



The Interplay between ECHR standards and international legal frameworks in combating human trafficking

Mihai ȘTEFĂNOAIA

Faculty of Law and Administrative Sciences, Ștefan cel Mare University Suceava, Romania

Abstract

Human trafficking represents one of the most serious violations of human rights, requiring coordinated legal responses at both regional and international levels. Within the European context, the standards developed under the European Convention on Human Rights and the jurisprudence of the European Court of Human Rights have played a significant role in shaping states' obligations to prevent trafficking, protect victims, and prosecute offenders. At the same time, international legal instruments, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons and the Council of Europe Convention on Action against Trafficking in Human Beings, establish broader frameworks that guide national and international efforts to combat trafficking. This paper examines the interaction between ECHR standards and international legal frameworks in addressing human trafficking, focusing on how judicial interpretation and international norms contribute to strengthening victim protection and state accountability. Through a doctrinal analysis of legal instruments and relevant case law, the study explores the ways in which the European human rights system complements international anti-trafficking mechanisms, particularly in relation to positive state obligations, the identification and protection of victims, and effective investigation and prosecution. The analysis highlights the importance of legal coherence and normative convergence between regional human rights standards and global legal instruments. By reinforcing shared principles such as human dignity, non-discrimination, and access to justice, the interaction between these frameworks contributes to a more effective and comprehensive legal response to human trafficking. Ultimately, the study argues that the synergy between ECHR jurisprudence and international anti-trafficking instruments plays a crucial role in consolidating a rights-based and victim-centered approach to combating trafficking.

Keywords: human trafficking; ECHR standards; international legal frameworks; European Court of Human Rights; victim protection; positive obligations of states; international human rights law; anti-trafficking law; judicial cooperation; victims' rights

1. Introduction

Human trafficking has evolved into one of the most complex and pervasive forms of transnational crime, situated at the intersection of criminal law enforcement, international human rights protection, and migration governance. Its multidimensional nature—encompassing sexual exploitation, forced labour, domestic servitude, and organ trafficking—requires a holistic legal response that transcends traditional jurisdictional boundaries. As a phenomenon deeply embedded in global inequality, irregular migration flows, and organized criminal networks, trafficking challenges the capacity of states to simultaneously ensure border control, uphold human rights standards, and effectively prosecute perpetrators (Gallagher, 2010).

At the international level, the legal architecture addressing trafficking in human beings has progressively consolidated around a combination of binding treaties, soft law instruments, and institutional monitoring mechanisms. Foundational instruments such as the Palermo Protocol introduced a universally accepted definition of trafficking and established a tripartite framework based on prevention, protection, and prosecution. However, while global instruments provide essential normative benchmarks, their implementation largely depends on domestic legal systems and lacks robust judicial enforcement mechanisms.

In this context, regional human rights systems—particularly the European Convention on Human Rights (ECHR)—play a crucial role in bridging the gap between normative commitments and enforceable obligations. Although the Convention does not explicitly mention human trafficking, its dynamic interpretation by the European Court of Human Rights (ECtHR) has enabled the incorporation of anti-trafficking standards within its existing provisions, most notably Article 4, which prohibits slavery, servitude, and forced labour.

The ECtHR's jurisprudence has progressively transformed Article 4 into a living instrument capable of addressing contemporary forms of exploitation. This evolution reflects the broader doctrine of the Convention as a “living instrument,” which allows its provisions to be interpreted in light of present-day conditions (Letsas, 2007). Consequently, the Court has moved beyond a narrow, historical understanding of slavery to encompass modern manifestations of coercion and exploitation inherent in trafficking practices.

A decisive moment in this interpretative development was the judgment in *Rantsev v. Cyprus and Russia* (2020), which established, for the first time, that human trafficking falls within the scope of Article 4 of the ECHR (ECtHR, 2010). In this case, the Court not only recognized trafficking as a form of exploitation comparable to slavery and forced labour but also articulated a comprehensive framework of positive obligations incumbent upon states. These obligations include the duty to prevent trafficking, to protect victims—particularly those in vulnerable situations—and to conduct effective investigations into alleged trafficking activities.

Importantly, the *Rantsev* judgment also underscored the transnational dimension of trafficking by attributing responsibility to multiple states involved in the trafficking chain. This approach reflects an emerging understanding of shared responsibility in international human rights law, particularly in contexts where violations occur across borders. Furthermore, the Court explicitly relied on international instruments such as the Palermo Protocol to inform its interpretation, thereby reinforcing the normative interplay between global and regional legal frameworks.

Building on this foundation, subsequent ECtHR case law has further refined the scope of state obligations under Article 4, expanding protection to cases of labour exploitation and clarifying procedural duties related to victim identification and access to justice. As such, the

ECHR system has become an essential enforcement mechanism that complements international anti-trafficking regimes by providing individuals with direct access to judicial remedies.

Against this background, the present article explores the interplay between ECHR standards and international legal frameworks in combating human trafficking. It argues that the ECtHR has not only internalized international norms but has also contributed to their development by transforming them into concrete, justiciable obligations. This interaction illustrates a broader trend toward the convergence of criminal law and human rights approaches in addressing complex transnational crimes.

2. Literature Review and Theoretical Framework

The scholarly literature on human trafficking reflects an increasingly interdisciplinary field, situated at the convergence of international criminal law, human rights law, criminology, and migration studies. Early approaches conceptualized trafficking primarily as a form of transnational organized crime, emphasizing prosecution and border control. However, more recent scholarship has shifted toward a human rights-based paradigm, foregrounding victim protection, state responsibility, and structural vulnerabilities (Gallagher, 2010; Stoyanova, 2017).

2.1 Conceptualizing Human Trafficking: From Criminal Justice to Human Rights

The definitional framework provided by the Palermo Protocol remains central in both legal and academic discourse. Its tripartite structure—act, means, and purpose—has been widely adopted, yet criticized for its operational complexity and inconsistent application in domestic systems (Allain, 2012). Scholars argue that the Protocol’s strong emphasis on criminalization may obscure the broader human rights dimensions of trafficking, particularly in relation to victim agency and consent.(Dupont,2021).

In contrast, the Council of Europe Convention on Action against Trafficking in Human Beings reflects a paradigm shift by embedding trafficking firmly within the human rights framework. This approach emphasizes due diligence obligations of states, victim-centered protection measures, and the principle of non-punishment. According to Piotrowicz (2012), this Convention represents a “normative maturation” of anti-trafficking law, moving beyond punitive responses toward holistic governance.

At the European Union level, Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims further strengthened the human rights-based approach to trafficking. The Directive establishes minimum rules concerning criminalization, victim assistance, prevention measures, and the principle of non-punishment of victims compelled to engage in unlawful activities. It also emphasizes gender-sensitive and child-sensitive approaches, reinforcing the convergence between EU law, ECHR standards, and international anti-trafficking instruments.

2.2 The ECHR as a Living Instrument: Doctrinal Foundations

A central theoretical pillar underpinning the evolution of anti-trafficking standards within Europe is the doctrine of the “living instrument,” developed by the European Court of Human Rights. This interpretative method allows the European Convention on Human Rights to adapt to contemporary social realities, including emerging forms of exploitation.

Letsas (2007) conceptualizes this doctrine as a moral reading of the Convention, whereby rights are interpreted in light of present-day conditions rather than their original historical meaning. Within this framework, Article 4 ECHR has evolved from a narrow prohibition of

classical slavery into a broader safeguard against modern forms of exploitation, including trafficking.

Stoyanova (2017) further refines this doctrinal development by distinguishing between “control-based exploitation” and traditional notions of ownership inherent in slavery. This reconceptualization allows trafficking to be understood as a continuum of coercive practices, thereby justifying its inclusion under Article 4.

Prior to *Rantsev*, the ECtHR had already laid important doctrinal foundations in *Siliadin v. France* (2005), where the Court clarified the concepts of servitude and forced labour under Article 4 ECHR. The judgment marked a significant step in expanding the interpretation of Article 4 beyond classical slavery and prepared the doctrinal basis for the later recognition of trafficking as a contemporary form of exploitation.

2.3 Positive Obligations and Due Diligence Theory

The expansion of state responsibility in trafficking cases is closely linked to the theory of positive obligations in human rights law. Unlike negative obligations, which require states to refrain from interference, positive obligations impose proactive duties to prevent, investigate, and remedy violations.

Drawing on due diligence theory, scholars such as Velásquez Rodríguez (Inter-American Court of Human Rights) have influenced European jurisprudence by establishing that states may be held responsible not only for direct violations but also for failing to act with sufficient diligence in preventing harm. This approach has been incorporated into ECtHR case law, particularly in trafficking contexts, where state omissions—such as failure to identify victims or investigate networks—can constitute violations of Article 4 (Gallagher & Holmes, 2008).

2.4 Interplay between Legal Regimes: Fragmentation vs. Convergence

A key debate in the literature concerns whether the coexistence of multiple legal frameworks—international, regional, and domestic—leads to fragmentation or normative convergence. On one hand, Berman (2007) highlights the risks of overlapping jurisdictions and inconsistent standards. On the other hand, more recent scholarship supports the view that cross-referencing between legal regimes fosters coherence.

The ECtHR has played a crucial role in this process by explicitly relying on international instruments such as the Palermo Protocol and the Council of Europe Convention when interpreting the Convention. This interpretative cross-fertilization contributes to what Slaughter (2004) describes as a “transjudicial dialogue,” enhancing the consistency and effectiveness of legal norms across jurisdictions.

2.5 Vulnerability Theory and Structural Factors

Another important theoretical lens is vulnerability theory, which situates trafficking within broader socio-economic and structural inequalities. Fineman (2008) argues that vulnerability is a universal human condition, but certain groups—such as migrants, women, and children—are disproportionately exposed to exploitation due to systemic disadvantages.

In the trafficking context, this perspective shifts the analytical focus from individual culpability to structural conditions, including poverty, discrimination, and restrictive migration policies. The ECtHR has increasingly incorporated this perspective by recognizing the heightened duty of states to protect individuals in vulnerable situations, particularly where there is a “real and immediate risk” of trafficking.

3. Methodology

This study adopts a qualitative doctrinal and comparative legal research methodology, aimed at examining the interplay between regional human rights standards and international legal frameworks in combating human trafficking. The methodological design reflects the interdisciplinary nature of the subject, integrating legal analysis with theoretical insights from human rights law and transnational criminal law.

3.1 Research Design

The research is primarily normative and analytical, focusing on the interpretation and evaluation of legal texts, judicial decisions, and scholarly literature. It combines:

- Doctrinal legal research, to analyze binding legal instruments and case law
- Comparative analysis, to assess the interaction between different legal regimes
- Theoretical inquiry, to situate findings within broader conceptual frameworks

This multi-layered approach enables a comprehensive understanding of how legal norms evolve and interact across jurisdictions.

3.2 Sources of Data

The study relies exclusively on secondary sources, selected for their legal authority and academic relevance. These include:

a) Primary legal sources

- The European Convention on Human Rights
- Jurisprudence of the European Court of Human Rights, with emphasis on landmark cases such as *Rantsev v. Cyprus and Russia* and subsequent relevant decisions
- The Palermo Protocol
- The Council of Europe Convention on Action against Trafficking in Human Beings

b) Secondary sources

- Academic monographs and peer-reviewed journal articles
- Reports from international organizations (e.g., UNODC, Council of Europe GRETA reports)
- Commentaries on ECtHR jurisprudence and human trafficking law
- GRETA evaluation reports and recommendations concerning state compliance, victim identification, and protection mechanisms

3.3 Method of Analysis

The analysis is conducted through several complementary methods:

a) Doctrinal analysis

This method involves a close reading and interpretation of legal provisions and judicial decisions. Particular attention is given to how Article 4 of the ECHR has been interpreted and expanded by the ECtHR to include trafficking in human beings.

b) Case law analysis

Key ECtHR judgments are examined to identify:

- The development of legal principles
- The articulation of positive obligations
- The Court's use of international legal instruments in its reasoning

The case law is analyzed both chronologically (to trace evolution) and thematically (to identify recurring legal standards).

c) Comparative analysis

A comparative approach is employed to evaluate the relationship between:

- ECHR standards
- International anti-trafficking instruments

This method highlights areas of convergence, complementarity, and potential divergence.

d) Interpretative (teleological) approach

Given the human rights focus of the study, a teleological method is used to interpret legal norms in light of their purpose—namely, the protection of human dignity and the prevention of exploitation.

3.4. Research Objectives

The present study aims to provide a comprehensive legal analysis of the interaction between regional human rights standards and international legal frameworks in combating human trafficking. In light of the evolving jurisprudence of the European Court of Human Rights and the increasing normative density of international anti-trafficking instruments, the research is guided by the following general and specific objectives:

3.4.1 General Objective

The primary objective of this research is to examine how the interpretative practice of the ECtHR under the European Convention on Human Rights contributes to the development, consolidation, and enforcement of international legal standards on human trafficking.

3.4.2 Specific Objectives

To achieve this overarching aim, the study pursues several interrelated objectives:

a) To analyze the legal conceptualization of human trafficking in international law

Examine the definition and normative structure established by the Palermo Protocol

Assess the human rights-based approach embedded in the Council of Europe Convention on Action against Trafficking in Human Beings

b) To evaluate the evolution of Article 4 ECHR in the context of trafficking

Identify how the ECtHR has expanded the scope of Article 4 to include trafficking in human beings

Analyze the development of key legal principles through landmark case law

c) To examine the doctrine of positive obligations in trafficking cases

Assess the scope of state duties to prevent, protect, and investigate

Evaluate how due diligence standards are applied in practice

d) To explore the interaction between ECHR jurisprudence and international legal instruments

Identify instances of normative convergence and cross-referencing

Evaluate the role of the ECtHR in reinforcing international anti-trafficking norms

e) To assess the effectiveness of the ECHR system as an enforcement mechanism

Analyze the contribution of judicial remedies to victim protection

Examine limitations in implementation and compliance

f) To identify gaps and challenges in the current legal framework

Highlight inconsistencies between international and regional standards

Assess practical barriers in addressing transnational trafficking

3.5 Research Questions

In order to operationalize these objectives, the study is guided by the following research questions:

1. How has the ECtHR interpreted Article 4 of the ECHR in relation to human trafficking?
2. To what extent do ECHR standards align with international legal instruments on trafficking?
3. How do positive obligations shape state responsibility in trafficking cases?
4. Does the interaction between legal regimes lead to normative convergence or fragmentation?
5. What are the main limitations of the current legal framework in effectively combating trafficking?

4. Analysis of ECtHR Case Law on Human Trafficking

The jurisprudence of the European Court of Human Rights (ECtHR) constitutes the core of the development of European legal standards in combating human trafficking. In the absence of an explicit provision in the European Convention on Human Rights (ECHR), the Court adopted an evolutive interpretation of Article 4, transforming it into an essential instrument for the protection of trafficking victims.

The present analysis focuses on three landmark judgments — *Rantsev v. Cyprus and Russia*, *Chowdury and Others v. Greece*, and *S.M. v. Croatia* — which illustrate the progressive development of the legal framework in this field.

4.1 Rantsev v. Cyprus and Russia (2010): Recognition of Trafficking under Article 4

The case of *Rantsev v. Cyprus and Russia* represents a cornerstone in the ECtHR's jurisprudence on human trafficking. For the first time, the Court held that trafficking in human beings falls within the scope of Article 4 ECHR, which prohibits slavery, servitude, and forced labour (ECtHR, 2010)

Key elements of the judgment:

The Court recognized trafficking as a modern form of exploitation comparable to slavery

It introduced the concept of **positive obligations of states**, including:

- the obligation to prevent trafficking
- the obligation to protect victims
- the obligation to conduct effective investigations

It established the principle of **multiple state responsibility**, reflecting the transnational nature of trafficking

An innovative aspect of the decision is the Court's explicit reliance on international standards, particularly the Palermo Protocol, to inform its interpretation of Article 4. This approach reflects a process of normative integration between international and regional legal frameworks.

4.2 Chowdury and Others v. Greece (2017): Extension to Labour Exploitation

In *Chowdury and Others v. Greece*, the ECtHR expanded the applicability of Article 4 to situations of labour exploitation, even in the absence of absolute control over the victim.

Major contributions:

- Recognition that severe economic exploitation may amount to forced labour or trafficking
- Clarification that victim consent is irrelevant where coercion or vulnerability is present
- Reinforcement of the obligation of states to adopt operational protective measures

The Court found that the Greek authorities failed to protect migrant workers subjected to exploitation in the agricultural sector, emphasizing the importance of early victim identification and proactive intervention.

4.3 S.M. v. Croatia (2020): Clarifying Sexual Exploitation

The judgment in *S.M. v. Croatia* provides significant clarification regarding the relationship between forced prostitution and human trafficking.

Relevant aspects:

- The Court confirmed that sexual exploitation may fall within the scope of Article 4, even where not all elements of trafficking, in the strict legal sense, are present
- It emphasized the obligation of the state to conduct effective and gender-sensitive investigations
- It highlighted the importance of a victim-centered approach

This decision marks a conceptual expansion, suggesting that Article 4 encompasses a broader spectrum of exploitative practices beyond the classical forms of trafficking defined in international instruments.

4.4 Emerging Jurisprudential Principles

The cumulative analysis of the case law of the European Court of Human Rights reveals a coherent set of jurisprudential principles that have progressively shaped the legal

understanding of human trafficking under the European Convention on Human Rights. These principles reflect not only an expansion of the substantive scope of Article 4, but also a deepening of the normative and institutional responsibilities imposed upon states.

First and foremost, the Court has consistently embraced an evolutive interpretation of Article 4, grounded in the doctrine of the Convention as a “living instrument.” Rather than confining itself to the historical meaning of slavery or forced labour, the Court has adapted the provision to contemporary realities, recognizing trafficking in human beings as a modern form of exploitation. This interpretative approach allows the Convention to remain responsive to emerging patterns of abuse, ensuring that its protections are not rendered obsolete by changing socio-economic conditions. In doing so, the Court has effectively transformed Article 4 into a dynamic legal basis capable of addressing complex and transnational forms of coercion.

Closely linked to this interpretative development is the consolidation of positive obligations incumbent upon states. The Court has moved beyond a purely negative understanding of human rights—limited to non-interference—towards a model that requires proactive state engagement. In the context of trafficking, this entails the adoption of adequate legislative and administrative frameworks, the implementation of preventive measures in situations of identifiable risk, the effective protection of victims or potential victims, and the conduct of prompt and thorough investigations. These obligations are not merely formal; they impose a standard of due diligence that requires states to act with vigilance and efficiency in addressing trafficking-related harms.

Another defining feature of the Court’s jurisprudence is the integration of international legal standards into its interpretative reasoning. The ECtHR frequently refers to instruments such as the Palermo Protocol and the Council of Europe Convention on Action against Trafficking in Human Beings in order to clarify the content and scope of Article 4. This practice reflects a broader trend of normative convergence, whereby regional human rights law and international anti-trafficking frameworks mutually reinforce each other. Through this interpretative dialogue, the Court contributes to the harmonization of legal standards and enhances the coherence of the global response to trafficking.

The ECtHR further developed the victim-centered approach in *V.C.L. and A.N. v. United Kingdom* (2021), where it emphasized the importance of the non-punishment principle for victims of trafficking who are compelled to engage in criminal activities. The Court held that failures in early victim identification and assessment may undermine the fairness of criminal proceedings and lead to violations of Articles 4 and 6 of the Convention. This judgment strengthened procedural safeguards for trafficking victims and highlighted the intersection between anti-trafficking obligations and fair trial guarantees.

Finally, the Court’s case law demonstrates a pronounced emphasis on vulnerability as a key analytical lens. Recognizing that trafficking disproportionately affects individuals in precarious socio-economic or legal situations, the ECtHR has tailored its assessment of state obligations to the specific risks faced by vulnerable groups, including migrants, women, and children. This focus on vulnerability has significant implications for the standard of diligence required from states, as it demands heightened protective measures where individuals are exposed to an increased risk of exploitation. In this sense, vulnerability operates not only as a descriptive category but also as a normative trigger for enhanced state responsibility.

Taken together, these principles illustrate the transformative role of the ECtHR in redefining the legal landscape of anti-trafficking efforts. By combining evolutive interpretation, positive obligations, international integration, and a vulnerability-sensitive

approach, the Court has developed a sophisticated and responsive framework that places human dignity at its core.

4.5 Critical Assessment

While the jurisprudence of the European Court of Human Rights has undeniably played a transformative role in strengthening the legal framework against human trafficking, a number of structural and conceptual limitations continue to affect its overall effectiveness.

A first significant constraint relates to the procedural architecture of the ECHR system, which is fundamentally based on individual applications. Access to the Court depends on victims bringing a complaint after exhausting domestic remedies, a requirement that may prove particularly burdensome in the context of trafficking. Victims of trafficking often face severe obstacles, including lack of legal awareness, fear of retaliation, irregular migration status, and psychological trauma. As a result, many cases never reach Strasbourg, which limits the Court's capacity to address systemic issues comprehensively. This reactive model means that the ECtHR intervenes *ex post facto*, rather than functioning as a preventive mechanism capable of addressing ongoing or widespread patterns of abuse.

A second limitation concerns the implementation of ECtHR judgments at the national level. Although the Court's decisions are legally binding, their execution depends on the political will and institutional capacity of member states. In practice, compliance varies considerably, particularly in cases requiring structural reforms, such as improving victim identification mechanisms, strengthening labour inspections, or enhancing investigative practices. Delays or partial implementation can undermine the practical impact of the Court's jurisprudence, creating a gap between normative standards and lived realities. This challenge is especially acute in the field of trafficking, where effective responses require coordinated action across multiple state institutions.

Furthermore, despite the Court's efforts to develop a coherent interpretative framework, conceptual ambiguities persist in distinguishing between trafficking in human beings, forced labour, servitude, and other forms of exploitation under Article 4 of the European Convention on Human Rights. While the Court has adopted a flexible and evolutive approach, this very flexibility can generate uncertainty in legal qualification. The boundaries between different forms of exploitation are not always clearly delineated, which may affect both judicial reasoning and domestic implementation. In some instances, this ambiguity risks inconsistent application across cases and jurisdictions, potentially weakening legal predictability.

In addition, the Court's reliance on case-by-case adjudication may limit its ability to articulate comprehensive doctrinal guidance. Although landmark judgments establish important principles, the incremental nature of jurisprudential development means that certain issues remain only partially addressed. This is particularly relevant in rapidly evolving areas such as labour exploitation within global supply chains or trafficking facilitated by digital technologies.

Despite these limitations, the role of the ECtHR as a mechanism for the judicialization of international anti-trafficking standards remains highly significant. By incorporating and operationalizing norms derived from instruments such as the Palermo Protocol and the Council of Europe Convention on Action against Trafficking in Human Beings, the Court has transformed abstract international commitments into concrete and enforceable obligations. Its jurisprudence provides not only legal remedies for individual victims but also normative guidance for states, contributing to the progressive harmonization of legal standards across Europe.

In this sense, the ECtHR occupies a pivotal position at the intersection of human rights law and international criminal justice, even if its effectiveness ultimately depends on the willingness and capacity of states to internalize and implement its standards.

6. Analysis and Discussion

The preceding examination of the case law of the European Court of Human Rights reveals a sophisticated and evolving judicial approach to combating human trafficking, situated at the intersection of human rights protection and international legal coordination. This section moves beyond descriptive analysis to critically assess the implications of this jurisprudence, particularly in terms of normative convergence, effectiveness, and remaining structural challenges. (Pusat,2023),

A central finding of this study is the progressive convergence between ECHR standards and international legal frameworks. Through its interpretative practice under Article 4 of the European Convention on Human Rights, the ECtHR has consistently incorporated and operationalized norms derived from key international instruments, notably the Palermo Protocol and the Council of Europe Convention on Action against Trafficking in Human Beings. This cross-referencing is not merely rhetorical; it serves to align definitions, clarify obligations, and reinforce a shared legal vocabulary across jurisdictions. As a result, the Court contributes to a form of normative harmonization, reducing fragmentation between international and regional regimes.

At the same time, the ECtHR plays a crucial role in the judicialization of international anti-trafficking norms. Unlike global instruments, which often rely on state reporting and monitoring mechanisms, the ECHR system provides binding judicial decisions and access to individual remedies. This transforms abstract obligations, such as prevention, protection, and prosecution, into enforceable standards. The Court's articulation of positive obligations exemplifies this transformation, as it requires states not only to criminalize trafficking but also to actively identify risks, protect vulnerable individuals, and conduct effective investigations.

However, this process of judicialization also raises important questions regarding effectiveness and implementation. While the ECtHR establishes high normative standards, their practical realization depends on domestic legal systems. Persistent gaps in victim identification, law enforcement practices, and institutional coordination suggest that the translation of judicial principles into concrete outcomes remains uneven. In this regard, the interaction between supranational adjudication and national execution emerges as a critical point of tension.

Another key aspect highlighted by the analysis is the expansion of the conceptual scope of Article 4. The Court has progressively moved beyond traditional notions of slavery and forced labour to encompass a broader spectrum of exploitative practices, including labour exploitation and forms of sexual exploitation that may not fully meet the strict legal definition of trafficking. While this expansion enhances victim protection, it also introduces a degree of conceptual fluidity. The boundaries between trafficking, forced labour, and other forms of exploitation are not always clearly delineated, which may affect legal certainty and consistency across jurisdictions.

Furthermore, the Court's increasing emphasis on vulnerability as a normative criterion reflects a shift towards a more contextual and individualized understanding of human rights violations. By recognizing that certain groups, such as migrants, women, and children, face heightened risks, the ECtHR imposes stricter due diligence obligations on states. This approach strengthens the protective dimension of the Convention but also raises questions

about the operationalization of vulnerability in legal practice, particularly in ensuring consistent application across cases.

From a broader perspective, the ECtHR's jurisprudence illustrates the emergence of a multi-level governance framework in the fight against human trafficking. Rather than operating in isolation, the Court engages in an ongoing dialogue with international legal instruments and domestic legal systems. This interaction fosters coherence but also reveals structural limitations, particularly in addressing the inherently transnational nature of trafficking networks.

In conclusion, the analysis demonstrates that the ECtHR has significantly contributed to the development of a robust and dynamic legal framework for combating human trafficking. Its jurisprudence enhances normative coherence, strengthens state accountability, and centers victim protection within the legal discourse. Nevertheless, the effectiveness of this framework ultimately depends on the capacity of states to implement and internalize these standards, as well as on continued efforts to clarify conceptual boundaries and address practical enforcement challenges.

7. Conclusion

This article has examined the interplay between the standards developed under the European Convention on Human Rights and the broader international legal framework addressing human trafficking. The analysis has demonstrated that the jurisprudence of the European Court of Human Rights has played a central role in transforming Article 4 of the Convention into a dynamic and effective legal tool capable of addressing contemporary forms of exploitation.

A key finding of this study is that the ECtHR has significantly contributed to the **normative convergence** between regional human rights law and international anti-trafficking instruments. By systematically referencing and integrating standards from instruments such as the Palermo Protocol and the Council of Europe Convention on Action against Trafficking in Human Beings, the Court has reinforced a coherent and harmonized legal framework. This interpretative approach has enabled the Court to bridge the gap between abstract international commitments and concrete, enforceable obligations.

Moreover, the ECtHR's development of **positive obligations** has redefined the scope of state responsibility in trafficking cases. States are no longer required merely to refrain from violating rights, but must actively prevent trafficking, protect victims, and ensure effective investigations. This shift reflects a broader transformation in human rights law, where proactive state engagement is essential in addressing complex and transnational forms of harm.

At the same time, the Court's jurisprudence has expanded the conceptual boundaries of Article 4, encompassing a wider range of exploitative practices, including labour exploitation and forms of sexual exploitation. While this evolution enhances victim protection, it also introduces challenges related to legal certainty and conceptual clarity, particularly in distinguishing trafficking from other forms of exploitation.

Despite these advances, important limitations persist. The effectiveness of the ECHR system remains contingent upon access to the Court and the consistent implementation of its judgments at the national level. Structural barriers faced by victims, coupled with uneven compliance by states, continue to undermine the full realization of the Court's standards. Additionally, the inherently transnational nature of trafficking requires sustained cooperation

beyond the regional level, highlighting the need for stronger coordination between legal regimes.

In conclusion, the ECtHR has emerged as a pivotal actor in the fight against human trafficking, not only by interpreting and applying existing legal norms, but also by shaping their evolution. Its jurisprudence exemplifies the growing interdependence between human rights law and international criminal law, contributing to a more integrated and effective legal response. Future developments should focus on enhancing implementation mechanisms, clarifying conceptual frameworks, and strengthening multi-level cooperation in order to ensure that the legal protections articulated at the supranational level translate into tangible outcomes for victims.

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