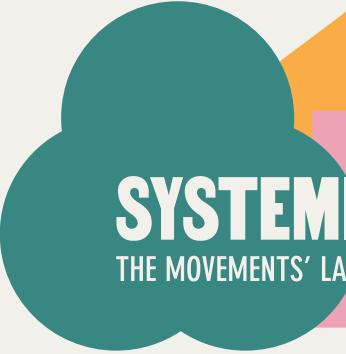


# REVISITING SYSTEMIC (IN)JUSTICES

COMMUNITY REFLECTIONS



SYSTEMIC JUSTICE,  
THE MOVEMENTS' LAW FIRM



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# WE ARE SYSTEMIC JUSTICE

We are the movements' law firm. We are the first Black-led, majority Black and people of colour organisation in Europe that works with community partners for racial, social, and economic justice through **strategic litigation** – that is, court cases that can help change law, policy or practice.

Our vision is of a society where organisations, movements, and collectives can – on their own terms – leverage the courts through **strategic litigation** and **community-led campaigns** for racial, social, and economic justice. We challenge oppression (racism, homophobia, ableism, sexism, xenophobia, transphobia) by confronting systems of domination, privilege, exclusion, and institutional violence. Our approach to justice is intersectional, meaning that we recognise how an individual's experience of inequality is defined by the complex history of discrimination and oppression that

attaches to each overlapping layer of their social or political identity and personal characteristics. We believe that justice means providing all individuals with an **equal opportunity** to enforce their rights, access remedies, and receive reparations for violations of their rights and to push for change before the courts.

## A note on language

This report reflects the views of people from marginalised communities and groups without judgement. Where we quote people, we present their words as they were expressed, even if those expressions differ from the terminology we would normally use. Where necessary, we have edited quotes for length.

**"We are here to open up space for communities, movements, and collectives to take power and use strategic litigation in their campaigns for change as 'the movements' law firm'; to support and galvanise broader campaigns to advance racial, social, and economic justice in the region by doing the legal legwork."**

NANI JANSEN REVENTLOW, FOUNDER OF SYSTEMIC JUSTICE

**We want to give people some strength to fight for their rights, but really fight, not only pretend that they are fighting. So, I suppose that would be our goal, and prepare them for the consequences, because of course, if you fight for your rights, you need to fight the consequences, and we just want to be sure that people will feel that they are never alone in this struggle.**

COMMUNITY ACTIVIST, POLICING AND ANTI-RACISM

# INTRODUCTION

This report is a follow-up to our first community consultation, *Surfacing systemic (in)justices: a community view*, published in 2022. Now, as it was then, Europe is in crisis. As one community activist put it, “things are on fire”.

Far-right movements continue to gain ground, unleashing a fresh tide of racist, homophobic, and misogynistic vitriol. Black, indigenous, and people of colour and LGBTQI+ people are among the most affected. People on the move and people from poor and working-class communities are also under attack, smeared as scroungers, squatters, or worse. Not only do racially, socially, and economically marginalised people have to deal with this systematic and often coordinated abuse, but they must also navigate a hostile environment where they’re routinely denied essential services, care, and support. At the same time, governments are increasingly using surveillance and other technology to target organisations, movements, and collectives (OMCs) who dare to support these communities – many of whom have been pushed to the fringes of society through restrictive policies and practices. In the face of these obstacles, OMCs and individuals themselves have responded with ingenuity, energy, and hope for a better future.

**Black, indigenous, and people of colour and LGBTQI+ people are among the most affected.**

This is the overwhelming picture that has emerged in our second report, *Revisiting systemic (in)justices: community reflections*. In it, we have returned to our community partners, to reflect further on the ways that

systemic injustices are experienced – and resisted – by racially, socially, and economically marginalised people. Their responses are critical to strengthening campaigning, advocacy, and legal strategies to secure systemic justice for all.

In 2022, we consulted extensively with communities to help us understand where best to prioritise our legal work. As a new organisation, we wanted to make sure our work would be directed by the lived experiences of the most marginalised communities. Their contributions showed that local and community OMCs with the fewest resources were tackling a broader range of complex issues than larger, better resourced organisations. They also revealed that the harms experienced by excluded communities were a consequence of flawed laws and policies. Despite this, very few OMCs in Europe had considered using the law to challenge these systemic harms. Recognising that there were no other resources that gave space to communities themselves to articulate their needs and the challenges they faced in this way, we decided to publish our findings in what became our first report.

In *Revisiting systemic (in)justices*, we have widened our lens to address some of the gaps and constraints in our first report. Here, we build on our previous findings by:

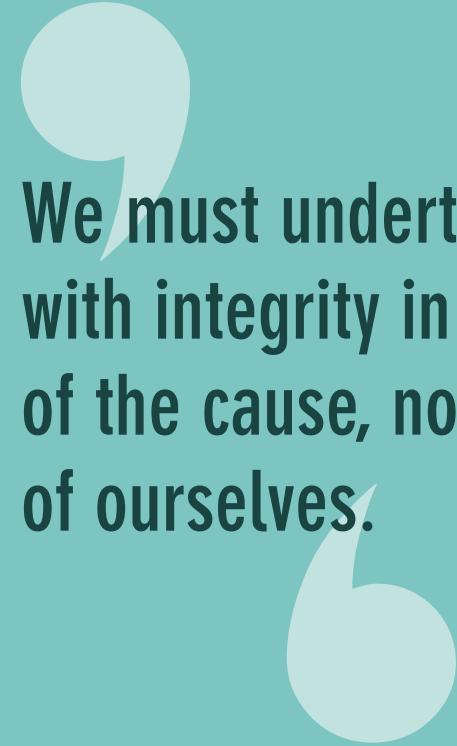
- extending our analysis of groups working on climate justice, access to justice, anti-racism, policing, social protection, and freedom of movement in Europe from 1,000 to nearly 3,000 OMCs from a broader range of countries;
- giving more space to the voices of activists and campaigners drawn from one-to-one research conversations with 40 representatives of OMCs on the harms they experience and the strategies they use to challenge them;
- exploring in detail how governments use artificial intelligence (AI) and other technologies against marginalised people, and how this links to systemic injustice.

We also wanted to further an understanding of the political, historical, and socio-economic factors that drive systemic injustices. We have captured this contextual information, along with detailed data, in a companion digital report launching soon.

**Revisiting systemic (in)justices** is the product of rich conversations with people who are working with few resources against huge odds to build a better world for all. We are grateful for the time and expertise they have so generously shared. In a research landscape that so often omits or ignores the voices of the people who are most affected by inequalities, the observations shared here are crucial to rendering a more accurate portrait of the injustices affecting marginalised communities across Europe. We hope that this report provides OMCs with a vital tool to progress their advocacy, campaigning, and legal efforts to secure justice, while highlighting collective opportunities for long-term change.

I thank you for being interested in what we are doing and making this research, because it's also very important for us that we know that we are not alone here in this far end of the world. But there are people outside in the civilised world who care. It's very empowering. So thank you so much.

—  
**COMMUNITY ORGANISER, ACCESS TO JUSTICE, SOCIAL PROTECTION**



We must undertake research with integrity in the advancement of the cause, not in advancement of ourselves.

**PATRICK WILLIAMS, HEAD OF RESEARCH, SYSTEMIC JUSTICE**

# A NOTE ON METHODOLOGY

## A NOTE ON METHODOLOGY

This report centres the voices and experiences of organisations, movements, and collectives (OMC) supporting racially, economically, and socially marginalised people in Europe. To do this effectively, we engaged in **research conversations** – a method that allows narratives of justice and resistance to rise to the surface and disrupt racist, sexist, homophobic, classist, and other harmful political narratives. All together, we spoke with 40 representatives from OMCs working across six thematic areas: climate justice, access to justice, policing, social protection, anti-racism, and free movement.

In researching this follow-up report, we were guided by the same principles we apply to all our work. Our approach is collaborative and therefore non-extractive. This means that we engage in open dialogue with the communities we serve, without plundering the experiences they share with us for our own gain. We are also firmly intersectional

in how we conduct and interpret research. We are therefore able to expose the ways racial, social, and economic injustices are systemic, and affect people differently based on the intersections of race, ethnicity, gender, religion, sexuality, language, nationality, class, disability, and age.

For this report, we selected OMCs for research conversations based on their location (to make sure we were regionally balanced), and the themes they were working on. Our aims were to: (i) identify opportunities for change, and (ii) guide legal strategies for action.

We also commissioned partners across Europe to map OMCs working directly with racially, socially, and economically marginalised individuals and communities. Mapping took place between July and September 2023, resulting in an additional 1,785 groups, bringing our database of OMCs to nearly 3,000.

Map of all organisations and where they are located (by country)

Zone 1 Zone 2 Zone 3 Zone 4 Zone 5 Zone 6 Zone 7



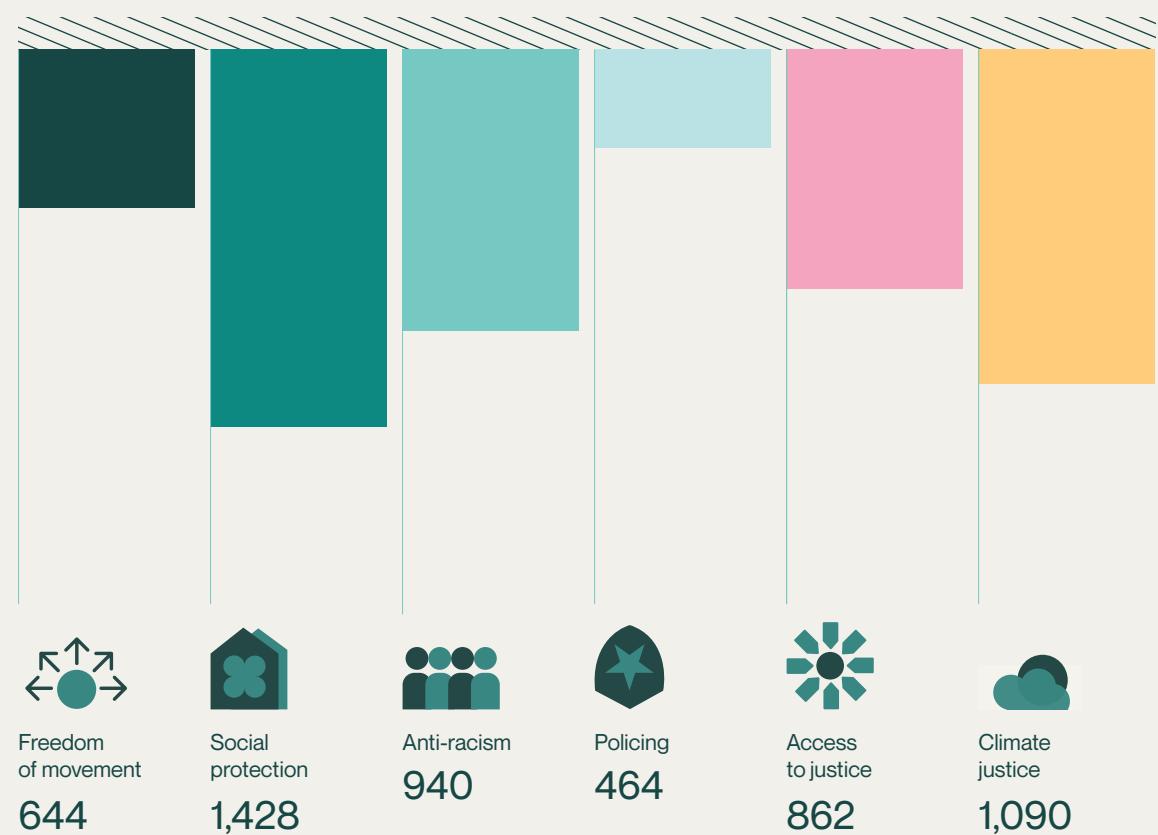
Number of OMCs consulted



**Mapping took place between July and September 2023, resulting in an additional 1,785 groups, bringing our database of OMCs to nearly 3,000.**

## Number of OMCs by thematic area

Freedom of movement Social protection Anti-racism Policing Access to justice Climate justice



## Goals, purpose and ambitions of OMCs (%)

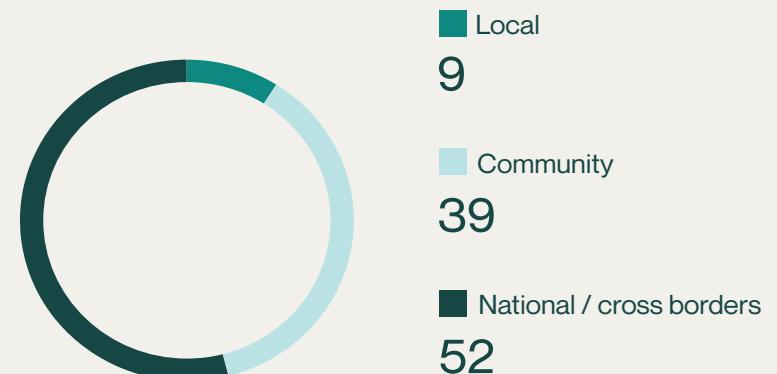


## Types of OMCs

OMCs are classified into four types based on their scope of work, size, and experiences of systemic injustice.

- 1. Hyper-local** typically, up to five employees; these individuals and groups have the most experience of harms and therefore the most expertise in these systemic injustices, but the least resources to tackle them.
- 2. Community** typically, six to twenty employees; these groups have a good understanding of systemic injustices as they, too, experience harms, although to a lesser extent than hyper-local groups. They have few resources to tackle the systemic injustices their communities face.
- 3. National** typically, 21 to 50 employees; these groups have distant experience of the harms experienced by individuals. Although they have more resources, they have less influence over community activism and campaigning. However, their national reputation means they can influence policies to support campaigns.
- 4. International / cross borders** typically, 50 employees and up; these are mainstream, large NGOs. With little direct experience of the harms associated with systemic injustices, their strength lies in research, advocacy, and policy development. They have influence in international spaces and tackle multiple themes.

## Types of OMCs (%)



The laws, the laws, because very often, especially during all these years, we had a lot of laws, very racist against migrants. Because the politics here in Italy, has done a real propaganda against migrants. Of course, migrants are not the problem of Italy. But... if you point [out] somebody that is less strong, people will start fighting them.



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**COMMUNITY ORGANISER AND ANTI-RACISM ACTIVIST  
FOR LABOUR RIGHTS, ITALY**

## **KEY FINDINGS**

**LOCAL AND COMMUNITY OMCS  
STILL DOING MUCH MORE**

**GOVERNMENTS ARE SELLING  
THE LIE OF SCARCITY**

**THE PROMISE AND SEDUCTION  
OF TECHNOLOGY**

Research conversations with organisations, movements and collectives (OMC) revealed

## **FOUR MAIN FINDINGS**

which provide OMCS and Systemic Justice with opportunities for action and change. The challenges they describe are a result of government policies and practices deployed in response to problems that are increasingly – and dangerously – designed for populist appeal. What is evident from these conversations is an overriding tendency to scapegoat **already marginalised people** for the so-called scarcity crisis engulfing Europe. But as we will see below, this idea of scarcity is just another narrative used by politicians to deny accountability while fuelling negative attitudes and practices that **further exclude racially, socially, and economically marginalised people**.

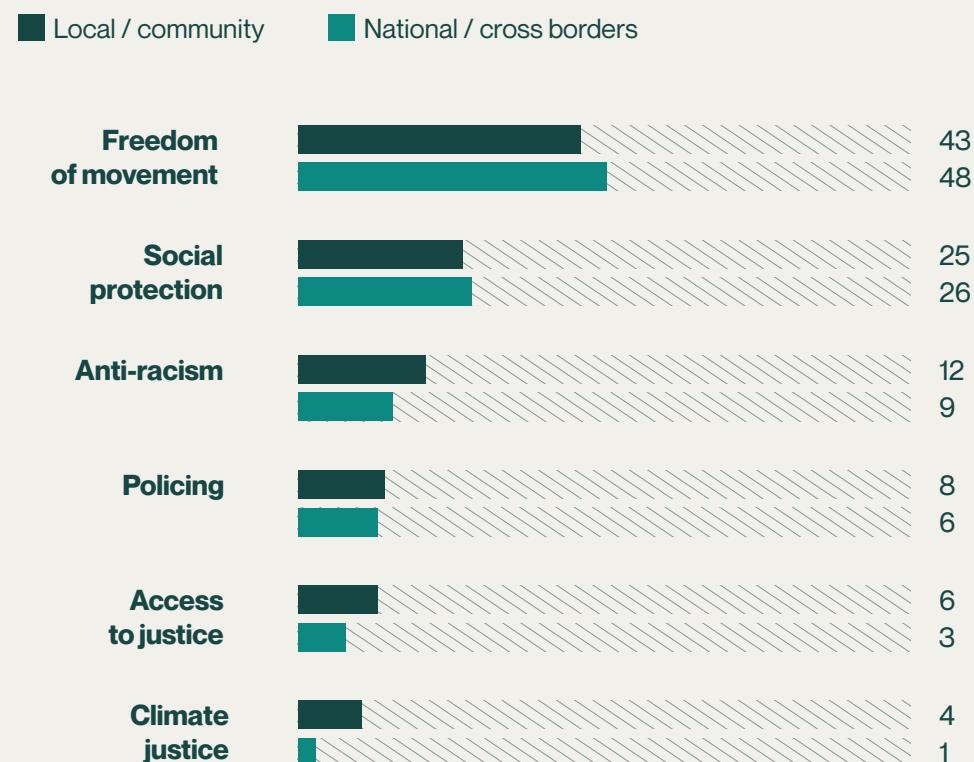
**BUILDING KNOWLEDGE AND POWER  
USING THE LAW  
TO SECURE SYSTEMIC JUSTICE**

## 1. LOCAL AND COMMUNITY OMCs STILL DOING MUCH MORE

Compared to larger, more formal organisations, we found that local and community OMCs were tackling a wider and more complex range of problems faced by community members. While there were more OMCs campaigning for climate justice, social protection, and access to justice, there were significantly fewer OMCs grappling with the harms caused by policing, racism, and restrictions on free movement. This is not surprising given the current political context including increasing police attention and surveillance of community activists working across these areas.

Groups challenging police violence and racism, and those supporting people on the move, are increasingly harassed, smeared, or pursued through the courts because they dare to demand justice. This hostile environment has made campaigning on these issues a dangerous prospect, with the threat of being labelled a criminal a significant reality. These three thematic areas (policing, anti-racism, people on the move) converge in the state's brutal response. That response is a system of oppression in which racist government policies and practices are enforced by the police.

**Number of thematic areas being addressed by OMC type(%)**



## 2. GOVERNMENTS ARE SELLING THE LIE OF SCARCITY

That there are so many OMCs resisting injustices (many of whom were mapped for this report) in itself shows that racially, socially, and economically marginalised people across Europe continue to experience high levels of injustice. Those injustices are bolstered by an overarching, harmful story: the lie of scarcity. Governments routinely claim that there isn't enough to go around, and use this to justify discriminatory and restrictive practices.

This powerful political narrative of scarcity underpins policies that deliberately deny and exclude groups and communities who are labelled as threatening "our way of life", are "a drain on resources", are "entering countries illegally", and pose a "threat to national security". Such groups are therefore stripped of social protections, like healthcare, refused their right to freedom of movement, and end up criminalised through racist policing.

Those who resist are banished from their homes. Ironically, the scarcity lie compels governments and corporations to seek more resources through mining and other harmful extractive practices. These disproportionately affect Black, indigenous, and people of colour communities, destroying their land and forcing them to flee to new countries. The scarcity lie props up capitalism, which itself is founded on Europe's racist colonial and imperialist roots.

**Governments routinely claim that there isn't enough to go around, and use this to justify discriminatory and restrictive practices**

### 3. THE PROMISE AND SEDUCTION OF TECHNOLOGY

Linked to the above, artificial intelligence (AI) and other technologies are adopted to reinforce the exclusion of marginalised people. It serves increasingly populist demands to monitor, surveil and contain those whom politicians and the media declare to be a threat to Europe.

Tech is often framed as an efficient solution to the “problem” of migration, crime, or whatever social ills politicians blame on marginalised people. Tech companies will seduce governments with

Predictive and pre-emptive technologies worsen systemic injustices for marginalised people by:

- ▶ identifying and digitally excluding racially, socially, and economically marginalised groups and communities;
- ▶ raising an internal and external digital border;
- ▶ concealing and therefore denying the harms wrought by systemic injustices; and
- ▶ controlling and undermining protests, resistance, and community activism.

At the same time, the tech industry – which is dominated by tech-savvy digital rights, civil society organisations – is failing to include in their proposed strategies and solutions the very people who are being targeted by tech – being overly concerned with the “hardware” of technologies rather than the violent consequence of tech-solutionism.

this promise, and governments, in turn, will do the same with the public. But AI and tech are often a mirage, behind which politicians worsen harms against racially, socially, and economically marginalised people. This is because technology is not neutral and serves to reproduce and reinforce systems of oppression – whether that is, say, technology used to predict crime hotspots, or surveillance tech deployed against people on the move to pre-empt crime.

### 4. BUILDING KNOWLEDGE AND POWER: USING THE LAW TO SECURE SYSTEMIC JUSTICE

Similar to what we found in our 2022 report, OMCs remain reluctant to pursue justice through the courts. Just over one in ten OMCs use the law to tackle systemic injustices. There is a clear relationship between the tech-enabled causes of injustices, harmful narratives, and the construction of racially, socially, and economically marginalised people as problems to be resolved. As such, it is vital that we as a collective disrupt the political sleight of hand used to legitimise harm.

At the same time, OMCs rightly perceive the harms they experience as a consequence of the law. We therefore need to build knowledge and understanding of the power of the courts, so they can be used alongside more familiar methods such as advocacy and campaigning to bring about systemic justice for racially, socially, and economically marginalised people.

**“There is lack of willingness to bring change, to create diverse spaces for everyone. There is white supremacy that the white people... think that they are better than everyone. So, this also is part of the problem. And there is poverty... There is a lack of love of diversity.”**

CLIMATE JUSTICE ACTIVIST

# CONTEXT: COLONIAL PAST AND PRESENT

T

he experiences of oppression and discrimination that organisations, movements, and collectives (OMC) shared with us have not occurred in a vacuum. They are the result of harmful policies created by governments, corporations, and NGOs – policies that are founded on a legacy of imperialism and colonialism. This complex history is one of domination, subjugation, and imposed inferiority, with the powerful seeking to maintain the status quo to preserve a racist, capitalist system.

To understand the systemic harms raised by OMCs, we need to keep in mind the historical context from which they emerged. We also need to acknowledge that those in power use the law

to maintain the structures that harm racially, socially, and economically marginalised people, and that the law is routinely used against them.

Added to this are the narratives used to smear and dehumanise marginalised people – something we found consistently across all the countries we looked at for this report. Despite the many geographic, economic, and cultural variations across the European countries we analysed, the political narratives used against marginalised communities were similar. To determine how policies harm, we must listen to and learn from the people who have direct experience of these abuses. We turn to these conversations below.



**THE LAW IS ROUTINELY  
USED AGAINST THEM**

There were a lot of challenges to making sure that the most affected people would be on the front lines of the protest. Not to speak of the really problematic racist and sexual exoticisation that we experienced. Very problematic. Not just from other movement actors that were in the space, but also from security, police, all of that.



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CLIMATE JUSTICE AND INDIGENOUS ACTIVIST

CONVERSATIONS 1

RESISTING  
SYSTEMIC  
INJUSTICES

## CONVERSATIONS 1: RESISTING SYSTEMIC INJUSTICES

In total, **40 community organisers, campaigners, and activists from 19 countries** agreed to speak to us about the challenges they face and the harms they experience. We have organised these conversations into the themes of: climate justice, access to justice, policing, social protection, anti-racism,

and free movement. We then analyse how technology may be contributing to these harms in **Conversations 2**.

From “green colonialism” to Islamophobia, tech surveillance to water scarcity, Sápmi rights to “migrant” pushbacks, the conversations gave rise to a broad range of concerns.

### Areas of concern



### Countries represented



Albania	▶	Netherlands
Azerbaijan	▶	Norway
Denmark	▶	Poland
Finland	▶	Romania
France	▶	Spain
Germany	▶	Türkiye
Georgia	▶	UK
Greece	▶	Ukraine
Italy	▶	

Discussions were rich in insights and are a testament to the commitment, care, and support of local and community organisations, movements and communities (OMC). These groups give of themselves in **love and solidarity** with the communities they serve. Sadly, space does not allow for us to present all that was said. Instead, we focus on key points that were common to all OMCs, regardless of their political, cultural, and national differences. Reflections on racial, social,

and economic injustices are painful, but the people we spoke with emphasised their hope and determination in creating a more just world. There were moments of laughter, too – a recognition that “**suffering and injustice is not our destiny**” and that collective action can and will yield systemic change. Below we give space to the voices of individuals we spoke with, so that they can share their experiences in their own words and on their own terms.

OK we need to protect the polar bears. We need to protect the tigers. Yes, obviously we don't want them to become extinct. But if that means that you're displacing indigenous people who are 5% of the global population and are actually taking care of 80-85% of biodiversity, then there's a mismatch.

CLIMATE JUSTICE ACTIVIST

## CLIMATE JUSTICE: CONFRONTING EXCLUSION, GREEN COLONIALISM AND THE “RIGHT TO POLLUTE”

As in our previous report, OMCs reported that racially, socially, and economically marginalised people are often forced to live in polluted areas (described recently by the UN as “sacrifice zones”). They classed this as a significant problem, severely affecting the health and quality of life of marginalised groups.

Linked to this, OMCs observed that because the mainstream green movement in Europe is essentially white-led, the racial dimensions of climate injustice tend to be overlooked or actively ignored. As two activists put it:

“I think they [mainstream environmental movement] always excluded the experiences and the realities of people who were colonised, who were racialised. It just wasn’t a movement that was welcoming to the needs of racialised people, of poor working class, of people with disabilities. So that’s why I think it’s predominantly this very homogeneous group, where this lack of perspective of social justice is. You need social justice to achieve climate justice.”

*Climate justice activist*

OMCs we spoke to highlight the structural drivers of climate injustice, which are a formidable barrier to their activism. For Sámi groups and organisers, it’s impossible to separate the displacement and systematic destruction of their way of life from the legacy of colonialism and the presence of colonial settlers. The result is what’s known as “green

colonialism” – where the solutions to climate change imposed on Black, indigenous, and people of colour communities (BIPOC) groups actively undermine their cultural practices.

When solutions to climate change harm the cultural practices or way of life of BIPOC groups.

# GREEN COLONIALISM

WHEN SOLUTIONS TO CLIMATE CHANGE HARM THE CULTURAL PRACTICES OR WAY OF LIFE OF BIPOC GROUPS.

For example, Nordic governments are pushing for more wind farms as a green energy solution. These farms are located on land inhabited by Sámi people to herd reindeer, disrupting their traditional practices. But, says one of the activists we spoke with, when such concerns are raised the mainstream environmental movement dismisses them as “some new struggle or something like that”. He continues: “I mean

of course it's a Sámi issue... but that is because it's an issue that is created by you, being part of this colonial society.”

Climate injustice was a concern for OMCs beyond northern and north-western Europe. For example, an ecofeminist collective raised the issue of water shortages in Azerbaijan:

“Most of the impacts were in the water area, the land grabbing. Because the country, like most of the former socialist countries, is going through this privatisation, marketisation which includes land grabbing, deforestation, and water grabbing.”

“A lot of men, because of this water scarcity, migrated to Russia. The women have to stay and deal with this scarcity. So... they have to make sure they have enough water to harvest. They have to have enough water for the kids, which is becoming more challenging, because the whole Caucasus region is experiencing freshwater issues right now.”

“They realise that they cannot keep working like this on their land. They sell their land and they become a daily wage worker. So, they start working for big corporations. So, eventually, water scarcity leads to more land grabbing.”

She went on to note how deforestation has affected women's income:

“What the [water] scarcity and land grabbing and the frustrations or what does it mean if women were collecting fruits and selling jam, and now because of deforestation, there are no fruits, and so what they do, how it changes their lifestyle.”

When it comes to solutions, she felt that speaking to the people who really know what it's like to experience the effects of climate injustice is a first and vital step:

“So, there are certain things that you can do as a country and then it's all about acknowledging what is important now, how you kind of create an inclusive space for listening to the people, because these people are living here, they're experiencing this scarcity, they're experiencing the impact on their livelihoods and no one listens to them, like literally no one talks to them.”

Despite a global understanding that mining and other extractive industries cause major environmental damage, European governments still greenlight private corporations and multinationals to carry on polluting by granting licences to drill for oil, establish wind farms on indigenous lands, dam rivers, and more. In granting these entities the “right to pollute”, capitalism trumps climate justice concerns. As these reflections show,

it is BIPOC groups and communities who are particularly hard hit. It is therefore even more urgent that their voices are heard, and that the green movement welcomes a more diverse membership. One of the climate justice activists summarised it best, explaining that we need to build a coalition of activists, movements, and collectives from the Roma movements, and bringing in experience of the power structures that are behind racism.”

-  Use the law to ensure private corporations comply with legal rulings that further climate justice.
-  Centre the voices of BIPOC groups and communities within the climate justice field. This will help subvert the domination of mainstream movements that violently silence the voices, experiences, and concerns of BIPOC people.
-  Legally challenge extractivist policies and the “right to pollute”, which reproduces climate injustice for racially, socially, and economically marginalised communities.
-  Make challenging green colonialism a central plank in the campaign for climate justice. Green colonialism displaces and significantly disrupts traditional ways of life for indigenous groups, Black people, and other people of colour.

**“The repression targeted groups that the authorities specified as their enemies. Human rights defenders, opposition politicians, the media, trade unions, and so on. But quite soon they arrested most of them and forced the remaining activists to leave the country, and there were no more targets.”**

**PRO-DEMOCRACY ACTIVIST AND CAMPAIGNER**

### ACCESS TO JUSTICE: COUNTERING ATTEMPTS TO BRAND ACTIVISTS AS ENEMIES WITHIN

The political and economic crises sweeping Europe have exposed how governments scapegoat vulnerable groups to dodge accountability. It is those who are already enduring intolerable circumstances that governments define as threats to national security or to society in general. Below,

 “Since the last two years they tried to connect humanitarian workers with human traffickers... And we now have around 10 people with charges about organising illegal border crossings and one of them is also charged as the head of an organised crime group.”

 *Lawyer, community and human rights activist, frontline defender*

The shift from humanitarian worker to “head of an organised crime group” noted above symbolises the ways that governments weaponise the law against those who support victims of state violence. Thus, anyone organising against state oppression can suddenly be labelled a domestic terrorist, as highlighted by a pro-democracy activist and campaigner. They explained how use of the death penalty was expanded to cover **“controversial cases and charges, including extremism, so-called terrorism, which is not terrorism in reality.”** Although Belarus has not yet used the death penalty in these situations, this activist noted: **“It’s rather a tool of intimidation and deterrence. But people can be executed.”**

we acknowledge the sinister and cynical strategies that governments use against those who bravely resist, campaign, or organise against systemic injustices – and who end up being constructed as enemies who need to be watched, regulated, and controlled.

The extension of legal powers in Belarus resulted in the conviction and imprisonment of 1,500 campaigners and activists following protests against the country’s authoritarian regime. As a result, many left the country, vowing to continue their campaigns from abroad.

The right to protest is similarly undermined by laws in the United Kingdom, such as the Police, Crime, Sentencing and Courts Act. This trend is also evident in Poland, where two new sinister laws, the Police and Surveillance Act and the Anti-Terrorism Act, are being used against activists helping refugees and asylum seekers, who

are increasingly accused of “illegal border crossings”. The threat of criminalisation has had a profound effect on OMCs’ ability to campaign and protest:

“It leads to that classic chilling effect... When states restrict and surveil protesters it means that people are less likely to engage politically or less able to engage politically. And that achieves the exact aims that those states want.”

*‘Organiser against immigration detention and deportation, policing*

Concerns for personal safety are also affecting the way OMCs campaign. For some, street activism is too risky, so that alternatives, like producing documentary films or giving legal advice, become preferable options:

“Street activists in Baku, they actually go outside... they protect women who are affected by domestic violence. So, they’re doing this hard job and they’re usually getting arrested, beaten by police. We were not. I mean, I join protests, but as a collective, we don’t define ourselves as street activists.

“We are trying to find ways to continue safely... for us, but also for the communities that we work with.” Eco-feminist campaigner

The threat of criminalisation is a constant stress, with many having to make contingency plans for what they see as the inevitable. “[Something I’m always preparing for is like, when am I gonna get called in for questioning?](#)” says one freedom of movement activist “[Yeah, it’s a constant risk that I have protocols for and plan for.](#)”

The use of tech also emerged as a tool used by governments to identify those who support marginalised groups and communities, and target them using spurious laws.

“We’re aware of 450 people arrested in just one month. And like most of them were arrested because of something they did online. They either liked a message or shared something with their family members, for example, or they were subscribed to a Telegram channel that was earlier designated as extremist.

*‘Pro-democracy activist and campaigner*

## PATHWAYS TO JUSTICE

- Work with legal practitioners to build awareness and legal strategies that counter harmful narratives used to criminalise and convict community activists and organisers.
- Support campaigns to abolish the death penalty, particularly its use to stifle protest.
- Develop legal strategies to release from prison humanitarian workers who defend people on the move.
- Back campaigns that protect the reproductive rights of women and girls.
- Challenge the emergence of anti-protest laws across Europe.

**“Policing ultimately is the reason why [our] organisation exists. If it didn’t exist... We wouldn’t need to monitor police behaviour. We wouldn’t need to intervene in and on street level. We wouldn’t need to get legal support for people who were being harmed by the police and that then, like, if you scratch the surface of policing, it comes down to neoliberalism, white supremacy, colonialism, the historic roots of it as an institution.”**

## ANTI-RACISM, ANTI-POLICING

## POLICING: CHALLENGING RACIST STEREOTYPES THAT FUEL VIOLENT LAW ENFORCEMENT

Conversations mentioned policing in all thematic areas. The actions of the police and law enforcement agencies are symbolic of the harms caused by government bodies. Therefore, we must consider the police in a broader sense – as a regulating tool responsible for monitoring, surveillance, and other abuses of racially, socially, and economically marginalised people. And while OMCs described many experiences of racial profiling and over-policing, they also talked about the problems of under-policing and under-protection.

OMCs' experiences ranged from: installing police at counter protests and other street activism, to police failing to protect protesters from far-right attacks. Echoing the findings of our first report, there was again a woeful lack of protection and enforcement of the law for religious and racially minoritised people who systemically experience hate crimes. Roma, Traveller, and Muslim communities across Europe were particularly vulnerable.

Other OMCs made serious allegations of police being complicit in the economic and sexual exploitation of women and girls, and again the lack of protection and support for women who experience domestic violence. OMCs are not advocating for more policing below. Rather, they're illustrating how different forms of policing are intrinsically linked to laws that drive injustice.

The history of police violence, brutality, and

murder of Black people cuts across Europe (Belgium, France, Ireland, the Netherlands, and the United Kingdom are particular hotspots). OMCs highlighted police and law enforcement as key perpetrators of racism. This was manifested, for example, through disproportionate levels of racial profiling across Europe, as documented by the Fundamental Rights Agency as well as by racially, socially, and economically marginalised groups and communities.

Interviewees had an expert understanding of the many ways that police inflicted harm on marginalised communities – and the need to expose and challenge those harms. They were able to name people who were killed by the police and other law enforcement agents, which they defined as "institutional killings". The disproportionate representation of racially excluded people among Europe's prison populations also points to both current and historical racism, which is rooted in the collective memory of European countries:

**"We are Black people, African and Afro descendants in Spain. The biggest real problem is... the democratic memory, the past, the colonial past that we have here in Spain, and in Europe in general, because it is the actualisation of racism, you know?"**

*Anti-racism and community activist*

This collective memory is suffused with powerful racist stereotypes that stigmatise and exclude. Conversations with OMCs highlighted that such stereotypes are quickly and easily reproduced:

**"I think one of the main problems is the prevalence of these stereotypes. So, you find very crude stereotypes against Roma. They are thieves. They don't want to work. They cheat or steal, and you cannot trust them."**

**"When you see the reality of the data, you will see how stereotypes about the Roma are not true. But it's like very rooted and stable through time... through countries. And sometimes it reminds me of the Jewish stereotypes, you know, you hear the same stereotypes again in many countries, some of them are similar."**

**Community organiser, Roma rights, anti-gypsyism**

Stereotypes are used to justify police targeting, surveillance, and regulation of those who are constructed as outsiders. Calls for more police presence in areas where marginalised people live occur on the back of discriminatory tropes, and place communities under intolerable scrutiny:

**"You know, arguing for more police presence in these areas, literally rethinking the entire estate for police to have access to different roads within them. So, the whole area is now being rethought and opened up, but not opening up necessarily to the public, but opening up for police to kind of navigate."**

**Community organiser, Islamophobia and social protection**

These stereotypes also lead to the hate that drives racist violence and institutional killings.

**“You will still see hate crimes across Europe, against Roma in Hungary, Slovakia, Czech Republic, Romania, and here in Spain. We now have cases before the court. So, murders or arson attacks or violence are still taking place in many countries. So, for me, all these things are the manifestation, the consequences of this historical discrimination.”**

 *Community organiser, Roma rights, anti-gypsyism*

For many, the 2020 murder of George Floyd by police served as a pivotal moment, a reckoning for OMCs that made it easier for

them to talk more openly about structural racism and be heard:

**“I feel like 2020 was when it all connected, a perfect alignment to give us the narrative to be told. People don’t know all of the people that have been killed in this country. The young people we were supporting could be any of those because they experienced... that violence of policing.”**

 *Community organiser, anti-racism and policing*

It is essential that policy makers and law reformers recognise the historical and contemporary contexts that enable racism to be manipulated for political ends and used as a device to police crises. Further research is needed to support and validate community campaigners' experiences

of racism. It is also imperative that racially, socially, and economically marginalised people are able to hold the police and others accountable for the violence that accompanies racism. As this anti-racism activist in Spain says:

**“I mean, we know that the law is not exactly our solution, but sometimes the law can help us to point out the racism or the mistakes that they are doing against our community. Because we cannot be outside the law.”**

## PATHWAYS TO JUSTICE

-  Legally challenge the use of racial profiling and hyper-criminalisation of racially minoritised people and communities across Europe.
-  Build legal accountability of police and law enforcement for the institutional killings of BIPOC individuals.
-  Challenge the under-enforcement of hate-crime legislation as experienced by Roma groups and communities.
-  Prosecute ministries of justice for continuing racial discrimination that is entrenched within justice systems across Europe.

**“I managed to survive without waiting for the government to include me in the society. I managed to do a lot of things on my own... It is very difficult, but I try to find my way.”**

**COMMUNITY ORGANISER, SOCIAL PROTECTION AND ANTI-RACISM**

## SOCIAL PROTECTION: SEEKING SAFETY, FAIRNESS, AND INCLUSION

Those who fall outside Europe's protective safety nets and social security systems offer crucial insights into where these injustices need to be challenged most. People on the move, who frequently have no formal documentation, are denied the very protection they seek. Treated as non-citizens, say interviewees, they are deliberately excluded through racist laws and practices. Ultimately, they are considered non-entities.

**“There is no recognition of blackness in this country,”** says an anti-racism and community activist in Spain. **“Because we**

**“One of the main problems is immigration law. This is the main way racism is expressed here. Because the law is not the same thing if you come from America-Latino, and if you come from Africa. This is the first expression of institutional racism.**

**“These people are five years living here. He has no documents. He cannot go to school. He cannot bring his sons to the school. He cannot open a bank account. He cannot rent a flat. He cannot do anything. So, what we’re going to do is to show you the problem is the law, not the people.”**

**● Anti-racism and community activist**

are not considered as a political subject in this country, in Europe, and if you are not considered a political subject, then you are nothing.”

A labour rights activist and scholar in Italy adds: **“Ultimately, migrants don’t vote so they are not a political concern.”**

While stories of exclusion were expressed through personal experiences of racism and discrimination, interviewees were clear that these were institutional in nature, and legal in origin:

Issues around exclusion are magnified for women. In Italy:

“For many years and all of this time, if you don’t have a residence permit, it’s very difficult to have all [your] rights, like the house or job contract, a lot of time if you are a woman. We had a woman who struggled for recognition of the baby when they were born, because they didn’t have residence permit.”

**● Community activist for social protection and labour rights**

Migration flows are therefore directly related to the labour needs of European economies. Zero-hour contracts and seasonal work arrangements give migrants the minimum documentation needed to allow them to

work. But it isn’t enough to help them gain citizenship. They end up isolated, with no protection – sometimes not even during emergencies.

“If we talk about the migration reality of non-documented people in our organisation. We made a solidarity point in one neighbourhood that had a fire in the place they were living... the fire services, they didn’t come. And when they came, they couldn’t do anything because they cut the water [supply] off, because they say they are migrants, criminals.”

**● Anti-racism and community activist**

“In the south of Italy, for example, normally they take like EUR 20 for a day, for 12 hours’ work. And they live in a ghetto... almost like refugee camps. And every year, especially in wintertime, a lot of them died because maybe they have a fire for keeping themselves warm. One of our comrades died like that three years ago.”

**● Community activist for social protection and labour rights**

- Call for laws that guarantee social protection for all people who live in European countries.
- Legally challenge the racial, ethnic, and religious segregation of Muslim, Roma, and other BIPOC groups in social housing and schools.
- Consider the discriminatory integration criteria for people of African descent who live in Spain, and other European countries, and which legitimise their exclusion from social protection.
- Disrupt the economic model which drives economic migration and legitimises the exploitation of and lack of protection for migrant workers.
- Demand improved labour rights, working, and living conditions for “undocumented” people in Western Europe.
- Campaign to protect the reproductive rights of all women across Europe.
- Advocate for safe maternity care for all children irrespective of residency status.

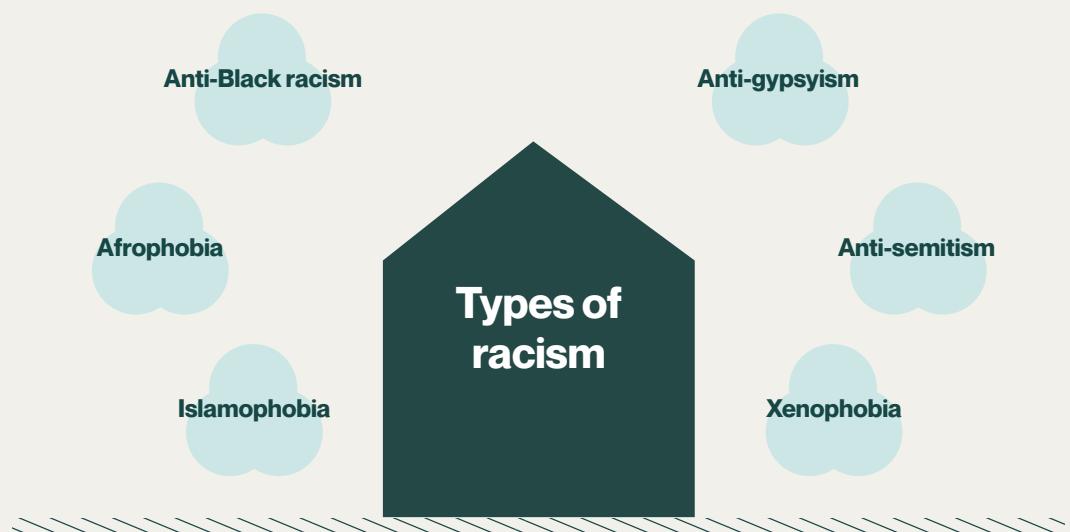
**“So young people are policed full stop by parents, teachers, school police, social workers. And ultimately all of the systems that exist within our country are influenced and impacted by racism of some kind.”**

**ANTI-RACISM, ANTI-POLICING COMMUNITY ACTIVIST**

### ANTI-RACISM: EXPOSING SYSTEMIC RACISM

During conversations, interviewees identified unequal treatment, racial profiling, and violent encounters with police and law enforcement agencies as typical experiences of racism. They added that in some cases, when these incidents occurred, officials would deny that these had been racist, placing the burden of proof on those harmed.

#### Types of racism



Around one third of OMCs mapped for this study were campaigning against racism across Europe. The vast majority – 85% – tackled racism alongside more than one thematic area, with 62% linking racism to the denial of social protection. Interviewees understood racism as being integral to the

particular social and political context of European countries. When talking about racism, OMCs included anti-Black racism, Afrophobia, Islamophobia, anti-gypsyism, anti-Semitism and xenophobia, with religion and ethnicity overlapping each category. According to one interviewee:

“I think that in the past eight or nine years maybe the social racism is increasing. But the structural racism was always here because the structural [racism] is not just like the colour of your skin, but is the economic crisis, is the capitalist crisis. It’s not just you’re Black so I hate you, but you are a part of a world that I can take advantage of. So, Italian racism was always there. But I don’t think that racism is going crazy because of the migrants, because I think that racism is not in the people, but in the structure.”

Community activist for social protection and labour rights

OMCs described how racism was at times used by the authorities for political ends. However, it was skilfully concealed behind other damaging policies, making it more difficult for campaigners to evidence it. One activist explained how anti-ghetto laws do this in Denmark. The laws, which the

“When politicians use the concept of ‘non-Westerners’, there’s a conflation here between ‘non-Westerners’ and Muslims. So, you will see similar policies here and there that kind of validate the whole argument that we are making that the racialisation of Muslims is expressed as the ‘non-Westerner’.

Community organiser, Islamophobia and social protection

According to interviewees, the attitude underpinning this concept is that “non-Westerners” are draining our society of resources, we should push them out from these areas.” At the same time, attitudes on the left were felt to exclude as well. In the words of a community organiser tackling Islamophobia, many on the political left think that: “It’s better for them, for the racialised other, to make sure that they’re integrated with us, the real Danes.”

The racist and contradictory nature of this policy is laid bare when we consider how Ukrainian refugees have been treated in Europe:

“Ukrainian refugees were technically, in the Danish context, seen as ‘non-Westerners’. But then there was a special law created for them, like they created a loophole for them to navigate around the ‘non-Western’ concept, allowing them to live in areas that have more than 50% ‘non-Westerners’, allowing them to get jobs while their asylum application is being processed.”

Community organiser, Islamophobia and social protection

These types of policies tell racially and religiously marginalised people that they don’t belong. The same activist made the vital point that the construction of the term “non-Westerner” was part of a broader political strategy to dismantle the welfare and social security state:

“What used to be a... social democratic institution of common housing in Denmark is being dismantled little by little by using ‘non-Westerners’ as the excuse of them taking advantage of these cornerstones of the welfare society.”

Community organiser, Islamophobia and social protection

Interviewees point out that the racist dog-whistle of “non-Westerners” conceals the more overt anti-Muslim and Islamophobic intent of the anti-ghetto laws. Ultimately, the goal is to keep public spending down.

The central tenet of the policy is that certain housing estates are allowed a maximum of just under 50% “non-Westerners”. Worryingly, this principle has now been extended to education as well.

- Develop a clear strategy to identify and prosecute the institutional racism experienced by racially minoritised people across Europe.
- Build a consistent method for monitoring the prevalence and patterns of racism across Europe.
- Expose and advocate for laws against the use of discriminatory narratives in government policy (such as “non-Westerner”) which are increasingly used to legitimise (and conceal) racist practices in the provision of services across Europe.
- Investigate the racialised surveillance and criminalisation of BIPOC communities.

**“The whole European Union is extremely anti-refugee, anti-migrant and closes their eyes to people dying in the sea, and doesn’t really care about people dying in the woods. And we have also heard from the future Prime Minister [of Poland], during political campaign before elections that he is not going to demolish the wall that was built on Polish-Belarusian border.”**

COMMUNITY ACTIVIST, ANTI-REPRESSION, LGBTQI+ RIGHTS

### FREE MOVEMENT: ENCOUNTERING HOSTILE BORDERS

Migration stories are not all the same. The many reasons that force people to move are as varied as the people who embark on these journeys.

Migration is a legacy of European imperialism and neo-colonialism. The adage “we are here, because you were there” remains as true today as it was when anti-racism scholar and campaigner A. Sivanandan used the phrase in 2008. Capitalism and neo-colonialism thrive on poverty, war, planetary dysregulation, climate injustice, and the political oppression of people who dare to challenge inequality. These drivers of capitalism and neo-colonialism are also drivers of migration. But when people are forced by these cataclysms to leave everything they know and endure untold dangers to find safety, they encounter treacherous borders erected to stop them from entering fortress Europe.

As *Unbias the News* recently reported, “more than 1,000 migrants who died trying to enter Europe lie buried in nameless

graves. EU migration policy has failed the **dead and the living**”.

“This is what Europe, what the EU wants them to do,” one freedom of movement activist told us. “If they wanted them to stop, it would have stopped, right? So why is this happening? Because it’s useful. It’s a border management or a border policy that is agreed upon by the EU and Greece. Just not in... some kind of, you know, bilateral agreement...”

The state's complicity in maintaining violent border controls is clear. In 2016, the EU granted Greece **EUR 700 million** to **"upgrade infrastructure on the borders"**, according to a digital rights activist. Four years later, the EU praised Greece for being the "shield of Europe". The OMCs we spoke to described the project as "internal colonialism".

**... seen almost as an invasion of state sovereignty. So, this is a way that states are trying to protect their borders, and I think this also comes from migration being constructed as a criminal act, as an invasive act, almost like this military act, which then allows states to say we are defending our borders."**

Notably, the way that funding is provided has reinforced inequality between more and less powerful European countries. Countries in the south and east of Europe, including Albania, Greece, and Poland, have been turned into "holding pens" to contain people seeking asylum and prevent them from entering more powerful European countries. For one community organiser, who had himself been detained, these pens are effectively prisons:

**"So, there is detention and there is prison... For me it's the same, but they make the play with the word. They said... the detention centre is where refugees and migrants go to see if they can deport them or to make the asylum process. And that prison is for those people who do bad things. But it is the same, there is no difference. People are treated in the same way: they cannot go out."**

Here was a system that legitimised the creation of digital borders, Closed Control Access Centres (in other words, detention centres), and the indiscriminate use of violence to illegally push back and detain people on the move. For one activist working with refugees and asylum seekers, people on the move are:

A key concern for OMCs was determining whether the detention of people on the move is lawful or not:

**"Is this unlawful deprivation of liberty? There is no way to be able to actually challenge it, which has been a nightmare for us. How do we challenge the detention that someone has no documents to prove? How do you prove nothing? We are speaking with people every day who are detained... with no documents. I mean nothing and we want to go to the administrative court here to bring a challenge, but there's no order that we are bringing a challenge against, because one doesn't exist."**

**Freedom movement activist and campaigner**

In this context, holding the authorities accountable for deaths of and injuries to people on the move while they're passing

through European borders is also very difficult. This is because for those who enter:

**"Discrimination is the first problem. Racism is the first problem. Lack of policy to educate the people in Greek society. Lack of political will, this is the first thing. Then no policy for welcoming refugees and asylum seekers. So, the refugee is like a second class. But even the second generation are getting this. I mean, the children that were born here, there is no difference. They're treated like second class citizens."**

**Community organiser, social protection and anti-racism**

The impact of this discrimination is devastating, as the same interviewee goes on to explain:

**"We got lost because we are not part of the society. We are not understanding what is happening. We just see that these decisions have been taken. It impacts our life every day. It also brings psychological problems to many people, you know. I thank God that I have a strong mind, but most of my friends, they got lost, and some people got crazy. Some people were in the psychiatric hospital, some people they sent them back to Africa. So many people. And some people, you see them, they begin to take drugs, they took the alcohol, because there is no hope in the system. It makes people second class. So, if you go anywhere in this country, you are not really welcome."**

For OMCs working in this area, being treated like second class citizens, or even non-citizens, makes their campaigning much harder. They must grapple with political unwillingness to look into or even acknowledge deaths or injuries to people on the move. Still, interviewees persist in their efforts to eradicate this grey zone, and the abuse and exploitation that thrive there.

## PATHWAYS TO JUSTICE

- Establish a method to legally challenge deprivation of liberty for people on the move who are unlawfully held in immigration detention centres.
- Support the legal defence of OMCs who are increasingly at risk of criminalisation due to defending people on the move.
- Campaign for safe routes of passage for people who are seeking asylum and refuge from harmful regimes.
- Call for financial divestment from violent border regimes and investment in mental health and wellbeing protections for people on the move.

I think a lot of the conversations around tech are just kind of like techno solutionism and using it for the purpose of intimidation, for the purpose of creating a sense of control and fear. Whether that's... to appeal to racist sentiments in general and to prop up a sense of looking like they're doing something.



# CONVERSATIONS

## 2

# WE THOUGHT TECHNOLOGY WAS OUR FRIEND

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ACTIVIST, RACISM, CLIMATE JUSTICE AND BIOMETRIC HARMS

Like it or not, technology is here to stay. From the smart phone in our pockets, to the self-serve tills in the shops; from internet cookies tracking our personal preferences, to security cameras tracking our physical movements – tech is everywhere.

It's heralded as the solution to everything: inefficiency, inaccuracy, crime. And this belief has created something much like the military industrial complex, but within the sphere of technology. Law enforcement agencies, academics,

tech sellers, private corporations, and government institutions are all bound up together in this complex. They have created a demand for solutions to public concerns that are rooted in fear and suspicion of the other. This proliferation of tech poses particular risks to those who have been constructed as undeserving, who are scapegoated as the cause of contemporary social ills. Inevitably, the people who experience the most tech harms are from racially, socially, and economically marginalised groups.

### What is predictive and pre-emptive tech?



#### Predictive technologies

attempt to understand and estimate where and when future events, such as crime, are likely to take place or be committed, or who is likely to commit them.



#### Pre-emptive technology

uses predictive technologies to prevent events, such as crime or border crossings, from taking place.

Technology is not neutral. As with everything, you get what you put into it. The data and information you feed into an algorithm will reflect prejudices and assumptions of the time. In the context of a hostile environment created by the

belief that there isn't enough for everyone, technologies are increasingly presented as the solution and will serve these functions. Tech will make pre-existing inequalities worse by playing into the stereotypes it has been programmed with.

## HOW CAN TECH HARM MARGINALISED PEOPLE?

### IT CAN BE DEPLOYED TO:

Identify them;

Expose their social circles;

Combine databases to cross-reference information about them, then survey and control whole populations, and inform future planning around them by searching for trends; and

With this information, predict problems and target areas to pre-empt them from happening. This kind of targeting is often based on racialised assumptions leading to harassment and victimisation.

- Surveil and identify those to be excluded;
- Raise internal and external borders against social protection;
- Conceal harms and obstruct the path to systemic justice; and
- Control and undermine activism.

We turn to each of these points below.

**“The whole design is hostile. It mimics the dehumanising architecture of a prison...”**

**FREEDOM OF MOVEMENT ACTIVIST**

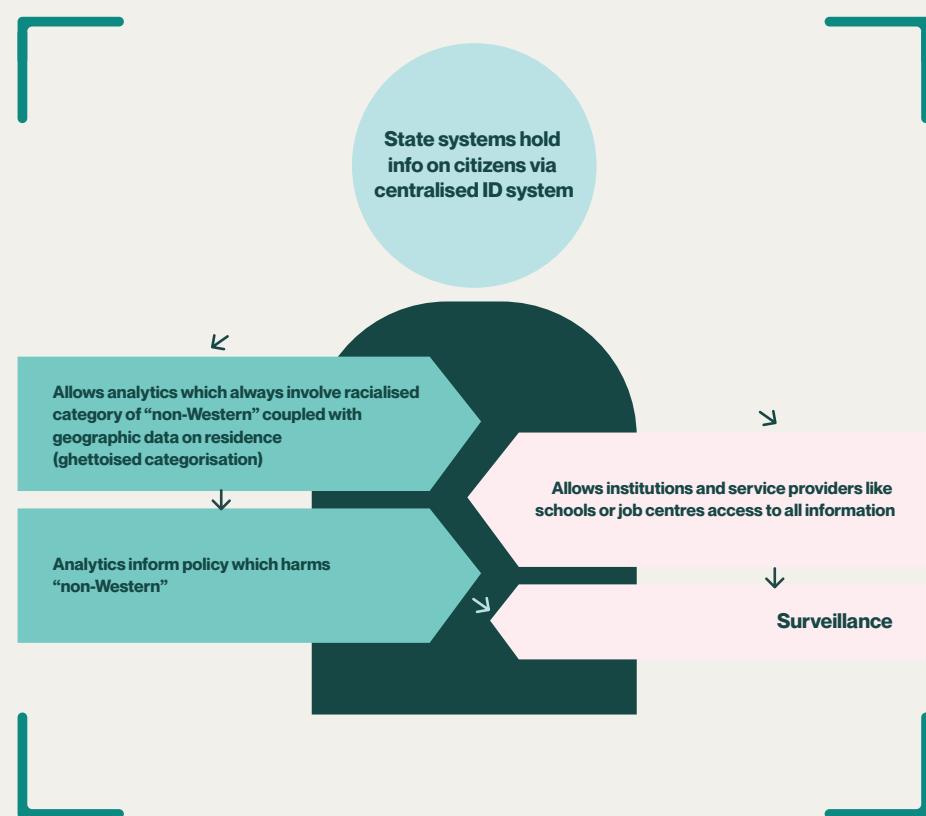
## SURVEILLANCE, IDENTIFICATION, AND EXCLUSION

OMCs described a multitude of harms linked to technology. These include: **racial profiling; constant surveillance; being denied access to schools, job centres, social services; and abusive behaviour from government offices, police, and border enforcement.** In many cases, these harms arose from the sharing of information between various databases which operate based on racial profiling and predictive analytics. These analytics are filtered by race-based categories that inform all levels

of decision making, affecting individuals, communities, and neighbourhoods alike.

As an example, one community organiser against Islamophobia raised the issue of Denmark's digital ID system, which sorts a person's access to social services by the racialised category of "non-Western Dane" (also see p. 46/47). This category is invoked regardless of a person's citizenship status and length of time living in Denmark.

### Use of central ID database and 'non-Western' as classification promotes harm



Legally allowing institutions to share information without a person's knowledge or consent makes every aspect of one's life visible and therefore vulnerable to exclusion from a range of services based on being categorised as "non-Western".

Harm caused by state institutions sharing

**"The police can now stop someone using stop and search powers, scan their fingerprints against either or both IDENT1 (United Kingdom's National Criminal Fingerprint database) or Immigration and Asylum Biometric Service. If there's a match on the database, it says which database it's on, but it doesn't give much more detail. Then what we understood was that if there was a match, they could ring the Home Office command and control centre in London and then be advised on whether or not to detain someone. But it seems that even if there's not a match they might be doing that anyhow."**

**Activist, climate justice, biometric and data-driven harms**

Many interviewees noted the rapidly expanding arsenal of police tech, such as wearable technologies, facial recognition apps, tech-enhanced mobile units, vehicle tracking, and much more.

The rise of visual surveillance was also raised, but with a noted double standard. On the one hand, refugees and

migrants are subjected to highly intrusive surveillance, with every move, word, or even mood monitored, analysed, and fed into a database to predict criminalisation. On the other hand, said one anti-racism and community activist, surveillance cameras are deliberately not used in detention centres to hide evidence of state agents abusing and killing detainees.

**"Border tech is a billion-dollar industry. EU is paying, state is buying, company is providing."**

**HUMAN RIGHTS ACTIVIST, LAW AND NEW TECHNOLOGIES**

## RAISING INTERNAL AND EXTERNAL BORDERS AGAINST SOCIAL PROTECTION

Among the many tech-influenced harms described by OMCs, one of the most prominent was digital borders blocking social protection. This includes violent restrictions on freedom of movement and access to safety, in particular for refugees and migrants. It also includes the normalisation of violence in places like Greece, dubbed the “shield of Europe”. Here, violent border control practices, funded by tech companies and the EU, are increasingly reliant on technology. For example, satellites, drone surveillance, and heartbeat sensors are all being used in Greek land, water, and air space, monitoring anyone moving from outside the EU towards its border.

Those who do manage to reach Europe's shores face social media monitoring and artificial intelligence (AI) behaviour analytics. According to one human rights activist on law and new technologies, tech “puts the border into their own body”. In other words, those who experience border violence take the border with them as surveillance tech follows them into and beyond detention centres. The borders are not clear lines one crosses, but entire war zones of militarised technologies aimed at those seeking safety and protection.

Types of tech and how they're used to discriminate against people



Biometric data scan during stop and search



CCTV



Vehicle tracking



Combined databases



Surveillance tech on the border



Facial recognition apps



Social media monitoring

Surveillance directed at Black, indigenous, and people of colour communities (BIPOC) people includes collection, cross-referencing, and retention of demographic and biometric data. This is not just for immediate purposes but also for subsequent – and often unpredictable – data harms. These same technologies are deployed to delay, deny, or condition access to social protection once inside Europe. Often, they're used regardless of one's citizenship or migration status, based on racial and religious profiling.

Many countries across Europe use digital IDs for the asylum system, social services, education, and youth services. This makes accessing social protection dependent on digitised information. Visa applications are almost always completed online, making it especially hard for people on the move, who do not have easy access to devices or the internet. Some countries want to replace in-person asylum interviews with AI. And although tech makes errors, it is technology's story that becomes reality and truth, with devastating consequences for those seeking protection.

**“Tech makes mistakes, but people believe technology, and therefore evidence created by the machine is what will be believed.”**

COMMUNITY ORGANISER, SOCIAL PROTECTION AND ANTI-RACISM

## CONCEALING HARMS TO OBSTRUCT THE PATH TO SYSTEMIC JUSTICE

Interviewees recognised that technology can make pre-existing systemic violence worse while also masking or excusing it. The way this happens is tricky to show, because tech is so often presented as a solution to problems:

“The citizens, people who believe all these technologies are normal to be used to detect migrants and detect people on the move, because it’s not us, it’s them that is the danger. So, it’s opening a door for normalisation of these surveillance practices and this affects the public debate in Greece. For example, we had severe scandal about the use of Predator, a very intrusive tool that is completely illegal, and all the signs from the reporters that are working on this case are signalling that the Hellenic government is behind the use of this illegal software. And still the public debates are all about security, it’s all about the protection of our communities.”

 *Human rights activist, law and new technologies*

The emphasis on security conceals both the capitalist economy of tech investments, and the violence and dehumanisation inflicted on groups deemed as threats to security. Because of the “us versus them” logic, the use of violent tech is normalised.

Discussing systemic harms and the role of technology in it brought up a number of important insights around the elusive nature of digital tech and its effects. Tech does not merely conceal structural racism and

its operation – it can serve as an excuse and an alibi. This is because technology is seen as a “clean” and “efficient” tool, thus creating a perception that the tech, rather than a person (or a structurally violent social institution) caused harm.

Similarly, a creative technologist and researcher noted that technology contributes to dehumanisation – for example, by reducing a person to a “blob on the screen”, allowing unjust decisions and actions to be made easily. While hiding racism and other forms of structural injustice, **tech can also mask it by appropriating language from grassroots activism** (such as the terms “harm reduction” by policy makers or “integration” as raised by a community organiser in Denmark).

Some groups also saw that they could use technology to expose state violence against marginalised people and seek justice:

“So [in] those cases where killing of migrants across the Greek-Turkish border [took place], we found that people were, like, recording on their phones, the events as they’re unfolding, and uploading them to Twitter. Almost in some ways like a form of protection as well as to say, ‘I am here’, and that enables an investigation when injustice occurs.”

 *Forensic architect, technological architect*

**“Tech is just another space where racism and oppression... [take place].”**

**COMMUNITY ORGANISER, ANTI-RACISM, POLICING, CLIMATE INJUSTICE**

## CONTROLLING AND UNDERMINING ACTIVISM (EVEN WHILE SUPPORTING IT)

Although interviewees were clear about tech harms, they also saw clear benefits in communication technologies in particular. For them, tech was a vital tool to expose harms, even as it could also be used to undermine their activism.

Many OMCs mentioned digital communication as the main way to reach marginalised communities. “Tech can bring together movements and help us look where power is,” noted one of the interviewees – a sentiment mentioned by several others, especially those who come from the tradition of hacktivism. Some of the interviewees, particularly those in central Europe, were both well aware of

digital surveillance, as well as how to protect themselves from it.

At the same time, those same technologies were used to control and suppress activists, not only through surveillance but also through platform censorship. Many of the interviews took place during Israel’s military assault on Gaza; therefore interviewees mentioned how platforms made it harder to support Palestine by censoring and blocking pro-Palestinian content. “We thought tech was our friend,” said one interviewee, elaborating on the reasons why tech-driven violence is often under the radar for many activists. She continued:

“We thought tech was on the side of transparency, access to resources, freedom... making our lives better, even as activists [...] We see Meta, X, banning and censoring and we just now start to understand what we didn’t see... that tech is just another space where racism and oppression, harassment etc. [take place].”

Community organiser, anti-racism, policing, climate injustice

**Whose tech are we listening to?**

CLIMATE JUSTICE ORGANISER AND SCHOLAR ACTIVIST

## COMMUNITY-LED SOLUTIONS

Many of the OMCs we spoke to were tech savvy themselves. Their strength and ingenuity came through in the numerous ways they suggested to challenge tech-based harms.

The tech industry and digital rights field is dominated by white-led civil society and academic actors who are divorced from the realities of tech and data harms. While they remain concerned with digital rights, privacy, and the ethics of AI and technology, local community organisations are confronting the very real consequences of digital exclusion. They also face the encroachment of tech into policing and law enforcement that deliberately targets racially, socially, and economically marginalised communities.

Across all the research conversations, the question of what can be done was discussed at length, and the proposed solutions varied from targeted forms of protection or community self-defence to broader ideas about reimagining technology and its role in systemic injustice. This was all with a clear understanding that the root of the problem is structural violence and systemic injustice rather than technology itself. As one person noted, we are “not being naive – stopping the tech won’t stop the harms”. Interviewees proposed the following strategies to resist tech-enabled harms:

1

### Promote tech knowledge

While OMCs saw that the harms experienced were nothing new, they pointed out that an understanding of which tech or exactly how it could harm was absent. For some, this meant teaching BIPOC children and young people about how their digital information could be used against them. Related to this was promoting collaboration with and support for communities who are directly harmed. This includes increased monitoring, scrutiny, and accountability of how government agencies use tech. This should be done with a view to securing legal change, judicial review, and strategic litigation.

2

### Push for non-digital alternatives

The importance of non-digital alternatives was a key theme. For example, in cases where social protection is tied to surrendering one’s data and being subjected to invasive and harmful digital “management”, creating community protection that does not depend on tech would be particularly important. Similarly, for those needing to apply for asylum and migration, advocating for non-digital alternatives and doing things in person emerged as crucial. And while some were calling for better regulations, others noted that instead of thinking of how we regulate tech having accepted it to begin with, communities need to start by asking whether a technology is needed in the first place.

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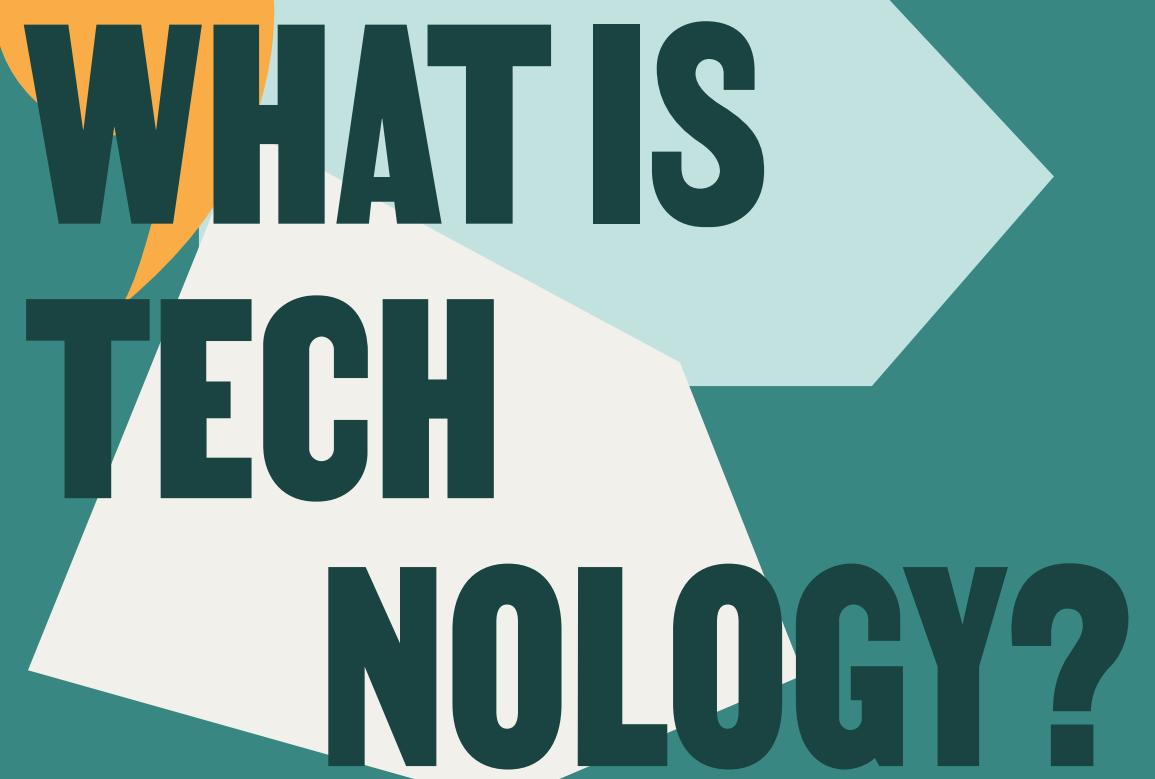
### Debunk the promise and myth of technology

Technology is touted as an environmental saviour yet it has caused so much environmental damage. Dreams of “renewable energy” are similarly flawed, given they are based on land grabs for wind farms, among other problematic tactics. Debunking these myths is essential to gaining a clear view of tech. The question is not whether tech is harmful, but rather, as this climate justice organiser and scholar put it: “Whose tech gets erased and whose tech gets deities created out of them. Whose tech are we listening to?”

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### Reimagine technology

Linked to the above, interviewees called for a radical re-framing of technology, asking: what is tech, and how do we use it? Crucially, there is also the question of who technology as we know it is designed to exclude. Is tech in kinship with the environment, such as traditional indigenous ecological knowledge? Or is it dysregulating the planet like “green tech”, for example with its reliance on cobalt mining that is fuelling genocide in the Democratic Republic of the Congo? OMCs demanded we widen our understanding of what technology is by centring indigenous and other knowledge of living with nature. This should be acknowledged as a legitimate form of technology that is not digital, nor is it based on extracting or exploiting resources, or causing “planetary dysregulation”.



# WHAT IS TECH NOLOGY?

Within this report we have shown that OMCs have a significant understanding of the harms that tech poses for racially, socially, and economically marginalised people. It is also apparent that tech-industry proposed solutions (including regulating AI, for example) cannot do justice to the harms currently being experienced. Solutions and strategies for resistance must therefore be guided by the communities who are experiencing harms. And for change to happen, we need to build a collective narrative around the role that technology plays in driving those harms, and work with those communities to ensure authentic solutions can be generated, actioned, and realised.

# DISCUSSION: WHAT'S NEXT?

**"How do you make people aware about what's going on and feel protected?"**

**ACTIVIST, CLIMATE JUSTICE, BIOMETRIC AND DATA-DRIVEN HARMS**

Today, organisations, movements, and communities (OMC) are fighting a plethora of harms. Welfare and social security systems are being gutted, natural resources are being ransacked through deforestation and dams, and private corporations' "right to pollute" is causing widespread damage.

Millions of euros have been dedicated to building deadly tech-enabled borders. And yet, these borders allow in just enough migrants to feed "grey labour markets" and sustain capitalist interest.

As highlighted in our first report, institutional killings continue, with racially and religiously excluded people exposed to violence from police, law enforcement, and private security firms. These groups are increasingly monitored and surveiled, intensifying their risk of criminalisation and exclusion. Despite this, OMCs continue to resist, often with scant resources.

By extending our analysis to include almost **3,000 OMCs** and **40 one-to-one interviews**, this report has presented a picture of how systemic injustice manifests across Europe. Interviewees explained how their experiences of injustice are tied to the political, economic, and cultural contexts of their respective countries in Europe. Their experiences confirmed that marginalised groups and communities are facing politically sanctioned, and state orchestrated harms.

Our initial findings from our first report again hold true. In foregrounding the voices of those who live with and challenge systemic harms, we have found that:

- 1 Local and community OMCs are still tackling many more issues than national organisations.
- 2 Governments are selling the lie of scarcity, which in turn leads to scapegoating and excluding marginalised communities.
- 3 Technology is used to reinforce such exclusion.
- 4 We need to build knowledge of the positive potential of the courts to secure justice for OMCs.

As many OMCs point out below, the road to justice can seem impossibly long. But they remain steadfast in their dedication. Below, they share their own ideas on what they can do to help achieve systemic justice.

## COLLABORATE TO BE MORE EFFECTIVE

**"We have lived in society for so long that we don't know what community is any more."**

**CLIMATE JUSTICE SCHOLAR AND ACTIVIST**

OMCs noted the links across themes, and called for urgent collaboration between collectives and movements. They recognised the relationships between, for example, social protection, undocumented status, and wider labour movements across Europe. They also described the complex layers of harms that women were exposed to. For example, in Azerbaijan, women are particularly affected by climate injustice, water scarcity, and poor energy supplies. While the need for dreaming systemic justice into reality was acknowledged, one interviewee said:

"I also get quite frustrated after a while about the dreaming. Because it's just this utopian world that we hope one day will exist and the steps to get there. Like what are they, and how are we preparing for them to happen?"

*Community activist, anti-racism, anti-policing*

Adding to this, the same interviewee suggested that the concept of activism should be expanded to make the movement more inclusive:

"People are already involved in resistance work whether they are associated with a group or not. You're mitigating harm every day you are surviving harm, and that's activism. Activism extends beyond speeches. It is also about that relationship stuff and pulling in people who are already doing this work."

Collaboration is vital. Although capacity and resources are limited, and the pressing reality of having to respond to

harms daily also presents a significant challenge, the value of connecting with each other remained a priority for OMCs.

## USE COMMUNITY KNOWLEDGE OF TECH HARMS TO RESIST THEM

**"With «stop the scan» the police get turned into another extension of a border force essentially. There's still this sense that it's been set up to further attempt to isolate people and create this kind of atmosphere, to create a sense of fear and control, and how do you push back at that legally or through conversations with administrative institutional levels, I guess."**

**ACTIVIST, CLIMATE JUSTICE, BIOMETRIC AND DATA DRIVEN HARMS**

Apart from reframing technology to expose its violent, isolating aims, we need to draw on community understandings of tech and tech harms to build strategies of resistance. This needs research, data

analysis, and collaboration between community members and the data rights field. In this way, practices that further exclude marginalised people can be unearthed and examined.

"The way that we work is by mobilising technology in the pursuit of justice, right. And I think this is kind of the beauty. There's power in understanding (social) media and how it's produced. Understanding the media that you work with, it's... also produced by those... police forces, state institutions that also produce violence.

"So, a large part of our process is really trying to extract as much as we can from the tech that is... mobilised by the state, right? So, for us as... architects, as filmmakers, as designers – an understanding of how that [state] image is produced is... part of the power that we have."

*Community activist, anti-racism, anti-policing*

## MAKE BETTER USE OF THE LAW

**“The law, it’s not equal because it’s all geared up in the interest of inequality. It’s geared up in the interest of capitalism, and therefore it cannot be neutral.”**

### COMMUNITY ACTIVIST, SOCIAL PROTECTION AND LABOUR RIGHTS

Many OMCs were suspicious of the law. Twelve per cent reported using the law as a strategy to challenge oppression. The majority however, pursued advocacy and policy change. This might be because local and community OMCs struggle with reduced capacity, especially when the majority of people we spoke to were campaigning on a voluntary basis.

For some, there was little understanding of strategic litigation. Despite the examples of injustice documented throughout this report, using the law to tackle racial, social, climate, and economic injustice was a lower priority from political change, if considered at all. For others, there were doubts as to whether the law could even be deployed against the capitalist structures that cause structural inequalities:

**“You know when you enter the courtroom, this is not a neutral place and the judge is not. Of course, you can try to find him independent, but he’s going to hold their [politicians’] political views. They are going to... make decisions based on... what society deems good or bad, right? This is not a neutral place, ideologically or politically.”**

**— Lawyer, community and human rights activist, frontline defender**

Perspectives like these are not surprising given the context: since our first report, OMCs faced increased risks for the work they did, especially in countries that were previously under-represented

in our initial consultation (southern and eastern Europe and the Nordic region). There was an explicit assault on civil society organisations that is all the more

...

concerning for local and community OMCs. Social media accounts were hacked or taken down by government bodies, and activists and campaigners have been increasingly branded “domestic extremists”, members of “organised crime groups”, and “people traffickers”. This was clearly done to thwart

their fight for justice. Added to this was the introduction of a host of dangerous laws that target activists and therefore obstruct efforts to secure systemic justice.

In spite of this, some OMCs saw the potential in using legal strategies to challenge injustices. One community organiser told us:

**“Yeah, we’re trying to use the law. I mean, we know that the law is not exactly our solution, but sometimes the law can help us to point out the racism or the mistakes that they [government] are doing against our community, because we cannot be outside the law.”**

**— Anti-racism and community activist**

There is an opportunity here, alongside the need to bridge what appears to be a knowledge and capacity gap between the role that the law can play and those movements and collectives who are grappling with the harms of systemic injustice.

Some OMCs have made it to court, and have even won cases. However, they have then faced the might of large corporations that get away with paying big fines and ignoring court rulings. As one human rights activist noted: “a lot of successes are happening that lead to laws being invalidated and still nothing happens.” The more powerful the corporation, the more easily they can stall their compliance with legal rulings to exhaust the motivation, resources, and capacity of community OMCs.

However, this also presents an opportunity. With tighter collaboration, better funding, and more resources, OMCs can vigorously challenge, through the courts, such misuses of the law. Beyond this, OMCs can use the law to strengthen their campaigning, and even make legal challenges and changes a central pillar of their campaigning. Backed by legal expertise, which we at Systemic Justice are ready to provide, the potential for change is immense.

# CONCLUSION

*“I think maybe litigation just hasn’t played enough of a role yet, maybe because social justice groups aren’t aware enough of that yet. But I know this is already something that you all [Systemic Justice] are trying to figure. I think that would be really amazing, but it’s definitely going to be a long, long way. But we’ve got to plant the seeds for tomorrow, haven’t we?... We are doing that every day. It’s little seeds.”*

CLIMATE JUSTICE ORGANISER

**T**oday, the story of Europe is one of resistance. Right now, the most excluded people are leading the fight for a fairer world for everyone. They do this in the context of the scarcity lie that governments in the region promote, claiming that we must “stop the boats”, “build walls”, and cut public spending. People are fleeing lands destroyed by war, climate change and the exploitation of resources by economically powerful neighbouring countries. This leads to displacement, drought, poverty, and more.

In this report, we highlighted the damaging effects of this scarcity narrative which fuels xenophobia and promotes suspicion of racially and religiously marginalised people across European countries. Time and again, politicians blame the same groups and communities for the crisis affecting the region. Their sinister application of technology as a solution to this problem reinforces harms experienced by racially, socially, and economically marginalised people.

This report is guided by the reflections of those on the front lines of systemic injustice. While their

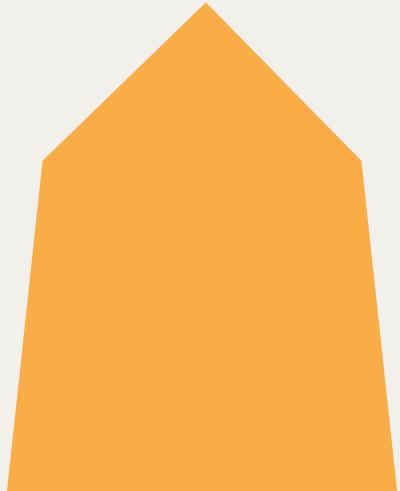
experiences are of increasing harms, these activists remain steadfast in their commitment to bringing about positive change.

Our belief is that the law and courts are essential to achieving that lasting change. We remain committed to building the knowledge and power of communities pushing for justice and equality, strengthening their ability to create systemic change through strategic litigation. Together with the many communities who have helped inform this report, we will use the courts to root out and dismantle oppressive power structures.

As the climate justice organiser quoted above acknowledges, we have yet to tap the huge potential of the law as a remedy to the harms discussed throughout this report. In solidarity with communities, we will keep planting those seeds and collectively grow a new world where justice and equality prevail. In doing this work, we will continue to be led by the most marginalised communities and groups. Their courage and perseverance are what drive the movement for justice forward. And it is they who will achieve a better, more just future for us all.

**TOGETHER WE WILL USE THE COURTS TO DISMANTLE OPPRESSIVE POWER STRUCTURES**

# SYSTEMIC JUSTICE, THE MOVEMENTS' LAW FIRM



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