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UK under fire over slavery measures after 'disturbing' case of trafficked boy

Lawyers ramp up pressure on government to improve protection for victims after 15-year-old released from detention goes missing

Modern-day slavery in focus is supported by



About this content

Karen McVeigh

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The government is under pressure to better protect victims of modern slavery and human trafficking in the UK, after landmark rulings against the Home Office's treatment of a 15-year-old child and other victims.

Lawyers are challenging "systematic deficiencies" in Theresa May's flagship strategy to tackle modern slavery and protect victims. They urged the Home Office to respond to recent court rulings that show vulnerable victims are being failed.

Last week, appeal court judges ruled against the Home Office over the “sorry” case of a Vietnamese boy aged 15.

He was discovered in the back of a van in Kent in September 2015 together with 15 other boys and young men and placed in immigration detention. No age assessment was carried out and he was not seen as a potential trafficking victim.

The boy, known as TDT, was released from detention in November with no measures in place to protect him. He subsequently went missing and has not been seen since.

Lord Justice Underhill described TDT’s case as “a sorry story” and said it was “disturbing” that Home Office staff chose to release him rather than place him in local authority care, despite warnings from his solicitor that he was at risk of being picked up again by his traffickers. “A past victim of trafficking is inherently more likely to remain at some degree of risk,” Underhill said in his judgment.

The case happened while May, who has made tackling slavery and human trafficking a key policy of her government, was home secretary.



Lawyers say Theresa May’s flagship strategy on modern-day slavery is fundamentally flawed. Photograph: Andy Rain/EPA

Silvia Nicolaou Garcia, of Simpson Millar, who acted for TDT, said she hoped the decision would lead to “greater protection for our client and others like him”.

She said: “Many will be at risk for the rest of their lives and it is the duty of all bodies of the state to assess that risk and manage it adequately and not to ignore the risk altogether. There can be no protection without support.”

Ahmed Aydeed, director at Duncan Lewis, described the TDT case as “very significant” and said it gives hope to victims.

“It’s clear that our system is failing victims and potential victims of trafficking by not identifying and assisting them early enough,” said Aydeed. “This judgment emphasises the importance of assisting victims as soon as there is credible suspicion, as opposed to the home secretary just sitting on his hands awaiting decisions by his department, which take weeks or months.”

There are “significant issues” with the framework designed to identify, support and protect victims of trafficking, Aydeed said.

“The court of appeal clearly appreciate these duties more than the home secretary, who chose to defend his conduct instead of agreeing to put safeguarding measures in place.”

Last month, the Guardian reported on another Vietnamese victim of child slavery, “H”, who launched legal proceedings against the government after he was sexually assaulted at Morton Hall immigration

removal centre.

A judicial review on behalf of “H”, challenging the Home Office to admit systematic failings in the treatment of victims of slavery in the UK, is due to be heard in July. Deportation proceedings have been halted in his case and the Home Office is reconsidering his application for leave to remain.

In another significant decision in February this year, the appeal court ruled Home Office guidance on whether to grant victims of slavery leave to remain, failed to reflect European obligations. The case, involving a Ghanaian man who spent two decades as a slave, was expected to lead to more victims being granted leave to remain. However, an interim policy introduced by the Home Office after the case, has put on hold such decisions for some people identified as victims of trafficking, leaving them in limbo, said Nina Rathbone Pullen, of Wilsons Solicitors, who represented the man, urged the Home Office to “delay no further” in implementing a new policy.

“What it means for people is that they can’t get on with their lives,” she said. “They may have been identified as a victim of trafficking but the question of whether they can stay in the country has yet to be decided.”

Rathbone Pullen said she had heard of people in safe houses having their support terminated before a decision was made, leaving them “high and dry”.

A Home Office spokesperson said the implications of the “TDT” judgement were being considered. “We are committed to doing everything possible to keep adults and children in our care safe, including those identified as potential victims of modern slavery,” said the spokesperson.

“Those awaiting a leave decision are supported through the provision of accommodation, and specialist support, including counselling.”

Last year, the highest number of potential victims of trafficking and modern slavery on record were reported to the UK authorities. Of the 5,145 cases reported, 41% involved a child under 18.

This article was amended on 6 July 2018 to correct the spelling of Ahmed Aydeed’s surname.

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