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**Promotion and protection of all human rights, civil,
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including the right to development**

Migrant domestic workers and trafficking in persons: prevention, rights protection and access to justice

**Report of the Special Rapporteur on trafficking in persons, especially
women and children, Siobhán Mullally**

Summary

In the present report, the Special Rapporteur on trafficking in persons, especially women and children, Siobhán Mullally, examines the limits of current legal and policy frameworks that contribute to risks of trafficking in persons for migrant domestic workers, including in the enforcement of labour laws, limited access to safe and regular migration, tied visas and a lack of access to justice and effective remedies. Special attention is paid to the intersections of gender, race and migration status in the context of domestic work.



I. Introduction

1. Trafficking in persons in the domestic work sector remains prevalent, particularly affecting women. The prevalence of trafficking in persons, and other human rights violations, is due to the continuing failure to regulate the domestic work sector and ensure just and fair conditions of work for domestic workers, without discrimination. Deeply gendered and racialized assumptions about the nature of domestic work as not really work and a lack of political will to take effective action to ensure the effective application and enforcement of labour laws to the domestic work sector, contribute to impunity, creating a protection gap and a space of risk, within which rights violations persist and access to justice is denied.

2. Domestic work is also deeply racialized and frequently undertaken by women from racialized minorities, Indigenous women and migrant, refugee and stateless women. Reflecting the historical legacies of slavery and the slave trade, the intersections of gender, race and ethnicity continue to shape the working conditions of domestic workers and the resulting risk of trafficking in persons.

3. In the present report, the Special Rapporteur on trafficking in persons, especially women and children, Siobhán Mullally, addresses trafficking in persons in the context of migration and domestic work. Migrant domestic workers encounter particular risks of trafficking in persons due to the failure of States to effectively protect the rights of domestic workers and to the migration laws and policies that create and increase vulnerabilities to trafficking in persons. As is noted by the Secretary General in a 2024 report on the implementation of the Global Compact for Migration, migration experiences and patterns are influenced by deeply entrenched gender inequalities.¹ Gender inequalities, combined with limited access to regular migration pathways and use of tied visas, increase the likelihood of women moving through low-skilled labour migration pathways that offer insufficient protection, or turning to dangerous irregular migration routes. Migrant women domestic workers are particularly vulnerable, especially when domestic work is poorly regulated in national labour laws. As of May 2024, of the 82 countries that completed a migration governance indicators assessment, only 23 per cent had a migration strategy that addressed the different needs of migrant women. That gap and lack of attention paid to how gender inequality shapes migration persists, despite credible evidence of the gender-specific risks of trafficking that arise. Sexual and gender-based violence remains prolific in the context of trafficking in persons, with women three times more likely than men to be subjected to physical or extreme violence by traffickers. Against that background, the failure to address gender inequality in migration strategies, laws and policies undermines action to combat trafficking in persons.

II. Background and context

4. In the present report, the term domestic work means work performed in or for a household or households and the term domestic worker means any person engaged in domestic work. The term migrant worker refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national. Migrant domestic workers are included in the term migrant workers.²

5. As is well documented, migrant domestic workers are at heightened risk of certain forms of exploitation and abuse, including trafficking in persons for forced labour and domestic servitude. The specific nature of domestic work, and weak regulatory responses by States, produce a structural vulnerability to exploitation. As is noted by the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families: “At the heart of their vulnerability is isolation and dependence, which can include the following elements: the isolation of life in a foreign land and often in a foreign language, far away from family; lack of basic support systems and unfamiliarity with the culture and national labour

¹ [A/79/590](#), para. 32.

² See Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, general comment No. 1 (2011).

and migration laws; and dependence on the job and employer because of migration-related debt, legal status, practices of employers restricting their freedom to leave the workplace”.³

6. The majority of domestic workers are women. Many women migrant domestic workers endure sexual harassment, sexual and gender-based violence, and may also be at risk of trafficking for sexual exploitation, forced labour or domestic servitude. Such risks and vulnerabilities are increased for migrant domestic workers who are non-documented or in an irregular situation and who fear being at risk of deportation if they contact State authorities to seek assistance and protection. For live-in domestic workers, isolation and the risk of exploitation is increased.

7. The Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings of the Organization for Security and Co-operation in Europe has recognized that domestic workers employed by private persons are more vulnerable to exploitation and trafficking: “Trafficking for domestic servitude covers a range of situations, all of which share certain features: subjugation, intimidation and an obligation to provide work for a private individual, excessively low or no salary, few or no days off, psychological and/or physical violence, limited or restricted freedom of movement, denial of a minimum level of privacy and health care. Living in the household of the employer, the domestic worker may constantly be required to be available to work day and night, often in living conditions that are unacceptable and subject to abuse, humiliation, discriminatory behaviour and punishment.”⁴

8. The Global Report on Trafficking in Persons (2024) notes that in 2022, 61 per cent of trafficking victims detected worldwide were female.⁵ The majority of women and girls identified among victims continue to be trafficked for the purpose of sexual exploitation. However, female victims are also trafficked in large numbers for forced labour, particularly for domestic work.

9. The Special Rapporteur has received multiple submissions raising allegations of trafficking of migrant domestic workers for forced labour and domestic servitude. In a communication to Oman, the Special Rapporteur highlighted concerns in relation to alleged human rights abuses faced by a group of Malawian women, who were allegedly victims of trafficking for forced labour and exploited in domestic households in Oman.⁶ According to the information received, a group of 28 Malawian women arrived in Oman during 2022 through the facilitation of local Malawi-based recruitment intermediaries and their partners in Oman. The women were promised employment as domestic workers in private households, as well as visas, flights to Oman and monthly salaries. Upon arrival in Oman, the conditions of employment reportedly differed significantly from those outlined in the labour contract the women had originally been promised. At their employers’ households, the 28 women were reportedly subjected to physical violence and labour abuses. The abuses reported included confiscation of passports upon arrival by the agents or employers; change of the terms of contracts to less favourable conditions; verbal contracts rarely provided in writing; daily shifts of up to 19 hours with no rest days, holidays or overtime pay; excessive workloads; non-payment of wages or payment below the minimum wage; and inadequate meals. Moreover, the women were reportedly not in a position to terminate their contract agreements, as they were unable to pay the penalty for breach of contract. Some of them were reportedly also subjected to sexual harassment and sexual violence, including rape by their employers and members of their employers’ families; other forms of physical abuse were also meted out and they had limited or no access to medical care.

10. In communications sent to Viet Nam and Saudi Arabia,⁷ the Special Rapporteur, together with the Special Rapporteurs on the human rights of migrants, on contemporary forms of slavery, including its causes and consequences, on torture and other inhuman or

³ Ibid, para. 7.

⁴ Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, *How to Prevent Human Trafficking for Domestic Servitude in Diplomatic Households and Protect Private Domestic Workers*, p. 13.

⁵ United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons 2024*, p. 3.

⁶ OMN 1/2022.

⁷ VNM 5/2021 and SAU 12/2021.

degrading treatment or punishment and on violence against women and girls, its causes and consequences, raised concerns in relation to alleged serious human rights abuses faced by a group of Vietnamese women victims of trafficking, who were recruited in Viet Nam and brought to Saudi Arabia. It is alleged that they were subjected to physical beatings and sexual violence, including rape; were denied food and access to medical treatment; suffered non-payment or reduced payments of wages; were subject to restricted freedom of movement; and had their documents confiscated. As highlighted in the communications sent to Viet Nam and Saudi Arabia, if confirmed, such allegations amount to torture and inhuman or degrading treatment, as well as trafficking in persons for forced labour and servitude. The Special Rapporteurs raised concerns about the reported abuses by private actors, possibly with the acquiescence of State officials, and stressed that: “The obligation of non-discrimination in international human rights law is critical ... to its application across all anti-trafficking measures”.⁸ One of the victims referred to in the communications is Siu H Xuan, who was 15 years old when she was allegedly recruited in Viet Nam. She was reportedly subjected to extensive physical beatings and forced labour, suffered chronic headaches due to beatings to her head and was reportedly denied access to medical assistance and food. Siu H Xuan died in Saudi Arabia prior to her return to Viet Nam, having alerted friends via social media to her situation, commenting that she “was unlikely to survive”. She was a child at the time of her death and had reportedly sought assistance from the agency that recruited her but without success.

11. Domestic work has been highlighted as a risk sector for trafficking for forced labour of refugees from Ukraine, affecting both adults and children. The risks of trafficking for forced labour increased in situations of private hosting, due to the relationship of dependency of refugees on accommodation hosts and also due to precarious or non-existent employment contracts.⁹ The Special Rapporteur notes that in the context of forced displacement from Ukraine, visa-free travel and rapid access to temporary protection status, including access to the labour market, have played a significant role in reducing the risks of trafficking for refugees from Ukraine, highlighting again the importance of regular migration pathways, effective access to international protection and resettlement opportunities for refugees to prevent trafficking in persons.

III. Trafficking in persons: countries of transit, destination and origin

12. Positive obligations to prevent trafficking in persons, and to assist and protect trafficked persons and persons at risk of trafficking, arise during the entire migration process, which includes preparation for migration, departure, transit and the entire period of stay in the State of destination, as well as return to the State of origin or the State of habitual residence. As is stated in the preamble to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, “effective action to prevent and combat trafficking in persons, especially women and children, requires a comprehensive international approach in the countries of origin, transit and destination.” As the European Court of Human Rights has stated, when a person is trafficked from one State to another, trafficking offences may occur in the State of origin, any State of transit and the State of destination. Relevant evidence and witnesses may be located in all States. States are also, therefore, subject to a duty in cross-border trafficking cases to cooperate effectively with the relevant authorities of other States concerned in the investigation of events that occurred outside their territories and to ensure effective protection of victims and access to remedies.¹⁰

⁸ Ibid.

⁹ United Nations Office on Drugs and Crime (UNODC), *Study on Trafficking in Persons and Smuggling of Migrants in the Context of the Displacement caused by the War in Ukraine* (2025), p. 4.

¹⁰ European Court of Human Rights, *Rantsev v. Cyprus and Russia*, Application No. 25965/04, Judgment, 10 May 2010, para. 289.

IV. Equal protection of the law and non-discrimination: intersectional analysis

13. As is stated in the preamble to the Domestic Workers Convention, 2011 (No. 189), domestic work continues to be undervalued and invisible and is mainly carried out by women and girls, many of whom are migrants, refugees, Indigenous women, members of racialized minorities or persons of African descent, who are particularly vulnerable to discrimination in respect of conditions of employment and of work, and to other abuses of human rights. The non-discrimination principle is a core norm of international human rights law¹¹ and a *jus cogens* norm.¹² The non-discrimination principle is found in article 14 (2) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; and articles 1 and 7 of the Universal Declaration of Human Rights. The prohibition of discrimination and guarantee of equal protection of the law is also found in regional legal instruments on trafficking in persons.

14. The relevance of the non-discrimination norm in situations of trafficking in persons has been highlighted recently in the case of *F.M. and Others v. Russia*, where the European Court of Human Rights held, unanimously, that there had been a violation of article 4 of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) on three grounds, namely: (a) the lack of an adequate legislative framework to prohibit and prevent trafficking, forced labour and servitude and to protect its victims; (b) the failure to take operational measures to protect the applicants; and (c) the failure to conduct an effective investigation. The Court reiterated its finding that, “a general policy that has disproportionately prejudicial effects on a particular group may be considered to constitute discrimination, even where it is not specifically aimed at that group and there is no discriminatory intent.” In that case, the applicants submitted that they were victims of intersectional discrimination, “on the grounds of their gender, ethnicity and social position, which stemmed from the authorities’ gender, ethnic and anti-immigrant biases.” The Court concluded unanimously that “the inaction of the respondent State in honouring its positive obligations under Article 4 amounted to repeatedly condoning trafficking, labour exploitation and related gender-based violence and reflected a discriminatory attitude towards the applicants as women who were foreign workers with an irregular immigration status” and that the “State authorities’ general and discriminatory passivity created a climate that was conducive to their trafficking and exploitation.” The Court found a violation of article 14 of the European Convention on Human Rights, read in conjunction with article 4.¹³

15. The Special Rapporteur notes the evidence presented by the petitioners in the case of *Siti Aisah and Others v. United States of America*, pending at the Inter-American Commission on Human Rights, on the discriminatory impact of the approach of the United States of America to diplomatic immunity in respect of domestic workers who are women and members of black and minority ethnic communities, and the disproportionate impact suffered on grounds of gender, race, ethnicity and other statuses, including immigration status as a result of their legal exclusion from labour and employment protections.¹⁴

16. In the case of *Hacienda Brasil Verde Workers v. Brazil*, the Inter-American Court of Human Rights established that the victims shared characteristics of “specific victimization” (for example, being poor, from the poorest regions in the country and from black and minority ethnic communities). Those factors made them more likely to be recruited into slavery and trafficking by means of false promises and deceit. The Court determined that the State knew

¹¹ See *Barcelona Traction, Light and Power Company, Belgium v. Spain, Judgments, I.C.J. Reports, 1970*.

¹² See, for example, Inter-American Court of Human Rights, *Juridical Condition and Rights of the Undocumented Migrants, Advisory Opinion OC-18/03*, 17 September 2003.

¹³ European Court of Human Rights, *F.M. and Others v. Russia*, Applications Nos. 71671/16 and 40190/18, Judgment, 10 December 2024.

¹⁴ Available at <https://www.ohchr.org/en/special-procedures/sr-trafficking-in-persons/submissions-courts-and-other-bodies>.

about the situation of structural economic discrimination and ruled that Brazil had not adopted appropriate measures to address the victims' situation, thereby perpetuating historic and structural economic discrimination.¹⁵

17. In a direct request to Peru under the Domestic Workers Convention, 2011 (No. 189), the Committee of Experts on the Application of Conventions and Recommendations, called on the State to provide information on the complaints received and inspections undertaken in relation to the living and working conditions of migrant domestic workers, including nationals of Colombia and of the Bolivarian Republic of Venezuela and those working in the Tumbes frontier zone bordering Ecuador. The Committee recalled that migrant domestic workers, the vast majority of whom are women and young persons, are at particular risk of certain forms of exploitation, abuse and slavery-like practices, and further stated that "their vulnerability stems mainly from their dependence on the job and employer because of migration-related debt and the reliance of family members remaining in the country of origin on remittances sent by the migrant." As the Committee noted, those risks were aggravated for undocumented and migrant domestic workers or those in an irregular situation, "as fear of deportation may deter them from attempting to seek help from national authorities when faced with abuses by an employer".¹⁶

V. Recruitment processes: failing to ensure fair recruitment

18. While initial contact is often made in countries of origin by recruitment intermediaries and agencies, informal networks or organized crime networks, the process of recruitment frequently concludes with exploitation in transit or at the destination, where vulnerabilities due, in particular, to irregular migration status are exploited.¹⁷

19. As has been highlighted by the International Labour Organization (ILO), fair recruitment is at the origin of decent work. Regulating recruitment is critical for safe, orderly and regular migration, and to prevent trafficking in persons. However, evidence shows that migrant domestic workers continue to face abuse during the recruitment process, which in turn heightens their vulnerability to trafficking in persons, as well as to labour and human rights abuses.

20. In its concluding observations on the sixth periodic report of Kuwait, the Committee on the Elimination of Discrimination against Women expressed concern that online platforms were being used by traffickers with impunity to sell and buy domestic workers for prices ranging between 500 and 1,500 Kuwaiti dinars.¹⁸ In its concluding observations on the ninth periodic report of China, the same Committee noted with concern that women migrant domestic workers continued to face intersecting forms of discrimination based on sex and/or gender and ethnic background in Hong Kong, China, and continued to be subjected to abusive practices by recruitment and placement agencies, which charged exorbitant fees and sometimes confiscated passports and travel documents.¹⁹ In her report on her country visit to Bangladesh, the Special Rapporteur highlighted the lack of attention paid to the specific gendered risks of exploitation for migrant domestic workers.

21. In the Philippines, a regulatory framework and a licensing system for private employment agencies have been established, including the Philippine Overseas Employment Administration Rules and Regulations (2016), which make the agencies liable for contract irregularities and impose obligations to respect the labour and social legislation of both the Philippines and the country of destination. However, concerns remain that private

¹⁵ Judgment of 20 October 2016.

¹⁶ Available from

https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID%2CP13100_COUNTRY_ID:4412282%2C102805.

¹⁷ UNODC, *Global Report on Trafficking in Persons 2024*, p. 72.

¹⁸ Para. 37 (c).

¹⁹ Para. 77 (b).

recruitment agencies continue to charge excessive placement fees and require workers to pay hidden fees, increasing the risks of debt bondage and vulnerability to trafficking in persons.²⁰

VI. Bilateral migration agreements

22. The adoption of bilateral labour migration agreements by States may be viewed as a labour migration governance tool designed to ensure regular migration pathways within targeted sectors. Such agreements can potentially strengthen and protect workers' rights, regulating recruitment processes and the terms and conditions of work, as well as providing for enforcement and oversight mechanisms. However, to be effective in the prevention of trafficking in persons and other forms of exploitation, such agreements must be underpinned by international human rights and labour standards, and be effectively implemented, with sufficient resources allocated to oversight and enforcement. Of particular relevance, is the Domestic Workers Convention, 2011 (No.189).

23. Too often, however, bilateral labour migration agreements are adopted against a background of inequality between States, with sending States concerned primarily to expand labour externalization programmes. The inequality in bargaining power contributes to a context within which protections of workers' rights are diminished, or not enforced, and there is minimal and often no oversight or enforcement in practice of the labour protections agreed.

24. Limited attention is paid to the gender dimensions of migration and the specific risks faced by migrant women workers in sectors such as domestic work. The lack of transparency in relation to bilateral labour migration agreements, which are often not publicly available, contributes to weak enforcement, undermining labour protections and the potential for effective oversight and safe migration.

25. International cooperation to promote safe regular migration and labour protections is welcome. The Domestic Workers Recommendation, 2011 (No. 201) calls on States: "to cooperate at bilateral, regional and global levels for the purpose of enhancing the protection of domestic workers, especially in matters concerning the prevention of forced labour and trafficking in persons, the access to social security, the monitoring of the activities of private employment agencies recruiting persons to work as domestic workers in another country".

26. The Committee on Protection of the Rights of All Migrant Workers and their Families has welcomed the numerous bilateral agreements concluded by the Philippines with destination countries engaging overseas Filipino workers, with a view to protecting their rights. However, it has highlighted the absence of systemized monitoring, evaluation and reporting mechanisms on the effectiveness of such agreements in protecting the rights of all migrant workers and called for a review of all bilateral agreements to ensure that they are gender-responsive and non-discriminatory and that they protect the human rights of migrant workers. The Committee also called for the establishment of mechanisms to systematically monitor, evaluate and report on the implementation of such bilateral agreements to ensure that the rights of migrant workers were upheld.²¹

27. In her report on her visit to Bangladesh, the Special Rapporteur noted that the adoption of bilateral labour agreements, intended to expand opportunities for safe and regular migration and to provide protections for migrant workers, was a welcome and important protective measure. The Overseas Employment and Migrants Act 2013 Act (sect. 25) states that the objectives of bilateral agreements on migration are to increase opportunities for overseas employment for Bangladeshi citizens, improve the management of labour migration, repatriation and reintegration of migrant workers in the home country and ensure the welfare and rights of migrant workers, including members of their families. However, the Special Rapporteur expressed concern that enforcement of the protection measures contained in bilateral labour agreements remained weak and that limited attention was paid to the gender dimension of the risks of trafficking for purposes of forced labour, particularly for

²⁰ CMW/C/PHL/CO/3, para. 50.

²¹ Ibid., paras. 48 and 49 (b).

migrant domestic workers, noting that the organization of pre-departure orientation sessions only in Dhaka limited accessibility for women migrants from rural areas.²²

28. Bilateral labour migration agreements, where adopted, should include an agreement on the modalities of return of migrant domestic workers to ensure safe, voluntary and dignified return, and assistance and protection of those who are identified as victims of trafficking, ensuring non-refoulement. Such modalities are not consistently agreed or implemented, however, and do not consistently ensure compliance with the obligations of States to identify, assist and protect victims of trafficking without discrimination. As a consequence, returning victims of trafficking are frequently provided only with short-term assistance or no assistance at all.

VII. Role of consular services, embassies and missions

29. Consular services and embassies play a critical role in the prevention of trafficking through the provision of information and assistance measures, including in emergency situations. However, specialized training in the identification of victims of trafficking or persons at risk of trafficking for forced labour is not consistently provided to embassy and consular staff. Discrimination, gender inequality and gendered stereotypes may also contribute to failures to identify victims or to provide assistance. Limited resources and capacity also lead to failures and delays in the provision of assistance, including in situations where victims are in situations of imminent risk. Against a background of reliance on migrant worker remittances, and government-led programmes of labour externalization, there may also be a lack of political will to highlight patterns of exploitation in countries of destination.

30. The Special Rapporteur has previously highlighted the limited assistance provided to migrant domestic workers, the necessity of relying on family members to facilitate and cover the high costs of return and the limited assistance available for returned victims of trafficking, in particular limited access to accommodation, psychosocial and medical assistance or longer term social inclusion measures.²³

VIII. Migrant domestic workers: exclusions from labour protection and social protection

31. The continuing failure to apply labour protections to domestic work contributes to abusive working conditions for migrant domestic workers and increases the risk of trafficking in persons. Migrant domestic workers are frequently excluded from access to social protection, thereby increasing their vulnerability to exploitation and contributing to a fear of reporting trafficking in persons. The Committee on the Elimination of Discrimination against Women has repeatedly highlighted the exclusion of women domestic workers from labour and social protection.²⁴ Exclusion from labour protections results in migrant domestic workers being left without written terms of employment outlining their specific duties, hours, remuneration, days of rest and other conditions of work, or information about complaints mechanisms.

32. In its concluding observations on the sixth periodic report of Lebanon, the Committee on the Elimination of Discrimination against Women expressed concern about the suspension by the Council of State of the implementation of the new single standard contract for migrant domestic workers; the delay in the adoption of legislation to protect women migrant domestic workers; and the absence of data on the number of reported deaths of women migrant domestic workers in the State party. The Committee also called on the Government to amend the Labour Code to extend its protection to domestic workers and to recognize the human rights of domestic workers in accordance with international standards.²⁵ In a direct request to the Dominican Republic, the Committee of Experts on the Application of Conventions and

²² See [A/HRC/53/28/Add.1](#).

²³ *Ibid.*, para. 40.

²⁴ [CEDAW/C/MYS/CO/6](#), para. 38 (h).

²⁵ [CEDAW/C/LBN/CO/6](#), paras. 39, 49 and 50.

Recommendations noted that section four of the Labour Code established special regimes for specific categories of work, including domestic work, with less favourable conditions.²⁶

IX. Labour inspections

33. The Special Rapporteur highlights the important role that labour inspections play in preventing trafficking in persons and in identifying victims of trafficking. The critical role of labour inspectors in combating trafficking in persons and assisting victims is undermined by the exclusion of domestic work from their competences and functions.

34. In many countries, labour inspectorates do not have legal competence to inspect domestic households in order to monitor the working conditions of domestic workers. Even where inspections are permitted, they are often not undertaken in practice or very infrequently. The Committee on the Elimination of Discrimination against Women has highlighted the importance of labour inspections to protect the rights of migrant domestic workers, calling on Italy to further strengthen its measures to combat the labour exploitation of women migrant workers by increasing labour inspections and strengthening the capacity of the National Labour Inspectorate.²⁷ The Committee against Torture has called on Kuwait to increase the capacity of the labour inspectorate to monitor working conditions on a regular basis in all places of employment, including private homes, “ensuring that violations of the law identified during inspections are referred directly to the Office of the Public Prosecutor, so as to prevent impunity and retaliation against workers.”²⁸ In a direct request to Sweden, the Committee of Experts on the Application of Conventions and Recommendations noted that according to information from the Swedish Work Environment Authority, there were no inspections in households where domestic work was performed in 2019 and 2020, and no information was provided by the Government concerning domestic work inspections that may have taken place after 2020.²⁹

X. Tied visas, sponsorship and restrictive migration pathways

35. Visa regimes may contribute to increased risks of trafficking in persons, producing dependencies, vulnerability and isolation. In the landmark case of *Rantsev v. Cyprus and Russia*, the European Court of Human Rights highlighted the obligation of States to ensure that “the spectrum of safeguards set out in national legislation must be adequate to ensure the practical and effective protection of the rights of victims or potential victims of trafficking.” In addition to criminal law measures, it was incumbent on States to ensure that their immigration rules addressed relevant concerns relating to “encouragement, facilitation or tolerance of trafficking”.³⁰

36. Domestic work is frequently categorized as low-skilled or unskilled work. The consequences of gendered and racialized categorizations of domestic work are evident in the more restrictive migration pathways available, as well as the restrictions frequently imposed on the residence and movement of migrant domestic workers and their freedom to change employers. Despite persistent, credible evidence of the impact of such restrictions in increasing vulnerabilities to exploitation, States continue to operate tied visa and sponsorship schemes, both de jure and de facto.

37. The Special Rapporteur has previously highlighted her concerns to the Government of the United Kingdom of Great Britain and Northern Ireland in relation to the overseas

²⁶ Available from https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:3952895,102930.

²⁷ CEDAW/C/ITA/CO/8, para. 40.

²⁸ CAT/C/KWT/CO/4, para. 40 (f).

²⁹ Available from https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4413552,102854.

³⁰ *Rantsev v. Cyprus and Russia*, para. 284.

domestic worker visa.³¹ The Special Rapporteur expressed concern in relation to the changes made to the overseas domestic worker visa in April 2012, amendments made to the immigration bill, which in May 2016 became the Immigration Act 2016, and the consequences of such legislative changes. Information received indicates that the overseas domestic worker visa has increased vulnerability to abuse by restricting migrant domestic workers to a non-renewable six-month visa, which renders the right to change employer redundant and inaccessible in practice. Migrant domestic workers often face difficulties in securing decent new employment in the absence of the right to renew their visa and therefore, as a consequence of the policy framework in place, are forced to remain with abusive employers rather than lose their livelihood, accommodation and permission to stay in the United Kingdom. Those that do flee are at risk of destitution and further harm, including the risk of being trafficked or forced into other situations of labour exploitation. The Committee against Torture, commenting on the changes made in 2016 to the terms of the so-called “tied” visa for migrant domestic workers, expressed concern that these changes did “not provide a meaningful escape route for many migrant workers who have experienced abuse in the United Kingdom, especially those who have become trapped in an abusive employment relationship”.³² The Committee on Economic Social and Cultural Rights expressed concern that migrant domestic workers were at greater risk than others of being the victims of abusive working conditions.³³

38. The Committee against Torture has also highlighted the continuing impact of the sponsorship (*kafalah*) system in Kuwait, which places migrant workers in a highly dependent relationship with their employers. Despite the specific protections provided to migrant domestic workers under Act No. 68 of 2015 on domestic workers, the Committee expressed its deep concern about “reports of widespread abuse, exploitation and ill-treatment of migrant workers, including cases involving the murder of migrant domestic workers, physical, sexual and psychological abuse, long working hours without rest, deprivation of food, restriction of movement, confiscation of passports and other personal documents, and denial of annual paid leave, which may amount to forced labour and resemble slavery”.³⁴ Similarly, the Committee on the Elimination of Racial Discrimination has expressed concern about the *kafalah* system in Lebanon, which, it concluded, results in employers exercising excessive control over migrant domestic workers, rendering them vulnerable to abusive working conditions.³⁵

XI. Assistance and protection for returning victims of trafficking: countries of origin and habitual residence

39. Women victims of trafficking returning home face the risks of stigmatization, discrimination and poverty, together with the increased risk of vulnerability to being trafficked again. The Special Rapporteur is concerned that returning victims of trafficking are left without assistance, often provided with only temporary accommodation and very limited medical assistance. Limited access to reproductive and sexual healthcare, long-term medical assistance, counselling and safe accommodation prevent the recovery of victims.

XII. Access to justice and effective remedies

40. Overall, there is limited access to compensation or legal aid for migrant domestic workers who are victims of trafficking for domestic servitude and forced labour. Legal assistance and information in a language that is understood by victims, including information on rights to compensation, are frequently not available or difficult to access. The absence of State compensation funds in many countries and limited international cooperation to secure compensation leaves many victims of trafficking without remedies.

³¹ See GBR 7/2011.

³² CAT/C/GBR/CO/6, para. 60.

³³ E/C.12/GBR/CO/6, para. 34.

³⁴ CAT/C/KWT/CO/4, para. 39.

³⁵ CERD/C/LBN/CO/23-24, para. 24.

XIII. Effective investigations and accountability

41. The Special Rapporteur notes the urgent need to strengthen effective investigations and international cooperation to ensure accountability for trafficking in persons in the context of migration and domestic work for purposes of forced labour and domestic servitude. Targeted actions, including training and adequate resources, are needed to ensure gender-sensitive, trauma-informed and effective investigations. Discrimination, stereotyping and generalized passivity in investigation and prosecution of trafficking for forced labour and domestic servitude contribute to widespread impunity for this serious crime and serious human rights violation. In many countries, witness and victim protection measures are limited or non-existent, increasing the risks faced by victims of trafficking and fears of reprisals.

XIV. Rights of persons with disabilities

42. The limited attention paid by States to the rights of victims of trafficking with disabilities is a serious and urgent concern. Victims of trafficking for domestic servitude and forced labour are frequently subjected to beatings and sexual violence, including rape, resulting in injury and even death. Victims acquire disabilities, both physical and psychosocial, as a result of the violence and trauma endured, yet assistance and protection measures are often not disability-inclusive, and access to justice is not ensured for victims with disabilities.

43. Persons with disabilities may also be targeted for the purpose of trafficking, including for purposes of domestic servitude and forced labour. Persons with intellectual disabilities may be particularly vulnerable where situations of dependency or guardianship exist. The lack of accessible information and services is compounded by the isolation of victims in domestic households. Discrimination and stereotyping of persons with disabilities also contributes to risks of trafficking and failures of identification, protection, and accountability.³⁶ The Special Rapporteur has highlighted the need to address the rights of migrants and refugees with disabilities in the context of anti-trafficking measures, in order to expand access to safe and regular migration.

XV. Principle of non-punishment

44. Despite credible evidence of trafficking of migrant domestic workers, punishment rather than protection of victims of trafficking continues to be pervasive in many countries. Because of the fear of arrest, detention and deportation, victims of trafficking for domestic servitude and forced labour do not seek assistance from law enforcement bodies or report experiences of trafficking and other serious human rights violations. Such risks are aggravated for those in an irregular situation, as fear of deportation may deter them from attempting to seek help from national authorities when faced with abuse by an employer.

45. States continue to impose punishments, including the arrest and deportation of so-called absconding migrant domestic workers, despite legislative reforms and repeated criticism by the treaty bodies, ILO and civil society.³⁷ The failure to ensure the non-punishment of victims of trafficking, in particular for victims in irregular situations, is in violation of the obligation of States to assist and protect victims and to ensure effective investigations and accountability. Victims rather than the perpetrators are punished, allowing trafficking for purposes of domestic servitude and forced labour to persist with impunity. Ultimately, punishment hinders the possibility of recovery and is a denial of access to justice for trafficked persons. In the Global Compact for Safe, Orderly and Regular Migration, specifically under objective 10 on preventing, combating and eradicating trafficking in persons in the context of international migration, the General Assembly called upon States to

³⁶ See joint statement by the Special Rapporteur on trafficking and the Special Rapporteur on the rights of persons with disabilities on World Day against Trafficking in Persons, 30 July 2024.

³⁷ [CAT/C/KWT/CO/4](#), para. 39, and [CEDAW/C/KWT/CO/6](#), paras. 35 and 36.

facilitate access to justice and safe reporting without fear of detention, deportation or penalty.³⁸

XVI. Pathways to long-term residence and citizenship and effective access to international protection

46. Linked to the temporary and tied visa arrangements for migrant domestic workers are the limited pathways to long-term residence, stay and citizenship. Where residence permissions are temporary, migrant domestic workers are at risk of being in irregular situations due to delays or difficulties in renewal of visas and, as a result, are vulnerable to exploitation. However, these are often short-term and conditional upon cooperation with criminal justice proceedings. Given the trauma and often extreme physical violence endured by victims of trafficking and the fear of reprisals, many victims are reluctant to engage in criminal justice proceedings, particularly where victim and witness protection measures are weak or non-existent. While there are promising practices of States issuing visas for trafficked persons and longer-term residence permissions, such practices are limited and not widespread. The Special Rapporteur highlights the importance of ensuring pathways to long-term residence and citizenship for victims of trafficking, to protect against refoulement and ensure access to assistance, protection and effective remedies. She has emphasized that victims of trafficking may also have a valid claim to asylum and must be ensured effective access to asylum and other forms of international protection.

XVII. Trafficking in persons in the domestic work sector facilitated by technology

47. As in other sectors, trafficking facilitated by technology is increasing, used primarily to target and recruit young women and girls through social media networks and applications promoting fake job or scholarship opportunities. The Special Rapporteur notes that digital technologies may also be used beneficially in actions to combat trafficking in persons, including through the use of artificial intelligence to detect indicators of trafficking, enhancing prevention and investigation efforts, the use of blockchain technology to enhance online safety and the use of applications and other digital tools to raise awareness of the risks of trafficking in persons, and disseminate information about assistance and protection services in a range of languages. In the domestic work sector, however, victims of trafficking frequently have their phones and other devices removed, increasing their isolation from such services. Limited capacity among law enforcement bodies to undertake investigations into trafficking facilitated by technology or to use new digital tools hinders their effectiveness and capacity, in particular for international cooperation.

XVIII. Rights of children

48. The Global Report on Trafficking in Persons 2024, which includes a focus on Africa, notes that child trafficking appears as one of the main challenges on that continent. Trafficked children are more frequently detected than adults in most parts of Africa. In both West and East Africa, both boys and girls are more typically trafficked than adults for forced labour, including domestic work. Out-of-school children, children in street situations and internally displaced children living in situations of extreme poverty are most at risk. Trafficking for purposes of domestic servitude and forced labour frequently occurs internally within States, in the context of rural to urban migration, but also occurs across borders. Unaccompanied and separated asylum-seeking children and migrant children are particularly at risk of trafficking. Where child protection systems are weak in countries of origin, transit and destination, such risks increase.

49. In some countries, recruitment agencies may also be complicit in birth certificate falsification, specifically in the domestic work sector, to circumvent age restrictions and to

³⁸ Para. 26 (e).

facilitate the recruitment and exploitation of girls. Difficulties also arise in securing birth registration for children of migrant domestic workers, contributing to the risk of statelessness and heightening the risk of exploitation.

XIX. Diplomatic immunity and trafficking in persons of domestic workers

50. Given the important role of embassies and consulates in assisting victims of trafficking, the involvement of diplomats in trafficking for forced labour and domestic servitude and the use of diplomatic immunity to deny accountability and access to justice for victims are particularly egregious.

51. The Special Rapporteur was granted permission to intervene by the Supreme Court of the United Kingdom in the case of *Basfar v. Wong* because the “exploitation of migrant domestic workers by foreign diplomats is a significant problem” and because the legal question of diplomatic immunity in cases of exploitation was “one of general importance”.³⁹ In a landmark judgment, the Supreme Court held that the exploitation of a domestic worker in a diplomatic household constituted the exercise of a “commercial activity” within the exception from civil immunity in article 31 (1) (c) of the Vienna Convention on Diplomatic Relations. The Court held that account must be taken of developments in the law of trafficking and slavery when interpreting the “commercial activity” exception. Further the Court concluded that compelling a migrant domestic worker to provide her labour in circumstances of modern slavery, “is an abuse of the diplomat’s presence in the receiving state”.⁴⁰

52. The Special Rapporteur has also submitted an amicus curiae brief to the Inter-American Commission on Human Rights in the case of *Siti Aisah and Others v. the United States of America*, arguing that the failure by the United States to protect domestic workers against exploitation in diplomatic households, (a) breaches the positive obligations of the State to put in place a system of laws which provides for effective remedies against such exploitation and to take measures to protect this vulnerable category of domestic worker; and (b) discriminates disproportionately against domestic workers, the majority of whom are women of colour.⁴¹ The Special Rapporteur notes the evidence presented by the petitioners in the case that domestic workers in diplomatic households disproportionately suffer discrimination on grounds of gender, race, ethnicity and other statuses, including immigration status, as a result of their legal exclusion from basic labour and employment protections. The Special Rapporteur has stated that the scope of diplomatic immunity must be defined with reference to the positive obligations of States arising under international human rights law. Such obligations include the prevention, investigation and prosecution of trafficking for the purpose of labour exploitation and are linked to duties to ensure access to the courts and to effective remedies for human rights violations.

53. Promising practices have been adopted by some States to prevent trafficking of domestic workers by diplomats and to provide assistance to victims. In Belgium, for example, measures have been put in place to detect and combat cases of trafficking in persons for the purpose of domestic servitude in diplomatic households, such as the holding of annual interviews when foreign domestic workers are required to renew their identity cards; the existence of specialized reception centres for domestic workers who are victims of human trafficking; and the possibility for Belgian judges, in the absence of criminal proceedings due to diplomatic immunity, to issue an opinion on the existence of a situation of exploitation, thus enabling the domestic worker to be issued with a permanent residence permit on

³⁹ Supreme Court of the United Kingdom, *Basfar v. Wong*, Judgment, 6 July 2022, para. 5.

⁴⁰ *Basfar v. Wong*, para. 57.

⁴¹ Available from

<https://www.ohchr.org/sites/default/files/documents/issues/trafficking/legislation/2023-10-24-iachr-sr-amicus-brief.pdf>.

humanitarian grounds.⁴² States may also waive diplomatic immunity, given that its intended benefit is to States, not to individual diplomats.

XX. Conclusions and recommendations

54. Despite credible and consistent evidence of the prevalence of trafficking of women and girls in the domestic work sector, horrific abuses and exploitation continue with impunity for the perpetrators. Migrant domestic workers are particularly affected. It is critically important that States act urgently to remedy the gendered, racialized abuses of migrant domestic workers and take effective action to ensure accountability and access to justice for victims. While significant legislative developments in a number of States have sought to enhance the labour protections of the rights of domestic workers, implementation in practice remains weak. The precarious migration status of many domestic workers and ties to specific employers or to the domestic work sector increase the risk of trafficking in persons. The failure by States to ensure safe regular migration for migrant domestic workers remains a significant factor in enabling trafficking for domestic servitude and forced labour. Such failures particularly affect women and girls, with often life-threatening consequences.

A. Legislation, programmes and policies

55. The Special Rapporteur recommends that States:

(a) Ratify and implement international instruments prohibiting trafficking in persons, forced labour, slavery and slavery-like practices, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Domestic Workers Convention, 2011 (No. 189) and its accompanying Recommendation, 2011 (No. 201);

(b) Ensure that migrant domestic workers are protected from all forms of abuse, harassment and violence and have written contracts that are legally enforceable in the country of employment, in compliance with articles 5 and 8 (1) of the Domestic Workers Convention, 2011 (No. 189);

(c) Align domestic legislation with international standards and ensure that it applies to all categories of workers throughout the entire migration process;

(d) Revise and expand national guidelines and standards to include procedural guidance for the early identification and protection of trafficked persons or those at risk of trafficking in the domestic work sector;

(e) Ensure collaboration with migrant domestic workers associations, trade unions and other relevant stakeholders to promptly identify victims and potential victims of trafficking in persons and to provide early unconditional assistance;

(f) Strengthen international cooperation through bilateral, multilateral or regional agreements aimed at protecting migrant domestic workers and regulating fraudulent and exploitative recruitment practices by private recruitment agencies and sub-agents.

B. Labour protections

56. States should:

(a) Strengthen national labour regimes by developing and implementing improved reporting mechanisms, risk assessments and labour inspections;

⁴² See

https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4378358,102560.

(b) Extend labour protections to the domestic work sector, removing legislative exclusions for domestic work and ensure that labour protections extend to migrant domestic workers, without discrimination;

(c) Prohibit discrimination or unfair treatment of migrant domestic workers by reason of any irregularity in their stay or employment, especially concerning wages, working conditions, contracts and access to social, economic and health protections;

(d) Ensure that migrant domestic workers have access to decent work, vocational guidance, placement services, training, housing and healthcare, that they remain adequately covered by the social security systems of their countries of origin or habitual residence and are ensured access to social protection in countries of destination;

(e) Expand the scope of labour standards and enforcement mechanisms, including civil and criminal liability for recruitment agencies and associated companies;

(f) Allocate adequate human and financial resources to labour inspectorates;

(g) Ensure that labour inspectorates have the legal authority to conduct proactive, independent and regular inspections of private recruitment agencies and households;

(h) Strengthen legislation to regulate recruitment intermediaries in accordance with the ILO general principles and operational guidelines for fair recruitment and establish mandatory accreditation for all recruitment agencies and require agencies to register all sub-agents;

(i) Conduct regular audits and inspections to ensure compliance with ethical recruitment standards and promote recruitment models such as the International Recruitment Integrity System;

(j) Prohibit employers from retaining identity documents and guarantee freedom of movement and choice of residence for migrant domestic workers;

(k) Ensure that bilateral labour migration agreements mandate that recruitment agencies be held accountable from the country of origin to the country of destination. That accountability should not be limited to deployment but should also include monitoring the well-being of deployed workers;

(l) Ensure that bilateral labour migration agreements include migrant domestic workers, their organizations and unions in the consultation process to ensure that their rights are effectively protected;

(m) Strengthen the capacity of trade unions, civil society organizations and human rights defenders to support migrant domestic workers, including through effective protection of the rights to freedom of association and peaceful assembly and to collective organizing and collective bargaining, without discrimination;

(n) Raise awareness among migrant domestic workers of their rights and ensure information is shared in accessible formats and languages.

C. Prevention of trafficking and protection of victims

57. Regarding prevention of trafficking and protection of victims, States should:

(a) Provide pre-departure orientation and post-arrival training, including information on rights and minimum labour standards through culturally relevant platforms and modalities, such as online or close to the place of residence of migrant domestic workers to ensure particular risks they face are addressed;

(b) Ensure that migrant domestic workers are provided with information about the working and living conditions prior to, or at the time of, the signature of the

contract and prior to deployment to the country of destination, and ensure that assistance, training and skills development are provided;

(c) Train law enforcement officers, border officials, consular staff and prosecutors on identifying indicators of trafficking for forced labour and domestic servitude affecting migrant domestic workers;

(d) Deliver targeted training and capacity-building programmes for labour inspectors so as to strengthen their role in the identification of victims and referrals for assistance and protection;

(e) Strengthen the human and financial resources of labour inspectorates and ensure their competence and capacity to inspect domestic households so as to ensure protection of the rights of domestic workers;

(f) Improve access to safe and regular migration and promote long-term integration of victims of trafficking in countries of origin, transit or destination, including by expanding complementary pathways to permanent residence and citizenship and ensuring effective access to asylum and other forms of international protection;

(g) Reform visa regimes for migrant domestic workers, including temporary or seasonal visas, to eliminate restrictions on the right to change employer or sector;

(h) Establish firewall protections to ensure migrant domestic workers in irregular situations can access remedies and social services without risk of punishment, including detention or deportation;

(i) Enhance the involvement of consular services, embassies and missions in identifying victims and providing assistance and protection, such as assisting with visas, work permits and passport renewals, supporting migrant domestic workers on issues such as wage theft, contract violations, or abuse; supporting the verification of contracts and status of recruitment agencies and ensuring employment contracts are valid before workers migrate; and assisting in voluntary safe returns and reintegration, ensuring long-term assistance and protection measures are in place prior to return;

(j) Ensure that identification and protection of victims of trafficking are trauma-informed, victim-centred and human rights-based, respecting the rights and agency of survivors, and that they are disability rights-inclusive;

(k) Provide unconditional assistance to victims of trafficking, including reproductive and sexual health services and medical and psychosocial assistance;

(l) Ensure a survivor-led approach is implemented in the provision of assistance, protection and long-term social inclusion measures and in the design, implementation and evaluation of anti-trafficking measures.

D. Accountability and access to justice

58. Regarding improvements to accountability and access to justice, States should:

(a) Ensure access to justice and effective remedies, including legal and financial aid, and consider reversing the burden of proof in relevant proceedings;

(b) Ensure effective access to compensation for migrant domestic workers who are victims of trafficking, including through the provision of State compensation funds, free legal assistance without discrimination and interpretation;

(c) Conduct effective investigations and prosecutions, and impose proportionate sanctions on recruitment agencies and employers involved in trafficking, including restitution orders with financial penalties;

(d) Provide returning victims of trafficking with long-term assistance and protection measures, access to safe accommodation, medical and psychosocial assistance and legal aid;

(e) Take legislative and other measures to provide for restrictive diplomatic immunity only, excluding trafficking in persons from the scope of such immunity, and take effective measures to prevent trafficking in persons in diplomatic households;

(f) Strengthen the capacity of law enforcement bodies to investigate trafficking facilitated by technology and ensure accountability, including through the use of digital evidence and financial investigations.

E. Provision of specialized and targeted measures

59. Regarding the provision of specialized and targeted measures, States should:

(a) Prohibit discriminatory treatment based on sex, gender, age, race, disability, migration status or nationality of migrant domestic workers;

(b) Eliminate discriminatory stereotypes of vulnerability, risks of vulnerability and experiences of trafficking, to ensure that men and boys who are victims of trafficking or at risk of trafficking in the domestic work sector are also provided with assistance and protection;

(c) Establish safe, accessible and anonymous reporting mechanisms for incidents of trafficking in persons in the domestic work sector;

(d) Establish dedicated complaint and support mechanisms to address the discrimination, xenophobia, harassment, abuse and hate speech encountered by migrant domestic workers;

(e) Train healthcare providers and social workers to deliver culturally sensitive, victim-centred and trauma-informed services to victims of trafficking;

(f) Uphold the special obligations of assistance and protection arising under the Convention on the Rights of the Child, ensuring the best interests of the child in migration contexts;

(g) Integrate trafficking prevention and victim assistance into child protection systems, particularly for unaccompanied and separated migrant, asylum-seeking, refugee, stateless and internally displaced children, and guarantee the rights to birth registration and nationality for children of migrant domestic workers;

(h) Ensure effective access to social protection and universal healthcare for migrant domestic workers and their families, and ensure access to education for the children of migrant workers;

(i) Expand pathways to long-term residence permits through the introduction of labour-based regularization programmes for long-term, undocumented workers, allowing them to apply for residence permits based on employment history;

(j) Ensure that prevention, assistance and protection measures are accessible to persons with disabilities and ensure access to justice for victims of trafficking with disabilities;

(k) Ensure that migrant domestic workers and victims of trafficking for domestic servitude and forced labour play a leadership role in the design and implementation of prevention, assistance and protection programmes.