



RESEARCH ARTICLE

International Judicial and Cross-Border Cooperation to Combat Human Trafficking: Analysis of UAE Legislation in Accordance with Global Practice

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ARTICLE INFO

Received: Oct 29, 2023

Accepted: Dec 23, 2023

Keywords

Human trafficking
International judicial
Cross-border cooperation
UAE legislation
Global practice

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ABSTRACT

Human trafficking, a pervasive form of modern-day slavery, victimizes millions globally, particularly affecting those living in extreme poverty and social vulnerability. This research explores the imperative role of international judicial cooperation in combating human trafficking, focusing on the legislative framework in the United Arab Emirates (UAE). Emphasizing the rising complexity of trafficking networks, the study employs a comprehensive political and legal analysis, comparing UAE legislation with global practices. The research delves into the evolution of organized crime, assessing global regulations and national acts in the UAE and Egypt. Utilize descriptive and analytical methods to evaluate cues, procedures, and legislative alignments for international judicial cooperation. Three key questions guide the study: (1) policies and procedures for international judicial cooperation; (2) international and regional conventions fostering collaboration; and (3) the UAE's perspective on human trafficking legislation compared to other Arab countries. The study identifies challenges with comprehensive coverage and data accessibility. By uncovering significant findings that underscore the role of international agreements in diminishing trafficking, this paper highlights the alignment of the UAE's legislative framework with the United Nations Convention against Transnational Organized Crime, emphasizing advocacy for international cooperation. However, critical insights yield recommendations, urging the UAE to reorganize cooperation on fund seizure and disposal prevention. Legislative amendments, including extradition or trial clauses, are proposed to enhance international judicial cooperation, ensuring accountability and combating human trafficking effectively.

INTRODUCTION

Human trafficking is one of the most widespread forms of modern-day slavery, affecting millions of

innocent people worldwide (Durgana and van Dijk, 2021). It is considered a crime of a special nature that concerns a special group of people who frequently live

in a state of extreme poverty and loss of social security. Women and children are among those most affected by human trafficking (UN, 2020). It involves deceptive practices where individuals, enticed by promises of better job opportunities and higher wages abroad, are sold into forced labour. (Prakash and Kanungo, 2020). Modern human trafficking is explained by the demand not only for sexual exploitation but also for illegal organ transplantation, the supply of illegal labour, and terrorism. Economic and social contexts play a role in this, which adapts to the dynamics of the world economy (Kosloski, 2014).

Human trafficking stands as a reprehensible violation of human rights, exploiting vulnerable individuals for various illicit purposes (Bryant and Landman, 2020). It is a flagrant violation of basic human rights, including freedom, equality, and justice (King, 2008). As such, its clandestine nature necessitates a concerted international effort to combat and eradicate this global menace. In this regard, international judicial cooperation plays an important role in preventing and limiting the spread of human trafficking at the international and transnational levels (Women and girls trafficking, 2020). This significance is underscored by the violations of fundamental human values as articulated in monotheistic religions and contemporary penal systems, emphasizing the urgency of collaborative efforts to combat this grave violation.

Most countries emphasise international judicial mechanisms, which facilitate cooperation to mitigate human trafficking. Countries have attempted to identify effective tools for international judicial cooperation to address these offences, incorporating them into binding international conventions and treaties related to human trafficking (King, 2008). The perpetuation of this crime is on the rise at regional, international, and national levels. The diversity of perpetrators' methods of evading punishment due to the presence of organised crime operations at the international and national levels is yet another concern (Birkenthal, 2011).

Despite a wide range of opinions, among many materials, one pattern can be traced: a large-scale fight against human trafficking is possible only with the help of elaboration and compliance with international agreements. The implementation of

the provisions of such documents as the Palermo Convention and other additional protocols, including the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children 2000, contributes to the structuring of solutions to the problem as part of the universal system of human rights protection (Smith, 2011).

As countries grapple with the increasing complexity and sophistication of trafficking networks, the need for harmonised legal approaches becomes imperative. Therefore, this research paper delves into the critical domain of international judicial and cross-border cooperation in addressing human trafficking, specifically focusing on the legislative framework of the United Arab Emirates (UAE). By analysing the UAE's legislation compared to established global practices, this study seeks to illuminate the strengths, weaknesses, and potential areas for improvement within the legal mechanisms designed to counteract human trafficking.

This research employs a comprehensive political and legal analysis to explore the evolution of organised crime and scientific approaches to understanding it. It evaluates global regulations against human trafficking, including international measures and national acts in the UAE and Egypt. Using descriptive and analytical methods, the research assesses international judicial cooperation policies to combat human trafficking, comparing legislative texts in the UAE with other Arab countries. The study also considers the acceptability of this legislation to enhance global efforts in addressing this issue.

Delving into the intricacies of international judicial cooperation and legislative alignment, this study sheds light on the evolving landscape of combating human trafficking and the role of individual nations, such as the UAE. Further, the research aims to analyse the mechanisms and aspects of international judicial cooperation to combat human trafficking at the international level, especially those stipulated in international conventions and treaties. In doing so, the research shall answer the following questions.

- What are the policies and procedures of international judicial cooperation to combat human trafficking?
- What are the international and regional conventions and treaties that laid the

foundations for international judicial cooperation to combat human trafficking?

- What is the perspective of United Arab Emirate legislation concerning human trafficking, especially compared to other Arab legislation such as Egyptian law?

The challenges inherent in this study manifest in the delimited capacity to comprehensively cover all the challenges confronted by nations in combating human trafficking. Additionally, assessing the alignment between domestic criminal laws and international frameworks for judicial collaboration might be constrained by the availability and accessibility of relevant data.

LITERATURE REVIEW

There is a complex array of factors contributing to the ongoing challenge of combating human trafficking. Researchers have highlighted a disturbing pattern where traffickers face minimal repercussions, with arrests, prosecutions, and convictions occurring rarely. While the victims of trafficking are rarely identified and often unfairly criminalised instead of being provided with essential support. However, due to the strengthening of international law enforcement bodies, there has been increasing acceptance of the need for an effective, internationally coordinated response. But no country has mastered addressing trafficking as a criminal phenomenon. Many are adapting responses on the fly, often under political pressure and through trial and error. Although communication among national agencies is improving, there is minimal cross-border cooperation or exchange of ideas. (Gallagher and Holmes, 2008). Modern studies on the impact of implementing anti-trafficking policies and international cooperation in combating organised crime primarily focus on evaluating the feasibility of implementing crime reduction programs. However, organisations still face challenges in demonstrating their impact and identifying effective strategies to combat human trafficking and modern slavery (Bryant and Landman, 2020). Scholars such as Ghattas have noted that there is a need to analyse the features of cooperation between the judiciary, emphasizing the system of transfer of criminal proceedings (Ghattas, 2006). In addition to that, Lagon (2015) notes that an important

factor influencing the reduction in the volume of human trafficking is both the legislative developments of the countries and the direct implementation of practical partnerships in eight areas of anti-human trafficking efforts, i.e., mapping and quantifying the problem; identification, immediate care, and economic empowerment of survivors; prosecution of perpetrators; prevention through awareness and training and through reducing demand; and mobilization and coordination of resources. Given the evolving trends in the problem's coverage, civil society through non-governmental organisations also plays an increasingly significant role. These organisations, known for their flexibility, contribute positively by raising awareness among vulnerable groups, supporting shelters, and aiding victims in their return and rehabilitation. (Gallagher and Holmes, 2008).

Law enforcement officers in different countries combating human trafficking face a host of problems working in complex and layered institutional structures and the challenges of collaboration and communication. It requires improved unified visualization of large, complex geospatial data due to the frequent forced movement of victims across jurisdictions (Deeb-Swihart et al., 2019). One of the most disturbing forms of trafficking in recent times has been human organ trafficking. Being a relatively new and overlooked form of trafficking with limited knowledge and awareness, it poses a significant threat to individuals. Effective combat against this issue requires collaboration between medical professionals and law enforcement (Ambagtsheer, 2020).

In Sharia law jurisdictions, scholars have deliberated on the legal structure for combating the crime of human trafficking by embarking on the jurisdiction of Sharia courts in the abolition of slavery. Emphasis has been put on establishing criminal investigation agencies to investigate crime under this system and rehabilitate victims (Alshehhi et al., 2020). In the UAE, such crimes are viewed as organised and transnational crimes. Like many other Arab countries, the UAE has enacted a set of rules and instructions to combat human trafficking, given the directions of the international community on the need to address such crimes (Alshehhi et al., 2020). In the UAE, efforts to combat human trafficking are structured around four

fundamental components: legislation, enforcement, victim assistance, and international collaboration through bilateral agreements. Nevertheless, the effective implementation of anti-trafficking measures has encountered persistent obstacles, including delays, resource limitations, and a lack of political will or coordination on the domestic and international fronts (Kyriazi, 2022).

As such, the literature review underscores the complexity of combating human trafficking, revealing challenges such as minimal repercussions for traffickers and the criminalization of victims. Despite improvements in international law enforcement, effective responses remain elusive. Collaboration between law enforcement and medical professionals is crucial, particularly in addressing emerging threats like human organ trafficking. Given this background, it is necessary to put forth a scholarly discourse on international judicial and cross-border cooperation to combat human trafficking.

As the research delves into the intricacies of international judicial cooperation and legislative alignment, it aims to answer critical questions about policies, conventions, and the perspective of UAE legislation on human trafficking. The study acknowledges challenges in comprehensive coverage and data accessibility but aims to contribute valuable insights to the ongoing efforts to combat this grave violation of human rights.

METHODOLOGICAL FRAMEWORK

Using the method of political and legal analysis, the study examines the origin and evolution of the historical development of the concept of organised crime and various approaches relating to its scientific understanding. Within this context, an analysis has been provided of the current normative and legal regulations in the field of fighting human trafficking, including:

International normative and legal regulations: UN (2003, 2000, 1990), and national legal acts: United Arab Emirates Law No. 39 of 2006 regarding international judicial cooperation in criminal matters; United Arab Emirates Federal Law No. 51 of 2006; Egyptian Law to Combat Human Trafficking No. 64 of 2010.

The research employs a descriptive and analytical

methodology to comprehensively portray and dissect the multifaceted aspects of human trafficking, shedding light on global and regional efforts to address this critical issue. Its primary objective is to offer a thorough assessment of the policies and procedures governing international judicial cooperation in the battle against human trafficking on a global scale. This involves an analysis of the textual content found in international conventions and treaties about the subject.

In addition, the study analyses the UAE's perspective by profiling the legislative texts in UAE law related to human trafficking. This comparative analysis extends to legislation in other Arab countries, notably Egypt, to identify similarities and differences.

Simultaneously, the research considers the timeliness of the applicable legislation, assessing its acceptability and admissibility. This evaluation seeks to enhance the effectiveness of legal frameworks in addressing the intricate challenges posed by human trafficking on a global scale.

RESULTS AND DISCUSSION

Numerous deficiencies in national legislation have given rise to the proliferation of criminal organisations, amplifying the severity of issues, particularly in instances involving human trafficking. This has prompted countries at the international and regional levels to create policies and procedures of cooperation to reduce human trafficking. The most important of these policies and procedures is judicial cooperation between law enforcement agencies and prosecutorial offices (Axam and Silver, 2019). This emphasis is rooted in the significance of well-established international legal principles, especially those related to national security and the curbing of crimes that threaten nations' stability and security.

The international community has included many conventions, protocols, and resolutions under the umbrella of the League of Nations and the United Nations to confront human trafficking. This includes the United Nations Convention against Transnational Organised Crime and its complementary Protocol to prevent, suppress, and punish human trafficking, especially that of women and children. The Organised Crime Convention adopted in 2000

set general rules for international cooperation to combat organised crime, especially human trafficking. The abovementioned conventions, protocols, and resolutions cover the judicial cooperation procedures, including extradition and the exchange of substantive and procedural judicial assistance between the signatory parties.

Human trafficking as an "organised crime" across transnational borders

The report of the Secretary-General of the United Nations at the Eighth Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba 8/27/1990-9/7/1990 defined organised crime as: "The widespread and complex criminal activities carried out by organised associations, which may or may not be tightly organised, and aiming at establishing, supplying, or exploiting illegal markets at the expense of society, and the implementation of these operations are usually done with mean and cold hearts and often include crimes against persons including threat and coercion through intimidation and physical violence, as well as the corruption of public and political figures through bribery and conspiracy, and organised crime activities often transcend the national borders of states to another state" (UN, 1990).

At the international level, it was found that the links between organised crime groups have increased as they spread across large geographical areas. This is a disgrace to humanity and the criminal justice systems of many countries, and it has become a source of fear and insecurity. The organised crime groups and their economic power have increased over the years. In Italy, for example, organised crime groups control the largest financial holding company with profits of 77,000 billion Italian liras (Darwish, 1995). Organised crime has roots in medicine, society, and criminal activity, and these origins are mirrored in the laws. However, no single legal definition for organised crime indicates a lack of legislative consistency and harmony in this regard. However, according to the legislature's definition of organised crime, specific, strict criminal laws apply (Palazzo, 1995).

Western legislation has made attempts to define organised crime clearly. For example, the United States of America, through a committee formed by President Reagan, defined it as "a criminal expression

that operates outside the framework of the people and the government and includes among its folds thousands of criminals who work according to a very precise and complex system, and its members are subject to the provisions of the legality they made for themselves imposes very harsh provisions on those who break the group's law, and they commit themselves to carry out their criminal activities with well-thought-out plans, and they reap huge profits from it" (El-Din, 1981). Italian legislation defines organised crime as "any mafia-type gang when its members use force and threats, the condition of conviction, and the law of silence emanating from it to commit some crimes and attain, directly or indirectly, control over commercial activities, or to achieve privileges for a person or others, obstruct, or impede the freedom of elections, or to attain votes for himself or others on the occasion of electoral manoeuvres" (Palazzo, 1995).

Many Arab laws have been influenced by the Palermo Convention against Transnational Organised Crime issued by the United Nations to develop a clear definition of transnational organised crime. The UAE incorporated it in Federal Law No. 51 of 2006 regarding combating human trafficking. It defines an organised criminal group as "an organised criminal gang: a group of three or more people who collaborate to carry out a premeditated act with the intent of committing a human trafficking crime for the sake of gaining directly or indirectly a financial or any other material benefit". Further, a crime is adjudged to be transnational if it is committed in more than one country, involves preparation, planning, direction, or supervision from another country, has perpetrators from an organised criminal gang engaged in activities in multiple countries, or has repercussions that extend beyond the country where the crime was committed (Alaleeli, 2015).

Organised crimes, particularly those involving human trafficking, have been a longstanding presence in the operations of criminal organisations and gangs. The origins of human trafficking gangs can be traced back to the late nineteenth century, during the white slave trade movement, when criminals transported numerous women from Europe to North Africa, South America, and South Asia for the purposes of prostitution and sexual slavery (Eid, 2006).

In 1899, European countries, known as the Holy Alliance, gathered in London to address the dangers of human trafficking. The conference led to recommendations that became crucial foundations for cooperation in combating this phenomenon (Stepakov, 2010). After that, the efforts of the international community to combat human trafficking increased. France held a conference in Paris in 1902 to follow up on implementing the recommendations of the London Conference. The Paris Conference resulted in an international agreement aimed at ensuring effective protection against the international trade of white slaves. The agreement entered into force on July 18, 1905, and, notably, the global community prioritised combating human trafficking over tackling drug trafficking.

The international and regional efforts to combat human trafficking

The United Nations General Assembly does not mandate states to cooperate in criminal matters through explicit statements. Instead, it presents various standard models for agreements about judicial cooperation, the extradition of criminals, and the transfer of convicts. UN (1998), which included that the United Nations Model Treaties on International Cooperation in Criminal Matters have a role in developing international cooperation in combating crime. Considering human rights and the rule of law, the United Nations also urged the state parties to use the model treaties to establish agreements at the bilateral and regional levels (UN, 1998). The United Nations Convention against Transnational Organised Crime and the 2000 Protocol on Trafficking in Persons is the basis for supporting international and regional efforts.

In this regard, there have been initiatives and declarations from regional organisations to combat this type of crime. For example, the African Union Commission Initiative to Combat Trafficking in Human Beings, held on June 16, 2009, stated that one of the important activities on migration and development for the period from 2009 to 2012 was to eliminate the crimes of trafficking in human beings, especially women and children (Union, 2009). Given the date this initiative was launched, it was intended to promote the celebration of June 16 as the day of the African child to combat and eliminate human

trafficking, especially of children and women (Atallah, 2013). Moreover, another important initiative to combat human trafficking came from the Asian African Legal Consultative Organisation (AALCO). The AALCO employed a framework of initiatives to foster collaboration in fighting trafficking among women and children. This was based on the General Secretariat's 2011 report, which highlighted three crucial tools to enhance efforts against human trafficking: making all trafficking acts illegal, implementing programs to prevent trafficking, and providing assistance to trafficking victims (AALCO, 2011).

The State of Indonesia submitted a proposal to establish cooperation to combat trafficking in women and children to the agenda of the Advisory Organisation at its forty-first annual session, which was held in New Delhi in 2001. However, the General Secretariat of the Organisation emphasised that the legal foundation for addressing this issue relies on the United Nations Convention against Organised Crime. Specifically, it pointed to the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, particularly the Trafficking in Persons Protocol, which was endorsed in 2000. Subsequently, the convention entered into force on September 29, 2003, with Resolution 43. Afterward, the forty-third annual session of the Consultative Organisation in June 2004 in Bali emphasised several matters at the request of the member countries that were not parties to the United Nations Convention against Organised Crime or the Protocol Relating to the Prevention of Trafficking in Persons. These countries considered acceding to these two conventions. There was also a request from member states to refer their legislation to the resolution that the Secretary-General draft a model law to criminalise human trafficking in cooperation with member states and to provide protection for its victims (Atallah, 2013).

The procedures of international judicial cooperation and the perspective of UAE legislation:

Legislation plays a crucial role in addressing the pervasive issue of human trafficking, and it is imperative to focus on enacting laws that facilitate international criminal judicial cooperation among states. This is especially pertinent when considering the framework that the United Nations Convention against Transnational Organized Crime offers. The

most important of these provisions are forms of international cooperation for confiscation (Articles 13 and 14), extradition (Article 16), the transfer of convicted persons (Article 16), investigations and prosecutions (Article 18), and other areas of cooperation between the law enforcement agencies of various nations (Articles 26 and 27). Consequently, the research will examine criminal investigations and the UAE's legislative stance on international judicial cooperation and the implementation of related procedures through the lens of the United Nations Convention against Transnational Organised Crime. Comparisons to the legislation of other Arabic countries, such as Egypt, will be discussed first by highlighting the procedures of international cooperation during the criminal investigation and second by highlighting the rules and procedures for extradition.

The procedures for international judicial cooperation in the criminal investigation:

In the UAE, the Public Prosecution Office (PP) is the competent authority to conduct the preliminary investigation and is also the agency responsible for the indictment. A criminal investigation is defined as the set of procedures that the public prosecution takes to collect evidence in a particular crime, including arrest, search, interrogation, examination, and assignment. The PP also represents the judicial body that prepares the case and collects its evidence in preparation for submission to the judiciary for adjudication. The judge rarely gathers new evidence and relies on the evidence collected by the Public Prosecution. Every action undertaken by members of the public prosecution is a judicial one (Fattah, 2018).

The UAE is among the top Arab countries to enact anti-human trafficking legislation (Mattar, 2011). The most significant of them is Federal Law No. 51 of November 9, 2006, which is considered the starting point of the anti-trafficking law in the UAE. Apart from that, the UAE National Committee to Combat Human Trafficking was formed in (Mukhtar et al., 2021). The committee not only organises meetings and workshops but also makes visits to different parts of the country to spread awareness about the issue of human trafficking. However, human trafficking often occurs across borders between countries, which prompts countries to provide each other with means

and assistance during investigations and prosecutions and to exchange legal assistance in criminal matters in general (Alaleeli, 2015). In this regard, the United Nations General Assembly adopted the Model Treaty on Mutual Assistance in Criminal Matters by Resolution 45/117 (amended by Resolution 53/112). States have used the provisions of this treaty as a negotiating tool to increase cooperation to deal with cross-border crimes more effectively (UN, 1990).

The United Nations Convention against Transnational Organised Crime is based on numerous global and regional initiatives to foster multilateral treaties by strengthening mutual judicial assistance in investigations and judicial procedures, criminal prosecutions, and extradition of wanted persons for "serious crimes." In cases where the trafficking involves members of criminal organisations, the option of extradition is also provided. Judicial assistance under the convention also takes various forms, including providing information and evidence, facilitating the appearance of witnesses, aiding in the collection of evidence such as judicial documents and records, identifying the financial gains of crimes and the illicit means used to acquire them, and seizing proceeds for confiscation. Any additional form of support that is not illegal falls under the umbrella of assistance. The convention also states that "a state party has the right to refuse to cooperate under this article if the offence to which the request relates is not covered by this convention" (UN, 2000). As per the Convention, a state party is obligated to respond to requests for assistance, and such requests cannot be declined on the grounds of bank secrecy or the involvement of financial issues in the offense (Atallah, 2013). If a state chooses to refuse a request for assistance, it must provide clear and substantiated reasons for its refusal (UNDOC, 2001).

Apart from the Organised Crime Convention, other agreements have further strengthened the enforcement of laws at the regional level in many ways, including obtaining evidence from outside the country. These agreements include the European Convention on Mutual Assistance in Criminal Matters (Europe, 1959b), the two additional protocols regarding the same convention (Europe, 1959a), the OAS (1990), and additional protocols to this convention (Additional Protocol to the OAS, 1990).

The provisions of the International Convention against Transnational Organised Crime in Articles (13–14) further strengthen international cooperation for confiscating and disposing of the financial proceeds of crimes.

Money is the goal of human trafficking gangs and is considered the fruit of their activities. Since many of the judicial activities occur in countries other than where the crimes were committed, the perpetrators are thus deprived of the revenues they use to finance their criminal activities. The Convention's Articles 12, 13, and 14 deal with the domestic and international aspects of identifying the proceeds of crime, the methods for freezing and seizing them, and the actions that the concerned countries must take during the seizures.

One of the most important provisions of Federal Law No. 39 of the UAE is Article 3. Concerning international judicial cooperation in criminal matters, it specifies that this law does not authorize any state to directly request any procedures related to international judicial cooperation in criminal matters (MOJ, 2006). The term "things" refers to the confiscation of money and property obtained from human trafficking crimes. Article 38 of the same law establishes procedures for extraditing these "things," stating that the public prosecutor or their delegate may surrender possessions related to the crime, including those in possession of the requested person at the time of arrest or discovered later, unless such possession is considered a crime in the state (MOJ, 2006).

Furthermore, this article incorporates the extradition of possessions belonging to an individual subject to an extradition order, making it impermissible to seek the extradition of possessions independently of an individual's extradition. However, the article lacks provisions for the seizure or freezing of assets based solely on a request from the requesting state without the extradition of the individuals concerned. Additionally, the article does not mandate the judicial authorities responsible for extraditing possessions to undertake specific measures within the scope of domestic law to identify, secure, and freeze the funds to be surrendered. Given these shortcomings, it is recommended that the UAE legislature revisit and refine this article to better align with the demands of

international cooperation, particularly in the context of confiscating proceeds from human trafficking.

As for the Egyptian Law to Combat Human Trafficking No. 64 of 2010, it also emphasised cooperation in combating and prosecuting human trafficking. The law stipulates: "The Egyptian judicial authorities and police shall cooperate with respective foreign authorities to combat and prosecute crimes of human trafficking, including exchange of information, conducting investigations, rogatory judicial assistance, extradition of perpetrators and objects, asset recovery, transfer of sentenced persons, and other forms of judicial and police cooperation, all under the rules decided by bilateral and multilateral agreements in force in the Arab Republic of Egypt or under the principle of reciprocity" (ILO, 2010).

The Egyptian law on combating human trafficking mentions the phrase "and other forms of judicial and police cooperation," which means it approves all aspects of cooperation that can be provided, even if it is not stipulated in the law. It has established mechanisms for implementing this cooperation through the rules established by bilateral or multilateral agreements, either created by Egypt or within the framework of the principle of reciprocity followed between countries with each other in the absence of an agreement or treaty regulating such cooperation.

The Egyptian law in Article 19 stipulates: "The Egyptian and foreign judicial authorities may request the necessary legal procedures for the tracking, seizure, or freezing of funds obtained through trafficking," provided the anti-trafficking law applies to these crimes. The law allows the Egyptian authorities to request assistance from foreign authorities, and foreign authorities have the right to reciprocate (ILO, 2010). The legislative framework, however, lacks a specific mechanism that obliges the foreign authorities to act upon the request of the Egyptian judicial authorities, whether within the framework of a bilateral or multilateral international agreement or as a matter of reciprocity, as it did when determining the aspects of cooperation between the Egyptian judicial and police authorities. Consequently, there is no provision compelling foreign authorities to address requests from Egyptian authorities to freeze or seize funds of companies or organisations located

outside the country. However, the text obliges the Egyptian authorities to respond to foreign authorities when requested, thus creating an unacceptable power imbalance between Egypt and its allies.

The Egyptian law has clarified that if certain conditions mentioned in the text of Article 20 are met, the Egyptian judicial authorities authorized to confiscate and seize funds obtained by human trafficking can implement foreign procedures issued to combat human trafficking. This is one example of judicial cooperation. In such cases, the foreign judgment to be executed by the Egyptian judicial authorities must be a penal provision where there is no room for the implementation of civil provisions, and it must also be issued by a foreign authority specializing in human trafficking. Additionally, this judgement must be final after exhausting the means of appeal following the laws of the foreign country that issued it. Implementing that judgement must also follow the principle of reciprocity or follow the procedures and rules approved by the bilateral or multilateral agreements in force in Egypt at the time of the request for implementation.

The implementation regulations of Egyptian law specify that the Department of International Cooperation and Litigation at the Ministry of Justice and the Office of the Attorney General's Office ought to take the necessary legal measures to track, freeze, or seize funds obtained by trafficking in cooperation with foreign judicial authorities, without prejudice to the rights of other bona fide (ILO, 2010). The implementing regulations also include that the Public Prosecution, through the Office of International Cooperation, Judgment Execution, and Care of Prisoners in the Attorney General's Office, issue the order to implement final criminal judgments issued by competent foreign judicial authorities to seize, freeze, confiscate, or recover funds obtained from human trafficking (ILO, 2010).

In conclusion, the legal landscape in the United Arab Emirates (UAE) reflects a robust framework for combating human trafficking, with the Public Prosecution Office playing a pivotal role in the preliminary investigation and indictment process. While Egyptian law acknowledges various forms of judicial and police cooperation, including extradition and asset recovery, it falls short of establishing a

specific mechanism to compel foreign authorities to respond to requests for freezing or seizing funds outside the country. Both jurisdictions recognize the significance of international collaboration in combating human trafficking. Still, there is room for improvement in refining legislative provisions to better align with the evolving demands of cross-border criminal investigations and prosecutions. The legal frameworks and mechanisms for cooperation, as highlighted in both the UAE and Egyptian laws, warrant careful scrutiny and potential reform to ensure a more effective and equitable response to the challenges posed by transnational organised crime.

International judicial cooperation concerning the suspects and convicted persons:

There are many forms of international judicial cooperation regarding accused and convicted persons in cases of human trafficking. Some of them are related to joint investigations and the controlled extradition system. This includes cooperative actions related to the convicts, such as the criminal procedure transfer system and the transfer of convicted persons to their countries to complete their sentences (Rastan and Turlan, 2018). Transferring criminal proceedings is one of the most important aspects of international judicial cooperation regarding the accused persons. This system means that a country undertakes procedures on its territory with the knowledge of its competent judicial authority when it receives a request from another country regarding a crime committed on its territory (Ghattas, 2006). This judicial cooperation is based on either internal legislative texts or on the provisions of an agreement between the two nations.

In fact, the United Nations Convention against Transnational Organised Crime allows countries to transfer the prosecution of human trafficking cases to other nations if it is in the interest of justice administration (UN, 2000). Extradition is considered one of the most important forms of cooperation among states, as it is a type of legal procedure that supports the state authorities in prosecuting and bringing to trial persons wanted for extradition. In most cases, extradition takes place from the requested state to the requesting state based on bilateral international laws, agreements, or treaties between them (Falasi, 2016). However, UAE Federal Law No.

39 of 2006 does not lay down provisions regulating the transfer of criminal procedures.

On the other hand, extradition is also one of the international judicial cooperation policies regarding convicted persons, which the United Nations Convention stipulated in Article 20 under the title Special Investigative Techniques. Article 20 allows the extradition of things and assets whose possession is a crime, obtained via criminal behavior, or was a tool used to commit a crime either inside or outside the country, without being seized at the request of a foreign judicial authority to identify the destination of these things or arrest the perpetrator of this crime. The convention permits controlled extradition internationally, with the consent of the involved parties. It includes using tools like blocking the passage of goods, and allowing extradition to proceed safely by removing the things or assets or replacing them in whole or in part (UNDOC, 2000).

The UAE Federal Law No. 39 of 2006 regarding international judicial cooperation in criminal matters allowed this type of cooperation. Such procedures are permissible but need to be ordered by the public prosecutor at the request of a foreign entity. The procedure allows the passage of things and assets, or replacing them in whole or in part, under the supervision of the competent authorities to help arrest the perpetrators of the crime (MOJ, 2006).

The United Nations Convention against Organized Crime recognizes that one of the forms of international judicial cooperation is the establishment of joint investigative bodies. Joint investigations can be carried out in light of bilateral and multilateral conventions and arrangements between these bodies. In the absence of any conventions or arrangements regulating that matter, such joint investigations, prosecutions, or judicial procedures may be carried out by agreement between the states concerned, with the obligation to respect the sovereignty of the nation within whose territory the investigation will be conducted (UN, 2000).

The legal obligation to extradite criminal evidence, indicted persons, and assets obtained through criminal means finds its source in many conventions, including those regulating extradition. Provisions about a particular crime. For example, the fifth

paragraph of Article 44 of the United Nations UN (2003) states: "If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention the legal basis for extradition in respect of any offense to which this article applies" (UN, 2003). Article 17 of the United Nations Convention against Organised Crime permits states to create bilateral or multilateral agreements or arrangements concerning the transfer of persons sentenced to a penalty or other form of deprivation of liberty for having committed crimes covered by this convention to their territory to complete their sentence (UNDOC, 2000).

In Law 39 (2006), the UAE legislature laid down the conditions and rules for handing over accused and convicted criminals to foreign authorities for investigation, criminal prosecution, or execution of the sentences imposed on them. The legislature stipulated that the extradition of the wanted persons, whether accused or convicted, must be for a crime punishable by the law of the requesting country for at least one year. Likewise, the extradition request is for executing a freedom-restricting penalty imposed for one of the crimes for which extradition is requested. In that case, the execution of the extradition procedure must be at least six months for the remaining penalty period (Jam et al., 2018).

While the legal landscape, both internationally and within the UAE, acknowledges the importance of extradition and cooperation in criminal matters, there is a notable absence of specific regulations in UAE Federal Law No. 39 of 2006 governing the transfer of criminal procedures. This legislative gap raises concerns about the clarity and efficacy of procedures for handing over accused and convicted criminals to foreign authorities. Addressing this gap could enhance the legal framework for international cooperation and provide clearer guidelines for the extradition process in the UAE.

Legislative development in different countries on international corporation to counter human trafficking

There is no region in the world immune to human trafficking; as a matter of fact, this crime does not know any geographical, cultural, political, or religious border. Considering this sad fact, many countries have

elaborated strategies and programs to fight human trafficking over the past 20–30 years (Costea, 2020). Several countries are actively enhancing organised legislation to counter escalating trends in organised crime. The international legal instruments mentioned in this study serve as a guide for these efforts as they consider organised challenges.

The successful experience of the Nordic countries serves as an example, highlighting the necessity of developing a comprehensive state policy to effectively address the issue of human trafficking (Subasinghe, 2016). Their legal systems integrate three crucial elements: prevention, prosecution, and victim protection. The reformed legislation in these countries reflects the adoption of national strategies to combat trafficking in persons and exploitation for prostitution and forced labour, along with statistical analysis to gauge the scale of trafficking and active involvement in providing assistance to victims. Moreover, measures to protect victims and witnesses are being strengthened in these countries. For example, a typical measure is the provision of a guarantee of anonymity in court proceedings, where victims and witnesses are allowed to testify in the absence of the defendants in the courtroom. In addition, there is a practice of regularly conducting detailed research to obtain information about the situation and adjust further actions and directions of funding for effective preventive action by using the productive results of international humanitarian and law enforcement cooperation (Seibert, 2012).

Considering the membership of most of these countries in the EU, such norms have moved into the supranational legal dimension. The European anti-trafficking instruments also contain several substantive requirements concerning protection measures for victims and witnesses during criminal investigation and proceedings (Europe, 1959b). According to the logic and philosophy of European legislators, this approach is aimed at expecting the point that victims' favorable treatment will increase the chances of a successful prosecution.

Talking about other regions and integration associations, for example, ASEAN, there is an ambivalent attitude towards creating common regional standards of substantive and procedural criminal law (Shama, 2018). Generally, Southeast

Asian countries are focused on the cross-border movement of trafficked persons and contain requirements that advance the migration control goals of those member states facing stronger migratory pressures, which results in significant burdens for "sending" states, reluctance to commit to victim protection, and ambivalence towards building common regional standards on procedural criminal law (Jovanovic, 2020).

At the same time, despite the reconciliation and rigour of the legal framework of certain countries, it does not mean a stop to world migration, especially in regions with a favorable geostrategic position, such as Southeast Asia. In some cases, tougher immigration laws only make trafficking-related crimes more sinister and extraordinary (Väyrynen, 2005).

Economic difficulties, geographical factors, and an unstable political environment can make this issue worse, resulting in non-transparency and uncontrolled state borders between nations. Criminals adeptly exploit this situation, particularly in the unstable regions of the Middle East and nearly all parts of Africa. In this regard, possible ways of unhindered human trafficking or minimization risks are being updated. Thus, such a phenomenon negatively affects the scale of the fight against organised crime, especially in places that are difficult for the authorities to control. Although 'harboring' is not defined in international law (Chuang, 2017) and is only mentioned in Article 3 of the Palermo Protocol of the UN Convention against Transnational Organised Crime, some descriptions have been applied in national legislation in the form of synonymous interpretations associated with the recruitment, retention, or transportation of victims (UNODC, 2021). Considering the diverse approach from the national legislation of different countries, the context is that harboring is a flexible concept that should be afforded its ordinary meaning of providing accommodation or shelter (UNODC, 2021).

Ultimately, the main obstacles to a successful fight against human trafficking appear to be technical and political in nature. Law enforcement agencies' response mechanisms and the political will of states to address underlying conflicts and ensure a decent life for their citizens are crucial factors. As efforts to combat human trafficking continue, addressing these

challenges will be pivotal for achieving meaningful progress on a global scale.

CONCLUSION

In conclusion, human trafficking remains a pervasive global issue that transcends geographical, cultural, political, and religious boundaries. Countries worldwide have recognized the necessity of combating this crime and have developed strategies and programs to address it over the past few decades. The study identified the policies and procedures of international criminal judicial cooperation used in fighting against human trafficking at the international level, especially those stipulated in international conventions and treaties, and the perspective of the UAE here compared to legislation from other Arab countries, such as Egypt. As a result of this study, several important findings can be drawn. Firstly, it's quite difficult to combat human trafficking, except through international judicial cooperation based on a reliable and regimented international treaty base between countries with a mutual interest in resolving the issue. The impact of signed international intergovernmental agreements on combating trafficking in persons has been significant, contributing to a gradual reduction in this heinous crime. These agreements serve as crucial tools for fostering collaboration among nations in addressing the complex challenges posed by human trafficking. In turn, considering the international practice of universal legal norms, the Emirati legislature laid the foundations for international judicial cooperation between the competent state agencies and their colleagues from other countries while specifying the conditions that must be met to implement such cooperation. The rules set by the UAE legislature are in full compliance with the United Nations Convention against Transnational Organised Crime, without the state being obligated to extradite in all cases. Furthermore, a meticulous examination of local anti-trafficking legislation has yielded critical insights, leading to key recommendations derived from this research. The UAE legislature is urged to reorganize the matter of international cooperation concerning the seizure and confiscation of funds acquired through human trafficking, as outlined in Law No. 39 of 2006, amended by Law No. 1 of 2015. This

restructuring is essential to align with the stipulations of international cooperation in confiscating funds and property, as articulated in Article 13 of the United Nations Convention against Transnational Organised Crime. Then, UAE officials must regulate the seizure of funds obtained by criminal activity and prevent their disposal during criminal investigations. Such legislative items should be added to the Penal Code and Criminal Procedures, with special attention given to assets obtained through human trafficking. Eventually, it is suggested that the UAE legislature add either an extradition clause or trial clause to Law No. 39 of 2006 regarding international judicial cooperation in criminal matters to ensure that the accused are tried or extradited to the requesting country so that they do not escape punishment on the pretext that they hold the nationality of the country that has requested the extradition.

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