



Tool 6.11 Interviewing tips for law enforcement

Overview

This tool presents some elements to guide the work of law enforcement officials during their interviewing of persons they suspect have been trafficked.

Organization for Security and Cooperation in Europe minimum standards which should be in place for the initial interview

The victim identification process should respect the rights of victims, their choice and their autonomy. To accomplish this objective, it is suggested that the victim identification process should be an integral part of the victim protection mechanisms set in place in a State.

Law enforcement can identify persons as presumed trafficked persons during the first interview if they suspect that persons may have been trafficked.

Minimum standards which should be in place during the first interview

Regardless of the legal status of the person being interviewed, the following minimum standards should be in place:

- The presumed trafficked person should be informed about the procedure of the police interrogation and its consequences.
- The information given should be clear, accurate and in the native language of the presumed trafficked person.
- Experienced interpreters should be present during the interview.
- Questions touching upon the person's privacy, for instance regarding intimate relationships and experiences in prostitution, should be avoided.
- A trafficked person can only be conclusively identified as such if the distinct elements of the crime of trafficking have been detected. This may require time because of the complexity of the crime of trafficking and the vulnerable status of trafficked persons suffering from post-traumatic stress disorder.
- A particularly effective way to promote self-identification of victims of trafficking is to allow for a "reflection period" (see chap. VII), a period of time in which the presumed trafficked person is referred for services and counselling, without having to make an immediate statement to police on her or his status. This enables the presumed trafficked person to receive appropriate support and allows them to make informed decisions.
- Besides the statements of the presumed trafficked person, other evidence should be collected to identify all the facts and relevant information to determine if the case is one of trafficking.



Source: *National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons; A Practical Handbook* (Warsaw, OSCE, 2004), available at:

www.osce.org/documents/odihr/2004/05/2903_en.pdf

Anti-Slavery International principles on how to act during the initial interview

Anti-Slavery asserts that the following principles are key to gathering evidence successfully:

- Truthfulness
- Respect
- Competence
- Pragmatism
- Responsibility

Based on those principles, four tips are offered to law enforcement officers coming into contact with potential victims of trafficking:

Be professional and approachable

- Make sure that you are aware of appropriate national legislation, professional guidelines and contacts including shelters and non-governmental organizations for possible referral.
- Bear in mind gender barriers. It is preferable that female potential victims are interviewed by female officers.
- In cases where the persons being interviewed was a sex worker in his or her country of origin, the interviewer should consider:

What is your opinion about that?

How will you describe this in your police report?

Does including such information have any negative consequences for the victim?

It is important to note that finding out the truth is the main objective and that it is not essential to know the details of all the sexual experiences of the victim. It is essential that the interviewer does not stigmatize the interviewee and is not prejudiced against him or her.

- Potential cultural and language barriers should be thought about in advance and cultural mediators and language interpreters should be involved where possible.

Show respect

- The victim should always be treated with respect and listened to carefully. The interviewer should not make judgments about what the interviewee has done, or his or her views.

- The interviewee may have been through traumatic events which may be difficult for them to recount. The interviewer should minimize additional trauma or harm to the victim.
- Future actions and steps in process should be discussed and agreed with the victim, rather than told to and imposed on the victim.

Be clear

- Victims should be informed of the most important and relevant information early on and the interviewer should make clear what is possible and what is not, particularly regarding the role and limitations of the police.
- Unrealistic or false promises should never be made under any circumstance.

Be aware of safety implications

- The interviewer should try to speak to the person in private and should bear in mind the potential risk for the person giving an interview.
- Business cards should not be given to victims of trafficking, potential victims, suspected traffickers—law enforcement officers' business cards are found in the possession of traffickers all over the world.
- Interviewers should not stamp or mark a victim's passport as this can be the basis for prosecution in his or her home country.

Be there for the victim

- It is important to ensure that the potential victim knows what is happening at each stage of the process, that he or she has a say in the process and can regain control of his or her situation.



Source: Anti-Slavery International, Protocol for Identification and Assistance to Trafficked Persons and Training Kit, available at:
www.antislavery.org/homepage/resources/PDF/Protocoltraffickedpersonskit2005.pdf