



EUROPEAN POLICY BRIEF



Trafficking and exploitation in domestic work in Cyprus

About 20,000 migrant domestic workers currently live and work in Cyprus legally. Yet despite the strict labour and migration framework, migrant domestic workers remain highly susceptible to abuse. For many, it is the institutional framework on migrant domestic workers itself that contradicts the country's own anti-trafficking efforts.

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INTRODUCTION

Domestic work, which encompasses both household assistance and personal care services, is in high demand in Cyprus. According to available statistics, approximately one-third of all migrants legally residing in the country are currently employed as domestic workers, mainly live-in domestic workers. They thereby represent a proportion of 4.4% in total employment in the country—one of the highest ratios in Europe.

In their overwhelming majority, domestic workers are Asian women, mostly from Nepal, Sri Lanka, Vietnam, Philippines and India. Their presence in the territory and the Cypriot labour market is subject to a strict regulatory framework that manages in detail the terms and conditions of foreign workers. A so-called 'domestic workers visa' allows their recruitment directly from abroad. As a rule a domestic worker's right to work and stay in the country is connected to a specific household and change of employer is only allowed by exception. The precise terms of employment, wages and working hours are outlined in a sample employment contract issued by the Ministry of Interior. In case of a labour-related dispute, specific administrative committees that serve as mediators between employer and migrant worker act complementary to courts and allow the termination of the agreement in a cost-free and expeditious manner.

Notwithstanding the tight regulatory framework, abuse and exploitation in the domestic services sector is nonetheless not uncommon in Cyprus. Every year hundreds of complaints are filed by domestic workers against their employers; they correspond to 82% of the grievances received by the labour disputes committees on an annual basis. In 2013, in a public intervention, the Cypriot Commissioner for Administration (Ombudsman) acknowledged the gravity of the situation by voicing her concern about the overall treatment of migrant domestic workers in the country.

Within this broader picture, the connection between labour exploitation and trafficking in human beings (THB) in the domestic services sector remains a rather under-researched topic. Official

statistics suggest that THB in the context of domestic work is rather rare. Over the past few years only a handful of cases appear to have been formally documented; to date, none has led to a criminal conviction. The low number of identified victims stands in contrast not only to the high number of domestic workers in the country, but also to a growing trend of trafficking for labour which has been detected in other occupational sectors like farming.

The difficulties in effectively detecting and countering THB in domestic work is best understood in the prism of the country's overall migration policy approach towards its domestic workers. It appears that in many respects it is the institutional framework regulating migrant domestic work itself that seems to be contradicting Cyprus's own anti-trafficking efforts.

EVIDENCE AND ANALYSIS

THB for the purpose of labour exploitation is considered a recent yet growing phenomenon in Cyprus. For many years, THB was mainly associated with the sexual exploitation of migrant women in night clubs and cabarets. It was not until 2007 that THB for labour was first introduced as a criminal offense in Cypriot law. That same year, the first victim of labour trafficking was formally identified. Since then, the number of identified victims has steadily grown and has since outnumbered those recruited for the purpose of sexual exploitation. Today, THB for sexual and labour exploitation are considered the two predominant forms of THB in the country.

Nonetheless, THB for exploitation in the domestic services sector represents only a small fraction of the official statistics. According to the information obtained from the Cypriot authorities, between 2011 and 2015, a total of five (5) cases of THB in domestic work were formally identified. The victims were in total ten (10) women from Vietnam and India recruited from abroad to work as live-in domestic workers in private households.

Our research findings, however, suggest that THB in domestic work appears to occur on a much larger scale than officially documented. Accounts of THB in domestic work in Cyprus can be found in a variety of other sources such as the press and human rights reports. Drawing on their experience and knowledge in this field, most of the stakeholders we interviewed were also able to describe situations entailing elements of THB. The homogeneity in the accounts and breadth of the exploitation involved are particularly striking.

THB for domestic work is considered to take place mainly through manipulation of legal channels of migration and the involvement of private employment agencies in the country of origin. The most commonly reported victims are women from Vietnam, Sri Lanka, Nepal, and Philippines and lately also India and Bangladesh, legally recruited as live-in domestic workers.

A major role throughout this process is played by private agents, who are usually from the same nationality as the potential victim. The potential victims normally approach the agencies on their own initiative in search for employment. The agents make false promises about high financial profits and perfect working conditions and make the necessary travel and work arrangements in exchange for a very high fee. Upon arriving in Cyprus the victim is already heavily indebted and is collected by local agents collaborating with the recruitment agencies in the country of origin.

Once inside the country, the domestic workers may be subjected to different forms of exploitation that commonly include confiscation of travel documents, mainly by the employer; no or little payment; hard work and assignment of additional tasks than the ones agreed on without additional reimbursement; long working hours and absence of a fixed working schedule; no rest days; verbal abuse, bad living conditions and in some cases also sexual harassment. Working in different households than the ones mentioned in their employment contract is not uncommon either.

In the majority of the cases, the victims reportedly escape by simply abandoning their workplace and seek employment elsewhere, often with the assistance of friends or other employment

agencies, without necessarily resorting to the authorities for help. They seem unaware that they thus breach conditions of stay and run a real risk of losing their residence rights in the country.

A specificity of Cyprus is that THB in the context of domestic work appears to take place mainly within legal migration channels. Understanding THB through the lens of the labour market's dynamics necessarily shifts the focus to the role and effects of demand. Our research findings suggest that the need for external household assistance in Cyprus is embedded in a regulatory framework that generates relations of heavy dependence by domestic workers towards potential employers. Combined with other key gaps this creates a **slippery slope** from demand for migrant domestic workers to exploitation and abuse.

Domestic worker visa scheme: Under the existing immigration rules, the right of domestic workers to reside and work in the country is attached to a specific employer, with limited possibilities for a change of workplace. In practice, this means that in case of the employment agreement's early termination or abandonment of the workplace, the domestic worker runs a real risk of also losing her residence rights in the country. Although these restrictions serve in principle as safeguards against misuse of the system and unauthorized migration, in practice they cultivate relations of submission towards the employer on whom the domestic worker depends for her stay in the country. Our findings suggest that the fear of deportation also often acts as a deterrent for domestic workers to lodge a complaint against their employer and escape from a situation of abuse.

Additionally, the current migration scheme further aggravates the susceptibility of migrant domestic workers to exploitation through the formal classification of their status as "temporary residence." The legal consequence is that contrary to other categories of migrant workers, domestic workers are treated as 'guests' even after many years of continuous stay in the country. They cannot bring their families to the country and are not eligible to apply for a long-term residence permit. The overall scheme effectively places them at a social disadvantage as it deprives them from any integration prospects and alienates them from the host society, potentially reinforcing negative social stereotypes about their exploitability.

Domestic work contract: The current labour rights regulations on domestic work fall short of providing adequate safeguards against exploitation and abuse. The terms of employment of migrant domestic workers are currently outlined in a model contract prepared by the State. Although the obligatory use of the sample contract is a matter of dispute, this contract is in practice widely used among Cypriot households. From a labour rights perspective, the specific contract has attracted major criticism on account of the adverse manner in which it regulates critical issues such as medical coverage, but also because of its disempowering effect on the domestic worker vis-à-vis the employer. Concerns regarding controversial provisions of the contract raised in the study's interviews include the exclusion of domestic workers from the right to form trade unions; the broad discretion given to the employer in determining the employee's work and living conditions; the low penalties foreseen in cases where employers violate the contract and the serious repercussions if the employee violates the contract. The low level of pay has also attracted controversy, as the contract foresees a net salary of 309EUR, which excludes the costs of accommodation and daily food that ought to be provided for free by the employer. Alternatively, the employer may pay a sum in addition to the agreed salary to cover these costs; however, a minimum threshold of reimbursement is not foreseen. Our findings suggest a disparity of views on all above-mentioned issues. Despite some strong criticism, there is also support that the contract meets the necessary labour standards apart from some outdated wording. Our research findings further suggest that independent of its obligatory use or not, the contract's content is nonetheless of immense symbolic significance in the Cypriot context; it conveys a specific message of how domestic work ought to be regulated and—for its sharpest critics—this message is not necessarily a protective one.

Lack of an effective system to protect from labour exploitation: Under the existing institutional framework, migrant domestic workers who have fallen victim to labour exploitation, including labour trafficking, may seek recourse to both judicial and administrative protection. In practice, however, neither of the available paths has proven particularly effective. The judicial proceedings to uphold labour rights, in general, are lengthy and resource-demanding, both deterrents to seeking recourse

through the courts. In practice, domestic workers mostly make use of the alternative administrative remedy, particularly the process for lodging a complaint against their employer before the labour rights committees. Nonetheless, that remedy's effectiveness in protecting from exploitation and potentially curbing THB is also subject to debate. A first impediment is that in order to file a complaint with the labour disputes committee, a migrant is expected to first report her case to the police. For migrant workers who have already abandoned their employer this requirement in itself has a deterrent effect. Most crucially, however, the ways out of a situation of exploitation the specific remedy offers are poor. The remedy does not have an automatic suspensive effect and the domestic worker is *prima facie* obliged to continue working for the same household until the complaint has been examined. The main relief provided in case of vindication is a 'release' letter, which essentially terminates the employment contract and allows the domestic worker to seek employment elsewhere. If the domestic worker is however unable to find a new employer within one month, he/she loses her residence rights in the country. Faced with these options, very often domestic workers, including potential victims of THB, will opt to continue working for the same employer or try to reach a private agreement rather than lodge a formal complaint. Also, given that labour inspectors are not mandated to conduct on-site visits in private homes, the current scheme allows considerable leeway for employers to potentially exploit domestic workers without facing penalties.

Lack of adequate information and cultural awareness Even though raising awareness and disseminating information is central to Cyprus's anti-trafficking policy and the government has in recent years undertaken various initiatives to this purpose, our research suggests that more work is required to address the particular situation of migrant domestic workers.

The measures taken to inform domestic workers about the risk of exploitation and prevent THB were a source of controversy amongst the stakeholders interviewed for this study. Several NGO experts felt that the means employed (e.g. distribution of leaflets at the airport, information desks) were ineffective and not tailored to the particular situation of migrant domestic workers, such as their language and educational level. In addition, domestic workers face practical barriers to accessing information that is otherwise available to other categories of migrant workers because of their work place and the long working hours. For similar reasons domestic workers find it difficult to seek assistance from relevant advocacy organisations as they hardly have the opportunity to do so during usual office hours.

The absence of adequate training and the impact on the judicial protection accorded also appeared to be a major source of concern. There was a shared feeling among most interviewees that the sentences imposed by the courts were too lenient and the conviction rate too low, which was attributed to a lack of expert training on trafficking issues.

Most interviewees also referred to the importance of sensitising the public, of cultural awareness and education, already at an early age. Addressing deep-rooted social perceptions about gender and migrant work was considered by many stakeholders vital to preventing exploitation. Likewise, nurturing respect for diversity and cultural awareness was seen crucial to preventing many disputes from occurring and to improving the overall quality of the relationship and communication between employer and migrant domestic worker. The willingness of the State to support such initiatives, even if they were unpopular with the public, seemed for many indispensable.

Role of Employment Agencies: Our findings show a strong concern towards the role of private employment agencies in the exploitation of migrant domestic workers and human trafficking. Although private employment agencies have an important role to play in Cyprus's labour market, many agencies are earning high profits from the demand for migrant domestic services and some even engage in illicit activities to this purpose. Despite the negative views expressed, the majority were of the opinion that the involvement of private employment agencies was in principle necessary but that their operation ought to be better regulated and more strictly monitored. A small number of interviewees, however, favoured a more radical revision of Cyprus's migration system that would reduce the current role of private employment agencies in addressing demand for foreign labour. According to those views, placing Cyprus's overall migration management in private

hands entailed too many risks and ought to be reviewed in favour of public structures that would regulate legal migration in an open and transparent manner.

POLICY IMPLICATIONS AND RECOMMENDATIONS

In recent years Cyprus has undertaken great efforts to combat THB and live up to its international human rights obligations. Not all of the measures taken, however, have been adequately tailored to the particular situation of domestic workers. The conditions of domestic workers, in particular live-in domestic workers, require a more nuanced approach that also takes into account the broader social context within which demand for domestic services that might be a product of trafficking are embedded. This requires structural changes in Cyprus's migration and labour market regulations obstructing the country's anti-trafficking policy.

Recommendations

A. Migration Policies

The domestic worker's visa, as it currently stands, places domestic workers at a social disadvantage and alienates them from the host society, aggravating their susceptibility to abuse and exploitation.

Short term objectives

- ✓ Cyprus should consider revising the rules that tie the visa to a specific employer by facilitating the possibility of changing employer. Lifting the existing restrictions would not only empower the domestic worker vis-à-vis the employer but also facilitate the exit from a situation of abuse.

Long term objectives:

- ✓ Cyprus should consider amending its immigration rules regarding family reunification processes and long-term residency of migrant domestic workers to facilitate their integration in society and facilitate the development of supportive networks.

B. Labour Market Regulations

The existing labour laws and policies on domestic work fail to adequately protect migrant workers from exploitation and prevent their abuse by both employers and criminal elements.

Short Term Objectives

- ✓ The labour inspectorates and labour disputes committees should show more alertness towards signs of trafficking when receiving complaints by domestic workers.
- ✓ The standard **employment contract** regulates critical issues in a manner that places domestic workers at a disadvantage. The authorities are advised to set clearer obligations between both parties, introduce gender-sensitive provisions such as maternity leave, reconsider the minimum wage requirement, and reconsider the right to civic participation.

Long Term Objectives

- ✓ Cyprus should invest in closer monitoring of private employment agencies' operation. This would not only protect potential victims from exploitation but would also allow the national discourse to evolve and focus on the responsibilities of the employers.

C. Trafficking Responses

Cyprus' anti-trafficking law may be aligned with international commitments in its letter but its implementation remains limited and the measures undertaken are not adequately tailored to the particular situation of migrant domestic workers.

Short Term objectives

- ✓ Cyprus should invest further in awareness-raising initiatives on labour exploitation, particularly in the domestic services sector to discourage situations of exploitation.
- ✓ Cyprus should invest further in the training of the judicial authorities. Despite the measures undertaken, the conviction rate remains low and the sentences are lenient. **Organising joint trainings** between non-governmental and governmental actors and issuing guidelines would contribute to the better identification of victims and exchange of good practices among the different stakeholders.

Long Term Objectives

- ✓ Cyprus should invest further in the protection and re-integration of victims of labour trafficking. State-run shelters with specialised counselling and support are to this day missing from Cyprus's anti-trafficking policy approach and relevant non-governmental initiatives are very limited.

RESEARCH PARAMETERS

This national study is part of the DemandAT country studies on trafficking in human beings (THB) in the domestic work sector conducted in seven European countries: Belgium, France, Greece, Cyprus, Italy, Netherlands, and UK.

The key objectives of research were to i) investigate types of situations in domestic work that may involve extreme forms of exploitation and trafficking, ii) examine the motivations and factors driving and shaping the demand as well as iii) examine the gaps in legislations and policies.

The research was based on literature and case-law review and interviews with stakeholders conducted during a field trip to Cyprus. Interviews were conducted with 12 stakeholders active in the field of migration and human rights including government authorities, private stakeholders and NGOs, international organisations and independent experts.

The study only covered the Southern part of Cyprus under the control of the Cyprian government.

References

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