

## news.amnesty feature

### Europe: Migrant workers' denied fundamental rights

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*"But tell me, do the people of England think about our problems? Do they know our difficulties?" -- Sudanese migrant, interviewed by the Observer, 17 April 2005 "Truth About Calais' 'Immigrant Menace'"*

*"It all seems so rosy at first but then everything turns out to be quite different from what one has expected"*

Tatiana, a 60-year-old woman from Bulgaria, was worked for about €10 a day in Belgium, quoted in Reuters feature "Hard life for migrant workers in West", 12 April 2005

The word that best describes the experiences of many migrants living and working in Europe is "precarious". Racist and xenophobic attitudes, often exacerbated by politicians and the populist media, disrupt and unsettle the integration of migrants into the societies in which they live. Without a bond of citizenship to the country in which they work, they have little more than this precarious position from which to confront discrimination and exploitative labour practices in the workplace.

The fact that many are compelled by circumstances to live and work in an irregular situation means that their access even to the most fundamental rights -- the right to be free from arbitrary detention, to live in adequate housing, to receive healthcare and education -- is also precarious.

Throughout Europe, migrants are vilified, abused and confined to the margins of societies; societies that, at the same time, accept without question the services that they provide, including essential labour in low-skilled industries such as construction, agriculture and domestic work. Mamphela Ramphele, Co-Chair of the Global Commission on International Migration, notes the existence of a "common hypocrisy", in particular in reference to migrants who are working in an irregular situation.

"There now seems to be a strong demand for cheap and flexible migrant labour in the world's most prosperous countries. Because in practice, governments that speak in very strong terms about the need to exclude undocumented foreigners from their territory often seem to be prepared to tolerate the existence and even the growth of informal labour markets."

Increasingly, the debate on migration focuses on the economic benefits to Europe of a migrant labour force that is only temporarily present in the country in which they work: welcome as long as they bring only their labour, but who will find the door closed to them when they need long-term healthcare or wish to be reunited with their families. In essence, this is an impulse to treat migrant workers as commodities, or units of labour, able to be shuttled around the world at will.

What this debate refuses to recognize is that all migrants are entitled to respect for their human rights. Truly credible migration policies recognize that the human rights and dignity of migrant workers as well as the economic interests of the state are best protected within a framework that acknowledges increased international mobility as well as the demand for migrant labour. Until Europe develops and implements credible, right-respecting and accessible frameworks for legal migration, many migrants will effectively have no choice but to access irregular channels to enter and work in Europe.

The European Commission recently circulated a public consultation document, the Green Paper on Economic Migration, to launch a debate on what kind of common migration policy the EU should develop. In it, the Commission recognized that Europe is an ageing, demographically-declining population that will require more migrant labour in the future in order to sustain economic growth. It failed, however, to extend this recognition to an understanding that there is a rational demand-supply dynamic operating that draws economic migrants to Europe to work and often happens in the complete absence of human rights protection.

In addition, Europe cannot turn a blind eye to the appalling social and economic situation of individuals in many third countries where it has developed diplomatic and commercial interests. Around the world, migrants are effectively compelled to leave their homes in search of work due to a critical lack of human security and appalling inequalities within and between countries. Accordingly, many migrant workers endure abuse and violations of their rights at the hands of their employers in Europe, rather than risk return to a situation of desperate vulnerability, including violations of their economic, social and cultural rights, in their countries of origin.

Extricating migrant workers in Europe from the precarious situations in which many hundreds of thousands find themselves will require leadership and political will. There is a critical need for a sincere commitment on the part of policy-makers to recognizing the diverse and important contributions made to their societies by these individuals who themselves are entitled to respect for their human rights and their dignity.

A tangible expression of this commitment would be for all European countries to ratify the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families ("the Convention"), which extends comprehensive and specific protection to the rights of all migrant workers. Importantly, while asserting that "appropriate action should be encouraged in order to prevent and eliminate clandestine movements" of migrants, the Convention provides for the protection of the fundamental human rights of migrant workers in an irregular situation.