

Submission to the Special Rapporteur on addressing contemporary forms of slavery on the issue of domestic servitude of migrant women and girls

UN Women advocates for migrant women's and girls' access to human-rights based, and gender-responsive migration policies promoting women's human rights, including labour rights and access to decent work, social protection and gender-responsive services at all stages of migration. In the absence of such, migrant women and girls may be exposed to discriminatory migration policies which limit or restrict their migration, and consequently lead them to use irregular channels which heighten their risk to sexual and gender-based violence, exploitation and abuse. Without access to full and reliable information about regular migration channels, women may be compelled to utilise the services of unscrupulous recruiting agents or human smugglers. Women may also use the services of smuggling networks as a result of the high costs involved in regular migration.¹

As demand for care work in higher-income countries grows, a significant global concern is the large number of lower-income migrant women who are channelled into domestic work and the low end of value chains. These unregulated and informal sectors in which many women are migrating for work are a factor which increases women's vulnerability to exploitation. Paid domestic work, home-based work, street vending and waste picking are all sectors dominated by women, and they also tend to be the most vulnerable and precarious forms of informal employment. Women comprise more than 83 per cent of the world's 53 million domestic workers. Globally, 57 percent of domestic workers (29.7 million individuals) have no limitations on their working hours.² Domestic work remains one of the least protected and regulated sectors under national labour laws, and an estimated 74 percent of all migrant domestic workers are women.³ Domestic work is carried out inside the private space of the employer's home and therefore often falls outside of labour and social protection regulations, thus exposing women migrant domestic workers to a heightened risk of abuse, violence, and labour exploitation. Without extending and incorporating minimum wages and labour protections to domestic work and other women informal workers, they will remain vulnerable to exploitative practices,

¹ Inter-Agency Coordination Group against Trafficking in Persons (ICAT), 'The Gender Dimensions of Human Trafficking' (2017)

² International Labour Organisation (2013), 'Women in Informal Employment Globalizing and Organizing', *Women and Men in the Informal Economy*; 'Women in Informal Employment Globalizing and Organizing' working paper (statistics) No. 2 (2014).

³ International Labour Organisation (2016), 'Protecting Migrant Domestic Workers: The international legal framework at a glance', Geneva, Switzerland

including the risk of domestic servitude. For domestic workers living in their employers' home they can be exposed to grave labour and human rights violations including the confiscation of identity documents, being prevented from going out alone, psychological and physical abuse, working long hours with few breaks, and having pay withheld. For women migrant workers with a precarious or lack of legal status in countries of destination, there is little or no recourse to justice, and the fear of deportation or arrest feeds into the reluctance of these women to report cases of abuse, violence or exploitation carried out against them.⁴

Women and girls may also become victims of domestic servitude through trafficking networks. The number of young women trafficked across borders because of coercion and deceit continues to grow. Unregulated and unethical labour brokers are key actors in precarious hiring arrangements that exploit women migrant workers. Women and girls together account for more than 70 percent of trafficking victims, with girls representing almost 75 percent of child trafficking victims. Women and girls are trafficked mainly for sexual exploitation, domestic servitude and forced marriage.⁵ Whilst protecting women from becoming victims of trafficking must be a priority for countries, this should not be to the exclusion of providing and facilitating access to regular migration pathways and to decent work, which promote women's agency and empowerment.⁶ UN Women seeks to address the specific risk factors that can lead to trafficking and exploitation, as well as ensure the protection and empowerment of women migrant workers. Through UN Women's dedicated work on migration, the entity works to promote and operationalise gender-responsive migration governance at the national, regional and global levels. UN Women works with Member States to advance the international normative framework through technical support provided to inter-governmental processes, with a focus on the promotion and protection of the human rights of all women and girls in migration, including women migrant workers, and for the elimination of all forms of violence against them. This work helps to ensure that women and girls who are migrating can do so safely and through regular channels, thereby reducing the risk of exposure to human trafficking.

Further, UN Women advocates for the increased signing and ratification of ILO Convention on Domestic Work, 2011 (No. 189). This convention establishes minimum standards for domestic work, including equal treatment with respect to normal hours of work, remuneration, and social security. The provisions of Convention No. 189 apply to all domestic workers, including migrant domestic workers. This is critical because of the particularly vulnerable situations migrant women may face in private households. Whilst private homes may be considered a good place to work

⁴ OHCHR (2015), 'Behind closed doors: protecting and promoting the human rights of migrant domestic workers in an irregular situation'

⁵ Global Report on Trafficking in Persons (2016), UNODC

⁶ UN Women (2016), 'Women Migrant Workers' Journey through the Margins: Labour, Migration and Trafficking', New York, USA

by migrant workers because of a lack of state oversight, it also has the potential unintended effect of making it extremely difficult for domestic workers to report abuse and exploitation.⁷

⁷ ILO & UN Women (2016), 'Worker, helper, auntie, maid: Working conditions and attitudes experienced by migrant domestic workers in Thailand and Malaysia' Bangkok, Thailand