5 Gilligan, C. and Snider, N., *Why Does Patriarchy Persist?*, Cambridge, Polity, 2018.

ability to sustain themselves, and then justifying this by alleging gains made in the ‘civilizing’ of such populations, points to an arrogance that was normal for all invaders, but hypocritical when combined with other exports, such as European concepts of justice and ideas of enlightenment.

In sum, it is the export of legal and financial systems based on *laissez-faire* economics and minimalist non-discrimination legal regimes that envisaged a passive role for government, in combination with the market (i.e. those who made the most gains from the exploitation of resources) that lie at the heart of the current system. Decolonization under European and, by proxy, international supervision was accompanied by constant interference in the former colonies, including through the supply of arms driven by a powerful industry at the heart of European governance. Decolonization, in many contexts, was no more than an act of privatization of vast tracts of lands and resources, driven by the need to ensure that existing economic structures and supply chains would not be disrupted: the destruction of people’s homes and livelihoods was simply deemed collateral damage.<sup>6</sup>

## **Towards a more equitable global economy and more inclusive employment**

Despite the seeming impossibility of system change, the call for such change has been steadily gaining traction, assisted by the urgency of the climate crisis. The proliferation of ‘green plans’

and the acceptance, at least at a rhetorical level, that fossil fuels should be phased out were unimaginable even five years ago. Yet it is clear that, based on the current trajectory, the worst impacts of climate change will not be staved off. The pace of developments aiming at system change has been curbed dramatically as a result of the political turbulence caused by populist politics. With the capture of media outlets by governments and private interests, aided by a class of closely aligned individuals who seek to tap into a *Zeitgeist* of disenfranchisement, the sound and fury in the political realm present a significant distraction from the urgent task of achieving system change. It will take a concerted effort to rise above this politics of mass distraction, arguably exacerbated since the outbreak of Covid-19 and the stream of misinformation that has flown in its wake, and the process will necessarily have to be multifaceted. The science of climate change is very clear and alarming, and the contribution of the world’s political economy to its impacts has equally clearly been proven. Generating adequate political will for system change nonetheless remains hard. This chapter concludes by offering seven possible elements that may help in shifting political will towards this objective and could, if effectively implemented, promote a global economy founded on social justice and inclusion.

First, and most controversially, there needs to be acceptance in the public space that *migration is a historical and contemporary reality* and that the diverse populations that make up the state are legitimate and should be deemed part of a single inclusive body politic. The defeat

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6 Castellino, *op. cit.*

of scapegoat politics, conveniently developed on the back of what is, in most contexts, no more than a trickle of migration, has contributed to significant social fragmentation. Appreciating that research has demonstrated time and again that migration has helped economies to grow is crucial, as is acknowledging that the anger generating heat in domestic politics stems from the de-prioritization and downgrading of labour, including through casualization, in favour of corporate profit; and from the austerity measures chosen by governments in the aftermath of the sub-prime crisis — itself a reflection of the potential for gaming in financial systems. Such a normative shift could transform the living and working conditions of millions of workers worldwide.

Second, *land tenure systems should be reassessed* commencing from recognition of the ancestral domain of

indigenous peoples. Indigenous peoples are time-honed custodians of nature, having lived symbiotically with the ecosystems around them for centuries. Arresting the disruption caused to them is not only a moral imperative but also central to the urgent development of localized climate solutions, informed by their innate knowledge of the exceptional natural diversity in their territories. These context-specific approaches cannot be realized through one-size-fits-all models developed in a laboratory miles away and applied without any understanding of local populations and traditional knowledge. ‘Fortress conservation’ models, such as the so-called 30×30 target — a proposal to protect at least 30 per cent of land and sea areas worldwide by 2030 that has been widely criticized for failing to incorporate indigenous land rights into its plans — must be replaced with a direct dialogue, including through

A Maasai person walking near Ol Doinyo Lengai volcano, Ngorongoro Conservation Area in Tanzania. The Tanzanian government has commenced its plan to evict Maasai from the area for a tourism project. In June 2022, Maasai refused to leave the land and were met with open fire from authorities.

Juergen Ritterbach/  
Alamy Stock  
Photo



recognition of ancestral domain, perhaps in a negotiated settlement that includes conditionalities while providing the means for environmental repair to nature's custodians. Again, among numerous other benefits, this could help revitalize an array of traditional livelihoods and activities tied to the sustainable use of land, forests and other resources for hunting, gathering, medicine and other areas.

Third, there is an increasing need to *codify new crimes*, both to deter harmful activity but equally to ensure meaningful action concerning the much-vaunted 'polluter pays' principle. Understanding the root causes of environmental injustice may seem like a task that can wait until after urgent mitigation and adaptation measures have been achieved. In fact, codifying colonial crimes and placing a financial value on them could fund a significant part of the necessary transition. This must be done in conjunction with an understanding of the crime of unjust enrichment and the overturning of statutes of limitations. Statutes of limitations have been considered important to maintaining the rule of law, but should not apply to activities undertaken over the past century resulting in notable damage to the environment and where, in many cases, those responsible can be traced and their role clearly evidenced. The profits made from those activities are still held within the domains in which the investors live: while seizing such assets could be portrayed as inter-generational punishment, it could equally be construed as creating a better understanding of the privilege that has been bestowed on certain families and institutions for posterity.

Fourth, a firm decision should be made to *mothball certain industries* entirely and the consequences of that decision should be addressed. The fossil fuel industry is among the worst offenders in terms of the global economy and the climate crisis. The sector is guilty of multiple sins: failing to account for the environmental costs of extraction, obscuring the science of the impact of the extraction on local communities at source and actively seeking to undermine development of alternative sources of energy. The fact that this industry sent the most delegates to the 26th Conference of the Parties (COP26) to the UN Framework Convention on Climate Change in Glasgow is indicative of its significant ongoing public relations and lobbying efforts. Rhetorically, for some years there has been an emphasis on reducing dependence on oil, gas and coal. However, new coal plants are still being commissioned and, while oil and gas production has been slowing, scientists question the rate of the slowdown and transition. Of course, the fossil fuel industry is not the only sector that is culpable, but ensuring robust measures are put in place to move towards transition remains crucial to environmental and social justice. These measures, in turn, could protect other livelihood activities that have been threatened or undermined by the dispossession and environmental contamination often associated with these sectors, especially when undertaken without free, prior and informed consent on indigenous land.

Fifth, a *rationalization of the use of technology* is necessary in three essential ways. First, it must be understood that better solutions to some problems may be reached

through alternative conceptions of technology, especially indigenous knowledge and know-how, rather than relying exclusively on Western science. Second, being open to studying and co-designing solutions with communities that have effectively been living in closer proximity and harmony with nature can assist in understanding and then replicating what a zero-carbon future may look like. Third, any plans for green growth must place people and questions of social justice at their forefront. Technology, when understood in its widest scientific sense, is crucial to engineering a socially just and sustainable future. However, marginalizing communities and perspectives for the benefit of majoritarian Western-oriented lifestyles runs counter to the needs of the hour, and has troubling implications for minorities, indigenous peoples, women and other groups who are disproportionately at risk of job loss as a result of automation.

This links to the sixth point, which is about *remodelling and reimagining a global economy around sustainability*. Indigenous wisdom, technology and values remain fundamental to this quest, including in developing a new-found respect for nature, needs-based consumption and the notion of symbiotic living. The replacement of low-impact indigenous lifestyles — shunned as pre-modern — with ones oriented towards greater consumption may have resulted in more comforts and significant wealth acquisition. These have been portrayed as the trappings of modernity and the quest for them has fuelled lifestyle aspirations across the globe, helped by ever-willing profit-oriented businesses that have

viewed this as a significant opportunity. Yet these elements of modernity have created the current impasse in the climate crisis. Anthropologists have of course studied indigenous lifestyles before — usually as objects of curiosity. What is needed instead is co-designing and accepting advice on designing models around sustainability that derive from ancient wisdom more in harmony with the natural environment.

With businesses serving as the engines of the modern global economy, the seventh and final point is that much responsibility must fall upon the *corporate sector*. This includes aspects to do with sourcing, producing, marketing and selling but also extends to corporate responsibility, a willingness to be accountable to the wider public for actions that may generate wider harms, and transparency in decision-making around the areas of return on investment and the acquisition of windfall profits. The aftermath of the #BlackLivesMatter movement has created a new consciousness among some Western-based corporations. Such organizations, whether genuinely mindful of their own privilege or driven by the need to be seen to be responding to an emerging popular movement, have begun to engage with questions around social and racial justice. In conjunction with ongoing plans around environmental consciousness, this constitutes a good start. However, even among these corporations, a willingness to undertake structural change, particularly with regard to concrete measures such as labour protections and union rights, remains unproven. Many are still only partly committed, conscious of the need to be on the

'right side' of the argument but unable to secure support from enough senior board members and shareholders to commit to transition costs or, in some instances, even a new agreed direction towards change. For the vast majority of corporations, such issues remain far from their thinking.

## Conclusion: a 10-point agenda for change

The global trading system and the actors within it have a central role to play if structural discrimination is to be unravelled alongside the transition to a more sustainable way of life and a more sustainable labour landscape for all, including minorities and indigenous peoples. The following 10-point agenda,<sup>7</sup> framed in terms far broader than any specific sector, could form the basis for such collective action.

### *1. Dismantle institutional patriarchies*

The feminist movement has highlighted the inherently gendered nature of politics, policy-making and employment. While in many countries gender-based equality is guaranteed in law, the reality remains that in key areas — notably access to factors of production such as land, finance and even citizenship — women face challenges. Cultural practices — specifically the culture of male dominance — are dressed up as 'inherent traditions' with little challenge to this assertion. The tendency still remains to 'invite' women into systems, rather than to reframe the systems themselves. Among other

areas, this is still evident in the world of work, where persistent inequalities and issues of under-representation are the visible symptoms of these deeper institutional barriers.

### *2. Challenge and transform the extractive model of economics*

The city squares of the Western world pay physical homage, by way of statues, to individuals who have cheated, lied, exploited and stolen resources from elsewhere in the absolute conviction of their own racial and moral superiority. While Western colonization was not the first, and perhaps not even the most brutal form of exploitation in many parts of the world, its continuing legacy lies in the creation of an extractive model of economics that has underpinned global trading systems ever since, and has been scaled up by the postcolonial state as it merely stepped in to continue exploiting this system. Seeking a return to modest and sustainable consumption that respects the circular nature of economies and pays due homage to nature requires wide-scale systemic change, not minor tampering.

### *3. Seek accountability from contemporary economic actors for damage to societies*

Despite clear scientific evidence of the damage that certain activities have caused to the environment for decades, contemporary economic actors have sought to obfuscate, challenge and sow false narratives about this damage. This has enabled them to construct mechanisms for

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<sup>7</sup> This was first published in Castellino, J., 'Towards putting human rights law at the behest of global movements seeking structural change', *ECCHR Annual Report 2021*, ECCHR, Berlin, 2022, pp. 28-35.

unjust enrichment and to benefit from tax avoidance in the name of wealth distribution and job creation, effectively siphoning off funds from the public sphere. While corporations remain a fundamental part of the future, their own soul-searching concerning the impact of their activities on a tort-based model remains fundamental to releasing key societal resources to build back better.

#### *4. Seek accountability mechanisms to address historical crimes including colonization*

While moving forward requires broad consensus and collaboration, the need to address historical crimes, as a key component of our broken present, remains important. Some schemes, including debt forgiveness, may be a minimal condition for enabling transnational solidarity;

others will need to go deeper, as wealthier societies forensically examine their wealth generation and seek pecuniary and non-pecuniary methods for reconciliation. This issue takes on an added element in view of the diversity in many parts of the world which is not reflected in the narrow 'male-victor'-oriented narration of history, which ignores all other realities and is often both factually inaccurate and limited in perspective.

#### *5. The 'leave no one behind' principle as a key value in the Sustainable Development Goals*

The breadth and longevity of the Covid-19 pandemic has highlighted the intrinsically interlinked experience of the contemporary global reality. Leaving the pandemic festering in one part of the world means that humanity will not be free of its impact.

During a Black Lives Matter protest, protestors throw a statue of slave trader Edward Colston in Bristol Harbour, Bristol, United Kingdom. 7 June 2020.

*PA Images / Alamy Stock Photo*



The existence of deep inequalities further hampers the extent to which social cohesion, progress and collective solidarity towards greater challenges can be met. Society is still dominated by the concentration of privilege within a small elite. With women and girls deemed second-class citizens, constraining first their access to education and then the work opportunities available to them, significant talent that could be drawn upon is lost. The narrative that privileges men from majorities at the cost of everyone else excludes vital human talent needed for collective efforts. Leaving no one behind is not simply a charitable and moral aim: its value is also deeply pragmatic.

#### *6. Support historians to write accurate narratives not linked to power regimes*

The narrowness of education and its tendency in many countries towards propaganda has hurt the cause of building global solidarity based on empathy. Many mainstream historians and others of the intelligentsia have long served as handmaidens to power, writing and disseminating their accounts as a unified irrefutable truth, othering women and minority communities, and sowing the seeds for deeply flawed supremacist narratives. Correcting the historical narrative, as well as affording greater space in academia and other relevant sectors for minorities, indigenous peoples, women and other groups who have been invisibilized or misrepresented in official histories, is key to a sustainable future: it will not only act as a bulwark against supremacism, but also serve to reflect a wider ambit of human experience, fostering cohesion and collaboration.

#### *7. Take the political actions necessary to fulfil social and environmental objectives*

There has been a tendency for those seeking progress on environmental issues to paint themselves as politically neutral. However, as societies have become occupied by anti-politics populists, this stance has been unable to stem the tide towards growing stigma and hatred. Scapegoat 'politics' — essentially a process by which artificial majorities are generated in reference to a specific identity group — has tapped into an angry *Zeitgeist* that, in the process, has elevated a mediocre, often actively malign leadership that lacks the qualifications, experience and empathy to address the challenges of climate change, poverty and the pandemic. Acting politically in support of those who are genuinely driven by legitimate political objectives of whatever hue is important, while also forming a collective bulwark against those who merely wish to turn democracies into a game of superior numbers over values and policies.

#### *8. Ensure that the language of law is not exclusive and patriarchal*

The legacy of Western legal systems is a deeply problematic one. It sought to guarantee order while articulating a goal of justice. The earliest legislators were 'free men' — as opposed to women and slaves — and property owners who wrote the rules to legitimize their own privileged position. The earliest laws sought to safeguard their assets from other claimants in the belief that this would guarantee order. The justice project was called upon by the universal human rights movement and became central in contemporary history. However,

as the legacy of the so-called ‘war against terror’ showed, when the existing Western-dominated order was perceived to have been threatened, the quest for social justice was put to one side. In addition, the law often appears to serve elitist interests while neglecting to contest ingrained social injustices such as the arms trade, the siphoning off public funds to tax havens, institutional corruption at the highest levels and the failure to provide justice to the victims of mass atrocities. Technical legal loopholes have long been used to protect vested interests, including specific types of property titles as opposed to recognizing ancestral domain; statutes of limitation to deny scrutiny of specific episodic and systemic crimes; and multiple failures to establish truly independent accountability mechanisms. Challenging the use of laws to promote exclusionary, patriarchal aims, including through reform of the process of articulating laws, is fundamental.

### *9. Promote a transnational approach based on universal solidarity*

While the current crises faced are intrinsically transnational, attempts to address them through policy generally occur at a domestic level. The notion that territories remain the exclusive domains of specific sovereigns is anachronistic, pitting governments against each other in a spirit of competition rather than collaboration. This is born from deep insecurities — about the extent to which ‘foreign interests’ may influence policy makers, and the unsavoury and not so distant experience of colonization. Yet the movements that are gaining traction are showing the

value of people bonding together in empathy and solidarity, unencumbered by boundaries. Such empathy, especially if adopted in regional contexts, can cement meaningful change and pressure governments to act in a manner that is far broader than is possible when attempting to maintain their exclusive hegemony.

### *10. Collaborate and share resources with others committed to these values*

While civil society movements have gained significant traction in recent decades — often by ensuring a thin sliver of accountability in a world riven with injustices — their lack of sustainable models has put them under constant pressure to fulfil donor agendas. This means that collaboration has been difficult to forge and progressive organizations compete against each other in the world of ideas and actions, preventing the emergence of a unified movement. A further divide is visible as civil society organizations based in the global north succeed in gaining funding and visibility while those in the south become neglected. For any movement to be able to galvanize change, it is imperative that these issues are addressed in a spirit of solidarity — emphasizing collective actions but also sharing resources. ■

# Addressing barriers to equitable employment for minorities and indigenous peoples: The need for a holistic approach

Michael Caster



Wayne Gordon, a First Nations stockman, has worked on a cattle station all his life but has given most of his earnings to support his extended family.

*Matthew Abbott/Panos Pictures*

The right to work, which includes the right to freely choose one's employment without discrimination of any kind, is a fundamental human right, recognized under international law.<sup>1</sup>

Nevertheless, globally, ongoing discrimination and the lack of representation of minorities and indigenous peoples across employment sectors mean that the full enjoyment of these rights is often denied, impacting negatively on the whole community. These inequalities are interdependent in that, while discrimination and the denial of employment have a significant impact on other rights, the reverse is also true: the denial of other rights, such as the right to education and the right to legal representation, also fuels the denial of employment rights. Indigenous peoples, in particular, have increasingly been separated from their unique cultures and livelihood strategies while also facing exclusion from employment and political representation. Indigenous and minority women face additional intersectional discrimination, marginalization and other issues. Newer challenges, such as the digitalization or automation of the workforce, have further exacerbated challenges to accessing employment and other economic opportunities.

This chapter explores the ways minorities and indigenous peoples have faced employment discrimination and struggled to remove barriers to representation. In particular, it explores:

- *the broader employment-related challenges faced by indigenous peoples*, with special attention to traditional causes of employment discrimination and changing opportunities through upskilling in a digital economy in the contexts of Australia and Canada;
- *the interplay between employment under-representation in law enforcement and police prejudice towards minority populations, and wider structural harassment of them*, with particular reference to the under-representation of Muslims among the police in India and the rate of police prejudice and violence against minorities;
- *the challenges of inter-generational inequality and breaking the cycle of employment discrimination*, drawing out the importance of access to justice for Haratines in Mauritania, especially relating to the denial of national identity documents necessary for access to education, in order to break free of inter-generational immiseration and to access formal employment;
- *the challenges faced by minority populations in migrant labour and efforts to address them*,

<sup>1</sup> The right is laid out in Article 6 of the International Covenant on Economic, Social, and Cultural Rights, and is considered 'essential for realizing other human rights and forms an inseparable and inherent part of human dignity,' as described by the UN Committee on Economic, Social and Cultural Rights. International Labour Organization (ILO) Convention No. 111 also calls on states to implement policies promoting employment equality to eliminate employment-related discrimination.

focusing on legal distinctions and formal structures of inequality that negatively contribute to the situation of Myanmar ethnic minority migrants in Thailand and the positive efforts of civil society organizations working with these communities.

Together, these disparate examples illustrate the importance of a holistic approach to labour rights and fair working conditions, looking at the impact of barriers in other areas on the ability of minorities and indigenous peoples to access equitable employment, as well as the broader transformative potential that employment can have in relation to the rights and wellbeing of these communities.

## **Closing the indigenous 'digital divide' and other obstacles to employment**

In 2021, on behalf of the non-profit Inclusive Australia, researchers at Monash University revealed that the percentage of First Nations peoples who reported experiencing some form of major discrimination had increased from 28.6 per cent in 2018 to 49.7 per cent in 2020, with LGBTQ+ First Nations people reporting the highest rate of intersectional discrimination. Examples given were 'being unfairly denied a job or promotion, or discouraged from continuing education'.<sup>2</sup> These experiences are

emblematic of discrimination and employment obstacles faced by indigenous peoples around the world. Globally, indigenous peoples face employment-related disparities, shaped by ongoing and inter-generational marginalization, and further complicated by contemporary challenges such as the lack of equal education opportunities, loss of traditional lands, urbanization, climate change, digitalization and automation of the workforce, and most recently the impacts of the Covid-19 pandemic. This inequality is demonstrated by International Labour Organization (ILO) observations of a global wage gap where indigenous people earn on average 18.5 per cent less than non-indigenous earners, though in some regions the disparities are markedly higher: for instance, in Latin America and the Caribbean, the wage gap rises to 31.2 per cent.<sup>3</sup> One contributing factor in this regard is the fact that indigenous people tend to be disproportionately employed in informal economies, with less economic security or labour protections. Again, the informality gap is most pronounced in Latin America and the Caribbean, where indigenous peoples make up some 82.6 per cent of those employed in informal economies.<sup>4</sup> On the other hand, indigenous peoples in Latin America have tended to enjoy greater frequency of legal recognition than indigenous communities in Asia or Africa.

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2 Inclusive Australia, *Measuring Social Inclusion: The Inclusive Australia Social Inclusion Index*, Monash University, 2021, p.16.

3 ILO, *Implementing the ILO Indigenous and Tribal Peoples Convention No. 169: Towards an Inclusive, Sustainable and Just Future*, Geneva, ILO, 2019, p. 84.

4 *Ibid.*, p. 16.

One challenge to indigenous employment opportunities has been the loss of traditional territories, restricting their ability to maintain economic and livelihood opportunities from traditional occupations tied to the land. According to the Indigenous Navigator, an online data collection tool, indigenous peoples cite military interventions on indigenous lands, the presence of non-state armed actors, land grabbing, pollution by large enterprises and the criminalization of traditional practices as the leading causes of the loss of livelihoods and occupations tied to the land.<sup>5</sup>

Loss of land has also fuelled migration to cities and across borders. This is particularly pronounced in Latin America, where some 50 per cent of the indigenous population has migrated to urban areas, and in Argentina that number rises to more than 80 per cent. Cities can provide more employment, health and education opportunities than comparably available in rural areas: in Peru, for example, indigenous peoples are 37 per cent more likely to be poor if they live in rural areas. However, across the board, indigenous peoples' urban employment opportunities also come with new insecurities, from labour and health risks to housing discrimination and exposure to crime.

Of course, urbanization can provide new livelihood strategies, but it can also threaten traditional cultures and occupations. Access to traditional lands and occupations, especially agriculture, is important for cultural practices as well as for creating

economic opportunities. For example, during the Covid-19 pandemic, indigenous communities that were able to engage in agriculture were not only more food-secure themselves but were able to generate additional income selling food to non-indigenous communities.

Recognizing that indigenous land management is intrinsic to culture, identity and employment, one innovative digital project in Australia is the Indigenous Mapping Workshop (IMW). Through trainings and capacity-building with local organizations, IMW provides geospatial technologies and skills to First Nations organizations to undertake the mapping of their territories themselves. These sorts of programmes not only empower communities with enhanced geospatial imaging skills to tell cultural narratives of space and challenge the loss of traditional lands, they also deliver a competitive skillset that opens up new opportunities in the changing digital economy.

This is crucial because, when it comes to education, indigenous people in both rural and urban areas face obstacles to completing school and earning diplomas, limiting their future employment and livelihood opportunities. Progressing to higher education is a particular challenge, especially for indigenous women. This is due in part to poor school infrastructure in rural areas and the lack of culturally appropriate education services in urban areas, such as indigenous language education curricula. The lack

5 IWGIA and ILO, *Indigenous Peoples in a Changing World of Work: Exploring Indigenous Peoples' Economic and Social Rights through the Indigenous Navigator 2021*, 2021, [www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms\\_792208.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_792208.pdf), p. 35.

Indigenous Box Launch event at Edmonton International Airport. Pictured (Left to right): Edmonton International Airport Vice President Myron Keehn, Saddle Lake First Nation Chief Eric Shirt, Alberta Minister of Indigenous Relations Rick Wilson, and founder of Indigenous Box Mallory Yawnghwe. 10 March 2022.



of facilities for indigenous children with disabilities has also been highlighted as an obstacle to obtaining education and a barrier to future labour market opportunities. The remote education required in response to the Covid-19 pandemic has exacerbated education obstacles, especially in light of the digital divide between First Nations children and their peers. According to 2020 data from the Australia Education Union, for example, more than one in five (21 per cent) of First Nations students had no access to internet at home, compared to 5 per cent for all public school students in the country.<sup>6</sup>

In addition to education, the digital divide creates serious obstacles for indigenous people accessing the workforce. In Australia, for example, 87 per cent of jobs require digital skills.<sup>7</sup> Recognizing the barriers to indigenous access to education, employment and other societal and

economic benefits caused by the digital divide, some countries are exploring policy solutions. In Australia, the National Agreement on Closing the Gap seeks to ensure equal digital inclusion for First Nations peoples by 2026. The Canadian government has announced similar plans through the Universal Broadband Fund to ensure that 98 per cent of the country is connected to high-speed internet by 2026, with explicitly stated commitments to improving access for Indigenous communities.

Addressing the digital divide and providing education for new digital skillsets will have a direct impact on improving Indigenous people's access to employment in Canada. For example, a recent Royal Bank of Canada report found that even though Indigenous people in Canada create new businesses at a rate nine times the national average, they

6 Australia Literacy and Numeracy Foundation and World Vision Australia, *Connecting on Country: Closing the Digital Divide for First Nations Students in the Age of Covid-19*, Edgecliff, NSW, 2021, p. 5.

7 Good Things Australia Foundation, *Digital Nation Australia 2021*, Darlingurst, NSW, 2021, p. 24

remain affected by the digital divide.<sup>8</sup> What is more, according to research funded by the Canadian government's Future Skills Program, nearly 34 per cent of all Indigenous workers are concentrated in sectors at risk of labour loss due to automation.<sup>9</sup> These include forms of self-employment, and work in social assistance, retail trade, construction and food services.

With that in mind, one group of Canadian Indigenous entrepreneurs has found an innovative way of protecting traditional Indigenous occupations and expanding Indigenous employment opportunities through digitalization. Formed in early 2021, Indigenous Box is a seasonal online subscription delivery service that highlights the work of different Indigenous artisans from art to beauty products, food and houseware. In a year, Indigenous Box's customer base has grown into the thousands and represents one model for preserving Indigenous occupations through adaptation to the digital economy.

On Twitch, the Amazon-owned livestreaming platform most popular among gamers, minority and indigenous users are also finding new ways of promoting their unique cultures and earning a livelihood from traditional occupations. In Canada, for example, Jon-Ross Merasty-Moose, a Cree gamer and founder of Moose Tree Gaming, uses his Twitch channel to create a community for the

thousands of other Indigenous and non-indigenous gamers who tune into his daily streams. While streamers can earn money through donations and subscriptions, Merasty-Moose says what he is doing is also about creating opportunities to connect and share Indigenous stories and culture with non-indigenous people.<sup>10</sup>

Perhaps one of the most famous indigenous Twitch users is a Māori traditional woodcarver who streams under the account name Broxh\_ and at the time of writing has accumulated 1.6 million followers. While also streaming gameplay, what Broxh\_ is best known for is his livestreaming of traditional Māori woodcarving. He has become so popular that even New Zealand's Prime Minister Jacinda Ardern has made a cameo on his Twitch stream. In a March 2021 interview, Broxh\_ told Te Ao Māori News that he earns roughly NZD10,000 a month from his subscribers, money he reinvests into his stream and uses to support his family. However, he has also noted that while the money and the views are welcome, he says that by inspiring the younger generation to look at what has been passed down by the ancestors, traditional practices like woodcarving will live on.<sup>11</sup> This is surely an inspiring example of indigenous people using new technologies to promote traditional practices and occupations and find innovative means of employment.

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- 8 Royal Bank of Canada, *Building Bandwidth: Preparing Indigenous Youth for a Digital Future*, Toronto, 2021, p. 2.
- 9 Future Skills Center, *Digital Differences: The Impact of Automation on the Digital Economy in Canada*, Toronto, 2020, p. 19.
- 10 Monkman, L., 'Cree video game streamers create space for Indigenous gaming community', *CBC News*, 14 December 2020.
- 11 Martin, D., 'From 1000 followers to 1.3 million in a year, Twitch streamer Broxh keeps Māori practices alive', *Te Ao Māori News*, 24 March 2021.

## Minorities and the problem of under-representation in India's police force

In December 2019, India's parliament passed a new citizenship law known as the Citizenship Amendment Act (CAA), which human rights organizations have widely criticized as part of wider anti-Muslim policies under the ruling Hindu-nationalist Bharatiya Janata Party (BJP). Following the passage of CAA, hundreds of thousands of people took to the streets in protest both for and against the legislation across India through early 2020. In some places, the protests gave rise to some of the most extreme inter-communal tensions in decades, with widespread violence including many reported deaths. In Delhi, among other places, eyewitnesses alleged that Indian police not only failed to protect targeted minorities but, in some cases, actually incited — and even participated in — violence against them. These accounts have since been corroborated by in-depth investigative reporting based on testimony of some of the perpetrators.<sup>12</sup>

This and similar accusations of police prejudice and violence across India have been fuelled by numerous factors. In addition to the acts of public violence, this prejudice has also resulted in systemic wrongful convictions and long-term incarceration of Muslims, including

in high-profile terror cases. It is worth acknowledging that there are caste and class differences among India's Muslim communities that affect experiences of inequality and abuse. For example, lower caste Muslims, commonly known as Pasmanda Muslims, suffer at much higher rates from police atrocities than do richer Ashraf Muslims.

At the same time, under-representation in law enforcement contributes to police prejudices. According to a 2019 report by Tata Trusts, analysing long-term data between 1999 and 2013, Muslim representation in the Indian police force has remained 'consistently low', at between 3 and 4 per cent (excluding Muslim-majority Jammu and Kashmir).<sup>13</sup> In Delhi, meanwhile, as of 2020 when the violence took place, just 2 per cent of the city's police force were Muslim, despite making up 13 per cent of New Delhi's population.<sup>14</sup> The lack of representation is even more acute when Muslim identity intersects with other factors such as gender. Only around 10 per cent of the country's police are women, most of whom are employed at the lower echelons of the force:<sup>15</sup> though specific data on the proportion of minority women is not available, it is likely they represent only a very small proportion of police.

Other minority populations in India have different levels of representation in law

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12 Singh, P. and John, A., 'Crime and prejudice: The BJP and Delhi's police's hand in the Delhi violence', *The Caravan*, 1 September 2020; Pandey, A. and Tantray, S., 'Hate speech – A Hindu rioter speaks: Delhi violence was "revenge" against Muslims, police gave free reign', *The Caravan*, 31 July 2020.

13 Tata Trusts, *India Justice Report 2019: Ranking States on Police, Judiciary, Prisons and Legal Aid*, New Delhi, 2019, p. 27.

14 Gettleman, J., Yasir, S., Raj., S. and Kumar, H., 'How Delhi's police turned against Muslims', *The New York Times*, 12 March 2020.

15 Bhatnagar, I.S., 'India has 10.3 per cent in police force: govt in Lok Sabha', *Hindustan Times*, 15 March 2022.



enforcement. Dalits, officially known as Scheduled Castes, who comprise over 16 per cent of the total population, make up around 14 per cent of the police force. The only exception to this trend of under-representation is indigenous Scheduled Tribes or Adivasis, who make up some 8.6 per cent of India's total population but have some 12 per cent representation in law enforcement.<sup>16</sup> Nevertheless — a point that illustrates that discrimination is about more than just quotas and absolute representation — non-Muslim minority populations also report profiling and bias. A 2018 study by Common Cause and the Lokniti-Programme for Comparative Democracy at the Centre for the Study of Developing Societies (CSDS) noted that, while

Muslims face widespread perceptions of being implicated in terrorism-related cases, some Adivasis fear being falsely implicated as Maoist insurgents.<sup>17</sup>

While Indian Muslims are under-represented in law enforcement, they tend to be disproportionately over-represented among the prison population. One reason for this is the widespread perception among police officers that Muslims are more likely to commit crimes, meaning that when a crime occurs they are more likely to be rounded up and implicated in fabricated cases. Recent data from the National Crime Records Bureau reveals that Muslims make up nearly a fifth of the prison population, while

Muslim women argue with a policewoman during a lockdown in their area after dozens of men were taken to a quarantine facility amid concerns about the spread of Covid-19, in Ahmedabad, India.

Reuters/  
Amit Dave

16 Tiwary, D., 'OBCs constitute 25% of police; STs get better representation: Data', *The Indian Express*, 30 December 2020.

17 *The Wire*, 'Nearly a third of India's Adivasis fear being framed for Maoist activities', 13 June 2018.

Dalits and Adivasis also make up a disproportionate share.<sup>18</sup> According to the National Law University in Delhi, more than three-quarters of India's death row population is from lower castes or religious minorities.<sup>19</sup>

While there are myriad, interconnected structural factors leading to police profiling and violence, poor training and a lack of diversity in law enforcement arguably contribute to these long-lasting structural challenges. Nevertheless, it is of course too reductive to assume that improving diversity in the police force would on its own be sufficient to address persistent discrimination. Among other structural changes, education and policy efforts are needed, as well as paying particular attention to the role of social media in glorifying or inciting violence against Muslims. However, when it comes to the role of the government in promoting the protection of minorities, in addition to looking at the positions held by minorities within law enforcement and politics, it remains vital to document police complicity in violence against minority populations and to hold perpetrators accountable.

## Haratine labour rights and the legacy of slavery in Mauritania

Mauritania only abolished slavery in 1981, making it the last country in the world to do so. Despite this and other steps, including the formal criminalization of slavery in 2007, the lack of concrete

measures to enforce these legal changes has meant that Haratine people — a traditionally hereditary slave caste also known as 'Black Moors' — remain exposed to the vulnerabilities of forced and under-remunerated labour.

Despite their history of marginalization, Haratines are the largest ethnic group in the country, comprising more than 40 per cent of Mauritania's total population. While there is no official data on the number of people who remain enslaved, by some estimates at least half of Mauritania's Haratine population remains in some form of de facto slavery. Meanwhile, Mauritanian authorities persist in denying that slavery exists and intimidate those campaigning against it. Haratine women face additional intersectional vulnerabilities, reporting greater risks of violence in both public and private spheres, such as sexual violence including marital rape, domestic violence and sexual assault. Haratines with disabilities likewise face a number of additional obstacles to accessing livelihood strategies and employment.

Across the board, as observed in a 2017 report by the then UN Special Rapporteur on extreme poverty Philip Alston, Haratines are excluded from almost all positions of power and aspects of economic life condemning them to poverty. Their political marginalization has persisted to this day. Ahead of the Universal Periodic Review of Mauritania before the UN Human Rights Council in January 2021, several organizations noted

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18 Hasan, W., 'Why the percentage of Muslim prisoners in India's jails is disproportionate to their population in India', *The Wire*, 15 March 2022; Tiwary, D., 'NCRB data: Higher share of Dalits, tribals, Muslims in prison than numbers outside', *The Indian Express*, 31 August 2020.

19 Sen, J., 'Three-quarters of death row prisoners are from lower castes or religious minorities', *The Wire*, 6 May 2016



widespread repression for Haratine rights defenders, including arbitrary arrest, detention and torture. Some Haratine rights organizations, such as Initiative for the Resurgence of the Abolitionist Movement (IRA-Mauritania), have also faced arbitrary registration obstacles, which is itself a form of employment interference. Despite facing harassment and abuse, human rights defenders continue to engage in legal and policy advocacy to address Haratine rights violations, including employment discrimination issues, of which there are many.

In many cases, technically freed Haratines and their descendants remain indentured to their former masters, often continuing to work for them under exploitative conditions, maintaining a state of economic dependency that prevents them from freely choosing other employment. This is compounded

by the fact that enslaved and freed Haratines alike are often forced to hand over savings or possessions to their masters at their death, rather than passing them on to their dependants.

Haratines face a number of forms of persistent and inter-generational discrimination in land rights, legal recognition, inheritance and other areas that directly impact employment opportunities, especially education. The then UN Special Rapporteur on minority issues Rita Izsák-Ndiaye observed in 2016 that in Mauritania more than 80 per cent of Haratines do not graduate from primary school, and make up only some 5 per cent of students in higher education.<sup>20</sup> While they are enslaved, Haratines are seldom permitted an education or access to vocational training except for work in domestic servitude or tasks relating to ranching or farming. Illiteracy rates are high, and

A class in a school set up by a local organization for the children of Haratines who cannot enter public school because they have no civil status. Nouakchott, Mauritania.

*Seif Kousmate*

20 UN General Assembly, Report of the Special Rapporteur on minority issues, A/HRC/31/56, 28 January 2016, para. 91.

as such even those who manage to escape enslavement have very limited employment prospects as a result.

This low rate of enrolment in higher education translates into very limited representation in sectors such as law and politics where formal qualifications are required or preferred, further complicating the struggle to roll back repressive laws and policies through legal advocacy and political participation. One example in this regard is the ongoing problem of identity documentation, an issue that contributes to the exclusion of Haratines from education and ultimately many kinds of formal employment. Although education in Mauritania is compulsory up to the age of 14, school directors have considerable discretion over the admission of Haratine students, who often lack civil registration documents. Progression to higher education is more complicated as a result of rules from the Ministry of the Interior and the Ministry of Education requiring applicants for national school exams to complete biometric registration and have national identity documents. These barriers are especially challenging for Haratines, who make up the overwhelming majority of people unable to obtain national identity documents.

The obstacles Haratines face in obtaining identity documents create challenges beyond access to education, from qualifying for government benefits and voting to owning land and obtaining employment in formal economies. The bureaucracy involved in obtaining identity documents is complicated and beyond the means of many of those most affected. Appeals must be brought before special

courts, and additional bureaucratic measures are often introduced into law and practice that further deter Haratine applicants. It is not known how many people have been impacted in this way: the Mauritanian government either does not know or is unwilling to disclose the scope of the unregistered population. The implications for those affected, however, are devastating. Haratines who lack identity documents face impediments in accessing employment and vocational training. Furthermore, without national identity documents they are also prevented from choosing economic or labour migration as a livelihood strategy, since international travel is either impossible or comes with the extreme risks of smuggling and other forms of exploitation.

One of the most significant obstacles to obtaining identity documents is, as noted above, the complicated nature of the process. For example, in order for a child to obtain a national identity document they must provide their birth certificate, a copy of both parents' national identity documents or death certificates, and a copy of the parents' marriage certificate. However, birth and marriage certificates issued before 1998 are invalid for the application process, adding another layer of bureaucracy for those who would then first need to renew old documents before later registering their children. Applicants must present these documents at the civil registration centre closest to where they were born, which likewise creates challenges if the applicant is unable to travel easily back there. The Mauritanian organization SOS-Esclaves, with support from MRG and Anti-Slavery International, has been campaigning for changes to these requirements.

Recommendations include ensuring that identity documents are processed through accelerated mechanisms, free of charge, and with both financial and administrative assistance to ensure that children are registered.

Another area Haratine legal advocacy has focused on is challenging the requirement to present the national identity documents or relevant certificates of both parents. This requirement presents often insurmountable challenges in cases where children are the result of their mothers being raped by former masters during periods of enslavement. Requiring the master's/father's documents to register their offspring assumes compliance of potentially hostile or resistant parties. Haratine rights groups in Mauritania have been campaigning to change the requirement

to the mother's documentation only; this would be a small gesture that would go a long way in expanding access to national identity documents for Haratines and help to open new employment opportunities for them.

### Securing greater recognition for Myanmar's migrant workers in Thailand

As noted elsewhere in this chapter, some minority populations and indigenous peoples face discrimination and obstacles to employment or being divested of their traditional lands due to conflict or climate change, leading to labour migration as a livelihood strategy. While migration can provide new economic opportunities, sometimes including employment in otherwise inaccessible sectors, it

Migrant workers from Myanmar collect food for an elephant camp closed to tourists due to the nationwide lockdown to prevent the spread of Covid-19, in Kanchanaburi, Thailand.  
Reuters/  
Soe Zeya Tun



often relies on seasonal wage labour, and can introduce new vulnerabilities such as arrest or exploitation.

For example, lured by the pretence of economic opportunities, minority and indigenous populations seeking better employment farther from home have also been subjected to human trafficking, forced labour and sexual exploitation. This is particularly evident in Asia, especially for indigenous girls and women throughout the Mekong region who are vulnerable to trafficking and sexual exploitation. Cases have been documented in Cambodia, China, Indonesia, Myanmar and elsewhere. In Thailand, indigenous girls aged 12 to 16 make up the majority of victims of internal trafficking, especially for sexual exploitation.

Thailand is emblematic of broader issues faced by migrant workers, often ethnic minorities, from neighbouring countries. This is especially pronounced for ethnic minorities from Myanmar, some of whom also identify as indigenous peoples. Thailand is estimated to host close to 4 million migrant workers from neighbouring countries such as Cambodia, Lao People's Democratic Republic, Myanmar and Vietnam, including a sizeable undocumented population.<sup>21</sup> Migrants from Myanmar, by some margin the largest sending country to Thailand, face different experiences across ethnic groups and locations within Thailand. For example, Shan migrants from Myanmar tend to be more represented in northern Thailand, around Chiang Mai and Chiang Rai, and to work across sectors, although

especially in construction, agriculture, domestic services and hospitality. In Mae Sot, on the other hand, closer to the Myanmar border, Karen, Arakan and other migrants tend to be more represented in the garment industry or agriculture, while Burmese Muslims are often involved in informal trading. Mon migrants tend to be more concentrated in the central Thailand provinces of Samut Sakhon and Bangkok.

Shan migrants, with cultural and linguistic similarities between Thailand and Laos, have reported being able to blend in more easily, but this has not necessarily translated to easier labour registration or higher wages and social benefits. In Mae Sot, Bama migrants are more easily identified as non-Thai and so report more pronounced discrimination or police harassment. Muslim migrants, particularly Rohingya, report being especially targeted in Thailand and facing greater difficulties in obtaining registration documents due to being historically denied citizenship in Myanmar. This is part of broader anti-Muslim discrimination in Thailand that also affects Malay Muslims in Thailand's Deep South.

Three areas where Myanmar migrants in Thailand have particular difficulties in accessing employment opportunities and securing employment and other socio-economic protections relate to identity documentation and registration status, educational access (an issue that particularly affects migrant worker children) and, finally, prohibitions from certain employment categories. There is also often a gendered dynamic to migrant worker decision-making, for

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21 Harkins, B. (ed.), *Thailand Migration Report 2019*, Bangkok, UN Thematic Group on Migration in Thailand, 2019, p. xi.

example relating to wage-earning potential or worker registration, that further compounds intersectional inequalities. Migrant workers can also face challenges to accessing health care and encounter obstacles in obtaining labour dispute settlements.

One significant area where migrant workers from Myanmar, as well as other countries in the region, face employment inequality in Thailand is the limitations on the category of labour they are allowed to perform, based on the designation of low-, medium- and high-skilled labour. This has significant implications for wage levels, personal safety, job security and other areas. According to an ILO study published in early 2022, the majority of migrant workers in Thailand are in medium-skilled occupations, at nearly 60 per cent, with over 38 per cent in low-skilled employment.<sup>22</sup> Migrant workers are largely confined to medium- and low-skilled labour as a result of national law: the most recent update took effect in early 2020 with the Notification of the Ministry of Labour, Prescription of Work Prohibited for Migrant Workers. It lists nearly 30 categories of employment migrant workers are prohibited from performing, such as stonework, goldsmithing, clerical or secretarial work, bricklaying, and some types of agriculture.

However, while in many cases migrant workers in practice perform skilled labour, they are at risk of arrest or deportation if they are caught working outside permitted job categories. In addition to their vulnerability to arrest, the lack of formal recognition

for their roles also denies them other forms of protection, and wage compensation for overtime, for example. As a result of unequal access to employment, migrant workers earn on average considerably less than non-migrants. According to recent ILO statistics (for early 2022), while average monthly wages in Thailand are around THB 14,450 [US\$421] for men and THB 14,660 [US\$427] for women, migrant men earn around THB 9,320 [US\$272] and women even less at THB 8,645 [US\$252].

While these challenges remain, civil society organizations working with Myanmar migrant workers in Thailand have secured some positive changes over the last few years. For example, MAP Foundation, founded in 1996, works with ethnic minority migrant workers from Myanmar to empower them to stand up for their labour rights through training, capacity-building and advocacy. Among other activities, it has created a series of community radio and social media channels in minority languages, primarily Shan, and other education outreach activities aimed at helping migrant worker children gain access to vocational schools to break the cycle of inter-generational labour insecurity. MAP Foundation also works with migrant workers to provide labour rights training and supports migrants involved in labour disputes. Their advocacy was part of the campaigning that recently led to the Department of Employment becoming more flexible regarding the types of skilled labour that migrant workers can perform, and therefore giving access to higher earning potential.

22 ILO, *Measuring Labour Migration in ASEAN*, Bangkok, ILO Regional Office for Asia and the Pacific, 2022, p. 36.

Through its trainings, MAP Foundation has seen a number of Myanmar migrants become paralegals and migrant worker rights advocates, contributing to winning some disputes and claiming migrants' unpaid wages, for example. Again, the rate of success and compensation varies according to the sector, and correlates to different ethnic minority communities represented by different sectors. For example, MAP has noted a higher rate of labour complaints in the garment industry because of more people being willing to file complaints in a given factory, which has helped to build momentum, while relatively fewer complaints have come from the construction industry, despite the higher rate of injury there. Agriculture has the fewest complaints of any sector, arguably because it is more remote and decentralized, while migrants working in agriculture tend to be more likely to be unregistered and therefore more vulnerable to reprisal from employers.

In March 2022, another civil society organization in Thailand working to defend migrant workers' rights, the Human Rights and Development Foundation (HRDF), won a decisive labour rights court case for a group of undocumented Shan migrant workers. In the case, HRDF succeeded in arguing that the Employee Welfare Fund Committee of Thailand cannot use the legal status of the employee to refuse to pay out compensation under the fund. The Thai Labour Court cited domestic law and international labour standards, noting Thailand's obligations to protect all employees without discrimination based on nationality.

## Conclusion

While admittedly no easy task, there cannot be any significant improvement in employment and economic opportunities for minorities and indigenous peoples until structural inequalities, discrimination and impunity for violence are thoroughly addressed. The different examples discussed in this chapter demonstrate how complex and wide ranging these can be. While work reform is often focused on the immediate symptoms of employment inequalities, in many cases these are rooted in deep-seated patterns of racism, stigma and institutional discrimination.

Education is of course where the foundation is laid for future employment opportunities or the lack thereof. Ensuring access to education is vital for promoting greater employment opportunities for historically marginalized communities. The inability of many minority and indigenous children to access schooling has life-long implications for their work prospects. In light of the interconnectedness between the right to employment and the promotion and protection of other human rights, especially the right to education, cultural and scientific development, and others, addressing employment and economic inequality for minorities and indigenous peoples also means combating inter-generational inequalities.

The need for a transformative educational agenda is not only evident among school-age community members but also among those who themselves missed out on the opportunity of an education. Inclusive

adult learning opportunities, particularly tailored around the potential for training and upskilling to access opportunities in new and emerging sectors, are vital in this regard. This is especially evident in the use of information and communication technologies, for instance: minorities and indigenous peoples are typically most disadvantaged by the digital divide and over-represented within employment sectors at risk of loss of jobs due to automation. Innovative policies are therefore required to ensure that minorities and indigenous peoples are not left behind in the future of digital economies.

As illustrated by the plight of migrant workers and other groups with secondary social status, such as former slaves and their descendants, recognition is key. Because minorities and indigenous peoples face a number of bureaucratic and administrative obstacles to economic development, serious changes need to be made to remove restrictive barriers to advancement. One of the common challenges for marginalized populations trying to move forward in education and employment relates to discriminatory interpretations of personhood by the state and the denial of citizenship and national identity documents. Immediate steps therefore need to be taken to remove barriers to citizenship and obtaining national identification. ■

# Living in the shadow of caste-based discrimination: A profile of Dalits, Burakumin and Roma

Suraj Yengde



The annual International Roma Day community procession through the streets of Govanhill to celebrate Romani culture and raise awareness of the issues facing Romani people. Glasgow, United Kingdom.

*Skully/Alamy Live News*

This article will concentrate on three groups in diverse geographies: Dalits in India, Burakumin in Japan and Roma in Europe. Although these communities are different from each other and have distinct histories, they are bound by their existence in a world marked by hierarchical discrimination.

Their stories are local and particular to their societies, but what they have in common is that the struggle against their oppressor has *caste at the centre of its axis*. Despite the fact that Dalits and Burakumin are often physically indistinguishable, the discrimination they face — exclusion from the job market, segregation in schools, public spaces and housing, stereotyping and prejudice, as well as criminal acts of physical violence and mental assault by state and non-state actors alike — is a common experience across the groups.

The intrinsic connection between work and exclusion is a specific feature of caste-based discrimination. It is not simply a matter of limited access to the market or work opportunities. It is also that the very nature of the work itself perpetuates the broader stigmatization of the group. In a caste-dominated society it is expected that dirty, difficult and dangerous jobs will be undertaken by the most marginalized communities. The occupations themselves, variously seen as ‘unclean’, ‘polluting’ or otherwise undesirable, are indelibly associated with the caste and colour of the group

who performs them. This chapter unpicks the correlations between discrimination, work and related areas such as education (a key determinant of future employment and income) through the experiences of these groups.

All the communities under discussion are excluded minorities in their respective societies, either as a result of being marked out as different from a narrowly defined national identity or being forced to isolate from the rest of society due to historical injustice, persistent harassment and discrimination. Their minority status is at times designed to dwarf their relevance in electoral politics, reducing their autonomy and placing them under the control of the supposed majority, which assumes the right to patronize the minority group. In a constitutional framework, the minority group is designed to rely on the majority, which is historically a registered oppressor. Within these countervailing circumstances, the majority utilizes the norms of (un)democratic representation to grant itself a position of superiority. This creates a system that inferiorizes and dehumanizes others by identifying the differences as necessities of distancing.



Poor housing and environmental pollution in the Burakumin district in Kumamoto, Japan. 1971.

*Interfoto / Alamy Stock Photo*

Populist framings are created to further harass the minoritized communities by forcing them to accept the norms of the majority community. A specific reading of history is proffered to relegate their story and adumbrate divisions between both groups. The minority group refuses to assimilate, because the stories of their subjugation are maintained through culture, religion, literature and practice. The majority group then utilizes this refusal to point to the inability of the minority group to cohabit — and thus a call is made for their exclusion. This process of social ostracization is then furthered through various legal protocols that serve to compel the minority to adjust rather than live independently. After ensuring the constitutional fabric works in favour of the majority, the minority community is given an ultimatum. Any failure to adhere to the rules of this system are met with a harsh response from the state to penalize the minority community, with extra-state actors serving as vigilantes to reinforce their rule with violence.

In a caste society, then, minorities are treated as outcasts in their own society. Sidelined from the narratives of the majority, their oppression is justified by invoking historical myths and past traumas. In modern times, the majority community derives legitimacy by comparing itself with the minority and their status, despite the fact that the majority and minority are not always distinguishable from each other: in many cases, they may practise the same cultures, eat similar food and celebrate shared festivals. However, this is not always the case. The point is, even though there are similarities, the caste society legitimizes the oppression through coercion of historical facts.

### **Inadequate UN recognition**

Notwithstanding the wide-ranging discrimination these groups face, international recognition of these challenges has been slow. The United Nations (UN), for instance, has favoured a specific discourse around race and

racism that privileges ostensible physical attributes as an overarching parameter to describe a minority community. In the context of Europe and North America, where diversity and difference are perceived in line with a melanin-based order of society, a 'racial' understanding of minorities is predominant. This, however, sidelines many discriminated caste groups who do not readily fit into this categorization. Dalits, for example, may have a similar physical appearance to dominant caste members and separated only by name and other signifiers imposed by the system. A similar fate is experienced by Burakumin who, despite being indistinguishable from other Japanese, are nevertheless subjected to harassment and stigma: in the words of the Buraku Liberation League (BLL), Burakumin are 'not a racial or a national minority, but a caste-like minority among the ethnic Japanese.' Like Dalits, their continued marginalization is the result of centuries of feudal oppression. Many hesitate to identify publicly as Buraku out of fear of the backlash and mistreatment they might receive at the hands of non-Buraku members of Japanese society.

During the UN World Conference against Racism, held in Durban in 2001, Dalit and Buraku activists made a concerted effort to highlight caste as a category demanding special attention.<sup>1</sup> Though their campaign for the word 'descent' to be included in the Durban Declaration was not successful, it was later adopted in the General Recommendation No. 29 of the UN Committee on the Elimination of Racial Discrimination (CERD). The committee affirmed that 'discrimination based

on "descent" includes discrimination against members of communities based on forms of social stratification such as caste and analogous systems of inherited status which nullify or impair their equal enjoyment of human rights.' This loosely defined phrasing and the accompanying term, 'discrimination based on work and descent' (DWD), were adopted by the UN after lengthy discussions with the Indian government, which refused to acknowledge caste as a matter significant enough to merit international intervention. The eventual formulation was therefore a compromise, with much of its impact neutralized by vague phrasing. Various UN treaty bodies, Special Rapporteurs, human rights bodies and fact-finding missions of independent experts now rely on this term to talk about caste-affected citizens worldwide.

A breakdown of the DWD terminology will help to understand the nature of discrimination and exclusion better. Descent is lineage-based, an inherited identity that brings either opportunities or exclusion, with work and occupation closely correlated to bloodline. Indeed, employment and caste are like two sides of the same coin: both are inseparable and allow dominant castes to frame this hierarchy as a secular phenomenon, the product of skill and merit rather than social oppression. In a caste society, employment of the privileged as well as the excluded is secured according to their ranking: privileged castes rely on the labour of the marginalized in an inter-linked hierarchy. Those exploited by this system are left with no options but to find employment in a degrading job. For instance, I asked a Dalit woman who

1 IMADR, 'Dalit met Buraku – Discrimination Based on Work and Descent', available at <https://imadr.org/activity/dalits-buraku/>

was cleaning human excreta at a railway station in Nanded, a city in Maharashtra, the reason she took the job. She replied that, though she was ashamed to do this — even leaving the house in the early hours and working until the break of dawn so no one would notice — the lack of any other job opportunities had forced her to take up the work.

Descent may even be justified as an intergenerational form of job security, guaranteeing a livelihood that can be passed down to one's children. Of course, there is a fundamental problem with this unitary, market-based formulation. It does not properly acknowledge that these inherited professions are used to determine the status and value of entire communities, for better or worse: in a caste society, the more privileged castes are welcomed even if they are trading in leather goods, while the traditional castes who deal with the hide and leather are loathed. Some scholars, following these discussions, have critiqued how international discussions of caste have increasingly moved away from the religious origins of caste, despite the significant role that religion plays in supporting the edifice of the caste system. But by seeing it in solely secular terms, caste is then presented as a technocratic issue that can presumably be solved with legal interventions and constitutional safeguards.

However, this overlooks the reality of caste as a structural and psychological conception, sanctioned and embedded by religious codes and societal behaviours over centuries.

In order to improve the living and working conditions of caste-affected citizens, a proper framing of their issues is essential. Not identifying caste discrimination as caste and diluting it through the use of vicarious frameworks only serves to distance the victims further from realizing justice. In addition, this framing does not create a movement to rally behind: clouded by too much jargon, it does not reflect the material reality of their lived experience.

In order to improve the situation of caste-affected citizens, a proper understanding of these issues is essential. Caste is not just work and descent-based discrimination. Equal parts historical, social and psychological, it is an inescapable and all-pervasive system of discrimination that has sought to grade humanity into strict and unambiguous hierarchies. Unlike race, caste is distinct in that it does not rely solely on corporeal and material representations — it is also a deeply cultural manifestation.

As an outcome of this, the centuries-long interpretations and brushing of various cultures produced societies that have created permanent outcaste classes, condemned to poverty and failure. We shall now look at the case studies of Dalits, Burakumin and Roma communities and their position in the global rights struggle. A collective study of these groups has not been undertaken, barring some recent scholarship that looks at various oppressed groups across the world, and it remains an area where much more activism and academic work is needed.<sup>2</sup>

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2 Lennox, C., *Transnational Social Mobilisation and Minority Rights Identity, Advocacy and Norms*, London: Routledge, 2020

## Caste-based discrimination against Dalits in India

Dalits, also formerly known as ‘untouchables’, were among the lowest castes in the Brahminic Hindu society. These groups were generally employed in the most stigmatized and ‘dirty’ professions, such as tending corpses and cleaning human waste. Dalits remain among the most marginalized communities in India today, a predicament normalized by entrenched religious hierarchies. Indeed, their oppression is a juridical function of the spiritual institution: the religious norms of the Hindu social order codify their subjugation, with far-reaching corporeal, social, economic and political consequences.

Despite making up a significant proportion of the national population — though the Indian government has for decades refused to include caste as an indicator in the national census, some estimates suggest that there are over 320 million Dalits in total, including Hindus, Muslims, Christians and Buddhists — Dalits are still obliged to abide by the laws and social customs set up by the dominant, oppressive castes.<sup>3</sup> Dalits are discriminated against as groups. Often, an act of perceived insubordination by a Dalit is not treated as an individual infraction but is extended to the entire Dalit community through collective punishment. Generally, Dalits are forced to live on the peripheries of villages, excluded from access to basic amenities such as water, food and education. Their

marginalization begins from birth, experienced through elevated levels of childhood malnutrition that then segue into lower educational access and limited employment options in their adult lives. For instance, while stunting rates among the children of members of dominant castes are estimated at 26 per cent, this proportion rises to 40 per cent among Dalit and Adivasi children.<sup>4</sup>

The continued subjugation of these communities is repeatedly enforced through extreme, sometimes lethal violence. Dalit self-assertion, in particular, has attracted swift retribution from dominant caste groups, many of whom are closely aligned with far-right Hindu supremacist groups. This was painfully illustrated in March 2022 when a young Dalit from Rajasthan, Jitendra Meghwal, was killed by two youths from the dominant Rajpurohit caste who reportedly took umbrage at his sporting a moustache — a symbol of pride and masculinity in northern India that some dominant caste members believe should not be worn by Dalits. Given this attack was far from an isolated incident, it is not hard to fathom the state of Dalit life and its vulnerability. Dalit women are especially oppressed on account of their gender, class and spatial location as well as their caste. Consequently, they are disproportionately exposed to sexual violence. By the end of each day, according to government statistics, 10 Dalit women have been raped — a figure that likely captures only a fraction of the assaults that are actually carried out against them.

3 Teltumbde, A., *Dalits Past, Present, Future*, New Delhi: Routledge, 2017, p. 3.

4 Deshpande, A. and Ramachandran, R., ‘The missing piece of the puzzle: Caste discrimination and stunting’, CEDA, 26 July 2021, available at <https://ceda.ashoka.edu.in/the-missing-piece-of-the-puzzle-caste-discrimination-and-stunting/>

Joney, a 26 year-old sewer worker is pulled out after cleaning a sewer in Ghaziabad, Uttar Pradesh, India.

*Rajat Gupta/  
EPA-EFE/  
Shutterstock*



In addition to these direct attacks, Dalits are also excluded from many benefits of society. This is reflected in the dangerous and demeaning forms of employment that large numbers are still engaged in, such as manual scavenging — the removal by hand of human waste from sewers and septic tanks — even though the practice was formally banned in 2013. Reflecting the multiple discrimination they face on account of their gender as well as their community, Dalit women make up the large majority of this highly stigmatized workforce. Manual scavengers and other essential service providers in India are typically employed by the state and local council through contractors who treat Dalit workers as temporary, disposable labour. The lack of regard for their health and wellbeing is demonstrated by the frequent absence of gloves and masks to keep them safe. This is the case with Panchkula Municipal Corporation, where many Dalit sanitary workers are denied even this basic equipment but are obliged to wear a tracker on their wrist to allow their supervisors to monitor their every move in real time. Despite costing millions of rupees, this highly invasive technology has been rolled out

in other municipalities including Mysore, Lucknow, Indore, Thane, Navi Mumbai, Nagpur and Chandigarh, predominantly those controlled by the Hindu far-right, and is normalized by the widespread stereotype of Dalits as 'lazy'.

The direct relation between quality education and employment is a well-established fact. Education prepares eligible candidates for white- or pink-collar jobs, who would otherwise be unable to exercise these professions freely. This is the case for Dalits in India, who due to their lower educational outcomes are forced into pre-destined jobs. However, data shows that even after gaining higher education, the path to decent employment is an uphill task for Dalits. Prior to this stage, the enormous institutional discrimination and harassment meted out by casteist teachers and their curricula hinders the Dalit student's confidence to assert their self positively.

Any Dalit success is eclipsed by the level of community oppression. Any news regarding Dalits is rarely an occasion of celebration or affirmation: in the rare moments that a Dalit success is

highlighted, the dominant caste society reacts with hatred and dismissal. This is illustrated in August 2021 by the reaction to India's loss of the semi-finals hockey games to Argentina in the Tokyo Olympics: shortly afterwards, two upper-caste men staged a mock celebration outside the home of Dalit hockey star Vandana Katariya, taunting her family that the result of the team having 'too many Dalit players'.

While educational attainment has steadily improved in recent years, reflected in a significant uptick in literacy rates, higher education enrolment is still far below the national average: while total enrolment at primary level is 81 per cent, reducing to 60 per cent at secondary level, the proportion falls to just 11 per cent in colleges and universities. The graduation rates are even lower. This underrepresentation is the result of multiple factors in addition to caste discrimination, including poverty and the absence of institutional and infrastructural support, resulting in very high dropout rates. Irrespective of this, significant numbers of Dalit students have somehow managed to overcome these odds and continue their studies, though not without many difficulties. While Dalit students can enter colleges and universities through the quota system — a progressive policy of the Indian state intended to protect and promote education among Dalit students — in practice, many of the spaces allocated by the quota guidelines are not filled. Those Dalit students who do succeed in being admitted are made to undergo humiliation and harassment by dominant caste cohorts, teachers and the college administration. I am a case in point: I was myself a victim of bullying and discrimination by the

college administration and teachers, even though I was the president of the college's student council and therefore publicly known. Recent incidents, such as 2021 video footage of a professor at the Indian Institute of Technology in Kharagpur berating students with remarks that were widely perceived to be casteist, show that this discrimination has not gone away. In this hostile climate, many Dalit students choose to conceal their identity out of fear of social ostracization, avoiding any overt signalling that might indicate their caste status: they refuse to join Dalit student groups or attend cultural events, such as commemorations and festival celebrations, that might identify them.

Unsurprisingly, this marginalization and invisibility is subsequently transferred into the job market. On the one hand, the majority of Dalits who fail to finish secondary school generally have few options besides unskilled manual labour and the poorly paid, low status jobs such as waste collection that have historically been their lot. For those who do complete higher education, however, there is still a price to pay. Even though there is an employment quota in the public sector, for example, many Dalits do not pursue this option for fear of being harassed and targeted by their dominant caste superiors. Indeed, Dalit workers are often forced to dissociate themselves permanently from their community to achieve any kind of professional success. They also do not provide their children with information about their community, creating a cycle of inherited shame. In the rare moment a Dalit overcomes all these barriers to achieve professional success, the societal response is typically one of hatred and non-acceptance.

Yet countering this is a vibrant anti-caste movement, led by Dalit women and men, who are fearless and outspoken in their condemnation of these injustices. Dalits not only lead the struggle on the streets through popular movements, but also organize department-level organizations and unions to demand proper representation and seek redress when incidents of discrimination in the workplace occur. Notwithstanding the many barriers Dalits have faced in the past in this area, they are increasingly forming workplace organizations and unions across different vocational sectors to contest employment-based labour disputes as well as caste discrimination by colleagues and superiors. Indeed, the issue of employment and unequal treatment — be it the right to gain employment or if employed, the right to a fair wage — has been one of the cornerstones of Dalit activism. Due to the privatization of the economy, many middle-men have undermined Dalit wages further by subcontracting their jobs through organizational hierarchies. This makes it difficult for the state as well as private players to be held directly accountable, despite existing labour laws.

Dalits are also a significant community politically in India. They are well aware of their importance in electoral democracy. That is why they rally collectively for fair representation in the parliament and state legislature. However, due to the nature of Indian politics, they have often ended up becoming pawns of the party leadership who, despite being generally led by dominant castes or Dalit-hating groups, have been able to mobilize fears of Muslims and other minorities

to secure a large proportion of Dalit votes. But while Dalits in India have often been co-opted by political parties led by dominant caste groups, they have also become a much more visible presence in national politics in recent years, aided by organizations like the Bahujan Samaj Party (BSP), currently led by a Dalit woman, Mayawati, whose ambitions remain to becoming the Prime Minister of India. Besides official political parties, a diverse range of social and semi-political pressure groups exists at the neighbourhood level, allowing Dalit slum-dwellers to draw attention to their cause.

There is also a robust civil society, led by Dalit organizations like Backward and Minorities Central Employees Federation (BAMCEF), State and Central Government Scheduled Caste, Scheduled Tribe Unions, non-profit organizations such as National Commission for Dalit Human Rights, the National Confederation of Dalit Adivasi Organizations and the Feminist Dalit Organization who conduct awareness programs, advocacy and research about the Dalit situation in India, in some cases liaising with international donor agencies. At the grassroots level, Dalit youth organize around intersecting issues of caste, gender, sexuality and transgender rights. One such group, Kamal Foundation in a central Indian town, Nanded, leads transgender rights activism through Dalit slums and political avenues. In addition to this, there are noticeable Dalit-led regional language digital and print media reporting on caste-based issues. Together, their work highlights the potential for transformative change.



## Japan's Burakumin — a history of invisibility

Burakumin are a marginalized community who are still living with the reality of being outcasts from mainstream Japanese society. The word Buraku itself invites contestation. Though it has long been associated with stigma, the BLL has sought to subvert its meaning and reclaim it. This is similar to what happened with the word Dalit, which was repurposed and deployed in militant action by the Dalit Panthers and Dalit literature, subverting the submissiveness attached to it.

Though official estimates suggest that there are around 1.2 million Burakumin in Japan, the actual total is likely to be significantly higher, given that many prefer not to disclose their ancestry out of concern for the repercussions. Like Dalits in India, Burakumin were routinely exploited as labourers to undertake the least desirable work

— slaughtering animals, dealing with the hides, executing criminals — that was widely regarded as polluting according to Japan's Buddhist and Shinto beliefs. In the social hierarchy of feudal Japan, society was ordered into three principal classes — warrior, peasant, townsfolk — with Burakumin placed below them all in the seventeenth century.

Originally, the stigmatization of Burakumin was tied closely to the work they undertook, such as tanning and leatherwork. But as Japan modernized economically during the Meiji era, other Japanese from outside the community entered these professions. By leveraging their political contacts and resources, they were ultimately able to displace Buraku merchants and establish a near monopoly over the leather industry. This one-sided 'liberalization' meant that many Burakumin had to find employment in other sectors, such as agriculture or

Mayawati shows her finger marked with indelible ink after casting votes during the fourth phase of Uttar Pradesh assembly election on 23 February, 2022 in Lucknow, India.

*Deepak Gupta/  
Hindustan  
Times/Sipa  
USA*

the military and police.<sup>5</sup> Nevertheless, despite not being a visible minority, their exclusion persisted and was expressed through spatial discrimination.

The literal meaning of Burakumin is 'hamlet people', a reference to the rural settlements peripheral to villages where they were segregated, but as the country urbanized some of these areas evolved into marginalized neighbourhoods within cities such as Kyoto and Osaka. Until the publicly funded Special Measures for Dowa Projects were implemented from the late 1960s, these settlements were characterized by inadequate housing and spatial segregation. What it meant to be born and brought up as a Burakumin is exemplified in the case of Risa Kumamoto, a celebrated professor at Kindai University in Osaka. While growing up, Kumamoto would alight a few stations ahead so as not to send any signal to her classmates about her Burakumin background. It was only after she left the country to study abroad in Canada that she decided she would challenge this discrimination by publicly expressing her identity.<sup>6</sup> Similar experiences have occurred among Roma communities (discussed in detail in the next section of this chapter) where those members who managed to 'make it' are frequently reluctant to acknowledge their past due to social anxiety around the consequences of announcing their background assertively.

Kumamoto's childhood experience of shame and concealment is far from unique. Many Japanese with Buraku ancestry still choose to keep it secret or (if their parents had successfully kept this information from them) are unaware of it. While the Japanese government long denied that Buraku discrimination still existed, pointing to the fact that Buraku and non-Buraku people were physically indistinguishable, in reality their secondary status persisted. This was highlighted in the 1970s when reports emerged of a secret registry of Buraku neighbourhoods being used by some employers to identify and blacklist applicants from these areas. This information continues to be disseminated online by individuals seeking to 'expose' Burakumin. There are currently 4,600 Buraku communities across Japan. Recently, one Japanese publisher published a list of locations where Burakumin live.

Indirectly, too, the structural legacy of casteist discrimination against them means that many still undertake the most harmful jobs. After the Fukushima disaster in 2011, for instance, some reports suggested that a large number of Burakumin had been hired to clean the toxic waste: perhaps unsurprisingly, recruitment for this dangerous and difficult work focussed on the poorest Japanese neighbourhoods, many of which are formerly Buraku.<sup>7</sup> This reflects a broader reality of disenfranchisement for Burakumin who, according to past surveys by

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5 Kobayakawa, A., 'Japan's modernization and discrimination: What are Buraku and Burakumin?', *Critical Sociology*, 2021; 47(1):111-132.

6 Sim, W., "I wanted to escape this life by hiding who I was", *The Straits Times*, 19 April 2021, available at <https://www.straitstimes.com/asia/i-wanted-to-escape-this-life-by-hiding-who-i-was>

7 Hong, E., 'Japan's Burakumin minority hired to clean up after Fukushima', in Walker, B. (ed.) *State of the World's Minorities and Indigenous Peoples 2013*, Minority Rights Group, London, 2013, p.168.

the Buraku Liberation League (BLL), are employed disproportionately in precarious and informal work.

Despite these ongoing challenges, some Burakumin have openly expressed their identity and publicly advocated for a societal shift in how the community is perceived. The community in fact has a long and vital history of resistance, beginning with the foundation of the National Levelers Association in 1922. Though disbanded during the war, immediately after Buraku activists came together to establish the BLL. The resistance is held strong by the Burakumin community who joined forces to launch a National Committee for Buraku Liberation, which eventually came to be known as the BLL. These activities served to undermine the stigmatizing stereotype inflicted for centuries on Buraku people. They were led by a number of remarkable and inspiring figures, such as Jichirō Matsumoto, a front-line leader, internationalist, organizer and successful businessperson who led the BLL. His work in the Buraku liberation struggle earned him the title of 'Father of the Buraku Liberation' much like Dr Bhimrao Ramji Ambedkar is credited as the father of the Dalit movement. Matsumoto and his influence cannot be overestimated in the arc of Japanese democracy.

To further their work, the Buraku liberation movement formed the Buraku Liberation and Human Rights Research Institute in 1968. This institute is responsible for producing impeccable research material, including a monthly magazine called *Human Rights*. They also publish research reports on the condition of Burakumin. The institute is also engaged in

pedagogical and educational work under whose auspices they organize training programs, leadership courses for businesspeople, state and non-state agencies and governments. One of their flagship programs is to organize human rights training for various stakeholders from the business sector to media, religious organizations and local bodies of government.

As is seen, Burakumin have been asserting their agency on their own terms without explicitly relying on the standards set up by the non-Buraku groups. This assertion is sophisticatedly expressed at the national and international levels. The BLL presents memorandums and submissions to important international conferences. To elaborate on their international human rights work and cement international solidarity work with other minorities, the International Movement Against All Forms of Discrimination and Racism (IMADR) was launched out of Japan in 1988 and holds UN ECOSOC consultative status.

Young Burakumin are also reclaiming their history and taking pride in their identity. For example, an initiative called Buraku Heritage, launched in 2011 by Tami Kamikawa, organizes study tours and workshops on Buraku culture. Due to the language barrier, much of the literature and information on Burakumin life is not easily accessed by non-Japanese. However, a limited number of Buraku scholars who write in English are well-known intellectuals internationally. This activism and visibility are crucial to challenging the covert discrimination in employment, marriage and other areas that Burakumin still face.



Roma sisters Helena and Erika Varga work in their fashion studio, Romani Design, challenging the centuries-old stereotypes faced by the country's Roma minority, in Budapest, Hungary.

*Bela Szandelszky/AP/Shutterstock*

## The 'othering' of Roma in Europe

The Roma population is one of the most oppressed minorities in Europe. The community's origins trace back to South Asia and a process of transcontinental migration, possibly triggered by the invasion of Afghan ruler Mahmud of Ghazni in the eleventh century. Some records trace the transcontinental migration to a much earlier date during the first millennium 1,000 C.E. Though comprising a diversity of different subgroups, including among others Romani, Sinti, Manush, Calé, Kaale, Romanichals, Boyash/Rudari and Dom, their distinct language and ethnicity meant that wherever they settled in Europe they were marked out as 'separate' to the pan-European standards of whiteness.

This racialized othering of the Roma population was easily assimilated into the policies and approaches of the modern European state. Its

administrative and bureaucratic frameworks served to amplify the separateness of the Roma population, thereby creating greater barriers to integration in work and employment. Discriminatory stereotypes served to associate Roma with specific jobs while barring their participation in other areas of the state economy. Before the colonization of the Americas, Roma were subjected to enslavement in Wallachia and Moldavia (in present-day Romania), with many still living in forced servitude in the nineteenth century. In Western Europe, following Portugal's imperial expansion, historical records show Roma in Portugal were subjected to mass expulsions to its Brazilian colonies. This historic and longstanding abuse, like many other episodes in the community's history of persecution, is still relatively unknown. There is limited awareness, too, of the atrocities perpetrated against them by the Nazis, who designated Roma as 'asocial' and forced them to wear inverted black triangles on their

uniforms. As many as 1.5 million Roma may have died in what is known as *O Porrajmos* or The Great Devouring.

Despite the progressive rollout of human rights protections in the wake of the Second World War, many of the 10 to 12 million Roma living in Europe still face racial ‘othering’ by their governments and fellow citizens. A 2016 survey published by the European Union (EU) Agency for Fundamental Rights (FRA) presented an alarming picture of the situation faced by Roma in a selection of nine countries in the EU: 80 per cent of Roma surveyed were living below the at-risk-of-poverty threshold, many in substandard living conditions without access to running water or adequate nutrition. Their predicament is underpinned by widespread segregation and discrimination, reflected (as with India’s Dalit population) in low levels of educational attainment. For example, among Roma aged 6 to 24 years old enrolled in education, only 1 per cent attend school at a higher level than the one corresponding with their age, while 18 per cent were in a lower level than the one corresponding to their age. In some countries, significant numbers leave school without completing any level of formal education. In Greece, the worst performing of all the countries surveyed, this was the case for 42 per cent of 16 to 24 year olds, a proportion that almost doubled to 82 per cent among Roma aged 45 or older.

In this context, it is not surprising that only a tiny proportion of Roma manage to access higher education. Many Roma who have succeeded in completing high school have credited non-racist peer support as one of the major factors in their success. Thus, one important step for change is an institutional mandate that needs to promote inclusivity and robust pro-Roma culture in the syllabus and classrooms. Some researchers have proposed going beyond a minimalist emphasis on ‘equality’ and instead adopting an active policy of ‘anti-racism’ in education as a possible way out.<sup>8</sup>

Having been sidelined by the education system, as adults Roma face a lifetime of employment challenges. Many, without the qualifications to access formal employment, are self-employed or engaged in precarious informal sector activities. Discrimination also persists, creating a further barrier: for instance, a 2019 FRA survey of thousands of Roma and Travellers in Belgium, France, Ireland, the Netherlands and Sweden found that close to a quarter (22 per cent) of respondents reported having experienced discrimination in the previous 12 months when looking for work. Yet it is insufficient to respond to these disparities through purely ‘technical’ interventions that do not acknowledge the need for a justice-based approach to address this ‘racialized poverty’,<sup>9</sup> underpinned by institutional discrimination.

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- 8 Matache, M., Jovanovic, T., Barbu, S. and Bhabha, J., ‘Roma in higher education: Access denied’, in J. Bhabha, W. Giles and F. Mahomed (eds.) *A Better Future: The Role of Higher Education for Displaced and Marginalised People*, Cambridge University Press, 2020, p. 77.
- 9 Matache, M. and Barbu, S., ‘Assessing racialized poverty: the case of Romani people in the European Union’, in M.F. Davis, M. Kjaerum and A. Lyons (eds.), *Research Handbook on Human Rights and Poverty*, pp. 192–210.

While perhaps less explicit than India's caste-based hierarchies, it is nevertheless the case that the exclusion of Roma in Europe is underlined by the persistence of *Gadje* (non-Roma) archetypes of white civility, against which Roma are counterposed. For example, the marginalization of Roma is perpetrated from an early age by pedagogical structures that through a combination of ill-equipped teachers, underfunded educational infrastructure and a lack of peer support imprint a sense of inferiority on the minds of Roma children.<sup>10</sup> Class, gender and sexuality may create further obstacles for Roma already confronting the hegemonic forces of European whiteness. This unsurprisingly creates a challenging environment to gain entry into the labour market that, along with a lack of state support and ignorance of Roma participation in the nation's economy, results in the intense poverty faced by Roma communities across Europe. Drawing on Amartya Sen's influential work on poverty, analysis by Matache and Barbu locate Roma communities in a multidimensional poverty index.<sup>11</sup> This shows that there is an intrinsic link to how societies function when social forces determine their attitudes. Thus, poverty is linked to the injustice Roma face and *Gadje*-oriented policies that often fail to acknowledge the relationship between racism and the power relations that are at play.

Roma, like Dalits and Burakumin, are significantly concentrated in the informal sector. Their job status, statistics and

workplace-based experiences do not find a place in many government reports. In many contexts, they face data invisibility. The informal economy is one of the survival modes for these communities, a situation that state officials are often happy to tolerate as it means they do not have to take responsibility for their welfare, care and protection. This sector of the economy is extremely vulnerable and precarious. Residential segregation, along with the gaps in educational outcomes discussed earlier, is a key factor in further marginalizing their access to the labour market.

A central reason why the situation of Roma in Europe has shown little progress is the persistence of anti-Roma politics, structural discrimination and stereotypes that serve to maintain their exclusion from equitable employment and education. The handful of Roma intellectuals, scholars, artists and businesspeople who have been recognized and accepted is proof that the European model of development and democracy has yet to extend its promise of equality and inclusion to Roma generally. Nevertheless, there are inspiring examples of Roma professionals, leaders and scholars who despite these barriers have achieved recognition, including Rita Izsák-Ndiaye, the former UN Special Rapporteur on minority issues, and Margareta Matache, a leading researcher and scholar in the field of Roma studies at Harvard University. There

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10 For example, see Matache, M., 'Dear Gadjo (non-Romani) scholars...', FXB Center for Health and Human Rights at Harvard University, 19 June 2017, available at <https://fxb.harvard.edu/2017/06/19/dear-gadje-non-romani-scholars/>

11 Matache, M. and Barbu, S., 'Assessing racialized poverty: the case of Romani people in the European Union', *Research Handbook on Human Rights and Poverty* Martha F. Davis, Morten Kjaerum and Amanda Lyons (ed.), pp. 192–210.

is also a vibrant activist movement seeking to challenge the stigma and invisibility that have been so critical in perpetuating their exclusion. In April 2021, to commemorate the fiftieth anniversary of the First World Romani Congress in 1971, Roma organizations across Europe came together to participate in the Proud Roma, Free Europe campaign. As governments across the continent prepared to carry out their national censuses, the movement mobilized Roma to declare their identity in order to highlight the persistent problem of undercounting.

## Conclusion

This discussion has highlighted the specific characteristics and experiences of Dalits, Burakumin and Roma, but also the significant similarities between them as 'outcastes' in their own countries. Their marginalization is self-perpetuating, with discrimination from an early age in education subsequently determining their ability to access decent employment — a situation that then drastically diminishes not only their own life prospects, but those of their children too. If they try to challenge the state and society to pursue higher education, they are further discouraged by direct and indirect forms of discrimination.

Lack of access to education has created further barriers to employment, decent housing, access to health services and the ability to be heard by the police and judicial system. Moving forward, we need to escape the over-reliance on quantitative indicators to assess the plight of oppressed communities. Treating this

as a development issue rather than one of liberation, the highly complex structural and power inequalities of the caste system are framed as a problem for economists and number crunchers. A humanity-centred approach needs to work alongside the data and ensure that we do not simply reduce these uniquely challenging human experiences to a set of statistics. The complexity of caste-based discrimination is such that it cannot be resolved simply through a purely technocratic approach that focuses on improving education and employment indicators without also addressing the entrenched chauvinism and supremacism of dominant communities.

The active involvement of Dalits, Burakumin and Roma in the formal economy is one way to address caste discrimination. If marginalized groups are brought into formal employment in an inclusive manner as tax paying entities, the state as well as society will benefit from the labour these communities can provide. But for this to happen, they have to be given roles that wield real power and responsibility: this means challenging the entrenched discriminatory attitudes that continue to keep them in poorly paid, subordinate positions. Put simply, Dalits, Burakumin and Roma must be allowed to fulfil their potential as leaders in their field, creating role models that can act as inspiration and offer guidance. An officer, a CEO or a manager from these communities will certainly help alter the lazy and uninformed perceptions held by some dominant groups against these communities as lacking in talent and work ethic. While one must be wary of token representation,

societies also need to work together to provide institutional and cultural support for the development of their most excluded populations.

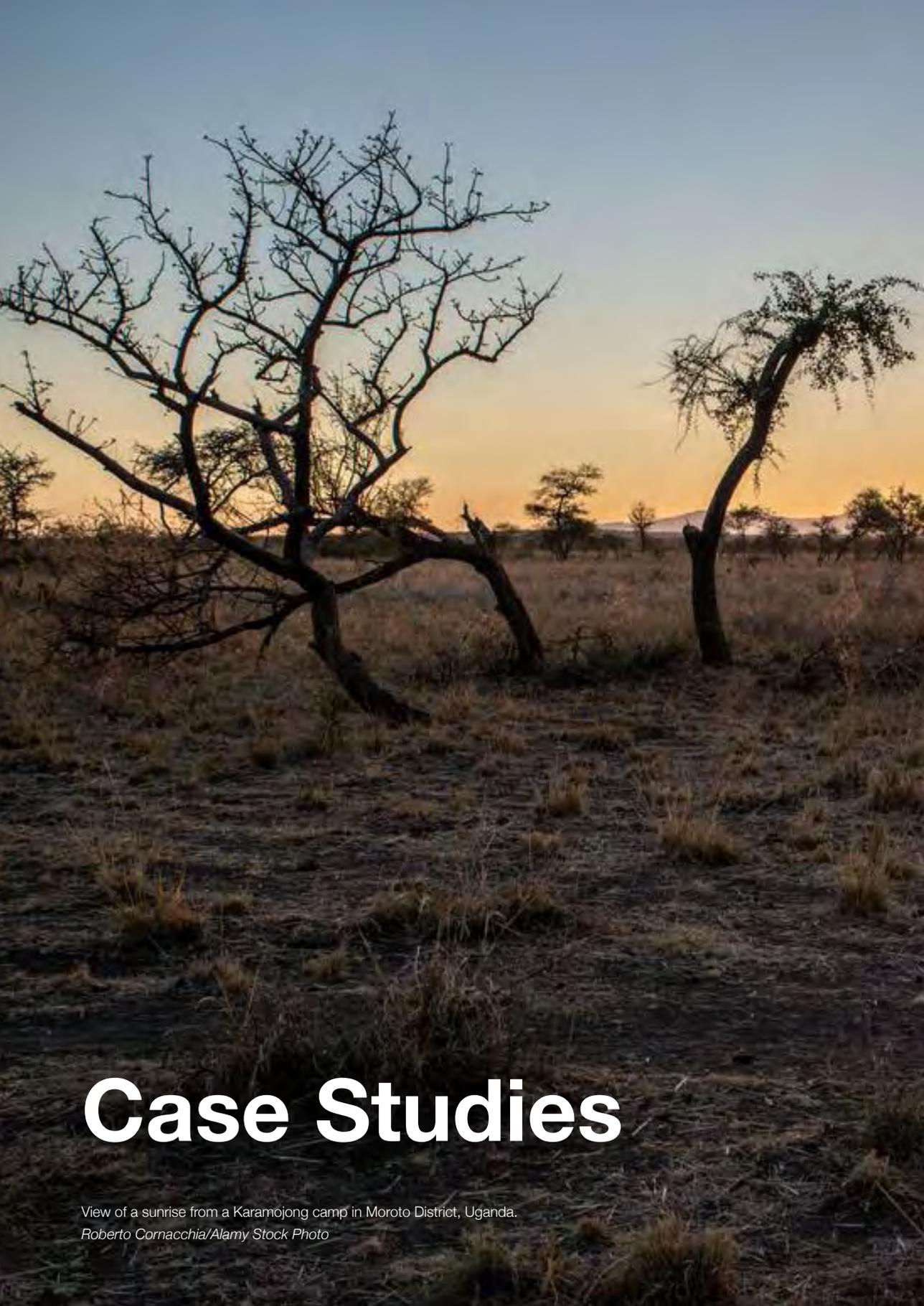
However, this cannot be achieved within the narrow constraints of the neoliberal market. In fact, the neoliberal order has been primarily responsible for widening the gulf between people's customs, traditions and beliefs and the diktats of the economy. A pessimistic situation has been created wherein the historically oppressed are put at peril for not giving them adequate opportunity to benefit from the market. Given existing prejudices against these groups, and society's apathy to invest in these communities, a massive underclass of unemployed youth is being created that threatens disaster for any economy.

Fortunately, the extraordinary progress made by the communities discussed here, in the face of overwhelming social resistance, has at least proven their merit to take up multifarious challenges. In the process of finding justice, these communities have not only asserted their own humanity but offered their oppressors the chance to reclaim their own as well, thereby overcoming the dehumanizing attitudes of their countries.

## Acknowledgements

The author gratefully acknowledges the comments made by anonymous reviewers from the Dalit, Buraku and Roma communities. ■

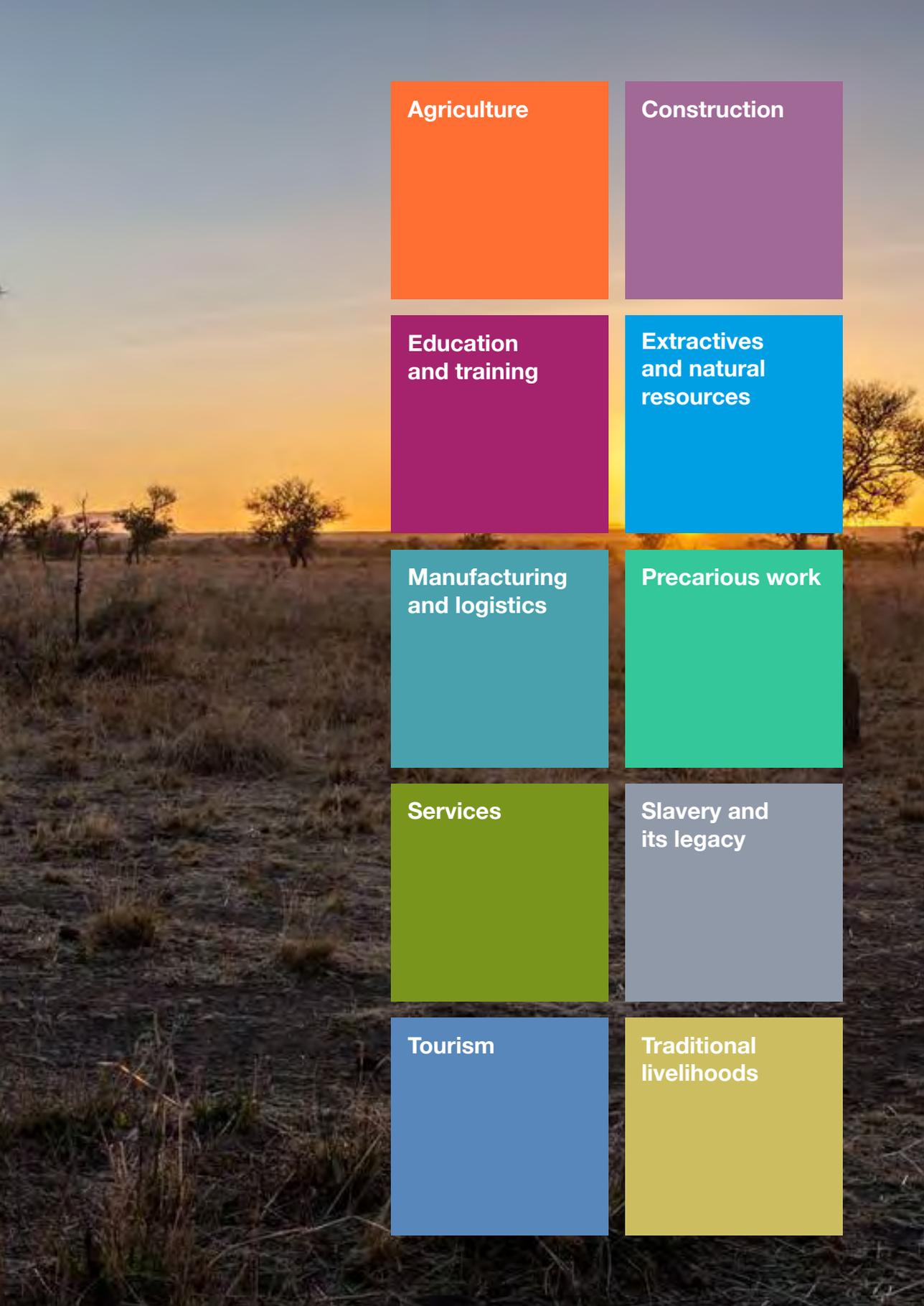




# Case Studies

View of a sunrise from a Karamojong camp in Moroto District, Uganda.

*Roberto Cornacchia/Alamy Stock Photo*



**Agriculture**

**Construction**

**Education  
and training**

**Extractives  
and natural  
resources**

**Manufacturing  
and logistics**

**Precarious work**

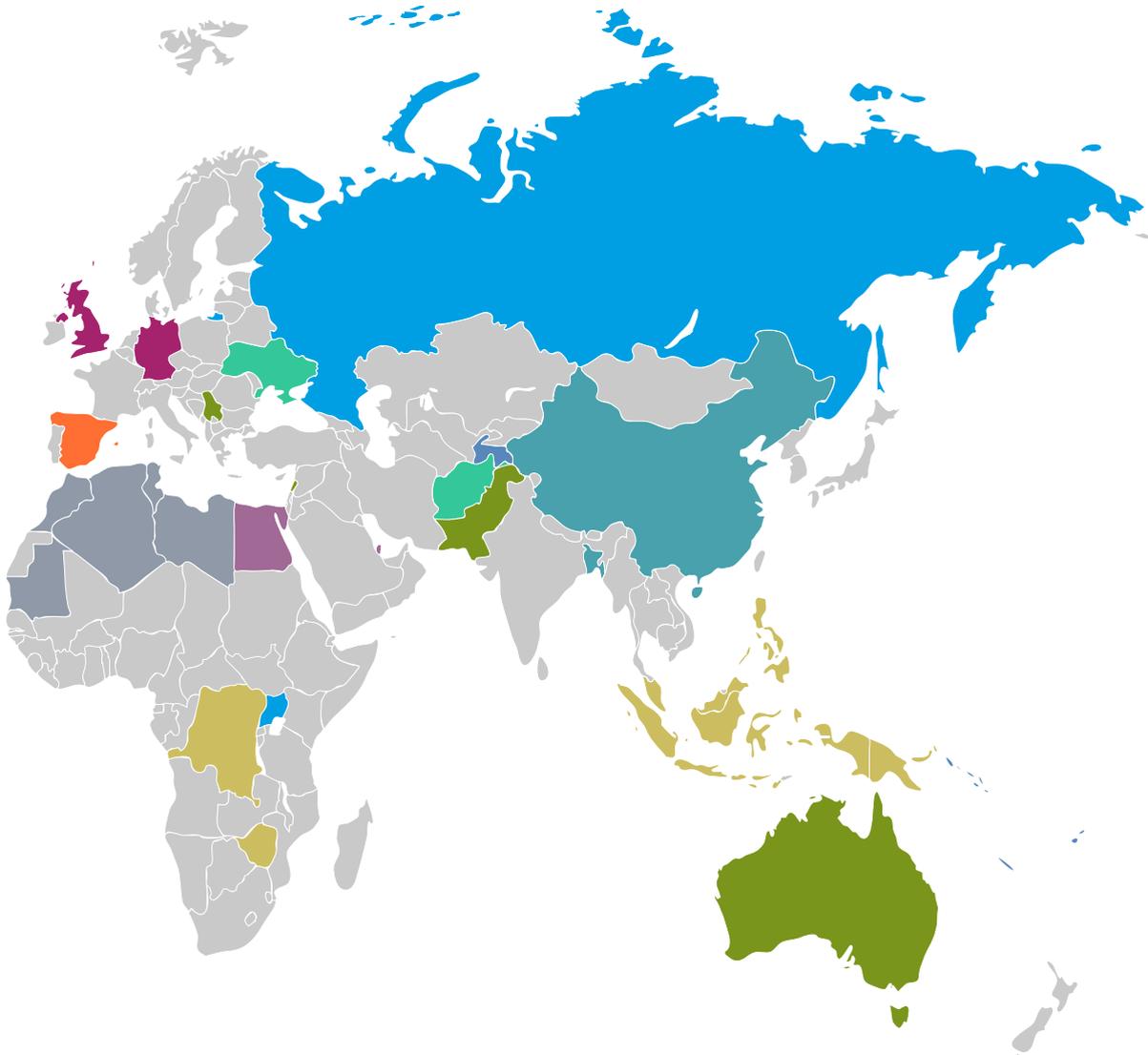
**Services**

**Slavery and  
its legacy**

**Tourism**

**Traditional  
livelihoods**

# Map: Case studies from around the world





Canada  
Spain

Egypt  
Qatar

Brazil  
Germany  
UK

Mexico  
Russia  
Uganda

China  
United States

Afghanistan  
Dominican Republic  
Ukraine

Australia  
Lebanon  
Pakistan  
Serbia

Mauritania  
North Africa

Pacific  
Tajikistan

Democratic Republic of the Congo  
Southeast Asia  
Zimbabwe

# Agriculture



**The need for cheap, readily available manual labour to cultivate and pick produce means the agricultural sector is especially prone to exploitation of its workers. This tendency is reinforced by the fact that migrants frequently make up much of the agricultural workforce in the global north, meaning that the inherently precarious nature of wage labour and seasonal work is underlined by other power imbalances.**

Foreign workers frequently lack the protections enjoyed by citizens, even when they have entered the country through formal channels. In **Canada**, for instance, tens of thousands of Caribbean and Mexican migrants are recruited every year through the Seasonal Agricultural Workers Program. Yet they continue to be denied basic rights, including pathways to permanent residency, and are locked into contracts with individual employers who as their sponsors can potentially send them home on the grounds of 'non-compliance'.

The potential for exploitation is even greater when migrant workers are undocumented. In **Spain**, where vast quantities of fruit and vegetables are grown in the southern province of Almería for export elsewhere, many workers have arrived without paperwork from Morocco and other African countries. Given the risk of deportation, their ability to report abuses such as withheld wages or excessive hours is limited. Working long hours in often dangerous and unsanitary conditions, their labour underpins a significant portion of Europe's food supply.

# Canada: The exploitation of Mexican and Caribbean migrant workers in Ontario's agricultural sector

Miriam Puttick

Since its founding, Canada has relied heavily on racialized and gender-segmented workforces to fulfil labour needs in core sectors of economic production. Today, the agricultural sector is one of the industries in which this pattern can be seen most clearly. Under the so-called Seasonal Agricultural Workers Program (SAWP), Canada employs tens of thousands of workers from Mexico and the Caribbean annually on farms and other agri-food production sites.

But despite their decades of contribution to the Canadian food system, workers under this programme are kept in a state of precarity by a policy framework that denies them basic labour protections, prevents them from settling permanently in Canada, and keeps them dependent on the goodwill of their employers. These characteristics are what have led many academics and rights groups to compare this labour model to a modern form of indentureship.

The SAWP has its origins in the Commonwealth Caribbean Seasonal Agricultural Worker Program, which was created in 1966 in response to demands from Canadian fruit and vegetable growers who were facing a shortage of Canadian workers willing to provide low-wage manual farm labour. The programme started with 263 workers from Jamaica, and has since expanded to include Barbados, Trinidad and Tobago, Mexico and eight eastern Caribbean countries. Today, around 60,000 workers come to Canada every year through the programme, as well as through the agricultural stream of the Temporary Foreign Workers Program (TFWP).

Under the SAWP, the governments of the sending countries maintain a roster of agricultural workers ready to be sent to Canada in response to labour requests by Canadian farm owners. Workers accepted into the programme are permitted to come to Canada to work for a maximum of eight months out of the year. Their work permits are tied to a single employer, and they are not allowed to bring their spouses or children with them. After eight months of work in Canada, they have to return

home. However, employers have the right to request specific workers by name to return the following year. In practice, most of the participants in the SAWP are recalled year after year, sometimes accumulating decades of experience working on Canadian farms.

In Ontario, Canada's most populous province, migrant workers make up 41.6 per cent of the agricultural labour force. Demand for labour in the sector has grown over the years with the transition from small and medium-sized family farms to large-scale commercial farming operations focused on export. Canada is now the world's fifth largest food exporter, generating CA\$74 billion in income from agricultural exports annually. The move towards export-oriented farming has fuelled a need for cheap and highly productive labour, enabling produce to be exported at competitive prices.

Migrant workers brought in under the SAWP represent a cheap and exploitable pool of labour, because they are exempt from labour standards applicable to other workers in Ontario, concerning minimum wage requirements, hours of work, overtime pay and time off. Migrant workers often work for up to 17 hours a day on Ontario farms, six or seven days of the week. Their work is repetitive and physically demanding and could require them to operate heavy machinery or handle pesticides and other chemicals, often without adequate training or access to safety gear. They work under intense pressure to meet daily productivity targets, and the least productive workers are punished by being barred from work for two to three days without pay.



A man watches a religious sermon from his bunkbed at Cervini Farms, in Leamington, Ontario, Canada. 1 August 2021. Christopher Luna

Since their immigration status is tied to their employer, and they are prohibited from collective bargaining, migrant workers in Ontario are usually reluctant to raise concerns about working conditions or abuses for fear that they will be sent back home. Under the SAWP, employers can terminate workers' contracts 'for noncompliance, refusal to work, or any other sufficient reason', resulting in immediate deportation. A negative evaluation from an employer will often mean that the worker will not be called back to work the following year. Moreover, the practice of medical deportation allows employers to repatriate sick workers even if their illnesses or injuries were caused by their work in Canada. Out of 787 repatriations of agricultural workers that occurred between 2001 and 2011 in Ontario, 41.3 per cent were for medical or surgical reasons and 25.5 per cent for external injuries.

In reality, employer control extends beyond working conditions to almost all aspects of a migrant worker's life, because the SAWP also requires workers to live in employer-provided housing. This usually consists of bunkhouses located on the farm premises, with up to 24 beds in a room and virtually no privacy. The poor state of their housing has been a consistent source of grievance for migrant workers over the years. Common complaints include pest infestations, broken amenities, gas leaks, sewage issues, and insufficient bathroom and kitchen facilities. Migrants living and working on employer premises in rural areas have limited ability to make contact with others in the community, contributing to their isolation.

When the Covid-19 pandemic hit Canada, the overcrowded state of housing for migrant workers immediately led to mass outbreaks on

farms. Many of the affected workers came from communities relatively untouched by Covid-19 and were only exposed to the virus as a result of their work in Canada. In one farm in Norfolk County, over 200 out of 216 migrant workers tested positive for the virus by June 2020. News of the widespread outbreaks, which caused the deaths of three Mexican workers, prompted the Mexican government the same month to stop sending its nationals to Canada until health and safety concerns were addressed.

While the pandemic exposed the poor living conditions of migrant workers, it also created new justifications for discrimination. Migrant workers were often treated by the public as vectors of disease, even though it was their presence in Canada that put them at risk of contracting the virus. They reported being subjected to increased restrictions on their mobility, which prevented them from going to town to shop for necessities or send money to their families, while Canadian farm workers faced no such restrictions. These experiences add to the daily humiliations that migrant workers face on their worksites, which many describe as racially toxic environments. Caribbean workers – who are mostly Black men – report particularly high levels of racist treatment, not only from their employers but also from the local residents of surrounding white farming towns.

The TFWP and SAWP programmes are part of a long history of labour practices in Canada in which racialized groups are recruited to perform gruelling and poorly remunerated work while being simultaneously excluded from

permanent settlement. Precedents include the recruitment of Chinese labourers to build the Canada Pacific Railway in the late nineteenth century (600 of whom died on the job) and the Live-in Caregiver Program, which brought Black Caribbean women to perform domestic work while blocking the permanent settlement of Black migrants in Canada. Scholars have connected these practices to the driving logic of settler colonialism behind Canada's founding: after the conquered land was 'cleared' through the violent subjugation of Indigenous peoples, migrants were brought to work for the economy established on the cleared land. While some categories of migrants were deemed 'settler-worthy' and welcomed to stay, others, predominantly those who are racialized and constructed as 'low-skilled', continue to be treated only as disposable sources of labour.

For SAWP workers, there is no pathway through which they can

Migrant workers  
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acquire permanent residence or become covered by the labour rights guaranteed to other Canadians. Their precarious immigration status is an inherent feature of the programme, which legally constructs workers as 'temporary' even though the need for their labour is structural and permanent, as evidenced by the fact that the programme has been running for over five decades. The nomenclature of these programmes means that agricultural workers are always described in public discourse as 'foreign' and 'temporary', reinforcing the assumption that they do not belong in Canada. Migrant workers are then rendered vulnerable to abuses on two fronts, both because of the power the programmes give to their employers, and because of their status as racialized minorities in Canada.

Given that exploitation is inherent to the design of these programmes, rights advocates have long called for an end to 'temporary' and employer-bound labour migration schemes. The Global Slavery Index specifically names the SAWP as a programme contributing to conditions of modern slavery in Canada and calls for the abolition of the TFWP. These programmes justify a lower standard of treatment for racialized workers from the global south, while enabling the profits of their labour to flow disproportionately to Canada's corporate class. Agricultural workers coming to Canada should have pathways to permanent residency available to them after working a certain period in the country, similar to other migrants. They play a vital role in Canada's economy and should be treated accordingly.

# Spain: The exploitation of migrant workers in the ‘Sea of Plastic’

Laura Quintana Soms



El Nazareno shantytown, Níjar, Almería, inside the Sea of Plastic  
*Ofelia de Pablo and Javier Zurita*

Four decades ago, a deserted expanse of Almería in southern Spain was chosen as the site for what would become a vast conurbation of greenhouses, the so-called Sea of Plastic. Today, it is the source of some 3.5 million tonnes of fruit and vegetables annually, with the majority of this crop exported to Germany, France and the United Kingdom. Totalling more than 40,000 hectares, stretching from the coast of the Alborán Sea to the mountainous area of the Alpujarra, this swathe of polythene is visible from space.



A worker fired by a fruit company because of a claim for safety measures sits on a bed in the Sea of Plastic.

*Ofelia de Pablo and Javier Zurita*

Alongside its plentiful underground water reserves and more than 3,000 hours of sunshine every year, Almería is an ideal location for another reason – its position on the Western Mediterranean migration route between North Africa and Europe. This has provided international companies in the region with a steady supply of cheap labour. With many migrant workers lacking formal documentation, the risk of exploitation, long working hours and inadequate pay is high.

This is reflected in the deplorable living conditions that many endure on a daily basis. On an official visit in January 2020, then UN Special Rapporteur on extreme poverty and human rights, Philip Alston, described their living conditions as among the worst he had ever seen. 'I visited areas I suspect many Spaniards would not recognize as a part of their country,' he subsequently reported, 'a shantytown with far worse conditions than a refugee camp, without running water, electricity, or sanitation.'

Amina\* is 25 years old and from Morocco, like the majority of workers in Almería's fields. She arrived in Spain almost three years ago, after risking her life to cross the Mediterranean. She left her native country in order to support her family financially and pursue the European dream. But her family, who are proud of her, are unaware of the conditions in which she lives, much worse than in her hometown.

She decided to move to Almería, because there, someone told her, she could work without papers while waiting the three years required before applying for a residence and work

permit. However, she was unaware of the brutal conditions she would have to endure in the meantime.

Every day, she gets up very early to be among the first at the 'no contract' hiring point, usually a roundabout or an industrial neighbourhood, where from 6:30 or 7 a.m. the field managers go to pick up the people they need that day. As she does not know anyone with a good relationship with the managers, she cannot be 'employed' directly. No managers have come for days, despite the fact that many men and women have been waiting there every morning.

When she is lucky enough to be picked, she works for up to 10 hours without rest in the greenhouses, in temperatures that can reach up to 45-50 degrees Celsius in the summer, picking tomatoes, peppers, zucchini, cucumbers, avocados, melons, kiwis or mangoes. All for a salary of €32-40 per day – far below the minimum wage of €59 – which may take weeks or months to be paid. As a woman, Amina also faces the constant threat of harassment, assault and sexual abuse from locals and other migrants, as well as the risk of not being hired or getting fired if she gets pregnant. Even contracted workers are not always paid for the actual hours worked and may also be denied basic rights such as holidays and rest breaks.

At the end of the day, Amina always feels extremely tired, and there are days when she even finds it hard to breathe. This is not only on account of the long hours, but also because of the lack of protection when working inside the greenhouses where she inhales chemicals from exposure to

pesticides that can cause serious respiratory diseases and cancer. Although the use of pesticides has decreased considerably in recent years, there are still cases of illness and even death: in November 2021, for instance, a 43-year-old migrant worker named Omar Mellioui died while fumigating greenhouses at a farm in Las Norias.

Upon her arrival, Amina tried to rent a room but was repeatedly rejected by local landlords because of her nationality, skin colour or lack of documentation. She was therefore left with no choice but to build a small shack out of wood and plastic waste in the Atochaes settlement in Nijar, where thousands of migrants live. Freezing cold in winter and unbearably hot in summer, basic services here are non-existent: Amina spends more than 10 minutes every day carrying jugs of water to cook, clean and drink. Hazardous gas and electricity connections have resulted

in a number of fires that already destroyed other settlements in Nijar.

The underlying cause of Amina's precarious situation is her lack of documentation. To work, Amina needs a work and residence permit. To get it, she must obtain a registration document from the town council where she lives and then wait three years without being able to leave Spain, see her family or work and rent somewhere to live legally. But while obtaining this registration is the basis for being able to seek the necessary documentation in the future, the complex administrative requirements surrounding these processes, the difficulty of securing an official appointment and other obstacles mean that many are forced to purchase registrations and contracts illegally.

Employers are often complicit in this system themselves: on some occasions, field managers facilitate these contracts and deduct the costs from the worker's salary. Local authorities in Almería province, meanwhile, have turned a blind eye over the years to the reality of labour exploitation and illegal working conditions. When Amina has tried to complain to managers who have hired her without papers, they always threaten to notify the police to deport her or they stop calling her. In the Sea of Plastic, there are always others willing to take on the work in her place.

For three decades, Amina and tens of thousands of migrants like her have been systematically exploited as irregular workers to ensure a flow of cheap and plentiful produce to some of the richest countries in

When she is lucky enough to be picked, Amina works for up to **10 hours without rest** in the greenhouses, in temperatures that can reach up to **45-50 degrees Celsius** in the summer

‘A shantytown with far worse conditions than a refugee camp, without running water, electricity, or sanitation.’

– Philip Alston

Europe. Although some progress has been made in documenting the situation internationally and improving the conditions of workers in some of the larger agricultural macro-companies, thanks to the efforts of the union SOC-SAT Almería, much remains to be done. ■

*\*‘Amina’ is a composite of several women’s testimonies: the experiences described here are illustrative of the challenges faced by innumerable migrant workers in the area.*

# Construction



**From housing to infrastructure, construction plays a central role in many national development programmes and is often justified for the jobs, investment and wealth it will supposedly bring to marginalized urban neighbourhoods or rural areas. Yet without proper consultation and a broader commitment to equality, the impacts on communities can be devastating. In some cases, such development can lead to the destruction of heritage, homes and livelihoods.**

This has been the case in **Egypt**, a country with a long history of state-sponsored projects that have often uprooted already disenfranchised populations from their land. Despite clear legal protections in place for cultural and religious sites of historical value, much of the monastic complex of Abu al-Darag near the city of Suez has been erased to accommodate luxury condominiums, resorts and other amenities in its place. Though trumpeted by government officials and businesses for the employment it will generate, the Coptic Christian minority have paid a heavy price through the destruction of one of their heritage sites.

Alongside the negative impacts that many redevelopment programmes have on minorities, indigenous peoples and other marginalized groups, from the eviction of communities to the destruction of important sites, the construction industry is also frequently based on the exploitation of poorly paid, unprotected labourers who risk their health and well-being to undertake this hazardous work. In **Qatar**, a country notorious for its mistreatment of the large migrant population who form the backbone of its workforce, many deaths have occurred in relation to the development of hotels, roads, stadiums and other megaprojects associated with the 2022 World Cup in Doha. This has been accompanied by a crackdown on labour activism and dissent to create a disempowered, easily replaceable workforce with little ability to protest against their conditions.

# **Egypt: Destroying heritage in the name of development – the monastery of Abu al-Darag**

Alaa Saad

The monastic complex of Abu al-Darag is situated on the Red Sea, some 70 kilometres south of the city of Suez. Historically, the area and its surroundings have been known to house a number of monastic settlements, including the nearby Monastery of Saint Antonios and the Monastery of Saint Paul the Anchorite, which has long acted as custodian of Abu al-Darag, sending monks to hold prayers in the cave church and find solitude in the historic hermitage cells.



An Egyptian Coptic Orthodox Christian priest during a Palm Sunday mass at the Samaan el-Kharaz Monastery, in the Mokattam Mountain area of Cairo, Egypt, 17 April, 2022.

Reuters/  
Mohamed  
Abd El Ghany

Archaeological analysis has shown that it was occupied by Christian hermits from the late sixth century, with the area subsequently serving as a resting point for pilgrims from Egypt to Jerusalem until the nineteenth century, due to the availability of a well only a few hundred metres away from the monastic cells. A description of the site in a book issued by the Coptic Studies Institute captures some of the power and beauty of the setting: 'regarding the church of the monastery, it is deeply sculpted in the rocks of the mountain and contains three crosses on the ceiling and writings on the eastern wall and the wall facing the sea'.

Egyptian law has long had strict protections surrounding its cultural heritage. In particular, Law 117/1983 (amended in 2010, 2018 and 2020) grants the Supreme Council of Antiquities 'the right to terminate any contractual relationship of any occupancy, whether residential,

commercial, industrial or any other occupancy at archaeological sites and areas'. Furthermore, the legislation allows for local bodies to enforce these protections with the support of the police force, with significant penalties for those who violate these conditions: depending on the nature of the infraction, penalties range from imprisonment and/or a fine of 50,000 to 200,000 Egyptian pounds, up to a prison term of between three and seven years and a penalty of 100,000 to 1 million Egyptian pounds.

On paper, then, the country's rich heritage should be safe from destruction or vandalism. However, the scope of these laws is limited by the state's selective recognition of certain minority communities. With regard to religious minorities, only some religious faiths are officially recognized in the Egyptian Constitution – the Abrahamic religions, namely Christianity, Islam and Judaism – while the heritage of

other religious communities, such as Bahá'í (a faith effectively outlawed in 1962), may be excluded from these protections. There have also been previous attempts, albeit unsuccessful, to remove Jewish heritage from protection. In December 2014, the Alexandria Administrative Court aimed to delist the country's Jewish heritage, arguing that 'Jewish civilization in general and the Jewish religion had no impact on the ancient Egyptian civilization nor the arts'. These examples illustrate how the apparently cast-iron protections surrounding Egypt's heritage are in practice undermined by discrimination and vested interests, particularly when it concerns one of the country's marginalized minorities.

This is also the case with Abu al-Darag, despite the Ministry of Culture issuing a specific decree in 2005 to recognize the site under its purview and acknowledging its responsibility to maintain, protect and restore the heritage value of the complex. This

designation has not stopped business and development interests from encroaching on the site. According to the monks of the St Paul the Anchorite monastery, the governorate of Suez sold land belonging to Abu al-Darag to investors. A new mega-project in the area was subsequently announced in 2015, 'Developing the Galala Plateau', to be implemented by the Armed Forces Engineering Authority. Under the auspices of the president, the project aimed to build an 'international city' including a university and a touristic resort overlooking the Gulf of Suez with two luxury hotels, an industrial zone, medical facilities, an Olympic village, a sea water desalination plant and residential areas for low-income people in addition to the Ain Sukhna-Zafarana road. The state announced that it would employ more than 80 companies and around 80,000 workers to undertake the project. Furthermore, once complete, the project was expected to create 10,000 job opportunities, with investments topping US\$100 million.

As a result of the renewed business interest in the area, a meeting was held in June 2015, which included the local Suez Antiquities Authority, members of the Armed Forces Engineering Authority and the Tourism Development Authority. They formed a committee which, after inspecting the site, scaled back the protected from 276 *feddans* to just 4 *feddans* (1 *feddan* is 1.03 acres or 4,200 square metres). The works continued and the new road that would cut through the Galala Plateau went ahead. The implications for the heritage site, however, were far from positive. In particular, the construction of two multi-lane highways left vast swathes of Abu al-Darag irreparably damaged.

Today, real estate companies advertise villas and chalets in 'Il Monte Galala el Sokhna' village resort, with **prices starting at 3.3 million Egyptian pounds.**

This vandalism in the name of development prompted the monks of the St Paul the Anchorite Monastery, together with young activists, to start a national campaign to raise awareness about the threat facing the monastery. As a result of this campaign, different antiquities authorities were informed, including the Permanent Committee of Muslim and Coptic Antiquities at the Supreme Council of Antiquities which, in opposition to the view of the local Suez Antiquities Authority, affirmed the unique historic value of the site. Furthermore, in August 2018, the Permanent Committee agreed to have a decree issued by the Minister of Antiquities setting 51 *feddans* as the historic site covered by decree 817/2005, reclaiming some of the land that had been lost a few years before.

This move may have contributed to the fear of some investors that the lands might be taken from them by the Permanent Committee of the Supreme Council of Antiquities. Even before the 2018 decree, physical attacks on the heritage site escalated. In December 2016, the monks of Saint Paul the Anchorite Monastery found that the cave church had been set on fire. Another attack took place in June 2017, when the cave church was buried under rubble after crews with heavy equipment entered the complex. While no one was held accountable, it seems likely that the attacks were instigated by developers who worried that the land that they had purchased previously might be removed from them. Destroying the historic site may therefore have been seen as the best means to 'protect' their investment. Another attack took place at the end of September 2018, when workmen driving loaders attacked the different

spots constituting heritage monuments on top of the hill, including the cave church and all the hermitage cells, destroying them and turning them into rubble. This effectively brought an end to the existence of the original heritage site. There were no penalties imposed or any punitive measures taken against any party. Despite focusing on Abu al-Darag, a ministerial decree issued in February 2019 and published in the Official Gazette failed to make any mention of the destroyed historic monastery and provided protection to just a few remains on the lower levels of the mountain.

This example illustrates how readily cultural heritage and history can be bartered away to accommodate 'development', no matter what the cost, especially when the government and business are operating hand in hand. Today, real estate companies advertise villas and chalets in 'Il Monte Galala el Sokhna' village resort, with properties starting at 3.3 million Egyptian pounds, targeting the most affluent buyers. The village has been built over 600 *feddans*, including two luxury hotels. The university as well as a hospital have also been built, alongside hundreds of buildings up for sale, with various recreational outlets, clubs and a sports field. Furthermore, an industrial complex includes 30 mines and factories for producing granite, marble and manufactured marble. These factories are intended to drive the transformation of the area into a showpiece real estate development. However, the area where the cave church once sat has yet to be rebuilt, years after its destruction, meaning the beauty and mystery of the monastery could be lost forever.

# **Qatar: Ending the exploitation of its migrant worker population**

Malcolm Bidali

*This piece, written by Kenyan migrant worker turned activist Malcolm Bidali, documents his experiences working for a security company in Qatar. After a relatively successful first stint he returned to the country in September 2018, only to find himself in a far worse situation. He went on to document the living and working conditions that he and other migrants faced, leading eventually to his arrest by the Qatari authorities in May 2021. Here he shares his concerns for the hundreds of thousands of migrants still in Qatar, many of them working in construction ahead of the 2022 World Cup, and his hopes for reform.*

We arrived at the airport around midnight, and there was no one to receive us. We had to wait for the outgoing shift that worked at the airport, and hitched a ride with them, in the monstrosity of a bus most commonly used for ferrying construction workers. As tired as we were, I was hopeful that we would get some rest at the same accommodation I was at last time I was there. Oh, how mistaken I was. I watched, in utter disbelief and confusion, as the bus whizzed past Barwa Al Baraha. Confusion gave way to dread as the bus pulled up to a ghastly excuse of an accommodation in the Industrial Area – a slum-like district characterized by congested ‘residences’, filth, dust, deplorable roads, litter and generally unsanitary surroundings. This is where Qatar hides its migrant workers, away from the general population, as if we were a blight, an eyesore.

We, the new arrivals, got off the bus and were led to a room where our passports were confiscated. Then we were transferred to another block as ghastly as the first, where we were shown where to sleep. No meal or even drinking water was provided. Unlike with the previous company, we weren’t given an advance or food allowance for a week or two, and we had to survive on the generosity of roommates and countrymen. Coexisting in cramped quarters, infested with bedbugs, and unsanitary toilets didn’t help matters at all. We also couldn’t request better living conditions for fear of retribution, so we kept our heads down and when we were finally given work locations, we accepted our fate and looked forward to completing our contracts. We also couldn’t change jobs to escape these

conditions, because our company actively barred us from leaving them, so we were stuck with them for the long haul, pretty much against our will. This was and still is a common occurrence, despite Qatar having passed labour reforms in 2020 that allow workers to freely change jobs.

A few of the challenges migrant workers face are living in cramped unsanitary quarters, appalling food quality, long working hours, no days off, long commutes to and from work, racism, prohibitions on forming unions to address various challenges they face, the oppressive *kafala* (or sponsorship) system that bars them from changing jobs, wage theft or

A portrait of Malcolm Bidali.





Workers walk towards the construction site of the Lusail stadium which will be built for the upcoming 2022 FIFA World Cup during a stadium tour in Doha, Qatar.

Reuters/Kai Pfaffenbach

non-payment of wages, contract substitution, health and safety hazards, lack of access to justice, constant fear of retribution for speaking up, forced celibacy, restrictions on visiting malls and public parks or beaches, and a lack of support from their respective embassies.

In late December 2019, I began speaking up on the deplorable conditions of our welfare. With help from Migrant-Rights.org, I published an article, and this got a lot of traction, which led to some changes being implemented almost immediately. When I saw the power of advocacy and social media, I made up my mind to dive in and carry on writing about our experiences. This went on for about a year or so, until I published a piece on Sheikha Moza bint Nasser (Qatar Foundation Chairperson and mother to the Emir, Sheikh Tamim bin Hamad Al Thani). That particular

article, I believe, is the reason I was apprehended by the authorities.

When I was released, while still in Qatar, my safety and security was definitely at risk because I was made to sign a non-disclosure agreement to bar me from disclosing anything regarding my solitary confinement, interrogation, prosecution proceedings and other details surrounding my case. For the two and a half months I was in Qatar, pending court proceedings and under a travel ban, I couldn't speak about anything. I most certainly couldn't access my social media accounts or speak to my friends as I was 100 per cent sure I was being monitored. If I said or did anything even remotely advocacy related, I knew I would be picked up or summoned by the authorities – and these weren't your ordinary police or even the CID, this was the State Security Bureau, an intelligence

## ‘But then again, the big question is: what happens after the 2022 World Cup, when all eyes are no longer on Qatar and the plight of its migrant workers?’

– Malcolm Bidali

agency branch of the Qatari Ministry of Interior, responsible for internal security investigations and intelligence gathering, with primary responsibility for sedition and espionage cases. Basically, a scary government entity with the autonomy to operate with *carte blanche* on cases they perceive to be harmful to national security, which makes them a very unpleasant outfit to be on the wrong side of.

Despite my ordeal in Qatar, I strongly believe there is space for an emerging and effective civil society. One organization even wrote to a member of the ruling Al Thani family, demanding due process in my case and to ensure my safety and wellbeing. Doha News, arguably the most fearless media operating in Qatar, also reported extensively on my situation, along with a good number of the public, who voiced their concerns regarding my arrest for raising awareness regarding the dire situation of migrant workers' welfare. I believe, despite the government's attitude towards 'dissent', if enough people, media and civil society, with support from diplomatic interventions, can hold dialogue and work towards significant changes, this will greatly benefit both migrant workers and the business community.

However, I don't think boycotting, especially at this point in time, is a sensible response, mainly because of the assured retribution towards migrant workers, and the dismantling of the major reforms that have been made over the years. Boycotting may and will send a strong message, but the majority of the various parties calling for the boycott don't live in Qatar. It's the migrant workers who live and work in Qatar who will feel the full force of Qatari retribution, especially after their enormous investment in the event. It will be tantamount to open season on migrant workers and will most certainly undo all the progress on their welfare made so far.

The World Cup should still proceed, but more should be done in the way of dialogue between the Qatari authorities, the international community, embassies, international media, football clubs, prominent players, influential personalities and civil society. It's definitely too late to pull this destructive stunt when the most vulnerable – migrant workers – are the ones who will bear the brunt. More should be done to implement favourable and airtight policies and legislation to promote migrant workers' welfare.

Qatar has proven to be able to commit to introducing landmark reforms, at least on paper, and we need to be as involved as possible to ensure said reforms are effectively implemented. Giving credit where it is due, it is highly commendable that, of all the Gulf Cooperation Council countries, Qatar has taken major strides with regard to labour reforms. However, we as the concerned parties should be relentless in monitoring and cooperating with the Qatari authorities to ensure proper implementation, and we should also be extra vigilant and hold them accountable in the event of regression. Diplomatic interventions should also be encouraged in support of new legislation and the implementation of labour reforms.

But then again, the big question is: what happens after the 2022 World Cup, when all eyes are no longer on Qatar and the plight of its migrant workers? ■



# Education and training



**Education and training are central to the realization of equitable work opportunities. For many members of minorities and indigenous peoples, limited access to adequate schooling and a lack of upskilling options later in life can lead to a lifetime of poorly paid, exploitative employment. However, there is also a need for awareness raising within businesses and public agencies to address deep-seated patterns of discrimination that deny some groups the opportunity to improve their prospects.**

In **Brazil**, for instance, autistic people – particularly minority women – are still confronted by engrained stereotypes and non-inclusive work practices that perpetuate their disempowerment in the labour market.

When efforts are made to open up opportunities, however, the results can be extraordinary. In **Germany**, where in recent years more than 1 million refugees have settled, many new arrivals face a range of challenges including language barriers, unrecognized qualifications and the need to reconfigure their skills for a different labour market. Organizations such as the ReDI School of Digital Integration, set up in the wake of the 2015 refugee influx, have sought to fill this gap by providing collaborative workshops and training events that have enabled refugees to access jobs in sectors that might otherwise have been unavailable to them.

Nevertheless, much remains to be done, especially for minority and indigenous women who typically face increasing levels of discrimination as they ascend their organizations. In the **United Kingdom**, for instance, this is reflected in the under-representation of Black women in academia and the many obstacles they routinely experience working in higher education.

# **Brazil: A new approach is needed to ensure equality in the work place for autistic people**

Luciana Viegas

A portrait of  
Luciana Viegas.



*Luciana Viegas is a pedagogue, Brazilian Sign Language interpreter and teacher in the state public network of São Paulo. Herself autistic, as an activist she has challenged the stigma around autism with a particular focus on the intersectional challenges for autistic people from minorities. A founder of the Black Lives with Disabilities Matters (VNDI) Movement in Brazil and member of the Associação Brasileira para Ação por Direitos das Pessoas Autistas (ABRAÇA), here she discusses the barriers that autistic people continue to face – and the need for awareness raising and communication to transform entrenched societal prejudices against them.*

In Brazil, according to official data from 2018, there were 7 million people with disabilities able to enter the labour market – but only 486,000 (7 per cent) were registered in formal employment. This shortfall is nothing new: back in 1991, the Quota Law 8213/91 was specifically created to encourage people with disabilities to enter the labour market. The Quota Law stipulates that companies with more than 100 employees must have 2 to 5 per cent of their vacancies reserved for people with disabilities. Since 2012, with the passage of the Berenice Piana Law 12,764/12 recognizing autism as a disability, there has been increasing discussion of autism in the job market.

While some companies are now willing to discuss diversity and inclusion of people with disabilities, accessibility is still very much understood in relation to the idea of disability as a pathology without a ‘cure’. Because of this, there are very few complex jobs or vacancies that require training for people with disabilities, who are usually underemployed and receive

lower salaries than those offered to employees without disabilities. People with disabilities are thus left without the chance to develop professionally within their place of work.

In Brazil, public policies that are in place to financially support and reduce inequalities for people with disabilities, like the *Benefício de Prestação Continuada* (Continuous Benefit Provision) – an economic welfare payment that guarantees a basic subsistence income – can prove counterproductive, preventing an autistic person and other persons with disabilities from securing formal employment. This is because once hired, according to its regulations, the person no longer lives in vulnerability and therefore does not qualify for benefits. While the recognition of autism as a disability has provided autistic people with better access to essential financial support, it has at times also served to perpetuate popular stereotypes of incapacity and helplessness commonly associated with people with disabilities.

These misunderstandings are further complicated in the case of autism by the widespread perception that it is 'the genius disability', with autistic people generally regarded as extremely intelligent, white and male: there is almost no media representation of autistic people having average intelligence, being female or black. This is very problematic because it affects the way we autistic adults relate to work. Alongside public policies that fail to provide appropriate support to address the lived realities of many people with disabilities, employment hiring and selection processes also present barriers to people with psychosocial disabilities because the idea of accessibility is still focused primarily on breaking down physical barriers rather than the 'invisible' challenges that autistic people may face. Indeed, many autistic people, especially from black communities, end up seeking informal employment simply to avoid the stress surrounding these formal processes of recruitment. This can drive them into insecure or precarious work that can ultimately overload autistic people, leaving them more vulnerable to meltdowns and further entrenching the hyper-medicalization and pathologization of autistic people.

Employment selection processes and public policies therefore need to consider the complexity of the barriers faced by those with psychosocial and invisible disabilities. To understand the reality of the autistic population in the job market, especially the black and favela-inhabiting autistic population who face even greater levels of marginalization, it is vital that employers properly take into

account intersectionality: the fact that a person with disabilities who also has a non-binary gender or belongs to an ethnic minority lives an experience which interacts with both their disability and broader societal processes such as employment. In a society ruled by systems of domination of certain groups over others, this can generate additional forms of oppression and inequality for these groups compared to people with disabilities who have other favoured characteristics (such as being white and male) when accessing the same systems and processes in society.

As an autistic woman from a favela, my experience with the job market has always been an uphill struggle because the selection processes are designed for neurotypical people, who generally are at ease with oral communication normative social skills, while the specific communication styles of autistic and neurodiverse people are not considered. My work with the Black Lives with Disabilities Matter Movement (*Vidas Negras com Deficiência* in Portuguese), a movement that focuses on race and disability which I founded with other black, disabled activists in Brazil in 2020, has helped me to understand that these selective processes were built to prioritize white and non-disabled bodies. In some selection processes, for example, I performed well until I had to deal with questions that required neurotypical social dynamics that as an autistic person I obviously did not fully understand, meaning in the end I was rejected. Over the years, this gradually instilled in me the belief that I would fail these tests before I even tried.

‘As an autistic woman from a favela, my experience with the job market has always been an uphill struggle because the selection processes are designed for neurotypical people.’

– Luciana Viegas

The need to fight for the rights of people with disabilities in the labour market is more urgent than ever, given that our continued position on the sidelines of these recruitment processes further entrenches our position on the margins of society. In particular, we must rethink the myth of the ‘good’ worker, who channels all their time and energy single-mindedly into their work. When applied to autistic people, this conception can prove toxic as we need adjustments, such as shorter working hours, that do not align with this ‘all or nothing’ approach.

Assisted work offers a more progressive alternative for people who require a high level of support to enter the job market. This model aims to identify the barriers faced by people in relation to the role they need to perform and provides an additional support person so that people with a disability and their work are not jeopardized. Supported work has been championed by the Down Syndrome Movement, which has realised several successful projects through inclusive technical trainings. However, more

needs to be done to ensure that the most marginalized in Brazilian society, including the black and favela-dwelling disabled population, are also able to access such opportunities. Our fight for rights needs to move beyond the political arena and place access to work at the centre of the debate: only by challenging negative stereotypes and putting affirmative policies in place can we promote a fairer and more inclusive society, not only for autistic people but for all.

# Germany: How digital training for refugees is opening doors to employment

Alice Tofts

There are many obstacles facing refugees arriving in Germany. Even if they manage to navigate the country's asylum system, they must find ways to enter the country's jobs market. The first barrier for any newcomer to Germany is the language. Then there is knowing what jobs are out there. Finally, there is the question of qualifications. Many refugees arrive with much-needed skills but can struggle to get their abilities recognized by future employers. Formal professional qualifications may not be readily transferable. Others will need to gain the skills necessary to secure any available opportunities. Recognizing these challenges, the ReDI School of Digital Integration has designed a range of initiatives to provide solutions to refugees and other marginalized communities in the country.



ReDI students celebrating their achievements at the ReDI Munich Demo Day, 2019.

*ReDI School of Digital Integration*

There are currently an estimated 96,000 unfilled jobs in the German IT industry. When Anne Kjær Bathel co-founded ReDI in December 2015, the figure was only half of that, and this gap continues to grow: in the next five or six years, she believes, this unmet demand could double again. Alongside its obvious advantages as a growing job market, Bathel believed that expanding access to the tech industry is crucial to integration. 'It is hard to think about a job these days that is not to some degree digital,' she says. 'In order to be an active citizen in Europe and the world these days, you really need to have digital skills.' Gaining digital skills allows newcomers to be included in society both professionally and personally.

Since the Berlin school opened in February 2016, seven more schools

have opened in Munich, North Rhine-Westphalia, Hamburg, Copenhagen, Aarhus, Malmö and one online. ReDI offers courses in web development, software development, analytics, cloud computing, user design computing and marketing. Students also benefit from project-based work to ensure they gain hands-on experience alongside knowledge acquisition. As well as being a school where students gain practical digital skills, ReDI is also a 'platform to connect the right skills with the right network'. For Bathel it is '50 per cent what you know and 50 per cent who you know'.

Fadi Zaim was once a student himself at ReDI after arriving in Germany from Syria. He knows what it is like to be both a newcomer with a refugee background, equipping himself with the skills needed,

as well as to be part of developing and managing a ReDI School on a daily basis. Restoring agency to newcomers, both through digital skills acquisition and through exchange and dialogue, is an important part of supporting those with refugee backgrounds to settle in a new country. It is not unusual for students to stay connected to the school after graduating – like Zaim – and use their experience and skills to help others: around 15 per cent of its volunteer teachers are former students themselves. Gaining skills, experience and a wider social network are essential to being a student at ReDI.

ReDI's huge tech network supports this theory, allowing students to meet their tech partners through their programme of events and job fairs. These networking opportunities have in the past led to students gaining interviews, internships and jobs. This close connection between ReDI, their students and professionals working in the tech industry allows students to be up to date with the skills required to join the job market. Students can be matched with a mentor, which, as Zaim points out, allows students to learn 'from someone who is working in this field, who is really up to date'.

An important part of ReDI is not only equipping newcomers with the skills required for the tech job market but knowing which skills they need. Asylum and integration laws passed recently in Germany present numerous bureaucratic hurdles and demands to demonstrate integration. How do newcomers navigate these hurdles? Zaim explained how 'it is really challenging for someone who is new here, to know what are the keys, aside from the language, for how this

thing can happen. For example, it took me six months to know how to apply for a certain job. But if someone told me, "Come here, you can attend this workshop," I would have saved lots of time. It is just a matter of guidance and how to support.' Between the teachers and students, ReDI School consists of 67 nationalities. For Zaim, 'a high level of respect and understanding for each other is really needed in order to make it inclusive and for building this community and belonging feeling'. He goes on to explain how, 'everyone is learning. The teachers are learning during the process. I think that is a completely different feeling of learning than having a teacher at the front with a book who will test you at the end that you have learnt what is in the book. It is more about building together.'

This sense of building together chimes with ReDI's focus on co-creation, something Zaim believes is the 'key to success'. Bethel explained how the idea emerged from her friendship with an Iraqi refugee and how, between them, they gradually expanded by recruiting friends and contacts into the group. 'We were', she explains, 'equal amounts of professional people who had lived longer in Berlin and newcomers. And I think this is really what has created this feeling of ownership and family ... Because all the time it is the community that creates the things that the community sees are relevant.'

One of the outcomes of co-creation has been the increased representation of female students, from 10 per cent in the first year to 45 per cent in the high-end tech courses in the 2022 spring semester: their aim is to reach

50 per cent female studentship. Through co-creation workshops, ReDI was able to identify what support women needed to attend, introducing a Digital Women Programme that offers digital literacy courses, free childcare on site and weekend lessons to enable more women to participate.

While refugees continue to struggle with the barriers and inequities of Germany's labour market, their situation in recent years has nevertheless improved significantly. Whereas less than a fifth (18 per cent) of refugees from the eight main countries of origin were in employment and paying social insurance in 2015, the proportion had risen to around 29 per cent by May 2020. Organizations like ReDI are essential for providing the skills, support and connections to assist their inclusion in the workforce.

ReDI celebrates every time one of its students finds a job on its blog, 'It's a Match.' One student, talking about their new job, reflected how ReDI had 'given me the opportunity to learn many new things – in class, in workshops and in the mentorship programme. My mentor reinforced the knowledge I had been acquiring by explaining everything I had doubts about and helped me create my CV, my LinkedIn profile and many more.'

One outcome of co-creation is increased representation of female students, from **10 per cent in the first year to 45 per cent** in the high-end tech courses in 2022.

# UK: ‘Why is it we’re still faced with these same challenges?’ – the problem of racial inequality in academia

Professor Nicola Rollock in conversation with Alice Tofts

Professor Nicola Rollock at *Phenomenal Women*, a portrait exhibition commissioned and curated by Rollock profiling the UK's Black female professors.

*Elliott Franks*



*Professor Nicola Rollock's work focuses on issues surrounding success and racial justice in education and the workplace. Among other publications, her ground-breaking 2019 report, 'Staying Power: The Career Experiences and Strategies of UK Black Female Professors,' shone a light on the experiences of Black women in higher education and the challenges and barriers they routinely face. She describes to Alice Tofts how these different issues, from underrepresentation to 'racial battle fatigue', persist to this day.*

**What led you to develop your ground-breaking research on Black female professors in United Kingdom (UK) higher education?**

In 2018/19 I carried out the first empirical study looking at the career experiences and strategies of Black female professors. I wanted to understand why there were so few. It is a question that has stayed with me for quite some time.

When I looked at the data earlier on in my career, there were just 17 Black female professors across 160 or so universities. I remember being stunned and curious about why that was. Who were these women? What was their journey through academia and what were the circumstances that led to their reaching this coveted position of professorship? I wanted to learn about them.

It wasn't until many years later when I revisited the data, I saw that they were still under-represented and decided to secure funding to explore this further. At that point there were just 30 Black female professors. Again,

when you break it down by race and gender, Black women are least likely to become professors compared to any other group. I was keen to give a platform to these women; many were working in far-flung corners of the UK and were often the only Black woman — or indeed Black academic — in their institution. As I discovered, and similar to my own journey, they had encountered all manner of challenges en route but were still doing excellent work. I was determined to find a way of bringing them out of those dark corners, of providing a platform so that people — not just the academy but the general public — knew about them and their achievements.

**Can you talk about some of the experiences they faced in academia?**

During the research, the women shared examples of being undermined, of not being supported by line managers, of having their credentials questioned, of being spoken over at meetings. What was powerful was the complex and strategic ways that these women worked to navigate those barriers. The findings



Portrait of Professor Nicola Rollock.  
*Elliott Franks*

say something quite worrying about the sector's commitment — not to diversity and inclusion generally, but to racial justice specifically given that these experiences were commonplace among the women I spoke with. Having said that, we are beginning to see some specific attention to the intersection of being Black and a woman or thinking in an intersectional way about policies and interventions.

However, I would say quite emphatically that the sector still lacks a detailed and meaningful understanding of what racial justice is and how to put that into practice.

It is not good at understanding anti-racism as articulated through policy, and how to ensure racially minoritized staff and students have an experience that is wholly inclusive. The sector has not connected those two things. For example, it is entirely possible for me to have a meeting with a white senior colleague who believes themselves to be liberal, open-minded and inclusive, but the way in which they conduct that meeting shows them to be anything but. Racial justice means more than policy documents or fine words. It means thinking about practice and actions. For example, who gets to lead meetings, how

‘Racial justice means more than policy documents or fine words. It means thinking about practice and actions.’

– Professor Rollock

they are conducted, who gets heard and who isn't, what assumptions are made about certain groups and how this affects their subsequent treatment. The academy has yet to understand the significance of those types of interactions, but they matter.

**Do you think the institutions themselves have the capacity to change? Or do you think the drive to transform the situation will come from elsewhere?**

I am of an age where it is possible to see repeated patterns in the data and in the way institutions attempt to respond to the issue. However, this is not a new problem. Racism did not start in 2020 [with the murder of George Floyd]. We continue to have the same debates about race — albeit using slightly different language — but the question is: why are we still having the same conversations? Why do these challenges remain? I would argue that we need to move the debate to one about motivations — to taking a carrot-or-stick approach. If not, in 10, 15 years those just beginning their academic journey now will be faced with the same challenges and debates.

It could mean including particular criteria for promotion to senior

leadership or in performance reviews. There has to be something that goes beyond the verbal agreement or the policy commitment. There has to be something that makes individuals sit up and pay attention when they are engaging with their Black staff, when they are thinking about career opportunities for their Black staff, when they're thinking about conducting their meetings with Black staff. Again, this is about action, about making use of the levers that bring about change. There have to be consequences or points of influence, otherwise we will not make progress on this agenda.

Students also have a lot of power. They are consumers within the neoliberal space that is higher education. Of course, they have to dedicate their time to study, but they are also in a position to make demands about the kind of university they want and who they want teaching them. Funders are also important and can play a key role in incentivizing institutions to take racial justice more seriously.

**One of the key issues you raised in your research about Black female professors is 'racial battle fatigue'. Can you explain what this means?**

Racial battle fatigue is a term introduced by the African-American scholar William A. Smith to refer to the psychological and physical stress and exhaustion experienced by racially minoritized groups as they work to navigate mainly white spaces. There is a complete disregard of this here in UK universities. Ignoring or pretending not to see race – despite the experiences of racially minoritized students, faculty and staff – continues to work to the detriment of those groups. For example, research in the United States shows that women and people of colour are more likely to be marked negatively in student assessments about their teaching, yet we make extensive use of student evaluations here in the UK without any consideration to such matters.

In short, many universities – and of course these are issues reflected across other sectors – continue to demonstrate an understanding of race and racism that works to the disadvantage of racially minoritized staff. Let's consider the under-representation of Black academics. The problem is nearly always presented as a problem of the 'pipeline'; that is, the reason there are so few Black female professors, for example, is because there are so few coming through the system. To only focus our attention there means we miss important information and potential solutions. In 2018, I spoke to 20 of the 25 UK Black female professors. I went back to them about 18 months later to update them about the work I was involved in. I discovered that some had resigned from their posts and were between jobs, others had taken redundancy or had left the sector altogether.

Therefore, the low number of Black female professors isn't just a question of the numbers coming through the pipeline, it's also about retaining them once they get there. The sector fails to pay sufficient attention to retention and the culture or environment in which Black colleagues are working. There is no point trying to encourage more into the sector if you are not going to also put effort into retaining them.

### **Have there been any tangible signs of progress in the sector since your report was published?**

There has been an increase in the number of Black female professors in the last few years when you look at the data from the Higher Education Statistics Agency; however, their under-representation has remained the same. The disproportionality has remained the same. I am certainly aware that there have been more debates about Black women in the sector and so would suggest that my report has brought the issues facing these scholars to broader attention. However, understanding and talking about the problem is, of course, important, but it is not enough. We must see action and real change. ■



# Extractives and natural resources



**Minorities and indigenous peoples have been disproportionately affected by mining, oil production and other extractive industries, especially when these have taken place on their ancestral land without their consent. Alongside the environmental and health implications, the impacts on livelihoods and income generation for local communities are often severe. In some cases, rather than being consulted and compensated for the loss of territory, the inhabitants are themselves displaced to accommodate these activities.**

Without the right protections in place, however, even supposedly ‘clean’ sectors such as renewable energy projects can have disastrous consequences. In **Mexico**, for instance, numerous wind farms have been built on ancestral land: despite a court ruling in 2021 prohibiting their construction on indigenous territory, the risk of loopholes that allow development of supposedly ‘private’ land remains. As with fossil fuel extraction, the fundamental problem is that these investments take place without the participation, let alone the free, prior and informed consent, of communities themselves. Hence the importance of ensuring proper indigenous representation in climate responses to ensure that energy policies are not only green but also rights-based.

This is also illustrated by the exploitation of natural resources such as copper (increasingly in demand as a component in electric vehicles) in Sámi territory – a form of ‘green colonialism’ that has deprived its indigenous inhabitants of land and livelihoods. In **Russia**, despite the state being signatory to a number of relevant international conventions, numerous projects have been undertaken on communal territory. Another mine is now planned at Fedorova Tundra to extract gold and platinum, a process that could enrich its investors but will cause extensive pollution, taking away vital grazing areas for traditional reindeer-herders.

A similar picture is emerging in the impoverished region of Karamojo in **Uganda**, where numerous companies and prospectors are now exploring on indigenous land for deposits of gold, limestone and marble. Given the absence of proper regulations and the profound marginalization of many communities, there are few checks in place to prevent expropriation, and other negative impacts. For pastoralist groups already contending with the challenges of climate change, the loss of land and depletion of water reserves associated with mining places further pressure on their ability to maintain their herds.

# **Mexico: Shifting the axis – the need to ensure Indigenous concerns as the new standard of leadership in climate talks**

Alicia Krömer and Jeanne Deniau, in discussion  
with Indigenous activist Rosa Marina Cruz

The fate of Indigenous peoples, particularly in Latin America, has been decided externally since the start of colonialism. European settlers forced their languages and Catholicism on Indigenous communities, while imposing an economy based on the exploitation and exportation of raw materials to European countries that continues to the present. The naming of the continent as 'Latin America' does not reflect its vibrant linguistic and cultural diversity.



Rosa Marina Cruz, fourth from left, pictured with fellow activists at the Youth March for Climate as part of COP26 in Glasgow, Scotland, United Kingdom.

*Red de Futuros Indigenas*

Now, the same issue arises when it comes to climate change: key policies are often defined by white people (mainly men) from the global north, and not by Indigenous peoples and the global south. This hits at the heart of the problem – those who hold more power and remain relatively unaffected make decisions for those who hold less power and face the most severe impacts. Therefore, with the climate crisis we enter a new era of environmental injustice and racism. In seeking to address the problem, however, Indigenous frontline defenders show a possible way forward.

Seismic shifts in weather patterns, destruction of marine life, deforestation, aggressive extractive industrial projects, unsustainable consumption and skyrocketing pollution of land, sea and

air are all threatening human life and the planet. As the climate crisis intensifies, the energy transition towards renewable resources and away from fossil fuels remains the mandatory course of action. Green energy, however, must still adhere to all conditions of the UN Declaration on the Rights of Indigenous Peoples and prioritize the needs of Indigenous and other marginalized communities in pursuit of zero carbon emissions. Sadly, this is not often the case: the energy transition championed at global climate events such as the 26th Conference of the Parties (COP26) to the UN Framework Convention on Climate Change still privileges the white global north male contingent to take the lead in the discussion.

The axis must shift to feature representatives of Indigenous peoples

and other marginalized communities of the global south as the new standard of leadership, including the many young activists who are increasingly spotlighting these issues and calling for global change. Rosa Marina Cruz is one of these voices. An Afro-Indian Zapotec woman originally from Juchitán, Oaxaca, Mexico, since 2011 she has been part of the Assembly of Indigenous Peoples of the Isthmus in Defence of Land and Territory, an organization that defends communal and Indigenous ways of life in the face of dispossession by transnational wind power mega-projects. She works on local and international projects on environmental education, Indigenous rights, strengthening community authorities, rural feminism and community autonomy. She has worked with the Yansa Foundation in the Yucatán Peninsula, accompanying the development of community projects

for the generation of renewable energy based on a collective vision of the defence of territory and community energy sovereignty.

In November 2021, during COP26, Cruz helped to lead a delegation of nine young Indigenous activists in the campaign 'Defenders of the Earth'. After a long process of fundraising and preparation, the Indigenous delegation travelled from Central and South America to Scotland in the fall of 2021. They went with the simple message: 'Indigenous peoples should have a loud and prominent voice in the Global Climate Crisis.' Cruz shared that Indigenous peoples should be leading the decision-making process occurring at such events, because not only are Indigenous peoples most affected by climate change, but they uniquely hold the keys to solving climate change. 'Eighty per cent of the world's

Rosa Marina Cruz (kneeling) pictured with fellow activists at the Global March for Climate Justice as part of COP26 in Glasgow, Scotland, United Kingdom.

*Red de Futuros Indígenas*



## Describing her attendance at COP26, Cruz says ‘Estás pero no estás’ (‘You’re there but you’re not really there’)

– Rosa Marina Cruz

remaining biodiversity is in the hands of Indigenous peoples’, says Cruz. ‘Finding substitutes for fossil fuel is not sufficient; rather, Indigenous ways of life are the alternative, such as traditional medicine, spirituality, and use of food systems and resources in harmony with the ecosystems,’ as opposed to ‘intensive capitalist production and false notions of destructive progress’.

The solution to the climate crisis is profound in its simplicity: the reduction of destructive consumerism and an emphasis on Indigenous ways of being. Cruz and her delegation of Defenders of the Earth observed that within the COP26 they had little impact and limited power to participate in key negotiations since they only had an observer role. The language barrier also made it difficult for them to intervene. As Cruz describes, ‘Estás pero no estás’ (‘You’re there but you’re not really there’). Cruz reflects that this reinforces the social inequalities surrounding climate change: ‘Those affected by the environment are mostly Indigenous, racialized and displaced people, with much more difficult living conditions.’

While inside the venue the delegation was disappointed by the lack of representation, outside COP26 Cruz shared that the Indigenous delegation had a strong and fierce presence. The team took part – alongside climate activist Greta Thunberg and representatives of many other environmental and human rights organizations – in robust marches, protests and the People’s Summit for Climate Justice (an alternative meeting to COP26 that brought together environmental campaigners from all over the world). The delegation joined with fellow protesters blocking the entrance to COP26 and gained a strong media presence, ensuring that the message of denouncing the monopoly of the global north’s elite over climate change policy was loudly and clearly conveyed. They spoke out against the ageing and destructive economic model of extractive industries and its causal role in the climate crisis, privileging economic growth over the health of the planet. Just as European settlers imposed their culture, language and religion on Indigenous peoples five centuries ago, the global north is now engaging in a form of environmental colonialism through the expansion of aggressive modern capitalism.

'The intersection of colonialism with capitalist expansion has caused and continues to fuel the climate crisis', says Cruz. 'They want to impose those models of life and consumption which are alien to us on all territories as if we were all the same. They are trying to bring us closer to the way of life of the big cities, which is highly destructive to the ecosystem.'

At a time when fighting climate change has never been more urgent, the growing presence of Indigenous peoples' representatives at COP events marks a significant step, since they are 'living alternatives to the climate crisis', according to Cruz. The reversal of the climate crisis is

a long road that includes overcoming capitalism, racism and colonialism in all its new forms. To accomplish this, we must centre the discussion on those most impacted and, in so doing, create a fighting chance for reversal. Until power from the global north is shared with Indigenous peoples and other marginalized communities of the global south in the global climate discussion, there will be no end to the frightening effects of environmental damage for ourselves and future generations. However, if this axis shifts, the descendants of those who lived on ancestral lands long before the colonizers arrived may lead humanity to live as it once did: in harmony with ourselves and our home.

# Russia: Sámi livelihoods under threat as mining in the Arctic gathers pace

Oula Antti-Labba

Andrei Danilov was one of a number of indigenous activists who in 2020 photographed themselves with a sign #AnswerUsElonMusk and posted it on social media. As part of the same campaign, Russia's indigenous organization Aborigen Forum wrote to Elon Musk, CEO of the electric vehicle company Tesla, urging him not to buy nickel, copper and other products from the industrial giant Nornickel in Monchegorsk, Russia. Aborigen Forum is an informal association of experts, activists, leaders and organizations of indigenous peoples of the North, Siberia and the Far East of the Russian Federation.

A portrait of  
Andrei Danilov.  
*Nelli Slupachik*



The Nornickel smelters have over the decades caused massive air pollution in the Kola peninsula. Determined to prevent further environmental destruction, the activists, backed by over 120 international organizations, appealed to Musk to cease doing business with Nornickel until the company conducts a full and independent assessment of the environmental damage caused by its production.

This is just one of several large industrial projects that threaten the culture and traditional livelihoods, such as reindeer herding, of the indigenous population in Russia. Danilov, a Sámi activist and chair of the Sámi

Heritage and Development Fund, is determined to raise awareness about these issues and to find ways for indigenous peoples to influence industrial developments on their land. 'Nornickel knows that their products will be sold abroad,' he says. 'The only way for them to move forward is to negotiate with indigenous peoples. This case shows that we indigenous peoples need to work together to oppose these actions and to work on the issues that concern us.'

The Kola peninsula has been inhabited by the indigenous Sámi people since time immemorial. However, in Russia there are no central organs that officially represent indigenous peoples such as

Sámi, who remain marginalized from decision-making processes. While Finland, Norway and Sweden all have a nationally recognized Sámi Parliament, the Russian Sámi have the undesirable distinction of being the only Sámi community without an official one. In these other countries, too, Sámi have long been able to participate in cross-border activities through international networks that involve both civil society and state-based actors. Until the late 1980s, the Russian Sámi were isolated from these processes of increased international integration that took place on the Nordic side of the border.

Danilov is concerned about the human rights situation in Russia and the prospects of the already modest indigenous rights protections there being further undermined. He and other activists now face increasingly difficult, almost impossible circumstances. The authorities are clamping down on activism in Russia and many indigenous organizations that operate in the country, even those working solely on cultural issues, have been defined as 'foreign agents'. Danilov himself is currently facing accusations of criminal activity on account of his activism, meaning many of his allies and supporters have to keep a low profile. 'People are working silently,' he says. 'People are whispering to me that you are doing good work. I understand because activism can be dangerous in Russia.' Indeed, in the wake of the invasion of Ukraine and further clampdowns on dissent, Danilov himself has been forced to seek asylum in Norway.

With so little manoeuvring space, Sámi on the Russian side need to be innovative to campaign and mobilize

against harmful development. One of the most recent examples in this regard is the Fedorova Tundra, a platinum and palladium mining project in the Murmansk region. Danilov is clear that the mine will be disastrous for the entire area. 'It would cause enormous harm to nature. Not only will the immediate area be polluted, but also the nearby territories and the river which flows to Lake Lovozero. There would be a long chain of polluted areas because of the mine.'

The Fedorova Tundra project is at a pre-planning stage. However, the mining project itself is not new: the previous mining licence holder, the Canadian company Barrick Gold, was unable to proceed and now the licence has been transferred to Fedorovo Resources. The company is partly owned by Rostec State Corporation. Rostec's supervisory board, the management board and the general director are all appointed by the Russian president. A co-owner of Fedorovo Resources is a Russian tycoon called Andrei Komarov.

Fedorovo Resources is planning to start mining and production in the area in 2027. The Rostec State Corporation is currently accelerating an array of industrial projects in the Arctic. Russia holds the largest Arctic territory by far, comprising around 40 per cent of the total area, and is heavily dependent on its resources. Yet the Arctic is also the traditional home of several indigenous peoples in Russia who are at risk of being uprooted from their current lives by these developments. The planned mining area is located less than 60 kilometres south-east of the settlement of Lovozero, where a significant

‘People are whispering to me that you are doing good work. I understand because activism can be dangerous in Russia.’

– Andrei Danilov

portion of the Sámi population in Russia reside: it is the centre of Kildin Sámi, a critically endangered language with only about 100 active speakers, and is also Danilov’s home village. According to Danilov, in the beginning there was little engagement from Fedorovo Resources in relation to the project. But then indigenous community members mobilized and the company, faced with growing dissent, finally organized meetings with Sámi, local groups and activists. This culminated in February 2021, in a meeting with the Council of Representatives of Indigenous Peoples of the North under the government of the Murmansk Region. However, activists and representatives of other organizations were not invited – meaning that, in Danilov’s words, it was more of ‘a kind of closed presentation of the project, but not a discussion’.

However, the company has recently promised to solicit feedback from Sámi communities on the environmental impacts of their work and other concerns. ‘It was a big result’, says Danilov, ‘but the company is not stopping the project. The only way to stop them is to work together, indigenous peoples and organizations, in unison.’

While nation states and companies are obliged to follow international law and respect indigenous peoples’ rights – Russia, for example, has ratified the UN Covenant on Civil and Political Rights and accepted the UN Declaration on the Rights of Indigenous Peoples – the implementation of these instruments has been poor. Nor is there much in the way of domestic legislation to force companies like Fedorovo Resources to seek the approval of indigenous peoples for their actions. ‘The principle of free, prior and informed consent is not recognized by Russian law,’ says Danilov. Fedorovo Resources is planning to conduct an environmental impact assessment in 2022 that, according to the company website, will encompass an evaluation of the project’s local and regional impacts and identification of potential social and economic risks, in line with Russian law. However, there has not been a proper assessment to map the effects on Sámi communities in the area.

There are some institutions in Russia, such as the Obščinys, that are specifically designed to protect the rights of indigenous peoples. The

Obščiny are non-commercial kin- or community-based membership organizations aimed at the defence of ancient habitats, traditional ways of life, rights and legal interests of indigenous communities. Following the passage of a federal law to regulate the establishment of such organizations in 2000, a number of Sámi Obščiny were established. Many now face an uncertain future: creating and running an Obščina is hard work, due both to the nature of the traditional activities and the bureaucracy.

Furthermore, even with these platforms in place, the impact on traditional livelihoods is still profound.

To practise reindeer herding, for instance, Obščiny need land, which in practice they often have to lease from the authorities. At least one local reindeer-herding Obščina would also be directly affected because of the Fedorovo Tundra mine.

Though Fedorovo Resources have stated that there are no traditional livelihood activities in the area, this overlooks its importance as grazing land for reindeer herding. With small communities, many of them on the verge of bankruptcy, facing growing pressure from companies to provide their consent, Sámi activists on the Russian side face an uphill struggle.



Sámi men herding over a thousand reindeer from the tundra to the paddock, Lovozero, Murmansk Oblast, Russia.  
*Pavel Poboruev*

# Uganda: The impact of mining on pastoralist livelihoods in Karamoja

Billy Rwothungeyo

One year into Uganda's history as an independent state, then Prime Minister Milton Obote, upon visiting Karamoja sub-region in the north-east of the country, lamented, 'We shall not wait for Karamoja to develop.' He is said to have been aghast by how underdeveloped Karamoja was, compared to the rest of the country, and thus decided to concentrate on the rest of Uganda and leave Karamoja behind.

Nearly 60 years after Uganda's independence, Karamoja still lags behind the rest of Uganda. School completion rates among Karamoja children are some of the lowest in the country, and the sub-region is also poorly served by health services.

Karamoja's lack of development persists, even though it is rich in natural resources, with considerable deposits of minerals such as gold, marble and limestone, among others. Karamoja was excluded from earlier airborne mineral surveys and assessments carried out throughout the country because of insecurity, but the government recently undertook a fresh mapping exercise of Karamoja which is expected to reveal the true extent of mineral resources in the sub-region.

Even before this, however, businesses and individuals with mining interests have thronged to Karamoja in recent years. Several extractive companies have already set up shop in the region,

and it is anticipated that their number will only increase once the full potential of Karamoja's mineral deposits is established. Concerningly, various prospecting and mining operations have already been licensed in Karamoja on lands that are traditionally occupied and owned by indigenous peoples and ethnic minorities in the sub-region.

According to Margaret Lomonyang, a representative of the Karamoja Women's Cultural Group, indigenous peoples and ethnic minorities in the sub-region are largely ignored by the authorities when mining licences are given out. 'Mining licences are given to companies and the communities that own these lands are not consulted or even informed,' she says. 'You just wake up one morning and see strangers surveying land.' Consequently, there is much anxiety and unease around what will happen next. 'There is a cloud of mistrust that hangs over Karamoja now — people do not trust that the government is



Karamojong ranchers closing a deal at an animal fair in Karamoja, Uganda.

*Jorge Fernández Garcés*



A Karamojong woman sifting earth for gold in an artisanal mine.

*Jorge  
Fernández  
Garcés*

working in their best interests. No one trusts these companies that just show up on land without even informing us of what their activities are.'

While many Ugandans uniformly refer to everyone who comes from Karamoja sub-region as 'Karamojong', there are in fact several distinct ethnic and indigenous communities in the sub-region, with Karamojong being just one of them. Other ethnic groups living in Karamoja include Ik, Tapeth, Dodoth, Pokot and Nyangia. Many of these communities in Karamoja identify themselves as pastoralists: their cultures and way of life are traditionally centred around cattle. Their pastoralist lifestyle is well suited to the arid and harsh conditions of the sub-region. Karamoja receives the least rainfall of all areas in Uganda — 300 millimetres or less rainfall per annum.

Due to the tough conditions of their ancestral lands, the pastoralists of Karamoja are traditionally nomadic, moving from one area to another in

search of better grazing lands for their animals. Beyond climatic conditions, these movements are also often necessitated by — and in order to manage — tensions and conflict between communities. 'The conditions in Karamoja are arid. As a result, communities often move from one area to another in search of pastures and water for their animals,' says Andrew Byaruhanga of Resource Rights Africa, a non-governmental organization that operates in Karamoja. 'Some return to find their lands fenced off for mining activities without their prior consultation.'

For a long time, Karamoja was notorious for insecurity. Larger communities like the Karamojong raided smaller communities like the Ik for cattle, and even crossed into neighbouring sub-regions like Teso and Sebei to take cattle. This problem was addressed largely by disarmament exercises by the Ugandan government. Nevertheless, with the rapid decline of resources like pastures and water, herd sizes are decreasing across the sub-region. As a result,

‘No one trusts these companies that just show up on land without even informing us of what their activities are.’

– Margaret Lomonyang

Karamoja's ethnic groups are adopting agro-pastoralist practices. Cropping is gaining increased importance in the sub-region as communities try to diversify their livelihoods.

Yet the future of pastoralist communities like the Karamojong, Ik, Tapeth, Pokot and Nyangia is increasingly threatened by mining activities and the large areas of land they consume. Companies prospecting for and mining minerals in the sub-region are fencing off large pieces of land, limiting the access of local communities to precious grazing areas and meagre resources like water. There are increasing reports of communities being forcibly evicted from their lands. Mining operations are also notoriously detrimental to the environment. There are reports of mines contaminating the water resources of communities across the sub-region.

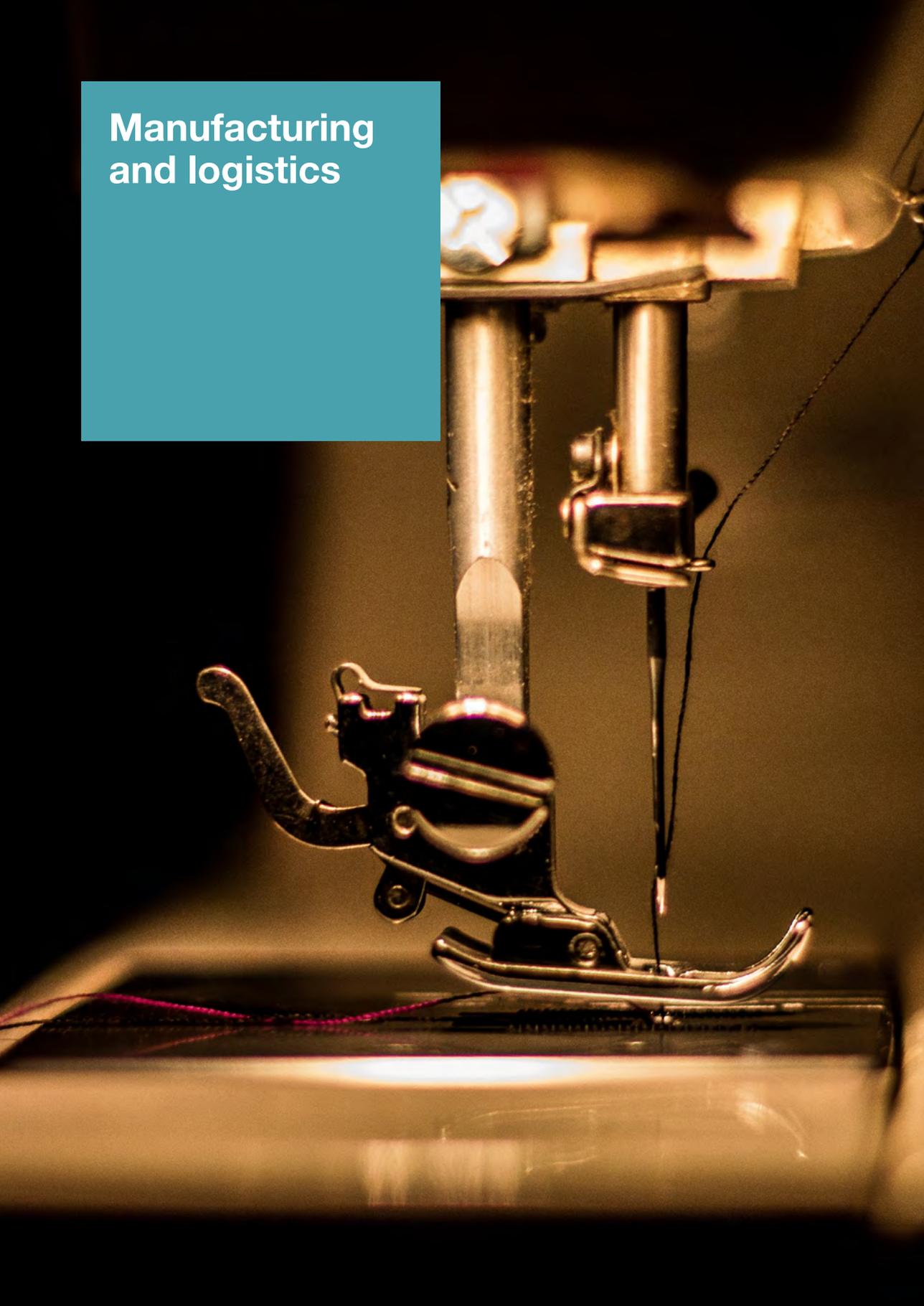
Uganda's mining laws are not favourable to indigenous peoples and ethnic minorities. The legislation does not require an entity exploring for minerals in any part of the country to consult the owners of the land. Only when an entity is moving to the mining phase does the law require that surface rights are negotiated with the owners of the land. Thus, many companies do not seek the consent of Karamoja's indigenous peoples and ethnic minorities before embarking on exploration activities.

Uganda's mining sector is awash with speculators who obtain licences

without the intention of prospecting for or mining minerals, but rather to fish for potential foreign investors. They employ underhand methods, such as bribing clan leaders to access communal lands, or influencing local politicians to claim land in Karamoja that is owned by indigenous peoples and ethnic minorities. This can lead to a bewildering array of competing claims from different companies over ancestral land. ‘It is not clear who owns what mining licence,’ Byaruhanga explains. ‘Today, you find one company claiming to have a licence over a particular area. Three days later, you find a different company claiming ownership over the same place. All these licences are issued to companies without the knowledge of communities.’

While mining is an emerging sector in Karamoja, it has so far not vastly altered the traditional way of living of the indigenous peoples and ethnic minorities of the region. Those who engage in artisanal mining only do so seasonally, during long dry spells with little to no farming activities. As more and more companies rush to the sub-region to set up mining operations, Byaruhanga fears that without proper safeguards in place, mining activities could further undermine the rights of local communities. ‘If left unchecked, mining interests may take up a lot more grazing lands from the people and this will disrupt the traditional ways of the people of Karamoja live. The government should balance between mining interests and the traditional livelihoods of indigenous people.’ ■

# Manufacturing and logistics



**Through the increasing globalization of supply chains, labour rights violations have the potential to implicate not only the countries where they occur but governments, businesses and consumers on the other side of the world. Many products, such as clothing, can be manufactured at low cost and in plentiful quantities thanks to the exploitation of underpaid, vulnerable workers (often drawn heavily from minorities, indigenous peoples and other marginalized groups) before being sold elsewhere: in many cases, in places where such practices would be illegal.**

This is illustrated in **China** by the situation of the persecuted Uyghur population in Xinjiang, who, among other abuses, have been subjected to forced labour in factories, producing a variety of items that are then exported for sale in other countries. In some instances, these tainted goods have been supplied to major international corporations, effectively making them also complicit. In particular, many of the cotton garments leaving the country – China is the single largest producer of cotton and accounts for a significant share of cotton goods available on shelves across the world – have been made using forced labour.

While the mistreatment of the Uyghurs has been widely condemned, minorities and indigenous peoples in other countries are also exploited in many ways. In the **United States**, for example, the rapid development of online shopping and delivery services such as Amazon has come at a particular cost to Black Americans and other minorities, who make up a disproportionate share of their employees. Many are confronted with low pay, long hours and a lack of basic protections such as sick leave, though some workers are now fighting through their unions for greater recognition and job security.

# China: How Uyghur forced labour is driving global cotton production

Michael Caster

Since 2017, upwards of 2 million members of ethnic and religious minorities, mostly Uyghurs and Kazakhs, have passed through mass internment camps across Xinjiang, where there is now clear evidence that the Chinese authorities are committing crimes against humanity. Enforced disappearances, arbitrary detention, torture and efforts to eradicate cultural identity are widespread and systematic. China claims the camps are 'vocational training centres'. But, encircled by barbed wire, surveillance cameras and armed guards, they resemble penitentiaries more than anything else.



International attention is increasingly focused on the atrocities taking place in Xinjiang. In March 2021, the European Union (EU) sanctioned four Chinese state officials and a state entity, the Xinjiang Production and Construction Corps Public Security Bureau, for their roles in human rights abuses against Uyghurs in Xinjiang. The Chinese retaliated by imposing sanctions on a number of European and national parliamentarians as well as European Parliament bodies; this did not prevent the EU from renewing its sanctions in November 2021.

China's system of mass detention, where hundreds of thousands are forced to work for little or no pay, is also attracting more targeted action. On 23 December 2021, the United States (US) enacted the Uyghur Forced Labour Prevention Act to address the importing of goods from China made with Uyghur forced labour. It is the most comprehensive

effort to date by a major trading partner to regulate supply chains and combat the pervasive spread of products that are made with Uyghur forced labour and flowing out of China.

In February 2022, the International Labour Organization published a report expressing 'deep concern' over labour practices in Xinjiang, after examining evidence of forced labour submitted by the International Trade Union Confederation. But the problem of Uyghur forced labour exists both in Xinjiang, the Uyghur homeland, and across China, with one report estimating that more than 80,000 Uyghurs had been forcibly transferred to factories in other parts of the country from 2017 to 2019.

The list of potentially tainted products from these factories spans industries and products from the Apple iPhone and other technologies produced by companies like Microsoft, Sony and

Members of the Xinjiang Kuchejiang Zhimei Farmers Professional Cooperative drive a cotton picker back and forth in a cotton field, in Kuqa, Xinjiang Uyghur Autonomous Region, China. ZUMA Press, Inc./Alamy Stock Photo

Samsung, to automotive industry players like BMW and Volkswagen. At the end of 2021, despite concerns that it could whitewash gross human rights abuses in Xinjiang, Tesla announced it was opening a showroom in Urumqi, the region's capital.

But one industry that perhaps stands out above the rest is cotton: by some estimates, one in five of all cotton garments in the global market is the product of forced labour in China. According to a widely cited 2020 report from the Newlines Institute for Strategy and Policy, more than half a million Uyghurs and other ethnic minorities in Xinjiang had been caught up in forced cotton production. These numbers, based on publicly available government documents and media reports, are most likely lower than the actual number as the region remains completely closed off to independent human rights research.

Xinjiang is responsible for roughly 85 per cent of China's cotton industry, a share projected by some sources to increase to 92 per cent in 2022 due to a decline in production elsewhere in the country. This is alarming, in that China has consistently been one of the world's largest cotton exporters, accounting in 2020 for nearly 24 per cent of global exports. Even though its total global share of cotton appears set to decrease, this should not detract from the human rights concerns around a supply chain based on forced labour. Or, as Citizen Power Initiatives for China, an organization which has advocated for supply chain divestment, puts it, 'because forced labour is used so ubiquitously throughout Xinjiang, it is very difficult

to separate Xinjiang's forced labour economy from its regular economy'.

Some retailers have slowly begun to divest from Xinjiang cotton, but often only following independent investigations and global pressure. For example, in late 2018, reporters identified clothing shipments from a Hetian Taida Apparel-owned factory operating inside an internment camp bound for the North Carolina-based Badger Sportswear, a major distributor of collegiate apparel. Following revelations of forced labour in their supply chain, many universities pulled Badger merchandise. In January 2019 Badger announced it had stopped sourcing from Hetian Taida.

Another Xinjiang-based company, Litai Textiles, has been a direct supplier to Australia's largest global retailer, Cotton On Group. Huafu Fashion is another Chinese firm tied to forced labour that sources cotton for international brands. Target, Jeanswest, Ikea, H&M and others have sourced cotton from Xinjiang. Following international attention, in 2019 Cotton On Group and others announced that they had stopped sourcing from Xinjiang due to human rights concerns over the supply chain.

Still, even as the global divestment movement has gained momentum, so too has China pushed back with its own boycotts, derailing international efforts to combat Uyghur forced labour. In September 2020, H&M announced that it was 'deeply concerned' by reports of 'forced labour' and that it would stop sourcing from cotton suppliers in China. Its announcement went

relatively unnoticed until March 2021, when social media posts from the Chinese Communist Youth League against the Swedish retailer went viral: within hours H&M products vanished from online retailers across China. Calls for greater domestic boycotting surged. For its part, H&M issued a formal statement saying it hoped to ‘do everything we can to manage the current challenges’, and that they were ‘dedicated to regaining the trust and confidence of our customers, colleagues and business partners in China’. The statement said nothing of the company’s concerns for the trust and confidence of the countless Uyghurs subjected to forced labour.

Japanese retailer Muji in 2019 openly flaunted its line of ‘organic cotton delicately and wholly handpicked in Xinjiang’. Two years later, in 2021, to comply with US import restrictions, Muji noted that it would stop exporting Xinjiang cotton to the US but stopped short of wholesale divestment. At an April 2021 press conference, Muji’s brand owner Ryohin Keikaku told reporters that the company wants to open 50 new stores a year in China by 2024 in efforts to ‘seek more growth in this market’. For now, it seems Muji has sided with market access over committing to stand against forced labour in its cotton supply chain.

Despite a growing movement away from Xinjiang cotton, the actions of companies like Muji show that the campaign against Uyghur forced labour is far from won. More recently, in February 2022, the International Olympic Committee (IOC) came under fire for failing to adequately assess and ensure that the sourcing of Olympics

uniforms met human rights standards. According to Human Rights Watch, ‘the IOC did not provide credible assurance that it isn’t sourcing products linked to forced labour and human rights abuses in the Uyghur region of China and elsewhere’.

Confronting forced labour, and combating wider atrocities and crimes against Uyghurs in China, is complicated by the scale of China’s presence in global supply chains and the economic and political pressure China can apply to get its way. Addressing this will require a similar scale of commitment from governments, companies and consumers to promote a rights-based approach to working conditions and labour rights in the sector. Until then, we must all acknowledge, as one Uyghur rights defender, Jewher Ilham, has noted: ‘There’s a good chance your cotton T-shirt was made with Uyghur slave labour.’

**One in five of all cotton garments in the global market is the product of forced labour in China.**

# United States: For Black Americans, unionization continues to offer the hope of better working conditions

Menka Sandrasagren



Amazon Labour Union (ALU) organizer Christian Smalls speaks at an Amazon facility during a rally in Staten Island, New York City, United States. 24 April, 2022.  
Reuters/Andrew Kelly.

On 1 April 2022, in a historic vote, over 2,500 Amazon workers at the JFK8 site in Staten Island voted to create the first Amazon Labor Union (ALU) in American history. The election was won by over 500 votes, giving the union the largest mandate of any Amazon union world-wide. This was the culmination of a journey that began on 30 March 2020, two years earlier, when the giant multinational company fired assistant manager Chris Smalls for organizing a walk-out in protest of the company's inadequate health and safety response to the Covid-19 pandemic.

Amazon denied the firing was unlawful, claiming that Smalls had violated social distancing guidelines. In the wake of his dismissal, Smalls led a union drive to advocate for better working conditions and higher pay for Amazon workers. In December 2021, the New York Attorney General, Letitia James, who previously had described the firing as 'disgraceful', filed a motion for an injunction, forcing Amazon to re-hire Smalls.

Smalls' experience of firings and union-busting, as a Black man, is not a unique one. Not only has the United States (US) been a breeding ground for union-busting for over a century, but this trend also follows the long history of systemic disenfranchisement of Black American communities in the wider gig economy. Having been disproportionately impacted by the Covid-19 pandemic, many Black Americans have been forced to work in unsafe conditions, oftentimes as essential workers. Research conducted by the Pew Research Center in August 2021 on the racial and ethnic composition of the gig

workforce in America showed clear disparities of racial representation among ethnic minorities, with 20 per cent of Black American and 30 per cent of Hispanic American adults having worked at some point in the gig economy, compared to 12 per cent of the white adult population.

Besides being disproportionately represented in the gig economy, Black and other minority workers also experience greater insecurity. In the same Pew Research Center study, the proportion of non-white workers surveyed who reported feeling unsafe frequently at work (15 per cent) was almost double that among white workers (8 per cent). Noticeably, one of the major disparities identified in the research related to concerns around Covid-19: among those surveyed who had worked in the gig economy in the previous 12 months, 20 per cent of non-white respondents claimed to have been very concerned about contracting Covid-19 at work, compared to 7 per cent of white workers. These statistics mirror an uncomfortable truth about the treatment of Black Americans in the gig

Workers stand in line to cast ballots for a union election at Amazon's JFK8 distribution center, in the Staten Island borough of New York City, United States. 25 March, 2022.

Reuters/  
Brendan  
McDermid



economy workforce that was evident long before the outbreak of Covid-19. Though working conditions for minorities in the US have clearly declined during the pandemic, this is merely the continuation of a decades-old trend.

One reason Black Americans have felt the impact of declining working conditions so harshly is the steady erosion of unionization in the US in recent years. Historically, they benefited hugely from the intersection between the labour rights movement and the civil rights movement. In 1963, the labour movement mobilized 40,000 union members for the March on Washington for Jobs and Freedom, a critical moment in the history of the civil rights movement. It was also the death of two sanitation workers on 1 February 1968 that led many labour rights organizers to join larger civil rights protests in Memphis. These sanitation workers ultimately achieved unionization through Local 1733 of the American Federation of State, County and Municipal Employees (AFSCME), a Memphis labour union branch that remains active to this day.

In the ensuing years, Black workers have been the most represented of any group in union membership, a situation that persists to this day despite decreasing unionization rates overall and sharp gender disparities between male and female workers. While almost a third (31.7 per cent) of Black workers were represented by a union in 1983, the proportion steadily declined to just 14.2 per cent by 2015. This attrition has only continued in recent years, with official data for 2021 showing that unionization rates had dropped further, to 12.9 per cent among Black workers (14.0 per cent among men compared to 11.9 per cent among women) – still higher than the proportion of white workers (11.6 per cent) represented by a union, but a precipitous decline from the levels witnessed forty years before.

Black workers have therefore lost out disproportionately from decades of union-busting and declining working conditions, with many of the gains from the civil rights movement now seemingly eroding. Nevertheless, Chris Smalls' and the union organizers' historic win shows the strong ties still

present today between labour rights and the rights of Black people in America. Despite Amazon spending an estimated US\$59 million on fighting its workers' unionization efforts, further union drives are anticipated in Amazon sites across the US. With around 950,000 US employees, it is estimated that 1 in every 153 American workers is employed by the huge multinational company. Consequently, the future path of Amazon's employment policies is in many ways a litmus test for the future of work in the country more generally, particularly for Black and other minority workers. Given their treatment to date – according to the ALU, Amazon has been involved in 'various methods of worker surveillance, infiltration, threats and retaliation against organizers, illegally confiscating organizers' materials, and prohibiting workers from exercising their right to organize in the workplace' – this is profoundly troubling.

For this reason, the ALU has compiled a list of eight immediate changes to policies regarding health and safety, pay, promotions, overtime, working conditions, transportation, work breaks and union-busting. It is clear that these demands will not be met without a fight: between May 2021 and February 2022, the ALU has filed 18 Unfair Labor Practice charges with the National Labor Relations Board. In the words of Chris Smalls, 'When Covid-19 came to play, Amazon failed us': now Amazon employees, predominantly from a minority background, are seeking to advocate for their rights and change their working conditions for the better. Following their recent victory, organizers ran another campaign at another nearby Amazon site on

Staten Island on Labour Day. Whilst this election was not successful for the ALU, they remain determined to continue their fight for better working conditions. In the words of Chris Smalls 'Nothing changes. We organize! Do not be discouraged or sad. Be upset and talk to your co-workers.' ■

In one study, the proportion of **non-white workers surveyed** who reported feeling unsafe frequently at work was **almost double** that among white workers.

# Precarious Work



**For members of minorities, indigenous peoples and migrant populations, work is frequently characterized by the absence of even basic benefits and protections. From wage labourers and street vendors to uncontracted workers in the gig economy, marginalized groups are disproportionately represented in informal employment. For many, this means living in a constant state of insecurity that at a time of crisis – the outbreak of Covid-19, for example – can leave them destitute.**

Conflict can also force individuals into precarious work. In the wake of the takeover of Kabul by the Taliban in August 2021, there was an exodus as former government officials, human rights activists, journalists and members of persecuted minorities such as Shi'a Hazaras escaped from **Afghanistan** into **Pakistan**. While many are educated and have significant professional experience, as refugees they have few opportunities to use their skills in an unfamiliar job market. As a result, many are struggling to bring in any income or are living hand to mouth as daily-wage workers.

In other contexts, communities are locked into informal and low-income work as a result of longstanding institutional discrimination. In the **Dominican Republic**, for instance, tens of thousands of Dominicans of Haitian descent have for years been denied recognition of their citizenship by the authorities. Without proper documentation, most are unable to apply for formal employment and so are forced to work for a pittance as uncontracted labourers.

At moments of disaster, whether natural (such as flooding) or manmade (intercommunal violence, for instance), the impacts are usually most severe for communities with a protracted history of exclusion. In **Ukraine**, even before the Russian invasion, Roma were profoundly marginalized and caught in a cycle of precarious employment such as manual labour and waste recycling. With many now displaced by fighting, the challenges are even more acute.

# Afghanistan / Pakistan: Afghans escaping the Taliban face new challenges as refugees

Ali Amani and Mohammad Amiri



Sameera, an Afghan refugee, works from home making jewellery and embroidered clothes. Karachi, Pakistan.

*Saiyna Bashir*

The poverty, fear and despair following the Taliban takeover of Afghanistan on 15 August 2021 prompted hundreds of thousands of Afghans, especially the young and educated, to seek refuge and employment opportunities in the neighbouring countries of Iran and Pakistan. Many, including human rights activists, journalists, government officials and security guards, faced specific risks of being targeted on account of their work. The challenges they face, however, continue in different forms after they have crossed the border, particularly for members of minorities, persons with disabilities, women and female-headed households who face heightened barriers in accessing basic rights, services and employment.

Seeking to prevent a large-scale influx of Afghan refugees, Pakistan and Iran adopted closed border policies to manage the new arrivals from Afghanistan. Given the barriers this created, as well as the difficulties of obtaining travel documents inside Afghanistan, many Afghans were forced to engage human traffickers to cross the borders – a highly dangerous journey that some do not survive. The large numbers that do succeed in crossing into Pakistan and Iran, however, are often deported back to Afghanistan.

Hassan\* is one such refugee who managed to reach Pakistan after paying AFN 15,000 [US\$170] to human smugglers at the Pakistani border. A Shi'a Hazara and a former government official, Hassan left for the city of Quetta three days after the collapse of the Kabul government. 'I escaped from Afghanistan due to security reasons and the threats posed to me and my family by the Taliban,

and crossed the Spin-Boldak border into Quetta,' he explains. However, his new life was far from secure. 'For about three months, I faced severe economic difficulties and I also faced constant fear of deportation back to Afghanistan all the time.'

Hassan had spent the first few days of his arrival to Quetta in a local mosque. 'The first days and weeks in Pakistan were very difficult for us. The situation was really difficult for my wife and family. We slept on prayer mats and had barely anything to eat.' Despite his education and extensive professional experience, he was unable to find any sort of living. 'Immediately after my arrival, I went to several logistics and travel agencies to find work. The employers would look at my CV and make fun of it, but never call me for the job.'

On top of that, Hassan's economic and mental woes increased when he

## ‘Finding a decent job in Pakistan for an Afghan refugee is like a Herculean task.’

– Homayoun\*

realized that he would not be able to afford the medical treatment for his young daughter, who suffered from a congenital heart defect. ‘Unable to find work, the long wait to process our refugee cases at the UN High Commissioner for Refugees (UNHCR) and seeing the worsening condition of my daughter, I had to take another risk and I had to go somewhere else.’ Ultimately, after spending more than three months in Pakistan, he left for Iran in the hope of securing better employment opportunities and potential treatment for his daughter.

Other refugees have similarly found themselves unable to apply their skills and knowledge after leaving Afghanistan. This was the experience of Homayoun\*, a photographer who escaped to Pakistan after the fall of Kabul. ‘Finding a decent job in Pakistan for an Afghan refugee is like a Herculean task,’ he says. ‘I have a diploma in photography. I have worked with several NGOs, in the private sector and was involved in local photography projects in Afghanistan. However, in Pakistan, I have not been able to find even daily wage work, let alone a suitable job in my photography field.’

Muhammad, an Afghan refugee, lacks proof that he is allowed to live in Pakistan, limiting his income and barring him from his choice of further education. Karachi, Pakistan.

*Saiyna Bashir*



Having tried his luck at several local photography studios but never hearing back from them, with what little savings he had now gone, he often sits by the side of the main road in Hazara Town, a neighbourhood in Quetta, hoping that someone will drive by and offer him work. In the first five months of his stay in Pakistan, he was hired only once for a full week of paid daily wage work. 'I and another friend were desperately looking for a daily wage work,' he says. 'With the help of one of our neighbours, we were able to find work in a newly under-construction building for only seven days with a very low wage. We were carrying bricks and cement from the first floor to the fourth floor of the building.'

Afghan refugees mostly work in informal sectors in their host countries, such as construction, cleaning and other low-wage jobs. However, due to high unemployment in Pakistan, even these jobs are not always readily available to Afghan refugees. Around 900 kilometres away, in the poor back alleys of Rawalpindi, lives Azeem\*, another refugee who has left no stone unturned in his desperate search for work. 'I am registered with the UNHCR office, I have a refugee card and I know the language of this country, but I can't find work wherever I go,' he explains. Azeem has a Bachelor's degree from Kabul University, with six years' work experience in both the public and private sectors. 'I am not looking for a service sector job because I know it is not possible in Pakistan. I'm looking for the so-called "daily wage work", a wage that's enough to meet the basic needs of myself and my wife.'

Azeem frequently visits the outskirts of Rawalpindi and Islamabad in search of manual jobs to make ends meet. 'One day, I visited a shoe factory in a poor neighbourhood of Rawalpindi called Bangash Colony, in the hope of getting hired there. After seeing me, the owner said "Mashallah, you look healthy – I will give you PKR 300 [less than US\$2] a day and you have to work from 9:00 a.m. to 9:00 p.m."' Azeem immediately did the calculations in his head and realized that if he worked for 30 days non-stop, he would earn just PKR 9,000 – whereas he pays PKR 12,000 on rent alone. 'I told him immediately, can't you pay me PKR 400 a day?' says Azeem. 'The idea was that if he pays me PKR 400 a day, it would be PKR 12,000 a month, and with that I could manage my rent easily.' "That's too much," the owner replied sarcastically, "You have American dollars, the value of your country's money is twice as much as ours. What will you do with this extra money?"'

According to Azeem, his situation is far from unique. Afghan refugees, especially those who arrived in Pakistan after the Taliban takeover, face severe economic difficulties, constant fears of deportation and an inability to find decent work. On top of that, due to the large influx of refugees, the services of UNHCR and other humanitarian organizations are very limited: 'We know refugees who don't even have a place and a proper shelter.'

*\* The names of all the interviewees in this case study have been changed to protect their anonymity.*

# **Dominican Republic: Lack of documentation leaves Dominicans of Haitian descent on the margins**

Laura Quintana Soms

The Dominican Republic (DR) is a Caribbean paradise, enjoyed every year by millions of tourists. However, its beaches and resorts hide a much starker reality of extreme poverty, racism and nationalism, rooted in the country's history. Located in the eastern half of Hispaniola, an island in the Caribbean, the DR has a strong Spanish influence and is significantly more affluent than its neighbour, Haiti. The latter, a former French colony whose population rose up successfully against its enslavement in the early nineteenth century, still contends with a legacy of exploitation, impoverishment and violence more than 200 years on.



The relationship between the two countries has long been defined by inequality, reflected in the continued flow of workers from Haiti to the DR to engage in cutting sugar cane and other forms of agricultural labour. Over the years, the workers settled permanently in Dominican territory, bringing their families to live in neighbourhoods called *bateyes*, in the same cane fields where they worked. However, during the dictatorship of Rafael Trujillo (1930–61) anti-Haitianism became a central state policy, with Trujillo ordering the murder in 1937 of between 5,000 and 25,000 Haitians who were located on Dominican farms in the border area in the so-called ‘Parsley Massacre’.

In subsequent years, the government promoted interstate agreements between the DR and Haiti to obtain cheap labour and facilitate the entry of agricultural workers. However, many were not officially recorded in the country’s civil registry, including large numbers who had been born in the

country. This meant that by the 1990s, when the Central Electoral Board began to digitalize its records, their status became contested. This enabled the formalization of discriminatory practices, from denying birth registration to arbitrarily suspending identity documents, culminating in a disastrous 2013 judgment by the country’s Constitutional Court: this ruled, retroactively, that children born in the DR between 1929 and 2010 of foreign parents in an irregular migratory situation had never had Dominican nationality. Thus, hundreds of thousands of people were left at risk of statelessness and their fundamental rights to education, health or work were denied.

To resolve this, in August 2014 Law 169/14 was approved, establishing a plan to naturalize those people affected by ruling 168/13, estimated to be some 200,000 people, although there were no exact numbers. This divided the population into two groups: (a) people

Dominicans of Haitian descent doing domestic work.

*Miguelito Teodo Lafier*

born in the DR and registered under the civil registry; and (b) people born in the DR but never registered. In this context, the deportations to Haiti of people who had no connection to the country began. At the same time, hate crimes against Dominicans of Haitian descent increased with the growth of nationalist groups. Many of those who managed to remain in the country, however, are still struggling with opaque and cumbersome administrative processes to secure official documentation. According to estimates by the Center for Migration Observation and Social Development in the Caribbean (OBMICA) published in 2021, seven years after the passage of Law 169/14, there were still more than 90,000 people without documentation, compared to only 26,000 who had resolved their status.

While the nature of the work available to Dominicans of Haitian descent has diversified over the years, with many now working in construction in tourist

areas or in paid domestic work, they continue to be constrained by their lack of documentation. Unable to access formal employment in hotels and stores, they instead rely on uncontracted labour. According to Bridget Wooding, head of OBMICA, 'Everything is informal – they use networks of contacts.' As many are not provided with written contracts, 'everything depends on the word of the employer and then there is an inequality of power' – meaning that, as a result, 'wages remain miserable'.

There is also the issue of discrimination. 'It happens all the time,' says Wooding, 'and it comes from the hair or the presence of the person. What has happened with Dominicans of Haitian descent who cannot have their papers is that they are exposed to erroneous expulsions. For example, there is the case of a pregnant 17-year-old Dominican girl who was about to be deported to Haiti, but she was able to find her birth vaccination card and thus was able to avoid it.' In this context, labour rights can easily be abused and, as a result, Dominicans of Haitian descent may be pushed into poorly paid, exploitative situations – even prostitution or trafficking. Their lack of paperwork also means that established rights and benefits, such as health care and pensions, are unavailable or at best precarious.

Liliana Dolis, who heads the Movimiento de Mujeres Dominicano-Haitianas (MUDHA), an NGO focusing specifically on the challenges facing Dominican women of Haitian descent, also emphasizes the role of gender inequalities in deepening vulnerability. While Dominican men of Haitian

Seven years after the passage of Law 169/14, there were still more than **90,000 Dominicans of Haitian descent** without documentation.

descent working in construction, agriculture or other areas of the informal economy can earn around 1,000 Dominican pesos (around US\$18) a day, women – engaged for the most part as domestic workers – earn a fraction of these wages. Others earn meagre incomes as street vendors. The situation of female workers was particularly impacted by the outbreak of Covid-19. During the pandemic, says Dolis, ‘many women who worked in paid domestic work lost their jobs without receiving any benefits, and street vendors were unable to go out to work’.

The predicament facing Dominican women of Haitian descent is underpinned by the continued denial of their official papers. As Dolis emphasizes, ‘The non-regularization of their documents makes them vulnerable to deportation whenever the migration authorities want, and

not being able to collect the money they have earned working because of not having documentation.’ While there are hopes that international pressure could accelerate the much-delayed process of recognition – in March 2022, for instance, the Inter-American Commission on Human Rights held a hearing with Dominican civil society to discuss the human rights situation of migrants, their families and their descendants in the country – NGOs and activists play a crucial role in highlighting abuses and advocating for change. In the face of these abuses, workers are also mobilizing to challenge the status quo. ‘The state’, says Dolis, ‘does not recognize the right of sugar cane workers, for example, to a pension for the times worked. There is now a movement of cane workers and their families who fight for this.’

Cristóbal Sanon, a Dominican of Haitian descent, standing at a food stall.

*Miguelito Teodo Laffier*



# **Ukraine: For displaced Roma, the conflict has exacerbated existing patterns of discrimination – and left them without an income**

Viola Popenko

At the end of May 2022, just over three months since Russia's invasion of Ukraine, more than 6 million people have been forced to flee the country. However, there is no clear data on how many Roma are included in this number. Nevertheless, as one of the most marginalized communities in Ukraine, long subjected to issues such as segregation, lack of documents and discrimination, the challenges they face in displacement are especially acute. This includes accessing livelihoods, given that many Roma have relied on informal employment and temporary work to make ends meet.

Segregation, whether in schools, maternity wards or other public spaces, has long characterized the lives of Roma in Ukraine. However, with the outbreak of war, this has taken on a new dimension: the segregation of Roma from non-Roma in refugee reception centres. This is evident in Moldova where, despite the government's supportive stance in receiving Ukrainian refugees, Roma have been housed separately alongside a small number of other ethnic minorities in three main facilities in Kishinev: Manej sports arena, the Moldova State University study block and the municipal hospital for tuberculosis. The sub-standard living conditions there, confirmed by monitors for European Roma Rights Centre, include poor quality food, cold water, no warm clothes and limited medical assistance.

Furthermore, lack of personal documentation — an issue for significant numbers of Roma even before the war — is now playing a pivotal role in their access to asylum and humanitarian assistance. According to a number of complaints received by the Roma Women Fund 'Chiricli', some Roma women and children have been barred from crossing the border into Moldova, Poland and Hungary to seek asylum. In Ukraine itself, too, in the northern Chernihiv region, there have been cases where humanitarian aid was dependent on being able to provide a passport — meaning undocumented Roma were again left with no means of survival.

Before the current crisis, Roma activists estimated that as many

as 30,000 in Ukraine were undocumented, restricting their ability to access education, employment, housing, health care and other public services. This now has profound ramifications for displaced community members, both in the country and abroad. For internally displaced Roma, fleeing areas where hostilities are most intense for the relative safety of other regions, their lack of paperwork has meant their status as internally displaced persons (IDPs) is not officially recognized: as a result, they have been denied the emergency financial assistance available to support IDPs. In neighbouring Moldova, meanwhile, undocumented Roma refugees have been left in limbo, unable to move on to countries in the European Union. Their only options are either to return to Ukraine or remain in the centres, waiting for the passports and children's birth certificates that will supposedly be issued by the Ukrainian embassy.

How, then, are Roma continuing to earn a living in these impossible circumstances? In one study mapping out employment prospects within the community, published in 2021 by the Vox Populi Agency with the support of the International Renaissance Foundation, 1,400 Roma respondents were surveyed in seven regions (Cherkasy, Donetsk, Kharkiv, Luhansk, Odesa, Volyn and Zakarapia). The findings demonstrated that at the beginning of 2020, more than three quarters (77 per cent) of household income derived from informal and temporary employment such as waste recycling, wild foraging, small-scale farming, street vending and other activities, such as seasonal labour.

Maintaining these livelihoods was difficult enough during the early months of the Covid-19 pandemic, but since the outbreak of war — when Roma families in affected areas have been trapped for weeks in bomb shelters under constant bombardment, unable to earn an income and dependent on their rapidly dwindling personal savings — the situation has become even more precarious.

This dependence on local informal work makes it almost impossible for Roma to find employment in other areas of Ukraine or abroad. In the main regions where IDPs are now located, such as Lviv, Transcarpathia and Chernivtsi, it is difficult to find any sort of income-generating employment. For most Roma, the few opportunities available are likely to be low paying because of their widespread lack of education and professional training. Discrimination, always a significant barrier for Roma seeking employment, is also a factor. Many, then, have no

option but to wait for government support — for weeks, in some cases — and hope they will soon be able to return home to resume their informal employment activities.

Roma churches and NGOs have played a pivotal role in seeking to address these gaps. The Roma Women Fund ‘Chiricli’, for instance, is helping Roma access food, medication, sanitation products and other vital humanitarian needs. It is also transporting and housing displaced Roma, including some who have been left out of other voluntary initiatives due to discrimination. Another organization, the Youth Agency for the Advocacy of Roma Culture (ARCA), is distributing funds locally to the most vulnerable Roma and non — Roma families to access food, health care and accommodation elsewhere. In Uzhhorod, the Charitable Fund ‘Blago’ has deployed funding from the International Renaissance Foundation to set up a reception centre hosting over 100 people. The NGO Voice of Romani has also been organizing buses to evacuate Roma refugees from Lviv to Germany. Other initiatives beyond Ukraine include an informal network of Roma and non-Roma churches in the Czech Republic, Slovakia and the United Kingdom, working together to help refugees from Ukraine. Their activities are an important affirmation of compassion and humanity at a time when both principles are likely to be sorely tested: for Ukraine and its many international allies, ensuring the equality and security of Roma and other marginalized groups must be a top priority. ■

Some Roma women and children have been barred from crossing the border into Moldova, Poland and Hungary to seek asylum.



Roma women talk to each other at the entrance of the previously abandoned university building where Moldovan authorities send Romani refugees from Ukraine for accommodation. Chisinau, Moldova.

*Israel Fugemann/SOPA Images/Shutterstock*

# Services



**While service workers undertake some of the most important functions for society, their contributions are routinely undervalued – and even more so when these tasks are performed by marginalized groups. From frontline health care to public transport, minorities, indigenous peoples and migrants frequently comprise a large part of the service workforce.**

Despite this, their own access to services can be uncertain, in turn affecting their ability to secure employment. In **Australia**, for instance, First Nations people with disabilities have been especially affected during the pandemic by lack of access to supplies of personal protective equipment (PPE), limited digital infrastructure and poor transport links.

In **Lebanon**, the *kafala* system continues to shape the lives of some 250,000 domestic workers from Africa and Asia who are sponsored to work by their employers, a situation that leaves them with little recourse if they are subjected to abuses such as withheld wages and sexual violence. While still formally prohibited from joining unions, many have mobilized and developed partnerships with other worker organizations to advocate for their rights. However, since the beginning of the pandemic and with the country's depending economic crisis, their living conditions have deteriorated, forcing some to seek repatriation home.

A different form of job insecurity is experienced by Christians in **Pakistan**, where sanitary worker positions are typically reserved for non-Muslims. These jobs, with considerable hazards involved, are widely stigmatized and not only reflect but also reinforce the marginalization of minorities. The frequent lack of suitable equipment or basic safety protocols to protect workers only adds to the dangers they are exposed to, with dozens killed in accidents every year. So far no one has ever been charged with negligence for any of these deaths, though a landmark legal case brought by the widow of a Christian sanitary worker who died in a sewer in October 2021 could change this.

Roma in **Serbia**, too, often face discrimination that in turn determines their ability to work in public services and other sectors, despite constitutional guarantees of equality for all citizens, including minorities. In recent research by the organization PRAXIS, one woman described how, despite almost a decade of working as a cleaner at a hospital, she still remained on a temporary contract while other more recent arrivals had been taken on as permanent staff – a situation she attributed to the fact that she was the only Roma person employed there.

# **Australia: From employment barriers to food insecurity, the challenges of the pandemic have only intensified for First Nations Australians with disabilities**

June Riemer and Karen Soldatic

According to the national Disability, Ageing and Carers survey, the prevalence of disability, impairment and chronic conditions is approximately 1.9 times higher for First Nations Australians when compared to disability prevalence rates for non-indigenous Australians. Where one lives has significant implications for the overall health and wellbeing of First Nations people living with disabilities, their families and communities.

First Nations Australians with disabilities face a range of barriers to service access and supports across all areas of life, particularly in rural and remote areas. Long-standing issues of racism and disablism in mainstream service design remain. Rural and remote disability provision also lacks a rich diversity of services and supports that are culturally responsive and adaptable to meet specific disability support needs.

This is compounded by the lack of availability of safe, accessible and adaptable employment opportunities, which only heightened during the ongoing Covid-19 pandemic. In particular, the onset of the Delta variant in 2021 created a new set of risks for First Nations persons with disabilities and their households. Its level of severity intensified the need for a well-developed response from governments, but once again it was the First Nations organizations and services that stepped in to keep communities safe throughout this extremely difficult period.

Employment rates for First Nations Australians with disabilities are, aside from the impacts of the pandemic, the lowest in Australia when compared to all population groups, including the non-indigenous population with disabilities. Prior to the pandemic, only 33 per cent of working-age First Nations Australians with disabilities were employed, compared to 53 per cent of the disability population overall and 84 per cent of the population living without disabilities. While there is no direct data available on the percentage of the loss of employment for First Nations persons with disabilities as a result of the renewed lockdowns, the experience of the First Peoples

Disability Network (FPDN) of working with communities nationwide strongly suggests that households with disabilities were directly affected.

FPDN's work on the ground suggests that the impact was two-fold. First, community members living with disabilities and/or chronic health conditions were compelled to withdraw from their workplaces with the switch to remote work from home. Second, for many households, family members were also often forced to withdraw from the workforce to ensure that household members with disabilities and chronic conditions remained safe and protected. Further, First Nations households with family members with disabilities and/or chronic conditions consciously placed in-home support staff 'on hold' due to the high risk of contracting Covid-19 from care staff. Family members were then having to step in and fill this gap, impacting upon their capacity to work their previous hours at the same intensity, and in some instances having to leave their jobs completely due to the level of care support required in the home.

It is often assumed that Australia, a G-20 economy, has well-established digital networks and connectivity across the country. However, enduring issues of infrastructure, reliability and affordability directly impacted on the capacity of many First Nations households to undertake remote work during renewed or extended lockdowns. It is estimated that only 63 per cent of First Nations households have access to home internet. This is not surprising, given its costs and household budget constraints: prior to the pandemic, 32.6 per cent of Aboriginal and Torres Strait Islander people with disabilities were



Image of Elder Aunty Gayle Rankine, 'Ngarrindjeri woman' by Belinda Mason, *Unfinished Business* series. Aunty Gayle Rankine was chair of the First Peoples Disability Network and had lived experience of physical disability and as a carer of relatives with physical and neurological disability.

living in households with an equalized weekly gross income in the lowest quintile. First Nations household budgets prioritize food, energy expenditure and costs associated with private transport to ensure ongoing access to health care and services, particularly in peri-urban, rural and remote areas that rarely offer readily available, accessible and frequent public transport. Therefore, the capacity to 'work from home' — requiring not only the upfront costs to purchase IT hardware such as computers, laptops, smartphones and tablets, but also the ongoing costs of maintaining expensive telecommunications plans to access data — is for many simply not an option.

The impacts of these employment barriers were especially severe in the broader context of increasing public

health risks and economic precarity. Despite the lessons learnt in personal protective equipment (PPE) distribution in 2020, there was a continued failure by national, state and territory governments to effectively implement a satisfactory PPE plan for vulnerable First Nations persons with disabilities and their households alongside the disability service sector working in First Nations communities. As at the beginning of the pandemic, the Aboriginal Health and Medical Services continued to be critical to filling this gap for communities. However, the opening of internal and international borders resulted in the rapid spread of the virus in late 2021 and early 2022, leading to widespread infections in areas that until then had managed to prevent the spread to vulnerable community members with disabilities and/or chronic health conditions. Supplies subsequently became extremely thin on the ground and, when available, proved very expensive for low-income households to purchase. At the same time, state and territory governments — which are largely responsible for public health policy — moved to a model of individual responsibility for PPE and rapid test purchasing, again placing a significant financial burden to stay 'safe and well' on already strained and vulnerable households.

Unfortunately, the experience of poor servicing and distribution of PPE, supports and other essential items also generated further distrust of government responses across many First Nations communities regarding vaccine take-up. By October 2021, First Nations leaders such as Professor Peter Yu were calling on the prime minister to respond to

the low vaccination rates within First Nations communities nationwide — at the time, only 46 per cent among those aged 16 or older, compared to 75 per cent across the country as a whole — involving open public letters, media advocacy and lobbying.

Food insecurity also remained at the forefront of challenges for First Nations people with disabilities and their households. Throughout 2021, the strain on food distribution systems was particularly difficult. The rural farm-based contingent workforce has historically been reliant on short-term migrant labour programmes, which were put on hold with the closure of international borders. The food distribution production chain — from farm to supermarket warehouses to homes — faced radical disruption as delivery transport systems were strained with the rapid rise of Covid-19 cases among transport workers, many of whom lived in hard lockdown suburbs and therefore faced severe restrictions on movement with renewed public health orders. Moreover, the broader Australian population made a general switch to home delivery services to minimize the possibilities of contagion.

All of these constraints, therefore, adversely affected the timely distribution of food and drove up the cost of groceries — particularly healthier options — significantly during the year. For First Nations persons with disabilities, whose households are some of the poorest in Australia, the combined effects of these price increases radically undermined their food security. And unlike 2020, when social security payments doubled to cover the devastating effects of the

pandemic on the newly unemployed workforce and precarious workers, payment rates were wound back to almost pre-pandemic levels, outside an AU\$25 per week increase, pushing poor, social security dependent households into further food insecurity and economic precarity. While community organizations have done their best to alleviate the plight of the most marginalized families — for instance, FPDN's innovative partnerships with the Muslim charity Al-Ihsan Foundation Australia was further expanded to ensure community members with disabilities were provided with basic food parcels to address the immediate gaps — it is difficult to keep pace with the scale of need. For First Nations persons with disabilities, this means inclusive health care, added financial assistance to weather the challenges of the pandemic, and a meaningful route to access employment safely and equitably.

Prior to the Covid-19 pandemic, **only 33 per cent** of working-age First Nations Australians with disabilities were employed.

# Lebanon: Migrant domestic workers and the struggle for visibility

Rania el Rajji

Lebanon has long been a host country for waves of refugees displaced from other countries in the region, such as Palestine and Syria: today it has the largest population of refugees per capita in the world. For many years, however, it has also drawn large numbers of migrants from various parts of Africa and Asia. This workforce, mostly female, includes an estimated 250,000 domestic workers whose living and working conditions have long been regulated by a system known as *kafala* ('sponsorship' in Arabic).

The *kafala* system is notoriously oppressive and essentially serves the privileges of the sponsor, resulting in a wide range of human rights restrictions for migrant workers, who enter into a situation in some ways akin to bondage with their employer. The extreme power imbalances between migrant workers and their sponsor – the latter can, for example, dictate the nature of their work and terminate their legal residency at any time – means that non-payment of wages and other abuses are common.

In Lebanon, the *kafala* system has survived various efforts to abolish or significantly reform it, whether on the part of civil society organizations, human rights groups or local activists, including domestic workers themselves. While some measures have been put in place to provide migrant domestic workers with days off or allow them to leave their employers, workers have nevertheless continued to endure human rights violations and exploitation. There are endless reports of sexual violence and abuse, as well as other forms of violence directed at female migrant workers specifically. There have also been numerous deaths, including suicides, that are never investigated: according to figures from the national intelligence agency, on average two migrant workers are dying every week.

The plight of migrant domestic workers in Lebanon, especially the racist treatment that they face, has led to numerous civil society initiatives. Engagement with migrant domestic workers can be traced back to the 1990s, first through religious structures including churches, leading

to an exponential growth in services addressing the various needs of migrant domestic workers, from legal assistance to psycho-social support. These assorted efforts eventually led to collective mobilization, including by migrants themselves, who became steadily less invisible through demonstrations and rallies outside their embassies and consulates.

Article 7 of the Lebanese Labour Code specifically excludes domestic workers, among other groups of workers such as agricultural workers, from its protection. However, following years of engagement with migrant workers and other stakeholders, the National Federation of Workers' and Employees' Trade Unions in Lebanon (FENASOL), together with the International Labour Organization, supported the establishment of a trade union for domestic workers in the country. On 25 January 2015, a founding congress of the domestic workers' union took place, bringing together 300 domestic and migrant workers. While the union remains unrecognized by the relevant government ministry, Article 92 of the Lebanese Labour Code allows migrant workers to join unions and associations, even if their rights are curtailed as they cannot elect or be elected as representatives. This has allowed FENASOL to support migrant workers who can organize themselves under its umbrella.

Though they remain marginalized and face an entrenched network of corruption, nepotism and vested interests, the transformation of migrant workers into a mobilized and visible force has helped highlight their resilience in the face of systematic

exploitation and abuse. For some, however, activism has come at a heavy price: in December 2016, two Nepalese domestic workers, members of the union, were arrested by the General Security in Beirut. One of them, Sujana Rana, was immediately deported, despite her legal status and residence papers reportedly being in order. Reports indicated that Rana was questioned during her arrest by security officials about her activism and involvement in issues pertaining to the rights of migrants in Lebanon.

Since October 2019, the banking crisis and the collapse of the Lebanese pound have brought economic devastation in their wake. The ensuing restrictions on cash withdrawals imposed by banks have had a domino effect on migrant domestic workers, who were previously paid by their employers in US dollars. The situation was made worse by the disastrous blast in Beirut's port on 4 August 2020, with many migrants losing their homes and

incomes as a result. There have since been many calls by migrant workers for assisted repatriation, with a 2021 survey of some 1,000 migrants by the International Organization for Migration, for instance, showing that nearly half of those interviewed wished to return home. Migrant workers have once more mobilized, organizing demonstrations outside their respective embassies and consulates, and demanding to be sent home. Covid-19 has only exacerbated the impacts of the country's economic crisis, with a domino effect on migrant workers, especially those freelancers who have been deprived of work as a result of the pandemic. Reports have indicated heightened risks of abuses, including early terminations of contracts, and even more difficult working and living conditions for domestic workers residing with families.

Recognition remains elusive for migrant domestic workers, despite many having lived in the country for decades, often informally, and even though some have married and had children in Lebanon. Nevertheless, they still find themselves excluded from the protections of Lebanese labour law. Confronted by the disaster that hit the country, they have nevertheless continued to advocate for their rights and agency – an essential step in bringing their long-standing invisibility to an end.

According to the national intelligence agency, **on average two migrant workers in Lebanon die each week.**



A migrant worker from Sierra Leone stranded in Lebanon calls her family.  
*Aline Deschamps*

# Pakistan: 'We are fighting for justice, and it has a cost' – the plight of Christian sanitation workers

Asif Aqeel and Mary Gill



A sanitation worker petitions for her right to dignity and inclusion, with a placard reading: 'Why be ashamed of hard work?'

*Sweepers are Superheroes*

Christians form less than 2 per cent of Pakistan's population overall, but they make up the large majority of all sanitation workers. Jobs for sanitation workers are regularly advertised with the stipulation that only non-Muslims need apply: only non-Muslims are expected to undertake this hazardous work, and the fact that only non-Muslims do it seems to mean that the risks are ignored. This work is typically handed down within families and communities, with sanitation workers considered by many to be low class, uneducated and literally 'untouchable'.

Sanitation work is poorly paid and highly dangerous too, with at least 30 people having died since 2017 while unblocking sewers, alongside many others who have lost their lives carrying out other forms of sanitation work. Little or no effort is made to ensure that people are safe while they work: they regularly go down sewers known to contain noxious gases without any protective clothing, masks, gloves or breathing equipment. Furthermore, no one has ever been held accountable for the negligence which contributes to so many deaths and injuries every year. When workers are hurt or killed doing their jobs, their families are usually threatened or bribed to not pursue complaints or to withdraw cases. The unsafe practices never change, and society at large does not seem to care.

One of the most recent tragedies to occur was the death of Naseem Bibi in the small Pakistani town of Sargodha in October 2021. Naseem's death

could easily have been prevented: he and a fellow worker, who also died, descended into a sewer without protection after another colleague fell from a ladder which was broken. Naseem had been responding to an emergency call at 10 p.m. that night. He had been reluctant to go, but his wife reminded him that the company had threatened to no longer give him work if he did not go when called and do as he was told. Following his accident, fire and rescue personnel arrived on the scene but refused to go down into the sewer to rescue the workers, despite having protective gear and breathing apparatus. Eventually another sewer worker, without any gear to speak of, descended and retrieved the bodies.

Naseem, like many other poor Christians, had been doing this work for 16 years but he was still a 'daily wager'. He had formally requested that his service be recognized so that he could become a permanent



A Center for Law and Justice volunteer distributes masks among sanitation workers, barely provided with any personal protective equipment, during Covid-19.

*Center for Legal Justice*

employee with more rights, but this had not been done. His family is therefore not automatically entitled to compensation from the company. His wife, Mariam, also works in sanitation as a litter collector for the same corporation. She has been told that she may not continue to get work if she pursues a case against the supervisors who were in charge that fatal night. She cannot afford to feed her family, let alone keep the children in school on her wage alone. Nevertheless, she made the brave decision to take on the corporation in what could be a landmark legal ruling. If she succeeds, not only will she get compensation, but her actions will force the corporations to pay attention to the health and safety of all these workers, in the knowledge

that there will be consequences if they fail to do so. 'The union officials and others have contacted us that we take 500,000 rupees and withdraw the case,' Mariam said. 'But we are fighting for justice, and it has a cost.'

The Centre for Legal Justice (CLJ) has been educating sanitation workers about their rights and campaigning for a change in their status for many years. Recently, with support from the Coalition for Religious Equality and Inclusive Development (CREID) and MRG, CLJ lobbied for them to receive personal protective equipment (PPE) to minimize infections when they are working in quarantine centres and on hospital wards. These campaigns have had some impact, but ultimately the motivation for

corporations to put potentially life-saving changes in place when there are no legal consequences for their negligence is limited. If a landmark judgment can be reached, however, that finds the supervisors guilty of negligence and awards compensation to the widows and families of the workers, this has the potential to fundamentally transform the situation in a number of ways, not only placing greater pressure on supervisors and corporations to do the right thing, but also empowering sanitation workers to insist on safer and more humane working conditions.

No legal action was ever taken following previous fatalities, despite many of the cases being very similar and involving workers being sent into dangerous situations without adequate protective gear, as well as the failure of health or rescue professionals to do their jobs. Mariam and her nephew, who is named as the complainant in the case, have refused to be cowed by the threats, bribes and false promises made by the management of the corporation or by other parties. Mariam is afraid for her job and, even if she manages to keep it, does not know how she will feed her children and send them to school. However, she does know that the life of her husband and other workers like him is not worth any less.

Sanitation work is poorly paid and highly dangerous. Since 2017, at least **30 people have died** while unblocking sewers.

# **Serbia: Discrimination against Roma in the labour market**

Boris Sijerković

The Roma national minority, the Republic of Serbia's most vulnerable ethnic group, continues to face challenges in exercising basic human rights, including the constitutionally guaranteed right to work. Despite significant efforts in recent years, their situation remains marked by extreme poverty, high unemployment, low levels of education, difficult access to the labour market and poor housing conditions.



Roma men collecting scrap materials to sell to recycling companies, a vital source of income for Roma communities and filling gaps in community waste management. Niš, Serbia.

*Dragan Kujundzic*

As a result, Roma are one of the most marginalized groups in the labour market. Reflecting a broader backdrop of social discrimination and stigma, their work is typically among the least valued in society. The majority of these jobs, such as collecting secondary raw materials, seasonal manual labour or daily wage labour, are not formally recognized and do not require any qualifications.

Work and employment are important for the Roma population for two reasons. First, of course, having a job increases economic independence and personal living standards. Second, however, employment can support social inclusion and participation, challenging ingrained stereotypes about the community. Alongside limited educational attainment, discrimination is one of the most

significant barriers to Roma women and men in the labour market. A general intolerance of diversity has encouraged popular prejudices against Roma to develop, aided by the fact that many have no personal contact with Roma and lack any knowledge of their history, culture and traditions.

In light of both gender inequalities in the labour market and the gendered role of women within the community, the situation of Roma women is even more unfavourable as they often face multiple discrimination. As of 2017, employment rates among Roma women were just 9 per cent. One Roma woman, who lives in a city in central Serbia and has been working as a cleaner in a health facility for almost a decade, illustrates how discrimination has permeated every aspect of her work. Despite working

As of 2017,  
employment rates  
among Roma women  
in Serbia were **just**  
**9 per cent.**

there for nine years, she has remained on a temporary contract even as new arrivals have been given permanent employment. Despite her hard work and commitment to her job, she is paid only a fraction of what her colleagues receive and is still denied the same benefits, such as paid holiday and sick leave. When she recently fell and broke her arm, she was forced to wear a cast for three weeks: the very day it was removed, she was called back in to work, and yet at the end of the month more than half of her salary was deducted from her pay cheque. She regards her ill treatment as a clear indication of discrimination: 'It is obvious why this is the case — I'm the only Roma woman there. One hundred per cent, there is no other explanation. And I have to work like this because my husband is ill, and my son has a family of two children who live with us. With this contract I won't even have years of service calculated to be able to retire and have pension.'

The stigmatization of Roma is also evident in other sectors. For instance,

there are employers in the food and baking industry who reportedly prefer not to hire Roma because they are concerned that their poverty and lack of access to water in their homes will mean workers are not be able to meet the necessary standards of hygiene — a common stereotype that many Roma have to contend with. Discrimination can also be experienced from consumers as well as employers. 'When selling goods on the market,' according to one respondent, 'buyers have repeatedly hesitated to buy my goods because I am a Roma woman.'

Almost 30,000 Roma people were listed on the National Employment Service's (NES) database in 2020. According to the Praxis study mentioned earlier, the reason for their registration is primarily to access their unemployment-related rights, such as welfare support, child allowance and health care, rather than to actively seek out jobs. This is not surprising, given that almost none of the Roma surveyed were able to find employment through the NES. Besides widespread mistrust of official institutions, they have little faith that their situation will improve if they participate in NES programmes. This is an area, therefore, that requires substantive engagement with the Roma community to resolve their needs.

Furthermore, it is necessary to act in an integrated and comprehensive manner to address the root causes of inequality in employment, beginning with education. Reducing early dropout from school, preventing early marriages, and providing adequate housing and personal

identity documentation — these are all preconditions for exercising a variety of rights and strengthening employability. Given that the absence of Roma men and women from the labour market is estimated to cost the Serbian economy €413 million per year, according to a study conducted by the German Agency for International Cooperation (GIZ), a genuinely inclusive work environment would benefit everyone. This change, however, can only be realized if employers challenge their own prejudices. At present the odds are still stacked against Roma; as one respondent describes: ‘If one company is looking for a worker and two Roma and one non-Roma candidate have applied, they will accept the non-Roma worker.’ ■

The absence of Roma men and women from the labour market is estimated to cost the Serbian economy **€413 million per year**, according to a study conducted by the German Agency for International Cooperation (GIZ).

# Slavery and its legacy



**Slavery is now prohibited across the world, but it still casts a shadow over many communities who historically suffered enslavement. The effects can range from social stigma and labour discrimination to the persistence of servitude in other forms. Transforming this reality requires not only legal reform but also a transformation of societal attitudes that continue to stigmatize the descendants of slaves, generations on.**

In **Mauritania**, for members of the Haratine community, slavery is not a historical trauma but a living memory that thousands suffered before the practice was officially prohibited and criminalized. In practice, however, many former slaves and their descendants continue to be trapped in slavery-like conditions or otherwise condemned to the most difficult and poorly paid occupations. The situation is especially acute in rural areas, where some Haratines struggle as sharecroppers to the land-owning elite.

In **North Africa**, where for centuries the slave trade played a central role in the societies and economies of modern-day Algeria, Libya, Morocco and Tunisia, the legacy of slavery is felt through popular perceptions and stereotypes that prevent black citizens from accessing many socio-economic opportunities and instead largely restrict them to the most menial occupations. Nevertheless, since the 2011 uprisings, communities in some of these countries have become more visible and are advocating for better work opportunities and an end to labour discrimination.

# Mauritania: For many Haratines, slavery has simply developed into new forms of discrimination

Aboubekrine e Yehdhih



Salek, whose mother was a slave, working in the slum of Dar Naïm, near Nouakchott, Mauritania.

*Seif Kousmate*

Mauritanian society has been shaped by a long history of political, economic and social exclusion, with large segments of the population stigmatized on the basis of their origins or social status. In particular, Haratines – arguably the country's most marginalized community, comprised mostly of former slaves and their descendants – are still confronted with injustice on a daily basis. This is due in no small part to the fact that the state continues to regard them as second-class citizens.

Even if there is no official figure, according to SOS Esclaves the Haratine community represents more than 40 per cent of the Mauritanian population. While the number of Haratines living in slavery has greatly reduced, compared to even a few decades ago, many community members continue to be subjected to exploitation and are still affected by the legacy of slavery today: these people live under the direct control of their master or mistress, treated as private property and unremunerated for their work. Since slave status is passed down through the mother, children born to an enslaved mother will be 'inherited' by the master's children. Though the majority of Haratines are now nominally free, in practice most still lack access to education and basic social services, let alone wealth or political power.

On paper, since independence the Mauritanian government has taken steps to address these feudal hierarchies. The various Mauritanian Constitutions (1959, 1961 and 1991) all affirmed the equality of its citizens and

proclaimed their adherence to the UN Universal Declaration of Human Rights. On this basis, and to meet the requirements of domestic and foreign policy, the government took action against slavery and its consequences. Mauritania has ratified all international conventions around human trafficking, prohibits forced labour and, in 2007, passed a law formally criminalizing slavery, subsequently strengthened with further legislation in 2015. These measures were accompanied by the creation of an agency whose main mission is to combat the legacy of slavery and promote the implementation of development programmes in areas where former slaves were concentrated to improve their access to basic social services. Despite the ratification of the main conventions and the international protocols, however, slavery still remains an ingrained practice in Mauritanian society.

Alongside these tentative signs of progress, new forms of exclusion and modern slavery have also emerged. Thousands of Haratines

are trapped in pockets of misery: they live in makeshift dwellings in slums in central Nouakchott or on its outskirts and those of other large cities such as Nouadhibou and Kiffa. Worse still is the situation of those who remain in the countryside: most of them live within arm's reach of their former masters in bush ghettos known as *adwabas*, characterized by extreme poverty and high levels of illiteracy, leaving them with few options if they manage to move from the countryside for the city.

The Haratines still deprived of their freedom are almost all women enslaved by dominant rural families. But if the scale of slavery has significantly diminished, compared to what it was half a century ago, its after-effects continue to be felt through various forms of discrimination and social division. Descendants of slaves frequently internalize a sense of inferiority, borne from the repression suffered by generations before them,

reinforced by the arrogance and self-belief of the local land-owning elite. The persistence of the barriers between these two groups becomes apparent whenever this order is challenged by a Haratine seeking to marry 'upwards' to someone outside their class. In other areas of life, too, the legacy of slavery lives on. In court, for instance, though all citizens are declared equal, many magistrates believe that slavery cannot be abolished by the state: in their eyes, Haratines remain slaves unless they have been explicitly freed by their old masters. This viewpoint explains why so many members of the judiciary still turn a blind eye to slavery crimes.

Even with slavery formally abolished, the most difficult and onerous work is still undertaken by Haratines. As manual labour is regarded as the preserve of former slaves, Haratines are typically employed as cart drivers, servants, masons, carpenters and in other arduous occupations. In the countryside, on the other hand, the social classification remains feudal in the medieval sense of the term, with production organized around agro-pastoral activities. Indeed, the social divide is most evident in the rural land tenure system where many forms of slave-like exploitation still exist. Haratines remain in a precarious position and still pay various forms of tribute to landowners, although in theory they are free. As former slaves, they still suffer oppression, even if they have the illusion of freedom and equality. The piece of land they work on is still dependent on the will of the tribal chief and their own compliance.

Many magistrates believe that slavery cannot be abolished by the state: in their eyes, Haratines remain slaves unless they have been explicitly freed by their old masters.



In rural areas, sharecropping arrangements can be so harsh that they effectively conceal a slave relationship. Even in irrigated areas, where major development programmes have been carried out by the public authorities, Haratine peasants continue to exist in a state of servitude to the traditional landowners. For example, nearly 90 per cent of landless farmers due to traditional land tenure or feudal slavery exploitation belong to this group. In addition, barely a tenth of the 30,000 hectares legally set aside and developed in the Senegal River valley have been allocated to small local farmers; the remainder has benefited a privileged circle of civil servants, traders and businessmen, often natives of non-agricultural provinces. Less than 10 per cent of the 2 to 3 billion Mauritanian *ouguiyas* of loans granted annually by

Crédit Agricole to finance agriculture has been channelled to the thousands of local farmers, most of whom are Haratines: the more than 90 per cent left over has been absorbed by well-placed, affluent entrepreneurs in the agro-business sector.

Mauritania has yet to eradicate the injustice and abuse associated with its long history of slavery. Until the profound inequalities that Haratines face in work, education and other areas are meaningfully addressed, then it is likely that their exploitation will continue in other forms (whether tied to religion, discrimination or land). At present, the most powerful forces of change are brave anti-slavery activists who are courageously leading the fight against slavery in the face of vested interests, prejudice and institutional complicity.

Haratine women learn to sew in workshops set up by SOS Esclaves in order to improve their economic situation. Nouakchott, Mauritania.  
*Seif Kousmate*

# **North Africa: Despite guarantees of equality, black citizens still face barriers to equitable employment**

Silvia Quattrini

Although each country in North Africa has its own unique context, similar patterns in terms of racial discrimination can be observed throughout the region, particularly when it comes to access to work. Observers see in the increased presence and visibility of sub-Saharan migrants, as well as the space created by the 2011 uprisings, the main drivers pushing countries such as Algeria, Libya, Morocco and Tunisia to reassess their relationships with their own black populations and with internalized concepts of 'otherness' when it comes to blackness and Africanity. Although sub-Saharan migrants also face severe challenges in terms of access to work in these countries, this case study focuses specifically on the experiences of black citizens.

Governments do not collect official statistics on their black citizens (or any other minorities) in any North African country. Unofficial figures suggest that between 10 and 15 per cent of Tunisians and between 10 and 30 per cent of Algerians and Moroccans are black, and black people may amount to as much as one third of the population in Libya, although many have been stripped of their citizenship for political reasons, and it is not clear whether recent migrants are included in these estimates. What these countries have in common, despite their many differences, is the ongoing legacy of slavery and colonialism. However, while the debate around the latter is relatively open, the former remains taboo and limited to certain circles, mostly among activists for racial justice and equality.

For them, this hidden history of slavery and servitude is what shapes the continued racism and exclusion that black populations in North Africa contend with today. With the trans-Saharan slave trade having lasted some 1,300 years, from the seventh to the twentieth centuries, North Africa not only contributed to the transit of slaves elsewhere but also relied on slavery internally for fieldwork, domestic work and concubinage. Although some black communities are indigenous to the region (such as Saharan communities in southern Algeria and Tuareg and Tebu in Libya), or had migrated to study in the region's Islamic institutions, most black citizens are believed to be the descendants of slaves. Even though white people were also enslaved in the Ottoman period (although usually occupying

prestigious positions), it is still black communities in North Africa that are most widely associated with slavery.

Today, most black citizens in North Africa remain in a situation of social immobility, relegated to lowly occupations or, in the most extreme cases, to servitude and economic exploitation. Even after slavery was abolished, the *wala* system (similar to patronage) allowed for descendants of slaves to remain tied to their former masters: often, those ex-slaves added '*abid*' (Arabic for 'slave') or other prefixes such as '*Atik*' ('freed by') to the latter's name. Often undocumented, these black families occupied the lands of the lighter-skinned 'white' elite, where they either worked for free or would still be required to do free housework for the previous owners. Hamdane Dali — a black Tunisian previously known as Atik Dali, before he successfully sued, with the help of MRG and Mnemty, to become the first person in the region to change his surname — described the exploitation that *khammes* (agricultural workers) typically faced. 'Before, it was only the black people who had to work the land for free or just in exchange for the crop; the "free" people did not work, they could exploit us as they wanted.'

Similar cases of unpaid (or poorly paid) work can be found in the domestic sector. Another role often associated with black populations is that of entertainers and performers. For instance, in southern Tunisia, playing music to celebrate weddings and ceremonies has always been considered as 'black' work. While offering monetary compensation as well as a sense of honour, prestige



Hamdane Dali and his daughter Hedia, Djerba, Tunisia.

*Slim Kacem/ROOTS*

and pride for skills that have been transmitted for generations, the segregation of this work also strengthens social categories of division between the 'white' people who pay for the service and the black people who provide it.

To this day, access to socio-economic opportunities remains limited to certain sub-groups, mainly living in the bigger cities. Those who have overcome the significant barriers to education to succeed in their studies often find themselves confronted with direct or indirect racism at job interviews. With a few exceptions, black people remain excluded from key positions in government and public services, are largely invisible in the media and are severely under-represented in other positions that may be perceived as prestigious, such as lawyers, judges and doctors.

This has partially improved since the 2011 uprisings thanks to the efforts of civil society organizations and black activists who have been claiming their rightful place in the society. A law criminalizing racial discrimination was finally passed in Tunisia in October 2018 (organic law no.50-2018) thanks to the advocacy of several human rights groups, including Mnemty. Elsewhere in the region, countries are still catching up. In Algeria, although a Law on Preventing and Combating Discrimination and Hate Speech was passed in April 2020, the government has been severely criticized by human rights groups for seemingly aiming to control public speech rather than fight any form of discrimination. In Morocco, a draft law against racial discrimination was presented in 2014 by a political party and re-launched in 2022, but at the time of writing it has yet to see the light. Libya also does

not have a law criminalizing racial discrimination, although equality is in theory guaranteed by its Constitution.

Despite the fact that the right to equality is formally enshrined in law, and racial discrimination has even been directly criminalized in some instances, in practice it remains a widespread societal issue across North Africa. Even when clear legal protections are in place, it is hard to bring cases of indirect discrimination to court or to prove the endemic nature of racial discrimination when it comes to equal opportunities in access to work. What is needed are positive measures that would ensure real equal socio-economic opportunities, as well as human rights education to eradicate conscious and unconscious societal racism, so that black citizens can finally enjoy the same job opportunities as their fellow citizens. ■

This hidden history of slavery and servitude is what shapes the continued racism and exclusion that black populations in North Africa contend with today.

# Tourism



**Tourism can offer an important source of livelihood for minority and indigenous communities, providing an opportunity for local people to earn an income through employment in the sector and by providing accommodation, handicrafts and guided tours showcasing their history, heritage and natural environment. Yet all too often, the sector can be exploitative and monopolized by vested interests, causing more harm than good.**

However, the rich traditions and values of the **Pacific** show the possibility of an alternative approach to tourism that embraces human connections and respect for the environment, providing residents and visitors alike with better experiences built on inclusion and sustainability. In Hawai'i, after the pandemic brought tourism to a halt, local organizations sought to reconnect with its indigenous traditions. In response, as visitors return to the islands, officials are now actively encouraging them to be 'mindful travellers' who properly engage with the culture and spirit of their surroundings.

In **Tajikistan**, in the remote Pamiri region, communities have looked to tourism as a means to reverse their widespread poverty and lack of employment. For many youth, the nascent tourism industry there has been regarded as a crucial opportunity to expand the economy and create jobs. However, conflict, discrimination and Covid-19 have all in different ways served to undermine these hopes, particularly as borders with many neighbouring countries remain closed while central security forces escalate their militarization of the region in response to protests in late 2021.

# **Pacific: With ‘business as usual’ suspended during the pandemic, Hawai‘i turned to its traditions for answers**

Joshua Cooper

The consciousness and creativity of community in Oceania continues to inspire peaceful partnership between people and planet. Despite its many challenges, the pandemic offered an opportunity to reimagine relationships where culture would be central to determining the direction for daily life and sustainable development. With global systems interrupted, indigenous models of sustainability and solidarity re-emerged, combining new technologies with traditional livelihoods.

Across the Pacific, alongside the many challenges of the pandemic, there was renewed momentum to develop inspiring new ways to address the multiple crises of Covid-19 and climate change. Communities, civil society, and even nations created campaigns and indigenous initiatives across the islands of Hawai'i and Oceania. The movement for Moananuiākea centred both on protecting human health and healing the Pacific through a holistic approach.

One example is the unique Pu'u Kukui ('Hill of Enlightenment') Watershed in Hawai'i, a large nature preserve extending over 9,000 acres and hosting some of the rarest endangered flora and fauna. Most importantly, Pu'u Kukui is the major water source of many *ahupua'a* (land divisions) of Maui – Wailuku, Kahului, Kihei, Wailea and Lahaina. The foundation of management is forged in elders' relationship with nature, creating culturally sensitive approaches to conservation for the indigenous ecosystem as well as monitoring and protecting rare species. Recognized worldwide as a living laboratory of indigenous conservation practices and policies, Pu'u Kukui is researching and sharing results with fellow indigenous peoples around the Pacific and scientists in solidarity. Among other activities, an important initiative with the Polynesian Voyaging Society led to the planting of koa seeds and trees above sacred Honolulu Bay, as well as the creation of a star compass, to serve as the centre of a navigational school for future traditional way-finders.

Of course, Hawai'i is also famous as a tourism hub – a sector not always associated with sustainability.

Nevertheless, the islands offer a glimpse of an alternative path. One example is Hilo Hotel, a location operated for decades by a local family providing a new model of a resort growing out of the lava beloved by *malihini* (guests) and *kama'āina* (long-term residents local to the land) alike. Indeed, many *kama'āina* have chosen to stay at the resort when visiting from neighbouring islands of Hawai'i. Created in the 1950s by Richard Kimi and strongly informed by the values of *ohana* (family), the hotel was oriented towards less well-off visitors, including from other islands. It served as a centre of hospitality for many decades until it closed its doors during the pandemic. Having been purchased by Soul Community Planet (SCP), the hotel reopened in 2021. Fortunately, the new managers have continued with the Kimi family's commitment to social and environmental sustainability.

One hotel will not save the planet. However, Hawai'i also has its first Kānaka Maoli head of the Hawai'i Tourism Authority (HTA), John De Fries, with a lifetime commitment to *mālama* (meaning 'to care for, preserve and serve'). De Fries is himself guided by Senator Kenny Brown's 1973 speech at the Hawai'i State Legislature recognizing the ancestral wisdom of Kānaka Maoli, living in balance with the natural world and symbiotically serving the planet. He has focused on supporting a post-pandemic recovery and reinvention rooted in Kānaka values, returning to cultural roots and resilience. This is reflected in one of the first initiatives launched in the wake of Covid-19, the Educational Mālama Hawai'i campaign, designed to encourage 'mindful travellers' to

engage meaningfully with the culture and values of Hawai'i, promoting richer experiences while also protecting public health and wellbeing.

The generous giving forward spirit of *mālama* is reinforced by many other initiatives: one is the partnership between the Native Hawaiian Hospitality Association and travel2change to create a Kaiāulu Ho'okipa Cohort, bringing together a dozen Kānaka and kama'āina ideas and initiatives to redefine the relationship of tourism in Hawai'i. The cohort serves as a platform to promote a reverence for both the people of Hawai'i and their unique environment, shifting the relationship from extraction and exploitation to mutual respect and sustainability. One example of its work is the Leahi Millennium Peace Garden (LMPG), situated at the iconic Leahi (Diamond Head) overlooking the famed Waikiki Beach and framing Honolulu. LPMG now serves as a gateway to a new approach for Waikiki

and all of Hawai'i, based on generosity and giving back, hosting outdoor discussions and dialogues connected with direct actions to *mālama'āina* ('caring for the land'), as well as place-based education and courses covering human rights, climate justice, regenerative economy and sustainable development rooted in Kānaka Maoli philosophy and principles.

While tourism has transformed even the most sacred tree, the indigenous Niu coconut palm, the seeds have been planted to restore it to its rightful place on the islands of Hawai'i. Niu Now is a University of Hawai'i-funded initiative seeking to support food sovereignty and freedom. Recognizing the role of the Niu as the tree of life, Niu Now is attempting to restore the status of the coconut — at present, primarily an ornamental amenity for tourists to rest under in the shade — as a nutritional and cultural staple of the islands. Already, organizers have set up a nursery to germinate seedlings in Hawai'i: over 11,000 square feet of dryland forest, comprised of a variety of species of Niu. Niu Now is dedicated to the appreciation of all that is possible from the Niu tree. Besides providing food and nutrition, it holds many amazing abilities and is the source of the fibrous rope that binds Hokule'a canoes together — the very craft that once voyaged across the waters of the Pacific, using only the ancestral wisdom of the wayfinders to navigate the vast ocean.

Niu Now is attempting to restore the status of the coconut — at present, primarily an ornamental amenity for tourists to rest under in the shade — as a nutritional and cultural staple of the islands.



A Lono to Kū ceremony of a hula honouring the changing of seasons and the Hawaiian Gods that are tied to those seasons.

*Kapulei Flores*

For all its challenges, the pandemic brought a pause to the often frenetic pace of tourism and development on the islands, offering a moment to take stock of Hawai'i's ancestral wisdom and indigenous traditions. Here, as elsewhere in the Pacific, these perspectives point the way for a more sustainable future — one that, with the right approach and a grounding in *mālama*, the tourism industry can support rather than obstruct.

# Tajikistan: With the future of labour migration uncertain, tourism could offer a lifeline for Pamir's marginalized minorities

Tajikistan, besides being the smallest country in Central Asia, is largely comprised of mountain ranges such as the Pamir, Tien Shan and Gissar-Alai. Over the last decade, poverty levels in Tajikistan have steadily declined, with international labour migration helping to reduce its unemployment problem and increase the country's foreign exchange reserves. Although labour migration, primarily to neighbouring Russia, has provided millions of working-age people in Tajikistan with a path to employment, labour migration governance is inadequate — there are no comprehensive pre-departure orientation programmes, nor a system of reintegration for returned migrants, and the government does little to protect its citizens while they are abroad. Before the outbreak of Covid-19, migrant remittances accounted for up to a third of Tajikistan's gross domestic product (GDP).

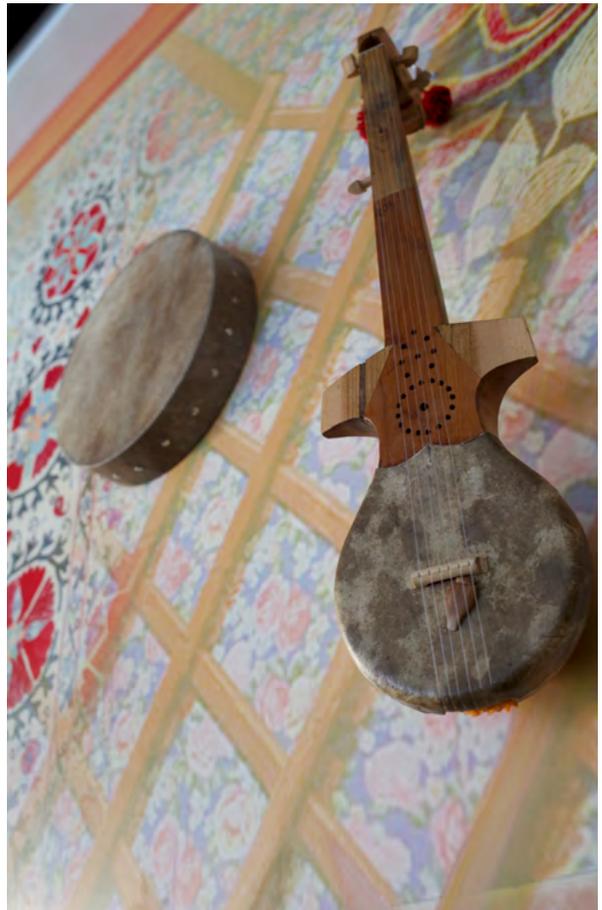
However, migration flows stalled in the early months of the pandemic as borders closed and movement was restricted, driving up poverty, informal employment and child labour in migrant households. While migration to Russia has picked up since then – almost 2.5 million Tajiks crossed the border to work in 2021, well over double the levels seen before Covid-19 – the fundamental basis of this cross-border migration looks increasingly uncertain. While Tajik economic growth is projected to slow further due to the war in Ukraine, a process of reverse migration could nevertheless be triggered if jobs in Russia dry up as a result of international sanctions.

Against the general background of the difficult economic situation in the country, the condition of the Gorno-Badakhshan Autonomous Region (GBAO), where the Pamiri minority lives, differs from other regions. While GBAO comprises almost half (45 per cent) of Tajikistan's territory, it is the most sparsely populated region and is home to just over 3 per cent of the country's population. It also has the highest unemployment rate in the country, and the population is very dependent on labour migration.

This situation is exacerbated by the region's political marginalization. Despite having their own unique ethnic, cultural, religious and linguistic characteristics, the Pamiri population is not recognized as a distinct minority by the national government and the people are officially designated as ethnically 'Tajik'. Furthermore, the region has been subjected to increasing militarization since

November 2021, following widespread protests against the killing of a young Pamiri man by security forces. Despite the many hardships and human rights violations faced by migrants in Russia, the region's youth still believe that leaving to work elsewhere is the best option to improve their living conditions. Many, once they return to GBAO, are still unable to find employment opportunities there. Those residents who remain in the region typically work land plots of their own and so cannot engage in agriculture as a source of livelihood. In addition, due to the natural growth of the population,

Traditional Pamiri instrument in one of the houses outside of Khorog, Gorno-Badakhshan Autonomous Region, Tajikistan.  
*Anna Alboth*



a large number of land plots have been used to construct houses for growing families. A limited portion of the population work in public services or run small retail businesses.

In this context, the tourism sector and the development of handicrafts are essential areas for enhancing the population's well-being and capacity for income generation. In addition, increased tourism has the potential to strengthen the understanding of diversity across different regions in Tajikistan among foreigners and outsiders. The Pamir mountain range has many unique ethnographic, cultural, historical, archaeological and environmental attractions, and has enormous potential as a destination for international travellers. Consequently, in recent years, the government has expressed its intention to develop its tourism industry, from designating 2018 the 'Year of Tourism' to extending the country's visa-free period for foreign visitors

to 10 working days. Despite these ambitious programmes and reforms – the government even adopted a Tourism Development Strategy in 2018 where the main focus was on GBAO – the sector's development remains stalled, in part because the government did not allocate sufficient funding to develop the necessary infrastructure for tourism. The lack of transport facilities, inadequate banking services and the absence of high-quality accommodation outside major cities have all served to prevent Tajikistan from becoming a mainstream tourist destination.

These issues are especially evident in GBAO, given the region's limited development and the ongoing repression of dissent: in the wake of the November 2021 protests, residents were unable to access the internet and only saw their connections restored, albeit limited to 2G, in March 2022. Unsurprisingly, the prolonged suspension of the internet worsened conditions for local businesses and the tourism industry, which had already collapsed as a result of the Covid-19 pandemic. In addition, global warming has accelerated the melting of glaciers in the Pamirs, leading to an increase in the frequency of avalanches. Finally, the escalation of territorial disputes between Kyrgyzstan and Tajikistan have deterred many potential travellers, as most reach GBAO as part of a longer journey through Uzbekistan and Tajikistan and then Kyrgyzstan via Murgab and Osh. This, combined with the closure of the border with Afghanistan due to security concerns as well as the continued suspension of movement

Despite having their own unique ethnic, cultural, religious and linguistic characteristics, the Pamiri population is not recognized as a distinct minority by the national government.



A diversity of embroidered Pamiri hats in Ismaili Kamatkhana and Centre in Khorog, Gorno-Badakhshan Autonomous Region, Tajikistan.

*Anna Alboth*

to and from China, means that travel into Tajikistan is still constrained.

In these challenging conditions, local tourism organizations like PECTA (Pamirs Eco-Cultural Tourism Association) and civil society organizations such as the NGO ‘De Pamiri’ or the ‘Women Rock in Pamirs’ project continue their efforts to develop tourism in the region. Their projects and initiatives unite the local population with the idea of creating a tourism industry, while protecting the historical heritage of the Pamirs and preserving their handicraft traditions. They support communities in remote mountainous regions to develop the skills needed for the tourism sector

and promote cross-border tourism in the northern regions of Badakhshan province in Afghanistan. These initiatives are essential, particularly for the significant numbers of Pamiris who invested in upgrading their properties prior to the pandemic in anticipation of an imminent boom in tourism. The impacts, however, extend beyond the economic: given that the tentative growth of the tourism in the GBAO was a crucial element in retaining younger people in the region, the future of the sector could determine whether there are sufficient opportunities available for them to stay. This in turn could play a decisive role in enabling the rich Pamiri culture to thrive for generations to come. ■

# Traditional livelihoods



Woman herding sheep at sundown, Hartisheik, Ethiopia.  
*robertharding/Alamy Stock Photo*

**Minorities and indigenous peoples frequently practise specific livelihood activities, such as pastoralist herding, that are threatened by a variety of forces including climate change, environmental destruction, development programmes and displacement.**

The challenges are illustrated in the **Democratic Republic of Congo** by the predicament of the Batwa in Kahuzi-Biega National Park who, after being forcibly removed from their ancestral forests decades ago, are still trapped in abject poverty and unable to engage in their hunter-gatherer traditions. Communities who have lost their land to ‘fortress conservation’ policies, imposed by the government with international support with the supposed aim of protecting the environment, have yet to be properly compensated.

A similar picture emerges in **Southeast Asia**, where indigenous Sama Dilaut have seen their semi-nomadic seafaring existence steadily encroached on by the creation of marine protected areas that have denied them access to the resources they need to maintain their traditional livelihoods. Besides a widespread failure to meaningfully consult these communities and an unjustified tendency to view them as a threat to coastal ecosystems, these conservation policies have been applied unevenly: some have favoured sedentary groups over semi-nomadic peoples, while in Indonesia nickel mining has been permitted to continue despite the devastating impact it has had on coral reefs.

Globalization and ‘modernization’ programmes have often been championed as a driver of economic growth, but this overlooks their frequently exclusionary nature and the plight of those left behind. In **Zimbabwe**, for instance, San communities already faced destitution and landlessness as a result of prohibitions against game hunting and displacement by the colonial authorities. Their situation has been compounded by environment management policies and rural development programmes introduced by postcolonial governments that favoured other ethnic groups. While traditional activities such as hunting continue to be criminalized, few alternative opportunities have been provided for them to access other livelihood sources.

# **Democratic Republic of the Congo: For Batwa in Kahuzi-Biega National Park, ‘fortress conservation’ has robbed communities of land and traditional livelihoods**

Colin Luoma

Batwa of the Kahuzi-Biega forest belong to the forest-dwelling indigenous peoples of the Democratic Republic of the Congo (DRC). Their history begins with their life in the forests surrounding Mount Kahuzi and Mount Biega, the two extinct volcanoes that dominate the landscape and from which the park derives its name. Like other indigenous communities across space and time, Batwa maintain a sacred connection with their ancestral territories. For them, the forest was provider of everything, and they considered themselves fully integrated within it.



An aerial photo of Muyange, a Batwa village within the Kahuzi-Biega National Park in the Democratic Republic of Congo, reduced to long patches of scorched earth.

*Robert Flummerfelt*

For millennia, Batwa lived in harmony with the forest – their natural environment. Forest life physically sustained them, supplying a variety of food, medicinal and fuel sources. It served as the centre of their intellectual, spiritual and cultural life, the place where they worshipped their ancestors, buried their dead, and conducted their spiritual and cultural rites.

Through their proximity and reliance on forest resources, Batwa cultivated an intimate knowledge of the flora and fauna in the Kahuzi-Biega landscape. Their tracking skills and ability to navigate dense rainforest are still unparalleled, and they are considered the region's best traditional healers and foremost experts on the use of

medicinal plants in treating illnesses. This traditional ecological knowledge, passed from generation to generation, allowed Batwa to survive in the forest for many years without significant reliance on outside communities. They knew how to preserve the forest for future generations, just as their ancestors had done before them.

As a traditional hunter-gatherer community with a cultural and spiritual connection to the forest, Batwa historically maintained an environmentally sustainable way of life. They used low-impact, traditional methods to hunt small animals and collect fruits, tubers, insects, plants and honey, which yielded a rich and sustainable diet. They principally



Cooking smoke seen rising from a traditional Batwa home in Kahuzi-Biega National Park in the Democratic Republic of the Congo, before the attacks.

*Robert Flummerfelt*

hunted deer, porcupines, antelope and other small animals, but considered gorillas to be sacred and forbidden to hunt. Only certain community members were allowed to hunt, with restrictions on the type and quantity of animals that could be harvested. They did not fell trees but collected dead wood, and bushfires were socially prohibited and penalized by the community. Cognizant of the need to not deplete resources in any given area, they would move periodically throughout the forest to allow flora and fauna to replenish naturally.

However, beginning with the Belgian colonial administration in the 1930s and continuing after independence, successive steps were taken to designate the forest as a protected

area — and in the process, the rights of the Batwa communities to their land and resources were gradually undermined. In 1970, the government gazetted and expanded the area designated as a forest reserve into a national park, effectively creating the Kahuzi-Biega National Park (*Parc National de Kahuzi-Biega*, 'PNKB'). Batwa families were initially displaced and relocated within park boundaries, but were allowed to continue living in the forest. Then, in 1975, the PNKB was expanded to encompass the lowland sector to the west, increasing tenfold from 60,000 hectares to 600,000 hectares of total area under protection. This expansion was accompanied by state authorities forcibly and violently evicting all Batwa living in the forest. It is estimated that

between 3,000 and 6,000 Batwa were dispossessed of their ancestral lands to pave the way for the PNKB.

Without access to their territories, resources and sacred sites, and denied the right to engage in subsistence activities such as hunting, gathering and cultivating in their traditional ways, Batwa have become deeply impoverished. After their expulsion from the PNKB, the Batwa community did not receive any form of compensation or relocation assistance from the state. Most were forced to find refuge on the edges of non-Batwa villages surrounding the highland sector of the park. Some were allocated small plots of land, but these were insufficient for Batwa to meet their basic needs, much less to maintain their traditions as a hunter-gatherer society. Even on these small plots, they are essentially treated as squatters, with no secure rights to the underlying land and subject to further evictions at a moment's notice.

While international donors have pursued a range of socio-economic initiatives in the PNKB, these have failed to transform impoverished and displaced Batwa communities into self-sustaining ones. While perhaps well intentioned, much of this programming is arguably a distraction from the more difficult task of meaningfully negotiating access to territories and resources, and integrating Batwa participation and traditional knowledge into local conservation strategies and methodologies. As for employment by the park itself, a mere handful of Batwa have been able to secure work: in 2018, of the 365 people who

worked in the PNKB, only 17 were Batwa. Moreover, Batwa employment in the PNKB has traditionally been confined to poorly paid work as guides and in other menial positions, while administrative and other better-remunerated positions are given to non-Batwa. These limited and sporadic employment opportunities do not begin to approach the types of compensation owed to Batwa as a result of their being deprived of their lands and livelihoods.

The extreme poverty experienced by Batwa outside of their ancestral lands is often cited as a reason why biodiversity is suffering in the PNKB. High levels of poverty in many communities around the highland sector, including Batwa, have placed untenable demands on forest resources. In the PNKB, local populations, including Batwa, regularly enter the forest to access and extract natural resources. They hunt and trap small animals, collect firewood

In 2018, of the 365 people who worked in the Kahuzi-Biega National Park, only 17 were Batwa.

and gather medicinal plants. Some Batwa engage in more substantial activities, such as artisanal mining and charcoal production. None of this is unique to Batwa and, in fact, non-Batwa communities and armed groups engage in extractive practices on a much larger scale. However, unlike armed groups and politically powerful farmers causing massive destruction in the park, marginalized Batwa are an easy target for park law enforcement.

This was illustrated in late 2018, when community members from several Batwa villages returned to live on their lands inside the PNKB. Park authorities blamed Batwa for deforesting over 300 hectares of woodland inside the park, causing an outcry and condemnation among conservationists and academics. This proved to be a simplistic response, however, to a more complex dynamic around resource extraction that was occurring in the park: the return of Batwa presented an opportunity for other groups to exploit resources under cover of the Batwa's historical and legitimate claim to the forest. Numerous sources, including the PNKB, acknowledge that Batwa were instrumentalized by more powerful groups, who paid Batwa minuscule wages for the extremely dangerous work involved in producing charcoal. Minimal benefit actually flowed to Batwa communities, while non-Batwa suppliers and trading networks in Bukavu allegedly made large profits. This is characteristic of the treatment of Batwa more generally, whom other communities often considered to be their serfs and property.

When Batwa seek to engage in their traditional, subsistence activities

inside the forest, they are met with extreme violence at the hands of park authorities. This response represents a classic case of 'fortress conservation', whereby Batwa were violently expelled when the park was created, and their removal continues to serve as the impetus for their insecurity, socio-economic deprivation and ongoing exclusion from their lands. The PNKB relies on a heavily militarized form of conservation, characterized by the use of military-grade weapons and surveillance technologies, paramilitary training by foreign contractors and joint patrols with state armed forces, which has led to serious human rights abuses against Batwa. This violence reached a new crescendo between July 2019 and December 2021 when, armed with heavy weapons and accompanied by Congolese security forces, park guards waged numerous, coordinated military-style assaults on Batwa civilians living inside the park. These resulted in a level of death and destruction against Batwa characteristic of full-scale attacks against civilians, with dozens of victims of direct violence and thousands more whose lives were, once again, upended in the name of conservation.

The decades-long struggle of the Batwa of the Kahuzi-Biega forest is inextricably rooted in the dispossession of their ancestral lands and the theft of their resources in the name of nature conservation. More than 50 years after their original eviction, Batwa have not been integrated into the management of the PNKB in any meaningful way. Protected areas like the PNKB are supposedly part of the solution to the environmental crises

facing our planet: for decades they have been touted as a cornerstone of biodiversity protection and a key climate change mitigator. Yet their doubtful environmental efficacy and incredible human costs bring these claims into serious question. The PNKB, and other state-managed protected areas established on indigenous territories, are designated and cordoned off as national parks, game reserves and nature sanctuaries for the benefit of others (Western tourists, scientists and even extractive industries), but not the indigenous peoples who have long lived in symbiosis with their natural environments, shaping and responsibly safeguarding them for future generations. Instead, these original guardians are abruptly transformed into poachers, criminals and trespassers on their own lands by laws that effectively criminalize their ways of life and fail to recognize indigenous customary titles.

*This case study is excerpted from the following report, available on MRG's website:*

Luoma, C., *Fortress Conservation and International Accountability for Human Rights Violations against Batwa in Kahuzi-Biega National Park*, London, MRG, 2022.

[minorityrights.org/pnkb-methodology](https://minorityrights.org/pnkb-methodology)

*More information and supporting references can be found there.*

# Southeast Asia: Without safeguards, conservation efforts could undermine the traditional livelihoods of seafaring indigenous peoples

Nicole Girard



A member of the Bajau Laut community living in Denawan Island, Sabah, Malaysia prepares dishes for her husband and three children.

*Huiyee Chiew*

The Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security (CTI) is an ambitious multilateral collaboration intended to protect rich marine biodiversity and sustainable use of marine resources in the Asia Pacific Coral Triangle.

Spanning a vast area of 5.7 million square kilometres, covering the territorial waters of Indonesia, Malaysia, Papua New Guinea, the Philippines, the Solomon Islands and Timor Leste, the CTI contains 76 per cent of all coral species, 3,000 different fish species and supports some 150 million people.

The CTI claims to put livelihoods at the centre of its initiative. The CTI's Regional Plan of Action (RPOA), which defines its principles, goals and targets, asserts that the CTI 'should support people-centred biodiversity conservation, sustainable development and poverty reduction', including 'sustainable livelihoods for coastal communities'. It further affirms that the CTI 'should be inclusive and engage multiple stakeholders' including 'indigenous and local communities'.

Despite these commitments to meaningful participation by affected indigenous communities and protection for their marine resource dependent livelihoods, the implementation of the CTI has been problematic, particularly for highly marginalized mobile marine indigenous populations such as the Sama Dilaut, also known as Sama Bajau, Baja Laut or Bajau. The lack of meaningful consultation and the community's free,

prior and informed consent (FPIC) in the establishment of the CTI now threatens to create further exclusion for them, increasing food insecurity and undermining livelihood opportunities.

### The Sama Dilaut

The Sama Dilaut are one of the most widely dispersed indigenous peoples in Southeast Asia. They are a diverse seafaring people who have traditionally maintained a nomadic and semi-nomadic existence living and sustaining themselves in the seas of Southeast Asia, travelling through islands between the southern Philippines, the coast of Sabah in East Malaysia and Sulawesi and East Kalimantan in Indonesia. Their range reaches as far as the Arafura Sea off the coast of Papua, Indonesia, as well as north to the South China Sea. They are highly dependent on marine resources, and their cultural identity is intertwined with and derived from their maritime existence. Sedentarization programmes, particularly in Indonesia and the Philippines, started in the 1950s and continued throughout the century, establishing coastal communities. It is estimated that there are approximately 1.1 million Sama-Bajau speakers, with around 200,000 in eastern Indonesia, 347,000 in Malaysia's Sabah and 564,000 in the Philippines.



Six Bajau Laut children on a boat in Bangau-Bangau Island, Sabah, Malaysia.

*Huiyee Chiew*

Estimates of Sama Dilaut who continue to live a nomadic life on houseboats, however, number only around 5,000 across Indonesia, Malaysia and the Philippines, many of whom are stateless, maintaining a liminal existence, with little to no access to education, health care or other state protection. While Sama Dilaut throughout the region are generally socially, economically and politically marginalized and highly marine resource dependent, those without citizenship are even more vulnerable to exclusion and suffer greater impacts from policies that can limit access to their means of subsistence.

### **Traditional livelihood strategies**

One of the defining livelihood strategies of Sama Dilaut has been mobility, plying the seas to collect resources for food, housing and fuel. They have an intimate knowledge

of their maritime environment, the seasons and its resources, collecting an estimated 300 different marine species for food, medicine or trading purposes. Their collection methods are classified into four main types: shore gleaning and collecting, inshore coastal fishing, extended sea or reef fishing, and long-distance nomadic fishing.

While mobility has been recognized as a conservation and sustainability strategy of nomadic indigenous peoples, for example in the 2002 Dana Declaration on mobile peoples and conservation, the Sama Dilaut's mobility has been wrongly characterized as encouraging destructive fishing practices such as cyanide and blast fishing, because they can simply 'move on' rather than live with the impacts themselves. Such stereotypes were present, for instance, at the launch of the CTI's RPOA, when World Wide Fund for Nature (WWF) Australia specifically blamed

‘I never agreed with the park establishment. But we are Bajau Laut. We have no rights to say no because we have not acquired a legal document.’

– Bajau Laut community member

‘tribal groups such as the Bajo, Bugis and Maduranese’ in its report, *Coral Triangle and Climate Change: Ecosystem, People and Societies at Risk*, for the ‘take all practices of these wandering fishermen [who] leave the locations that they exploit highly degraded with very few fish stock left’, unlike ‘other traditional stationary communities that live in relative harmony with local coastal resources’. These negative perspectives of Sama Dilaut held by conservationists are a symptom of the lack of engagement with these communities on marine planning and ignorance of their extensive traditional environmental knowledge. In reality, mobility has traditionally been used by Sama Dilaut to avoid over-use of resources.

### Marine Protected Areas

The CTI aims to protect marine biodiversity through the establishment of Marine Protected Areas (MPAs) that have been designated rich in biological diversity while being under threat. Various zones are established to delineate resource-use areas, for example, no-take zones (NTZs) or limited-take zones. These national MPAs are intended to form a region-wide Coral Triangle MPA System (CTMPAS) network. By 2014, more than 1,900 MPAs had been

established in the CTI, totalling more than 200,000 square kilometres. MPA zoning is delineated using biological criteria, establishing areas of high biodiversity, often using spatial planning software such as Marxan, and in some cases amended after consultations with local stakeholders. Yet there is little evidence that meaningful consultation with indigenous Sama Dilaut, respecting their right to FPIC, has taken place in many of the CTI’s MPAs, despite their dependence on and knowledge of the resources within them.

While vast swathes of marine areas are being designated as protected, there is of course the issue of enforcement. Unless the MPA is an area attracting sustained international attention via either its ecotourism or scientific value, enforcement of the NTZs has been difficult, as a result of underfunding, ongoing destructive development projects and weak governance generally.

### Tun Sakaran Marine Park, Malaysia

Off the eastern coast of Semporna, Sabah, Malaysia, Tun Sakaran Marine Park covers an area of 350 square kilometres. Gazetted in 2004, the park has a variety of no-take and

limited-use zones, enforced by the Sabah Parks Authority. Back in 2006, the park's resident population was estimated at around 2,500 people, comprised of 14 per cent Bajau Tempatan (sedentarized ethnic Bajau), 46 per cent Suluk (originating from the Sulu Archipelago, where they are known as Tausug) and 40 per cent Sama Dilaut. Only 14 per cent of park residents held Malaysian citizenship; 40 per cent had some form of documentation including refugee status; while 40 per cent had no documents at all.

All reefs that extend from the islands and sand cays are considered 'conservation' or 'preservation' (fish spawning zones) areas, prohibiting Sama Dilaut from legally undertaking any resource extraction, and excluding them from their main sources of food and livelihood. According to a study conducted among park residents in 2015, 90 per cent of Sama Dilaut respondents indicated fishing as their main source of livelihood, notwithstanding the park's prohibition on fishing. This fishing is largely undertaken in areas further out, on the edges of the park, in pelagic zones and beyond. The 'general use' areas of the park are primarily used by Suluk and Bajau Tempatan for seaweed gardens. Licences to grow seaweed are provided exclusively to Malaysian citizens and fishing in these areas is prohibited to prevent possible contamination.

The impact of NTZs has disproportionately affected Sama Dilaut women, whose livelihood contribution was primarily gleaning and collecting from coastal areas,

activities which are also now prohibited. Some efforts have been made by NGOs to redirect them to other livelihood opportunities, such as basket weaving, but their access to markets is generally limited. Without land rights and as stateless persons, they cannot work in or grow food on Malaysian land either. This situation leaves them precariously without cash for staple items like cassava flour and, coupled with marine resource collection restrictions, poses threats to food security for themselves and their families.

Meaningful consultation including FPIC with the Sama Dilaut communities and other communities affected by the park was not undertaken. In the aforementioned study from 2015, out of 79 respondents from across all three communities, 49 per cent said they were never invited to participate in community consultation sessions. Sama Dilaut are particularly marginalized: without citizenship and in a disadvantaged political and socio-economic position, they hesitate to assert their perspectives. As one respondent in the study explained: 'I never agreed with the park establishment. But we are Bajau Laut. We have no rights to say no because we have not acquired a legal document. We are afraid of being displaced. At the end of the day, we do not care any more about the park.'

### **The threat of nickel mining to Bajau livelihoods in Indonesia**

Indonesia has the largest coral reef area out of the six CTI countries, totalling 18 per cent of the world's

coral reefs, and these reefs are among the world's most biologically diverse. MPAs in Indonesia total 178,851 square kilometres, comprised of 206 MPAs, equalling around 7.12 per cent of Indonesian waters.

The level of protection afforded to MPAs varies, however, as the Indonesian government continues to prioritize nickel mining over ocean and community health in areas covered by the CTI. Nickel mining poses serious threats to coral reefs, putting the livelihoods of local communities, including Sama Bajau, at risk. Mud sediment laden with heavy metals like arsenic washes into coastal seas; in some cases, trailings are disposed of directly into the ocean. As a result, coral reef species die off or become contaminated.

Despite these risks, the Indonesian government continues to issue nickel mining concessions as demand for nickel rises due to its use in the batteries of electric vehicles. Indonesia holds the world's largest nickel deposits, 50 per cent of which are found in Sulawesi, which is also home to some of the most valued coral reefs in the world. In Southeast Sulawesi alone, 213 mining concessions have been issued, with many others suspected to be functioning with fake authorization permits. These coastal and marine areas are also the traditional fishing grounds of Sama Bajau communities.

'The establishment of Marine Protected Areas is only for the "climate diplomacy" of the Indonesian government, which it uses to get funding from many institutions

including foreign governments', explains Parid Ridwanuddin, manager of Sea and Coastal Campaigns at Walhi, an Indonesian environmental rights NGO. 'The government authorizes the location of these conservation areas without public consultation, in a top-down pattern, for its own benefit, giving no recognition to vulnerable Bajau. It is for this reason we say the CTI has failed. Conservation areas are not really conservation areas, but mining areas.'

### Conservation and indigenous marine peoples' livelihoods

Tun Sakaran Marine Park is only one example of an MPA in the CTI that has disproportionately impacted the livelihoods of Sama Dilaut. Despite making a perfunctory nod towards indigenous peoples' rights, the CTI has largely proceeded without adequate consideration of the peoples whose lives and cultures depend on access to the sea and its resources.

At its establishment, the CTI committed itself to conserving 'at least 17 per cent of terrestrial and inland water, and 10 per cent of coastal and marine areas' by 2020, following the targets set out in the Aichi Targets of the Convention on Biological Diversity. These targets are set to become even more ambitious under the post-2020 Global Biodiversity Framework, which is calling for 30 per cent of the world's land and water to be under formal protection by 2030.

Unfortunately, these blanket spatial conservation strategies are often undertaken without respect for the

rights of the indigenous peoples who are connected to these lands, waters and natural resources. These targets can pose particular problems for nomadic and semi-nomadic peoples, conflicting with their livelihood strategies and cultural practices.

The large-scale regional coordination represented by the CTI should be an opportunity for states to work together to address specific threats to the rights of the Sama Dilaut, particularly their right to a nationality. If the CTI is to realize its goal to include indigenous communities, more effort will need to be made by CTI states and their international governmental and NGO donors to do so.

# Zimbabwe: The disconnection of the San community from the modern economy

Keith Phiri

The San peoples' way of life in Southern Africa has always been thought of as based on hunting game and gathering wild edible fruits. This traditional, nomadic culture has dramatically changed across the region as a result of displacement and land tenure laws that favour permanent settlements while criminalizing game hunting. Contact between San communities in different countries has also been affected, with the exception of a few San families in Zimbabwe and Botswana who have managed to maintain contact. Consequently, years of separation from each other and assimilation into different ethnic communities in their respective countries have eroded their socio-cultural norms, language, self-identity, history and beliefs.



The border of Hwange National Park, from where Zimbabwean San have been expelled since the colonial era, seen from the air.

*Christopher Scott/Alamy Stock Photo*

While the San peoples in Botswana, Namibia and South Africa have been able to organize and make their voices heard, the situation facing the small San community in Zimbabwe is less publicized. Estimated at around 2,500, the majority are located in Tsholotsho district in Matabeleland North and smaller numbers in Bulilima district in Matabeleland South. The San were moved to their current location in Tsholotsho, away from the Hwange National Park, during the colonial era when the park was designated a wildlife area under the Game and Fish Preservation Act of 1929. Their proximity to the Hwange National Game Park, in the extreme southern and western parts of Tsholotsho district, is therefore strategic for hunting-based livelihoods opportunities. They live in the outlying

parts of the district, towards the national game park, alongside Ndebele and Kalanga communities. With no assets or wealth-derived social power, the San are easily dominated by their Kalanga and Ndebele neighbours, who exploit them as cheap labour. The challenges are especially acute for San women, who typically work in the fields planting, weeding and harvesting the crops of the dominant Ndebele and Kalanga tribes in exchange for food items such as maize, sorghum and millet. They are rarely paid in cash.

The San community in Zimbabwe identifies itself as the *Tshwa* (meaning a person), a designation that also depicts the language spoken by them. Other monikers used to describe them, such as '*Abathwa*' or '*Amasili*' in the local Ndebele language or '*Bakhwa*' in the

local Kalanga language, are perceived by the San as derogatory. The terms are themselves a reflection of the unequal power dynamics and socio-economic relations between the San and the dominant Ndebele and Kalanga neighbouring ethnic communities, as well as the barriers they face in terms of accessing the same opportunities as other members of wider society. Furthermore, the San way of life in Zimbabwe, as is the case of other San communities elsewhere, has been affected by the shift away from traditional activities based on nomadic hunting and gathering livelihoods to permanent agro-pastoralism. In a rapidly modernizing and globalizing world, such profound livelihoods and cultural transformations pose serious challenges for marginalized communities like the San to adapt and sustain their livelihoods.

The San people in Zimbabwe, as well as in much of Southern Africa, have struggled to adapt their livelihoods to these rapid changes and have remained on the fringes of their country's political economy. Since their contact with various Bantu groups and later with colonial administrations, the San people have lost a great deal of their traditions, culture and sacred lifestyle. The prohibitions against game hunting by colonial governments and displacement from their ancestral lands through such legislation as the Land Husbandry Act of 1951 further weakened the community's means of survival and increased poverty among them. This has led to their exploitation as cheap sources of labour, with little or no bargaining power, by neighbouring Kalanga and Ndebele groups. The postcolonial Zimbabwe government

further perpetuated the exclusion of the San community through various resource and environment management policies and regulations that prohibit unregulated hunting of wild animals. For instance, San were not able to participate and benefit as equal partners with other ethnic groups in the so-called CAMPFIRE (Communal Areas Management Programme for Indigenous Resources) initiative that the government implemented from the late 1980s as an innovative rural development strategy.

To date, the San community remain amongst the poorest and most marginalized people in Zimbabwe, deprived of basic social, cultural and political rights and fundamental freedoms, including rights to their lands, territories and natural resources. Poverty levels among San have also been aggravated by prejudice and negative stereotypes on the part of larger dominant ethnic groups like the Ndebele and the Kalanga.

With no assets or wealth-derived social power, the San are easily dominated by the Kalanga and the Ndebele ethnic groups, who exploit them as cheap labour.

This discrimination, built on socially constructed perceptions of the San's inferior status by neighbouring ethnic communities, leads to them being denied socio-economic opportunities and so entrenches the community's state of destitution. Their plight was exacerbated in the wake of Covid-19, when many San contracted the virus through interacting with other communities in search of food, particularly during the harvesting of mopane worms — an important source of protein among the poor. Some became seriously sick and even died as a result. When cases escalated, the dominant Ndebele and Khalanga tribes refused to take them in as labourers on their fields.

Consequently, many were pushed into food insecurity and struggled to access adequate health care.

Unfortunately, as a result of these deep-seated structural inequalities compounded by the community's very small size, the San people lack the emancipative political voice necessary to challenge these injustices. This leaves them with few options to transform their current predicament, in a limbo between the traditional livelihoods that have become increasingly difficult to practise and a modern global economy that has so far failed to accommodate them on equitable terms. ■



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Work is central to a whole host of other rights, providing the basis for a safe, healthy and dignified existence. For members of minorities, indigenous peoples and other marginalized groups such as migrants, however, it is all too often an arena of discrimination, abuse and exploitation. From poor pay and dangerous working conditions to a lack of basic labour protections and barriers to promotion, the challenges they face are wide ranging and often entangled in other areas of inequality, such as access to education.

This volume brings together thematic chapters and case studies that explore different dimensions of work-related exclusion, from the legacy of colonialism in today's economy to the persistence of slavery and caste-based discrimination. While abuse and exploitation are often rooted in specific local histories and social contexts, the increasingly interlinked nature of globalization has meant that companies, governments and consumers are now complicit in forced labour and other rights violations taking place elsewhere.

A truly fair and inclusive labour market would deliver a wide range of economic and societal benefits, creating opportunities for marginalized workers to engage equitably in the formal economy with the same rights, protections and support as those enjoyed by others, guaranteed by international law. Beyond this, however, it has the potential to deliver lasting change to the situation of minorities, indigenous peoples and migrants worldwide, ensuring they receive a proper share of any economic gains in their countries and can participate fully in public life.

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