Female Temporary Circular Migration and Rights’ Protection in the Strawberry Sector in Huelva, Spain

Global Alliance Against Traffic in Women
The Global Alliance Against Traffic in Women (GAATW) promotes the rights of women migrant workers and trafficked persons and believes that ensuring safe migration and fair workplaces should be at the core of all anti-trafficking efforts. We advocate for living and working conditions that provide women with more alternatives in their countries of origin, and to develop and disseminate information to women about migration, working conditions and their rights.

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Cover photo: Mediator and Workers at the Strawberry Farm (2009)

Global Alliance Against Traffic in Women
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EXECUTIVE SUMMARY

Since 2005, GAATW has been consciously and proactively employing a two-pronged strategy in its work. While critical engagement with anti-trafficking legislation and advocacy for the rights of trafficked persons has continued, GAATW has also added an affirmative component, namely the assertion of the rights of all migrant workers with a special focus on women migrant workers.

In 2008, we explored the intersections (or linkages) between gender and trafficking frameworks (our shorthand for different sets of rights used by policy advocates) with those of migration and labour. We then turned our attention to a ‘macro’ framework, exploring issues such as trade, security regimes and global economics, and their impact on migrant and trafficked women and their space for agency and decision-making.

This research comes out of these explorations; it connects macroeconomics to a micro example of reality lived on the ground by looking at these issues in the context of a female temporary migration programme located within the agriculture sector in Huelva, Spain.

Over the decades, Huelva’s strawberry sector has experienced an enormous transformation, a consequence of its insertion into a globalised capitalist model of intensive market-orientated agriculture production. Huelva has become the second largest strawberry producer in the world; this boom (together with the expansion of other sectors such as construction and tourism and Spain’s entry into the EU) has helped to take Huelva (and the whole Andalucia region) out of its historic under-development.

But this has come at a high price.

As with any other production process inserted in the current neo-liberal globalised economic system, strawberry production costs have continued to increase every year, whilst the wholesale per kilogram has remained constant. In order to make a profit local farmers have tried to reduce costs in the only segment of the production chain that is entirely controlled by them: the planting, and, primarily, the harvesting of the crop.

Events at the national level (the booming of new economic sectors -construction and tourism- the massive arrival of migrants, and the passing of new legislation) and at regional level (the entrance in the EU of Poland, Romania and Bulgaria, and the new EU policies favouring circular migration programmes) have been instrumental in this strategy.

Over the last few years, Huelva’s strawberry fields have seen an increasing feminization and ethnification of the work force. This change has been justified on the basis of gender stereotypes (woman are more careful, work harder, are less problematic than men) and on the basis of cultural stereotypes (Moroccan woman are less problematic than Eastern Europeans) as well as on the basis of co-development policies.

If we take a closer look at how these circular migration programmes have evolved in Huelva we can see that:
a) The primary concern is that of the employer (to have a readily available work force at a low cost and that leaves when is no longer needed), not of the migrant herself, and that
b) This evolution has been based on a refinement of the profile of the strawberry picker that shows in practice a violation of the right to non-discrimination and that reinforces women’s dependence on their husband or male members of their families.
The main reason behind this move has been to secure the return of the temporary migrant women to their countries of origin upon completion of their work contract, a determinant element of circular migration programmes.

However, the Huelva experience also shows a certain degree of rights’ protection during the migration process, which has been welcomed as a ‘good practice’ both within and outside Spain.

There are numerous divergences when it comes to evaluating the actual protection and promotion of the rights of the temporary migrant workers hired in origin in the Huelva fields. Whilst it is true that the women migrate in quite a safe way, with a work contract and without incurring high debts, receive some trainings during their time in Huelva and that their living conditions must meet (at least in theory) certain standards, it is also true that their contracts are not translated into their own language, the obligation to return is the aspect around which all the others orbit, final salaries are dependent on circumstances that escape the women’s control, and living conditions have been widely criticized.

Women that participate in these programmes navigate them and exercise their agency in different ways, both by using it and adapting their migration strategies to them, and by completely abandoning the programme.

This model has mainly benefited the farm-owners and those women who fit the profile and accept the conditions imposed. The ‘losers’ in this model are on the one hand those women who do not fit the profile (either because they have no dependent or because they are single), and, on the other hand, the undocumented migrants (mostly male) already in Spain who can no longer find jobs in this sector.

This model, thus, helps to reinforce a distinction between ‘good’ (documented - permanent and temporary-) and ‘bad’ (undocumented) migrants; a distinction that is in line with numerous policies at national and EU levels such as the European Pact on Immigration and Asylum.

This model also reinforces a restrictive view of human mobility, not as an inalienable and universal human right, but as an option available only to those that fit a profile and are ready, or able, to accept the conditions imposed. It is dubious that this will actually become an effective means to control migration as it does not respond to the migrant’s project, which is not necessarily temporary.
INTRODUCTION

The Global Alliance Against Traffic in Women (GAATW) was created 15 years ago by women’s rights activists looking at the phenomenon of human trafficking (and more specifically trafficking in women) as intrinsically embedded in the context of migration for the purpose of labour.

Since its inception, GAATW has consistently promoted and defended the human rights of all migrants and their families with a special focus on women, against the threat of an increasingly globalized labour market, and has called for safety standards for migrant workers in the process of migration and in the formal and informal work sectors - i.e. garment and food processing, agriculture and farming, domestic work and sex work - where slavery-like conditions and practices exist. GAATW promotes a rights-based approach to anti-trafficking that puts the agency of trafficked persons and of migrant women at the center.

Over the last few years, as anti-trafficking has developed into a highly specialized area, it has also became more isolated from other fields, such as gender, migration and labour, not to mention globalization, trade, or security. We are convinced that without an understanding of how these phenomena impact on trafficking, anti-trafficking will remain narrowly focused and will risk missing key issues affecting women’s lives and their capacity for decision-making.

Accordingly, since 2005, GAATW has been consciously and proactively employing a two-pronged strategy in its work. While critical engagement with anti-trafficking legislation and advocacy for the rights of trafficked persons has continued, GAATW has also added an affirmative component to its work, namely the assertion of the rights of all migrant workers with a special focus on women migrant workers. In concrete terms this has meant stronger engagement with migrant rights, labour rights and women rights groups. This has also meant stepping up our engagement with self-organized groups.

In August 2008, GAATW organized a Roundtable on Gender-Migration-Labour-Trafficking, which contributed to looking at the intersections (or linkages) between the gender and trafficking frameworks (our shorthand for different sets of rights used by policy advocates) with those of migration and labour.

Whilst GAATW has always incorporated migrants’ and labour rights when talking about trafficking, this 1st Roundtable deepened our understanding and met a need felt by those working against trafficking to learn more about migration and labour generally1. Agency, or women’s power and autonomy, emerged as an important area to maintain while also connecting to different areas.

Agency has always been at the core to GAATW’s message, and this topic was further looked at in a 2nd Roundtable2 (February and March, 2009). This Roundtable focused on ‘macro’ issues such as trade, security regimes, and global economics, and their impact on migrant and trafficked women and their space for agency and decision-making.

This specific research report seeks to contribute to this on-going analysis by GAATW by looking at these issues in the context of a programme of female temporary migration within the agriculture sector in Huelva, Spain; we aim to connect macroeconomics to a micro example of reality lived on the ground.

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2 “Trafficking and the Political Economy Impacts on the rights of migrants from trade, the financial crisis and new regimes of control” Roundtable report.
**METHODOLOGY**

This report is based on research conducted by one staff member from GAATW-International Secretariat (GAATW-IS) based in Madrid (Spain).

As mentioned in the Introduction, this research aims to contribute a specific example to the analysis of the linkages between trafficking, gender, labour and migration currently developed by GAATW. The focus of the research slightly changed during the months it was developed. The initial idea was to focus on the female migrant worker’s personal experiences and voices. This, however, changed partly because of the difficulties in conducting one-to-one interviews (visits to the working places were too short to create the necessary atmosphere to conduct meaningful interviews), and partly because of the need to give more attention to the context in which this model of temporary female circular migration takes place. Although attention is still given to the women’s experiences and decision making (agency), the analysis of the context (linkages) receives more attention than initially conceived.

The research spanned from March to November 2009, and included two trips to Cartaya (Huelva province) and to the cities of Huelva, Granada and Seville. Some interviews were made in another Spanish city where a migrant woman (formerly participating in a temporary circular migration programme to Huelva and now an undocumented worker) lives.

During the course of the research, interviews were conducted with the AENEAS-Cartaya programme director and staff (including cultural mediators), trade unions (both participating at the AENEAS-Cartaya programme, and critical to it), non-governmental organizations (NGOs) farm owners in Cartaya, academics, and with one participant who left the temporary migration programme and is now an undocumented migrant worker in Spain.

Some farms were visited, and one training given to migrant women in the programme was observed.

All participants were informed of the purpose of the interview, its voluntary nature, the ways in which the data would be collected and used, and the purposes and advocacy plans of the research and report, and consented to be interviewed.

The name of the migrant woman who left programme and who is now an undocumented worker in Spain, has been changed and the transcript of her interview was given to her for approval before using it for this report. The information she did not want to be included was, accordingly withdrawn.

In addition to field research and interviews, existing laws and regulations were examined, press reports were reviewed, and studies and research by academics and civil society analyzed (all available in the Bibliography).

Other sources of information included the migrant workers’ contracts as they were given to them upon their arrival in Huelva, and the written information they were given prior to their trip.

Preliminary findings of the research were shared with the participants in GAATW’s 2nd Roundtable in March 2009, and further interviews and a field trip were conducted in the months of August and September 2009.
TEMPORARY FEMALE MIGRATION IN THE STRAWBERRY SECTOR IN HUELVA: LOOKING AT LINKAGES

Huelva is one of the eight provinces comprising Andalucía in the South of Spain. It is located at the South-West corner, near the Portuguese border.

Andalucía has traditionally been one of the poorest Spanish regions. It is agriculture-dependant and, until the land reform in the 18th century, the productive land was concentrated in the hands of a few families, whilst the majority of the peasants depended on them for work. Because of this, Andalucía has always had a high number of “temporeros” - seasonal laborers without land that move around the region to work on the different seasonal crops, as job opportunities arise.

Andalucía has also been one of the Spanish regions with higher social and economical disparities, as well as a traditional source of migration within Spain (mainly to Catalonia and Madrid) and abroad.

In Spain, regions have a high degree of autonomy, and Andalucía, as one of the ‘historic’ regions (that is with a specific and distinctive historic, cultural and social background), enjoys one of the highest self-government statuses in the country. This means that at the policy-making level the regional government (Junta de Andalucía) has the power to enact laws (including the Covenants ruling the agriculture sector) and to allocate economic resources to implement them.

Since the beginning of the current democratic period in Spain (late 1970s) Andalucía has been ruled by the Spanish Socialist Party, which also currently governs the country.
Huelva’s economy has traditionally been rural and agriculture-based.

Although it is a region rich in water, this water was traditionally misused because, due to a lack of infrastructure, there were no mechanisms in place to channel it to the fields. This changed when different water reservoirs were built in the 1960s and 1970s, which allowed the use of this extra water for agriculture.

Once water was no longer an issue, the late 1970s, 1980s and the early 1990s were focused on boosting and diversifying the local agriculture. This meant introducing new crops and improving technology, as well as expanding the amount of land used for farming.

Next to agriculture expansion, the tourist sector (from the 1980s onwards) and the construction sector (especially in the 1990s and 2000s) have also experienced an unprecedented boost in Huelva (as in the rest of the country). It can be therefore said that agriculture, services and construction work have been the main sources of employment in Huelva over the last few decades.

This transformation of the agriculture sector and the growth of new sectors like construction and tourism in Huelva occurred parallel to the modernization and expansion of the Spanish economy as a whole. This was the time when Spain entered the European Union (EU) and benefited from aid that helped take the country out of its comparatively less developed status; being one of the poorest regions, Andalucía has greatly benefited from EU structural funds allocated over the last 20 years.

**Linkages with:**

How do gender, migration, labour, and globalization intersect in women’s lives - both in terms of experienced realities and the laws and policies that surround them?

When looking at the linkages of this specific example of temporary female migration with globalization, trade, security, migration and gender we have to remember that policies do not exist in a neutral world. They reflect and strengthen specific concepts about human mobility, human rights, national economic development and its location in the trade market at regional and global levels, and that these ideas and policies impact on women’s daily lives.

Nor are they gender blind. They mirror an understanding of women’s roles in society, in work and in this case, as migrants. And women navigate them. They make choices, even in the narrow spaces that these policies allow them, and adapt their migration strategies to the given scenario as much as they can.

The “Huelva scenario” can be seen through these lenses: the local strawberry farmers do not control the overall production chain of their product (from the seeds that are planted, to the places where the strawberry is sold to the consumer). In this globalised world, as we will see, the only link of the chain they control (and where most of their benefits come from) is planting and harvesting, which is carried out precisely by women hired in origin to take part in temporary migration schemes.

The legal and institutional frameworks (at local, national and European levels) contributes to this logic by creating laws (migration, labour) and by providing funds (AENEAS) designed to support it.
These programmes are based on a very clear feminization and 'ethnification' of the labour market that has adapted over time to the different changes within the manpower 'supply' link of the chain.

This feminization and ethnification is justified on the basis of ‘aptitudes’ (“women’s hands are more delicate than men”), ‘tradition’ (“picking strawberries has always been a female work in Huelva”) and ‘culture’ (“Moroccan women are quieter than those from Eastern Europe”), but they also respond to a different logic: the protection of the producers’ interests, which are at the core of this scenario.

But, and this is where this example is interesting, these programmes have also introduced an ‘ethical’ component, according to which: a) they contribute to the development of the origin country, b) they include rights’ protection and safe migration elements, and c) they contribute to manage migration and therefore, to ease the tensions between the migrants and the hosting society.

Whilst some stakeholders genuinely think that this is a win-win scenario in which both the producers and the workers benefit, others are highly critical and affirm that actually rights are violated rather than protected.

Globalisation

Over the last few decades, the strawberry sector in Huelva has experienced an enormous transformation as a consequence of its insertion into a globalised capitalist model of intensive market-orientated agriculture production.

Strawberry, a seasonal crop traditionally cultivated in Huelva’s farms at a small scale for the Spanish market, has experienced an unprecedented growth (from 6,500 ton per year in the mid-sixties, to 289,998 ton in 2004/5). By the year 2008, Huelva had become the main producer of strawberries in Spain and in Europe, and the second producer globally after the US. 77% of the strawberries produced in Huelva are exported, with Germany, France and the United Kingdom being the main receiving markets. The average strawberry farm in Huelva is small (less than three hectares), and almost 70% of those who own farms are individuals (only 15% of those producing strawberries are private companies). The strawberry crop has been described as the “red gold” and has been one of the main engines in the region’s modernization.

Producing strawberries at this enormous scale is expensive; it requires a large capital investment by the farm owner in order to prepare the land, build the irrigation systems and the tunnels where the strawberries grow, buy the different materials and products used (from plastics to protect the crops to chemical fertilizers), and so on.

As with any other production process inserted in the current neo-liberal globalised economic system none of these supplies are locally produced but need to be bought at a very high cost in other regions of Spain or abroad, or are subcontracted to other companies. For example, the

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4 Revista Mercados No. 75, 2008 (www.revistamercados.com)
5 J. Moreno (2008).
6 M. Gordo and J. Felicidades Garcia:” Explorando los contratos en origen en los campos españoles” (2009).
7 J. Moreno (2008).
8 Interview with Manuel Garcia Robles, AENEAS-Cartaya Director, Oficina del Temporero y Extranjero (17/03/09).
9 VVAA: “¡Qué hace esa fresa en tu mesa!” (2008), Juana Moreno (2008) and Informe CGT (trade union) Fresa.
patent of the strawberry seeds belongs to the Davis University in California (US), the specific plastic used to cover the tunnels where the strawberries grow is produced by chemical multinationals, and the commercialization and distribution of the final product is undertaken, mainly, by big European supermarket chains that set the prices for which the harvest is sold\textsuperscript{10}.

So, whilst the production costs increase every year, the wholesale price per kilogram of strawberry has remained constant\textsuperscript{11}.

How have the farm owners confronted this situation?

On one hand, they have tried to increase the production of strawberries per hectare by applying more fertilizers, which has lead to an erosion of the soil and has had negative environmental effects (to address this situation, some farm owners have started in recent years to introduce new crops such as raspberry and blueberry).

But the main measure has been reducing the costs of the only segment of the production chain that is entirely controlled by them: the planting, and foremost, the harvesting of the crop.

How have they done this?

\textbf{Migration}

One characteristic of strawberries as an agricultural product is that \textit{“it is very social\textsuperscript{12}”} that is, it requires the involvement of a large time-bound work force, concentrated during the collection phase and for a limited period of time. 50,000 people are needed to harvest strawberry crops every year, and 10,000 more to pack it for its commercialization\textsuperscript{13}.

Until the end of the 1990s it was mainly local families (\textit{jornaleros}) from other parts of Andalucía (especially from Cadiz and Seville), or families from other Spanish regions (Extremadura) or Portugal that travelled to the Huelva farms to harvest the strawberries for a limited period of time annually.

With the revival of democracy in the late 1970s, following Spain’s transition from a dictatorship to liberal democratic state, and especially during the 1980s the \textit{jornaleros} started organizing with the support of agriculture unions. They started demanding better living conditions, schooling for their children, access to health, and better salaries\textsuperscript{14}. \textit{Jornaleros} became more demanding and although their demands were not generally met, they started to be seen by their traditional employers as ‘problematic’. At the same time the tourist sector, and later on, the construction sector, boomed in Spain, which meant that most of the \textit{jornaleros} found other jobs in less demanding, less temporary and better paid sectors; some of them acceded to more specialized jobs within the strawberry sector itself; or became farm owners themselves.

All and all by the late 1990s there was a need to find new workers to harvest strawberries in Huelva.

\textsuperscript{10} Ibid.
\textsuperscript{11} Freshuelva (2007) [Freshuelva is the Huelva’s main association of strawberry producers and exporters].
\textsuperscript{12} Interview with Manuel Garcia Robles, AENEAS-Cartaya Director, Oficina del Temporero y Extranjero (17/03/09).
\textsuperscript{13} M. Gordo and J. Felicidades Garcia (2009).
\textsuperscript{14} Interview with Mari- SOC (24/09/09).
Coincidently Spain, traditionally a country of emigration, started receiving immigrants. Mainly male and undocumented, they arrived mostly from the Maghreb and sub-Saharan Africa and occupied the places that the local jornaleros had left empty in the Huelva’s strawberry farms.

According to one local leader of Comisiones Obreras (CC.OO), one of the main trade unions in Spain, “before the year 2000 the situation of foreign migrant workers in Huelva was out of control. There were no appropriate laws protecting their rights, and the existing ones were not enforced. Migrant workers were subjected to abuses and exploitation. 90% of migrants working in the agriculture sector in Huelva were undocumented. They worked without contract and there was no control on their salaries, their living conditions were appalling and their rights were systematically violated by the farm owners. It would happen that they would come to Huelva before the season would start, which would mean that they would be left for weeks waiting for the fruit to be ready to be picked up without any work and, therefore, without any income [it is important noticing that agriculture work is highly time-bound]; this resulted in problems for them and created a lot of tensions with the local population”.

The year 2000 saw three key developments. 1) Undocumented migrant workers led a series of protests demanding better working and living conditions in the Andalucía’s agriculture sector (including the strawberry one). This contributed to a further deterioration of their image among the Spanish employers who already saw them as “problematic and lazy”. 2) It was in this context that some of the worst riots between agriculture migrant workers and Spaniards happened. That year in El Ejido (a small town in a different Andalucía province, Almería) riots resulted in several deaths and contributed to increased levels of ‘social alarm’ against migrant workers. 3) The Spanish government issued the Pimentel Decree (2000) and a new Immigration Law (2000). The Pimentel Decree allowed for the recruitment of workers in their countries of origin under schemes of seasonal work through bilateral agreements with ‘countries of preference’ (mainly Bulgaria, Romania, Poland, and Ukraine), as well as the regularization of the to-that-date undocumented migrant workers in Spain.

The result of those developments was that from 2002 to 2005 the male undocumented migrant workers who had been harvesting Huelva’s strawberries (and who had actively protested) were progressively substituted by female Eastern European workers hired under temporary migration agreements. This does not mean that since the beginning of this decade undocumented migrant workers have vanished from Huelva strawberry fields, but the implementation of the temporary migration programmes made their access to work in this sector much more difficult and pushed them to other provinces, or made them even more vulnerable to abuse.

In 2004, Poland, and in 2007 Bulgaria and Romania were admitted into the EU, having a significant impact on the strawberry harvest in Huelva.

Now that they had became EU members, migrant workers from these countries (especially Polish and Bulgarians) started to move out from Huelva to other nations where work opportunities were less temporary, salaries were higher, or that were geographically closer, leaving the strawberry farm owners (once more) with a shortage of work force.

At the same time, the EU defined its comprehensive migration policy, aiming to “capitalize on the benefits of legal migration and fight illegal migration and human trafficking”. Circular...
migration (defined as “a largely temporary movement of people between two or more countries which, when voluntary and linked to the labour needs of countries of origin and destination, can be beneficial to all involved”) was identified by the EU as one of the main mechanism to manage migration.

The promotion by the EU of temporary circular migration linked to the labour needs of the receiving country has been a key component in the Huelva strawberry farmers search for a stable work force.

In 2005, the programme AENEAS-Cartaya “Integral and Ethical management of Labor and Temporary Migratory Flow, Morocco- Huelva” programme (2005-2008) was developed to address this new shortage of manpower among the strawberry producers in Huelva and received financial and technical assistance from the EU through the AENEAS programme (the AENEAS-Cartaya programme received 1,196,000 euro from the EU through the AENEAS funds).

This programme links farm-owners in Huelva with potential migrant women in Morocco through ANAPEC (the Moroccan national employment agency, which in turn gets EU funds though the MEDA - MEasures D’Accompagnement- Programme) and the Spanish consulates in Morocco.

As it has been seen, since the insertion of the Huelva strawberry sector in the global market the original local jornaleros (families) have been progressively substituted by undocumented (male) migrants who have been replaced by (female) documented migrants participating in temporary circular migration programmes: first from Eastern Europe, and later on from Morocco. Spanish national laws have supported and facilitated these changes together with policies from the EU.

40,000 migrant women hired in their country of origin participated in the 2008 strawberry season picking strawberries in Huelva. Why has the profile of the strawberry pickers moved away from (undocumented migrant) men to (documented temporary migrant) women?

In the next section we will look at the Moroccan context as it is the main origin country to show how the feminization (and ethnification) of the workers is an integral part of this strategy.

21 Ibid
22 The AENEAS project has been replaced by the Thematic Cooperation Programme with Third Countries in the Development Aspects of Migration and Asylum (2007-2013). As with the AENEAS Programme, the general objective of the new thematic programme is “to assist third countries to improve the management of all aspects of their migratory flows. While covering all essential facets of the migratory phenomenon (migration and development, labour migration, illegal migration and traffic in persons, migrants’ rights, asylum and international protection), this programme does not directly address the deeply-rooted causes of migration”. http://ec.europa.eu/europeaid/where/worldwide/migration-asylum/index_en.htm (last acceded in December 2009)
23 www.aeneas.es and Juana Moreno (2008)
What we have seen is a progressive refinement of the profile of the strawberry picker in Huelva, from local families, to male undocumented workers, to female documented migrant workers from Eastern Europe, to female documented migrant workers from Morocco. This refinement of the profile has been supported by the circular migration programmes put in place through bilateral agreements, or through specific programmes like AENEAS-Cartaya.

Contracting female migrant workers to pick strawberries in Huelva has been justified using different arguments, including their aptitudes: “women are more subtle than men and, therefore, more suitable to pick such a delicate fruit”; efficiency: “women are better workers than men”; docility: “male workers are more conflictive than female workers”; and tradition: “picking strawberries has always been a female work”, which reflects the existing stereotypes towards both women and foreigners among employers.

Numerous scholars, trade unions and social organizations have stated that this replacement of male (mainly undocumented) migrant workers in Huelva by female migrant workers hired in origin is, actually a strategy used by the employers to reduce labour demands and to ensure a more subdued and individualistic work force, which is easily ready to accept poorer labour conditions.

If we look at the selection criteria applied in this model of circular migration we can see that the first groups of women from Eastern Europe that were hired in origin to pick strawberries in Huelva came mainly from urban areas, spanned a wide range of ages and did not necessarily have previous experience in the agriculture sector. Many of them were married and had children, but many of them were not.

Many of them, actually, used their participation in these temporary migration programmes to carry forward their migration strategy (which was permanent and not temporary) by leaving the

24 El País, January, 18th 2009.
25 Interviews with local farm owners (17/03/09).
26 Gordo, 2003; Reigada, 2006 quoted by J. Moreno (2009)
farms before the end of their contracts (‘escaping’ according to the terminology used by the farm owners), or by not returning to their countries of origin once their work at the farms was over.

It was in order to reverse this situation and to ensure that the women would return to their home countries that their profile was further refined: they would need to have previous experience working on agriculture, they would have to be married, and they would have to be in “good physical condition”\textsuperscript{28}.

These requirements have been maintained and even made stricter over the years; the requirements to participate in the 2007/2008 season for the Moroccan workers hired in origin established by the AENEAS-Cartaya programme were\textsuperscript{29}:

- Female;
- In a good physical condition;
- Between 18 and 40 years old;
- From a rural area;
- With previous experience in the agriculture sector;
- Married, divorced or widowed; and
- With dependent children.

<table>
<thead>
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<th>Married</th>
<th>6,410</th>
<th>52,48%</th>
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<td>Divorced</td>
<td>4,124</td>
<td>33.75%</td>
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<tr>
<td>Widow</td>
<td>1,352</td>
<td>11.06%</td>
</tr>
<tr>
<td>Single</td>
<td>188</td>
<td>1.54%</td>
</tr>
<tr>
<td>Unknown</td>
<td>136</td>
<td>1.11%</td>
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<tr>
<td>Separated</td>
<td>8</td>
<td>0.07%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>12,218</td>
<td>100,00</td>
</tr>
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Moroccan Women Participating in the 2008 Strawberry Campaign According to their Family Status\textsuperscript{30}

This conditionality on aspects of the worker’s private life in order to apply for a job shows in practice a violation of the right to non-discrimination.

It also helps to reinforce the women’s dependence on their husband or male members of their families (through the husband’s authorization to be inscribed in the programme) and contributes to the stigmatization of groups already discriminated against in Morocco, i.e. single mothers (who cannot participate) and separated women (who contribute with an insignificant amount to this programme)\textsuperscript{31}.

\textsuperscript{28} Interview with Olga (August 2009).
\textsuperscript{29} J. Moreno (2008) and interview with Manuel Garcia Robles, AENEAS-Cartaya Director, Oficina del Temporero y Extranjero (17/03/09).
\textsuperscript{30} J. Moreno (2008)
\textsuperscript{31} J. Moreno (2008) and interview with her.
However, all this has been legitimized on behalf of the fight against poverty ("it benefits the most vulnerable economic sectors of society from the poorest areas and municipalities in Morocco")\(^{32}\) by ANAPEC\(^{33}\), and as a key element to secure the participant’s compliance with the commitment to return to Morocco upon completion of the contract by the AENEAS-Cartaya programme\(^{34}\).

As mentioned, the main ‘problem’ identified in the initial phases of the implementation of these circular migration strategies (when it was mainly Eastern European women who were participating) was the high percentage of women that would ‘escape’ after arriving to Huelva. This percentage increased dramatically at the end of each season when the time to come back to their home countries would approach, showing that most of the women preferred a permanent migration process rather than a temporary one.

This was logically seen as a failure in a frame that was trying to foster circular migration. The way to secure higher return rates was by adding the “dependent children” condition into the list of requirements to participate.

It can therefore be said that ensuring the return of the migrant women to their countries of origin at the end of each season has been another determinant element in this feminization and ethnification of the strawberry pickers in the Huelva fields.

In addition, two more conditions have contributed to rising numbers of women returning to Morocco at the end of the strawberry season:

1. Participants can be hired in future campaigns without undergoing the selection process again, and
2. After having participated in four consecutive seasons in Huelva there is the possibility of applying for a permanent work-visa and a residence permit in Spain\(^{35}\).

All these measures have had a strong impact on the percentage of returnee women to Morocco, which in 2004 was of only 40\(\%\)\(^{36}\) and in 2008 was of 92\(\%\)\(^{37}\):

As we have seen, these programmes have emphasized the return of participants at the end of each season in line with the farm owner’s interests. But, the AENEAS-Cartaya programme presents itself as introducing ethical components and rights’ protection in a market-driven view of female migration.

\(^{32}\) OSCE- Seminar on Gender-Sensitive Labour Migration Policies (Brdo, 16-17 February 2009), presentation by Mr. K. Lghali (ANAPEC); confirmed by interviews in Cartaya.

\(^{33}\) ANAPEC (National Agency for Employment and Competence) is the counterpart in the AENEAS-Cartaya programme.

\(^{34}\) Interview with Manuel Garcia Robles, AENEAS-Cartaya Director, Oficina del Temporero y Extranjero (17/03/09).

\(^{35}\) However, all those interviewed agreed that whilst a high percentage of women picking strawberries in Huelva have been hired for several years already (that’s, the first benefit is generally met), getting a permanent job in Spain (the second so-called benefit) rarely happens. The reasons pointed out for this are the nature of the work (seasonal), which makes having a permanent work very difficult, and the fact that "women themselves prefer the temporary migration scheme as it is more advantageous for them: they can return to their home with a lot of savings that allows them to leave the rest of the year in Morocco whilst if they would remain in Spain with a permanent contract they would have extra expenses (i.e. house rent) that would negatively impact on their saving". In addition, the seasonal scheme means that family ties are maintained and not broken.


\(^{37}\) Interview with M. Gordo (24/09/09).
Labour

Trade unions and civil society organizations (CSOs) have often cautioned against circular migration programmes for imposing rights-restrictions on migrants (such as access to social services, healthcare, family reunification, education, citizenship, or benefits) and for the higher vulnerability to rights violations migrants in this kind of programmes often face.

At the same time, temporary circular migration has been widely promoted and encouraged by policy makers within the EU, as well as by the Spanish government, as a way to organize legal migration (which in this discourse equals preventing the exploitation of migrants, including trafficking, and fostering border control) and to encourage the integration of migrants while, at the same time, contributing to the development of their countries of origin by bringing remittances and skills and by impeding the breakdown of family and social ties.

The AENEAS-Cartaya programme is immersed in this frame of temporary circular migration; circular migration is according to the Cartaya Major, “the most appropriate method to guarantee an equilibrium between the demand and offer of work and thus, to avoid exploitation and abuse; it contributes to the coexistence between the migrant and the host society and to the development of the origin country, as the worker earns money and gains skills that can be later brought to the country of origin”.

However, the most interesting aspect of this programme is that it presents itself as introducing “corporate social responsibility recommendations and proceedings to the selection, transfer, stay and return of female migrant workers from Morocco to Huelva in order to encourage circular migration.” It is also relevant because although it focuses on Morocco it aims at transferring the experience to other countries in the future. The programme has already been recognized as a “good practice” in Spain and outside.

Although a lot has been written about the historic development of circular migration in the agriculture sector in Huelva, the protection of the rights of those participating in these programmes have comparatively received far less attention.

As previously mentioned, the fact that only women with dependent children can take part in this programme is already a discrimination, which contradicts, for example, the Spanish Labour Law (Article 4, ‘workers must not be discriminated on the basis of sex, civil status, age [within the limits established by this Law], race, social conditions…”).

There are numerous divergences when it comes to evaluating the actual protection and promotion of the rights of the temporary migrant workers hired in origin, and a clear division among stakeholders, with some trade unions, NGOs and academics actively supporting and participating in the AENEAS-Cartaya programme, whilst other trade unions, NGOs and academics actively criticizing it.

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38 As an average each woman working at the strawberry campaign in Huelva saves 3,000 Euro per campaign; if in 2008 almost 10,000 women participating in the campaign this means that almost 30 million Euro entered into Morocco.
40 Programme Presentation: http://www.aeneas.es
41 “Cartaya se convierte en ejemplo a nivel nacional en materia de políticas migratorias: La Secretaria de Estado para la Migración e Inmigración, Consuelo Rumí, puso las políticas en materia de inmigración que se están llevando a cabo en Huelva, y más concretamente en Cartaya, como el mejor ejemplo a seguir por parte de otras localidades o comarcas a nivel de todo el territorio nacional”. (www.integralocal.es/index.php?accion=detalleGeneral&seccion=3&tipo=2&id=2010) (last accessed in December 2009)
42 OSCE- Seminar on Gender-Sensitive Labour Migration Policies (Brdo, 16-17 February 2009).
The recruitment process

Each farm-owner assesses the number of temporary migrant workers that will be needed for the strawberry season at least three months in advance. Farming activities are to some extent dependent on climate so this number may actually change afterwards.

This information is passed on to the counterparts in the different countries (ANAPEC in Morocco, and private recruitment agencies in other countries like Ukraine).

In the case of Morocco, when ANAPEC conducts the pre-selection of participants it includes the number assessed by the farm owners plus 15% extra, in order to accommodate possible changes.

Selection is carried out on the basis that the women that have registered with ANAPEC to work the strawberry season in Huelva, and that they fit the profile already mentioned. To this list of newly-registered, there is a parallel list comprising those women that have already participated in previous seasons, which have returned, and who wish to join again.

On a given day, representatives of the farm-owners associations goes to three or four cities in Morocco to conduct the selection process together with the AENEAS-Cartaya staff (including cultural mediators) and the ANAPEC staff. The selection is informally supervised by delegates of Spanish trade unions.

Once the recruitment process is completed ANAPEC and AENEAS-Cartaya collect the documents of the women selected (including the family registry, medical and criminal certificates, signed ‘commitment to return’ declaration, and the women’s passport) and pass them to the Spanish consulate to issue the working visas.

The selected women wait in Morocco until the season starts. One of the main complaints heard in this phase is that women are not told the exact date of their departure with enough time, but that they are kept waiting until the very last minute, when the strawberry is ready to be picked. In addition to this, because of the practice of selecting a higher number of women than is actually needed, every year some of the selected women do not actually travel to Huelva at all in spite of having been selected\(^\text{44}\).

One interviewed from Ukraine described the recruitment process she participated in Kiev in 2008 in the following terms: “in order to travel to Huelva, the [private] recruitment agency asked me for a medical certificate and for an official paper showing that I had never been in jail. I had to

\(^{43}\) El Pais, 18th, January 2009.
\(^{44}\) Interviews with J. Moreno (23/09/09) and Mari-SOC (24/09/09)
pay them 800 Euros for processing the contract and 35 Euros for the visa to come to Spain. Afterwards, I realized that some other women had paid other amounts; some of them more than me, some of them less... 800 Euros was an enormous amount for me and it was my mother who paid it out of her savings".

Corruption has been raised as a problem in the recruitment phase in several countries including Ukraine.

The migration process

All selected Moroccan women are to be in Tangiers on a given day so they take the ferry to Spain together. The process of entering Spain is carried-out as a group in coordination with the Spanish police, officially to avoid gangs and fraud.

To avoid the workers getting into debt the farm-owner pays for the trip from Morocco to Huelva. However, the women herself pays for the visa fee. This is 66 Euros (quite a lot for them); according to one mediator interviewed, the money has to be paid in advance by the women and this is a requirement from the Spanish Consulate.

AENEAS-Cartaya organizes the buses that collect the workers from the point of arrival in Spain and brings them to the farms in Huelva (this trip is paid by the employers, not by the workers). Each bus includes a “social/cultural mediator” who is their person of reference throughout their time in Huelva and that makes the journey with the women.

Those who arrive from the Ukraine, Bulgaria, Romania, or Poland do so by buses hired by the employers as well. Whilst this is explained in one of the annexes to the work contract, the fact that: a) the contract is only signed upon arrival to Huelva, and b) it is not translated into the women’s language, but only available in Spanish, means that women are not actually aware of the employer’s obligation to cover the trip to Huelva. Trade unions, NGOs have denounced this in numerous occasions.

This was the case of Olga, the Ukrainian woman whose voice we previously heard: “when we left Kiev there were many journalists taking pictures and filming us because we were part of the first group of women travelling to work in Huelva. I felt bad. A priest came to bless the bus, but I did not mind this. Each of us had to pay 50 Euros for the bus ticket. We travelled for 3 days and 2 nights and changed drivers quite often; one was Moldovan, another was Italian and so on. We could not communicate with them. I was not afraid, but some of the women travelling with me were because we were all young women travelling together and, although we had been told that we were going to Spain, they felt vulnerable and thought that we could have been actually trafficked. When we finally arrived in Huelva we were received with some coffee and food and the owners of the different farms picked the amount of workers they needed; that’s how we were distributed to the different farms”.

Contract and work permit

In all cases (both those travelling from Morocco and from other countries) the women arrive in Huelva with proper working visas. Visas are temporary and cover the duration of the season (it is
important to note that the majority of seasonal workers who are in Huelva arrive during the months of February and March, and remain until June).

Both the contract and the work permit are tied to the sector (agriculture) and to the geographic area (Huelva), but not to the employer; women can change employers and location, but must remain in the agriculture sector and within the Huelva province (in the case of the Moroccan women, if a problem arises between the employee and the employer the AENEAS-Cartaya staff looks for another farm -in a different village if needed- where the woman can work).

Whilst contracts are signed upon arrival in Huelva the commitment to return is signed before leaving the country of origin. The fact that this commitment is signed before signing the contract itself clearly indicates the priority given to the obligation to return in this model of circular migration.

“The success for Spain and Morocco is the [women’s] return”\textsuperscript{50}: having a work force available only for a certain period of time (the strawberry harvest) that goes back to its country of origin afterwards bringing money and skills with it is the defining element of temporary circular migration programmes. That is the reason why the return is the first obligation of the women participating and they commit to it even before having signed their contracts. In addition to their formal signature this obligation is emphasized through all the phases, from the recruitment, to the trip, the arrival, the duration of the work and the trainings (it is worth noticing that, as mentioned, the actual word used in Spanish to describe the non-fulfillment of the obligation to return is ‘fuga’, that is ‘escape’, which shows already a very limited view on the rights of the women to, for example, move freely, break a work contract or make a decision to change her life).

The main ‘problem’ identified by the farm owners and policy makers when temporary circular migration was initially applied in Huelva was the high percentage of women that would not return at the end of their contracts. From this logic it was seen as a failure of a programme that was trying to foster circular migration. If we look at it from the women’s perspective we can think that this is one of the ways they have exercised their agency and their decision making power in carrying forward their own migration strategy (more on this at the Agency section of this paper).

In any case one of the ways to respond to this situation was by refining the profile of the strawberry pickers as we have seen in the section looking at the linkages with gender.

One of the most problematic elements that have been raised by NGOs, activists and academics (and recognised as a failure by those implementing the AENEAS-Cartaya programme) is the fact that contracts and the commitment to return are only available in Spanish. Workers do not get a copy in their native language, which means that they sign them without actually knowing their working conditions\textsuperscript{51} and actually depend on their employees or on the cultural mediators within the AENEAS-Cartaya programme to get information about their rights. This means that quite often they have very little knowledge of their work, working conditions and salary, obligations etc\textsuperscript{52}.

\textsuperscript{50} Interview with Manuel Garcia Robles, Director, Oficina del Temporero y Extranjero (Office of the temporary and migrant worker), Director) (17/03/09).
\textsuperscript{51} Annexed
\textsuperscript{52} Interviews with J. Moreno (23/09/09) and Mari-SOC (24/09/09).
Women must return to their origin country upon completion of their contract and they must bear the costs of their return trip. They must present themselves at the Spanish consulate or embassy to sign their return within 30 days upon arrival, so they are included in the list of potential workers for the next year’s season. Only those who return will be hired in the next season.

“Before leaving the Ukraine, I signed a document in Spanish [the commitment to return]. The document was not translated, but I was given a paper explaining its content, that I was committing to return back and that I had one month to present myself at the Spanish embassy in Kiev upon the completion of my contract. I wondered: how do I know that the document I am signing corresponds to what I have been told? I did not speak a word of Spanish at that time”.

Salary

The salary received is the same as any other person working in the agriculture sector in Huelva (whether s/he is a Spanish national or an immigrant).

It is regulated by the current Convenio del Campo (Agriculture Covenant), which stipulates 37,06 Euros per day of work picking strawberries. Although the Agriculture Covenant establishes a pay per working day higher than the minimum wage for temporary workers at the national level, it is important to know that Huelva (together with Almeria, another Andalucia province) has the lowest

53 Interview with Olga August 2009).
54 Annexed
55 In Spain, the minimum wage for temporary workers is 28.42 Euro per day of work.
salary scale in Spain\textsuperscript{56}, so, even if this amount is higher than the comparable salary in their country of origin it is still very low by Spanish standards\textsuperscript{57}.

According to the Agriculture Covenant, working hours are 6.5 per day, 39 hours per week. During the strawberry season (officially from 15\textsuperscript{th} March to 15\textsuperscript{th} June) Sunday is considered a working day. There is one day off per week: “we worked six hours a day, and had 30 minutes to eat lunch. Starting time depended on the heat; if it was very hot we used to start earlier and finish earlier as well. There was someone [a man] controlling how we worked and he would go to the boss and tell him who had work well and who had not worked well, and would threat us with moving us to another farm with worse working conditions…”\textsuperscript{58}.

The contract that the temporary migrant workers picking strawberries in Huelva sign only indicates that their work will be paid according to the Agriculture Covenant. Whilst this is correct and is one of the arguments raised to prove rights protection, it is also true that: a) the Agriculture Covenant is only available in Spanish, and b) the contract does not specify the total amount of days that the person will work. This means that it is not possible for the worker to know her final salary, which depends on the sum of days worked at the end of each month.

Since the work depends on climate conditions (no work is done on rainy days) and the state of the fruit (whether the strawberry is ready), but also due to the wide spread practice of hiring more workers than needed in order to cover all the possible work, achieving some continuity is to say the least, challenging\textsuperscript{59}. A non-working day means a non-paid day, and there is no mechanism for compensation for lost income, or a minimum salary ("I saw many co-workers told by the employer that they could come back to Ukraine because there was no more work for them, even when their contracts were still in force")\textsuperscript{60}.

This uncertainty in terms of final income (the final salary depends on so many variables, which woman cannot control at all) is one of the main complaints raised by NGOs and trade unions against this model\textsuperscript{61} and the reason why they see this type of temporary circular migration programme as a strategy used by the employers to keep salaries low and to impose abusive working conditions (which is strengthened by the challenges in organizing posed by a context marked by temporariness, isolation, lack of information and knowledge of the local language and segregation by nationalities).

And this has to be seen in the context of what we mentioned at the beginning of this research: whilst the production costs increase every year, the final price of the product remains constant, and therefore the farm owner tries to reduce the cost of the only segment in the production chain that is entirely controlled by him.

**Accommodation and living conditions**

According to the Agriculture Covenant (Article 13) accommodation must be provided for free by the employer, who cannot charge any rent to the employee, this is reflected in Article 8 of the

\textsuperscript{56} Garcia Garcia, 2006 (quoted in J. Moreno 2008)
\textsuperscript{57} Interview with J. Moreno (23/10/09).
\textsuperscript{58} Interview with Olga (August 2009).
\textsuperscript{59} J. A. Márquez, M. Gordo and F. J. García: ‘Temporary “contracts in origin” as policy to control immigration in Spain: the “Huelva model”’ (Cahiers de l’Urmis 2009); Interview with Juana Moreno (23/09/09) and Mari-SOC (24/09/09)
\textsuperscript{60} Interview with Olga (August 2009).
\textsuperscript{61} Interviews with J. Moreno (23/09/09) and Mari-SOC (24/09/09) & ¡Qué hace esa fresa en tu mesa! (2008), J. Moreno (2008) and Informe CGT - Fresa.
temporary worker contract, which includes the employer’s obligation to provide ‘adequate’ housing to the employee.

Migrant workers keep their passports at all times with them and are never locked in the farms; they must be able to leave freely.

In the case of the strawberry pickers arriving in Huelva some of them live in the villages near the farms, and others (the majority) in constructions or modules within the farms.

There is some discrepancy on the adequacy of the different places the temporary migrant workers live in: according to CC.OO, one of the trade unions participating in the AENEAS-Cartaya programme, 98% of the farm owners provide accommodation with “acceptable” minimum living conditions. However, other trade unions that are not involved in the programme and some academics have denounced overcrowding, lack of furniture and generally poor living conditions. However, they do acknowledge an improvement in housing and the efforts undertaken by the farm owners over the last few years.

According to Mercedes Gordo (Huelva University), who has conducted a study on the accommodation conditions of temporary migrant workers in Huelva, not all housing conditions are in compliance with the law. Employment inspectors and unions attempt to see that they do, but it is impossible to visit all of the housing developments.

In cases where the women live in the farm compound, the farm owner must provide (free) transport to the nearest village once a week so workers can get groceries or go out. If they wish to go more often they can do so, but must look for their own transportation (which has created some problems such as ‘clandestine’ taxi service and women getting lost).

“Before travelling to Huelva we were shown a video depicting the type of work we were going to do, and the places where we were going to live. Although the house where we lived looked much less fancy and much smaller than the one on the video it was not too bad; it was inside the farm compound; four of us [Ukrainians] shared the room and the beds had new mattresses. There was a common living room and kitchen. We had electricity and water that was also paid by the employer. We were free to move around and the farm owner arranged with someone who owned a van to take us once a week to the nearby village so we could get food and groceries, call our families etc. Maybe I was lucky because I heard from another Ukrainian colleague than she was sleeping on a bathtub and that there were many rats in her house…”

Access to health

During their time in Spain, temporary migrant workers have free access to health care, as any other person within the Spanish territory (whether documented or undocumented), and are inscribed in the Social Security system.

Although during the strawberry season there is one female cultural mediator at the local hospital to assist the workers, and the local health center is reinforced with a ‘strawberry doctor’ that works also in the afternoon, so that workers do not need to miss a day of work (they normally

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64 Interview with Olga (August 2009).
work until 5pm), there are different accounts when it comes to the effectiveness of the access to health. There have been some complaints of lack of access to medical care and it seems that the realization of this right depends greatly of the employer’s decision\textsuperscript{65}.

Taking into account the progressive move towards hiring migrant women and the fact that they represent the overwhelming majority of strawberry pickers in Huelva it is ‘interesting’ (to say the least) to note that the Agriculture Covenant does not recognize the right to maternity leave for temporary workers (either nationals or foreigners). In the 2008 season, 25 Moroccan women were repatriated after giving birth in Huelva\textsuperscript{66}.

**Training**

Training is one of the main components of the AENEAS-Cartaya programme (and therefore, is only offered to the temporary workers from Morocco and not provided to workers from other nationalities). It is conceived as a tool to give the skills to the workers, and to foster their integration in the host society\textsuperscript{67}.

During the 2006/7 season, for example: 68 training courses on basic Spanish language were provided to 1,147 women; 42 courses on basic banking skills; 28 on “coexistence” and local culture; 10 workshops on sexual education and family planning, 31 on the prevention of domestic violence; 20 on road safety; and 14 on safety at the workplace\textsuperscript{68}.

From observations made at one of the trainings on road safety, it can be said that ‘training’ and 'sensitization to return’ are used as synonyms, which sometimes makes it hard to differentiate when one ends and the other begins. The ‘obligation’ to return was, for example, constantly mentioned throughout the training although it was not linked at all with the topic (road safety).

\textsuperscript{65} Interview with Olga (August 2009) and with Manuel Garcia Robles, AENEAS-Cartaya Director, Oficina del Temporero y Extranjero (17/03/09).

\textsuperscript{66} Interview with Manuel Garcia Robles, AENEAS-Cartaya Director, Oficina del Temporero y Extranjero (17/03/09).

\textsuperscript{67} AENEAS-Cartaya: Final report of the support programme to Moroccan workers hired in origin 2007).

\textsuperscript{68} J. Moreno (2008).
Cultural mediators play a key function in the AENEAS-Cartaya project. They play a multiplicity of roles: they are the main contact person between the workers and the employer/local administration. They travel to Morocco and work as translators in the selection process; they provide workers with the initial information (in Morocco) about their work and working conditions, their rights and salaries; and accompany them on their way to Huelva and on their return to Morocco. They are constantly visiting the farms and acting as a bridge between the farmers and the workers. They give their mobile phone numbers to the workers and are available twenty four days a week. Significantly, mediators are the ones ‘sensitizing’ the women on their need to return to Morocco and have been instrumental in decreasing the number of ‘escapes’.

In the 2009 season, there were between 10 and 12 mediators working; all of them Moroccans who had been living in Spain for a long time (at least one of them had worked in the agriculture sector before).

All mediators were men except for two female mediators - one of them was appointed full time at the local hospital.

Security

Over the last few years, restrictions on human mobility have gained space within the EU.

This understanding is spelled out in the European Pact on Immigration and Asylum (2008), which conflates the security discourse with the migration discourse: “Zero immigration is an illusion. Organized and regulated immigration can offer opportunities, as they are a factor in promoting human exchanges and growth (...). When badly managed, immigration can have negative consequences for the host countries and for immigrants themselves. The majority of European
countries have to cope with illegal immigration, which is an obstacle to the smooth integration of legal immigrants, and a cause of conflict”.

The European Pact commits States in five key areas:

1. To organize legal immigration to take account of the priorities, needs and reception capabilities determined by each Member State, and to encourage integration;
2. To control illegal immigration, particularly by ensuring the return of illegal immigrants to their country of origin or to a country of transit;
3. To make border controls more effective;
4. To build a Europe of asylum;
5. To create a comprehensive partnership with countries of origin and transit, encouraging synergy between migration and development.

Whilst commitment number three sets the basis of the FRONTEX Agency (“Whenever it proves necessary, coordination for the control of external borders of the European Union will be provided by the FRONTEX Agency. The Agency’s resources must be strengthened to deal with crisis situations. Member States will undertake to provide FRONTEX with the resources it requires. Cooperation with countries of origin and transit will be intensified to enable them to improve the control of their own borders. Member States which have to deal with massive and disproportionate influxes of migrants (in relation to their acceptance capabilities) must be able to rely on the effective solidarity of other Member States. The control of the external borders of the European Union requires modern technological tools which will be developed jointly”), commitment number five confirms circular migration as a key strategy to manage migration to the EU (“Member States must conclude agreements with countries of origin or transit which take into account all aspects of migration. They will be encouraged to offer nationals of these countries opportunities for legal immigration which are adapted to their labour market. Migrant workers can gain work experience and build up savings which are of help to the development of their country. Circular migration will be encouraged. Cooperation with countries of origin will be developed to discourage and combat illegal immigration”).

The European Pact on Asylum effectively links the State and border security, and sees circular migration as one tool to manage migration according to the needs of the labour market. Circular migration is linked to border control by prompting countries of destination and those of origin to jointly “discourage and combat illegal immigration”).

In this frame we can see how the AENEAS-Cartaya programme has tried over the past few years to implement similar programmes to the one in Morocco in countries that have been included in the EU process of externalization of borders (that is controlling illegal migration from the point of departure rather than the point of arrival as part of the “Cooperation with countries of origin and transit will be intensified to enable them to improve the control of their own borders” mentioned above) like Senegal.

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69 European Pact on Immigration and Asylum (page 3)
70 Interview with Manuel Garcia Robles, Director, Oficina del Temporero y Extranjero (Office of the temporary and migrant worker), Director (17/03/09).
The concept of ‘Agency’ refers to women exercising their autonomy and positively negotiating and resisting people and systems which attempt to control their lives. Sometimes women’s options are very limited in tightly controlled situations. And even though women are put in extremely tough and sometimes exploitative situations, they have shown their strength over and over again – through resisting an employer’s rules, through migrating (even though they might be doing so without the state’s consent), through struggling to make ends meet\textsuperscript{71}, through navigating and using the rules to their benefit.

The migration strategies of the women picking strawberries in Huelva under temporary circular migration schemes are as diverse as each one of them and their agency is exercised in very diverse ways.

Juana Moreno, who has extensively researched the migration experience of the Moroccan women taking part in the AENEAS-Cartaya programme describes how most of the women she interviewed (both in Huelva during the strawberry season and in Morocco before and after their trip) presented a migration project based on the possibility of working for a limited period of time in order to make money to support their families (rather than a longer-term migration project based on other reasons more linked to processes of personal autonomy and independence). Most of them presented their motivations within the family sphere (“to improve the future of their children or their families”)\textsuperscript{72}.

This makes perfect sense when we look at how the profile of the women taking part in this programme has been determined to guarantee their return (women with dependent children over single mothers or women without children).

However, it does not mean that they do not play an active role in their migration process, or that they do not exercise their agency in using the programme year after year for income, as it is clear from the interviews that the women took the decision to migrate. The fact that they need the permission from their husband or father (or other relatives if they are widows) entails a process of negotiation at a family level, which the women have successfully navigated and which has empowered them\textsuperscript{73}.

Others also use it for leverage back in Morocco: “some months ago I went to Morocco to participate in the selection process for this year’s season. Suddenly the owner of one local strawberry farm started shouting at me. He was very upset because, he said; now the women working in his farm who have come to Huelva before are demanding a higher salary. He explained that they had said to him: ‘how come you are only paying us 3 Euros a day? We know you can’t pay as much as in Spain, but your salary is ridiculous. We won’t work for less than 10 Euros a day’. In my opinion, this is a good sign!”\textsuperscript{74}

Another group of women are those who did not appear in Juana Moreno’s research that is, those who see this opportunity of temporary migration as an open door to a long-term migration to

\textsuperscript{71} GAATW: Trafficking and the Political Economy Impacts on the rights of migrants from trade, the financial crisis and new regimes of control’ (2009).
\textsuperscript{72} J. Moreno (2008 and 2009.
\textsuperscript{73} Ibid
\textsuperscript{74} Interview with Manuel Garcia Robles, Director, Oficina del Temporero y Extranjero (Office of the temporary and migrant worker), Director) (17/03/09).
Europe and who “escape” and do not return upon completion of their contracts but decide to stay as undocumented migrants.

One of them is Olga\textsuperscript{75} whom we already know: “I was a teacher in Ukraine but the salary was never enough to meet ends. My mother had migrated to Spain some years ago and I had wanted to come for a long time. I asked for a tourist visa to visit her but it got rejected by the Spanish embassy. After that I looked for other possibilities to come to Spain and finally met a woman who worked at a private agency looking for employment abroad, who told me about the possibility of going to Huelva to pick strawberries. I applied; paid the money I was asked to and arrived in Huelva. Since the very first moment my intention was to remain in Spain after completing my contract in Huelva.

Then I got a back injury picking strawberries and my mother came, talked to the farm owner and took me with her. He did not oppose what could he have done? Lock me up? I had a valid visa and thus, I left the farm. Of course, I knew I had signed a commitment to return and knew that my visa was going to expire but I was not afraid. This is what I wanted to do since the very beginning: to remain in Spain.

Now I live here [in a different Spanish town] with my mum. I clean houses without a contract or work permit; I help my mother and I study Spanish.

According to the law in one year and a half I will be able to get legal papers through the “family reunification” scheme; although now the immigration law will change... We’ll see.

My plans are to remain here, become documented, and one day work as a teacher. I want to live in Spain, but I want to have the right to leave and to come back because now I cannot leave the country; I have lost a lot: I cannot visit my family anymore (my sister had a baby but I cannot visit her...), but I wanted another life; since I was little I wanted to become a teacher and travel to Paris to see the Eiffel Tower; well, I have already achieved the first thing. The second will also come; I am patient”.

\textsuperscript{75} Not her real name.
CONCLUSION

This model of circular migration is made for the employer, not the migrant.

It aims to reduce the costs (and therefore maximize the benefits) of one segment of the strawberry production chain (the strawberry harvest), which is the only one directly controlled by the farm owners. And for this, they get the support (monetary, political and legislative) of the local, national and EU authorities.

The first group that benefits from this model is the farm owners who are able to secure the work force they need for the limited period of time that they require at a very low cost.

This model also benefits those women who fit in the profile determined by the local farm owners; a profile that has a discriminatory basis (only women with dependent can participate) and that is becoming increasingly narrow.

This refinement of the profile shows a clear feminization and ethnification of the work (picking strawberries), which is based on assumptions reflecting stereotypes and which is justified on the basis of co-development by favoring those in the poorest sectors of the sending country (Morocco).

Other perspectives argue that this is actually a strategy implemented in order to take advantage of a subdued and readily available work force only when needed (but that is ready to return to the origin country when it is not needed) at a very low cost.

For those who fit the profile and accept the conditions offered there are some benefits such as trainings, a certain degree of regularity and the possibility of acceding (at least in theory) to a long term right to live in the receiving country. There is also a certain degree of rights protection before, during and after their trip, although as we have seen this varies quiet a lot.

The ‘losers’ in this model are on the one hand those women who do not fit the profile (either because they have no dependent or because they are single) and on the other, the undocumented migrants (mostly male) already in Spain who can no longer find jobs in this sector.

This model, thus, creates a distinction between ‘good’ (documented - permanent and temporary) and ‘bad’ (undocumented) migrants, a distinction that is constantly reinforced and reiterated in Europe through policy, media and politicians.

Women that participate in these programmes exercise their agency in different ways, both by using them and adapting their migration strategies and by completely abandoning it.

This model reinforces a restrictive view of human mobility, not as an inalienable and universal human right but as an option available only to those that are ready (or can) accept the conditions imposed. It is dubious that this will actually become an effective means to control migration as it does not respond to the migrant’s project, which is not necessarily temporary.
**RECOMMENDATIONS**

To the Spanish government

The Spanish government should denounce employment programmes addressed to migrants that are de-facto discriminatory and violate the universal and inalienable right to non-discrimination on any grounds, including gender, age, marital status and origin (right to non-discrimination that is incorporated in the Spanish Constitution and other national and regional laws).

Circular migration programmes implemented in Spain should at minimum include the employer’s obligation to:

- Translate the employee’s contract into the language of the migrant worker,
- Provide the employee with a copy of the contract before they sign,
- Provide the employee with any other relevant information and documents (i.e. the Country Covenant applied in Huelva in this specific case) concerning her/his salary and other rights linked to the contract (i.e. access to health, social security etc).

Repeal the common practice of compulsorily signing the commitment to return before the contract signature.

Allow Spanish embassies and consulates to receive the visa fee to travel to Spain to be deducted from the first month of salary.

Ensure that labour inspectors from other regions of Spain conduct regular and constant inspection of the working sites, as well as of the living quarters of the strawberry pickers.

Appoint the Spanish National Ombudsman (Defensor de l Pueblo) as official monitor of circular migration programmes.

To the Junta de Andalucía

Revise migrants’ employment programmes implemented in the region on the basis of the universal and inalienable right to non-discrimination on any grounds, including gender, age, marital status and origin.

Ensure that the Agriculture Covenant includes:

- A compulsory minimum number of working-days in order to ensure that all workers receive at least a common minimum salary, the details of which are made publicly available;
- The right to maternity leave, healthcare and severance pay.

Establish a monitoring system that de-facto penalizes the employer that does not comply with the Agriculture Covenant.

Provide a co-monitoring role to the Andalucia Ombudsman (Defensor del Pueblo Andaluz) together with the Spanish Ombudsman.
To the farm owners organizations and to the implementers of the AENEAS-Cartaya project

Put in place mechanisms to oversee the role of the partner companies recruiting strawberry pickers in countries of origin, especially in regards to the:

- Payment of recruitment fees (like in the case of the Ukrainian woman interviewed), which deny the very same principle of rights protection and make participants vulnerable to entering into debts in order to participate in the programme.
- Payment of fees to travel to Huelva (cost that is actually borne by the employer).

Put in place mechanisms to ensure that partner companies failing to comply won’t be considered as such in future campaigns.

Put in place mechanisms to ensure that workers participating in the strawberry campaign in Huelva receive information in their origin language, and before leaving their countries, regarding:

- The salary, working and living conditions, rights and obligations under the Agriculture Covenant.
- The fact that they have to present themselves at the Spanish embassy or consulate at their origin country on a given period upon return from Huelva.

Ensure that cultural mediators adopt a rights enhancing approach in their work; they should play a bigger role in upholding worker’s rights, particularly labour rights, rather than primarily reminding them of their obligations.

Given the fact that most strawberry pickers are women, cultural mediators should receive specific training on gender.

Create a mechanism of conflict resolution that is clear and commonly accepted so that solving conflicts do not only depend of the “good will” of the parties involved.

Systematically involve the strawberry pickers in the assessment and improvement of the programmes they participate in.
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