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Immigration and Refugee Board of Canada Commission de l'immigration et du statut de réfugié du Canada

# Nigeria: Information on how bisexuality is understood and perceived in Nigeria; whether bisexuality is distinguished from both male and female homosexuality (2014-June 2015) [NGA105219.E]

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

#### 1. Context of Bisexuality in Nigeria

In correspondence with the Research Directorate, the Executive Director of the Women's Health and Equal Rights Initiative (WHER), a Lagos-based NGO which provides health and rights education, psychosocial support, and a resource centre for sexual minority women, stated that "any sexual orientation that is not heterosexual is considered unnatural, demonic, and immoral" in Nigeria and that there are "laws, policies, and cultures that police people's sexuality" (WHER 6 July 2015). Similarly, according to a 2014 Swedish fact-finding mission to investigate the cultural context of LGBT persons in Nigeria, societal perceptions of homosexuality are founded on "opinions that homosexuality is unnatural, sinful and an abomination" (Sweden 18 Dec. 2014, 5). Additionally, sources report that individuals are perceived as having a choice with regards to their sexual orientation (ibid.; WHER 6 July 2015) and that homosexuality can be cured through "prayer and discipline" (ibid.).

In correspondence with the Research Directorate, an associate professor of anthropology at Purchase College of the State University of New York, who has conducted ethnographic research on sexual minorities in Nigeria, stated that

"bisexuality" ... is rarely named as such among the Nigerians I have met over the period of 24 years in which I have been doing research in and on the country. [However], there are people whose lives and self-conceptions could fairly be described as "bisexual." The concept of bisexuality is usually conflated with homosexuality and/or lesbianism. (Associate Professor 17 July 2015).

Sources similarly report that in Nigerian society, bisexuality is not distinguished from homosexuality (TIERs 30 June 2015; WHER 6 July 2015) by "heterosexual communities" (ibid.). Sources report that bisexuality is not perceived any more favourably than homosexuality in Nigeria (ICARH 29 July 2015; Associate Professor 17 July 2015; WHER 12 Aug. 2015) and neither bisexuals nor homosexuals are accepted (ibid.). In correspondence with the Research Directorate, the Executive Director of the Initiative for Equal Rights (TIERs), a Lagos-based LGBT organization which provides legal aid, human rights protection and support services in Nigeria, stated that a "stereotype [that] bisexual men and women experience" is a societal belief that a person cannot be bisexual, and must be either homosexual or heterosexual (TIERs 30 June 2015).

The same source explained that

bisexuality in the context of Nigerian culture can be better understood from the lens of marriage. Marriage in Nigeria is considered to be a sign of maturity and the bonds of family that preserves their lineage. Any other sexual relations that are not procreative are not acceptable. (ibid.)

In a telephone interview with the Research Directorate, a professor of global studies at Queen's University, whose research specializations include "gender and sexuality in Africa, especially cultural constructions of non-normative sexuality," stated that

[m]arriage in the cultural context of Nigeria is not negotiable. There is immense social and familial pressure from parents, siblings, grandparents, religious communities to marry, often to secure a brideprice, for instance. People in Nigeria must marry in order to be considered socially [as] an "adult." If a person does not marry by a certain time, then questions will be asked by the family/community about that person. What occurs is that people will marry, and have children, and uphold their social obligations, but will still continue to have same-sex relationships/relations outside of their marriage. Any discussion of this is a social taboo. Sexuality is not an issue that is talked about openly in society/families in Nigeria. (Professor 10 June 2015)

The same source stated that the concept of bisexuality in Nigeria is "relatively new to the discourse on sexuality studies, although the practice is not" (ibid.). The Associate Professor stated that it is "quite common throughout Nigeria" to engage in opposite-sex relationships to allow bisexuals to "'pass' as heterosexual" due to "homophobic persecution," but he explained that in Nigeria, "this rarely gets labelled as 'bisexuality'" (Associate Professor 17 July 2015). The Executive Directors of TIERs and WHER both stated that some LGBT people enter heterosexual relationships to "cover" for same-sex relationships; and some bisexuals marry members of the opposite sex due to societal pressures to marry and have children as well as due to stigma, homophobia, and in order to avoid suspicion of having a non-heterosexual orientation (WHER 6 July 2015; TIERs 30 June 2015). The Executive Director of TIERs explained that bisexuals can be in a heterosexual relationship for many years because of "the fear of family isolation and rejection" (ibid.). The Executive Director of WHER also explained that in a context where people are not able to express their sexuality openly, "it is difficult to define bisexuality" (WHER 6 July 2015) due to high levels of societal homophobia and internalized homophobia (ibid. 12 Aug. 2015).

In a telephone interview with the Research Directorate, the Program Director for the HIV/AIDS division of the Population Council in Abuja, a health research organization that runs a national network of clinics in Nigeria for men who have sex with men (MSM), explained that in Nigeria, some people who practice same-sex behaviour "don't necessarily self-identify as 'gay,' or 'lesbian,' etc" (Program Director 4 July 2015). In correspondence with the Research Directorate, a representative of the International Centre for Advocacy on Right to Health (ICARH), an independent research initiative focusing on "the rights of sexual minorities and [People living with HIV and AIDS] in Nigeria" (ICARH n.d.), stated that "[e]asily recognized labels like 'gay,' 'lesbian,' 'bisexual' and 'transgender' are not used in the LGBT community" (ICARH 29 July 2015). The same source added that members of the LGBT community in Nigeria use their own slang words, but that there is "no identifier for bisexuals ... pointing to the fact that this population is not really recognized within the LGBT community" (ibid.). According to the ICARH representative, "[v]ery, very few Nigerians use the identifier 'bisexual' in reference to themselves, and when they do, it [is] rarely done openly" (ibid.). Similarly, the Executive Director of the WHER Initiative stated that same-sex activity by those in both same-sex and heterosexual relationships remains "hidden," and the term "bisexual" is "adopted privately and used with only those in the LGBT community or allies" (WHER 12 Aug. 2015). Sometimes the term is also adopted privately by gay and lesbian people who also maintain heterosexual relationships (ibid.).

## 1.1 Female Bisexuality

The Executive Director of TIERs noted that men used to have until about age 40 to marry, while women were pressured to do so at a younger age; however, he indicated that pressure on both genders to marry has been increasing (TIERs 1 July 2015). The Program Director for the Population Council in Abuja stated that both men and women who engage in same-sex activity marry to blend into mainstream society (Program Director 4 July 2015). According to a 2011 publication by the International Gay and Lesbian Human Rights Commission (IGLHRC) about the blackmailing of lesbians and bisexual women in Nigeria, based on interviews with 25 lesbians and bisexual women in 10 cities, women were more likely to self-identify as bisexual than lesbian, while others called themselves "married lesbians" because they felt they needed to marry a man in order to "maintain social respectability" or to have children (Azuah 2011, 47, 48).

According to the IGLHRC report, "lesbianism is more tolerated than male homosexuality" (Azuah 2011, 47). The Professor explained that for women who engage in bisexual or same-sex activity outside of marriage, there is a "strong incentive to keep quiet" about this, and there is "a lot of shame on the husband and family" if this becomes known (Professor 10 June 2015). However, he also explained that same-sex behaviour by women may be "taken less seriously" by the woman's husband and family because women and girls are

perceived by their families to be "less mature" or because there is "no risk of pregnancy and [a] low risk of sexually transmitted infections" (ibid.). The Program Director stated that "a girl's family is more likely to be comfortable with her hanging around with women friends than male friends, so in this way, a bisexual woman can get by somewhat more easily ... without being suspected of being gay" (Program Director 4 July 2015).

However, the IGLHRC indicates that the lesbian and bisexual women interviewed for the 2011 report on the situation in Nigeria explained that they experienced the same "subtle and explicit" pressures that all women in Nigeria face: marriage, child-rearing, sexual harassment, threats of rape and assault, and lack of legal supports (Azuah 2011, 57). The Executive Director of WHER stated that "Nigeria is a patriarchal and sexist country ... [and] women in Nigeria are disproportionately affected by gender based violence, sexism and patriarchy" and that according to some cultures, "women are not supposed to enjoy sex", especially not "same sex attractions" (WHER 6 July 2015), while women are expected to be financially dependent on their family and husbands (ibid. 12 Aug. 2015). The Executive Director of TIERs also stated that the societal prejudice against women and the perception that they are "weak" and in need of "monitor[ing]" by men, makes it more difficult for women to have same-sex relationships (TIERs 30 June 2015). The source explained that in particular, single women who have same-sex partners have limited privacy due to their "single status," and they are "monitored directly and indirectly by family and community" which limits the expression of their sexual identity (ibid.).

#### 2. Legislation

Sources report that federal criminal law deems same-sex activity punishable by up to 14 years in prison (US 25 June 2015, 42; Sweden 18 Dec. 2014, 7). Those convicted of engaging in same-sex activity in Sharia states, especially in the north of the country, may be subject to death by stoning as punishment (ibid.; US 25 June 2015, 42). There were reports of individuals being sentenced to lashing in 2014 for same-sex activity (ibid.; BBC 1 Apr. 2014). The Same Sex Marriage Prohibition Act (SSMPA) was enacted in Nigeria in 2014 (Al 2015; US 25 June 2015, 41). Country Reports 2014 states that under the SSMPA,

anyone found to have entered into a same-sex marriage or civil union may be punished by up to 14 years' imprisonment. In addition anyone found guilty of being an individual who "aids the solemnization of a same-sex marriage or civil union, or supports the registration, operation, and sustenance of gay clubs, societies, organizations, processions, or meetings" or "registers, operates, or participates in gay clubs, societies, organizations, or directly or indirectly makes public show of same-sex amorous relationship" commits an offense punishable by 10 years' imprisonment. (ibid., 41-42)

According to the same source, the SSMPA "effectively renders illegal all forms of activity supporting or promoting LGBT rights" (ibid., 41). The Swedish fact-finding mission states that the new law has "generated fear and panic" among sexual minorities (Sweden 18 Dec. 2015, 8).

#### 3. Treatment

#### 3.1 Treatment by Society

Sources indicate that following the passage of the SSMPA, there were reports of increased threats and harassment against LGBT people (AI 2015; US 25 June 2015, 42; TIERS 30 June 2015). According to sources, since the enactment of the Act, LGBT people have been marrying members of the opposite sex to avoid accusations of being homosexual (WHER 6 July 2015; TIERS 30 June 2015), or "keeping a low profile" due to the increased hostility towards LGBT people (ibid.). Similarly, the Program Director stated that following the passage of the SSMPA, there were also cases of LGBT men and women marrying one another in order to avoid suspicion (4 July 2015). The WHER Executive Director indicated that in some cases LGBT people are "pressured and blackmailed into heterosexual marriages" (6 July 2015). According to the Program Director, immediately following the passage of SSMPA, for a few months afterwards people "went underground;" participation at health clinics and centres that provide services to MSM dropped, clients changed their phone numbers and did not want to be associated with the MSM clinics (Program Director 4 July 2015). The Professor of global studies stated that the situation is worsening for LGBT people in Nigeria, and that the social context is intolerant of sexual minorities (10 June 2015). The Executive Director of TIERs indicated that same-sex identities are mostly attributed to being a "western" import or evil (TIERs 30 June 2015). Similarly, the Swedish fact-finding mission found that homosexuality is perceived as "non-African" (14 Dec. 2014, 6).

According to sources, there is a strong culture of "don't ask, don't tell" in Nigeria regarding same-sex activity (Program Director 4 July 2015; Professor 10 June 2015). The Professor remarked that in such a context, no one discusses same-sex activity, people pretend it is not happening, and bisexuals are required to be "discrete" about their sexuality (ibid.). According to the TIERs Executive Director, a person whose bisexuality is hidden can "pass" more easily in cosmopolitan cities, while in rural areas, communities are "more close-knit," and a person's orientation can "easily be discovered" (TIERs 30 June 2015). The Program Director similarly stated that urban areas have a larger proportion of LGBT people, and that rural areas retain a stronger culture of silence where sexuality is not discussed (4 July 2015).

# 3.1.1 Religious Groups

The Swedish fact-finding mission report states that Nigeria is a "homophobic and deeply religious" society; that "there is no religion in the country that is not opposed to homosexuality"; and that churches and mosques "preach that it is the work of the devil" (Sweden 18 Dec. 2014, 6, 7). Similarly, TIERs stated that in the northern and the south-western regions of Nigeria, Christianity and Islam "shape the way bisexuality is understood," as both religions condemn same-sex relationships (TIERs 30 June 2015). The Professor indicated that under Sharia law in the north, severe punishments such as flogging, stoning, and death keep bisexual practices hidden (Professor 10 June 2015). The same source stated that "there is... a growing evangelical movement in Nigeria, and such groups tend to take a harder line on same-sex behaviours/identity than other Christian groups" (ibid.). Similarly, the Swedish fact-finding mission found that Christian denominations hold attitudes "characterised by hatred" and that there are cases where people in the church who have been exposed as homosexuals have been excluded from the Church, or have had to "leave all of his or her assignments within" it (Sweden 14 Dec. 2014, 7).

#### 3.1.2 Violence and Discrimination

The majority of people who are bisexual are not open or remain hidden (TIERS 30 June 2015, 1, 3; Program Director 4 July 2015). According to the Executive Director of WHER, LGBT people hide their orientation "deeply" for fear of discrimination (WHER 6 July 2015).

Sources indicate that bisexuals who are discovered to be engaging in same-sex activity face the same risks of mistreatment that gays and lesbians in Nigeria encounter (WHER 6 July 2015; Program Director 4 July 2015; TIERs 30 June 2015). The Executive Director of TIERs stated that if a person engages in same-sex relationships of any kind, "it doesn't matter if they are bisexual"; the stigma attached to same-sex relationships is the same (ibid.). The WHER Executive Director stated that as part of the LGBT community, bisexuals encounter "prejudice, stigma, and homophobia" (6 July 2015).

Without providing details, the TIERs Executive Director explained that in 2014, 6 organizations recorded 105 human rights violations of LGBT people in 14 states: 79 by non-state actors, and 39 by state-actors (TIERs 30 June 2015). The Program Director stated that bisexuals who are discovered to be engaging in same same-sex activity risk being "lynched, beaten, arrested, ostracized, and disowned by family and community" (Program Director 4 July 2015). Sources state that if someone is bisexual and married, they risk losing their partner, spouse and children (ibid.; TIERs 30 June 2015). Similarly, according to the Professor, a person who is "outed" for engaging in same-sex behaviour will be "seriously ostracized by their family, harshly excommunicated, and threatened" and people are sometimes beaten by their family members (Professor 10 June 2015).

Sources report that LGBT people have been evicted from or "kicked out" of their homes because of their sexual orientation (WHER 6 July 2015; Sweden 14 Dec. 2015, 6). According to the Swedish fact-finding mission, there were reports of "attacks aimed at expelling persons from villages and neighbourhoods" (ibid.). According to sources, the announcement of the SSMPA caused increased evictions of LGBT persons (ibid.; TIERs 30 June 2015), by their landlords and family members (ibid.). TIERs reports that every month the organization receives four or five cases of people being thrown out of their homes due to their orientation (ibid.).

LGBT people face discrimination from healthcare providers and may be denied care or encounter insensitivity to their health needs (Program Director; WHER 6 July 2015). Being found out for having same-sex relations can also mean potential loss of income for the heads of households, according to the Professor (Professor 22 June 2015); while the WHER Executive Director said that discrimination against LGBT people means they can lose their jobs because of their orientation or identity (WHER 6 July 2015).

According to sources, bisexuals face the risk of mob violence and family rejection (Sweden 14 Dec. 2014, 6; TIERs 30 June 2015). *Country Reports 2014* indicates that in February 2014, a mob attacked 13 gay men in Abuja and drove them out of their homes with sticks and knives (US 25 June 2015, 42).

The Professor indicated that sometimes parents will take children who are suspected of being homosexual to a "traditional healer" for an exorcism, which can involve "harmful rituals" (22 June 2015). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources report that LGBT people have been targeted for extortion by former lovers, friends and family members, when their same-sex activities have been discovered (ibid., 2; Azuah 2011, 49). According to the 2011 IGLHRC paper, blackmail and extortion are common for male homosexuals, but a significant number of lesbians and bisexual women have also been targeted (Azuah 2011, 47). According to the same source, some lesbian and bisexual women who are targeted for blackmail are "forced to grant sexual favours or run dangerous errands for extortionists and blackmailers" (ibid.).

#### 3.2 Treatment by Authorities

According to the Professor, for a person who engages in same-sex activity outside of marriage, or bisexuality, it is also common to be targeted for blackmail and extortion by police (10 June 2015). The same source reported that the SSMPA law is used as a "threat"; the targeted individual must pay bribes to the police to keep the information about their same-sex activities hidden from their spouse, family, and community (Professor 10 June 2015).

Sources report on arrests being made under the SSMPA (Al 2015; US 25 June 2015, 42) though according to *Country Reports for 2014*, "detainees were in all cases released without formal charges after paying a bond" (ibid.). The Professor indicated that to his knowledge, there have been "about 50 convictions" to date under the SSMPA (10 June 2015). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The Executive Director of TIERs indicated that in 2014 there were 39 cases of arbitrary arrest of LGBT people (TIERs 30 June 2015). According to the Swedish fact-finding mission, "both the police and the Islamic police (HISPA) are seen as eager to arrest homosexuals" and although they reportedly do not "actively" try to identify them, suspects arrested for homosexuality are "put under considerable pressure to confess" by police (14 Dec. 2014, 8). The TIERs Executive Director stated that since the enactment of SSMPA "it has become unsafe to network," as LGBT people are now "more susceptible" to police brutality and arrests (TIERs 30 June 2015). According to the same source, bisexuals risk arbitrary arrest, isolation, mental and physical abuse, and "torture" (ibid.). The TIERs Executive Director indicated that they have "faced more arrests under both new and existing laws" as a result of the new SSMPL, in particular (TIERs 30 June 2015). The Swedish fact-finding mission similarly states that there have been reports of "torture and other abuse" by police" during arrest, but that they are "difficult to confirm" (Sweden 18 Dec. 2014, 8). *Country Reports 2014* states that of the 13 gay men attacked by a mob in Abuja in 2014, 4 were brought to a police station where they were beaten by police (US 25 June 2015, 42).

According to the Swedish fact-finding mission, "the chances of getting a fair trial once arrested or prosecuted [for same-sex acts] are considered non-existent" and lawyers involved in LGBT issues are only in Lagos and Abuja (Sweden 14 Dec. 2014, 8). Similarly, the TIERs Executive Director gave the view that the possibility for LGBT people to obtain justice from the judiciary and police is "very low," and that many LGBT people "are not willing to go to court because they do not want to risk being outed" (TIERs 30 June 2015).

#### 4. Support Services Available for Bisexuals

The Swedish fact-finding mission indicated that the LGBT community in Nigeria is "weak, and the support has decreased" (Sweden 18 Dec. 2014, 8). The same source reports that there are about 10 LGBT organizations operating mostly in Lagos, but there are also some in Abuja and Kano (ibid.). According to TIERs, provision of services for bisexuals is "limited to LGBT organisations," providing services including counselling, legal aid, "psychosocial support," and HIV/AIDS care and treatment, but these are only accessible in some major cities (June 30 2015).

The Professor stated that there are some organizations that provide services for MSM and LGBT people in Nigeria, but that there would be an "enormous risk of being outed for someone [who is] bisexual [and] married to go and attempt to access an LGBT NGO" (Professor 10 June 2015). The source added that, for those reasons, it is likely that such persons "would not be in contact with such services" (ibid.). Similarly, the TIERs Executive Director stated that "a married bisexual man or woman wouldn't be able to openly seek or join services available for LGBT persons if they are not open about their sexual orientation to their partner or their family," as being linked to such services would bring them exposure (TIERs 1 July 2015). The Program Director explained that

Bisexuals/LGBT people have access to regular health clinics/facilities in the mainstream. If they go to one of these mainstream clinics, they fear having their confidentiality broken, so they will go there and pose as heterosexual, so the average healthcare provider will not have any suspicion about them. He or she will just assume they are having a health problem and treat accordingly, but the bisexual person will never go for anything that could draw attention to them about MSM behavior ... Therefore they may access the clinic, but they may not get what they require for certain issues. ... In order to avoid being exposed/outed, they keep quiet and flow with the mainstream. When a person does go back repeatedly for the same problem over and over it can raise suspicion by the healthcare provider. (4 July 2015)

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

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