December 2023
This factsheet is not exhaustive and does not bind the Court

Slavery, servitude, and forced labour

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.
3. For the purpose of this Article the term 'forced or compulsory labour' shall not include:
(a) any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 [right to liberty and security] of this Convention or during conditional release from such detention;
(b) any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;
(c) any service exacted in case of an emergency or calamity threatening the life or well-being of the community;
(d) any work or service which forms part of normal civic obligations."

Domestic workers

Siliadin v. France

26 July 2005

The applicant, a Togolese national having arrived in France in 1994 with the intention to study, was made to work instead as a domestic servant in a private household in Paris. Her passport confiscated, she worked without pay, 15 hours a day, without a day off, for several years. The applicant complained about having been a domestic slave.

The European Court of Human Rights found that the applicant had not been enslaved because her employers, although exercising control over her, had not had "a genuine right of legal ownership over her reducing her to the status of an "object". It held, however, that the criminal law in force at the time had not protected her sufficiently, and that although the law had been changed subsequently, it had not been applicable to her situation. The Court concluded that the applicant had been held in servitude, in **violation of Article 4** (prohibition of slavery, servitude, forced or compulsory labour) of the European Convention on Human Rights.

C.N. and V. v. France (application no. 67724/09)

11 October 2012

This case concerned allegations of servitude or forced or compulsory labour (unremunerated domestic chores in their aunt and uncle's home) by two orphaned Burundi sisters aged 16 and ten years.

The Court held that there had been a **violation of Article 4** (prohibition of slavery and forced labour) of the Convention in respect of the first applicant, as the State had not put in place a legislative and administrative framework making it possible to fight effectively against servitude and forced labour. It further found that there had been **no violation of Article 4** in respect of the first applicant, with regard to the State's obligation to conduct an effective investigation into instances of servitude and forced labour. It lastly found that there had been **no violation of Article 4** in respect of the

second applicant. The Court found, in particular, that the first applicant had been subjected to forced or compulsory labour, as she had had to perform, under threat of being returned to Burundi, activities that would have been described as work if performed by a remunerated professional – "forced labour" was to be distinguished from activities related to mutual family assistance or cohabitation, particular regard being had to the nature and volume of the activity in question. The Court also considered that the first applicant had been held in servitude, since she had felt that her situation was unchanging and unlikely to alter. Finally, the Court found that France had failed to meet its obligations under Article 4 of the Convention to combat forced labour.

C.N. v. the United Kingdom (no. 4239/08)

13 November 2012

This case concerned allegations of domestic servitude by a Ugandan woman who complained that she had been forced into working as a live-in carer.

The Court held that there had been a **violation of Article 4** (prohibition of slavery and forced labour) of the Convention. It found that the legislative provisions in force in the United Kingdom at the relevant time had been inadequate to afford practical and effective protection against treatment contrary to Article 4. Due to this absence of specific legislation criminalising domestic servitude, the investigation into the applicant's allegations of domestic servitude had been ineffective.

Kawogo v. the United Kingdom

3 September 2013 (strike-out decision)

The applicant, a Tanzanian national having arrived in the United Kingdom on a domestic working visa valid until November 2006, was made to work daily for the parents of her previous employer, from 7 a.m. till 10.30 p.m., without payment, for several months after her visa expired. She escaped in June 2007. She complained she had been subjected to forced labour.

The Court, taking note of the terms of the British Government's declaration and of the modalities for ensuring compliance with the undertakings referred to therein, **struck** the application **out** of its list of cases in accordance with Article 37 (striking out applications) of the Convention.

Penalty of community work for administrative offence

Pending application

Tiunov v. Russia[1] (no. 29442/18)

Application communicated to the Russian Government on 15 January 2019

The applicant in this case was sentenced to thirty hours of community work for having taken part in an unlawful rally. He did not serve that sentence and, in separate proceedings, he was convicted of the offence of non-compliance with a sentence imposed in a CAO (federal Code of Administrative Offences) case and sentenced to three days of detention.

The Court gave notice of the application to the Russian Government and put questions to the parties under Article 4 (prohibition of slavery and forced labour), 5 § 1 (right to liberty and security), 6 § 1 (right to a fair trial), 7 (no punishment without law), 10 (freedom of expression) and 11 (freedom of assembly and association) of the Convention.

[1]. On 16 September 2022 the Russian Federation ceased to be a Party to the European Convention on Human Rights ("the Convention").

Professional services (lawyers, doctors, etc.)

Van der Mussele v. Belgium

23 November 1983

The applicant, a pupil advocate, was called upon to provide free lawyer's services to assist indigent defendants. He complained that that represented forced labour.

The Court found **no violation of Article 4** (prohibition of forced labour) of the Convention. The free legal aid service the applicant was asked to provide was connected with his profession, he received certain advantages for it, like the exclusive right to audience in the courts, and it contributed to his professional training; it was related to another Convention right – Article 6 § 1 (right to a fair trial) – and could be considered part of "normal civic obligations" allowed under Article 4 § 3 of the Convention. Finally, being required to defend people without being paid for it did not leave the applicant without sufficient time for paid work.

Steindel v. Germany

14 September 2010 (decision on the admissibility)

The applicant, an ophthalmologist in private practice, complained that he was under a statutory obligation to participate in an emergency-service scheme organised by a public body.

The Court declared the application **inadmissible** as being manifestly ill-founded. It found in particular that the obligation was founded on a concept of professional and civil solidarity aimed at averting emergencies. Furthermore, the burden of six days' service over a three-month period imposed on the applicant was not disproportionate. The services the applicant was required to perform did not, therefore, amount to "compulsory or forced labour".

Mihal v. Slovakia

28 June 2011 (decision on the admissibility)

The applicant, an enforcement judicial officer, was not compensated for costs he had incurred trying to enforce a court decision. He complained that the absence of any compensation for the work he had carried out amounted to forced labour.

The Court declared the application **inadmissible** as being manifestly ill-founded. It found that the burden imposed on the applicant had not been excessive, disproportionate or otherwise unacceptable.

Bucha v. Slovakia

20 September 2011 (decision on the admissibility)

The applicant, a lawyer having been appointed to represent his client in a free legal scheme, complained that the Constitutional Court, contrary to its practice in other similar cases, had refused to compensate him for the costs relating to his participation at the oral hearing before it.

The Court declared the application **inadmissible** as being manifestly ill-founded.

See also: **Dănoiu and Others v. Romania**, judgment of 25 January 2022.

Graziani-Weiss v. Austria

18 October 2011

This case concerned the obligation for a lawyer (or a public notary, but not other categories of persons with legal training) in Austria to act as unpaid guardian to a mentally ill person. A practising lawyer, the applicant was informed that the Austrian courts planned to appoint him as legal guardian to a mentally ill person. According to the courts, neither the association of guardians nor any known relative could take over guardianship of this person.

The Court held that there had been **no violation of Article 4** (prohibition of forced labour) **in conjunction with Article 14** (prohibition of discrimination) of the Convention. It noted that there was a significant difference between the professional

groups of practising lawyers, whose rights and duties were governed by specific laws and regulations, and the group of other persons who might have studied law, and even received professional legal training, but were not working as practising lawyers. Consequently, for the purposes of appointment as a guardian in cases where legal representation is necessary, the professional groups of lawyers and public notaries on the one hand, and other legally trained persons on the other hand, were not in relevantly similar situations.

Adıgüzel v. Turkey

6 February 2018 (decision on the admissibility)

The applicant, a civil servant working in a municipal authority as an occupational doctor and forensic pathologist, complained that he was required to work outside the prescribed working hours without pecuniary compensation.

The Court declared the complaint **inadmissible** as being incompatible *ratione materiae* with Article 4 of the Convention, finding that the facts complained of in this case did not fall within the scope of Article 4 of the Convention. It held in particular that by choosing to work as a civil servant for the municipality, the applicant must have known from the beginning that he could be subject to work outside the standard hours without pay. Moreover, even if pecuniary compensation was not available, the applicant could have taken compensatory days off, which he never requested. He could thus not claim to be subject to a disproportionate burden. The risk of having his salary deducted or even being dismissed for refusing to work outside working hours was not sufficient to conclude that the work had been required under the threat of a "penalty". In light of the foregoing, the Court took the view that the additional services the applicant was required to provide did not constitute "forced or compulsory labour".

See also:

Tibet Mentes and Others v. Turkey

24 October 2017

Service of a military character or substitute civilian service

W., X., Y. and Z. v. the United Kingdom (nos. 3435-38/67)

19 July 1968 (decision of the European Commission of Human Rights[2])

Four boys aged 15 and 16 years enlisted in the British navy for a period of nine years. Their requests to be discharged from service for different personal reasons were refused by the authorities following which they complained that they were held in servitude.

The European Commission of Human Rights found that the applicants' military service did not amount to servitude in the sense of Article 4 § 1 (prohibition of slavery and servitude) of the Convention and declared the applications **inadmissible**.

Chitos v. Greece

4 June 2015

This case concerned an army officer who had been forced to pay a fee to the State in order to resign before the end of his period of service. This was the first time that the Court ruled on this matter.

The Court held that there had been a **violation of Article 4 § 2** (prohibition of forced labour) of the Convention. It considered in particular that the State's desire to secure a return on its investment in the training of army officers and military medical officers and to ensure adequate staff numbers justified prohibiting their resignation from the forces for a specified period – to be determined by the State – and to subject them to paying a fee in order to cover the subsistence and training costs which it had incurred during their

[2]. Together with the European Court of Human Rights and the Committee of Ministers of the Council of Europe, the European Commission of Human Rights, which sat in Strasbourg from July 1954 to October 1999, supervised Contracting States' compliance with their obligations under the European Convention on Human Rights. The Commission ceased to exist when the Court became permanent on 1st November 1998.

years of training, in addition to paying remuneration and social benefits. The Court added that military medical officers enjoyed privileges unavailable to civilian medical students during their studies and specialist training. Nevertheless, by ordering the applicant to pay the sum due in order to buy back his remaining years of service, to the tune of 109,527 euros, without any facility for paying in instalments, even though he had had an appeal pending before the Court of Audit, the authorities had failed to strike a fair balance between protecting the applicant's individual right and the interests of the community at large.

Trafficking and/or forced prostitution

Obligation on States to protect the victims

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 Court 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 Convention. 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 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 (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** as being 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 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.
The Court 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. It 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.

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.

Obligation to enable the victims of trafficking to claim compensation from their traffickers in respect of lost earnings

Krachunova v. Bulgaria

28 November 2023[3]
This case concerned the applicant's attempts to obtain compensation for the earnings from sex work that her trafficker had taken from her. The Bulgarian courts had refused compensation, stating she had been engaged in prostitution and returning the earnings from that would be contrary to "good morals". The applicant complained that there had been no legal avenue for her to obtain compensation in respect of earnings from sex work that had been taken away from her.
The Court held that there had been a **violation of Article 4** of the Convention in respect of the applicant, finding that the Bulgarian courts had failed to adequately balance her rights under Article 4 against the interests of the community. In the present case, the

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

Court noted, in particular, that States had an obligation to enable victims of trafficking to claim compensation for lost earnings from traffickers, and that the Bulgarian authorities had failed to balance the applicant's right under Article 4 to make such a claim with the interests of the community, who were unlikely to find the payment of compensation in such a situation immoral. In this regard, the Court referred to relevant internationals treaties, which set out a duty to allow trafficking victims to seek compensation, including the Palermo Protocol (Article 6 § 6) and the Anti-Trafficking Convention (Article 15 § 3), both of which were in force in all Contracting States. This was the first time that the Court had found that a trafficking victim had a right to seek compensation in respect of pecuniary damage from her trafficker under Article 4 of the Convention.

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, among others, Article 4 (prohibition of slavery and forced labour) of the Convention.

The Court **struck** 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 **struck** 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.

Work during detention

De Wilde, Ooms and Versyp ("Vagrancy cases") v. Belgium

18 June 1971

The applicants were found to be vagrants and detained in vagrancy centres where they were made to work in exchange of payment at a low rate. They complained about having been obliged to work in return for an absurdly low wage and under pain of disciplinary sanctions.

The Court found that there had been **no violation of Article 4** (prohibition of slavery or forced labour) of the Convention, as the applicants' work in the vagrancy centres had not exceeded the permitted limits in the Convention, because it had been aimed at the rehabilitation of vagrants and was comparable to that in several other Council of Europe member States.

Van Droogenbroeck v. Belgium

24 June 1982

The applicant was convicted for theft and ordered to be placed, on completion of his two-year prison sentence, at the disposal of the state for a number of years, during which time he could be recalled for detention. He complained that he was held in servitude given that he was subjected "to the whims of the administration" and that he was forced to work to save some money.

The Court held that there had been **no violation of Article 4** (prohibition of slavery or forced labour) of the Convention. It stressed that the applicant's situation could have been regarded as servitude only if it had involved a particularly serious form of denial of freedom, which had not been the case. Further, the work which he had been asked to do had not gone beyond what was ordinary in that context since it had been calculated to assist him in reintegrating himself into society.

Stummer v. Austria

7 July 2011 (Grand Chamber)

The applicant, who spent some twenty-eight years of his life in prison, argued in particular that European standards had changed to such an extent that prison work without affiliation to the old-age pension system could no longer be regarded as "work required to be done in the ordinary course of detention", which was exempt from the term "slavery and forced labour" prohibited under Article 4 of the Convention.

The Court held that there had been **no violation of Article 4** (prohibition of forced labour) of the Convention. It found that, having regard to the lack of a European consensus on the issue of the affiliation of working prisoners to the old-age pension system, the practice of the Council of Europe member States did not provide a basis for such an interpretation. The Court further held in this case that there had been **no violation of Article 14** (prohibition of discrimination) of the Convention **taken in conjunction with Article 1 of Protocol no. 1** (protection of property) to the Convention.

Zhelyazkov v. Bulgaria

9 October 2012

The applicant was found guilty of minor hooliganism for having insulted a prosecutor. He was sentenced to two weeks in detention during which he had to work for an infrastructure development municipality project. He complained in particular that he had been subjected to forced labour given that he had had to work without remuneration.

The Court declared **inadmissible**, as being manifestly ill-founded, the applicant's **complaints under Article 4** (prohibition of forced labour) of the Convention.

Floroiu v. Romania

12 March 2013 (decision on the admissibility)

The applicant was sentenced to five years and ten months' imprisonment for theft and, at his own request, was allowed to work, maintaining the prison's vehicle fleet while

serving his sentence. As the work was deemed to involve the day-to day running of the prison, he was not paid but, by way of compensation, received a reduction of 37 days in the sentence remaining to be served. Before the Court, the applicant complained that he had not been paid for the work he had done while in prison.
The Court found that, in the circumstances of the case, the work the applicant had carried out could be regarded as "work required to be done in the ordinary course of detention" within the meaning of Article 4 § 3 (a) of the Convention. It therefore declared the application **inadmissible** as being manifestly ill-founded.

Meier v. Switzerland

9 February 2016

This case concerned the requirement for a prisoner to work beyond the retirement age. The applicant alleged in particular that there had been a violation of his right not to be required to perform forced or compulsory labour.
The Court held that there had been **no violation of Article 4 § 2** (prohibition of forced labour) of the Convention. It noted in particular that there was insufficient consensus among Council of Europe member States regarding compulsory work for prisoners after retirement age. Accordingly, it emphasised, on the one hand, that the Swiss authorities enjoyed a considerable margin of appreciation and, on the other, that no absolute prohibition could be inferred from Article 4 of the Convention. The compulsory work performed by the applicant during his detention could therefore be regarded as "work required to be done in the ordinary course of detention", for the purpose of Article 4 of the Convention. Consequently, it did not constitute "forced or compulsory labour" within the meaning of that Article.

Further readings

See in particular:

- **Guide on Article 4 of the European Convention on Human Rights – Prohibition of slavery and forced labour**, document prepared by the Directorate of the Jurisconsult.

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