



Trafficking and Exploitation of Migrant Domestic Workers by Diplomats and Staff of International Organizations in the United States

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Millions of people are employed as domestic workers in American homes.¹ In 1999, 98.5 percent of domestic workers in the United States were women.² Thousands of these women workers are migrants.³ Yet, while domestic workers care for America's homes and families, employers frequently subject migrant women workers to illegal and abusive working conditions. Their gender, isolation in the home, immigration status, and education levels make migrant women domestic workers particularly vulnerable to such abuse.

Among the most vulnerable populations of migrant domestic workers are those workers employed by diplomats and the staff of international organizations. Too often, diplomat employers subject migrant women workers to psychological and physical abuse to force them to labor against their will.⁴ The ability of diplomats and the staff of international organizations to cloak themselves with diplomatic immunity encourages their abusive practices and can present a significant legal hurdle to women workers seeking to assert their rights in U.S. courts.

How many domestic workers do diplomats and staff of international organizations currently employ in the United States?

- Some migrant domestic workers enter the United States on A-3 or G-5 visas -- "special visas" issued to the personal employees of diplomats and staff of international organizations. Each year, the U.S. State Department issues over 2,200 A-3 and G-5 visas, mostly to female domestic workers.⁵ In the 1990's, over 30,000 of these visas were issued by the State Department.⁶

Why do some diplomats and staff of international organizations have immunity?

- Diplomats have immunity to civil and criminal jurisdiction under the Vienna Convention on Diplomatic Relations of 1961.⁷ The Vienna Convention grants diplomats, the family of diplomats, and the administrative, technical and service staff of embassies and international organizations various levels of immunity from the laws of the foreign state in which they reside.⁸ While there are various justifications for diplomatic immunity, the most accepted justification is that diplomatic immunity is a functional necessity and that it would be impossible for diplomats to fulfill their duties without such privileges.⁹

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Reported abuse of migrant domestic workers by diplomats and the staff of international organizations include:

- **Wages and Hour Violations**

Federal and state laws provide for a minimum hourly wage. These laws apply to everyone working in the United States. Despite this, domestic workers for diplomats and employees of international organizations are often underpaid and overworked. Live-in domestic workers are often expected to be on call 24-hours a day. They often work an average of 14 hours a day, six or seven days a week. In 2001, the average hourly wage for migrant domestic workers working for diplomats or employees of international organizations was around \$2.14.¹⁰

- **Passport Deprivation**

Many domestic workers report that upon arrival in the home of their diplomat employer their passport and other travel documents are confiscated.¹¹ Deprivation of travel documents is unlawful and contributes to the isolation and enforced confinement of domestic workers and their inability to escape abusive employment conditions.

- **Restrictions on Freedom of Movement**

Many domestic workers report that their diplomat employers deny them the right to leave the house or premises in which they work.¹²

- **Physical, Sexual and Emotional Abuse**

Many workers report sexual, physical and emotional abuse. Female domestic workers report being hit, slapped, and threatened with serious physical harm. Some domestic workers also report being sexually assaulted by male occupants of the house.¹³

- **Invasion of Privacy**

Domestic workers often have their rooms searched, their mail opened, and are not allowed to make private phone calls.¹⁴

Additional Information:

- Vienna Convention on Diplomatic Relations, 1961. Available at: http://www.un.int/usa/host_dip.htm.
- Human Right Watch's report on abuse of domestic workers employed by diplomats in the US: *Hidden in the Home: Abuse of Domestic Workers with Special Visas in the United States*. Human Rights Watch. June 2001. Available at: <http://www.hrw.org/reports/2001/usadom/>
- Break the Chain Campaign seeks to minimize the effects of human trafficking, modern-day slavery and worker exploitation through comprehensive direct service, research, outreach, advocacy, training and technical assistance. Website: <http://www.ips-dc.org/campaign/>
- Domestic Workers United report on New York's domestic workers: *Home Is Where The Work Is: Inside New York's Domestic Work Industry*. Available at: <http://www.domesticworkersunited.org/>

1 David Cay Johnston, *Despite an Easing of Rules, Millions Evade "Nanny Tax,"* The New York Times, April 5, 1998; Alan Hyde, *Who Speaks for the Working Poor?: A Preliminary Look at the Emerging Tetralogy of Representation of Low-Wage Service Workers*, 13 Cornell J.L. & Pub. Pol'y 599, 609 (2004); Bharati Sadasivam, Ch. 15: "Widening Women's Choices: The case for childcare in the era of globalization," in *Harnessing Globalisation for Children: A Report to UNICEF* 1, 26 (2001), available at <http://www.unicef-icdc.org/research/ESP/globalization/chapter15.pdf>.

2 *Id.* at 25.

3 Human Rights Watch, *Hidden in the Home: Abuse of Domestic Workers with Special Visas in the United States* at 1, Vol. 13, No. 2 (G), June 2001, available at <http://www.hrw.org/reports/2001/usadom/> [hereinafter HRW, *Hidden in the Home*].

4 Somini Sengupta, *U.S. Supports Bid to Dismiss Maid's Suit Against Envoy*, The New York Times, April 4, 2000; Henri Cauvin, *Diplomat's Ex-Employee Sues for Wages, Damages*, The Washington Post, January 19, 2006, at B02; Daniela Gerson, *A Slavery Case Nears Hearing In Manhattan*, The New York Sun, August 10, 2004, at 1; Lena Sun, *Protection Sought for Diplomats' Domestic; Rights Groups Cite Abuse of Workers*, The Washington Post, May 26, 2004, at A04.

5 "Nonimmigrant Visas Issued by Classification: Fiscal Years 2001-2005," available at <http://www.travel.state.gov/pdf/FY05tableXVIIb.pdf> [January 14, 2007].

6 *Id.*

7 Vienna Convention on Diplomatic Relations, Apr. 18, 1961, 500 U.N.T.S. 95, available at http://www.un.int/usa/host_dip.htm.

8 *Id.*

9 Leslie Shirin Farhangi, *Insuring Against Abuse of Diplomatic Immunity*, 38 Stan. L. Rev. 1517, 1521 (1986).

10 HRW, *Hidden in the Home* at 17.

11 *Id.* at 13.

12 *Id.*

13 *Id.* at 12.

14 *Id.* at 18.

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