

Human Rights Violations. The Real Cause of Conflict Involving Migrants around the World

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Conservative and usually racist political discourse around the world blames economic immigrants for encouraging conflict and even violence. Detractors of migration take as an example the series of disturbances involving the young descendents of Maghrebi immigrants in Paris for two weeks starting on October 27, 2005. However, evidence shows that several forms of human rights violations—from governmental tolerance of xenophobia and labor exploitation to repression of legitimate political activism and racist legislation—are behind conflicts involving migrants not only in North America and Europe, but also in countries like South Africa, Egypt and Malaysia.

Based on the analysis of cases registered by the world press between 2001 and 2008,¹ this article examines eight forms of violence and conflict involving different kinds of migrants (undocumented immigrants, seasonal workers and first- and second-generation documented immigrants) that result from gross human rights violations.

CONFLICTS INVOLVING UNDOCUMENTED MIGRANTS AND SEASONAL WORKERS

Among the types of conflict involving undocumented and seasonal workers the following can be highlighted:

1. *Disturbances initiated by xenophobic attacks.* It is rarely mentioned that it is the majority rather than the immigrant minority that initiates disturbances and acts of violence. These problems tend to arise where immigration is recent and large. The receiving society perceives immigrants as the root cause of problems that are in reality long-standing and complex, such as unemployment or increases in the crime rate. Some also disapprove of the habits and customs of recently arrived



Marco Polo Guzmán/Cuartoscuro

Undocumented Central Americans in detention in southern Mexico.

immigrants, and confrontations often take on a racist dimension. Examples of such cases can be found in Spain, Japan, Tonga, the United States, South Africa, the United Kingdom and Russia. However, the most tragic example is perhaps that of South Africa where, in May 2008, in the town of Alexandria near Johannesburg, a series of hate attacks on immigrants from Zimbabwe, Mozambique and Malawi went on for two weeks. In that time, at least 24 immigrants were shot, stabbed or beaten to death while hundreds more were injured and a further 13,000 displaced. Immigrants in South Africa have become the scapegoat for the country's economic problems, including a 23-percent unemployment rate, since banks and insurance companies seem to prefer employing immigrant workers, who are better qualified than the local population. These clashes triggered further violence beyond South

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Africa's borders when leaflets were circulated in Mozambique calling for vengeance and a boycott of South African businesses.

2. *Riots and other forms of protest in detention centers.* This is the most frequent type of conflict and the most common forms are riots, hunger strikes, suicide threats and attempted escapes. The frequency of these events is evidence of the fundamental contradiction of keeping people who have never committed a crime in detention, where they would prefer to kill themselves than be deprived of their freedom. People held in these centers are mostly asylum seekers waiting for a court verdict. Most recently, in countries like the United Kingdom, these asylum seekers have been held with foreigners serving criminal sentences; this form of coexistence simply increases the use of weapons among detainees.

The most common reasons for this type of conflict include the imminent deportation of a detainee after awaiting the decision of a judge for a prolonged period (up to three years), notification of rejection of an asylum application, and the suicide of a fellow detainee after being notified of his/her deportation order. In the case of Mexico, detainees rioted in response to overcrowding and living conditions in the capital's detention center. There is also growing discontent concerning the holding of entire families, in particular children who are not even aware of being foreigners; this has led to protests in the United Kingdom, Belgium and the United States.

One of the most dramatic cases happened May 2, 2008, when a youth from Cameroon seeking asylum in Belgium hanged himself in the bathroom of a detention center in the city of Merksplas. He used the sheets from his bed, tying them to the bars on the window. His death sparked a riot among detainees who smashed furniture and other objects during a disturbance lasting several hours. The youth had arrived in Belgium in 2005 and was taken to Merksplas, which houses 150 undocumented migrants from Africa, after being denied asylum. Days prior to the tragic event, while police attempted to put him on a plane to Cameroon, he had resisted with such violence that the captain of the plane refused to take him, leading to his being returned to the detention center

where he committed suicide before the next attempt to deport him, slated for several days later.

3. *The occupation of public buildings.* Because they are not recognized as subjects under the law, there is a trend whereby undocumented immigrants physically occupy public buildings of strategic importance in the receiving country like churches, government offices and restaurants. These kinds of cases have been reported in Spain, Italy, the Cape Verde Islands and France. In Belgium, a group of immigrants staged a series of sit-ins using six construction cranes dotted throughout Brussels. This type of action is not only staged to focus public attention on demands for regularization, but also to protest the exploitation immigrants cannot legally report. The most common reasons for occupation are demands for government protection in the face of abuse and violence from the receiving society; demands to be treated in the same way as local residents; and circumstances related to the right to work (rehiring and regularization of migratory status after the unjustified termination of employment; reporting of employers' tricks who report their irregular status to authorities and thereby avoid paying their wages; drug tests; anonymous calls to immigration authorities; and the dismissal without pay or after attempts to organize a union).

France is notorious for this type of conflict and has witnessed the occupation of restaurants by undocumented migrant workers who were fired after protesting their working conditions. On July 10, 2007, undocumented workers of the fast food chain Buffalo Grill occupied the company's head office in Viry-Chatillon, in southern Paris, after being fired and reported to immigration authorities. The immigrants, the majority Africans, many of whom had worked at the restaurant for years, now face deportation. The previous year an employee had proposed himself as candidate for employee representation and months later his lack of documents was "anonymously" reported to the police who proceeded to inspect the papers of more than 600 foreigners employed by the chain. One group of undocumented workers, supported by the Federation of Business, Distribution and Services, protested the decision by occupying the company's parking lot for a month; this resulted in the regularization of papers for 20 workers.

French-based Buffalo Grill operates roughly 300 restaurants in France, Spain, Belgium, Luxembourg and Switzerland and employs more than 6,000 workers. Company executives were investigated in 2003 on charges of involuntary manslaughter after it came to light that the chain had violated the

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ban on importing British beef during the embargo imposed in the wake of the “mad cow disease” scare from 1996 to 2000. Complaints that undocumented workers had lied about their migratory status were disregarded after it was discovered that the immigrants who had been fired from one franchise had been re-hired by others. Since 2005, the chain has formed part of a U.S. consortium that owns a number of hotel chains in Europe. In another more recent case, on September 22, 2008, dozens of African immigrants occupied the famous, traditional Tour d’Argent restaurant, a symbol of Paris, to demand the regularization of the papers of seven workers from Mali who had gone on a hunger strike and been expelled from the restaurant. The owner claimed he was not aware they were undocumented workers.

4. *Riots on northern borders when immigrants attempt to rush across.* In some countries large numbers of migrants congregate at northern borders and using the sheer weight of numbers attempt to rush across. Many are successful but others die in the attempt at the hands of border police. This occurs on highly patrolled borders such as those separating Europe from Africa and is the result of desperation on the part of migrants who have reached a critical point after a long and arduous journey to reach the border—in the case of the border between Morocco and Spain, some sub-Saharan migrants take three years to reach the border and prefer to die in the attempt to cross than return to their countries of origin as failures. The most shocking case was in Melilla, Spain, on September 29, 2005, when six African migrants died at the hands of Moroccan police after trying to scale the fence marking the border between Morocco and Spain. The deaths occurred when 600 migrants rushed the fence in an attempt to enter Spain. Security authorities responded by firing at the migrants, killing some of them as they attempted to jump the fence while others were asphyxiated in the ensuing stampede.

5. *Violent protests against the exploitation of workers and/or government inaction in the face of the problem.* Due to the lack of legal status that limits or impedes strike action, immigrant workers who do not occupy public buildings stage violent protests to demand the following: the regularization of their

migratory status, fair wages and an end to exploitation by employers who they say should face the legal consequences of their actions. This exploitation includes but is not limited to withholding pay and immigration documents from seasonal workers, arbitrary detentions at the workplace and unfair dismissals. These actions have been recorded in the United Arab Emirates, China, Greece and Malaysia. Worker demands are directed at the government, which they call on to protect them from employers’ abuses, and protests erupt into violence when this exploitation reaches a crisis point.

For example, in Dubai on March 23, 2006, 2,500 workers at the Burj Dubai Tower staged a protest demanding a pay hike. The ensuing riot caused damage totaling US\$1 million and began when buses used for transporting workers were delayed. The workers entered offices, smashing computers and files and destroyed a dozen cars and construction vehicles. They stated they wanted a pay hike since skilled carpenters were earning just US\$9 an hour, and unskilled laborers just US\$6 an hour. The construction boom in Dubai provides jobs for poor Asian immigrants who have complained of ill-treatment, poor living conditions and withheld wages. The United Arab Emirates labor minister stated that in 2005, 5,486 complaints concerning unpaid wages were received. Workers often complain that employers “lose” their passports, preventing them from returning to their countries of origin.

6. *Reactions to the repression of peaceful, legitimate demonstrations.* The repression of the right to demonstrate has led many immigrants to respond with the same degree of violence as the repressors. Immigrant demands include respect for labor rights, regularization of their migratory status, an end to impunity for abuses against members of their community and the suspension of their imminent deportation. These protests are due first to governments’ failure to protect them from the abuses of third parties and the fact that immigrants are tired of being placed in extreme situations. For example, in Paola, Malta, on July 27, 2006, 200 undocumented immigrants staged a riot and injured three police officers and two soldiers with stones after being detained on their way to the office of the prime minister. Four immigrants were also injured. The group was intercepted at Paola, near the capital, Valletta, by hundreds of police and soldiers, some of whom were dressed in anti-riot gear. The marchers were protesting the detention of hundreds of immigrants who had been intercepted on their way to continental Europe. Malta detains undocumented immigrants for a period of 18 months to deter illegal immigration.

CONFLICTS INVOLVING RESIDENT
AND SECOND-GENERATION IMMIGRANTS

Disturbances involving first- and second-generation immigrants are fundamentally linked to the formation of ethnic minorities and the social consequences of the exclusion they experience. Ethnic minorities are formed as the result of social exclusion, that is, they are refused citizenship or the chance to fully enjoy their rights or they become involved in a more general rejection of cultural diversity. Immigrants are socially excluded when they concentrate in marginalized residential areas and do work with low social status, and their access to services and rights is limited by their condition as immigrants or their lack of citizenship. Immigrants are commonly poorer, enjoying few opportunities to move up the social scale, and this favors conflict.

Despite the risk of rebellion, it is in the interests of the majority to continue excluding these groups as the dividends are greater. That is, when the majority continues to exclude and exploit these ethnic minorities, those wielding power in society enjoy a higher income through capital gains. In addition, as seen in confrontations between minorities in the United Kingdom and the United States, exclusion can lead these groups to clash with each other over access to resources, such as jobs and the control of criminal organizations. Among the forms of conflict involving first- and second-generation immigrants the following can be highlighted:

7. *Disturbances due to clashes between the majority population and an immigrant minority.* These occur when a crisis is reached in tensions between the majority and minorities, a crisis that may be brought on by the killing of a member of the minority group by police or a civilian member of the majority and the subsequent impunity for the perpetrators. The case which has had the greatest recent impact is perhaps the series of disturbances occurring in Paris over a period of two weeks starting October 27, 2005. The young descendents of immigrants set fire to cars and looted stores after two youths were electrocuted in a power sub-station in the popular immigrant neighborhood of Seine-Saint Denis after seeking refuge there from police. The final damage toll was more than 7,000 cars burned and 2,000 people arrested.

8. *Clashes between two immigrant minorities.* This type of violence is linked to the growing marginalization of ethnic minorities who must compete for resources and territory with equally marginalized groups. One of the most serious cases

is that of Almería, Spain, where on September 6, 2008, African immigrants rioted in Roquetas del Mar after a 28-year-old Senegalese immigrant was murdered. According to witnesses, the African was assaulted by a Roma immigrant while attempting to intervene in a dispute between Africans and Romas. Rioters set fire to two houses belonging to relatives of the alleged aggressor and also to a number of cars.

HUMAN RIGHTS VIOLATIONS,
THE TRUE CAUSE

The analysis of cases reveals that the causes of conflict are generally related to human rights violations in four different contexts. First, immigration policy leading to violations of the right to personal security, individual freedom and life through border controls, detention prior to deportation and increasing rejection of applications for asylum. Second, government tolerance of labor exploitation, discrimination, racism/xenophobia and impunity for the perpetrators of hate crimes and organized crime against immigrants, leading to violations of the right not to be discriminated against, to work and to be protected by the law against racism. Third, repression of legitimate demonstrations leads to the violation of political and civil rights. Finally, socioeconomic exclusion of residents and their descendants leads to gross violations of economic, social and cultural rights.

All these human rights violations affect first- and second-generation documented and undocumented immigrants; although clearly, the most vulnerable are undocumented immigrants and seasonal workers. Nevertheless, this exclusion is a complicated matter and takes on many different forms. ■■■

NOTES

¹ An extensive search of the international press was conducted that turned up over 100 cases. Given that the information depends directly on what the media chooses to cover, it is not possible to establish variables such as the frequency or most common types by country since there is a clear bias for this very reason. However, it can be said that these violent acts occur not only in European countries (the United Kingdom, Spain, Greece, Italy, Belgium, Malta, France and Russia) and the Americas (Canada, the United States and Mexico), but also in Africa (South Africa, Egypt and the Cape Verde Islands), Asia (Dubai, India, China, Japan and Malaysia) and Oceania and the Pacific (Australia and Tonga).