

POLICY BRIEF: BETWEEN VICTIMHOOD AND OFFENDING



Scoping emerging forms of trafficking in
human beings in the Nordic countries

A NORDIC SCOPING STUDY ON THE LINKS BETWEEN YOUTH CRIMINAL EXPLOITATION AND TRAFFICKING

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INTRODUCTION

Drawing on academic research, official reports, media sources, and Nordic consultations with criminal justice practitioners, the scoping study highlights growing concerns about youth involvement in gang-related crime, with particular attention to Sweden as a reference point for the Nordic regional debate. The analysis emphasises the complexity of identifying situations where children involved in crime may actually be victims of exploitation and/or trafficking, which requires a nuanced understanding of vulnerability, exploitation and the coercive mechanisms at play.

KEY FINDINGS

- Children may be recruited into and exploited in criminal activities through abuse of vulnerabilities such as young age, adverse childhood experiences including traumatic experiences, neuropsychiatric disorders, and financial dependence. Exploitation often occurs without evident use of force.
- Recognising children exploited in criminal activities as victims of exploitation, forced recruitment and in some instances of human trafficking is essential for ensuring their protection and applying the principle of non-punishment as enshrined in international law. The mere act of recruitment of children for the purpose of exploitation in criminal activities can meet the legal definition of trafficking. The means of trafficking such as deception or abuse of position of vulnerability need not be proved when it comes to children.
- Few jurisdictions have clear provisions for non-punishment of children who are coerced into criminality or victims of trafficking, and the misidentification of exploited children as offenders can lead to criminal records, disrupted educational pathways, placements in foster care or educational institutions, which in themselves are known to be associated with increased risks of re-offending and re-victimisation, including of trafficking.
- Effective prevention of child exploitation and trafficking requires addressing adverse childhood experiences, strengthening protective factors, improved identification of any forms of violence targeting children and providing timely support to families. These measures reduce vulnerability and help prevent both exploitation and youth crime.

The report concludes that applying a trafficking lens to criminal exploitation of children can improve victim protection and shift responses from punitive to rehabilitative. Concretely, this implies that law enforcement should assess the possibility that a child has been manipulated or coerced by older perpetrators when they engage in criminal activities. To do so requires specialisation and building of capacity especially among criminal justice actors and social and health care professionals to improve identification of the patterns and dynamics of exploitation behind individual offending children.

CHECKLIST FOR IMPROVED IDENTIFICATION

When assessing the situation of an individual child and whether it amounts to human trafficking, authorities should look at the wider circumstances around the child and evaluate the following factors:

- ✔ Identify intersectional vulnerabilities, such as substance use, neuropsychiatric and -developmental disorders, mental health conditions, gender and minority backgrounds.
- ✔ Note if the child depended on the perpetrator/adult for basic needs such as food, shelter, or safety.
- ✔ Assess whether the child feared consequences like retaliation, detention, or deportation if they did not comply.
- ✔ Evaluate whether the child was controlled through violence, threats, manipulation, intimidation, or feelings of shame or fear.
- ✔ Consider whether the child's freedom of movement was in any way limited or controlled.
- ✔ Ensure that the complainant and the defendant do not meet in waiting areas or similar spaces if either of them wishes to be heard remotely from the same premises.
- ✔ Victim support services should be informed about remote participants so that they are able to offer on-site support.

If one or more of the listed factors can be identified, this may be an indicator that the child's actions were not voluntary. It is fundamental that a rapid intervention is conducted in such situations.

KEY RECOMMENDATIONS

- National policymakers should ensure that laws and official guidance clearly recognise exploitation in criminal activities, including of children, as a form of human trafficking, and require police, prosecutors and judges to apply the non punishment principle in practice.
- Police and prosecutors should develop concrete tools and procedures to identify and document criminal exploitation, coercion and vulnerability, and ensure that children who disclose exploitation are protected and supported throughout investigations.
- National policymakers should invest in training, prevention and victim support by equipping all relevant professionals with skills to identify youth criminal exploitation, and to ensure funding for low threshold services and NGOs, so children can safely report exploitation without fear of retaliation.
- Ultimately, preventing child trafficking requires linking anti trafficking work with wider efforts to prevent harm and violence against children, including investing in early in support that reduces adversity, builds protection, and lowers children's vulnerability to both exploitation and criminal involvement.

*This policy brief is based on the HEUNI Report Series No. 112, *Between Victimhood and Offending: A Nordic Scoping Study on the Links Between Youth Criminal Exploitation and Trafficking* by Anniina Jokinen, Annette Bäckström, Sofie Relander, Natalia Ollus, Jenna Kenttälä and Carolina Bäckström https://bit.ly/scope_crim*

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