



MORE THAN WORDS:

how definitions impact on
the UK's response to child
trafficking and exploitation



Every Child Protected
Against Trafficking

July 2025

Authors: Laura Durán and Leah Davison with support from Freshfields LLP

FRESHFIELDS

Independent
Anti-Slavery
Commissioner

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Acknowledgments

We would like to thank the individuals and organisations whose contributions, expertise, and support have been invaluable to the development of this report: ECPAT UK's Youth Advisory Group members, Rose Fatherazi, Dr. Alicia Heys, Miranda Butler, Patricia Hynes, Catherine Meredith, Nadine Finch, UK Home Office, Northern Ireland Commissioner for Children and Young People, Children's Commissioner for Wales, Caroline Haughey, Anti-Slavery International, Caerphilly County Borough Council, Southwell and Partners, Kathryn Cronin, Barnardo's Independent Guardian Service Northern Ireland, Barnardo's Independent Child Trafficking Guardian Service England and Wales, Abelour and Scottish Refugee Council Guardianship Scotland: National Child Trafficking Support Service, Glasgow City Health and Social Care Partnership, Debbie Jones and Kent Police, Craig Thomson, Deighton Pierce Glynn, Scottish Children's Reporter Administration, Action for Children, Thames Valley Police, Helen Guizani and Solihull Metropolitan Borough Council, Renfrewshire Council, Royal Borough of Kensington and Chelsea, Metropolitan Police, Police Service of Northern Ireland, Gaby Couchman, member of the Single Competent Authority, JustRight Scotland, Ben Feder and Social Workers Without Borders, Achieving for Children, Fiona Stocker, Charlie Cross and Abianda, and the YMCA DownsLink Group.

Cover art and other drawings in this report by T.B. artist and ECPAT UK Youth Advisory Group Member

The project was co-commissioned by the UK Independent Anti-Slavery Commissioner and the Modern Slavery and Human Rights Policy and Evidence Centre (PEC) at the University of Oxford, which in turn is funded and supported by the UK Arts and Humanities Research Council (AHRC). The views expressed in this report are those of the authors and not necessarily of the UK Independent Anti-Slavery Commissioner, the Modern Slavery and Human Rights Policy and Evidence Centre, the University of Oxford or the Arts and Humanities Research Council.

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We take a rights-based approach, centring every child's fundamental human right to be protected from trafficking and exploitation as outlined in national legislation and the international legal framework. Our work is child-centred and guided by the meaningful and ethical participation of the young people we support. Read more about ECPAT UK at www.ecpat.org.uk.

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Foreword

Every child who has been exploited deserves access to the right support and care. In 2024 alone nearly 6,000 children were referred to the National Referral Mechanism (NRM) in the UK, the framework for identifying victims of modern slavery. These children may never choose the word "exploitation" to speak about their experiences. They may not recognise what happened to them as trafficking, or criminal exploitation, or modern slavery. But professionals must be equipped to do so.

When we talk about child trafficking and exploitation, definitions are not just legal constructs. The words we choose matter. They shape how we understand harm, how we identify victims, how we respond, and how children are cared for. The language we choose can open doors to protection and justice, or it can leave children unseen and unsupported.

As the Independent Anti-Slavery Commissioner, many survivors have told me that their exploitation began when they were children, and they expressed that professionals and communities need to be better equipped to spot this. Current definitions of child exploitation in UK law and policy are unclear and inconsistent, hindering the identification and protection of child victims with many falling through the cracks.

This can and should be a simple fix. That is why this report is so important.

This report highlights how inconsistent definitions and terminology surrounding child exploitation across the UK, particularly concerning Child Sexual Exploitation (CSE) and Child Criminal Exploitation (CCE) are undermining safeguarding, policing, and prosecution efforts with fragmented language creating confusion among professionals, leaving children vulnerable and under protected.

These inconsistencies are not just technical – they have real, human consequences. They shape policy decisions and, most importantly, the lives and futures of children. The way we define terms affects which children are seen, what support they receive, and which systems step in to help. Without them we struggle to gather reliable data, understand the true scale of the issue, or design interventions that improve children's outcomes.

As this report shows, how child exploitation is understood varies across the UK – creating confusion. International law recognises that children cannot consent to exploitation. This is reflected in Northern Ireland where they rightly recognise a child cannot consent at any stage of trafficking. Disappointingly in England and Wales 'consent' is regarded differently depending on whether travel occurred as part of the exploitation.

This report also exposes harmful stereotypes which are affecting the identification of children. Modern slavery and trafficking are often mistakenly seen as issues affecting only foreign nationals, when UK national children are most of the child victims identified. Gender bias also plays a role, with boys overlooked as victims of sexual exploitation at all and girls being victim-blamed, and their abuse misrecognised. Sadly, there is still a dangerous assumption that exploitation only happens outside the family, which risks ignoring interfamilial harms. This much change.

Children are also being failed by the systems that are meant to be helping them. Over half of professionals' report struggles to secure support due to legal definitions. It also found that worryingly children are being treated in the same way as adults in the Modern Slavery Statutory Guidance. This leads to misidentification of children, denial of support, and often 16-and-17-year-olds being treated as offenders.

The Government must act now to address these issues and provide more support for children. There must be a united, cross-government approach, grounded in a UK-wide child exploitation strategy that encompasses all forms of abuse. This should be backed by clear, consistent statutory guidance on both CSE and CCE. The Home Office should establish independent review mechanisms to scrutinise NRM decisions, ensuring transparency in definitions and addressing disparities to guarantee fair recognition of child victims across all nationalities. Guidance must align with international law and should

be shaped through meaningful engagement with those with lived experience. And crucially Independent Child Trafficking Guardians should be available for every child victim. Children deserve nothing less.

These changes are not optional extras; they are essential for recovery, dignity, and justice. Being formally identified as a child victim of trafficking should open the door to vital support. The system must be improved to work better for them.

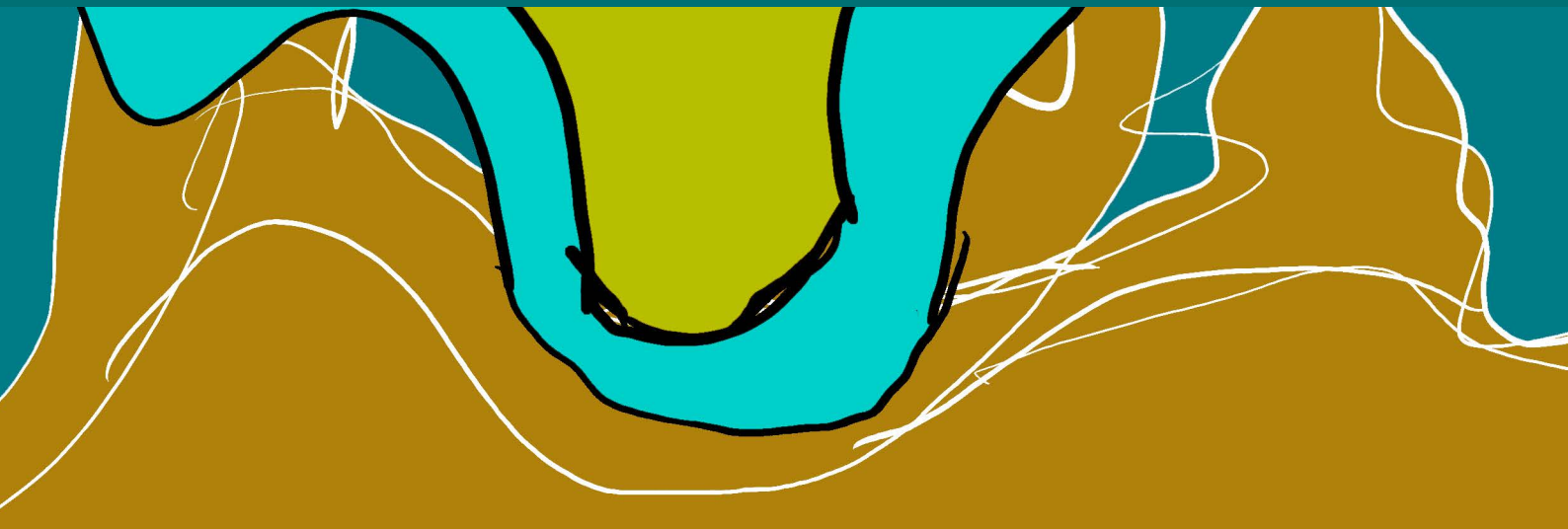
Abbreviations and Terminology

CCE	Child Criminal Exploitation
CG	Conclusive Grounds
CSA	Child Sexual Abuse
CSE	Child Sexual Exploitation
ECAT	Council of Europe Convention on Action against Trafficking in Human Beings
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EFRH	Extra-Familial Risks and Harms
HTEA NI 2015	Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act 2015
HTEA S 2015	Human Trafficking and Exploitation (Scotland) Act 2015
ILO	International Labour Organisation
MSA 2015	Modern Slavery Act 2015
NCA	National Crime Agency
NRM	National Referral Mechanism
RG	Reasonable Grounds
SCA	Single Competent Authority
SHTR 2022	The Slavery and Human Trafficking (Definition of Victim) Regulations 2022
SOA 2003	Sexual Offences Act 2003
SOA S 2009	Sexual Offences (Scotland) Act 2009
SOO NI 2008	Sexual Offences (Northern Ireland) Order 2008
UNCRC	United Nations Convention on the Rights of the Child
UNODC	United Nations Office on Drugs and Crime
VAC	Violence Against Children
WFCL	Worst Forms of Child Labour
YAG	Youth Advisory Group

Throughout this report, the term victim is used to reflect the formal legal status afforded to children who meet the relevant definitions of modern slavery under UK law. While recognising that alternative terms such as survivor may be preferred in some contexts or by individuals themselves, the use of victim in this report aligns with the legal frameworks governing rights, protections, and entitlements.



Executive Summary



Child trafficking is child abuse and a human rights violation. In the UK, children are being trafficked for sexual exploitation, domestic servitude, labour exploitation, criminal exploitation – to deal drugs, and carry out criminal activities, organ harvesting, slavery, and slavery-like practices. This abuse causes significant harm to children and those with safeguarding responsibilities must know how to recognise, prevent, and identify it so that children and young people can be protected and supported effectively.

This report, commissioned by the Independent Anti-Slavery Commissioner (IASC) and the Modern Slavery Policy and Evidence Centre (MSPEC) at the University of Oxford, and led by ECPAT UK, explores how child trafficking and exploitation is currently defined and understood across the UK.

In the UK's fight against child trafficking and exploitation, the words and definitions used are critical. They determine how issues are understood, which responses are triggered, and who is recognised as needing protection. The report explores how inconsistencies in the definition of child trafficking across legal, policy, and practice frameworks in the United Kingdom affect the identification and protection of children.

This report highlights how overlaps and gaps in terminology, and differing uses of terms like '*modern slavery*', '*child sexual exploitation (CSE)*', '*forced labour*', '*child criminal exploitation (CCE)*', or '*human trafficking*' have created confusion and definitional instability that hinders effective identification and intervention. These inconsistencies impact frontline practice, from safeguarding to policing and prosecution, resulting in missed opportunities to protect children from harm. Drawing on evidence from across the United Kingdom, the report maps the current landscape, identifies key gaps and overlaps, and offers clear, practical recommendations to support a more consistent and effective response to child exploitation.

This study finds that definitions across international treaties, national laws, policies, and practice are far from consistent. The legal and policy landscape surrounding child trafficking and exploitation is shaped by a complex interplay between international, regional, and domestic standards. Definitions serve multiple purposes: they not only establish the legal parameters needed to prosecute offences but also function as tools to support practitioners in identifying victims and determining their eligibility for support and protection.

Some key concepts lack clear legal definition (e.g. '*modern slavery*', '*labour exploitation*', '*criminal exploitation*'), and UK jurisdictions employ varying language in their laws, which can undermine legal clarity, coherent policy, and undermine frontline practice. The report finds that terminology, including modern slavery and trafficking, are broadly viewed as issues facing foreign national children, while child sexual exploitation and child criminal exploitation are more often associated with UK nationals. Dominant perceptions in operational practice continue to obscure formal identification of child victims which stem from both incorrect perceptions and the way legal definitions have evolved across all four jurisdictions.

What should be common standards instead become a patchwork: for instance, England, Wales, and Northern Ireland legally define trafficking with a focus on travel, whereas Scotland's law and international definitions place less emphasis on movement. These inconsistencies are not just technical or academic – they have real-world consequences. They mean that professionals in different agencies or regions often operate with different understandings of what constitutes exploitation, creating confusion described by some as a "fog" of overlapping categories. They influence not only how a child is viewed, but also what support they receive by determining their access to entitlements, the services triggered, and which system is involved, and they undermine the collection of reliable data which determines how systems and services are resourced.

In short, while all frameworks seek to protect children, the lack of a shared, precise terminology leads to fractured responses and leave children at risk.

Methodology

Recognising these challenges, this study took a comprehensive mixed-methods approach to examine how definitions impact the UK's response to child trafficking and the impact this has on children. It combined a literature review (of academic and grey literature from 2009 to 2024) and a legal analysis (of international instruments and UK laws across England & Wales, Scotland, and Northern Ireland) with new empirical research. The team analysed quantitative data from the National Referral Mechanism (NRM) (focusing on child referral outcomes from 2020 onward); an online survey (82 practitioners in child safeguarding, law enforcement, social care, health, education, immigration and NGOs across all UK nations), 25 in-depth interviews (with frontline workers, managers, policymakers, and lawyers across the UK), two workshops with professionals, and two with members of ECPAT UK's Youth Advisory Group.

This multi-faceted methodology is in keeping with ECPAT UK's integrated approach and ensured the study captured insights from existing knowledge and real-world practice on the frontlines. While not statistically representative, the findings reflect how definitions are interpreted and applied in practice. More detail on the methodology can be found on [Annex 3](#) of the report. Despite the diversity of sources, a remarkably consistent picture emerged: inconsistent definitions are undermining the protection of children.

The following key issues emerged from the research:

Rigid definitions leave many children unrecognised

Rigid or narrow definitional thresholds are leaving many exploited children formally unrecognised. **In 2024 alone, over half (61%) of all child referrals were refused as a result of not meeting the definition of a 'modern slavery' (slavery, servitude, forced or compulsory labour or human trafficking) victim.** These figures starkly illustrate how the choice of definition directly shapes a child's access to formal identification.

When children are not seen to "fit" a formal definition, they fall through the cracks of support and justice. In interviews, frontline practitioners described how children with clear signs of exploitation sometimes receive a negative NRM decision purely because their situation cannot be perfectly slotted into the legal definition or guidance. This effectively increases the child's vulnerability by not recognising them as a victim. As a direct consequence of this, many children are misidentified or entirely overlooked as victims of trafficking.

Inconsistent definitions undermine identification and protection

When agencies and professionals use different or unclear criteria for trafficking, children are too often not identified as victims at all. Many participants shared real examples of children who did not receive the help or protection they needed. This includes trafficked children who were never referred to the NRM or were screened out due to rigid categories. The practical result is that many children remain in harmful situations or are treated as offenders, and opportunities to safeguard them are missed. When terms are used inconsistently or erroneously, professionals might not identify a situation as '*child trafficking*' or '*exploitation*', missing critical opportunities to bring children into the systems designed to protect them. Improved understanding of definitions, as has been seen through drawing on local expertise in devolved child NRM decision-making pilots, can ensure more consistent identification and effective responses.

Legal gaps and confusion across the UK

Although the UK's anti-trafficking laws all derive from international standards (like the Palermo Protocol and European Convention on Action Against Trafficking), the legal analysis revealed significant gaps and divergences. Notably, the 'means' element (coercion, force, deception, etc.) is explicitly not required to prove child trafficking, yet the research found confusion in statutory definitions across all four nations contrary to international and domestic law.

Shared understanding, but no legal definition of exploitation

Amid these inconsistencies, one encouraging finding is that practitioners do coalesce around a common idea: the act of exploitation itself. Despite varied terminology and legal ambiguity, professionals repeatedly emphasised that exploitation is the core harm in child trafficking cases. However, there is currently no general offence of 'exploitation' or 'child exploitation' in UK law, nor is trafficking of children specifically defined in primary legislation. Across the surveys and interviews, professionals widely agreed that any child who is a victim of modern slavery is fundamentally a victim of child exploitation, and that "exploitation is the key element" unifying these cases, with some arguing it should be recognised as a fifth form of child maltreatment, alongside physical, sexual and emotional abuse and neglect. This suggests that, despite varied labels, there is a shared intuitive recognition of harm, and that exploitation is the unifying element across these cases.

Access to support hinges on language

Definitional confusion directly affects children's access to services and provisions. Formal identification as a '*victim of human trafficking*' should trigger a range of specific support under international law including protection, counselling, legal advice, safe accommodation, interpretation services, health care, special measures in court, access to education, compensation, presumption of age, and the appointment of a legal guardian for unaccompanied child victims. International law also provides for the possibility that victims should not be penalised for unlawful acts committed as a direct consequence of their exploitation, and offers the granting of a residence permit. Even when formally identified, many child victims still do not receive access to these entitlements but when a child is not referred to the NRM or conclusively identified, they lose out on the possibility of receiving vital resources.

Discriminatory outcomes in identification

International law is clear: the implementation of the provisions of the Convention on Action Against Trafficking in Human Beings must be applied without

discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. However, the report highlights concerning disparities in how trafficking definitions are applied to children of different nationalities. Definitional refusals (as opposed to refusals based on credibility or not having enough information) show significant inequities by nationality, with British national children having far lower rates of refusals than some non-British national children, raising concerns about bias or inconsistent application of criteria. Such findings emphasise that consistency is not just a bureaucratic ideal, but a matter of justice and fairness for children irrespective of background.

Fragmented data and reporting systems

Inconsistent terminology and categorisation across databases and reporting systems mean policymakers lack a reliable evidence base on how many children are affected and in what ways, hampering effective service planning. As the report notes, terminology dictates what data is collected and where resources are allocated. Without standardised definitions and terms, some forms of exploitation remain invisible in official statistics and thus in resource distribution. Clear legal definitions are the foundation of effective enforcement, safeguarding, and strategic planning. When definitions are misaligned, legal responses can falter.

Call for a unified, child-centred definition

The evidence gathered points to an urgent need for more consistent, rights based and child-centric definitions in policy and practice. Many respondents advocated for an overarching child exploitation definition as a way forward. While views differ on how broad or specific a definition should be, there is clear consensus: the current fragmented approach is failing children. A statutory definition of child exploitation which encompasses all forms and is flexible enough to adapt to emerging forms of exploitation is necessary to support coherent multiagency responses and improve identification of victims.

This report makes clear that definitions alone are not enough. Clarity in language must go hand-in-hand with robust systems and adequate resources to enable frontline professionals to protect children effectively. Standardising terminology in data collection is equally vital to ensure that no form of exploitation is overlooked when monitoring trends and allocating resources.

Crucially, policymakers must include children and young people in this conversation. Child victims have unique insights into how terminology affects them, and their input is essential when developing language and practices that resonate with those who need protection most.

In sum, definitional inconsistency is far more than semantics, it determines whether a child victim is seen, heard, and helped. By resolving these inconsistencies and adopting a unified, child-focused and rights-based approach to defining child exploitation, the UK can strengthen identification, enhance protection, and ensure every exploited child receives the support and justice they deserve.

Key findings

1. In 2024, over half (61%) of all NRM refusals for children were on the grounds that the referral did not meet the definitional threshold. Of these, 85% were children aged 15 to 17.
2. There was strong consensus among professionals that an overarching statutory definition of child exploitation is needed to ensure consistent, joined-up responses across strategic, legal, and policy frameworks informed by children and young people. However, views diverged on the form this definition should take, with some advocating for a broad approach to capture emerging forms of harm, and others cautioning that an overly elastic definition could dilute focus and resources away from the most serious cases.
3. In England, Wales, and Northern Ireland, the narrower statutory construction of trafficking centred primarily on travel, has contributed to professional confusion and inconsistent identification practices. This restrictive focus risks side-lining other critical components of trafficking outlined in international frameworks, such as recruitment and harbouring. As a result, children whose exploitation does not involve movement are less likely to be referred into the NRM and will not be formally recognised as victims of trafficking, limiting their access to vital protections and support.
4. The current statutory definition of Child Sexual Exploitation (England, Child sexual exploitation: definition and guide for practitioners, 2017 cited in the Modern Slavery Statutory Guidance) and the non-statutory guidance definition of Child Criminal Exploitation (England, Serious Violence Strategy, 2018 cited in the Modern Slavery Statutory Guidance) introduce a higher threshold for recognising children as victims of human trafficking, as they require evidence of coercion, deception, or manipulation. This approach is incompatible with the UK's obligations under international law, including the Palermo Protocol and the Council of Europe Convention, which explicitly state that the 'means' are irrelevant in cases involving children, as children cannot legally consent to their own exploitation.
5. Participants in this study confirm wider systemic issues interpreting children's experiences often beyond whether the case meets legal definitions, including whether the child's demographic profile such as gender, race, or nationality aligns with expectations of exploitation.

Key recommendations

1. Develop a Cross-Government UK wide Child Exploitation Strategy

The UK Government, Welsh Government, Scottish Government and Northern Ireland Executive should develop and implement a cross-government child exploitation strategy that recognises and responds to the overlapping nature of exploitation types. This strategy should be underpinned by integrated policy and operational frameworks across relevant departments to promote consistency in identification, protection, and support for children. Responsibility should be shared across key departments, including but not limited to the Home Office, Department for Education, and devolved administrations.

2. Align legal definitions with international standards

The UK Government and Northern Ireland Executive should reform primary legislation language in England, Wales, and Northern Ireland to reflect the international definition of child trafficking, removing the over-emphasis on movement and recognising actions such as recruitment and harbouring.

3. Establish a statutory definition of child exploitation

The Home Office should introduce a statutory definition of child exploitation that encompasses all exploitation types, allowing sufficient elasticity to evolve with emerging forms whilst clarifying current definitional inconsistencies to ensure child exploitation is always identified. This definition should be developed through meaningful engagement with children and young people, including those with lived experience, to ensure

it reflects the realities of exploitation and supports effective identification and response.

4. Clarify the 'means' element for children

The Home Office should review the Slavery and Human Trafficking (Definition of Victim) Regulations 2022 and the Modern Slavery Statutory Guidance to identify and amend language which indicates a means element for children is necessary such as coercion, deception, force or other terms which requires consideration of informed consent.

5. Independent review mechanisms to scrutinise NRM decision-making

The Home Office should introduce independent review mechanisms to scrutinise NRM decision-making where significant disparities exist in definition-based refusals by nationality, to assess whether children from certain nationalities are being systematically refused and to guard against unconscious bias.



Introduction



Introduction

Definitions matter. They shape how problems are understood, which responses are triggered, and who is recognised as needing protection and redress from human rights violations.¹ In the context of the exploitation of children, however, definitions are far from settled. While international instruments that the UK is signatory to, such as the UN Convention on the Rights of the Child (UNCRC) and its Optional Protocols, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime (Palermo Protocol), and the International Labour Organisation (ILO) Conventions provide overarching frameworks, they contain inconsistencies and overlaps which can hinder effective identification and intervention.²

Historical and political factors define the current context and further complicate the picture. The modern concept of human trafficking, for example, did not emerge from the historical slave trade but from early 20th-century concerns with regulating prostitution, later expanding to include a broader range of exploitative practices.³ Similarly, some political rhetoric, campaigns, and media rely on stereotypes to generate public attention but

also risk sensationalism and conceptual confusion, with some actors deliberately using expansive or emotive language to mobilise action; others have warned that such conceptual elasticity can undermine legal clarity and policy focus with negative outcomes for children including denial of essential care and support.⁴

Definitional instability also undermines efforts to collect reliable data and assess prevalence.⁵ Without a shared conceptual foundation, prevalence estimates vary, interventions may be misdirected, and child victims risk being misidentified or overlooked.⁶ Language choices are shaped by institutional mandates and political priorities, not just descriptive accuracy.⁷ They influence not only how a child is viewed, but also what support they receive by determining their access to entitlements, the services triggered, and which system is involved.

These inconsistencies are not just technical or academic, they have real-world consequences.⁸ In 2024, a total of 5,999 referrals were made for children into the UK's National Referral Mechanism (NRM). **Of all child refusals made that year, 61% were rejected on the grounds that the case did not meet the definitional threshold required to proceed.** Within this group, 85% of the children were aged 15 to 17. These figures illustrate how the thresholds embedded within definitional frameworks directly shape access to protection and recognition as a victim.

¹ Hynes, Skeels, and Durán, *Human Trafficking of Children and Young People: A Framework for Creating Stable and Positive Futures*.

² Dottridge, 'Contemporary Child Slavery'; Gallagher, *The International Law of Human Trafficking*; Allain, *The Law and Slavery: Prohibiting Human Exploitation*; Harvey, Hornsby, and Sattar, 'Disjointed Service: An English Case Study of Multi-Agency Provision in Tackling Child Trafficking'.

³ Doezeema, 'Who Gets to Choose? Coercion, Consent, and the UN Trafficking Protocol'; Allain, *The Law and Slavery: Prohibiting Human Exploitation*; Faulkner, 'Child Trafficking, Children's Rights, and Modern Slavery: International Law in the Twentieth and Twenty-First Centuries'; Dottridge, 'Trafficked and Exploited: The Urgent Need for Coherence in International Law'.

⁴ Ras, 'Child Victims of Human Trafficking and Modern Slavery in British Newspapers'; Dottridge, 'Trafficked and Exploited: The Urgent Need for Coherence in International Law'; Van Dijk and Campistol, 'Work in Progress: International Statistics on Human Trafficking'; Gallagher, *The International Law of Human Trafficking*; O'Connell Davidson, 'Troubling Freedom: Migration, Debt, and Modern Slavery'.

⁵ Tyldum, 'Limitations in Research on Human Trafficking'; Merry, 'Counting the Uncountable: Constructing Trafficking through Measurement'; Van Dijk and Campistol, 'Work in Progress: International Statistics on Human Trafficking'; Goździak, 'Data Matters: Issues and Challenges for Research on Trafficking'; Yea, 'The Politics of Evidence, Data and Research in Anti-Trafficking Work'; Chaffee and English, 'Sex Trafficking of Adolescents and Young Adults in the United States: Healthcare Provider's Role'.

⁶ Dunnigan and Fusco, 'The Relationship between Commercial Sexual Exploitation and Foster Care Placement in the U.S.: A Scoping Review'; Harvey, Hornsby, and Sattar, 'Disjointed Service: An English Case Study of Multi-Agency Provision in Tackling Child Trafficking'.

⁷ Brodie, 'Child Exploitation: Definition and Language'; Merry, 'Counting the Uncountable: Constructing Trafficking through Measurement'.

⁸ Beckett and Walker, 'Words Matter: Reconceptualising the Conceptualisation of Child Sexual Exploitation'; Martin, 'Developing a Definition of Child Exploitation: Findings from a Systematic Review'; Brodie, 'Child Exploitation: Definition and Language'; Laird et al., 'Toward a Global Definition and Understanding of Child Sexual Exploitation: The Development of a Conceptual Model'.

Children who experience harm may fall outside the scope of legal definitions by not meeting particular thresholds, excluding them from protection or support.⁹ Professional uncertainty about terminology can result in inconsistent responses across agencies.¹⁰ This fragmentation of language and responsibility contributes to what some describe as a "fog" of overlapping definitions, categories, and frameworks.¹¹ Yet it is clear, without functioning systems to act on them, definitions alone cannot protect children.

The term '*exploitation*' itself is contested: it can be used as a catch-all that obscures distinct harms, or as a technical requirement within legal definitions that introduces thresholds not always aligned with children's lived experiences.¹² Domestically, there is no general offence of '*exploitation*' or '*child exploitation*' nor is trafficking of children defined in UK law. For some young people, the term does not adequately capture their reality, and alternative framings may resonate more deeply.¹³

This report explores how definitional inconsistencies across legal, policy, and practice frameworks in the UK shape the identification and treatment of children who are subject to child trafficking. It is based on a mixed methodology including a review of extant literature, a legal analysis, a review of existing qualitative datasets, and the analysis of new qualitative data collected through surveys, interviews and workshops with professionals who support children as well as with young people victims of human trafficking.

⁹ Pearce, Hynes, and Bovarnick, 'Breaking the Wall of Silence: Practitioners' Responses to Trafficked Children and Young People'; Harvey, Hornsby, and Sattar, 'Disjointed Service: An English Case Study of Multi-Agency Provision in Tackling Child Trafficking'.

¹⁰ Gearon, 'Child Trafficking: Young People's Experiences of Front-Line Services in England'.

¹¹ Brodie, 'Child Exploitation: Definition and Language'.

¹² Harvey, Hornsby, and Sattar, 'Disjointed Service: An English Case Study of Multi-Agency Provision in Tackling Child Trafficking'; Gearon, 'Child Trafficking: Young People's Experiences of Front-Line Services in England'; O'Connell Davidson, 'Troubling Freedom: Migration, Debt, and Modern Slavery'.

¹³ Brodie, 'Child Exploitation: Definition and Language'; Turner, Belcher, and Pona, 'Counting Lives: Responding to Children Who Are Criminally Exploited'; Gearon, 'Child Trafficking: Young People's Experiences of Front-Line Services in England'.

Methodology

This research employed a multi-stranded methodology to explore how definitions of child trafficking and exploitation influence identification, responses, and outcomes in the UK. It comprised a structured literature review of academic and grey sources; a legal analysis of international, regional, and domestic instruments and case law; quantitative analysis of National Referral Mechanism data; and empirical data collection through interviews, surveys, and workshops with frontline professionals and stakeholders. Each strand was designed to illuminate different dimensions of definitional practice and impact, with findings integrated across the project. A detailed account of the full methodology is provided in the Research Protocol in [Annex 3](#).

A structured literature review was conducted to identify and analyse academic and grey literature on definitions of child sexual exploitation, child criminal exploitation, child labour exploitation, and child domestic servitude. Searches were carried out across JSTOR, ProQuest, PubMed, and Scopus using defined keyword combinations, with the review period spanning 2009–2024, though key pre-2009 studies were included where relevant. Searches were refined by limiting 'child' to the article title field and applying inclusion and exclusion criteria to maintain focus on child-specific issues. In total, thousands of initial results were narrowed through filtering and manual review, resulting in a final set of 111 sources for detailed analysis. Additional material was identified through targeted Google Scholar searches.

The legal analysis examined how definitions of child trafficking and exploitation are constructed, interpreted, and applied across international, European, and domestic legal frameworks, with a focus on the term 'exploitation' and their implications for child protection in the UK. Using a doctrinal method with comparative elements, the analysis reviewed treaties, conventions, UK legislation across all jurisdictions, and relevant interpretive tools to assess definitional precision, flexibility, and legal coherence. It also explored how international norms are

incorporated into domestic policy and guidance. While not a systematic case law review, illustrative examples were included. A full list of legislation and legal sources is provided in [Annex 1](#).

The quantitative component of this research draws on secondary data from the UK Data Service, specifically the NRM datasets on child referrals disaggregated by year, age, exploitation type, nationality, outcome, and referring agency. The analysis focuses on referral patterns and refusals at the Reasonable Grounds and Conclusive Grounds stages, particularly where cases were rejected for not meeting the definition of a victim of modern slavery or trafficking. It explores trends by age, nationality, and exploitation type, using data from 2020 onwards to ensure consistency following key changes to NRM data recording practices in late 2019. Access to the data was secured via a formal application and subject to ethical and legal review. A full data breakdown is provided in [Annex 2](#).

The empirical strand of this research comprised an online survey, semi-structured interviews, and workshops with professionals and young people to explore how definitions of child trafficking and exploitation are interpreted and applied in practice. The online survey, completed by 82 professionals from across the UK, captured qualitative insights into how practitioners navigate definitional complexities in their roles. Respondents represented a broad mix of sectors including law enforcement, social care, health, education, immigration, and advocacy. While not representative, the findings offer valuable thematic observations on professional interpretation, key challenges, and the implications of definitional uncertainty. The survey results also helped shape research priorities and highlight areas requiring policy attention.

Complementing the survey, 25 interviews were conducted with 27 professionals from statutory and voluntary sectors across all four UK nations, using purposive sampling to ensure relevant expertise. These interviews probed how legal and policy definitions influence practice and affect outcomes for children, with thematic analysis used to identify commonalities

and divergences. Additionally, two workshops were held with professionals and two with young people from ECPAT UK's Youth Advisory Group, who shared insights based on lived experience. The workshops focused on identifying definitional inconsistencies and their impact on child identification, protection, and access to support. Details of the tools and case studies used are available in Annexes [4](#), [5](#), and [6](#).



A. Alignment between international, national, and local legal standards



A.1. Synergies and divergence in legal standards

Findings:

1. Whilst international law has provided some convergence on child exploitation, overlaps in definitions have introduced contradictions (e.g. child trafficking and the worst forms of child labour) and the lack of international or domestic statutory definitions (such as 'modern slavery', 'labour exploitation', and 'criminal exploitation') means key terms are inconsistently applied, contributing to conceptual ambiguity and operational challenges ultimately impacting the identification and protection of child victims.
2. In 2024, over half (61%) of all NRM refusals for children were on the grounds that the referral did not meet the definitional threshold. Of these, 85% were children aged 15 to 17.
3. The proportion of child referrals to the NRM that are refused on the basis of not meeting the definition has remained consistently high, rising slightly from 57% in 2020 to 61% in 2024.
4. Despite variation across legal and policy definitions, participants identified the act of exploitation as the most consistent and unifying element. However, they also noted that this concept is interpreted variably across contexts, limiting its usefulness as a stable point of reference.
5. Terminology is important as it determines the collection of data and where resources get allocated.
6. Children whose experiences did not neatly fit official definitions or were not officially recognised often missed out on vital support, with the most harmful consequences being their criminalisation, going missing, re-trafficking and safeguarding failures, access to an independent child trafficking guardian, access to compensation, difficulty accessing mental health or other specialist services, and lack of an investigation into the human trafficking offences by law enforcement.

Context


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

and inconsistencies create both synergies and friction in practice. All such frameworks are situated within the broader context of the United Nations Convention on the Rights of the Child (UNCRC), which the UK has ratified, and its Optional Protocols, particularly the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography. These instruments require States to take comprehensive legislative, administrative, and judicial measures to protect children from all forms of exploitation and abuse. They establish not only minimum standards of protection but also a child-centred lens through which definitions and responses should be interpreted.

The ILO Convention No. 182 (C182) ratified by the United Kingdom on 22 March 2000 specifically addresses the Worst Forms of Child Labour (WFCL). Article 3 set out a wide range of the most extreme exploitative practices such as slavery or practices similar to slavery with sale and child trafficking used to exemplify these as well as the recruitment of children into armed conflict, the use of children in commercial sexual exploitation, involvement in illicit activities, and hazardous work likely to harm the health, safety, or morals of children. While this convergence has brought international attention to the breadth of child exploitation and consolidated various forms into a single normative framework, it has also introduced definitional tensions. Specifically, its definitional overlap between child trafficking and the worst forms of child labour has been criticised for introducing contradictions that complicate empirical research and the development of effective responses.¹⁴

Although terms such as '*human trafficking*', '*slavery*', and '*forced labour*' are defined in international law and have been incorporated into UK legislation, other key terms such as '*modern slavery*', '*labour exploitation*', and '*criminal exploitation*' remain undefined in law and are inconsistently applied. This misalignment contributes to operational challenges and conceptual ambiguity, ultimately impacting the identification and protection of child victims.

The Palermo Protocol provides the foundational international legal definition of human trafficking. Article 3 (a) sets out that:

 '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 labour or services, slavery or practices similar to slavery, servitude or the removal of organs."

The specific elements for children are clarified in Article 3(b) which states the '*means*' element is not required in relation to a person under the age of 18, after 18 an issue further discussed in [Section A4](#) of this report. This definition is widely adopted, yet the practical implementation has been complicated, exposing ambiguities regarding its scope.¹⁵ The definition does not specify what exploitation entails, instead it provides a non-exhaustive list of examples, including sexual exploitation, forced labour, and practices similar to slavery. This deliberately flexible approach was intended to enable wide application across legal systems and cultural contexts.¹⁶ However, it has been argued this has led to inconsistencies in national implementation, including within the UK, where domestic laws take varying approaches to what constitutes exploitation and how it is defined.¹⁷ States continue to approach questions

¹⁴ Vinkovic, 'The "Unbroken Marriage" – Trafficking and Child Labour in Europe'.

¹⁵ UN Office on Drugs and Crime, 'Issue Paper: The International Legal Definition of Trafficking in Persons: Consolidation of Research Findings and Reflection on Issues Raised'; UN Office on Drugs and Crime, 'Issue Paper: The Concept of "Harbouring" in the Trafficking Persons Protocol'.

¹⁶ Gallagher, *The International Law of Human Trafficking*; UN Office on Drugs and Crime, 'Model Law against Trafficking in Persons'.

¹⁷ Gearon, 'Child Trafficking: Young People's Experiences of Front-Line Services in England'.

such as the threshold for exploitation differently, highlighting the lack of clarity and consensus on the parameters of trafficking.¹⁸ These unresolved questions indicate that, despite the intentions of the drafters and subsequent efforts to align domestic legislation with the international definition, there is still no clear consensus on what precisely constitutes '*trafficking*,' with scholars citing that uncertainty persists around whether, and in what circumstances, child exploitation for profit might ever fall outside the definition.¹⁹

The Council of Europe Convention on Action Against Trafficking in Human Beings 2008 (ECAT) plays a significant role in shaping UK domestic law through its incorporation into domestic law, policy, and guidance.²⁰ The definition of human trafficking used in UK legislation draws directly from Article 4(a) of ECAT and closely mirrors the wording of the Palermo Protocol. Although the European Convention on Human Rights (ECHR) does not explicitly reference trafficking, the European Court of Human Rights (ECtHR) has ruled that trafficking and sexual exploitation fall within the scope of Article 4, which prohibits slavery and forced labour, without requiring proof that the treatment meets the narrower legal definitions of '*slavery*,' '*servitude*,' or '*forced labour*'.²¹ The guide on Article 4 ECHR refers to the Explanatory Report to the European Anti-Trafficking Convention but provides no specific guidance regarding the specific case of children, leaving interpretation to national authorities and contributing to divergent practices across jurisdictions.²²

Domestically, definitional choices have produced both convergence and divergence across the UK's legal jurisdictions and frontline practice. **Between 2020 and 2024, across the UK, the proportion of child referrals refused at reasonable grounds and conclusive ground stage combined on the grounds of not meeting the definition increased from 57% to 61%.** Children may also receive negative decisions due to the decision maker not having enough information or due to credibility.

In England and Wales, the Modern Slavery Act 2015 (MSA 2015) introduced the now-prevalent term '*modern slavery*'. Although widely used across policy, practice, and public discourse, the MSA 2015 does not define the term itself. Instead, it functions as an umbrella label covering two principal offences: slavery, servitude, and forced or compulsory labour (Section 1); and human trafficking (Section 2). Statutory Guidance issued under Section 49 of the MSA 2015 and Non-Statutory Guidance in Scotland and Northern Ireland (Modern Slavery Statutory Guidance) confirm that '*modern slavery*' encompasses both these offences.²³

However, Scotland and Northern Ireland do not adopt the '*modern slavery*' terminology in statute. Both jurisdictions have enacted parallel frameworks: Northern Ireland's Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act 2015 (HTEA NI 2015) and the Human Trafficking and Exploitation (Scotland) Act 2015 (HTEA S 2015) establish substantively similar offences. But the absence of the '*modern slavery*' label in

¹⁸ UN Office on Drugs and Crime, 'Issue Paper: The International Legal Definition of Trafficking in Persons: Consolidation of Research Findings and Reflection on Issues Raised'.

¹⁹ Ibid.

²⁰ PK (Ghana) v Secretary of State for the Home Department [2018] EWCA Civ 98; EOG and KTT v Secretary of State for the Home Department [2022] EWCA Civ 307; Atamewan, R (on the application of) v SSHD [2013] EWHC 2727 (Admin).


²¹ Rantsev v Cyprus and Russia, Application no. 25965/04, Judgment of 7 January 2010, Paragraph 280-282.


²² European Court of Human Rights, 'Guide on Article 4 of the European Convention on Human Rights – Prohibition of Slavery and Forced Labour'.


²³ Home Office, '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 Version 3.14'.


these Acts highlights a divergence in terminology, which has been identified as a source of confusion, particularly in cross-border casework and policy development. Despite these domestic variations, the substantive offences are rooted in international law.

These definitional inconsistencies are not merely theoretical. Professionals working in child protection and trafficking contexts across the UK highlight significant variation in how core concepts, particularly the umbrella term '*modern slavery*' are understood and applied in practice. This confusion appears especially pronounced in relation to children. A number of professionals reported avoiding the term altogether in favour of more specific categories such as abuse, trafficking, or exploitation. This was discussed broadly among participants, with the following quotes offering some insight into these thoughts:


 Very few practitioners I meet have a good understanding of this term [modern slavery]. So, it is not helpful for advocacy/casework. I think the concept of exploitation as a wider framing is useful to identify what we are broadly looking for in identification, but without a specific legal definition for this I can't use it for much, so trafficking is more helpful for identification and support." (Child Trafficking Transition Lead, England – Respondent 68)

 Slavery is a contentious word and can confuse people – in my opinion!" (Youth Offending Service Team Manager, Wales – Respondent 37)


 We're rarely using modern slavery as a term or definition...unless it's a discussion on an NRM panel because we have to evidence the decision we're making. Engaging in discussions around that in terms of day-to-day safeguarding conversations, I think for us it's rare we're using those terms." (Social Worker, Safeguarding Exploitation Lead and NRM Devolved Decision-Making Panel Chair, England – Interviewee 6)

 Modern slavery gives us connotations of slavery and chains and things like that, and that's just not what it is." (Legal Director, Scotland – Interviewee 8)


For professionals working in Northern Ireland and Scotland, where the term is not used in their legislation, some were less confident around the terminology and unlikely to use the term 'modern slavery' in every-day practice, though it was used out of necessity for formal identification purposes as the term remains in Home Office guidance. This was pointed out as a source of confusion and misalignment in cross-border work:

 It is already so confusing to young people, so I definitely don't like to use [the term modern slavery] in my work and add in another term. And then it is sometimes a bit confusing because obviously like a lot of the Home Office guidance is referencing modern slavery and all...but then in Scotland...we have a different law, different definitions." (Scotland – Interviewee 20)


In a minority of cases, the term was seen as clearly defined or potentially useful in specific operational settings:

 **Child modern slavery is clearly defined via the Modern Slavery Act and the NRM process."** (Detective Constable, Wales – Respondent 67)

Some young people viewed the term modern slavery as favourable and helpful for the weight it carries:

 **Probably modern slavery and trafficking sounds more serious."** (ECPAT UK Youth Advisory Group Member – Young Person 1)


Whereas other young people viewed the term as unfavourable because it simplifies a complex issue and risks obscuring the complex realities of their everyday lives in defining and responding to child trafficking and exploitation:

 **... the word slavery I really don't like it. If it could be more like modern day trafficking or modern trafficking or anything like that. Even though a lot of people still see trafficking as a form of, like maybe being chained...meanwhile, it's so complex."** (ECPAT UK Youth Advisory Group Member – Young Person 5)

These reflections highlight a key tension in current policy and legal frameworks, which is the gap between legal definitions and concepts such as '*modern slavery*', trafficking and exploitation, and how these terms are understood (or interpreted) by professionals, the public, and victims themselves. Terms such as '*modern slavery*' and trafficking may carry legal weight, but if they are used inconsistently there is cause for concern, because language plays a critical role in whether harm is identified and responded to effectively or not.

Defining Exploitation


These mixed views suggest that modern slavery lacks precision in frontline child protection contexts. Many preferred more specific, legally grounded terms such as human trafficking or defined forms of exploitation. Despite definitional inconsistency across laws, policies, and settings, practitioners widely identified the act of exploitation as the most consistent and unifying concept. The literature also highlights some arguing exploitation should be recognised as a fifth form of child maltreatment, alongside physical, sexual, and emotional abuse and neglect.²⁴ As put by one interviewee:

 **Any child who's a victim of modern slavery is a victim of child exploitation, because exploitation is the key element."** (England and Wales – Interviewee 23)

Across the UK, definitions of 'exploitation' for the purposes of trafficking offences are set out in legislation but vary slightly by jurisdiction. In England and Wales, the MSA 2015 outlines exploitation to include slavery, servitude, forced or compulsory labour, and sexual exploitation defined with reference to child-specific offences in the Sexual Offences Act 2003 (SOA 2003) and other domestic legislation. The Slavery and Human Trafficking (Definition of Exploitation) Regulations 2022 (SHTR 2022) further elaborate behaviours that constitute exploitation, such as being prostituted, subjected to forced labour, or manipulated into providing services or benefits. In Northern Ireland, the HTEA NI 2015 includes similar categories, with sexual exploitation defined by reference to the Sexual Offences (Northern Ireland) Order 2008 (SOO NI 2008). Scotland follows a comparable approach under the HTEA S 2015, referencing the Sexual Offences (Scotland) Act 2009 (SOA S 2009) to define prostitution and sexual exploitation. In all jurisdictions, only sexual exploitation is tied to a range of child-specific criminal offences, whilst other forms remain absent.

²⁴ Hynes, Skeels, and Durán, Human Trafficking of Children and Young People: A Framework for Creating Stable and Positive Futures.

How exploitation is defined and understood has a significant impact in determining a child's access to protection, support, and justice. Over half of survey respondents (56%) have encountered situations where obtaining support for a child was difficult because the legal definitions did not fit the case. 10 (12%) respondents said they see this "*frequently*," and 21 (26%) "*occasionally*," with another 15 (18%) saying "*rarely*." Only 4 people (5%) never experienced this issue, while the rest were unsure. This question exemplifies a crucial point when definitions are unclear or when a case is borderline, children can fall through the gaps of services:

 Even though you've got all the indicators there and it clearly would fall within that umbrella of an exploitative situation, because you can't fit it neatly into the definition as set out within the legislation and the statutory guidance that we're working to, they get a negative decision ... ultimately you're just kind of increasing vulnerability by not recognising them as victims and your response is not the right response." (Social Worker and NRM Project Lead, England – Interviewee 3)

The language used by adults to explain a child's experience can shape how that child makes sense of what has happened and affect whether they engage with support services.²⁵ A number of articles as well as responses to this study by both professionals and young people themselves found that children often do not see themselves as victims or wish to engage on those terms with professionals.²⁶ A number of study participants described situations where children did not receive the help or protection they needed because their case did not neatly fit a definition or was not officially recognised. The main examples given were refusals in the NRM and children losing out on significant support:



If exploitation isn't accepted by the NRM, the child is at a huge disadvantage." (Lawyer, England – Respondent 7)



[When children are not formally identified], they are not having those therapeutic interventions and not able to understand their own abuse, which impacts on their own identity and everything going into adulthood. Also from a care planner's perspective, if that's something that you aren't acknowledging with the young person, then it's not something that you care plan for. So that's a portion of that young person's life that you aren't addressing and providing additional support from a statutory perspective." (Child Protection, Northern Ireland – Interviewee 4)

The most common references to the way definitions may impact children pertained to not being able to access an independent child trafficking guardian and inadequate safeguarding responses, including to mitigate the risk of re-trafficking and going missing, access to compensation, difficulty accessing mental health or other specialist services, lack of an investigation into the human trafficking offences by law enforcement, and the most cited and harmful impact mentioned by participants was the criminalisation of child victims for offences committed as a result of the exploitation, an issue further discussed in [Section B.5](#).

²⁵ Brodie, 'Child Exploitation: Definition and Language'.

²⁶ Warrington, "'Helping Me Find My Own Way': Sexually Exploited Young People's Involvement in Decision-Making about Their Care'; Dunhill et al., 'Responses to Child Victims of Modern Slavery in the United Kingdom: A Children's Rights Perspective'; Robinson, McLean, and Densley, 'Working County Lines: Child Criminal Exploitation and Illicit Drug Dealing in Glasgow and Merseyside'.

Interview participants mentioned the impact not having formal identification may have:



I think it's more knowledge about the potential benefits [of the NRM]. ...what that can then have impact wise for...the support that they need and all. That can be, I think, massive because you think that that child has completely missed out on so much, like we've come in now and you know you're almost looking at it going. My God, we should have been doing this work three years ago." (England – Interviewee 18)



Most obvious [issue] is that then they're not referred to an Independent Guardian, which is a statutory entitlement and written in the legislation that they should have access to. And so, they aren't having access to independent, specialist professional service that can support." (Child Protection, Northern Ireland – Interviewee 4)

Various study participants across the UK were more critical about the actual benefits children receive from formal identification through the NRM given children receive their support as potential victims through children social care, many struggled to see material impact on the child such as this one participant from Scotland who stated:



...but sometimes it is grey if it happened and also if they are identified as victims of trafficking, will it have any material difference to their life? Actually, maybe not very much." (Scotland – Interviewee 20)

However, exploitation is also interpreted differently depending on context, limiting its value as a stable reference point in operational decision-making. While legal frameworks across the UK are broadly aligned, differences in terminology create confusion in practice. Greater definitional clarity is needed to support coherent responses and improve identification and protection of exploited children.

Conclusion

Findings from this section indicate that definitional inconsistencies across international, national, and local frameworks have significant practical implications for the identification and protection of exploited children. Despite some alignment in legal obligations under instruments such as the UNCRC, Palermo Protocol, and ECAT, the lack of precision and consistency in how key terms are defined and applied particularly *'human trafficking'* and *'exploitation'* has created confusion among professionals and impacted frontline responses. The term *'modern slavery'* was widely viewed by practitioners and young people as unclear, unhelpful, or misleading, particularly when compared to more specific legal terms like human trafficking. Survey and interview data show that this lack of clarity contributes to missed opportunities for safeguarding, refusals under the NRM, and barriers to accessing statutory support such as guardianship, therapeutic care, or criminal justice remedies. Professionals often struggled to advocate for support where a case did not clearly meet the thresholds set out in law or guidance, even when exploitation indicators were present. These findings highlight that definitional misalignment is not just a matter of terminology, it has real and lasting consequences for children's safety, wellbeing, and access to justice.

A.2. Elasticity, Precision, and the Question of Gain in Trafficking Definitions

Findings:

1. There was strong consensus among professionals that an overarching statutory definition of child exploitation is needed to ensure consistent, joined-up responses across strategic, legal and policy frameworks informed by children and young people. However, views diverged on the form this definition should take, with some advocating for a broad approach to capture emerging forms of harm, and others cautioning that an overly elastic definition could dilute focus and resources away from the most serious cases.
2. Participants noted that the language used to describe child trafficking and exploitation plays a critical role in shaping policy agendas. While reframing an issue can help mobilise political will, attract media attention, and secure funding, it may also inadvertently narrow the scope of the issue or obscure complex realities.
3. Emerging and evolving patterns of exploitation further blur traditional categories, making rigid distinctions increasingly impractical. This complexity was closely linked to the challenge of separating definitional thresholds from assessments of vulnerability.
4. There was a strong consensus that children's needs should dictate support, with suggestions that broader, trauma-informed assessments with professional discretion used to access support, rather than narrow checklists.
5. Most professionals do not see financial gain as essential to defining child exploitation in any form. Instead, they acknowledge a range of potential motivators, including power, sexual gratification, status, and control. This broad understanding challenges legal interpretations that rely too narrowly on economic profit.

Context

Debates over how to define child trafficking and exploitation are characterised by an enduring tension between breadth and precision. Elastic legal definitions regarding the exploitation of children have been embedded from the outset in the international fora. The drafting history of the UNCRC reveals a deliberate decision to use open-ended language terms such as "*all forms of exploitation*" and "*acts prejudicial to any aspect of the child's welfare.*" This elasticity continues

to shape how exploitation is understood and addressed within national contexts, including the UK's evolving response to child exploitation.²⁷ The convention gives the following examples: economic exploitation, production and distribution of drugs, sexual exploitation and abuse, sale and trafficking and all other forms of exploitation prejudicial to any aspects of the child's welfare.²⁸ Yet

²⁷ UN Office of the High Commissioner for Human Rights, *Legislative History of the Convention on the Rights of the Child*.

²⁸ UN Convention on the Rights of the Child, Articles 32–36

the circularity of this approach where trafficking is a form of exploitation, and exploitation is a component of trafficking continues to generate conceptual and operational ambiguity.

Domestically, there is no general offence of 'exploitation' or 'child exploitation' nor is trafficking of children defined in UK law. During the development of the MSA 2015, the Government explicitly rejected proposals to introduce child specific offences, citing concerns that definitions would be too "*broad in scope and uncertain*," or risk criminalising unintended behaviours, such as a parent asking a child to do chores.²⁹ Section 3 of the MSA 2015 defines the meaning of exploitation for the purposes of the human trafficking offence to include slavery, servitude, and forced or compulsory labour; sexual exploitation; removal of organs; securing services by force, threat or deception; or securing services from children and vulnerable persons. A person is a victim even if the exploitation has not yet taken place: it is the '*purpose*' which is key.³⁰ In Scotland and Northern Ireland, the offence being committed against a child is an aggravating factor when sentencing an offender. The MSA 2015 does not set out aggravating factors.

Broad v narrow

As with the international landscape, there is a tension between those who support a narrow interpretation of the concept and those who advocate for its expansion.³¹ The practical implications of this lack of definitional clarity have been documented by scholars in a 2015 UK study which found instability in the conceptual foundations of child trafficking policy and practice with participants describing this concept as "*wide and ever changing*," making it difficult for professionals to maintain a clear and current understanding.³² Various survey respondents felt unclear about the definition for child trafficking with one stating:



I think it can be very grey and unclear in terms of child trafficking and more clarity would be useful." (Detective Constable, England – Respondent 72)

Participants in the same UK study also called for a shift toward the broader term '*exploitation*' to avoid the restrictive thresholds associated with trafficking.³³ However, other scholars have warned that exploitation itself is politically and culturally contingent, and risks generalising victims' experiences or obscuring structural root causes.³⁴ This discourse internationally amongst scholars has led to opposing proposals where some argue this "*exploitation creep*" or elasticity has led to ordinary labour abuses being labelled as trafficking or emphasising the necessity to distinguish between the most extreme forms such as contemporary cases of child slavery from others in which tens of millions of children are exploited.³⁵ Whereas others emphasise the need for interpreting an offence broadly in order to ensure the widest possible scope of protection for persons who may be victims of trafficking.³⁶

Survey and interview data gathered in this study reflects similar concerns. When asked how they use definitions in practice, professionals reported using them primarily as frameworks for assessment tools for determining whether a situation meets the threshold and what type of response is required. Many practitioners indicated that

²⁹ Secretary of State for the Home Department, 'The Government Response to the Report from the Joint Committee on the Draft Modern Slavery Bill'.

³⁰ Council of Europe, 'Council of Europe Convention on Action Against Trafficking in Human Beings – Victims Rights'.

³¹ UN Office on Drugs and Crime, 'Issue Paper: The Concept of Exploitation in the Trafficking in Persons Protocol'; Punch, 'Child Labor'; Dottridge, 'Trafficked and Exploited: The Urgent Need for Coherence in International Law'; O'Connell Davidson, 'Moving Children? Child Trafficking, Child Migration, and Child Rights'; Harvey, Hornsby, and Sattar, 'Disjointed Service: An English Case Study of Multi-Agency Provision in Tackling Child Trafficking'; Gallagher, 'The International Legal Definition of "Trafficking in Persons": Scope and Application'.

³² Harvey, Hornsby, and Sattar, 'Disjointed Service: An English Case Study of Multi-Agency Provision in Tackling Child Trafficking'.


³³ Ibid.


³⁴ O'Connell Davidson, 'Moving Children? Child Trafficking, Child Migration, and Child Rights'.

³⁵ Dottridge, 'Trafficked and Exploited: The Urgent Need for Coherence in International Law'; Gallagher, 'The International Legal Definition of "Trafficking in Persons": Scope and Application'; Chuang, 'Exploitation Creep and the Unmaking of Human Trafficking Law'.


³⁶ UN Office on Drugs and Crime, 'Issue Paper: The International Legal Definition of Trafficking in Persons: Consolidation of Research Findings and Reflection on Issues Raised'.


they rely on indicators or criteria drawn from definitions to identify victims and justify interventions, such as referrals to safeguarding services or the NRM. Although many emphasised the need for clear and consistent definitions, some also expressed caution about their potential limitations. As some respondents observed:

 **Definitions are good for a framework but can also be detrimental and try to neatly fit young people into categories or types when exploitation is nuanced, complex and indicator based. I believe there should be more emphasis placed on indicators within any newly devised definitions."** (NRM Coordinator, England – Respondent 49)


 **I can see that it's helpful to have definitions. But yeah, I think it's confusing... especially when they crossover or trying to make things fit a definition."** (Social Worker – Interviewee 15)

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

 **I believe that a definition would help as it will give confidence to officers to investigate and arrest. The only thing I would say is that the definition would need to be broad in terms to catch most cases. Having worked front line for 20 years, I know officers are reluctant to pursue due to lack of knowledge and confidence as well as lazy officers who may use the definition to avoid being proactive."** (Constable, Northern Ireland – Respondent 66)


 **I can only tell you the problems that we are finding in the courts is that the narrower the definitions, the harder it is to prosecute ... We were working under this really narrow regime ... The judge said to me—well, that's not defined anywhere as a means of force ... The narrower we make the definitions, the harder it is to prosecute."** Caroline Haughey, Criminal Barrister, England – Workshop Participant)

Those arguing for a broader definition pointed out some of the current challenges, particularly when dealing

 **It's problematic, as the definition for trafficking generally is too narrow in the UK."** (Prison Service, England – Respondent 14)


with emerging forms of exploitation that fall outside what some consider traditional categories. Before a recently decided High Court decision was issued,³⁷ with one practitioner highlighting cases of children being kidnapped for ransom:

Others made the point that we must find a balance that

 **They've been kidnapped, taken to a location and then held until a ransom payment has been made ... The single competent authority keeps saying that that does not fall within any definition. ... Again, it's just thinking that the current definitions we have are quite narrow ... and aren't always seen within UK legislation."** (Social Worker, Child Exploitation Lead and NRM Panel Chair, England – Workshop Participant)


³⁷ R (AAM) v Secretary of State for the Home Department [2025] EWHC 447 (Admin)

allows for emerging exploitation forms to be captured and therefore in receipt of a child protection response, whilst minimising the ongoing need for judicial and legislative review:


 It's finding the balance between the two [broad and precise definitions] ... understanding that exploitation is a spectrum of, and it's not necessarily just labour, criminal, sexual, domestic servitude, organ harvesting. I mean, there are and no doubt, you know, I'd like to think there won't be, but there will be more emerging forms of exploitation which don't fit into those. But it also keeps it sufficiently elastic then, if there's a broader child exploitation [definition]. It doesn't necessarily have to tick all of these boxes; you don't have to go through judicial reviews and legislative changes in order to recognise someone as a victim. Let's not be too prone to have to fit into this pigeon hole of this box. So long as a child has been taken advantage of by someone with an imbalance of power for their own gain, whether that be financial, personal or status, whatever that looks like, that's Child Exploitation, regardless of what it is." (England and Wales – Interviewee 23)

Yet not all were confident that a broader definition would lead to better outcomes. Several practitioners raised concerns about system capacity and unintended consequences:

 I think as well safeguarding processes wouldn't be able to bear the burden of having a really broad definition ... thresholds [would] escalate really—the broader that term became." (England and Wales – Workshop Participant)

 To be able to kind of get a full understanding of what's going on, it would need a lot of unpicking—which would need a lot of services. Which would require a lot of financial input, which is where we know it's likely not going to happen." (England and Wales – Workshop Participant)

Participants also commented on the blurred lines between criminal justice and safeguarding thresholds. One practitioner warned that conflating evidentiary standards across systems could result in unmet need:

 The evidential threshold for criminal prosecutions is incredibly high ... safeguarding shouldn't be reliant on a successful prosecution ... and No Further Action is one of our biggest bugbears, because safeguarding professionals don't ask or understand the rationale ...and may close the case." (NGO Representative, England – Workshop Participant)

Nevertheless, many professionals still saw value in a statutory definition of child exploitation, not as a panacea, but as a unifying framework to support consistent practice. As definitions continue to evolve, participants stressed that terminology must be accessible across professional, legal, and public spheres:



That's the concern of a definition, making sure that everyone on different professional levels, parents as well foster can understand and is child friendly." (England and Wales – Workshop Participant)



I believe that a [child exploitation] definition would help as it will give confidence to officers to investigate and arrest ... the definition would need to be broad in terms to catch most cases." (Constable, Northern Ireland – Respondent 66)



There is no specific offence of child exploitation meaning that it is made harder to prosecute an exploiter for this offence. Officers do use current legislation around trafficking, modern slavery etc but if there was an offence of child exploitation more convictions would be sought where appropriate." (Police Officer – Respondent 59)

In the end, professionals remain divided between those advocating for broader definitions to reflect the evolving realities of child exploitation, and those warning that elasticity risks diluting legal precision and undermining effective policy initiatives to target the most extreme cases. Most agree that a statutory definition of child exploitation developed with strategic, legal, and operational input is needed to ensure consistent

and joined-up responses for all children. The strong consensus is that children's needs should dictate support, not whether they fit a strict legal definition. Many respondents called for more flexibility and professional discretion so that services are not withheld just because a case does not tick every box of a definition. There were suggestions that broader, trauma-informed assessments should be used to access support, rather than narrow checklists. Study respondents noted that some support services or funding streams are tied to formal definitions. If a child's situation is harmful but does not meet, say, the threshold of child trafficking, they might not get access to specialised support like an independent guardian. This was reflected in various comments about challenges to negative NRM decisions where a child was not recognised as a victim due to strict criteria.

Role of financial gain

Another cross-cutting definitional issue regarding the elasticity or rigidity of these concepts relates to the role of financial gain for perpetrators. The trafficking offences in England, Wales, Scotland, or Northern Ireland do not include any requirement for conduct to entail or have the objective of financial gain. However, government-issued guidance indicates that there is often a connection between trafficking and financial gain. The Modern Slavery Guidance states that "*most children are trafficked for financial gain*"³⁸ and the Serious Violence Strategy states that child criminal exploitation may be carried out "*for the financial or other advantage of the perpetrator and/or facilitator.*"³⁹ Similarly, the Scottish Government's Human Trafficking and Exploitation Strategy guidance states that "*human trafficking and exploitation are complex and hidden crimes, as well as abuses of human rights and dignity. Trading adults and children as commodities and exploiting them for profit or personal benefit degrades victims and can cause lasting physical and psychological damage.*"⁴⁰ The emphasis on 'profit' indicates that financial gain can be a component of child exploitation. Although the Northern Irish government's guidance on Modern Slavery and Human Trafficking does not mention financial gain for the perpetrator/


³⁸ Home Office, '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 Version 3.14'. Paragraph 13.40.


³⁹ HM Government, 'Serious Violence Strategy'. Page 48.

⁴⁰ Scottish Government, 'Trafficking and Exploitation Strategy'.


facilitator,⁴¹ the Public Prosecution Service for Northern Ireland's Policy for Prosecuting Cases of Modern Slavery and Human Trafficking states that trafficking *"involves the recruitment and movement of adults and children to exploit them in degrading situations for financial reward for their traffickers."*⁴²

In many instances, the exploitation of children does not involve a financial element, but may be for other forms of gain such as a desire to elevate their status or gain approval within the group.⁴³ The literature reflects on cases such as those of victims passed between offenders at parties in the absence of financial transactions.⁴⁴ When asked whether financial profit (including goods or services) was essential to define a situation as child exploitation, 80% of respondents said no. Only 12% believed financial gain was necessary. Most practitioners stated that perpetrators may exploit children for other benefits:

 **There are other forms of gain, such as wanting control over the person... or sexual gratification.** (Detective Sergeant, England – Respondent 27)

 **I don't think there needs to be financial gain. I think there can...the gain of power, the gain of...whatever they're getting out of that situation. It doesn't have to be financial.** (Child Protection, Northern Ireland – Interviewee 4)

While most respondents rejected a profit-only definition, some still saw financial gain as a core distinguishing feature of exploitation as opposed to other forms of abuse:

 **CSE is for financial monetary or goods gain, CSA isn't.** (Social Worker, England – Respondent 29)

This suggests that while profit remains a key indicator in some forms of exploitation, the dominant professional view recognises a broader spectrum of motivation.

Conclusion

Findings from this section show a clear consensus among professionals that a statutory definition of child exploitation is needed to support more consistent and coordinated responses. However, views diverge sharply on how expansive that definition should be. Some practitioners advocate for a broad and flexible definition capable of capturing the full spectrum of emerging and complex forms of exploitation, particularly those that fall outside traditional categories. Others caution that an overly elastic definition risks stretching safeguarding systems beyond capacity and diluting focus from the most serious cases.

⁴¹ NI Direct, 'Modern Slavery and Human Trafficking'.

⁴² Public Prosecution Service, 'Policy for Prosecuting Cases of Modern Slavery and Human Trafficking'. Paragraph 1.1.4. This guidance also notes that there have been successful prosecutions taken forward without the need for the victim to participate or give evidence, where the evidence of exploitation was derived from proof of, for example, controlling prostitution of these victims for financial gain. Paragraph 3.1.7.

⁴³ Brayley and Cockbain, 'British Children Can Be Trafficked Too: Towards an Inclusive Definition of Internal Child Sex Trafficking'.

⁴⁴ Cockbain, Brayley, and Laycock, 'Exploring Internal Child Sex Trafficking Networks Using Social Network Analysis'; Brayley, Cockbain, and Laycock, 'The Value of Crime Scripting: Deconstructing Internal Child Sex Trafficking'.

Despite these differences, there is strong agreement that current frameworks are fragmented and often fail to reflect the realities practitioners encounter in the field. Professionals stressed the importance of a statutory definition that integrates legal, strategic, and policy considerations, ensuring that responses are both principled and practicable. Without such alignment, children remain at risk of being overlooked when their experiences do not neatly fit into existing categories—leaving services uncertain, inconsistent, or unavailable. Additionally, there is strong consensus that financial gain for perpetrators, including goods and services must not be a defining element of exploitation.

A.3. Focus on travel and movement-based assumptions in trafficking definitions

Findings:

1. In England, Wales, and Northern Ireland, the narrower statutory construction of trafficking centred primarily on travel, has contributed to professional confusion and inconsistent identification practices. This restrictive focus risks side-lining other critical components of trafficking outlined in international frameworks, such as recruitment and harbouring. As a result, children whose exploitation does not involve movement are less likely to be referred into the NRM and will not be formally recognised as victims of trafficking, limiting their access to vital protections and support.
2. A conflation between trafficking and smuggling may still be prevalent amongst professionals hindering identification of child victims yet a binary distinction warrants caution as children on the move who have not been trafficked also have rights to protection and there is often overlap between trafficking and smuggling in practice.
3. Emphasis on movement in the definition of trafficking overlooks other essential elements in the act of child trafficking such as recruitment or harbouring and continues to shape professional understandings of when a case constitutes child trafficking in both identification and prosecutions.
4. Movement itself as a component of trafficking is contested with a lack of understanding regarding how much is required in terms of distance or if particular vehicles or other forms of transportation are needed.
5. Forms of exploitation that do not involve movement such as online-only sexual exploitation are not being identified as child trafficking and remain confusing for professionals.
6. Misunderstandings about movement can lead to inconsistent classification of trafficking cases, which may prevent appropriate safeguarding responses, referrals to the NRM, or appropriate investigations.

Context

A persistent source of confusion in identifying child trafficking relates to the concept of movement, both confusion over a perceived requirement of the action necessitating the crossing of an international border and/or the movement element more generally as the essential action requirement without consideration of the other concepts such as '*harbouring*' or '*recruitment*'. These dominant perceptions in operational practice continue

to obscure formal identification of child victims which stem from both incorrect perceptions and the way legal definitions have evolved across all four jurisdictions.

Domestically, the MSA 2015 Trafficking Offence and the NI Trafficking Offence, has worded the definition of the '*action*' element of the test to emphasise the arrangement or facilitation of '*travel*'. There is no reference to '*travel*' in the Scotland Trafficking Offence. The international and regional definitions of human trafficking in the Palermo Protocol, ECAT and the EU

Anti-Trafficking Directive (2011) have no reference to 'travel'. Yet, it is notable that to be an offence under the Palermo Protocol, the conduct must have a transnational element, such as the movement of people across borders which may be one of the reasons this element remains as a dominant determinant for many professionals' interpretations when considering cases of child trafficking.

Cross border emphasis

The Model Law against Trafficking in Persons prepared by the United Nations Office on Drugs and Crime (UNODC) stated that although Article 4 of the Palermo Protocol limits its applicability to offences that are transnational in nature, this requirement is not part of the definition of the offence and therefore national laws should establish trafficking in persons as a criminal offence, independently of the transnational nature.⁴⁵ One key difference from the Palermo Protocol is that Article 2 of ECAT provides that the Convention applies in both national and transnational contexts. The ECtHR has confirmed that it follows the Convention's approach in this regard, to ensure that the object and purpose of the Convention is not frustrated.

The distinction between smuggling of people on the move and human trafficking is drawn in international and domestic law, with trafficking defined by the purpose of exploitation and smuggling defined as a crime against the state by the facilitation of irregular entry across an international border. Academic and policy discussions on child trafficking continue to reflect the complexities practitioners face in identifying whether a child's experience constitutes smuggling or trafficking.⁴⁶ Advocates of maintaining this strict distinction argue that conflating the two undermines legal clarity and weakens victim protection frameworks.⁴⁷ Some suggest it is vital to distinguish between adolescents on the move in general and those who are victims of crime or we risk not identifying those who suffer the most harm.⁴⁸ However, a growing body of critical literature challenges the usefulness of this binary in practice, especially in the context of children in migration.⁴⁹ Scholars point to the blurred and dynamic nature of real-world experiences, where smuggling may evolve into trafficking. This perspective warns that rigid legal categories can lead to misidentification, hinder access to support, and obscure the structural drivers of exploitation. As such, the debate centres on whether upholding legal precision outweighs the need for a more flexible and context-sensitive understanding of exploitation and movement for children in migration.

⁴⁵ UN Office on Drugs and Crime, 'Model Law against Trafficking in Persons'.

⁴⁶ Gearon, 'Child Trafficking: Young People's Experiences of Front-Line Services in England'; O'Connell Davidson, 'Moving Children? Child Trafficking, Child Migration, and Child Rights'; O'Connell Davidson and Anderson, 'The Trouble with Trafficking'; Bovarnick, 'How Do You Define a "Trafficked Child"? A Discursive Analysis of Practitioners' Perceptions around Child Trafficking'; Van Liempt, 'Trafficking in Human Beings: Conceptual Dilemmas'; Gary et al., 'Contemporary Slavery in the UK: Overview and Key Issues'.

⁴⁷ Gallagher, *The International Law of Human Trafficking*; Szablewska, 'Human Smuggling and Human Trafficking'; Campana and Varese, 'Exploitation in Human Trafficking and Smuggling'.

⁴⁸ Dottridge, 'Between Theory and Reality: The Challenge of Distinguishing between Trafficked Children and Independent Child Migrants'.

⁴⁹ Gearon, 'Child Trafficking: Young People's Experiences of Front-Line Services in England'; Bovarnick, 'How Do You Define a "Trafficked Child"? A Discursive Analysis of Practitioners' Perceptions around Child Trafficking'; Pearce, Hynes, and Bovarnick, *Trafficked Young People*; O'Connell Davidson, 'Moving Children? Child Trafficking, Child Migration, and Child Rights'.

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



Human trafficking in the media can be seen as the removal of persons from one country to another, when in fact it could be from one house to another in the same street." (Detective Sergeant, England – Respondent 27)



[Child trafficking] is...viewed really as something that happens, you know, when somebody's trying to get to the UK...it's sort of viewed as something that happens elsewhere." (Northern Ireland – Interviewee 26)



I don't think there is a wider understanding that trafficking can be room to room – not international travel!" (Youth Offending Service Manager, Wales – Respondent 37)

Focus on movement

The trafficking offences in England, Wales, and Northern Ireland include the terms '*recruitment*' and '*harbouring*', though these are not legally defined as the trafficking offence is framed by the "*arranging or facilitating [of] travel with a view to exploitation*".⁵⁰ As such, in these jurisdictions any act of recruitment or harbouring must be connected to the facilitation or arrangement of travel, consequentially a trafficking offence cannot occur without some element of movement. This is not the case in Scotland where neither action is connected to travel or movement. In 2019, the Independent Review of the Modern Slavery Act 2015, noted that "*while we too are concerned that the Act does not mirror the Palermo Protocol and the EU Directive in its structure, the definition of human trafficking has not yet proved an issue and it is too early to determine if this is causing issues in securing prosecutions*".⁵¹ More recently, a similar critique was levied in the US Department of State's 2024 Trafficking in Persons Report on the United Kingdom.⁵² Survey participants raised this issue, with one comment directly addressing how these elements are often not taken into account:



The element of harbouring and facilitating is often completely overlooked and disregarded." (Supporting Officer, England – Respondent 17)

⁵⁰ UN Office on Drugs and Crime, 'Issue Paper: The Concept of "Harbouring" in the Trafficking Persons Protocol'.

⁵¹ Secretary of State for the Home Department, 'Independent Review of the Modern Slavery Act 2015: Final Report'.

⁵² U.S. Department of State, '2024 Trafficking in Persons Report: United Kingdom'.



I think... transfer and receipt are hardly understood by anyone in my experience." (England and Wales – Interviewee 23)

It is a significant divergence in domestic legislation that movement is a necessary element of child trafficking. The UN Office on Drugs and Crime challenges this misconception in their issue paper on the concept of 'harbouring' which shows that 'harbouring' makes movement unnecessary for defining trafficking. Aiming to clarify the meaning of 'harbouring' in the Protocol, the paper states that "*the act of 'harbouring' brings exploitative situations themselves within the scope of the international definition of trafficking. 'Harbouring' is not limited to acts occurring prior to exploitation, such as during transportation or transfer of the victim.*"⁵³ Crucially, they emphasise that 'harbouring' does not necessitate the movement of victims and can occur without any transportation, in other words, movement is not necessary to establish a trafficking offence, particularly when the victim is a child.⁵⁴ A broad understanding of harbouring is advocated where it can mean sheltering, hiding, isolating, or restricting freedom of the child.⁵⁵ In other countries, transportation is not a requirement which reflects the recognition that child trafficking is defined by exploitation, rather than by movement.⁵⁶ Survey and interview participants challenged this emphasis on movement generally:



The definition of child trafficking is very helpfully set out in the Palermo Protocol, which is probably the most widely recognised definition of child trafficking in use. However, while the UK has incorporated this definition into domestic legislation through the Modern Slavery Act, it has given a much narrower interpretation with a greater emphasis on the elements of movement and travel than the international definition, potentially impacting in the identification of potential victims." (NGO Research & Advocacy Coordinator, UK wide – Respondent 4)

While the domestic trafficking offences in England, Wales and Northern Ireland do require that a child's movement be arranged or facilitated "*with a view to exploitation,*" this legislative emphasis on 'travel' has contributed to confusion and inconsistency in distinguishing internal child trafficking, particularly for sexual and criminal exploitation.⁵⁷ In cases where there is no movement, which is currently required for identification of human trafficking, a positive decision may still be possible under other modern slavery categories such as slavery, servitude, or forced or compulsory labour. However, it remains unclear whether such cases are referred into the NRM at all, with some participant responses suggesting they are not. Survey respondents, workshop attendees, and interviewees highlighted this issue in that these exploitation types may not be considered child trafficking, or referred into the NRM and subsequently identified as such because of the emphasis of movement as the defining element:



...we've gone quite far down that path of...oh, they've not physically moved from one place to another. So, does it count? But there's a lot...of emerging stuff around, sort of online exploitation. There's...harbouring...it might be sort of more psychological kind of, or through fear or threat or anything like that. So, there's a lot of nuances even to that part. So, I think we have to look for those elements as well." (England and Wales – Interviewee 11)

⁵³ UN Office on Drugs and Crime, 'Issue Paper: The Concept of "Harbouring" in the Trafficking Persons Protocol'.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Miller-Perrin and Wurtele, 'Sex Trafficking and the Commercial Sexual Exploitation of Children'.

⁵⁷ Brayley and Cockbain, 'British Children Can Be Trafficked Too: Towards an Inclusive Definition of Internal Child Sex Trafficking'; Stone, 'Child Criminal Exploitation: "County Lines", Trafficking and Cuckooing'.



So, we use it [child trafficking definition] quite often. We see it as a child that's being moved in terms of the sexual or the criminal activity. So even if it's a child going to go and meet someone for sexual act, sexual gratification for someone or the selling of drugs from one place to another. It could just be from one building to next door. If there's any kind of movement involved in that activity, then we would consider that young person, a victim of modern slavery and we would then look at an NRM referral for them." (Social Worker Manager, England – Interviewee 5)



Obviously the definition is different in Scotland, but movement is not a requirement and that's sort of stated in guidance, but we have definitely come across in different agencies a misunderstanding and applying it as if it is a requirement." (Social Worker – Workshop Participant)



Probably [the] majority of the CSE that we deal with, we wouldn't be considering... it fell under the definition of human trafficking...unless it was obvious somebody was being physically moved. The majority of the CSE that we deal with, there is no NRM. There is no referral, there is no human trafficking considerations. If we're dealing with the boyfriend model...if you are a young male who believes they are in a loving relationship with a far older female. You're willingly going back and forward to the next street, next house or meeting them after school or what have you. I don't see that as clearly and immediately coming under human trafficking. And again, the online stuff. The online child sexual exploitation. You're not moving or there's no location considerations at all in online sexual exploitation. So again, human trafficking wouldn't be a consideration." (Detective Inspector, Scotland – Interviewee 12)

The movement element introduces its own operational complexities with these ranging from very short distances within a building or town to longer journeys between cities.⁵⁸ A significant critique in the literature challenges the common misconception that trafficking necessarily involves long-distance movement or prolonged confinement.⁵⁹ This conflation impacts predominantly children and young people who were born in, or have spent the majority of their lives in, the area ('local children'), an issue further discussed in [Section A.5](#) which covers a range of demographic bias in the application of terminology. Workshop participants highlighted how gaging the distance in the movement can hinder identification particularly for local children:



I had a referral the other day that's explicitly said on it that the child had not been trafficked because he hadn't been moved out of the local area. I think there's this idea of like and certainly around international trafficking that have been trafficked from one country to another." (England or Wales – Workshop Participant)



The terminology is associated with foreign nationals, not recognising that the distance is irrelevant – And it happens from one room to another in the same building, for example. We've been in many meetings where we've told professionals – certainly in the sports sector and the faith sector, actually, when we tell them that it's kind of real shock on their faces. But what can happen, it can happen here in the same, not crossing a border or a boundary and so I think it's just cultural and to do with the language." (NGO Representative, England – Workshop Participant)

⁵⁸ Brayley and Cockbain, 'British Children Can Be Trafficked Too: Towards an Inclusive Definition of Internal Child Sex Trafficking'.

⁵⁹ Ibid.

Online exploitation

This emphasis on movement in domestic legal definitions continues to shape professional understandings of when a case constitutes child trafficking. Many participants highlighted the significant issues they face when the exploitation takes place only in the online environment:

“The definition of child trafficking is very helpfully set out in the Palermo Protocol, which is probably the most widely recognised definition of child trafficking in use. However, while the UK has incorporated this definition into domestic legislation through the Modern Slavery Act, it has given a much narrower interpretation with a greater emphasis on the elements of movement and travel than the international definition, potentially impacting in the identification of potential victims.”

(NGO Research & Advocacy Coordinator, UK wide – Respondent 4)

“The movement...element has developed [in terms of] online grooming and exploitation... perhaps that previous focus on movement has potentially been a bit limiting in the past.”

(England and Wales – Interviewee 11)

“If a child is being exploited to do any kind of criminal activity, it will inevitably involve some kind of trafficking because there'll be movement. Unless it's online exploitation, which might not involve any movement. But then it would be online movement. Then you get the financial exploitation... My working definition is there's like some kind of movement and probably for most elements of sexual or criminal exploitation, there's some kind of movement that is involved.”

(Social Worker, Safeguarding Exploitation Lead and NRM Devolved Decision-Making Panel Chair, England – Interviewee 6)

“But because it's hidden, it's unseen. And that's the most dangerous thing for me I think in relation to exploitation, is the online element of it. If you see a child you know on a train, go back and forth, or lots of train tickets...you've got your signs [indicators]. But when things happen online, you don't see it.” (Wales – Interviewee 21)

The UK Government submitted evidence to the Council of Europe for their 2022 report on online facilitated human trafficking stating how Adult Services Websites (ASWs) “continue to be the most significant enabler of sexual exploitation linked to human trafficking in the UK” which acknowledges the role of online spaces particularly in the recruitment stage or to monitor and control victims, book properties, or other activities as part of the exploitation stage.⁶⁰ Other countries in the study highlighted the emerging trends of live streaming of sexual performances on platforms such as OnlyFans.⁶¹ This requirement of movement as an element is applied not only in the prosecution of offenders but also in the victim identification processes. Workshop participants explained how decision makers apply movement as a required threshold:

⁶⁰ Campana, 'Online and Technology-Facilitated Trafficking in Human Beings'.

⁶¹ Ibid.



The Single Competent Authority (SCA) are very clear in their feedback to us that you have to have movement, so recruitment alone does not suffice. Online exploitation may fall within slavery, servitude or forced and compulsory labour, rather than human trafficking, because you've got recruitment, but you haven't got any movement. Recruitment without movement does not fall within the human trafficking definition as far as the SCA are concerned." (Social Worker, Child Exploitation Lead and NRM Panel Chair, England – Workshop Participant)



The example used which is online, that is definitely an area that does need a bit more of a definition because on your own, sexual services isn't necessarily covered too much but it wouldn't necessarily be trafficking because it doesn't have that element of movement. But then we would also consider slavery, servitude and force compulsory labour underneath the modern slavery umbrella, which gives us that that sort of divide between the definitions and what would necessarily say, you know, a sexual service in that way." (Single Competent Authority, UK Wide – Workshop Participant)

The Crown Prosecution Service Guidance for England and Wales explains that Section 176 of the Policing and Crime Act 2017 revised the definition of Child Sexual Exploitation set out in Section 51 of the SOA 2003 to include situations where indecent images of a child are "streamed or otherwise transmitted" as well as where they are recorded, making the offences more robust in the light of technological changes and ensuring that those who exploit children in this way can be effectively prosecuted for the appropriate offence.⁶² Yet the guidance addresses these offences in the context of human trafficking highlighting that Section 2 of the MSA

2015 repealed and replaced Section 58 of the SOA 2003 that criminalised trafficking for sexual exploitation and states that "*offences involving child sexual abuse may involve the movement of children within the UK in order to facilitate child sexual exploitation by other offenders. This may involve organised crime gangs and vulnerable teenage girls who are groomed to co-operate with sexual exploitation and transported to different locations where they are subject to further abuse by other offenders. In these circumstances reference should be made to other legal guidance on Trafficking.*"⁶³ The guidance does not mention considerations for prosecutors in non-movement cases under Section 1 of the MSA 2015 slavery, servitude, forced or compulsory labour. It remains unclear whether cases of children exploited online, in the absence of the physical movement element, would be identified as victims under the modern slavery umbrella, yet they will not be identified as victims of human trafficking:



We need to demonstrate an element of movement to meet the trafficking element, yet in Scotland, there's no movement required for trafficking and exploitation, but the statutory guidance for England and Wales, non-statutory for Scotland, always has that element of movement. So quite often that is confusing for people. And especially when you've got children and young people who are exploited online. But then we can make that decision under the slavery, servitude forced or compulsory labour, and that is really confusing for people as well. I think having all those different elements and when you're trying to say to people absolutely, we totally agree this is exploitation, but trying to make it fit those definitions for the Home Office can be challenging." (Social Worker – Interviewee 15)

⁶² Crown Prosecution Service, 'Rape and Sexual Offences – Chapter 7: Key Legislation and Offences'.

⁶³ Ibid.

Movement in specific exploitation types

In the context of drug supply and distribution or what some participants called '*county lines*', many respondents emphasised that children moved between areas to deal drugs and recruitment or harbouring acts by gangs, such as grooming children into criminal activity or keeping them in trap houses, as clear evidence of trafficking.⁶⁴ These elements are also raised consistently in the literature, including by children themselves.⁶⁵ Similarly, professionals described CSE cases as often involving recruitment or harbouring for the purpose of sexual exploitation, core elements of the child trafficking definition.⁶⁶ For both forms of exploitation, over three-quarters of respondents to the survey believed the trafficking threshold was regularly met. Yet, both the literature and study participants highlighted a disjuncture between these assessments and how such cases are treated in practice suggesting that narrow, movement-focused interpretations in domestic law may obscure recognition of child trafficking where it otherwise exists.⁶⁷ Survey respondents stated:

“There may be times where CSE does not meet the trafficking if the children are not moved, but more often than not there is an element of trafficking present in CSE. More often than not, yes, there's an element of transportation or transfer in CCE cases I see.” (Detective Constable, Wales – Respondent 67)

“If they are moved from one place to another for the criminal act that they are being exploited for, [then it meets the trafficking criteria].” (Child Protection Professional, Northern Ireland – Respondent 3)

“Children are often taken to different places whilst being exploited, and so it is not uncommon for the two to be linked [trafficking and CSE].” (Detective Superintendent, Wales – Respondent 23)

Conclusion

The continued emphasis on movement within domestic legal definitions of child trafficking has led to confusion, inconsistent identification, and missed opportunities for protection and prosecution. While international standards recognise acts such as recruitment and harbouring without requiring physical relocation, UK practice often applies narrower thresholds. This restricts recognition of online or localised forms of exploitation and reinforces misconceptions that trafficking involves only cross-border movement. Clarifying that movement is not essential to identify trafficking, particularly for children, is critical to ensuring all victims are recognised and supported and is in keeping with international standards.

⁶⁴ The Metropolitan Police define grooming as: Grooming is when a person builds a relationship with a child, young person or an adult who's at risk so they can abuse them and manipulate them into doing things. The abuse is usually sexual or financial, but it can also include other illegal acts. Grooming can take place online or in person and it can happen over a short or long period of time – from days to years.

⁶⁵ Stone, 'Child Criminal Exploitation: "County Lines", Trafficking and Cuckooing'; Dando, Ormerod, and Atkinson-Sheppard, 'Parental Experiences of the Impact of Grooming and Criminal Exploitation of Children for County Lines Drug Trafficking'; Baidawi, Sheehan, and Flynn, 'Criminal Exploitation of Child Protection-Involved Youth'; Villacampa and Torres, 'Human Trafficking for Criminal Exploitation: The Failure to Identify Victims'; Marshall, 'Young Men's Perspectives on Child Criminal Exploitation and Their Involvement in County Lines Drug Dealing: An Intersectional Analysis'; Marshall, 'Victims First? Examining the Place of "Child Criminal Exploitation" within "Child First" Youth Justice'; Maxwell, '"Shove That. There's Always Hope": Young People's Lived Experience of Child Criminal Exploitation'; Olver and Cockbain, 'Professionals' Views on Responding to County Lines-Related Criminal Exploitation in the West Midlands, UK'; Robinson, McLean, and Densley, 'Working County Lines: Child Criminal Exploitation and Illicit Drug Dealing in Glasgow and Merseyside'.

⁶⁶ Beckett and Walker, 'Words Matter: Reconceptualising the Conceptualisation of Child Sexual Exploitation'.

⁶⁷ Kane and Chisholm, 'Identifying Modern Slavery and Human Trafficking in the Context of Child Criminal Exploitation in Northern Ireland'.

A.4. Misunderstandings of international definitions – the “means” element

Findings:

1. Despite clear international standards that a child is not able to consent to any part of being trafficked, a significant variation exists across UK jurisdictions, with England and Wales viewing consent as irrelevant to travel only, whilst Scotland stipulates irrelevance to the action and Northern Ireland sets out irrelevance to both action and exploitation elements.
2. It remains a common feature in the literature to flatten all cases of exploitation into a general adult-centric continuum model with a continued emphasis on coercion, deception, or manipulation despite legal irrelevance for children under international law.
3. The current statutory definition of Child Sexual Exploitation (England, Child sexual exploitation: definition and guide for practitioners, 2017 cited in the Modern Slavery Statutory Guidance) and the non-statutory guidance definition of Child Criminal Exploitation (England, Serious Violence Strategy, 2018 cited in the Modern Slavery Statutory Guidance) introduce a higher threshold for recognising children as victims of human trafficking, as they require evidence of coercion, deception, or manipulation. This approach is incompatible with the UK's obligations under international law, including the Palermo Protocol and the Council of Europe Convention, which explicitly state that the 'means' are irrelevant in cases involving children, as children cannot legally consent to their own exploitation.
4. Professionals broadly equated the labour exploitation of children with the test for forced labour which introduces a 'means' element.
5. When describing what encompasses child domestic servitude, various practitioners also described the need for a 'means' element including force, coercion, and/or physical harm.

Context

Under international law, the Palermo Protocol states that the consent of the victim of trafficking in persons to the intended exploitation is irrelevant when any of the 'means' set forth in the definition are used. These are defined in Article 3 as *"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"*.⁶⁸ The test for children as set out in

Article 3(c) states that *"the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if it does not involve any of the means set forth in subparagraph (a) of this article."* In other words, for cases involving children, the 'means' element such as coercion, force, deception, or abuse of vulnerability is not required to establish trafficking.

⁶⁸ UN Office on Drugs and Crime, 'Issue Paper: The Role of "Consent" in the Trafficking in Persons Protocol'.

Similarly, ECAT confirms in Article 4(c) that *"the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in human beings' even if this does not involve any of the means set forth in subparagraph (a) of this article;"* The EU Anti-Trafficking Directive (2011) reinforces this in Article 2(5): *"the consent of a child to such exploitation shall be irrelevant even if none of the means set forth in paragraph 1 has been used."*

It is clear in international law that a child is not able to consent at all, to any part of being trafficked. Despite this standard, a significant variation exists in some of the domestic legislation across various UK jurisdictions. In England and Wales, consent is deemed irrelevant on the part of the adult or child victim with respect to the *'travel'* element of the MSA 2015 Trafficking Offence. In Scotland, consent is irrelevant to the *'relevant action'* (recruitment, transportation, harbouring, transfer, arrangement or facilitation of the previous actions) element of the HTEA S 2015 Trafficking Offence. In Northern Ireland, consent is irrelevant to *"any act which forms part of"* the HTEA NI 2015 Trafficking Offence. The approach in Northern Ireland is the only consistent application of the international standard where consent is irrelevant to both the action and exploitation elements, albeit there is no distinction made between children and adults. Yet, the MSA 2015 and HTEA S 2015 Trafficking Offences are inconsistent with international law by deeming consent irrelevant to the action only, not the purpose.

In 2019, the Independent Review of the MSA 2015 *"heard concerns that the legislation did not clearly reflect international definitions of child trafficking, and we recommend the Act should be amended to reflect more clearly that a child is not able to consent to any element of their trafficking or slavery".*⁶⁹ In its most recent Concluding Observations to the UK, the Committee on the Rights of

the Child recommended that the UK *"amend the Modern Slavery Act 2015 to clarify that children can never consent to their own sale or exploitation."*⁷⁰

Additionally, the Secretary of State, in the exercise of the power conferred by Section 69(1) of the Nationality and Borders Act 2022 (NABA 2022), enacted The Slavery and Human Trafficking (Definition of Victim) Regulations 2022 (SHTR). The Regulations defined a victim of human trafficking for the purposes of Part 5 of NABA 2022. They re-create the significant ambiguity around the definition of child victims of trafficking, particularly owing to unclear phrasing such as *'any method'* to arrange or facilitate the *'travel'*, potentially requiring evidence of the *'means'* element contrary to international law which recognises children's inherent vulnerability.⁷¹

The concept of *'slavery and practices similar to slavery'* under Article 3(a) of the 1956 Supplementary Convention, and *'forced or compulsory labour'* under the ILO's Forced Labour Convention, 1930 (No. 29), are both rooted in the idea of the *'menace of any penalty'* or coercive means. Each UK statute explicitly sets out the additional offences of slavery, servitude, and forced or compulsory labour which are to be interpreted in line with the ECHR.⁷²

The Modern Slavery Statutory Guidance draws on the Forced Labour Convention in its definition of forced labour, and the UK Supreme Court has affirmed this alignment in cases involving coercion and exploitation, distinguishing between labour voluntarily undertaken and that extracted through coercion.⁷³ Under the ILO's

⁶⁹ Secretary of State for the Home Department, 'Independent Review of the Modern Slavery Act 2015: Final Report'.

⁷⁰ Committee on the Rights of the Child, 'Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland', CRC/C/GBR/CO/6-7. Paragraph 55(b).

⁷¹ Haynes, 'Regressing from the Gold Standard: The UK's Slavery and Human Trafficking Regulations and the Narrowing of Victim Protection'.

⁷² MSA 2015 Section 1(2); HTEA S 2015 Section 4(2), and HTEA NI 2015 Section 1(2).

⁷³ Home Office, '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 Version 3.14'. Paragraph 2.80 and paragraph 2.40. Paragraph 2.40 (with respect to trafficked victims) refers to the ILO's definition of *"forced work"* as *"All work or service which is exacted from any person under the menace of any penalty and for which the person has not offered himself voluntarily"*. Paragraph 2.80 (with respect to victims not trafficked) refers to UN Convention No. 29 (the Forced Labour Convention) and its definition of *"forced or compulsory labour"* (i.e. the definition of *"forced work"* cited at paragraph 2.40). The Guidance is inconsistent in language employed here: however, both are referring to the same definition; In *Basfar v Wong* [2022] UKSC 20 the Supreme Court did not reach a firm conclusion in this case as to whether the conduct in this case amounted to *"forced labour"* as it was not required to do so to determine the issues before it – it simply said that on the *"assumed facts"*, *"the forms of modern slavery primarily relevant, in our view, are likely to be forced labour and servitude"* (see paragraph 100).

guidance, a three-part test defines forced labour: the presence of work or service; the menace of any penalty; and a lack of voluntariness.⁷⁴ '*Work or service*' is interpreted broadly across all economic sectors; '*menace of penalty*' includes a range of coercive tactics; and '*involuntariness*' covers absence of consent or inability to leave. Yet, this guidance does not include the specific case for children with its focus on coercion and in conflict with other international law instruments. Although the Modern Slavery Statutory Guidance does not frame this explicitly as a three-part test, it similarly identifies coercive means such as threat, deception, abuse of power, and the resulting services (e.g. begging, sexual services, or manual labour).⁷⁵ The issue of consent is addressed in detail, though '*involuntariness*' is not listed as a separate criterion.⁷⁶ Yet for the purposes of victim identification in the UK, the statutory guidance does remove consideration of the '*means*' element of the '*forced labour*' definition when determining if a child is a victim. It explains that this is because "*children [...] are not able to give informed consent to engage in criminal or other exploitative activity, and they cannot give consent to be abused or trafficked*". The result is that for a child, '*forced or compulsory labour*' will consist only of the '*service*' element.

The Worst Forms of Child Labour (WFCL) categories under ILO Convention 182, ratified by the United Kingdom on 22 March 2000, do not (in the main) include the language of coercion or force but prohibit outright the exploitation of children on the basis of harm.⁷⁷ The exception being forced or compulsory labour, including

forced or compulsory recruitment of children for use in armed conflict and the inclusion of other terms from international law such as slavery and practices similar to slavery. The Convention prohibits the use, procuring, or offering of children for prostitution, for the production of pornography or for pornographic performances, illicit activities, in particular for the production and trafficking of drugs, work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children and the sale and trafficking of children. Yet, the ILO generally has avoided the approach set out by the US State Department in the Trafficking in Persons report that all forced labour and slavery amount to human trafficking.⁷⁸ Scholars also argue that not all forms of child exploitation are forms of slavery or similar practices.⁷⁹ The sexual exploitation of children in the context of '*prostitution*', for the '*production of pornography*' or '*pornographic performances*' as well as the criminal exploitation of children for illicit activities are "*unconditional*" worst forms of child labour because improving working conditions for children in no way make these forms more acceptable.⁸⁰

The academic literature also consistently frames concepts of '*modern child slavery*' as rooted in the concept of control and choice.⁸¹ Scholars present frameworks for understanding exploitation as a continuum of coercion, such as the dual criteria of '*menace of penalty*' and '*involuntariness*' in Convention No. 29 as the key elements across all forms (slavery, forced labour, servitude, etc.).⁸² These frameworks are applied

⁷⁴ International Labour Organisation, 'What Is Forced Labour?'

⁷⁵ Home Office, '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 Version 3.14'. Paragraph 2.80 and paragraph 2.40. Paragraph 2.40 (with respect to trafficked victims) refers to the ILO's definition of "forced work" as "All work or service which is exacted from any person under the menace of any penalty and for which the person has not offered himself voluntarily". Paragraph 2.80 (with respect to victims not trafficked) refers to UN Convention No. 29 (the Forced Labour Convention) and its definition of "forced or compulsory labour" (i.e. the definition of "forced work" cited at paragraph 2.40). The Guidance is inconsistent in language employed here: however, both are referring to the same definition.

⁷⁶ Ibid. Paragraph 2.81.

⁷⁷ Kooijmans, 'Prostitution, Pornography and Pornographic Performances as Worst Forms of Child Labour: A Comment on Article 3(b) of ILO Convention 182'. Ibid.

⁷⁸ Cullen, 'The Evolving Concept of the Worst Forms of Child Labor'; Chuang, 'Exploitation Creep and the Unmaking of Human Trafficking Law'.

⁷⁹ Van De Glind and Kooijmans, 'Modern-Day Child Slavery'.

⁸⁰ Ibid.

⁸¹ Miller-Perrin and Wurtele, 'Sex Trafficking and the Commercial Sexual Exploitation of Children'. Ibid.

⁸² Allain, 'Trafficking and Human Exploitation in International Law, with Special Reference to Women and Children in Africa'; Belser et al., 'ILO Minimum Estimate of Forced Labour in the World'. Allain, 'Trafficking and Human Exploitation in International Law, with Special Reference to Women and Children in Africa'; Belser et al., 'ILO Minimum Estimate of Forced Labour in the World'.

universally across both adults and children, without differentiating children's legal or developmental status and omitting that even earlier Conventions explicitly disregarded consent for children. It remains a common feature in the literature to flatten all cases of exploitation into a general adult-centric continuum model with a continued emphasis on coercion, deception, or manipulation despite the legal irrelevance for children under international law.⁸³

Applying the means in formal identification

The UK Modern Slavery statutory guidance conflates child and adult standards throughout, despite clearly stating the standard for determination regarding child trafficking being made solely on the action and purpose. Examples of this include the pervasive descriptors of the crime for all victims with language that implies coercion, deception, or force such as: *"The essence of human trafficking is that the victim is coerced or deceived into a situation where they are exploited"*.⁸⁴

Further contradictions emerge within the Guidance itself which cites the non-statutory definition of Child Criminal Exploitation (CCE) included by reference to the 2018 Serious Violence Strategy for England and Wales (developed by the Home Office) as: *"common in county lines and 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".⁸⁵ The misapplication of the 'means' element to criminally exploited children was highlighted by various research participants who noted:⁸⁶



I think one of the main issues that I see, particularly with any criminal justice context, is the misunderstanding regarding a child consenting or not consenting to their involvement in criminal exploitation." (Philippa Southwell, Criminal Lawyer, England – Workshop Participant)



In practice, the thing we bump up against a lot is the fact that people think the means element needs to be there. But it doesn't. So, they'll see somebody, or they'll encounter somebody who's telling them that they're quite happy selling drugs and moving them around, being part of this gang or wherever it is...So they'll think, oh well, you know, that's not trafficking. But it's not really about the movement and the purpose, it's about the absence of the means that makes things get messed up in my experience." (Legal Director, Scotland – Interviewee 8)

⁸³ Miller-Perrin and Wurtele, 'Sex Trafficking and the Commercial Sexual Exploitation of Children', 3 April 2017. The International Convention for the Suppression of the White Slave Traffic (1910) and the International Convention for the Suppression of the Traffic in Women and Children (1921) Ibid. The International Convention for the Suppression of the White Slave Traffic (1910) and the International Convention for the Suppression of the Traffic in Women and Children (1921).

⁸⁴ Home Office, '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 Version 3.14'.

⁸⁵ HM Government, 'Serious Violence Strategy'. County lines is defined as: *"County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of "deal line". They are likely to exploit children and vulnerable adults to move [and store] the drugs and money and they will often use coercion, intimidation, violence (including sexual violence) and weapons"*.

⁸⁶ One participant cited the guidance inconsistency directly stating: "The Statutory Guidance is internally inconsistent with its definitions of CCE. Paragraphs 2.5 – 2.7, the Guidance notes that trafficking is made up of three elements (Action; Means, and Purpose) but in cases involving children, the Means element is not required. The Means element itself is defined as 'threat(s) or use of force, coercion, abduction, fraud, deception, or an abuse of power or vulnerability'. However, at paragraph 9.32 the Guidance defines CCE as being '...where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child or young person under the age of 18'. This definition, therefore, re-incorporates the Means element into the definition of trafficking for children who are criminally exploited and contradicts the definitions in paragraphs 2.5 – 2.7." (Project Manager, Scotland – Respondent 77)



I was at a panel recently whereby a negative decision was made around criminal exploitation of a child because there was no evidence of coercion or no evidence that they've been forced. We know that that's not required. This is still a child." (England and Wales – Participant 23)

In Wales, the definition of child criminal exploitation introduces a '*means*' element, such as enticement or force, which is inconsistent with international law that does not require means to be established for child trafficking or the use of children in illicit activities. The Welsh Government has commented that there is no explicit legal definition of CCE and has adopted a non-statutory definition as follows: "*child criminal exploitation is a form of child abuse which involves criminal exploitation and requires a safeguarding response, involves a child and involves enticement and/or force.*" A report on the topic published by the Welsh Children, Young People and Education Committee states that the "*enticement/force*" element: (i) "*involves an element of exchange and can still be exploitation even if the activity appears consensual*"; (ii) "*[c]an involve force and/or enticement-based methods of compliance and is often accompanied by violence or threats of violence*; and (iii) "*[i]s typified by some form of power imbalance in favour of those perpetrating the exploitation.*"

Safeguarding Wales has commented that coercion and control can include: (i) control through the provision of something the child wants or needs; (ii) a promise to keep the child safe from others or accommodation; (iii) control exercised through the threat that things will be withdrawn if the child does not participate in criminal activity, and may take the form of threats of or actual physical violence, emotional abuse or threats to hurt someone that the child cares about.⁸⁷ They note

that to understand the circumstances through which children might become involved in criminal exploitation, it is useful to consider their situation in the context of the child's individual factors, home, peers, schools, and neighbourhood, although it can occur in the absence of obvious signs of coercion and control.⁸⁸

In Scotland, the non-statutory definition of criminal exploitation also introduces a '*means*' element such as coercion, manipulation, or deception, that diverges from international legal standards, which do not require proof of means where a child is trafficked or used for criminal activities. Scottish Practitioner Guidance on Criminal Exploitation, which is non-statutory, states that "*criminal exploitation of children (under 18 years) or vulnerable adults (18 years and over) is when an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive the child or vulnerable adult into criminal activity, for the financial or other advantage of the exploiter. A victim may have been criminally exploited, even if the criminal activity they engage in appears consensual*". This guidance comments that coercion, intimidation, violence (including sexual violence), and weapons are commonplace alongside criminal exploitation, and states that particular social groups or areas might be targeted to avoid detection, such as: (i) older, neglected children; (ii) children not in education or excluded; (iii) homeless individuals; (iv) those with substance abuse issues; and (v) areas of social and economic deprivation.⁸⁹

In Northern Ireland, the definition of child criminal exploitation similarly incorporates a '*means*' element (coercion, control, manipulation, or deception) in conflict with international law. The Northern Ireland Departments of Health, Justice and Education have developed a 2-year action plan to combat issues related to Child Criminal Exploitation, which partially mirrors but extends the definition in England, Wales, and Scotland: "*a form of child abuse which 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. The exploitation may be through violence or the threat of violence but may also appear to be transactional and in*

⁸⁷ Welsh Government, 'Safeguarding Children from Child Criminal Exploitation (CCE)'.

⁸⁸ Ibid.

⁸⁹ Scottish Government, 'Practitioner Guidance on Criminal Exploitation'.

the context of perceived relationships and friendships. The victim may have been criminally exploited even if the activity appears to be consensual." As with the definitions used in England, Wales, and Scotland, this makes clear that the 'coercion' or 'imbalance of power' elements can manifest in different ways, some obvious and some subtle.

Similarly to the CCE definitions, the statutory definition of CSE in England places an emphasis on coercion, control, manipulation, or deception effectively reintroducing the 'means' element through the back door. The Department for Education defines 'child sexual exploitation' as "*a form of child sexual abuse [which] occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator.*"⁹⁰ The guidance is clear that any child sexual exploitation can constitute abuse even if it appears consensual and can even occur without the victim's immediate knowledge (e.g. through videos or images being shared online). This definition is referenced in the Modern Slavery statutory guidance for the purposes of victim identification introducing a 'means' element for children who are potentially sexually exploited.⁹¹ The guidance also states that while the most typical form of 'power imbalance' might be age, there can also be a range of other factors including gender, sexual identity, cognitive ability, physical strength, status, and access to economic or other resources.⁹²

The Welsh Government guidance issued under Section 28 of the Children Act 2004 (referred to as the 2004 Act), and Section 139 of the Social Services and Well-being (Wales) Act 2014 which sets the definition as: "*Child Sexual Exploitation (CSE) is a form of child sexual abuse,*

which involves an element of exchange between the abused child (up to the age of 18 years) and the person perpetrating or facilitating the abuse."⁹³ The guidance does state that coercion and control are often employed by perpetrators and facilitators of CSE as a tool to ensure that children engage in sexual acts. Yet, the guidance clarifies CSE can also occur in absence of any obvious signs of coercion or control. This is the only UK definition of child exploitation that does not require a 'means' element, aligning more closely with international law by recognising that children cannot consent, and that exploitation can occur without coercion or control.

The Safeguarding Board for Northern Ireland uses the following definition: "*Child sexual exploitation is a form of sexual abuse in which a person(s) exploits, coerces and/or manipulates a child or young person into engaging in some form of sexual activity in return for something the child needs or desires and/or for the gain of the person(s) perpetrating or facilitating the abuse.*"⁹⁴ The Board provides a non-exhaustive list of examples of conduct that would constitute child sexual exploitation several of which involve victim(s) who are younger and/or weaker than the perpetrator(s), consistent with the English and Welsh guidance on 'imbalance of power'

A similar definition is provided by the Scottish Government, which provides that: "*Child sexual exploitation is a form of child sexual abuse. It involves a person or group take advantage of a power imbalance to entice, force or persuade a child into engaging in sexual activity. This is in return for something received by the child and/or those perpetrating or allowing the abuse. Child sexual abuse can take place in person or online. It can be a one-off event, or it can occur over a long period of time.*"⁹⁵ The Scottish Government has provided examples of factors that increase vulnerability allowing victims more easily to be "taken advantage

⁹⁰ Department for Education, 'Child Sexual Exploitation: Definition and Guide for Practitioners'.

⁹¹ Home Office, '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 Version 3.14'. Paragraph 2.30

⁹² The Department of Education also acknowledges that this form of abuse is complex and can be hard to identify, especially in the case of adolescents where behaviour is sometimes "mistaken for "normal adolescent

behaviours".

⁹³ Welsh Government, 'Working Together to Safeguard People Volume 7 – Safeguarding Children from Child Sexual Exploitation'.

⁹⁴ Safeguarding Board for Northern Ireland, 'Child Sexual Exploitation: Definition and Guidance'.

⁹⁵ Scottish Government, 'Child Sexual Abuse and Child Sexual and Criminal Exploitation'.

of", which includes: (i) a history of abuse, neglect and/or disadvantage; (ii) disrupted family life; (iii) drug or alcohol misuse; and (iv) poverty. The Scottish Government, like the Safeguarding Board for Northern Ireland, provides a non-exhaustive list of examples of conduct that could constitute child sexual exploitation, which again generally involve lower age and/or strength on the part of the victim.⁹⁶

Various professionals noted the difficulties that arise due to these inconsistencies in the definitional landscape particularly in the context of formal identification procedures:

It is difficult to address when the definition often indicates 'means' however 'means' are not required for completing NRM referral for children. There needs to be a streamlining." (Social Worker, England – Respondent 24)

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

The Home Office often argue that the exploitation was in fact 'voluntary' or that the child was a victim of crime but not exploited." (Lawyer, England – Respondent 7)


...we're still at the point where we're kind of having to emphasise that children cannot consent to their own exploitation. It is a bit frustrating... [it] does...make you suspect and wonder about how many children are being missed because they're not even reaching some of these conversations with us or whoever might be able to kind of provide that input around, well, actually you need to think a child cannot consent to their exploitation."
(England and Wales – Interviewee 23)


The focus on the '*means*' element was not solely prevalent in the context of child criminal and sexual exploitation, yet these exploitation types are distinct given the statutory and non-statutory guidance definitions explicitly include these elements. Indeed, a number of participants identified coercion, deception, manipulation, threats, or use of force as "*essential*" to determine if a child is being exploited generally or for other forms such as labour exploitation and domestic servitude:

There needs to be some sort of manipulation or abuse of vulnerability in order to exploit a child, as they need the child to think that what is happening is good or is benefitting them. The other elements tend to be present however I feel they are not necessary for the offences to be confirmed." (Detective Constable, Wales – Respondent 67)


A child being held somewhere and being forced into doing domestic work."
(Child Protection, Northern Ireland – Respondent 3)

⁹⁶ Scottish Government, 'Child Sexual Exploitation: Definition and Practitioner Briefing Paper'.


 **Child domestic servitude is a form of child labour and modern slavery where a child is forced to work in private households under exploitative conditions... and are unable to leave the situation."**
(Foster Carer and Counsellor, England – Respondent 8)

 **When it is forced onto a child and there is [an] expectation of punishment if not complied with."** (Development Coach for Early Years, England – Respondent 15)

Yet, other professionals challenged these conceptions firmly expressing that exploitation of a child does not require elements of manipulation, coercion, deception, threats, or force to be present:

 **I don't consider any single one of the elements above as indispensable. They are all relevant and depending on the circumstances may or may not be relevant for that individual child. To specify that one specific element must be present may result in children at risk not being identified."** (Children's Reporter, Scotland – Respondent 48)

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

 **Yeah, I feel like for professionals, it might make sense to them because trafficking like people they know what trafficking is, it's bad. For children it may be confusing, even though they've agreed to come to the place. It might still be exploitative. They might have agreed to go or to follow the person, but it might still be exploitation or trafficking if they don't know why they're going there or like they don't fully understand what is happening. So, for children it might be confusing."**
(ECPAT UK Youth Advisory Group Member –Young Person O)

Uncertainty arises in cases where there is no obvious evidence of coercion such as situations involving teenagers who appear to be willingly associating with those exploiting them.⁹⁷ This framing can result in inconsistent determinations of whether the threshold for 'exploitation' is met.⁹⁸ The literature also highlighted how this narrative erases the recognition of children's exploitation as a response to complex experiences of socioeconomic marginalisation limiting effective responses.⁹⁹ The binary conceptualisation of victimhood and agency in child sexual exploitation discourse has diminished recognition of harm where any observable agency is present, excluding those whose experiences do not align with '*idealised*' victim narratives.¹⁰⁰

⁹⁷ Brodie, 'Child Exploitation: Definition and Language'. Ibid.

⁹⁸ Gearon, 'Child Trafficking: Young People's Experiences of Front-Line Services in England'; Hutchison, 'It's All about the 'means': A CSE Perspective on Why Exploited Children Are Being Failed in the UK'. Gearon, 'Child Trafficking: Young People's Experiences of Front-Line Services in England'; Hutchison, 'It's All about the "Means": A CSE Perspective on Why Exploited Children Are Being Failed in the UK'.

⁹⁹ Marshall, 'Young Men's Perspectives on Child Criminal Exploitation and Their Involvement in County Lines Drug Dealing: An Intersectional Analysis'; Olver and Cockbain, 'Professionals' Views on Responding to County Lines-Related Criminal Exploitation in the West Midlands, UK'; Stone, 'Child Criminal Exploitation: "County Lines", Trafficking and Cuckooing'; Turner, Belcher, and Pona, 'Counting Lives: Responding to Children Who Are Criminally Exploited'. Marshall, 'Young Men's Perspectives on Child Criminal Exploitation and Their Involvement in County Lines Drug Dealing: An Intersectional Analysis'; Olver and Cockbain, 'Professionals' Views on Responding to County Lines-Related Criminal Exploitation in the West Midlands, UK'; Stone, 'Child Criminal Exploitation: "County Lines", Trafficking and Cuckooing'; Turner, Belcher, and Pona, 'Counting Lives: Responding to Children Who Are Criminally Exploited'.

¹⁰⁰ Beckett, 'Moving beyond Discourses of Agency, Gain and Blame: Reconceptualising Young People's Experiences of Sexual Exploitation'. Ibid.

Conclusion

The continued inclusion of coercion, manipulation, or abuse of power in UK statutory and non-statutory definitions of child exploitation, despite clear international standards confirming that such '*means*' are not required in cases involving children, undermines legal clarity, and hinders victim identification. This conflation of adult and child thresholds, particularly in definitions of CCE and CSE, creates inconsistency across statutory guidance and practice, leading to inappropriate assessments of consent. To ensure compliance with international law and improve operational outcomes, statutory definitions and guidance must be amended to explicitly affirm that no evidence of coercion or consent is required to establish child trafficking.

A.5. Demographic biases

Findings:

1. Participants in this study confirm systemic issues interpreting children's experiences often based not on whether the case meets legal definitions, but on whether the child's demographic profile such as gender, race, or nationality aligns with expectations of exploitation.
2. In 2024, definition-based refusals accounted for significantly different proportions of total child referral refusals by nationality at both the reasonable and conclusive grounds stages. Among UK national referrals, 7% of all refusals were due to not meeting the definition. In contrast, definition-based refusals made up 59% of all refusals for Iranian children, 43% for Afghan children, 35% for Sudanese, 30% for Albanian, and 25% for Eritrean referrals. For Vietnamese children, 12% of refusals were definition-based, while for Romanian children the figure was 5%. These disparities raise concerns about whether certain specific nationalities are less likely to be recognised as meeting the trafficking definition, or whether unconscious bias may be influencing decision-making.
3. Modern slavery and human trafficking are often seen as issues affecting only foreign national children with child labour exploitation and child domestic servitude also mainly associated with this group, whereas CSE and CCE are seen as mainly affecting UK-national children and typically affecting girls and boys respectively, thus affecting identification and access to support.
4. Despite professionals stating most cases of CSE and CCE are child trafficking, barriers remain to the formal identification of UK national children or those who are local to a particular area, including misconceptions that trafficking inherently requires some form of physical movement or cross border travel.
5. Forced criminality is used interchangeably with CCE which is more commonly used in regard to UK national children and forced criminality in regard to migrant children.


Context


The MSA 2015 and statutory guidance underpinning the NRM offer definitions of child trafficking and exploitation. However, these definitions and the way they are applied to children within the UK's child


protection and modern slavery framework are not only shaped by law, but they are also shaped by institutional practices and professional biases, whether conscious or unconscious, which influence how children's exploitation is categorised, whether they are perceived as a victim, and the support and protection they are subsequently offered.

Categorisation theory and identity theory are explored in the literature as theories that explain how stereotypes can act as "*cognitive shortcuts, which help individuals organise and simplify their social worlds*".¹⁰¹ These theories can offer insights as to how practitioners may apply stereotypes in professional contexts, such as when assessing children's circumstance and categorising their experiences of exploitation.¹⁰² Participants in this study confirm that racialised, nationality, and gender-based assumptions in particular can impact the way the definitions are applied to children by professionals and whether they do or do not meet child trafficking definitions and thresholds.

The literature review indicates that Black and ethnic minority children are frequently identified as perpetrators rather than victims, often coming into contact with the criminal justice system instead of receiving support.¹⁰³ The literature also highlights how practices such as the use of the '*gang*' label, and some data sharing practices can entrench institutional inequalities and raise concerns about the effectiveness of safeguarding, particularly where they lead to increased surveillance and criminalisation of Black children.¹⁰⁴ Current data of potential child victims of modern slavery referred into the NRM does not report on the ethnicity of children. As interviewees and young people noted:

 **Many people, especially ethnic minorities, are facing discrimination...this issue is ongoing in the system."** (ECPAT UK Youth Advisory Group Member – Young Person 5)

 **Racism, lack of cultural competency among professionals, lack of cultural curiosity among professionals, professionals being scared they'll be called racist, lack of diversity in the sector, professionals thinking its 'just part of that community's culture', and adultification."** (Research & Evaluation Officer, England – Respondent 40)

 **Then there is the subjective view of professionals, [who] adultify males (particularly Black males)."** (Detective Sergeant, England – Respondent 69)

¹⁰¹ Hill and Diaz, 'An Exploration of How Gender Stereotypes Influence How Practitioners Identify and Respond to Victims (or Those at Risk) of Child Sexual Exploitation'.

¹⁰² Ibid.; Kirkman and Melrose, *Clinical Judgement and Decision-Making in Children's Social Work: An Analysis of the 'front Door' System*.

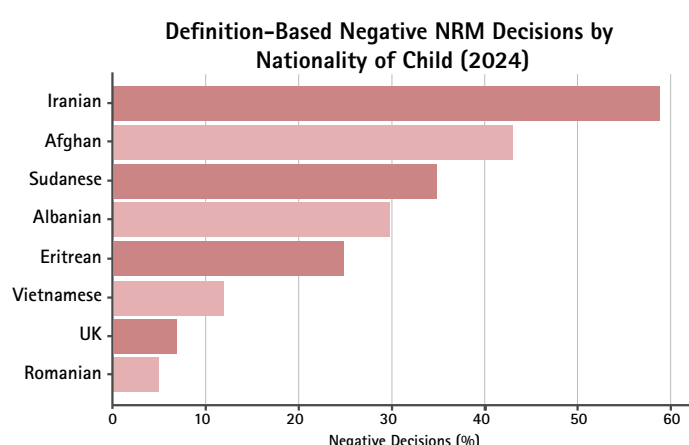
¹⁰³ Wroe, "County Lines", Inequalities and Young People's Rights: A Moment of Pause and Reflection'; Berelowitz et al., 'I Thought I Was the Only One. The Only One in the World'; Davis and Marsh, 'Boys to Men: The Cost of "Adultification" in Safeguarding Responses to Black Boys'.

¹⁰⁴ Wroe and Lloyd, 'Watching over or Working with? Understanding Social Work Innovation in Response to Extra-Familial Harm'; Millar, "It's Already Too Much of an Issue"; Ilan, 'Digital Street Culture Decoded: Why Criminalizing Drill Music Is Street Illiterate and Counterproductive'; Bradford District Safeguarding Children Partnership, 'A Thematic Review Concerning Adrian, Henry and Sam'.

Nationality bias


The research has revealed significant disparities in formal patterns of identification. Disaggregated NRM data from 2024 shows significant disparity by nationality in definition-based negative decisions for both reasonable and conclusive grounds decisions for child referrals. As noted in Table 1, the refusal rate on the basis of definitions was 7% for UK national children. A significantly higher rate was recorded for children of other nationalities: Iranian (59%), Afghan (43%), Sudanese (35%), Albanian (30%), and Eritrean (25%). For Vietnamese referrals, 12% of negative decisions were definition-based, while Romanian referrals refusals remained low at 5%. International law is clear, the implementation of the provisions of ECAT must be applied without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.¹⁰⁵ Children themselves have reported discrimination in their interaction with statutory agencies, with structural barriers preventing children and young people subject to immigration enforcement from achieving positive outcomes.¹⁰⁶

Table 1:



Source: National Referral Mechanism data for 2024 disaggregated by child age at referral, nationality, negative RG definition not met and negative CG definition not met.

Practitioners further highlighted these concerns, with acknowledgement that foreign national victims may be more likely to fit the modern slavery definitions whilst at the same time acknowledging that not all exploitative situations fit neatly into the definitions, despite their clear experiences of exploitation:

 I think very often our foreign national victims...their experiences and what they can share very often, not all the time, more neatly fits into the definitions and what we're looking for to meet the definition ... I would say that for foreign national victims, generally speaking, I'm probably going to say...their exploitation experiences generally, in my experience, fit more neatly into the definitions... [however]...the exploitative situations [particularly ransom and labour] don't neatly fit within any of the definitions that we currently have." (Social Worker and NRM Project Lead, England – Interviewee 3)

Previous studies have shown limited understanding of internal child trafficking i.e. occurring within the UK, including domestic child trafficking for sexual exploitation, among statutory or third-sector practitioners.¹⁰⁷ This research similarly identified a prevailing perception that CCE and CSE are considered to impact local children, while modern slavery and human trafficking are associated with foreign national children. Professionals overwhelmingly reported that UK children were more readily associated with forms of exploitation such as CSE and CCE:

¹⁰⁶ Hynes, Connolly, and Durán, 'Creating Stable Futures Final Report: Human Trafficking, Participation and Outcomes for Children'; Hynes, Skeels, and Durán, *Human Trafficking of Children and Young People: A Framework for Creating Stable and Positive Futures*.

¹⁰⁷ Brayley and Cockbain, 'British Children Can Be Trafficked Too: Towards an Inclusive Definition of Internal Child Sex Trafficking'.

“Their [local authority] training packs into the NRM exploitation only consists of criminal exploitation and sexual exploitation and British children... the second you talk about unaccompanied children, labour...they are like 'we don't get that'.” (England and Wales – Interviewee 24)

“For me, it's all under modern slavery, but I absolutely think others see it as child criminal exploitation and child sexual exploitation are separate things to modern slavery and modern slavery can only happen to unaccompanied young people or young people coming from somewhere else.” (Child Protection, Northern Ireland – Interviewee 4)

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

“[Professionals ask] what is the benefit for the young person to be referred into [the] National Referral Mechanism? I think for British national children, sometimes it's quite hard to evidence what the benefit is, because actually very often they don't really get any additional support that they wouldn't ordinarily be getting from the social care perspective.” (Social Worker and NRM Project lead, England – Workshop Participant)

“And it seems to me that we will consider always an NRM for unaccompanied asylum-seeking kids. But when it's maybe a child from the UK, it's not something that we're considering. We're considering the CSE and we're considering the assessment, but we're really not considering the NRM process and I think when we delve a little bit deeper into that I think what that's about is that people don't see the benefit of an NRM potentially for a child from the UK, but they do for an unaccompanied because obviously an unaccompanied asylum seeking child could potentially get temporary leave to remain, whereas I think that the general consensus from people is that our CSE and general child protection guidance and policies and procedures are robust enough that's why do we need an NRM.” (Social Worker, Northern Ireland – Interviewee 26)

There is also significant inconsistency among practitioners regarding the interpretation, and therefore application, of the term '*internal trafficking*' (i.e. where movement within the UK is involved). Professionals are more likely to identify internal movement as '*exploitation*' rather than trafficking, particularly when the child is a UK national. This is likely a legacy of pre-2015 policies where terms like '*human trafficking*' in UK policy were tied to cross-border movement; meaning children moved within the UK for sexual or criminal exploitation were often not recognised as '*legitimate*' trafficking victims.¹⁰⁸ The research also indicated this is due to persistent misconceptions that trafficking inherently requires some form of physical movement, in particular cross border movement discussed in [Section A.3](#):

¹⁰⁸ Pearce, Hynes, and Bovarnick, 'Breaking the Wall of Silence: Practitioners' Responses to Trafficked Children and Young People'; Brodie, 'Child Exploitation: Definition and Language'; Department for Education and Home Office, 'Safeguarding Children Who May Have Been Trafficked'.

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

(Supporting Officer, England – Respondent 17)

“...[in] a Looked After Child Review for a child who is an unaccompanied asylum seeker child NRM is on the agenda...whereas if it was a child who was being exploited...within our LAC population, I don't believe that that would be in the agenda at all in terms of the consideration for trafficking, maybe in some cases, but I don't believe it would be as in the agenda as it would for our unaccompanied asylum seeking kids.”

(Northern Ireland – Interviewee 26)

Practitioners also reported greater difficulty applying definitions in cases involving UK nationals, particularly when exploitation is less overt, which could indicate that professionals are less confident in applying definitions in regard to internal trafficking:

“...when we're looking at the [British] citizen young people, particularly around child criminal exploitation, the child sexual exploitation definitions, we're looking for the exchange or the increased status and the kind of child criminal exploitation and elements around consent and what we're looking at to kind of be satisfied that it was an exploitative situation, can sometimes be a bit more problematic to evidence.”

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

Gender bias

Gender bias also shapes identification patterns and classification. Research shows girls are more frequently subjected to gendered narratives which often result in victim-blaming, not being believed or misrecognition of abuse.¹⁰⁹ Stereotypical notions of an ‘ideal victim’ oversimplify the complex realities of child trafficking and contribute to the exclusion of potential victims from protection.¹¹⁰ Various studies also found that male child victims are significantly less likely to disclose CSE and are under identified as a result of practitioner bias.¹¹¹ This research found that professional responses continue to fall into binary patterns where boys are associated with CCE and girls with CSE:

“We're stuck in this process of nearly always thinking of boys [as] CCE and girls [as] CSE. Whereas actually in practice we certainly see that they switch or there's both.”

(England and Wales – Interviewee 23)

¹⁰⁹ Jay, Independent Inquiry into Child Sexual Exploitation in Rotherham: 1997–2013; Hill and Diaz, ‘An Exploration of How Gender Stereotypes Influence How Practitioners Identify and Respond to Victims (or Those at Risk) of Child Sexual Exploitation’; Brodie, ‘Child Exploitation: Definition and Language’.


¹¹⁰ Rodríguez-López, ‘(De)Constructing Stereotypes: Media Representations, Social Perceptions, and Legal Responses to Human Trafficking’; Beckett and Walker, ‘Words Matter: Reconceptualising the Conceptualisation of Child Sexual Exploitation’; O'Brien, ‘Ideal Victims in Trafficking Awareness Campaigns’.

¹¹¹ Leon and Raws, ‘Boys Don't Cry: Improving Identification and Disclosure of Sexual Exploitation among Boys and Young Men Trafficked to the UK’; Cockbain, Brayley-Morris, and Ashby, ‘Not Just a Girl Thing: A Large-Scale Comparison of Male and Female Users of Child Sexual Exploitation Services in the UK’; Fox, ‘It's Not on the Radar’; Thomas and Speyer, ‘I Never Spoke about It’: Supporting Sexually Exploited Boys and Young Men in Wales’; Fanner and Evans, ‘Problematizing Young Male Victims in Twenty-First Century English Child Sexual Exploitation Policy: A Critical Discourse Analysis’.

Scholars have argued that *"stereotypes about masculinity may impact how practitioners work with victims... as they include references to a number of traits that are stereotypically associated with masculinity, including independence, strength, and dominance."*¹¹² These are traits not often associated with victims of sexual exploitation, *"and may lead some practitioners to view males as less in need of protection and support."*¹¹³

This bias is not only problematic when it comes to identification but may also influence how support is offered, resulting in systemic gaps in child protection.

The persistent assumption that boys are unlikely to be victims of CSE contributes to the minimisation of their abuse, with boys often described as a hidden group.¹¹⁴ Scholars have further suggested that lower disclosure rates among boys are linked to gendered expectations around emotional stoicism and strength, barriers that may prevent boys from recognising or naming their experiences as abuse.¹¹⁵ This concern was echoed by professionals in the research:

 There's something about a girl being sexually abused that is more acceptable than a boy being criminally exploited – why can't he get out of it? Why didn't he tell someone?" (England and Wales – Interviewee 24a)

Conclusion

Ultimately, this research highlights systemic issues interpreting children's experiences often based not on whether the case meets legal definitions, but on whether the child's demographic profile such as gender, race, or nationality aligns with expectations of exploitation. Variations in how child trafficking and exploitation are identified and responded to appear to be shaped by nationality, race, and gender. These biases affect both formal identification systems and informal classification processes, leading to discriminatory outcomes in support and protection for all children:

 I think sometimes we see, for instance unaccompanied minors to be different from Billy and Charlene that's from Paisley. You know we sometimes see them as being different, but actually there's no difference for dealing with something very similar, they are similar crimes that have been committed, similar abuses. But we differentiate that as being different in our own mind." (Social Worker, Team Manager Throughcare and Aftercare Services, Scotland – Interviewee 10)

Demographic bias continues to shape how definitions of child trafficking and exploitation are understood and applied in practice. Assumptions linked to nationality, race, and gender affect whether children are identified as victims and influence the support they receive. These findings point to a need for greater awareness, clearer guidance, and consistent application of definitions to ensure that all children, regardless of background, are afforded equal protection.

¹¹² Hill and Diaz, 'An Exploration of How Gender Stereotypes Influence How Practitioners Identify and Respond to Victims (or Those at Risk) of Child Sexual Exploitation'.

¹¹³ Ibid.

¹¹⁴ Ibid.; Fox, 'It's Not on the Radar'; Jay, Independent Inquiry into Child Sexual Exploitation in Rotherham: 1997-2013; Lillywhite and Skidmore, 'Boys Are Not Sexually Exploited? A Challenge to Practitioners.'

¹¹⁵ Popović, 'Analysis of Online Child Sexual Abuse News Comments: The Role of Media Coverage in Supporting Attitudes about Child Sexual Abuse and Stereotypes Against Victims and Perpetrators'; Hill and Diaz, 'An Exploration of How Gender Stereotypes Influence How Practitioners Identify and Respond to Victims (or Those at Risk) of Child Sexual Exploitation'; Child Exploitation and Online Protection (CEOP), 'Out of Mind, out of Sight: Breaking down the Barriers to Understanding Child Sexual Exploitation'.

A.6. Conceptual silos and competing sectoral definitions

Findings:

1. The separation of different forms of exploitation into legal, policy, and service silos are a cause for concern amongst professionals and some evidence suggests it's leading to children receiving inconsistent responses, no access to entitlements, and poor outcomes.
2. Professionals felt confident in providing lists of indicators of different exploitation types yet felt uncertain about the specific element which met the threshold for identification.
3. In 2024, criminal exploitation was the most common form of child referral to the NRM, yet only 6% of negative decisions for CCE were based on not meeting the trafficking definition. In contrast, higher rates of definition-based refusals were recorded for other forms of child exploitation: 31% for domestic servitude, 17% for labour exploitation, and 9% for sexual exploitation, indicating that these forms face greater definitional uncertainty and are more likely to be judged as not meeting the trafficking criteria.
4. In 2024, 51% of refusals occurred in cases where the form of exploitation was unspecified or unknown, raising concerns about the legal basis for these decisions, as this category may reflect gaps in information rather than a clear application of the trafficking definition.
5. Analysis of the 2024 definition-based refusal rates by first responder referring organisations suggests divergence in how first responder agencies and competent authorities apply or interpret the threshold for referral, potentially affecting consistency in access to protection.
6. Whether a situation is recognised and addressed as exploitation often depends on the local availability of expertise, legal interpretation, and operational priorities.
7. Practitioners reported that while multiple forms of harm were often identifiable, it was difficult to distinguish between them in legal terms, particularly where exploitation overlapped. In 2024, combinations involving domestic servitude such as domestic and criminal, or sexual, domestic, and criminal showed particularly high rates of definition-based refusals, reaching up to 33.3% in some categories, suggesting challenges in aligning complex cases with statutory definitions.
8. Child exploitation is often equated solely with CSE and CCE by practitioners without reference to any other exploitation type. This systemic silo is prevalent in specialist child protection teams named 'Child Exploitation' whose remit is to work with child victims of sexual and criminal exploitation only or assessment forms than include only those exploitation types.
9. Participants report that terminology in formal identification procedures is substantially different to those employed by child protection actors for safeguarding purposes.

Context

It has been recognised internationally that terminology remains a major obstacle to guaranteeing the effective protection of children given the divergence in terms and their interpretation.¹¹⁶ At the operational level, definitional variation across the UK has a direct implication to frontline practice. While devolved administrations are progressively converging around shared understandings, variations remain prevalent which mean that terms related to exploitation cannot be assumed to have a shared definition.¹¹⁷

“There's that complexity of what comes through Westminster and what is national policy and then what is reserved and devolved in Northern Ireland. And that can be quite confusing. So, I think that doesn't help within the discussion of what definition or the need for definitions or if we have 4 definitions.” (Representative of the Northern Ireland Commissioner for Children and Young People – Workshop Participant)

Respondents to the survey were asked if they have noticed differences in how professionals approach child exploitation across England, Scotland, Wales, and Northern Ireland. Many (especially those who work in only one region) were unsure (39% selected either “Don't know” or “Not applicable”). However, among those with insight, 36 respondents indicated “yes, there are differences,” with 13 of those calling them “significant differences.” Only 4 people felt practices are consistent UK-wide. Various participants expressed specific divergence such as the lack of identification for local children in Northern Ireland into the NRM being an issue of professionals not recognising human trafficking in that demographic, highlighting either the interpretation of the definitions impacting the number of referrals or general approaches to child protection and safeguarding between devolved administrations:

“In Northern Ireland, there are extremely low referrals for criminally exploited children, despite NI organisations reported the presence of paramilitary [groups], which exploit children for weapon and drug runs.” (Research and Advocacy Coordinator, UK-wide – Respondent 4)


“There's a tendency to criminalise more/earlier in England than Scotland.” (Social Worker, Scotland – Respondent 71)

“Northern Ireland and Scotland appear to have developed closer multi agency working practices which aids identification and good practice in responding.” (Former barrister and immigration Judge and Honorary Senior Policy Fellow at University of Bristol, England – Respondent 6)

“Scotland has UNCRC Incorporation. We have children placed here from England under Deprivation of Liberty orders amongst other things.” (Education Manager Children's Services, Scotland – Respondent 45)

¹¹⁶ Scarpa, 'Guaranteeing the Broadest Protection to Minors in the Aftermath of Disasters: Re-Framing the International Discussion in Terms of Child Abduction, Sale, and Trafficking'.

¹¹⁷ Brodie, 'Child Exploitation: Definition and Language'; Ilan, 'Digital Street Culture Decoded: Why Criminalizing Drill Music Is Street Illiterate and Counterproductive'; Dunhill et al., 'Responses to Child Victims of Modern Slavery in the United Kingdom: A Children's Rights Perspective'.

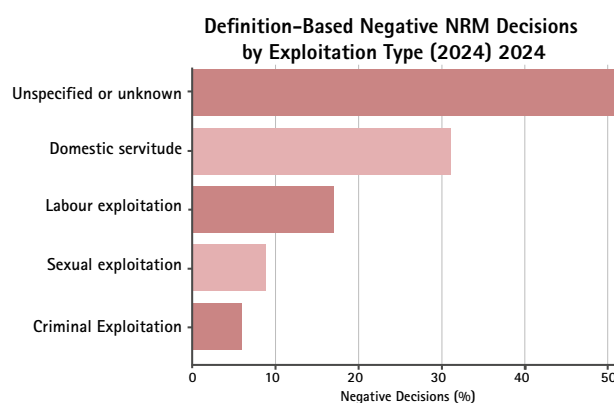
 From our perspective at NICCY in the Northern Ireland Children's Commissioner, I'm just looking at [child exploitation] across the UK, there's so many different ways that this is dealt with, and I find it quite difficult whenever we discuss about county lines and people say county lines doesn't exist in Northern Ireland. Yes, it does. It's just a different label. I find that very difficult to try and have conversations about what is child abuse and child exploitation just because in England that means one specific area or a couple of specific areas. We have the same. It's the same movement. It's the same exploitation. So, I find that quite harmful... And I think there's a language and the perception of [county lines], that it doesn't happen here because it does." (Representative of the Northern Ireland Commissioner for Children and Young People – Workshop Participant)

Application of definitions by type of exploitation

Distinctions persist not only between nations but also within them. The definition and conceptualisation of child exploitation varies significantly across agencies and areas, reflecting divergent operational priorities and legislative interpretations. The quantitative data suggests certain forms of child exploitation are subject to more sceptical scrutiny than others within statutory identification and decision-making processes. This has direct implications for consistency in victim recognition and access to entitlements under the NRM. In 2024, criminal exploitation was the most common basis for child referrals to the NRM, with 2,891 cases. As illustrated in Table 2, only 6% of those refused received a negative decision on the basis that the definition was not

met. By contrast, significantly higher definition-based refusal rates were recorded for other exploitation types: 31% for domestic servitude, 17% for labour exploitation, and 9% for sexual exploitation. These disparities raise concerns about whether definitional thresholds are being applied inconsistently, and whether some types of exploitation are subjected to more stringent or sceptical decision-making criteria. The highest proportion of refusals (51%) occurred where the form of exploitation was unspecified or unknown. This is of particular concern as it is unclear what legal test has been applied, as decision makers must evaluate the definition based on the Modern Slavery Statutory Guidance and there is another refusal category for lack of information and/or on grounds of credibility. Unknown exploitation may be more reasonably attributed to this former category as it reflects gaps in information rather than a robust rejection of meeting the definition.

Table 2:



Source: National Referral Mechanism data for 2024 disaggregated by child age at referral, exploitation type, negative RG definition not met and negative CG definition not met.

Definitional boundaries between the exploitation types of sexual, criminal, domestic servitude, and labour are permeable, yet statutory bodies are reported to focus on one form of exploitation over others, due to how definitions are linked to commissioning and resourcing.¹¹⁸ The prioritisation of CCE and CSE in policy, training, and media discourse has contributed to an unequal recognition of other exploitation types. With participants noting:

¹¹⁸ Brodie, 'Child Exploitation: Definition and Language'.

“ I think generally as professionals in social work, we probably find it easier to, because CSE is our bread and butter, you probably find it easier to identify the indicators of that, and maybe less so other forms of exploitation ... But when you actually look at many of the indicators of different forms of exploitation, a lot of them overlap...that's what we're certainly finding.” (Northern Ireland – Interviewee 26)


“ There's so much work that has been undertaken with professionals around CCE and CSE that increases the awareness of how much that's happening but maybe there hasn't been so much work undertaken around labour exploitation and those other forms of exploitation to increase awareness. So, as a service when we speak about domestic servitude and labour exploitation, sometimes there's that really big gap that people struggle with it happening in the UK.” (England or Wales – Workshop Participant)


“ [County lines] is where political and media interest has been so local safeguarding children's partnerships and local authority training offers have to be seen to be making sure they're covering it. It's all CCE and not even just CCE, it's just county lines, usually in our areas and that it is criminal exploitation, that's what the training focusses on, not other forms of criminal exploitation. And so, it sort of becomes reciprocal because that's then what the professionals look for and report. So, then that's what the figures show is happening and then that's what the training is again, so it keeps going round. And we are definitely missing other things.” (Safeguarding Practice Manager, England – Workshop Participant)


The literature urges sensitivity to differing forms of exploitation, yet these should not mean siloed approaches and reveals a breakdown of competing sectoral definitions and differing interpretations that might impede identification and action.¹¹⁹ Research participants highlighted how these inconsistencies filter down into policy priorities and service provisions ultimately missing aspects of the harm children face:

“ From the perspective of children who may be experiencing both CSE and CCE, but who may be recognised for one or the other at initial presentation – that's not necessarily helped by a government strategic framework that has separated the two things and it's providing professional training in two different streams without linking them together and back to the experience of individual children. I think that can be a problem with the frameworks and the delivery of strategy from the government down through the agencies who are doing the work at the front line.”
“(Children's Reporter, Scotland – Workshop Participant)


¹¹⁹ Cockbain and Olver, 'Child Trafficking: Characteristics, Complexities, and Challenges'; Punch, 'Child Labor'; Harvey, Hornsby, and Sattar, 'Disjointed Service: An English Case Study of Multi-Agency Provision in Tackling Child Trafficking'; Brodie, 'Child Exploitation: Definition and Language'.

 [The NRM] is an identification mechanism, it's helping the UK Government think about kind of modern slavery we have in the UK. What are the kind of typologies that we're seeing? How can we better disrupt and provide resources to try and tackle modern slavery? If we're not making those NRM referrals, despite the fact it's a statutory duty, but it's also about the kind of identification and the disruption of modern slavery within the UK. I think sometimes that's kind of missed as one of the key elements of the national referral mechanism, it doesn't necessarily provide any additional support to the child but in terms of thinking about the wider picture and disruption." (Social Worker and NRM Project Lead, England – Workshop Participant)

 The problem is that when you start to flag incorrectly, which is going on so often within policing, it gives a skewed figure in relation to the kind of particular child vulnerability that you're potentially dealing with. That then generates a resourcing issue in relation to where resourcing should be directed and then causes a further issue in relation to how the prioritisation of these Child Exploitation cases are being looked at and resourced because of inaccuracy in flagging of concerns." (England – Workshop Participant)

 If you've got like a young person... victim of CSE. They then focus on that. They fail to recognise that actually, there may be labour exploitation concerns or CCE concerns, but also as well the other thing that I really worry about is when we have victims of CCE who were male, and they failed to recognise CSE concerns." (England and Wales – Workshop Participant)

A structural issue compounding these discrepancies is the fragmentation of responsibilities and expertise across teams and statutory units. One practitioner described how this plays out in Northern Ireland:

 Yes, I do think it would be helpful to have the trafficking expertise in with the exploitation. The reason the teams are set up as they are, my understanding is, it's more aligned with certain detectives [who] are trained to deal with children and investigate. You know, be trained and achieve best interest interviews with children and trained in joint protocol...to work with the trust. And others aren't... but yes, if I had my way...would they be together, the two teams? Yes." (Detective Constable, Northern Ireland – Interviewee 17)

A significant number of research participants noted that despite the attention these exploitation types received, CSE and CCE were commonly not viewed, classified, or responded to as cases of child trafficking, with one police officer highlighting child sexual exploitation is rarely linked to modern slavery in their area. Another professional notes:

“And I suppose it's within our, you know, looked after children population, it's certainly, I don't think considered enough when you have a child who is on the CSE register and you know they're being maybe brought, this is just a generic example, but you know they're being collected from a children's home, they're being brought to a house, the exploitation's happening. You know, I don't think we're considering trafficking enough in those instances.”

(Social Worker, Northern Ireland – Interviewee 26)

Multi-agency inconsistency

These definitional inconsistencies create challenges for multi-agency coordination, case identification, and the provision of appropriate support to children. One police officer mentioned this inconsistency in terminology setting out how when visiting the College of Policing resources, you obtain a different definition to that set out by a different agency challenging the cascading of messaging to other law enforcement officials. Other frontline professionals highlighted confusion and disagreement over how definitions are applied by different agencies. This concern of variation of terminology between agencies was raised by various research participants:

“We have seen across our 4 local authorities that exploitation of children is not defined to a single category. As such we have developed and implemented an all-encompassing definition of child exploitation across the [the region].”

(Detective Inspector, Scotland – Respondent 33)

“There are a number of different definitions of exploitation used across the partners. I believe the concept is understood clearly by all partners, but the lack of a singular definition can sometimes be problematic.”

(Police Officer, Scotland – Respondent 81)

“We have regularly pushed back on the SCA to challenge their negative decisions and or pushbacks, we say we can do conclusive grounds decisions without quality assurance and do our duty in devolved panels, especially as we view ourselves as a multi-agency panel with extensive expertise around child exploitation, especially when it comes to CSE, it is just not currently agreed by them. So, this issue is layered and it is recognised as difficult and obviously, and there are different thresholds and you have to consider; the voice of the child of the child, the lack of disclosure of the child, ... and then we have to deal with all the evidence, with how the wording then becomes problematic to how the multi-agencies then interpret it.”

(Manager in Children's Services, England – Workshop Participant)

The College of Policing adopts a broad definition of child exploitation as a form of child abuse that should activate standard child protection procedures. It explicitly recognises that children are often subject to multiple forms of exploitation, yet those are not defined for children, rather it subsequently defines labour exploitation as “*victims are forced to work very long hours in often hazardous conditions and hand over the majority or all of their wages to their traffickers or controllers*”. Sexual exploitation is similarly addressed for both adults and children as “*this is any actual or attempted*

*abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another."*¹²⁰

The Home Office's Child Exploitation Disruption toolkit adopts a definition focusing on only two types, defining child exploitation as *"the exploitation of children can take a number of different forms and perpetrators may subject children and young people to multiple forms of abuse at the same time, such as criminal exploitation (including county lines) and sexual exploitation."* The only section highlighting child trafficking in the context of the NRM states: *"child sexual exploitation victims and children exploited for criminal offences such as county lines, pickpocketing or cannabis cultivation may also be victims of other forms of modern slavery, including human trafficking"*.¹²¹

The Metropolitan Police does not define child exploitation but provides a definition of CCE as: *"when someone uses a child (under 18 years old) to commit crimes for them. It includes things like forcing a child to work on a cannabis farm, or targeting, grooming, coercing and exploiting a child to sell drugs in county lines operations."* The definition emphasises force and coercion language introducing the means elements to the definition as discussed in the previous [Section A.4.](#)

The London Child Exploitation Operating Protocol 2021 defines child trafficking as: *"recruiting, moving, receiving and harbouring children for the purpose of exploitation. This exploitation can be criminal or sexual. Child trafficking is a form of modern slavery. Children can be trafficked into the UK from overseas and on their journeys are very often subject to sexual abuse...Children can also be trafficked from one part of the UK to another as evidenced in county lines."*¹²² Other forms listed as types of exploitation are child criminal and sexual exploitation, 'county lines', harmful sexual behaviour, radicalisation,

online child exploitation, youth-produced sexual imagery identified in schools, peer-on-peer exploitation, and organised begging. A workshop participant notes how this protocol is working in practice:



Locally in London there's the Pan London Child Exploitation Protocol that sets out how we should be responding to exploitation in the various forms and setting up panels where we talk about and try to look at prevention and disruption locally, we look at both individual children and strategic themes that we may want to disrupt and intervene in. One of the things that we've talked about at our operational panel is how sometimes having the identifiers of child criminal exploitation or child sexual exploitation are really unhelpful because they don't fully recognise the experiences of the child particularly when both or multiple types of exploitation have been present." (England – Workshop Participant)

These differences in how agencies define and categorise exploitation reflect wider tensions between safeguarding, criminal justice, and immigration frameworks. They also shape frontline practice, particularly decisions by first responders to refer people to the NRM they consider having indicators of trafficking as well as how cases are assessed, how children are identified as victims, and how interventions are prioritised. As illustrated in Table 3, in 2024, local authorities submitted the highest number of child referrals to the NRM (3,699), with 13% of negative decisions (490 cases) made on the basis that the case did not meet the definition at the Reasonable Grounds or Conclusive Grounds stage combined. Police first responders submitted 1,380 child referrals in that year, with 9% of negative decisions (124 cases) made on the definitional basis. The highest refusal rate on the basis of not meeting the definition was from government agency first responders (National Crime Agency, UK Visas

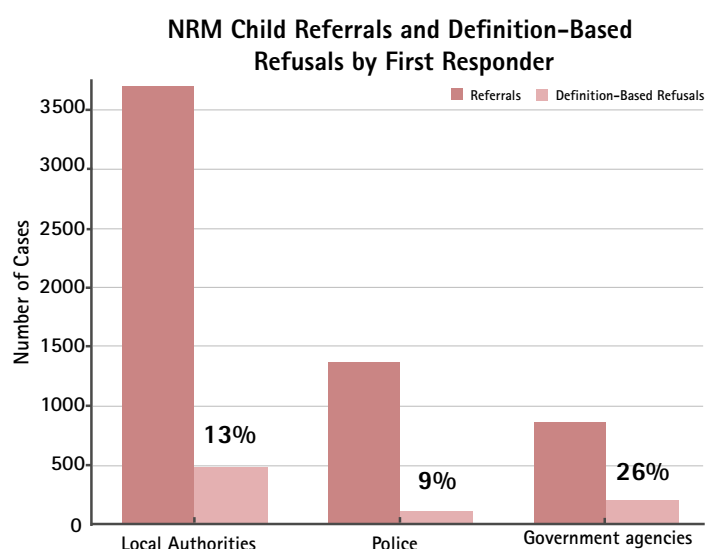
¹²⁰ College of Policing, 'Risk and Identification – Modern Slavery'.

¹²¹ Home Office, 'Child Exploitation Disruption Toolkit'.

¹²² Metropolitan Police et al., 'The London Child Exploitation Operating Protocol 2021'.

and Immigration, Immigration Enforcement, and Border Force) with 868 child referrals made, and 26% of these received negative decisions (229 cases). The variation suggests divergence in how first responder agencies and competent authorities apply or interpret the threshold for the definitions at both referral and assessments respectively, potentially affecting consistency in access to protection. This underscores the urgent need for a coherent, cross-agency definitional standard that reflects the full complexity of exploitation, without fragmenting children's experiences into siloed categories.

Table 3:



Source: National Referral Mechanism data for 2024 disaggregated by child age at referral, first responder, negative RG definition not met and negative CG definition not met.

Note: Government Agencies refers to the National Crime Agency, UK Visas and Immigration, Immigration Enforcement, and Border Force

These divergences mean thresholds for intervention can vary significantly between areas and contributes to inconsistent identification and support pathways for exploited children.¹²³ Whether a situation is recognised and addressed as exploitation often depends on the local availability of expertise, legal interpretation, and operational priorities.¹²⁴ Disagreements over how to categorise a case can delay intervention or ineffective coordination between agencies, as professionals debate

which label or framework applies with the proliferation of new and overlapping terms leaving front line staff overwhelmed.¹²⁵ Where definitions are unclear or inconsistently applied, children may be excluded from support altogether. As participants noted:

I've found that professionals very often work within a box, within a silo and they say, oh, this is just child exploitation, child criminal exploitation. Yeah, maybe there was a rape rather than say they didn't see how that was used actually for the child to then be criminal exploited at the same time." (NGO Research & Advocacy Coordinator, UK Wide – Interviewee 1)


You find that a Children's Services chair [of the exploitation meeting process] might say things like: we do recognise there is a risk of harm, but we feel that because of the robust exploitation meeting process we have, we don't think it needs to go to child protection. It's a little bit of a play on words and processes. If the chair makes that decision despite being at risk of significant harm and the normal default position would be because they're exploited, it would go to consideration of child protection and Section 47 inquiries, but they aren't." (England and Wales – Interviewee 9)

¹²³ Olver and Cockbain, 'Professionals' Views on Responding to County Lines-Related Criminal Exploitation in the West Midlands, UK'; Pearce, 'Working with Trafficked Children and Young People: Complexities in Practice'.

¹²⁴ Olver and Cockbain, 'Professionals' Views on Responding to County Lines-Related Criminal Exploitation in the West Midlands, UK'.

¹²⁵ Brodie, 'Child Exploitation: Definition and Language'; Harvey, Hornsby, and Sattar, 'Disjointed Service: An English Case Study of Multi-Agency Provision in Tackling Child Trafficking'.

Ultimately, where definitions lack clarity or consistency, children's protection becomes contingent on geographic happenstance. An effective multi-agency approach requires clear alignment between policy, systems, and frontline practice.¹²⁶ The lack of definitional coherence undermines identification, obstructs service access, and contributes to the underreporting, and misclassification of child trafficking victims. Policy responses must move beyond binary categories and instead be designed to respond to the reality of complex, overlapping, and evolving harms. As one participant succinctly highlighted:

 And I think one of the key messages that needs to be put forward is that no matter what profession you're working in around this area of business, you've got to pull away from this siloed approach to what you're potentially looking at. Because I think that's one of the difficulties. There is so much overlay in relation to all these different forms of abuse that it doesn't fit nicely into one of the definitions boxes. So, they're going to take those blinkers off."
(England – Workshop Participant)

Conclusion

Fragmented definitions and conceptual silos across sectors and jurisdictions continue to hinder the consistent identification and protection of exploited children. The lack of a unified approach leads to children left unprotected, missed indicators, unequal recognition of exploitation types, and inconsistent access to support. To respond effectively, policy and practice must move toward integrated definitions that reflect the complexity and overlap of children's experiences, rather than separating harms pertaining to exploitation into narrow or competing categories.

¹²⁶ Harvey, Hornsby, and Sattar, 'Disjointed Service: An English Case Study of Multi-Agency Provision in Tackling Child Trafficking'.



B. Issues with Definitional Boundaries



B.1. The considerations of age

Findings:


1. Age is a factor which determines the application of terminology, and is often interpreted as a proxy for consent, responsibility, and perceived agency, affecting identification and criminalisation.
2. Younger children are more likely to be seen as a victim and identified as experiencing exploitation and older children as experiencing other forms of abuse, owing to perceptions of maturity and ability to consent.
3. Professionals report the legal age of sexual consent presents a barrier in the identification of child sexual exploitation for 16 and 17-year-olds. Some clearly exploitative situations are dismissed due to determinations of consent on behalf of the child in contravention with the fundamental principle that children of any age cannot consent to their own exploitation.
4. The age of the child and legal minimum age for work are a significant factor in professional determinations of child labour exploitation.
5. The age of criminal responsibility was seen as playing a role in the determination of children as victims of child criminal exploitation limiting the age ranges of those identified in each particular jurisdiction.

Clear definitions of who is a child and how age affects identification and protection are crucial for an effective response to child trafficking and exploitation. In both UK and international law, age thresholds determine what protections apply to children and when they are seen as capable of consent and responsibility. Different age thresholds can create confusion. A child may be perceived as a victim and protected from exploitation in one situation, but treated as responsible or consenting in another, even if they are under the age of 18.

What is a child

The UNCRC defines a child as anyone under 18 years old, unless, under the applicable law, the threshold is lower. During the drafting of the Convention, negotiators achieved consensus that a child means anyone below 18 years old but allowed States some leeway on the margins, as a political necessity, where adulthood might be reached before 18 (e.g. through marriage or lower age of majority) without explicitly endorsing those exceptions.¹²⁷ The UK broadly aligns with this international standard. Where 'child' is defined in UK domestic legislation, including in many provisions specifically relevant in the child exploitation context, to mean a person under the age of 18.¹²⁸

However, UK domestic law introduces different age limits and variations across key areas, including criminal responsibility, employment, and consent to sexual activity where the age at which a child is deemed capable of responsibility or consent differs. These inconsistencies can create gaps in protection. This is particularly true for older adolescents where there appears to be a reluctance in considering them as victims of exploitation due to their age, which creates a challenge in applying consistent and effective child protection measures. Many professionals report that older children are less likely to be recognised as victims:

 I think the older a child gets the less likely they are seen as a victim." (Social Worker Manager, England – Interviewee 5)

Respondents to the survey were asked if the age of a child influences whether they are seen as meeting the threshold for exploitation and could select multiple aspects. Just over half (57%, n=47) chose "*No, age does not significantly affect the classification.*" This reflects the principle in law and guidance that anyone under 18 exploited should be recognised as a victim, and that all forms of exploitation apply to minors equally. However, a substantial number of respondents highlighted specific scenarios where age does factor into how they identify exploitation, in particular the age of criminal responsibility and the age of consent.

Age of criminal responsibility

Although international law defines a child as anyone under 18, in all UK jurisdictions the age of criminal responsibility (the age when a child can be arrested or charged with a crime) is set significantly lower. In England and Wales, the age of criminal responsibility is ten.¹²⁹ However, persons under 18 are still treated as children for case management purposes. Government guidance explicitly states that the "*fact that a child has reached 16 years of age, is living independently or is in further education, is a member of the armed forces, is in hospital or in custody in the secure estate, does not change their status or entitlements to services or protection.*"¹³⁰

Northern Ireland also has an age of criminal responsibility of ten.¹³¹ The Northern Irish Youth Court guidelines state "*people who have not reached the age of 18 will be treated as children in respect of proceedings*

¹²⁷ UN Office of the High Commissioner for Human Rights, Legislative History of the Convention on the Rights of the Child.

¹²⁸ Section 105 Children Act 1989; Section 56(3) MSA 2015; Section 40 HTEA S 2015; Section 25 HTE NI 2015; regulation 1(3) SHTR 2022.

¹²⁹ Children and Young Persons Act 1933, Section 50.


¹³⁰ Youth Justice Board for England and Wales, 'Case Management Guidance'.

¹³¹ Criminal Justice (Northern Ireland) Order 1998, Article 3.

against them for criminal offences."¹³² In Scotland, the age of criminal responsibility was recently raised to 12. Treatment of child offenders is different to that of adults.¹³³ However, despite the legal definition of a 'child', 16 and 17-year-olds can be prosecuted in adult courts.¹³⁴ This means a disparity in law and policy in relation to how to treat children. A report by Together (an alliance of Scottish children's charities that works to improve the awareness, understanding and implementation of the UNCRC) recommended that all persons under 18 be recognised as children in relevant legislation, policy and practice.¹³⁵ The UNCRC General Comment 10 recommends that the minimum age of criminal responsibility should be no lower than 12.¹³⁶ The positions in England, Wales and Northern Ireland are therefore inconsistent with that international recommendation.

Survey responses highlighted the age of criminal responsibility as a key factor influencing how professionals identify exploitation particularly for those who are criminally exploited. Approximately 10% (8 respondents) explicitly indicated that age is a factor choosing "Yes, age is a factor in CCE in line with the minimum age of criminal responsibility". Aligning with the minimum age of criminal responsibility (as noted above – children under 10 in England and Wales and 12 in Scotland), this likely indicates that some practitioners more readily view children under the minimum age of criminal responsibility as victims because they are unable to form criminal intent, thus if they are involved in crime, it must be exploitation by someone. In contrast, older adolescents, particularly those aged 16–17, might be wrongly perceived as acting voluntarily or making 'choices', even when they are being exploited. This perspective was also reported by interviewees, with one police officer accepting all children under 10 will be seen as victims because they cannot commit offences but reporting that it varies with teenagers.

Some survey respondents noted that younger children involved in crimes automatically raise red flags, whereas older adolescents sometimes get misidentified as 'streetwise' or offending of their own accord. These practitioners emphasise that age matters in recognition of criminal exploitation, a 15-year-old used to transport or distribute drugs may be seen as an offender in ways a 12-year-old would not, regardless that both could have been exploited. Participants of the research note that in theory any minor used to commit crime is, by definition, a victim of exploitation. Although development stages are always relevant, there remains an assumption that older children cannot be victims despite the legal standard that no child can consent to the exploitation. Participants acknowledge that, in practice, age influences recognition and perception of victimhood, and the younger the child, the easier it is to get others to see it as exploitation. As children age, particularly when they reach mid to late adolescence, the perception of their maturity by professionals increases. As a result, the legitimacy of their victimhood is likely to face greater scrutiny and scepticism in comparison to younger children. There is a general agreement amongst interviewees that younger children are more easily recognised as victims, and that older adolescents face greater scrutiny:

 But it can happen with children as well, because the older children who usually appear, it is not necessarily how they look, but how they present themselves as being more together. The assumption is they were much more aware, they knew what was happening and even though you can say consent means nothing if it's a child at the back of a judge or a professional's mind, there is that." (Former barrister and immigration Judge and Honorary Senior Policy Fellow at University of Bristol, England – Interviewee 2)


¹³² Department of Justice, 'Guidelines for Operation and Layout in Northern Ireland'.

¹³³ Age of Criminal Responsibility (Scotland) Act 2019, Section 1.


¹³⁴ Scottish Government, 'If a Young Person Gets in Trouble with the Police'.

¹³⁵ Together, 'State of Children's Rights in Scotland'.

¹³⁶ UN Convention on the Rights of the Child General Comment No. 10 (2007): Children's Rights in Juvenile Justice. Paragraph 33.

 I find it rather frustrating that if the child is 17 years old then CCE is often overlooked, and the child can be seen as making their own decisions at this age due to them being so close to 18. When they turn 18 years old, very little is done to assist them." (Detective Sergeant, England – Respondent 27)

Insights from other professionals across the UK highlighted similar challenges around how age is interpreted as a proxy for consent, responsibility and perceived agency, oftentimes incorrectly. A police interviewee highlights that they are often not as lenient with older teenagers as they are with younger children, yet recognised that vulnerability as well as age should shape responses. Some interviewees describe how the troubling shift in perception as children get older leads to a more punitive rather than protective response:

 ... particularly around the children that are being criminally exploited, the extent to which they're consenting to their exploitation is still an area of contention. And I think that also feeds into that bit about the spectrum and the journey that we often move through with children from when they are very much [a] victim – a 10-year-old, 12-year-old. Everyone's thinking about them in terms of victim, there's very little argument in the room. When they're 14/15, it starts to become a slightly more... you know, and then by the time they're kind of 16/17, often you know things have moved on massively in terms of how professionals around them...and some services more than others... they're much more likely to be pushing for a kind of criminal response to a 17-year-old than they would be to a 12-year-old." (Social Worker, Safeguarding Exploitation Lead and NRM Devolved Decision-Making Panel Chair, England – Interviewee 6)

Despite guidance across the UK stating that all children under the age of 18 can be victims of exploitation regardless of age or perceived consent, age clearly shapes how professionals interpret a child's actions, particularly in the context of child criminal exploitation where younger children are more often viewed as incapable of criminal intent while older adolescents (despite still being legally children) are more likely to be seen as responsible or complicit. Age based disparity contributes to inconsistent application of child trafficking and exploitation definitions; related protection frameworks, and an increased likelihood of criminalisation for older children despite the offences being as a result of the exploitation.

Age of work

The age of a child plays a pivotal role in shaping how professionals perceive and respond to the distinction between legitimate child work and exploitive labour; however, it is complicated by legal ambiguities and contextual variances. While drafters of the UNCRC deliberately refrained from embedding a specific universal minimum employment age, the ILO's Minimum Age Convention (No.138) provides an international framework for establishing national minimum age thresholds for employment. Article 2(1) sets the minimum age for admission to employment or work at 15 years of age, while Article 2(4) permits developing countries to set a lower threshold of 14 years of age "if justified by the country's economic and educational circumstances".¹³⁷ This framework operates alongside the ILO WFCL Convention (No.182) which prohibits forced labour and work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children (also known as 'hazardous work').¹³⁸

¹³⁷ ILO, Minimum Age Convention

¹³⁸ Article 3 (d)

Despite these international instruments, scholars, and practitioners highlight a persistence in confusion when it comes to identifying child exploitative labour. As one scholar notes, *"it is often difficult to distinguish between the normal dependency of a child, especially one thirteen or younger, or an adult or older child, and a situation of manipulation, force, or coercion"*.¹³⁹ The application of international standards or norms depends on how each country defines 'hazardous work' in its national context, making age-based protections highly context dependent.

In the UK, domestic legislation sets clear age-based restrictions intended to safeguard children at work and ensure children are protected while in legitimate employment. In Northern Ireland, children under the age of 13 and in England, Wales, and Scotland children under the age of 14 are not permitted to be employed in any capacity by any person, including parents, guardians, and/or relatives, regardless of whether they are paid or unpaid and whether it is full-time or part-time employment. Work undertaken by children above the minimum age is subject to further legal restrictions in order to manage when and where children are allowed to work. For example, across the UK, children over the age of 14 are not allowed to work during school hours or before 7am or after 7pm and they are limited to a maximum of 12 hours of work a week during term time.¹⁴⁰ These restrictions seek to ensure children are kept safe at work, and that their employment will not interrupt their education. Hazardous work for children is prohibited under health and safety legislation and local authorities enforce restrictions under employment laws and regulations such as the Prohibited Employment regulations under the Children and Young Persons Act 1933.

These age-based restrictions, set in a child protection framework, indicate that younger children face greater vulnerability to potential labour exploitation. However, as children approach the minimum age of employment, the line between acceptable child work and exploitation becomes less clear, particularly in informal or family contexts (which will be further discussed in [Sections B.3 and B.6](#)), or where legal work occurs under exploitive circumstances.

Data collected from survey and interview respondents shows that age is one of the most important factors professionals use to judge whether work is exploitative. Asked if the age of a child influences whether they are seen as meeting the threshold for exploitation a substantial number of survey respondents highlighted specific scenarios where age plays a factor in how they identify exploitation in regard to the age of child work. The most selected age-related factor (besides "no difference") was *"Yes, certain ages are critical in defining what constitutes child labour exploitation versus acceptable work for children"*. Approximately 28% of survey respondents (23 respondents) said certain age thresholds are critical in defining what constitutes exploitation versus acceptable child labour. This reflects that there are legal working age rules and acceptable forms of youth work (like part-time jobs for 16–17-year-olds, light work for 14–15-year-olds, etc.).

Many professionals recognise that a 17-year-old might legally work a few hours, but a 13-year-old generally cannot. Age is directly relevant to labour exploitation definitions. For example, one might not consider a 17-year-old helping in a family shop for a few hours as exploitation if not interfering with schooling, but a 12-year-old doing the same could breach child labour laws. Additionally, even for older teens, if they are below 18 there are restrictions, so age influences what is considered exploitative (e.g. *"certain tasks or long hours might be acceptable at 17 in employment terms but not at 15"* as one might imply). Respondents gave examples like distinguishing normal babysitting or chores appropriate for a 16-year-old versus exploitative work. The survey feedback clearly indicates that age norms and the legal minimum age for work are factors in judging labour exploitation. Moreover, that age is a determining factor can entangle assumptions about capacity and consent. Some professionals described the tension between legal thresholds and the individual capacities of children as:

¹³⁹ Dottridge, 'Contemporary Child Slavery'.

¹⁴⁰ Children and Young Persons Act 1933, Section 18; Children and Young Persons (Scotland) Act 1937, Section 28, as modified by Section 34 Children and Young Persons Act 1963; the Employment of Children Regulations (Northern Ireland) 1996.

“Much depends on the ability of a child to give consent, a twenty-year-old with mild learning disabilities might struggle to give consent while a fourteen-year-old would have information and comprehend what is going on. Having said that, there should still be cut-off points e.g. 13 years old for work and so on.”

(Training Manager, England – Respondent 30)

“I think that's got a lot harder in this day and age with apprenticeships, because some children can get an apprenticeship from 16 years old.” (England – Interviewee 18)

“There can be certain ages e.g. children under 13 can't work in the UK at all, but I do not believe [age impacts] across all forms of child exploitation.” (Child Protection, Northern Ireland – Respondent 55)

Despite the legal minimum age of work, professionals expressed uncertainty about when legal child work crosses into labour exploitation with some highlighting that ethnocentric assumptions about work can further complicate the picture and obscure recognition of exploitation:

“...in this full-time job, this 14-year-old child has, they're clearly being deprived of their right of education, which is...in breach of [the UNCRC]...but...also from that ethnocentrism kind of perspective... if a child in Sudan, it's commonplace for them to work on a family farm and do that, perhaps they're not attending education, but at what stage are you applying ethnocentrism values to that set of circumstances. It becomes very, it can be very difficult.” (England and Wales – Interviewee 23)

Age is both a legal and perceptual boundary that shapes how professionals interpret acceptable child work, with younger children more likely to be seen as susceptible to exploitive work. On the other hand, the acceptability of work for children aged 14–17 is more likely to be judged in terms of the context, conditions and consent, which are areas that are not consistently defined in UK law.

Age of consent

Age of consent laws seek “to establish a line between legal capacity and incapacity” in that they delineate when a child is deemed legally incapable of giving meaningful consent in contexts such as sexual relations and marriage.¹⁴¹

In the UK, the age of sexual consent is 16, as set out in the SOA 2003.¹⁴² Sections 9–13 clarify that any sexual activity involving consenting children under 16 is unlawful, even where mutual consent is claimed.

¹⁴¹ UN Office on Drugs and Crime, ‘Issue Paper: The Role of “Consent” in the Trafficking in Persons Protocol’.

¹⁴² SOA, 2003.

Consent is defined in Section 12 of the SOA S 2009¹⁴³ and Section 29 addresses engaging in sexual activity with a child who has not attained the age of 16. Article 16 of the SOO NI 2008¹⁴⁴ makes it an offence for a person aged 18 or over to intentionally engage in sexual touching with a child under 16.

The legislation goes further by distinguishing different levels of protection based on a child's age, in particular those under the age of 13 and those between the ages of 13 to 15. In England and Wales, the SOA 2003 states that children under the age of 13 are considered of insufficient age to give consent to sexual activity. This means there are certain specific offences applying to children under 13.¹⁴⁵ In relation to the child sexual offences set out in the Act, offences in relation to children are split such that a person is guilty of an offence either: (i) if the victim is under 16 and the perpetrator does not reasonably believe that they are 16 or over; or (ii) the victim is under 13.¹⁴⁶ Despite distinguishing based on age, the Department of Education in England and Wales states that it is important that *"abuse [of those aged 16 or above] is not overlooked due to assumed capacity to consent"*.¹⁴⁷

In Northern Ireland, the SOA 2003 and SOO NI 2008, offences are committed in relation to children if committed by a person aged over 18 and either: (i) the child is under 16 and the perpetrator does not reasonably believe them to be 16 or over; or (ii) the child is under 13. Northern Irish Direct guidance provides that *"young people aged 16 and 17 can legally consent to sex but can still be victims of sexual exploitation"*.¹⁴⁸ In Scotland, the SOA S 2009, offences in relation to children are specifically split between those on 'young' and 'older children', with 'young children' being those under the age of 13. For 'older children' between 13 and 16, offences are committed only if the perpetrator themselves has attained the age of 16. Scottish Government National Guidance explains that the basis for the differentiation

is that although the age of consent is 16, it is well-established that young people are engaging in a range of under-age sexual activity and that this can be part of typical adolescent exploratory behaviour.¹⁴⁹ Despite distinguishing based on age, Scottish Government National Guidance emphasises that instances involving older children should not be allowed to *"fall through the gaps"*.¹⁵⁰

These laws feed directly into how sexual exploitation offences involving children are defined under the MSA 2015, the HTEA S 2015 and HTEA NI 2015; by virtue of them being offences under the Sexual Offences Acts, they rely on distinctions based on the child's age to define when a child is presumed incapable of meaningful consent. However, these domestic legal distinctions diverge from international frameworks: the key provisions of international law do not distinguish based on the age of the child. The emphasis on the age of 13 as a cut off and the treatment of children over 13 is inconsistent with the international approach. That may mean some older children in the UK are afforded fewer protections than elsewhere in the world and which are below international standards. While the guidance acknowledges that older children may be at risk, and that this should be safeguarded against, that may not always be the case in practice.

¹⁴³ SOA S, 2009.

¹⁴⁴ SOO NI, 2008.

¹⁴⁵ Ministry of Justice, 'Sexual Offences Guideline: Offences Where the Victim Is a Child'.

¹⁴⁶ Ibid. Sentencing Council guidelines explain that the Act is intended to recognise that there are cases of mutually agreed, non-exploitative sexual activity between teenagers, meaning that such activity should not always be illegal although this will depend on the circumstances of the case. Although the age of consent is 16, the Act also recognises the need to protect 16–18-year-olds – this group is not deemed able to give consent if the sexual activity is with an adult in a position of trust or a family member.


¹⁴⁷ Department for Education, 'Child Sexual Exploitation: Definition and Guide for Practitioners'.

¹⁴⁸ NI Direct, 'Child Sexual Exploitation – Protecting Children and Young People'.

¹⁴⁹ Scottish Government, 'Underage Sexual Activity: Identifying Child Protection Concerns'. Paragraph 14.


¹⁵⁰ Ibid. Paragraph 26.

Professionals noted the challenge of navigating this legal landscape which often requires interpreting whether a child had the capacity to give informed and voluntary consent, particularly for 16- and 17-year-olds who may be able to legally consent to sexual activity but are legally still defined as children. One professional noted:

 **[Age] does make it tricky when someone is 16 and 17 because...you have to have a bit more of a thorough assessment of the dynamics of that relationship to understand it, to be able to feel confident that you know that that's a constrained choice."** (Social Worker Manager, England – Interviewee 5)

Survey respondents highlighted the age of consent as a factor that influences their identification of child exploitation. Approximately 15% of respondents (12 respondents) indicated *"Yes, age is a clear-cut factor in determining CSE in line with the age of consent."* Practitioners again raised the issue that a child under 16 in a sexual situation is automatically recognised as a victim of exploitation and/or abuse), whereas cases involving 16–17-year-olds may be assessed differently if they are above the age of consent despite the fact that legally 16–17 year-olds can still be sexually exploited. In addition, some services or legal provisions may treat them differently. Essentially, some felt a younger child (under 16) is always seen as exploited if sex is involved, whereas with 16–17-year-old children professionals may need to demonstrate coercion or exploitation more explicitly since they can legally consent to sex in general but not to exploitation, of course. Some respondents noted:

 **Age of consent at 16 can sometimes be a barrier in relation to CSE."** (NRM Coordination, England – Respondent 49)

 **I don't believe [age] does [matter], however I believe that CPS look very differently on a child aged 16–17 years especially around CSE/CCE."** (Detective Sergeant, England – Respondent 27)

This reflects a broader theme where the perceptions of vulnerability of children who may be susceptible to exploitation shifts as they become older adolescents. Professionals may be more likely to attribute agency or even responsibility to young people, including in cases of child sexual exploitation where the applications of strict definitional thresholds around grooming, coercion, or the evidence of exchange might lead to some children being denied support or not recognised as victims.¹⁵¹

¹⁵¹ Brodie, 'Child Exploitation: Definition and Language'.

B.2. Definitional complexities of child trafficking for sexual exploitation

Findings:

1. Human trafficking and modern slavery of children for sexual exploitation is often not formally identified through the NRM, as CSE is frequently treated within national, regional, and local systems as a separate category. This siloed approach means professionals may not consider whether such cases meet the elements for child trafficking or refer them as such.
2. Domestic frameworks have included elements not required in international law for human trafficking for the purpose of sexual exploitation such as 'exchange' or 'means', which may exclude children from formal recognition
3. Online recruitment and exploitation of children in platforms such as OnlyFans falls within international definition of child trafficking, yet is not treated equivalently to other forms sexual exploitation of children or recognised as such.

Context

While the sexual exploitation of children is legally recognised as a form of modern slavery and trafficking across the UK, this classification is inconsistently applied in practice. There is no specific definition of '*child sexual exploitation*' in international law. The lack of precise definition deliberately provides flexibility to a term that is intended to capture a wide range of behaviour. Indeed, the Travaux Préparatoires to the Palermo Convention included the following definition of '*sexual exploitation*': "*Of an adult [...]; of a child, prostitution, sexual servitude or use of a child in pornography*", but this was not included in final legislation as "*the informal working group concluded that there was no need to define the term sexual exploitation in this context*". While the reasoning is not fully explained, the Travaux Préparatoires indicate that there was disagreement around how to define sexual exploitation given the range of activities that could be included and concerns around artificially limiting or broadening the definition.¹⁵² The Interpretative Note to the Trafficking in Persons Protocol

indicates both the terms '*exploitation of the prostitution of others*' and '*sexual exploitation*' were deliberately not defined to leave States with flexibility on how to address this abuse in their respective domestic laws.

Nonetheless, international law does set out conduct that would be encompassed by any definition. The UNCRC states that children should be protected from all forms of sexual exploitation and sexual abuse. Article 34 obliges States Parties to protect children from (a) the inducement or coercion of a child to engage in any unlawful sexual activity; (b) the exploitative use of children in prostitution or other unlawful sexual practices; and (c) the exploitative use of children in

¹⁵² For example, see footnote 5 which states that "At the second session of the Ad Hoc Committee, several countries expressed the view that the terms "sexual exploitation" and "forced labour" should be defined in the text. A number of countries supported a broad definition of both terms so as to ensure that the protocol would cover all forms of exploitation. Two delegations suggested that the definition of "forced labour" should include cases of "forced marriage" or "marriage of convenience". One delegation suggested further that the definition should cover cases of forced domestic work. Another delegation suggested the addition of the words "involuntary servitude" to the purpose of this protocol (see also articles 3 and 4 of the present protocol)."

pornographic performances and materials.¹⁵³ The Travaux Préparatoires confirm a critical distinction: coercion or inducement is expressly required only under Article 34 (a) in relation to general unlawful sexual activity, whereas subsections 34 (b) and (c) covering the use of children in '*prostitution and pornography*' require no such element, an important distinction in the UK's terminology which introduces a means element to all forms of child sexual exploitations as discussed in [Section A.4](#). These acts are treated as inherently exploitative and unlawful, irrespective of the means used to obtain apparent consent or perceived willingness to participate.¹⁵⁴

The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography defines: (i) 'child prostitution' as "*the use of a child in sexual activities for remuneration or any other form of consideration*"; and (ii) 'child pornography' as "*any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes*".¹⁵⁵ It also provides that '*sexual exploitation of the child*' must be covered under a State Party's criminal or penal law.¹⁵⁶

The ILO WFCL Convention explicitly covers the use, procuring, or offering of children for prostitution, for the production of pornography or for pornographic performances (Article 3(b)) and child trafficking (Article 3(a)) as worst forms of child labour that must be prohibited and eliminated without delay. The Convention does not contain an age limit nor exceptions, which means countries must prohibit all of these forms of sexual exploitation of any person below the age of 18 years-old.

The Lanzarote Convention sets out that '*sexual*

exploitation and sexual abuse of children' includes: (i) sexual abuse; (ii) offences concerning child prostitution; (iii) offences concerning child pornography; (iv) offences concerning the participation of a child in pornographic performances; (v) corruption of children and (vi) solicitation of children for sexual purposes.¹⁵⁷ Although no longer directly relevant to the UK, the definition of '*sexual exploitation*' under EU Directive 2011/93 on combating the sexual abuse and sexual exploitation of children and child pornography states that sexual exploitation includes acts such as making a child participate in pornographic performances, knowingly attending pornographic performances that include children, making a child participate in child prostitution, and engaging in sexual activities with a child where recourse is made to prostitution.

In England, Wales, Scotland, and Northern Ireland, the MSA 2015, HTEA S 2015 and HTEA NI 2015 respectively list '*sexual exploitation*' as one of the examples of exploitation for the purpose of '*trafficking*'. The legislation referred to in each of the UK jurisdictions provides for specific offences in relation to children, for example sexual activity with children, but do not provide a definition specifically for '*sexual exploitation of children*'.

Sexual exploitation of children is an umbrella term for four distinct offences in England and Wales under the SOA 2003. Section 3 MSA 2015 which defines the meaning of exploitation for the purposes of the human trafficking offence defines sexual exploitation by reference to (i) Section 1(1)(a) Protection of Children Act 1978 and Part 1 of the SOA 2003.¹⁵⁸ Despite the MSA 2015 defining '*sexual exploitation*' as encompassing, inter alia, all offences under Part 1 of the SOA 2003, the term '*sexual exploitation of children*' is used as a heading

¹⁵³ UNCRC, Article 34.

¹⁵⁴ UN Office of the High Commissioner for Human Rights, *Legislative History of the Convention on the Rights of the Child*.

¹⁵⁵ The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Article 2. The use of the terms "child prostitution" and "child pornography" encourages negative perceptions of child victims, these terms are used in this report to refer solely to legal definitions which bear those terms.

¹⁵⁶ Ibid, Article 3.

¹⁵⁷ Lanzarote Convention, Article 3 and Articles 18–23.

¹⁵⁸ Part 1 SOA 2003.

to capture four specific offences under that Act. The offences under this heading are: (i) paying for sexual services of a child (Section 47); (ii) causing or inciting sexual exploitation of a child (Section 48); (iii) controlling a child in relation to sexual exploitation (Section 49); and (iv) arranging or facilitating sexual exploitation of a child (Section 50).¹⁵⁹ These offences criminalise obtaining sexual services from a child as well as causing, inciting, controlling, or facilitating the sexual services of a child in return for or the promise of financial advantage, including the discharge of an obligation to pay or the provision of goods or services (including sexual services) gratuitously or at a discount, regardless of whether coercion, deception, or manipulation were used by the offender.¹⁶⁰

Similarly, the HTEA S 2015 refers to Sections 1, 2 or 7 to 10 of the Criminal Law (Consolidation) (Scotland) Act 1995, Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 includes these offences: Section 9 (paying for sexual services of a child); Section 10 (causing or inciting provision by child of sexual services or child pornography); Section 11 (controlling a child providing sexual services or involved in pornography); Section 12 (arranging or facilitating provision by child of sexual services or child pornography) and Part 1 (rape), 4 (children) and 5 (abuse of a position of trust) of SOA S 2009.

The HTEA NI 2015 refers to the Protection of Children (Northern Ireland) Order 1978 and the SOO NI 2008. The SOO NI 2008 includes the following offences: Article 37 (paying for sexual services of a child); Article 38 (causing or inciting abuse: payment for sexual services and involvement in indecent images); Article 39 (controlling a child: payment for sexual services and involvement in indecent images); Article 40 (arranging or facilitating abuse: payment for sexual services and involvement in indecent images).

The term '*sexual exploitation of a child*' was adopted to replace the terms '*child pornography*' and '*child prostitution*' in the Serious Crime Act 2015.¹⁶¹ This change was undertaken following a recommendation by the Children's Commissioner for England because of the impact of the terms '*child pornography*' and '*child prostitution*' on attitudes towards child victims by reinforcing misconceptions of choice.¹⁶² However, other than the substitution of those terms, the wording of the act was not changed. '*Sexual exploitation of children*' in the SOA 2003 therefore has a narrower meaning than '*sexual exploitation*' under the MSA 2015 since it is limited to the sexual exploitation offences whereas the definition in the MSA 2015 covers the plethora of offences referred to at paragraph 74(b) above. The term '*sexual exploitation of children*' is not used in the SOA S 2009 or the SOO NI 2008. However, the relevant legislation captures, inter alia, the offences equivalent to those at Sections 47 to 50 MSA 2015, under the '*sexual exploitation of children*' heading.

The Online Safety Act 2023 (OSA 2023) lists the child sexual exploitation and abuse offences in terms of online acts, with reference to the Obscene Publications Act 1959, the Protection of Children (Northern Ireland) Order 1978, the Criminal Justice Act 1988, the SOA 2003, the SOO NI 2008, the Serious Crime Act 2015, the Serious Crime Act 2007, the Protection of Children and Prevention of Sexual Offences (Scotland Act) 2005 and the SOA S 2009. The Government has also introduced the Crime and Policing Bill which, if passed, would provide that in the context of online facilitation of '*child sexual exploitation and abuse*', '*child sexual exploitation and abuse*' means any conduct that would constitute an offence under Schedule 6, which includes, inter alia: (i) rape; (ii) child sex offences; (iii) abuse of position of trust; (iv) familial child sex offences; (v) child sexual abuse image-generators; and (vi) sexual exploitation of children.¹⁶³ This section of the Bill would be applicable to England, Wales, Scotland, and Northern Ireland.

¹⁵⁹ SOA 2003, Sections 47–50.

¹⁶⁰ Sexual Offences Act 2003, ss. 47–50; Home Office, 2022

¹⁶¹ Serious Crimes Act 2015.


¹⁶² Home Office, 'Serious Crime Act 2015 Fact Sheet: Child Sexual Exploitation'.

¹⁶³ Section 38 and Schedule 6 Crime and Policing Bill.

The UK Home Office has set out in their typology of modern slavery offences that '*sexual exploitation*' of both adults and children as a category includes but is not limited to five sub-types of offences, namely '*group exploitation*', exploitation by a '*single exploiter*', '*forced sex work in a fixed location*', '*forced sex work in changing location*', and '*trafficking for personal gratification*' (i.e. at residential sites).¹⁶⁴ Yet, domestically, cases involving children subjected to sexual exploitation are frequently not identified formally as child victims of modern slavery through the NRM. Alternatively, they are responded to through CSE frameworks, even when the legal criteria is met.¹⁶⁵ Child trafficking for sexual exploitation cannot be used interchangeably with child sexual exploitation, while the latter may constitute trafficking for the purpose of sexual exploitation, it is important to recognise that trafficking is a distinct legal concept which, as outlined above, requires the presence of specific elements: action and purpose. ECPAT International's latest edition of the terminology guidelines contends that although the sexual exploitation of children through prostitution may often involve trafficking, many forms of child sexual exploitation occur in the absence of any trafficking process.¹⁶⁶

Initially, the concept of CSE was addressed in the National Plan for Safeguarding Children from Commercial Sexual Exploitation produced by the Department of Health and the Home Office in 2001 for all four nations focused solely on child victims "*who were induced or coerced into unlawful sexual activities for the commercial advance of others*" and interpreted as "*to include the prostitution of children and young people; the production, sale, marketing and possession of pornographic material involving children; the distribution of pornographic pictures of children over the internet; trafficking in children; and sex tourism involving children.*"¹⁶⁷ This framing marked distinctions between the sexual exploitation of children for commercial and non-commercial reasons, yet the plan stated this distinction was made to

combat UK based and international commercial sexual exploitation of children and did not cover sexual abuse within the family, unless linked to commercial exploitation. Internationally and domestically this distinction fell out of favour, in the last World Congress against the Sexual Exploitation of Children in Rio de Janeiro in 2008, the term '*commercial*' was dropped from the title following comments by participants and organisers that the term did not add anything to this notion.¹⁶⁸ Study participants consistently highlighted how challenging these distinctions are for formal identification procedures under the NRM:

 I worked with some young people who travelled through Libya. While they were being held in Libya, were sexually assaulted on multiple occasions. And it was like I suppose the competent authority were seeing that more as abuse as opposed to exploitation and then that being looked at but that abuse was actually part of exploitation or a way to, like a means to exploit...but these things can get picked apart legally, you know. Like is it abuse? Is it commercial sexual exploitation and again very confusing potentially for that young person to try and understand. In this instance, the Home Office wasn't disputing that these events happened, but they were disputing if it met the definition of trafficking. And then that being quite distressing for the young person because again, even though they weren't being disbelieved, but it felt like they were."

(Scotland – Interviewee 20)

¹⁶⁴ Home Office, 'A Typology of Modern Slavery Offences in the UK'.

¹⁶⁵ Brayley and Cockbain, 'British Children Can Be Trafficked Too: Towards an Inclusive Definition of Internal Child Sex Trafficking'; Hutchison, 'It's All about the "Means": A CSE Perspective on Why Exploited Children Are Being Failed in the UK'.

¹⁶⁶ Greijer and Doek, 'Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse'.

¹⁶⁷ Hill and Diaz, 'An Exploration of How Gender Stereotypes Influence How Practitioners Identify and Respond to Victims (or Those at Risk) of Child Sexual Exploitation'.

¹⁶⁸ Ibid.


Definitional inconsistency

The challenges found in the literature on the lack of identification for child victims of modern slavery for sexual exploitation may relate to a definitional inconsistency amongst other factors. Although '*sexual exploitation*' is listed as a form of exploitation in all UK trafficking statutes and encompasses a broad range of criminal conduct, the narrower term '*sexual exploitation of children*' has a more restricted legal meaning. Under the SOA 2003, it refers specifically to offences such as paying for sexual services of a child or causing, inciting, controlling, or arranging such exploitation.¹⁶⁹ These offences were introduced to replace the terms '*child prostitution*' and '*child pornography*' without altering the underlying legal thresholds.¹⁷⁰ This reconceptualisation of '*children exploited for prostitution*' as CSE has been welcome, given the shift in professional attitudes from viewing children as offenders to recognising them as victims, yet there is significant professional uncertainty regarding the response to cases of child trafficking for sexual exploitation.¹⁷¹

The CSE definitions of all four nations, discussed in [Section A.4](#), share a framing of sexual exploitation grounded in the concept of grooming.¹⁷² While definitions that include intangible exchanges, such as affection, may better reflect the dynamics of some forms of CSE, they have also contributed to a conceptual separation from commercial sexual exploitation of children creating a concept which has been challenging to apply in practice, particularly for considerations through the lens of trafficking.¹⁷³ Centring grooming can limit professional recognition of CSE, particularly where exploitation does not follow a clear pattern of deception, manipulation, or coercion and overlooking the transactional nature of CSE.¹⁷⁴ This approach excludes children whose experiences do not

align with conventional victim narratives, leading to gaps in identification, and protection. However, the literature also finds it important to ensure that other forms can be recognised without eradicating all consideration for cases of sexual exploitation in the sex industries.¹⁷⁵

These issues were highlighted by participant responses to the workshop when asked to respond to a case study generated for the event. Notably, this case featured a 16-year-old looked after child selling images and also doing live streams, both of which depict her sexually, in OnlyFans. An unknown adult had set up the account for her, in return for a 20% cut of the proceeds. Despite clearly falling within the international definition of human trafficking (particularly under the recruitment and purpose limbs) and constituting various offences of sexual exploitation under Part 1 of the SOA 2003, the responses from the group were mixed:

 I don't think it meets threshold [for the NRM]. I think it needs further exploration, is there a context before that. We don't know about the vulnerabilities of this young girl. Do the vulnerabilities, make it even more of a concern and become more of exploitation in that context. Are there other girls that we know of who are being groomed? For example, the same thing that would give an indicator from a pattern of exploitation that might be someone else profiting from the implementation of girls in that context....The problem is, if you do direct work with a young person they are not going to identify as a victim, you're relying on the vulnerabilities... Otherwise, I think it's one that easily could get stuck and doesn't ever progress to NRM." (Manager in Children Services, England – Workshop Participant)

¹⁶⁹ SOA 2003, Sections 47–50.

¹⁷⁰ Beckett and Walker, 'Words Matter: Reconceptualising the Conceptualisation of Child Sexual Exploitation'.

¹⁷¹ Hallett, *Making Sense of Child Sexual Exploitation: Exchange, Abuse and Young People*.

¹⁷² Ibid.; Melrose, 'Twenty-First Century Party People: Young People and Sexual Exploitation in the New Millennium'.

¹⁷³ Melrose and Pearce, 'Introduction: Critical Perspectives on Child Sexual Exploitation and Related Trafficking'.

¹⁷⁴ Hallett, *Making Sense of Child Sexual Exploitation: Exchange, Abuse and Young People*.

¹⁷⁵ Beckett et al., 'Research into Gang-Associated Sexual Exploitation and Sexual Violence: Interim Report'; Phoenix, 'Child Sexual Exploitation, Discourse Analysis and Why We Still Need to Talk About Prostitution'.

“I've argued that 16-year-olds in India in a brothel may be better off and more protected than if they're not in a brothel. In this case, it's a different situation, different legal situation there is definitely someone profiting from a case of commercial sex.” (Academic, England – Workshop Participant)

“The difficulty of applying these definitions in the context of today, with social media, and I think it all changes so fast, it's really hard to try and keep up with what young people actually experience, in the social media landscape. It's really hard for us as professionals to catch up to these definitions and also apply them effectively in their online space.” (Solicitor, England – Workshop Participant)

It has been a prevalent feature in the literature for exploited children to describe harsh and not rights compliant interventions in the guise of protection.¹⁷⁶ One workshop participant also warned of poor outcomes for children arising from interventions such as deprivation of liberty orders as a means to safeguard in a similar exploitation scenario to the case study, which raises important questions about the responses to children:

“I represent a child who is 15 and displaying this kind of behaviour on Instagram. What actually happened is she then went to go meet some people who had contacted her and was sexually assaulted but she wouldn't describe it as a sexual assault. She was then placed on a deprivation of liberty order, which has actually led to her having about 26 criminal charges for cases of assaults in custody and various different issues that have come out, as a result of being placed in these very, very restrictive conditions. When it comes to children and sort of sexualised behaviour, local authorities have a very parental approach and don't actually engage with that child's belief or understanding or ownership or agency in the situation at all. And just try and clamp down on it. My experience, is that this girl is going to end up on a deprivation of liberty order, because people will think she does not recognise the harm that she is placing herself in. Even now when we have tried to get a psychological assessment, she's just pushing back against everyone. No one has actually gotten to know what is really going on. She's now clocked up so many offences and quite serious assaults on staff. That now, she's now back in a secure unit and almost certainly facing a custodial sentence.” (England – Workshop Participant)

¹⁷⁶ Lefevre, Hickle, and Luckock, “Both/And” Not “Either/Or”: Reconciling Rights to Protection and Participation in Working with Child Sexual Exploitation”; Wroe and Lloyd, ‘Watching over or Working with? Understanding Social Work Innovation in Response to Extra-Familial Harm’.

The notion of exchange

The CSE statutory definition emphasises the concept of 'exchange'.¹⁷⁷ Scholars argue that this notion of exchange is precisely what distinguishes sexual exploitation from other forms of sexual abuse and is essential to understand this form of abuse.¹⁷⁸ The Modern Slavery Statutory Guidance directs competent authority decision makers to refer to the Department for Education definition when evaluating a child's case.¹⁷⁹ Yet, professionals in this study reported difficulty applying the exchange element, as two participants explained:

“When we're looking at the legal definitions [from a devolved NRM decision maker perspective] whether a situation is child sexual exploitation or child abuse, the definition of CSE is very clear that we've got to show evidence of an exchange, so there's got to be some kind of gain for the potential victim or we've got to be able to demonstrate that there's some kind of increased status for the individual or group for the perpetrator and where we're not able to do that, even though we may think it's an exploitative situation, we very often have to say this is a situation of child sexual abuse because we cannot demonstrate that there was a gain for the perpetrator. We can't demonstrate that exchange, so within our decision making the exchange is a core element to whether a child is recognised as being a victim of child sexual exploitation or whether it goes down as child sexual abuse. So even if we've got the sexual services and slavery and servitude, we're still looking at that exchange element to fall within the definition of child sexual exploitation.”

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

“Evidencing the exchange can sometimes be difficult in sexual exploitation... we know that we can identify an imbalance of power, we can identify vulnerability factors, and we've got all the indicators...the challenge...is making that information meet the criteria for the decision making.” (Social Worker – Interviewee 15)

This consideration of exchange is not found in the international human trafficking framework but rather the determination should be made solely if there is an act (recruitment, transportation, harbouring, or receipt) for the purpose of exploitation, with exploitation including the exploitation of the prostitution of others or other forms of sexual exploitation. This definitional ambiguity and reliance on criteria such as exchange or applying the 'means' elements of the domestic statutory definitions is not in line with international law. At a minimum, this formal system of identification must cover all cases which constitute the worst forms of child labour specific to child sexual exploitation which prohibit the use, procuring or offering of children for prostitution, pornography or pornographic performances and as set out in the sexual exploitation offences under the SOA 2003 as discussed previously. Further, the Modern Slavery statutory guidance must clarify the other forms of sexual exploitation covered under this framework, failing to differentiate leads to clumsy responses excluding children from formal identification.¹⁸⁰

¹⁷⁷ Department for Education, 'Child Sexual Exploitation: Definition and Guide for Practitioners'.

¹⁷⁸ Laird et al., 'Toward a Global Definition and Understanding of Child Sexual Exploitation: The Development of a Conceptual Model'; Hallett, *Making Sense of Child Sexual Exploitation: Exchange, Abuse and Young People*; Beckett and Walker, 'Words Matter: Reconceptualising the Conceptualisation of Child Sexual Exploitation'.

¹⁷⁹ Home Office, '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 Version 3.14'. Paragraph 2.30.

¹⁸⁰ Brayley and Cockbain, 'British Children Can Be Trafficked Too: Towards an Inclusive Definition of Internal Child Sex Trafficking'.

Conclusion

While child sexual exploitation is recognised in law as a form of trafficking and modern slavery, the lack of definitional clarity and the overlap between legal categories contribute to inconsistent identification and response. Domestic frameworks often introduce additional elements such as '*exchange*' or '*means*', which are not required under international law and may exclude children from formal recognition. Clarified definitions in the modern slavery statutory guidance are needed to ensure that all sexually exploited children, including those exploited online are identified and protected.

B.3. Conceptual limitations around child trafficking for labour exploitation

Findings:

1. Child labour exploitation is poorly understood domestically, and little emphasis is given to this form within multi-agency safeguarding teams.
2. Professionals struggle to draw the line of what constitutes this abuse in the spectrum of beneficial child employment to exploitation.

Context

There is no specific '*child labour exploitation*' offence under international law. Child labour is used as an umbrella term in international contexts and there are a significant number of provisions in various international conventions seeking to safeguard children from exploitative labour practices. Article 32(1) of the UNCRC notes "*the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.*"

The breadth of '*economic exploitation*' was left open-ended intentionally to capture all inappropriate labour: from dangerous factory work to jobs that

keep children out of school.¹⁸¹ Commentary explains that children above the minimum working age (in line with international standards), will still need to be protected, including ensuring that their rights to education, development and recreation are promoted and protected.¹⁸² The UK delegation found one of these requirements problematic. During the final drafting, the UK indicated that paragraph 2(b) – obliging regulation of hours and conditions – "*presented problems*" and signalled it would enter a reservation upon ratification. Indeed, upon ratifying, the UK did lodge a reservation to Article 32, concerned that its existing child employment laws (which allow limited work by children 13+ and light jobs for school-age teens) might be seen as non-compliant with the CRC's strict language. This illustrates how definitional choices in Article 32 ('*hazardous*,' '*interfere with education*,' etc.) directly impacted national responses with the UK hedging its obligations due to perceived ambiguity or stringency in the definition of exploitative child labour.¹⁸³ Additionally, under Article 3(a)(i)(c) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography state parties shall ensure that engagement of the child in forced labour is "*fully covered under its criminal or penal law*".

¹⁸¹ UN Office of the High Commissioner for Human Rights, *Legislative History of the Convention on the Rights of the Child*.

¹⁸² UN Convention on the Rights of the Child General Comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights; International Labour Organisation et al., 'Ending Child Labour, Forced Labour and Human Trafficking in Global Supply Chains'. Page 8.

¹⁸³ UN Office of the High Commissioner for Human Rights, *Legislative History of the Convention on the Rights of the Child*.

Unlike the Minimum Age Convention No. 138, discussed in [Section B.1](#), which focused on setting minimum age thresholds for employment of children, the WFCL Convention prohibits child labour that is likely to harm the health, safety, or morals of children.¹⁸⁴ Consideration should be given to various factors such: (i) as the hazardous nature of the work; (ii) long hours; and (iii) potential exposure to abuse.¹⁸⁵ Members are also entrusted with establishing appropriate national methods of enforcement and criminalisation of behaviour.¹⁸⁶ In England and Wales, the Children's Wellbeing and Schools Bill, currently under consideration, proposes several amendments to: (i) remove the restriction for children to only be allowed to work for two hours on a Sunday; (ii) allow children to work until 8pm instead of 7pm; (iii) introduce a requirement that children may only work with a work permit and (iv) only be permitted to work for an hour before school.¹⁸⁷ The ILO highlights a variety of activities it classifies as '*child labour*' with a category of paid or unpaid economic activities that "*deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development.*"¹⁸⁸ Law and policy clearly situate the specific issue of children exploited for labour as inherently harmful, due to a child's dependent phase of development. This perspective is challenged by some scholars who argue that internationally, perceptions of child labour vary while Western frameworks emphasise hazardous work and child protection, many communities in the Global South see child work as economically necessary and culturally embedded.¹⁸⁹

Domestically, requiring another person to carry out '*forced or compulsory labour*' is a standalone offence under Section 1 MSA 2015 in England and Wales, Section 4 HTEA S 2015 in Scotland, and Section 1 HTEA NI 2015 in Northern Ireland. The committing of this offence is also one form of '*exploitation*' required to satisfy the purpose limb of the test for the Trafficking Offences in accordance with Sections 2 and 3 MSA 2015, Sections 1 and 3 HTEA S 2015 in Scotland and Sections 2 and 3 HTEA NI 2015 in Northern Ireland.¹⁹⁰ The forced or compulsory labour offences (Section 1 MSA 2015, Section 4 HTEA S 2015, and Section 1 HTEA NI 2015) are largely consistent across jurisdictions, though the wording is not identical. In each jurisdiction, the core elements of the offence are the same with the test for this form of exploitation containing the same key elements of: (i) the offender requiring the victim to perform forced or compulsory labour; and (ii) the offender having knowledge of the requirement to perform that labour.¹⁹¹ Apparent consent on the part of the victim (whether an adult or a child) does not preclude the offence from having taken place.¹⁹² The Guidance to the MSA clarifies that in circumstances where consent is coerced or not freely given, then there may still be a forced or compulsory labour offence.

In *Chowdury and Others v Greece*, the ECtHR further considered the term '*forced labour*', emphasising that the term "*brings to mind the idea of physical or mental coercion*".¹⁹³ In this case, the ECtHR determined that the working conditions of adult agricultural workers

¹⁸⁴ The Worst Forms of Child Labour Convention, Article 3.

¹⁸⁵ Article 3(d)

¹⁸⁶ Worst Forms of Child Labour Recommendation, 1999 (No. 190).

¹⁸⁷ Department for Education, 'Children's Wellbeing and Schools Bill Policy Summary Notes'.

¹⁸⁸ Brando, 'What (If Anything) Is Wrong with Child Labour?'

¹⁸⁹ Yiadom, 'Interrogating Child Labour from an Anti-Racism Prism'; Dottridge, 'Contemporary Child Slavery'; Siddiqi and Patrinos, 'Child Labor: Issues, Causes and Interventions'; Anker, Melkas, and Bureau international du travail, *Economic Incentives for Children and Families to Eliminate or Reduce Child Labour*.

¹⁹⁰ By virtue of Section 3(2) MSA 2015.

¹⁹¹ Section 1(1)(b) MSA 2015 and Section 4(1)(b) HTEA S 2015 provide "*the person requires another person to perform forced or compulsory labour and the circumstances are such that the person knows or ought to know that the other person is being required to perform such labour*". Text is not identical but equivalent in meaning in Section 1(1)(b) HTEA NI 2015.

¹⁹² Section 1(5) MSA 2015; Section 4(4) HTE(S)A 2015, and Section 1(5) HTE(NI)A 2015.

¹⁹³ *Chowdury and Others v Greece* (Application No. 21884/15), 30 March 2017. Paragraph 90.

in strawberry fields in Greece "*clearly demonstrate the existence of human trafficking and forced labour*".¹⁹⁴

The ECtHR cited the two cases above to draw out the: (i) menace of penalty; and (ii) involuntariness elements required in the test for '*forced labour*'. The ECtHR also examined the '*labour*' element of the test, noting that "*the nature and volume of the activity*" must be considered, in order to distinguish from legitimate work, or work "*reasonably [...] required on the basis of family assistance or cohabitation*".¹⁹⁵ In UK domestic law, when assessing whether there has been '*forced or compulsory labour*' the vulnerability of the person subject to the forced or compulsory labour is a factor which the court may consider, with being a child identified as making a person more vulnerable.¹⁹⁶ In England, Wales and Northern Ireland, "*regard may be had*" to such circumstances; in Scotland, "*regard is to be had*". It is not clear whether this distinction has any practical effect in reality, a query beyond the scope of this study.

Subject to varying interpretations

Insights from practitioners engaged in this research indicate that efforts to protect children from labour exploitation may be complicated by a lack of clarity and coherence in how child exploitation is defined and operationalised across legal, policy, and practice domains. This form of exploitation remains one of the least understood and least addressed forms within the UK's safeguarding frameworks. Professionals reported a lack of understanding or emphasis withing their roles:



There's no real discussion or focus or emphasis of any kind of labour exploitation, I would have to say... there's no focus on it." (Detective Inspector, Scotland – Interviewee 12)



I would have thought that [labour exploitation] was a similar thing that they're made to work, they shouldn't be working or in poor conditions or working excessive hours. But, I'm unsure if I'm honest. I don't know if we've ever had them. I don't think I've ever seen one of those...Which is a bit of a worry if I've never seen one, because surely, it's out there." (England – Interviewee 13)

Other practitioners expressed a very clear understanding of the definition and had experiences with these cases:




If the child is being made to work long unsocial hours, not attend school due to the work and is not receiving a fair wage for what work is done." (Constable, Northern Ireland – Respondent 66)


¹⁹⁴ Ibid, para 100. The court noted at paragraph 99 that the applicants' situation in this case could not be described as "*servitude*". The distinction as between "*forced labour*" and "*servitude*".


¹⁹⁵ Ibid. Paragraph 91.

¹⁹⁶ Section 1(4)(a) MSA 2015 notes regard may be held to any of the person's personal circumstances (such as the person being a child, the person's family relationships, and any mental or physical illness) which may make the person more vulnerable than other persons. Section 4(3) HTEA S 2015 notes regard is to be had in particular to any personal circumstances of the person (for example the person being a child, or the person's age, or the person's family relationships or health) that may make the person more vulnerable than other persons. Section 1(4) HTEA NI 2015 notes that regard may be had to any of B's personal circumstances which may make B more vulnerable than other persons such as, for example – (a) that B is a child or a vulnerable adult; or (b) that A is a member of B's family.


 From experience, child labour exploitation has been one of the more common experiences of the young people we work with, both within their home country and on their journey. It is also an area which present the most concern/risk for young people within NI, in terms of their vulnerability and lack of immigration status." (Child Protection, Northern Ireland – Respondent 55)

Professionals who responded to the survey generally reported finding this exploitation type as not well defined or understood. Only 22% of survey respondents said it's "very clearly defined" in their work, and 29% somewhat clear. The rest were unsure reporting they rarely encounter child labour cases. Many respondents emphasised the definition as unclear or undefined:

 I don't feel there is a clear definition." (Harm Outside the Home Manager, England – 35)

 This isn't defined, nor have I had first-hand experience of this." (Police Constable, Northern Ireland – Respondent 56)

One young person from ECPAT UK's youth advisory group reflected that:

 Mostly [child labour exploitation] is less understood, where you mostly straight away think of like sexual trafficking. The word itself means people understand that like you are being, from your home country, dragged here, there are so many different trafficking topics. And people are so misunderstood they don't clearly understand. They try to push it down and when you see an example of this, that is not it, but it clearly is" (ECPAT UK Youth Advisory Group Member – Young Person A)

Blurred boundaries in child labour exploitation

A significant amount of the literature also focuses on the challenge of drawing clear boundaries between 'acceptable' child work and exploitative child labour.¹⁹⁷ Domestically, navigating the line between legitimate child work and exploitative labour requires legal clarity. While UK legislation and policy address aspects of forced labour, the specific situation for children in exploitative labour remains unclear. The Modern Slavery Statutory Guidance states that, as with other forms of trafficking related exploitation, a high level of harm and control or coercion is needed to trigger the UK's obligation under ECAT without distinguishing child cases which do not contain the need to meet coercive or other means elements.¹⁹⁸ Helpfully the guidance clarifies that certain


¹⁹⁷ Punch, 'Child Labor'; Bhukuth, 'Defining Child Labour: A Controversial Debate'; Brando, 'What (If Anything) Is Wrong with Child Labour?'; Cullen, 'The Evolving Concept of the Worst Forms of Child Labor'.

¹⁹⁸ Home Office, '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 Version 3.14'.


characteristics of 'work performed by a child' do meet the threshold of 'exploitative' when: "(i) is mentally, physically, socially or morally dangerous and harmful; and/or (ii) interferes with their schooling by depriving them of the opportunity to attend some or all of school hours or requiring them to attempt to combine school attendance with excessively long and heavy work".¹⁹⁹


These characteristics are lower than the threshold for establishing 'forced labour' in cases involving children and a welcome distinction in line with international law. Multiple interviewees and workshop participants also reported difficulty making this distinction:

 You know, they will say maybe to the person that they're volunteering for, absolutely I could do an extra 10 hours a week for you because I do nothing else and I want to get out of the house and I'm really, really bored. But when does it cross the line?" (Northern Ireland – Interviewee 26)

 ...[there's] bad child labour [which is] child exploitation of forced labour and there it kind of breaks into these kind of categories.... I feel like this child labour [which is] not good that that happened, really not good that he had to leave school and do rubbish jobs... that's kind of where I set that bar at." (Scotland – Interviewee 20)


A central theme across the empirical data is the conceptual and operational ambiguity surrounding child labour exploitation, particularly when the child appears to be working 'willingly' or within a family context. This perceived voluntariness was repeatedly cited as a barrier to recognition:

 it's a bit more challenging between kind of what's an exploitative situation and what's a young person that's just consenting to work, maybe for cash in hand... we had a situation recently around labour exploitation and it was an Afghan young person who's been in the UK quite a few years. His father's here ... and had taken on a butcher shop... he's basically working really long hours. The SCA said it didn't fall within the definition ... the argument was he'd done that willingly.... He wasn't being coerced or manipulated. It was a family business that he wanted to work for, even though he was working over the legal hours. But they said that was kind of a legality around the employment contract matters rather than it being deemed exploitation." (Social Worker and NRM Project Lead, England – Interviewee 3)


 The nature of the work as well, if you know a 15-year-old is helping wipe down the counters in their parents' cafe and they're getting pocket money for doing a chore, OK, that's not so worrying but we had we had a 15-year-old boy who was helping on his uncle's construction company. No CSCS card / wouldn't have been under the civil liability insurance. Like if he had got injured on site – what would his recourse be like? It just feels less safe, less appropriate for a child doing that. Or are they working late nights? Is it interfering with their schooling, their education, their social opportunities? All of those factors really come into play." (Safeguarding Practice Manager, England – Workshop Participant)

¹⁹⁹ Ibid. Paragraph 2.44.

The perception of the definition of labour exploitation being grounded in cultural contexts was also flagged by various practitioners. One reflected on the specific case of children in the area:

 We don't get a lot of reports up here of labour exploitation... I must have been [delivering training at an island in Scotland] ... I use the example of the young boy with the paper in the morning, but they were saying that's not really a thing where they're from. But every young child will be working on a fishing boat, potentially before school or after school or at weekends. And I mean a fishing boat. That's a very physical and demanding role. So again, that's a cultural area that we haven't touched upon, and I suppose any enforcement we can't use the fact that it's just the culture. It's just that's the way it is.... We can't use that as an excuse for not addressing it. So, the fact that [island] has a big fishing community and children get involved in that community very early. We can't use that as an excuse either just because it's one of the local traditions, if you like, a local process, we can't use that as any more or less of an excuse. So that I'm sure that will go on." (Detective Inspector, Scotland – Interviewee 12)

Responding to a case study as part of the professionals' workshop, (see [Annex 6](#)), of a 16-year-old boy undertaking a full-time construction apprenticeship but also working additional evening and weekend shifts, professionals relied on the international legal standards for clarity:

 Classic Child Labour case, illegal employment. Absolutely, the aim is to exploit him, to consider him a slave, in my view, is an abuse of the word. Clearly, he needs some support, not from law enforcement professionals, but from social workers or others to explain... I would say that the British justice system has its severe shortcuts in terms of how it defines things, but in international parliaments, this is a particular category of child labour that was defined as unacceptable in the late 90s." (Academic, England – Workshop Participant)

Conclusion

Child labour exploitation remains poorly defined and inconsistently understood within UK practice. Despite clear international standards, domestic guidance lacks clarity, particularly where coercion or other means are absent. The conflation with terms like '*forced labour*' or '*modern slavery*' creates confusion, leading to inconsistent identification and protection. Greater definitional precision and alignment with child international benchmarks are urgently needed to ensure that children are protected.

B.4. Terminological inconsistencies in child trafficking for domestic

Findings:

1. Child domestic servitude is a poorly understood form of exploitation that often goes unrecognised in daily professional practice.
2. It is frequently misinterpreted as neglect or unmet parental care rather than a distinct form of child exploitation.
3. Professionals struggle to determine where acceptable home chores for children end, and domestic servitude begins.

Context

The term '*domestic servitude*' is not used commonly in international law, yet various Treaties, Conventions and other non-binding international instruments of soft law do use the term '*servitude*'. The European Anti-Trafficking Convention defines '*servitude*' as a "*particularly serious form of denial of freedom*" which should be instead regarded as "*a particular form of slavery, differing from it less in character than in degree*". The 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery identifies '*persons of servile status*' as victims of '*practices similar to slavery*': such alignment serves to communicate the extremity of domestic servitude. The UNODC commented that reviewing the relevant legal frameworks and instruments "*appears to confirm servitude as both separate from and broader than slavery*"

or alternatively by reference to '*relative severity*', with '*slavery*' the more serious practice, incorporating the element of legal ownership.²⁰⁰ This paper concludes that the difference between the terms is "*both distinct and qualitative*", and that "*servitude should be understood as human exploitation falling short of slavery*".²⁰¹

The Domestic Workers Convention provides at Article 4 that member states shall set a minimum age for domestic workers consistent with the provisions of the Minimum Age Convention and the Worst Forms of Child Labour Convention, and not lower than that established by national laws and regulations for workers generally.²⁰² UN Recommendation no. 201 reinforces this by calling for: (i) the identification of types of domestic work that, by their nature or the circumstances in which they are carried out, are likely to harm the health, safety or morals of children; and (ii) the implementation of measures to monitor children in domestic work in order to protect them.²⁰³

²⁰⁰ UN Office on Drugs and Crime, 'Issue Paper: The Concept of Exploitation in the Trafficking in Persons Protocol'.

²⁰¹ Allain, 'On the Curious Disappearance of Human Servitude from General International Law'.

²⁰² Domestic Workers Convention, 2011 (No. 189), Article 4.

²⁰³ Domestic Workers Recommendation, 2011 (No. 201). Paragraph 5.

A standalone definition for 'servitude' has been considered in international law but has not been implemented. In negotiating the Palermo Protocol, certain delegations objected to the inclusion of 'servitude' within the list of exploitative purposes because of *"the lack of clarity as to the meaning of the term and the duplication with slavery or practices similar to slavery"*.²⁰⁴ The proposed definition stated: *"The condition of a person who is unlawfully compelled or coerced by another to render any service to the same person or to others and who has no reasonable alternative but to perform the service, and shall include domestic service and debt bondage"*. This definition remained in the draft protocol until its penultimate draft but was omitted from the final text.²⁰⁵

Article 4 of the ECHR provides that *"no one shall be held in slavery or servitude"*. The ECtHR has described 'servitude' in *C.N. and V. v. France* as *"aggravated forced or compulsory labour"*, with *"the fundamental distinguishing feature between servitude and forced or compulsory labour within the meaning of Article 4 of the Convention [being] in the victim's feeling that their condition is permanent and that the situation is unlikely to change"*.²⁰⁶ In this case, the Court felt that this threshold was met in the case of one applicant because, *inter alia*: (i) the applicant could not free herself without placing herself *"in an illegal situation"* (due to her immigration status); (ii) she received no schooling or training that might give her the opportunity to find alternative paid work; and (iii) there was no possibility for her to meet other people who might be able to assist given she had no time off or leisure activities. In contrast, the test was not found to have been met for the second applicant who: (i) attended school; and (ii) was not confined to the home, meaning she was able to alert the

school nurse to the situation.²⁰⁷

In *Siliadin v. France*, the ECtHR characterised servitude for the purposes of Article 4 as *"an obligation to provide one's services that is imposed by the use of coercion and is to be linked with the concept of 'slavery'"*. The ECtHR highlighted in this case that the victim was made more vulnerable by being a child, stating that *"[a]s a minor, she had no resources and was vulnerable and isolated, and had no means of living elsewhere ... She was entirely at Mr and Mrs B.'s mercy...[and] she had no freedom of movement and no free time"*,²⁰⁸ and drew distinction between slavery and servitude where the terms are on a 'scale', on which slavery *"was at the extreme end"*. Slavery necessitates a degree of ownership which is not required for servitude.²⁰⁹ Servitude and forced labour *"appeared to characterise situations in which denial of the individual's freedom was not limited to the compulsory provision of labour, but also extended to his or her living conditions, and that there was no potential for improvement, an element which was absent from the concept of forced or compulsory labour"*.²¹⁰

The term 'domestic servitude' is not defined in any of the UK jurisdictions. However, holding another person in 'servitude' is a specific offence in the UK jurisdictions where the person knows or ought to know that the other person is held in slavery or servitude.²¹¹ The 'servitude' offence is located in the same section as the 'forced or compulsory labour' offence. The offence of 'servitude' is often referred to together with 'slavery' and 'forced or compulsory labour' with the core test for servitude under the MSA 2015 in England and Wales, HTEA NI 2015 in Northern Ireland and HTEA S 2015 in Scotland being the same as for 'forced or compulsory labour'. As with the 'forced and compulsory labour' offence, apparent

²⁰⁴ UN Office on Drugs and Crime, 'Issue Paper: The Concept of Exploitation in the Trafficking in Persons Protocol'.

²⁰⁵ Seventh Revised Draft of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, UN Doc. A/AC.254/4/Add.3/Rev.7, 19 July 19 2000, Art. 2 bis(c).

²⁰⁶ *C.N. and V. v. France*, App no 67724/09, ECHR, 11 October 2012. Paragraph 91.

²⁰⁷ *Ibid.* Paragraph 92.

²⁰⁸ *Siliadin v. France*, App no 73316/01, ECHR 2005. Paragraphs 126-127.

²⁰⁹ *Ibid.* Paragraph 103.

²¹⁰ *Ibid.* Paragraph 104.

²¹¹ MSA 2015 Section 1, HTEA NI 2015 Section 1 and HTEA S 2015 Section 4 and an example of the "exploitation" limb of the offence of human trafficking (s. 3(2)(a) MSA 2015, s. 3(2)(a) HTEA NI 2015 and s. 3(2)(a) HTEA S 2015.

consent on the part of the victim (whether an adult or a child) does not preclude the offence from having taken place.²¹² The Modern Slavery Statutory Guidance defines 'servitude' as "an obligation to provide a service that is imposed by the use of coercion".²¹³ It notes that "*servitude and slavery are more serious forms of forced or compulsory labour*".²¹⁴ 'Servitude' is described as an "aggravated" form of forced or compulsory labour, with the key distinguishing factor as "*the victim feeling that their condition is permanent and that the situation is unlikely to change*".²¹⁵ This is consistent with the threshold established by the ECtHR and a definition derived from ECtHR case-law.²¹⁶ The vulnerability of the person subject to the forced or compulsory labour is a factor which the court "may" consider in England, Wales, and Northern Ireland; but which the court "is to" consider in Scotland.²¹⁷

The Modern Slavery Statutory Guidance draws on the closely related term of 'slavery' in order to provide further guidance on the meaning of 'servitude', borrowing from the 1926 Slavery Convention definition: "*the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised*". 'Slavery' builds upon the concept of 'servitude', "*with the additional concept of ownership*".²¹⁸ This aligns with the distinction made by the ECtHR with respect to slavery requiring a degree of ownership. The UK Supreme Court has stated that 'servitude' is "*generally understood to refer to a form of exploitation which lies on a scale of gravity or severity between slavery and forced labour and involves coercion*".²¹⁹ Yet the court did not touch on the specific case for children where the element of coercion should not be a requirement.

Although not specifically defined in domestic legislation, 'domestic servitude' is listed in the Modern Slavery Statutory Guidance as an example of a form of 'exploitation' for the purposes of the MSA Trafficking Offence.²²⁰ The Guidance offers further clarification as to the meaning of 'domestic servitude': Within the guidance with respect to the 'exploitation' limb of the Trafficking Offences, reference is generally made to 'domestic servitude' (as opposed to 'servitude' alone). The guidance connects the definition to that of 'forced labour' since 'servitude' is defined as being an aggravated form of 'forced or compulsory labour' – essentially, the elements of 'forced or compulsory labour' are a prerequisite to establishing 'servitude'. The Guidance refers back to "*forced labour within the home*". The 'domestic servitude' section is confusing given the legal definition requires the establishment of 'forced or compulsory labour' prior to establishing 'servitude' but indicates the overlap between the two and underlines that the type of aggravated 'forced or compulsory labour' that would constitute 'domestic servitude' would be expected to occur in the home.

The Guidance characterises domestic servitude as often involving "*people working in a household where they are: (i) ill-treated; (ii) humiliated; (iii) subjected to exhausting working hours; (iv) forced to live and work under unbearable conditions; (v) forced to work for little or no pay*".²²¹ The words "*in a household*" makes clear that 'domestic servitude' is expected to be taking place in a domestic setting, although there is no explicit acknowledgment that 'servitude' alone might constitute a wider definition. Potential indicators of 'domestic servitude' are also listed, including that the victim may, inter alia, "*have no private space*", "*never or rarely leave the house for social reasons*" or "*be subjected to insults, abuse, threats or violence*".²²²

²¹² MSA 2015 Section 1(5); HTEA S 2015 Section 4(4), and HTEA NI 2015 Section 1(5).

²¹³ Home Office, '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 Version 3.14'. Paragraph 2.87.

²¹⁴ Ibid. Paragraph 2.106.

²¹⁵ Ibid. Paragraph 2.88.

²¹⁶ *C.N. and V. v. France*, App no 67724/09, ECHR, 11 October 2012, paragraphs 90–91; *Chowdury and Others v Greece* (Application No. 21884/15), 30 March 2017. Paragraph 99.

²¹⁷ MSA 2015 Section 1(3) and (4); HTEA S 2015 Section 4(3), and HTEA NI 2015 Section 1(3) and (4).

²¹⁸ Home Office, '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 Version 3.14'. Paragraph 2.90.

²¹⁹ *Basfar (Respondent) v Wong (Appellant)* [2022] UKSC 20. Paragraph 79.

²²⁰ Home Office, '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 Version 3.14'. Paragraphs 2.56–2.60.

²²¹ Ibid. Paragraph 2.56.

²²² Ibid. Paragraph 10.5.

The guidance clarified the approach to domestic servitude cases involving children and some elements of the test are altered. As with *'forced and compulsory labour'*, where *'servitude'* relates to children the *'means'* element under the Forced Labour Convention is removed as they are not able to give informed consent to engage in exploitative activity, and they cannot give consent to be abused or trafficked.²²³ The Modern Slavery Statutory Guidance acknowledges certain distinctions for children: *"may not see it as exploitation because they may have been used for domestic servitude in their home countries and it may appear like an extension of the same arrangement. Some children may have been groomed and see the domestic servitude as normal work they have to do in return for food and lodgings. There is evidence to suggest if children are kept in domestic servitude by powerful members of their community or family members they are unable to report the abuse due to the psychological control"*.²²⁴ As with the guidance regarding labour undertaken by children, a clear distinction is drawn between *'domestic servitude'* and *'household chores'* which are undertaken within the child's own home, *"in reasonable conditions"* (this standard is not defined), and *"under the supervision of those close to them"*: the latter would not constitute servitude.

Misunderstood interpretations

Child domestic servitude is a form of trafficking that has received limited academic attention and remains widely misunderstood.²²⁵ Historically, the international public and legal discourse of child labour has focused on visible sectors such as factories and mines, while work within family settings, including domestic servitude, was often neglected, ignored or even encouraged

leaving informal and less visible forms of exploitation in a grey area, despite their potential for significant harm.²²⁶ Scholars note measuring the scale of the issue is difficult as child domestic workers are *"among the most vulnerable of child workers and the most invisible"*.²²⁷ Participants in this study generally noted that child domestic servitude is among the least understood and most frequently overlooked form of exploitation in the UK, with the largest group of survey participants (34%) saying it was *"unclear"* and (28%) *"somewhat clear"*. Only 15 respondents (18%) felt it's *"very clearly defined"*. Professionals in a wide range of roles reported this form of exploitation was confusing, under identified, and not an organisational priority:



It isn't [defined] except within broader Child protection processes." (Lead Service Manager, Scotland – Respondent 83)



I don't think I've come across any. I've not had any NRMs or any instances of children being in domestic servitude. Again, that doesn't mean it's not happening, because it's happening behind closed doors, and if you don't know, you don't know. But we're not using it [the terminology of child domestic servitude] because it's not seen as a priority for us as an organisation because we're not seeing it as a concern or an emerging concern. There's no focus on it currently." (Wales – Interviewee 21)

²²³ Ibid. Paragraph 2.6.

²²⁴ Ibid. Paragraph 2.58.

²²⁵ Cockbain and Bowers, 'Human Trafficking for Sex, Labour and Domestic Servitude: How Do Key Trafficking Types Compare and What Are Their Predictors?'

²²⁶ Punch, 'Child Labor'; Blagbrough, 'Child Domestic Workers: Protected Persons or Modern-Day Slaves?'; Blagbrough, 'This Is Nothing but Slavery'; Mangla, 'Understanding Child Labor in India'.

²²⁷ Levison and Langer, 'Counting Child Domestic Servants in Latin America'.

Boundaries between chores and exploitation

Professional responses are hampered by unclear terminology particularly the conceptual confusion around where domestic responsibility ends, and exploitation begins. While there is broad international agreement on the need to eliminate the worst forms of child labour to protect children's welfare, there is far less consensus on how to define '*light work*', yet the ILO's definition does allow for a distinction between light and hazardous work.²²⁸ This line is drawn for situations where domestic work is performed by children below the relevant minimum age (for light work, full-time non-hazardous work), in hazardous conditions or in a slavery-like situations where these workloads might interfere with the children's education or be excessive, in which case they might be tantamount to child labour.²²⁹ Yet, study participants reported difficulties in distinguishing where this line is drawn:

“We've had this conversation in the NRM panel before, particularly with domestic servitude, about what might be in some ways culturally appropriate for a young person in their country of origin in terms of domestic, the divide of domestic tasks and how much work you might be expected to do at certain ages versus kind of our expectations, which are obviously likely different, but needing to unpick again exploitative nature.” (Social Worker, Safeguarding Exploitation Lead and NRM Devolved Decision-Making Panel Chair, England – Interviewee 6)

“This is a very grey area and there would need to be evidence from a number of professionals to confirm the effects that it has on the child.” (Detective Constable, Wales – Respondent 67)

A number of participants expressed confusion between what distinguishes children exploited for domestic servitude and labour exploitation:

“And equally, we have in domestic servitude, sometimes there's that link with forced labour. I mean, there was a decision I was working with or around before where it was in Libya and actually the child was being made to do lots of household chores, but actually they were being taken to other houses to do lots of chores. So actually, that was, whilst it was of a domestic servitude nature in terms of the tasks, it was actually more of, I suppose a commercial cleaning kind of premises. So, it was more forced labour because it wasn't necessarily domestic, so there's overlaps within that, I think as well.” (England and Wales – Interviewee 23)

This ambiguity creates practical challenges, with professionals reporting using indicators such as educational attendance to make the distinction, though a number noted that is a false indicator given children in exploitative situations are not necessarily barred from attending school. Participants noted:

²²⁸ Bhukuth, 'Defining Child Labour: A Controversial Debate'.

²²⁹ International Labour Organisation, 'Child Labour and Domestic Work'.

“It is relevant if the child is permitted to go to school. How long they spend working at household chores is also relevant. It should not be more than a few hours a day, at most, on most occasions. Exceptions may be permissible, such as spring-cleaning days. It is also relevant that the parents are doing a fair share of the chores. I don't think it is clear cut.”
(Police Officer, Northern Ireland – Respondent 58)

“I...think about things like...is that child able to access education...are they able to [have] other rights that children would have like...education...play...are they treated the same as other children in the home?” (Scotland – Interviewee 20)

“...we're talking about children who don't go out with their friends, don't attend school or will attend school, but don't ever do their homework.” (England – Interviewee 13)

Some participants expressed this line is crossed when it impacts negatively on the child's life:

“Possibly when it impacts on a child's ability to have social life, rest, plan and learn.” (Social Worker, England – Respondent 13)

“[When it] impacts the physical and mental health. Child unable to participate in child activities and play. Impacts education etc.” (Strategic Lead and Named Nurse Safeguarding Children, England – Respondent 41)

Or when they are not age appropriate or unpaid:

“If they kept in servitude not included in family meals education and life stimulation. Rather than completing chores to help the home.” (Advocate for Modern Slavery Victims, Wales – Respondent 47)

“When the expectation is beyond what could be expected of a child that age, not given a sufficient place to sleep/ no pay/ lack of food/ expected to be 'on call' 24 hours a day.” (Detective Sergeant, England – Respondent 27)

Yet, another subset of respondents cited physical control or violence to describe their definitions of domestic servitude or what distinguishes this form of exploitation from acceptable house chores despite these not being necessary elements, yet they may present for some cases:

“Other factors such as coercive control, restraint etc would need to be included.” (Training Manager, England – Respondent 30)

“When bullying / emotional abuse/ violence or threat thereof is used to enforce it.” (Early Years Dedicated Safeguarding Lead, England – Respondent 20) 30)

“Victims live and work in households where they are forced [or expected] to work through threats of serious harm and may be subjected to physical and sexual assaults. There is often restriction of liberty and movement, and victims may not be able to leave their accommodation.”
(Detective Inspector, England – Respondent 73)

“When they are poorly treated, humiliated, beaten, not fed etc.” (Detective Constable, England – Respondent 72)

Silos with other forms of abuse

Domestic servitude typically happens in private residences, where the child is exploited for the purpose of performing household duties and childcare. Despite circumstances that may meet the threshold for domestic servitude, various professionals stated it will generally be responded to as neglect through a general child protection and safeguarding response:


“[if] we become involved and we find out that mum or dad has been making that child go to, for example, this house and provide that service and, you know, working for them, we would deal with [that] under a neglect... section 12, we would have labels for it and ways of addressing it and ways of identifying it. But I certainly wouldn't use...so far, I haven't...I wouldn't be using or thinking about the term domestic servitude.”
(Detective Inspector, Scotland – Interviewee 12)

Professionals also noted that domestic servitude often features alongside other forms of exploitation (or abuse):

“I think particularly the domestic servitude is sort of a bit hard to spot and there's a lot of overlap with that as well... and other sort of types of exploitation. I'm thinking a bit about sort of sexual exploitation and sort of forced marriage and stuff like that, often across several.... So, then you get a bit of overlap and multiple exploitation types which yeah, can become quite complex and is a lot for that young person to sort of navigate and understand what's going on and feel able to sort of share with someone if they've not sort of spotted anything without any kind of verbal input from them.” (England – Interviewee 11)

“[Domestic servitude] could be being forced to look after younger children or other children in the household, completing all of the domestic duties of cleaning, cooking, those sorts of things. And that's where it got blurred with one of mine [cases], because she wasn't just doing the domestic chores, if you like, which he called them, but it then went on to the sexual exploitation because that was a chore. That's what was expected on the list of duties.” (England – Interviewee 18)

Finally, professionals warned of fragmented approaches, siloed thinking, and inconsistent recognition:

 People just thought it was a domestic abuse case, we aren't going to think about it at all as trafficking, exploitation context. This one-track mind, domestic violence. So, I agree that's an issue." (Solicitor, England – Workshop Participant)

Conclusion

Despite being legally recognised as a form of exploitation for child trafficking, child domestic servitude suffers from definitional ambiguity, inconsistent recognition, lack of attention, and limited practical guidance. This creates a high threshold for identification, especially when exploitation is masked by cultural norms, familial settings, or language of care. Professionals require clearer statutory and operational definitions, improved inter-agency alignment, and training to distinguish between acceptable domestic responsibilities and exploitative practices. The absence of such clarity risks leaving some of the most vulnerable children hidden in plain sight.

B.5. Challenges in terminology of human trafficking for child criminal exploitation

Findings:

1. Children trafficked to be exploited for criminal activity are still routinely treated as offenders rather than identified as victims of trafficking.
2. Professionals often interpret children's involvement in criminal acts as a matter of choice, rather than recognising that children cannot consent to their own exploitation under trafficking law.

Context

Definitions of '*criminal exploitation*' are not the focus of international legislation. Exploitation for the purpose of criminality is captured under other broader terms. The UNCRC at Article 33 sets out the obligations for State Parties to *"take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances."* This framing is narrower than all the forms of criminal exploitation a child may be subjected to and emphasises the specific use of children in the production and distribution of drugs, yet UNCRC Article 36 covers all other forms of exploitation prejudicial to any aspects of the child's welfare. The Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988 preamble sets out that *"children are used in many parts of the world for purposes of illicit production, distribution*

and trade in narcotic drugs and psychotropic substances, which entails a danger of incalculable gravity."

The Palermo Protocol does not explicitly mention exploitation in criminal activities as an exploitative purpose, nor does it exclude it. The EU Anti-Trafficking Directive prefers the expression '*exploitation of criminal activities*.' This is defined as the *"exploitation of a person to commit, inter alia, pick-pocketing, shop-lifting, drug trafficking and other similar activities which are subject to penalties and imply financial gain."*²³⁰ This is listed as one example of exploitation in the offence for trafficking in human beings, which includes *"as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs, or the exploitation of surrogacy, of forced marriage, or of illegal adoption"*.²³¹

²³⁰ EU Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, OJ 2011 L 101/1, and replacing Council Framework Decision 2002/629/JHA, OJ 2002, L 203/1. Paragraph 11.

²³¹ EU Directive 2011/36/EU, Article 2(3).

The WFCL Convention provides at Article 3(c) that a worst form of child labour comprises *"the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties"*. While not explicitly using the term *'criminal exploitation'*, this description is consistent with how one would expect *'criminal exploitation'* to be described as it relates to children and that children cannot consent to engaging in exploitative criminal activity, meaning that the *'use, procuring or offering'* element would constitute exploitation.

UK legislation in each domestic jurisdiction does not use the term *'criminal exploitation'*: in the absence of *'criminal exploitation'* as a legal definition, *'forced criminality'* is the language used in domestic guidance. The key domestic legislation discussed in this paper (i.e. the MSA 2015 in England and Wales, HTEA S 2015 in Scotland, and HTEA NI 2015 in Northern Ireland) does not provide for *'forced criminality'* as an offence; rather the Guidance to the MSA describes it as a form of labour or service required as part of the *'forced labour or services'* offence and therefore also as a form of exploitative practice by which the *'exploitation'* limb of the Trafficking Offences can be established.²³² Since the last quarter of 2019, the NRM began to categorise victims of *'criminal exploitation'* separately to victims of *'labour exploitation'* for the first time capturing data as to the prevalence of identification for potential child victims for this specific form. A significant risk for all child victims is a risk of prosecution for offences committed as a result of their exploitation, given this form centres on a wide range of criminality, they will be at the highest risk of criminalisation when not identified as victims.

The Modern Slavery Statutory Guidance suggests *'forced criminality'* *"must be understood as a form of forced labour or services as defined in the 1930 ILO Convention (No. 29) concerning Forced or Compulsory Labour"* and indicates that *"the exploitation of a person for criminal activity only falls within the scope of the definition of trafficking in human beings when all the elements of forced labour or services occur"*. This ties the definition of *'forced criminality'* to the thresholds established by the ECtHR for forced labour discussed above at [Section B.3](#).²³³ The Guidance states that the term *'forced criminality'* is the exploitation of a person to commit certain activities, such as: (i) pick-pocketing; (ii) drug trafficking; or (iii) benefit fraud. It separately defines *"Child Criminal Exploitation"* and states that it includes a number of types of exploitation, including: (i) forced labour; (ii) benefit fraud; and (iii) drug cultivation. The overlapping nature of these definitions is not unpacked in the Guidance leaving it unclear whether *'forced criminality'* or *'criminal exploitation'* are deemed to be sub-types of *'forced labour'*; or vice versa. As discussed in [Section A.4](#), the Guidance also confirms that children are not able to *"give informed consent to engage in criminal or other exploitative activity, and they cannot give consent to be abused or trafficked."*²³⁴ It goes on to comment that *"Child Criminal Exploitation"* includes *"a number of types of exploitation, including forced labour, forced theft, benefit fraud, acquisitive crime, drug cultivation and production, and county lines cases"*.

The Jay Review highlighted the serious consequences of the lack of a statutory definition of child criminal exploitation, noting its *"knock-on effect on both the ability to recognise the criminal exploitation of children and the ability to take appropriate action."*²³⁵ This definitional gap undermines efforts to safeguard children as well as leading to prosecutions of child victims of

²³² Home Office, '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 Version 3.14'. Paragraphs 2.47–50 and 2.105.

²³³ Forced Labour Convention, Article 2(1) – *"exacted under the menace of any penalty which is performed against the will of the person concerned, that is, for which the person has not offered themselves voluntarily"*

²³⁴ Home Office, '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 Version 3.14'. Paragraph 2.50.

²³⁵ Action for Children, 'Shattered Lives and Stolen Futures: The Report of the Jay Review of Criminally Exploited Children'.

criminal exploitation and not holding perpetrators to account.²³⁶ In February 2025, the introduction of the Crime and Policing Bill marked a significant step toward addressing this issue by proposing a statutory offence in England and Wales. Under the Bill, it would be an offence for a person over 18 to engage in conduct towards or in respect of a child with the intention of causing them to engage in criminal activity, where the child is under 13 or the adult does not reasonably believe the child is 18 or over. The factsheet to the Crime and Policing Bill states that *"child criminal exploitation is a form of child abuse where a child is exploited into taking part in criminal activity, often by criminal gangs. County lines exploitation is one of the most recognised forms of child criminal exploitation, whereby drug-dealing gangs manipulate and coerce children into drug running across the country, often exposing them to violence, threats and intimidation."*²³⁷ While the Bill introduces important legal recognition, concerns remain that creating a standalone offence risks reinforcing professional silos, potentially compounding the challenges explored in [Section A.6](#). As with all other forms of exploitation examined in this study, the introduction of a clear legal definition is critical for ensuring consistent identification and the delivery of appropriate safeguarding and support.

The Departments of Health, Justice and Education in Northern Ireland have developed a 2-year action plan to combat issues related to Child Criminal Exploitation, with the definition it uses discussed in [Section A.4](#). A report into child criminal exploitation in Northern Ireland reviewed in the literature states that *"ecological stressors"* experienced by young people *"create fractures that can be exploited by those engaged in organised crime"*. It sets out underlying vulnerabilities that come into play, such as: (i) gender; (ii) substance use; (iii) family functioning; and (iv) poverty, which can lead to young people being more vulnerable to being exploited.

Additionally, the issues highlighted in [Section A.3](#) on movement, have been highlighted as a particular issue in the identification of criminally exploited children in Northern Ireland in a recent report.²³⁹

The Welsh Children, Young People and Education Committee's report states that the Committee heard from a range of stakeholders that *"the lack of a statutory definition of [child criminal exploitation] is hampering the efforts of both statutory and non-statutory bodies to protect children from exploitation,"* since it means: (i) there is a lack of consistent understanding of what constitutes "child criminal exploitation"; (ii) there is no solid legal basis for services to intervene; and (iii) there are inconsistent methods of recording data.²⁴⁰

The National Guidance for Child Protection in Scotland notes that while *"not defined in law, practitioners should be alert to the possibility that some children who are victims of trafficking may be exploited by gangs and organised criminal networks"*.²⁴¹ The guidance also replicates the Modern Slavery Statutory Guidance definition. This guidance draws close association to 'county lines' but confirms child criminal exploitation *"can also occur in the absence of these features"*. The guidance also indicates it would include *"other forms of criminal activity such as theft, acquisitive crime, knife crimes and other forms of criminality"*.

Respondents in this study were divided on the clarity of the concept of child criminal exploitation, given it is a relatively newer term in child protection discourse (compared to CSE), and the survey reflects a bit less clarity here. About 32% said CCE is *"very clearly defined"* in their work, with 48% *"somewhat clear."* However, 15% (12 respondents) still felt it is *"not clearly defined/unclear,"* and a handful were unsure or said not applicable. A significant number of respondents cited

²³⁶ Ibid.

²³⁷ Home Office and Ministry of Justice, 'Crime and Policing Bill: Child Criminal Exploitation and "cuckooing" Factsheet'.

²³⁸ Walsh, 'From Contextual to Criminal Harm: Young People's Perceptions and Experiences of Child Criminal Exploitation (CCE) in Northern Ireland'.

²³⁹ Kane and Chisholm, 'Identifying Modern Slavery and Human Trafficking in the Context of Child Criminal Exploitation in Northern Ireland'.

²⁴⁰ Welsh Government, 'Children on the Margins'.

²⁴¹ Scottish Government, 'Child Protection Guidance 2021'.

the definition in the 2018 Serious Violence Strategy for England and Wales which mirrors that of CSE. Often, survey respondents also rely on descriptors or indicators to describe what this form means to them. Yet, many respondents pointed out that there is no statutory legal definition of CCE in the UK, which leads to variation in how it's defined. Among those who deal with CCE, 17% said they "yes, frequently" encounter challenges from this gap, and 27% "occasionally." Others reported *rare* challenges (6%), while some have not experienced issues or said it's not relevant to their role (≈18% no, 21% not applicable/unsure):



It would be really helpful if all agencies used a common definition [of CCE], so we know we are all talking about the same thing." (Police Officer, England – Respondent 12)



Due to there being no specific legislation, challenges often develop from trying to find existing legislation that can be adapted for use." (Police Officer, Scotland – Respondent 81)



Further work is required to ensure there is a recognised, consistent definition of CCE across agencies and services." (Policy Officer, Wales – Respondent 25)



Our team, even just in terms of, well CCE, for example, wasn't really something, isn't really something, especially in Northern Ireland, that's acknowledged, you know. And it's just something that we're only having conversations about now, to be really honest, it hasn't really been widely considered, which probably seems crazy given the history of Northern Ireland and the paramilitaries, and maybe that's where the difficulty lies, is that obviously there has been, you know, troubles for many years, but I suppose CCE certainly is something that I think we would have or have had difficulty recognising when you think of our children involved in criminal activity and we're not considering the age and stage, maybe of that child." (Northern Ireland – Interviewee 26)

Ongoing criminalisation of exploited children

Establishing a child's victimhood as a result of exploitation may serve as a defence to prosecution, yet in practice, children exploited for criminal purposes are frequently treated as offenders rather than victims. The Committee on the Rights of the Child has made clear that children cannot consent to their own trafficking and should never be criminalised. In its most recent Concluding Observations to the UK, the Committee urged the state to *"ensure that child victims of trafficking in persons are always treated as victims"*.²⁴² Despite this, both the literature and practitioner testimony consistently highlight the ongoing prevalence of criminalised responses to exploited children.²⁴³ This can be a factor for children exploited for any form including sexual, domestic, and labour, yet criminal exploitation of children by default is always intended for committing criminal offences. As a result, most professionals who participated in this study noted the main issue remains children being responded to as young offenders rather than as victims, mainly because they are seen as *'choosing'* to commit offences:

"I think the core issue that we would see is too many criminally exploited children receiving a justice first response as opposed to a welfare first response. So that's something that generally we're seeing across all nations, all services."

(Voluntary Sector Professional and Social Worker, UK Wide – Interviewee 16)

"Some frontline practitioners may identify this at times as youth offending."
(Child Protection Lead, Scotland – Respondent 85)

"The issue is where the boundary lies between a child victim and a child actively participating as an offender." (Detective Superintendent, Wales – Respondent 23)

"Yeah, I think we find it more challenging than sexual, so there is more of a challenge because, particularly police partners...sometimes see a child as making a choice. An informed choice to carry out this activity that they're getting some benefit from this." (Social Worker Manager, England – Interviewee 5)

As discussed in [Section A.4](#) regarding the means element of trafficking, this exploitation type had a significant number of participants reflecting that children are often seen as making 'choices' with the exchange element of the non-statutory definition, which mirrors that of CSE, having to be made for formal identification purposes. The exchange is defined in the statutory guidance as *"a) in exchange something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator."*²⁴⁴ Professionals overwhelmingly agreed that the issue of perceived

²⁴² Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland, CRC/C/GBR/CO/6-7. Paragraph 52(b).

²⁴³ Marshall, 'Victims First? Examining the Place of "Child Criminal Exploitation" within "Child First" Youth Justice'; Maxwell, "'Shove That. There's Always Hope": Young People's Lived Experience of Child Criminal Exploitation'; Olver and Cockbain, 'Professionals' Views on Responding to County Lines-Related Criminal Exploitation in the West Midlands, UK'; Turner, Belcher, and Pona, 'Counting Lives: Responding to Children Who Are Criminally Exploited'; Stone, 'Child Criminal Exploitation: "County Lines", Trafficking and Cuckooing'; Baidawi, Sheehan, and Flynn, 'Criminal Exploitation of Child Protection-Involved Youth'; Rodríguez-López, 'Telling Victims from Criminals: Human Trafficking for the Purposes of Criminal Exploitation'.

²⁴⁴ Department for Education, 'Child Sexual Exploitation: Definition and Guide for Practitioners'.

consent (in terms of professionals misapplying the means element to children's cases, and in terms of children not viewing themselves as victims) in CCE cases created significant complications for identification and effective child protection responses:



And because the young people themselves very often don't believe they are being exploited, they think, well, I made the choice to do that." (Social Worker and NRM Project Lead, England – Interviewee 3)



Police often say a child is consenting to their own exploitation and "making choices" at 17 to deal crack cocaine!" (Youth Offending Services, Wales – Respondent 37)



Professionals can view the child as "choosing" to be engaged in criminal behaviour. It is my role to explain contextual factors, the push and pull factors and vulnerabilities, the trauma effects of the exploitation and the techniques that exploiters use to manipulate the child into committing criminal activities. I explain the child is just that, a child. That the means, although important to understand, is not taken into account when looking at exploitation of a child." (England and Wales – Respondent 9)

Focus on 'county lines', online cases and safeguarding

A number of studies have been done in recent years on the issue of '*county lines*' and some of the concerning responses as well as advances in practice amongst agencies to deal with this complex form of exploitation.²⁴⁵ Yet, participants in this study indicated that while the term CCE is widely used, especially in reference to '*county lines*', this model is outdated and emphasised other criminal activities the child is exploited to commit:



There is no specific useful definition, and much of the material available on this relates to county lines." (Child Trafficking Transition Lead, England – Respondent 68)




When a child for instance is committing robberies or thefts from the local shop...not necessarily always, but it could be evidence of exploitation, but unless there is that really clear county lines type of concerns, most practitioners wouldn't see the shoplifting, or the thefts as related to exploitation. There is something around the definitions having a direct impact on identification." (England – Workshop Participant)


²⁴⁵ Blackburn and Smith, 'Exploring the Role of the British Transport Police in Responding to "County Lines" Drug Markets: Enforcement and Safeguarding Perspectives'; Dando, Ormerod, and Atkinson-Sheppard, 'Parental Experiences of the Impact of Grooming and Criminal Exploitation of Children for County Lines Drug Trafficking'; Marshall, 'Young Men's Perspectives on Child Criminal Exploitation and Their Involvement in County Lines Drug Dealing: An Intersectional Analysis'.


County Lines is defined in HM Government Serious Violence Strategy 2018 as: "County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs into one or more importing areas within the UK, using dedicated mobile phone lines or other form of "deal line". They are likely to exploit children and vulnerable adults to move and store the drugs and money and they will often use coercion, intimidation, violence (including sexual violence) and weapons." This term is not found in international law.

A number of participants also raised the complication of this exploitation type when it occurs solely or predominantly online:

 Money mules, that's a newish sort of one we're seeing with children, and not necessarily children who are deprived who come from a more difficult background, people who are more affluent, have a bit of money. They could be starting off dealing with buying some drugs, cannabis that sort of thing. Next thing you know they're spending too much. They can't ask their parents for more money because they'll be asking what they're doing, and these exploiters put money in their banks and become a money mule in relation to that." (Wales – Interviewee 21)

Scholars continue to highlight failures in existing safeguarding practice when responding to the criminal exploitation of children.²⁴⁶ Amongst participants in this study, there is disagreement regarding the degree of challenge to identify criminally exploited children, yet those who stated it was easier to identify it compared to other forms of child exploitation stated this was usually as a result of coming to the attention of public authorities due to an arrest for criminal offences, which implies identification for this form usually happens after the exploitation has taken place:

 I think criminal exploitation is probably one of the harder ones to identify." (Social Worker and Voluntary Sector Professional, UK Wide – Interviewee 16)

 This is probably one of the exploitation types that we find easiest to see because what you need to remember is some of these children will be arrested for drugs, so we would look at them automatically. Some of the missing children that we deal with because they can travel some distance as well, we find this quite easy to kind of grade, if you like, this is probably one of our easiest ones I find." (England – Interviewee 13)

Conclusion

The lack of a clear legal definition for child criminal exploitation as well as all other forms of child exploitation has led to inconsistent recognition, responses, and protection across the UK. While international and domestic frameworks reference related harms, they do so variably and often narrowly. In the UK, there is significant focus on '*county lines*' which has no legal definition nor is it linked to international law, with other forms of criminal exploitation given less attention. Existing legislation relies on terms such as '*forced criminality*' under the umbrella of forced labour, with '*child criminal exploitation*' emerging primarily through policy and guidance rather than statute. This definitional ambiguity has practical consequences with professionals reporting uncertainty, variation in recognition, and continued criminalisation of, and lack of protection for exploited children.

²⁴⁶ Barlow et al., 'Circles of Analysis: A Systemic Model of Child Criminal Exploitation'; Robinson, McLean, and Densley, 'Working County Lines: Child Criminal Exploitation and Illicit Drug Dealing in Glasgow and Merseyside'; Oliver and Cockbain, 'Professionals' Views on Responding to County Lines-Related Criminal Exploitation in the West Midlands, UK'.

B.6. Intra-familial and Extra-familial categorisation of harm

Findings:

1. A dominant silo has emerged in which child trafficking is primarily understood as extra-familial abuse, particularly within contextual safeguarding frameworks, despite evidence that it can and does occur within families, obscuring the complexities of harm and affecting identification.
2. Professionals indicated child labour exploitation when occurring in family businesses or with family members complicated identification.
3. Many professionals distinguished CSE from other forms of CSA based on whether the abuse occurred outside the family context.
4. CCE was also frequently categorised as extra-familial, a framing challenged by professionals in areas such as Northern Ireland where familial involvement in criminal exploitation, including by paramilitary-linked relatives, is common.
5. Some professionals stated a determinant factor in child domestic servitude was when the exploiters were not the child's own family, despite this not being a required element in this form of abuse.

Context

The classification of harm to children as either intra-familial or extra-familial has begun to shape both the conceptualisation and operational response to child exploitation in the UK. Yet, the exploitation of children challenges these categorical boundaries and raises significant questions about how harm is recognised, recorded, and responded to.²⁴⁷ The process of defining and categorising exploitation has occasionally overshadowed practical safeguarding, allowing labels to determine intervention routes rather than the underlying dynamics or risks involved.²⁴⁸

Throughout the early 2010s a recognition began to emerge following institutional failures in responding to forms of CSE, that safeguarding systems were poorly configured to respond to harm occurring outside of the

home: extra-familial contexts.²⁴⁹ It has been argued in England and Wales that the Children Act 1989 instituted a separation between child welfare and youth justice that persists in structuring responses within child protection, which is configured for intra-familial abuse, with insufficient alignment to harms experienced in peer, institutional, or community settings.²⁵⁰ Under this act, Section 17 sets out a general duty for local authorities

²⁴⁷ Beckett and Walker, 'Words Matter: Reconceptualising the Conceptualisation of Child Sexual Exploitation'.

²⁴⁸ Brodie, 'Child Exploitation: Definition and Language'.

²⁴⁹ Firmin et al., 'ONE: The Emerging Concept of Extra-Familial Risks and Harms'; Berelowitz et al., 'I Thought I Was the Only One. The Only One in the World'; Ansbro, 'The Independent Inquiry into Child Sexual Exploitation in Rotherham, 1997–2013'; Lloyd and Firmin, 'No Further Action: Contextualising Social Care Decisions for Children Victimised in Extra-Familial Settings'.

²⁵⁰ Firmin et al., 'ONE: The Emerging Concept of Extra-Familial Risks and Harms'; Brodie, 'Child Exploitation: Definition and Language'.

to safeguard and promote the welfare of children 'in need' and to promote their upbringing by their families. If a child is suspected of being exploited, social workers should determine, following a strategic discussion, to initiate a Section 47 enquiry. Yet, service responses that separate harm caused by parents or carers from behaviours attributed to young people themselves have struggled to meet the complex needs of those exposed to harm outside the home, or to adequately support adolescents more generally.²⁵¹

These risks which may result in significant harm are addressed in a variety of ways, for this study we adopt the term extra-familial risks and harms (EFRH), an inclusive category descriptor developed by scholars to mean risk or harm not caused by parental abuse, neglect, or inadequate parenting, but which still pose a risk of significant harm to young people's welfare.²⁵² Various participants noted these gaps:

... but you know one of the difficulties with working with safeguarding around extra familial harm is we know that social work and all our systems are set up for dealing with kind of abuse and neglect within a familial setting, not in the community." (Social Worker, Safeguarding Exploitation Lead and NRM Devolved Decision-Making Panel Chair, England – Interviewee 6)



[The CSE/CSA distinction] I think a lot of it is to do with the way that the child protection system is set up ...where young people were being exploited by people outside of the home not linked to the family, but the categories of risk and harm that were recorded were neglect, emotional harm – so the blame is very much with the family because those are the categories available on the child protection system – but the exploitation is happening by people outside of that family setting and so I think the child protection system and the way it is currently set up – it's problematic in some areas and I know that there were areas that were used in the Risk Outside of the Home pathway and similar pathways. But it's difficult when you've got protective parents crying out for help that are being placed on CP categories where the [perception is the] blame very much lies with that parent."

(England – Workshop Participant)

These systemic limitations were further exposed as new forms of EFRH gained policy attention which prompted reform to child protection systems to engage adolescents and avoid blaming narratives.²⁵³ The development of Contextual Safeguarding drew welcome attention to the various contexts in which exploitation occurs, repositioning safeguarding to assess and intervene not only with families but also within the wider social environments shaping children's experiences.²⁵⁴ The articulation of these concepts has prompted attention to

²⁵¹ Ibid.

²⁵² Ibid.

²⁵³ Hanson and Holmes, *That Difficult Age: Developing a More Effective Response to Risks in Adolescence: Evidence Scope*.

²⁵⁴ Firmin et al., 'ONE: The Emerging Concept of Extra-Familial Risks and Harms'; Firmin, Warrington, and Pearce, 'Sexual Exploitation and Its Impact on Developing Sexualities and Sexual Relationships: The Need for Contextual Social Work Interventions'.

risk and harm particularly for adolescents, a previously neglected group, and is enabling the development of responses that better reflect the realities and needs of young people and their families.²⁵⁵ Yet, the literature and responses to this study highlight the specific issue in Northern Ireland within a post conflict society, where the model of CCE is generally not extra-familial. The recruitment of children by paramilitary organisations into criminal exploitation was highlighted as mostly familial in nature, particularly by paramilitary-linked relatives.²⁵⁶



I just think that the intergenerational and the niche impact of paramilitaries on our communities here in Northern Ireland ...that actually those people we are talking about [CCE], parents bringing young people to get their knees done, it's just seen as part of the culture almost." (Child Protection, Northern Ireland – Interviewee 4)

While policy has adapted, practice remains fragmented with the development of new terminology and categorisation creating operational silos, where professional responses are dictated by the label rather than the nature of the harm experienced.²⁵⁷ Many child trafficking cases for all forms of exploitation can be construed as extra-familial harm and will benefit from improved service delivery aimed at adolescents facing harm outside of the home. The NRM data for 2024 shows the majority of child referrals (82%) were aged 15 to 17, while children aged 0 to 14 comprised 18% of referrals. Children aged 15 to 17 accounted for 88.5% of refusals

as a result of not meeting the definition in that year. The data consistently demonstrates adolescents as the most identified as potential victims, yet there is not recording or publishing of data regarding the prevalence of familial involvement in the action or purpose. Despite these issues often overlapping and responses to child trafficking benefiting from improved recognition of abuse of adolescents, these issues are not synonymous to each other.²⁵⁸ Child trafficking can and does occur within the family, with parents, carers or other family members sometimes being active participants in any or all elements of this abuse.²⁵⁹ There is no distinction in international law or in domestic legislation which differentiates exploitation based on the perpetrator's relationship to the child. EFRH also extends beyond exploitation to include other types of risk and harm.²⁶⁰

The impact of terminology on intervention thresholds and case allocation is evident in professional accounts. These nuances are often missed within statutory frameworks, which fail to adequately reflect the intersection of familial dynamics with exploitation. Professional judgment is frequently shaped by assumptions about where and by whom harm occurs. The reliance on intra/extra-familial distinctions may undermine accurate identification. One respondent from children's social care defined the remit of their '*Harm Outside the Home*' team as dealing with: Child Sexual Exploitation; Criminal Exploitation, including through county lines; Peer on peer abuse (outside of the family); Gang association; Trafficking and modern-day slavery; Serious Youth Violence; Radicalisation, thus mirroring the binary distinction made in official Department of Education Guidance which by implication means exploitation is not carried out within families.²⁶¹

²⁵⁵ Brodie, 'Child Exploitation: Definition and Language'.

²⁵⁶ Walsh, 'From Contextual to Criminal Harm: Young People's Perceptions and Experiences of Child Criminal Exploitation (CCE) in Northern Ireland'; Kane and Chisholm, 'Identifying Modern Slavery and Human Trafficking in the Context of Child Criminal Exploitation in Northern Ireland'.

²⁵⁷ Brodie, 'Child Exploitation: Definition and Language'.

²⁵⁸ Beckett and Walker, 'Words Matter: Reconceptualising the Conceptualisation of Child Sexual Exploitation'.

²⁵⁹ Sprang and Cole, 'Familial Sex Trafficking of Minors: Trafficking Conditions, Clinical Presentation, and System Involvement'; Greenbaum, 'Child Sex Trafficking and Commercial Sexual Exploitation'; Brodie, 'Child Exploitation: Definition and Language'.

²⁶⁰ Brodie, 'Child Exploitation: Definition and Language'; Firmin et al., 'ONE: The Emerging Concept of Extra-Familial Risks and Harms'.

²⁶¹ Department for Education, 'Working Together to Safeguard Children 2023: A Guide to Multi-Agency Working to Help, Protect and Promote the Welfare of Children'.

Impact of perpetrator relationship on applied definition and response

Various participants in this study reported a common procedural distinction between abuse and exploitation depending on whether the perpetrator is within or outside the family, leading to a bifurcated model:

“We’ve got a child abuse investigation unit and then the exploitation investigation teams. So, the child abuse investigation is where there’s a familial link, there’s a family dynamic around that, that will be deemed as child abuse. Whereas child exploitation, that coercion is taking place, and that grooming process has happened in that first instance to how it happened, even though that can happen in that familial environment. But a relationship for exploitation, is somebody getting an advantage. There is that control, manipulation around it, but there’s no familial link. That’s how we see the difference.” (Wales – Interviewee 21)


“I mean, you can be exploited from someone in your household. We know that. But there has to be a wider context, I think, and the majority I would say, of exploited children, we look at its risk outside of the home rather than in the home. And I’m not saying that’s right, but that’s kind of what we see more.” (England – Interviewee 13)

“Things like child sexual abuse, almost implies that it’s something that happens within families, behind closed doors, whereas child sexual exploitation is very clearly placed within the realms of extra familial harm and just that distinguishes between those two forms is where that issue lies.” (England and Wales – Workshop Participant)


Respondents expressed the difficulty of recognising specific forms of exploitation within familial settings. These structural distinctions risk obscuring patterns of harm when familial relationships overlap with exploitation in child trafficking cases involving parents or extended family:


“[Explaining a child’s negative NRM decision] It might have been seen different [if it was not his father], but we were arguing that he was being exploited by his father. That the expectations of his father ... from what we knew that he was going to be working long hours to send money back to family in Afghanistan, that kind of cultural expectation on it was the manipulation and the kind of silent code of coercion.” (Social Worker and NRM Project Lead, England – Interviewee 3)


“That’s the complexity of exploitation, but when it happens within a domestic setting or a family setting [its challenging to identify]. But you can be exploited by your family and we’ve seen that.” (Social Worker – Interviewee 15)


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

A significant number of respondents stated this explicit binary when determining if a case of child domestic servitude met the definition, with an essential aspect being that the exploiters are not the child's family or carers:


 I think this would be when this is excessive to an age-related expectation and where the adults involved are outside of immediate parents/carers." (Harm Outside the Home Manager, England – Respondent 35)


 Child[ren] being made to do everything around the house/child used by another family to do things around the house/not being allowed to go to school." (Detective Sergeant, Wales – Respondent 80)

 When they are not your child." (Detective Sergeant, England – Respondent 69)

 It is relevant whether it is done for the child's own family or not." (Police Officer, Northern Ireland – Respondent 58)

Some study participants did challenge this artificial binary:

 [CSE] has quite a blurred line where it seems to be almost the addition of being extra familial where it doesn't have to be." (England – Workshop Participant)

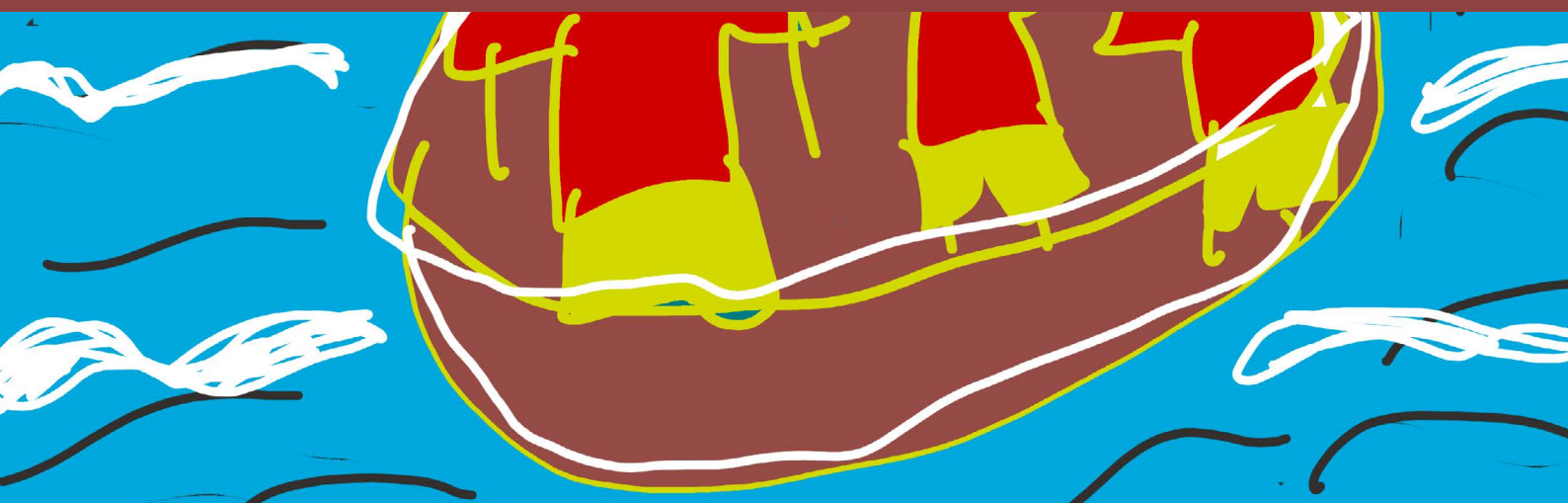
 The difficulties are also the exploiter could be a family member." (England and Wales – Workshop Participant)

Conclusion

Ultimately, while innovative frameworks like EFRH can assist in developing responses to previously unrecognised forms of risk and harm outside of the home, the rigid application of terminology risks obscuring the complex continuum of harm. The developmental needs of adolescents, the layered roles of family and community, and the shifting nature of exploitative relationships demand a more integrated safeguarding approach that transcends a dichotomy and recognises the full spectrum of exploitation. These distinctions may offer administrative coherence, but they should not create competing terminologies that dictate service thresholds or diminish recognition of all forms of exploitation. Effective practice must build from the substance of the harm, not its label as this is the only way to protect children and tackle the crimes against them.



Conclusion



This report demonstrates that the UK's response to child trafficking and exploitation is fundamentally shaped, and often constrained, by the language and definitions that underpin legal, policy, and operational frameworks. Through legal analysis, quantitative data, and engagement with professionals and young people, the findings show that inconsistencies in how key terms are defined and applied are not merely technical issues. Instead, they are active barriers to effective protection. Children are being overlooked and left unprotected as a result of divergent statutory definitions, contested terminology, and varying thresholds for recognition.

Participants across the research consistently stressed that definitions have a direct impact on whether a child is identified as a victim, whether they are referred to the NRM, and what support they are able to access. The evidence in this study suggests that legal frameworks in England, Wales, and Northern Ireland place too much emphasis on movement as a condition for identifying trafficking. As a result, forms of exploitation that occur without travel such as online exploitation are often excluded from formal identification, creating confusion and inconsistency in practice.

Although practitioners identified the act of exploitation as the most consistent and unifying concept across all cases, this idea remains subject to varied interpretation and lacks a clear statutory foundation. The use of broad terms such as '*modern slavery*' was widely viewed by both professionals and young people as unclear or unhelpful when compared to more precise language like '*child trafficking*' or specific types of exploitation. Nevertheless, there was strong support for developing a statutory definition of child exploitation that is wide enough to reflect evolving forms of harm, but also structured enough to ensure clarity in practice.

The findings from this study highlight how definitions intersect with children's age, the type of exploitation they experience, and the context in which harm occurs. Although international law defines anyone under 18 as a child, older adolescents are often less likely to be recognised as victims. In many cases, they are viewed as having made independent choices or are treated as offenders. The study also finds that the four primary types of exploitation (sexual, criminal, labour, and domestic

servitude) are not treated equally. Domestic servitude is often misunderstood or mislabelled as neglect or unmet parenting needs, leading to under-identification. Across all types, professionals described difficulty applying definitions, especially when a child's experience involves informal work arrangements, blurred family roles, or social and economic hardship. The binary framing of intra-familial and extra-familial harm further complicates identification and response. Services are often organised around the assumption that harm either comes from within the family or from outside it. This structure fails to accommodate cases that fall between these categories, such as exploitation by family members. The result is that some forms of harm go unrecognised or receive fragmented responses. These findings suggest the need for a more coherent and flexible approach, one that accounts for how age affects perceptions of victimhood, treats all forms of exploitation as child abuse and with equal seriousness, and moves beyond frameworks that do not reflect children's lived realities.

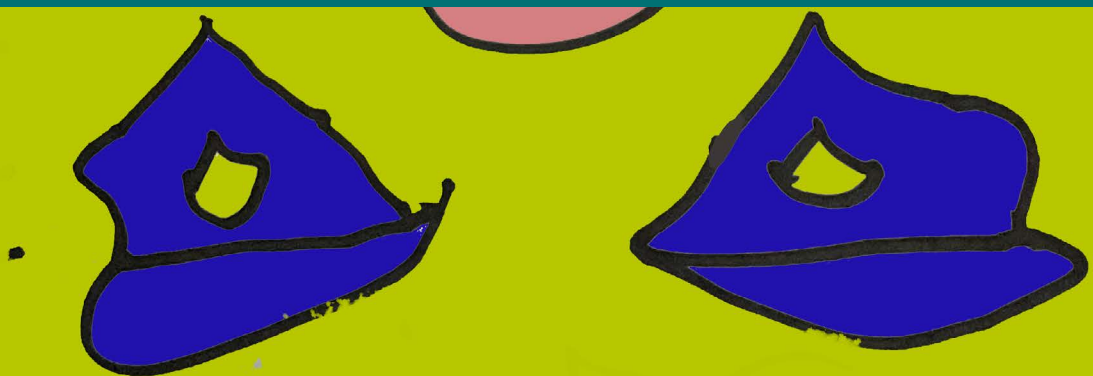
The consequences of definitional inconsistency are not theoretical. The findings show that children are unprotected, denied essential support, misclassified as offenders, or left in situations of ongoing significant harm when their experiences do not fit narrow legal categories. Nationality-based disparities in NRM decisions also reveal the risk of inequitable outcomes when definitions are applied inconsistently. Participants highlighted that language choices, and the assumptions they carry, can obscure children's lived experiences and affect their access to justice, recovery, and long-term protection.

It is clear that reforming definitions alone will not be enough. Participants underlined the need for change to be accompanied by improved systems, training, and resources that allow professionals to respond to children's needs. Standardising terminology across law, policy, and data collection would improve both service provision and the evidence base for decision-making.

In conclusion, this report finds that achieving greater clarity in definitions is essential for protecting children. It is not a matter of semantics, but a matter of justice. A unified, child-centred framework is needed to ensure that every exploited child is recognised, safeguarded, and supported.



Findings



A.1. Synergies and divergence in legal standards

1. Whilst international law has provided some convergence on child exploitation, overlaps in definitions have introduced contradictions (e.g. child trafficking and the worst forms of child labour) and the lack of international or domestic statutory definitions (such as 'modern slavery', 'labour exploitation' and 'criminal exploitation') mean key terms are inconsistently applied, contributing to conceptual ambiguity and operational challenges ultimately impacting the identification and protection of child victims.
2. In 2024, over half (61%) of all NRM refusals for children were on the grounds that the referral did not meet the definitional threshold. Of these, 85% were children aged 15 to 17.
3. The proportion of child referrals to the NRM that are refused on the basis of not meeting the definition has remained consistently high, rising slightly from 57% in 2020 to 61% in 2024.
4. Despite variation across legal and policy definitions, participants identified the act of exploitation as the most consistent and unifying element. However, they also noted that this concept is interpreted variably across contexts, limiting its usefulness as a stable point of reference.
5. Terminology is important as it determines the collection of data and where resources get allocated.
6. Children whose experiences did not neatly fit official definitions or were not officially recognised often missed out on vital support, with the most harmful consequence being their criminalisation, going missing, re-trafficking and safeguarding failures, access an independent child trafficking guardian, access to compensation, difficulty accessing mental health or other specialist services, and lack of an investigation into the human trafficking offences by law enforcement.

A.2. Elasticity, precision, and the question of gain in trafficking definitions

7. There was strong consensus among professionals that an overarching statutory definition of child exploitation is needed to ensure consistent, joined-up responses across strategic, legal and policy frameworks informed by children and young people. However, views diverged on the form this definition should take, with some advocating for a broad approach to capture emerging forms of harm, and others cautioning that an overly elastic definition could dilute focus and resources away from the most serious cases.
8. Participants noted that the language used to describe child trafficking and exploitation plays a critical role in shaping policy agendas. While reframing an issue can help mobilise political will, attract media attention, and secure funding, it may also inadvertently narrow the scope of the issue or obscure complex realities.
9. Emerging and evolving patterns of exploitation further blur traditional categories, making rigid distinctions increasingly impractical. This complexity was closely linked to the challenge of separating definitional thresholds from assessments of vulnerability.
10. There was a strong consensus that children's needs should dictate support, with suggestions that broader, trauma-informed assessments with professional discretion used to access support, rather than narrow checklists.
11. Most professionals do not see financial gain as essential to defining child exploitation in any form. Instead, they acknowledge a range of potential motivators, including power, sexual gratification, status, and control. This broad understanding challenges legal interpretations that rely too narrowly on economic profit.

A.3. Focus on travel and movement-based assumptions in trafficking definitions

12. In England, Wales, and Northern Ireland, the narrower statutory construction of trafficking centred primarily on travel, has contributed to professional confusion and inconsistent identification practices. This restrictive focus risks side-lining other critical components of trafficking outlined in international frameworks, such as recruitment and harbouring. As a result, children whose exploitation does not involve movement are less likely to be referred into the NRM and will not be formally recognised as victims of trafficking, limiting their access to vital protections and support.
13. A conflation between trafficking and smuggling may still be prevalent amongst professionals hindering identification of child victims, yet a binary distinction warrants caution as children on the move who have not been trafficked also have rights to protection and there is often overlap between trafficking and smuggling in practice.
14. Emphasis on movement in the definition of trafficking overlooks other essential elements in the act of child trafficking such as recruitment and harbouring and continues to shape professional understandings of when a case constitutes child trafficking in both identification and prosecutions.
15. Movement itself as a component of trafficking is contested with a lack of understanding regarding how much is required in terms of distance or if particular vehicles or other forms of transportation are needed.
16. Forms of exploitation that do not involve movement such as online-only sexual exploitation are not being identified as child trafficking and remain confusing for professionals.

17. Misunderstandings about movement can lead to inconsistent classification of trafficking cases, which may prevent appropriate safeguarding responses, referrals to the NRM, or appropriate investigations.

A.4. Misunderstandings of international definitions –the 'means' element

18. Despite clear international standards that a child is not able to consent to any part of being trafficked, a significant variation exists across UK jurisdictions, with England and Wales viewing consent as irrelevant to travel only, whilst Scotland stipulates irrelevance to the action and Northern Ireland sets out irrelevance to both action and exploitation elements.
19. It remains a common feature in the literature to flatten all cases of exploitation into a general adult-centric continuum model with a continued emphasis on coercion, deception, or manipulation despite legal irrelevance for children under international law.
20. The current statutory definition of Child Sexual Exploitation (England, Child sexual exploitation: definition and guide for practitioners, 2017 cited in the Modern Slavery Statutory Guidance) and the non-statutory guidance definition of Child Criminal Exploitation (England, Serious Violence Strategy, 2018 cited in the Modern Slavery Statutory Guidance) introduce a higher threshold for recognising children as victims of human trafficking, as they require evidence of coercion, deception, or manipulation. This approach is incompatible with the UK's obligations under international law, including the Palermo Protocol and the Council of Europe Convention, which explicitly state that the 'means' are irrelevant in cases involving children, as children cannot legally consent to their own exploitation.

21. Professionals broadly equated the labour exploitation of children with the test for forced labour which introduces a means element.
22. When describing what encompasses child domestic servitude, various practitioners also described the need for a means element including force, coercion and/or physical harm.

A.5. Demographic biases

23. Participants in this study confirm systemic issues interpreting children's experiences often based not on whether the case meets legal definitions, but on whether the child's demographic profile such as gender, race, or nationality aligns with expectations of exploitation.
24. In 2024, definition-based refusals accounted for significantly different proportions of total child referral refusals by nationality at both the reasonable and conclusive grounds stages. Among UK national referrals, 7% of all refusals were due to not meeting the definition. In contrast, definition-based refusals made up 59% of all refusals for Iranian children, 43% for Afghan children, 35% for Sudanese, 30% for Albanian, and 25% for Eritrean referrals. For Vietnamese children, 12% of refusals were definition-based, while for Romanian children the figure was 5%. These disparities raise concerns about whether certain specific nationalities are less likely to be recognised as meeting the trafficking definition, or whether unconscious bias may be influencing decision-making.
25. Modern slavery and human trafficking are often seen as issues affecting only foreign national children with child labour exploitation and child domestic servitude also mainly associated with this group, whereas CSE and CCE are seen as mainly affecting UK-national children and typically affecting girls and boys respectively, thus affecting identification and access to support.

26. Despite professionals stating most cases of CSE and CCE are child trafficking, barriers remain to the formal identification of UK national children or those who are local to a particular area, including misconceptions that trafficking inherently requires some form of physical movement or cross border travel.
27. Forced criminality is used interchangeably with CCE, with CCE more commonly used in regard to UK national children and forced criminality in regard to migrant children.

A.6. Conceptual silos and competing sectoral definitions

28. Professionals felt confident in providing lists of indicators of different exploitation types yet felt uncertain about the specific element which met the threshold for identification.
29. In 2024, criminal exploitation was the most common form of child referral to the NRM, yet only 6% of negative decisions were based on not meeting the trafficking definition. In contrast, higher rates of definition-based refusals were recorded for other forms of exploitation: 31% for domestic servitude, 17% for labour exploitation, and 9% for sexual exploitation, indicating that these forms face greater definitional uncertainty and are more likely to be judged as not meeting the trafficking criteria.
30. In 2024, 51% of refusals occurred in cases where the form of exploitation was unspecified or unknown, raising concerns about the legal basis for these decisions, as this category may reflect gaps in information rather than a clear application of the trafficking definition.
31. The separation of different forms of exploitation into legal, policy, and service silos are a cause for concern amongst professionals and some evidence suggests it's leading to children receiving inconsistent responses, no access to entitlements and poor outcomes.

32. Analysis of the 2024 definition-based refusal rates by first responder referring organisations suggests divergence in how first responder agencies and competent authorities apply or interpret the threshold for referral, potentially affecting consistency in access to protection.
33. Whether a situation is recognised and addressed as exploitation often depends on the local availability of expertise, legal interpretation, and operational priorities.
34. Practitioners reported that while multiple forms of harm were often identifiable, it was difficult to distinguish between them in legal terms, particularly where exploitation overlapped. In 2024, combinations involving domestic servitude such as domestic and criminal, or sexual, domestic and criminal showed particularly high rates of definition-based refusals, reaching up to 33.3% in some categories, suggesting challenges in aligning complex cases with statutory definitions.
35. Child exploitation is often equated solely with CSE and CCE by practitioners without reference to any other exploitation type. This systemic silo is prevalent in specialist child protection teams named 'Child Exploitation' whose remit is to work with child victims of sexual and criminal exploitation only or assessment forms than include only those exploitation types.
36. Participants report that terminology in formal identification procedures is substantially different to those employed by child protection actors for safeguarding purposes.
38. Younger children are more likely to be seen as a victim and identified as experiencing exploitation and older children as experiencing other forms of abuse, owing to perceptions of maturity and ability to consent.
39. Professionals report the legal age of sexual consent presents a barrier in the identification of child sexual exploitation for 16- and 17-year-olds. Some clearly exploitative situations are dismissed due to determinations of consent of behalf of the child in contravention with the fundamental principle that children of any age cannot consent to their own exploitation.
40. The age of the child and legal minimum age for work are a significant factor in professional determination of child labour exploitation
41. The age of criminal responsibility was seen as playing a role in the determination of children as victims of child criminal exploitation limiting the age ranges of those identified in each particular jurisdiction.

B.2. Definitional complexities of child trafficking for sexual exploitation

B.1. The considerations of age

37. Age is a factor which determines the application of terminology, and is often interpreted as a proxy for consent, responsibility, and perceived agency, affecting identification and criminalisation.
42. Human trafficking and modern slavery of children for sexual exploitation is often not formally identified through the NRM, as CSE is frequently treated within national, regional and local systems as a separate category. This siloed approach means professionals may not consider whether such cases meet the elements for child trafficking or refer them as such.
43. Domestic frameworks have included elements not required in international law for human trafficking for the purpose of sexual exploitation such as 'exchange' or 'means,' which may exclude children from formal recognition.

44. Online recruitment and exploitation of children in platforms such as OnlyFans falls within international definition of child trafficking, yet is not treated equivalently to other forms of sexual exploitation of children or recognised as such.

B.3. Conceptual limitations around child trafficking for labour exploitation

45. Child labour exploitation is poorly understood domestically, and little emphasis is given to this form within multi-agency safeguarding teams.
46. Professionals struggle to draw the line of what constitutes this abuse in the spectrum of beneficial child employment to exploitation.

B.4. Terminological inconsistencies in child trafficking for domestic servitude

47. Child domestic servitude is a poorly understood form of exploitation that often goes unrecognised in daily professional practice.
48. It is frequently misinterpreted as neglect or unmet parental care rather than a distinct form of child exploitation.
49. Professionals struggle to determine where acceptable home chores for children end, and domestic servitude begins.

B.5. Challenges in terminology of human trafficking for child criminal exploitation

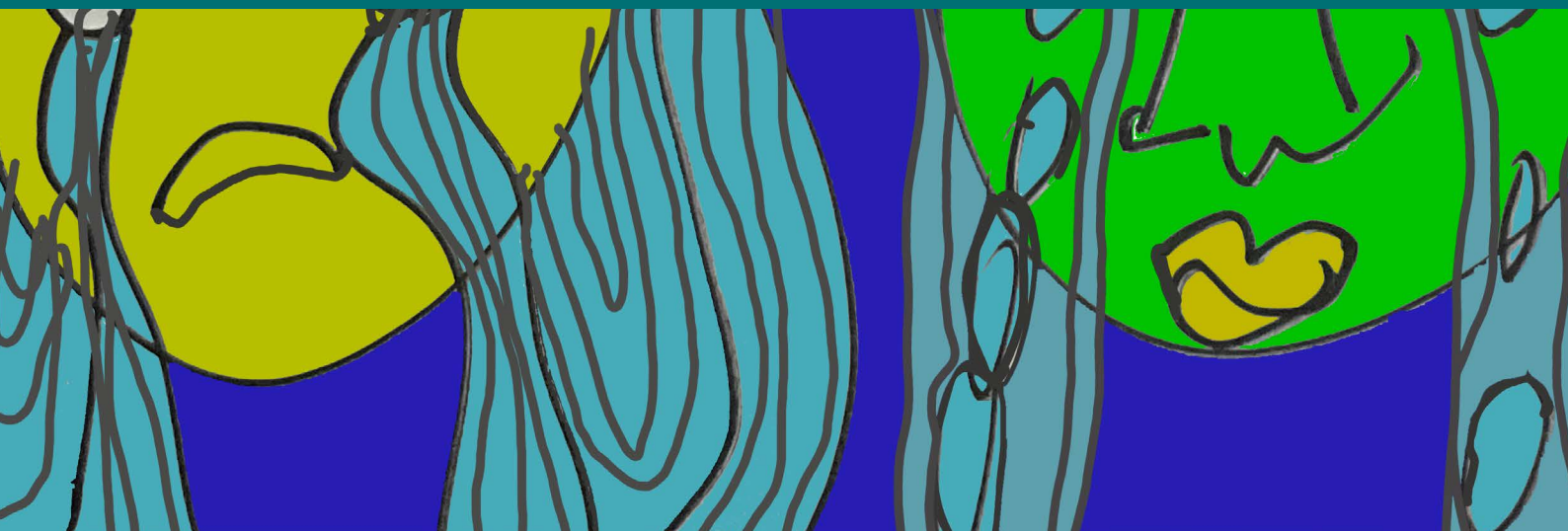
50. Children trafficked to be exploited for criminal activity are still routinely treated as offenders rather than identified as victims of trafficking.
51. Professionals often interpret children's involvement in criminal acts as a matter of choice, rather than recognising that children cannot consent to their own exploitation under trafficking law.

B.6. Intra-familial and Extra-familial categorisation of harm

52. A dominant silo has emerged in which child trafficking is primarily understood as extra-familial abuse, particularly within contextual safeguarding frameworks, despite evidence that it can and does occur within families, obscuring the complexities of harm and affecting identification.
53. Professionals indicated child labour exploitation when occurring in the family business or with family members complicated identification.
54. Many professionals distinguished CSE from other forms of CSA based on whether the abuse occurred outside the family context.
55. CCE was also frequently categorised as extra-familial, a framing challenged by professionals in areas such as Northern Ireland where familial involvement in criminal exploitation, including by paramilitary-linked relatives, is common.
56. Some professionals stated a determinant factor in child domestic servitude was when the exploiters were not the child's own family, despite this not being a required element in this form of abuse.



Recommendations



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

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

For the UK Government and devolved Governments

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

For the Home Office

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

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

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

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

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

For Local Authorities children social care and policing

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

For researchers

30. Impact of Definitions on Access to Protection

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

31. Outcomes Following Definition-Based NRM Refusals

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

32. Bias in Trafficking Decisions

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

33. Online-Facilitated Exploitation

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

34. Intra-Familial Trafficking and Exploitation

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

1. Under-Recognised Forms of Exploitation

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

2. Regional and Devolved Variations

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

3. Children's Perspectives on Identification and Labels

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



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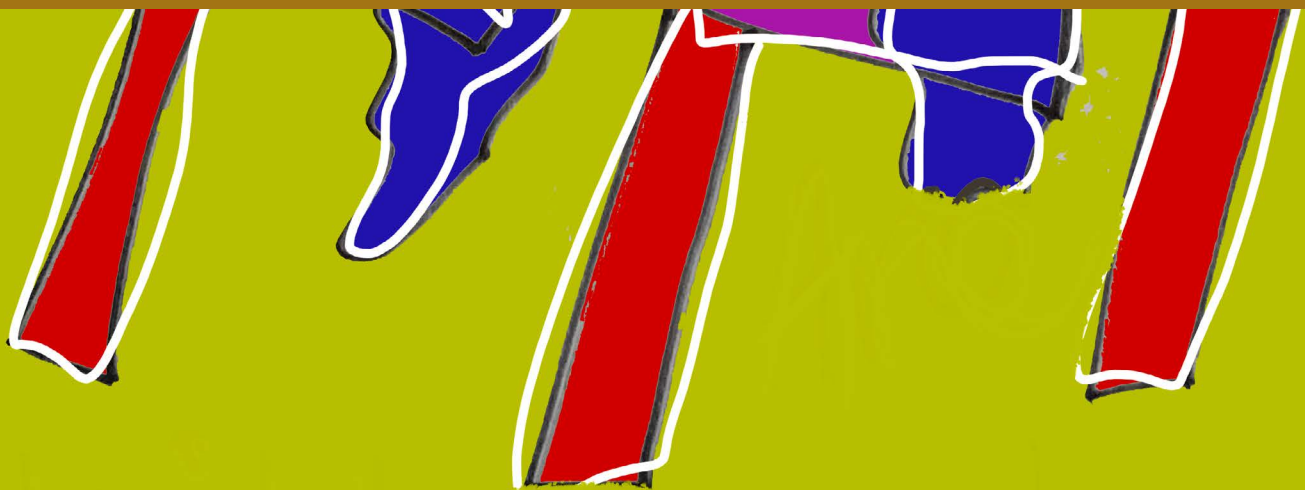
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Annexes



Annex 1: Legislation chart

Domestic Law

Legislation	Definition	Scope
Children Act 1989	CA 1989	Welfare and protection of children in England and Wales.
Children (Scotland) Act 1995	CSA 1995	Welfare and protection of children in Scotland.
Children (Northern Ireland) Order 1995	CNIO 1995	Welfare and protection of children in Northern Ireland.
Human Rights Act 1998	HRA 1998	Gives effect to the wording of ECHR across the UK.
Modern Slavery Act 2015	MSA 2015	Relevant parts of which apply to England and Wales only.
Nationality and Borders Act 2022	NABA 2022	S60 of which amends certain parts of MSA 2015.
Human Trafficking and Exploitation (Scotland) Act 2015	HTEA S 2015	Scotland
Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015	HTEA NI 2015	Northern Ireland
Online Safety Act 2023	OSA 2023	Safety of individuals using internet services in United Kingdom.
Sexual Offences Act 2003	SOA 2003	Sexual offences in England and Wales.
Sexual Offences (Scotland) Act 2009	SOA S 2009	Sexual offences in Scotland.
Sexual Offences (Northern Ireland) Order 2008	SOO NI 2008	Sexual offences in Northern Ireland.
Slavery and Human Trafficking (Definition of Victim) Regulations 2022	SHTR 2022	Potential victims of slavery and human trafficking in United Kingdom.

International Law

Legislation	Definition	Scope
United Nations Convention on Rights of a Child (1989)	UNCRC	International human rights treaty setting out fundamental rights of children.
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)	Optional Protocol to UNCRC	International human rights treaty setting out further fundamental rights of children – with a focus trafficking and economic exploitation.
UN Convention Against Transnational Organized Crime (2000)	Palermo Convention	Multilateral treaty against transnational organized crime.
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)	Palermo Protocol	One of three protocols of the Palermo Convention – with a focus on trafficking of women and children (including sexual exploitation and exploitative labour practices).
Fundamental Conventions of the International Labour Organization (ILO)	ILO Fundamental Conventions	Conventions and protocols published by the ILO setting out a person's basic principles and rights at work.
Forced Labour Convention (1930)	Forced Labour Convention	An ILO Fundamental Convention focused on the abolition of forced labour.
Worst Forms of Child Labour Convention (1999)	Worst Forms of Child Labour Convention	An ILO Fundamental Convention focused on the abolition of labour by children before end of compulsory schooling.
Worst Forms of Child Labour Recommendation, 1999 (No. 190)	Worst Forms of Child Labour Recommendation	An ILO Recommendation supplementing the Worst Forms of Child Labour Convention.
Minimum Age Convention (1973)	Minimum Age Convention	An ILO Fundamental Convention focused on minimum age for admission to employment or work (to allow for effective abolition of child labour).
Hague Convention on Civil Aspects of International Child Abduction (1980)	Child Abduction Convention	Prevents a parent from removing or retaining a child in a state other than the child's state of habitual residence.
Convention for the Protection of Human Rights and Fundamental Freedoms (1950)	ECHR	European convention of human rights agreed by the Council of Europe at Rome. The UK remains a party to the ECHR, and it is given effect in the UK by the HRA 1998.
Council of Europe Convention on Action Against Trafficking in Human Beings (2008)	ECAT	Anti-trafficking and human rights protections for European Council member states. The UK has remained a party to the European Anti-Trafficking Convention post Brexit.
European Convention on the Adoption of Children	European Adoption Convention	Protection for adopted children. The UK signed the European Adoption Convention in 2008, but it has not been ratified or brought into force in the UK.
Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse	Lanzarote Convention	Protection for children against sexual exploitation and abuse. The UK signed the Lanzarote Convention in 2008 and brought it into force in 2018.
Directive 2011/36/EU of the European Parliament	EU Anti-Trafficking Directive	Anti-trafficking for EU Member States. UK citizens can no longer enforce their rights under the EU Anti-Trafficking Directive post-Brexit, but its provisions will have had an impact on any domestic legislation enacted in the UK between 2011 and 2020.
Directive 2024/17/12 of the European Parliament, amending Directive 2011/36/EU	Amendments to EU Anti-Trafficking Directive	Introduced amendments to the EU Anti-Trafficking Directive such as broadening of the scope of "exploitation" to explicitly include exploitation of surrogacy, forced marriage or illegal adoption.

Annex 2: Data Tables

Table 1: Annual Child NRM Referrals and Negative Decisions by Age Group, 2020–2024

	2020	2021	2022	2023	2024
Total Child Referrals (All Ages)	4365	4551	5630	5937	5999
Age 0–14	715	791	1127	1168	1068
Age 15–17	3650	3760	4503	4769	4931
Child RG Refusals – All Reasons (All Ages)	214	353	553	1222	1152
Age 0–14	43	62	112	184	132
Age 15–17	171	291	441	1038	1020
Child CG Refusals – All Reasons (All Ages)	226	366	806	613	244
Age 0–14	111	144	213	132	29
Age 15–17	115	222	593	481	215
RG Definition-Based Refusals (All Ages)	195	334	532	791	773
Age 0–14	38	59	105	152	116
Age 15–17	157	275	427	639	657
CG Definition-Based Refusals (All Ages)	77	93	185	129	72
Age 0–14	31	30	39	31	10
Age 15–17	46	63	146	98	62

Table 2: 2024 Child NRM Referrals and Definition-Based Refusals by Nationality

Nationality	Total Referrals	RG Definition-Based Refusals	CG Definition-Based Refusals
UK	3,335	192	45
Vietnam	416	49	1
Sudan	311	107	3
Eritrea	237	58	0
Afghanistan	140	55	5
Albania	126	33	5
Romania	119	5	1
Iran	105	62	0

Table 3: 2024 Child NRM Referrals and Definition-Based Refusals by Exploitation Type

Exploitation Type	Total Referrals	RG Definition-Based Refusals	CG Definition-Based Refusals
Criminal Exploitation	2,891	133	36
Labour Exploitation	781	118	11
Sexual Exploitation	642	49	8
Domestic Servitude	35	11	0
Not Specified/Unknown	446	435	11
Domestic and Criminal	3	1	0
Labour and Criminal	321	7	2
Labour and Domestic	130	13	0
Labour, Domestic and Criminal	13	1	0
Sexual and Criminal	184	4	1
Sexual and Labour	45	3	2
Sexual and Domestic	4	0	0
Sexual, Domestic and Criminal	4	1	0
Sexual, Labour and Criminal	35	2	1
Sexual, Labour and Domestic	26	2	0
Sexual, Labour, Domestic and Criminal	5	2	0
Sexual, Organ Harvesting and Criminal	1	1	0
Organ Harvesting	1	1	0

Table 4: 2024 Child NRM Referrals and Definition-Based Refusals by First Responder Type

First Responder Type	Total Referrals	RG Definition-Based Refusals	CG Definition-Based Refusals
Local Authorities	3,699	439	51
Police	1,380	109	15
Government Agencies (National Crime Agency, Home Office UK Visas and Immigration, Immigration Enforcement and Border Force)	868	223	6
NGOs (Third Sector)	45	2	0

Annex 3: Research Protocol

Literature review

A structured literature review was conducted to identify and analyse relevant academic and grey sources addressing definitions of child sexual exploitation, child criminal exploitation, child labour exploitation, and child domestic servitude. The following databases were selected for their academic credibility and relevance: JSTOR, ProQuest, PubMed, and Scopus. These databases were identified prior to the scoping stage of the research.

First searches were conducted using key term combinations that were identified early in the project. After discussing the exact definitions most relevant to the project objectives, the following four search terms were selected:

- Child AND Sexual AND Exploitation AND Definitions
- Child AND Criminal AND Exploitation AND Definitions
- Child AND Labour AND Exploitation AND Definitions
- Child AND Domestic AND Servitude AND Definitions

The second review covered literature published between 2009 and 2024. These dates were chosen to align with the introduction of the National Referral Mechanism in the United Kingdom, to fulfil the country's obligations under the Council of Europe Convention on Action Against Trafficking in Human Beings. Yet some key studies published prior to 2009 were also included where deemed highly relevant. To refine search precision, 'child'

was restricted to the article title field, while all other terms were searched across all fields.

JSTOR

The initial search on JSTOR used broad search terms. A second search applied filters including publication year range (2009–2024), language (English), and publication type (peer-reviewed articles and books). Results from the second search were examined for overlapping themes, which were manually extracted. This allowed for an estimate of articles that fell significantly under each thematic umbrella.

PubMed

In PubMed, the first search excluded the term 'definitions' to allow for a broader understanding of the material pool. The second search introduced filters for publication years, language, age range (birth to 18), and research type. Following the further exclusion of specific publication types (e.g., clinical trials, veterinary studies, and other non-relevant formats), the third search included the term 'definitions' and returned 45 relevant articles in total. The same exclusion criteria were followed for child criminal exploitation, which yielded only four relevant sources, and 'Child Labour Exploitation' returned 17 articles, all of which were previously identified under the term 'Child Sexual Exploitation'. 'No relevant results were identified under the term 'Domestic Servitude Definitions'.

ProQuest

The second search in ProQuest applied filters for peer-reviewed content and publication years. The final search further refined results by searching 'child' in the title, 'sexual, criminal, labour and exploitation' in the summary, and 'definitions' in any field. Further refining through inclusion criteria (e.g., exploitation, children & youth, sex crimes, trafficking, sexual abuse) and exclusion criteria (e.g., females, mental disorders, domestic violence, gender-related terms), brought forward the final results. The exclusion criteria were determined to maintain a focused distinction between child-specific and broader gendered issues, as per the research objectives.

For domestic servitude, a broader search strategy was employed, where 'child' was searched within the title field, 'domestic' within the summary and 'servitude' and 'definitions' across all fields. This approach returned a total of 14 relevant results.

Scopus

The first search in Scopus omitted the term 'definitions' to ensure broader coverage. The second search included definitions, publication years, language, and publication type. The final search narrowed the scope further by limiting the subject area and requiring the term 'child' in the title. The table below captures the number of hits with each round of searches as well as the inclusion/exclusion criteria that was applied to each database.

All identified documents were manually reviewed for relevance, and only those most pertinent to the research topic were selected for detailed analysis. This resulted in a total number of 1,415 pieces of literature, producing a final dataset of 111 sources forming the core literature base for the literature this review.

To supplement these database searches, Google Scholar was also used to capture additional academic and grey literature sources. The search was not systematic but was guided by the above-mentioned key search terms and inclusion/exclusion criteria.

The table below captures the number of hits with each round of searches as well as the inclusion/exclusion criteria that was applied to each database.

Database	Search term	First search	Second search	Final result
JSTOR	Child Sexual Exploitation	13,980	5,838	193
	Child Criminal Exploitation	8,629	3,575	139
	Child Labour Exploitation	7,378	3,297	106
	Child Domestic Servitude	3,536	1,428	33
PubMed	Child Sexual Exploitation	974	279	24
	Child Criminal Exploitation	172	11	4
	Child Labour Exploitation	1199	275	17
	Child Domestic Servitude	17	3	0
ProQuest	Child Sexual Exploitation	253,741	12,476	71
	Child Criminal Exploitation	216,989	8,739	14
	Child Labour Exploitation	359,080	17,644	27
	Child Domestic Servitude	76,670	1,955	14
Scopus	Child Sexual Exploitation	23,585	4,079	366
	Child Criminal Exploitation	11,944	2,536	224
	Child Labour Exploitation	17,638	3,089	170
	Child Domestic Servitude	2,193	371	13

Database	Inclusion (Publication and Subject)			Exclusion (Subject only)		
JSTOR	Article	Books		N/A		
PubMed	<ul style="list-style-type: none"> Adaptive Clinical Trial Autobiography Bibliography Biography Case Reports Classical Article Clinical Study Clinical Trial Comparative Study Congress Controlled Clinical Trial Corrected and Republished Article Dataset Electronic Supplementary Materials English Abstract Evaluation 	<ul style="list-style-type: none"> Study Government Publication Guideline Introductory Journal Article Legal Case Legislation Meta Analysis Multicentre Study Observational Study Overall Randomized Controlled Trial Research Support, American Recovery, Reinvestment Act Research Support, N.I.H Extramural Research 	<ul style="list-style-type: none"> Support, N.I.H Intramural Research Support, Non-US Govt. Research Support, US Govt., Non-PHS Research Support, US Govt. PHS Research Support, US Govt. Review Scientific Integrity Review Systematic Review Technical Report Twin Study Validation Study 	<ul style="list-style-type: none"> Address Clinical Conference Clinical Trial, Protocol Clinical Trial, Phase I Clinical Trial, Phase II Clinical Trial, Phase III Clinical Trial, Phase IV Clinical Trial, Veterinary Collected Work Comment Consensus Development Conference Consensus Development Conference, NIH Dictionary 	<ul style="list-style-type: none"> Directory Duplicate Publication Editorial Equivalence Trial Expression of Concern Festschrift Historical Article Interactive Tutorial Interview Lecture Letter News Newspaper Article Observational Study, Veterinary Patient Education Handout 	<ul style="list-style-type: none"> Periodical Index Personal Narrative Portrait Practice Guideline Pragmatic Clinical Trial Preprint Published Erratum Randomized Controlled Trial, Veterinary Retracted Publication Retraction of Publication Video-Audio Media Webcast
ProQuest	<ul style="list-style-type: none"> Feature Article Exploitation Children & Youth Children Sex crimes 	<ul style="list-style-type: none"> Human trafficking Child Sexual abuse Sex industry Sexual abuse Law Enforcement 	<ul style="list-style-type: none"> Child labour Adolescents Employment Teenagers Youth Trafficking 	<ul style="list-style-type: none"> Females Mental disorders Women Domestic violence Mothers Gender 		

Database	Inclusion (Publication and Subject)	Exclusion (Subject only)
Scopus	<ul style="list-style-type: none"> • Book • Article • Book Chapter • Review 	<ul style="list-style-type: none"> • Medicine • Environmental Science • Engineering • Nursing • Computer Science • Earth and planetary Science • Decision Sciences • Biochemistry, Genetics and molecular Biology • Pharmacology, Toxicology, and Pharmaceuticals • Mathematics • Neuroscience • Materials Science • Chemical Engineering • Veterinary • Physics and Astronomy • Immunology and Microbiology • Dentistry

Legal Analysis

The legal analysis component of this research was designed to examine how definitions of child trafficking and exploitation are constructed, interpreted, and applied within international and domestic legal frameworks. It aimed to identify points of convergence and divergence in the treatment of key concepts, particularly “exploitation” and to assess the implications of these definitional boundaries for child protection in the UK. The analysis focused on relevant international treaties and conventions, European human rights jurisprudence, and domestic legislation in all of the UK's legal jurisdictions: England and Wales, Scotland, and Northern Ireland. Particular attention was paid to instruments that explicitly address forms of exploitation affecting children. A full list of the legislation considered can be found in [Annex 1](#).

The analysis was conducted using a doctrinal legal method, with elements of comparative legal analysis. Statutory definitions were examined for their structure, content, and reference points (e.g. reliance on other legal instruments or case law). International and European

instruments were analysed for their definitional flexibility or precision, legal status, and interpretative weight.

Cross-jurisdictional comparison within the UK was used to identify points of alignment and divergence in how the concept of exploitation is incorporated. In addition, the analysis considered how international and regional legal norms are domesticated through policy or guidance. Where relevant, interpretive tools such as travaux préparatoires, explanatory memoranda, and judicial reasoning were used to unpack the intent behind particular formulations and to assess their implications for children's rights and protections.

The analysis did not include a systematic review of case law at the domestic level, though illustrative examples were noted where relevant. It focused primarily on legal texts and their interpretation, and not on how legal definitions are applied in individual cases or in frontline practice. These issues are addressed in other components of the study, including practitioner interviews and the review of policy implementation.

Quantitative data

This report draws on secondary data accessed via the UK Data Service, specifically the National Referral Mechanism (NRM) datasets concerning child referrals, disaggregated by year, age at referral, type of exploitation, nationality, referral outcome, and referring agency. The quantitative analysis focuses on patterns in referrals and refusals at both the Reasonable Grounds (RG) and Conclusive Grounds (CG) stages, with particular attention to cases refused on the basis that they did not meet the definition of a potential victim of modern slavery or human trafficking. The analysis also explores variations by age group (0–14 and 15–17), nationality, and exploitation type to identify patterns in definitional application. A full breakdown of the data obtained can be found in [Annex 2](#).

Access to the data is governed by an End User Licence Agreement (EULA) with the UK Data Service. The research team submitted a formal application outlining the purpose of the project, the specific datasets required, and the intended use of the data. This application was subject to review by the UK Data Service, which assessed the ethical and legal compliance of the proposed research, including its adherence to data protection regulations and safeguarding of participant confidentiality.

To ensure consistency and reliability in trend analysis, the quantitative analysis is restricted to NRM data from the first quarter of 2020 onwards. While the NRM was established in 2009, disaggregated data prior to 2014 is not publicly available, and major changes to data recording practices occurred in late 2019. In particular, October 2019 marked a shift from recording a single "primary" exploitation type to capturing multiple types of exploitation per individual, with a separation between labour and criminal exploitation. Additionally, the category of "unknown exploitation" was replaced by a free-text field, later grouped as "not specified or unknown." Nationality recording also changed, moving from a single-nationality model to one that allows for dual nationality, substantially increasing category granularity. These revisions significantly affect comparability over time. To mitigate misinterpretation

arising from inconsistent categorisations, and to preserve the integrity of longitudinal comparisons, only data collected from 2020 onwards has been included in the quantitative component of this report.

The data was retrieved using single nationality disaggregation. The age category selected for all data retrievals was age at referral (0–14 and 15–17). Dual nationality cases were excluded to prevent double counting. Percentages of refusal rates were calculated and rounded to a whole number to simplify by avoiding decimal points. Figures used to calculate rates can be found in [Annex 2](#). Refusals at the reasonable and conclusive grounds stage were combined in the calculation of percentages. Percentages were calculated using the following formulas:

- **No. of total refused RG for not meeting the definition + no. of total refused CG for not meeting the definition / total number of refused RG + CG all reasons * 100**
- **No. of total refused RG for not meeting the definition by nationality + no. of total refused CG for not meeting the definition by nationality / total number of refused RG + CG all reasons by nationality * 100**
- **No. of total refused RG for not meeting the definition by exploitation type + no. of total refused CG for not meeting the definition by exploitation type / total number of refused RG + CG all reasons by exploitation type * 100**
- **No. of total refused RG for not meeting the definition by first responder organisation + no. of total refused CG for not meeting the definition by first responder organisation / total number of referrals by first responder organisation * 100**

Empirical data

This research included three strands of empirical data collection: an online survey, a series of semi-structured interviews and workshops with professionals and young people. The aim of this component was to explore how professionals working in child protection and related fields understand and apply definitions of child trafficking and exploitation in practice. The data does not claim to be representative of the wider professional population; rather, it provides insight into how a range of individuals working in relevant roles interpret and operationalise contested legal and policy concepts. Anonymity and confidentiality were assured to all participants, yet some chose to have their names identified as part of the study. Ethical approval for the study was obtained through the appropriate institutional review process.

Survey

An online survey was distributed to professionals working in child safeguarding, criminal justice, immigration, health, education, and third-sector organisations across the UK. The survey included a combination of multiple-choice and open-ended questions designed to elicit perceptions, understandings, and experiences relating to the use of definitions in cases involving child trafficking and exploitation. The full survey can be found in [Annex 5](#).

The survey sample was not representative and does not support generalisation to the professional population as a whole, it offers valuable insight into how at least some practitioners navigate definitional complexity in their roles. For this reason, survey results are presented as thematic observations and not statistical claims. Percentages have been avoided in reporting the findings to prevent the misleading impression of representative weight, yet these are used in the report to highlight the number of participants supporting particular points of view. Throughout the results section, participants are referred to as "respondents," and readers are reminded of the qualitative and exploratory nature of the data.

The survey findings are used as a springboard for identifying patterns in professional interpretation and for highlighting areas where definitional uncertainty may contribute to variation in practice. They also help inform future research priorities and policy discussion.

A total of 82 professionals responded to the survey, representing a broad range of roles and regions across the UK. Over one-quarter (27%) of respondents were from law enforcement (mainly detectives of various ranks in child exploitation units), and another quarter (20%) from children's social care (social workers and team managers for various teams such as Youth Offending Service, Unaccompanied Children team, NRM Child Devolved Decision-Making Co-Ordinators). The remaining respondents included professionals in healthcare (e.g. safeguarding nurses, health visitors), independent guardians, education (teachers, Designated Safeguarding Leads), legal/immigration specialists and NGO/advocacy roles.

Respondents were based in all four nations of the UK, with a majority working in England (about 52%, $n \approx 43$), and the rest in Scotland ($n \approx 14$), Northern Ireland ($n \approx 11$), Wales ($n \approx 10$), or holding UK-wide roles. Most had frontline or strategic experience with child exploitation, encountering various forms. Many respondents indicated they see "all types of child exploitation" in their work, while others specified particular forms (for instance, several mentioned CSE and CCE, some noted forced marriage or organ harvesting as rarer forms).

Interviews

In addition to the survey, 25 one-to-one semi-structured individual and group interviews were conducted with 27 professionals across England, Wales, Scotland, and Northern Ireland. Participants were drawn from statutory services, the voluntary sector, and legal practice, and included frontline workers, managers, policymakers, and legal professionals. An additional group interview was conducted with three professionals working in a specialist setting. Participants were identified by the research team using purposive non-probability sampling, based on the relevance of their work in child protection and trafficking contexts. This method was chosen to maximise reach and ensure participants had relevant knowledge and experience. The interview questions can be found in [Annex 4](#).

Interviews explored participants' understandings of child trafficking and exploitation, the influence of legal and policy definitions on their work, the challenges posed by definitional ambiguity or inconsistency, and the impact of such on children. A semi-structured approach was used to allow for both consistency across interviews and flexibility to probe emerging themes or respondent-specific experiences.

Interviews were audio-recorded and transcribed, with data analysed thematically. Themes were developed inductively, allowing for recurring patterns and divergent perspectives to be identified across the dataset.

Workshops

Two workshops were held with professionals working in child protection across the UK (law enforcement, social workers, policymakers, voluntary sector and legal experts). One workshop was held online with UK wide stakeholders (38 attendees), and one was held in person (16 attendees). The objectives of the workshops with professionals were to 1) identify areas of overlap and inconsistencies in definitions on child exploitation, child trafficking, exploitation types (criminal, sexual, labour, domestic servitude) and child modern slavery; and 2) assess the impact of the understanding of these definitions on children including identification, protection, and access to specialist support. The workshop case studies can be found in [Annex 6](#).

A workshop was also held with 10 young people who are experts by experience and members of ECPAT UK's Youth Advisory Group (YAG) to gain their insights on the definitional landscape and the interim findings of the study. The YAG is not representative nationally or demographically of the child trafficking population. The group was limited to young people between the ages of 18 – 25 victims of child trafficking all of whom are foreign nationals from a diverse range of nationalities. All young people had experience with statutory services including law enforcement, immigration authorities, and children's services as former looked after children. A follow-up workshop was held with 7 YAG members to gather their insights on the interim recommendations.

Semi-structured interview schedule:

Topic	Semi-structured interview questions and prompts
Introduction	<p>Researchers will provide a brief introduction of the research project, aims and objectives. They will explain why they are interested in definitions, that they are also interested in the terms participants use to explain their work and are interested in supporting victims of child trafficking. Researchers will also ask participants if they have any follow-up or clarifying questions after having read the participation information sheet.</p> <p>Opening questions:</p> <ul style="list-style-type: none"> • Participant introduction - role, experience, geographical location of their work. • Are there particular challenges you face in your role ensuring the children you work with receive the support they require? • What do you see as the key distinctions and overlaps between different forms/definitions (e.g. child abuse, child exploitation, trafficking and modern slavery)? <ul style="list-style-type: none"> – <i>What is the impact of overlaps / distinctions in definitions on children?</i>
Definition of Child Exploitation	<ul style="list-style-type: none"> • What is your understanding of "exploitation" of children? How do you use it in your work? • Is this concept defined clearly enough to guide your actions in practice/real cases? <ul style="list-style-type: none"> – <i>What, if any, challenges do you face when using the concept of exploitation in your work?</i> – <i>What protocols or guidelines do you use for identifying child exploitation?</i> • Are there specific types of exploitation that are harder to identify? • Are there specific elements which need to be present for the case to be considered as child exploitation?
Definition of Child Trafficking	<ul style="list-style-type: none"> • What is your understanding of child trafficking? How do you use it in your work? <ul style="list-style-type: none"> – <i>Are there specific elements which need to be present for the case to be considered child trafficking?</i> • What challenges do you face when applying human trafficking in practice/to children's cases? <ul style="list-style-type: none"> – <i>Have you encountered situations where the child's circumstances didn't clearly meet the criteria but felt similar to child trafficking?</i> – <i>What was the outcome or impact on the child?</i>
Definition of Child Modern Slavery	<ul style="list-style-type: none"> • What is your understanding of child modern slavery? How do you use it in your work? <ul style="list-style-type: none"> – <i>Are there specific elements which need to be present for the case to be considered child modern slavery?</i> • What challenges do you face when applying the modern slavery definitions to children's cases? <ul style="list-style-type: none"> – <i>Have you encountered situations where the child's circumstances didn't clearly meet the criteria but felt similar to child modern slavery?</i> – <i>What was the outcome or impact on the child?</i>

Annex 4: Interview Questionnaire

Topic	Semi-structured interview questions and prompts
Child Sexual Exploitation	<ul style="list-style-type: none"> • What is your understanding of the definition of CSE? How do you use it in your work? <ul style="list-style-type: none"> – <i>Are there specific elements which need to be present for the case to be considered CSE?</i> – <i>Do you consider elements such as deception, manipulation or coercion as necessary elements for the case to be child sexual exploitation?</i> • Do you see a difference between CSE and child sexual abuse (CSA)? If so, how is this distinction managed in your work? • In your experience, is CSE always child trafficking, or do you treat it as a separate issue? Explain why or why not.
Child Criminal Exploitation	<ul style="list-style-type: none"> • What is your understanding of the definition of CSE? How do you use it in your work? <ul style="list-style-type: none"> – <i>What, if, any, challenges do you face when applying it to your work?</i> – <i>Are there specific elements which need to be present for the case to be considered CCE?</i> • In your experience, does CCE always fall under child trafficking? Why or why not? • Does this vary between theory and practice? • Are there some cases that are harder to interpret as CCE? <ul style="list-style-type: none"> – <i>What is the potential impact of that on the child?</i> • Do you consider elements such as deception, manipulation or coercion as necessary elements for the case to be child labour exploitation?
Child Labour Exploitation	<ul style="list-style-type: none"> • What is your understanding of labour exploitation of children? How do you use it in your work / do you have a definition you apply in your work? <ul style="list-style-type: none"> – <i>Are there specific elements which need to be present for the case to be considered child labour exploitation? (Type of work, work hours, age appropriateness, or payment below minimum wage.)</i> • Are there areas where labour exploitation overlaps with acceptable forms of child work, and how do you address these situations? • To what extent do you think there is clarity and consistency around what constitutes child labour exploitation? <ul style="list-style-type: none"> – <i>What is the impact on children and the support they receive?</i> • Do you consider elements such as deception, manipulation or coercion as necessary elements for the case to be child labour exploitation?

Topic	Semi-structured interview questions and prompts
Child Domestic Servitude	<ul style="list-style-type: none"> • What is your understanding of child domestic servitude? How do you use it in your work? • How is the definition of domestic servitude of children applied in your work? <ul style="list-style-type: none"> – <i>Are there specific elements which need to be present for the case to be considered child domestic servitude?</i> • In your experience, how/when do children assisting in domestic chores cross the line into "domestic servitude"? Are there specific elements you rely on? • What situations do you encounter where cultural norms or family expectations complicate identification of domestic servitude? • Do you consider elements such as deception, manipulation or coercion as necessary elements for the case to be child domestic servitude?
Cross-cutting Issues	<ul style="list-style-type: none"> • Are there different ages for a child that determine whether they meet the threshold to be considered a victim of different forms of child exploitation? • Do you consider financial gain to always be a necessary element in all forms of child exploitation? And if so, whose financial gain? • What, if any, differences do you find in how these concepts are applied depending on demographics of the children and young people and specifics of their experiences of exploitation? <ul style="list-style-type: none"> – <i>Are there differences if the child was exploited within the UK or across borders?</i> • How does labelling a child under different forms of exploitation (i.e. CSE, CCE....) influence their treatment by legal authorities or other agencies? Does this vary by the type of exploitation or term applied? If so, how? • Do you feel the term 'modern slavery' aids or complicates identification and response? • What situations do you encounter where differences in norms or expectations may complicate things, including identification? • Can you explain further what those differences and norms are (e.g. cultural norms and familial expectations)?
Conclusion	Is there anything we have missed that you think is important / anything else you want to tell us?

Annex 5: Survey

Survey for professionals on the definitions of various forms of child exploitation

We would like to invite you to complete this research survey, which is part of ECPAT UK's research project 'More than words: how definitions impact on the UK's response to child trafficking'. The survey is designed to gather information from professionals working in child protection across the UK.

About the research project

The research aims to explore current definitions in the field of modern slavery in the UK and how the definitions of child trafficking and exploitation impact the UK's response to this type of crime. In particular, it seeks to explore UK child protection actors' understanding and use of child exploitation definitions and the impact this may have on children. The research is in response to the new government's commitment to a definition of the offence of child criminal exploitation and aims to develop policy recommendations and drive a better response to children affected by modern slavery.

The research is funded by the Modern Slavery and Human Rights Policy and Evidence Centre based at the University of Oxford and overseen by the Office of the Anti-Slavery Commissioner. The ethics application has received a Favorable Opinion as of 13/01/2025.

About us

ECPAT UK (Every Child Protected Against Trafficking) is a leading children's rights organisation working to ensure children can enjoy their rights to protection from child trafficking. We campaign for and support children everywhere to uphold their rights to live free from abuse

and exploitation through an integrated model involving research, policy, training and direct practice.

Participating in the research

- The survey will take approximately 20-25 minutes to complete.
- You have been invited to partake based on your expertise, experience, professional role and/or knowledge in this topic area.
- Completing this survey is voluntary and your participation is anonymous. If you do share any identifying information, this will be kept confidential, and you will not be identified in any of the project outputs. If you provide identifying information, you can withdraw from the research at any time by contacting the Principal Researcher Laura Durán (l.duran@ecpat.org.uk) or Senior Researcher Leah Davison (l.davison@ecpat.org.uk).
- Please answer all questions to the best of your ability. If a question is mandatory but does not apply to you, you can select 'not applicable'. Some questions are optional, so if the question does not apply to you, you can skip it.

Because the survey is anonymous, we will not be able to contact you directly for follow-up. Once the report is completed the findings and any impact will be available online at: <https://www.ecpat.org.uk>, <https://www.modernslaverypec.org>, <https://www.antislaverycommissioner.co.uk>.

Thank you for your considered participation. Your insights are valuable, and we appreciate you taking the time to participate should you choose to do so.

SECTION 1 – YOUR WORK

To help us better analyse the data, please answer the following preliminary questions:

What is your role / job title / profession?

Where do you work?

England

Scotland

Wales

Northern Ireland

What types of child exploitation do you come across in your work?

SECTION 2 – SURVEY QUESTIONS

Definition of Child Exploitation

Do you think child "exploitation" is clearly defined in your role?

Yes, it's very clear

Somewhat clear

No, very unclear

Don't know / unsure

Optional: Please provide further insight to explain your previous answer

How is child exploitation defined in your work?

Which legislation / policy is routinely used?

How do you use the definition(s) you provided in practice?

Are there specific criteria or elements you believe must be present to classify a case as child exploitation?

Definition of Child Trafficking

Do you think child trafficking is clearly defined in your role?

Yes, it's very clear

Somewhat clear

No, very unclear

Don't know / unsure

Optional: Please provide further insight to explain your previous answer.

How is child trafficking defined in your work?

Which legislation / policy is routinely used?

Which of the following elements do you consider indispensable for a case to qualify as child trafficking? (Select all that apply)

Movement of the child across borders

Movement of the child across counties, neighbourhoods or boroughs (within the same country)

Coercion, deception or manipulation

Abuse of a position of vulnerability

Use of physical force/restraint

Threats

Abduction

Financial gain for the trafficker (including goods or services)

Attempts to escape/seek help

Other please specify

Have you ever encountered cases where none of these elements were present, but you still considered the child was recruited to exploit them?

Frequently

Occasionally

Rarely

Never

Don't know / unsure

Not applicable / do not work directly with children

Optional: Please provide further insight to explain your answer.

Definition of Child Modern Slavery

Do you think child "modern slavery" is clearly defined in your role?

Yes, it's very clear

Somewhat clear

No, very unclear

Don't know / unsure

Optional: Please provide further insight to explain your answer.

How is child modern slavery defined in your work?

Which legislation/policy definition is routinely used?

Does the term "modern slavery" assist in clarifying the child's situation and appropriate response?

Yes, it is helpful

It is somewhat helpful

No, it complicates identification

Don't know /unsure

Not applicable

Optional: Please provide further insight to explain your answer.

In your experience, do the terms "modern slavery" and "human trafficking" create confusion for you in identifying and responding to children's cases?

Yes, frequently

Occasionally

No

Don't know / unsure

Not applicable

Optional: Please provide further insight to explain your answer.

Definition of Child Sexual Exploitation (CSE)

Do you think "child sexual exploitation (CSE)" is clearly defined in your role?

Yes, it's very clear

Somewhat clear

No, very unclear

Don't know / unsure

Not applicable

Optional: Please provide further insight to explain your previous answer.

How is CSE defined in your work?

Which legislation/policy definition is routinely used?

Are elements such as manipulation, coercion, or deception essential for a case to be classified as CSE?

Yes, always

Often, but context matters

No, not necessary

Don't know /unsure

Not applicable

Optional: Please provide further insight to explain your answer.

Do you think there is a distinction between child sexual exploitation (CSE) and other forms of child sexual abuse (CSA)? If so, what is the distinction?

In your experience, do CSE cases meet the criteria for child trafficking?

Yes

No

Don't know/unsure

Not applicable

If you selected yes for the previous question, what is the distinction?

In your experience, do CSE cases meet the criteria for child trafficking?

Yes, always

Often

Sometimes

Rarely

Don't know / unsure

Not applicable

Optional: Please provide further insight to explain your answer.

Definition of Child Criminal Exploitation (CCE)

Do you think "child criminal exploitation (CCE)" is clearly defined in your role?

Yes, it's very clear

Somewhat clear

No, it's unclear

Don't know/unsure

Not applicable

Optional: How is it defined in your work? Which legislation/policy definition is routinely used?

How is CCE defined in your work?

Which legislation/policy definition is routinely used?

In your experience do CCE cases meet the criteria for child trafficking?

Yes, always

Often

Sometimes

Rarely

Don't know / unsure

Not applicable / do not work directly with children

Optional: Please provide further insight to explain your answer.

Have you experienced challenges due to a lack of a statutory legal definition for CCE?

Yes, frequently

Occasionally

Rarely

No

Don't know/unsure

Not applicable

Optional: If you have experienced challenges due to a lack of statutory legal definition for CCE, what are these challenges?

Definition of Child Labour Exploitation

Do you think child labour exploitation is clearly defined in your role?

Yes, it's very clear

Somewhat clear

No, very unclear

Don't know/unsure

Not applicable

Optional: Please provide further information to explain your previous answer.

How is child labour exploitation defined in your work?

Which legislation/policy definition is routinely used?

What elements do you think must be present for a case to be considered child labour exploitation?

Please explain why you have listed these elements.

Definition of Child Domestic Servitude

Do you think "domestic servitude" is clearly defined in your role?

Yes, it's very clear

Somewhat clear

No, very unclear

Don't know/unsure

Not applicable

Optional: Please provide further information to explain your previous answer.

How is child domestic servitude defined in your work?

Which legislation/policy definition is routinely used?

When does assisting with household chores cross into domestic servitude?

Cross-Cutting Issues

Does the age of a child influence whether they meet the threshold for all forms of exploitation? (Select all that apply)

Yes, certain ages are critical in defining what constitutes labour exploitation versus acceptable work for children.

Yes, age is a clear-cut factor in determining child sexual exploitation (CSE) in line with the age of consent.

Yes, age is a clear-cut factor in determining child criminal exploitation (CCE) in line with the minimum age of criminal responsibility.

Yes, age helps distinguish domestic chores from domestic servitude, depending on developmental appropriateness.

No, age does not significantly affect the classification of any form of child exploitation.

Other [open textbox]

Optional: Please provide further insight to explain your answer.

Have you noticed differences in the approach of professionals to child exploitation (in all its forms) across the devolved nations?

Yes, there are significant differences

Yes, there are some differences

Yes, but they are minor

No, practices are consistent

Don't know / unsure

No applicable

Optional: Please provide further insight to explain your answer.

Do you encounter barriers in obtaining support for children due to the legal definitions not fitting the case?

Yes, frequently

Occasionally

Rarely

Never

Don't know/unsure

Not applicable

Optional: Please provide further insight to explain your answer.

Do cultural norms or family expectations complicate identification?

Frequently

Occasionally

Rarely

Never

Don't know / unsure

Not applicable

Optional: Please provide further insight to explain your answer.

In your opinion, is financial gain (for the perpetrator/s) including goods and/or services essential to define a situation as child exploitation in all forms?

Yes

No, other forms of gain also qualify

Don't know / unsure

Optional: Please provide further insight to explain your answer.

Which elements do you consider necessary to identify child exploitation in all forms? (Select all that apply)

Manipulation

Coercion

Deception

Financial gain

Threats

Force / Physical restraint

Abuse of a position of vulnerability

Other (please expand)

None of these

Optional: Please provide further insight to explain your answer.

And if you selected 'other' please elaborate

SECTION 3: CONCLUSION

Have we missed anything or is there additional information you would like to share?

Annex 6: Workshop Case Studies

Case Study 1

A 15-year-old British boy from Greater Manchester is caught in a police investigation into an online fraud ring. He had been approached via Instagram by a person who called himself "Jay" and offered him £300 to allow money to be transferred in and out of his bank account – "just for a few hours." The boy was promised it was "totally safe" and that he was just helping out with a crypto deal. He gave over his bank details and later withdrew some cash to hand to another individual who picked it up in person. The account was eventually linked to a wider scam involving elderly victims being tricked into sending funds under the pretext of fake investments. When questioned, the boy said he thought it was "easy money" and "not hurting anyone." Social services were not previously involved. His parents were unaware of his involvement until police arrived. He is now being considered for prosecution for money laundering.

Case Study 2

A 16-year-old Sudanese boy who is a looked after unaccompanied child with refugee status (he arrived in the UK when he was 13) has started a FT apprenticeship in construction. He has been working 40 hours per week at £7.55/hour. Recently his boss has been offering him extra shifts in the evenings and on the weekends, which are paid cash in hand at a lower rate. He has mentioned to his social worker that he is on site without safety equipment or a foreman present. He is sending remittances home to support his mother and younger siblings, so the extra shifts have been helpful, and he wants to continue accepting them.

Case Study 3

A 14-year-old Romanian girl is arrested for shoplifting in a UK city. During the police interview, she says she's

married to a 22-year-old man and lives with him and his extended family. She doesn't attend school and is expected to clean the house, cook for the family, and care for younger children. She explains that the shoplifting was to take items to help with the household. She doesn't describe the situation as abusive, but she appears withdrawn, malnourished, and has limited English. Social services note that she's reluctant to speak without her husband present and appears fearful when separated from him.

Case Study 4

16-year-old looked after child joins only fans. She sells images of herself and also does live streams, both of which depict her sexually. There had already been various strategy meetings when it was discovered she was selling her underwear through other sexual content websites. When her social worker approached her to discuss this new account, she was upset saying it was her own choice and that this is how she wanted to make money. She brought up other friends and influencers who were making a lot of money in only fans and explained how this is the career she wanted to pursue. During the multiagency meeting with the specialist CSE police officers, they stated there was really no charges they could pursue for the people buying her images or paying her to join the live stream, as they could argue they reasonably believed she was over 18. The platform took down her account when notified, but she just opened a new one under a different name as there is no verification needed of her age. Through further intervention it becomes clear that someone offered to set up the only fans page for her, in return for a 20% cut. She agreed and said she was happy to pay that amount each month. That is the only contact she has had with this person.

Case Study 5

A 15-year-old boy from rural Cornwall has stopped attending school. Teachers report that he is often tired, withdrawn, and appears anxious when asked about home life. A home visit by school staff reveals that he lives with his single mother, who has a long-term physical disability and mental health difficulties. The boy is solely responsible for all household tasks, including cooking, cleaning, managing appointments, administering medication, and caring for his mother during medical episodes. There are no other adult relatives involved in his care. Professionals note that social services haven't been involved because he hasn't been flagged as at risk of harm.



About the Modern Slavery Policy and Evidence Centre

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). Read more about the Modern Slavery and Human Rights PEC at www.modernslaverypec.org.

About the Independent Anti-Slavery Commissioner

The Independent Anti-Slavery Commissioner is responsible for encouraging good practice sharing amongst all those with a role to play in tackling every aspect of modern slavery and human trafficking in the UK. The role is independent of government, allowing the Commissioner to scrutinise and report on the effectiveness of policies and actions taken to prevent exploitation, support and protect victims, and bring perpetrators to justice. The Commissioner also supports the carrying out of research to improve our understanding of modern slavery and how it can best be tackled. The Commissioner works across the UK with government departments, public authorities, the sector, businesses, and law enforcement to pursue these goals.

FRESHFIELDS

Independent
Anti-Slavery
Commissioner



Arts and
Humanities
Research Council

**MODERN SLAVERY
& HUMAN RIGHTS** | POLICY &
EVIDENCE
CENTRE



Every Child Protected
Against Trafficking