

Corroboration of the Probative Value of Children's Testimony in Sexual Assault Cases Involving Minors in China

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ABSTRACT

In recent years, there has been a high incidence of cases of sexual assault on minors in China, most of which occur in a hidden environment. Due to delayed disclosure and loss of physical evidence, children's testimony often becomes the key evidence for both conviction and sentencing. Against this background, this paper examines the issue of the probative value of children's testimonies in Chinese cases of sexual abuse of minors, aiming to provide references for relevant legislation and judicial practice. Through a combination of case analysis, comparative study, and literature review, this paper systematically examines the current situation of Chinese judicial practice, international experiences, and theoretical developments. The study found that children's testimony often faces the dilemma of "solitary evidence" because of its inherent limitations and the particularity of cases, and its probative value is often questioned in sexual assault cases. The existing laws and regulations in China do not take this into account sufficiently, and the traditional mode of corroborating evidence is difficult to effectively compensate for the inherent defects of children's testimony. International experience demonstrates that the establishment of professional inquiry mechanism, a scientific assessment system and a multi-agency collaboration platform can help improve the credibility of children's testimony. Based on these findings, this study proposes to improve the existing system in four areas: constructing a credibility assessment system for children's testimony, establishing a professional inquiry mechanism, clarifying applicable rules for corroborating children's testimony, and strengthening multi-agency collaboration. This research is of great significance for promoting the specialization of juvenile justice in China, which not only helps to improve the trial quality and efficiency of sexual assault cases of minors but also provides institutional safeguards for protecting the legitimate rights and interests of minors.

KEYWORDS

Cases of Sexual Assault of Minors; Children's Testimony; Credibility; Probative Value; Rules of Corroborating Evidence.

1. INTRODUCTION

In recent years, China has seen a high incidence of sexual assault on minors, with the number of cases rising year by year. According to the "White Paper on Juvenile Prosecution Work (2023)" released by the Supreme People's Procuratorate of China in 2024, prosecutorial organs nationwide initiated criminal proceedings against 67,103 individuals in 2023, representing a 14.9% year-on-year increase. Notably, sexual offenses, including rape and children molestation, accounted for 56.9% of these cases (White Paper, 2023). Most of these cases occur in the hidden environment, lack the support of eyewitnesses, and face many difficulties in the investigation and trial process due to the characteristics of delayed disclosure and loss of evidence.

In judicial practice, children's testimony often becomes the core evidence for both conviction and sentencing. However, due to children's developmental stages in cognitive and psychological

capabilities, the credibility of such testimony has been repeatedly questioned. Although the current Chinese Criminal Procedure Law provides for the examination and admissibility of witness testimony in principle, it does not provide clear guidance for the unique characteristics of children's testimony(Li, 2022). The inadequacy of this legal framework further aggravates the uncertainty of the application of children's testimony in judicial practice, sometimes leading investigating authorities to either completely accept or entirely reject such evidence(Xiang, 2020). In contrast, common law jurisdictions established corroboration requirements early on, gradually incorporating children's testimony into the scope of corroboration; while civil law countries, such as Germany and Japan, emphasize evaluating testimony credibility through logical consistency and richness of detail(Xiang, 2018). It is urgent for China to learn from the beneficial experience outside the region and improve the system of evidence rules in accordance with its national conditions.

Chinese academia has shown increasing attention to this issue. In terms of evidence review methods, some scholars have pointed out that the structure of evidence in cases of sexual assault of minors is unique, which is manifested as subjective evidence more than objective evidence, circumstantial evidence more than direct evidence, and testimonial evidence more than physical evidence (Zhang & Wang, 2019). On this basis, some scholars proposed that special evidence examination standards should be established based on the psychological characteristics of minors (Zheng & Shi, 2017). In the assessment of the reliability of testimony. Some scholars advocate the introduction of "Statement Validity Assessment" technology and the scientific evaluation of children's testimony by psychological methods (Fan, 2021). Others promote establishing an expert witness system to assist judicial decision-making (Xiang, 2020). Regarding evidential paradigms, some scholars argue that traditional corroboration rules face challenges in these cases and suggest a transformation from a single "verification" mode to multiple "truth-seeking" approaches (Xiang, 2019).

Based on the above background, it has important theoretical value and practical significance to examine the corroboration requirements for children's testimony in sexual assault cases of minors. At the theoretical level, the study of this issue is helpful to promote the further development of China's criminal evidence theory and provide scientific basis for the application of evidence to special subjects. At the practical level, the construction of scientific rules for corroborating children's testimony can help the judicial organs to more accurately evaluate the credibility of testimony, so as to improve the quality and fairness of the trial of sexual assault cases against minors. This paper will conduct research from three aspects: theoretical foundations, judicial practice, and international experience, aiming to provide feasible institutional recommendations for addressing this issue.

2. METHODOLOGY

This study adopts the qualitative research method, through the combination of case analysis, comparative study and literature review, to examine the corroboration requirements for children testimony in Chinese sexual assault cases involving minors. For case analysis, this study takes the first-instance verdicts from 2020 to 2024 as the research object, retrievals 749 relevant verdicts from China Judicial Documents Network, and selects 30 representative cases for in-depth analysis, focusing on courts' standards for accepting minor victims' statements and corroboration requirements. For comparative study, this research examines typical countries from both common law and civil law systems, analyzing their children testimony recognition systems to identify applicable experiences. For literature review, this study extensively collects and analyzes relevant legal norms, judicial interpretations, academic literature, and empirical research reports, incorporating findings from psychology and education to construct a theoretical analytical framework. Through the integrated application of multiple research methods, this study aims to comprehensively reveal the current status, issues, and improvement pathways of China's children testimony corroboration system.

3. THEORETICAL FOUNDATIONS FOR THE PROBATIVE VALUE OF CHILDREN'S TESTIMONY IN SEXUAL ASSAULT CASES INVOLVING MINORS

Sexual abuse of minors is not limited to a single type of behavior but includes a range of different forms of illegal behavior, from molestation to rape. In China, there is still no clear concept of consensus on the precise definition of these behaviors. In contrast, international scholars mostly use the term "children sexual abuse" to cover all acts of sexual assault against children, which is essentially the same as the concept of sexual offenses against minors or children sexual abuse in the Chinese context.

(1) Defining the concept of sexual assault cases involving minors

When discussing cases of sexual assault on minors, the definition of the concept is mainly based on two aspects: one is the age limit of the victim, and the other is the specific type of criminal conduct. Regarding victim age, the general boundary between minors and adults is set at 18 years old. Notably, Chinese Criminal Law establishes special provisions for sexual assault cases involving "young girls." According to Article 236 of the Criminal Code, "child" means an individual female under the age of 14. At the same time, Article 237 of the Criminal Law and the accompanying judicial interpretation further clarify that the definition of "child" includes all minors under the age of 14, regardless of gender(He & Lin, 2017). These special subjects belong to the special type of minors and constitute the object of this paper. As far as the types of crimes are concerned, although Chinese Criminal Law has not set up an independent charge of "crimes of Sexual assault on Minors", according to the Joint Opinion on Legally The Regulations on Punishing Crimes of Sexual Assault against Minors, jointly issued by the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security and the Ministry of Justice, specify penalties for sexual crimes committed against minors, including rape, forcible indecent assault and other forms of direct sexual assault(Supreme People's Court et al., 2013). According to the way of behavior, they can be categorized into two types: rape and molestation. In addition to China's criminal law, the international community also has a relevant definition of sexual abuse of minors. The World Health Organization defines it as sexual activity involving minors under circumstances where there is insufficient understanding of sexual behavior, consent given without adequate knowledge, consent that is not genuine due to developmental immaturity, or sexual activity that violates laws and social taboos(Yue, 2018).

In summary, sexual assault cases involving minors, as referenced in this paper, refer to cases involving rape, molestation, and other sexual offenses committed against minors under 18 years of age, particularly young girls and children under 14 years of age.

(2) The concept and characteristics of children's testimony

The understanding of the term "child" has not been uniformly defined in national legislation and academic circles. Most Chinese scholars advocate treating minors under the age of 14 as children(Sun, 2021). In the context of evidence law, children's testimony includes both the testimony of child witnesses and the statement of child victims(Li, 2022). Therefore, children testimony in this paper refers to a statement made by a minor under the age of 14, who acts as a witness or victim in a criminal case, to the judicial authorities regarding the circumstances of the case known to him or her. Compared with adult testimony, children's testimony has the characteristics of vulnerability in the subject. Children's physical and psychological development is immature, their cognitive and expression ability is limited, they are easy to be intimidated and hinted at, and they are easy to feel nervous when testifying. In terms of content, children's testimony has certain subjectivity and authenticity characteristics. Due to limited observational and memory capabilities, children's grasp of the details of the case is not comprehensive enough; At the same time, its expression ability is insufficient, which may lead to inaccurate words and unclear logic. However, children usually do not actively lie, and the bias in their testimony is more due to cognitive limitations than subjective intent.

In addition, children testimony is prone to error. children lack knowledge and experience, exhibit selective memory loss, and are highly susceptible to misleading influences(Wu & Liu, 2018).

(3) The essence of corroborating probative value of children's testimony

Probative value refers to the degree and effect of evidence in proving a fact at issue. When key evidence (such as the defendant confessions or eyewitness testimony) cannot support the conclusion of the case independently, we often need to rely on additional supporting evidence to confirm it, so as to enhance its credibility. In evidence law, the method of using supplementary evidence to strengthen the probative value of existing evidence is known as "evidence corroboration(Chen, 2013)."

In view of the special nature of children's testimony, its probative value is easy to be questioned. In order to avoid the risk arising from the unilateral acceptance of children's testimony, necessary reinforcement should be carried out in practice. Specifically, the Corroboration of the probative value of children's testimony means that when the testimony of a child who is over four years old is used as the main evidence or key evidence to prove the fact of a crime, the case cannot be determined only on the basis of the testimony, but other corroborating evidence should be provided to enhance its probative value. The key evidence here refers to the evidence that plays a decisive role in proving that the defendant committed a crime(Huang & Liu, 2021).

Not all children's testimonies require corroboration, and it is mainly for those children's testimonies that are both primary evidence and key evidence. If there is other direct evidence in the case that corroborates the crime, or if the child's testimony relates only to a non-core part of the crime, no corroboration is required(Qin & Tang, 2024). The age of the child is one of the important considerations when assessing the need for corroboration. In general, children over the age of four are considered to have sufficient cognitive and expressive abilities for their testimony to be considered credible. For younger children, the probative value of their testimony is inherently difficult to confirm, so there is little need for corroboration. In addition, for the reinforcement of key children's testimony, it is necessary to consider the overall situation of the case evidence, but also to analyze the specific problems. When a case already includes sufficient physical evidence, documentary evidence, and other objective proof, it may not be necessary to individually reinforce the child's testimony(Zhao, 2022).

4. THE NEED TO CORROBORATE THE PROBATIVE VALUE OF CHILDREN'S TESTIMONY IN CHINA FROM REPRESENTATIVE CASES

This paper conducted a case search through the China Judgment Documents Network, taking "children molestation crime", "minor", "victim statement" and "rape crime", "young girl" and "victim statement" as key words, and selected the first-instance judgments from 2020 to 2024 as basic samples, searching a total of 749 first-instance judgments. After screening and analysis, 30 representative judgment samples were finally determined, and the common characteristic of these cases is that the court did not accept part or all of the statements of the minor victims of sexual assault, and the reasons for the judgment were detailed.

(1) Empirical analysis of representative cases

Through the systematic analysis of these cases, it can be concluded that there are three types of cases in which the court does not believe the statements of minor victims: the first type is when the only direct evidence in the case is the statements of minor victims, and the testimony of other witnesses is circumstantial evidence; The second category is that the minor victim's statement has contradictions that cannot be excluded; The third category refers to situations where the prosecution's evidence does

not establish a coherent or comprehensive chain of proof. In such cases, the court, adhering to the principle of presumption of innocence, rules in favor of the defendant.

In the trial of such cases, the court mainly evaluates the credibility of the minor victims' statements from the following seven dimensions: First, it evaluates the minor victims' basic cognitive level, including their ability to identify, express, communicate and make judgments. The second is to analyze the stability and consistency of the testimony according to the age characteristics of the victims and investigate whether the inconsistencies and internal contradictions in the testimony belong to the normal cognitive performance of the age group. The second is to examine the details of the statement, with particular attention to the mutual corroboration between the testimony and the physical evidence, and whether key elements of the crime (such as the specific manner, time, and place of the sexual assault) are supported by other evidence. The fourth is to evaluate the wholeness of the statement to check whether it is comprehensive, objective and specific, and matches the language expression and memory cognitive ability of children of the corresponding age. The fifth is to investigate the factors of external influence, explore whether there is the possibility of false accusation or misleading in the statements of minor victims, and whether their statements are interfered by external factors such as relatives. The sixth is to observe the victim's state, emotional response and behavior characteristics during the statement through simultaneous recording methods such as audio and video, which will serve as an important basis for judging the degree of inner conviction. The seventh is to review the legality of the forensics process, ensure the presence of appropriate adults and the execution of procedures such as audio and video recording. Among the factors considered, the primary method of proof that the people's court prioritizes when examining and evaluating evidence in cases involving sexual assault against minors is determining whether the minor victim's testimony aligns with and supports other available evidence.

By analyzing the rebuttal opinions of the defense in the judgment documents, this study found that the questioning of the minor victim's statement mainly focused on four main aspects: (a) the defense questioned the lack of other direct evidence except the victim's statement; (b) points out inconsistencies in the victim's statements; (c) considers that the victim's statement is not supported by evidence from other cases; and (d) questions the validity and legitimacy of the procedures used to collect the victim's statement as evidence. Of the four dimensions, the first two were the most common in the 30 cases studied, occurring in about 80 percent of the cases. In cases of sexual assault involving minors, where direct evidence is insufficient and the victim's testimony may be inconsistent, the reliability of supporting evidence plays a crucial role in determining the outcome. In judicial trials, courts tend to give priority to physical evidence, such as DNA test reports, medical examination results and other evidence that directly reveals facts, which has a greater role in the trial of cases. At the same time, the court also pays attention to the comprehensive application of circumstantial evidence, such as establishing a multi-dimensional relationship between witness testimony, scene evidence and case facts, but carefully adopts the hearsay testimony from the same source as the victim's statement. Moreover, procedural safeguard evidence, including recorded audio or video of the interrogation process and evaluations conducted by psychological experts to assess reliability, also serves to reinforce the admissibility of testimony. For example, in the "Long Mou child molestation case"(Qian 2622 Criminal Investigation No. 27, 2020), the court combined the victim's statement, medical examination results and eyewitness testimony to form a complete chain of evidence, thus enhancing the evidentiary power of children's testimony.

(2) Argumentation on the necessity of corroborating the probative value of children's testimony

Children's testimony often serves as crucial direct evidence in cases involving sexual offenses against minors. However, due to the inherent characteristics of such testimony and the unique nature of these cases, the independent probative value of children's testimony faces numerous limitations, and its admissibility in judicial practice remains uncertain. Therefore, it is necessary to strengthen the evidentiary weight of children's testimony in cases involving sexual offenses against minors. First, considering the inherent characteristics of children's testimony, minors' physical and psychological

immaturity results in limited cognitive, memory, and expressive capabilities, leading to inherent deficiencies and risks of distortion in their testimony. For example, a meta-analysis by Ceci and Bruck found that in the presence of suggestive questioning, the rate of false recall in 3–6-year-olds was as high as over 50% (Ceci & Bruck, 1993). In addition, children may experience fear or anxiety when confronting complex judicial procedures, which further diminishes the consistency of their testimonial statements.

From the point of view of evidence rules, the traditional mode of confirmation and proof has limitations in dealing with children's testimony, and it is difficult to solve its inherent defects effectively. The corroborative proof requirement demands that all evidence must provide consistent descriptions of the same fact, and such evidence should be verifiable and capable of preservation. However, in cases of sexual abuse of minors, such cases usually face the problem of scarce evidence and insufficient objective evidence, so too strict verification standards may hinder the identification of the facts of the case. As demonstrated in the aforementioned case analysis, even when children's testimony is mutually corroborated with other evidence regarding primary criminal facts, discrepancies in detailed descriptions often result in the testimony being deemed inadmissible. In judicial practice, cases of sexual assault on minors still face the dilemma of "solitary evidence". According to the above case analysis, about 80% of the 30 sample cases have the problem of lack of direct evidence. Most of these cases occur in hidden environments, where there is a lack of witnesses and direct evidence at the scene, and victims often delay disclosure of criminal facts due to fear, shame or threats from the perpetrator, resulting in the loss of objective evidence. The phenomenon of solitary evidence makes the testimony of children often become the key evidence in the final case, but it is difficult to reach the proof standard required for conviction only by the testimony of children. It can be seen that the limitations of a single-evidence model may result in insufficient fact-finding or judicial error, making corroborating evidence crucial for verifying the authenticity and comprehensiveness of children's testimony.

In addition, the existing laws and regulations in China have obvious deficiencies in the corroboration of children's testimony. Although the Criminal procedure law provides for the ability of witnesses to testify and the examination of testimony in principle, the particularity of children's testimony is not considered enough. Article 54 of the Criminal Procedure Law establishes the "corroboration rule of the defendant's confession," mandating that a conviction cannot rely solely on the defendant's confession. However, it does not provide equivalent guidance on whether the testimony of minor witnesses or victims' statements must be corroborated or reinforced. In this connection, Article 34 of the Provisions on the Handling of Evidence in Death Penalty Cases also takes the defendant's confession as the only object of reinforcement, and does not involve other verbal evidence, especially the statement of minors. At the judicial interpretation level, while there has been some expansion, specialized provisions for minors remain inadequate. As outlined in Article 109 of the Supreme People's Court's Interpretation of the Criminal Procedure Law of the People's Republic of China, there are two categories of evidence that require further substantiation: one is evidence that may be doubted due to physical or mental defects or other deficiencies; The other category is testimony or statements made by a person who has an interest or conflict of interest in the case. While this provision extends the scope of corroboration beyond mere confessions to certain testimonial evidence, it fails to explicitly establish specific corroboration rules for the special category of minor testimony. In addition, the judicial interpretation requires that the examination and identification of the victim's statement refer to the applicable rules on witness testimony and comprehensively consider the degree of correlation with the facts of the case, the degree of confirmation with other evidence and other factors. However, there is a lack of clear guidance on the special examination and judgment criteria for children's testimony, such as the characteristics of age development and the appropriateness of inquiry methods (Pan, 2023). As a result, in judicial practice, judges often rely on personal experience to accept children's testimony, which is prone to arbitrariness.

In conclusion, children's testimony is insufficient in independent proof due to its own characteristics and the characteristics of cases, and the limitations of the traditional confirmation mode and the current system further highlight the necessity of reinforcing rules. Through a scientific and reasonable corroboration mechanism, the dual goals of combating crime and protecting the rights and interests of minors can be effectively balanced in the judiciary, so as to improve the fairness and accuracy of case trials.

5. COMPARATIVE STUDY ON THE RECOGNITION AND ADMISSION OF CHILDREN'S TESTIMONY IN FOREIGN JURISDICTIONS

Children's testimony is often the key evidence of conviction and sentencing in cases of sexual assault of minors, but its inherent limitations also lead to its probative value is often questioned. In order to make up for this deficiency, countries around the world have responded from the institutional level. This paper selects representative countries of common law system and civil law system to sort out and analyze their system design and practical experience in the recognition and admission of children's testimony.

(1) Systems and practices in the common law system

Common law jurisdictions have undergone an evolution in their approach to Children's testimony, transitioning from strict corroboration requirements to more flexible admission standards. Prior to the 1980s, Common jurisdictions generally mandated strict corroboration of Children's testimony, operating under the presumption that Children were susceptible to suggestion and their memories unreliable. However, with the deepening of psychological research, this traditional concept has been challenged. Empirical studies have demonstrated that the accuracy of Children's testimony closely correlates with factors such as age and questioning methods, rather than being inherently inferior to adult testimony(Gitlin, 2007).

In this context, Britain and America carried out reforms one after another. In the United Kingdom, the Criminal Justice Act of 1988 eliminated the requirement to reinforce children's testimony, shifting to an approach where the credibility of evidence is evaluated individually for each case. The UK has also established a system of "intermediary", in which specially trained professionals assist children in giving evidence(Xiang, 2020). These intermediaries must not only be familiar with psychology and child development characteristics but also have interview skills and be able to relay legal issues in a way that children can easily understand. Most US states have also relaxed corroboration requirements in sexual assault cases. One of the most representative is the "balance test" principle established in the Maryland v. Craig case (1990), which considers the special needs of minor victims while protecting defendants' confrontation rights(Maryland v. Craig, 1990). Courts permit remote testimony through technological means such as closed-circuit television, a practice subsequently adopted by multiple jurisdictions.

In terms of admissibility of evidence, the common law system has adopted many innovative practices. For example, in child sexual abuse cases, conditional use of character evidence is allowed, and evidence of the defendant's similar conduct may be admissible under certain conditions(Song, 2022). The judge attaches great importance to the use of dynamic evidence and can judge the credibility of the testimony by combining the expression, tone and body movements of the child during the testimony(Zhou, 2010). In addition, American judicial practice has developed the "Totten criteria," which assess credibility through dimensions such as testimonial specificity, contextual consistency, and spontaneity(Lamb et al., 2018). At the same time, states generally adopt professional inquiry methods, such as Cognitive Interview developed by Fisher et al., to improve the accuracy of testimony through environmental reconstruction and open questions(Fisher & Geiselman, 1992).

(2) Systems and practices in the civil law system

Civil law jurisdictions, operating under the tradition of pursuing substantive truth, place greater emphasis on establishing systematic evaluation mechanisms. The German Federal Court of Justice established special rules as early as 1955, requiring professional psychological assessments in disputed cases of Children sexual abuse. This requirement fostered the development of the Statement Validity Assessment (SVA) system, which encompasses 19 specific criteria evaluating testimony based on aspects such as logical consistency, richness of detail, and individualized expression(Köhnken, 2004). In terms of court proceedings, some German district courts have established a complete pre-trial preparation system. For victims of sexual assault cases under the age of 16, psychologists must be arranged to participate in the whole pre-trial preparation process to identify and respond to the psychological problems of victims in a timely manner(Liu, 2018).

Japan has pursued innovative procedural arrangements. Its Rules of Criminal Procedure provide for flexible methods of obtaining evidence, allowing for the choice of an appropriate questioning environment based on the age and psychological condition of the minor. Particularly noteworthy is Japan's "one-stop" interview system, where specially trained female officers conduct the entire evidence collection process in dedicated facilities with audio and video recording capabilities, effectively reducing the negative impact of repeated questioning on Children(Yamada, 2021).

(3) Insights and lessons from foreign experiences

A comparative analysis reveals that, despite differing foundational principles between the common law and civil law systems, certain shared trends can be observed in the evaluation of children's testimony: (a) both emphasize the importance of professional inquiry mechanism, and improve the quality of testimony through the participation of professionals in various fields; (b) pay attention to the use of scientific and technological means to reduce secondary injuries to children; (c) adopt flexible measures to protect the rights and interests of children while upholding procedural justice. In terms of practical outcomes, the reform of the two legal systems has achieved positive results.

These foreign experiences have important implications for the improvement of China's system: (a) a specialized inquiry mechanism should be established to improve the "one-stop" evidence collection mode; (b) the German scientific evaluation system can be used for reference to establish objective evaluation criteria for the credibility of children's testimony; (c) in the setting of procedures, we can learn from the flexible practice of Japan, and adopt appropriate interrogation methods according to the specific circumstances of the case.

6. RECOMMENDATION AND SUGGESTION

(1) Improving the credibility assessment system for children's testimony

In the practice of Chinese courts, the lack of standardized evaluation criteria has resulted in judges predominantly depending on their personal experience and subjective judgment to assess the reliability of children's testimony(Li & Chen, 2016). This situation not only affects the fairness of the case trial but also is not conducive to the protection of the rights and interests of minors. Establishing a scientific evaluation system for the credibility of children's testimony is not only an inevitable requirement for enhancing judicial credibility, but also an important guarantee for realizing the judicial specialization of minors.

Drawing on the practice of the German "Statement Validity Evaluation"(SVA) system(Köhnken, 2004), China can start from the following aspects to build a feasible index system for evaluating the credibility of children's testimony: First, the characteristics of children's testimony should be fully reflected in the design of assessment indicators. The system can start from the logical consistency of children's testimony, the richness of details, the concreteness of description and other dimensions, and set up targeted scoring criteria according to the differences in children's cognitive ability at different ages(Wu & Liu, 2018). At the same time, the assessment system should also focus on practical feasibility and avoid using overly abstract or technical terms. Second, the construction of

the assessment system should be grounded in Chinese judicial practice. This requires extensive absorption of grass-roots case personnel, experts and scholars' opinions, in-depth understanding of the outstanding problems and practical difficulties in the acceptance of children's testimony. Pilot programs can be carried out first in areas with high incidence of children cases(Xiang, 2018), and empirical research methods can be used to test the applicability and effectiveness of the standards and constantly revised and improved in practice. Third, the evaluation system should also be aligned with existing legal norms. The Supreme People's Court can take the lead in issuing corresponding guiding opinions to establish the legal status, implementation subject, process, cross-examination criteria, etc., of children's testimony credibility evaluation, so as to provide unified judicial guidance for children's testimony credibility evaluation. At the same time, there should be clear provisions regarding whether credibility assessment opinions can be used as evidence and whether special considerations in admission rules are necessary.

(2) Establishing professional questioning mechanisms

In the current judicial practice in China, due to the lack of professional questioning mechanism, the professional quality of interrogators is uneven, and the questioning environment and methods are often not standardized, which seriously affects the quality of children's testimony. Establishing a professional questioning mechanism is the key link to enhance the credibility of children's testimony.

China can learn from the experience of the UK's "intermediary" system and set up a dedicated interviewing team. Dedicated juvenile interviewing positions should be established within public security and prosecutorial organs, staffed by female interviewers with backgrounds in psychology, education, and related fields. These specialized interviewers are required to have a thorough understanding of both the psychological and physical traits of minors, as well as a strong grasp of legal principles and effective interviewing methods. For the procedures and methods of interrogation, China can refer to the successful practice of Cognitive Interview technology in the United States and formulate scientific interviewing protocols. The inquiry should be based on open questions, avoid leading and suggestive questions, and allow the child to freely and completely describe the case. At the same time, it is essential to focus on utilizing techniques such as environmental reconstruction and memory recall strategies to assist children in more accurately remembering and describing the details of the case. The entire interviewing process should be synchronized audio and video recordings, in order to facilitate later cross-examination and review.

In addition, it is also necessary to improve the environment and hardware facilities for children's questioning. The United States generally has a special children's interview room, the environment is relatively relaxed and friendly, which helps children relax their emotions and focus on statements(Liu, 2018). On the basis of the existing "one-stop" case handling, China can further improve the hardware and software conditions and reasonably set up interrogation venues according to the needs of case handling and the characteristics of minors. The interview room can be equipped with one-way glass, recording and video equipment, children's toys and other facilities to help children relax and reduce the pressure of presentation. Additionally, it is crucial to safeguard the privacy of minors by ensuring that their identity information is not disclosed during the questioning process.

(3) Clarifying the application rules for corroboration of children's testimony

It is of great significance to clarify the applicable rules of children's testimony corroboration for the accurate identification of case facts and equal protection of minors' rights and interests. Currently, Chinese law contains relatively general provisions regarding the corroboration of children's testimony, leading to practical issues such as inconsistent standards and requirements that are either too strict or too lenient. Therefore, it is necessary to clarify the specific rules of children's testimony corroboration at the level of legislation and judicial interpretation.

First of all, the scope of application of corroboration should be clearly defined. For testimony given by a child over four years of age that plays a key role in a case, the requirements for its corroboration

should be clearly defined. Although China's Criminal Procedure Law does not directly stipulate the corroboration of children's testimony, it can refer to the spirit of the rules on the corroboration of defendant's testimony and establish relevant provisions by issuing judicial interpretations. Especially when children's testimony is not supported by other direct evidence, it is suggested to take corroboration as a necessary condition to accept the testimony, so as to prevent misrepresentation caused by relying on single evidence.

In addition, taking into account the particularity of child witnesses, the application of the corroboration standard should be both rigorous and flexible. In principle, at least two pieces of corroborating evidence should be provided to establish a complete chain of evidence. However, when evaluating the validity of corroborating evidence, the assessment should not simply rely on numerical comparison; more importantly, it should examine whether these pieces of evidence can effectively verify each other qualitatively with the child's testimony. At the same time, the mastery of corroboration standards should also consider the circumstances of specific cases, such as the age and development stage of children, the particularity of case types and other factors, and allow judges to exercise appropriate discretion while clarifying rules and guidelines. On the basis of summarizing trial experience, guiding rules can be formed for the types and review methods of corroborating evidence. In practice, more objective evidence such as physical and documentary evidence is often given priority. However, the use of "hearsay evidence", especially circumstantial evidence derived from the same sources as the child's testimony, needs to be more cautious(Huang & Liu, 2021). In the process of review, the relevance between the evidence and the child's testimony should be carefully assessed, neither to simply separate the relationship between the two, nor to make illogical speculation or forced association.

(4) Strengthen the multi-agency coordination and collaboration mechanism

The handling of cases of sexual assault on minors involves multiple departments such as public security, prosecutors, courts, women's federations, education, and health. How to achieve effective cooperation among multiple departments and avoid repeated inquiries and institutional fragmentation is an important topic to improve the efficiency of case handling and protect the rights and interests of minors.

First, a collaboration platform with a "one-stop" inquiry and assistance center as the core should be established. Drawing on the experience of Japan, the public security organs take the lead, and jointly with procuratorates, courts, women's federations and other departments, to set up a special juvenile case handling center. The center should have comprehensive functions such as inquiry, evidence collection, and assistance, and realize the working mode of "one interview, full process record, and unified use" to effectively avoid secondary injuries caused by repeated inquiries to minor victims(Liu & Xu, 2019). Simultaneously, it is important to clearly define the responsibilities of the involved departments, establish a joint meeting system, and regularly analyze and address critical and challenging issues within the workflow.

Second, information sharing and work coordination mechanisms need to be improved. It is recommended to establish unified standards for information collection and transmission and build a cross-departmental information sharing platform to achieve timely and accurate flow of case information. In the specific operations, a rapid response mechanism should be established to clarify the time limit requirements and quality standards of each link to ensure the continuity and timeliness of case handling. Especially in the evidence collection and transfer links, it is necessary to establish a standardized work process to avoid the lack of evidence or defects due to the poor connection of procedures.

Third, professional team building and training mechanisms should be strengthened. It is suggested to set up a special team for handling minor cases, equipped with staff with professional backgrounds such as psychology and education. Regular cross-departmental joint training should be conducted to enhance staff members' professional competence and collaboration capabilities. The training content

should cover multiple aspects including legal knowledge, psychological counseling skills, and interview techniques, utilizing diverse training methods such as case studies and role simulation to effectively improve practical capabilities.

7. CONCLUSION

This paper explores the necessity and improvement pathways for strengthening the probative value of children's testimony in minor sexual assault cases in China from three dimensions: theoretical foundations, judicial practice, and foreign experience. Through systematic literature review, empirical analysis of typical cases, and comparative examination of foreign systems, this paper finds that the probative value of children's testimonies in sexual abuse cases is often questioned due to their special characteristics, while current Chinese legal norms do not give enough consideration to this issue, and it is difficult for the traditional corroboration model to effectively make up for the inherent limitations of children's testimony. This paper argues that the system of children's testimonies should be improved by building a credibility assessment system for children's testimonies, establishing a specialized questioning mechanism, clarifying the rules for the application of corroboration and strengthening multi-agency collaboration. Specifically, the establishment of a scientific system of assessment indicators, drawing on the experience of Germany and taking into account the feasibility of practical operations; the incorporation of British and American practices, the establishment of specialized questioning teams, and the improvement of questioning procedures and methods; the clarification and strengthening of the scope of application and standards at the level of legislation and judicial interpretation, so as to strike a balance between combating crime and protecting children's procedural rights; and the establishment of a "one-stop" center and the improvement of the working mechanism of a number of agencies, so as to strengthen the synergy of case handling.

Child sexual abuse represents a significant social issue, necessitating comprehensive enhancements to the criminal justice system to ensure accurate case fact-finding and safeguard the lawful rights and interests of children. Corroboration rules for children's testimony are an inherent requirement for achieving specialized juvenile justice and hold significant importance for improving case handling efficiency and demonstrating judicial credibility. In the future, it will be necessary to further strengthen empirical research in order to accumulate experience in promoting the improvement of legislation on sexual abuse of minors, and to form a more scientific, standardized and operable institutional system.

REFERENCES

- [1] Yue Huiqing. (2018). Evidence Utilization in Sexual Assault Cases Involving Minors [M]. Beijing: Law Press, 21-25.
- [2] Chen Pusheng. (2013). Criminal Evidence Law [M]. Taipei: San Min Book Co., 146-147.
- [3] Li Shuqing. (2022). Research on the Rules of Supplementary Evidentiary Power of Children's Testimonies in Criminal Proceedings (Master's Thesis, Central China Normal University). Master's Degree. Retrieved from <https://link.cnki.net/doi/10.27159/d.cnki.ghzsu.2022.000047> doi: 10.27159/d.cnki.ghzsu.2022.000047.
- [4] Xiang Yan. (2020). On the Refined Case-Handling Model in Child Sexual Abuse Cases. Chinese Journal of Criminal Law (02), 59-80. doi: 10.19430/j.cnki.3891.2020.02.004.
- [5] Xiang Yan. (2018). On the Review Judgment of Victims' Statements in Child Sexual Abuse Cases. Global law review (06), 132-152.
- [6] Zhang Hanyu & Wang Ying. (2019). Evidence Guidelines for Handling Sexual Assault Cases Involving Minors. Juvenile Delinquency Issues (04), 21-33.
- [7] Zheng Lei & Shi Qian. (2017). Analysis of Evidence Examination in Sexual Assault Cases Involving Minors: Based on 172 Cases in Hangzhou, Zhejiang Province. People's Procuratorate (08), 53-57.
- [8] Fan Wenxin. (2021). Research on the Issues of Evidence in Cases of Sexual Assault Against Minors (Master's Thesis, Zhongnan University of Economics and Law). Master's Degree. Retrieved from <https://link.cnki.net/doi/10.27660/d.cnki.gzczu.2021.000132> doi: 10.27660/d.cnki.gzczu.2021.000132.

- [9] Xiang Yan. (2020). On the Refined Case-Handling Model in Child Sexual Abuse Cases. *Chinese Journal of Criminal Law* (02), 59-80. doi: 10.19430/j.cnki.3891.2020.02.004.
- [10] Xiang Yan. (2019). Research on the Evidentiary Challenges in Sexual Assault Cases Involving Minors: The Institutional Transformation of China's Criminal Evidence Model from Prosecution to Multiple Layers of "Authenticity." *The Jurist* (04), 160-174+196. doi: 10.16094/j.cnki.1005-0221.2019.04.012.
- [11] He Ting & Lin Jiahong. (2017). The Three-Dimensional Construction of Legislation on Sexual Assault Against Minors in China: Drawing on the Experience of the United States. *Juvenile Delinquency Issues* (01), 60-69.
- [12] Sun Hui. (2021). Study on the Problems of Obtaining and Admitting Children's Testimonies in Criminal Proceedings in China (Master's thesis, Qingdao University). Master's degree. <https://link.cnki.net/doi/10.27262/d.cnki.gqdau.2021.000965>doi:10.27262/d.cnki.gqdau.2021.000965.
- [13] Wu Yan & Liu Tao. (2018). Difficulties and Countermeasures in Interviewing Victims in Child Sexual Abuse Cases. *Journal of Guangxi Police College* (06), 68-72. doi: 10.19736/j.cnki.gxjcxxyb.2018.06.012.
- [14] Huang Qiqi & Liu Zhihong. (2021). Psychological Techniques for Enhancing the Evidentiary Power of Statements by Minor Victims in Sexual Assault Cases: Also, on the Application Prospects of Statement Validity Assessment. *Journal of Hunan Police Academy* (04), 14-22.
- [15] Qin Hai & Tang Nandong. (2024). Construction of Rules for Reviewing and Judging Verbal Evidence in Criminal Cases Involving Minors: Focusing on the Credibility Assessment of Victim Statements. *People's Judicature* (01), 51-56. doi: 10.19684/j.cnki.1002-4603.2024.01.014.
- [16] Zhao Shanshan. (2022). Research on the Reform of the Testimony Model for Child Witnesses in Criminal Proceedings in China. *Journal of China University of Political Science and Law* (04), 230-241.
- [17] Ceci, S. J., & Bruck, M. (1993). Suggestibility of the child witness: a historical review and synthesis. *Psychological bulletin*, 113(3), 403.
- [18] Pan Xingwen. (2023). Study on the Admissibility of Victims' Statements in Sexual Abuse of Minors Cases (Master's thesis, East China University of Politics and Law). Master's degree. <https://link.cnki.net/doi/10.27150/d.cnki.ghdzc.2023.000788>doi:10.27150/d.cnki.ghdzc.2023.000788.
- [19] Gitlin, C. (2007). Expert testimony on child sexual abuse accommodation syndrome: How proper screening should severely limit its admission. *QLR*, 26, 497.
- [20] Song Yuansheng. (2022). Limited Application of Evidence on Sexual Characteristics of Rape Victims. *Global Law Review* (04), 35-49.
- [21] Zhou Hongbo. (2010). Criminal Proof Methods and Procedures in the Perspective of Comparative Law. *Jurist* (05), 30-48+176-177. doi: 10.16094/j.cnki.1005-0221.2010.05.011.
- [22] Lamb, M. E., Brown, D. A., Hershkowitz, I., Orbach, Y., & Esplin, P. W. (2018). Tell me what happened: Questioning children about abuse. John Wiley & Sons.
- [23] Fisher, R. P., & Geiselman, R. E. (1992). Memory enhancing techniques for investigative interviewing: The cognitive interview. Charles C Thomas Publisher.
- [24] Köhnken, G. (2004). Statement validity analysis and the 'detection of the truth'. The detection of deception in forensic contexts, 41, 63.
- [25] Liu Qiang. (2018). A Procedural Law Perspective on Child Testimonies Abroad. *Procuratorial Chronicle* (09), 18-19.
- [26] Yamada, Keiko. (2021). Credibility of statements of minor victims in sex crimes. *Legal Studies Seminar*, 66(8), 20-25.
- [27] Li Xiaojie & Chen Jing. (2016). On the Establishment of Rules for the Corroboration of Verbal Evidence: Using Objective Evidence as the Basis for Corroboration. *People's Judicature (Applied)* (13), 65-69. doi: 10.19684/j.cnki.1002-4603.2016.13.015.
- [28] Liu Ying & Xu Ye. (2019). Research on the Use of Evidence in Sexual Assault Cases Involving Minors: From the Perspective of the "One-Stop" Evidence Collection Model. *Journal of Criminal Investigation Police University of China* (06), 55-62. doi: 10.14060/j.issn.2095-7939.2019.06.007.
- [29] Fan Wenwen & Wan Shian. (2024). Determination of the Authenticity of Victim Statements in Cases of Sexual Assault Against Minors: An Empirical Analysis Based on 742 Judgment Documents. *Central South Law Review* (00), 259-273.
- [30] Zhou Yingying. (2021). From Corroboration to Rules of Experience: The Proof Challenges and Solutions in Sexual Assault Cases Against Minors in China. *Contemporary Youth Studies* (05), 83-88+102.
- [31] Wu, Huimin. (2020). A Study on the Credibility Assessment of Victim Statements in Child Sexual Abuse Cases. *Hebei Law Science* (04), 186-200. doi: 10.16494/j.cnki.1002-3933.2020.04.014.
- [32] Wang Xiaohua & Zhou Zixing. (2017). On the Probative Value of Children's Testimonies and the Court Appearance of Child Witnesses. *Juvenile Delinquency Research*(04), 28-35.

[33] *Maryland v. Craig*, 497 U.S. 836 (1990).

[34] Long Mou1 Criminal Judgment of the First Instance of Child Molestation, Case No.: (2020) Qian 2622 Criminal Investigation No. 27.

[35] Supreme People's Court and others. Opinions on Punishing Crimes of Sexual Abuse against Minors According to Law [EB/OL]. Supreme People's Court website,2013-10-23.

[36] White Paper on Procuratorial Work of Minors (2023) of the Supreme People's Procuratorate of China (issued on May 31, 2024).