



Psychological Control and the Vulnerability of Minors in the Crime of Human Trafficking: Implications for the Legal Qualification of Acts of Transportation, Transfer and Harbours

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Abstract

Human trafficking involving minors constitutes one of the most serious forms of criminal exploitation, given children's heightened psychological vulnerability and their limited capacity for autonomous and informed decision-making. This article explores the interplay between psychological control and victim vulnerability in the offence of human trafficking, focusing on how these dimensions shape the legal qualification of acts of transportation, transfer and harbouring. From a legal psychology standpoint, such acts should not be viewed solely as physical or logistical conduct, but as processes that actively contribute to psychological domination, social isolation, and the maintenance of exploitative control. Against this background, the article examines how psychological control exercised over minors influences the interpretation of the objective element of the offence and, consequently, the legal classification of trafficking-related acts. Drawing on concepts from developmental psychology, theories of coercive control, and trauma research, vulnerability is conceptualized as a dynamic and situational condition, rooted in age-related cognitive and emotional immaturity, dependency on adults, and increased susceptibility to manipulation. Acts of transportation and transfer are analysed as mechanisms that sever protective social ties and intensify disorientation, thereby reinforcing the minor's reliance on the trafficker. Harbouring is examined as a strategy of sustained control, characterized by isolation, surveillance, and the normalization of exploitative conditions. By integrating psychological analysis with criminal law reasoning, the article underscores the risk of misinterpreting the objective element of human trafficking when psychological dimensions are overlooked. It is argued that recognizing psychological control as an integral component of trafficking conduct supports a functional interpretation of trafficking acts and justifies the application of aggravating circumstances in cases involving minors. The article concludes that incorporating legal psychology into the assessment of child trafficking enhances judicial understanding of victim behaviour, strengthens legal qualification, and promotes a more effective and victim-centred application of anti-trafficking legislation.

Keywords: legal psychology, psychological control, child vulnerability, coercive manipulation, trafficking victim behaviour

1 Introduction

Human trafficking involving minors represents one of the most acute manifestations of exploitation within contemporary criminal law. The particular vulnerability of children and adolescents transforms the legal and psychological assessment of trafficking conduct, especially in relation to acts of transportation, transfer, and harbouring. While international instruments establish that, in the case of minors, the use of improper means is not required for the offence to be constituted, practical adjudication continues to face difficulties in distinguishing between seemingly voluntary movement and exploitative control. The intersection between psychological manipulation and the structural vulnerability of minors therefore raises complex questions concerning the legal qualification of trafficking acts.

The normative framework is unequivocal. The Protocol to Prevent, Suppress and Punish Trafficking in Persons defines trafficking as encompassing recruitment, transportation, transfer, harbouring, or receipt of persons for the purpose of exploitation and expressly provides that, in the case of children, the “means” element (coercion, deception, abuse of vulnerability) is not required. Similarly, Directive 2011/36/EU reinforces the special protection afforded to minors and confirms that their consent is legally irrelevant. This normative approach reflects the recognition that minors lack full decisional autonomy and are particularly susceptible to psychological influence (Gallagher, 2010).

However, beyond formal vulnerability linked to age, trafficking of minors frequently operates through subtle forms of psychological control. Grooming strategies, emotional manipulation, promises of affection or financial support, and gradual isolation from family structures create dependency relationships that may obscure the exploitative purpose of the offender (Stark, 2007). In such contexts, transportation or harbouring may outwardly appear consensual—particularly when minors voluntarily accompany the offender—yet the underlying dynamics reveal structured psychological domination. The law must therefore evaluate these acts not in isolation, but within the broader architecture of control.

Developmental psychology further illuminates the cognitive and emotional characteristics that heighten minors’ vulnerability. Adolescents exhibit increased sensitivity to reward, peer influence, and emotional attachment, combined with still-developing risk assessment and impulse regulation capacities (Steinberg, 2014). These developmental features amplify susceptibility to manipulation, especially in situations involving romanticized recruitment or promises of independence. What might superficially resemble autonomous decision-making may, in reality, reflect developmental immaturity compounded by strategic exploitation.

The legal qualification of acts such as transportation, transfer, and harbouring becomes particularly complex when psychological control replaces overt coercion. Because trafficking is a purpose-driven offence, the decisive element remains the offender’s intent to exploit (Allain, 2012). Yet when dealing with minors, the absence of physical force does not diminish criminal responsibility; rather, psychological manipulation itself may constitute the operative mechanism through which exploitation is prepared and maintained. Consequently, courts must interpret the objective acts of movement and accommodation in light of the minor’s structural and developmental vulnerability, as well as the offender’s strategic exploitation of that vulnerability.

This study aims to examine how psychological control mechanisms intersect with the inherent vulnerability of minors in trafficking cases and how these dynamics influence the legal

qualification of transportation, transfer, and harbouring. By integrating criminal law doctrine with insights from developmental and legal psychology, the analysis seeks to clarify evidentiary standards, reinforce doctrinal coherence, and promote a more context-sensitive application of trafficking norms in cases involving children.

2 Theoretical Background

The trafficking of minors requires a distinct theoretical framework that integrates criminal law doctrine, developmental psychology, and legal psychology, reflecting the particular vulnerabilities associated with childhood and adolescence. Unlike adult trafficking cases, where the “means” element—such as coercion, deception, abuse of power, or abuse of a position of vulnerability—must typically be demonstrated, international legal instruments recognize that children require enhanced protection due to their limited capacity for autonomous decision-making and their heightened susceptibility to manipulation.

The normative foundation of this approach is established in Protocol to Prevent, Suppress and Punish Trafficking in Persons, which provides in Article 3(c) that the recruitment, transportation, transfer, harbouring, or receipt of a child for the purpose of exploitation constitutes trafficking even where none of the coercive or deceptive means listed in Article 3(a) are present. This provision reflects a legal recognition that minors cannot meaningfully consent to situations of exploitation and that the structural imbalance of power inherent in adult–child relationships renders the traditional analysis of coercion largely redundant. (Ștefănoaia, 2015)

This principle is reaffirmed within the European legal framework by Directive 2011/36/EU, which emphasizes that the consent of a child victim is legally irrelevant whenever the conduct involves an exploitative purpose. The Directive further requires Member States to adopt child-sensitive investigative and prosecutorial practices that account for the developmental stage of victims and the psychological dynamics characteristic of trafficking situations involving minors.

From a psychological perspective, the vulnerability of minors derives not only from their legal status but also from developmental factors such as incomplete cognitive maturation, heightened dependency on authority figures, and greater susceptibility to emotional manipulation and psychological control. Traffickers frequently exploit these characteristics through strategies that do not necessarily involve overt violence but rely instead on grooming, emotional dependency, isolation, and gradual normalization of exploitation. Such mechanisms may produce a state of psychological domination, in which the minor’s perceived compliance masks a deeper condition of coercive control.

Within this context, acts such as transportation, transfer, and harbouring acquire particular doctrinal significance. These objective elements are not merely logistical steps in the trafficking process but function as mechanisms through which traffickers establish, maintain, and reinforce psychological control over the child victim. Movement across locations may serve to increase the victim’s dependence, disrupt social support networks, and strengthen the trafficker’s authority, while harbouring creates an environment in which exploitative conditions can be stabilized and concealed.

Accordingly, the legal qualification of these acts must be interpreted in light of the specific vulnerability of minors and the psychological dynamics of control that characterize child trafficking. A purely formal analysis of physical movement or accommodation risks overlooking the broader relational structure of domination that defines trafficking. Instead, a contextual interpretation—one that integrates doctrinal analysis with insights from

psychology—allows courts and prosecutors to better capture the continuum of exploitation inherent in trafficking offences involving children.

Such an interdisciplinary perspective is essential for ensuring that the legal framework effectively addresses the subtle and often non-violent mechanisms through which traffickers exert control over minors, thereby reinforcing the protective purpose underlying contemporary anti-trafficking law.

2.1 Normative Foundations: Objective Acts and Exploitative Purpose

From a doctrinal perspective, trafficking remains a purpose-driven offence structured around objective acts (transportation, transfer, harbouring) and a specific exploitative intent (*dolus specialis*). In the case of minors, the removal of the “means” requirement does not dilute the importance of intent; rather, it shifts analytical emphasis toward the offender’s purposive orientation. As Allain (2012) observes, the essence of trafficking lies in the teleological link between conduct and exploitation. Thus, even where a minor appears to move voluntarily, the decisive legal question concerns whether the movement was organized or facilitated with exploitative purpose.

The acts of transportation, transfer, and harbouring must therefore be interpreted contextually. Transportation is not merely physical movement; it may represent the strategic relocation of a child to an environment of isolation or dependency. Transfer often reflects a transactional logic within trafficking networks, while harbouring may constitute the stabilization phase of exploitation. These acts acquire criminal relevance not in isolation but in conjunction with exploitative intent (Gallagher, 2010).

2.2 Psychological Control as a Mechanism of Exploitation

Although international legal instruments eliminate the requirement to prove improper means in cases involving minors, the concept of psychological control remains fundamental for understanding how exploitation is actually produced and maintained in trafficking situations. The absence of a legal requirement to demonstrate coercion does not imply that coercive dynamics are absent in practice. On the contrary, trafficking networks frequently rely on subtle, non-violent mechanisms of domination that progressively undermine the autonomy of child victims and render exploitation sustainable over time.

A central mechanism through which this domination is established is grooming. Grooming refers to a deliberate process through which offenders build trust, emotional connection, and dependency with a minor before initiating exploitative acts. This process may involve attention, gifts, promises of affection, or perceived opportunities, gradually normalizing the relationship and obscuring the abusive intent of the trafficker. In cases of sexual exploitation, grooming frequently precedes the phase of direct exploitation, allowing traffickers to manipulate the victim’s emotional expectations and reduce the likelihood of resistance or disclosure (Lanning, 2010; Whittle et al., 2013).

Psychological research demonstrates that grooming operates through incremental boundary erosion, whereby behaviors that initially appear benign progressively shift toward exploitative interactions. Because minors often seek validation, belonging, or emotional security, traffickers may position themselves as protectors, romantic partners, or mentors, creating a relational structure that masks the underlying exploitation. As a result, the victim’s apparent cooperation may reflect not genuine consent but rather a condition of psychological dependency and manipulation (Craven et al., 2006).

A useful analytical framework for interpreting these dynamics is coercive control theory, developed within the field of domestic violence research. According to Stark (2007), domination in abusive relationships rarely relies solely on episodic physical violence. Instead, it emerges through a pattern of ongoing control strategies that progressively restrict the victim's autonomy. These strategies may include isolation from social networks, surveillance of communications, regulation of daily activities, and the imposition of psychological pressures that reshape the victim's perception of available choices (Stark, 2007).

When applied to trafficking involving minors, coercive control theory helps explain how exploitation can occur even in the absence of overt force. Traffickers may isolate minors from family members, peers, or supportive institutions, thereby increasing dependence on the exploiter. They may also manipulate emotional bonds—alternating affection with threats or withdrawal—to reinforce compliance and maintain dominance. Over time, such mechanisms generate a state of psychological captivity, in which the minor's capacity to resist or seek assistance becomes severely constrained (Reid, 2016).

Developmental psychology further clarifies why these strategies are particularly effective when directed at children and adolescents. During adolescence, individuals are still developing cognitive control, risk assessment capacities, and emotional regulation, while simultaneously exhibiting an increased need for social acceptance and relational attachment. These developmental characteristics make minors especially susceptible to manipulation, authority influence, and relational coercion (Steinberg, 2014). Consequently, traffickers can achieve significant levels of control without resorting to visible violence.

Understanding psychological control is therefore crucial for the legal interpretation of trafficking acts, including transportation, transfer, and harbouring. Movement of the minor may serve to deepen isolation and dependency, while harbouring can create environments in which exploitative relationships are stabilized and concealed. The exploitation thus unfolds within a continuum of psychological domination, rather than through isolated acts of physical coercion.

Recognizing these mechanisms has important implications for legal qualification and evidentiary assessment. Courts and investigators must look beyond the absence of overt violence and instead examine patterns of emotional manipulation, dependency, and behavioral control that indicate exploitative intent. In doing so, the legal framework aligns with contemporary psychological research, ensuring that trafficking involving minors is understood not merely as a series of physical acts but as a structured system of psychological subjugation.

2.3 Developmental Vulnerability of Minors

Developmental psychology offers essential insight into why minors are particularly susceptible to psychological control. Adolescents exhibit heightened sensitivity to rewards, peer validation, and emotional attachment, while executive functions such as impulse regulation and long-term risk assessment are still maturing (Steinberg, 2014). This developmental asymmetry increases vulnerability to manipulation, especially when exploitation is framed as opportunity, romance, or independence.

Moreover, minors often possess limited economic autonomy and legal capacity, intensifying dependency on adults. Situations of family dysfunction, poverty, migration instability, or prior abuse further compound structural vulnerability (Gallagher, 2010). Thus, vulnerability in trafficking cases involving minors is not merely chronological but developmental and socio-structural.

2.4 Reconceptualizing Consent and Autonomy in the Case of Minors

Although the law declares a minor's consent legally irrelevant, theoretical analysis must still address why apparent consent frequently arises in practice. Psychological literature demonstrates that children and adolescents may interpret manipulative relationships as voluntary due to attachment formation, fear of abandonment, or desire for belonging. Trauma bonding mechanisms can emerge even in adolescent populations exposed to cycles of affection and control (Dutton & Painter, 1993).

Consequently, apparent agreement to travel, relocate, or remain in exploitative environments may reflect adaptive survival cognition rather than autonomous choice. The theoretical challenge lies in aligning this psychological reality with the doctrinal framework that centers on exploitative intent. In trafficking of minors, autonomy is presumed structurally limited; therefore, the legal system prioritizes objective acts and purposive exploitation over subjective declarations of willingness.

2.5 Interdisciplinary Synthesis

The theoretical foundation of this study rests on the convergence of three principles:

1. **Teleological criminal liability** — trafficking is defined by exploitative purpose (Allain, 2012).
2. **Structural and developmental vulnerability of minors** — consent lacks normative weight due to cognitive and socio-economic constraints (Steinberg, 2014).
3. **Psychological mechanisms of control** — grooming and coercive domination explain the behavioral appearance of voluntariness (Stark, 2007).

Integrating these perspectives allows for a coherent interpretation of transportation, transfer, and harbouring in cases involving minors. The focus shifts from surface-level voluntariness to the structural and psychological conditions under which movement and accommodation occur. In doing so, doctrinal clarity is preserved while empirical insights into child vulnerability inform legal qualification.

2.6 Recent Doctrinal and Jurisprudential Developments

Recent developments in European and international anti-trafficking law reinforce the need for a functional reading of the objective acts of transportation, transfer and harbouring in cases involving minors. At EU level, the anti-trafficking framework was updated in 2024, confirming a stronger victim-centred, child-sensitive and exploitation-focused approach. In parallel, the European Commission's 2024 Recommendation on integrated child protection systems explicitly treats child victims of trafficking as particularly vulnerable and calls for coordinated, multidisciplinary responses. These developments support the argument that movement and accommodation of a child should not be assessed as neutral logistical facts, but as acts that may operationalise dependency, isolation and exploitative control.

Strasbourg jurisprudence likewise supports a contextual reading of trafficking indicators. In *S.M. v. Croatia*, the Grand Chamber stressed that Article 4 analysis must be informed by the international definition of trafficking and accepted that abuse of vulnerability, deception and harbouring may trigger a duty to investigate even where the factual pattern is not reducible to overt physical force. In *T.V. v. Spain* and *B.B. v. Slovakia*, the Court again emphasized the procedural obligation to investigate credible trafficking allegations effectively, especially where the evidentiary picture includes vulnerability, movement, sexual exploitation, grooming-like recruitment, or failures to pursue obvious lines of inquiry. In *Krachunova v. Bulgaria*, the Court added that trafficking protection also has consequences for remedies, including

compensation, thereby underscoring that trafficking must be understood as a structured system of exploitation rather than as isolated acts.

Comparative domestic jurisprudence points in the same direction. In *MS (Pakistan) v Secretary of State for the Home Department*, the UK Supreme Court reaffirmed that, for children, recruitment and transportation for the purpose of exploitation suffice for trafficking identification even absent proof of the “means” element. That reasoning is particularly relevant for cases where a minor’s travel appears superficially voluntary but is embedded in manipulation, dependency or labour exploitation. Direct CJEU case law dealing specifically with the actus reus of transportation, transfer and harbouring remains more limited than ECtHR case law; accordingly, EU-level argumentation should rely primarily on the amended Directive, the child-protection Recommendation, and the broader Union victim-protection architecture, while ECtHR and national case law can be used to illustrate evidentiary reasoning in concrete cases.

3 Psychological Control as the Core Mechanism of Minor Trafficking

In cases involving minors, human trafficking rarely begins with overt violence. Instead, it is typically initiated and consolidated through psychological control mechanisms that gradually reshape the child’s perception of autonomy, trust, and dependency. Understanding these mechanisms is essential for the legal qualification of acts such as transportation, transfer, and harbouring, because the apparent voluntariness of the minor often masks structured psychological domination.

3.1 Grooming as Pre-exploitation Conditioning

Grooming represents a preparatory psychological process through which the offender builds emotional trust and dependency before exploitation occurs. It involves incremental boundary violations, normalization of inappropriate behavior, emotional mirroring, and strategic reward–punishment cycles. In minors, whose identity formation and attachment systems are still developing, grooming can create powerful affiliative bonds that distort risk perception.

Research indicates that adolescents exhibit heightened sensitivity to reward and social validation, while executive control functions and long-term risk assessment remain under development (Steinberg, 2014). This neurodevelopmental imbalance makes minors particularly susceptible to promises of affection, financial gain, or social status. When transportation or relocation follows grooming, the movement may appear voluntary, yet it is psychologically pre-conditioned.

From a legal-psychological perspective, grooming operates as an invisible architecture of coercion. The absence of physical force does not imply absence of control; rather, control is internalized through emotional dependency.

3.2 Coercive Control and Progressive Isolation

Coercive control theory explains how domination can be established without continuous physical violence (Stark, 2007). In trafficking involving minors, control often unfolds through:

- Isolation from family or peers
- Monitoring of communication
- Regulation of daily routines
- Financial dependency
- Emotional manipulation alternating affection and threat

Such tactics progressively narrow the minor's perceived alternatives. Transportation or harbouring in this context becomes a spatial extension of psychological confinement. The child may physically move without resistance, yet cognitively experience constrained agency.

Importantly, coercive control reshapes perception rather than merely behavior. The minor may believe that compliance is a rational choice or even an expression of loyalty. This cognitive restructuring is central to understanding why apparent consent emerges.

3.3 Trauma Bonding and Emotional Dependency

Trauma bonding theory demonstrates that intermittent reinforcement—cycles of affection and abuse—creates strong emotional attachments between victim and perpetrator (Dutton & Painter, 1993). In minors, whose attachment systems are developmentally active, this dynamic may produce loyalty, protective behavior toward the trafficker, or reluctance to disclose exploitation.

This phenomenon has critical forensic implications. A minor who defends the offender, retracts allegations, or expresses ambivalence may be exhibiting trauma-consistent behavior rather than unreliability. Psychological attachment does not negate exploitation; it may in fact confirm prolonged control.

3.4 Learned Helplessness and Constrained Agency

When minors experience repeated failure to escape controlling conditions, they may develop learned helplessness—a state characterized by passivity and diminished initiative (Seligman, 1975). Over time, perceived alternatives shrink, and resistance appears futile. In trafficking cases, especially those involving debt bondage or threats to family members, compliance becomes a survival strategy rather than an autonomous decision.

This mechanism clarifies why some minors do not attempt escape even when physical restraint is minimal. The absence of overt barriers does not equate to psychological freedom.

3.5 Psychological Reframing of Transportation, Transfer and Harbouring

From a psychological standpoint, acts of transportation, transfer, and harbouring are not merely logistical steps; they are instruments of control reinforcement. Movement may:

- Disrupt protective social networks
- Increase dependency on the trafficker
- Create environmental unfamiliarity
- Heighten fear and isolation

Harbouring, in particular, often represents the stabilization phase of psychological domination. The minor's environment is structured to normalize exploitation and minimize perceived exit options.

Thus, in the case of minors, transportation and harbouring should be understood as spatial manifestations of psychological control. The legal qualification of these acts cannot rely solely on physical indicators of coercion but must account for the cognitive and emotional constraints shaping the minor's behavior.

4 Implications for Evidentiary Assessment in Cases Involving Minors

When human trafficking involves minors, evidentiary assessment must move beyond traditional indicators of coercion such as physical restraint or overt violence. Because psychological control frequently replaces direct force, courts and prosecutors must interpret

behavior, movement, and relational dynamics through a developmental and trauma-informed lens. Failure to do so risks misclassifying exploitative conduct as voluntary association or consensual mobility.

Case law confirms that trafficking adjudication cannot be reduced to visible force or physical captivity. *S.M. v. Croatia* is particularly instructive because the Court treated harbouring, abuse of vulnerability, deception and exploitative organisation as sufficient to require a serious investigative response, even though the domestic authorities had allowed the case to collapse into a credibility contest. Similarly, *B.B. v. Slovakia* and *T.V. v. Spain* demonstrate that authorities violate Article 4 when they fail to investigate trafficking indicators in a timely and structured manner. These decisions support the evidentiary proposition advanced here: in cases involving minors, transportation, transfer and harbouring must be assessed relationally, together with grooming, dependency, isolation, digital contact, and exploitative purpose.

4.1 Reframing “Voluntary Movement” as Contextualized Behavior

In cases involving transportation or transfer of minors, apparent willingness to travel is often treated as a factor suggesting absence of coercion. However, developmental psychology demonstrates that adolescents are particularly sensitive to relational influence and reward-based persuasion (Steinberg, 2014). If travel follows grooming, romantic manipulation, or promises of financial opportunity, the evidentiary focus should shift from physical resistance to the psychological context preceding the movement.

Thus, courts should examine:

- The relational history between minor and offender.
- Whether emotional dependency was cultivated prior to movement.
- The existence of deception regarding purpose, working conditions, or future prospects.
- Progressive isolation from protective adults or institutions.

Transportation should be evaluated as a potential **reinforcement of dependency**, not merely as geographic relocation. The absence of visible force does not negate exploitative intent.

4.2 Behavioral Indicators of Psychological Control

Because minors often comply behaviorally, evidentiary assessment must rely on structured indicators of coercive control. Research on coercive dynamics highlights patterns such as isolation, surveillance, micro-regulation of behavior, financial restriction, and alternating affection with intimidation (Stark, 2007). These patterns function as external manifestations of psychological domination.

In forensic evaluation, relevant indicators may include:

- Confiscation of phone or identification documents.
- Restricted contact with family or peers.
- Control over earnings or debt imposition.
- Monitoring of social media or communications.
- Fear-based references to consequences of leaving.

These indicators provide inferential pathways to establish exploitative purpose even when the minor expresses ambivalence or loyalty toward the offender.

4.3 Interpreting Trauma-Consistent Testimony

Minor victims may present fragmented narratives, delayed disclosure, emotional ambivalence, or inconsistent peripheral details. Trauma psychology demonstrates that memory encoding

under stress may produce partial recall and non-linear storytelling (Seligman, 1975). Additionally, trauma bonding may result in protective attitudes toward the trafficker (Dutton & Painter, 1993).

Courts must therefore avoid equating inconsistency with fabrication. Instead, credibility assessment should differentiate between:

- Core consistency (central exploitative facts).
- Peripheral inconsistency (dates, minor details).
- Trauma-consistent affective presentation (flat affect, dissociation, contradictory emotions).

A psychologically informed approach reduces the risk of secondary victimization and evidentiary misinterpretation.

4.4 Developmental Vulnerability as Evidentiary Context

The removal of the “means” requirement for minors under the Protocol to Prevent, Suppress and Punish Trafficking in Persons reflects recognition of inherent vulnerability. Nonetheless, evidentiary practice must concretize this vulnerability rather than treat it as abstract.

Relevant contextual factors include:

- Age and developmental stage.
- Family instability or prior abuse.
- Economic deprivation.
- Migration status or institutional placement.
- Emotional need for belonging or affection.

These elements help explain compliance and inform judicial reasoning concerning voluntariness. They also contextualize why grooming or psychological manipulation can substitute for overt coercion.

4.5 Corroborative Evidence Beyond Victim Testimony

Given the psychological complexity of minor trafficking cases, reliance solely on testimony is insufficient. Effective evidentiary strategy should incorporate:

- Digital communications (messages reflecting grooming or control).
- Financial records showing exploitation.
- Travel and accommodation documentation.
- Witness statements from teachers, social workers, or peers noting behavioral changes.
- Expert psychological evaluation where appropriate.

This multi-layered evidentiary approach reduces the procedural burden on the minor and strengthens proof of exploitative intent.

4.6 Avoiding the “Resistance Myth”

One persistent evidentiary bias is the expectation that genuine victims resist or attempt escape. Psychological research refutes this assumption. Learned helplessness and coercive control dynamics explain why minors may remain compliant despite opportunities to leave (Seligman, 1975; Stark, 2007). Courts must therefore reject the “resistance myth” and assess whether realistic alternatives were perceived by the minor.

The key forensic question is not:

“Why did the minor not leave?”

but rather:

“What psychological, relational, and structural constraints shaped the minor’s perception of available options?”

4.7 Implications for Legal Qualification

When evidentiary assessment incorporates psychological insight, acts of transportation, transfer, and harbouring are more accurately classified. Movement or accommodation that appears consensual may, upon contextual analysis, reveal structured exploitation. The offender’s intent remains central; psychological control provides the evidentiary bridge between objective acts and exploitative purpose.

In cases involving minors, evidentiary reasoning must therefore:

- Contextualize apparent consent.
- Recognize psychological coercion as control.
- Interpret compliance within developmental vulnerability.
- Anchor findings in structured indicators rather than stereotypes about victim behavior.

4.8 Practitioner Matrix for Transportation, Transfer and Harbouring Involving Minors

To reduce interpretive uncertainty, the indicators proposed in this article may be organised into a practitioner-oriented matrix. The matrix does not replace legal analysis and does not create presumptions of guilt. Its purpose is to assist investigators and courts in identifying whether apparently ordinary acts of movement or accommodation may in fact function as instruments of exploitative control in the trafficking of minors.

A. Transportation

Relevant indicators include: prior grooming; deceptive promises regarding work, affection, safety or independence; abrupt separation from family or school; travel arranged and paid for by an adult exercising influence; concealment of destination; digital monitoring during travel; removal from familiar support structures.

Probative significance: supports an inference that movement was not neutral relocation but part of a project of dependency creation.

Typical evidentiary sources: chat logs, transport tickets, geolocation data, school absence records, statements from caregivers, teachers or peers.

B. Transfer

Relevant indicators include: handover between adults; movement between apartments, hotels, vehicles or work sites; change in “controller”; financial exchange; repeated relocation to avoid detection; communication showing instructions from one adult to another regarding the child.

Probative significance: supports the inference that the child was being managed as an exploitable object within an organised or semi-organised system.

Typical evidentiary sources: phone extractions, platform communications, booking records, surveillance footage, witness statements, bank/payment traces.

C. Harbouring

Relevant indicators include: controlled accommodation; restricted movement; confiscation of phone or documents; surveillance; debt imposition; regulation of daily routines; isolation from peers; normalization of exploitative activity; emotional pressure alternating reward and threat.

Probative significance: supports the inference that accommodation functioned as a mechanism of stabilised control rather than benign shelter.

Typical evidentiary sources: search reports, photographs of premises, digital messages, testimony from co-residents, psychological assessment, financial records.

D. Evidentiary thresholds

At the reasonable suspicion / investigative threshold, one or two indicators linked to vulnerability and exploitative purpose may justify immediate protective and investigative action. At the charging stage, the case should ordinarily show a convergent pattern linking the act (transportation, transfer, or harbouring) to exploitative purpose through contextual evidence rather than isolated suspicion. At the conviction stage, the prosecution must prove beyond reasonable doubt that the objective act formed part of a deliberate exploitative project; however, that conclusion may be reached through circumstantial evidence and does not require physical violence or literal captivity. Trauma-informed and child-sensitive procedures remain essential throughout

Vignette 1, Apparent voluntary travel after grooming

A 15-year-old girl leaves home with a 28-year-old man after several weeks of affectionate online communication, gifts, and promises of work in another city. She travels willingly and initially tells police that she “chose to go.” Subsequent extraction of messages shows deception about the destination, sexualised expectations, and instructions not to contact family. In this scenario, transportation should not be analysed solely through outward compliance. The relevant legal issue is whether the travel was facilitated as part of exploitative conditioning and whether the child’s movement deepened dependency and isolation.

Vignette 2, Harbouring without locks or chains

A 16-year-old boy is found living in a flat used for labour exploitation. He is not physically restrained, but his phone has been taken, his wages are withheld, he is told he owes a debt, and he believes leaving will lead to violence against his relatives. A formalistic defence based on absence of restraint should fail. Harbouring may be established where accommodation serves as the operational base of coercive dependency and exploitative control.

Safeguards against overreach, due process and expert evidence

A psychologically informed interpretation of trafficking involving minors must not collapse into over-criminalisation. The fact that a child travels with an adult, changes residence, or rejects parental authority does not by itself establish trafficking. The decisive doctrinal question remains whether the acts of transportation, transfer or harbouring were linked to an **exploitative purpose**. Psychological control is evidentially relevant because it may explain how exploitation is organised and maintained; it is not a substitute for proof of the offence.

This distinction is especially important in order to avoid misclassifying consensual youth mobility, adolescent conflict with family, or irregular migration as trafficking in the absence of exploitation. A trafficking qualification should therefore rest on a convergent set of indicators: exploitative purpose, contextual vulnerability, and facts showing that movement or accommodation functioned within a pattern of domination, dependency or commercialised exploitation. Where those elements are absent, adjacent offences or child-protection responses may be more appropriate than trafficking charges.

Due process concerns require equal care. Trauma-informed adjudication does not diminish the presumption of innocence, the right to challenge evidence, or the need for careful judicial

reasoning. It requires only that courts avoid discredited assumptions, such as the expectation that a genuine victim must resist, flee immediately, or provide a perfectly linear narrative.

Expert testimony should also be used with precision. Experts in psychology or psychiatry may assist the court by explaining grooming, trauma bonding, developmental immaturity, suggestibility, or fragmented recall. They should not opine on the ultimate legal question of guilt or directly certify that trafficking occurred. Their role is to clarify behavioural patterns that might otherwise be misread as consent, inconsistency or unreliability. The legal qualification remains for the court.

A balanced model therefore combines child-sensitive, trauma-informed practice with strict doctrinal discipline: no trafficking without exploitative purpose, but no exculpation merely because coercion was psychological rather than physical.

5 Methodology of Research

This article adopts a doctrinal and interdisciplinary legal analysis. Its primary method is normative interpretation of the offence of trafficking in human beings, with particular emphasis on the objective acts of transportation, transfer and harbouring where the victim is a minor. The doctrinal analysis is complemented by insights from developmental psychology, trauma research and coercive control theory, not as autonomous sources of criminal liability, but as interpretive tools that clarify how exploitative intent and child vulnerability may be evidenced in practice.

The article is not based on original empirical fieldwork, interviews, or quantitative case coding. Rather, it is a theoretical analysis informed by legal and psychological literature, international and European anti-trafficking instruments, and selected comparative jurisprudence. The methodological aim is explanatory and interpretive: to show how psychological control can illuminate the legal qualification of trafficking-related acts without collapsing doctrinal boundaries between trafficking and adjacent offences.

In jurisdictional terms, the article is primarily situated within the European legal space, focusing on the Palermo Protocol, Directive 2011/36/EU as amended in 2024, the ECtHR case law under Article 4 ECHR, and illustrative national decisions used comparatively. The analysis is therefore not a universal comparative survey of all legal systems, but a targeted examination of European anti-trafficking norms and their interpretation in cases involving minors.

6 Discussion and Policy Implications Specific to the Protection of Minors

The psychological analysis developed throughout this study underscores a central premise: in cases of child trafficking, exploitation is frequently sustained through psychological control rather than overt physical coercion. This reality necessitates a recalibration of both doctrinal interpretation and child-protection policy. While international law—particularly the Protocol to Prevent, Suppress and Punish Trafficking in Persons and Directive 2011/36/EU—formally recognizes the heightened vulnerability of minors by eliminating the “means” requirement, practical protection depends on the capacity of institutions to detect and interpret subtle forms of psychological domination.

6.1 Rethinking Protection Through a Developmental Lens

The discussion reveals that vulnerability in minors is not merely chronological but developmental and relational. Adolescents’ increased sensitivity to reward, attachment, and peer validation—combined with still-maturing executive control functions—creates a

structural susceptibility to grooming and manipulation (Steinberg, 2014). Policy frameworks must therefore move beyond reactive models focused solely on post-exploitation intervention and incorporate preventive strategies addressing developmental risk factors.

Child-protection systems should integrate early detection mechanisms within schools, social services, and digital environments, where grooming often begins. Training educators and child welfare professionals to identify behavioral shifts—sudden secrecy, unexplained gifts, withdrawal from family, new older “friends”—can interrupt exploitation before transportation or harbouring occurs.

6.2 Recognizing Psychological Control as Exploitation Infrastructure

The findings suggest that psychological control constitutes the infrastructure of child trafficking. Grooming, coercive control, trauma bonding, and emotional dependency create conditions in which movement and accommodation appear consensual but are structurally constrained (Stark, 2007; Dutton & Painter, 1993).

Policy implications include:

- Explicit incorporation of psychological control indicators into national anti-trafficking guidelines.
- Development of standardized risk assessment tools for minors exposed to manipulative relationships.
- Mandatory multidisciplinary case evaluation involving psychologists, social workers, and legal professionals.

By formalizing psychological indicators within investigative protocols, systems reduce reliance on visible violence as a threshold for intervention.

6.3 Strengthening Institutional Coordination

Child trafficking cases frequently intersect with migration systems, foster care structures, juvenile justice, and online safety regulation. Fragmented institutional responses increase the risk of re-victimization. Effective protection requires coordinated data-sharing mechanisms and child-centered procedures consistent with the best interests of the child principle.

Policy reform should emphasize:

- Cross-border cooperation in cases of transnational minor trafficking.
- Harmonized standards for age assessment and guardianship.
- Immediate appointment of independent child advocates in trafficking proceedings.
- Safe accommodation models that minimize re-traumatization.

The absence of coordinated protection mechanisms may inadvertently reinforce dependency on traffickers, particularly when minors fear institutionalization or deportation.

6.4 Trauma-informed and Child-Sensitive Justice

The discussion highlights the necessity of trauma-informed judicial and investigative practices. Minor victims may display ambivalence, loyalty toward offenders, or inconsistent testimony due to trauma bonding or fear (Dutton & Painter, 1993). Without specialized training, such behaviors risk being misinterpreted as lack of credibility.

Policy measures should include:

- Mandatory trauma-informed training for judges, prosecutors, and law enforcement.
- Child-sensitive interviewing protocols minimizing repeated questioning.
- Restrictions on confrontational cross-examination techniques that may retraumatize minors.
- Access to psychological counseling throughout proceedings.

These safeguards enhance evidentiary reliability while upholding procedural fairness.

6.5 Digital Prevention and Regulation

Given that grooming increasingly occurs through digital platforms, child-protection policy must incorporate online safety mechanisms. Social media and messaging applications facilitate emotional manipulation prior to physical transportation. Preventive strategies should therefore include:

- Digital literacy programs for adolescents.
- Monitoring and reporting systems for suspicious adult-minor communication patterns.
- Stronger platform accountability for facilitating exploitation networks.

Prevention in digital spaces is particularly critical, as psychological conditioning often precedes physical movement.

6.6 Shifting the Narrative: From “At-Risk Youth” to Structural Responsibility

Finally, the discussion calls for a normative shift away from narratives that individualize risk (e.g., labeling minors as “runaways” or “delinquent”) and toward recognition of structural vulnerability. Poverty, family dysfunction, institutional instability, migration precarity, and prior abuse significantly amplify susceptibility to grooming and exploitation (Gallagher, 2010). When policy discourse frames minors primarily as “problematic” rather than structurally unprotected, responsibility is subtly displaced from systemic failures onto the child.

A psychologically informed framework instead emphasizes state due diligence obligations in preventing, identifying, and responding to child trafficking. Protection must therefore be proactive, not contingent upon overt violence or explicit disclosure. Early warning indicators—school absenteeism, sudden relocation, possession of unexplained resources, abrupt behavioral change—should trigger supportive intervention rather than punitive measures.

6.7 Redefining Prevention through Structural Intervention

Effective child-protection policy requires addressing root vulnerabilities that traffickers strategically exploit. This includes:

- Poverty reduction and social assistance programs targeting at-risk families.
- Strengthened oversight of residential care institutions and foster systems.
- Safe migration pathways for minors and family reunification mechanisms.
- Access to mental health services for children exposed to trauma or neglect.

By reducing structural precarity, the pool of children susceptible to psychological manipulation diminishes. Prevention thus becomes a socio-legal strategy rather than solely a criminal justice response.

7 Evidentiary Reform and child-centered Legal Standards

Policy implications also extend to evidentiary standards. In practice, some systems still rely heavily on demonstrable force to establish trafficking. For minors, however, the absence of a “means” requirement under the Protocol to Prevent, Suppress and Punish Trafficking in

Persons mandates a recalibrated evidentiary approach centered on exploitative purpose rather than coercion.

National guidelines should therefore:

- Codify psychological control indicators as probative elements.
- Clarify that behavioral compliance does not negate exploitation.
- Encourage expert psychological testimony in complex cases.
- Require explicit judicial reasoning when assessing apparent consent of minors.

Such measures enhance doctrinal consistency and reduce interpretative variability.

Long-Term Rehabilitation and Reintegration

Protection does not conclude with prosecution. Minors subjected to psychological control may experience long-term attachment disturbances, identity fragmentation, anxiety disorders, and post-traumatic stress symptoms. Reintegration policies must therefore extend beyond emergency shelter to include:

- Long-term trauma-focused therapy.
- Educational reintegration programs.
- Family mediation and protective supervision where appropriate.
- Vocational training to restore autonomy and economic stability.

Failure to address psychological sequelae increases the risk of re-trafficking, particularly in adolescents who may return to exploitative relationships due to unresolved dependency bonds.

8 Conclusions

This study has examined the role of psychological control and developmental vulnerability in shaping the legal qualification of transportation, transfer, and harbouring in cases of child trafficking. The analysis confirms that, in the context of minors, exploitation frequently unfolds through subtle and progressive mechanisms of manipulation rather than overt physical coercion. Grooming, emotional dependency, coercive control, and trauma bonding function as foundational tools through which offenders establish dominance and secure compliance.

From a doctrinal perspective, the absence of a requirement to prove “means” in cases involving minors—under the Protocol to Prevent, Suppress and Punish Trafficking in Persons and Directive 2011/36/EU—reflects recognition of inherent vulnerability linked to developmental immaturity. However, the removal of this requirement does not diminish the centrality of exploitative intent. On the contrary, the offender’s purposive orientation toward exploitation remains the structural anchor of criminal liability. Acts of transportation, transfer, and harbouring must therefore be interpreted within the broader architecture of psychological control and relational domination.

The findings also demonstrate that apparent voluntariness on the part of minors cannot be equated with genuine autonomy. Developmental psychology and trauma research indicate that adolescents may comply with exploitative arrangements due to emotional attachment, perceived lack of alternatives, or cognitive immaturity in risk evaluation (Steinberg, 2014; Stark, 2007). Accordingly, evidentiary assessment must shift from surface-level behavior to contextualized analysis of vulnerability and control dynamics.

Integrating legal psychology into trafficking adjudication enhances doctrinal precision and evidentiary fairness. It reduces reliance on stereotypes regarding resistance, strengthens interpretation of exploitative intent, and supports child-centered judicial reasoning.

Ultimately, a psychologically informed interpretation of trafficking involving minors promotes greater coherence between normative legal standards and empirical realities of child vulnerability. Such an approach reinforces both the protective function of criminal law and the broader obligation of the state to safeguard children from exploitation in all its forms.

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