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The Harmonization of Criminal Provisions on Human Trafficking: from European Standards to the Particularities of Romanian Criminal Law

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Abstract

This study examines the process of harmonizing criminal legislation on human trafficking within the European Union and its implications for the Romanian criminal justice system. The research aims to identify the degree of convergence between EU directives—particularly Directive 2011/36/EU on preventing and combating trafficking in human beings—and the national provisions of the Romanian Criminal Code, while also assessing the persistent gaps that hinder full normative alignment. The objective is to analyze the extent to which the Romanian legal framework ensures compliance with European standards regarding victim protection, proportionality of sanctions, and cross-border judicial cooperation. Methodologically, the paper employs a comparative and analytical approach, integrating doctrinal analysis with an examination of relevant jurisprudence from the Court of Justice of the European Union and the European Court of Human Rights.

The findings highlight both progress and challenges: while Romania has largely transposed the European acquis, inconsistencies remain in the implementation of victim-centered approaches and the balance between repression and prevention. The study argues that genuine harmonization requires not only legislative compatibility but also institutional coordination, procedural guarantees, and a shared European legal culture that transcends national boundaries. These results contribute to the broader discussion on European criminal integration and the modernization of national penal systems in light of supranational human rights standards.

Keywords: Human Trafficking, European Union Law, Criminal Harmonization, Romanian Criminal Code, Victim Protection, Judicial Cooperation, Proportionality of Punishment