

# Justice in Sight?

**Women Against Rape, Sexual  
Harassment and Sexual  
Exploitation  
(WARSHÉ)**

**A Publication of  
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# Justice in Sight?

**Tips that Survivors and Potential Victims of Sexual Violence and Abuse, and Other Concerned Persons Should Keep in View When Trying to Obtain Justice in Nigeria**

WARS

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## **Introduction – Make Sure You Are Not Raped, and Make Sure She is Not Raped**

Early in the year 1998, following increased whispered instances and media reportage of sexual violence and abuse, 3 University lecturers (2 women and a man) who were worried about the physical, social and the psychological injuries induced in the victims of sexual violence and abuse that they had interacted with as private citizens and as university teachers, took the decision to put an organization in place that will help children, teenage girls and women to prevent and cope with sexual violence and abuse. They invited a core group of women and men (medical doctors, businessmen, journalists, lawyers, civil servants, counselors, university lecturers, etc) who had zero level tolerance for sexual violence and abuse to join the organization they had named: Women Against Rape, Sexual Harassment, and Sexual Exploitation (WARSHE.) And so WARSHE had its formal outing on Wednesday 7<sup>th</sup> October 1998.

The acts that constitute sexual violence and abuse include rape, sexual assault, indecent assault, defilement, incest, forced prostitution, sexual harassment, female genital mutilation, and sexual exploitation among others. While some of these acts are prohibited by Nigerian laws, others that are yet to be prohibited by law are deemed immoral, and unacceptable. Acts of sexual violence and abuse (SVA) constitute assault not only on the very being of the individual, an infringement on the bodily integrity of a person. But offend the collective sensibilities of communities, nations and many people all around the World. Unfortunately, because of unequal relations of power that permeate both the private and the public spheres of our lives, a greater number of women than men have been victims of SVA, and are potential victims. Patriarchy, poverty, conflicts, the culture of impunity, stigmatization and women's silence, religion as opiate, myths and superstitions, etc all make women vulnerable to sexual violence and abuse, and they perpetuate sexual violence and abuse.

Figures from the World Health Organisation and other sources estimate that globally, one woman in five will be the victim of rape or attempted rape in her lifetime, and the number of women forced or sold into prostitution is

anywhere between 700, 000 and 4 million per year (Vlachovt, M. & Biason, L., 2005, *Women in an Insecure World: Violence Against Women - Facts, Figures and Analyses*. Geneva: Centre for the Control of Armed Forces). Sexual violence and abuse has become so rampant, it is almost regarded as culture in some quarters, and this is scary. A person who forces himself on another, the one who compels another to submit to his sexual advances and takes pleasures in taking a tally, the one who makes profit from subjecting others to sexual slavery, the one who exploits the vulnerability of others to extract sex from them and the person who rapes and kills the victim, or attempts to kill the victim after, DOES NOT LOVE the victim. Sexual violence and abuse is a violation of the human rights of the individual, it is abuse of power, and it is a hate crime.

Since inception 10 years ago, WARSHE has worked with different stakeholders in our polity to prevent sexual violence and abuse, and to help victims cope with their ordeal. As Olutoyin Mejiuni indicated in the welcome address she delivered at the WARSHE workshop/roundtable for stakeholders in the system of administration of justice in June 2004, the aspect of the work of WARSHE that has been most challenging and frustrating is the search for justice for girls and women who have survived sexual violence and abuse. She cited examples of frustrating encounters with persons in the system of administration of justice – medical doctors, police officers, magistrates and judges.

The challenging and frustrating encounters compelled WARSHE to convene the workshop/roundtable on the search for justice. Our country, Nigeria, has legal systems, and so it is assumed that the country is rule governed. WARSHE therefore had to direct the search for justice in cases of SVA to the key players in the system of administration of justice. An array of issues and concerns were thrown up at the roundtable. The key and recurring issues that came up were: the archaic laws on certain types of SVA; how the laws have been interpreted over time, and the environment of unequal relations of power in which the laws operate. After extended deliberations on these concerns, participants gave tips about how survivors and their relations should engage the Police, Medical Doctors, and the Courts to obtain good quality results in the circumstance.

This booklet is essentially the summary of the proceedings of the WARSHE workshop/roundtable held on 1<sup>st</sup> June 2004. It contains the challenges that persons who seek justice confront (see Mejiuni's welcome address and the

communiqué issued at the end of the roundtable), and tips about how to overcome those challenges. We have also included a paper that Barrister Olasupo Ojo presented at a WARSHE workshop for Investigating Police Officers and Prosecutors in the Osun State Police Command. We believe that Olasupo Ojo's paper, which focuses on investigation and prosecution of rape cases as model for investigating and prosecuting other forms of sexual offences, is educative and we all should be familiar with its contents.

Our key message to all: women, girls, boys, the few men who are vulnerable to SVA, and men of conscience is that we should make sure our children, our friends, our sisters and our mothers and grandmothers are not raped, and sexually abused. Why? The reasons are obvious – the repercussions of sexual violence and abuse are grave, and obtaining justice is a slow and difficult process.

Dr Olutoyin Mejiuni  
Dr Oluyemisi Obilade  
Barrister Olasupo Ojo  
Mrs Bolanle Adelekan  
Mr Adeolu Ademoyo

November, 2008.

## Welcome

WELCOME ADDRESS DELIVERED AT THE OPENING CEREMONY OF THE WARSHE ONE-DAY WORKSHOP/ROUNDTABLE TITLED: THE SURVIVORS OF RAPE AND OTHER SEXUAL ASSAULTS: THE SEARCH FOR JUSTICE.

Protocols

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On behalf of the Coordinating Council and Volunteers of WARSHE, I warmly welcome you all to this WARSHE one-day Workshop/Roundtable.

At inception about 5 and a half years ago, we set 6 goals for WARSHE. The pursuit of the goals means we have directed our efforts at prevention of sexual violence and abuse and support for victims of sexual violence and abuse. We help women, teenage girls, and children to prevent sexual violence and abuse, mainly through our education programmes. We constantly reflect on our methods and the impact of our education programmes on: (1) the capacity of women and girls to resist (and help others to resist) sexual violence and abuse; and (2) how well girls and women cope with sexual violence and abuse. Although we are yet to reach three quarters of our target population, we believe that: we are beginning to unveil the silence around sexual violence and abuse, and, we are getting women and men to engage in critical (self) reflection on questions of power and the socio-cultural factors that lead to, and perpetuate rape, sexual harassment, and sexual exploitation of women, teenage girls, and, children. We also know that while our education programmes have been triggers for transformational learning for some of the participants in those programmes, they have left others confused, and, have failed to alter the deep cynicism that some women harbour about the possibilities that exist for: reducing sexual violence and abuse, and for improving women's social position in Nigeria. These reactions do not surprise us neither do they frustrate us. They only challenge our intellect, our emotions, and our physical energy.

It is in the work of support for victims that we experience frustration. In assisting victims to obtain medical attention and justice, we have met

doctors who turned their clinics into courts. They assumed the roles of: 1) counsel to the rapist and 2) the judge. We once encountered a sixty something year old medical doctor, who thought we did not have any business supporting the victim of rape whom we had taken to his clinic, because according to him, she must have enjoyed it! We have interacted with policemen (including an Area Commandant) who refused to arrest alleged rapists, but tried to “arbitrate” and broker peace between the victims of rape and their assailants. We know an Investigating Police Officer (IPO) who refused to testify in court, ostensibly because he had been transferred from the station where the rape incident occurred. Without hearing WARSHE volunteers, a magistrate summarily gave an order on the volunteers, following a verbal complaint lodged by the counsel to some suspected rapists. The magistrate did not care to listen to the volunteers who were in court with their lawyer, to, as usual, give personal support to the victim of the rape incident that was before the magistrate. A High Court Judge supported her action by refusing WARSHE volunteers` application to appeal the order. We have observed that some newspapers publish the names of rape victims and withhold the names of the alleged rapists. We know that many men and women, young and old, have ready-made harsh words (of condemnation) for rape victims. Consciously and, unconsciously, they excuse the rapist, who will usually seek out another prey. Finally, we are tracking the concept of Rape and Beg (R&B). This is the plea (usually with the name of God) that follows a rape incident, after initial threats to the victim (to dissuade her from making official reports) appear to have failed.

Given these experiences, when, during our education programmes, we give tips to girls and women about steps that can help them obtain justice (in a rape/sexual assault incident) and, they react with confusion and cynicism, we understand their feelings.

Even when we theoretically categorize our work into prevention and support efforts, we know that an important way of preventing sexual violence and abuse is for justice to be done, and, to be seen to have been done. Clearly also, support of members of a community for victims help prevent these abuses, as it sends clear signals to rapists and other such persons that their inhuman behaviour will not be tolerated by the community.

What this means is that while NGOs such as WARSHE can hope to help prevent these violations and abuses through education and support, the key persons in the System of Administration of Justice have to assist prevention

efforts by showing commitment to human kind. Necessarily, they have to move away from commitment to: themselves, to long – held and retrogressive beliefs and to their kinsmen and women. Although we are aware that the System of Administration of Justice in our country is generally slow, and, like other institutions in the polity, moves best in specified directions when some bolts and nuts are well oiled, we know that the unequal relations of power between men and women (that is patriarchy) in our society is a critical factor in whether women get justice, when they have been sexually abused.

Usually also, most victims do not understand the technicalities of the System of Administration of Justice. In addition, too often, they are unable to pay for the services of lawyers who can hold watching brief for them, a necessity, in the context of Police Prosecutors and State Counsels who are steeped in the tradition of: no use taking rape/sexual assault cases to court! Even when lawyers have taken interest in a rape case on the side of the victim, there are usually uncertainties relating to the basic rights (and demands) that a victim can expect to enjoy (and make) to avoid further humiliation, and to obtain justice. Some of the uncertainties relate to: obtaining medical attention (go to a private or public hospital? respond to a doctor's interrogation?); reportage at the police station (report at the front desk or inner office? accept arbitration by the police?); appearance and conduct of individuals and groups in court (to be heard in open court or not? endure further threats to self and supporters within court premises because the case is in court?); and so forth.

Here lies the essence of this workshop/roundtable. It is our hope that we can learn from one another, and, give specific tips to potential victims of rape and sexual assaults (all women, girls and children) about their rights, and the demands that they can make: of doctors; of the police; in and outside the courts; and the demands that they can make of their communities, that is, the society.

I ought to let you know that we do not intend to tinker with the tips that emanate from this interaction. All we want to do is facilitate the process of arriving at the tips, and the process of getting the tips out in handy booklets for wide distribution. We therefore expect that participants will give comprehensive tips that victims, potential victims and their supporters will find useful, when they need to interact with the different institutions that are involved in the Administration of Justice in our country.

We are grateful to the African Women's Development Fund (AWDF) in Accra Ghana for supporting this interaction and many of our efforts to improve the social status of Nigerian women.

Ladies and gentlemen, do please relax, and give women and our society your very best in the next 9 hours, preparatory to marshalling your assets to reduce the scourge of sexual violence and abuse, as we depart for our homes and workplaces later today, and tomorrow morning.

Once again, I welcome you all, and I thank you for your presence.

Olutoyin Mejiuni.  
Coordinator, WARSHE.

WARSHE

## **Tips on How to Keep Justice in View**

### **The Roles of Medical Doctors**

- All doctors can treat rape victims – General Practitioners, specialists, and especially gynaecologists who are better suited to treating female matters
- The law specifies that public hospitals should handle rape patients  
Participants suggested that any registered hospital should also have the right to treat patients
- Doctors should not only treat rape victims holistically (emotionally, physically and follow up) but also handle the patients with care and sympathy
- The medical report of a victim of rape should be detailed. It should contain an examination report of the vagina, the orifice and the general genitalia. The report should provide information on how samples (urine, semen etc) were collected, example, initial flow, mid flow and end flow. Tests should also include HIV and protein tests
- It is highly unethical for a doctor to refuse to treat a rape victim

### **The Roles of the Police**

- Rape cases are reported at the counter at the police station but the statements are usually obtained in private  
Participants suggested that for some measure of confidentiality, victims could report to the most senior police officer at the station
- Victims should insist that they would like to give their statement in private, in the presence of only one or two officers, and one of the 2 officers should be female
- When a survivor is being taken to the hospital from the police station, friends and or relations should ensure that the Investigating Police Officer takes a medical form which s/he will give to the doctor on duty for detailed report on the health of the patient (the survivor.)
- Any concerned person can arrest an alleged rapist and hand him over to the police as soon as possible. The police has a duty to effect arrests, and where the police officer at the counter is failing in his duty, the next senior officer should be contacted
- The police has no authority to broker peace between a rape victim and (an) alleged rapist(s)

- An IPO who has been transferred to another station out of town in a case that is pending in court has the duty to come back to give evidence irrespective of whether funds are provided or not for his movement. Participants suggested that where such an IPO refuses to return to give evidence, the DPO of the old station should send signals to the new station after which failure to comply should attract a bench warrant served on the IPO
- When the Police hands over cases to the Ministry of Justice, the Police hands over duplicate files to the Ministry for the Director of Public Prosecutions' advice
- Only prosecutors from the Director of Public Prosecution's office are capable of handling rape cases while all prosecutors can handle sexual assault cases
- Note that by the training given to policemen and officers, rape is just another crime, so you have to insist on being granted privacy during reportage and ensure that the case is treated seriously.

### **The Roles of the Court**

- Only High Court judges are capable by jurisdiction to handle rape cases since magistrates are limited by the punishment section of the Criminal Code Act
- For a magistrate/judge, what determines the fairness of a judgment is the assurance that the evidence before the court satisfies the constitutional provision for fair hearing and the ingredients for the particular case
- Within the court premises, supporters of the two parties in a rape case should behave with absolute decorum. Any activity that undermines the authority of the court or is considered pre-judicial is contempt of court
- Activities within/outside court premises should not have any bearing on court proceedings and where one side to the dispute visits the judge/magistrate, there should be an immediate petition for a transfer of the case to another court
- The IPO and doctor's reports are very vital as corroborative evidence and they add to the veracity of the entire evidence
- Rape cases can be heard in chambers with the consent of both parties especially in cases involving minors

- The chief magistrate determines where a case is tried, but in cases of felony, the accused is given the right of election to be tried either at the Magistrate Court or at the High Court

### **The Roles of Legal Practitioners**

- The law stipulates that the evidence must satisfy all the ingredients for all cases. Please see Barrister Olasupo Ojo's paper for the relevant sections of the law and the ingredients of the case in question
- The Punishment for rape is life imprisonment; life imprisonment for defilement and two years for sexual assault (indecent assault)
- A Lawyer ought to be employed to hold watching brief on behalf of the victim

### **Other Important Tips**

- All the religious sects consider rape and sexual assaults abominable
- The prescribed punishments include stoning, castration and banishment. They were applicable under ecclesiastical rule or in a theocracy. These punishments are not applicable in most countries today.
- Forgiveness is encouraged if an assailant admits s/he committed the offence, but punishment is not excluded, so that justice is done.
- In Nigeria, there is no official government organ for arbitration in cases of rape and sexual assaults

# Communiqué

## PRESS RELEASE

2<sup>ND</sup> June 2004

### COMMUNIQUE ISSUED AT THE END OF THE WORKSHOP/ROUNDTABLE ORGANISED ON JUNE 1, 2004 BY WOMEN AGAINST RAPE, SEXUAL HARASSMENT AND SEXUAL EXPLOITATION (WARSHE) AT D' ROVANS HOTEL, IBADAN.

#### 1. PREAMBLE

The Organization, Women Against Rape, Sexual Harassment and Sexual Exploitation (WARSHE) organized a Workshop/Roundtable on the theme: **“THE SURVIVORS OF RAPE AND OTHER SEXUAL ASSAULTS: THE SEARCH FOR JUSTICE”** on Tuesday 1<sup>st</sup> June, 2004 at D' Rovans Hotel, Ibadan with financial support from the African Women's Development Fund (AWDF), Accra, Ghana.

#### 2. OBJECTIVES:

During the course of pursuing its broad objectives since its formation many years ago, WARSHE has been very active in assisting victims of rape to seek and obtain justice for the injury suffered by them. Based on the experience gathered over the years and in order to assist it further in its cause, the workshop/roundtable was designed by WARSHE to achieve the following objectives:

- (i) To sensitize key persons within the institutions concerned with the administration of Justice to:
  - (a) the environments in which rape and other sexual assaults take place;
  - (b) the potential victims of rape and other sexual assaults; and
  - (c) the medical (Gynae and mental health) and sociological implications of rape and other sexual assaults.
- (ii) To share WARSHE's experience in handling cases of sexual violence and abuse in the last four years with participants and to learn from key persons in institutions concerned with

the quest for justice about how to better help victims in the search for justice.

- (iii) To bring key persons in the search for justice for victims together so that they can jointly respond to the array of questions that has been agitating our minds (at WARSHE) for sometime. The answers will serve as the basis for a handbook that WARSHE intends to produce and distribute widely.
- (iv) To raise the possibility that participants, at some point in the next six months, will give a seminar each to their professional colleagues/co-workers raising most of the key concerns (as it relates to their own groups) that will emerge from the workshop/roundtable.

### **3. PARTICIPATION:**

Participants were drawn from various strata of the society including medical doctors, lawyers, magistrates, prosecutors, police detectives, teachers, social workers, students, media practitioners, NGOs etc.

### **4 DELIBERATION & OBSERVATIONS:**

Participants expressed their gut feelings about rape and sexual assaults, victims and assailants. They expressed their aversion, frustration, concern and hope about these dehumanizing offences and traced the source of the problems being encountered to deficiencies in the structure of society. The sources of the problem, manifestations of the deficiencies in the structure of society and the other related problems that they identified include: patriarchy; unequal power relations; culture of silence by victims and their family; lack of education about rape and sex; declining social values; stigmatization of victims instead of the assailant; negative attitude of doctors, investigating police officers, judges and the society to victims. Others are: absence of free medical services for victims; poverty; corruption; obsolete laws; arraignment of assailants before magistrates that lack jurisdiction to try the offence charged; absence of Investigating Police Officer (IPO) and other witnesses to give evidence when required; absence of protection for victims and witnesses during trial; withdrawal of complaint or non-cooperation by victims and or their family due to societal pressure; non-recognition of medical report from private

medical practitioners; non-preservation or loss of real evidence; near impossibility of proving the ingredients of sexual offences in order to obtain and or sustain conviction of assailants; defective judicial system; incessant adjournments leading to delay of justice; failure of punishment; absence of compensation for victims; etc

Participants also took a comprehensive look at the medical repercussions of rape and sexual assaults such as: sexually transmitted diseases; Vesico-Vaginal Fistula (VVF); hemorrhage; lacerations; HIV/AIDS; unwanted pregnancy (at times leading to unsafe abortion); depression; suicide attempts and at times, death.

## **5 APPEALS:**

Considering the repercussions of rape and other sexual assaults, and the problems already highlighted in the search for justice for survivors of sexual offences, workshop

- a. Calls on the police to: accord victims prompt assistance and privacy whenever they visit police stations to report sexual offences; not to judge or condemn victims; and to treat sexual offences as special offences that must not be settled at police stations but punished according to law.
- b. Calls on the police and other civil society organisations to conduct regular training for police investigators and prosecutors so as to enhance their ability to successfully investigate and prosecute sexual offences in courts.
- c. Calls on the government to make adequate provisions for the welfare of witnesses especially IPOs transferred away from the court's jurisdiction.
- d. Calls on the media to give more prominence to reports on sexual offences.
- e. Calls on medical workers to be prompt, thorough, compassionate and non-judgmental in the course of examining victims and to give detailed medical reports in simple language.
- f. Calls for the immediate release of the Oputa panel report and implementation of its recommendations.
- g. Calls on religious organizations and leaders to educate their members on matters bothering on sexual offences and their implication to spiritualism and the society.
- h. Calls on parents to give their male children information on consensual and healthy sexual relationships.

**6) CONCLUSIONS:**

- i. That WARSHE should team up with other organizations to campaign for the reform of all laws on sexual offences like rape and sexual assault so as to reduce technicalities, bring justice to victims without delay and compensate them.
- j. That there is need to embark on aggressive education of potential victims so as to aid police investigation, which will assist the prosecution of cases and reduce the rampancy of sexual offences.
- k. That there is urgent need to correct the unequal relations of power in our society, and ensure the orientation of males as to the reproductive right of women and protect this right statutorily.
- l. That in cases of forgiveness by victims or their family on religious or other grounds, the assailant should still be punished according to law in order to deter others.
- m. That all stakeholders in matters of sexual offences (the victims, their family, witnesses, police, lawyers, sympathetic magistrates/judges, NGOs, etc) should combine efforts and frontally contain all hurdles in the path of justice for survivors of sexual offences.
- n. That WARSHE should explore the possibility of collaborating with other relevant NGOs to embark on a Legal Aid Project for victims of sexual offences.

**Dr Olutoyin Mejiuni**  
**Coordinator, WARSHE**

**Mrs Bolanle Adelekan**  
**Acting General Secretary, WARSHE**

# **EMPOWERING THE POLICE FOR THE SUCCESSFUL INVESTIGATION AND PROSECUTION OF SEXUAL OFFENCES**

(Being Paper presented by OLASUPO OJO, President of the Center for the Rule of Law Ltd/Gte at a workshop organized for police investigators and prosecutors under Osun State Command by Women Against Rape, Sexual Harassment and Sexual Exploitation (WARSHE) at Ile Ife on October 7, 2006)

## **Background**

This paper is prepared against the background of the dwindling success being recorded in the prosecution of cases that bother on sexual offences. For reasons that are undergoing continuous investigation, it is becoming more difficult to secure conviction in cases under reference especially in rape cases.

Justice with regard to sexual offences under the criminal justice system in Nigeria is administered primarily by public institutions. In sequential order, the following public institutions are germane: The Police; The Public Hospitals; The Ministry of Justice; Social Welfare Departments and The Magistrate or High Court. However, other non-public institutions were identified as having complimentary roles to play in the justice system. These are the Legal Practitioners, NGOs and the Press.

Each public institution are administered by human beings with their peculiar idiosyncrasies as determined by their background, social orientations and cultural beliefs which ultimately influences the performance of their functions as public officers either positively or negatively depending on individual circumstance.

However, the increasing rampancy of sexual offences has awaken us to the reality that failure of convictions have sort of emboldened offenders who are not deterred but encouraged by the escape from justice being enjoyed by perpetrators. It has gotten to a stage at which all stakeholders must begin to trace and address the causes of failure of prosecutions.

I must note that this program is appropriately organized for the first official institutional port of call for any victim of sexual offence in Nigeria; the POLICE. The importance of the police in the task at hand is better appreciated by the provision of section 4 of Police Act which imposes mandatory duty on the police to investigate and detect the commission of all offences against the law of the land by whosoever for the purpose of prosecution.

## **SO, WHAT IS AN OFFENCE OR CRIME?**

An offence is an act or omission done or omitted to be done in a particular state of mind and is rendered punishable by some legislative enactment. By section 2 of the Criminal Code Act, an act or omission which renders the person doing the act or making the omission liable to punishment under the code or any Act or Law is called an offence.

An offence is therefore any act or omission declared by law to be an offence. Any act that is not declared to be an offence or crime by any law is not an offence or crime however sinful, odious or unconscionable it may be. Crime is different from sin or immorality. Even though most offences or crimes contain elements of sin or immorality, not all sin or immorality are crimes or offences. A crime is what the law says is a crime.

## **DIVISION OF OFFENCES**

Offences are divided into three kinds:

- (1) Felonies: A felony is any offence which is declared by law to be a felony or is punishable, without proof of previous conviction, with death or imprisonment for three (3) years or more.
- (2) Misdemeanors: A misdemeanor is any offence which is declared by law to be a misdemeanor or is punishable with imprisonment for not less than six (6) months but less than three (3) years.
- (3) Simple offences: All other offences other than felonies and misdemeanors are simple offences.

## **ATTEMPTS TO COMMIT OFFENCES**

By section 4 of the criminal code, when a person, intending to commit an offence, begins to put his intention into execution by means adapted to its fulfillment, and manifests his intention by some overt act, but does not fulfill

his intention to such an extent as to commit the offence, he is said to attempt to commit the offence.

It is immaterial, except so far as regards punishment, whether the offender does all that is necessary on his part for completing the commission of the offence, or whether the complete fulfillment of his intention is prevented by circumstances independent of his will, or whether he desists on his own motion from the further prosecution of his intention.

It is immaterial that by reason of circumstances not known to the offender it is impossible in fact to commit the offence.

The same facts may constitute one offence and an attempt to commit another offence.

This section is vital for our purpose because of certain difficulties being experienced in securing conviction for the main offence for one reason or the other. If this is the case, then conviction can be secured for the attempt to commit the offence. We shall demonstrate the usefulness of this provision soon.

### **INGREDIENTS OF OFFENCES OR CRIME**

By ingredient of offences is meant elements, components, constituents or features of the offence alleged to have been committed.

There are two broad categories of ingredients of an offence. They are the PHYSICAL ingredients called *actus reus* (latin for “guilty act”) and the MENTAL ingredients called *mens rea* (latin for “guilty mind”).

**Intention of the mind alone, however wicked is not generally forbidden or punished by the law but when the man or woman begins to put the intention into execution or physical manifestation, then the law will strike.**

Before any offence can be said to have been committed, all the ingredients that make up the offence, physical and mental, must be present. Failure or omission or absence of any ingredient leads to failure of prosecution. The physical and mental ingredient of any particular offence may consist of a complex of physical and mental circumstances depending on the definition of the offence by the law. The facts of each case combine together to form

the ingredients. When an event occurs and the facts of the event points to the existence of the ingredients of an offence as defined by law, then the offence will be alleged to have been committed. **This is the chief determinant of whether a prosecution will succeed or fail as we shall discover later in this discourse.**

In order not to embark on a journey that can not be accommodated by the time available, I will now narrow down to sexual offences.

## **PROVISIONS OF THE LAW ON SEXUAL OFFENCES**

In order to enable us all appreciate the issues better, let us peruse relevant provisions of the law on sexual offences generally: (see the attached copy of pages of the Criminal Code Act which is similar to the Criminal Code Laws of all the states in the southern part of Nigeria). The procedure for the prosecution of offences is governed by the Criminal Procedure Acts of the state within which each police command operates.

## **KNOWLEDGE OF THE LAW ENHANCES SUCCESSFUL INVESTIGATION AND PROSECUTION OF CASES.**

We shall examine three categories: offences against morality; assaults generally and assaults on females. We shall examine the last first. Our approach shall be demonstrative as if we are handling a live case.

### **ASSAULTS ON FEMALES.**

#### **1. RAPE (sections 357,358,359and 360)**

**Any person who has unlawful carnal knowledge of a woman or girl, without her consent, or with her consent, if the consent is obtained by force or by means of threats or intimidation of any kind, or by fear of harm, or by means of false ad fraudulent representation as to the nature of the act, or, in the case of a married woman, by impersonating her husband, is guilty of an offence which is called rape.**

Any person who commits the offence of rape is liable to imprisonment for life, with or without caning.

Any person who attempts to commit the offence of rape is guilty of a felony, and is liable to imprisonment for fourteen years, with or without caning.

Any person who unlawfully and indecently assaults a woman or girl is guilty of a misdemeanor, and is liable to imprisonment for two years.

Note that by Section 6 of the Criminal Code Act, when the term “carnal knowledge” or “carnal connection” is used in defining an offence, it is implied that the offence, so far as regards that element of carnality in it, is complete upon penetration and unlawful carnal knowledge means sexual intercourse not being between husband and wife.

A careful reading of the definition of rape will reveal the following ingredients:

- (a) That there must be **a person** who had **carnal knowledge** (sexual intercourse complete upon penetration however slightly) **with a woman or girl** (victim). Note: A person is either a man or woman. A woman is capable of having carnal knowledge (penetration however slight) of another woman or girl in a situation that may amount to a violation of the dignity of the person of the victim otherwise than through sexual intercourse (defined as the uniting of sexual organs, especially involving the insertion of the male penis into the female vagina). Implication is that a woman can be accused of having carnal knowledge of another to the extent of penetrating the sexual organ of another with any object including her fingers or but this will not amount to rape strictly because it will not involve the insertion of the male penis into the female vagina. Ditto a man who uses his finger or any other object. The law classified this as assault simpliciter!
- (b) That the act of sexual intercourse was unlawful, not being between husband and wife.
- (c) The act of carnal knowledge must be corroborated by the evidence of an independent person present at the scene. Note that this is not a requirement of the entire chapter 30 of the Criminal Code Act but the courts have made it mandatory for the evidence of the victim to be corroborated. This is posing the biggest hurdle to be crossed in rape cases and accounts for the overturning of decisions of lower courts by the apex court on many occasions.

- (d) That the act of sexual intercourse was without the consent of the victim.
- (e) That the act of intercourse was with the consent of the victim but the consent was obtained: by force; or by means of threats or intimidation of any kind; or by fear of harm (to the victim or any other person); or by means of false and fraudulent representation as to the nature of the act; or, in the case of a married woman, by impersonating her husband.

**The requirement of the law is that all the ingredients must be proved before conviction can be secured and the accused punished accordingly.**

**The question then is how can the ingredients be proved? This can only be done by the presentation of the FACTS and of EVIDENCE in proof of the facts of the commission of the offence as reported by the victim.**

**REPORT TO THE POLICE:** Whenever a sexual crime is committed, the victim's first point of call is the police station where a report of the offence committed is lodged. The report is made up of facts as presented by the victim who is usually traumatized and may be followed by sympathizers and or family members. This is usually done at the counter or front desk. So many rape cases have been frustrated at this stage due to the attitude of front desk officers with whom the victim and anybody coming to the police station will have first contact. This also requires some training as is done for receptionists by corporate bodies. Receptionists are those who receive every comer. The police also has corporate image to portray and protect. The attitude of the desk officer will create lasting impression in the mind of any comer to the station hence great care must be exercised in the selection of officers to man the front desk.

Once there is a report by a rape victim, the report should be promptly recorded in the report book (incidented) and referred to a superior officer for orders. There must be no delay as the investigation must commence immediately because of the peculiar nature of the offence and evidence required to prove it. It will be counterproductive for the desk officer to exclaim COME AND SEE, THIS ONE HAS BEEN RAPED O! SEE HOW YOU ARE DRESSED, WHY WONT YOU BE RAPED?!!! This is enough to scare victims away and discourage future victims and their supporters from lodging reports. Reports are lodged to be investigated and not

publicized or judged. Some measure of confidentiality is required. There is need for the Officer in Charge of every station to have administrative policy on handling of information on rape cases

This report triggers the entire justice system. The report is treated as allegation until it can be substantiated to be true. This is only done via investigation which can only be carried out by Investigating Police Officers (IPO) assigned specifically by a superior police officer to investigate the case.

**THE INVESTIGATING POLICE OFFICERS (I.P.O.):** In the same manner, great care must be taken to ensure that (a) the case is assigned to officers who understand the nature of the offence. Sexual offences generally by nature are not simply sexual but assaultive, violent, demeaning, degrading, humiliating, oppressive, exploitative and inhuman; (b) the case is assigned to officers who understand the requirements or ingredients of the law of the offence; (c) the case is assigned to officers who are mature, humane, sympathetic and who have overcome societal stereotypes by virtue of formal and informal education. It is better for IPOs and all to imagine their mother, sister, wife, lover or daughter being the victim and treat them as such. Where there is a knowledgeable and sympathetic police woman, she should be in the team as the victim will feel more relaxed with her.

**INVESTIGATION:** This commences with the writing of a statement of facts by the victim and witness or witnesses, if any. **FACTS** include statement of detailed and specific information with particulars of the whole true story and must cover all aspects of the ingredients of the offence. **This is the foundation of the entire case which will determine whether it will be won or lost.**

In order to lay a good foundation for the satisfaction of the ingredients of the offence, relevant questions must be asked and explanation obtained. Care must be taken to couch and express the questions in sympathetic tones and manner.

- (a) That a man (accused) had **carnal knowledge** (sexual intercourse complete upon penetration however slightly) with a woman or girl (victim). Name and particulars of the identity of the victim and accused and their marital status must be obtained; The age of the victim and the accused must be ascertained. This will assist in

determining under what section and for which offence he will be charged (like defilement of a girl under 13 years in section 218). What the accused did should be stated. Victim must be educated about the requirement of the law and encouraged to describe the details of the intercourse especially what the accused used to penetrate what. If it is the genitals or organs, both should be described in their real names: penis and vagina as in “he inserted and penetrated my vagina with his penis”. (Note that a case was lost because the victim merely said the accused pushed her down, slapped her violently, threatened to kill her, removed her clothes forcefully, tore her underwear, lied on top of her and started moving up and down, up and down, up and down until he finished). If there was no penetration but accused removed his underwear and attempted to penetrate but could not, this will indicate attempted rape; If the accused used finger or other items to penetrate or violate the victim, this will indicate that the case being investigated is not rape but indecent assault etc.

- (b) That the act of sexual intercourse was unlawful, not being between husband and wife. Here, the marital status of the victim and the accused must be ascertained. Poser: what if they are married, or they were former lovers or ordinary friends?
- (c) The act of carnal knowledge must be corroborated by the evidence of a credible and independent person present at the scene and incriminating the accused as the person who raped the victim by penetrating into her vagina. By section 1 of the Criminal Code Act., “uncorroborated evidence” means testimony which is not corroborated in some material particular by other evidence implicating the accused person. To Corroborate is to confirm; support; agree with; substantiate; back up; and to uphold the testimony of the victim. Note that this is not a requirement of the entire chapter 30 of the Criminal Code Act but the courts have made it mandatory for the evidence of the victim to be corroborated. (Compare with Chapter 21). The rationale offered is to prevent a situation in which innocent persons will be accused of rape and punished accordingly on the solitary testimony of the victim. This is posing the biggest hurdle to be crossed in rape cases and accounts for the overturning of decisions of lower courts by the apex court on many occasions. The evidence of the victim is not enough to prove penetration because she can only feel penetration in her vagina but can not see the actual penetration.

Even the admission of the accused that he penetrated the vagina of the victim with his penis is under doubt because it is the evidence of the victim that require corroboration. He can not prove that he saw the penetration, he could only have felt it. Even medical report that there was rupture of the hymen due to the penetration and the presence of the sperm of the accused in the vagina has been held not to be corroboration. Compare this with the strictest proof required in an allegation of adultery in Islamic law in which has never been corroborated successfully because of the requirement that the corroborator must give testimony that he or she saw the shaft of the penis penetrating the vagina. In a case under Islamic law, the evidence of the only person who witnessed the intercourse and described what he saw while standing at the foot of the bed could not corroborate because under cross-examination, he admitted he only saw the sack of the scrotum dangling and not the penis itself. The dangling scrotum is not corroborative of even slight penile penetration. This appears to be the Golgotha of rape cases in our court. This is why prosecutors take caution to charge for a combination of rape, attempted rape, assault, etc. depending on the facts and circumstance of each case.

- (d) That the act of sexual intercourse was without the consent of the victim. This will be determined by the entire circumstance. Caution must be exercised here. It is not mandatory for the woman to be screaming, crying and fighting for her virtue before non-consent can be established. The fact that a victim is not injured physically, behaves calmly and rationally at the time of report does not mean she consented. **EMPHASIS MUST BE ON THE CONDUCT OF THE ACCUSED AND NOT ON THE CONSENT OF THE VICTIM.** Investigators must not lose focus. It is the accused and not the victim that will be tried. The stereotype is that when a woman says no, she means yes. (but why is it that when she says yes it is not interpreted as no). The law is that when a woman says no, she means no.
- (e) That the act of intercourse was without the consent of the victim but that the accused had canal knowledge of the victim by force; or by means of threats or intimidation of any kind; or by fear of harm (to the victim or any other person); or by means of false and fraudulent representation as to the nature of the act; or, in the case of a married woman, by impersonating her husband. Questions must be asked to reveal the nature of the force, threat, intimidation, fear of harm,

falsehood, fraud or impersonation depending on the facts of each case..

Gathering of material evidence must also commence immediately. The facts must be supported by evidence. For example, the underwear of the victim was torn; this must be taken as exhibit and preserved.

**MEDICAL EXAMINATION:** While other witnesses are giving their statement, the victim should be taken or referred to a Public Hospital where the body and genital of the victim shall be examined medically and a medical report prepared and obtained. The medical report is a strong factor in the successful prosecution of the case hence must be taken seriously as an important part of the investigation. Forensic experts have been able to take and examine samples of the hair in the genital area of a victim which revealed that strands of hair that matched that of the accused were locked with that of the victim. There is only one way this can happen between persons who were strangers before the attack. Even hairs have distinct characteristics which can be used to nail accused persons in situation where there was no ejaculation of semen. The accused can also be examined medically for evidence that will be used.

**ARREST AND INTEROGATION OF SUSPECT(S):** While a member of the investigation team is gone to the hospital with the victim, another can organize the arrest of the accused. This must also be prompt before vital evidence is destroyed. The interrogation must also center on the ingredients of the offence bearing in mind always that it is the conduct of the accused that is being investigated and not that of the victim. **This is why knowledge of the law is necessary so that investigators can know what they are looking for.**

**DETENTION OF SUSPECT OR GRANT OF BAIL BY THE POLICE:** Any person who commits the offence of rape is liable to imprisonment for life, with or without caning. Any person who attempts to commit the offence of rape is guilty of a felony, and is liable to imprisonment for fourteen years, with or without caning. This means that this offence is serious hence ranks among those in which the discretion of the police to grant bail must be reasonably exercised based on the circumstance of the case. Bail should not be granted within three (3) days to enable investigation proceed beyond where the accused can harass the victim. But when bail is being granted, it is better to attach stringent conditions like the accused producing substantial

sureties like his father or a chief; reporting at the station every morning and remaining until the evening; etc.

**MEDIATION BY THE POLICE:** The police have no authority to broker peace between a rape victim and alleged rapist(s) because it is not a civil matter. In law, all offences are committed against the state and are adjudicated upon only by the law courts. The role of the police is investigatory and prosecution in some cases at the Magistrates' court. The role of the police is not to mediate. Sexual offences are offences against the psyche and dignity of the person of the victim which can never be adequately redressed or compensated via mediation. In fact we are still campaigning that the punishment prescribed by law is not adequate to ensure justice. Experience has shown that if not adequately punished, sexual offenders often commit the same offence again. It may even be against the daughter or sister or wife or even mother of the police officer who wanted to mediate. To us, the mere mention or attempt of mediation automatically disqualify such IPO from handling the case any further. The investigation should be withdrawn from him due to his non-appreciation of the offence committed and the possibility that he may frustrate the investigation and prosecution of the case based on his bias for mediation.

**VISIT TO THE SCENE:** Depending on the facts of each case, investigators should visit the scene of the incident as vital evidence can be discovered. For instance where the offence was committed on a sandy location, there will be evidence on the ground of how the accused digs into the ground with his toes in order to use his body to force the victim down. A picture of this will be a veritable arsenal to be deployed in court as evidence of lack of consent.

**DECISION ON THE REPORT AS TO OFFENCES DISCLOSED:** This can only be done if there is a clear understanding of the various offences and their ingredients. It is advised that a mini-conference be held with experienced officers to decide on this and where there is doubt, the file should be sent to the Director of Public Prosecution for advice on probable charges that can be grounded by the facts and evidence.

**FORMULATION OF CHARGES:** This will be determined by the outcome of the report. All investigators should familiarize themselves with the provisions of chapter 21(offences against morality); chapter 29 (assaults)

and chapter 30 assaults on females to be able to determine appropriate charges or combination of charges.

**RE-ARRESTING OF SUSPECT TO COURT:** Re-arresting will be necessary where accused has been released on bail.

**CHARGING OF SUSPECT TO COURT:** There will be need to determine the particular court before which the accused will be charged. This is also as stipulated by the laws operating in each state. In Nigeria, only states and the Federal Capital Territory have Magistrates courts and the category of cases that can be tried and limit of punishment that can be imposed by Magistrates are stipulated.

**PROSECUTION AND PRESENTATION OF EVIDENCE IN COURT:** This is the presentation of witnesses and exhibits in court. This is better preceded by a pre-trial counseling meeting by the prosecutor with the victim and other witnesses. The attendance of the medical doctor is necessary to enable him present and explain his report to the court.

## **CONCLUSION**

The ultimate aim is to strengthen the administration of criminal justice in the area of sexual offences so that potential offenders can be deterred and such crimes can be reduced drastically. The shame of the incident should be shifted on the perpetrators of the anti-social act. All of us have roles to play in this effort and we can and should succeed together.

Thanks.

## **DEMONSTRATION**

Miss Opelenge, the daughter of the DPO went to the village stream to fetch water. On her way back, she was accosted at a cross road by Mr. Were and Mr. Jamba. They forcibly removed the water she fetched from her head, pushed her into the bush and while Mr Jamba held the legs of Miss Opelenge apart and pressed to the ground, Mr. Were removed his shorts up to below his knees and forcibly had sexual intercourse with her. They also put sand in her mouth to stifle her cries and protests.

Mr. Osojumi who was the elder brother to Opelenge was on the way to his farm. When he got to the cross road, he heard grunts of agony from the bush and decided to investigate. On getting to the scene, he met Mr. Were on top of his sister having sexual intercourse with her with the assistance of Mr. Jamba who held her legs. On seeing Mr Osojumi, Mr. Jamba and Mr Were took to their heels but Mr Were could not run fast enough because of his shorts that was pulled down during the act hence he was caught by Mr Osojumi and dragged to the village. When Were was taken before his father who was the chief of the village, Were confessed to the act and the chief flogged him mercilessly.

When they got to the police station, they denied the allegation.

How can this be investigated?

Based on the story above, what are the probable charges that can be brought against the accused persons?

What if the girl was 12 years old and the accused persons 23 years at the time of the event?

What if the girl was 20 years old and the accused persons 23 years at the time of the event?

What are the chances of successful prosecution in each case?

## **TIPS**

### **FOR GIRLS AND WOMEN ON HOW TO PREVENT AND COPE WITH SEXUAL VIOLENCE AND ABUSE**

Please note that:

All girls and women - including babies, old women, pregnant women, mentally retarded women, nuns, women who use hijab (the veil) are at risk of being raped, sexually harassed and sexually exploited.

#### **A. RAPE**

##### **PREVENTION**

- \* Do not walk alone in the dark. Avoid late night trips. Rapists operate best in darkness.
- \* Do not solicit for or accept rides from unknown men. In the past, a number of men have raped and gang raped women that they have given rides or supposedly “helped”.
- \* Reject firmly, unsolicited favours. Rapists often come as “friends” and lure their victims with gifts.
- \* Be choosy about the timing of the parties you attend. At times, serial rapists organize parties to lure victims.
- \* Make sure you are not the only female left with men in a bus or taxi at night.
- \* Be sure that you are not the only female reading in a lecture room occupied by just 2 or 3 men at night.
- \* Avoid being alone (whether at home, in school or in the work environment) with: a man that you instinctively distrust; a man that is on drugs or has ingested alcohol; a man that is quick to slap and punch; a man that shows disrespect to women in language, attitudes or behaviour (or all three) and a man that you hardly know.
- \* Have a sense of self worth and be assertive. Being a nice, lovely, quiet, non-assertive female is clearly not advantageous in situations that are conducive to rape.

##### **COPING**

- \* If attacked, tell yourself you are fighting to survive. So, push away fear.
- \* Shout and call for help in all circumstances.
- \* Run away, preferably to a place where you can be safe.

- \* If the door is not locked and the assailant is clearly not armed, and he is forcing himself on you, fight him with everything within your reach.
- \* Do something desperate, including giving a hard and deep bite or knock, in the most unusual parts of the body- nostrils, groins etc.
- \* Inflict deep, if possible, fatal injuries on the assailant.
- \* **If the rapist(s) have his/their way, get away from the scene of the incident.**
- \* **Preserve Evidence** – that is, do not: take a bath; change clothing; brush or comb hair.
- \* Discuss with a trusted person and seek medical attention. Insist on seeing a medical doctor.
- \* Report to an organization like WARSHE.
- \* Report to the local police or security outfit.
- \* Keep torn clothings and underwears, which you would hand over to the police once investigation begins.
- \* Be determined to survive the attack. So, co-operate as help comes your way.

## **B. SEXUAL HARASSMENT**

### **PREVENTION**

- \* Avoid repeated, unnecessary visits to any male in a position of power (e.g. your lecturer, boss, an official etc) because such visits may be misinterpreted.
- \* Wear dresses/apparels etc that are well-suited for/to the occasion or environment. This is important because the fad now is for: good and well intentioned men and women, as well as rapists and sexual abusers to use girls' "bad dressing" as a justification for, and a reason for rape and sexual harassment. Although, we do not agree with them because we know that nuns, women in hijab, babies and old women (who do not "dress badly" or "provocatively") get raped, they are also sexually harassed and assaulted. We plead for adherence to the principle of: suitability of certain kinds of clothings in certain environments. We ought not to help rapists and sexual harassers absolve themselves of blame in their criminal and abusive behaviours.
- \* Trust your intuitions. Are you suspicious of a powerful male? If yes, keep him at arms length.

### **COPING**

- \* Sexual harassment is harmful and it does not just go away. So, don't ignore it.
- \* Be formal and assertive in your interactions with a male who is harassing you.
- \* Say NO emphatically, although this will not deter a determined sexual harasser.
- \* You may try being extremely and embarrassingly polite (the Nigerian way) to a lecherous male who is putting you under pressure for sexual favours, whether at work or in school.
- \* If he does not stop, report to responsible individuals within the organization or institution of learning, labour leaders or the Code of Conduct Bureau.
- \* Contact an organization such as WARSHE.
- \* It should not signal the end of a career or education. And, be determined not to succumb.
- \* If you succumb, it will lower your self-esteem.

## **C. SEXUAL EXPLOITATION**

### **PREVENTION**

- \* If you are poor (in the economic sense), avoid exchanging sex for money. You help men to abuse you if you exchange sex for money. Ask friends, relations and more privileged women for financial assistance and do petty jobs in addition to schooling and or working.
- \* If you are academically weak or have limited abilities, do not exchange sex for grades or promotions. Ask more academically endowed and more capable friends to help you out. Study hard and work hard.
- \* Do not exchange sex for your academic rights: your rights to accommodation and your rights as a worker.
- \* If a trusted friend or relation is exploiting you sexually because he gives you financial assistance, and accommodates you, do not suffer in silence. Talk to someone he respects about it. If he persists, talk to an organization like WARSHE.

### **HOW CAN YOU HELP OTHERS TO PREVENT AND COPE WITH SEXUAL VIOLENCE AND ABUSE?**

- \* Be your sister's keeper. Warn another girl/woman about a potentially dangerous situation. The **WARSHE ALERT CARDS** will come handy in this respect. **Collect some NOW.**

- \* Provide solid, brick wall personal support for girls and women who have been traumatized. Listen to them, don't blame them; be present as they meet with, or appear before doctors, police, lawyers, officials of institutions of learning, relations and friends of alleged offenders, etc.
- \* Do not advise girls and women who have been or are being traumatized to "shut-up" and "put-up with it". This kind of advice strengthens rapists and other sexual abusers as it allows them to go unsanctioned, and so, puts more girls and women at risk of sexual violence and abuse.
- \* Do not gloat over the abuse of another girl or woman.
- \* Do not turn the abuse of another girl or woman into subject of gossip.

### **To Mothers (and Fathers)**

- \* Do not employ male helps if you are a mother to baby girls, young girls and teenage girls.
- \* Watch the interactions of the male relations within the household with your baby girls, the toddlers, the primary age and the teenage girls.
- \* Do not hesitate to insist that they should not bathe for, nor help clean the bumbum of the young ones. In addition, they should not place the girls on their laps.
- \* Watch the daddies too. Incest is real.
- \* Watch your young and teenage boys' interactions with teenage or young adult female house helps.
- \* If your little boy or girl or teenager begins to resist seeing a paediatrician or a gynaecologist that he/she used to see without pressure in the past, listen, find out why; but do not push him or her to the doctor.
- \* Let pre-primary and primary age children (in particular girls) know that: **it is bad for anybody to play with those parts of their bodies below the shoulders and above the knees.** They should therefore bite whoever plays with those parts of their bodies and report to their mummies and or their teachers.
- \* Resist bringing-up your girls in a way that they feel, and or are convinced that they are subordinate to men and that they have to do men's wishes all the time.
- \* Try to be your child's best friend.
- \* Encourage your child to discuss everything (including his or her body) with you. This will give you the chance to give information about socially acceptable attitudes and behaviours in respect of sex. Male children in particular, need to learn about what constitutes acceptable sexual overtures and abusive sexual relationships from their parents.

## **But what is: Rape, Sexual Harassment and Sexual Exploitation?**

- **Rape** is the act of forcing someone through violence, threat of violence or coercion (this includes verbal coercion) to have sexual intercourse.

Rape can be either:

- ❖ **Attempted Rape**                      The assailant did not succeed in having contact with and penetrating the victim's Vagina.
- ❖ **Stranger Rape**                        Rape by someone you have never met, someone totally unknown to you.
- ❖ **Acquaintance or Date Rape**            Rape by someone known to you whether a co-worker or boss; a student like you, a relative, a neighbour, a spiritual leader etc.
- ❖ **Statutory Rape**                        Rape of persons that are minors under the law (in Nigeria, minors are persons below age 18).
- ❖ **Gang Rape**                              When more than one man take turns to rape a girl or woman or girls and women in the same place.

**Sexual Harassment** is unwanted sexual attention, which may interfere with a person's academic or employment activities/opportunities. Such unsolicited and unwanted verbal or physical conduct of a sexual nature would usually come from someone in a position of power. That is, a boss, a lecturer, or an official. It is a form of discrimination and it is an abuse of power. Sexual Harassment includes:

- ❖ Continuous and persistent request for sexual favours even when such have been rejected.
- ❖ Unwelcome or demeaning remarks about the victim's body, her gender and or her capabilities.

- ❖ Unnecessary touching, patting or hugging that the victim finds unacceptable.
- ❖ Unacceptable and inappropriate references to sexual organs; sexual humor and obscene gestures, such as staring intensely at a woman's breast or buttocks while passing obscene remarks about female sexual organs.

**Sexual Exploitation** is when a person obtains sex from another, **in a seemingly voluntary and fair exchange**. It is an unjust transaction in which sex is the medium of exchange. The power-relation at the background of sexual exploitation makes it a special kind of exercise of one person's power over another. The one who is exercising the power can be:

- ❖ A boss who can influence the other's promotion or means of livelihood.
- ❖ A lecturer who can influence student's grades.
- ❖ An official who can determine whether women have access to what is theirs by right.
- ❖ A relation who can decide to withhold financial and other support.
- ❖ A private tutor or a coach who tells his pupil that she will never have a tutor or coach who will be better than him and he alone can make her successful.
- ❖ A spiritual leader, who tells women that their problems can only be solved if he intervenes on their behalf with God.

From:

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