

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	704
Land:	Nigeria
Kilde:	Centre for Health, Education, and Vulnerable Support (CHEVS), Access to Good Health Initiative (AGHI), Adequate Healthcare Community Initiative (AHCCI), Crème de la Crème House of Fame Foundation, Hope Alive Health Awareness Initiative (HAHAI), The Initiative for Equal Rights (TIERS), Think Positive Live Positive Support Initiative (TPLPI), Wavemakers Initiative for Health and Youth Empowerment (WIHYE), Women Initiative for Sustainable Empowerment and Equality (WISE), Women's Health and Equal Rights (WHER) Initiative
Titel:	Joint Stakeholder Written Submission on the Human Rights of Lesbian, Gay, Bisexual, Transgender, Intersex, and Queer Persons in Nigeria
Udgivet:	18. juli 2023
Optaget på baggrundsmaterialet:	17. juni 2024

Joint Stakeholder Written Submission on the Human Rights of Lesbian, Gay, Bisexual, Transgender, Intersex, and Queer Persons in Nigeria

Submitted for consideration at the
Fourth Cycle of the Universal Periodic Review of the UN Human Rights Council

Principal submitting organisation: Centre for Health, Education, and Vulnerable Support (CHEVS)



Website: www.chevs.org
Email: info@chevs.org
Phone: +234 703 380 3890

Date of Submission: 18 July 2023

Other submitting organisations: Access to Good Health Initiative (AGHI); Adequate Healthcare Community Initiative (AHCCI); Creme de la Creme House of Fame Foundation; Hope Alive Health Awareness Initiative (HAHAI); The Initiative for Equal Rights (TIERS); Think Positive Live Positive Support Initiative (TPLPI); Wavemakers Initiative for Health and Youth Empowerment (WIHYE); Women Initiative for Sustainable Empowerment and Equality (WISE); Women's Health and Equal Rights (WHER) Initiative.

Main activities of submitting coalition: A coalition of Nigerian organisations advocating for the rights and dignity of the LGBTQI+ community, striving to eliminate discrimination, violence, and persecution based on sexual orientation and gender identity have collaborated to submit this report. We conduct research, document human rights violations, raise awareness, provide support services, and engage in dialogue with government institutions and international stakeholders. Our mission is to create a society where every individual, irrespective of their sexual orientation or gender identity, can live free from fear, prejudice, and discrimination.

Compiled by: Dr Ayodele Sogunro

I. Introduction

1. This stakeholder report is submitted as part of the Universal Periodic Review (UPR) process for Nigeria, with a specific focus on the human rights situation of Lesbian, Gay, Bisexual, Transgender, Intersex, and Queer (LGBTIQ+) individuals in the country. Despite the 1999 Nigerian Constitution guaranteeing basic human rights such as the right to life, the right to dignity of a person, and the right to association - all without discrimination, the reality for LGBTIQ+ individuals in Nigeria is starkly different.
2. Nigeria remains one of the 67 countries that criminalise LGBTIQ+ individuals. Nigeria does this through a variety of colonial legacy criminal laws and post-independence federal and state laws. Across Nigeria, the Same-Sex Marriage (Prohibition) Act (SSMPA) 2013 imposes a punishment of up to 14 years' imprisonment for same-sex sexual activity. The SSMPA further criminalises same-sex marriage, displays of affection between people of the same sex, and participation in gay clubs, societies, and organisations. It also penalises those who "abet" same-sex relationships, thereby criminalising the friends and families of LGBTIQ+ individuals for not disclosing to the state where they are aware of the identity of homosexual persons.
3. In view of that reality, this report aims to provide a comprehensive review of the human rights situation for LGBTIQ+ individuals in Nigeria, assess the implementation of recommendations from the previous UPR cycle, and propose concrete, implementable recommendations for improving the human rights situation in the country.

II. Methodology

4. The information for this stakeholder report was gathered through several approaches to ensure a nuanced and comprehensive understanding of the human rights situation for LGBTIQ+ individuals in Nigeria. The methods used include:
 - Workshop with Community-Based Organisations (CBOs): A two-day workshop was conducted in Abuja, Nigeria, with several CBOs that work directly with the LGBTIQ+ community. These organisations shared documented incidents and provided insights into various issues affecting the LGBTIQ+ community, facilitating a rich exchange of experiences and perspectives, which have been instrumental in shaping this report.
 - Desk Research: A comprehensive desk research was undertaken to assess the legal and policy situation in Nigeria. This involved reviewing existing laws, policies, and regulations that impact the LGBTIQ+ community, as well as journal and media articles, and NGO reports on the human rights situation for LGBTIQ+ individuals in Nigeria.

- Validation Meeting: A validation session was conducted on 10 July 2023, engaging a representative constituency, including the CBOs participating in the initial workshop. The recommendations were examined, evaluated, and validated, reflecting the collective input and perspectives of the participants.

III. Follow-up to the Preceding Review

5. This section of the report explores the recommendations relating to LGBTIQ+ rights made to Nigeria during the previous Universal Periodic Review cycle. None of these recommendations were accepted, but only noted, by the government.
6. **RECOMMENDATION - Repeal Discriminatory Legislation (148.74, 148.75, 148.76, 148.78, 148.80, 148.73):** Multiple countries including Iceland, New Zealand, Belgium, Argentina, Germany, and Austria issued recommendations urging Nigeria to repeal legislation that discriminates on the basis of sexual orientation or gender identity. This includes the Same-Sex Marriage Prohibition Act 2013 and any laws that criminalise consensual sexual relations between people of the same sex. *As of this review, these recommendations have been noted by the State, and not accepted neither was there any action on implementation*
7. **RECOMMENDATION - Review the Violence against Persons (Prohibition) Act of 2015 (148.77, 148.79):** Mexico and Chile have recommended that Nigeria review the Violence Against Persons (Prohibition) Act of 2015 to prohibit all types of violence without discrimination, including discrimination based on sexual orientation and gender identity. Furthermore, they recommended ensuring full territorial coverage of the Act, especially article 37, to provide legal reparation for violence victims regardless of their sexual orientation or gender. *As of this review, these recommendations have been noted by the State, and not accepted or implemented.*
8. **RECOMMENDATION - Combat Violence and Discrimination (148.72, 148.67, 148.71):** Uruguay, Italy, and France recommended measures to combat violence and discrimination based on sexual orientation and gender identity. These measures include repealing provisions that criminalise homosexuality with the death penalty. Similarly, they urged the adoption of measures to fight discrimination, especially against women and LGBTI persons. *As of this review, these recommendations have been noted by the State, and not accepted or implemented.*
9. These recommendations remain important for the improvement of human rights in Nigeria, particularly for the protection and equality of LGBTIQ+ individuals. It is urged that Nigeria takes definitive steps to address these issues and implement the recommendations in the forthcoming UPR cycle.

IV. Legal and Societal Context of LGBTIQ+ Rights in Nigeria

10. Nigeria's legal framework presents a hostile environment for LGBTIQ+ individuals. A combination of federal and state laws, some inherited from colonial times and others enacted post-independence, criminalise same-sex relations. These laws include the Criminal Code Act (1916), the Penal Code (Northern States), Federal Provisions Act (1960), the Armed Forces Act (1993), and the Same Sex Marriage (Prohibition) Act (2013).
11. At the state level, laws such as the Sharia Penal Code Law of twelve Northern States, the Same Sex Marriage (Prohibition) Law of Lagos State, and the Prostitution, Lesbianism, Homosexuality, Operation of Brothels and Other Sexual Immoralities (Prohibition) Law of Borno State further criminalise LGBTIQ+ identities and relationships, including death by stoning for males. These laws, while existing within a constitutional framework that guarantees rights to privacy, assembly and association, expression, and freedom of conscience, create a conflict between constitutional rights and the invasive nature of the criminalising laws.
12. The legal context in Nigeria has led to, and continues to encourage numerous human rights violations and abuses against LGBTIQ+ individuals, including arbitrary arrests, targeting for harassment and intimidation, and extortion by police and government officials. This situation is inconsistent with the various UN human rights treaties that Nigeria has signed, particularly the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention against Torture, among others. It is also inconsistent with relevant African human rights treaties including the African Charter on Human and Peoples' Rights which has also been domesticated as Nigerian law.
13. There has been no high-level judicial interpretation of what these criminalising laws mean in relation to the constitutional rights and the overall objectives of the Nigerian constitution. The judiciary's stance towards homosexuality has been largely negative, often conflating homosexuality with rape and paedophilia, further eroding the dignity of LGBTIQ+ persons.¹
14. The Same Sex Marriage (Prohibition) Act (SSMPA) is particularly significant as it not only criminalises sexual acts across the country but also sexual identity, advocacy for, and the provision of professional and personal services to LGBTIQ+ persons. This law has led to severe violations of Nigeria's human rights obligations under international law, opening up LGBTIQ+ persons to abuse and violence from both state and non-state actors.
15. The societal context in Nigeria further exacerbates the challenges faced by LGBTIQ+ individuals. The existence of laws criminalising sexual autonomy, coupled with derogatory statements by policymakers,² have led to a degradation of the dignity of LGBTIQ+ persons, making them a target for hate speech and acts of violence.

Reports indicate numerous violations against LGBTIQ+ persons, including cases of murder, assault, rape, arbitrary detention, and extortion. The Nigerian government has largely failed to prosecute those responsible for these acts, indicating a refusal to acknowledge the dignity and personhood of LGBTIQ+ persons.

16. The legal and societal context in Nigeria presents a dire human rights situation for LGBTIQ+ individuals. The conflict between constitutional rights and homophobic laws, coupled with societal prejudice and violence, creates an environment of fear and discrimination. This situation calls for urgent attention and action to protect and uphold the rights of LGBTIQ+ individuals in Nigeria.

V. LGBTIQ+ Human Rights Situation in Nigeria

17. Despite various recommendations made in the third cycle on issues affecting the LGBTIQ+ community, the Nigerian state has not made any effort to protect LGBTIQ+ persons in the country. Consequently, human rights violations continue to be perpetrated by state and non-state actors against the community. In the instances where non-state actors are responsible for these violations, the Nigerian law enforcement authorities have never taken any action to curtail the perpetrators. Some relevant examples of these violations are discussed in the following paragraphs.
18. **Arbitrary Arrests and Detention:** The arbitrary arrest and detention of LGBTIQ+ individuals in Nigeria has a devastating impact, perpetuating fear, trauma, and a climate of discrimination while denying them their fundamental rights and access to justice. There are numerous cases of these incidents documented over the last four years and contained in NGO reports. Examples include a mass arrest in 2020 where a lesbian soldier was forcefully outed by her male colleagues resulting in a subsequent tracing, arrest and torture of over 80 real or perceived lesbian, bisexual and queer women, all of whom were soldiers, in a military zone in Abuja. The women were detained in military custody without charges or trial until the Nigerian Human Rights Commission intervened and secured their release.³ In Anambra in 2021, 92 men were arrested at a hotel at a private birthday party in Anambra State. They were forced to pay a bribe after five nights of illegal detention and denial of access to legal counsel. Some of the men on antiretroviral medication were denied treatment while in detention.⁴ In another incident on June 25, 2021, approximately 100 LGBTIQ+ individuals were arrested by police officers while attending a birthday party at Kenfeli Hotel, Kaduna.⁵ The arrest was based on suspicion of homosexuality. Many were forced to pay bribes for their release, while about 25 individuals from lower-income backgrounds were detained for three days at the Barnawa police station, Kaduna.
19. Gatherings, such as wedding celebrations and parties are often targeted for arbitrary arrests. On January 30, 2022, 15 gay and bisexual men who were celebrating a birthday party were targeted by local community members who handed them over

to the police.⁶ Similarly, on September 27, 2022, 10 gay and bisexual men were arrested at a party in Bauchi as a result of their perceived sexual orientation. The act was carried out by the community security guards (called “vigilantes”) who later handed them over to the police.⁷ On December 24, 2021, an arbitrary arrest was made of over 20 persons attending a birthday party in Bauchi by the Hisbah Corps, a religious police force enforcing Sharia law to Muslims, who later handed them over to the police.⁸ Similarly, in December 2018, an arbitrary arrest was made of 11 lesbians women during a birthday celebration in Kano by the Hisbah Corps on suspicion of the event being a gay marriage event.⁹ These incidents perpetuate fear, discrimination, and trauma and also highlight the urgent need for comprehensive legal reforms, increased awareness, and sensitivity training among law enforcement agencies to ensure the protection of the rights and dignity of all individuals, irrespective of their sexual orientation or gender identity.

20. ***Torture and Cruel, Inhuman or Degrading Treatment or Punishment:*** The impact of torture and cruel, inhuman, or degrading treatment or punishment has on LGBTIQ+ individuals in Nigeria is extremely damaging and is undertaken by state actors and non-state actors. Often, torture and cruel, inhuman or degrading treatment or punishment, involves forms of assault, accompanied by targeted attacks from groups of private individuals or police officials. There is also often extortion of victims after physical assaults and the possibility of public “outings”, which places LGBTIQ+ Nigerians at further risk. A typical example is an incident involving the stripping and public humiliation of a police constable.¹⁰ Another example is that of six men who were caught, beaten, and paraded in Umuosuru, Abia State, as well as the gay partners who were beaten by a mob and declared wanted by the police.¹¹ Also, on December 26, 2022 at Zonkwa, Kafanchan LGA, a group of young LGBTIQ+ persons who were celebrating a Christmas party were physically assaulted and paraded on the streets until calls were made to the village head to release them.¹²
21. Further, it is typical that, following arbitrary arrests and detention by police officials, individuals face torture and cruel, inhuman or degrading treatment to coerce them to confess on record to being homosexuals. On February 10, 2023, the Nigeria Security and Civil Defence Corps Nasarawa State Command issued a press statement indicating they had arrested five men based on their perceived sexual orientation in Doma and Lafia Local Government Areas of the Nasarawa State.¹³ After days of torture and interrogation, the men all admitted to be homosexuals. Similarly, on May 18, 2021, in Maraban Rido, Kaduna, 11 gay, bisexual, and trans persons were physically assaulted by local youths while attending a condolence visit. Their personal belongings were confiscated, and they were forced to publicly confess their sexual orientation. A video of their forced confession was widely circulated on social media, further violating their right to privacy.¹⁴ In November 2022, two trans persons were set up by their landlord who invited the police and accused them of ‘feminine display’. They were beaten and forced to make confessional statements of engaging in transactional sex. They were extorted before they were released.¹⁵ The widespread occurrence of torture and cruel, inhuman, or degrading treatment against LGBTIQ+ individuals in Nigeria exposes a deeply troubling reality. These acts, perpetrated by both state and non-state actors, inflict severe physical and

psychological harm, perpetuate fear and trauma, and contribute to the marginalisation and stigmatisation of an already vulnerable population. The continuing pervasiveness of targeted assaults, public outings, extortion, forced confessions, and the denial of dignity and privacy faced by individuals exemplify the urgent need for comprehensive legal reforms, increased awareness, and accountability mechanisms to address and prevent such human rights violations.

22. **Right to Privacy:** The right to privacy is a fundamental human right that is crucial for LGBTIQ+ individuals in Nigeria but, unfortunately, it is often violated and undermined by state and non-state actors, which can result in evictions, arbitrary arrests, and extortion. In one high profile incident in 2019, the police authorities deployed dozens of officers to raid the birthday party and effect the arrest of a celebrity transwoman.¹⁶ In a more typical incident, there was an unlawful observation of two consenting individuals engaging in a private sexual relationship which was subsequently reported to the police, leading the men to face police investigation due to the breach in their right to privacy.¹⁷ The case of "Anna", a perceived trans-identifying person, who was evicted from her residence due to her gender expression is another incident where the breach of her right to privacy impacted access to secure housing.¹⁸ On February 14th 2023, in Kaduna, the apartment of two young gay men was forcibly invaded by police officers from the Maggagin Gari Police Division in Kaduna. The officers proceeded to torture and extort these men until they were bailed out by NGO paralegals.¹⁹ In another incident on April 5, 2022, 2 young trans persons were walking home on the streets when they were accosted by police officials. They were accused of wearing tight shorts and behaving like homosexuals by the officials who then proceeded to beat them, strip them of their clothes, and forced them to unlock their phones to search for "gay pictures". They were then extorted and ultimately released.²⁰ These continuing incidents of violation of the right to privacy experienced by LGBTIQ+ individuals in Nigeria through evictions, arbitrary arrests, extortion, and unlawful observation perpetuate a climate of fear, discrimination, and insecurity.

23. **Right to Life and Security of Person:** The right to life, liberty, and security of person for LGBTIQ+ individuals in Nigeria is significantly impacted by the prevalence of hate crimes and violence, leading to loss of life, experiences of physical or sexual assault, and a constant state of fear of attack. The lack of adequate protection and accountability for perpetrators perpetuates a culture of impunity, further compromising the security and well-being of LGBTIQ+ individuals. The targeted murder of a homosexual man, reported in early 2020, through using Facebook to set up a meeting, is an explicit violation of the right to life.²¹ In terms of threats to life and security of the person, on August 9, 2022, in Kaduna, a team from an NGO was mobbed by the public while attempting to recover stolen mobile phones belonging to three gay, persons.²² The mob was incited by the suspect who informed the public that the team members were homosexuals.

24. Transgender or gender non-conforming persons also face a heightened risk of assault, due to their visibility. In an incident on the of January 3, 2021, a 21 year old trans woman in Nasarawa state reported that they followed a friend to meet

another acquaintance. On arrival, the acquaintance raised an alarm to people living in this community to “*Come and see transwomen*”. The victims were beaten by the neighbours and were taken to the *vigilante* watch, where they were physically assaulted and handed over to the police. They were detained for six days before getting bail.²³ On 17th of October, 2020, a gender-neutral individual from Nasarawa State encountered a mob violence attack. During their return from work, a group of young men attacked the victim, took their phone, then assaulted the victim and stripped them naked before the victim could escape.²⁴ On May 18, 2021 at Maraban Rido Kaduna, 11 Gay and bisexual and trans persons who went on condolence visit were picked from the crowd by the village community youths. They were beaten and paraded publicly, their money and personal belongings stolen, forced to openly confess their “gay lifestyle”, and the video of their forced confession published virally on social media.²⁵ In another incident, a trans women in Benue state visited a friend only to be gang raped by seven men. Upon reporting the incident to a police station, she was harassed and embarrassed “for being gay man”.²⁶ These violations, apart from being deplorable in their own right, create a climate of fear, trauma, and a constant state of insecurity for LGBTIQ+ Nigerians, while the lack of protection and accountability perpetuates a culture of impunity. Urgent action is needed to address these issues and ensure the safety and well-being of LGBTIQ+ Nigerians. Constitutional protections found in sections 33, 34 and 35 provide for the right to life, dignity of a human person, and personal liberty respectively, and should be upheld for all individuals, regardless of their sexual orientation or gender identity.²⁷

25. **Right to Health:** LGBTIQ+ individuals in Nigeria continue to face significant barriers to accessing healthcare, including discrimination, limited LGBTIQ+ friendly services, barriers to HIV prevention and treatment, mental health challenges, lack of legal protections, and inadequate sexual and reproductive health services, resulting in compromised well-being and a violation of their right to health. In several incidents documented by NGOs, HIV+ persons in rural areas of the North have become fearful and avoid seeking treatment to avoid risking violence and discrimination on the basis of their real or perceived sexual orientation. In one case, four Men who have Sex with Men (MSM) who were very sick and had tested HIV positive refused to be taken for treatment because of fear of public exposure as homosexuals. All died shortly after.²⁸ An LGBTIQ+ healthcare provider was illegally arrested and detained for 7 days in an Imo state police station allegedly for “promoting LGBTIQ+ causes.”²⁹ Discriminatory practices impacting access to the right to health poses a severe threat to LGBTIQ+ individuals in Nigeria. Urgent measures must be taken by the Nigerian Government to ensure equal access to quality healthcare without discrimination and to address the systemic barriers that prevent LGBTIQ+ Nigerians from enjoying their right to health.
26. Intersex individuals face discrimination and lack of understanding in Nigeria's healthcare system, leading to unnecessary medical interventions without informed consent. These interventions violate their bodily integrity and right to receive respectful and individualized healthcare. One individual shared their personal experience of being assigned female at birth but began experiencing unexpected

physiological changes during the onset of puberty.³⁰ They had anticipated typical secondary reproductive developments such as breast enlargement and menstruation, but instead, they started developing physical characteristics associated with the male sex, including the growth of facial hair, a deepening voice, and broadening shoulders. The intersex individual expressed feelings of embarrassment, timidity, inferiority, and humiliation, as they struggled with dressing as a female while having male features, during a pivotal point of their adolescence. Efforts should be made to raise awareness about intersex sex characteristics, provide appropriate healthcare services, and protect the rights of intersex individuals, particularly minors, in Nigeria.

27. *Right to Freedom of Thought, Conscience, and Religion:* The social stigma, discrimination, and legal restrictions faced by LGBTIQ+ individuals in Nigeria have a profound impact on their right to freedom of thought, conscience, and religion, resulting in exclusion, condemnation, and denial of their ability to freely express their beliefs, convictions, and religious practices. Religious institutions continue to preach homophobic and transphobic rhetoric and continue to exclude LGBTIQ+ individuals from religious communities without any measures undertaken by the state to prevent this. In 2021, the Anglican Church in Nigeria issued a statement that condemned the LGBTIQ+ community and compared them to “murderers”.³¹ The reported dismissal of four priests, in Abia in May 2019, was based on allegations of engaging in homosexuality is another example.³² These forms of hate speech have not been addressed by the Nigerian authorities despite their potential of perpetuating violence and discrimination. Upholding and protecting the freedom of thought, conscience, and religion for all individuals, regardless of sexual orientation or gender identity, is essential for fostering a society that respects diversity and promotes human rights and ensures access to the protections afforded in section 38 of the Nigerian Constitution.

28. *Right to Freedom from Discrimination:* The impact of discrimination is significant and harmful, as it perpetuates inequality, denies individuals equal opportunities and treatment, fosters social exclusion and stigma, undermines well-being, and hinders the full realisation of human rights for those who experience it, including LGBTIQ+ individuals in Nigeria.³³ Specific targeting of homosexual and transgender persons often takes place through online social media platforms, resulting in incidents leading to extortion at the threat of physical violence. This phenomenon, based on discriminatory attitudes, is known as “Kito”. For example, in 2020, an Abuja-based individual signed up to Grindr, a gay dating app, where he met someone and arranged a date. On arriving at the location, he met with his date’s friend who was introduced to him as a gay man also. On entering the apartment, his date came out with two other guys who pushed him around, called him slurs, and made him transfer money into their account before kicking him out.³⁴ Acts of discrimination often relate to violations of other fundamental human rights, exemplified in this submission.

29. *Right to a Fair Trial:* The violation of the right to a fair trial in Nigeria, characterised by cases where individuals are declared guilty without proper investigation or the

chance to defend themselves. This practice undermines the principles of justice and due process, exacerbating marginalisation and injustice against the LGBTIQ+ community. The case of "John", a HIV positive man from Anambra state, who was declared guilty of homosexuality without proper investigation or the opportunity to defend himself, demonstrates a violation of the right to a fair trial.³⁵ Also, in March 2020, at Hayin-Liman Jammaa Ward, Sabon Gari Zaria, two gay partners were monitored and caught by Hisbah Corps, the Islamic morals enforcement authorities. They were imprisoned for months and on release, they fled and left no trace.³⁶ Denying individuals the opportunity to defend themselves and declaring guilt without proper investigation undermines the principles of justice, perpetuates marginalization, and contributes to injustice within the LGBTIQ+ community. Section 36(1) and (4) of the Nigerian Constitution provide for the right to a fair hearing and should be upheld for all individuals, regardless of their sexual orientation or gender identity.

VI. Other Societal, Legal and Political Issues

30. The significance of various societal, legal, and political issues in Nigeria which contribute to a hostile and discriminatory environment for LGBTIQ+ individuals, perpetuating human rights violations, stigma, and inequality, and hindering the realisation of their rights and well-being is discussed below:
31. **Classism and Police Interaction:** Across Nigeria, poorer individuals tend to be more likely to be persecuted. Interactions with the police are generally negative, with some regional success in training and engagement. However, according to various feedback by NGOs, the police often use their relationship with the NGOs as an opportunity for extortion after the arbitrary arrests of community members. The Nigerian authorities have not undertaken any measures to reduce these incidents.
32. **Persecution through laws:** Despite the multiple criminalising laws and the numerous arrests, LGBTIQ+ persons are rarely prosecuted and given an opportunity for a fair trial. The very few convictions have been under the Sharia courts with often opaque processes, violating the right to a fair hearing. Consequently, criminalising laws are used to persecute rather than prosecute without adequate legal safeguards for the communities affected by these laws.
33. **Lack of Protection from Conversion Practices/Pervasiveness of Conversion Practices:** The lack of protection from conversion practices in Nigeria poses a grave threat to the rights and well-being of LGBTIQ+ individuals. Conversion practices, also known as "conversion therapy" aim to change a person's sexual orientation or gender identity through harmful and pseudoscientific methods.³⁷ Various forms of these practices can include physical torture; sexual assault; starvation; exorcisms and other religious ceremonies, amongst other fundamental human rights violations.³⁸ These practices inflict severe psychological and emotional harm, leading to increased rates of depression, anxiety, and even suicide among those subjected to them.

Despite their harmful nature, conversion practices continue to be promoted and practiced in Nigeria, with little to no legal safeguards in place to protect individuals from such abuses.

VII. Improvements since the previous cycle

34. At the time of the compilation of this report, there was no significant improvement by the Nigerian Government towards protecting and promoting the rights of LGBTIQ+ persons. Judicially, there has been one decision by a federal court³⁹ declaring that certain parts of the SSMPA that restricted the right to associate were unconstitutional. However, the Nigerian authorities have not made any attempt or taken any measures to comply with this decision and it still remains subject to an appellate court.

VIII. Recommendations

35. **Decriminalise Homosexuality:** The Nigerian Government should repeal the Same Sex Marriage (Prohibition) Act of 2013, as well as other criminalising provisions in criminal statutes, within the next legislative session, effectively decriminalising homosexuality and removing state-sanctioned discrimination against the LGBTIQ+ community.
36. **Establish Anti-Discrimination Legislation:** By the end of 2024, the Nigerian Government should introduce comprehensive anti-discrimination legislation in all areas of life, including education, employment, housing, and access to healthcare, that specifically includes protections for individuals based on their sexual orientation and gender identity and expression. This legislation should provide a robust framework to safeguard the rights and dignity of every individual and ensure the equal enjoyment of constitutional rights throughout the Nigerian legal system.
37. **Economic justice for LGBTIQ+ persons:** By the end of 2024, the Nigerian Government should take measures to ensure equal access to economic opportunities in employment, entrepreneurship, and financial services for LGBTIQ+ persons. The government should collaborate with community-based organisations to develop inclusive policies, provide skills training, business support services, and financial resources, and regularly monitor and evaluate progress.
38. **Law Enforcement Training and Development of Standard Operating Procedures:** Over the next two years, the Nigerian Government should comprehensively review and amend existing standard operating procedures (SOPs) to ensure they are human rights-focused and inclusive of LGBTIQ+ persons. This process should include mandatory human rights training for all law enforcement officials, specifically addressing the rights and dignified treatment of LGBTIQ+ individuals. Regular

reviews and adjustments should be conducted to assess the effectiveness of the training. Additionally, the SOPs should provide clear guidance on the provision of public services, emphasising inclusive approaches that make public services accessible and affirming for individuals of diverse sexual orientations and gender identities.

39. **Access to Legal Aid and Health Services:** By the end of 2024, the Nigerian Government should ensure that legal aid and health services, including mental health support and HIV treatment, are accessible to all individuals, regardless of their sexual orientation or gender identity. This could be measured by tracking the utilisation of these services by the LGBTIQ+ community.
40. **Public Education and Awareness:** Over the next three years, the Nigerian Government should implement public education and awareness campaigns through the Nigerian National Human Rights Commission to combat homophobia; biphobia; intersexphobia; and transphobia, with progress measured through public opinion surveys. Furthermore, the government should prioritise the inclusion of comprehensive sexuality education in schools, ensuring that it is age-appropriate, evidence-based, and inclusive of diverse sexual orientations and gender identities.
41. **Promotion of Intersex Rights and Protection for Intersex health rights:** Over the next three years, the Nigerian Government should enact comprehensive legislation explicitly prohibiting non-consensual medical interventions and harmful practices targeting intersex individuals, including minors. Additionally, the Nigerian Government should raise awareness about intersex variations, promote understanding of their unique needs, and provide comprehensive training to healthcare professionals.
42. **Strengthening reporting and investigation mechanisms:** By the end of 2024, the Nigerian Government should establish a dedicated and trained desk within law enforcement agencies that specialise in handling cases related to sexuality and gender issues. This desk should ensure confidentiality in reporting and investigating human rights violations against LGBTIQ+ individuals, providing a safe space for victims to come forward. The government should also grant the Nigerian National Human Rights Commission more independence in investigating and prosecuting such cases. To ensure accountability, the government should commit to thorough investigations of all reported cases within a 60-day period, with appropriate measures taken against perpetrators.
43. **Protection for LGBTIQ+ Activists:** Within the next 12 months, the Nigerian Government should enact legislative protections for LGBTIQ+ activists and organisations, including measures to prevent harassment, threats, and violence, and assess the effectiveness of these measures annually.

ENDNOTES

- ¹ *Magaji v Nigerian Army* (2008) 8 Nigerian Weekly Law Reports (Pt1089) 338.
- ² N Ibeh 'Buhari "pointblank" on gay rights, says "No" to US – Presidency' 22 July 2015 <http://www.premiumtimesng.com/news/top-news/187104-buhari-pointblankon-gay-rights-says-no-to-u-s-presidency.html>; L Opoola 'Bobrisky is not a cultural ambassador, Runsewe warns youths' 14 June 2019 <https://www.dailytrust.com.ng/bobrisky-is-not-a-cultural-ambassador-runsewewarns-youths.html>.
- ³ Incident reported in an interview with the Executive Director of Women's Health and Equal Rights Initiative (WHER).
- ⁴ J Egbeocha 'Police nab over 20 persons for suspected gay activities in hotel at Ifitedunu Dunukofia council area' <https://www.absradiotv.com/2021/03/08/police-nab-over-20-persons-for-suspected-gay-activities-in-hotel-at-ifitedunu-dunukofia-council-area/>.
- ⁵ Incident reported by Wavemakers Initiative for Health and Youth Empowerment (WIHYE) to have taken place in Kaduna, Northern Nigeria on June 25, 2021.
- ⁶ The Initiative for Equal Rights (TIERS), 2022 Human Rights Violations Report available at https://theinitiativeforequalrights.org/wp-content/uploads/2023/01/PRESS_2022-Violations-Report_20Dec21.pdf.
- ⁷ TIERS, 2022 Human Rights Violations Report available at https://theinitiativeforequalrights.org/wp-content/uploads/2023/01/PRESS_2022-Violations-Report_20Dec21.pdf.
- ⁸ TIERS, 2022 Human Rights Violations Report available at https://theinitiativeforequalrights.org/wp-content/uploads/2023/01/PRESS_2022-Violations-Report_20Dec21.pdf.
- ⁹ J Jackman '11 women arrested in Nigeria for planning lesbian wedding' <https://www.thepinknews.com/2018/12/20/lesbian-wedding-arrested-nigeria/>.
- ¹⁰ Punch, 'Imo community strips police man over alleged homosexuality' <https://punchng.com/imo-community-strips-policeman-over-alleged-homosexuality/>; Opera News, 'Gay policeman and his partner caught in the act - almost lynched to death' <https://ng.opera.news/ng/en/crime/d96617f734f7eccf102a781998200614>.
- ¹¹ Punch, 'Police parade six suspected homosexuals in Abia' <https://punchng.com/police-parade-six-suspected-homosexuals-in-abia/>.
- ¹² Incident reported by WIHYE to have taken place in Kaduna, Northwest Nigeria on December 26, 2022
- ¹³ V Jerry 'NSCDC Arrested 5 For Homosexual In Nasarawa' <https://www.nairaland.com/7563305/nscdc-arrested-5-homosexual-nasarawa>.
- ¹⁴ Incident reported by WIHYE to have taken place in Kaduna, Northwest Nigeria on May 18, 2021.
- ¹⁵ Incident reported by WIHYE to have taken place in Kaduna, Northwest Nigeria in December, 2022.
- ¹⁶ S Kenechi 'Lagos CP deploys 100 operatives to venues of Bobrisky's birthday' <https://lifestyle.thecable.ng/lagos-cp-orders-tight-security-ahead-ofbobriskys-birthday/>.
- ¹⁷ Nigerian Observer 'Nigerian police declare homosexuality suspects wanted in Enugu' <https://nigerianobservernews.com/2022/01/nigerian-police-declare-homosexuality-suspects-wanted-in-enugu/>.
- ¹⁸ Oral narrative provided by participants during consultative workshop.
- ¹⁹ Incident reported by WIHYE to have taken place in Kaduna, Northwest Nigeria on February 14, 2020.
- ²⁰ Incident reported by WIHYE to have taken place in Kaduna, Northwest Nigeria on April 5, 2022.
- ²¹ J Milton 'Man who murdered his facebook friend while posing as a sex worker claims he can't be gay because he's a plumber' <https://www.thepinknews.com/2020/03/17/nigeria-murder-facebook-angus-chukwuebuka-nwankwo-nanka/>.
- ²² Incident reported by WIHYE to have taken place in Kaduna, Northwest Nigeria on August 9, 2022.
- ²³ Incident reported by Creme de la Creme House of Fame Foundation (CCH) to have taken place in Nasarawa state, Northern Nigeria on January 3, 2021.
- ²⁴ Incident reported by CCH to have taken place in Nasarawa state, Northern Nigeria on October 17, 2020.
- ²⁵ Incident reported by WIHYE to have taken place in Kaduna, Northwest Nigeria during the course of 2020 to 2023.

-
- ²⁶ Incident reported by CCH to have taken place in Benue state, North Central Nigeria in 2020.
- ²⁷ Constitution of the Federal Republic of Nigeria, 1999.
- ²⁸ Incident reported by WIHYE to have taken place in Kaduna, Northwest Nigeria during the course of 2020 to 2023.
- ²⁹ Incident reported by Access to Good Health Initiative (AGHI) to have taken place in Imo state, South Eastern Nigeria in 2020.
- ³⁰ TIERS 'An Exploratory Study On Knowledge Practices Of Healthcare Professionals An Families Of Intersex Persons In Nigeria' https://theinitiativeforequalrights.org/wp-content/uploads/2022/01/AN_EXPLORATORY_STUDY_ON_KNOWLEDGE_PRACTICES_OF_HEALTHCARE_PROFESSIONALS_AND_FAMILIES_OF_INTERSEX_PERSONS_IN_NIGERIA_Spread_-2-1.pdf.
- ³¹ People's Gazette, 'Church of Nigeria condemns gay Anglicans' <https://gazettengr.com/church-of-nigeria-condemns-gay-anglicans/>.
- ³² BBC News Pidgin, 'Anglican church for Nigeria dismisses four "gay pastors"' <https://www.bbc.com/pidgin/tori-48328902>.
- ³³ Incident reported by Solace Hub for Health and Rights Initiative (SHRI) to have taken place in Nkwele, Anambra state, South Eastern Nigeria and other incidents reported in an oral narrative provided during the consultative workshop.
- ³⁴ V Desmond 'What it means to be kito-ed' <https://mg.co.za/africa/2020-05-28-what-it-means-to-be-kitoed/>.
- ³⁵ Incident reported by SHRI to have taken place in Nkwele, Anambra state, South Eastern Nigeria.
- ³⁶ Incident reported by WIHYE to have taken place in Kaduna, Northwest Nigeria during the course of March 2020.
- ³⁷ Outright International 'Harmful treatment: The global reach of so-called conversion therapy' https://outrightinternational.org/sites/default/files/2022-09/ConversionFINAL_Web_0.pdf.
- ³⁸ TIERS 'The Nature, Extent and Impacts of Conversion Practices in Nigeria' https://theinitiativeforequalrights.org/wp-content/uploads/2022/02/The_Nature_Extent_and_Impacts_of_Conversion_Practices_in_Nigeria_Web.pdf.
- ³⁹ *The Registered Trustees of The Initiative for Equal Rights v Federal Republic of Nigeria and Anor* (Suit No FHC/L/CS/196/2020).