

union rights



FOCUS ON **Forced Labour**



- Examining legacies of colonialism and slavery
- Forced labour and modern slavery mapped
- Central Asia and forced labour in the cotton sector today



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Editorial: Forced labour legacies and modern slavery

Daniel
Blackburn,
Editor

This edition was envisaged as an opportunity to bring to the pages of this journal a long overdue historical reckoning, focusing on the history of forced labour and the horrors of the transatlantic slave trade. It was a theme that concerned me during the editorial process for the 7th edition of the reference book *Trade Unions of the World* back in 2015. At that time I added this period of history wherever possible to all country profiles in the book. In earlier editions (which I did not edit) it was almost entirely absent. As I worked to add even more of this history to the 8th edition of the book in 2020 the eruption of interest in colonialism and slavery associated with the Black Lives Matter protests confirmed in my mind that there should be a special double edition of *IUR* journal addressing these issues.

Wilf Sullivan opens this edition and questions the exclusion from narratives of Empire and colonialism of the acts of resistance that would later find echoes in the nascent trade union movement. He considers the anger expressed by Black lives Matter protestors and asks what needs to happen to resolve these deep grievances. Steve Cushion takes the discussion over to the financial exploitation of slavery and how legacies of inequality established at that time persist between peoples and between nations. He urges a united working class response that could link the issue of reparations to contemporary demands for climate justice.

IUR uses its world map of labour rights to illustrate the global level of support for international legal instruments that outlaw forced labour

practices. We zoom in with a region-by-region approach to consider the historical and contemporary issues in each region. The obvious outlier is China, one of very few countries and the only major industrialised ILO Member State that has not ratified either of the fundamental Conventions. Ratifications throughout Asia, however, are surprisingly poor compared to elsewhere. We hear from Masaomi Akiyama about the prospects for ratification in Japan and look at the recently repealed prison labour sentences for strike organisers that were until this year a barrier to that ratification.

The question of forced labour in cotton production dominates across central Asia and in the Xinjiang region of China. Ultimately the story of cotton everywhere has been thick with human misery and exploitation for centuries. This was the crop that built the United States of America. Those who picked that crop were firstly slaves and later a discriminated minority trapped in cotton production under an apartheid system. By the 1960s US cotton was fully mechanised and the Civil Rights era had dawned. The crop has remained important to the US, which is still the world's biggest exporter of cotton. US companies, NGOs and even the State Department are at the forefront of activism around forced labour in overseas cotton.

Rocio Domingo Ramos explains the work to put pressure on the Turkmen, Uzbek and Chinese governments and the impact of the various 'pledges' to end sourcing in these regions while forced labour violations are thought to continue. There are signs of progress in Uzbekistan, 'the law changed and now forced and child labour is considered a crime' and 'in the 2020 harvest, for the first time, the Uzbek Forum did not document any cases of forced labour'. But the Cotton Campaign (led by a former US State Department official) is unconvinced and the various boycotts continue.

There are intriguing parallels with the rivalry between West and East India interests in the 19th Century, which urged customers to prefer 'free made' over 'slave made' sugar, which is the focus of the latter half of Eric Williams's landmark book, *Capitalism and Slavery*, cited by several contributors to this volume. The East India interest was - of course - ultimately on the right side of history in that, but Williams showed to never 'abandon [...] scholarship to sentimentality' and to recognise that naked competition played its part even in that great struggle. His ability to celebrate the abolitionists as 'a brilliant band' alongside his acid takedown of hypocrisy in the abolitionist era 'Their condemnation of slavery applied only to [...] the British West Indies' remains vital reading.

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Race, Colonialism, Resistance and Denial

The death of George Floyd in July 2020 shook the world. It brought many people to face to face with the reality of the institutional state violence that is an integral part of the racism that Black communities face in the Western world and sparked Black Lives Matter movements around the world.

In the UK, George Floyd's death sparked demonstrations involving young Black and white activists resulting in direct action that challenged the national historical narrative about Britain's involvement in slavery and the nature of the British Empire. During a Black Lives Matter protest in Bristol in June 2021, the protesters toppled a statue of Edward Colston, a figure presented as a philanthropist and municipal benefactor in Bristol's history and sank it in the harbour.

The reaction from the State was one of fury. The Prime Ministers Officer issued a statement saying that the tearing down of a Bristol statue was a 'criminal act' and the people responsible should be 'held to account'. The Home Secretary responded to a question about the incident in the Parliament stated, 'What we witnessed yesterday was mob rule, which is completely out of kilter with the rule of law and unacceptable'.

There was no acknowledgement in the Government response that the toppling of Colston's statue was influenced by the fact that from 1669 – 1692, Colston was the Deputy Governor of the Royal Africa Company. During his tenure as deputy governor, he effectively ran the company; an estimated 84,000 African people were transported to the Caribbean and Americas, with an estimated 20,000 deaths during transportations. No echoes of the sentiments expressed by Marvin Rees, the Mayor of Bristol, who said, 'I can not pretend that the statue is anything but an affront to me. Not just as a Jamaican heritage man but as a human being'.

The government response reflected a well-established white-washing of British history. A narrative that says that even though Britain was involved in the slave trade, the British were the good guys because they were the first to abolish it. A narrative that barely mentions the period of colonialism and Empire other than promoting the racist view that Britain brought civilisation and values to the world.

The desire to ignore the realities of past the has not only emerged in the context of a refusal to acknowledge the legitimacy of the Black lives matter protest but in a more sustained attempt by leading British politicians to rehabilitate the Empire over the past two decades.

In 2002, former Labour Party Prime Minister Gordon Brown stated that Britain must stop apologising for its colonial past and recognise that it has produced some of the greatest ideas in history. He also stated I think we should celebrate much of our past rather than apologise for it, that we should talk, rightly so, about British values, and called for the 'great British values' - freedom, tolerance, civic duty - to be admired as some of our most successful exports.

Similarly, in 2013 former Prime Minister David Cameron, when visiting the memorial in India to the 1919 Amritsar Massacre where hundreds of Sikh protesters were gunned down by troops under British command, declared, 'I think there is an enormous amount to be proud of in what the British Empire did and was responsible for – but, of course, there were bad events as well as good. 'The bad events we should learn from – and the good events we should celebrate'.

The State reaction resulting from the toppling of the Colston statue typified this. A feeling of national panic was engendered by the claim that Black Lives matters protesters were likely to topple a statue of Winston Churchill as part of a protest in London. A narrative was constructed that extremists had taken over the Black Lives Matter protests. In a series of tweets in the run-up to the BLM London protest, Prime Minister Boris Johnson asserted 'We cannot now try to edit or censor our past', 'We cannot pretend to have a different history', 'Those statues teach us about our past, with all its faults. To tear them down would be to lie about our history and impoverish the education of generations to come'.

The underlying message was clear. The British Empire's dominant narrative was not to be challenged. The dominant historical narrative was to remain in place, and the physical representations of British power in the form of statues honouring slavers and colonisers were going to be defended.

The instance in glossing over this history denies the reality of exploitation, massacres and genocide that resulted from the British and European colonial project. It ignores the history of struggle and organised resistance of the colonised and the systematic attempts of the British State to silence the oppressed. It hides the history of divide and rule narratives popularised through racist and nationalist discourse. It also disguises how this framework of power still resonates today in the State's attitude to those who challenge that narrative and resist its legacy of institutional racism.

British colonialism, i.e. the practice or control by one people or power over other people with the aim

Narratives of Empire and colonialism have excluded acts of resistance and the emergence of trade unionism in the Empire

Wilf Sullivan is Race Equality Officer with the TUC in London



The story of anti-colonialism and the struggle for democracy and against exploitation is an integral part of the history of trade unionism

of economic dominance, was an internal as well external project. It dates back to the 1530s with the colonisation of Ireland. Irish colonisation was accompanied by the racialisation and demonisation of the Irish. The establishment of the plantation system, a form of industrial agriculture subsequently established in the Americas. Ireland became the food producer for an expanding English urban working-class internally colonised through the Enclosures Acts. The enclosure of common land removed the ability of the people to have any control over the means of production and created the foundations of today's labour market. Due to this process, impoverished people were demonised through the poor laws, the forerunner of today's welfare to work systems. It was, in effect, the internal colonisation of Britain and culmination in the General Enclosures Act of 1845. This Act handed a general power to enclose land over to the landowner. The legacy of this in England today is that less than one percent of the population still own half the land.

This pattern of appropriation, racialisation, and demonisation was replicated through British colonisation expansion, initially of the Americas and then Africa and India. European colonial expansion did not gather pace until the nineteenth century. In 1800 less than 10 percent of Africa was in European hands. By 1900, 90 percent of the continent was colonised. This process was accelerated by the Berlin Conference of 1884, where the creation of spheres of control created modern African states locked in internal conflicts that still blight the continent today.

The importance of resistance

The history of resistance to this process of internal and external colonisation is buried. The narrative excludes acts of resistance, such as the nine years of war waged by the Irish against English colonialism in 1543. The enclosure riots of the 1530s and 1540s. The struggles of the Levellers and Diggers against internal colonisation during the first and second English civil war in the 1640s and 1650s. The Indian mutiny of 1857, the Xhosa wars against European colonialism were fought from 1779 -1836. The Anglo Ashanti wars 1823-1902, the Matabele war of 1893 and many more acts of resistance are not part of the narratives of Empire and colonialism. So too is the emergence of trade unionism in the British Empire.

Unfortunately, the story of the working-class history in Britain has been confined to the struggles of the industrial working class in the British Isles. This narrative is based on the conceptualisation of the nation-state based on state institutions and notions of citizenship. But, the British Empire was an imperial monarchy, with people in the Empire having the same status: crown subjects. Excluding the histories of workers outside the British Isles conceals the intertwined histories of workers from across the Empire. The exclusion of British overseas workers from the story of the emergence of

organised working-class struggle has only served to strengthen divide and rule and provide a basis for nationalist based narratives in current debates on immigration and asylum.

In reality, the story of anti-colonialism and the struggle for democracy and against exploitation is an integral part of the history of trade unionism. In 1830s Britain, the Chartists, a working-class movement for universal suffrage, provided a catalyst for early trade unions. One of its most prominent leaders was a man of African origin. William Cuffay, leader of the London chartists, was the son of a freed slave, a tailor and an active trade unionist.

In India, the first trade unions emerged in the textile industry in Bombay in 1851 and Calcutta in 1854. In 1890 Narayan Meghji Lokhande arranged a mass rally of 10,000 workers. This action led to the 1891 factories act and is recognised as the first trade union victory in the country. It also gave confidence to Indian workers resulting in enormous growth in new unions in the late 1890s and early 1900s. In Africa, trade unions began to appear in British territories, firstly among European workers in the 1880s and 90s and subsequently, trade unions of African workers began appearing in the 1920s and 30. From 1920 onwards, strikes and mass nationalist protests took place across much of Africa. In 1922 a general strike took place in Kenya. Part of the workers' demands was a call for Africans to be elected to the legislative council.

In the British Caribbean, immediately following the First World War, workers began to organise. In December 1919, striking dockworkers in Trinidad and Tobago took to the streets for over three weeks because of rising living costs, subsistence wages and under-employment. The British warship HMS Calcutta was dispatched to Trinidad to help deal with the strike. Ironically this was the same year that 12,000 English troops were sent to Glasgow to suppress a mass strike by 40,000 engineers, shipbuilders and engineers on Clyde. The strike in Trinidad was not an isolated incident. Strikes and riots also rocked Jamaica, Belize and British Honduras and continued until systems of self-rule were established in British Caribbean territories.

These are just fragments of the history of resistance across the Empire, but ensuring that workers know and celebrate their stories of resistance and victory plays an essential part in building confidence, solidarity, and realising that organised resistance can bring fundamental change.

Ultimately, it is this realisation that the British State is seeking to hide. By insisting that the dominant historical narrative remains in place.

To underline this message, the UK Government is introducing provisions in a new Police Crime and Sentencing Bill attempting to regulate further and silence dissent. If passed, previous limits on prison sentences and fines for criminal damage costing under £5000 would be lifted for memorials and protesters who topple statues like Edward Colston's could receive up to ten years in prison.

Decolonising and Decarbonising

The recent intervention by Caribbean Labour Solidarity in the debate about decolonising education is not just concerned with formal education in schools, colleges and universities, important as that is. We believe that the voluntary sector is also important and that trade union education is a vital field of activity. My own trade union, University and College Union (UCU) has initiated an educational and campaigning programme entitled ‘Decarbonise and Decolonise’. We believe that this is a significant initiative that other trade unions could do well to emulate as the two issues of climate change and imperialism are inextricably linked. In drawing this to the attention of workers through their trade unions, we hope to contribute to obtaining restitution for ancient injustices and to fighting for a better future for us all. The continued exploitation of the former colonies and peoples of the Third World by the ruling classes of Europe and North America is both a continuation of the old imperialism as well as forming an essential part of the fossil fuel economy that threatens our planet. Nowhere is this truer than the Caribbean.

The 2018 hurricanes Irma and Maria signalled rapidly increasing adverse climate conditions in the Caribbean. The Caribbean is seeing repeated and prolonged droughts, an increase in the number of very hot days, intense rainfall events causing repeated localised flooding, and rising sea levels¹.

The failure of the efforts by the so-called ‘international community’ to deal with climate change can partly be attributed to the domination of the discussions by the old imperialist powers, those who, as representatives of the major historical and current polluters, are mainly responsible for the state the climate is in.

Our campaign attempts to link the origins of European and North American capitalism to a combination of historical factors, all achieved at the expense of the rural inhabitants of Africa, who were enslaved and transported to the Americas, the rural inhabitants of Europe, who were forced off their land and driven into the new industrial cities by enclosures and the First Nations of North America and Australia who saw their land expropriated and were subject to a process of genocide. Thereby, we want to establish that both stopping climate change and reparations for slavery are linked social justice issues.

In Europe and America they stole the land from the people, in Africa they stole the people from the land.

It is now well established that the origin of the current crisis of global warming can be traced back to the widespread adoption of the coal-powered steam engine by the British textile industry in the early 19th Century. Since then the drive for profit has been linked to the vastly increased use of fossil fuels, resulting in massively increased production of greenhouse gases and other pollutants.

Industrialisation in Europe and North America required a primary accumulation of capital, the initial funding that could start the process². This started by driving peasants farmers from their farms and the privatisation of common land that had previously been open to the use of all, processes known as clearances and enclosures³.

Why did the steam engine come to dominate capitalist development in the early 19th Century when water power was readily available and cheaper? There is one major factor: control of labour. Industrialisation needed to turn people into wage workers; by enclosing common land, the law not only enriched the landowners who gained increased holdings, it also rendered independent farming inaccessible to most ordinary country folk, who had previously had access to the commons, and thereby forced many to seek paid employment in the towns⁴.

In a parallel process, the indigenous population of North America and the Caribbean who did not prove amenable to agricultural slavery, were subjected to a process of extermination by a mixture of violence and disease⁵. This freed land for European colonisation, but left those colonists without a labour force to exploit. And so the other component of this expropriation, which started with the seizure of the common land of ordinary country folk in Britain, was the expropriation of the very bodies of ordinary country folk in Africa as they were captured and sold into slavery. The coercion and violence required to operate slave labour was matched by the expansionist war against indigenous people all over the Americas. Thus, systematic violence destroyed subsistence agriculture and forced commodity production, using coerced labour where necessary⁶.

The upshot of all this is the complete dependence of capitalist industry on fossil fuels, with oil added into the package in the 20th Century. Just as employers in the 19th Century moved their operations into the cities to obtain cheap labour, in

Many of today’s large banks and insurance companies can be traced back directly to concerns that had their first growth as part of the slave economy

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Organised labour in Britain has a common interest with workers in the Caribbean in using the campaign for reparations for slavery to form a constructive, internationalist campaign against climate change

the 21st, they are moving to the Third World in an attempt to avoid the trade union organisation in the metropolitan countries that pushed up wages. The dominance of fossil fuel based power is a consequence of the class struggle and an essential driver in capital's need to extract greater surplus value from labour.

The connection is well illustrated by the origins of the finance that enabled the expansion of the Welsh slate quarries at the end of the 18th Century. In 1781, Richard Pennant inherited the family's estates in Jamaica and in north Wales. He owned four sugar plantations in Jamaica, worked by more than a thousand enslaved workers. The money Pennant generated from sugar and slavery in Jamaica was invested in building road, railway and port infrastructure, as well as expanding the slate industry in Wales, in particular his Penrhyn slate quarry.

Pennant was one of the two MPs for Liverpool, Britain's major slave trading port. He frequently spoke in the Commons against abolition of the slave trade. Thus the Pennant family profited from both slate quarrying in Wales and slave-produced sugar and rum from Jamaica. There is already a plaque in memory of the three-year Penrhyn quarrymen's strike of 1900-03. Perhaps the Welsh government might like to consider another plaque in memory of the hundreds of enslaved labourers who were worked to death on the Pennants' Jamaican plantations.

So, the unjust economic transition brought about by coal-based steam power was initially based on the primary accumulation of capital through a combination of Caribbean slavery, colonial exploitation and the proletarianisation and immiseration of labour in the metropolitan counties. Even after the abolition of slavery in the British Empire, the cotton industry in Britain was still dependent on imported cotton from the USA that was picked by enslaved labour.

Continued slavery in the USA was greatly assisted by investment and loans from the British financial services industry⁷. When discussing the claim for reparations for slavery, we need to look beyond emancipation within the British Empire and consider the profits that British capitalism continued to make from the business of slavery elsewhere.

During the United States Civil War, British textile industry owners, finance capital and aristocracy argued for armed intervention on the side of the slave-owners, while the working class and socialist movement in Britain, despite the hardships caused by the cotton-famine, stood in solidarity with the anti-slavery struggle represented by the northern states and were part of a mass movement against British intervention⁸. It is in this tradition that I would argue for international solidarity in the struggle against climate change.

Presently the Caribbean islands face one of the worst threats of flooding from sea level rises and more violent hurricanes. At the same time,

Caribbean victims of climate change are denied the right to migrate out of the threatened region, while industrial production is moved from the metropolitan countries to the Third World.

The last hundred years has seen a dramatic hardening of borders and restrictions on free movement of labour, while free movement of capital and 'free trade' have become the norm worldwide, making it easy for corporations to move production to ever cheaper locations and to dump their pollution on the Third World. Corporations operate across borders while regulations and workers are contained by them⁹. Oil and mineral extraction as well as pollution is done by corporations unbounded by borders and protected by 'free trade', so the real control of the environment currently rests with those corporations.

This illustrates the fatuous nature of European governments talking piously of reducing their internal outputs of greenhouse gases, while their capitalists are busy exporting production to other parts of the world where they can pollute at their leisure. The actual volume of CO2 emitted does not respect borders. Capitalist profit depends, in large part, in the mobility of production, forever seeking cheaper sources of labour power, which in turn depends on fossil fuel extraction. Thus, any serious attempt to restrict global warming to 1.5°C will necessitate severe restrictions on the free movement of capital.

Some authors have suggested that British workers also gained from slavery thanks to the increased number of jobs in manufacturing. Yet, no one who has read Henry Mayhew's *London Labour and the London Poor* or Frederick Engels' *The Condition of the Working Class in England* can seriously suggest that the British working class gained anything from the development of capitalism at the beginning of the 19th Century.

The profits from Atlantic slavery went, directly or indirectly, to the manufacturers and other suppliers of the slave trade, to the shipping industry, to the construction of infrastructure such as canals and railways, but above all to the financial services industry. Many of today's large banks and insurance companies can be traced back directly to concerns that had their first growth as part of the slave economy¹⁰. It would therefore seem reasonable that these modern firms should refund the unpaid wages from which their predecessors profited so handsomely. Those that did not directly gain, benefited from the investment of slave compensation payments in infrastructure projects that helped the re-orientation of the British economy away from agricultural production towards manufacturing. Given that the majority of the slave-owners' compensation was effectively paid by working people through income tax and indirect taxation on basic necessities, we need to be careful that any

...continued on page 33...

Lessons not yet learned: legacies of colonialism and slavery

As many as 24 million diverse peoples are believed to have been enslaved across Africa for the purposes of supplying the transatlantic slave trade, which was active from the 16th to the 19th Centuries. Around 10 million survived the brutal process from initial capture, through the slave markets, transportation across the Atlantic, and, on arrival in the New World, exposure to unfamiliar diseases¹. Those who survived the passage were sold into gruelling forced labour regimes, mostly in agricultural and agro-industrial plantations, in the economies that surrounded these industries, and in the households of the European planters. Many of those transported landed in Brazil, which was a major hub for slavery throughout the Americas, others were taken to sugar and tobacco plantations in the Caribbean and along the east coast of North America. The surge in the cotton trade from America to Europe began in the late 18th Century and drove the further internal forced migration of enslaved peoples from the east to the south. Conditions for the enslaved varied over time and between locations and crops, but generally consisted of long, exhausting, and (in sugar cutting in particular) dangerous work, in which they would be trapped for the duration of their lives.

For pioneers of colonialism the slave trade brought wealth and power

Six European countries were responsible for the overwhelming majority of transportation of enslaved Africans to the New World colonies during the era of the transatlantic slave trade.

Portugal established an empire in the 15th and 16th Centuries and, in doing so, it became powerful on the world stage. Portugal's domination and exploitation of its overseas colonies and its pivotal role in the transatlantic slave trade (Portuguese ships carried more than 4 million enslaved peoples - amounting to just under 40 percent of all those who were transported across the Atlantic) helped it to acquire vast wealth and power. Brazil, a Portuguese possession, was the main gateway for enslaved peoples brought to the Americas.

Britain built the largest Empire in history, covering much of the world's territory at its height. The colonial project involved the disenfranchisement of indigenous peoples, the appropriation of resources, and exploitation of conquered peoples on an industrial scale. Britain transported up to 3 million enslaved Africans to its plantations in the New World. Despite this

grim record, in the early 19th Century Britain became the leading industrial nation lobbying for an end to the trade worldwide; the Royal Navy patrolling the Atlantic and forcefully boarding and diverting slaving ships.

Spain established a vast and sophisticated Empire throughout the Americas from as early as the 16th Century. Much of this territory was acquired through military conquest. The indigenous peoples who inhabited these lands were displaced, killed in battle, and drawn into forced labour systems to work on Spanish industry and agriculture, including mining for precious metals. Huge numbers died from European diseases. Spain then transported more than one and a half million enslaved peoples from Africa to work in forced labour conditions in its New World colonies.

France transported more than one million enslaved peoples to work across its colonies and plantations, and bitterly resisted the efforts of enslaved peoples to obtain liberation and independence. France was technically the first European power to abolish slavery throughout its territories, but re-instated the institution and attempted militarily to prevent the independence drive in Haiti. France later joined the mid-19th Century phase of abolition.

Holland transported enslaved peoples from Africa to northern Brazil, to the Spanish colonies, and later to Suriname and Guyana. The Dutch part in the transatlantic trade is estimated at 5-7 percent (comprising at least half a million people), and the Netherlands was one of the last countries to abolish slavery in 1863. Freedom in Suriname only came ten years later, in 1873. Long after this, indentured servants in Dutch plantation colonies were still legally subject to corporal punishments for breaches of labour discipline.

Denmark was active in the 18th Century transatlantic slave trade and is believed to have transported 2 percent of enslaved peoples during that time. Danish colonisers like the other Europeans in the West Indies followed the so-called 'triangular trade', exporting advanced weapons and manufacturing to Africa, transporting enslaved peoples to the Caribbean, and returning with sugar, rum and molasses to Denmark. The Danish Caribbean territories were sold to the US in 1917 and are known as the US Virgin Islands.

Adapted from *Trade Unions of the World*, ICTUR (2021)

Six European countries were responsible for the overwhelming majority of transportation of enslaved Africans to the New World colonies

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Legacies of slavery: a debt to pay?

The vast economic injustices accruing from that time have continued to sustain powerful interests in the former slaving countries, even to this day. Many of the big banks and businesses that operate in the UK today are corporate ‘descendants’ of the businesses that shared in or handled the compensation that was paid to slave owners for the abolition of slavery in 1833². These payments continued well into the 21st Century, as the Treasury recently confirmed, ‘The Government used £20 million to fund the Slavery Abolition Act 1833 ... equivalent to approximately 40 percent of the Government’s total annual expenditure ... Money borrowed to fund the Slavery Abolition Act (1835) was ... fully repaid in 2015’³.

Insights into such economic legacies are important in the context of debates about reparations, particularly so when arguments are made that whatever injustices occurred were ‘long ago’. In the case of Britain it was the British taxpayer who picked up the bill for compensating slave owners. In the case of Haiti, however, the burden of payment fell upon the newly liberated, when France forced the victors of the only permanently successful slave revolution to pay compensation to the powerful and wealthy European interests that they evicted.

In 2021 four former major slave-trading nations had a chance to support a UN Resolution on the legacies of colonialism. All four abstained

is no accident, and that in Britain the social and economic legacies of slavery have been ‘brushed under the carpet’⁴. This has been compounded by a lack of teaching in schools, such that in 2020 more than a quarter of a million people in the UK signed a petition complaining that history was being ‘withheld’ and that British schools were failing to teach the history of colonialism and slavery:

‘Now, more than ever, we must turn to education and history to guide us. But vital information has been withheld from the people by institutions meant to educate them. By educating on the events of the past, we can forge a better future. Colonial powers must own up to their pasts by raising awareness of the forced labour of Black people, past and present mistreatment of BAME people, and most importantly, how this contributes to the unfair systems of power at the foundation of our modern society’⁵.

The Government rejected the petition. But demands have been growing for more openness and awareness, and interest has surged in the legacies of colonialism and slavery. In 2020, the Black Lives Matter protests saw the statues of slave traders toppled as people rejected the public celebration of these figures without proper contextualisation.

Haiti: revolution and ‘compensation’

Haiti was a Spanish and later a French possession, known as Saint Domingue, run as a highly profitable sugar cane plantation economy, worked by enslaved peoples transported from Africa. In 1804 a slave revolt successfully overthrew the French colonial regime and led to the establishment of the sovereign Republic of Haiti. Haiti thus became the first independent nation in Latin America and the Caribbean; it was the only nation successfully established by slave revolt; and it became the first country to outlaw slavery.

In 1825, the ‘Haiti Indemnity’ was a demand from France that the newly independent country must pay an enormous ‘compensation’ payment for ‘property’ (land and slaves) that had been taken from French plantation owners in the revolution. Delivered by a flotilla of warships, Haiti had no possibility to resist. A final payment of 90 million gold francs was made in 1893, though the interest on the debt was sold to an American bank, to which Haiti continued to make payments into the mid-20th Century.

Adapted from *Trade Unions of the World*, ICTUR (2021)

Many aspects of the legacies that have continued to shape lives in both Europe and the former colonies have been somewhat hidden from a European public discourse that has often been evasive or even proud of imperial history. Sir Hilary Beckles, vice-chancellor of the University of the West Indies, suggested that this

Jamaica: ‘still economic slaves’ in 1938

Jamaica in the early 16th Century was home to indigenous peoples who were displaced and enslaved by the Spanish. From the mid-17th Century, and for nearly two hundred years, Jamaica came under British rule, and was run as a sugar exporting plantation economy, reliant on a workforce comprising enslaved peoples transported across the Atlantic by the British. In 1760 a slave rebellion led by a former chief Tacky successfully seized control of a series of forts and estates and held out for several months before being finally overwhelmed. As many as 400 of those who participated were killed or executed.

Emancipation came in 1838, but conditions of life and labour remained hard for newly freed workers. In the 1930s a wave of labour unrest swept the Caribbean and 1935 strikes in the banana sector were described by local media at the time as ‘riots’. Armed police broke up the workers’ protests and at least one worker was shot and killed by police.

In a 1938 Petition to the Governor, the Poor Man’s Improvement and Land Settlement Association wrote: ‘We are the Sons of Slaves who have been paying rent to the Landlords for fully many decades we want better wages, we have been exploited for years and we are looking to you to help us. We want a Minimum Wage Law. We want freedom in this the hundredth year of our Emancipation. We are still economic slaves, burdened in paying rent to

Landlords who are sucking out our vitalities⁶. This was the same year that a sugar factory workers' strike was broken up by armed police, who killed four people.

Adapted from *Trade Unions of the World*, ICTUR (2021)

The patterns of social injustice that were meted out to the enslaved, and the vicious repression of organising and rebellions, laid down a template within the plantation colonies that continued long after emancipation. Slave organising and rebellions occurred regularly throughout the era of slavery. These were horrifically repressed. Throughout the Caribbean we can see examples of militarised responses to rebellions among the enslaved peoples. Following emancipation these same methods were used again and again in an attempt to frustrate workers strikes and organising, to prevent radical trade union organising, and to entrench the positions of less combative worker associations.

Guyana: subverting democracy

Guyana was settled by the Dutch before coming under British control in the late 18th Century. Many indigenous peoples died from introduced European diseases to which they had no immunity, while the British transported enslaved peoples from Africa to work on a plantation economy. The history of labour struggle in Guyana saw huge protests from as early as the 18th Century, most notably the Berbice Slave Uprising of 1763, now commemorated as a national day in Guyana, and the Demerara rebellion of 1823, in which up to ten thousand slaves participated in an organised mass rebellion that was violently put down by the British. Hundreds of rebels were killed and dozens were sentenced to death after the event, and exhibited outside the plantations as a grim warning against future rebellion.

After emancipation the violent repression of strikes continued. In 1872 police fired on plantation workers striking for wage increases leaving seven people seriously injured. The following year and again in 1894 plantation strike leaders were jailed and sentenced to prison terms. Two years later police fired on strikers at the Plantation Non Pareil in Demarera, killing four and wounding eleven. In 1903 police killed seven strikers after work stoppages across nine plantations. In 1905 the Ruimveldt Riots saw industrial workers join agricultural discontent. Four plantation workers were injured when police fired on the protestors, prompting fierce clashes. British troops were called in. Seven people were killed and seventeen badly injured. In 1913 fifteen were shot dead at Rose Hall plantation. By 1939 a moderate union, the Man Power Citizens'

Association (MPCA), had been recognised by the Sugar Producers' Association. But a new union, the Guiana Industrial Workers' Union (GIWU) began to agitate, organising a series of strikes. The anti-colonial PPP party proposed an industrial ballot to decide whether the MCPA or GIWU should be recognised at sugar estates. The proposal was opposed by the MPCA, by plantation owners, and by the British colonial powers. In June 1948, at a GIWU strike at Enmore, police shot five workers dead. In 1953, with the introduction of democracy, the public cast a landslide vote for the PPP at the country's first free election. In response, a British warship landed, the Constitution was suspended, and the PPP and GIWU leaders were arrested. It would be some years later before further free elections would be allowed, and before sugar workers were finally allowed to express their overwhelming intention that GIWU (renamed GAWU) should represent them.

Adapted from *Trade Unions of the World*, ICTUR (2021)

All in the past?

At the Human Rights Council in 2021, a Resolution was put forward by four current Council members (China, Cuba, Russia and Venezuela). The Resolution 'Negative Impact of the Legacies of Colonialism on the Enjoyment of Human Rights' was backed by a majority of Council members and was adopted. It affirmed that the Council recognised: *that the legacies of colonialism, in all their manifestations, such as economic exploitation, inequality within and among States, systemic racism, violations of indigenous peoples' rights, contemporary form of slavery and damage to cultural heritage, have a negative impact on the effective enjoyment of all human rights.*

And called for: *Member States, relevant United Nations bodies, agencies and other relevant stakeholders to take concrete steps to address the negative impact of the legacies of colonialism on the enjoyment of human rights⁷.*

All of the four former major slave-trading nations who have seats on the current Human Rights Council abstained from the vote. Their on-going disputes with China and other sponsors of the Resolution were likely a factor in their decision to abstain. But as we reflect upon the histories and legacies of the transatlantic slave trade and colonialism, it seems striking that the former colonial powers of Denmark, France, the Netherlands, and the United Kingdom felt no obligation to support an important Resolution irrespective of who sponsored it. Their failure to do so suggests that the demands of the protests raised in 2020 have not been properly heard by the former slave trading nations, and that those fighting for post-colonial justice still have much work to do.

...continued on page 36...

Colonial militaries repressed slave organising and rebellions. After emancipation violent repression continued against union organising and strikes



Forced labour: **Ratifi** 2021 edition



Ratification of ILO Conventions

by the International Centre for Trade Union Rights



Forced labour: Ratification of ILO Conventions

Africa and the Arab States

Political instability, poverty, conflict, corruption and weak legal systems are identified as factors contributing to the high persistence of modern slavery and forced labour in Africa today

Slavery was prominent in many parts of Africa long before the arrival of Europeans, when ‘traditional’ localised patterns of enslavement and the trans-Saharan trade were expanded to supply the transatlantic and Indian Ocean slave trades. Once the British had abolished the transatlantic slave trade, the persistence of slavery in Africa was used as a justification for the British colonial project as an abolitionist mission. But forced labour continued under colonial rule, most notoriously in the Congo, and euphemistically as ‘communal labour’ in some British colonies, where taxes and vagrancy laws forced rural farmers into labour systems. Slavery was not abolished until the early 20th Century in parts of North Africa, and was only abolished in the Arabian Peninsula, and in Portugal’s colonies (which were the subject of an ILO Commission of Inquiry) in 1962.





Despite abolition, forced labour persisted in many countries and in 2005 the ILO observed ‘traditional’ forms of slavery and descendant or hereditary slavery persisting in Benin, Burkina Faso, Cameroon, Chad, Guinea, Mali, Mauritania and Niger, while Sudan was criticised at the ILO repeatedly over slavery into the early 21st Century. Today concerns persist around hereditary slavery in countries including Mauritania and Niger and there

are concerns around State-imposed forced labour under military conscription in Eritrea and compulsory work on State projects in Burundi. High incidences of modern slavery are also reported in Central African Republic, South Sudan, Somalia, and the Democratic Republic of Congo. In the Arab States there have long been concerns around modern slavery affecting migrant workers in construction and domestic work. Concerns include recruitment fees, confiscation of passports, withholding of wages, hazardous working conditions, excessive work hours and physical and sexual abuse.


Ratification of the ILO forced labour standards is high throughout the region though implementation is weak and modern slavery conditions are widely reported. Political instability, poverty, conflict, corruption and weak legal systems are identified as factors contributing to the high persistence of modern slavery and forced labour in Africa today, though models of tradition and culture have also inhibited efforts to end slavery in a number of countries. Conflict-affected areas in the Arab States such as Syria, Iraq and Yemen and the flow of refugees into neighbouring countries have also presented significant pressures in the region.


Forced labour: Ratification of ILO Conventions

Key

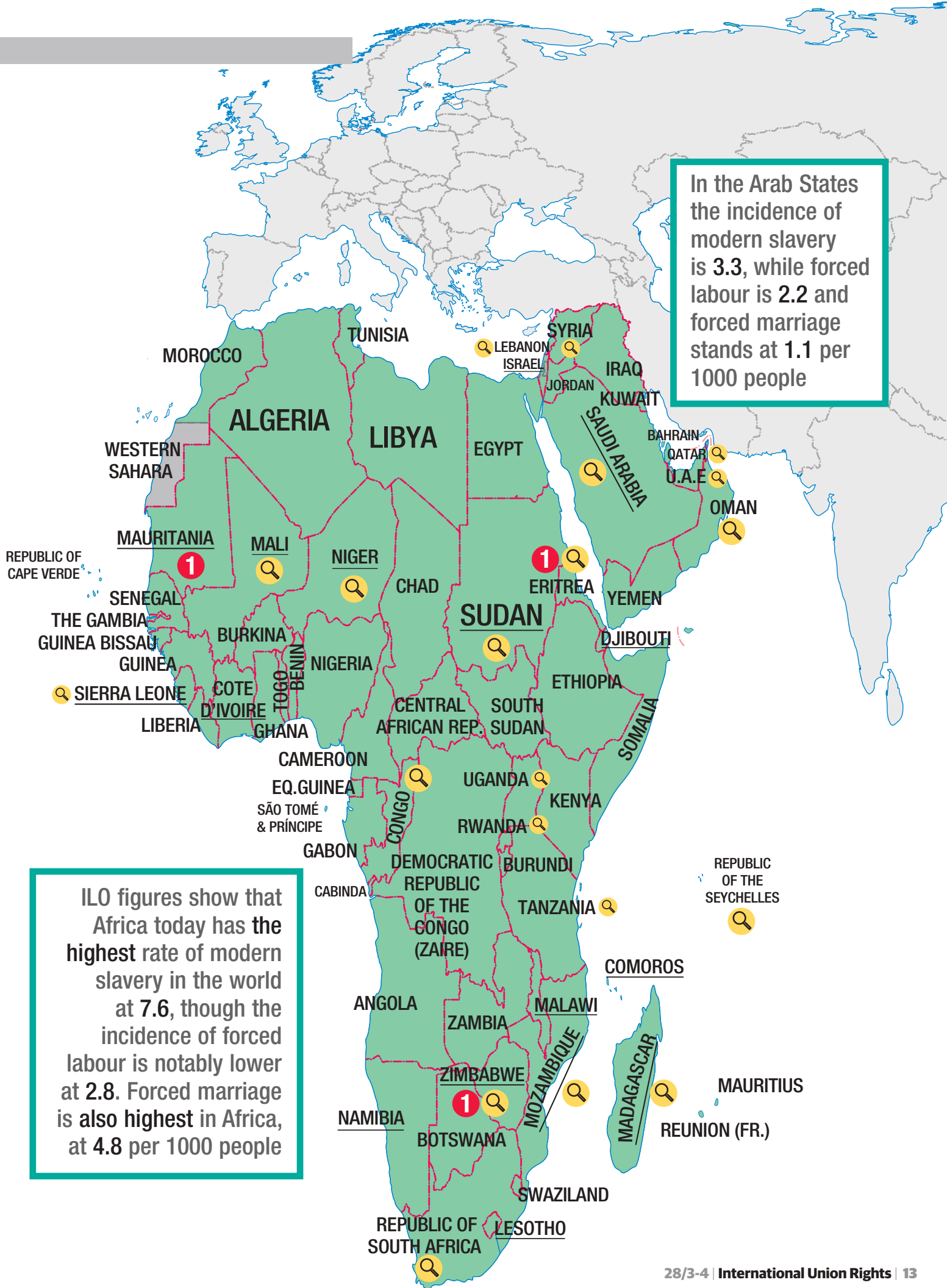
	Has ratified both Conventions Nos. 29 and 105		Has ratified Convention No. 29 only
	Has ratified Convention No. 105 only		Has ratified neither convention

ILO supervisory processes

 Countries in respect of which the ILO Committee of Experts has formulated observations concerning either Convention Nos. 29 or 105 during the previous year.

 The number of times a country has been examined by the ILO Conference Committee on the Application of Standards concerning compliance with either Convention Nos. 29 or 105 over the preceding five years.

Ratification of the 2014 Protocol
Countries that are underlined have also ratified the 2014 Protocol to the Forced Labour Convention.



In the Arab States the incidence of modern slavery is 3.3, while forced labour is 2.2 and forced marriage stands at 1.1 per 1000 people

ILO figures show that Africa today has the highest rate of modern slavery in the world at 7.6, though the incidence of forced labour is notably lower at 2.8. Forced marriage is also highest in Africa, at 4.8 per 1000 people

Forced labour: Ratification of ILO Conventions

The Americas

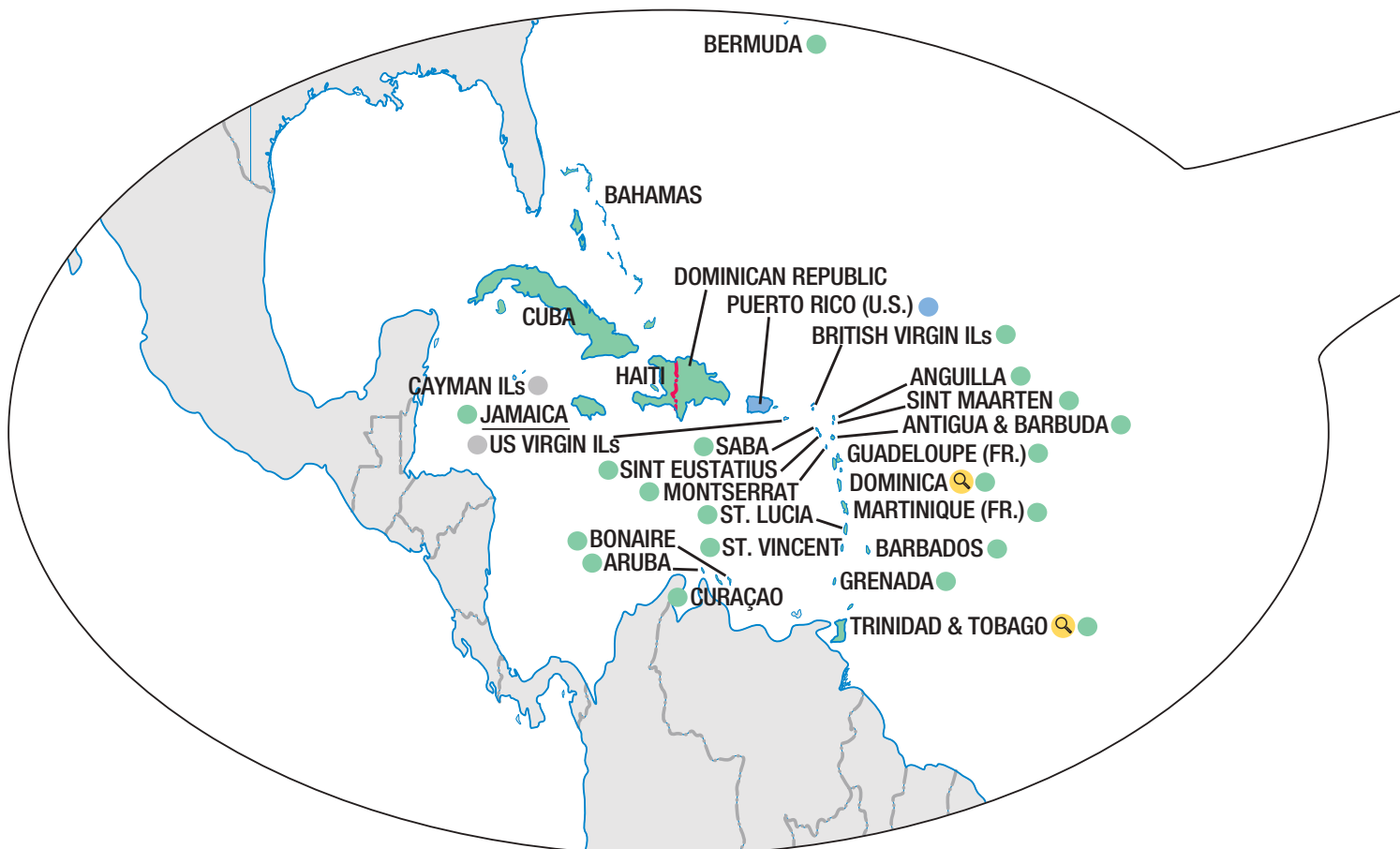
The US, Brazil and Mexico have much higher absolute numbers, and are thought to comprise 57 percent of all modern slavery cases in the region

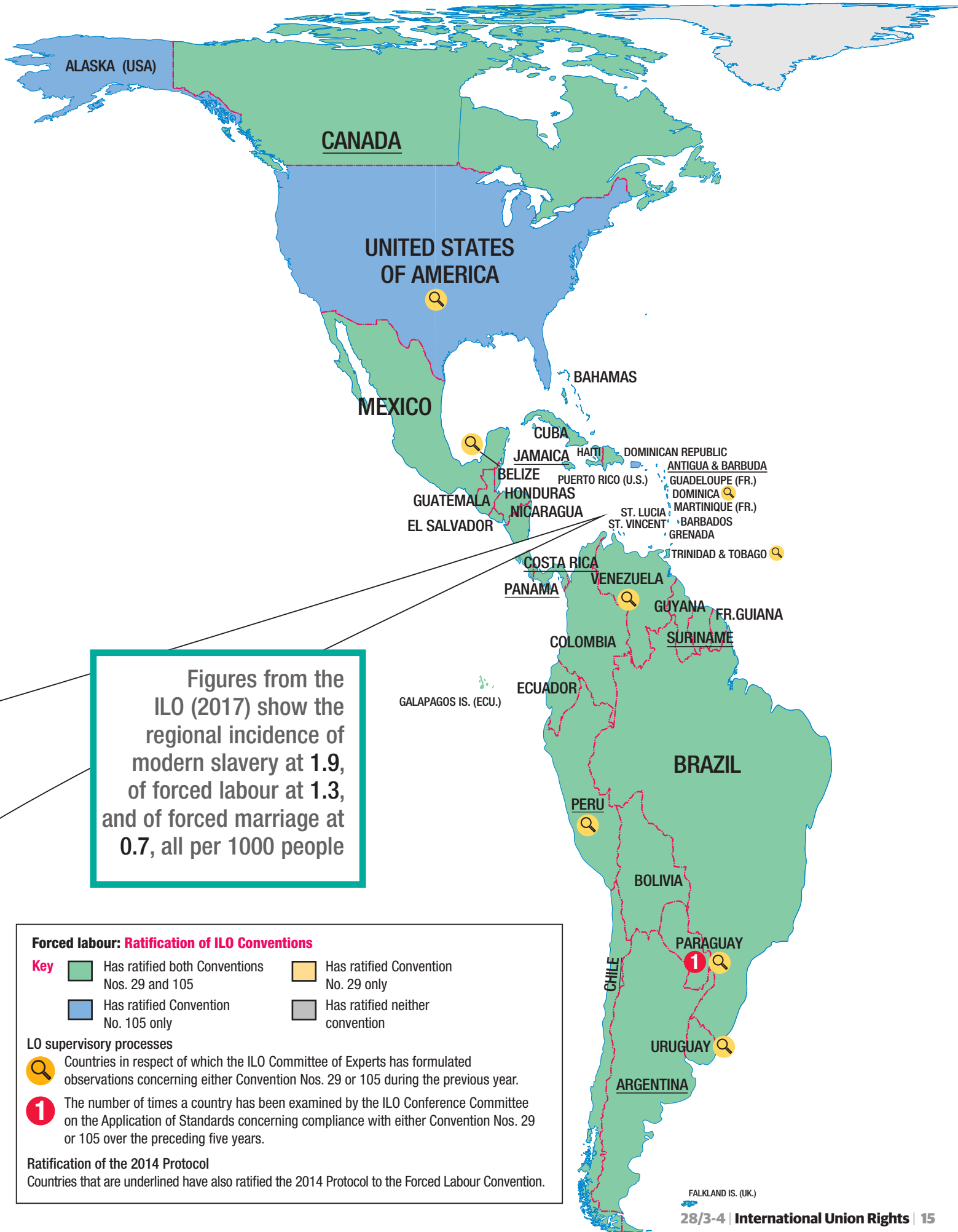
European colonialism in the Americas began from as early as the late 15th Century. Many territories were acquired through military conquest and vast numbers of the indigenous peoples who inhabited these lands were displaced, killed in battle, died from imported diseases, or were drawn into forced labour systems including mining for precious metals. Subsequently 10 million enslaved peoples were transported from Africa to work in forced labour conditions across the plantation economies of the European New World colonies. Slavery was abolished piecemeal from the mid to late 19th Century but the socioeconomic and political situation that had been established throughout the region carried legacies that cut deep into the modern era.

Today, the Global Slavery Index reckons Venezuela, Haiti and the Dominican Republic to have the highest prevalence of modern slavery, but the US, Brazil and Mexico have much higher absolute numbers, and are thought to comprise 57 percent of all modern slavery cases in the region. Debt bondage persisted as a serious problem in Brazil, particularly in rural agriculture and agro-

industry, though efforts to address this began in 1995 and the numbers of workers in forced labour has been falling in recent years. Brazil also has an estimated 7 million domestic workers, the highest number in the world. This is a sector that became widely established during the era of slavery and counts significant factors understood to contribute towards modern slavery conditions.

Prison labour, such as that performed by an estimated 10% of prisoners in the US, does not necessarily violate international forced labour instruments, but the ILO has expressed concerns around apparent discrimination. Long after abolition, policies of segregation persisted in the US up to the Civil Rights Act in 1964. Today black people are a minority group variously assessed at 12-14% of the general population but constitute a majority among the 2.2 million people detained within the largest prison population in the world. Prisoner rights groups have protested over the issue of low or no pay for prison work and around relationships between prison labour and for-profit private companies.





Figures from the ILO (2017) show the regional incidence of modern slavery at 1.9, of forced labour at 1.3, and of forced marriage at 0.7, all per 1000 people

Forced labour: Ratification of ILO Conventions

Key

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Forced labour: Ratification of ILO Conventions

Asia and the Pacific region

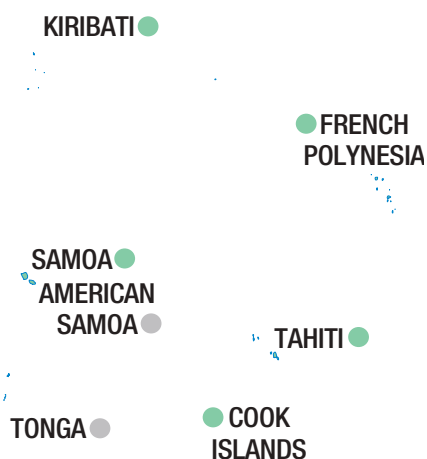
During the 18th and 19th Centuries, including after the end of the transatlantic slave trade, a slave trade persisted across the Indian Ocean, with extensive involvement of French, British and Dutch vessels transporting an estimated 1.5 to 2 million people from the East African coast through trading hubs such as Oman in a multi-directional trade supplying the Arab countries and the European plantation colonies in India, Indonesia, and Indian Ocean islands. Slavery was formally abolished in India in 1843 and in China in 1910, though forced labour conditions persisted for many in both cases. In the late 20th and early 21st Centuries the situation in Burma (Myanmar) led to an ILO Commission of Inquiry that found ‘widespread and systematic’ forced labour contrary to ILO Convention No. 29.

North Korea, Pakistan and Cambodia are reckoned to have the highest prevalence of modern slavery conditions. Prison labour is widespread. Article 10 of North Korea’s Criminal Code specifies ‘reform through labour’ as a default penalty for criminal violations. In China the ‘re-education

through labour’ system was abolished in 2013 and forced labour was prohibited under both the criminal and labour codes. However, prison labour for regular prisoners is still routine and the prison population is around 1.7 million (it would be much higher but for the prevalence of the death penalty). Mass internment of minorities including the Uigher in the Xinjiang region is a serious concern, where Western governments and many NGOs say that forced labour or even genocide is taking place. China denies both claims, but has faced scepticism.





International instruments on forced labour are under-ratified in the region. There are just 11 ILO member States that have not ratified ILO Convention No. 105 and they are all in the Asia Pacific region. Two further States in the region, Malaysia and Singapore both denounced the Convention, while North Korea remains the only large industrialised State in the world that is not a member of the ILO. Vietnam recently ratified ILO Convention No. 105 and Japan has expressed an intention to do so. China is now the only major economy in the world not to ratify either of the ILO instruments on forced labour.

Mass internment of minorities including the Uigher in the Xinjiang region is a serious concern, where Western governments and many NGOs say that forced labour or even genocide is taking place




Forced labour: Ratification of ILO Conventions


Key

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Note: Malaysia and Singapore both ratified but subsequently denounced Convention No. 105

ILO supervisory processes

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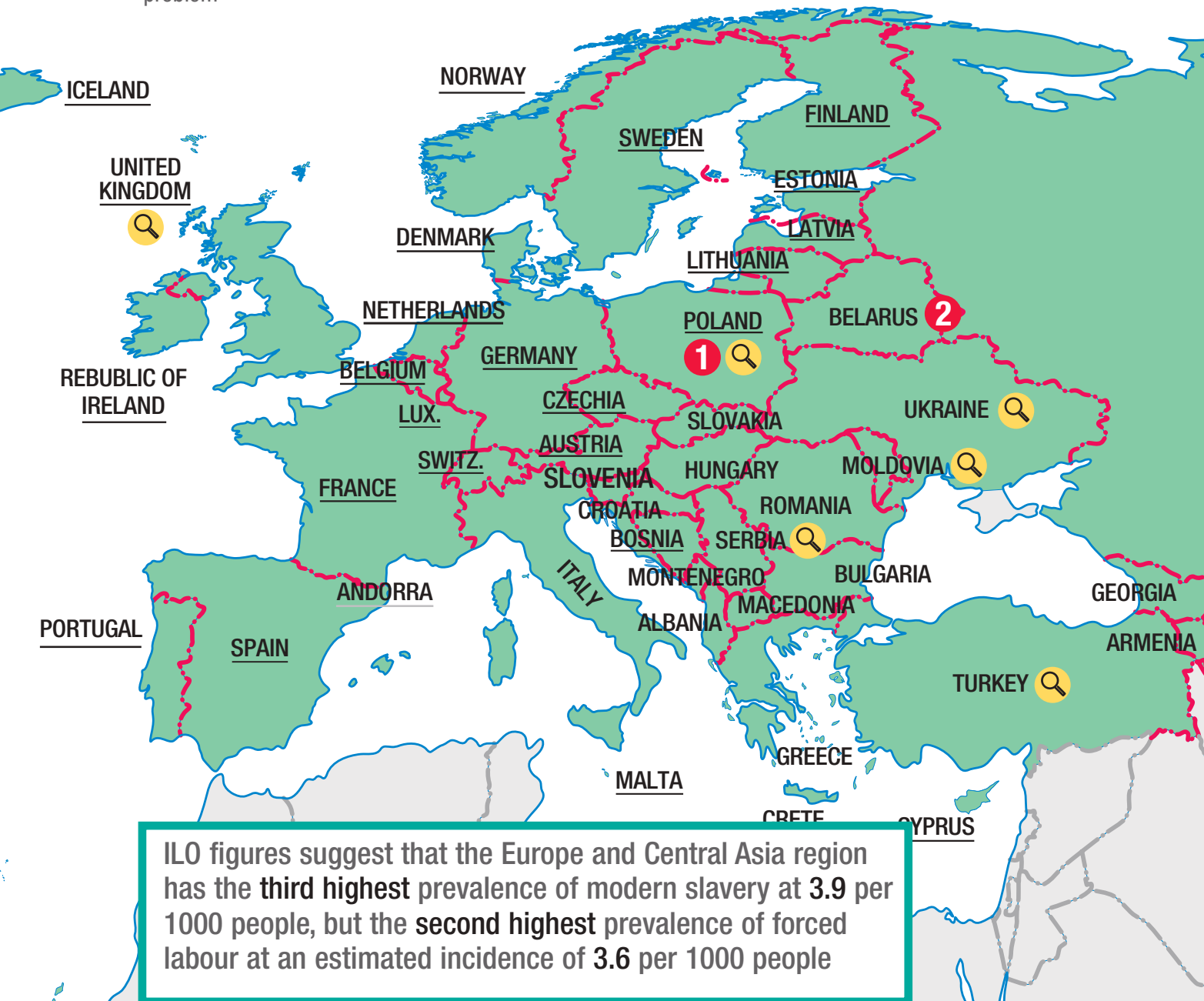
Europe and Central Asia

Europe and Central Asia still has grave challenges and that forced labour remains a very significant problem

Throughout the 16th to 19th Centuries, the wealthy classes in much of Europe made vast profits from the transatlantic and Indian Ocean slave trades, and from networks of colonial exploitation that spanned the globe. From the early 19th Century, Great Britain led a campaign to end the transatlantic slave trade, but even a century later the European colonial powers continued to rely on forced labour practices in parts of Africa and Asia. During the Second World War State-imposed forced labour was present

on a massive scale in Europe when millions were interned in Nazi forced labour camps and the Soviet gulag prison system.

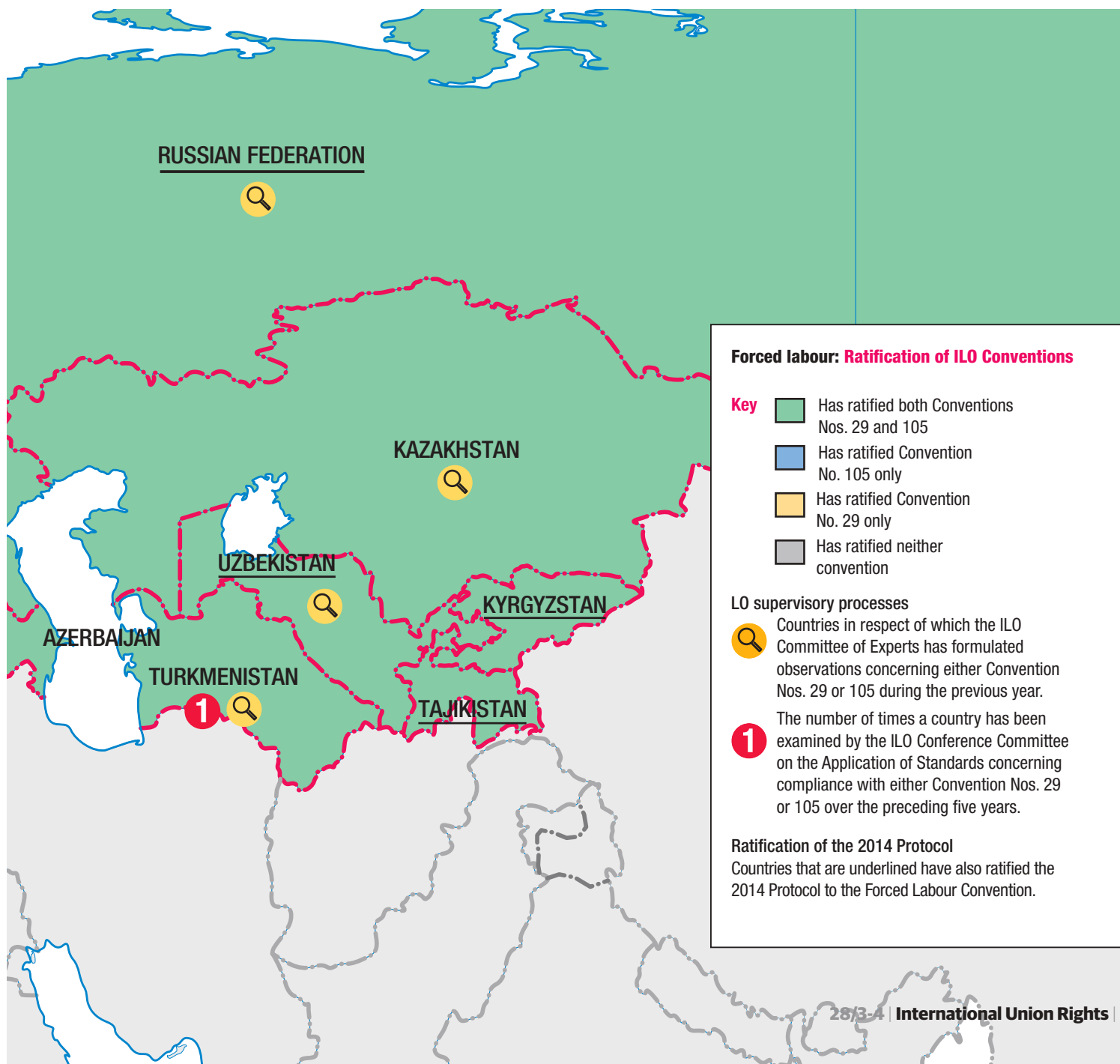
ILO estimates indicate that Europe and Central Asia still has grave challenges and that forced labour remains a very significant problem. The ILO indicates that forced labour and modern slavery today occurs in this region in diverse forms such as debt bondage, around conditions for migrant workers, and extensively in the agro-industrial



sectors, but also in domestic work and manufacturing. For several years NGOs have condemned mass mobilisation of workers in Turkmenistan and Uzbekistan for cotton harvesting, though a recent major ILO monitoring study says that in 2021 systematic forced labour no longer occurs in Uzbekistan.

According to the Global Slavery Index, Macedonia is a key country of concern for modern slavery, as are Greece and Albania. Belarus has been a focus of

scrutiny at the ILO in respect of various forced labour concerns, and currently with regard to ‘medical labour’ rehabilitation for repeat drug and alcohol public order cases and social taxes imposed on non-working residents. Concerns around the country’s annual unpaid ‘subbotnik’ work mobilisation declined as the 2021 US Trafficking in Persons Report found that ‘500,000 fewer Belarusians decided to participate ... and there were no reports of retaliation.’



Australia

On 20 September the offices of the CFMEU were attacked by a group of several hundred ‘anti-lockdown’ and ‘anti-vax’ protestors, conspiracy theorists and far-right activists. The building’s frontage, windows and signage were repeatedly damaged by projectiles including thrown bottles, and some members of the crowd attempted forcibly to enter the building, which was defended by union staff and officers. Those defending the building were threatened, and a number received minor injuries from projectiles. Following the incident, the CFMEU reported an outbreak of Covid-19 among its head office staff and officials and their families, which the union suggested was likely linked to the large crowd pressing up close to them and failing to respect public health guidance.

The protestors, understood to have included some construction workers, are believed to have been motivated by anger at a government mandate four days earlier that required all construction workers to prove that they had at least a first vaccination, or had made a vaccine appointment, or that they had a legitimate medical exemption – in order to continue to work. The protestors appear to have viewed the union as supporting this measure. In fact, the union – which has strongly prompted voluntary vaccination for members – did not directly support the measure, which was implemented without union consultation. The CFMEU has actually said it will support members in dispute with any employer seeking to impose such a requirement without a government-mandate.

ICTUR wrote to the Australian authorities to express concern at the apparent failure of the authorities to take more effective action to protect the union and its

staff and officers from harm during the early stages of the protest. ICTUR further emphasised the established ILO position that an attack on trade union premises is a ‘serious interference’ with trade union rights and warrants ‘a severe response’ (Freedom of Association: Compilation of decisions of the Committee on Freedom of Association, ILO. 6th Edition, 2018, para. 289). A brief reply to ICTUR’s letter seemed to fall somewhat short of this standard but stated that the Australian Government ‘condemns the violent acts of the protestors’ and ‘takes seriously its international obligations’.

Bangladesh

On 24 September police representatives informed the Industrial Bangladesh Council that that a planned meeting could not take place at the Chittagong offices of the Bangladesh Independent Garment Workers Union Federation (BIGUF). According to information from the Industrial global union two further attempts to hold the meeting were also prevented by police officers, in a move described by Industrial as a serious violation of union rights. Throughout the period, BIGUF appears to have continued its own programme of meetings and education in Dhaka without interruption.

ICTUR wrote to the authorities to complain at this obstruction of trade union business and to draw attention to ILO Convention No. 87, which Bangladesh has ratified, and which protects freedom of association for trade unionists. The ILO’s Committee on Freedom of Association has observed that ‘The right of occupational organisations to hold meetings in their premises to discuss occupational questions, without prior authorisation and interference by the authorities, is an essential element of freedom of association and the public authorities should refrain from any interference which would restrict

this right or impede its exercise, unless public order is disturbed thereby or its maintenance seriously and imminently endangered’ (Freedom of Association, para 203).

China: Hong Kong

On 31 July 2021, Hong Kong’s Education Bureau said it would no longer recognise the Professional Teachers’ Union. A number of derogatory articles were also published in China-based State-funded newspapers calling the PTU an ‘anti-China’ organisation and calling for it to be ‘eradicated’. On 10 August 2021, the PTU announced that the union, which represented more than 95,000 teachers and employed 200 full-time staff, would disband, stating that ‘the social and political situation changed too fast and too quickly’. Two months later, on 3 October, the Hong Kong Confederation of Trade Unions (HKCTU) called an assembly and voted for its own dissolution. The PTA, which was the largest sectoral union in Hong Kong, had comprised at least two-thirds of members of the HKCTU. Lee Cheuk-yan, the general secretary of the HKCTU, who was also a member of the Legislative Council prior to 2016, is currently serving a prison sentence in relation to his participation in 2019 protests. Of the three remaining confederations, the Hong Kong Federation of Trade Unions (HKFTU) is the largest with a reported 424,000 members and is aligned politically with Beijing; the Taiwan-linked Hong Kong and Kowloon Trades Union Council (HKTUC) has declined over many years to around 5000 members, and the Federation of Hong Kong and Kowloon Labour Unions (FLU) reports around 59,000 members and is pro-Beijing. Outside of the confederations, leaders of the Hospital Authority Employees Alliance, representing more than ten thousand healthcare workers, have also faced prosecutions on grounds of ‘subversion’.

An NGO closely linked to the HKCTU, the Asia Monitor Resource Centre (AMRC), also announced it would cease its operations in Hong Kong after it was flagged in an article in China’s oldest State-owned newspaper Ta Kung Po as a beneficiary of US Government-funded donors, including the Solidarity Center (ACILS) and the International Labor Rights Forum, as well as a number of Western private foundations. Responding to Ta Kung Po, which described AMRC as ‘the major donor of HKCTU to channel foreign subversion funding’, AMRC said ‘for decades, we are a civil society organisation independent of any local or international organisations. We are not a subsidiary unit of any of the organisations as wrongly described in the Ta Kung Pao article’. There is widespread concern in the NGO sector that the National Security Law of 2020 provides for a range of measures bringing NGOs with links to foreign donors not only under regulatory scrutiny but also that establish frameworks of potential criminal liability with serious consequences. AMRC (which contributed an article to this journal as recently as volume 27.4 in 2020) are by no means alone in deciding that they can no longer operate in the country: Amnesty International have also taken the decision to close their Hong Kong offices.

ICTUR has written to the authorities to call attention to the on-going problems in Hong Kong and to express grave concern at the decision by these labour organisations to discontinue their activities. ICTUR recalls that freedom of association is a core principal of the ILO, which China as a member State, and under the terms of the 1998 Declaration of Fundamental Principles, is required to promote and respect. The ILO’s Committee on Freedom of Association has said that governments should ‘ensure that any emergency measures aimed at national security did not prevent

in any way the exercise of legitimate trade union rights and activities, including strikes, by all trade unions irrespective of their philosophical or political orientation, in a climate of complete security' (Freedom of Association, para. 74). The Committee has further observed that, 'A free trade union movement can develop only under a regime which guarantees fundamental rights, including the right of trade unionists to hold meetings in trade union premises, freedom of opinion expressed through speech and the press and the right of detained trade unionists to enjoy the guarantees of normal judicial procedure at the earliest possible moment' (Freedom of Association, para. 76). The Committee has further emphasised that 'It is not possible for a stable industrial relations system to function harmoniously in the country as long as trade unionists are subject to arrests and detentions' (Freedom of Association, para. 127).

While recognising that concerns have been expressed over recent years by several governments about the influence of 'foreign-funded NGOs', ICTUR sought to remind the authorities that the organisations concerned in the present case are long-established and well-respected labour movement organisations that enjoyed not only international support but also the membership locally of significant numbers of trade unionists. ICTUR recalls that so-called pro-democracy forces in Hong Kong enjoy genuinely broad support from the population as is demonstrated clearly by the large membership of the PTA as well as by the vote share received by these groups for the directly-elected seats in legislative elections. Furthermore, the established position at the ILO says that, 'It is for the organisations themselves to decide whether they shall receive funding for legitimate activities to promote and defend human rights and trade union rights' (Freedom of Association, para. 715), and that 'Legislation which provides for the banning of any organisation where

there is evidence that it is under the influence or direction of any outside source, and also for the banning of any organisation where there is evidence that it receives financial assistance or other benefits from any outside source, unless such financial assistance or other benefits be approved by and channelled through government - to the extent that it applies to the right of international affiliation of trade unions - is incompatible with the principles set out in Article 5 of Convention No. 87' (Freedom of Association, para. 1044).

Colombia

On 11 August, Carlos Fredy Londoño Bautista, a member of the ADEM teachers' union was shot and killed by assailants who escaped on a motorbike as he walked to school in Fuente de Oro in Meta Department. Days earlier the national teachers' union FECODE had issued a warning over on-going threats.

ICTUR has monitored the severe threat to life and security facing trade unionists in Colombia for many years and has written to express its profound concern that murders of trade unionists still occur with alarming frequency. ICTUR recalls the words of the ILO Committee on Freedom of Association, that 'Freedom of association can only be exercised in conditions in which fundamental rights, and in particular those relating to human life and personal safety, are fully respected and guaranteed (Freedom of Association, para. 82).

Egypt

A strike at LORD International razor blades factories launched on 26 July has been declared illegal, allowing management to dismiss 64 workers, with another 83 subjected to suspensions, pay cuts, interrogations and threats that they would be referred to the National Security Agency, according to Amnesty

International. The strike was organised by an unregistered union, contrary to Egyptian law. The requirements for registering a trade union were unofficially relaxed following the 2011 'Arab Spring' allowing the emergence of a more diverse labour movement but in 2017 they were tightened such that it has become practically impossible to organise or call strike action outside of the centralised Egyptian Trade Union Federation (ETUF).

On 1 August Law No. 135 of 2021 was adopted, amending Law No. 10 of 1972 on the non-disciplinary dismissal of public employees. The new law will facilitate the dismissal of civil servants suspected of association with 'terrorist' organisations in Egypt. Concerns have been expressed that the law may be used against trade unionists and critics of the Government, though it is aimed more specifically at the Muslim Brotherhood, whose political allies won the largest number of seats and the presidency in 2012 elections, but who were driven from power in 2013 in a bloody military coup that restored allies of the former regime. From February 2014 the Brotherhood has been listed as a terrorist group.

ICTUR has written to the authorities to express concerns over the potential for abuse of the new law once again to call for a more open trade union law that permits workers to organise at the workplace level without requiring their affiliation to ETUF structures. ICTUR recalled decision of the ILO Committee on Freedom of Association, which have emphasised that 'The obligation for trade unions to obtain the consent of a central trade union organisation in order to be registered must be removed' (Freedom of Association, para. 454), that 'Workers should have the right to establish the organisations that they consider necessary in a climate of complete security irrespective of whether or not they support the social and

economic model of the Government, including the political model of the country' (Freedom of Association, para. 319), and that 'The dismissal of workers because of a strike constitutes serious discrimination' (Freedom of Association, para. 957).

Italy

On 9 October a group of several hundred 'anti-vax' protestors and far-right activists forced their way into the building of the Confederazione Generale Italiana del Lavoro (CGIL, English: Italian General Confederation of Labour), causing damage to desks, IT equipment, furniture, books and other property of the union. The protestors also targeted the office of the Prime Minister, and a health care facility, where several health care workers were reportedly attacked and injured. The protests were motivated by opposition to Italy's extension of the 'Green Pass' system certifying that the carrier has had at least one vaccine dose, has tested negative, or has recently recovered from the virus, and which has been made mandatory for almost all public and private sector workplaces, which system the CGIL had expressed support for. A small number of police officers were filmed attempting to defend the CGIL building against a much larger crowd of protestors before being overwhelmed by numbers. The following day the Prime Minister visited CGIL headquarters to express solidarity.

ICTUR wrote to the Italian authorities to welcome the State's response to the situation and to emphasise that a vigorous follow-up investigation to this incident is both necessary and appropriate under international law. ICTUR recalled that under ILO principles an attack on trade union premises is a 'serious interference' with trade union rights and warrants 'a severe response' (Freedom of Association, para. 289).

A labour history of cotton picking: slavery, mass mobilisation, and machinery

Organising voluntary labour in large numbers at sporadic intervals in rural areas is a challenge

Wherever and whenever cotton has been grown on a mass industrial scale there have been three principal approaches to the crop's labour-intensive demands associated with the harvest: slavery (until it was outlawed), voluntary pickers (typically under conditions of questionable 'voluntariness'), and the mass mobilisation of workers and communities. The former are associated with the history of cotton picking in North America from the 18th Century and the latter with the dramatic ramping up of cotton production that occurred in the Soviet Union in the mid-20th Century. There are fundamental differences, though on a massive scale both exhibited non-voluntary labour under duress, as well as child labour (also a widespread problem in major cotton producer, India). Organising genuinely voluntary labour in large numbers at sporadic intervals in rural areas is a challenge, though high rates of pay do attract voluntary pickers. The more reliable solution has been mechanisation, vastly reducing the quantity of labour required, but it has been achievable only at a certain stage of technological advancement and (like high wage rates) it is only possible at a significant investment cost.

■ In North American cotton was the major cash-earning industry that 'made' the United States of America. Originally a slave system, which ended following the global abolitionist campaign, the systematic exploitation of minorities as cotton pickers continued under apartheid conditions up to the Civil Rights era of the 1960s¹.

Mechanisation began earlier and was almost universal by the 1970s, since when North American cotton has been machine harvested and is no longer a site of mass exploitation.

■ The cotton industry of the Soviet Union expanded dramatically from the 1930s and also saw the forced transfer and exploitation of minorities who were obligated to remain in the cotton growing areas and to work in the fields. But the principal approach to the Soviet cotton harvest was mass mobilisation, 'university and high school students, state workers, officials, pilots and drivers used to be mobilized to gather cotton. Cities would literally empty out as a large part of the population were working in the cotton fields'². The Soviets also pursued mechanisation, but gains fell back before collapsing almost completely.

According to the UN's Food and Agriculture Organisation globally the US has remained 'the largest cotton exporter by a wide margin, with exports of 3.5 million tonnes ... [which] accounted

for 38 percent of world cotton trade during 2017/18'³. But the US today is only the third largest producer⁴, the major cotton producing country being China. Production in the western Xinjiang region also faces forced labour charges, though the UN FOA reports that the region's cotton boom has been 'dominated by increased mechanization and higher 'yields'⁵.

From cotton machines to Cotton Campaigns

By some estimates mechanisation of cotton in parts of the Soviet Union had reached 70 percent in the 1980s⁶ but dropped rapidly over that decade before collapsing in the turmoil of the 1990s. Experts have suggested the Soviets actually attempted to industrialise cotton too quickly, observing dryly that 'mechanized cotton harvesting was a misplaced strategy on both investment and policy grounds'⁷. But if over-spending on machinery caused crisis, the spiralling economic strains of the 1980s and the abject collapse of the post-Soviet economy in the 1990s compounded the problem, massively. In Uzbekistan, one scholar suggested that 'the proportion of cotton harvested by machine stood at 42 per cent and 45 per cent respectively [in 1986 and 1987]. Since then the degree of mechanized cotton harvesting has fallen substantially' and that by 2003 'as little as 10 per cent of Uzbekistan's cotton harvest [was] gathered by machine'⁸. A similar collapse was reported across the former Soviet Union: 'Mechanized cultivation and cotton-picking have not been practiced for a long time. As of 1 November 2003 there were only 25 cotton-picking machines in Kyrgyzstan and they were all made before 1980'⁹.

As mechanisation fell back handpicking and attendant problems of forced labour and child labour returned. This came to the attention of a former US Government official who assembled the Cotton Campaign, bringing faith, retail and labour movement organisations together with a number of NGO organisations to exert pressure around labour standards in the cotton sector. Bennett Freeman was former Deputy Assistant Secretary with the US State Department Bureau of Democracy, Human Rights, and Labor and had been tasked by the US Government from the early 1990s to 'develop and communicate the major themes and objectives of US foreign policy for the early post Cold War world'¹⁰.

Into the 2000s, Freeman led the call for a boycott of Uzbek cotton (formerly one of the world's leading cotton producers). In the late 2000s Freeman represented Calvert Asset Management Company

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(managing ‘over \$14 billion in assets’ for institutional investors, retirement plans, financial intermediaries, and their clients)¹¹. Together with his State Department connections Freeman was in a position to mobilise significant resources. The impact of the boycott of Uzbekistan’s main export was immense. The Government of Uzbekistan and the ILO embarked on a major project to investigate and eradicate firstly child and then forced labour in all forms from Uzbek cotton.

ILO monitoring: the trade union role

The Federation of Trade Unions of Uzbekistan (UzKUF / FTUU) is a successor to the Soviet-era trade union structure that has shown little inclination to assert its independence. It tends to support the authorities, is passive in public discourse, and focuses on the social welfare role typical of trade unions in the Soviet era. It had long assisted in the mass mobilisation of public sector workers for cotton harvesting, but in 2015 it was accepted as an ‘associate member’ of the ITUC (‘in recognition of its efforts to eliminate child labour’), and has participated at ILO Conference without objection for many years. There are significant voices who call for no engagement with the union, but recent ILO experience tells a more positive (if contested) story.

Two aspects of ILO monitoring had union involvement: site visits by an ILO expert supported by an FTUU representative, an interpreter, and a driver (coordinated from the union’s network of local offices); and a trade union ‘hotline’ (which from 2015 became a ‘Legal Clinic’ staffed by trade union lawyers). Immediately the ILO was under siege from NGO critics who argued that the FTUU was ‘not independent’ and that the presence of a perceived representative of the authoritarian State would taint the interview process. ILO argued that the union was useful ‘to ensure the ILO expert can get immediate and unrestricted access to educational and medical institutions, local authorities and other locations including cotton fields’¹². In an attempt to address concerns FTUU did not directly participate in interviews¹³. Critics remained unimpressed.

The Legal Clinic was ‘headquartered in Tashkent but [with] local teams in every province that can handle cases at local level’¹⁴. By 2017 the union received 121 ‘submissions’ related to labour rights, 36 of which ‘were related to forced labour indicators’. The ILO observed that it ‘considers that this positive trend is caused by increased trust and awareness in the feedback mechanism rather than changes in compliance during the harvest’¹⁵. In 2019, ILO reported that the Government complaints system ‘received 1282 forced labour complaints during the cotton harvest’ while ‘the FTUU Legal Clinic received a total of 6208 cases ... Two hundred and eighty one of these cases were related to forced labour in the cotton harvest and were handled by the 28 lawyers in the FTUU Legal Clinic’¹⁶. Trust in

those mechanisms has increased’, observed ILO, ‘demonstrated by their increased use’¹⁷.

In 2020 there was a decrease in complaints corresponding to the fall in pickers from 3.4 million in 2015 to less than 2 million in 2020, but in ILO’s view also a result of ‘better managed recruitment processes’¹⁸. During the 2020 cotton harvest, the FTUU mechanism ‘received 180 complaints, of which 30 were forced labour cases, and 102 cases were linked to delays in payment or nonpayment of wages for cotton picking’. The ILO observed that ‘The FTUU lawyers followed up on all cases’ and that ‘As a result of FTUU interventions, 780 cotton pickers received their wages’¹⁹. ‘Like in previous years, the FTUU conducted national monitoring of the 2020 cotton harvest’, visiting 1374 entities, of which 953 were farms (also schools, local authorities, etc)²⁰.

Where are we now?

The latest ILO report includes the following findings:

- Child labour is no longer used during the cotton harvest in Uzbekistan (isolated cases still occurred)
- Systematic forced labour did not occur during the 2020 cotton harvest
- The vast majority of pickers participated in the harvest voluntarily but about 4 percent were subject to direct or perceived forms of coercion²¹.

In 2020 the Uzbek Government wrote to the Cotton Campaign in 2020 to ask for the lifting of the global boycott:

‘Today, the labor market of Uzbekistan is facing extraordinary pressure. Over 1.5 million Uzbeks are unemployed. With the country in lockdown, we estimate that nearly 150,000 citizens have already lost their jobs and more than 140,000 migrant workers have returned home without a source of income. More than 200,000 Uzbeks have now fallen below the poverty line. [...]

Here, your decision to end the cotton boycott would be pivotal. Uzbekistan’s textile sector is one of the country’s leading sources of employment. In textile production alone, nearly 7,000 enterprises employ more than 200,000 workers, whose incomes support the livelihood of 1 million of our citizens. Our preliminary assessment suggests that the end of the cotton boycott could double overall exports of Uzbek textiles — growth that would create much-needed jobs’²².

In remarks to an ILO Roundtable, the Cotton Campaign’s Bennett Freeman noted ‘the continued commitment of the Government of Uzbekistan (GOU) to this historic process of reform to end forced labor in the cotton sector’²³ though with regard to ending the boycott the Cotton Campaign remains unconvinced and responded that it was ‘too early’ to do so²⁴.

The more reliable solution has been mechanisation, but it has investment costs

...continued on page 36...

Measures to prepare for ratification of the Abolition of Forced Labour Convention enacted

Before Japan can ratify Convention No. 105 it has had to reform laws that allowed for prison with hard labour as a punishment for strike organisers

On 9 June 2021, the National Diet (parliament) of Japan enacted a Bill to prepare legislative measures to pave the way for Japan's ratification of the International Labour Organisation Abolition of Forced Labour Convention, 1957 (No. 105), following approval by a majority vote in the House of Councillors (the Diet's Upper House). ILO Convention No. 105 is one of the eight core ILO Conventions, and Japan has been criticised internationally for failure to ratify it. Article 1 of the Convention requires every ratifying member State:

- to suppress and not to make use of any form of forced or compulsory labour—*
- (a) *as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;*
 - (b) *as a method of mobilising and using labour for purposes of economic development;*
 - (c) *as a means of labour discipline;*
 - (d) *as a punishment for having participated in strikes*

ILO Convention No. 105 and the Asia-Pacific region

Just 11 ILO member States have not ratified ILO Convention No. 105, and they are all in the Asia Pacific region. They are: Brunei Darussalam; China; Japan; Lao; Marshall Islands; Myanmar; Palau; South Korea; Timor-Leste; Tonga; and Tuvalu. Two further States ratified and then denounced the Convention: Malaysia and Singapore, also both ILO member States in the Asia-Pacific region. North Korea is not an ILO member State but is yet another country in the region outside of the Convention. But not all countries in the region have this approach: Australia (1960); New Zealand (1968); Philippines (1960); and Indonesia (1999) have all ratified the Convention. Recently signatories such as the Solomon Islands (2012), Cook Islands (2015), and Vietnam (2020). If they can adopt the instrument then it is certainly time for Japan to embrace the Convention. In 2021 the governments of both Japan and South Korea have been discussing this issue. South Korea took a big step this year with the ratification of Conventions No. 87, 98, and 29 (on freedom of association, collective bargaining and forced labour), but it has so far not approved ratification of Convention No. 105.

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Reform of hard labour punishment for public sector strikers

Japan's National Public Service Law (Act No. 120 of 1947) and the Local Civil Service Law (Act No. 261 of 1950) were in conflict with Article 1(a) and 1(d) because they restrict political rights and also prohibit central and local public employees from organising and participating in strike action (Article 98 of the National Public Service Law and Article 37 of the Local Civil Service Law). Disciplinary action is always taken against civil servants who engage in industrial action contrary to these provisions, but the conflict with ILO Convention 105 arose not just because of these restrictions but because the laws also established a basis to impose terms of imprisonment for up to 3 years *with hard labour* for those found guilty of inciting strike action (Article 110, National Public Service Law and Article 62 / 63 Local Civil Service Law).

The Bill, enacted as the Law on the Development of Relevant Laws for the Conclusion of the Convention on the Abolition of Forced Labour (No. 105) (Act No. 75 of 2021), changes the penalties applicable in these circumstances. The Act contains provisions to amend the National Civil Service Law, the Local Public Service Law, and the Mail Law, and changes the penalty for public service employees participating in strikes or political activities from one of imprisonment with hard labour to imprisonment *without* hard labour. This changes the *type* of punishment for public service employees to remove barriers to Japan's ratification. But punishment exists *per se*, and the Bill thus provides no solution to the fundamental problems.

The Diet enacted the law so as to pave the way for the ratification of ILO Convention No. 105, and the measure was approved by a majority vote in the House of Councillors. However, while the types of punishment are reformed, the law does not remove the basic provisions that penalise strikes and political activities. Although public service workers' political activities that take advantage of their status may have to be restricted, barring them from using off-duty hours to participate in political activities (which are part of their personal freedom) should not be subject to punishment. Penalising such activities amounts to restricting fundamental human rights. Such penalties should be abolished.

Trade and investment implications

The Bill was submitted not just because the Convention is a basic treaty that has already been ratified by 176 out of 187 ILO Member States, but also because it has positive impacts on international economic activities. Economic partnership agreements call for efforts to ratify the ‘core’ ILO Conventions. The ILO’s core Conventions are now considered as part of an international code of conduct and are used selectively for Environmental, Social, and Governance (ESG) investment decisions. This shows that they have important bearings on various economic activities. In this respect, the new law only made a minor change, specifically replacing imprisonment with hard labour with imprisonment without hard labour. This makes no real change to the basic position of the restriction of labour rights for public service workers. It should be taken as an amendment made merely with the aim of removing obstacles to international business activities.

Could ‘necessary work’ still mean forced labour?

Meanwhile, the Penal Code is expected to be amended to institute a new penalty by abolishing imprisonment with hard labour in favour of imprisonment without hard labour. The new penalty is defined by the Legislative Council of the Ministry of Justice as one that ‘can make a prisoner to do necessary work or give necessary guidance’. The ILO Convention No. 105 prohibits forced labour for strikes or political activities, and it is concerning that the new penalty, which can still make a prisoner perform ‘necessary’ work, could be forced labour.

Conclusions

Still, it’s good to see Japan moving toward ratifying the Abolition of Forced Labour Convention. We expect that it will be ratified at the earliest possible time as the consensus of the Diet. We also urge the government to take the necessary step toward ratifying the ILO Convention No. 111 (Discrimination in Employment and Occupation), which will then be the only ILO core Convention not yet ratified by Japan.

Zenroren’s liaison council of public service workers and unions will continue to make efforts to help restore basic labour rights for public sector workers, and to improve their livelihoods as well as public services and education. It will do its utmost with friends across the country to advance the various demands by linking them with such national tasks of fighting against adverse constitutional revision and of strengthening measures to prevent disaster and infectious diseases.

For trade union rights in Japan, however, we remain concerned that major problems are still in place:

- Public servants still have no right to strike, and those who call a strike by public servants can still face the risk of dismissal, a fine, or imprisonment of up to three years
- public servants have no collective bargaining rights, and have no confidence in the independence of the body providing ‘compensatory guarantees’
- firefighters and prison officers have no freedom of association rights: there is a total ban on all trade union rights for these workers.

The reform is welcome but changes only the penalty from one of imprisonment *with* hard labour to imprisonment *without* hard labour



State-imposed forced labour: Outlining the situation in Central Asia

Turkmenistan, Uzbekistan and the Xinjiang Uyghur Autonomous Region are some of the biggest producers of cotton in the world

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With over 180 years of experience working to end slavery throughout the world, Anti-Slavery International outlines its view on forced labour in Central Asia and Xinjiang Uyghur Autonomous Region as it manifests today. Given the repressive nature of national governments in these countries, the presence of local and independent trade unions is virtually non-existent. With the unions' limited role to play, it is key for international and civil society organisations such as Anti-Slavery International to join forces in the fight against State-imposed forced labour.

Tackling State-imposed forced labour in the cotton industry

Turkmenistan, Uzbekistan and the Xinjiang Uyghur Autonomous Region (Uyghur Region) are some of the biggest producers of cotton in the world¹. To produce this cotton, the repressive governments of these territories have used, or continue to use, systems of forced labour on a massive scale. Cotton from these regions, inevitably tainted by human rights abuses, ends up in global supply chains and on the shelves of many high street shops worldwide.

For almost a decade, Anti-Slavery International has worked tirelessly to end forced labour in Turkmenistan's and Uzbekistan's cotton industries as part of the Cotton Campaign², a global coalition of human rights, labour, investor and business organisations and trade unions dedicated to eradicating child labour and forced labour in cotton production.

Uzbekistan, one of the ten largest cotton producers in the world, has implemented a series of reforms in recent years, and the use of forced labour in the cotton industry has been significantly reduced. But we still need further reform, particularly to allow trade unions and civil society to work freely in the country, to fully eliminate forced labour.

The Turkmenistan cotton harvest is also big business: the country is the world's 11th largest cotton producer and exporter. Turkmen cotton, tainted with forced labour, finds its way through global markets on to racks in shops across the world, for example through Turkey and Pakistan³.

Given the severity of the issue, two years ago, Anti-Slavery International extended its work to the Uyghur Region. In July 2020, Anti-Slavery

International co-founded the Coalition to End Forced Labour in the Uyghur Region⁴, a coalition of Uyghur rights, human rights and labour organisations, trade unions and investors. This Coalition is demanding that companies sever all ties to the Uyghur Region and suppliers implicated in Uyghur forced labour. This is the only way to make sure governments, businesses and consumers can be confident that they are not buying in to the grave human rights abuses inflicted on Uyghur people.

With China being the largest cotton producer in the world, and around 80 percent of the country's cotton being produced in the Uyghur Region, this means that almost one-fifth of global cotton production is at risk of being tainted with Uyghur forced labour. And forced labour isn't just a problem in the cotton industry: due to the lack of access to the Uyghur Region, and the scale of abuses, all products from farm to factory level in the Uyghur Region must be presumed to be at risk of having been made with forced labour. Uyghurs are also forcibly transferred into forced labour in factories in various industries across wider China.

Turkmenistan

Every year, the Turkmen government sends thousands of people from both the public and private sectors into the cotton fields, including some key workers such as teachers, doctors and nurses, forcing them to leave their daily jobs to harvest cotton for the State instead, or to pay money to hire pickers to replace them. The State imposes quotas on cotton picking, and those who fail to meet their quotas face harassment from the authorities, and risk losing their jobs. The work is strenuous and requires great physical effort. Working and living conditions in the fields are terrible, and the work often exposes cotton pickers to serious health risks. For example, during the 2020 cotton harvest in full Covid-19 pandemic, workers were taken to work in the cotton fields in overcrowded buses, without masks or basic hygiene⁵. Sometimes children are forced to go cotton-picking in their family units or to replace their parents.

In spite of global and persisting efforts by civil society organisations and international bodies, the Turkmen authorities continue to deny the use of forced labour in the country, even though there is

plenty of evidence documented by human rights activists – often at risk to activists’ lives – that proves the opposite.

Civil society and trade unions: Restrictions on freedom of association

The situation in Turkmenistan with regards to restrictions on freedom of association and assembly is appalling. There is only one unified trade union in the country, which sits under the umbrella of the State. Sectoral trade unions within the trade union centre, such as for agriculture are not independent of the Government and have not addressed this issue. Any attempts by workers to assemble outside the supervision of the State would be severely punished.

The government of Turkmenistan firmly restricts all fundamental rights and freedoms, not just freedoms of association, but more generally also expression and religion. Activists and independent journalists critical of the government face increased intimidation, harassment, physical attacks and imprisonment⁶. This means that many of the most prominent human rights defenders must work from exile. Anti-Slavery International’s partners Turkmen.news⁷ and the Turkmen Initiative for Human Rights, some of the only independent CSOs covering Turkmenistan, have been undertaking key work in exposing Turkmenistan’s forced labour in the cotton sector, among other pieces of work on human rights in the country, by working through local networks. This on-the-ground monitoring is extremely difficult, and puts monitors at great personal risk, meaning that organisations must work with utmost care to never disclose their networks.

Global supply chains: From Turkmenistan to the rest of the world

According to ICAC, Turkmenistan is the 12th largest cotton producer and exporter globally⁸. International cotton traders are present in the country, and they export not only raw cotton, but also finished products such as yarn, fabric and textiles. The prominent position of Turkmen cotton on the global market and the apparel and textiles production in the country pose a significant the risk of forced-labour cotton from Turkmenistan entering global supply chains. The special relationship between Turkey and Turkmenistan is of particular relevance as it leads to a higher prevalence of Turkmen cotton and cotton products in Turkey. Once in Turkey, textile products containing Turkmen cotton find their way through global markets and end up being sold in high street shops across the world⁹.

Despite widespread knowledge of these abuses, some textile traders and companies have been complicit in buying and selling Turkmen cotton¹⁰. Over 100 companies worldwide have pledged to not knowingly use cotton from Turkmenistan¹¹, however, it still ends up in global supply chains and finished products.

Along with the Cotton Campaign, Anti-Slavery International has been mobilising the cotton industry to make sure that no tainted cotton is in the goods we buy, and lobbying national governments and international bodies such as the European Union and the United Nations, to put pressure on the government of Turkmenistan to end this practice.

Uzbekistan

The situation in Turkmenistan differs from Uzbekistan, where there has been significant progress on the eradication of forced labour in the cotton sector over the past few years.

When our partner the Uzbek Forum¹² began monitoring Uzbekistan’s cotton harvest over 10 years ago, the Uzbek government was operating the world’s largest orchestration of State-sponsored child and forced labour.¹³ Millions of people would have to spend weeks or months of their lives every year working in Uzbekistan’s cotton fields, ‘resulting in the closures of schools, the inability of hospitals to function properly, the loss of economic productivity, and the fundamental freedom of people to make their own choices’¹⁴.

For more than a decade, the international community, including the Cotton Campaign, brands and international bodies such as the ILO, have been monitoring the situation and putting pressure on the Uzbek government to end this practice. Currently, there are more than 300 businesses that have signed the Cotton Pledge to not knowingly use Uzbek cotton¹⁵.

As a result of this pressure, in 2017 the Uzbek government under its new leadership, for the first time acknowledged that forced labour was present in the country and pledged to make changes. Since then, the Cotton Campaign has had constructive direct engagement with the government of Uzbekistan, where the government has expressed its political commitment to eliminate forced and child labour from the country’s cotton fields.

As a key milestone, in March 2020, the government abolished the State-set cotton quota¹⁶. In April 2020, the law changed and now forced and child labour is considered a crime. Repeat offences carry penalties of up to three years imprisonment or correctional work, while first offenses only carry administrative penalties. However, the Cotton Campaign has received no record of any criminal cases ever been brought.

In the 2020 harvest, for the first time, the Uzbek Forum did not document any cases of forced labour in some of the districts where monitoring was conducted. In spite of the on-going reform in Uzbekistan, key challenges remain to guarantee workers’ rights in the country.

Privatisation

In 2020, Uzbekistan stopped exporting raw cotton to complete the shift to value-added processing in

Given the repressive nature of national governments in these countries, the presence of local and independent trade unions is virtually non-existent

Anti-Slavery International co-founded a Coalition which is demanding that companies sever all ties to the Uyghur Region

the country. Since 2017, the government has rapidly privatised the cotton sector, with a view to expand the manufacturing sector and attract global brands and retailers¹⁷. Cotton textile clusters have been created, under which companies control all aspects of the textile value chain from cotton growing, harvesting, and ginning, through to production of value-added goods¹⁸.

This rapid transformation process was led by economic reforms to integrate the supply chain, with a focus on developing the business sector over empowering workers. To ensure that the reforms to end forced labour are irreversible and that cotton pickers, farmers, and workers live and work in dignity at all levels of production, there is an urgent need for the industry to adopt and implement strong labour standards.

Furthermore, new issues have emerged since the privatisation of the cotton industry began. Hundreds of thousands of hectares of farmland have been transferred from individual farmer leaseholders to cluster operators, leaving many farming families without work or access to land and in poverty.¹⁹

Civil society and trade unions: Country reforms to create an enabling environment

Cotton workers at a cotton cluster held the first independent trade union elections in March 2021, organising hundreds of workers to respond to low wages and the deterioration of working conditions. Union members faced harassment and interference, with some workers reportedly receiving threatening calls from officials at the local administration. Given the restrictive laws on registration, the union faced major challenges to register as an independent union and therefore affiliated with the Federation of Trade Unions of Uzbekistan, which is not independent²⁰.

Regarding the wider situation for civil society and trade unions, there is overall a weak enabling environment. Constraints on freedom of expression and association continue, with independent labour and human rights NGOs being unable to register in the country²¹, and with no independent trade unions, workers' or farmers' organisations.

Anti-Slavery International and our partners continue to urge the Uzbek government to introduce reforms to empower civil society and develop effective institutions that protect the basic freedoms that are essential for a vibrant, independent civil society: media freedom, freedom of expression, and freedom of association. Without freedom of association and the ability of workers and activists to report transparently and advocate for their own conditions, there is a real risk that the economic reforms in the cotton sector will create an environment prone to labour exploitation, similar to what we are witnessing in many of the other garment production countries in the world.

Civil society must be able to form independent trade unions and civil society groups that can operate, monitor and report on rights violations. It is essential for the government of Uzbekistan to partner and consult with local and international civil society groups and experts in order to sustain the progress that has been made to date.

Global supply chains: Opportunities for responsible sourcing

The integrated supply chain that Uzbekistan offers provides global brands and retailers with unprecedented opportunities for visibility and traceability of the cotton, from the field through to the finished product. However, as outlined above, absent independent trade unions and workers' and farmers' associations on the ground, the brands looking to source from Uzbekistan continue to face significant risks of forced labour and exploitative working conditions.

The Cotton Campaign - through consultations with labour and human rights organisations, the government of Uzbekistan, textile clusters, and global brands - has worked to develop a model for responsible sourcing that would offer buyers looking to source from Uzbekistan strong assurances that the products they buy are not tainted by forced labour.

Through this framework, producers that are not using forced labour would be able to access international markets, meeting the global brands' due diligence requirements. The Cotton Campaign framework for responsible sourcing has a strong labour component and is designed to help create an enabling environment for cotton pickers and workers to create organisations and independent unions following a democratic process.

At the time of writing, the Cotton Campaign is refining the framework and developing the parameters for a pilot programme.

Xinjiang Uyghur Autonomous Region of China

Not far away from these two Central Asian countries, the government of China is perpetrating mass human rights abuses against Uyghur and other Turkic and Muslim majority-peoples in the Uyghur Region in Western China, known to its local people as East Turkistan. These abuses include mass surveillance, arbitrary detention, rape, torture, political 're-education', forced sterilisations and forced labour. The Chinese government is targeting these native people of the Uyghur Region based on their ethnicity and religion.

An estimated 1 million to 1.8 million Uyghurs and other Turkic and Muslim people are held in mass arbitrary detention. Uyghurs are forced to work in the Uyghur Region and across China in factories that produce goods sold all over the world.

The Uyghur Region is also a global hub for cotton growing and manufacturing, producing cotton and cotton products produced with forced labour from field to factory.

In partnership with the Coalition to End Forced Labour in the Uyghur Region, Anti-Slavery International has been calling on leading brands and retailers to make sure that they stop supporting or benefiting from the pervasive and extensive forced labour of the Uyghur population and other Turkic and Muslim-majority peoples, perpetrated by the Chinese government. We put pressure on brands to exit the Uyghur Region at every level of their supply chain, from cotton to finished products, to prevent the use of forced labour of Uyghurs and other groups in other facilities, and to end relationships with suppliers that support the forced labour system. More than 385 organisations from 40 countries have endorsed our Call to Action²².

And it is not just cotton

Although the Coalition initially focused on the fashion industry, it became evident that Uyghur forced labour was not limited to fashion. Other sectors at risk include the solar industry²³, agriculture²⁴, electronics²⁵ and industries using paper pulp²⁶. The Coalition calls for all industries to make sure they are not profiting from Uyghur forced labour.

For example, research by Sheffield Hallam has provided clear evidence on the use of forced labour in the production of raw materials and other inputs for solar panels in the Uyghur Region, and how this is used in the global solar energy industry's supply chain²⁷. Overall, 90 Chinese and international solar energy companies – including from the UK, Germany, the US, Australia, Japan and Kenya – have supply chains that are linked to this forced labour.

The change we need to see

The exploitation of people in forced labour to produce the goods and services that we use daily, is not an inevitability. There are methods that can make sure that forced labour in global company supply chains comes to an end.

Anti-Slavery International and partners are urgently calling on the global business community, national governments and international institutions to take measures to put pressure on the Turkmen, Uzbek and Chinese governments to end State-imposed forced labour in these countries. Forced labour tainted products continue to permeate global supply chains, and we need collective action to ensure Turkmenistan, Uzbekistan and China create enabling environments for decent work and free and independent unionisation.

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The Coalition calls for all industries to make sure they are not profiting from Uyghur forced labour

Mass internment of minorities and 'coerced poverty reduction'

Allegations of forced labour, crimes against humanity, and even genocide are raised against China by a (Western) world incensed at mass incarceration of members of a minority group

In the West, there is outrage at the situation in China's Xinjiang province. China claims that it is engaged in an attempt to better integrate members of a community that has experienced an upsurge of religious radicalisation and a project to get people into work in a region blighted by unemployment and poverty. But its methods have come under intense scrutiny. Information has emerged showing that China has constructed a vast network of detention centres, within which members of the Uygher (and other minority groups) have been interned. It appears that minorities are being detained without charge and on no clear legal basis, with further allegations of forced assimilation of a minority group. China asserts that at least some of the detainees have been convicted of extremist activity amounting to criminal offences and it is quite upfront that convicted detainees are 'punished severely'¹. But it also acknowledges that many within the detention centres are not even suspected of having committed any offence. Concerns about detention and forced assimilation have escalated to include forced labour, crimes against humanity, and even genocide.

Detentions should 'halt'

The UN's pre-eminent minority rights body, the Committee for the Elimination of Racial Discrimination (CERD), has for some years been alarmed at reports coming out of Xinjiang. It has not been impressed by China's attempts at justification. In 2018 CERD issued a clear recommendation to 'halt' the detention of persons not convicted of any crime and to 'immediately release' those already in extralegal detention. CERD also called upon China to:

Provide the number of persons held against their will in all extralegal detention facilities in the Xinjiang Uighur Autonomous Region in the past five years, together with the duration of their detention, the grounds for detention, the humanitarian conditions in the centres, the content of any training or political curriculum and activities, the rights that detainees have to challenge the illegality of their detention or appeal the detention, and any measures taken to ensure that their families are promptly notified of their detention².

China appears to have ignored CERD's requests to halt detentions, and to free those detained without lawful charge, and has further failed to offer convincing answers to CERD's other questions, arguing obtusely that there are 'no extrajudicial detention facilities', insisting that the what the West refers to as 'camps' are 'education and training centres', claiming to be 'integrating preventative measures with a forceful response', but dodging the question of the numbers detained with a clumsy attempt at fudging the issue, 'The number of those taking part in education and training is dynamic, as people are continuously coming and going'³.

'Coerced Poverty Reduction' and Forced Labour

China has implemented a tough security regime in the Xinjiang region and no international teams have as yet been able to conduct proper investigations into the situation. The UN High Commissioner for Human Rights and UN Special Rapporteurs have been requesting approval for an official visit for some years, but China's response has been evasive, at best. It has offered to accept a 'friendly' visit but says that it will not accept a 'so-called "investigation" under the presumption of guilt'⁴. This stand-off has left us with a dearth of clear and objective information. But serious concerns have been raised that detention and conditions for detainees are violating human rights standards, and possibly to a very serious degree. There is also concern that detention centres are releasing former detainees into work 'placements' or 'training' that may constitute forced labour.

US military think-tanks were the first to amplify research initially produced by a theologian-anthropologist based at the Washington Victims of Communism Memorial Foundation. The Center for International and Strategic Studies (CSIS) reported that 'Xinjiang is undertaking a massive effort to move hundreds of thousands of its rural, ethnic minority population into manufacturing, particularly textiles and apparel' in a policy of 'Coerced "Poverty Reduction" for Rural Poor Minorities'⁵. In practice, however, CSIS has acknowledged that 'the prevalence of forced labor by detainees or ex-detainees is difficult to determine'⁶. Another defence body, the Australian Strategic Policy Institute (ASPI), has said

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that ‘In the name of providing “Xinjiang aid” and “poverty alleviation”, Chinese companies have set up thousands of factories across Xinjiang where they benefit from not only state subsidies but also cheap and docile sources of labour’. ASPI has reported that a three-month ‘apprenticeship’ for former detainees might be paid at ‘less than half the minimum wage’⁷.

More recently, corroboration for what is taking place came from 55 former detainees living in exile, who were interviewed by Amnesty International. Eleven of these interviewees said that they had been ‘transferred to different types of labour after their release from a camp’⁸. Three provided Amnesty with accounts of being sent to work in factories after being released from detention. The three were apparently ‘all ultimately able to leave those factories’⁹, but elements of coercion are involved, which are compounded by the high security measures in the region. Breaking down what this means with respect to ILO standards, Amnesty says that:

the treatment of some former detainees in Xinjiang is characterised by elements of forced labour which meet the definition of ILO Convention 29. There is a lack of voluntariness accompanied by a threat of detention for non-compliance.

In addition to this, Amnesty also reports that evidence was raised in some cases of:

*poor or abusive working conditions, including low pay, isolation, restrictions on movement, and intimidation and threats. In light of this evidence there is a need for an independent, impartial thorough investigation*¹⁰.

Signals to business

In September 2020, the US Department of Labor launched a webpage dedicated to compiling information related to State-sponsored forced labour in Xinjiang. That resource affirms the Department’s view that ‘It is estimated that 100,000 Uyghurs and other ethnic minority ex-detainees in China may be working in conditions of forced labor following detention in re-education camps’¹¹. Developing its position and calling on US-based companies to consider the risk that their production and supply chains may be linked to forced labour, the US Departments of State, Treasury, Commerce, and Homeland Security released an advisory for businesses with supply chains that link to China (including, but not limited to, Xinjiang).

This is a powerful signal to business, both of what the US expects of them and a warning of potential exposure to liability should forced labour be made out in respect of their operational supply chains. Firm messages have also come from China, putting businesses under pressure to essentially choose sides¹². The US State Department’s 2021 Trafficking in Persons Report is emphatic not only that forced labour is taking place but that it is ‘a central tactic

used for this repression’¹³. The Report also states that the regional production and construction corps ‘forces members of prison populations and local communities alike to work in hazardous mining, construction, manufacturing, food processing, and—for many thousands of Uyghur adults and children—cotton harvesting’. The Trafficking in Persons Report also asserts a darker element to what is taking place, asserting that ‘Detention in these camps is intended to erase ethnic and religious identities’¹⁴.

Allegations of genocide

The Newlines Institute (another US think-tank), took up the charge that what is taking place in Xinjiang constitutes genocide. The US and a number of Western governments subsequently adopted this position. But the genocide charge has been called into question by a pair of high profile Western academics, Professor Jeffrey Sachs (former adviser to three UN Secretaries-General) and Professor William Schabas (a former President of the International Association of Genocide Scholars), who questioned both the credibility and motivation behind some of the charges levelled. The pair accept that ‘There are credible charges of human rights abuses against Uyghurs’, but pointedly insist that there is a lack of evidence of genocide and say that ‘leading human rights organizations have refrained from using the term’. They have called for the State Department to retract the charge¹⁵. Their position appeared to echo advice from the State Department’s own Legal Advisor, which had earlier indicated that the situation in Xinjiang ‘amounts to crimes against humanity—but there was insufficient evidence to prove genocide’¹⁶. In April 2021 Human Rights Watch issued a highly charged report accusing China of ‘crimes against humanity’ with respect to the Xinjiang region, but also said that the organisation ‘has not documented the existence of the necessary genocidal intent at this time’ (neither had it found anything that ‘precluded’ that possibility)¹⁷. A report from Amnesty International was similarly damning and decries ‘mass internment, torture, and persecution’, but without using the term genocide¹⁸. There is a clearly a divergence between legal experts and human rights groups and some of the more political work on Xinjiang, but whether it is more relevant than splitting hairs is difficult to judge; even absent ‘genocide’ we are still left with ‘crimes against humanity’, which is a phrase supported by both Human Rights Watch and Amnesty.

China bluntly denies the claims and says that it is combatting extremist ideology and providing training and employment in a poor rural region

First-hand accounts from Xinjiang

The handful of individuals responsible for most of the primary analysis of the situation are alternately celebrated or derided by parties sympathetic or critical of the arguments they raise (seemingly all of the major Western human rights organisations are sympathetic). But the wrangling over that research is

Within the UN system the issue is hugely polarised between an outraged US-led group and countries siding with China who say the claims are ‘fake news’

a distraction from the more pertinent question of why more first-hand on-the-ground research has not been possible. China has the power to open up properly to international research teams and should have done so. It should not be able to deflect from criticism of its practices by preventing research from taking place.²⁰ But in Xinjiang there is considerable restriction of movement, curfews, and other authoritarian measures, such that independent observers have had difficulty gaining unfettered access. In late 2019 this prompted CSIS to acknowledge that ‘Almost no first-hand accounts are available from the Uyghurs, the largest group being detained’¹⁹. Some sources have referred to ‘thousands’ of testimonies though in 2021 Amnesty International observed that prior to its own research ‘fewer than 40 former detainees have ever spoken publicly’²⁰. This problem has been exacerbated by concerns over the veracity of some of the limited number of first-hand accounts that do exist. CSIS says that one local source told them that ‘everyone who is detained is sent to work after and then put under surveillance’, but CSIS accepts that this person’s evidence was ‘almost undoubtedly an exaggeration’²¹. The more recent interviews conducted by Amnesty International provide more corroboration than has previously been available, both with regard to the link between the detention centres and workplaces, and regarding conditions generally. The picture they paint is unreservedly grim.

Clumsy, but consistent, rebuttals

The Chinese government, Chinese State media, the All China Federation of Trade Unions (ACFTU), and a number of Chinese academics, have simply denied that forced labour or genocide are taking place – at all – and claim that the Western case is based on fake information. The ACFTU (widely regarded as highly integrated with the Chinese authorities) has said little concerning Xinjiang, but in a statement at the 2020 BRICS Trade Union Forum event ACFTU’s Vice Chairman Jiang Guangping was quite forthright:

I would also like to briefly clarify that, some countries and organizations try to make up so-call “Forced labor” lies in the Xinjiang Uygur Autonomous Region through forging fake facts and imagination. Yet the fact is, the workers of all ethnic groups in the regions, have enjoyed rights enshrined in and been protected by the Labour Law and Labor Contract Law in China. There is no so-call “Forced labor” issue at all. Unions urge such organizations to stop making up issues as such²².

There are reams of rebuttals from the Chinese government. Perhaps more interesting was an English language report produced by an academic from the Human Rights Institute at China’s Southwest University, aimed at an international audience, that has been referenced by a number of

China’s English language media outlets. But at just 23 pages, in quite a large font, it is a surprisingly insubstantial response, and fails to engage with the central concerns of minority persecution, detention without trial, and the supposed connection between detention centres and transfer to various forms of labour. What it does feature is a series of pictures of mechanical cotton picking equipment and interviews with farmers. The author insists that, ‘Today’s Southern Xinjiang has achieved large-scale mechanization of cotton production through high-standard farmland construction, land transfer and national agricultural machinery subsidies’ resulting in a decrease rather than an increase in demand for labour. Allegations of forced labour in Xinjiang cotton are described as ‘malicious’ and ‘illogical’²³.

What prospects for resolution?

The situation is complicated still further by China’s more recent claims to be in the process of disbanding the detention centres, which – like many aspects of this case – cannot be properly examined until China allows a UN team to investigate the region. Unfortunately the situation remains in politicised deadlock at the Human Rights Council, where the group of countries pushing for action against China is led by the US with mostly familiar NATO allies but where 69 countries sponsored a statement opposing ‘unfounded allegations against China out of political motivation and based on disinformation’. More useful insights may arise from the ILO’s Committee of Experts following submission to that body of an ITUC communication alleging violations of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). If the ILO were to involve itself in this matter it would also have a useful model to follow, specifically its recent history of monitoring and technical assistance regarding forced labour in cotton in neighbouring Uzbekistan. The ILO effectively mapped, raised awareness of, and largely resolved both child and forced labour problems²⁴. Unfortunately, there are no signs that the ILO or the UN will be able to visit the Xinjiang region to document the situation, and any resolution in the present case may be some way off.

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- 5 A. Lehr and M. Bechrakis, *Connecting the Dots in Xinjiang Forced Labor, Forced Assimilation, and Western Supply Chains*, CSIS (2019), at: <https://csis-website-prod.s3.amazonaws.com>

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- 14 *ibid.*
- 15 J. Sachs and W. Schabas, 'The Xinjiang Genocide Allegations Are Unjustified', *Project Syndicate* (20 April 2021), at: <https://www.project-syndicate.org/commentary/biden-should-withdraw-unjustified-xinjiang-genocide-allegation-by-jeffrey-d-sachs-and-william-schabas-2021-04>. Schabas, it might be noted, has long maintained a strict line on the formal definition of 'genocide' in law.
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- 17 *Break Their Lineage, Break Their Roots*, Human Rights Watch (2021), at: https://www.hrw.org/report/2021/04/19/break-their-lineage-break-their-roots/chinas-crimes-against-humanity-targeting#_ftn3
- 18 Other than in a footnote where it cites the title of a third party report
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- 23 S. Haiming, *Tainting Xinjiang Cotton cannot be Tolerated: The Research Report on Whether There Exists "forced labor" in Cotton Production in Xinjiang*, Human Rights Institute, Southwest University of Political Science and Law (2021), at: <https://hri.swupl.edu.cn/docs/2021-06/20210614192411348785.pdf>
- 24 2020 third-party monitoring of child labour and forced labour during the cotton harvest in Uzbekistan (ILO, 2021), at: https://www.ilo.org/washington/WCMS_767756/lang-en/index.htm

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reparations for slavery or the cost of combatting climate change are not similarly shifted onto the shoulders of working people¹¹. Let us not forget that many of the working people in the UK are themselves descendants of the enslaved labourers of the Caribbean.

The best way to organise a just system of reparations would be to propose a special, additional corporation tax to fund it, so that the descendent institutions of those who did not pay the enslaved workers their wages now be made to do so. Part of the demand for reparations, in addition to the unpaid wages that were denied to the enslaved, is that European and North American corporations fund the repair of the damage they have done to the ecology of the islands and reverse the fossil fuel driven economy that is causing global warming.

Organised labour in Britain has a common interest with workers in the Caribbean in using the campaign for reparations for slavery to fight the divisive racism in Europe and to right the wrongs of the past. This can form a constructive, internationalist basis for the campaign against climate change.

The argument for a just and fair economy goes hand in hand with saving the planet.

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- 2 John Bellamy Foster, Brett Clark and Hannah Holleman, 'Capitalism and Robbery: The Expropriation of Land, Labor, and Corporeal Life', *Monthly Review*, December 2019 (Volume 71, Number 7)
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- 5 Roxanne Dunbar-Ortiz, 'Not a Nation of Immigrants', *Monthly Review*, September 2021 (Volume 73, Number 4)
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- 7 Sven Beckert, *Empire of Cotton: A New History of Global Capitalism*, Penguin, 2014
- 8 Melvyn Bragg, 'In Our Time: The Lancashire Cotton Famine', *BBC Radio 4*, 14 May 2015
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- 10 Eric Williams, *Capitalism and Slavery*.
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Business and Human Rights: Treaty

At the close of the latest round of discussions towards a binding UN Treaty on Business and Human Rights, global unions have urged the US and EU as well as global business groups to demonstrate a stronger commitment to the process. The EU has been largely absent from the process, though several EU Member States have already adopted their own legal frameworks that implement similar principles (notably around 'due diligence') and the US has long been openly hostile to the process. Sharan Burrow, ITUC General Secretary, said, 'It's time that governments stopped shielding multinational companies from accountability for labour and human rights violations, including in their supply chains'. The ITUC noted that the US is keen to promote the idea of a weaker 'framework agreement' as an alternative to a binding treaty.

Climate: COP

The 26th Conference of the Parties ('COP 26') concluded on 13 November. Despite pandemic restrictions, there was a vocal and active trade union presence, including the International Trade Union Confederation (ITUC). Unions have backed core demands for protecting the climate and have insisted that a jobs-focused Just Transition policy is essential to achieving sustainable implementation of climate policy. Unfortunately there has been widely expressed concern that the final agreement 'lacks the ambition' needed to limit global warming to 1.5° C compared to pre-industrial levels as defined in the Paris Agreement. Governments did however express commitment to Just Transition through green growth and decent work in the move to net-zero emissions.

China: ITUC

Ahead of the 2022 Winter Olympics, due to be held in Beijing, the ITUC has issued a report denouncing what it describes as 'Rings of Oppression' in a country it says is 'ruled by an increasingly repressive party'. The sports of the Olympics have rules, says the ITUC, 'but the Chinese Communist Party has shown that it has little or no respect for international laws and standards'.

Covid-19 vaccines

Responding to global vaccine inequality the Council of Global Unions (CGU) has called for governments, 'in particular, the United Kingdom, Germany and Switzerland, along with the European Commission', to take all actions needed to make Covid-19 vaccines available for all, and to support the temporary and targeted 'TRIPS waiver' proposed by South Africa and India at the World Trade Organisation (WTO). The unions called for immediate equal and universal access to COVID-19 vaccines and wider health products and technologies. See: <https://www.ituc-csi.org/global-workers-call-for-vaccine-access>

ILO

The term of office of ILO Director General Guy Ryder is closing in September 2022 and a so-called 'Interactive Forum with candidates for the position of Director General of the ILO' is scheduled for January. A session of 'Formal hearings of the candidates for the position of Director General of the ILO' will take place before the election on 25 March.

India

The year long protest by farmers camped on the outskirts of Dehli has achieved its goal: on 19 November, Prime Minister Narendra Modi announced the repeal of laws set to liberalise the market for agricultural produce. The announcement has been welcomed by protestors and the unions that have supported their protest, but HMS trade union centre expressed caution that the move 'may be a stunt aimed at forthcoming assembly elections'. The INTUC trade union centre congratulated the farmers and said that 'the on-going historical struggle ... has taken the shape of a mass movement, with extended solidarity from trade unions, other like-minded organisations and the general public. This success is an inspiration for others'. The CITU trade union centre urged that 'agitation' should continue until the farm laws are actually repealed, along with Electricity Privatisation Act and the four Labour Codes. There should also be, argued CITU, a law to provide Minimum Support Price (MSP) to farmers.

ILO: Covid-19 and Collective Bargaining

A new report *Covid-19, Collective Bargaining and Social Dialogue* examines the impact of the COVID-19 pandemic on both the processes and outcomes of collective bargaining with employers and social dialogue more generally. The report is based upon the responses of more than 200 trade union officials who participated in an online global survey between March and May of 2021 to capture 'the insights of frontline union negotiators' who spoke at length with the report's authors about their experience. In three out of four regions, the frequency of negotiations was reduced 'though interestingly for Europe, this frequency increased'. The report considers the shift to 'screen-based' processes and disparities in access to IT infrastructure between countries, while noting that some had celebrated the absence of 'small talk' as a means to achieving more focused discussions.

A number of practical issues are considered in the report such as the need for legislation clarifying the rights of teleworkers; the need to review the ILO Home Work Convention, 1996 (No. 177) in the light of pandemic experience; the need for provision for migrant workers in times of pandemic and catastrophe and reexamination of the Migration for Employment Convention (Revised), 1949 (No. 97) and Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), which 'should be reviewed with a view to strengthening migrant workers' rights to income protection, secure accommodation and the possibility of training and education'. The report is **available from** www.ilo.org/actrav/pubs.

Indonesia

The Constitutional Court has ruled that the so-called Omnibus Law, which had a variety of de-regulatory impacts affecting the world of work, environmental protection and regulation, and workplace safety, had been adopted by an unconstitutional process. The Court suspended several Articles of the Law and required that the Government take action to implement reforms within a period of two years. Trade unions have adopted a variety of positions in relation to the law, mostly critical, but political

support for the Government has muted the extent of that criticism in some sectors of the labour movement.

Platform economy

Does it pay to work, asks a new report from the European Trade Union Institute looking into the question of unpaid labour in the platform economy. The platform economy is growing in size and importance, notes this report, and is impacting more and more aspects of the economy. The Covid-19 crisis 'has been an exacerbating factor in this'. While 'employers and some policymakers insist that platforms create jobs and new opportunities for workers', the ETUI report cites 'booming academic research in this area' demonstrating that pay and working time are unpredictable. The focus of this report however is specifically the additional challenge of unpaid labour by platform workers, citing such factors as waiting time, searching time (to locate delivery sites), travel to and from work, and in between jobs, compulsory breaks, times spent searching for jobs, and incentives to undertake unpaid projects to earn favour or positive reviews. The report is available from <https://www.etui.org/publications>

Qatar

The ILO and Government of Qatar have published a report on health and safety in Qatar, which the ILO says demonstrates 'a new level of openness and transparency in support of workers' rights'. The report welcomes the minimum wage; the end of the kafala system 'which abolished exit visas and gave 242,870 workers the freedom to change their job without their employer's permission between 1 October 2020 and 31 October 2021'; the work of Labour courts around non-payment of wages; standard employment contracts and pay slips for domestic workers; and the role of elected committees of workers at workplace level and a number of Joint Committees at the sectoral level.

The view of unions seems to be that progress in law has been made and that implementation in practice, especially by employers, is what is required. Commenting on the situation, ITUC General Secretary Sharan Burrow said, 'As workers continue to be recruited to work in Qatar, the use of illegal

recruitment fees will not be tolerated. Employers should be put on notice that those who deny workers the provisions of the law and charge illegal recruitment fees will be prosecuted. The cultural of impunity where employers won't acknowledge the new labour laws is coming to an end. Workers in Qatar have rights and protections in line with international standards and these are being upheld through the labour courts. Fear is being used to intimidate workers and discredit the labour laws negotiated with trade unions and the International Labour Organisation. The laws are in place, let's use them to uphold workers' rights and resolve grievances'.

US

The AFL-CIO Executive Council has celebrated the election of what it says is 'the most diverse team of officers ever to lead the AFL-CIO', with new President Liz Shuler as the first woman to hold the office in the union's history, alongside Fred Redmond, who is the first African American to hold the office of Secretary Treasurer, and Tefere Gebre remaining in place as Executive Vice President. The election of Shuler and Redmond comes after the unexpected death on 5 August of Richard Trumka, AFL-CIO president from 2009. The new board will serve until June 2022, when delegates to the AFL-CIO Convention in Philadelphia will elect leaders for new four-year terms.

US: Amazon

The Atlanta region National Labor Relations Board has ordered fresh elections following the controversial Amazon warehouse union certification ballot when the RWDSU (a section of the UFCW) failed to secure support in February. The Board accepted the RWDSU's appeal that the company 'gave a strong impression that it controlled the process' by arranging the installation of the ballot box, which gave a 'dangerous and improper message to employees' which 'destroys trust in the board's processes and in the credibility of the election results'. The site is one of very few Amazon operations in the US where union organising efforts have reached the election stage, and will influence future organising prospects at Amazon and in the sector generally whether successful or not.

In the first election the union secured support from only 738 of the 6000 workers employed at the site, despite the union pouring resources into the campaign. The RWDSU now faces an uphill battle to convince workers both that it is in their interests to support the election and that they can do so without fear of losing their jobs. Half of the workforce didn't cast a ballot either way in February, and it is this large group of potential supporters that the union will seek to win over during the build-up to the second election. Union-side organising strategists have been split in their assessment: Jane McAlevy criticised the campaign as poorly executed, writing in *The Nation* (9 April 2021), prompting a terse response from Professor John Logan who celebrated the RWDSU campaign's impact on the public mood nationwide, in a piece for the LAWCHA labour history association (23 April 2021).

UK: collective bargaining

In mid-2021 ICTUR Director Daniel Blackburn was asked by the Institute of Employment Rights (IER) and the firefighters' union FBU to investigate and to report upon threats against their long established bargaining system: Threats to collective bargaining in the Fire and Rescue Service: An analysis is at: <https://www.fbu.org.uk/publications/threats-collective-bargaining-fire-and-rescue-service>.

The IER and Unite the Union also asked Daniel to investigate an unfolding crisis in the road haulage sector and to recommend how a national sectoral council could be established in the sector, online at: <https://www.unitetheunion.org/campaigns/lorry-drivers-demand-respect/>



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Front cover: Protesters pull down a statue of Edward Colston during a Black Lives Matter protest rally in College Green, Bristol, in memory of George Floyd who was killed on May 25 while in police custody in the US city of Minneapolis