



## 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. Article 5 of the EU Charter of Fundamental Rights ,forbids human trafficking. Trafficking for the purposes of, forced marriage, sexual exploitation, such as in pornography or prostitution, and reproductive exploitation (including surrogacy) affects women, in particular migrant women, disproportionately.

In the context of trafficking, migrant women and girls can be coerced by perpetrators to engage in illegal activities such as selling drugs or illegal goods. As a result, victims of trafficking may be discouraged from seeking help by fear of repercussion. This is also the case for women and girls exploited in prostitution.

the rights granted to EU citizens workers and migrant workers, making them more vulnerable. Undocumented migrant women often fear negative consequences for their residency rights in the future, should they report situations of exploitation and abuse, hindering their access to justice.

In the context of labour, while there are safeguards in the EU to protect migrant women workers, nationally and at the EU level, there is still a distinction made between

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### Relevant norms from international legal documents

ILO Convention No. 29 - Forced Labour Convention (1930)

ILO Convention No. 105 - Abolition of Forced Labour Convention (1957)

United Nations Convention Against Transnational Organized Crime (Palermo Convention) (2000) - Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

Protocol to the ILO Convention on Forced Labour (2014)

European Convention on Human Rights (ECHR) (1950) - Article 4

United Nations Guiding Principles on Business and Human Rights (2011)

UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979):

General recommendation No.38 on trafficking in women and girls in the context of global migration 2020

Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA:

Article 2 / Article 4 / Article 11

Treaty on the Functioning of the European Union (TFEU) - Article 83, paragraph 1

Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support, and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

European Parliament Resolution (2013/2115(INI)) 2014

UN's Bangkok Rules (2010) - Rule 66

UN Committee on Economic, Social and Cultural Rights (CESCR) - General comment NO. 23 2016 on the right to just and favorable conditions of work

The International Labour Organization (ILO) Minimum Age Convention (Convention No. 138)(1973)

Article 2 / Article 3 / Article 7

The ILO Convention on Domestic Workers (Convention No. 189) (2011)

Article 2 / Article 4 / Article 10 / Article 11

Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals

Recital 3

Article 2 - Definitions

Article 4 - Sanctions against employers

Article 5 - Sanctions against third-country nationals

Council Directive 2004/81/EC (2004)

Recital 1

Article 1 - Object of the Directive

Article 12 - Non-punishment of victims

Council of Europe, Recommendation CM/Rec(2022)17 (2022)

### Jurisprudence

#### European Court of Human Rights

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

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

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

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

#### European Court of Justice

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

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

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