



The EU's 'basic values' and irregular migrants¹ **Common principles for integration or tool for exclusion?**

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"Find out what this guy wants. If he's looking for work, tell him we don't need anyone today." The boss speaks in dialect and drives away in his SUV. The North African speaks perfect Italian. He doesn't wear any stripes on his sweaty shirt but it's quite obvious that he's the caporale, the gangmaster. "Are you from Romania?" A grimace is all it takes to convince him. "I can hire you. Tomorrow," he promises. "Do you have a girlfriend?" "A girlfriend?" "You have to bring me a woman. For the boss. If you bring him one, he'll put you to work right away. Any girl will do." He points to a twenty year-old woman and her companion, working on the conveyor belt of a huge tractor that is being used to gather tomatoes. "Those two are Romanians, just like you. She slept with the boss." "But I'm alone." "No work for you, then."²

1. Introduction

Italian investigative journalist Fabrizio Gatti's article hit the press on 1st September 2006. Posing as a Romanian and as a white South African, Gatti uncovered the savage exploitation of migrant workers who harvest tomatoes in Italy's south-eastern tip, Apulia. Weeks of anguished hand-wringing on the part of the Italian political establishment and

¹ This article will use the term 'irregular migrant' to refer to an individual who lacks the necessary documents authorising entry to and stay on a state's territory. The Parliamentary Assembly of the Council of Europe refers to 'irregular migrants' to avoid the stigma associated with the term 'illegal' and because this is the definition which, in the PACE's words, 'is increasingly favoured by international organisations working on migration issues' (PACE Resolution 1509 (2006), 'Human rights of irregular migrants')

² Gatti, F. (2006), 'I was a slave in Puglia', *L'espresso*, 1/09/06 (<http://espresso.repubblica.it/dettaglio/I-was-a-slave-in-Puglia/1373950//5>)

trade unions followed, with the government drafting legislation to grant residence permits to irregular migrants who report exploitative working conditions. The European Parliament Civil Liberties Committee also stepped into the debate by organising a hearing in Strasbourg, whilst numerous MEPs tabled oral questions. Gatti's article, however, did not come as a shock for organisations such as Médecins Sans Frontières, whose 2005 report on southern Italy detailed migrant agricultural workers' plight and the difficulties they faced in accessing healthcare.

Like the East Europeans and sub-Saharan Africans toiling in the sun scorched fields of Apulia for €1-2 an hour, millions of people across the European Union lack basic social, let alone civil and political, rights. The first of the European Union's Common Basic Principles (or CBPs) on Integration, published in November 2004, states that integration is a 'two-way process'³, yet in public discourse at the EU and national level the burden of integration appears to be placed exclusively on migrants, and not on the host society. Migrants are also asked, in the second CBP, to 'respect' the 'basic values of the European Union'. The text makes no reference to Europe's side of the bargain, namely to the fact that EU institutions and national governments should also ensure basic European values such as social inclusion and equal rights and opportunities for all are upheld and defended.

2. Talking the talk and walking the walk: the European Commission, irregular migrants and access to rights

Though most of the current discourse on migration at the EU level is driven by a security-driven agenda and focuses on issues such as border management and the signing of readmissions agreements with northern and sub-Saharan states, irregular migrants as individuals endowed with rights are absent from EC documents. Irregular migrants are not mentioned in documents on, for example, migration and development (or 'co-development'), including the 2005 European Commission Communication on the

³ Council of the European Union Press Release, 19th November 2006 (http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/jha/82745.pdf)

subject⁴, though they probably experience the greatest difficulties in sending remittances home and gaining recognition of their qualifications.

The European Commission Communication on ‘Policy priorities in the fight against illegal immigration of third-country nationals’, released on 19th July 2006⁵, appears to privilege a binary approach to irregular migration which foresees either regularisation or repatriation for those who are apprehended without papers. The former, however, is viewed as a measure of last resort in the Communication and one which could have negative repercussions on the EU as a whole, if and when newly regularised migrants move to other member states.

The EC document focuses on what it identifies as the main ‘pull factor’ drawing irregular migrants to Europe, illegal employment. Migration, as BEPA (Bureau of European Policy Advisers), the EC in-house think tank, recently pointed out⁶, is thus viewed as being exclusively supply-driven, whereas it is also demand-driven, with European entrepreneurs actively seeking to recruit undocumented migrants.

The Communication fails to address the main underlying cause of irregular migration, namely the virtual lack of legal channels for entry into the EU for citizens of developing countries. Migration legislation varies enormously across the European Union, as do visa requirements and admissions systems, but restrictions on the entry of unskilled workers are commonplace. Most legal migration to Italy is also unskilled, but whereas it is relatively easy to obtain a visa and permit for the highly-skilled, the low- and unskilled face far greater restrictions. Where quota systems are in place, employers routinely lament a massive mismatch between their requests for workers and the annual numbers allocated by the government.

Most importantly, the Communication excludes any measures aimed at ensuring respect for the fundamental rights of the millions of irregular migrants currently in the EU who

⁴ COM(2005) 390

⁵ COM(2006) 402 (http://eur-lex.europa.eu/LexUriServ/site/en/com/2006/com2006_0402en01.pdf)

⁶ BEPA, Migration and public perception, 4th October 2006

cannot obtain legal status and cannot realistically be repatriated. Nowhere in the Communication is there any reference to respect for migrants' basic social rights, including access to healthcare and education regardless of legal status, though a number of member states grant all individuals on their territory, including undocumented migrants, the right to healthcare.

3. If you don't know what your rights are, you don't get them

The British daily 'The Guardian''s similar title for a piece on the new citizen test due to be rolled out across the United States starting from next year⁷ pointed to the fact that potential candidates for US citizenship would have to be able to demonstrate extensive knowledge of the inalienable rights set out in the US Constitution to be able to access them. The situation is similar in Europe, with integration tests being introduced in the Netherlands, the United Kingdom and parts of Germany coming under fire for what critics deem to be daunting questions requiring extensive knowledge of nations' history and purported 'values'. On a different plane, irregular migrants in Europe today lack knowledge about their rights under national and EU legislation. Their problems are compounded by the fact that state employees, law enforcement officers and healthcare professionals themselves often overlook or ignore basic aspects of legislation in their respective sectors.

3.1 Case study: irregular migrants in Italy

3.1.1 Harvest of hypocrisy⁸: Italy's tomato pickers and access to rights

Fabrizio Gatti's article reported that migrant workers in Apulia's agricultural sector earn approximately €15-20 a day to harvest up to 300 kilos of tomatoes an hour (4200 kilos a

⁷ Pilkington, E. (2006) 'What are 'inalienable rights'? If you don't know, you don't get them', *The Guardian*, 1/12/06

⁸ Cf. Hooper, J. (2006), 'Harvest of hypocrisy', *The Guardian Weekly*, 13/10/06 (<http://www.guardian.co.uk/guardianweekly/story/0,,1896808,00.html>) and Médecins Sans Frontières Italy, *I frutti dell'ipocrisia. Storie di chi l'agricoltura la fa. Di nascosto. Indagine sulle condizioni di vita e di salute dei lavoratori stranieri impiegati nell'agricoltura italiana*, March 2005

day) throughout the long, harsh summer, working 12-14 hours a day. The gangmasters, who are mostly North African, Eastern European or Italian, charge about €5 a day for transport to the fields and €5 a day or €50 a month for accommodation in decrepit shacks with no running water, lavatories or electricity.

Gatti's article, and successive reports published by the Italian weekly 'L'Espresso', painted a grim picture of the migrant labourers' lives. Threatened, beaten up and racially abused by the gangmasters and farm owners, the migrants, including those who had residence permits, were reluctant to turn to the police for fear of being deported back to their countries of origin or facing retaliation. Police officers, labour inspectors and trade union representatives were apparently a rare sight among the olive groves and tomato plants. The former only allegedly appeared to round up dozens of irregular migrants and deport them, usually, Gatti pointed out, at the end of the month when payment was due. Farm owners and gangmasters, on the other hand, were almost never arrested.

Farm owners' low labour costs are not enough to allow them to profit from their tomatoes. A ton of tomatoes is sold for a fixed price which is set by Italian food industry representatives and the Italian government every year. The price for 2006 is €39, compared to €41 in 2005 and €50.5 in 2004. Chinese tomatoes, bought by some canned tomato producers last year, are now less competitive. Even so, farmers are just about managing to break even. Their profits are reaped exclusively from the CAP (EU Common Agricultural Policy) subsidies they collect, €30.47 for each ton of tomatoes they produce, with the total amount allocated to Apulian farmers by Brussels in 2006 set to top €137 million. The annual turnover for the Italian tomato industry this year is predicted to be €1.9 billion⁹.

Migrants' plight is made worse by the practice of registering ageing locals as the owners of the farms while the actual owners sign up as manual labourers. The latter then work a

⁹ Sources: Confederazione Italiana Agricoltori, Coldiretti, Fabrizio Gatti's articles (*L'Espresso*, 1/09/06, 8/09/06, 15/09/06, 29/09/06, three of which are available online in English: <http://espresso.repubblica.it/dettaglio/I-was-a-slave-in-Puglia/1373950//5> <http://www.tanadezulueta.it/html/modules/sections/index.php?op=viewarticle&artid=382> <http://www.tanadezulueta.it/html/modules/sections/index.php?op=viewarticle&artid=383>)

couple of days a week and receive unemployment benefits for the rest of the month. The scam allows the owners to collect €7,000-10,000 a year from the Italian state and also ensures that they cannot be held responsible for violations of labour rights or health and safety laws should inspectors visit their farms.

Articles in the Italian and European media¹⁰ on Apulia and its migrant labourers had begun to surface in July 2006, when law enforcement officers discovered what they labelled a ‘gulag’, where Polish workers were kept under lock and key, forced to work long hours for no pay and allegedly told to call the gangmasters ‘Kapo’, a chilling reference to Nazi-era concentration camps. Reports also referred to Polish citizens who had apparently gone missing. As the momentum built up, the Polish police set up a webpage¹¹ in Polish, English and Italian to help track down the 122 people, both men and women, who had travelled to Italy between 2000 and 2006 and had allegedly disappeared. Magistrates in Apulia, who had previously written off the deaths of fourteen Polish workers as ‘natural’, re-opened their files. One of the dead Polish men had been found in a field, his body completely burnt and his immaculate passport hanging round his neck¹².

The number of sub-Saharan Africans who have gone missing in Italy is unknown.

The *perini* tomatoes which migrants from Eastern Europe and sub-Saharan Africa pick fill the cans which are exported throughout the world and are a symbol of Italian cuisine, featuring alongside olive oil, spaghetti and parmesan cheese in supermarkets worldwide. Yet when the irregular migrants working in Apulia’s ‘red gold triangle’¹³ fall sick or suffer work-related injuries they are often turned away from the region’s hospitals or reported on by medical staff.

¹⁰ e.g. ‘Un millier de Polonais piégés et réduits à l’esclavage dans le Sud de l’Italie’, ‘Esclaves en Italie’, ‘Les fruits rouges de l’hypocrisie’, *Le Monde*, 23/09/06 ; ‘Polish workers feared killed on Italian farms’, 14/09/06, ‘Scandal of ‘missing’ Poles shocks Italy’, 24/09/06, *The Guardian*

¹¹ <http://www.policja.pl/index.php?dzial=221>

¹² ‘Indagini su immigrati morti nel foggiano’, *La Gazzetta del Mezzogiorno*, 18/10/06

(<http://www.meltingpot.org/articolo8847.html>)

¹³ A reference to the Apulian province of Foggia’s roughly triangular shape and to its tomatoes, the main source of income for locals.

Médecins Sans Frontières, the international humanitarian non-governmental organisation which usually operates in war-torn countries in the developing world, released a report in March 2005 on migrant agricultural workers in southern Italy and their access to healthcare and other services¹⁴. The MSF document, which also interestingly placed the percentage of migrants toiling in the fields who had residence permits at 48.6%¹⁵, provides hard data to back up the media reports published in 2006. According to the NGO, which interviewed and examined 770 migrant workers in Italy's five southernmost regions, 95% of migrant agricultural labourers in the area lack work contracts, 40% live in abandoned buildings, 50% have no running water, 30% lack electricity, 43.2% do not have access to lavatories, 30% have been maltreated or the subject of violent attacks over the previous 6 months and 53.7% cannot afford to send remittances back home¹⁶.

MSF doctors also found that only 5.6% of the migrants, whose average age is 30, could be classified as being in good health, compared to 70% for young Italian males¹⁷. Nationwide figures for 2003 highlight how whilst work-related injuries saw an overall 1.6% drop and fatalities fell by 5.1%, migrants' work accidents increased by 16.2% and deaths by 30.8%¹⁸.

The migrants interviewed by MSF complained of being turned away from hospitals and of fearing deportation should they seek medical assistance. Fabrizio Gatti's article in 'L'Espresso'¹⁹ gave a detailed account of a 39-year-old Romanian's ordeal. The man, whom Gatti referred to as 'Pavel', claimed he had been heavily beaten by the Tunisian gangmaster who controlled the abandoned village of Villaggio Amendola (and its new

¹⁴ Médecins Sans Frontières Italy, *I frutti dell'ipocrisia. Storie di chi l'agricoltura la fa. Di nascosto. Indagine sulle condizioni di vita e di salute dei lavoratori stranieri impiegati nell'agricoltura italiana*, March 2005 (http://www.medicisenzafrontiere.it/msfinforma/dossier/missione_italia/prima_pagina/sintesi_rapporto_stagionali.pdf)

¹⁵ 23.4% of the workers are asylum seekers; 6.3% have refugee status; 18.9% have residence permits for work

¹⁶ Médecins Sans Frontières Italy, *I frutti dell'ipocrisia. Storie di chi l'agricoltura la fa. Di nascosto. Indagine sulle condizioni di vita e di salute dei lavoratori stranieri impiegati nell'agricoltura italiana*, March 2005

¹⁷ *ibidem*

¹⁸ Laganà, G (2005), Immigration policy and labour markets in Italy, IIED, quoted in G. McGranahan and C. Tacoli (2005), International contribution to the migration component, CCICED Task Force on Sustainable Urbanisation Strategies, IIED

¹⁹ Gatti, F. (2006), 'I was a slave in Puglia', *L'Espresso*, 1/09/06 (<http://espresso.repubblica.it/dettaglio/I-was-a-slave-in-Puglia/1373950//5>)

inhabitants from Eastern Europe) with his Italian partner. Left to die in a shack and fed secretly by his companions, Pavel's wounds were festering by the time someone plucked up enough courage to call the local hospital. Four days after a major operation, Pavel was handed over to the police by medical staff in violation of Italy's immigration legislation. All migrants on Italian soil have the right to free healthcare at state facilities. Undocumented migrants should be issued with a so-called STP, or *Straniero Temporaneamente Presente* ('Temporarily present foreigner'), card, by the health authorities, who should not pass on their details to or call in the police. The MSF team working on the report and MSF volunteers in Rome, however, found that on countless occasions nurses and doctors had either refused to provide care to irregular migrants or had immediately alerted the police.

The official who signed Pavel's expulsion order underscored the fact that he 'refused to sign' the document. Both of Pavel's arms were encased in plaster.

3.1.2 Irregular migration: a sustainable model for European agriculture?

Authoritative sources put the total number of irregular migrants in Italy as of December 2005 at 500,000²⁰, out of a total of seven-eight million in the EU as a whole²¹. Regular migrants in Italy, on the other hand, are 3.035.000, or 5.2% of the population²².

Heavy restrictions on legal channels for entry, compounded by widespread recourse to illegal employment, particularly in the South, may be contributing to the increase in irregular migration to Italy. Current immigration legislation links residence permits to employment contracts, whilst the latter, in turn, depend on annual quotas set by the Ministry of Labour and Social Policies in consultation with employers' associations and trade unions. Quotas are set for both seasonal and non-seasonal jobs and are divided

²⁰ Pittau, F. (2006), Anticipazioni del Dossier Statistico Immigrazione Caritas/Migrantes 2006: i dati sulla presenza irregolare in Italia, Caritas/Migrantes

²¹ Papademetriou, D.G. (2006), The global struggle with illegal migration: no end in sight, Migration Policy Institute, 1st September 2006

²² Caritas/Migrantes (2006), Immigrazione: Dossier statistico 2006 – V XI Rapporto sull'immigrazione: Al di là dell'alternanza

amongst Italy's regions. Each main country of origin is also allocated a certain number of permits per year.

Employers' associations have been highly critical of the quota system. Figures released by the Confederation of Italian Industry highlighted how in 2003 the mismatch between employers' requests for migrant workers and the number of workers they were effectively allocated was 79%²³. Coupled with the extreme lengthiness of the process (quotas are usually published in March but permits are generally issued in the autumn), the mismatch is a cause of great concern for small and medium-sized enterprises, which make up the backbone of Italy's economy.

The 2006 quota for migrant agricultural labourers for the whole region of Apulia is 1,600²⁴. Credible estimates, quoted by Fabrizio Gatti²⁵, place the number of migrants who have worked or are working in the 'red gold triangle' alone this year at 7,000. A huge percentage of the province of Foggia's migrant labourers thus lack an employment contract and, as we have seen, face exploitation and abuse on the part of employers and gangmasters.

The huge prevalence of migrants amongst southern Italy's farm workers is a consequence of what Alessandrini²⁶ has termed the 'ethnicisation' of the Italian labour market, with migrants finding work in specific sectors and Italians unwilling to take jobs up in those sectors as they are perceived to be 'migrants' jobs'. According to reports in the local media, migrant workers, mostly from Eastern and Central Europe, are starting to replace Italian labourers in Apulia's grape harvest, which had hitherto escaped 'ethnicisation', prompting a backlash of xenophobia and racially motivated violent attacks against the migrants²⁷. Successive waves of immigration to Italy have seen North Africans working

²³ Laganà, G (2005), Immigration policy and labour markets in Italy, IIED, quoted in G. McGranahan and C. Tacoli (2005), International contribution to the migration component, CCICED Task Force on Sustainable Urbanisation Strategies, IIED

²⁴ Gatti, F. (2006), 'Lavoro nero con l'etichetta', *L'Espresso*, 21/09/06

(<http://www.tanadezulueta.it/html/modules/sections/index.php?op=viewarticle&artid=383>)

²⁵ *ibidem*

²⁶ Alessandrini, G. (2006), president of ONC/CNEL (a government-funded think tank's department on local authorities' integration policies), p.c.

²⁷ Foschini, G. and Pleuteri L. (2006), 'Schiavi dell'Est anche nei vigneti', *La Repubblica - Bari*, 17/09/06

in the southern regions' agricultural sector replaced by sub-Saharan migrants, who are now, in turn, being outcompeted by Eastern Europeans.

The 'pull factor' cited by the European Commission Communication, illegal employment, would thus appear to be an attractive prospect not for the migrants embarking on the perilous journey across the Sahara desert and southern Mediterranean, but for the entrepreneurs and farm owners who rely on an undocumented migrant workforce to keep labour costs artificially low.

4. Conclusion

Like Pavel, the Romanian who dreamt of seeing his daughter through university by picking hundreds of tons of Apulia's 'red gold', millions of other irregular migrant workers struggle to survive by harvesting the fruit we eat or building the supermarkets we shop in. Like Pavel, very few of these workers are able to access basic social rights like healthcare. Like Pavel, these workers, without whom Europe's economy would collapse, are often the victims of exploitation and abuse. And, like Pavel, Europe's irregular migrants are increasingly being favoured by employers keen on dampening labour costs, causing local wages to spiral downwards and creating a vicious circle of exclusion and unemployment, which in turn may lead to an increase in xenophobia and the rise of overtly racist political parties.

Clamping down on the migrants themselves cannot, and should not, be the solution. The EU and national governments should, instead, address the lack of viable legal channels for entry into the European Union and enforce sanctions against employers who recruit workers illegally, be they migrants or nationals. The millions of irregular migrants currently in the European Union should be able to access basic services such as healthcare. 'Harmonisation' of the EU and its member states' policies in the field of migration should thus focus on ensuring basic social rights for irregular migrants are guaranteed across Europe. Taking steps in this direction would indeed ensure that

Europe's 'basic values', as laid out in the Common Basic Principles on Integration, are respected.

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