



JOINT STATEMENT

COURT RULES IN FAVOUR OF UNDOCUMENTED WORKERS' RIGHTS

BRUSSELS, 31 March 2017 – The European Court of Human Rights ruled yesterday that Greece failed in its duty to protect migrant workers from labour exploitation, and to properly investigate their abuse and punish those responsible. Greece must now pay each applicant participating in the Court proceedings up to 16,000 euros in compensation for the damage they suffered.

The case arose from an incident in April 2013 where 150 people were shot at, and 30 severely injured, after they demanded their wages as agricultural workers in the strawberry fields in Manolada, Greece. Working twelve-hour days under the watch of armed guards, the workers were not paid even the promised salary of 22 euros per day, for seven hours' work, plus overtime. They lived in roughly built huts, without toilets or running water.

While those that were seriously injured were granted temporary residence permits, the majority of the workers, received nothing. Some were detained and deported.

Several of the workers took their case to a national court, which acquitted the employers and armed guards of human trafficking charges in 2014. The employers were found guilty of grievous bodily harm and unlawful use of firearms, but their only punishment was to pay the victims that took the case forward 43 euros each. The case was then brought to the European Court of Human Rights in Strasbourg.

The AIRE Centre (Advice on Individual Rights in Europe) and PICUM intervened jointly in the case before the Strasbourg Court, providing their legal analysis.

AIRE Centre Director, Matthew Evans, noted:

"The Chowdury judgment is a very important advance in the protection of workers' rights. The Strasbourg Court has made clear that irregular migrants are workers too and that such labour exploitation violates the prohibition of forced or compulsory labour".

PICUM Director, Michele LeVoy, highlighted:

"We are very pleased that the Court has recognised the rights of all workers, and that governments have an obligation to prevent labour exploitation and provide justice to victims. Undocumented workers are exploited across Europe. They should be able to report abuse without fearing they will be arrested or deported, and be paid – at least – their due wages. A worker is a worker, regardless of residence status."

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Notes to editors:

- In the case 'Chowdury and others v. Greece', 42 undocumented migrant workers claimed to have been victims of forced labour, in violation of Article 4 § 2 of the Convention ("No one shall be required to perform forced or compulsory labour"), and that Greece had failed in its duty to prevent their exploitation and prosecute the perpetrators. The judgment European Court of Human Rights is available [here](#).
- European Court of Human Rights [Press Releases](#)
- The intervention of AIRE Centre and PICUM is available [here](#).
- EU law, with the '[Employers Sanctions Directive](#)', requires governments to pay any outstanding wages to an undocumented migrant worker, in line with minimum wage standards/ agreements and presuming an employment period of three months if there is no evidence to show otherwise.
- [Joint Letter](#) to European Commission by PICUM and the Greek Council for Refugees, 8 January 2015 – describing irregularities in the national court proceedings.
- PICUM guidelines on effective complaints mechanisms available in [English](#), [German](#), [Dutch](#) and [Czech](#).

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