

SEXUAL HARASSMENT LAWS: NIGERIA IN CONTEXT

SEXUAL HARASSMENT AT WORK

NIGERIA IN THE GLOBAL AND LOCAL CONTEXT

- Nigeria **does not have explicit legislation** prohibiting sexual harassment at work.
- **Globally**, as of 2016, **119** countries explicitly prohibited sexual harassment regardless of gender.
- Across **Africa**, **33** countries explicitly prohibited sexual harassment at work for all workers, regardless of gender.
- **61 middle-income and 40 high-income** countries explicitly prohibited sexual harassment at work for all workers, regardless of gender.

WHY PROTECTIONS AGAINST SEXUAL HARASSMENT AT WORK MATTER

- When women experience sexual harassment at work, their job-related and mental health outcomes are significantly impacted. Women who experience workplace sexual harassment have significantly increased absenteeism and reduced productivity, particularly in cases of severe harassment, and are more likely to leave their jobs.¹ Women also report that patterns of sexual harassment in their workplaces disrupted their opportunities for career advancement.² Experience of sexual harassment significantly reduces victims' job satisfaction across a variety of measures, including satisfaction with their coworkers, supervisors, and their work.³
- In the context of Nigeria, prevalence of workplace sexual harassment is high: over half (54.5%) of women report experiencing sexual harassment at work in the past year.⁴ Some Nigerian women report tolerating sexual harassment for fear of losing their jobs, particularly when the perpetrator was their boss: one woman, whose experience exemplified the feelings of others, reported that she “[took] care of [her] boss sexually” and “please[d] him sexually” to avoid being fired, noting that “this is what it takes to keep the job...in Nigeria of today, these are the way things are.”⁵ Other women report significant impacts on their job outcomes: after experiencing sexual harassment, over half of Nigerian women resigned from

¹ Deloitte Access Economics. (2019). The economic costs of sexual harassment in the workplace. Available at <https://www2.deloitte.com/content/dam/Deloitte/au/Documents/Economics/deloitte-au-economic-costs-sexual-harassment-workplace-240320.pdf> (Accessed 22 Jan 2021); Willness, C.R., Steel, P., and Lee, K. (2007). A meta-analysis of the antecedents and consequences of workplace sexual harassment. *Personnel Psychology* 60(1) 127-162; Chan, D.K-S, Chow, S.Y., Lam, C.B., and Cheung, S.F. (2008). Examining the job-related, psychological, and physical outcomes of workplace sexual harassment: a meta-analytic review. *Psychology of Women Quarterly* 32(4) 362-376; American Association of University Women. (2019). Limiting our livelihoods: The cumulative impact of sexual harassment on women's careers. Available at <https://www.aauw.org/app/uploads/2020/03/Limiting-our-Livelihoods-Full-Report.pdf> (Accessed 22 Jan 2021); McLaughlin, H., Uggen, C., and Blackstone, A. (2017). The economic and career effects of sexual harassment on working women. *Gender & Society* 31(3) 333-358; Merkin, R. (2008). The impact of sexual harassment on turnover intentions, absenteeism, and job satisfaction: Findings from Argentina, Brazil and Chile. *Journal of International Women's Studies* 10(2) 73-91.

² American Association of University Women. (2019). Limiting our livelihoods: The cumulative impact of sexual harassment on women's careers. Available at <https://www.aauw.org/app/uploads/2020/03/Limiting-our-Livelihoods-Full-Report.pdf> (Accessed 22 Jan 2021)

³ Willness, C.R., Steel, P., and Lee, K. (2007). A meta-analysis of the antecedents and consequences of workplace sexual harassment. *Personnel Psychology* 60(1) 127-162; Chan, D.K-S, Chow, S.Y., Lam, C.B., and Cheung, S.F. (2008). Examining the job-related, psychological, and physical outcomes of workplace sexual harassment: a meta-analytic review. *Psychology of Women Quarterly* 32(4) 362-376; Sojo, V.E., Wood, R.E., and Genat, A.E. (2015). Harmful workplace experiences and women's occupational well-being: A meta-analysis. *Psychology of Women Quarterly* 40(1) 10-40.

⁴ Oche O.M., Adamu H., Mallam S.A., Oluwashola R.A., Muhammad A.S. (2020). Assessment of knowledge, attitude and experience of sexual violence among female employees in Sokoto metropolis, northwest Nigeria. *African Journal of Reproductive Health* 24(2) 164-175; Johnson, K. (2010). Sexual harassment in the workplace: A case study of Nigeria. *Gender & Behaviour* 8(1) 2903-2918.

⁵ Johnson, K. (2010). Sexual harassment in the workplace: A case study of Nigeria. *Gender & Behaviour* 8(1) 2903-2918.

their jobs (56.7%), took leave (51.1%), and changed their place of work (50.6%).⁶ Overall, sub-Saharan African women reported that after experiencing sexual harassment at work, they felt fearful, unsafe, stressed, and uncomfortable returning to work.⁷

- Laws and policies that prevent sexual harassment matter to improve the lives of women by alleviating the negative outcomes associated with harassment, and to reduce the economic burden to both women and employers associated with sexual harassment. Absenteeism and employee turnover decrease productivity and are costly to employers, and job change disrupts women's financial security.⁸ While many factors impact the prevalence of sexual harassment at work, evidence suggests that organizational and environmental tolerance of such harassment has the strongest relationship with incidence of sexual harassment.⁹ Policies that prevent sexual harassment at work and educate employees about what constitutes workplace sexual harassment have shown to improve gender-equitable attitudes, reduce organizational tolerance of sexual harassment, and reduce sexual harassment incidence.¹⁰

KEY ELEMENTS OF LAW

For each area below, examples of strong legislative text approaches are included at the end of the document.

SEXUAL BEHAVIOR-BASED AND SEX-BASED HARASSMENT

- Prohibitions of harassment at work should include both sexual behavior-based and sex-based harassment. Prohibiting both ensures legal protection from stereotyping, derogatory jokes, and other unwelcome behavior based on sex as well as sexual advances.
- **Five African** countries prohibit both sex-based and sexual-behavior based harassment at work.
- **19 middle-income and 30 high-income countries prohibit both sex-based and sexual-behavior based harassment** at work.

DEFINING SEXUAL BEHAVIOR-BASED HARASSMENT

- Prohibitions of sexual behavior-based harassment should cover **quid pro quo or sexual advances and other actions that create a hostile work environment**. This broader prohibition covers actions that violate a person's dignity or create an environment that is intimidating, hostile, degrading, humiliating, or offensive.
- **Fourteen African** countries use this broad definition of sexual harassment.

⁶ Oche O.M., Adamu H., Mallam S.A., Oluwashola R.A., Muhammad A.S. (2020). Assessment of knowledge, attitude and experience of sexual violence among female employees in Sokoto metropolis, northwest Nigeria. *African Journal of Reproductive Health* 24(2) 164-175.

⁷ Landin, T.T., Melin, T., Kimaka, V.M., Hallberg, D., Kidayi, P., Machange, R., Mattsson, J., and Björling, G. (2020). Sexual harassment in clinical practice—A cross-sectional study among nurses and nursing students in sub-Saharan Africa; McLaughlin, H., Uggen, C., and Blackstone, A. (2017). The economic and career effects of sexual harassment on working women. *Gender & Society* 31(3) 333-358; Bowen, P., Edwards, P., and Lingard, H. (2013). Workplace distress among construction professionals in South Africa. *Engineering, Construction and Architectural Management* 20(2) 620-635.

⁸ McLaughlin, H., Uggen, C., and Blackstone, A. (2017). The economic and career effects of sexual harassment on working women. *Gender & Society* 31(3) 333-358.

⁹ Willness, C.R., Steel, P., and Lee, K. (2007). A meta-analysis of the antecedents and consequences of workplace sexual harassment. *Personnel Psychology* 60(1) 127-162.

¹⁰ De Haas, s., Timmerman, G., Höing, M., Zaagsma, M., and Vanwesenbeeck, I. (2009). The impact of sexual harassment policy in the Dutch police force. *Employee Responsibilities and Rights Journal* 22 311-323; Williams, J.H., Fitzgerald, L.F., and Drasgow, F. (1999). The effects of organizational practices on sexual harassment and individual outcomes in the military. *Military Psychology* 11(3) 303-328; Roehling and Huang (2018). Sexual harassment training effectiveness: An interdisciplinary review and call for research. *Journal of Organizational Behavior* 39(2) 134-150; Antecol and Cobb-Clark (2003). Does sexual harassment training change attitudes? A view from the federal level. *Social Science Quarterly* 84(4) 826-842;

- **Globally, 82 countries include quid pro quo or unwanted sexual advances and behavior that creates a hostile work environment.**
 - **36 middle-income and 37 high-income** countries prohibit behavior that creates a hostile work environment alongside sexual advances.

COVERING SEXUAL HARASSMENT BY ANYONE IN THE WORKPLACE

- Legislation should prohibit sexual harassment by **anyone in the workplace**, not just harassment by employers or supervisors. Provisions should cover harassment by co-workers, customers, and contractors.
- **Five African** countries prohibit sexual harassment by anyone in the workplace and an additional 2 countries prohibit harassment by co-workers.
- **Globally, 28 countries** explicitly cover harassment by **co-workers, customers, contractors, or anyone in the workplace.**
 - **8 middle-income countries and 10 high-income** countries explicitly address sexual harassment by anyone in the workplace and an additional 10 middle-income countries and 17 middle-income countries prohibit sexual harassment by co-workers.

PROTECTION FROM RETALIATION

- To support the effective implementation of laws prohibiting sexual harassment at work, **workers must be protected from retaliation for reporting sexual harassment** or participating in investigations of sexual harassment.
- **Nineteen African** countries ensure at least some protection from retaliatory action for reporting sexual harassment.
- Globally, **87 countries** prohibit at least some retaliatory action for reporting sexual harassment.
 - **37 middle-income countries and 38 high-income** countries include a prohibition of retaliation.

EMPLOYER REQUIREMENTS TO PREVENT SEXUAL HARASSMENT

- **Requirements that employers take specific actions to reduce sexual harassment** by conducting trainings, developing a code of conduct, or establishing disciplinary procedures can help to prevent sexual harassment in the workplace.
- **Eight African countries** include provisions that make employers responsible for preventing sexual harassment or require employers to take specific steps to prevent it.
- **61** countries include provisions that make employers responsible for preventing sexual harassment or require employers to take specific steps to prevent it.
 - **28 middle-income and 27 high-income** countries have these requirements in place.

SEXUAL HARASSMENT IN EDUCATION

NIGERIA IN THE GLOBAL AND LOCAL CONTEXT

- Nigeria **does not have explicit legislation** prohibiting sexual harassment, violence, or abuse at school.
- **Globally**, as of 2019, **145** countries explicitly prohibited sexual harassment, violence or abuse for both boys and girls.
- Across **Africa**, **42** countries explicitly prohibited sexual harassment, violence or abuse at school, regardless of gender.
- Prohibitions of sexual harassment, violence or abuse at school were common across country income, including **73 middle-income countries and 46 high-income countries**. Ensuring girls are able to reach their full educational potential is important and feasible for all countries.

WHY PROTECTIONS AGAINST SEXUAL HARASSMENT IN EDUCATION MATTER

- Sexual harassment among students in sub-Saharan Africa is widespread, with students of all ages and in different institutions reporting experience with sexual harassment both at school and on the way to school.¹¹ Sexual harassment at school has a significant impact on girls' emotional and physical wellbeing, and on their ability to learn. After experiencing sexual harassment, girls report negative emotional and psychological consequences, lower self-esteem, difficulty paying attention in class, decreased satisfaction with their lives and career goals, lower grades, and lower academic motivation.¹² Evidence suggests that girls who are harassed at younger ages experience a greater number of negative outcomes.¹³
- Sexual harassment also impacts students' academic achievement and school attendance. In the sub-Saharan African context, victims of sexual harassment at school reported that their experiences led them to have frequent absence from school, with 11.19% of girls reporting frequent absence due to sexual harassment.¹⁴ Women who received PhDs at sub-Saharan African universities in departments where faculty perpetration of sexual harassment was common took 37% longer to finish their advanced degrees than women who studied in departments where sexual harassment was uncommon.¹⁵ Women who experienced sexual harassment had higher rates of withdrawal from school.¹⁶ Laws and policies that prevent sexual harassment at school not only promote gender equity in the classroom, but they improve girls' and women's socioeconomic status by reducing barriers to education for girls.

¹¹ Owoaje, E.T., and Olusola-Taiwo, O. (2010). Sexual harassment experiences of female graduates of Nigerian tertiary institutions. *International Quarterly of Community Health Education* 30(4) 337-348; Abuya, B.A. Onsomu, E.O., Moore, D., and Sagwe, J. (2012). A phenomenological study of sexual harassment and violence among girls attending high schools in urban slums, Nairobi, Kenya. *Journal of School Violence* 11(4) 323-344; Fisher, M., Nyabaro, V., Mendum, R., and Osiru, M. (2020). Making it to the PhD: Gender and student performance in sub-Saharan Africa. *PLoS ONE* 15(12).

¹² E.g.: Paludi, M., Nydegger, R., Desouza, R., Nydegger, L., and Dicker, K.A. (2006). International perspectives on sexual harassment of college students. *Violence and Exploitation Against Women and Girls* 1087(1) 103-120; Abuya, B.A. Onsomu, E.O., Moore, D., and Sagwe, J. (2012). A phenomenological study of sexual harassment and violence among girls attending high schools in urban slums, Nairobi, Kenya. *Journal of School Violence* 11(4) 323-344; Owoaje, E.T., and Olusola-Taiwo, O. (2010). Sexual harassment experiences of female graduates of Nigerian tertiary institutions. *International Quarterly of Community Health Education* 30(4) 337-348; Chiodo, D., Wolfe, D.A., Crooks, C., Hughes, R., and Jaffe, P. (2009). Impact of sexual harassment victimization by peers on subsequent adolescent victimization and adjustment: A longitudinal study. *Journal of Adolescent Health* 45 246-252; Jacobs, L., and de Wet, C. (2011). A comparison between the consequences of peer sexual harassment for boys and girls. *Journal of Social Sciences* 28(1) 29-42.

¹³ Gruber, J.E., and Fineran, A. (2007). The impact of bullying and sexual harassment on middle and high school girls. *Violence Against Women* 13(6) 627-643.

¹⁴ Jacobs, L., and de Wet, C. (2011). A comparison between the consequences of peer sexual harassment for boys and girls. *Journal of Social Sciences* 28(1) 29-42.

¹⁵ Fisher, M., Nyabaro, V., Mendum, R., and Osiru, M. (2020). Making it to the PhD: Gender and student performance in sub-Saharan Africa. *PLoS ONE* 15(12)

¹⁶ Paludi, M., Nydegger, R., Desouza, R., Nydegger, L., and Dicker, K.A. (2006). International perspectives on sexual harassment of college students. *Violence and Exploitation Against Women and Girls* 1087(1) 103-120.

KEY ELEMENTS OF LAW

For each area below, examples of strong legislative text approaches are included at the end of the document.

DEFINING SEXUAL HARASSMENT AT SCHOOL

- Prohibitions of sexual harassment at school should cover **sexual abuse or advances and behaviors that create a hostile environment**.
- **Globally, 35 countries** explicitly prohibit sexual abuse or advances and behaviors that create a hostile environment, including **7 African countries, 13 middle-income countries, and 17 high-income countries**.

PROTECTING CHILDREN FROM SEXUAL HARASSMENT, VIOLENCE, AND ABUSE BY ADULTS AT SCHOOLS

- Legislation should protect students from sexual harassment by **anyone working at a school**, including principals and teachers, but also other staff members who may not have direct supervisory responsibilities, such as nurses or custodial staff.
- **Globally, 47 countries** prohibit sexual harassment by anyone working at a school, including **10 African countries, 22 middle-income countries, and 18 high-income countries**.

PROTECTING CHILDREN FROM SEXUAL HARASSMENT BY OTHER STUDENTS

- Legislation should also protect students from sexual harassment or violence **by their peers**.
- **Globally, 16 countries** prohibit sexual harassment by other students, including **3 African countries, 10 middle-income countries, and 4 high-income countries**.

SEXUAL BEHAVIOR-BASED AND SEX-BASED HARASSMENT

Tanzania as an example of an approach to prohibiting both sexual behavior-based and sex-based harassment separately:

7 (4) No employer shall discriminate, directly or indirectly, against an employee, in any employment policy or practice, on any of the following grounds: (a) colour; (b) nationality; (c) tribe or place of origin; (d) race; (e) national extraction; (f) social origin; (g) political opinion or religion; **(h) sex; (i) gender; (j) pregnancy; (k) marital status or family responsibility;** (l) disability; (m) HIV/AIDS; (n) Age; or (o) station of life.

(5) **Harassment of an employee shall be a form of discrimination** and shall be prohibited on any one, or combination, of the grounds prescribed in subsection 11(1). **Any form of sexual harassment** of an employee by the employer, his or her representative or any other person is prohibited.

- **Mauritius** as an example of an approach to prohibiting both sexual behavior-based and sex-based harassment together:

54 (1) No person shall –

- (a) **harass, sexually or otherwise;**
- (b) assault;
- (c) verbally abuse, swear at or insult;
- (d) express the intention to cause harm to;
- (e) bully or use threatening behaviour towards;
- (f) use aggressive gesture indicating intimidation, contempt or disdain towards;
- (g) by words or act, hinder,

a worker, in the course of or as a result of his work.

2. Interpretation

In this Act –

“**harassment**” means any unwanted conduct, verbal, non-verbal, visual, psychological or physical, based on age, disability, HIV status, domestic circumstances, sex, sexual orientation, race, colour, language, religion, political, trade union or other opinion or belief, national or social origin, association with a minority, birth or other status, that a reasonable person would have foreseen that a worker would be affected negatively in his dignity;

DEFINING SEXUAL BEHAVIOR-BASED HARASSMENT

Kenya: 6. Sexual harassment

(1) An employee is sexually harassed if the employer of that employee or a representative of that employer or a co-worker—

(a) directly or indirectly requests that employee for sexual intercourse, sexual contact or any other form of sexual activity that contains an implied or express—

(i) promise of preferential treatment in employment;

(ii) threat of detrimental treatment in employment; or

(iii) threat about the present or future employment status of the employee;

(b) uses language whether written or spoken of a sexual nature;

(c) uses visual material of a sexual nature; or

(d) shows physical behaviour of a sexual nature which directly or indirectly subjects the employee to behaviour that is unwelcome or offensive to that employee and that by its nature has a detrimental effect on that employee's employment, job performance, or job satisfaction.

Liberia:

B) Sexual harassment means:

i) sexual conduct which is unwelcome, unreasonable, or offensive to the recipient, and which occurs in circumstances where a person's rejection of, or submission to, such conduct is used explicitly or implicitly as a basis for a decision which affects that person's job; or

ii) sexual conduct that creates an intimidating, hostile or humiliating working environment for the person that is subject to that conduct.

C) Sexual conduct means:

i) conduct of a sexual nature, whether physical, verbal or non-verbal; or

ii) conduct based on sex affecting the dignity of women or men.

COVERING SEXUAL HARASSMENT BY ANYONE IN THE WORKPLACE

Burkina Faso as an example of explicit prohibitions:

Le harcèlement sexuel dans le cadre du travail est interdit. Le harcèlement sexuel **entre collègues, fournisseurs ou clients rencontrés dans le cadre du travail** est également interdit. (Sexual harassment in the workplace is prohibited. Sexual **harassment between colleagues, suppliers or clients encountered in the course of work** is also prohibited.)

Zimbabwe as an example of broad provisions to cover anyone in the workplace:

8 Unfair labour practices by employer

An employer or, for the purpose of paragraphs (g) and (h), an employer or any other person, commits an unfair labour practice if, by act or omission, he—

(...)

(g) demands from any employee or prospective employee any sexual favour as a condition of—

- (i) the recruitment for employment; or
 - (ii) the creation, classification or abolition of jobs or posts; or
 - (iii) the improvement of the remuneration or other conditions of employment of the employee; or
 - (iv) the choice of persons for jobs or posts, training, advancement, apprenticeships, transfer, promotion or retrenchment; or
 - (v) the provision of facilities related to or connected with employment; or
 - (vi) any other matter related to employment;
- or

(h) engages in unwelcome sexually-determined behaviour towards any employee, whether verbal or otherwise, such as making physical contact or advances, sexually coloured remarks, or displaying pornographic materials in the workplace.

PROTECTION FROM RETALIATION

Uganda as an example of prohibition of specific retaliatory action:

17. Retaliation and discrimination.

(1) A person involved in a sexual harassment complaint under these Regulations shall not be retaliated against for doing the following-

- (a) consulting on, reporting or filing a complaint of sexual harassment
- (b) testifying as a witness in a claim of sexual harassment;
- (c) cooperating during any investigation of a sexual harassment complaint;

(2) An employer shall not discriminate against an employee based on the employees involvement in a sexual harassment complaint.

Malawi as an example of a broader prohibition of retaliatory action:

Workplace policy for sexual harassment

7. (l) The Government shall take active measures to ensure that employers have developed and are implementing appropriate policy and procedures aimed at eliminating sexual harassment in the workplace which shall

- (a) entitle all persons who have been subjected to sexual harassment in the workplace to raise a grievance about its occurrence and be guaranteed that appropriate disciplinary action shall be taken against perpetrators;
- (b) entitle a non-employee who has been subjected to sexual harassment to lodge a grievance with the employer of the perpetrator where the conduct giving rise to the complaint has taken place at the work place or in the course of the perpetrator's employment; (...)
- (d) Oblige the person in charge of the work place to (...)
 - (ii) protect employees against victimization, retaliation for lodging grievances and from false accusations;

EMPLOYER REQUIREMENTS TO PREVENT SEXUAL HARASSMENT

Zambia as an example of a requirement to **create a discipline policy**:

40. (1) The Minister shall develop and implement appropriate policy and procedures to eliminate sexual harassment which shall — (...)

(d) oblige a person in a supervisory role to—

- (i) implement the policy and procedures and impose disciplinary action against employees who do not comply;
- (ii) deal expeditiously, sensitively and confidentially with all allegations of sexual harassment;
- (iii) protect persons against victimisation, retaliation or false accusation for lodging grievances;
- (iv) explain the procedure to be followed by persons who are victims of sexual harassment;
- (v) communicate the sexual harassment policy and grievance procedures effectively to all persons, including employees; and
- (vi) designate persons as may be prescribed, by statutory instrument, whom a person who has been subjected to sexual harassment may approach for confidential advice and counselling.

Uganda as an example of a country with many specific employer requirements, including **having a policy and conducting trainings**:

3. Sexual harassment policy.

(1) An employer with more than twenty five employees shall adopt a written policy against sexual harassment which shall include the following-

- (a) a notice to employees that sexual harassment at the workplace is unlawful;
- (b) a statement that it is unlawful to retaliate against an employee for filing a complaint of sexual harassment or for co-operating in an investigation of a sexual harassment complaint;
- (c) a description and examples of sexual harassment;
- (d) a statement of the consequences for employers who are found to have committed sexual harassment;
- (e) a description . Of the process for filing sexual harassment complaints and the addresses and telephone numbers of the person to whom complaints should be made;
- (f) education and training programmes on sexual harassment for all employees on a regular basis; and
- (g) additional training for the committee on sexual harassment, supervisory and managerial employees.

4. Provision of sexual harassment policy to all employees.

(1) An employer shall provide each employee with a copy of the sexual harassment policy.

6. Display of sexual harassment policy.

(1) An employer shall post the sexual harassment policy in a conspicuous area at the workplace.

(2) An employer shall post the names, positions and telephone contacts of the members of the sexual harassment committee in a conspicuous area at the workplace.

SEXUAL HARASSMENT IN EDUCATION

DEFINING SEXUAL HARASSMENT AT SCHOOL

Uganda as an example of a country with a more comprehensive definition that addresses sexual harassment in education-specific legislation:

4. The following measures must be observed by all the educational institutions, whether government aided, community or private.

(a) All acts of violence against children/learners i.e. corporal punishment, bullying, neglect and negligent treatment such as failure to meet the children/learners physical needs like food, water, menstrual hygiene related needs for girls; sexual abuse such as defilement and rape, speaking to children in a sexual manner, making marriage proposals to learners, fondling/touching in a sexual manner, subjecting learners to watch sexual scenes, audio and print materials of sexual nature; drug abuse; emotional violence; school fires among others must stop forthwith.

Mauritius as an example of a country with a more comprehensive definition that addresses sexual harassment in equal opportunity legislation:

25. Sexual harassment

(1) A person sexually harasses another person where, in circumstances in which a reasonable person would have foreseen that the other person would be humiliated, offended or intimidated, he –

(a) makes an unwelcome sexual advance, or an unwelcome request for a sexual favour, to another person; or

(2) For the purposes of subsection (1)(b), "conduct" includes making or issuing an unwelcome oral or written statement of a sexual nature to a person or in the presence of a person.

(b) engages in any other unwelcome conduct of a sexual nature towards another person.

26. Acts of sexual harassment

(6) (a) No member of the staff of an educational institution shall sexually harass a student at the institution or a person who is seeking admission as a student.

(b) No student at an educational institution shall sexually harass another student or a member of the staff.

Cote d'Ivoire as an example of an explicit approach to prohibiting sexual harassment, violence, or abuse by workers and contractors employed by a school:

Article 6 : Sont interdits et passibles de sanctions disciplinaires et/ou de poursuites judiciaires :

- 1) Les relations sexuelles entre tout agent et les élèves ;
- 2) Toute forme de harcèlement sexuel sur les élèves ;
- 3) Les attouchements sexuels sur les élèves ;

Chapitre IV : Sanctions

Article 7 : Tout agent membre des personnels des structures publiques et privées relevant du Ministère de l'Éducation Nationale et de l'Enseignement Technique qui enfreint les dispositions du présent code, s'expose à l'une des sanctions disciplinaires prévues par le Statut général de la Fonction Publique...

Article 15 : Les ouvriers et les personnels contractuels des structures publiques du Ministère de l'Éducation Nationale de l'Enseignement Technique qui violent les dispositions du présent code s'exposent...

Chapitre V : Dispositions Finales

Article 21 : Chaque membre des personnels des structures publiques et privées du Ministère de l'Éducation Nationale et de l'Enseignement Technique doit s'engager à respecter les principes et bonnes pratiques énoncés dans le présent code afin de garantir les droits à l'éducation et à la protection de tous les enfants, élèves, filles et garçons.

(Article 6: Are prohibited and punishable by disciplinary sanctions and / or legal proceedings:

- 1) Sexual relations between any officer and the students;
- 2) Any form of sexual harassment of students;
- 3) Sexual touching of students;

Chapter IV: Sanctions

Article 7: Any member of staff of public and private structures under the Ministry of National Education and Technical Education who violates the provisions of this code, is subject to one of the disciplinary sanctions provided by the General Statute of the Public Service...

Article 15: The workers and contract staff of the public structures of the Ministry of National Education of Technical Education who violate the provisions of this code are exposed to...

Chapter V: Final Provisions

Article 21: Each member of the personnel of the public and private structures of the Ministry of National Education and Technical Education must undertake to respect the principles and

good practices stated in this code to guarantee the rights to education and the protection of all children, students, girls and boys.)

Madagascar as an example of a broad approach to prohibiting violence or abuse by anyone in the school community:

(Art. 67. - La maltraitance est définie comme toutes formes de violences, d'atteinte ou de brutalités physiques ou morales, d'abandon ou de négligence, de mauvais traitements ou d'exploitation y compris la violence sexuelle perpétrées sur un enfant par ses parents, ses représentants légaux ou toute autre personne.

Sont assimilées à la maltraitance toutes sanctions prises à l'encontre des enfants au sein de la famille, des écoles, de la communauté lorsqu'elles portent atteinte à son intégrité physique ou morale. Les auteurs de maltraitance sont punis des peines prévues par le Code Pénal suivant l'infraction retenue)

Art. 67. - Abuse is defined as any form of violence, physical or mental abuse or abuse, abandonment or neglect, abuse or exploitation, including sexual violence perpetrated on a child by its parents, its legal representatives or any other person.

Abuse is defined as any sanctions taken against children within the family, schools or the community when they harm their physical or moral integrity. The perpetrators of maltreatment are punished by the penalties provided by the Penal Code according to the offense retained.

PROTECTING CHILDREN FROM SEXUAL HARASSMENT BY OTHER STUDENTS

Mali as an example of a country that includes prohibitions of sexual harassment by students in a list:

ARTICLE 33 : Tout élève ou étudiant de moins de 18 ans a le droit d'être à l'abri de tout harcèlement sexuel à l'école ou tout autre lieu de formation scolaire ou professionnelle par le personnel d'administration, de gestion et d'appui pédagogique, par les enseignants, les parents d'élèves, les élèves ou étudiants

(ARTICLE 33: Any pupil or student under 18 years of age shall have the right to be free from sexual harassment at school or any other place of schooling or vocational training by the administrative, management and professional staff. pedagogical support by teachers, parents, pupils or students)

Mauritius as an example of a country that explicitly addresses student harassment separately:

26. Acts of sexual harassment

(6) (a) No member of the staff of an educational institution shall sexually harass a student at the institution or a person who is seeking admission as a student.

(b) No student at an educational institution shall sexually harass another student or a member of the staff.

Uganda as an example of a country that explicitly addresses sexual abuse and violence by peers separately:

Teachers/Instructors/Tutors and Children/learners must report all children/learners that perpetrate violence against other children/learners such as bullying, verbal abuse, sexual abuse, drug abuse etc. to the Head teacher/Principal and to the Disciplinary Committee for action according to the schools/colleges/institutes' rules and regulations.