

Undocumented migrants: victims without a voice

The number of migrant workers in an irregular situation is constantly rising as governments pursue increasingly restrictive policies on migration. Those benefiting most from this situation are people traffickers and unscrupulous employers, and those who suffer are the migrants themselves, who need unions to protect them and to make their voice heard.

Unions are organising a series of initiatives at local level to protect migrants, particularly in the agriculture, building and transport sectors.

Undocumented, clandestine, illegal, irregular? Which term should one use for migrants who emigrate to or reside in a country without complying with the laws on immigration and employment? Regardless of the adjective used, behind it is an issue which public opinion is very sensitive to. Irregular migrants are often used as scapegoats for all the ills of society, leading to the fuelling of racist and xenophobic ideologies.

The term "illegal immigrant" contradicts the spirit, if not the letter, of the Universal Declaration of Human Rights, which clearly states that "every person has the right to recognition before the Law" (Article 6), and that "every person has the right to due process" (Article 7)(1).

Whether undocumented or irregular(2), migrants are most likely to find themselves in a highly vulnerable position, open to abuse and exploitation of all kinds, all the more so in the case of women and children.

An undocumented migrant is, first and foremost, a victim: victim of the host countries' restrictive policies, of ruthless traffickers, to whom they give all their savings in return for documents that they never receive, and of unscrupulous employers, who are all too happy to have vulnerable workers who dare not oppose them.

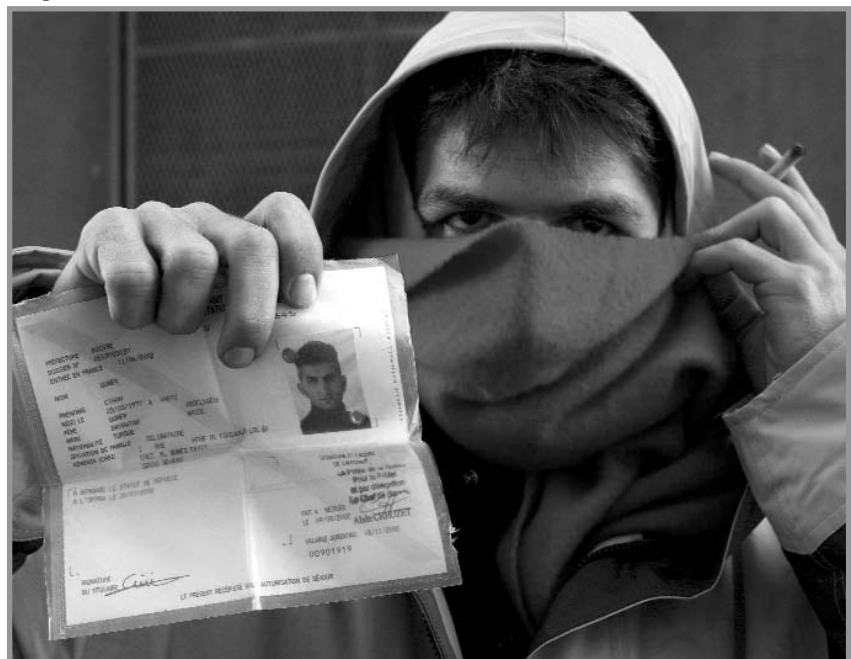


Photo: Gamma

BARRIERS

The number of irregular migrants is constantly on the rise, in virtually every region of the world. Depending on the region, they generally represent between 10 and 20 % of the total migrant labour force, although in some countries the proportion is much higher – 50% in Malaysia, 68% in Japan and 60% in South Korea (3).

In the United States there were some 8 million irregular migrants in the year 2000. Around half a million irregular migrants come to Europe every year, and there are several million undocumented migrants in Asia, where the authorities often tolerate their presence.

The current situation is not uncon-

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nected to the fact that barriers to the free movement of people have been strengthened whilst restrictions on the international movement of capital and technologies have been eased.

Most industrialized countries have imposed restrictive immigration laws and policies over recent years, and many developing countries have followed suit. Developed nations are now preparing to open their borders to legal migrants to counter the labour shortages resulting from the ageing of their populations, but the demand is above all for skilled workers and specialists. In too many cases, the limited openings for specific categories of migrant go hand in hand with the harsher repression of irregular migrants.

Russia, for example, recently decided to expel some 9,000 undocumented migrants who were identified during a vast police operation targeting "illegal migrants" at the end of March this year.

HUMAN RIGHTS VIOLATIONS

The repressive approach to migration has been exacerbated by the fact that it is increasingly seen as a security issue rather than a social one. Migration, once the realm of labour ministries, now comes under the authority of interior or justice ministries. Furthermore, the UN Human Rights Commission has denounced the growing practice of placing migrants under "administrative detention", to the detriment of due legal procedure.

Several Asian and African countries have deported undocumented migrants en masse, committing large-scale human rights violations in the process. These migrants are locked up in overcrowded, unhygienic detention centres, without any respect for international norms and regulations.

And yet these restrictive measures are often counterproductive. Tighter restrictions and border controls simply push migrants towards illegal or irregular alternatives. When the opportunities for legal migration are limited, clandestine emigration networks become the only alternative, creating profitable "business" opportunities for "private employment agencies", which demand exorbitant sums of money from would-be migrants in return for organising their journey and documents, getting them across borders, and finding them a job in the destination country.

GOLDEN OPPORTUNITY FOR TRAFFICKERS

The illegal movement of labour, which usually stems from imbalances between the supply and demand for regular labour, encourages all types of people smuggling and trafficking. It is,



Photo: Gamma

indeed, big business, generating a turnover of some 7 billion dollars a year, placing it close behind drugs and arms trafficking. Women and children are its number-one victims.

In some cases, the clandestine journey leads such migrants to their death. In February 2004, some 20 Chinese men and women died in Morecambe Bay, England, while working as cockle-pickers, a job they most likely ended up in through organised trafficking operations. Over the last three years, around 250 people have died on the crossing to Spain, attempting to reach the Canary Islands or the Andalusian coast on makeshift vessels. The crossing is usually arranged by traffickers. Other recent news reports involving illegal migrants include the death of the Chinese workers who had been crammed into the back of a truck headed for England and the hunger strikes of undocumented immigrants in the churches of Brussels and Paris.

Women are particularly vulnerable, as they run the added risk of sexual exploitation, and of being forced to enter prostitution rings upon reaching the destination country. Their vulnerability is increased by the confiscation of their travel and ID documents, the huge debts owed to the "recruiting agent", and their fear of being reported to the police.

Forced labour, slavery, debt bondage and child labour are among the day-to-day realities of many trafficking victims.

UNSCRUPULOUS EMPLOYERS

Undocumented migrant workers, both male and female, constitute a source of vulnerable labour that unscrupulous employers are only too happy to exploit, often in informal, or undeclared, production units.

Low pay, long hours, no social security or protection, moral and sexual harassment: undocumented migrant workers who live in fear of being expelled from the host country are powerless vis à vis their employers. They find themselves in a position where they have no job security, are unable to protect themselves from risks to health and safety, and cannot join a union or unite in any way to negotiate fairer wages or ask for compensation in case of accidents or illness.

This is why trade union action and solidarity with migrant workers without papers is as important as efforts being made to organise legal migrant workers.

CONVENTION 143

Many trade unions are already working in this direction by pressing states to ratify and implement ILO Convention 143, the second Convention on migrant labour, which was adopted in 1975 partly to cover the protection of undocumented migrants. To date, only 18 countries have ratified this Convention. None of the major "recipient" countries has yet ratified it.

Several international trade union federations (transport, construction and agriculture for example) are waging campaigns in defence of undocumented migrants. The International Transport Federation (ITF) is lobbying for the repeal of laws imposing penalties on transport companies or airlines transporting undocumented passengers.

At national level, the British Transport and General Workers' Union is campaigning for the licensing of gangmasters, in an effort to combat the abusive recruitment and employment practices affecting migrants in particular. In

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Women migrants in the informal economy: building workers' federation launches campaign

Women workers and migrants in the informal economy: the International Federation of Building and Wood Workers (IFBWW) has this year launched a campaign specifically targeted at women working in the construction sector who have no protection, because they are undeclared, undocumented, or victims of trafficking.

There is a long tradition of employing migrant labour in the building sector, particularly when national labour is in short supply. Since the supply of labour at global level far outstrips the demand, wages and conditions in the industry are continually in decline. In many countries, the main area of demand is for cheap, unskilled labour. Similarly, the work offered in the wood and forestry industry is usually casual, seasonal, part-time, and undeclared. The drive to cut costs has also led to a rise in illegal practices such as night shifts and the employment of undocumented migrants, who are denied even the most basic social rights and live in fear of being caught or deported. They cannot unionise and are often at the mercy of unscrupulous traffickers.

Unions in the host countries often consider migrant workers as troublemakers or strikebreakers who take jobs away from the locals, refuse to join a union or undermine their collective bargaining efforts, reports the IFBWW.

This is why the federation considers it essential that global union cooperation is increased, "to prevent an undercutting of nationally achieved standards", and to ensure decent work for all workers, both in their countries of origin and host countries.

"Illegal migration is never the first choice of migrant workers. They often receive wages they can barely live on, and are badly exploited at work. Border controls and the deportation of illegal immigrants are of little use; they often aggravate the problem by strengthening trafficking networks and their hold over illegal migrants," points out Raquel Gonzalez, head of organising policy at the IFBWW.

Ms Gonzalez advocates a completely different approach, which would consist of establishing a favourable legal framework, encouraging regularisations, and "fighting against those responsible for trafficking migrant workers, by bringing them to justice and penalising employers who take on illegal migrants." She also insists that work inspections should be stepped up and that social partners should be consulted

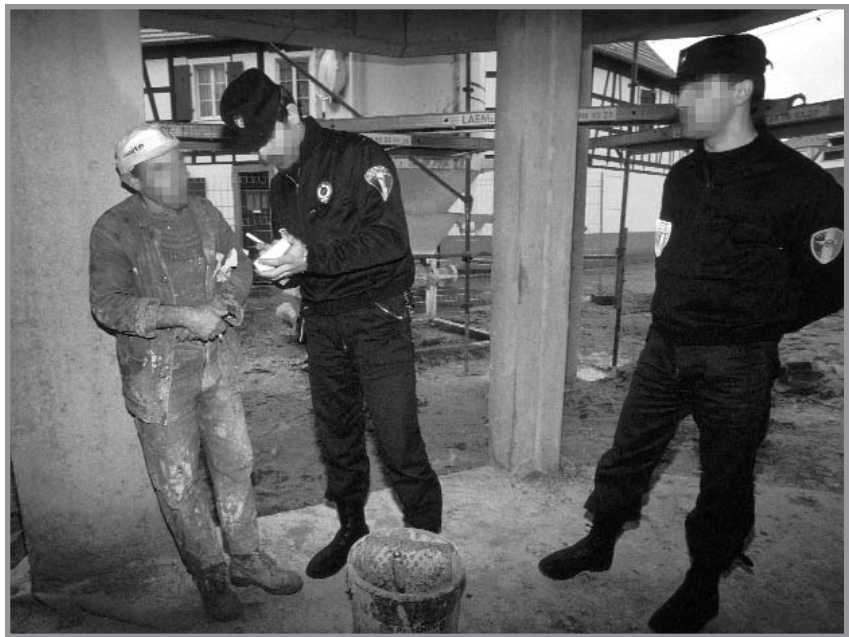


Photo: Gamma

about the measures to be adopted.

The IFBWW addressed the issue of undocumented migrants in a guide published in January 2004(1). Among the issues highlighted is the lack of information on undocumented migrants in the various regions of the world, with regard to numbers and origin.

In the United States, there are estimated to be some 8 million undocumented migrants, many of whom lack any social protection.

In Latin America, construction workers' federations such as FETRAMECOL and FECOTECMAC in Colombia, UECARA and UOCRA in Argentina, or SOICSCES in El Salvador, have no information whatsoever on the cross border workers in their countries' construction, wood and forestry sectors. FENTCOMMC in the Dominican Republic estimates that 55% of the 266,000 construction workers are migrant labourers. In Nicaragua, FITCM-N and SNSCAASC estimate that 80% of the 150,000 workers in the construction, wood and forestry sectors seek employment abroad. SUNTIMAVEN in Venezuela estimates that 15% of its members in the

construction sector are foreign workers, mainly Colombian.

In Europe, Austria estimates that 25% of the undocumented migrants in the country are employed in the construction industry. In Spain, the sector employs some 20,000 undocumented and 70,000 documented migrants. In Germany, according to construction workers' union IG-BAU, some 20,000 undocumented migrants are employed in the sector.

It is against this background that the IFBWW, highlighting a number of examples, has asked its affiliates to:

1/ Raise greater awareness among trade unions about issues surrounding migrant workers, and keep up the fight against racism and xenophobia. In Denmark, BAT Kartel has run campaigns in the local media focusing on the situation of undocumented workers, and has posted information on the Internet regarding foreign companies and their employees. In Africa, unions from the south of the continent have launched several initiatives to combat harassment

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stemming from racism and discrimination. Israeli trade union INUBWW has distributed pamphlets in Turkish, Bulgarian, Chinese, Romanian and English to migrant construction workers, informing them of the labour legislation, their rights and the social benefits they are entitled to.

2/ Share all the information and data they have on migration in the sector. Indonesian union IBPWWU is currently preparing a Memorandum of Understanding in conjunction with its Malaysian counterpart with a view to putting Indonesian construction workers in touch with the Malaysian union before they leave for work in Malaysia. Unions in Finland have published a "Guide for Foreigners Working in Finland."

3/ Lobby for the adoption of suitable legislation and protection, as well as for the ratification of ILO Conventions 97 and 143. The policy pursued in this area by Swiss union GBI, two thirds of whose members are migrant workers, has succeeded in ensuring the integration of

migrant workers.

4/ Conclude trade union agreements on migrant workers. German (IG BAU) and Polish construction workers' unions have signed an agreement on migrant workers. In Spain, FECOMA has devised a specific policy for the recruitment of migrants. Belgian, German and Dutch unions have been cooperating in this area since June 2000. Three Italian unions and IG BAU of Germany have also signed mutual agreements.

5/ Organise migrants and ensure equal pay and conditions for equal work. IG BAU is cooperating with unions from the migrants' countries of origin as well as working in conjunction with public authorities to improve company practices.

In addition, the IFBWW launched a campaign on 8 March 2004, International Women's Day, specifically aimed at women migrants and women workers in the informal economy, who lack all protection.

Women far outnumber men in the informal economy, particularly in production units that are not declared,

where the health and safety conditions leave much to be desired, pay is very low, and no training is provided. These women are neither recognised nor protected by labour laws and social security schemes. They are often unaware of their basic rights or unable to assert them.

Women migrant workers are often recruited by mafia-type networks, then exploited in workplaces where the workers are employed through subcontractors or unscrupulous interim agencies, and regulation by the public authorities is non-existent. Such employment practices, recalls the federation, favour the development of informal, undeclared and illegal work. ●

ANNE RENAUT

Undocumented Chinese workers live in fear in Israel

Throughout 2002, a plane full of Chinese construction workers left each Wednesday evening from Peking airport for Israel, reported ICF-TU affiliate in Hong Kong, the HKCTU(2).

Some 25,000 Chinese migrants were working in Israel in 2000. Only 8,000 were registered with the Chinese embassy in Tel Aviv.

This massive influx of migrant labour is not unconnected with the Middle East conflict. "With the war, the Israeli government has done everything to encourage the import of foreign labour. These new workers now total 300,000, and are taking the jobs of Palestinians, Arabs and Jews," explains Nawaf Massalha, International Secretary of the Histadrut Federation of Labour in Israel.

The contracts are often financially attractive to these Chinese construction workers. They are contracted for around two years and can earn up to 1,000 dollars a month. But even the 8,000 Chinese migrants who are declared have to

live in very poor conditions, sometimes without running water or electricity. The language barrier prevents them from mixing with the local population, and any dispute with their employers inevitably leads to dismissal.

Undocumented migrants live in fear of being caught. So much so that the majority of the Chinese migrants who were injured in a bomb attack in Tel Aviv did not seek treatment in hospital, despite the police's assurances that they would be granted a temporary amnesty.

The daily British newspaper The Guardian has reported the case of an Israeli company that recruited Chinese workers on the condition that they would not have sexual relations with or marry Israeli women. The contract itself stipulated that male workers should not have any contact with Israeli women. ●

A.R.

(1) "Exploitation of Construction, Forestry and Wood Workers in connection with Migrant and Cross Border Work", IFBWW, January 2004.

(2) See online bulletin "Union Focus", February 2004, on the Web site of the Hong Kong liaison office (IHLO, <http://www.ihlo.org>).

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Spain, trade unions have implemented numerous initiatives in support of undocumented migrants, such as the information centres for foreign workers, particularly in the agricultural regions in the south of the country. In South Korea, the KCTU has been occupying the cathedral of Seoul for several months to demand an end to the expulsion of undocumented migrants and the legalisation of all migrant workers. In the United States, the AFL-CIO took part in organising the 2003 Freedom Ride aimed at defending "illegal aliens" and raising awareness of the issue. ●

A.R.

(1) See "Migration and Labour Solidarity", by Patrick Taran (ILO), in Labour Education no. 129-4/2002 on "Migrant Workers".

(2) The term "undocumented" does not include migrants who enter the country legally (such as students) but then work illegally. An International Symposium on Migration, held in Bangkok in April 1999 recommended the use of the term "irregular".

(3) Source: Kemal, A.R., ICFTU-APRO, Regional Consultation on Migration, March 2003. Figures for 1998.

Transport workers are not the police!

The International Transport Workers' Federation (ITF) is campaigning against transport workers being forced to act as police officers. The ITF, along with Amnesty International, is fighting for the repeal of laws that punish companies (particularly airlines) for carrying undocumented passengers.

In the last few years, many countries have had to deal with a growing number of asylum seekers and migrants arriving by plane. Some governments have reacted by adopting legislative measures making airline companies responsible for ensuring that their passengers have the necessary travel documents. They impose penalties on airline companies when such documents are found to be missing, and the companies are made to pay the costs of accommodation, repatriation and any other associated expenses.

“Restrictive measures have increased illegal entries and trafficking of both asylum seekers and economic migrants.”

In collaboration with Amnesty's international section, the ITF carried out a campaign in 1997 aimed at repealing laws that made transporters responsible. Based on those laws, any company transporting people without correct papers risks a fine. These fines are imposed whether or not the person concerned has a legal right to refugee status⁽¹⁾. The ITF reiterated its opposition to these laws in a note sent to the International Civil Aviation Organization (ICAO) in March 2004.

VIOLATION OF CONVENTIONS

Such laws mean, in practice, that carriers are asking their own staff to prevent refugees getting on board, confiscate passports and detain would-be passengers. “But transport workers should not be forced to act as immigration police or, as is often the case, to violate international refugee conventions,” stresses Howard Stuart, Deputy General Secretary of the ITF. For that reason the ITF is encouraging the unions to oppose airlines that force their staff to assume such roles.

What is more, the immigration procedures and the responsibilities imposed on airline carriers require huge resources. The ITF points out that these measures “take an awfully long time” and are undermining other services, not least the “well-documented problem of



Photo: Gamma

flight security”.

The ITF maintains that airline carriers have better things to do than to detain or re-direct ineligible passengers. “We think it would be perfectly reasonable to ask countries to relieve airline companies of their responsibility for applying immigration policy, thereby relieving the ICAO of the task of harmonising such measures” states the ITF.

HUMAN RIGHTS

In addition, the effectiveness of such measures remains in doubt. The ITF affirms that researchers for the UK Home Office, reviewing a decade of “interception” work in Europe, found that there were many “indications” (though few detailed studies) showing that “restrictive measures have increased illegal entries and trafficking of both asylum seekers and economic migrants”.

Moreover, in such circumstances, asylum seekers are likely to conclude that they cannot use air travel to escape persecution, which undermines their basic rights. In this respect, the ITF totally opposes sending anyone back to a

country where s/he is likely to fall victim to human rights violations, such as torture or execution, based on the principle of “non-refoulement”, which is binding on all states. To apply that principle, states must ensure that anyone wishing to make a request for asylum has access to fair procedures to determine whether s/he is in need of protection. These principles are enshrined in the 1948 Universal Declaration of Human Rights and specifically in the 1951 Refugee Convention and its 1967 Additional Protocol.

The ITF is further opposed to forced expulsions, which sometimes lead to tragedies, such as the death of migrants during their captivity. The ITF views “the use of sedatives, excessive force or other improvised forms of control, such as electrical tape, etc.” as particularly unacceptable. ●

ANNE RENAUT

(1) To check the sanctions applied in different countries please see the ITF-Amnesty brochure “No Flights to Safety, Carrier Sanctions; Airline Employees and the Rights of Refugees” of October 1997.

British transport union calling for licensing of gangmasters

The Transport and General Workers' Union (TGWU) is campaigning for a system of licences for gangmasters, many of whom have been exploiting undocumented migrants

"Legislation not exploitation," is the slogan of the campaign launched by the TGWU in early 2004, calling for registration of gangmasters in the UK.

The TGWU supports a draft law tabled by Labour MP Jim Sheridan (West Renfrewshire) on 7 January 2004 which would make provision to that effect. Mr. Sheridan is supported by Labour MP Geraldine Smith, from the Morecambe and Lunesdale constituency (north-west England), where some 20 migrant workers of Asian origin died in February.

It is estimated that in the UK's agricultural sector alone some 3,000 gangmasters are employing about 60,000 people. The TGWU reckons that about 100,000 workers in all are dependent on a gangmaster for their work.

The problem is that unscrupulous gangmasters tend to discourage more "respectable" ones and also exploit the workers they employ or supply, according to the TGWU.

In 1973, the British government set up a licensing system for gangmasters, who were required to register with the Ministry of Employment for an annual fee of 400 pounds. However, the system was abolished in 1994 and UK MPs went on to adopt a law in 2001 legalising recruitment in the private security industry.

COMPULSORY INSPECTIONS

The TGWU is now calling for the reintroduction of a licensing system for gangmasters which would involve:

- compulsory purchasing of a licence;
- the inclusion of a gangmaster on a "Gangmasters' Register", which inspectors could then consult;
- a two-year period of validity for the licence, which would be renewable as long as the gangmaster had not breached any obligations;
- two compulsory inspections during the licence validity period in addition to the inspection prior to the granting of a licence.

This campaign aims to prevent disasters like that at Morecambe Bay, when at least 19 people of Asian origin were

found dead after being caught by a tide whilst picking cockles in the bay. They were probably working as illegal undocumented migrants.

Of the 14 Chinese survivors, 9 were asylum seekers and 5 were not known to the immigration authorities. Since then, 4 have requested political asylum. According to reporters the people were being paid about 1 pound (1.46 euros) for 9 hours' work.

In the UK's agricultural sector alone some 3,000 gangmasters are employing about 60,000 people.

Morecambe Bay is renowned for its moving sands and the strength of its tides, though also for its cockles which sell at high prices. The cockles also attract organized gangs that exploit illegal immigrants from China or Eastern Europe, according to the British press.

EXPLOITED

British Home Office minister Beverly Hughes said the tragedy "underlined the dangers for people who are smuggled into Britain by highly organized

criminal elements". And she added, "In this particular case, where it is mainly Chinese people involved, we are looking at unscrupulous gangs (...) who operate globally and traffic in people to exploit their labour".

For her part, Geraldine Smith, the local MP, stated that, "The cockles on that beach were worth a lot of money, but I fear that these poor people who lost their lives were getting very little of that money and were doubtless being exploited".

Many of the migrants came from the Chinese province of Fujian (south-east), which has traditionally sent emigrants abroad. The families are now struggling hard to meet the debts left behind by the emigrants who borrowed money in order to get to England illegally. The bill can be as much as 200,000 yuans (24,000 US dollars) and some families are even considering removing their children from school in order to send them out to work. ●

ANNE RENAUT

(1) <http://www.tgwu.org.uk/Templates/Campaign.asp?NodeID=89606&int1stParentNodeID=42437&int2ndParentNodeID=89576>

Migrant domestics in Hong Kong: TUCP lodges complaint with ILO

The Trade Union Congress of the Philippines (TUCP) lodged a complaint with the International Labour Organisation (ILO) against the government of Hong Kong following its decision to cut the wages of migrant domestic workers. The TUCP sees the move as an act of discrimination against migrants, many of whom are Filipinos. "It is a pure and simple case of racial discrimination, which violates International Declarations on Human Rights," said TUCP General Secretary Ernesto F. Herrera.

The TUCP has, in fact, accused the Hong Kong authorities of violating Article 6 of ILO Convention 97 on Migration for Employment. The Convention seeks to prohibit the unequal treatment of migrant and national workers, particularly in areas such as pay, social security, social security contributions and access to justice. The TUCP lodged the complaint on 5 March 2003, requesting the support of the Philippine government. The government of Hong Kong had demanded a new levy on foreign workers and cut the wages of domestic helpers by 400 HKD (51 US dollars).

A.R.

Deportation of undocumented immigrants in South Korea

According to the Korean Confederation of Trade Unions (KCTU) the government of South Korea has gone ahead with the deportation of undocumented immigrants and adopted legislation that encourages the exploitation of migrant workers. The KCTU, which has always actively opposed such deportations, is appealing for international solidarity.

Since 15 November 2003, some 100 KCTU militants and sympathisers have been occupying Myeongong Cathedral in Seoul to demand "a halt to the forced deportation of migrant workers and the 'regularisation' of all undocumented migrant workers".

The South Korean government has deported several thousand undocumented migrant workers since autumn 2003, following several major police raids. Thousands of migrant workers have also left of their own free will, while nine immigrants opted for suicide rather than expulsion. Between 100,000 and 110,000 undocumented immigrants are said to be facing the threat of deportation.

SLAVERY

The authorities also cracked down on demonstrators at Myeongong Cathedral,

who launched a petition campaign on 10 February against the government's immigration bills.

"A South Korean version of slavery" is how the KCTU described the new Employment Permit System (EPS) Act, which is due to take effect in August 2004 and is intended to run alongside the current Industrial Trainee System (ITS).

Under the EPS Act, migrants may not work for more than three years in South Korea and are not allowed to change employers. "As a result, the employer has total control over the wages and working conditions of migrant workers, who have a sort of slave-master relationship with their employer," says the KCTU indignantly.

At present, the migrant trainees involved in the ITS can be legally employed for just three years. They are often less well paid than citizens, are not trained and are mainly given "difficult, dangerous and degrading" jobs ('3D jobs'). They are not allowed to change employers since to do so would mean becoming illegal.

STRIKERS DEPORTED

On 15 February 2004, one of the leaders of the Myeongong Cathedral movement, a Nepalese by the name of Samar Thapa, was arrested in broad daylight by the immigration authorities and imprisoned at the Yeosu deportation centre. Two days later, the KCTU organised a

demonstration outside the immigration office and announced the start of a hunger strike of migrant workers.

The hunger strike expanded to involve around 20 migrants, who were protesting against the detention conditions at the deportation centres, where human rights are routinely violated. Not only are migrants' personal diaries confiscated and hunger strikers locked up in isolation units, but the officials in charge of the centres refused to distribute medicines to the strikers.

After 21 days of hunger strike, the migrants were finally given medical treatment, but the government began the forced deportation of the strikers, who were expelled without identity papers and in poor health. In early March, seven hunger strikers were still protesting against their detention conditions, which are "worse than in a South Korean prison," according to the KCTU.

The Canadian Labour Congress expressed its "deep concern" to South Korean President Roh Moo-Hyun. "We would ask you to regularise all migrant workers, to stop the forced deportation of migrant workers, to release all imprisoned migrant workers, to abolish the hiring permit system, to enforce the fundamental rights of migrants and their freedom of job mobility", wrote CLC President Kenneth V. Georgetti in a letter dated 11 March. ●

A.R.

Migrant workers' statement

We, the migrant workers in South Korea, have been forced to work as low-wage workers for the past 15 years in conditions that are hardly fit for human beings. We suffer from industrial accidents, physical and sexual harassment, emotional and verbal abuse, and discrimination. Although our wages are low to begin with, employers often refuse to pay us regularly and in some cases we are paid much less than what was originally promised. We have endured all for this for 15 years. Now the South Korean government wants us to leave because we are no longer needed.

We have started our struggle because we want to live life as human beings. We are not machines that are to be discarded when no longer needed. The South Korean government's migrant worker policy will not decrease the

number of unregistered migrant workers. Instead, it will do exactly the opposite. We believe that under the new system (EPS), migrant workers will be treated as slaves rather than workers. According to the Ministry of Justice, as of March 2 2004, there are 136,000 undocumented migrant workers in South Korea. It is impossible for the South Korean government to deport all these workers by force. The South Korean government must recognize that the only rational solution to deal with migrant workers is to stop immediately the forced deportation of migrant workers, allow freedom of movement between workplaces for migrant workers, recognise migrant workers as workers, and ensure the basic fundamental rights for migrant workers. Even if we have to go into hiding, we will remain in South Korea to continue the struggle for our rights

as workers. Join the struggle against the South Korean government's inhumane, violent, and destructive policies against migrant workers. We ask for your support and solidarity by calling on the Roh Moo Hyun government to stop the manhunt and deportation of migrant workers.

Legalize all migrant workers.

Stop forced deportation of migrant workers.

Release all detained migrant workers.

Abolish the Employment Permit System.

Ensure basic labor rights for migrant workers.

Allow freedom of movement between migrant workplaces for migrant workers.

Condemn the Roh Moo Hyun government's repression against migrant workers.

Spain: "Treat us like human beings, not like animals"

Immigrants without papers, coming to Andalusia to pick strawberries, either live in the open air or under plastic sheets. Their work is dangerous, degrading and difficult. Spanish trade unions are campaigning for them to be treated as human beings.

Five hundred years after he set sail, Christopher Columbus is perhaps history's most famous economic migrant as well as one who travelled without a visa. Today, a thousand immigrants live in the shadow of his statue in Palos de la Frontera, southern Spain, in the very place where the explorer embarked on his journey to the new America. However, unlike Columbus, these immigrants – mainly from the Maghreb countries and Sub-Saharan Africa – live a life characterised by fear and lacking the patronage of rich kings.

They live in the pine forests around Palos, roughly 20 km south of Huelva, the most western province in Andalusia, on the border with Portugal. Their homes are salvaged plastic and wooden huts or "chabolas", with no running water or toilet facilities. Some immigrants go whole days with nothing to eat but tinned sardines and biscuits. If they find work in the nearby strawberry fields, it is always illegal, low paid and sometimes dangerous. "It is almost inconceivable that there should be people living in these conditions in Europe today", said an indignant Manuel Delgado Salas, the Migration Secretary at the Spanish union confederation, Confederación Sindical de Comisiones Obreras (CC.OO).

The illegal agricultural workers of Palos figure among the estimated 5,000 illegal immigrants who arrived at the start of the year to look for work picking strawberries in Huelva province, which has become Europe's leading strawberry producing area.

DESOLATE CAMPSITE

Modibo Sissoko, known as Ive, is an athletic 19-year-old from Mali whose main ambition in life was to become a professional footballer. He crossed the Sahara then the Mediterranean to arrive at the desolate campsite at Palos, where his dream turned into a nightmare. "The government here doesn't want to talk about the problem of official pa-



Photo: Parachute

pers. But how can you work without papers? And if you don't work, how can you live? You can't live and you can't eat. Life's a real struggle," he explained. "Some people won't hire Africans. They think white people and black people are different. They don't understand. We're poor. I came here to earn money. Once I've done that, I'll go home to help my country," he added.

His friend Daniel, a 21-year-old from Timbuktu, chipped in, "Life's really hard here. Everyone thinks I've got loads of money because I'm in Europe, but I've got nothing because there's no work. I'm sleeping rough here. It's a serious problem. It would be better if the Spanish government gave everybody papers."

Every year, hundreds - if not thousands - of immigrants without papers drown off the coast of Andalusia and in the waters of the Strait of Gibraltar, which links the Mediterranean and Atlantic, as they try to get to Europe from the south. According to the Association of Moroccan Immigrant Workers in Spain (ATIME), each year around 1,000 people drown in the Strait - El Estrecho in Spanish - and in the waters around the Canary Islands. In October 2003, 45 undocumented immigrants lost their lives when their small

boat capsized off the Cadiz coast.

According to government figures, there are 1.5 million legal foreign residents in Spain. In 2000, Spain - which has a population of 40 million - proclaimed an amnesty for its illegal immigrants, prompting 245,000 to come forward, 131,644 of whom were eventually issued with official papers.

PERILOUS CROSSING

Last year, Spain repatriated over 80,000 illegal immigrants. However, the Spanish NGO SOS Racismo claims that there are another 600,000 immigrants living in the country without papers, around half of whom are Hispanic Americans who stayed on after their visa expired. Others made the perilous sea crossing.

Between 1 January and 15 October 2003, more than 16,000 undocumented immigrants were intercepted by the maritime brigade of the Spanish Civil Guard along the coasts of Andalusia and the Canary Islands. That figure is 20% up on the statistics for the same period in 2002.

This trend is due to the increase in human trafficking organised by mafia-like gangs based in the Spanish colonial enclaves of Ceuta and Melilla, on the north coast of Morocco and in southern

Morocco near the former Spanish Foreign Legion camp at Laayoune.

Most of the immigrants who make the crossing from North Africa are Moroccan. In Morocco, 6 million people (20% of the total population) live below the poverty line. Those immigrants are joined by other North Africans and immigrants from Sub-Saharan Africa who may, for example, be fleeing poverty in Mali and Senegal or civil war in Sierra Leone. They include mothers and young children, unaccompanied minors and even pregnant women.

They rush to make the dangerous crossing over the Mediterranean, at a cost of around 1,000 Euros, and are crammed into inflatable rafts and small wooden fishing boats called "pateras". Up to 60 passengers may be put on board a light boat no more than eight metres long and two metres wide. In the middle of the night and in total darkness, they brave the wind, rain, waves and burns caused by the mix of diesel oil and sea water.

ELECTRONIC WALL

In 2003, Spain started work on the construction of a 130 million Euro electronic wall along its southern coast, inspired by an Israeli rapid alert system designed to prevent armed Palestinian groups from landing on its beaches. The 15 towers equipped with new radar systems, infrared oscilloscopes and powerful video cameras will cover all the beaches opposite Morocco. Three towers have already been erected close to Algeciras, Tarifa and Zahara de los Atunes. However, the Civil Guard appears to be losing the war against the "pateras people" because it has only 36 patrol boats and, according to some sources, half of these are permanently out of commission, awaiting repairs or maintenance work.

PITIFUL WAGES

Those illegal immigrants who manage to make it across and find a job, either earn a pittance working in fields or workshops or become domestic or sexual slaves in industrialised Europe.

Around 40,000 Moroccan and Sub-Saharan farm workers, 25% of whom are illegal immigrants, work in massive plastic greenhouses in eastern Andalusia, around the town of El Ejido in the province of Almería.

The sweat of their toil supports mass exports of Spanish fruit and vegetables to European and American supermarkets. These immigrants live in overcrowded huts and unhealthy barns and work for the derisory salary of 20 Euros a day. They are also given the dirtiest and most dangerous jobs to do, includ-



Photo: Parachute

ing spraying chemicals.

"LIKE ANIMALS"

According to Mohammad Marsuki, a young 24-year-old Moroccan without papers, "People who work under plastic get don't get much money and they suffer from lots of illnesses." Abdelilah El Bougrini, another Moroccan worker, aged 28, had this to add: "The only thing they're interested in is our work. When there's no work, they kick us out. All we want is a normal life, nothing more. We want to be treated like human beings, not like animals".

CC.OO is supervising several projects involving immigrant workers in the Almería region (and throughout Andalusia). It offers them Spanish classes, vocational training, administrative support and an open resource centre, which is a big hit with the illegal workers.

"We need to change the legislation on immigration so that people who want to work can do so legally," said Loli Granados Martín, the trade union's coordinator. "By limiting access for workers, all we have done is help mafia-like outlets smuggle in more illegal immigrants".

"The recent change in government may improve the situation for migrant workers, but will not make a substantial difference since current legislation is the result of a bipartite agreement between our two main political parties. Perhaps the new socialist government will be more 'flexible' in its interpretation of the law, though we can't say to

what extent," Loli added.

BILATERAL AGREEMENT

Four years after the race riots in El Ejido in February 2000, the atmosphere in the town is still tense. Between late August and early November 2003, at least 20 Moroccan agricultural workers were attacked by unknown assailants wielding steel bars when returning to their camp after a day's work. The situation has been exacerbated by a more organised influx of workers from the former USSR-dominated Eastern Bloc to compete with the Moroccans.

"Neither Spain nor Morocco will be able to tolerate the tragedy of the pateras and human trafficking for much longer", said the President of Andalusia's Socialist government, Manuel Chavez. "Only a genuinely bilateral agreement will enable this problem to be resolved".

Cardinal Carlos Amigo Vallejo, the Archbishop of Seville, said, "Xenophobes forget that we owe much of our wealth to the people who look after our children and our old people and who work in agriculture or construction. Our society would be unable to function without these foreign workers."

The government estimates that, faced with an ageing population and a declining birth rate, Spain will need around 12 million foreign workers to support its economic growth over the next 50 years. ●

DAVID BROWNE

One island, two peoples

In the firing line: Haitians - the labour force driving the Dominican Republic

Construction, tourism, export processing zones, cleaning services, selling fruit and vegetables, harvesting rice... Over the past 20 years, Haitian workers in the Dominican Republic have moved en masse into new sectors of both the formal and informal economies, especially in urban areas. Since the 1920s when the first Haitian sugar cane cutters arrived in their "promised land", the Dominican Republic, which has a GDP six times that of its neighbour Haiti, has become home to around half a million Haitian immigrants and their families, most of whom have neither a visa nor a work permit. The inconsistent attitude - sometimes lax, sometimes repressive - of the government of the Dominican Republic gives free rein to all kinds of irregularities. Obsolete, discriminatory and incompatible with international law, the country's legislation on immigration dates as far back as 1939! A new bill, currently being debated in the Senate, could just as well damage as improve the fate of Haitian migrant workers if civil society does not remain on its guard. "Despite the fact that, according to its own statistics, the government of the Dominican Republic repatriated or deported 20,000 people last year, you can be sure that not one of those deportations or repatriations was conducted in accordance with international standards," said Bridget Wooding, Head of Advocacy at the NGO Jesuit Refugee Service, lamenting a situation charac-

Key statistics

- Between 500,000 and 600,000 Haitians live and/or work in the Dominican Republic - i.e. less than 6% of the country's 8.6 million inhabitants
- 95% of Haitian migrants are living in the country illegally
- 3,500 pesos (approximately ₡66) is the fee charged by a trafficker to help migrants cross the Dominican-Haitian border illegally
- 30% of construction workers in the Dominican Republic come from Haiti
- 100 pesos/day is the average wage of a Haitian sugar-cane cutter
- 80% of Haitian migrants send money back to their families in Haiti
- 3 in 5 Haitian migrants are living in extreme poverty in communities that have sprung up in the vicinity of sugar cane fields

terised by separated families, rejected individual appeals and arbitrary arrests.

In the workplace, too, Haitian migrants have to endure the violation of their rights in many different ways, for example, through wage discrimination or arbitrary deductions in payment, by being forced to work unpaid overtime, through infringement of their freedom of association, and so forth. These workers - who almost invariably have neither an employment contract nor proper legal papers - are cheap, vulnerable and docile, and therefore easily fall victim to unscrupulous company owners in the Dominican Republic. For example, many bosses will report "illegal" workers to the Dominican authorities in order to avoid having to pay them. When will the government of the Dominican Republic introduce an effective and coherent immigration policy that respects the rights of migrant workers'

in the country? Nesly Julien, Haitian coordinator of the trade union NGO Alas de Igualdad (Wings of Equality) working in partnership with the ICFTU-affiliated National Confederation of Dominican Workers (CNTD) is doubtful. "Some sectors of society in the Dominican Republic thrive on the disarray there and use it to their economic and political advantage. If this wave of migration is legally regulated they will lose their source of income." In Nesly's view, change will have to come from the outside. Without pressure from the International Labour Organisation, will the parliament in the Dominican Republic ever ratify the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, which the country's government signed in 1990? ●

LAURENT DUVILLIER

Condemned to a clandestine existence

When he left the border town of Ouanaminthe, leaving behind a wife and four children, young Wilferne knew nothing about working in the construction industry. After 19 years in the Dominican Republic, the simple labourer who worked his way up to becoming a skilled bricklayer is still looking for new employment opportunities. And he has never signed a contract nor known whether his Dominican boss will still require his services the next day. For the same work, a Dominican bricklayer would earn 500 pesos (9.4

Euros) a day. Wilferne receives barely 350 pesos. Take it or leave it. And because his family in Haiti is waiting for the money Wilferne sends them as soon as he can, he turns a blind eye to the harshest forms of exploitation. "Sometimes I work overtime for the same money. Sometimes the site foreman only gives us 800 pesos when we should get 1,000. And sometimes when payday arrives he calls in the migration inspectors to frighten us and keeps our money." Wilferne's six-month work permit is about to expire. He has tried several times to renew it. If he has the 1,200 pesos

needed, why have the Dominican authorities refused his application? There is no explanation.

Condemned once again to a clandestine existence, Wilferne knows he may end up being deported at any moment. He's been there before. At the age of 43, the Haitian bricklayer is still dreaming - and in his dreams he can touch the hands of the children he has not seen for 10 years. Tonight though, he will have to make do with photos of them sent to him by his wife.

Three international conventions for migrants

Migrant workers receive specific protection from three international instruments: two ILO conventions (numbers 97 and 143) and one UN convention. There are also a whole range of ILO international standards covering all workers regardless of their nationality. What they have in common is that all have currently been ratified by very few states. The discussions at the International Labour Conference in June 2004 will focus on conventions 97 and 143. The Workers' Group is calling for an amendment to these conventions, above all to ensure that they are ratified and properly implemented.

1/ ILO Convention 97 on migrant workers (revised) of 1949 stipulates that migrant workers legally residing in a country must receive equal treatment to that of the country's nationals. The convention primarily aims to eliminate any inequalities that might arise from government measures. It also advocates cooperation between the workers' country of origin and

the destination country. It regulates the terms under which workers' migration may take place and ensures they receive equal treatment in a number of areas. The provisions cover information that states should share concerning migration, the establishment of certain free services for migrant workers and measures to facilitate their departure, travel and reception, specific medical facilities, and the obligation to apply equal treatment to immigrants and national workers in a number of areas, irrespective of nationality, race, religion or sex. Ratifications (as of 1st May 2004): 42 countries.

2/ The Migrant Workers (Supplementary Provisions) Convention of 1975 goes beyond Convention 97 by ensuring not just equal treatment for migrant workers but also equal opportunities, and by extending these provisions to cover migrant workers residing in illegal circumstances and those who have suffered abuse. It makes provisions for the respect for the fundamental human rights of migrant workers, the combating

of clandestine immigration and sanctions against unscrupulous employers. Ratifications (as of 1st May 2004): 18 countries.

3/ The United Nations Convention on protection of the rights of migrant workers and the members of their families (1990), which came into force on 1 July 2003, after a total of 20 countries had ratified it, advocates the following: respect for fundamental human rights of all migrant workers (regardless of their legal status) and for the need to ensure they receive equal treatment to nationals in the destination country. In addition it provides for other rights pertaining only to those who are legal residents (such as freedom of movement and equal treatment concerning access to education and training facilities and social services). This convention also contains measures to combat illegal migration and sanctions against unscrupulous employers. Ratifications (as of 1st May 2004): 25 countries.

Italian unions call for better integration and treatment of immigrants

Despite the latest initiative which gives illegal immigrants a chance to obtain valid papers, unions estimate that there are still some 600,000 people without papers in Italy. The Italian unions CGIL, CISL and UIL denounce the system's total inability to manage the influx of immigrants and to guarantee that an adequate balance is struck between the supply of foreign labour and the demand for work in Italy. The system consists of entry quotas and residence permits. Today, only a few thousand immigrants manage to get into Italy every year, whereas the number of illegal workers entering the country every year is estimated at nearly 200,000.

The unions also denounce the serious shortcomings in the administrative handling of applications for the renewal of residence permits, a process which can take more than 10 months in the country's major cities. Another regrettable shortcoming is the atmosphere of total arbitrariness and complete uncertainty that operates in a number of Italian consulates abroad as to whether or not families will be grouped together.

Where employment is concerned, the unions also criticise the various forms of discrimination against immigrant workers, whose status is vulnerable and who find themselves penalised by the legislator's wait-and-see attitude. The unions are calling for the launch of

serious talks with the ministries affected (Social Affairs, Foreign Affairs and Home Affairs) in an attempt to try and remove the atmosphere of uncertainty and the sense of precariousness felt by foreign workers, and also to break down public feelings of distrust.

Meanwhile, the trafficking of illegal workers continues to flourish. Last March, the Italian authorities broke up a network of small Chinese family-run companies near Florence that were employing children - some of whom were under 10 years old - in the textile and leather sectors. ●

N.D.

Fighting discrimination, promoting integration: trade union action plans

In July 2001, the ICFTU adopted an action plan to "combat racism and xenophobia". Two years later, it welcomes the adoption of the UN Convention on the protection of all migrant workers.

"A major breakthrough", were the words with which the ICFTU hailed the adoption of the United Nations Convention on the protection of all migrant workers and their families. However the ICFTU did not hide its concern that none of the principal immigrant "recipient" countries of North America and Europe have, so far, ratified the convention.

Along with ILO Conventions 97 and 143, this Convention on migrant workers is designed to protect migrants from exploitation and abuse, as well as to guarantee their rights to union representation, freedom of expression and political freedom.

DISCRIMINATION

"Discrimination against migrants continues to be very difficult to root out," said ICFTU General Secretary Guy Ryder in April 2003, while insisting that migrants must be protected by international labour conventions (prohibition of forced labour and child labour; non-discrimination; freedom of association and collective bargaining and so on).

On the subject of illegal migrants, whose numbers are constantly on the rise, thus boosting the development of human trafficking, Ryder urged that they be "treated humanely", and called on trade unions to fight for their regularisation and against their expulsion.

In July 2001, the ICFTU adopted an action plan to "combat racism and xenophobia" (1), which **urges governments to:**

- ratify and implement the UN Convention on the Elimination of All Forms of Racial Discrimination (1965);
- ensure equality of treatment for peoples of colour, ethnic minorities,

indigenous peoples, migrants and refugees on matters regarding access to social services and provisions (health, housing, education, for example);

- grant political rights for migrants and refugees;

- provide free language training for migrants and refugees, with special emphasis on women, and provide a training allowance;

Trade unions' commitments in the area of migration include:

- urging government to legalise undocumented workers;

- waging a lobbying campaign to push for legislation to protect people working in the shadow economy;

- working with migrant communities to provide support for and legal assistance to documented workers;

- undertaking special campaigns to organise migrant workers, especially undocumented workers;

- playing an active role in shaping immigration and migration policies to protect the interests of the workers and their families;

- ensuring that countries sending and receiving migrant labour work together to protect and defend the rights of migrant workers. ●

A.R.

How many migrant workers are there around the world?

Whilst condemning the lack of statistics on migrants, the United Nations estimates that there are some 175 million migrants (including refugees) worldwide, if one applies the definition of people living outside their country of origin.

Of those 175 million migrants, 86 million are workers (including 6 million refugees), i.e. economically active. When accounting for migrant workers and their families, the figure rises to 120 million, according to the ILO.

The main destination regions are Europe (including France, Germany, Italy and the United Kingdom), with 33% of migrant workers. 29% of all migrants head to Asia (Australia), 24% to

North America (USA and Canada) and Africa welcomes 8% of migrants.

Almost half the migrants around the world move from one developing country to another developing country. Currently some 35% of the 80 million migrant workers (i.e. 28 million) are living in a developing region.

Around 15 to 20% of migrants are estimated to be undocumented.

An increasing number of women are emigrating, particularly women from developing countries. They make up almost half the total number of migrants (49%), and over 60% of emigrants from the Philippines or Indonesia. They are the most prone to different forms of abuse including human trafficking.

A.R.

(1) <http://www.icftu.org/displaydocument.asp?Index=991213176&Language=EN>

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