

THE NATIONAL CENTRE FOR THE PROTECTION AND THE PROMOTION
OF THE WOMAN'S RIGHTS „LA STRADA”

**ASSESSMENT OF THE CURRENT PRACTICES
IN THE FIELD OF INVESTIGATIVE INTERVIEW
ON CASES OF CHILD TRAFFICKING
ESPECIALLY FOR AND/OR SEXUAL EXPLOITATION**

RAPID ASSESSMENT REPORT



CHISINAU, 2010

The present report was developed with the financial support of the OCSE Mission in the Republic of Moldova, within the project „Evaluation of the current hearing practices for children trafficked specifically for sexual exploitation”¹

The OSCE Mission in Moldova provided financial support for the publishing of this work. This support doesn't provide the approval by the Mission of the content, graphic presentation or the way the information and opinions contained are presented

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¹ Assessment of the current practices in the field of investigative interview on cases of child trafficking especially for and/or sexual exploitation. July 2008 - December 2009.

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EXECUTIVE SUMMARY

The present evaluation report was realized by the International Centre for the Protection and the Promotion of the Woman's Rights „La Strada” with the financial support of the OSCE Mission in the Republic of Moldova. The evaluation was undertaken in 2008-2009, being focused on the quick analysis of the current national practices of interviewing children, victims - witnesses of human trafficking / commercial sexual exploitation.

The data obtained following the analysis are meant to serve as a starting point in realizing the objectives to ensure the well being of the child and the collection of the quality data following his testimony. The report presents the actual situation on conducting the interview, the multidisciplinary approach to cases, as well as the perception by the child of the interventions on behalf of the professional groups. Still, the content of the present work doesn't represent necessarily the official position or policies of the respondents or organizations which they are representing.

The Report is divided into 3 chapters: Working definitions. The legal frame of the Republic of Moldova (I), General principles for interviewing a child (II) and the Current practice for the child interview in the Republic of Moldova (III). Because we decided to focus in details on the analysis of the current interview practices of the child-victims, Chapter III, as of the Report as a whole, had as references 3 main criteria (which, as a matter of fact, served as objectives). The structure of the Report follows specifically these criteria and contains 3 subchapters (of the Chapter III):

- **Knowing the specifics of working with children (the given subchapter is meant to reveal the perception of the testimony of the child by the specialists, perception determined by the level of knowledge of the needs, as well as of the particularities of the child's development).**
- **The multidisciplinary approach to cases (the subchapter aims to determinate the way different specialists are understanding the multidisciplinary approach to the case, the functions and the role of the members of the multidisciplinary team, created in order to assist the abused children, as well as the perception of the involvement of the specialists as well as the perception of the involvement of the specialists from the social area into the process of interview of the child-victims).**
- **Organization and carrying on of the interviews (subchapter which aims at the identification of the national practices of organization of interview for children and its stages from the perspective of the multidisciplinary approach to the case).**

The present evaluation allowed the drawing of a list of variables, which have a negative influence on the interview of the child:

- the specialists do not benefit of specialized training in the area of interview;
- the specialists prefer the individual approach to cases instead of the complex, multidisciplinary;

- most of the specialists are overloaded at their workplace and because of a lack of time, do not manage to create a complete picture of the situation of abuse/sexual exploitation or are omitting some associated risks;
- the specialists do not believe always the testimony of the child and try to have at least one adult witness in order to confirm those said by the child;
- many specialists don't know the principles for the interview of the child and its stages.

At the moment the interview of the child is limited to a set of questions addressed by the criminal investigation officer or the public prosecutor, or by the social worker or psychologist (or in a combined formula) with the aim to obtain an answer from the child victim. But the productivity of the interview depends on the dynamic, conversational interaction, between the specialist and the interviewed child, aiming at getting the most of the relevant and specific information.

In the same time the interviewer shall reduce any possibility to contaminate and influence the information provided by the child, taking into account the need to reduce the stress level of the child.

In the project version the content of the quick evaluation report for the current practices of interview of the child-victims was

also subject for debates with the representatives of law enforcing bodies (judges, public prosecutors, criminal investigation officers) during a round table with the same topic. The opinions and proposals of the participants to the round table did coincide in greater part with the main topics approached in the report, but it is essential that all the participants did recognize the need for training and promoting the mediation services, for some specialized rooms for interviewing children victims-witnesses of the human trafficking and/or sexual exploitation, to train the staff of the law enforcing bodies on the working methods with children from this category. The main conclusions and recommendations of the report were also presented during the meeting of the steering group for the prevention and fight of gender based violence, including violence in family, from the Ministry of Labour, Social Protection and Family.

The present Report is recommended to specialists from the area of social services, representatives of the legal bodies and staff of the NGOs, working in the system of assistance to children and recommends the involvement into the interview process of a specialist trained in working with the victim, the preparation of the child for the investigation/testimony procedure, covering the needs and providing a secure place to the child.

INTRODUCTION

One of the activities of the International Centre „La Strada” since 2001 and until today is the identification of cases of human trafficking, organization/facilitation of the access to specialised assistance, starting with the recovery of victims from the place of exploitation, placement and assistance in the destination country and ending with the post-repatriation assistance (medical, psychological, legal, social, etc.). Since 2005, the staff of the International Centre „La Strada” is providing mediation services between the child victim-witness and the legal bodies for matters of human trafficking/ sexual exploitation of children. Such services foresee the participation of the specialist (psychologist) at the child status identification stage, his needs, his preparation for the interview, collaboration with the representatives of the legal bodies for the interview and its ending, as well as the facilitation of the access of the child and family to further assistance.

During the mediation process the specialists of the International Centre „La Strada” are guided by the general principles of protection and promotion of the child’s rights, stipulated in the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations Organisation on the 29th of November 1989.

The practical mediation activity for the communication between the cop and the victim has proved that the criminal investigation process is a long one, unforeseeable and traumatizing for the child, as well as for his relatives. Even specialists with experience are

leaving their trace on the emotional status of the participants to this process. While a careful and complete interview, the involvement of the specialists from various areas, play an essential role in the maintenance of the testimony and the provision of the child with a protected environment. Often, the lack of the medical evidence or its components, especially when children are revealing such actions as photographing/filming a nude child, the imposed observation of the sexual behaviour of the abuser, caressing or touching the child (in the genital area, for example) makes the case even more complicated.

The identification and documentation of the cases is influenced by some inherent circumstances. For example, sexually exploited children are considering the experience they had a secret and feel frustrated when they are asked to tell it. The victims of these abuses do not realise the actions committed on them as being offences and respectively do not report them to the legal bodies or social services, preferring to reveal their secrets to relatives or friends. These children are manifesting, also, emotional dependency on the abuser, which, in his turn, amplifies this dependency through manipulation and control methods. The dependency on the abuser is manifested at the stage of data collection, or in court, when the child is refusing to answer questions or denies things previously said.

The work experience of the International Centre „La Strada” with the psycho-social intervention team and assistance to victims-witnesses during the criminal investigation

process confirms the fact that often children are omitting details (of an important relevance for the criminal investigation officers) in describing the traumatising experience. Fact caused by the particularities to remember and reproduce information or by the risks which weren't identified on time by the specialists.

Taking into consideration the fact that forgetting is natural and is a mechanism of coping with the trauma situation, while the victim can remember details using some well structured questions, or after a period of time, the role of the psychologist is to explain to the victim as well as to other professionals what are the reasons for such a process and to document this state of the child.

Although the quality of the information provided by the victim is important to provide an efficient criminal investigation, often professionals don't have the techniques adequate to the establishment of a trustworthy relationship with the victim or to the performance of an efficient interview. The experience of the International Centre „La Strada” shows that usually the specialists are interviewing the victims following a limited set of interviewing principles, often obtained during professional trainings, or observing their colleagues' working techniques, and sometimes of the personal intuition. The non-following in the Republic of Moldova of several existing international recommendations and principles for interviewing children served as an impulse for the analysis of the current practices in the area of organisation and performance of child victims-witnesses interviewing, and their comparison with the international experience.

As an impulse for the analysis of current practices for interviewing children victims-witnesses served the practical need to change something in the way the interviews are prepared, organised and carried on. The changes could ensure the protection of the child's best interest, as well as to improve the quality of the testimony collected by the criminal investigation officers. These changes could mean updating the interviewing practices to the international principles for the protection of the child against sexual exploitation.

This is why we referred to a fast evaluation of the interviewing practices of children victims-witnesses, analysing a limited set of criteria, selecting only those knowing/following which, according to our experience, proved being extremely relevant at preventing the re-victimisation of the child and the delaying of the matter. As we stated previously, when analysing the current practices for interviewing children victims-witnesses we based on the following 3 criteria:

1. Knowing the specifics of working with children

Knowledge of the child developing particularities is necessary to all the specialists working with children. Here we refer not only to specialists from the social areas, but also to representatives of the legal bodies, working on cases with juveniles involved. This knowledge helps the specialists to understand the behaviour of the child and to interpret, knowing the subject, certain reactions manifested by children in various circumstances. While in the case of the representatives of the legal bodies, the person

leading the interview should have the ability to establish communication with the child. This supposes knowledge of the psycho-physiological characteristics of the child, in order to be able to apply the corresponding relationship techniques.

2. The multidisciplinary approach to cases

The cases of sexual abuse/exploitation of children carry on severe consequences, which mark his personality for the whole life. In order to reduce to minimum the consequences of the abuse towards the child is necessary a complex approach to these cases and, respectively, the involvement of various specialists with a corresponding training.

Incrimination counts too in the fight against the child abuse/exploitation phenomena, but it is very important that during the criminal investigation process the interview of the child be as little traumatising to him as possible. Thus, the child should be prepared/accompanied by a psychologist and not less important is the mediation of the communication during the interview process.

Mediation is beneficial to the child, as well as to the representatives of the legal bodies, because it reduces the number of interviews and may improve the quality of the child testimony.

3. The organisation and the performance of the interview

On the way the interview of the child is organised and performed depends in greater part the quality of his testimony. In order to ensure the success of the interview, the well trained specialists take into account some aspects, such as the adaptation of the inter-

view to the age of the child, his education, his readiness for data collection, the establishment and the maintenance of the contact with the child, the duration and the number of interviews, etc. These aspects confirm once again the importance of the multidisciplinary approach to the interviews.

Methodology

In order to achieve the proposed objectives were realised:

- structured interviews with specialists working with sexually abused/exploited children, which have work experience in multidisciplinary teams and/or the mediation of contacts between police officers and the child victim (36 interviews);
- semi-structured interviews with sexually abused children outside the family, which took part to the matter as victims/injured parties (15 interviews);
- the analysis of the statistics of the International Centre „La Strada” which is contained in the Database on cases with children victims of the human trafficking for sexual exploitation (54 files);
- the quantity analysis of the psychological evaluation files of the children victims-witnesses, assisted by specialists of the International Centre „La Strada” (33 files).

As specialists working with the abused children were interviewed representatives of the legal bodies (public prosecutors, police officers), psychologists, social assistants,

which take part to the organisation and performance of the children interviews from 3 regions of the Republic of Moldova (conventionally divided) - North, Centre, South. The interviews were carried out during November 2008 - August 2009. The participation was voluntary and the interviews were realised by specialists of the International Centre „La Strada”. Before the interview people were informed about the aim and objectives of the study, their right to accept or refuse the interview, the right to interrupt the interview/conversation at any moment. Also, people who expressed their agreement to be interviewed were fully ensured about confidentiality of the data provided as well as their identity.

Although while writing this report we tried to follow the accuracy in the presentation of data and notions, still we can't guarantee that its whole content is free of any lacks or omissions. At this stage we would like to specify that the writing of the report took longer than planned, the reasons being a range of constrains. Constrains which will be taken into account when discussing the results and recommendations.

- *Comparing data*

When writing this report was taken into account the experience of the International Centre „La Strada” and less the data comparison because of the absence of researches in the area of interview, evaluation of the state of children before the interview and after.

- *Sample range*

The reduced number of specialists trained in the area of children interviewing didn't

allow us to proceed to a comparative analysis of the interviewing practice carried out by the trained specialists and those which didn't benefit of specialised training.

- *Comprehensivity*

At the moment, there is a wide range of professional literature in the area of child victims-witnesses interviews, while the present report is representing, inevitably, only the state of matters in the area of interviewing children victims-witnesses in the Republic of Moldova (from the perspective of the specialists involved in interviewing). The readers are encouraged to use their sources of reference in order to broaden their knowledge.

- *Specialisation*

Some subjects of great importance in the area of child interviews were only mentioned, Others being omitted. We are speaking about subjects referring to the quality analysis of the children interview technique, the use of the audio-visual equipment, the design of the children interview rooms, etc. These subjects weren't analysed in details because only recently started to be practiced such an approach at a national level. Also the report aims at a quick evaluation of the situation in the Republic of Moldova and its comparison with international practices/recommendations since there will be approached the recommendations of the present report, the respective information will be included into the national practice.

The report on the analysis of the current practises used for interviewing children victims-witnesses is presenting the state of matters in the area by 2009 and comes with

a set of recommendations, which's implementation would contribute to the increase of the efficiency of the interview process by following the International recommendations on the child protection against sexual exploitation.

The present report doesn't contain information on concrete steps to carry on interviews, but only some excerpts from the international and national legislation in the area of children rights, used as comparative

references with the current practice. As regarding the algorithm for the performance of an interview from the perspective of a multidisciplinary approach to the matter, so that the child's best interest would be maximised at most by performing interviews in a special venue, following the corresponding duration, the involvement of specialists specifically trained in this regard, it being the subject for the next work of the International Centre „La Strada”.

WORKING DEFINITIONS. THE LEGAL FRAME OF THE REPUBLIC OF MOLDOVA

The professional literature is providing a variety of models for the collaboration within the multidisciplinary team, as well as interview techniques or, as they are called in certain sources, interviewing techniques. In order to avoid the incorrect interpretation of certain terms, in the following we are bringing definitions for the main notions used in the present report.

Interview - an evidential procedure, through which are obtained child victim-witness declarations².

A **child** is “any individual under the age of 18”.

Victim is considered any individual or legal entity which, through an offence did suffer moral, physical or material damages³.

Witness is the individual subpoenaed in this quality by the criminal investigation body or by the court, as well as the person making statements, in the way provided by the present code, as witnesses. As witnesses may be subpoenaed individuals holding information regarding any circumstance which has to be clarified in the matter⁴.

Repeated victimisation/re-victimisation - situation in which the same person suffers of a more than one criminal incident in a spe-

Interview – conversation with a certain aim. Starting with 1990, Eric Shepherd is promoting the adoption of the notion of „investigative interview”, describing so the questions addressed to victims, witnesses and suspects. Comparing to the interrogation, which aims at obtaining testimony, evidence, the aim of an interview is to obtain information.ⁱ The aim of the interview is to collect veridical data which have to be used in order to make an informed decision and to undertake the further plans. The interrogation though is a meeting “face to face” with a subject with the view to obtain, admit or confess the real or apparent violation of a law or policy. A structured investigative interview is a dynamic, conversational interaction between an officer and an interviewee with a goal of obtaining the maximum amount of accurate and relevant information while reducing the possibility of contaminating and influencing the information provided by the interviewee or placing him under an undue amount of stress^v.

ⁱ (Hodgson, 1987)

ⁱⁱ Meyer and Morgan, 2000. (Review of investigative interviewing, p.11. Investigative interviewing, the literature)

ⁱⁱⁱ Zesche, 2003, p. 49, see p. 4.

^{iv} A structured investigative interview is a dynamic, conversational interaction between an officer and an interviewee with a goal of obtaining the maximum amount of accurate and relevant information while reducing the possibility of contaminating and influencing the information provided by the interviewee or placing him under an undue amount of stress. (The structured investigative interview. Publication Date: 01-JUN-07. Publication title: The FBI Law Enforcement Bulletin. Authors: Simons, Andre B., Boetig, Brian Parsi)

cific period of time⁵. In the context of the present report the notions of repeated victimisation and re-victimisation will be used as synonyms.

² Igor DOLEA. Criminal Procedure Law. Chisinau, Publisher: „CARTEA JURIDICA”, 2009.

³ Criminal Procedure Code of the Republic of Moldova. Law no. 122-XV of the 14th of March 2003, art. 58. (Official Monitor, 7th of June 2003, no. 104-110, p. I, art. 447).

⁴ Same place, art. 90.

⁵ Keh Pease. Repeat victimisation: taking stock. Crime detention and prevention series. Paper 90.

Secondary victimisation - victimisation which appears not as a direct result of the criminal act, but as a consequence of the reply on behalf of the institutions or individuals.⁶

The **sexual exploitation** term is a general one, which includes among others: juvenile pornography, prostitution and sexual slavery, as well as child trafficking with the aim of sexual exploitation.⁷

Child trafficking - „Recruitment, transportation, transfer, hosting or receiving a child, as well as giving or receiving some payments or benefits in order to obtain the consent of a person holding the control over the child, with the aim of:

- a) sexual exploitation, commercial and non-commercial, prostitution or pornographic industry;
- b) exploitation through work or forced services;
- b¹) practicing begging or with other humiliating views (introduced by the Law nr. 193-XVI of the 26th of September 2008);
- c) exploitation in slavery or conditions similar to slavery, including in the case of illegal adoption;
- d) use in armed conflicts;
- e) use in criminal activity;
- f) extraction of human organs or tissues (in the redaction of the Law nr. 193-XVI of the 26th of September 2008);
- g) abandonment abroad;
- h) sale and purchase.”⁸

Mediator (inter-mediator in the foreign professional literature) is the trained person, who can assist the vulnerable witness in understanding the addressed questions and who may later on intelligibly reproduce (communicate) the answers of the witness. These specialists can help the victim/witness at every stage of the process, starting with the investigation stage performed by the policeman/criminal investigation officer and ending with the preparation for the court hearing. The (Inter) mediator can:

- improve the decision making process by providing practical information on the needs of the witness;
- improve the quality/productivity of the investigation interview and of the testimony in court.ⁱ

In practice, the mediation notion is used more often in the context of the restorative justice and represents a process through which the victim and the offender have the possibility, in secure and controlled circumstances, to come to conciliation, being assisted by mediators.

ⁱ “What’s my story? A guide to using intermediaries to help vulnerable witnesses”. Criminal Justice System, 2006 .

ⁱⁱ mediation manual. Chisinau 2006, IRP.

The multidisciplinary team- a group of specialists (psychologist, social assistant, lawyer/advocate, police officer, public prosecutor), which, through a common effort, working based on sharing tasks and activities, assumes the responsibility for the intervention into cases of sexual trafficking and exploitation of children.

In this report, by the notion of **mediator** is understood a trained individual, who is identifying the needs of the child victim-

⁶ Secondary victimization of rape victims: insights from mental health professionals who treat survivors of violence. Rebecca Campbell and Sheela Raja, University of Illinois at Chicago, 1999.

⁷ Council of Europe. The Council of Ministers. Recommendation REC (2001) 16 regarding the protection of children against sexual exploitation (Adopted by the Council of Ministers on the 31st of October 2001, at the 771st meeting of the delegations of ministers).

⁸ The Criminal Code of the Republic of Moldova, Law no. 985-XV of the 18th of April 2002 (The Official Monitor of the Republic of Moldova, 2002, no. 128-129, p. I, art. 1012)

witness, takes part to all stages - from the criminal investigation process to the trial of the matter, especially to interview, preparing the child and the police officer for the interview, ensuring the minimisation of the secondary victimisation of the child and presenting the psychological evaluation file of the child.

In the present report by the notion of children victims we understand the sexually abused children outside of the family, which did testify as victim/injured party in the process of criminal investigation and in the court on cases of children trafficking, con-

strain to actions with a sexual characteristic and commercial sexual exploitation.

In the report there also is a notion of *interview* with the reference to the current practice from the Republic of Moldova, while the notion of *investigative interview* - in the context of the international experience. Both notions were referred at the beginning of this chapter.

The aim of the multidisciplinary team is the provision of the immediate and continuous safety of the child victim, the minimisation of the trauma / re-victimisation, as well as increase of the quality of the files on sexual exploitation/trafficking of children.

GENERAL PRINCIPLES FOR A CHILD'S INTERVIEW

The interview often plays the key role in cases of investigation on child trafficking, commercial sexual exploitation or sexual abuse of children, while the complex character of these is, on one hand the responsibility of conducting and objective and thorough criminal investigation process, and on the other hand - the organisation of the assistance and protection provided to the child

The explanatory decision of the Supreme Court of Justice no. 37

„When interviewing a child are prohibited suggestive questions on behalf of the criminal investigation officer or the public prosecutor, the latter being obliged to establish such an interview tactic which wouldn't prejudice the psychic of the individual.”

Also during the court investigation “addressing questions on behalf of the participants to the process should be performed in a way so to exclude circumstances which could negatively affect the juvenile”.

and his family.

The national practice in the area of child interview shows that they are exposed to questions (which are often repeating) from 6 to 10 times, in various environments (home, school, police station, etc.) and by various people. While when the repeated interviews contain closed questions or suggestive questions and when the child is pressed to provide specific information, such meetings have a negative influence over the state of the child, as well as the quality of the declaration he is providing. In the same time, the practice of the other countries admits sometimes repeated interviews, but they have to follow a set of rules: in the case when the

repeated interview is performed in a secure/supportive environment, contains open questions and follows shortly after the first meeting with the child, then this might be helpful in remembering the situation and the case details.

Although most of the countries use the notion of “investigative interview”, which provides following certain principles, still we haven't found generally accepted principles for its organisation and carrying out, the main principle being the protection of the child's best interest.

Thus, through the child's best interest is understood the protection of the well-being of the child, which is characterised by a variety of individual circumstances, such as age, maturity level of the child, the presence or the absence of the parents, conditions for his growth and development, as well as his experiences. The factors, determinating the child's best interest are:

- The visions of the child (wishes and feelings of the child, compared to his ability to understand and evaluate the involvement of various factors).
- A safe environment (the existence of the venues for medical assistance for the child, the passed negative experience and the presence of its factors up to present, the possibility to monitor the child's situation).
- The family (the quality and the duration of the relationship and the attachment degree of the child towards siblings, other family members, other adults of

Article 3 of the UN Convention on the rights of the child.

„1. In all the actions regarding children, undertaken by social protection public or private institutions, by courts, by administrative authorities or by legislative bodies, the child's best interest will have a priority importance.

2. The States Parties are engaging to ensure the protection and care necessary for the well-being of the child, taking into consideration the rights and obligations of his parents, his legal representatives or of the other people responsible from the legal point of view of the child and, in this aim, will be taken all the corresponding legislative and administrative measures.

3. The State Parties will observe that the institutions, services and units responsible of the care and protection of the child, are following the standards set by the competent authorities, especially regarding the safety, health, number and qualification of the staff, as well as the provision of a competent supervision.”

the community; the potential effect following the separation of the family; the ability of the adults to take care of the child);

- The development and the needs of the child (age, gender, the abilities of the child; physical or emotional needs; educational needs; the state of health of the child).

The Recommendation Rec. (2001) 16 regarding the protection of children against sexual exploitation recommends to the governments of the Member-States to undertake efficient measures in order to protect children against sexual exploitation, to review their legislation and practice in the light of the principles contained in the present recommendation and to ensure their application is closely monitored, constantly evaluated and accompanied by a corresponding technical assistance.

a) Measures related to victims⁹

30. To protect the rights and interests of the children for the whole duration of the process, especially, to allow them to be heard, assisted or, if necessary, to be represented, without affecting the rights of the presumed authors of the offences.

31. To invite the respective judiciary authorities to give priority to cases of sexual exploitation of children and to provide their fastest treatment.

32. To provide for the whole period of the judiciary, mediation and administrative measures, the guarantee for the protection of the confidentiality of the files and the right to privacy of the children victims of the sexual exploitation.

33. To provide to children victims or witnesses of cases of sexual exploitation specific conditions for the interview in order to reduce the number of interviews and the traumatising effects for the victims, witnesses and their families, as well as to increase the credibility of their declarations in regards with the protection of their dignity.

An extremely important procedure for the child interview is the explanation of his rights. The express explanation of the rights isn't sufficient; there should also be a conclusion that the witness did understand them. According to the legislation of the Republic of Moldova, the witness is summoned on the criminal matter he will be heard, having being explained to him in the same time his rights and obligations, provided by **Para. 7 and 12 of Art. 90 of the Criminal Procedure Code**.

The interview may not be held in conditions endangering the life and health of the witness. Also the witness can't be forced to make statements on certain circumstances, if they may cause a psychic trauma to a person, may insult or humiliate him/her.

⁹ III. The criminal law, criminal procedure and general coercive measures.

35. To set a system which would provide the full compensation of any damage incurred to the children victims of sexual exploitation and the creation of a mechanism which would assist them in overcoming this experience.

The professional literature, as well as the legislation of the Republic of Moldova describes the venue provided for the interview of children, the information that should be obtained, as well as the number of interviews. Such provisions allow the interview of the child by the representative of the criminal investigation body (policeman or public prosecutor) or by the judge outside the institutions they are representing, in a venue specifically designed for the interviews of children. The experience shows that such an interview modality for children in the Republic of Moldova isn't common, the reason being the reduced number of such venues and the lack of specialists trained in performing child interviews.

As follows we shall refer to certain citations from the Criminal Procedure Code of the Republic of Moldova, which are more relevant in the context of interviewing juveniles from the perspective of the child's best interest.

Article 475. The circumstances which have to be established in matters regarding juveniles
(1) During the criminal investigation and tri-

al of the criminal matter regarding juveniles, besides circumstances provided by Art. 96, should be established:

- 1) the age of the juvenile (day, month, year of birth);
- 2) the conditions in which the juvenile is living and being educated, his intellectual, willing and psychological development level, particularities of his character and temper, his needs and interests;
- 3) the influence of the adults or of the other juveniles over the minor;
- 4) reasons and conditions that contributed to offending.

After identifying the witness and explaining him his procedural rights in conformity with Art. 109 of the CPP, the witness is informed about the object of the matter and is proposed to make statements on the circumstances he knows and which are related to the matter.

In the case when the presence of the witness at the trial will be impossible because of his leaving abroad or from other grounded reasons, as well as in order to reduce or exclude exposing the witness to an obvious danger or to reduce the re-victimisation of the witness, the public prosecutor may request his interview by the judge, providing the right of the suspect, charged, his defender, the in-

Following the introduced changes, **Art. 481** was completed with a new paragraph 11 with the following content:
„(1¹) The venue for the interview of a child at the legal bodies or court will be an office, a room or another place outside these institutions, specifically designed, adapted to the age and education level of the interviewed child, which allow his interviewing without causing him some incommodities or traumas.”

After paragraph 2 are introduced two paragraphs: 21 and 22, with the following content:

„(2¹) Will be excluded the presence of the child from the court room when there are serious grounds to believe that his presence in the court room might cause him traumas or moral suffering related to the acts of violence committed over him or in his presence. In such situations the hearing of the juvenile witness will be performed only once according to the conditions provided by Art. 110 and 115 of CPC.

(2²) Will be excluded the repeated hearing of the sane events from the juvenile victim of physical or sexual violence.”

After paragraph 4 is introduced a new paragraph 41, with the following content:

„(4¹) To an interview of a child mandatory takes part a pedagogue or psychologist which, according to the specifics of his activity, is providing an education or training service for children of the same age with the interviewed one. Aren't allowed to the interview of the child the individuals which do have pedagogical or psychological education but aren't working in this area, or which are working in the system of the criminal investigation bodies or courts in such position. It will be arranged that at the second interview of the child, as well as at other investigation activities with his involvement, will be present a pedagogue or psychologist which took part to the initial hearings and which already did establish the necessary contact with the child and has gained his trust”.

jured party and the public prosecutor to ask questions to the heard witness.

Article 481. The interview of the juvenile witness provides:

(2) The juvenile witness, before the beginning of the interview is explained his rights and obligations provided by Art. 90, including the one to make true statements. The juvenile witness isn't under oath.

(3) At the juvenile witness interview is present his legal representative, as well as, if necessary, his representative according to the provisions of Art. 91 and 92.

Article 105. Witness declarations and conditions for his interview

(1) The witness declarations are verbal or written, made by him during the interview according to the conditions of the present code, on any circumstances which have to be found in the matter, including the person

of the suspect, charged, culprit, injured party and his relationship with the latter.

2) The witnesses invited to this matter are heard each separately, without the presence of other witnesses. The person carrying on the criminal investigation should undertake measures for the witnesses called in the same matter not to be able to communicate among them.

(3) Before starting the hearing of the witness, the person performing this procedure is establishing his identity (name, surname, age, domicile, occupation).

If there are doubts regarding the identity of the witness, this can be established through other evidence.

(4) The interview of the deaf and dumb witness is performed with the participation of an interpreter who knows his signs and can communicate using them. The participation of the interpreter is consigned in the protocol.

Art. II of the Criminal Procedure Code of the Republic of Moldova, Law no. 122-XV from the 14th of March 2003 (the Official Monitor of the Republic of Moldova, 2003, no. 104-110, Art. 447), with the due changes, is completed as follows:

1. Article 10 is completed with paragraph (6) with the following content: “(6) In the case when a juvenile is a victim or a witness before the court, actions will be undertaken in order to protect his interests.”
2. Article 18, after paragraph (2) is introduced the paragraph (21) with the following content: “(21) In a matter where the juvenile is a victim or a witness, the court will listen to his statements in a closed hearing.”
3. Article 20, paragraph (2) is completed with point 4) with the following content “4) the age of up to 18 y.o. of the victim.”
4. Article 59, paragraph (1) is completed with the following sentence: “The juvenile to whom harm was caused through offence will be considered injured party without his agreement.”
5. Article 113 is completed with paragraph (6) with the following content: “(6) No juvenile will be obliged to face the person charged for an offence against his physical or/and moral integrity.”

(5) In the case when the witness suffers of a psychic or another serious illness, his interview is carried on with the consent of the doctor and in his presence.

(8) When interviewing a witness is prohibited to ask questions which are obviously trying to insult and humiliate him.

During a child interview, according to the priorities of the national legislation, will be taken into account the main international standards, provided by several legal documents:

- The UN Convention of the Rights of the Child, in force in the Republic of Moldova since the 25th of February 1993;
- The protocol on the Prevention, Fight and Punishment of the Human Trafficking, especially of women and children, additionally to the UN Convention Against Organised Transnational Crime,
- in force for the Republic of Moldova since the 17th of February 2005;
- The Additional Protocol o the Conven-

tion regarding the Rights of the Child, Regarding the Sale of Children, Juvenile Prostitution and Pornography, signed by the Republic of Moldova on the 8th of February 2002;

- The UNICEF Instructions for the Protection of the Rights of Children Victims of the Human Trafficking in the South-Eastern Europe;
- The Minimum Standard Rules of the UN for the Administration of the Juvenile Justice (the Rules from Beijing), 1985;
- The Principles of Actions Regarding Children in the Criminal System, adopted in 1997 by the Economic and Social Council of the UN.

This way, generalising the international recommendations regarding children's' rights and the legal provisions of the Republic of Moldova, we can present some key principles, which should be followed by the specialists working with the children victims - witnesses.

The multidisciplinary approach to cases

The complex training of the specialists

It will be ensured that specialists, which have to be involved into providing social assistance and protection to the child, did benefit of the due specialization in the area of justice, children rights protection, as well as in the area of inter-relations with the child.

Collaboration

Will be ensured the presence at the child's interview of the child support group (relatives, friends), as well as specialists (lawyer, judge, public prosecutor, policeman, psychologist, etc.); will be carried on the evaluation of risks and needs of the child and will be provided an informational transparency among specialists, members of the multidisciplinary team, for the further cover of the needs of the child and provision of his well-being.

The interview planning

Data collection

Data will be collected on the psychological state, social relations and economical situation of the child, will be ensured the cover of the needs of the child and his protection (if necessary) before the interview takes place.

The preparation of the place for the interview

Will be ensured the calm and non-interruption of the discussion, as well as the absence of materials which could distract the attention of the child, so that the furniture would be comfortable to the child, while the equipment necessary for the interview be placed in child-friendly conditions.

Performing the interview*Introduction*

It will be explained to the child that his witnesses will be registered, will be obtained the consent of the child for the interview, will be avoided declarations regarding the accused or promotion of any stereotypes related to the suspect.

Setting the main rules

Setting a trustworthy relationship with the child

The child will be given the possibility to tell what has happened

The child will be addressed rectification questions

The general principles for the child interview

The interview ending*The discussion with the child*

Will be reviewed the key-points of the discussion using the language of the child; will be presented the activities that follows (if they are provided as such), the child will be given answers to his questions/ concerns, he will be thanked for the provided time.

Information interchange

Will be maintained the connection with the other specialists for the whole duration of the hearing and will be made sure that the child has answered all the questions, will be ensured that all the parties involved into the process will obtain the necessary information.

Evaluation*Evaluation of the interview*

Will be evaluated the level of protection of the child's best interest and against re-victimisation, will be evaluated the work of the specialist, recommendations will be given for the improvement of the interview techniques, will be evaluated questions asked by the specialist.

Evaluation of interventions

Will be built the correlation between the evaluation of the risks and needs, on one hand, and of the actions undertaken in order to reduce the risks and cover the needs of the child on the other hand; will be evaluated the protection of the interests and well being of the child.

The use of these principles in the daily activity allows the specialists to ensure, on the one hand, the protection of the best interest

of the sexually exploited/abused children, on the other hand to follow fully the objectives of the criminal investigation process.

CURRENT PRACTICES FOR CHILD INTERVIEW IN THE REPUBLIC OF MOLDOVA

III.1. KNOWING THE SPECIFICS OF WORKING WITH CHILDREN

In order to understand better the behaviour of the child at the interview development stage, it is necessary to know the dynamics of the abuse and its influence over the development of the child, especially when the child is the victim of the sexual abuse.

This chapter aims to reflect the perception on behalf of the specialists of the testimony of the child, characterised by the level of knowledge of the needs, as well as particularities of the child development by the specialists.

In order to establish the profile of the child victim-witness, were analysed the Databases of the International Centre „La Strada” regarding children victims of the human trafficking, and some psychological evaluation files.

The social profile of the child victim

Were analysed 95 cases of child trafficking, registered and assisted during 2002 - 2009.

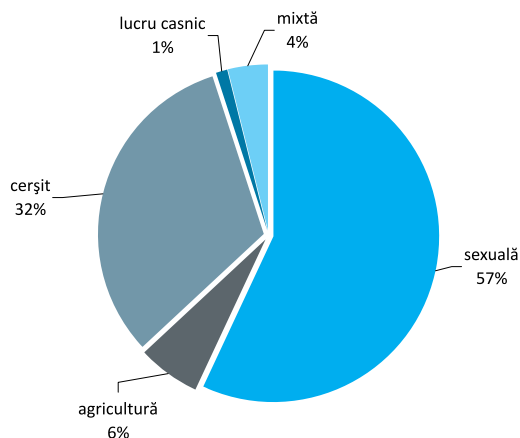


Diagram 1. Types of exploitation.

Out of the total number 41 are cases of trafficking for child labour exploitation and 54 - trafficking for sexual exploitation.

All the assisted cases were observed by the legal bodies, while on 7 of them the psychologist of the International Centre “La Strada” provided services for the maintenance of the communication between the child victim-witness and the representatives of the legal bodies.

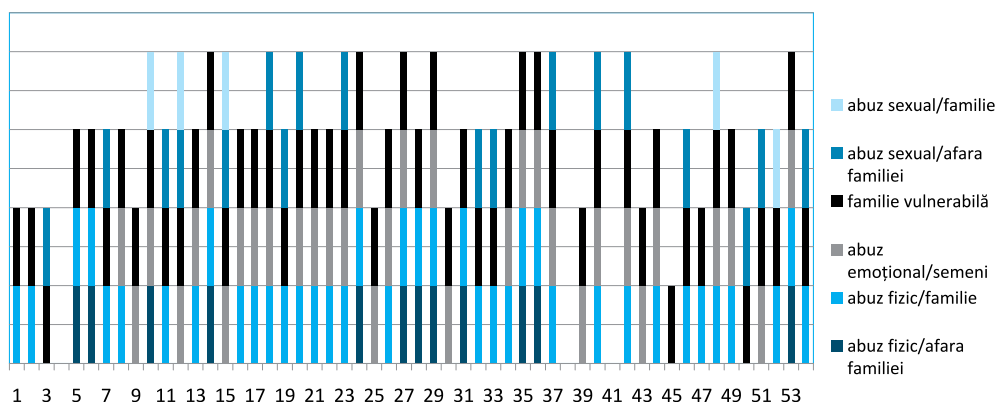


Diagram 2. Cases of abuse reported by children during the identification interviews.

Out of the total number of 54 children trafficked for sexual exploitation, 5 had an incest experience, while 16 suffered sexual abuse outside the family before the experience of trafficking. Was also identified the economic vulnerability situation - 96% come from families with a low living standard, what influences the relationship of the children with their peers; most of them did suffer of emotional abuse on behalf of their peers, mentioning the main reason for such a behaviour the economical status of the family and the incapacity of the parents to cover the child's needs.

The Diagram 2 from the page 19 reflects the abuse incidents reported by children during the identification interview. Only 3 of 54 didn't report situations of abuse to which they were exposed before the trafficking experience.

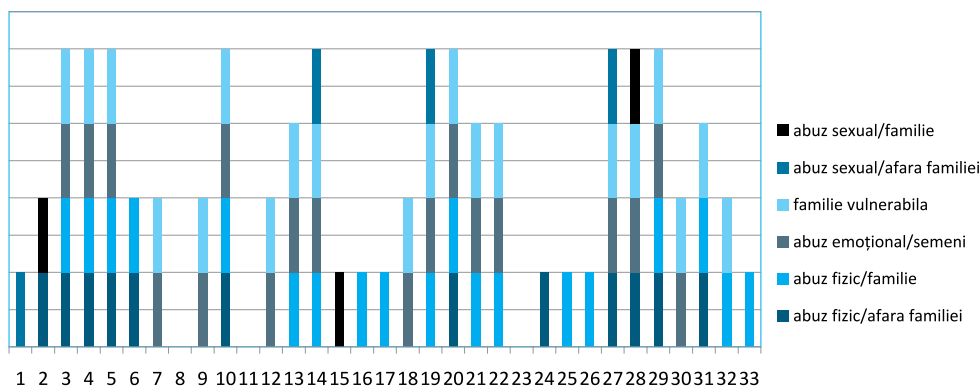


Diagram 3. The reported re-victimisation cases.

Cognitive processes and the behaviour of the child

For the specialists involved into the organisation and performance of the interview is essential to know the particularities of the development, thinking and behaviour of the child and to pay attention to their manifestation. Specifically in this context, during the interviews we have performed, we've requested specialists to describe these particularities,

The vulnerable economic status, the physical abuse within the family, the emotional abuse from their peers and the need for attachment, protection and care are the characteristics of the assisted children, while the situation of trafficking is only aggravating their emotional status and influences the world perception and the relationships with the others around.

Were also analysed 33 psychological evaluation files of sexually abused children and children taken outside of the country illegally, assisted by specialists of the International Centre "La Strada" during the criminal investigation process. Their profile looks very much like the one of the victims of the human trafficking (see Diagram 3).

es, focusing specifically on the suggestibility, language, inclination to lie and the behaviour of the children. Questions related to these particularities of the children were address to the legal bodies representatives, as well as to the psychologists and/or social assistants which worked with sexually abused or trafficked children. The summary of the specialists' opinions on the manifestation of the mentioned particularities is presented in tables 1 and 2.

Table 1.

Legal bodies	
Suggestibility	Children don't have a stable opinion and are changing it every moment Are manipulated by parents/abuser during the criminal investigation
Language	Children are using street language Are aggressive in their communication Are describing the case shortly
Lie	Children lie when they are describing the abuse They lie in regarding the relationship in the family of the child Lie or don't tell what has happened
Manifestations of children behaviour	Shyness Disorientation Challenging behaviour (sexualising/aggressive) Lack of respect towards adults in general and towards the legal bodies specifically Are manifesting defending behaviour Detachment from reality Are very quiet, shy or aggressive Delinquent behaviour, at the „legal/illegal”, „moral/amoral” limit

Most of the representatives of the legal bodies give a negative description to the behaviour and language of the child, some of the specialists describing it as being one characteristic to a lack of education, of values, with dangerous habits, detached from the reality, with trends to hide in an imaginary world.

When describing the children victims-witnesses, most of the policemen try to give a characteristic to the cognitive processes and to the behaviour manifested by the child in the office, during interviews, while the public prosecutors pay a greater attention to factors contributing to the vulnerability of the children, describing them as coming from poor, abusive families, and providing information

related to the answers of the child regarding the situation from the family - school abandonment, the wish to find a refuge outside of the family, in Moldova or outside of the country. Only a small number of specialists did refer to the memorising capacities of children, mentioning the weak memory manifested by the children - they do not remember many details, so necessary to the specialist and important for the development of the matter.

Several representatives of the legal bodies referred to the suggestibility manifested by children, but they weren't able to explain the reasons for its appearance or the factors contributing to the suggestibility of the child during audition.

Table 2.

Psychologists /social assistants	
Suggestibility	-
Language	The use of the aggressive language
The lie	-
The children behaviour	Anxious, introvert behaviour Self-destructive behaviour Seducing behaviour Non-cooperating children

Most of the specialists from the social area didn't provide us information regarding the particularities of the memory and suggestibility of the child. The most specialists did refer to the behaviour manifested by the child and the relation between these behavioural manifestations and the previous abuse situations of the child and his family. Some specialists from the social assistance area stated that they don't need to know the particularities of the development and influence of the abuse over the behavioural manifestations of children.

We have to mention that in greater part the child's behaviour during interview, as well as his declarations will depend on the behaviour of the interviewer. The child victim-witness needs emotional support on behalf of the specialist. An open stance, the visual contact, the smile, the friendly behaviour have a good influence on the child testimony, specifically increases the resistance of the child to directed questions and thus decreases the risk for him to provide misleading information. And contrary, the non-supporting specialists or the ones manifesting an intimidating attitude may inhibit the testimony of the child or may increase the susceptibility level to the directed questions.

Age and gender differences

The representatives of the legal bodies, but also the social assistants weren't able to provide information on the development particularities of children at various ages, referring exclusively only to certain age particularities of the children they worked with. In fact, the information provided by specialists proves that they have gathered experience,

can make observations, but didn't benefit of the due training.

The police representatives have a separate vision over the age differences of children, some of the specialists noticing that the pre-school and the pupils of the junior grades are telling the truth. Other specialists consider that in fact children of this age often invent things and it is hard to find the border between reality and imagination, while a third group of specialists considers that there are no age differences. A single specialist did notice that age differences need the language adaptation of the specialist to the child knowledge level.

By comparison, neither the representatives of the public prosecution didn't have a common vision on the age differences of children they are working with. While characterising the age differences the public prosecutors have paid more attention to requests to the knowledge of the specialist (for example, the need to adapt the language to the language of the child, to adapt the interview tactics this age).

The legal bodies also do associate the age stages with the vulnerability of the child to manipulation, teenagers being characterised as easy to be manipulated from the outside. From this reason for the specialist it is difficult to find the truth, because the child changes his testimony often. In their turn the pre-school and the junior grades pupils are easier to manipulate during interviews, because they are afraid of consequences (when the policeman explains them) of the false declarations.

Some representatives of the legal bodies said that they had the experience of interviewing a group of children, characterising it

as a negative practice - children of a younger age, part of the group, are influenced by declarations of the older ones, what increases the risk of false declarations.

Most of the representatives of the social services provided us with information regarding

the particularities of child trauma manifestation, but did not specify the age differences, although they did mention being as more „cooperating” the pre-schools and the pupils of the junior grades. While when they were asked about gender differences, the specialists gave different answers (see Table 3).

Table 3.

The interviewed specialists	Girls	Boys
Policemen	During the interview are more emotional, crying more often Lie, but it is easier to identify the moment of lie	Are more open Lie easier and it is hard to tell when they are lying
Public prosecutors	Are more emotional Easier accept communication It is easier for them to overcome the trauma experience	Are closed Don't want to remember the abuse situation The feeling of shame is marked more Are changing more often their statements
Social services representatives	Are more sensitive, accept the communication easier Can be easier manipulated by the abuser, parents Need a contact recovery period, before the disclosure of the abuse, and then they are telling what has happened	Lie easier Are more sensitive, are accepting communication with difficulty. Even in the cases when was identified the abuse situation, it is necessary to establish a new contact at every meeting

Despite the fact that the gender differences are perceived by specialists in various ways, most of the specialists from the social area did mention that there are no big gender differences and that they do not influence the evidence collection procedure. In the case of the representatives of the legal bodies, some specialists consider that though there are gender differences, still the trauma is deeper

for boys, especially the ones sexually abused, explaining that girls are more emotional and are easy overcoming trauma experiences. Moreover, they are better used with various abuses in the society, while the boys do not confess and suffer longer. Also, some specialists have mentioned that it is complicated work with girls, because their abuser is a man, what implies a double responsibility

The trauma experience, the behaviour, the language of the specialist working with the child increases the risk suggestibility and errors in the presentation of the materials.

- Memory

In the case of a free narration, the quantity of information increases together with the age of the child, memories are usually precise, the accuracy of the reporting doesn't differ with the age and the details omission degree is higher than the one of the invented information. In the case of statement following asked questions (although the questions are increasing the quantity of the obtained data), still the memories will be less accurate than in the case of a free narration; the questions with an open answer get a more relevant reply, the younger children will provide less relevant answers than the older ones.

- Suggestibility

Suggestibility is an action of inducement of an idea, attitude or action into the memory of an individual. The idea according to which children are extremely suggestible and may be encouraged to make abuse statements against an adult based on managed questions is rejected by various studies, but there are circumstances which may influence the vulnerability of the child to cognitive and social forms of suggestion: the interview process did distort their memory and/or the child did comply with the ideas/views of a stronger interviewer. Also, children have the inclination to provide false answers in the following circumstances:

- *accusing context* (In the case when an authoritarian person tell the child that in fact the behaviour of the adult is suspicious, in consequence the child will interpret these words negatively);
- *repeated suggestive interview*;
- *misinformation after the event* (adults, as well as children which did note an event and then have read/heard an interpreted information regarding the respective event, this will infiltrate their memories regarding the respective event).

- Language

The use of an adult language in the interview of a child leads to inconsistent and confusing answers and increases the number of false answers. Children are manifesting resistance to questions they do not understand, even if they aren't related to sensitive matters.

- Lie

There are three indices serving as signs of lies to the interviewers: the non-verbal behaviour, a disturbance of the voice and of the content of the statements. While the researches did show that although signs vary in the case of false and true declarations, still there is no direct index-sign of a lie; often signs of stress are confused with the ones of lie.

of the male specialist in being a positive model for the child. Most of the specialists, still have remarked that it is easier to them to work with boys than with girls.

Conclusions

Ending the subchapter „Knowing the specifics of working with children”, we should note several main conclusions.

1. The analysis of the current interview practices of children victims-witnesses showed that the specialists know the social-economic profile of the child and are evaluating the situation of the child as being a trauma, with negative influence over his health and development. In the same time, the representatives of the legal bodies, referring to the child behaviour and language, are giving descriptions through various lights (mostly negative) from those of the social area specialists.

2. The representatives of the legal bodies as well as the specialist of the social area, in their work with the abused children, are following mostly their or their colleagues' gathered experience, but didn't benefit of a corresponding training. This thing could be observed through the fact that most weren't able to provide pertinent data, or any data at all, regarding the development particularities of children at various ages, as well as the gender ones, some of them mentioning that they should be taken into consideration at the interview planning and developing stage.

3. Specifically the legal bodies representatives have an ambiguous attitude towards girls victims-witnesses. On one hand, they consider girls being able to easier support the post-trauma stress than boys, because they are more emotional and better used with various forms of abuse. On the other hand,

(for men) it is harder to communicate with girls, because they feel a double responsibility, trying to create in the perception of the child a model of a man's behaviour. A thing that should be mentioned is that any case of abuse, no matter of the gender of the person over whom was committed, should be approached individually.

4. Even if they know the social-economic profile and the committed abuse, many specialists are perceiving the manifestation of a child trauma (lie, forgetting, negation, change of statements) as being parts of the child's character, what is making harder to establish the trust relationship with the child.

5. Although having some experience in conducting child interviews, most of the specialists do not take into account the fact that in greater measure the behaviour of the child during the interview, as well as his statements will depend on the behaviour of the interviewer, on the emotional support on behalf of the specialist.

In most of the cases the interviewers don't pay attention to the fact that the open stance, the visual contact, the smile, the friendly and welcome behaviour has a good influence on the testimony of the child, especially, increases the child's resistance to managed questions and lowers the risk for him to provide false information.

III. 2. THE MULTIDISCIPLINARY APPROACH TO CASES

In the last two decades the number of reported cases of child abuses has increased significantly, being extremely needed an efficient and quality investigation of the cases and coordination of the children assistance and protection activities. In the same time did increase the external pressure on the professionals to act promptly, professionally and correctly during the investigation of a child abuse. The external pressure, as well as the inefficient investigation cases lead to the necessity of a multidisciplinary approach to cases of child abuse, what means taking common decisions already at the planning stages of the criminal investigation.

The multidisciplinary team is a group of professionals, which are working together in a co-ordinated manner and are collaborating in order to ensure an efficient answer to the reporting of a child abuse by immediately and continuously providing the child's safety,

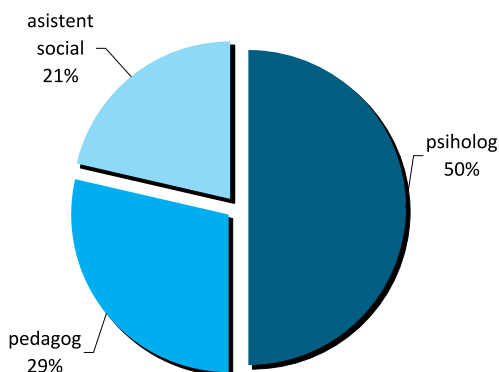


Diagram 4. The specialists invited to a child interview.

the minimisation of the trauma, re-victimisation, rehabilitation assistance, an increase of the number of quality investigations and facilitation of the corresponding solution of the cases within the justice system.

The present subchapter aims to reflect the understanding of the multidisciplinary approach to cases, various specialists' of the multidisciplinary team roles in the organisation of assistance for the abused children, as well as the perception of the involvement of specialists from the social area into the children victims-witnesses interview process.

The composition of the multidisciplinary team

The members of the multidisciplinary team are representing the Government agencies and independent practitioners responsible of the investigation of crimes against children, protection and assistance to children. Such a multidisciplinary team can work in the area of investigations, development of policies, providing assistance to victims and their families or to combine these functions. The efficiency of the multidisciplinary teams depends on:

- devotion of the members, which also have the support of the agencies they are representing;
- conducting meetings with various topics, during which the experience and the role of each member in the area of working with children and investigation of cases of child abuse are heard and considered:

- elaboration of team regulations, which will provide the aim for its creation, activity directions and guiding principles;
- the existence of the protocol of the team meeting, which sets the types of cases to be investigated through the multidisciplinary formula, responsibilities of the team members and the criminal investigation and interview development processes.

In working practice on cases of children victims-witnesses sexual exploitation cases, the legal bodies representatives did set a list of specialists, which they are involving into various stages of the criminal investigation. Usually, at the interview stage, the legal bodies representatives involve psychologists from NGOs or school, pedagogues from school and social assistants. In the same time they notice a high frustration degree to this collaboration, the reason being the slow reaction of the invited specialists (most of the times being invoked the lack of support on behalf of the institution they are representing to take part to the child interviews). In their turn, the specialists of the social services did mention policemen, psychologists, doctors, lawyers,

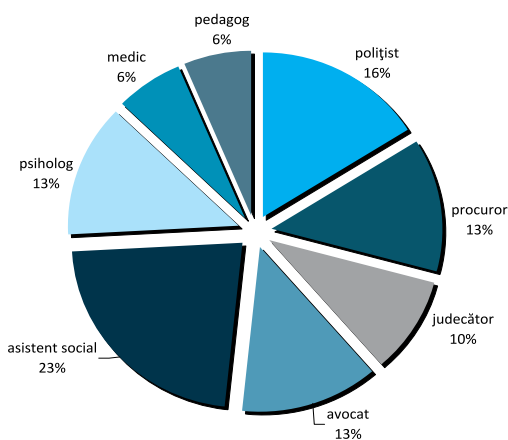


Diagram 5. The specialists involvement into assisting cases of abuse.

public prosecutors and judges as being the specialists they are involving in case of necessity into assisting child abuse cases.

Most of the specialists from the state structures did state that the teams are created on ad-hoc bases and only in cases when individual work is not possible, while the specialists of the NGOs prefer to resort to the multidisciplinary team formula in all the assisted cases.

The professional training of the multidisciplinary team members. The legal and scientific-didactical base

Most of the specialists from the non-government organisations did benefit of specialised training in the area of assistance for children victims-witnesses, in working within the multidisciplinary team and in child interviewing. In the same time, the representatives of the state structures are noticing a lack of training in this regard and are being forced to perform interviews based on the knowledge and professional training they have.

Also most of the specialists are regretting the lack of the professional literature for the investigation of cases of children commercial trafficking/sexual exploitation and are mentioning the literature their activity is based on:

- Constitution of the Republic of Moldova;
- Criminal Code of the Republic of Moldova;
- Criminal Procedure Code of the Republic of Moldova;
- Contraventions Code of the Republic of Moldova;
- Law no. 241-XVI from 20.10.05 regarding the prevention and fight of the human trafficking;

- The National Plan for the Prevention and Fight of the Human Trafficking;
- The Law regarding the prevention and fight of the violence in family;
- Internal guide of the organisations;
- The Family Code.

The role of the specialists involved into the child interview

Most of the specialists mentioned as main goal of their work activity the protection of the interests and rights of the child. While as objective during the interview they have mentioned:

- policemen: – *establishing the truth, obtaining clear and accurate data and punishing the abuser;*
- public prosecutors: – *obtaining statements, performing the criminal investigation and pronouncing a fair sentence;*
- social workers: – *ensure the child's safety, identify the abuse situation, mediation of communication between the policeman and the child, provide the support necessary to the child in order to overcome the stress, exclude child re-victimisation situations during the criminal matter, identify the possibilities and means to provide the assistance for the child and monitoring of the case.*

Some specialists of the legal bodies did state on several occasions that, during the interview of the same child, are invited pedagogues/psychologists from various structures and in this cases isn't ensured a continuity of relationship between the child and specialist, the child being stressed by the presence every time of a new person and the need to establish the contact.

The involvement of the psychologist into the development of the interview

All the interviewed representatives of the legal bodies did mention that they did ensure the presence of a psychologist for a child victim-witness interview and are recognising the important role of the psychologist for the child as well as for the development of the criminal investigation process, especially when the psychologist was a trained specialist which took part to all the interviews.

But, the perception of the psychologist's role during an interview is different, especially among specialists which aren't continuously practicing the multidisciplinary approach to cases. Usually these specialists have a limited perception of the psychologist's role as mediator and are involving him only for the following services:

- evaluation of the state of the child victim-witness;
- evaluation of truthfulness of information provided by the child;
- assistance (passive) to interview;
- signing documents;
- asking "trap" questions;
- using convincing techniques, which would make the child tell about the trauma situation.

Most of the interviewed children noticed the importance of the supporting person/persons presence at an interview, the role of the psychologist, who is preparing the child for the interview, is taking active part during it and continues communication with him after the interview ends. On the other hand, children who didn't benefit of a psychologist services during criminal investigation, mentioned the

high level of frustration at every interview and meeting with a new specialist.

The specialists, who are practicing continuously the multidisciplinary approach to cases, perceive the psychologist's role as follows:

- create a favourable environment for the development of the interview;
- monitor the state of the child and preventing traumatising questions/attitudes;
- encourage the child and the fact that he knows his rights,
- the child feels free and certain of the goodwill of the legal bodies representatives;
- prepare the public prosecutor/police-man for the discussion with the child; explain the age and development particularities of the child.

The common planning of the interview

Most of the legal bodies representatives confirmed that the planning of the interview should be carried out by the legal body representative. Respectively, at the planning stage, they will involve other specialists which they will need. While the social services specialists consider that at the planning stage should take part as many specialists knowing the case and/or the profile of the child as possible, such a vision isn't shared by the legal bodies representatives, they considering that the interview planning is the role of a sole specialist and only in exceptional circumstances may be invited a psychologist.

The small number of common planning of interviews, according to specialists, is due to the lack of time and previous experience of common planning of the interview. Still, the

specialists who did practice the common planning of the interview mentioned its benefits:

From the perspective of the child's wellbeing:

- ensure covering the child's needs;
- informing the child about his rights;
- create a secure environment for the child.

From the specialists' perspective:

- evidence material, confirming the non-influence of the child by the policeman at the interview stage;
- the specialist is in front of the child, being already prepared and knowing his development particularities and psychic-social profile.

From the perspective of quality of the gathered data:

- prepare adapted questions for the development level of the child;
- prepare in advance the child for interview and an active and informed role;
- stabilize the emotional state of the child and give time to represent the trauma situation, thus increasing the possibility to remember more details of this case;
- anticipate risks associated with the participation of the child as victim-witness and their avoiding.

The reference of the cases and covering the needs of the children victims-witnesses

Because the work within the multidisciplinary team supposes to ensure the needs of the assisted children, the specialists were asked who is responsible to cover those. Thus, most of the legal bodies representatives think that covering child's needs lays exclusively on the competencies of the social services,

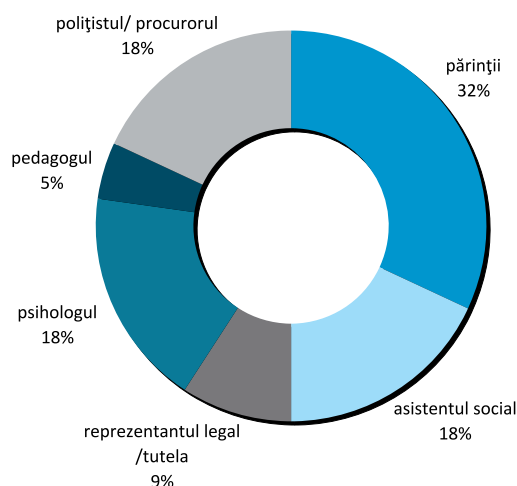


Diagram 6. Specialists, to whom is attributed the role of covering child's needs.

and they also shall refer the child for further assistance. The representatives of the legal bodies often do not know the main service providers for children, whom they could address for assistance or refer a child.

Professional frustrations

Most of the specialists are complaining on a high level of professional energy burning, caused by their work's emotional and cognitive overloading, the lack of activity supervision and psychological assistance for the professional groups, as well as by the limited mandates and services provided to beneficiaries.

The specialists did specify that, in the case of working with children, the most emotional cases are the ones when:

- working with a tired child, whose main needs weren't covered and who wasn't given a period for thinking;
- working with children, afraid of specialists or parents;

- realising that as a matter of fact the child went through a difficult experience, which may have a negative impact on his life;
- children are changing statements;
- children are manifesting emotional or behavioural reactions (for example they are crying, lying);
- children do not have somebody to rely on, and the assistance services are limited and do not exist in all the areas;
- the long term monitoring possibilities of the cases are limited.

Conclusions

In the end of the subchapter “The multidisciplinary approach to cases” we would like to mention the main conclusions, especially regarding the training and collaboration of the specialists working with children victims-witnesses.

1. The analysis of the current practice confirms that the majority of the specialists didn't benefit of specialised training in the area of child interview, trauma manifestation or multidisciplinary approach to cases of child abuse. An identified lack was the limited number of professional literature, guides related to the standard working principles with cases of abused children, on which could count the specialists in their daily activity.
2. The legal bodies representatives are involving the psychologist into the interview procedures on a sporadic basis and only for limited services, what leads to the delay of the auditions, repeated auditions and re-victimisation of the child. All these factors are often influencing the quality of the child testimony.

3. Although the representatives of the legal bodies are following the legal provisions to invite to interviews psychologists, pedagogues or social assistants, they do not realise fully the need to assist them for the success of the interview, being also frustrated by the slow reaction of the latter. In the same time, most of the specialists from the state structures are creating ad-hoc multidisciplinary teams in cases when it is impossible to work individually, while those from the NGOs prefer the multidisciplinary team formula in all the assisted cases.

4. In the same time, the current practice shows that the organisations involved into child assistance and protection are very seldom exchanging information among them. Also, the common interview planning happens very seldom, while the specialist of the social area is invited to the interview most of the times only to follow the legal provisions.

The work of the multidisciplinary team also depends on other factors:

- the confidentiality policies, corresponding with the mandates of the members and organisations which they are representing, the professional practices and the child's best interest;
- practices for conflict situations resolution, which provide the solution of the problem situations based on mutual respect and on the recognition of the complexity of the child abuse cases investigation;
- exterior evaluation and the periodic self-analysis of the team work and the correspondence of its activity with the aim for which it was created.

5. Even when there is a collaboration among the multidisciplinary team, the analysis of the current interview practices of the children victims-witnesses shows that the meetings are organised spontaneously, while the regulations or the protocol of the team meeting is used followed by a small number of organisations.

III. 3. THE ORGANISATION AND PERFORMANCE OF THE INTERVIEWS

The most important element in the criminal investigation and trial process of the matter is the interview of the person. This is the common point of view of the most of the researchers in the area, which are mentioning the importance of the data collected from an injured party, victim or witness. The interviews differ according to their aim and content, while most of them have the same objective: to collect data.

The collection of the accurate, relevant and complete data represents a complex procedure and supposes sufficient effort on behalf of the specialist. He must lead the interview with care, refinement and competence. Traditionally though, this vital task was given little attention, most of the specialists learning the interview of the injured party, victims, witnesses and suspect through a mixture of training, from the examples of their colleagues and practical experience. The results of such a practice are obvious - the specialists can learn techniques unacceptable for an interview and risk to miss the valuable information.

The present chapter aims to analyse the stages of the interview and to identify the national practices for child interviewing.

The value of the interview

The value of the interview resides in several important principles.

- ❖ The interview is one of the main measures to establish the facts, which are at

the disposal, at the stage of the criminal investigation, of the legal bodies representatives and which have to be performed with a certain quality. Quality investigations need quality interviews. An efficient criminal investigation needs quality interviews.

- ❖ It is extremely necessary for the professionals to appreciate the contribution of the interviewed person to the success of the criminal investigation and to realise that this success depends directly on the cooperation of the victim, witnesses and the community.
- ❖ Testimony is considered the most convincing form of evidence.

Although the interview is recognised as being the most efficient method to establish the facts, still we have to admit that in practice it isn't given the due time needed for its planning, management and evaluation.

Interview stages

Being asked about the stages which they are going through during a child interview most of the legal bodies representatives and social services specialists couldn't provide a clear answer in this regard. Some specialists mention 3 stages of an interview.

1. *The interview preparation/beginning* (the conversation with the child regarding the place and aim of his presence in the office of the specialist, knowing the child, creating an environment of trust, history data).

For the duration of the discussion with the child, the interviewer must take into account several moments important for the success of the interview.

- Style of the questions. The top of questions to be avoided is comprised of: passive questions („Were you followed by him?“), questions containing a denial („You haven't seen him in the park?“) and questions containing multiple affirmations („You went to your uncle's home and he was present while you were taking a bath?“). Children are facing difficulty in answering questions like „yes/no“ and are answering better questions like: „who“, „how“, „what“, „where“, „when“.
- Vocabulary, especially legal and sexual terms. Most of the confusions might appear following the use of a vocabulary inadequate to the age of the child. It isn't sufficient to ask the child if he is familiar or not with a notion, because the child might interpret the word in a limited way. In case of the use of sexual terms, it is imperious to know his level of development – the interviewer must adapt his language and vocabulary and to use known words, used by the child.
- Understanding concepts used by the adults. The concepts difficult for the perception of the child are: date and time, duration, frequency, measure and location. Questions like „How many times have you been to his apartment?“ „How often were you phoned?“, „on what date the first incident took place? And the last one?“ may bring confusion to the presentation of the information.

2. *The interview as such/approach of the traumatising subject* (questions asked to the child and the registration of statements, the interview as such).

3. *Interview ending* (signing documents, planning future actions, thanking/praising the child for the courage to tell what has happened).

Most of the specialists are confusing the development stages with the interview techniques or are only mentioning that the interview doesn't have stages and is carried out on a “questions and answers” basis. Most of the specialists did notice also that it is necessary to establish a psychological contact with the child, but weren't able to describe that contact.

In the same time, the perception of the stages is different. Sometimes a stage is associated with a meeting, thus resulting from three meetings with the child, in various days and venues, each having a certain aim.

Preparing the child for the interview

Most of the legal bodies representatives mentioned the role of the psychologist in the preparation of the child for the interview, in the same time mentioning a limited number of trained psychologists and the lack of specialised staff in the regions. All the legal bodies representatives also did mention the fact that they are the first to get in contact with the child and in this case they try to stabilize his emotional state, the child being scared, and only afterwards to begin a general discussion with him, having him explained the procedure to follow. A part of the legal bodies representatives state that the responsibility to prepare the child for the interview lies with the parents, the legal representative or the lawyer (which often is missing) of the latter.

The social are specialists are mentioning 3 elements in the preparation of the child:

- *information* (the child knows the reason for his presence in the police station and the interview stages);
- *behaviour* (the child learns the admissible behaviour during interview, is familiarised with the possibility to request a break, with the right not to answer questions, etc.);
- *expression* (the child is helped to speak about his emotions and the feeling of fear, etc.).

Some specialists, still, did specify that for the interview stage the child is prepared taking into consideration the aims of the interviewer.

The needs of the children

In the interest of the present Report during the review of the psychological evaluation files were analysed the needs of the children, their behaviour during the interview performed by the legal bodies representative, the following of the psychologist recommendations, of the team members, as well as the degree of influence of following the recommendations on the maintenance of the child as witness for the duration of the trial of the matter procedure.

The analysis shows that the most given recommendations related the immediate assistance and the long term one of the child, his placement into a safe place and giving him a period of thinking.

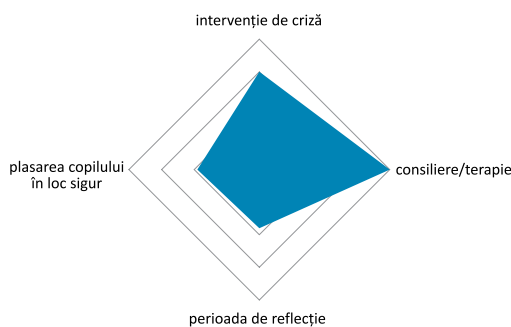


Diagram 7. The need for identified assistance/intervention.

Table 4.

Interviewed specialists	Child's needs from the perspective of the specialists
Policemen	<i>Parental attention and care</i>
	<i>Psychological assistance</i>
	<i>Social assistance</i>
Public prosecutors	<i>Psychological assistance</i>
	<i>Primary needs - food, clothing</i>
Social services	<i>Food, clothing</i>
	<i>Provision of a favourable environment, with no risks for the child</i>
	<i>Long term rehabilitation programs</i>
	<i>Care from the adults</i>

At the first contact with the legal bodies representative children were manifesting a high degree of anxiety, a decrease of the concentration capacity, tiredness, isolation desire, irritability, While in relation with the abuse situation and the abuser - feelings of guilt and emotional dependency, tensioned responsibility to keep the secret, feelings which do complicate in great part the child interviews.

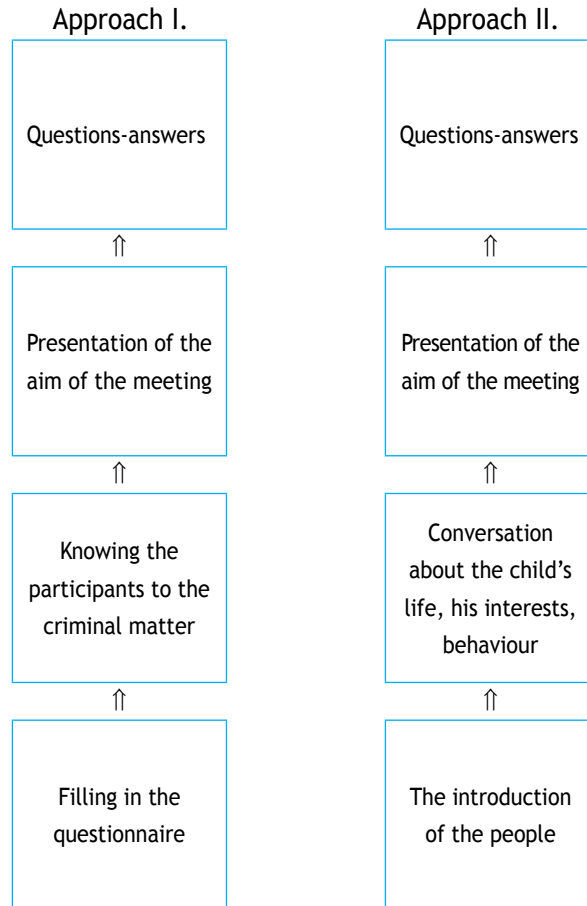
Interviewing specialists in the area gave us the opportunity to identify the degree of knowledge of children victims-witness they are working with, while the analysis of the answers shows that most of the specialists from the legal bodies do not aim to identify the needs of the child they are working with and are deducing them from what the child says. Most of the specialists from the social area did mention the need for a long term rehabilitation and provision of a secure environment for the child.

In the same time, the interviewed specialists mentioned the need for rehabilitation programs for children and their families and their lack at a regional level (see Table 4).

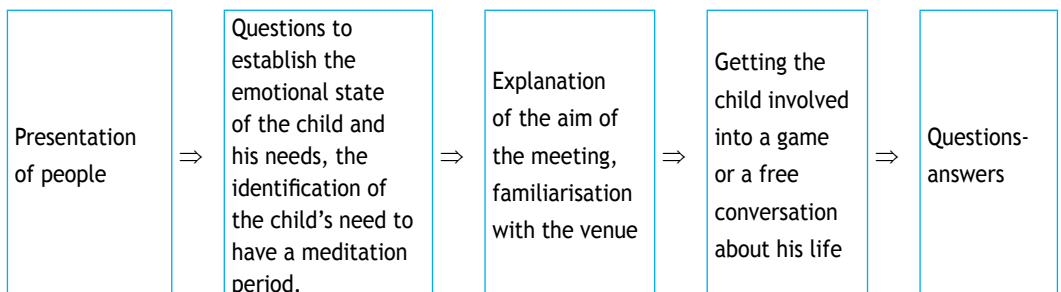
The beginning of the interview

As result of interviewing the specialists we found that the interview usually begins with

the establishment of the investigation data or a short conversation with the child, victim-witness. Most of the specialists are using in practice 2 approaches.



Most of the specialists from the social area referred to the same procedure to begin a child interview.



Many specialists did remark the need for a preliminary session with the child, before carrying out the interview, in order to stabilise his emotional state.

Performing the interview

As regards the current interview practice in the Republic of Moldova, we requested the professionals to express themselves over the venue where the interview takes place, the duration of the interview, the techniques used and modalities to adapt the language of the interviewer to the development level of the child.

Most of the legal bodies representatives referred to two venues:

- the interview of the child takes place in the working office of the policeman or the public prosecutor;
- in a special venue, specifically designed for interviews.

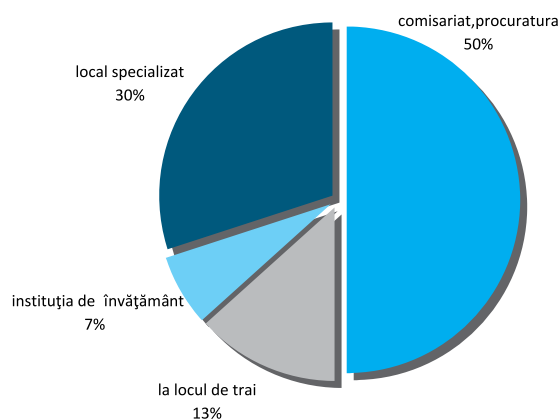


Diagram 8. Child interview venue.

The first venue (the office of the legal bodies representatives) is used in the cases when the child is identified by the legal bodies or in situations when the psychologist is invited

to these structures, on the last hundred meters of the interview.

The specifically designed venues were mentioned by the professionals who already have an experience of interviews in such venues, know the staff of the institution and recognise the need for the stay of the child in a safe venue, equipped in a way so it would be adapted to the corresponding needs and age, including child-friendly furniture.

Although some the legal bodies representatives referred to experience of child interviews at their domicile, the social services specialists do not recommend such a practice.

Most of the specialists did mention that the interview of the child takes in average an hour. And the legal bodies representatives stated that - the shorter the interview procedure is, the more frequent are the meetings with the child. Also they did specify that in the case when the interview takes more than 2 hours, a break is recommended, during which the child may express his needs.

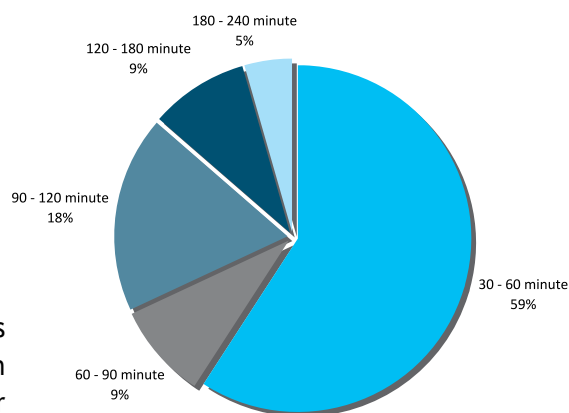


Diagram 9. Duration of a child interview

Also some specialists did state that the shorter the interview is, the more accurate is the preparation procedure of the specialists and the child for the interview.

The most of the interviewed specialists did admit not knowing the techniques used for the interviews, while they did mention certain aspects, which they pay attention to during the interview.

- *the legal bodies are:* observing the behaviour of the child, using “convincing methods”, calm and friendly behaviour of the interviewer, addressing clarifying questions, conversation at a “parent-child” level (which might suppose the possible criticising of the child’s actions and the explanation of what is perceived as a moral norm and what isn’t), listening to the free description of the event.
- *the social services are using:* the conversation and the psychological counselling, listening and re-formulating questions, observing the behaviour of the child, re-phrasing what the child says or the adaptation of questions to the development level of the child, addressing clarifying questions, filling in the questionnaire, encouraging the child.

Most of the specialists did mention that during the interview they are asking the child mixed questions. While a great part of the legal bodies representatives try to address closed questions. Sometimes they use the procedure of verification of information they have, formulating the question based on their suppositions. In order to check if the child is lying in certain parts they use “trap” questions.

Some professionals from the social area have mentioned that they are avoiding direct questions, like „What happened?“, and are asking clarifying questions for the information they received from the child (if he understood what the interviewer has asked). The specialists did specify also that in order to avoid getting suggestive answers they are asking the child open questions.

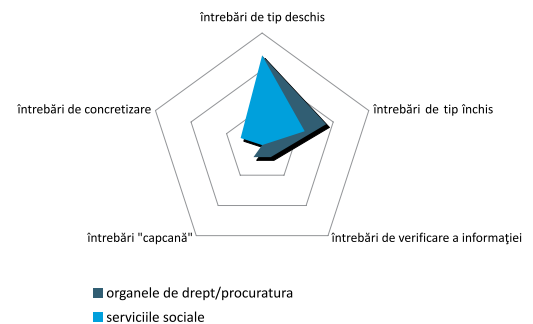


Diagram 10. The types of questions depending on the specialists’ area

The questions and the approach differ depending on the way the child is giving answers and providing information. Most of the specialists consider that in fact children aren’t forgetting (trauma situations can’t be forgotten), but they just don’t want to tell. In such cases, when the child says that he doesn’t remember the most sensitive moments related to the case, most of the specialists decide to take a short break related to the trauma subject, during which they approach other topics related to the daily life of the child, or they are asking questions related to the trauma situation of the child’s parents which are in the same room. On the other hand, the specialists did notice that the parents presence

is often stressing factor for the child: - he is shy to tell, especially that parents do intervene into the child's telling and are asking/urging him to tell the truth and not to lie. The representatives of the legal bodies stated that in these very situations is especially needed the presence of the psychologist, who could address the child questions helping him to remember what has happened. In the case when the child insists not to remember, the legal bodies representatives are describing him the situation which took place in their view, re-building it based on the collected data or on their own suppositions. Is also used the repeated questions method, until the child starts telling what has happened.

Some specialists did mention that in such circumstances they use associations and try to discuss with the child about moments associated with the abuse situation or about the days that have preceded the abuse situation. The social workers noticed that, in the case of pre-school and pre-teenagers, they switch to games or drawing elements, in order to help the child present his memories on paper.

The absolute majority of the specialists did mention the need to adapt the language used to the child's development and knowledge level, as well as the use of the simple questions. The representatives of the legal bodies noticed the complexity of interviewing children with cognitive-emotional and behavioural disorders, as well as the role of the psychologist in adapting the language to the child's special needs. Some of the public prosecutors mentioned the importance of the specialist training stage for the interview and for knowing the development of the child, thus having the possibility to

formulate questions adapted to the child's development level.

A special subject is the use of terms referred to the sexual abuse of the child. Most of the legal bodies representatives understand the traumatising influence which the abuse situation has over the psychological state of the child and try to avoid direct discussions about the sexual abuse (or consider that some children could tell about the abuse on their own), preferring these actions and notions being explained by the parents/legal representatives or psychologists, and in the case when they consider the information provided by the child as insufficient, they request a forensic expertise of the child. The social workers are trying to wait until the child will tell about actions so they could use the child's language. They also use toys or drawing as child assisting elements to express emotions and tell about actions, and after the child tells about what has happened they are specifying together with him if such actions are correct or not in relation to what has happened to him and his rights. Most of the specialists also stated that often they have to present the child with general anatomy notions, because they lack sexual education.

Another subject that needs a special approach is how the specialists perceive the child testimony truthfulness. Most of them consider that still children are lying during the interview, while the approach to the child interview is different: the social workers don't aim at finding the truth, they accept the child's fantasies and try to find out the reason for such behaviour, while the aim of the legal bodies representatives is to find the truth.

The social workers often use techniques such as requesting a detailed or inverse story of the actions, as well as addressing repeated questions, while the legal bodies representatives tell the child about the consequences of false declarations, are asking repeated questions or telling their version for what has happened and are requesting the child to confirm or deny the story of the interviewer, organising repeated interviews of the child.

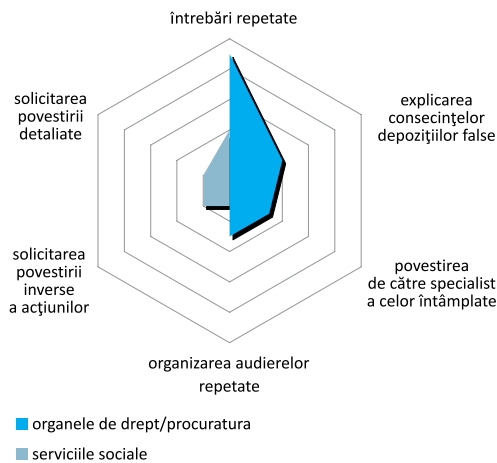


Diagram 11. Interview techniques used by specialists from various areas

The legal bodies representatives did mention that they are establishing whether the child is lying or not based on his behaviour, comparing the obtained information following the operative actions from the other witnesses in the matter. While the social workers are relying on observations of the verbal and non-verbal behaviour of the child, as well as on comparing the information obtained from the child with information obtained from the legal bodies representatives.

The non-coordination between the story of the child and the abuser often influences the

decision of the legal bodies representatives to carry out a confrontation. Although most of them do admit that this isn't the best criminal investigation action, it has a negative influence on the child, and that they aren't using the procedural action of confrontation of the child with the offender. Despite all this, most of the social workers did tell that they participated to such actions. The argument of the legal bodies for conducting such an activity is the establishment of the fact whether the abuser/child is telling the truth or lying. Some social workers did also tell that they are afraid of the offender and that they do not want to take part to the confrontation.

The interviewed children did partially confirm the information provided by the specialists. The greatest majority of the interviewed children took part to confrontation, this being perceived by them as a stressing experience, trauma, during which they have lived fear of the abuser and of the consequences of the testimony.

The need to check the truthfulness of the child statements, as well as the lack of an interview preparation stage imposes the performance of the repeated interviews of children.

Thus, most of the specialists did admit that in average they organise/take part to 2 - 3 interviews. Others are saying that they have succeeded to find out the needed information following a single audition, especially in the case of its early preparation. Several representatives of the legal bodies did recognise that, in fact the child is invited to the office as often as necessary, every time new information on the file is appearing.

Audierile repetate, precum și desfășurarea acestora de către diferiți specialiști, necunoscuți copilului, influențează negativ perceperea de către copil a audierii însăși, a specialiștilor noi și a reacțiilor la stres. Astfel, majoritatea copiilor care au trecut prin audieri multiple, au menționat că o asemenea experiență a provocat un șir de reacții emoționale și comportamentale negative, inclusiv nedorința copilului de a coopera cu organele de drept.

Some specialists of the social area did mention that they aren't always invited to the interview of the child. Children, at their turn, perceive repeated interviews as generating negative emotions, as well as of fear towards the unknown, the lack of control over the situation and life.

The repeated interviews, as well as their development by various specialists, unknown to the child, are negatively influencing the perception by the child of the interview itself, of the new specialists and the reactions to the stress. Thus, most of the children which went through multiple auditions, did menti-

on that such an experience caused a range of emotional reactions and negative behaviour, including the non-willingness of the child to cooperate with the legal bodies.

The interview ending

Most of the interviewed did mention that the interview ends with reading and signing the protocol. In the same order, the participants to the quick evaluation did notice that the closing stage of the interview is mostly perceived as an automatic action and that they weren't paying great importance to it.

The social workers pay more attention to the stabilisation of the emotional state of the child, to praising and encouraging him, explaining the procedures to follow. The representatives of the legal bodies are oriented to establishing the rules for the child's security, encourage him and to preventive elements for similar situations for the future by rebuking him.

The interview evaluation

Most of the legal bodies representatives did evaluate the performed interviews as being efficient, the argument being obtaining testimony from the child and the acceptance to testify in court. In the same time some specialists did evaluate as inefficient and traumatising the child interview practices.

The representatives of the legal bodies as well as the social workers did present the elements that have influenced positively the interview of the child and did minimise his secondary victimisation: the ability of the specialist to be careful to the needs of the

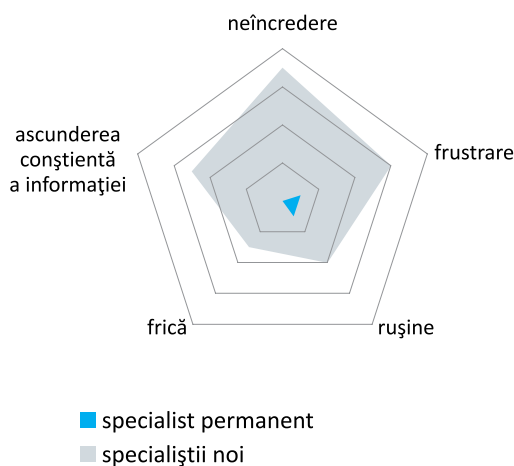


Diagram 12. Effects of changing the interviewer.

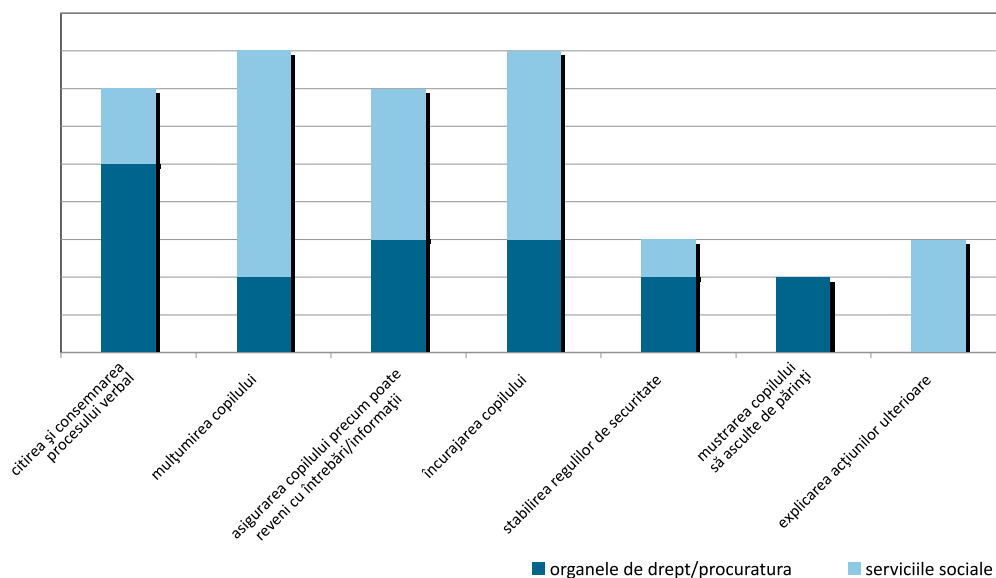


Diagram 13. Interviews ending in the view of the legal bodies representatives and of the social workers.

child and the information obtained, the building of a trusting relationship between the specialist and the child, providing the time necessary for thinking, knowing the child's psychology, providing the emotional comfort, providing covering the main needs of the child, creating a supporting environment, the common work of the specialists, action planning before and after the interview, monitoring of the case during the criminal investigation process and the involvement of various specialists in assisting the child.

Conclusions

At the end of the subchapter **“*Organisation and performance of interviews*”** we would like to mention the main conclusions, identified during the analysis of the current child interview practices of the children victims-witness. The conclusions are referring specifically to the interview process stages.

1. Although the interview of victims, witness and suspects, as value, is recognised as being the most efficient method to establish the facts, traditionally, most of the specialists are learning it from their colleagues' examples, own practice or based on their own intuition. The results of such a practice are obvious - the specialists may learn unacceptable techniques of an interview and risk missing the valuable information. In the same time, the method isn't given necessary time and place for its planning, organisation and evaluation.

2. The interview planning stage isn't fully valued - the professionals aren't collecting data regarding the development particularities of the child, the child well-being protection actions are unplanned.

3. Although the interview venue counts a lot for its good performance, there is a stage of venue preparation for the interview. Most

of the times the interview takes place in the office of the representative of the legal bodies, often in the presence of several co-workers in the office, with the interruption of the interview and other inconveniences.

4. Despite many recommendations from the professional literature, the audition is carried out in a questions-answers modality, obtaining usually a closed answer, and is built in a way to confirm the supposition of the professional. Most of the cases the child isn't informed about his rights or following procedures, an even if he is informed about his rights he isn't explained, corresponding to his age, what would these rights mean. Building a relation of trust with the child is perceived

as useful, but in the same time redundant and isn't taken into consideration.

5. In most of the cases the interview is ended by signing the necessary documents. Often the social worker has to explain the child the actions to follow, as well as work with him in order to stabilise his emotional state as well as plan further social assistance activities.

6. The interview of the professionals showed that only a reduced number of social workers are evaluating their performance or quality of the interventions on a case basis. For most of the specialists the success of the interview resides only in getting testimony from the child.

CONCLUSIONS AND RECOMMENDATION

CONCLUSIONS

The quick evaluation of the current child interview practices of child victims-witnesses has set as objective to find out if these practices are corresponding to the international standards in the area of child protection and, especially, the extent the child's best interest is balanced with the interests of justice, at what extent is ensured the collaboration between various specialists for the benefit of the child at least during the criminal investigation.

The analysis of these practices confirmed the importance of the interview as an essential tool in data (evidence) collection. In the same time, the opinions of the specialists regarding the interview planning/preparation and performance, as well as regarding the competence of the child victim-witness very contradictory. A great part of them is considering, on one hand, juveniles being dangerous witnesses, they can easily lie about what has happened, while, on the other hand, They are "usual" victims and, respectively, their interview doesn't require a special training and can be performed in usual office conditions. Another part of specialists (usually, those with experience in mediating interviews) consider juveniles as extraordinary witnesses, not lying about the abuse, only needing a special approach towards their interview, taking into consideration the supported trauma. The interview process of the children victims-witnesses needs a special training; the interviews development shall take place preferably in a specially designed venue.

In the same time, the quick evaluation of the current interview practices of children victims-witnesses reveals a range of lacks and inadvertencies, which may influence (and are influencing) negatively the efficiency of the criminal investigation process, as well as the perspective of the child's best interest protection, protecting his rights, as well as those of the professionals working with child abuse cases.

The main impediment, from the social perspective, in the process of interview of children victims-witnesses, is the lack of a systematised and flexible approach to interview, base on the child's best interest, which would take into consideration his age, state and abilities, social and educational environment and the type of abuse. A flexible and systematic approach needs a special training of the professionals, action planning and interdisciplinary collaboration, and provision of the time due for the preparation of the child for interview and of the interview itself. All these elements are increasing the eligibility of the children victims-witnesses for the participation to the matter, reducing their secondary victimisation and minimise the subjectivity of the interviewer, respectively, decreasing the number of cases wrongly approached.

Thus, coming from the child interview working principles, the national practice makes us come to the following conclusions, which in a simpler order of ideas could be found at the end of some chapters of the present report.

1. The existing practices in the Republic of Moldova, as well as specialists' recommen-

dations did outline two approaches to an investigation of a child abuse case. The first approach is widely used, its objective following the interest to realise the individual tasks of each specialist. The second approach aims to provide the well being of the child and has a recommendation character.

2. Although the quality of information provided by the victim is important to provide an efficient investigation, often specialists do not have the adequate techniques to build a relation of trust with the victim or to perform an efficient interview. Usually they perform victim interview following a reduced number of interviewing principles, obtained during the professional training stage, or after observing their colleagues working techniques, sometimes based on their own intuition. The results of such a practice are obvious - the specialists may learn techniques unacceptable for an interview and risk to miss valuable information. In the same time, the method isn't given time and space needed for its planning, developing and evaluation.

3. Despite all the recommendations from the professional literature, the audition is carried out in a questions-answers modality, obtaining usually a closed answer, and is built in a way to confirm the supposition of the professional. Most of the cases the child isn't informed about his rights or following procedures, an even if he is informed about his rights he isn't explained, corresponding to his age, what would these rights mean. Building a relation of trust with the child is perceived as useful, but in the same time redundant and isn't taken into consideration.

4. The analysis of the current national practice confirms that most of the specialists

didn't benefit of specialised trainings in the area of child interview, trauma manifestation or multidisciplinary approach to the child abuse cases. This is observed through the fact that most of the interviewed specialists weren't able to provide pertinent information regarding the development particularities of children at various ages, as well as the gender ones. An identified lack is the limited amount of professional literature, guides related to the standard working principles for child abuse cases, which the specialists could count on in their daily activity.

5. Although there are direct provisions obliging the criminal investigation officer or the public prosecutor to establish an interview technique which wouldn't prejudice the child (Decision of the Supreme Court of Justice Plenary, no. 37), the national practice for child interview reveals that they are exposed to repeated questions, also on behalf of different people, pressures are made on them in order to be obtained a specific information, fact negatively influencing the child, while in the last instance prejudicing the quality of the information and the good development of the process.

6. The aim of the interview is to obtain testimony from the child, which, most of the times, isn't performed according to general interview principles, such as would be the protection of the child's best interest or the right for a free expression of opinion.

7. Even though the legislation of the Republic of Moldova describes and provides a venue for the interview of the children victims-witnesses, the number of interviews and the information to be obtained, the interviews

still take place in the venues of the legal bodies, and not in a specifically designed place for this aim (such as would be an interview room for abused children), because of the lack of such venue, reason for which this children interview technique isn't common in the country.

8. Although the interview venue matters a lot for its good performance, there is no preparation stage of the venue for the interview. Most of the times the interview takes place in the office of the legal bodies representative, often in the presence of several co-workers, in the office, with interruptions of the interview and other inconveniencies.

9. The interview planning stage isn't fully exploited - professionals aren't collecting data regarding the child development particularities, the child well-being protection activities are unplanned.

10. The planning of the child interview is limited to the child identity data collection and provides only a single meeting between various specialists, which are working/should be working with this child.

11. Even if the employees of the legal bodies follow the legal provisions to invite to interviews psychologists, pedagogues or social assistants, they do not realise fully the need to assist them for the success of the audition. In the same time, most of the specialists from the state structures are creating multidisciplinary teams on ad-hoc basis or in cases when the individual work is impossible, while the ones from NGOs prefer the multidisciplinary team formula in all the assisted cases.

12. The current practice shows that the organisations involved into child assistance and protection are exchanging information very seldom. Also, the common interview planning takes place very seldom, while the social worker is often invited to interviews only to follow the legal provisions.

13. Even when there is a collaboration within the multidisciplinary team, the analysis of the current practices for interviews of children victims-witnesses show that meetings are organised spontaneously, while the regulations or the protocol of the team meeting is followed by a small number of organisations.

14. The multidisciplinary approach to cases reduces to meeting various specialists in the office in order to hear the child, when signing the needed documentation and providing the further assistance, before or after, the assistance and protection activities. Many times the specialists taking part to the hearing of the child aren't trained in this area.

15. gathering the international recommendations, we can mention 5 key-principles, which should be followed by specialists working with children victims-witnesses: multidisciplinary approach to the case, interview planning, interview development, interview ending and interview evaluation. In the same time, we should admit that this schema is fully followed only by psychologists, pedagogues and NGOs representatives, very seldom by the representative of the state structures, the reason being the pressure of the short pre-established terms and of certain legal provisions.

18. Although many countries are using the "investigative interview" notion, which, ac-

According to the international standards requiring a range of principles, still aren't defined yet principles for the organisation and development of the interview, which would be unanimously accepted by the international practice and the national practice recommendations.

RECOMMENDATIONS

The evaluation of the current practices for the interview of the child victims, as well as the analysis of the identified lacks and inadequacies allowed us to come with a set of recommendations for the increase of the interview process efficiency as well as, implicitly, of the one of criminal investigation from the perspective of the children's rights protection, as well as of the improvement of the working practices of the professionals involved into child abuse cases.

1. Taking into consideration the current practices of interview of children victims-witnesses of sexual exploitation, revealed during the current quick evaluation, in the Republic of Moldova is necessary a continuous training of the professionals working with children victims-witnesses, specialised in the area of national and international documents and tools in the field of the child rights and his interview, general principles for the child assistance and protection, of interview organisation stages, of the multidisciplinary approach to cases of child abuse, psychology of the child development and interview stages.

2. The protection of the child's best interest principle requires the continuous improvement of the methods and procedures for the

needs identification of the children victims-witnesses, of the organisation of protection for the child and his family, of his preparation for the interview by a well trained specialist in this regard. In this context more attention should be paid to the information of the child regarding his rights, them being the main objectives regarding the protection of the child's best interest.

3. Awareness of the professional groups working with children, especially the legal bodies representatives, on the importance of interview organisation in a specifically designed venue (interview room), favourable to the child, thus providing quality testimony collected from the child victim-witness.

4. is imperative the creation of a sufficient number of venues, specifically designed for the child interview (child interview rooms) and the promotion among professionals of the child interview practice not only in an environment adapted to his needs, but also of the video and audio recording of his testimony. Such venues require a specifically trained staff in this regard and an inter-institutional collaboration.

5. The use of the audio and video recordings as proofs in court, without inviting the child victim-witness in front of the court. In case of necessity, the prosecution, the defence and the judge will go to the child interview venues. So will be created a non-traumatising environment for the child and the number of interviews will be reduced to minimum, providing in the same time the principle of contradiction in the criminal matter.

6. The decrease of the number of interviews on the child and the reduction of his victi-

misation is another need, which requires the application of the rule of limited interviews (preferable 1) and permanent specialists. The conversation with the child must take place at one of the final stages of the criminal investigation process, when all the possible proofs/evidence and data were collected.

7. It is advised that the interview take place shortly after the child was abused, when the information provided by him may be the most detailed. A serious problem for the criminal investigation process is the fact that children often are the only witnesses and other data collection sources are unavailable. In such cases an important role is played by the members of the multidisciplinary team, involved into the process of data and materials collection related to the child abuse, which have to collect as much information as possible before the interview of the child victim-witness.

8. A synthesis is needed of the working practices within the multidisciplinary teams in order to define criteria for the multidisciplinary approach, to define the multidisciplinary team and its standard working principles.

9. Is extremely needed the discovery of the good practices, national, and especially international of interview on children victims-witnesses and their replication during prac-

tical-scientific round tables/conferences or professional publications. This could cover the lack of professional literature, but also could create a base for discussions on the continuous improvement of such practices.

10. It is also extremely necessary to develop methodological materials/guides for the professionals involved into the interview of the children victims-witnesses, which would describe not only tasks and modality to collaborate with the multidisciplinary team members, but also interview techniques and modalities for their organisation.

11. Due to the fact that most of the interviewed respondents remarked the potential benefit of the supervision evaluation services for the interview technique and are recognising its importance, is needed a development of an evaluation mechanism for the performance of the specialists' services, which would allow the continuous improvement of the interview practices for children victims-witnesses.

12. Would be very welcome an international conference on the study of the notions of „investigative interview” and the definition of some generally accepted recommendations, principles, for the organisation and development of interviews, which could further serve as standard principles in this context.

The present Report represents the first step of the attempt to analyse and evaluate the current practices from the audition of children, victims-witnesses of the human trafficking/sexually abused, its objectives being in fact an intention to estimate the way the interview takes place, the multidisciplinary approach of the cases, as well as the perception by the child of the interventions on behalf of the professional groups. The authors hope that an eventual reading and debate of the practices mentioned in this Report, of the identified lacks and proposed recommendations could serve as a platform for a thorough analysis and development of tactics for the improvement of current practices and policies for the prevention and fight of child exploitation, of organisation and continuous improvement of assistance and protection, of the protection of the child's rights from the perspective of his best interest.