

# More than words: how definitions impact on the UK's response to child trafficking and exploitation

Research summary

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Research by:



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This is a summary of the report *More than Words: how definitions impact on the UK's response to child trafficking and exploitation* based on research conducted by **Laura Durán, Leah Davison (ECPAT UK) with support from Freshfields LLP**.

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## Key findings

1. Inconsistent definitions, gaps and overlaps in terminology, and varying thresholds for recognition, are undermining the identification and protection of children, leading to fractured responses and silos.
2. Preconceptions about exploitation along race, nationality and gender lines affects both identification and the determination of child NRM referrals. The proportion of child referrals refused on the basis of not meeting the definition has remained consistently high, with significant disparities by nationality.
3. An emphasis on movement in the definition of trafficking in domestic legislation in England and Wales and Northern Ireland overlooks other elements in the act of child trafficking such as recruitment and harbouring and continues to shape professional understandings of when a case constitutes child trafficking in both identification and prosecutions, particularly affecting children exploited locally to where they live, or those exploited online.
4. Age is a factor which determines the application of terminology, and perceived maturity is often interpreted as a proxy for consent, responsibility and perceived agency, affecting identification and criminalisation.
5. Child trafficking is primarily understood as abuse occurring outside of the family, obscuring the complexities of harm and affecting identification.

# Key recommendations

1. Develop a Cross-Government UK wide Child Exploitation Strategy – **the UK Government, Welsh Government, Scottish Government and Northern Ireland Executive** should develop and implement a cross-government child exploitation strategy that recognises and responds to the overlapping nature of exploitation types. This strategy should be underpinned by integrated policy and operational frameworks across relevant departments to promote consistency in identification, protection, and support for children. Responsibility should be shared across key departments, including but not limited to the Home Office, Department for Education, and devolved administrations.
2. Align legal definitions with international standards – **the UK Government and Northern Ireland Executive** should reform primary legislation language in England, Wales, and Northern Ireland to reflect the international definition of child trafficking, removing the over-emphasis on movement and recognising actions such as recruitment and harbouring.
3. Establish a statutory definition of child exploitation – **the Home Office** should introduce a statutory definition of child exploitation that encompasses all exploitation types, allowing sufficient elasticity to evolve with emerging forms whilst clarifying current definitional inconsistencies to ensure child exploitation is always identified. This definition should be developed through meaningful engagement with children and young people, including those with lived experience, to ensure it reflects the realities of exploitation and supports effective identification and response.
4. Clarify the 'Means' element for children – **the Home Office** should review the Slavery and Human Trafficking (Definition of Victim) Regulations 2022 and the Modern Slavery Statutory Guidance to identify and amend language which indicates a means element for children is necessary such as coercion, deception, force or other terms which requires consideration of informed consent.
5. Independent review mechanisms to scrutinise NRM decision-making – **the Home Office** should introduce independent review mechanisms to scrutinise NRM decision-making where significant disparities exist in definition-based refusals by nationality, to assess whether children from certain nationalities are being systematically refused and to guard against unconscious bias.

# Background

Definitions matter. They shape how problems are understood, which responses are triggered, and who is recognised as needing protection. In the context of the exploitation of children, however, definitions are far from settled.

The legal and policy landscape surrounding child trafficking and exploitation is shaped by a complex interplay between international, regional, and domestic standards. Definitions serve multiple purposes: they not only establish the legal parameters needed to prosecute offences but also function as tools for identifying victims and determining their eligibility for support and protection.

Whilst the terms “human trafficking”, “slavery,” and “forced labour” are defined in international law and have been incorporated into UK legislation, other key terms such as “modern slavery”, “labour exploitation” and “criminal exploitation” remain undefined in law, leading to inconsistent interpretations.

These inconsistencies are not just technical or academic, they have real-world consequences.<sup>1</sup> They influence not only how a child is viewed, but also what support they receive by determining their access to entitlements, the services triggered, and which system is involved. Definitional instability also undermines efforts to collect reliable data and assess prevalence.<sup>2</sup> Without a shared conceptual foundation, prevalence estimates vary, interventions may be misdirected, and child victims risk being misidentified or overlooked.<sup>3</sup> Language choices are shaped by institutional mandates and political priorities, not just descriptive accuracy.<sup>4</sup>

Formal identification as a “victim of human trafficking” should trigger specific support under international law such as protection, counselling, legal advice, safe accommodation, interpretation services, health care, special measures in court, access to education, compensation, presumption of age, provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities, residence permit and a legal guardian for unaccompanied child victims.<sup>5</sup>

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1. Beckett and Walker, 'Words Matter: Reconceptualising the Conceptualisation of Child Sexual Exploitation'; Martin, 'Developing a Definition of Child Exploitation: Findings from a Systematic Review'; Brodie, 'Child Exploitation: Definition and Language'; Laird et al., 'Toward a Global Definition and Understanding of Child Sexual Exploitation: The Development of a Conceptual Model'.

2. Tyldum, 'Limitations in Research on Human Trafficking'; Merry, 'Counting the Uncountable: Constructing Trafficking through Measurement'; Van Dijk and Campistol, 'Work in Progress: International Statistics on Human Trafficking'; Gozdziak, 'Data Matters: Issues and Challenges for Research on Trafficking'; Yea, 'The Politics of Evidence, Data and Research in Anti-Trafficking Work'; Chaffee and English, 'Sex Trafficking of Adolescents and Young Adults in the United States: Healthcare Provider's Role'.

3. Dunnigan and Fusco, 'The Relationship between Commercial Sexual Exploitation and Foster Care Placement in the U.S.: A Scoping Review'; Harvey, Hornsby, and Sattar, 'Disjointed Service: An English Case Study of Multi-Agency Provision in Tackling Child Trafficking'.

4. Brodie, 'Child Exploitation: Definition and Language'; Merry, 'Counting the Uncountable: Constructing Trafficking through Measurement'.

5. European Convention of Action Against Trafficking in Human Beings (ECAT).

This report explores how definitional inconsistencies across legal, policy, and practice frameworks in the UK shape the identification and protection of children who are subject to child trafficking.

## Methodology

This research employed a multi-stranded methodology to explore how definitions of child trafficking and exploitation influence identification, responses, and outcomes in the UK. It combined a literature review (of academic and grey literature from 2009 to 2024) a legal analysis (of international instruments and UK laws across England & Wales, Scotland, and Northern Ireland) with new empirical research. Ethics was submitted to and approved by the Social Sciences & Humanities Interdivisional Research Ethics Committee (SSH IDREC) – 746620 in light of the Modern Slavery PEC's active support of the project and the involvement of team members.

The team analysed quantitative data from the National Referral Mechanism (NRM), the UK framework for identifying and supporting trafficking victims, focusing on child referral outcomes from 2020 onward. In addition, qualitative data was gathered through an online survey (82 practitioners in child safeguarding, law enforcement, social care, health, education, immigration and NGOs across all UK nations), and 25 in-depth interviews were conducted with 27 professionals from statutory and voluntary sectors across all four UK nations.

Furthermore, two workshops were held with UK wide stakeholders, one online (38 attendees) and one held in person (16 attendees). Two further workshops were held with members of ECPAT UK's Youth Advisory Group (YAG) who shared insights based on lived experience. One workshop was held with 10 young people to gain their insights on the definitional landscape and the interim findings of the study. The group was limited to young people between the ages of 18 – 25 victims and survivors of child trafficking all of whom are foreign nationals from a diverse range of nationalities. All young people had experience with statutory services including law enforcement, immigration authorities, and children's services as former looked after children. A follow-up workshop was held with 7 YAG members to gather their insights on the interim recommendations.

This multi-faceted methodology ensured the study captured insights from existing knowledge and real-world practice on the frontlines. The research does not claim statistical representativeness, but it illuminates how a range of stakeholders interpret and apply contested definitions in practice across the UK.



# Findings

## **1. Inconsistent definitions, gaps and overlaps in terminology, and varying thresholds for recognition, are undermining the identification and protection of children, leading to fractured responses and silos**

For a full discussion see sections A1, A2, A5, B2-B5 of the full report

The research analysed the international, regional and domestic legal and policy landscape surrounding child trafficking and exploitation. Despite some alignment in legal obligations under instruments such as the UN Convention on the Rights of the Child, the Palermo Protocol, and Council of Europe Convention on Action against Trafficking in Human Beings (ECAT), the lack of precision and consistency in how key terms are defined and applied in the UK has created confusion among professionals and impacted frontline responses.

International law has provided some convergence on child exploitation, and terms such as “human trafficking,” “slavery,” and “forced labour” are defined in international law and have been incorporated into UK legislation. Domestically there is no general offence of “exploitation” or “child exploitation” nor is trafficking of children defined in UK law. There are cases of possible misalignment between UK and international law, exacerbated by gaps and inconsistencies across international and regional legal instruments (including ‘soft’ law documents) – an example is child labour exploitation, where greater definitional precision and alignment with international benchmarks is needed.

In addition, overlaps in definitions have introduced contradictions (e.g. between child trafficking and the worst forms of child labour) and the lack of international or domestic statutory definitions (such as “modern slavery”, “labour exploitation” and “criminal exploitation”) means key terms are inconsistently applied, contributing to conceptual ambiguity and operational challenges ultimately impacting the identification and protection of child victims.

What should be common standards instead become a patchwork: for instance, England, Wales and Northern Ireland legally define trafficking with a focus on arranging travel of people for the purpose of exploitation, whereas Scotland’s law and international definitions place less emphasis on movement. Across the UK, definitions of “exploitation” for the purposes of trafficking offences are set out in legislation but vary slightly by jurisdiction. In addition, despite clear international standards that a child is not able to consent to any part of being trafficked, a significant variation exists across UK jurisdictions, with England and Wales viewing consent as irrelevant to travel only, whilst Scotland stipulates

irrelevance to the action and Northern Ireland sets out irrelevance to both action and exploitation elements.

The UK Modern Slavery statutory guidance conflates child and adult standards throughout, despite clearly stating the standard for determination regarding child trafficking should be made solely on the action and purpose. Examples of this include the pervasive descriptors of the crime for all victims with language that implies coercion, deception or force such as: "The essence of human trafficking is that the victim is coerced or deceived into a situation where they are exploited", as well as the definition of Child Criminal Exploitation (CCE) included by reference to the 2018 Serious Violence Strategy for England and Wales, and other domestic non-statutory definitions.

These descriptors may lead to the misapplication of the means element, which is irrelevant for children, leading to the misunderstanding that a child can consent to criminal exploitation, in practice. This was highlighted by various research participants who noted:<sup>6</sup>

*"I think one of the main issues that I see, particularly with any criminal justice context, is the misunderstanding regarding a child consenting or not consenting to their involvement in criminal exploitation."*

(Philippa Southwell, Criminal Lawyer, England – Workshop Participant)

Similarly, the statutory definition of Child Sexual Exploitation (CSE) in England cited in the Modern Slavery Statutory Guidance as a standard for decision makers to evaluate child referrals, places an emphasis on coercion, control, manipulation or deception effectively reintroducing the "means" element through the back door.

*"There is a blurred boundary across services ... with the definition of CSE having the kind of coercion elements to it. They don't seem to marry up with our understanding of trafficking children and not needing to demonstrate the coercion, the means. The means seems to be kind of written into the CCE definition as well and I don't really know how we reconcile that."*

(England – Workshop Participant)

6. One participant cited the guidance inconsistency directly stating: "The Statutory Guidance is internally inconsistent with its definitions of CCE. At paragraph 2.5 – 2.7, the Guidance notes that trafficking is made up of three elements (Action; Means, and Purpose) but in cases involving children, the Means element is not required. The Means element itself is defined as 'threat(s) or use of force, coercion, abduction, fraud, deception, or an abuse of power or vulnerability'. However, at paragraph 9.32 the Guidance defines CCE as being '...where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child or young person under the age of 18'. This definition, therefore, re-incorporates the Means element into the definition of trafficking for children who are criminally exploited and contradicts the definitions in paragraphs 2.5 – 2.7." (Project Manager, Scotland – Respondent 77)

This lack of clarity is not only evident in professional practice but also experienced by children themselves, who may not recognise their situation as exploitative if consent is presumed to negate harm:

*“Yeah, I feel like for professionals, it might make sense to them because trafficking like people they know what trafficking is, it’s bad. For children [it] maybe confusing, even though they’ve agreed to come to the place. It might still be exploitative. They might have agreed to go or to follow the person, but it might still be exploitation or trafficking if they don’t know why they’re going there or like they don’t fully understand what is happening. So for children it might be confusing”.*

(ECPAT UK Youth Advisory Group – Young Person O)

In England and Wales, the Modern Slavery Act 2015 (MSA 2015) introduced the now-prevalent term “modern slavery”, terminology not adopted in statute in Scotland and Northern Ireland. The term “modern slavery” was widely viewed by practitioners and young people involved in this study as unclear, unhelpful, or misleading, particularly when compared to more specific, legally grounded terms such as human trafficking or defined forms of exploitation. Despite definitional inconsistency across laws, policies, and settings, practitioners widely identified the act of exploitation as the most consistent and unifying concept.

Another cross-cutting definitional issue regarding the elasticity or rigidity of these concepts of child exploitation relates to the role of financial gain (including goods and services) for perpetrators. In many instances, however, the exploitation does not involve a financial element, but for other forms of gain such as status.

In 2024 alone, 5,999 children were referred into the NRM, but over half (61%) of all child referrals that were refused in the same year (1,396) did not meet the definition of a “modern slavery” (slavery, servitude, forced or compulsory labour or human trafficking) victim. Of these refused referrals, 85% were children aged 15 to 17 (see key finding 4). Children may also receive negative decisions due to the decision maker not having enough information to meet the standard of proof required or due to credibility. These figures starkly illustrate how the interpretation of definitions by referring organisation and/or assessment by decision makers directly shape a child’s access to formal identification.

In addition, over half of survey respondents (56%) have encountered situations where obtaining support for a child was difficult because the legal or definitions didn’t fit the case and only 4 people (5%) never experienced this issue.



*“Even though you’ve got all the indicators there and it clearly would fall within that umbrella of an exploitative situation because you can’t fit it neatly into the definition as set out within the legislation and the statutory guidance that we’re working to, they get a negative decision ... ultimately you’re just kind of increasing vulnerability really by not recognising them as victims and your response is not the right response.”*

(Social Worker and NRM Project Lead, England – Interviewee 3)

When children are not seen to “fit” a formal definition, they fall through the cracks of support and justice, effectively increasing the child’s vulnerability by not recognising them as a victim. The consequence is that many children are misidentified or entirely overlooked as victims of trafficking.

The language used by adults to explain a child’s experience can also shape how that child makes sense of what has happened and affect whether they engage with support services.

*“[When children are not formally identified] they are not having those therapeutic interventions and not able to understand their own abuse, which impacts on like their own identity and everything going into adulthood. Also from a care planner’s perspective, if that’s something that you aren’t acknowledging with the young person, then it’s not something that you care plan for. So that’s a portion of that young person’s life that you aren’t addressing and providing additional supports from a statutory perspective”*

(Child Protection, Northern Ireland – Interviewee 4)

Study participants described situations where children did not receive the help or protection they needed and may be entitled to because their case didn’t neatly fit a definition or wasn’t officially recognised, with the result that children lost out on significant support. The most cited and harmful impact mentioned by participants was the criminalisation of child victims for offences committed as a result of the exploitation, going missing, re-trafficking and safeguarding failures, access to an independent child trafficking guardian, compensation, difficulty accessing mental health or other specialist services, and lack of an investigation into the human trafficking offences by law enforcement.

There was strong consensus among professionals that an overarching statutory definition of child exploitation is needed to ensure consistent, joined-up responses across strategic, legal and policy frameworks informed by children and young people. However, views diverged on the form this definition should take, with some advocating for a broad approach to capture emerging forms of harm, and others cautioning that an overly elastic definition could dilute focus and resources away from the most serious cases.

Although many emphasised the need for clear and consistent definitions, some also expressed caution about their potential limitations. As some respondents observed:

*“Definitions are good for a framework but can also be detrimental and try to neatly fit young people into categories, types when exploitation is nuanced, complex and indicator based. I believe there should be more emphasis placed on indicators within any newly devised definitions.”*

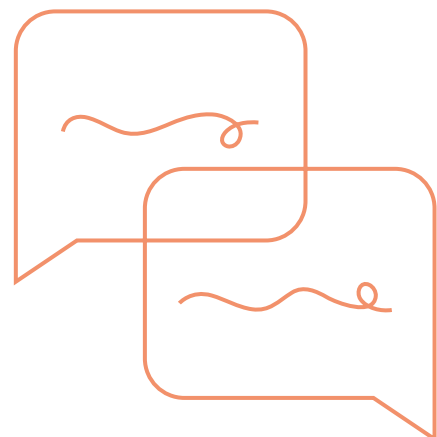
(NRM Coordinator, England – Respondent 49)

Other participants described the effect of narrow legal frameworks on investigations and prosecutions:

*“I can only tell you the problems that we are finding in the courts is that the narrower the definitions, the harder it is to prosecute ... We were working under this really narrow regime ... The judge said to me—well, that’s not defined anywhere as a means of force ... The narrower we make the definitions, the harder it is to prosecute.”*

(Caroline Haughey, Criminal Barrister, England – Workshop Participant)

Those arguing for a broader definition pointed out some of the current challenges, particularly when dealing with emerging forms of exploitation that fall outside what some consider traditional categories. Others made the point that we must find a balance that allows for emerging exploitation forms to be captured and therefore in receipt of a child protection response, whilst minimising the ongoing need for judicial and legislative review. Yet not all were confident that a broader definition would lead to better outcomes. Several practitioners raised concerns about system capacity and unintended consequences.



## 2. Preconceptions about exploitation along race, nationality and gender lines affects both identification and the determination of child NRM referrals. The proportion of child referrals refused on the basis of not meeting the definition has remained consistently high, with significant disparities by nationality

For a full discussion see sections A5 of the full report

The MSA 2015 and statutory guidance underpinning the NRM offer definitions of child trafficking and exploitation. However, these definitions and the way they are applied to children within the UK's child protection and modern slavery framework are not only shaped by law. They are also shaped by institutional practices and professional biases, whether conscious or unconscious, which influence how children's exploitation is categorised, if they are perceived as a victim, and the support and protection they are subsequently offered.

The literature reviewed indicates that Black and ethnic minority children are frequently identified as perpetrators rather than victims, often coming into contact with the criminal justice system instead of receiving support. Existing literature also highlights how practices such as the use of the 'gang' label, and some data sharing practices can entrench institutional inequalities and raise concerns about the effectiveness of safeguarding, particularly where they lead to increased surveillance and criminalisation of Black children. Participants in this study confirm that racialised, nationality and gender-based assumptions in particular can impact the way the definitions are applied to children by professionals and whether they do or don't meet child trafficking definitions and thresholds.

As interviewees and young people noted:

*“Many people, especially ethnic minorities, are facing discrimination... this issue is ongoing in the system.”*

(ECPAT UK Youth Advisory Group Member – Young Person 5)

*“Racism, lack of cultural competency among professionals, lack of cultural curiosity among professionals, professionals being scared they'll be called racist, lack of diversity in the sector, professionals thinking its 'just part of that community's culture', and adultification.”*

(Research & Evaluation Officer, England – Respondent 40)

*“Then there is the subjective view of professionals, [who] adultify males (particularly Black males)....”.*

(Detective Sergeant, England – Respondent 69)

In 2024, definition-based refusals accounted for significantly different proportions of total child referral refusals by nationality at both the reasonable and conclusive grounds stages.

Among UK national child referrals, 7% of all refusals resulted from failure to meet the definition. In contrast, definition-based refusals made up 59% of all refusals for Iranian children, 43% for Afghan children, 35% for Sudanese, 30% for Albanian, and 25% for Eritrean child referrals. For Vietnamese children, 12% of refusals were definition-based, while for Romanian children the figure was 5%. These disparities raise concerns about whether certain specific nationalities are less likely to be recognised as meeting the trafficking definition, or whether bias may be influencing decision-making.

Practitioners further highlighted these concerns, with acknowledgement that foreign national child victims are often associated with modern slavery definitions whilst at the same time acknowledging that not all exploitative situations fit neatly into the definitions, despite their clear experiences of exploitation.

Building on the findings of previous studies, the research similarly identified a prevailing perception that CCE and CSE are considered to impact local children, while modern slavery and human trafficking are associated with foreign national children. Professionals overwhelmingly reported that UK children were more readily associated with forms of exploitation such as CSE and CCE.

These distinctions are not merely conceptual; they directly influence referral decisions. Some professionals reported awareness of avoiding NRM referrals for British children, based on the perception that children would derive little additional benefit:

*“[Professionals ask] what is the benefit for the young person to be referred into [the] National Referral Mechanism? I think for British national children, sometimes it’s quite hard to evidence what the benefit is, because actually very often they don’t really get any additional support that they wouldn’t ordinarily be getting from the social care perspective.”*

(Social Worker and NRM Project lead, England – Workshop Participant)

There’s a confusion among some practitioners about what constitutes “internal trafficking” – especially when it involves children who are UK nationals being moved within the country for exploitation. Many tend to label these cases as “exploitation” rather than trafficking. This misunderstanding is largely due to older

UK policies (before 2015) that defined trafficking mainly as something involving movement across borders. Because of that, children trafficked within the UK were often not recognised as “legitimate” victims of trafficking. These outdated concepts still influence thinking today, with many professionals wrongly believing that trafficking inherently requires some form of physical movement, in particular cross border movement discussed in finding 3 below.

*“Discriminatory approaches are applied, e.g. the initial indicator for migrant victims trafficked for child exploitation is often movement, but the initial indicator for British victims is often having been groomed, movement becomes secondary, and for many, not considered unless county lines. There is absolutely no understanding of, the differences, or correlation between ‘trafficking’ ‘Child Exploitation’ ‘modern slavery’ ‘forced servitude’ ‘compulsory labour’ etc”.*

(Supporting Officer, England – Respondent 17)

Gender bias also shapes identification patterns and classification. Research shows that male child victims are significantly less likely to disclose CSE<sup>7</sup>, while girls are more frequently subjected to gendered narratives which often result in victim-blaming or misrecognition of abuse.<sup>8</sup> This research found that professional responses continue to fall into binary patterns where boys are associated with CCE and girls with CSE.

The persistent assumption that boys are unlikely to be victims of CSE contributes to the minimisation of their abuse, with boys often described as a ‘hidden group’. Scholars have further suggested that lower disclosure rates among boys are linked to gendered expectations around emotional stoicism and strength, barriers that may prevent boys from recognising or naming their experiences as abuse. This concern was echoed by professionals in the research:

*“There’s something about a girl being sexually abused that is more acceptable than a boy being criminally exploited – why can’t he get out of it? Why didn’t he tell someone?”*

(England and Wales – Interviewee 24a)

7. Leon and Raws, ‘Boys Don’t Cry: Improving Identification and Disclosure of Sexual Exploitation among Boys and Young Men Trafficked to the UK’; Cockbain, Brayley-Morris, and Ashby, ‘Not Just a Girl Thing: A Large-Scale Comparison of Male and Female Users of Child Sexual Exploitation Services in the UK’; Fox, ‘It’s Not on the Radar’; Thomas and Speyer, ‘I Never Spoke about It’: Supporting Sexually Exploited Boys and Young Men in Wales’; Fanner and Evans, ‘Problematising Young Male Victims in Twenty-First Century English Child Sexual Exploitation Policy: A Critical Discourse Analysis’.

8. Brodie, ‘Child Exploitation: Definition and Language’.

### 3. An emphasis on movement in the definition of trafficking in domestic legislation in England and Wales and Northern Ireland overlooks other elements in the act of child trafficking such as recruitment and harbouring and continues to shape professional understandings of when a case constitutes child trafficking in both identification and prosecutions, particularly affecting children exploited locally to where they live, or those exploited online

For a full discussion see sections A3 of the full report

The definition of trafficking offences in England, Wales and Northern Ireland connects the action element of trafficking of recruiting or harbouring victims, to the facilitation or arrangement of travel, implying that a trafficking offence cannot occur without some element of movement. This narrower statutory definition that centres primarily on travel, whether transnational or not, was identified as a main source of confusion among practitioners, which has led to inconsistencies in victim identification. Academic and policy discussions on child trafficking reflect the complexities of distinguishing the smuggling of people from human trafficking, a complexity that can generate further confusion among practitioners. Scholars also point to the blurred line where smuggling may evolve *into* trafficking, often leading to misidentification, hinderance of access to support, and further obscures the structural drivers of exploitation.<sup>9</sup>

Comparing domestic legislation with international law, we can see that the element of movement in the definition used by England, Wales, and Northern Ireland diverges significantly from the definition used in the Palermo Protocol, ECAT and the EU Anti-Trafficking Directive (2011). There is no reference to "travel" in international and regional definitions of human trafficking, though it is notable that the Palermo Protocol is a convention of the conduct with a transnational element, which may be one of the reasons this remains as a dominant determinant for many professional interpretations of child trafficking.

Survey data reflected similar concerns. While 75% of respondents found the definition of child trafficking either 'very' or 'somewhat clear,' nearly a quarter (24%) did not, and about half of those surveyed believed cross-border movement was a necessary element. Some interviewees and survey respondents commented about the prevalence of this view either in the media or among other professionals:

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9. Gearon, 'Child Trafficking: Young People's Experiences of Front-Line Services in England'; Bovarnick, 'How Do You Define a "Trafficked Child"? A Discursive Analysis of Practitioners' Perceptions around Child Trafficking'; Pearce, Hynes, and Bovarnick, Trafficked Young People;



*“Human trafficking in the media can be seen as the removal of persons from one country to another, when in fact it could be from one house to another in the same street.”*

(Detective Sergeant, England – Respondent 27)

*“[child trafficking] is...viewed really as something that happens, you know, when somebody's trying to get to the UK...it's sort of viewed as something that happens elsewhere”.*

(Northern Ireland – Interviewee 26)

Despite discrepancies in definitions, the emphasis placed on movement has obscured the importance of 'harbouring' and 'recruitment' elements that are paramount in international definitions of trafficking, which can take place without geographical travel. The UN Office of Drugs and Crime (UNODC) challenges the necessity of movement through the concept of 'harbouring,' reflecting that the act of harbouring can take place without any transportation, particularly when the victim is a child. A broad understanding of harbouring can mean sheltering, hiding, isolating, or restricting freedom of the child, none of which necessarily include any element of travel.

While the domestic trafficking offences in England, Wales and Northern Ireland do require that a child's movement be arranged or facilitated “with a view to exploitation,” the legislative emphasis on *travel* has contributed to confusion and inconsistency in distinguishing internal child trafficking particularly for sexual and criminal exploitation. In cases where there is no movement, it remains unclear whether they are referred into the NRM at all, with some participant responses suggesting they are not. Survey respondents, workshop attendees and interviewees highlighted this issue, that in the absence of movement, these cases aren't considered child trafficking:

*“I had a referral the other day that's explicitly said on it that the child had not been trafficked because he hadn't been moved out of the local area. I think there's this idea of like and certainly around international trafficking that have been trafficked from one country to another.”*

(England or Wales – Workshop Participant)

This emphasis on movement in domestic legal definitions not only continues to shape professional understandings of when a case constitutes child trafficking, but can also further challenge them, especially when the exploitation takes place locally or online.

*“Probably [the] majority of the CSE that we deal with, we wouldn’t be considering... it fell under the definition of human trafficking... unless it was obvious somebody was being physically moved. The majority of the CSE that we deal with, there is no NRM. There is no referral, there is no human trafficking considerations. [...] And again, the online stuff. The online child sexual exploitation. You’re not moving or there’s no location considerations at all in online sexual exploitation. So again, human trafficking wouldn’t be a consideration”.*

(Detective Inspector, Scotland – Interviewee 12)

Through submitting evidence to the Council of Europe in 2022, the UK Government has formally acknowledged how Adult Service Websites (ASWs) online can facilitate and enable human trafficking for sexual exploitation, particularly in the recruitment stages.<sup>10</sup> Yet domestically, these cases would not be formally identified as human trafficking if no movement element is present, with workshop participants explaining how decision makers apply this standard:

*“The Single Competent Authority (SCA) are very clear in their feedback to us that you have to have movement, so recruitment alone does not suffice. Online exploitation may fall within slavery, servitude or forced and compulsory labour, rather than human trafficking, because you’ve got recruitment, but you haven’t got any movement. Recruitment without movement does not fall within the human trafficking definition as far as the SCA are concerned.”*

(Social Worker, Child Exploitation Lead and NRM Panel Chair, England – Workshop Participant)

The focus on movement in UK child trafficking definitions has caused confusion, inconsistent identification, and missed protection opportunities. Unlike international standards, which include recruitment and harbouring without requiring relocation, UK practice often applies narrower criteria. This limits recognition of online or local exploitation and reinforces the myth that trafficking involves only cross-border movement.

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10. Campana, 'Online and Technology-Facilitated Trafficking in Human Beings'

#### 4. Age is a factor which determines the application of terminology, and perceived maturity is often interpreted as a proxy for consent, responsibility and perceived agency, affecting identification and criminalisation

For a full discussion see section B1 of the full report

Perceptions of maturity and ability to consent are factors that can determine the application of terminology, even though children of any age cannot consent to their own exploitation. Clear definitions of how age affects identification and protection are crucial for an effective response to child trafficking and exploitation. In both UK and international law, age thresholds determine what protections apply for children and when they are seen as capable of consent and responsibility, but these thresholds do sometimes work against one another. Professionals have reported the example that the legal age of sexual consent has presented barriers in the identification of child sexual exploitation for 16- and 17-year-olds, leading to the dismissal of exploitation cases. A child may be perceived as a victim and protected from exploitation in one situation, but treated as responsible or consenting in another, even if they are under the age of 18.

UK domestic law introduces different age limits and variations across key policy areas including criminal responsibility, employment, and consent to sexual activity where the age at which a child is deemed capable of responsibility or consent differs from the standard. As a result, the age of the child is a significant factor which determines the application of terminology, leading to gaps in protection and identification, particularly for adolescents aged 16-17 where there appears to be a reluctance in considering them as victims due to their age.

Respondents to the survey were asked whether the age of a child influences the way they are seen as meeting the threshold for exploitation. 57% chose “*No, age does not significantly affect the classification*” which reflects the principle in law and guidance that anyone under 18 who is exploited should be recognised as a victim. However, a substantial number of respondents highlighted specific scenarios where age does factor into how they identify exploitation – in particular the age of criminal responsibility and the age of consent.

Survey responses highlighted the age of criminal responsibility as a key factor in influencing how professionals identify exploitation, particularly for those who are criminally exploited. Approximately 10% (8 respondents) chose: “*Yes, age is a factor in CCE in line with the minimum age of criminal responsibility*”. This likely indicates that some practitioners more readily view children under the minimum age of criminal responsibility as victims because they are unable to form criminal intent, thus if they are involved in crime, it must be exploitation by someone else. In contrast, older adolescents, particularly those aged 16-17, might be wrongly perceived as acting voluntarily or making “choices”, even when they are being exploited. This perspective was also reported by interviewees, with one police

officer accepting all children under 10 will be seen as victims because they can't commit offences but reporting that it varies with teenagers.

Some survey respondents noted that younger children involved in crimes automatically raise red flags, whereas older adolescents sometimes get misidentified as "streetwise" or offending of their own accord. These practitioners emphasise that age matters in recognition of criminal exploitation, a 15-year-old used to transport or distribute drugs may be seen as an offender in ways a 12-year-old would not, regardless that both could have been exploited. Although participants stated that, in theory, any minor used to commit crime is, by definition, a victim of exploitation, participants also acknowledged that in practice, age does influence recognition and perceptions of victimhood.

*"I find it rather frustrating that if the child is 17 years old then CCE is often overlooked, and the child can be seen as making their own decisions at this age due to them being so close to 18. When they turn 18 years old, very little is done to assist them."*

(Detective Sergeant, England – Respondent 27)

The age of a child also plays a pivotal role in shaping how professionals perceive and respond to the distinction between legitimate child work and exploitative labour, and it is further complicated by legal ambiguities and contextual variances. While drafters of UNCRC deliberately refrained from embedding a specific universal minimum employment age, the ILO's Minimum Age Convention (No. 138) Article 2(1) sets the 'minimum age for admission to employment of work' at 15 years of age, while Article 2(4) permits developing countries to set a lower threshold of 14 years of age "if justified by the country's economic and educational circumstances".<sup>11</sup>

Despite these international instruments, scholars and practitioners highlight a persistence in confusion when it comes to identifying child exploitative labour. Additionally, the application of international standards and norms depends on how each country defines 'hazardous work' in its national context, making age-based protections highly context dependent. In UK domestic legislation, there are clear age-based restrictions intended to safeguard children at work and ensure children are protected while in legitimate employment. Hazardous work for children is prohibited under health and safety legislation and local authorities enforce restrictions under employment laws and regulations such as the Prohibited Employment regulations under the Children and Young Persons Act 1933.

11. ILO, Minimum Age Convention

However, as children approach the minimum age of employment, the line between acceptable child work and exploitation becomes less clear, particularly in informal or family contexts or where legal work occurs under exploitative circumstances.

Data collected from survey and interview respondents shows that age is one of the most important factors professionals use to judge whether work is exploitative. Asked if the age of a child influences whether they are seen as meeting the threshold for exploitation, a substantial number of survey respondents chose *"Yes, certain ages are critical in defining what constitutes child labour exploitation versus acceptable work for children"* and approximately, 28% of survey respondents (23 respondents) said certain age thresholds are critical in defining what constitutes exploitation as opposed to acceptable child labour. Respondents gave examples like distinguishing normal babysitting or chores appropriate for a 16-year-old versus exploitative work for a younger child.

Moreover, age as a determining factor is entangled with assumptions about capacity and consent. Professionals noted the challenge of navigating this legal landscape which often requires interpreting whether a child had the capacity to give informed and voluntary consent, particularly for 16- and 17-year-olds who may be able to legally consent to sexual activity but are legally still defined as children.

Survey respondents highlighted the age of consent as a factor which influences their identification of child sexual exploitation. Approximately 15% of respondents (12 respondents) indicated *"Yes, age is a clear-cut factor in determining CSE in line with the age of consent."* Essentially, some felt a younger child (under 16) is always seen as exploited, whereas with 16–17-year-old children professionals may need to demonstrate coercion or exploitation more explicitly since they can legally consent to sex in general but not to exploitation. This reflects a broader theme where the perceptions of vulnerability of children who may be susceptible to exploitation shifts as they become older adolescents. Professionals may be more likely to attribute agency or even responsibility to older children, including in cases of child sexual exploitation where the applications of strict definitional thresholds around grooming, coercion or the evidence of exchange might lead to some children being denied support or not recognised as victims.<sup>12</sup>

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12. Brodie, 'Child Exploitation: Definition and Language', 2022

## 5. Child trafficking is primarily understood as abuse occurring outside of the family, obscuring the complexities of harm and affecting identification

For a full discussion see section B6 of the full report

Through this research, a dominant silo has emerged in which child trafficking is primarily understood as occurring outside of the family (extra-familial abuse or harm). Despite evidence that shows exploitation can and does occur within families, the process of defining and categorising exploitation has occasionally overshadowed practical safeguarding, allowing labels to determine intervention routes rather than the underlying dynamics or risks involved.<sup>13</sup> Despite safeguarding responses to child trafficking benefiting from improved recognition of harm outside of the home, these issues are not synonymous to each other. There is no distinction in international law or in domestic legislation, which differentiates exploitation based on the perpetrator's relationship to the child.

Many professionals distinguished child sexual exploitation from other forms of child sexual abuse (e.g. exposing a child to sexual acts, contact sexual abuse, exposing or flashing a child, sexual abuse by a sibling) based on whether the abuse occurred outside the family context, leading to a divided model. Child criminal exploitation was also frequently categorised as extra-familial, a framing challenged in areas such as Northern Ireland where there is familial involvement in criminal exploitation, including by paramilitary-linked relatives, is common.<sup>14</sup>

*“Things like child sexual abuse, almost implies that it’s something that happens within families, behind closed doors, whereas child sexual exploitation is very clearly placed within the realms of extra familial harm and just that whole distinguishing between those two forms is where that issue lies.”*

(England and Wales – Workshop Participant)

Respondents expressed the difficulty of recognising specific forms of exploitation within familial settings and some professionals stated a determinant factor in child domestic servitude was when the exploiters were not the child's own family, despite this not being a required element in this form of abuse. These structural distinctions risk obscuring patterns of harm when familial relationships overlap with exploitation in child trafficking cases involving parents or extended family:

13. Brodie, 'Child Exploitation: Definition and Language', 2022.

14. Walsh, 'From Contextual to Criminal Harm: Young People's Perceptions and Experiences of Child Criminal Exploitation (CCE) in Northern Ireland', 2023; Kane and Chisholm, 'Identifying Modern Slavery and Human Trafficking in the Context of Child Criminal Exploitation in Northern Ireland', 2025



*“[Explaining a child’s negative NRM decision] It might have been seen differently [if it was not his father], but we were arguing that he was being exploited by his father. That that the expectations of his father ... from what we knew that he was going to be working long hours to send money back to family in Afghanistan, that kind of cultural expectation on it was the manipulation and the kind of silent code of coercion”.*

(Social Worker and NRM Project Lead, England – Interviewee 3)

*“We’ve also come across children employed in family businesses. We’re often concerned that they’re working longer hours than would be lawfully allowed, but the view of social care tends to be – that’s a parenting decision if they’re helping out in their family. But if they were employed by someone, not in their family – it would be a crime and that is tricky one.”*

(England – Workshop Participant)

## Recommendations

The research reveals significant challenges in the definition, identification, and application of child trafficking and exploitation frameworks in the UK. These include inconsistencies across legal and policy definitions, disparities in recognition based on nationality and exploitation type, and operational barriers that hinder effective responses for child victims. Together, these findings point to a need for clearer guidance, greater cross-agency coordination, and stronger safeguards to ensure children are properly identified, protected, and supported.

The following recommendations build on these findings, setting out practical and strategic actions for government departments and statutory agencies. By taking forward these measures, stakeholders can promote more consistent identification, reduce inequities in decision-making, and strengthen the UK’s ability to protect children from trafficking and exploitation in all its forms.

## For the UK Government and devolved Governments

1. **UK Government, Welsh Government, Scottish Government and Northern Ireland Executive** – Promote consistent language across policy and statutory frameworks to avoid narrowing definitions or excluding complex realities through oversimplified labels.
2. **UK Government, Welsh Government, Scottish Government and Northern Ireland Executive** Ensure that terminology used in data collection frameworks and funding streams is standardised and includes all forms of child exploitation.
3. **UK Government, Welsh Government, Scottish Government and Northern Ireland Executive** Consider establishing a multi-agency definitions taskforce to align legal, policy, and operational definitions of child exploitation, including in statutory guidance and data systems.
4. **UK Government and Northern Ireland Executive** – Reform primary legislation language in England, Wales, and Northern Ireland to reflect the international definition of child trafficking, removing the over-emphasis on movement and recognising actions such as recruitment and harbouring.
5. **UK Government, Welsh Government, Scottish Government and Northern Ireland Executive** – Develop and implement a cross-government child exploitation strategy that recognises and responds to the overlapping nature of exploitation types. This strategy should be underpinned by integrated policy and operational frameworks across relevant departments to promote consistency in identification, protection, and support for children. Responsibility should be shared across key departments, including but not limited to the Home Office, Department for Education, and devolved administrations.
6. **UK Government, Welsh Government, Scottish Government and Northern Ireland Executive** – Ensure youth participation in policy development to ensure terminology and identification processes resonate with affected children.
7. **UK Government, Welsh Government, Scottish Government and Northern Ireland Executive** – Establish access to a minimum core package of support in line with ECAT for children referred into the NRM independent of their status as looked after children. Ensure broader, trauma-informed assessments with professional discretion used to access support, rather than narrow checklists.
8. **UK Government, Welsh Government, Scottish Government and Northern Ireland Executive** – Include guidance and training that challenges gendered, racialised, nationality and age-based assumptions linking particular forms of exploitation with specific national or ethnic groups, ensuring that all children receive equal protection under trafficking law.

## For the Home Office

9. Provide specialised training for child first responders and decision-makers to increase consistency in making referrals and applying child trafficking definitions across jurisdictions particularly on the issues of movement, online aspects of any element, the means and consent, demographic bias and intra-familial child trafficking.
10. Introduce a statutory definition of child exploitation that encompasses all exploitation types, allowing sufficient elasticity to evolve with emerging forms whilst clarifying current definitional inconsistencies to ensure child exploitation is always identified. This definition should be developed through meaningful engagement with children and young people, including those with lived experience, to ensure it reflects the realities of exploitation and supports effective identification and response.
11. Develop statutory guidance to clarify that movement is not a legal requirement for modern slavery referrals, particularly in online exploitation cases, to improve identification and response including clarification that distance, border-crossing, or mode of transport are not determinative.
12. Review the Slavery and Human Trafficking (Definition of Victim) Regulations 2022 and the Modern Slavery Statutory Guidance to amend language which indicates a means element for children is necessary such as coercion, deception, force or other terms which requires consideration of informed consent.
13. Clarify in statutory guidance to the MSA and non-statutory in England and Wales the particular standard for decision makers in CSE and CCE cases for the purposes of formal victim identification with particular consideration given to not requiring a 'means' element or financial gain.
14. Integrate online exploitation scenarios into training and statutory guidance to ensure emerging forms of harm are appropriately recognised and responded to as child trafficking.
15. Require NRM competent authorities to provide reasoned justifications for definition-based refusal decisions, especially where the form of exploitation is listed as "unspecified."
16. Ensure statutory guidance reinforces that children of any age cannot consent to exploitation including being sexually exploited and that the age of consent must not be used to dismiss indicators of exploitation.
17. Ensure guidance addresses the implications of age in cases of labour exploitation of children including the minimum age of work, restrictions on work for children and recognition of vulnerability of older children.

18. Ensure clearer statutory and operational definitions, improved inter-agency alignment, and training to distinguish between acceptable domestic responsibilities and exploitative practices.
19. Introduce independent review mechanisms to scrutinise NRM referrals and decision-making where significant disparities exist in definition-based refusals by nationality, to assess whether children from certain nationalities are being systematically refused and to guard against unconscious bias.

## For the Department for Education England, Department of Health Northern Ireland, Children and Families Directorate Scotland, Department of Education and Skills Wales

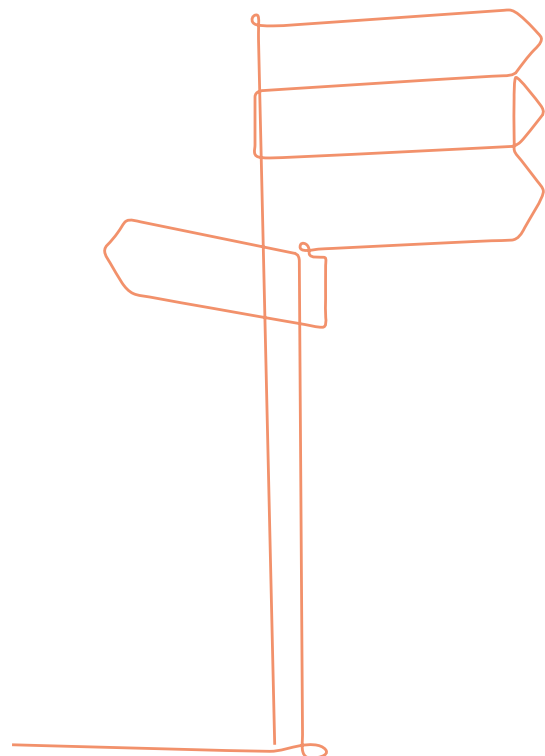
20. Amend statutory and non-statutory definitions of Child Sexual Exploitation and Child Criminal Exploitation confirming that the “means” element is not required for cases of child trafficking for these forms and ensuring the guidance is linking the concept of exploitation to child trafficking cases when the elements of recruitment, transportation, harbouring or receipt are met.
21. Ensure child labour exploitation and domestic servitude are also core components of multi-agency safeguarding frameworks of child exploitation.
22. Ensure national and local child protection frameworks recognise and include all exploitation types, not just CSE and CCE, and avoid reinforcing artificial divisions.
23. Require that child exploitation teams, assessment tools, and reporting systems address a full range of exploitation types, including domestic servitude and labour exploitation.
24. Update statutory guidance to reflect that intra-familial trafficking and exploitation can and does occur and ensure safeguarding assessments do not exclude these cases by default.
25. Ensure training for professionals recognises that family-based labour, domestic, sexual and criminal exploitation can meet the threshold for child trafficking and should not be excluded from consideration.

## For the Ministry of Justice England and Wales, Department of Justice Northern Ireland, Justice Directorate Scotland

26. Mandate the presumption of victimhood for children involved in criminal offences linked to exploitation, with guidance on applying non-prosecution principles for all offences at the earliest possible stage.

## For Local Authorities children social care and policing

27. Develop cultural competence training for all safeguarding professionals to help them distinguish between harmful practices and culturally contingent norms while maintaining a child rights lens.
28. Ensure safeguarding assessments incorporate an understanding of cultural dynamics without undermining universal child protection obligations.
29. Develop multi-agency training to centre responses in effective safeguarding and preventing siloed approaches. Training should include adequate legal standards regarding movement, means, demographic bias, full array of exploitation types and include intra-familial case studies of labour, domestic, criminal, and sexual exploitation to promote recognition and appropriate responses.



# Areas for further research

## 1. Impact of Definitions on Access to Protection

Investigate how definitional inconsistencies affect identification, support, and outcomes for children, particularly those whose experiences fall outside dominant exploitation categories.

## 2. Outcomes Following Definition-Based NRM Refusals

Conduct longitudinal studies on children refused support due to not meeting trafficking definitions, including safeguarding, immigration, and mental health impacts.

## 3. Bias in Trafficking Decisions

Examine racial, gender and nationality-based disparities in NRM outcomes, exploring the role of unconscious bias and evidentiary thresholds.

## 4. Online-Facilitated Exploitation

Explore how online grooming, recruitment, and exploitation are understood and responded to within the child trafficking framework.

## 5. Intra-Familial Trafficking and Exploitation

Investigate the prevalence, characteristics, and professional recognition of intra-familial forms of child exploitation and trafficking.

## 6. Under-Recognised Forms of Exploitation

Explore the treatment and recognition of other forms of exploitation such as orphanage trafficking, illegal adoption, child/early and forced marriage and child soldiers within UK systems.

## 7. Regional and Devolved Variations

Compare how definitions and identification practices vary across devolved administrations and local authorities, identifying both challenges and examples of effective practice.

## 8. Children's Perspectives on Identification and Labels

Conduct participatory research with children and young people to understand how official terminology and processes shape disclosure, engagement, and recovery.



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