

Improving Criminal Justice Responses to Human Trafficking and Sexual Exploitation of Minors: Challenges, Gaps, and Policy Recommendations

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ABSTRACT

Background: Human trafficking and commercial sexual exploitation of minors are simultaneously child-protection violations and serious crimes, yet criminal justice systems often struggle to identify affected children, preserve usable evidence, avoid victim criminalization, and prosecute exploiters without imposing repeated testimonial burdens on traumatized young people.

Objective: This review compares international and selected national legal frameworks and synthesizes empirical evidence on the operational barriers that shape investigation, prosecution, courtroom participation, and post-identification protection of trafficked and sexually exploited minors.

Methods: A structured comparative legal/policy review and evidence synthesis was conducted for material published or in force from 2000 through 2022. Authoritative instruments and statutes were examined alongside 15 empirical studies directly relevant to criminal justice responses to trafficking or commercial sexual exploitation of minors. Sources were coded across legal classification, non-criminalization, identification, interviewing and testimony, corroborative evidence, interagency coordination, specialized adjudication, services, and accountability.

Results: Formal legal protection has expanded substantially, but implementation remains fragmented. Recurrent gaps included inconsistent identification and screening, uneven diversion from delinquency-oriented responses, limited specialized training, weak police–prosecutor–child welfare coordination, service scarcity, and overreliance on victim cooperation. Safe-harbor reforms improved orientation toward youth as victims but did not reliably create the service infrastructure needed to operationalize diversion. Comparative analysis also showed that child-sensitive procedural safeguards are strongest where law explicitly limits interviews, provides representation, and treats child status as reducing or eliminating proof of coercive “means.”

Conclusion: The principal challenge is no longer simply absence of criminalization; it is misalignment between protection duties, evidentiary practice, and prosecution strategy. This review introduces the Child-Centred Criminal Justice Alignment Framework (CCJAF), a six-stage model linking recognition, protection, evidence preservation, coordination, specialized prosecution, and sustained aftercare. The framework offers a novel implementation architecture for improving both child welfare and case viability while reducing avoidable retraumatization.

Keywords: child trafficking; commercial sexual exploitation of children; sex trafficking; criminal justice; prosecution; safe harbor; victim-centred justice; child witnesses; policy reform

1. Introduction

Human trafficking involving minors occupies a difficult institutional space. It is a form of exploitation that engages criminal law, child protection, migration law, juvenile justice, health services, and victim assistance at the same time. International law has progressively clarified that children require heightened protection: under the United Nations Trafficking Protocol, the recruitment, transportation, transfer, harbouring, or receipt of a child for the purpose of exploitation constitutes trafficking even where the coercive “means” required in adult trafficking cases are absent [1]. Parallel instruments require states to criminalize the sale and sexual exploitation of children and to organize procedures around their best interests and safety [2,3].

The legal expansion has occurred against a substantial burden of exploitation. Global estimates and UN reporting have consistently shown that children comprise a significant share of detected trafficking victims and that sexual exploitation is a major form of detected trafficking, particularly among girls [4,5]. UNICEF’s global evidence review further emphasizes that sexual exploitation of children is sustained by overlapping vulnerabilities, including

family instability, poverty, online facilitation, gender inequality, prior victimization, and institutional failures to recognize abuse [6]. These conditions complicate conventional criminal investigation because the child may have continuing ties to an exploiter, may distrust authorities, may run away, may delay disclosure, or may appear to “cooperate” with conduct that the law defines as exploitation.

The central criminal-justice problem is therefore not reducible to proving that a prohibited act occurred. Cases are shaped by how frontline actors classify the young person, whether exploitation is recognized at the first contact, whether the youth is arrested or protected, whether statements are obtained in a developmentally appropriate manner, whether digital and third-party evidence is preserved, whether prosecutors build a case that can survive partial or inconsistent victim participation, and whether services remain available long enough to stabilize the child. UNODC’s evidential case digest demonstrates that apparent inconsistencies, falsehoods, delayed disclosure, and continued contact with traffickers are recurrent features of trafficking cases and cannot automatically be interpreted as proof that exploitation did not occur [7].

National reforms have increasingly attempted to correct the historical treatment of exploited minors as offenders. In the United States, federal sex-trafficking law does not require proof of force, fraud, or coercion when the person caused to engage in a commercial sex act is under 18, while state safe-harbor laws seek to divert children away from prostitution-related prosecution and toward services (18 U.S.C. § 1591); [8]. The European Union requires representation, free legal assistance, limited interviews, trained interviewers, and adapted interviewing environments for child trafficking victims in criminal proceedings [27]. India's Protection of Children from Sexual Offences Act establishes special courts and child-sensitive evidentiary procedures, while its trafficking and anti-prostitution provisions create an overlapping legal architecture [29,30]. Similar child-specific offences or protections exist in Canada, Australia, the United Kingdom, and Council of Europe instruments.

Yet the existence of law does not guarantee a coherent justice response. Empirical studies show that police identification depends heavily on agency preparedness, organizational knowledge, and leadership; judges report persistent identification and dispositional difficulties; service systems struggle to maintain safe placements; and prosecutors often prefer legally familiar charges when trafficking cases appear uncertain [9-12]. The result is an implementation gap in which the child-protection paradigm and the evidentiary demands of criminal prosecution are frequently pursued in separate institutional tracks.

This review addresses that gap through a comparative legal and policy analysis integrated with empirical criminal-justice evidence. Rather than asking only whether jurisdictions criminalize child trafficking, the review asks whether the legal and operational design of justice systems aligns three outcomes that are often wrongly treated as competing goals: protection of the child, preservation of reliable evidence, and effective prosecution of exploiters.

1.1 Study objectives

Objective 1: Compare the legal and procedural architecture governing criminal justice responses to trafficking and sexual exploitation of minors across major international instruments and selected national systems.

Objective 2: Identify recurrent operational barriers affecting detection, investigation, prosecution, testimony, diversion, and service continuity for trafficked or commercially sexually exploited minors.

Objective 3: Determine which policy features appear most consistently associated with child-centred and prosecution-supportive practice.

Objective 4: Develop an integrated implementation framework that aligns child protection, evidence preservation, interagency coordination, and prosecution strategy.

1.2 Research questions

RQ1. How do international and selected national legal frameworks define and operationalize child trafficking and sexual exploitation within criminal proceedings?

RQ2. What recurring barriers prevent criminal justice systems from identifying minor victims and converting identified exploitation into effective investigations and prosecutions?

RQ3. Which child-sensitive procedures and institutional arrangements reduce victim criminalization and testimonial burden while preserving evidentiary quality?

RQ4. What policy architecture can better align victim protection with sustainable prosecution outcomes across the criminal justice continuum?

1.3 Novel contribution of the study

The study makes a distinct contribution by moving beyond the common "victim protection versus prosecution" framing. Existing

research often evaluates safe-harbor statutes, trafficking prosecutions, specialty courts, judicial knowledge, or victim services in isolation. The present synthesis treats these as interdependent components of one justice pathway and introduces the Child-Centred Criminal Justice Alignment Framework (CCJAF). CCJAF proposes that effective prosecution is most likely when systems reduce avoidable dependence on a child's repeated cooperation by combining early legal recognition, non-criminalization, trauma-informed evidence preservation, corroborative investigation, specialized decision-making, and sustained services. In this model, protection is not ancillary to prosecution; it is part of the evidentiary infrastructure that makes prosecution more reliable and ethically defensible.

2. Methods

2.1 Review design

A comparative legal/policy review with structured empirical evidence synthesis was undertaken. The review used only sources published, enacted, or in force by 31 December 2022. The unit of legal analysis was the instrument, statute, or authoritative policy standard; the unit of empirical analysis was the study. The synthesis was interpretive rather than meta-analytic because study populations, outcomes, legal contexts, and designs were highly heterogeneous.

2.2 Search strategy and sources

The search covered January 2000 through December 2022, beginning with the adoption of the UN Trafficking Protocol. Scholarly evidence was identified through PubMed-indexed records, journal and publisher platforms, and targeted scholarly web searching. Legal and policy materials were retrieved from authoritative repositories including UNODC, United Nations treaty and digital-library sources, UNICEF, ILO, EUR-Lex, Council of Europe materials, national legislation portals, and U.S. Department of Justice/Office of Justice Programs resources. Search strings combined terms for the population ("child," "minor," "adolescent," "juvenile") with the phenomenon ("human trafficking," "sex trafficking," "commercial sexual exploitation," "child prostitution") and justice-process terms ("police," "law enforcement," "investigation," "prosecution," "court," "judge," "testimony," "safe harbor," "specialty court," "victim witness"). Citation chaining from major reviews and authoritative reports was used to identify foundational empirical and legal sources.

2.3 Eligibility criteria

Empirical studies were eligible when they: (1) were published in English from 2000–2022; (2) included minors or professionals responding to cases involving minors; (3) addressed trafficking, commercial sexual exploitation, or closely related justice-system classification of exploited youth; and (4) reported findings directly relevant to criminal justice identification, investigation, prosecution, court processes, diversion, interagency practice, or justice-linked services. Adult-only trafficking studies without transferable child-justice findings, purely clinical studies without justice relevance, prevention-only studies, commentaries without original data, and publications after 2022 were excluded from the empirical table. Legal materials were included when they established child-specific trafficking offences, non-punishment or diversion principles, child-witness protections, specialized procedure, or core international obligations.

2.4 Appraisal and data extraction

Because the evidence base included surveys, administrative studies, qualitative interviews, ethnography, case-file reviews, quasi-experimental policy evaluations, and mixed methods, appraisal focused on design appropriateness, sampling transparency, data-source quality, analytic clarity, and direct relevance to the review questions rather than a single numerical quality score. Empirical studies were classified as higher confidence when the data source and analytic method were clearly

specified and the conclusions remained proportionate to the design. Legal instruments were appraised for formal authority, child specificity, procedural content, and implementation relevance. Extracted fields included jurisdiction, sample/data source, design, justice stage, principal finding, and policy implication.

2.5 Comparative coding and synthesis

Sources were coded into eight domains: (1) identification and screening; (2) legal classification and non-criminalization; (3) interviewing, testimony, and credibility; (4) corroborative and digital evidence; (5) specialized training and adjudication; (6) interagency coordination; (7) service continuity and anti-retrafficking; and (8) data, monitoring, and accountability. Legal rules were then compared with empirical implementation barriers to identify “alignment failures”—situations in which a legal protection existed but operational structures were insufficient to realize it. These alignment failures informed the CCJAF framework.

3. Results

3.1 Comparative legal and policy architecture

Across the reviewed legal systems, the strongest point of convergence is recognition that children require a different legal analysis from adults. The UN Trafficking Protocol removes the requirement to prove prohibited “means” such as coercion or deception where the trafficked person is a child. The EU Directive similarly embeds child-specific support and procedural protection, including representative appointment, free legal counselling, limits on interviews, trained professionals, and child-adapted premises. The Council of Europe architecture combines trafficking-specific obligations with broader protection against sexual exploitation and child-sensitive justice. These instruments shift the legal focus away from whether the child appeared to consent and toward the conduct and purpose of the exploiter.

National systems vary in how directly this principle is translated into criminal offences. U.S. federal law treats a commercial sex act involving a person under 18 as sex trafficking without requiring proof of force, fraud, or coercion, while state safe-harbor regimes differ in their diversion rules and service entitlements. Canada created a specific trafficking offence for persons under 18 and expressly provides that consent is not valid to the activity forming the subject matter of the charge. Australia’s child-trafficking offences focus on organizing or facilitating movement or receipt of a person under 18 with intent or recklessness regarding sexual services or exploitation. India combines trafficking provisions in the Penal Code, the Immoral Traffic (Prevention) Act, and POCSO’s child-friendly special-court regime. The United Kingdom’s Modern Slavery Act consolidates trafficking offences and contains a statutory defence for qualifying victims compelled or directly caused by slavery or trafficking to commit certain offences, including a child-specific formulation.

3.2 Characteristics of the included empirical evidence

Fifteen empirical studies met the review’s direct criminal-justice relevance threshold. The evidence base was dominated by U.S. research, reflecting the comparatively large body of safe-harbor, juvenile-justice, and specialty-court literature, but the inclusion of an Indian ethnographic study added an important cross-context perspective on victim-witness testimony. Study designs ranged from national law-enforcement surveys and quasi-experimental policy analyses to court-file reviews, judicial interviews, service-provider studies, and ethnography. This methodological diversity strengthens triangulation of recurring implementation problems but limits causal inference and direct cross-country effect comparisons.

3.3 Identification and screening remain the first major bottleneck

Identification failure appeared at multiple levels. Farrell et al. [9] showed that agency preparedness and leadership awareness were

major predictors of whether police identified trafficking at all. Mitchell et al. [13] demonstrated that exploited juveniles could be framed as delinquents rather than victims depending on case characteristics. Later safe-harbor studies showed increased screening after legal reform, but positive screening did not translate automatically into confirmation, prosecution, or service access [14]. The implication is that statutory definitions are filtered through organizational routines. If an agency has no screening protocol, no referral partner, or no specialized investigator, the legal status of “victim” may remain invisible at the point where the child first enters the system.

The problem is particularly acute for boys, youth who run away repeatedly, children with substance-use problems, and youth whose exploitation does not fit stereotyped narratives. O’Brien et al. [15] demonstrate that exploited youth may present to child-welfare and juvenile-justice systems through behavioral or delinquency pathways rather than through a self-identified trafficking disclosure. A system that waits for the child to label the experience as trafficking is therefore structurally likely to miss cases.

3.4 Non-criminalization improves orientation but cannot substitute for services

Safe-harbor laws represent one of the clearest policy shifts from an offender-centred to victim-centred response. Barnert et al. [8] found strong support for decriminalizing exploited youth but also documented that legal reform without service funding produced implementation workarounds, including continued use of juvenile detention when professionals perceived no safe alternative. Gies et al. [16] found evidence consistent with reduced prostitution-related arrests after safe-harbor adoption, yet the systematic treatment infrastructure envisioned by the policy had not fully materialized. Cole and Sprang’s administrative and provider studies reached a compatible conclusion: system awareness can improve while substantiation, referral completion, residential placement, and prosecution of traffickers remain weak links.

This pattern matters because non-criminalization is often evaluated as an endpoint when it is better understood as a gateway. Diversion from prosecution is protective only if it opens into a credible pathway of shelter, trauma treatment, legal representation, family support where appropriate, education, and long-term case management. Otherwise, the system may replace formal punishment with unstable placement and repeated justice contact.

3.5 Testimony, credibility, and evidentiary dependence

Trafficking cases are frequently treated as if victim cooperation were a stable evidentiary resource. The empirical and policy evidence shows why this assumption is unsafe. Children may delay disclosure, retract statements, minimize abuse, maintain contact with traffickers, or leave placements. These behaviors can reflect grooming, fear, attachment, dependency, trauma, threats, economic need, or distrust rather than absence of exploitation. UNODC’s evidential guidance cautions against treating inconsistency in isolation from the trafficking context [7]. Ramachandran’s [17] Indian study similarly demonstrates that prosecutorial models built around “victim-witness testimony” can be undermined by institutional practice, survivor priorities, legal delay, and the politics of rescue-oriented interventions.

The comparative legal evidence suggests a better approach: minimize repeated interviewing, use trained interviewers, record statements in child-adapted settings, provide representation and support, and deliberately build corroboration from digital communications, financial records, location data, witness evidence, medical findings where relevant, and defendant conduct. The objective is not to displace the child’s voice but to prevent the case from collapsing if that voice becomes unavailable, inconsistent, or psychologically costly to repeat.

3.6 Specialized courts and training improve capacity but require cross-system infrastructure

Specialization was among the most recurrent themes across the empirical literature. Bath et al. [18] found that a specialty juvenile court was associated with improved identification of behavioral-health needs, service linkage, and indicators of stabilization. Judicial studies found that judges themselves recognized persistent knowledge, identification, and interagency challenges [11,19]. Farrell et al. [10] likewise showed that prosecutorial uncertainty can push cases toward more familiar charges even when trafficking laws exist. These findings collectively support specialization across the entire case team—not only the judge or investigator. A trained prosecutor without a child-welfare partner may still lose the victim to an unsafe placement; a trained police unit without a prosecutor who understands trafficking evidence may still see the case reclassified; a specialty court without sufficient residential and therapeutic capacity may still have few viable dispositions.

3.7 Service continuity and re trafficking are criminal-justice issues

Nichols et al. [12] show that re trafficking is not simply a social-service outcome occurring after the justice system has completed its work. Practitioners described limited authority, lack of therapeutic residential options, substance-use treatment gaps, and punitive responses that made stabilization difficult. When a child returns to an exploiter, the criminal case may also deteriorate: contact information changes, trust in authorities decreases, witnesses disengage, and new exploitation can introduce additional trauma and conflicting statements. Accordingly, sustained protection is directly relevant to investigation quality and prosecution continuity.

3.8 Recurring implementation domains

Across the 15 empirical studies, training/specialization and identification/screening were the most commonly recurring implementation domains, followed by interagency coordination, non-criminalization, and service continuity. Evidence/testimony, trauma-related behavioral complexity, and data limitations appeared less frequently but were particularly important because they affected the ability to move cases from identification to prosecution. Figure 3 displays the study-level coding frequency; counts represent whether a domain was substantively highlighted by a study and are not effect sizes.

4. Discussion

4.1 The principal gap is alignment, not criminalization

The comparative findings indicate that most reviewed systems already possess substantial criminal-law authority to prosecute trafficking or sexual exploitation of minors. The more persistent deficit is alignment. Legal rules may classify the child as a victim while police practice still begins from delinquency; procedural rules may call for limited child interviews while separate agencies each seek their own statement; prosecutors may have a child-specific offence available but receive a file built around the child's credibility rather than corroborative evidence; courts may be empowered to divert exploited youth while no appropriate placement exists. These mismatches explain why stronger statutes can coexist with low prosecution conversion and recurring victim harm.

This conclusion is consistent with the broader trafficking literature. Farrell et al. [10] describe prosecutorial uncertainty and the attraction of familiar charges; Barnert et al. [8] show that decriminalization is not self-executing; and judicial research identifies interagency and dispositional problems after reform [11]. The implication for policymakers is that success cannot be measured solely by whether a jurisdiction has a trafficking statute or safe-harbor law. Implementation architecture must be assessed.

4.2 Protection and prosecution should be designed as mutually reinforcing

An enduring policy misconception is that a child-centred approach weakens prosecution because it reduces pressure on victims to cooperate. The evidence suggests the opposite. A child who is not arrested, is given stable placement, has consistent support, and is interviewed appropriately is more likely to remain engaged and to provide information in a manner less contaminated by repeated questioning. At the same time, investigators who anticipate fluctuating cooperation are more likely to preserve independent evidence. Protection therefore improves both the ethical quality of the process and the resilience of the evidentiary file.

The EU Directive offers a useful procedural template because it directly links child protection to criminal-investigation practice: interviews should occur without unjustified delay, in adapted premises, by trained professionals, and as few times as necessary. Similar principles are reflected in ECOSOC child-victim guidelines and POCSO's child-court provisions. The practical lesson is that "trauma informed" must be translated into case design rather than treated as an interpersonal communication style alone.

4.3 CCJAF as an implementation model

The Child-Centred Criminal Justice Alignment Framework synthesizes the review into six linked stages. Recognize requires standardized screening and correct legal classification. Protect requires immediate non-criminalization, safety planning, representation, and a credible service destination. Preserve requires a high-quality child forensic interview and a parallel corroboration plan. Coordinate requires a multidisciplinary team with explicit authority, information-sharing rules, and case ownership. Prosecute requires early specialist prosecutorial involvement, offence-element mapping, expert evidence where legally appropriate, and a strategy that can survive reduced victim participation. Sustain requires long-term safety, compensation where available, education and health continuity, and anti-re trafficking planning.

The framework is intentionally sequential but not linear. New evidence may require renewed protection planning; a placement breakdown may affect prosecution; an emerging digital lead may reduce the need for further child interviewing. The defining feature is that all stages are governed by the same case architecture rather than by separate agency processes. This is the primary novelty of CCJAF: it treats the child's welfare trajectory and the prosecution's evidentiary trajectory as two dimensions of the same justice case.

4.4 Policy recommendations

Policy reform should focus on operational duties that can be audited. First, every high-contact entry point—juvenile justice, police, child welfare, emergency departments, schools where legally appropriate, and runaway/homeless-youth services—should use a validated or locally tested screening protocol supported by a rapid specialist referral mechanism. Second, exploited minors should be presumptively protected from prostitution-related arrest or punishment, with exceptions narrowly defined and accompanied by judicial review. Third, a single lead forensic interview should be the default, recorded where law permits and shared under controlled evidentiary protocols. Fourth, prosecutors should be consulted at the beginning of complex investigations rather than after the evidence file is complete. Fifth, jurisdictions should fund placement and treatment capacity at the same time as they enact safe-harbor or non-punishment reforms. Sixth, performance dashboards should measure protection and prosecution jointly.

4.5 Implications for investigators and prosecutors

Investigators should treat apparent victim inconsistency as an investigative signal rather than an automatic credibility failure. The appropriate response is to identify what can be independently verified: communications, transportation records, advertisements, payment flows, hotel records, device data, witness accounts, offender admissions, surveillance, photographs, and

contemporaneous service records. Prosecutors should map each item to statutory elements and should distinguish facts required to prove trafficking from facts relevant only to context. Where child status eliminates a coercion requirement, trial strategy should not reintroduce an unnecessary burden by constructing the case around proving force or complete victim helplessness.

Prosecutorial discretion should also recognize the costs of charge substitution. Using familiar offences can be rational where evidence is insufficient for trafficking, but routine substitution may suppress institutional learning, distort prevalence data, and conceal the distinctive exploitation dynamics that trafficking legislation was intended to address. Specialist review of declined or reclassified cases can identify recurring evidentiary deficits and inform training priorities.

4.6 Implications for courts and child-protection systems

Courts should regard placement stability and service continuity as procedural conditions that can affect the integrity of the criminal case. Frequent placement changes, detention used as a substitute for care, or abrupt service termination can undermine trust and increase re-trafficking risk. Child-protection agencies, in turn, should understand that contact with prosecutors and victim advocates may continue for extended periods and should incorporate court participation into the safety plan. Specialized dockets or courts can improve coordination, but the evidence does not justify assuming that specialization alone produces better long-term outcomes. It must be matched with service capacity and evaluation.

4.7 Limitations

The review has four principal limitations. First, the empirical literature is heavily U.S.-weighted, which limits direct inference to other legal traditions. Second, the review is a comparative legal/policy synthesis rather than a fully exhaustive systematic review of every national statute or trafficking study. Third, many included studies use observational, qualitative, or administrative designs; therefore, causal claims about specific reforms must remain cautious. Fourth, terminology varies across jurisdictions and time. “Commercial sexual exploitation,” “child prostitution,” “sex trafficking,” and broader “human trafficking” categories overlap but are not always legally identical. The analysis therefore focused on functional justice-system implications while preserving important legal distinctions.

5. Conclusion

Criminal justice responses to human trafficking and sexual exploitation of minors have advanced substantially in law, but implementation remains uneven. The evidence shows recurring failure points at identification, legal classification, diversion, interagency coordination, testimonial practice, prosecution strategy, and service continuity. These failures are not independent. A child who is misclassified may be arrested; an arrested child may distrust investigators; repeated questioning may produce inconsistency; unstable placement may increase re-trafficking; and a prosecution built primarily on victim cooperation may then fail. Conversely, early recognition, non-criminalization, stable services, trained interviewing, corroborative evidence, and specialist prosecution can reinforce one another.

The CCJAF developed in this review reframes the problem as one of system alignment. Its core policy message is that child protection and prosecutorial effectiveness should be designed together. Jurisdictions seeking stronger outcomes should therefore evaluate not only whether trafficking is criminalized, but whether their justice architecture allows a child to move from recognition to safety while the evidence moves from allegation to a sustainable case. That alignment is the most promising route to reducing re-traumatization, improving accountability for exploiters, and transforming legal commitments into effective child-centred justice.

Declarations

Ethics approval

Not applicable. This study analyzed published literature, legal instruments, and publicly available policy documents and involved no human participants or identifiable private data.

Consent for publication

Not applicable.

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Conflict of interest

The author(s) declare no conflict of interest.

Data availability

All evidence synthesized in this review is available from the cited publications, statutes, and official repositories.

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Table 1. Alignment of research questions, objectives, and analytic domains

Research question	Linked objective	Primary analytic domains	Expected contribution
RQ1	Objective 1	Definitions; child status; coercion/means; procedural safeguards; representation	Cross-jurisdiction legal map
RQ2	Objective 2	Identification; screening; charging; prosecution; victim cooperation; service gaps	Implementation-gap synthesis
RQ3	Objective 3	Diversion; interviewing; testimony; specialty courts; multidisciplinary practice	Child-centred practice principles
RQ4	Objective 4	Cross-system alignment; accountability; evidence strategy; aftercare	CCJAF policy framework

Table 2. Comparative legal and procedural features relevant to minor trafficking and sexual exploitation

Instrument / framework	Jurisdiction	Child-specific criminal rule	Key protection / procedure	Principal implementation issue
UN Trafficking Protocol [1]	International	Child = under 18; "means" not required for child trafficking	Victim protection and assistance obligations; consent legally limited	Baseline global definition; implementation depends on domestic procedure
Optional Protocol to CRC on sale of children (2000)	International	Requires criminalization of sale, child prostitution and sexual exploitation-related conduct	Protect rights/interests of child victims throughout criminal process	Broad child-protection mandate; requires domestic operationalization
EU Directive 2011/36/EU	European Union	Child-specific assistance and procedural rules	Representation, free legal aid, trained interviewers, adapted premises, limited interviews	Strong procedural specificity; implementation can vary by Member State
Council of Europe Trafficking Convention [20] + Lanzarote Convention [21]	Europe	Child-sensitive identification and protection; sexual exploitation criminalization	Non-punishment principle, assistance, privacy, protection in proceedings	Comprehensive rights model; depends on coordinated national implementation
18 U.S.C. §1591 / TVPA; JVTA 2015; state safe-harbor laws	United States	For commercial sex involving under-18 victim, force/fraud/coercion need not be proven	Federal victim rights plus variable state diversion/non-criminalization and services	Strong offence rule; substantial state-by-state implementation variation
Modern Slavery Act 2015	United Kingdom	Consolidated slavery and trafficking offences; child victim defence rules	Statutory defence for qualifying trafficking/slavery victims, subject to exclusions	Protection depends on identification and linkage between offending and exploitation
Criminal Code s.279.011	Canada	Specific trafficking offence for person under 18; consent invalid	Criminal-law focus with victim assistance through broader federal/provincial systems	Child-specific offence clear; exploitation still requires evidentiary proof
Criminal Code Act 1995, Division 271	Australia	Child-trafficking offence where under-18 person intended or recklessly exposed to sexual services/exploitation	Victim support operates alongside federal trafficking framework	Clear child offence; complex jurisdictional/service coordination can remain
POCSO Act 2012; Penal Code s.370 (2013); ITPA 1956	India	Child sexual offences, trafficking, procuring and exploitation addressed through overlapping statutes	Special courts, in-camera trials, child not to see accused, interpreter/expert assistance	Strong child-court safeguards but fragmented offence architecture and implementation burdens

Table 3. All included empirical studies (2000–2022)

Study	Jurisdiction	Sample / data	Design	Justice focus	Key finding
Farrell, McDevitt & Fahy [9]	USA	3,189 law-enforcement agencies	National survey	Official identification	<10% of agencies identified trafficking cases; preparedness and leadership perception strongly shaped identification.
Mitchell, Finkelhor & Wolak [13]	USA	National estimate + 138 police cases	National police-record study	Classification of exploited youth	Youth were variably treated as victims, delinquents, or both; law-enforcement orientation depended on case type.
Barnert et al. [8]	USA, 9 states	32 safe-harbor experts + statutory review	Qualitative/legal implementation study	Safe harbor	Decriminalization was necessary but insufficient without funded services and operational pathways.
Farrell et al. [10]	USA, 12 counties	Trafficking cases + police/prosecutor/court interviews	Case and qualitative study	Prosecution	Uncertainty, unfamiliar laws and evidentiary concerns reduced use of trafficking charges.
O'Brien, White & Fraga Rizo [22]	USA	814 child-welfare youth; 38 DMST	Secondary quantitative analysis	System vulnerability	DMST was associated with runaway behavior, externalizing problems and substance-abuse risk relevant to justice contact.
O'Brien, Li, Givens & Leibowitz (2017)	USA	800 adjudicated male youth	Secondary quantitative analysis	Juvenile justice identification	Male exploitation was present in justice-involved populations and associated with sexual abuse and substance misuse.
Bath et al. [18]	USA	364 specialty-court participants	Court-file review	Specialized adjudication	Multidisciplinary specialty court increased identification of needs, referrals and indicators of stabilization.
Cole & Sprang [14]	USA	Administrative data: 56,937 court screens; 12,223 juvenile-justice screens; 697 child-welfare reports; 61 criminal cases	Administrative policy evaluation	Safe-harbor implementation	Screening/referrals increased, but relatively few cases were substantiated or resulted in charges against traffickers.
Cole & Sprang [14]	USA	323 providers pre-law; 365 post-law	Mixed-methods pre/post study	Agency capacity	Safe-harbor implementation increased awareness and response capacity but did not eliminate system barriers.
Gies et al. [16]	USA	County-level 11-year data	Quasi-experimental policy evaluation	Decriminalization	Safe-harbor laws were associated with declines in prostitution-related arrests, but treatment infrastructure lagged.
Sprang et al. [11]	USA	82 juvenile/family court judges	Qualitative interviews	Judicial implementation	Judges perceived positive attitudinal effects but reported identification, disposition, legal-policy and interagency challenges.
Cole, Sprang & Leistner [19]	USA	55 juvenile/family court judges	Survey	Judicial knowledge	Knowledge and attitudes varied, supporting targeted judicial education and standardized training.
Allert [23]	USA	Justice-professional survey and interviews	Mixed methods	Familial trafficking	Identification, investigation, prosecution and services were hindered by limited recognition and data; authors emphasized training and attention to minors' testimony.
Nichols et al. [12]	USA	35 justice/social-service practitioners	In-depth qualitative interviews	Retrafficking and service continuity	Informal authority, residential-care shortages and punitive system responses undermined sustained protection of justice-involved survivors.
Ramachandran [17]	India	Ethnography and interviews with NGOs, legal actors and sex workers	Qualitative/ethnographic study	Victim-witness testimony	Victim testimony was often difficult to secure; legal, institutional, NGO and survivor-level factors complicated prosecution-centred interventions.

Table 4. Cross-system challenge matrix: legal intent versus operational reality

System objective	Legal/policy intent	Observed implementation gap	Priority operational response
Identify the child as a victim	Child status changes legal analysis; screening encouraged	Stereotypes, inconsistent screening, hidden/familial exploitation, male under-identification	Standardized screening at juvenile justice, child welfare, emergency and police entry points
Avoid criminalization	Safe-harbor/non-punishment principles	Detention used when services are unavailable; legacy prostitution enforcement	Presumptive non-arrest for exploited minors plus immediate service pathway
Obtain reliable evidence	Child-sensitive interviewing; limits on repeated interviews	Multiple interviews, delayed disclosure, inconsistent statements, overreliance on cooperation	Recorded forensic interview + corroboration plan at case inception
Prosecute exploiter	Trafficking statutes and severe penalties	Uncertainty, unfamiliar elements, preference for easier charges, fragmented evidence	Specialized prosecutor consultation early in investigation
Maintain child safety	Best interests, guardianship, assistance	Placement shortages, running away, re-trafficking, gaps in behavioral-health care	Dedicated case manager and funded continuum of care
Coordinate institutions	Multidisciplinary cooperation expected	Different mandates, information silos, unclear authority	Formal MDT protocol, shared case conference and role matrix
Measure performance	Reporting and monitoring duties	Focus on arrests/convictions without protection metrics; inconsistent data	Balanced dashboard: identification, non-criminalization, service linkage, case progress, safety outcomes

Table 5. Policy recommendations and measurable implementation indicators

Recommendation	Operational action	Example indicators	Primary accountable actors
1. Standardized identification pathway	Adopt screening triggers and specialist referral at police, juvenile-justice and child-welfare entry points	% eligible youth screened; positive-screen referral time; confirmed victim rate	Police, juvenile justice, child welfare
2. Presumptive non-criminalization	Prohibit prostitution-related arrest/prosecution of minors and create service-first disposition	Arrests of minors for prostitution-related offences; diversion completion	Legislature, prosecutors, courts
3. Single child-centred evidence plan	Use trained forensic interviewer; minimize repeat statements; start corroboration checklist immediately	Number of interviews per child; % cases with digital/third-party corroboration	Police, prosecutors, child advocacy teams
4. Early specialist prosecutor involvement	Assign trafficking-trained prosecutor at investigative stage	Time from identification to prosecutor consult; trafficking-charge conversion rate	Prosecution service
5. Fund service capacity with legal reform	Guarantee emergency placement, mental-health, substance-use and case-management pathways	Placement availability; treatment initiation; runaway/retrafficking rate	Government, child welfare, health systems
6. Formal multidisciplinary case governance	Create MDT role matrix, case conference schedule and information-sharing protocol	% cases receiving MDT conference; unresolved role conflicts; service follow-through	Justice and child-protection agencies
7. Specialized judicial education	Mandatory recurrent training on child trafficking, trauma, credibility and statutory protections	Training completion; judicial knowledge assessment; use of child-sensitive measures	Judicial education bodies
8. Balanced accountability dashboard	Track victim safety and procedural quality alongside prosecutions/convictions	Identification-to-charge conversion, case duration, child interview burden, service linkage, compensation	Justice ministries / oversight bodies

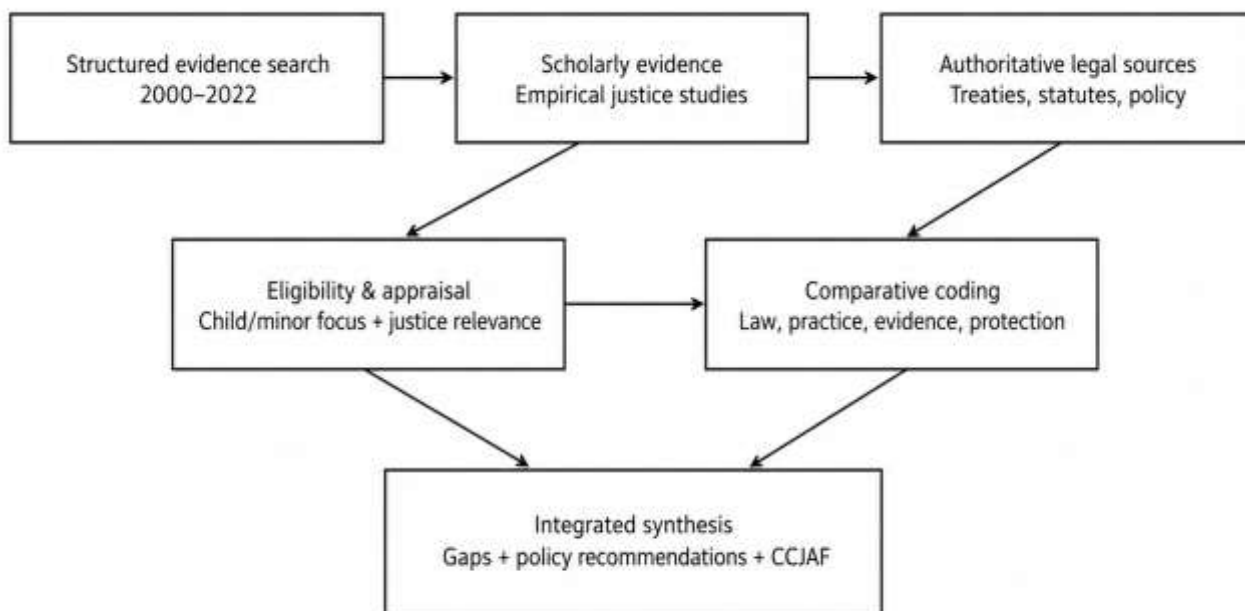
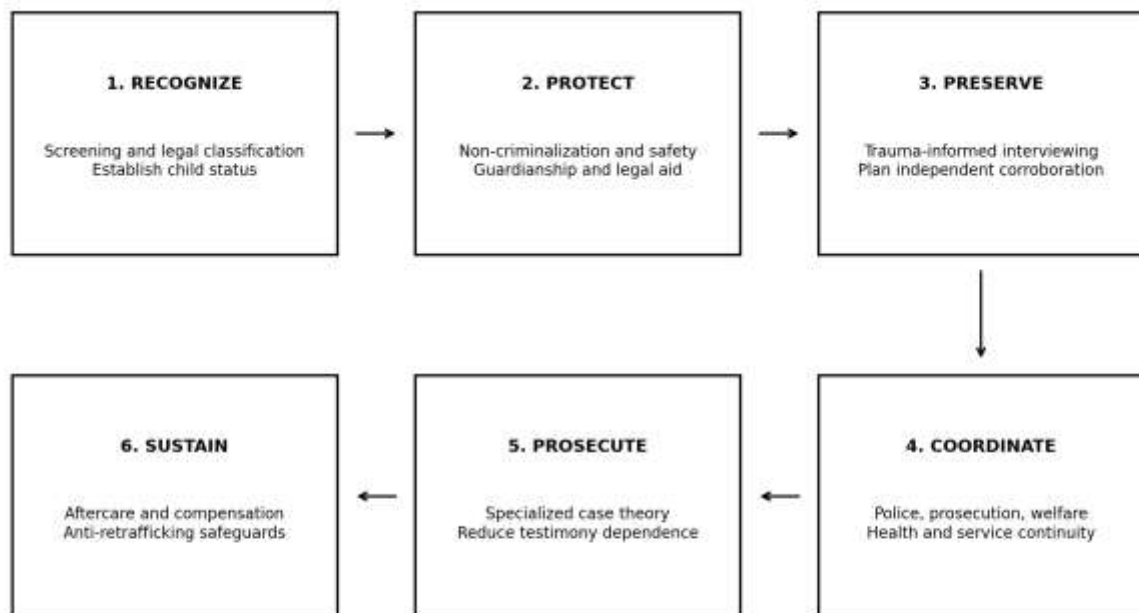


Figure 1. Review architecture and synthesis workflow



Cross-cutting safeguards: best interests • procedural fairness • confidentiality • cultural responsiveness • accountability

Core proposition: child protection and prosecution reinforce one another when evidence strategy minimizes avoidable reliance on repeated child testimony.

Figure 2. Child-Centred Criminal Justice Alignment Framework (CCJAF)

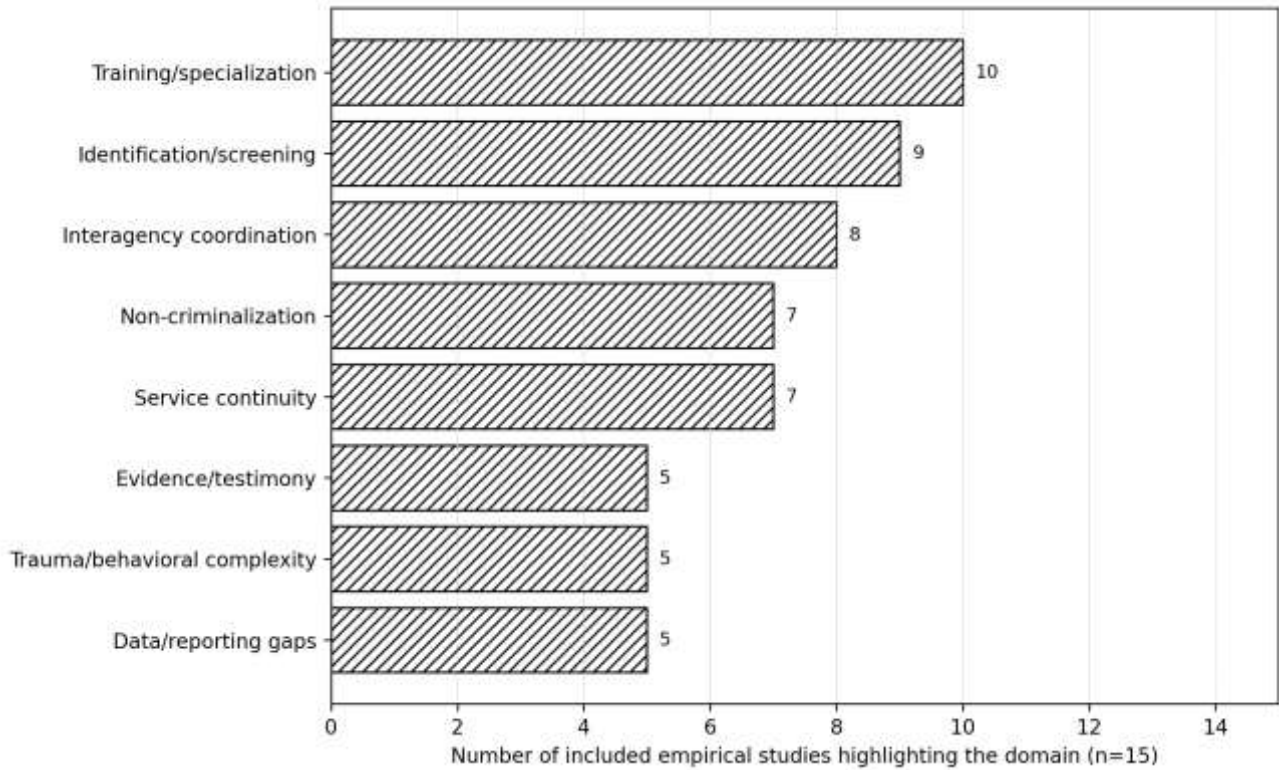


Figure 3. Recurring criminal-justice implementation gaps across included studies

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