



Specific techniques of interviewing members of vulnerable groups – CHILDREN –

Methodological tool for carrying out the tasks of the national preventive mechanism

According to Article 19 of OPCAT,¹ national preventive mechanisms should regularly examine the treatment of persons deprived of their liberty, who are held at a place of detention specified in the Article 4 of OPCAT (e.g. in prisons, hospitals, schools, institutions involved in the care of children, the aged, the mentally ill or the disabled),² in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

The main task in the preventive work of the NPM is to visit places of detention, during which the essential source of information is provided by the personal meetings with the persons deprived of their liberty, and interviewing them about their situation.

Although people deprived of their liberty may be considered as vulnerable in general, some groups, due to certain factors and/or circumstances, are exposed to particular vulnerability, such as women, juveniles, members of minority groups, foreign nationals, persons with disabilities, and members of sexual minorities.³ A combination of risk factors (intersectionality) may lead to enhanced vulnerability, and it can result in experiencing torture and ill-treatment in distinct ways.⁴

Those factors and circumstances which may render a person vulnerable may also affect communication, which needs to be considered during the preparation and conduction of monitoring visits.

Based on the exchange of views and experiences between the participants of the international workshop entitled “Interview techniques with vulnerable groups” organized by the Hungarian NPM on 29-30 September 2021, monitoring visits of NPMs to places of detention where persons in vulnerable situation are concerned should meet the following criteria:

1. Before the visit:

- careful planning and preparation;
- involvement of experts by experiment (at every stage of the monitoring process);
- composition of the visiting team (size, gender, age, professional training – multidisciplinary);

2. During the visit; interview techniques:

- “do no harm”;
- provide information to the interviewee;
- empathy;
- trauma-informed approach;
- adequate time;
- confidentiality;
- avoid labeling, generalization, prejudice;
- adequate language and terminology;
- maintain good body language;
- thorough information gathering, cross-check, triangulation;
- feedback;

3. After the visit:

- emphasis on prohibition of reprisals;
- special attention to the content and structure of the report; taking into account international human rights standards;
- follow-up;
- importance of training and sensitization;
- contact with the stakeholders (*SPT, CPT, NPM, Network, experts*).

Interviewing children⁵

Due to their physical and mental immaturity, children may be considered as vulnerable persons even under normal circumstances. Deprivation of liberty places them in a situation of particular vulnerability.

All professionals working with children must carry out their work in accordance with the principles set out in the UN Convention on the Rights of the Child:

- a person below the age of 18 years is a child, entitled to the rights set forth in the Convention (Article 1);
- prohibition of discrimination (Article 2);
- in all actions concerning children, the best interests of the child shall be a primary consideration (Article 3);
- the child has the right to express his/her views freely in all matters affecting the child, and those views have to be given due weight (Article 12).

Some factors to consider, and necessary preparations before an interview with a child:

- before the visit, the monitoring team has to collect information about the institution, the age of the children, and whether there are children with special needs to be involved;
- ensuring children are heard by an adequately trained and prepared person (multidisciplinarity!);
- ensuring children are heard in the most favorable settings (with regard to the needs of the child; and a suitable place for confidential interviews).

During the interview:

1. Try to build trust:

- introduce yourself;
- inform the child:
 - o about the purpose of the interview, and the utilization of the information provided;
 - o about confidentiality;
 - o that s/he can talk for any time, s/he can use any words;
 - o that s/he is not obliged to answer the questions;
- use an informal approach;
- start with conversational, non-controversial questions and work towards more sensitive issues.

2. Child-centered communication:

- use simple vocabulary that is appropriate for the child's age and background;
- avoid professional language and legal jargon;
- use frequently used words and short sentences;
- ask clear and unambiguous, open-ended questions;

- in the absence of answers, reword the questions instead of repeating them;
 - pay attention to the body language of the child;
 - check whether the child has correctly understood what has been said to her/him;
 - encourage the child to ask when s/he does not understand something.
3. Respecting the principle of “do no harm”:
- be empathetic, patient and understanding;
 - keep in mind that all children deprived of their liberty are traumatized to some degree;
 - pay attention to your body language;
 - make sure that the child feels comfortable during the hearing:
 - o ask the child if there are any needs to be responded to,
 - o take a break if necessary.
4. Closing the interview:
- give the child the opportunity to ask his/her own questions;
 - explain the limitations of your work in order to avoid raising false hopes;
 - thank the child for his/her participation.

International legal standards concerning children deprived of their liberty⁶

- [UN Convention on the Rights of the Child; 20 November 1989](#)
- [UN Standard Minimum Rules for the Administration of Juvenile Justice; adopted by General Assembly resolution 40/33 of 29 November 1985 \(“The Beijing Rules”\)](#)
- [United Nations Rules for the Protection of Juveniles Deprived of their Liberty; adopted by General Assembly resolution 45/113 of 14 December 1990 \(“Havana Rules”\)](#)
- [UN Guidelines for the Alternative Care of Children; adopted by the General Assembly, 24 February 2010, A/RES/64/142](#)
- [UN Committee on the Rights of the Child, General Comment No. 24 \(2019\) on children’s rights in the child justice system, CRC/C/GC/24](#)
- [Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/HRC/28/68; 5 March 2015](#)
- [Recommendation Rec\(2005\)5 of the Committee of Ministers to member states on the rights of children living in residential institutions](#)
- [Recommendation CM/Rec\(2008\)11 of the Committee of Ministers to member states on the European Rules for juvenile offenders subject to sanctions or measures](#)
- [Recommendation CM/Rec\(2018\)5 of the Committee of Ministers to member States concerning children with imprisoned parents](#)
- [Juveniles deprived of their liberty under criminal legislation, Extract from the 24th General Report of the CPT \[CPT/Inf\(2015\)1-part rev1\]](#)
- [Directive \(EU\) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings](#)
- [Prison systems and conditions, European Parliament Resolution of 5 October 2017 on prison systems and conditions \[2015/2016\(INI\)\], P8TA\(2017\)0385\]](#)

Further reading related to interviewing children

- [Chapter 11 – Interviewing. OHCHR: Manual on human rights monitoring. Professional Training Series No 7. New York ; Geneva: UN, 2011 \(HR/P/PT/7/Rev.1\)](#)
- [Krassimir Kanev: Prisoners in a situation of vulnerability – A Handbook for National Preventive Mechanisms \(2021\)](#)
- [Principles on Effective Interviewing for Investigations and Information Gathering, May 2021.](#)
- [PRI Toolkit for Interviewing Children, their Guardians, and Staff of Juvenile Detention Facilities. November 2011.](#)
- [MDAC, GIP, LIGA, ACT: The CHARM Toolkit - The Child Human Rights Abuse Removal Monitoring Toolkit. 2017.](#)
- [Heather L. Price - Kim P. Roberts: A practical guide to interviewing child witnesses. The Canadian Journal of Police & Security Services ,Volume 5, Issue 3/4 , FALL 2007.](#)
- [Guidelines on Child-Friendly Legal Aid. UNICEF ECARO, October 2018.](#)
- [Child-Friendly Justice and Children’s Rights. CRIN. 2012.](#)
- [Child-Friendly Justice in Action. A Toolkit for mainstreaming child-friendly principles when working children involved in administrative and judicial procedures](#)
- [Child-friendly justice - Perspectives and experiences of children, involved in judicial proceedings as victims, witnesses or parties in nine EU Member states. 2017.](#)
- [Advancing the Defense Rights of Children – Manual for Practitioners](#)

References

¹ Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, adopted on 18 December 2002. <https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPCAT.aspx>

² UN Committee Against Torture, General Comment No. 2, CAT/C/GC/2 par 15. <https://undocs.org/en/CAT/C/GC/2>

³ SPT: The approach of the Subcommittee on Prevention of Torture to the concept of prevention of torture and other cruel, inhuman or degrading treatment or punishment under the OPCAT CAT/OP/12/6, par 5(j) <https://undocs.org/en/CAT/OP/12/6>

and Report of the UN Special Rapporteur on torture (2016) A/HRC/31/57. <https://undocs.org/en/A/HRC/31/57>

⁴ CAT General Comment No 2, par. 22; Report of the UN Special Rapporteur on torture (2016) A/HRC/31/57, par. 9

⁵ Based on the following sources: PRI Toolkit for Interviewing Children, their Guardians, and Staff of Juvenile Detention Facilities. November 2011. [PRI Toolkit for Interviewing Children, their Guardians, and Staff of Juvenile Detention Facilities. November, 2011](#)

Heather L. Price - Kim P. Roberts: A practical guide to interviewing child witnesses. The Canadian Journal of Police & Security Services, Volume 5, Issue 3/4, FALL 2007.

https://www.researchgate.net/publication/257394974_A_practical_guide_to_interviewing_child_witnesses

Guidelines on Child-Friendly Legal Aid. UNICEF ECARO, October 2018.

<https://www.unicef.org/eca/media/5171/file>

Child-friendly justice - Perspectives and experiences of children involved in judicial proceedings as victims, witnesses or parties in nine EU Member States. 2017. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2017-child-friendly-justice-children-s-perspective_en.pdf

and information shared on the international workshop entitled “Interview techniques with vulnerable groups” organized by the Hungarian NPM on 29-30 September 2021, with special regard to the presentation of dr. Ágnes Lux, research fellow of Centre for Social Sciences

⁶ Based on the collection of the APT: <https://www.apt.ch/en/knowledge-hub/detention-focus-database/groups-situations-vulnerability/children> and the list on pages 33-34 of Krassimir Kanev: Prisoners in a situation of vulnerability – A Handbook for National Preventive Mechanisms (2021) https://bim.lbg.ac.at/sites/files/bim/attachments/handbook_-_prisoners_in_a_situation_of_vulnerability_-_bhc.pdf