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Immigration and
Refugee Board of Canada

Commission de l'immigration
et du statut de réfugié du Canada

Nigeria: Treatment of sexual minorities, including legislation, state protection, and support services; the safety of sexual minorities living in Lagos and Abuja (February 2012-October 2015)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Legislation

Sources report that same-sex activity is illegal in Nigeria (QA 12 Oct. 2015; US 25 June 2015, 42). Sources state that both male/male and female/female relationships are criminalized (AI Apr. 2013, 87; ILGA May 2015, 60).

According to sources, in the 12 northern states that have adopted Sharia law [Bauchi, Borno, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Niger, Sokoto, Yobe and Zamfara (ibid.)], punishments for same-sex activity include execution by stoning (US 25 June 2015, 42; Human Rights Watch 29 Jan. 2015) as well as caning and imprisonment (ibid.). According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), in these northern states, the maximum penalty for same-sex acts between men is the death penalty, while the maximum penalty for such acts between women is whipping and/or imprisonment (ILGA May 2015, 60). The US Department of State's *Country Reports on Human Rights Practices for 2014* reports that there were no executions by stoning carried out in 2014, but that individuals convicted of same-sex activity were sentenced to lashing (US 25 June 2015, 42).

According to Human Rights Watch, "[i]n southern states, under the criminal code, consensual homosexual conduct can result in a 14-year prison term" (Human Rights Watch 29 Jan. 2015). Similarly, other sources state that the punishment for same-sex activity is up to 14 years in prison (QA 12 Oct. 2015; US 25 June 2015, 42) under federal law (ibid.). Chapter 21 of the *Criminal Code Act*, entitled "Offences Against Morality" states the following:

214. Any person who-

1. has carnal knowledge of any person against the order of nature; or
2. has carnal knowledge of an animal; or
3. permits a male person to have carnal knowledge of him or her against the order of nature;

is guilty of a felony, and is liable to imprisonment for fourteen years.

215. Any person who attempts to commit any of the offences defined in the last preceding section is guilty of a felony, and is liable to imprisonment for seven years. The offender cannot be arrested without warrant.

217. Any male person who, whether in public or private, commits any act of gross indecency with another male person, or procures another male person to commit any act of gross indecency with him, or attempts to procure the commission of any such act by any male person with himself or with another male person, whether in public or private, is guilty of a felony, and is liable to imprisonment for three years. The offender cannot be arrested without warrant. (Nigeria 1990, Sec. 214, 215, 217)

1.1 The Same Sex Marriage (Prohibition) Act (SSMPA)

The SSMPA was enacted in January 2014 by the Nigerian Government (US 25 June 2015, 41; Human Rights Watch 29 Jan. 2015). Sources indicate that the SSMPA penalizes forms of activity advocating LGBT rights (US 25 June 2015, 41; Human Rights Watch 29 Jan. 2015). Under the SSMPA:

1. (1) A marriage contract or civil union entered into between persons of same sex:
 - (a) is prohibited in Nigeria; and
 - (b) shall not be recognised as entitled to the benefits of a valid marriage.
- (2) A marriage contract or civil union entered into between persons of same sex by virtue of a certificate issued by a foreign country is void in Nigeria, and any benefit accruing there-from by virtue of the certificate shall not be enforced by any court of law.
2. (1) A marriage contract or civil union entered into between persons of same sex shall not be solemnized in a church, mosque or any other place of worship in Nigeria.
- (2) No certificate issued to persons of same sex in a marriage or civil union shall be valid in Nigeria.
3. Only a marriage contracted between a man and a woman shall be recognized as valid in Nigeria.
4. (1) The Registration of gay clubs, societies and organisations, their sustenance, processions and meetings is prohibited.
- (2) The public show of same sex amorous relationship directly or indirectly is prohibited.
5. (1) A person who enters into a same sex marriage contract or civil union commits an offence and is liable on conviction to a term of 14 years imprisonment.
- (2) A person who registers, operates or participates in gay clubs, societies and organisation, or directly or indirectly makes public show of same sex amorous relationship in Nigeria commits an offence and is liable on conviction to a term of 10 years imprisonment.
- (3) A person or group of persons who administers, witnesses, abets or aids the solemnization of a same sex marriage or civil union, or supports the registration, operation and sustenance of gay clubs, societies, organisations, processions or meetings in Nigeria commits an offence and is liable on conviction to a term of 10 years imprisonment.
6. The High Court of a State or of the Federal Capital Territory shall have jurisdiction to entertain matters arising from the breach of the provisions of this Act. (Nigeria 2013, Sec. 1-6)

According to Freedom House, in October 2014, the Federal High Court of Nigeria rejected a "legal challenge" claiming that the SSMPA violated the human rights of LGBT people in Nigeria (Freedom House 28 Jan. 2015). The same source reports that the court rejected the suit because it determined that "the man who brought the suit did not have standing to challenge the law because he was not gay and therefore was not directly affected by it" (ibid.).

2. Societal Treatment and Perceptions

Sources report that in Nigerian society, same sex activity is viewed as: "a [W]estern import, a disease from the [W]est, a disordered orientation that needs religious attention" (QA 12 Oct. 2015); or "'unnatural,' 'unAfrican,' and 'immoral'" (*Pambazuka News* 11 June 2014); or "sinful and an abomination" (Sweden 18 Dec. 2014, 6). A report based on a May 2014 fact-finding mission on the cultural context of LGBT persons in Nigeria, undertaken by Lifos, the Swedish Migration Agency's "Centre for Country of Origin Information and Analysis" (Sweden n.d.), states that churches and mosques in Nigeria preach that homosexuality is "the work of the devil" and that "there is no religion in the country that is not opposed to homosexuality" (ibid.).

The Global Divide on Homosexuality, a survey conducted in 39 countries by the Pew Research Center, a "nonpartisan fact tank" that focuses on demographic research (Pew Research Center n.d.) [1], and published in May 2014, found that 98 percent of respondents believed that homosexuality should not be accepted by society (27 May 2014). The West African polling organization NOI Polls, in partnership with the Initiative for Equal Rights (TIERs), a Nigeria-based non-profit organization that works to protect the human rights of sexual minorities, conducted a survey published in May 2015 about Nigerians' perceptions of LGBT rights (NOI Polls and TIERs May 2015, 4, 5). The survey of 1,000 randomly selected Nigerians across the six geo-political zones of the country reported the following: 90 percent of those surveyed did not think that a person is born homosexual, 87 percent said they would not be willing to accept a family member who is homosexual, 87 percent expressed support for the SSMPA, and 81 percent did not believe that homosexuals should have the same rights as other Nigerians (ibid.).

Country Reports 2014 states that due to "widespread social taboos against same-sex activity, very few LGBT persons were open about their sexual orientation" in Nigeria (US 25 June 2015, 42). In correspondence with the Research Directorate, the Organizational Director of Queer Alliance Nigeria (QA), a "youth-led human rights and health advocacy organization for Nigerian citizens marginalized on the basis [of] sexual orientation and gender identity," which provides "advocacy and peer-based services" in Lagos and Delta States, stated that

[t]here are LGBT people who live their lives openly as LGBT, but [the] majority of the LGBT community [is] still closeted about their sexual orientation or gender identity. Not everyone who engage[s] in same sex activity identif[ies] with the label of gay and lesbian. Transgendered and intersex persons are still largely invisible. (QA 12 Oct. 2015)

According to the same source, "LGBT people are treated with disdain and disregard for their fundamental human rights. LGBT people face being ostracized from their community, acts of violence, stigma and reproach" (ibid.). In correspondence with the Research Directorate, the Executive Director of TIERs similarly stated that "LGBT persons in Nigeria do not open[ly] identify as members of the [LGBT] community," and they may be at risk of mob attacks and arbitrary arrest across Nigeria (TIERs 17 Oct. 2015).

For information on the treatment of bisexuals in Nigeria, see Response to Information Request NGA105219.

2.1 Discrimination

Sources report that sexual minorities have faced discrimination with regards to employment (QA 12 Oct. 2015; TIERs 17 Oct. 2015). The TIERs Executive Director provided the example of an LGBT woman who was denied employment in 2013 because of her appearance, which led the employer to label her as a "lesbian" and question her about her sexuality (ibid.).

Sources report that LGBT persons in Nigeria are often subjected to discrimination in accessing housing (ibid.; QA 12 Oct. 2015). Sources state that there have been reports of evictions of sexual minorities due to their sexual orientation (TIERs 17 Oct. 2015; Sweden 18 Dec. 2014, 6). The QA Organizational Director explained that two people of the same sex cannot live together openly, and would be denied renting a home together (QA 12 Oct. 2015).

Sources report that sexual minorities face discrimination when accessing healthcare services (ibid.; TIERs 17 Oct. 2015; *The Economist* 7 June 2014) and that access has become more difficult since the passage of the SSMPA (ibid.). According to an article published by the *Economist*, "[g]ay Nigerians say they are routinely turned away from hospitals" and that since the passage of the SSMPA, doctors in the public system fear the consequences of providing health care to LGBT people with HIV (ibid.). An HIV positive gay man who was interviewed for the same article stated that he has to pretend to be heterosexual in order to access antiretroviral drugs from public health centres (ibid.).

The Economist states that there are a "handful" of donor funded health clinics in Nigeria that are "working overtime" to help treat LGBT individuals who cannot receive care elsewhere; these clinics are described as "overburdened by the new law" (ibid.). According to the same source, the Population Council runs a centre in Lagos and runs a second operation in the north (ibid.). An article published by the Centre for Global

Health Policy, an "organization of physicians and scientists dedicated to promoting the effective use of US funding for addressing the global HIV/AIDS and TB epidemics" (n.d.), quoted the spokeswoman for the Population Council who stated that after the passage of the *SSMPA*, participation in HIV/AIDS programs at clinics dropped as "threats of extortion, arrests, and mob violence drove patients into hiding" (4 Apr. 2014).

3. Violence

The 2014 Swedish fact-finding report states that there have been "cases of mob violence, as well as attacks aimed at expelling persons from villages or neighbourhoods" (Sweden 18 Dec. 2014, 6). *Country Reports 2014* also indicates that there was an increase in harassment and threats against LGBT persons in 2014, based on real or "perceived sexual orientation or gender identity" (25 June 2015, 42). The Organizational Director of QA stated that, "[s]ince the passage of the law, there [has] been an increase in the number of [acts of] violence recorded on grounds of perceived and real sexual orientation and gender identity" (12 Oct. 2015). Similarly, the Executive Director of TIERs characterized the situation for LGBT persons in Nigeria as "hostile," and stated that "following the promulgation of the [*SSMPA*], the level of violence, arbitrary arrest, blackmail and extortion, and other human rights violations have increased" (17 Oct. 2015). An article by the *International Business Times (IB Times)* about LGBT life in Nigeria reports that LGBT rights activists are "often harassed and attacked by individuals for their outspokenness" (13 Sept. 2013).

According to the Organizational Director of QA, LGBT persons encounter violence that is "mostly perpetrated by non-state actors" (QA 12 Oct. 2015). The same source stated that this violence occurs "first on grounds of their perceived sexual orientation or gender identity, and not because their sexual orientation or gender identity is confirmed" (ibid.). The source added that human rights violations monitoring, documented from January 2014-January 2015 by several NGOs across the country, recorded

more than 100 cases of human rights violations on grounds of sexual orientation and gender identity. 10 were threat to life, 19 blackmail and extortion, 9 mob justice, 34 battery and assault and 39 arbitrary arrest and illegal detention. (ibid.)

The Executive Director of TIERs provided information from the TIERs website indicating that of 105 human rights violations based on sexual orientation that were recorded in 2014, 39 were committed by "state actors" and 79 were committed by "non-state actors" (TIERs 17 Oct. 2015). The same source reported that Rivers State had the highest number of violations against LGBT people, and the lowest numbers were recorded in the states of Edo and Ekiti (ibid.). The violations were recorded in the following distribution across Nigeria's geo-political zones: 37 in South-South; 10 in South-West; 15 in South-East; 20 in North-West; 3 in North-East; 20 in North-Central (ibid.). The QA Organizational Director explained that violence against LGBT people is more prominent in the "sharia-enforced states of northern Nigeria like Kano and Bauchi," as well as in "the south-eastern region and the Niger-Delta (Benin, Delta, and Port-Harcourt)" (12 Oct. 2015).

3.1 Violence and Safety of Sexual Minorities in Lagos and Abuja

Sources report on the 2014 case of a group of over a dozen gay men in Abuja who were attacked and chased from their homes by a mob (AP 17 Feb. 2014; US 25 June 2015, 42). According to the Associated Press (AP), the mob was armed with "wooden clubs and iron bars" (17 Feb. 2014). *Country Reports 2014* states that the mob was armed with "sticks and knives" (25 June 2015, 42). Sources report that four of the men were taken to the police, who also beat them (AP 17 Feb. 2014; US 27 June 2015, 42). *Country Reports 2014* states that the police released them the next day, but did not investigate or apprehend anyone (ibid.). Without providing details the same source states that the men were "unable to return to their homes" (ibid.). According to AP, the "anti-gay mob" was "trying to 'cleanse' their neighbourhood of homosexuals" and the victims were told that they would be killed if they returned (17 Feb. 2014).

According to *Country Reports 2013*, there were "reports of communities rounding up suspected LGBT persons, stripping them naked, and parading them through villages, as occurred on January 14 in Imo State" (US 27 Feb. 2014, 45). Similarly, *Premium Times*, a Nigerian media source, reports that in January 2013 in the southern state of Imo, residents "beat, ...stripped, ...and paraded" three suspected LGBT men around the community and took them to the police station (18 Jan. 2013). According to the same source, "[t]hough the police said they released the men promptly, pending investigations, reports from the community indicate that the men were later held hostage after the incident (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Country Reports 2013 also states that in March 2013 "an angry mob in Delta State surrounded an intersex man, stripped him naked and prodded his genitalia before police intervened and took the man into protective custody" (US 27 Feb. 2014, 45). According to the Organizational Director of QA, Abuja and Lagos City are "currently hotbeds for violence against LGBT people," (QA 12 Oct. 2015). According to a 2013 *IB Times* article about LGBT life in Nigeria, members of the LGBT community interviewed for the article stated that Abuja and some parts of the city of Lagos "can be much safer for moneyed gays than elsewhere in the country,

although limitations exist and endure" (*IB Times* 13 Sept. 2013). According to the article, "some young, wealthy gay Nigerians" who spend their time in the "Westernized Victoria Island section of Lagos" are able to "live a quasi-open life despite the virulent homophobia that rules in much of the rest of the country" (*ibid.*). However, the interviewees added that authorities will "go after you" if they catch people partaking in same-sex activity, and the interviewees "asked to be assigned pseudonyms [for the article] because of the harsh penalties that can result from being identified as gay in the press" (*ibid.*). The article interviewed a "working-class homosexual man" living on the outskirts of Abuja who stated that he has been "insulted and ostracized over assumptions about his sexuality" and that he must hide his identity (*ibid.*). Similarly, according to the QA Organizational Director, whether an LGBT person can live safely in Lagos or Abuja is "highly dependent on the individual" stating that a person's "openness is ... contextual" (QA 12 Oct. 2015). He explained that if a person is in the "high brows" of society in Lagos and Abuja, they might "decide to be more flexible" in the openness about their sexuality (*ibid.*). According to the Executive Director of TIERS, LGBT persons across Nigeria, including persons living in Lagos and Abuja "are not safe" (TIERS 23 Oct. 2015). He explained that

living in these cities makes no differen[ce] to your risk. The risk for Abuja and Lagos are [the] same as the risk for anywhere in Nigeria and living in these places doesn't reduce your risk or level of exposure to such. Therefore, when people live in these places, they still have to hide their sexuality. (*ibid.*)

Similarly, a January 2013 article by the BBC about LGBT life in Nigeria states that "the vast majority of gay Nigerians," including those in Lagos, have to hide their sexuality (2 Jan. 2013).

3.2 Violence Against LGBT Women

According to the QA Organizational Director, LGBT women experience different kinds of violence than LGBT men (QA 12 Oct. 2015). The source explained that there have been "recorded instances of corrective rape against lesbian and bisexual women and women being forced into marriages because of their sexual orientation or gender identity" (*ibid.*). There are also "recorded cases of psychological violence such as [being] cut off from friends, family disowning their daughters, and other subtleties of violence" (*ibid.*). Sources report that LGBT men are targeted more than LGBT women (TIERS 17 Oct. 2015; QA 12 Oct. 2015). However, the Organizational Director of QA stated that this perception may be based on the low reporting of violence and the lack of organizations serving the needs of LGBT women who have experienced violence (*ibid.*). According to the Executive Director of TIERS, LGBT women are "mostly victims of gang rape and other degrading ... treatment" (TIERS 17 Oct. 2015).

4. Treatment by Authorities

The TIERS Executive Director explained that LGBT persons often cannot report violence committed against them to the police because the police are sometimes involved in the violence themselves (TIERS 22 Oct. 2015). The same source explained that such violence is therefore not usually reported, and stated that if incidents are reported, LGBT persons "will not get any protection from [the police]" protection which he described as "very poor" (*ibid.*).

For information on complaint mechanisms for police misconduct, refer to Response to Information Request NGA104979.

4.1 Arrests and Detention

The Swedish fact-finding report states that people who are arrested on homosexuality charges are "put under considerable pressure to confess, and sentences passed on confessions cannot be appealed," noting further that "[t]he chances of getting a fair trial once arrested or prosecuted are considered non-existent" (Sweden 18 Dec. 2014, 8). According to the QA Organizational Director, since the passage of the *SSMPA*, extortion of LGBT people by police has increased (12 Oct. 2015). He explained that,

[u]sually, police arrests are on tip-off from communities regarding the activities of LGBT people. These activities are not sexual in nature. In scenarios such as this, the police use force, intimidation and detention beyond the maximum period of 24-48 hours on their victims. There are occasional threat[s] of charge to court. But this is usually done to ensure that families come to bail out their children or loved one with exorbitant amounts, which is extortion. (*ibid.*)

The TIERS Executive Director similarly explained that LGBT persons have reported cases of blackmail and extortion (22 Oct. 2015). The source further stated that the police are themselves also the perpetrators of rights violations against LGBT persons (*ibid.*).

According to the Swedish fact-finding report, "[b]oth the police and the Islamic police (HISPA) are seen as eager to arrest homosexuals. The police, however, do not actively try to identify homosexuals" (18 Dec.

2014, 8). In contrast, media sources report that people who are detained by authorities for same-sex activity have been forced to name others associated with them (BBC 6 Feb. 2014; *The Times* 14 Jan. 2014). According to the *Times*, police have been "accused of using information obtained through torture" to force detainees to name their associates (ibid.).

Sources indicate reports that those arrested have been "beaten up and tortured" (Pink News 16 Jan. 2014) or "exposed to torture and other abuse from the police" (Sweden 18 Dec. 2014, 8). According to the Swedish fact-finding report, these allegations are "difficult to confirm" (ibid.). *Premium Times* states that police have compelled people who are arrested and detained to "undergo forced anal examination to prove their sexuality" (20 May 2015). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

In a 2014 article in the *Times*, the Executive Director of Nigeria's International Centre for Reproductive Health and Sexual Rights, an NGO, indicated that police in Bauchi had arrested 38 of 168 people who were on a police suspect list for same-sex acts in the state, (14 Jan. 2014). Similarly, AI reports in February 2015 that police in northern Bauchi state told AI that they have a list of suspected LGBTI persons who they keep "under surveillance" as part of their "profiling of criminals" (25 Feb. 2015).

4.1.1 Instances of Arrest and Detention in 2013

Sources report on the following instances of police arrests for suspected homosexuality in 2013:

A group of seven men arrested by the Nigerian Security and Civil Defence Corps (NSCDC) in Jigawa State (Punch n.d.);

- A group of seven men arrested by police in Imo State in January 2013 (NAN 18 Jan. 2013);
- Two men "arraigned on a two-count charge of indecent sexual practice and seducing another into homosexuality" in Osogbo in October 2013; they were later released on bail (NAN 2 Oct. 2013);
- Two men arrested and charged for "homosexual behaviour" after confessing to police in October 2013 in Jos City (Pink News 4 Oct. 2013).

4.1.2 Instances of Arrest and Detention in 2014

Country Reports 2014 states that LGBT advocates and the media reported numerous arrests of LGBT persons; detainees were "in all cases released without formal charges" after paying a bond (US 25 June 2015, 42). Sources in 2014 reported an increase in the number of arrests since the passage of the *SSMPA*, and that over 30 LGBT people had been arrested, mainly in Nigeria's southern states (Pink News 17 Jan. 2014; 76 Crimes 31 Aug. 2014). Sources also report on the following examples of treatment by authorities from 2014:

- AI reports on the 2014 arrest and release on bail of five allegedly gay men in Ibadan, Oyo State, and six others arrested in Awka, Anambra State (25 Feb. 2015);
- In January 2014, a man was given 20 lashes by an Islamic court in the northern city of Bauchi for homosexual activity (Pink News 6 Mar. 2014; BBC 6 Mar. 2014);
- Three men were remanded in prison in February 2014 for homosexuality in Ogun State (*Premium Times* 17 Feb. 2014; *Vanguard News* 18 Feb. 2014);
- Pink News reports that 11 Muslim men and one Christian man were put on trial for same-sex activity in January 2014 in Bauchi (Pink News 16 Jan. 2014). Four of the men were publicly whipped in an Islamic court in March 2014 (ibid. 6 Mar. 2014; BBC 6 Mar. 2014). The men were beaten, forced to confess and fined, according to the BBC (ibid.). An angry mob previously disrupted the trial and demanded the death penalty (ibid.; Pink News 6 Mar. 2014);
- Police in Delta State arrested a group of 26 suspects for criminal activities, "especially lesbianism" in May 2014 (*The Leadership* 29 May 2014);
- The northern Kano sharia guard arrested a group of 11 men and 2 women for homosexuality and lesbianism in June 2014 (CAJ News 25 June 2014);
- Four suspects were arrested for homosexual activities in northern Bauchi State in June 2014 (*Daily Independent* 12 June 2014; *Vanguard* 12 June 2014);
- During 2014, 25 gay men in northern Kebbi State were arrested by a vigilante group who handed them over to the authorities (*Daily Trust* 4 Nov. 2014; Pink News 11 Nov. 2014).
- Pink News reports that a gay rights activist who runs a health clinic in Abuja for gay men and transgender people was "apprehended by a dozen policemen" in his office, arrested and detained without charge in Abuja in November 2014 (ibid. 4 Nov. 2014).

4.1.3 Instances of Arrests and Detention in 2015

Sources report on the following instances of arrests and detention in 2015:

- In January 2015, 12 men were arrested in northern Kano state by the Islamic law enforcement agency [Hisbah, HISPA] for allegedly organizing a gay marriage ceremony (AFP 27 Jan. 2015; Reuters 27 Jan. 2015). According to Reuters, the Sharia law spokesman stated that the men were screened because "they really looked gay and the way they behaved was gay" (ibid.);
- In May 2015, 21 men were arrested by police in the southwestern city of Ibadan for what police called organizing a "secret gay cult" and were reportedly assaulted and insulted by police while in detention (76 Crimes 21 May 2015). They were released after paying bail payments between US\$25 and US\$105 (ibid.).
- In August 2015, a hotel party attended by members of the LGBT community in Port Harcourt, Rivers State, was attacked by "hoodlums and criminals" who beat the party-goers and attacked them with knives and machetes (ibid. 11 Aug. 2015). It was reported that the perpetrators were called to the hotel by the staff who "decided that dancers at the party were homosexuals, based on their dance moves" (ibid.).
- In October 2015, two men were arrested by police in Delta State for "allegedly indulging in homosexuality" (*Vanguard* 1 Oct. 2015).

5. State Protection

According to the QA Organizational Director, there is no government support for LGBT persons, and the National Human Rights Commission (NHRC) "does not actively pay attention to cases of human rights violations of LGBT people" (12 Oct. 2015). According to the Executive Director of TIERs, LGBT persons cannot "seek redress in court for human rights violations based on their sexuality" for fear of being arrested (TIERs 17 Oct. 2015). The source also explained that violations are usually reported to NGOs that document cases against LGBT persons, and that TIERs only began sharing reports on documented violations with the NHRC in 2015 (ibid. 22 Oct. 2015).

6. Support Services

Country Reports 2014 states that several NGOs provide legal advice, training, and advocacy to LGBT groups (25 June 2015, 42). The QA Organizational Director explained that NGOs that provide services such as psychosocial support, legal aid, safety and security training, and health services are located in Abuja, Lagos, and Minna (Niger State) (QA 12 Oct. 2015). The Executive Director of TIERs similarly stated that their organization is based in Lagos, and has an "affiliate organization based in Abuja by the name International Centre for Advocacy on Rights to Health," which both provide sexual health and human rights services to LGBT persons (17 Oct. 2015). The 2014 Swedish Fact-finding report notes that lawyers dealing with LGBT issues "only exist in Abuja and Lagos" and that there are approximately 10 active organizations for LGBT people, mostly located in Lagos, with some in Abuja and Kano (18 Dec. 2015, 8).

The TIERs website indicates that there is an NGO-run community center open to MSM/LGBT persons that has been set up in Nigeria under the Integrated MSM/HIV Prevention Program, which is funded by USAID (TIERs 24 Apr. 2014). According to the same source, the center provides a support group and access to psychosocial counselling, educational health materials, and palliative care (ibid.). Further information on the community centre could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the Swedish fact-finding report, the LGBT community in Nigeria is "weak, and the support has decreased" for their activities (18 Dec. 2014, 8). The QA Organizational Director gave the view that the "majority of these organizations do not have the resources to meet the demands of their communities" (QA 12 Oct. 2015). The same source gave the opinion that, for the women's LGBT community, there are few organizations serving the needs of LGBT women in Nigeria (ibid.).

6.1 Hotlines

According to the Executive Director, TIERs runs toll free phone lines and 24-hour hotline services for the provision of psychosocial assistance, referrals, and reporting on human rights violations (TIERs 17 Oct. 2015). Further information on hotlines for LGBT persons could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

6.2 Shelters

Country Reports 2014 states that several NGOs provided "safe havens for LGBT individuals" (US 25 June 2015, 42). Without providing details, the QA Organizational Director gave the following information regarding shelters for LGBT people:

There are currently two shelters available in the country. One in the north and one in the south. To access this service, you must have been endangered because of your sexual orientation or gender identity or the work that you do regarding LGBT rights advocacy. Applicants are assessed through an application form and reference from a well-known [trusted person inside the Nigerian LGBT community] LGBT or human rights advocate in the country or outside the country. The wait period for ...a safe shelter can vary from between 24 hours to 72 hours. This is because of the need to conduct [a] background check on the applicant. (QA 12 Oct. 2015)

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Note

[1] In Nigeria, 1,031 people of 18 years of age and older were polled from 6 March to 4 April 2013 (Pew Research Center 27 May 2014).

References

76Crimes.com. 11 August 2015. Colin Stewart. "Podcast Exposes Attack on LGBTI Nigerians at Hotel." <<http://76crimes.com/2015/08/11/podcast-exposes-attack-on-lgbti-nigerians-at-hotel/>> [Accessed 18 Oct. 2015]

_____. 21 May 2015. Colin Stewart. "Nigeria: No Court Challenge vs. Alleged Police Misconduct." <<http://76crimes.com/2015/05/21/nigeria-no-court-challenge-vs-alleged-police-misconduct/>> [Accessed 18 Oct. 2015]

_____. 31 August 2014. "99 Who are in Prison for Being Gay, 148 More Awaiting Trial." <<http://76crimes.com/12-in-prison-for-being-gay-13-more-awaiting-trial/>> [Accessed 18 Oct. 2015]

Agence France-Presse (AFP). 27 January 2015. "Nigeria's Sharia Police Arrest 12 Over 'Gay Wedding.'" <<http://www.capitalfm.co.ke/news/2015/01/nigerias-sharia-police-arrest-12-over-gay-wedding/>> [Accessed 18 Oct. 2015]

Amnesty International (AI). 25 February 2015. "Nigeria." *Amnesty International Annual Report 2014/2015: The State of the World's Human Rights*. <<https://www.amnesty.org/en/countries/africa/nigeria/report-nigeria/>> [Accessed 29 Sept. 2015]

_____. April 2013. *Making Love a Crime: Criminalization of Same-Sex Conduct in Sub-Saharan Africa*. <https://www.amnestyusa.org/sites/default/files/making_love_a_crime_-_africa_lgbti_report_emb_6.24.13_0.pdf> [Accessed 18 Oct. 2015]

Associated Press (AP). 17 February 2014. "Vigilante Mob Beats 14 Young Boys After Going on 'Gay Cleansing' Rampage in Nigerian City." (Factiva)

_____. 14 January 2014. Michelle Faul. "Dozens Arrested for Being Gay in North Nigeria." <<http://bigstory.ap.org/article/dozens-arrested-being-gay-north-nigeria>> [Accessed 4 Nov. 2015]

British Broadcasting Corporation (BBC). 6 March 2014. "Nigeria Gays: 20 Lashes for 'Homosexual Offences.'" <<http://www.bbc.com/news/world-africa-26469501>> [Accessed 18 Oct. 2015]

_____. 6 February 2014. Will Ross. "Nigerian Gay People Being Hunted Down." <<http://www.bbc.com/news/world-africa-26065392>> [Accessed 18 Oct. 2015]

_____. 2 January 2013. Tomi Oladipo. "Inside Nigeria's Secret Gay Club." <<http://www.bbc.com/news/world-africa-20887170>> [Accessed 18 Oct. 2015]

CAJ News Agency. 25 June 2014. Henry Ifeanyi. "Nigeria: 13 Arrested for Homosexuality, Lesbianism in Kano." <<http://allafrica.com/stories/201406261346.html>> [Accessed 18 Oct. 2015]

Centre for Global Health Policy. 4 April 2014. Antigone Barton. "HIV Services Derailed in Wake of Nigeria, Uganda Laws Panelists Say." <<http://sciencespeaksblog.org/2014/04/04/hiv-services-derailed-in-wake-of-nigeria-uganda-laws-panelists-say/>> [Accessed 4 Nov. 2015]

_____. N.d. "About the Center." <<http://www.idsaglobalhealth.org/GlobalHealthContent.aspx?id=14510>> [Accessed 6 Nov. 2015]

Daily Independent. 12 June 2014. Patience Ogbodo-Iwuagwu. "Nigeria: Court Arraigns Four Homosexuals in Bauchi." <<http://allafrica.com/stories/201406130126.html>> [Accessed 17 Oct. 2015]

Daily Trust. 4 November 2014. Garba Muhammad. "Nigeria: 25 Homosexuals Arrested in Kebbi." <<http://allafrica.com/stories/201411040993.html>> [Accessed 18 Oct. 2015]

The Economist. 7 June 2014. "Almost Nobody Wants to Help." <<http://www.economist.com/news/middle-east-and-africa/21603506-homosexuals-hiv-aids-are-struggling-survive-almost-nobody-wants-help>> [Accessed 18 Oct. 2015]

Freedom House. 28 January 2015. "Nigeria." *Freedom in the World 2015*. <<https://freedomhouse.org/report/freedom-world/2015/nigeria#.VMi7zi5yxyE>> [Accessed 29 Sept. 2015]

Human Rights Watch. 29 January 2015. "Nigeria." *World Report 2015: Events of 2014*. <<http://www.hrw.org/world-report/2015/country-chapters/nigeria>> [Accessed 29 Sept. 2015]

International Business (IB) Times. 13 September 2013. Connor Adams Sheets. "Gay in Nigeria: LGBT Life in One of the World's Most Homophobic Nations." <<http://www.ibtimes.com/gay-nigeria-lgbt-life-one-worlds-most-homophobic-nations-1405130>> [Accessed 18 Oct. 2015]

International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA). May 2015. Aengus Carroll and Lucas Paoli Itaborahy. *State Sponsored Homophobia*. <http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2015.pdf> [Accessed 18 Oct. 2015]

The Leadership. 29 May 2014. Kole Eke Ogiugo. "Police Uncover Hideout, Arrest 26 Lesbians in Delta." <<http://leadership.ng/news/372604/police-uncover-hideout-arrest-26-lesbians-delta>> [Accessed 18 Oct. 2015]

News Agency of Nigeria (NAN). 2 October 2013. "Nigeria Police Prosecutes Two Homosexual Suspects in Osogbo." <<http://www.premiumtimesng.com/news/145868-nigeria-police-prosecutes-two-homosexual-suspects-osogbo.html>> [accessed 17 Oct. 2015]

_____. 18 January 2013. "Police Arrests 7 Homosexuals in Imo." <<http://www.news24.com.ng/National/News/Police-arrest-7-gay-suspects-in-Imo-20130118>> [Accessed 17 Oct. 2015]

Nigeria. 2013. *Same Sex Marriage (Prohibition) Act*. <<http://www.refworld.org/docid/52f4d9cc4.html>> [Accessed 29 Sept. 2015]

_____. 1990. *Criminal Code Act*. <http://www.wipo.int/wipolex/en/text.jsp?file_id=218191#LinkTarget_2704> [Accessed 18 Oct. 2015]

NOIPolls and The Initiative for Equal Rights (TIERs). May 2015. *Perceptions of Nigerians on LGB Rights Poll Report*. <http://www.noi-polls.com/documents/Perception_of_Nigerians_on_LGB_Rights_-_Poll_Report_Final_June2015..pdf> [Accessed 16 Oct. 2015]

Pambazuka News. Toyin Ajao. "Human Security Implications of Anti-Gay Law on Sexual Minorities in Nigeria." Issue 682. <<http://www.pambazuka.net/en/category.php/features/92084>> [Accessed 18 Oct. 2015]

Pew Research Center. 27 May 2014. *The Global Divide on Homosexuality*. <<http://www.pewglobal.org/files/2014/05/Pew-Global-Attitudes-Homosexuality-Report-REVISED-MAY-27-2014.pdf>> [Accessed 18 Oct. 2015]

_____. N.d. "About Pew Research Center." <<http://www.pewresearch.org/about/>> [Accessed 6 Nov. 2015]

Pink News. 11 November 2014. Aaron Day. "Nigeria: Vigilante Group Has 'Arrested 25 Gay Men in the Last Year.'" <<http://www.pinknews.co.uk/2014/11/11/nigeria-vigilante-group-has-arrested-25-gay-men-in-the-last-year/>> [Accessed 18 Oct. 2015]

_____. 4 November 2014. Aaron Day. "Nigeria: Gay Clinic Executive Director Allegedly Arrested Without Charge." <<http://www.pinknews.co.uk/2014/11/04/nigeria-gay-clinic-executive-director-allegedly-arrested-without-charge/>> [Accessed 17 Oct. 2015]

_____. 6 March 2014. Scott Roberts. "Nigeria: 4 Men Charged with Breaking Anti-Gay Laws Whipped in Islamic Court." <<http://www.pinknews.co.uk/2014/03/06/nigeria-4-men-charged-breaking-anti-gay-laws-whipped-islamic-court/>> [Accessed 17 Oct. 2015]

_____. 17 January 2014. Joseph Patrick McCormick. "Arrests of People Perceived to be Gay Spread Across Nigeria." <<http://www.pinknews.co.uk/2014/01/17/arrests-of-people-perceived-to-be-gay-spread-across-nigeria/>> [Accessed 17 Oct. 2015]

_____. 16 January 2014. Scott Roberts. "Nigeria: 11 Muslim Men Accused of Being Gay Face Possible Death Sentence by Religious Court." <<http://www.pinknews.co.uk/2014/01/16/nigeria11-muslim-men-accused-of-being-gay-face-possible-death-sentence-by-religious-court/>> [Accessed 17 Oct. 2015]

_____. 4 October 2013. Will Stroude. "Nigeria: Two Men Charged with 'Homosexual Behaviour' Face Up to 14 Years in Prison." <<http://www.pinknews.co.uk/2013/10/04/nigeria-two-men-charged-with-homosexual-behaviour-face-up-to-14-years-in-prison/>> [Accessed 17 Oct. 2015]

Premium Times. 20 May 2015. Michael Abimboye. "State Recorded 105 Cases of Rights Abuses Against Gays in 2014 -- Group." (Factiva)

_____. 17 February 2014. Dimeji Kayode-Adedeji. "64-Year-Old Man, Two Others Arraigned in Abeokuta for Homosexuality." <<http://www.premiumtimesng.com/regional/ssouth-west/155325-64-year-old-man-two-others-arraigned-abeokuta-homosexuality.html>> [Accessed 17 Oct. 2015]

_____. 18 January 2013. Nnenna Ibeh. "Imo Police Investigates Gay Practice by Three Manhandled Men." <<http://www.premiumtimesng.com/news/115782-imo-police-investigates-gay-practise-by-three-manhandled-men.html>> [Accessed 17 Oct. 2015]

Punch NG. N.d. "NSCDC Arrests Seven Suspected Homosexuals in Jigawa." <<http://www.punchng.com/news/nscdc-arrests-seven-suspected-homosexuals-in-jigawa/>> [Accessed 17 Oct. 2015]

Queer Alliance Nigeria (QA). 12 October 2015. Correspondence from the Organizational Director to the Research Directorate.

Reuters. 27 January 2015. Julia Payne and Desmond Mgboh. "Sharia Police Arrest 12 Men Accused of Planning to Wed in Nigeria's Kano." <<http://www.reuters.com/article/2015/01/27/us-nigeria-gay-idUSKBN0L02MA20150127>> [Accessed 4 Nov. 2015]

Sweden. 18 December 2014. Lifos. Nigeria. Den Kulterella Kontexten för Hbt-personer. <<http://lifos.migrationsverket.se/dokument?documentAttachmentId=41599>> [Accessed 18 Oct. 2015]

_____. N.d. Swedish Migration Agency. Lifos. "Our Organisation." <<http://www.migrationsverket.se/English/About-the-Migration-Agency/Our-organisation.html>> [Accessed 13 Nov. 2015]

TIERs, the Initiative for Equal Rights. 23 October 2015. Correspondence from the Executive Director to the Research Directorate.

_____. 22 October 2015. Correspondence from the Executive Director to the Research Directorate.

_____. 17 October 2015. Correspondence from the Executive Director to the Research Directorate.

_____. 24 April 2015. "Nigeria LGBT Community Discover a Safe Space." <<http://www.theinitiativeforequalrights.org/nigeria-lgbt-community-discover-a-safe-space/>> [Accessed 18 Oct. 2015]

The Times. 14 January 2014. Jerome Starkey. "Nigeria Using Torture to Find and Arrest Gay Men." (Factiva)

United States (US). 25 June 2015. Department of State. "Nigeria." *Country Reports on Human Rights Practices for 2014*. <<http://www.state.gov/documents/organization/236604.pdf>> [Accessed 17 Oct. 2015]

_____. 27 February 2014. Department of State. "Nigeria." *Country Reports on Human Rights Practices for 2013*. <<http://www.state.gov/documents/organization/220358.pdf>> [Accessed 17 Oct. 2015]

Vanguard. 1 October 2015. Simon Ebegbulem and Akpokona Omofuaire. "Jealous Gay Lovers in a Bloody Fight in Benin." (Factiva)

_____. 12 June 2014. Suzan Edeh. "Bauchi Sharia Court Arraigns Four Gay Suspects." <<http://www.vanguardngr.com/2014/06/bauchi-sharia-court-arraigns-four-gay-suspects/>> [Accessed 18 Oct. 2015]

_____. 18 February 2014. "Court Remands 3 Suspected Homosexuals Nabbed on Valentine's Day." <<http://www.vanguardngr.com/2014/02/court-remands-3-suspected-homosexuals-nabbed-valentines-day>> [Accessed 18 Oct. 2015]

Additional Sources Consulted

Oral sources: Associate professor of anthropology, State University of New York; Global Rights Nigeria; INCREASE International Center for Sexual Reproductive Rights; International Centre for Advocacy on Rights to Health; Population Council.

Internet sites, including: Factiva; GLAAD; International Gay Lesbian Human Rights Commission; Nostringspodcast.com; OutRight Action International; United Nations – Office of the High Commissioner for Human Rights; Refworld.