

# SLAVERY TODAY JOURNAL

*A Multidisciplinary Journal of Human Trafficking Solutions*

Volume 1, Issue 2

July 2014

## **Au Pair Scheme: Cultural Exchange or a Pathway to Slavery?**

**by Tina Davis**

International award-winning documentary maker,  
University of Sydney PhD Candidate,  
board member of the Norwegian Anti-Slavery Association.

# **Au Pair Scheme: Cultural Exchange or a Pathway to Slavery?**

**by Tina Davis**

International award-winning documentary maker, University of Sydney PhD Candidate,  
board member of the Norwegian Anti-Slavery Association.

## **Abstract**

There has been a change in the use of the au pair scheme in the past fifteen years that has created a shift from its original intention as a cultural exchange program. Socio-economic change in societies in the South and East has led to a new wave of female migrants seeking legal work opportunities in European countries, and change in the North has led to an increase in demand for domestic workers. The au pair program has become a means to cover these needs. Yet the use of the au pair institution as a temporary domestic work system creates challenges that not only contradict its intention, but also fail to offer labor rights and protection to the migrant women who enter the program to earn money. This article examines the au pair system in Norway, a country known for social and gender equality and a strongly developed welfare system based on social democratic ideals of solidarity. The article focuses in particular on how the au pair scheme is being misused as a temporary domestic work system by both the host families and the au pairs, and the exploitation and human trafficking cases that have emerged as a consequence in recent years.

## **Introduction**

The au pair institution, originally intended to be a cultural exchange program, has undergone big changes since the beginning of this century. From being a system created for cultural education of young persons, the program today operates more as a managed migration system for domestic labor in several European countries. Initially established as an opportunity for young middle-class Europeans to travel and learn another language, it has now largely become a means by which young women from countries such as the Philippines, Ukraine and Russia can migrate legally to earn money, young women who otherwise would not be able to work in the European Schengen zone. One country that is upholding the program with its ambiguities and contradictions is Norway. Internationally recognized for its egalitarianism, social welfare system and strong emphasis on gender equality as well as its international leadership in areas of development and human rights, Norway holds on to the au pair institution despite an emergence of

exploitation cases and human trafficking cases in recent years. This article asks why.

This descriptive and analytical article is based on the circumstances of the au pair system in Norway and its development over the past fifteen years with a particular focus on the risk factors for exploitation and human trafficking. The article investigates (1) changes in the socio-economic sphere of Norwegian society that has led to a recent significant increase in demand for au pairs from developing countries to perform domestic work; (2) the inherent traps of the au pair system in Norway that put au pairs in a vulnerable position and subsequently create a climate where exploitation, forced labor and domestic slavery can occur; and (3) it presents findings from semi-structured qualitative interviews with the first Filipina au pair who won a human trafficking case in Norwegian courts. The article concludes with suggestions on how to re-structure the au pair system to provide safe migration pathways, decent work conditions, and equal labor rights for au pairs.

### **The au pair system then and now**

The au pair system became a way to both offer and control the mobility of youth after the Second World War.<sup>1</sup> Young European women could travel to another country, stay with a family who offered board and lodge and learn about culture and language. In return they had to do light housework. The young women were seen as temporary guests of host families. The purpose of staying with a host family was to offer the youth a certain protection and for them to integrate into families during their stay.<sup>2</sup> This is illustrated by the title of the scheme, ‘au pair’, a French phrase that literally means ‘on equal terms’.<sup>3</sup>

In 1969 the European Council saw the need to establish an individual regulation for the many young women who travelled as au pairs, known as The European Agreement on “Au Pair” Placement.<sup>4</sup> As the au pair model carried

---

<sup>1</sup> C. Øien, “On Equal Terms? An Evaluation of the Norwegian Au Pair Scheme”, FAFO Report 2009, 29; Oslo, [www.faf.no](http://www.faf.no); C. Calleman, “Cultural Exchange or Cheap Domestic Labour?; Constructions of ‘au pair’ in four Nordic Countries”, in Lise Widding Isaksen (Ed.), *Global Care Work; Gender and Migration in Nordic Societies*, Lund, Nordic Academic Press, 2010.

<sup>2</sup> M. Bikova, “The Snake in the Grass of Gender Equality; Au-pairing in women-friendly Norway”, in Lise Widding Isaksen (Ed.), *Global Care Work; Gender and Migration in Nordic Societies*, Lund, Nordic Academic Press, 2010.

<sup>3</sup> C. Øien, “On Equal Terms? An Evaluation of the Norwegian Au Pair Scheme”, FAFO Report, 2009, 29; Oslo, [www.faf.no](http://www.faf.no); JURK (Legal Advice for Women) “Au Paire i Norge; Rettigheter og Rettighetsinformasjon [Au Pairs in Norway; Rights and Information About Rights]”, Oslo, 2012. Available at: [www.jurk.no/download/rapporter/Au%20pair%20rapport.pdf](http://www.jurk.no/download/rapporter/Au%20pair%20rapport.pdf).

<sup>4</sup> C. Øien, “On Equal Terms? An Evaluation of the Norwegian Au Pair Scheme”, FAFO Report, 2009, 29; Oslo, [www.faf.no](http://www.faf.no)

similarities to both the student category and the worker category it was important to create a framework to protect the young persons from exploitation.<sup>5</sup> The agreement was ratified by Norway in 1971.<sup>6</sup> At that time au pair mobility would happen between countries with similar economic standards.<sup>7</sup> In the agreement the Au Pair Placement was defined as:

the temporary reception by families, in exchange for certain services, of young foreigners who come to improve the linguistic and possibly professional knowledge as well as their general culture by acquiring a better knowledge of the country where they are received. (Article 2, Council of Europe 1969).<sup>8</sup>

European societies have undergone major changes since the agreement was established in 1969.<sup>9</sup> Gender equality, family structure and globalization of the labor market are some factors that have significantly influenced this change, yet the au pair agreement has not been sufficiently amended to keep up with the new realities.<sup>10</sup>

In the late 90s, the nature of au pairing started changing rapidly in rhythm with the increase in international labor migration flow as a result of economic

---

<sup>5</sup> C. Øien, "On Equal Terms? An Evaluation of the Norwegian Au Pair Scheme", FAFO Report, 2009, 29; Oslo, [www.faf.no](http://www.faf.no)

<sup>6</sup> C. Øien, "On Equal Terms? An Evaluation of the Norwegian Au Pair Scheme", FAFO Report, 2009, 29; Oslo, [www.faf.no](http://www.faf.no)

<sup>7</sup> C. Øien, "On Equal Terms? An Evaluation of the Norwegian Au Pair Scheme", FAFO Report, 2009, 29; Oslo, [www.faf.no](http://www.faf.no); C. Calleman, "Cultural Exchange or Cheap Domestic Labour?, Constructions of 'au pair' in four Nordic Countries", in Lise Widding Isaksen (Ed.), *Global Care Work; Gender and Migration in Nordic Societies*, Lund, Nordic Academic Press, 2010.

<sup>8</sup> Council of Europe, "The European Agreement on Au Pair Placement", European Treaty Series No. 68, Strasbourg, 24. November 1969, Strasbourg 1972.

<sup>9</sup> C. Calleman, "Cultural Exchange or Cheap Domestic Labour?, Constructions of 'au pair' in four Nordic Countries", in Lise Widding Isaksen (Ed.), *Global Care Work; Gender and Migration in Nordic Societies*, Lund, Nordic Academic Press, 2010.

<sup>10</sup> GAATW, "AU PAIR: Challenges to Safe Migration and Decent Work", GAATW Working Paper Series, [http://www.gaatw.org/publications/AuPair\\_ChallengestoSafeMigrationandDecentWork.GAATW2013.pdf](http://www.gaatw.org/publications/AuPair_ChallengestoSafeMigrationandDecentWork.GAATW2013.pdf), 2013.

globalization.<sup>11</sup> From being mainly a sending country of au pairs to other European countries, Norway increasingly became a destination country.<sup>12</sup> In 2000 there were only a total of 691 au pairs in Norway. Seventy-eight of these were from the Philippines, twenty from Ukraine and seventy-six from Russia.<sup>13</sup> In 2008 there were a total of 2860 au pairs in Norway. 2090 of the au pair visas were granted to Filipinas, 157 visas were granted to women from Ukraine, and 74 to women from Russia.<sup>14</sup> The increase in au pairs from the Philippines can also be seen in other Nordic countries such as Denmark, who issued 21 visas to Filipinas in 1999.<sup>15</sup> By contrast, in 2008 they issued 2165 visas to Filipina au pairs.<sup>16</sup> Thus the au pair system is today perceived as a loophole that allows young women from poor countries mainly in the South, who would not otherwise be able to work in Norway due to its selective labor immigration policies, to come and participate in a culture exchange program that covers a demand for domestic workers.<sup>17</sup>

The au pair scheme is governed by the Norwegian Directorate of Immigration (hereafter called UDI). It is clearly stated that the purpose of the

---

<sup>11</sup> M. Bikova, "The Snake in the Grass of Gender Equality; Au-pairing in women-friendly Norway", in Lise Widding Isaksen (Ed.), *Global Care Work; Gender and Migration in Nordic Societies*, Lund, Nordic Academic Press, 2010; C. Øien, "On Equal Terms? An Evaluation of the Norwegian Au Pair Scheme", FAFO Report, 2009; J. Grugel and N. Piper, "Global governance, economic migration and the difficulties of social activism", *International Sociology*, 2011, 26:435.

<sup>12</sup> M. Bikova, "The Snake in the Grass of Gender Equality; Au-pairing in women-friendly Norway", in Lise Widding Isaksen (Ed.), *Global Care Work; Gender and Migration in Nordic Societies*, Lund, Nordic Academic Press, 2010.

<sup>13</sup> C. Øien, "On Equal Terms? An Evaluation of the Norwegian Au Pair Scheme", FAFO Report, 2009, 29; Oslo, [www.faf.no](http://www.faf.no).

<sup>14</sup> C. Øien, "On Equal Terms? An Evaluation of the Norwegian Au Pair Scheme", FAFO Report, 2009, 29; Oslo, [www.faf.no](http://www.faf.no).

<sup>15</sup> H. Stenum, "Au Pair Migration and New Inequalities; The transnational production of corruption", in Lise Widding Isaksen (Ed.), *Global Care Work; Gender and Migration in Nordic Societies*, Lund, Nordic Academic Press, 2010.

<sup>16</sup> H. Stenum, "Au Pair Migration and New Inequalities; The transnational production of corruption", in Lise Widding Isaksen (Ed.), *Global Care Work; Gender and Migration in Nordic Societies*, Lund, Nordic Academic Press, 2010.

<sup>17</sup> C. Calleman, "Cultural Exchange or Cheap Domestic Labour?, Constructions of 'au pair' in four Nordic Countries", in Lise Widding Isaksen (Ed.), *Global Care Work; Gender and Migration in Nordic Societies*, Lund, Nordic Academic Press, 2010; M. Bikova, "The Snake in the Grass of Gender Equality; Au-pairing in women-friendly Norway", in Lise Widding Isaksen (Ed.), *Global Care Work; Gender and Migration in Nordic Societies*, Lund, Nordic Academic Press, 2010; JURK (Legal Advice for Women) "Au Paire i Norge; Rettigheter og Rettighetsinformasjon [Au Pairs in Norway; Rights and Information About Rights]", Oslo, 2012. Available at: [www.jurk.no/download/rapporter/Au%20pair%20rapport.pdf](http://www.jurk.no/download/rapporter/Au%20pair%20rapport.pdf); GAATW, "AU PAIR: Challenges to Safe Migration and Decent Work", GAATW Working Paper Series, [www.gaatw.org/publications/AuPair\\_ChallengestoSafeMigrationandDecentWork.GAATW2013.pdf](http://www.gaatw.org/publications/AuPair_ChallengestoSafeMigrationandDecentWork.GAATW2013.pdf), 2013.

scheme is culture exchange. As an au pair a young person can enhance her linguistic skills and learn more about Norway and the Norwegian society by living with a Norwegian family. In return, the au pair will contribute with light domestic chores and child-care for the family. UDI grants au pair visas for up to two years.<sup>18</sup> The person who applies must be over eighteen years and not yet turned thirty.<sup>19</sup> Work hours cannot exceed five hours per day and thirty hours per week. The au pair is entitled to have one day off per week, and should have the opportunity to attend a Norwegian course paid for by the host family, as well as being able to engage in other leisure activities. Included in the agreement is pocket money/salary of 5000 NOK (\$845) per month together with free lodge and board.<sup>20</sup> The au pair has to pay tax to the Norwegian state, and is not allowed to work for anyone else besides the host family. So although the au pair is not defined as a worker, the person nevertheless has to contribute to the welfare state by paying tax.<sup>21</sup> The host family, on the other hand, has to pay insurance and cover the costs of the return ticket for the au pair. Guidelines also state that the host family should treat the au pair as a family member.<sup>22</sup>

The au pair scheme can be an appealing system for a young person who wants to take a year out to travel, learn a new language and experience something different. There are au pairs today who do travel with the intention of participating in a culture exchange in Norway. However, research shows that this group has become largely outnumbered by women from the Global South, more specifically the Philippines, whose intention it is to enter the au pair program as a way to gain a livelihood.<sup>23</sup> That the women send their income home as remittance illustrates this point.<sup>24</sup> UDI's contradiction in the public information offered about the au pair

---

<sup>18</sup> UDI (Norwegian Directorate of Immigration), "Skal Søke Au Pair Tillatelse [Applying for Au Pair Permit]", [www.udi.no/skal-soke/au-pair-tillatelse](http://www.udi.no/skal-soke/au-pair-tillatelse), 2014.

<sup>19</sup> UDI (Norwegian Directorate of Immigration), "Skal Søke Au Pair Tillatelse [Applying for Au Pair Permit]", [www.udi.no/skal-soke/au-pair-tillatelse](http://www.udi.no/skal-soke/au-pair-tillatelse), 2014.

<sup>20</sup> UDI (Norwegian Directorate of Immigration), "Skal Søke Au Pair Tillatelse [Applying for Au Pair Permit]", [www.udi.no/skal-soke/au-pair-tillatelse](http://www.udi.no/skal-soke/au-pair-tillatelse), 2014.

<sup>21</sup> GAATW, "AU PAIR: Challenges to Safe Migration and Decent Work", GAATW Working Paper Series, [www.gaatw.org/publications/AuPair\\_ChallengestoSafeMigrationandDecentWork.GAATW2013.pdf](http://www.gaatw.org/publications/AuPair_ChallengestoSafeMigrationandDecentWork.GAATW2013.pdf), 2013.

<sup>22</sup> UDI (Norwegian Directorate of Immigration), "Skal Søke Au Pair Tillatelse [Applying for Au Pair Permit]", [www.udi.no/skal-soke/au-pair-tillatelse](http://www.udi.no/skal-soke/au-pair-tillatelse), 2014.

<sup>23</sup> M. Bikova, "The Snake in the Grass of Gender Equality; Au-pairing in women-friendly Norway", in Lise Widding Isaksen (Ed.), *Global Care Work; Gender and Migration in Nordic Societies*, Lund, Nordic Academic Press, 2010.

<sup>24</sup> R. Sollund, "Regarding Au Pairs in the Norwegian Welfare State", *European Journal of Women's Studies*, 2010, 17:143.

scheme shows the ambiguity of the program. While emphasizing that the purpose of the system is for cultural exchange, the immigration authorities outline restrictions on the amount of work hours the au pair can perform per week, and state in the guidelines that the au pair is not allowed to have other employers. The money the au pair earns is termed both pocket money and salary.<sup>25</sup>

### **Au pairing - the Norwegian context**

Several complex and challenging issues occur in this new landscape where the au pair scheme has become a gendered form of labor migration in the informal sector, such as domestic work.<sup>26</sup> The Norwegian welfare state is known for its advanced policies that aim to create equal opportunities for families to participate in the workforce while sharing domestic chores and care. This is reflected in several women friendly legislations concerning family welfare.<sup>27</sup> The parental leave legislation offer working parents a total of 49 weeks leave with full income compensation or 59 weeks with 80% income compensation.<sup>28</sup> 14 of these weeks are allocated for mother's leave, 14 weeks are allocated for fathers leave, and the additional weeks can be shared between the two.<sup>29</sup> There is also a strong public child-care system that in 2011 covered 90 percent of children between the ages of 1 and 5 years in kindergarten.<sup>30</sup> Families can also choose to receive a cash benefit for children between one and two years if they decide to not place them in public child care. If families follow this option they will receive 6000 NOK (\$1000) per month for a maximum period of 11 months.<sup>31</sup> This can compensate for the loss of

---

<sup>25</sup> GAATW, "AU PAIR: Challenges to Safe Migration and Decent Work", GAATW Working Paper Series, [www.gaatw.org/publications/AuPair\\_ChallengestoSafeMigrationandDecentWork.GAATW2013.pdf](http://www.gaatw.org/publications/AuPair_ChallengestoSafeMigrationandDecentWork.GAATW2013.pdf), 2013.

<sup>26</sup> R. Cox, "Domestic Workers and Au Pairs", in B. Anderson and M. Keith (Eds.), *Migration: A Compass Anthology*, Oxford: Compass, 2014.

<sup>27</sup> R. Sollund, "Regarding Au Pairs in the Norwegian Welfare State", *European Journal of Women's Studies*, 2010, 17:143.

<sup>28</sup> NAV (The Norwegian Labour and Welfare Administration), "Foreldrepenger ved Fødsel [Parenting Benefits in Relation to Birth]", [www.nav.no/Familie/Svangerskap](http://www.nav.no/Familie/Svangerskap), 2014.

<sup>29</sup> NAV (The Norwegian Labour and Welfare Administration), "Foreldrepenger ved Fødsel [Parenting Benefits in Relation to Birth]", [www.nav.no/Familie/Svangerskap](http://www.nav.no/Familie/Svangerskap), 2014.

<sup>30</sup> SSB (Statistics Norway), "Barnetilsynsordninger 2010 [Child-Care Schemes 2010]", [www.ssb.no/utdanning/statistikker/kontantstotte/hvert-2-aar](http://www.ssb.no/utdanning/statistikker/kontantstotte/hvert-2-aar), 2011.

<sup>31</sup> NAV (The Norwegian Labour and Welfare Administration), "Foreldrepenger ved Fødsel [Parenting Benefits in Relation to Birth]", [www.nav.no/Familie/Svangerskap](http://www.nav.no/Familie/Svangerskap), 2014.

income if parents choose to stay home or use it to finance private child-care solutions. Some families use the state cash benefit to hire au pairs.<sup>32</sup>

The OECD survey “Balancing paid work, unpaid work and leisure” reveals that Norwegian men do the most housework amongst the OECD member countries with 180 minutes per day.<sup>33</sup> The Norwegian women perform 210 minutes of housework per day, and they also rate number one on the list of time spent on relaxing and entertaining, which amounts to 367 minutes per day.<sup>34</sup>

Why then is there an increasing demand for au pairs in a climate where domestic help contradicts public norms of gender and equality, and who are the users of the au pair scheme? Although gender equality is politically encouraged, there is still a certain gap between sharing the responsibilities in the homes. This may cause conflicts between spouses, especially if gender conservatism exists.<sup>35</sup> Hiring an au pair may ease the tension and allow for greater harmony between the partners. As such, gender equality among some couples is achieved by outsourcing the domestic chores to an au pair who then becomes responsible for performing the basic cleaning and care work in the house.<sup>36</sup> The middle-class woman is liberated from the domestic chores and can therefore focus on ensuring gender equality in the labor market.<sup>37</sup> As such, the au pair system becomes part of the transnational redistribution of care system whereby women from disadvantaged countries migrate to the North in search for a livelihood to improve living conditions for themselves and their families in the South.<sup>38</sup> Women who migrate for labor can improve their lives by doing so. However, their vulnerability can also increase due

---

<sup>32</sup> R. Sollund, “Regarding Au Pairs in the Norwegian Welfare State”, *European Journal of Women’s Studies*, 2010, 17:143.

<sup>33</sup> OECD, “Balancing Paid Work, unpaid Work and Leisure”, [www.oecd.org/gender/data/balancingpaidworkunpaidworkandleisure.htm](http://www.oecd.org/gender/data/balancingpaidworkunpaidworkandleisure.htm), 2014.

<sup>34</sup> OECD, “Balancing Paid Work, unpaid Work and Leisure”, [www.oecd.org/gender/data/balancingpaidworkunpaidworkandleisure.htm](http://www.oecd.org/gender/data/balancingpaidworkunpaidworkandleisure.htm), 2014.

<sup>35</sup> M. Bikova, “The Snake in the Grass of Gender Equality; Au-pairing in women-friendly Norway”, in Lise Widding Isaksen (Ed.), *Global Care Work; Gender and Migration in Nordic Societies*, Lund, Nordic Academic Press, 2010.

<sup>36</sup> R. Sollund, “Regarding Au Pairs in the Norwegian Welfare State”, *European Journal of Women’s Studies*, 2010, 17:143.

<sup>37</sup> L.W. Isaksen, “Introduction: Global Care Work in Nordic Societies”, *Global Care Work; Gender and Migration in Nordic Societies*, Lund, Nordic Academic Press, 2010.

<sup>38</sup> H. Stenum, “Au Pair Migration and New Inequalities; The transnational production of corruption”, in Lise Widding Isaksen (Ed.), *Global Care Work; Gender and Migration in Nordic Societies*, Lund, Nordic Academic Press, 2010.



to precarious migration arrangements and exploitative working conditions in the destination countries.<sup>39</sup>

The majority of the families who employ au pairs are middle-class and upper middle-class dual earners who seek greater flexibility in their daily lives.<sup>40</sup> Hiring an au pair becomes a strategy to manage a challenging and fulfilling career and social life. The cultural exchange aspect of the au pair scheme is seldom the reason why a family hires an au pair. What they seek are professional domestic workers who are employed to cover the need for housework and care work. This can be reflected in the high percentage of Filipinas who today are hired as au pairs in Norway.<sup>41</sup> Women from the Philippines are known for being professional and hard working. They are also perceived to be pleasant, helpful and discreet, characteristics that make them attractive in-house domestic workers.<sup>42</sup> Many apply for the au pair visa from a transit country such as Hong Kong or Singapore after having completed contracts as domestic workers there.<sup>43</sup> The only legal migration route they have to work in Norway are through the au pair scheme, and the pocket money/salary they receive there is higher than the wage they would earn in Hong Kong or Singapore. When the two-year au pair visa limit expires, some will leave for South Europe where they can migrate legally as domestic workers.<sup>44</sup>

As the Norwegian authorities do not consider the au pair scheme a work program, the au pairs are left without any overall system of inspection and control in accordance with standard labor protection laws.<sup>45</sup> This makes it difficult for au

---

<sup>39</sup> N. Piper, "Gender and Migration", Global Commission on International Migration, [www.gcim.org](http://www.gcim.org), 2005.

<sup>40</sup> M. Bikova, "The Snake in the Grass of Gender Equality; Au-pairing in women-friendly Norway", in Lise Widding Isaksen (Ed.), *Global Care Work; Gender and Migration in Nordic Societies*, Lund, Nordic Academic Press, 2010.

<sup>41</sup> GAATW, "AU PAIR: Challenges to Safe Migration and Decent Work", GAATW Working Paper Series, [www.gaatw.org/publications/AuPair\\_ChallengestoSafeMigrationandDecentWork.GAATW2013.pdf](http://www.gaatw.org/publications/AuPair_ChallengestoSafeMigrationandDecentWork.GAATW2013.pdf), 2013; C. Øien, "On Equal Terms? An Evaluation of the Norwegian Au Pair Scheme", FAFO Report, 2009, 29; Oslo, [www.faf.no](http://www.faf.no)

<sup>42</sup> C. Øien, "On Equal Terms? An Evaluation of the Norwegian Au Pair Scheme", FAFO Report, 2009, 29; Oslo, [www.faf.no](http://www.faf.no); H. Stenum, "Au Pair Migration and New Inequalities; The transnational production of corruption", in Lise Widding Isaksen (Ed.), *Global Care Work; Gender and Migration in Nordic Societies*, Lund, Nordic Academic Press, 2010; R. Sollund, "Regarding Au Pairs in the Norwegian Welfare State", *European Journal of Women's Studies*, 2010, 17:143.

<sup>43</sup> C. Øien, "On Equal Terms? An Evaluation of the Norwegian Au Pair Scheme", FAFO Report, 2009, 29; Oslo, [www.faf.no](http://www.faf.no).

<sup>44</sup> GAATW, "AU PAIR: Challenges to Safe Migration and Decent Work", GAATW Working Paper Series, [www.gaatw.org/publications/AuPair\\_ChallengestoSafeMigrationandDecentWork.GAATW2013.pdf](http://www.gaatw.org/publications/AuPair_ChallengestoSafeMigrationandDecentWork.GAATW2013.pdf), 2013

<sup>45</sup> GAATW, "AU PAIR: Challenges to Safe Migration and Decent Work", GAATW Working Paper Series, [www.gaatw.org/publications/AuPair\\_ChallengestoSafeMigrationandDecentWork.GAATW2013.pdf](http://www.gaatw.org/publications/AuPair_ChallengestoSafeMigrationandDecentWork.GAATW2013.pdf), 2013

pairs to respond to exploitation and, in worst cases, human trafficking. Host families hold the power over their means for survival, such as food and housing, as well as their pay and ability to create a social life. The program's inherent contradiction of the au pair being part employee and part family member leaves them in a vulnerable position. The official institutions that are responsible for their protection during their stay in Norway are the immigration authorities and the police. This is problematic as the majority of au pairs today come from countries where there is a general fear and lack of trust towards these authorities due to corruption (LO 2009). Holding on to the official image of au pairing as a culture exchange program allows for the work to be minimally regulated and therefore weakens the au pair's control over their employment situation.<sup>46</sup>

The au pair's visa is bound to the contract they sign with the host family. If the family decides to cancel the contract, the au pair has to find a new host family and apply for a new visa. Not only does she in this case lose her job, but also her temporary home.<sup>47</sup> She cannot challenge a cancellation of the contract legally as she is not eligible for protection under the national labor standards in Norway. Further, she has to pay 2500 NOK (\$425) to apply for a new visa if she can find a new host family, a large sum for someone on a low income.<sup>48</sup> If a cancellation of the contract occurs the au pair herself has to find a new host family within 3 weeks or she has to leave the country.<sup>49</sup>

### **Exploitation, domestic slavery and human trafficking**

There are 52.6 million domestic workers worldwide, a number that is likely to be an underestimate by tens of millions according to the International Labour Organization (ILO).<sup>50</sup> 83 percent of these are women. 29.9 percent of these are

---

<sup>46</sup> S. Hess and A. Puckhaber, "Big Sisters' are better Domestic Servants?!; Comments on the booming au pair business, *Feminist Review*, 77, 2004.

<sup>47</sup> JURK (Legal Advice for Women) "Au Paire i Norge; Rettigheter og Rettighetsinformasjon [Au Pairs in Norway; Rights and Information About Rights]", Oslo, 2012. Available at: [www.jurk.no/download/rapporter/Au%20pair%20rapport.pdf](http://www.jurk.no/download/rapporter/Au%20pair%20rapport.pdf)

<sup>48</sup> JURK (Legal Advice for Women) "Au Paire i Norge; Rettigheter og Rettighetsinformasjon [Au Pairs in Norway; Rights and Information About Rights]", Oslo, 2012. Available at: [www.jurk.no/download/rapporter/Au%20pair%20rapport.pdf](http://www.jurk.no/download/rapporter/Au%20pair%20rapport.pdf)

<sup>49</sup> UDI (Norwegian Directorate of Immigration), "Skal Søke Au Pair Tillatelse [Applying for Au Pair Permit]", [www.udi.no/skal-soke/au-pair-tillatelse](http://www.udi.no/skal-soke/au-pair-tillatelse), 2014.

<sup>50</sup> International Labour Organisation, "More Than 52 Million Domestic Workers World-wide", [www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_200937/lang--en/index.htm](http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_200937/lang--en/index.htm), 2013.

excluded from national labor legislation.<sup>51</sup> The ILO Convention on Domestic Workers (No. 189) was established in 2011 and entered into force in 2013 as an instrument to improve the work and living conditions of millions of workers who are working in the domestic sphere worldwide.<sup>52</sup> So far, the Convention on Domestic Workers (No. 189) has been ratified by 14 ILO member states, and the two European countries that have ratified the instrument are Italy and Germany.<sup>53</sup> The Convention 189 does not cover the au pair system, although au pair's situation correlates with domestic workers. As such, governments can use the convention as a guideline to eliminate vulnerability and secure the rights of workers in the domestic sphere.

The ILO report "Domestic Workers Across the World" states:

Live-in domestic workers are particularly vulnerable to exploitation since they are often paid a flat weekly or monthly rate irrespective of hours worked. In practice it means that a domestic worker is available whenever needed.<sup>54</sup>

A continuum of exploitation exists where decent work is at the one end of the spectrum and forced labor and slavery is at the other. Domestic slavery is the extreme form of labor exploitation. Whereas other forms of slavery and forced labor may involve a profit-seeking motive by the slaveholder, in the case of domestic slavery the perpetrators are robbing the worker of services. A domestic slave can be kept at a minimum cost and made to work for years. There are many ways to become caught in domestic slavery. Women may become domestic slaves through legal channels by immigrating on a legitimate visa. Once under the roof of the perpetrator a life in slavery begins. What characterizes this form of slavery is the control of body and mind. This is normally gained through physical, psychological, and/or sexual abuse. By instilling fear in the slave she soon

---

<sup>51</sup> International Labour Organisation, "More Than 52 Million Domestic Workers World-wide", [www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_200937/lang--en/index.htm](http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_200937/lang--en/index.htm), 2013.

<sup>52</sup> International Labour Organisation, "C189 – Domestic Workers Convention, 2011 (No. 189)", [www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C189](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C189), 2014.

<sup>53</sup> International Labour Organisation, "Ratifications of C189 – Domestic Workers Convention, 2011 (No. 189)", [www.ilo.org/dyn/normlex/en/f?p+NORMLEXPUB:11300:0::P11300\\_INSTRUMENT\\_ID:2551460](http://www.ilo.org/dyn/normlex/en/f?p+NORMLEXPUB:11300:0::P11300_INSTRUMENT_ID:2551460), 2014.

<sup>54</sup> International Labour Organisation, "More Than 52 Million Domestic Workers World-wide", [www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_200937/lang--en/index.htm](http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_200937/lang--en/index.htm), 2013.

becomes dependent and incapable of leaving. Out of sight from the rest of the world, the slave is on constant call from the employer to perform work.<sup>55</sup>

In the case where the work relationship has developed into slavery there may be several reasons why the enslaved person does not escape or contact the authorities. Fear is the most prevalent one. The perpetrator has most likely exercised threats and physical abuse. A migrant live-in domestic worker may feel completely alienated from the new world outside the home. She might experience an overwhelming sense of isolation due to language barriers, the foreign culture, and the lack of geographical orientation. This combined with carrying a fear of police from her home country can make it seem impossible to escape. The perpetrator may lead the victim to believe she will be deported if she contacts the authorities. Threats of retribution towards her family are also used to keep the stronghold. Trapped and confused, the victim tends to believe that the circumstance she finds herself in is all her own fault.<sup>56</sup>

Where sexual abuse is involved, a strong feeling of guilt and shame develops. Working excessive hours may mean that the victim has a minimum of sleep and rest. A combination of self-loathing, exhaustion, depression and confusion make it hard for the victim to see beyond the day. She is usually completely engrossed in performing the tasks expected of her in fear of further abuse and punishment. Another reason for staying is often the children. The victim tends to feel a strong responsibility for the children she is looking after and the thought of leaving them behind unprotected with her abuser becomes unbearable. All of these elements combined can keep a person trapped in domestic slavery for a long time. The government may have helped facilitate her enslavement through the type of visa she is given. Without offering any active form of protection through initiatives such as labor inspection, a migrant in-house domestic worker is pretty much left to fend for herself.<sup>57</sup>

The National Coordinating Unit for Victims of Trafficking (KOM) in Norway reported that 319 persons were identified as potential victims of human trafficking in 2010.<sup>58</sup> They state that the actual scope of human trafficking in

---

<sup>55</sup> K. Bales and R. Soodalter, "The Slave Next Door; Human Trafficking and Slavery in America Today", Berkeley, Los Angeles, London, University of California Press, 2009; T. Robsahm and T. Davis, "Modern Slavery", [www.speranza.no](http://www.speranza.no), 2009.

<sup>56</sup> K. Bales and R. Soodalter, "The Slave Next Door; Human Trafficking and Slavery in America Today", Berkeley, Los Angeles, London, University of California Press, 2009.

<sup>57</sup> K. Bales and R. Soodalter, "The Slave Next Door; Human Trafficking and Slavery in America Today", Berkeley, Los Angeles, London, University of California Press, 2009.

<sup>58</sup> KOM (Norwegian National Coordinating Unit for Victims of Trafficking), "Report 2010", [www.politi.no/vedlegg/lokale\\_vedlegg/politidirektoratet/vedlegg\\_2516.pdf](http://www.politi.no/vedlegg/lokale_vedlegg/politidirektoratet/vedlegg_2516.pdf), 2011.

Norway is likely to be higher.<sup>59</sup> 16 potential victims from the Philippines were identified in 2010.<sup>60</sup> 13 of these were women and 3 were men.<sup>61</sup> The KOM annual report for 2010 finds it reasonable to believe that the sudden increase in potential victims from the Philippines could be due to the rise in cases of au pairs experiencing labor exploitation and sexual exploitation.<sup>62</sup> So far, there have been nine prosecution cases for human trafficking involving au pairs from the Philippines.<sup>63</sup> JURK (Legal Advice for Women) frequently see au pairs being forced to do a certain amount of work and perform certain tasks. They argue that it is very hard to get cases involving exploitation of au pairs investigated by the Norwegian authorities.<sup>64</sup>

### **From au pair to sexual slave**

In 2010 and 2011 I conducted several qualitative semi-structured interviews with “Eleanor” [not her real name] who was one of two victims in the first human trafficking case involving au pairs that was brought before the court in Norway. Eleanor was sampled through her lawyer. The interviews took place in locations of Eleanor’s choice at her lawyer’s office and a nearby cafe. Public court documents from Eleanor’s case are also used as a source in this section.

Eleanor had come to Norway from the Philippines to earn money to support her parents back home. She and another young woman were informally recruited in Manila at the beginning of 2009. The host “father” who recruited them is a chiropractor who owns a clinic in Oslo and has ownership interest in another clinic in Manila, which is where the interviews took place. He interviewed several girls

---

<sup>59</sup> KOM (Norwegian National Coordinating Unit for Victims of Trafficking), “Report 2010”, [www.politi.no/vedlegg/lokale\\_vedlegg/politidirektoratet/vedlegg\\_2516.pdf](http://www.politi.no/vedlegg/lokale_vedlegg/politidirektoratet/vedlegg_2516.pdf), 2011.

<sup>60</sup> KOM (Norwegian National Coordinating Unit for Victims of Trafficking), “Report 2010”, [www.politi.no/vedlegg/lokale\\_vedlegg/politidirektoratet/vedlegg\\_2516.pdf](http://www.politi.no/vedlegg/lokale_vedlegg/politidirektoratet/vedlegg_2516.pdf), 2011.

<sup>61</sup> KOM (Norwegian National Coordinating Unit for Victims of Trafficking), “Report 2010”, [www.politi.no/vedlegg/lokale\\_vedlegg/politidirektoratet/vedlegg\\_2516.pdf](http://www.politi.no/vedlegg/lokale_vedlegg/politidirektoratet/vedlegg_2516.pdf), 2011.

<sup>62</sup> KOM (Norwegian National Coordinating Unit for Victims of Trafficking), “Report 2010”, [www.politi.no/vedlegg/lokale\\_vedlegg/politidirektoratet/vedlegg\\_2516.pdf](http://www.politi.no/vedlegg/lokale_vedlegg/politidirektoratet/vedlegg_2516.pdf), 2011.

<sup>63</sup> NRK (The Norwegian Broadcasting Corporation), “Dømt for menneskehandel av au pairer [Sentenced for human trafficking of au pairs], new article, <http://www.nrk.no/fordypning/domt-for-au-pair-menneskehandel-1.10992668>, 2013.

<sup>64</sup> JURK (Legal Advice for Women) “Au Pairs i Norge; Rettigheter og Rettighetsinformasjon [Au Pairs in Norway; Rights and Information About Rights]”, Oslo, 2012. Available at: [www.jurk.no/download/rapporter/Au%20pair%20rapport.pdf](http://www.jurk.no/download/rapporter/Au%20pair%20rapport.pdf)

and ended up hiring Eleanor and another young woman. As you are not allowed to have more than one au pair per family he arranged for the second au pair to be hired by an acquaintance.<sup>65</sup>

The host “father” had shared about him and his partner’s sexual interests during the interview, which involved sex with other parties, but failed to mention that he expected to have sex with them. Eleanor was desperate for the job. The host “father” kept her waiting for a while before he formally hired her. In online chats between the two during this time she begs him to help her with a job or put her in contact with someone who can. She explains that she can’t afford to keep a membership with the online au pair agency. Once the job is confirmed they stay in touch via online chats to organize all the practical aspects of her trip to Norway.<sup>66</sup>

During this time the host “father” started using sexual innuendo in the online chats. This gradually became more explicit. He for instance expressed that for his birthday he would like to have sex with his partner and Eleanor together, and asked if she thought she would like this. Eleanor’s response was “no”. The host “father” kept returning to this several times in the coming month until she finally said “yes”. A couple of days later she wrote in a online chat to him that she didn’t need sex, but a job. He underlined in his response that he had chosen her because she wanted to live as him, and he emphasized that he received up to 20 applications weekly from girls who wanted an au pair job. Eleanor decided to ignore the warning signs out of desperation, and hoped the host family would respect her “no”.<sup>67</sup>

Eleanor in Norway in September 2009. The host “father” reminded her of what he perceived as the “deal”, and had sex with her already on the first night. She got a room in the basement where he also slept most nights. At this time his partner was pregnant. Eleanor opposed the sex several times, especially in the beginning. The host “father” told her she could not refuse as he was the boss. He had two children from a previous marriage and two younger children with his current partner. He and his partner had hired a total of 12 au pairs over the years.

---

<sup>65</sup> Borgarting Lagmannsrett (Borgarting Court of Appeal), “Sentence 0204.2013:Case No. 12-063028AST-BORG/03, [www.lovdato.no](http://www.lovdato.no), 2013; Høyesterett (Supreme Court), “09.10.2013 Case No. HR-2013-2115-A-Rt-2013-1247, [www.lovdato.no](http://www.lovdato.no), 2013.

<sup>66</sup> Borgarting Lagmannsrett (Borgarting Court of Appeal), “Sentence 0204.2013:Case No. 12-063028AST-BORG/03, [www.lovdato.no](http://www.lovdato.no), 2013; Høyesterett (Supreme Court), “09.10.2013 Case No. HR-2013-2115-A-Rt-2013-1247, [www.lovdato.no](http://www.lovdato.no), 2013.

<sup>67</sup> Borgarting Lagmannsrett (Borgarting Court of Appeal), “Sentence 0204.2013:Case No. 12-063028AST-BORG/03, [www.lovdato.no](http://www.lovdato.no), 2013; Høyesterett (Supreme Court), “09.10.2013 Case No. HR-2013-2115-A-Rt-2013-1247, [www.lovdato.no](http://www.lovdato.no), 2013.

Seven of them were from the Philippines. His partner was well aware of his nightly activities with Eleanor.<sup>68</sup>

Eleanor felt forced to have sex with him. The host “father” would threaten to contact his colleague at the clinic in Manila, who would speak to her family about their sexual relationship if she didn’t obey him. The thought of this heightened the shame she was already feeling. He also threatened that if she went to the police she was the one who would be punished. She was scared of the police in the Philippines, so she didn’t perceive the police in Norway as a potential form of protection. He further threatened that she would have to pay her return ticket home, which she was not in the financial position to do. Already before she left the Philippines the host “father” had expressed in his online chats that he wanted her to spend all her time with his family. Once under his roof, he restricted Eleanor from having a social life by exercising control. He was also checking all her online communication.<sup>69</sup>

After some months she tried to persuade her host “parents” to let her work there without having sex with the host “father”. They refused. The host “mother” threatened Eleanor by saying that if she left she would have to not only pay for her return ticket home, but also pay back the money they had paid for the ticket to get her to Norway. She was exhausted and in total despair, and cried through most of the conversation. That same night she was again forced to have sexual intercourse and oral sex with the host “father”. Soon after this there was also an incident where she had to have sex with both the host “parents” at one time.<sup>70</sup>

Six months after Eleanor arrived in Norway the second au pair that was hired at the same time as her came to Norway. Sara [not her real name] had left two children behind in the Philippines, the youngest being only 3 months. She stayed in the same room as Eleanor where the host “father” also stayed most of the time. He now had sex with both of the au pairs. They were made to do work in the house as well as in the chiropractic clinic. Only three weeks after Sara arrived she was in the shopping mall where the clinic was located when another Filipina woman approached her and started chatting. A while into the conversation Sara told the other woman about the circumstances in the home where they were staying. When

---

<sup>68</sup> Borgarting Lagmannsrett (Borgarting Court of Appeal), “Sentence 0204.2013:Case No. 12-063028AST-BORG/03, [www.lovdato.no](http://www.lovdato.no), 2013; Høyesterett (Supreme Court), “09.10.2013 Case No. HR-2013-2115-A-Rt-2013-1247, [www.lovdato.no](http://www.lovdato.no), 2013.

<sup>69</sup> Borgarting Lagmannsrett (Borgarting Court of Appeal), “Sentence 0204.2013:Case No. 12-063028AST-BORG/03, [www.lovdato.no](http://www.lovdato.no), 2013; Høyesterett (Supreme Court), “09.10.2013 Case No. HR-2013-2115-A-Rt-2013-1247, [www.lovdato.no](http://www.lovdato.no), 2013.

<sup>70</sup> Borgarting Lagmannsrett (Borgarting Court of Appeal), “Sentence 0204.2013:Case No. 12-063028AST-BORG/03, [www.lovdato.no](http://www.lovdato.no), 2013; Høyesterett (Supreme Court), “09.10.2013 Case No. HR-2013-2115-A-Rt-2013-1247, [www.lovdato.no](http://www.lovdato.no), 2013.

she heard about their situation the woman offered to help them escape. As a fellow Filipina she felt a responsibility towards the two au pairs, and she conveyed to them that their circumstances were a breach of Norwegian law. It took several conversations and days of persuasion before the au pairs agreed to leave the host family.<sup>71</sup>

Eleanor, who had developed a sense of dependency and loyalty towards the host “parents” over the six months she had stayed with them, was particularly reluctant to escape. She harbored great fear towards the host “father” and had strong qualms about leaving the children. When Jean and her Norwegian husband arrived in the middle of the day to help them escape, Eleanor had cleaned the whole house. She even ran back into the house after she had left, because she had forgotten to throw the garbage. Once in the car, both Eleanor and Sara broke down and cried hysterically. Jean and her husband drove the au pairs straight to the police. They let them stay in their house for a while. The au pairs were scared for a long period after they escaped. Both were diagnosed with post-traumatic stress disorder (PTSD) in 2011.<sup>72</sup>

A psychological assessment was made of Eleanor for the purpose of the court case. The psychologist states that she came from a culture where the family as a whole is in focus rather than the individual. Eleanor grew up with her parents and 7 siblings in a very poor slum area of Manila. She applied for financial education support through her Catholic congregation when she was 13 and got a sponsor from Japan. Some years later when she was studying to become a teacher the Japanese sponsor wanted to marry her. Eleanor declined the offer and he cancelled the sponsorship. As a result, she had to quit her studies. At the time when she applied for the job in Norway she was unemployed. There was still an expectation for her to support her parents financially. The psychologist points out that Eleanor’s work motivation was strongly driven by this expectation. Her behavior showed that she has great respect for authorities. And the psychologist further commented that in her culture it is difficult to express dissatisfaction and have an open conflict with your employer.<sup>73</sup>

---

<sup>71</sup> Borgarting Lagmannsrett (Borgarting Court of Appeal), “Sentence 0204.2013:Case No. 12-063028AST-BORG/03, [www.lovdato.no](http://www.lovdato.no), 2013; Høyesterett (Supreme Court), “09.10.2013 Case No. HR-2013-2115-A-Rt-2013-1247, [www.lovdato.no](http://www.lovdato.no), 2013.

<sup>72</sup> Borgarting Lagmannsrett (Borgarting Court of Appeal), “Sentence 0204.2013:Case No. 12-063028AST-BORG/03, [www.lovdato.no](http://www.lovdato.no), 2013; Høyesterett (Supreme Court), “09.10.2013 Case No. HR-2013-2115-A-Rt-2013-1247, [www.lovdato.no](http://www.lovdato.no), 2013.

<sup>73</sup> Borgarting Lagmannsrett (Borgarting Court of Appeal), “Sentence 0204.2013:Case No. 12-063028AST-BORG/03, [www.lovdato.no](http://www.lovdato.no), 2013; Høyesterett (Supreme Court), “09.10.2013 Case No. HR-2013-2115-A-Rt-2013-1247, [www.lovdato.no](http://www.lovdato.no), 2013.



Eleanor's story has all the characteristics of a typical domestic slavery case. The level of vulnerability in her case was very high, as it generally can be amongst women with similar backgrounds to hers. They can be easy targets to manipulate and abuse. The court documents from Eleanor's case state that the host "father" was aware that people from the Philippines in general are bound to tradition, are polite, very conscientious, and often have a subordinate nature. Eleanor is perceived by the court to fit these characteristics. Further, the court document states that the risk for exposing such crimes as the ones Eleanor was exposed to is low, especially when it happens under the legal circumstances of the au pair scheme and in a private home. The host family was only prosecuted on the grounds of sexual abuse for the human trafficking aspect of her case, and not for labour exploitation. Eleanor had worked from 6:00 AM in the morning till 11:00 PM at night, and then got a few hours of sleep before the host "father" would demand sex from her every night. She did not have any regulated work hours or control over her own time.<sup>74</sup>

Eleanor's case reveals the potential for abuse of the au pair scheme. Her situation illustrates numerous breaches of the guidelines set by the UDI. She worked extensively more hours than the au pair guideline permits. Although she was paid the "pocket money" rate in accordance with the guidelines, she worked far more than the five-hour daily limit. Eleanor didn't get a separate bedroom. She was denied the opportunity to attend a Norwegian course. She very rarely got to attend any leisure activities. And she was never treated as part of the family. The host family also made her work in their chiropractor clinic. Eleanor's intention was never to participate in a cultural exchange. Her motivation was to send remittance to her parents in the Philippines. In this case, the host family also breached the guidelines by illegally hiring two au pairs. The host "father" was sentenced to two years in prison for three offenses, including human trafficking for forced sexual exploitation. His partner was convicted for two offenses, none related to human trafficking. The couple were both sentenced to compensate Eleanor with the sum of 130,000 NOK (\$22,000).<sup>75</sup>

The verdict for the human trafficking crime in Eleanor's case was based on the vulnerability aspect in the penal code 224. However, it is outlined in the court document that her case is not in the heartland of the human trafficking penalty code 224 as it does not include organized crime, no third person was dealing in the

---

<sup>74</sup> Borgarting Lagmannsrett (Borgarting Court of Appeal), "Sentence 0204.2013:Case No. 12-063028AST-BORG/03, [www.lovdatab.no](http://www.lovdatab.no), 2013; Høyesterett (Supreme Court), "09.10.2013 Case No. HR-2013-2115-A-Rt-2013-1247, [www.lovdatab.no](http://www.lovdatab.no), 2013.

<sup>75</sup> Borgarting Lagmannsrett (Borgarting Court of Appeal), "Sentence 0204.2013:Case No. 12-063028AST-BORG/03, [www.lovdatab.no](http://www.lovdatab.no), 2013; Høyesterett (Supreme Court), "09.10.2013 Case No. HR-2013-2115-A-Rt-2013-1247, [www.lovdatab.no](http://www.lovdatab.no), 2013.

victims, and no one had achieved financial profit. The advantages achieved were in the form of sexual benefits. This limited definition thus illustrates the potential difficulties in prosecuting and sentencing domestic slavery, including severe exploitation in au pair cases, in Norway. In 2012, JURK (Legal Advice for Women) issued a report on au pairs in Norway. It states:

The penal code section 224 concerning trafficking and forced labour must be changed in order to cover the complex situations of compulsions that au pairs and other domestic workers are subject to.<sup>76</sup>

### **Structural weaknesses of the au pair system**

Norway has adopted a Plan of Action that is overseen by the Inter-Ministerial Working Group against Human Trafficking. One of the key areas in The Plan of Action for 2011-2014 is to strengthen the legal framework. The Plan of Action discusses the risk for au pairs to be subjected to human trafficking. In 2012 the UN Committee on the Elimination of Discrimination against Women (CEDAW) expressed concerns about the lack of monitoring of the au pair scheme in Norway due to its potential for exploitation.<sup>77</sup>

The UDI made certain changes to the regulations and procedures in 2012 as a response to the growing problem of host families and au pairs viewing the au pair scheme as regular paid work.<sup>78</sup> The intentions with the reforms were to strengthen the cultural exchange aspect. Some of the key areas are; women with children in their home countries can no longer receive a residency permit as an au pair in Norway, and host families who have misused the au pair scheme will be given a quarantine period before they can hire an au pair again if they are caught severely breaching the regulations.<sup>79</sup> This practice has not yet been implemented. An au pair center, financed by the Ministry of Justice and facilitated by The Norwegian People's Aid and the Norwegian Union of Municipal and General Employees, was

---

<sup>76</sup> JURK (Legal Advice for Women) "Au Pairs i Norge; Rettigheter og Rettighetsinformasjon [Au Pairs in Norway; Rights and Information About Rights]", Oslo, 2012. Available at: [www.jurk.no/download/rapporter/Au%20pair%20rapport.pdf](http://www.jurk.no/download/rapporter/Au%20pair%20rapport.pdf)

<sup>77</sup> GRETA, "Report Concerning the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Norway", [www.coe.int/t/dghl/monitoring/trafficking/Docs/Reports/GRETA\\_2013\\_5\\_FGR\\_NOR\\_with\\_CMNTS\\_en.pdf](http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Reports/GRETA_2013_5_FGR_NOR_with_CMNTS_en.pdf), 2013.

<sup>78</sup> GAATW, "AU PAIR: Challenges to Safe Migration and Decent Work", GAATW Working Paper Series, [www.gaatw.org/publications/AuPair\\_ChallengestoSafeMigrationandDecentWork.GAATW2013.pdf](http://www.gaatw.org/publications/AuPair_ChallengestoSafeMigrationandDecentWork.GAATW2013.pdf), 2013.

<sup>79</sup> JURK (Legal Advice for Women) "Au Pairs i Norge; Rettigheter og Rettighetsinformasjon [Au Pairs in Norway; Rights and Information About Rights]", Oslo, 2012. Available at: [www.jurk.no/download/rapporter/Au%20pair%20rapport.pdf](http://www.jurk.no/download/rapporter/Au%20pair%20rapport.pdf)

also opened in late 2012. The center offers advice, tips, legal assistance, and information to au pairs and host families.<sup>80</sup>

There are, however, several aspects of the au pair scheme that still open up for potential exploitation. As it stands, there are no regulations for the recruitment of au pairs. This happens through social networks, international au pair agencies, national au pair agencies, brokers and online au pair agencies. According to Philippines' regulations, an au pair contract employment should not be initiated through the use of agents or brokers, as there are no licensed au pair agencies in the Philippines. It is expected that the Filipina au pairs find their host families through direct hire. Recruiters and host families alike can exploit the lack of regulated ways to find au pair employment in Norway. Women may pay fees for fictive employment deals, enter a debt relationship with agents that may develop into debt bondage, or be hired by persons with the intention to severely exploit, which happened in Eleanor's case. Norwegian authorities have no control over whether the migration route is a safe one or not.<sup>81</sup>

Today the au pair visa is tied to the employer based on the duration of the contract. If the contract is cancelled, the visa will also automatically be cancelled.<sup>82</sup> The au pair can be in Norway for a period of two years in total. If she for some reason needs to change host family during this time, she also has to re-apply for a residency permit and pay a renewal fee of 2500 NOK that may add a financial burden that is hard to manage.<sup>83</sup> In cases of exploitation the au pair may find it difficult to leave the family due to the effect it may have on her residency status. She may also find it difficult to refuse to perform work that exceeds the 5 hour per day limit or 30 hours per week limit, and she has no way of claiming more pay for the extra hours she may have been forced to work. This system puts the au pair in a vulnerable position with the host family and it does not offer much protection.<sup>84</sup>

---

<sup>80</sup> Au Pair Senteret, "General information", [www.npaid.org/our-work/Asylum-and-integration/Au-Pair-Center](http://www.npaid.org/our-work/Asylum-and-integration/Au-Pair-Center), 2014.

<sup>81</sup> C. Øien, "On Equal Terms? An Evaluation of the Norwegian Au Pair Scheme", FAFO Report, 2009, 29; Oslo, [www.faf.no](http://www.faf.no); GAATW, "AU PAIR: Challenges to Safe Migration and Decent Work", GAATW Working Paper Series, [www.gaatw.org/publications/AuPair\\_ChallengestoSafeMigrationandDecentWork.GAATW2013.pdf](http://www.gaatw.org/publications/AuPair_ChallengestoSafeMigrationandDecentWork.GAATW2013.pdf), 2013.

<sup>82</sup> GAATW, "AU PAIR: Challenges to Safe Migration and Decent Work", GAATW Working Paper Series, [www.gaatw.org/publications/AuPair\\_ChallengestoSafeMigrationandDecentWork.GAATW2013.pdf](http://www.gaatw.org/publications/AuPair_ChallengestoSafeMigrationandDecentWork.GAATW2013.pdf), 2013.

<sup>83</sup> JURK (Legal Advice for Women) "Au Pairs i Norge; Rettigheter og Rettighetsinformasjon [Au Pairs in Norway; Rights and Information About Rights]", Oslo, 2012. Available at: [www.jurk.no/download/rapporter/Au%20pair%20rapport.pdf](http://www.jurk.no/download/rapporter/Au%20pair%20rapport.pdf)

<sup>84</sup> JURK (Legal Advice for Women) "Au Pairs i Norge; Rettigheter og Rettighetsinformasjon [Au Pairs in Norway; Rights and Information About Rights]", Oslo, 2012. Available at: [www.jurk.no/download/rapporter/Au%20pair%20rapport.pdf](http://www.jurk.no/download/rapporter/Au%20pair%20rapport.pdf); GAATW Working Paper Series, [www.gaatw.org/publications/AuPair\\_ChallengestoSafeMigrationandDecentWork.GAATW2013.pdf](http://www.gaatw.org/publications/AuPair_ChallengestoSafeMigrationandDecentWork.GAATW2013.pdf), 2013.

There is also no monitoring of the au pair scheme in place. Au pairs living in-house with their employer risk being isolated and exploited by the host families.<sup>85</sup> The chances that the relationship is a culture exchange just on paper can be high. Upon arrival in Norway the au pairs are not offered a formal information meeting by the authorities before they move in with the host family and start performing the tasks requested by their employer. They may not understand that they have certain rights according to the guidelines and are entitled to exercise these rights in their work relationship with the host family.<sup>86</sup> Not knowing the cultural context of the host country may also lead them to believe that they have to perform the job according to customs in their home country or customs in Hong Kong and Singapore where they may have worked prior to coming to Norway.<sup>87</sup> Without an initial introduction by the Norwegian authorities upon arrival the true intention of the au pair scheme may not be understood, nor the official view on exploitation and breach of the au pair program. Having such a system in place would create a trust in authorities that may be lacking in women who come from countries that are corrupt, who otherwise would not contact authorities when in need. Today there is no inspection system that monitors the au pairs living and working conditions once they are inside the host family's home. The chances of exposing exploitation are therefore low.<sup>88</sup>

A group of independent experts on human rights and human trafficking measures, GRETA, was established to monitor the implementations of the Council of Europe Convention on Actions against Trafficking in Human Beings. In 2013 they published a report concerning the implementation of The Convention by Norway. While complimenting Norway on the initiatives made to prevent and combat human trafficking, it also offered a series of recommendations. GRETA urges Norwegian authorities to upgrade the legal definition of human trafficking to include slavery, practices similar to slavery and servitude. Further, they recommend that Norway strengthen their efforts to discourage demand for victims

---

<sup>85</sup> JURK (Legal Advice for Women) "Au Pairs i Norge; Rettigheter og Rettighetsinformasjon [Au Pairs in Norway; Rights and Information About Rights]", Oslo, 2012. Available at: [www.jurk.no/download/rapporter/Au%20pair%20rapport.pdf](http://www.jurk.no/download/rapporter/Au%20pair%20rapport.pdf)

<sup>86</sup> JURK (Legal Advice for Women) "Au Pairs i Norge; Rettigheter og Rettighetsinformasjon [Au Pairs in Norway; Rights and Information About Rights]", Oslo

<sup>87</sup> C. Øien, "On Equal Terms? An Evaluation of the Norwegian Au Pair Scheme", FAFO Report, 2009, 29; Oslo, [www.fafo.no](http://www.fafo.no).

<sup>88</sup> JURK (Legal Advice for Women) "Au Pairs i Norge; Rettigheter og Rettighetsinformasjon [Au Pairs in Norway; Rights and Information About Rights]", Oslo, 2012; GAATW, "AU PAIR: Challenges to Safe Migration and Decent Work", "GAATW Working Paper Series, [www.gaatw.org/publications/AuPair\\_ChallengestoSafeMigrationandDecentWork.GAATW2013.pdf](http://www.gaatw.org/publications/AuPair_ChallengestoSafeMigrationandDecentWork.GAATW2013.pdf), 2013.

of human trafficking for the purpose of sexual exploitation and labor exploitation in sectors at higher risk of human trafficking, such as domestic work.<sup>89</sup>

Although au pairs are not considered domestic workers by the Norwegian authorities, research findings show that the au pair scheme has in recent years become a loophole for hiring cheap domestic labor.<sup>90</sup> The ambiguity that exists at the root of the program that defines the au pair as part employee and part member of the host family opens up for potential exploitation in contemporary Norwegian society.<sup>91</sup> Recent steps have been made by the Norwegian authorities to bring the program back to its initial profile as a culture exchange scheme. However, the gaps that exist in the interpretation and practice of this system by its users reveal that the initiative to strengthen the guidelines and regulations does not eliminate the possibilities for it to be misused. The au pair scheme still offers a potential risk for severe exploitation as seen in Eleanor's case that is too high.

## Conclusion

To truly reform the au pair system in today's climate where there clearly is a growing demand for domestic work would be the best way to offer proper protection for the au pairs and reduce the potential for labor exploitation in Norwegian society. This will allow Norwegian authorities to further strengthen its responsibilities as a party of the Council of Europe Convention on Action against Trafficking in Human Beings and as an ILO member state.

As such, it may be befitting to look to ILO's Decent Work Agenda as a guideline in this particular case of the au pair program. Norway is perceived as a strong partner in promoting the Decent Work Agenda by the ILO, which can make

---

<sup>89</sup> GRETA, "Report Concerning the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Norway", [www.coe.int/t/dghl/monitoring/trafficking/Docs/Reports/GRETA\\_2013\\_5\\_FGR\\_NOR\\_with\\_CMNTS\\_en.pdf](http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Reports/GRETA_2013_5_FGR_NOR_with_CMNTS_en.pdf), 2013.

<sup>90</sup> M. Bikova, "The Snake in the Grass of Gender Equality; Au-pairing in women-friendly Norway", in Lise Widding Isaksen (Ed.), *Global Care Work; Gender and Migration in Nordic Societies*, Lund, Nordic Academic Press; GAATW, "AU PAIR: Challenges to Safe Migration and Decent Work", 2010; GAATW Working Paper Series, [www.gaatw.org/publications/AuPair\\_ChallengestoSafeMigrationandDecentWork.GAATW2013.pdf](http://www.gaatw.org/publications/AuPair_ChallengestoSafeMigrationandDecentWork.GAATW2013.pdf), 2013; JURK (Legal Advice for Women) "Au Paire i Norge; Rettigheter og Rettighetsinformasjon [Au Pairs in Norway; Rights and Information About Rights]", Oslo, 2012; S. Hess and A. Puckhaber, "Big Sisters' are better Domestic Servants?"; Comments on the booming au pair business", *Feminist Review*, 77, 2004.

<sup>91</sup> M. Bikova, "The Snake in the Grass of Gender Equality; Au-pairing in women-friendly Norway", in Lise Widding Isaksen (Ed.), *Global Care Work; Gender and Migration in Nordic Societies*, Lund, Nordic Academic Press, 2010; R. Sollund, "Regarding Au Pairs in the Norwegian Welfare State", *European Journal of Women's Studies*, 2010, 17:143; GAATW, "AU PAIR: Challenges to Safe Migration and Decent Work", GAATW Working Paper Series, [www.gaatw.org/publications/AuPair\\_ChallengestoSafeMigrationandDecentWork.GAATW2013.pdf](http://www.gaatw.org/publications/AuPair_ChallengestoSafeMigrationandDecentWork.GAATW2013.pdf), 2013; JURK (Legal Advice for Women) "Au Paire i Norge; Rettigheter og Rettighetsinformasjon [Au Pairs in Norway; Rights and Information About Rights]", Oslo, 2012.

it both a relevant and familiar instrument to use in an evaluation and reform of the au pair institution.<sup>92</sup> The Decent Work Agenda was initiated to reduce poverty and secure a fairer globalization. Its main points are that work should deliver a fair income, security in the workplace, social protection for families, better prospects for personal development and social integration, and freedom for people to express their concerns, organize and participate in decision-making.<sup>93</sup>

Closing the opportunity for persons to participate in the culture exchange scheme would be counterproductive to the au pairs and host families who are genuine in their desire to embark on this mutual cultural experience. Bringing the au pair scheme back to its true intention not only in theory, but also in practice, does however require a more rigorous system. It would seem purposeful to lower the amount of work hours allowed per week, place a stronger emphasis on the study aspect, and implement an inspection system that would create a stricter sense of accountability for the au pairs and the host families.

There is also a clear need to address the increasing demand for domestic work in Norway. At the moment the au pair system is operating as a distraction from addressing the issues involved: (1) whether there is a local work force willing to do this type of job if the pool of professional au pairs is eliminated, (2) if the 'host families' currently using the au pair system to cover their need for a domestic worker are prepared to pay minimum regulated wages for domestic help, and (3) how to cover the work force gap if the au pair scheme is brought back to its origin as a culture exchange program. A temporary migrant domestic work arrangement seems to be the most responsible way to meet the challenges with the au pair system. It will reduce all the vulnerability factors the au pairs are facing due to their current visa status. With a temporary domestic workers system the persons who are au pairing as a livelihood will be eligible to rights in accordance with Norwegian labor laws, which will secure them a wage far higher than the pocket money/salary they receive today. They will get a salary that rightfully reflects the amount of work they do, and they will be included in a framework of protection and rights. It will provide for a safer migration pathway when the visa is not tied to the employer, and they will be entitled to formal recognition for the work they perform. Lastly, the domestic workers will not have to live with their employer, which will significantly reduce the risk of abuse. Rather than upholding the ambiguity, contradictions and potential for exploitation that exist with the au pair framework, creating two separate systems will solve many of the existing

---

<sup>92</sup> International Labour Organisation, "Norway – ILO Cooperation: Newsletter, [www.ilo.org/pardev/donors/WCMS\\_246031/lang--en/index.htm](http://www.ilo.org/pardev/donors/WCMS_246031/lang--en/index.htm), 06/2014.

<sup>93</sup> International Labour Organisation, "Decent Work", [www.ilo.org/global/topics/decent-work-/lang--en/index.htm](http://www.ilo.org/global/topics/decent-work-/lang--en/index.htm), 2014.

problems. Further, it will give today's au pairs an opportunity to experience the true nature of what it means to be on equal terms in egalitarian Norway.