

How reliable are abused children as witnesses and how skilful are investigators as interrogators?

Peter Umek, Ph. D. Professor at the Faculty of Criminal Justice and Security, University in Maribor, Kotnikova 8, 1000 Ljubljana, Slovenia

Abused children under the age of 10 have until recently been considered to be unreliable witnesses in criminal proceedings. Research studies have nevertheless clearly demonstrated that small children can be credible witnesses, provided that their developmental characteristics are taken into account in interviews with them. The paper discusses the characteristics of children's imagination, their communication abilities, memory and suggestibility, which should all be taken into consideration in their interrogation. In children's reports about sexual abuse, elements of imagination appear only seldom and imagination is mostly aroused by an interrogator's incitement of a child to recreate the event, by the use of instruments such as toys or anatomic dolls. Although children's communication capacities are considerable, it is nevertheless important to take the following knowledge into account in interviews: children use words even before they understand their actual meaning; questions starting with when, how or why are very demanding for children, as are questions in the negative form and questions using difficult syntax.

An inappropriate mode of interviewing younger children will result in inconsistency in their answers. Reports of younger children about past experiences are shorter, due to their modest vocabulary, but they are relatively accurate, while leading questions are likely to increase the possibility of errors. Suggestions in interviews are factors which undoubtedly most affect the reliability of children's answers. Interrogators often conduct an interview on the basis of presumptions, which they try to confirm in their interview and in doing so, they often take advantage of the authority of a senior or an important person (policeman). The fact is that the memory and communication capacities of children are limited and children are more susceptible to conscious and subconscious suggestions of adults. We nevertheless have to accept them as reliable witnesses. The reliability of their statements actually depends most often on the skill of interrogators, which is as a rule inadequate.

Key words: children, sexual abuse, testimony, imagination, communication abilities, memory, suggestibility.

UDC: 343.985.32 : 343.988-0534