



Home Office

Country Policy and Information Note

Nigeria: Sexual orientation and gender identity or expression

Version 2.0

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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 basis of claim](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and 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 – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment on whether, **in general**:

- A person is reasonably likely to face a real risk of persecution or serious harm
- 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
- Claims are 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 \(COI\)](#), dated 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, and is from generally reliable sources. 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, and
- whether the COI is consistent with and/or corroborated by other sources.

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

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

Feedback

Our goal is to continuously improve our material. Therefore, 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:

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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: 31 January 2019

1. Introduction

1.1 Basis of claim

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

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 persons, as well as those perceived as such. They are referred hereafter collectively as 'LGBTI persons', although the experiences of each group may differ.

1.2.2 For general guidance on considering claims LGBTI persons, decision makers should refer to the Asylum Instructions on [Sexual orientation in asylum claims](#) and [Gender identity issues in the asylum claim](#).

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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](#)).

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2.2 Exclusion

2.2.1 Decision makers must consider whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.

2.2.2 For further guidance on the exclusion clauses and restricted leave, see the [Asylum Instruction on Exclusion: Article 1F of the Refugee Convention](#) and the [Asylum Instruction on Restricted Leave](#).

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2.3 Refugee Convention reason

2.3.1 LGBTI persons in Nigeria form a particular social group (PSG) 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 their identity or conscience

that they should not be forced to renounce it, and have a distinct identity which is perceived as being different by the surrounding society.

- 2.3.2 Establishing a convention reason alone is not sufficient to be recognised as a refugee. The question to be addressed in each case is whether the particular person will face a real risk of persecution on account of their actual or imputed convention reason.
- 2.3.3 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](#).

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2.4 Risk

a) General points

- 2.4.1 The Supreme Court's ruling in [HJ \(Iran\) and HT \(Cameroon\) v Secretary of State for the Home Department \[2010\] UKSC 31](#) has set out the approach to take and has established the test that should be applied when assessing such a claim. This is set out in paragraphs 82 and 35 of the determination. For further information, see the Asylum Policy Instruction on [Sexual orientation in asylum claims](#).

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b) State treatment

- 2.4.2 The Nigerian constitution has general provisions on privacy, freedom of expression and non-discrimination but does not specifically refer to sexual orientation or gender identity. However, the criminal code criminalises same-sex sexual relations between men (but is silent in regard to women, and trans and intersex persons). 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' (but does not specifically mention L, B, T or I persons) (see [Legal context](#)).
- 2.4.3 In addition to the federal-level laws, Benue State introduced its own Same-sex Marriage Prohibition Act in 2018. While in northern Nigeria, 12 states have revised their Sharia criminal codes to make same-sex acts illegal for both men and women, with the maximum penalties of death for men and whipping and / or imprisonment for women. Following the UN Human Rights Committee's last periodic review of Nigeria in 2013, the government rejected all recommendations to repeal laws affecting LGBT persons (see [Legal context](#)).
- 2.4.4 Sources have documented a number of arrests of LGB persons (mostly gay men), or those perceived to be, because of their sexual orientation, including 'mass' arrests where tens of people are detained following police raids of single events. Accurate statistics on the number and frequency of arrests of LGB persons are not available to determine how systematically the law is enforced; one source noted that some LGBT persons may live in hiding to avoid police attention (see [State attitude and treatment](#)).
- 2.4.5 Prosecutions and sentencing of LGB people are reported to be infrequent: those detained are usually released without charge. The existence of anti-LGBT laws, however, contributes to a climate of intolerance and the police –

in addition to arbitrary arrests – are reported to harass, blackmail and ‘out’ or ‘parade’ LGBT persons publicly. Though the scale and frequency of such acts is unclear from sources consulted (see [State attitude and treatment](#)).

- 2.4.6 Although the law prohibits ‘gay’ groups, a number of organisations provide legal advice and training, and ‘safe havens’ for LGBT people (including 2 shelters). These organisations were reportedly able to operate without government interference (see [LGBT groups and websites](#)).
- 2.4.7 There is no specific information amongst the sources consulted on arrests or other discriminatory treatment of trans and intersex persons (see [Bibliography](#)).
- 2.4.8 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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c) Societal treatment

- 2.4.9 Nigerians generally hold negative views of same-sex relations, which are considered alien to traditional African culture. While a recent survey indicates a growing acceptance of LGBTI people, particularly amongst younger people, 90% of those polled support the criminalisation of same-sex relationships and believe the country would be better without LGBTI people (see [Societal attitudes and treatment](#)).
- 2.4.10 Similarly conservative views are held by the main religions – Christianity and Islam – which generally are opposed to same-sex relations. As a result of societal expectations LGBTI persons may conceal their sexual orientation or gender identity and feel pressure to conform to gender (heterosexual) norms (see [Societal attitudes and treatment](#)).
- 2.4.11 LGBT persons may face societal discrimination and isolation, violence, blackmail and extortion, threats and hate speech, and, sometimes, mob attacks from non-state actors, including family and community members. In a survey undertaken in 2016 by the Bisi Alimi Foundation, 55% of respondents claimed that they had experienced physical/verbal abuse. Many added that they did not report the incidents for variety of reasons, including shame and fear of reprisal. Discrimination may be greater in northern states, particularly where Sharia law is implemented (see [Societal attitudes and treatment](#)).
- 2.4.12 LGBT persons also reportedly face discrimination in accessing services, such as healthcare, and in the work place (see [Access to services](#)).
- 2.4.13 There is no specific information amongst the sources consulted on societal attitudes and treatment of trans and intersex persons (see [Bibliography](#)).

d) Conclusion

- 2.4.14 In general, persons who openly express their sexual orientation and / or gender identity are likely to face discrimination and ill-treatment from state actors and / or societal actors that by its nature and repetition amounts to persecution.
- 2.4.15 Each case, however, needs to be considered on its facts, with the onus on the person to demonstrate that they face such a risk.

- 2.4.16 For further guidance on assessing risk, see the instructions on [Assessing Credibility and Refugee Status](#), [Sexual orientation in asylum claims](#) 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 be able to avail themselves of the protection of the authorities.
- 2.5.2 If the person's fear is of persecution and/or serious harm by non-state actors, the state may be able but is unlikely to be willing to provide protection. Same-sex sexual relations and groups that support LGBT persons are criminalised, and the police have been reported to arrest and detain, as well as commit other abuses against, LGBT persons (see [State attitudes and treatment](#)).
- 2.5.3 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 the widespread societal and state hostility towards and discrimination against LGBT persons, it will not be reasonable for a 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 is not viable if it depends on the person concealing their sexual orientation and / or gender identity 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](#).

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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: 31 January 2019

3. Legal context

3.1 Constitution

- 3.1.1 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 identity¹.
- 3.1.2 The Australian Department of Foreign Affairs and Trade observed in March 2018 that ‘Lesbian, Gay, Bisexual, Transgender or Intersex (LGBTI) people face significant legal and societal discrimination and violence in Nigeria. The Constitution of Nigeria offers general guarantees to the rights to life, privacy, association, assembly, dignity, and freedom of expression. However, no legislation explicitly protects sexual minorities from targeted violence or discrimination.’²

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3.2 Criminal/Penal Code

- 3.2.1 The Initiative for Equal Rights (TIER) 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.’³
- 3.2.2 The same TIER 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.’⁴
- 3.2.3 The Criminal Code Act, Chapter 77, Laws of the Federation of Nigeria 1990, stated:

¹ Constitution of the Federal Republic of Nigeria, 1999, [url](#)

² DFAT, Nigeria report (para 3.55), March 2018, [url](#).

³ The Initiative for Equal Rights, ‘Compendium of Laws-...’ (page 6), undated [url](#)

⁴ The Initiative for Equal Rights, ‘Compendium of Laws-...’ (page 6), undated [url](#)

‘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.”⁵

- 3.2.4 There is no information in the sources consulted on laws specifically aimed at trans or intersex persons (see [Bibliography](#)).

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3.3 Same-sex Marriage (Prohibition) Act

- 3.3.1 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 therefrom by virtue of the certificate shall not be enforced by any court of law.

‘2. (1) A marriage contract or civil union entered into between persons of same sex shall not be solemnized in a church, mosque or any other place of worship 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

⁵ Criminal Code Act, Chapter 77, 1990, [url](#)

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.’⁶

- 3.3.2 DFAT observed ‘The constitutionality of the Same Sex Marriage Act was challenged in the High Court of the Federal Capital Territory (Abuja). The Court dismissed the case on 22 October 2014 on the grounds that the plaintiff, a married heterosexual man, had not suffered as a result of the law and therefore lacked standing to challenge the law on behalf of the LGBTI community.’⁷
- 3.3.3 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.’⁸
- 3.3.4 HRW also reported that: ‘In November [2018], an Abuja Federal High Court dismissed the Lesbian Equality and Empowerment Initiative’s lawsuit challenging its non-registration. The court held that the Corporate Affairs and Allied Matters Act and the Same Sex Marriage Prohibition Act prohibited the registration of groups considered “undesirable, offensive and contrary to public policy.”’⁹

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3.4 Sharia

- 3.4.1 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 sharia¹⁰.
- 3.4.2 The International Lesbian and Gay Association (ILGA) noted in a 2017 report that ‘the maximum penalty for such acts between men is death penalty, while the maximum penalty for such acts between women is a whipping and/or imprisonment.’¹¹ The same ILGA document noted that ‘the states which have adopted such laws are: Bauchi (the year 2001), Borno (2000), Gombe (2001), Jigawa (2000), Kaduna (2001), Kano (2000), Katsina (2000), Kebbi (2000), Niger (2000), Sokoto (2000), Yobe (2001) and Zamfara (2000).’¹²

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⁶ Same-Sex Marriage (Prohibition) Act 2013 [url](#)

⁷ DFAT, Nigeria report (para 3.55), March 2018, [url](#).

⁸ HRW, World report 2019 (Nigeria), January 2019, [url](#).

⁹ HRW, World report 2019 (Nigeria), January 2019, [url](#).

¹⁰ Ostien, P., ‘Sharia Implementation in Northern Nigeria 1999-2006: A Sourcebook’ 2007 [url](#)

¹¹ ILGA, State Sponsored Homophobia, May 2017 (page 96) [url](#)

¹² ILGA, State Sponsored Homophobia, May 2017 (page 96) [url](#)

3.5 Additional relevant laws

- 3.5.1 The Armed Forces Act replicated criminal code provisions against same sex relationships¹³.
- 3.5.2 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 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.’¹⁴
- 3.5.3 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 stated that the Act was yet to be incorporated into domestic legislation in all states.[...]’¹⁵

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Section 4 updated: 31 January 2019

4. State attitudes and treatment

4.1 Government’s attitude / impact of law

- 4.1.1 A joint submission by a number of stakeholders¹⁶ to 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.’¹⁷
- 4.1.2 The stakeholder summary also reported:
‘JS8¹⁸ stated that expansive provisions of the Same Sex Marriage (Prohibition) Act had served to codify homophobia and transphobia.[...] JS12¹⁹ stated that the Act, which generally criminalized same sex relationships, had created additional criminal offences that targeted persons

¹³ The Initiative for Equal Rights, ‘Compendium of Laws-...’ (page 10), undated [url](#)

¹⁴ The Initiative for Equal Rights, ‘Compendium of Laws-...’ (page 17), undated [url](#)

¹⁵ UN HRC, Stakeholder summary (para 11), 24 August 2018, [url](#).

¹⁶ 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

¹⁷ UN HRC, Stakeholder summary (para 11), 24 August 2018, [url](#).

¹⁸ 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

¹⁹ Joint submission 12: Lawyers Alert, Makurdi, Benue State, Nigeria; and Southern Africa Litigation Centre, Johannesburg, South Africa

based on their sexual orientation.[...] JS8²⁰ stated that the Act had effectively legalized discrimination and had allowed people to act with impunity. Since its enactment there had been an increase in crimes and human rights violations against LGBT persons and their defenders.[...] JS13²¹ 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.[...]²²

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4.2 Arrests and detention

4.2.1 The US State Department (USSD) Human Rights Practices Report for 2017 noted that ‘News reports and LGBTI advocates reported numerous arrests, but detainees were in all cases released without formal charges after paying a bond, which was often times nothing more than a bribe.’²³

4.2.2 The Initiative for Equal Rights (TIER) noted in its annual report that ‘in 2017, there were several instances of mass arrests based on perceived sexual orientation...a number of cases of arbitrary arrests and unlawful detention were perpetrated by the police.’ The statistics in the report indicated fifteen arrest/detention incidents during 2017²⁴.

4.2.3 A Rights Africa article from June 2018 noted:

‘Nigerian police have arrested more than 100 party-goers at a hotel in Asaba, Delta State, on charges that they are gays and lesbians.

‘The incident reportedly happened around 2 a.m. yesterday at Delta Park Hotel in Asaba.

‘According to a witness who reported the incident...the police showed up at the hotel’s club, where more than 100 men and women were having a party, and started beating and harassing everyone in attendance.

‘The witness said he was lucky to have escaped, but was able to see how the police were hitting the party-goers with their guns and hands.

‘After the police had finished beating them, they arrested everyone, including the staff and management of the hotel, and took them to police station in Asaba, the witness said.

‘According to human rights activists who are working on the case, some of the arrested persons have given statements, and the police have granted

²⁰ 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

²⁰ Joint submission 12: Lawyers Alert, Makurdi, Benue State, Nigeria; and Southern Africa Litigation Centre, Johannesburg, South Africa

²¹ Joint submission 13: ‘Women Action for Gender Equality, Kano, Nigeria; Coalition of African Lesbians, Braamfontein, Johannesburg; and Sexual Rights Initiative, Ottawa, Canada’

²² UN HRC, Stakeholder summary (para 12), 24 August 2018, [url](#).

²³ USSD, ‘2017 Human Rights Practices Report’, 20 April 2018 (section 6) [url](#)

²⁴ The Initiative for Equal Rights (TIER), ‘2017 Report on Human Rights Violations based on Real or Perceived Sexual Orientation and Gender Identity in Nigeria’, 2018 (pages 2 and 3) [url](#)

them bail. Meanwhile, dozens are still being detained at the police station and the police have threatened to charge the matter to court.’²⁵

4.2.4 A 2016 Human Rights Watch report, stated:

‘Interlocutors note that the police make use of the [Same-sex Marriage (Prohibition) Act] SSMPA as a tool to humiliate and extort alleged LGBT people, by arbitrary arrests, torture, and “parading” the arrested persons, often stripped naked, to the public and media. The only way to prevent imprisonment and court cases (risking 14 years imprisonment) is to pay a bail out, or rather, as the Human Rights Watch interlocutors said, “bribe the police”. Police have also raided offices of organisations working on human rights, LGBT and Human immunodeficiency virus (HIV)-education[...].’²⁶

4.2.5 A Foreign Policy article noted that ‘Law enforcement has offered plea deals involving leniency for those willing to identify other targets for prosecution under the law.’²⁷

4.2.6 A Premium Times article from August 2018 noted:

‘The police in Lagos said they arrested 57 men for alleged homosexual activity at Kelly Ann Hotel/ Event Centre in Egbeda, Lagos, on Sunday morning.

‘Imohimi Edgal, the state police commissioner, told journalists during a press conference Monday that police, led by the divisional police officers of Shasha and Idimu, acting upon an information provided by a reliable source stormed the hotel (sic) at 2 am...[One of the arrested suspects said] “The police just barged in and arrested people, I was outside the hall buying a drink when I was arrested. They also arrested few ladies but they let go of the ladies. The police didn’t allow us know our offence until we reached the police station yesterday. At first, the police told us that they found some illegal drugs with us such as shisha, tramadol and others but those that owned this came out and claimed possession of it, it is not a general thing.

“They also accused us of being homosexuals, I am not one, I went there to party. They also accused us of being initiated but no initiation material was founded with us or at the venue.”’²⁸

4.2.7 The EASO report on targeting of persons, citing various sources, observed:

‘The website Erasing 76 Crimes notes: “Compiling a comprehensive list of people incarcerated for violations of anti-gay laws in Nigeria is currently impossible. Nigerian newspapers typically report arrests and sometimes the opening of trials of LGBT people, but not the outcome of those events.” [...] One rare example of the latter is from 6 June 2017, when two alleged homosexuals were discharged after having spent 5 months in prison awaiting trial. Their confessions had been obtained under duress and torture by the police.[...]

²⁵ Rights Africa, ‘Nigeria: Police arrest over 100 alleged gay and lesbians’, 11 June 2018 [url](#)

²⁶ HRW, “Tell Me Where I Can Be Safe”, 20 October 2016, [url](#), pp. 33-47

²⁷ Foreign Policy, ‘Can the Supreme Court’s Marriage Decision Help the World’s Most Homophobic Country?’, 29 June 2015 [url](#)

²⁸ Premium Times, ‘Nigeria Police storm hotel, arrest 57, accuse them of homosexuality’, 27 August 2018 [url](#)

‘Amnesty International (AI) notes that in 2017, arrest, public shaming, extortion of and discrimination against individuals based on their sexual orientation were reported in several parts of the country.[...]

‘According to Olumide Femi Makanjuola, Executive Director of TIERS[...] in Nigeria, all human rights violations based on sexual orientation and gender identity expression reported in 2016, were based on a real or perceived sexual orientation. He adds: “Of all the people that have been arrested, none of them have been caught in the act. We have never had a case where anyone has been caught in a sexual act, so it is often based on suspicion that they are gay or lesbian.”[...]

‘On 15 April 2017, 53 people were arrested in Kaduna State on accusation of conspiring to celebrate a gay wedding, unlawful assembly and belonging to an unlawful society. The accused denied saying they attended a birthday party, not a wedding.[...] They were granted bail.[...]

‘Between April and June 2017, police in Kano State arrested 124 suspected ‘rapists and gays’, recording 115 cases of ‘rape, sodomy and other acts of gross indecency’.[...] TIERS commented on these and other incidents that they were ‘unfairly sensationalised’ by print and online media.[...]

‘On 30 July 2017, police arrested more than 40 men, including 12 minors, attending an HIV awareness event, organised by an NGO, at a hotel in Lagos and accused them of performing same-sex acts.[...] The police paraded the victims to the media, including their names, pictures and HIV status. The men were granted bail awaiting their court case in November 2017.[...]

‘On 2 September 2017, Muslim religious police in Kano State (the Kano Hisbah Corps) arrested 70 minors after accusations that they were planning to organise a gay party.[...] No further reports on this case could be found.

‘On 11 June 2018, police and the Special anti-robbery Squad SARS arrested more than 100 youth attending a birthday party at a hotel in Asaba, Delta State, on accusation of being homosexuals. According to a witness, the police were beating the party-goers with their guns and arrested everyone, including the management and staff.[...]’²⁹

- 4.2.8 There is no information in the sources consulted on the treatment of trans or intersex persons specifically (see [Bibliography](#)).

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4.3 Prosecutions under anti-LGBTI laws

- 4.3.1 The Initiative for Equal Rights (TIER) noted in a 2018-published report that ‘in most instances of police arrest, the case is resolved with the police... Consequently, the criminal justice system has had very little opportunity to create a body of jurisprudence around LGBTQI issues.’³⁰
- 4.3.2 A BBC article from July 2017 referred to a particular incident of arrest and noted: ‘Since Nigeria passed a law criminalising same sex marriage and gay organisations in 2013, law enforcement agents have cracked down on

²⁹ EASO, Targeting individuals (ps 123-124), November 2018, [url](#).

³⁰ The Initiative for Equal Rights 2017 Report on Human Rights Violations..., 2018 (page 14) [url](#)

people suspected of homosexuality. However, arrests are infrequent as homosexual people live in hiding... This is not the first arrest for engaging in acts of homosexuality but so far prosecutions have never ended in prison.’³¹

- 4.3.3 A Human Rights Watch Report from 2016 noted that ‘Human Rights Watch found no evidence that any individual has been prosecuted or sentenced under the [Same Sex Marriage Prohibition Act] SSMPA.’³²
- 4.3.4 However the USSD report for 2017 noted that:
‘In July [2017] police in Lagos arrested approximately 70 individuals, including 13 minors, at a hotel party where police stated homosexual activities took place. As of November, 27 adults and 13 minors were still awaiting trial on lesser charges under the Lagos State Penal Code. The hotel owner and two staff members, however, were charged with aiding and abetting homosexual activities in violation of Section 5(2) of the SSMPA. The offense carries a 10-year sentence if convicted. It was the first time formal SSMPA-based charges had been brought.’³³
- 4.3.5 DFAT noted that ‘Federal and state laws against homosexuality are infrequently enforced in practice, but contribute to a climate of intolerance. State-level sharia laws against homosexuality are more likely to be applied than federal laws. DFAT understands that no executions have been carried out for homosexual acts since 2003.’³⁴
- 4.3.6 The European Asylum Support Office (EASO) 2017 Nigeria Country Focus report noted that ‘information is scarce concerning prosecutions and convictions under the Criminal and Penal Codes.’³⁵ A Nigerian news website noted in November 2016 that ‘Four men have received jail sentences from a magistrate court in Damaturu, the Yobe state capital following their conviction on charges of homosexuality.’³⁶
- 4.3.7 A European Asylum Support Office (EASO) COI Meeting Report for Nigeria noted ‘The implementation of the [Same-sex Marriage (Prohibition) Act] law itself has not seen the light of day, but what we have seen is the actual implementation of existing laws, triggered by the new law signed by the former president. People have been arrested and charged under the existing criminal penal code, and LGBT persons who fear being outed to their family have often surrendered to all kinds of blackmail from state actors.’³⁷
- 4.3.8 The [gaylawnet](#) website gathered thematic information about court cases in Nigeria.

³¹ BBC, ‘Mass Nigerian arrests for ‘homosexual acts’ in Lagos State’, 31 July 2017 [url](#)

³² Human Rights Watch, “‘Tell Me Where I Can Be Safe”, October 2016 (page 2) , [url](#)

³³ USSD, Human rights report 2017 (section 6), April 2018, [url](#).

³⁴ The Australian Department of Foreign Affairs and Trade (DFAT), ‘Nigeria Country Report’, 9 March 2018 (page 23) [url](#)

³⁵ European Asylum Support Office (EASO) – ‘2017 Nigeria Country Focus report’, June 2017 (p47) [url](#)

³⁶ Latest Nigerian News, ‘Four Men Jailed For Homosexuality In Yobe State’, 24 November 2016 [url](#)

³⁷ European Asylum Support Office (EASO), ‘COI Meeting Report-Nigeria Practical Cooperation Meeting in June 2017, August 2017 (page 62) [url](#)

- 4.3.9 There is no information in the sources consulted on the treatment of trans or intersex persons specifically (see [Bibliography](#)).

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4.4 Violence and discrimination

- 4.4.1 In a submission to the UN Human Rights Committee as part of Nigeria's Universal Periodic Review(UPR), a number of stakeholders³⁸ stated 'that discrimination was evident in the behaviours of government officials, such as the police, health workers and educators.'³⁹
- 4.4.2 The same stakeholder submission to the UN UPR noted that 'Nigeria had continued to allow the violation of the rights of the LGBT population, despite its obligations to protect those rights arising from several international human rights conventions to which it was a party.'⁴⁰
- 4.4.3 An International Lesbian and Gay Association (ILGA) statement to the United Nations noted that 'in Nigeria, there is police harassment of LGBT persons. This can be through "outing" people to their communities. Recently, the police arrested over fifty gay men on spurious charges.[...] When state actors resort to such violence, it aggravates and legitimizes what is often a vicious anti-LGBTI climate in society.'⁴¹
- 4.4.4 A Queer Alliance Nigeria 2018 Shadow Report noted that 'More than 250 cases of human rights violations based on sexual orientation and gender identity, have been reported, spanning areas such as blackmail and extortion, mob justice, attacks, police brutality amongst others; 32 violations were committed by state actors, 168 by non-state actors and 10 by both state and non-state actors.'⁴²
- 4.4.5 See also incidents of discrimination and violence committed by state actors documented alongside those committed by non-state actors in [Societal attitudes and treatment](#) below.
- 4.4.6 There is no information in the sources consulted on the treatment of trans or intersex persons specifically (see [Bibliography](#)).

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4.5 Public statements by government officials

- 4.5.1 An Erasing 76 Crimes article from May 2018 noted:

³⁸ 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

³⁸ Joint submission 12: Lawyers Alert, Makurdi, Benue State, Nigeria; and Southern Africa Litigation Centre, Johannesburg, South Africa

³⁹ UN HRC, Stakeholder summary (para 10), 24 August 2018, [url](#).

⁴⁰ UN HRC, Stakeholder summary (page 2), 24 August 2018, [url](#)

⁴¹ International Lesbian and Gay Association (ILGA), Statement to the UN Human Rights Council Session, 19th October 2017 [url](#)

⁴² Queer Alliance Nigeria, A Shadow Report on Human Rights Violations Based on Sexual Orientation and Gender Identity in Nigeria Submitted for the Universal Periodic Review', 29 March, 2018 (section 3) [url](#)

'Prominent Nigerian official Babatunde Fashola claimed ignorance last month as a tactic for avoiding uncomfortable questions about Nigeria's persecution of LGBT people.

'Babatunde Fashola, former governor of Lagos State, currently runs the Federal Ministry of Power, Works and Housing. But he said he doesn't know that gay people are persecuted in Lagos State.

'The minister made the comments last week at the Commonwealth Peoples Forum at the Commonwealth Head of Governments Meeting (CHOGM 2018) in London.

'Responding to a question about his stand on homosexuality and the condition of LGBT persons in Lagos State, as well as the recent arrest of about 40 men who were accused of homosexuality and paraded before the media last July, he said: "the 40 incidents that you mentioned, I am not aware of it. As you might know, I am no longer governor of Lagos State; I ceased to be governor in 2015."

'The arrests were widely reported in Nigeria and internationally.

'...Fashola also denied that he has ever been homophobic. He said: "I have never made a statement against the LGBT community; I don't recall ever making such a statement. So wherever your source came from, that is grossly inadequate."⁴³

4.5.2 A Pink News article from April 2018 noted:

'Nigerian politicians have reportedly hit back at Prime Minister Theresa May after she promoted LGBT rights in the Commonwealth countries that still criminalise homosexuality... According to Nigerian news outlets, several Nigerian politicians have criticised the British Prime Minister for asking any country to change its laws on homosexuality.

'Femi Gbajabiamila, the majority leader of Nigeria's House of Representatives, said that he "seriously doubted" any reversal of Nigeria's harsh penalties for homosexuality... Gbajabiamila was supported by the Chief Whip Alhassan Ado-Dogwu, who reportedly said the debate on LGBT rights was "conclusive."

"As far as we are concerned in the National Assembly, this matter was conclusive and we will never revisit it," he said.

'...Ado-Dogwu continued: "A country like Nigeria that is strictly guided by Islamic and Christian codes respectively will not contemplate this act of immorality no matter what global consequences we may have to face."

'However, some politicians were more reserved and said that the decision on any changes would have to come from the President, Muhammadu Buhari.

'Senator Ben Murray-Bruce said: "We will wait for the position of the President. If he wants to review it, he should transmit a letter to us, telling us that he is convinced about same-sex marriage. He should tell us his views, whether he is for it or against "If someday, Africa evolves to the level of

⁴³ Erasing 76 Crimes, 'Nigerian official about LGBT persecution: I know nothing', 3 May 2018 [url](#)

endorsing gay marriage, fine, but now, our population evidently does not want to make this a priority issue and it is not a priority for us.”⁴⁴

4.5.3 An Erasing 76 Crimes article from September 2018 noted:

‘Presidential aspirant Donald Duke vows to continue the persecution of LGBTI Nigerians if elected president in 2019.

‘Former Cross River State governor Donald Duke has admitted that the harsh and homophobic condition under which the Nigerian LGBTI community currently suffers will not improve under his political administration if he is elected president in 2019.

‘...This followed after he talked about homosexuality and the human rights of LGBT persons in Nigeria on an episode of ‘On The Couch Naija,’ a show with musician Falz and broadcast journalist Laila as the host.

‘Duke said that he was not going to discriminate against LGBTI Nigerians, but rather was going to protect them. Further into the conversation on the show, he gave an illustration to prove that he was not comfortable with same-sex people displaying their affection for their partners in public, stating that it would be “an affront on the current norms of society.”⁴⁵

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4.6 Redress mechanisms

4.6.1 The Immigration and Refugee Board of Canada (IRB) noted in 2015 that LGBTI persons often could not report violence committed against them to the police because the police were sometimes involved in the violence themselves⁴⁶.

4.6.2 The International Service for Human Rights noted in 2015 ‘Despite the existence of a National Human Rights Commission since 1995 (which received quasi-judicial powers in 2010) and a Public Interest Litigation/Human Rights Defenders Unit, Nigeria’s human rights record remains poor. Violations against various groups of individuals continue, in particular, lesbian, gay, bisexual, transgender and Intersex people (LGBT people) journalists and women.’⁴⁷

4.6.3 An International Lesbian Gay Association submission to the United Nations noted that ‘The National Human Rights Commission has been under-resourced and its lack of compliance with Paris Principles ranked it from “A” to “B” status. Therefore, it is with no surprise that the Commission has not performed well in terms of protection of human rights for all, including sexual minorities.’⁴⁸

⁴⁴ Pink News, ‘Nigerian politicians reportedly hit back at Theresa May about LGBT rights after her apology to the Commonwealth’, 22 April 2018 [url](#)

⁴⁵ Erasing 76 Crimes, ‘Nigerian candidate sounded tolerant, but he’s homophobic’, 4 September 2018 [url](#)

⁴⁶ Immigration and Refugee Board of Canada, ‘Nigeria: Treatment of sexual minorities...’, 13 November 2015, [url](#).

⁴⁷ International Service for Human Rights, ‘Submission to 56th session of the African Commission on Human and Peoples’ Rights on the situation of human rights defenders-Nigeria’, April 2015 [url](#)

⁴⁸ International Lesbian Gay Association, ‘Joint submission by LGBTI organizations in Nigeria to the

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

‘The Constitution of Nigeria generally “guarantees the rights to life, privacy, association, and thought and conscience. It also protects respect for dignity and secures people’s right to freely express themselves.”[...] The Violence Against Persons (Prohibition) Act (VAPP), May 2015, aims to “eliminate violence in private and public life, prohibit all forms of violence against persons and to provide maximum protection and effective remedies for victims and punishment of offenders.”[...]

‘However, as the TIERS report notes, “legislation also codifies discrimination and criminalisation of LGBTQI people, most prominently in the SSMPA”... In cases where LGBT individuals are victims of a crime, they are often afraid to report to the police for fear of being arrested and imprisoned....Traditional rulers in Egor, Edo State, have cursed homosexuals and gay marriages in an effort to “curb increase in the rate of homosexuality in the area” which is described as a “menace which at present is at sinister speed”. The chiefs, aided by police, went from house to house in the middle of the night, seeking suspected homosexuals.[...]

‘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.”[...]⁴⁹

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Section 5 updated: 31 January 2019

5. Societal attitudes and treatment

5.1 Societal views

5.1.1 A Reuters article from May 2017 noted:

‘A tentative, growing acceptance of gay men and women in Nigeria offers a seed of hope, human rights campaigners said on Wednesday, in a country where the outlawing of gay sex is supported by nine in ten people, according to a new report.

‘A 2017 survey by NOI Polls compared attitudes towards lesbian, gay, bisexual and transgender (LGBT) people in Nigeria against a 2015 poll.

second Universal Periodic Review of Nigeria. Human rights Council, October 2013 session (page 3)

[url.](#)

⁴⁹ EASO, Targeting persons (ps125-6), November 2018, [url.](#)

'It found a 7 percent increase in acceptance of LGBT people, and a 9 percent rise to 39 percent of those surveyed who think that LGBT people should be allowed equal access to public services such as healthcare, education and housing.

"These changes might look small, but let us acknowledge the progress," said Olumide Makanjuola, executive director of The Initiative for Equal Rights (TIERS), a charity working to protect the rights of sexual minorities in Nigeria, which commissioned the survey.

"The fact that there is a small differential is important to acknowledge. Nigeria is not an easy place to have such conversations."

'However, the poll showed a 4 percent increase to 90 percent of Nigerians who support the criminalisation of same-sex relationships, and no change in the proportion of Nigerians who believe that the country would be a better place with no LGBT people, also 90 percent.' ⁵⁰

5.1.2 This is the [NOI Poll](#) commissioned by the Initiative for Equal Rights referred to in the above paragraph.

5.1.3 A Vanguard article from September 2018 noted:

'Most Rev. Nicholas Okoh, the Primate of the Church of Nigeria, Anglican Communion, says homosexuality is "veritably poisoning" the Nigerian society.

'Okoh said in Abuja that the unlawful act was being fed by "disintegration of social values and cultures."

'He blamed the development on the influence of western culture facilitated by the internet and satellite broadcasting.

"Homosexuality hinders the progress of a nation and such ungodly images should never be shown in Nigeria.

"It is pertinent to note that the advent of satellite broadcasting has continued to pose a serious challenge to our traditional cultures, religious values and our identity as a people.

"Our youths are now being deceived by the international media with values that are at variance with our culture and the teachings of our religion," he said.

'...Okoh said: "What is happening in the Nigerian society is a result of international influence and urbanisation.

"As people move from villages to the cities, they are detached from their ancestral authority, parents, chiefs and others.

"Anti-social behaviours that used to be tackled are no longer tackled all because of modernisation; essentially, people are destroying themselves," he said.

'The primate urged Nigerians to imbibe the values of their traditional culture in the interest of future generations.' ⁵¹

⁵⁰ Reuters, 'LGBT acceptance slowly grows in Nigeria, despite anti-gay laws', 17 May 2017 [url](#)

⁵¹ Vanguard, 'Nigeria: Homosexuality 'Poisoning' Nigerian Society – Primate', 4 September 2018 [url](#).

5.1.4 An Erasing 76 Crimes article noted:

‘Activists have launched a campaign to stop homophobic Nigerian hate preacher Suleman Johnson from spreading his homophobic sermons to Canada.

‘The controversial religious leader, who has been involved in several scandals, is the general overseer of Omega Fire Ministries International, a popular Nigerian Christian church with several branches spread across the country. Like many other conservative Christians, especially in Africa, Apostle Johnson he believes that homosexuality is evil and demonic.

‘He preaches that homophobic message to his congregation.’⁵²

5.1.5 The EASO report of November 2018, citing various sources, noted in regard to the NOI poll:

‘According to a poll[...] commissioned by the Initiative for Equal Rights (TIERs), a non-profit organisation working to protect the rights of sexual minorities, the acceptance rate of Lesbians, Gays and Bisexuals (LGB) by family members is slightly rising, from 11% in 2015 to 13% in 2017. At the same time the criminalisation of same-sex relationships is supported by 90% of the Nigerians interviewed for the poll, which is a 4% increase since 2015. Of the respondents, 39% (9% more than in 2015) thought that LGBT people should be allowed equal access to public services such as healthcare, education and housing. On the question if they know someone who is lesbian, gay or bisexual - a family member, friend, or someone within their locality - 17% of respondents responded positively. On the other hand, the percentage of Nigerians who believe that the country would be a better place without LGBT people remained at 90%.[...]’⁵³

5.1.6 The EASO report also stated that

‘The main religions in Nigeria, Christianity and Islam, are both opposed to same-sex relations and activities. Religious leaders preach vehemently against homosexuality and the Islamic Hisbah police actively pursues alleged LGBT persons. In particular the growing evangelical Christian movements are spreading hatred and intolerance towards LGBT persons.[...]

‘The only gay-friendly church in Nigeria is the House of Rainbow, originally founded by a pastor, Rev. Macaulay, who was forced to flee Nigeria after he was outed in the media.[...]

‘Rather than emphasising human rights violations and hate crimes, TIERs focuses on progress, such as the slight increase of tolerance and acceptance of LGBT people, as was indicated from the poll. Also, the increased visibility of the LGBT culture in Nigeria (film shows and photo exhibitions) is “a sign that attitudes are changing”.[...]

‘The millennial generation is reportedly more tolerant towards LGBT persons.[...] On 12 September 2017, TIERs organised the first-ever

⁵² Erasing 76 Crimes, ‘Campaign: Block Nigerian hate preacher’s trip to Canada’, 16 September 2018 [url](#)

⁵³ EASO, Targeting persons (ps122-3), November 2018, [url](#).

conference on diversity, inclusivity and equality in Nigeria, in partnership with the University of Lagos.[...] The website Erasing 76 Crimes, focusing “on the human toll of 76+ countries’ anti-LGBT laws and the struggle to repeal them”, also concludes: “Anti-LGBT violence and harassment remain severe problems, but Nigerian society is slowly becoming less scared and less hateful toward LGBT people.”[...]

‘However, from the interviews in the Human Rights Watch report, it becomes clear that LGBT persons feel pressed to self-censorship, concealing their sexual orientation or gender identity and adapting to the societal norms. In particular lesbian and bisexual women often are under heavy pressure to marry and start a family, and also feel obliged to adapt their clothing and presence to ‘societal norms’.[...]

‘A specific stereotype that bisexuals often experience is the societal belief in Nigeria that bisexuality does not exist and “a person must be either homosexual or heterosexual”. The concept of bisexuality as a sexual orientation label is very recent, although the practice is not. According to the Executive Directors of TIERs and Women’s Health and Equal Rights Initiative (WHER), interviewed by the Canadian IRB, “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.”[...]⁵⁴

- 5.1.7 There is no information in the sources consulted on attitudes towards trans or intersex persons specifically (see [Bibliography](#)).

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5.2 Violence and discrimination

- 5.2.1 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 communities⁵⁵.

- 5.2.2 A 2017 Bisi Alimi Foundation survey noted:

‘...the scale of Homo/Bi/Transphobic harassment, abuse and violence experienced by those who completed our survey was worryingly high; with 71% believing the abuse they experienced was due to their gender identity or sexuality.

‘Yet much of this abuse manifested itself in what respondents described as the cultural wallpaper of their daily lives.

“I was bullied a lot in secondary school for being gay after a guy was caught trying to have sex with me..... The bullying continued till I graduated” (Gay man living in Nigeria aged 25-34).

⁵⁴ EASO, Targeting persons (ps122-3), November 2018, [url](#).

⁵⁵ UN HRC, Stakeholder summary (para 10), 24 August 2018, [url](#).

“Attacked because of my sexuality in a nite club in Lagos. Was physically and almost left for dead by a gang of gay people cause I foiled a set-up attempt against me” (Gay man living in Nigeria aged 18-24).

“Well, the experience I had was terrible. I was invited by a guy whom I thought is a LGBT, but getting to his residence, he grabbed me along with his friends who has hide in corners. I was beaten, robbed, but I wasn't raped. All I had was collected [by them] including my shoes” (Gay man living in Nigeria aged 18-24).

“I was [abducted] by a group of boys, severely beaten, injured, threatened with death and public disgrace, locked up for 1 whole Week, outed to my entire family who [were] forced to pay a ransom of 350000 Naria for my release” (Gay man living in Nigeria aged 25-34).⁵⁶

5.2.3 DFAT observed:

‘All socioeconomic groups in Nigeria hold negative views of homosexuality, which many consider to be alien to traditional African culture. Individuals discovered to be LGBTI face societal isolation and discrimination.

‘As a result, members of the LGBTI community commonly hide their sexuality and often face significant pressure to marry individuals of the opposite sex. DFAT considers credible reports of young men being ostracised and forced out of their family homes once their homosexuality became known. Individuals accused of homosexuality often lose their jobs and are forced to leave their village on threat of lethal violence.

‘Local NGOs reported a spike in attacks against homosexuals, particularly in northern Nigeria and Abuja, following the introduction of the Same Sex Marriage (Prohibition) Act 2013 in early 2014.

‘DFAT considers credible local and international media reports of lynchings of alleged homosexuals in northern states in January 2014. The frequency and seriousness of these attacks was unusually high in the context of Nigeria’s recent history. Attacks have reduced in frequency and severity since early 2014.

‘DFAT assesses members of the LGBTI community face a high risk of societal discrimination and violence in Nigeria. These risks increase in the northern states, particularly those applying sharia law.’⁵⁷

5.2.4 The EASO report of November 2018, citing various sources, describing incidents of discrimination committed by both state and, primarily, non-state actors noted:

‘A review by TIERs of the human rights violations against LGBT people in Nigeria over 2016, revealed at least 152 violations against 232 persons in 16 states, with most cases in Rivers and Lagos states. Perpetrators were mostly non-state actors (blackmail and extortion), although in 37 cases state actors were involved (mainly arbitrary arrests and unlawful detention), and in 16 cases both types of actors. Other violations reported were: Mob attack

⁵⁶ Bisi Alimi Foundation, “Not dancing to their music”: The Effects of Homophobia, Biphobia and Transphobia on the lives of LGBT people in Nigeria’, January 2017 (pages 18 and 19) [url](#).

⁵⁷ DFAT, Nigeria report (paras 3.62-3.65), March 2018, [url](#).

(3), battery/assault (33), theft (21) and defamation (21), threat to life (12) and attempted murder (2).

'In its 2017 annual report, TIERs writes: "Blatant violations of fundamental human rights continue to plague those who self-identify or are perceived as lesbian, gay, bisexual, trans, queer and/ or intersex (LGBTQI)." TIERs documented 210 violations against 247 persons in 20 states, with most cases in Rivers, Lagos and Enugu. Victims included 19 women and 228 men. Perpetrators were 168 non-state actors, 32 state actors and in 10 cases both types of actors were involved. TIERs comments on the low number of women: "Reporting is low amongst women because they fear possible backlash against them if their sexuality or gender identity is known. Another factor is the sociocultural beliefs that suppress women and encourage a culture of silence in the face of violations against women and girls." [...]

'Of the 210 reported cases, the following types of violations were mentioned, amongst others: Arbitrary arrest/unlawful detention (15), invasion of privacy (32), blackmail and extortion (68), forceful eviction (25), mob attack (3), battery/assault (48), theft (10), threat to life (12), defamation/hate speech (18), stigma and discrimination (17), torture (7), (attempted) rape (5), murder/manslaughter (3), kidnap (2). [...]

'According to a survey amongst 446 LGBT people in Nigeria, held between April and July 2016 by the Bisi Alimi Foundation, 55 % of the interviewees have been physically and/or verbally abused, and 71 % thought this was because of their sexual orientation or gender identity. Most of them did not report the abuse, either out of shame, fear of reprisal or they believed no one would help. Perpetrators were mostly persons they knew already. [...]⁵⁸

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5.3 Pro-LGBT marches/gay pride

5.3.1 A Mamba article from May 2018 noted:

'A group of brave Nigerians has faced arrest and abuse by openly marching in support of LGBTI lives in the streets of Lagos on Monday.

'The individuals protested as part of the National Day of Mourning and Remembrance, held by civil society organisations to condemn high levels of violence in the country and to mourn its victims.

'According to the organisers, over 1,400 people were killed in violence across Nigeria in just the first 70 days of 2018.

'The pro-LGBTI protesters, led by the Bisi Alimi Foundation, joined the march to highlight the forgotten reality that sexual and gender minorities are also victims of violence.

'The defiant group held up signs that stated, "LGBTI people are being killed too. Why are we so silent?", as they peacefully walked among the other protesters. Another placard read: "We also remember LGBT people killed in Nigeria for being who they are."

⁵⁸ EASO, Targeting persons (p123), November 2018, [url](#).

‘The foundation wrote on Facebook: “In solidarity we stand for the LGBTI persons killed and exposed to extreme torture and homelessness because of who they are in Nigeria.”’⁵⁹

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Section 6 updated: 31 January 2019

6. Access to services

6.1 Healthcare

6.1.1 A Stonewall briefing on Nigeria noted:

‘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.’⁶⁰

6.1.2 An Erasing 76 Crimes article from December 2017 noted:

‘A community-based NGO in Abuja, Nigeria, is conducting a survey to learn about the experiences of LGBT Nigerians when they seek health care and health information.

‘Getting access to health care as an LGBT person in Nigeria is often very difficult. Many LGBT Nigerians keep their sexual orientation a secret when they visit hospitals and clinics, for fear of being harassed or denied services. Learning more about this problem is the goal of the survey.

‘It is a project of the Initiative Supporting Adolescents and Youth in Education and Sexual Health, or ISAYES.

‘According to Muhammad Awwal Jibril, the project coordinator for ISAYES, the results from the survey, “Inclusion & SRHR Intervention for Young LGBTIQQ,” will help the organization assess the health needs and challenges of LGBT persons, particularly with regard to instances when they experience discrimination and stigma due to sexual orientation.

‘It will also provide an insight into how the organization can provide quality health care services to people regardless of their sexual orientation.’⁶¹

6.1.3 A May 2017 article noted that ‘A Nigerian human rights NGO, The Initiative for Equal Rights, launched “Quickcare” – a new mobile application aimed at helping members of the LGBT community access health services in the country. The mobile app provides access to useful basic information about

⁵⁹ Mamba Online, ‘Nigerians march for LGBTI victims of violence in Lagos’, 31 May 2018 [url](#).

⁶⁰ Stonewall, ‘Nigeria Legal Landscape Briefing’, 2018 [url](#).

⁶¹ Erasing 76 Crimes, ‘Survey’s goal: Improved health care for LGBT Nigerians’, 18 December 2017 [url](#).

STDs, safe sex tips and a comprehensive list of LGBT-friendly facilities spread across Nigeria.’⁶²

- 6.1.4 A summary report of stakeholder submissions compiled by the UN Human Rights Committee as part of Nigeria’s Universal Periodic Review (date?)reported:

‘Referring to a relevant study, JS12⁶³ 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).[...] JS13⁶⁴ stated that sections 5(2) and (3) of the Act had hindered access to Anti-Retroviral Vaccines, HIV testing and counselling services.[...] JS8⁶⁵ 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.

‘... JS5⁶⁶ 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.[...]’⁶⁷

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6.2 Employment

- 6.2.1 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.’⁶⁸

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Section 7 updated: 31 January 2019

7. LGBT groups and websites

- 7.1.1 A Nigerian health communications researcher noted in an undated report:

‘A World Bank mapping and size estimation in Nigeria’s Federal capital territory Abuja reported over 175 hotspots for MSM (Strengthening HIV/AIDS

⁶² Konbini, ‘LGBT Nigerians Can Now Get Help Using A Simple Mobile Application’, May 2017 [url](#).

⁶³ Joint submission 12: Lawyers Alert, Makurdi, Benue State, Nigeria; and Southern Africa Litigation Centre, Johannesburg, South Africa

⁶⁴ Joint submission 13: Women Action for Gender Equality, Kano, Nigeria; Coalition of African Lesbians, Braamfontein, Johannesburg; and Sexual Rights Initiative, Ottawa, Canada

⁶⁵ 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

⁶⁶ 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

⁶⁷ UN HRC, Stakeholder summary (para 10), 24 August 2018, [url](#).

⁶⁸ Stonewall, ‘Nigeria Legal Landscape Briefing’, 2018, [url](#).

Prevention Services, 2013). In March 2014 only 25 of those spots were validated as functional. Dozens of allegedly gay people and gay-friendly hotspots have been raided by either law enforcement agencies or homophobic-residents. The few remaining “stubborn” gay-friendly clubs still exist in major cities like Lagos, Abuja and Port Harcourt, because they enjoy the backing of a high-profiled person in government.’⁶⁹

- 7.1.2 A Stonewall briefing on Nigeria noted ‘The SSMPA [Same Sex Marriage Prohibition Act] prohibits the registration of “gay” clubs, societies and organisations. This means that LGBT groups cannot register as such. However, some organisations registered as human rights, women’s or health organisations do focus on issues affecting LGBT people, such as HIV prevention and treatment and other service provisions. Community-based groups also exist for peer support.’⁷⁰
- 7.1.3 Similarly the USSD report for 2017 noted: ‘Several NGOs provided LGBTI groups with legal advice and training in advocacy, media responsibility, and HIV/AIDS awareness, as well as providing safe havens for LGBTI individuals. The government and its agents did not impede the work of these groups during the year.’⁷¹
- 7.1.4 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.’⁷²
- 7.1.5 The EASO targeting persons report, citing various sources, noted:
‘According to Human Rights Watch, there are reportedly several (at least ten) organisations active in Nigeria in support of LGBT persons or working on HIV health and human rights. At least three organisations working on HIV, health and human rights reported to Human Rights Watch their offices had been raided by police due to their work with LGBT communities.
‘The web page Where Love is a crime provides the following information about organisations across Nigeria working on LGBT health and human rights issues, at zone levels [...]:

⁶⁹ Chiedu Chike Ifekandu, ‘The Fallout of Nigeria’s Anti-Gay Law and Opportunities for the Future for LGBTI Persons and Communities’ (p84), undated, [url](#).

⁷⁰ Stonewall, ‘Nigeria Legal Landscape Briefing’, 2018, [url](#).

⁷¹ USSD, Human rights report 2017 (section 6), April 2018, [url](#).

⁷² NoStrings website, ‘About Us’, undated [url](#).

‘North West: AGE-Advocates for Grass root Empowerment (AGE), formally Grass root community support (GCS)

‘North East: none

‘North Central: WHER Women’s Health and Equal Rights Initiative, Nigeria ICARH International Centre for Advocacy on Rights to Health (formerly known as Alliance Rights Nigeria)

‘South East: AGHI Access to Good Health Initiative

‘South West: TIERs The Initiative For Equal Rights. TIERs offers a 24-hour support hotline HORF House Of Rainbow Fellowship

‘South South: QA Queer Alliance IMH Initiative for Improved Male Health IAH Initiative for Advancement of Humanity

‘Other organisations mentioned in media reports are:

‘The Bisi Alimi Foundation, “a diaspora initiative that aims to change the hearts and minds of Nigerians and accelerate social acceptance of Lesbian, Gay, Bisexual and Transsexual (LGBT) people. We pursue change through advocacy, research, and media training.” The foundation is named after a former Nigerian public person who was forced to flee Nigeria when he was outed.[...]

‘The Equality Hub, a Nigerian not-for-profit organisation founded in 2017 to advance the rights of female sexual minorities in Nigeria.

‘Promote and protect human rights, a new website launched by the Women’s Rights and Health [WHER] Initiative, a Nigerian civil society not-for-profit organisation, facilitates people to report any type of human rights violations in Nigeria. The website will display the total number of reported cases on a map with details of the incidents, including where they occurred.

‘Iperfect Africa, a Nigeria-based initiative aimed to support LGBTIQ people in Africa says it is ‘helping to win the release of Africans who have been jailed because of their real or perceived sexual orientation’.[...]

‘The Coalition for the Defense of Sexual Rights (CDSR) is a consortium of non-profit independent organisations and individuals working on diverse Issues of sexual and reproductive health and rights in Nigeria.’⁷³

- 7.1.6 The EASO report also stated: ‘According to a civil society representative interviewed by the IRB in 2015, there are two shelters in Nigeria for LGBT people: one in the north and one in the south.[...] More recent information could not be found within the time frame of drafting this report.’⁷⁴

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⁷³ EASO, Targeting individuals... (ps126-7), November 2018, [url](#).

⁷⁴ EASO, Targeting individuals... (ps126-7), November 2018, [url](#).



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 ToRs, 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 rights
 - Constitution
 - Specific anti-LGBT legislation
- State attitudes and treatment
 - Arrests and detentions
 - Prosecutions
 - Redress mechanisms
 - Views of public officials
- Societal attitudes and treatment
 - Public views of LGBT persons
 - Societal discrimination and treatment
- Access to services
 - health
 - education
 - accommodation
 - employment
- LGBT groups

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Version control

Clearance

Below is information on when this note was cleared:

- version **2.0**
- valid from **11 April 2019**

Changes from last version of this note

[No key changes were made to this guidance from last version but the COI [Country of Origin Information] has been updated]

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