Press release

Duncan Lewis legal challenge leads to changes to the financial support rates provided by the modern slavery Victim Care Contract

Our client fled China due to religious persecution. She left China with the assistance of a member of a “Snakehead” gang who arranged for her travel to the UK in return for her taking a debt from him. She came to the UK in the hands of agents who retained control of her movements and passport. For a period of under a year she was subjected to horrific sexual exploitation.

Our client was referred into the National Referral Mechanism (the framework for identifying and recording victims of human trafficking) and recognised as a potential victim of trafficking. She later fell pregnant with her partner and since that time received a minimal sum of £20.50 as part of her support package for the baby. She principally relied on the assistance of NGOs and friends to purchase essentials for her baby. She could not afford to buy basic essentials such as nappies, clothes for the baby and a cot. Although our client’s support worker, through a charity, provided these important items eventually, it took them some time to get hold of them. She would get by in the early days of being a mother with slices of bread for her dinner. In the first month of having her baby, our client did not have a cot so the baby slept in between her and her partner despite knowing the risks. She would not sleep properly for fear of turning on to her baby in her sleep. The support workers were able to provide a cot after the first month, along with a bottle steriliser. Until this point our client was unable to properly sterilise bottles. At the point of bringing the challenge in April 2020 the client did not have baby shoes, toys, spare bedding, baby monitor, changing table, changing mat, baby detergent, baby nail clippers, dummies, first aid kit, baby bouncer or swaddling blankets; all basic necessities for a new mother.

The challenge was brought as there was no objective justification for providing a lower level of support to victims of trafficking than the subsistence level provided to asylum seekers.

The Claimant in this case challenged the scheme for the provision of victims of trafficking who were not claiming asylum, on the basis that the support:

1) Is inadequate to meet the recovery needs of the victims who are pregnant or have children and therefore fails to fulfil the Secretary of State for the Home Department’s obligation to implement a scheme concordant with the objective of the European Convention Against Trafficking;

2) The different levels of support discriminate against victims of trafficking who are not asylum-seekers or regarded as failed asylum-seekers without objective and reasonable justification; and

3) The Secretary of State for the Home Department failed to have due regard to the Public Sector Equality Duty in providing no asylum-seeking victims of trafficking adequate support.
The Secretary of State for the Home Department has confirmed that as of 1 July 2020 she will be increasing the subsistence amounts for non-asylum seeking victims of trafficking to bring it in line with those who have claimed asylum. She also confirms in a newsletter to her stakeholders that “This change is the first step in delivering a need-based financial support policy. Over the coming months, the Home Office will engage with Victim Care Contract Providers and key stakeholders and make further improvements to the current system to ensure the financial support is focused on individual victims’ needs, including helping victims to transition to other more suitable services to help aid recovery.”

Shalini Patel, the solicitor who brought the challenge, comments:

“I am very pleased that this challenge has resulted in a positive change which will impact so many victims of trafficking who are pregnant or have children. Pregnancy is a time of increased vulnerability and anxiety for all women. For victims of trafficking this period brings back memories of long-term trauma. A number of women are pregnant when they enter the National Referral Mechanism and a number of those fall pregnant as a result of sexual exploitation. To have discriminated against this extremely vulnerable group for so long has been another shameful chapter in the government’s treatment of trafficking survivors. I am glad this challenge has brought about a long-term change.”

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