MODERN SLAVERY

When kidnapping for ransom can amount to trafficking exploitation

The Court of Appeal considered whether forcing a captive to obtain a ransom from his family could amount to exploitation under the statutory definition of human trafficking.



AAM v The Secretary of State for the Home Department [2026] EWCA Civ 1411

Court of Appeal (Civil Division) / Judgment 4 November 2026

PRACTICAL POINT

Where someone was compelled to help their captors obtain a ransom, the assessment should consider that conduct and its connection to the arrangement or facilitation of travel.

Why the Home Office decision was challenged

AAM left Syria in 2021. While travelling in Libya, he was abducted by armed men, driven to a place of captivity and held for about a month. His captors forced him to convey their ransom demands to his family. He was released after a payment was made. AAM later arrived in the United Kingdom and claimed asylum. His potential identification as a victim of trafficking was considered separately through the National Referral Mechanism (NRM), the framework for identifying and supporting potential victims of modern slavery. See paragraphs 23-26.

The Home Office accepted that AAM had been transported and held and that the kidnappers had used force or threats. Its decision concentrated on whether the captors intended to make him work or perform a service. It concluded that there were no reasonable grounds to believe that he had been trafficked. The High Court quashed that decision because the Home Office had taken an unduly restrictive view of exploitation. The Secretary of State appealed. See paragraphs 27-30 and 34-38.

AAM had also argued in the High Court that the forced telephone calls amounted to the provision of services. The High Court rejected that argument and based its decision on the separate provision concerning acts intended to help another person obtain a benefit. That was the issue the Court of Appeal was asked to decide. See paragraphs 31, 35 and 38.

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How the court read the trafficking definition

Regulation 3 of the Slavery and Human Trafficking (Definition of Victim) Regulations 2022 asks, in an adult case of this kind, whether someone arranged or facilitated the person's travel using a specified method and did so with a view to exploiting them. The methods include kidnapping. The provision at issue, regulation 3(6)(d)(iii), covers the use of force, threats or deception intended to make the person help someone else obtain a benefit. The appeal concerned that provision and the purpose of the travel. See paragraphs 38 and 47-50.

The Secretary of State argued that the detention itself gave the kidnappers their leverage and that it was artificial to treat the captive's calls as enabling payment. Lord Justice Lewis focused on what the kidnappers intended the captive to do. If they transport him with a view to forcing him to ask his family to pay, his actions can help the captors obtain the ransom. The court also explained that the Council of Europe Convention on Action against Trafficking in Human Beings sets a minimum list of forms of exploitation. The United Kingdom's regulations can encompass other conduct where the words support that reading. See paragraphs 39-40, 43-45 and 51-52.

The outcome and its practical significance

The Court of Appeal unanimously dismissed the Secretary of State's appeal. The order quashing the negative reasonable grounds decision therefore stood, and the Home Office had to make a fresh decision. The judgment concerned the legal approach to that preliminary assessment. Final identification as a victim of trafficking and the determination of AAM's asylum claim were matters for the relevant decision-makers. The court also left open how the definition might apply where a ransom incident was incidental to a journey arranged by somebody else. See paragraphs 37 and 52-56.

The judgment gives a concrete example of the evidence that may matter in comparable cases. An account can explain who moved or held the person, where they were taken, what they were compelled to do and how those acts were intended to help the captors obtain payment. Where available, messages, call records, payment evidence or accounts from relatives may help explain the connection. The significance of any particular record depends on the facts and on the reasons given in the decision under review.

JUDGMENT AND SOURCES

Court of Appeal judgment, The National Archives

Slavery and Human Trafficking (Definition of Victim) Regulations 2022

Home Office guidance on the National Referral Mechanism

This case note provides general information. Its application depends on the facts and law in force.