

The Draft Lagos State Child Sexual Abuse Investigative and Interview Protocol

2025

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The following members of the Child Forensic Interview Steering Committee worked extensively on the original development of this Protocol:

- The Honourable Chief Judge of Lagos State, Justice Kazeem Olanrewaju Alogba
- Honourable Mr. Mohammed Lawal Pedro SAN, - The Honorable Attorney General and Commissioner for the Ministry of Justice, Lagos State
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- The Lagos State Ministry of Basic and Secondary Education
- The Lagos State Ministry of Youths and Social Development
- The Lagos State Judiciary
- Office of Education Quality Assurance Lagos State Ministry of Basic and Secondary Education

Periodic Review and Revision

All child-focused agencies, the agency members of the Lagos State Forensic Interview Steering Committee will review this document annually. Revisions and updates will be made as needed. The signatures of Agency heads will not be required unless additions and modifications are significant or will require a discernible change in the Agency's internal policies and procedures.

Dissemination of Protocol

The Cece Yara Child Advocacy Centre Foundation (CAC) will initially share the final draft of the protocol with the Honourable Attorney General of Lagos State to facilitate the signing of the protocol into effect, after which hard copies will be disseminated to respective agencies.

Training

The Cece Yara CAC has facilitated the training of child-focused agencies in Lagos State on the forensic interview process, and the respective agencies will provide additional training through their internal education departments in collaboration with the Cece Yara CAC or other accredited international training faculties.

1. Policy Statement

1.1 Our Mission

The Lagos State Government and all of the local governments therein aim to support all children, (victims and witnesses) who have experienced abuse or at risk and their non-offending families to access justice with the best practices of forensic interview.

The protocol is a product of the collaboration among the Cece Yara CAC and the Lagos State law enforcement, education, social welfare, medical and mental health, legal and the judiciary.

1.2 Goals

This protocol aims to improve the investigation and prosecution of child sexual abuse (CSA) cases in Lagos State with the best practices of forensic interviews. It deploys a multi-disciplinary team approach to foster inter-agency collaboration in child abuse cases aimed at minimising further trauma for child survivors as they seek justice and healing

The main body of the Lagos State Child Sexual Abuse Investigative and Interview Protocol (LSCSAIIP), hereinafter referred to as "the Protocol", addresses the preventable trauma that occurs when the victims or witnesses of child abuse are repeatedly interviewed with the following objectives:

- Reduce the number of times a child is interviewed.
- Ensure trained professionals conduct interviews.
- Improve evidence collection and case outcomes.
- Provide better support for child survivors and their families as they navigate the criminal justice sector.

This protocol is intended to provide guidelines and assistance to those persons who come into contact with the child victim-witness. This includes those involved in cases falling under the Child's Rights Law, Ch. 1 Vol. 3 Laws of Lagos State 2015; Child's Rights Law of Lagos State (Family Court Procedure) Rules 2019, Child's Rights Act, 2003; Criminal Law, Cap C.17, Vol.3, Laws of Lagos State, 2015; Lagos State Domestic and Sexual Violence Law (DSVL) 2021; Administration of Criminal Justice Law of Lagos State 2021 (ACJL) ; Evidence Act, 2011 (as amended); Violence Against Persons Prohibition Act (VAPP) 2015; Cybercrimes (Prohibition, Prevention, Etc.) Amendment Act, 2024; Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015; Discrimination Against Persons with Disabilities (Prohibition) Act, 2018; Lagos State Special Peoples Law, 2011; Domestic and Sexual Violence Unified Response Protocol and Referral Pathway (URPRP) 2021; Lagos State Safeguarding and Child Protection Policy of 2016 and EO/BRF/005OF2014, Lagos State Sex Offenders Monitoring Programme and the Lagos State Government's Mandatory Reporting Policy.

The guidelines and sensitivity with which this protocol speaks will be applied in all child abuse cases.

2. Background Information

18th June 2019

A high–level consulted workshop with the Nigeria Police Force, Lagos State Command, and other stakeholders in the administration of the criminal justice system was convened by the Cece Yara CAC and funded by the Rule of Law and Anti-Corruption Programme of the British Council/EU (RoLAC) with the sole objective of prescribing the adoption of child forensic interview as the best practice of investigating and prosecuting child sexual abuse cases. The workshop succeeded in obtaining the buy-in of the police and other stakeholders in the administration of the criminal justice system, evidenced by referrals of survivors of child sexual abuse to the Cece Yara CAC for forensic interviews to facilitate quicker and more effective investigation and prosecution of child sexual abuse cases with quarterly feedbacks to RoLAC on the adoption process. The adoption process also witnessed the Cece Yara CAC's forensic interviewer standing as a state prosecution witness in a high-profile case of child sexual abuse.

25th March 2022

The Cece Yara team paid a courtesy visit to the erstwhile Attorney General (AG) of Lagos State, Honourable Moysore Onigbanjo (SAN), to inform him of the importance and prosecutorial benefits of the adoption of the forensic interview process to engage him to support an enabling legislation that recognises forensic interview of a child's evidence in evidence–in–chief, cross-examinations, and re-examination. The outcome of the visit was the AG's full-fledged support of the process to which he instructed that a Steering Committee be set up to establish and implement a standard child sexual abuse investigation and interview protocol with a Multi-Disciplinary Team ("**MDT**") approach.

19th May 2022

A second instalment of the high-level consultative workshop on the adoption of the forensic interview process was implemented by Cece Yara in collaboration with RoLAC to glean support for the establishment and implementation of a standard child sexual abuse investigation and interview protocol using the Cece Yara Foundation's Forensic Interview Protocol and MDT Approach as a model to the Protocol developed. It increased partnerships between the Nigeria Police Force, Lagos State Command, and other actors in the criminal justice system by adopting the Forensic Interview process as the best practice for interviewing children in the investigation and prosecution of Child Abuse cases.

April 2022

The Steering Committee has convened regularly to develop this protocol in a series of meetings.

June 2024

A third installment consultative workshop was held under the auspices of RoLAC, and there was a general consensus for the adoption of the protocol.

3. The Forensic Interview

A forensic interview is a structured conversation with a child with the aim of eliciting detailed information about a possible event that the child may have experienced or witnessed in an age-appropriate and developmentally sensitive manner. The information elicited from the child during forensic interviewing is helpful in criminal investigation and prosecution of child abuse cases, and it also helps in assessing the child's safety, medical and psychosocial needs.

A forensic interview is conducted by a competently trained, neutral professional who utilizes research—and practice-informed techniques as part of a larger investigative and prosecutorial process.

The interview is conducted in a specially equipped interview room, with unique forensic anatomical dolls, forensic recording equipment, and an observation room with a one-way mirror. Stakeholders such as child advocates, the police, child psychologists, Prosecutors, State child protection officers, social workers and

medical personnel are able to observe and listen in on the ongoing forensic interview (through the one-way mirror, video and audio equipment) to raise cogent facts about a child's disclosure and collaborate to address all the issues raised and provide the necessary intervention for the child.

Owing to the fact that it is difficult for children to prove the offence that happened because the perpetrators often deny the abuse and most acts of sexual abuse cannot be witnessed, the child's statement is vital evidence in child abuse cases. Developmental issues, such as children's varying abilities to recall events and the use of language, as well as the trauma they may have experienced, complicate efforts to obtain information about the abuse. The forensic interview is designed to overcome these obstacles, give optimal information to ascertain whether an abuse has occurred or not. The law enforcement jurisdiction in which the incident is alleged to have occurred, the DSVA office of the DPP, MOE, MYSD, OPD, MOJ,MOH, or any child-focused organisation can request a forensic interview.

The forensic interview can be conducted:

- To gather information regarding an allegation of child abuse (physical, sexual, emotional, online sexual abuse, or child neglect.
- At the request of a law enforcement or child protection agency.
- For both child and young adult with developmental challenges.
- Where communication barriers including hearing, vision, verbal handicaps or language differences exist.
- When a child has been witness to a homicide/potential homicide.
- When a child has been witness to serious domestic violence incidents.
- When a child has been a witness to a sibling's abuse.
- When a young child has been witness to a violent crime.
- A forensic interview is conducted for children between the ages of 3 and 18years.

3.1 Goals of the Forensic Interview Process

3.1.1. To obtain optimal, valuable and evidential information, including:

- The identity of the alleged perpetrator
- The relationship of the alleged perpetrator to the child
- Time frames in which the alleged abuse occurred
- Locations where the alleged abuse occurred
- Specific details regarding the types of alleged abuse
- Threats, force or coercion used by the alleged perpetrator
- Any other alleged perpetrators or victims

- In intra-familial cases, the extent of knowledge and involvement of others in the home
- Whether or not other types of abuse are present (e.g., domestic violence, substance abuse) from a child in an objective, developmentally sensitive and legally defensive manner aimed at facilitating quicker and successful investigation and prosecution of child sexual abuse cases based on the preponderance of evidence produced.

3.1.2. To take cognizance of peculiar issues relating to the survivor and witnesses and respond adequately to them. It portrays the child's experience and gives the prosecution the opportunity to identify the child's vulnerability.

3.1.3. To capture the child's account of the alleged abuse while it is still fresh in the child's memory and before the child's memory of the event is influenced or eroded and can be used to refresh the child's recollection prior to trial.

3.1.4. To provide a more comfortable environment for the child to disclose the abuse and reduce the number of times the child has to be interviewed. This inevitably reduces the trauma the child is subjected to and avoids the perception that the adults performing the repetitious interviews do not believe him/her.

3.1.5. To preserve a complete and accurate record of what transpired during the interview, allowing the interviewer to focus on the child rather than taking notes about what questions are answered and the child's response to those questions. It also permits interested persons to assess whether there was "interviewer distortion" at work during or after the interview.

3.1.6. To elicit information from children about sexual abuse that will improve pre-trial decision-making by the parties, which will, in turn, conserve the state's limited resources.

3.1.7. To protect the interests of innocent suspects and serve the interests of the state in accurately identifying cases of child abuse and addressing them in a fair and balanced manner.

3.1.8. To provide videotaped documentation and summary reports to authorised agencies.

3.1.9. Provide crisis intervention services to family members and the child, as well as a mental health assessment for the child and family's ongoing treatment needs.

3.1.10. Provide community-based referrals to the family at the end of the evaluation process.

3.1.11. Facilitate the forensic interview process for relevant agencies.

3.2 Who Needs A Forensic Interview?

Forensic Interviews should be available for children who have experienced or are at risk of sexual abuse, physical abuse, or severe neglect, or may have witnessed a violent crime. The interview is usually at the request by referral for investigation of a criminal complaint by a law enforcement agency, the DSVA, the

DPP or MYSD to utilize forensic interviews in situations when there is a need for the skills of a forensic interview specialist.

3.3 The Forensic Interview Setting

Forensic interviews should be the responsibility of a Child Advocacy Center or an agency not directly involved in the investigation, with experience providing the type of specialized evaluation which includes:

- A multi-disciplinary team approach.
- Child oriented interview rooms.
- Evidentiary medical evaluations available.
- Forensic interview equipment and technology including videotaping capability.
- An observation room for parties authorized to view the interview.

3.4 The Forensic Interview Specialist

Forensic interview is conducted by a competently trained, neutral professional utilising research and practice-informed techniques as part of a larger investigative and prosecutorial process.

The forensic interview specialist should:

- An academic background in law, law enforcement, criminology, social work, education, medical/mental health or any other relevant field.
- Be a child advocate /specialist working or attached/affiliated to a child protection agency with adequate competence in the evaluation of children and families' rights where abuse has occurred.
- Training- The interviewer should have at least 40 hours of didactic training in addition to at least 120 hours of experiential training in the interview process. Accredited agencies to conduct the training include the Cece Yara Training Faculty of Childfirst Nigeria, National Children's Advocacy Center, National Institute for Trial Advocacy, National Children's' Alliance U.S.A. or any other internationally certified organization.
- Ongoing Training - Receive ongoing training in child sexual abuse and physical abuse, child development and interviewing techniques through attendance at continuing professional education conferences as well as provision of agency in-service training and ongoing review of professional literature with a minimum number of two trainings of 40 hours each every 3 years.
- Review Process - Participate in ongoing individual and group clinical supervision, and peer review process.
- Info Familiarity - Be familiar with types of information and details relevant to alleged abuse that should be obtained from victims and child witnesses to meet the referring agency's needs.

- Interview Protocols - Be familiar with the forensic interview protocol and methods of presenting forensically defensible questions in a non-leading yet age appropriate and developmentally sensitive manner.
- Expert Witness - Be willing and capable of testifying as an expert witness.

3.5. The Forensic Interview Process

Observation of the interview should be coordinated between authorized investigative agencies. A multi-disciplinary team helps ensure that relevant information is obtained in one sitting, reducing the need for fragmented and repetitive interviews. The forensic interview process should include:

- Rapport building.
- Brief developmental assessment.
- Assessment of child's ability to differentiate between truth and lies; reality and pretense.
- Information gathering should include:
- Allowance and encouragement of spontaneous disclosures.
- Questions which progress from general to specific.
- Focused questions, not leading questions,
- Attempts to ascertain "who, what, when, and where" regarding the abusive situation or crime witnessed,
- Attempts to elicit information regarding alcohol or other drug usage, pornographic involvement, and use of threat or force and domestic violence.
- Allow and support ventilation of feelings.
- Allow closure after gathering history.
- Assessment of need for second forensic interview.
- Assessment of therapeutic needs.

3.6. Documenting the Forensic Interview

After the forensic interview, the interviewer will provide a copy of the videotape and written report to authorized agencies. The written report will include:

- The referral agency.
- Relevant background information.
- Significant familial data.
- Brief developmental assessment.
- Summary of interview phases.
- Summary of the forensic interviewer's perspective of the case.
- Specific history information provided.

- Treatment recommendations.
- Recommendations for further investigations and evaluation.

4. Age Determination

In Nigeria, a court determines whether a person is a child based on the Child's Rights Act 2003, which defines a child as a person below the age of 18 years.

Each agency involved in the child sexual abuse investigation and interview process shall undertake the necessary steps to ascertain the age of the survivor child to be below 18years of age as stipulated in the Nigeria's Child Rights Act of 20023 including the production of certain documents outlined below and in all cases the certified true copies of any or all of these documents may help to prove the basis of one being called a child:

i. Birth Certificate: A birth certificate is the most common and accepted document for proving age. In Nigeria, birth certificates are issued by the National Population Commission (NPC) or the local government area where the child was born.

ii. Baptismal Certificate: A baptismal certificate can also serve as proof of age, especially if the birth certificate is not available.

iii. School Records: School records, such as admission forms, progress reports, and certificates, can provide evidence of a child's age.

iv. International Passport: A Nigerian passport can also be used to prove age, as it contains the holder's date of birth.

v. National Identity Card: The National Identity Management Commission (NIMC) issues a national identity card, which contains the holder's date of birth and can be used to prove age.

vi. Court Affidavit: In some cases, a court affidavit may be required to prove age, especially if there is a dispute or uncertainty about the person's age.

vii. Medical Records: Medical records, such as hospital birth records or medical certificates, can also provide evidence of a child's age.

viii. Traditional or Community Records: In some communities, traditional or community records, such as age-grade records or community birth registers, may be accepted as proof of age.

ix. DNA Testing: In rare cases, DNA testing may be used to determine a person's age, especially in cases of disputed parentage or age.

N.B: The above prescribed documents must be from government institutions or approved agencies to ascertain the credibility of the documents. A person wrongly called a child due to a clerical or evidential error may go to the root of an action and could be fatal

5. Agency Roles and Descriptions

5.1. Schools and Child-centered Institutions

Once a case of child abuse has been reported or suspected to have been perpetrated, schools and child-centered institutions must provide acceptance, support, consistency, and structure to these children to undergo the forensic interview process simultaneously with medical treatment and evaluation. In cases involving non-contractual sexual abuse e.g. child exposure to online pornography, sextortion, exhibitionism, voyeurism etc. the child should also be supported to undergo the forensic interview process.

5.2 The Lagos State Ministry of Youths and Social Development (MYSD): Children's Services

After assessing the risk to the child, the MYSD will work with the child/non-offending family to make them understand the forensic interview process and the benefits of participating therein and that the forensic interview process shall happen simultaneously with medical and mental health care interventions.

After the forensic interview, a determination must be made regarding what services are needed and whether services are available which would allow the child (ren) to remain safely at home or with a relative. If services are not available or, even with available services, the child remains at risk of abuse, necessary actions such as placement into a Shelter within 24 – 48 hours, access to psycho-social support and/or Juvenile Court proceedings are initiated.

5.3. Law Enforcement

Law enforcement agencies, including the Nigeria Police Force, the National Agency for Prohibition of Trafficking in Persons (NAPTIP) Lagos State Zonal Office, Nigeria Immigration Service, Lagos Office etc. should make every effort to limit the number of interviews and the time the child is interviewed while simultaneously obtaining the evidence necessary for prosecution by harnessing the survivor to the Forensic interview process. This is to be done by referring the survivor for forensic interview within 48 hours of establishing that the child had been abused or at risk of being abused.

The law enforcement agencies, while conducting their investigation, will follow this protocol and reporting procedures to obtain a statement from a child in a developmentally sensitive, unbiased, and truth-seeking manner that will support accurate and fair decision-making in the criminal justice and child welfare systems. Given the intricate issues related to forensic interviews and the complexity of conducting such interviews, law enforcement agents must be trained adequately before attempting to interview survivors, with a special focus on each officer's experience, skills, and previous training.

Investigative interviewing must be recognized as a skill requiring regular maintenance, monitoring, and evaluation.

5.4 Office of the Director of Public Prosecutions (DPP)

The assigned prosecutors would have received specialised training in child abuse prosecution, including medical, psychosocial, forensic interviews, and legal components. The prosecutors will also provide legal assistance to law enforcement, such as answering legal questions, reviewing search and arrest warrants or obtaining other information.

The prosecutors will also collaborate with other stakeholders in the criminal justice system, including law enforcement, MYSD, the Ministry of Education (MOE), the Office of the Public Defender (OPD), the Domestic and Sexual Violence Agency (DSVA), the child's attorney, the child's therapist, and any other child-focused agency involved in the case for the child to undergo the forensic interview process.

5.5. The Domestic and Sexual Violence Agency (DSVA)

The DSVA has the mandate to provide and coordinate end-to-end responses to incidents of domestic and sexual violence in the state, including child abuse. The DSVA shall give the necessary support to ensure that every survivor undergoes the forensic interview process.

5.6. National Agency for the Prohibition of Trafficking In Persons (NAPTIP)

Once a case of child abuse has been reported to NAPTIP or suspected to have been perpetrated, the agency must provide acceptance, support, consistency, and structure to these children to undergo the forensic interview process simultaneously with medical treatment and evaluation. In cases involving non-contractual sexual abuse, the child should also be supported to undergo the forensic interview process.

5.7. Office of the Public Defender (OPD)

These attorneys who will be responsible for implementing the protocol would have received specialized training in child abuse litigation, have backgrounds and experience in working with children and families, and be assisted by investigators, social workers, and other child-focused professionals.

A deputy public defender is appointed to represent the child after a child sexual abuse petition has been filed. Once appointed, this same lawyer remains on the case until the case is closed. The OPD counsel's responsibilities include investigating the facts alleged in the child sexual abuse case, ensuring the survivor's access to the forensic interview process, monitoring the provision of services, facilitating inter-agency collaboration, communication between all interested parties, and making recommendations to the court regarding placement, treatment, education, and other necessary services.

5.8. The Family Court of Lagos State

The Family Court is a special court designed to deal with legal problems involving children. It emerged to hear and determine matters relating to children. One of the main goals of the Family Court is to settle legal

problems that can occur in families. The Family Court functions at two levels: as a division of the High Court at the High Court level and as a Magistrate Court at the Magistrate level.

The original jurisdiction of the court is to hear and determine:

a. any civil proceedings in which the existence or extent of a legal right, power, duty, liability, privilege, interest, obligation or claim in respect of a child is in issue; and

b. any criminal proceedings involving or relating to any penalty, forfeiture, punishment or other liability in respect of an offence committed by a child, against a child or the child's interest.

The child /non- offending family should be informed on the necessity and benefits of medical treatment and evaluation and forensic interview and assisted to undergo same within 48 hours of case reporting with the child placed after taking a child into protective custody, or the child is released. Once the case is filed, the perpetrator is arraigned, and the forensic interview report and video recording with the certificate of compliance shall be tendered as part of the documentary evidence in line with the court process.

5.9. Once the case is filed and the perpetrator is arraigned, the forensic interview report and video recording with the certificate of compliance shall be tendered as part of the documentary evidence in line with the court process.

The Court should ensure the following:

5.9.1. Prevent the re-traumatizing of the child survivor in accessing justice by creating a victim-friendly environment and limiting the number of victim's appearances by admitting evidence adduced through the forensic interview process in an examination–in–chief, cross-examination and re-examination.

5.9.2. Expediting the court hearing of cases by ascertaining that the survivor had undergone a forensic interview as part of the more extensive investigative and prosecutor process with the forensic interview report and video recording tendered in court at hearings.

5.9.3. Making better judgments by requesting the expert testimony of child forensic interviewers, and recruitment of certified child-focused, trauma-informed personnel as Prosecutors and other child-focused specialists (Child psychologists and other Court personnel) to facilitate court hearings.

6. Medical Treatment and Evaluation

The mandatory requirements for medical treatment and evaluation of sexually abused children are:

i. The treatment and evaluation should be conducted by a specialised sexual assault response medical personnel working or affiliated with a Sexual Assault Referral Center ("**SARC**").

ii. Such designated medical personnel must be shown to have a proper understanding of a medico-legal approach in responding to child assault cases, evidenced by the ability and willingness to

prepare and present a medical report that can stand the scrutiny of the court. He/she must also be able to give expert testimony in court regarding the case.

iii. The medical assessment of suspected child sexual abuse should include obtaining a detailed medical history of the child, performing a physical examination, and obtaining appropriate laboratory tests.

iv. The SARC personnel also has the responsibility for determining the need to report suspected sexual abuse; assessing the physical, emotional, and behavioral consequences of sexual abuse; providing information to non-offending parents/caregivers about how to support their child; and coordinating with other child-focused professionals to provide comprehensive treatment and follow-up of children exposed to child sexual abuse.

v. In treating and evaluating the survivor, the physician should talk to the child in a developmentally appropriate, nonjudgmental, facilitative, and empathetic manner with the sole aim of questioning the child for the purpose of medical diagnosis and treatment to distinguish it from the forensic evidence.

vi. The physician's report should explain the presence or absence of physical findings, the significance of symptoms temporally related to sexual contact, and discrepancies between a child's perception of an experience and physical findings.

vii. The report should also contain a statement of the health professional's willingness to testify in court when necessary and the presence of named, qualified health personnel who are consultants for the case.

viii. Facilities or providers not meeting these standards should not be used by law enforcement agencies, MYSD or any child protection agency for securing definitive medical assessment of abused or neglected children.

7. Children's appearance in Court

The Lagos State Ministry of Justice shall operate a children's appearance in court programme in the following dimensions:

7.1. Appointment and payment of Guardian Ad Litems (GALs) to routinely represent children's best interests during all legal procedures.

7.2. To limit fatigue and improve the accuracy and reliability of child responses, the number of questions per hour should be limited, specified breaks consistent with the age of the child, and irrelevant questions designed to embarrass the child or that are demeaning or imply the child is incompetent should be prohibited.

7.3. Children should be given the option of remote hearings to avoid coming in contact with their abusers in court.

7.4. Development of formal regulation of cross-examining children to prevent the defendant's exploitation of the mental immaturity of children in terms of style/content of cross-examination.

7.5. Children who are to testify in Court should attend four orientation sessions to include where they learn about the court process and to visit court personnel, see a courtroom and chambers, and meet a judge , allowed to ask questions and assessed to be deem fit to testify in court before appearing for their own case

8. Investigation of Cases in Schools and Other Mandated Reporters

8.1. Site and System Coordination

Each school site (online and onsite) shall have a process for identifying and reporting suspected child abuse cases to the Ministry of Education, Lagos State. The following areas should be addressed when developing the process:

- Training all staff in the legal requirements of identifying and reporting child abuse, including following up of cases to ensure that survivors access the necessary professional service interventions including access to justice and support services
- Designating an appropriate staff member (child protection officer) to case reporting of coordinate suspected child abuse cases to the appropriate agencies and another staff as an alternate to assist, in the absence of the primary staff coordinator.
- Provision of a designated child-friendly, quiet, and private room/office to listen to and document the child's disclosure and complete the report form.
- Clarification of school personnel roles (e.g., caregivers, school counsellors, school administrator pastoral staff, etc., custodians) to facilitate information sharing between the school and the investigating agencies.

8.2 The Identification Process

School personnel should be familiar with the signs of the four basic types of abuse to readily recognize them in children at school to facilitate professional service interventions.

- Physical Abuse
- Neglect
- Emotional Abuse
- Sexual Abuse, including non-contractual sexual abuse, online child sexual abuse, etc.

8.3. Steps to Take

Listen carefully

- The school personnel should listen attentively to a child's attempt at making disclosures.
- Provide a quiet, private place when possible, to facilitate conversation and accurately identify and document the abuse or neglect.

Questions & Tone

Restrict questions to those necessary to complete the required reporting form. Listen openly and speak in a positively emphatic, age-appropriate and developmentally sensitive manner to the child.

Notify Child Protection Agencies within 24 hours

- FSUs of the Nigeria Police Force, Lagos State Command
- DSVA Hotline –
- Ministry of Youths and Social Development -
- Ministry of Primary and Basic Education.
- Any other child-focused agency.

Upon receiving the information, the Lagos State Ministry of Justice or law enforcement may send an investigator to the school site to interview the child. It is not within the best interest of the child or the law for school personnel to conduct or sit in on the interview; school staff may be present during the investigative interview only if the child requests their attendance. The school staff's role is to document information and support the child during this process.

Parents or other school personnel should not be notified of the report. The agencies that were notified are responsible for doing this. The school staff should continue to provide reassurance to the child, but further questions about the abuse should not be asked. This has been known to add to the emotional strain the child is already under and can undermine the criminal justice investigation.

School personnel have many legal rights and constraints as participants in this process. It is crucial to be familiar with all of them.

8.4. Other Mandated Reporters

All other mandated reporters, as defined in the Lagos State Safeguarding and Child Protection Policy and Mandatory Reporters Policy, have the legal duty to report suspicion of child abuse and neglect.

Other mandated reporters include, but are not limited to:

- Child care custodians
- Medical and mental health practitioners
- Employees of child protective agencies,
- Medicine Vendors and Pharmacists

- NGOs/Professional bodies/NGOs.

At no time should a mandated reporter assume an investigative role and attempt to obtain a detailed or extensive history of abuse or determine if the information presented is valid. The reporter should only obtain enough information to report a known case of "suspicion" and does not need to provide proof.

9. Initial Contacts

9.1 Introduction

The Investigator must be constantly alert to the possibility of re-traumatizing the child by reintroducing some of the very elements that contributed to the initial trauma for the child.

Investigative tools such as smart phone recordings, audio and visual equipment may have been used during the commission of the offence. Interviewing a child in his or her bedroom, in an attempt to gain privacy, may in reality be returning with the victim to the scene of the crime. The display of these items or figures, or reintroducing other elements of the offense, by child focused professionals who are trying to build trust, may further traumatize the child.

Everyone working with children during the investigative and recovery phases must be sensitive to the potentially devastating impact that the re-emergence of these details may have for the child.

The best practices of investigating and prosecuting child sexual abuse cases requires the implementation of the forensic interview process of a single and effective interview with the observation of a Multi-Disciplinary Team (MDT) of child focused professionals including law enforcement agencies. Together they determine the interview strategy and direction. While both parties need to know the circumstances of the abuse, the MYSD needs additional information to determine the proper placement for the child's safety.

10. Extended Forensic Interview

It is vital to note that there are occasions when there is a need to do more than one interview such as when a child is abused in multiple ways by many people. In such a case, there may need to do more than one interview. Also, a child may disclose some abuse during the interview but later disclose additional offenses that needs to be discussed. In these cases, the appropriate MDT personnel will determine if an additional interview is necessary which must be conducted by a certified forensic interviewer.

All children who have contact with the alleged perpetrator should be interviewed to assess future risk and determine if they have been abused. It is incorrect to assume that because the original allegation involved a female victim that only girls were abused and vice versa. Boys frequently are victims and are even more reluctant to initially disclose abuse.

Also if there is an offender who has been a teacher for years, there may be hundreds of children he/she has had contact with. In the event of any of the aforementioned scenarios, if possible, forensic interview shall be conducted for all the children who has had contact with the offender who the MDT reasonably believes have been at risk (e.g. have been alone with the offender, are particularly vulnerable, have similar characteristics to other known victims, etc.).

If a child has not been taken into protective custody prior to undergoing medical treatment and evaluation, the consent of a parent or guardian must be obtained before the child is examined or interviewed in a non-emergency situation.

Lack of staff and large case volume should not prevent a multi-disciplinary initial response.

11. Investigation Process

The application of this protocol requires tasks to be handled by appropriate officers as stated by the child protection laws and policies of the Federal Republic of Nigeria and Lagos State.

11.1. Mandated Reporting Requirements

The agency in receipt of the case report should ensure that the survivor undergoes medical treatment/evaluation and forensic interview simultaneously within 48hours of receiving the report of the case.

11.2 Initial Contact

The initial contact with the survivor may take place in the victim's home, at a school or daycare center, religious place of worship, a hospital, or any other site. As with any situation that may involve physical injury, the officer must first decide if the child needs immediate medical care.

11.3 Obtaining Information

A Social Worker, parent, or teacher, may have already received some of the required information from the child. This information should be obtained and documented, if possible, before interviewing the child. These individuals may not have acquired all of the facts necessary for a criminal investigation; however, they should be followed up to obtain information as the fewer times a child is asked the same questions, the less traumatizing it will be for the child.

11.4 Follow-up by IPOs and/or Social Workers

If the case will be investigated by an investigating police officer, much of the required information must be obtained without re- interviewing the child. Basics such as names, addresses, and phone numbers are needed; but only three other facts are necessary for the report. These are:

- Jurisdiction

- Statute of limitations
- The basic elements of the crime

The child can be asked for details at a later time by a Social Service Worker and/or the IPO. It is very difficult and traumatic for children to have to relate these events repeatedly. If the IPO or Social Service Worker can determine that a crime has occurred by speaking to others, then he or she should do so.

11.5. Evidence, Documentation, Instrumentalities of the Abuse

It is important for the IPO to be aware that evidence of the abuse may exist. In all cases, immediate documentation of visible injuries or conditions is necessary (e.g. 35mm photographs, detailed descriptions). Collect instrumentalities of the crime (e.g., belts, spoons, lubricating jelly, etc.) for evidence. In sexual abuse cases, the evidence of a molestation may only be discernible by an experienced expert. An interview by a forensic interview specialist and/or an evidentiary examination must always be requested for. Physical evidence from a sexual abuse victim, including photographs, must be collected by medical personnel only. A physical screening exam conducted by hospital personnel must always be available to facilitate documentation.

Evidence procured is extremely important and can be used to corroborate the victims/witness' statements.

12. Investigations Lagos State Ministry of Youths and Social Development (MYSD)

All attempts should be made to coordinate the first response interview with law enforcement in all cases of child abuse, physical abuse aimed at ensuring that the child undergoes the forensic interview process.

12.1 Need for Immediate Medical Attention

The first assessment must be whether there is a need for immediate medical attention.

12.2 Information to Determine Intervention or Services Needed

The social worker must decide what, if any, intervention or services would provide safety to the child (ren) and eliminate the need for removal. The social worker will need certain information to make this decision. However, the social worker need not be the one to obtain the information. In a joint interview, some of the information may be obtained by law enforcement while the social worker obtains other information.

Where it appears that the children may be going to a medical facility, medical personnel may obtain some of the information.

12.3 Investigations by Law Enforcement

The successful criminal investigation of child abuse cases requires investigative skills and an awareness of the special features of these incidents which include:

- Working within a multidisciplinary framework.
- Recognizing the potential for the investigative process to re-traumatize the child/victim.

The detective should keep the number of interviews with the child (ren) to a minimum. This may often be accomplished by joint interviewing with the Social Service Worker.

12.4 Follow-Up Interview

If a follow-up interview is necessary the detective should not re-interview a child victim until him or her first:

- Discuss with the initial responder.
- Review all written narratives;
- View the video of the evidentiary interview and/or
- Review the results of the evidentiary exam.

Thus ensuring unanswered questions are asked and that they only ask questions not asked by previous investigators.

13. Minimizing Multi-Discipline Conflicts

A. Procedural Conflicts

The chief concern of both the law enforcement detective and social worker should be the best interest of the child (ren). However, each discipline's investigative focus, be it dependency or prosecution, has its own set of time constraints and legal requirements. Procedural conflicts can result, impacting not only the investigation, but also the emotional well-being of the child (ren).

Upon receiving a case for investigation, the IPO should immediately contact MYSD to determine their involvement. Once the IPO contacts the Protective Service Worker, most potential conflicts can be mutually resolved.

Some fundamental steps can be followed by the IPO whether the case involves neglect, physical, and/or sexual abuse. If a protective/ safety issue exists, the involvement of MYSD should be confirmed and the extent of its involvement determined. The IPO and the MYSD Social Service Worker should discuss the case, particularly areas where their respective investigations are likely to overlap. If the MYSD Social Service Worker is going to contact the suspect, he/she is not to disclose any information regarding evidence (e.g., videos, magazines, photographs, weapons, or other instrumentalities of the crime).

The Social Service Worker may also be able to provide the IPO with copies of notes or reports that might be valuable to the criminal case in terms of not duplicating investigative efforts or victim interviews. If the IPO can reciprocate in this sharing of information, a strong foundation of inter-agency can be laid for future investigations.

B. Evidentiary Interviews · Physical Exams

Decide, based in part upon the criteria outlined in Section 6.3 in this protocol, if a videotaped evidentiary interview and/or screening physical examination is warranted for the criminal investigation. In many cases, the interview can be coordinated so that both the IPO and the MYSD Social Service Worker can observe it. The Head of the appropriate prosecuting agency should be notified of the interview time and location so that the assigned prosecutor may attend. The IPO should arrange to receive copies of the videotaped interview and evidentiary medical reports.

In cases where a videotaped evidentiary interview is not conducted, videotaping the investigative interview is suggested because it decreases the number of future interviews for the child.

During this time frame, the investigator can interview witnesses and give appropriate referrals for community resources that may meet the needs of the victim and family impacted by the incident.

13.1. Multidisciplinary Response

The success of child abuse investigations can be greatly enhanced if all of the child-focused professionals/agencies involved deploy what they have in common instead of their professional differences. The results include successful prosecution, minimisation of unnecessary trauma, and a healthier, safer environment for the child (ren).

13.2. MYSD

Following the MYSD Social Service Worker's initial contact, an assessment of future risk to the child (ren) can often be determined for the child as well as any of the siblings. Therefore, a good and thorough initial interview is an essential part of the investigation.

13.3. Subsequently Assigned Protective Service Workers

The MYSD Workers assigned to the case subsequent to the initial interview should view videotapes, read reports, and/or interview potential witnesses. Written reports and opinions outlining their contacts should be secured during the investigative stage. Additional interviews of children (victims and/or siblings) regarding the allegation should only be conducted if the information needed is not included in the tapes, reports, initial interview by the social worker, or interviews by other professionals.

If the initial interview did not include the following parties, then the current MYSD Worker should conduct interviews with:

- The reporting party.

- Other children at risk.
- All household members.

The same criteria, as outlined under Section 5 Initial Contact, should be followed. When appropriate, the social worker should consult with other professionals who can provide necessary expertise.

13.4. Active Cases/ On-Going Assessments

The MYSD Social Service Workers should conduct reviews of the current risk on all active cases, based on the child's age and severity of the original allegations.

When new allegations are made or variables change that were considered in the development of the original case plan (e.g., grandmother is no longer living in the home), procedures outlined in the above and in Section 5 Initial Contact should be followed.

Repeating initial interviews with the victims and siblings regarding the original allegations should not occur.

13.5. Service Plan Implementation

In any case where services are being delivered (i.e., psychological evaluation, legal advocacy, medical/mental health care, Shelter services, in- home support services), and there is a "need for the service agency to know" the specific circumstances of the allegations. The MYSD Social Service Worker should evaluate whether or not a viewing of the videotape of the victim interview (if available) or the sharing of detailed information (verbal or written) is appropriate. Re- interviewing the child should be avoided as much as possible.

14. Forensic Evaluations

Forensic evaluations generally include both a videotaped forensic interview by a forensic interview specialist and a physical examination by qualified medical personnel.

14.1. The Clinical Forensic Physical Examination

The law enforcement jurisdiction in which the incident is alleged to have occurred, the DSVA, the office of the DPP, or MYSD can request a forensic evaluation.

A forensic evidentiary interview/history gathering is usually conducted before the physical examination unless the patient presents within 72- 120 hours of a sexual abuse/assault. This process may review all information regarding the necessity to proceed with a medical evaluation, particularly in situations where the need for the exam was initially in question.

It is recognized that after considering all the criteria, there are situations where the investigator may still be unsure of the necessity for an examination. The Lagos State Forensic and DNA Laboratory provide some or all of these services.

An examination of the child for the purpose of preserving evidence should be arranged when one or more of the following conditions are present, or whenever circumstances warrant:

14.1.1. Sexual Abuse

Presence of a suspicious genital injury - A suspicious genital injury is unexplained by the history provided, or for which there is no history. A suspicious genital injury may be acute or old.

- An acute injury is one characterized by recent occurrence (hours to a few days), bleeding or a history of recent bleeding, or pain.
- An old genital injury is seen when an acute injury heals distorting the original anatomy. Many, but not all, acute injuries heal completely, leaving no residual signs. A history of pain or bleeding is more likely to be associated with residual injury, but some children do not report pain or bleeding as a function of denial or dissociation.

14.1.2. Likelihood of recovering evidence

Trace evidence such as sperm, saliva, blood, debris, lubricant, etc. may be recoverable by a standard forensic examination if the victim is examined as soon as possible within the 72 -120 hours following sexual assault. Time is of the essence. Evidence is rapidly lost or destroyed by washing, bathing, eating, drinking, urinating, changing clothes, or simply the passage of time. This evidence may link the victim to the perpetrator or to the crime scene. Evidence is collected according to the Manuals and Standard Operating Procedures (SOPs) of the Lagos State Forensic and DNA Center (LSDFC) including:

- History of genital-to- genital or anal contact. This kind of contact provides the opportunity for injury to occur.
- Presence of, or suspicion of sexually transmitted disease. While not all sexually transmittable diseases are sexually transmitted, an examination can look for signs of genital injury and, if present, provide support for the abusive nature of the contact.

14.2. Physical Abuse

- When little or no history is available (infants, toddlers, and/or developmentally disabled), and the injuries are consistent with non-accidental trauma.
- When the injury is not consistent with the history.
- When multiple injuries or head trauma are suspected or present.
- When the visible / presenting injury is traumatic enough to require medical care.

When evaluation by a medical expert is necessary to:

- Document non-accidental trauma (e.g., a suspicious fracture).

- To confirm long term / chronic abuse or neglect (e.g., Munchausen Syndrome by Proxy or Failure to Thrive).

14.3. The Clinical Forensic Physical Examination

The forensic interview process is a vital component of the more extensive investigative and prosecutor process in child sexual abuse cases. It is a follow-up investigation by law enforcement, the DPP office, DSVA, or MYSD, which complements routine investigative interviews.

15. History Gathering

The Case manager, child advocate or other Child Advocacy Center staff will meet with referring agencies to determine:

- When the case was brought to their attention.
- What their contact with the child has been.
- What interventions their agency has provided.
- Whether there had been prior reports or not regarding the child, the family, or the alleged perpetrator.

The forensic interview specialist will meet with non-offending family members to:

- Obtain information regarding what prompted their concern about the current allegations.
- Explore prior history of the child, developmental considerations, and concerning behavioral indicators.

Special attention should be paid to:

- What statements the child has made pertaining to the alleged abuse.
- The context in which the statements were made.
- How the statement was elicited.

16. Child Sexual Abuse Medical Examinations

The State of Lagos, through the (DSVA), has developed a protocol describing in careful detail procedures for conducting medical examinations of sexual assault and child sexual abuse.

16.1. Acute Exams - Survivor presents within 72 – 120 hours of assault

When the survivor discloses the assault or abuse within 72- 120 hours of the event, he/she should receive adequate medical forensic examination, with evidence collection, as soon as possible to prevent loss of evidence. The survivor mustn't wash, bathe, or change clothes, in order to avoid eliminating evidence. If

the survivor needs to urinate, it is important to save the urine. If possible, eating and drinking should be avoided until after the collection of specimens from the mouth. The components of the examination are:

- Collection and proper bagging of the victim's clothing.
- Scanning of the body with ultraviolet light looking for bodily fluids.
- Collecting specimens to detect perpetrator body fluids (e.g., semen, saliva).
- Collection of other debris present.
- Collection of reference specimens from the victim (saliva, hair, blood).
- Careful examination of the genital and anal areas, using a colonoscope to detect injury.
- Careful examination of the entire body to detect acute injury, as well any other sign of abuse, neglect, or abnormal medical condition.
- Photographic documentation of the injuries (genital, anal, body).
- Testing and treatment for sexually transmitted diseases if clinically indicated.
- Testing for pregnancy and an offer of post- coital contraceptive medication.
- Proper air-drying of specimens to prevent deterioration.
- Maintenance of chain of evidence.
- Written documentation of the examination's findings which is given to law enforcement and the office of the DPP.

16.2. Indications for Non-Urgent Medical Evidentiary Examinations

When a survivor presents beyond 72 – 120 hours of the assault, it is most probable that injuries are healed and there may be trace evidence. One may still find healed hymen tears, STDs, and pregnancy. If a survivor presents within two weeks of an assault, injuries may sometimes be seen that have not yet completely healed. In adolescent victims, sperm may sometimes be found up to two weeks in cervical mucus. In order to preserve any residual evidence that may still remain, a medical evidentiary examination should be conducted.

Medical evidentiary examinations for children and adolescents are conducted at designated Sexual Assault Response Centers (SARCs) throughout Lagos State.

Survivors under 18 years of age and those with developmental challenges should receive a forensic medical evidentiary examination at an appropriate medical facility, i.e., a General Hospital or federal medical centers, to preserve residual evidence. This examination should be conducted when a case has been assigned to investigate a criminal complaint by a law enforcement agency or authorised by designated law enforcement personnel. The Lagos State MYSD should utilize medical evidentiary examinations when

there is a need for the expertise of a SARC examiner. The reason for any exceptions to this rule must be articulated and documented.

Guidelines addressing the need for forensic medical evidentiary examinations can be found in Section 6 of this Protocol.

17. Guidelines for examinations of Other Forms of Abuse

Upon admission to any government approved Shelter, children taken into protective custody should receive a thorough physical examination with non- magnified, non-colonoscopy genital exam. With law enforcement obtaining the medical reports from the Children's Shelter and include them in the investigative reports.

17.1. Physical Abuse

Child victims of physical abuse are often very young. With many being infants and too young to report or describe the abuse. They are usually recognized by the physical results of the abuse. In all cases, physical abuse is defined by the presence of harmful effects of physical injury.

17.1.1 Lack of Immediate Medical Danger

When there is no immediate medical danger to the child and the nature of the abuse requires the medical evaluation of physical evidence, the child should be taken to a government approved hospital with the necessary facilities and staff competency to recover and document the evidence, and render an opinion in court.

Examples of abuse that will require specialized evaluation include:

- Burns.
- Multiple impressions caused by different instruments.
- Ligature markings.
- Bite marks.

The means to recover evidence will include:

- Photography.
- Video recording.
- Audio recording.

17.1.2. Serious Injuries Requiring Immediate Medical Care

If the seriousness of the injuries necessitate immediate medical care at the closest facility, make arrangements to ensure that evidence is properly recovered and documented by a professional willing to testify in court.

17.1.3 Interviewing Parents and Other Caretakers

When parents and other Caregivers are interviewed by the physician or medical representatives at the time of the examination, carefully document the questions asked and the responses given. This interview is conducted in order to determine the nature and origin of the injury, for appropriate medical care, and referral to the Ministry of Youths and Social Development or law enforcement.

17.1.4 Interviewing Physical Abuse Victims with Poly victimisation of other child abuse cases

The interview with the injured child should be conducted:

- In a quiet and private place whenever possible.
- Always out of the presence of the Parent/Caregiver who may be a potential suspect.

Carefully document and make part of the medical record:

- The questions asked.
- The child's responses and demeanor.
- Avoid repetitive interviews with child victims by different health care professionals.

17.1.5 Physical Abuse Medical Evidentiary Examinations

A. Future Legal Proceedings

Medical exams are needed in almost all cases where future legal proceedings are anticipated. The more serious the injury, the more this is true. The medical examination must be performed by a physician or nurse practitioner who is familiar with the medical conditions caused by physical abuse, is willing to provide a statement for evidence, and, if necessary, go to court as a witness.

Physical abuse examinations often require the supplemental use of imaging techniques and laboratory tests depending on the anatomic location and nature of the injury in question.

Some types of injury are highly predictive of future risk, and experienced physicians can provide investigators with useful guidance in making placement decisions.

B**. Neglect, Physical and Sexual Abuse**

Many young children with clear signs of physical abuse have also been neglected. Some children are both physically and sexually abused at the same or at different times. All children abused in any way are likely to show signs of psychological trauma. A child who presents with indicators of one form of maltreatment should always have at least a limited assessment for other forms of abuse.

C. Many cases of child abuse are handled with voluntary agreements and without litigation, thus they may appear not to require medical assessment. If the injuries require medical care, a medical evidentiary assessment is needed.

Evidentiary medical assessments should be performed in cases even when the injuries are minor, because they may be part of a picture that implies serious risk for severe abuse.

D. Injuries Requiring Hospitalization

Children with injuries requiring hospitalization should receive medical evidentiary examination if they are hospitalized at one of the facilities offering these sexual assault response. Such children admitted and their non- offending families, should receive a thorough assessment by a hospital social worker if inflicted injuries are suspected. Children with very severe or life-threatening injuries should always be taken to the nearest General Hospital for medical treatment and trauma response.

18. Legal Interventions

*18.1 Director of Public Prosecution (DPP)*Child Abuse Cases and Medical Evidentiary Assessments

In all child abuse cases, the prosecutors must strive to minimize further trauma to the child victim / witness. Specialized training is a key ingredient to this end.

The assigned Prosecutor must meet with the child victim / witness and the non-offending family members. The primary purpose of this meeting is to evaluate the very young child for legal competency and to discuss all aspects of the criminal process.

Generally the Prosecutor will have an opportunity beforehand to view the videotape from the forensic evidentiary interview, and upon reviewing the video and the facts of the case, the Prosecutor will decide how detailed the interview need to be with the child victim.

Repetitive Interviews with child victims are to be strictly avoided; this requires prosecutors be thoroughly prepared for the interview so the questioning is focused and concise. Before interviewing the child victim:

- Read all available reports of previous interview(s) with the child.
- Review the forensic videotaped evidentiary interview of the victim.
- Articulate the reason and purpose for the interview.

Whenever possible, the assigned Prosecutor will arrange with law enforcement officials, preferably the Investigating Police Officer (IPO), to attend the evidentiary interview and meet with the victim when a suspect is in custody.

Once the Legal Advice has been issued, the Prosecutor's goal is to inform and protect the victim within the confines of obtaining a criminal conviction. Courtroom tours and the “Kids in Court” program help answer

children's questions. The assigned Prosecutor maintains regular contact with the child and the non-offending family members throughout the criminal proceeding, updating them on the status of the case.

18.2. Law Enforcement

The IPO prepares each child for court in a child-friendly and developmentally sensitive manner. The preparation should encompass the legal issues to be canvassed in court and some explanation, within the child's appropriate developmental range, of how lawyers, judges, and witnesses interact in court. The "Kids in Court" program should assist with this preparation. Teenage victims also need an explanation of the court process before their testimony.

The IPO is also responsible for explaining the outcome of each proceeding so that the victim, family, and other professionals understand the significance of court rulings and orders.

Effective communication must be sensitive to the needs of the victim and the criminal prosecution goals. Constant communication between the IPO, the victim, and other interested parties will enable each stakeholder to easily navigate the criminal justice process.

18.3 MYSD Legal Counsel

Preparation of the child for forensic interview and court testimony must be conducted by the inter-agency agreement between all the stakeholders in the Lagos State Child Protection services, e.g. DSVA, OPD, MYSD, Office of the DPP, the Cece Yara Child Advocacy Centre, the Nigerian Police Lagos State Command etc.

In cases of juvenile dependencies, the goal is protecting the child and reunifying the child with the family when appropriate. MYSD's client is the child, and the focus of the legal proceedings is the child. All MYSD legal efforts in dependency proceedings are directed toward this goal.

18.4. Office of the Public Defender

A Counsel from the Public Defender becomes involved in a dependency case after an appointment by the court at the detention hearing. Once appointed, this same Counsel will represent the child client at all juvenile court proceedings.

The primary function of the child advocacy attorney is to provide the child client with an experienced and developmentally sensitive attorney to advocate on behalf of the child, protect the child's interest, and actively work toward reunification with the family. If reunification with the parent/guardian is inappropriate, the focus turns to finding an alternative permanent home for the child

18.5. The Domestic and Sexual Violence Agency Counsel

The DSVA Counsel prosecutes child abuse cases within the state of Lagos. The office has a specialised protocol for all cases involving children. As part of the evaluation process, the assigned DSVA Counsel interviews the child for each child abuse case submitted for prosecution. The DSVA Counsel contacts the

assigned MYSD Social Service Worker to determine the current status of the case. The outcome of MYSD and Juvenile Court intervention is often a consideration in deciding whether to file criminal charges at the misdemeanor level.

19. The Child Advocacy Agreement Between:

The DSVA, Office of the DPP, The Office of the Public Defender, MYSD and the Nigerian Police Lagos State Command establish the following protocol regarding child victims and witnesses:

19.1. Juvenile Dependency Cases

In juvenile dependency cases where the **Public Defender represents the child (ren)** who is the subject of the action, **the OPD Counsel will take full responsibility** for any matters relating to the testimony or possible testimony of such children.

In juvenile dependency cases where the children who are the subject of the action are not represented by independent counsel, the DSVA Counsel will assume full responsibility for any matters relating to the testimony or possible testimony of such children.

19.2. Criminal Proceedings

In all criminal proceedings, as well as dependency cases, the following non-exclusive guidelines will govern the preparation for and the taking of a child victim or witness' testimony:

- Counsels will limit the number of adjournments in each case to those in the child's best interest.
- When appropriate in dependency proceedings, Counsels will file motions requesting the court permit the child witness to testify in chambers.
- In advance of the case hearing, Counsels will arrange a visit to the courts for the child, explaining the differences in physical setting, etc. This will familiarise the child witness with the courthouse, courtroom, judge's chambers, and court personnel.
- Counsels will schedule the child witness' testimony with sensitivity to the child's age and routine.
- Counsels will meet with the potential child witness before the hearing to establish rapport with the child witness through age-appropriate play and verbal interaction.
- Counsels will prepare the child for the questions he or she will be asked in court by all counsels and the court and advise the child that responses like "I don't understand the question" and "I don't know" are permissible responses where appropriate.
- If there is a pending criminal prosecution, the child's Counsel must explain to the child victim the differences between the juvenile and criminal courts and should defer to the DSVA or DPP Counsel questions the child victim may have regarding sentencing consequences of his or her testimony for the alleged perpetrator.

- Whenever possible, Counsels will rearrange the courtroom and chambers to make a setting less intimidating for the child witness. This responsibility may include transporting and setting up children's furniture where the child will testify.
- Counsels will request that an available and appropriate support person of the child's choice be present during testimony.
- Counsels will encourage the child to bring a favourite toy or object to hold during testimony.
- Counsels will be sensitive to the child's age and cognitive and emotional development level in their interaction with the child. They will ensure that the interaction of others with the child is appropriate.
- Counsels will control the child's questioning to ensure questions are asked age-appropriate and developmentally sensitively without causing undue embarrassment to the child.
- Counsels must request that objections be argued outside the hearing or presence of the child and will explain to the child that the objections do not mean they have done something wrong.
- Counsels must be sensitive to the need for the child witness to take breaks during court testimony.
- Specific concerns and fears of the child victim/witness regarding the alleged perpetrator, communicated to the child's attorney, **should immediately be shared** with the prosecutor handling the criminal prosecution of the alleged perpetrator when appropriate. Conversely, the assigned prosecutor should inform the child's attorney of any "No Contact" orders related to the criminal case.
- To assist the court in evidence gathering, use a child development expert/child psychologist when appropriate, to advise the court in developing guidelines for courtroom examination of a child witness when there is a concern about the child's developmental functioning.

The aim of the application of these guidelines to the child victim witness is to help minimise the child's feelings of anxiety and distress, ensuring accuracy, completeness, and integrity of testimony.

The DSVA, Office of the DPP, MYSD and OPD are committed to eliminating, as much as possible, the traumatic aspects of the investigative process in cases involving child witnesses.

Accordingly, each agency agrees that a child will only be interviewed by forensic interview regarding the specific details of abuse unless there is an articulated reason to do so.

The protection of the child witness must also extend to eliminating unnecessary psychological evaluations, assessments, interviews, etc.

The child protection agencies understand that the child's participation in the "Kids in Court" program will appropriately implement some of the above guidelines.

19.3. The Judiciary

When they are victims or witnesses, children must often testify in dependency and delinquency Juvenile Courts, in Family Courts because of custody disputes, and in the Lagos State Domestic and Sexual Offences Courts. A single incident may result in separate investigations and often multiple interviews.

Every child victim should undergo the forensic interview process observed by a Multidisciplinary team of child-focused professionals to reduce the child's trauma.

A child may have to testify before a Magistrate or a Judge:

- In court trials including the Lagos State Sexual Offences Court.
- in Juvenile Court
- in Family Court

19.4. Juvenile Dependency Proceedings

A Counsel is appointed for the child in juvenile dependency proceedings where:

- the child is the victim of abuse or neglect
- the child may testify against their parents

19.5. Public Defender Representing the Child

In juvenile dependency cases, the OPD Counsel represents the child (ren) who is the subject of the action. In collaboration with the DSVA counsel, the Counsel takes full responsibility for any matter relating to the testimony or possible testimony of such child (ren).

19.6. Other Counsel Representing Children

In cases where independent Counsels represent the child (ren), the representing attorney must ensure the child's attendance at the Kids in Court program and coordinate the child's preparation with the DSVA Counsel. If the child is to testify in a criminal court, the DSVA and PPA must prepare the child.

19.7. Family Court Proceedings

Children become involved in Family Court proceedings when their parents cannot agree on custody and visitation rights. The child should be made to undergo the forensic interview process and may have to testify. Abuse allegations, including child neglect, sexual and physical, may arise, necessitating an evaluation by MYSD officials for possible Court intervention.

20. Therapeutic Interventions

20.1. Goals and Roles of the Therapist

The strict adherence of the legal system to due process procedures unintentionally intensifies the emotional trauma suffered by a survivor of CSA with little attention given to the particular sensitivity and care CSA

cases require. It is, therefore, vital to engage mental health professionals to play an active role in alleviating the emotional trauma caused or exacerbated by child involvement in our court system. The proposed judicial mental health care professional will be both an advocate and therapist for the child and non-offending family members and will constantly evaluate what is in the child's best interest based on the clinical symptomatology and the impact of the legal proceedings on the child.

A therapist may become involved with a child victim or witness before, during, or after legal procedures have taken place. In some cases, the therapist may do the initial intake of the case and make the child abuse report. In other cases, the therapist is brought into the picture following the disclosure.

The therapist's primary goal is to facilitate healing in the child who has been abused, which may include working with family members to negotiate changes in the child's environment (including family relationships). Secondarily, the therapist may act as a conduit to assist in minimising re-traumatization and maximising the effectiveness of the child as a witness during the legal process. In this role specifically, the therapist should:

- Work closely with other child-focused professionals involved in administering the criminal justice system, using a multidisciplinary team approach as much as possible.
- Maintain adequate barriers in their work with the child and family members to avoid potential contamination of evidence. This includes not initiating discussion of factual information with family members who have not independently disclosed such information and monitoring family discussions of factual information for the same purpose.
- Provide support to the child victim through the legal process. Such means of support may include encouraging the victim to discuss fears regarding the court process itself, and the potential outcome; visiting a courtroom with the victim; using play to enact potential interview/court scenes; providing support during interviews, depositions, and court sessions; explaining the process and impact on the victim to the victim's significant others (i.e., natural family, foster family).
- Provide crisis intervention techniques, including providing concrete information about any medical, legal, or social service intervention.
- Consult with professionals in the legal and protective system regarding developmental issues, specifically those specific to their particular victim or case.

20.2 The Therapist as a Witness

The therapist should be prepared to testify as a witness, although this may not always be necessary. This testimony may be given by deposition and in court appearances or in chambers if needed to protect the privacy/confidentiality of the child.

In either event, therapists may be asked about all sessions during which they have treated the specific victim, not just those in which disclosures have been made. If called upon to do so, therapists should be prepared to discuss their methods of documentation which may include written narrative, audiotape, and /or videotape.

The documentation method should be consistently applied, and the Therapist should be prepared to explain reasons for deviation from the standard procedure. The therapist should always be ready for their written records to be subpoenaed.

Written records should be concise, clear, and factual.

21. Communications

21.1 Multidisciplinary Communications

Effective communication between the Multidisciplinary Team (MDT) working on a specific case involving a child victim/witness is essential. The lack of such communication leaves individual professionals with a one-dimensional view of the case, individual and family.

Information necessary for the investigation, intervention, prosecution, and treatment may exist with only one response team member and must be shared. The Lagos State Government allows for the sharing of information among multi-disciplinary team members in child abuse cases.

Benefits of information sharing include:

- Ensuring safety, when professionals know high-risk individuals and behaviors.
- Minimizing re-traumatization by reduction of "triggering" statements and activities by the various professionals.
- More appropriate responses from professionals to the child are due to increased understanding.
- More effective long-term planning, including planning for potential family reunification, based on an expanded database.

21.2 Guidelines for Disclosures to Non-Investigative Professionals

Often children and adolescents disclose abuse to professionals other than those who normally investigate these actions.

When such a disclosure takes place, the following guidelines should be followed:

- These individuals should make their mandated child abuse report based on the initial statement or their suspicions.
- Non-investigative professionals should never attempt to do their own investigation.
- Any questions asked should be open-ended (i.e., “Tell me what you mean?”)
- The child should not be given promises that cannot be guaranteed (i.e., “If you tell, you won’t need to testify in court. Or ‘’ I will not tell anybody”).

21.3 Confidentiality Considerations

Many documents and proceedings relating to children are confidential by statute, case law, and/or court order. Professionals are encouraged to share information under appropriate protective court orders and within their professions' restrictions and guidelines.

Caution should always be exercised to protect the child's best interests. The courts are responsible for taking an active role in preventing and punishing breaches of confidentiality by attorneys and parties to the proceedings.

APPENDICES

Appendix 1: Signature Page (Original signatures on file at the Lagos State Ministry of Justice)

"Our attached signatures signify our commitment to the goals of the Lagos State Child Sexual Abuse Investigative and Interview Protocol."



Mr Lawal Pedro SAN
Honourable Attorney General and
Commissioner for Justice
Lagos State

Appendix 2: Definitions

- **Abuse** as defined in the Nigerian Child Rights Act, Child Rights Law of Lagos State, the Criminal Law of Lagos State and the Lagos State Safe Guarding and Child Protection Policy.
- Expert: someone who, by education, training, or experience, has special knowledge and skills to assist those who need it.
- **Victim** a person who is the subject of abuse
- **Witness** a person who knows about the abuse of another.
- **Child:** a person below the age of 18 years, as stated in S.277 of the Nigerian Child's Rights Act 2003. This federal legislation takes precedence over state laws and provides a uniform definition of a child across the country.
- Shelter: Children's shelter facility" or "shelter facility" means any public or private facility that provides 24-hour-a-day safe, regulated and residential care to children in a non-physically restrictive environment for a specified period of time for residents to access crisis interventions and support services giving short or long term protection aimed at enabling the child regain his/her sense of safety.
- Law enforcement officer: A law enforcement officer is a public-sector or private-sector employee whose duties primarily involve the enforcement of laws, protecting life & property, keeping the peace, and other public safety related duties. The Nigerian law recognizes the Police as the principal law enforcement and lead security agency in Nigeria.
- Prosecutor: a person, especially a public official, who institutes legal proceedings against someone.
- Family court: Family "Court" means "High Court or a Magistrate Court designated as Family Court.
- Juvenile court: Juvenile court, also known as young offender's court or children's court, is a tribunal having special authority to pass judgements for crimes committed by children who have not attained the age of majority.

Appendix 3: Applicable Laws

- Administration of the Criminal Justice Law of Lagos State
- Administration of the Criminal Justice Act
- The Nigerian Evidence Act 2011
- The Nigerian Child Rights Act 2003
- The Nigerian Constitution 1999
- The Child Rights Law of Lagos State 2015.
- The Criminal Code Laws of the Federation 1990
- The Criminal Law of Lagos State
- Violence against Persons (Prohibition) Act 2015
- The Lagos State Protection Against Domestic Law 2007 No 15
- Sexual Harassment in Tertiary Educational Institution Prohibition Bill 2016.
- The Cybercrime Prohibition Prevention Act 2015.
- The Trafficking in Persons (prohibition) Enforcement and Administration Act of 2015.
- And every other child protection law and policy.

Appendix 4

The Lagos State Child Sexual Abuse Investigative and Interview Multi-Disciplinary Team Inter-Agency Agreement