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Handbook for forensic child interviews in presumed cases of trafficking

by Julia Korkman, HEUNI



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Introduction

The aim of the handbook is to support professionals in carrying out investigative interviews in presumed cases of trafficking in children.

Investigative interviewing with children has been researched extensively over the last decades. Several practitioner-oriented recommendations and interview protocols have emerged from this research. A large part of the research has focused on investigations of sexual abuse.ⁱ Less focus has been placed on investigative interviews with children in other types of situations, such as asylum processes, custody disputes and investigations of human trafficking in children. In particular, research is needed assessing real-life interviews as well as conducting empirical research to test whether and to what extent current interviewing principles are useful and adaptable to these cases.

Whereas many of the core features of best practice typically remain the same across different forensic contextsⁱⁱ, some aspects are more likely to be relevant for the trafficking context than for others. This handbook introduces some of these aspects, while acknowledging that there is no “one size fits all” method for the various situations children may find themselves in, including when they may themselves be suspected of committing crimes in relation to their exploitation.

The handbook is based on research and experiences of practitioners. It provides case examples and interview excerpts. Drawing on evidence-based interview protocols, it also introduces general core principles and features likely to be particularly relevant when investigating suspected cases of trafficking in childrenⁱⁱⁱ.

Beyond the scope of this handbook, practitioners are encouraged to ensure that forensic interviews with children are video recorded and, jurisdiction allowing, used as evidence in court, through a process which also ensures respect for the rights of the defence, rather than subjecting children to cross-examinations in court, which can be particularly harmful for children^{iv}.

ⁱ For a comprehensive handbook on the theme of investigations of child sexual abuse which still is highly informative, see Kuehnle & Connell, 2008: *The Evaluation of Child Sexual Abuse Allegations*.

ⁱⁱ For instance, the Mendez Principles from 2021, endorsed by the UN and for forensic interviewing of children, Lamb et al., 2018.

ⁱⁱⁱ *Disclaimer: The concept of trafficking is broad and, to some extent, subject to interpretation. The scope of this handbook does not provide support for legal interpretations. The different*

examples in this handbook may not necessarily always be charged as trafficking. For instance, many forms of online sexual abuse may be investigated and charged under other criminal offences. From the point of view of the child interview and the psychological factors necessary to understand, however, the judicial definition is not crucial.

^{iv} Andrews et al., 2015; Korkman et al., 2024; Righarts et al., 2015
See also *At the Crossroads: Exploring changes to criminal justice proceedings when they intersect with child protection proceedings in cases involving child victims of violence* - <https://www.barnahus.eu/en/publication/at-the-crossroads-exploring-changes-to-criminal-justice-proceedings-when-they-intersect-with-child-protection-proceedings-in-cases-involving-child-victims-of-violence/>
See also *In Need of Targeted Support, exploring the role of Barnahus in identification and investigation of child trafficking and the support and assistance provided to victims* <https://childrenatrisk.cbss.org/publications/in-need-of-targeted-support/>

Memory and child development

This chapter provides an overview of how memory works in childhood, with a focus on that which is of particular relevance when preparing an interview with a child who is suspected of being a victim of trafficking and exploitation. It further presents considerations for preparing and executing the interview to support the child in remembering and to avoid suggestibility.

Memory is intertwined with language development

Children tend to learn tremendous amounts of new information every day at a young age. However, they have not yet developed strategies to retrieve and tell what they have learned and experienced, and their memories may appear fragmentary due to having less previous experience to incorporate them into. It is like a composer attending a classical concert compared to a musical novice: both will be able to say something about the experience, but the composer will have a much more sophisticated understanding of what is going on in the music, and a broader vocabulary to verbalise and structure the experience.

How children learn to talk, describe their experiences, and form memories of these experiences are very much dependent on how the adults in their vicinity explain and talk about events, and on the vocabulary with which they are provided when growing up.

Infantile amnesia

It is well known that the development of memory and language are intertwined, and this implies that as children learn to describe their experiences, they also learn to structure them in their memories. This is the likely explanation to the phenomenon referred to as *infantile amnesia*; the fact that adults rarely remember events prior to age 3-4. Research indeed suggests there is a notable variation among individuals regarding the age from which they seem to have childhood memories. There may also be cultural variations.

What we remember is related to what is relevant for us, and this in turn is dependent on our background, culture, our previous experiences, and the context in which the information is retrieved. While the basic mechanisms of memory are likely to be universal, culture and family-related factors impact on *how* memories are structured and communicated¹. Like language, memory is thus highly dependent on the social surroundings of the child.

¹ Wang et al., 2004

Infantile amnesia does not imply that *children* do not recall any events before age 3-4, but rather that these memories tend to be forgotten before they reach adulthood. Newer studies have found that dating memories is hard, and that young adults as well as children may postdate their first memories, thus believing events occurred later than they in fact did². On the other hand, studies also indicate that many adults, in particular older adults, believe they have preserved memories from a time that does not seem plausible from a research point-of-view, including 14% “remembering” events prior to age 1³.

Memory source monitoring

Children often struggle with what is known as *memory source monitoring*, i.e., assessing the source of what they know or remember, where their memories stem from.

Consider an example where the child is talking about a possible abduction attempt:

Example: Attempted abduction, depicting the car

Child: Then this man came and asked me to get into his car

(Later in the interview, the interviewer tries to obtain information about the car)

Interviewer: What brand was the car?

Child: It was a... Volvo

or

Interviewer: What colour was the car?

Child: It was... red

or

Interviewer: Can you tell me about the car?

Child: It had a Donald Duck sticker at the window

or

Child: It was the same as my mother has, but darker

² Wang et al., 2019

³ Akhtar et al., 2018

When asking about the brand, the interviewer does not know whether the child even recognises car brands. There is a risk that the child, attempting to please the interviewer, tries to figure out an appropriate answer even when they do not know the answer to the question. Children may struggle to identify their own knowledge or that they in fact do not remember something, and they may also be more inclined to try to please the interviewer than to monitor their memory and make sure to only report things they do remember from the context about which the interviewer is inquiring.

In contrast, when asking about the car in an open-ended way, the child suggests a detail spontaneously – and one that the interviewer would not have been likely to ask for. For a young child, a Donald Duck sticker may obviously be more memorable than a car's brand (depending of course on the child's interests – some children are indeed car experts!). Furthermore, a Donald Duck sticker may prove much more valuable in the investigation than a child's guess of the car brand or colour.

At what age a child can be interviewed will differ depending on the child, but generally, children under the age of 4 will rarely be able to give testimonies of their experiences that are explicit enough for uninformed adults (i.e., adults who do not have previous information about the child's experiences) to understand.

Child development and suggestibility

Suggestibility may be defined as the tendency to:

- Incorporate non-experienced elements to memories, thus distorting them;
- Respond according to the perceived opinion of the interviewer (while knowing the answer differs from the actual memory).

While people in general are rather suggestible, particularly when dealing with a person of authority, children and adolescents may be especially susceptible to suggestion. Importantly, suggestion may lead to entirely false testimonies regardless of whether the suggestive discussions take place outside of the forensic interview context or within it.

Young children rely on adults to help them understand the world

It is rather logical for a young child to assume that the adult “knows” better what they may have experienced than they know themselves. Young children grow up in a world full of things they do not understand, and they rely on adults to tell them what is going on. Their memory and language skills are still developing, and they are generally more suggestible since they are used to largely depending on adults to explain the world to them.

Therefore, younger children face obvious obstacles in the context of investigative interviewing as they cannot be expected to take a particularly critical position towards the adult's testimonies of what they have been through.

This also implies that adults have great power over how children interpret their experiences. Children are suggestible in relation to adults in general and, particularly, in relation to adults upon whom they depend.

Suggestibility of younger children leading to false testimonies

Consider the following excerpt of a mother-daughter conversation. The mother in this case is concerned that the father, from whom she has separated, has abused the daughter when the daughter was staying with him. She records the conversations she has with the girl and later provides it to the police.

Child suggestibility example

Mother: So when did this happen?

Daughter: Next Tuesday

...

Mother: When did it happen?

Daughter: I don't know

Mother: Was it a long time ago?

Daughter: A long long time ago

Mother: OK, a long time ago

Daughter: *Yeah*

Mother: Wasn't it now, when you were at dad's place?

Daughter: Oh yes, it was now when I was at dad's place

Unnoticed by the mother, but clear when observing the conversation as transcribed, the daughter seems to be striving to go along with the mother's suggestions. She repeats the mother's assumptions and goes along with all the leading questions. While this may be clear to a neutral observer who is aware of the phenomenon of suggestibility and focus their attention on the wording of questions and answers, this may be invisible to the concerned adult, who may interpret any silence or failure to reply by the child as a sign that the topic is too difficult.

Studies⁴ have shown that children may incorporate wrongful information held by their mothers into their own memories of events, and that adults may struggle to grasp how children's statements have emerged. It is particularly difficult to recognise whether the child has provided testimonies as a response to leading questions, or whether the information has been provided spontaneously⁵. This includes real-life cases where child abuse is suspected. In one study, recorded conversations between parents and children were analysed in situations where the parents suspected their child had been a victim of abuse. The analysis showed that the parents in the sample posed mostly leading and suggestive questions, and that they also provided most of the information in the discussions themselves, rather than the child providing that information⁶. Importantly, the parents perceived the recordings as evidence that the children had given testimonies about abuse. This implies that adults may not in fact be aware of suggestibility and what suggestive questions look like.

Suggestibility of adolescents leading to false confessions

While there is a vast literature on the suggestibility of younger children, in particular pre-school children, there is slightly less on adolescents. Where pre-school and young school-aged children are obviously and visibly vulnerable, adolescents may give an adult-like impression, and, in addition, behave in a way that does not necessarily evoke protective feelings in adults. Risk factors related to the period of adolescence include hormonal changes affecting behaviour, age-typical risk-taking behaviour, underdeveloped decision-making capacities, and the physical appearance of an adult in spite of both cognitive and emotional maturity still being under development.

These risk factors have consequences for investigations where adolescents are involved. For instance, in the literature concerning false confessions, i.e., where a person confesses to a crime of which they are in fact innocent, adolescents are at a clearly higher risk of making a false confession than older adults⁷. This is of particular relevance in the trafficking context, since adolescents may be manipulated or coerced into criminal activities by adult perpetrators, and consequently be considered suspects or perpetrators, rather than victims, by the criminal justice system. This may have a negative impact on building trust and enabling these adolescents to talk about their vulnerabilities, victimisation and potential crimes committed against them.

⁴ Principe et al., 2013.

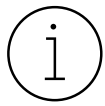
⁵ Bruck et al., 1999; Lamb et al., 2000.

⁶ Korkman, Juusola & Santtila, 2014.

⁷ Gudjonsson, 2021

Evidence based practice to avoid suggestibility

Research shows that if interviewed in a suggestive way, children's testimonies of experiences may change drastically.

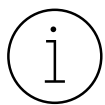


Use open ended questions to support memory recall

While it is widely known among interviewers that they should pose open-ended questions rather than closed ones, many may not be aware of *why* this is the case.

Open-ended questions, such as "Tell me about that day", call for interviewees to actively search their memory to provide information. As a result, the person being interviewed may disclose things that an interviewer would never have thought of asking about. We all differ in the type of details we notice, and this is true also for children.

Conversely, when presented with closed or leading questions, such as "Was it on your way home from work that you saw the assault?", the person being interviewed may just react to confirm or reject the information presented. They may even automatically assume that the information provided in the question is correct and go along with this information without noticing it, and this information may later become part of what they think they remember.

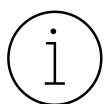


Get as full descriptions as possible to counteract any prior influence on the child's memory

Interviewers should attempt to get as full descriptions as possible from the child about persons, events, relations, actions as well as their own thoughts, feelings, and emotions.

In addition to taking into consideration the influence adults have over children's memory, it is important to also consider how previous conversations with adults may have shaped the child's understanding of certain experiences. It may be hard for children to conceive that adults, including their parents, are mistaken or may lie.

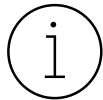
Potential abusers may take advantage of the suggestibility and naivety of the child, for instance, by describing abusive situations as normal or indeed positive. This implies that asking children if "something bad" has happened may fail to reveal cases that are in fact abusive and imply a clear risk for the child.



Remain neutral

In general, adults may fall into a pattern of interpreting for children what they "must have" felt or how they may have experienced an event. When these guesses go wrong, they may lead the child's testimony and responses away from the child's genuine experience.

Avoid yes/no questions



Children are extremely susceptible to suggestion and may answer yes/no questions rather randomly. For instance, when asked non-sensical questions such as “Is a jumper angrier than an elephant?”, pre-schoolers tend to answer yes rather than answering no or indicating that they do not understand the question or know the answer⁸.

(Mis)understanding memory

One of the most prominent features of memory, and at the same time perhaps one of the least understood ones, is the fact that memory certainly does not work as a video recorder. Memory is highly malleable. Our memories are everchanging. They are prone to distortions and reinterpretations depending on the information we get from other sources and, in particular, from people whom we trust. This is true for all humans; both adults and children.

This also means that we may change the way in which we view our experiences at a later stage. This is a rather frequently reported observation for child victims of abuse, as well as victims of trafficking and/or intimate partner violence; sometimes the victims do not understand the abusive elements of the events until later. As they develop, children may for instance come to realise that what they have experienced is not commonly part of the lives of other children.

It is also important to understand the associative nature of memory: the more a witness can elaborate on all sorts of details – including irrelevant ones from the perspective of the criminal investigation – the more they are likely to remember. Also, memories do not necessarily present themselves in a chronological order – the investigative interview needs to adapt to the interviewee’s way of telling and remembering rather than the other way around⁹.

Remembering repeated experiences

An expectation in the criminal justice system may be that if something has happened several times, it is remembered better than singular events. However, a somewhat paradoxical finding related to memory is that repeated experiences appear to be remembered in less clear detail than unique experiences. Memory preserves the unique experiences better than the everyday. Also, when a situation occurs repeatedly, we tend to form so called “scripts” of the events – how they “usually” occur, rather than numerous separate, individual events. This

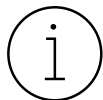
⁸ Heather Fritzley et al., 2013

⁹ This and many other aspects underscore the importance of electronically recording the interviews rather than writing statements while interviewing.

bears obvious relevance in, for instance, cases of family violence, trafficking for sexual purposes, forced labour – and many other contexts related to various forms of human trafficking and exploitation.

Think of attempting to describe all the Christmases / New Years / birthdays (or other events which are meaningful in your social context) you have spent in your life. It is highly likely to prove impossible. Instead, you would likely be able to describe what typically happens at Christmas, and perhaps what happened at a very particular Christmas that stands out as different to all the others.

Interviewing about repeated experiences



In the interview context, this implies that it makes sense to **ask for the situations that stand out, such as the first, the last, and/or the most memorable** (for instance, the worst if already established that the child is talking about negative experiences).

Furthermore, it is advised to try to **establish whether something happened once or many times** at an early stage in the interview, and to ask both generic (“What usually happened when...”) and specific (“What happened on that afternoon in the garden”) questions.

Follow-up questions should clearly indicate what specific instance is asked about (“Tell me more about the situation in the garden”) ¹⁰.

Remembering potentially traumatic¹¹ and stressful events

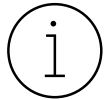
Research indicates that – somewhat sadly – memories of traumatic or truly stressful events tend to be more difficult to forget than other, more neutral or positive memories.

The basic mechanisms of memory are the same for both very stressful and other types of memories. However, there is some evidence that memories of severely stressful situations can be more “skeletal” than other memories; meaning that they tend to focus on the central details of the event at the expense of peripheral details. Exposure to high stress is also likely to have a negative impact on memory, and the long exposure to stress takes a toll on other mental and cognitive capacities.

¹⁰ Brubacher et al, 2014.

¹¹ The usage of the term trauma is varied across the literature and sometimes used in a narrow sense, in relation to the diagnosis of PTSD or post-traumatic stress disorder and sometimes in a very broad sense, covering many types of negative life events. Furthermore, how and if different experiences are considered traumatising, differs between cultures (as well as over time) as does the way in which trauma reactions are manifested. For an excellent review on trauma, culture and investigative interviewing, see Vredeveldt et al., 2023.

Interviewing about traumatic experiences



Traumatic experiences can manifest themselves in a variety of ways during an investigative interview. The way in which negative experiences are remembered and described is dependent on the individuals cultural and other background.

It may be difficult for victims to recall and talk about traumatic or significantly stressful experiences. It is also rather consistently found that persons with such experiences may provide less detailed and structured testimonies¹².

There are however ways to maximise the possibilities for victims and witnesses to give detailed testimonies of stressful events. **Time, a calm atmosphere, and a sense of trust** are conditions that enable as full testimonies as possible. It is therefore recommended to **focus on rapport building** as well as the **physical environment** for the interview. A stressful environment significantly decreases the possibilities to remember fully, even more so if sceptical or leading questions are posed.

Culture and memory

What we remember

In investigative interviews, one core goal is to collect and assess information provided by victims and witnesses about their experiences, memories, and perceptions – so called autobiographical memories. What we are likely to remember depends on context, family, education, cultural background, emotional state, the passing of time, social interaction, etc¹³. How interviewers understand testimonies, including the verbal and nonverbal communication, is also connected to culture in this way¹⁴. This must be considered both when interviewing and when assessing testimonies.

Within the literature, a traditional divide has been suggested by what has been called collectivistic vs individualistic cultures¹⁵. There is emerging research showing that many aspects of investigative interviewing are indeed culture-bound, and that an insight into the way in which cultural differences may present themselves are valuable to investigators¹⁶. For instance, persons from

¹² Vredeveltdt et al, 2023; Herlihy et al, 2002

¹³ Nelson, 2003

¹⁴ Elfenbein and Ambady, 2002; Laukka & Elfenbein, 2021

¹⁵ As commented by Vredeveltdt et al, 2023, attempts to make too straightforward cultural divisions may be oversimplifying, and within countries and cultures, there are many subcultures and much variation.

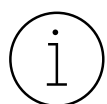
¹⁶ See Hope et a. (2021).

“collectivistic” cultures such as, for example, countries in the Arab region or Sub-Saharan Africa, typically give fewer details when interviewed than persons from an “individualistic” culture, from for example Western countries. To an interviewer from an “individualistic” culture, this may give the impression of a less coherent testimony¹⁷. Furthermore, in some cultures it may be less important who the observer of a certain event was. A person may, for instance, describe experiences of friends or family members as if they were self-experienced, not explicitly describing to whom something happened or who witnessed the situation. This has been discussed and noted in several international criminal investigations¹⁸.

It should be noted that cultural divisions should not be oversimplified, and that there may be many subcultures and variations within countries and cultures that impact the way that people relate their testimony¹⁹. Investigators are recommended to collect information about the background of the interviewees to have some understanding of the impact cultural issues may have on the communication.

Literacy

it has been assessed that globally, 8% of young people aged 15-24 are illiterate²⁰. Illiteracy is known to negatively affect the capacity to express opinions, thoughts, experiences, and emotions. Illiterate persons may therefore provide a lower amount of detail in testimonies. This may put them at risk of being assessed as



less credible, since the number of details in many countries is seen as an indicator of credibility.

Interviews in cross-cultural settings

Based on the research on culture and memory, interviewers are recommended to:

- Avoid asking questions based on cultural-biased expectations (“everybody remembers their anniversary date”).
- Focus on questions that are relevant for the person being interviewed.

¹⁷ Graham et al., 2014; Khan & Haque, 2022; Herlihy et al., 2012

¹⁸ Vredeveltdt et al., 2023.

¹⁹ Vredeveltdt et al., 2023

²⁰ <https://en.unesco.org/sites/default/files/ild-2021-fact-sheet.pdf>

- Avoid too specific questions – unless they point back at something said by the interviewee and prompt for more information regarding this.
- When aiming to explore the timeline of events, it is recommended to ask specifically for the first and the last time something happened.

The perception of time

People – in general – struggle to assess time. We have a hard time estimating both how long a certain interaction lasted and assessing exact times and dates.

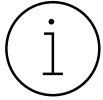
In Western societies, we are accustomed to relying on calendars, watches and other measures which help us observe and take note of the passing of time. From birth on, the life of citizens is measured and many aspects of life such as education and various health-related encounters take place according to our chronological age, making it easier for us, for instance, to “remember” – or rather estimate – how old we were when certain events took place. However, we would likely be utterly challenged without these cultural tools to estimate even which year a certain memorable event took place.

In cross-cultural settings, it is important to consider that there are many cultures in which exact dates are less important – and thus less likely to be remembered. For instance, the UN has assessed that every fourth child in the world remains unregistered²¹. In some criminal and other cases, the fact that a parent says they are unaware of their child’s date or even year of birth has caused considerable confusion. There is a risk that, measured by Western norms, this lack of knowledge may be taken as a sign that the interviewee is untruthful. It may also hamper the criminal investigation, where information about temporal details tends to be important when pressing charges.

The questions we pose about the timing of experiences may thus rely on culturally biased perceptions of what the interviewee “should” be able to remember and report, which may compromise the possibilities for the interviewee to respond in a credible way. This may also lead to a pattern of communication that hampers the interviewee from telling what they in fact could provide, which risks missing out on possibly crucial information from the point of view of the criminal justice process.

²¹ <https://news.un.org/en/story/2019/12/1053211>

Exploring the timing of events in the interview



All human beings, including children, youth and adults regardless of cultural background and context may struggle with questions such as “What date/month/year was this?”. When this is the case, it is advisable to ask about the circumstances of events rather than estimations of “when”.

For instance, who was with the child at the time? Were possible younger siblings already born? All information related to circumstantial information such as festivities, weather, physical surroundings, food, and play, may help to estimate the timing of an event, and are less likely to go wrong than straightforward questions such as “Was it a year ago, or less than five years, or closer to ten years ago?”.

Considerations for interviewing child victims of trafficking

Defining trafficking in children

According to the Palermo protocol²², trafficking of persons including children is defined in the following way:

- (a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.
- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.
- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article.
- (d) “Child” shall mean any person under eighteen years of age.

UNICEF and the ILO note that the following is a broadly agreed and concise definition of child trafficking:

“The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation”.

There are many forms of trafficking in children. Trafficking is done for different purposes, including, but not limited to sexual exploitation, labour exploitation, forced marriage and exploitation in criminal activity.

²² United Nations, 2000

Trafficking as a continuum

Physical as well as psychological violence may occur as a continuum, i.e., a continuous and sometimes slowly developing process and not as distinct, unique acts²³.

If violence is taking place in intimate relations, it can for example proceed from relatively mild psychological violence to severe physical and psychological violence and control, where the victim is deprived of all possibilities of communicating with persons outside their context.

In cross-border situations of trafficking, the victim may have consented to work in another country. A cycle of coercion and violence may in those cases only have begun in the country of destination²⁴. This can affect the victim and their reactions in many ways; initially the relationship can be close and largely positive, while it may slowly convert to a clearly abusive and negative relationship. In such situations, the victim may automatically and largely unbeknownst to themselves make up explanations for the perpetrator's behaviour and its negative consequences.

Another aspect of the importance of understanding the continuum of violence, is that a person who has been the target of violence or violent threats earlier, may only need vague reminders of these to be thrown back into a state of fear, leading to their submissiveness to traffickers. From an outside evaluator's perspective, the individual actions at a certain moment can come across as negligible if the larger picture of interactions and the development of the relationship are not seen and accounted for. Thus, rather than seeing the individual trees, an attempt should be to see the forest – the continuum rather than separate points and actions.

Evidence based techniques and protocols for the interview

Due to a lack of research, little is known about the effectiveness of existing techniques and protocols in interviews with suspected child victims of trafficking.

The dynamics of interviews with victims of trafficking may be significantly different to other child forensic interviews and may require a more careful approach to planning and a deeper understanding of how the different forms and phases of interviews should be adapted. Preliminary results from a systematic review of the literature on interviewing victims (of all ages) of

²³ The concept of a continuum in understanding violence against women was first used by Liz Kelly (1988). She argued that sexual violence against women can be conceptualized as a continuum that includes both aggression without physical violence and more serious forms of violence.

²⁴ Goodey, 2004

trafficking indicate an urgent need for a specialised, victim-centred interviewing protocol²⁵.

NICHD-R principles²⁶

As a general recommendation, child interviewers should adhere to the principles of the NICHD-R interviewing protocol or similar evidence-based interviewing protocols, as described for instance in the recent White Paper on Forensic Child Interviewing by the European Association of Psychology and Law²⁷. A summary of the phases in the interview are found in the appendix to this handbook (Adapting the child interview when investigating trafficking against children and related crimes).

Figure / box: Core principles in child forensic interviews

- Use open-ended prompts that are paired with follow-up questions.
- Avoid interpreting how the child may have felt or their feelings towards the alleged abuser.
- Avoid guessing what the child may have focused their attention on and “should” remember.
- Show empathy through active listening.

Evaluating coercive interview practices

A Swedish study²⁸ analysing the techniques used by the police when investigating suspected cases of sexual trafficking of young girls found the investigative interviews to be highly suggestive and, based on how they were depicted, seemed to take the form of interrogations rather than interviews. Perhaps not surprisingly, these interviews were not successful in achieving the primary goal of investigative interviews: obtaining crucial information. The victims avoided central topics such as selling sex and their relationships to the perpetrators. The more coercive interrogation techniques used by the police, for example pressuring the victims to talk, the more evasive the young interviewees became.

Challenges in identifying trafficking

Identifying child trafficking victims often requires the criminal justice system to see the whole picture and the context of the child. As noted, one possible factor

²⁵ Hoogeystein & Taniguchi (forthcoming).

²⁶ NICHD stands for the U.S. National Institute of Child Health and Human Development

²⁷ Korkman et al., 2024

²⁸ Lindholm et al 2014; 2015

rendering this more difficult is the tradition of the criminal justice system to look for unique, specific actions instead of continuums of a vulnerable child's escalating situation²⁹. To get the "full picture", efforts and time need to be devoted to creating rapport, ensuring the security of the child and the situation outside the interview room, and to getting an understanding of how the child ended up in the situation they are in.

Victims also often have multiple vulnerabilities and may be far from the "perfect victim" image. This is compounded when authorities fail to see children as victims even in cases where their own parents have been the perpetrators. In a Finnish case from 2021³⁰, a 14-15-year-old boy was requested by his parents to help with drug dealing. He was an only child, living alone with his parents after moving from another country and without any other social support. The boy was sentenced for drug offences in district court. Based on an expert witness statement, he was however freed in the appeal court since it was considered that he was not able to make an independent decision on his participation in the criminal activities, since he was dependent on his parents.

This case is somewhat comparable to the situation of children recruited into criminal gangs or abducted and used as child soldiers. Merely looking at the child's age (if surpassed the age of criminal responsibility) and the actions investigated might lead to the judicially logical decision of prosecuting the child, whereas an understanding of the child's development and psychological situation, the relationship with the perpetrator(s) and possible elements of psychological coercion and control may lead to the child being seen as a victim.

Interviewing suspects as you would interview victims may improve identification

Young *suspects* should be heard in a sensitive way, allowing them to share their experiences in an atmosphere of trust and respect. This way, the authorities have a better chance of also identifying victims who traditionally might have only been identified as perpetrators.

Similarly, respectful encounters with suspects and open-ended questions are more likely to lead to true, rather than false, confessions. There is some research on effective investigative interview methods for adult suspects, but this is almost completely lacking for young suspects. For general principles to be followed in

²⁹ "We do not see the forest for the trees", as one police officer specialised in investigating trafficking in minors, phrased it.

³⁰ Toivonen et al., 2022

virtually all types of investigative interviews, see the Méndez Principles on Effective Interviewing³¹, endorsed by the United Nations.

Why many victims are reluctant to tell what has happened

Engaging with reluctant, evasive, and sometimes hostile victims, which is common in cases concerning trafficking, places specific demands on the interviewer.

Trafficking victims in general, including children, may be highly reluctant to disclose for several reasons, including scepticism towards and bad experiences with authorities; a history of abuse and neglect; bonding with, and/or being dependent on the perpetrator; and the fear that matters will only get worse from disclosing³². For example, child victims who have been trafficked for sexual purposes, have been found to often have histories of maltreatment and repeated contact with social services. These may include negative experiences of being removed from parents and placed in foster homes³³.

Many victims have been maltreated already prior to being subject to trafficking crimes.

In some cases, including forced marriage, where family members, relatives, friends, acquaintances, or partners are involved, children may be reluctant to disclose their experiences out of fear about the impact a disclosure might have on a close person. Victims may fear stigma and shame to themselves, their families, and their communities, while the perpetrators face little risk of being prosecuted³⁴.

In cases where children are lured or coerced into criminal activities, multiple vulnerabilities and a lack of reliable adult support may generate a feeling of not belonging, which can be exploited by perpetrators to create an emotional dependence on them. This may lead to a reluctance to provide information about the context in which they are abused, in particular if they are considered “criminals” by the justice system. They may, for good reasons, fear the consequences³⁵. It is also possible that the children do not consider themselves vulnerable or victimised, but that they quite willingly take part in the activities

³¹ [Mendes principles, 2021](#)

³² West, 2016 : <http://dx.doi.org/10.11114/ijss.v4i5.1407> ; Lavoie et al., 2019

³³ Franchino-Olsen 2021; Somer and Szwarcberg 2001

³⁴ <https://www.uitgeverijparis.nl/nl/reader/204793/1001413551>

³⁵ Home Office, 2010. This report also stresses the need to identify the possible risks the child runs if attempting to leave the criminal activities behind.

due to other needs that are fulfilled by the group: belonging, status and possibly monetary gain.

Furthermore, the children may feel ashamed about their own involvement. Where the victim has been actively and consensually participating in the situation at the outset, self-blame and shame may lead to a reluctance to describe the situation to the authorities³⁶.

Another complicating factor is that the victim's understanding of their situation may develop only months or even longer after the events have occurred. Collecting evidence may then be difficult, particularly if the child does not volunteer to make a disclosure.

Authorities, on the other hand, may struggle to understand the unresponsiveness of the young victims and add pressure – which may further increase the victim's lack of faith in authorities³⁷. Where young teenagers are encountered at the borders, authorities may become frustrated at their hesitance in talking about their situation and adopt a rather forceful and pressuring interrogation style, which is most likely to hamper rather than help the child describe their situation.

Example: Online sexual abuse

Cases of online sexual abuse differ from the more traditional forms of sexual abuse allegations as there is often evidence for the abuse. This implies an entirely different point of departure for an investigation and an interview.

Investigations departing from documented videos, pictures, and chat logs where it has been determined that the child to be interviewed is the one present in the material has what is often called “ground truth”. In such cases, the question is thus not if the child has been abused. The scope of the investigation is to collect further information about the abuse, for instance, about other persons involved, encounters which have not been documented, etc. There is thus a need to modify interview strategies accordingly.

The children involved may in fact not realise or consider they have been victims of abuse. Many times, the perpetrator may pretend to be a child or a peer, and the child may feel they have a relationship with the perpetrator. In some cases, the discovery of the material comes with such a delay that children may struggle to remember the situations, particularly in less severe cases.

Importantly, interviewers need to be aware that in contrast to the apparently common assumption that online child sexual abuse would have less severe

³⁶ Goodey 2004

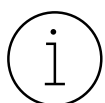
³⁷ Lavoie et al 2019

consequences for the child in comparison to offline offences, research suggest that the consequences can be just as severe, or even worse, with child victims carrying the added burden of knowing that sexual images or videos with them are circulating on the internet³⁸.

Concerns have also been raised that the criminal justice process may sometimes be more harmful for the child victims than the events under investigation. There are two important ethical considerations in this context. Firstly, if ample evidence exists about the abuse, clearly indicating that a particular child has been a victim, the child's testimony is not necessary to understand the events. Thus, whereas the child can and should be provided with a chance to be heard in the investigation, they should not be pushed to tell about experiences for which there is other evidence. Secondly, investigators must consider how to gently inform the child of possible material of them, as it may come as a shock to the victims that their images and videos are with the authorities and will be seen by various criminal justice actors, which is compounded by the fact that the material is likely to be circulating online. Furthermore, investigators need to know about the applications and games that are popular with children, as well as what evidence would be relevant for the case. All of this should inform the planning of the interviews and the phrasing of the interview questions.

For the above-mentioned reasons, an adaptation of the interview particularly for investigations of online sexual offences has been proposed and is currently being field-tested³⁹.

See also the [case example](#) in the Appendix: Adapting the child interview when investigating trafficking against children and related crimes.



Preparing the interview to account for reluctance

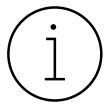
Authorities are recommended to collaborate with organisations supporting victims, as this collaboration may enhance the possibilities of creating a rapport⁴⁰. Interviewers may be recommended to start with getting an overview of the victims' background as well as their experiences to the extent possible, and to consider how these experiences might impact on how children

³⁸ Joleby et al

³⁹ Korkman et al., 2022. A separate guidance is underway for investigative interviews in the context of online sexual offences and will be launched by the Barnahus Network by 2024.

⁴⁰ Lavoie et al 2019; Turkel & Tiapula, 2008

are likely to behave and engage in cooperation with authorities such as law enforcement.



Alternative hypotheses when absolute evidence is lacking

In cases where there is no absolute evidence (often referred to as ground truth in the literature) of the child having been victimised, a failure to describe events may not always be due to reluctance – there are cases where allegations are based on a misunderstanding or false accusations. Alternative hypotheses should be formulated based on available information and explored both within the interview and the investigation.

Also, in cases where there is evidence of criminal actions committed against a child, it should be kept in mind that there may be many things that are yet unknown to the investigator. Considering the alternative explanations to the allegation and keeping an open investigative mind that the information at hand may be lacking or misleading decrease the risk of confirmation bias. This is important, as confirmation bias held by the investigator may lead to miscarriages of justice⁴¹.

Psychological control and coercion in the context of trafficking

Psychological coercion implies controlling behaviour aimed to render a person dependent on or subordinate to another person or other persons through different behaviours. These may include functionally isolating them from supportive persons, depriving them of everyday needs, and exerting psychological and sometimes other forms of violence. Physical violence may not be necessary to gain control over victims; threats and creating an atmosphere of “or else” are also referred to as efficient in making the victim succumb to the will of the perpetrator. Where the exerting of psychological coercion succeeds, it is likely to lead to a situation in which the victim may become increasingly helpless and lose their agency.

Isolation

Isolating the victim (functional isolation) is an effective way to tie the victim to the trafficker; when restricted from other contacts, any contact may be better than none. In particular, victims from other countries may be isolated with the perpetrator, and if the perpetrator (for instance, in cases of labour exploitation or sexual trafficking) is the only person the victim can communicate with due to cultural and language barriers, the victim will rely on the perpetrator in their

⁴¹ Korkman et al., 2024

everyday life. As the perpetrator then may be the only person through whom the victim can get information about the surrounding society, they have an immense power over how victims perceive authorities, the reliability of the police, rights of employees, how authorities view women selling sex, and the credibility of women or victims of crime in general. The power of such control is well depicted in the quote of a victim⁴²:

“The way I can explain it is, you know if you take your dog for a walk on the lead every day. Then you take the dog out and you take the lead off. It [the dog] doesn’t run off and go wild. It turns around and looks at you and says, ‘Well what do we do now?’ We were really scared of the outside world. He [the perpetrator] had put in our heads that people didn’t like us, that people wouldn’t listen to us.”

Children may also be restricted from being in contact with family members at home, or their contact can take place under strict supervision. Maintaining full control over the victim’s social situation may also imply reducing all possibilities of communicating independently with other persons through, for instance, keeping the victim’s phone, hindering them from using social media or other electronic communication means, transporting them to and from school and other facilities to ensure they do not socialise, and restricting their economic independence.

Example: Forced marriage

Forced marriage is a challenge for criminal justice systems, as they typically occur within the context of culturally related traditions and so-called honour systems and may require skills that are not typically part of national police trainings⁴³. Child victims of forced marriages tend to be young persons with immigrant backgrounds, mostly girls, who are sent to their home country to be married. Cases also include couples with foreign backgrounds (often asylum seekers) who have been married elsewhere prior to entering the country, as well as men with foreign backgrounds marrying an underage spouse from their home country, with the marriage taking place in their home country or current place of residence⁴⁴.

⁴² Quote from. Wydall & Zerk, 2021.

⁴³ Miles-Johnson & Courtenay, 2021.

⁴⁴ Kervinen & Ollus, 2019.

Positive interactions

Psychological control may also take the form of “positive” interactions⁴⁵. Cases may start with the perpetrator pretending to be a partner / friend / role model / parental figure, and a previous vulnerability such as a scarcity of reliable relationships renders victims particularly vulnerable to this. The positive interaction may create a solidarity between the child and the perpetrator. It is also typical for humans to dislike and fear the unknown, and to feel safer in an environment or with persons who are familiar – even where these may be objectively clearly detrimental to the child. The unknown may be more frightening than the devil that is known. The perpetrator may alternate between positive and negative interactions, a strategy which may in fact be even more effective than using purely negative ways of controlling the victim (threats and violence, for example). Victims may cling on to the positive interaction and seek this, blaming themselves for behaviour resulting in negative reactions by the perpetrator, much like children growing up with abusive parents sometimes do.

Trauma bonding

As previously noted, persons with vulnerable backgrounds and a lack of healthy relationships are particularly at risk for becoming victimised. Furthermore, they have been found more likely to become attached to perpetrators through what is called *trauma bonding*. This implies an emotional bond where the victim becomes attached to the perpetrator, often repeating a history of being abused. Features of trauma bonding include⁴⁶ an imbalance of power, the perpetrator using alternately positive and negative interactions, a gratitude on the part of the victim for the positive interaction and self-blame for the negative, and the victim assuming the perspective of the perpetrator. This emotional bond between the victim and the perpetrator may tie the victim to the perpetrator more efficiently than threats and violence.

Coercion

It is important to recognise the impact⁴⁷ of coercive control. Trafficking typically entails the use of threat, force or other means of coercion, as well as abduction, deceit and fraud, or using a position of power against children who often are in a position of vulnerability. It may also involve measures such as payments or

⁴⁵ Bassil, 2019

⁴⁶ Casassa et al, 2022

⁴⁷ While coercion can have an impact on victims and their investigative interview, in cases of trafficking of children, there is no need to show coercion as per article 3 section c of the UN Trafficking in Persons

Protocol. Similarly, consent is also not relevant for cases involving children.

benefits in exchange for services. Where any of these means are used, the question of “consent”, for example to sell sex or work in irregular conditions, is irrelevant⁴⁸. Previous vulnerabilities and abusive experiences are common among these victims.

Example: Exploitation in criminal activities

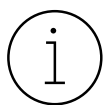
Children and youth who are lured or coerced into criminal activities are often in a particularly vulnerable position. Perpetrators may exploit the feeling of not belonging and lack of reliable adult support that many children in vulnerable situations face. These children may create an emotional dependence on those who have recruited them and the exploitative and harmful environment in which they find themselves.

If these youth are perceived and encountered as criminals by the criminal justice process actors, it is highly unlikely that they will be forthcoming and give details about the context in which they are abused – they may, for good reasons, fear the consequences⁴⁹.

Organized crime works on these premises as well; by giving possible new members incentives to join and then, when they perhaps would like to leave the criminal lifestyle behind, making it very difficult to leave through means of threats and coercion.

Identifying youth who are coerced or manipulated into criminality also requires the criminal justice system to see the whole picture and the context of the child.

This example relates not only to coercion, but also trauma building and positive interactions.



Adapting the interview to account for psychological and coercive control⁵⁰

Victims may not perceive themselves as being controlled by perpetrators (for example adult gang leaders or romantic partners), and they may feel far more allied with the perpetrators than with authorities. Asking simply whether they have been “forced” to do things or whether they feel their

⁴⁸ UNODC, 2014.

⁴⁹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/189392/DCSF-00064-2010.pdf.pdf. This report also stresses the need to identify the possible risks the child runs if attempting to leave the criminal activities behind.

⁵⁰ These suggestions have been combined based on the previously noted research, in particular, Cordisco-Steele 2019 and internal documents by Finnish police specialised in investigating trafficking.

“freedom has been restricted” or if they “could have walked out the door” is not necessarily an effective strategy.

Instead, to maximise the possibilities for victims to give information which allows investigators to assess the possible existence of psychological coercion or other forms of controlling behaviour, interviewers are advised to also interview in an open-ended way, maximising the amount of information provided by interviewees. This is best done by asking them to describe their situation as fully as possible.

Interviewers should strive to retrieve as much information as possible about everyday life, including a typical day. Enquiring about daily routines is crucial in virtually all situations where there is a suspicion of violence or abuse in close relations or in everyday social environments such as work.

Furthermore, interviewers are advised to focus on themes such as friends and social life. Does the child get to meet peers? Are they allowed to socialise freely with whom they choose? How do they contact these people? If the child is separated from their family, are they in contact with them and if so, how? If the child goes out, who knows where they are and how do they know this?

Does the child have access to a phone of their own, and if so, does someone else have access to that phone as well? Are they aware that someone would be tracking them via GPS over the phone or other devices? Are they allowed to use social media, email, the internet? Other aspects to explore are the child's use (as applicable) of bank/credit cards, money, and possible wages or other payments.

The child could also be asked about things they are allowed and not allowed to do, as well as the consequences for transgressions (“What would happen if you...”). Also, the child can be asked what they do if they need to get or buy something.

Exploring the child's living circumstances is crucial: How, where and with whom does the child live, sleep, eat, wash, etc How do they like it? Where do they go if they go outside of the home? Where did they live before – how come they moved? The child can also be asked about where they grew up.

Furthermore, exploring the child's relationships is likely to be crucial to understand their social situation and possible dependence on the suspect. The interviewer may thus ask about the suspect / friends / family (as appropriate) and depending on their age, about the relationship, what they do, what they like or do not like about them, etc.

Persons of trust are likewise important to enquire about: “Is there someone you can trust?”/ “if there are problems, who do you tell?”. Such persons may be sources of information and, if indeed not among the suspects, possible providers

of support further on. Creating healthy relationships is an important protective factor from future abuse and future trauma-bonding relationships⁵¹.

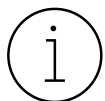
Taking the time to ensure safety and create rapport

To examine the continuum of an escalating situation of a vulnerable child, rather than simply looking for unique, specific deeds, it is important to ensure the security of the child and the situation outside the interview room, create rapport, and to get an understanding of how the child ended up in the situation they are in.

Ensuring the safety and security of the child and situation outside the interview room may demand special efforts, information, resources, close cooperation with victim support providers and/or social services, and time.

Regardless of the age of the interviewee or context of the interview, meaningful rapport enhances the communication and helps children cope with anxiety and negative emotions. This has been duly acknowledged in literature on child (and adult) forensic interviews and research on the effects of social support.

Gaining information about the whole context of the child, possibly including the transformation of an initially positive relationship to a coercive one, is likely to take more time than investigating infrequent or unique experiences, particularly if the child's experience has made them reluctant towards adults in general, and persons of authority. Multiple interviews may be needed to complete the investigation in a trafficking investigation, and some cases may take extensive time to develop rapport and ensuring an atmosphere in which the child feels enough at ease to tell about their experiences.



Culturally sensitive strategies for creating rapport

Whereas the research is quite clear on the importance of creating rapport (with all interviewees of all ages, including suspects), the best strategies to do so are not as easy to pinpoint. There is still scarce research on culture-related differences in social communication. The cognitive interview strategies of posing open-ended questions and avoiding leading ones are likely to be similar regardless of language or culture, but the social strategies for building rapport and supporting the child are likely to be more culture-bound. Strategies that may work in the US, for instance, such as using the child's name repeatedly, asking the child to look one in the eyes, and showing considerable interest in the child through statements such as "I really want to get to know you better" may feel intrusive or impolite in other cultures.

⁵¹ Casassa et al., 2022

Before meeting potential victims of trafficking, interviewers should therefore take the time to plan and prepare the interview thoroughly, including familiarising themselves with the victims' background, context, and experiences, as these have important implications for how the potential victims are likely to act in the interview.

Working with interpreters

The role of the interpreter

The use of interpreters in investigative interviewing has so far been rather neglected by researchers. Research reports and feedback from investigative interviewers, interpreters, and criminal justice actors have rather consistently found that interpretation in investigative interviews is challenging. The title of a Swedish study examining the quality of interpreter-assisted investigative child interviews through analysing the experiences of forensic interviewers puts it bluntly: “It doesn’t work at all, that’s my experience”⁵².

Experience shows that interpreters might avoid direct translation. They may do this to be considerate to the interviewees or interviewers, or they may try to help the child by using easier questions. It may also be a result of words or phrases being difficult to translate in an exact way. Such an approach from the interpreter risks using suggestive language and other interview techniques which may discredit the child’s testimony.

Interpreter-assisted interviews have sometimes been described as “three-person dances”. While it is relatively easy for two persons dancing to coordinate their movements and be responsive to the moves of the partner, in a dance involving three persons, synchronisation is more complicated and may require more preparation and practise.

Culturally sensitive language

Terminology regarding sexuality, gender issues and violence is culturally sensitive and may differ to a great extent between (and even within) cultures. The terms may hold different meanings and are sensitive to getting lost in translation.

Many languages use euphemisms to avoid speaking too bluntly about sexuality. For instance, a term for “child sexual abuse” is not readily available in all languages. Further hampering the possibilities of the child to account for experiences of sexual abuse, few languages seem to have child-friendly and precise words for (in particular, female) genitals.

How people are referred to also differs between languages, and where some languages can refer to persons even without making a gender assumption, some languages use pronouns that refer also to age or position.

⁵² Ernberg et al., 2022

Furthermore, formulating open-ended or neutral questions may be easier in some languages than in others, and for instance in sign languages, interpreters may struggle to phrase questions in an open-ended way.

Interview extract⁵³

The following is a transcript of an interview with a female trafficking victim from Romania.

Officer: When you say, tried to have sex, can you explain what you mean by tried

Translation: When you say he tried to have sex, what are you referring to, what are you saying?

Victim: Meaning I was trying to keep him as far away from me as possible

Translation: I was trying to keep him as far away as possible from me

Officer: At any point had she touched him, did... had she put her hand on his penis, was he a-aroused, was he hard...

Translation: Have you tried at some point or did you touch him or was he excited?

Victim: Yes, Yes. I tried to push him away because he was on top of me and I no longer had air, he was very fat, very big

Translation: I was trying to push him away because he was on top of me and I couldn't breathe properly he was also very big

As can be seen in this exchange, the interpreter is doing their best to translate accurately, but the explicit references to the sexual activities in particular seem difficult to translate in an exact way.

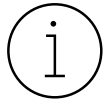
Co-trainings of interviewers and interpreters

Within the Finnish Barnahus⁵⁴ Project, trainings for registered court interpreters who specialize in child forensic interviewing have been organised yearly since 2020. The training has led to new recommendations for the police to conduct interpreted-assisted child interviews primarily with the assistance of these specialised interpreters. Importantly, the training has been a two-way learning experience – where the specialised child forensic interviewers conducting the training have as much to learn from the interpreters as the other way around.

⁵³ Wilson, 2020.

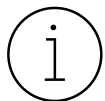
⁵⁴ To learn more about Barnahus, visit www.barnahus.eu

These experiences echo already previously phrased recommendations by scholars: Investigative interviewers and interpreters should collaborate; participate in joint trainings and prepare the interviews jointly. No matter how skilled the forensic interviewer is, if the interpreter does not understand the meaning of posing open-ended questions, it will be hard to ensure qualitative interviews.



Rapport for interpreters

It is recommended that interpreters are made aware of the importance of establishing rapport and providing neutral support during the interview. This also highlights the importance of training for the interpreter. Professionals are recommended to, as much as possible, work with trained court interpreters. Interviewers should take the time to prepare the interview together with the interpreter, identifying as non-leading and appropriate ways as possible to address the important questions to ensure good rapport for interpreters for all cases, including trafficking and exploitation.



Working together with interpreters

Pre-interview planning and preparation is crucial. Interviewers are advised to meet with the interpreters before the interview and go through the planned interview with all its phases, as well as the points of these phases. Furthermore, the interviewer may want to go through the planned questions that the interviewer will use to introduce the topic of the allegation to give the interpreter time to consider how to phrase these in as an open-ended and non-leading way as possible.

Interviewers and interpreters should also discuss how to work through possible confusions in the communication. For instance, if a word used by the child is ambiguous or can carry more than one meaning, the interpreter may be instructed to comment on this for example stating “This word can mean both X or Y” so that the interviewer may try to find a way to clarify the term. The same goes for questions or answers that the interpreter is not able to translate directly.

Examples of such situations can be:

- Translating technical language, complex terms, and processes;
- Translating words that are gender-neutral in one language to languages where there are no corresponding gender-neutral words;
- Discussing sexual interactions or exploring the touching of genitals in linguistic contexts where explicit words for these do not exist but where euphemisms are used instead;
- Translating open-ended questions into for example sign-languages. In the absence of open-ended questions, prompts may have to be converted to

a series of optional answers in order to minimise leading questions as much as possible.

Another aspect frequently brought up by interpreters that is likely to be overlooked by other professionals, is that in an interpreter-assisted interview, the interpreter works twice the time as the interviewer and the child, with a task that is cognitively – and many times also emotionally – taxing. Thus, the interviewer must also pay attention to the wellbeing of the interpreter, for example by discussing how the interpreter can signal when they are in need of a break or, for instance, need the interviewer to speak more slowly or in shorter sentences.

Importantly, working with interpreters should be viewed as an opportunity for learning. Investigative interviews are strictly dependent on the language, and the better the interviewer understands the boundaries of the language used by the child, the more likely it is that the communication will be successful. Already acknowledging the different challenges of interpreting child interviews is a good start.

Appendix: Adapting the child interview when investigating trafficking against children and related crimes

NB: This is an amendment to the NICHD-R interview protocol, meant for interviewers who are familiar with the protocol (or other similar, evidence-based interview protocols) and should not be used to substitute it but rather to shed light on factors that are necessary to take into consideration within investigations of trafficking of children.

1. Pre-interview planning and preparation

The investigative interview should commence with the planning and preparation of the interview, in which the interviewers inform themselves about

- The background of the victim
- The background information related to the alleged offence(s)
- If possible, the victim's knowledge about the investigation
- The victim's possible need for interpretation, including the dialect spoken by the victim

It is crucial that the introduction of the allegation into the conversation is planned before the interview, to ensure that the topic is introduced in a way that is not too ambiguous but at the same time not leading. The topics to be covered should be planned before the interview and reviewed as new information emerges.

Alternative hypotheses to the allegation at hand

Before the interview, it is important that the interviewer assess the pre-interview information and considers the possible alternative hypotheses to the allegation. For instance, in cases where the allegation is based on another person's account of what the child has told, the alternative hypotheses would include (at least) the following:

1. The child has been victimised as accounted for by the acquaintance
2. Part of the allegation is true but the actions / perpetrators / context differs from the initial allegation
3. The allegation is due to a misunderstanding on the part of the acquaintance
4. The allegation is due to leading conversations with the child
5. The allegation is a deliberate false accusation by either of the two

Considering what is not known: An investigative mindset

Where allegations are based on solid evidence (such as for instance, video evidence or unambiguous somatic findings), alternative hypotheses for the allegation itself may not be needed, but it is still important to keep a similarly investigative, open mindset regarding possible misinterpretations of that evidence or events that have not come forward, etc. The interviewer is advised to list open questions before the interview to not forget them and in order to phrase as many open-ended questions as possible. These themes include for example (but always to be modified based on the case information):

- The involvement of other adults (than the alleged perpetrator)
- The involvement of other children (or adult victims)
- Discussions about the events with other persons, including perpetrators, victims as well as other persons
- Other similar events directed at the child or other persons
- Transactions
- Communication means

In cases where interpreters are used

A professional interpreter, preferably a *registered court interpreter*, should be contacted and time should be allowed before the interview so that the interviewer and the interpreter can go through the *key topics* that will be discussed. The planning also entails how to *address possible miscommunications*, the importance of *phrasing the question in an open-ended way* and *avoiding leading questions* as well as going through *crucial terms*.

Particularly in cases related to sexual offences or forced marriage, it is crucial to ensure whether the victim has a clear preference with regards to the gender of the interpreter and / or interviewer.

2. Introductory phase: Create rapport & familiarize the child with the interview situation

The purpose of the introductory phase is to create meaningful rapport with the child. Many child victims of trafficking or other crimes such as online sexual crimes may show significant reluctance to talk to authorities about their experiences. Creating a good rapport is crucial to overcome this barrier and is in general – for all interviewees – a prerequisite for a successful investigative interview.

Essentially, it is not advisable to proceed with an interview without a meaningful rapport. The ways in which to create rapport differ from situation to situation and may for some children imply a need to meet separately before even

attempting to proceed with the investigative interview, while for others it may be important to be permitted to talk about the events as soon as possible.

3. Practise interview (Episodic memory training)

The scope of the practise interview is to familiarize the child with the communication in the interview and let the child practice giving responses to open-ended prompts. It also provides the interviewer with a possibility to get an idea of the child's way of communicating. In the case of young children or children with atypical developmental patterns or in interpreter-assisted interviews, it gives a chance to assess if the interview can successfully be carried out as planned or if further support or expertise is required.

4. Ground rules (child friendly and in accordance with legislation)

The rights and requirements for witnesses differ from country to country but typically need to be explained to the interviewee at the onset of the interview. The way in which these are explained needs to be tailored to the child's age and level of understanding.

In the child interviewing literature, topics that are frequently suggested to be introduced here include⁵⁵:

- The importance of being truthful (through instructing the child or asking the child to promise not to lie)
- The right not to talk about issues if they do not want to
- That the child should say if they are not sure or do not know / remember something
- That the child can and may correct the interviewer if they have misunderstood something

It is important to remember to describe all the legal aspects in a child-friendly way, such as for instance, rights concerning self-incrimination or incrimination of close family members.

5. Substantive phase

When the interviewer successfully has established rapport with the child, they should move on to the substantive phase in as a non-leading way as possible. How the topic is introduced will differ greatly depending on the background

⁵⁵ Note: These are likely to vary depending on the role the child is interviewed in (i.e., victim / witness / suspect).

information. For instance, information that there is clear and unambiguous evidence of, can be addressed when explaining the reason for the investigation.

Example: forced / child labour: Where it is clearly established that the child is working and the suspicion concerns whether the working conditions may be constituting human trafficking, the topic of the interview concerns the child's work. The aim is to collect all concrete information about the working conditions (e.g., history, personal relations, wages, working hours, etc) possible.

"I heard you work at X. Can you tell me about that?" → You said it is (fun / boring / hard work) – tell me more about that... in what way is it X / what do you mean by X

"When was the last workday you had? Can you tell me as much as you remember about that?"

"You told me X is the boss. Please tell me more about X" → tell me about how you got to know them... what you usually do together... about the other people present...

Example: online sexual abuse: Where there are pictures, videos, chat logs that clearly give evidence that the interviewed child has been victimised, the interviewer can refer to this.

"The police is investigating a case where it has been found that a man has asked children to send pictures to him and we want to know as much as possible about this man and how he has been in contact with children. We see from his chat log that he has also been sending messages to you. This man is called X. Can you tell me everything you know about this man?"

However, in many cases the so-called ground truth is not known before the investigative interview. In such cases, the information related to the allegation must be viewed as unverified. Such information should not be alluded to as if it was a fact.

For instance, conversations between children and adults (or any two people) may include errors, omissions, misinterpretations, and wrong allegations due to (deliberate or innocent) suggestive questions. In cases where a report has been made that a child has told someone about abuse, it is important to consider the possibility that there has been a misunderstanding. The child should be asked questions that provide an opportunity to describe the situation in an unbiased way, rather than to ask the child to repeat "what you told your teacher".

Within the substantive phase of the interview, it is recommended that the topic is investigated through what is known as a **"funnel approach"**, i.e., collecting as much information as possible through open-ended questions:

Invitations (*"Tell me more about ..."*) and cued invitations, pointing to information provided by the child and exploring that issue further (*"You mentioned he forced you. Tell me as much as you can about that"*). The interviewer should only ask more focused questions when all possible information has been collected through

open-ended prompts. For example, if a person's age is a crucial issue in the investigation, and the child has described interacting with a person, the interviewer should first ask the child about the person;

"You mentioned X. Can you please tell me more about X ..."

The interviewer can then narrow down to more specific questions, for example;

"Can you describe what X looked like? "

Only when these questions have been asked, can the interviewer – as a last resort – ask for more specific information, such as if the child has any idea how old X was. Closed questions imply a risk of guessing on the part of the child, and this should be acknowledged by the interviewer.

This implies that in case the child would say "He is 45", the interviewer can follow-up with a question on how the child knows that. This may lead to information such as "He looks like my father and he is 45" or "I don't know, but he looked old" or "He said he is 45", enabling a better assessment of the information provided.

Throughout the interview it is important to create and maintain rapport and keep supporting the child through active listening!

Where the child has experienced something repeatedly

Memories of repeated events may differ from those of individual instances. Repeated but similar experiences are known to lead to general memories of "what usually happens", and the child may struggle to remember exact details of separate instances.

When interviewing about repeated events, interviewers are advised to:

1. Ask about repeated events already in the practise interview phase
2. Use generic "What usually happens when..) AND specific "What happened yesterday", as this enables the recall of memories of different types
3. Ask if something happened one time or more than one time
4. Label specific episodes: "Tell me about when you visited your uncle"
5. Ask about specific episodes – most recent, the first, the one the child remembers the best

Exploring psychological coercion and control

As victims of trafficking may not necessarily feel they are controlled but may perceive the trafficker as a friend or a person they rely on – and perhaps trust more than the criminal justice system actors – asking directly about being "forced to" may not be informative. Again, invitations and supporting the child to provide as much information as possible about their circumstances is advisable. To

collect information related to psychological control and coercion, interviewers are advised to collect as much information as possible about the circumstances in which the suspected trafficking takes place. As victims of trafficking often are restrained in their independence and isolated from contacts with the outside world, these are important topics to cover.

Themes to focus on:

- Control / freedom:
- Friends, social life outside the home, means of contacting social contacts
- The use of phone, social media (access / other persons' access)
- Bank cards, the use of money
- Salaries, payments
- Daily routines!
- Circumstances of living (room of one's own, sanitary, food)
- Relationships (to the suspect, friends, family)
- Persons the child can trust – how can the child contact them?
- Persons who the child can talk to?

If the child does not want to talk about the subject matter

Importantly, no child should be forced or heavily manipulated to talk. If the child does not want to address the substantive issues, the interviewer must respect this. For instance, the interviewer may state this clearly: *"I understand you do not want to talk about this now. I will not force you to tell me – you have the right to decide what you want to tell me."*

If the child is clearly distressed about the topic brought up, the interviewer may revert to talking about easier topics and perhaps later ask the child if they may still ask a few questions. In some situations, a difficult topic may come as a surprise or shock for the child, and they may need some time to get accustomed to the thought of discussing the topic. The interviewer may also suggest a break or a new meeting. However, it is important not to convey the impression to the child that they will have to talk about the matter sooner or later.

The child can always be provided with contact information if they later change their mind regarding the interview. It is important to consider what means are easiest for the child to communicate this– it is likely to be something else than phone calls or emails during working hours.

6. Closure

The interviewer may summarise what the child has told at the end of the interview and ask if there is still something that the interviewer has failed to enquire about. At the end of the interview, the interviewer should try to ensure that the child is at ease, by for example asking them how they feel and if there is

anything they need or wish for. Where possible, the interviewer should aim to describe to the child what the next steps of the process will be.

After the interview, the interviewer and other professionals need to consider the well-being of the child and their possible need for immediate or future care.

This recommendation is authored by Dr Julia Korkman at the request of the Council of the Baltic Sea States as part of an EU co-funded project. It is an annex to the “Handbook for forensic child interviews in presumed cases of trafficking”. The references to the research literature behind these guidelines are provided in the handbook, but the core issues described here are covered in the following literature:

- *Korkman et al 2024: White Paper on Forensic Child Interviewing: Research-Based Recommendations by the European Association of Psychology and Law*
- *Lamb et al 2018: Tell Me What Happened: Structured Investigative Interviews of Child Victims and Witnesses. Wiley.*
- *Brubacher et al 2014: Recommendations for interviewing children about repeated experiences. Psychology, Public Policy & Law.*
- *Cordisco-Steele 2019: Adapted Forensic Interview Protocol for Children and Adolescents when Exploitation and/or Trafficking is Suspected. National Children’s Advocacy Center.*
- *Korkman, 2023: Trafficking in human beings: Psychological coercion and investigative interviewing. HEUNI / ELECT Policy Brief.*

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