

An Overview of the Legal Framework on Sexual Harassment in Nigerian Tertiary Institutions-The Need for Stiffer Penalties

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Abstract: Sexual harassment constitutes a form of gender- based violence that is prevalent globally and particularly in Nigeria. This form of violence inhibits the human rights of women and girls, recognized in international and regional instruments. Although, sexual harassment is not gender specific, however, going by the available statistics on the victims of this form of violence, the female gender is mostly at the receiving end. Consequently, sexual harassment is a form of gender discrimination. Using the desktop research method, this article examines sexual harassment in Nigerian tertiary institutions by highlighting the nature, scope and types of sexual harassment, the article further explores the incidences of sexual harassment in Nigerian tertiary institutions, equally, it discusses the impact of sexual harassment on the human rights of women and girls in Nigeria, in the same vein, it examines the legal framework on sexual harassment in Nigeria. This paper argues that even though sexual harassment is on the increase in Nigerian tertiary institutions, the efforts of the government and the institutions to curb this major human right challenge seems to be grossly inadequate. The study concludes that sexual harassment is a gross violation of the human rights of the victims and that its impact on the quality of education in higher institutions of learning is grave. It recommended that government should make a concerted effort in ensuring the domestication of international and regional human rights treaties on sexual harassment and also ensure the implementation of the domesticated treaties to curtail sexual harassment in Nigerian tertiary institutions. The paper further recommended that regular sensitization of staff and students of these institutions will also go a long way in stemming the tide of sexual harassment. There is a need for policies on Sexual Harassment in Nigerian Tertiary Institutions. Also, stiffer punishments need to be meted out to erring lecturers.

Keywords: Tertiary Institutions, Sexual Harassment, Gender- Based Violence, Human Rights

1. Introduction

Sexual harassment is an age –long experience mostly of women since they began to study and work outside the home. [14] Women, at that time, could not complain about this strange experience because there was no specific name /term to express the demeaning experience until 1976 after Camita Wood sought employment compensation having left her job due to the sexual advances of her superior [13]. This, and many other experiences of women such as sexual objectification, unwanted sexual attention, horrible conditions of employment, and bribes, among others made

the feminist claim that such practices constitute unlawful sex discrimination [7]. This form of harassment is a widespread phenomenon which shas become a pervasive feature of society as it is now almost part of everyday life.

Sexual harassment occurs both in the private and public spheres. Even though, going by its nature, society has always responded to it as a trivial and unimportant issue and consequently being played down [8]. Initially, cases of sexual harassment in courts were decided in favour of the defendants because the courts at that period believed that cases of sexual harassment were outside the purview of the public and should be treated as a private matter *stricto sensu*

[7]. This narrative changed in the late 1970s and the courts began to view sexual harassment as a pervasive social problem and the court held that cases of loss of jobs for failing to give in to sexual demands of employers were sexual discrimination.¹

According to available statistics, one in every three women in the world is exposed to physical and, or sexual violence from a partner or sexual violence from another person.² In 2014, the Violence Against Children Survey by the National Population Commission reported that one in four girls in Nigeria, including very young ones, have experienced sexual violence and that one out of six sexually abused girls experienced it at school [29]. According to the 2021 Sexual Assault Referral Centers (SARC), 86 % of people presented for medical attention due to sexual assault are women and girls [29]. This data imply that sexual violence happens anytime and anywhere that women are the major victims of sexual violence. Thus sexual violence is a form of gender-based violence.

Although sexual violence occurs everywhere, the primary focus of this study is sexual harassment in Nigerian tertiary institutions and its effect on the human rights of the victims. "Sexual harassment is part of a continuum of different forms of actual and potential forms of gender-based violence residing in higher education systems ranging from bullying, and sexist jargon, sexual abuse and rape" [5]. Sexual harassment surfaced in schools, colleges and universities in the early 1980s and the frequency of complaints has increased over the years.

Considering the incidence of sexual harassment, particularly in higher institutions of learning, this form of gender-based violence has been identified as an epidemic in the global higher education system [5]. And in Nigeria, it has been acknowledged as an epidemic that is silently eroding academic excellence in higher institutions of learning [16]. Thus, "Educational institutions are no longer the ivory towers of the past, but have become arenas of sexual victimization" [17]. Ironically, despite the impact of this form of violence on the victims and the standard of education in the country, until, recently, sexual harassment in education has been largely ignored by policymakers and law enforcement officers [17].

It is against this background that this study examines the legal framework on sexual harassment in Nigerian tertiary institutions, and its effects on the realization of the human rights of its victims. Hence, this study is divided into five sections. The first section examines what constitutes sexual harassment i. e. its nature, scope and types of sexual harassment, the second section explores the incidences of sexual harassment in Nigerian tertiary institutions, and the third section examines the impact of sexual harassment on the human rights of the victims. The fourth section explores the legal frameworks for sexual harassment in Nigeria and

section six presents the conclusion and recommendation on the way forward to protect the rights of women against sexual harassment in Nigerian tertiary institutions.

2. Nature, Scope and Types of Sexual Harassment

As noted, sexual harassment of women and girls has been in existence for time immemorial, as old as when women started leaving the confines of their homes to study and work. Sexual harassment is a major form of harassment mainly perpetrated by men against women [15]. The US Equal Opportunity Commission came up with a definition of Sexual Harassment in 1980, the Commission defines Sexual Harassment as "unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates and intimidating, hostile or of the offensive work environment." [11] It has also been defined as "unwanted sexual related behavior at work that is appraised by the recipient as offensive, exceeding her resources, or threatening her well-being" [12].

Equally, Section 46 of the Violence Against Persons Act, 2015, defines sexual harassment as "Unwanted conduct of a sexual nature or other conduct based on sex or gender which is persistent or serious and demeans, humiliates or creates a hostile or intimidating environment and this may include physical, verbal or non-verbal conduct" In the Nigerian case of *Ejieke Maduka v Microsoft Nigeria Ltd and 3 Ors.*³ the National Industrial Court of Nigeria adopted the definition of sexual harassment has defined in the Convention on Elimination of all Forms of Discrimination Against Women (CEDAW) General Recommendation 19 of 1992 which states as follows:

Such unwelcome sexually determined behavior as physical contact and advances, sexually coloured remarks showing pornography and sexual demands, whether by words, or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment.

Sexual harassment is a form of gender-based violence. Just like any other form of violence against women, the assertion of power and dominance is often more important than sexual interaction. Hence, sexual harassment does not have to be sexual, some forms of harassment such as sabotage, or endangerment, may have little or nothing to do with sex or gender but may nonetheless be directed at the target because of his or her sex. It could also be a form of invasive communication that violates a victim's privacy rights [35].

¹ See the case of *Williams v Saxbe*, [1976] DDC Civ. A No. 74-186, 413 F. Supp. 654.

² UN Women, 2019, WHO 2013.

³ [2014] NIC NLLR (125) 67.

Sexual harassment could also be in form of behavioural trait capable of derogating, demeaning, or humiliating an individual based on sex. However, in most cases, sexual harassment is sexualis perpetrated mostly by men leveraging their position of authority to solicit sex or a relationship through words, gestures, or comments, and in some cases, it could be through threats of violence.

It is a means of social control, it is used to control women's access to certain jobs, to limit job success and mobility and to compensate men for powerlessness in their own lives. It functions on two levels: the group control of women by men and personal control of individual workers by bosses, or co-workers, and by extension, the control of female students by male lecturers [35]. It is the abuse of power, whether organizationally or institutionally in such a manner that inhibits women's educational and career advancement. Sexual harassment in higher institutions of learning particularly between a student and a lecturer is extremely coercive because the student's future is at stake. Sexual harassment is one of the wider issues of oppression against women and violence is central to that oppression [6]. Violence is used to support and preserve the institutions which guarantee the dominance of one group over others and sexual harassment is one form [6].

This form of gender-based violence often takes place in different settings, which include learning environments, private homes, public places (for example, streets, parks, stores, malls, movie theaters, pools, and restaurants, among others) workplaces, health care facility (doctor's or dentist office, hospital), religious space or place of worship among others. It can be initiated by anyone. Sexual harassment in higher institutions of learning could take different forms, male lecturers to female students, male students to female students, male lecturers to female lecturers, and female lecturers to male students, among others. However, going by the number of reported cases, the incidence of male lecturers harassing female students is higher than the other form of harassment. Sexual harassment is unwanted sexual behavior and is harmful to the victim [17].

3. Incidences of Sexual Harassment in Nigerian Tertiary Institutions

As noted, until recently, little or less attention was given to the issue of sexual harassment in Nigerian tertiary institutions. In 1991 the Commission on the Review of Higher Education in Nigeria submitted that sexual harassment is gradually assuming critical dimensions in Nigeria's higher education institutions [20]. The officials of these institutions do deviate from academic norms by using their office or position, to demand, receive, or obtain any form of sexual gratification in order to execute their duties or as a reward for doing their duties. Teaching and non-teaching staff demand or expect sexual gratification from their students whom they are paid to serve. Equally, senior staff does use their offices to demand sexual benefits from their

subordinates [26].

In a study conducted on the experiences of female graduates of Nigerian tertiary institutions on sexual harassment, it was revealed that nearly 70 percent of female graduates from tertiary institutions in Nigeria were sexually harassed in school with the main perpetrators being classmates or lecturers [24]. However, Sexual harassment cases are rarely reported, only a few students file a formal complaint against the offender, and victims are often discouraged from reporting owing to some reasons, fear of reprisals by the offender or his colleagues, ridicule by fellow students, indifferent attitude by the institution and the nature of the grievance procedure which may be male-dominated [2]. These have allowed sexual harassment to thrive in Nigerian Tertiary institutions.

However, the past few years have witnessed stiffer penalties for perpetrators of sexual harassment in Nigerian tertiary institutions. Some male lecturers have been indicted and dismissed for sexual misconduct. In June 2018, the authority of the Obafemi Awolowo University Ile-Ife, sacked Prof Richard Akindele for sexual harassment of a female student [1]. He was also found guilty and sentenced to two-year imprisonment. In 2021, the university also dismissed three lecturers from the Departments of English Language, International Relations and Accounting, respectively, for sexual harassment of students [31]. Also, a lecturer from the Department of Sociology at the Ignatius Ajuru University of Education was suspended for impregnating a female student [36]. Similarly, in January 2021, the Kaduna State University announced the dismissal of a lecturer in the Department of Geography for sexually assaulting a student [36].

The Federal University. Oye Ekiti suspended a lecturer in the Department of Media and Theatre Arts in June 2021 for sexual misconduct [23]. The same month, the Governing Council of the University of Lagos (UNILAG) announced the dismissal of two lecturers over the sex-for-marks scandal [4]. On 5th August 2021, the Rivers State College of Health, Science and Management Technology suspended a lecturer, Mr. Princewill Chikakpobi, for three months for sexually harassing a 100-level female student [21]. In October same year, the Governing Council of the Federal Polytechnic, Bauchi also announced the dismissal of two lecturers from the departments of Nutrition /Dietetics and General Studies over sexual misconduct [33]. In December 2021, the Kwara State University, Malete, announced the dismissal of a lecturer for harassing a student in the Department of Pure and Applied Sciences [30]. In January 2022, the Elechi Amadi Polytechnic, Rivers State, announced the dismissal of a lecturer for harassing a female student [34]. In June 2022, the Vice-Chancellor of the University of Abuja, Prof Abdul-Raheed Na'allah, announced the dismissal of two lecturers for sexual misconduct. Both of them were Professors [32].

Above are the outcomes of some of the reported cases in the Nigerian Tertiary Institutions. From these cases, it is evident that Nigerian tertiary institutions have become the centre ports for power-driven gender-based violence and harassment, and unfortunately, going by the decisions of the

affected institutions analyzed in this section, this great challenge to educational excellence has not received the required corresponding level of attention. Meanwhile, the value of education will be greatly affected if sexual harassment is not nipped in the bud.

4. Impact of Sexual Harassment on the Human Rights of Victims

In academia, victims of sexual harassment have been in most cases women, although in some rare cases, men have also been targets of sexual harassment [9]. In their research of faculty staff in some institutions in the U. S., Dey et al., reported that 15.1 percent of female faculty staff compared with 3.1 of male faculty experienced sexual harassment [9]. In another study on sexual harassment, a much higher incidence of sexual harassment as much as 60 percent have been reported for women [27]. The issue of sexual harassment is not limited to women in academia but it includes other female subgroups in tertiary institutions such as other members of staff of the faculty, administrators, undergraduates and graduate students [19].

However, students, particularly undergraduates, experience sexual coercion more than staff. This is a result of power differentials, which play a significant role in the identity of the victims [20]. Sexual harassment has severe consequences for students and staff in terms of physical, psychological, and professional short and long-term effects. The consequences of sexual harassment are manifold and serious. There are diverse impacts of sexual harassment on students and staff of higher institutions of learning. Serious sexual behavior is a clear indication of the unequal status of men and women in society, this invariably buttresses their inequality at work [7]. Harassed female members of the faculty do suffer strained work relations, view colleagues as professionally incompetent and become generally dissatisfied with their jobs [9].

Exposure to sexual harassment in higher institutions of learning comes with some consequences for individuals examples of such include ill health, dropout, irritation, anger, stress, discomfort, feelings of powerlessness and degradation [5]. Female students who experience harassment may exhibit a form of 'job withdrawal' behavior in terms of changing their major subject choices, altering career plans, or avoiding a threatening situation [28]. It leads female students to drop out of school. Most victims of sexual harassment exhibit avoidance behavior by staying away from the aggressor or from the environment, or they simply concede to the behavior [28]. In some cases, some victims blame themselves for the behavior, or the victims are blamed by the public for either dressing or behaving in a particular manner that they believe attracted their aggressors to them.

Going by the impacts of sexual harassment on its victims as discussed in this section, it is no gainsaying that sexual harassment is hostile and demeaning, exploitative in nature, it could lead to unwanted pregnancies and victims are

susceptible to sexually transmitted diseases. It could also affect the self-confidence of the victim, hinders academic progress and impairs the career opportunities of victims. Hence, in most cases of sexual harassment, the fundamental rights of victims are threatened and violated. Specifically, the right to dignity of the human person⁴, and the right to freedom from discrimination⁵ and other rights may be violated as a result of sexual harassment. Generally, international instruments define sexual harassment broadly as a form of violence against women and as discriminatory treatment.⁶

In the Canadian case of *Janzen v Platy Enterprises Ltd.* (1989)⁷, the court held that sexual harassment is a form of discrimination based on sex, prohibited by the human rights statutes in all jurisdictions in Canada. Also, the Supreme Court of India in *Vishaka and Ors. v State of Rajasthan and Ors.*⁸, where it was held that a right against gender discrimination is a universally recognized basic human right as it inhibits the right to life and the right to live a dignified life. These cases were relied on in the Nigerian case of *Ejike Maduka v Microsoft Nigeria Ltd and 3 Ors.* where the National Industrial Court stated that sexual harassment in the workplace could be gender-based discrimination and an abuse of the right to dignity of a human person. The list of fundamental rights that may be violated by sexual harassment is endless. They include the Right to Life, the Right to Dignity of Human Person, and the Right to Freedom from Discrimination and equality, among others.⁹

5. The Legal Framework on Sexual Harassment in Nigeria

Nigeria does not have a comprehensive law on sexual harassment, however, the country has some fragmental legal provisions that accentuate the protection of citizens against sexual harassment.¹⁰ The first is the Constitution of the Federal Republic of Nigeria which contains the fundamental

⁴ Section 34 of the Constitution of the Federal Republic of Nigeria, 1999 as Amended.

⁵ Section 42 of the Constitution of the Federal Republic of Nigeria, 1999 as Amended.

⁶ United Nations General Assembly Resolution 48/104 on the Declaration on the Elimination of Violence Against Women defines violence against women to include sexual harassment, which is prohibited at work, in educational institutions, and elsewhere (Art. 2 (b)), and encourages development of penal, civil or other administrative sanctions, as well as preventive approaches to eliminate violence against women (Art. 4 (d-f)). The ILO Committee of experts on the Application of Conventions and Recommendations has confirmed that sexual harassment is a form of sex discrimination covered by the Discrimination (Employment and Occupation) Convention (No. 111) of 1958. The Charter of Fundamental Rights of the European Union specifically enshrines the right to be free from discrimination on the basis of sex, and Article 23 obligates states to ensure equality between men and women in all areas.

⁷ 1 SCR 1252

⁸ [1997] 6 SCC

⁹ Unreported, NICN/LA/492/2012 Delivered on 19th December, 2013.

¹⁰ Some provisions of the Criminal code and Penal Code prohibits sexual assault/violence.

human rights of all citizens of Nigeria.¹¹ The fundamental rights of citizens are sacred and inherent and it is expected to be respected by all. As noted, some of the provisions of fundamental human rights prohibit sexual harassment.¹² The National Industrial Court of Nigeria alluded to this in the case of *Ejike Maduka v Microsoft Nigeria Ltd and 3 Ors*, the court stated that sexual harassment in the workplace could impede two basic fundamental human rights; i. e. the right to freedom from discrimination and the right to dignity of the human person.

In addition to the constitutional provisions, some provisions of the Criminal and Penal Codes on rape, criminal assault, and defilement of young girls could be employed in cases of sexual harassment. The Criminal Code Act¹³ applies to criminal matters in the Southern States of Nigeria, while the Penal Code¹⁴ applies to criminal matters in the Northern States of Nigeria. The Criminal Code has the following provisions that could be engaged in the prosecution of cases of sexual harassment. Section 351 of the Criminal Code states that: "Any person who unlawfully assaults another is guilty of a misdemeanor, and is liable if no greater punishment is provided to imprisonment for one year." Section 352 of the Criminal Code equally provides that: "Any person who assaults another with intent to have carnal knowledge of him/her against the order of nature is guilty of a felony and is liable to imprisonment for fourteen years." Furthermore, section 360 of the Criminal Code provides that "any person who unlawfully and indecently assaults a woman or girl is guilty of a misdemeanor and is liable to imprisonment for two years" and sections 357- 359 deal extensively with the offence of rape.

There are similar provisions in the Penal Code, which provides as follows: section 281:

Whoever, in order to gratify the passions of another person, procures, entices or leads away, even with her consent, a woman or girl for immoral purposes shall be punished with imprisonment which may extend to seven years and shall be liable to fine.

Section 282 defines rape as "when a man has sexual intercourse with a woman against her will, without her consent or when her consent has been obtained by putting her in fear of death or of hurt". Section 285 further provides that

Whoever commits an act of gross indecency upon the person of another without his consent or by the use of force or threats that compels a person to join with him in the commission of that act, shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine. Provided that a consent

given by a person below the age of sixteen years to such an act when done by his teacher, guardian or a person entrusted with his care or education shall not be deemed to be a consent within the meaning of this section.

Although the provisions of the Criminal and Penal Code can be engaged in prosecuting some cases of sexual harassment in Nigeria, these provisions are grossly inadequate as they did not clearly define sexual harassment and are not exhaustive on different forms of actions that could amount to sexual harassment. The National Assembly in 2015 enacted a new law which is an improvement on the Criminal and Penal Code on the issue of violence against persons. The new law clearly defines sexual harassment as "unwanted conduct of a sexual nature or other conduct based on sex or gender which is persistent, serious and demeaning, humiliates or creates a hostile or intimidating environment and this may include physical, verbal, or non-verbal conduct"¹⁵.

However, going by the country's federal structure, in which there is a division of legislative power between the federal and state government,¹⁶ the issues bothering on crime including any form of violence are not within the exclusive preserve of the federal government. Hence, the Violence Against Persons Prohibition Act (VAAP) is limited to the Federal Capital Territory. States of the Federation need to domesticate the Act for it to be enforceable in the respective states. Currently, 34 states of the federation have domesticated VAAP [3]. Equally, Rules of Court, National Industrial Court (Civil Procedure Rules 2017) makes provision for sexual harassment in the workplace, it states different circumstances that can constitute sexual harassment and it recognizes it as an offence for which a person can bring a claim in respect of to court. All these are contained in order 14 of the Rules. This particular rule was applied in the case of *Ejike Maduka vs Microsoft Nigeria Ltd and 3 Ors*.¹⁷

Besides the national legislation, some states of the federation in exercising their legislative power have amended their criminal laws to accommodate cases of sexual harassment.¹⁸ The laws of these states explicitly define and criminalize sexual harassment with severe punishments.¹⁹ Some states have gone further to enact their unique laws on Sexual and Gender-Based Violence which invariably encompasses sexual harassment cases.²⁰ There is a geographical disparity in the legal framework on sexual harassment in the states of the federation. While some states have legislated against sexual harassment, some states are yet to take any step in this direction.

Nigeria has also ratified some international and regional

¹¹ These are contained in Chapter four of the Constitution of the Federal Republic of Nigeria, 1999 as Amended.

¹² Particularly section 33 on Right to life, section 34 on Right to Dignity, and section 42 on Right to Freedom from Discrimination.

¹³ Cap C38 Laws of the Federation of Nigeria, 2004.

¹⁴ The Penal Code is contained in two documents. The Penal Code Law for Northern States Cap P3 Laws of the Federation of Nigeria, 2004 and the Penal Code (Northern States) Federal Provisions Act Cap 53 LFN, 2004 for the Federal Capital Territory, Abuja.

¹⁵ Section 46, Violence Against Persons Prohibition Act, 2015.

¹⁶ Section 4 (1) and Section 4 (6), & Schedule 2, paragraph 1 of the Constitution of the Federal Republic of Nigeria, 1999 as amended, *A.G Federation V. A.G Lagos State* (2013) LPELR- 20974 (SC) P. 93, Paras A-G.

¹⁷ *Supra*

¹⁸ Criminal Law of Lagos State, 2015 and Kaduna State Penal Code Law, 2017

¹⁹ See section 264 of the Criminal Law of Lagos State, 2015 and Section 262 of the Kaduna State Penal Code Law, 2017.

²⁰ The Lagos State Prohibition Against Domestic Violence Law, 2007, the Ekiti State Gender Based Violence (Prohibition) Law 2019, among others.

instruments that protect citizens against sexual harassment.²¹ However, these treaties do not operate automatically in Nigeria, by the provisions of the constitution, a treaty must first be domesticated before its provisions can be applied in the country.²² An attempt to domesticate some of these treaties through Gender and Equal Opportunities Bill didn't scale through at the National Assembly in 2016 [10]. Nigeria has not mustered the political will to domesticate some of these treaties which could have broadened the scope of the Nigerian legal framework on sexual harassment.

Tertiary institutions are autonomous and can regulate their affairs including issues of misconduct with clearly articulated and appropriate redress mechanisms. Hence, even if the domestic and international legal frameworks on sexual harassment are inadequate, it is expected that tertiary institutions should have effective and efficient policies on sexual harassment. In a study conducted on the internal mechanism of Universities in combating sexual harassment, it was found that most universities in Nigeria do not have clear policies on sexual harassment [18]. Consequently, because of the frequency of sexual harassment cases in Nigerian tertiary institutions, the Senate passed the Anti-Sexual Harassment Bill on 7th July 2020 [22].

The main aim of the Bill is to promote and protect ethical standards in tertiary education, maintain the fiduciary relationships that exist between educators and students, and safeguard and uphold respect for human dignity in tertiary institutions. Hence, the Bill made provision for the protection of students against sexual harassment from educators, it equally provides for means of preventing sexual harassment and the procedure for redressal of complaints of sexual harassment by students. The Bill went further to criminalize the act of neglect or failure of administrative heads of tertiary institutions to address complaints of sexual harassment within a specified period, and it creates strict liability offence by removing mutual consent, as a defence in the prosecution of sexual harassment cases.

The Bill is yet to become a law because it is awaiting President assent as required by the provisions of the constitution.²³ However, it has been criticized for some reasons. The Bill has been said to be non-inclusive, as it is limited to only tertiary institutions neglecting other sectors of society. Also, because tertiary institutions are usually big communities comprising different categories of people, the Bill limits sexual harassment of students to only academic

staff.

6. Conclusion and Recommendations

From the foregoing discussion, it is apparent that sexual harassment is one of the most prevalent forms of violence in Nigerian tertiary institutions. The impacts of this violence on the human rights of the victims as noted in this study are grave. Besides, this form of violence impedes the standard of education in the country. Hence, sexual harassment should not be treated with levity. As observed, currently Nigeria does not have a comprehensive legal framework on the issue of sexual harassment, particularly in tertiary institutions. Further, the institutions do not have clear policies against sexual harassment. Although some of the few reported cases, as shown in this paper, were properly prosecuted and justice served in line with the existing legal framework, sexual harassment still thrives in Nigerian tertiary institutions. Hence the need for stiffer penalties to stem the tide of this ugly trend.

Consequently, to drastically put an end to sexual harassment in Nigerian tertiary institutions, the following steps should be taken. The National Assembly should domesticate international and regional treaties that accentuate the protection of citizens against sexual harassment and expedite action on the Anti-Sexual Harassment Bill, because going by the provisions of the Constitution, the President's assent should be obtained within 30 days.²⁴ Hence, if the President withholds his assent to the Bill, the National Assembly can still take a step further by invoking the provisions of Section 58 (5) and the Bill will become law. Even though the Bill has some shortfalls as highlighted in this paper, it's still a good move in the right direction as its provisions will go a long way in checkmating erring lecturers.

Further, tertiary institutions should have clear policies, with an appropriate complaints mechanism on sexual harassment, which will ensure the protection of potential petitioners against victimization or discrimination during potential proceedings. There should be codes of conduct for staff members that contain an explicit anti-sexual harassment provisions. Also, the students' handbook should contain anti-sexual harassment provisions. There should be a proper orientation for newly employed staff members and newly admitted students on the institution's anti-sexual harassment policies. Also, these institutions should organize periodic sensitization for staff and students on sexual harassment.

To further deter the incidence of sexual harassment in tertiary institutions, the regulatory bodies i. e. the National Universities Commission, the National Board for Technical Education and the governing councils of the institutions, can open a black book/ hall of shame where names of proven offenders for sexual harassment can be recorded for bringing their institutions to disrepute and any lecturer whose name

²¹ The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) adopted by the UN General Assembly Resolution, the Nigerian government signed the convention on 23rd April, 1984 ratified it without reservations 13th June 1985, the Nigerian government signed the Optional Protocol to the CEDAW in 2000 and ratified it on 8th September 2001, the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, adopted by the African Union in July 2003 and came into force in November, 2005 ratified by Nigerian government on 16th December 2004, and 1995 Beijing Platform for Action.

²² See section 12 of the Constitution of the Federal Republic of Nigeria, 1999, as amended.

²³ Section 58 (3) of the Constitution of the Federal Republic of Nigeria, 1999 as Amended.

²⁴ Section 58 (4) of the Constitution of the Federal Republic of Nigeria, 1999 as Amended.

appears on the register should not be allowed to teach in Nigerian tertiary institutions.

It is believed that adequate policy formulation, implementation and sensitization are required to change the culture of silence over the fear of stigmatization and this will, in turn, make the tertiary institutions safe and conducive for learning for students.

References

- [1] Abubakar, S. (2021) 'Sexual Harassment: OAU Sacks another Lecturer' accessed 3rd March 2023, <https://www.vanguardngr.com/2021/09/sexual-harassment-oau-sacks-another-lecturer/>
- [2] Adamolekun, O. (1989) "Sexual Harassment on Campus: A Counsellor's Reflection" *Nigerian Journal of Counselling and Development*, vol. 4, pp. 53-57.
- [3] Agency Report, (n.d.). "Gender- Based Violence: 34 States Domesticate Nigeria's VAAP Act" accessed on 12th March, 2023. <https://www.premiumtimesng.com/news/top-news/563672-gender-based-violence-34-states-domesticate-nigerias-vapp-act-official.html?tztc=1>
- [4] Alabi, M. (2021). "Sexual Harassment: Almost Two Years After, UNILAG Sacks Lecturers Indicted in Scandal" accessed 3rd March 2023. <https://www.premiumtimesng.com/news/headlines/465272-sexforgrades-almost-two-years-after-unilag-sacks-lecturers-indicted-in-scandal.html?tztc=1>
- [5] Bondestam, F. and Lundqvist, M. (2020) "Sexual Harassment in Higher Education- A Systematic Review" *European Journal of Higher Education*, vol. 10, pp. 397, 398.
- [6] Bularzik, M. (1983) 'Sexual Harassment at the Workplace: Historical Notes' in Green, J. (ed) *Workers' Struggles, Past and Present (A 'Radical America' Reader)*, Temple University Press.
- [7] Cortina, L. M. and Berdahl, J. L. (2008). 'Sexual Harassment in Organizations: A Decade of Research in Review' in Baling, J. and Cooper, C. L. (eds.), *The Sage Handbook of Organizational Behavior*, SAGE Publications Ltd, p. 470.
- [8] Crosthwaite, J. and Priest, G. (1996) "The Definition of Sexual Harassment" *Australasian Journal of Philosophy* vol. 74, issue 1, p. 66.
- [9] Dey, E. L. et al. (1996) "Betrayed by the academy: The Sexual Harassment of Women College Faculty" *Journal of Higher Education*, vol. 67, issue. 2, pp. 149-173.
- [10] Eniola, B. O. (2018) "Gender Parity in Parliament: A Panacea for the Promotion and Protection of Women's Rights in Nigeria" *Frontiers in Sociology*, doi: 10.3389/fsoc.2018.00034.
- [11] Equal Employment Opportunity Commission, (1980) "Guidelines on Discrimination because of sex" (Sect. 1604.11) *Federal Register*, 45.
- [12] Fitzgerald, L. F. et al. (1997) 'But was it Really Sexual Harassment? Legal, Behavioral, and Psychological Definitions of the Workplace Victimization of Women', in O'Donohue, W. (ed.), *Sexual Harassment: Theory, Research, and Treatment*, Allyn & Bacon, pp. 5-28, 15.
- [13] Fitzgerald, L. F. (1990). 'Sexual Harassment: The Definition and Measurement of a Construct' in Paludi, M. A. (ed) *Ivory Power: Sexual Harassment on Campus*, Suny Press. p. 1.
- [14] Fitzgerald, L. F. et al. (1988). 'The Incidence and Dimensions of Sexual Harassment in Academia and the Workplace' *Journal of Vocational Behavior*, Vol. 32, pp. 152-175.
- [15] Hersch, J. (2015) "Sexual Harassment in the Workplace" *IZA World of Labour* doi: 10.izawol.188. Accessed 28th February 2023.
- [16] Imonike, J. et al. (2012) "A Survey of Teachers' and Students' Perception of Sexual Harassment in Tertiary Institutions of Edo State, Nigeria" *Asian Social Science*, vol. 8, issue 1, pp. 267, 268 www.ccsenet.org/ass accessed 4 January 2023.
- [17] Joseph, J. (2015) "Sexual Harassment in Tertiary Institutions: A Comparative Perspective" *Temida*, vol. 18, issue 2. <https://doi.org/10.2298/TEM>
- [18] Kabir, A. (2020) "Special Report: How Unclear Policies Contribute to Sexual Harassment in Nigerian Universities" accessed on 16th March 2023 <https://www.premiumtimesng.com/investigationspecial-reports>
- [19] Kelley, M. L. and Parsons, B. (2000) "Sexual Harassment in the 1990s: A University Wide-Survey of Female Faculty, Administrators, Staff, and Students" *The Journal of Higher Education*, vol. 71, issue 5, pp. 548-568.
- [20] Ladebo, O. J. (2003). "Sexual Harassment in Academia in Nigeria: How Real?" *African Sociological Review*. vol. 7, issue 1, pp. 117-161.
- [21] Naku, D. (2021) "Rivers Lecturers Suspended over Alleged Sexual Harassment, Corruption" accessed 3 March 2023. <https://www.punchng.com/rivers-lecturers-suspended-over-alleged-sexual-harassment-corruption/>
- [22] National Assembly of Nigeria, 'A Bill for an Act to Prevent, Prohibit, and Redress Sexual Harassment of Students in Tertiary Educational Institutions and for Matters Connected Therewith, 2019.' <https://nass.gov.ng> accessed on 11February 2023.
- [23] Nejo, A. (2021) "FUUOYE Suspends Lecturer over Alleged Sexual Harassment, another under Probe" accessed 3 March 2023. <https://www.punchng.com/fuoye-suspends-lecturer-over-alleged-sexual-harassment-another-under-probe/>
- [24] Owoaje, E. T. and Olusola-Taiwo, O. (2009) "Sexual Harassment Experiences of Female Graduates of Nigerian Tertiary Institutions" *International Quarterly Community Health Education*, vol. 30, issue 4, pp. 337-348. doi: 10.2190/IQ.30.4.e. accessed 3rd March 2023.
- [25] Riger, S. (1991) 'Gender Dilemmas in Sexual Harassment Policies and Procedures' *American Psychologist*, vol. 46, issue 5, pp. 497-505.
- [26] Sanni, K. (2022) "ICPC Probes 15 Sexual Harassment Cases" accessed 12 February 2023. <https://www.premiumtimesng.com/news/top-news/553945-icpc-probes-15-sexual-harassmentcases.html?tztc=1>
- [27] Schneider, B. E. (1987) "Graduate Women, sexual harassment and University Policy" *Journal of Higher Education*. vol. 58, issue. 1, pp. 46-65.

- [28] Schneider et al. (1997) 'Job- related and Psychological Effects of Sexual Harassment in the Work-place: Empirical Evidence from two Organisations' *Journal of Applied Psychology*, vol. 82, issue 3, pp. 401-415.
- [29] Spotlight Initiative to Eliminate Violence against Women, (2022). "16 Facts About Violence against Women and Girls in Nigeria for the 16 Days of Activism" accessed 3rd March 2023. <https://www.unicef.org/nigeria/media/6696/file/16%20facts%20document.pdf>
- [30] The Nation, (2021) "Kwasu Dismisses Lecturer for Alleged Sexual Harassment" accessed 8th March 2023. <https://www.nationonlineng.net/kwasu-dismisses-lecturer-for-alleged-sexual-harassment/>
- [31] Tolu- Kolawole, D. (2022). "Sexual Misconduct: OAU, UNIABUJA Dismiss Four Profs, 14 Others" accessed 8th March 2023. <https://www.punchng.com/sexual-misconduct-oau-uniabuja-dismiss-four-profs-14-others>
- [32] Tolu-Kolawole, D. (2022). "UNIABUJA Dismisses Two Professors Over Sexual Harassment" accessed 8th March 2023. <https://www.punchng.com/uniabuja-dismisses-two-professors-over-sexual-harassment/>
- [33] Tribune, (2021). "FedPoly, Bauchi Dismisses Two Lecturers for Indulging in Sexual Harassment of Female Students" accessed 8th March 2023. <https://www.tribuneonlineng.com/fedpoly-bauchi-dismisses-two-lecturers-for-indulging-in-sexual-harassment-of-female-students/>
- [34] Ukpong, C. (2022). "Rivers Polytechnic Suspends Lecturer over Alleged Sexual Harassment" accessed 8th March 2023. <https://www.premiumtimesng.com/news/more-news/504747-rivers-polytechnic-suspends-lecturer-over-alleged-sexual-harassment.html?tztc=1>
- [35] Wall, E. (1991) "The Definition of Sexual Harassment" *Public Affairs Quarterly*, vol. 5, issue 4, pp. 371-385.
- [36] Yafugborhi, E. (2020). "Ignatius Ajuru University Suspends Lecturer for Sexual Harassment" accessed on 8th March 2023. <https://www.vanguardngr.com/2020/09/ignatius-ajuru-university-suspends-lecturer-for-sexual-harassment/>