

POLICY BRIEF

DECEMBER, 2020

No Means No: Understanding Nigerian Youths' Perception of Sexual Consent

Since the beginning of the lockdown since April 2020, there has been an increase in reported cases of sexual abuse in Nigeria. Although past data shows that sexual abuse in the country has always been high—the 2019 NOI Polls stated that one in three girls would have experienced sexual assault before they are twenty-five years old—sexual abuse during the pandemic has been on the rise, with reported cases tripling in the early months of the pandemic. More than this, media reports, especially on social media, have drawn more attention to sexual assault cases. However, more than hashtags and news headlines, there has also been increased advocacy for working laws, functional reporting systems, as well as improved justice system. Also, there have been protests across the country with repeated calls for a functional system that prevents sexual abuse from happening in the first place.

“Although past data shows that sexual abuse in the country has always been high—the 2019 NOI Polls stated that one in three girls would have experienced sexual assault before they are twenty-five years old”

While these demands by various groups across Nigeria continues, following YouthHubAfrica's previous engagement on sexual consent—a survey, virtual debates, webinars, organizing a Mass Online Open Course—we understand that the young people's knowledge of sexual consent is important to ending sexual abuse. This is because there is a connection between sexual consent and sexual assault. Sexual assault occurs when a person coerces, forces or deliberately performs sexual activities on another person without the person's consent. Our findings show that several Nigerian youths do not have an understanding of sexual consent, neither do they understand another person's rights over their bodies. In this report, we present our findings, on how Nigerian youths perceive sexual consent and show how these views are connected to increasing sexual assaults. We hope that through our findings and recommendations, more attention will be paid to improving youth's knowledge of sexual consent in addition to all the necessary structures needed to combat sexual abuse in the country.

¹Gender-Based Violence in Nigeria During the COVID-19 Crisis: The Shadow Pandemic: https://nigeria.un.org/sites/default/files/2020-05/Gender%20Based%20Violence%20in%20Nigeria%20During%20COVID%2019%20Crisis_The%20Shadow%20Pandemic.pdf

²NOI Polls Rape Poll Results: <https://noi-polls.com/noipolls-rape-poll-report/>

³#WeAreTired: Nigerian women speak out over wave of violence: <https://www.bbc.com/news/world-africa-52889965>

⁴<https://opportunities.youthhubafrica.org/can-consent-be-withdrawn-during-sexual-intercourse/>

⁵Sexual Consent Webinar with Bukky Shonibare: <https://web.facebook.com/youthhubafrica/videos/271535094008019>

⁶<https://youthhubafrica.moodle.school/>



Omo, Anything for Me? : **Social Norms, Sexual Consent and Sexual Abuse**

No Means No: Understanding Nigerian Youths' Perception of Sexual Consent

Twenty years ago, Nigerian singer Lagbaja sang the song “Nothing for You”—a song with lyrics of a man demanding a relationship from a lady throughout the song. The potential female partner had several excuses yet, he continued pressuring with promises until the girl budged and said: “Lagbaja something for you.” This song, plainly describes the several underlying issues when considering sexual consent in Nigeria. Many men are socialised to believe that when their partners say “No” to their requests, it means “try harder” or “give her gifts” or continue pressuring, this contributes to the poor understanding and lack of respect for consent. Gender norms and attitudes are connected to many young Nigerians’ understanding of sexual consent. Also, the poor understanding of sexual consent in Nigeria is manifest across different spheres of life and cannot be disconnected from the high rate of sexual abuse in the country.

Yet, by law, not understanding the nuances of sexual consent, or respecting personal boundaries with respect to sexual activities is rape or sexual harassment. Statistics show that approximately 15 million adolescent girls (aged 15 to 19) worldwide have experienced forced sex (forced sexual intercourse or other sexual acts) at some point in their life. An estimated 35 per cent of women worldwide have experienced either physical and/or sexual intimate partner violence or sexual violence by a non-partner. Even though there may be an increase in sexual assault reporting in Nigeria, there is no clear statistics on the total number of sexual assault cases, as many cases go unreported. However, increasing reports show one thing—no one is protected and nowhere is safe—as sexual assault happens everywhere: children are raped at home, women are raped and killed in churches.

While Nigeria does not lack laws punishing sexual crimes—the Criminal Code, the Penal Code, the Violence against Persons Prohibition Act and the Child Rights Act—the increasing sexual crime figures shows that laws are not enough to deter sex criminals and protect Nigerians. This is not disconnected from the several challenges that make the wheel of execution grind slowly. These vary from the lack of state adoption of these laws to the lack of functional frameworks to execute the provisions of the law. For instance, as at June 2020, only 11 out of the 36 states had domesticated VAPP. While civil society organizations continue to call for improved legislation and policy direction to reduce sexual assaults in Nigeria, more attention needs to be paid to sexual consent. Hence, the urgency of YouthHubAfrica’s survey which sought to find out: what does consent mean to Nigerian youths? We believe that a proper knowledge of sexual consent is foundational to reducing sexual assaults in the country. If more Nigerians understand sexual consent, perhaps, there will be increased respect for other people’s rights.

Why youths? Besides our primary interest in youths as an organization, studies have shown that many Nigerians have sex for the first time before age 14. Early sexual debut is also connected to the inability to give consent. Second, starting sex at an early age makes it more difficult to set personal boundaries and demand safe sex, leading to unplanned pregnancies and sexually transmitted diseases. Third, early sexual habits inculcated from early ages are likely to be perpetuated when older. In addition, there is a dearth of sexual education information targeted specifically at young Nigerians. Beyond these, we also believe in the capacity of Nigerian youths to change the negative sexual assault history that has smeared the name of the nation. With a population that is about half of the nation’s population of over 182million, if we want to end sexual violence in the country, we will not be doing the future of the country a disservice if we do not focus on her young. Consequently, it became important for us to focus on young people and their perception of sexual consent. This was the context that gave birth to the survey which produced this policy brief. We sought to understand respondents’ level of comprehension of sexual consent as well as how they perceive power relations in connection with sexual consent.

⁷Nothing for You by Lagbaja: <https://www.musixmatch.com/lyrics/Lagbaja/Nothing-For-You>

⁸A Familiar Face: Violence in the lives of children and adolescents: <https://data.unicef.org/resources/a-familiar-face>

⁹UNWOMEN 2017: Facts and Figures: Ending Violence Against Women

¹⁰Nigerians protest rising sexual violence: on streets, social media: <https://www.africanews.com/2020/06/21/nigerians-protest-rising-sexual-violence-on-streets-social-media/>

¹¹It's Not Freedom For Women in Nigeria as 23 States Hold Back Signing on the Violence Against Persons (Prohibition) Act: <https://www.dataphyte.com/gender/its-not-freedom-for-women-in-nigeria-as-23-states-hold-back-signing-on-the-violence-against-persons-prohibition-act/>

Methodology



No Means No: Understanding Nigerian Youths' Perception of Sexual Consent

We adopted the survey methodology. With the help of twelve enumerators, two in each state of the in six focus states randomly chosen from the six geopolitical zones in Nigeria. Kwara represented the North-Central, Bauchi represented the North-East, Kebbi represented the North-West, Cross River represented South-South, Ebonyi represented the South-East, and Oyo represented the South-West. For a wider reach, YouthHubAfrica also employed social media to disseminate the survey.

During our desk research, we had gleaned some knowledge on some general misconceptions of sexual consent as well as the popular reasons for sexual assault. Gleaning from the findings of our desk research, our survey questions focused on several issues around sexual consent, the main themes were three-pronged: first, respondents' knowledge of sexual consent; second, the nature of sexual consent; third, consent and power dynamics. Our analysis of our findings lean on these main themes.

The survey was implemented through a close-ended questionnaire based on a scale. The survey scale questions were either valued on a 1 to 5 scale or 0, 1 and 5 scale. The standard scale evaluation instrument value options and 1 to 5 stands for (1- for Strongly Disagree; 2- Disagree; 3- Indifferent; 4- Agree and 5- Strongly Agree) while the other questions were evaluated on the basis of Yes, No or Indifferent using an option of either 0 for No or 1 Indifferent and for 5 for Yes.

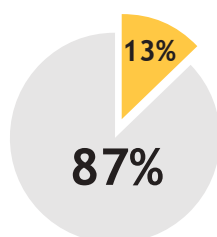
¹²Early sexual debut: prevalence and risk factors among secondary school students in Ido-ekiti, Ekiti state, South-West Nigeria: [https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5656187/#:~:text=Early%20sexual%20debut%20\(commonly%20defined,contribute%20to%20unintended%20adolescent%20pregnancy.&text=Among%20Nigerian%20adolescents%20aged%2015,males%20and%2022%25%20females\).](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5656187/#:~:text=Early%20sexual%20debut%20(commonly%20defined,contribute%20to%20unintended%20adolescent%20pregnancy.&text=Among%20Nigerian%20adolescents%20aged%2015,males%20and%2022%25%20females).)

¹³Nigeria Population at 182 Million, With Widening Youth Bulge: <https://www.bloomberg.com/news/articles/2016-11-08/nigerian-population-hits-182-million-with-widening-youth-bulge>

Theme One: The Knowledge of Sexual Consent

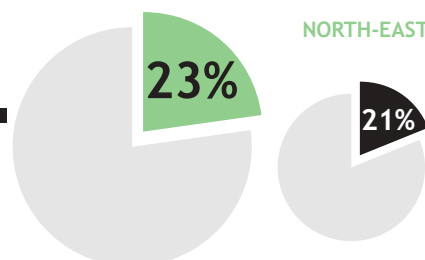
Consensual sex happens when all parties, of legal age, decide to engage in sexual activities by their choice. Sexual consent means choosing to have sexual relations without coercion, force or bullying. However, before consent can be given, knowledge of sexual consent by all the parties involved is important. This influenced our first set of questions in the survey: we sought to test our respondents' knowledge of what sexual consent entailed.

While breaking down the percentages across regions showed that

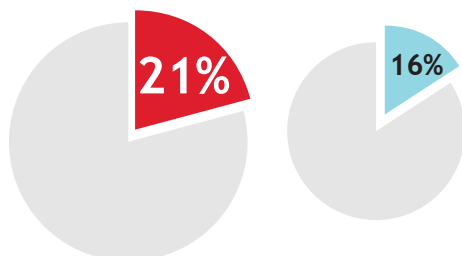


13% of Nigerians in the **North-West** strongly agreed that sexual consent should be a conversation between two people agreeing to engage in sexual activity while the remaining **87%** did not agree that consent should be asked before the continuance of sexual activity.

In the **North-East**, we had a **23%** agreed knowledge on sexual consent. Of this percentage, **21%** strongly agreed that sexual consent should be a conversation between two people agreeing to engage in sexual activity.

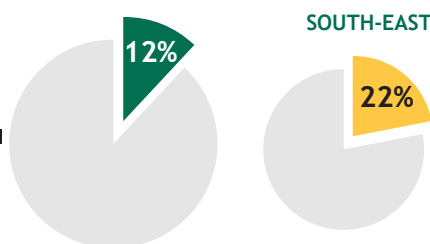


NORTH-CENTRAL

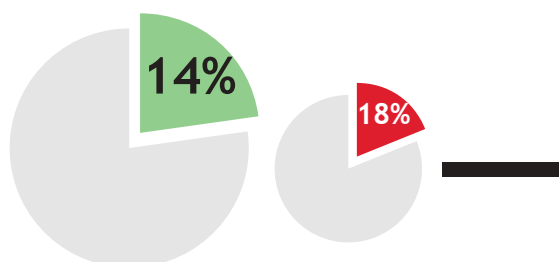


In the **North-Central** on the other hand, excellent knowledge of sexual consent was at **21%** while only **16%** strongly agreed that sexual consent should be a conversation between two people agreeing to engage in sexual activity.

In the **South-East**, **12%** had excellent operational knowledge of sexual consent while **22%** strongly agreed that sexual consent should be a conversation between two people agreeing to engage in sexual activity while **78%** disagreed.



SOUTH-SOUTH



In the **South-South**, **14%** of respondents had excellent operational knowledge on sexual consent. **18%** strongly agreed that sexual consent should be a conversation between two people agreeing to engage in sexual activity.

Overall, our findings showed that only **25%** of Nigerians have excellent operational knowledge about sexual consent. This fact points to two things: first, the poor knowledge of sexual consent may be connected to high rates of sexual assaults. Second, more efforts need to be put into increasing Nigerian youths' knowledge of sexual consent.

Theme Two:

The Nature of Sexual Consent

While conversations may be the beginning of sexual consent, there is more to it than words. Central to sexual consent is continuous communication throughout the duration of sexual activities or a sexual relationship. In this section of the survey, we sought to understand what exactly is the nature of sexual consent among Nigerian youths: is sexual consent a lifetime award? Does it matter if the consent withdrawal happens before a partner climaxes? Can consent be given while unconscious? What does stealthing, or non-consensual condom removal, imply? Does scanty dressing imply sexual consent? What is the relationship between sexual consent and marital rape?

In the North-West, **10%** of the respondents strongly agreed that performing sexual activities on an unconscious person is rape. The knowledge of the possibility of rape among married couples was poor as only **7%** strongly agreed that rape is possible between married partners. **14%** of respondents in the North-West agreed that it can be called rape if a partner is forced to continue sex after orgasm while **80%** saw the need for a partner to discontinue sex after one partner falls asleep even though they had earlier consented to sexual activities. While **77%** of the respondents saw that being in a relationship was an obligation to say yes to sexual activity, only **8%** had knowledge of withdrawn consent during sexual activity. **8%** strongly agreed to call it rape if a partner consents to sex with protection and the other partner goes ahead without one.

82% of the north-easterners strongly agree that if consent is given once, then it means it is always given. With reference to consciousness during sex, **23%** Strongly agree that it is rape when this happens. **79%** of the North-East respondents disagreed and strongly disagreed with the possibility of rape between two married partners. So, it was not surprising to find that **24%** of the respondents strongly agree that being in love automatically translates to consent. While **79%** do not believe and agree to consent being withdrawn once it's been given; **17%** of respondents believed that it is rape once a partner is pressured into consenting to have sexual intercourse.

In the North Central, **16 %** agreed that rape is possible between married partners even when **7%** agreed that sexual activity with an intoxicated partner is rape. While **16%** of respondents agreed that when a partner reaches orgasm but still persuaded to continue sex by the other party, it is rape. **17%** of respondents agree that sex becomes an obligation once both parties are in love. Consent withdrawal was not welcomed as only a poor number of **24%** agreed to it.

In the South-West, **18%** strongly agreed that sexual intercourse with an unconscious person is rape while only **13%** strongly agreed that rape is possible between married partners, this signified that **87%** believe that married partners cannot rape each other. Being in love automatically equates to sexual consent was agreed upon strongly by **85%** of the South-West respondents. **17%** agreed to the possibility of consent withdrawal in the middle of sexual activity.

In the South-East, **24%** of the respondents had the knowledge that consent does not equate a lifetime of consent. While **13%** strongly agree that sexual intercourse with an unconscious person is rape, **78%** do not agree that rape is possible between married partners. **11%** strongly agreed that being in love is not an obligation to say yes to sex, while **19%** of respondents agreed that in the middle of sexual activity, a partner can withdraw consent.

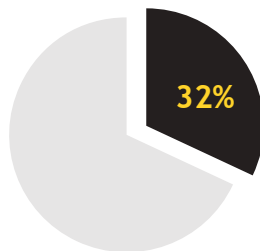
In the South-South, **86%** strongly agreed that if consent is given once, then it means it is always given. **14%** and **23%** of the respondents strongly agreed that sexual activities on an unconscious person or intoxicated person respectively is rape. Meanwhile, **18%** of the respondents strongly agreed that rape is possible between married partners. **14%** of respondents agreed that it is rape if a partner is forced to continue sex after orgasm. **14%** of south-southerners strongly agreed that being in love is not an obligation to consent to sexual activities. **17%** of them agreed that in the middle of sexual activity, a partner can withdraw consent. **12%** of Nigerians believed that provocative dressing is implied consent to sex. **13%** of Nigerians strongly believed that if a partner consented to sex and fell asleep and sex continues then it is rape.

Overall, **34.42%** of Nigerians believe that for every sexual activity, there must be sexual consent. This is quite low and indeed gives a proper perspective into the connection between widespread sexual assault and sexual consent.

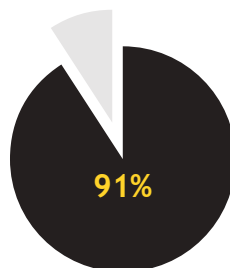
Theme Three: Consent and Power Dynamics

Sexual consent is difficult when it is mixed with dynamics like unequal power, betrayal of trust as well as when someone in authority coerces their subordinates into engaging in sexual activities.

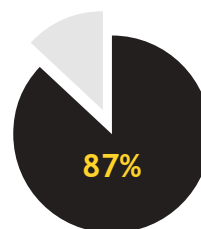
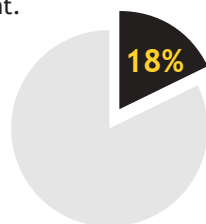
Across Nigeria, it is clear that **32%** of respondents believe that it is sexual harassment when a boss asks their subordinate for sex and they agree.



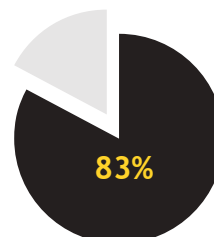
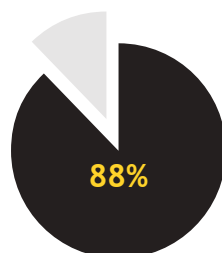
In addition, **91%** of the respondents agreed that being penalized at the workplace for refusal to perform sexual activities is sexual harassment.



In the North-West, **18%** agreed that sexual harassment has occurred if a subordinate is penalized at the workplace for refusal to give sex. While **87%** of respondents believed that buying gifts for a person automatically translates to sexual consent.



In the North-East, it was not too different as **88%** of respondents believed that buying gifts for a person automatically translates to consent. In the same region, **83%** of the responders believed that being penalized at the workplace for refusal to give sex is sexual harassment.

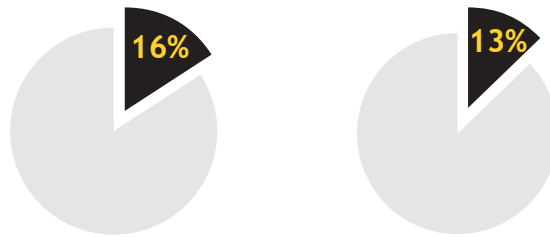


Theme Three: Consent and Power Dynamics

In the North-Central, **92%** strongly agree and agree that sexual consent is given once a partner buys a gift for the other partner. **32%** of respondents agree that it is sexual harassment if a boss asks their sub-ordinate for sex and they agree.



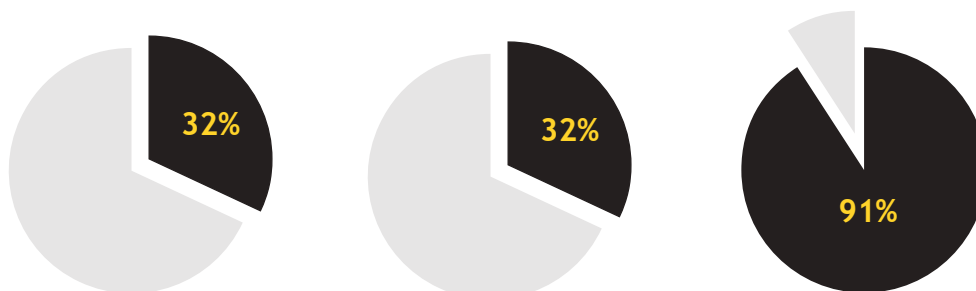
In the South-West, **16%** of the respondents believed that being penalized at the workplace for refusal to give sex is sexual harassment while **13%** of respondents believed that buying gifts for a person translates to sexual consent.



In the South-East, **92%** of respondents believed that buying gifts for a person simply gives the go-ahead to have sex. However, **91%** of responders agree that being penalized at the workplace for refusal to give sex is sexual harassment.



In the South-South, **32%** of respondents believed that buying gifts for a person does not translate to consent. **32%** of respondents agreed that it is sexual harassment if a boss asks his/her subordinate for sex and they agree. **91%** of the responders believed that being penalized at the workplace for refusal to give sex is sexual harassment.



Sexual Consent and the Nigerian Law

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The absence of consent in sexual relations of any kind is called rape and is a punishable offence. Sexual consent is an essential context that must be addressed within the structure of a particular country. There are several laws which govern rape and other harmful practice offences in Nigeria. The five major laws include:



•The Criminal Code

Section 357 of the Criminal Code Act, Cap C38, defines rape as follows: “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 threat or intimidation of any kind, or by fear of harm, or by means of false or fraudulent representation as to the nature of the act, or in the case of married woman, by personating her husband, is guilty of an offence which is called rape.” It should be noted that the above definition applies to only states where the criminal code is applicable as against penal code. Note that although this is a law for the country, it is applicable only in all the southern states.



•The Penal Code

Section 55(1)(d) of the Penal Code of Northern Nigeria provides that an assault by a man on a woman is not an offence if they are married by native law or custom recognizes such “correction” as lawful, and if there is no grievous hurt. Section 282, Cap 89 Penal Code Laws of the federation also say: “A man is said to commit rape who has sexual intercourse with a woman in any of the following circumstances: against her will; without her consent; with her consent, when the consent is obtained by putting her in fear of death or of hurt. Others include her consent when the man knows he is not her husband and that her consent is given because she believes herself to be lawfully married; with or without her consent when she is under 14 years of age or of unsound mind.” This is applicable in all the northern states.



•The Criminal Laws of Lagos

Under the Criminal Laws of Lagos State (Section 258) “Any man who has unlawful sexual intercourse with a woman or girl without her consent, is guilty of the offence of rape”. This is applicable only in Lagos state.



•The Violence Against Persons Prohibition Act

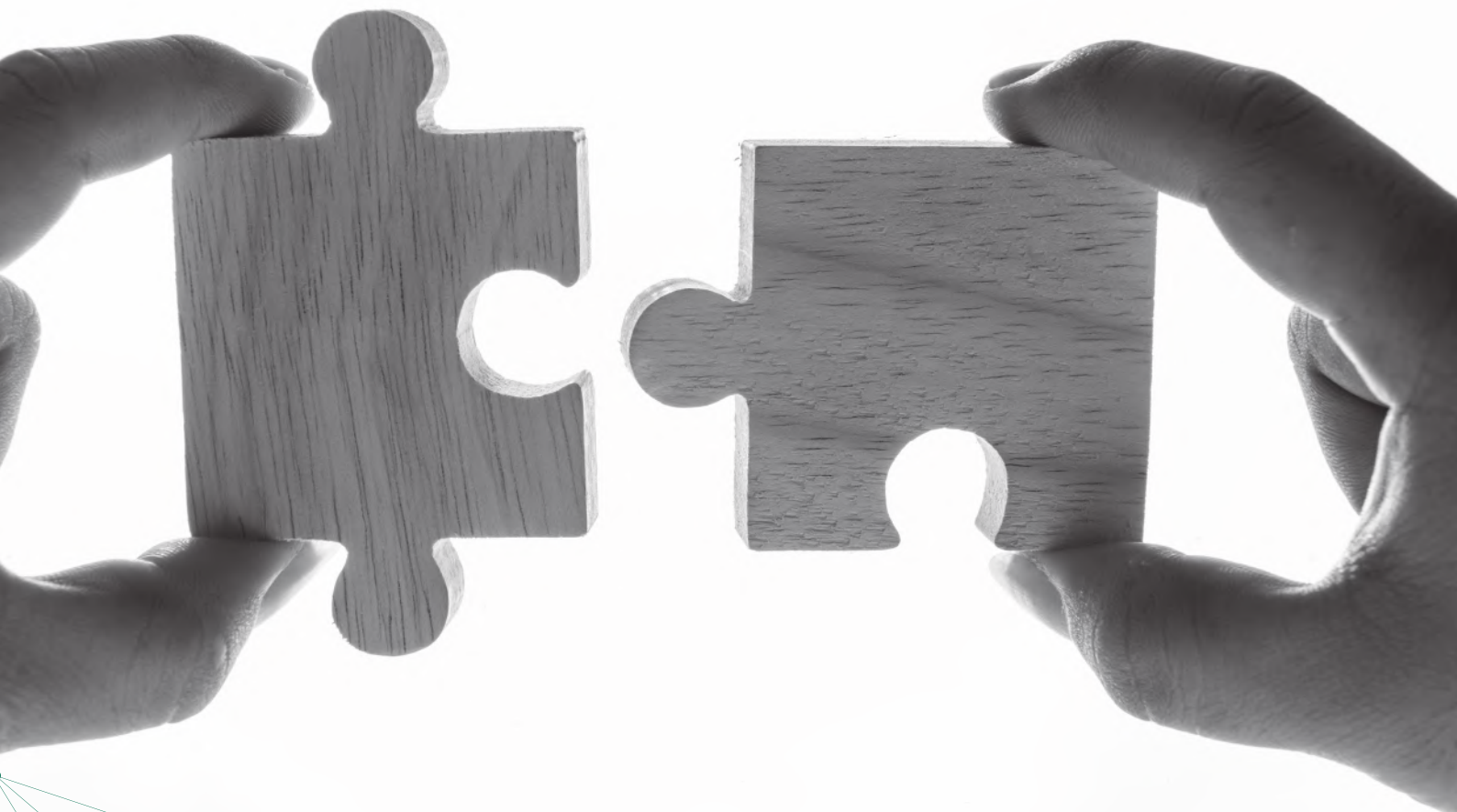
The Violence Against Persons Prohibition (VAPP) Act was passed into law in May 2015. The Act was a result of agitations for the protection of persons against the different forms of violence. VAPP is an improvement on the penal and criminal code in relation to violence; it also makes provision for compensation to victims as well as the protection of their rights. The Act was passed into law in a bid to eliminate violence in private and public life; prohibit all forms of violence, including physical, sexual, psychological, domestic, harmful traditional practices; discrimination against persons and to provide maximum protection and effective remedies for victims and punishment of offenders. By virtue of the Act, rape is when a person intentionally penetrates the vagina, anus or mouth of another person with any other part of his or her body or anything else without consent. This implies that consent was obtained by force or means of threat or intimidation of any kind or by fear of harm or by means of false and fraudulent representation as to the nature of the act or the use of any substance or additive capable of taking away the will of such person or in the case of a married person by impersonating his or her spouse. By this definition, both males and females are protected against rape. This is applicable in only the FCT Abuja. So far, only 11 states have domesticated the VAPP Act.



•The Child Rights Act

In 2003, Nigeria adopted the Child Rights Act to domesticate the Convention on the Rights of the child. Although this law was passed at the federal level, it is only effective if state assemblies domesticate. The Children's Rights Act 2003 (CRA) was created to serve as legal documentation and protection of Children's rights and responsibilities in Nigeria. So far, 25 states have domesticated the Child Rights Act (UNICEF).

Conclusion and Policy Recommendations



No Means No: Understanding Nigerian Youths' Perception of Sexual Consent

A world where every individual's desires to perform, or not perform, sexual activities is respected may still be an ideal reality that Nigeria is far away from. That future world is possible because sexual assault is preventable but due to its complex nature, several actions have to be put in place. As such, to move closer to that just world where sexual consent is not only sought but respected, several measures have to be put in place; in the following section, we recommend some:

Changing Gender and Social Norms

Many people's understanding of sexual consent is coloured by gender norms that condone sexual assault. For instance, some men believe that their payment of a bride price on their wives means that she can never say 'no' to them. As such, such social norms depict women as items owned by their husbands. Also, across Nigeria, many people believe that men who do not respect sexual consent are aggressive goal-getters—a celebrated characteristic in men. However, women who consistently demand that their consent be respected are painted as "playing hard to get". Social attitudes and norms are changed through continuous social re-engineering. And every form of socialisation—from parenting, to schools, to traditional and religious leaders—should be used to push the message of sexual consent by addressing abusive social systems.

Functional Legal System

Although these laws have been beautifully written and passed into law by Nigeria. There is a need for a review of two of these laws, especially the Criminal Code and Penal Code. These laws both do not put into consideration that men can also be raped. Also, it defines rape to strictly be vaginal penetration as against all other forms of non-consensual penetration. The Penal Code also states that a woman is not raped if the act is perpetuated by her husband. The VAPP Act was passed as a result of these loopholes, it is progressive as it recognises both male and female sexual offenders. It also takes into cognisance the rape of a person by a group of people which is the first of its kind in Nigerian laws. Although it looks good on paper but in reality, victims of rape spend a lot of their resources trying to get justice and, in the end, receive no help or compensation from the government. Finally, it should be mandatory that all states within the country domesticate the VAPP Act and child rights protection Act.

Massive Educational Drive on Sexual Consent

Again, many Nigerians are ignorant of the law as it relates to rape and sexual consent. Hence, rape has become normalised to the point that survivors do not feel the need to report such offences. As part of sexual education, sexual consent should be embedded in different levels of the educational system and even outside the school structure. Deliberate efforts should be made to reach out-of-school children and youths who are not privileged to be in formal schools. By so doing, the education will reach people that would have otherwise been missed and prepare the nation for a future where respect for sexual consent is normalised and sexual assault is considered by all an aberration.

Collaboration is Central to Sexual Consent

To this effect, all hands must be on deck as this is a job that is more than one single government agency. Efforts should be collaborators across all levels and arms of government, civil society, community leaders as well as ministries of justice, education, children and women affairs and youth need to be involved in different capacities. While the legislative arms at state levels are busy domesticating VAPP; the education ministry is equally hard at work reviewing the syllabus and finding ways to embed knowledge of sexual consent into it and the Ministry of Justice is seeking new ways to reduce the duration of prosecution. The civil society groups are also not left behind in continued advocacy for the domestication and implementation of useful policies. Just as sexual consent itself, that takes continuous collaboration, the journey to a Nigeria where sexual consent is understood and respected will take everyone working together.



IMPLEMENTING PARTNER



YOUTH HUB
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