



**GOVERNMENT OF GIBRALTAR
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PRESS RELEASE

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Non EU-Workers Rights in Gibraltar.

“The Government denies the T & G Union’s campaign that migrant workers are denied their Rights.”

The campaign, apparently led by Mr Charles Sisarello of T & G Unite, and taken up through ICTUR and UK newspapers, that non-EU migrant workers in Gibraltar are denied their human rights or their worker rights, is totally untrue. It is regrettable that Gibraltar’s image is being tarnished on false and ill informed grounds.

All workers in Gibraltar enjoy, in their capacity as workers, the same rights regardless of nationality, including Gibraltarians. Accordingly, there is no discrimination against Moroccans or any other nationalities in respect of their human rights or worker rights. Since this would be unconstitutional and thus illegal, the Courts would prevent it, if it were happening. What is more, Gibraltar complies with a bilateral agreement between the EU and Morocco, relating to the Rights of Moroccan workers in the EU, and also with all EU laws relating to the rights of non-EU workers and citizens in the EU.

If Mr Sisarello thinks that Moroccan nationals’ human rights or worker rights are being infringed or violated, then rather than promote inaccurate campaigns at home and abroad at Gibraltar’s expense, he should use a small part of the T & G Union’s very substantial local cash reserves to challenge in court, on behalf of his Moroccan worker members, any such alleged breaches.

It is true that in Gibraltar, as in almost everywhere else in the world, non-nationals enjoy less rights and privileges, as citizens (not as workers), than nationals. This is not objectionable or undesirable, still less illegal. For example, foreign nationals are not allowed to vote in national Parliamentary elections in all but two or three countries in the world. Therefore, to suggest that the same situation in Gibraltar represents a violation of migrant worker rights is thus absurd. Under no circumstances will the Government permit foreign nationals to vote in Gibraltar elections or referendums.

The fault (if fault it be) for the fact that Moroccans are said to be “prisoners in Gibraltar” does not lie with the Gibraltar Government, but with the EU and Spain. EU law requires Moroccans to be in possession of a Visa to enter the Schengen territory (even to nip over to Algeciras to catch a ferry). Spain will only issue such visas in London, and now requires the physical presence of the applicant, thus making it impractical and costly. It is absurd

to point the finger of blame at Gibraltar for this. Nor can the Government of Gibraltar become a provider of ferry services.

From time to time some commentators in Gibraltar call for Moroccans to be given “full citizens rights in Gibraltar”. It is inconceivable that such commentators understand the devastating consequences for Gibraltar of that superficially attractive slogan and demand. That must include full family reunification (i.e. bringing spouses and children and other dependants to Gibraltar). Gibraltar simply has not got the space and financial resources to cope with any such policy, which would include access to such things as government housing, social security benefits, health and social services, elderly care services and education. Apart from its unaffordability, there would be a massive degradation in the quantity and quality of such services to everyone else. In education standards alone, for example, the implications of including in class rooms a significant number of non English speaking pupils would be huge.

Unlike some others, most Moroccans in Gibraltar understand these facts and circumstances and work closely with the current Government to deliver gradual improvements in a manageable, affordable and viable way. In this way, massive improvements have been ushered in since May 1996. Because our Moroccan citizens remain a valued and valuable part of our community, the Government’s process of gradual improvements will continue.

The question of human rights, constitutional rights or legal rights as recognized and established in International Human Rights Conventions, our Constitution and our laws is a different matter. These must be, and are, respected to the letter and in full.

Accordingly, these are complex and far reaching issues with mega implications for Gibraltar. They do not lend themselves to simplistic, ill informed, inaccurate or ideological statements, based on the latest fads of supposed “political correctness” which other countries later regret, but which Gibraltar cannot risk. In many parts of the world governments, politicians and societies are impeded from conducting an open and realistic debate on these vital issues by the fear of being immediately tarnished as racist. The Government will not abrogate its duty to uphold the public interests of Gibraltar by any false and inapplicable abuse of the word racism. There is absolutely no discrimination in Gibraltar based on race, ie racism, which is, in any case unlawful under our Constitution.