EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

CASE OF A.S. v. LATVIA

(Application no. 9327/23)

JUDGMENT

Art 4 • Positive obligations • Arguable claim, supported by prima facie evidence, of servitude or forced or compulsory labour on dairy farm • Art 4 applicable • Applicability assessed by reference to circumstances prevailing when allegations made rather than subsequent domestic findings • Adequate legal framework • Effective investigation • Prompt and thorough investigation conducted on State's own motion, involving applicant and drawing on evidence from substantial number of sources • Acquittal following adversarial assessment across multiple judicial instances • No significant flaws undermining proceedings' ability to establish facts or identify those responsible

Prepared by the Registry. Does not bind the Court.

STRASBOURG

3 September 2026

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

In the case of A.S. v. Latvia,

The European Court of Human Rights (First Section), sitting as a Chamber composed of:

Ivana Jelić, *President*,
Erik Wennerström,
Raffaele Sabato,
Frédéric Krenc,
Alain Chablais,
Artūrs Kučs,
Anna Adamska-Gallant, *judges*,
and Ilse Freiwirth, *Section Registrar,*

Having regard to:

the application (no. 9327/23) against the Republic of Latvia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a Latvian national, Ms A.S. (“the applicant”), on 17 February 2023;

the decision to give notice of the application to the Latvian Government (“the Government”);

the decision not to have the applicant’s name disclosed;

the observations submitted by the respondent Government and the observations in reply submitted by the applicant;

the comments submitted by the AIRE Centre which was granted leave to intervene by the President of the Section;

Having deliberated in private on 7 July 2026,

Delivers the following judgment, which was adopted on that date:

INTRODUCTION

1. The case concerns the alleged failure by Latvia to fulfil its positive obligations under Article 4 of the Convention in response to the applicant’s allegations that she had been subjected to servitude or forced labour while working on a dairy farm.

THE FACTS

2. The applicant was born in 1957 and lives in Cēsis. She was represented by Ms Gita Miruškina, a lawyer practising in Riga.

3. The Government were represented by Ms Elīna Vītola, Deputy Agent.

I. EMPLOYMENT AT THE FARM

4. The facts of the present case concern the employment of two individuals, first Mr G.R. and later the applicant, in the period between September 2016 and May 2017, on the premises of an agricultural farm, M,

located in the Cēsis parish. The owner of the farm, the company E, represented by its owner M.Z., rented it out to company K.A., represented by its owner D.G., for dairy farming purposes.

5. D.G. placed a job advertisement seeking farm workers. In August 2016, G.R. contacted D.G., and they agreed upon terms and conditions of employment whereby G.R. would be instructed in the use of dairy machinery. G.R. was to receive an initial daily payment of 5 euros (EUR), to be later increased to EUR 15 per day. No written contract was signed.

6. Initially, G.R. commuted daily to the farm until he inquired whether he could reside in the utility annex, to which D.G. consented. On an unspecified date, G.R. began to complain to D.G. of health problems and requested that D.G. purchase medications, which D.G. did. G.R. eventually ceased performing farm work. When G.R. inquired about payment, D.G. responded that, following G.R.'s illness, D.G. and other farm workers had taken over his duties, and that D.G. had provided G.R. with food and medications at his own expense. At the end of September 2016 G.R. left the farm.

7. In December 2016 the applicant noticed the job advertisement and contacted D.G. During their telephone conversation, the applicant expressed interest in the job and asked to be taken to see the farm. She also inquired about the possibility of living on the premises, to which D.G. suggested renting an apartment or room in the nearby village. They agreed that D.G.'s sister would take the applicant to the farm to examine the working conditions.

8. On 20 December 2016 the applicant arrived at the farm with her belongings and insisted on staying there. D.G. installed a gas stove and a wood stove with firewood. The parties did not sign a written contract. The applicant was required to perform two milking sessions per day and was instructed on operating dairy processing machinery and cleaning equipment. After the evening milking session, milk was stored in a refrigerator basin until collected by employees of the dairy processing company S.P. the next day. The applicant asked D.G. to purchase various groceries, food, cigarettes, and pre-paid phone cards, which he did according to her lists.

9. On an unspecified date, the dairy processing company informed D.G. that the sanitary quality of the milk had decreased. D.G. had to dispose of milk several times or compensate for losses when milk was mixed with products from other local dairy farms. The applicant asked D.G. about her salary several times, to which D.G. replied that the dairy processing company had withheld payments and that he would pay her when he received the money.

10. In April 2017 the applicant asked D.G. for money to see a doctor. D.G. gave her EUR 50, after which she left the farm and visited her sister. Several days later, D.G. contacted the applicant, inquired about her health, and asked whether she intended to return. As the applicant had left her belongings at the farm, she returned.

11. On 4 May 2017, as conditions on the farm deteriorated, D.G. removed the remaining livestock and dairy processing equipment and moved out. On 9 May 2017 D.G. informed M.Z. about the termination of the rent agreement, and the property was taken over by M.Z. The applicant continued to live on the farm, where she assisted M.Z. and his employees with various tasks.

II. DOMESTIC PROCEEDINGS

A. Complaint to the State Labour Inspectorate

12. In May 2017, upon M.Z.'s suggestion, the applicant lodged a complaint with the State Labour Inspectorate ("the SLI") concerning non-payment of salary.

13. On 18 May 2017 the SLI forwarded the applicant's complaint to the State Police. On 26 May and 8 June 2017 the SLI requested D.G. to provide information and documents concerning the applicant's employment, but received no replies. On 5 July 2017 the SLI fined the company K.A. for failure to comply with lawful requests. On 31 July 2017 the SLI informed the applicant about the fine and advised her that civil litigation pursuant to the Labour Law was the only available remedy to settle pecuniary disputes with her employer.

B. Criminal investigation

14. On 26 May 2017 the State Police initiated criminal proceedings pursuant to Section 154^1 of the Criminal Law concerning trafficking in human beings. On 29 May 2017 the police conducted an on-site examination of the farm. The investigators established that the farm consisted of a single large building divided into several smaller structures used as cattle shed, dairy, and utility annex. The utility annex consisted of three rooms with water supply, electricity, and insulated windows. The rooms contained various furniture including a bed, chairs, table, shelf, and wardrobe, as well as household appliances including a small refrigerator, electric kettle, washing machine, and a television that was out of order. There was also a wood stove with firewood supply, a gas stove, and a sanitary unit consisting of a water closet and shower cabin. The findings were documented in a procedural record and included photographs of the exterior and interior of the farm premises.

15. The applicant was declared a victim in the criminal proceedings and referred to the State-funded social rehabilitation programme. On 31 May 2017 the State Social Integration Agency provided the applicant with State-funded social rehabilitation services through the NGO Shelter Safe House, including legal consultations, social services, psychological therapy, medical treatment and medications.

16. Between May and September 2017, the police conducted extensive witness interviews. On 31 May 2017 M.Z. testified that the farm had been maintained in proper order initially, but from early 2017 dairy production rates and quality had decreased and premises had been neglected, leading to disputes with D.G. When M.Z. took over the premises in May 2017, he met the applicant, who complained about non-payment of salary, told her to make a complaint to the SLI, and assisted her with filing it.

17. On 7 June 2017 the police questioned I.A., an official from the Food and Veterinary Service, who testified that during periodic veterinary examinations she had brief exchanges with the applicant, who complained that livestock was not kept in adequate conditions. I.A. had raised this issue with D.G. in a phone conversation but D.G. had not been present during her follow-up visit.

18. On 7 June 2017 A.B. testified that he had previously been employed by D.G. and lived in the utility annex until September 2016. He had met both the applicant and G.R. and instructed them on using dairy processing equipment. A.B. was aware that G.R. had made cosmetic repairs to improve living conditions and that an additional stove had been installed after the applicant moved in. D.G. had provided G.R. with food and medications but failed to pay salary, which was why G.R. left. A.B. did not know whether the applicant had received salary but mentioned that he also had not received full payment for his last month of employment.

19. On 19 June 2017 G.R. informed police that in 2016 he had been unemployed and living in an abandoned house when he learned about D.G.'s job advertisement. Initially G.R. drove to the farm but two weeks later asked if he could stay, to which D.G. agreed. G.R. had not been satisfied with living conditions but needed income and staying would allow him to save money. He made several cosmetic repairs to improve conditions. After his first month, G.R. asked about salary and D.G. replied that payments from the dairy processing company had been delayed. G.R.'s health deteriorated and he asked D.G. and other farm workers to bring food and medications. He remained until the end of September 2016.

20. Other witnesses questioned included two employees of the dairy processing company, who described poor livestock conditions and confirmed that by late 2016 the amount and sanitary quality of milk from the farm had diminished and D.G. had to compensate other local dairy farms for losses. Three acquaintances of D.G. testified about their observations of the applicant and their assistance in bringing supplies to the farm according to lists provided by the applicant.

21. On 8 August 2017 the police examined D.G.'s cell phone, including SMS exchanges with the applicant containing requests for various grocery items.

22. On 23 August 2017 G.R. was declared a victim in the criminal proceedings.

23. On 28 August 2017 the police questioned the applicant's sister. She testified that the applicant had told her D.G. promised to pay EUR 15 per day and that she had signed a contract with him. She confirmed frequent phone conversations with the applicant and that she had invited the applicant to return home but the applicant refused.

24. On 19 September 2017 the applicant was questioned again as a victim. She testified that after D.G. terminated the rent agreement and M.Z. took over the farm, M.Z. allowed her to remain and assisted with drafting her complaint to the SLI. She stated that initially D.G. supplied high-quality food, but after a few months the quality and regularity decreased. The applicant admitted that she never went hungry.

25. On 2 November 2017 the applicant provided additional testimony about her employment circumstances. She testified that she responded to D.G.'s job advertisement because she was unemployed and living with her sister. She negotiated to be taken to the farm premises before beginning employment and took all her belongings. Living conditions were less than satisfactory but there were signs of recent renovation and a newly installed wood stove. She initially considered she would soon rent a room in the nearby village. She undertook to milk forty-two cows morning and evening and clean milking equipment. Daily at noon the dairy company would collect milk. Food and groceries were delivered twice weekly but she was not always satisfied with the food provided.

26. On 25 January 2018 the State Legal Aid Administration awarded the applicant State compensation to victims of crime in the amount of EUR 1,330 based on the Law on State Compensation to Victims.

27. Additional witness interviews were conducted in February 2018, questioning employees of the dairy processing company about their interactions at the farm. On 6 April 2018, based on additional information obtained during pre-trial investigation, the State Police supplemented the statement of facts in the decision declaring D.G. a suspect for trafficking in human beings.

C. First instance proceedings

28. On 16 August 2018 the prosecutor charged D.G. with trafficking in human beings pursuant to Section 154[1] of the Criminal Law. On 4 October 2018 the prosecutor issued the bill of indictment.

29. On 2 November 2018 the prosecutor questioned the applicant, who provided additional information about living conditions on the farm. On 15 November 2018 the prosecutor questioned D.G., who testified that his relationship with the applicant and G.R. had deteriorated following his quarrel with M.Z., and believed M.Z. had turned them against him.

30. On 29 November 2018 the criminal proceedings were sent to the Vidzeme District Court. The court scheduled hearings for 27, 28, 29 March

and 18 April 2019. The applicant did not attend the March hearings despite being summoned. On 29 March 2019 the court ordered the State Police to ensure her attendance under constraint and scheduled the next hearing for 10 April 2019, when the applicant attended and was represented.

31. The court continued hearings on 11 April, 5 June, 17 June, 20 June and 18 September 2019. On 17 June 2019, the court examined D.G.'s notebook containing entries about payments made and items delivered to farm workers between August 2016 and February 2017.

32. On 20 September 2019, the Vidzeme District Court gave judgment, finding D.G. guilty of trafficking in human beings pursuant to Sections 154^1(1) and 154^2(3) of the Criminal Law (see paragraphs 61-62 below) and sentencing him to two years' imprisonment, suspended for two years. It also ordered D.G. to pay compensation to the applicant.

33. The District Court based its judgment on the following established facts. Both victims responded to D.G.'s job advertisement and undertook to milk cattle and provide dairy-farming tasks in exchange for daily payment of EUR 15. They were provided accommodation on the farm's premises. The parties did not sign written contracts and G.R. never requested a contract. Provision of food was not agreed upon, nevertheless the applicant and G.R. were provided with food, groceries, medications and cigarettes at least twice weekly. The applicant provided D.G. with lists of products and groceries to be delivered. Initially food quality was good but decreased over time as overall farm conditions significantly deteriorated. Food, medications, groceries and other products were delivered by D.G., his wife, sister, other farm workers or acquaintances.

34. The District Court noted several significant discrepancies among statements and testimonies, particularly concerning payments made to victims and living conditions. The court emphasised it was impossible to establish the precise number of days worked by each victim and the amount of payments made, since payments were made in cash and the only supporting document was D.G.'s notebook. The court indicated it was not its task to resolve labour-related disputes, especially since this information was not decisive to establish *corpus delicti*.

35. The District Court concluded that D.G. had treated the applicant and G.R. differently from other farm workers who received their salaries. The court considered both victims were elderly with health-related issues preventing them from seeking substitute employment. Both believed D.G. would pay them when he received money from the dairy processing company, and this allowed D.G. to influence their decision to continue staying on the farm, keep them in servitude, force them to work long hours and exploit them. The provision of food and groceries reinforced the victims' vulnerability, confirming they had been incapable of providing for themselves.

D. Appellate proceedings

36. D.G., the applicant, and the prosecutor appealed against the District Court's judgment. The prosecutor sought imprisonment without suspended sentence. The defence objected to the legal characterisation adopted by the District Court. The applicant requested an increased compensatory award and imprisonment without suspended sentence.

37. On 9 March 2020 the Vidzeme Regional Court quashed the first instance judgment and acquitted D.G. The appellate court considered the prosecution and the first-instance court had misinterpreted three important aspects: (1) the victims' accommodation; (2) the conditions of their employment; (3) their alleged vulnerability.

38. Regarding accommodation, the appellate court disagreed that the applicant and G.R. had been subjected to servitude through accommodation on the farm. The court underlined that "accommodation" within the meaning of trafficking implies reception and placement of victims in specifically designated or rented premises. The court noted that although the applicant and G.R. had been provided accommodation, initially D.G. had no intention to do so. G.R. did not live on the farm premises initially as they were occupied by other farm workers. The applicant chose to accept the job and stay even before examining living conditions, arriving with belongings and informing D.G. of her intention to stay despite his suggestion to rent accommodation in the nearby village.

39. The appellate court further noted both the applicant and G.R. had registered domiciles elsewhere and could move freely. They had not been forced to live on the farm, their movements were not restricted, and they were not charged for staying. G.R. left in September 2016, whilst the applicant left in April 2017 to visit her sister and afterwards returned. The court considered their accommodation was not related to trafficking in human beings and not related to violence, threats, deceit or vulnerability.

40. Regarding vulnerability, the appellate court disagreed that the victims' age, physical capabilities and lack of income rendered them vulnerable in the specific circumstances. The court emphasised vulnerability was an objective criterion requiring establishment whether the victim had actually been vulnerable and whether the perpetrator was aware of this vulnerability. Age, physical capabilities and source of income by themselves, without additional individual assessment, were not sufficient to establish vulnerability. Otherwise, these factors could be invoked in any employment-related criminal proceedings to prove employee vulnerability.

41. Regarding exploitation and forced labour, the appellate court observed that "forced labour" implied forced dependency and lack of choice regarding obligation to work in someone's favour. The court noted all parties had voluntarily agreed upon employment terms, the applicant and G.R. proceeded with their tasks but did not receive salary as, according to D.G.,

the dairy processing company had withheld payments. At the same time, D.G. provided G.R. and the applicant with medications and groceries.

42. The appellate court concluded that under these circumstances the parties acted in the framework of an employment relationship, being aware of job responsibilities and agreeing to perform them for specified money. Although the mandatory written contract requirement was not observed, case file materials did not indicate any party insisted on signing contracts. Even absent written contract, negotiated employment conditions become binding once one party commenced fulfilling contractual obligations. The court underlined that both the applicant and G.R. had arrived voluntarily and were allowed to examine conditions before accepting the job offer.

43. Regarding *mens rea*, the appellate court emphasised that trafficking can only be committed intentionally with perpetrators fully aware of their actions and consequences. The court noted the applicant and G.R. replied to the job offer, arrived at the workplace and freely negotiated to perform specific tasks for specified remuneration. This was not sufficient to find they were employed against their will or that D.G. had prior intention to commit trafficking. The provision of groceries, tobacco, medications and food was not characteristic of forced servitude or trafficking. The applicant and G.R. testified they had no agreement with D.G. on provision of food and groceries. The court concluded the required elements of the trafficking offence had not been established.

E. Supreme Court proceedings

44. The prosecutor challenged the Regional Court judgment before the Senate of the Supreme Court.

45. On 31 March 2021 the Senate quashed the appellate court's judgment and remitted the case for a new adjudication. The Senate observed the appellate court had not thoroughly examined all aspects related to the victims' alleged vulnerability. Regarding their registered domiciles, the Supreme Court considered this was not an indicator that the applicant and G.R. had alternative places to live but served as addresses where State or municipal authorities could reach them. Regarding farm conditions, the Supreme Court considered that evidence indicated that D.G. was aware conditions slowly deteriorated. Regarding the appellate court's conclusion that D.G. had not intended to accommodate the applicant and G.R., the Senate noted that D.G. testified that he had no objections as this could solve the issue of the farm being unattended during night-time. The Supreme Court underlined that the appellate court had not elaborated on the fact that D.G. had repeatedly promised to pay salaries and that neither victim had other income sources or relatives who could support them.

F. Second appellate proceedings

46. While initially scheduling adjudication by written procedure only, on 16 June 2021 the Vidzeme Regional Court informed the parties that adjudication would continue in oral proceedings as it needed to re-examine evidence.

47. On 31 January 2022 the Regional Court commenced hearings. The court heard G.R.'s testimony, who testified D.G. had not been familiar with dairy farming and had poor management skills, therefore the farm could not generate income. G.R. noted he had been able to leave at any time but stayed because another farm worker persuaded him. G.R. also testified that M.Z. had a conflict with D.G. and therefore M.Z. instigated others to lodge complaints initiating criminal proceedings against D.G. G.R. admitted that he did not perceive himself as a victim of exploitation but considered that D.G. owed him compensation.

48. On 28 February 2022 the Regional Court heard the applicant who testified that she did not remember whether there had been a written contract, however employment terms had been agreed orally. She did not remember the amount of negotiated payment. She had not been satisfied with living conditions but had not complained to D.G. She recalled approximately forty cows on the farm, among them approximately nine calves, but she did not have to milk all of them as D.G. took care of the calves. She explained that morning milking usually lasted approximately two hours, the evening session usually started at 6:00 p.m.; between sessions she rested. She testified that she had not wanted to leave the premises because she had too many personal belongings there. Without them she would have left and returned to her sister with whom she maintained regular contact, since pre-paid phone cards and codes were provided by either D.G. or her sister.

49. On 22 March 2022 the Regional Court again quashed the District Court judgment and acquitted D.G.

50. The appellate court emphasised that accommodation of victims in specifically designated premises where they are expected to live and work is one decisive feature in the trafficking context. However, the court disagreed that the applicant and G.R. had been "accommodated" within the meaning of Section $154^1(1)$ of the Criminal Law or that D.G. had the intention to accommodate them. The court underlined that G.R. asked D.G. whether he could stay only weeks after beginning work. G.R. subsequently admitted he was satisfied with conditions as there was water supply, electricity, a wood stove, a gas stove, and a sanitary unit. Although the applicant complained about conditions alleging the shower malfunctioned and stoves were installed later, she acknowledged she never raised these issues with D.G.

51. Most importantly, the court concluded there was no evidence D.G. intended to provide the applicant and G.R. with a place to live or "accommodate" them. Instead, it was their initiative when they approached

D.G. and asked permission to stay, essentially accommodating themselves. The prosecution's allegation that victims agreed to live on the farm was incorrect since D.G. never made such an offer. D.G. informed the applicant and G.R. it was possible to rent an apartment or room in the nearby village, which they refused. Under these circumstances and due to dairy farming requiring regular attendance, their stay on the farm could not be considered "accommodation" for the purposes of the trafficking offence.

52. The court also disagreed that victims were subjected to forced labour and exploitation. The court underlined that according to witness statements and victims themselves they were often assisted by other farm workers or D.G. They were not working alone and had sufficient rest time between morning and evening milking sessions. Victim statements during the appellate hearing showed they had to milk significantly fewer than forty-six (or forty-two) cows as claimed by the prosecution. The amount of work could not be regarded as excessive.

53. Regarding vulnerability, the court observed the prosecution relied on three criteria: age, physical abilities, and lack of other income sources. However, the court noted that the prosecution relied on these criteria in a generic manner without substantiating how each affected either victim and their choice to live and work on the farm. The court concluded that although the applicant and G.R. were sixty years old they were not retired. There was no information whether either had a disability, such as a reference from the State Medical Commission for Assessment of Health Condition and Working Ability. Neither informed D.G. about alleged health-related issues. Regarding living conditions, neither victim attempted to search for another place of residence, although D.G. informed them of the possibility to rent apartment in the nearby village. Prior to employment the applicant lived with her sister but chose to stay on the farm for her own convenience. The court considered that G.R. and the applicant had other choices and alternatives where to live and were not in a situation where they had no other choice than to continue staying.

54. Regarding lack of other income sources, the court was not convinced that working on the farm was the applicant's and G.R.'s only possibility to earn a living. Prior to employment they had not been registered as unemployed and had not applied for unemployment allowance. Neither had been registered as low-income persons, which would have allowed applying for social services and assistance with local municipality. G.R. testified that he had various "side-jobs" and had made savings. The applicant had previously been assisted and supported by her sister. The court concluded that D.G. had no reasons to believe the applicant and G.R. were financially helpless and would have no other choice than to comply.

55. The court considered that neither the applicant nor G.R. had been subjected to servitude since they received some money and were provided food, groceries and medications, although not initially agreed upon. The court

disagreed that the amount of time spent on the farm equalled time regarding which salaries had to be calculated. The court noted it was impossible to establish the precise number of hours worked, amount of milk obtained, and money received from the dairy company. Evidence indicated that the actual number of cows was closer to twenty-six. The applicant and G.R. were expected to clean and sanitise milking equipment after each session, which they did not always do, resulting in milk disposal or, when mixed with products from other farms, rendering entire batches unusable, for which D.G. had to compensate other farmers.

56. The court had before it the opinion of I.P., a psychologist who had conducted a standardised psychodiagnostics on the applicant whilst she was receiving rehabilitation services at the shelter (see paragraph 15 above), and who had concluded that the applicant's cognitive abilities were at the level of mild mental retardation with decision-making capacity equivalent to that of a child aged nine to twelve. The court found that I.P.'s assessment was not objective because her findings had been influenced by the applicant in the context of their rehabilitation sessions. Having heard the applicant in person during the hearings, the court established that she was able to perceive the circumstances relevant to the case and to understand her own interests.

57. The court did not share the prosecution's allegation that D.G.'s intention was to mislead the applicant and G.R. or that he lied about not having money to pay salaries. The court observed that the case materials indicated D.G. indeed did not have sufficient financial resources due to lack of experience and poor management and farming skills, as most generated income was spent on livestock.

58. Under these circumstances, the appellate court concluded D.G.'s actions did not disclose elements of *corpus delicti* as required by Sections 154^1 and $154^2(1)$ of the Criminal Law.

G. Final Supreme Court proceedings

59. The prosecutor appealed against the appellate court judgment. On 25 October 2022 the Senate of the Supreme Court refused to initiate cassation proceedings. The Senate acknowledged the appellate court had examined all evidence in its entirety, including whether the testimonies and statements mutually corroborate and support each other. The Senate observed the appellate court focused its analysis on three aspects previously emphasised by the Senate: whether D.G.'s actions and intentions satisfied the requirements of *corpus delicti* of servitude or exploitation for the purpose of forced labour; whether D.G. had "accommodated" the applicant and G.R.; and whether the applicant and G.R. were vulnerable persons. The Senate concluded there were no grounds to initiate cassation proceedings.

RELEVANT LEGAL FRAMEWORK

I. DOMESTIC LEGAL FRAMEWORK

A. Legislation

60. The Latvian Constitution (*Satversme*) establishes that the State shall protect human honour and dignity (Article 95). Forced labour is prohibited (Article 106).

61. Section 154^1 of the Criminal Law (*Krimināllikums*) provides that a person who commits trafficking in human beings shall be sentenced to deprivation of liberty for a period of up to eight years, with or without confiscation of property.

62. Section 154^2 defines trafficking in human beings as follows:

> "(1) Trafficking in human beings is the recruitment, transportation, transfer, concealment, accommodation or reception of persons for the purpose of exploitation, committed by using violence or threats or by means of deceit, or by taking advantage of the dependence of the person on the offender or of his or her state of vulnerability or helplessness, or by giving or obtaining material benefits or benefits of another nature in order to procure the consent of such person, upon which the victim is dependent.
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> ...
>
> (3) Within the meaning of this Section, exploitation is the involvement of a person in prostitution or in other kinds of sexual exploitation, the compulsion of a person to perform labour, to provide services or to commit criminal offences, the holding of a person in slavery or other similar forms thereof (debt slavery, serfdom, or compulsory transfer of a person into dependence upon another person), and the holding of a person in servitude or also the illegal removal of a person's tissues or organs.
>
> (4) Within the meaning of this Section a state of vulnerability means using the circumstances when a person does not have another actual or acceptable choice, only to submit to exploitation."

63. Section 280 of the Criminal Law provides that a person who commits violation of restrictions or legal regulatory framework regarding employment of persons, provided it has been committed by the employer and has caused substantial harm, shall be sentenced to short-term deprivation of liberty or probationary supervision, or community service, or a fine.

64. The Criminal Procedure Law (*Kriminālprocesa likums*) establishes the mandatory nature of criminal proceedings as one of its basic principles. Under Section 6, any official authorised to conduct criminal proceedings is obliged, whenever the reason and grounds for initiating proceedings become known, to institute those proceedings and carry them through to a fair resolution, independently of the will of the person to whom harm has been inflicted. Section 96(2) further requires the person directing the proceedings to inform an individual in good time of the right to be recognised as a victim.

65. By amendments adopted in 2016, the Criminal Procedure Law was supplemented by Section 96^1, introducing the category of "specially protected

victim". Persons who have suffered from trafficking in human beings are recognised as specially protected victims and are entitled to a range of procedural safeguards in addition to the general rights of victims in criminal proceedings. These include the right to participate in procedural actions accompanied by a trusted person, to be questioned in a specially equipped room without the presence of persons unconnected to the relevant procedural action, to give evidence in court by video link rather than in person, and to be informed of any release or escape of the arrested or convicted person.

B. Judicial practice

66. By a judgment of 7 September 2023, which became final, the Riga District Court convicted the defendant on five counts of trafficking in human beings under Section $154^1(1)$ of the Criminal Law, together with additional charges relating to organising theft and the unlawful use of payment instruments (case no. 11815001121). The defendant was sentenced to an aggregate penalty of four years and six months' deprivation of liberty, suspended for a probationary period of five years, and a fine of twenty minimum monthly salaries (EUR 12,400).

67. The District Court found that between 2020 and 2021 the defendant conducted a scheme of trafficking for forced labour across multiple properties requiring renovation work. He deliberately targeted persons in situations of acute vulnerability, including the homeless, those without income or family support, and one victim with a mental illness impairing decision-making. He recruited them by false promises of wages, provision of food and accommodation, and prospects of legitimate employment, intending instead to extract unpaid labour to renovate and improve his properties for personal financial gain.

68. In the District Court's view, the systematic nature of the trafficking operation was demonstrated through the defendant's consistent exploitation methods involving five victims over an eighteen-month period. All victims were lodged in trailers or unfinished flats within fenced properties, given only limited food or subsistence, and compelled to carry out a wide range of tasks, from demolition and renovation to agricultural, maintenance and cleaning work. The defendant exercised comprehensive control over victims through surveillance of their labour, imposition of excessive and night-time hours, and repeated use of violence or threats. In one case the defendant seized identity documents and a bank card to prevent the victim from accessing his own resources.

69. The District Court considered these practices to amount to systematic abuse of vulnerability and helplessness. Physical violence included punches, kicks and beatings with objects; threats with knives and drowning; and coercion to continue working at night. Psychological control was exerted through shouting, humiliation, and aggressive criticism to justify withholding

wages. Victims were isolated within the defendant's properties, made dependent on irregular food deliveries, and effectively deprived of any real alternative but to comply.

70. The evidence showed that the defendant knowingly exploited both the pre-existing and situational vulnerabilities of his victims. Several victims suffered from mental health conditions that impaired their ability to recognise the exploitative nature of their situation, while others faced homelessness, unemployment and social isolation that left them dependent on the defendant's promises of work and accommodation. The defendant's awareness of these vulnerabilities was evident from his targeting methods and his use of victims' specific circumstances against them, including fraudulent use of one victim's disability status to obtain tax exemptions and another victim's identity to establish utility contracts in the victim's name while retaining the financial benefits for himself.

71. The overall financial exploitation exceeded EUR 19,000, including more than EUR 14,000 in unpaid wages, EUR 2,649 in misappropriated pensions and benefits, and additional sums through fraudulent utility contracts and tax exemptions. In one episode the defendant compelled a victim to steal computer equipment worth EUR 750, extending the trafficking beyond labour exploitation into forced criminal activity.

72. The District Court characterised the defendant's conduct as trafficking in human beings under Section 154[1](1) of the Criminal Law. It held that the offence covers situations in which defendants exploit victims' objective vulnerability through systematic deception regarding employment terms, maintain control through accommodation dependency and threats of violence, and extract forced labour for the defendant's economic benefit. It emphasised that forced labour does not require physical restraint: it is sufficient that, owing to their vulnerable situation and the defendant's threats or control, victims had no acceptable alternative but to perform the work. The court distinguished this from ordinary employment disputes by reference to the defendant's prior intention to exploit, shown in his pattern of targeting vulnerable persons, use of false promises, systematic non-payment and coercive methods, and the substantial personal benefit he derived from unpaid labour and related financial predation.

II. INTERNATIONAL AND COUNCIL OF EUROPE MATERIAL

73. A comprehensive overview of the relevant international materials concerning trafficking in human beings, slavery, servitude and forced or compulsory labour, including the relevant Council of Europe instruments, may be found in *S.M. v. Croatia* [GC], no. 60561/14, §§ 107-209, 25 June 2020.

74. The Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA), in its second evaluation report on

Latvia (GRETA(2017)2, published on 23 March 2017), noted that Sections 154^1 and 154^2 of the Criminal Law, which give effect to the Council of Europe Convention on Action against Trafficking in Human Beings, had been amended in 2014 with a view to bringing the criminalisation of trafficking in human beings into compliance with that Convention and with Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims. To that end, the forms of exploitation had been expanded to include compulsion to commit criminal activities, abuse of a position of vulnerability had been added among the means of commission of the offence and the term "vulnerability" had been defined (§ 15).

75. In its subsequent third evaluation report (GRETA(2022)02, published on 21 February 2022), GRETA emphasised Latvia's positive obligations under Article 4 of the Convention to adopt adequate measures to prevent trafficking in human beings (THB) for labour exploitation, to protect victims and to ensure effective investigation of any related offences. GRETA urged the Latvian authorities to take measures to strengthen the criminal justice response to THB, including by ensuring that human trafficking offences are proactively and promptly investigated, making use of special investigation techniques to gather material, documentary, financial and digital evidence, without relying exclusively on testimony from victims or witnesses; sensitising prosecutors and judges to the rights of THB victims, providing training incorporating the case-law of the Court and encouraging the development of specialisation in dealing with THB; and ensuring that THB prosecutions result in effective, proportionate and dissuasive sanctions (§ 93).

III. EUROPEAN UNION

76. Article 5 of the EU Charter of Fundamental Rights provides that "no one shall be held in slavery or servitude" (paragraph 1), that "no one shall be required to perform forced or compulsory labour" (paragraph 2), and that "trafficking in human beings is prohibited" (paragraph 3).

77. Article 2 of Directive 2011/36/EU defines trafficking in human beings as the recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over them, by means such as force, coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability, or the giving or receiving of payments or benefits, for the purpose of exploitation. Exploitation includes, at a minimum, sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, the exploitation of criminal activities, or the removal of organs. The Directive further provides that a position of vulnerability means a situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved, that the consent of a victim is irrelevant where any of the prohibited means have been used.

Article 9 of the Directive requires member States to ensure that the investigation or prosecution of trafficking offences is not dependent on reporting or accusation by a victim.

THE LAW

ALLEGED VIOLATION OF ARTICLE 4 OF THE CONVENTION

78. The applicant complained that, while working on a dairy farm between December 2016 and May 2017, she had been subjected to servitude under Article 4 § 1 of the Convention or, alternatively, to forced labour under Article 4 § 2. She argued that the respondent State had failed to provide an adequate legal framework prohibiting and punishing such treatment and had failed to investigate her allegations effectively. Article 4 reads as follows:

> "1. No one shall be held in slavery or servitude.
>
> 2. No one shall be required to perform forced or compulsory labour."

A. Admissibility

79. The Government raised a preliminary objection of non-exhaustion of domestic remedies regarding the applicant's complaint about unpaid wages. In their view, that aspect of the case was purely pecuniary and should have been pursued through civil proceedings under the Labour Law, as the State Labour Inspectorate had advised her. The Vidzeme Regional Court found that an employment relationship had existed, even without a written contract, and accordingly a civil remedy was available. Since the applicant had not used that remedy, she had failed to exhaust domestic remedies. The Government further argued that Article 4 was not applicable to the facts of the present case, as the circumstances complained of did not disclose servitude, forced labour or compulsory labour.

80. The applicant maintained that her application to the Court was not directed at the recovery of unpaid salary and could not be reduced to a civil dispute of a pecuniary nature. Rather, she complained about the nature of her employment as a whole, including the exploitation of her vulnerability and the domestic authorities' failure to recognise the situation as forced labour or servitude within the meaning of Article 4 of the Convention. She further argued that, having been recognised by the State as a victim of trafficking in human beings within the criminal proceedings, she had been entitled to expect those proceedings to provide an effective response and should not have been required to bring parallel civil proceedings. As regards the Government's plea that Article 4 was not engaged, she submitted that this issue was inseparable from the substance of her complaint.

81. The Court notes that the Government's admissibility objection is directed at one specific element of the applicant's complaint, namely the non-

payment of wages, which they treated as a separate pecuniary claim. However, the applicant's complaint concerns the State's positive obligations under Article 4, namely its alleged failure to protect her effectively from forced labour or servitude and to investigate her allegations properly. In that context, the non-payment of wages is relied on only as one indication of exploitation, not as an autonomous complaint. Thus, the question before the Court is whether, taken together with other circumstances, the withholding of remuneration formed part of a course of conduct constituting forced labour or servitude in breach of Article 4. The two issues are not interchangeable, and the availability of a civil remedy addressing the pecuniary element in isolation does not exhaust the Convention complaint. The Government's preliminary objection of non-exhaustion is accordingly dismissed.

82. The Court further considers that the Government's objection that the facts of the case do not fall within the scope of Article 4 is closely linked to the substance of the applicant's complaint. It should therefore be joined to the merits.

83. The application is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention and is not inadmissible on any other grounds. It must therefore be declared admissible.

B. Merits

1. Submissions by the parties

(a) The applicant

84. The applicant submitted that she was held in "servitude" from December 2016 until 4 May 2017 by reason of the cumulative effect of her personal vulnerability and the conditions D.G. imposed on her. She argued that her vulnerability arose from a combination of factors, including her cognitive impairment, pre-retirement age, low educational attainment, the absence of a fixed place of residence and a complete lack of prior engagement with public authorities, each of which left her without any realistic appreciation of her situation or means of altering it. The farm was situated more than three kilometres from the nearest settlement, public transport ran twice daily and was in any event unaffordable given the total non-payment of wages, and she had no driving licence or vehicle; in those circumstances, the nominal possibility of physical departure did not constitute a genuine freedom to leave. The domestic courts applied an unduly formalistic approach to vulnerability, measuring it by reference to formal legal statuses, such as registration as unemployed or entitlement to low-income status, rather than her actual situation, and that the appellate court had improperly discounted an expert psychological assessment. Given her circumstances, it was unnecessary for D.G. to resort to physical restriction: psychological dependence, economic entrapment and geographical isolation were sufficient

to create the feeling of permanence that the Court has held to be the hallmark of servitude (she referred to *Siliadin v. France*, no. 73316/01, § 123, ECHR 2005-VII).

85. The applicant further contended that her situation also constituted "forced or compulsory labour" within the meaning of Article 4 § 2 of the Convention. As regards the menace of a penalty, she argued that, even in the absence of direct or explicit threats, the totality of her circumstances, including her vulnerability, inadequate living conditions, unremitting workload and non-payment of wages, was equivalent in perceived gravity to the kind of threat contemplated in the Court's case-law (she referred to *Siliadin*, cited above, § 118). She distinguished the present case from *Tibet Menteş and Others v. Turkey* (nos. 57818/10 and 4 others, 24 October 2017) and *Adıgüzel and Others v. Turkey* (no. 65126/09, 13 February 2018) on the basis that in those cases remuneration had been paid throughout and the complaints related only to overtime and additional amounts; in her case, no salary of any kind had ever been paid. As regards the voluntary consent, she relied on the principle that prior agreement to perform work carries no decisive weight in the overall assessment, as the actual conditions she endured, including long working hours, duties beyond those originally agreed and non-payment of wages, could not be regarded as voluntarily accepted. D.G.'s use of false promises and deceptions regarding the reason for non-payment constituted a form of psychological coercion recognised by the Court as capable of vitiating consent where an employer takes advantage of the vulnerability of workers (she referred to *Chowdury and Others v. Greece*, no. 21884/15, § 96, 30 March 2017).

86. Whilst Latvia's domestic legal framework formally satisfied its obligations under Article 4, the applicant submitted that it was not effectively applied in practice. She claimed that, as at the date of submission of the application, no conviction had ever entered into force in Latvia under Section 154^1 for trafficking involving forced labour or servitude; the fourteen convictions cited by the Government concerned other forms of trafficking, primarily sexual exploitation. Latvia's Human Trafficking Prevention Plan 2021-2023 acknowledged that institutional stereotypes regarding the expression of free will by victims of deception, fraud or manipulation continued to impede the effective detection and prosecution of labour trafficking cases, and GRETA made findings to the same effect. The consistent failure of the Latvian courts to identify and convict for labour trafficking demonstrated not the absence of the phenomenon but rather an institutional incapacity to recognise it, as further evidenced by the Supreme Court's refusal of 25 October 2022 to admit the cassation appeal on the ground that the case raised no question of significance for the development of case-law, despite the absence of any relevant precedent.

87. Finally, the applicant submitted that the investigative measures taken by the authorities were inadequate to meet the procedural limb of the State's

obligations under Article 4. She pointed first to the delay in the scene-of-crime inspection: the conditions at the farm were only fully documented and photographed on a second visit, by which time they no longer corresponded to those existing during the period of exploitation. She further contended that the pre-trial file did not contain any assessment of whether the facts of the case disclosed forced labour or servitude, and that under Latvian criminal procedure this was a fatal flaw: the qualification of the offence and the establishment of the subjective element of D.G.'s purpose must be determined during the pre-trial stage, since the courts are confined to assessing what has been gathered and established at that stage. The applicant also argued that the authorities had failed even to examine whether the facts disclosed labour exploitation below the trafficking threshold under Section 280 of the Criminal Law, noting that Article 4 of the Convention covers exploitation that falls short of human trafficking as such (she referred to *Zoletic and Others v. Azerbaijan*, no. 20116/12, § 148, 7 October 2021). The applicant lastly emphasised that it was the State's responsibility to conduct proceedings thoroughly, and that it was not legitimate to transfer the functions of the prosecutor onto the victim.

(b) The Government

88. The Government submitted that none of the three objective criteria necessary to establish servitude under the Court's case-law were satisfied in the present case. As regards the obligation to live on another person's property, the applicant had chosen to stay at the farm entirely of her own volition, having arrived with all her belongings before even inspecting the premises, and having refused D.G.'s express suggestion that she rent accommodation in the nearby village; D.G. had never had any intention to accommodate her, and the initiative came from the applicant herself. As regards the obligation to remain and work under coercion, the applicant had replied to an online job advertisement, freely negotiated her terms of employment, confirmed familiarity with the work, and never raised complaints about her conditions with D.G.; D.G. and other farm workers had supplied her with food, groceries, cigarettes and medications which had not been initially agreed upon, and the domestic courts found that D.G. had made some payments, as evidenced by entries in his notebook bearing the applicant's signature. As regards the impossibility of altering her condition, the Government contended that this criterion must be assessed on objective, verifiable facts and not on the victim's subjective perception: the applicant was not socially isolated, was in regular contact with her sister by phone, had other workers present on the farm, left the farm in April 2017 using money provided by D.G. and returned voluntarily of her own accord notwithstanding her sister's invitation to remain with her, which the Government submitted was incompatible with a genuine sense of permanent entrapment. The domestic courts had been thorough and methodologically consistent with the

Court's case-law, and in accordance with the principle of subsidiarity the Court should not substitute its own assessment of the facts for that of the national courts unless their conclusions were arbitrary or manifestly unreasonable, which they were not.

89. The Government maintained that the first criterion of forced labour ("work exacted under the menace of a penalty") was not met, since there had been no violence, threats of violence, or psychological coercion of any kind; the only grievance raised by the applicant during the criminal proceedings was the non-payment of salary, and she had herself confirmed that she had not been threatened. The Government argued that the case was analogous to *Tibet Menteş* and *Adıgüzel* (both cited above), where complaints about unpaid working hours in the absence of any physical or mental coercion had been declared incompatible *ratione materiae* with Article 4 of the Convention. As a consequence, the Government submitted that it was unnecessary to examine the second criterion, since the absence of any menace of a penalty was sufficient to take the complaint outside the scope of Article 4. Should the Court nonetheless reach the second criterion, the Government noted that the applicant had confirmed she was familiar with the tasks required, had acknowledged the workload was not exceptionally heavy, and had agreed with D.G. at the outset that she would perform additional duties alongside milking; the assertion that working conditions were non-voluntary was accordingly unsupported by her own testimony. The Government dismissed the applicant's reliance on general GRETA guidance as an attempt to apply abstract definitions to a specific case without analysis of their pertinence, and rejected any analogy with *Siliadin* (cited above) on the basis that the applicant in that case had been an adolescent in a foreign country whose passport had been confiscated, circumstances wholly different from those of the present case.

90. The Government submitted that Latvia had fully discharged its positive obligation to put in place a legislative and administrative framework, which the applicant had herself acknowledged in her application form. The domestic framework also complied with the requirements of international law, with Sections 154^1 and 154^2 of the Criminal Law being modelled on the Council of Europe Convention on Action against Trafficking in Human Beings and providing definitions covering forced labour, slavery and servitude; GRETA had confirmed their compatibility with the Convention on Action against Trafficking in Human Beings and Directive 2011/36/EU. As to the alleged absence of convictions under Section 154^1 for labour trafficking, the Government pointed to a 2014 Supreme Court summary of case-law on trafficking offences and an updated 2023 version as evidence of a functioning interpretive framework, and drew attention to the judgment of 7 September 2023 (see paragraphs 66-72 above), which illustrated the domestic courts' capacity to identify and prosecute trafficking for the purposes of forced labour. The Government also disputed the applicant's

characterisation of forced labour as the most prevalent form of trafficking in Latvia, as the Prevention Plan 2021-2023 identified sexual exploitation and sham marriages as the dominant categories.

91. The Government maintained that the investigation had been prompt, independent and thorough. There had been no undue delay in the scene-of-crime inspection, as the police had not been informed of the applicant's situation until the SLI forwarded her complaint on 18 May 2017, by which date D.G. had already removed all livestock and equipment on 3 May 2017, and that the on-site examination was conducted on 29 May 2017, immediately following the initiation of proceedings; the authorities could not have been expected to inspect the farm before the applicant had brought her situation to their attention. As regards the applicant's contention that forced labour and servitude had never been assessed, the Government pointed to the decision charging D.G., the prosecutor's detailed assessment of his conduct, and the express focus of the final appellate judgment on whether his actions constituted servitude or exploitation for the purpose of forced labour. The defendant, both victims and numerous other witnesses had been questioned specifically on matters relating to forced labour and servitude, and all relevant circumstances, such as living conditions, working conditions, rest time, food supply and payment, had been examined before three court instances including a remittal by the Supreme Court. As to the applicant's argument regarding Section 280 of the Criminal Law, this provision concerned a minor criminal offence outside the anti-trafficking framework, and that in any event the criminal procedure did not permit the courts to amend the charges or seek evidence of different offences of their own motion without violating the rights of the defence. It further noted that neither the applicant nor her representative had ever lodged complaints about the legal qualification of the offence or the conduct of the investigation before the responsible prosecutor or the appellate courts. The procedural obligation under Article 4 was a requirement of means and not of results, and the acquittal of D.G. did not in itself demonstrate any failing in the investigation; the Supreme Court's second refusal to admit cassation proceedings reflected a proper assessment on points of law following a case that had already been remitted and re-examined.

(c) The third-party intervener

92. The AIRE Centre focused on the procedural obligation under Article 4, submitting that an effective investigation must not depend on a victim presenting herself to the authorities or providing all evidence independently; rather, domestic authorities are required to act on their own initiative where indicators of trafficking are present. They considered that a State's failure to take measures to remove individuals from situations indicating a possibility of trafficking would constitute a violation of Article 4. Drawing on GRETA's 2022 evaluation of Latvia specifically, the AIRE Centre highlighted concerns regarding the low frequency of investigations,

prosecutions and convictions for trafficking, insufficient training of legal and law-enforcement professionals, and deficiencies in access to justice for victims. They further drew attention to Latvia's failure to designate an independent National Rapporteur on trafficking and to the recommendations that a specialised lawyer be appointed as soon as there are reasonable grounds to suspect that a person is a victim of trafficking. Lastly, they emphasised the particular vulnerability of women to trafficking and invited the Court to have regard to the relevant provisions of EU law, namely the Anti-Trafficking Directive and the Victims' Directive, as well as to the international law framework for the protection of persons with disabilities.

(d) The Government's reply to the third party's submissions

93. The Government replied that the AIRE Centre's reliance on GRETA's findings was misplaced, as those recommendations were general in nature, without pointing to any specific failure in the present case. On the obligation to remove individuals from situations indicating a possibility of trafficking, the Government submitted that the relevant threshold required awareness of circumstances giving rise to a credible suspicion of real and immediate risk, and maintained that the authorities had met that threshold by acting promptly upon receipt of the applicant's complaint, initiating criminal proceedings on their own initiative and providing her with compensation, rehabilitation services and legal and psychological support. On the low frequency of prosecutions and convictions, the Government replied that a relatively small number of cases did not of itself demonstrate a breach of Article 4, and that the recommendations concerning the National Rapporteur and State Labour Inspectorate resources were irrelevant on the facts. As to training and the vulnerability of women, the Government submitted that Latvia's Plan on the Prevention of Trafficking in Human Beings 2021-2023 had already recognised women's particular vulnerability and that regular training was provided to judges and law-enforcement officials. Lastly, they pointed out that Latvia had fully implemented both the Anti-Trafficking Directive and the Victims' Directive, and emphasised that the applicant had not been found to have a disability, a matter which the domestic courts had in any event taken into account.

2. *The Court's assessment*

(a) General principles

94. Article 4 of the Convention, together with Articles 2 and 3, enshrines one of the fundamental values of democratic societies (see *Stummer v. Austria* [GC], no. 37452/02, § 116, ECHR 2011, and *Siliadin*, cited above, § 112). Article 4 § 1 prohibits slavery and servitude in absolute terms and admits of no exceptions (see *C.N. v. the United Kingdom*, no. 4239/08, § 65, 13 November 2012).

95. Article 4 § 2 prohibits forced or compulsory labour. The notion of "forced or compulsory labour" under that provision is intended to protect against instances of serious exploitation, irrespective of whether, in the particular circumstances of a case, they are related to the specific human trafficking context (see *S.M. v. Croatia* [GC], no. 60561/14, § 300, 25 June 2020).

96. The Convention does not define "forced or compulsory labour". The Court has had recourse to Article 2 § 1 of ILO Convention No. 29, pursuant to which that term means "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 *Siliadin*, cited above, § 116).

97. The notion of "penalty" is understood broadly. It may extend to physical violence or restraint, but may equally take subtler forms of a psychological nature (see *S.M. v. Croatia*, cited above, §§ 284 and 301). Even in the absence of explicit threats, that criterion may nonetheless be satisfied where the person concerned is placed in a situation equivalent, in terms of the perceived seriousness of the threat, to one involving such threats, including where a vulnerable person is made to fear adverse consequences if he or she ceases to comply (see *Siliadin*, cited above, § 118). By contrast, the mere possibility of dismissal in the event of refusal to work does not correspond to "the menace of any penalty" for the purposes of Article 4 (see *Tibet Menteş and Others*, cited above, § 68).

98. As regards the voluntary nature of the work, prior consent is not in itself decisive. Where an employer abuses a position of power or takes advantage of the vulnerability of workers in order to exploit them, those workers cannot be regarded as having offered themselves for work voluntarily within the meaning of Article 4 § 2 (see *Chowdury and Others*, cited above, § 96).

99. "Servitude" means an obligation to provide one's services that is imposed by the use of coercion and is to be linked with the concept of slavery (see *Siliadin*, cited above, § 124). It constitutes a particularly serious form of denial of freedom, including, in addition to the obligation to perform certain services for others, the obligation to live on another person's property and the impossibility of altering one's condition (ibid., § 123). Servitude is thus an aggravated form of forced or compulsory labour. Its fundamental distinguishing feature lies in the victim's feeling that his or her condition is permanent and that the situation is unlikely to change, that feeling having to be based on objective criteria or brought about or maintained by those responsible for the situation (see *C.N. and V. v. France*, no. 67724/09, § 91, 11 October 2012). Objective indicators capable of reinforcing a victim's feeling of helplessness include isolation, lack of freedom of movement and free time, lack of means or resources to live elsewhere, and dependency on the perpetrators (see *Siliadin*, cited above, §§ 126-27).

100. Compliance with Article 4 is not confined to the State refraining from direct action by its own authorities. States have positive obligations under that provision, in the same way as under Articles 2 and 3 of the Convention (see *Siliadin*, cited above, § 89). Those obligations include a duty to put in place an appropriate legislative and administrative framework, a duty, in certain circumstances, to take operational measures to protect victims or potential victims of trafficking and a procedural obligation to investigate (see *S.M. v. Croatia*, cited above, § 306).

101. Article 4 requires States to penalise and prosecute effectively any act aimed at maintaining a person in a situation of servitude or forced or compulsory labour and to put in place a legislative and administrative framework capable of ensuring the practical and effective protection of victims (see *C.N. v. the United Kingdom*, cited above, § 66, and *Rantsev v. Cyprus and Russia*, no. 25965/04, § 285, ECHR 2010 (extracts)). In the context of labour exploitation, Article 4 § 2 implies a positive obligation to establish a legal and regulatory framework enabling the prevention of exploitation, the protection of victims and the investigation and prosecution of any act aimed at maintaining a person in such a situation (see *Chowdury and Others*, cited above, §§ 86-89 and 103-04).

102. Article 4 further entails a procedural obligation to investigate where there is a credible suspicion that an individual's rights under that provision have been violated (see *S.M. v. Croatia*, cited above, § 307). The requirements of that obligation are informed by the converging principles applicable under Articles 2 and 3 of the Convention (ibid., §§ 309-11). It is an obligation of means and not of result. The authorities must take all reasonable steps available to them to collect evidence and elucidate the circumstances of the case, and the conclusions of the investigation must be based on a thorough, objective and impartial analysis of all relevant elements. The investigation must be independent, capable of leading to the identification and punishment of those responsible, conducted with reasonable expedition and involve the victim to the extent necessary to safeguard her legitimate interests. Defects in the proceedings will disclose an issue under Article 4 only where they amount to significant flaws capable of undermining the investigation's ability to establish the facts or identify those responsible, and not where they consist merely of isolated errors or omissions (ibid., §§ 312-20).

(b) Applicability of Article 4 of the Convention

103. The Court reiterates at the outset that, where a complaint under Article 4 essentially concerns the State's positive and procedural obligations, the question of applicability does not require it to determine conclusively whether the treatment complained of fell within the scope of that provision. What is required is an assessment of whether the applicant made an "arguable claim", supported by prima facie evidence, that she had been subjected to

prohibited treatment. That assessment must be based on the circumstances prevailing at the time when the allegations were made, and not on the conclusions subsequently reached at the end of the domestic proceedings. To rely on such findings would risk circular reasoning, thereby placing an arguable claim outside the Court's scrutiny altogether (see *I.C. v. the Republic of Moldova*, no. 36436/22, § 146, 27 February 2025; *Zoletic and Others*, cited above, §§ 156 and 160; and *S.M. v. Croatia*, cited above, §§ 324-25).

104. Turning to the present case, the Court observes that the applicant's complaint was not confined to a simple labour dispute over unpaid wages. Her account, as presented to the domestic authorities, disclosed several elements capable of constituting an arguable claim of forced labour or servitude within the meaning of Article 4. She alleged that she had been recruited on the promise of remuneration, which was not paid, and that she lived on the employer's property throughout the period in question. The material before the authorities further indicated that she worked there for several months, allegedly depended in practice on D.G. for food, medications and essential supplies, and remained on the farm in circumstances of prolonged non-payment and limited practical alternatives. Those elements, taken together, were sufficient, at least on their face, to warrant examination under Article 4. Whilst the appellate court ultimately acquitted D.G. (see paragraphs 49-58 above), that conclusion is not decisive for the issue of applicability, which must be assessed by reference to the circumstances known when the allegations were made. In that regard, the employer's conviction at first instance and the Supreme Court's remittal for insufficient examination of vulnerability (see paragraphs 32-35 and 45 above) are consistent with the view that the applicant's complaint was at least credible and supported by prima facie evidence.

105. In these circumstances, and having regard to the sum of factual indications available to the authorities at the time, the Court concludes that the applicant raised an arguable claim, supported by prima facie evidence, that she had been subjected to treatment falling within the ambit of Article 4 of the Convention, whether characterised as forced or compulsory labour, servitude, or trafficking for the purpose of labour exploitation. The Government's preliminary objection concerning the applicability of Article 4 is accordingly dismissed.

(c) Compliance with the positive obligations under Article 4

(i) Existence of an appropriate legal framework

106. The Court reiterates that the range of safeguards set out in national legislation must be adequate to ensure the practical and effective protection of victims or potential victims of treatment contrary to Article 4 (see paragraphs 100-101 above, and *Rantsev*, cited above, §§ 284-85), including

by criminalising the impugned conduct and enabling the prevention, identification and punishment of abuse by private parties. Article 4 does not, however, require any particular legislative technique or guarantee any specific result in individual cases; the question is whether the domestic legal order, taken as a whole, was capable of providing effective protection against the forms of exploitation proscribed by that Article. Such deficiencies, capable of leaving victims without practical and effective protection, may include the absence of an applicable criminal offence, a narrowly drawn definition or a short limitation period (see *Siliadin*, cited above, § 148; *C.N. v. the United Kingdom*, cited above, § 76, and *T.I. and Others v. Greece*, no. 40311/10, §§ 143-44, 18 July 2019). The legislative framework obligation also extends to the domestic criminal-procedure law, which must contain provisions guaranteeing effective investigations and the possibility of punishment and prosecution of perpetrators (see *Chowdury and Others*, cited above, § 108).

107. In the present case, the Court notes that Latvian law expressly prohibits forced labour at constitutional level (see paragraph 60 above), whilst Sections 154^1 and 154^2 of the Criminal Law applicable in the present case (see paragraphs 61-62 above) criminalise trafficking in human beings, defining it in terms of recruitment, transportation, accommodation and reception for the purpose of exploitation, committed through deception or abuse of a state of vulnerability; that exploitation is expressly defined to include compelling a person to perform labour, holding a person in servitude and holding a person in a state akin to slavery. These definitions replicate the constituent elements of the international definition of trafficking in human beings as set out in the Anti-Trafficking Convention, the relevant provisions of the Criminal Law having been amended with a view to bringing the criminalisation of trafficking into compliance with that Convention and with Directive 2011/36/EU (see the GRETA report in paragraph 74 above). The domestic framework accordingly covered, on its face, the conduct which the applicant complained of.

108. The Court further observes that the applicant was able, in practice, to avail herself of that framework: criminal proceedings were instituted under section 154^1 of the Criminal Law, she was recognised as a victim and granted access to State-funded rehabilitation and victim compensation (see paragraphs 14-15 and 26 above). As regards the procedural requirements, Latvian criminal procedure recognises victims of trafficking in human beings as "specially protected victims" with additional procedural rights and provides for the mandatory institution of criminal proceedings where the relevant grounds are known independent of a formal complaint from the victim (see paragraphs 64 and 65 above). In the present case, the proceedings were instituted by the authorities of their own motion, without any complaint by the applicant to the police (see paragraph 14 above), which is consistent

with the requirements of the Anti-Trafficking Convention and the Court's case-law (see *Rantsev*, cited above, § 288).

109. There remains the applicant's claim that the domestic framework was deficient merely because there had been no final conviction in Latvia for trafficking for the purpose of labour exploitation (see paragraph 86 above). The Court notes in this connection that the Riga District Court delivered a conviction under Section 154^1 of the Criminal Law on 7 September 2023, in respect of five episodes of trafficking in human beings for forced labour affecting multiple victims over an eighteen-month period (see paragraphs 66-72 above). That judgment, although delivered after the conclusion of the domestic proceedings in the present case, demonstrates that Section 154^1 is operationally capable of producing convictions for forced labour exploitation. In any event, the effectiveness of the legal framework under Article 4 cannot be assessed solely by reference to conviction statistics. Nor does the acquittal in the applicant's own case suffice, of itself, to disclose a structural deficiency in the legislation. The Court has consistently distinguished between the existence of an adequate legal framework and the separate question whether the authorities applied it effectively in a particular case (see *Zoletic and Others*, cited above, §§ 183-84, and *I.C. v. the Republic of Moldova*, cited above, § 145).

110. Lastly, the Court notes the concerns highlighted by the third-party intervenor in connection with the GRETA evaluation reports on Latvia (see paragraphs 73 and 92 above), such as the low number of investigations, prosecutions and convictions for trafficking, the absence of a designated National Rapporteur on trafficking and the recommendation to improve specialist training for legal professionals and law-enforcement officials. Without calling into question the analysis carried out by that body in its assessment of the respondent State's compliance with the international instrument which it had been established to monitor, the Court reiterates that, in cases arising from individual applications, its role is to determine whether a given situation discloses a violation of the Convention rather than to identify best practices in the field or to review a State's compliance with other international instruments (see *A and B v. Croatia*, no. 7144/15, § 120, 20 June 2019, and *Humpert and Others v. Germany* [GC], nos. 59433/18 and others, § 126, 14 December 2023).

111. Having regard to the elements above, the Court finds that Latvia has had in place a substantive and procedural framework capable, in principle, of providing effective protection against the treatment alleged by the applicant and that it disclosed no deficiency of the kind that has led the Court to find a violation of the framework obligation in comparable cases (see the examples cited in paragraph 106 above).

(ii) Efficiency of the investigation

112. The Court will next examine whether the domestic authorities carried out an effective investigation within the meaning of Article 4. The general principles applicable to that assessment are set out in paragraph 102 above.

113. As regards the legal characterisation of the applicant's allegations, the Court observes that, once the complaint had been forwarded by the State Labour Inspectorate ("the SLI") to the police and criminal proceedings had been opened, the domestic authorities treated the matter as potentially engaging Article 4 rather than as a mere labour dispute. The pre-trial investigation was conducted under the trafficking provisions of the Criminal Law, and the statement of facts in the decision declaring D.G. a suspect was subsequently supplemented on the basis of information obtained during the investigation (see paragraph 27 above). The prosecutor then charged D.G. with trafficking in human beings and issued a bill of indictment (see paragraph 28 above). The final appellate judgment expressly examined, following the directions given by the Senate of the Supreme Court (see paragraph 45 above), whether D.G.'s actions disclosed servitude or exploitation for the purpose of forced labour (see paragraphs 52 and 58 above). Those steps show that the authorities did not disregard the applicant's allegations and did in fact make use of the criminal-law mechanisms available under domestic law.

114. As regards the requirement of promptness and, in particular, the applicant's argument that the on-site inspection had been unduly delayed, the Court observes that criminal proceedings were instituted on 26 May 2017, within days of the receipt of the SLI's referral, and that an on-site examination of the farm was carried out three days later, on 29 May 2017, resulting in a detailed procedural record and photographs (see paragraph 14 above). By the time the police became aware of the applicant's situation through the SLI's referral, D.G. had already removed the livestock and equipment a few days earlier (see paragraph 11 above). The Court finds that the on-site inspection conducted on 29 May 2017 was prompt and that, in any event, no evidence can arguably be claimed to have been lost.

115. Once instituted, the proceedings were conducted with reasonable expedition. The authorities took a significant number of investigative steps to secure the relevant evidence, and there is no indication that they failed to pursue any obvious line of inquiry. The applicant was interviewed on several occasions, as were her sister, G.R., M.Z., the former farm worker A.B., the veterinary official I.A., employees of the dairy processing company, and a number of persons who had assisted D.G. by bringing supplies to the farm (see paragraphs 16-25 and 29 above). The police examined D.G.'s mobile telephone, including SMS exchanges with the applicant, and the trial court later reviewed D.G.'s notebook containing entries relating to payments and items delivered to farm workers (see paragraphs 21 and 31 above). The case

was then examined at three levels of jurisdiction, including following remittal by the Senate of the Supreme Court for further examination of the evidence (see paragraphs 30-32 and 36-59 above). The applicant was legally represented throughout the proceedings and was involved in the procedure at all stages to an extent adequate to safeguard her legitimate interests (see *Rantsev*, cited above, § 288).

116. In the Court's view, those measures were capable of elucidating the principal features of the applicant's living and working situation on the farm, including the conditions of her accommodation, the nature and extent of her work, the arrangements concerning food and supplies, the question of payment, and the existence or otherwise of vulnerability and exploitation. Unlike in cases where the authorities failed to open any meaningful criminal investigation, or confined themselves to a manifestly superficial inquiry, the present case involved a sustained investigative and judicial response extending over several years and across all levels of jurisdiction (contrast *Zoletic and Others*, cited above, § 206).

117. The applicant's central grievance is that the domestic courts ultimately acquitted D.G. and that that outcome demonstrates an institutional inability to recognise labour exploitation as a criminal offence (see paragraph 87 above). The Court reiterates that the procedural obligation under Article 4 is one of means and not of result; an acquittal does not in itself disclose a violation of that provision unless it is the product of significant shortcomings in the proceedings (see paragraph 102 above).

118. The Court notes that the case was examined through several rounds of judicial consideration, including a remittal by the Senate of the Supreme Court which identified shortcomings in the earlier appellate court's assessment of vulnerability and required a fresh examination of the evidence (see paragraphs 45-58 above). Following remittal, the Vidzeme Regional Court held oral hearings, re-examined witnesses including the applicant and G.R. in person, and delivered a detailed judgment addressing, in particular, the issues of accommodation, the nature of the work performed and vulnerability. It concluded, on the basis of the evidence before it, that the applicant had remained on the farm on her own initiative (see paragraphs 50-51 above), that the work performed could not be regarded as excessive (see paragraph 52 above), and that the prosecution had not substantiated, in relation to the persons concerned, its reliance on age, physical condition and lack of income as indicators of vulnerability (see paragraphs 53-54 above). On the second cassation appeal, the Senate of the Supreme Court observed that the appellate court had examined the evidence in its entirety and found no grounds to initiate cassation proceedings (see paragraph 59 above).

119. The applicant raised a further specific concern regarding the appellate court's assessment of the psychologist's report indicating her diminished intellectual capacity. In cases concerning alleged labour exploitation of potentially vulnerable individuals, the Court has emphasised

the importance of domestic courts taking adequate account of the possible impact of a victim's psychological state on her ability to perceive and articulate her own situation and of the authorities demonstrating an understanding of the subtle ways in which a vulnerable person may come under the control of another (see *S.M. v. Croatia*, cited above, §§ 343-44; and *B.B. v. Slovakia*, no. 48587/21, § 99, 24 October 2024). In the present case, the appellate court considered that the psychologist's findings were unreliable, having been formed, as they were, in the context of a therapeutic rather than a forensic relationship with the applicant, and that the applicant, as observed by the court in person during the hearings, did not display impairments affecting her ability to perceive and present her own situation (see paragraph 56 above).

120. In the context of the case, the Court notes that the applicant's ability to leave the farm freely, to maintain regular contact with her sister by mobile telephone, to return voluntarily following a visit and to request and receive money from D.G. constituted objective and verifiable aspects of her situation to which the appellate court was entitled to have regard. The domestic courts treated vulnerability as an essential legal element; having examined the issue, they concluded, on the basis of the evidence as a whole, that the specific elements of vulnerability required under domestic law had not been established in respect of the applicant (contrast *I.C. v. the Republic of Moldova*, cited above, §§ 168-76, where multiple cumulative investigative omissions in relation to the applicant's vulnerability fundamentally undermined the proceedings). The question of the weight to be attached to particular items of evidence is primarily a matter for the domestic courts, and the Court is not persuaded that the appellate court's approach to this material disclosed a shortcoming capable of undermining the ability of the proceedings to establish the relevant facts.

121. The applicant also contended that the domestic authorities failed to examine whether the facts disclosed a lesser form of labour exploitation below the trafficking threshold under Section 280 of the Criminal Law. The Court notes, however, that Section 280 concerns violations of the employment regulatory framework and does not form part of the specific anti-trafficking provisions applied in the present case (see paragraph 63 above). Accordingly, Article 4 did not require the domestic courts, of their own motion, to reclassify the facts under that separate offence. The Court further observes that there is no indication that the applicant or her representative raised any specific complaint before the domestic authorities concerning the additional legal qualification of the offence under that provision.

122. Taking the proceedings as a whole, the Court finds that the investigation was prompt and thorough; that it was conducted on the State's own motion without placing any procedural burden on the applicant; that it employed a range of investigative measures and secured evidence from a substantial number of sources; that the applicant was involved in the

proceedings at all stages through legal representation and was afforded access to victim support and compensation; that it covered both forms of treatment alleged; and that the acquittal resulted from an adversarial evidential assessment conducted across multiple instances within the adequate legal framework. The Court does not find any significant flaws capable of undermining the proceedings' ability to establish the circumstances of the case or the identity of those responsible.

(d) Conclusion

123. There has accordingly been no violation of Article 4 of the Convention.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Joins* the Government's preliminary objection as to the applicability of Article 4 of the Convention to the merits and *dismisses* it;

2. *Declares* the application admissible;

3. *Holds* that there has been no violation of Article 4 of the Convention.

Done in English, and notified in writing on 3 September 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

FreiwirthIvana Jelić

Ilse Freiwirth	Ivana Jelić
Registrar	President