

Women's Rights Perspective on the EU Charter of Fundamental Rights



Article 5 of the EU Charter of Fundamental Rights: Prohibition of slavery and forced labour

1. No one shall be held in slavery or servitude
2. No one shall be required to perform forced or compulsory labour
3. Trafficking in human being is prohibited

The prohibition of slavery and forced labour encompasses a wide array of human rights violations, with women, and in particular migrant women, being especially vulnerable to many such forms. There is significant overlap between human trafficking, slavery, and forced labour, as expressly stated in Article 3 of the Palermo Protocol - the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women, and Children, supplementing the United Nations Convention against Transnational Organised Crime

Women remain underrepresented in formal employment and overrepresented in unpaid and informal labor. Migrant women face additional risks of forced labor and exploitation due to inadequate, male-centric migration policies.

Domestic workers, many of whom are migrant women, are particularly at risk, often lacking social benefits, access to public services, and protection under labor laws. They frequently endure low wages, long hours, sexual violence and discrimination based on ethnicity.

In 2011, the International Labour Organisation adopted the Domestic Workers Convention. However, only nine EU Member States have ratified it. Despite the EU Council's 2014 decision authorising ratification, the European Commission has not taken steps to support this process.

Human trafficking, particularly for sexual exploitation and forced marriage, disproportionately affects women and girls, with nearly 72% of victims in the EU being female.

The Resolution voted in September 2023 by the European Parliament states that prostitution fuels human trafficking of women and girls, and that the criminalisation of the buyers of sexual acts is an effective way to tackle this phenomenon. It also promotes exit and support programs for victims of prostitution

The Anti-Trafficking Directive establishes the principle of non-prosecution of victims which stems from the understanding that victims of trafficking are **unable to consent to being trafficked** and to any subsequent actions controlled by the trafficker.

Women's Rights Perspective of the EU Charter of Fundamental Rights

Resources related to article 5 of the EU Charter of Fundamental Rights - Prohibition of slavery and forced labour

Relevant EU, European and international legal instruments

International Labour Organisation Convention No. 29, Forced Labour Convention, 1930

European Convention on Human Rights, 1950
Article 4

Treaty on the Functioning of the European Union, 1957
Article 83, paragraph 1

International Labour Organisation Convention No. 105, Abolition of Forced Labour Convention, 1957

International Labour Organisation (ILO) Minimum Age Convention (Convention No. 138), 1973
Article 2
Article 3
Article 7

United Nations Convention on the Elimination of All Forms of Discrimination against Women, 1979
General Recommendation No. 38 on trafficking in women and girls in the context of global migration

United Nations Convention Against Transnational Organised Crime, 2000

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), 2000

Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, 2004
Recital 1
Article 1
Article 12

Directive 2009/52/EC providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals, 2009
Recital 3
Article 2
Article 4
Article 5

EU Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, 2011, revised in 2024
Article 2
Article 4
Article 11

The International Labour Organisation Convention on Domestic Workers (Convention No. 189), 2011
Article 2
Article 4
Article 10
Article 11

Relevant European and international soft-law instruments

UN's Bangkok Rules, 2010
Rule 66

United Nations Guiding Principles on Business and Human Rights, 2011

UN Committee on Economic, Social and Cultural Rights. General comment No. 23 on the right to just and favorable conditions of work, 2016

Council of Europe Recommendation CM/Rec(2022)17 of the Committee of Ministers to member States on measures to prevent and combat trafficking in human beings for the purpose of sexual exploitation, 2022

Relevant case-law at EU and European levels

Court of Justice of the European Union

CJEU, Ciprian Vasile Radu REQUEST for a preliminary ruling under Article 267 TFEU (Case C-396/11), 29th of January 2013

ECJEU, Česká spořitelna, a.s. v Gerald Feichter (Case C-419/11), 14th of March 2013

European Court of Human Rights

ECJ, Jany and Others v. Staatssecretaris van Justitie (Case C-268/99), 20th of November 2001

ECtHR, Siliadin v. France, (Application no. 73316/01), 16th of July 2005

ECtHR, Rantsev v. Cyprus and Russia (Application no. 25965/04), 7th of January 2010

ECtHR, CN and V v. France (Application no. 67724/09), 11th of October 2012



Find more relevant EU, European and national cases in our database on migrant women's fundamental rights violations:

<https://www.womensrightsdatabase.eu/>

The project documents do not reflect the views of the European Commission.