



Recommendation 1618 (2003)¹

Migrants in irregular employment in the agricultural sector of southern European countries

Parliamentary Assembly

1. The Parliamentary Assembly notes that reliance on migrant labour has become a characteristic feature of Mediterranean agriculture, especially for seasonal activities where a large workforce may be needed at short notice and for brief periods. The work of many of these migrants is undeclared. As a result, they have no right to receive minimum wages or make social security contributions and are often subjected to abuse and exploitation. In some cases the concentration in rural areas of migrants with no homes or work, waiting to be recruited, creates unease in the local population, and even racist or violent outbreaks.
2. Irregular employment does not necessarily imply illegal residence. Migrants with residence permits may be denied work permits or forced to work in the black economy because of difficulties in finding regular employment. Irregular employment is also the recourse of many genuine asylum seekers who cannot work for the duration of the asylum procedure – a period which can take months or even years – and who have no other means of providing decently for themselves or their families. Other migrants lack legal rights to stay in the host country and for this reason are prepared to take up any job, whatever the working conditions. Some migrants even arrive with the intention of engaging in irregular employment, in the knowledge that the agricultural sector offers excellent opportunities as well as an efficient word-of-mouth recruitment system.
3. The Assembly is concerned about the work and living conditions of migrants working irregularly in the agricultural sector, and about the extent to which the employment of migrants has grown in Council of Europe member states, and especially in southern European countries.
4. The Assembly regrets that, despite the fact that a number of agricultural activities require a seasonal workforce and that many migrants are ready to take up seasonal employment in agriculture, while the national seasonal workforce is often unavailable, Council of Europe member states often do not have clear, transparent and coherent policies for the recruitment of migrant seasonal workers and their subsequent access to basic social and labour rights, let alone a harmonised approach to this issue.
5. The Assembly also regrets that the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families – entry into force 1 July 2003 – has been ratified by only two Council of Europe member states and signed by one other.
6. The Assembly therefore recommends that the Committee of Ministers:
 - 6.1. instruct its relevant committees to conduct research on the issue of migrant workers employed in the agricultural sector of Council of Europe member states, in particular in the areas of legal status and rights of temporary and seasonal migrant workers, their living and working conditions, recruitment procedures and sanctions against employers who illegally employ migrants;
 - 6.2. on the basis of such research, formulate appropriate recommendations addressed to member states;

1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 8 September 2003 (see [Doc. 9883](#), report of the Committee on Migration, Refugees and Demography, rapporteur: Ms de Zulueta).



6.3. call on member states to:

- a. establish an effective system of migration management in response to the demand for labour in agriculture, paying particular attention to seasonal activities, through transparent procedures engaging employers, local administration and workers' representatives;
- b. introduce fair and viable channels for the recruitment of temporary or seasonal migrant workers, if necessary through the conclusion of bilateral agreements with potential countries of origin, and advertise them widely, both in the country demanding a seasonal workforce and in the potential countries of origin;
- c. grant seasonal or temporary migrant workers accepted under the above-mentioned procedures work permits giving, amongst other rights, full access to social security in the host country. Residence permits could be renewable or issued for multiple entries, and should not be bound to a single employer. The repeated issuing of seasonal or temporary work permits should lead to the progressive acquisition of rights for the beneficiary, including the right to longer-term residence, the right to family reunion and the right to vote and stand in local elections;
- d. make available vocational training and language courses for migrant workers both in countries of origin and of destination, with the active participation of the local administration from both countries, employers and workers' representatives;
- e. encourage local authorities and employers to provide access to adequate housing and social services for foreign workers, particularly seasonal workers;
- f. introduce and enforce an appropriate legal framework to sanction employers of clandestine workers in agriculture, as well as suppliers of illegal migrant labour, with penalties which are proportionate to their actions, sufficiently severe to have a dissuasive effect and which increase for repeated offences;
- g. establish an inter-agency task force, composed of relevant government departments, employers' associations and workers' representatives – including migrant workers – to monitor the effective implementation of the sanction system. This task force should also be in charge of the training and education of various enforcement services as well as the competent courts;
- h. introduce in their law and regulations the possibility of granting a residence permit to those migrant workers who co-operate with investigations or court proceedings to apprehend or prosecute illegal employers or suppliers of illegal migrant labour;
- i. introduce in their law and regulations the possibility of granting a residence permit on humanitarian grounds to migrants who have been victims of forced labour;
- j. sign and ratify the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.