

Summary of the international workshop on “Specific techniques of interviewing members of vulnerable groups”

29–30 September 2021
Office of the Commissioner for Fundamental Rights



The event, co-funded by the Special Fund under Article 26 of the OPCAT, was organized by the Commissioner for Fundamental Rights acting in his competence as National Preventive Mechanism (NPM). The event was also the second meeting of the South-East Europe National Preventive Mechanism Network, in which the Hungarian NPM had the presidency in 2021.

The aim of the professional event was to provide further training for the NPM’s staff members with a view to the implementation of the recommendations put forth by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment following its visit to Hungary in 2017; as well as to strengthen cooperation with the NPMs of other countries and civil society organizations, and to increase the efficiency of the NPM’s working methods through an exchange of experience.

The workshop made it possible to discuss the specificities of interviewing detainees who qualify as especially vulnerable in respect of some of their characteristics or circumstances. The programme focused on four vulnerable groups:

- children
- persons living with psychosocial disabilities
- foreigners and/or members of national or ethnic minorities, and
- LGBTQI persons.

On the first day of the event, in the morning following the opening plenary session, and also in the afternoon, there were altogether four working groups – in two simultaneous panels – focusing on a particular group of detainees, which explored their topic with the help of two experts: a main speaker and a facilitator. During the first day, the representatives of the members of the South-East Europe NPM Network also held a meeting to discuss the current affairs of the organization.

On the second day of the event, the main speakers summarized the conclusions of each panel discussion, which were then discussed with the involvement of the facilitators and all the attendees of the event in a plenary session. The working language of the event was English, but English–Hungarian simultaneous interpretation was also provided during the plenaries, as well as during one of the two panel discussions in the morning and in the afternoon, respectively. In consideration of the epidemiological situation, the organizers also ensured the possibility to join the event online, in addition to personal attendance.

Besides the experts invited by the organizers, the event was also attended by the members of the South-East Europe NPM Network (<https://see-npm.net>), the members of the Civil Consultative Body operating besides the Hungarian NPM, the staff members of the Hungarian NPM, and other interested colleagues from the Office of the Commissioner for Fundamental Rights.

29 September 2021

Opening plenary session

Dr. Ákos Kozma, Commissioner for Fundamental Rights of Hungary opened the event with his words of welcome.



Dr. Kozma underlined that he considers it a priority to learn about and understand the problems and difficulties of citizens, and to help them to find a solution by the instruments at his disposal. In the course of his activity as National Preventive Mechanism, he has been doing his best to meet people deprived of their liberty in person and to personally examine their circumstances and treatment. With that in mind, he continued to pay visits to numerous closed institutions even during the coronavirus pandemic. From the perspective of the prevention of ill-treatment, he considers it quintessential that even the most vulnerable persons be able to voice their concerns. He expressed his hope that knowledge related to special interviewing techniques and the exchange of experience will help him, his staff members and all the other participants of the event to perform their tasks with even greater efficiency in the future.

Dr. Elisabeth Sándor-Szalay, Deputy Commissioner responsible for the protection of the rights of nationalities living in Hungary – and the main speaker of one of the panels – also greeted the participants. She recalled that in March 2020, together with the Commissioner for Fundamental Rights and the Deputy Commissioner responsible for the interests of future generations, they issued a joint statement drawing attention to the fact that during the coronavirus pandemic, certain vulnerable groups of society, especially those living in closed institutions and in segregated settlements, may face serious difficulties in the area of the enforcement of their rights. She praised the relevance of the event's focus also in that respect. She emphasized that meeting with persons deprived of their liberty face to face and conducting interviews with them are essential components of the NPM's activity, and it is especially important to use the right techniques in the case of vulnerable groups. Although the law regulating the NPM's activity sets down the essential rules of interviewing detained persons, the members of the visiting group have to make numerous decisions about the specifics of the interviews on site. She expressed her hope that the event would enrich the participants with such new perspectives with the help of which each of the participating NPMs could improve the efficiency of their work.



The workshop was moderated by **Dr. István Sárközy**, staff member of the OPCAT NPM Department. During the opening plenary, he informed the participants about the content of the professional programme and shared some housekeeping matters with them.

Panel 1: Specific techniques of interviewing foreigners and members of national or ethnic minorities

The main speaker of the working group was **Dr. Elisabeth Sándor-Szalay**, Deputy Commissioner for the Rights of National Minorities, while **Dr. Judit Zeller**, senior lecturer of the Faculty of Law and Political Sciences of the University of Pécs acted as facilitator.



With regard to foreign nationals, the main speaker highlighted that in addition to linguistic barriers, efficient communication may also be hampered by the different cultural and social backgrounds of the partners. The sex, the social status and the behavioural expectations attached to these two – the different rules of physical contact, for instance – must also be taken into consideration. The facilitator called attention to the fact that foreigners are typically more socially isolated, and they have fewer social relations than other detainees (if any). In places of detention, their special needs (native language, cultural customs) usually cannot be accommodated for, or on the contrary, they are treated according to the related stereotypes. Added up, these negative effects may traumatize the persons in question. Foreign refugees are typically traumatized to begin with; in many cases, they were victims of torture in the past. In consideration of all of the above, it is very important to adopt a trauma-conscious attitude. Visiting groups must be composed in a very considerate manner, and attention must also be paid to their linguistic and ethnic composition.

With respect to the role of the interpreter, the main speaker pointed out that it is not enough for interpreters to be fluent speakers of the given language; they must also be familiar with the cultural background and the region from which the interviewees come from in order to understand if they make an allusion to some local event or person. When selecting the interpreter, the age, sex and ethnic origin of the potential interviewees must also be taken into consideration. Special caution must be made when there is no professional interpreter available. Interpreters must be provided with the necessary background information, and the confidentiality of the information thus acquired must be underlined. The conversation must be controlled by the interviewer, and he/she must address all the questions directly to the interviewee. The interpreter should always indicate it if the interviewee does not understand something or asks back, so that the interviewer could rephrase his/her question.



In the case of members of a national or ethnic minority, the main speaker stressed that it is not the mere fact of belonging to an ethnic group that causes difficulties, but that the biases and stereotypes that are attached to it can also have a traumatizing effect. At the same time, intercultural skills are paramount in efficient communication.

The participants of the panel talked about the situation when refugees keep the information to themselves because they do not believe that help will be given to them, and they fear making further bad experience or getting into an even worse situation. In the case of severely traumatized persons, obtaining their trust is a long process because one of the chief symptoms of post-traumatic stress disorder is precisely the lack of trust. It would be very important to ensure appropriate training for the interviewers and the interpreters.

Comments were made about the importance of using plain language when communicating with both foreigners and members of a national minority. The representatives of some foreign NPMs reported that during their visits, they also rely on the expertise of a cultural mediator, or if it is not possible to involve an interpreter, they use a list of pre-formulated questions or information materials in the languages potentially spoken by the detainees in order to surmount linguistic barriers.

Panel 2: Specific techniques of interviewing persons living with psychosocial disabilities

The main speaker of Panel 2 was **Mr. Steven Allen**, Co-Executive Director of Validity Foundation while **Dr. Sándor Gurbai**, Impact Manager of Validity Foundation performed the tasks of the facilitator.



Steven Allen briefly presented the main spheres of activity of Validity Foundation. The Foundation puts a major emphasis on the protection of the rights of persons living with psychosocial disabilities and monitoring that the institutions looking after them operate in line with the relevant legislation. Article 4 of the CRPD lists the general obligations of state Parties by which they ensure and promote the enforcement of the fundamental human rights of persons living with disabilities without discrimination.

It is important for the monitoring organ to be independent, to respect the “do no harm” principle, to pay regular visits to places of detention, to gather reliable information, and to avoid the accidental disclosure of data. The composition of the monitoring team is paramount. The efficiency of the inspection is greatly enhanced by the involvement of so-called experts by experience, who either live with psychosocial disabilities themselves, or who have been placed in such an institution at some point in their lives.



When preparing for the inspections, the ITHACA toolkit can serve as a useful resource, which examines the enforcement of the right to health in institutions dedicated to the placement of persons living with psychosocial disabilities, whereas the CHARM toolkit focuses on children.

Those interviewees who are placed in isolation and those who have spent the longest time within the institution may provide important information about the prevention of ill-treatment. The key aim of the inspection is to find out how persons living with psychosocial disabilities can be re-integrated into society, and how they could regain their independence. Facts must be accurately found, and the language used during the interviews is also crucial. The interviewees must not feel pressurized; enough time must be ensured for them to answer the questions. In the case of persons living with psychosocial disabilities, the “do no harm” principle is even more emphatic. If an interviewee shows signs of exhaustion, the conversation must be terminated. Interviewers should also be prepared that they can communicate with the interviewees only in an alternative way. The members of the monitoring organ must receive regular further training so that they are able to communicate with persons living with psychosocial disabilities with empathy.

Panel 3: Specific techniques of interviewing children

The main speaker of this working group was **Dr. Ágnes Lux**, researcher of the Centre for Social Sciences, whereas the facilitator’s role was taken on by **Viktória Sebhelyi**, human trafficking expert of the Hearing and Therapeutic Services Development Section of the National Child Protection Service.

In her presentation, Dr. Ágnes Lux examined the problematics of hearing children from the perspective of child rights. She called attention to the fact that children themselves are the real experts on children. The UN Convention on the Rights of the Child and the core principles laid down therein should imbue the activity of each and every professional working with children. We must bear in mind that all persons below the age of 18 are children who are entitled to the rights included in the Convention. Non-discrimination, respect for the best interest of the child and children’s right to be heard in matters affecting them are all fundamental. Regarding the best interest of the child, Dr. Lux underlined that since the Convention does not give an accurate definition for the content of this notion, different authorities tend to interpret it differently.



In relation to interviewing, she outlined a few important aspects that must be taken into consideration – not only during inquiries affecting fundamental rights, but also in court and

authority proceedings that take place with the involvement of children. Such aspects include the creation of an appropriate environment to suit the needs of the child, respect for the rights of the child, the training of professionals working with children and avoiding prolonged proceedings.

It is important to prepare the interviews appropriately and to find out all the relevant information (e.g. if there are any children with special needs). During the interviews, the interviewer should strive to establish trust. We need to make sure that we introduce ourselves properly, inform the child about the aim and length of the conversation, and about what happens when the report is drawn up. We also have to keep in mind the “do no harm” principle. From time to time, we should have a break, and ask the child how he/she is doing or whether he/she needs something. It is best to put the professional jargon aside; we should use plain and comprehensive language and ask open-ended questions. We should be active listeners, and pay attention to body language and non-verbal communication as well. We should be patient and respectful, and avoid being judgemental. We must remember that the child has the right not to answer our questions.



The facilitator talked to the participants about her relevant experience gained during her work with victimized children. She had seen some cases in her practice, too, when the different stakeholders had a different understanding of the best interest of the child, so that is another reason why it is important to have a multidisciplinary approach. In the communication process with traumatized children, body language can be especially revealing – there are some children, for instance, who cannot tolerate being looked in the eye. The expressions used should also be carefully selected, but the child should be told that he/she could speak as long as he/she wanted and that they could use any sort of language.

The participants of the panel also shared their experience with each other, and recommended numerous professional materials to each other’s attention. They stressed the importance of the legal regulation of the fundamental conditions and guarantees, but they also warned that regulations without proper implementation are not sufficient.

Panel 4: Specific techniques of interviewing LGBTQI persons

The main speaker of the panel was **Mr. Jean-Sébastien Blanc**, researcher at the University of Geneva, with **Dr. Beáta Sándor**, legal expert of Háttér Society acting as facilitator.



Jean-Sébastien Blanc began his talk by presenting the categories of the acronym “LGBTQI”. He drew the participants’ attention to the 2019 publication of the Association for the Prevention of Torture (APT), which serves as a guideline to inspecting the situation of LGBTQI detainees. He reminded that even today, same-sex relationships are punishable in many countries despite the fact that the SPT identifies the decriminalization of such relationships as a pre-requisite to the prevention of ill-treatment. According to the UN special rapporteur, detainees belonging to this sub-category are placed in much worse conditions than the members of the general prison population.

Since masculinity is a “basic requirement” in men’s prisons, detainees with a different sexual identity constitute a vulnerable group. The situation of LGBTQI detainees is regulated neither by soft law instruments, nor by UN standards.



The speaker pointed out the risks of the SPT's action which encouraged states to gather information about the ill-treatment of LGBTIQ detainees and propose solutions.

The participants discussed the role of monitoring organs. An inspection methodology should be elaborated that is adjusted to the already existing inspection methods of the given monitoring organ. Efforts should be made to have a proportionate gender composition within the visiting group, and to involve experts by experience if possible.

When interviewing LGBTIQ detainees, the principle of “do no harm” must be respected, and interviewers should be cautious not to identify these groups explicitly. Monitoring must be accompanied by thorough data collection and the verification of data. Increased attention must be paid to making sure that the interviewing does not lead to victimization and does not re-traumatize the interviewee. The interviewer must have a clear understanding of the meaning and context of words referring to LGBTIQ persons because an inappropriate question or address can make the interviewee distrustful and reluctant to answer. Ensuring further training for the members of the monitoring group is important in this area, too. Sensitization trainings can help people to acquire inoffensive expressions and appropriate body language.

Meeting of the members of the South-East Europe NPM Network

In 2021, it was the Hungarian National Preventive Mechanism that took over the presidency of the organization. Due to the coronavirus pandemic, the Network held its first annual meeting online, on 20 June 2021, and its main topic was the impact of the Covid-19 pandemic on the activity of NPMs, challenges and the key aspects of the visits.

In complement to the professional programme of the second meeting, the representatives of the members of the Network discussed some topical issues such as the handover of the presidency in 2022 and the operation of the new website of the organization (<https://see-npm.net>).



30 September 2021

Plenary session

On the second day of the event, a plenary session was organized involving all the participants, at the beginning of which the main speakers summarized the outcomes of the sessions of the previous day.



Based on the exchange of experience, the following common criteria were outlined in relation to the NPMs' visits affecting vulnerable groups:

- careful preparation of the visit;
- involvement of experts by experience;

- composition of the visiting delegation;
- multidisciplinary;
- conducting the inspections, interviewing techniques;
 - o empathy;
 - o trauma-conscious attitude;
 - o ensuring a proper amount of time;
 - o “do no harm” principle;
 - o confidential handling of the information gathered during the interviews;
 - o avoiding labelling, generalizations and bias;
 - o using appropriate language;
 - o paying attention to body language;
- thorough information gathering and cross-check, triangulation;
- feedback;
- prohibition of sanctions;
- importance of further education, sensitization;
- keeping in touch (SPT, CPT, NPM, Network, experts).

In the second part of the plenary, the main speakers, the facilitators and the other participants of the event discussed the issues raised.

The coronavirus pandemic posed considerable challenges for the National Preventive Mechanisms. It became increasingly difficult to visit places of detention and to arrange personal meetings. On the other hand, the measures taken in order to reduce the risk of infection and the fact that protective gear had to be worn had a significant effect on the interviews made. Nevertheless, these difficulties may also help the NPMs’ to improve themselves because it has spurred them to elaborate new methods for collecting and analysing data and to develop their toolkit.



The experts called attention to the fact that besides visits, NPMs can take action against ill-treatment by other means as well; they may propose legislative amendments, for example, in order to reduce the number of persons deprived of their liberty. It was raised by the participants that deprivation of personal liberty may be regarded as ill-treatment in itself, for example, in the case of the institutionalization of persons living with disabilities.

Great attention should also be paid to the content and structure of the reports drawn up on the basis of the on-site visits of the NPMs and their conclusions. From the perspective of efficiency, the quality of the reports written may have a bigger impact than the number of the places inspected. There are some critical issues that should always be examined carefully, such as the use of solitary confinement, which may affect certain groups of detainees disproportionately, or the application of coercive and restrictive measures.

It is quintessential that the staff members of the NPM be committed to international human rights. Moreover, it is important that the formulation of recommendations should be explicit and that they rest on international standards. The effects of the measures taken should also be monitored; for example, in what ways they have influenced the operation of the authorities concerned. Follow-up visits can be a useful instrument in this effort.

The importance of the composition of the visiting delegation was brought up during the workshop from several aspects. There are some countries, such as e.g. Switzerland, where serious efforts are made to represent the composition and characteristics of the population within them. The question of the involvement of experts by experience came up once again. In this respect, it was expressed that their involvement should be continuous throughout the whole process, so not only in the preparatory phase and perhaps during the visits, but in each and every phase of the monitoring, including the drafting of the report and the formulation of the recommendations.



The conference was closed by Secretary General of the Office of the Commissioner for Fundamental Rights, **Dr. Balázs Könnnyid**, who thanked all the participants for their active contribution to the discussions and for sharing useful information.