March 11, 2014

Dear United Nations Human Rights Committee,

As trade unions and organizations defending the civil, labor, and human rights of migrant workers, we urge the Committee to direct the United States to adopt new measures to bring its immigration enforcement policies into compliance with the International Covenant on Civil and Political Rights.

When migrant workers become engaged in a labor or civil rights dispute in the United States that implicates U.S. human rights obligations under the International Covenant on Civil and Political Rights and other international agreements, the U.S. Government must ensure the migrant workers engaged in defending human rights have immediate protections to remain in the United States and continue working with legal authorization while the violations are investigated. These protections are critical to ensure the United States is able to fully detect, investigate, and remedy human rights violations faced by vulnerable migrant workers.

Instead, too often, individuals engaged in defending themselves and their communities against serious human rights violations face arrest, detention, and deportation. In some cases, immigration enforcement occurs in a retaliatory way against persons who expose human rights violations. In other cases, law enforcement cooperates with private actors who use immigration enforcement to hide their own unlawful behavior. Not only do these actions by the United States directly violate the U.S. obligations under the International Covenant on Civil and Political Rights, they also prevent human rights abuses against migrant workers from being exposed or verified because victims and witnesses are intimidated, locked away, or removed from the country.

The National Guestworker Alliance, a U.S. based membership organization of international contract workers, has exposed how migrant workers must overcome the threat of immigration enforcement in organizing to protect their fundamental human rights. Whether they are Jamaican workers cleaning luxury condominiums; Latin American students working at McDonalds; Mexican seafood processors on the Walmart supply chain; students from Turkey, China, and Eastern Europe packing chocolates for Hershey; or Indian welders brought in to rebuild the Gulf Coast; their home countries and work differ but they share the same reality. When they came forward to report egregious human rights violations at the workplace, the U.S. government did not have adequate policies and enforcement in place to ensure they could immediately access government protections that would allow them to remain in the U.S. and work during the investigation of the human rights violations.

As detailed in the shadow report previously submitted to the United Nations Human Rights Committee, "Deporting the Evidence: Migrant Workers in the South Expose How U.S. Immigration Enforcement Against Human Rights Defenders Violates the International Covenant on Civil and Political Rights," migrant workers have also faced retaliatory deportations for exposing serious violations of civil and political rights including prohibitions against racial profiling, unlawful detention conditions, and forced labor and protections for freedom of association and due process.
We urge the United Nations Human Rights Committee to raise this issue during the 2014 review of the United States compliance with the ICCPR and to address this issue directly in the Committees’ concluding observations. We also urge the Committee to include this critical migrant worker rights’ issue in its compliance review of all States going forward.

Sincerely,

Confédération Chrétienne des Syndicats Malgaches (SEKRI MA), Madagascar
Garment and Allied Workers Union, India
Gharelu Kaamgar Sanghatan, India
Hindustan Lever Employees Union, India
International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Associations (IUF), China
International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Associations (IUF), Korea
La Confédération générale des travailleurs de Mauritanie (CGTM) (General Confederation of Mauritanian Workers), Mauritania
La Plataforma Interamericana de Derechos Humanos, Democracia y Desarrollo (PIDHDD), Ecuador
Migrant Rights Centre Ireland (MRCI) / Services Industrial Professional and Technical Union, Ireland
Mill Mazdoor Panchayat, India
Proyecto de Derechos Economicos Sociales y Culturales (Project for Economic Social and Cultural Rights) (ProDESC), Mexico
Society for Labor and Development (SLD), India
Unifor, Canada
St. Cloud State University, Department of Sociology, United States
Vereinte Dienstleistungsgewerkschaft (Ver.di) (United Services Union), Germany