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International Judicial Cooperation in Human Trafficking Cases: Practical Challenges and Solutions

Mihai ŞTEFĂNOAIA [1]
Ludmila SPÎNU-DUMNEANU [2]

[1] Lecturer P.h.D, Faculty of Law and Administrative Sciences, Ştefan cel Mare University Suceava, Romania; stefanoaiamihai@yahoo.com
[2] Associate Professor P.h.D., Faculty of Law, Moldova State University Republic of Moldova; bpaplspinu@gmail.com

Abstract: *Human trafficking constitutes one of the most serious forms of transnational organized crime, frequently involving cross-border elements that exceed the jurisdiction of a single state. In this context, international judicial cooperation becomes an essential instrument for the effective prevention, investigation, and prosecution of human trafficking offences. This article aims to analyze the mechanisms of international judicial cooperation applicable to human trafficking cases, highlighting the main practical challenges faced by judicial authorities, as well as the legal and institutional solutions developed at international, European, and national levels. The study considers both traditional instruments of cooperation, such as extradition and mutual legal assistance, and modern forms of cooperation, including joint investigation teams and cooperation through specialized bodies. In conclusion, the article emphasizes the need to strengthen international judicial cooperation as an indispensable prerequisite for effectively combating human trafficking and ensuring the real and effective protection of victims.*

Keywords: *human trafficking; international judicial cooperation; extradition; mutual legal assistance; joint investigation teams.*

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Introduction

Human trafficking is widely recognized as one of the most serious forms of transnational organized crime, posing a significant threat to fundamental human rights, public order, and the rule of law. It constitutes a complex criminal phenomenon that exploits vulnerable individuals for purposes such as sexual exploitation, forced labour, servitude, forced begging, or other forms of exploitation, often generating substantial illicit profits for criminal networks. Owing to its inherently transnational character, human trafficking typically involves multiple jurisdictions, functioning through chains of recruitment, transportation, and exploitation that extend across national borders (Obokata, 2006).

The cross-border nature of human trafficking creates substantial challenges for criminal justice systems, particularly with regard to the investigation, prosecution, and adjudication of cases. Evidence, victims, suspects, and criminal proceeds are frequently located in different states, making it difficult for national authorities to act effectively in isolation. In this context, international judicial cooperation emerges as a crucial instrument for overcoming jurisdictional limitations and ensuring that perpetrators are held accountable regardless of where the offence is committed or where its effects materialize (UNODC, 2018).

International and regional legal frameworks increasingly emphasize the obligation of states to cooperate in criminal matters related to human trafficking. Instruments adopted under the auspices of the United Nations and the European Union impose duties of cooperation in areas such as extradition, mutual legal assistance, joint investigations, and the exchange of information. These mechanisms are intended not only to enhance the effectiveness of criminal proceedings, but also to prevent situations of impunity arising from fragmented or uncoordinated judicial responses (United Nations, 2000).

Within the European Union, judicial cooperation in criminal matters has been significantly strengthened through the principle of mutual recognition and the development of specific procedural instruments, such as the European Arrest Warrant and the European Investigation Order. These tools aim to facilitate faster and more efficient cooperation between judicial authorities, particularly in cases involving serious cross-border crime, including human trafficking (European Parliament & Council, 2011). Nevertheless, despite the existence of an advanced legal framework, practical obstacles continue to hinder the effective implementation of judicial cooperation in trafficking cases.

Against this background, the present article examines international judicial cooperation in human trafficking cases, focusing on the main practical challenges encountered by judicial authorities and the legal and institutional solutions developed at international and European levels. By analyzing both normative instruments and practical experiences, the study seeks to highlight the importance of coordinated judicial action as a prerequisite for combating human trafficking effectively and for ensuring the protection of victims' rights within transnational criminal proceedings.

Legal framework of international judicial cooperation in human trafficking cases

At the international level, the cornerstone of judicial cooperation in human trafficking cases is the *United Nations Convention against Transnational Organized Crime* (UNTOC), together with its Additional Protocols, in particular the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*. These instruments establish a comprehensive legal framework aimed at addressing transnational organized crime through coordinated action by States Parties. One of their fundamental objectives is to strengthen international cooperation in criminal matters, recognizing that isolated national responses are insufficient to combat complex cross-border criminal phenomena such as human trafficking (United Nations, 2000).

UNTOC and the Trafficking Protocol impose on States Parties the obligation to cooperate in areas such as extradition, mutual legal assistance, transfer of sentenced persons, and joint investigative measures. Extradition is regulated as a key mechanism for ensuring that perpetrators do not evade justice by crossing borders, while mutual legal assistance facilitates the collection and exchange of evidence, the hearing of witnesses, and the execution of procedural acts across jurisdictions. These provisions reflect a clear commitment to enhancing the effectiveness of criminal proceedings through cooperation based on reciprocity and shared responsibility (UNODC, 2018).

At the European Union level, judicial cooperation in criminal matters is governed primarily by the principle of mutual recognition of judicial decisions, enshrined in Article 82 of the *Treaty on the Functioning of the European Union* (TFEU). This principle is regarded as the cornerstone of judicial cooperation within the EU and is designed to ensure that judicial decisions issued in one Member State are recognized and executed swiftly in another, thereby reducing procedural delays and jurisdictional obstacles (European Parliament & Council, 2011).

Several EU legal instruments play a central role in facilitating effective judicial cooperation in human trafficking cases. The **European**

Arrest Warrant has significantly simplified and accelerated surrender procedures between Member States, replacing traditional extradition mechanisms. The **European Investigation Order** enables judicial authorities to request investigative measures directly from their counterparts in other Member States, promoting efficiency and procedural coherence. In addition, **Joint Investigation Teams (JITs)** provide a flexible and operational framework for coordinated investigations involving authorities from multiple Member States, allowing for real-time cooperation, direct evidence sharing, and enhanced strategic coordination (Eurojust, 2020).

Taken together, the international and European legal frameworks demonstrate a progressive shift toward integrated and cooperative approaches to criminal justice in cases of human trafficking. By establishing binding obligations and practical mechanisms for judicial cooperation, these instruments seek to overcome jurisdictional fragmentation and ensure that human trafficking is addressed as a shared transnational challenge. Nevertheless, the effectiveness of these frameworks ultimately depends on their consistent implementation and the capacity of national authorities to utilize available cooperation tools in a timely and coordinated manner.

Forms of international judicial cooperation in human trafficking cases

International judicial cooperation in human trafficking cases is implemented through a variety of legal mechanisms designed to overcome jurisdictional fragmentation and facilitate coordinated criminal proceedings. Given the transnational nature of trafficking networks, these forms of cooperation are indispensable for ensuring the effective investigation, prosecution, and punishment of offenders. Among the most relevant mechanisms are extradition, mutual legal assistance, and joint investigation teams, each of which serves a distinct yet complementary function within the broader framework of transnational criminal justice.

Extradition

Extradition represents one of the oldest and most traditional forms of international judicial cooperation, aiming at the surrender of a person by the requested state to the requesting state for the purpose of criminal prosecution or the enforcement of a custodial sentence. In human trafficking cases, extradition plays a crucial role in preventing perpetrators from evading criminal liability by relocating to another jurisdiction (Bassiouni, 2014).

However, the effectiveness of extradition in trafficking cases is often hindered by a number of legal and practical obstacles. These include differences in national criminal legislation, the requirement of double

criminality, and the principle of non-extradition of a state's own nationals, which continues to be applied in several legal systems (United Nations, 2000). Additionally, concerns related to human rights protection,such as the risk of inhuman or degrading treatment or the lack of fair trial guarantees in the requesting state, may justify refusal of extradition and further complicate proceedings (Obokata, 2006).

Within the European Union, many of these challenges have been mitigated through the replacement of traditional extradition procedures with the European Arrest Warrant, which is based on mutual trust and mutual recognition of judicial decisions. This mechanism has significantly increased the speed and efficiency of surrender procedures in serious cross-border crime, including human trafficking (European Parliament & Council, 2011).

Mutual legal assistance

Mutual legal assistance (MLA) constitutes a central pillar of international judicial cooperation, encompassing a wide range of procedural measures such as the hearing of witnesses and victims, the collection and transmission of evidence, searches and seizures, asset freezing, and cross-border confiscation. In human trafficking cases, MLA is essential for dismantling criminal networks that operate across multiple jurisdictions and for securing evidence located outside the prosecuting state's territory (UNODC, 2018).

The complexity of trafficking investigations often requires the rapid exchange of sensitive information and the coordination of procedural acts in different states. Nevertheless, MLA procedures may be affected by bureaucratic delays, language barriers, and differences in procedural rules, which can undermine the timeliness and effectiveness of criminal investigations (Gallagher, 2010). Furthermore, particular attention must be paid to the protection of trafficking victims involved in MLA procedures, especially when they are required to testify or provide evidence across borders.

At the European level, the European Investigation Order has substantially streamlined MLA by introducing a standardized instrument based on mutual recognition, thereby reducing formalism and enhancing the efficiency of cross-border evidence gathering in trafficking cases (European Parliament & Council, 2014).

Joint investigation teams

Joint Investigation Teams (JITs) represent a modern and highly effective form of international judicial cooperation, allowing competent authorities from two or more states to conduct a coordinated investigation within a single operational framework. JITs enable direct cooperation

between prosecutors, judges, and law enforcement officials, facilitating real-time information exchange, joint evidence collection, and coordinated investigative strategies (Eurojust, 2020).

In human trafficking cases, which frequently involve complex and well-organized criminal networks operating across several states, JITs have proven particularly valuable. They help overcome the limitations of traditional cooperation mechanisms by reducing procedural delays and fostering a common understanding of investigative priorities (Zazzaro, 2025). Moreover, JITs enhance victim-centered approaches by allowing authorities to coordinate protective measures and avoid repeated victim interviews in multiple jurisdictions.

Despite their advantages, the establishment and functioning of JITs require a high level of mutual trust, adequate resources, and clear legal frameworks at the national level. When these conditions are met, JITs constitute one of the most effective tools for addressing the transnational dimension of human trafficking and ensuring coherent and comprehensive criminal proceedings.

Practical challenges in international judicial cooperation

In practice, international judicial cooperation in human trafficking cases faces numerous and often interrelated challenges that significantly affect the efficiency and effectiveness of criminal proceedings. These difficulties stem primarily from the transnational nature of trafficking networks and the structural diversity of national criminal justice systems involved in such cases. As a result, despite the existence of extensive international and European legal frameworks, the practical implementation of judicial cooperation mechanisms remains uneven and, in some instances, insufficient.

One of the most significant challenges concerns the **divergences between national legal systems**, particularly with respect to substantive criminal law, procedural rules, and evidentiary standards. Differences in the definition of human trafficking, the scope of criminal liability, and applicable penalties may complicate cooperation and hinder the application of principles such as double criminality, which is often required in extradition and mutual legal assistance procedures (Gallagher, 2010). These discrepancies can lead to delays or refusals in executing cooperation requests, thereby undermining the coherence of cross-border investigations.

A further major obstacle is the **excessive duration of cooperation procedures**, especially in the context of traditional mechanisms such as extradition and mutual legal assistance. Lengthy processing times may result from bureaucratic formalities, the involvement of multiple authorities, or

insufficient communication between requesting and requested states. In human trafficking cases, such delays are particularly problematic, as they may compromise the collection of evidence, allow suspects to evade justice, or expose victims to continued exploitation or intimidation (UNODC, 2018).

Linguistic and cultural barriers also pose practical challenges to effective judicial cooperation. The need to translate judicial documents, evidence, and witness statements can slow down proceedings and increase the risk of inaccuracies or misunderstandings. Moreover, differences in legal culture and professional practices may affect mutual trust and hinder smooth collaboration between judicial authorities from different jurisdictions (Obokata, 2006).

Another critical issue relates to the **protection of victims within transnational judicial proceedings**. Human trafficking victims are often required to participate in cross-border investigations and trials, which may expose them to retraumatization, security risks, or secondary victimization. Inadequate coordination between states regarding victim protection measures, compensation schemes, and support services can weaken the victim-centered approach promoted by international and European standards (European Parliament & Council, 2011). Ensuring effective victim protection remains a persistent challenge in the context of international cooperation.

Finally, the **lack of specialization and limited resources** of certain judicial authorities may significantly affect the quality and effectiveness of cooperation. Not all states possess adequately trained prosecutors, judges, or law enforcement officers specialized in human trafficking cases or in the use of international cooperation instruments. Resource constraints, including insufficient funding, staffing, and technical infrastructure, further exacerbate these difficulties and limit the capacity of authorities to engage in complex cross-border investigations (Eurojust, 2020).

In conclusion, practical challenges in international judicial cooperation represent a major impediment to the effective prosecution of human trafficking offences. Addressing these obstacles requires not only legal harmonization but also enhanced institutional capacity, professional training, and sustained commitment to international collaboration. Without targeted measures to overcome these challenges, the transnational nature of human trafficking will continue to undermine the effectiveness of criminal justice responses. (Shelley, 2011)

Solutions and perspectives for improvement

Overcoming the practical challenges associated with international judicial cooperation in human trafficking cases requires a systematic

strengthening of both the normative and institutional frameworks governing cross-border criminal justice. While existing international and European instruments provide a solid legal basis for cooperation, their effectiveness largely depends on the manner in which they are implemented and operationalized by national authorities. Consequently, a multifaceted approach combining legal, institutional, and professional measures is essential.

One key solution lies in the **expanded and consistent use of European cooperation instruments**, particularly those based on the principle of mutual recognition. Instruments such as the European Arrest Warrant and the European Investigation Order have demonstrated their capacity to reduce procedural delays and enhance efficiency in cross-border cases involving serious crime, including human trafficking (European Parliament & Council, 2014). Encouraging judicial authorities to make full and systematic use of these tools can significantly improve the speed and effectiveness of cooperation.

Another important avenue for improvement is the **further development and institutionalization of Joint Investigation Teams (JITs)**. JITs allow for direct and continuous cooperation between judicial and law enforcement authorities from different states, facilitating real-time information exchange and coordinated investigative strategies. In human trafficking cases, where criminal networks often operate across multiple jurisdictions, JITs have proven particularly effective in dismantling organized structures and avoiding duplication of investigative efforts (Eurojust, 2020). Expanding access to financial and logistical support for JITs would further enhance their practical impact.

The **specialization and training of magistrates and law enforcement authorities** also play a crucial role in improving international judicial cooperation. Human trafficking cases require not only substantive expertise in criminal law but also a thorough understanding of international cooperation mechanisms and a victim-centered approach. Targeted training programs and specialized units can contribute to more effective use of cooperation tools and to greater consistency in judicial practice (UNODC, 2018).

In addition, the **intensification of information exchange through international and European specialized bodies**, such as Eurojust and Europol, is essential for enhancing coordination and strategic analysis. These institutions facilitate operational cooperation, provide legal and analytical support, and contribute to building mutual trust among national authorities. Strengthening their role in trafficking-related cases can help address intelligence gaps and improve the overall coherence of transnational investigations (Europol, 2021).

Conclusions and discussion

International judicial cooperation represents a cornerstone in the effective fight against human trafficking, given the inherently transnational structure of trafficking networks and the complex patterns of exploitation they generate. As human trafficking frequently involves multiple jurisdictions, encompassing countries of origin, transit, and destination, purely national responses are structurally inadequate. Without coordinated cross-border action, perpetrators are able to exploit jurisdictional gaps, procedural inconsistencies, and delays, thereby increasing the risk of impunity and undermining the credibility of criminal justice systems (Obokata, 2006).

The analysis of existing international and European legal frameworks demonstrates that states are equipped with a broad array of cooperation instruments, ranging from extradition and mutual legal assistance to advanced mechanisms based on mutual recognition and joint investigative action. Instruments developed under the auspices of the United Nations and the European Union reflect a growing recognition that human trafficking must be addressed as a shared transnational threat requiring collective legal responses (United Nations, 2000; European Parliament & Council, 2011). However, the mere existence of these instruments does not automatically guarantee their effective use.

In practice, international judicial cooperation continues to be hindered by a number of persistent challenges. Divergences between national legal systems, particularly in terms of substantive definitions, procedural safeguards, and evidentiary standards, often complicate the execution of cooperation requests. Procedural delays, limited institutional resources, and insufficient specialization among judicial authorities further reduce the effectiveness of cross-border investigations and prosecutions (Gallagher, 2010; UNODC, 2018). These obstacles highlight a gap between normative commitments and operational realities, which remains a critical issue in trafficking-related cases.

From a policy perspective, strengthening international judicial cooperation requires a shift from formal compliance toward **functional integration**. This involves not only improving legal harmonization but also enhancing institutional capacity, professional training, and operational coordination. The expanded use of joint investigation teams, increased reliance on specialized European and international bodies, and the systematic exchange of information are essential components of an effective cooperative framework (Eurojust, 2020; Europol, 2021). Equally important is the adoption of a victim-centered approach, ensuring that judicial

cooperation mechanisms do not inadvertently expose victims to secondary victimization or procedural insecurity.

In conclusion, the fight against human trafficking can only be effective if international judicial cooperation is treated as a dynamic and evolving process, rather than as a purely formal legal obligation. By adopting an integrated and coordinated approach, combining legal instruments, institutional mechanisms, and professional expertise, states can better address the transnational dimensions of trafficking, enhance accountability, and reinforce the protection of victims' rights. Ultimately, such an approach contributes not only to a more effective criminal justice response but also to the broader objectives of safeguarding human dignity, upholding the rule of law, and promoting international solidarity in the fight against organized crime.

AI tools use statement | Authors hereby declare that, during the preparation of this work, we used artificial intelligence tools exclusively for the translation of certain sections of text from Romanian into English. The AI tool used was a linguistic model designed to assist in translation, without interfering in the analysis or interpretation of data and without contributing to the formulation of the scientific conclusions of the study - DeepL. Full responsibility for the accuracy, coherence, and originality of the content rests with the authors, and the material fully complies with the standards of academic integrity and the journal's policy regarding the use of AI.

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