

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



UN Special Rapporteur on trafficking in persons, especially women and children

Response by the Latin American Women's Rights Service (LAWRS) - UK

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About the Latin American Women's Rights Service (LAWRS)

LAWRS is a human rights, feminist organisation run by and for Latin American migrant women living in the UK. We support women who are exposed to violations of their fundamental human rights, facing violence against women and girls, exploitation in low-paid sectors, trafficking, and/or enduring severe poverty and deprivation.

We also advocate for women's rights, migrants' rights and the rights of ethnic minorities at local, national and EU levels, working with sister organisations in the women, anti-trafficking, immigration and racial justice sectors, to tackle the vulnerabilities faced by Latin American women who are affected by intersectional layers of discrimination.

For further information, please visit our website: www.lawrs.org.uk

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Introduction

LAWRS welcomes the opportunity to contribute to the Call for Input of the UN Special Rapporteur on trafficking in persons, especially women and children. Domestic workers are a particularly vulnerable group of workers in the UK, composed mainly of migrant women. They belong to one of the most invisible and exploited workforces in the UK and elsewhere, and we are pleased to provide evidence to continue to expose the practices and lack of regulations that allow for exploitation and modern slavery to develop and thrive in this sector.

Our evidence is based on information gathered from our frontline services of the experiences of Latin American migrant women in domestic work in the UK, a sector in which exploitation is ripe.

a. Labour migration in domestic work

Although foreign domestic workers in the UK can be employed through the Overseas Domestic Workers' visa, this does not tend to be the case for Latin American women. Many in the community have dual nationality, and have the right to work. Conversely, others were/are brought to the UK from Latin America with the false promise that their visas would be taken care of by the employer, or that work was allowed with a visitor's visa. Many victims supported by LAWRS found that they became undocumented as their visitor's visa ran out. In every case LAWRS has supported, domestic workers reported that when interviewed by their prospective employers, they were promised conditions that were very different to the reality of the job.

As highlighted in our report, [Behind closed doors: Experiences of Latin American domestic workers in the UK](#), women, and particularly migrant women, are over-represented in domestic work. The inherent power disparity between domestic workers and their employers based on race or socio-economic status often leads to an abusive work relationship where workers' vulnerability is exploited. The domestic work sector is representative of the marginalisation of women, and of migrant women specifically. Domestic work is undervalued, and therefore unpaid or poorly remunerated.

Carola's story

Carola* was hired by a Swedish-Mexican family who was looking for a nanny to live with them in London for 6 months. She was brought to the UK under a lie, having been told that she needed no visa to work here for that time.

She worked 6 days a week, 16 hours a day, and received £1.92 an hour. She worked a further 3 months without pay, and was forced to pay back £500 before she was able to leave. She did not speak English and did not know what the National Minimum Wage was in the UK. She was paid twice: once after the first 3 months, and again after the second 3 months, and deductions were made for the flight that the employer had paid. Carola transferred all her money to her mother, who needed support back home.

She was also lied to about the nature of the job, as her responsibilities changed soon after arriving, having to also share the housework of the housekeeper. Her workload did not leave her anytime to eat. She would have oats with milk in the morning and would not eat for the rest of the day until she fed the child in the evening and had something herself. Often there was no food for her and she would eat biscuits or fruit.

She was isolated and told not to speak to anyone, and after the first 6 months were up and Carola was told that she could stay for longer, she was not allowed to leave the house as she had done before, even to do a shop or to take the child to his activities.

Her passport was taken from her without her knowledge, and she found it hidden in the employer's bedroom, from where she took it back. When she told the employer that she wanted to leave, the employer told her she was crazy if she thought she was leaving, and told the housekeeper to take Carola's passport. Carola was very scared.

She finally escaped when the employer left and forgot to lock the door, and ran to the train station leaving one of her suitcases behind.

Carola was put in contact with LAWRS in May 2022, through a friend she had made in the UK. LAWRS explained that she had been a victim of exploitation, and was later referred to the NRM.

*Name has been changed to protect the woman's identity

b. Working conditions of domestic workers

In LAWRS' experience, domestic workers often work between 10 and 16 hours a day, most regularly 6 days a week. Residing in the family home means that they are permanently available in the eyes of employers, even during their time and days off, and being treated 'as a member of the family' often means that the employer can ask the worker to perform particular tasks as a favour, extending her working day without the corresponding increase in pay. However, unlike a member of the family, domestic workers are unable to refuse to perform a task requested by their employer, regardless of the time of day or whether that task was agreed upon before the

employment started or not. This extends to periods when they are ill, when, very often, they are not allowed to take time off.

As wages for domestic workers are generally fixed per week or per month, but based on normal hours of work, their long working hours mean that even when the wage is calculated to cover the NMW for a normal working week, their wages tend to fall far below it. This practice particularly affects live-in domestic workers, whose working hours tend to be considerably longer than other workers.

Due to the nature of domestic work, women in this sector tend to live very isolated lives, often having limited contact with anyone outside of the family they are employed by. In LAWRS' experience, it is common practice for employers to keep domestic workers from learning English, and even from registering with a doctor's surgery.

In most cases, domestic workers have no written contract and receive no payslips. As they generally do not speak English, they tend to be unaware of their rights and access to information or advice is difficult due to the language barrier, their isolation and their long working hours.

Leaving their position is seldom easy, as their low wages leave them with no savings to rely on until they find a new position and isolation and lack of resources leave them nowhere to go. In many cases they are perpetually owed money, and convinced to stay with the promise that they will be paid 'soon'. Upon leaving their position, they are invariably left with very little resources or none at all, and in the case of those that are undocumented, unable to receive support through Universal Credit.

In many cases domestic workers experience abuse such as shouting, humiliating comments and threats. Several forms of coercion are also common. Employers often use lies and exploit the emotional attachment domestic workers have formed with the children of the family to prevent them from leaving. Immigration status plays a key role in this abuse, as those who are undocumented or unsure about their status are often told to be fearful of authorities and that their status would prevent them from getting any support.¹

Due to a high lack of regulation in this sector, employers often feel empowered to change working conditions and to impose long working hours that isolate workers from their family, friends, and wider community. Consequently, domestic workers are amongst the lowest paid in the UK and exposed to high levels of exploitation.

¹ This is the case not only for those without a right to work, but also for migrant workers who are not aware of their rights. For example, during Brexit many employers told our service users with European nationality and the right to live and work in the UK that because of Brexit, they had now lost their rights and they could be reported to the police or Immigration Enforcement at any time.

The UK has also not ratified the [ILO Domestic Workers Convention, 2011 \(No. 189\)](#) which seeks to guarantee that domestic workers have the right to protection from the excessively long hours, low wages, and informal contracts that ridded the sector, and until recently, domestic work was exempt from the national minimum wage when the worker lived with their employer and was treated 'as a member of the family'. Thus, the UK's labour legislation and context facilitate exploitation and abuse of domestic workers.

Elsa's story

Elsa* came to the UK in 2018 because a friend told her of a job as a domestic worker. At the interview she was told she would be working as a housekeeper, earning £1350 a month, living with the employer and her two teenage daughters. She had permission to work in the UK due to her dual nationality.

Her tasks in the house included cleaning, cooking, looking after the children, washing and ironing, shopping, driving the children to school and the employer wherever she needed to go, mowing the lawn, and looking after their pet, among others. On the weekends, the employer often organised parties for which Elsa would have to cook and clean.

Her working day started at 7 am, finishing sometimes at 7 pm, often later. She had 2 hours off a day, which in practice she could never take as she would be requested to perform different tasks. On her 2 days off a week, the employer would still make Elsa work if she was in the house, or call her to come back when she was out.

Elsa had no contacts here and did not speak English. The employer refused to help her enrol in an English class, claiming she did not need to learn. When her own underaged daughter had to come and live with her, Elsa wanted to rent a room, but found it was impossible because she did not have a contract, despite repeatedly asking her employer for one. The employer offered Elsa to bring her daughter to live with them, and she would deduct £350 from her pay. As a result, she earned £1000 during the last year of employment. Without a contract and few savings, Elsa found it impossible to leave her employment as she could not rent a room for herself and her daughter.

Finally, she decided to seek help and contacted LAWRS, and was able to leave. She was referred to the NRM and received a positive reasonable grounds decision. She collaborated with the police, but following her interview they decided not to investigate further. This was not communicated to Elsa. In 2022, with the support of LAWRS, Elsa was able to take her former employer to court over her unpaid wages, and was awarded over £20,000.

**Name has been changed to protect the woman's identity*

c. Enforcement of labour rights

Migrant workers face many intersecting barriers to accessing information and support when facing violations to their employment rights or exploitation. Alongside language barriers, other barriers include lack of access to information and lack of knowledge of rights; a lack of awareness of the enforcement agencies that could provide support; lack of appropriate and holistic support from enforcement bodies when migrant workers do eventually reach out for help, as they lack understanding of migrants' specific and intersectional needs.

Additionally, even when migrant workers learn of the support enforcement agencies can provide through community organisations like LAWRS, many choose not to report abuse due to the fear that authorities will prioritise their immigration status over the exploitation that they have faced or that they will put colleagues with insecure immigration status at risk. This acts to heighten migrant workers' existing vulnerability, with exploiters able to take advantage of this dynamic, and act with impunity.

From our experience at LAWRS, labour enforcement agencies lack a proactive approach. Without proactive enforcement and inspections, efforts into ensuring that employers are also sufficiently aware of employment rights are ineffective.² With agencies relying on reports from victims or third parties, it is particularly concerning that no safe reporting mechanisms are in place to ensure that all victims can report violations and exploitation regardless of their immigration status. A firewall³ between labour enforcement agencies and Immigration Enforcement would encourage those more vulnerable to trust and seek agencies for support.

As the UK prepares to develop a single enforcement body (to be called "Fair Work Agency"), it is imperative that the agency is sufficiently resourced in order to be able to carry out proactive enforcement and provide support to workers and victims of exploitation. For the agency to be able to access valuable information it is also essential that it has safe reporting mechanisms in place. This will allow migrant victims of exploitation, often those most vulnerable, to report crime without fear.

² Focus on Labour Exploitation (FLEX). 2017. [Risky Business: Tackling Labour Exploitation in the UK Labour Market](#).

³ Organisations working in the immigration, women and labour rights sectors use 'safe reporting', 'secure reporting' and a 'firewall' to describe a mechanism designed to ensure that victims and workers with insecure immigration status can report crime or exploitation without facing negative consequences. This is relevant for all parties involved in the protection of victims of exploitation or abuse, such as police and labour enforcement agencies.

d. Access to justice

Identification and reporting

When workers experience exploitation it often takes them a long time to seek support. An element of shame for feeling that they put themselves in that position can keep workers from even confiding in members of their family or close friends about the issues they are experiencing. Isolation, compounded with the coercion and control exerted by employers, also act as deterrents that keep them from identifying themselves as victims of exploitation.

The lack of self-identification, coupled with the institutional failings that make domestic work one of the least regulated sectors, means that the majority of domestic workers never get the support they need. Due to lack of access to information and the complexity of the UK's inspectorate system, workers have no knowledge of statutory agencies that regulate the labour market and support workers, or the National Referral Mechanism (NRM).

Often the fear and mistrust of authorities, in particular when employers have told workers that if they seek support they will not be believed, deter them from going to the police. This is exacerbated in the case of victims who are undocumented, as they fear that approaching the police or other statutory services would put them in danger of detention and/or removal/deportation, due to the lack of safe reporting mechanisms that would prevent statutory services from sharing victims' data with Immigration Enforcement. Thus, at the point of seeking support, migrant domestic workers most often seek help with grassroots and community-based organisations. It is typically at this point that workers identify their experience as exploitation and/or modern slavery and can then discuss their options.

Safe reporting mechanisms

Undocumented workers are among those more vulnerable to exploitation. Immigration status is a tool often used by perpetrators to threaten workers into submission and silence, as they are regularly told that if they are found by the police or other authorities they will be imprisoned or detained and removed/deported from the UK, thus discouraging them from seeking help. It is worth noting that loss of status is in many cases a result of exploitation and trafficking, as workers often arrive in the UK with a visitor's visa, having been told that nothing else is required to work.

Catalina's* story

Catalina was brought to the UK from Latin America in early 2023 to work as a live-in housekeeper and look after two children. She was paid £850 a month. Catalina would

wake up at 5 am to start work and never had a clear end to her working day, often going without food.

Catalina was not allowed to leave the house. Her employer took her passport away and the house had camera surveillance in most of the rooms, so she was watched all day. The toilet was the only space with no cameras and this is where she would go to take a break, but even her time there was controlled.

Catalina was unaware of her rights in the UK or where to find help. When Catalina said she wanted to leave, her employer said she could not do so until they found a replacement for her. When she threatened to call the police, her employer told her that because she did not speak English no one would believe her. She was told to remember that she was at the bottom of the pile in the UK.

Catalina is undocumented, and this threat made her terrified of the police. Catalina got in touch with LAWRS after a former victim of the employer gave her our number. Catalina did not want us to report the exploitation to the police as she was undocumented and just wanted help to get back home. LAWRS eventually supported her to make a report to the police so that she could escape and be taken to a refuge. When the perpetrator found out that Catalina had escaped, they published posts on social media to try and search for her.

**Name has been changed to protect the woman's identity*

Currently, the police and labour enforcement agencies in the UK work in close collaboration with Immigration Enforcement.⁴ This approach creates significant barriers for vulnerable workers, particularly undocumented migrants whose fear of immigration consequences will continue to act as a major barrier to reporting exploitation and seeking help even when they have the opportunity. Without safe reporting mechanisms, workers are left unprotected, and exploitative employers operate with impunity.⁵

For labour enforcement to be effective and inclusive, a clear separation between immigration enforcement and both reporting of crime and employment rights enforcement must be established. Workers must feel confident that reporting abuse or exploitation will not lead to immigration action against them. Without such assurances, many individuals, particularly those who are undocumented or have insecure immigration status, will remain reluctant to come forward, perpetuating cycles of exploitation and abuse.

⁴ [UK-wide blitz on illegal working to strengthen border security](#), 10th February 2025.

⁵ [Opportunity Knocks: improving responses to labour exploitation with secure reporting](#), Labour Exploitation Advisory Group (LEAG), 2020.

Implementing *firewall* policies, which prevent information sharing between labour enforcement and Immigration Enforcement, is a critical step. These policies ensure that workers can report violations safely, enabling enforcement bodies to focus on tackling non-compliance and exploitation. Such a shift would not only protect vulnerable workers but also foster trust in the enforcement system, ensuring fair treatment for all workers and improving overall labour market compliance.

Several countries have successfully implemented policies or practices that separate labour enforcement from immigration enforcement to encourage safe reporting and protect workers' rights and improve labour enforcement and compliance. Examples include the [United States](#), [São Paulo \(Brazil\)](#), [Belgium](#), Canada, New Zealand, [Australia](#) and Portugal.

National Referral Mechanism: institutional failings

While the National Referral Mechanism (NRM) is a system specifically designed to support victims of modern slavery, unfortunately [the cracks in the system are ever-growing](#), both as a result of a failing to address current issues, and of recent legal and institutional changes.

While this has been a vital source of support for many victims through the years, it is often the most vulnerable of workers who choose not to be referred. For those who do, this framework is plagued with issues, such as delays in receiving a response and in receiving support, not being contacted to inform them about a decision, lack of support for processing reconsideration requests, being offered accommodation far from their community or the services they are accessing and very limited financial support. In the case of those who are undocumented, being in the NRM does not provide them the [right to work](#), making them reliant on the community and organisations to avoid destitution. These conditions often leave workers vulnerable to further abuse and exploitation.

Organisations supporting migrant victims of exploitation recurrently find that among undocumented workers, it is common to choose not to be referred into the NRM for fear of immigration consequences.

The current intensification of the hostile environment, which seeks to establish a discourse of criminalisation of immigration portraying victims of exploitation as migrants who abuse the system, further impacts labour sectors in which they are overrepresented and discourages victims from seeking support. Recent changes introduced by the Nationality and Borders Act which are already affecting victims' access to the NRM, coupled with the inflammatory language continually used by the government when referring to such victims, not only reduces support for victims in practice but also send the message to victims that they will receive no protection, and to traffickers and exploiters that they will be able to act with impunity.

Investigations

Several of the victims supported by LAWRS over the years have been referred to the NRM and received positive decisions. In most cases, victims have also collaborated with the police in the hope that this would put an end to the exploitation of others. However, in no case did the police nor any other agency decide to carry on an investigation beyond a first interview with the victim, and cases are consistently dropped due to lack of sufficient evidence. Thus, exploitative employers continue to face no consequences. This is especially true in the domestic sphere, and LAWRS often support women who followed a long line of domestic workers that also left the same household due to the poor working conditions. Without enforcement and prosecutions there is no reason to expect that these conditions will change.

Dropping cases due to lack of evidence without a thorough investigation being conducted seems contradictory, as it is the job of the police to investigate to gather such evidence and make the case more robust to be able to follow its course in the Criminal Justice System.

Finally, when an investigation is closed it is common practice not to contact the victim to inform them of this decision. In order to increase conviction rates, the police need to make sure that the handling of investigations improves, the experience is centred on the victim, and the communication with the victim and supporting organisations is vastly improved.

D. Recommendations

The UK needs to prioritise safety over immigration status.⁶

Safe reporting mechanisms need to be established so that migrant victims can report trafficking and exploitation without fear. A firewall between labour enforcement agencies/police and Immigration Enforcement would encourage those more vulnerable to trust and seek agencies for support.⁷

Additionally, joint operations currently carried out by labour enforcement agencies and Immigration Enforcement need to be stopped in order to allow for better victim identification and support. Immigration Enforcement cannot have a safeguarding role while also carrying out its primary function.

⁶ Since 2017, the [Step Up Migrant Women campaign](#), led by LAWRS, has called for establishing safe reporting mechanisms in the form of a firewall. Cross-party Parliamentarians and Independent Commissioners such as the Domestic Abuse Commissioner and the London Victims Commissioner have long supported this recommendation. During the passage of the Victims & Prisoners Bill through parliament, our firewall amendment which covered migrant victims of modern slavery was voted by peers in the House of Lords to be included in the final bill.

⁷ [Preventing and addressing abuse and exploitation: A guide for police and labour inspectors working with migrant](#), LAWRS and FLEX, 2022.

The UK needs a well resourced Fair Work Agency.

As the Fair Work Agency is developed, it is important that it is given the resources⁸ and power to tackle labour abuse in all sectors of employment, with special focus on those where low pay and labour rights violations are endemic⁹, such as domestic work¹⁰, as continuous violations can pave the way to severe exploitation.

The Gangmasters Labour Abuse Authority's responsibilities as First Responder organisation should be retained and relevant training should be provided for identifying exploitation, trafficking and modern slavery. More proactive enforcement should be prioritised, and collaboration with community organisations should be increased, in order to design and run campaigns that reach vulnerable and isolated communities.

The UK needs to urgently address institutional failings in the NRM

The fragile state of the NRM has been expertly documented and [recommendations detailed](#) by First Responder Kalayaan, including the need to expand the list of First Responder organisations. Additionally, changes introduced by the Nationality and Borders Act that hinder access to the NRM, including the threshold change that requires a victim to present objective evidence before getting a reasonable grounds decision, should be repealed.

Workers who are in the NRM should be given the right to work.

Given the insufficient support currently granted through the NRM, victims face an increased risk of being re-exploited. Many end up in precarious situations where they are vulnerable to further abuse, particularly in informal and unregulated labour markets. Providing them the right to work would allow them to access employment rights, and prevent employers from abusing them due to their immigration status.

Furthermore, being able to work during the long NRM process would foster independence and allow them to rebuild their lives with dignity, while providing a sense of purpose and stability, which are crucial for recovery.

⁸ The ILO recommends that Governments employ at least one inspector for every 10,000 workers in the country, to safeguard workers' rights. See:

<https://www.ilo.org/resource/news/ilo-calls-strengthening-labour-inspection-worldwide>

⁹ See LAWRS reports [The Unheard Workforce](#) and [Behind Closed Doors](#), as well as: [The Invisible Workforce: Employment Practices in the Cleaning Sector; "If I Could Change Anything About My Work..." Participatory Research With Cleaners In The UK](#)

¹⁰ The labour inspectorate equivalent in the Republic of Ireland has the powers to inspect private homes where these are workplaces. See: https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/GA70thSession/CivilSociety/Migrant_Rights_Centre_Ireland.pdf