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UNHRC

State Sovereignty vs. Inspections in Gendered Migrant Labor Abuse

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COMMITEE

overview

The United Nations Human Rights Council is the main body in the UN system responsible for promoting and protecting human rights worldwide. It was established in 2006 by the General Assembly to replace the former Commission on Human Rights. The Council is made up of 47 member states that are elected for three-year terms. It meets several times a year in Geneva, where countries discuss current human rights situations, review reports, and negotiate resolutions.

The Council can appoint Special Rapporteurs and independent experts to investigate specific issues or countries, conduct the Universal Periodic Review of every UN Member State, and request information from the Office of the High Commissioner for Human Rights. These tools allow the Council to keep attention on serious problems and encourage governments to improve their practices, even if it cannot force them to act.

In practice, the Council is a political body where different groups of countries often hold very different views. Some states strongly defend national sovereignty and prefer that each country deal with its own internal matters. Other states argue that human rights are universal and that the international community has a responsibility to respond when serious violations occur. These opposing perspectives shape almost every debate and make consensus difficult to reach. Resolutions often require careful negotiation, compromise, and the building of cross-regional support.

HISTORICAL *background*

The conflict between state sovereignty and international inspection is very old. Sovereignty means that each country has the final say over what happens inside its borders, including who can enter, who can work, and how workplaces are run. This idea is protected by the United Nations Charter of 1945, which says the UN cannot interfere in matters that are essentially within a country's own authority (Article 2(7)). Even so, countries have long accepted some outside rules on labor. The International Labour Organization (ILO) was founded in 1919 to set global labor standards, and it adopted several key treaties, called conventions. The Forced Labour Convention (1930) banned forced work. The Labour Inspection Convention (1947) required governments to send inspectors to check workplaces. The Migration for Employment Convention (1949) and the Migrant Workers Convention (1975) said migrant workers should be treated fairly and not be exploited. The problem is that a convention only binds the countries that choose to sign and ratify it, and many large destination countries have not done so. The same happened with the UN International Convention on the Rights of All Migrant Workers (adopted in 1990, in force since 2003), which only about 60 countries have joined, mostly countries that send workers abroad rather than receive them.

Domestic work, such as cleaning, cooking, and caring for children or the elderly, was also seen for a long time as "women's work" done privately at home. For this reason many national labor laws did not treat it as real employment, and inspectors had no clear right to enter private homes.

HISTORICAL *background*

Migration patterns then changed in ways that made the problem larger. After the oil boom of the 1970s, Gulf countries hired millions of foreign workers through the kafala system. Kafala is a sponsorship system that ties a worker's legal right to stay in the country to one employer. From the 1980s and 1990s, more and more women began migrating on their own to work as maids, nurses, caregivers, and factory workers. Experts call this the "feminization of migration." Many of these women worked in private homes or informal jobs where nobody could see their working conditions. Public attention grew after cases of abuse, such as the 1995 execution in Singapore of Flor Contemplacion, a Filipina domestic worker. The case caused public outrage in the Philippines and led it to pass a law that year, the Migrant Workers Act, to protect its citizens working abroad. At the international level, several steps followed. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979) was applied to migrant women through a special guidance document in 2008. The UN Palermo Protocol (2000) required countries to fight human trafficking. The ILO then adopted the Domestic Workers Convention (2011), the first treaty setting global rules for household workers, and the Violence and Harassment Convention (2019). In 2018, countries adopted the Global Compact for Safe, Orderly and Regular Migration, a non-binding agreement that they review every four years. Each of these steps increased the pressure on states to act, but because most are voluntary, sovereignty has remained the main obstacle to strong, enforceable inspections.

CURRENT *situation*

Women migrant workers sit at the center of a long-running tension between state sovereignty and international oversight. Women make up about 41.5 per cent of international migrant workers, and nearly 80 per cent of them work in services such as healthcare and domestic work. Much of this work happens in private homes, which makes it the hardest to monitor. Domestic workers in the Gulf who live in their employers' homes are largely invisible to legal oversight and excluded from national labor laws. In many states domestic work is still classed as service in a private household rather than as employment. Sovereignty arguments reinforce this gap. Inspecting a private household can require the homeowner's permission or, in some cases, a judge's. The consequences are serious: migrant workers are three times more likely to be in forced labor than other workers. Women migrant domestic workers face a compounded risk because they are women, migrants and domestic workers, and are especially exposed to sexual abuse



CURRENT *situation*

Recent developments show both movement and limits. For instance, at the multilateral level, the second International Migration Review Forum (IMRF), reviewed implementation of the Global Compact for Migration. Its Progress Declaration and was then put to a vote in the General Assembly on 20 May 2026 and passed with 147 in favor, 6 against and 23 abstentions. They urged fully funded inspection, including in informal and domestic work, and “firewall” protections so migrants can report abuse without fear of detention and deportation.

Adding to this, it is important to highllight that the international community faces four main challenges. First, norms are not binding in practice: states are being asked to adopt inspection and firewall protections, but the review process produces non-binding commitments, so compliance remains voluntary. Second, immigration enforcement conflicts with labor protection, because workers who fear detention or deportation will not report abuse to inspectors. Third, there is a gap between legal reform and enforcement. Despite public commitments to reform, kafala-style sponsorship still gives employers heavy control over women’s mobility, wages and legal recourse. Fourth, responsibility is split between origin and destination states, and recruitment agencies, which are often cross-border, are a weak point. The core question for the international community is how to secure effective, gender-responsive inspection, particularly of private homes and informal work, while respecting states’ authority over their borders and labor markets.

KEY AREAS *of debate*

- How much should the international community be allowed to check how countries treat migrant women workers, and when does this become interference in a country's own affairs?
- Should labor inspectors be allowed to enter private homes, where most migrant domestic workers live and work, even if this limits the right to privacy?
- Should a worker be able to report abuse to inspectors without the risk of being reported to immigration authorities, even if she is in the country illegally?
- Should kafala, the sponsorship system that ties a worker's legal status to one employer, be abolished completely or only reformed little by little?
- Who is responsible for protecting women migrant workers, the country they come from or the country they work in, and what should happen when one of them refuses to act?
- How can recruitment agencies that work across borders be punished for charging illegal fees, trapping workers in debt, and lying about the job?
- How can labor inspections be changed to better protect women, for example with female inspectors and interpreters, and who should pay for these changes in poorer countries?
- Are voluntary agreements like the Global Compact for Migration enough to protect women migrant workers, or do countries need to be forced to follow the rules?

DIFFERENT *perspectives*

- Origin countries send many women abroad to work, and their families depend on the money these women send home. They believe destination countries must protect these workers and allow inspections, because their own governments cannot enforce rules inside another country. They also worry that if they push too hard or ban migration, they could lose jobs for their citizens, so they often favor agreements between countries over confrontation.
- Destination countries that rely heavily on migrant labor depend on foreign workers for homes, construction, and services, and they believe labor and immigration rules are matters for each country to decide. They argue that they are already making reforms, such as changing sponsorship rules and creating complaint systems, and that outside pressure or forced inspections disrespect their sovereignty. They also say private homes need special protection, and that origin countries and recruitment agencies share the blame for abuses.
- High-income destination countries countries usually support strong labor protections and gender equality in principle, but they also want to control their borders and limit irregular migration. This creates tension, because they are often unwilling to separate labor inspection from immigration enforcement.
- International organizations, unions, and women's rights groups believe that migrant women's rights come before state control, and that sovereignty should not be used as an excuse to ignore abuse. They call for stronger inspections, including in private homes, a firewall between labor inspectors and immigration authorities, the end of kafala-style systems, and wider ratification of ILO conventions. Their main weakness is that they cannot force states to act, so they rely on pressure, reports, and public attention.

DELEGATIONS *list*

- Kingdom of Saudi Arabia
- United Arab Emirates
- State of Qatar
- Republic of Indonesia
- Republic of the Philippines
- Federal Democratic Republic of Nepal
- Mexico
- Republic of Colombia
- Republic of Kenya
- Republic of Lebanon
- Republic of El Salvador
- Republic of South Africa
- Federal Democratic Republic of Ethiopia
- United States of America
- Kingdom of Spain
- United Kingdom of Great Britain and Northern Ireland
- Amnesty International
- Human Rights Watch
- International Rescue Commitee (IRC)
- World Vision International

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