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Information on homosexuals and/or gay groups in Nigeria

Section 6 of the March 2010 *United States Department of State* country Report on Human Rights Practices for Nigeria, under the heading 'Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity', states:

"Homosexual activity is illegal under federal law, and homosexual practices are punishable by prison sentences of up to 14 years. In the 12 northern states that have adopted Shari'a law, adults convicted of engaging in homosexual activity may be subject to execution by stoning, although no such sentences have been imposed.

Because of widespread taboos against homosexual activity, very few persons openly demonstrated such conduct. The NGOs Global Rights and The Independent Project provided lesbian, gay, bisexual, and transgender (LGBT) groups with legal advice and training in advocacy, media responsibility, and HIV/AIDS awareness.

No action was taken against persons who in 2008 stoned and beat members of the House of Rainbow Metropolitan Community Church, an LGBT-friendly church in Lagos. The attacks occurred after four newspapers published photographs, names, and addresses of church members.

As of year's end, the trial of 18 men, originally charged in September 2008 with sodomy and subsequently charged with vagrancy, had been postponed multiple times. Five defendants were able to pay bail, set at 20,000 naira (\$133), and were released; the remaining 13 defendants remained in jail." (United States Department of State (11 March 2010) *2009 Country Reports on Human Rights Practices – Nigeria*)

The January 2010 *Human Rights Watch* World Report for Nigeria, under the heading 'Sexual Orientation and Gender Identity' notes:

"Nigeria's federal criminal code punishes consensual homosexual conduct with up to 14 years in prison. In the states applying Sharia, consensual homosexual conduct among men is punishable by death by stoning, and by flogging in the case of women. Draft federal legislation that would criminalize anyone who enters into or assists a "same gender" marriage was introduced in the House of Representatives in December 2008." (Human Rights Watch (20 January 2010) *World Report 2010 – Nigeria*)

An August 2009 *Immigration and Refugee Board of Canada* response notes:

"Homosexual acts are illegal in Nigeria (US 25 Feb. 2009, Sec. 5; BBC 10 Apr. 2008). Few people are openly homosexual in Nigeria (US 25 Feb. 2009, Sec. 5; UN 14 Apr. 2008). An uncorroborated article from the United Nations (UN) Integrated Regional Information Networks (IRIN) notes the existence of a few clubs that accept gays in Abuja; however the article also reports that homosexuals tend to be discrete, noting that in Nigeria "[b]eing gay means becoming invisible" (ibid.)." (Immigration and Refugee Board of Canada (11 August 2009) *Nigeria: Treatment of homosexuals by society and government authorities; recourse and protection available to homosexuals who have been subject to ill-treatment (2008 - August 2009)*)

The same document under the heading 'Treatment by Society and Authorities', adds:

"In an interview with the British Broadcasting Corporation (BBC), activist Davis Mac-Iyalla discussed how he was forced to leave Nigeria because of death threats directed at him (31 July 2008). Mac-Iyalla is open about his sexuality and he participated in the founding of the Nigerian branch of "Changing Attitude", an Anglican group that campaigns "for the full inclusion of lesbian, gay, bisexual and transgendered people in the life of the Church" (BBC 31 July 2008). UK Gay News reports that in March 2008 the unnamed leader of the Port Harcourt branch of Changing Attitude Nigeria was attacked at the funeral of Mac-Iyalla's sister, reportedly by attackers targeting him for his sexuality and activism (UK Gay News 21 Mar. 2008)." (ibid)

A January 2009 article from the website *Behind the Mask*, states:

"NIGERIA – 28 January 2009: The lesbian, gay, bisexual, transgender and intersex, (LGBTI) community in Nigeria is appalled by the recent approval of the drastic Same Gender Marriage Prohibition Bill by the House of Representatives, which aims to root out all forms of homosexual practices in that country.

According to Reverend Jide Macaulay of the House of Rainbow Metropolitan Community Church (MCC) the Bill "is a continuing nuisance and avoidable evil that is terrorizing innocent same gender loving people."

Macaulay cited that this Bill is a step back with regards to an inclusive society where the LGBTI people are respected.

"It also slows down the journey towards reconciliation, inclusion, respect and dignity for LGBTI people", he said.

The Bill is described as "seeking to prohibit marriage between persons of same gender, witnessing of same gender marriages."

It is also said to provide appropriate penalties for solemnisation of such marriages.

Furthermore the Bill suggests that individuals who have entered into a same sex marriage are liable to a conviction of three years imprisonment, and those who have witnessed, abetted or aided a same sex marriage are liable to a fine that constitutes a five year jail term.

The “draconian” bill has been discussed at public hearings and has the full support of Nigerian citizens and it has been praised by some politicians.”
(Behind the Mask (28 January 2009) *nigeria’s anti-gay bill passed despite lgbti deliberations*)

An *International Gay and Lesbian Human Rights Commission (IGLHRC)* article from January 2009, under the heading 'Nigeria: Enough Hatred in the Name of God! Metropolitan Community Churches Urge Overturn of Same Gender Prohibition Bill' states:

“21 January 2009, Cape Town- Metropolitan Community Churches (MCC) in Africa urge Nigerian President Musa Yar’dua to reject "The Same Gender Prohibition Bill 2008" passed in the Lower House of Parliament on Thursday, 15 January 2009.

We believe this bill will disastrously endorse a climate of homophobia and escalating hate crime against gay and lesbian Nigerian citizens, making them among the most vulnerable in the world to human rights violations, rape, severe abuse and extortion with no recourse to justice.

"Lesbians, gays, bisexuals and transgender (LGBT) citizens of Nigeria, both at home and abroad live in fear each day. The idea of the Same Gender Prohibition Bill 2008 is ridiculous, especially in a democratic nation. This is not just based on religious dogma and cultural ignorance, it is based on the vilification and dehumanisation of respectful people. Nigerian LGBT people are rightful citizens and deserve protection from all forms of criminality," reports the Reverend Rowland Jide Macaulay, Pastor of House Of Rainbow Metropolitan Community Church in Lagos.” (International Gay and Lesbian Human Rights Commission (22 January 2009) *Nigeria: Enough Hatred in the Name of God! Metropolitan Community Churches Urge Overturn of Same Gender Prohibition Bill*)

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources consulted

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Behind the Mask

European Country of Origin Information Network

Freedom House

Human Rights Watch

International Crisis Group

International Federation for Human Rights (FIDH)

International Gay and Lesbian Human Rights Commission

Immigration and Refugee Board of Canada

IRIN News

Lexis Nexis

Refugee Documentation Centre Query Database

United Kingdom: Home Office

UNHCR Refworld

UN News Service

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