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

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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 harboursing. 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. Harboursing 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