

# *Discussion on the Victim's Inquiry in Child Sexual Assault Cases*

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**Abstract:** Due to the limitations of age and cognitive ability, children lack the ability to distinguish right from wrong and the awareness of self-protection, so some criminals can take advantage of the opportunity, resulting in children's sexual assault cases. After the occurrence of these cases, the victimized children caused a huge psychological shadow, seriously destroyed their physical and mental health, and continued to affect their life. In most cases of sexual assault on children, due to the strong concealment of the crime, the time and scene of the crime are difficult to be discovered and mastered. Child victims are often the only channel to obtain criminal information, which plays a crucial role in the detection of the case. In addition, in criminal proceedings, the statements of child victims are presented in the form of evidence, so the questioning of victims in cases of sexual assault on children becomes crucial.

## **1. Introduction**

Due to the limitations of age and cognitive ability, children lack the ability to distinguish right from wrong and the awareness of self-protection, so some criminals can take advantage of the opportunity, resulting in children's sexual assault cases. After the occurrence of these cases, the victimized children caused a huge psychological shadow, seriously destroyed their physical and mental health, and continued to affect their life. In most cases of sexual assault on children, due to the strong concealment of the crime, the time and scene of the crime are difficult to be discovered and mastered. Child victims are often the only channel to obtain criminal information, which plays a crucial role in the detection of the case. In addition, in criminal proceedings, the statements of child victims are presented in the form of evidence, so the questioning of victims in cases of sexual assault on children becomes crucial.

## **2. The Significance of the Victim's Inquiry in Child Sexual Assault Cases**

In cases of sexual assault on children, due to the great physical, psychological and physiological impact of such cases on the victims, some cases even directly affect the normal life of the victims' families, and some cases have caused great social impact after public opinion exposure, resulting in high social attention. Child sexual abuse cases, however, the scene is hidden and the time of the crime, it is often difficult to find in addition to the others, plus public opinion to give great attention,

to make such cases of detection for the value of justice, and children the victim statement just can offer one of the most important clues to solve crimes.

As such cases are characterized by concealment, little knowledge and few sources of evidence, the inquiry of child victims is often the first source of criminal information, and also the breakthrough of case investigation. Child is the victim suffered a direct violation of criminal suspects, is also in contact with the criminal suspect positive and body contact, know more, case of criminal suspect's sex, age, height, clothing, physical traits and mannerisms, dialectal accent is more understanding, understanding of and related traces at the scene of the crime, items, compare, for clues to the public security organ for investigation, determining the investigation direction and scope of the case, collecting other evidence, exposing the crime and proving the crime have played a particularly important role in ensuring the smooth progress of the follow-up investigation.

In the investigation of the case, the important means to obtain the statement of the victim is to make a legal and standard interrogation record through the inquiry of the victim, so as to form the statement of the victim, which can be directly used as evidence in criminal proceedings. Since the child victim and the criminal suspect in child sexual assault cases are on opposite sides in criminal proceedings, the statement of the victim and the confession of the criminal suspect cannot be identical. The confession and explanation of the criminal suspect consistent with the statement of the child victim can be basically recognized as the facts of the case; For the suspect's confession and justification which are inconsistent with the statement of the child victim, the verified statement of the child victim can play its role of verifying the authenticity of the suspect's confession and justification, which is of great significance for exposing the suspect's lies and urging the suspect to confess to justice as soon as possible.[1] Through the interrogation of the victim, the relevant details of the case can be examined for the probative power and reliability of the criminal evidence obtained in the investigation of the case, so as to obtain authentic and legal evidence. Therefore, the inquiry of the child victim in the case of child sexual assault has become an important part of the investigation work. If valuable clues and information can be obtained from the statement of the murdered child in time, it is of great value to solve the whole case quickly.

Therefore, in cases of sexual assault on children, the inquiry of the victim not only plays an important role in upholding justice of investigation, but also plays an irreplaceable role in ensuring the smooth progress of litigation activities and the justice of litigation evidence.

### **3. Principles to Be Adhered to in Questioning Victims in Cases of Sexual Assault on Children**

#### **3.1 The Principle of Inquiry by Specific Investigators**

In child sexual assault cases, due to the particularity of victims, investigators should also have corresponding requirements, so as to better carry out the inquiry work and obtain more real information.

In child sexual assault cases, due to the young age of the victims, they do not have a good ability to distinguish right from wrong, and their cognitive and expression abilities are also deficient, so they are usually unable to independently make objective statements, which requires investigators familiar with the physical and mental characteristics of children to make inquiries. Child sexual abuse in the case the victim is more special, the thinking ability is not enough perfect, there is no logical ability to communicate well, and the more living in their own world, to the outside world do not understand, so you need to use good at to do inquire the investigators to minors' ideological work, easy to open the heart of the victim, make its active state, Objectively enhance the true validity of maturity.

The inquiry of the victims of child sexual assault cases should be conducted by investigators with good communication skills, who can guide the victims to make statements through appropriate

words, so that the statements of the victims can restore the status quo at the time of the crime as far as possible and make the statements with high authenticity.

After the crime, the victim usually tells his parents and teachers first, or the parents and teachers take the initiative to notice. The guidance from parents and teachers often directly affects the victim's statement, which will further affect his performance and the authenticity of his statement when questioned. This requires investigators with certain experience in handling cases to make inquiries, make careful judgments and analyses of their statements, distinguish right from wrong, and remove the false and retain the true.

### **3.2 One Time Inquiry Principle**

In the investigation of child sexual assault cases, due to the great physical and mental impact of the assault on the child victims, indelible fear and harm will be left in their hearts, and every inquiry will make the victims have to recall the process of the assault, which is undoubtedly a “secondary harm” to the victims. Therefore, based on the judicial concept of special protection and priority protection for minors, investigators should insist on the principle of one inquiry about the facts related to sexual assault crimes.

In cases of child sexual assault, victims are generally younger, with imperfect physical and mental development, limited cognitive and expressive abilities, and are prone to be induced by suggestive language of investigators, which affects the quality of information and even makes statements that are not in accordance with the facts. Sticking to the principle of one interrogation is beneficial to minimize the influence of the investigator's inappropriate interrogation method on the statement of the victim. Due to the serious harm and shadow caused by the infringement to the victim's body and mind, each additional inquiry is undoubtedly the “harm” to the victim. Therefore, adhering to the principle of one inquiry is conducive to reducing the “secondary harm” caused by multiple inquiries to the victim, and is also of great significance to the physical and mental protection of child victims.[2]

The principle of one inquiry requires investigators to inquire strictly in accordance with relevant procedures and regulations. Strictly following the procedure is not only a requirement for investigators, but also objectively beneficial to reduce the harm caused by improper procedure inquiry by investigators to victims. Adhering to the principle of one inquiry requires investigators to design a series of questions carefully in advance. A series of questions were carefully designed in advance to facilitate the more logical development of the inquiry, and various information about the suspect was obtained from the victim, which was conducive to obtaining various information about the case in time and carrying out investigation activities in time.[3]Adhere to the principle of an inquiry in the inquiry to pay attention to the language. In the inquiry of the victim, the correct use of inquiry language, the use of appropriate wording, give full play to the role of language, help to ease the psychological pressure of the victim, make the victim take the initiative to cooperate with the inquiry, is conducive to enhance the intensity of the inquiry, obtain a true and effective statement.

### **3.3 Principles for the Examination of Statements by Child Victims**

In the interrogation of child victims in cases of sexual assault on children, we should not only see the important position of child victims in the interrogation, which is of great significance to the investigation of the case and the truth of litigation evidence, but also see the special age and psychological weakness of child victims.

In sexual assault cases in children, the criminal suspect of the abused children caused by the physical and psychological shadow is indelible, reminding the children victims are often reluctant to this experience, some criminal suspects in hindsight coerced children, the victim makes children

when questioned the victim in the mind still have fear and anxiety, fear of retaliation by the criminal suspect, Causing the child victim to make untrue statements. In addition, due to the immature physical and mental development of child victims, they may also make statements inconsistent with the facts of the case after being induced by suggestive language from parents, teachers or investigators.

Therefore, after obtaining the statement of the child victim, comprehensive consideration should be given to the scene, time, environment and logic, and the true rationality of the statement should be examined. Only after the review is indeed consistent with the basic situation of the case can the statement be adopted.

#### **4. Language Requirements for Victim Questioning in Child Sexual Assault Cases**

When interrogating victims of child sexual assault cases, we should combine the psychological characteristics of children, fully consider the objective feelings of victims, and carefully choose the language of inquiry. Although children have many common characteristics of adults, they are not adults after all and have certain defects in cognitive ability and expression ability. Therefore, investigators cannot treat them as adults and should adopt appropriate words and methods and flexible ways of conversation to communicate with victims.

##### **4.1 Implicit Euphemism**

Victims of sexual assault usually avoid facts and are shy about the details of the case, but the inquiry of victims of sexual assault cases must be centered on these contents, which is also the case of child sexual assault cases. In order to enable the victim to make a smooth statement and prevent the “speechless” dilemma, investigators generally should not go straight to the theme at the beginning of the inquiry. At the beginning of the inquiry, the child victim's life, study or family situation can be asked, and the victim's interests and hobbies can be further exchanged to ease the victim's psychological tension and fear, shorten the distance with the victim, so that the victim feels less strange. Then you can ask questions that are not directly related to the core of the case, step by step, and slowly ask the core questions of the case, so that the victim can naturally make statements about the true situation of the case. In addition, the investigators should not use blunt language like “rape” in the inquiry, and replace these language with some implicit euphemistic language, so that the victim is more willing to make statements.

##### **4.2 Friendly and Sincere**

Child sexual abuse cases to ask the victim, the expression of investigators don't like interrogation of a criminal suspect serious to ask children to the victim, so can produce psychological resistance makes the victim for the asking. [4]Investigators and expression to the nature, should use gentle tone to ask questions, questions should not be after, will give the victim of a certain space to recall and think. Sexual abuse of children caused by psychological shadow and physical harm is indelible, the victims of sexual assault cases children ask, investigators should fully consider the relevant factors, the children don't show the victim disregard even impatient, just put the victim as an investigation of the tools and channels to use, Investigators in attitude be sincere when being questioned, should let children feel the warmth the victim, standing on the ground of the victim sympathy and respect for children ask, sincere to express the feeling of comfort, for the victim in a sincere attitude, sympathy for inquiries, the distance between the gap with the victim, the victim will feel warm.

### 4.3 The Law of Civilization

In sexual assault cases in children, because the victim's age is small, logical thinking ability and the wrong judgement is not mature, easily induced by investigators to ask to make with the facts of the case of confession, therefore requires investigators when ask, should abide by the relevant laws and regulations and shall not by suggestive language to lure the victim statement.[5]At the same time, the language of inquiry should be civilized and healthy, and the language of vulgar interest should not be used for inquiry, and the privacy of the victim that has nothing to do with the case should not be asked. At the same time, the problem of the victim to testify in court should be flexibly mastered, fully considering the particularity of the victim in the case of sexual assault on children, legal and standard interrogation records should be made during the questioning of the child victim, which can be used as evidence in criminal proceedings, so as to avoid the child victim to testify in court.

### 5. Conclusions

In cases of sexual assault on children, according to the importance of the victim's testimony and the characteristics of the group of child victims, it is required to select investigators who are familiar with the physical and mental characteristics of children, good at ideological work of children, and know how to communicate with children to interrogated the victims. At the same time, the inquiry outline should be carefully designed before the inquiry, and appropriate language and flexible way of conversation should be used to communicate with the victim, and the principle of one inquiry should be adhered to. Only in this way can the best balance be struck between obtaining testimony and protecting the victim's body and mind, so as to achieve the best results of the interrogation.

### References

- [1] Jiangshen Zhou. "Criminal Detention System".Hunan University,2011.
- [2] Liyi Chen."Study of the Protection of Juvenile Criminal Victims".Journal of Chengdu University of Technology(Social Sciences),no.4,pp.18-25,2016.
- [3] Kun Dong."Establishing the excellent relationship between the investigation and the Media".Journal of Sichuan Police College,no.4,pp.6-11,2011.
- [4] Ying Liu,Ye Xu."Evidence Utilization on Cases of Sexual Infringement on Minors:From the Perspective of One-stop Evidence Collection Model".Journal of Criminal Investigation Police University of China,no6,pp.55-62,2019.
- [5] Liyuan Nie."Research On Leading Question In the Investigation Procedure".Southwest University of Political Science & Law,2018.