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DECLARATION OF OTILIA LUZ HUAYTA

*Petition Alleging Violations of the Human Rights of Domestic Workers Employed by Diplomats
by the United States of America*

I, OTILIA LUZ HUAYTA, declare as follows:

1. I am a petitioner in the case of *Petition Alleging Violations of the Human Rights of Domestic Workers Employed by Diplomats by the United States of America* before the Inter-American Commission on Human Rights.
2. I am a national Bolivia. I currently reside in Oxon Hill, Maryland. I am a native speaker of Spanish and do not speak English.
3. From October 28, 2005 to June 2, 2006, I was employed as a live-in domestic worker in the household of a diplomat from Bolivia in suburban Maryland. During this time, I lived in the home of my diplomat employer, employer spouse of the diplomat, their family, and my 12 year old daughter Carla.
4. I have omitted specific information about my employer because I am prohibited from revealing certain information by the terms of my settlement agreement with the employer. However, on information and belief, my employer is a diplomat.
5. My employers treated me horribly. My employers made me work in abusive conditions for very low wages and excessive hours, with no-vacation or free time, and without any privacy. I was isolated from my family and from other contacts and I was not allowed to leave the home without an escort. My employers and their family intimidated me from escaping, threatened to deport me, and confiscated my passport. The ordeal caused enormous suffering to both me and my daughter Carla.

My Employment Contract and A-3 Visa Application

6. Before coming to the United States, I worked for my employer in Bolivia for three years. In 2005, my employer was offered a two-year contract in the United States. She asked me if I would come with her to the United States to work for her in her home. I thought it would be great and I agreed to go.
7. Within two weeks, we began the visa application process for an A-3 visa. My employer gave me an employment contract. I took the contract and my passport and identification documents to the United States Embassy in Bolivia. My employer did not accompany me to the Embassy because she was already in the United States at the time.
8. When I went to the Embassy and showed an official my employment contract, the official denied my application because the wages in the employment contract were too low. The contract stated that I would receive \$200 per month.

9. I contacted my employer and told her that the visa had been denied. She asked her daughter who was living in Bolivia to draw up a new contract that would comply with U.S. wage standards. My employer had her daughter sign the contract on her behalf.
10. The next day, I went back to the Embassy with the new contract, and this time the visa was accepted. The consular official looked over the contract, made a copy, and wished me a good trip to the United States.
11. I arrived in the United States with my daughter, Carla, on October 28, 2005 and immediately commenced living with and working for my employer.

Working Conditions

12. We lived in my employer's house in suburban Maryland. There were seven people living in the household -- my employer, her husband, her two teenage children, her four-year old baby, and my daughter, Carla, and I.
13. I was responsible for cleaning, cooking, serving food to the family, taking care of the baby, and doing anything else that was needed for the household. My employer also made my daughter Carla play with the baby; Carla also helped with some of the chores.
14. There were no set hours for my work. I usually woke up at 6:45 a.m. each morning and worked until 11:00 p.m. every night. Sometimes I worked until later, depending on the time the family ate dinner and went to bed. At first, I did not work on the weekends, but eventually I was required to work every day of the week.
15. As soon as I arrived and began working, my employer told me that the employment contract did not mean anything. She told me that I would be paid \$200 each month, and that my daughter, Carla, would be given \$15 per month.
16. After a couple months, I realized that there was a problem with my wages. I heard from Yolanda, a friend of my employer, that my wages were too low. My employer required me to work for Yolanda to clean her house. Yolanda told my employer that she should not be paying me so little and that I deserved to be paid more. My employer would not agree to increase my wages. To make it worse, she told Yolanda not to pay me too much for my cleaning services. My employer said she did not want me to get used to having money. Yolanda was sympathetic to me, but at the same time, she was a friend of my employer's, so there was no way I could fully trust her to be able to help me.
17. Another problem arose when one of my employer's friends, Ms. Norma, tried to pay me for my babysitting services. My employer had been bringing her friend's children to stay at the house, and required me to take care of them. Ms. Norma gave me \$300 and told me it was payment for two weeks of childcare. I accepted the money for the work I performed. My employer was outraged when she found out that Ms. Norma paid me. She scolded me, yelling at me for accepting the money. She was angry that the money

was paid to me and not to her, and that it was given in cash. My employer said the money belonged to her because she paid for the house, the utilities, and other incidentals while I babysat the children. Even though I felt this was unjust, especially because Ms. Norma had brought her own food for the children, I handed the money back to my employer. She took out \$100 for herself, and returned \$200 to me. Later, my employer's husband told me that he was "disappointed" that I accepted Ms. Norma's money and said that I only cared about material things. His comments made me very uncomfortable. I was very upset about this incident and it completely changed the way that I felt about the family.

18. The wages that I made were not enough to support my daughter. Because I had to work all of the time, and because my pay was so inadequate, I could not arrange for proper meals or nutrition for my daughter. Carla did not have proper lunches when she went to school. She was only taking slices of bread and water. A teacher at the school, Alicia, called me to ask why Carla's lunches were so poor. I told her that I didn't know what else to do because my employer was not helping us. Alicia called again later and told me that the teachers were getting together to fill out paperwork for Carla to get free lunches through the school.
19. My daughter Carla also was doing work around the house and she was often forced to play with my employer's four-year old child. If Carla did homework instead, the child would complain to her parents. My employer would then call Carla to play with the child again. Carla was unable to do her homework because of this.
20. We were unable to eat freely from the food that was in the house. I was doing all the cooking for breakfast, lunch and dinner for the entire household. My employer wanted me to separate the food and cook something for each child. Carla and I were not allowed to eat this food. Even then, my employer would accuse us and blame us for eating all the food.
21. Carla and I were not allowed to eat with the family and we were expected to serve their meals to them. When my employer's husband came home every day with his son, I served dinner to both of them. My employer did not allow my daughter and I to sit down to eat. Instead, we had to eat while standing in the kitchen. We had to wait in the kitchen until everybody had finished their meals, and then clean up after them. They ate very late, and some days it took until 11:30 pm or midnight to finish cleaning. We felt bad that we were treated that way, and I was especially sad that my daughter had to go through this.
22. My employer never gave us holidays or vacation time. I worked every day of the week, including Saturdays and Sundays.
23. There was not much personal time or free time. I always had the four-year old child with me, and this limited what I could do. Some days I could not even bathe because there was no time. My daughter, Carla, didn't have much free time either. If we watched the television, we could only watch the channels that the child wanted to watch.

24. We did not have our own room in the house and there was no privacy. Carla and I lived in a hallway in the basement, in a corridor that led to the washing room. It was six feet wide and the space was mostly taken up by the two beds. Anybody could walk through the hallway at any moment. There were also other tenants living in the basement, and my employer's teenage son had his room right next to us and he often walked through without his shirt on, no matter how many times I asked him not to. I hated having Carla see a half-naked teenager walking around our room.
25. My employer told me to never leave the house without her permission. The only time I left the house was to go to church with my employer and sometimes to go with her to the mall. Carla went to school on the weekdays and attended the Youth Program at the church. My employer said I should never leave the house alone because Americans could not be trusted. She said that I should especially be afraid of African-Americans.
26. My employer did not allow me to make phone calls. After Carla's schoolteacher called about Carla's lunches, my employer realized that I was receiving phone calls. After that, she forbade me from making calls. She forbade me to call home to Bolivia, or communicate with anybody. Suddenly, I stopped receiving calls and didn't know if anybody called because the ringer was turned off. My employer and her family would listen to the voice messages, but they would not tell me if I had a message. I don't know if anybody tried to call me.
27. I could not communicate with anybody outside the household. I could only send notes to Alicia, the school teacher, by sending and receiving written notes through Carla.
28. My employer did not want me talking to anybody besides herself. She was worried that Yolanda and I were talking, and she told Yolanda several times not to talk to me about my wages. My employer also warned me to be careful about saying anything about her family to Yolanda, because sooner or later my employer would find out about it.
29. Besides Alicia and Yolanda, the only other person I could talk to about my situation was Sister Helen at the church. Sister Helen said that my situation was terrible and told me to tell the pastor about it. But I didn't want to tell the pastor because I knew that he and my employer were doing some important work together for the church at the time, and that they were planning for a graduation ceremony. Sister Helen told me that I should escape from my employer's house. At one point, Sister Helen made a plan to take me with her to the market to go shopping, but when she asked my employer to let me go, my employer refused.
30. Around March of 2006, I was very upset by the conditions in the household. Not only had there been problems with my wages and working conditions, but my employer had been falsely accusing me of doing things, like making disrespectful faces to her four-year old child. I was extremely upset when she told this to me and I wanted to go back to Bolivia. But my employer said she did not have the money to send me back. She said if

I left the house, she would report me to immigration. I reassured her that I would not try to escape.

31. In May of 2006, my employer and her husband took my passport and refused to give it back. My employer had asked for my passport and identification, saying that she wanted to give me severance pay. Then she asked me to sign papers for it. But she would not allow me to look at the papers or take them to anybody else to review. I refused to sign the papers. My employers became very upset about this. They brought out a tape recorder. They yelled at me and followed me around the house with the tape recorder, telling me that they were going to get me to say on tape that I would not sign the papers. They did not return my passport.
32. My employer told me that I was ungrateful for everything they had done for me, especially after they had spent so much money on the plane ticket to bring me to the United States. I told her the pay was miserable and that I should have been making three times as much. I did everything for my employer and gave everything that I could to her family.
33. My employer threatened to deport me if I didn't return to my "old attitude." By that point, I did not want to leave the United States because Carla needed to finish the school year and it would be a big setback for her to repeat the year again in Bolivia. My employer told me that she was buying my ticket to Bolivia. I was very worried and sent a message to Carla's school teacher, Alicia. Alicia advised me to apologize to my employer for the time-being and ask for forgiveness. I apologized. My employer told me she would not send us back to Bolivia if I went back to being the "same person" as I was when I started working for her.
34. Sometime in May 2006, Alicia sent me a note through Carla saying that she was going to rescue us. I replied through Carla that we could not escape because the husband would be home all week and had been watching me closely. Alicia then sent a message that she was going to come with the police. On the planned day, I went out onto the patio. The little girl started crying and told me not to leave. I said that I was just going out to the patio to talk to a friend. The husband saw at the door that the police had come. He called his spouse on her cell phone. The police came inside the house. They were with Alexis De Simone and Elizabeth Keyes from CASA of Maryland, a legal services organization. With their help, I was able to finally leave the house, but even with them it took several hours.
35. Throughout my ordeal, I did not have anybody to talk to and share my suffering. I felt like I was suffering so much injustice. Worst of all, it was people from my own country who had treated my daughter and I like slaves. We lived within the four walls of the home and had no communication with anybody. Above everything, I felt alone. I was suffering and it hurt me that Carla had to witness all this and go through it with me. I did everything for my employers but they did not care about me. Even though I cared for their children, she only cared about herself and her family. Now that we are out of the

house, I am more in touch with society and with other people. I know my rights. I feel free and I have more courage.

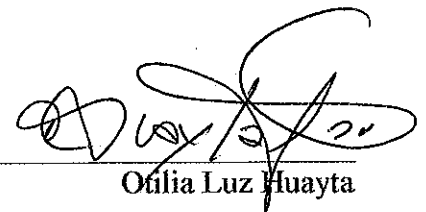
Lack of Remedy

36. Attorneys at CASA of Maryland informed me that my employer and her family are diplomats and that there have been no successful cases where diplomats have been sued in court for the types of violation I suffered.
37. With the help of CASA of Maryland, I formally denounced my employer to the Department of State, Immigration and Customs Enforcement (ICE), and the Montgomery County Police Department.
38. I filed a written report with each of these agencies. I have not heard back from these agencies, and do not expect that I will get a response. From what I understand, they usually do not intervene in cases involving diplomats.
39. I also requested help and intervention from the Bolivian Embassy, from the Bolivian Ambassador, Gustavo Guzman, and from the former Bolivian Minister of Justice, Casimira Rodriguez. With the assistance and support of the Embassy and these individuals, my employer agreed to an informal settlement with me for my wages on the condition that I not reveal her name in connection with the abuses that were committed against me.
40. Because I had no other recourse, I settled my case outside the legal structure, informally and without the assistance of the U.S. government or legal system. Although the settlement does not come close to fully compensating me for my claims, I felt it was the only option I had. I knew that because my employer was a diplomat, my demands would not be successful in U.S. courts.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, to the best of my knowledge.

Dated: 25-9-072007

Executed in Spanish



Otilia Luz Huayta

DECLARATION OF INTERPRETATION

I, Alexis De Simone declare under penalty of perjury under the laws of the United States that the following is true and correct:

1. I am over the age of eighteen and am competent to act as an interpreter of written documents in English into oral Spanish.
2. I read the foregoing Declaration of Otilia Luz Huayta in Spanish.

Dated this 25th day of September, 2007 at Oxon Hill, Maryland.

A handwritten signature in cursive script that reads "Alexis De Simone". The signature is written in black ink and is positioned above a horizontal line.

Alexis De Simone