

Test case on 'abuse' of embassy workers'

Court to decide over diplomatic immunity

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A High Court test case is to determine whether embassies in the UK can hide behind diplomatic immunity to avoid claims from domestic workers over low wages, bullying or harassment.

It coincides with a report to be published today which finds that such abuse is widespread. In the case of those at embassies or consulates, they are also 20 times more likely to be vulnerable to trafficking, it concludes.

The report is published by a charity, Kalayaan, which campaigns for justice for migrant domestic workers and is bringing the legal challenge.

It finds on the basis of its caseload that 64 per cent of diplomatic domestic staff worked a seven-day week; 57 per cent were paid £50 a week or less; 50 per cent worked 16 hours a day or more; 65 per cent had their passports withheld by their employers and almost as many were not allowed out unaccompanied; and 58 per cent were bullied or psychologically abused.

Despite the success of the "overseas domestic worker" visa scheme introduced by the Home Office in 1998 to protect such staff, those employed at embassies and consulates have so far remained beyond the protection of the law, the report says.

Pursuing legal remedies via tribunals is difficult because of the immunity to

jurisdiction claimed by foreign embassies. Jenny Moss, from the charity, said: "The immunity of diplomats to prosecution means that this group of migrant women are the most vulnerable to exploitation and abuse, including physical and sexual abuse."

Yet, she said, such women were unable to seek legal redress in the same way as other domestic workers. "Currently when such workers leave a diplomatic employer, they become 'undocumented' and are therefore unwilling to come forward to the authorities and report what has happened to them."

The legal action is being brought by Sarah Namusoke, who is claiming unpaid wages against a consular official who was then at the South African High Commission and for whom she was a domestic worker.

Proceedings were issued in June 2010 but lawyers are seeking to have them transferred to the High Court because of wider issues of principle. The lawyer, Emily-Anna Gibbs, said: "We will be requesting the High Court to find that in this case, consular immunity should not prevent Ms Namusoke bringing her claim for unpaid wages."

"The case is significant because it will be the first time in the UK that a court will clarify whether this particular category of diplomat is immune to jurisdiction if they exploit or abuse domestic staff."