

AU PAIR AND TRAFFICKED?

- RECRUITMENT, RESIDENCE IN DENMARK
AND DREAMS FOR THE FUTURE

TRINE MYGIND KORSBY

AU PAIR AND TRAFFICKED?

- RECRUITMENT, RESIDENCE IN DENMARK AND DREAMS FOR THE FUTURE

A QUALITATIVE STUDY OF THE PREVALENCE
AND RISK OF HUMAN TRAFFICKING IN THE
SITUATIONS AND EXPERIENCES OF A GROUP
OF AU PAIRS IN DENMARK

TRINE MYGIND KORSBY

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Author: Trine Mygind Korsby

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A qualitative study of the prevalence and risk of human trafficking in the situations and experiences of a group of au pairs in Denmark"

ISBN (digital version): 978-87-92567-51-2

1st edition

Design: Bysted A/S

Price: free

Published by:

National Board of Social Services

Edisonsvej 18, 1.

DK-5000 Odense C

Denmark

Tel.: +45 7242 3700

E-mail: servicestyrelsen@servicestyrelsen.dk

www.servicestyrelsen.dk

Download the report from www.servicestyrelsen.dk

or from: www.centermodmenneskehandel.dk



Foreword

THE FACT THAT THE PHENOMENON OF HUMAN TRAFFICKING also exists in Denmark has been made very clear in recent years in connection with women trafficked into prostitution. Less obvious though is the fact that there may also be people trafficked into forced labour. The thoroughly regulated Danish labour market is a significant barrier to such activities, which helps to secure workers' rights and prevent the exploitation of unregistered or illegal workers.

However, examples from both Norway and Sweden, where there have been convictions in recent years for trafficking into forced labour, together with reports on the occurrence of forced labour in a number of EU countries, indicate that the risk may well be present in Denmark, too.

The Danish Centre against Human Trafficking therefore intends to examine areas in which trafficking into forced labour could occur in Denmark. The dream of a better life in a more privileged part of the world can make people vulnerable to exploitation by intermediaries or recruiters who act as 'helpers' in the often difficult process of gaining access to the more prosperous countries.

Forced labour can occur in countless ways, and in the western world it is most commonly seen in the catering industry, the cleaning industry, agriculture and domestic work in private homes. The area of au pair work may be regarded as akin to domestic work, which makes it relevant to enquire whether human trafficking into forced labour within this field could also occur. Many of the au pairs currently residing in Denmark have come from developing countries with the ambition of being able to support themselves and their families and create a better life.

It is important not to equate human trafficking with poor working conditions or low wages. Human trafficking is a crime, in which exploitation is intended and implied in the actions of the recruitment, transportation – sometimes across national borders – or housing of a person, and the use of such means as power, coercion, deception or exploitation of a particularly vulnerable position.

This study of whether trafficking is occurring in connection with the Danish au pair scheme is the first in a planned series of studies by the Danish Centre against Human Trafficking on the prevalence of trafficking into forced labour in various industries in Denmark.

Gitte Tilia

Co-ordinator, Danish Centre against Human Trafficking
January 2010

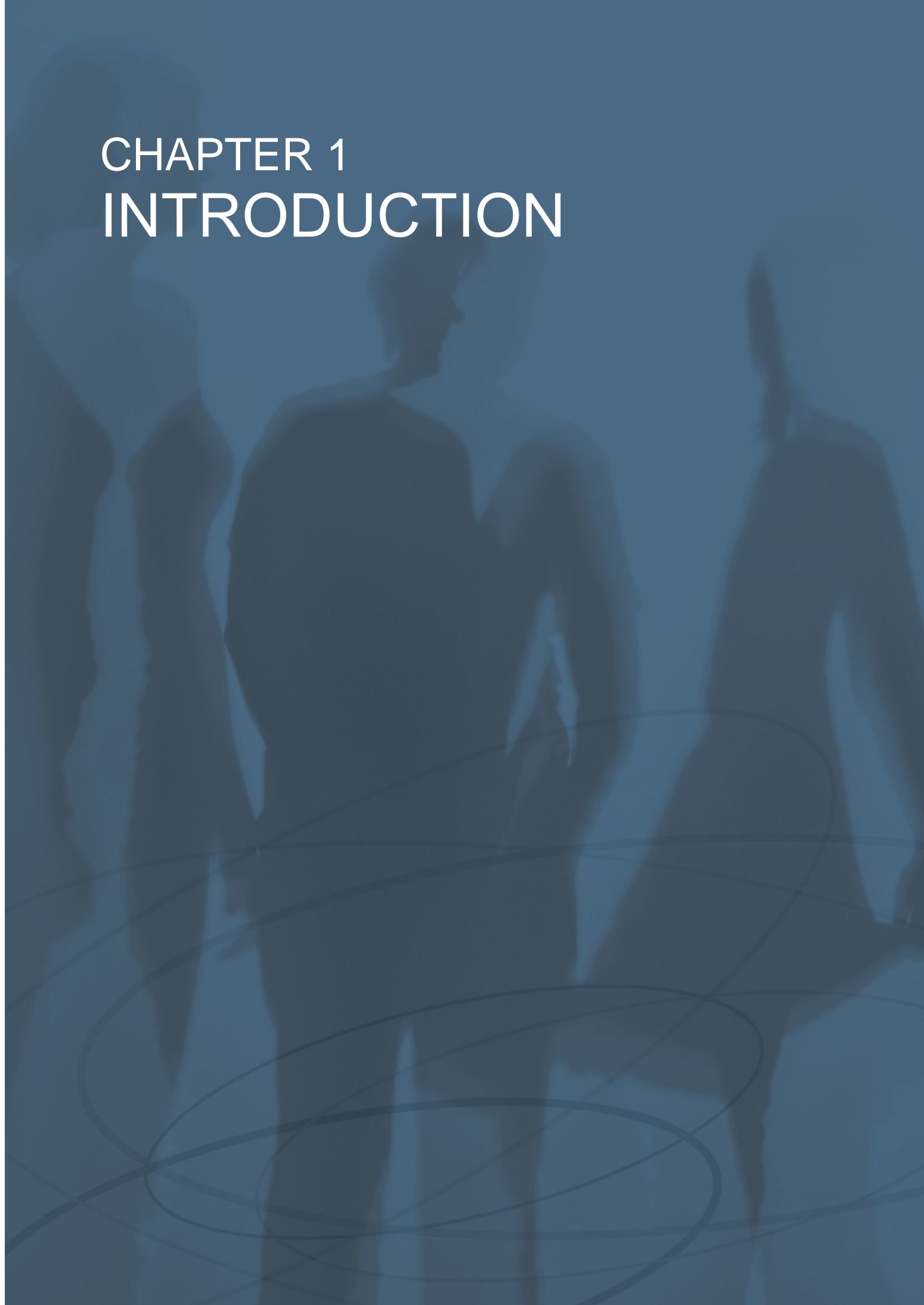
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CHAPTER 1

INTRODUCTION



Introduction

THIS REPORT DEALS WITH au pairs¹ in Denmark, and its aim is to determine whether there is human trafficking, or elements of human trafficking, in the situations and experiences of a group of au pairs.

The exploitation of au pairs elsewhere in the world has been dealt with by other authors (e.g. Anderson, 2000; Williams & Gavanas 2008), some of which have pointed out the risk of human trafficking in connection with au pair work (e.g. Laczko & Gramegna 2003: 187; ILO 2005 and Vermeulen 2007). Prof. Gert Vermeulen, in a research project compiled for the European Commission in 2007 on combating human trafficking and the sexual exploitation of minors, describes this possible link between au pair work and human trafficking as follows: (Vermeulen 2007: 125-126)

“Abuse of au pairs continues to exist and can be linked to the phenomenon of domestic slavery. These modern slaves, like their counterparts of old, are forced to work (through mental or physical threat) with no or little financial reward [...] Today's slaves are predominantly female and usually work in private households, starting out as migrant domestic workers, au pairs or 'mail order brides'. Most have come voluntarily, seeking to improve their situation or escaping poverty and hardship, but some have even been deceived by their employers, agencies or other intermediaries, have been debt-bonded and even trafficked. Once working, however, they are vulnerable and isolated [...] Au pairs have been frequently mentioned in cases of economic and even sexual exploitation. When this exploitation goes hand in hand with an abuse of authority or a position of vulnerability, deceit or fraud, then this act is punishable throughout the EU as the offence of trafficking in persons”

(Vermeulen 2007:125-126)

Likewise, in its 2004 report and subsequent recommendations on domestic slavery², the Council of Europe Committee for Equality between Women and Men described examples of the abuse of au pairs, and drew attention to the risk of trafficking of au pairs and other similar groups, which was followed up by the Committee of Ministers' response in January 2005³. The report describes the exploitation of au pairs, and mentions the role of au pair intermediaries, which is also a central focus of this study:

“The number of less serious agencies, particularly those operating from the internet, has boomed in recent years. Many of the 'black sheep' charge exorbitant fees (especially of the prospective au pair), leading their clients into debt bondage slavery”

(Parliamentary Assembly of the Council of Europe: Report to the Committee on Equal Opportunities for Women and Men 2004, doc. 10144, section 2C 24)⁴

¹ In this report, the terms 'au pair' and 'au pairs' refer to both women and men.

² Parliamentary Assembly of the Council of Europe: Recommendation 1663 (2004): Domestic Slavery: servitude, au pairs and 'mail-order brides'. Cf. http://assembly.coe.int/Main.asp?link=/documents/AdoptedText/ta04/ereC1663.htm#_ftn1

³ Parliamentary Assembly of the Council of Europe: reply from the Committee of Ministers. Recommendation 1663 (2005): Domestic Slavery: servitude, au pairs and 'mail-order brides'. Cf. <http://assembly.coe.int/documents/Workingdocs/doC05/edoC10399.htm>

⁴ Parliamentary Assembly of the Council of Europe: Report to the Committee on Equal Opportunities for Women and Men, doc. 10144 (2004). Cf. <http://assembly.coe.int/Main.asp?link=http://assembly.coe.int/documents/Workingdocs/doc04/edoC10144.htm>

Similarly, the NGO network La Strada⁵, which works to combat human trafficking, has pointed to cases of abuse among au pairs and the risk of human trafficking⁶.

In this report, the Danish Centre against Human Trafficking aims to examine the situation in Denmark and the possible links between the au pair field and trafficking. The report thus focuses on arenas where the exploitation of au pairs may occur. As Vermeulen indicates in the above quote, au pairs are vulnerable on several levels, and may be exposed to various forms of exploitation, as has also been pointed out by the International Labour Organisation (ILO 2009: 34). It is this vulnerability and susceptibility of au pairs in relation to their recruitment, their stay in Denmark and their subsequent experiences which will provide the focus of this report.

The au pair field has changed significantly in recent years, from being a cultural exchange programme aimed mainly at Europeans who wished to spend time abroad and learn about another country's language and culture, to now also being very much used by people who want to travel to the West to earn money (Anderson 2000: 23; Vermeulen 2007: 126, 130; Stenum 2008: 58; Williams & Gavanas 2008: 19; Øien 2009: 9, 72). This 'new' group has different motivations and backgrounds than the 'traditional' group of au pairs, as they often come from a context of poverty and lack of opportunities in their home countries, which puts the au pairs at a greater risk of finding themselves in situations in which they may be exploited by others, such as traffickers.

The idea behind this report is to uncover some of the issues that define and characterise the conditions of au pairs, particularly in relation to their recruitment, as it is largely in the recruitment phase that exploitation may commence and that human trafficking thereby may be initiated. The aim is not to provide an exhaustive description or quantitatively-based survey of the au pair field in Denmark, but to give readers an insight into some of the issues that may confront au pairs.

In the report, the reader will meet 27 au pairs – a small sample of the au pairs who currently live and work in Denmark – and hear about their lives and experiences. The report focuses particularly on how these people became au pairs and the challenges and problems they have encountered along the way, but also on their experiences in Denmark. At the same time, the report also deals with the dreams and ideas that the au pairs have about their future, as an au pair stay may be considered a first step in their journeys as migrants. The report concludes with a review of indicators of human trafficking and an assessment of whether the situations and stories of the informants reveal indicators of human trafficking.

Human trafficking, domestic work and the au pair field

In Denmark, there has been a focus on human trafficking for exploitation through prostitution for some time, as it is within this area that most victims of trafficking are found. But in the international debate on human trafficking, there is also an awareness of the importance of bearing in mind that trafficking can also take place in other areas, e.g. as forced labour in domestic work, agriculture or construction, or in begging and theft. In Belgium, for example, there have been many cases of male victims of trafficking being exploited through forced labour in

⁵ The La Strada International European Network Against Trafficking in Human Beings is a network of nine independent human rights organisations in Belarus, Bosnia & Herzegovina, Bulgaria, the Czech Republic, Macedonia, Moldova, the Netherlands, Poland and Ukraine. The network works to combat human trafficking, focusing on women in Central and Eastern Europe (cf. www.lastradainternational.org).

⁶ Cf. <http://www.lastrada.org.ua/tp.cgi?lng=en&id=166> and <http://www.lastradainternational.org/?main=traffickinghumanbeings>

restaurants and bars, and on construction sites⁷. It is therefore important to illuminate areas where human trafficking can potentially occur, even if this is not currently taking place in Denmark, and one such possible area is au pair work. The au pair scheme – among other things – enables citizens of developing countries to undertake the journey to Europe that some of them dream about, and the scheme is a chance for those who have no other opportunities to come to Europe through their work or education. Human trafficking is thus the theme of this report, and forms in this way a 'yardstick' for the study – even though human trafficking does not necessarily appear to be taking place.

Au pair work is in many ways comparable to other forms of domestic work in private homes. Both types of work are performed within the private sphere of a family, and typically consist of cleaning, child care, laundry, etc. Moreover, many au pairs and domestic workers come from the Philippines. A key difference, of course, is that au pairs are usually lawfully residing in the country in which they live, which in itself provides some degree of protection. This does not always apply to other types of domestic workers, who thus do not enjoy the same rights. As a result, domestic workers can more easily become isolated, and thereby vulnerable (ILO 2005: 18).

But the issues which affect au pairs are nonetheless in many ways similar to those that confront domestic workers. As the sociologist Bridget Anderson writes:

“Many of the difficulties au pairs encounter [...] are shared with live-in domestic workers”
(Anderson 2000: 24)

Domestic workers, who typically come to the West from developing countries, comprise a growing group in the western world, and cases of human trafficking in this sector are becoming more and more common (Vermeulen 2007: 125, 126, 130).

With this report, the Danish Centre against Human Trafficking wishes to illuminate whether the au pair field in Denmark is also an area in which human trafficking for exploitation in forced labour may be occurring. At the same time, the wish is to uncover what it means to a number of individuals to travel to Denmark to become au pairs, and thereby give the reader an insight into how and why au pairs come here, and where they are heading. The purpose of the study has not been to go out and 'find' victims of trafficking in the au pair sector in Denmark, but rather to examine how the au pairs came here, what they have experienced in their au pair work, and what their dreams are – and thereby illuminate a field in which there may be a risk of exploitation.

What is human trafficking?

Denmark is bound by three international conventions, protocols and acts on human trafficking: Denmark has ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organised Crime (usually referred to as the Palermo Protocol) and the Council of Europe Convention on Action against Trafficking in Human Beings. Denmark is also bound by the EU Framework Decision on combating trafficking in human beings.

⁷ Cf. the annual status report of the US Department of State, 'Trafficking in Persons Report 2008', p. 69. See: <http://www.state.gov/g/tip/rls/tiprpt/2008/>

Human trafficking is defined in the UN protocol on human trafficking as follows:

Protocol to the UN Convention against Transnational Organised Crime
(the Palermo Protocol)

According to article 3 of the Palermo Protocol, human trafficking may be defined as:

- a) the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.
- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.

This definition of trafficking has been incorporated into Section 262a of the Danish Criminal Code against the background of the Palermo Protocol and the EU Framework Decision:

Danish Criminal Code, Section 262a:

Any person who recruits, transports, transfers, houses or subsequently receives a person, using or following the use of

- 1) unlawful coercion pursuant to Section 260 of this Act;
- 2) deprivation of liberty pursuant to Section 261 of this Act;
- 3) threats pursuant to Section 266 of this Act;
- 4) unlawful induction, corroboration or exploitation of a delusion; or
- 5) other unseemly conduct;

for the purpose of exploitation of the individual through sexual immorality, forced labour, slavery or slavery-like conditions, or removal of organs [...].

(2) The same penalty shall apply to any person who, for the purpose of exploitation of the individual through sexual immorality, forced labour, slavery or slavery-like conditions, or removal of organs, recruits, transports, transfers, houses or subsequently receives a person under the age of 18 years, or renders a payment or other favour to obtain consent to the exploitation from an individual who has guardianship over the victim, and any person who receives such payment or other favour.

Trafficking can thus occur for the purposes of exploitation through prostitution or other forms of sexual exploitation, forced or compulsory labour, slavery or practices which can be equated with slavery or servitude, and the removal of organs. Forced labour encompasses all forms of work which are extorted under threat of punishment, or to which a person has not agreed and cannot voluntarily cease. It is irrelevant whether the person receives payment for his or her work.

Human trafficking consists of three constituent elements: there must be an *act*, and a particular *means* must be used for a particular *purpose*. *The act* consists of a person recruiting, transferring, transporting or moving another person from one place to another – either within a country, or across borders – and harbouring or receiving a person, while *the means* by which the act is carried out may for example encompass fraud, deception, imprisonment, abuse of power, coercion or threats thereof, or exploitation of a vulnerable situation. *The purpose* of the act is to

exploit the person in question. If the victim is under 18 years of age, the act is considered human trafficking even if no coercion or use of force is involved.

Therefore, in order to be considered a case of human trafficking, all three constituent elements – *the act, the means and the purpose* – must be present. The three elements need not occur in any particular sequence. Human trafficking may thus still occur even if the coercion only takes place after arrival in the destination country. If all three elements are present, it is irrelevant whether the victim of trafficking may originally have agreed to be moved from one location to another.

To assess whether and to what extent human trafficking is taking place, the Danish Centre against Human Trafficking makes use of a number of indicators. These are grouped under six broad themes, all of which are significant in determining whether a process or a situation may be regarded as human trafficking: recruitment, personal documents and property, freedom of movement, violence or threats of violence, working conditions and living conditions. The indicators will be reviewed in Chapter 6.

Human trafficking can take place in innumerable ways and to innumerable degrees. Human trafficking may therefore be seen as a continuum, in which the various elements take different forms. At one end of the continuum are cases in which persons are kidnapped in their countries of origin and trafficked to other countries, where they may be raped, beaten or physically forced to prostitute themselves without receiving any payment whatsoever for themselves. The victims of trafficking typically owe a large debt to the traffickers to pay for the journey, and may be threatened not to leave the location, or kept under surveillance throughout the day. At the other end of the continuum are cases in which a person may be aware that he or she will be required to work as a prostitute, beggar or forest worker in the destination country, but finds upon arrival that the nature of the work is very different, takes place under worse conditions and is paid less than promised, and that he or she must live under poor conditions. The person feels that there is no real possibility of escaping from the situation⁸.

The exact implications of the phrase 'a position of vulnerability', as mentioned in the UN definition of trafficking, are open to debate, which makes this a complicated issue. But it is relevant to point to the fact that many victims of trafficking come from poor backgrounds, and often from a vulnerable and fragile social/familial situation, making them susceptible to promises of a different and better future. Against this background, the person concerned may well actively choose and agree to be recruited for work somewhere else, and voluntarily make the journey. If the person comes from a background of unemployment, poverty or a vulnerable social situation, there may be no other real options. Exploitation of such a situation could amount to human trafficking.

⁸ Cf. the case on human trafficking for exploitation into forced labour in Norway in July 2008, for an example of a situation in which the person concerned was in a vulnerable position and voluntarily entered into the employment, but did not subsequently find there was any real way to leave the situation. The trafficker was convicted under article 224, the human trafficking article of the Norwegian Criminal Code (cf. judgement of Jæren Tingrett, 04.07.2008, case number 08-069332, MED-JARE).

Au pairs in Denmark

The legal framework for au pairs in Denmark is set out in an executive order from 1972, based on the only international legal instrument that defines and standardises the au pair field, namely the Council of Europe Au Pair Agreement of 1969⁹, which was formalised in Strasbourg by a number of European countries. The rules and frameworks described in this chapter derive from this executive order¹⁰. It should be mentioned that in the mid-nineties, the Danish au pair scheme was opened up to nationals from developing countries¹¹.

An au pair is a young woman or man¹² aged 17-29 years, who lives with a host family abroad for a period of up to 18 months, and helps the family with childcare and cleaning. In return, the au pair receives meals, accommodation and an allowance. As a general rule, the maximum stay for au pairs is 18 months, but in exceptional cases the au pair residence permit may be extended for a further six months¹³. According to the guidelines of the Danish Immigration Service, the purpose of an au pair stay is: "for au pairs to improve their language and/or professional skills, as well as to broaden their cultural horizons by becoming more acquainted with Denmark"¹⁴. The purpose of an au pair stay is thus primarily cultural exchange, and the duties of the au pair with the host family are not therefore regarded as employment. As implied by the actual term 'au pair' – meaning 'on equal terms' – au pairs should be regarded as part of the host family, on an equal footing.

Contract, residence permit, host family and the au pair

In order to obtain a residence permit as an au pair in Denmark, the au pair must find a host family, and both parties must jointly apply for the residence permit. A residence permit is not a work permit. If an au pair wishes to switch their host family, he or she must apply for a new residence permit, which in effect binds the au pair residence permit to a single family. At the time of application, a standard Immigration Service contract form is completed which outlines the allowance to be paid and the working conditions of the au pair. This contract may be terminated by either party at 14 days' notice¹⁵. If the au pair fails to find a new host family within this time period, he or she may be deported from Denmark. Irrespective of whether the contract expires at the agreed time or is terminated at an earlier date by one of the parties, the host family must pay the au pair's return ticket if he or she is permanently resident in a country outside Europe.

Although the au pair is not granted a work permit, the relationship of the host family and the au pair is nonetheless regarded as an employer/employee relationship, and is therefore subject to Danish holiday legislation and taxation rules. An au pair must receive a gross monthly allowance of at least DKK 3,000 (approx. EUR 403)¹⁶, plus free accommodation and meals in the home of the host family¹⁷. The au pair may not take other paid or unpaid employment, or work for anyone other than the host family. The host family must ensure that the au pair is registered for health insurance, and in the case of illness, that the au pair is provided with adequate care. An au pair is entitled to five weeks of paid holiday each year, and must be given a room of his or her own in the family home.

⁹ Council of Europe: European Agreement on Au Pair Placement, Strasbourg 24 October 1969.

¹⁰ Cf. www.nyidanmark.dk

¹¹ Information from the Au Pair and Intern Division of the Danish Immigration Service, August 2009.

¹² Traditionally, most au pairs have been women, but there is nonetheless a rising tendency for host families to accept male au pairs (Vermeulen 2007: 126).

¹³ This may for example occur if the host family's child or children suffer from a particularly challenging disease, or have other special needs.

¹⁴ Tal og fakta på Udlændingeområdet 2007, page 21 (www.nyidanmark.dk).

¹⁵ The contract may also be cancelled with immediate effect in the case of serious infringement (breach of contract) by one party, or if justified by other serious circumstances.

¹⁶ The allowance rate was raised from DKK 2,500 to DKK 2,900 as of 1 July 2009, and to DKK 3,000 in January 2010. Henceforth, the minimum allowance will be adjusted on 1 January each year in relation to the consumer price index.

¹⁷ The currency values in this report were converted from Danish kroner (DKK) to euro (EUR) on 15.5.2010 using www.xe.com.

The au pair's tasks involve daily housekeeping for the host family (typically child care, laundry and cleaning). The daily working time is a minimum of three hours and a maximum of five hours, six days per week, i.e. 18-30 hours per week. Au pairs must have at least one full day off every week. There is no requirement that au pairs must participate in Danish courses or other language courses, and the host family is not required to pay for language tuition for the au pair. No more than one au pair may live with the host family at a time.

In addition, the au pair must fulfil the following requirements:

- The au pair must be at least 17 and less than 30 years of age at the time of application.
- As a general rule au pairs should be unmarried, as marriage is not seen as compatible with their stay.
- The au pair must not be accompanied by children.
- The au pair must have an educational background equivalent to at least Danish ninth grade.
- The applicant must have a working knowledge of either Danish, Swedish, Norwegian, English or German.
- It is usually a requirement that the applicant has not previously had two or more au pair stays in other western European countries.
- It is usually a requirement that the applicant has not previously held a residence permit for Denmark.

The host family must also meet certain requirements:

- The host family must consist of at least one parent and at least one child living at home.
- At least one parent must (normally) possess Danish citizenship, so that the family can communicate the Danish language and culture.
- The host family must not be in receipt of social benefits under the Active Social Policy Act.
- The host family must not have been subject to a previous ban on employing au pairs as a result of past abuse of the au pair scheme.

If a dispute or other problems should arise between the au pair and the host family, either party may contact the Immigration Service's au pair and intern office to complain or seek advice. Au pairs may also contact one of the independent organisations which provide advice to au pairs.

If the terms of the au pair stay are infringed there may be various consequences for the host family and au pair, as described in the Aliens Act. The Immigration Service can if necessary report the host family to the police, but as an authority, it cannot in itself require the family to change any situation or practice. If the host family abuses the au pair scheme, e.g. by paying insufficient allowance, failing to provide a separate room for the au pair, or requiring the au pair to perform other work besides chores for the family or to work for longer than the maximum number of hours, the host family may be banned from employing an au pair for a period of two years¹⁸. A ten-year ban on employing an au pair may be imposed on a host family which perpetrates violence against an au pair, and a five-year ban may be imposed in the case of illegal employment of an au pair¹⁹. In the case of an au pair undertaking 'black' (i.e. illegal, untaxed) work, a fine or imprisonment may be imposed on the au pair or the employing family, and the au pair may ultimately be deported. Furthermore, the general penalties set out in Part 9 of the Aliens Act also apply to au pairs²⁰.

¹⁸ Cf. Aliens Act, section 21a, and section 9c, subsection 11.

¹⁹ Cf. Aliens Act, section 9c, subsections 9-10.

²⁰ Cf. Aliens Act, sections 59-62.

Facts and figures: nationalities and number of au pair residence permits

The number of au pair residence permits granted in Denmark has risen steeply in recent years. While 1,233 permits were granted in 2003, in 2008 the number was 2,937 – i.e. the figure had more than doubled in five years (see table 1, below). In 2008, categorised by nationality, the largest groups of au pairs came from the Philippines (2,163), Ukraine (104) and Russia (75). These represented 73.6%, 3.5% and 2.5%, respectively, of the total number of au pairs in Denmark in 2008. Filipinos thus comprise by far the largest group of au pairs in Denmark, and the increased number of au pairs in Denmark is primarily due to the increase in the size of this group, from 211 persons in 2003 to 2,163 in 2008. This represents a tenfold increase in the number of au pair permits granted to Filipinos within this five-year period.

It should be noted that the Philippines has a tradition of 'exporting' labour abroad. In 2004, about eight million Filipinos lived outside the Philippines – mainly women employed in domestic work. Many Filipino migrants send remittances back to the Philippines; in 2005, for example, it was estimated that Filipinos living abroad sent more than USD 10 billion back to the Philippines (Stenum 2008: 9-10).

Table 1: Au pairs by nationality and year

Nationality	2003		2004		2005		2006		2007		2008	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Philippines	211	17.1	475	31.7	569	38.7	955	53.2	1,510	68.4	2,163	73.6
Ukraine	125	10.1	198	13.2	191	13.0	170	9.5	105	4.7	104	3.5
Russia	64	5.2	82	5.5	87	6.0	79	4.4	80	3.6	75	2.5
Brazil	20	1.6	34	2.3	43	3.0	41	2.3	49	2.2	57	2.0
Thailand	20	1.6	23	1.6	23	1.6	39	2.2	34	1.5	40	1.4
Sri Lanka	0	0	5	0.3	15	1.0	15	1.0	29	1.3	58	2.0
Kenya	1	0.1	6	0.4	7	0.5	8.0	0.4	26	1.2	44	1.5
China	3	0.2	13	0.9	7	0.5	11	0.6	11	0.5	33	1.1
Indonesia	8	0.6	8	0.5	10	0.7	14	0.8	19	0.9	24	0.8
Peru	6	0.5	9	0.6	21	1.4	30	1.7	21	0.9	20	0.7
Other	775	62.9	647	43.1	498	34.0	431	24.0	323	14.6	319	10.9
Total	1,233	100	1,500	100	1,471	100	1,793	100	2,207	100	2,937	100

Source: Tal og Fakta på Udlændingeområdet 2008, Ministry of Refugee, Immigration and Integration Affairs, June 2009²¹.

It is equally important to note that in 1998, the Philippine authorities banned Filipinos from working as au pairs in Europe, following a series of cases highlighted in the media which involved abuse and prostitution in Scandinavia and the Netherlands. The ban is still in force, but Filipinos continue to travel to Denmark and other countries to work as au pairs – which means they must pay bribes at the airport in the Philippines in order to leave the country (see Chapter 4).

In addition, the ban may also have an impact on the ability of Filipinos to acquire knowledge of the au pair scheme in these countries. Sweden has conformed to the ban, which means that Filipinos cannot obtain an au pair residence permit for Sweden. Denmark and Norway have chosen to ignore the ban.

²¹ Cf. www.nyidanmark.dk

It is estimated that a group of around 4,400 au pairs is currently living in Denmark. This estimate is based on the fact that an au pair permit is usually valid for eighteen months; it is therefore assumed that the number of au pair permits (2,937 in 2008) should be multiplied by 1.5 to give a more accurate figure of the number of au pairs currently residing in the country. In addition to this, there are also (former) au pairs residing in Denmark without an au pair permit and working illegally, the number of which is impossible to estimate²² (Williams & Gavanas 2008: 20).

²² Cf. interview with Helle Stenum, PhD fellow from Aalborg University, in the magazine 'Hjemløs' ("Homeless") no. 2, June 2009, and interview in Jyllands-Posten 14.10.2008 with Shahamak Rezai, lecturer, Roskilde University, who is director of the Danish part of an EU project on illegal workers.

CHAPTER 2 METHOD



Method

THIS STUDY DEALS WITH a sensitive and sometimes 'hidden' issue. The Danish Centre against Human Trafficking therefore decided that a qualitative methodological approach, based on the accounts of individual informants, would be the right approach to illuminate the subject. It is important to record au pairs' stories and experiences in order to obtain a basic understanding of what is at stake in their lives, as little research has yet been undertaken in the au pair field in Denmark (cf. however Stenum 2008). The kind of in-depth knowledge that derives from the testimonies and stories of au pairs, and which can be obtained through the qualitative methodological approach, is precisely what is required in order to obtain insight into the lives of these individuals.

The aim of the report is thus not to provide a representative, quantitatively-based analysis of the conditions of all au pairs residing in Denmark, but rather to examine a number of individual cases, and analyse in depth some of the complex issues surrounding the au pair field.

The report is mainly based on in-depth, semi-structured interviews with a group of 27 au pairs living in Denmark. The report's author has also participated in various events and social occasions together with au pairs, such as language lessons, information meetings, religious services, church social events and other social gatherings. In these contexts, the author was also able to hold a large number of 'informal' conversations with other persons who are part of the au pair field in Denmark, including priests, au pair counsellors, officials, language teachers, current and former host families, members of au pair associations and various ethnic associations, and the friends of the informants included in the study. The statements of these persons form part of the backdrop against which the lives of the au pairs are understood. This backdrop has equally been formed by the author's participation in various arenas focusing on au pairs and their rights, including the au pair network meetings organised by the trade union Trade & Labour (FOA), with the participation of a wide range of organisations, researchers, students and Filipino associations concerned with or working in the au pair field.

Selection and access

During the initial phase of the study of the au pair field in Denmark, it soon became clear that many au pairs of various nationalities regularly attend church services, and use the churches and church groups as a forum for social interaction. This was especially true of the Filipino au pairs who attended the Catholic churches. The author participated in some church services at Sankt Annæ church, in Amager, and spoke in this context with one of the priests and several Filipino au pairs, which confirmed the impression that many au pairs regularly attended church services. Not all of the informants in the study are active Christians, but the churches and their associated networks and groups are actively used by a large proportion of the informants. On one occasion, the priest introduced the author to a large group of Filipino au pairs, to whom the background and purpose of the study was explained. The au pairs asked questions and the author and the au pairs exchanged contact information for future interviews. The opportunity to speak with the au pairs was thus primarily obtained through the churches. The Church Integration Ministry (KIT)

was also approached²³, and was able to place the author in contact with au pairs in Denmark via its au pair network. KIT is an umbrella organisation working with integration through the Danish churches. Most of the informants were contacted through KIT's Filipino au pair counsellor, who also travelled around the country with the author and participated in most of the interviews.

Besides the contacts with informants provided by KIT, the author also visited language schools and interviewed au pairs there in the cafeterias and corridors, which provided a more diverse informant base. Although most of the informants were drawn from the environment to which KIT has access, the group also grew beyond this, in that informants were requested to introduce the author to other au pairs in their social circles. As a result, they often brought one or more friends along to the interviews. The group of informants thus slowly grew, via the snowball effect. In the snowball sampling method, the interviewer begins by interviewing a single person from the segment of society which is in focus in the study; this person then introduces the interviewer to other people from the person's network, and so on, and as a result the group of informants gradually expands (Heckathorn 1997: 174; Heckathorn 2002: 12; Salganik & Heckathorn 2004: 196). The sociologists Matthew J. Salganik and Douglas D. Heckathorn describe the method as follows:

“The basic idea behind these methods is that respondents are not selected from a sampling frame but from the friendship network of existing members of the sample. The sampling process begins when the researchers select a small number of seeds who are the first people to participate in the study. These seeds then recruit others to participate in the study”

(Salganik & Heckathorn 2004:196)

One disadvantage of snowball sampling may be that the interviewer mostly comes into contact with a group of people who have many social relationships and are involved in various networks (Salganik & Heckathorn 2004: 197), but at the same time, it has the advantage that the study's informants – who may be said to be those who know best what is at stake in their world – can lead the interviewer to the relevant people.

It is clear that the use of a 'gatekeeper' such as KIT has methodological consequences, since while the gatekeeper may open some avenues in providing access to informants, it may close off others. The informants are therefore just a small sample of a diverse group of au pairs in Denmark. A central concern of the study was to illuminate the diversity of the group both geographically and in terms of nationalities, for which reason contact was established with au pairs of different nationalities throughout the country. However, some groups of au pairs have not been included, such as those living in isolation and who are not part of a network of other au pairs in Denmark (in churches or elsewhere). Consequently, the study results cannot be said to comprehensively describe the general situation of au pairs in the country. As was mentioned above, the study can only point out some of the issues confronting a small sample of the au pairs resident in Denmark.

However, KIT also functioned extremely well as a gatekeeper, thanks to its wide-ranging network, experience and knowledge of au pairs in Denmark. Being introduced to the informants by a person whom several of the informants already knew or had heard about, and who worked as an au pair counsellor, also helped to create an immediate situation of trust towards the author. The fact that KIT's au pair counsellor comes from the Philippines also provided a cultural and linguistic advantage in relation to the Filipino au pairs.

²³ Cf. www.kit-danmark.dk

Informants

The informant group consists of 27 au pairs in the age group 19-31 years, one of whom is a man. A single informant is a former au pair, now married and living in Denmark, while the rest are current au pairs. The informants come from both rural and urban backgrounds in their home countries, and have been in Denmark for periods ranging from two months to a year and nine months (the latter au pair is in a host family with a handicapped child, and has therefore had her contract extended).

Twenty-one of the au pairs are from the Philippines, one from Ukraine, one from Belarus, one from Serbia, one from Nepal and two from Kenya. Since Filipinos constitute by far the largest group of au pairs in Denmark at present, this nationality is the most prevalent in the informant group. The informants live and work as au pairs in Copenhagen, Charlottenlund, Ordrup, Hellerup, Nykøbing Falster, Aarhus, Sønderborg and Odense, and in the areas around these cities. Some live in the city centres, while others live in neighbouring villages or far out in the countryside. The intention was a wish to speak to au pairs throughout the country, and thereby obtain the best possible geographical coverage. The reason behind this being that working as an au pair can be a very different experience depending on where in Denmark the host family is located, and on whether the locality is a rural or urban area.

The aim of the report was thoroughly explained to all of the informants, all of whom have been anonymised in the report.

It is worth noting that around two-thirds of the informants have completed or partially completed advanced education, for example in the IT sector, finance, accounting or agriculture, or have trained as teachers, office assistants or nurses. This is consistent with the study by Helle Stenum of the au pair scheme in Denmark, which also found a remarkably high level of education among the informants (Stenum 2008: 25, 60). However, several informants state that they have been unable to complete their education or training due to financial problems in their families. None of the informants have children in their home countries²⁴, but the majority is responsible for supporting family members, such as a sick parent, or providing for their siblings' education.

Interview implementation

The study is based on semi-structured, recorded interviews, using the same interview guide for all interviews. The interview guide dealt generally with the following themes: life in the home country, the au pairs' motivation for seeking work as an au pair, their expectations towards an au pair stay, their journey to Denmark, any experiences with au pair intermediaries/recruiters, their experiences of the au pair stay and duties in the host family, eventual problems in the host family or a change of host family, and their plans and dreams for the future. All of the interviews have been conducted in English.

In addition to the use of the interview guide, the study has also emphasised that the course of the interviews also be shaped by the informants themselves. In other words, while the interview guide has helped to give the interview direction and provided a sequence of questions, the informants themselves have also had an influence on which themes they felt were most important to examine in more depth. If an informant wished to deal with one of the interview guide's themes in more

²⁴ This is in contrast to Stenum's study, in which five of the interviewees had young children aged 1-4 years to support in their home countries (Stenum 2008: 25).

detail, or begin a new topic not covered by the interview guide, this was accommodated in the interviews. This approach has thus given the interviews an exploratory perspective.

Most of the informants have been interviewed individually, but some interviews have taken the form of group interviews with up to four participants. The interviews were undertaken in the period February-April 2009 at various locations around the country, depending on what best suited the informants: the local language school, a church, KIT's office or a café. In all of the interviews, efforts were made to create a trusting environment for the informant and allow sufficient time to talk about sensitive topics.

There is a big difference between carrying out individual interviews and group interviews with up to four participants. In the single-person interviews, it was often possible to go into more depth with each informant's testimony and story, and the informant was asked about details and private matters, while in the group interviews a group dynamic often arose in which the interview evolved into a discussion among the participants, with the informants passing questions on to each other and supplementing each other's statements (Bernard 2000: 207-211; Kvale & Brinkmann 2009: 170-171). The group interviews thus provided a lot of information and different views from several people simultaneously, and the interviewer²⁵ could test interpretations of the themes that seemed to be at stake in the field on several of the informants simultaneously. However, in the group interviews it was harder to inquire into very private matters, even if the participants already knew each other socially. Consequently, these have generated different forms of data for the study.

As the study progressed, the interviewer was able to test and verify different interpretations – and thereby future analytical themes – in the various interviews. This was done during the interviews by the interviewer interpreting and condensing what the informant had described, and then asking the informant whether this had been correctly interpreted and understood (Kvale & Brinkmann 2009: 124, 157, 276-279). In this way, various future analytical themes could already be outlined during the interview period.

For each interview, a form was filled out containing background information about the informants. This included the informant's name, age, nationality, educational background, location and period of residence in Denmark, working hours in the host family, allowance rate and any change of host family during their stay. It was also noted whether they had experienced problems in the host family, and whether the person concerned had come to Denmark via an au pair intermediary.

The study interviews have been recorded on tape, and most have subsequently been transcribed. All of the interviews have been carefully listened to several times, and interviews with 21 informants have then been selected for transcription, since the informants' experiences were expressed in an especially clear manner in these interviews. The remaining interviews with six informants have also been used in the analysis, including as direct quotations in some cases, as particular passages from these interviews have been selected and transcribed.

²⁵ In all of the interviews, the interviewer was the author of the report.

Monitoring group

During the study, a monitoring group consisting of participants from the Immigration Service, the trade union Trade & Labour (FOA), the National Police Investigation Centre (NEC), the Danish Institute for Human Rights (IMR) and two researchers working with Filipino culture and migration in Europe met twice to discuss and comment on the project. The monitoring group has not had a direct influence on the content of the report, but its participants have served as sparring partners in the process. The discussions and comments of the monitoring group have been evaluated and, where possible, incorporated into the study.

CHAPTER 3
LIFE WITH THE HOST
FAMILY

Life with the host family

THIS REPORT FOCUSES PRIMARILY on the recruitment of au pairs and their subsequent experiences. However, in order to better illustrate an overall picture of whether elements of trafficking are present in the au pairs' stories, it is also necessary to examine their working conditions during their stay, a glimpse of which will be given in this chapter. Several of the issues associated with life with the host family which emerged in the study are consistent with the problems described by Stenum in her study for the trade union Trade & Labour (FOA) of the au pair scheme and conditions for au pairs in Denmark (cf. Stenum 2008).

It should be noted that the study does not illuminate life in the host family from all angles. Although several current and former host families have been consulted during the study, no specific interviews have been conducted with them, and hence working conditions have been examined only from the point of view of the interviewed au pairs. This obviously means that some key issues may not have been adequately illuminated, and that the illumination should be viewed only as a basic outline of the relevant issues. The chapter can nonetheless give an impression of some of the issues encountered by au pairs, which may help to reveal whether or not elements of human trafficking are present in their stories.

Au pairs at different points on the spectrum

During the study, it has become clear that there is a great deal of variation in the experiences of au pairs with their host families. At one end of the spectrum are au pairs who are genuinely content with their host families, and have good working and living conditions. They feel like part of the host family, have ample leisure time, are paid more allowance than the minimum rate, and may also receive paid trips to their homeland, etc. At the other end of the spectrum is another group of au pairs who experience a wide range of problems with their host families, such as poor living conditions, unfair working conditions, long hours, or being required to undertake work which lies outside the framework of the au pair scheme.

Most of the informants receive the required DKK 2,500 (approx. EUR 336)²⁶ in allowance every month, while others receive DKK 2,700 (approx. EUR 363) or DKK 3,000 (approx. EUR 403). Two au pairs receive DKK 4,000 (approx. EUR 538) per month. Most have a weekly day off, while some are free all weekend.

Due to various problems, nearly one-third of the informants have changed their host families one or more times, and these informants all agreed that the change was for the better. The most frequent reason stated for the change was dissatisfaction with the tasks and working hours, but problems with poor communication and a location too far out in the countryside were also cited:

²⁶ As previously mentioned, the allowance rate was increased in January 2010 to DKK 3,000 per month, but during the period of this study the prescribed allowance rate was DKK 2,500 per month.



My first family was terrible for sure [...] the woman expected me to work for long, long hours [...] But the next one is okay.

SUSAN, KENYA (23)

Several au pairs state that they are very satisfied with their au pair stays, and that they feel respected and treated as part of the host family. Tanya, for example, compares her situation with that of a friend who has poor accommodation and works at least eight hours a day for her host family:



When I had a look for the first time where she [the friend] lives [laughs] I was thinking that I am the luckiest au pair in Denmark!

TANYA, UKRAINE (27)



I feel like part of the family [...] I am free to do what I want [...] I am okay and I feel like I am also important.

RUFFA, PHILIPPINES (29)



My host family is really very nice; they took me with them when they went on this family vacation in Norway.

FAITH, PHILIPPINES (26)



Actually my host family is so nice for me [...] They help me a lot, it's so nice.

ANGELICA, PHILIPPINES (29)



I had talked to the previous au pair too, so I was very comfortable about coming here because she told me that they are very, very nice, and the children are nice as well. No problem. And they really are. More than I expected.

MARY, PHILIPPINES (28)

This contrasts with those au pairs who feel directly exploited by their host families. Susan has changed host family twice, and encountered many problems with her first two host families. These problems included having to work simultaneously for three families living close together (without receiving extra payment for this) and having amounts deducted from her allowance if she broke anything belonging to the host family, such as tableware. Joyce has changed her host family three times, and is now living with her fourth family:

“

She [the host mother] is just treating me so bad [...] you just feel so disappointed [...] You feel so cold and so small, you feel like a dog. That is the way you feel, like a dog in the house.

SUSAN, KENYA (23)

.. ..

So you don't feel like a part of the family, you feel like an employee. I mean a house caretaker. It's really different! And that made me feel so bad [...] Honestly you feel like a slave there, I am sorry to use that word. And you have to do everything. I don't really understand how you can feel as a part of a family, but yet you have to be the one doing everything [...] I feel like people are losing the meaning of au pairship. It's not au pairship, it's working.

JOYCE, KENYA (22)

The above statements from Tanya, Ruffa, Faith, Angelica, Mary, Susan and Joyce describe two extremes in the experience of being an au pair – a diversity of experiences which is characteristic of the study's interviews.

As Joyce's testimony suggests, some of the informants have quite specific expectations towards being treated as part of the host family during their stay, and for these informants, an au pair stay is not just about earning money; they have a fundamental desire to see the conditions surrounding their stay, be fulfilled – conditions which, they have been informed, should apply to their stay.

Working hours, culture and ambiguity

Many of the interviewed au pairs are required to work longer hours for the host family than the five daily hours specified in the au pair contract, which surprised a number of them on arrival in Denmark:

“

Yeah, I did not know I will work 40 hours a week of course. Of course I did not know. And when I came I said: 'Wow, it is too much work, I don't have so much free time'. So I was very sad about it.

TANYA, UKRAINE (27)

.. ..

What they are stating in the contract is a very light job, and when you have reached Denmark you have to be very surprised because they are giving you so much work and they are very strict on everything.

BEA, PHILIPPINES (26)

Some of the au pairs are given a small extra payment by the host family for this extra work, while others receive only the fixed allowance rate. Several au pairs help by babysitting the family's children, for which they receive different amounts. Some say that they receive a fixed amount of a few hundred kroner per month for babysitting from time to time. One au pair tells of how she sometimes babysits the host family's children for about eight hours, for DKK 150 (approx EUR 20) in all. For some au pairs, the extra work means that they end up not getting their weekly day off:

“

I worked for more than 8 hours [a day]. And she [the host mother] did not allow me my off-day.

SHARON, PHILIPPINES (27)

Two au pairs state they work for up to ten hours daily in their host families. But for one informant, this is not viewed as a problem; he is pleased with his host family, whom he believes will help him to get a job in Denmark when the au pair contract expires. Consequently, he has no objection to working a lot. The family is moreover flexible if he wishes to take a day off:

“

But I think it is okay with me [to work long hours] because with my host family I can be more flexible with my time.

MICHAEL, PHILIPPINES (26)

This pattern of accepting a breach of the au pair contract also applies to a second informant, Ruffa, who does not live with her host family. The host parents are divorced, and neither of them have room for her to stay. She works for each parent alternately, depending on where the children are. Ruffa lives in a room in another house, together with an au pair who works for another family. She knows that this is contrary to the rules for au pairs, but she does not see it as a problem, as she is fond of the host family and happy to be in Denmark. She says however that it is sometimes annoying not to have her own private room. Regarding her accommodation situation, Ruffa explains:

“

It is because they are divorced and they don't have enough space for me. And that is why they prefer me to live somewhere else... Maybe if they have house, if he has his family, I think they would allow me to live there.

RUFFA, PHILIPPINES (29)

There are other informants who are dissatisfied with certain situations and conditions at their host families, such as long working hours, the form of communication from the host family, and the nature of their tasks. But they do not complain about this to their host families, as they feel it will create problems, which they above all wish to avoid.

When asked about these problems, several informants explain that it is 'typical of Filipino culture' that it is difficult to say no or refuse to accept an undesirable situation. It is thus possible that for the Filipino au pairs, 'cultural' reasons lie behind their unwillingness to complain about their conditions. Miriam, Karen and Nora, for example, explain:

“

Yeah, especially in our nationality, you know, for us actually there is no problem that they [the host families] ask, it's okay, but sometimes it's not okay, but we cannot say no because it is our host family [...] It is a problem with our culture. You say yes, and you don't feel you can say no.

MIRIAM, PHILIPPINES (28)

.. ..

We think that if you say no the family will not be good to you [...] and you are living with them.

KAREN, PHILIPPINES (21)

.. ..

Oh, I don't want them [the host parents] to get angry or sad. That's why I say 'Okay, okay'.

NORA, PHILIPPINES (25)

At the same time, however, this also illustrates the dependence that the au pair feels in the relationship with the host family. There is a great deal at stake for the au pair in their attempts to make the relationship function well. As was described earlier, the au pair contract is tied to a single family. While it is possible to change host family, this is perceived as risky for an au pair, as he or she cannot know in advance whether the change will succeed. Attempting to change host family therefore involves a real danger of being sent home. This represents a major risk if the au pair, as in several cases in this study, is totally or partly responsible for supporting dependents in their home countries (as will be described in Chapter 4), which means the au pair allowance is needed by others besides themselves. Consequently, it is possible that some au pairs may remain in poor conditions with a host family and accept the situation, which makes them vulnerable to exploitation on several levels.

This explanation on the basis of 'culture' does not solely apply to Filipino au pairs. Sveta from Belarus has the same ambiguous experience of her host family. She likes the host family, as she stresses repeatedly, but puts up with living in a damp basement with what she describes as mould on the walls:

“

My host family does not understand this... that is not a nice room, because it is very old. So what can I do? And the walls are like... humid and there are blue, white things. Some kind of green micro... like mould on the walls. It's dangerous to live there! [...] It's dark all the time because it is the basement.

SVETA, BELARUS (29)

Later in the interview, Sveta states:

“

They have helped me so much [...] We have talked about so many different things, so they are very friendly people. Very nice, they want to help other people.

SVETA, BELARUS (29)

Several of the au pairs' stories are characterised by such ambiguity.

Life in the countryside and excessive work

Several of the informants who live far out in the countryside see this as problematic. They feel lonely and isolated, and it is difficult and costly for them to travel long distances to meet other au pairs or others from the same ethnic or religious groups. Several have switched host families for this reason, even when they were otherwise well treated by the host family.

But there are others who find living in the countryside to be a positive experience, even if they come from cities in their home countries. Michael is pleased with his host family and with his tasks. This is how he describes the experience of living out in the countryside for the first time, as an au pair:

“

At first I was shocked because I am from Manila [...] I was living on the farm and then to go to a bus stop I had to walk 16 minutes [...] It's hard for me. But then I am used to it now.

MICHAEL, PHILIPPINES (26)

Jennifer and Vilma, both of whom have previously lived with host families far out in the countryside, found they were expected to perform tasks that were not included in the household duties set out in the au pair contract. This surprised them both when they arrived, and these experiences finally led to them to change their host families. As Jennifer explains:

“

When I read the contract there is no animals, there is just taking care of the children in the house [...] Every morning I had to feed the animals. It was very hard, because you know, the hay, the big hay I need to put them [...] All the shit of the horses, it was a very long time since it had been taken out [before I did it], oh my God [laughs] it was very hard. But I need to sacrifice.

JENNIFER, PHILIPPINES (25)

In this case, the au pair was thus exploited by being expected to perform agricultural tasks which have nothing to do with an au pair stay. Working hours were a problem for Vilma, who had to take care of the host family's children and the children of the host family's friends every weekend, which resulted in her weekly working hours greatly exceeding those laid down in the rules. Other au pairs experience other kinds of infringements of their work contracts, such as Bella, who is expected to get up every night to take care of the family's mentally ill daughter, who screams and bangs on her bedroom door:

“

I have to wake up three to four times every night for their daughter that has a problem mentally. And they did not tell me that I had to look after that kid [before I came]. And I did not know that and she is not normal [...] She wakes up and knocks on the door and screams. Then I have to go to her room and put her to bed again. Then after thirty minutes she will again knock on the door and scream.

BELLA, PHILIPPINES (22)

Bella is clearly dissatisfied with the situation, but chooses not to complain about this to the host family.

An array of experiences

According to the informants, there are thus areas in which the terms of the au pair contract are not met by the host families, particularly in relation to working hours, the nature of the work, and their accommodation. While this is a serious matter and represents exploitation of the au pairs, not all of the informants react to this and change their host families, as they value other aspects of the host family more highly (e.g. having a good personal relationship with them), or because there is too much at stake for them if they have problems with their host families. Others switch host families, and thereby 'solve' the problem.

The informants have very different experiences of life as an au pair. Some au pair stays go smoothly, with the au pairs enjoying good accommodation and working conditions. In other cases, the au pairs live in extremely poor conditions, work long hours and perform duties which are not covered by the au pair contract. And finally there are the many stays with both positive and negative elements.

This little glimpse into the lives of this group of au pairs cannot provide a representative picture of the myriad of issues at stake for all au pairs in Denmark. However, the chapter highlights the informants' own experiences of their current situations, and thereby sheds light on some of the issues that positively or negatively affect them and their lives.

CHAPTER 4 RECRUITMENT



Recruitment

IN ORDER TO LOOK INTO whether human trafficking can be said to have occurred in the informants' stories, one of the starting-points must be to examine how the informants were recruited, as it is in the recruitment phase that trafficking may commence. This report is therefore particularly focused on this issue: were the informants recruited, who recruited them, and how? The informants have moved from one place to another, but the question is whether the recruitment took place through the use of fraud, deception, imprisonment, abuse of power, coercion or threats thereof, or exploitation of a vulnerable situation. Were the informants recruited with the intention of being exploited? And what effect did the recruitment have on their subsequent experiences?

“

I sent my application with the internet and I paid [the recruiter] more than 1,000 Singapore dollars [approx. EUR 489²⁷]. I sent it through Western Union.

SHARON, PHILIPPINES (27)

.. ..

So she texted me and I replied that I am interested in going to Europe as an au pair. So I paid more than 100,000 pesos²⁸ [approx. EUR 1.477] just to get here [...] They [the recruiters] arranged everything.

FAITH, PHILIPPINES (26)

As the study progressed, it became apparent that some of the informants – as Sharon and Faith describe in the above quotations – had paid excessive amounts (in addition to the cost of the airfare) to agencies and recruiters in order to come to Denmark²⁹. This applied to ten of the twenty-seven informants. It is crucial to examine this aspect as it places the au pairs in a vulnerable position, since they often end up paying off the debt for much of the time they stay in Denmark. For some au pairs, this also means that they have to accept – or calculate accepting– illegal cash-in-hand work in order to earn enough money to pay off their debts and send money home to their families in their home countries, which for many of the informants is the reason why they work as au pairs in the first place.

²⁷ The currency values in this chapter were converted from Filipino pesos (PHP) to Danish kroner (DKK) on 10.08.2009 using www.valutakurser.dk, and converted to euro (EUR) on 15.05.2010 using www.xe.com.

²⁸ Filipino pesos.

²⁹ A recent evaluation of the Norwegian au pair system also identified this type of situation, in which some au pairs are required to pay a substantial sum of money to agencies or individuals in order to acquire contact with a host family (Øien 2009: 43, 46, 48).

Au pair recruiters

The number of agencies offering to arrange au pair stays abroad has grown substantially in recent years, particularly those that operate via the internet. The ILO points out that in parallel with this increase, the exploitation and abuse of au pairs has also risen (ILO 2005: 17-18), and in this context, the organisation highlights the role of au pair intermediaries:

“Many au pair agencies operating through the internet seem to provide for the trafficking of young au pairs into labour exploitation”

(ILO 2005: 18)

This chapter will concentrate especially on the role of au pair recruiters. Of course it must be emphasised that there are au pair agencies that work to improve recruitment practices and general conditions for au pairs, and there are agencies that act as 'non-profit' intermediaries for au pair stays. There are also agencies that are paid a relatively modest fee by prospective host families to arrange contact with the right au pair, and who take care of all the paperwork and assist the host families and au pairs in the case of possible problems. Although most countries do not require the use of special au pair intermediaries, some countries have chosen to approve specific intermediaries for this task (Vermeulen 2007: 127). It is in no respect the intention of this report to cast suspicion on au pair intermediaries in general, but it is important to bear in mind that there are some intermediaries who demand extortionate prices, and who thereby exploit the possibilities of earning money on future au pairs. Unfortunately, it was the latter type of au pair intermediaries that several of the informants in this study have encountered, which is why the focus is on this group.

In relation to combating human trafficking and understanding the recruitment mechanisms, the ILO draws a distinction between the various categories of recruiters, which can also be used in this context in order to understand how the practice takes place. Recruiters can generally be divided into two categories: the *intermediary* is an individual who works alone, but is often part of a network. The intermediary is often a 'friend of a friend', a family member, a boyfriend or girlfriend, or a respected local resident. An *agency* is an individual recruiter or an organisation of recruiters who operate legally, semi-legally or with a legal facade (ILO 2005: 15-18). When in this chapter reference is made to agencies or intermediaries, the umbrella term 'recruiter' will generally be used to refer to the entire heterogeneous group of people who accept money from au pairs in exchange for arranging contact with host families in Denmark. Where relevant, these will be divided into intermediaries and agencies.

In principle, au pairs should not have to pay for obtaining an au pair stay in Denmark. They are required to pay the airfare and other travel costs, but otherwise they should be able to obtain a host family in Denmark without expenses. However, it cannot be described as illegal for recruiters to take payment for arranging the contact. In legal terms, some of the cases described by several of the study's informants could at worst be termed a confidence trick, in that some au pairs pay an exorbitant price and may not receive the promised 'product' in return for their money. The aim of this chapter is to highlight the unreasonable fact that the lack of knowledge and vulnerability of – often poor – people is exploited, and that they are enticed to pay sums which, in relation to their potential economic benefit from an au pair stay, seem exorbitant and excessive.

The recruitment pattern

A kind of pattern has become evident during the study: firstly, only au pairs from the Philippines and one au pair from Nepal have paid recruiters in order to come to Denmark. During the study, it has also emerged that several of the Filipino informants have paid the same recruiter, who operates in Denmark, Singapore and the Philippines. None of the informants from Belarus, Ukraine, Serbia or Kenya have experienced this; they had made contact with their future host families themselves, via the internet.

Because of this tendency in the study, this chapter will mainly focus on the pattern that has emerged in the stories told by the Filipino au pairs.

This apparently similar pattern does not mean that the recruiters act and facilitate the au pair stay in identical ways – rather the contrary. The informants have in fact paid an extremely diverse constellation of agencies and recruiters; some of the study's informants have paid 'established' recruiters based in Denmark, who make use of a complex network of recruiters in the country of origin or a third country (e.g. Singapore). In other cases, the process took place entirely in the home country. In one case, an informant said that the person to whom she had paid PHP 125,000 (corresponding to approx. EUR 1,846) in the Philippines was a former au pair for her host family. The former au pair originally had to pay an intermediary for her own stay, and now sought to cover this expense by demanding money from the new au pair for whom she had arranged the stay. According to the informant, the host family knows nothing of this. In a story like this it is difficult to say who is the 'victim' and who is the 'villain', and it is easy to imagine a vicious circle arising. In this case, however, the informant's sister will take her place with the host family when her own au pair contract runs out, so the payment cycle will not continue.

Payment patterns and amounts also proved to be quite different. Some informants paid the full amount before their departure to Denmark, while others paid half the amount at home and half on arrival in Denmark. The patterns of behaviour, organisation and 'business practices' of the recruiters are therefore in principle quite diverse and complex, and there is no single 'model' for facilitating au pair stays. However, the consequences of the work of the recruiters, the situations of the informants and the means used by the recruiters have several features in common, which will be illuminated in the following.

Expenses, loans and debt

The study's informants have paid between PHP 20,000 (approx. EUR 295) and PHP 125,000 (approx. EUR 1,846) to recruiters in order to come to Denmark, excluding airfare. The Nepalese informant had paid 35,000 rupees³⁰ (approx. EUR 322). Only one informant had received any kind of receipt for the payment.

Besides payments to the recruiter, there were also other expenses for the prospective au pairs. First of all, the au pairs had to pay for the flight to Denmark themselves, while au pairs from the Philippines also had to pay bribes at the airport in order to leave the country, due to the Philippines' ban on au pairs working in Europe, as described earlier. The lowest bribe an informant was required to pay was PHP 10,000 (approx. EUR 148), while the highest was PHP 25,000, corresponding to around EUR 370.

³⁰ Nepalese rupees (NPR).

To illustrate the varying amounts, and the various ways in which the amounts were divided up and paid, three examples are set out below of the informants' expenses to intermediaries, recruiters, airline tickets and possible bribes at the airport:

Table 2: Breakdown of Marian's expenses

Direct payment to the recruiter	125,000 PHP	approx. EUR	1,846
Airfare		approx. EUR	605 ^A
Bribe at the airport	15,000 PHP	approx. EUR	222
Total		approx. EUR	2,673

A The informants from the Philippines state that they paid between EUR 605 and EUR 672 for an air ticket to Denmark.

Table 3: Breakdown of Sharon's expenses

Direct payment to the agency	On receipt of the au pair contract	SGD 500 ^A	approx. EUR	244
	Immediately before departure to Denmark	SGD 500	approx. EUR	244
Payment to intermediary	On receipt of the au pair contract	SGD 100	approx. EUR	49
	On receipt of visa	SGD 100	approx. EUR	49
Air ticket via recruiter			approx. EUR	887 ^C
Total			approx. EUR	1,474

A Singapore dollars.

B Sharon did not pay a bribe at the airport in the Philippines, as she came directly from Singapore.

C Sharon felt cheated over the price that she had paid the intermediary for the airfare, as she later discovered that many au pairs who came directly from Singapore had paid less for their tickets. She spoke of several friends who had purchased their air tickets themselves, and had paid only around EUR 540 for this.

Table 4: Breakdown of Michael's expenses

Payment directly to the recruiter before departure	50,000 PHP	approx. EUR	739 ^A
Airfare ^B		approx. EUR	605
Total		approx. EUR	1,343

A Michael was asked to pay a total of PHP 120,000 to the recruiter, corresponding to around EUR 1,773. One half was to be paid before departure and the other half on arrival in Denmark. This applied to himself and his two colleagues, who travelled at the same time to become au pairs in Denmark and Spain, respectively. Michael paid the initial PHP 50,000 before departure from the Philippines, but refused to pay the remaining PHP 70,000 (approx. EUR 1,034). In his interview, he says that when he arrived in Denmark and spoke with other au pairs, he discovered that not everyone had paid such high amounts, or indeed paid at all, and so he refused to comply with it. One of his colleagues paid the full amount, while the other also refused. More about this situation below.

B Michael did not pay a bribe at the airport, although he travelled with other future au pairs who paid up to PHP 20,000 (approx. EUR 296) in bribes.

The calculations are diverse, but when compared with the potential earnings of an au pair, it is clear that it will take Marian, Sharon and Michael many months to pay off their debts.

In relation to the question of whether there are signs of human trafficking in these stories, it is worth noting that Michael did not suffer reprisals from his intermediary when he refused to pay more than half the agreed amount. Michael admitted that he was worried about this, but assessed that it was too dangerous for the recruiter – who lives in Denmark – to threaten him, since he could complain to the Danish authorities. Another group of informants have had different experiences: four of the Filipino informants have all been brought to Denmark by the same Filipino recruiter, who lives in Denmark, and they all express fear of this recruiter and of what might have happened if they had not paid the agreed amount.

The informants have also heard of other au pairs resident in Denmark who have paid even higher amounts:

“

I met three other girls, all of them Filipino girls, who said that they came from one city and they said that they all paid 300,000 pesos [approx. EUR 4,431] each.

BELLA, PHILIPPINES (22)

.. ..

I think there is somebody at our place that recruits them in the Philippines [...] Just a person. Before it was 100,000 pesos [approx. EUR 1,477], then it increased to 125,000 pesos [approx. EUR 1,846] and they said now 200,000 pesos [approx. EUR 2,954].

MARIAN, PHILIPPINES (25)

Most informants borrow money from relatives or acquaintances in their networks to pay their expenses towards the recruiter, bribes and travel, while others borrow from more distant acquaintances – often at a somewhat higher interest rate. One informant used her savings. Jennifer, Karen and Marian commented:

“

My family helped me find the money.

JENNIFER, PHILIPPINES (25)

.. ..

I borrowed some money from someone at the school [where she works in the Philippines]. Every month I have to pay for that so what I am getting every month is not really enough for what I need every day.

KAREN, PHILIPPINES (31)

.. ..

I borrowed the money from my auntie. I paid her every month [...] I paid for almost a year, because at first I did not have the extra job.

MARIAN, PHILIPPINES (25)

These expenses place the au pair in a debt situation that often lasts for much of the period of their stay in Denmark. Many also send money home to their families, which in the case of some au pairs must be deferred until the debt is paid off. Marian and Sharon talk about their debt situation:

“

It is an awful lot of money. We are talking about a big amount of money.

MARIAN, PHILIPPINES (25)

.. ..

It is big money. Because I worked many months just to pay for the plane ticket and to the agency, so now I don't have any savings.

SHARON, PHILIPPINES (27)

Personal, local networks

The recruiters typically operate and function in informal personal networks. They may well have an agency in Denmark, but they rely on personal networks in their home countries to recruit future au pairs. Often, the recruiters residing in Denmark are themselves former au pairs. Michael explains how the informal system works:

“

It is like a word of the mouth, you go to this person, oh I want to go to Denmark and want to be an au pair, okay I can find you a host family, but you have to pay.

MICHAEL, PHILIPPINES (26)

The 'recruiter chain' is made up of individuals with different functions in different countries, who co-operate to send young women and men abroad as au pairs. In some cases, it begins with a friend of a friend or a relative, who gives the coming au pair tips on how to go abroad to work. But despite the 'family' aspect of the personal networks, large sums must still be paid to the recruiter:

“

My aunt has a friend who worked as an au pair here before. Then she also has a friend, I asked for help from her [to become an au pair] here in Denmark. In the Philippines I paid her. I paid 125,000 pesos [approx. EUR 1,846]. She also paid someone who helped her before.

MARIAN, PHILIPPINES (25)

.. ..

I have my friend in Singapore [...] and she gave me the form and told me about the working hours. And the 5 hours and the free time in the weekend.

SHARON, PHILIPPINES (27)

The recruiters often make use of local intermediaries to recruit prospective au pairs, for which the intermediary is paid a certain amount (up to about EUR 108). The intermediaries operate in both the Philippines and Singapore. In some cases, this means that the au pair never meets the "main" recruiter directly, but only the intermediaries, who according to the informants are often the recruiter's relatives. Sharon and Jennifer talk about their recruiters' intermediaries:

“

I paid 200 Singapore dollars [approx. EUR 98] to the intermediary [...] The agency has a intermediary in Singapore, and the intermediary gives everyone the application form.

SHARON, PHILIPPINES (27)

.. ..

I paid her [the recruiter] before I came [to Denmark]. She has someone in Singapore who works for her.

JENNIFER, PHILIPPINES (25)

The intermediaries in Singapore are mostly women; they typically turn up at places where Filipinos living in Singapore congregate, and talk about opportunities to come to Denmark as an au pair. They give prospective au pairs the phone number of an agency and an application form. The money for the recruiter is usually paid via Western Union, or directly to the recruiter's relatives in the Philippines:

“

I gave it [the money] to a relative of hers [the recruiter] in the Philippines.

MICHAEL, PHILIPPINES (26)

.. ..

I gave the money to the family [of the recruiter].

FAITH, PHILIPPINES (26)

.. ..

I gave it [the money] to her mom in the Philippines.

MARIAN, PHILIPPINES (25)

In the Philippines (and, according to the Nepalese informant, also in Nepal) the intermediaries also seek out young people in rural areas and small towns who wish to go abroad and work. Here, the coming au pair often does not have access to the internet or to other sources of information about the au pair scheme – but this also applies, in some cases, to future au pairs who live in the cities. In this way, the recruiters exploit the lack of knowledge of the prospective au pairs through their lack of access to information about the scheme. Asked about their possibilities of being able to organise an au pair stay in Denmark by themselves, such as by seeking information on the internet, Sharon, Bella and Sunita reply:



No, because in Singapore you cannot use computers. I have only one day off a month and then nothing. It is quite unfortunate in Singapore.

SHARON, PHILIPPINES (27)



In our place [in the Philippines] we don't have internet [...] So the first time I heard the word au pair, I did not know, what is au pair?

BELLA, PHILIPPINES (22)



Before, nobody knows about au pair in Nepal. I just saw in the newspaper: 'Live and work in Europe', and I wondered 'What is that?' and I went to the agency. We have to pay. I paid 35,000 rupees [approx. EUR 322]. It is a lot of money. I did not have... I borrowed the money from my brothers, yeah. I also bought a ticket, maybe 75,000 rupees [approx. EUR 691].

SUNITA, NEPAL (29)

The intermediaries are often local people who are known by the future au pair – a fact which is crucial to the success of the recruiter. A study by the NGO Human Rights Watch of the role of intermediaries in the recruitment of Asian domestic workers for work in Saudi Arabia, Kuwait, Lebanon and the United Arab Emirates describes how confidence in a local intermediary is essential:

“Prospective domestic workers frequently make their initial arrangements to migrate through subagents because subagents live nearby, and prospective migrants generally trust these known neighbours to assist them to migrate”

(Human Rights Watch 2007: 25)

This shows how important it is for the recruiters to have intermediaries who possess local knowledge and a local network.

Expectations and reality

Precisely because information about the stay is often communicated through friends, relatives or acquaintances (and later, via an au pair recruiter), often future au pairs are inadequately informed about the au pair scheme prior to their departure. When they hear about the opportunity to come to Denmark, they regard it as a matter of performing ordinary domestic work. It is only when they actually read the au pair contract that they realise that the au pair scheme is primarily aimed at cultural exchange, rather than actual employment.

Sometimes the recruiters describe the au pair stay in ways that do not match reality. Several informants were for example told by the recruiter that they would be able to earn extra money if they sought additional employment in Denmark and/or worked for several families simultaneously. However, in reality this is illegal in Denmark, and is considered ‘moonlighting’ (illegal) work. Despite the illegal element, several of the informants perform such extra work

anyway. One au pair says that the recruiter (who lives in Denmark) had even offered to obtain extra work for her; she did not however take up the offer, as she does not have enough time for more work in addition to her duties for the host family.

Below, Sharon describes some of the things that the recruiter had promised regarding her stay in Denmark, which did not match the reality on her arrival, as her first host family did not respect the au pair rules, and she was required to work at least eight hours a day. Neither did the recruiter's promises turn out to be reliable with respect to the number of working hours, or her expenses for telephone calls, winter clothing and transport:

“

When I passed the application in Singapore, she [the recruiter] said that if you are an au pair in Denmark you must work only five hours. You have a day off every week. Your host family buys you a winter coat, and free bus card, free telephone bills [...] when I came here the salary was 2,500, plus I had to pay for my bus card plus my telephone bill. Oh my God, it was better to stay in Singapore! [...] I feel bad about the owner of the agency, she betrayed me, she told me a lot of things about Denmark like that, but when I came...

SHARON, PHILIPPINES (27)

While the recruiter cannot be blamed for the fact that the host family did not respect the au pair rules on working hours, and did not pay Sharon's expenses for her bus pass, phone bill or winter coat, Sharon's experience provides an example of the significant degree to which au pairs base their job expectations on the statements of their recruiters. Due to the unfulfilled expectations, combined with her aforementioned debt to the recruiter, she feels betrayed, and feels that life as an au pair in Denmark is worse than working as a domestic worker in Singapore, despite the long hours and tough working conditions in Singapore.

The informants who arranged their own stays had generally obtained more information in advance about conditions as an au pair, and were thus better prepared for what they could expect:

“

It was actually my first time to travel, so I was reading so much about this au pair, you know. What is it all about? Because I don't want to get engaged in something where I will feel like 'Oh!'.

JOYCE, KENYA (22)

A debt of gratitude

The relationship of the au pairs with the recruiters is extremely complex. Several informants state that they feel they owe a great debt of gratitude to the recruiters, and although they have paid large sums to this person, they appreciated the chance to come to Denmark. They just wish to put behind them the fact that they have ended up paying so much money to be placed in contact with their host families. They know that the recruiter played a central role in making it possible for them to come to Denmark:



No, I don't think about it anymore - as long as I get here, that's okay. But it would be better if I did not pay the 100,000 pesos [approx. EUR 1,477]. But without them, no Denmark. That is the problem.

FAITH, PHILIPPINES (26)



I felt very bad [that I had to pay]. But I think that it is worth it because I can help my family.

MARIA, PHILIPPINES (22)



At first I felt really bad... the others they did not have to pay. But I think... the au pair before me she did the same as me.

MARIAN, PHILIPPINES (25)



I realised lately that without [the recruiter] I would not be here in Denmark [...] For me it is okay. The reason is that she helped me to come here [...] I owe her.

NORA, PHILIPPINES (29)

Angelica paid a recruiter in Singapore SGD 1,500 (around EUR 735) to arrange her au pair stay. Here she describes how she feels about this:



Angelica: "It's very terrible."

Trine: "What is terrible?"

Angelica: "The agency. You know, it's a big amount of money."

Trine: "Yes. But how do you feel about it now?"

Angelica: "I am feeling lucky because I am here. Because my host family here is okay. No problem."

On the other hand, several au pairs had expected to be able to get help from the recruiter if problems arose with their host families (especially if the recruiter resides in Denmark), but none of the informants found that they were able to receive such help. Sharon states:

“

When I had been here for 2 months I asked [the agency owner] about my problems with the host family. Maybe she could talk to my host family about my problems, but she did not talk to them. So I did not ask her anymore.

SHARON, PHILIPPINES (27)

A similar situation is described in the report by Human Rights Watch on migrants from the Philippines, Indonesia, Nepal and Sri Lanka working as domestic workers in Saudi Arabia:

“Recruitment agents failed to [...] respond when contacted for assistance”

(Human Rights Watch 2008: 48)

This shows that the payment to the recruiters covers only the establishment of contact with the host family and the departure arrangements – nothing else.

The role of the host family

All of the informants who had paid a recruiter say that their host families in Denmark know nothing of the payment. In one case, however, the au pair is aware that the host family has also paid SGD 800 (corresponding to approx. EUR 391) to the recruiter. When asked whether they had spoken with their host families concerning their debt situation, all of the informants replied that they would regard this as unthinkable. Their debts are not the host family's problem. Moreover, several of them have promised the recruiter or the recruiter's intermediaries to keep this information secret, and they have done so – mainly because, as mentioned, they often have personal, informal relationships with the recruiters or the intermediaries. Marian and Mary comment:

“

I did not tell the host family. I promised her [the recruiter] that also. It is okay to keep my mouth shut [...] Most of the au pairs who have the same experience as me, the woman who helped them; they talked about it before they came to Denmark: 'It's just between you and me'.

MARIAN, PHILIPPINES (25)

.. ..

Actually it is just between the Filipinos. The Danish people don't know about it. Maybe the Filipinos make it as a business now. And people from the Philippines want to go abroad, so it is the only opportunity to work abroad, then they have to grab it.

MARY, PHILIPPINES (28)

The recruiters know that their role should not be publicised. Nora spoke of being instructed on what she to say about the recruiter's role to the immigration staff at the airports and at the Danish embassy. She was told not to say that she had paid to come to Denmark, and she obeyed these instructions:



She [the recruiter] is very wise [...] If the embassy asks you how much you pay to the agency I answer only that I don't have an agency [...] She told me that if someone asks me in immigration and in the embassy I should answer that I only have a friend here in Denmark, and that she is the one to find me a host family here in Denmark.

NORA, PHILIPPINES (29)

This illustrates an interesting aspect of the situation of the au pairs, very similar to the pattern that sometimes exists between victims of trafficking into prostitution and their traffickers, which can also be characterised by contradictory emotions such as fear and trust³¹. The au pairs are not physically forced not to mention the recruiter's fee when talking to others or to the authorities, but they keep quiet about it anyway, because they feel obliged to do so – and they even feel a debt of gratitude to the recruiter, or are afraid of what the consequences might be if they talk about the payment. At the same time, the au pairs started out with a genuine desire to go abroad and create some better opportunities in their lives – and now they have achieved this, even though it perhaps has not worked out quite as expected or as promised. In this situation, they are easy to manipulate. Victims of trafficking and their traffickers, and au pairs and their recruiters, can thus be viewed on a continuum of voluntary action, coercion, trust and fear, since in both fields, it is *sometimes* difficult to distinguish the agendas of the victims and the organisers.

Backgrounds and motivations

It is important to examine the thoughts and motivations which lay behind the decision of the study's informants to travel to Denmark as au pairs. What were their backgrounds, what expectations did they have before leaving, and how did this relate to the large amounts they ended up paying to the recruiters?

The basis for the au pair scheme is cultural exchange, rather than a job as such. And yet, almost none of the informants in this study were motivated by an interest in cultural exchange when they chose to become au pairs. Likewise, few had an incentive to learn Danish during their stay. Their stories reveal other reasons for travelling to Denmark. For all of the informants, an au pair stay means fulfilling their dream of coming to Europe, and for nearly all of them – with the exception of the Serbian informant, whose main reason for being in Denmark is to be near her Danish boyfriend – the motivation is to earn money. The majority of the informants come from developing countries whose citizens have few opportunities to migrate to Europe and qualify for employment, or otherwise obtain residence here. But the au pair scheme is one of the open doors which provide such access and a place to start, even if it means paying a large sum of money in order to be allowed to travel:

³¹ Cf. www.centermodmenneskehandel.dk - questions and answers



Because of the need financially in the Philippines, if someone offered you that you had to pay 100,000 pesos [approx. EUR 1,477] or 400,000 pesos [approx. EUR 5,909] [to get a chance to leave the Philippines]... If you think that you can make it here, then you take it.

FAITH, PHILIPPINES (26)

Most of the informants are motivated by a desire to send money back to their families in their home countries³². Almost all of the informants – with the exception of three – send money home to their families. The three exceptions are either saving up for their future education, or do not have a family at home that needs financial help. Several of the informants send almost their entire monthly allowance home, keeping only a small amount for themselves each month. Karen has recently had her allowance increased from DKK 3,000 (approx. EUR 403) to DKK 3,500 (approx. EUR 470). In reply to a question about how much money she sends home, she says:



Close to everything. Maybe out of the 3,000 before I was sending 2,700, and now when I have 3,500 I am sending 3,200.

KAREN, PHILIPPINES (31)

In their home countries, the money is typically used to pay for general housekeeping expenses, rent, schooling and possible medicines:



I have to send them [her family] money for the food, for the medicine, for everything.

KAREN, PHILIPPINES (31)

.. .. .

[I pay for] their house rental, the bills, the electricity and the water. That's the only possibility we have in the Philippines [...] because in the Philippines you cannot get big salary.

RUFFA, PHILIPPINES (29)

.. .. .

I send it [the money] to my mother and my brothers [...] actually I think that to be an au pair... it is pretty much [that you earn].

TANYA, UKRAINE (27)

.. .. .

I bring the money to my parents [...] I bring the money home.

SVETA, BELARUS (29)

³² The anthropologist Cecilie Øien also points this out in the recent FAFO evaluation of the Norwegian au pair system, especially in connection with au pairs from the Philippines and Thailand (Øien 2009: 9, 72).

“

Trine: "So do you also send money home to your family every month?"

Mary: "Yes [...] My father is a farmer and I have a lot of siblings."

Trine: "But how much money do you earn every month here?"

Mary: "I have DKK 2,500."

Trine: "And how much do you send home?"

Mary: "Almost all of it. Because they are paying for the food, electricity, water, everything."

But there may also be people further out in the network who receive money sent by the au pair. Ruffa, for example, explains:

“

Most of my relatives are asking for 'Can you help somebody?' and yeah, I am also sending money for relatives, sometimes even friends they ask for money. Sometimes their kids are sick in the hospital.

RUFFA, PHILIPPINES (29)

This illustrates the difference the au pair's allowance can make to a large number of people in their home countries.

The motivations of several au pairs were composed of a mixture of a sense of responsibility towards their families and their poor economic situation. Several informants speak of unemployment and general discouragement in relation to the employment situation in their home countries, or say that they simply could not earn enough money in their home countries to be able to help to support their families, even though they had educational qualifications and a job:

“

I am a teacher in the Philippines. But I decided to become an au pair because of the financial problems. Even though I am a teacher, the salary that I am getting is not really enough. I am single to the responsibility. My parents both got sick two years ago, so we really paid a lot to the hospital. Medicine and so on.

KAREN, PHILIPPINES (31)

.. ..

I was working as an office clerk in the Philippines, but the money is not enough. I have to help my parents sending my brothers and sisters to school. Because I am the eldest.

BELLA, PHILIPPINES (22)

“

Before I left back home, we really needed some money, we had financial problems, so when a friend asked me if I wanted to work as an au pair, I said 'Yes'. It is a very big opportunity actually for us, because we don't have nice jobs in the Philippines. It is difficult to find a job in the Philippines, so I said 'Yes'.

MARY, PHILIPPINES (28)

.. ..

My family needs me.

BEA, PHILIPPINES (26)

.. ..

For me I am basically here for my family [...] We are a big family. I just can't afford to come here and having a good time when there are problems. So all my money goes home.

JOYCE, KENYA (22)

Similar to Joyce's statement, several informants describe how they feel highly obliged towards their families in their home countries, and the majority are consequently certain that they will travel onwards, as au pairs or otherwise, as soon as their au pair contracts expire, in order to be able to continue to earn money to send home. Their role as whole or partial breadwinners for their families in their home countries, and the fact that they and their families are economically disadvantaged, means that some of the informants were in a vulnerable and fragile situation even before they arrived in Denmark.

But other 'push' factors besides those mentioned have also played a role in the informants' choice to become au pairs in Denmark. Due amongst other things to their family responsibilities, some of the Filipino informants had previously travelled to Singapore to work as domestic workers, which was where they had first heard about the opportunity to become au pairs in Denmark. The informants describe this period as characterised by very hard work, low pay and unfair working conditions, for which reason an au pair stay sounded very appealing. Jennifer, Sharon and Angelica comment:

“

I was so excited [to come to Denmark], because it is very hard in Singapore. It is very difficult.

JENNIFER, PHILIPPINES (25)

.. ..

I have been in Singapore [...] Yeah, for about one year. The working hours are much harder than in Denmark. You work more than 11 hours a day [...] and you have a day off only once a month.

SHARON, PHILIPPINES (27)

“

They [the agency owner] said to me 'You have an opportunity to go to Denmark, it's better than Singapore', he just told me. I am working 24 hours [in Singapore] and in Denmark it is only 5 hours. So I am thinking 'What? It's only 5 hours?'

ANGELICA, PHILIPPINES (29)

Against this background, the opportunity to work as an au pair in Denmark came as a welcome chance to obtain a little more freedom in their daily lives – and an opportunity to earn more money.

For other informants, more personal factors, such as poor family relationships or a negative event in their lives in their home countries was what caused them to choose to become au pairs:

“

Yeah, I had a job. And it was a very good job. It's because something happened to me, it's very personal. So I was stressed and... and I wanted to move out. So I thought that Denmark would help me a lot in moving because of that incident. I lost my... I lost my fiancé, so I became depressed and in the Philippines it is hard for me to stay there and remember everything, the memories, so I thought, maybe I should go [...] He died.

RUFFA, PHILIPPINES (29)

.. ..

It's very hard to find a job in the Philippines [...] and then she [the recruiter] contacted us by chatting. And I was having a bad experience with my uncle and aunt before, that's why I thought: 'Just give me a job there in Denmark, any kind of job!'

NORA, PHILIPPINES (25)

The statements in this chapter illustrate how greatly the au pair field has changed in practice from its beginning as a cultural exchange program for young people from other European countries (Anderson 2000: 23; Vermeulen 2007: 126, 130; Stenum 2008: 58; Williams & Gavanas 2008: 19). The au pair scheme now encompasses an entirely new group of people who have different motivations, responsibilities and backgrounds.

Vulnerability and exploitation

In several respects, some of the au pairs have backgrounds and motivations for travelling abroad to work which render them vulnerable to exploitation, such as poverty and lack of opportunities at home, and it is against this background that they have come to Denmark. The fact that the au pair scheme today mainly encompasses people with this type of background means that they comprise a much more vulnerable group than the group for whom the scheme was originally intended, i.e. young people travelling to Denmark to learn the language and culture. Precisely for this reason, au pairs could be exploited by those who wish to do so. Anderson thus writes:

“The potential for exploiting the young woman under this system [the au pair system] is clearly considerable [...] the au pair system [...] is as open to abuse as any other when the workers it places are vulnerable”

(Anderson 2000: 24-25)

To Europeans, it might seem that the amounts that the study's informants were required to pay recruiters in order to come to Denmark are not particularly exorbitant. However, when this is compared with the monthly allowance rate for an au pair in Denmark, formerly DKK 2,500 (approx. EUR 336) and now DKK 3,000 (approx. EUR 403), it becomes clear that it will require several months of work for an au pair to be able to pay off this debt. Since most of the informants must also help to support their families in their home countries, and therefore send money home every month, this leaves only a very small monthly amount for themselves:

“

After a year I still don't have much in my account here. I don't because I have to pay for my loans.

KAREN, PHILIPPINES (31)

Several informants say they take on illegal moonlighting work in order to make ends meet. Some arrange this for themselves, while for others it is arranged by their host families. Some regard this work as a good opportunity, but others warn against it, as it is illegal:

“

My friends said that they get more allowance from the extra work they are having [...] But I did not know that it is not legal here in Denmark [...] But I really need to earn more.

KAREN, PHILIPPINES (31)

.. .. .

Trine: **"Do you work for other families?"**

Faith: **"No, but I would love to."**

.. .. .

Trine: **"Do you have an extra job?"**

Marian: **"Yeah, cleaning. My family found it."**

.. .. .

Trine: **"But do you also work for others?"**

Bella: **"Yes, I have a job my host gave me."**

Trine: **"She gave you?"**

Bella: **"Yes, just near our house [...] I have to clean for two hours."**

Trine: **"How much do they pay you for two hours?"**

Bella: **"60 kr." [EUR 8.00]**

In Bella's case, she is not only working illegally, but is also grossly underpaid.

In addition to the informants' vulnerability due to the circumstances from which they come, they are also vulnerable in other respects. Because of their debts to the recruiters, together with their responsibility for sending money home and/or a desire to earn as much money as possible and thereby create better opportunities for themselves, they often end up working in the illegal economy in Denmark. This may be a conscious, calculated choice, but it still violates the law, which in relation to their work places them outside the system of rights and assistance that Danish society can offer them. Several also end up living illegally in Denmark or another country when their au pair contracts expire³³, in order to continue earning money abroad – and when someone's positioning within society becomes 'illegal', they are in effect pushed 'outside' of this society. Anderson expresses it like this:

“Combined with the cost of flights to Europe and the fact that they are earning only 'pocket money', [it] means that many of the women have not paid off their debts by the time their permit has expired, and must then become 'illegal'”

(Anderson 2000: 25)

The situation thereby becomes a vicious circle which has consequences for the future lives of the au pairs, and the debt to the recruiter merely exacerbates this pressure. In a report on Asian migrants working in Saudi Arabia, Kuwait, Lebanon and the United Arab Emirates as domestic workers, and who also have to pay large sums to recruiters, Human Rights Watch writes that in the long term the danger is that such persons may feel compelled to remain in an abusive working situation, as they cannot escape the debt and the vicious circle:

“Recruitment-related debts haunt domestic workers throughout the migration process. Labour agents and subagents generally extract fees from prospective domestic workers for recruitment and placement services, and at times exorbitantly overcharge them for these services. These fees place domestic workers at risk for later exploitation by employers, because domestic workers feel trapped in abusive employment situations as a result of the debts they must repay to labour agents, subagents, banks, and moneylenders”

(Human Rights Watch 2007: 22)

Although it is not possible to directly compare domestic workers in the above countries with au pairs in Denmark, it is interesting to note how recruiters seem to operate in similar ways in relation to both groups. A common factor for both au pairs and domestic workers (besides the nature of the work) is the debt in which the recruiters place them, which hampers them and maintains their position, leaving them vulnerable to exploitation.

This fragile situation, on several levels, can ultimately lead to au pairs becoming victims of trafficking. As Vermeulen expresses it:

“It can be concluded that the au pair statute is precarious and that youngsters who travel to a foreign country in this way are highly exposed to various forms of abuse. The statute is an easy target for abuse by human traffickers who want to supply families with cheap labour (or sex) servants”

(Vermeulen 2007: 132-133)

Vermeulen writes that this vulnerability is generally present in the au pair system, but the main point here is that the role of the recruiters certainly does not diminish the potential for abuse. Recruiters exploit the opportunity to earn money from prospective au pairs, and this exploitation

³³ Cf. interview in Jyllands-Posten 14.10.2008 with Shahamak Rezai, lecturer from Roskilde University, who directs the Danish part of an EU project on illegal workers.

contributes to making the situation and future lives of au pairs even more vulnerable than they already are. Human Rights Watch writes the following about the consequences of the recruiters' role, and points out the risk of trafficking:

“Deception and lack of information during the recruitment process place migrant domestic workers at risk of exploitation and trafficking into human beings”


(Human Rights Watch 2007: 31)

This 'system' of owing disproportionately large sums to a recruiter/intermediary is known from the field of human trafficking, and is reminiscent of the stories told by victims of trafficking into prostitution. However, it should be noted that victims of trafficking into prostitution usually owe the traffickers much larger amounts, and sometimes have debts of up to EUR 45,000 for the journey to Scandinavia (Brunovskis et.al. 2006: 48). Viewed from this perspective, the amounts described in this study seem less exorbitant.

A grey area

This chapter has dealt with some of the 'push and pull factors' which have had an influence on the informants' journey to Denmark, and has focused on the recruitment process, as it is in this phase that trafficking may commence. It has been shown that the excessive fees demanded by recruiters can have significant negative consequences for the informants, whose chronic state of debt, together with other 'vulnerability factors', may continue to affect their future lives and thus increase their vulnerability in the long term. There is a risk that this vulnerability could be exploited by traffickers.

As will be seen in Chapter 6, there are indicators which point to elements of human trafficking in the recruitment of some of the informants, while other key indicators are absent. However, even if there is therefore no evidence of human trafficking as such in their stories, the informants find themselves in a *grey area* where they are at risk of exploitation, and where others can earn large amounts of money based on their wish to come to Denmark as au pairs.

The background of the page is a solid light blue color. Overlaid on this are several dark blue silhouettes of people, including a man on the left, a woman in the center, and another woman on the right. In the lower half of the page, there are several overlapping, thin, dark blue lines that form abstract, circular and oval shapes, resembling a network or a stylized globe.

CHAPTER 5 DREAMS FOR THE FUTURE

Dreams for the future

IN CHAPTER 3, IT WAS ILLUSTRATED how the informants view their stays with their host families, and it became clear that their experiences have been extremely diverse. Some have enjoyed predominantly positive experiences and are respected as part of the host family, while others feel that the framework for the au pair stay has been seriously infringed in several ways. Chapter 4 focused on the significance of recruitment for some au pairs. It was shown that they are kept in a state of debt which makes them vulnerable and fragile. Other agents earn large amounts from their wish to become au pairs in order to assist and improve opportunities for themselves and their families. Chapter 4 also provided an insight into the informants' motivations for becoming au pairs, presenting but a glimpse of a small part of the informants' past and present lives. In order to understand other aspects of the informants' world, however, it is also relevant to talk to them about where they feel they are heading – and how they view their future lives.

This chapter will thus concentrate on what the informants envision doing when their au pair contracts in Denmark expire. This may tell us something about how they view the au pair stay, and how such a period may form part of their overall stories and future activities.

The informants' ideas and dreams about their future do not directly tell us anything about whether they are victims of trafficking, but they suggest how their current situations affect their future – and this is crucial in understanding the overall picture of their lives, histories and possibilities.

The dream of Europe

In an earlier chapter, 29-year-old Sunita from Nepal said: "I just saw in the newspaper: 'Live and work in Europe'. And I wondered 'What is that?'" The idea of living and working in Europe (or elsewhere in the West) lies at the root of the informants' initial desire to come to Denmark, as well as of their dreams for the future. An au pair stay is seen as a chance to live and work in Europe, and the informants are happy to grasp this opportunity – even if it costs many of them a great deal of money. But when the stay in Denmark comes to an end, the dream of the West continues – as does the need to earn more money than is possible in their home countries. The informants plan to remain in Denmark, or travel onwards, in order to continue living and working abroad. In this way, the au pair stay forms but one phase of their further migration.

Previous chapters provided insight into the conditions to which some of the informants are subject, and which render them vulnerable. These conditions include their poor economic situations, their responsibilities as breadwinners and obligations in their home countries, and their payments to au pair recruiters, and these conditions accompany them on their further journeys throughout the world.

As previously mentioned, most of the informants state that they have no plans to return to their home countries. Many even express a great desire to remain in Denmark, one way or another. Maria and Michael state:

“

I would like to stay [in Denmark] if I can, if it is possible, if they will let me stay. It is cold here in Denmark, but it is nice.

MARIA, PHILIPPINES (22)

.. ..

Trine: "So your dream, what would that be?"

Michael: "My dream? To find a job here in Denmark."

The reason for this is that the informants see few or no opportunities for themselves in their home countries. Some have been au pairs in other countries before coming to Denmark, and wish to continue this 'lifestyle' in the future. They can earn much more money abroad than they can in their home countries, and – something which was a very important factor for several informants – their responsibilities towards their families will continue after the au pair contract expires. Christine, for example, explains:

“

I want to stay here in Europe [laughs] because, you know, it is very hard to go back to the Philippines because there is no employment [...] and it is very hard to earn money for your family, so that is why we are working here, just for our families.

CHRISTINE, PHILIPPINES (24)

This suggests that the au pair stay is just one stop in a longer, continuous journey to earn money and open up new and better opportunities for the au pairs and their families.

The motivation behind the au pair stay continues

Asked about her dreams for the future, Nora returns to the reason why she initially left home to become an au pair, which remains the reason why she will continue to work abroad one way or another:

“

I don't have a choice [...] Because I want to help my family. That is my goal.

NORA, PHILIPPINES (25)

Her original motivations thus extend far beyond the immediate decision to become an au pair in Denmark, and in a sense embrace the whole of Nora's migration history, both retrospectively and in the future. For her, it is a question of being able to help her family.

Edna has worked as an au pair since she was 19, and cannot see herself returning to her home country; a return to the Philippines would be a step backwards for her, as she is accustomed to having a job and a dependable income as an au pair. Nonetheless, she feels that 'rejecting' the Philippines is a hard choice:

“

It is hard to go back to the Philippines. And I have not been in the Philippines for almost 9 years now. So if you are used to have work, you are used to have salary... it's... you know... when you go back to Philippines it's all gone. It is quite difficult for me to accept that.

EDNA, PHILIPPINES (28)

Nevertheless, some informants have a personal dream to return to their home countries. Due to the necessity of helping their families at home, however, some informants are forced to remain abroad, even though this is not what they really want. They continue to work abroad because they feel obliged to do so. Karen describes how her responsibility for her family's situation conflicts with her great desire to return to the Philippines:

“

After the contract I would really love to go home, because in my case I would really like to be with my family. So if I would just go home and work as a teacher I would be happy. But it might be again that we will suffer financially. But my only option is Canada, because my friend is already there. And if I go there, emotionally I really cannot take anymore [...] I would like to go home, yes, but I am thinking of my family. Because if I go home it might be selfish of me. Because my family would suffer financially, but then if I go out then I will suffer emotionally, but then my family would be okay in the Philippines.

KAREN, PHILIPPINES (31)

Karen's personal wish is thereby being sacrificed for the good of her family.

Future au pair or not: dreams of other countries, education and work

Some of the informants wish to go on working as au pairs elsewhere after their stay in Denmark, which several regard as a good option – especially if they have friends or relatives who are already au pairs in the desired countries. Norway and Canada were mentioned as the best and easiest options for au pairs who have previously worked in Denmark:



I am waiting for my visa from Canada. Lucky me!

MARIAN, PHILIPPINES (25)

.. .. .

Oh, I have a lot of dreams! [laughs] I have already signed a contract to go to Norway [...] I don't want to go back to the Philippines.

ANGELICA, PHILIPPINES (29)

.. .. .

I want to be an au pair again, but in another country.

TANYA, UKRAINE (27)

But there is also a group of informants who, while wishing to remain abroad, in no way wish to continue working as au pairs. Some of these have experienced a problematic relationship with their host families, and do not feel that their stay has lived up to their expectations:



Well, for sure I am not going to be an au pair again. No.

SUSAN, KENYA (23)

.. .. .

I know that I cannot be an au pair forever! I have my dream. I want a family of course.

RUFFA, PHILIPPINES (29)

.. .. .

Trine: "What are you going to do when your contract runs out?"

Nora: "I am not sure right now. I am searching for another job."

Trine: "Here in Denmark?"

Nora: "Yes, I am planning to pursue my studies - or something in line with my profession, because I don't want to be... to die as an au pair. I want to use my profession."

As Nora's statement indicates, there are also some au pairs who desperately wish to study or work abroad in the areas for which they are qualified. As described earlier, several of the informants possess qualifications or training from their home countries in such areas as nursing, agriculture, economics, IT, education or accounting. They see an au pair stay as a step which could open up opportunities for them - and perhaps also academic possibilities, in the longer term:



Actually I would love to study here because actually my main idea of coming here as an au pair, I thought I would have that chance.

JOYCE, KENYA (22)

“

Well, if I get the chance to go to Italy after Denmark, because I have a lot of family, relatives in Italy. I will choose to study there in Italy. I might take an economic course there because it is really good for my degree in the Philippines.

BEA, PHILIPPINES (26)

.. ..

I would like to study here, because I find really good international lines at the school of business about business administration. But it is not really sure because it is really expensive [...] It is not for sure because everything is about money now [...] The perfect scenario is to finish university here, a Bachelor and a Master's, and then find a really good job no matter where [...] I like Denmark but I could easily live in another European country.

VEDRANA, SERBIA (19)

As Vedrana's statement above indicates, she is aware that there are some hurdles that must be overcome before she can fulfil her dream. She knows that an education in Denmark will require some capital, and she is also saving up a large part of her allowance. Her chances of being able to fulfil her dreams of an education are better than those of many others, as she is not obliged to send money home to her family in Serbia.

When the informants were asked about their more distant future, several thought that they might well return to their home countries, but this would require that they enjoyed success abroad and earned a lot of money. Christine is one of the informants who has worked as an au pair in various countries for several years. She imagines that she will continue to work in this way, but when asked about her wishes for the more distant future, she says that she would like to start a business in the Philippines:

“

I want to have business in the Philippines which is a computer shop. And I want to have my own house [...] If I have a lot of money, then I will return.

CHRISTINE, PHILIPPINES (24)

So if 'the dream of Europe' succeeds, some informants may return to their home countries in the longer term.

Moving on

The informants thus regard an au pair stay as an opportunity which can help them and their families financially, and which may also give them better opportunities to continue to live abroad and earn money. Some see the au pair stay as a springboard from which to pursue an education or a career – and in the longer term, some might thereby be able to return to their home countries with money in their pockets. The au pair stay thus forms part of a continuing migration strategy on the part of the au pairs. In a study of au pairs, domestic workers and nannies in London, Stockholm and Madrid, the sociologists Fiona Williams and Anna Gavanas write:

“Often these jobs are seen as a stepping stone to something better, even though workers may have taken a step back from their jobs as teachers and nurses in their own countries”

(Williams & Gavanas 2008: 19)

As has been evident in this chapter, the majority of the interviewed au pairs believe that in the future, they will either remain in Denmark or travel on to a country other than their home countries. But opportunities to remain in Denmark are limited for au pairs from developing countries (as for other third-country nationals). It is possible to obtain a residence permit if you meet the relevant conditions as a worker or student, or for purposes of family reunification, but since most au pairs do not have the money to pay for an education in Denmark, and it is difficult to obtain employment in Denmark as a third-country national, several of the informants themselves assess that their only real options are either to get married to a Dane or to reside illegally in the country. Some of the study's informants see marriage to a Dane as a good opportunity, and a few also have Danish partners and plan to marry:

“

I have boyfriend here and we are planning to get married, hopefully. So after that I would like to go to school here in Denmark [...] that is my goal. And I am very ambitious to gain that goal.

EDNA, PHILIPPINES (28)

When asked whether they had boyfriends in Denmark, two informants answer identically (with a smile) that they are "single and available" and wish to meet a Danish man and thereby remain in Denmark. A relationship with a Danish man is thus regarded by some as an effective strategy and opportunity to remain in the country.

The au pair stay may be regarded as a step on the ladder leading the informants away from their home countries and out in the world to earn money for themselves and their families. The stay becomes part of their overall life strategy, which is to work abroad in order to create better (economic) opportunities. The motivation behind the stay may be both the au pairs' desire to help their families financially, and their own wishes and dreams for an education, a job and a brighter future. An au pair stay in Denmark is thus not an isolated, limited stay which 'stops' when the au pair contract expires, but should rather be seen as a step on the informants' further migration paths.

CHAPTER 6

INDICATORS OF HUMAN TRAFFICKING



Indicators of human trafficking

IN ORDER TO EVALUATE whether and in what form human trafficking can be said to have taken place on the basis of the informants' stories, certain elements must be present. This chapter will examine two different approaches to assessing this, namely the three constituent elements in the definition of trafficking given in Chapter 1, and subsequently, the list of human trafficking indicators compiled by the Danish Centre against Human Trafficking (Danish Centre against Human Trafficking, 2008: 40-41).

Three constituent elements

As described earlier, human trafficking involves three constituent elements: there must be an *act*, using a particular *means*, for a particular *purpose*. The *act* involves a person recruiting, transferring, transporting or moving another person from one place to another – either within a country, or across borders – and harbouring or receiving such a person, while the *means* consists of carrying out the act by the use of fraud, deception, imprisonment, abuse of power, coercion or threats thereof, or exploitation of a vulnerable situation. The *purpose* of the act is to exploit the person in question.

As has been described in *some of* the informants' stories, an *act* has taken place, in that the au pairs – driven by dreams of Europe and the need to make money – were recruited by the recruiters and moved from one place to another. The recruiters thereby made use of the informants' vulnerability and lack of knowledge of the au pair scheme as a *means* to demand disproportionately high amounts of money for arranging their stay. But the *purpose* of the act can only be said to have been to exploit the au pair in relation to the payment for arranging contact with a host family – not with intentions to exploit the au pair in other ways during the stay in Denmark or afterwards. Consequently, all three constituent elements of the definition of human trafficking *cannot* be said to have been present in the case of the study informants.

Indicators

The list of indicators utilised by the Danish Centre against Human Trafficking has been compiled on the basis of the indicator list of the British NGO Anti-Slavery International (Anti-Slavery International 2005), and encompasses six main themes: recruitment, personal documents and property, freedom of movement, violence or threats of violence, working conditions and living conditions. Below, each of these themes will be reviewed and discussed individually.

It is important to stress that the list of indicators used by the Centre against Human Trafficking is not a checklist or a diagnostic instrument, but rather a tool in continuous development, which functions as a set of warning lamps that may indicate the presence of human trafficking.

Accordingly, areas in which human trafficking might occur should be assessed in a larger context, and individual cases must be assessed as a whole. The indicators should thus be considered a supplement to the process of identifying human trafficking.

The indicators are guidelines which can point out potential problem areas and identify areas which should be given special attention in the work of combating human trafficking (Danish Centre against Human Trafficking 2008: 34). It is against this backdrop that the following review of the indicators should be understood.

Recruitment

1. A third party has organised the trip and arranged the necessary documents
2. The amount demanded by the person who undertakes the recruiting is unusually large
3. The person is brought into a state of debt, and his or her family in the country of origin may be required to act as guarantors for the debt
4. The person has been given false, incorrect or misleading information by the recruiter or employer

Assessment: As shown in the course of the report, the first two points can arguably be applied to the informants who came to Denmark as au pairs through recruiters: a third party arranged their journey and the documents, and demanded a disproportionate amount of money for this service. Points 3 and 4 on debt and the recruiter's misleading information can be said to apply to some degree to the informants, inasmuch as they have been brought into a state of debt, but no informants reported that their families were required to act as guarantors for the debt. Some had received misleading information from the recruiter, in that they had been told that they could take on extra work in addition to their duties with the host family, which they later found out was illegal in Denmark.

Personal documents and property

5. The person's passport and/or travel documents are confiscated
6. Personal property is confiscated
7. The person has false identity, travel and/or working papers
8. The person is prohibited from possessing and/or transferring earned and saved money

Assessment: None of the informants claimed that they had been given false papers, or had their papers, passport or personal belongings removed or confiscated, or had been forbidden to possess or transfer earned money. All of the informants were asked about this directly.

Freedom of movement

9. The person is not able to move around freely without getting permission/being supervised
10. The person is physically restricted to his or her place of work/residence
11. The person cannot freely choose a place to live
12. The person is subjected to unlawful interference with his or her right to privacy

Assessment: None of these points can be applied to the informants. With regard to point 11, it is the intention of the au pair scheme that au pairs should live with their host families, which is thus a pre-given condition in this context and cannot be regarded as an indicator of human trafficking.

Violence or threats of violence

13. The person has been exposed to psychological abuse, including verbal abuse
14. The person shows signs of fear, anxiety and/or depression
15. The person has been exposed to physical violence, including beatings or forcible drug use (he/she has bruises or other signs of physical violence)
16. The person has been subject to sexual abuse and/or harassment, including rape
17. The person has been exposed to threats of violence or abuse, including threats to others, e.g. the person's family in the home country

Assessment: Several informants complained of the form and tone of communication used by the host family, but not to a degree that would qualify as "verbal or psychological abuse" as described in point 13. None of the informants had been exposed to physical violence, forcible drug use, sexual abuse, rape or threats of violence or abuse as described in points 15-17, but there were informants who expressed fear of those recruiters who reside in Denmark, which refers to point 14.

Working conditions

18. The content of the employment contract or oral contract is not respected, or the person has been forced to sign a new contract on arrival in the destination country
19. The person is obliged to perform duties other than those for which he or she was recruited, or which are not covered by the contract
20. The person works excessively long hours, or at irregular times. The person has no free time, or too little free time
21. The person works under conditions which may endanger his or her health and safety. The person is not supplied with protective equipment
22. The person receives no information on safety measures or training in his or her own language; if provided, the information and training is inadequate
23. The person is not paid, or is underpaid, for the work he or she performs, or the payments are delayed
24. The person is denied benefits to which he or she is entitled (e.g. paid holidays, sick leave, maternity leave)
25. The person does not receive necessary and/or adequate medical care. Information on health and health services is not available, or does not match the person's needs
26. The person has been subjected to forcible physical treatment (e.g. forced medical testing, pregnancy testing, forced abortion or forced use of condoms)
27. The person has been dismissed for no reason, without notice and/or without any form of assistance/help
28. Substantial amounts have been deducted from the person's wages (e.g. to pay for accommodation, forced saving)
29. The person lives against his or her will at the same place at which he or she works

Assessment: Points 18 and 19, relating to lack of respect for the content of the employment contract and the performance of tasks for which the person has not been recruited, may be said to apply to some of the informants, in that some had been required to perform tasks that were not part of the au pair contract (e.g. agricultural work), but none had been forced to sign a new contract on arrival in the destination country. Point 20, relating to work for excessively long hours, is applicable to a large proportion of the informants, who reported having to work much more than

the prescribed maximum of five hours a day, six days a week. Two au pairs worked up to ten hours daily, and some did not receive the days off to which they were entitled.

Most of the informants did not receive extra pay for this extra work, which refers to point 23 on payment or non-payment, while one did not receive her allowance for a month, after which she changed her host family. Others are paid – although not very much – for illegal, moonlighting work carried out for the host family or other families. In some cases au pairs may take on the illegal work in order to pay off their debts to the recruiter and send money home to their families, but at the same time it can also be the result of an au pair's own choice and desire to earn more money, even though this is illegal practice in Denmark. Various motivations can thus lie behind the illegal work.

It was frequently mentioned by actors in the au pair field, and by the informants themselves, that many au pairs do not realise that they are entitled to five weeks of paid holidays annually, and some informants said that their host families opposed this and would deduct such holidays from their allowance, which refers to point 24: the person is denied benefits to which he or she is entitled.

The remainder of the points cannot be said to apply to the informants. None reported that they had performed work which might compromise their health or safety, or that they lacked information on various safety measures, and none had experienced not having access to adequate medical care. None had been subjected to forcible physical treatment, or had been dismissed for no reason. Two informants had had money deducted from their allowances to pay for items they had broken (e.g. tableware), which refers to point 28 on the deduction of amounts from wages, but these were not 'substantial amounts'. Point 29 refers again to the fact that the au pair – according to the rules – lives and works in the same place, but this cannot be said to be against the informant's will, as accommodation in the home of the host family is a basic condition of the au pair scheme.

Living conditions

- 30. The person has no opportunity to choose or change his or her residence
- 31. The person pays an unreasonably high amount to rent accommodation of poor quality
- 32. The person is denied the right to freedom of thought, expression or religion
- 33. The person is denied the right to seek or receive any form of information

Assessment: None of these indicators can be said to match the informants' stories. Point 30 refers once again to a fundamental condition and intention of the au pair scheme, i.e. that the au pair lives with the host family. None of the informants paid rent or could be said to have been denied the right to freedom of thought, expression or religious freedom, or the right to receive and seek information.

Other indicators: In addition to the general indicators of trafficking used by the Centre against Human Trafficking, there are also a number of more specialised indicators. The United Nations Office on Drugs and Crime (UNODC) has developed a number of indicators of human trafficking³⁴, which are divided up according to whether trafficking takes place for the purpose of exploitation through prostitution, begging, forced labour or domestic servitude³⁵. The indicators state that persons who have been trafficked for the purpose of domestic servitude may amongst other things:

- Live with a family
- Not eat with the rest of the family
- Have no private space
- Sleep in a shared or inappropriate space
- Be reported missing by their employer even though they are still living in their employer's house
- Never or rarely leave the house for social reasons
- Never leave the house without their employer
- Be given only leftovers to eat
- Be subjected to insults, abuse, threats or violence.

Only a few of these indicators can be said to apply to the au pairs interviewed, and then only to a limited extent: almost all of the informants lived with a family (which is a fundamental condition of the au pair scheme), although one spoke of not having her own room, as she did not live with the family, but shared a room with another au pair in another house. Some spoke of experiencing offensive statements by their host families, but none reported abuse, threats or violence. Some informants said that they did not eat with their families, but beyond this, these specific indicators cannot be said to match the informants' reports. None of the informants had been reported missing by the host family, and none were given only leftovers to eat. The informants also frequently left the house without the host family – including for social activities.

Overall assessment

It is clear from the review of the indicators of human trafficking that some indicators point to human trafficking in the informants' stories, particularly in relation to their recruitment and situations of debt. At the same time, however, a large number of very important indicators of human trafficking are absent, such as those relating to violence or threats of violence, freedom of movement, living conditions and personal documents and belongings. Indicator 14 on fear applies, however, to some informants. Only a few of the indicators relating to working conditions apply. Consequently, the overall assessment of the Danish Centre against Human Trafficking is that human trafficking into exploitation through forced labour cannot be said to be present in the situations or experiences of the interviewed au pairs.

However, it is clear that in several cases, some au pairs were exploited to varying degrees, both by the recruiters during the recruitment phase, and also in some cases by the host families, in that they were subjected to unfair working conditions and working hours, which obviously is unacceptable. In both situations, the au pair's vulnerability and wish to migrate and work abroad was exploited – which thus also represents exploitation of the au pair scheme itself and its original intention.

³⁴ United Nations Office on Drugs and Crime. Cf. www.unodc.org - Human Trafficking indicators 2009.

³⁵ This report studies the extent to which human trafficking for exploitation into forced labour, including domestic work, has taken place among the study's informants. UNODC has however chosen to make trafficking into domestic work a separate category in its indicators.

It may therefore be concluded that the informants sometimes find themselves in vulnerable situations in which exploitation may take place, both during their journeys to Denmark and in their lives with the host families, which is unreasonable and contradicts the aims of the au pair scheme. But this does not occur to an extent or in a manner which could be described as human trafficking.

CHAPTER 7

CONCLUSION



Conclusion

THIS STUDY HAS AIMED to provide a glimpse of the lives of a group of au pairs, including where they come from, how they arrived in Denmark, their experiences as au pairs, and where they are heading. In this way, some insight into the issues that surround these people's lives has been given, and the report has identified recruitment as a point on their journeys which could be associated with a risk of exploitation and increased vulnerability. Some au pairs have also experienced exploitation by their host families during their stay, while others have had more positive experiences.

Some recruiters exploit the lack of knowledge, vulnerability and desire to work in the West of prospective au pairs by charging them exorbitant amounts to establish contact with a host family. This places the au pair in a debt situation which affects large parts of the au pair stay, and potentially also the au pair's future activities. The recruiters and their role in the au pair system thus increase the vulnerability of the au pair's situation.

All of the report's informants entered the country voluntarily to work as au pairs – they came to improve their own possibilities and those of their families. It was the dream of Europe and better future opportunities that brought them to Denmark, and in this area, their reasons for coming to the country were almost identical to the dreams of a better future which are often heard from victims of human trafficking exploited through prostitution³⁶.

On the basis of the above review of the various indicators of human trafficking, it is assessed that there were no concrete cases of human trafficking among the 27 informants in this study. Some trafficking indicators have however been shown to apply to the informants, particularly in relation to their recruitment and debts, and yet since many other key indicators are not present, the overall assessment is that human trafficking cannot be said to have taken place. Rather than human trafficking as such, the stories of the informants reveal grey areas, with instances of exploitation of a vulnerable and fragile group.

The kind of exploitation which is thus possible in the au pair field is inextricably linked to the changing nature of the field. More and more au pairs are coming to Denmark from developing countries such as the Philippines and Nepal, and their motivations for working as au pairs are fundamentally different to the those of the 'traditional' au pairs who formerly came to Denmark from other European countries (Anderson 2000: 23; Vermeulen 2007: 126, 130; Stenum 2008: 58; Williams & Gavanas 2008: 19). As was described in the introduction, the three largest national groups of au pairs in Denmark at the present time come from the Philippines, Ukraine and Russia – three countries which are outside the EU. Many of the au pairs currently working in Denmark cannot rely on the same kind of family and economic safety nets as the 'original' au pairs, but instead are wholly or partly responsible for their families and their own economy and future activities.

³⁶ Cf. www.centermodmenneskehandel.dk - questions and answers

This report has pointed out various reasons why more of today's au pairs are in a precarious and vulnerable position: most of them are in Denmark to earn money for their families, and some come from poor economic conditions in their home countries. Most of them wish, or are obliged, to continue to live abroad in order to help to support their families. At the same time, several of them have had to pay excessive amounts to recruiters in order to become au pairs at all, and some have experienced unreasonable conditions in their host families, on whom they also feel dependent. Additionally, several have taken illegal work in Denmark (either in their own interests, or in order to pay off debts), and some end up living illegally in Denmark or in another country. As a result, these au pairs comprise a vulnerable and exposed group who, in their further migration around the world, could be exploited in various ways – possibly by traffickers.

But it is important to note that the au pairs interviewed in the study also possess some key resources. Several of them hold qualifications from higher education, and most speak excellent English, which puts them in a better position than other migrant groups (and other groups of trafficking victims) who lack these skills.

It is also worth bearing in mind that, within the study's relatively small group of informants, there are some significant contrasts in the informants' stories. Of the 27 informants, representing six different nationalities, only au pairs from two of these national groups (those from the Philippines and Nepal) have experienced having to pay recruiters, and thus be placed in debt from the beginning of their au pair stays in Denmark. There were also differences relating to whether the au pairs feel obliged to support their families in their home countries and thus send money home. Most Filipino au pairs send money home, whereas the Serbian au pair, for example, does not send any remittances home, but is instead able to save up her allowance. There are thus also differences between the informants' motivations for their au pair stay.

This emphasises the important point that there are significant differences among the au pairs who come to Denmark today. The 'vulnerability issues' highlighted in this report are thus not equally applicable to all au pairs in the country, but have proven to be particularly significant for those who belong to what is by far the largest national group of au pairs in Denmark, Filipinos.

The study has focused in particular on the role of the recruiters, in order to investigate whether there was evidence of human trafficking in the stories of the au pairs. The role of the recruiters is complex, as it may also be argued that in many ways some form of facilitation of au pair stays is needed. There is no doubt that major problems and risks can also be associated with the 'direct placement' of au pairs, which occurs without intermediaries and agencies, using the internet as a tool. Here, there is no official reference or guarantee if things go wrong (Vermeulen 2007: 131). An active, impartial and 'non-profit' au pair recruiter could – in conjunction with the rules administered by Immigration Service for au pair stays – provide a greater degree of protection for au pairs and their host families on the basis of the contract into which they enter. From this perspective, there is a need for a kind of au pair recruitment organisation which could also play an active role *during* the au pair's stay in Denmark, should the need arise. The motivation of au pairs to seek help from the Immigration Service is undermined by the fact that this institution also possesses the authority to assess and determine their basis for residence, which results in many au pairs often choosing not to contact the Service for fear of jeopardising their right of residence. For this reason, many au pairs end up seeking help from ethnic or religious organisations if, for example, they need to change their host family.

This study has shown that some recruiters in the market earn disproportionate amounts of money from the desires of young people to come to the West as au pairs. Young people, who in most cases come from developing countries and who are often in a fragile social and economic situation. The au pairs are thereby brought into a position of chronic debt which involves various risks, and which is equally inappropriate for the entire au pair scheme, as it then provides a framework within which such money can be earned – which was not the intention.

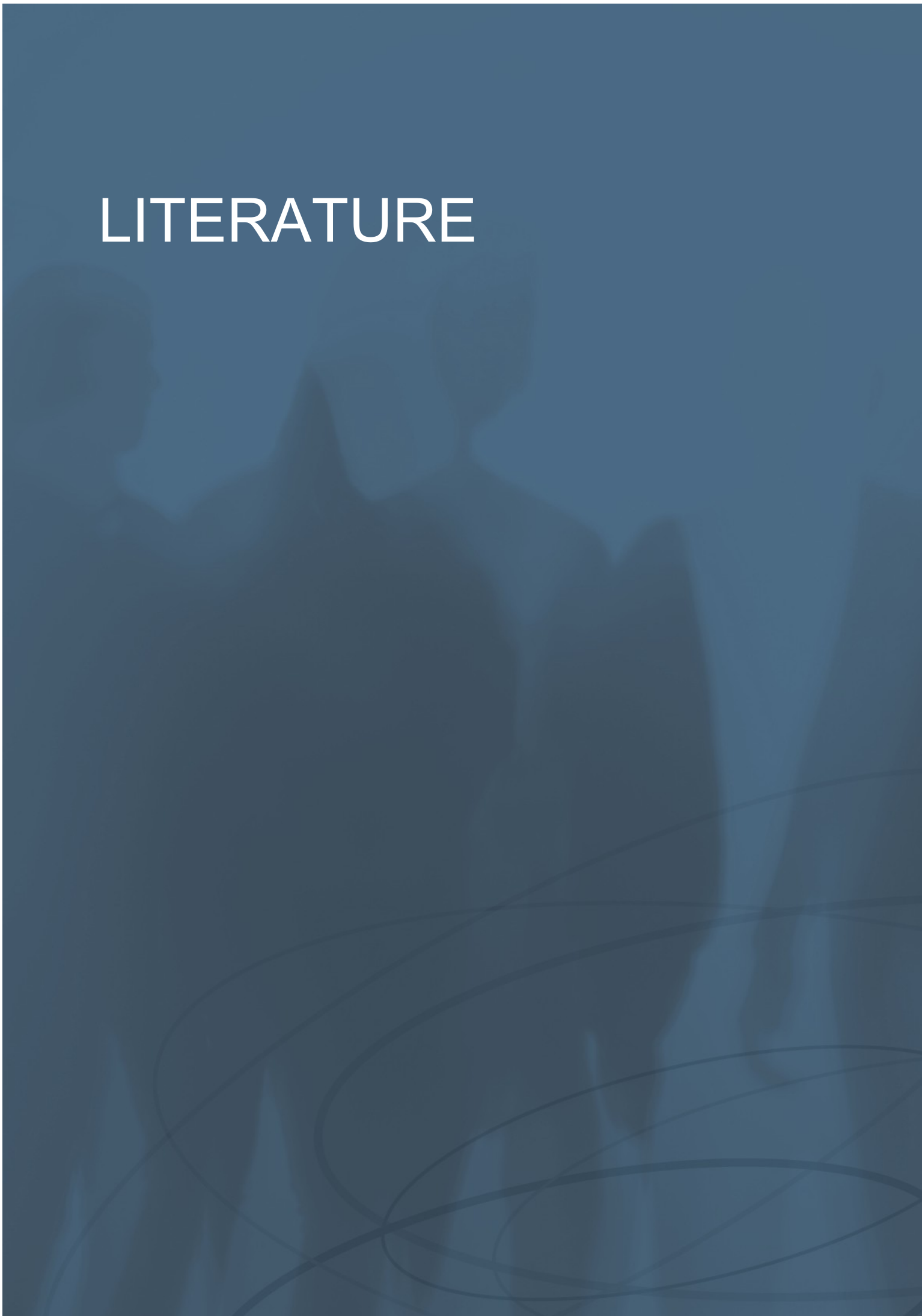
It would therefore be preferable if a 'non-profit recruitment organisation' were to be created for au pairs and host families, e.g. in association with the au pair counselling service which was tendered by the Ministry of Refugee, Immigration and Integration Affairs and began in November 2009. The counselling services are provided by the Danish Refugee Council³⁷.

In several respects it would be extremely useful to have active au pair recruiters based in Denmark, who, in addition to facilitating the au pair stay, could mediate in conflicts and provide advice to the au pairs and their host families. Several of the informants in this study had themselves sought advice and support from their Denmark-based au pair recruiters, without receiving the desired help, which points to the same need. The responsibility for resolving conflicts often rests too heavily upon the host families and the au pairs themselves (Vermeulen 2007: 129), and in many cases the only real way out of a conflict is to terminate the au pair contract.

The picture of the life of an au pair in Denmark today is completely different to what it was when the scheme was originally set up under the Council of Europe Au Pair Agreement in 1969. Today, the scheme encompasses a very different group of people than those originally intended, which presents various issues that au pairs, host families, au pair agencies and other agents in the field must confront. Against this background, this report has primarily aimed to reveal the manner in which the recruitment of au pairs takes place, especially in the case of au pairs from the Philippines, as well as indicate the impact the debts acquired thus has on the lives of the prospective au pairs. The recruitment process and the au pairs' experiences during their stay, as highlighted in this report, do not provide evidence of human trafficking, but rather of situations in which people in vulnerable positions can be exploited – and in fact often are.

³⁷ Cf. The website of the Danish Refugee Council: <http://flygtning.dk/saadan-hjaelper-vi-i-danmark/au-pair-support/>

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THE DANISH CENTRE AGAINST HUMAN TRAFFICKING

- renders protection and support to victims of human trafficking
- organises the social dimensions in the fight against human trafficking in Denmark
- develops methods and generates knowledge in the area
- co-ordinates collaboration between social organisations and authorities nationally

WE ARE RESPONSIBLE FOR

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Women, men and children trafficked into prostitution, labour exploitation, begging or crime

FOR MORE INFORMATION

Phone +45 3317 0900

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The Danish Centre against Human Trafficking undertakes the social dimension of the Danish government's "Action plan to combat human trafficking 2007-2010", and is coordinated by the National Board of Social Services.



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