

SEX FOR GRADE IN NIGERIAN UNIVERSITIES: PRESSING NEED FOR REGULATORY LEGAL FRAMEWORKS

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Abstract

Sexual assault has continued to eat deep in the Nigerian university community in particular and the society at large. As a social ill, it cuts across culture, society and countries. It is a common social disorder among students in our tertiary institutions. However, the social scourge seems to be assuming dimensions in institutions of higher learning, yet its existencet in Nigerian universities appears to be under researched or better put, less reported. The present study seeks to investigate the meaning of the concept of sexual harassmnet and how it has been and is still a menace in our Nigerian universities; the victims of sexual harassmnet, the causes as well as the aftermath. This work goes further to investigate the legal framework regulating sexual harassmnet in Nigerian universities. It looks at the control measures of sexual harassmnet in Nigerian universities such as the discipline and ethical issues, sexual harassmnet policies and punishment given to predators/offenders. It investigates the laws of harassmnet in Nigerian universities and finalizes with the conclusion on the efficacy of existing legislations.

1.0 INTRODUCTION

Sexual harassment in the educational sector is a burning issue, both in Nigeria and in foreign jurisdictions. Tertiary institutions and schools are no longer the ivory towers of the past. They have become a breeding ground for unfair discrimination and victimization on sexual grounds. According to Robinson¹, empirical evidence from studies done in Australia over a ten-year period shows that the relationship between masculinity and sexual harassment in secondary schooling still stems from the perception that men, collectively, have power over women and that the very definitions of manhood maintain this notion. Sexual harassment seems to be integral to the performance of homogenized masculinity. It is a powerful means to reinforce cultural dominant relations of gender across class, race, and sexual orientation.

The connection between sexism and harassment cannot be stressed enough. Victims often ask themselves what they have done wrong, what part of the problem they own, what they have done to contribute to sexual harassment, what they have wrongly observed and to what they have silently given consent.

Whereas sexual harassment often begins in elementary school it often escalates in high school, both in frequency and type as students progress through school to tertiary institutions. This phenomenon has been described as a “disturbingly prevalent trend.”² In Nigerian

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¹ Robinson, O., *Studies in Cultural Politics of Education*. [2000] pgs 19-37(Add place of publication)

²Okoro,F. I., ‘Sexual Harassment: the experience of out of school teenagers in Benin City, Nigeria’. *African Journal of Reproductive Health* [2005] page 8.

universities, it has been understood as the exercise of power by specific individual, and it has been dealt with via insufficient policies and grievance procedures.

One of the fundamental human rights, according to the United Nations Education Scientific and Cultural Organization-UNESCO is the right to protection from harmful influences, abuse and exploitation.³ United Nations Children Emergency Fund-UNICEF reiterated that its mission is to advocate for the protection of children's rights, especially children under the age of 18 years, to help meet their basic needs and to expand their opportunities to reach their full potentials. These rights among others include the right to protect children from sexual harassment and abuse, and right to be educated.⁴

Sexual harassment is a major public health crisis that significantly hinders development and education of the child particularly the girl child, especially in sub-Saharan Africa including Nigeria where the practice is high.⁵ Perhaps the most vulnerable sub-groups in African societies today are the girl-children and women, largely because they are victims of practices which are embedded in traditional institutions (patriarchy and female genital mutilation-FGM) and of the negative consequences (overcrowding and child labour) inherent in urbanization and industrialization.⁶ This however does not mean to say that the male counterparts do not suffer from sexual harassments. It only means that it is more prevalent against the female gender.

In consonance with the above assertion, the special circumstances in which girl-children find themselves expose them to possible risk of physical, psychological, and sexual harassment, which in turn increases their vulnerability to early pregnancy, sexually transmitted infections and HIV/AIDS.⁷ This assertion was supported by evidence from studies conducted in other parts of the world which suggests that female survivors of sexual violence including sexual harassment may experience similar mental health, behavioral and social consequences.⁸ However, girls and women bear the overwhelming burden of injury and disease from sexual violence and coercion⁹, not only because they comprise the vast majority of victims but also because they are vulnerable to sexual and reproductive health consequences such as unwanted

³ United Nations Children Emergency Fund (1989). Contention on the right of the child. Reviewed from <http://www.unicef.org/crc/>. Last assessed on 28th March, 2019. 11:11am.

⁴ United Nations Education, Scientific and Cultural Organization and Sports. *Journal of Physical Education, Recreation and dance*. Washinton D.C. (2009) page 66.

⁵ Ibid.

⁶ Nigeria Demographic and Health Survey: *National Population Commission* (2009) report.

⁷ Adeyinka A.A. Sexual Abuse of the girl child in Urban Nigeria and Implications for the Transmission of HIV/AIDS. *Journal of Gender and Behaviour*. (2010), pgs 48-68

⁸ Ibid.

⁹ Andrews G. et al, Child sexual abuse, (2004) p 16. In: Ezzati M, et al, eds. Comparative qualification of health risks: global and regional burden of disease attributed to selected major risk factors. Geneva: world Health Organization.

pregnancy, unsafe abortion and a higher risk of sexually transmitted infections, including from HIV, during vaginal intercourse.¹⁰

This horrendous situation when allowed to foster in secondary and tertiary schools may impinge devastating consequences on the girl-child's education and further place attainment of educational goals specified in the post-primary education curriculum in jeopardy.

2.0 MEANING OF SEXUAL HARASSMENT

Sexual harassment is a particularly difficult crime to define and prove because it dwells in the shadows. It resides in a world of my word against yours, often without witnesses and corroboration. It covers a range of inappropriate and unwarranted advances from unwanted touching, groping, kissing without permission, to making sexualized remarks about a person's appearance, clothes and desirability.¹¹ Those on the receiving end of such behavior feel powerless, voiceless and/or embarrassment to push back and object to it. They often fear victimization, retaliation or being shamed and, in many instances, the victim carries the act as a stain, a dirty secret to be buried in the hope that, with the gradual passage of time, the stain will fade.

While each individual's experience differs, the circumstances have worryingly similar features; they typically include an all-powerful [usually male] figure in a position of authority who takes advantage of his status and position to subject others¹² to degrading and unacceptable behavior. (Do you think males are not subject of sexual harassment?)

Sexual harassment is defined¹³ as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when either:

- The conduct is made as a term or condition of an individual's employment, education, living environment or participation in a University community.
- The acceptance or refusal of such conduct is used as the basis or a factor in decisions affecting an individual's employment, education, living environment, or participation in a University community.
- The conduct unreasonably impacts an individual's employment or academic performance or creates an intimidating, hostile or offensive environment for that individual's employment, education, living environment, or participation in a University community.

Sexual harassment is also defined¹⁴ to include requests for sexual favors, sexual advances or other sexual conduct when

¹⁰ WHO (2010). Addressing violence against women and HIV/AIDS. What works? Report of a consultation. Geneva: World Health Organization and joint United Nations Program on HIV/AIDS (UNAIDS). (2010) pg 33.

¹¹ Guardian News Paper, *Sexual Harassment in Nigeria: it's everybody's problem*. Published on 22nd November, 2017. Pg.17(Author's name)

¹² Mainly women but, in some cases, men.

¹³<https://sapac.umich.edu/article/63>. Last assessed on 28th March, 2019. 11:57am.

¹⁴ Sexual Assault Prevention and Awareness Center, University of Michigan, Article 63, pg. 4

- (1) Submission is either explicitly or implicitly a condition affecting academic or employment decisions; (2) the behavior is sufficiently severe or pervasive as to create an intimidating, hostile or repugnant environment; or (3) the behavior persists despite objection by the person to whom the conduct is directed. The University¹⁵ considers such behavior, whether physical or verbal, to be a breach of its standards of conduct and will seek to prevent such incidents and take corrective action when sexual harassment occurs.

Sexual harassment within the context of Obafemi Awolowo University¹⁶ is, unsolicited, unwelcome and unreciprocated sexual overture from a person to elicit unwanted sexual relations from another person. Sexual harassment includes any inappropriate sexual overture, subtle and unsubtle persistent behaviours, assault and actual sexual abuse.

The University of Ibadan¹⁷ is not left out. It considers sexual harassment as:

1. Unwanted sexually motivated conducts, comments, touching and expressions capable of prejudicing or undermining a person's freedom, rights and privileges. Such acts could include but are not limited to outright demands, ogling, indecent comments and unnecessary bodily contact which could lead to psychological or physical unsolicited sexual relationships;
2. Unwanted suggestive looks, phone calls or use of other multimedia format and comments intended to lure a person into a sexual relationship.
3. Spousal abuse where one or both partners are members of the university community. In 2016, the National Assembly through Senator Ovie A. Omo~Agege [Delta central] sponsored a Bill for an Act to make provision for the Prohibition of Sexual Harassment of Students by Educators in Tertiary Educational Institutions and for Matters Connected Therewith. The Bill has now been assented to by the President and it has become effective. Section 2 of the Act¹⁸ defines "Sexual harassment" to include:
 - a. sexual intercourse between an educator and a student where the student is below the age of 18 years or is an imbecile or of generally low mental capacity or physically challenged;
 - b. any unwelcome sexual attention from an educator who knows or ought reasonably to know that such attention is unwelcome to the student;
 - c. any unwelcome implicit or explicit behaviour, suggestions, messages or remarks of a sexual nature that have effect of offending, intimidating or humiliating the student or a related person in circumstances which a reasonable person having regard to all the circumstances would have anticipated that the student or such related person would be offended, intimidated or humiliated;

¹⁵ Ibid.

¹⁶Obafemi Awolowo University, Ile Ife, Anti Sexual Harassment Policy, 2013

¹⁷ University of Ibadan, Sexual Harassment Policy, 2012.

¹⁸Sexual Harassment in Tertiary Educational Institutions [Prohibition] Act, 2016, The Act is 2020

- d. any implied or expressed promise of reward by an educator to a student or related person for complying with a sexually oriented request or demand; or any implied or expressed threat of reprisal or actual reprisal from an educator to a student or related person for refusal to comply with a sexually oriented request or demand.

3.0 FORMS AND DIMENSIONS OF SEXUAL HARASSMENT IN NIGERIAN UNIVERSITIES

Nigerian educational institution was established with the aim of giving any student who enrolls, a very sound and qualitative education, to be able to function effectively in any environment in which he/she may find him/herself; so as to become more productive, self-fulfilling and attain self-actualization.¹⁹ Perpetration of sexual harassment in schools by any group (teachers or students inclusive) undermines the attainment of this vital goal.

Harassment has been conceptualized as any unwelcome comment, conduct or gesture directed towards an individual or group of individuals, which is insulting, intimidating, humiliating, malicious, degrading or offensive, and is either repeated or of such significant nature, that adversely affect someone's performance, contribution or sport and educational environment.²⁰ Harassment as used in this study refers to any unwanted or unwelcome behavior directed to a female student or even a male student as the case may be, which is insulting, intimidating, malicious, degrading or offensive and is either repeated or of such significant nature that adversely impairs the adolescent or teenage girl's or boy's capacity to learn at school. It has been further observed above that harassment can take many forms namely; physical, verbal, sexual, or emotional and most often involves a combination of these elements.

Sexual harassment also refers to as any physical, visual, or sexual act experienced by a person from another person at the time or later, which asserts a person's sexual identity as a person and makes him or her feel embarrassed, frightened, hurt, uncomfortable, degraded, humiliated, compromised and as well diminishes a person's power and confidence.²¹ Sexual harassment and violations in Nigerian universities may take six main forms and dimensions:

- i. Male lecturers to female students,
- ii. Male students to female students,
- iii. Male lecturers to female non-academic staff,
- iv. Male non-academic staff to female students,
- v. Male lecturers to female academic staff and
- vi. Male non-academic staff to female non-academic staff.
- vii. Female lecturer to male students

¹⁹ Federal Republic of Nigeria (1981). *National Policy on Child and Children Education in Nigeria*: Federal Republic of Nigeria.

²⁰ New Zealand Hockey Foundation (2001). *Harassment in Hockey*. Retrieved from <http://www.nzicehockey.conz/nations2006/NZHF.Eventsmanual>, last assessed on 28th March, 2019.

²¹ Robinson, KH, Reinforcing hegemonic masculinities through sexual harassment: issues of identity, power and popularity in secondary schools. *Gender and Education journal*, (2005) pgs17-35.

The male teaching staff is likely to be the main perpetrators but other males—students and non-teaching staff who oversee admission; registration, record-keeping, examination registration and students' disciplinary committees are all possible perpetrators of sexual harassment in tertiary schools in Nigeria.

Recently, a recorded audio conversation between a senior lecturer in the department of Accounting at the Obafemi Awolowo University, Ile Ife, Professor Richard Akindele, negotiating sex for marks with one Monica Osetoba Osagie, a Masters in Business Administration student, went viral on the traditional and social media. In the conversation, Professor Akindele was heard demanding to have sex with Monica five times before he would upgrade her score from 33% to a percentage of her choice. It was also obvious that Monica was not the only student who was embroiled in the lecturer's sex for marks web. Also, it could be observed that the duo were familiar with each other judging by the platonic tone used during the conversation.²²

Management of most universities across the country are no doubt unaware of such practices within the academic community. But they either tend to look the other way, waiting until the name of the institution is dragged in the mud like the OAU's case before they take action, or wait for drastic actions to be taken by concerned students before addressing the issue. This is evident in most cases of sex for marks that had so far been exposed. (Is this assertion correct? Almost all universities have procedures for this issue and it is only activated when there is a report)

For instance, four years ago,²³ a university professor at the University of Port Harcourt, River state, was reportedly caught red-handed having sex with a student in one of the classrooms at night, unknown to him that he was being recorded on video. The act took place on a desk inside the classroom, all in a bid to increase the student's marks.²⁴

Earlier that year, a lecturer at the Ahmadu Bello University, ABU, Zaria, was apprehended at a private female hostel in Samaru, Zaria. In this case, the lecturer was discovered to have sneaked into the hostel, disguised as a woman, with hijab. However, findings showed that he was having an affair with one of the female students, with an alleged intention to top her grade as well as intervene and prevail on other lecturers to give her good grades.²⁵

Also, at the Osun State University, Oshogbo, 2016, a randy senior lecturer, in the Department of Languages and Linguistics, Dr. Olabode Ojoniyi was caught on video having sex in a hotel room with one of his female students identified as Mercy Ikwue. Report had it

²²The Guardian News Paper. Published on the 23rd day of April, 2018. Page 21 Authors name is important

²³ Sometime in May, 2016 this cannot be a source.

²⁴<http://www.google.com/amp/s/www.naijanewsplus.com/video/university/lecturer/caught/camera/female/student/amp/>. Last assessed on 28th April, 2019.

²⁵<http://www.google.com/amp/s/dailypost.ng/2014//17/abu/lecturer/caught/sneaking/girls.hostel/amp>. Last assessed on 28th April, 2019.

that the lecturer had been mounting pressure on the student for sex until she agreed to meet him at the hotel. She took a laptop with which she recorded the sexual act and thereafter, released the video to her friends who posted it on social media. The released video clip which however did not reveal the real sexual intercourse, was discovered to be a trap, as revealed in a petition by some students to some media houses. The students in the petition accused the lecturer of being responsible for the then 300 level student's suspension from school over allegation of examination malpractices. Upon her return they claimed that the lecturer mounted pressure on her and that with the advice of some of her friends, she took a laptop to the hotel pretending to be watching 'Things fall Apart' film on it, unknown to the lecturer that things were about to fall apart for him. Consequently, the university's Governing Council headed by Mallam Yusuf Ali, upon deliberating on the matter, terminated the lecturer's appointment, in accordance with the University's Code of Conduct of Staff.²⁶

Again, at the University of Calabar, five years ago, a senior lecturer, was accused of harassing a 16-year-old female Diploma student. In this case, report had it that the Head of Department in the Faculty of Law in the university, Dr. Eni Aloba, took to his Facebook wall threatening to publicly name the randy lecturer if he did not stop disturbing the girl whom he said was old enough to be his colleague's granddaughter. Dr. Aloba, in the post, said that the randy lecturer who was in his 50s had a daughter that was older than the girl in question. The lecturer, as gathered, was asked to supervise the teenager's project so she could graduate with her mates but he refused, insisting rather, that he must have sex with her before he would handle her project. Earlier entreaties by lecturers on behalf of the victim fell on deaf ears, until the post went viral.²⁷

Also, a seven minutes recorded video of sexual harassment conversation between an Engineering lecturer at the Ambrose Alli University, Ekpoma and some female students went viral in April 2012, consequent upon which the lecturer was dismissed. However this is one case that was proved to be false by the court. In April 22, 2018 a Magistrate Court sitting in Ekpoma, Esan West Local Government Area of Edo State convicted the two female students; Judith Ivie Okosun and Juliet Obehi Okosun, and sentenced them to two years and a year imprisonment respectively over what it described as unlawful detention and indecent assault, frivolous detention, conspiracy on a university don, in connection with the sexual harassment scandal.²⁸

Further in the Ambrose Alli University, just recently in February, 2019, Professor Monday Igbafen, Chairman of the Ambrose Alli University [AAU] chapter of the Academic Staff Union of Universities [ASUU], was suspended by university authorities over allegations of sexual harassment of female students for marks.²⁹

²⁶The Punch Newspaper. Published on 11th June, 2016. Page 17. Always include author's name

²⁷<https://www.nairaland.com/341344/unical/lecturer/sexually/harasses/16/years/old>. Last assessed on 28th April, 2019.

²⁸The Guardian News Paper. Published on the 23rd day of April, 2018. Page 21

²⁹ The Guardian News Paper. Published on the 15th day of February, 2019. Page 15

Similarly in 2005, the Lagos State University, Ojo, sacked a lecturer, who was also caught in his underpants in a hotel room in Lagos, on the verge of having sex with a 200-level undergraduate. More recently in October, 2018, the governing council of the Lagos State University dismissed three lecturers for sexual harassment. Two out of the three lecturers were professors. The arrest of one of the lecturers, Dr. Odubunmi Ayoola Sunkanmi took place three days to his professorial interview. For the other lecturer, he was alleged to have injected the female students, sedated them in the laboratory before having sexual intercourse with them.³⁰

The list is endless.

A pertinent question to ask at this point is, ‘are male students harassed sexually too?’ Studies also revealed that like female students, male students are also harassed sexually by female lecturers. Male students who are harassed by these female lecturers, whether old or young are the young and handsome students and those from rich and wealthy homes.

A male student at the Nnamdi Azikiwe University, Awka, disclosed to the writer that he carried a course over for two years simply because he refused to sleep with one of his female lecturers. According to the student who is in his final year currently,

“male students suffer all kinds of sexual harassment like female students. The only difference is that the male can’t open up to speak and I am one of those. When I was in 200 level, I failed one of the courses which I knew I wrote well. When I approached the elderly lecturer, she told me point blank that she would like to have a feel of me sexually. I was too stunned to respond and had to leave her office. When I confided in a course mate, I was further shocked to hear him say that the lecturer demanded same from him but he would not say if he was going to do it. Because of my faith, I could not give in to her demand. I carried the course over, until she left the school last year. And by the time I re-wrote it with the new lecture, I had an ‘A’. Before she left, I went to some lecturers to help me beg the lecturer who was even older than my mother. I did not tell them what was amiss. They did but advised me to sit for the course again. In this department, some of the male students I know have had a fair share of the woman in bed before she left the school”

But do female students also harass their lecturers sexually? The last on sex for marks has not been heard yet as a lecturer at the Lagos State University,³¹Ojo, said that female students sometimes harass male lecturers sexually, too. He stated that most of the alleged rape cases were spearheaded by some female students who later allege rape. Disclosing that he was among several lecturers who had been harassed by female students, he said:

³⁰<https://www.nairaland.com/4778216/lagos.state.university.sacks.two>. Last assessed on 28th April, 2019.

³¹<https://www.nairaland.com/4778216/lagos.state.university.sacks.two>. Last assessed on 28th April, 2019.

“The issue of sexual harassment in universities is a complex one because some of the female students gave lecturers who cannot say no the green light. I was also harassed sexually by a female student. She failed my course out rightly and came to my office to beg me to upgrade her marks. At a point she started unbuttoning her shirt, until I called her to order and ordered her out of my office. Even at that, she kept making passes at me. At times, these female students come to male lecturers offices half naked to seduce them. Some of them are dull and feel that is the only way to make it. Female students are as guilty as the male lecturers in my own view³².

Supporting the above position, Professor Florence, Ajike Osanyin, Head, Early Childhood Education, University of Lagos, Atoka, opined that:³³ Many female students actually lure and entice male lecturers. They go to them to offer themselves. They tell them they are available for anything, especially after they are marked down due to poor performance. Some come to school from the first day of admission with predetermination that they will beg and cheat their way through school. Also, if you see what many of these students wear to school, you will marvel. Many of them wear provocative dresses with their parents’ consent. If I am a man and I am constantly being offered such a thing, will I not go for it. If you are hard working, you will certainly get good grades. Sexual harassment happens because students are weak and are looking for cheap marks”

It suffices at this point to ask, are there Laws regulating sexual harassment in Nigerian Universities?

4.0 LEGAL REGULATORY FRAMEWORK

We shall herein consider the provisions of some Nigerian Legislations that may affect sexual harassment in the Nigerian universities. Some of the laws include:

- i. THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 [AS AMENDED]
- ii. CRIMINAL CODE ACT, LAWS OF THE FEDERATION, 2004
- iii. CRIMINAL LAW OF LAGOS STATE 2011
- iv. VIOLENCE AGAINST PERSONS [PROHIBITION] ACT, 2015
- v. SEXUAL HARRASSMENT ACT 2020

4.1 Constitution of the Federal Republic of Nigeria, 1999 [as amended]

The Nigerian Constitution under Chapter IV provides for the Fundamental Human Rights of citizens of Nigeria. A victim of sexual harassment in a Nigerian university has her fundamental right infringed upon. Some sexual harassment cases in Nigerian universities are sex based. It is usually targeted on the female gender. Thus, why I added the provisions of the constitution on fundamental rights as part of the laws regulating sexual harassment in Nigerian universities. From section 42.(1):

³² Ibid.

³³ Ibid.

A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person:-

- (a) be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or administrative action of the government, to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions are not made subject; or
- (b) be accorded either expressly by, or in the practical application of, any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions.

(2) No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth.

(3) Nothing in subsection (1) of this section shall invalidate any law by reason only that the law imposes restrictions with respect to the appointment of any person to any office under the State or as a member of the armed forces of the Federation or member of the Nigeria Police Forces or to an office in the service of a body, corporate established directly by any law in force in Nigeria.

The constitution of the federal republic of Nigeria is supreme and its provisions shall have binding force on the authorities and persons throughout the Federal Republic of Nigeria.³⁴ Furthermore, if any other law is inconsistent with the provisions of this constitution, the constitution shall prevail, and that other law shall, to the extent of the inconsistency, be void.³⁵

4.2 Criminal Code Act³⁶

The criminal code does not specifically mention sexual harassment. However, the provisions of the criminal code tried to protect girls or women who by threat or intimidation engage in sexual activities with any person. Threat or intimidation in this context could be interpreted to also encompass educators in tertiary institutions who engage in sex for marks threats. In this light, Section 224 of the criminal code provides that, any person who-

- (1) by threats or intimidation of any kind procures a woman or girl, to have unlawful carnal connection with a man, either in Nigeria or elsewhere; or
- (2) by any false pretence procures a woman or girl to have unlawful carnal connection with a man, either in Nigeria or elsewhere; or
- (3) administers to a woman or girl, or causes a woman or girl to take, any drug or other thing with intent to stupefy or overpower her in order to enable any man, whether a particular man or not, to have unlawful carnal knowledge of her; is guilty of a misdemeanour, and is liable to imprisonment for two years.

³⁴ S. 1[1] CFRN

³⁵ Ibid. S. 1[3]

³⁶ Criminal Code Act, Cap C38, Laws of the Federation of Nigeria, 2004.

A person cannot be convicted of any of the offences defined in this section upon the uncorroborated testimony of one witness

4.3 Criminal Code Law of Lagos State³⁷(Will you also consider criminal laws of the various states? Having considered Criminal Code it is sufficient)

Lagos seems to be one of the very few states that has criminalized sexual harassment in Nigeria both generally and as it relates to tertiary institutions and work places in the state. The state of Lagos is leading in law practice in Nigeria and this is highly commendable.

Chapter 25 which provides for Sexual Offences states under Section 262 that:

- (1) *“Any person who sexually harasses another is guilty of a felony and is liable to imprisonment for three (3) years.*
- (2) *Sexual harassment is unwelcome sexual advances, request for sexual favours, and other visual, verbal or physical conduct of a sexual nature which when submitted to or rejected –*
 - (a) *Implicitly or explicitly affects a person’s employment or educational opportunity or unreasonable interferes with the person’s work or educational performance*
 - (b) *Implicitly or explicitly suggests that submission to or rejection of the conduct will be a factor in academic or employment decisions or*
 - (c) *Creates an intimidating, hostile, or offensive learning or working environment*

According to the criminal code of Lagos, once there are unwelcomed sexual advances which tend to affect a person’s or student’s educational opportunity or performance, then sexual harassment will be said to have occurred. The punishment thereto is 3 years imprisonment.³⁸

4.4 Violence Against persons [Prohibition Act], 2015

This is an Act that prohibits all forms of violence against persons in private and public life, and provides maximum protection and effective remedies for victims and punishment of offenders. It wasn’t specifically meant to curb sexual harassment in Nigerian universities. However victims of sexual harassment can bring their action on it.

Pursuant to section 5(1) of the Act, a person who compels another, by force or threat to engage in any conduct or act, sexual or otherwise, to the detriment of the victim's physical or psychological well-being commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N500,000.00 or both.

(2) A person who attempts to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding N300,000.00 or both.³⁹

(3) A person who incites, aids, abets, or counsels another person to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction

³⁷ Criminal Code Law of Lagos State, Cap C Laws of Lagos State, 2011

³⁸ Ibid. S. 262[1]

³⁹ Section 5[2] Violence Against persons [Prohibition Act], Cap V25, 2015

to a term of imprisonment not exceeding 1 year or to a fine not exceeding N300,000.00 or both.⁴⁰

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 3 years or to a fine not exceeding N500,000.00 or both.

To compel another by force or threat to engage in any conduct or act, sexual or otherwise, to the detriment of the victim's physical or psychological well-being is an offence according to the Act.⁴¹ Thus, this when related to sexual harassment cases in Nigerian universities, poses to deter the lecturers who engage in sex for marks to desist from such acts of compelling the students by force or threat of failing their courses and to engage in sexual activities.

It is settled that there are no other specific laws on sexual harassment in Nigeria. All we have are general provisions of law which made one or two provisions on sexual harassment generally, and not as it relates to the Nigerian university in particular. However, we cannot just do away with such laws just because of the fact that they have no specific provisions on sexual harassment in Nigerian Universities.

The issue of sexual harassment became so notorious that the Nigerian Senate in October 2016 went so far as to pass the Sexual Harassment in Tertiary Educational Institutions [Prohibition] Act 2016. (This is incorrect. It has been assented to) as at the time of writing this article. According to the Bill, an educator who commits an offence of sexual harassment (extensively defined in Section 4 of the Act to include having or demanding sexual intercourse from a student as a condition to the giving of a passing grade, grabbing, hugging, pinching or stroking any body part of a student, whistling or winking at a student or making sexually complimentary or uncomplimentary remarks about a student's physique), shall, on conviction, be sentenced to imprisonment with no option of fine.⁴² This bill places a whole lot of burden on the educator as against the students. We cannot shy away from the fact that a lot of the so-called sexual harassment cases emanate from the students (especially the female ones) too. I can vividly attest to the fact that the students are more often than not, the ones who lure these educators into sexual escapades for the sake of the benefits that they stand to get from such relationship ranging from admission to good grades to good hostel accommodation and so- on. Much as we appreciate the fact that the students are the weaker party which the Bill seeks to protect, making it feel as if the educators are the only evil here is a bit one sided hence, we should strive to strike a balance in the level of responsibility expected of both parties, when eventually passed into law

⁴⁰ Ibid. S. 5[3]

⁴¹ Ibid.

⁴² S. 8

5.0 CONCLUSION

In summation, our tertiary institutions are supposed to be citadels of learning and sound moral development of the students. In fact, they are environments for total, positive capacity building of the nation's youth, preparing them for future leadership roles in the society. Besides imparting the relevant education, the lecturers are expected to play complementary roles as agents of character building for the students. Instead, some randy lecturers take undue sexual advantage of the female students. Sexual harassment of the female student is a clear violation of the right of the female gender. Moreover, this act debases womanhood and promotes promiscuity. By introducing female students to sex-for-score scenarios, the teachers, unwittingly, are developing a special class of harlots who turn out to be burdens on the society. There is even no decent family in Nigeria that would be proud to have a prostitute as a family member.

6.0 The Way Forward: The National Assembly should act fast on the bill on sexual harassment in tertiary institutions. If it is the consent of the President that is withholding the free passage of the Bill, then we encourage His Excellency to assent to and sign the Bill so that victims of sexual harassment can have somewhere to run to. (They have done so)

Also much as I appreciate the fact that the students are the weaker party which the Bill seeks to protect, making it feel as if the educators are the only evil here is a bit one sided hence, we should strive to strike a balance in the level of responsibility expected of both parties, when eventually passed into law

There must be a national appetite on the part of lawmakers to enact and amend laws that protect the rights of women. The catalyst that will change the status and behaviour that surrounds this problem lies in openly talking about the issue. Not talking about it will simply serve to drive this dastardly act further underground.

Also, we can fundamentally change the way we deal with discrimination in our culture by creating awareness through education. Women should be informed of their rights and the support that is available to victims in the form of resources and legal action. Most importantly, protection should be given to victims so they will feel able to boldly and openly report such incidents, without fear of the implications or of retaliation.

It is up to us as a nation to heal this social ill. Women must be at the forefront of a national discourse on this matter. We must follow global best practice and put an end to this scourge by no longer remaining silent.

University administrators should make the elimination of sexual assault a top priority by empowering lecturers to take a stand against inappropriate name-calling and sexual comments.

Universities need to have a clear policy on sexual assault defining the meaning, the forms of assault and the penalties and once this is done, it must be publicized so that the students

know what sexual assault means and lecturers also know the components of sexual assault and the penalties.

Speaking out and taking punitive action against perpetrators of sexual assault should be encouraged.

The culture of silence should be discouraged and there must be mechanism in place for the complaints to be listened to and appropriate steps must be taken.

Students should be discouraged from approaching lecturers to solicit grades before or after tests or examinations. The reality of such a situation where a student drops in on a lecturer to solicit grades is that it invites such harassment.

The responsibility for preserving an appropriate learning environment to curb sexual harassment primarily lies in the university administrators, by making the elimination of sexual harassment a top priority by empowering teachers to take a stand against inappropriate name-calling and sexual comments.

It is also necessary to educate students to know the difference between friendly teasing and bullying, between flirting and harassment. Also speaking out and taking punitive action against perpetrators should be encouraged. It would scare off some harassers.

Perpetrators of sexual harassment must face the law. They should either lose their jobs or be suspended depending on the level of sexual harassment of female students. In a situation where it is seen as normal for lecturers to harass the female students and get away with it, I think that should stop immediately and lecturers who are engaged in such must be put to shame. It is not the victims themselves that should be made to feel ashamed, but the perpetrators.

Publishable subject to corrections. The assenting to the Sexual harassment bill will change the face of this work. Consider sexual harassment in tertiary institutions wholistically to include all staff not just lecturers. The topic should read need for stronger regulatory framework and because of the new act it will be fair to appraise the impact of the new legislation on sexual harassment in tertiary institutions.