



## Recommendation 1663 (2004)<sup>1</sup>

# Domestic slavery: servitude, au pairs and mail-order brides

Parliamentary Assembly

1. The Parliamentary Assembly is dismayed that slavery continues to exist in Europe in the twenty-first century. Although, officially, slavery was abolished over 150 years ago, thousands of people are still held as slaves in Europe, treated as objects, humiliated and abused. Modern slaves, like their counterparts of old, are forced to work (through mental or physical threat) with no or little financial reward. They are physically constrained or have other limits placed on their freedom of movement and are treated in a degrading and inhumane manner.

2. Today's slaves are predominantly female and usually work in private households, starting out as migrant domestic workers, au pairs or "mail-order brides". Most have come voluntarily, seeking to improve their situation or escaping poverty and hardship, but some have been deceived by their employers, agencies or other intermediaries, have been debt-bonded and even trafficked. Once working (or married to a "consumer husband"), however, they are vulnerable and isolated. This creates ample opportunity for abusive employers or husbands to force them into domestic slavery.

3. Domestic slaves, exploited au pairs and abused "mail-order brides" find it difficult to extract themselves from their situation. In a foreign country, far from home, many of the victims do not even speak the language of the country they live in, let alone know its laws and customs. Their employer or husband will usually have a hold over them, threatening them or their relatives with further abuse and reprisals should they dare to complain or leave. Many of them do not know where to turn for help and do not dare go to the police for fear of deportation. In addition, the police in host countries are often less than sympathetic to domestic slaves who have escaped, especially if they have no papers or if their papers are not in order.

4. In this sense, the Italian experience can be considered an example of good practice, thanks to the adoption in 2003 of an effective anti-trafficking law which incorporated the basic guidelines set forth in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime, and made any behaviour which may be associated with trafficking in human beings a specific criminal offence; it also added servitude to slavery as grounds for indictment in the criminal code. Strict sanctions are accompanied by a strengthened mechanism for protecting and assisting victims through the establishment of an ad hoc fund for action against anti-trafficking under the presidency of the Council of Ministers.

5. The Council of Europe must have zero tolerance for slavery. As an international organisation defending human rights, it is the Council of Europe's duty to lead the fight against all forms of slavery and trafficking in human beings. The Organisation and its member states must promote and protect the human rights of the victim and ensure that the perpetrators of the crime of domestic slavery are brought to justice so that slavery can finally be eliminated from Europe.

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1. Assembly debate on 22 June 2004 (19th Sitting) (see [Doc. 10144](#)[Doc. 10144](#), report of the Committee on Equal Opportunities for Women and Men, rapporteur: Mr Gaburro). Text adopted by the Assembly on 22 June 2004 (19th Sitting).



6. The Assembly thus recommends that the Committee of Ministers:
  - 6.1. in general:
    - a. ensure that the relevant authorities in the member states thoroughly, promptly and impartially investigate all allegations of any form of slavery and prosecute those responsible;
    - b. encourage member states to combat domestic slavery in all its forms as a matter of urgency, ensuring that holding a person in any form of slavery is a criminal offence in all member states;
    - c. ensure that the relevant authorities in the member states thoroughly, promptly and impartially investigate all allegations of any form of slavery and prosecute those responsible;
    - d. recommend that member states review their immigration and deportation policies, granting victims of domestic slavery at least temporary residence permits (if possible, in conjunction with work permits) and allowing them to file complaints against their abusive husbands or employers if they wish to do so;
    - e. urge member states to provide an efficient support network for victims (including emergency accommodation, health care, psychological and legal counseling services) and attribute funds to non-governmental organisations working in this area;
    - f. ensure that victims of slavery are provided with reparation, including compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition;
  - 6.2. as concerns domestic servitude:
    - a. elaborate a charter of rights for domestic workers, as already recommended in [Recommendation 1523 \(2001\)](#) on domestic slavery. Such a charter, which could take the form of a Committee of Ministers' recommendation or even of a convention, should guarantee at least the following rights to domestic workers:
      - the recognition of domestic work in private households as "real work", that is, to which full employment rights and social protection apply, including the minimum wage (where it exists), sickness and maternity pay as well as pension rights;*
      - the right to a legally enforceable contract of employment setting out minimum wages, maximum hours and responsibilities;*
      - the right to health insurance;*
      - the right to family life, including health, education and social rights for the children of domestic workers;*
      - the right to leisure and personal time;*
      - the right for migrant domestic workers to an immigration status independent of any employer, the right to change employer and to travel within the host country and between all countries of the European Union and the right to the recognition of qualifications, training and experience obtained in the home country;*
    - b. recommend the introduction of a system of accreditation for agencies placing domestic workers, which would commit these agencies to certain minimum standards, such as charging reasonable fees, tracking the employees they have placed and providing emergency help in cases of difficulty. Accredited agencies could have visa applications put forward on their behalf validated automatically;
    - c. ensure regular monitoring by appropriate authorities of the agencies accredited under the system referred to in sub-paragraph b above;
  - 6.3. as concerns au pair placement:
    - a. issue guidelines in the form of a Committee of Ministers' recommendation to member states, which would ensure that the distinctive status of au pairs (neither students nor workers) is recognised and safeguarded, their working conditions and social cover are fixed and that the au pair industry is appropriately regulated at national and international level;
    - b. recommend government regulation of the au pair placement industry, through the creation of a system of accreditation, by virtue of which agencies that commit themselves to certain minimum standards – such as charging reasonable fees, ensuring au pairs enter into a legally binding contract with their employers which clearly states rights, responsibilities and duties and providing

emergency help in cases of difficulty – would see visa applications put forward on their behalf validated automatically. Accredited agencies should also be committed to doing background checks on both the prospective au pair and the prospective host family to ensure that they do not have criminal convictions, for example for sexual or child abuse;

- c. ensure regular monitoring by appropriate authorities of the agencies accredited under the “accreditation” system referred to in sub-paragraph b above;
- 6.4. as concerns “mail-order brides”:
- a. consider including “mail-order brides” in the scope of the draft convention on action against trafficking in human beings, in particular when the “bride” in question has become a victim of violence or other abuse, such as domestic slavery;
  - b. recommend the regulation of agencies active in this field through the introduction of an accreditation system, which would commit these agencies to certain minimum standards, such as charging reasonable fees, ensuring that the persons responsible for an Internet agency site are clearly identifiable and that users of the site are obliged to identify themselves, following up marriages and providing an emergency contact number. Agencies should also be committed to carrying out background checks on the prospective bridegroom to ensure he does not have a criminal record (for example for domestic violence or procurement) when couples consider marriage;
  - c. ensure regular monitoring by appropriate authorities of the agencies accredited under the “accreditation” system referred to in sub-paragraph b above.