

Immunity for traffickers of domestic workers: Kalayaan in Supreme Court

11 May 2017

On 15 May 2017, the Supreme Court will hear an appeal brought by Ms Reyes, a domestic worker who was exploited by a Saudi Arabian diplomat and his wife.

Ms Reyes and another worker exploited by the couple succeeded before the Employment Tribunal in their claims of race discrimination, harassment and not being paid the National Minimum Wage. The diplomat, Mr Al Maiki, and his wife invoked diplomatic immunity and this was upheld by the Employment Appeal Tribunal and Court of Appeal.

The Supreme Court will decide whether diplomatic immunity can be claimed. The arguments turn on the extent to which human trafficking is a commercial activity, for such activities are outside the protection of diplomatic immunity.

The claimant, Ms Reyes, is represented by the Anti Trafficking and Labour Exploitation Unit (ATLEU). Kalayaan has been granted permission to intervene to provide the court with expertise from our work supporting and campaigning for the rights of domestic workers in the UK.

Avril Sharp, Policy Officer for Kalayaan says:

“Employment law cases are an important vehicle by which victims of trafficking can seek redress from those who have exploited them. They are also a means through which the UK satisfies its international obligations to provide remedies to victims, by punishing offenders and acting as a powerful deterrent to the exploitation of potential victims.”

Kalayaan wishes to thank our legal team for their tireless work in preparing our intervention. Kalayaan is represented by Zubier Yazdani and Dan Carey of Deighton Pierce Glynn and counsel Richard Hermer QC of Matrix Chambers, Tom Hickman and Flora Robertson of Blackstone Chambers and Dr Philippa Webb of 20 Essex Street.

For further information, please contact Avril Sharp at avril@kalayaan.org.uk.

Notes for Editors

The commercial activity exception to a defence of immunity is in the Vienna Convention on Diplomatic Relations 1961 and incorporated into domestic legislation by the Diplomatic Privileges Act 1964.