

## **KALAYAAN is intervening in a case in the Court of Appeal concerning a migrant domestic worker found to be trafficked by a diplomat and her claim for compensation**

The case *Reyes & Anor v Al Malki* is a claim against a Saudi Arabian diplomat and his wife. The Claimants, who were employed successively in the diplomat's household and exploited are represented by the Anti Trafficking and Labour Exploitation Unit (ATLEU).

Kalayaan, a charity which gives support and advice to migrant domestic workers in the UK has instructed Zubier Yazdani of Deighton Pierce Glynn solicitors and Tom Hickman of Blackstone Chambers for their intervention. The case will be heard in the Court of Appeal in the week starting 24<sup>th</sup> November 2014.

At present migrant domestic workers who accompany diplomatic employers to the UK in order to work in the diplomat's private household are not allowed to change employers. This leaves any worker who is abused or mistreated with little opportunity to escape such abuse and continue working. The 2011 United States Trafficking in Persons Report was critical of the lack of redress for diplomatic employers of domestic workers, noting with regard to diplomatic abuses: "Some domestic workers reportedly are subjected to forced labour by diplomats in the UK. There are concerns that these diplomatic employers are often immune from prosecution." Diplomatic employers have used the defence of diplomatic immunity under Diplomatic Privileges Act 1964 to contest claims made against them in Employment Tribunal. This leaves a domestic worker who was employed by a diplomat, even if conclusively found to have been trafficked, without any effective access to compensation or redress for their exploitation. It is precisely the lack of remedies that encourages impunity against domestic workers in diplomatic households. Immunity must not shield impunity.

Kate Roberts of Kalayaan said,

*'It is unacceptable that there is still no redress in the UK for domestic workers of diplomats who are exploited. This is something that must be addressed if the Government is serious in its stated commitments to have a world class Modern Slavery Bill'*

Zubier Yazdani of Deighton Pierce Glynn said,

*'Diplomats should not hide behind diplomatic immunity if mistreating their staff. Ensuring migrant workers working in diplomatic households have access to justice is consistent with the UK's positive obligation under Article 4 ECHR, which prohibits slavery and forced labour. If migrant domestic workers are barred from accessing legal remedies then they can be exploited with impunity.'*

For more information please contact Kate Roberts of Kalayaan on 020 7243 2942 or [Kate@kalayaan.org.uk](mailto:Kate@kalayaan.org.uk) or Zubier Yazdani or Deighton Pierce Glynn Solicitors on 020 7407 0007 or [ZYazdani@dpglaw.co.uk](mailto:ZYazdani@dpglaw.co.uk)