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COMMITTEE ON MIGRATION ISSUES OF THE CONFERENCE OF INGOs OF THE COUNCIL OF EUROPE

*Accommodation of migrants, a major issue
for the respect of Human Rights.*

CALL FOR INPUT : MIGRANT DOMESTIC WORKERS AND TRAFFICKING IN PERSONS : PREVENTION, RIGHTS PROTECTION AND ACCESS TO JUSTICE

February 28, 2025

This contribution was prepared as part of the drafting of the report by the **United Nations Human Rights Council's Special Rapporteur on Trafficking in Human Beings**, which focuses on migrants as domestic workers. It is part of a reflection carried out on the advice of **Rüdiger Dossow, Program Manager of the Council of Europe's Division on Migration and Refugees**.

This contribution is based on an initial submission by **RENATE**, a member of the Committee on Migration Issues of the Conference of INGOs of the Council of Europe. **The content has been adapted and restructured for this publication.**

RENATE (Religious in Europe Networking Against Trafficking and Exploitation) is a European network of religious committed to working together to combat human trafficking and exploitation, which violate human dignity and fundamental rights. RENATE has expanded its network to **31 countries across Europe**, collaborating with **136 anti-trafficking networks**.

Through its European outreach, **RENATE adopts a victim-centered, human rights-based, and trauma-informed approach** in relation to legal frameworks, ensuring that the rights and dignity of trafficked persons remain at the heart of its mission.

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GOOD PRACTICES IN PREVENTING TRAFFICKING OF MIGRANTS DOMESTIC WORKERS

Preventing human trafficking, particularly among **migrant domestic workers in Europe**, requires a **comprehensive and multi-sectoral approach**, integrating legal, social, and institutional measures. Below are key recommendations:

1. Strengthen legal protections & enforcement

Ensure robust labor laws explicitly cover **domestic work** and provide clear legal protections. Governments must enforce these laws effectively to prevent exploitation.

2. Regulate recruitment agencies

- Monitor and regulate private recruitment agencies to **prevent fraudulent practices**.
- Prohibit recruitment fees being charged to migrant workers.
- Require agencies to provide **clear, written contracts** in languages understood by workers.

3. Ensure fair & transparent employment contracts

- Domestic workers should receive **written contracts** detailing wages, working hours, rights, and duties.
- Contracts must be in the worker's **native language** and comply with labor laws.

4. Facilitate safe and legal migration pathways

- Establish **bilateral agreements** between governments to promote safe migration.
- Simplify visa and work permit procedures for domestic and migrant workers.
- Prohibit **tied visa systems** that restrict workers to a single employer, increasing vulnerability to abuse.

5. Establish accessible complaint mechanisms

- Provide **hotlines, ombudsman services, and NGO support** for reporting abuse.
- Ensure mechanisms are **anonymous, non-retaliatory, and available in multiple languages**.

6. Enhance workplace inspections & monitoring

- Train **labor inspectors** to detect trafficking and forced labor.
- Enable **surprise inspections** in private households where domestic workers are employed.
- Collaborate with NGOs to **reach domestic workers in isolated conditions**.

7. Provide shelter & support services

- Offer **safe housing, legal assistance, psychological counselling, and medical care** for victims of trafficking and exploitation.

8. Strengthen multilateral cooperation

- Governments, NGOs, and international organizations must collaborate to **share best practices, coordinate efforts, and improve policies**.

9. Empower domestic workers through collective representation

- Support trade unions, worker associations, and **advocacy groups** to amplify the voices of domestic workers and strengthen their bargaining power.

Conclusion

A **holistic, victim-centered, and rights-based approach** is essential to **prevent the trafficking of migrant domestic workers**. By combining **strong legal frameworks, institutional safeguards, and grassroots empowerment**, we can ensure better protection for workers, hold perpetrators accountable, and promote dignity and justice for all.

GOOD PRACTICES IN PROTECTING MIGRANT DOMESTIC WORKERS AND ENSURING THEIR RIGHTS

Protecting migrant domestic workers requires a comprehensive approach that integrates legal protections, access to justice, and social inclusion. The following key measures can help ensure their safety and uphold their rights:

1. Implement strong legal protections

- Ensure domestic work is fully covered under national labor laws, granting the same rights and protections as other workers.
- Establish **clear legal frameworks** that prevent exploitation and ensure fair working conditions.

2. Provide clear, legally binding employment contracts

- Require **written contracts** specifying wages, working hours, rest periods, and job responsibilities.
- Contracts must be available in **languages understood by the worker**.
- Prevent **unilateral changes** to employment terms by employers.

3. Regulate and monitor recruitment agencies

- License and regulate **recruitment agencies** to prevent abusive and fraudulent practices.
- **Ban recruitment fees** for workers to prevent debt bondage.
- Ensure agencies provide **accurate information** about job conditions and workers' rights.

4. Facilitate safe and legal migration pathways

- Implement **transparent visa processes** that include employer accountability.
- Avoid **tied visa systems** that restrict workers to a single employer.
- Develop **bilateral labor agreements** between sending and receiving countries to ensure fair employment conditions.

5. Strengthen workplace inspections & complaint mechanisms

- Train **labor inspectors** to identify violations and signs of abuse.
- Establish **anonymous and accessible reporting channels**, including multilingual hotlines.
- Introduce **strict penalties** for exploitative employers and agencies.

6. Ensure access to justice & legal support

- Protect workers from **retaliation or deportation** when filing complaints.
- Ensure support for victims is **not contingent on a conviction** of the perpetrator.
- Provide **free legal aid** and access to justice mechanisms.

7. Guarantee decent wages, rest time & living conditions

- Enforce **minimum wage** laws that apply to domestic workers.
- Regulate **maximum working hours, mandatory rest days, and overtime pay**.
- Ensure **decent living conditions**, particularly for live-in domestic workers.

8. Educate Workers and Employers on Rights & Responsibilities

- Conduct **public awareness campaigns** to educate employers on ethical labor practices.
- Provide **pre-departure training** for migrant workers on labor laws and protection mechanisms.
- Use media, embassies, and community groups to disseminate information effectively.

9. Empower migrant domestic workers through unions & advocacy

- **Support the** formation of domestic worker unions and self-help groups.
- **Encourage** collective bargaining to negotiate better working conditions and fair wages.

10. Strengthen international cooperation & multilateral efforts

- **Improve** data sharing and cooperation between labor-sending and receiving countries.

- **Foster collaboration between** governments, NGOs, and international organizations to enhance protection mechanisms.

Conclusion

Ensuring effective protection for migrant domestic workers requires a **coordinated effort** among **governments, civil society, and international bodies**. By **enforcing labor rights, improving access to justice, and strengthening social protections**, a safer and more equitable environment for domestic workers across Europe and beyond can be created.

GAPS, CHALLENGES, AND PROPOSALS FOR REFORM IN MIGRANTS WORKER VISA REGIMES IN EUROPE

Migrant worker visa regimes in Europe play a crucial role in regulating labor mobility, particularly in **low-skilled sectors** such as domestic work, agriculture, and construction. However, these regimes often contain **significant gaps and challenges**, exposing workers to vulnerabilities and **limiting their access to rights and protections**. To create a **fairer and more sustainable system**, reforms are urgently needed.

1. Gaps in migrant worker visa regimes

a. Tied visas and employer dependency

- Many migrant worker visas are tied to a **single employer**, preventing workers from changing jobs even in cases of abuse or exploitation.
- This dependency increases **vulnerability to forced labor and human trafficking**.

a. Lack of pathways to permanent residency & citizenship

- Many migrant workers receive only **temporary visas**, with no clear path to long-term residency or citizenship.
- This leaves workers in a cycle of **precarious employment and uncertainty**.

b. Restrictive visa quotas & limited work sectors

- Many European countries impose **strict caps** on work visas, restricting **access to legal migration routes**.
- Visa regimes **prioritize high-skilled workers**, leaving low-skilled laborers with **few opportunities for legal entry**.

c. High recruitment fees & exploitative agents

- Many migrant workers **pay excessive fees** to recruitment agencies, leading to **debt bondage**.
- Fraudulent agents **mislead** workers about job conditions and rights, making them vulnerable upon arrival.

d. Lack of legal protections for informal & domestic workers

- Domestic workers, caregivers, and agricultural laborers often **work in unregulated sectors**, without proper labor protections.
- Some national labor laws **exclude domestic workers** from minimum wage or social security benefits.

e. Barriers to justice & support services

- Language barriers and lack of awareness prevent migrant workers from accessing **legal aid and support services**.
- Fear of **retaliation or deportation** discourages workers from reporting abuses.

f. Risk of deportation for workers filing complaints

- In some cases, workers **lose their visas and face deportation** if they report labor violations.
- This fear discourages workers from seeking justice against **exploitative employers**.

2. Challenges in reforming migrant worker visa regime

a. Rising anti-immigration sentiment

- Political and social resistance to **pro-migrant reforms** makes it difficult to implement progressive policies.
- Some governments prioritize **border control over labor rights**, limiting access to protections.

b. Fragmented complex Visa systems across Europe

- Visa policies vary significantly across EU member states, creating confusion for workers and employers.
- Bureaucratic visa processes discourage employers from hiring legally and push workers into informal sectors.

c. Employer Resistance to greater worker mobility

- Many employers lobby against **flexible visa policies** to maintain a **low-cost, dependent workforce**.
- Industries like agriculture and domestic work rely on **restrictive visa conditions** to **retain cheap labor**.

d. Limited coordination between sending & receiving countries

- Lack of bilateral labor agreements results in fragmented protections for migrant workers.
- Many sending countries do not offer pre-departure training, leaving workers uninformed about their rights.

3. Proposals for reforming migrant worker visa regimes

a. Introduce a more flexible & portable work visa migrant

- Allow migrant workers to **change employers within the same sector** without losing visa status.
- Implement **sector-wide or regional work permits** to reduce employer dependency.
- Provide **pathways to permanent residency and citizenship** for workers contributing to the economy over time.
- Reduce restrictions on **family reunification**, promoting worker well-being and integration.

b. Expand legal migration pathways for low-skilled workers

- Create **specific visa programs** for essential sectors such as domestic work, caregiving, and agriculture.
- Ensure **transparent recruitment** with clear job descriptions, wage guarantees, and fair conditions.

c. Strengthen oversight of recruitment agencies

- Impose strict regulations on recruitment agencies to prevent overcharging and fraud.
- Prohibit recruitment fees for workers to eliminate debt bondage.

d. Improve access to legal aid & worker protection mechanisms

- Establish **free legal aid services** for migrant workers facing labor rights violations.
- Set up **anonymous reporting systems** for abuse and ensure **whistleblower protection**.

e. Enhance workplace monitoring & employer accountability

- Conduct **regular labor inspections**, especially in sectors prone to exploitation.
- Impose **stronger penalties on abusive employers**, including **visa revocation and fines**.

f. Strengthen international cooperation & bilateral agreements

- Improve **data sharing and coordination** between labor-sending and receiving countries.
- Develop **mutual recognition of labor standards** to protect workers across borders.

Conclusion

Europe's **migrant worker visa regimes** need urgent reforms to address **exploitation, employer dependency, and restricted mobility**. Governments must shift towards **fairer, more flexible, and rights-based visa systems**, ensuring equal treatment and protection for all migrant workers.

By introducing greater worker mobility, strengthening legal protections, and fostering international cooperation, these reforms will not only **enhance migrant worker welfare** but also contribute to **stronger economies and more inclusive societies**.

ROLE OF RECRUITMENT AGENCIES AND CHALLENGES, AND GOOD PRACTICES IN MONITORING OF RECRUITMENT AGENCIES

Recruitment agencies play a crucial role in the labor migration process, acting as intermediaries between migrant workers and employers. Their responsibilities include: `

1. The role of recruitment agencies

Ethical recruitment agencies provide:

- **Job matching & placement** – Connecting migrant workers with employers across borders.
- **Visa & work permit assistance** – Guiding workers through complex immigration procedures.
- **Pre-departure training & orientation** – Educating workers on labor rights, employment conditions, and cultural adaptation.
- **Contract negotiation** – Ensuring employment contracts comply with local labor laws and protect workers.
- **Travel & logistical support** – Arranging travel, accommodation, and medical screenings.

- **Post-employment support** – Some agencies offer **grievance mechanisms** and **dispute resolution services**.

However, many agencies exploit migrant and domestic workers, leading to serious human rights violations.

2. Challenges in monitoring and regulating recruitment agencies

a. Exploitative recruitment practices & fraud

- **Excessive recruitment fees** force workers into **debt bondage**.
- **Contract substitution** occurs when agencies replace contracts upon arrival with exploitative terms.
- **Fake job offers** and fraudulent recruitment lead to **human trafficking risks**.

b. Lack of standardized regulations across countries

- There is **no universal framework** for regulating recruitment agencies across Europe.
- Some agencies **exploit legal loopholes** and operate through **unregistered sub-agents**, escaping accountability.

c. Weak licensing and oversight mechanisms

- In some countries, **licensing processes are weak**, allowing unethical agencies to thrive.
- Labor inspections are often **understaffed or lack resources**, making enforcement ineffective.

d. Tied work visas reinforce worker dependency

- **Employer-dependent visas** prevent workers from changing jobs even in abusive conditions.
- Some employers **confiscate passports and wages**, preventing workers from escaping.

e. Lack of transparency & accountability

- Many agencies operate **through informal networks**, making it difficult to track abuses.
- Migrant workers often lack **knowledge of their rights** and **accessible complaint mechanisms**.

f. Limited access to legal support

- Many migrant workers **cannot afford legal representation**.
- Some countries **lack dedicated legal aid programs** for migrant domestic workers.

3. Good practices in monitoring recruitment Agencies

To **prevent exploitation** and ensure **fair recruitment**, governments and international organizations should adopt **standardized best practices**:

a. Strict licensing & certification requirements

- Establish **mandatory accreditation** for all recruitment agencies.
- Require agencies to **register all sub-agents**, preventing illegal networks.
- Conduct **regular audits and inspections** to ensure compliance with ethical recruitment standards.

b. Enforce the “employer pays” principle

- Ensure **employers**, not workers, pay recruitment fees in line with **ILO standards**.
- Penalize agencies that **charge workers illegal recruitment fees**.
- Promote **ethical recruitment models** such as the **International Recruitment Integrity System (IRIS)**.

c. Increase transparency in contracts & working conditions

- Require recruitment agencies to **provide employment contracts in workers' native languages**.
- Enforce **pre-departure orientations** explaining workers' rights and contract terms.
- Use **digital platforms** to track contracts and **prevent contract substitution**.

d. Strengthen grievance mechanisms & worker protection

- Establish **hotlines and reporting mechanisms** for workers to report abuse.
- Ensure **complaints against agencies are investigated quickly** and workers receive legal protection.

THE ROLE OF CONSULAR SERVICES, EMBASSIES, AND DIPLOMATIC MISSIONS IN ASSISTING MIGRANT WORKERS

Consular services, embassies, and diplomatic missions play a **vital role in protecting migrant and domestic workers abroad**, providing **legal, humanitarian, and administrative support**.

1. Legal and administrative support

- **Processing work permits & documentation** – Assisting with visas, work permits, and passport renewals.
- **Legal aid & dispute resolution** – Helping workers facing **wage theft, contract violations, or abuse**.
- **Verification of contracts & recruitment agencies** – Ensuring **employment contracts are valid** before workers migrate.

2. Emergency assistance & crisis support

- **Shelters & rescue services** – Providing safe havens for abused workers.
- **Emergency repatriation** – Facilitating the return of trafficked or stranded workers.
- **Protection from retaliation & employer abuses** – Preventing **deportation of exploited workers**.

3. Awareness and prevention campaigns

- **Pre-departure orientation** – Educating workers on their **rights, legal recruitment channels, and contract verification**.
- **Public awareness campaigns** – Collaborating with **media, NGOs, and unions** to prevent scams.

PATHWAYS TO LONG-TERM RESIDENCE & CITIZENSHIP FOR MIGRANT DOMESTIC WORKERS

Migrant domestic workers **play a crucial role in European economies**, yet they often have **limited access to legal residence and citizenship**. Comprehensive reforms are needed to ensure **fair, transparent, and accessible pathways** to long-term integration.

1. Key challenges in securing long-term residence & citizenship

- **Temporary, employer-dependent visas** limit job mobility and legal stability.
- **Domestic work is often classified as low-skilled**, making it difficult to qualify for **residency permits**.
- **Undocumented workers** are excluded from regularization programs.
- **High application fees and legal barriers** prevent workers from accessing permanent residency.

2. Strategies to ensure long-term residence & citizenship

a. Reform work visa policies to allow greater mobility

- Introduce **sector-specific work permits** allowing job mobility.
- Implement a **clear path to permanent residency** for long-term migrant workers.

b. Recognize domestic work as skilled employment

- Remove **occupational restrictions** that exclude domestic work from **residency-based permits**.
- Establish **vocational training programs** to facilitate **skills certification and career advancement**.

c. Implement regularization programs for undocumented workers

- Introduce **labor-based regularization** programs for long-term undocumented workers.
- Allow workers to apply for **residence permits based on employment history**.

d. Simplify the path to citizenship

- Reduce **naturalization waiting periods** for essential workers.
- Lower **application fees** and provide **free legal aid** for migrant workers.
- Ensure **automatic citizenship for children** of long-term migrant workers.

STORIES OF DOMESTIC WORK AND TRAFFICKING IN MIGRATION

a. Case 1: The unpaid tailor

A woman, **mother of five**, came from **Africa** in search of work. She was promised a job as a **machinist** in a tailoring factory, earning **€400 per month**. Instead, she was forced into **cleaning work** for only **\$200 per month**.

- **Asian workers in the factory were trapped in forced labor, working long hours without pay.**
- Many **escaped**, but she **had no work permit** and **couldn't leave**.
- She lived in a **hotel owned by her boss**, who **stopped paying her wages**.
- With **no money for food or schooling for her children**, she remained trapped.

e. Case 2: Locked in a factory in Tirana

In **Central Africa**, a group of migrants was recruited to work in a **factory in Tirana**.

- Workers' **bank accounts were closed**, and they were only given **small amounts of cash**.
- They were **locked inside the factory**, living as **slaves**.
- One worker **escaped in secret** and is now working **with the police** to expose the abuse.

CONCLUSION

Migrant domestic workers face systemic vulnerabilities, but effective legal reforms, stronger protections, and ethical recruitment standards can significantly reduce exploitation and promote fair treatment. By prioritizing worker rights, transparent visa policies, and international cooperation, Europe can build a more just and equitable migration system.