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Features of Interrogation of Minor Victims in the Pre-Trial Investigation

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Abstract

Comprehensive protection of minors is one of the priority areas of criminal law policy. The pre-trial investigation, and their interrogation as its part, occupies a special place in the process of protection of minors and restoration of their violated rights. The interrogation of minors is a special procedure with clearly defined requirements. The aim of the study was to identify gaps in the regulation of interrogation of minors and suggest ways to address them. The methods used: system approach; descriptive statistics; comparison and juxtaposition; descriptive analysis; pragmatic approach; prognostication. The tactics of interrogation of a minor victim of a crime are legally defined in the national criminal procedural legislation of the vast majority of countries. The principles, rules, main measures, and purpose of interrogation of this category of victims in the pre-trial investigation are enshrined in the provisions of international regulations. These rules are based on the principle of child-friendly justice. But the practical conduct of the interrogation has several gaps, so it is necessary to clarify the rules of international and national regulations on certain provisions.

Keywords: Interrogation of minors; interrogation tactics; minor victim; pre-trial investigation; international legislation on minors.

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Características del Interrogatorio de Víctimas Menores en la Investigación Previa al Juicio

Resumen

La protección integral de los menores es una de las áreas prioritarias de la política penal. La investigación previa al juicio, y su interrogatorio como parte, ocupa un lugar especial en el proceso de protección de los menores y restitución de sus derechos vulnerados. El interrogatorio de menores es un procedimiento especial con requisitos claramente definidos. El objetivo del estudio fue identificar lagunas en la regulación del interrogatorio de menores y sugerir formas de abordarlas. Los métodos utilizados fueron: enfoque de sistema; estadísticas descriptivas; comparación y yuxtaposición; análisis descriptivo; enfoque pragmático; pronóstico. Las tácticas de interrogatorio de un menor víctima de un delito están legalmente definidas en la legislación procesal penal nacional de la gran mayoría de países. Los principios, normas, principales medidas y finalidad del interrogatorio de esta categoría de víctimas en la instrucción preliminar están consagrados en las disposiciones de la normativa internacional. Estas reglas se basan en el principio de justicia adaptada a los niños. Pero la conducta práctica del interrogatorio tiene una serie de lagunas, por lo que es necesario aclarar las reglas de las regulaciones internacionales y nacionales sobre ciertas disposiciones.

Palabras clave: Interrogatorio de menores; tácticas de interrogatorio; víctima menor; averiguación previa al juicio; legislación internacional sobre menores.

Introduction

Minors are a special category of the population, which has its own characteristics in physiological, psychological, and social spheres. That is why minors (children) are considered to be the most vulnerable social group (United Nations Office on Drugs and Crime (UNDOC), 2015). Their vulnerability is due to the excessive susceptibility of minors to suggestion, combined with their inherent naivety and immature thought processes (Krzewinski, 2002), which ultimately manifests itself in their behaviour and in their perception of the environment.

Given that minors are immature in psychological, mental, physiological, and social spheres, as well as their immaturity and inability to fully adequately assess the situation (Thompson, 2021), one of the main tasks of the state is to protect and ensure the rights of minors for their normal physical, psychological, mental and social development. Comprehensive protection of minors is one of the priority areas of criminal law policy of

each individual state and the world community (Lopez, 2021). For this purpose, the state uses all possible means to protect minors from criminal encroachment. But unfortunately, such protection is not always effective and the number of crimes against minors is not decreasing. After all, the situation in the world is such that the surge in crime in general entails an increased delinquency against minors.

To restore the rights of minors violated by crime, the state uses certain mechanisms, one of which is to prosecute and punish the perpetrators. This is possible only through a lawful, fair and impartial pre-trial investigation and trial of a criminal proceeding involving a minor.

A pre-trial investigation, which involves interrogation of some participants in criminal proceedings, including victims, occupies a special place in restoring the violated rights of a minor. The information obtained during the pre-trial investigation during the interrogation of victims is extremely important, as it is often the victims who can most accurately describe the commission of a crime, indicate the circumstances that accompanied its commission, and identify suspects, even taking into account their special condition (McGarry and Walklate, 2015). Although there is a clear mechanism for questioning victims and witnesses, the same interrogation methods cannot be applied to minors as for adults, as minors need to be treated differently, given their age and developmental differences (International Association of Chiefs of Police, 2013). To regulate this process, the state must introduce certain guarantees to protect the rights and interests of minors (Krzewinski, 2002).

The interrogation of minors is a special procedure with clearly defined requirements, which are enshrined at the level of both international and national law (Liefwaard and Van den Brink, 2014). The rules and mechanism of interrogation of minors, including victims, in criminal proceedings are enshrined in a number of international regulations, the provisions of which are based on the relevant provisions of national law of the member states of these international regulations.

But interrogation of minors quite often involves a violation of their rights, the use of unacceptable means and procedures of interrogation, in particular, coercive tactics of interrogation by the police (Juvenile Law Center, 2020); the Miranda warning is often violated (Caccarozzo, 2014); the injury of children during interrogation in special rooms and the lack of voluntary consent of the child to interrogation are hidden (Grane, 2017). It is the authorities that are obliged to ensure the rights of minors that most often grossly violate the rights of children during interrogation, which has a negative impact on both the minor's health and the results of the pre-trial investigation.

This draws the scholars' attention to the problem of tactics and the mechanism of interrogation of minor victims in criminal proceedings, in particular at the stages of pre-trial investigation (Cleary, 2017); during the cooperation of a psychologist, lawyer, investigator and judge in criminal proceedings (Plavinskaya, 2016). The importance of training police officers in new tactical methods of interrogating minors in pre-trial investigations is also noted (Cleary and Warner, 2016). Some studies deal with the interrogation of minor victims of specific types of crimes, in particular, sexual violence (Vaske, 2015); violent crimes in general (Korkman *et al.*, 2018) sex trafficking (Lavoie *et al.*, 2019).

But not all aspects of the interrogation of minor victims in the pre-trial investigation have been resolved in scientific achievements. The issues of interrogation of minor victims of different ages, psychological development and degree of socialisation; structures of questions asked to minors during interrogation; the use of special means during the interrogation of minor victims in a pre-trial investigation (those may be special schemes, drawings, graphics, dolls) (Tozik, 2019) remain unresolved and insufficiently covered. The main thing in the context of globalisation is the development of a universal unified legislative approach to the process of interrogation of minor victims during the pre-trial investigation from the standpoint of child-friendly justice.

The above determines the aim of this study, which will be to identify gaps in the regulation of the interrogation of minors and suggest ways to address them. The aim involves such objectives as determining the features of the interrogation of a minor victim, the principles and rules of its implementation, as well as the analysis of the legally defined mechanism of their interrogation in the pre-trial investigation.

1. Methodology and Methods

This study was conducted in a clear sequence, following the stages of studying the issue, based on the logic of the presentation of the material, in order to achieve the goals, set in the article and fulfil certain objectives. These stages were: formulation of topics and defining the boundaries of the study; search and selection of literature; selection and study of statistical data; analysis of the material presented in selected literature and evaluation of the results of these studies; identification of unresolved issues during the interrogation of minor victims in the pre-trial investigation; determining the aim of the article; drawing conclusions and making practical recommendations for solving the problems chosen for research; outlining prospects for further research in this area.

This study used statistics on the number of crimes committed against minors by type; analysis of criminal procedural norms of criminal procedural legislation of different countries and international legislation governing the interrogation of a minor victim in a pre-trial investigation. The provisions of international regulations defining certain aspects of the procedure for interrogation of minor victims in criminal proceedings were studied in detail to identify gaps and make proposals for their elimination both in international regulations and in the provisions of national legislation of individual countries to ensure child-friendly justice.

The legal framework of the study consisted of the provisions of the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (United Nations, 2005); Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice (Council of Europe, 2011); UN Approach to Justice for Children (United Nations, 2008); Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Council of Europe, 2007); Convention on the Rights of the Child (United Nations, 1990); Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (United Nations, 2000). The provisions of the criminal procedure codes of 15 countries were analysed to analyse the provisions of the national criminal procedure legislation, which determine the procedure for interrogation of minor victims in the pre-trial investigation.

Achieving this aim involved the following methods: *systemic approach* was used to analyse the mechanism of interrogation of minor victims in pre-trial investigation as a system of interconnected and interdependent procedural mechanisms and develop proposals to improve legislation on this stage of criminal proceedings; *descriptive statistics*, which was used for processing, systematisation and visual demonstration in the form of tables of basic statistical indicators on crimes against minors, their qualitative composition and dynamics; *comparison and juxtaposition* was used to establish the characteristics of minors that affect the tactics of interrogation of such victims in the pre-trial investigation; *descriptive analysis* was used to systematise, classify and summarise information on possible ways to interrogate minor victims in the pre-trial investigation and shortcomings in the activities of law enforcement agencies during its conduct; *pragmatic approach* to data collection and analysis, which was used to develop tactics during the interrogation of minor victims in the pre-trial investigation; the forecasting method was used to develop proposals and recommendations for improving the legal regulation of the interrogation of minor victims during the pre-trial investigation.

2. Results

The commission of crimes against minors is unfortunately quite common in the world. According to the World Health Organization (2020a), almost three out of four children in the world (30 million children!) between 2 and 4 are regularly subjected to corporal punishment or psychological abuse by adults; one in five women and one in thirteen men under the age of 17 have been sexually abused; 120 million girls and women under the age of 20 were forced to have sex. Crimes involving minors are not homogeneous. They differ in social danger, the main object of encroachment, nature, etc. The most dangerous for minors are violent crimes, including domestic violence. Crimes against sexual freedom and inviolability need to be mentioned separately, as these crimes often lead to future deviations in moral and psychophysiological development. As for the interrogation of minor victims of sexual crimes, it is noted that interrogation is significantly complicated by the fact that children are often unaware that a crime has been committed against them; are dependent on the suspects, and therefore do not talk about what was done; there is shame and fear of confessing to the crime committed against them. Minor victims of these violent crimes are the most difficult to interrogate because they have to talk about too personal intimate things and often about the loss of trust in loved ones.

Table 1. Types of crimes against minors (by individual countries) in 2020 (% of the total number of minors living in the country)

Country	Types of crimes against minors									
	Sexual violence		Psychological violence (bullying)		Physical violence (ill-treatment)		Involvement in violent crime		Domestic violence (witnesses)	
	male	fem	male	fem	male	fem	male	fem	male	fem
Albania			23	17	49	45				
Armenia			11	7	61	67				
Austria			39	33						
Bolivia			32	28			45	21		
Cambodia	6	4	23	22			15	12	18	15
Canada			33	38						
Denmark			20	20						
El Salvador	3	14	21	24	55	50	34	17	12	23
Estonia			39	37						

Finland			31	24					
France			30	28					
Georgia					70	63			
Germany			23	24					
Latvia			49	50					
Lithuania			54	54					
Montenegro			64	63					
Northern Macedonia			10	10	71	67	41	18	
Norway			23	20					
Republic of Poland			32	29					
Republic of Moldova			34	35	77	74			
Serbia					44	42			
Sweden			11	14					
Ukraine			39	37	58	55			
USA			28	27			34	23	

Source: World Health Organization (WHO) (2020b).

These data indicate that psychological violence against minors (bullying) is widespread in countries with a high standard of living. However, it should be noted that these data do not show the situation with crimes against minors, as only partial data were taken, which were open to the public. We must also keep in mind the high level of latency of delinquency against minors, especially criminal offenses such as domestic violence and sexual offenses.

It should be borne in mind that these and other crimes committed against minors have particularly dangerous negative consequences: significant deterioration of physical and mental health in further life; committing violence by them in adulthood; social maladaptation; excessive victimisation. In order to avoid the recurrence of crimes against minors who are already victims, in order to restore the rights of minor victims, criminal offenses that have already been committed should be investigated using all available legal means in criminal proceedings, one of which is the interrogation of victims and witnesses in the course of pre-trial proceedings.

But no matter how difficult it is for minors to recall and recount the details of the crimes committed against them, interrogation is an important tactical pre-trial investigation procedure that is conducted in every criminal

proceeding without exception. Interrogation is a specific investigative action carried out in accordance with the law by an authorised person, which is aimed at obtaining information about the procedurally significant circumstances of a criminal offense from the participants in criminal proceedings (witness, victim, suspect, expert) (Walsh *et al.*, 2017). And, as noted above, the interrogation of minors should be conducted according to different rules and with the use of other tactics than the interrogation of adults.

The tactics of interrogation of a minor victim of a crime are legally defined in the national criminal procedural legislation of the vast majority of countries. In addition, the principles, rules, basic measures, and purpose of interrogation of this category of victims in the pre-trial investigation are enshrined in the provisions of international regulations (see Table 2).

Table 2. Enshrinement of the procedure for interrogation of minors in a pre-trial investigation (according to national and international criminal procedural legislation)

Country	Regulation
Republic of Azerbaijan	Art. 96 “Specialists” Art. 228 “Questioning of under-age witnesses” Art. 429 “Circumstances to be established during proceedings concerning minors”
Albania	Art. 58/a. “The rights of the minor victim” Art. 169 “Grounds for confrontation”
Georgia	Art. 50 “Persons who are not be obliged to act as a witness”
Republic of Moldova	Art. 6 “Terms and Expressions Used in this Code” Art. 110 “Special Methods for Examining a Witness and for His/Her Protection” Art. 371 “Reading Out in a Hearing Statements of a Witness”
Russian Federation	Art. 280 “Specifics in an Interrogation of a Minor Victim and Witness”
Republic of Estonia	§ 70 “Specifications concerning hearing of witnesses who are minors”
Ukraine	Art. 226 “Specificities of interrogating a child or an underage” Art. 227 “Participation of a legal representative, pedagogue, psychologist, or medical practitioner in investigative (detective) actions with involvement of a child or an underage” Art. 336 “Conducting of procedural actions during court proceedings through video conference” Art. 354 “Specific features of examining a minor or underage witness or victim”
Republic of Bulgaria	Art. 140 “Interrogation of a juvenile witness” Art. 212 “Initiation of pre-trial procedure” Art. 223. “Interrogation of a witness before a judge”

France	Art. 80-3 (the start of the investigation) Art. 706-17 (investigation of minors) Art. 706-47 (PECIAL PROCÉDURE APPLICABLE TO SEXUAL OFFENCES AND TO THE PROTECTION OF JUVENILE VICTIMS)
Netherlands	Section 167a (about a minor who is twelve years or older) Section 488 (Criminal Proceedings in Matters concerning Persons who have not yet reached the Age of Eighteen Years)
Norway	Section 128 (examine a child under 16 years of age)
Republic of Poland	Chapter 21 “WITNESSES” (art. 177-192)
Portugal	Art. 91 “Oath and commitment” Art. 132 “Rights and duties of witnesses” Art. 134 “Refusal to testify” Art. 138 “Examination rules”
Turkey	Art. 172 “Decision on no-ground for prosecution” Art. 233 “Summoning of the victim and the claimant” Art. 234 “The rights of the victim and the claimant” Art. 236 “Hearing of the victim and the claimant”
UN Convention on the Rights of the Child	Art.39
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	Art. 8
Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime	Art. 29 Art. 30 Art. 31
Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse No. 201	Art. 35
Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice	Part 6 “Children’s testimonies/statements”

Source: Council of Europe (2007, 2011); Legislation online (n. d.),
United Nations (1990, 2000, 2005, 2008).

All these procedural rules are built with maximum regard to the principle of child-friendly justice. According to the legal definition, child-friendly justice is an accessible system of justice that guarantees respect for the rights of the child in justice (the right to respect for private and family life, the right to inviolability, the right to dignity) and their realization, taking into account the principles of justice and the child’s maturity and his/her understanding of the events that have taken place; is careful, adapted and aimed at the realisation of the child’s right to participate in court proceedings in the manner prescribed by law (UNDOC, 2015). Within this understanding of child-friendly justice, the basic principles of investigative actions at all stages of criminal proceedings are identified, as well as the rules of its implementation, the so-called “Miranda Warning” (Caccaro, 2014) (see Figure 1).

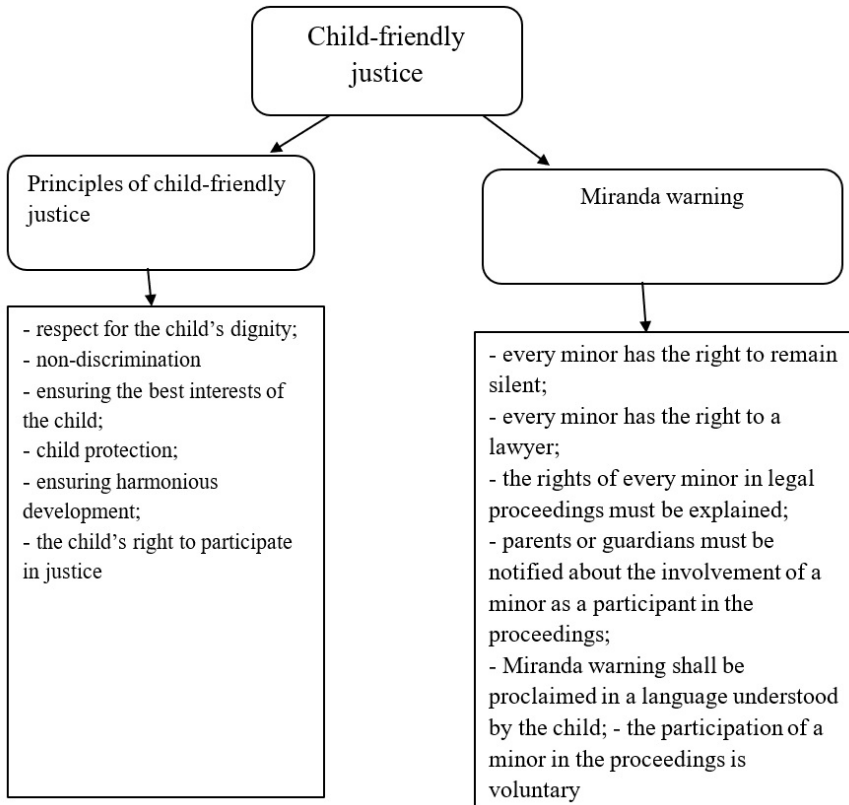


Figure 1. Rules and Principles of Child-Friendly Justice

Interrogation at the stage of pre-trial investigation, taking into account these principles and compliance with established rules, is conducted by specialists in the field of justice. Their attitude to minor victims and the way of communicating with them should be special, different from the attitude to adult victims, taking into account the peculiarities of the socio-psychological development of children. A sincere and friendly attitude towards children should be as follows: children - victims and witnesses of crimes should be provided with comprehensive support throughout the proceedings in the interests of the child; ensuring the maximum degree of certainty about the process by forming in children a clear idea of the course of pre-trial and judicial investigation; ensuring the shortest possible terms of pre-trial and court proceedings with the possible avoidance of re-interrogation; ensuring the availability of special rooms for children for interrogation, adapting courtrooms to the interests of children, determining breaks and deadlines for hearing children and creating a special notification system for summoning a child to pre-trial and court proceedings (UNDOC, 2015). And as part of the interrogation of minor victims in a pre-trial investigation, the investigator and other law enforcement officials must follow certain rules (August and Henderson, 2021) (see Figure 2).

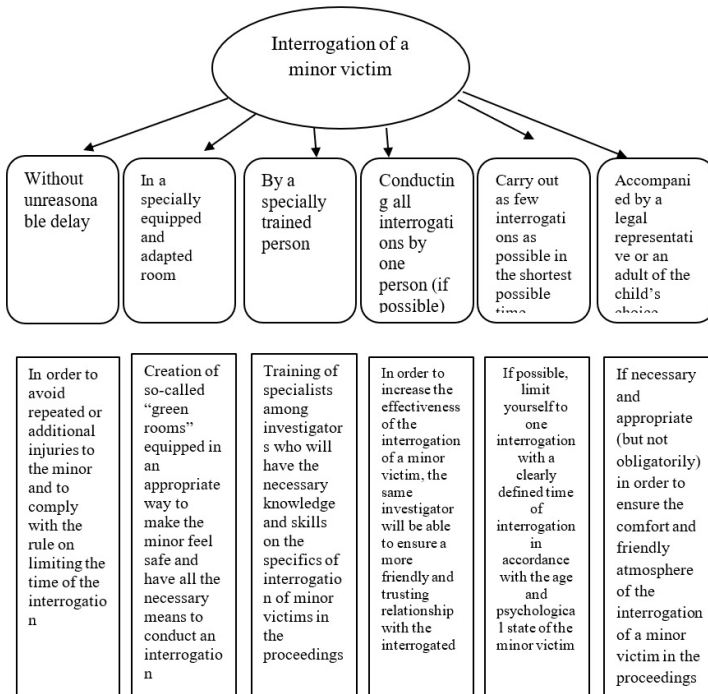


Figure 2. Rules of interrogation of a minor victim

Despite the legislative regulation of tactics and methods of interrogation of minor victims in pre-trial proceedings in both international and national law, the practical conduct of this investigative action has a number of imperfections, legislative inaccuracies and gaps, which negatively affects both minors and does not give the desired procedural result. First of all, these inaccuracies relate to the declarative nature of the vast majority of the provisions of the above rules, because the content of these provisions is almost not disclosed and not specified. This, in turn, creates obstacles for the procedural practice of interrogation of minor victims in pre-trial proceedings. The need to specify the main provisions of the legislation in this area of regulation is due to the psychological component of the interrogation of a minor victim in pre-trial proceedings, which is not often paid attention to by the persons authorised to conduct interrogation in pre-trial investigation.

First of all, the psycho-physiological and psychological characteristics of both children of a certain age in general and each individual child should be taken into account during the interrogation of a minor victim. Forensic psychology experts come to the aid in this matter, conducting a number of psychological examinations of the minor victim before the pre-trial investigation: first, it is an examination of individual psychological characteristics of the minor victim, which helps predict the behaviour of this person in a particular situation; second, examination of the minor's ability to be understand and control his/her actions, to correctly perceive and describe the circumstances, to resist. On the basis of such an examination, the investigator finds out how important and informative the interrogation of such a person will be and how important it will be to establish the identity of the perpetrator and the circumstances of the crime. In this case, the examination of a psychologist becomes extremely important. Therefore, such an examination should not be appointed at the investigator's request and not in some cases, but always if the victim being interrogated is a minor.

A safe and friendly environment must be created during the interrogation in order for the minor to provide the necessary and true information, which will facilitate the establishment of psychologically comfortable contact between the victim and the investigator. It also depends on the psychological characteristics of the development of the child of a certain age category, and the ability to assess and identify these features will help to establish an appropriate atmosphere of interrogation. Specialists in age pedagogy and psychology have the necessary knowledge in the field of determining communication tactics and creating a favourable atmosphere. Therefore, first, in each case the person who will conduct interrogation of a minor victim should consult specialists in age pedagogy and age psychology, and second, the presence of a teacher and psychologist during the interrogation of a minor victim and assistance to the investigator must be mandatory throughout the interrogation.

The interrogation of a minor victim in pre-trial proceedings is an investigative action with its own specifics, and therefore its implementation by an investigator without special training, knowledge and skills will not be effective and will not bring the desired procedural result. Therefore, the investigator must undergo special training in order to understand the peculiarities of communication with minor victims and apply in practice a specific interrogation technique to prevent further psychological trauma to the child on the one hand and obtain truth and clear evidence. Such training can be provided by special educational courses for investigators, who will further specialise in working with minors in pre-trial investigation. Every institution carrying out a pre-trial investigation should have such investigators. In addition, it is desirable that such investigators be of both sexes, as depending on the nature of the crimes committed against minors and the specifics of the child victims themselves, in some cases minor victims are more open to communicating with women (victims of sexual crimes, female victims). All this will ultimately contribute to the preservation and faster recovery of the mental and psychological health of the minor victim.

In pre-trial proceedings there is a person endowed with specific powers — an investigating judge. An investigating judge is a judge of the court of first instance who, within the criminal proceedings, exercises judicial control over the state of observance of human rights and freedoms, including at the stage of pre-trial investigation. To monitor the observance of the rights of a minor victim, the investigating judge must know the principles of criminal proceedings involving a minor, as well as the rules and rights of a minor victim during interrogation in the pre-trial investigation mentioned above. But such specialisation also requires special training and appropriate qualifications of this specially authorised person. The participation of such an investigating judge should also be mandatory in pre-trial proceedings involving a minor victim.

The authorised person conducting the interrogation should take into account the differences in the way the child perceives information when communicating with adults, in particular the persons conducting the interrogation, and the way children communicate in general. In particular, this concerns the wording of the questions to which the investigator expects to receive a reliable and complete answer. The questions should be clear and understandable (preferably formulated in advance, before the interrogation), in the most simplified language with the use of specific guiding question words “Who?”, “What?”, “How?”, “Which?”; taking into account the emotional state of the child and the specifics of the description of events, using elements of the game, the child’s analytical abilities, in accordance with the age characteristics of minors; the questions should not be alternative and should not lead to a “correct” or “incorrect” answer from the investigator’s point of view.

However, these problematic aspects of the interrogation of minor victims can be resolved. In order to eliminate inaccuracies and fill legal gaps in the interrogation of minor victims during pre-trial proceedings, it is necessary to clarify the rules of international and, accordingly, national regulations as follows, including the following provisions: examination by a psychologist is mandatory if the interrogated victim is a minor; in each case of interrogation of a minor victim a person who will conduct it shall consult specialists in age pedagogy and age psychology; the presence of a teacher and psychologist during the interrogation of the minor victim and assistance to the investigator throughout the interrogation must be mandatory; the interrogation of a minor victim should be conducted by an investigator who has undergone the necessary training on the specifics of this investigative action involving minors, which must be in each institution conducting the pre-trial investigation; investigators of both sexes must be specially trained for the interrogation of a minor; to monitor the observance of the rights of a minor victim, an investigating judge should have special training and appropriate qualifications, whose participation should be mandatory in pre-trial proceedings with the involvement of a minor victim; the questions should be clear and understandable, in the most simplified language with the use of particular guiding words, taking into account the emotional state of the child and the specifics of the description of events, with no alternatives and putting answers in minor's mind. Regulatory enshrinement of such clarifications will greatly simplify the interrogation of a minor victim in pre-trial proceedings in practice.

3. Discussion

The interrogation of a minor victim in a pre-trial investigation is a specific investigative action that is regulated at the level of both international and national law, although not as perfectly as practice requires. But this does not mean that the provision of comprehensive protection and regulation of the rights of this category of persons does not receive adequate state support and necessary resources. In particular, in recent years, the protection of children's rights in criminal proceedings was the focus at the level of both international justice and national procedural law of individual countries (Liefwaard and Van den Brink, 2014).

It is believed that the characteristics of minor victims, which are the immaturity of judgments and considerations, adversely affect their ability to provide reliable information during interrogation in the pre-trial investigation. We cannot fully agree with this statement, as compliance with procedural and psychological aspects, strict compliance with the law on preparation, conduct and recording of interrogation and consideration of mental characteristics, socio-psychological characteristics, temperament

of the interrogated, adherence to high moral and tactful behaviour during interrogation of a minor victim will ensure the effectiveness of this investigative action (Dekailo and Blashchak, 2020). Indeed, when conducting an interrogation taking into account all the features of minor victims, the specifics of the perception of the environment and in accordance with the recommendations of a psychologist, the child is fully able to consciously and accurately testify about the crime against him/her, to build his/her own opinion so that the course of events and circumstances its commission would be understandable.

Psychologists also question the fact that minors are able to fully exercise their rights due to their immaturity and emotional and psychological vulnerability and are therefore immune to interrogation tactics in criminal proceedings. But, as noted above, this is all due to the use of standard interrogation tactics applied to adults, and the vast majority of courts do not require special procedural guarantees to interrogate minor victims. In this case, the application of special tactics of interrogation of this category of persons in the pre-trial investigation will help to overcome obstacles related to the sociological and psychological characteristics of minors, and allow minors to exercise their rights.

The conclusions made in this study are confirmed by the indication that taking into account the psychological characteristics of minor victims during interrogation will reduce the protective reaction of the child's psyche, reduce the likelihood of additional trauma during interrogation and significantly increase the effectiveness of interrogation (Miloradova and Pashko, 2020). That is why the participation of an expert psychologist in the pre-trial investigation during the interrogation of a minor victim should be mandatory, not optional.

Conclusions

The interrogation of minor victims in pre-trial proceedings should be conducted according to different rules and with the use of other tactics than the interrogation of adults. The tactics of interrogation of a minor victim of a crime are legally defined in the national criminal procedural legislation of the vast majority of countries and in the provisions of international legal acts. But the practical implementation of this investigative action has a number of imperfections, legislative inaccuracies and gaps, which negatively affects the minors themselves and does not give the desired procedural result.

In order to eliminate inaccuracies and fill legal gaps in the interrogation of minor victims during pre-trial proceedings and increase its effectiveness, it is necessary to clarify the rules of international and, accordingly, national regulations, including the following provisions: psychologist's

examination is mandatory if the interrogated victim is a minor; in each case of interrogation of a minor victim it is necessary to consult specialists in age pedagogy and age psychology; the presence of a teacher and a psychologist during the interrogation of a minor victim is mandatory; the interrogation of a minor victim must be carried out by a specially trained investigator, who must be available in each institution conducting the pre-trial investigation; investigators of both sexes must be specially trained for the interrogation of a minor; an investigating judge shall exercise control over the observance of the rights of a minor victim, who shall have a special training and appropriate qualifications and whose participation should be mandatory in pre-trial proceedings with the involvement of a minor victim; the questions shall be clear and simple, without alternative.

This study is not exhaustive and does not address all issues related to the interrogation of minor victims in criminal proceedings. Instead, the coverage of problematic aspects of this investigative action opens up prospects for further research in this area, which will help improve the regulatory framework and the practical implementation of the tactics of interrogation of minor victims.

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