

Types of modern slavery and human trafficking (Appendix A)

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Victims may be exploited in many ways. This exploitation can be enabled by force, coercion, control, threats or other intimidating behaviour. Exploitation of a child or a vulnerable adult does not require evidence of force or coercion. Securing services from a child or vulnerable adult does not require evidence of force, threats or deception for the offence to be complete.

The different types of exploitation generally fall into the following categories.

Exploitation

Exploitation is defined in [section 3 of the Modern Slavery Act 2015](#) and includes:

- slavery, servitude and forced or compulsory labour
- sexual exploitation
- removal of organs
- securing services by force, threats or deception
- securing services from children and vulnerable people

Slavery and servitude – forced or compulsory labour

Slavery is described as the status or condition of a person over whom any, or all, of the [powers attaching the right of ownership are exercised](#).

Servitude is linked to slavery but is much broader than slavery. In [Siliadin v France \[2006\] 43 EHRR 16](#), the European Court of Human Rights (ECtHR) reaffirmed that servitude is a “particularly serious form of denial of freedom”. In addition to the obligation to provide certain services to another, it includes the obligation on the ‘serf’ to live on the other’s property and the impossibility of changing their status.

Servitude is an aggravated form of forced or compulsory labour. The fundamental distinguishing feature between servitude and forced or compulsory labour is in the impossibility of the victim changing their status.

Section 1 of the [Forced Labour Convention, 1930 \(No. 29\)](#) defined forced or compulsory labour as being “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”. Case law suggests that indicators of forced or compulsory labour include recruitment by deception, coercion and/or abuse, exploitation at work and coercion at destination. Forced or compulsory labour are two separate things:

- forced labour is direct compulsion to work for another
- compulsory labour is indirect compulsion to work another

Forced or compulsory labour offences can cover a broad range of work and/or services, including sex working, or being forced or compelled to commit criminal offences, such as drug dealing and cultivation, begging, shoplifting or pickpocketing. This could also amount to exploitation under section 3(5) or 3(6).

An adult or child may consent to any of the acts alleged to constitute holding them in slavery or servitude, or requiring them to perform forced or compulsory labour. This consent does not preclude a determination that the person is being held in slavery or servitude, or is being required to perform forced or compulsory labour.

Labour exploitation

The elements of labour exploitation include the following:

1. The victim works for the person forcing or compelling them and is not paid or is paid a minimal wage, not to be confused with the national minimum wage.
2. The victim works for a legitimate person who pays them a wage. The person controlling the victim takes all or most of that money.
3. The victim works for another person who is aware of their status and pays money to the person controlling them, often at a rate below national minimum requirements.

Labour exploitation can be difficult to distinguish from other labour abuses or workplace non-compliance. Forced labour cannot be equated (considered) simply with either:

- working for low wages and/or in poor working conditions
- situations of pure economic necessity, such as when a worker feels unable to leave a job because of the real or perceived absence of employment alternatives

Domestic servitude

Domestic servitude is the most commonly encountered type of servitude. It specifically relates to servitude in a domestic setting, performing household tasks. The work expected will be excessive and will involve extended hours or always being on call. It is often accompanied by poor living conditions and will be for little or no pay. Examples include the following.

- Domestic worker from a different country brought to the UK by their employer under a visa. The employer has a well-regarded, well-paid job but controls the worker, making them work extended hours in poor conditions for little or no remuneration.
- A person forces their spouse or partner to work excessive hours, performing an extensive range of household tasks, limiting their movements, isolating them from social contact and with little prospect of them getting out of the situation. Other family members may also be complicit with the spouse or partner, or may even take the lead in exploiting the victim. The marriage may have been arranged or **forced**, and the servitude often occurs alongside domestic abuse and sexual exploitation. Children can be victims of domestic servitude.
- A family forces a junior or vulnerable family member to work excessive hours, performing an extensive range of household tasks, limiting their movements, isolating them from social contact and with little prospect of them getting out of the situation. Children may be trafficked to the UK, potentially on false documentation, to be used as domestic servants. They may or may not be related to the house owners.
- A person not related to the exploiter is invited or forced to live in the property and perform household tasks.

Other forms of exploitation, such as labour exploitation, criminal exploitation (child or adult) or sexual exploitation (child or adult), may be present in a domestic setting.

Exploitation under the Modern Slavery Act 2015

Section 3 of the [Modern Slavery Act 2015](#) explains the meaning of exploitation in relation to the section 2 offence of human trafficking. A person is exploited if someone arranges or facilitates their travel with a view to them being subjected to one or more of the following:

- slavery, servitude, forced or compulsory labour, sexual exploitation or removal of organs
- securing services of an adult or child by force, threats or deception
- securing services from children and vulnerable persons, where they are chosen by the exploiter because they are a child or vulnerable

Sexual exploitation

Under the Modern Slavery Act 2015, sexual exploitation is something done to, or in respect of, the person that involves the commission of an offence under the following:

- section 1(1)(a) of the [Protection of Children Act 1978](#) (indecent photographs of children)
- part 1 of the [Sexual Offences Act 2003](#) (sexual offences)
- [section 52](#), [section 53](#) and [section 66b](#) of the Sexual Offences Act 2003 (causing or inciting prostitution for gain, controlling prostitution for gain and sharing or threatening to share intimate photograph or film)

Adult sexual exploitation

For further information, go to [A guide to investigative opportunities for offences under the Modern Slavery Act 2015](#) (login required).

Child sexual exploitation

Child sexual exploitation is a form of child sexual abuse. It 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 years into sexual activity in exchange for something the victim needs or wants, and/or for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact – it can also occur through the use of technology. For further information, go to the [Responding to child sexual exploitation APP](#) and [National Audit on Group-Based Child Sexual Exploitation and Abuse](#).

Removal of organs or the sale of human tissue

Offences under [section 32](#) and [section 33](#) of the Human Tissue Act 2004 relate to the removal of transplantable material or its use for:

- reward
- giving or receiving a related reward
- seeking or offering the supply of material for reward
- making arrangements relating to such a reward
- being involved in a body of persons whose activities are connected with such arrangements

This type of exploitation involves use of people's internal organs for transplant. Traffickers can encourage, require or expect their victims to give up an organ. While kidneys and liver are commonly traded organs, any organ that cannot regenerate – but can be removed and reused – could be the subject of this illegal trade. The removal of an organ is illegal when it is done for reward. Offending includes seeking or offering to reward, giving a reward, initiating or negotiating a reward, removal and using the harvested organ.

In March 2023, the UK had its [first conviction for trafficking for organ harvesting](#).

The Modern Slavery and Organised Immigration Crime Unit (MSOICU) has worked with the Human Tissue Authority (HTA) to introduce Project Recolte, a formalised process through which the HTA will report offences under the Human Tissue Act and/or the Modern Slavery Act 2015 to police forces. For further information, go to [A guide to investigative opportunities for offences under the Modern Slavery Act 2015](#) (login required).

Securing services or benefits by force, threats or deception

A person is subjected to force, threats or deception designed to induce him or her to either:

- provide another person with benefits of any kind, such as:
 - working legitimately and the exploiter taking the earnings
 - making money for a county lines gang through supplying their drugs
 - other organised crime groups (OCGs) involved in cannabis cultivation

- committing acquisitive offences such as shoplifting or begging
- enable another person to acquire benefits of any kind (for example, exploiting a person's identity to obtain money from their benefit claim)

This applies to a “person”, so it applies equally to an adult or child victim.

Securing services from children and vulnerable persons

Another person uses, or attempts to use a person for a purpose indicated previously, having chosen them for that purpose on the grounds that both:

- they are a child, they are mentally or physically ill or disabled, or have a family relationship with a particular person
- an adult, or a person without the illness, disability or family relationship, would be likely to refuse to be used for that purpose

Child criminal exploitation

A child is any person under 18 years of age. Child criminal exploitation is child abuse and child protection procedures should be followed in such cases. Children are often subject to multiple types of exploitation.

Child criminal exploitation (CCE) is defined in the [serious violence strategy](#) as follows:

“Child criminal exploitation 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 (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.”

*It is important to note the difference between this definition and section 3(6) of the Modern Slavery Act 2015, which does not require a child to be subject to force, threats or deception to be exploited.

Tags

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