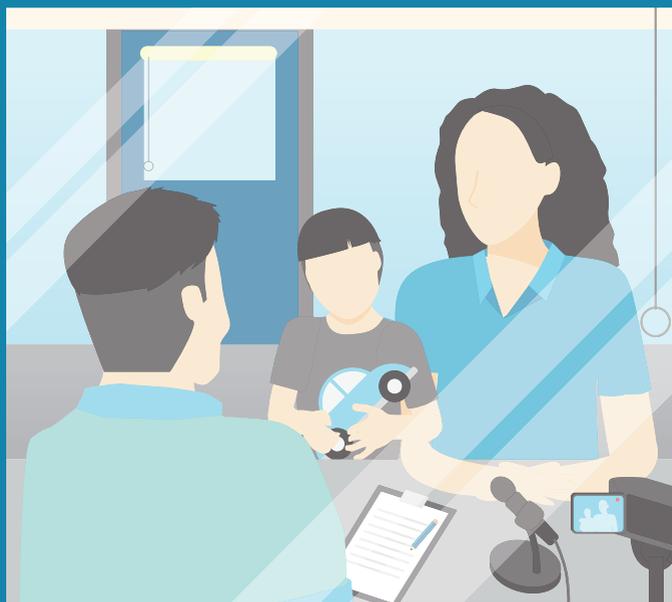


ASSISTING AND INTERVIEWING CHILD VICTIMS OF TRAFFICKING:

A GUIDE FOR LAW ENFORCEMENT, IMMIGRATION AND BORDER OFFICIALS



**DO NOT
DISTURB**





REGIONAL SUPPORT OFFICE
THE BALI PROCESS

The Regional Support Office of the Bali Process (RSO) has been established to support and strengthen regional cooperation on refugee protection and international migration, as it relates to human trafficking, people smuggling and related transnational crime in the Asia-Pacific region.

In close consultation with the office of the United Nations High Commissioner for Refugees and the International Organization for Migration, and supported by secondments from Member States, the RSO undertakes practical initiatives that enhance information sharing, pooling of common technical resources, exchanges of best practice and capacity building on behalf of the 45 Member States and three International Organizations.

This guide has been developed by a seconded Official from the Department of Anti-Human Trafficking and Juvenile Protection, of the Cambodian National Police with assistance and support from other Bali Process Member States and child protection experts.

The RSO welcomes opportunities to support its membership by:

- developing similar guides related to people smuggling and human trafficking,
- providing training on the use of this Guide,
- supporting secondments from Member States.

For further information, please contact : info@rso.baliprocess.net

PURPOSE OF THE GUIDE

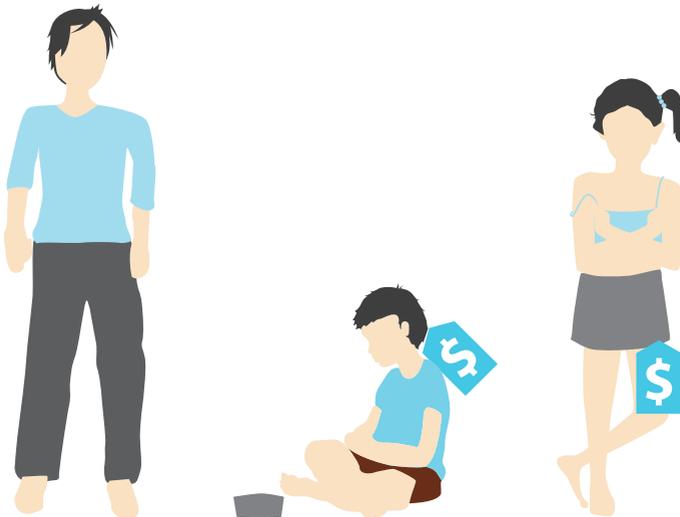
This Guide aims to assist first responders, law enforcement and immigration/border officials who come into contact with child victims of trafficking. It assists them to consider the child's needs, to protect the child from further harm, to make appropriate referrals to others who can assist, and to highlight considerations for conducting an interview.

After first contact with a potential child victim, officers who are specially trained to interview child victims should be notified to assist. This guide is not intended to replace the expertise of such professionals, but rather to provide practical guidance to those law enforcement, immigration or border officials who do not have access to specialised support, but must respond to and interview child victims.

A CHILD VICTIM OF TRAFFICKING IS:

- Any person **under the age of 18**,
- who has been **recruited, transported, transferred, or harboured**,
- for the purpose of **exploitation**,
- either **within, or outside a country**.

It does not matter whether illegal means have been used, or if the child has consented; as long as the purpose is exploitation, the child is considered a victim of trafficking.



IMPORTANT – KEY POINTS TO REMEMBER WHENEVER ASSISTING POTENTIAL CHILD VICTIMS

IT IS ESSENTIAL TO KEEP IN MIND:

Any action taken on behalf of child trafficking victims must reflect the best interests of the child. This means:

- Following first contact, immediately refer potential child victims to the appropriate child services or social welfare agency, such as a government ministry of your province or state, or a non-government agency that offers assistance to children.
- If possible, potential child victims should be interviewed by specially trained officers.
- You must not do anything that could harm the child in any way, psychologically or physically, for example, shouting at them, forcing them to speak, abusing them verbally, or striking them.
- You should try to make the child feel comfortable and confident about telling their story. The child should understand how he/she will be assisted and protected. You should try to behave in a manner that shows the child that you wish to hear their story.
- Child victims should not be detained or feel as if they have been detained. The child victim should be transferred to a safe and appropriate location such as a shelter or other accommodation, as soon as possible.
- All child victims must be treated equally regardless of class, gender, dis/ability, language, religion, race, ethnicity or nationality. All potential child trafficking victims must receive the help, protection and support that is appropriate for their age.

Even if you are not sure whether the victim is under the age of 18, you must offer them the same help, protection and support as if they are under 18, until you can verify their age.

FIRST ENCOUNTER WITH A POTENTIAL CHILD VICTIM

ON FIRST ENCOUNTERING POTENTIAL CHILD VICTIMS OF TRAFFICKING, YOU SHOULD CONSIDER THE FOLLOWING:

- Ensure the child is safe, protected from immediate danger, and attend to his or her immediate needs: provide with water, food, shelter, clothing, toilet access, as well as medical care and rest, if necessary.

REMEMBER TO ACT WITH THE CHILD'S BEST INTEREST IN MIND

- It is preferable to reunite the child with a parent or guardian, particularly if the child is unaccompanied.
 - If the child is accompanied by a parent or guardian, do not separate them unless you have reason to suspect the parent is involved in the child's trafficking or exploitation.
 - Parents or guardians can better support the child if the interview process is fully explained to them.
 - If there is credible information or clear indicators that the child may have been trafficked by the adult accompanying them, then you should separate the child from the suspected trafficker.
 - Contact the child's embassy or consulate, if he or she is not a national of your country.
- Do not do anything that could humiliate or offend the child's dignity. For example: do not handcuff or restrain them; always protect their and their family's privacy; do not parade them in public or expose them to media.
 - Pay close attention to the child's appearance and behavior, as well as their words.



PREPARING FOR THE FORMAL INTERVIEW

KEY POINTS TO REMEMBER WHEN PLANNING AND PREPARING FOR THE FORMAL INTERVIEW



- Conduct the interview as soon as the child is ready to share the trafficking experience. Remember that as time passes, the child might not fully remember his or her trafficking experience. It is also important to remember that some victims take longer periods to recover from traumatic experiences.
- Find information about the child's name, age, language(s) spoken and consider his/her cultural or religious background, developmental ability and health.
- A child's story may be better understood once information has been gathered from all relevant sources (perpetrators, co-victims and witnesses).
- It may be useful for another official to act as a note-taker in order to avoid interrupting the child, or delaying their story. Where legally permitted, video or audio recordings can be used to reduce emotional distress to the child caused by recounting the experience during the investigation and criminal justice process.

- Preferably, a child should be interviewed by an interviewer of the same sex.
- Whenever possible, the interviewer should wear civilian clothes, not an official uniform.



- Try not to intimidate the child.
- The interview room should be as comfortable as possible for the child. If available, provide the child with paper and pencils, to help them to draw what happened to them.
- Toilet facilities should be accessible.
- Provide clean drinking water and, if possible, snacks.



- Be aware that a child needs more break times during the interview; therefore allow extra time for this. Sometimes interviews take more than a day to conclude so plan accordingly.

TIP

To identify a child as a victim of trafficking, the Palermo Protocol provides that it is sufficient to establish two elements of the definition—**Activities** and **Purpose**. In your interview, make sure that your questions are aimed at revealing these two elements of the trafficking in persons crime. Remember to focus on:

ACTIVITIES

- Recruitment
- Transportation
- Transfer
- Harboring or Receipt of Persons



PURPOSE

Exploitation such as Forced Labor, Removal of Organs, Sexual Exploitation, Prostitution of Others, Slavery or Slave like Practices



FORMAL INTERVIEW



Have the Correct Attitude

- Make the child feel comfortable by being friendly. For example, start by asking about his or her interests or likes. Listen and allow the child to talk uninterrupted.
- Pay close attention to the child’s behavior, language and emotion. Do not pressure or intimidate the child.

Maintain Privacy

- Close the interview room door, if the child prefers. Place a “Do Not Disturb” or “No Entry” sign on the door to avoid interruptions.
- Make sure that you will not be disturbed by radio or telephone communication.

Explain Everything Clearly

- Introduce yourself and explain the purpose for conducting the interview.
- Explain the interview procedure to the child and how it will be helpful for him or her.
- Introduce other attendees and explain in simple language why they are there.
- Tell the child how the information provided will be used and how it is kept confidential.

- Explain to the child that:
 - If they do not have information about the incident or do not have an answer to a question, they should say “I do not know”.
 - If they do not understand a question, they should say “I do not understand”.
 - If they forget any information or incident, they should say “I do not remember”.

Use an Appropriate Questioning Style

- Adolescents or victims in their late teenage years may be able to understand and respond to questioning that is appropriate for adults, but with younger children care must be taken to develop questions that are appropriate for their particular age and maturity level.
- No matter what the victim’s age, try to use open-ended questions (such as “what happened after that?”) rather than yes/no questions that have the answers in them (such as “did they put you onto the truck?”)
- Do not ask multiple questions at once.
- Children can be prompted to provide more details about their experience with questions such as:
 - Then what happened?
 - What happened next?
 - What did you see?
 - What did you hear?
- Do not try to lead answers in a particular direction. Leading or closed-ended questions should not be used except when required for clarification.

Be a Careful Observer

- Ensure detailed notes are taken.
- Closely observe the child’s body language.

IMPORTANT

Remember not to overcrowd the interview room but allow the child to be supported during their interview by an appropriate adult such as a parent or guardian/ support person, social worker, psychologist or lawyer.

The child should be given an opportunity to tell their story in their own way, before they are asked specific questions about their trafficking experience.

Allow the child to feel their best interests have been considered and cared for.

AFTER THE INTERVIEW

Once you have the child's full account of his or her trafficking experience, the child will continue to require support. Below are some things to be considered before the interview is finally closed.

- Summarize the main points of evidence in the child's statement before the end and check that you have understood what you have been told.
- Explain what the child has mentioned in very simple language and see whether there is something else you need to know.
- Ask the child if there is something else he or she needs to ask you.
- Thank the child for his or her time and effort, but not his or her disclosure of the case. For example, "thank you so much for your information and being here." (Generally, you should not say "thank you for the secrets you have disclosed").

CLOSING THE INTERVIEW

At the end of the interview, you should inform the child of:

- what will happen next,
- how and when you will further assist the child,
- details of support services the child may be referred to,
- whether further interviews might be needed, and
- contact details of the interviewer.

TIP : DESIRED INTERVIEW OUTCOME

Accurately and reliably establish the complete facts of the case history from the victim's perspective.

Identify areas where other facts corroborate the child's testimony.

The section below can be used to write contact numbers.

CONTACTS OF CHILD VICTIM SUPPORT OFFICES

HOTLINE

.....

.....

INVESTIGATIVE OFFICE

.....

.....

SOCIAL WORK OFFICE

.....

.....

VICTIM SPECIALIST

.....

.....

OTHER

.....

.....

.....

.....



REGIONAL SUPPORT OFFICE
THE BALI PROCESS

Regional Support Office - The Bali Process

27th Floor, Rajanakarn Building, 3 South Sathorn Road, Sathorn, Bangkok 10120, THAILAND

☎+66 2 343 9477 📠+66 2 676 7337 ✉info@rso.baliprocess.net

www.baliprocess.net/regional-support-office