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The Comparative Analysis of Regulations on Human Trafficking in European and Romanian Criminal Law

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Abstract

This paper provides a comparative analysis of the legal framework governing human trafficking in European and Romanian criminal law, emphasizing both convergence and divergence in legislative approaches, sanctioning systems, and victim protection mechanisms. Human trafficking, as one of the most severe forms of transnational organized crime, challenges the traditional boundaries of national criminal law, requiring coordinated responses grounded in international and European standards. The study examines key normative instruments such as Directive 2011/36/EU, the Council of Europe Convention on Action against Trafficking in Human Beings, and relevant Romanian criminal provisions (Articles 210–217 of the Criminal Code). Methodologically, the research employs a qualitative comparative approach, combining legal analysis with doctrinal interpretation and case-law review from the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECHR). The findings reveal a high degree of formal alignment between Romanian and European standards but also highlight practical deficiencies in victim assistance, interdisciplinary cooperation, and the consistent application of the principle of proportionality in sentencing. The article argues that effective combat against trafficking requires not only legislative harmonization but also an integrative approach involving criminal justice, social policy, and psychological support for victims. By bridging normative analysis with human-rights-based perspectives, this study contributes to the ongoing discourse on the Europeanization of criminal law and the consolidation of a victim-centered penal framework.

Keywords: Human Trafficking, European Criminal Law, Romanian Criminal Code, Comparative Analysis, Victim Protection, Proportionality, Europeanization of Law