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This Factsheet does not bind the Court and is not exhaustive

Trafficking in human beings

“The absence of an express reference to trafficking in the [\[European\] Convention \[on Human Rights\]](#) is unsurprising. The Convention was inspired by the Universal Declaration of Human Rights, proclaimed by the General Assembly of the United Nations in 1948, which itself made no express mention of trafficking. In its Article 4, the Declaration prohibited ‘slavery and the slave trade in all their forms’. However, in assessing the scope of Article 4^[1] of the Convention, sight should not be lost of the Convention’s special features or of the fact that it is a living instrument which must be interpreted in the light of present-day conditions. The increasingly high standards required in the area of the protection of human rights and fundamental liberties correspondingly and inevitably require greater firmness in assessing breaches of the fundamental values of democratic societies (...). The [\[European\] Court \[of Human Rights\]](#) notes that trafficking in human beings as a global phenomenon has increased significantly in recent years (...). In Europe, its growth has been facilitated in part by the collapse of former Communist blocs. The conclusion of the [Palermo Protocol](#) in 2000 and the [Anti-Trafficking Convention](#) in 2005 demonstrate the increasing recognition at international level of the prevalence of trafficking and the need for measures to combat it.” ([Rantsev v. Cyprus and Russia](#), judgment of 7 January 2010, §§ 277-278).

Obligation on States to protect the victims of trafficking

[Rantsev v. Cyprus and Russia](#)

7 January 2010

The applicant was the father of a young woman who died in Cyprus where she had gone to work in March 2001. He complained that the Cypriot police had not done everything possible to protect his daughter from trafficking while she had been alive and to punish those responsible for her death. He also complained about the failure of the Russian authorities to investigate his daughter’s trafficking and subsequent death and to take steps to protect her from the risk of trafficking.

The European Court of Human Rights noted that, like slavery, trafficking in human beings, by its very nature and aim of exploitation, was based on the exercise of powers attaching to the right of ownership; it treated human beings as commodities to be bought and sold and put to forced labour; it implied close surveillance of the activities of victims, whose movements were often circumscribed; and it involved the use of violence and threats against victims. Accordingly the Court held that trafficking itself was prohibited by Article 4 (prohibition of slavery and forced labour) of the European Convention on Human Rights. It concluded that there had been a **violation** by Cyprus of its **positive obligations arising under Article 4** of the Convention on two counts: first, its failure to put in place an appropriate legal and administrative framework to combat trafficking as a result of the existing regime of artiste visas, and, second, the

¹. Article 4 (prohibition of slavery and forced labour) of the [European Convention on Human Rights](#) provides that:

- “1. No one shall be held in slavery or servitude.
 2. No one shall be required to perform forced or compulsory labour.
- (...)”

failure of the police to take operational measures to protect the applicant's daughter from trafficking, despite circumstances which had given rise to a credible suspicion that she might have been a victim of trafficking. The Court held that there had also been a **violation of Article 4** of the Convention by Russia on account of its failure to investigate how and where the applicant's daughter had been recruited and, in particular, to take steps to identify those involved in her recruitment or the methods of recruitment used. The Court further held that there had been a **violation** by Cyprus of **Article 2** (right to life) of the Convention, as a result of the failure of the Cypriot authorities to investigate effectively the applicant's daughter's death.

V.F. v. France (application no. 7196/10)

29 November 2011 (decision on the admissibility)

This case concerned the proceedings for the applicant's deportation to Nigeria, her country of origin. The applicant alleged in particular that if she were expelled to Nigeria she would be at risk of being forced back into the prostitution ring from which she had escaped and being subjected to reprisals by those concerned, and that the Nigerian authorities would be unable to protect her. In her view, the French authorities were under a duty not to expel potential victims of trafficking.

The Court declared the application **inadmissible** (manifestly ill-founded). While it was well aware of the scale of the trafficking of Nigerian women in France and the difficulties experienced by these women in reporting to the authorities with a view to obtaining protection, it nevertheless considered, in particular, that the information provided by the applicant in this case was not sufficient to prove that the police knew or should have known when they made the order for her deportation that the applicant was the victim of a human trafficking network. As to the risk that the applicant would be forced back into a prostitution ring in Nigeria, the Court observed that, while the Nigerian legislation on preventing prostitution and combating such networks had not fully achieved its aims, considerable progress had nevertheless been made and it was likely that the applicant would receive assistance on her return.

See also: **Idemugia v. France**, decision on the admissibility of 27 March 2012.

M. and Others v. Italy and Bulgaria (no. 40020/03)

31 July 2012

The applicants, of Roma origin and Bulgarian nationality, complained that, having arrived in Italy to find work, their daughter was detained by private individuals at gunpoint, was forced to work and steal, and sexually abused at the hands of a Roma family in a village. They also claimed that the Italian authorities had failed to investigate the events adequately.

The Court declared the applicants' **complaints under Article 4** (prohibition of slavery and forced labour) **inadmissible** as being manifestly ill-founded. It found that there had been no evidence supporting the complaint of human trafficking. However, it found that the Italian authorities had not effectively investigated the applicants' complaints that their daughter, a minor at the time, had been repeatedly beaten and raped in the villa where she was kept. The Court therefore held that there had been a **violation of Article 3** (prohibition of inhuman or degrading treatment) of the Convention under its procedural limb. The Court lastly held that there had been **no violation of Article 3** of the Convention in respect of the steps taken by the Italian authorities to release the first applicant.

F.A. v. the United Kingdom (no. 20658/11)

10 September 2013 (decision on the admissibility)

The applicant, a Ghanaian national, alleged that she had been trafficked to the United Kingdom and forced into prostitution. She complained in particular that her removal to Ghana would put her at risk of falling into the hands of her former traffickers or into the hands of new traffickers. She further alleged that, as she had contracted HIV in the United Kingdom as a direct result of trafficking and sexual exploitation, the State was

under a positive obligation to allow her to remain in the United Kingdom to access the necessary medical treatment.

The Court declared the applicant's complaints under Articles 3 (prohibition of inhuman or degrading treatment) and 4 (prohibition of slavery and forced labour) **inadmissible**. It noted in particular that the applicant could have raised all of her Convention complaints in an appeal to the Upper Tribunal. By not applying for permission to appeal to the Upper Tribunal, she had failed to meet the requirements of Article 35 § 1 (admissibility criteria) of the Convention.

L.E. v. Greece (no. 71545/12)

21 January 2016

This case concerned a complaint by a Nigerian national who was forced into prostitution in Greece. Officially recognised as a victim of human trafficking for the purpose of sexual exploitation, the applicant had nonetheless been required to wait more than nine months after informing the authorities of her situation before the justice system granted her that status. She submitted in particular that the Greek State's failings to comply with its positive obligations under Article 4 (prohibition of slavery and forced labour) of the Convention had entailed a violation of this provision.

The Court held that there had been a **violation of Article 4** (prohibition of forced labour) of the Convention. It found in particular that the effectiveness of the preliminary inquiry and subsequent investigation of the case had been compromised by a number of shortcomings. With regard to the administrative and judicial proceedings, the Court also noted multiple delays and failings with regard to the Greek State's procedural obligations. In this case the Court also held that there had been a **violation of Article 6 § 1** (right to a fair trial within a reasonable time) of the Convention, finding that the length of the proceedings in question had been excessive for one level of jurisdiction and did not meet the "reasonable time" requirement. Lastly, the Court held that there had been a **violation of Article 13** (right to an effective remedy) of the Convention, on account of the absence in domestic law of a remedy by which the applicant could have enforced her right to a hearing within a reasonable time.

J. and Others v. Austria (no. 58216/12)

17 January 2017

This case concerned the Austrian authorities' investigation into an allegation of human trafficking. The applicants, two Filipino nationals, who had gone to work as maids or au pairs in the United Arab Emirates, alleged that their employers had taken their passports away from them and exploited them. They claimed that this treatment had continued during a short stay in Vienna where their employers had taken them and where they had eventually managed to escape. Following a criminal complaint filed by the applicants against their employers in Austria, the authorities found that they did not have jurisdiction over the alleged offences committed abroad and decided to discontinue the investigation into the applicants' case concerning the events in Austria. The applicants maintained that they had been subjected to forced labour and human trafficking, and that the Austrian authorities had failed to carry out an effective and exhaustive investigation into their allegations. They argued in particular that what had happened to them in Austria could not be viewed in isolation, and that the Austrian authorities had a duty under international law to investigate also those events which had occurred abroad. The Court, finding that the Austrian authorities had complied with their duty to protect the applicants as (potential) victims of human trafficking, held that there had been **no violation of Article 4** (prohibition of forced labour) and **no violation of Article 3** (prohibition of inhuman or degrading treatment) of the Convention. It notably noted that there had been no obligation under the Convention to investigate the applicants' recruitment in the Philippines or their alleged exploitation in the United Arab Emirates, as States are not required under Article 4 of the Convention to provide for universal jurisdiction over trafficking offences committed abroad. Turning to the events in Austria, the Court concluded that the authorities had taken all steps which could have reasonably been expected in the situation. The applicants, supported by a

government-funded NGO, had been interviewed by specially trained police officers, had been granted residence and work permits in order to regularise their stay in Austria, and a personal data disclosure ban had been imposed for their protection. Moreover, the investigation into the applicants' allegations about their stay in Vienna had been sufficient and the authorities' resulting assessment, given the facts of the case and the evidence available, had been reasonable. Any further steps in the case – such as confronting the applicants' employers – would not have had any reasonable prospect of success, as no mutual legal assistance agreement existed between Austria and the United Arab Emirates, and as the applicants had only turned to the police approximately one year after the events in question, when their employers had long left the country.

Chowdury and Others v. Greece

30 March 2017

The applicants – 42 Bangladeshi nationals – were recruited in Athens and other parts of Greece between the end of 2012 and early 2013, without a Greek work permit, to work at the main strawberry farm in Manolada. Their employers failed to pay the applicants' wages and obliged them to work in difficult physical conditions under the supervision of armed guards. The applicants alleged that they had been subjected to forced or compulsory labour. They further submitted that the State was under an obligation to prevent their being subjected to human trafficking, to adopt preventive measures for that purpose and to punish the employers.

The Court held that there had been a **violation of Article 4 § 2** (prohibition of forced labour) of the Convention, finding that the applicants had not received effective protection from the Greek State. The Court noted, in particular, that the applicants' situation was one of human trafficking and forced labour, and specified that exploitation through labour was one aspect of trafficking in human beings. The Court also found that the State had failed in its obligations to prevent the situation of human trafficking, to protect the victims, to conduct an effective investigation into the offences committed and to punish those responsible for the trafficking.

T.I. and Others v. Greece (no. 40311/10)

18 July 2019

In this case, three Russian nationals claimed that they had been victims of human trafficking. They alleged in particular that they had been forced to work as prostitutes in Greece and complained that the Greek authorities had failed to fulfil their obligations to criminalise and prosecute acts relating to human trafficking. They further complained of inadequacies and shortcomings in the investigation and the judicial proceedings.

The Court held that there had been a **violation of Article 4** (prohibition of forced labour) of the Convention, finding that the legal framework governing the proceedings had not been effective and sufficient either to punish the traffickers or to ensure effective prevention of human trafficking. It noted in particular that the competent authorities had not dealt with the case with the level of diligence required and that the applicants had not been involved in the investigation to the extent required under the procedural limb of Article 4.

S.M. v. Croatia (no. 60561/14)

25 June 2020 (Grand Chamber)

This case concerned a Croatian woman's complaint of human trafficking and forced prostitution. The applicant complained of an inadequate official procedural response to her allegations.

The Court held that there had been a **violation of Article 4** (prohibition of forced labour) of the Convention on account of the shortcomings in the Croatian authorities' investigation into the applicant's allegation of forced prostitution. Taking the opportunity via the applicant's case to clarify its case-law on human trafficking for the purpose of exploitation of prostitution, the Court pointed out in particular that it relied on the definition under international law to decide whether it could characterise conduct or a situation as human trafficking under Article 4 of the Convention and therefore whether

that provision could be applied in the particular circumstances of a case. The Court also clarified that the notion of “forced or compulsory labour” under Article 4 of the Convention aimed to protect against instances of serious exploitation, such as forced prostitution, irrespective of whether, in the particular circumstances of a case, they were related to the specific human trafficking context. It found that Article 4 could be applied in the applicant’s case as certain characteristics of trafficking and forced prostitution had arguably been present, such as abuse of power over a vulnerable individual, coercion, deception and harbouring. In particular, the applicant’s alleged abuser was a policeman, while she had been in public care from the age of 10, and he had first contacted her by Facebook, leading her to believe that he would help her to find a job. Instead, he had arranged for her to provide sexual services, either in the flat he had rented or by driving her to meet clients. That situation meant that the prosecuting authorities had been under an obligation to investigate the applicant’s allegations. However, they had not followed all obvious lines of enquiry, notably they had not interviewed all possible witnesses, and therefore in the court proceedings it had been a question of the applicant’s word against her alleged abuser’s. Such shortcomings had fundamentally undermined the domestic authorities’ ability to determine the true nature of the relationship between the applicant and her alleged abuser and whether she had indeed been exploited by him.

V.C.L. and A.N. v. the United Kingdom (no. 77587/12 and no. 74603/12)

16 February 2021

This case concerned two Vietnamese men who, while still minors, were charged with – and subsequently pleaded guilty to – drug-related offences after they were discovered working as gardeners in cannabis factories in the United Kingdom. Following their convictions they were recognised as victims of trafficking by the designated Competent Authority responsible for making decisions on whether a person has been trafficked for the purpose of exploitation: this Authority identifies potential victims of modern slavery and ensures they receive the appropriate support. The applicants complained, mainly, of a failure on the part of the authorities to protect them in the aftermath of their trafficking, that the authorities had failed to conduct an adequate investigation into their trafficking, and of the fairness of their trial.

This was the first time the Court had to consider the relationship between Article 4 of the Convention and the prosecution of victims and potential victims of trafficking. In the present case, it held that there had been a **violation of Article 4** (prohibition of forced labour) of the Convention, finding that the domestic authorities had failed to take adequate operational measures to protect the applicants, both of whom had been potential victims of trafficking. The Court noted in particular that despite the applicants being discovered in circumstances which indicated that they had been victims of trafficking, they had been charged with a criminal offence to which they pleaded guilty on the advice of their legal representatives, without their case first being assessed by the Competent Authority. Even though they were subsequently recognised by the Competent Authority as victims of trafficking, the prosecution service, without providing adequate reasons for its decision, disagreed with that assessment and the Court of Appeal, relying on the same inadequate reasons, found that the decision to prosecute was justified. The Court considered this to be contrary to the State’s duty under Article 4 of the Convention to take operational measures to protect the applicants, either initially as a potential victims of trafficking or subsequently as persons recognised by the Competent Authority to be the victims of trafficking. In the present case, the Court also considered that the proceedings as a whole had not been fair, in **violation of Article 6 § 1** (right to a fair trial) of the Convention.

See also: **G.S. v. the United Kingdom (no. 7604/19)**, decision on the admissibility of 23 November 2021.

A.I. v. Italy (no. 70896/17)

1 April 2021

This case concerned the inability of the applicant, a Nigerian refugee, mother of two children, who had been a victim of trafficking and was in a vulnerable position, to enjoy access rights owing to a court-ordered prohibition on contact, in a situation where the proceedings concerning the children's eligibility for adoption had remained pending for over three years.

The Court held that there had been a **violation of Article 8** (right to respect for family life) of the Convention, finding that insufficient weight had been attached to the importance of a family life for the applicant and her children in the proceedings which resulted in the cessation of contact between them. Thus, the proceedings had not been accompanied by safeguards that were proportionate to the seriousness of the interference and the interests at stake. The Court noted in particular that the applicant had been the victim of human trafficking. The authorities had provided her with health care and welfare assistance; in contrast, the courts had not taken into consideration her vulnerable position when assessing her parental skills and her request to maintain contact with her children. In the case of vulnerable persons, the authorities were required to show particular vigilance and afford increased protection.

Zoletić and Others v. Azerbaijan

7 October 2021

The applicants, 33 nationals of Bosnia and Herzegovina, had been recruited from Bosnia and Herzegovina as temporary construction workers in Azerbaijan. They complained in particular of having been subjected to trafficking and forced or compulsory labour in Azerbaijan while working at construction projects.

The Court held that there had been a **violation of Article 4 § 2** (prohibition of forced labour) of the Convention under its procedural limb, finding that the Azerbaijan authorities had failed to comply with their procedural obligation to institute and conduct an effective investigation of the applicants' claims concerning the alleged forced labour and human trafficking.

Refugee status and residence permit

L.R. v. the United Kingdom (no. 49113/09)

14 June 2011 (strike-out decision)

The applicant claimed that she had been trafficked to the United Kingdom from Italy by an Albanian man who forced her into prostitution in a night club collecting all the money which that brought. She escaped and started living in an undisclosed shelter. She claimed that removing her from the United Kingdom to Albania would expose her to a risk of being treated in breach of Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment), 4 (prohibition of slavery and forced labour) and 8 (right to respect for private and family life) of the Convention.

The Court **decided to strike the application out of its list of cases**, in accordance with Article 37 (striking out applications) of the Convention, as it found that the applicant and her daughter had been granted refugee status in the United Kingdom and that there was no longer any risk that they would be removed to Albania. The Government had also undertaken to pay to the applicant a sum for the legal costs incurred by her.

D.H. v. Finland (no. 30815/09)

28 June 2011 (strike-out decision)

The applicant, a Somali national born in 1992, arrived by boat in Italy in November 2007. He was running away from Mogadishu where he claimed he had been forced to join the army after the collapse of the country's administrative structures and where he risked his life at the hand of the Ethiopian troops who aimed at capturing and killing

young Somali soldiers. The Italian authorities left him in the streets of Rome in the winter of 2007, without any help or resources. He was constantly hungry and cold, physically and verbally abused in the streets, and by the police in Milan where he looked for help. Eventually, he was trafficked to Finland, where he applied for asylum which was refused in February 2010. The applicant complained that if returned back to Italy, he would risk inhuman or degrading treatment contrary to Article 3 of the Convention, particularly as he was an unaccompanied minor.

The Court **struck the application out of its list of cases**, in accordance with Article 37 (striking out applications) of the Convention, as it noted that the applicant had been granted a continuous residence permit in Finland and that he was no longer subject to an expulsion order. The Court thus considered that the matter giving rise to the complaints in the case had been resolved.

O.G.O. v. the United Kingdom (no. 13950/12)

18 February 2014 (strike-out decision)

The applicant, a Nigerian national, who claimed to be a victim of human trafficking, complained that her expulsion to Nigeria would expose her to a real risk of re-trafficking. The Court **decided to strike the application out of its list of cases**, in accordance with Article 37 (striking out applications) of the Convention, noting that the applicant was no longer at risk of being removed as she had been granted refugee status and an indefinite leave to remain in the United Kingdom. Moreover, the United Kingdom authorities had accepted that she had been a victim of trafficking.

Measures taken by States against traffickers and their accomplices

Issues under Article 6 (right to a fair trial) of the Convention

Al Alo v. Slovakia

10 February 2022²

This case concerned a Syrian national's complaint that his trial and conviction on charges of migrant smuggling had been unfair. An important part of the evidence against him had come from the migrants he had aided, who had been questioned only at the pre-trial stage of the proceedings. These witnesses had later been expelled from Slovakia and thus absent from the applicant's trial. At the time the applicant had been without legal counsel and had not attended their pre-trial questioning.

The Court held that there had been a **violation of Article 6 §§ 1 and 3 (d)** (right to a fair trial/right to obtain attendance and examination of witnesses) of the Convention in respect of the applicant, finding that the proceedings against him as a whole had not been fair. It considered, in particular, that the applicant had been deprived of the possibility to examine or have examined witnesses whose evidence had carried significant weight in his conviction, without sufficient justification. In particular, although the migrants' absence from the country had in principle been valid grounds for admitting in trial evidence of their pre-trial testimony, on the facts there had not been good enough reasons for their non-attendance at the applicant's trial as the authorities had been provided with their addresses and identity documents and they had failed to make use of means of securing the witnesses' appearance remotely. Nor had there been sufficient factors to counterbalance such a disadvantage to the defence. The fact that the applicant had chosen not to attend the migrants' pre-trial questioning could by no means be accepted as implicitly constituting a complete waiver of his right to examine or have examined the witnesses against him. The authorities should have made sure that the

² This judgment will become final in the circumstances set out in Article 44 § 2 (final judgments) of the [European Convention on Human Rights](#).

applicant, who had made it clear from the outset that he had difficulties understanding legal matters, had been aware of the consequences of not exercising his rights.

Issues under Article 8 (right to respect for private and family life) of the Convention

Kaya v. Germany

28 June 2007

The applicant, a Turkish national who had lived in Germany for some 30 years, was convicted in 1999 for, among other things, attempted aggravated trafficking in human beings and aggravated battery. He was expelled in 2001 from Germany to Turkey after he had served two thirds of his prison sentence, as the courts found that there was a high risk that he could continue to pose a serious threat to the public. The applicant complained that his deportation from Germany had breached his private and family life.

The Court held that there had been **no violation of Article 8** (right to respect for private and family life) of the Convention. It found that the applicant's expulsion had been in accordance with the Convention, particularly given that he had been sentenced for rather serious offences in Germany, and had been eventually able to return to Germany.

Issues under Article 1 (protection of property) of Protocol No. 1

Tas v. Belgium

12 May 2009 (decision on the admissibility)

This case concerned the confiscation of premises used in connection with offence linked to human-trafficking and exploiting vulnerable aliens. The applicant relied in particular on Article 1 (protection of property) of Protocol No. 1 to the Convention.

The Court declared the application **inadmissible** as being manifestly ill-founded. Taking into account the margin of appreciation afforded to States in controlling "the use of property in accordance with the general interest", in particular in the context of a policy aimed at combating criminal activities, it found that the interference with the applicant's right to the peaceful enjoyment of his possessions had not been disproportionate to the legitimate aim pursued, i.e., in accordance with the general interest, to combat human trafficking and the exploitation of foreigners in a precarious situation.

Issues under Article 4 (right not to be tried or punished twice) of Protocol No. 7

Alves de Oliveira v. France

25 November 2021 (admissibility decision)

This case concerned the combination of criminal sanctions and tax penalties applicable under domestic law for the offence of assisting or benefiting from prostitution, together with laundering of the proceeds from that offence, and the proportionality of these different sanctions and measures. The applicant submitted in particular that he had been punished several times for more or less the same acts, complaining that, in addition to being sentenced to four years' imprisonment, he had had the sum of 100,000 euros confiscated from his bank accounts and had been subjected to a tax reassessment "in accordance with the accounting procedures of the justice system".

The Court declared the application **inadmissible** as being manifestly ill-founded. With regard, in particular, to the penalties imposed in the criminal proceedings alone, it noted that the applicant had been convicted, first, for having knowingly made available several flats belonging to him for the benefit of tenants who engaged in prostitution in those properties and, secondly, for having assisted in a transaction involving the investment, concealment or conversion in France and Portugal of the direct or indirect proceeds of the offence of assisting or benefiting from prostitution. The criminal

sanctions, which had been imposed at the same time by a single court, had not concerned identical facts or facts which could be regarded as the same in substance. The Court further noted that the combination of criminal sanctions had not led to a disproportionate result.

Texts and documents

See, in particular:

- [Guide on Article 4 of the European Convention on Human Rights – Prohibition of slavery and forced labour](#), prepared by the Court's Registry
 - the Council of Europe's [Anti-Trafficking website](#).
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