

LAUNCH OF THE TRAFFICKING COMPENSATION ACTION GROUP

7BR was pleased to host the launch of The Trafficking Compensation Action Group (TCAG) on 12 January 2023 – a practitioners' group for those working in the areas of modern slavery and human trafficking. The launch represents a collaborative effort between 7BR and the Anti Trafficking and Labour Exploitation Unit (ATLEU) to bring together practitioners who work in the field, in particular those who conduct trafficking and modern slavery compensation claims on behalf of survivors. Its aims are to connect and support those working in this area, to improve access to justice, and to share best practice amongst legal and non-legal professionals.

Chair



JAMILA DUNCAN-BOSU
Solicitor, ATLEU

Panelists



SUSANNAH JOHNSON
Barrister, 7BR



LOUISA LEEPER
Managing Director, FIND



ROSE HARVEY-SULLIVAN
Barrister, 7BR



URMILA BHOOLA
Principal Research Fellow,
University of Nottingham's
Rights Lab Law and Policy
Programme



NUSRAT UDDIN
Solicitor, Wilsons LLP

PANEL DISCUSSION

The event was led by Jamila Duncan-Bosu, a solicitor and founding member of ATLEU. She has a long-established career working in discrimination and employment law and is the leading expert on compensation claims for survivors of modern slavery, trafficking and labour exploitation. Jamila started the evening by introducing the panellists.

Keynote address

This was followed by a moving keynote address given by Urmila Bhoola, whose work as a Principal Research Fellow in the University of Nottingham's Rights Lab Law and Policy Programme focuses on delivering research on all aspects of anti-slavery governance, gender and labour rights. She worked for many years as a lawyer and then Judge of the Labour Court in South Africa, served previously as the National Director of Lawyers for Human Rights in South Africa, and as the UN Special Rapporteur on contemporary forms of slavery between 2014 - 2020. She emphasised the importance of dedicated groups such as TCAG in finding ways to restore the dignity of survivors of human trafficking.

Round up of notable compensation cases

Susannah Johnson and Rose Harvey-Sullivan are barristers at 7BR. Susannah provided an introduction to obtaining civil remedies where the claimant was victim to human trafficking and labour exploitation offences. She gave three case examples and highlighted the importance of recognising and breaking down the barriers which claimants may face in this context.

Rose followed up with a roundup of key judgments handed down in the last two years, among these were *Basfar v Wong*, *Benkarbouche* and *MS v Pakistan*, to name a few. The key emerging theme was of the "net closing in" on traffickers who can no longer easily avoid liability through the veil of diplomatic or state immunity or family member exemptions. Rose touched on the fact that anti-trafficking claims can involve many areas of law, such as employment, tort, commercial, contract and insurance (for example, in the *Hick Lane Bedding* appeal brought by 7BR's Jeffrey Jupp and Matrix Chambers' Jim Robottom) and noted the value of a multi-disciplinary approach when considering any claim for compensation in respect of trafficking or modern slavery.

Running compensation cases as a public lawyer

Nusrat Uddin is a Partner at Wilsons LLP and joined the Public Law Department in 2014. Coming from her previous experience in public law litigation, she now focuses on growing the firm's Business and Human Rights work in relation to individual trafficking compensation claims and modern slavery in corporate supply chains. She has international experience working abroad as well as partaking in US investigations to ban products with modern slavery in their supply chain.

During the panel session, Nusrat shared anecdotes about the unique challenges of identifying the perpetrators of trafficking offences and building a case which is often layers deep. She shared how she has combined her psychology degree with her legal practice when adopting a victim-centred approach with her clients. Like Susannah, Nusrat emphasised the importance of acknowledging the client's likely interests, referring to Maslow's hierarchy of needs theory. She highlighted the need to think creatively about the sources of evidence available and how to minimise the claimant's exposure to further danger such as by applying for injunctions at appropriate stages when threats are made by family members or associates of traffickers.

Tracing and monitoring traffickers' assets

Louisa Leeper is the Joint Managing Director at FIND, a non-profit organisation which investigates the financial affairs of perpetrators of human rights abuses, war crimes and environmental harm. FIND has an in-house team of five investigators who have significant experience of applying investigations in commercial litigation and international arbitration, based in London.

Louisa shared her expertise in asset tracing methodologies, emphasising the importance of the work in ensuring that compensation claims are viable. She explained how a vital part of asset tracing is to look past the aliases traffickers may use in order to uncover their real identities, and therefore their assets, being aware of naming conventions in different cultures and transliteration variations. Another key step in asset tracing is assessing which assets are worth pursuing based on whether they can be realised in value for compensation. This touches on their marketability, the existence of complex offshore ownership structures, and attached liabilities which may make it more complicated to manage for the court. FIND offers pro bono training to lawyers and other groups working with survivors of trafficking and modern slavery.

WHAT'S IN STORE for TCAG?

Jamila provided closing remarks, encouraging all attendees to register with TCAG through the online sign-up page which can be found on ATLEU's website.

Future topics to keep a close eye on include understanding the challenges of obtaining legal aid for survivors, the funding for Judicial Review brought against agencies, and other ways to address issues preventing access to justice in compensation claims.

The first meeting will be held at 7BR Chambers at 6pm on the 15th of March 2023. Suggestions for discussion topics are currently welcome. Please email any proposals or queries to TCAG@atleu.org.uk.



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