

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

Summary policy report

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Executive summary

This report is a summary of a full Policy Report '*Creation of a Child Criminal Exploitation (CCE) criminal offence in England and Wales*', 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 at the University of Oxford 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.

This policy report aims to inform policy considerations arising from the creation of a standalone Child Criminal Exploitation (CCE) criminal offence in England and Wales by the Crime and Policing Bill 2025. It considers the implications of creating the new offence for the broader legal framework on modern slavery in the UK, in particular, the implications for the identification and support of children subject to CCE, the prosecution of the perpetrators, and the prevention of CCE. The Policy Report also provides specific recommendations 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 in the UK
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

Given that CCE represents a form of modern slavery, this analysis underscores the importance of ensuring that the new offence does not create unintended consequences or undermine current efforts to prosecute the offences contained within the Modern Slavery Act 2015 (MSA). Accordingly, in parallel with efforts to enforce the new offence of CCE, the report recommends focusing resources and efforts on improving the implementation of the existing criminal offences within the MSA.

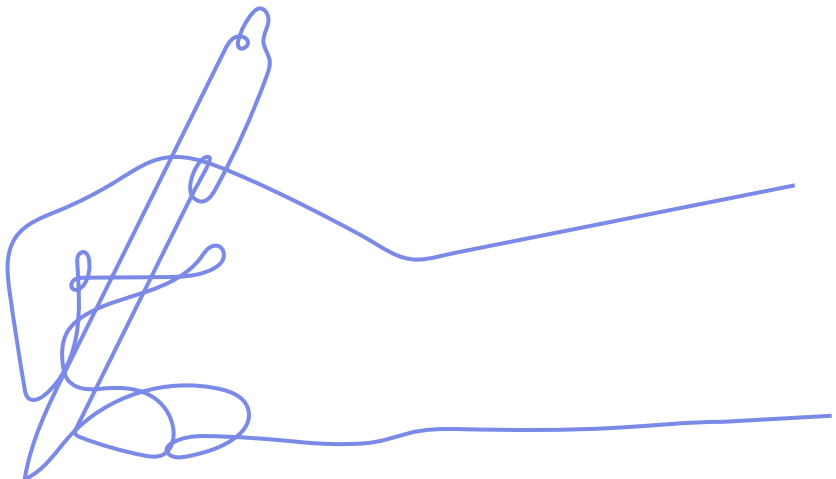
Key considerations in the report include:

- Ensuring the wording of the offence is flexible enough to capture new and emerging forms of CCE that may arise
- Ensuring that a statutory defence is available for children who have committed a criminal offence as a result of being a victim of CCE.

The report notes in particular numerous concerns about the implementation of the statutory defence under Section 45 of the MSA and recommends that the Government prioritises addressing these concerns to ensure that all victims of CCE, regardless of where the offence sits, are fairly supported by this defence.

The report also highlights the need to distinguish, in policy terms, the enforcement of the new CCE offence from the identification and support of victims of CCE, and that the Home Office must ensure that the overall legal and policy responses to CCE remain in line with the UK's obligations under human rights law and international legal frameworks.

Notwithstanding these recommendations, the report questions whether the Government has demonstrated that a new criminal offence of CCE is necessary, given that there are already existing offences which cover the targeted behaviour and which have been used to prosecute such behaviour successfully, although prosecutions remain low for all forms of exploitation.



Summary of key findings

Is CCE '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.

How would a standalone CCE criminal offence relate to 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. Such strategic response, grounded in the UK's international legal obligations on modern slavery, should go beyond the criminal justice responses to include measures of prevention as well as victim identification and support.
- **Legal obligations:** CCE engages all three core obligations under Article 4 of European Convention on Human Rights (ECHR) and The Council of Europe Convention on Action Against Trafficking in Human Beings (ECAT):
 - 1) the obligation to put in place a legislative and administrative framework to prohibit and punish human trafficking; 2) the obligation to investigate situations of potential human trafficking and prosecute the perpetrators; and 3) the obligation 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. However, the obligation to protect victims requires measures that go well beyond the criminal justice response, and a new CCE criminal offence on its own may achieve little to address victim protection needs and must consider any potential impact on victim protection.
- **Victim identification and support:** Victim protection is independent from the prosecution of the perpetrators of modern slavery offences. These two separate, albeit interconnected, domains of intervention, call for different measures to achieve their respective objectives. 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 National Referral Mechanism (NRM) is the current mechanism the UK uses to identify and support all victims of modern slavery, including children, whatever the type of their exploitation. Section 48 of the Modern Slavery Act 2015 contains provisions for Independent Child Trafficking Guardians to support child victims of any form of modern slavery. This service is currently in place in two-thirds of local authorities in England and Wales¹ and research shows that 64% of children reported to the service had experienced or were thought to be at risk of criminal exploitation.² Any policies which seek to implement different approaches to victims of modern slavery based on the type of exploitation they suffered must be pursued with great caution so as not to result in differential treatment of victims and must give consideration to the specific provisions already provided under MSA.

- **Non-punishment principle:** Victims of CCE are exploited into committing criminal acts and, where they are prosecuted for these acts, Section 45 of the MSA currently 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 currently no quantitative data to understand how it is applied in practice, available evidence suggests that many victims have been prosecuted and convicted of offences committed due to their slavery or trafficking situation.³ Accordingly, the Home Affairs Committee of the UK House of Commons concluded in their 2023 report that ‘the non-punishment principle needs to be better understood and consistently applied’.⁴ Any approach towards CCE must ensure that a statutory defence remains available for victims of exploitation who had been compelled to commit criminal offences as part of their experience of exploitation.
- **Barriers to prosecutions under the MSA:** Prosecution and conviction rates under the MSA are low regardless of the type of exploitation or the age of a victim.⁵ 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.

1. Home Office (2024), ‘[Interim Guidance for Independent Child Trafficking Guardians](#)’

2. Skeels, A., Huxley, K., Stott, H. (2024), ‘[Outcomes for children and young people affected by modern slavery: An analysis of Independent Child Trafficking Guardianship service support in England and Wales](#)’ Data covers referrals to the ICTG service between February 2017–September 2022.

3. UK House of Commons Home Affairs Committee (2023) [Human Trafficking First Report of Session 2023–24](#)

4. Ibid, para 160.

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

Key considerations arising from the introduction of a CCE offence by the Crime and Policing Bill

- **Definition of CCE:** The Crime and Policing Bill does not include a definition of CCE, which is currently only provided in the Explanatory Notes. The current wording of the offence of CCE in clause 40 refers to *causation* between a conduct of an adult and the child's criminal offence. This 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. Examples of types of criminal exploitation are named in the explanatory notes.
- **Sentencing under the CCE offence:** 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.

Is a standalone CCE criminal offence necessary?

- 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.⁶ The guidance requires consideration to be given to whether there are existing offences which cover the targeted behaviour. While there is an unequivocal commitment to introduce the standalone CCE offence in the Crime and Policing Bill, the necessity of such an offence has not yet been demonstrated. At the same time, the MSA 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 in full Report. Existing evidence suggests there is a need to focus efforts on improving the *implementation* of this existing legislation – including by identifying and addressing obstacles to prosecution and use of its ancillary orders (additional orders other than a sentence that may be imposed on an offender) – rather than generating new legislation where there are clear areas of overlap and risks of the same barriers.

6. 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'

Policy recommendations

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

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

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.

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 the 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.

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.

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 MSA, 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.

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.

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 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.

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.

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