

Creation of a Child Criminal Exploitation (CCE) criminal offence in England and Wales

Policy report

July 2025

Authors: Dr Alicia Heys and Dr Marija Jovanovic



Research by:



UNIVERSITY
of HULL

Wilberforce
Institute

Bonavero
Institute
of Human
Rights



This Policy Report is authored by Dr Alicia Heys, a Senior Lecturer at the Wilberforce Institute at the University of Hull, and Dr Marija Jovanovic, a Research Fellow in Business and Human Rights at the Bonavero Institute of Human Rights at the University of Oxford and a Senior Lecturer at the Essex Law School (University of Essex). Both are co-Investigators in the Modern Slavery and Human Rights Policy and Evidence Centre (PEC) at the University of Oxford. The PEC Policy Impact Team supported the drafting of this Policy Report. The Modern Slavery and Human Rights PEC is funded by the Arts and Humanities research Council (AHRC). The views expressed in this summary and the full report are those of the authors and not necessarily of the funders.

Acknowledgements: With thanks to Laura Durán, Head of Policy, Advocacy and Research at ECPAT UK and Tatiana Gren-Jardan, Head of Policy and Advocacy at Justice and Care for their invaluable feedback on early drafts.

Introduction

Over the last ten years, there has been a growing focus on criminal exploitation, particularly Child Criminal Exploitation (CCE) in the UK, from governments, law enforcement agencies and civil society groups.¹

The new Labour Government in the UK included a commitment in their manifesto to “introduce a new offence of criminal exploitation of children, to go after the gangs who are luring young people into violence and crime.”² Subsequently, the King’s Speech 2024 committed to the introduction of a Crime and Policing Bill, covering England and Wales, which would include provisions to “prevent young people being drawn into crime and criminal gangs by strengthening the law to tackle those who exploit children for criminal purposes.”³

The Crime and Policing Bill was introduced on 25 February 2025 as a Bill to make provision about anti-social behaviour, offensive weapons, offences against people (including sexual offences), property offences, the criminal exploitation of persons, sex offenders, stalking and public order; to make provision about powers of the police, the border force and other similar persons; to make provision about confiscation; to make provision about the police; to make provision about terrorism and national security, and about international agreements relating to crime; to make provision about the criminal liability of bodies; and for connected purposes.

1. For example Home Office (2023) ‘[Criminal Exploitation of Children and Vulnerable Adults: County Lines](#)’; Scottish Government (2023) ‘[Criminal exploitation practitioner guidance](#)’; Centre for Social Justice and Justice and Care (2024) ‘[Criminal Exploitation: Modern Slavery by Another Name](#)’; Action for Children (2024) ‘[Shattered Lives, Stolen Futures: The Jay Review of Criminally Exploited Children](#)’.

2. Labour Party (2024) [Labour Party Manifesto](#), June 2024.

3. King’s Speech (2024) ‘[Background Briefing Notes](#)’.

This Policy Report by the Modern Slavery and Human Rights Policy and Evidence Centre (PEC) aims to inform policy considerations arising from the creation of a standalone CCE criminal offence, based on independent analysis of existing legal frameworks and available evidence and data. Specifically, the Policy Report considers the implications of creating a new offence for the broader legal framework on modern slavery in the UK. It considers in particular the implications of introducing the new offence for the identification and support of children subject to CCE, the prosecution of the perpetrators, and the prevention of CCE. Throughout the report, recommendations are provided to suggest ways to address some of the complexities identified.

The report is structured around the following themes:

1. The relationship between the notions of CCE and modern slavery
2. The relationship between a standalone CCE criminal offence and the wider modern slavery legal landscape
3. Key considerations arising from the introduction of a CCE offence by the Crime and Policing Bill
4. The necessity of a separate CCE offence

Methodology

This Policy Report is based on two strands of analysis undertaken in August 2024: a legal analysis of relevant international legal frameworks pertaining to the issue of modern slavery applicable in the UK⁴ and their relationship to CCE, and a rapid and focused desk-based review of existing academic research, existing administrative data and reports by NGOs and governments relevant to the questions under consideration. This was then updated following the introduction of the Bill in February 2025. Given the rapid nature of this analysis, the Policy Report is not based on a systematic review and analysis of all available evidence on the topics of CCE and modern slavery.

4. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime 2000 ('the Palermo Protocol'), the European Convention on Human Rights 1950 (ECHR), the Council of Europe Convention on Action Against Trafficking in Human Beings 2005 (ECAT), the UN Convention on the Rights of the Child 1989 (UNCRC) and the Modern Slavery Act 2015 (MSA).

1. The relationship between the notions of CCE and modern slavery

In both domestic and international law, CCE is prohibited as part of the right to be free from slavery, servitude, forced labour and human trafficking guaranteed by Article 4 ECHR, Article 4 ECAT, as well as domestic law (MSA 2015 and Human Rights Act 1998). Offences included in Sections 1-3 of the MSA reflect the definitions of these practices enshrined in international instruments and case law binding on the UK. These were broadly construed to be sufficiently flexible to cover new and emerging forms of exploitation, and as such enable the prosecution of CCE offences.

Recommendation 1: A new offence on CCE must provide an appropriate definition for child criminal exploitation which is broad enough to accommodate new and emerging offences which may not yet have been considered.⁵

1. Prior to the Crime and Policing Bill, CCE has not been defined in primary legislation, but existing government guidance/strategies have defined it for particular purposes. The Serious Violence Strategy⁶ contains the following definition:

- a. "Child Criminal Exploitation occurs 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 into any criminal activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial or other advantage of the perpetrator or facilitator and/or (c) through violence or the threat of violence. The victim may have been criminally exploited even if the activity appears consensual. Child Criminal Exploitation does not always involve physical contact; it can also occur through the use of technology."

5. Any new offence should ensure that applicability is not limited to current understandings of CCE which are largely framed around illegal activity concerning drugs. Not only are other forms of CCE recognised in the UK (such as fraud, forced begging, shoplifting etc), but there is also the potential for new forms of CCE to develop which legislation should be ready to deal with. For example, there is evidence to suggest that individuals are being trafficked to conduct online scams which would likely fit definitions of CCE but may not be recognised enough currently to be used to inform the establishment of a new offence. See for example: US Department of State (2023) '[Human trafficking and cyber scam operations](#)'; UNOHCHR (2023) '[Hundreds of thousands trafficked to work as online scammers in SE Asia, says UN report](#)'; Center for Strategic and International Studies (2023) '[Cyber scamming as a new destination for human trafficking victims](#)'.

6. Home Office (2018) '[Serious Violence Strategy](#)'.

- b. The Modern Slavery Statutory Guidance⁷ uses a very similar definition of CCE: “Child Criminal Exploitation is common in county lines and occurs 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. The victim may have been criminally exploited even if the activity appears consensual. Child Criminal Exploitation does not always involve physical contact; it can also occur through the use of technology.”
- c. The Explanatory Notes to the Crime and Policing Bill, which creates a new criminal offence of child criminal exploitation, define CCE as “a form of child abuse where a child is exploited into taking part in criminal activity, often by gangs and organised criminal networks. CCE is typified by an imbalance of power that is unduly exercised by an adult who uses a child to commit crime for their or another adult’s benefit. A child victim cannot consent to their own abuse and exploitation, which they often do not recognise themselves.”

2. While CCE is often synonymous with ‘county lines’ and drugs offences,⁸ criminal exploitation is a broader phenomenon. The Home Office’s 2017 modern slavery typology research⁹ identified six forms of criminal exploitation (for both adults and children): forced gang-related criminality, forced labour in illegal activities (e.g. cannabis cultivation); forced acquisitive crime; forced begging; trafficking for forced sham marriage; and financial fraud (including benefit fraud).

3. In domestic and international instruments and jurisprudence CCE is considered a part of the notions of ‘slavery, servitude and forced or compulsory labour’ and ‘human trafficking’, which are embedded in the British law through the umbrella term ‘modern slavery’.

4. In international law, human trafficking has been defined in Article 3 of the Palermo Protocol in the following terms:

- a. “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced

7. Home Office (2020) ‘[Modern slavery: how to identify and support victims](#)’ Sections 9.3.2–9.3.8.

8. According to the [National Crime Agency](#) ‘County Lines is where illegal drugs are transported from one area to another, often across police and local authority boundaries (although not exclusively), usually by children or vulnerable people who are coerced into it by gangs. The ‘County Line’ is the mobile phone line used to take the orders of drugs.’

9. Home Office (2017) ‘[A typology of modern slavery offences in the UK](#)’.

labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

- b. The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.
- c. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article.

5. All three elements of this definition – an action (the recruitment, transportation, transfer, harbouring or receipt of persons), **the use of certain means** (the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person), **and the purpose of exploitation – must be present for a human trafficking offence to be established.** In the case of trafficking in children, the Palermo Protocol’s definition of human trafficking, replicated in all other international instruments dealing with the subject matter, is clear that the ‘means’ element is immaterial. The notion of exploitation, as a distinct purpose of human trafficking, is defined by a reference to a non-exhaustive list of examples.

6. Furthermore, the offence is complete when intent is established; as such a conviction could be made even if the intended exploitation never materialised. According to the *Travaux Préparatoires* to the UN Convention against Transnational Organized Crime and the Protocols thereto,¹⁰ “[t]he words ‘at a minimum’ will allow States Parties to go beyond the conduct captured in the definition. It was also intended to make it possible for the [P]rotocol to cover future forms of exploitation (i.e., forms of exploitation that were not yet known).” Similarly, the UNODC Legislative Guide¹¹ 2020 explained that “[b]y keeping this list non-exhaustive, the Trafficking in Persons Protocol allows for other, new, or less common forms of exploitation to be included in the scope of trafficking.”

7. Accordingly, even though it was not expressly mentioned in the Palermo Protocol’s definition, ‘criminal exploitation’ is broadly considered as a form of human trafficking.¹²

10. UNODC (2006) ‘[Travaux Préparatoires of the negotiations for the elaboration of the United Nations Convention against Transnational Organized Crime and the Protocols thereto](#)’ pg343.

11. UNODC (2020) ‘[Trafficking in Persons Legislative Guidance](#)’.

12. UNODC (2015) ‘[Issue Paper: the concept of ‘exploitation’ in the Trafficking in Persons Protocol](#)’

8. The definition of trafficking in human beings in Article 4(a) of ECAT is identical to the one in Article 3 of the Palermo Protocol. The Explanatory Report to ECAT¹³ (paras 85–6) notes that “[n]ational legislation may therefore target other forms of exploitation (...) for criminal activity is increasingly diversifying in order to supply people for exploitation in any sector where demand emerges.”

9. The Group of Experts on action against trafficking in human beings (GRETA)¹⁴ – the body responsible for monitoring States’ implementation of ECAT – has continuously emphasised that forced criminal activities represent a type of human trafficking:

- a. GRETA’s 3rd General Report from 2013 noted that: “efforts must be made to take account of all forms of trafficking and their new varieties. For instance, in countries where national law has not been interpreted as encompassing trafficking for the purpose of (...) exploitation of criminal activities, legislation is required to cater for them.”¹⁵
- b. GRETA’s 6th General Report from 2018 explained that “[f]or the second evaluation round of the Convention, GRETA decided to pay particular attention to measures taken by State Parties to address the vulnerability of children to trafficking”, expressly noting that different forms of exploitation included ‘forced criminal activities’.¹⁶

10. The inclusion of a non-punishment provision in Article 26 of ECAT makes it clear that the drafters of ECAT must have had criminal exploitation in mind when creating this provision.¹⁷ It prescribes that “[e]ach Party shall, in accordance with the basic principles of its legal system, provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so”.¹⁸ The non-punishment principle is discussed in more detail in paragraphs 33–44.

11. Article 4 of ECHR makes no mention of human trafficking, but the European Court of Human Rights has expressly noted that ‘by its very nature and aim of exploitation’, human trafficking falls within the scope of Article 4, which expressly prohibits slavery, servitude, and forced or compulsory labour.¹⁹

13. Council of Europe (2005) ‘[Explanatory report to the Council of Europe Convention on Action against Trafficking in Human Beings](#)’.

14. A technical body, composed of independent and highly qualified experts in the area of human rights, assistance and protection to victims and the fight against trafficking in human beings, with the task of adopting a report and conclusions on each Party’s implementation of the Convention.

15. Council of Europe (2013) ‘[3rd Report on GRETA’s activities](#)’ pg 6.

16. GRETA (2018) ‘[Trafficking in children](#)’ pg 5.

17. Official records of the travaux préparatoires of ECAT are not publicly available. See Planitzer, J. and Sax, H. (eds) (2020), ‘A Commentary on the Council of Europe Convention on Action against Trafficking in Human Beings’.

18. See further Jovanovic, M. and Niezna, M. (2023) ‘[The Non-Punishment of the Survivors of Human Trafficking in Practice: A Case of the United Kingdom](#)’ (Council of Europe).

19. The European Court of Human Rights (2010) ‘[Rantsev v Cyprus and Russia](#)’.

In the case of *V.C.L. and A.N. v. the United Kingdom*,²⁰ the Court found that the State failed in its duty to protect two Vietnamese minors as victims of trafficking who had been prosecuted for drug offences connected to their work in cannabis factories, therefore clearly recognising the exploitation of criminal activities as one form of human trafficking prohibited under Article 4 ECHR.

12. Finally, Article 35 of UNCRC imposes that 'States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form' while Article 36 prescribes that "States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare."

- a. In its 2017 report to UN Human Rights Council and General Assembly containing an analysis of the sale of children for the purpose of forced labour, Special Rapporteur on the sale and sexual exploitation of children noted that "[c]riminal activities are among the services children may be forced to undertake and are considered a form of forced labour."²¹ In its Conclusions and Recommendations, the Special Rapporteur invited all States to "[e]nsure that the rights of child victims are fully respected, including when they are forced to engage in illegal activities. They should not be criminalized and have the right to receive comprehensive care, recovery and reintegration services".

13. In the UK context, the term 'modern slavery' is used to account for 'slavery, servitude, and forced or compulsory labour' and 'human trafficking' when seeking to transpose the relevant international framework into domestic law. Modern slavery itself does not have a legal definition, but the Modern Slavery Act 2015 (MSA) consolidated existing offences into one Act to make it easier to prosecute. The MSA offences, which carry a maximum penalty of life imprisonment, are:

- a. **Human trafficking (Section 2 of MSA).** Section 2 introduces one offence for all types of human trafficking, which is defined as follows: 'A person commits an offence if the person arranges or facilitates the travel of another person ("V") with a view to V being exploited.' Section 3 sets out the meaning of exploitation for the purposes of Section 2 to expressly include: slavery, servitude and forced or compulsory labour (Subsection 2), sexual exploitation (Subsection 3), removal of organs (Subsection 4), securing services etc by force, threats or deception (Subsection 5), and securing services etc from children and vulnerable persons (Subsection 6). It is relevant to note that the Explanatory Notes to Section 3 MSA explain that 'Subsection 5) sets out that exploitation includes all other types of exploitation where a person is subject to force,

20. European Court of Human Rights (2021) '*V.C.L. and A.N. vs the United Kingdom*'.

21. UN General Assembly (2016) '*Sale of children, child prostitution and child pornography*'.

threats or deception which is designed to induce him into providing a service of any kind, providing a person with benefits or enabling another to acquire benefits. This would include forcing a person to engage in activities such as begging or shop theft.’ Furthermore, Subsection (6) is said to ‘broaden(s) the type of exploitation described in subsection (5) so that it includes where a person is used (or there is an attempt to use the person) to do something for such a purpose, having been chosen on the grounds that he or she is a child, is ill, disabled, or related to a person, in circumstances where a person without the illness, disability, or family relationship would be likely to refuse.’ As such, these elements of the MSA clearly account for situations of CCE.

What data is available about CCE?

More data is available on victims than offenders of CCE and the scale of exploitation is likely to be larger than that captured by official statistics. Research indicates that the police and the public alike understand the criminal exploitation of children better than the criminal exploitation of adults.²² This, along with the lack of requirement for children’s consent to be referred into the NRM goes some way to explaining why official victim statistics seem to indicate a higher proportion of child victims than the statistics from police investigations.

While prosecution data for modern slavery offences is not disaggregated by type of exploitation, prosecution and conviction rates under the Modern Slavery Act remain low, and sentences are short in the context of a maximum sentence of life imprisonment.²³

Victims and survivors

- The National Referral Mechanism (NRM) is the UK’s identification system for modern slavery survivors. First responder organisations refer individuals they believe to be a victim of modern slavery into the NRM. At the time of writing, the most recent NRM data relates to January–March 2025.²⁴ This data shows that 32% of all referrals were for children (1,671 in a total of 5,297). 51% of child victims were referred to the NRM for criminal exploitation as a single form of exploitation (858 children). 9% of child victims were referred to the NRM for criminal exploitation **and** at least one other form of exploitation (144 children).²⁵

22. Centre for Social Justice and Justice and Care (2024) ‘[Criminal Exploitation: Modern Slavery by Another Name](#)’ pg17.

23. Heys, A. (2025) [Barriers to prosecutions and convictions under the Modern Slavery Act 2015](#).

24. Home Office (2025) ‘[Modern Slavery: National Referral Mechanism and Duty to Notify Statistics UK, quarter 1 2025 – January to March](#)’.

25. Note that these cases relate to the age at referral and come from data table 4 of Home Office (2025) ‘[Modern Slavery: National Referral Mechanism and Duty to Notify Statistics UK, quarter 1 2025 – January to March](#)’.

- In the reporting year ending 31st March 2024, Department for Education statistics note that there were 15,750 episodes of need in England where child criminal exploitation was identified as a concern and 2,590 episodes of need in England where trafficking was identified as a concern.²⁶

Offending data

- In the full year ending December 2024, MoJ statistics note that 142 defendants were proceeded against, 47 were convicted, and 45 sentenced for modern slavery offences. The average custodial sentence for this time frame was 57 months.²⁷ The maximum sentence under MSA is life imprisonment.
- The CPS applies a modern slavery 'flag' to cases that involve modern slavery and may have been prosecuted under the MSA or other legislation. In the year ending December 2024, the CPS recorded 454 prosecutions for modern slavery-flagged crimes in England and Wales, of which 353 (78%) resulted in a conviction.²⁸

Law Enforcement Activity

- As of June 2025, there were 1,661 investigations underway in UK policing that primarily tackled "criminal exploitation (county lines/cannabis cultivation/fraud/theft)".²⁹ This represented 60% of all live police investigations into modern slavery and human trafficking. This published data is not disaggregated by the age of victims involved in each investigation.



26. Department for Education (2024) [Children in Need](#).

27. Ministry of Justice (2025) [Criminal Justice System Statistics Quarterly: December 2024 Outcomes by Offence Data Tool](#).

28. Crown Prosecution Service (2025) 'Prosecution Crime Type Data Tables Q3 24-25' Data Table 5.1. The CPS applies a modern slavery 'flag' to cases that involve modern slavery, and which may have been prosecuted under the MSA or other legislation. Some of the differences between the CPS and MoJ statistics relate to the fact that the CPS statistics are of prosecutions where the case includes a flag for modern slavery, but these numbers will include cases where the prosecution and conviction did not use modern slavery legislation

29. Modern Slavery and Organised Immigration Crime Unit (July 2025) 'Overview of Live Modern Slavery Investigations in UK Policing June 2025'.

2. The relationship between a Standalone CCE criminal offence and the wider modern slavery legal landscape

A standalone CCE criminal offence would be a narrow element of the overall strategic response to CCE, and child exploitation in general. The strategic response should go beyond the criminal justice responses to include measures of prevention as well as victim identification and support. These interventions are required by the UK's international legal obligations on modern slavery and given that CCE is a form of modern slavery, any policy and operational response to CCE needs to take account of such obligations. This section of the Policy Report explores these issues in more detail focusing on the UK's obligations to identify and protect victims of modern slavery, and the non-punishment principle.

Recommendation 2: The obligation to protect victims requires measures that go well beyond the criminal justice response. Any new CCE criminal offence on its own may achieve little to address victim protection needs and must consider any impact on victim protection.

The UK's international legal obligations on modern slavery relevant to CCE

CCE engages all three core obligations under Article 4 of ECHR and ECAT: 1) the duty to put in place a legislative and administrative framework to prohibit and punish trafficking; 2) the duty to investigate situations of potential trafficking and prosecute the perpetrators; and 3) the duty to identify and protect victims, which includes also protection from punishment of victims who are compelled to engage in unlawful activities. A new standalone criminal offence of CCE would directly respond to the first two of these obligations.

14. The general framework of positive obligations under Article 4 of the ECHR includes three core obligations:

- a. the duty to put in place a legislative and administrative framework to prohibit and punish trafficking;
- b. the duty, in certain circumstances, to take operational measures to protect victims, or potential victims, of trafficking; and
- c. the procedural obligation to investigate situations of potential trafficking and prosecute the perpetrators.³⁰

15. These core obligations are interpreted with a reference to the ECAT. Thus, in *V.C.L. and A.N. v the United Kingdom*, the European Court of Human Rights explained that '[t]he member States' positive obligations under Article 4 of the Convention must be construed in the light of the [ECAT] (...) The Court is guided by the [ECAT] and the manner in which it has been interpreted by GRETA.'³¹

16. Regarding the obligation to adopt a legislative and administrative framework to prohibit and punish human trafficking, States Parties to the ECAT are not obliged 'to copy verbatim into their domestic law the concepts in Article 4, provided that domestic law covered the concepts in a manner consistent with the principles of the Convention and offered an equivalent framework for implementing it.'³² **Accordingly, international law and jurisprudence neither prescribe nor prevent that States adopt a separate criminal offence to prosecute the perpetrators of CCE or any other individual type of exploitation that falls within the scope of Article 4 ECHR and Article 4 ECAT.**

17. The obligation to take operational measures to protect victims, or potential victims, arises when 'the State authorities were aware, or ought to have been aware, of circumstances giving rise to a credible suspicion that an identified individual had been, or was at real and immediate risk of being, trafficked or exploited'.³³ When this is the case, there will be a violation of Article 4 of the ECHR where the authorities fail to take appropriate measures within the scope of their powers to remove the individual from that situation or risk. In *Chowdury and Others v Greece*, the European Court of Human Rights observed that the ECAT called on the member States to adopt a range of measures to prevent trafficking and to protect the rights of victims: '[t]he preventive measures include measures to strengthen coordination at national level between the various anti-trafficking

30. European Court of Human Rights (2021) '*V.C.L. and A.N. vs the United Kingdom*' para 156; European Court of Human Rights (2018) '*S.M. v. Croatia*' para 306.

31. European Court of Human Rights (2021) '*V.C.L. and A.N. vs the United Kingdom*' para 150. Also European Court of Human Rights (2017) '*Chowdury and Others v Greece*', para 104.

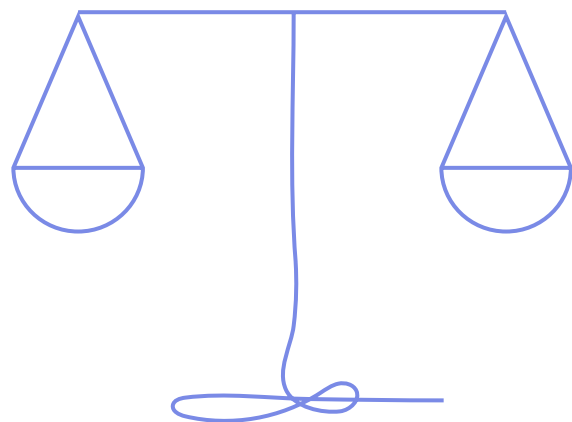
32. Council of Europe (2005) '*Explanatory report to the Council of Europe Convention on Action against Trafficking in Human Beings*' para 70.

33. The European Court of Human Rights (2010) '*Rantsev v Cyprus and Russia*' para 286.

bodies and to discourage the demand, which promotes all forms of exploitation of persons, including border controls to detect trafficking. Protection measures include facilitating the identification of victims by qualified persons and assisting victims in their physical, psychological and social recovery.³⁴ It is important to note however, that “the obligation to take operational measures must be interpreted in a way which does not impose an impossible or disproportionate burden on the authorities.”³⁵ **The obligation to protect victims of human trafficking also includes protection of those victims who have been compelled to commit criminal offences from the prosecution and punishment, guaranteed in Article 26 of ECAT** (see next section for a detailed analysis of this).

18. The procedural obligation to investigate situations of potential trafficking and prosecute the perpetrators requires State authorities to conduct an effective investigation capable of leading to the identification and punishment of individuals responsible, which is an obligation not of result but of means.³⁶ Also, the European Court of Human Rights noted that “[a] requirement of promptness and reasonable expedition is implicit in all cases but where the possibility of removing the individual from the harmful situation is available, the investigation must be undertaken as a matter of urgency.”³⁷ Notably, an investigation must not depend on a complaint from the victim or next of kin: once the matter has come to the attention of the authorities they must act of their own motion.³⁸

19. In addition to the ECHR and ECAT, **Article 35 of the UNCRC** requires States ‘to prevent (...) [the] traffic in children for any purpose or in any form’ while Article 36 of the same Convention requires States to ‘protect the child against all other forms of exploitation prejudicial to any aspects of the child’s welfare.’ **UNCRC does not expressly mention nor require States to criminalise CCE.**



34. European Court of Human Rights (2017) '[Chowdury and Others v Greece](#)' para 110.

35. The European Court of Human Rights (2010) '[Rantsev v Cyprus and Russia](#)' para 287.

36. The European Court of Human Rights (2010) '[Rantsev v Cyprus and Russia](#)' para 288.

37. The European Court of Human Rights (2010) '[Rantsev v Cyprus and Russia](#)' para 288.

38. The European Court of Human Rights (2010) '[Rantsev v Cyprus and Russia](#)' para 288.

20. Article 3 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography provides that:

- 1.** Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether such offences are committed domestically or transnationally or on an individual or organized basis:
 - a.** In the context of sale of children as defined in article 2:
 - i.** Offering, delivering or accepting, by whatever means, a child for the purpose of:
 - a.** Sexual exploitation of the child;
 - b.** Transfer of organs of the child for profit;
 - c.** Engagement of the child in forced labour;

Paragraph 3 of this Article states:

“Each State Party shall make such offences punishable by appropriate penalties that take into account their grave nature.”

21. As noted in paragraph 12 above, the Special Rapporteur on the sale and sexual exploitation of children considers forced criminal activities of children a form of forced labour.

The intersection between a standalone CCE offence and the UK’s obligations to identify and support victims of modern slavery

Victim identification and support are independent from the prosecution of the perpetrators of modern slavery offences. International law is not prescriptive when it comes to a regime adopted by states to identify and support victims, though there is an emphasis on special protection of children from human trafficking in general – not just CCE. The NRM is the current mechanism the UK uses to identify and support all victims of modern slavery. Any policies which seek to implement different approaches to victims based on the type of exploitation they suffered must be pursued with great caution so as not to result in differential treatment of victims.

Recommendation 3: Any changes in the approach to CCE would need to consider the implications for the ICTG model of support to child survivors of modern slavery and be reflected in Section 48 of the MSA.

Recommendation 4: If a new identification process is to be developed for victims of CCE, careful consideration must be given to ensure coherence and consistency in application of the identification framework and to ensure that those running the identification mechanism have appropriate training and expertise.

Recommendation 5: All victims of child exploitation should continue to be referred to the NRM, regardless of the form of exploitation suffered, to ensure coherency of data.

22. Victim identification and support are independent from any law enforcement action against the traffickers. The Explanatory Report to ECAT thus expressly states that '[t]he identification process provided for in Article 10 is independent of any criminal proceedings against those responsible for the trafficking. A criminal conviction is therefore unnecessary for either starting or completing the identification process.'³⁹ It further clarifies (para 168) that '[t]he drafters wish to make it clear that under Article 12, paragraph 6, of the Convention, assistance is not conditional upon a victim's agreement to cooperate with competent authorities in investigations and criminal proceedings.' This is reflected also in the Modern Slavery Statutory Guidance, which expressly states that '[i]t is not necessary to prove that an offence has taken place, or for there to be an ongoing criminal investigation to find that an individual is a victim of human trafficking and/or slavery, servitude, and forced or compulsory labour.'⁴⁰

39. Council of Europe (2005) 'Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings' para 134

40. Home Office (no date) 'Modern slavery: statutory guidance for England and Wales (under s49 of the Modern Slavery Act 2015) and non-statutory guidance for Scotland and Northern Ireland' para 14.80

23. ECAT notes that States must have in place a mechanism to identify survivors, but it is not prescriptive about what form this takes and therefore does not preclude States from having different identification processes for different cohorts of victims.

24. Personal interactions between victims and practitioners are key to determining whether children are recognised as victims or treated as perpetrators.⁴¹ Because in CCE cases children are simultaneously victims (of modern slavery) and perpetrators (of the offence they were exploited to commit), it is important that professionals are well trained in these issues to be able to appropriately identify and handle such cases.

25. The UK has given effect to the obligation to identify victims of modern slavery through the UK-wide NRM process run by the Home Office. Notably, local authority decision-making pilots have been trialled for NRM decisions of child victims of modern slavery.

26. Section 48 of the Modern Slavery Act outlines the Independent Child Trafficking Guardianship (ICTG) Service. It is commissioned by the Home Office and delivered by Barnardo's in set local authority areas across England and Wales. NRM first responders are responsible for referring trafficked children into the ICTG service.⁴² The ICTG service offers advice, guidance and support for children who have experienced trafficking or modern slavery, regardless of the form of exploitation they experienced.⁴³ Part of the ICTG service involves supporting children to navigate the criminal justice system, and between February 2017 to September 2022, 64% of children referred to the service were either reportedly criminally exploited or at risk of criminal exploitation.⁴⁴ A report has shown that involvement with the ICTG service has led to reduced sentences or charges being dropped against young people within the Criminal Justice System.⁴⁵

27. The NRM is operating with very significant delays, with a median waiting time between referral and conclusive grounds decision at 637 days for decisions made in 2024.⁴⁶

41. Marshall, H. (2024) '[Child Criminal Exploitation and the Interactional Emergence of Victim Status](#)'. The British Journal of Criminology

42. Home Office (2024) '[Interim Guidance for Independent Child Trafficking Guardians](#)'

43. National Counter Trafficking Service (2021) '[Independent Child Trafficking Guardianship Service](#)'

44. Skeels, A., Huxley, K., SPARK, Cardiff University and Stott, H. (2024) '[Outcomes for children and young people affected by modern slavery](#)'

45. Skeels, A., Huxley, K., SPARK, Cardiff University and Stott, H. (2024) '[Outcomes for children and young people affected by modern slavery](#)'

46. Home Office (2025) '[Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2024](#)'

28. An evaluation of the pilot highlighted that it is progressing well and that the benefits outweighed any weaknesses. The first year of the pilot saw 460 referrals made to pilot sites with the most common form of exploitation being criminal exploitation.⁴⁷ The evaluation noted that 92% of decisions made by the devolved panels passed quality assurance conducted by the Single Competent Authority, and panel members reported an improvement in NRM referrals over the course of the pilot. Perhaps most notably, pilot sites made conclusive grounds decisions more quickly than the Single Competent Authority which was noted to be of particular benefit to unaccompanied asylum-seeking children and children who had experienced criminal exploitation. Another key benefit of the devolved pilots is the resulting improvement in multi-agency working, alongside practitioners on the panel getting sight of a child's case at an earlier opportunity, therefore giving them the chance to put measures in place to support the needs of the child, regardless of the outcome of the NRM decision.

29. ECAT does place an emphasis on special protection of children from human trafficking in general – not just CCE. Accordingly, GRETA has stressed that 'assistance to child victims of trafficking should be provided within the framework of a National Referral Mechanism (NRM) for trafficked children, which itself should be integrated into the general child protection system, bringing together social, health, and education services, in line with Council of Europe and other international standards and policies.'⁴⁸

30. Taking CCE alone out of the NRM could be problematic, not only because of a risk of creating a hierarchy between different categories of child victims, but also in a practical sense where it is common that victims of CCE are simultaneously victims of other forms of modern slavery. Between January and March 2025, 9% of child victims were referred to the NRM for criminal exploitation and at least one other form of exploitation (144 children).⁴⁹

Therefore, if the intention is to generate a new support system purely for CCE victims, this could result in some children being referred through multiple support pathways which risks a lack of multi-agency collaboration between pathways and increases the likelihood of such individuals falling through the net.⁵⁰

31. Beyond victim identification and support (as well as the prosecution of the perpetrators), ECAT refers to a number of prevention requirements. Article 5 (5) of ECAT requires States to 'take specific measures to reduce children's vulnerability to trafficking, notably by creating a protective environment for

47. Home Office (2024) '[An Evaluation of the Pilot to Devolve Decision-Making for Child Victims of Modern Slavery](#)'

48. GRETA (2018) '[Trafficking in Children](#)'

49. Home Office (2025) '[Modern Slavery: National Referral Mechanism and Duty to Notify Statistics UK, quarter 1 2025 – January to March](#)' data table 4

50. Heys, A., Barlow, C., Murphy, C., & McKee, A. (2022). '[A Review Of Modern Slavery In Britain Understanding The Unique Experience Of British Victims And Why It Matters](#)'. *Journal of Victimology and Victim Justice*, 5(1), 54–70.

them.’ Article 6 of ECAT further explains that ‘[t]o discourage demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking, each Party shall adopt [...] preventive measures, including educational programmes for boys and girls during their schooling, which stress the unacceptable nature of discrimination based on sex, and its disastrous consequences, the importance of gender equality and the dignity and integrity of every human being.’⁵¹ GRETA has also stressed the need to mainstream awareness of child trafficking and exploitation in schools, teacher training, and parental education, as well as social and child protection services.⁵²

32. Accordingly, prevention of all forms of child exploitation, including CCE, and protection of victims require a much broader spectrum of measures than adding a new criminal offence.

The intersection between a standalone CCE offence and the non-punishment principle for victims of modern slavery

Victims of CCE are compelled to commit criminal acts and, where they are prosecuted for these acts, Section 45 of the Modern Slavery Act 2015 provides a statutory defence. This statutory defence gives effect to Article 26 of ECAT, which contains the non-punishment principle intended to protect victims of criminal exploitation. While there is no quantitative data to understand how it is applied in practice, there are opportunities to improve the way the existing statutory defence works for child defendants.

Recommendation 6: It is important that policymakers are aware of the complexity of the victim/offender overlap when considering a standalone CCE offence, given the possibility that children may be forced to recruit or exploit other children into criminal activity. Such children could not be prosecuted under the CCE offence, which only applies to adult offenders, but could be prosecuted under MSA. Because the offences contained in the MSA attract a higher maximum penalty than the proposed offence of CCE, this could result in children involved in CCE receiving higher sentences than adults who commit the same offence.

51. ECAT (2012) ‘[Council of Europe Convention on Action against Trafficking in Human Beings](#)’

52. GRETA (2018) ‘[6th General Report, Thematic Chapter on Children](#)’ page 5

Recommendation 7: Children subject to criminal exploitation are currently entitled to the statutory defence under Section 45 of the MSA for offences they commit 'as a direct consequence of (...) being, or having been, a victim of slavery or a victim of relevant exploitation'. Any new CCE offence must ensure that victims of this offence continue to have access to such a defence, whether this is Section 45 of the MSA, or a new defence specifically incorporated into the Crime and Policing Bill.

Recommendation 8: Policymakers should consider ensuring that those raising the Section 45 defence (or CCE equivalent if developed) are afforded the same special measures in court as other victims of modern slavery.

Recommendation 9: There is a need to amend the 'public order disqualification' provision enshrined in Section 63 of the Nationality and Borders Act 2022, which is considered incompatible with the UK's international obligations.

33. Cases of criminal exploitation involve the victim committing criminal acts.

This generates a level of complexity that the criminal justice system may not be well equipped to deal with because individuals present simultaneously as victims of crime and as perpetrators. Despite criminal exploitation becoming better understood over the past few years, victims are still being prosecuted as criminals rather than supported as victims.⁵³ A particular complexity involves modern slavery perpetrators offering more favourable conditions or rewards to victims who agree to supervise or recruit other victims which then further blurs the line between victim and perpetrator.⁵⁴

53. Centre for Social Justice and Justice and Care (2024) '[Criminal Exploitation: Modern Slavery by Another Name](#)'

54. Heys, A. (2023) '[The UK's Statutory Defence for Victims of Modern Slavery and its Narrow Understanding of Victimhood](#).' *The Journal of Criminal Law* 87(4): 237-251; UN Gift (2008) '[Profiling the Traffickers](#)'; Baxter, A. (2019) '[Sex Trafficking's Tragic Paradox: when victims become perpetrators](#)'

34. Article 26 of ECAT contains a 'non-punishment principle' which provides for the possibility of not imposing penalties on victims for crimes they were compelled to commit. While the European Court of Human Rights reminded that this provision did not preclude the prosecution of child trafficking victims in all circumstances, it emphasised that: 'It is axiomatic that the prosecution of victims of trafficking would be injurious to their physical, psychological and social recovery and could potentially leave them vulnerable to being re-trafficked in future. Not only would they have to go through the ordeal of a criminal prosecution, but a criminal conviction could create an obstacle to their subsequent integration into society. In addition, incarceration may impede their access to the support and services that were envisaged by [ECAT].'⁵⁵

35. Section 45 of the MSA is the iteration of this principle in England and Wales and applies in conjunction with the exercise of prosecutorial discretion to decide whether a prosecution is required in the public interest.⁵⁶ Section 45 offers a defence for those who face criminal liability for a criminal act that they had been compelled to commit, or in cases of children, for a criminal act committed simply as a consequence of them being a victim of slavery or relevant exploitation. The prosecutorial discretion can be exercised even in cases where the offence is excluded under Schedule 4 (i.e. offences for which the Section 45 defence cannot be used).

36. There are differences in how the statutory defence is applied for adults and children. Under the MSA, if the defendant is aged 18 or over, then they may use the defence (section 45 (1)) if:

- They were compelled to commit the criminal act
- that compulsion is attributable to their exploitative situation; and
- a reasonable person in the same situation with relevant characteristics would have no realistic alternative to committing the act.
- If the defendant is under 18 when they commit the act, they may use the defence (section 45 (4)) if:
 - The criminal act was a direct consequence of their exploitation.
 - A reasonable person in the same situation with relevant characteristics would have also committed the act.

55. European Court of Human Rights (2021) '[V.C.L. and A.N. vs the United Kingdom](#)' paras 158-159.

56. CPS (2020) '[Modern slavery and human trafficking: offences and defences including the section 45 defence](#)'

37. It is important to note that Section 45 of the MSA is not automatically available to anyone who has been a victim of modern slavery or human trafficking. Schedule 4 outlines a list of offences for which the defence cannot be used, and it also must be proven that there is a 'relevant nexus' between the defendant's experience of modern slavery and the offence they committed.⁵⁷

38. In cases involving children, such relevant 'nexus' requires a proof that they committed an act as a direct consequence of being, or having been, a victim of slavery or a victim of relevant exploitation (Section 45 (4) (b)). The concept of a 'direct consequence' however is not defined in the legislation which makes it difficult to apply in practice.⁵⁸ Reflecting the recommendations of the 2016 review of the Modern Slavery Act,⁵⁹ consideration should be given to defining the parameters of what is meant by 'direct consequence'.

39. To benefit from Section 45 defence, in cases of children subject to CCE, it must also be proved that 'a reasonable person in the same situation as the person and having the person's relevant characteristics would do that act' (Section 45 (4) (c)). GRETA has raised concerns over the inclusion of a 'reasonable person' test in this defence, stating that it generates an element of compulsion that children should not have to prove.⁶⁰ They have called for it to be removed from s45 of the MSA. However, it should also be noted that the 2019 review of the Modern Slavery Act did not agree that the reasonable person test essentially equates to an element of compulsion.⁶¹

40. GRETA furthermore calls for any cases whereby the victim was compelled to commit the criminal act to be entitled to the Section 45 defence, claiming that Schedule 4 leads to too narrow an interpretation of the non-punishment principle.⁶²

41. The offences in Schedule 4 relate mainly to serious sexual and violent offences to avoid the creation of a loophole where criminals may look to use the statutory defence as a means to escape prosecution. Offences under Sections 1 and 2 of the MSA are included in Schedule 4 and therefore are exempt from the statutory defence. Clause 40 (5) of the Crime and Policing Bill adds child criminal exploitation to the list of offences in Schedule 4 to which Section 45 defence does not apply.

57. European Court of Human Rights (2021) '[V.C.L. and A.N. vs the United Kingdom](#)' paras 170 and 172

58. Heys, A. (2023) '[The UK's Statutory Defence for Victims of Modern Slavery and its Narrow Understanding of Victimhood](#).' The Journal of Criminal Law 87(4): 237-251; Haughey, C. (2016) '[The Modern Slavery Act Review](#)'

59. Haughey, C. (2016) '[The Modern Slavery Act Review](#)'

60. GRETA (2021) '[Evaluation Report: United Kingdom](#)'

61. Field, F., Butler-Sloss, E., Miller, M. (2019) '[Independent review of the Modern Slavery Act final report](#)'

62. GRETA (2021) '[Evaluation Report: United Kingdom](#)'

42. While there are some case law examples to draw upon, there is no comprehensive quantitative data set collected on the use of the Section 45 defence, meaning that understandings as to how the defence has been applied are limited.

43. Victims of modern slavery offences are afforded special measures in court to encourage and support their testimony.⁶³ However, those who have been victims of criminal exploitation and who are raising the Section 45 defence as a means of explaining their involvement with the criminal act are in the criminal justice system as a defendant rather than a victim. As such, they are not afforded those special measures, despite the fact that in raising the Section 45 defence, they are claiming victimhood.

44. It should be noted in this context that Section 63 of the NABA disqualifies certain categories of victims (potential or confirmed) – including children – from protection guaranteed by the ECAT, ECHR, and domestic legislation if a person is considered to be ‘a threat to public order’. The instances when a person would be considered a threat to public order are broad and loosely defined, and in making decisions on public order disqualification, more weight is being given to the public interest in disqualification than to the need for protections. This contravenes the express international law obligations: to identify and protect all victims of modern slavery and human trafficking, to ensure non-punishment of such victims for unlawful acts that they have been compelled to commit, as well as the obligation to investigate modern slavery offences and prosecute the perpetrators, which applies to all instances of modern slavery, regardless of whether the victim had been convicted of an offence.⁶⁴

Barriers to prosecutions under the Modern Slavery Act and the Implications for a Separate CCE

Prosecution and conviction rates under the Modern Slavery Act are low regardless of the type of exploitation or the age of a victim. Accordingly, many of the reasons for these low rates are not unique to the exploitation of children, but are issues affecting the prosecution and conviction of modern slavery in general and thus are likely to remain relevant even if a standalone CCE offence is created.⁶⁵

63. CPS (2021) ‘[Victims of modern slavery to be further protected from prosecution y earlier investigation](#)’

64. Jovanovic, M. (2024) ‘[Legal Analysis of Section 63 of the Nationality and Borders Act 2022 and Modern Slavery Statutory Guidance](#)’ (Modern Slavery and Human Rights Policy and Evidence Centre); Jovanovic, M. (2025) ‘[Restoring modern slavery protections in UK immigration law](#)’ (Modern Slavery and Human Rights Policy and Evidence Centre).

65. Heys, A. (2025) [Barriers to prosecutions and convictions under the Modern Slavery Act 2015](#)

Recommendation 10: Effective training will be fundamental to ensure that differences between offences raised under the new legislation could be properly identified and separated from offences currently prosecuted under the Modern Slavery Act, including separating CCE offences from offences where the victim of criminal exploitation is an adult.

Recommendation 11: Guidance for the CCE offence must consider the barriers to effective implementation of the MSA and seek to tackle these to ensure that the implementation of the CCE offence does not face the same issues.

Prosecuting modern slavery offences is complex and largely depends on the cooperation of victims. However, there are numerous reasons as to why victims may not be forthcoming:

45. Fear: This could be fear of the perpetrator and potential repercussions for escaping or reporting their experiences⁶⁶ including fear of violence against themselves or family members.⁶⁷ Fear could also relate to the victim's uncertainty as to how professionals may respond to them reporting their exploitation. This is particularly likely in cases of criminal exploitation where the victim may be fearful of being treated as a perpetrator instead of a victim (see case study 2 below for example),⁶⁸ or in cases of insecure immigration status where they may be fearful of being detained or repatriated.⁶⁹

66. Hopper, E., and Hidalgo, J. (2006). 'Invisible Chains: Psychological Coercion of Human Trafficking Victims'. *Intercultural Human Rights Law Review* 1, 185– 210; Centre for Social Justice and Justice and Care. (2021) 'Out from the shadows: Transforming support for victims of Modern Slavery and Domestic Abuse with No Recourse to Public Funds.'

67. Cooper, C., Hesketh, O., Ellis, N., and Fair, A. (2017). 'A typology of modern slavery offences in the UK'. Research Report 93. Home Office; Pascual-Leone, A., Kim, J., and Morrison, O. (2017). 'Working with victims of human trafficking'. *Journal of Contemporary Psychotherapy* 47: 51–59

68. Burland, P. (2019). 'Still punishing the wrong people: The criminalisation of potential cannabis gardeners.' In *The modern slavery agenda*, eds. G. Craig, A. Balch and L. Waite, 167–187. Bristol: Policy Press

69. Heys, A. (2023). 'From conflict to modern slavery: The drivers and deterrents.' Oxford: Oxford University Press

46. Stigma and shame: Stigma and shame can also limit a person's willingness to report their experiences of exploitation.⁷⁰ This may relate to victims being ashamed of being deceived into exploitation or may be linked to the broader impact of public perceptions relating to a victim's level of agency or complicity in their situation.⁷¹

47. Not identifying as a victim: Some may simply not identify their situation as one of victimhood. This may occur especially in cases where their exploitative situation is better than the alternative options available to them,⁷² or where they were groomed into exploitation and therefore may find it difficult to identify that the person who was meeting their physical or emotional needs was, in fact, exploiting them.⁷³ Where people are exploited into committing crimes, they may not be able to distinguish their victimhood from the criminal act. This can be especially true in cases of child criminal exploitation where the victims may feel indebted to those higher up the chain which prevents them from identifying with the victim label.⁷⁴ Equally, there is also a risk that professionals will not recognise victims as such but may incorrectly identify them as offenders instead. This can lead to further mistrust in professionals and a lack of willingness to engage.

48. Complexity of investigations: Modern slavery investigations are hugely complex and time consuming. This is true regardless of the form of exploitation suffered by the victim(s) and therefore will remain true even if CCE is treated as a separate offence. Some of the issues here relate to the vast amount of data that must be analysed in a case. This can be particularly burdensome where mobile phones are recovered (which is likely in cases of county lines for example) and may require the analysis of thousands of text messages. Time is also a significant factor, where the investigation of the exploitation element of an offence may take significantly longer than other offences (see case study 2 below for example). Another element of complexity is that criminal exploitation cases often span across police force boundaries which therefore requires inter-force collaboration.

70. Miller-Perrin, C., and Wurtele, S. (2017). 'Sex trafficking and the commercial exploitation of children.' *Women and Therapy* 40(1-2): 123-151

71. Appiah, A., Baguley, S., SPACE, and Farooq, R. (2021). 'Making words matter'. Heys, A., Barlow, C., Murphy, C. and McKee, A. (2022). 'A review of modern slavery in Britain: Understanding the unique experiences of British victims and why it matters'. *Journal of Victimology and Victim Justice* 5(1): 54-70

72. Heys, A. (2023). 'From conflict to modern slavery: The drivers and deterrents.' Oxford: Oxford University Press

73. Raghavan, C., and Doychak, K. (2015). 'Trauma-coerced bonding and victims of sex trafficking: Where do we go from here?' *International Journal of Emergency Mental Health* 17(2): 583-587; Wood, J. (2020). 'Confronting gang membership and youth violence: Intervention challenges'. *Criminal Behaviour and Mental Health* 29(2), 69-73

74. Heys, A., Barlow, C., Murphy, C. and McKee, A. (2022). 'A review of modern slavery in Britain: Understanding the unique experiences of British victims and why it matters'. *Journal of Victimology and Victim Justice* 5(1): 54-70

49. Witness protection: When rates of prosecutions and convictions are low, victims may see little benefit in engaging with the criminal justice system. Furthermore, a criminal case will likely require them to testify against their trafficker, of whom they are often fearful. This is further compounded when defendants who claim to be victims of criminal exploitation (by raising the Modern Slavery Act's statutory defence) are not entitled to the special measures in court that are afforded to the victims of other forms of modern slavery and human trafficking.

50. Professional awareness of modern slavery: Legislation can only be effective if it is known about, understood, and implemented. It is clear that this is a long-standing issue that relates to the complexity of modern slavery cases. Concerns were raised in both the 2016 and 2019 reviews of the Modern Slavery Act,⁷⁵ as well as with a recommendation from a 2020 Centre for Social Justice and Justice and Care report which stated that "Specialist training for investigating officers, prosecutors and judges should be increased, as should training for a wider cohort of agencies such as the CPS and judiciary, with a focus on victim engagement".⁷⁶ Further recommendations were made by the same organisations in a more recent 2023 report that the government should "work with the Crown Prosecution Service and Police to identify and make operational changes and strengthen training to ensure prosecution and conviction rates for modern slavery offences increase".⁷⁷

The Home Affairs Select Committee, in December 2023, reported that despite criminal exploitation being the most reported form of modern slavery and human trafficking, there is "insufficient training for law enforcement personnel in victim recognition and inadequate support for victims of criminal exploitation."⁷⁸

51. The above discussion has highlighted some of the most common barriers to victim engagement in the criminal justice process, often seen as critical for securing prosecutions of these types of offences.⁷⁹ These are not unique to CCE or even modern slavery in general, but must be taken into consideration in the development of a new CCE offence.

52. Of particular note is the need for effective professional training. This need remains ongoing for modern slavery offences, almost ten years after the implementation of the Modern Slavery Act, due in part to the evolving nature of the offence, but also to staff turnover.

75. Haughey, C. (2016) 'The Modern Slavery Act Review' page 18; Field, F., Butler-Sloss, E, Miller, M. (2019) 'Independent review of the Modern Slavery Act final report'

76. Centre for Social Justice and Justice and Care. (2020) 'It Still Happens Here' page 8

77. Centre for Social Justice and Justice and Care. (2023) 'Slavery at Home: a new bill to tackle slavery in Britain' page 59

78. House of Commons Home Affairs Committee (2023) 'Human Trafficking, First Report of Session 2023-24 HC 124'

79. See for example Van Dyke, R. and Brachou, A. (2021) 'What looks promising for tackling modern slavery?' Further insight on the reliance on victim testimony for prosecution has been collected for an upcoming PEC report on the topic of financial investigations into modern slavery

3. Key considerations arising from the introduction of a CCE offence by the Crime and Policing Bill⁸⁰

Recommendation 12: Statutory guidance for the CCE offence will need to incorporate a definition of CCE and other guidance (such as the Modern Slavery Statutory Guidance) will need to be amended to reflect this.

Recommendation 13: The wording in the Bill should be amended to remove the reference to 'causation', which could increase the evidential threshold for prosecuting CCE and to reflect wording in modern slavery offences which, in cases including children, only require the existence of certain acts ('the recruitment, transportation, transfer, harbouring or receipt of persons') for the purpose of exploitation.

Recommendation 14: Guidance must be provided on how to pursue offenders and support victims in cases where victims experience multiple forms of exploitation, given that victims of CCE are commonly simultaneously victims of other forms of exploitation.

80. The following section is written in response to the information provided in the [Crime and Policing Bill Explanatory Notes](#), the [Economic Note](#) and the [Crime and Policing Bill](#) (as introduced) and the [Crime and Policing Bill](#) (as brought from the Commons)

Recommendation 15: The penalties under the CCE offence should have parity with those under the MSA if they are to truly reflect the seriousness of this crime and reflect the sentences available to offenders who victimise adults.

Recommendation 16: Consideration should be given to the reasoning behind why the CCE offence is applicable only to adult offenders but the MSA is not. Clarity should be provided on whether the modern slavery offences contained in section 1 and 2 of the MSA apply concurrently to the offences of CCE.

Recommendation 17: To ensure that Child Criminal Exploitation Prevention Orders (CCEPOs) are effectively utilised, resources must be provided for effective awareness, monitoring and data collection. Guidance must be provided on who is responsible for monitoring CCEPOs.

Definition of CCE

53. The explanatory notes to the Crime and Policing Bill include a definition of CCE as 'a form of child abuse where a child is exploited into taking part in criminal activity, often by gangs and organised criminal networks. CCE is typified by an imbalance of power that is unduly exercised by an adult who uses a child to commit crime for their or another adult's benefit. A child victim cannot consent to their own abuse and exploitation, which they often do not recognise themselves.' However, the definition is not provided in the Bill itself.

54. Section 40 of the Bill states that:

1. A person aged 18 or over commits an offence if—
 - a. the person engages in conduct towards or in respect of a child, with the intention of —

- i. causing the child to commit an offence,
 - ii. causing the child to do anything outside the United Kingdom which would constitute an offence if done in any part of the United Kingdom, or
 - iii. facilitating the causing of the child, in future, to commit an offence or do anything outside the United Kingdom which would constitute an offence if done in any part of the United Kingdom, and
- b. either—
 - i. the child is under the age of 13, or
 - ii. the person does not reasonably believe that the child is aged 18 or over.

Unlike the definition provided in the explanatory notes to the Bill, which refers to “an adult who *uses* a child to commit crime for their or another adult’s benefit”, this current wording refers to *causation*, which could increase the evidential threshold for prosecuting CCE and does not reflect an understanding of human trafficking in international law and wording used in modern slavery offences domestically. In cases including children, it is only required to establish the presence of certain acts (‘the recruitment, transportation, transfer, harbouring or receipt of persons’) for the purpose of exploitation for the offence of human trafficking to be made out. **In line with that, alternative wording of the new offence is proposed:**

1. A person aged 18 or over commits an offence if—
 - a. the person engages in conduct towards or in respect of a child, with the intention of —
 - i. involving the child in the commission of an offence,
 - ii. involving the child in doing anything outside the United Kingdom which would constitute an offence if done in any part of the United Kingdom, or
 - iii. facilitating the involvement of the child, in future, in an offence or doing anything outside the United Kingdom which would constitute an offence if done in any part of the United Kingdom, and
 - b. either—
 - i. the child is under the age of 13, or
 - ii. the person does not reasonably believe that the child is aged 18 or over

Proposed Section 41 (Proving an offence under section 40) should be similarly revised to remove any reference to causation and mirror the wording outlined here.

55. Examples of types of criminal exploitation are named in the explanatory notes. **It is important to include a caveat that this list is not exhaustive in order to ensure that it remains applicable to new and emerging forms of exploitation.**

Sentencing under the CCE offence

56. There is a significant disparity in the sentencing between offences brought under the proposed CCE offence and those under the MSA. The CCE offence carries a proposed maximum of 10 years, while the MSA has a maximum of life imprisonment. This provides a route through which those who exploit children for criminality may face lesser sentences than those who exploit children (or adults) for any other form of exploitation currently covered by the MSA. **It is currently unclear whether the MSA would still be considered for some CCE offences where higher sentences could be applied.**

57. Given that the CCE offence applies only to criminal exploitation of children, should an offender subject both adult and children to this type of exploitation, they would be pursued under the MSA and via the CCE offence respectively. As already noted in the previous paragraph, the available sentences would be significantly higher for offences committed against adult victims than against child victims.

58. The Economic Note states that sentencing for CCE is assumed to be concurrent with other offences such as those relating to drug supply, with the additional sentence for the CCE offence estimated at around nine months.

59. These low expected sentences, and disparity with sentences available under the MSA, do not support the narrative that a separate CCE offence is necessary.

60. With the wording that “A person aged 18 or over commits an offence if...”, the Bill stipulates that those under 18 cannot be prosecuted for this offence. This stands in direct contrast to MSA which is not restricted only to adult offenders. Theoretically, this could mean that, in committing the same offence, an adult offender could be pursued under the CCE offence with a maximum sentence of 10 years, while a child could be pursued under MSA with a maximum life sentence.

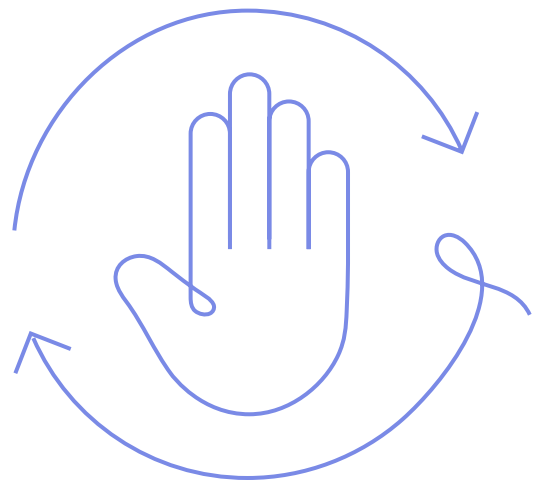
Child Criminal Exploitation Prevention Orders

61. The Crime and Policing Bill also provides for new civil preventative orders, which are intended to prevent CCE before it occurs or to prevent it from reoccurring. It states that:

1. A CCE prevention order is an order which—
 - a. prohibits the defendant from doing anything described in the order;
 - b. requires the defendant to do anything described in the order.

The Bill provides for CCEOPs to be applied both on conviction and otherwise than on conviction. They are therefore reflective of a combination of the Slavery and Trafficking Prevention Orders (STPOs) and Slavery and Trafficking Risk Orders (STROs) available under the Modern Slavery Act.

62. There is evidence that under MSA, both STPOs and STROs are underused,⁸¹ despite Sentencing Guidelines stating that a court must consider these orders in all cases.⁸² Reasons given for the underuse are a lack of awareness, guidance, and limited resources for monitoring and data collection.



81. House of Lords Modern Slavery Act 2015 Committee (2024) [The Modern Slavery Act 2015: becoming world-leading again](#)

82. Sentencing Council (2021) [‘Slavery, servitude and forced or compulsory labour’/ human trafficking](#)

4. Notes on the necessity of a standalone offence on CCE

The UK Government's guidance to policymakers on the creation of new criminal offences highlights the importance of considering the *necessity* of any new offence:⁸³ 'When creating a new offence, departments must be satisfied that the creation of a new criminal offence is both proportionate and necessary to the policy objective they are trying to achieve.' The guidance requires consideration to be given to whether there are existing offences which cover the targeted behaviour.

While there is a clear intention to continue with the development of the standalone CCE offence, the necessity of such an offence has not yet been demonstrated. At the same time, the Modern Slavery Act 2015 already creates a legal framework for prosecuting CCE offences, and although prosecutions remain low for all forms of exploitation, it has been used successfully to do so, as illustrated by case studies presented below.

Recommendation 18: In parallel with developing a separate CCE offence, attention should be focused on improving the application of the MSA to drive up prosecution and conviction rates for all forms of exploitation, and consideration given to the interaction between the new offence and offences contained in the MSA.

63. The case studies presented below highlight some of the complexities of CCE cases where the victims may initially be identified as perpetrators, and where the convictions for the element of exploitation can take years longer than the convictions for drug offences which occurred at the same time. Consideration should be given to these practical complexities when guidance for the CCE offence is developed.

83. Ministry of Justice and Cabinet Office (no date) '[Advice on introducing or amending criminal offences and estimating and agreeing implications for the criminal justice system](#)'

Case Study 1: County Lines Convicted Under MSA⁸⁴

In 2018, 21-year-old Zakaria Mohammed was the first drug dealer to be convicted under the Modern Slavery Act for trafficking children.

Mohammed was from Birmingham and befriended teenagers to conduct criminal activity within his drug-dealing business, including the selling of class A drugs crack cocaine and heroin. The children he recruited were found in police raids inside flats in Lincoln, alongside drugs, weapons and money.

Mohammed admitted to four counts of possessing drugs with intent to supply, and five counts of human trafficking. Yet while police believed that up to 10 children had been exploited, he was prosecuted for trafficking two 15-year-old boys and a 14-year-old girl.

Mohammed was sentenced to 14 years. The children were not prosecuted for the criminal activity and instead were treated as victims of grooming.

Detective Constable Max Gebhard from West Midlands Police commented that this case “shows that we can go after county lines offenders not just for drug supply but also under trafficking legislation due to them exploiting children.”

84. BBC (2018) “County lines’ drug dealer who trafficked children jailed.” [The Independent](#) (2018) “Drug dealer jailed for trafficking vulnerable children in ‘county lines’ operation”

Case Study 2: County Lines Convicted Under MSA⁸⁵

In 2019, three drug dealers, Glodi Wabelua, Dean Alford and Michael Karemera, all 25, were jailed for recruiting children and a vulnerable young adult from London to traffic crack cocaine and heroin to Hampshire and transport the money back to London.

The victims were three boys and three girls between 14 and 19 years-old who had been forced to stash drugs internally. When one of the victims tried to leave the gang, he was stripped naked and threatened with a gun placed in his mouth.

Five of the victims were identified after being arrested for drugs offences in 2014. The sixth victim was a vulnerable adult whose exploitation was identified via an outreach worker. Some of the victims were initially prosecuted for supplying class A drugs, but officers later began examining the extent of the threats and coercion they had experienced.

The three perpetrators had been convicted in 2016 for drug supply offences, receiving a total of 27 years and 8 months, but it took a further three years for the trafficking charges to be brought to court.

Wabelua was convicted by a jury of one count of trafficking under the Modern Slavery Act and jailed for three-and-a-half years. Alford pleaded guilty to three counts of trafficking and was jailed for four years. Karemera pleaded guilty to one charge of trafficking and was jailed for five years.

The deputy assistant commissioner of the National Crime Agency stated: "Use of modern slavery legislation is an important aspect of targeting those criminal networks who exploit vulnerable children and adults to maximise their profits from drug supply. Today's convictions send a clear message that we will utilise all legislation nationally to suppress county line activity."

85. Birmingham Live (2019) 'Vile drug dealers Glodi Wabelua, Dean Alford and Michael Karemera jailed over 'county lines' modern slavery'; The Guardian (2019) 'Three convicted of trafficking in landmark 'county lines' case'; BBC (2019) 'County lines dealers jailed in 'landmark' slavery case'

Case Study 3: County Lines where MSA Offences were left to lie on file⁸⁶

In December 2023, Kyle Sterling pleaded guilty to conspiracy to supply heroin and crack cocaine and possession of a prohibited weapon. He was jailed for 11 years and six months. His second-in-command, Lee Bavin pleaded guilty to conspiracy to supply crack cocaine and heroin and was jailed for five years and six months.

This was part of a larger investigation which saw 18 people accused of drug dealing and human trafficking offences. The men ran their drugs business on county lines, and seven of the couriers who were used to run their drugs and money between Bradford and Harrogate were children. These children were identified as victims of human trafficking and safeguarding measures were put in place to support them. Stirling and Bavin were also charged with human trafficking offences under MSA, but the court agreed that the modern slavery offences would be allowed to lie on file.⁸⁷

86. Yorkshire Live (2021) '18 charged with drug dealing and human trafficking in Bradford and Harrogate'; BBC (2023) 'County lines drug gang leaders jailed'

87. CPS (2019) 'Termination of proceedings (including discontinuance)'

Case Study 4: Fraud Convicted Under MSA⁸⁸

In 2021, Isaiah Olugosi pleaded guilty to conspiracy to arrange or facilitate the travel of children for exploitation, two counts of conspiracy to defraud, money laundering and possession of articles for use in fraud. This was all part of a two-year scam where he trafficked vulnerable teenage girls around the UK to undertake shop fraud to the amount of £500,000, defrauding over 100 shops.

Police shut down the fraud operation where they discovered over 30 teenage victims between 14 and 17 years old. They were recruited either on the street or via social media and were taken into shops with false barcodes to buy items at much cheaper rates before returning them for full refunds. The money made was then laundered through over 100 UK bank accounts, many of which were in the names of children or vulnerable adults.

The CPS charged this case under the Modern Slavery Act, in what is believed to be the first fraud case under this legislation. Olugosi was convicted but was found dead in his cell before being sentenced.

Marie Olo, of the CPS stated: "Exploiting others for criminal gain is a serious criminal offence and wherever possible the CPS will work with police to help victims escape the clutches of modern slavery, while prosecuting the people who have pulled the strings."

88. Mail Online (2022) 'Modern-day Fagin, 38, is found dead in jail as he awaited sentence for trafficking dozens of young girls around the country in £500,000 shop fraud scam'

Case Study 5: Sentencing in county lines case considered by the Court of Appeal⁸⁹

Omorie Nixon (20) and Itman Ismail (28) recruited four teenage boys, aged 15 and 16, to run Class A drugs which they transported internally across Devon and Cornwall. The couple admitted three counts of human trafficking between December 2019 and March 2020. Nixon also admitted conspiracy to supply heroin and cocaine and possession of a mobile phone in prison and was initially sentenced in 2021 to 7 years and 9 months' imprisonment while Ismail was sentenced to four years in prison.

However, the Court of Appeal ruled Nixon's sentence to be unduly lenient and deemed that sentencing for the drugs conspiracy and for the counts of trafficking should be reached in isolation from each other. As a result, Nixon's sentence was increased to 10 years and 9 months' imprisonment.

CPS notes that in modern slavery cases, "Additional serious charges should also be considered, particularly where they may attract a consecutive sentence: most obviously, where serious offences against the person, sexual offences or drug offences have been committed (in particular in county lines offending)... His sentence could have been expressed as consecutive or concurrent to reflect multiple counts relating to drugs offending and modern slavery. The former however meant the court could reflect the different criminality involved and to impose significant sentences on both, which the sentence the Court of Appeal increased."⁹⁰

89. Attorney General's Office (2021) '[Man jailed for longer for part in county lines conspiracy](#)'; BBC (2021) '[Couple jailed for trafficking teens to sell drugs](#)'; ITV (2021) '[Pair jailed for exploiting vulnerable teens in West Country drug operation](#)'

90. CPS (2020) '[Modern slavery and human trafficking offences and defences including section 45](#)'

As already demonstrated in Section I, from a legal definitions' perspective, offences included in Sections 1-3 of the MSA are in line with the Palermo Protocol and ECAT and are sufficiently broad to incorporate CCE offences.

64. The Independent Review of the MSA in 2019 examined the application of the MSA offences and agreed with the view of the Crown Prosecution Service (CPS) that the definition of exploitation was flexible enough to enable them to bring prosecutions in a broad range of cases. The CPS warned against 'expanding the scope of the meaning of exploitation or defining exploitation so precisely that it would lack flexibility when applying the legislation to a changing profile of criminal conduct.'⁹¹

- a. In line with this view, the review committee explained that: 'it is not practical to amend legislation every time a new form of exploitation is identified. Government instead should produce policy guidance to assist in the interpretation of the Act, building on the Home Office Typology of Modern Slavery research. This should be regularly updated to respond to new and emerging trends and should give examples of the types of exploitation that can potentially be prosecuted under the Act, including orphanage trafficking and county lines.'

65. The Independent Review equally opposed amending the MSA to include an additional category of offence for exploitation offences, where the exploitation did not meet the threshold for slavery, servitude and forced or compulsory labour.

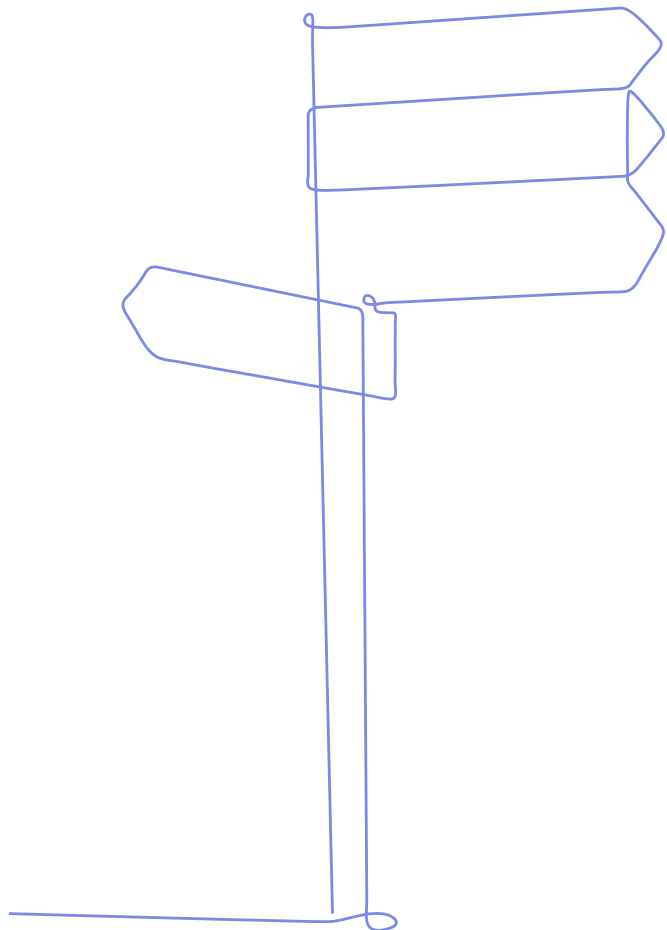
- a. Noting that this issue was considered by the Joint Select Committee on the Draft Modern Slavery Bill in 2014, the review committee endorsed the Government's view, expressed in its response to that Committee's report, that adding a standalone offence for exploitation risked diluting the offences of slavery and human trafficking. According to that view, 'allowing a much lower level of exploitation to be captured rather than relying on other existing offences would weaken the Act and divert attention from serious abuse.'
- b. The report nonetheless concluded that 'Section 1(5) and section 2(2) should be amended to reflect more clearly that a child is not able to consent to any element of their trafficking.' This recommendation has been rejected by the Government in their Response to the Independent Review of the MSA 2015 because they had not received any 'corresponding reports from our operational and prosecutorial partners that the Act is deficient in this respect or that child victims are being failed as a result' noting that should such reports be made, the Government would revisit its position.⁹²

91. Field, F., Butler-Sloss, E., Miller, M. (2019) '[Independent review of the Modern Slavery Act final report](#)'

92. HM Government (no date) '[Government response to independent review of the Modern Slavery Act](#)'

- c. **To our knowledge, the CPS has not produced any public statements that point out the challenges in prosecuting modern slavery offences against children (in general as well as with regards to CCE in particular) on this basis.** In that light, any amendments to Sections 1 and 2 of the MSA should be premised on the views of the CPS on the extent to which the existing definitions of modern slavery offences hamper successful prosecutions and convictions in cases of child victims.

66. While there is no data on the volume of MSA convictions that involved CCE specifically, the case studies provided above are a representation of some of the multiple cases of child criminal exploitation that have seen convictions under the MSA. While current narratives around CCE tend to synonymise it with county lines, the case studies summarised above emphasise the fact that criminal exploitation expands beyond county lines, and they also evidence that the MSA has been successfully used to generate convictions in multiple cases, for multiple different forms of CCE.



MODERN SLAVERY & HUMAN RIGHTS

Led by the University of Oxford

POLICY &
EVIDENCE
CENTRE



HUMANITIES
DIVISION

The Modern Slavery and Human Rights Policy and Evidence Centre (PEC) at the University of Oxford exists to enhance understanding of modern slavery and transform the effectiveness of laws and policies designed to address it. The Centre funds and co-produces high quality research with a focus on policy impact, and brings together academics, policymakers, businesses, civil society and survivors to collaborate on solving this global challenge.

The Centre is a consortium of three Universities of Oxford, Liverpool and Hull, and is funded by the Arts and Humanities Research Council (AHRC) on behalf of UK Research and Innovation (UKRI).

Our partners:



UNIVERSITY
of HULL

Wilberforce
Institute



UNIVERSITY OF
LIVERPOOL

Bonavero
Institute
of Human
Rights



Funded by:



Arts and
Humanities
Research Council

office@modernslaverypec.org

www.modernslaverypec.org