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RAPE AND SEXUAL HARASSMENT IN NIGERIA: A SEVERE AND PERVASIVE PROBLEM

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Introduction


- Rape and sexual harassment are significant issues in Nigeria, affecting people of all ages, genders, and socioeconomic backgrounds.
- They are severe and pervasive problems with long-lasting negative effects on victims and their families.
- Rape is a criminal offence in Nigeria and is punishable by imprisonment, but unfortunately, many perpetrators go unpunished due to a lack of effective law enforcement and judicial system.
- The stigma associated with being a victim of rape also prevents many victims from reporting the crime, and in some cases, they may fear retribution from the perpetrator or their community.
- Sexual harassment is also a pervasive problem in Nigeria, particularly in workplaces, schools, and universities. Many victims of sexual harassment face humiliation, intimidation, and threats of retaliation if they speak out, especially when the perpetrator is in a position of power or authority. As a result, many victims suffer in silence, leading to long-term psychological damage.



Rape from Legal Point of view

In Nigeria, the legal framework addressing rape and sexual harassment consists of both statutory laws and common law principles.

- **Rape is a criminal offense in Nigeria, and it is addressed under the Criminal Code Act (applicable in the southern part of Nigeria) and the Penal Code (applicable in the northern part).**
- **Both codes define rape as the act of having sexual intercourse with a person without their consent. The definitions also cover instances where consent is obtained through force, threat, or intimidation**
- **Under the Criminal Code Act, rape is punishable with life imprisonment or imprisonment for a term of not less than 14 years.**



The Penal Code prescribes different punishments depending on the circumstances, such as imprisonment for life, imprisonment for a term of not less than 10 years, or caning. It's important to note that these penalties can vary depending on the specific provisions and the severity of the offence.

Furthermore, the Violence Against Persons (Prohibition) Act (VAPP Act) was enacted in 2015 to address various forms of violence, including rape, and to provide protection for victims. The VAPP Act broadens the definition of rape and imposes stricter penalties, including life imprisonment, compensation for victims, and provisions for support services

Sexual Harassment: Legal perspective


Sexual Harassment: Sexual harassment is not explicitly defined in Nigerian law, but it can still be addressed under various legal provisions. The Criminal Code Act and the Penal Code generally criminalize acts such as assault, intimidation, or causing fear of harm, which can encompass certain forms of sexual harassment.



Also, Violence Against Persons (Prohibition) Act, criminalizes a wide range of violent acts, including rape, sexual assault, and sexual harassment. The Act provides for a range of penalties, including imprisonment and fines, for those convicted of these offenses.



Furthermore, the Nigerian Labor Act and the Nigerian Gender and Equal Opportunities Bill (which is currently in the process of becoming law) provide some provisions relating to workplace sexual harassment. These regulations seek to protect employees and create a safe working environment by prohibiting and penalizing sexual harassment in the workplace.

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- **Additionally, in 2020, the Sexual Harassment in Tertiary Institutions Prohibition Bill was passed into law to address sexual harassment in institutions of higher learning. The law provides for penalties, including dismissal and imprisonment, for those found guilty of sexual harassment in tertiary institutions.**

Rape and Sexual Harassment: Islamic Perspective

In Islam, sexual harassment and rape are considered grave sins that violate the dignity and rights of the victim. Islam upholds the principle of consent and prohibits any sexual activity outside wedlock.

Prophet Muhammad (peace be upon him) is reported to have said,

• **"No one should have sexual intercourse with a woman against her will, whether she is a Muslim or non-Muslim" (Sahih Bukhari).**

Islam also advocates for the protection and respect of women's rights and dignity. The Qur'an states,

• **"And do not approach unlawful sexual intercourse. Indeed, it is ever an immorality and is evil as a way" (17:32).**


This verse emphasizes the importance of avoiding any form of sexual misconduct, including rape and sexual harassment. In cases of rape or sexual harassment, Islam considers the perpetrators to be committing major sins and crimes against humanity.

The Qur'an states,

- **"Those who commit unlawful sexual intercourse of your women - bring against them four [witnesses] from among you. And if they testify, confine the guilty women to houses until death takes them or Allah ordains for them [another] way" [Q.4:15].**



This verse highlights the importance of justice and accountability in cases of sexual misconduct. Islamic law also provides for severe punishments for rape and sexual harassment. In cases of rape, the perpetrator is liable to receive the death penalty, as stated in the Hadith,

- **"Whoever has sexual intercourse with a woman forcibly is to be punished by executing him, even if he is a minor" (Sunan Abu Dawud).**



In summary, Shariah considers rape and sexual harassment as grave offenses that violate Islamic principles of consent, dignity, and respect for individuals. Islamic legal frameworks seek to protect the rights and well-being of individuals, provide justice for victims, and deter such crimes through penalties and preventive measures.

In Islamic jurisprudence, sexual harassment can be seen as a violation of various legal concepts, such as the prohibition of zina (illicit sexual relations) and the preservation of honor and dignity. Penalties for sexual harassment can range from admonishment and counseling to fines, public censure, or other forms of legal punishment, depending on the severity of the offense and the legal system in place.



Under Shariah, rape is classified as hiraba, which refers to a form of terrorism or unlawful warfare against society. The punishment for hiraba varies depending on the circumstances and jurisdiction, but it can include severe penalties such as imprisonment, flogging, or in extreme

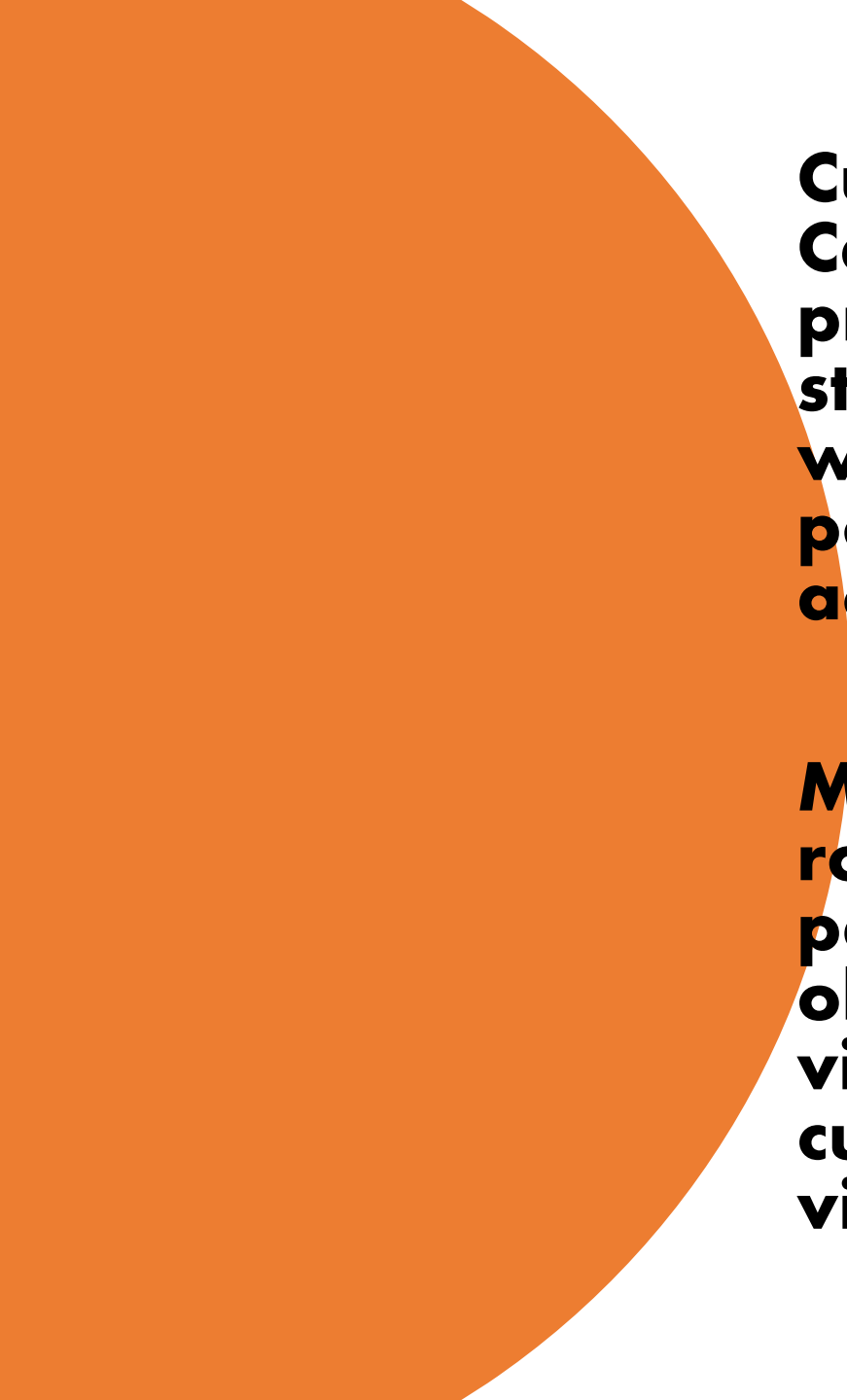
The Causes of Rape and Sexual Harassment In Nigeria

- **The causes of rape and sexual harassment in Nigeria, as in any society, are complex and multifaceted. It's important to understand that these causes are influenced by a combination of social, cultural, economic, and systemic factors. While it's difficult to pinpoint specific causes, some factors that contribute to the prevalence of rape and sexual harassment in Nigeria include:**
- **Gender Inequality: Deep-rooted gender inequalities and patriarchal norms contribute to the perpetration of sexual violence. Societal attitudes that subordinate women and view them as objects of control can lead to a culture of entitlement and a disregard for consent.**
- **Lack of Education and Awareness: Limited access to quality education and awareness programs regarding consent, gender equality, and sexual rights may contribute to misconceptions and a lack of understanding about appropriate behavior and the importance of consent.**

Weak Legal Enforcement: Inadequate enforcement of existing laws and a lack of effective justice mechanisms contribute to a culture of impunity. Perpetrators often go unpunished, leading to a sense of impunity and emboldening potential offenders.


Stigma and Victim-Blaming: Deep-seated social stigmas surrounding sexual violence and victim-blaming attitudes can discourage survivors from reporting incidents. Fear of judgment and social repercussions may prevent victims from seeking justice or support.

Socioeconomic Factors: Economic disparities, poverty, and social inequality can contribute to situations where power imbalances are exploited. Economic vulnerability and limited opportunities can exacerbate the risk of sexual exploitation and harassment.



Cultural Norms and Traditional Practices: Certain cultural norms, traditions, and practices may perpetuate harmful gender stereotypes and normalize violence against women. These norms can reinforce unequal power dynamics and contribute to the acceptance or tolerance of sexual violence.

Media Influence: The media plays a significant role in shaping societal attitudes and perceptions. Negative portrayals of women, objectification, and the glorification of violence in media content can contribute to a culture that trivializes or normalizes sexual violence.



Conclusion

- There is no doubt that rape and sexual harassment are serious issues in Nigerian society, and they are addressed from a legal perspective through various laws and regulations. Also, from Islamic point of view, rape and sexual harassment constitute both sins and offences which Islam serious frown at and punishment equally provided under the authoritative sources.
- The causes of rape and sexual harassment in Nigeria as in any other society is complex and multifaceted. Therefore, addressing the causes will require a comprehensive approach that involves legal reforms, education, social justice, awareness campaigns, and concerted efforts to promote good cultural practice and challenge harmful cultural norms. It is essential to create safe environments, promote respectful relationships, and empower individuals to recognize and challenge instances of rape and sexual harassment.



Thank you

