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Country Policy and Information Note

Nigeria: Sexual orientation, gender identity and expression (SOGIE)

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Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the [Introduction](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into 2 parts: (1) an assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note - that is information in the COI section; refugee/human rights laws and policies; and applicable caselaw - by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- a person is reasonably likely to face a real risk of persecution or serious harm
- that the general humanitarian situation is so severe that there are substantial grounds for believing that there is a real risk of serious harm because conditions amount to inhuman or degrading treatment as within [paragraphs 339C and 339CA\(iii\) of the Immigration Rules](#) / Article 3 of the [European Convention on Human Rights \(ECHR\)](#)
- that the security situation is such that there are substantial grounds for believing there is a real risk of serious harm because there exists a serious and individual threat to a civilian's life or person by reason of indiscriminate violence in a situation of international or internal armed conflict as within [paragraphs 339C and 339CA\(iv\) of the Immigration Rules](#)
- a person is able to obtain protection from the state (or quasi state bodies)
- a person is reasonably able to relocate within a country or territory
- a claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- if a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under [section 94 of the Nationality, Immigration and Asylum Act 2002](#).

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual](#), 2013. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate and balanced, which is compared and contrasted where appropriate so that a comprehensive and up-to-date picture is provided of the issues relevant to this note at the time of publication.

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote. Full details of all sources cited and consulted in compiling the note are listed alphabetically in the bibliography.

Feedback

Our goal is to provide accurate, reliable and up-to-date COI and clear guidance. We welcome feedback on how to improve our products. If you would like to comment on this note, please email the [Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

Independent Advisory Group on Country Information
Independent Chief Inspector of Borders and Immigration
5th Floor
Globe House
89 Eccleston Square
London, SW1V 1PN
Email: chiefinspector@icibi.gov.uk

Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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Assessment

Updated: 19 January 2022

1. Introduction

1.1 Basis of claim

- 1.1.1 Fear of persecution and / or serious harm by state and/or non-state actors because of the person's actual or perceived sexual orientation and/or gender identity.

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1.2 Points to note

- 1.2.1 This note provides an assessment of the general situation for gay men, lesbians, bisexuals, trans and intersex (LGBTI) persons, as well as those perceived as such. They are referred to collectively as 'LGBTI persons', although the experiences of each group may differ.
- 1.2.2 For general guidance on considering claims made by LGBTI persons, decision makers should refer to the Asylum Instructions, [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).
- 1.2.3 Where a claim from an adult male is refused, it must be considered for certification under section 94(3) of the Nationality, Immigration and Asylum Act 2002 as Nigeria is listed as a designated state in respect of men only. Such a claim must be certified under section 94(3) if you are satisfied it is clearly unfounded, in line with the Home Office Guidance on [Certification of protection and human rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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2. Consideration of issues

2.1 Credibility

- 2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).
- 2.1.4 When assessing the credibility of a person's claim to be LGBTI it may be useful to consider the interviewing guide within the Asylum Instructions on [Conducting asylum interviews](#), [Sexual identity issues in the asylum claim](#) and the [Gender identity issues in the asylum claim](#).

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2.2 Exclusion

- 2.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 2.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).
- 2.2.3 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instruction on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and the instruction on [Restricted Leave](#).

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2.3 Convention reason(s)

- 2.1.5 Actual or imputed membership of a particular social group (PSG).
- 2.3.1 LGBTI persons form a particular social group (PSG) in Nigeria within the meaning of the Refugee Convention because they share an innate characteristic or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it **and** have a distinct identity in Nigeria because the group is perceived as being different by the surrounding society.
- 2.3.2 Although LGBTI persons form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question to be addressed is whether the person has a well-founded fear of persecution on account of their membership of such a group.
- 2.3.3 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](#), [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#)

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2.4 Risk

a. State treatment

- 2.4.1 Nigeria has a framework of laws to penalise various forms of criminal activity and a criminal justice system composed of the security forces – police, military, intelligence services – and the judiciary, comprised of federal and state courts, and the Supreme Court sitting above various subordinate courts as well as Sharia courts in the north of the country (see Country Background Note Nigeria).

- 2.4.2 While the Nigerian constitution provides protections for citizens' fundamental rights and has general provisions on privacy, freedom of expression and non-discrimination it does not specifically refer to sexual orientation or gender identity and/or expression (see [Legal context](#)).
- 2.4.3 The criminal code criminalises same-sex sexual acts between men (but is silent in regard to women) with sentences up to 14 years' imprisonment. The Same-Sex Marriage (Prohibition) Act, made law in 2014, makes illegal marriage or civil union between same-sex couples and prohibits the registration of 'gay clubs, societies and organisations'. Trans and intersex persons are not referred to in the Constitution or other parts of (the national) criminal code but sources indicate that being trans is criminalised in Nigeria, with vagrancy laws being used to target trans persons. Being trans is explicitly criminalised in Bauchi state's penal code (see [Legal context](#)).
- 2.4.4 Sharia penal codes in 12 northern States also criminalises same-sex acts between both men and women. The maximum penalty in all 12 states for men for the crime of liwat (sodomy) is death. In the States of Kano and Katsina the maximum penalty for 'lesbianism' is death, in the remaining 10 states the maximum punishment is flogging and imprisonment of up to 5 years (see [Legal context](#)).
- 2.4.5 The government rejected all the UN Human Rights Committee's recommendations to repeal laws affecting LGBTI persons following the last universal periodic review of Nigeria in 2013 (see [Legal context](#)).
- 2.4.6 The state generally appears to inconsistently apply the anti-LGBTI laws in the criminal code, with sources suggesting it does not systematically enforce the law by targeting LGBTI persons and another suggesting that police operate an active arrest policy. However, media sources and NGOs have documented tens of arrests of LGBTI persons (mostly gay men) each year on the basis of their perceived or actual sexual orientation or gender identity. However, these cases rarely get to court, with many of the arrested subject to extortion or a request for a bribe then released, and convictions of LGBTI persons for consensual same-sex sexual activity are infrequent. To date there has only been one documented case in December 2019, 47 men, who were arrested at a party in 2018, going to trial under the Same Sex Marriage prohibition Act of 2014 but this was struck out after the court found that the prosecution failed to provide evidence or witnesses for the case (see [State attitudes and treatment](#)).
- 2.4.7 There have also been reports of arrests under Sharia law in the northern states, resulting in persons being transferred to correctional centres for 're-orientation', but sources do not contain further information about what happened to these individuals. There are no reports of Sharia courts imposing the death sentence for same sex activity since 2005 (see [State attitudes and treatment](#)).
- 2.4.8 The police also sometimes subject LGBTI people to harassment, beatings and assault, sexual violence and rape, torture, blackmail and extortion. Furthermore, LGBTI people who have been victims of crime when reporting those crimes to the police have been arrested or threatened with arrest, fear of exposure and extortion (see [State attitudes and treatment](#)).

- 2.4.9 Although the law prohibits 'gay' groups, a number of civil society organisations provide legal advice and training for LGBTI people. Sources indicate that these organisations were generally able to operate without government interference (see [LGBTI civil society and support organisations](#) and [Access to services](#)).
- 2.4.10 There is some information amongst the sources consulted on arrests or other discriminatory treatment of transgender persons by the police or other state agents by using vagrancy laws. No specific information was found in relation to intersex persons. (see [Bibliography](#))
- 2.4.11 In general, the available evidence establishes that LG and B persons who are open about their sexual orientation are likely to be subject to treatment from the state that by its nature and frequency amounts to persecution. Each case must, however, be considered on its facts, with the onus on the person to demonstrate that they are at risk.
- 2.4.12 There is limited specific information about the state treatment of transgender and intersex persons who are open about their sexual orientation or gender identity. However, the available information does not indicate that these groups are treated differently to L, G and B persons.
- 2.4.13 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#), [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

b. Societal treatment

- 2.4.14 Nigeria is generally a conservative, patriarchal and very religious society.
- 2.4.15 Nigerians generally hold negative views of same-sex relations, with only a minority tolerant of non-conforming sexual minorities. However, a 2019 survey [conducted in all 36 states] indicates a growing minor acceptance of LGBTI people, particularly amongst younger people. 75% of those polled support the criminalisation of same-sex relationships, a reduction from 90% in 2015, and 74% are in support of jail terms, a reduction from 91% in 2017 (see [Societal attitudes and treatment](#) and [Public statements by government officials](#)).
- 2.4.16 Some religious figures, both Muslim and Christian, play a role in perpetuating stigmatization of same-sex relations openly condemning 'homosexuality'. While the media also generally portrays LGBTI persons negatively, sources indicate there has been a small increase in positive and more balanced reporting. Online and social media outlets provide a platform for LGBTI voices and a place for the LGBTI community to interact. Anti-LGBTI rhetoric by religious groups, magnifies existing societal homophobia (see [Societal attitudes and treatment](#)).
- 2.4.17 LGBTI persons face a range of discriminatory treatment from societal actors because they are perceived to be different. They are frequently victims of physical violence and psychological abuse, extortion and discrimination in different aspects of daily life. Some LGBTI persons may conceal their sexual orientation or gender identity out of shame and stigma. There are also reports that LGBTI persons who are known to be or perceived to be LGBTI have been subjected to threats and violent attacks by family and members of

their communities, and face harassment, intimidation, blackmail, loss of property and eviction, denial of educational opportunities, loss of employment, education and difficulties in accessing health care (see [Societal attitudes and treatment](#) and [Access to services](#)).

- 2.4.18 LGBTI persons have reportedly experienced discrimination in accessing services such as healthcare, including access to HIV / AIDS treatment and services, education and employment (see [Access to services](#)).
- 2.4.19 LGBTI persons, may be rejected by their families and experience pressure to enter into heterosexual marriages or marry to hide their sexual orientation. A 2019 survey showed that 60% of respondents would not accept a homosexual family member. Whilst some LGBTI persons have been accepted by their family it is reported that some are sent away to religious correctional facilities once their sexuality has been exposed. Others have experienced physical violence and psychological abuse and there are some reports of mob violence. Discrimination may be greater in northern states, particularly where Sharia law is implemented (see [Arrests, prosecutions and detention](#), [Societal norms and family treatment](#), [Violence and discrimination](#)).
- 2.4.20 Despite laws restricting the registration and operation of 'gay' organisations, sources report that there are a number of groups operating and providing various forms of assistance, community engagements and support to LGBTI persons. Sources also indicate that there are gay-friendly bars in Abuja and Lagos (see [LGBTI 'community' and openness](#) and [LGBTI civil society and support organisations](#)).
- 2.4.21 In general, LG and B persons who are open about their sexual orientation, or who are perceived to be LGBTI, are likely to face stigma, discrimination, violence and mistreatment from family members and the wider community which, by its nature and frequency, amounts to persecution. Each case, however, needs to be considered on its facts, with the onus on the person to demonstrate that they face such a risk.
- 2.4.22 There is limited information about the treatment of T and I persons but there is no indication that such groups are treated differently by societal actors than L, G and B persons.
- 2.4.23 For further guidance on assessing risk, see the instructions on [Assessing Credibility and Refugee Status](#), [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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2.5 Protection

- 2.5.1 Where the person has a well-founded fear of persecution from the state they will not, in general, be able to obtain protection from the authorities.
- 2.5.2 Where the person has a well-founded fear of persecution from non-state actors, including 'rogue' state actors, decision makers must assess whether the state can provide effective protection.
- 2.5.3 Same-sex sexual relations and groups that support LGBTI persons are criminalised, and the police have been reported to arrest and detain, as well as commit other abuses against LGBTI persons. However, police treatment

of LGBTI persons is variable. There are some signs that police attitudes to LGBTI persons are improving and have provided assistance to some LGBTI people who have been victims of crime because of sexual orientation or gender identity. It has been reported that although at an organisational level the police may fail to provide assistance some individual officers do offer protection. LGBTI persons may also be afraid to go to the police due to the risk of being arrested, social stigma, harassment, intimidation and extortion by police officers. Sources report that LGBTI persons have also been arrested because of their real or perceived sexual orientation. It is unreasonable to expect a LGBTI person to seek protection from the authorities if they may themselves face a risk of arrest (see [Criminal/penal code](#), [Arrests prosecutions and detention](#) and [Police response](#)).

- 2.5.4 In general, the state may be able but is not likely to be willing to offer effective protection. However, each case must be considered on its facts, with the onus on the person to demonstrate that they will not be able to obtain effective protection (see also [Country Policy and Information Note, Actors of protection](#)).
- 2.5.5 For further guidance on assessing the availability of state protection, see the instruction on [Assessing Credibility and Refugee Status](#).

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2.6 Internal relocation

- 2.6.1 In general, given that same-sex sexual activity and associations that supports that LGBTI people are illegal, state arrests and other violations have occurred throughout the country and the widespread societal hostility towards and discrimination against LGBTI persons, it is unlikely to be reasonable for an openly LGBTI person to relocate. However, each case must be considered on its facts, with the onus on the decision maker to demonstrate that internal relocation would be reasonable / not unduly harsh.
- 2.6.2 Internal relocation will not be an option if it depends on the person concealing their sexual orientation and/or gender identity or expression in the proposed new location for fear of persecution.
- 2.6.3 For further guidance on internal relocation see the instruction on [Assessing Credibility and Refugee Status](#), [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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2.7 Certification

- 2.7.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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Country information

Section 3 updated: 19 January 2022

3. Explanation of presentation of material

- 3.1.1 The experiences of the L, G, B, T, and I are likely to be distinct albeit overlapping and wherever possible this note has tried to separate out information relevant to a particular group. However most sources which refer to LGBTI and their experiences do so collectively, without distinguishing between the groups, and most sources, where they do distinguish an individual group, refer to gay men.
- 3.1.2 That there may be limited information about a particular, usually lower profile, group, does not necessarily mean the group is treated more or less favourably than the other groups. Rather this may reflect the smaller size or profile of the group and a lower level of reporting about it.

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Section 4 updated: 19 January 2022

4. Demography

- 4.1.1 The US Bureau of the Census estimated a population of 219,463,862 (July 2021)¹. The capital of Nigeria is Abuja². There are no published data on the numbers of LGBTI persons in Nigeria in the sources consulted.
- 4.1.2 The [Perry Castaneda Library Map Collection](#) provides a range of maps of Nigeria, while OnTheWorldMap website provides [administrative](#) and [political](#) maps.
- 4.1.3 For more information on the demography of Nigeria see the Country Background Note Nigeria.

Section 5 updated: 19 January 2022

5. Legal context

5.1 Constitution

- 5.1.1 Article 42 of the [Constitution of the Federal Republic of Nigeria](#) (1999) provides for equality and non-discrimination, but makes no reference to sexual orientation or gender identity³.
- 5.1.2 The Australian Government's Department of Foreign Affairs and Trade (DFAT) country information report of December 2020, based on a range of public and non-public available sources including on-the-ground knowledge and discussions with a range of sources, stated: 'Although the Constitution offers general guarantees to the rights to life, privacy, association, assembly, dignity and freedom of expression, Article 15(2) does not include sexual orientation or gender identity as one of the grounds for which discrimination

¹ CIA World Factbook, '[Nigeria](#)' (section People and society), updated 20 December 2021

² CIA World Factbook, '[Nigeria](#)' (section Government), updated 20 December 2021

³ [Constitution of the Federal Republic of Nigeria](#), 1999

is prohibited. There are no laws explicitly protecting sexual minorities from targeted violence or discrimination.’⁴

- 5.1.3 The International Center for Not-for-Profit Law country profile on legal issues affecting NGOs stated: ‘The Constitution prohibits discrimination on the grounds of being “a member of a particular community, ethnic group, place of origin, sex, religion or political opinion,” but the meaning of “sex” has not been interpreted to include trans or other genders. Moreover, Nigeria’s anti-LGBTIQ [Lesbian, gay, bisexual, transgender, intersex, and queer] law bans LGBTIQ rights advocacy and civil society organizations.’⁵

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5.2 Criminal / penal code

- 5.2.1 The Initiative for Equal Rights (TIERS), a Nigerian human rights NGO, undated Compendium of Laws noted:

‘The Criminal Code Act was first enacted on 1 June 1916. It is now contained in chapter C38 of the Laws of the Federation of Nigeria 2004. The Criminal Code Act applies across Nigeria... The Criminal Code applies as both federal and state law depending on who has constitutional authority to prosecute the relevant prohibited conduct. Because sexuality is not within the exclusive powers of the federal government, it comes under the ambit of state law. However, most of the southern states have continued to make use of the provisions of the Criminal Code as their state law, including aspects that deal with sexuality.’⁶

- 5.2.2 The same TIERS document noted:

‘The Penal Code (Northern States) Federal Provisions Act (“Penal Code”) was first enacted in 1960. It is now contained in Chapter P3 of the Laws of the Federation of Nigeria 2004. The Penal Code originally applied to Nigeria’s northern region... Today, it applies as both federal and state law in the states that succeeded to the Northern Region. Like the jurisdiction of the Criminal Code, sexuality comes under the ambit of state law and is, thus, subject to prosecution (or even amendment) by the relevant state. However, most of the Northern states have supplanted the Penal Code with Sharia penal law, including in aspects that deal with sexuality.’⁷

- 5.2.3 The same source stated with reference to transgender persons

‘...the Penal Code deprives sexual minorities of their autonomy, and prescribes legal consequences for acts contrary to the state’s preference in sexuality... Section 405(3)(e), in particular, discriminates against cross-dressing men (or women) and transgender people...

‘existing discrimination under vagrancy laws... are used to target transgender persons...’. The Human Dignity Trust states that Nigeria ‘Criminalises the gender identity/expression of trans people’.⁸

⁴ DFAT, ‘[Country information report: Nigeria](#)’ (paragraph 3.94), updated 3 December 2020

⁵ ICNL – International Center for Not-for-Profit Law: ‘[Civic Freedom Monitor: Nigeria](#)’, 9 May 2021

⁶ The Initiative for Equal Rights, ‘[Compendium of Laws-...](#)’ (page 6), no date

⁷ The Initiative for Equal Rights, ‘[Compendium of Laws-...](#)’ (page 6), no date

⁸ The Initiative for Equal Rights, ‘[Compendium of Laws-...](#)’ (page 9 & 17), no date

- 5.2.4 The Human Dignity Trust states that Nigeria ‘Criminalises the gender identity/expression of trans people’⁹
- 5.2.5 The [Criminal Code Act](#), Chapter 21, ‘Offences Against Morality’, Laws of the Federation of Nigeria 1990, stated:
- ‘Section 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."
- ‘Section 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."
- ‘Section 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.”’¹⁰
- 5.2.6 Stonewall, a LGBTQ+ movement for change, who campaign to ‘drive positive change in public attitudes and public policy’, in a briefing on Nigeria noted:
- ‘Being trans is criminalised in the state of Bauchi under Section 405 of the Bauchi Penal Code.
 - ‘There is no law which permits trans people to change their legal gender or name.’¹¹
- 5.2.7 There is no information in the sources consulted on laws specifically aimed at women or intersex persons (see [Bibliography](#)).

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5.3 Same-sex marriage (Prohibition) Act

- 5.3.1 On 17 December 2013, the [Same-Sex Marriage \(Prohibition\) Act](#) was passed by the Senate and the House of Representatives and signed by the President on 7 January 2014. According to the law:
- ‘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.

⁹ Human Dignity Trust, ‘[Country Profile – Nigeria](#)’, updated 2020

¹⁰ [Criminal Code Act](#), Chapter 21, 1990

¹¹ Stonewall, ‘[Nigeria Legal Landscape Briefing](#)’, 2018

- '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 of 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 recognised 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 are each liable on conviction to a term of 14 years in prison.
(2) A person who registers, operates or participates in gay clubs, societies and organisations or directly or indirectly makes public show of same-sex amorous relationship in Nigeria commits an offence and shall each be liable on conviction to a term of 10 years in prison.
(3) A person or group of persons who administers, witnesses, abets or aides the solemnization of 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 of imprisonment.' ¹²

5.3.2 The stakeholder summary also reported: 'JS8¹³ stated that expansive provisions of the Same Sex Marriage (Prohibition) Act had served to codify homophobia and transphobia... JS12¹⁴ stated that the Act, which generally criminalized same sex relationships, had created additional criminal offences that targeted persons based on their sexual orientation...' ¹⁵

5.3.3 Human Rights Watch observed in its report covering events in 2018, 'In May, the Benue State House of Assembly passed the Same Sex Marriage Prohibition (SSMP) Law. Like the federal law adopted in 2014, the law criminalizes public show of same sex amorous relationships, same sex marriages, and the registration of gay clubs, societies, and organizations.' ¹⁶

5.3.4 The DFAT country information report 2020 stated:

'Human rights organisations have reported the SSMPA has become a tool used by police and members of the public to legitimise human rights violations against LGBTI persons, such as torture, sexual violence, arbitrary detention, extortion and violations of due process rights. LGBTI advocates

¹² [Same-Sex Marriage](#) (Prohibition) Act 2013

¹³ [Joint submission 8](#): The Equality Hub, Leitner Center for International Law and Justice, New York, United States of America, One Action Foundation, OutRight Action International, and ReSista Camp

¹⁴ [Joint submission 12](#): Lawyers Alert, Makurdi, Benue State, Nigeria; and Southern Africa Litigation Centre, Johannesburg, South Africa

¹⁵ UN HRC, [Stakeholder summary](#) (paragraph 12), 24 August 2018

¹⁶ HRW, [World report 2019 \(Nigeria\)](#), January 2019

have also claimed in some cases local authorities have used the SSMPA to deny members of the LGBTI community access to amenities and education.¹⁷

- 5.3.5 The US State Department 2020 Human Rights Practices Report (USSD Human Rights report 2020) stated: ‘A 2014 law effectively renders illegal all forms of activity supporting or promoting lesbian, gay, bisexual, transgender, and intersex (LGBTI) rights. According to the law, anyone convicted of entering into a same-sex marriage or civil union may be sentenced to up to 14 years’ imprisonment. The law also criminalizes the public show of same-sex “amorous affection.”’¹⁸

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5.4 Sharia

- 5.4.1 The revised sharia criminal codes introduced in northern states from 1999 to 2006 criminalised same-sex acts as did the Northern Penal Code of 1960, with penalties based on traditional sharia¹⁹.
- 5.4.2 The International Lesbian and Gay Association (ILGA) noted in an updated 2020 report that ‘Death by stoning is the prescribed punishment for consensual same-sex sexual acts [under Sharia Penal Codes] between adults in 12 [Northern] states in Nigeria: Bauchi, Borno, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Niger, Sokoto, Yobe and Zamfara.’²⁰
- 5.4.3 The same ILGA report noted: ‘All Sharia Penal Codes in force in Northern Nigeria impose the death penalty by stoning for the crime of liwat, generally defined as sodomy but sometimes encompassing heterosexual anal sex. Death by stoning is equally imposed for the crime of sihaq, or lesbianism, in two states (Kano and Katsina) while in the other 10, this crime is punished with flogging and imprisonment of up to 5 years.’²¹
- 5.4.4 The same ILGA report listed state laws and punishments for consensual same-sex sexual acts in Northern Nigeria, illustrated in the table below:

State	Authority	Liwat (sodomy)	Sihaq (lesbianism)
‘Bauchi	Sharia Penal Code Law (2001), Bauchi State Gazette 26, No. 16, 18 September 2001.	Death by stoning or other means decided by the state.	50 lashes and imprisonment for up to 5 years.
‘Borno	Borno State law on Prostitution, Homosexuality, Brothels and Other Sexual Immoralities (2000). Sharia Penal Code Law (2001)	Death (by stoning).	12 lashes and imprisonment for not less than 6 months

¹⁷ DFAT, ‘[Country information report: Nigeria](#)’ (paragraph 3.97), updated 3 December 2020

¹⁸ USSD, [2020 Human Rights report](#) (section 6), March 2021

¹⁹ Ostien, P., ‘[Sharia Implementation in Northern Nigeria 1999-2006: A Sourcebook](#)’ 2007

²⁰ ILGA, [State Sponsored Homophobia](#), (page 53), Updated 2020

²¹ ILGA, [State Sponsored Homophobia](#), (page 65), Updated 2020

'Gombe	Sharia Penal Code Law (2001), signed 23 November 2001.	If unmarried: 100 lashes and imprisonment for up to 1 year. If married: death by stoning.	50 lashes and imprisonment for up to 6 months
'Jigwa	Sharia Penal Code Law (Law No. 12 of 2000) in force since 27 December 2000 (Jigawa State Gazette Vol. 1 No. 12, 27 December 2000).	If unmarried: 100 lashes and imprisonment for up to 1 year. If married: death by stoning.	50 lashes and imprisonment for up to 6 months.
'Kaduna	Sharia Penal Code Law (Law No. 4 of 2002), in force since 21 June 2002 (Kaduna State Gazette No. 17 Vol. 36, 4th July 2002).	Death by stoning.	According to the discretion of the qadi.
'Kano	Sharia Penal Code Law (2000), in force since 26 November 2000	If unmarried: 100 lashes and imprisonment for up to 1 year. If married or has previously been married: death by stoning.	Death by stoning
'Katsina	Sharia Penal Code Law (Law No. 2 of 2001), in force since 20 June 2001 (Katsina State Gazette Vol. 12 No. 23, 27th August 2001).	Death by stoning	Death by stoning
State	Authority	Liwat (sodomy)	Sihaq (lesbianism)
'Kebbi	Penal Code (Amendment) Law (Law No. 21 of 2000), in force since 1 December 2000, (Kebbi State Gazette Vol. 2 No. 1, Supplement 31st December 2000)	Death by stoning.	50 lashes and imprisonment for up to 6 months.
'Niger	Penal Code (Amendment) Law 2000, HB.4/2000, in force since 4 May 2000 (Niger	Death by stoning.	UNCLEAR

	State Gazette Vol. 25 No. 8, 9th March 2000).		
'Sokoto	Sharia Penal Code Law (2000), in force since 31 January 2001.	If committed by an adult: Death by stoning. If committed by a minor on an adult: the adult receives up to 100 lashes; the minor receives correctional punishment.	50 lashes and imprisonment for up to 6 months
'Yobe	Sharia Penal Code Law (Law No. 8 of 2001) in force since 25 April 2001 (State Gazette Vol. II No. 12, 22 March 2001).	Death by stoning.	50 lashes and imprisonment for up to 6 months
'Zamfara	Sharia Penal Code (Law No. 10 of 2000) enacted 27 January 2000 (repealed in 2005). Sharia Penal Code Law (Law No. 5 of 2005), signed 23 November 2005.	If unmarried: 100 lashes and imprisonment for up to 1 year. If married: death by stoning.	50 lashes and imprisonment for up to 6 months

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- 5.4.5 The DFAT country information report 2020 observed: 'In the 12 northern states that have adopted sharia, adults convicted of engaging in same-sex sexual activity may be subject to execution by stoning. DFAT is not aware of any cases in which such penalties have been imposed, although there have been some cases in recent years in which sharia courts have reportedly sentenced individuals convicted of same-sex activities to lashings.'²³

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5.5 Additional relevant laws

- 5.5.1 The Armed Forces Act replicated criminal code provisions against same-sex acts, applicable only to persons subject to service law such as service personnel²⁴.
- 5.5.2 The [Violence Against Persons Prohibition Act 2015 \(VAPP\)](#) was 'intended to "prohibit all forms of violence against persons in private and public life" by providing "maximum protection and effective remedies for victims and

²² ILGA, [State Sponsored Homophobia](#), (pages 65-66), Updated 2020

²³ DFAT, '[Country information report: Nigeria](#)' (paragraph 3.96), updated 3 December 2020

²⁴ The Initiative for Equal Rights, '[Compendium of Laws...](#)' (page 10), undated

punishment of defenders”. This law described violence to include any act that caused or may cause “physical, sexual, psychological, verbal, emotional or economic harm whether this occurs in private or public life.” However ‘... the VAPP Act is a federal enactment, it applies only in the Federal Capital Territory. This means sexual minorities... cannot take advantage of the protections of the VAPP Act in other parts of the country.’²⁵

- 5.5.3 The UN Human Rights Committee reported in a document summarising stakeholders’ views as part of the Universal Periodic Review of Nigeria undertaken in November 2018 that ‘The Violence against Persons (Prohibition) Act of 2015, had done little to protect gay men, female sex workers and intravenous drug users as vulnerable populations... AFA [Alliance for Africa] stated that the Act was yet to be incorporated into domestic legislation in all states...’²⁶
- 5.5.4 With regards to transgender people, the Initiative for Equal Rights noted that: ‘Nigeria is not a signatory to any of the international conventions that specifically protect transgender people especially in inter-jurisdictional aspects. Also, there is no legislation on gender change...The Compulsory Registration Act has no provision for amending details of gender identity...Similarly, the National Civic Registration Act provides for the registration of every Nigerian citizen above the age of 18 with an identity card. However, it makes no provision for amending details of gender identity...’²⁷
- 5.5.5 The Immigration and Refugee Board of Canada (IRBC) in a response from February 2019 citing a December 2018 telephone conversation with John Campbell, a former US Ambassador to Nigeria who is described on the Council on Foreign Relations (CFR) expert bio page as ‘a senior fellow for Africa policy studies at the CFR in Washington, DC’ opined that ‘the VAPP, the HIV and AIDS (Anti-Discrimination) Act and the Anti-Torture Act do not offer any tangible protection for sexual minorities...’²⁸

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Section 6 updated: 19 January 2022

6. General treatment by state and non-state actors

- 6.1.1 TIERS (a Nigeria based non-profit organisation working to protect the rights of sexual minorities in Nigeria²⁹) in a 2019 human rights violations report covering human rights violations based on sexual orientation and gender identity (the TIERS 2019 human rights report) found:

‘The existence of discriminatory laws provides an atmosphere where violations thrive. It creates a sense of impunity in perpetrators and fear in victims. It is commonplace for people to prey on LGBTQI [Lesbian, gay, bisexual, transgender, intersex, queer and intersex]. people, often blackmailing and extorting money from them while leaving them in a state of

²⁵ The Initiative for Equal Rights, ‘[Compendium of Laws...](#)’ (page 17), undated

²⁶ UN HRC, [Stakeholder summary](#) (paragraph 11), 24 August 2018

²⁷ The Initiative for Equal Rights, ‘[Compendium of Laws...](#)’ (page 17), no date

²⁸ IRBC, ‘[The Situation of Sexual and Gender Minorities in Nigeria \(2014-2018\)](#)’, February 2019

²⁹ TIER, ‘[Africa portal - about](#)’, no date

constant fear and hopelessness. Religious and traditional sentiments, discriminatory laws and a hostile social environment have instilled fear in LGBTQI people, leaving them with a life plagued by limited access to justice, health care and other social needs. It is not uncommon to see that the hostile social and legal environment often leads to isolation, depression and suicide amongst LGBTQI people.

‘Mob justice is a serious result of a failed system. Discriminatory laws and policies feed this anomaly. In a society susceptible to violence and corruption, discriminatory laws further destroy the systems put in place. Both state and non-state actors use these laws to fuel their prejudice and then proceed to deal with people perceived to be LGBTQI in an inhumane manner. Discriminatory laws not only affect LGBTQI people, they also mean that the state is failing in its duty to fulfil its human rights obligations to the citizens.’³⁰

6.1.2 The same source reported that:

‘State and non-state actors have leveraged [...] views, beliefs and discriminatory laws to perpetrate violence, including murder, blackmail and extortion, assault and battery, invasion of privacy, mob attacks, kidnaps, inhumane and degrading treatment, and rape.

‘In the reporting period [December 2018 - November 2019], invasion of privacy, arbitrary arrests and unlawful detention were the most common cases of rights violations perpetrated by state actors. On the other hand, blackmail and extortion were the most common types of violations perpetrated by non-state actors. There were also many cases of entrapment: perpetrators pretending to be LGBTQI to lure and attack others.’³¹

6.1.3 In its submission to the UN Committee on Enforced Disappearances, The Advocates for Human Rights, a non-governmental organisation committed to the promotion and protection of international human rights standards and the rule of law, stated that ‘enforced disappearances of LGBTI+ people by non-State actors are prevalent in Nigeria...’³²

6.1.4 The TIERS 2019 human rights report also stated:

‘While the analysis of human rights violations documented over the past five years indicates an increase in infringements for LGBTQI persons, recent records have also successfully highlighted more premeditated and calculated methods to this increase in violations. The reports also show that the experiences and severity of these violations are greatly influenced by the location, socio-economic class of individuals involved and other defining factors. Law enforcement agents ignorantly or deliberately misinterpreted laws and policies to target persons belonging to the lower class.’³³

6.1.5 TIERS commissioned a social perception survey across all the 36 states and the Federal Capital Territory Abuja to understand how Nigerians view lesbian, gay, bisexual and transgender rights issues. In a comparison of

³⁰ TIERS, [‘2019 Human Rights violations report based on SOGI’](#) (Page 28-29), 10 December 2019

³¹ TIERS, [‘2019 Human Rights violations report based on SOGI’](#) (Page 18), 10 December 2019

³² Advocates for Human Rights, [UN Committee on Enforced Disappearances...](#), 1 December 2021

³³ TIERS, [‘2019 Human Rights violations report based on SOGI’](#) (Page 15), 10 December 2019

perception surveys from 2015, 2017 and 2019 the report (2019 TIER survey) showed widespread opposition to LGBT+ rights, with 74% of respondents supporting prison sentences for those engaging in same-sex activity³⁴

6.1.6 The DFAT country information report 2020 observed:

‘LGBTI advocacy groups report that individuals accused of homosexuality face a risk of losing their jobs, being compelled to leave their village or neighbourhood, or being subjected to violence which has in some cases been lethal. LGBTI individuals have reported feeling unsafe accessing health care due to the fear of discrimination from nurses and doctors should their sexual orientation or gender identity become known, including being reported to police. In order to avoid societal isolation and discrimination, members of the LGBTI community report feeling compelled to take steps to hide their sexuality.’³⁵

6.1.7 The USSD human rights report 2020 noted:

‘During the year LGBTI persons reported increased harassment, threats, discrimination, and incidents of violence against them based on their real or perceived sexual orientation or gender identity according to the NGO The Initiative for Equal Rights (TIERs). TIERs documented 482 human rights abuses based on real or perceived sexual orientation, gender expression, and sex characteristics between December 2019 and November. Of these cases, more than 20 percent involved state actors. Invasion of privacy, arbitrary arrest, and unlawful detention were the most common abuses perpetrated by law enforcement and other state actors. Blackmail, extortion, assault, and battery were the most common types of abuses perpetrated by nonstate actors.’³⁶

6.1.8 Freedom House annual report on political rights and civil liberties in 2020 (Freedom in the World 2021) stated: ‘LGBT+ Nigerians face widespread discrimination by the government and society at large... Openly LGBT+ people are deterred from running for office or working to advance their political interests.’³⁷

6.1.9 The Freedom in the World 2021 report stated: ‘Civil liberties are undermined by religious and ethnic bias, while women and LGBT+ people face pervasive discrimination’³⁸

6.1.10 A Netherlands Ministry of Foreign Affairs (MofFA) COI report on Nigeria, published in March 2021, covering the reporting period June 2018 to March 2021 and citing various sources stated: ‘There was little opportunity for LGBTI people to express their sexual orientation or gender identity, despite NGOs and the wider community creating a number of safe spaces in major cities. Various sources indicated that the socio-economic situation of LGBTI individuals largely determines to what extent they can survive in Nigerian society...’³⁹

³⁴ TIER/Vivid Rain, ‘[Social perception survey – Lesbian, gay, bi-sexual and transgender...](#)’, June 2019

³⁵ DFAT, ‘[Country information report: Nigeria](#)’ (paragraph 3.100), updated 3 December 2020

³⁶ USSD, 2020 Human Rights Report, ‘[Nigeria](#)’ (Section 6), 30 March 2021

³⁷ Freedom House, ‘[Freedom in the world 2021: Nigeria](#)’, 3 March 2021

³⁸ Freedom House, ‘[Freedom in the world 2021: Nigeria](#)’, 3 March 2021

³⁹ Netherlands – Ministry of Foreign Affairs, [COI report Nigeria](#), (Section 3.4.4), March 2021

7. State attitudes and treatment

7.1 Government's attitude / impact of law

7.1.1 A joint submission by a number of stakeholders⁴⁰ to the UN Human Rights Council as part of the Nigeria's Universal Periodic Review in November 2018 observed that 'Nigeria had not supported any of the recommendations from the previous [Universal Periodic] review [in 2013] that inter alia related to the repealing of those laws that discriminated based on sexual orientation and gender identity.'⁴¹

7.1.2 The stakeholder summary also reported: 'Since its enactment there had been an increase in crimes and human rights violations against LGBT persons and their defenders...'⁴²

7.1.3 The Austrian Federal Office for Immigration and Asylum (COI unit), 'Research Paper Staatendokumentation: Nigeria; On the situation of sexual minorities, with additional information from a fact finding mission (FFM) to Nigeria in 2019' dated 15 September 2020 (Austrian COI report 2020) citing a range of sources stated:

'The signing into law of the SSMPA [Same Sex Marriage Prohibition Act] by former President Goodluck Jonathan in January 2014 was just another example of the official attitude of the Nigerian state. However, the Nigerian state is not homogeneous. It is made up of many different units and authorities and three different administrative levels (federal, state, Local Government Area -LGA). It is therefore impossible to generalise the official position of the Nigerian state to the current situation. On the contrary, there seem to be considerable differences between official discourse and the actual attitude and work of state actors.

'An international organisation active in health and development research confirmed to the delegation that there was a certain degree of cooperation with specific state actors... A scientific source reported that the Nigerian Ministry of Health had already established guidelines in 1996 in which homosexuality was described without prejudiced terms and in which the respectful treatment of sexual minorities was recommended as a basic principle...

'... NGOs active in the MSM [Men who have sex with men] sector are still officially registered. An international organisation active in health and development research stated that the political will with regard to MSM has improved over time - independently of the SSMPA. Cooperation with specific state actors has not changed since the SSMPA came into force... With regard to medical issues related to sexual minorities, the director of [the National Agency for the Control of AIDS] NACA issued a clear statement in

⁴⁰ [Joint submission 5](#): Heartland Alliance International, Chicago, United States of America, American University, Washington College of Law, International Human Rights Law Clinic, United States of America

⁴¹ UN HRC, [Stakeholder summary](#) (Paragraph 11), 24 August 2018

⁴² UN HRC, [Stakeholder summary](#) (paragraph 12), 24 August 2018

early 2014 that the SSMPA would not prevent his agency from continuing to provide adequate HIV care to sexual minorities.’⁴³

7.1.4 The Austrian COI report 2020 stated in general with regard to persecution of sexual minorities and citing a range of sources:

‘According to several sources of the 2015 and 2019 FFMs [Fact finding missions], the police do not normally take action on sexual minorities on their own initiative... A diplomatic source of the 2015 FFM dealing with the issue as well as a Western embassy and a Nigerian journalist and activist stated to the 2019 FFM that the police do not search for or persecute MSM / WSW [Women who have sex with women]. There is no coordinated database that would make this possible... Several sources confirmed to the 2015 and 2019 FFMs that there are no warrants for arrest on the grounds of homosexuality -whether under the Criminal Code, Sharia or the SSMPA...

‘During the 2015 FFM, an international organisation working in the field of health and development research stated that police assaults occur at random and are not systematic... which was confirmed by a Western embassy to the 2019 FFM ... while another Western embassy stated to the 2019 FFM that there was no strategic plan from the police to deal with MSM and WSW: "There is no big plan, no strategic effort". ... A local NGO stated that there were no arrest warrants against MSM or WSW. Even in prominent cases, such as the Bobrisky case..., there were no arrest warrants. Warrants presented (in asylum procedures) are highly likely to be forgeries... Another local NGO confirmed the fact that arrest warrants for MSM or WSW do not exist...

‘A diplomatic source dealing with the issue added during the FFM 2015 that the Sharia police, who are active in some northern states, could also act on its own initiative.’⁴⁴

7.1.5 A Netherlands MofFA COI report on Nigeria, published in March 2021 and citing various sources stated: Some traditional rulers publicly expressed disapproval of homosexuality and in some cases encouraged violence against LGBTI people. In Edo state, traditional rulers placed curses on LGBTI people and same-sex marriages in order to ‘curb increase in the rate of homosexuality in the area’. The traditional rulers also conducted a night-time tour of a neighbourhood with the police in order to track down alleged homosexuals...’⁴⁵

7.1.6 The International Center for Not-for-Profit Law Country profile on legal issues affecting NGOs stated:

‘In January 2014, President Goodluck Jonathan signed the Same Sex Marriage Prohibition Act, which bans same-sex marriages and civil unions and prohibits the registration of LGBTQ clubs, societies or meetings in Nigeria. It also prohibits their “sustenance, processions and meetings.” It is not required that any group of people register, but the President has the power to prohibit groups or organisations even if they are unregistered. The Act appears to prohibit LGBTQ clubs and organisations even without the

⁴³ BFA Staatendokumentation: ‘...situation of sexual minorities...’ (page 39), 15 September 2020

⁴⁴ BFA Staatendokumentation: ‘...situation of sexual minorities...’ (Page 45-46), 29 January 2021

⁴⁵ Netherlands – Ministry of Foreign Affairs, [COI report Nigeria](#), (Section 3.4.4), March 2021

need for presidential intervention; however, the constitutionality of this provision against freedom of assembly and association guarantees has not yet been tested...

'After an initial wave of activity, there appears to be little effort on behalf of the government to enforce the provisions of the Same Sex Marriage (Prohibition) Act. However, a challenge to the Act failed when the Federal High Court in Abuja struck the case for lack of standing.'⁴⁶

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7.2 Public statements by government officials

7.2.1 Human Dignity Trust on their website page for Nigeria stated:

'In April [2018], Babatunde Fashoe, a Prominent Nigerian official and former governor of Lagos state, said that "he does not know that gay people are persecuted in Lagos state". He made that comment as a responding [sic] to a question about his stand to homosexuality and the LGBT condition in Lagos state on the Commonwealth Peoples Forum at the Commonwealth Head of Governments Meeting 2018 In London.

'In May [2018], the Nigerian Permanent Representative to the UN was vocal in his opposition to the report of the UN High Commissioner that describes Nigeria's abhorrence of LGBT rights. He noted that "Nigeria rejects unreservedly same-sex marriage, lesbians, and gays in its population and that Nigeria had as duty to protect family values, religious and cultural values which are bedrock of the society."⁴⁷

7.2.2 Punch, a Nigerian media organisation, reported in January 2019: 'The Public Relations Officer of the Zone 2 Police Command, Mrs Dolapo Badmos, has asked homosexuals to flee the country or face the law. She also called on Nigerians who have evidence against homosexuals to come forward with such pieces of evidence. Badmos said this in a post on her official Instagram handle. She said, "If you are homosexually inclined, Nigeria is not a place for you..."⁴⁸

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7.3 Arrests, prosecutions and detention

7.3.1 The TIERS in a 2019 human rights violations report which considered sexual orientation and gender identity found:

'The law dictates that the police procedure upon making an arrest should be to charge the individual to court within 24 to 48 hours of arrest or else release the individual without bail. However, cases of arrest of people perceived to be LGBTQI, even when based on insufficient evidence, often involve detention for prolonged periods of up to a month. In response to these cases, LGBTQI people are often reluctant to take legal actions against such police actions as this could further make them visible and expose them to stigma and discrimination. This discrimination often extends to their family

⁴⁶ ICNL – International Center for Not-for-Profit Law: '[Civic Freedom Monitor: Nigeria](#)', 9 May 2021

⁴⁷ Human Dignity Trust, '[Country Profile – Nigeria](#)', updated 2020

⁴⁸ Punch, '[Leave Nigeria now or suffer, police tell homosexuals](#)', 22 January 2019

and friends and continues to breed a climate of fear and uncertainty for LGBTQI persons.

‘In most instances of police arrest, the case is resolved with the police. This is partly because victims do not have confidence in the protection of the legal system as LGBTQI people do not enjoy equal protection from the law. People who have been wrongfully arrested also do not report these incidents for fear of possible backlash and social stigma. Consequently, the criminal justice system has had very little opportunity to create a body of jurisprudence around LGBTQI issues. On the other hand, diminished sentences have been given to people in some sharia courts who confessed to same-sex practices in the past.

‘There is no legal protection against discrimination in Nigeria for LGBTQI people. This is in contravention of the African Charter which has the force of law in Nigeria and states that every human being must enjoy equal protection under the law. LGBTQI people lack access to justice for human rights violations and other crimes against them.’⁴⁹

7.3.2 Human Dignity Trust on their website page for Nigeria stated:

‘In January [2020], religious police arrested 15 recent graduates at a party in Kano, northern Nigeria. In confirming the arrests, Deputy Commander-General Shehu Tasi’u Is’haq said: “We arrested and transferred the errant students to our correctional centre at our headquarters in Sharada. While at our correctional centre, they will be re-oriented and at the close of the day, they will desist from their waywardness and turn a new leaf. [I]slam is opposed to same-sex partners, which is a taboo. As an institution, our responsibility is to correct youth, who are going astray, reminding them that devout Muslims forbid homosexual acts, which will not be tolerated.”’⁵⁰

7.3.3 The DFAT country information report 2020 observed:

‘There have been a number of widely reported cases in recent years in which LGBTI individuals have been arrested on the basis of their perceived sexual orientation or gender identity. These include (but are not limited to):

- ‘In January 2020, religious police in Kano state announced the arrest of 15 university graduates who were reportedly ‘planning a gay sex party’ [see above]. A religious police spokesperson said those arrested had been transferred to a correctional centre to undergo reorientation programs.
- ‘In November 2019, police in Edo arrested two women rumoured to be in a relationship and publicly declared a “war on lesbians”’
- ‘In August 2018, police in Lagos arrested 57 individuals at a hotel party, subsequently charging them with public displays of same-sex amorous affection under Section 5(2) of the SSMPA.
- ‘In December 2019, 47 of the men began trial, making them the first people to go on trial under the Act.

⁴⁹ TIER, ‘[2019 Human Rights violations report based on SOGI](#)’ (Page 27), 10 December 2019

⁵⁰ Human Dignity Trust, ‘[Country Profile – Nigeria](#)’, updated 2020

‘Media and LGBTI advocates have also reported cases in which police have arrested LGBTI individuals but released them without formal charges after paying a bond, thought in some cases to be a bribe.’⁵¹

7.3.4 The Austrian COI report 2020 report stated and citing a range of sources:

‘In general, people are very rarely convicted of offences under Nigerian and Sharia criminal law. What is prohibited under these laws is actual same-sex sexual intercourse. Proof of such an offence, however, requires witnesses - and the provision of such witnesses is naturally difficult. Sources of both the 2015 and 2019 FFMs mentioned that the number of actual convictions under criminal law or Sharia penal laws is very small compared to the number of arrests and charges... There seems to be a tendency for hardly any convictions to occur under the SSMPA...

‘Inconsistencies and inaccuracies in the numbers of arrests and convictions under the laws which criminalise same-sex relations can be explained by the sheer size of the country and its federal structure. With about 214 million inhabitants, Nigeria is the most populous country in Africa... Nigeria is also divided into 36 states and the Federal Capital Territory (FCT). In addition, the legal system is very complex...

‘However, the following conclusion can be drawn: Compared with the assumed size of the community of MSM, the number of people actually charged and sentenced under criminal law, Sharia penal law or SSMPA are a dwindling minority. In this respect, many interviewees confirmed that there is no systematic prosecution of homosexuals in Nigeria;...

‘The fact that the Nigerian state does not systematically enforce laws that criminalise same-sex relations is also in line with Amnesty International’s investigations into other countries in sub-Saharan Africa: "Whereas numerous African countries criminalise same-sex behaviour, only some actively apply the law"... But even if such laws are rarely applied, their very existence can be considered problematic: "The existence of such laws creates a permissive environment for family members and others in the community to discriminate against, harass and intimidate LGBTI people"...

‘On the other hand, there are indications that members of sexual minorities are arrested more often than the figures and cases mentioned in this section would suggest. Those who are arrested, however, are much more likely to face problems such as blackmail and coercion... than to face charges in court... A human rights lawyer told the delegation that after an arrest and the subsequent bail procedure, there would be no further investigation by the police: "The case disappears". The reason given by the source was lack of evidence... Another human rights lawyer made a similar statement: "The case is finished when the police get their money"... As a result, hardly any case ever goes to court. And if that really happened, many NGOs would intervene...’⁵²

7.3.5 The same source concluded that:

⁵¹ DFAT, ‘[Country information report: Nigeria](#)’ (paragraph 3.98), updated 3 December 2020

⁵² BFA Staatendokumentation: ‘[...situation of sexual minorities...](#)’ (Page 33-35), 29 January 2021

‘There are almost no charges under the laws specifically applicable to members of sexual minorities and even fewer convictions. Criminal law and Sharia law are difficult to apply, and proof of same-sex sexual intercourse is required. Under the SSMPA there were also hardly any charges. Usually, court cases under these laws run aground.

‘However, other offences are sometimes cited to facilitate conviction. Moreover, the existence of laws specifically applicable to sexual minorities creates a basis for persons to be harassed, threatened or blackmailed by state and non-state actors. Arrests, on the other hand, hardly ever lead to charges, but serve primarily as a means of blackmail.’⁵³

- 7.3.6 The Austrian COI report 2020 stated in general with regard persecution of sexual minorities and citing a range of sources:

‘Overall, it can be said – and this applies to both the period before and after the SSMPA – that there is no systematic state persecution of sexual minorities. This has been confirmed by sources of the 2015 and 2019 FFM’s... For example, a Nigerian journalist and activist stated to the 2019 FFM that the police would take action based on information from the population and would not specifically look for MSM or WSW [Women who have sex with women]... Representatives of a Western embassy confirmed this, stating that there was no systematic state persecution, and no persecution from one city to another... According to another Western embassy, there was no active surveillance in an organised form...’⁵⁴

- 7.3.7 Human Rights Watch in its report covering events in 2020 stated:

‘Charges against 47 men for crimes under the Same Sex Marriage Prohibition Act (SSMPA) of 2014 were struck out in October [2020] after the court found that the prosecution had failed to diligently prosecute the case and provide evidence. The trial, which began on December 2019, is the [first to be brought under the SSMPA](#), which criminalizes same-sex conduct as well as public displays of same-sex amorous relationships, same-sex marriages, and the registration of gay clubs, societies, and organizations.’⁵⁵

- 7.3.8 Similarly the USSD Human Rights report 2020 added in respect of the same court case: ‘On October 27 [2020], the Federal High Court in Lagos ... struck out the charges due to a “lack of diligent prosecution” after the prosecuting counsel repeatedly failed to present witnesses or evidence for court proceedings among other concerns.’⁵⁶

- 7.3.9 The US Commission on International Religious Freedom: Factsheet: Shari’a and LGBTI Persons stated with regard Shari’a penal codes against LGBTI persons adopted in northern states:

‘...Convictions are rare due to strict requirements regarding evidence and witnesses. In 2014, a few cases tried by a Shari’a court in Bauchi state led to public floggings of those found guilty. More frequently, public officials use the threat of harsh punishment, or the threat of public shaming, to extort bribes

⁵³ BFA Staatendokumentation: ‘[...situation of sexual minorities...](#)’ (Page 35), 29 January 2021

⁵⁴ BFA Staatendokumentation: ‘[...situation of sexual minorities...](#)’ (Page 45), 29 January 2021

⁵⁵ HRW, ‘[World report 2021](#)’ (Nigeria), January 2021

⁵⁶ USSD, ‘[2020 Human Rights...](#)’ (section 6), March 2021

from individuals accused of violating laws against LGBTI activity. Those accused of LGBTI activity have also been subject to arbitrary detention, unlawful search of property, and beatings and torture at the hands of state security forces...'⁵⁷

- 7.3.10 Mai Sato and Christopher Alexander in a March 2021 Eleos Justice (Monash University) paper, 'State-Sanctioned Killing of Sexual Minorities: Looking Beyond the Death Penalty' (a joint report between Eleos Justice and Capital Punishment Justice Project), and citing various sources stated:

'In the twelve states in Northern Nigeria, although no executions for same-sex sexual conduct have been reported, cases have been processed through the criminal justice system. We have identified a case [in 2005] where a man was on death row awaiting execution by stoning for sodomy...; however, his fate remains unclear. In other cases, judges have passed death sentences for same-sex sexual conduct, but they are either overturned on appeal or commuted to imprisonment following pressure from human rights groups [2007]. In 2014, in the State of Bauchi, a local Sharia court found a 20-year-old man guilty of sodomy... The judge decided against death by stoning (the prescribed punishment) because the incident had occurred seven years prior to the trial and the defendant showed great remorse; he was whipped in public and ordered to pay a fine... This man was one of 12 arrested for belonging to a "gay organisation": the arrest involved the police luring and later torturing the men into providing a list of 168 gay men belonging to the gay organisation [2014] ... There is much enthusiasm amongst the police for enforcing the laws against homosexuality: as recently as September 2020, two men aged 32 and 20 were arrested for homosexual acts at a hotel in the State of Jigawa, after residents of the area overheard them arguing over money...'⁵⁸

- 7.3.11 The USSD Human Rights report 2020 stated: 'Sharia courts did not impose such sentences [execution by stoning] during the year. In previous years individuals convicted of same-sex sexual conduct were sentenced to lashing.'⁵⁹
- 7.3.12 The Freedom in the World 2021 report stated: '...LGBT+ people are also subject to assault by police officers during arrests, extortion attempts, and discrimination when accessing public and private services.'⁶⁰
- 7.3.13 Amnesty International in their report The State of the World's Human Rights; Nigeria 2020 – stated: 'Gay men, lesbians and bisexual people continued to be arrested by security agents on the basis of their sexuality...'⁶¹
- 7.3.14 A Netherlands MofFA COI report on Nigeria, published in March 2021 and citing various sources stated:

'The number of reports of human rights violations against LGBTI people involving government officials increased during the reporting period, according to TIER figures. As already noted, TIER recorded 330 incidents

⁵⁷ USCIRF, '[Factsheet: Shari'a and LGBTI Persons](#)', March 2021

⁵⁸ Sato & Alexander, '[... Looking Beyond the Death Penalty](#)' (Pages 33-34), 4 March 2021

⁵⁹ USSD, '[2020 Human Rights...](#)' (section 6), March 2021

⁶⁰ Freedom House, '[Freedom in the world 2021: Nigeria](#)', 3 March 2021

⁶¹ AI, '[...The State of the World's Human Rights: Nigeria 2020](#)', 7 April 2021

against LGBTI people in 2019... Government officials were the perpetrators in 71 cases, and 11 cases involved a combination of civilians and state actors... Government officials were the perpetrators in 32 out of 210 cases between December 2016 and November 2017, 607 and in 46 incidents between December 2017 and November 2018... In 2019, state actors were responsible for privacy violations, arbitrary arrests and extrajudicial detention... Examples are discussed in the following paragraphs on criminal prosecution of LGBTI people...'⁶²

- 7.3.15 With regard to police investigations of violations of the SSMPA the Netherlands MofFA report stated:

'There is no single procedure for police and criminal investigations of violations of the SSMPA. With regard to the evidence leading to arrests, TIER stated that arrests were often based on information illegally obtained by confiscating the phones of alleged LGBTI individuals,... subjective evidence such as the observation that a male detainee had 'feminine traits',... and reports from relatives or neighbours.... A report on the human rights situation for LGBTI people in Nigeria between 2016 and 2019 stated that arrests often took place at parties of groups of men in private homes or hotels... A review by the Human Dignity Trust of arrests that had taken place since the SSMPA came into force in 2014 indicated that these arrests were made on the basis of both the SSMPA and other national and local religious laws (including sharia) prohibiting homosexuality...'⁶³

- 7.3.16 A Netherlands MofFA COI report on Nigeria, published in March 2021 and citing various sources stated:

'The authorities operate an active arrest policy against LGBTI people: dozens were arrested during the reporting period [June 2018 to March 2021]. TIER counted 30 arrests/detentions of LGBTI people in 2018 and 33 such cases in 2019. Several sources interviewed by the Swiss Staatssekretariat für Migration in April 2020 indicated that a number of arrests had also taken place in 2020... There were several mass arrests of actual or alleged LGBTI individuals during gatherings/parties in hotels... Witness accounts from LGBTI individuals indicated that these arrests could be accompanied by intimidation, humiliation and violence.... One common practice during arrests was the filming and broadcasting of videos of detainees, who were presented to the public by the police as homosexuals... In some cases, arrests and detention were associated with serious human rights violations such as abuse and torture... Some LGBTI people who were detained experienced inhumane treatment such as abuse, sleep deprivation and unsanitary practices that carried the risk of HIV infection...'⁶⁴

- 7.3.17 The same Netherlands MofFA report continued:

'In most cases, detainees were released on condition that they paid large ransoms to the officers who had arrested them... Almost all sources consulted for this report stated that extortion against LGBTI individuals by police officers is a very common phenomenon in Nigeria... A confidential

⁶² Netherlands – Ministry of Foreign Affairs, [COI report Nigeria](#), (Section 3.4.4), March 2021

⁶³ Netherlands – Ministry of Foreign Affairs, [COI report Nigeria](#), (Section 3.4.4), March 2021

⁶⁴ Netherlands – Ministry of Foreign Affairs, [COI report Nigeria](#), (Section 3.4.4), March 2021

source indicated that if detainees could not afford this ransom themselves, Nigerian LGBTI interest groups often paid it on their behalf... These organisations have set up legal help desks that try to monitor when individuals are arrested so that they can assist them if necessary... Despite these efforts to get LGBTI people released in return for payment, media and advocacy groups reported on various cases where LGBTI individuals spent several weeks in detention,... sometimes in very poor conditions... There was one report in May 2018 of a gay man who at that time had spent nine months in prison on charges of homosexual activity.... According to the NGO Erasing 76 Crimes, it is impossible to compile a complete list of Nigerian LGBTI people currently in detention, because media coverage does not consistently monitor who is arrested and released...'⁶⁵

7.3.18 With regard prosecutions, the Netherlands MofFA report stated:

'There have been no convictions under the SSMPA since this law came into force in 2014. LGBTI people were brought to court on the basis of this law for the first time during the reporting period. The case was eventually struck out... In December 2019, 47 men were brought to trial under the SSMPA for same-sex displays of affection in public places, an offence that carries a ten-year prison term... The men were among 57 individuals arrested in a police raid on a hotel in a poor neighbourhood of Lagos in 2018... Initially, the men were brought to court on charges of conspiracy, membership of a secret cult and participation in an illegal meeting. They were taken into custody pending satisfaction of their bail conditions (200,000 naira per person)... and then charged under the SSMPA for participating in initiation into a gay club... The first court hearing took place in December 2019. After the case was repeatedly adjourned after the prosecution witnesses failed to appear... the case was struck out by the Lagos high court in October 2020 due to lack of diligent prosecution. However, because the case has been struck out rather than dismissed, the men can be rearrested on the same charges... A confidential source indicated that the lack of prosecutions under the SSMPA is due in large part to the fact that LGBTI advocacy groups have "ransomed" most of those arrested under the SSMPA in recent years...'⁶⁶

7.3.19 In respect of prosecutions under Islamic law the Netherlands MofFA report stated: '... The sources consulted for this report also made no mention of the imposition of the death penalty by sharia courts for homosexual acts during the reporting period. However, there were arrests of alleged LGBTI individuals by the hisbah and the imposition of more lenient penalties by sharia courts...'⁶⁷

7.3.20 The News Agency of Nigeria, in an article from July 2021, reported that 5 men were arrested for 'suspected homosexuality' in Kano state (in northern Nigeria) after residents reported them⁶⁸. Pink Times added in respect of the same arrests:

⁶⁵ Netherlands – Ministry of Foreign Affairs, [COI report Nigeria](#), (Section 3.4.4), March 2021

⁶⁶ Netherlands – Ministry of Foreign Affairs, [COI report Nigeria](#), (Section 3.4.4), March 2021

⁶⁷ Netherlands – Ministry of Foreign Affairs, [COI report Nigeria](#), (Section 3.4.4), March 2021

⁶⁸ News Agency of Nigeria, '[Kano Hisbah arrests 5 men for allegedly engaging in...](#)', 12 July 2021

‘...deputy commander-general Shehu Tasi’u Is’haq ... said: “We arrested and transferred the errant students to our correctional centre at our headquarters in Sharada.

“While at our correctional centre, they will be re-oriented and at the close of the day, they will desist from their waywardness and turn a new leaf.

“Islam is opposed to same-sex partners, which is a taboo. As an institution, our responsibility is to correct youth, who are going astray, reminding them that devout Muslims forbid homosexual acts, which will not be tolerated.”

‘Kano is one of only two states in Nigeria where lesbianism is also punishable with death by stoning.’⁶⁹

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7.4 Police response

7.4.1 The EASO report of November 2018, citing various sources, observed:

‘A more positive attitude from the authority’s side was reported in March 2018, when the police commissioner and a traditional chief (obi) of Ibusa town, in Delta State, pledged their support to efforts by a human rights NGO (Levites Initiative for Freedom and Enlightenment - LIFFE) against blackmailing and extortion of gay people. A group of local criminals lured people, including gay men, in their hideouts in Ibusa where they were beaten, robbed, extorted and left naked on the streets. The police commissioner introduced the NGO to the state criminal investigation department to start a partnership. The commissioner was praised by LIFFE as “an effective and friendly police officer”...

‘In another case, according to ILGA, “a very rare case of accountability, in March 2016, the Federal High Court accepted evidence of violence, humiliation, and attempted extortion, eliciting a monetary award and public apology by the police force of Abuja against a well-known HIV activist.” ...’⁷⁰

7.4.2 The Gender and COVID-19 report on Nigeria published by the non-for-profits organisations TIERS and [Education as Vaccine](#) and funded by the [Open Society Initiative for West Africa](#) and the Ford Foundation stated with regard the prevalence of sexual violence against women and girls during the COVID-19 pandemic: ‘Police officers have... engaged in “contact tracing” of lesbian, gay and bisexual people through questioning and searching people allegedly violating government restrictions. If evidence of same-sex sexual activity is found, these officers engage in blackmail and extortion, forcing them to reveal identities of others, whom they then arrest, blackmail, extort money, and force them to divulge more names.’⁷¹

7.4.3 The Austrian COI report 2020 stated and citing a range of sources:

‘The police have only a low level of awareness and understanding of the problems of MSM... This also applies to WSW. WHER [NGO - Women’s Health and Equal Rights Initiative, Nigeria] reports that members of sexual minorities feel they are taking a risk as soon as they contact the police... An

⁶⁹ Pink News, [‘Terrifying police raid ends with five Nigerian men arrested for...’](#), 13 July 2021

⁷⁰ EASO, [‘Targeting individuals’](#) (Pages 125-126), November 2018

⁷¹ Chitra Nagarajan (TIER), [‘Gender and COVID-19 in Nigeria. Violence Against...’](#), August 2020

NGO working in the field of MSM reported to the 2015 FFM that there are no police investigations in cases of violence against people perceived as MSM. It is easily possible that the police will not intervene when a crime is committed or will arrest the victim instead of the perpetrator... This information was confirmed by an international organisation active in the field of health and development research... Also during the 2019 FFM, a local NGO stated that there is no police protection for sexual minorities in case of harassment or social violence. This could even lead to police coercion. The source gave an example where no police investigation was conducted after a proven rape... A Nigerian journalist and activist stated that women were additionally discriminated against in this respect. The source gave examples where the police -despite proven rape -did not investigate. "Police think that a rape case of lesbians or gays is a laughing matter. (...) If a lesbian woman would go to court she would not get any sympathy." ...

'According to a diplomatic source, however, it could be considered a general problem in Nigeria that the police are reluctant to work and that the standard of policing is low. The police often do not consider civil vigilantism to be wrong and therefore do not intervene. This is not only true in connection with MSM, but also for other cases of vigilantism...

'In case of human rights violations, the state National Human Rights Commission (NHRC) can also be called upon. The NHRC is an extra-judicial mechanism which, according to its own description, aims to "create an enabling environment for the promotion, protection and enforcement of human rights"... The 2019 FFM showed that the NHRC is now perceived more positively regarding sexual minorities...'⁷²

7.4.4 The USSD Human Rights report 2020 stated: 'A 2016 Human Rights Watch report asserted police and members of the public used the law to legitimize human rights abuses against LGBTI persons, such as torture, sexual violence, arbitrary detention, extortion, and violations of due process rights.'⁷³

7.4.5 The Advocates for Human Rights in their submission to the UN Committee on Enforced Disappearances in December 2021 stated:

'[Enforced disappearances] fail to be adequately investigated and prosecuted by State officials. Kidnapping and abduction on the basis of sexual orientation or gender identity is a serious issue that is often not reported to police because many LGBTI+ individuals fear discrimination, arbitrary arrest and detention, or being ignored by police. Under the Same Sex Marriage (Prohibition) Act, a wide range of activities associated with LGBTI+ life carry a prison sentence of ten years, disincentivizing LGBTI+ people to report incidents of enforced disappearance.'⁷⁴

7.4.6 A Netherlands MofFA COI report on Nigeria, published in March 2021 and citing various sources stated:

'The authorities rarely acted against serious violations of LGBTI people's human rights. LGBTI people whose rights had been violated rarely reported

⁷² BFA Staatendokumentation: '[...situation of sexual minorities...](#)' (Page 63-64), 29 January 2021

⁷³ USSD, [2020 Human Rights...](#) (section 6), March 2021

⁷⁴ Advocates for Human Rights, [UN Committee on Enforced Disappearances...](#) 1 December 2021

the perpetrators and rarely sought protection from the authorities... LGBTI victims feared further stigmatisation or blackmail and arrest... These fears were fuelled by public disapproval of homosexuality by those in positions of authority... However, a confidential source was aware of cases in which LGBTI individuals had successfully turned to the police for ad-hoc protection when attacked by angry mobs in Lagos. These individuals were allowed to stay overnight in the police station, but were forced to pay ransoms the next day in order to be released... Another confidential source indicated that there are some "good" individual officers who do offer protection to LGBTI people in the event of danger, but that at a structural level the police fail to do so.⁷⁵

7.4.7 The TIERS 2019 human rights report noted that:

'LGBTQI people find it extremely difficult to approach relevant government agencies for redress, for fear of stigma, more violence and discrimination... There are many cases where Police Officers arbitrarily arrest people perceived to be LGBTQI based on information illegally obtained from their phones, or based on circumstantial evidence. The Police Officers then demand huge sums of money from them to process their release. These violations often go unreported due to the lack of trust in law enforcement institutions...'⁷⁶

7.4.8 The Austrian COI report 2020 observed that: 'The vast majority of human rights violations against members of sexual minorities are committed by non-state actors. State protection is not to be expected in this respect.'⁷⁷

The same source reported, based on interviews conducted during the 2015 and 2019 FFMs with an NGO working in the field of MSM, Abuja (17.11.2015); Diplomatic Source A (18.11.2015); Diplomatic Source C (20.11.2015); Western Embassy B (9/10.2019); Representative of the local NGO C working in the field of sexual minorities (9/10.2019); Representative of the local NGO WHER working in the WSW field (9/10.2019): '...Several interlocutors of both the 2015 FFM and the 2019 FFM stated that no state protection was available. A representative of the local NGO WHER, which is active in the WSW sector put it like this: "As soon as you mention you are homosexual vis-à-vis the police you have shot yourself in the leg. You cannot expect any reaction or help when you are attacked."⁷⁸

7.4.9 The Immigration and Refugee Board of Canada (IRBC) in a report from February 2019 and citing a variety of sources stated:

'According to the Executive Director of ICARH [International Centre for Advocacy on Right to Health], state protection measures are "not really effective" and not pursued as the individual's sexual orientation could be made public... Similarly, John Campbell indicated that while there is a complaint mechanism to file complaints about police activities, the mechanism is "not effective, especially not for sexual minorities" ... The same source explained that it would be too dangerous for sexual minorities

⁷⁵ Netherlands – Ministry of Foreign Affairs, [COI report Nigeria](#), (Section 3.4.4), March 2021

⁷⁶ TIER, '[2019 Human Rights violations report based on SOGI](#)' (Page 18), 10 December 2019

⁷⁷ BFA Staatendokumentation: '[...situation of sexual minorities...](#)' (Page 10), 29 January 2021

⁷⁸ BFA Staatendokumentation: '[...situation of sexual minorities...](#)' (Page 63), 29 January 2021

to file complaints about police authorities as they may face repercussions from the police. Consequently, sexual minorities generally do not dare to file complaints against the police. As such, there are no state protection measures available to sexual minorities who are extorted by police authorities...

'According to Osifunke Ekundayo [who teaches law at the University of Ibadan and is a member of the Nigerian Bar Association], Nigeria established the National Human Rights Commission (NHRC) in 1995... According to the same source, a complaint mechanism was created at the headquarters and all of the six Zonal Offices of the NHRC, with "[a]dditional offices" being established, to handle complaints of human rights violations, free of charge... According to the RURCHEDI [Rural Renewal and Community Health Development Initiative] representative, there is a lack of awareness of the existence of the NHRC [National Human Rights Commission], which is "understaffed and underfunded"... According to sources, the NHRC is not effective in protecting the human rights of sexual minorities ..., "because same-sex relationships and acts are illegal in Nigeria" ... The RURCHEDI representative explained that "any effort" to file a complaint with the NHRC would place sexual minorities at risk of being re-arrested and charged for violating the Criminal Code Act and the SSMPA... Similarly, Osifunke Ekundayo explained that sexual minorities who are victims of violence and abuse by state and non-state actors are "too afraid to report or seek legal redress [through the] NHRC for fear of being arrested under SSMPA" ...'⁷⁹

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Section 8 updated: 19 January 2022

8. Societal attitudes and treatment

8.1 Societal norms and family treatment

- 8.1.1 The Immigration and Refugee Board of Canada (IRBC) in a report from February 2019 and citing a variety of sources stated: 'According to the independent researcher, many bisexuals get married to people of the opposite sex and have families in order to stop pressure from family members or to stop suspicions concerning their sexual orientation...'⁸⁰
- 8.1.2 The same IRBC report stated: 'According to sources, there is societal pressure in Nigeria to get married and have children... According to the OutRight board member, there are no statistics that indicate the prevalence of sexual minorities who are forced into marriage...'⁸¹
- 8.1.3 IRBC also stated: 'According to the [Women's Health and Equal Rights \(WHER\) Initiative](#) [s]exual minority women face the dual discrimination of being both women and possessing a sexual orientation or gender identity contrary to Nigerian societal norms. ... The abuse and discrimination experienced by sexual minority women begin[s] within their families and [is]

⁷⁹ IRBC, '[The Situation of Sexual and Gender Minorities in Nigeria \(2014-2018\)](#)', February 2019

⁸⁰ IRBC, '[The Situation of Sexual and Gender Minorities in Nigeria \(2014-2018\)](#)', February 2019

⁸¹ IRBC, '[The Situation of Sexual and Gender Minorities in Nigeria \(2014-2018\)](#)', February 2019

pervasive in workplaces, educational institutions, health care facilities, social settings and religious institutions...' ⁸²

8.1.4 Citing a range of sources with regard persecution of sexual minorities, the Austrian COI report stated:

'The society is hostile towards MSM and WSW... A representative of a local NGO put it this way to the 2019 FFM: "Generally, society is hostile to gay persons"...

'Usually people in same-sex relationships try to keep this fact secret from their own family and social environment. In this way they try to avoid stigmatisation, discrimination, exclusion and -in some cases – violence... Sexual orientation tends to be lived out inside the home, not outside... MSM and WSW have to live their lives quietly in order not to attract attention... Some of them lead a double life. According to a diplomatic source dealing with the issue, many MSM are married and do not deal with their sexuality openly... An international organisation working in health and development research stated that 50 % of all MSM are either married and/or practice bisexuality... Two sources stated that the majority of MSM engage in bisexual relations. Some MSM even have four wives and are still active members of the MSM community... According to two sources, some women married to MSM know about the sexual preferences of their spouse...

'The reason for these marriages is the strong pressure to marry and have children in Nigerian and other African societies:...

'"The transition from adolescence to social adulthood required a man to become (or be thought to become) a father, a woman to become a mother; the transition to respected elder required grandchildren... In the absence of any semblance of welfare state, moreover, children continue to be valued (indeed, are imperative in many cases) for social security"...

'Consequently, most people in same-sex relationships in Nigeria also have sexual intercourse with the opposite sex or intend to marry a member of the opposite sex and have children...

'According to a local NGO, interviewed by the 2019 FFM, MSM usually marry to hide their sexual orientation, whereas WSW would not... According to the WSW NGO WHER, both MSM and WSW marry to keep their sexual orientation secret. To this end, some WSW would even marry MSM...' ⁸³

8.1.5 The same source concludes: 'The social environment leads to secrecy of same-sex relationships. Many people do not deal with their sexuality openly. Many members of sexual minorities are married "normally". On the one hand, this serves as a cover-up, on the other hand it serves to conform to social norms.' ⁸⁴

8.1.6 The same Austrian report stated:

'Several sources stated to the 2015 FFM that an MSM who outs himself risks being rejected or disowned by his family. Parents and family may stop giving

⁸² IRBC, '[The Situation of Sexual and Gender Minorities in Nigeria \(2014-2018\)](#)', February 2019

⁸³ BFA Staatendokumentation: '[...situation of sexual minorities...](#)' (Pages 25-26), 29 January 2021

⁸⁴ BFA Staatendokumentation: '[...situation of sexual minorities...](#)' (Page 26), 29 January 2021

any aid.... A Nigerian journalist and activist told the 2019 FFM that coming out to the family was very risky. MSM and WSW risk being abandoned by the family or sent to “spiritual” places for “healing”.... A local NGO confirmed the practice of taking especially younger family members to churches, for example to eliminate the homosexuality of their own child through prayer, or where the child itself undergoes “conversion therapy.”... This also applies to WSW. The local NGO WHER, which is active in the WSW sector, explains: “... it would be difficult for that person to be accepted. She might be accepted; but it also might get ugly - involving violence, send her away, religious correction facilities - you are possessed’, locking her up... People fear what they don’t understand.”...

‘Rarely are homosexual family members accepted, and they tend to be more easily accepted in educated families. There is no difference between WSW and MSM in this respect... A Western embassy stated that social persecution begins within the family: “Their own family turns on them.” Another Western embassy stated that people who come out as homosexual risk violence from the family or are excluded - even from financial support...

‘If family members and close friends are informed about a person’s sexual behaviour and accept it, it is much easier for MSM to deal with or avoid abuse and ill-treatment. This is especially true in cases of blackmail: “Those who [are] out to the most important people in their lives - especially families - [are] in a significantly better position to confront blackmailers and deal with threats”...⁸⁵

8.1.7 The 2019 TIER survey of the Nigerian public showed:

- ‘About 30% said they would accept a family member if the person is homosexual,
- ‘60% of the respondents said they would not accept a homosexual family member, and
- ‘10% were not sure whether or not they would accept the family member.
- ‘The South South has the highest proportion of respondents (44%) who say they will accept a homosexual family member.
- ‘The South West region has the highest number of respondents (79%) who say they will not accept a homosexual family member.
- ‘More male respondents (62%) say they will not accept a family member if the family member is homosexual compared to;
- ‘59% of female respondents who say they will not accept a homosexual family member.
- ‘Also, younger people seem to be more accepting of a homosexual family member when compared to their older counterpart.’⁸⁶

8.1.8 The DFAT country information report 2020 observed: ‘Both gay men and lesbians face considerable societal and family pressure to enter into heterosexual marriages. DFAT considers credible reports of gay men being

⁸⁵ BFA Staatendokumentation: ‘...situation of sexual minorities...’ (Page 69-70), 29 January 2021

⁸⁶ TIER/Vivid Rain, ‘[Social perception survey – Lesbian, gay, bi-sexual and transgender...](#)’, June 2019

ostracised and forced out of their family homes once their sexual orientation had become known.’⁸⁷

8.1.9 The Austrian COI report 2020 report stated: ‘Gender roles are - also in the sexual sphere - strongly patriarchal in society and religion. Same-sex relationships are perceived as a threat to patriarchy and at the same time as alien. Moreover, sexuality is not openly discussed, taboos are created. This in turn promotes discrimination and human rights violations of members of sexual minorities.’⁸⁸

8.1.10 The Gender and COVID-19 report on Nigeria published by the non-for-profits organisations TIERS and Education as Vaccine and funded by the Open Society Initiative for [West Africa](#) and the Ford Foundation stated:

‘Lesbian, gay, bisexual, trans, queer and intersex (LGBTQI) people have experienced more familial verbal and physical abuse [since the pandemic]. Many have had to spend more time with family, including through having to move in with them due to reduced incomes or schools closing. They have been thrown out and made homeless by parents after their sexual orientation or gender identity was discovered. They have been forced to stay in abusive relationships or with abusive ex-partners. They have been forcefully outed, blackmailed, beaten and threatened, including with being killed.’⁸⁹

8.1.11 The Netherlands MoFA COI report on Nigeria, published in March 2021 and citing various sources stated:

‘Sources interviewed by the IRBC and the Swiss Immigration Service indicated that lesbian and bisexual women were more accepted by Nigerian society than gay and bisexual men. However, several sources indicated that this is a result of their oppression within the family. According to these sources, lesbian women are less likely to be discriminated against or subject to violence because they are not given the opportunity to express their sexual orientation at all...’⁹⁰

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8.2 Public opinion

8.2.1 The Foreign, Commonwealth and Development Office travel advice for Nigeria stated: ‘Homosexuality is generally viewed as unacceptable in Nigeria.’⁹¹

8.2.2 The Immigration and Refugee Board of Canada (IRBC) in a report from February 2019 and citing a variety of sources stated

‘Human Rights Watch cites lesbian and bisexual women interviewed for their 2016 report on the situation of sexual minorities in Nigeria as stating that fear of being perceived as “guilty by association” leads them to avoid associating with other LGBT community members, which increases their isolation and, in

⁸⁷ DFAT, ‘[Country information report: Nigeria](#)’ (paragraph 3.100), updated 3 December 2020

⁸⁸ BFA Staatendokumentation: ‘[...situation of sexual minorities...](#)’ (Page 21), 29 January 2021

⁸⁹ Chitra Nagarajan (TIER), ‘[Gender and COVID-19 in Nigeria. Violence Against...](#)’, August 2020

⁹⁰ Netherlands – Ministry of Foreign Affairs, [COI report Nigeria](#), (Section 3.4.4), March 2021

⁹¹ FCDO, ‘[Foreign travel advice – Nigeria – Local laws and customs](#)’, updated 24 December 2021

some cases, eventually compels them to marry a person of the opposite sex, have children, and conform to "socially pr[e]scribed gender norms"...⁹²

8.2.3 The same IRBC report stated:

'In correspondence with the Research Directorate, the Executive Director of the WHER Initiative indicated that both bisexuality and homosexuality are viewed negatively as all same-sex practices and relationships and that neither bisexuals nor homosexuals are accepted in Nigerian society... According to the IYHI [Improved Youth Health Initiative] representative, people "often perceive bisexual individuals as perverts and evil people who do evil things"... In correspondence with the Research Directorate, the Director of Equality Triangle Initiative explained that

"[m]ost people classify bisexual persons as either lesbians or gay. The reason for this is the low visibility of bisexual persons within the LGBT community as well as the intra-community discrimination and stigma that bisexual [persons] face within the LGBT community. However, the high level of stigma and discrimination can also influence [whether people] self-identif[y] as bisexual, as some people find it more comforting to claim this label as part of countering social pressures and stigma..."⁹³

8.2.4 The Austrian COI report 2020 stated:

'An Organisation active in health and development research declared in 2015: "Things are getting better but there is still room for improvement. Gradually people become aware of the MSM population. For those who are enlightened it is nothing new, especially for the young ones, who travel, it is not an issue anymore"...

'To the 2019 FFM, a local NGO described Nigerian society as hostile to sexual minorities but added that this attitude is slowly changing... In general, social tolerance towards homosexuality is increasing according to a human rights lawyer interviewed by the 2019 FFM:

"Today people are gradually accepting the fact that LGBTIQ people are there and that they are going to stay. "But this is not with hugs and kisses.".... There has been some form of improvement concerning acceptance, it is not as bad anymore. Before the law [SSMPA], people didn't care, and they are going back to that point. Nigerians didn't care about what was behind the doors, we are going to be brought to that state again."

'However, the same source puts the general situation of Nigerian society into perspective shortly afterwards:

"There is a high level of intolerance today. People are quick to react violently in the entire country, but not just in the case of homosexuality. You could be accused of anything. You could be lynched and punched to death. That is the mood in the country. Because of kidnappings there is a tense atmosphere in the country. People prefer to travel by air. If you can afford to fly you would do so, driving is dangerous..."⁹⁴

⁹² IRBC, '[The Situation of Sexual and Gender Minorities in Nigeria \(2014-2018\)](#)', February 2019

⁹³ IRBC, '[The Situation of Sexual and Gender Minorities in Nigeria \(2014-2018\)](#)', February 2019

⁹⁴ BFA Staatendokumentation: '[...situation of sexual minorities...](#)' (Page 23), 29 January 2021

8.2.5 The 2019 TIERS survey stated:

‘... Although Nigerians have consistently shown a negative attitude towards LGBT rights issues, there has been a gradual increase in acceptance as shown by the results from this survey.

- ‘About 60% of Nigerians will not accept a family member who is LGBT. While this number is high, in 2017, 83% of Nigerians were not willing to accept such a family member. This represents a significant change in acceptance levels.
- ‘Similarly, there were positive changes in the attitude to the Same Sex Marriage Prohibition Act as more Nigerians appear to no longer support the law. In 2015, 90% of respondents surveyed supported the law but in 2019 about 75% support it. This shows a 15% drop in 4 years.
- ‘In addition, there is a 13% drop in the proportion of Nigerians who believe that people should be jailed for 14 years for having same sex relationships, as 74% of respondents surveyed in 2019 are in support of jail terms as opposed to 91% of respondents in 2017.
- ‘Conversely, there appears to be a downward trend in the awareness of LGBT persons as fewer numbers reported being aware of relatives, community members, or famous people who are LGBT.’⁹⁵

8.2.6 A Pew Research Centre report from June 2020 which looked at levels of acceptance for homosexuality across globe, it reported that social attitudes towards LGBTI individuals remained negative, but had begun to show improvement. The survey noted that 7% of survey respondents stated that homosexuality should be accepted⁹⁶. Compared to the survey in 2013 when 1% said that it should be accepted⁹⁷

8.2.7 The DFAT country information report 2020 stated: ‘In-country sources report all socioeconomic groups in Nigeria hold negative views of homosexuality, which many consider to be alien to traditional African culture.’⁹⁸

8.2.8 A Netherlands Ministry of Foreign Affairs (MofFA) COI report on Nigeria, published in March 2021, covering the reporting period June 2018 to March 2021 and citing various sources stated: ‘... several studies indicated that social attitudes towards LGBTI individuals have slightly improved over the past years.’⁹⁹

8.2.9 The USSD Human Rights report 2020 stated: ‘In general the public considered HIV to be a disease, a result of immoral behavior, and a punishment for same-sex sexual conduct.’¹⁰⁰

8.2.10 A Netherlands Ministry of Foreign Affairs (MofFA) COI report on Nigeria, published in March 2021 and citing various sources stated:

⁹⁵ TIER/Vivid Rain, ‘[Social perception survey – Lesbian, gay, bi-sexual and transgender...](#)’, June 2019

⁹⁶ Pew Research Centre, ‘[The Global Divide on Homosexuality Persists](#)’ (page 7), 25 June 2020.

⁹⁷ Pew Research Centre, ‘[The Global Divide on Homosexuality](#)’ (page 23), 4 June 2013

⁹⁸ DFAT, ‘[Country information report: Nigeria](#)’ (paragraph 3.96), updated 3 December 2020

⁹⁹ Netherlands – Ministry of Foreign Affairs, [COI report Nigeria](#), (Section 3.4.4), March 2021

¹⁰⁰ USSD, [2020 Human Rights...](#)(section 6), March 2021

'[Sources](#) interviewed by the IRBC and the Swiss Immigration Service indicated that lesbian and bisexual women were more accepted by Nigerian society than gay and bisexual men. However, several sources indicated that this is a result of their oppression within the family. According to these sources, lesbian women are less likely to be discriminated against or subject to violence because they are not given the opportunity to express their sexual orientation at all...¹⁰¹

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8.3 Violence and discrimination

- 8.3.1 Agnes Callamard, United Nations Special Rapporteur (SR) for Extrajudicial, Summary or Arbitrary Executions (Agnes Callamard, SR statement September 2019) stated in a statement of September 2019 following a visit to Nigeria that:

'The Same-Sex Marriage (Prohibition) Act 2013, which took effect in Nigeria in January 2014, has allegedly led to an increase in extortion and violence against lesbian, gay, bisexual, transgender and intersex persons and imposed restrictions on non-governmental organizations that provide essential services for those persons...

'Members of the lesbian, gay, bisexual, transgender and intersex community live in constant fear. In some cases reported to the Special Rapporteur, lesbian, gay, bisexual, transgender and intersex persons have been subjected to humiliating treatment or mob attacks, both in private households and on the streets. Three alleged killings of individuals because of their perceived sexual orientation were reported, with the individuals being beaten to death. In general, victims and families do not file complaints about those cases. The Special Rapporteur reminds the authorities that a formal complaint is not required to initiate an investigation into an unlawful death.'¹⁰²

- 8.3.2 A stakeholder in a submission of August 2018 to the UN Human Rights Council said that discrimination against LGBT persons had remained institutionalised in families and communities¹⁰³.
- 8.3.3 The stakeholder summary also reported: 'Since its enactment there had been an increase in crimes and human rights violations against LGBT persons and their defenders... JS13¹⁰⁴ stated that the Act and other discriminatory laws had been used to subject the LGBT community to violations including invasion of privacy, assault and battery, black mail and extortion, denial of access to amenities and education....'¹⁰⁵
- 8.3.4 The Gender and COVID-19 report on Nigeria published in August 2020 by the non-for-profits organisations TIERS and Education as Vaccine and funded by the Open Society Initiative for [West Africa](#) and the Ford Foundation stated: '... More cases of corrective rape of lesbian and bisexual

¹⁰¹ Netherlands – Ministry of Foreign Affairs, [COI report Nigeria](#), (Section 3.4.4), March 2021

¹⁰² UNHRC, '[Visit to Nigeria ; Report of the Special Rapporteur on extrajudicial...](#)', 11 June 2021

¹⁰³ UN HRC, '[Stakeholder summary](#)' (paragraph 10), 24 August 2018

¹⁰⁴ [Joint submission 13](#): 'Women Action for Gender Equality, Kano, Nigeria; Coalition of African Lesbians, Braamfontein, Johannesburg; and Sexual Rights Initiative, Ottawa, Canada'

¹⁰⁵ UN HRC, '[Stakeholder summary](#)' (paragraph 12), 24 August 2018

women were reported to The Initiative for Equal Rights in four months than the preceding three years.’¹⁰⁶

8.3.5 Rights Africa reported in November 2020: ‘A young man in Lagos, Nigeria, reportedly committed suicide last week after he was blackmailed by homophobes’¹⁰⁷

8.3.6 The Austrian Federal Office for Immigration and Asylum in a January 2021 report stated and citing a range of sources:

‘The stigma attached to sexual minorities in Nigeria also leads to violence... The society is hostile towards MSM and WSW... A representative of a local NGO put it this way to the 2019 FFM [Fact finding mission] “Generally, society is hostile to gay persons”... Consequently, homophobic incidents occur... Generally, persecution emanates mainly from society... The following types of human rights violations were mentioned by the sources to the delegations of the 2015 and 2019 FFMs: Threats; taunts; blackmail; coercion; physical assault (sometimes resulting in death); degrading treatment; dismissal.... Sometimes members of sexual minorities are forced to vacate their homes, for example by landlords or young people....

‘When the SSMPA was hotly debated towards the end of 2013 and the beginning of 2014, sexual minorities were in the spotlight. As one diplomatic source dealing with the issue put it: “The situation became more dangerous for both LGBTI persons and LGBTI activists. Violence was more likely to occur.” There actually was an increase in violence and incidents against sexual minorities. The more sexual minorities and the SSMPA were being discussed, the more upset many people became... Other diplomatic sources dealing with the issue stated that incidents -such as public humiliation or beating of MSM had always occurred. The MSM community did not give any indication to these sources that their situation had become more difficult due to the new law. The sources did not perceive an increase in violence nor an increase in targeted attacks...

‘Representatives of a Western embassy, however, told the 2019 FFM delegation that the situation for MSM and WSW had worsened after the adoption of the SSMPA. It became more difficult for these groups of people to live in peace or to come out... According to a local NGO, the extent of homophobia has not changed, but the way people act has. Physical violence decreased, but coercion or blackmail increased...

‘The information gathered by the 2015 FFM delegation indicates that the majority of human rights violations against MSM and WSW are not committed by state actors but by others (e.g., family members, neighbours, youth gangs, etc.)... The interviews of the 2019 FFM do not suggest this to the same extent. For instance, a local NGO and a human rights lawyer state that the level of social violence has decreased... In any case, the sources of the 2019 FFM agree that there is hardly any state protection in the case of social violence or that MSM and WSW can hardly turn to the police for help in such cases...

¹⁰⁶ Chitra Nagarajan (TIER), ‘[Gender and COVID-19 in Nigeria. Violence...](#)’ (page 3), August 2020

¹⁰⁷ Rights Africa, ‘[Nigerian youth commits suicide after being blackmailed...](#)’, 2 November 2020

'The NGO TIERs describes as follows human rights violations by non-state actors: "On the other hand, blackmail and extortion were the most common types of violations perpetrated by non-state actors. There were also many cases of entrapment: perpetrators pretending to be LGBTQI to lure and attack others. "...¹⁰⁸

8.3.7 Pink News in an article in March 2021 stated:

'LGBT+ Nigerians say they are being targeted by homophobes on Clubhouse.

'For Nigeria's embattled queer activists, Clubhouse offered them a vital lifeline, a "safe haven", as one told Time, for the community to gather and speak freely.

'The invite-only, drop-in audio chat app allows users to listen in on conversations. But LGBT+ members say after joining, they quickly encountered rampant homophobia.

'They described how anti-queer Clubhouse users are hosting chatrooms that appear friendly. When an unsuspecting user logs-in, they are greeted not by the love and freedom they expected, but seething abuse and hatred.'¹⁰⁹

8.3.8 The US Commission on International Religious Freedom: Factsheet: Shari'a and LGBTI Persons dated March 2021 stated: '... individuals suspected of violating laws against LGBTI activity are often victims of mob justice, with human rights organizations accusing the government of complicity and willful impunity for the perpetrators.'¹¹⁰

8.3.9 Amnesty International in their report The State of the World's Human Rights; Nigeria 2020 – stated: '... gay men were subjected to blackmail and extortion by mobs and individuals.'¹¹¹

8.3.10 A Netherlands MoffA COI report on Nigeria, published in March 2021 and citing various sources stated:

'In 2019, most of the perpetrators (248 individuals) of the 330 cases of violence and other human rights violations against LGBTI individuals reported by TIER were fellow citizens, including family members, acquaintances and strangers. Regarding violence against LGBTI people by strangers, a confidential source indicated that LGBTI advocacy groups consider fellow citizens, especially aggressive mobs, to be one of the greatest threats to the safety of LGBTI individuals, because the violence can easily get out of hand... According to witness reports, gay men were victims of attacks and rapes by unknown assailants... During the reporting period, LGBTI people were also lured to fake dates through dating apps such as Tinder, and then subjected to assault or rape.... Transgender individuals and intersex Nigerians were also vulnerable to excessive violence at the hands of fellow citizens, according to witness accounts in several reports...

'Acquaintances (including family members) were also guilty of human rights violations against LGBTI people. For example, there were cases where

¹⁰⁸ BFA Staatendokumentation: '[...situation of sexual minorities...](#)' (Page 46-47), 29 January 2021

¹⁰⁹ Pink News, '[Clubhouse is being hijacked by homophobes setting traps...](#)', 12 March 2021

¹¹⁰ USCIRF, '[Factsheet: Shari'a and LGBTI Persons](#)', March 2021

¹¹¹ AI, '[...The State of the World's Human Rights; Nigeria 2020](#)', 7 April 2021

LGBTI individuals were threatened and blackmailed by neighbours and household members when they found out about their sexual orientation... In many cases, family members were the perpetrators of violence against LGBTI individuals... [Sources](#) indicated that lesbians were particularly at risk of being subject to “corrective” rape... Both LGBTI men and women were abused and/or forced to undergo conversion therapy by family members. Such “therapies” could be very violent in character. During the reporting period, local NGOs and international media outlets published testimonials of Nigerian participants in conversion therapy who had been subject to various forms of assault such as whipping, rape, the pouring of oil into the vagina and the breaking of bottles over the head...’¹¹²

- 8.3.11 Rights Africa, a website for the [African Human Rights Media Network](#) which publishes a range of news articles, videos and commentaries¹¹³ reported in November 2021

‘In an all-too-common flare-up of ignorant homophobia, a video has gone viral on social media showing a young Nigerian man humiliated and stripped naked by an angry anti-gay mob.

‘In the latest video, the unidentified young man seems to have been set up by a contact who pretended to be gay, exiting the victim’s house just before the arrival of the mob, who speak Nigerian pidgin English.

‘Not much specific information can be obtained from the video, which follows the familiar pattern of LGBTIQ+ persons being lured and then exposed, humiliated, robbed, arrested or blackmailed.

‘Human rights advocates throughout Africa frequently warn LGBTIQ+ community members to be wary of going to any such private rendezvous that is arranged online.

‘The first part of the video shows one of the perpetrators leaving the victim’s house naked, while the young man quickly tries to lock himself inside the house to evade the mob that was already shouting and demanding that he open the door.

‘The later parts of the videos show him being hung downward from a wall, then stripped naked and paraded down a road before he is allowed to get dressed again.’¹¹⁴

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8.4 Religious groups

- 8.4.1 Rights Africa reported in March 2021: ‘The homophobic Church of Nigeria has scolded its American allies for “toleration of same-sex persons within their fold.”

‘Henry C. Ndukuba, archbishop of the Anglican Church of Nigeria, has declared there’s “no such thing as a ‘gay Christian”’.¹¹⁵

¹¹² Netherlands – Ministry of Foreign Affairs, [COI report Nigeria](#), (Section 3.4.4), March 2021

¹¹³ Rights Africa, ‘[About](#)’, no date

¹¹⁴ Rights Africa, ‘[Anti-gay mob seizes and humiliates young victim](#)’, 2 November 2021

¹¹⁵ Rights Africa, ‘[Nigerian church to anti-gay Americans: You’re not anti-gay enough](#)’, 1 March 2021

- 8.4.2 The Liverpool Law Review in an article from April 2021 and citing a variety of sources stated:

‘Religion contributes to the discrimination against same-sex relationships in Nigeria. Rev Musa Asake, a former general secretary of the Christian Association of Nigeria, supported the criminalisation of same-sex relationships when he stated as follows: “We don’t have to drift into a situation where we don’t have moral values because someone is giving us money”... Nigerian Anglican bishops are very vocal when it comes to matters regarding sexuality. They have threatened to break away from the worldwide Anglican Communion over what they consider the compromise of the Church of England regarding recognition of gay clergy... Rev Rumo James, a Baptist pastor based in Jos, Nigeria told a reporter that “homosexuality (sic) is a virus that degrades the family and its values, corrupts human cohabitation and offends God”... A Muslim cleric, Sheik Sani Yahaya who is the national chairman of the Ulama Council of the Jama’atu Izaltil Bid’ah Wa’Ikamatis Sunnah (JIBWIS) on his part has condemned homosexuality using the following words: “It is an abomination, it is a crime”...’¹¹⁶

- 8.4.3 The BBC reported in April 2021 how a Nigerian TV evangelist TB Joshua, with over 1.8 million followers, which includes prominent politicians has had his YouTube account suspended for alleged hate speech following complaints of videos showing him conducting prayers to “cure” gay people and cast out “demonic spirits”¹¹⁷.

- 8.4.4 The Council on Foreign Relations (CFR) featured on their website a blog post by John Campbell from April 2021 which stated

‘Born in 1963 into a Yoruba family, [T.B. Joshua](#) is a Pentecostal preacher with a huge following. He is pastor of the megachurch Synagogue Church of All Nations, with tens of thousands attending his weekly services in Lagos. He and his church are well-known for their extensive philanthropies; his personal net worth is estimated to be [US]\$10 million. His church is fiercely homophobic. He regularly performs “exorcisms” to rid persons of evil spirits and demons that were the cause of their homosexuality. Some of these exorcisms appeared to be violent.

‘...Joshua is appealing the decision [to shut down his YouTube channel] ... T.B. Joshua’s hostility to homosexuality is a reflection of a deep-seated consensus in Nigeria, at least for the time being. (Homophobic attitudes in Nigeria have been decreasing but are still widely held.)...’¹¹⁸

- 8.4.5 The Netherlands Ministry of Foreign Affairs (MofFA) COI report on Nigeria published in March 2021 and citing various sources stated: ‘Religious background is not a determining factor in the degree to which Nigerians accept or reject homosexuality. Research has indicated that acceptance of

¹¹⁶ Arimoro, A.E. ‘[Interrogating the Criminalisation of Same-Sex Sexual Activity: A Study of Commonwealth Africa](#)’, Liverpool Law Rev, 27 April 2021

¹¹⁷ BBC, ‘[TB Joshua: YouTube blocks Nigerian preacher over gay cure claim](#)’, 16 April 2021

¹¹⁸ CFR, ‘[Nigerian and Western Values Collide](#)’, 20 April 2021

the LGBTI community is very low among both Christians (6%) and Muslims (8%) in Nigeria...'¹¹⁹

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8.5 Media

8.5.1 The Austrian COI report 2020 stated: 'While negative media coverage of sexual minorities continues to predominate, a trend towards liberalisation is also noticeable. Very often there is now objective reporting, and films on the subject have also been released.'¹²⁰

8.5.2 TIERS in a 2019 Human rights violations report based on sexual orientation and gender identity stated:

'For the longest time, the Nigerian media has rolled out negative portrayals of the LGBT+ community in news stories, opinion pieces, movies and other forms of media. Queer storytellers and filmmakers have little to no platforms or opportunities to tell or amplify their stories. The press and news outlets sensationalize reportage of anything concerning LGBT+ people in Nigeria for clicks. They use derogatory buzz words and headlines to attract views, ignoring the consequences of such stories on the lives of the Nigerian LGBT+ community. This kind of representation directly fuels stigmatization, misinformation and discrimination.

'Despite the prevalence of negative coverage and representation of LGBT+ people in Nigeria, the past couple of years have seen a slight increase in the positive coverage by Nigerian journalists in local and international press. Younger, more liberal journalists, as well as some platforms in Nigeria, have undertaken more responsible reporting around LGBT+ stories. 2019 saw articles in Guardian Nigeria, Premium Times, Zikoko, NewsWireNG and other local press establishments about issues around SOGIESC [sexual orientation, gender identity/ expression and sex characteristics] that were not debasing, antagonistic or derogatory.'¹²¹

8.5.3 The BBC reported in September 2020:

'Two Nigerian filmmakers face the prospect of imprisonment if they ignore the stern warning of the authorities and proceed with the release of a movie about a lesbian relationship.

'The dramatic face-off with the regulators - the Nigerian Film and Video Censors Board (NFVCB) - is worthy of a film itself.

'Producer Pamela Adie and director Uyaiedu Ikpe-Etim are determined that Ife (meaning "love" in the Yoruba language) reaches a Nigerian audience, but the NFVCB says it will not be approved as it violates the country's strict laws on homosexuality.

'To get around this, the filmmakers are planning a surprise online release to catch the regulators off-guard. The NFVCB, however, is diligently monitoring all digital platforms to prevent the movie from getting out...

¹¹⁹ Netherlands – Ministry of Foreign Affairs, [COI report Nigeria](#), (Section 3.4.4), March 2021

¹²⁰ BFA Staatendokumentation: ['...situation of sexual minorities...'](#) (Page 25), 29 January 2021

¹²¹ TIERS, ['2019 Human Rights violations report based on SOGI'](#) (Page 54 & 55), 10 December 2019

'The head of the NFVCB said there was no space for Ife or other homosexual movies in Nigeria, citing the law.

"There's a standing law that prohibits homosexuality, either in practice or in a movie or even in a theatre or on stage. If it's content from Nigeria, it has to be censored," Mr Thomas told the BBC.

'He said that whatever the platform was, "as long as it's Nigerian content and it's telling a Nigerian story, then we have a right to it".¹²²

- 8.5.4 A Netherlands MofFA COI report on Nigeria, published in March 2021 and citing various sources stated: 'The Nigerian media contributes to the stigmatisation of the LGBTI community and endangers LGBTI individuals by, for example, openly showing images of them in coverage of arrests... However, there was also increased visibility of LGBTI individuals on social media and in films and books...' ¹²³

- 8.5.5 The NoStrings website, an advocacy media platform for LGBTIQ news reported in November 2020:

'A Nigerian blogger... is leveraging social media to promote LGBTQ+ visibility and provide a safe space for members of the community to interact, share, and learn.'¹²⁴ The same website, in October 2021 reported on a video that was published by Channel 4 news in Nigeria which: '... highlighted Nigerian LGBT human rights activists who are fearlessly stepping out to validate queer existence and visibility in Nigeria...

'...Gay people in the country face continual persecution both from churches and from society at large. However, activists and human rights organizations are working tirelessly to ensure queer liberation is realized.

'Visibility is key to acceptance and many activists in the country are using their platforms to promote queer visibility.'¹²⁵

- 8.5.6 Freedom House in their 'Freedom on the net' 2021 report stated: 'Online media outlets, social media pages, blogs, and websites feature a diversity of voices, providing content produced by ethnic minorities, religious groups, women, and LGBT+ people.'¹²⁶

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8.6 Pro-LGBTI events / marches / gay pride

- 8.6.1 An Erasing 76 Crimes article from September 2020 stated:

'Nigerian human rights activist Samuel Uchenna has suggested that it may be time for public demonstrations by LGBTIQ+ Nigerians pushing back against the country's anti-gay biases.

'Sharing his thoughts on Twitter, the activist wrote: "Can/Should we organize a national march to demand the respect of our dignity as humans?"

¹²² BBC, '[The Nigerian filmmakers risking jail with lesbian movie Ife](#)', 15 September 2020

¹²³ Netherlands – Ministry of Foreign Affairs, '[COI report Nigeria](#)', (Section 3.4.4), March 2021

¹²⁴ NoStrings, '[Meet the Nigerian blogger who is using social media to amplify...](#)', 24 November 2020

¹²⁵ No Strings, '[...Nigerian LGBT activists fighting for LGBTIQ+ visibility](#),' 19 October 2021

¹²⁶ Freedom House: '[Freedom on the Net 2021 - Nigeria](#)', 21 September 2021

‘LGBTQ+ Nigerians, allies and activists have never organized a physical gathering demanding repeal of the country’s harsh Same-Sex Marriage Prohibition Act (SSMPA), although many LGBTIQ+-focused organizations have been fighting hard against LGBTIQ+ discrimination and oppression in other ways.’¹²⁷

- 8.6.2 CPIT (Country Policy and Information Team) was not able to find specific information on Pro- LGBTI events / protests in the sources consulted (see [Bibliography](#)).

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8.7 LGBTI ‘community’ and openness

- 8.7.1 The Immigration and Refugee Board of Canada (IRBC) in a report from February 2019 and a variety of sources stated:

‘According to sources, there are no gay districts in any urban... or rural areas in Nigeria... According to the attorney, there is limited tolerance towards sexual minorities in Abuja and Lagos, where there are a "few" gay bars... The OutRight board member explained that while there are no exclusively-gay bars anywhere in Nigeria, there are gay-friendly bars, namely in Abuja and Lagos... John Campbell stated, however, that there are "no clubs that cater openly to sexual minorities"... According to sources, homosexuals in Nigeria mostly socialize in private homes and with friends...’¹²⁸

- 8.7.2 The Austrian COI report 2020 stated citing a range of sources: ‘During the 2015 FFM [fact finding mission], an international health and development research organisation stated that MSM in Nigeria have a strong and well-connected community.

‘According to several sources from the delegation, most of the organisations active in the field of MSM are based in a state capital... Networks are stronger and better organised there than in rural areas...’¹²⁹

- 8.7.3 A Netherlands MoffA COI report on Nigeria, published in March 2021 and citing various sources stated:

- 8.7.4 ‘... there are some locations in large cities in Nigeria where LGBTI people could express their sexuality provided certain precautions were taken... In addition, at least one gay club in Lagos that had decided to close after the introduction of the SSMPA reopened during the reporting period... There were also a number of gay-friendly bars in Abuja, Lagos and Owerri... According to an LGBTI activist, it was possible for LGBTI people to express themselves freely to some extent in such bars (in his own words: “seventy percent freely”)... However, social events mostly took place in secret and were usually organised via social media in rented locations such as AirBnBs or hotels... Due to the risk of police raids, organisers often used strict protocols for admitting guests...’¹³⁰

¹²⁷ Erasing 76 Crimes, ‘[...Is it time to march against anti-LGBT bias](#)’, 21 September 2020

¹²⁸ IRBC, ‘[The Situation of Sexual and Gender Minorities in Nigeria \(2014-2018\)](#)’, February 2019

¹²⁹ BFA Staatendokumentation: ‘[...situation of sexual minorities...](#)’ (Page 37), 29 January 2021

¹³⁰ Netherlands – Ministry of Foreign Affairs, [COI report Nigeria](#), (Section 3.4.4), March 2021

8.7.5 The same source reported:

‘For all LGBTI people, stigmatisation, oppression and the risk of violence increase when they do not conform to traditional gender norms in their outward presentation. Transgender people, femme men and butch lesbians were at increased risk of police violence, according to Nigerian LGBTI activists. According to other sources, these individuals are also the most discriminated against when seeking access to various government services and employment.’¹³¹

8.7.6 The same source stated: ‘It is easier for economically independent individuals to express their orientation within the family and also within the wider community...However, wealth and status are no guarantees of security for LGBTI individuals: media coverage shows that wealthy LGBTI people have also been victims of violence.’¹³²

8.7.7 Freedom House in their ‘Freedom on the net’ 2021 report stated:

‘Nigeria’s LGBT+ community is marginalized, and online self-censorship is common among LGBT+ individuals... Many LGBT+ internet users report feeling unsafe using their real names online, preferring to engage anonymously... While members of the community may comment on or share content discussing or promoting LGBT+ issues, most are not open about their identity online, likely due to societal prejudice and measures like the Same-Sex Marriage (Prohibition) Act 2014, which criminalizes public displays of same-sex relationships...’¹³³

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Section 7 updated: 19 January 2022

8.8 Visibility of transgender and intersex persons

8.8.1 The Immigration and Refugee Board of Canada (IRBC) in a report from February 2019 and citing a variety of sources stated:

‘Sources indicate that homosexual men are the most visible among sexual minorities in Nigeria... According to a report published by Sweden’s Migration Agency, Lifos, following a fact-finding mission that was carried out in May 2014 in Nigeria, “[o]ther persons concerned within the LGBT designation, such as transgender and intersexual persons, are overwhelmingly unseen in society”... According to the same report, “[t]here are no statistics regarding [transgender persons]... Men dressed as women [do] not [undergo] sex change operations. It is not permitted in Nigeria. Intersexual children are sometimes left to die after birth. Those who are allowed to live stay hidden”’.¹³⁴

8.8.2 A Netherlands Ministry of Foreign Affairs (MofFA) COI report on Nigeria, published in March 2021 and citing various sources stated:

‘Transgender and intersex people remain the least visible categories of LGBTI people in everyday life in Nigeria. This was the conclusion of Lifos,

¹³¹ Netherlands – Ministry of Foreign Affairs, [COI report Nigeria](#), (Section 3.4.4), March 2021

¹³² Netherlands – Ministry of Foreign Affairs, [COI report Nigeria](#), (Section 3.4.4), March 2021

¹³³ Freedom House: ‘[Freedom on the Net 2021 - Nigeria](#)’, 21 September 2021

¹³⁴ IRBC, ‘[The Situation of Sexual and Gender Minorities in Nigeria \(2014-2018\)](#)’, February 2019

the Swedish migration agency, after a fact-finding mission in 2014... [see also above], and Nigerian activists stated that this was still the case during the reporting period [June 2018 to March 2021]... An LGBTI activist stated in October 2020 that Nigeria did not yet really have “a vocabulary” to talk about transgender people... A Nigerian transgender person living in the United Kingdom stated that it is almost impossible to live openly as a transgender person in Nigeria... With regard to discrimination against transgender people, another source also stated that disapproval of transgender women (women who were male at birth) in particular is related to the general disapproval of “feminine men”... There are a number of transgender celebrities in Nigeria such as the transgender women Bobrisky and Miss SaHHara. These individuals have a lot of followers on social media and are simultaneously very popular and very controversial... Miss SaHHara fled to the UK as a teenager after being subjected to threats and mistreatment from both fellow citizens and the authorities.’¹³⁵

- 8.8.3 CPIT was not able to find further information on transgender and intersex persons in the sources consulted (see [Bibliography](#)).

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Section 9 updated: 19 January 2022

9. LGBTI civil society and support organisations

- 9.1.1 The DFAT country information report 2020 observed: ‘Few human rights organisations work directly on lesbian, gay, bisexual, transgender and/or intersex (LGBTI) issues in Nigeria, or are prepared to speak openly about them.’¹³⁶
- 9.1.2 The [NoStrings.com](#) website described itself as:
- ‘Nigeria’s No.1 advocacy media platform for LGBTIQ News, information, podcast, opinions etc.
- ‘The platform uses journalistic approaches to capture, investigate and report LGBTIQ issues especially as it concerns the Nigerian LGBTIQ Community.
- ‘It’s aim is to debunk the negative ideas often put up by the Nigerian mainstream media against the Nigerian LGBTIQ community, thereby shaping perceptions and taking control of how the community wants to come across, it seeks to reflect/represent the true nature of what the community represents.
- ‘It’s overall aim is to educate and inform the general public about the subject of homosexuality in Nigeria, giving the community its own unique true voice.’¹³⁷
- 2.1.6 Outright Action International a human rights NGO registered in the US state on their website that it is not possible to register LGBTI organisations in Nigeria¹³⁸.

¹³⁵ Netherlands – Ministry of Foreign Affairs, [COI report Nigeria](#), (Section 3.4.4), March 2021

¹³⁶ DFAT, ‘[Country information report: Nigeria](#)’ (Paragraph 3.54), updated 3 December 2020

¹³⁷ NoStrings website, ‘[About Us](#)’, no date

¹³⁸ Outright Action International, ‘[Nigeria: At a glance](#)’, no date

- 9.1.3 The International Lesbian and Gay Association (ILGA) listed member organisations for Nigeria:
- ‘ACHIEVERS IMPROVED HEALTH INITIATIVE
 - ‘Access to Good Health Initiative
 - ‘Africa Rainbow
 - ‘African Focus For Youth Development
 - ‘Alliance Rights Nigeria
 - ‘Centre for the Right to Health (associate member)
 - ‘Changing Attitude Nigeria
 - ‘Concerned Women International Development Initiative
 - ‘House of Rainbow
 - ‘INCRESE
 - ‘Improved Sexual Health and Rights Advocacy Initiative
 - ‘Initiative for the Advancement of Improved Health and Development
 - ‘International Centre for Total Health and Rights Advocacy Empowerment
 - ‘Levites Initiative for Freedom and Enlightenment
 - ‘Male Attitude Network
 - ‘Queer Alliance Nigeria
 - ‘Society to Heighten Awareness of Women and Children Abuse (associate member)
 - ‘The Initiative for Equal Rights
 - ‘Total Health Empowerment and Development Initiative
 - ‘Women Initiative for Sustainable Empowerment and Equality
 - ‘Women’s Health and Equal Rights Initiative.’¹³⁹
- 9.1.4 The Bisi Alimi Foundation describes itself as a UK registered charity working towards social acceptance of LGBT people in Nigeria¹⁴⁰. The Foundation has a [Facebook](#) page.
- 9.1.5 The website ‘Where Love is a crime’ provides information on the criminalization of same-sex relationships and expression at the federal and state levels and the development of the LGBTI movement in Nigeria . Its organisational webpage gives ‘information about organisations across Nigeria working on LGBTI health and human rights at the state and federal levels’
- **‘North West:** AGE - Advocates for Grass root Empowerment (AGE), formally Grass root community support (GCS)

¹³⁹ ILGA, ‘[Member Organisations-Nigeria](#)’, no date

¹⁴⁰ Bisi Alimi Foundation, ‘[About us](#)’, no date

- **‘North East:** None
- **‘North Central:** WHER - Women’s Health and Equal Rights Initiative, Nigeria; ICARH - International Centre for Advocacy on Rights to Health,
- **‘South East:** AGHI - Access to good health initiative,
- **‘South West:** TIERS - The Initiative For Equal Rights; HORF - House Of Rainbow Fellowship,
- **‘South South:** QA - Queer Alliance; IMH - Initiative for Improved Male Health; IAH - Initiative for Advancement of Humanity.’¹⁴¹

9.1.6 The Austrian COI report 2020 stated citing a range of sources

‘... MSM communities in Nigeria are well organised and their organisations provide support in various areas such as health, legal aid and human rights. However, the ability to maintain such services depends on a degree of discretion. There are good reasons why the networks do not present their activities to the public. In the Nigerian context, too much publicity for sexual minorities can lead to a setback - especially if Western partners are involved.

‘There are sexual minority networks in most of Nigeria's larger cities.’¹⁴²

9.1.7 The Austrian COI report 2020 concluded: ‘The consequences feared for sexual minority organisations when the SSMPA was introduced have not materialised. NGOs continue to work; their networks have even expanded and have become more visible. The number of organisations has almost tripled. Only in rare - documented - exceptional cases have government measures been taken against NGOs. Subsidies continue to be paid and, according to one source, have even increased.’¹⁴³

9.1.8 The USSD Human Rights report 2020 stated: ‘Several NGOs provided LGBTI groups with legal advice and training in advocacy, media responsibility, and HIV/AIDS awareness; they also provided safe havens for LGBTI individuals. This work took place contrary to the law.’¹⁴⁴

9.1.9 A Netherlands MofFA COI report on Nigeria, published in March 2021 and citing various sources stated:

‘Membership of an LGBTI organisation carries a ten-year prison term under the SSMPA... Despite this, the number of LGBTI organisations in Nigeria further increased during the reporting period [2018 to March 2021]. A confidential source stated that these organisations know how to operate within the law... Even so, there was at least one case in which an organisation’s office was closed during the reporting period...

‘...these organisations provided legal support and health care services to LGBTI people... They also investigated human rights violations, provided information about homosexuality to non-LGBTI communities, provided (online) safety training to LGBTI people, managed LGBTI media platforms,

¹⁴¹ Where love is a crime, ‘[Organisations](#)’ no date

¹⁴² BFA Staatendokumentation: ‘[...situation of sexual minorities...](#)’ (Page 33-35), 29 January 2021

¹⁴³ BFA Staatendokumentation: ‘[...situation of sexual minorities...](#)’ (Page 43), 29 January 2021

¹⁴⁴ USSD, [2020 Human Rights...](#)(section 6), March 2021

provided psychosocial support to LGBTI people and mediated between LGBTI people and their families...'¹⁴⁵

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Section 9 updated: 19 January 2022

9.2 Shelters

9.2.1 The Immigration and Refugee Board of Canada (IRBC) in a report from February 2019 and a variety of sources stated:

'According to the ICARH [International Centre for Advocacy on Right to Health] Executive Director, there are no functioning shelters in Nigeria for sexual minorities... Other sources, however, indicate that there are shelters for sexual minorities who flee violence... run by NGOs... According to the VSI [Vision Spring Initiatives] representative, private homes can be used to shelter sexual minorities from fleeing violence...

'According to the OutRight board member, shelters, which are also known as "safe homes," are also used by individuals who are released from detention under the SSMPA and who cannot return to their families...

'Without indicating the number of available shelters dedicated to sexual minorities across Nigeria, sources indicate that there are shelters in the following locations:

- Benue State
- Minna, Niger State
- Lagos, Lagos State
- Abuja, Federal Capital Territory
- Delta State

'Sources characterize the capacity of shelters as "limited," "underfunded" ... or "minimal" ... According to the OutRight board member, the shelters "constantly deal with security issues emanating from society and authorities"

'The OutRight board member indicated that there are no safe homes in Nigeria that are dedicated to lesbians. The safe homes that exist are primarily for activists and advocates who are in significant danger. There is no common knowledge about these shelters, or safe homes, as a recourse. One would learn about the shelters, or safe homes, through word of mouth...'¹⁴⁶

9.2.2 A Netherlands MofFA COI report on Nigeria, published in March 2021 and citing various sources stated:

'LGBTI organisations were also involved in running safe houses for LGBTI people who had been kicked out by their families... Examples of safe houses include The House of Allure for transgender individuals in Lagos... and SAFE HQUSE, which offered temporary shelter for LGBTI protesters during

¹⁴⁵ Netherlands – Ministry of Foreign Affairs, [COI report Nigeria](#), (Section 3.4.4), March 2021

¹⁴⁶ IRBC, '[The Situation of Sexual and Gender Minorities in Nigeria \(2014-2018\)](#)', February 2019

the #EndSARS protests... The care and services that these facilities offer vary, as does the length of a possible stay. However, sources raised questions about the actual accessibility and capacity of some of these initiatives. An LGBTI activist stated that most safe houses in Lagos are not easily accessible for young LGBTI people because they do not have a working phone number and/or do not respond to emails...'¹⁴⁷

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Section 10 updated: 19 January 2022

10. Access to services

10.1 Healthcare

- 10.1.1 A Stonewall briefing from 2018 on Nigeria includes an assessment by Bisi Alimi of the Bisi Alimi Foundation, regarding access to healthcare for LGBT people:

'Accessing healthcare is difficult for many Nigerians, but LGBT people face additional barriers. Many LGBT people feel unsafe accessing healthcare because they fear discrimination from nurses and doctors. LGBT people may also encounter staff who are poorly prepared to attend to their needs and to whom it may be unsafe to disclose personal details. Again, the SSMPA adds an additional worry that doctors and nurses may report the person to the police. However, there are groups offering healthcare services to LGBT people, mostly focusing on HIV and AIDS work.'¹⁴⁸

- 10.1.2 TIERS launched a healthcare and information app in 2017. The app 'Quickcare' aims to help 'members of the LGBT community access health services in the country'¹⁴⁹

- 10.1.3 A summary report of stakeholder submissions compiled by the UN Human Rights Committee as part of Nigeria's Universal Periodic Review reported in August 2018:

'Referring to a relevant study, JS12¹⁵⁰ noted a significant increase in fear in seeking healthcare services by men who had sex with men after the enactment of the Same Sex Marriage (Prohibition) Act (2014)... JS13¹⁵¹ stated that sections 5(2) and (3) of the Act had hindered access to Anti-Retroviral Vaccines, HIV testing and counselling services... JS8¹⁵² stated that LGBT persons had experienced difficulties in accessing health care services. The denial of such services would have a negative impact on Nigeria's progress towards HIV eradication.

¹⁴⁷ Netherlands – Ministry of Foreign Affairs, [COI report Nigeria](#), (Section 3.4.4), March 2021

¹⁴⁸ Stonewall, '[Nigeria Legal Landscape Briefing](#)', 2018

¹⁴⁹ Pulse, '[Troubled Nigerians can now get help with this app](#)', 5 March 2018

¹⁵⁰ [Joint submission 12](#): Lawyers Alert, Makurdi, Benue State, Nigeria; and Southern Africa Litigation Centre, Johannesburg, South Africa

¹⁵¹ [Joint submission 13](#): Women Action for Gender Equality, Kano, Nigeria; Coalition of African Lesbians, Braamfontein, Johannesburg; and Sexual Rights Initiative, Ottawa, Canada

¹⁵² [Joint submission 8](#): The Equality Hub, Leitner Center for International Law and Justice, New York, United States of America, One Action Foundation, OutRight Action International, and ReSista Camp

‘... JS5¹⁵³ stated that gay men, female sex workers and intravenous drug users had experienced significant discrimination, influenced by traditional culture as well as religious moral values...’¹⁵⁴

- 10.1.4 The Immigration and Refugee Board of Canada (IRBC) in a report from February 2019 and citing a number of sources stated:

‘According to the academic researcher, it is unlikely that an individual who is a sexual minority would be denied treatment or health care for a physical illness or injury Other sources indicate, however, that sexual minorities face challenges in accessing health care ... including being denied these services... The Amnesty International representative indicated that sexual minorities face "discrimination" in accessing health care services... Without providing further details, the same source noted that in some parts of Nigeria, sexual minorities cannot reveal their sexual orientation to medical doctors... The journalist explained that there are cases in which HIV-positive persons were denied treatment by doctors because they disclosed their sexual orientation during consultations.... The OutRight board member explained that civil society organizations that are dedicated to the needs of sexual minorities have addressed cases of discrimination, for example when sexual minorities are denied social services, by lobbying the donors of such organizations, which are often international organizations, including the United States Agency for International Development (USAID)...’¹⁵⁵

- 10.1.5 The USSD Human Rights report 2020 stated: ‘Persons with HIV/AIDS [although not necessarily people who are LGBTI] often lost their jobs or were denied health-care services. Authorities and NGOs sought to reduce the stigma and change perceptions through public education campaigns.’¹⁵⁶

- 10.1.6 A Netherlands MoffA COI report on Nigeria, published in March 2021 and citing various sources stated:

‘Sources indicated that health professionals sometimes discriminate against LGBTI individuals, and that LGBTI individuals sometimes avoid health care for fear of stigmatisation. Discrimination mainly occurred in rural areas and/or in connection with sexual and reproductive health complaints... This applies to all categories of LGBTI individuals... A confidential source indicated that transgender and intersex people experience the greatest barriers to using health care because it is hardest for them to hide their "deviant" sexual orientation/gender identity from doctors and nurses (if they wish to do so).

‘One source indicated that in cities, the situation of LGBTI individuals with regard to access to health care has improved significantly compared to five years ago... This and other sources confirmed that in many cities in Nigeria there are both regular health care providers and LGBTI and other organisations outside regular health care that provide medical care to LGBTI people... A growing realisation among health care professionals that it is necessary to provide LGBTI-inclusive health care – in order to combat the

¹⁵³ [Joint Submission 5](#): Heartland Alliance International, Chicago, United States of America, American University, Washington College of Law, International Human Rights Law Clinic, USA

¹⁵⁴ UN HRC, [Stakeholder summary](#) (para 10), 24 August 2018

¹⁵⁵ IRBC, ‘[The Situation of Sexual and Gender Minorities in Nigeria \(2014-2018\)](#)’, February 2019

¹⁵⁶ USSD, [2020 Human Rights...](#)(section 6), March 2021

spread of HIV – has contributed to this... Initiatives by international groups supporting health care projects in Nigeria have also had a positive impact. For example, according to Michael Amalumilo, the director of the Access to Good Health Initiative (AGHI),... thanks to the Global Fund..., there are facilities that provide LGBTI-inclusive health care to HIV-positive individuals in every state of Nigeria....

‘Nevertheless, the association of homosexuality with HIV remains an important reason for the stigmatisation of gay men within health care and beyond. Research showed that HIV-positive individuals in Nigeria generally experienced stigma. For gay men, their sexual orientation exacerbated this sense of being stigmatised... the criminalisation of homosexuality in Nigeria – as in other countries – increased the risk of HIV infection among gay men. A study of 8,113 gay men in ten countries in sub-Saharan Africa, including Nigeria, showed that after adjusting for factors such as age and education level, gay men were 2.21 times more likely to get HIV in countries where homosexual activities were criminalised, and 4.65 times more likely to get HIV in countries where they were severely criminalised... The researchers state that this is clear evidence that criminalisation of same-sex sexual activity is consistently associated with an increased risk of HIV among men who have sex with other men in sub-Saharan African countries...’¹⁵⁷

- 10.1.7 For more general information see Country and policy information note: [Nigeria – Medical and health care issues](#).

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10.2 Employment, education and housing

- 10.2.1 The USSD Human Rights report 2020 stated: ‘The law does not prohibit discrimination in employment and occupation based on race, sex, religion, political opinion, gender, language, sexual orientation, gender identity, age, HIV-positive status, or social status. The government did not effectively address discrimination in employment or occupation except in the area of discrimination against persons with disabilities.’¹⁵⁸

- 10.2.2 A Stonewall briefing on Nigeria noted:

‘If a person is perceived to be LGBT, they’ll be unable to find a job or will be fired. This has happened even in global organisations with a global commitment to diversity, inclusion and LGBT equality. As a result, LGBT people hide their sexual orientation and gender identity at work, which can have a very negative impact on their well-being and work performance. Not only do they need to hide a part of themselves, but they’ll also hear colleagues making general homophobic, biphobic and transphobic comments.’¹⁵⁹

- 10.2.3 The Immigration and Refugee Board of Canada (IRBC) in a report from February 2019 and a variety of sources stated:

‘In a telephone interview with the Research Directorate, [John Campbell](#)... stated that “[h]omophobia runs very deep in Nigerian society - it is pervasive

¹⁵⁷ Netherlands – Ministry of Foreign Affairs, [COI report Nigeria](#), (Section 3.4.4), March 2021

¹⁵⁸ USSD, [2020 Human Rights...](#) (section 7), March 2021

¹⁵⁹ Stonewall, [‘Nigeria Legal Landscape Briefing’](#), 2018

at all levels and in all areas of life"... Sources indicate that sexual minorities face challenges in accessing employment and housing... including discrimination... and stigma... In a teleconference interview with the Research Directorate, a board member of OutRight Action International (OutRight)... explained, while speaking on his own behalf, that a real or perceived sexual minority can be denied housing or lose their job on the basis of their identity as a sexual minority... In correspondence with the Research Directorate, the founder and CEO of the House of Rainbow (HOR)... stated that a person can be evicted from their home "without any justification or refund" if it becomes known that the person is homosexual... In correspondence with the Research Directorate, a representative of Amnesty International similarly noted that "[l]andlords do not rent property to sexual minorities" ... According to the academic researcher, large multinational corporations, such as oil companies, are not allowed to refuse employment or fire someone based on their sexual orientation and/or gender identity and expression, although co-workers can still be "hostile towards them"... The same source further explained that small-to-medium-sized enterprises (SMEs) are reported to "consistently" fire male sexual minorities ... The HOR founder and CEO stated that many employers in Nigeria do not abide by the non-discrimination laws... The same source explained that there are cases of gay men and lesbian women who were fired from their jobs because their sexuality became known.... The same source further explained that there are cases of HIV positive gay men who have been denied employment or were fired following HIV testing that was carried out either during interviews or during a work placement...¹⁶⁰

10.2.4 The same USSD report also stated: 'Employers frequently discriminated against persons with HIV and AIDs. The government spoke out in opposition to such discrimination, calling it a violation of the fundamental right to work.'¹⁶¹

10.2.5 A Netherlands MofFA COI report on Nigeria, published in March 2021 and citing various sources stated:

'There is little research on the experiences of Nigerian LGBTI people in the workplace, but there have been cases of discrimination against those who do not meet traditional gender norms. A confidential source stated that especially LGBTI people who do not adhere to traditional gender norms are discriminated against when applying for jobs.. The IRBC indicated that LGBTI people were also regularly fired after their sexual orientation became known, and that some companies tested (gay) men for HIV during the application process or after they had been recruited. These practices particularly occurred in small and medium-sized businesses... Alleged LGBT individuals also lost their jobs, or their clients if they were self-employed, after their identity had been made public by the police...' ¹⁶²

10.2.6 With regard to education the same Netherlands MofFA report stated: 'LGBTI pupils and students have been victims of bullying and exclusion from educational institutions,... but according to a confidential source education is

¹⁶⁰ IRBC, '[The Situation of Sexual and Gender Minorities in Nigeria \(2014-2018\)](#)', February 2019

¹⁶¹ USSD, [2020 Human Rights...](#)(section 7), March 2021

¹⁶² Netherlands – Ministry of Foreign Affairs, [COI report Nigeria](#), (Section 3.4.4), March 2021

a slightly safer environment for LGBTI people than many other places in Nigeria... According to a confidential source, there are known cases of LGBTI students who have been expelled from school because of their sexual orientation...' ¹⁶³

10.2.7 The Netherlands MofFA report also noted in respect of accommodation:

'LGBTI people also experience difficulties in finding and remaining in accommodation... A UN report cited examples of cases in which both landlords and neighbours/other members of the community had attacked LGBTI people in their homes or forced them from their homes with (sometimes serious) violence... TIER reported 11 cases of forced eviction in its report on LGBTI rights violations in Nigeria during 2019;... it reported 13 such cases in 2018... The evictions were by both landlords and family members... In addition to evictions of LGBTI people, a confidential source indicated that it is also difficult for LGBTI individuals, especially lesbians over the age of 35, to find a home because landlords expect a woman to then be married to a man...' ¹⁶⁴

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Section 11 updated: 19 January 2022

11. Freedom of movement

11.1 General barriers to movement

11.1.1 See [Country Policy and Information Note on internal relocation](#) for general information about relocation within Nigeria.

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11.2 Geographical variation in attitudes and treatment

11.2.1 The Immigration and Refugee Board of Canada (IRBC) in a report from February 2019 and citing a variety of sources stated:

'The independent researcher stated that because same-sex acts are criminalized across Nigeria, sexual minorities are generally not able to live openly as sexual minorities ... Other sources similarly indicated that there are no areas in Nigeria where sexual minorities are able to live openly as sexual minorities... However, sources indicate that there is some tolerance towards sexual minorities in major cities... including in:

- 'Abuja...
- 'Lagos...
- 'Port Harcourt...
- 'Enugu...
- 'Ibadan...
- 'Owerri...

¹⁶³ Netherlands – Ministry of Foreign Affairs, [COI report Nigeria](#), (Section 3.4.4), March 2021

¹⁶⁴ Netherlands – Ministry of Foreign Affairs, [COI report Nigeria](#), (Section 3.4.4), March 2021

‘According to the journalist, sexual minorities are "mostly safe" in major cities, although they are still attacked and discriminated against... The IRCC [Immigration, Refugees and Citizenship Canada] representative stated that there is "some openness" towards homosexuality, "especially in Lagos"... In the same joint interview with the Research Directorate, a Lagos-based Migration Program Manager of IRCC similarly indicated that it is possible to have an openly homosexual relationship in Lagos given that it is "like any big city" and that "most people" would not believe it is a "big deal at all"... According to John Campbell, it is not possible to live openly as a sexual minority in any area of Nigeria - not even in big urban areas like Lagos, Port Harcourt or Abuja. When sexual minorities live in urban areas, they are still required to live in the closet and have to behave in a clandestine manner concerning their sexuality and gender identity. If they do not live in this manner, they will face prejudice, isolation and physical violence, including beating[s], from society...

‘According to the academic researcher, the challenges that sexual minorities face when they move from rural areas or small towns to big cities are no different than those encountered by heterosexual people... The same source explained, however, that sexual minorities will begin to face challenges when their sexual orientation and/or gender identity is revealed, causing relatives, friends and landlords to be "likely" to expel them from their residences, "mostly on religious grounds, whether it is sincere or a convenient excuse"... The same source added that people whose sexual orientation and/or gender identity is revealed in big cities cannot return to their place of origin because this information "would have spread back 'home'"...’¹⁶⁵

11.2.2 The Austrian COI report 2020 stated citing a range of sources:

‘A human rights lawyer told the 2015 FFM that an MSM who can afford to move can escape persecution or harassment in one specific city by moving to another... A Nigerian journalist and activist confirmed this to the 2019 FFM. On the one hand, large cities offer a certain anonymity, and on the other hand there are no national arrest warrants on this issue. A move from e.g., Lagos to Abuja would mean an end to persecution... A local NGO describes the move as a first step: "The first thing they do is move. You move from where everybody knows you. And that move is possible, they can move to find more anonymity, they move to towns. They stay with friends."... A local human rights lawyer stated that in case of arrest it would be necessary to move away. This does not necessarily mean moving to another city, and a change of area or district may be sufficient...

‘An NGO active in the field of MSM in Kaduna told the 2015 FFM that the MSM community is very mobile - including moving to other cities... A diplomatic source dealing with the issue stated that MSM will try to find shelter within the community. This is particularly true for larger cities... An NGO active in the field of MSM in Abuja stated that MSM can contact networks and organisations to obtain support and/or shelter. Another possibility is that an MSM who feels threatened is "referred" to a network in another city... Two sources explained that there are cooperation and links

¹⁶⁵ IRBC, [‘The Situation of Sexual and Gender Minorities in Nigeria \(2014-2018\)’](#), February 2019

between networks in different cities. If an MSM is persecuted in one city or feels threatened there, the network there can refer him or her to another network in another city... The new network would help the newcomer to integrate into the new environment... Several sources confirmed that some networks also operate safe houses where MSM can stay for several months... For WSW, too, there are facilities where women with immediate security risks can be accommodated...

‘A local NGO as well as a Nigerian journalist and activist confirmed these "referrals" to the 2019 FFM... Organisations would refer cases between cities. According to the local NGO, there are several safe houses, for example in Minna in Niger State (capacity 12), Abuja (2), Lagos (3) and Makurdi in Benue State (4)... The Nigerian journalist and activist stated that there are referrals between Lagos, Abuja and Port Harcourt, for example...’¹⁶⁶

11.2.3 A Netherlands MofFA COI report on Nigeria, published in March 2021 and citing various sources stated:

‘... LGBTI people in Nigeria are at risk of persecution both in the public space and in their own homes... Sources indicated that LGBTI people are more likely to suffer violence, discrimination and exclusion in rural areas, where the climate is generally more conservative... Sources also stated that LGBTI people in northern Nigeria experience additional barriers, as both Islamist and federal law criminalise homosexual behaviour... A confidential source from northern Nigeria indicated that the activities of the hisbah, which among other things oversee efforts to combat homosexuality in the public space and arrest alleged LGBTI people, posed a major threat to LGBTI people in this region... In the south, however, LGBTI people are also threatened by the police, angry mobs and vigilante groups... In the south there are more large cities, where LGBTI people enjoy a little more freedom to exercise their sexual orientation... A source stated that in Victoria Island, an affluent neighbourhood in Lagos, it is possible for two men to walk hand in hand, but that this is not the case in most other places in Nigeria... However, several sources indicated that LGBTI people were also discriminated against in cities if they openly displayed their sexual orientation. The arrests of LGBTI people at private gatherings in Lagos, which is supposed to be one of the more tolerant cities for LGBTI people in Nigeria, illustrated that there are also risks for LGBTI individuals in cities... Some LGBTI individuals profiled themselves as openly queer during the #EndSARS protests, but this also provoked intimidation, threats and violence from fellow protesters...’¹⁶⁷

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¹⁶⁶ BFA Staatendokumentation: [‘...situation of sexual minorities...’](#) (Pages 67-68), 29 January 2021

¹⁶⁷ Netherlands – Ministry of Foreign Affairs, [COI report Nigeria](#), (Section 3.4.4), March 2021

Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToR, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- **Legal context** - considering laws that protect and/or discriminate (enforcement of the law is covered in the State attitudes and treatment section) - constitution, criminal, penal and civil codes, Sharia and caselaw - applicable to
 - general anti-discrimination provisions (and inclusion or absence of reference to LGBTI persons)
 - (being) a LGBTI person
 - same-sex sexual behaviour
 - same-sex couples, including civil union and marriage
 - gender reassignment/transition, and recognition of gender identity of trans persons
 - LGBTI organisations
 - relevant significant court cases and caselaw
- **State attitudes and treatment**
- statements made by government figures and public officials
- government policies/programmes that assist or discriminate against LGBTI persons
- how the law is applied (including discriminatory application non-LGBTI specific laws). Numbers:
 - arrests and detentions
 - prosecutions
 - convictions
 - acquittals
- restrictions/enforcement of law against LGBTI organisations
- other state treatment, such as
 - harassment
 - blackmail
 - bribery
 - corrective therapy
- access to public services, incl. education, healthcare, employment and justice
- state protection

- description of security forces and their capabilities, including any specific units with remit to protect LGBTI persons
- response and assistance provided, including arrests and prosecutions of persecutors, witness protection, assistance in relocation
- oversight mechanisms and organisations, complaints process, investigations, outcomes and penalties
- geographic, socio-economic or other factors affecting variation in attitudes/treatment
- **Societal attitudes and treatment**
 - public opinion/views/surveys, including anti-LGBTI movements and public demonstrations
 - prevailing cultural and family attitudes to male/female relationships, family and non-conforming behaviour
 - religious group attitudes, statements and actions
 - media representation, language and discourse
 - treatment by the public, including family members
 - shunning and stigma
 - harassment and violence, including mob attacks and gender-specific forms such as corrective rape
 - accessing accommodation, education, employment and healthcare
 - geographic, socio-economic or other factors affecting variation in attitudes/treatment
- **LGBTI individuals, communities and groups**
 - size and location of LGBTI population
 - presence, projection and location of openly LGBTI persons and communities into public life
 - numbers, aims and location of openly LGBTI communities
 - services, meeting places and events, such as bars, restaurants and Gay Pride
 - operation, activities and restrictions of LGBTI civil society and other supportive groups or associations, including websites
 - geographic, socio-economic or other factors affecting behaviour of individuals and groups.
- **Freedom of movement**
 - legal freedoms/restrictions, including documentation
 - safety of movement
 - vulnerabilities of different groups

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- version **3.0**
- valid from **3 February 2022**

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