



INVOLUNTARY DOMESTIC SERVITUDE

As the 10th anniversary of the United Nations' trafficking in persons protocol (Palermo Protocol) and the United States' Trafficking Victims Protection Act (TVPA) approaches, the U.S. Department of State's Office to Monitor and Combat Trafficking in Persons is partnering with foreign governments, non-governmental organizations (NGOs), and the international community as a whole to adopt and apply the protections outlined in these legal instruments to the millions of victims of forced labor, including domestic workers.

As the 2010 Trafficking in Persons (TIP) Report outlines, domestic workers are trapped and exploited in nearly every country.

Millions of migrant domestic workers around the world are particularly vulnerable to forced labor. Overwhelmingly, women and girls (typically from developing countries in Asia, Africa, and Latin America), assume great risks when migrating. Many countries – including the United States – do not protect domestic workers to the same extent as other laborers under prevailing labor laws. Domestic workers largely work without contracts in unregulated and unenforced workplaces. Moreover, there is little legal recourse 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 slavery.

Domestic servitude may involve such abuses as confiscation of travel documents, withholding of wages, confinement, no time off, isolation from the community and all family and friends, physical and sexual abuse, degrading treatment, and threats of harm, including the threat of arrest and summary deportation as an undocumented migrant. For domestic workers from another country, their freedom often is proscribed by law; some countries' "sponsorship" laws grant the employer of a foreign domestic worker the power to decide when she can leave the workplace and when she can leave the country, even if she has run away to escape abuse.

The International Labour Organization reports that, in many countries, domestic work is largely performed by chil-

dren. When children are used as servants instead of being educated, the situation should be remedied; all children should have access to at least primary-level education. When the child is abused, the employer should face criminal, not administrative, sanctions.

The cost in terms of lost wages and remittances to support family and the physical and emotional trauma to these millions of migrant workers is serious and appears to be rising. According to analysis conducted in Indonesia by a reputable international organization, the number of Indonesian domestic workers killed abroad rose from 33 in 2001 to more than 100 in 2009.



Siti Hara, an Indonesian domestic worker, says her Malaysian female employer severely abused her for three years, at times beating her with a cane and dousing her with boiling water. Labor groups in the region are pressing for better protection for vulnerable migrant workers.

Saeed Khan/AFP/Getty Images

Some governments attempt to prevent their citizens' involuntary domestic servitude by banning the emigration of all women under a certain age. The unintended consequence is that migrants – who still feel the “pull” factors of greater economic opportunities – travel through illegal channels, which could have the unintended consequence of increasing their risk of victimization. The Department of State made progress in 2009 to ensure that foreign diplomatic mission personnel act in a manner consistent with the principles of the Palermo Protocol and the TVPA in the United States. Improved safeguards for domestic workers who are employed by foreign mission personnel include transparent payment mechanisms, and education on their rights while in the United States, as well as protections from exploitation.

In addition, the Department has aggressively strengthened its internal policies regarding domestic workers. Any

report of abuse of domestic staff by Department employees serving overseas, including activities which rise to the level of human trafficking, whether such actions are undertaken by a U.S. government employee, dependent or member of household overseas with the employee, is a matter of grave concern to the Department. 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. 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. The Department of State will encourage other governments to address this critical problem within their own areas of responsibility as well.



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For more information, please log on to the website of the State Department's Office to Monitor and Combat Trafficking in Persons at www.state.gov/g/tip.