

## **Committee/Council: Special Conference**

### **Issue: Eliminating domestic servitude**

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## **Introduction**

Domestic servitude is a specific type of labor trafficking. Victims of domestic servitude usually appear to be maids, housekeepers, nannies, servants or other domestic help, but the moment their work arrangement turns into a situation whereby they are not able to leave at any time on their free will, it becomes a situation of enslavement.

Victims of domestic servitude are very exposed, due to the circumstances of live-in help, which create unique vulnerabilities for them. Domestic workplaces usually create an environment which isolates domestic workers and promotes exploitation because authorities are not able to investigate homes as easily as they can inspect formal workplaces, and in many cases, they do not have the mandate or capacity to do so.

Domestic servitude is also considered to be a special category of bonded labor. This form of enslavement can happen when migrant workers reach a country, and they incur a debt for their transportation and a recruitment fee. Usually, their employer or recruiter may add on additional costs that cannot be repaid by the victim, like food or housing and then the employment arrangement transits into a form of enslavement. Such employers or recruiters neglect or confiscate legal documentation because migrant workers are often afraid of reporting the abuse because of the legal consequences that may follow.



Forced domestic servitude is a widespread phenomenon. Throughout the world, migrant workers are often defenseless when it comes to domestic servitude, and some recruiting agencies mislead their victims and trick them into moving abroad and then confiscate their

documents. There have been several cases of various undocumented and illegal migrant workers traveling to countries under the pretense of official employment and then forced into enslavement. This entraps the workers into a situation of

enslavement and they have no power to walk away. In many cases, physical or non-physical violence is being used as a way to force the victims in order to work from very early in the morning to late in the night, while the pay is often very low, with payments repeatedly delayed. Some domestic workers may not be paid at all or only receive payment in kinds such as food or accommodation. Oftentimes, migrant



domestic workers do not speak the language of the country they work in, are unable to contact anyone outside of the home they serve and, in some cases, they may be afraid of immigration officials.

Another kind of domestic servitude may occur, when parents decide to send their children to work and live with other families in order for them to get better care and educational opportunities. These children end up being enslaved domestic servants and there are numerous cases of children facing extreme violence and inhumane living conditions, without being given the promised care or education.

## Definition of Key-Terms

### Modern Slavery

*“Modern slavery,” “trafficking in persons,” and “human trafficking” have been used as umbrella terms for the act of recruiting, harboring, transporting, providing, or obtaining a person for compelled labor or commercial sex acts through the use of force, fraud, or coercion.*<sup>1</sup>

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<sup>1</sup> <http://www.state.gov/j/tip/what/>

### Domestic Servitude

*Domestic servitude is the seemingly normal practice of live-in help that is used as a cover for the exploitation and control of someone, usually from another country. It is a form of forced labor, but it also warrants its own category of slavery because of the unique contexts and challenges it presents.<sup>2</sup>*

### Labor Trafficking

*Labor trafficking is a form of modern-day slavery in which individuals perform labor or services through the use of force, fraud, or coercion.*

*Labor trafficking includes situations of debt bondage, forced labor, and involuntary child labor. Labor traffickers use violence, threats, lies, and other forms of coercion to force people to work against their will in many industries.*

*Common types of labor trafficking include people forced to work in homes as domestic servants, farm workers coerced through violence as they harvest crops or factory workers held in inhumane conditions with little to no pay.<sup>3</sup>*

### Bonded Labor

*Bonded labor is the most widespread – yet the least known - form of slavery in the world. A person becomes a bonded laborer when their labor is demanded as a means of repayment for a loan. The person is then tricked or trapped into working for very little or no pay. The value of their work becomes invariably greater than the original sum of money borrowed. Often the debts are passed onto the next generations.*

*Many bonded laborers are forced to work to repay debts their employer says they owe, and they are not allowed to work for anyone else. Violence and threats can be used to coerce them to stay, and in some cases, they are kept under surveillance – sometimes under lock and key.<sup>4</sup>*

### Forced Labor

*Forced labor is any work or services which people are forced to do against their will under the threat of some form punishment. Almost all slavery practices, including trafficking in people and bonded labor, contain some element of forced labor.<sup>5</sup>*

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<sup>2</sup> <http://www.endslaverynow.org/learn/slavery-today/domestic-servitude>

<sup>3</sup> <https://traffickingresourcecenter.org/type-trafficking/labor-trafficking>

<sup>4</sup> [http://www.antislavery.org/english/slavery\\_today/bonded\\_labour/](http://www.antislavery.org/english/slavery_today/bonded_labour/)

<sup>5</sup> [http://www.antislavery.org/english/slavery\\_today/forced\\_labour/default.aspx](http://www.antislavery.org/english/slavery_today/forced_labour/default.aspx)

## Background Information

### Domestic Servitude – Historical Background

Back in 1806, the number of domestic servants was estimated to be around 910,000, only 110,000 of them males. Back then, the number of servants in a household was a symbol of social standing. Their apartments were modest and small, their wages very low, and the working hours miserably long. This especially applied to women because of the house work they had to deal with. Men were responsible for farming and protecting the land.

Young girls, from 11-14 years old, were employed as the lowest order of servants: maids and they were employed in even the poorest families. Some masters also used to ban boyfriends and any others who might have an interest in their female workers – if married, the couples usually worked in the same household. This rule, however, was usually broken by masters themselves. Female servants were sexually available to all males of the house including masters, guests, and any other servants.

Moreover, pregnancy was considered to be one of the main reasons for immediate dismissal. Those who were fired might face months of unemployment, since getting a job in another house required a reference. One can say that it was a disaster for the domestic workers whose financial outlook was already poor. Additionally, wages could be reduced for several reasons which include breaking a household item, making a simple mistake, or other similar offenses.

### Legal Protection

In 1823 the United Kingdom's Master and Servant Act was the first document of its kind and was the first step towards the creation of domestic service laws, not only in the United Kingdom but in other nations as well – however, legislation tended to favor the employers. Before the creation and passing of such Acts, servants had no legal protection and were even more vulnerable to abuse and exploitation. The only "advantage" provided by domestic servants was the provision of meals, housing, and sometimes clothing. However, in many countries, domestic workers are not considered to be 'workers' but informal 'help' and are therefore excluded from national and international labor regulations. In countries where domestic workers are covered by national labor laws, enforcement is usually poor and these protections have not been put into practice.

The conditions of domestic servitude have varied considerably throughout history and in the modern world. In the course of the last decade's numerous movements for labor rights, immigrant rights, women's rights and other several problems faced

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by domestic workers have come to the fore. In July 2011, at the International Labor Conference, held by the International Labor Organization (ILO), the Convention Concerning Decent Work for Domestic Workers was finally adopted. The Convention recognized domestic servants as workers with equal rights as other workers. Since September 2013, 10 countries have ratified the Domestic Workers Convention: Uruguay, Philippines, Mauritius, Nicaragua, Italy, Bolivia, Paraguay, South Africa, Guyana, and Germany. Several more say they are in the process of doing so. That makes them part of a global federation of domestic workers, and it is a sign of the movement's growing strength — but in many countries, domestic workers still face a host of legal and social barriers to better working conditions.

### Domestic Servitude – The situation today

Recent ILO estimates based on national surveys of 117 different countries show that at least 52.6 million men and women work as domestic servants across the world, as well as 7.4 million children under the age of 15. It's a largely female workforce- it is



stated that 83% of domestic workers are girls and women, usually belonging to minority groups-, and millions more remain undocumented, including an estimated 11.5 million domestic workers the organization says are under the age of 18 - The ILO itself states: *"experts say that due to the fact that this kind of work is often hidden and unregistered, the total number of domestic workers could be as high as 100 million"*.

### Children as domestic servants

The use of children as domestic servants is another common phenomenon in many parts of the world, such as Latin America and some parts of Asia. ILO estimates that more girls under the age of 16 work in domestic service than in any other category of child labor. Children who are being used as domestic servants are suffering, due to the fact that they are not allowed to leave on their free will and they are forced to work for hours without being able to take a break. They do not have access to proper education and they are being socially isolated, which leads to lack of opportunities in the future as well. Children face a number of risks that are common in domestic work service. According to the International Programme on the Elimination of Child Labor these risks include: endless working hours; physical and/ or verbal violence; sexual abuse and exploitation.

# POTENTIAL MODERN SLAVERY VICTIMS



ONE THIRD OF  
VICTIMS ARE MALE



TRAFFICKED INTO  
LABOUR EXPLOITATION



47% INCREASE  
SINCE 2012

## Migrants as domestic servants

In many countries, such as Hong Kong, Singapore, Taiwan, Malaysia and the Middle Eastern countries, domestic workers are being imported from abroad, usually from the poorest countries, through recruitment agencies or employers. Major sources of domestic servants include Indonesia, India, Thailand, Bangladesh, the Philippines, Pakistan, Ethiopia and Sri Lanka. Organizations, such as Kalayaan (English: Freedom) support the rights and freedom of these migrant domestic workers. According to studies, women are dominating large numbers of the international migration patterns because of the large percentages of domestic workers being sent from country to country. Domestic workers, especially women, are facing various forms of abuse, harassment, and exploitation, including sexual and gender-based violence.

## Women as domestic servants

Nowadays, the domestic workforce is mainly composed of immigrant women who earn substandard pay, rarely receive benefits or health care, and have virtually no lobbying power. In the last decades, numerous non-governmental organizations (NGOs) and other groups have made headway in the fight for worker protections, but they're fighting an uphill battle against many outdated but entrenched laws, some of which are rooted in the legacy of slavery.

## Major Countries and Organizations Involved

### The United States of America

Thousands of domestic workers are being brought in the country every year, either by U.S. citizens or by foreign nationals living in the country. Many of them suffer abuse, ending up typically held in bondage – or the so-called "debt bondage". These are usually young females who have been promised an education in the United States but hardly get it. Moreover, monitoring is impossible as the work takes place in private homes. Even U.S. citizens employed as domestic workers are excluded from almost all the fair labor practice laws that typically apply in other fields. In New York City only, over 200,000 domestics struggle, however, they have always been excluded from the fundamental rights and protections given to most other workers.

For decades, domestic workers in America have been fighting for their basic rights and finally, after years of challenging effort, a new law has just been enacted in New York State, the so-called "Domestic Workers Bill of Rights" which extends to domestic workers some of the minimum protections that the rest of the world takes for granted. An organization called "Domestic Workers United" has been advocating for this legislation in order to help report the triple burden of sexism, racism, and class discrimination which is being faced by so many domestic workers, not only in the United States but all around the globe.

### Pakistan

In countries such as Pakistan, child domestic work is a common phenomenon. Since January 2010 to December 2013, 52 cases of tortures on child domestic workers have been reported, 24 of them resulting in deaths. Several wealthy households employ children, even under the age of ten, a practice not prohibited by law in the country. It has been difficult for the authorities and for organizations to access domestic child workers, mainly because of the invisible nature of this issue. Therefore, no recent nationwide study exists. In 2004 an International Labour Organization (ILO) report estimated that around 264,000 children were involved in



domestic labor in Pakistan. However, in the course of the last few years, the Pakistani media have made great efforts in order to report the abuse and violence that child domestic workers often suffer from.



Additionally, in the last two years, a non-governmental organization, the Society for the Protection of the Rights of the Child (SPARC), has recorded 18 different cases of extreme violence, leading to the death of 13 children and to serious injuries to 5. Unfortunately, not one employer has been charged as guilty.

### Saudi Arabia



In 2013 there were more than half a million foreign domestic workers in Saudi Arabia. Most of them come from Africa, the Indian subcontinent, and Southeast Asia, having a background in poverty. In order to work in the country, they must pay large sums to recruitment agencies in their countries. These agencies are

then responsible for doing the necessary legal paperwork. In some cases, the dates of birth need to be falsified, so that even the youngest workers have easier access to their destination country.

### Bangladesh

Around 2 million domestic workers live and work in the country, out of which 20,000 are children and 83% of these workers are female, according to the last research carried out on domestic workers in Bangladesh in 2007 by ILO and UNICEF. Despite the continuously growing number, domestic workers are not entitled to any legal rights in Bangladesh. Therefore, they can neither go to labor courts in cases of injustice at work nor can they form trade unions to represent their interests. As a result, employers are not accountable for the way they treat their helping hands.

### International Labour Organization (ILO)



International  
Labour  
Organization

On 16 June 2011, workers, employers, and governments came together at the annual International Labor Conference in order to adopt ILO Convention No. 189 on decent work for domestic workers. In the last five years since its adoption, around 70 countries globally have taken action aiming to advance decent



work for domestic workers. These measures are considered to be the first steps in a long path to change a long history of exclusion.

## Timeline of Events

Date	Description of event
1823	The United Kingdom's Master and Servant Act 1823 lead to the creation of domestic service laws in many nations. However, these legislations turned to favor the employers.
1919	The International Labour Organization (ILO) was established as an agency of the League of Nations following World War I; however, its founders had made great progress in social thought and social action before 1919. It aims to the establishment of global labor standards.
10 <sup>th</sup> January 1920	Establishment of the League of Nations, an intergovernmental organization whose principal mission was to maintain international peace.
24 <sup>th</sup> October 1945	Establishment of the United Nations (UN), an intergovernmental organization to promote international cooperation and ensure the maintenance of international peace and security.
2 <sup>nd</sup> December 1949	2nd December, marks the date of the adoption, by the General Assembly, of the United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.
16 <sup>th</sup> June 2011	Adoption of the “Convention of the Domestic Workers”, at the annual International Labour Conference, held by ILO.
26 <sup>th</sup> April 2012	The Uruguayan parliament approved the Convention and thereby became the first country to ratify it.
5 <sup>th</sup> September 2013	The “Convention of Domestic Workers”, formally the Convention concerning Decent Work for Domestic Workers, entered into force.
25 <sup>th</sup> September 2015	All Member States of the United Nations adopted a set of goals and 169 targets, including ending slavery.

## Relevant UN Treaties, Resolutions, and Events

### Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others - Resolution 317(IV) of 2 December 1949

*The Convention supersedes a number of earlier conventions that covered some aspects of forced prostitution. Signatories are charged with three obligations under the 1949 Convention: prohibition of trafficking, specific administrative and enforcement measures, and social measures aimed at trafficked persons. It was approved by the General Assembly on 2 December 1949 and came into effect on 25 July 1951. As at December 2013, 82 states were party to the convention.*<sup>6</sup>

### Convention Concerning Forced or Compulsory Labour – Forced Labour Convention

It is one of the eight ILO fundamental conventions and it commits parties to prohibit the use of forced and compulsory labor. Its object and purpose are to suppress the use of forced labor in all its forms irrespective of the nature of the work or the sector of activity in which it may be performed. The Convention defines forced labor as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily"<sup>7</sup>. The Convention was adopted in Geneva 28 June 1930 and came into force on 1 May 1932.

### Convention concerning Decent Work for Domestic Workers – Convention of the Domestic Workers

This convention is setting labor standards for domestic workers. It is the 189th ILO convention and was adopted during the 100th session of the International Labor Organization. The Convention entered into force in September 2013.

## Previous Attempts to solve the Issue

Eliminating domestic servitude has been one of the prior goals of organizations such as the International Labor Organization and the United Nations. The international community and some governments have also played a key role in the fight against

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[http://www.revolv.com/main/index.php?s=Convention%20for%20the%20Suppression%20of%20the%20Traffic%20in%20Persons%20and%20of%20the%20Exploitation%20of%20the%20Prostitution%20of%20Others&item\\_type=topic](http://www.revolv.com/main/index.php?s=Convention%20for%20the%20Suppression%20of%20the%20Traffic%20in%20Persons%20and%20of%20the%20Exploitation%20of%20the%20Prostitution%20of%20Others&item_type=topic)

<sup>7</sup> <http://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/forced-labour/lang-en/index.htm>

domestic servitude. Beginning in 1823, the government of the United Kingdom made a great first step towards eradicating domestic servitude by creating the first domestic service laws. The United Kingdom's Master and Servant Act has affected several other nations and leads to numerous actions, movements, and conventions in the future. In 1949, 4 years after the establishment of the United Nations, the General Assembly adopted the United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, aiming to give an end to human trafficking, which often leads to situations of domestic servitude. Moreover, in 2003, the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons agreed on a universal trafficking definition and encouraged governments to effectively prevent and combat trafficking and help victims. The International Labor Organization has been trying to give an end to domestic servitude and forced labor for years, and finally in 2011, in the International Labor Conference, the delegates adopted the Convention concerning Decent Work for Domestic Workers, which entered into force in 2013. The United Nations is continuously making efforts to end all kinds of modern slavery. In September 2015 the Member States set 17 new goals and 169 targets, which include ending slavery across the world.

Similarly, many governments have done challenging efforts to deal with the issue on a national level; however, the variations of domestic servitude all around the globe have not been addressed. Differing cultures, economies, and religions all countries tend to establish legislations and legal programs which are often complicated to implement, and due to corruption, cultural interpretations, and different judicial systems, it is even more difficult for such laws to be enforced. Another thing that should be taken into consideration is that many of the laws worldwide focus on human trafficking as opposed to domestic servitude (which is also widespread and is directly connected to human trafficking), because of the fact that human trafficking is talked about in the social media more.

Although governments cooperating with UN agencies and organizations have tried to end domestic servitude in various different ways, the number of the victims is still growing rapidly and the high percentage of domestic workers, even in countries such as the United States and the United Kingdom calls for action to be taken.

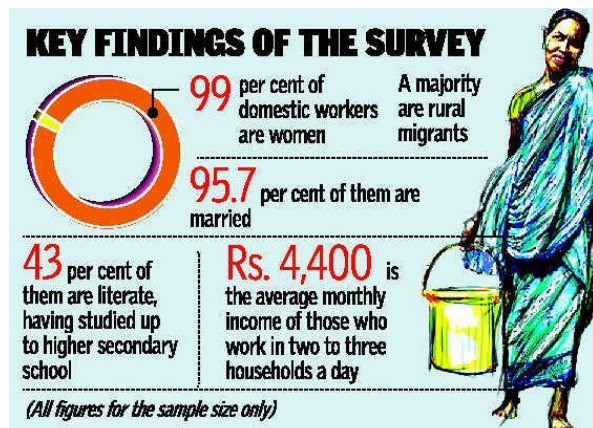
## **Possible Solutions**

Governments have developed numerous regulations and measures to support and protect private domestic staff; however, the issue of domestic servitude remains one of the most crucial ones, affecting the global community. While it is still high on the agenda of several NGO's and governments, there are measures that need to be taken for the eradication of the phenomenon.

To begin with, governments should improve the protection of the right to equality and non-discrimination of non-citizens. Such an action would play a key role in the fight against human trafficking for domestic servitude, forced labor, and employment discrimination.

Moreover, reviewing and amending unequal and discriminatory labor laws is urgently required. There are significant gaps in the labor laws affecting domestic workers which have a notable impact on their lives. A minimum wage in all categories of employment and in all countries should be guaranteed by law and protections relating to contract termination, rest days, salary

payment (including overtime working), working hours and maternity cover. Such protections will ensure proper working conditions, including safe working environment, an adequate daily rest, and rest days based on the contract, forbiddance of illegal deployment, acceptable living conditions, including food, medical treatment and in general acceptable living standards, and of course prohibition of causing the worker to be involved in any illegal conduct or activity. Furthermore, another possible solution could be the regulation and monitoring of employment agencies, which are considered to be key players in the process which result in the trafficking of foreign domestic workers into domestic servitude. Last but not least, access to justice should be ensured, so that domestic workers can report any kind of abuse or violations against them.



Both a human rights violation and a crime, the domestic servitude can take multiple forms and presents very complex challenges and threats for states, both in sending and receiving countries. Inequality and discrimination are factors which play a central role in the process and should therefore be taken fully into account by states when devising reactions to this transnational crime and human rights violation. An approach which goes beyond the criminal justice response and effectively addresses



factors relating to the right to equality and non-discrimination is arguably needed. Domestic servitude is a complex form of discrimination on the grounds of sex, nationality, immigration and economic status and therefore expands the extent of the obligations in terms of a response which governments and organizations must develop. The international community has long called for a human rights approach to the problem which must also involve, as previously

mentioned, going beyond a criminal justice response in order to identify all violations of rights, including the right to equality and non-discrimination. After identifying them we will also be able to eradicate them through a legislative review and amendment and raising awareness by educating the public on the issue is also considered to be an important feature of the response to all forms of domestic servitude. All these measures and much more, are required in order to eliminate the practices leading to domestic servitude all around the globe.



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