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13

Angelika-Naemi Wendelin

Protection of Human Trafficking Victims

The Positive State Obligations under
Article 4 of the European Convention
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With a Foreword by ao. Univ.-Prof. Mag. Dr. Gerd Oberleitner

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Foreword

Human trafficking is a global phenomenon that is also pervasive in Europe, exacerbated by crisis situations such as the recent pandemic, by mass migration, and the war in Ukraine, rendering numerous individuals vulnerable to exploitation. In response to this multifaceted challenge, the European Court of Human Rights has, in its more recent case law, introduced positive state obligations pertaining to the protection of victims within the framework of Article 4 of the European Convention on Human Rights (on the prohibition of slavery and forced labour). In this publication (which was submitted as her diploma thesis in law), Angelika-Naemi Wendelin explores the scope of these state obligations and seeks to identify potential gaps within the European Convention on Human Rights concerning the protection of victims of human trafficking. She further analyses the law and practice of Austria in a national case study to assess the country's adherence to these positive state obligations.

This publication starts with a succinct overview of the relevant legal instruments cited and considered by the European Court of Human Rights in its case law on the protection of human trafficking victims. The main part consists of a thorough and comprehensive analysis of the relevant human trafficking cases before the European Court of Human Rights. It focuses on the scope of Article 4 in light of the issue of human trafficking and the positive state obligations arising from the Convention. Drawing insights from this analysis of case law, Angelika-Naemi Wendelin examines Austrian legislation and how

cases of human trafficking victims are dealt with in practice. In the concluding chapter, the findings derived from the preceding analysis are synthesized to provide conclusive insights.

Given the increasing number of human trafficking cases adjudicated by the European Court of Human rights in recent years, this is a timely publication which provides an up-to-date analysis of relevant case law on the subject matter, distinguished by its clear structure, comprehensive research, and precise argumentation. Angelika-Naemi Wendelin's research stands out as a notable contribution to the academic discourse on the protection of victims of human trafficking.

Graz, February 2024

ao. Univ.-Prof. Mag. Dr. Gerd Oberleitner

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Abbreviations

| | |
|-------|--|
| Ed | Editor |
| Edn | Edition |
| Eg | For example |
| EU | European Union |
| CC | Austrian Criminal Code |
| CoE | Council of Europe |
| ECHR | European Convention on Human Rights |
| ECtHR | European Court of Human Rights |
| EU | European Union |
| FPG | Fremdenpolizeigesetz (Austrian Aliens Police Act) |
| GRETA | Group of Experts on Action against Trafficking in Human Beings |
| ILO | International Labour Organization |
| NGO | Non-governmental organisation |
| Para | Paragraph |
| UK | United Kingdom |
| UN | United Nations |
| VCLT | Vienna Convention on the Law of Treaties |
| VOL | Volume |

