



**UNCONSTITUTIONAL AND INDECENT:
A LEGAL OPINION ON THE INDECENT
DRESSING BILL**

By

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Executive Summary

This legal opinion is a reaction to a bill sponsored by Senator Eme Ufot Ekaette (MFR), Committee Chairperson on Women and Youth of the Nigerian Senate proposing that the National Assembly (The Nigerian Federal Legislative body) pass a Law prohibiting and punishing public nudity, sexual intimidation and other related offences in Nigeria.

The proposed bill is an attempt to set a subjective standard to determine personal dressing and to criminalise and penalise people who do not comply with the dress code. The bill by its nature is contradictory and invasive on the following grounds:

- It discriminates against women;
- It disregards the universally recognised presumption of innocence;
- It interferes with the constitutional privilege against self-incrimination;
- It will overburden the courts' case load with frivolous allegations;
- It attempts to impose a highly unusual and clearly unjustifiable dimension to law-making in a constitutional democracy;
- It wrongly assumes that any enactment would have jurisdiction across the federation of Nigeria since as a criminal bill it can only be within the legislative powers of the States' Houses of Assembly;
- It infringes on the fundamental rights protected in Chapter IV of the Constitution of the Federal Republic of Nigeria;
- It expands the definition of public nudity beyond its ordinary meaning;
- It legislates on morality which is distinct from law;
- It does not take into cognisance Nigeria's diverse cultures and beliefs;
- The provisions on sexual intimidation are worded in such a way that can lead to blackmail and abuse;
- It appears to usurp the power of the Attorney General as provided for under the Constitution by stating that a fiat of the Attorney General is automatically granted to the Police on his behalf;
- It creates confusion by giving both the Magistrate Court and the High Court concurrent jurisdiction to hear and determine cases.
- It reaffirms the roles of religious bodies, the ministries of information and the National Orientation Agency which only makes it the more obvious that a law criminalising dressing or indecency is unnecessary.

Determining what is decent is relative to the individual and any attempt to impose personal views, values or sentiments on other people should be discouraged. Most importantly, the arbitrariness and the potential for abuse by the police raise concerns about the intention of this bill.

Arguments that the bill will prevent cases of rape and indecent assault simply affords the rapist an excuse and places the blame on the victim and cannot explain irrational acts against very young girls and babies.

The bill is contradictory to constitutionally guaranteed rights and international human rights instruments which prohibit discrimination especially discrimination on the basis of gender. It also gives wide powers to police officers who have access to limited resources to fight crime to have reasons to harass people and invade their personal life.

In conclusion, the bill is highly contentious, complex and capable of creating more problems. Those advocating for the bill, its proponents and lawmakers should reconsider their position and reject the enactment of such a complex moral issue into Law for the benefit of females and Nigerians as a whole. The alternative is for private organisations to maintain a dress code acceptable for their members. Further, families, religious groups, leaders etc can educate the public on the ethics of living within established norms of good behaviour and dressing.

Legal Opinion on the Proposed Bill to enact: an Act to Prohibit and Punish Public Nudity, Sexual Intimidation and Other Related Offences in Nigeria

Firstly, we wish to observe, generally, that the draft Bill seeks to set a subjective standard for the manner of personal dressing, and to criminalise and penalise Nigerians in the choice of what they wear. Secondly, among many flaws, the Bill is clearly discriminatory against women. For offences created by it, the Bill seeks to abolish the universally recognised presumption of innocence, interferes with the constitutional privilege against self-incrimination, promises a rich deluge of cases that will make court systems in Nigeria unworkable and, on the whole, introduces a rather curious, highly unusual and clearly unjustifiable dimension to law-making in a constitutional democracy.

The imposition of offences and penalties under criminal law is generally accepted to be a 'residual' matter and not within the legislative competence of the National Assembly. It would be pertinent to note, from the very inception of this opinion therefore, that the provisions of this Bill, even if enacted into law, can only extend to the area defined as the Federal Capital Territory (FCT) since the National Assembly is empowered to make law on such matters for the FCT, alone.

Furthermore, bearing in mind the potential conflicts endemic in the provisions of this Bill, especially in respect of those that are likely to infringe on the fundamental and constitutional freedoms from discrimination, of expression, thought, conscience and belief, as well as the issues of intrusion into the realm of privacy and the probable abuses that would accompany implementation efforts, it may be wiser to review the contents of this highly unusual venture, with a view to clarifying the issues.

The Contents

For the purposes of this opinion, a few clauses would be highlighted, to buttress the points that would follow.

Section 1 – Discriminatory Objective and Impact

S.1 defines 'public nudity' to mean the states of 'nakedness' and 'indecent dressing' in the public, which expose:

- the breast of female above the age of 14 years;
- the 'laps' of a female above the age of 14 years;
- the belly and waist of a female above the age of 14;
- any part of the body from 2 inches below the shoulders downwards to the knee of the female above the age of 14 years;
- any part of the body of the male person above the age of 14 years from the waist to the knee,
- any form of dressing with a transparent cloth which exposes any part of the body as mentioned above.

Additionally, any person who exposes his or her 'private part' (as defined) to any person, in order to sexually seduce the other person, is also guilty and liable on conviction to two years imprisonment, a fine of N100,000.0 or both.

Any person who is found guilty of an offence of indecent exposure, dresses in a manner that is contrary to the provisions of this Bill or causes to be dress (sic) by any person in a manner which is defined as public nudity shall be liable on conviction to 3 months imprisonment, or a fine of N10,000.0, although any form of dressing for the purposes of sports, festivals, swimming or theatre, are exempted.

Even at a glance, it is obvious that the Bill, in attempting to legislate on a moral standard, does not take into account the rights of Nigerians, as enshrined under Chapter 4 of the Constitution. By attempting to legislate and redefine the word 'nudity' even beyond the ordinary understanding of what the 'private part' is understood to mean, the draftsman is certainly encroaching upon the rights and the constitutionally enshrined freedoms of conscience, thought, belief and even expression. Quite clearly, the Bill is targeted at females in a way inapplicable to men and will disproportionately, if not exclusively, applicable to them. This is because the provisions of the Bill will apply primarily to females, in that the Police are empowered to arrest and prosecute all those who are deemed to have exposed their 'private parts' (as defined), or are found to have been wearing transparent clothing, that would expose any of these defined areas of the body. In this way, the Bill is discriminatory on grounds of sex, in violation of Section 42 of the 1999 Constitution.

A question naturally arises as to whether or not this discrimination is justifiable or makes any contribution to preserving and enhancing Nigeria's diversity. Many practical questions arise from this position. Does the Bill protect the rights of the Nigerian woman in the rural areas, whose daily apparel constitutes of a wrapper tied around her chest, or even at her waist, only? Do the provisions take into account our culture and our diverse costumes, as for example the Fulani woman, whose blouse reveals her waist, or the Efik woman, whose skirt is sewn purposely above her knee? Would these provisions not apply to outlaw some of our indigenous traditions? Does transparent clothing also include lace that has holes intertwined with fabric, where these holes show parts of the body that are prohibited to be exposed by the provisions of the Bill? Is this not a dishonest attempt to superimpose subjective standards over other values, which are cherished and just as authentic, in a multicultural, diverse country?

Section 1 (2)

Sexual Intimidation (harassment) is also criminalised, and is defined as any action or circumstance to demand for sexual intercourse as a condition for passing examinations, securing employment, business patronage and obtaining such favours.

Furthermore, any person who demands for sexual intercourse as a condition for passing examinations, securing employment, business patronage or any such favour shall be guilty of an offence and liable on conviction for 3 years imprisonment, a fine of N30,000.00 or both.

It is commendable that the mounting incidents of sexual harassment have been identified as a real and growing menace in the society. In view of the clear possibilities of blackmail and abuse, however, it is our considered opinion that such grave matters should not be reduced to criminal offences and penalties, as is proposed under this Bill. It is advocated, on the contrary, that a Bill could be prepared, that encompasses, in clear terms, the possible claims and necessary detail in making such claims, which would enable persons who find themselves subjected

to such harassment protect and pursue their rights in a civil suit. Moreover, in view of the nature of the issues involved, it would be perilous to reduce this concern to a strict liability offence. In a democracy, it is evidently preferable to avail all parties the opportunity to prove or disprove claims. This is the purport of the constitutional right to fair hearing.

Sections 6 (2) & 7: Jurisdiction for Offences under the Bill

The Bill also states, under its Ss.6 (2) & 7 that the fiat of the Attorney General is automatically granted to the Police to prosecute on his behalf, while the Magistrate and High Courts shall have concurrent jurisdiction to hear and determine cases under this Bill.

It is curious, however, that although the offences stated appear to be misdemeanours, the High Courts, who normally have jurisdiction to hear and determine the more serious felonies, are additionally empowered to also handle matters under the Bill. This seems unnecessary, especially in view of the current workload of most High Courts. Given the rich potential for discrimination and abuse in this Bill, this is the surest way to make Nigeria's court system unworkable.

Moreover, the 1999 Constitution gives the power of prosecution of an offender to the office of the Attorney General of the Federation or the State, as the case may be. It is doubtful if the Attorney General's discretion to grant a fiat of prosecution to a third party could so easily be emasculated by a law of the National Assembly, as S.6 of the Bill seems to suggest. This appears to be a usurpation of the power of the Attorney General under the Constitution.

Section 10 and the Constitutional Privilege against Self-Incrimination

S.10 of the Bill provides that subject to the limitations of existing Laws, all persons with legal and statutory power to give information that decline to give same when requested to by a Police Officer, shall be guilty and liable on conviction to 6 months imprisonment, a fine of N50,000.0, or both.

This provision places a legal obligation on every person empowered legally and statutorily with information to give such information, when required to. A multiplicity of problems would arise, that include how to determine who falls under the category of possession, and how the issues of confidentiality and privilege could so simply be waived by such a Bill. More importantly, this provision, being in conflict with the right to silence as enshrined under our Constitution, would obviously be rendered ineffective.

Section 11 and the Reversal of the Constitutional Presumption of Innocence

S. 11 states that where in any proceedings against any person it is proved that any action constituting an offence under the Act has been committed, it shall be presumed that the accused is guilty, until the contrary is proved. Furthermore, where it is also proved that an action has been done by the accused, it shall be presumed that the action was done with the motive or intent of committing the offence, until the contrary is proved.

S 36 (5) of the Constitution provides categorically that every person who is charged with a criminal offence shall be presumed innocent, until proved guilty. While the proviso to this constitutional provision allows for the shifting of the burden of proof on the accused for the purposes of proving particular facts, S. 11 of the Bill asserts that the accused, when proved to have committed the offence, shall be presumed guilty, until the contrary is proved.

This is certainly a curious provision, as it suggests the reversal of the constitutionally enshrined onus of proof. Upon a close perusal, it remains uncertain why, after proof had been obtained in court proceedings, it is still necessary to presume guilt, or is there intended to be two trials; one to prove the commission of the offence, and the next to dismiss the constitutionally entrenched presumption of innocence? Furthermore, the Bill provides that in any proceedings proved against an accused person, the motive and intent of the accused is presumed, unless the contrary is proved; in other words, it would assume strict liability dimensions, but only after the accused had been found guilty in the proceedings before.

Section 15

Finally the roles of religious bodies in moral rejuvenation of our country is guaranteed, including the Ministries of Information, Culture and the National Orientation Agencies for the teaching of 'moral uprightness' to the adherents of the various faiths.

The intent of the Section (15) that 'guarantees' the role of religious bodies, the Ministries of Information and the National Orientation Agency in 'teaching moral uprightness' remains unclear, as it is superfluous and unnecessary. It merely reiterates their known and lawful duties and functions, unless, of course, it is a subtle admission that the entire purpose of the proposed legislation lies within the persuasive domain of these bodies; morality and not law.

Law and Morality

Law and morality both serve to channel our behaviour as a means to control conduct. While morality applies as a means of controlling much of our social discourse and daily interaction, law governs a particular spectrum of behaviour, with the threat of sanctions if we disobey legal rules. Both can also work together in a vast arena of crime and tort, as for instance murder, rape, fraud, negligence, breaches of contract, etc.

Law involves the establishment of a process by which a body of legal rules are formulated, publicised and enacted in written form. Thereafter, the violator would be identified and reported in the enforcement process, followed by the adjudication process and the imposition of monetary and/or penal sanctions. The effectiveness of the law would depend on the magnitude of the offence, the proliferation of its commission and the probability of the imposition of sanctions, after parties may have reported violations to the appropriate quarters.

Morality, on the other hand, depends, essentially on the property of obedience primarily because of its innate value of inviting guilt or disapproval where the negative is committed, and praise or reward where the positive is involved. The establishment of moral rules occurs through a complex process of socialisation,

learning and inclusion, and not necessarily through the imposition of penalties, as in the process of law. Morals are certainly a product of evolutionary pressures established by values, based on variables such as circumstances, the environment, culture and experiences. Consider, therefore, the enactment into law a sanction against lying, much as we abhor that act. The complexities and difficulties of identifying, implementing and enforcing such a law would surely raise many challenges, primarily because such an immoral issue is best left out of the realm of penal sanctions and police involvement.

Analogous is the attempt to define for Nigerians their manner of dress, even because what constitutes decency to one person, may, however, be indecent to the other. In a free society, it is important that we do not attempt to impose our views, values or sentiments on other persons, otherwise we may as well be (self righteously) wading into dangerous waters. Indeed, the arbitrariness and the potential for abuse by the police in attempting to redefine the parameters on what constitutes 'decent', 'nude' & 'private part', and as such, what should be permissible dressing in a country as diverse in culture as ours, easily makes strong arguments for the rejection of the enactment of such a body of rules, backed by sanction, in this domain.

Legal rules are specific and flexible, and they can be tailored to promote socially desirable conduct, or discourage undesirable conduct in detailed fashion. Moral rules cannot be as detailed and, being complex, could be rendered to self-interest by individuals, thereby defeating their purpose. They cannot, as in legal rules, be altered, at will. Consider the socialisation of our rural women, who do not harbour the opinion that 2 inches below the shoulders of a female constitute her 'private part'. Surely, no law can change their views, no matter how strict the enforcement. Indeed, these rules, if complied with, could only lead to defiance, errors in application, abuse and even more inmates in our already overcrowded detention centres, who remain totally oblivious to their 'offence', and therefore remorseless. The deterrent effect of incarceration is thus defeated; the purpose of it lost.

Conclusion: An Opinion

Proponents of the Bill argue that the provisions are necessary to prevent cases of rape and indecent assault in the society, but can we, in all honesty, place the onus of curbing the incidents of such heinous crimes on the victim, when incidents abound involving 3 year old girls and even babies? Indeed, the attempt to place the burden of modesty squarely on the shoulders of the party that is 'indecently dressed' (as defined), by justifying the commission of such an odious crime with the victim's manner of appearance (that is 'capable of sexually seducing' the other person to demand for or request for sex), is patently dangerous, as it affords the rapist an excuse and releases him of all wrongdoing, thereby shifting the responsibility (and blame) for his action to the party that is actually the victim of the offence. Indeed, it could become a licence for rape!

The clear intent of the contents of the Bill, in this respect, remains discriminatory, in that the Bill is obviously meant to apply to females (although the male counterpart is thrown in, albeit half-heartedly). The Bill offends against the spirit and the letter of Articles 1 (prohibiting discrimination on the basis of gender, as defined), 2 (embodying principles of equality between men and women), and 3 (the State shall take all measures to ensure the full development and advancement of women to guarantee the enjoyment of their human rights and fundamental freedoms) of the

Convention on Elimination of all forms of Discrimination Against Women (CEDAW, 1979), Articles 7 (presumption of innocence), 8 (freedoms of conscience and religion), 9 (right of expression), 17 (freedom to enjoy the culture and traditions in their community), 18 (the elimination of all forms of discrimination)), 19 (protection from domination of one over the other), 22 (the freedom to economic, social and cultural development) of The African Charter on Human and People's Rights (1986), which Charter Nigeria has since domesticated into Law and the Protocol on the Rights of Women in Africa (1995), specifically Articles 2 (elimination of discrimination), 3 (right to dignity and choice in the free development of her personality), 17 (the right to cultural context).

Indeed, one wonders whether our police men and stations would now be supplied with tape measures or rulers, for the purposes of ensuring adherence to this arbitrary 2-inch rule. Indeed, would the police be empowered to venture into the privacy of homes and personal events, to effect arrests of persons seen to be violating the provisions of this Bill? How do we determine intention, a significant legal requirement of criminal law, when the law proposes to punish the person who exposes the defined parts, and such exposure is automatically deemed as capable of 'sexually seducing' another person, thereby imposing guilt on the former, for the latter's weakness? The fact that the vast majority of Nigerians reside in rural areas, and may typically not cover themselves in 'decent' fashion (as defined) due to our tropical weather conditions appears not to have been considered by the proponents of this Bill. Even in urban areas, the poor power situation on a hot afternoon could compel 'nudity', even by the most pure in faith.

Indeed, painstaking efforts have been made to research on similar attempts at legislation on morality in constitutional democracies, with no success. Such legislation is hard to find, except in the Taliban era in Afghanistan, where men attempted to foist their subjective values, insecurities and the humanistic interpretations of faith on the unsuspecting public, and in so doing, placed the burden of modesty squarely on the shoulders of the female gender, in particular. They failed.

The contents of this Bill remain highly contentious and complex, being capable of creating more problems, in so many spheres, than exist currently. It is advised that advocates and proponents of the Bill, including our lawmakers, reconsider their position and reject the idea of enacting such a complex moral issue into Law, for the benefit of the female gender and Nigerians, as a whole. Indeed, because it is a moral issue, private organisations who feel strongly about this subject matter could legitimately provide dress codes as a condition for membership. It is, however, advocated that families, religious groups, leaders, officials of the National Orientation Agency, Ministries of Information and all Nigerians can best engage in this province by conducting programs on how to best imbibe ethics in the populace, and also striving to live within established norms of good behaviour (and dressing), thereby inculcating the apposite morals and ethical values in our youth and children.

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6 June 2008

Appendix

A Bill for an Act to Prohibit and Punish Public Nudity, Sexual Intimidation and other related offences in Nigeria

Sponsored by: SENATOR EME UFOT EKEATTE, MFR

Be it enacted by the National Assembly of the Federal Republic of Nigeria as follows:

Short Title	1. A Bill for an Act to prohibit and punish public nudity, sexual intimidation and other related offences in Nigeria.
Interpretation	<p>2. (1). Public Nudity in this Act refers to all and or any of the following:</p> <ul style="list-style-type: none">a. state of nakedness in the public or open;b. state of indecent dressing which expose in the public or in the open any of the following parts of the human body:<ul style="list-style-type: none">i. the breast of a female above the age of 14years;ii. the laps of a female above he age of 14years;iii. the belly and or waist of a female above the age of 14 years;iv. any part of the body fro two (2) inches below the age of 14 years;v. any part of the body of the male person above the age of 14years from the waist to the knee;c. any form of dressing with transparent cloth or clothing in the public or the open which exposes any part of the body from two inches below the shoulders level downward to the knee of a female person above the age of 14 years; provided that exposure of the hands of the female person above the age of 14 years shall not be construed as public nudity;d. any form of dressing with a transparent cloth or clothing which exposes any part of the body of the male person above the age of 14 years from the waist to the knee in the public or open. <p>2 (2) Sexual Intimidation under this Act to all or any of the following:</p> <ul style="list-style-type: none">a. any action or circumstances which amount to demand for sexual intercourse with either a male or female under guise, as a condition for passing examination, securing employment, business patronage, obtaining any favour in any form whatsoever, as maybe defined in this Act or any other enactments;b. the actual demand for sexual intercourse with either a male or female under any guise, as a condition for passing

	<p>examination, securing employment, business patronage and or obtaining any favour in any form whatsoever, as maybe defined in this Act or any other enactments;</p> <p>c. the exposure of any private part of the human body as defined under this Act by any person whatsoever by the form of indecent dressing or any form whatsoever which is capable of sexually seducing the other person to demand or request for sexual intercourse in exchange for any favour in any form whatsoever t any place whatsoever;</p> <p>d. acts of deprivation, withholding, replacing and or short-changing of entitlements, privileges, rights, benefits, examination or test marks/scores, and any other form of disposition capable of coercing any person to submit to sexual intercourse for the purpose of receiving reprieve thereto;</p> <p>e. any other action or inaction construed as sexual intimidation/harassment under any other enactments in force in Nigeria.</p> <p>2 (3) Private part of the Human Body under this Act refers to the part of the body: (a) two inches below the shoulders level downward to the knee of a female person above the age 14 years; (b) from the waist to the knee of a male person above the age of 14 years.</p> <p>2(4) Educational Institutions under this Act refers to any institution of learning (which term shall apply to private institutions) in Nigeria in the Primary, Secondary and Tertiary levels of studies.</p> <p>2(5) Independent Certified Educationist under this Act refers to a person possessing an educational or professional qualification in the field or subject of study from any government approved and or accredited institution of learning, who is appointed to teach or is qualified for appointment to teach in the professional area under the scheme of service of the public service of Nigeria or any other enactments as may be appointed by the Nigerian police force or the Court of Law, which is not an employee of the institutions to which the complainant of the offence of sexual intimidation is studying.</p> <p>2(6) Head of Educational Institutions under this Act refers to any Chief Executive of an educational institution.</p> <p>2(7) Court of Law under this Act refers to any Court of Law established by any state in force in Nigeria within their respective jurisdictions.</p> <p>2(8) The Public or Open under this Act refers to any place</p>
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	whatsoever, other than house or premises of any person.
Offences of Public Nudity and Penalties	<p>3. Any person who:</p> <p>a. exposes his/her body in the public or open in such manner as can be construed as public nudity as defined under this Act or any other enactment in Nigeria is guilty of an offence of public nudity under this Act and shall be liable on conviction by a court of law to imprisonment for three months or a fine of N10,000 or to both such fine and imprisonment;</p> <p>b. dresses in a manner which is defined to constitute public nudity under this Act, shall be guilty of an offence of public nudity and shall be liable on conviction by a Court of Law to imprisonment for three months or a fine of N10,000 or to both such fine and imprisonment;</p> <p>c. cause to be dress by any person in a manner which is defined to constitute public nudity under this Act, shall be guilty of an offence of aiding and abating the commission of the offence of public nudity and shall be liable on conviction by a Court of Law to imprisonment for three months or a fine of N10, 000 or to both such fine and imprisonment.</p>
Exemption for Sports, festivals, theatre/stage acting and swimming exercises	<p>3(2) Without prejudice to the provisions of Section 3(1) of this Act, any form of dressing for Sports, festivals, swimming exercises, Theatre/Stage Acting at the venue of such events, shall not be construed as offence of public nudity under this act or any other enactments.</p>
Offences of Sexual Intimidation and Penalties	<p>4. Any person who:</p> <p>a. demands, requests and or requires sexual intercourse with any person as a condition for passing examinations or tests, securing employments, securing business patronage and or any favour in any form whatsoever, shall be guilty of an offence under this Act and liable on conviction by any court of law to imprisonment for three years or a fine of N120,000 or to both such fine and imprisonment;</p> <p>b. expose any private part of the human body as defined under this Act, to any person whatsoever, to sexually seduce the other person to demand and or request for sexual intercourse in exchange for any favour in any form whatsoever at any place whatsoever, is guilty of an offence of sexual intimidation under this act, and shall be liable on conviction by a court of law to imprisonment for 2years or a fine of N100,000 or to both such fine and imprisonment;</p> <p>c. deprive, withhold, benefits and or short-change any entitlement, privileges, rights, benefits, examination or test marks/scores and or any other benefit of any form whatsoever of any person capable of coercing any person to submit to demands for sexual intercourse with the other person thereto for the purpose of receiving reprieve thereto,</p>

	<p>is guilty of an offence of sexual intimidation under this Act, and shall be liable on conviction by a court of law to imprisonment for five years or a fine of N20,000 or to both such fine and imprisonment.</p> <p>d. who commits any offence construed as sexual intimidation under any other law in force in Nigeria to which no penalty has been prescribed is guilty of an offence under this Act and shall be liable on conviction by a court of law to imprisonment for 2years or a fine of N100,000 or to both fine and imprisonment</p>
Office of using office or position to sexually intimidate	5. Any person who uses his/her office or position to sexually intimidate any person in any form whatsoever, is guilty of an offence of sexual intimidation under this Act and shall be liable on conviction by a court of law to imprisonment for 2 years or a fine of N100,000 or both such fine and imprisonment;
Date to Report offence of Sexual Intimidation	6. Any person who is sexually intimidated as defined under this Act or any other enactments, shall report such cases of sexually intimidation to the nearest office of the Nigerian police force for investigation and prosecution.
Duty of the Nigerian Police Force to receive complaints, investigate and prosecute offences under this Act	<p>7(1). It shall be the duty of the Nigerian police force to:</p> <p>a. enforce the prosecution of this Act;</p> <p>b. receive complaints for the offences under this act, investigate and prosecute such cases of offences under this Act;</p> <p>c. exercise all the powers conferred on the Nigerian Police force under the Police Act and other enactments on the procedures for investigation and prosecution in force in Nigeria.;</p> <p>7(2). Pursuant to the provision of section 7(1) of this Act, every prosecution for offences under this Act or any other enactment prohibiting and punishing public nudity and or sexual intimidation shall be deemed to be done with the fiat of the Attorney –General;</p>
Jurisdiction of Court	8. The Magistrate Courts and the High Court shall have concurrent jurisdiction to hear and determine cases under this Act; and appeals emanating thereto shall lie to appropriate Courts as provided by law;
Deliberate frustration of investigation of offences under this Act and Penalties	<p>9. Any person who, with intent to defraud or conceal an offence or frustrate the investigation and prosecution of offences under this Act or under any other enactments;</p> <p>a. destroys, alters, mutilates, or falsify any book or documents, dress or clothing which could serve as evidence or exhibits;</p>

	<p>b. omits, or is privy to omitting any material particular from any such document, book, dress or clothing; is guilty of felony and liable on conviction to one year imprisonment or a fine of N50,000 or to both such fine and imprisonment;</p>
<p>Failure of Heads of Educational institutions to comply with the provisions of this Act</p>	<p>10. Any head of educational institution who:</p> <p>a. fails to comply with the provisions of this Act;</p> <p>b. fails to produce documents or books so requested;</p> <p>c. fails to accept, admit and record as valid scores/marks as awarded by independent certified professional educationist in cases of sexual intimidation as provided for under this Act;</p> <p>d. refuses the Nigerian Police Force access to documents, books, or scripts; is guilty of an offence of felony under this Act, and is liable on conviction to imprisonment for 6months or a fine of N100,000 or to both such fine and imprisonment</p>
<p>Legal Obligation to give information</p>	<p>11. subject to the limitation as provided under this Act and any other enactment, every person required by an officer of the Nigerian Police Force to give any information pursuant to the provisions of this Act, which is in that persons legal and statutory power to give, is legally bound to give such information, failing which he shall be guilty of an offence and shall be liable on conviction by a Court of law to six months imprisonment or a fine of N50,000 or to both such fine and imprisonment</p>
<p>Presumption in offences under this Act</p>	<p>12 (1) where in any proceedings against any person for an offence under this Act, it is proved that any action constituting offence under this Act has been committed by any person, it shall be presumed that the accused is guilty of an offence under this Act and shall be so held until the contrary is proved;</p> <p>(2). Where in any proceedings against any person for an offence under this Act, it is proved that any action constituting offence under this Act has been done by the accused, it shall be presumed that the action was done with the motive or intent of committing the offence under this Act and shall be so held until the contrary is proved.</p>
<p>Protection of complainants</p>	<p>13. (1) Any rules and or regulations made by any institution or organisation prohibiting or restraining the reporting of offences or complaint with the provisions of this Act, shall to the extent of the inconsistencies be null and void;</p> <p>(2). No complaint of any offence under this Act shall be expelled, disengaged. Suspected or punished in any form whatsoever by virtue of the action of compliance with the provisions of this Act;</p> <p>(3) Any head of institution who violates the provisions of section 13(2) of this Act is guilty of an offence under this Act and</p>

	shall be liable on conviction by a court of law to imprisonment for 6 months or a fine of N200,000 or to both such fine and imprisonment.
Arrest for the commission of offences of public nudity by female persons	14. Where an offence of public nudity is committed or is suspected to be committed by a female person, the arrest for such an offence shall be effected by female Police Officers. In cases of violent resistance of arrest by a suspect, a superior Police Officer not below the rank of Assistant superintendent of Police may authorize the arrest of a female person by male Police Officers.
Rights of Appeal	15. A person convicted for an offence under this Act or any other law prohibiting and punishing public nudity and or sexual intimidation shall have and exercise any or all such rights of appeal as conferred by the Constitution of the Federal Republic of Nigeria in such case.
Roles of Religious Bodies and Public Agencies	16. The roles of religious bodies in moral rejuvenation of our country is by this Act hereby guaranteed: a. The Ministries of Information, Cultures and National Orientation shall develop policies and programmes for the integration of religious bodies in the reformation of the society for moral uprightness; b. Religious bodies shall be encouraged in teaching moral uprightness to its adherents.
Citation	17. This Act may be cited as the Public Nudity, Sexual Intimidation and Other Related Offences Prohibition and Punishment Act, 2007

Explanatory Memorandum:

This Bill seeks to prohibit and punish public nudity, sexual intimidation and other related offences in Nigeria.