

# Decent Work for Undocumented Migrants

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Within the framework of the International Labour Organization (ILO) Decent Work Agenda, the ILO has taken a significant step toward the promotion of decent work for migrants with the publication in 2006 of the International Multilateral Framework on Labour Migration.

The aim of this policy brief is to identify the pressures involved in achieving decent work for migrants, building on the ILO Decent Work Agenda. Attention must be given to the important role that decent work can have in promoting more humane conditions for undocumented migrants, and also to the concrete instruments provided by the ILO for this objective and the main difficulties the application of the framework has run into. Therefore this policy brief focuses on the concept of the vulnerability of migrant workers and on the important role that migrants can play for development.

## Migration, decent work and development

*Migrant workers, especially those who are undocumented, are in a vulnerable position due to the fact that they are not citizens of the country in which they live. (...) This vulnerability, which derives from an alien status, often contrasts sharply with the determination, ingenuity, and resilience required for the migration process itself.*<sup>1</sup>

Migrant workers often do work which is considered dirty, dangerous, and degrading (the so-called “3-D jobs”). Moreover, given their precarious legal position in the country of destination, irregular

migrant workers are highly vulnerable to abuse and exploitation by employers, migration agents and criminal gangs.

The former Special Rapporteur on the Human Rights of Migrants, Gabriela Rodríguez Pizarro, has stated that “vulnerability therefore has to be regarded as a characteristic of migration. It should be seen not as a weakness, but as the fact that, because of the special circumstances in which migration is now taking place, migrants are exposed to smuggling and trafficking and may fall into the hands of organized gangs which take advantage of their need to find work in order to survive, and all of this is directly related to the lack of documents which could regularize their situation.”<sup>2</sup>

In the *Study on the Obstacles to Effective Access of Irregular Migrants to Minimum Social Rights*, R. Cholewinski has identified a series of legal and practical obstacles undocumented migrants face in upholding their rights.<sup>3</sup> Legal obstacles include different measures criminalizing irregular migration, to the unavailability of legal aid in employment tribunals. Practical obstacles are related to the concrete difficulties that undocumented workers face in regard to basic social services such as health care and education in view of the absence of information about their rights.

While migrant workers face all of the above-mentioned difficulties, they can play a key role in the development of both their countries of origin and destination. Recognition of a number of factors has prompted reassessment of the developmental role of migrants:

<sup>1</sup> See Stefanie Grant, *International migration and human rights*, a paper prepared for the Policy Analysis and Research Programme of the Global Commission on International Migration, September 2005, p.2, (<http://www.gcim.org/attachements/TP7.pdf>)

<sup>2</sup> See *Report of the Special Rapporteur, Ms. Gabriela Rodríguez Pizarro, submitted pursuant to Commission on Human Rights resolution 2000/48*, 9 January 2001, E/CN.4/2001/83, Par 55.

<sup>3</sup> See Ryszard Cholewinski, *Study on Obstacles to Effective Access of Irregular Migrants to Minimum Social Rights*, European Committee on Migration (CDMG), 48<sup>th</sup> Meeting, Strasbourg 24-26 November 2004, Doc. CDMG (2004) 29.

- Migrants' remittances are likely to be double the size of aid;
- Migrant diasporas are engaged in a variety of transnational practices (such as relief, investments, cultural exchange, political advocacy) with direct effects on international development cooperation;
- Both private and public sectors in developed countries recognize their immediate and long-term dependence on immigrant labour with an ever more complex skills mixture;
- An increasing number of migrant-sending states recognize that migrant diasporas can advance national development from abroad and endow their migrants with special rights, protections and recognitions.<sup>4</sup>

At the United Nations High Level Dialogue on Migration and Development, held during the UN General Assembly in New York, September 2006, migration was increasingly seen within the context of development, and recognised as resulting in economic benefits to both countries of destination and countries of origin. It is also recognised that this economic gain is contingent on the protection of migrants' rights and that migrants who do decent work contribute more to development than those who are economically exploited and socially excluded.

In his report for the High Level Dialogue on Migration and Development, Former UN Secretary General Kofi Annan stated that: "The benefits of international migration, not only for migrants themselves, but equally for receiving societies, are contingent on the protection of migrant rights. Labour rights are the mainstay in the prevention of exploitation and ought to be fiercely safeguarded.

Migrants in an irregular situation are even more vulnerable, particularly with respect to employment. When migrants are afraid of being detected, they are unlikely to come forward to demand fair treatment by employers."<sup>5</sup>

In addition to their financial contributions, migrants can help to foster innovation, learning processes, and even political change in their countries of origin. Closer contacts and close coordination with the diaspora helps the home countries to benefit from the non-financial resources that their diaspora may bring. This can lead to increased temporary or permanent return migration, and may also trigger a flow of ideas, know-how and resources between the diaspora and their home country. From this point of view it is important to protect not only salaried rights but also cultural and social rights, to give migrant workers and their families the opportunity to experience real growth. Only by promoting fair labor conditions can they acquire the skills and know-how that they can transfer to their countries of origin.<sup>6</sup>

During the Union Network International (UNI) World Congress in Chicago 2005, it was stated that "Regardless of their legal status, migrant workers must be protected against discrimination in their terms and conditions of employment." "Decent work is the starting point of development", UNI Africa Regional Secretary Fackson Shamenda told delegates in a keynote video. "You can only develop if those people who are involved in the development have got the rights."<sup>7</sup>

## The ILO Decent Work Agenda

The starting point of the decent work agenda is in the Declaration on Fundamental Principles and Rights at

<sup>4</sup> See Ninna Nyberg Sørensen, Nicholas Van Hear, Poul Engberg-Pedersen, *The Migration-Development Nexus: Evidence and Policy Options*, Centre for Development Research, Copenhagen, April 2002, pp 8.

<sup>5</sup> See *International migration and development Report of the Secretary-General, A/60/871*, para. 66, (<http://daccessdds.un.org/doc/UNDOC/GEN/N06/353/54/PDF/N0635354.pdf?OpenElement>), accessed on 10 January 2007. On the same aspect see also the results of the Day of General Discussion, 15 December 2005, *Protecting the rights of all migrant workers as a tool to enhance development*, organized by the Committee on Migrant Workers, (<http://ohchr.org/english/bodies/cmww/mwdiscussion.htm>), accessed on 30 January 2007.

<sup>6</sup> Significant in this sense is paragraph 2 of article 64 of ICMW: "due regard shall be paid only to labour needs and resources, but also to social economical, cultural an other needs of migrant workers and members of their families involved, as well as to the consequences of such migration to the communities concerned".

<sup>7</sup> See *Waking up the world - to decent work*, 26 September 2005, (<http://www.union-network.org/unicongress2005.nsf/d3071c6b926d59f4c1257063004d187d/1ffad572d92efd51c1257088002d13c9?OpenDocument>), accessed on 10 December 2006.

Work, adopted in 1998 by the International Labour Conference.<sup>8</sup> In this declaration the International Labour Conference required all members to respect, promote and realize in good faith the principles and rights relating to freedom of association, to eliminate all forms of forced or compulsory labour, to abolish child labour and eliminate discrimination in respect of employment and occupation. The diffusion of decent work has since then become a fundamental objective of the International Labor Organization (ILO), as stated by ILO director Juan Somavia: “The primary goal of the ILO today is to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity.”<sup>9</sup>

The ILO *Fact Sheet on Decent Work* underlines that decent work is a strategic goal for development that acknowledges the central role of work in people’s lives. This includes work that is productive and delivers a fair income; provides security in the workplace and social protection for families; and offers better prospects for personal development and social integration, freedom to express concerns, opportunities to organize and participate in decision-making, and equal opportunity and treatment for all women and men.<sup>10</sup> In a relatively short time this concept has led to an international consensus among governments and civil society, and nowadays decent work is considered one of the key elements to achieving fair globalization and the reduction of poverty.

In 2006, at the high-level segment of the UN’s Economic and Social Council (ECOSOC), ministers reaffirmed that “opportunities for men and women to obtain productive work in conditions of freedom, equity, security and dignity are essential to ensuring the eradication of hunger and poverty, the

improvement of the economic and social wellbeing for all, the achievement of sustained economic growth and sustainable development of all nations, and a fully inclusive and equitable globalization.”<sup>11</sup>

The European Union (EU) has also shown its interest in the decent work agenda and in its promotion worldwide. The strategic goal of the promotion of the decent work agenda as a priority for the EU is declared in the 2006 Communication from the Commission on “Promoting decent work for all: The EU contribution to the implementation of the decent work agenda in the world.” Nonetheless, the focus is more on international cooperation and the diffusion of decent work in countries in the global South rather than on the labour market within European borders. The communication states:

*“Action should also be taken to help the authorities in the countries concerned to manage migratory flows more effectively, protect migrants from exploitation and ensure better treatment of migrants resident on their territory. The fight against illegal immigration and human trafficking forms part of such action. The Commission is also sharing with national and regional authorities its long experience of ensuring the free movement of workers, promoting the rights of migrants, immigration policy and integration of migrants.”<sup>12</sup>*

As no mention is made in the communication of the possible inclusion of irregular migrants as beneficiaries within the decent work agenda, the only action proposed within the framework of the agenda is the fight against irregular migration.

<sup>8</sup> See *ILO Declaration on fundamental principles and rights at work*, Geneva, June 1998, ([http://training.itcilo.it/ils/foa/library/declaration/decl\\_en.html](http://training.itcilo.it/ils/foa/library/declaration/decl_en.html)) accessed on 30 January 2007.

<sup>9</sup> See the *Report of the Director-General: Decent Work*, Geneva, June 1999, (<http://www.ilo.org/public/english/standards/relm/ilc/ilc87/rep-i.htm>), accessed on 30 January 2007.

<sup>10</sup> See ILO, *Fact Sheet on Decent Work*, July 2006, (<http://www.ilo.org/public/english/bureau/inf/download/ecosoc/decentwork.pdf>), accessed on 30 January 2007.

<sup>11</sup> See the United Nations Economic and Social Council, *Draft ministerial declaration of the high-level segment submitted by the President of the Council on the basis of informal consultations*, E/2006/L.8 (text as adopted), (<http://www.ilo.org/public/english/bureau/inf/event/ecosoc/declaration.pdf>) accessed on 30 January 2007.

<sup>12</sup> See the Communication of the Commission, *Promoting decent work for all, The EU contribution to the implementation of the decent work agenda in the world*, Brussels, 24 May 2006, COM (2006) 249, p.8, ([http://ec.europa.eu/employment\\_social/news/2006/may/com\\_2006\\_249\\_en.pdf](http://ec.europa.eu/employment_social/news/2006/may/com_2006_249_en.pdf)), accessed on 30 January 2007.

### The ILO Multilateral Framework on Labour Migration

The principal tool that the International Labor Organization (ILO) has developed within its Agenda on Decent Work is the International Multilateral Framework on Labour Migration. This document<sup>13</sup> is a non-binding framework of principles and guidelines for a rights-based approach to labour migration that develops a comprehensive compilation of relevant principles, guidelines and best practices in relation to labour migration.

The framework was developed as a follow up to the mandate given to the ILO in the 2004 International Labour Conference resolution on a fair deal for migrant workers in the global economy.

The declared objectives of the framework are to ensure better management of migration, the protection of workers and promoting a stronger relationship between migration and development. For achieving these goals the document enumerates different principles (15 broad principles) and a series of corresponding guidelines.

What this entails is the construction of a managed migration regime which makes the obligation to provide “decent work” a central part of the migration policy agenda – defined as “freely chosen employment,” supported by “fundamental rights at work,” with an income sufficient to “meet their basic economic, social and family needs and responsibilities,” and an “adequate level of social protection for the workers and family members.”

Within the fifteen broad principles of the framework, the three main principles that directly concern the rights of undocumented migrant workers are: 1) the protection of human rights for all migrant workers; 2) the promotion of social dialogue as the main way for integration; 3) the implementation by the government, in consultation with the social partners, of measures to prevent abusive practices, migrant smuggling and trafficking in persons.

### How does civil society intervene to ensure decent work for undocumented migrant workers?

The difficulties in implementing the decent work agenda for migrant workers are many, ranging from the lack of realization of social rights to difficulties in obtaining decent salaries and denouncing employers who exploit workers in cases of abuse.

Very often in the lack of an institutional answer assumed by states, civil society has carried out concrete initiative to address the problems faced by undocumented workers. The “right to the satisfaction of basic material needs of any person in

a position of extreme hardship” forms the basis of the relationship between civil society and migrants, starting from the awareness that there is a strong perception from civil society that this right is always denied for undocumented migrants.<sup>14</sup>

In PICUM’s publication *Ten Ways to Protect Undocumented Migrant Workers*, a wide range of examples in which NGOs, trade unions and other agencies uphold the rights of undocumented workers are outlined. In March 2006 an international conference was held by PICUM with the support of the European Trade Union Confederation (ETUC) to disseminate this report. The conference was attended by more than 100

<sup>13</sup> See ILO, *Non-binding principles and guidelines for a rights-based approach to labour migration, adopted by the Tripartite Meeting of Experts in Geneva (31 October to 2 November 2005)*, ([http://www.ilo.org/public/english/protection/migrant/download/multilat\\_fw\\_k\\_en.pdf](http://www.ilo.org/public/english/protection/migrant/download/multilat_fw_k_en.pdf)), accessed on 10 December 2006.

<sup>14</sup> See Don Flynn and Frank Düvell, *Undocumented Migrants - Symptom, Not The Problem*, a PICUM Policy Brief, April 2007, p. 5.

representatives of NGOs, trade unions, governmental bodies, researchers, and other agencies who shared experiences and ideas about how to protect undocumented workers from exploitation and abuse.<sup>15</sup>

The following section highlights some experiences of civil society organizations in protecting undocumented workers - as highlighted in PICUM's report and international conference - within the scope of the guidelines outlined in the ILO framework. The comparison of the guidelines with practices on the ground allows for an observation of the status of implementation of the ILO framework as well as a comparison of the guidelines with the reality on the ground.

### Comparison between initiatives undertaken and the ILO framework

The first general guideline dealing with undocumented migrants is guideline 4.4 in the section on effective management of labour migration:

*Guideline 4.4 "implementing policies that ensure that specific vulnerabilities faced by certain groups of migrant workers, including workers in an irregular situation, are addressed".*

This guideline is addressed primarily to governments, who have the power and responsibility of implementing general policies. However it can be considered as a landmark for other specific guidelines, in order to ensure a realization of this general recommendation.

A further principle quoted in the framework that involves civil society is principle 6 on social dialogue:

*Principle 6 "Social dialogue is essential to the development of sound labour migration policy and should be promoted and implemented".*

Among the various activities monitored, those that correspond more to this principle are those of the NGOs Andalucía Acoge in Spain and National Day Laborer Organizing Network (NDLON) in the United States.<sup>16</sup>

Andalucía Acoge aims at improving the labor situation of immigrants and runs an employment office to facilitate contact between immigrant workers and potential employers. To prevent abuse of undocumented workers, Andalucía Acoge establishes minimum criteria for employers.

The National Day Laborer Organizing Network (NDLON) is engaged in promoting work centers and has created a model of an effective workers' center and promotes the model with city officials, residents, day laborers, etc., in different cities throughout the United States. NDLON directly facilitates leadership development workshops with day laborers and has trained day laborer organizers and site coordinators.<sup>17</sup>

The activities of these two NGOs correspond to what is suggested in guideline 6.1, on educational programs for migrants, guideline 6.2 on the participation of employers and workers' organizations in relevant forums and guideline 6.3 on the practical opportunity in the employment of foreign workers.

*Guideline 6.1 "[...] on the preparation of educational programmes and materials and provision of services and assistance to migrant workers [...]"*

*Guideline 6.2 "[...] facilitating the participation of employers and workers organizations in relevant international, regional, national and other forums [...]"*

*Guideline 6.3 "[...] promoting dialogue and consultation with employer organizations on practical opportunities and challenges they confront in the employment of foreign workers [...]"*

<sup>15</sup> See Conference Report "Protecting Undocumented Workers in Europe: Successes and Strategies, March 23 2006", (<http://picum.org/LABOR/ETUC%20PICUM%20Conference%202023.3.2006%20Report.pdf>), accessed on 10 December 2006.

<sup>16</sup> See PICUM, *Ten Ways to Protect Undocumented Migrant Workers*, 2005, respectively pages 62 and 37.

<sup>17</sup> This activity seems to correspond also to what is suggested in guideline 14.3: "improving the labour market position of migrant workers, for example, through the provision of vocational training and educational opportunities".

Regarding the protection of human rights of undocumented migrants (principle 8) a series of guidelines is listed, providing, among others, the right of freedom of association and the right to join trade unions, the protection of undocumented migrant workers from conditions of forced labour and the elimination of all forms of discrimination against migrant workers in employment and occupation.

*Principle 8 "The human rights of all migrant workers, regardless of their status, should be promoted and protected (...)."*

Within this section the activities of the European Trade Union Confederation (ETUC) and The American Federation of Labor-Congress of Industrial Relations (AFL-CIO) may be considered.<sup>18</sup>

In 2003, the Executive Committee of the (ETUC) adopted an Action Plan for all ETUC affiliates to encourage action at the national level on migration and integration and to combat discrimination, racism and xenophobia.<sup>19</sup> In the Action Plan, the ETUC indicates that it will demand common criteria for the regularization of undocumented workers and the development of measures to prevent and combat the underground economy and the exploitation of undocumented workers.

In 2000, the Executive Committee of the AFL-CIO made a historical reverse of its long-standing anti-immigrant worker policy by adopting a resolution that called for a new amnesty for undocumented workers, union representation of undocumented migrants, and the repeal of all employer sanctions for hiring illegal workers.<sup>20</sup> The AFL-CIO has since made immigrant workers one of its key programs, based on an underlying philosophy that improving

the conditions for immigrant workers serves to improve conditions for all workers.

Both of these actions give practical implementation to guideline 8.4.1 that grant both men and women migrant workers the right to freedom of association, guideline 8.4.2 that protect migrant workers from conditions of forced labour and guideline 8.4.4 for the elimination of all forms of discrimination against migrant workers in employment and occupation. They also refer to the guideline 9.14 on collective bargaining.

*Guideline 8.4.1 "guarantee both men and women migrant workers the right to freedom of association (...) provide them with protection against discrimination on the grounds of their trade union activities (...)."*

*Guideline 8.4.2 "protect migrant workers from conditions of forced labour, including debt bondage and trafficking, particularly migrant workers in an irregular situation or other groups of migrant workers who are particularly vulnerable to such conditions."*

*Guideline 8.4.4 "eliminate all forms of discrimination against migrant workers in employment and occupation."*

*Guideline 9.14 "employers and workers' organizations should integrate the specific concerns of men and women migrant workers in collective bargaining processes and social dialogue."*

Principle 10 of the framework states that the rights of all migrant workers should be protected by an effective application of the law.

<sup>18</sup> See PICUM, *Ten Ways to Protect Undocumented Migrant Workers*, 2005, respectively pages 46 and 51.

<sup>19</sup> See ETUC, *Action Plan for an ETUC policy on migration, integration, and combating discrimination, racism and xenophobia*, adopted by the ETUC Executive Committee in their meeting held in Brussels on 16-17 October 2003, ([http://etuco.etuc.org/en/eu\\_information/library/20-Res-Migration-ActionPlan-gb.pdf](http://etuco.etuc.org/en/eu_information/library/20-Res-Migration-ActionPlan-gb.pdf)), accessed on 10 December 2006.

<sup>20</sup> See AFL-CIO, Executive Council Action on Immigration, 16 February 2000, New Orleans, LA, (<http://www.aflcio.org/aboutus/thisistheafclcio/ecouncil/ec0216200b.cfm>), accessed on 10 December 2006. For a historical overview of the AFL-CIO's positions on immigrants (especially from the 1980s until the present), see John Tuason, *Friend of Immigrants? The AFL-CIO: Past and Present*, Labor Watch (December 2003), (<http://www.capitalresearch.org/pubs/pdf/x3797848638.pdf>), accessed on 10 December 2006. See also David Bacon, *Labor Fights for Immigrants*, The Nation, May 3, 2001, (<http://www.thenation.com/doc/20010521/bacon>), accessed on 10 December 2006.

*Principle 10 “the rights of all migrant workers which are referred to in principles 8 and 9 of this Framework should be protected by the effective application and enforcement of national laws and regulations in accordance with international labour standards and applicable regional instruments”.*

Some of the guidelines coming from this principle have been concretely put in practice by the Lisbon Trades Council (União dos Sindicatos de Lisboa) and the Collective to Defend Seasonal Migrant Farmworkers (CODETRAS).<sup>21</sup>

The Lisbon Trades Council (USL) has been engaged in the protection of labour rights for migrant workers for many years. In 1998, through the USL's efforts to respect the principle of equal protection for all categories of workers, the Portuguese government approved the introduction of a new article in immigration law, the so-called Responsabilidade Solidária dos Empregadores (Social Responsibility of Employers). This legal provision obliges all employers, sub-contractors and foremen to respect legal obligations inherent in an employment relationship, such as the payment of salaries and social insurance. In addition, if workers' rights are violated (both documented and undocumented), this law allows for the blame to be placed on the person who contracted the worker. If this person cannot be located, then blame is put on the person who contacted that sub-contractor, until the blame is put on the main employer if necessary. In this way, it is always possible to ensure responsibility for upholding workers' rights in cases of sub-contracting. These activities fall under guideline 10.3 and guideline 10.7, respectively on employment contracts and sanctions for the responsible of violating migrant workers rights.

*Guideline 10.3 “promoting the establishment of written employment contracts to serve as the basis for determining obligations and*

*responsibilities and a mechanism for the registration of such contracts where this is necessary for the protection of migrant workers”.*

*Guideline 10.7 “providing effective sanctions and penalties for all those responsible for violating migrant workers rights.”*

The mission of CODETRAS is to promote the rights of seasonal migrant workers, to ensure that they are guaranteed equal dignity, rights and respect for their work. To achieve this CODETRAS undertakes different activities such as: public demonstrations, publication of brochures and other informative materials, legal support and awareness-raising initiatives. These activities refer to guideline 10.8 on providing information to migrant workers of their human rights and obligations, and guideline 10.11 on the offer of legal services to migrant workers involved in legal proceedings related to employment and migration.<sup>22</sup>

*Guideline 10.8 “providing information to migrant workers on their rights and assisting them with defending their rights”.*

*Guideline 10.11 “offering legal services, in accordance with national law and practice, to migrant workers involved in legal proceedings related to employment and migration.”*

Another principle that corresponds with some activities that have been monitored is principle 11 concerning the prevention of abusive practices, migrant smuggling and trafficking in persons.

*Principle 11 “Governments should formulate and implement, in consultation with the social partners, measures to prevent abusive practices, migrant smuggling and trafficking in persons; they should also work towards preventing irregular labour migration.”*

<sup>21</sup> See PICUM, *Conference Report, Protecting Undocumented Workers in Europe: Successes and Strategies, March 23 2006*, respectively pages 2 and 6.

<sup>22</sup> Another reference can be found on guideline 14.9 for the public education and awareness-raising campaigns.

The guidelines coming from this principle seem to have inspired the British Transport and General Workers Union (T&G).<sup>23</sup> The T&G has put pressure on the government for the preparation and acceptance of the Gangmasters Licensing Act, whose objective was to regulate gangmasters to tackle the exploitation of workers. This act was adopted in 2006 and provides a definition of gangmasters, employers and employees. Gangmasters need licences and therefore public registration, in this way the whole chain becomes responsible and in case of non-compliance the penalty consists of ten years of imprisonment. The guidelines this act refers to are guideline 11.1 for the adoption and implementation of legislation and policies to prevent irregular labour migration and eliminate abusive migration conditions; guideline 11.4 for imposing sanctions for the responsible of abusive practices against migrant workers and guideline 11.5 for adopting measures to encourage migrant workers and trafficking victims to denounce abuse, exploitation and violation of their rights.

*Guideline 11.1 “adopting and implementing legislation and policies to prevent irregular labour migration and eliminate abusive migration conditions, including the trafficking of men and women migrant workers.”*

*Guideline 11.4 “imposing sanctions and penalties against individuals and entities responsible for abusive practices against migrant workers.”*

*Guideline 11.5 “adopting measures to encourage migrant workers and trafficking victims to denounce abuse, exploitation and violation of their rights, taking account of the*

*special circumstances of women and children and to this effect establishing mechanisms for migrant workers to lodge complaints and seek remedies without intimidation or retaliation.”*

Lastly, a concrete example of an action undertaken by civil society is the activities done by Stichting Haags Islamitisch Platform (SHIP) in the Netherlands.<sup>24</sup>

In 2002 the SHIP created the “Illegal Workers’ Union” (Vakbond van Illegale Arbeiders - VIA) to inform undocumented workers about their rights and to draw public attention to the exploitation of the workers. Although the Federation of Dutch Trade Unions (Federatie Nederlandse Vakbeweging) did provide support, VIA faced extreme pressure from all sides to shut down, and dissolved in 2003. Nonetheless, its short lived existence raised public awareness about the exploitation of undocumented workers in The Hague, and was also significant in bringing the workers together. In this case the guidelines those actions refer to are the guideline 14.9 for the promotion of public awareness and the guideline 8.2 on the information that should be given to the migrants on their rights.

*Guideline 14.9 “promoting public education and awareness-raising campaigns regarding the contributions migrant workers make to the countries in which they are employed, in order to facilitate their integration into society”.*

*Guideline 8.2 “information should be provided to migrant workers on their human rights and obligations and assisting them with defending their rights.”*

<sup>23</sup> See PICUM, *Conference Report, Protecting Undocumented Workers in Europe: Successes and Strategies*, March 23 2006, page 7.

<sup>24</sup> See PICUM, *Ten Ways to Protect Undocumented Migrant Workers*, 2005, page 36.



## Conclusion

PICUM aims at promoting respect for the human rights of undocumented migrants within Europe, and thus recognizes the ILO multilateral framework on labour migration as a concrete instrument to uphold the fundamental human rights of undocumented migrant workers and protect them from exploitation and abuse.

While there is reluctance from governments on both the national and European levels to promote decent working conditions for undocumented migrant workers, at the same time civil society organizations intervene in various and innovative ways to uphold the rights of undocumented migrants. For this reason, PICUM stresses the importance of raising the voices of civil society actors to be heard at the international level in global fora on migration.

PICUM will seek to actively take part in the Civil Society Forum on Migration and Development, which will be held in Brussels on July 9, 2007. The Civil Society Forum on Migration and Development aims to bring interested non-governmental parties together to exchange ideas and experiences and to prepare a set of conclusions and if possible, recommendations, for the Global Forum on Migration and Development, which will be held on July 10-11, 2007 in Brussels. One of the themes of both the civil society and governmental fora will be labor migration, and within this context it will be essential for civil society actors to promote decent work conditions for all migrant workers, regardless of their legal status.