

**Good practice tool for police  
hearings with migrant, applicant  
for international protection,  
refugee (MAR), trafficked, and  
LGBT+ victims of sexual violence**

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**Feedback**

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# Introduction

The good practice tool has been developed as part of the EU-funded project INHeRE, aimed to improve holistic care for migrants, applicants for international protection and refugees (MAR) who have experienced sexual violence by strengthening the capacity of multi-sector professionals. The tool has been designed for police authorities who investigate and/or conduct hearings of vulnerable victims of sexual violence and trafficking.

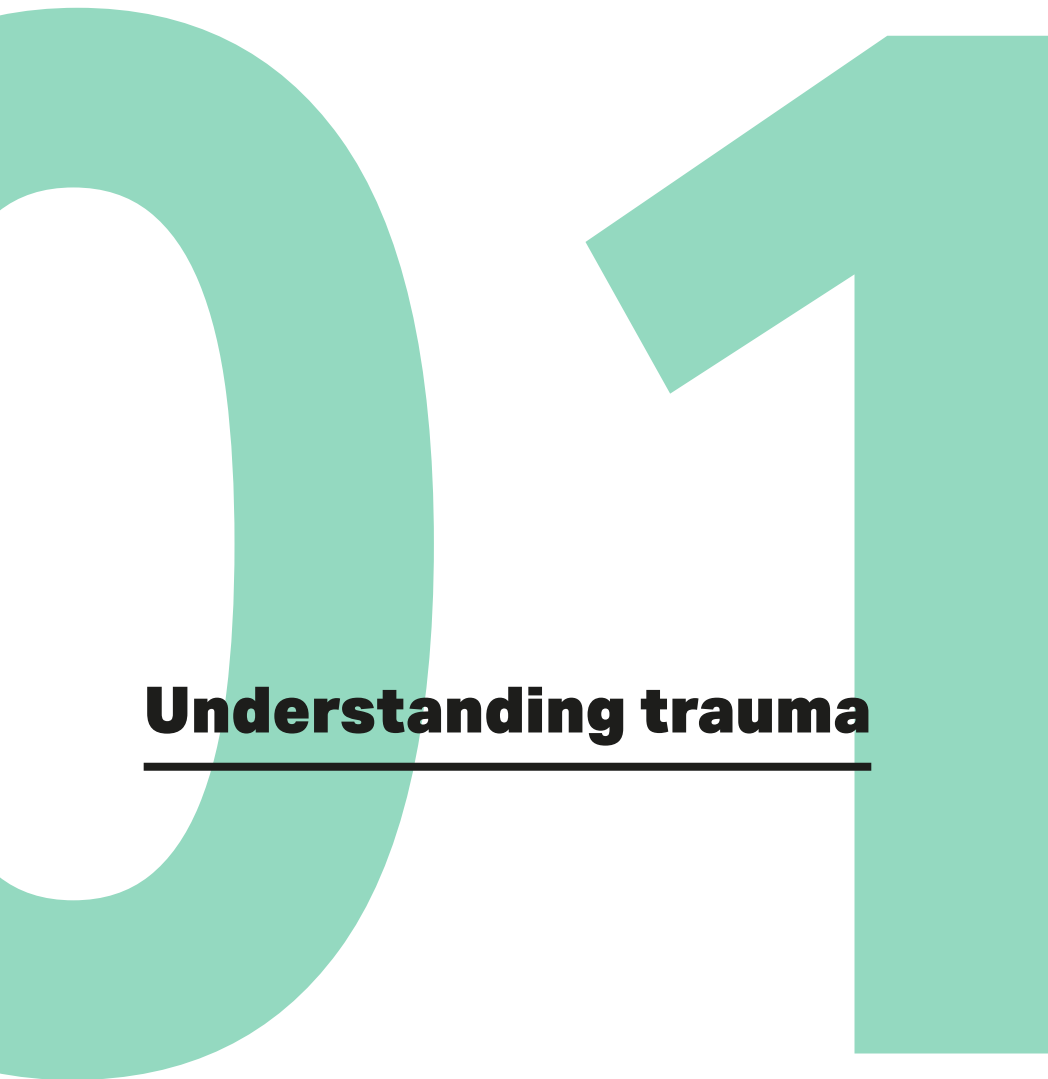
The purpose of this tool is to guide law enforcement on trauma-informed practices and techniques. The approach proposed is based on a human rights and victim-centred approaches, requiring that victims are treated with competence and compassion, and provided with appropriate information and referrals. The objective is to achieve a successful interview to support an effective investigation while minimising any secondary victimization.

**Secondary victimization** occurs when victims suffer further harm not as a direct result of the criminal act but due to the way institutions and other individuals interact with them.<sup>1</sup> A person who has been subjected to sexual violence is vulnerable, in need of assistance, and, often for the very first time, involved in the criminal justice system. The victim may be new to the experience of speaking to law enforcement and ultimately having to appear in court. This process can be stressful and confusing. When law enforcement officials fail to recognize and treat victims with respect, this can lead to further traumatization and self-blaming, and cause distrust of the system.<sup>2</sup>

With consideration for the two-fold objectives of helping victims access their rights and supporting the investigation, a trauma-informed approach aims to:

- **Facilitate understanding of the impact of trauma and the ways it may affect the victim's behaviour, reactions, and statement**
- **Increase awareness of the myths, stereotypes and preconceptions surrounding sexual violence;**
- **Encourage multidisciplinary teamwork or interagency collaboration in response to the victim's needs,**
- **Apply evidence-based techniques to facilitate building rapport and trust with survivors**
- **Build trust.**

This tool starts with an introduction to trauma, its effects, and how it can impact perceptions of the victim's credibility. It then highlights the benefits of employing cognitive interviewing techniques with victims, and it describes a trauma-informed 7-step model to improve memory recall.<sup>3</sup>



**Understanding trauma**

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# 1. Understanding trauma

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Victims of sexual violence, regardless of their background and the circumstances of the abuse, may all experience trauma.

**Trauma** can be defined as a psychological and emotional response to an event or an experience that is deeply distressing or disturbing. It is often a life-changing event with negative, sometimes lifelong consequences.<sup>4</sup>

Trauma has a neurobiological impact, affecting the brain and nervous systems. It can leave victims with immediate psychological consequences as well as long-term effects, which may include extreme anxiety, intrusive memories, flashbacks and nightmares, feelings of shame, withdrawal, shock, denial, confusion, and guilt. Victims may also develop posttraumatic stress disorder (PTSD) and complex-PTSD, depression, eating disorders, sexual dysfunction, substance abuse, and suicidal thoughts.<sup>5,6</sup>

**PTSD** is a mental health condition that may occur in people who have experienced or witnessed a shocking, frightening or dangerous event such as a natural disaster, a serious accident, a terrorist act, war/combat, rape, or those who have been threatened with death, sexual violence or serious injury.<sup>4</sup> Symptoms vary from person to person, by age group, and may change over time. They are generally grouped into four categories:

- **Intrusive thoughts**, such as repeated, involuntary memories, upsetting dreams, or flashbacks of the traumatic event;
- **Avoidance**, or coping reactions that occur when a person tries to avoid external reminders such as people, places, activities, conversations, objects, and situations that may trigger distressing memories. Over time, when avoidance is extreme or it's the main or only coping strategy, it can lead to emotional numbing, isolation, and withdrawal, thus worsening PTSD symptoms and interfere with the person's emotional recovery and quality of life,<sup>7</sup>

- **Negative changes in thinking and mood**, which may manifest in negative beliefs about oneself, others, or the world, difficulty maintaining close relationships, estrangement or detachment from others, persistent display of negative emotions, (e.g. self-blame, fear, horror, anger, guilt, or shame), diminished interest in activities previously enjoyed,<sup>4</sup>
- **Changes in physical and emotional reactions**, which may include being easily startled or frightened (hypervigilance), irritability, angry outbursts or aggressive behaviour, often being tense, hyper-alert to danger, or "on edge", trouble concentrating, trouble sleeping, engaging in risky, reckless, or destructive behaviour, (e.g. excessive drinking or driving too fast).<sup>4</sup>

The diagnosis of PTSD is attributed when an individual meets diagnostic criteria and the symptoms are present for at least 1 month following exposure to the potentially traumatic event(s). The symptoms must also cause significant distress and impairment in functioning and not be attributable to another disorder.<sup>8,9</sup>

Victims of sexual violence and trafficking are at risk of suffering from **complex PTSD (CPTSD)**.<sup>10</sup> CPTSD, sometimes identified as a distinct clinical condition,<sup>5</sup> is diagnosed in adults or children who have been subject to multiple victimizations over a period of time, as is the case of trafficking in human beings. While sharing the core symptoms of PTSD, CPTSD is characterized by additional diagnostic criteria including interpersonal difficulties, affect dysregulation, persistent beliefs about oneself as diminished, defeated or worthless, accompanied by feelings of shame, guilt or failure.

However, individuals respond differently to traumatic events and, although these are common responses, not all victims will present with these outcomes. Where present, trauma symptoms can profoundly shape a person's



sense of self and of those surrounding them, resulting in pervasive mistrust of others, including distrust for the criminal justice system and fear of disclosure.

For police officers who work with victims of sexual violence, it is hard to anticipate or understand the reactions and behaviours of victims if officers are not familiar with trauma-informed approaches and best practice. This is because the behaviour induced by trauma may not match with the stereotypical or "ideal" conduct expected from a crime victim.<sup>11</sup> These stereotypes create expectations as to how a "real" victim should react. Although in most cases the officer would approach the victim appropriately at first, as the hearing goes on, a person who is defiant, difficult to deal with, or provoking may end up triggering, often subconsciously, a change of attitude in the interviewer. In turn, this may affect the interviewer's entire demeanour through verbal and non-verbal communication. In a chain reaction, the victim and the interviewer may both escalate to the point of jeopardizing the protection of the victim and the successful outcome of the investigation.

Law enforcement must consider the physical, social, and emotional impacts of trauma and triggers that may lead to re-victimization or, even worse, to prosecution.<sup>12</sup> They need to distinguish between unwillingness to disclose and inability to do so. This process involves understanding how to communicate with the person, creating an enabling, safe, and supportive environment, and establishing a relationship of trust. All of this requires extensive specialized training.

## KEY POINTS

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Trauma impacts a person's well-being as a result of one or more distressing events.

The majority of victims of sexual violence experience symptoms of PTSD and other mental health conditions.

Trauma can trigger behaviours that may be confusing in a police hearing.

This tool describes the basics of trauma-informed practice applicable to a police interview setting.



## **Specific vulnerable groups and barriers to disclosure**

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## **2. Specific vulnerable groups and barriers to disclosure**

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### **2.1. Victims who are Migrants, Applicants for International Protection and Refugees (MAR)**

Despite the lack of reliable data due to widespread underreporting, migrants, applicants for international protection and refugees (MAR) are at high risk of sexual victimization before they arrive in the country of destination but also in transit and upon arrival in Europe. Victimization rates reach up to 58% in female and 32% in male MAR<sup>13,14</sup>. MAR may have an extensive history of multiple traumas, often beginning in childhood and continued into adulthood with layers of adverse experiences.

Sexual violence can be a push factor for a person to leave his or her home country. The most recurrent forms of sexual violence experienced in the home countries include gang rape, child sexual abuse, and female genital mutilation, as well as Conflict-Related Sexual Violence (CRSV) which occurs during or briefly after conflicts and includes sexual violence as a weapon of war and torture, ethnic cleansing or genocide.<sup>14,15</sup>

In transit countries, people are vulnerable to sexual abuse due to a lack of protective factors and resources. Migrants may experience sexual violence or be coerced to perform sexual favours to compensate their smugglers.<sup>16</sup>

Recent studies show sexual violence also occurs frequently after MAR arrive in their EU host country<sup>14</sup>. Evidence suggests that undocumented status and limited access to health care services make migrants particularly vulnerable to the risk of further sexual victimization.

The following are examples of abuse that seem to occur more commonly at certain stages along the migratory route, although they can take place at different times.

PHASE	TYPE OF SEXUAL VIOLENCE EXPERIENCED
<b>In the country of origin/prior to the migratory journey</b>	Sexual assault; rape; abduction by armed members of parties in conflict, including security forces; mass rape and forced pregnancies
	Sexual violence in intimate partner relationships
	Forced prostitution
	Child sexual abuse
	Persecution because of gender or sexual orientation
	Forced to observe rape – especially of family members
	Other forms of sexual violence
<b>In transit</b>	Sexual attack by smugglers, bandits and border guards
	Recruitment for trafficking purposes
	Sexual assault in transit facilities
	Survival sex/forced prostitution
	Other forms of sexual violence
<b>In the country of destination</b>	Coercion or extortion by persons in a position of power or authority;
	Sexual abuse of separated children in foster care
	Survival sex/forced prostitution
	Sexual exploitation of persons seeking legal status in the country of destination or seeking access to assistance
	Sexual violence experienced in reception facilities or in general society abusing their limited legal status and/or knowledge of the judicial and health systems

Adapted from "Training Manual - gender-based violence against refugee asylum-seeking women"- CCM-GBV project (REC-2016).<sup>17</sup>

## 2.2. Victims of human trafficking

Victims of trafficking in human beings are often recruited, transported, or harboured by force, coercion, or fraud in abusive conditions, including sexual exploitation, forced labour, forced begging and criminal activities, or the removal of organs<sup>18</sup> While data shows that trafficking has a disproportionate impact on women and girls<sup>19</sup>, most frequently for commercial sex purposes, the phenomenon is much wider.

Sexual violence is used by traffickers as a mechanism of power and control in all forms of trafficking. For instance, a victim of labour

exploitation can be raped as a form of punishment or to intimidate other people held in captivity.

### Victims of trafficking for sexual exploitation

Sexual exploitation remains the most reported form of trafficking in human beings.<sup>20</sup> Sex trafficking exists within diverse and unique sets of venues and businesses like sex work and other forms of commercial sex, including street and window prostitution, brothels, strip clubs and bars, the pornography industry, escort services, modelling agencies, and massage parlours. It is a strongly gendered form of exploitation, with the majority of the detected victims being females.<sup>20</sup>

## **Victims of sexual exploitation through coerced trauma-bonding**

Trafficking for the purpose of sexual exploitation can occur through coerced trauma-bonding. When involving the exploitation of girls or young women by a teenage “pimp” or “pimp-boyfriend”, the phenomenon is often referred to in many countries as the “loverboy phenomenon”. Europol reports that this had become one of the most common modus operandi in sex trafficking of minors across Europe.

Traffickers who resort to these tactics establish a romantic relationship with girls and young women that quickly turn into an emotionally and psychologically abusive one. There is a common pattern in the way they operate: gifts, love, isolation from the family and community, drugs and, as a final step, initiation to prostitution. The exploiter knows that once a victim is emotionally involved, she will be more likely to do what she can to keep his affection. This context is especially precarious, as the abuse takes place in a close or intimate relationship, and in a state of complete emotional, psychological and financial dependency.

Victims of sexual exploitation through coerced trauma-bonding, in many cases minors, exhibit a complex psychological profile, a high level of vulnerability, troublesome, defiant and inappropriate behaviours. They do not see themselves as victims, having established a strong bond with their exploiter based on romantic feelings, fear and loyalty. Their critical needs may often be unmet by law enforcement agents who find themselves facing traumatized, confused, and aggressive girls.

To the eyes of a police officer or investigator, such conduct appears to be counterintuitive. In fact, victims do not show the attributes of the “ideal victim”.<sup>11</sup> In some circumstances, they may exhibit the behaviour of a perpetrator. As a result, they are frequently labelled and treated as “rebellious children”. When victims are not identified as such, access to appropriate care and justice may be limited. Victims may be at risk of re-victimization or subject to prosecution for violations they have been compelled to commit under the trafficking circumstances.

## **2.3. LGBT+ victims**

Victims of sexual violence who are lesbian, gay, bisexual, transgender, queer, questioning, intersex or asexual [LGBT+] may need special considerations. Compared to cis-gender and heterosexual women, LGBT+ victims are even less likely to report to the police. Depending on their circumstance, LGBT+ persons may face additional vulnerabilities to exploitation and other forms of sexual violence, plus additional barriers to reporting.

### **BARRIERS TO DISCLOSURE**

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#### **Barriers to disclosure experienced by MAR victims**

Evidence from EU wide surveys on violence against women indicates that the majority of victims of sexual violence do not report to either the police or any victim support organization.<sup>21</sup> Given the multiple barriers associated with disclosing experiences of sexual violence, prevalence rates of sexual victimization in MARs are most likely an underestimation. Below are some common barriers experienced by MAR victims when disclosing sexual violence:

- 1. Fears around immigration status, lack of documents, and deportation:** These are the main reasons for not reporting.<sup>14</sup>
- 2. Blame, stigma, public scrutiny, and the consequences of these:** For example, ostracism from their family and/or community as a result of speaking up.<sup>22</sup>  
**Self-blame:** Victims may blame themselves for their own assault. This is common amongst all victims of sexual violence. Multiple factors may contribute to this perception, including the use alcohol or drugs at the time of the assault.<sup>1</sup>
- 3. Avoiding unpleasant memories and feelings:** Many victims fear reliving the experience by having to tell their story or visit the crime scene.
- 4. Limited knowledge of available support:** Victims often do not know about available services and that they are entitled to rights.<sup>23</sup>

5. **Embarrassment and shame:** As is common in all victims of sexual violence, MAR victims may feel embarrassed or ashamed to talk about the abuse.
  6. **Language limitations:** Victims may not feel comfortable talking about the abuse in a language they are not proficient in.
  7. **Cultural factors:** Talking about intimate details may be particularly uncomfortable for people from certain cultural backgrounds. Some victims may be reluctant to disclose abuse with an interpreter present, for fear that they might know someone within their community. Also, if an interpreter is present, this may mean disclosing to multiple people at once which can also be a barrier.
  8. **Fear of not being believed:** Some MAR victims may fear that the investigators will doubt their allegations.<sup>24</sup> This may be due to their cultural context amongst other reasons.
  9. **Distrust in authorities:** Distrust may be the consequence of difficult experiences in their country of origin, including violence, corruption or disregard for women's rights, and gender-related persecution. Detention-like experiences in reception centres in the country of destination may also contribute to their negative feelings towards law enforcement.<sup>17</sup>
2. **Safety and protection concerns:** Victims may believe that police officers cannot guarantee protection from offenders. This may be due to their own past negative experiences<sup>1</sup> or those of others.
  3. **Competing priorities:** Some victims may be reluctant to engage to law enforcement as they might believe doing so would reduce their capacity to prioritize recovery, or pursue their migration goals, after they have escaped the exploiters.<sup>1</sup>
  4. **Exploitation of cultural and religious rituals and beliefs:** Rituals within voodoo and juju, that bind victims to oaths of silence and obedience may be exploited by offenders to incite fear in victims that their relatives will fall ill or die if they go to the police or fail to pay their debts.<sup>1</sup> This is part of offender tactics.
  5. **Lack of knowledge regarding the legal system, victim rights and key information relating to victims of trafficking:** This knowledge is essential to making an informed decision to file a report.

Alongside these barriers, additional challenges may be experienced by MAR survivors with intersecting vulnerabilities, or needs resulting from the specific context of the abuse. Below are some examples.

### Barriers to disclosure experienced by victims of human trafficking

1. **Offender strategies:** Often traffickers have convinced victims that the police are corrupt, and they will not help them. They may also have threatened the victims with violence, isolation, punishment or harming their loved ones if they report to authorities. The trafficker's entrapment strategy, however, can also be based on an intimate relationship with the victim and the promise for a better future.

### Barriers to disclosure experienced by victims of coerced trauma-bonding

1. **Inability of the person to label the abuse as a crime:** Research has highlighted three dimensions of the mismatch between the abusive condition of the crime and the perception of the victim: (i) the person cannot label the events and circumstances as a crime (ii) they do not see themselves as victims, (iii) their self-image does not correspond with the legal definition of exploitation or trafficking.<sup>1</sup> Coerced trauma-bonded victims have a far-reaching loyalty to their exploiter, they show a deep emotional attachment and are most often unaware that they are being manipulated for the purpose of sexual exploitation. The police observed that victims remain loyal to their trafficker even when they are out of the exploitative situation. In fact, it often takes years to sever a girl's psychological dependence on her abuser.

2. **Victim-blaming:** For example, if a girl has accepted to have paid sex she may be perceived as responsible for the consequences, by herself or others. Research reveals that fear is one of the main reasons why victims of sexual exploitation tend to refrain from making a report.<sup>25,26</sup>
3. **Increased distrust of authorities:** This may in part be related to unpleasant experiences of authorities, such as being in foster care or from past experience with the police. Additionally, research has found that girls often feel they are not treated with respect or are not taken seriously when contacting the police or when filing a report.<sup>26,27</sup> As in other cases of trafficking, traffickers may manipulate the victim into distrusting the police.

### Barriers to disclosure experienced by LGBT+ victims

1. **A lack of recognition of sexual violence in same-sex relationships by LGBT+ persons:** For a victim to come forward, seek help and press charges, they must first identify themselves as a victim of violence. This violence identification process is linked to an individual's beliefs of what violence is, which is influenced by ruling societal norms and values. The dominant models of domestic and sexual violence identify heterosexual women as victims and heterosexual men as assailants.<sup>27,28,29,30</sup> For LGBT+ persons, this binary approach of sexual violence does not always fit with the reality.
2. **Additional risk of self-blame:** Due to the fact that the violence identification process in same-sex relationships may be more complex, as outlined above, those in same-sex relationships may have an increased risk of experiencing self-blame.
3. **Risk of outing one-self or someone else:** The risk of "outing" oneself or someone else (intimate partner or otherwise) also plays a crucial role in the help-seeking behaviour of gender and sexually diverse victims.<sup>30,31,32</sup> By disclosing sexual violence - especially in the context of dating or intimate partner violence – one may unwillingly out oneself or another,

risking rejection and possible isolation from family, friends and society.<sup>30,31</sup> LGBT+ victims may face stigmatisation from the heterosexual and cis-gender communities around them and risk losing the affection of loved ones such as friends and family.<sup>31</sup> For LGBT+ MAR, who often have a limited social network in the host country, a lot may be at stake.

4. **Lack of trust between LGBT+ persons and mainstream agencies, including the police:** The stigmatization, prejudice and discrimination experience by LGBT+ persons may create barriers for victims and make them hesitant to approach the police, health care services, shelters or rape crisis centres. Some victims may fear homophobic or transphobic reactions from service providers or being denied access to certain services because of their sexual orientation or gender identity. Avoiding seeking help may not only be a means to protect oneself, but may also serve as a strategy to avoid additional social stigma for the whole LGBT+ community.<sup>29</sup>
5. **Lack of recognition of sexual violence with same sex relationships by police and other practitioners:** The low levels of confidence in the sensitivity and effectiveness of the law enforcement in regards of specific needs of LGBT+ victims<sup>1</sup> is not only the result of prior direct or indirect experiences, but also relates to specific regulations and messages on a broader systemic level.<sup>31,33,34</sup> Legal definitions on domestic violence for example, exclude same-sex couples and LGBT+ individuals.<sup>31</sup> Statutory definitions of domestic violence are often not adjusted to the reality of same-sex couples and may therefore exclude LGBT+ individuals from accessing legal protection as do heterosexual and cis-gender people.<sup>31,33</sup>

## KEY POINTS

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MARs are at high risk of sexual victimization before they arrive in the country of destination but also in transit and upon arrival.

Whilst sexual exploitation remains the most reported form of trafficking in human beings, sexual violence can be used as a mechanism of power and control in all forms of trafficking.

Victims of sexual violence who are lesbian, gay, bisexual, transgender, queer, questioning, intersex or asexual [LGBT+] may need special considerations.

All of these vulnerable groups face barriers in seeking help and reporting the abuse suffered to the police.



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# **The victim's behaviour and ways for police to respond**

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### 3. The victim's behaviour and ways for police to respond

The trauma victims of sexual violence experienced may affect their presentation, especially in stressful situations. As a means to survive the violence suffered, or endure the abusive situation, they may have developed ways to cope that translate into behaviours that

investigators may find counterintuitive, hard to understand, and cope with.<sup>35</sup>

There are certain behavioural cues and emotional signs that the interviewer can recognize and respond to appropriately:

#### 1. VICTIM EXHIBITS ALTERATION IN THEIR ABILITY TO MANAGE EMOTIONS AND BEHAVIOUR

Behavioural and emotional cues	DO	DO NOT
<ul style="list-style-type: none"> <li>• Shutdown / withdrawn behaviour</li> <li>• Restlessness</li> <li>• Sudden changes of mood or expression</li> <li>• Angry, hostile behaviour</li> <li>• Signs of depression</li> <li>• Overreacting to other people's comments</li> <li>• Lack of interest, submissive behaviour, apathy</li> <li>• Anxiety</li> <li>• Fear</li> <li>• Depression, suicidal thoughts/talk</li> </ul>	<ul style="list-style-type: none"> <li>• Be empathic – show that you understand why they might be responding in this way. Acknowledge that this is stressful and difficult. Ask what/ if there is anything you can do to make it easier.</li> <li>• Help the interviewee understand what may be happening.</li> <li>• Normalizing and offering explanation that the victim's responses are understandable</li> <li>• Remain calm</li> <li>• Emphasize that you are there to help</li> <li>• Provide frequent breaks, whenever there is a need or a request from the interviewee</li> <li>• Understand that withdrawal may be the result of the victim reliving the trauma through her own recollection. Pause and, if necessary reschedule the hearing</li> <li>• Understand that if a person appears to "shutdown", it may be because they are overwhelmed</li> <li>• In case of anger, if breaks don't help, stop the hearing and make a new appointment</li> </ul>	<ul style="list-style-type: none"> <li>• Do not react strongly</li> <li>• Do not take it personally</li> </ul>

- Have items at hand which may support self-regulation such as soothing scents or sensory objects a person can hold (i.e., a Kleenex, a stress ball), soft materials, soft lighting, quiet environment

## 2. VICTIM EXHIBITS AN ALTERATION IN CONSCIOUSNESS

Behavioural and emotional cues	DO	DO NOT
<ul style="list-style-type: none"> <li>• Dissociation, disconnect between the feelings and the narrative</li> <li>• Memory gaps</li> <li>• Shutdown / withdrawal</li> <li>• Constantly changing story, reluctance to speak</li> </ul>	<ul style="list-style-type: none"> <li>• Try to conduct the interview at a time when the person feels most regulated</li> <li>• Ensure the environment is comfortable and enabling to minimize dysregulation and disconnection.</li> <li>• Offer self-soothing materials and breaks to support the capacity to remain present and connected.</li> <li>• Check-in often to ensure the person is hearing and understanding what is being told</li> </ul>	<ul style="list-style-type: none"> <li>• Do not assume that changes in memory necessarily indicate lying, but may be an effect of traumatic memory</li> </ul>

## 3. VICTIM EXHIBITS AN ALTERATION IN SELF-PERCEPTION

Behavioural and emotional cues	DO	DO NOT
<ul style="list-style-type: none"> <li>• Shame, embarrassment, self-deprecation</li> <li>• Uncertainty, anxiety, confusion</li> <li>• Guilt, self-blaming</li> <li>• Low-esteem, lack of self-respect</li> <li>• Behaving as an offender</li> <li>• Unable to make decision</li> <li>• Being in denial/minimizing the situation</li> </ul>	<ul style="list-style-type: none"> <li>• Help the person break down the account if they seem to feel overwhelmed</li> <li>• Focus on the facts and narrative, instead of getting entangled in the person's emotion (or lack thereof)</li> <li>• In case of victims of trafficking through the loverboy method or intimate relationship with the offender, or when the victim-offender relationship is not clear, do not talk about the offender, talk about the behaviour, e.g. "it is against the law to make another person to have sex without their consent"</li> </ul>	<ul style="list-style-type: none"> <li>• Do not attribute responsibility to the exploiter in the case of coerced trauma-bonding</li> <li>• When the person is in denial, do not label the crime as e.g. "human trafficking", "loverboys", "victim" as this may shock them (victims may have created an imaginary world for themselves to cope with trauma)</li> </ul>

## 4. ALTERATION IN SOCIAL INTERACTION

Behavioural and emotional cues	DO	DO NOT
<ul style="list-style-type: none"><li>• Appearing defiant, over-confident</li><li>• Seeking conformation</li><li>• Refusing help</li><li>• Distrust</li></ul>	<ul style="list-style-type: none"><li>• Provide opportunities for control and empowerment such as offering choice about meeting times, the seating arrangement in the room, pacing and breaks, etc.</li><li>• State that you understand the person's distrust</li></ul>	<ul style="list-style-type: none"><li>• Do not challenge the person's narrative, even when it is not realistic</li></ul>

### KEY POINTS

The victim may:

- **Be unable to properly manage their emotions**
- **Struggle to be present**
- **Not have a healthy or realistic sense of self**
- **Have difficulty dealing with others**

Interviewers can equip themselves with the knowledge to recognise these alterations and learn about possible ways to respond.



# Credibility challenges

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4.1. Incomplete and inconsistent narratives: traumatic memory at work	<b>22</b>
4.2. Lack of physical resistance	<b>23</b>
4.3. Delayed reporting	<b>25</b>

## 4. Credibility challenges

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Because trauma can impact a victim's behaviour and statement, it may also influence how law enforcement and other authorities evaluate a victim's credibility. This section will address ways law enforcement professionals can overcome these credibility challenges by conducting a competent and compassionate interview.

For all these reasons, victims of sexual violence should be interviewed in a way that is consistent with how memory works.

### 4.1. Incomplete and inconsistent narratives: traumatic memory at work

Decades of research have shown that stressful and traumatic events are encoded differently in the brain than more routine, everyday experiences in life.<sup>36</sup> Fear, threat or intense stress on memory can result in intensified memory recollection or, conversely, in fragmented or impaired memories. Both of these impacts on memory are the product of the stress hormones released when defence reactions are activated.

People react differently to traumatic events. While some may be able to process the trauma and provide a full narrative of their experience, others may only have fragmented memories, or be unable to recall anything. For some, memories remain fragmented and disconnected, and it often takes time for the victim to be able to put together the pieces of the abuse into a chronological narrative, and some may never be able to put them into chronological order.

The science of psychological trauma and advances in the understanding of traumatic memory can help improve interview approaches and techniques. When a victim is interviewed under stressful conditions – for instance, if they are interrupted in their account, if they are not treated with compassion, if their story is received with scepticism, suspicion or disbelief – they may not be able to recall potentially crucial information. Today's neuroscience suggests instead that many common responses such as appearing confused and incoherent are the result of trauma – not deception.<sup>37</sup>

## ACTION POINTS

<b>Take an initial statement</b>	An initial statement is typically taken upon the first contact with the victim. This is an opportunity for law enforcement to obtain basic information and establish the elements of the crime, not to conduct a comprehensive interview. The statement is used to assess and respond to basic and safety needs, ascertain jurisdiction, identify and preserve sources of evidence and determine the next steps.
<b>Do not dismiss inconsistent statements</b>	Whilst it may be appropriate in some situations to treat inconsistent statements with caution, it is important to recognise that in the case of sexual violence or trafficking, this may also be the natural result of trauma. It is common for victims to provide fragmented or disorganised statements, and to only recall additional information days, weeks, or even months after the sexual assault.
<b>See disclosure as a process</b>	It is important for police officers to recognize that disclosure is a process, not a one-time event. Additional memories may emerge over time.
<b>Properly address the victim's use of drugs when relevant</b>	Drugs and alcohol may have been used by the offender to decrease the victim's inhibitions and facilitate the assault, or they may have been voluntarily used by the victim. Because of their properties, victims who are under the influence of drugs may have little or no memory or distorted memories of the incident. When the person has engaged in recreational drug use, she or he may experience a great deal of anxiety due to shame and self-blame. The police officer must clearly communicate to the victim that drinking and/or voluntary drug use never justify being sexually assaulted.

## 4.2. Lack of physical resistance

Since sexual violence is commonly defined as unlawful sexual intercourse with a person against their will, victims may be expected to have physically resisted to the utmost of their powers. Those who report little or no physical resistance are often viewed with suspicion.<sup>38</sup> There are several reasons why most victims do not fight back:

- Victims may not fight back due to fear and confusion. They often report being “frozen” by terror or “numbed” and unable to fight back (a phenomenon known as “tonic immobility”/freeze response);
- Lack of resistance may be due to fear of angering the assailant and causing them to use more force in the assault. Submission is a common reaction a person can have in an attempt to appease the attacker and minimize harm;
- Pressure to be liked and not be talked about negatively by a peer (either the assailant or a witness) will sometimes cause adolescents to avoid fighting back;
- Physical resistance is unlikely to occur when victims experience dissociation, “freeze” or when they are under the influence of drugs and/or alcohol;
- The assailant’s superiority in size and strength can be sufficiently threatening to induce compliance – even in the absence of actual force or threats;

- Some victims are afraid of retaliation. This is particularly common amongst undocumented migrants who often fear being deported if their status is not legally resolved and the perpetrator has threatened to report them. This fear may also be present for LGBT+ victims who are threatened that they will be “outed” by the perpetrator;
- Acceptance of violence as a normal part of an intimate relationship in some social contexts may play a role in lack of resistance;
- Gender stereotyping can also impact LGBT+ victims of sexual assault. These victims may blame themselves for the assault or think they deserve it due to negative cultural messages about gender and sexually diverse persons;
- Gender socialization may also impact the response of men who are sexually assaulted. Men may fear the stigma of being thought of as “weak”, fear that others will accuse them of not having been able to defend themselves and they may feel increase shame in reporting.<sup>39</sup>

## ACTION POINTS

**Be mindful of language when enquiring about the actions of the victim - Do not ask the victims if they resisted the attack**

It is important for law enforcement professionals to be aware of the fact that in one third of the cases of sexual assault victims do not fight back<sup>40</sup>, regardless of what anecdotal evidence may suggest. In this respect, investigators should avoid asking questions like:

*“Did you scream for help?” “Did you fight back?” “Did you try to escape?”*  
These questions can make victims feel judged or not believed.

**Ask about the victim’s coping strategy and thoughts instead**

The police officer could ask instead open questions such as:  
*“How did you feel?” “Tell me what you were thinking at that point”*

In line with this, the officer would also ask questions like;

*‘What did you say’*

*‘What did you do’*

*‘Where were your hands’*

*‘So at this point you’re in the..., he’s standing..., where are your hands at this point?’*

These prompts will encourage the person to reveal details that may help understand the reaction and coping strategies, for example submission, dissociation, self-talk. An account of the victim’s thoughts and feelings during a sexual assault can help investigators reconstruct the facts. This information can be very powerful in the course of the criminal procedures to understand why the victim responded the way they did, including why they chose not to fight back.



### 4.3. Delayed reporting

Statistics show that most victims of sexual violence who report do not do so right away.<sup>41</sup> And yet, some studies have found much lower conviction rates where there is delayed reporting, compared with conviction rates in cases where victims made an immediate complaint.<sup>42</sup> Similarly, studies examining mock juror responses suggest that delayed reporting can have a negative impact on credibility evaluations.<sup>43</sup>

Delays in reporting may be due to the emotional turmoil the person is experiencing in the aftermath of the crime, to self-blame, or feelings of attachment towards the perpetrator. Another common reason for delayed reporting is the victim's initial inability to label the event as sexual assault, especially when it doesn't have the attributes of the stereotypical rape. This is, for example, the commonly-held notion that rape only happens between strangers, involving physical force, injury, and weapons. Some migrants may see sexual violence as an episode in the migration journey that is not worth being reported to the authorities when it has taken place in the context

of wider trauma and when reporting may carry unwanted repercussions. Sometimes it may take months or even years for a person to identify an incident as sexual assault. Finally, in human trafficking cases disclosure can happen months or even years after the exploitation has begun, because of all the different and complex factors that prevent victims from reaching out for help.

When the victim comes forward, their decision to report may be the result of:

- **Feeling strong enough, or less overwhelmed and able to make a decision;**
- **Having obtained sufficient information, e.g. anonymous advice from support clinics;**
- **Having benefited from psychological support, e.g. increased coping capacity;**
- **Feeling safer from ongoing threats or harm;**
- **Coming to see reporting as a way to increase own control over difficult feelings;**
- **Fearing the assailant will hurt someone else;**
- **Having received encouragement and support from others.<sup>44</sup>**

#### ACTION POINTS

**Do not see delayed reporting as a cause for suspicion**

Law enforcement professionals must acknowledge that most sexual assault victims do not immediately report the crime or may not have initially understood or recognized the abuse as a crime.

**Reassure the victim**

Officers shall reassure victims that delayed reporting is common and understandable.

## KEY POINTS

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Potential challenges to victim credibility, based on their characteristics and behaviours, may affect the outcome of an investigation and leave victims unprotected.

The main credibility challenges are:

- **Incomplete or inconsistent accounts, most often due to the way trauma affects memory and recall**
- **Lack of physical resistance, commonly explained through the fight-flight-freeze response**
- **Delayed reporting**

Practitioners should recognise and avoid common stereotypes and assumptions about victims.



# Trauma-informed interviewing techniques

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## 5. Trauma-informed interviewing techniques

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Due to the particularly intimate nature of the crime, the interview may be humiliating and disempowering for the victim, but also uncomfortable for the police officer. Law enforcement must be prepared and equipped to conduct the interview using a victim-centred approach, treating the person with care and respect while encouraging memory recall.

The cognitive interviewing techniques described in this paper avoids some common pitfalls where the interviewer:

- Does most of the talking;
- Opens with a round of formal questions (e.g., name, address, phone number) to fill out the report;
- Determines the order of questions, sometimes based on a standard protocol;
- Precludes a free report or details unrelated to the questions asked;
- Interrupts the account by asking further questions;
- Uses leading questions encouraging answers that confirm familiar notions or hypothesis;<sup>45</sup>
- Shows annoyance when they do not manage to get the information they wanted to hear;
- Judges or corrects what they believe are "wrong answers".<sup>46</sup>

The following sections illustrate good practice based on a trauma-informed approach and cognitive interview style.

### 5.1. Creating a non-threatening environment

Ideally, the environment where the interview takes place should be one where the person can feel safe and comfortable. It should be clean and comfortable and comply with the

legal requirements of the jurisdiction. When there are no safety concerns, the location should be preferably close to where the person lives or in places other than the police station.<sup>47</sup> However, it is generally not appropriate to interview potential victims of sexual violence in their homes.<sup>48</sup>

The physical setting must not convey the sense of a power relationship existing. Desks should be avoided as they create separation between the interviewee and the interviewer and it may signal dominance. An appropriate setting might be to then include a few chairs and a coffee table. Although cultural differences do occur, positive conversations tend to take place most comfortably at a 120-degree angle,<sup>49</sup> rather than opposite one another, as this adds a cooperative spirit to the interaction and should give the interviewee sight of how to exit the room, in case they need to. Sitting beside the interviewee may encroach on their personal space and feel intimidating so careful assessment is advised before doing so. Other factors to consider are physical qualities that may be emotionally triggering such as the presence of a window with bars, when some MAR or trafficked victims may have experienced being held in prison-like spaces.

Officers should sensitively enquire as to whether there is anything that would help the victim to feel more comfortable, and accommodate any requests where appropriate and possible. It has been debated whether survivors of sexual violence should only be interviewed by female police officers. Female survivors are generally more comfortable with a female officer, who may be less likely to trigger a trauma response than a male officer, and survivors may be less likely to fear that policewomen will identify with the perpetrator<sup>48,50</sup> While requests for an interviewer of a certain gender should always be accommodated if possible, research has demonstrated that overall, gender per se is

not the determining factor of complainant satisfaction.<sup>51</sup> For instance, assuming that a victim will always be at ease with an officer of the same sex minimizes the experiences of those who were sexually assaulted by someone of the same sex and disregards other factors that may affect the victim's comfort. Therefore, whereas there is no clear answer as to whether the gender of the investigator has an automatic advantage in an interview setting, the officer's skills, professionalism, compassion, and sensitivity are the qualities most desired and more important in determining a successful outcome.<sup>52</sup>

In general officers should not wear a uniform in an interview, as it may be intimidating and suggest an imbalance in the power relationship. This is advisable for all interviews with vulnerable victims, but especially so with children.<sup>48,49</sup>

## **5.2. Providing appropriate interpretation**

Interviews should be conducted in a language the victim can easily understand. Victims have a right to receive interpretation and translation, free of charge, at any interview or questioning by the judicial authorities before and during the trials.<sup>53</sup> The complainant should be informed that they have the right to access an interpreter if they want to. Whilst victims may decline the use of an interpreter, if the language being used is not the person's first language, or the person's knowledge of this language is limited to conversational, everyday use, use of an interpreter should be encouraged in order to ensure victims fully understand technical content and are able to provide informed consent. To minimize stress on the victim, if possible, the same interpreter should be used throughout the process.

Relying on family members, children or the person accompanying the victim to interpret should be avoided where possible since both the quality of the interpretation provided and the precise nature of their relationship to the victim may not be clear. For instance, a victim of human trafficking still in captivity may be accompanied

by a controlling companion who insists on answering questions in their place, with the excuse of providing interpretation.<sup>54</sup>

It is good practice to keep a list of carefully screened and qualified interpreters, preferably trained to work with vulnerable groups. The list should include properly accredited qualifications in interpretation, ideally including social and trauma-sensitive interpretation, indicate the direction of interpretation available, and be of different genders. Having a list of pre-screened interpreters is also important to ensure that the persons can cope with hearing about serious violence, graphic sexual detail and abuse. Their emotional and psychological suitability may be assessed by clearly explaining the topics the assignment would cover and tactfully asking questions about their level of comfort.<sup>55</sup>

The interviewer should clarify the role of the interpreter to ensure that:

- They remain independent of the investigation and of all those present: victim, social workers, and interviewers,
- Everything said in an interview remains strictly private and confidential,
- The interpreter's support is limited to accurate and neutral interpretation of questions and answers,
- Interpreters should avoid becoming personally or emotionally involved in the account,
- Interpreters must refrain from explaining anything to the witness unless explicitly instructed to do so by the officer.

With MAR victims, cultural and language gaps must be addressed to avoid shutdown and pushback due to an inappropriate approach. The interpreter and officer alike should be aware of cultural considerations related to gender, sensitive topics such as intimate and private details, and narrative styles. Different cultures exhibit different styles of storytelling. For example, some cultures tell a story in a circular rather than linear manner.

The interviewer must also determine whether the interpreter is culturally, ethically or religiously compatible with the interviewee. People who share the same language may have long-running inter-ethnic, cultural or religious tensions. Inter-communal ill-feelings may thus interfere with the interpretation. When preparing for the interview, the officer can discreetly ask questions to understand whether the interpreter is suitable for the task<sup>56</sup>. The interviewer may also allow the witness to ask questions to gauge their personal level of trust and comfort with the interpreter.

If, in the course of the hearing, the officer senses the victim is uncomfortable with the current interpreter, or they feel the interpreter is not translating verbatim, it is appropriate to pause the interview and possibly request another interpreter.

Wherever possible, the interviewer should ask the client for feedback about the performance of the interpreter used – and relay this and their own feedback to the interpreter and their organisation where appropriate. This information should be included in the list or any other records, ensuring any comments are evidenced and reasonable.<sup>56</sup>

### 5.3. Adopting a victim-centred approach

A victim-centred interview is:

#### **Respectful**

The victim is always at the centre of the conversation. The interviewer can build trust by receiving disclosures respectfully and patiently, remaining non-judgmental, showing respect for cultural and religious beliefs and refraining from statements that put in doubt the victim's credibility. The human rights of victims are respected when the conditions of the 4 C's approach are met<sup>55</sup>:

- **Confidentiality**, informing the person of their rights, the confidentiality of the interview and limits to confidentiality. Disclosure of sexual violence can be experienced, per se, as a violation of one's intimacy. Whenever possible, the

investigation should be conducted by the same officer, or at least the involvement of several investigators should be limited to avoid the need for repeated hearings<sup>48,56</sup>;

- **Control**, assuring the person that they can interrupt the interview at any time, to have someone present for support, to ask questions, and to have their privacy and confidentiality respected. Pressure and loss of control can be reminiscent of what the victim experienced during the offence. It is, therefore, crucial to give back control, treat them with respect and set a pace they are comfortable with.<sup>48</sup> The victim has a right to be accompanied by a counsellor or another supporting figure of their choice throughout the investigation<sup>48,57</sup>
- **Cooperation**, with other stakeholders and service providers (healthcare facilities, safe houses, welfare agencies, immigration office, etc.) to provide victims with the holistic assistance they need,
- **Consent**, no action shall be taken without the full consent of the person to the disclosure, the recording of the information, and the presence of an interpreter.

#### **Non-suggestive**

All police interviews, regardless of whether they involve a child or adult, witness or suspected perpetrator, need to be conducted ethically, without use of coercive techniques, in a sensitive manner, to elicit relevant information.

To this end, it is widely agreed by academic researchers and police practitioners that regardless of the many definitions of question types, open information-seeking questions are preferred.<sup>58</sup> Leading questions, questions that have too many sub-clauses or sub-questions, questions that corner the complainant into a select number of choices, and questions or statements that are indicative of the interviewer's own opinion should be avoided.<sup>59</sup> Officers should ask as few questions as possible and let the victim tell their story by encouraging as many details as possible.

The interviewer should use positive, invitational language, offering choices instead of being directive, illustrating the possibilities and realistic options that exist.<sup>48,57</sup> The pace of the interview should be established by the victim. Very often vulnerable witnesses need their interviews at a slower pace than others. The officer should pay attention to slowing down their speech, refrain from immediately asking the next question and allow the person to pause and be silent, even for a long time, without discomfort. The officer should avoid the temptation to interrupt the silence and use the break instead to prepare the next step.<sup>59</sup>

Keeping the initial interview somewhat unstructured allows the victim to speak more freely, thus allowing the officer to be more responsive to their needs. This module illustrates some interview techniques based on a 7-step plan that can help apply a victim-centred approach (see next chapter).

### ***Developmentally appropriate***

When interviewing witnesses, it is crucial to adapt one's language to their developmental age. This acknowledges, for example, that the understanding of a 6-year-old will differ to that of a 14-year-old and, similarly, the understanding of an 40-year-old adult with cognitive impairment or intellectual disability will differ to that of a 40-year-old with no cognitive impairment. Developmental age may not correspond to the individual's biological age. It is important to assess the witness's developmental level so that age- and development-appropriate interview techniques are used.<sup>45,60</sup>

### ***Focus on the perpetrator***

Officers should use all information from the case, and not rely solely on the victim's account. Moreover, the focus should remain on the suspect, not on the victim's character, behaviour, or credibility.

## **KEY POINTS**

The place where the interview takes place should be safe, clean and comfortable.

The officer can help the victim feel more at ease by arranging the space in a way that it is not intimidating, meeting outside the police station, not wearing a uniform, and checking whether the person has preferences with regards to the gender of the interviewer.

The victim has a right to an interpreter carefully selected the basis of their professional credentials, suitability, such as gender, and absence of conflicting factors.

In a victim-centred investigation the officer protects the privacy and confidentiality of the victim, gives them control over the interview, addresses them in a way that is appropriate to their age and development and maintains a focus on the suspect, not on the victim's character, behaviour, or credibility.

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# **Understanding body language**



## 6. Understanding body language

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Many law enforcement professionals understand and appreciate the importance of nonverbal communication. Decoding signs like gestures, posture, vocal changes, and facial expressions can provide additional indicators to what an individual is thinking and feeling beyond the content of the words spoken. When people do not speak the same language, body language has the potential to widen or narrow cultural and linguistic gaps. Police officers need to be able to communicate non-verbally and decode the nonverbal communication of the victim, by remaining aware of possible cultural and individual differences.

The interviewer's approach to personal space, gestures, posture, facial expressions, and eye contact can enhance and support, or weaken their ability to build trust and connection.<sup>61</sup> The interviewer must also attempt to interpret the body language of the victim in a culturally informed manner.

Body movements including facial expressions, gestures, posture, head and hand movements, or whole-body movements, also known as *kinesics*, signal how approachable a person appears and can influence the counterpart's response. For instance, smiling can be a positive signal, communicating inclusion and welcome. An open posture, where legs and arms are not crossed in any way, may communicate openness, interest, and readiness to listen, whereas a closed posture might imply discomfort or disinterest. Switching the body posture to match that of the other person is called *mirroring* and it can be used to create rapport -as long as it appears natural, and is "open" rather than "closed". For instance, when the officer speaks slowly and behaves in a calm and relaxed way, they can guide the witness to do so as well.<sup>61</sup> In all these instances, the interviewer should sit comfortably, for the meeting could last several hours.

Eye contact should be directed at the victim with an occasional focus on note-taking, the use of which has been previously explained to the client. However, this may not always generate a comfortable atmosphere for all interviewees and can be quite disrespectful to people from certain cultural backgrounds. When interviewing a minor, the officer should try to minimize their stature by interviewing the client at eye-level.<sup>61</sup>

*Proxemics* is the term used to indicate the message given by how close we stand to someone else. It is sometimes recommended to slightly lean forward towards the person, while keeping an open posture, to show engagement and interest. However, the interviewer should use discretion to determine an appropriate distance. Every culture considers different levels of physical closeness appropriate to different types of circumstances and relationships. If the victim moves away, the officer should also keep the distance. When a victim moves forward, the officer should stand still until the person reaches a comfortable space.

Whereas non-verbal behaviours play an important role in face-to-face interactions, one must be wary of dubious concepts such as lie detection through body language (the "body language never lies" paradigm). Lying cannot be detected at a glance as is often stated on the Internet. Beliefs such as that gaze avoidance allows lie detection are a widespread misconception. Scholars agree that there are no non-verbal behaviours that are present in all liars and are absent in all people who tell the truth.<sup>61,62,63</sup>

## **KEY POINTS**

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Reading non-verbal cues may help understand what an individual is thinking and feeling beyond the content of the words being spoken, especially when people do not speak the same language.

Personal space, gestures, posture, facial expressions, and eye contact can enhance, support, weaken, or even sabotage one's ability to build trust and connect.

One must be wary of dubious concepts such as lie detection through body language.



**The 7-step plan**

## 7. The 7-step plan

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**The 7-step plan offers guidance on how to make trauma-informed adaptations to language, behaviour, environment and practice when interviewing survivors of sexual assault.**

Prior to starting and interview using the 7-step plan, ideally, victims should have access to a lawyer whose presence must be accommodated at the interview if the complainant so chooses.<sup>64</sup> The victims' legal rights and interests at stake are vast. Amongst other things, victims have the right to be recognized and treated respectfully, to receive the appropriate information, support, and protection, including protection against secondary victimization. Their privacy and the confidentiality of the information they disclose should be maintained, and self-incrimination avoided. Exercising and protecting these rights in the early stages of investigation may require special legal knowledge and analysis that only a legal counsel can provide.

### Step 1 Engaging

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This stage should include anxiety-reduction techniques to build rapport. Flexibility is essential to understand the person and their state of mind, and to adapt to their needs and requirements.<sup>48,55</sup>

**Responding to immediate concerns** - At the outset, the complainant should be asked if they have any immediate concerns. If the person has left children unattended at home, if they are worried about the dog needing to be fed or other matters demanding immediate attention, these need to be resolved or the person may not be able to be "present" and focused on the conversation. When appropriate, the officer might ask if the complainant has had food or a drink, as victims might have been too nervous to eat or drink before the meeting, and offer a cup of coffee or a small snack as appropriate.<sup>48</sup>

**Safety and referral** - Although views and practice as to when to address safety concerns can vary, it is generally recommended that the person's safety is addressed at some point before the interview concludes.<sup>48</sup> This is especially crucial in cases of domestic violence, human trafficking, forced marriage, and honour-related crimes, where the risk of further abuse is high. A safety and security assessment will help protect the person, build trust, and clearly define both the police and victim's responsibilities in terms of safeguarding.<sup>48</sup> The officer can ask the witness if they would like to share any concerns they have in conducting the interview, any potential consequences of speaking with the police, any other perceived dangers or fears, and what would make them feel safe.<sup>48</sup>

Possible questions are:

- **Do you have any concerns about speaking with us?**
- **Are you worried this meeting create any problems for you, your family, or anyone else close to you?**
- **Do you have a safe place to stay? If not, are you interested in staying at a shelter?**
- **Did you tell anyone that you were coming here today?**
- **Is this a good time for you to meet today?**
- **Do you need to speak with anyone before you speak with us?<sup>48,55</sup>**

The interviewee should be made aware of the support services available to them (medical and psychological care; shelter; legal assistance, etc.), and where possible, the police should facilitate access to those services (e.g. providing transportation to support centres, facilitating contact with service providers, etc).

The officer should be prepared to offer referral information to competent agencies, NGOs, safe houses or focal points that can provide assistance and protection, together with information about the rights of the victim. The

referral should be made only to institutions the officer trusts. The interviewer should avoid raising hopes they or others cannot fulfil,<sup>65</sup> as this may negatively impact the relationship in cases where the victim is unable to access support from the recommended services, either because of criteria or capacity.<sup>48</sup>

**Introduction** - The officer should introduce themselves by name, explain their position or role and say that they are experienced in this kind of work and, if applicable, that they have met and interviewed people in similar situations before, for example:

***I have talked to many people who have similar concerns to you***

The officer may ask if the complainant is aware of the purpose of the meeting. Do they have any questions about it before the interview begins? These questions help build a link to the next step.

The victim will be told about the role of others who may be present e.g. interpreter, social worker, other police officers, etc. If people will be watching from a separate room, they should also be introduced. The officer will clarify that they are not watching the victim, but are part of the 'team' to help the interviewer 'think and plan' to make sure they can support the interviewee as best they can to give their account.

## **Step 2 Explaining**

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Typically, the victim should be told what is going to happen in the interview, how information obtained might be used, and what rights they hold. Informed consent should be received in writing. Providing clear information can reduce the uncertainty and fears many victims hold, especially those with an irregular migration status, concerning the potential outcome of reporting. The information should be clear, easy-to-understand, and concise to avoid information overload, enhance the predictability of the investigation and manage the victim's expectations.<sup>48</sup> The officer shall use plain and ordinary language, and terms familiar to the respondent.

An explanation should be given as to how the interview will be recorded. This may be as simple as saying,

***I will speak to you and my colleague will note what we say***

Or, it could involve explaining the use of technical equipment used such as camera, audio, video. The interviewee should be shown where the equipment is located, why it is being used, and asked if they are comfortable with it. The person may have safety concerns as well, such as being nervous about the assailant getting access to the records, which need to be discussed.

When describing the interview process, it is helpful to use "we" statements, such as:

- ***We are going to talk about the incident***
- ***We need to review this information together***

This approach provides victims with a sense of control and encourages them to feel that the investigation is a team effort and that they have a key role to play.

The officer should respect the victim's pace. Interviews with vulnerable people are usually conducted at a slower pace than regular interviews, with more breaks and pauses. The office may agree with the survivor on a sign or a special card that the interviewee can use to request a break. A pause may also be required for religious observance.<sup>60</sup> Telling the interviewee '*we can go at your pace*' can be very helpful to give the victim a sense of control, as well as saying '*we don't have to do it all today, we can come back if we need to*'. Some victims have a limited attention span, may not be able to concentrate for long, or may get easily tired and frustrated if they have to speak in a language they do not master thus requiring regular comfort breaks or, where possible, multiple sessions.

The interviewer shall establish the rules of the conversation. This can be particularly helpful to put the person at ease when they are exposed to a hearing for the first time. The officer may say:

- ***Please remember, when you are describing something to me, that I was not there when it happened. The more you can tell me about what happened, the more I will understand the situation.***
- ***I will ask lots of questions to understand what happened because I was not there and I really want to build a picture in my mind.***
- ***I am here to listen to you.***
- ***Sometimes I get things wrong. If I misunderstand something you say, please tell me. I want to know, and I want to get it right.***
- ***If I ask you to explain or clarify something, it's not because I doubt you, it's because I need more information to better understand.***

### **Step 3 Breaking the ice**

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Ice-breaking, also called pre-interview assessment, can take place in a separate sitting on a separate day, or a different time of the day.

The conversation can start with a neutral topic asking questions as one might in an interview. The goal is to help the victim activate memory, feel comfortable, get used to the conversation technique, the environment, and the voice of the officer. The officer will observe and assess the respondent's reaction, to get a sense of their concentration levels, their ability to answer different types of questions (open, closed, free narrative etc.). The interviewer should be reassuring and sympathetic but avoid behaviours that the witness may find demeaning, insincere, or patronizing. Talking or laughing about a light-hearted subject, can help shift the attention from the traumatic memories the person is there to recall and may help the interviewer appear more approachable, thus aiding rapport-building.<sup>66</sup> Careful assessment of the appropriateness of such interactions should be applied as to limit

the potential for this behaviour may be perceived as judgemental or dismissive.

The interviewer may ask the client to explain the ground rules back to them to ensure the client has understood. The interviewer should explain that it does not matter if the client's description is wrong or incomplete, but it helps the interviewer understand what clarifications they need to provide.

### **Step 4 Eliciting a free narrative**

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This phase is of crucial importance and the officer may spend a great deal of time thinking about how to get the 'topic of concern' into the room in a non-leading way.

The officer should invite the person to describe the incident and any other information considered relevant, without being interrupted. Interruptions may significantly impede the investigative approach and memory retrieval, having a deleterious effect not only on victim well-being and willingness to disclose but also on the quality of evidence. The interviewee should be encouraged to explain their perspective on the events and given the time needed to fully share their experience, while the interviewer carefully documents the information as appropriate.

The interviewer may use open-prompts, questions or statements to elicit free-recall responses that do not restrict the content of the answers, for instance:

- ***What are we here to talk about today?***
- ***The victim may respond with 'What happened with...'***
- ***Okay, remember I wasn't there, I want you to tell me everything you can about what happened.***
- ***Where would you like to begin?***
- ***What are you able to tell me about your experience?***

## Step 5 Clarifying and completing the free narrative

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**Clarifying** - The objective is to get a detailed story by segmenting the victim's narrative and eliciting details using clues.

It is good practice to briefly summarise after the free narrative, and before going into any specific questions. This can help to 'signpost' the victim to focus on the area that officers are specifically exploring at that time. Sticky notes can be used to help with the summary and signposting.

**Completing** - The officer shall seek to obtain details related to the free narrative that are relevant to the criminal investigation. For instance, if the complainant has talked about being forced into a car, the officer may try to ascertain whether the person remembers any details about the vehicle.

The interviewer may need to ask for more information about certain segments of the story. Open-prompts are preferable to follow-up on details previously disclosed by the victim, for example,

- **You mentioned X. Tell me everything about X.**
- **What happened next?**
- **And then what happened?**
- **Please tell me what else you remember.**
- **Tell me more about ...**
- **What was your thought process during this experience?**
- **What are you able to remember (with your six senses)?**
- **Do you recall hearing anything? What do you recall hearing?**
- **Do you recall smelling anything? What do you recall smelling?**

The interviewer can use directive or wh-questions (where, when, what, who), which can be also very useful for signposting.

Last, close-ended questions can be asked to help complete any missing information from the narrative, for example

### ***Had you met him before?***

The officer should also check with the rest of the team to see if any questions have been missed or any further areas need to be explored.

**Comparing prior records from the case** - The interviewer should also assess prior knowledge and facts against the new information gathered, such as elements that were not mentioned in the free narrative, but are present in the police records.

## Step 6 Review, follow up, and evaluation

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At the end of the interview, the officer should go over what has been reported, allowing the person to check that the account has been accurately recorded or understood.

Because disclosure of sexual assault is a process rather than a one-off event, investigators must keep an open-channel of communication with the victim. Witnesses often remember additional details or feel comfortable disclosing them only at some point after the initial interview. Investigators must therefore provide them with information about whom to contact if they have any questions or recall any additional facts.

Individual or team reflection on the outcomes of the hearing should be conducted to evaluate the information obtained, consider whether the objectives have been achieved, and identify follow-up actions to highlight lessons learned and improve the process. The officer or team could brainstorm around the following questions:<sup>67</sup>

- **Have we asked all the questions we wanted to ask?**
- **Has the victim offered all the information that they are able and willing to provide?**

- ***Have we achieved the original objective of this interview?***
- ***Have we revised the initial objectives during the process? And if so, why?***
- ***What additional information do we have now compared to prior records from the case?***
- ***Is the new information consistent with evidence already obtained?***
- ***Are there any conflicts to be resolved?***

## **Step 7 Saying thanks**

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The officer should close the meeting on a positive note, thanking the complainant for their time and effort, not for the content of the interrogation. The officer should acknowledge the victim's strength in overcoming fears and anxiety and coming forward to share their story.

## **KEY POINTS**

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The 7-step plan illustrate a possible victim-centred approach to interviewing a victim:

- **Engaging** to reduce anxiety and build rapport. This step also includes responding to any needs the person may have, addressing their safety concerns and providing appropriate referrals
- **Explaining** to the witness what is going to happen and outlining the framework of the conversation to create an atmosphere in which the victim will feel comfortable to talk and share information
- **Breaking the ice**
- **Eliciting a free narrative** to obtain an accurate and reliable account of the events in a non-suggestive way
- **Clarifying and completing the free narrative** by way of briefly summarising after the free narrative, and before going into questions about specifics.
- **Review, follow up and evaluation** allows the person to check that the account has been accurately recorded or understood, and the officer to evaluate whether the objectives for the interview have been achieved
- **Thanking the interviewee** for their time and effort, not for the content of the interview



# Endnotes

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**2** European Crime Prevention Network. (2016). *Preventing Secondary Victimization Policies & Practices*. Brussels, Belgium: European Commission, DG Home Affairs

**3** The 10 step plan draws inspiration from the PEACE Model, an example of investigative interviewing developed in the 90's by law enforcement and psychologists in the UK and Wales. PEACE -an acronym for preparation, engage and explain, account, closure, evaluation -offers a conversational, non-confrontational approach to getting information from an interviewee. It was designed to reduce the number of false confessions that were being recorded due to overly aggressive interviewing tactics.

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**11** In his seminal work from 1986, Niels Christie coined the term 'ideal victim' to describe 'a person or category of individuals, who, when hit by crime, most readily are given the complete and legitimate status of being a victim'. In other words, some individuals are considered more deserving of victim status than others, as it generates more sympathy from society due to attributes such as weakness, vulnerability, dependency, etc.

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