

# CIVILIAN SECURITY, DEMOCRACY, AND HUMAN RIGHTS



## GOVERNMENT ACTION TO ADDRESS INVOLUNTARY DOMESTIC SERVITUDE

The International Labour Organization (ILO) estimates that there are at least 52.6 million and up to 100 million domestic workers around the world, cleaning and maintaining homes, preparing meals, and caring for children and elderly. They perform these duties outside of the formal work sector and its protections, invisible to the neighbors and the law, often left vulnerable to abuse and exploitation. The greatest barrier that governments can help overcome is that domestic workers are typically excluded from labor protections and inspection regimes. Too often, domestic work is not regarded as work at all, discrediting the value of child care and work performed in the home. Moreover, there is scant legal recourse available should labor violations, ranging up to and including forced labor, occur. This lack of legal protections, when combined with the social isolation and a lack of personal autonomy inherent in live-in domestic service, provides an enabling environment for servitude. As the Trafficking in Persons Report details and the recently adopted Convention on Decent Work for Domestic Workers seeks to address, domestic workers are trapped and exploited in nearly every country.

The vast majority of domestic workers are women and girls from developing countries in Asia, Africa and Latin America, many of whom are migrants sending money home to their families. To meet the demand for foreign labor in developed countries, licensed and unlicensed labor recruiters now dominate the international labor migration landscape. There are reports of criminal behavior on the part of recruiters, including searching domestic workers' luggage to strip them of any phone numbers or information that might allow them to seek help; training workers to accept abuse as part of the job; and deceiving workers about their jobs' responsibilities and sometimes even the location. Employers pay recruiters exorbitant fees, which leave some employers feeling that they have purchased the worker and deserve a return on their investment. Others pass that debt on to the workers. Meanwhile, workers also pay for training and job placement and then owe months' worth of salary to pay off the often inflated or invented debt. And so before the work has begun, migrant domestic workers find themselves indebted to a degree of desperation.

In cases of domestic servitude, the workers' experience may include confiscation of travel documents, crippling debt, withholding of wages, confinement to the home, no time off, isolation from the community, family and friends, physical and sexual abuse, degrading treatment, and threats of harm. Threats of arrest and summary deportation are common regardless of whether the worker is an undocumented migrant or a legal temporary guestworker. Traffickers use any combination of these elements to compel service, and the psychological and physical toll of this traumatic experience cannot be underestimated. Accounts abound of sexual assault and physical abuse, suicides and unexplained deaths. There are also reports of employers who sexually assaulted domestic workers and turned them over to third parties for prostitution.

Outside of the recruiting regime for migrant workers, in many countries children comprise the majority of domestic workers. They too can be subjected to long, punishing hours with heavy lifting, exposure to harmful chemicals, typically no wages at all, inhumane treatment, and physical and sexual abuse. This type of work can have an impact on children's physical and emotional development. It also means that children are working rather than gaining an education in school, further limiting their development and future in the workforce.

Additionally, allegations against foreign diplomatic mission personnel of domestic worker abuse continue to surface worldwide. The United States has improved safeguards for domestic workers who are employed by foreign mission personnel by requiring transparent payment mechanisms and recordkeeping, specific contractual provisions, and demonstration of ability to pay the requisite wages. These domestic workers also receive information about their rights and the national human trafficking hotline phone number. Other governments have also been increasing protections for domestic workers of foreign mission personnel; these protections include one-on-one annual interviews with workers to facilitate disclosure of abuse, the limitation of one domestic worker per household, and the requirement for the domestic worker to have a private room within the household.

U.S. government employees, their dependents, and members of their households do not have immunity in the U.S. domestic legal framework for acts of human trafficking associated with domestic staff occurring at overseas postings. Any such reports will be fully investigated by Diplomatic Security and/or the Office of the Inspector General and, where appropriate, may result in either an administrative penalty and/or referral to the Department of Justice for criminal prosecution. These measures apply to Department of State employees overseas as well as their dependents and other members of household.

Still more can be done to protect domestic workers from abuse. Actions that governments have taken or may consider taking to help to address involuntary domestic servitude include:

- Updating national labor laws to include domestic workers with protections such as minimum wage, overtime, inspections, the right to join a union and collectively bargain, and time off;
- Regulating labor recruitment, particularly fee structures, to prevent debt bondage;
- Informing citizen and migrant domestic workers of relevant workplace and other rights to encourage self-reporting of trafficking abuses;
- Ensuring Embassies and consulates have appropriately trained staff to assist nationals who are temporary workers abroad in case of trafficking abuses;

- Maintaining a mechanism such as a hotline for domestic workers to request help, referrals for services, and information in cases of abuse;
- Ensuring trafficking victims, including victims of domestic servitude, are offered comprehensive services through government agencies, NGOs or other organizations;
- Making available temporary immigration relief and work authorization to victims of domestic servitude;
- Establishing contractual obligations and requirements that protect domestic workers of foreign diplomatic mission personnel;
- Ensuring legal provisions exist to hold employers criminally and civilly liable for domestic servitude;
- Continuing to allow freedom to travel and migrate; in other words, not responding with limitations that will force people to seek illegal channels of travel and find work that increases risk of exploitation and trafficking.

