

Commission examines U.S. migrant farmworkers

Helsinki Commission staff members traveled to Florida recently to investigate widespread allegations of serious human rights abuses against migrant farmworkers in that State. The examination was initiated because CSCE commitments regarding treatment of migrant workers were recently reaffirmed and strengthened in the Moscow Human Rights Document. The trip was pursuant to the Commission's mandate to monitor human rights compliance among CSCE participating states, including the United States.

During the trip, Commission staff met with State and Federal officials, advocates, service providers, legal assistance groups and migrant farmworkers themselves. Tours of several labor camps and housing facilities were also conducted.

Among allegations the Commission examined were: wage fraud; intimidation through physical, psychological and sexual harassment; unsafe exposure to toxic pesticides and chemicals; substandard housing; racial discrimination; restricted movement; restricted access to legal assistance; child labor violations; inadequate and restricted access to health care; unsafe and potentially deadly transportation; and inadequate or ineffective law enforcement mechanisms.

Health problems a major issue

Many experts call migratory farmwork the most hazardous type of employment in the nation, yet healthcare benefits are virtually non-existent. In the rare case when benefits are provided, they are often severely compromised by fraud and limited access to legal recourse when making a claim. The average life expectancy of a migrant farmworker has been reported to be 49 years.

The living and working conditions of migrant farmworkers often violate existing health and safety standards. Commission staff members encountered squalid and overcrowded living conditions, and heard numerous stories of crews forced to work among crops just treated with toxic pesticides. Workers usually receive no protective clothing, and are not in-

formed of what chemicals are being used. Respiratory complaints are frequent among the workers.

Workers often encounter difficulties in leaving camps and gaining access to medical assistance. Because the camps are often located far from population centers, seeing a doctor requires leaving work, which can result in being fired and replaced.

Current laws pertaining to agricultural workers are inadequate or ineffective in ensuring equal treatment under law. Because crew chiefs who are contracted for labor are defined as the legal employers, growers/owners and large agri-businesses are rarely held responsible for abuses occurring on their property. Enforcement efforts are therefore almost entirely directed at crew chiefs. In addition, farmworkers are specifically exempted from the National Labor Relations Act, effectively denying them the right to bargain collectively.

Crew chiefs often garner the wages of farmworkers by illegally deducting rent, transportation, and forcing workers to pay exorbitant prices for food, toiletries and other items. Numerous stories of individuals laboring for more than 60 hours per week and

then receiving as little as \$5-\$20 after deductions were recounted. Some crew chiefs allegedly make alcohol and illegal drugs available to workers, deducting the cost from their pay.

Complaints from farmworkers are allegedly often met with intimidation, harassment, job termination and/or violence.

Budget shortages hamper enforcement

Federal and State Departments of Labor, other enforcement agencies and relevant judicial organs are underfunded, understaffed and overworked. Budget shortages result in positions remaining vacant. While these agencies confirm the existence of numerous problems facing the migrant community, they also concede that many others will likely remain undiscovered or go unpursued. On rare occasions when fines or criminal charges are directed at crew chiefs, the amounts and sentences are minimal and offenders often continue illegal practices. The Federal Government has never filed criminal charges under the main farmworker protective statute—the Migrant Seasonal Agricultural Worker Protection Act of 1983.

—Mike Amitay

Commission calls for U.N. peacekeepers

Chairman Hoyer and Co-Chairman DeConcini have urged U.N. Secretary General Boutros Ghali to consider sending peacekeeping forces to the Armenian enclave of Nagorno-Karabakh, which has recently been under heavy siege by Azerbaijani forces.

In a letter to the Secretary General, Hoyer and DeConcini expressed their deep concern about the latest bloodshed in Nagorno-Karabakh, and urged that peacekeeping forces "be considered now in order to prevent a dangerous war from erupting between Armenia and Azerbaijan."

"A major offensive against Nagorno-Karabakh may be imminent, which would surely cause many deaths and could well lead to full-scale war between Armenia and

Azerbaijan," Hoyer and DeConcini wrote. "Such a conflict would, at the very least, undermine prospect of peaceful development towards democracy in the former Soviet Union."

Hoyer and DeConcini have also written Secretary of State James Baker, and cabled Russian President Boris Yeltsin, urging them to contribute to a peaceful resolution to the conflict.

The latest violence in Nagorno-Karabakh comes despite a September peace accord agreement brokered by Russian President Boris Yeltsin and Kazakh President Nursultan Nazarbaev, and signed by the Presidents of Armenia and Azerbaijan.

—Jamie Ridge