



...where small voices can be heard.



OBTAINING JUSTICE FOR THE SEXUALLY ABUSED CHILD:

**UNDERSTANDING THE POLICE
INVESTIGATION AND THE COURT
PROCESS IN LAGOS STATE.**



Well Done and Thank You.

You have taken an important decision in trusting the Cece Yara Foundation in obtaining justice for your loved one who has been sexually abused. This leaflet will provide you with all the necessary information about how the police and the courts work and will make the process less confusing.

What is The Cece Yara Child Advocacy Centre?

The Cece Yara Child Advocacy Centre provides FREE medical, legal and psycho-social support and services to children who have been sexually abused. We are here to help minimize any trauma associated in your journey to obtain justice and will work with the police and prosecutors to obtain justice speedily through our FREE services.

How Can The Cece Yara Child Advocacy Centre Help Us?

- We provide a safe, child-friendly and comfortable environment to disclose cases.
- We provide support for the child while relating the matter to the Police, the Ministry of Justice and other Child Protection agencies in order to obtain a speedy trial.

- We attend all court dates and police interviews with you, advise you and update you with the progress of the case.
- We assist in evidence-gathering to assist the police do their work thoroughly through forensic interviews of children.
- We limit the number of times a child is interviewed or needs to be at the Police station or Court.
- We ensure that the accused person is in court at all the court hearings.
- We organize meetings with the lawyers from the Ministry of justice before the case starts in court.
- We provide emotional support and assistance to the family based on their needs.
- We provide counselling and psycho-social support for the children and their Care-givers.

Is Sexual Abuse a Crime?

Child sexual abuse is a crime under the Child Rights Law and Criminal laws of Lagos State and it includes involving a child under the age of 18 years in any type of sexual activity.

The Process



1. The Report.

The law empowers everyone to report cases of child sexual abuse at the nearest police station for investigation. Simply ask for the Family Support Unit of the police station where they have police officers specially trained to handle sexual violence offences and the police will interview you to take down your statements. You/ your child will be asked to write a statement detailing your complaint. Please feel free to call us to accompany you to make your report as it can sometimes be scary to the child.

3. The Medical Examination

After obtaining statements the police will refer your child for medical examination and treatment at a government approved hospital. The results of the medical examination will be used to assist police investigations and court case. We are available to accompany you to court.

2. The Arrest

After the report is made, the Police will take steps to arrest the alleged Perpetrator for questioning and investigate the case. The Centre will support the Police to ensure that the alleged Perpetrator is arrested.

4. Bail

The High Court has the discretion to grant bail in child sexual abuse cases and will do so only on very stringent conditions.

5. The Arraignment

An arraignment is a court process by which the accused person is called before the court and informed of the offences he is charged with and is asked if guilty or not. The case is heard at the Special Offences Court in Lagos State and members of the Public are not allowed in to protect the identity of the child.

What Happens in Court?

- ✓ Both parties are expected to be punctual in court as court proceedings start by 9am.
- ✓ Parties are expected to be smartly dressed to court with legal representation on both sides.
- ✓ The court clerk will announce the arrival of the Judge, and everyone is expected to stand up to receive the Judge who will courtesy and receive a courtesy in return before the whole court sits down. There may be other cases before your child's case and you will be expected to wait patiently for your case to be called.
- ✓ When the case is called, parties are expected to indicate their presence by standing up. The accused person is brought before the court, after which the police prosecutor, the child's lawyer and the accused persons' lawyer will formally announce their appearance.
- ✓ The charges will be read out to the accused person by the court clerk in English or in a language he or she seems to understand.
- ✓ The accused person is thereafter asked before the court if he or she guilty or not guilty. If the accused pleads guilty, the case proceeds directly to trial but if he pleads not guilty, the accused person's lawyer may request for bail on his/her behalf. The Judge has the power to grant the accused person bail by releasing the accused person after arraignment if the person can fulfil the conditions of bail. If the accused person cannot fulfil the conditions, he will return to jail until the conclusion of trial.
- ✓ The case is then adjourned to a date 'for mention' which is a date the for the parties to return to court report the status of the investigation and the Lagos State Director of Public Prosecution's (DPP) Advice.

Child Sexual Abuse...is a crime under the Child's Right Law, and Criminal Laws of Lagos State.

6. Police Investigation

By law, the police is responsible for the investigation. We will assist the police in their investigations and in obtaining quality evidential information. When the Police completes its investigation, it send the case file to the DPP for evaluation and Advice. This is achieved by the Forensic Interview of your child by our Certified Forensic Interviewers who are trained in child development and are able to relate to your child's cognitive abilities. Please contact us for more information about Forensic Interviewing.

7. The DPP's Legal Advice

When the DPP receives the case file, it must assess the evidence and decides whether there is a reasonable case to be tried in court.

8. Trial

Once a trial date is set, and all parties are in court, the trial may spread over a number of days, depending on the number of witnesses. Evidence will be provided by the child, and any witnesses who can testify to support the allegations, by answering questions posed by the Prosecutor and the accused person's lawyer. The Judge will then pronounce judgment and sentence the accused person if found guilty. The penalty for sexual offences against children ranges from a fine to life imprisonment.

The Cece Yara Child Advocacy Centre is Here to Support You.

Child Sexual Abuse falls under a group of crimes referred to as felonies which are very serious criminal offences **against the State**. It is the State that brings a criminal case against the accused - not you or your child. You and your child are critical prosecution witnesses, and it is only the Police that has the power to withdraw the cases from court where it is in the best interest of your child and the State. It is important for alleged perpetrators to be held accountable for their acts in order for the cycle of child sexual abuse to end, and you should not try to compromise the case by attempting to settle the case outside the law courts. If you believe that giving evidence could put you or your child in danger, discuss your concerns immediately to the police, your lawyer, or with us in order for appropriate measures to be taken.