

## **ANALYSIS OF JUDGMENTS OF THE EUROPEAN COURT OF HUMAN RIGHTS CONCERNING VIOLATIONS OF ARTICLE 4 OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS**

### **ABSTRACT**

Trafficking in Human Beings, as a modern form of slavery and a major global challenge, remains one of the most lucrative criminal activities worldwide, surpassed only by arms and drug trafficking. The criminalization of human trafficking through national legislation, the refinement of legal frameworks, and the imposition of stricter sanctions - in accordance with the definition established by international instruments - are gaining increasing relevance. Judgments of the European Court of Human Rights play a particularly important role in shaping and reinforcing this process.

The aim of this article is to examine the judgments of the European Court of Human Rights concerning the violation of Article 4 of the European Convention on Human Rights, which provides that no one shall be held in slavery or servitude, and that no one shall be required to perform forced or compulsory labour.<sup>2</sup>

The violation of the aforementioned Article 4 of the Convention will be examined in the present article in the context of human trafficking, specifically involving the following forms of exploitation: labour and sexual exploitation, slavery, servitude, and trafficking in minors.

### **I. INTRODUCTION**

Trafficking in Human Beings (hereinafter “THB/trafficking”) is one of the most severe forms of human rights violations in the modern world. The first internationally recognized definition of trafficking was established by the UN Convention against Transnational Organized Crime (hereinafter “the Palermo Convention”)<sup>3</sup> and its second supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons,

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<sup>1</sup> Article 4, Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) 1950.

<sup>2</sup> *ibid*, Article 4, part 2.

<sup>3</sup> United Nations Convention against Transnational Organized Crime, 2000.

Especially Women and Children (hereinafter “the Palermo Protocol”).<sup>4</sup> Accordingly, the definition of trafficking, as established by the above-mentioned instruments, is as follows: “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”<sup>5</sup> As for exploitation, as the purpose of the crime of trafficking, it is defined as follows: “Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, or the removal of organs.”<sup>6</sup>

Later, in 2005, the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter “the Council of Europe Trafficking Convention”) adopted a definition of trafficking that is practically identical and further clarified that: “Trafficking in human beings” means the recruitment, transportation, transfer, harbouring or receipt of persons, for the purpose of exploitation, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person.”<sup>7</sup> As for the definition of exploitation, it is also almost identical to that provided in the Palermo Protocol, and includes sexual and labour exploitation, slavery or practices similar to slavery, servitude and removal of organs.<sup>8</sup>

It should also be noted that trafficking in minors, involving any of the above-mentioned forms of exploitation, carries equally serious legal consequences, and, taken together, constitutes the elements of a violation as defined under Article 4 of the European Convention of Human Rights (hereinafter “the ECHR/Convention”).

In light of the above, the case law of the European Court of Human Rights (hereinafter “the ECtHR/Court”) is of critical importance in relation to various forms of exploitation, such as labour and sexual exploitation, slavery, and trafficking in minors. Equally

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<sup>4</sup> The Palermo Convention does not directly address THB, however, since trafficking itself constitutes a form of transnational organized crime, the Palermo Convention is a highly significant international instrument since it sets out the standards that legislation must meet at both the international and national levels.

<sup>5</sup> Article 3, subparagraph a, of the Supplementary Protocol to the United Nations Convention against Transnational Organized Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000).

<sup>6</sup> *ibid.*

<sup>7</sup> Article 4, subparagraph a, the Council of Europe Convention on Action against Trafficking in Human Beings, CETS No. 197, 2005.

<sup>8</sup> *ibid.*

noteworthy is the ECtHR's interpretation of servitude as an additional component of exploitation, which holds significant relevance for the development and refinement of national legislation.

## II. THE CASE LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS IN RELATION TO ARTICLE 4 OF THE EUROPEAN CONVENTION OF HUMAN RIGHTS

### 1. SEXUAL EXPLOITATION

The ECtHR's Judgments in *Rantsev v. Cyprus and Russia*<sup>9</sup> and *L.E. v. Greece*<sup>10</sup> are regarded as landmark decisions when assessing trafficking for the purpose of sexual exploitation as a violation of Article 4 of the ECHR.

#### 1.1. "RANTSEV V. CYPRUS AND RUSSIA"

##### FACTUAL CIRCUMSTANCES

In 2001, a Russian national, Rantseva, was recruited and transferred to Cyprus to work as a so-called cabaret performer, where she was forced to provide sexual services to clients. She soon left the job, leaving behind a note indicating her intention to return to Russia. Nevertheless, the cabaret manager found her at a nightclub and took her to a police station, requesting that she be detained as an illegal migrant. The police did not apprehend Rantseva but instead instructed the cabaret manager, considered responsible for her as an employee, to bring her to the immigration office at 7 a.m. The manager took Rantseva at 5:20 a.m. to the building where she had previously stayed. At 6:30 a.m., Rantseva's body was found on the street under unclear circumstances. A bedsheet was found tied to the balcony of the building where she had been detained, suggesting that she may have attempted to escape.

Despite the lack of sufficient evidence and clear grounds, the investigation conducted in Cyprus concluded that Rantseva had died as a result of an accident during an attempted escape. However, an autopsy carried out in Russia raised doubts about the Cypriot investigation's findings due to the absence of convincing evidence. Nevertheless, the

<sup>9</sup> Judgment of the European Court of Human Rights N25965/04 "*Rantsev v. Cyprus and Russia*", 7 January 2010.

<sup>10</sup> Judgment of the European Court of Human Rights N71545/12 "*L.E. v. Greece*", 21 January 2016.

Cypriot authorities refused to conduct a further investigation. In addition, neither the Russian nor the Cypriot law enforcement authorities interviewed two key witnesses who could have provided testimony regarding instances of sexual exploitation in the cabaret.

## **VIOLATION OF ARTICLE 4<sup>11</sup>**

In its Judgment, the ECtHR emphasized that trafficking poses a threat to human dignity and freedom, and must be regarded as incompatible with the principles of a democratic society and the values enshrined in the Convention.

Particularly significant is the section of the judgment in which the ECtHR found that the circumstances presented in the application fell within the scope of the acts defined in Article 3, paragraph a of the Palermo Protocol and Article 4, paragraph a of the Council of Europe Trafficking Convention, and that these acts fall under the protection of Article 4, paragraph 1 of the Convention, which states: “No one shall be held in slavery or servitude.”

Equally important is the ECtHR’s judgment with respect to both Cyprus and Russia.

With regard to Cyprus, the ECtHR pointed to several violations of the obligations arising under Article 4 of the ECHR,<sup>12</sup> including: (1) the ineffective legal framework for combating trafficking, which, despite the existence of relevant legislation, failed to provide adequate protection for Rantseva. Given that the majority of individuals employed under “cabaret artist” visas had become victims of THB, as repeatedly noted in reports by the Cypriot Ombudsperson,<sup>13</sup> the Commissioner for Human Rights, and the U.S. Department of State, the Cypriot authorities nevertheless failed to take effective action in response. (2) The ineffectiveness of the police response, manifested in failure to fulfill the state’s positive obligations and to take the necessary operative measures to protect Rantseva from trafficking. Despite the existence of sufficient grounds for suspicion, the police did not conduct appropriate operative actions to investigate whether Rantseva had been subjected to sexual exploitation.

With respect to Russia, the ECtHR did not find a violation of Article 4 of the Convention concerning the absence of a legislative framework. However, regarding the obligation to conduct an effective investigation, the Court held that the Russian authorities had failed to carry out an adequate and thorough investigation into the circumstances of

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<sup>11</sup> In this case, the ECtHR also examined alleged violations of Articles 2, 3, 5, and 8 of the ECHR. However, for the purposes of this paper, the judgment will be considered only insofar as it relates to the violation of Article 4 of the Convention.

<sup>12</sup> *Rantsev v. Cyprus and Russia*, *supra* note 9, 150.

<sup>13</sup> *ibid*, 163.

Rantseva's recruitment,<sup>14</sup> which is considered the first phase of the crime of THB,<sup>15</sup> - that was followed by her departure from Russia and ultimately led to the circumstances resulting in her death.

In light of the above circumstances, the ECtHR found a violation of Article 4 of the Convention in the case of Rantseva.

An important and noteworthy aspect of this case, as mentioned above, is that the ECtHR brought the acts as defined in Article 3, paragraph a of the Palermo Protocol and Article 4, paragraph a of the Council of Europe Trafficking Convention, within the scope of Article 4 of the ECHR.

## 1.2. "L.E. V. GREECE"

Another important judgment concerning sexual exploitation is *L.E. v. Greece*.<sup>16</sup>

### FACTUAL CIRCUMSTANCES

In June 2004, L.E., a Nigerian national, entered Greek territory together with an individual named K.A., who had promised her employment at a club and demanded a payment of EUR 40,000 in return. After arriving in Greece, K.A. confiscated L.E.'s passport and forced her into prostitution. In July 2004, L.E. contacted the Aliens and Immigration Department in Athens to apply for asylum, and she was assigned accommodation at the Red Cross Reception Center for asylum seekers. However, the case materials indicate that L.E. did not make use of the services provided by the center. Between 2004 and 2006, L.E. was arrested three times on charges of prostitution, and deportation proceedings were initiated against her due to her irregular immigration status in Greece. While being held in a detention center, L.E. filed a complaint against K.A. and his partner D.J., claiming that she was a victim of trafficking. L.E. accused them of forcing her into prostitution, along with two other Nigerian women who were also exploited by the same individuals.

In 2006, an investigation was launched against K.A. and D.J. on charges of THB. However, due to the fact that they had been declared wanted, the hearing was postponed in 2009 until their apprehension. D.J. was arrested in May 2011 and placed in pre-trial detention; however, during the investigation it was revealed that she, too, was one of K.A.'s victims and had been subjected to sexual abuse herself.

<sup>14</sup> *ibid*, 207.

<sup>15</sup> Recruitment is the first stage of the crime of trafficking, followed by transportation as the second stage, and exploitation as the third stage. These stages together constitute the process of the crime of THB.

<sup>16</sup> *L.E. v. Greece*, *supra* note 10.

In her application to the ECtHR, L.E. alleged that Greece had failed to fulfil its positive obligations under the Convention.<sup>17</sup>

## **VIOLATION OF ARTICLE 4<sup>18</sup>**

The ECtHR emphasized that the scope of Article 4 of the Convention includes the positive obligation to protect victims of trafficking. Accordingly, Greece's existing legal framework at the time would have made it possible to provide L.E. with effective protection. A particularly significant aspect of the ECtHR's reasoning lies in its explicit observation that Article 351 of the Greek Criminal Code defined THB in line with the definition set out in the Palermo Protocol. On that basis, the Court concluded that the Greek authorities could and should have provided effective protection to L.E. under the existing national legal framework.

The ECtHR also noted that in August 2007, L.E. was officially recognized as a victim of trafficking by the Greek Public Prosecutor's Office. However, despite this recognition, she was not granted formal status of THB victim for nine months. According to the Court's assessment, this delay could not be considered as a reasonable period, and the failure to grant L.E. the relevant status in a timely manner constituted a failure to provide her with the necessary protective measures by the Greek law enforcement authorities.<sup>19</sup>

This judgment is also significant in the ECtHR's assessment of failures during the preliminary investigation, where it pointed out that the Greek law enforcement authorities did not undertake a comprehensive search to identify and locate the perpetrators, despite L.E. having provided several possible addresses. This investigative inaction was considered one of the reasons for the delay in the proceedings. Based on the totality of these circumstances, the Court found a violation of Article 4 of the Convention.

The ECtHR's assessment of the Greek authorities' failure to conduct a prompt investigation should be regarded as an important clarification of the non-fulfilment of a procedural obligation under the Convention.

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<sup>17</sup> *ibid*, 43.

<sup>18</sup> In this case, the ECtHR also found violations of Article 6, paragraph 1 and Article 13 of the ECHR. However, for the purposes of this paper, the judgment will be examined solely in relation to the violation of Article 4.

<sup>19</sup> *L.E. v. Greece*, *supra* note 10, 72.

## 2. LABOUR EXPLOITATION

According to the definition of exploitation established in Article 3 of the Palermo Protocol and Article 4 of the ECHR, labour exploitation constitutes one of the recognized forms of exploitation. In cases of trafficking committed through this form of exploitation, the assessment of violation of Article 4 of the Convention is particularly informed by two key Judgments of the ECtHR: *Siliadin v. France*<sup>20</sup> and *Chowdury and Others v. Greece*.<sup>21</sup>

### 2.1. “SILIADIN V. FRANCE” (FORCED LABOUR AND SERVITUDE)

#### FACTUAL CIRCUMSTANCES

In 1994, 15-year-old Siva-Akofa Siliadin, living in Togo, arrived in France with a woman of Togolese origin, identified as D., who had promised to arrange her immigration status and provide her with access to school education. In exchange for the cost of plane ticket, Siliadin was expected to perform household tasks for D. However, despite the agreed terms, D. and her husband turned Siliadin into a domestic servant; they made her work without pay, and confiscated her passport.

In 1994, D. “lent” Siliadin to the family of her friend, B.,<sup>22</sup> who had children and was pregnant, to help with childcare and household tasks until the child-birth. After the child was born, B.’s family kept Siliadin in their home, where she was required to perform nearly all domestic duties, working up to 15 hours a day without any days off. She slept in the children’s room on an old mattress placed on the floor, wore worn-out clothes, and apart from a small amount of money occasionally given to her by B.’s mother, her work was never compensated.<sup>23</sup>

In July 1998, one of Siliadin’s neighbors informed the Committee Against Modern Slavery about her situation. An investigation was launched against the B. family on the grounds of exploiting a dependent person through underpaid or unpaid labour, as well as subjecting her to degrading and inadequate living conditions. The court of first instance sentenced the B. family to 12 months’ imprisonment and ordered them to compensate Siliadin for the harm caused.

<sup>20</sup> Judgment of the European Court of Human Rights N73316/01 “*Siliadin v. France*”, 26 July 2005.

<sup>21</sup> Judgment of the European Court of Human Rights N21884/15 “*Chowdury and others v. Greece*”, 30 March 2017.

<sup>22</sup> The term “lent” is used in the judgment. See *Siliadin v. France*, supra note 20, 12.

<sup>23</sup> *ibid*, 14.



## **VIOLATION OF ARTICLE 4**

In her application submitted to the ECtHR based on Article 4 of the Convention (prohibition of forced labour), Siliadin argued that French legislation had been ineffective and that she had been subjected to servitude, as well as forced and compulsory labour, which resulted in her being held in conditions akin to slavery for years, starting from her minor age.

Regarding admissibility, the ECtHR held that in the case of Siliadin, the democratic values protected under Article 4 of the Convention had been violated. Particularly, the Court found that the French state failed to provide effective protection to Siliadin against a violation of Article 4, and underlined that the state has a positive obligation to ensure the effective application of criminal prosecution and to recognize violations of the rights protected by Article 4 of the ECHR as criminal offence.<sup>24</sup>

With regard to forced labour, the ECtHR provided an important clarification by referring to the International Labour Organization's Convention No. 29,<sup>25</sup> which defines forced labour as any work or service that is not performed voluntarily by the individual concerned.<sup>26</sup> The ECtHR recalled that under the ECHR, "No one shall be required to perform forced or compulsory labour."<sup>27</sup> In applying this provision, the Court found that the conditions in the presented case amounted to forced labour, emphasizing that Siliadin's work was not performed of her own free will but rather resulted from the absence of any other real alternative or choice.

As to slavery, the ECtHR found that the acts committed against Siliadin did not amount to slavery. In this part of the judgment, the Court relied on the definition provided by the Slavery Convention,<sup>28</sup> which states: "Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised." Although the restriction of Siliadin's personal autonomy was clear, the B. family could not be regarded as her "owners." Consequently, the ECtHR concluded that the acts committed against Siliadin could not be equated with a state of slavery.

Equally noteworthy is the ECtHR's interpretation of the concept of servitude. Taking into account the fact that Siliadin was under the control of the B. family, worked seven days a week for 15 hours a day, was denied access to education despite the prior agreement before her arrival in France, had her passport confiscated, and was repeatedly

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<sup>24</sup> *ibid*, 64-66.

<sup>25</sup> Forced Labour Convention (No. 29) 1930.

<sup>26</sup> "The term "forced or compulsory labour" shall mean "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily". See *supra* note 20, 116.

<sup>27</sup> Article 4, part 1, *supra* note 25.

<sup>28</sup> Article 1, Slavery Convention (1926).



threatened with arrest by the police, the Court held that this amounted to a restriction of the freedom of movement. The totality of these circumstances confirmed that Siliadin was entirely dependent on the B. family. Accordingly, the ECtHR found that a situation of servitude existed, amounting to a violation of Article 4 of the Convention.<sup>29</sup>

Beyond the definitions of slavery and servitude, this case is also significant in that, for the first time, the ECtHR explicitly acknowledged the positive obligations of the state.

## **2.2. “CHOWDURY AND OTHERS V. GREECE” (PROHIBITION OF FORCED LABOUR)**

The ECtHR’s 2017 judgment is notable for classifying forced labour in the agricultural sector as a form of labour exploitation.

### **FACTUAL CIRCUMSTANCES**

In October 2012 and February 2013, 32 Bangladeshi nationals were recruited and transferred to Greece to work on a strawberry farm. According to the initial agreement, their working hours were set at 7 hours per day, with a wage of EUR22 per hour and an additional EUR3 for each extra hour. However, while in Greece, they were made to work 12-hour shifts under the supervision of armed guards, and lived in inhumane conditions - without access to running water or toilet facilities.

Between February and April 2013, the workers demanded their wages. The employers promised payment only on the condition that they continued working.

In April 2013, the employers recruited a new group of migrant workers. When the workers demanded payment for the work they had performed during the 2012-2013 season, the guards opened fire on them, as a result of which 30 individuals were seriously injured. Following the interrogation of the hospitalized workers, two employers and a security guard were arrested on charges of attempted murder; however, the charges were later reclassified as causing serious bodily harm and THB.

### **VIOLATION OF ARTICLE 4**

The ECtHR clarified that the scope of Article 4, paragraph a of the European Council Trafficking Convention includes trafficking, as labour exploitation constitutes one of the forms through which this crime is committed.<sup>30</sup> In the Chowdury case, all three stages

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<sup>29</sup> Article 4, ECHR, *supra* note 1; *Siliadin v. France*, *supra* note 20, 129.

<sup>30</sup> In the Chowdury case, the ECtHR once again referred to the definition provided in ILO Convention No.

of THB were clearly present: recruitment, transfer, and exploitation. Accordingly, the exploitation (in this case, in the form of labour exploitation) was found to constitute a violation of Article 4 of the Convention.

In addition, the Court referred to the ILO Convention No. 29, defining forced or compulsory labour as: “All work or service which is exacted from any person under the menace of any penalty and for which the person has not offered himself voluntarily.”<sup>31</sup>

Based on the above circumstances, the ECtHR found a violation of Article 4 of the Convention concerning the prohibition of forced labour. However, the Court did not consider the acts committed against the workers to amount to servitude.<sup>32</sup> The Chowdury case is also notable for the ECtHR’s clarification of the distinction between servitude and forced labour. The Court explained that servitude is generally characterized by a situation of permanence, in which the victim has no real prospect of changing their condition.<sup>33</sup> In contrast, the applicants in Chowdury were seasonal workers, and the acts committed against them were therefore classified as forced labour rather than servitude.<sup>34</sup>

### 3. TRAFFICKING IN MINORS “C.N. AND V. V. FRANCE” (FORCED LABOUR AND SERVITUDE)

In addition to sexual and labour exploitation, the exploitation of minors constitutes one of the forms through which the crime of THB is committed. This is most commonly manifested in: labour exploitation of minors, where the child has no possibility of leaving the work; sexual exploitation of minors; and illegal adoption of minors for the purpose of organ transplantation. One of the most common forms of child trafficking involves the use of minors as domestic servants by relatives or guardians, where they are denied freedom of movement, forbidden from using transportation, restricted in access to food, etc. In cases where trafficking is committed in this form, the ECtHR Judgment in the case *C.N. and V. v. France* is particularly significant with regard to the violation of Article 4 of the Convention.<sup>35</sup>

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29, which had also been applied in the Siliadin case. *Siliadin v. France*, supra note 20, 12; *Chowdury and others v. Greece*, supra note 21, 90.

<sup>31</sup> Article 2, paragraph 1, supra note 25.

<sup>32</sup> *Chowdury and others v. Greece*, supra note 21, 99.

<sup>33</sup> *ibid*, “The fundamental distinguishing feature between servitude and forced or compulsory labour within the meaning of Article 4 of the Convention lies in the victim’s feeling that his or her condition is permanent and that the situation is unlikely to change”.

<sup>34</sup> Unlike in the *Siliadin* case, where the situation was permanent and she had no choice whatsoever.

<sup>35</sup> Judgment of the European Court of Human Rights N67724/09 “*C.N. and V. v. France*”, 11 January 2013.

## FACTUAL CIRCUMSTANCES

C.N. (born in 1978) and V. (born in 1984), two sisters from Burundi, left their country following the outbreak of civil war in 1993 and the murder of their parents. They went to France, to their aunt and uncle, the M. family - Burundian nationals residing in France. The M. family had seven children, one of whom had a disability. The sisters were accommodated in the basement and were required to carry out household tasks without any rest days or holidays. C.N. was also responsible for caring for the child with disability, including during nighttime hours. Both sisters lived without access to a bathroom or toilet, had limited access to the family's food, and were subjected to constant physical and psychological abuse.

Beginning in 1995, V. attended school and, despite language difficulties, achieved good academic results. After school, she helped her sister with household tasks.

As noted, the sisters were constantly subjected to verbal abuse and threats by their aunt, including repeated threats of being sent back to Burundi. Despite their case was included in a 1995 report by the social services department and an investigation was initiated by the police child protection unit, the case did not result in any further action.

## VIOLATION OF ARTICLE 4

The ECtHR emphasized that the right protected under Article 4 of the Convention is a fundamental right in a democratic society. As in the cases of *Siliadin* and *Chowdury*, the ECtHR reiterated that, under Article 4, paragraph 2 of the ECHR,<sup>36</sup> forced or compulsory labour refers to work performed against the person's will, under threat or coercion.<sup>37</sup>

The Court found that, in the case of C.N., the circumstances clearly amounted to forced labour, as she was compelled to work without pay and under conditions of threat and coercion. The ECtHR also highlighted that the repeated threats made by M. to send the sisters back to Burundi, emphasizing that, for C.N., this threat was associated with abandoning her sister and a fear of death.<sup>38</sup> Accordingly, the Court held that this constituted a form of coercion within the meaning of Article 4, paragraph 2 of the Convention.<sup>39</sup>

With regard to servitude, the ECtHR considered C.N.'s situation amounted to a state of servitude, as it reflected the permanence and absence of any real possibility of change inherent in the concept of servitude. This was evidenced by C.N.'s fear that she had

<sup>36</sup> "No one shall be required to perform forced or compulsory labour," Article 4, paragraph 2, ECHR, *supra* note 2.

<sup>37</sup> C.N. and V. v. France, *supra* note 35, 71.

<sup>38</sup> *ibid*, 78.

<sup>39</sup> In the case of V., despite the evidence of systematic verbal abuse and degrading treatment, the ECHR did not consider these acts to fall within the scope of Article 4 of the ECHR.

nowhere to go, and that leaving her aunt's home would mean losing guardianship and becoming an illegal migrant - circumstances that, in the ECtHR's view, effectively placed her in a situation of servitude.<sup>40</sup>

In light of the above circumstances, the ECtHR found a violation of Article 4 of the Convention in respect of C.N. In this case, the Court also emphasized the state's failure to fulfil its positive obligations, particularly the lack of adequate legislation and the absence of effective mechanisms to combat servitude and forced labour.

### III. CONCLUSION

The judgments of the European Court of Human Rights serve as an important instrument in the fight against Trafficking in Human Beings. In the above-mentioned judgments, when establishing violations of Article 4 of the Convention by states, the ECtHR also provides significant clarifications regarding key terms such as slavery, forced and compulsory labour, and servitude, including the distinctions between them.

When the ECtHR finds a violation of Article 4 of the Convention, its observations regarding legislative shortcomings, ineffective law enforcement, and related factors should be effectively utilized by states - both to improve national legislation and to strengthen the protection of fundamental human rights and freedoms.

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<sup>40</sup> Unlike V., who attended school, was able to do her homework, and was less isolated.