

*Statement of Ambassador Samuel G. Wise  
U.S. Delegation to the Helsinki CSCE Follow Up Meeting  
Working Group Three  
June 5, 1992*

**MIGRANT WORKERS**

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Various sessions of this working group have been designated for discussion of national minorities, migration, and tolerance. One of today's topics -- the question of migrant workers -- in many respects encompasses aspects of each of these other areas of concern.

Language pertaining to migrant workers in the CSCE community is found in numerous CSCE documents, from the original Helsinki Final Act to the Moscow Document of 1991. Traditionally, this language has been found in what used to be called Basket II, but many migrant worker issues have a most definite relevance to the human dimension of the CSCE. It is evident that, as CSCE has evolved and expanded, so, too, has our willingness to devote attention and concern to this issue. Over time, our mutual commitments have grown to encompass not only conditions of employment for migrant workers, but also housing, vocational training, education, special needs of youth, cultural rights, and health.

Together, CSCE countries have condemned all acts of discrimination on the grounds of race, color and ethnic origin, intolerance, and xenophobia against migrant workers, and agreed to take effective measures to promote tolerance, understanding, equality of opportunity and respect for the fundamental human rights of migrant workers. Yet addressing these kinds of challenges and concerns will require new commitment and creativity.

I would like to comment briefly on this as it applies to my country as an example. My delegation believes that examination of our own record can enhance both our understanding and our credibility when discussing similar issues with the governments of other participating States. I must say at the outset that the status and character of the work of migrant workers in Europe and migrant workers in the United States are vastly different in many respects, and the United States may not be the most useful country for comparison when focusing on the migrant worker issue. My country's migrant labor force is predominantly agricultural and seasonal. Nevertheless, many of the problems facing this population reflect basic socio-economic factors at the root of migrant labor questions in other countries.

In my country, dealing with the problems of migrant workers involves authorities at every level of government in fields of health, labor, education and environment; it involves private advocacy groups and service providers, including religious organizations. Perhaps most importantly, the problems facing migrant workers reflect attitudes and actions of employers, contractors, officials, local residents, and the migrants themselves. The question is not simply how to eliminate barriers to justice and equality, but rather how to implement and enforce laws and regulations that guarantee the very same. For any nation, this challenge is complicated by societal biases against migrant populations, economic realities, and by the migrants' own relative lack of empowerment.

To that end, the Helsinki Commission, of which I am Staff Director, has undertaken a series of investigative trips through the American South and West to examine the conditions of migrant farmworkers in these parts of the United States. During these trips, staffmembers met with State and Federal officials, advocates, service providers, legal assistance groups and migrant farmworkers themselves.

Concerns which emerged included: wage fraud; intimidation, harassment and physical violence, including sexual; 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. The Commission found, as did a February 1992 report by the United States General Accounting Office, that in many cases, migrant farmworkers are not adequately protected by federal laws, regulations, and programs. As a consequence, their health and overall welfare are at risk.

Certainly, the migrant labor population in my country presents a particular challenge to lawmakers and service providers. Often itinerant, predominantly poor, frequently illiterate, and by-and-large disenfranchised, they only too easily fall through the cracks in the system. At a time of budgetary restraint, finding the resources to meet the overwhelming need is a difficult enterprise. Political will and creative energy are essential to implementation of programs which will benefit migrant workers, their families and their employers.

In addition to federal statutes, such as the Migrant Seasonal Agricultural Worker Protection Act of 1983, a variety of groups, organizations, and programs have been developed to respond to the needs of the migrant population. At the federal level, these include farmworker housing programs, the Migrant Health Program, and Migrant Head Start -- an educational program for migrant children. At the state level they include, for example, pesticide regulations and other health and safety requirements which can exceed federal requirements. In California and other states, a system of regional monitor advocates has been established to represent migrant worker interests before state and local authorities. At the community level, a broad web of organizations -- many actively involving or even run by the migrants themselves -- help migrant farmworkers and their families deal with numerous concerns, from health to housing to education.

But reforms have been long in the making. Service providers, legal assistance groups and advocates note with frustration that many of the problems they confront today have existed for decades. Many people knowledgeable about the problem expressed concern that agencies mandated to enforce pertinent laws were not fulfilling their responsibilities. Resolving such problems will clearly take sustained commitment and concern.

While the specific situation in the United States is different than that in Europe, Mr. Chairman, it seems that migrant workers in all our countries face some common problems, particularly in the area of discrimination. In bringing these and other problems to the attention of the meeting, it is our belief that we can contribute to their solution.