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Ensure the rights of domestic workers, and advance the transformative agenda for gender equality, preventing trafficking for forced labour

Statement by the Special Rapporteur on trafficking in persons, especially women and children, Siobhán Mullally

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I welcome the priority given to advancing the transformative agenda for gender equality in the world of work at the 114th session of the International Labour Conference, and call on States to take effective action to ensure just and fair conditions of work for domestic workers, regardless of migration status, gender, race or ethnicity or nationality, and to ensure effective access to justice.

As recognised by the International Labour Organisation in its landmark Resolution concerning decent work and the care economy, adopted at the 112th session of the International Labour Conference (14 June 2024), many migrant and domestic workers remain in the informal economy, low-paid and excluded, by law or in practice, from protections, including social and labour protection.

As we celebrate 15 years since the adoption of the ILO Convention on Domestic Work (no.189) on June 16 2011, the rights of domestic workers, particularly migrant domestic workers, remain unfulfilled. As is highlighted in the Preamble to ILO Convention no. 189, domestic work continues to be undervalued and invisible and is mainly carried out by women and girls, many of whom are migrants or members of disadvantaged communities and who are particularly vulnerable to discrimination in respect of conditions of employment and of work, and to other abuses of human rights. The consequences of gendered and racialized categorizations of domestic work as low skilled or unskilled 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 risks of exploitation, States continue to operate tied visa and sponsorship schemes, both de jure and de facto.

The failure of States to ensure effective enforcement of labour rights, restrictions on collective organising and on the role of labour inspectorates in relation to domestic work, produce a structural vulnerability to discrimination in respect of conditions of work, and increase risks of trafficking for forced labour and domestic servitude. Gender and racial inequalities, combined with limited access to regular migration pathways and use of tied visas, increase the likelihood of domestic workers taking dangerous irregular migration routes or of moving through labour migration pathways that offer insufficient rights protection.

I call on all States to:

- Ensure just and fair conditions of work for domestic workers, ending discriminatory exceptions for domestic work,
- Expand access to safe and regular migration pathways for domestic workers, ensuring access to permanent residency pathways and to citizenship, and to family unity
- Abolish kafala systems in law and in practice, and end the use of tied visas, eliminating restrictions on rights of migrant domestic workers to change employer and employment sector
- Establish firewall protections to ensure migrant domestic workers in irregular migration situations can access safe reporting mechanisms, effective remedies and social protection without risk of punishment and implement the non-punishment principle for victims and survivors of trafficking, including in relation to migration related offences and administrative sanctions
- Ensure fair and ethical recruitment, effectively regulating recruitment agencies and intermediaries, eliminating recruitment fees for workers
- Ensure that bilateral labour migration agreements include specific rights protections for migrant domestic workers
- Strengthen cooperation 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, access to social protection and monitoring of the activities of private employment agencies recruiting persons to work as domestic workers in another country, recalling Domestic Workers Convention, 2011 (No.189) and Domestic Workers Recommendation, 2011 (No.201)
- Strengthen the capacity of trade unions, civil society organizations and human rights defenders to ensure the rights migrant domestic workers, including through effective protection of the rights to freedom of association and peaceful assembly and to collective organizing and collective bargaining
- Ratify and implement ILO Conventions 189 on Domestic Workers and 190 on Gender Based Violence and Harassment in the World of Work, recalling that strengthening the implementation of international labour standards is key to advancing gender equality in the world of work
- Support survivor-led and survivor-centred responses to prevention of trafficking for forced labour in the context of domestic work, and effective access to justice and accountability.

The Report of the Special Rapporteur on trafficking in persons, especially women and children on Migrant domestic workers and trafficking in persons: prevention, rights protection and access to justice (A/HRC/59/56) sets out detailed recommendations and plans for action, and is published here.

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