



Law

Courts condemn Home Office and CPS in two separate trafficking cases

Court of appeal's rejection of the Home Office's appeal a 'landmark ruling' for victims

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► Thu 17 Mar 2022 14.03 EDT

Victims of trafficking have secured two significant victories in the courts in separate rulings which have condemned the [Home Office](#) and the [Crown Prosecution Service](#).

In one case the police initially refused to investigate a UAE diplomat over a woman's complaint of trafficking claiming that the suspect had diplomatic immunity, but the high court found the CPS's decision not to prosecute unlawful.

In the other, the home secretary tried to get a [high court ruling](#) from last October which granted thousands of confirmed trafficking victims leave to remain in the UK overturned. That was rejected by the court of appeal.

In the first case a woman from the Philippines worked for [Abdulla Salem Mohammed Sultan Aljaberi](#), a former assistant military attache at the UAE embassy in London. She accepted a job with his family in February 2013 when he was posted to the UK.

She was paid just 41p an hour - a fraction of the £1,000 a month she was promised - and was required to work 14 or 15 hours a day, and claims that she was not given any holiday. She also alleges that she was locked in the diplomat's home most of the time and was not always fed properly.

She managed to escape in May 2013 and in November 2014 was recognised as a victim of trafficking by the Home Office. However, repeated attempts to get the [Crown Prosecution Service](#) to prosecute Aljaberi, now believed to be back in the UAE, failed.

A high court ruling has found that the CPS's decision not to prosecute Aljaberi was unlawful. In their ruling the judges found that the CPS had failed to apply the law correctly in the case.

Zubier Yazdani of Deighton Pierce Glynn, who represented the trafficking victim, said: "Our client suffered appalling treatment from her former employers and has then been forced to fight every step of the way to try to get the authorities in the UK to recognise the wrongs she suffered. We hope this decision will force the CPS to look again at the way they treat the prosecution of offences relating to domestic servitude."

A CPS spokesperson said: "Modern slavery is an abhorrent crime and one the CPS works with partners to tackle. The CPS will look again at this case."

In the second case the home secretary tried to get [a high court ruling](#) from last October overturned which granted thousands of confirmed trafficking victims leave to remain in the UK. But three court of appeal judges rejected her appeal.

Prior to the ruling, people the UK government accepted as foreign victims of trafficking were [often sent back](#) to their home countries, where they could be at risk of being trafficked again by the same people.

The original case against the [Home Office](#) was brought by a 33-year-old Vietnamese woman. She was forced into sex work in Vinh City in Vietnam for about six months in 2016 before being forced to the UK by her traffickers.

Between November 2016 and March 2018 she was forced to work in brothels and in cannabis production. In April 2018 she was recognised as a victim of trafficking, yet in October 2018 she was charged with conspiring to produce cannabis and pleaded guilty at Preston crown court. In December 2018 she was sentenced to 28 months' imprisonment. Although she was recognised as a trafficking victim by the Home Office, her asylum appeal is ongoing.

Ahmed Aydeed, solicitor at Duncan Lewis representing the trafficking victim, said: "We welcome the court of appeal's landmark ruling. For too long victims of trafficking have been left in this legal limbo, this half-world where they have to remain in the UK but cannot plan any real part in society. This ruling will have a huge real-world effect as thousands of victims of trafficking in similar circumstances will be granted leave to remain."

Writing for the Guardian Sara Thornton, the UK's independent anti-slavery commissioner, [called for changes to the law](#) allowing confirmed victims of trafficking [more chance of being allowed to remain](#) in the UK.

The Home Office has been approached for comment.
