

## Somme additional ILO inputs to Special rapporteur on contemporary forms of slavery for report on domestic servitude of migrant women and girls

- **Convention No 138 on Minimum age for Admission to Employment, 1973**

Of particular note is India's ratification of C138, which was registered on 13 June 2017. Suriname is the last ILO member to have ratified C.138 on 15.01.2018. With these two ratifications, the total number of countries having ratified C 138 has reached **171 countries**, demonstrating global commitment to this key Fundamental Convention on child labour.

*Only 16 ILO member States out of 187 have not yet ratified this Convention.*

- **Convention No 182 on the Worst Forms of Child Labour, 1999**

India is the latest country to ratify C182, which was registered on 13 June 2017, reaching **181 ratifications** and leaving *only 6 ILO member States still to ratify* this Fundamental Convention on child labour in order to reach universal ratification.

- **Protocol to ILO Convention 29 on Forced Labour, 2014**

***Protocol to the Forced Labour Convention, 1930 and Recommendation (No.203) on supplementary measures for the effective suppression of forced labour***, adopted in 2014, address forced labour with renewed lenses. The protocol creates new obligations on ratifying member States to prevent forced labour, to protect victims and to provide access to remedy, such as compensation for material and physical harm.<sup>1</sup> A total of **23 countries have ratified this Protocol as of May 2018**.

- **Convention No 189 on Domestic Workers, 2011**

The purpose of the Convention is to promote and guarantee decent work for domestic workers. It defines measures to promote and protect the human rights of domestic workers and measures to ensure that they benefit from fair terms of employment and decent working conditions, including the protection of fundamental labour rights. A total of **25 countries have ratified this Convention as of May 2018**.

[http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO:11300:P11300\\_INSTRUMENT\\_ID:2551460:NO](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO:11300:P11300_INSTRUMENT_ID:2551460:NO)

- **Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No.205)**

In June 2017, the International Labour Conference adopted a new landmark standard, the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205) , which updates the guidance of an earlier ILO Recommendation adopted in 1944 to provide responses to contemporary crisis situations arising from conflicts and disasters. It also widens the focus of the standard on reconstruction and recovery to include prevention and preparedness. The new standard provides a unique normative framework focusing on world of work related measures to prevent and respond to the devastating effects of conflicts and disasters on economies and societies, paying special attention to vulnerable population groups, such as children, young people, women and displaced

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<sup>1</sup> [http://www.ilo.org/global/about-the-ilo/media-centre/press-releases/WCMS\\_246549/lang--en/index.htm](http://www.ilo.org/global/about-the-ilo/media-centre/press-releases/WCMS_246549/lang--en/index.htm)

people. Globally over 1.5 billion people live in countries that are affected by conflict, violence and fragility. At the same time, around 200 million people are affected by disasters every year. A third of them are children. A significant proportion of the 152 million children engaged in child labour live in areas affected by conflict and disaster.

- **Global estimates on domestic workers, and migrant domestic workers (2016)**

The ILO estimates there are 67 million domestic workers worldwide over the age of 15.<sup>2</sup> 75% of these are estimated to work in the informal economy<sup>3</sup>, which creates conditions in which it forced labour can thrive. Moreover, the ILO estimates that, of the 67 million domestic workers worldwide, 11.5 million are migrant workers.<sup>4</sup>

- **Global Estimates of Child Labour and Global Estimates of Modern Slavery (2017)**

In preparation of the IVth Global Conference on Child Labour (Argentina, November 2017), the ILO has produced the **Global Estimates of Child Labour (2017)**.<sup>5</sup> Worldwide 218 million children between 5 and 17 years are in employment. Among them, 151.6 million are victims of child labour; almost half of them, 72.5 million, work in hazardous child labour, including in domestic work. No specific estimates were produced, this time, on child labour in domestic work.

However, in 2013, based on data from 2012, the ILO produced specific global estimates on child labour in domestic work.<sup>6</sup>

In addition, along with other partners, namely the Walk Free Foundation and the IOM, the ILO has also released **Global Estimates of Modern Slavery (2017)**<sup>7</sup>, showing that some 40.3 million people are in modern slavery, including 24.9 million in forced labour and 15.4 million in forced marriage. There are 5.4 victims of modern slavery for every 1,000 people in the world and 1 in 4 victims of modern slavery are children. Out of the 24.9 million people trapped in forced labour, 16 million people are exploited in the private sector; domestic work is one of the main sectors in which these people work (along with construction or agriculture); 4.8 million persons are in forced sexual exploitation, and 4 million persons are in forced labour imposed by state authorities. Women and girls are disproportionately affected by forced labour, accounting for 99% of victims in the commercial sex industry, and 58% in other sectors.

- **ILO Strategy to make decent work a reality for domestic workers**

Following the adoption of Convention 189 on decent work for domestic workers, the ILO Governing Body (312th Session, November 2011) endorsed a global ILO “Strategy for action towards making decent work a reality for domestic workers worldwide”. This global strategy serves as a unifying framework for ILO actions at country, regional and global levels concerned with domestic workers. The ILO Strategy is delivered jointly by several key technical units, thus permitting the delivery of technical assistance as One ILO. To date, the ILO has delivered assistance to some 60

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<sup>2</sup> [http://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---migrant/documents/briefingnote/wcms\\_490162.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/briefingnote/wcms_490162.pdf)

<sup>3</sup> [http://www.ilo.org/travail/whatwedo/publications/WCMS\\_536998/lang--en/index.htm](http://www.ilo.org/travail/whatwedo/publications/WCMS_536998/lang--en/index.htm)

<sup>4</sup> [http://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---migrant/documents/briefingnote/wcms\\_490162.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/briefingnote/wcms_490162.pdf)

<sup>5</sup> [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms\\_575499.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575499.pdf)

<sup>6</sup> [http://www.ilo.org/ipec/Informationresources/WCMS\\_IPEC\\_PUB\\_23235/lang--en/index.htm](http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_23235/lang--en/index.htm)

<sup>7</sup> [http://www.ilo.org/global/publications/books/WCMS\\_575479/lang--en/index.htm](http://www.ilo.org/global/publications/books/WCMS_575479/lang--en/index.htm)

countries under this umbrella. After just six years, under the *Strategy*, the ILO constituents have achieved the ratification of C189 in 25 countries, and have adopted law and policy reforms in an additional 30 countries, with another 20 or so that are on their way to the same objective. In some cases, measures have been taken to extend minimum wage protections or limit working time. New collective bargaining agreements were also concluded in a number of countries. In other cases, comprehensive legislation was adopted to extend equal protections to domestic workers. A number of countries, particularly in Latin America, have also actively pursued the formalization of domestic work, including through labour inspections, and extension of social security. Measures to improve labour migration have also been taken, notably in the form of bilateral labour and social security agreements.

These measures actively contribute towards prevention of slavery. When domestic work is recognized as real work, and afforded the same protections as all other workers, it creates the conditions to make labour exploitation in general unacceptable. The capacity building of public institutions, in particular labour inspectorates, to detect abuse and to give workers access to justice also helps prevent labour exploitation, forced labour and trafficking from taking place. Ensuring the right to freedom of association, and the strengthening of domestic workers' organizations in particular helps ensure domestic workers are informed of their rights, and have recourse to the support they need to escape from abusive situations.

- **Promoting fair migration (General Survey 2016)**

The General Survey gives a global picture of the law and practice of member States' application of Conventions Nos 97 (Migration for Employment Convention (Revised), 1949) and 143 (Migrant Workers -Supplementary Provisions- Convention, 1975), regardless of ratification, and of Recommendations Nos 86 and 151, describing both the positive initiatives undertaken and the challenges encountered. It discusses the rationale, objectives and scope of the instruments, thereby assessing their potential and impact, identifying difficulties impeding their ratification and full application, and considering means to realize the full potential of the instruments.

This report contains a significant number of references to domestic workers (+100)

[http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_453898.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_453898.pdf)

- **Violence against women and men in the world of work**

Within the framework of the ILO's standard setting actions, the ILO produced a report<sup>8</sup> and organized in 2016 a tripartite meeting of experts on Violence against women and men in the world of work.<sup>9</sup> The results of this meeting determined the inclusion, in 2018, on the Agenda of the International Labour Conference of a standard setting item on violence and harassment against women and men in the world of work. Two reports have been produced, one to launch the discussion:

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<sup>8</sup> [http://www.ilo.org/gender/Events/WCMS\\_519760/lang--en/index.htm](http://www.ilo.org/gender/Events/WCMS_519760/lang--en/index.htm)

<sup>9</sup> [http://www.ilo.org/gender/Informationresources/Publications/WCMS\\_522932/lang--en/index.htm](http://www.ilo.org/gender/Informationresources/Publications/WCMS_522932/lang--en/index.htm)

**Report V(1) [Ending violence and harassment against women and men in the world of work](#)**

and a second one

**Report V(2) [Ending violence and harassment in the world of work](#)**

compiling the answers provided by ILO constituents to a questionnaire contained in the first report. Both reports contain a significant number of references to domestic workers.

- **Alliance 8.7**

Within the framework of SDG Target 8.7, “take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms” and along with a number of UN partners, the ILO launched **Alliance 8.7**, a multi-stakeholder initiative aimed at strengthening on-going efforts and increasing and coordinating the use of resources in order to scale up successful intervention and to monitor progress towards the achievement SDG target 8.7 on child labour and forced labour, including in domestic work.<sup>10</sup>

- **Additional information provided by field colleagues**

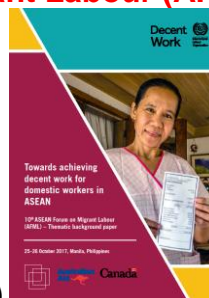
Please consider consulting the following links and imbedded documents:

**ASIA**

- i) 10th ASEAN Forum on Migrant Labour

[http://www.ilo.org/asia/events/WCMS\\_584087/lang--en/index.htm](http://www.ilo.org/asia/events/WCMS_584087/lang--en/index.htm)

**Towards achieving decent work for domestic workers in ASEAN  
10th ASEAN Forum on Migrant Labour (AFML) – Thematic background paper**



(Click on the image to open the PDF)

- ii) Additional inputs provided by colleagues in Southeast Asia:

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<sup>10</sup> <http://www.alliance87.org/>

- Our regional survey on migration outcomes in Southeast Asia includes extensive quantitative data on 192 domestic workers within its overall sample of 1,808 return migrant workers. It includes several key findings on migrant domestic workers, demonstrating longer working hours, less protection of labour rights, high levels of abuse, a large wage gap and limited access to social protection. [http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms\\_613815.pdf](http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_613815.pdf)
- Our review of labour migration policy in Malaysia provides analysis of the patterns of abuse and lack of labour rights protection for migrant domestic workers in Malaysia (pages 21-23): [http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms\\_447687.pdf](http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_447687.pdf)
- We also have many qualitative case studies from Tenaganita, Homenet, Malaysian Trade Union Congress, the ILO Forced Labour Complaint Mechanism and others documenting their assistance to migrant domestic workers. I will attach half a dozen of them here.
- All of the case studies from our unfinished study of the role of labour inspectors in prosecution of human trafficking in Malaysia are about migrant domestic workers and quite convincingly demonstrate the problems with a criminal justice response to the forms of exploitation they face.

Click on the images to open de files.



Tenaganita case study (Malaysia).doc



MTUC case study (Malaysia).docx



Legal Services for Children and Womestudy (Thailand).doc



Homenet case



Tenaganita case study 2 (Malaysia).doc



ILO forced labour complaint mechanis

- Our colleagues from the International Labour Standards Department have shared with us a legal analysis on **The Philippines**. Please check the enclosed file.



Philippines.docx

## **AMERICAS**

- **TRABAJO INFANTIL, TRABAJO FORZOSO Y EMPLEO JUVENIL**  
**PERSPECTIVAS Y ACCIONES DEL SINDICALISMO DE LAS AMÉRICAS**

(This document contains a significant number of references to domestic work, within the framework of child Labour and forced Labour)

<http://csa-csi.org/Include/ElectosFileStreaming.asp?FileId=4412>

- Our colleagues from the International Labour Standards Department have shared with us legal analysis on **Bolivia** and **Paraguay**. Please check the enclosed files.



Bolivia.docx



Paraguay.docx

## **AFRICA**

Our colleagues from **Ethiopia** have answered your questionnaire. Please check the enclosed file.



Response to UN  
Human Rights Coun