

The Consent Defense in Trafficking in Persons Cases

A WARNATH GROUP PRACTICE GUIDE



The WARNATH GROUP

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PRACTICE GUIDE by The Warnath Group

"In the late 1990s drafters of the earliest modern laws and policies against human trafficking established that a defendant's claim that victims consented is not a defense in human trafficking cases. The nature of this crime, based as it is on manipulating human agency and compromising autonomy and decision-making in order to exploit, provided compelling reason to restrict as a matter of law attempts to make an accuser show that he or she had not agreed to his or her exploitation. And in cases involving the severest forms of exploitation it was accepted that a person cannot provide meaningful consent, as matter of principle, to their enslavement or servitude. Prosecutors should master the ability to respond effectively to efforts to raise assertions of consent as a defense at trial as this will both strengthen their cases while better protecting those who have survived the experience of human trafficking."

- Stephen Warnath, CEO & President, Warnath Group

AT A GLANCE

Intended audience:

- Investigators and prosecutors working on human trafficking cases

Takeaway: The defense of consent cannot be used in a TIP case. However, it nevertheless is commonly raised by defense attorneys either directly or indirectly. You can prepare yourself with knowledge of the laws and strategies to effectively thwart and respond to attempts by defense counsel to raise the issue of consent.

In This Practice Guide:

- An introduction to the law that makes use of a consent defense impermissible in human trafficking cases
- How to recognize attempts to improperly introduce consent evidence at trial
- Tips for preparing your case in order to counter the consent defense if it is raised.



ISSUE: CAN THE ACCUSED RAISE CONSENT AS A VALID DEFENSE IN TIP CASES?

No.

Consent is recognized in legal systems throughout the world as a possible defense to many, but not all, crime types, such as rape, assault, and theft.

An accused rapist, for example, can raise a defense against that charge by arguing that the sexual contact was consensual. Similarly, in a theft case, the accused may try to prove that the owner gave him permission to use the property at issue. But a defense of consent in a murder case is not allowed in most legal systems. Some forms of criminal conduct touch upon fundamental interests and cannot be permitted even if the victim of that conduct does not object.

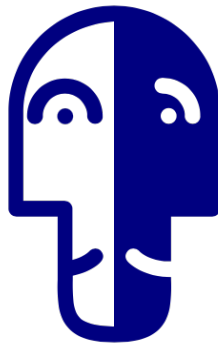
The question addressed here is whether the crime of human trafficking falls into the former or latter category of cases.

Specifically, the question can be framed as follows: does the law allow the accused trafficker(s) to present evidence that the victim agreed to the work or service sought by the accused and to argue that, as a result, the crime of trafficking has not occurred?

The technical, legal answer to this question is, no. Under the international definition of trafficking as set forth in the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons [U.N. Protocol], consent is irrelevant once the elements of the crime of trafficking have been met. U.N. Protocol, Art. 3(b) This or similar language is incorporated in the national laws of most member states to the U.N. Protocol, and is recognized in various regional legal and policy instruments, such as the Council of Europe Convention Against Trafficking in Human Beings, the European Union Anti-Trafficking Directive 2011/36/EU, and the 2015 ASEAN Convention Against Trafficking in Persons.

While the term, “irrelevant” is not defined in the trafficking law itself, relevancy is an evidentiary term whose meaning is widely understood. Relevancy is defined in Black’s Law Dictionary as, “the logical relation between evidence offered and a fact to be established.” Only evidence that tends to prove or disprove an issue in a case can be considered by the trier of fact. Normally courts are given wide latitude to determine what facts have a logical bearing on a particular issue and are therefore relevant and admissible as evidence. The law on trafficking, in effect, limits that discretion by explicitly declaring consent irrelevant in a trafficking case. It follows that any fact or evidence intended to establish consent is likewise irrelevant and should not be relied on to determine guilt or innocence in the case.

While this seems straight forward enough, a closer look at the issue of consent in trafficking cases presents a more complex picture.



WHY TRAFFICKERS LOVE CONSENT IN TIP CASES

Consent is a very attractive line of defense. Prosecutors should anticipate attempts to introduce it in various ways at trial to defend accused traffickers. However, if this happens, because the law disallows this as a defense, prosecutors would be wise to vigorously urge the courts to reject such efforts and to exclude all evidence of consent.

It is not surprising that the consent defense is so popular with traffickers. The facts in many TIP cases lend themselves quite well to a consent defense. The use of subtle forms of psychological coercion, veiled threats, misleading promises or partial deceptions, tactics which traffickers increasingly use to manipulate their victims, and even, in some cases, securing signed agreement contracts plays powerfully into a narrative that the victim was not compelled but rather entered into the arrangement more or less willingly. Because non-physical coercion can be so effective, traffickers are regularly able to control victims of trafficking while maintaining an illusion that there is freedom.

For example, the trafficker(s) may suggest that the neighborhood around a factory is dangerous and that the victim should not wander outside the gate “for his own safety.” Or the trafficker may note that the police are always looking for undocumented

migrants and that if they catch the victim, who the trafficker knows entered the country illegally, he or she will be arrested, put in jail and deported; for her own good, therefore, the victim should not leave the house or talk to strangers. Or the trafficker(s) may “offer” to keep safe and protect the victim’s passport or other critical identification or travel documents, and lock them in a safe or otherwise render them inaccessible to the true owner of the documents. Or the trafficker may play upon the victim’s sense of shame and hint that the victim’s parents might find out what kind of work or activities he or she is really doing if the victim tries to run away or fails to do the trafficker’s bidding.

In addition, the conduct of the victim can appear to support a consent narrative. A victim who does not escape when there are opportunities to do so, or fails to complain about his or her treatment at the hands of the trafficker when there is a chance to do that, or provides differing accounts to the police after his or her rescue, can be spun by the accused as evidence that the victim willingly acquiesced to the situation. These kinds of behaviors may appear inconsistent with expected reactions of an individual, but they are, in fact, quite typical of victim response to the coercive tactics commonly employed by traffickers. To the extent that the trier of fact is unfamiliar with victim psychology and response, defense lawyers will try to take advantage of that lack of understanding and use evidence of the victim’s failure to resist, seek help or to attempt to escape as proof of consent.

Of course, in cases where violence or the threat of violence is used to force a victim into, or maintain him or her in, a state of servitude, any attempt by the defense to argue consent will likely be rejected by the fact finder, because it is obvious that consent cannot be freely and voluntarily given in the face of overt coercion. But traffickers frequently avoid using such crude tactics, finding it safer, easier and more effective to exert psychological control over victims by playing upon their fears and vulnerabilities, using deceit, trickery, false promises or subtle threats.

There are countless ways that traffickers can exert control over their victims without resorting to openly violent or obviously coercive methods. In such cases, it is particularly attractive for the defense to argue that the victim wasn’t forced into anything but willingly agreed to the trafficker’s proposal. To the extent that the victim may have been desperately poor, that may only strengthen the defense’s case for consent, providing a motive to explain why the victim willingly accepted even harsh conditions and allowing

the defense to argue that the victim's quality of life, while admittedly not ideal, is better than it was before meeting the trafficker.

Arguing consent, therefore, can be a powerful defense strategy and a persuasive argument to the trier of fact, especially if the court is inexperienced in handling trafficking cases and unfamiliar with how psychological coercion can be deployed just as effectively as physical violence in intimidating vulnerable victims. For these reasons, defense attorneys will try to raise the consent defense and, if allowed to do so, prosecutors may find this defense difficult to overcome.

But as noted above, consent is not recognized as a valid defense under most TIP laws and should not be taken into consideration by the trier of fact when determining the guilt or innocence of the accused. There are complications, however.



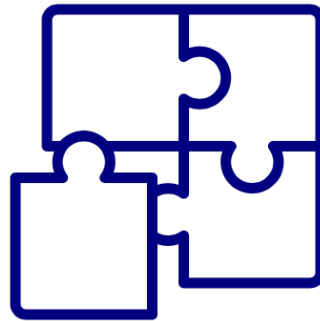
**CAVEAT:
CONSENT IS IRRELEVANT BUT
ONLY IF “MEANS” IS ESTABLISHED**

One important precondition must be met before the defense of consent will be deemed irrelevant and excluded from consideration in TIP cases: the “Means” element must be proven.

The generally accepted definition of trafficking, as set forth in U.N. Protocol, Art. 3(a), and as incorporated into regional documents and the national laws in various forms in many countries of the world, requires proof of three elements: Act, Means, and Exploitative Purpose. With respect to the issue of consent, the “Means” element has particular relevance. That element focuses on how the trafficker exerts control over his or her victim. It lists a number of methods to accomplish this end. This list includes, force, threats of force, coercion, fraud, deception, abuse of power or abuse of vulnerability. Only one of the physical or non-physical (psychological) control techniques needs to be proven to establish the “Means” element.

The presence of undue pressure (force, or threats, or coercion, or abuse) or trickery (fraud or deception), is presumed by law to negate any apparent consent of the victim to the demands of the trafficker. This is because consent is not possible if it is not voluntary; that is, not given knowingly and freely. True consent must be the product of free will. Clearly, there can be no real consent if the victim is physically threatened in some way. But even in cases where there is no evidence of force or threats, the validity of an agreement gained through trickery, fraud or deception is fatally compromised.

Meaningful consent cannot be made in ignorance and requires full disclosure of all relevant information. This basic idea that consent must be freely and knowingly given is captured by the “Means” element. By law, therefore, where any of the recognized “Means” of control is used there can be no voluntary consent.



NO REQUIREMENT TO PROVE THAT “MEANS” ACTUALLY UNDERMINED CONSENT

One issue raised by the Protocol’s treatment of consent is whether the prosecution must prove a connection between the “Means” used and the mental state of the victim, or whether it is enough to merely show that a “Means” was used without having to establish that the victim’s free will was in fact overborn by that “Means”.

To answer this question, it is important to carefully consider the specific language used in the Protocol linking “Means” to consent.

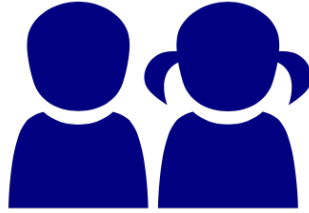
Specifically, Article 3(b) of the definition in the U.N. Protocol states that “the consent of a victim of trafficking in persons to the intended exploitation... shall be irrelevant where any of the “Means”... have been used.” It *does not* say that the use of “Means” must operate to invalidate or damage consent. All that is required is that there is proof that one or more of the “Means” has been “used.” If that is the case, then consent “shall be irrelevant.”

In other words, there is no requirement to show that the victim's will was in fact impacted by the "Means" used. In effect, the law presumes that consent cannot be truly knowing and voluntary where one or more of the "Means" is used irrespective of its actual effect on the victim. And there is nothing in the language of the Protocol or in any of the interpretative documents discussing the deliberations and intentions of the drafters of the Protocol to indicate that this presumption can be challenged or rebutted by the defense. In fact, the language of the Article is quite clear that there is no room for discussion; once "Means" is established, consent "shall" (not "may") be irrelevant.

This, of course, does not mean that defense attorneys will not try to argue that evidence must be presented by the prosecution showing that the victim's will was really compromised by the "Means" used.

Prosecutors should anticipate this argument and be prepared to address it by pointing out that the express language of the law does not require such a showing.

However, prosecutors should also realize that a judge, especially one less familiar with human trafficking cases, may be sympathetic to the position of the accused on this point. After all, a judge may view proof that the victim's actions were influenced by the trafficker as a simple matter of common sense and will want to see evidence showing how the "Means" used impacted the victim's state of mind. Prosecutors should, therefore, be prepared to present evidence proving that the victim's free will was in fact vitiated by the physical, psychological or other coercive methods of the trafficker. This can be done through careful questioning of the victim to assure that his or her account fully describes the impact on their state of mind by the actions of the accused trafficker. Use of an expert witness to explain how victims tend to react to abusive treatment over time should also be considered as a way to corroborate the victim's explanation and strengthen the prosecution's case.



CONSENT IS NOT AT ISSUE WHEN CHILDREN ARE VICTIMS

A link between the “Means” element and consent is necessary only in cases of trafficking of adults. When children are victims of trafficking, the situation is unambiguous and the U.N. Protocol is very clear; consent is always irrelevant and should never be considered in determining guilt or innocence of the accused trafficker(s).

A person under the age of 18 is a child under the Protocol. In such cases, the “Means” element is not required to establish a trafficking violation. The crime of child trafficking is established by proving two, rather than three, elements: Act and Exploitative Purpose. U.N. Protocol, Art. 3(c). National human trafficking laws should contain a provision that reflects this distinction relating to the burden of proof in cases involving adults versus those involving those under 18.

In this way, the Protocol affords special protection for all persons under the age of 18. And this is a blanket protection that applies as a matter of law to all children, irrespective of personal circumstances. Even a person who looks or acts like an adult must be treated under the law as a child so long as he or she is under the age of 18.

The rationale for this additional protection under the law is the recognition that children are, by reason of their age, relative lack of experience, and dependence on the support and protection of adults, naturally more vulnerable to manipulation than adults. Put another way, there is no need for a “Means” element to be proven when children are

involved, because they are especially susceptible to all forms of influence and may be controlled by any “Means”.

In effect, the “Means” element is presumed to have been established by the fact that a child has been exploited and this presumption is not rebuttable; that is, the prosecutor does not have to prove that the child was in fact unfairly manipulated or controlled, only that he or she is under the age of 18. . This irrelevance of consent applies even if the child victim is an enthusiastic participant in their own exploitation. Trafficking laws unequivocally protects all children under 18, reflecting a policy to protect all children from all exploitation. Consequently, consent is always irrelevant – and unavailable as a defense – where the victim is a person under the age of 18.

Nevertheless, the accused trafficker may try to put forward a consent defense even in the case of a victim under the age of 18, especially if the victim is old enough to be within the age of consent for sexual activity under the national law (usually 16). The accused may argue that the victim is 16 years old and can consent to sexual activity under the national law. Consent is, therefore, according to this argument, a valid issue in this trafficking case, and evidence to that effect should be admitted and considered.

Prosecutors should strenuously resist any such argument by drawing a clear distinction between the trafficking law and the age of consent law. The prosecutor should remind the court that the age of consent law addresses the issue of statutory rape by setting a minimum age permitting consensual sexual contact; the trafficking law, by contrast, is a separate and distinct crime of exploitation which recognizes that no one, especially a child under the age of 18, can consent to his or her exploitation.



CONSULT YOUR NATIONAL LAW

It should be noted that some national laws exclude consent as a defense in different ways. Some do not incorporate the Protocol’s language associating consent to “Means” in adult trafficking cases. In many of those national laws there is no link between “Means” and consent. Instead, some national laws accomplish the same end by simply stating that trafficking is established, “with or without the victim’s consent.”

For example, under the Indonesian trafficking law, consent is connected, not to “Means,” but to the element of the “Act”. In the Indonesian trafficking law, the irrelevancy of consent is affirmed with reference to a list of acts committed “with or without the consent of the victim.” Similarly, under the Thai trafficking law reference to consent is not linked to the element of “Means” but rather is tied to the element of “Exploitation.” The definition of exploitation in the Thai law sets out a list of exploitative purposes and concludes with the phrase *“regardless of such person’s consent.”*

Laws like those in Indonesia and Thailand, making clear that the victim’s consent simply does not matter, arguably making laws such as these even clearer than the Protocol in eliminating consent as an issue. Under the Protocol there is a legal presumption that the “Means” used vitiated consent, leaving open the possibility that a court may think, incorrectly, that this presumption can be challenged and that evidence showing that the “Means” used actually impacted the victim may be required. But language that eliminates consent altogether leaves open no possibility for argument. The crime is committed irrespective of consent. Prosecutors in countries with national laws on

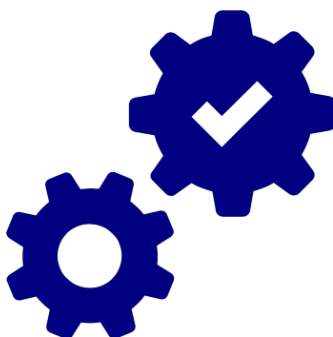
consent like those of Indonesia and Thailand have an especially strong basis to keep out evidence of consent.

The national laws in some other countries make no mention of consent at all. Trafficking laws in Israel and the United Kingdom, for example, are silent on the issue of consent, with certain exceptions. Court decisions and internal administrative guidance, however, address the consent issue in a manner largely consistent with the international definition.

In addition, a few national trafficking laws do not adopt the U.N. Protocol's approach to provide special protection for child victims. These national laws do not eliminate the "Means" element in child-victim cases.¹ Under those laws proof of a "Means" element may be necessary to negate a consent defense even where a child has been exploited.

It is therefore important for the prosecutor to consult the specific provisions and relevant legal precedent in his or her national law dealing with consent in TIP cases and not rely solely on the language of the Protocol.

¹ These statutes do not comply with the obligations that the Protocol imposes on member states and are, in any event, inconsistent with international law and practices. Such national laws should be amended to comport with requirements to protect children.



ANTICIPATE THE UNEXPECTED AND BE PREPARED TO RESPOND

It is clear that, as a matter of law, consent is not a valid defense in adult and child trafficking cases, and the accused should not be allowed to present evidence, question witnesses and make arguments pertaining to that line of defense. However, in practice the prosecutor may not be able to rely on this protection in all cases.

Prosecutors should be fully prepared to urge the court to reject any efforts to introduce evidence of consent through witness testimony, cross-examination of the victim, and documents, such as prior inconsistent statements of the victim or the failure of the victim to complain or escape when he or she had an opportunity to do so.

Some courts may be persuaded by these arguments to introduce evidence of consent, because they are unfamiliar with the law, do not understand the impact of subtle forms of coercion used by modern day traffickers, or simply believe that fundamental fairness and due process require that the accused be given wide latitude to present a full defense.

How the court rules, will, in all likelihood, be heavily influenced by the facts before it. To the extent that the evidence of the “Means” element is perceived by the court to be ambiguous or weak, the court will more likely conclude that consent is a legitimate issue and find a way to allow the accused to argue that defense. Where, on the other hand, the evidence of “Means” is strong and presents clearly coercive conduct, the court will

be less inclined to believe that the victim voluntarily consented, and the more likely the court will deny any attempt to raise that defense.

If, for example, the “Means” element rests solely on the “Means” of abuse of vulnerability, and the evidence is less than clear on the extent of the victim’s vulnerability or how the accused took advantage of that vulnerability, the prosecutor may reasonably anticipate a strong argument from the defense that consent is at play and that fairness requires that the accused be allowed to thoroughly raise that issue.

The lesson here is that the prosecutor should be prepared to aggressively argue the law to keep out irrelevant evidence of consent, especially in cases involving children, but always anticipate the possibility of an unfavorable ruling and be ready to confront the consent defense as a factual matter and not blindly rely on the legal theory.

This means that the prosecutor should make certain that the investigation has been thoroughly conducted so that there is sufficient evidence to clearly show that the victim did not freely and knowingly consent to her own mistreatment at the hands of the trafficker. The prosecutor should also prepare carefully to question the victim in a way that provides a reasonable explanation for any discrepancies in the evidence or behavior that may seem inconsistent with lack of consent, such as why he or she gave different accounts in various statements to investigators, or why he or she did not escape or cry out when there was an apparent opportunity to do so.



POSSIBLE DEFENSE ARGUMENTS

Given the obvious attraction to the accused trafficker of consent as a defense, prosecutors can expect lawyers for the accused to engage in tactics or put forward arguments designed to allow evidence of consent to be introduced and considered by the trier of fact. Prosecutors should anticipate the following likely approaches to achieve that end:

- **UNDER THE RADAR**

The defense lawyer may simply introduce evidence of consent without indicating the purpose of doing so in the hope that no one notices. The lawyer may, for example, cross examine the victim on his or her failure to escape or seek assistance from the police. The lawyer may question him or her about why they did not complain about their treatment to the neighbors. The lawyer may show photographs of the victim smiling with the trafficker or go into the victim's sexual history to suggest that he or she was a willing participant in commercial sex. All this is for the purpose of showing that the victim is not a victim but consented to the work freely and voluntarily.

The prosecutor should be on guard against this sneak attack and raise an objection at the first sign that the defense lawyer is getting into an irrelevant topic by directing to the court's attention to the law that prohibits raising consent as a defense.

- **NO “MEANS” PROVEN**

The defense may argue that the prosecution has failed to establish the “Means” element and that therefore consent is relevant and may be raised as a valid defense.

If the case involves a person under the age of 18 the prosecutor should respond that the law is clear, consent is always irrelevant and never a valid defense to a case of child trafficking.

If the victim is an adult, the prosecutor should be prepared to show that the “Means” has been established by reviewing the evidence with the court, linking that evidence to the relevant “Means” element. The prosecutor should seek a ruling from the court to deny evidence of consent either through witnesses or cross examination.

- **VICTIM’S STATE OF MIND**

As described above, the lawyer for the accused may respond by arguing that, irrespective of whether a “Means” element has been established, consent remains relevant because the prosecution has not shown a causal link between the “Means” used and the victim’s state of mind. In other words, the actions of the trafficker did not have an impact on the victim’s free will. The victim willingly agreed to the work or engage in the activity because they wanted to and not because the accused coerced, threatened or deceived them.

The prosecutor should respond by pointing out that the law does not require proof that the “Means” used actually undermined the victim’s free will. All that is needed to be shown under the law is that a “Means” element is present and that this alone “shall” render consent irrelevant. Put simply, impact of “Means” on the victim is presumed. The prosecutor may also argue that this is a wise provision, because it removes from consideration the difficult task of trying to gauge the victim’s state of mind.

The prosecutor, however, should be prepared with a “Plan B” alternative strategy in anticipation that the court may reject the presumption argument. The prosecutor should be ready to show the court that the evidence does indeed prove that the victim’s will was impacted by the actions of the accused. Evidence of the victim’s state of mind will

most likely come from the victim directly. It is the prosecutor's responsibility to make sure that the victim's testimony adequately addresses his or her state of mind and clearly describes how the trafficker's abuse, deception, or threats led him or her to accept the trafficker's demands against his or her will. In certain cases, an expert witness, such as a psychologist or counselor with experience treating traumatized victims, may prove useful to explain how and why victims respond to an extended traumatic ordeal like human trafficking and the psychological causes for behaviors that can be misconstrued as acquiescence but are in reality protection strategies designed to avoid confrontation and minimize the possibility of further harm.

- **OFFERED FOR ANOTHER PURPOSE**

If all else fails, the lawyer for the accused might try to persuade the court that the evidence is not offered to show consent, but to prove another relevant issue, such as the credibility of the victim or that there was no intent to exploit.

For example, if the victim testifies that he or she hated selling sex in a brothel, the lawyer may argue that a photo showing the victim smiling and standing next to the trafficker, or letters to a parent indicating satisfaction with the work, or a statement to the police expressing a wish to return to the brothel, or a failure to escape despite opportunities to do so, are highly germane as to whether the victim's testimony is believable and by extension whether the trier of fact can rely on anything he or she says.

This evidence, it might be argued, is also pertinent not to consent, but rather to the element of exploitation. If the victim is satisfied with the situation in which he or she finds herself, then there can be no exploitation.

The prosecutor might argue in response that the evidence offered is inextricably linked to consent and is therefore irrelevant under the express terms of the law, and that moreover, even if there is some tenuous connection to credibility or exploitation, any probative value this evidence might have is outweighed by its prejudicial effect.

But these arguments may not be persuasive, especially in a trial before a judge (as opposed to a jury) who will feel capable of giving proper weight to the evidence. The

prosecutor must be prepared to respond with facts that undercut the defense arguments. Those facts come from the investigation, the victim's testimony, and expert testimony. This illustrates the importance of proper pretrial preparation of the victim anticipating and responding to credibility attacks. With proper preparation you may learn the victim was placating the ill-tempered trafficker by smiling for the picture and feigning happiness, or had written reassuring and positive letters because the truth was perceived as too shameful, or believed that the local police were working for the trafficker, or feared retribution if an escape were attempted. It also highlights the need to conduct a thorough investigation which will develop evidence that supports each victim's account. It is the prosecutor's responsibility that these tasks are undertaken and properly completed. Consideration should also be given in certain cases to enlisting the assistance of an expert witness or counselor experienced in dealing with victims of trafficking who could describe typical victim responses to extended exploitation and the causes for such behavior in a way that the trier of fact will understand and accept.



CONCLUSION: KEY TAKEAWAYS

- Under international law and most national laws, the defense of consent is irrelevant in trafficking cases where the “Means” element is present. In the national laws of some countries, consent as a defense is to be rejected per se by the court even without a showing of “Means”.
- Under international law and many national laws, the defense of consent is always irrelevant irrespective of “Means” where a child is a victim of trafficking.
- Because traffickers often use subtle (psychological or non-physical) methods to control their victims and because victims sometimes respond in unexpected ways that can be misinterpreted to suggest agreement, the facts in these cases often make consent an attractive strategy for the accused and a difficult defense for the prosecution to overcome.
- Accordingly, prosecutors should anticipate that the accused will try to bypass the law and raise a consent defense whenever possible through a variety of tactics and legal arguments.
- Prosecutors must be vigilant to enforce the law by objecting to any attempt by the accused to introduce consent as a defense through witnesses, physical evidence or cross-examination of the victim.

- Prosecutors must anticipate probable legal arguments from the accused purporting to justify a consent defense and be ready to respond persuasively to those arguments.
- Prosecutors must be prepared to educate the court as to the requirements of the law on consent and to show the court how the evidence establishes “Means” rendering consent irrelevant.
- In anticipating defense arguments and judicial concerns, the prosecutor must make sure that the facts at hand establish the “Means” element. As a practical matter, this means that the prosecutor must make certain that the investigation is sufficiently thorough to identify and secure all relevant corroborative evidence; that the prosecutor is prepared to bring out, through questioning, the victim’s state of mind to show how the actions of the trafficker impacted her ability to exercise free choice; and that the prosecutor recognizes areas in which the victim’s credibility is likely to be attacked and through direct questions enables the victim to explain credible reasons for his or her behavior or prior statements.

Acknowledgements

“Albert Moskowitz is an early leader in the prosecution of cases of trafficking in persons. He is currently a Warnath Group Expert who brings this wealth of experience to our trainings of criminal justice actors all over the world. In this Practice Guide he focuses on helping prosecutors and other criminal justice actors to be able to more successfully utilize provisions in human trafficking laws that are intended to preclude mounting a defense on behalf of accused traffickers based upon claims of consent. The Warnath Group’s global anti-trafficking efforts benefit greatly from Albert’s professional insights and continuing dedication to educating new generations of prosecutors and criminal justice actors on these important issues aimed squarely at increasing the criminal accountability of traffickers.”

-Stephen Warnath, CEO & President, the Warnath Group

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