



THE INITIATIVE FOR
EQUAL RIGHTS

2018



**HUMAN RIGHTS VIOLATIONS REPORT
BASED ON
REAL OR PERCEIVED SEXUAL ORIENTATION
AND GENDER IDENTITY IN NIGERIA**

2018 Report on
Human Rights Violations based on
**Real or Perceived Sexual Orientation
and Gender Identity in Nigeria**

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The report was compiled by



THE INITIATIVE FOR EQUAL RIGHTS

In Partnership with

Access To Good Health Initiatives (AGHI)
Hope Alive Health Awareness Initiative (HAHAI)
Initiative for the Advancement of Humanity (IAH)
Womens Health and Equal Rights Initiative (WHER)
International Centre on the Right to Health (ICARH)
**Initiative for the Advancement of Improved Health
and Development (IAIHD)**
Improved Male Health (IMH)





Pertinent Abbreviations

ACHPR - African Commission on Human and Peoples' Rights

AMSHer - African Men for Sexual Health and Rights

IAH - Initiative for the Advancement of Humanity

LGBTI - Lesbian, Gay, Bisexual, Transgender and Intersex

SOGI - Sexual Orientation and Gender Identity

SSMPA - Same Sex Marriage (Prohibition) Act, 2013

SSMPL - Lagos State Same Sex Marriage (Prohibition) Law, 2007

TIERs - The initiative for Equal Rights

VAPP - Violence Against Persons (Prohibition) Act, 2015

UNHRC - United Nations Human Rights Council





Glossary

For the purposes of this Report, the meanings to be attached to the following terms are as provided below:

Homosexual: A person who is emotionally, romantically, sexually or relationally attracted to people of the same sex.

Lesbian: A woman who is emotionally, romantically, sexually or relationally attracted to other women.

Gay: A synonym for homosexual in many parts of the world. In this Report, used specifically to refer to a man who is emotionally, romantically, sexually and relationally attracted to other men.

Bisexual: A person emotionally, romantically, sexually or relationally attracted to both men and women, though not necessarily simultaneously; a bisexual person may not be equally attracted to both sexes, and the degree of attraction may vary as sexual identity develops over time.

Transgender: Refers to a person whose gender identity or expression is different from their assigned sex.

Intersex: A term referring to a variety of conditions in which a person's sexual and/or reproductive features and organs do not conform to dominant and typical definitions of "female" or "male".

LGBTQI: A blanket term that refers to people who identify as lesbian, gay, bisexual, and/or trans, queer, intersex.

Sexual Orientation: An inherent or immutable enduring emotional, romantic, sexual or relational attraction to another person; it may be a same-sex orientation, opposite-sex orientation or a bisexual orientation. It is not to be confused with sexual preference, which is what a person likes or prefers to do sexually; a conscious recognition or choice.

Gender: Socially constructed roles, behaviours and personal characteristics that a given society considers appropriate for men, women and others.

Gender Expression: External manifestation of one's gender identity, usually expressed through masculine, feminine or gender-variant behaviour, clothing, haircut, voice or body characteristics. Typically, transgender persons seek to make their gender expression match their gender identity, rather than their birth-assigned sex.

Gender Identity: One's deeply rooted internal sense of their gender, i.e., being male or female, both, or something other than female and male. For most people gender identity aligns with assigned sex but this is not often the case for trans persons.

Transsexual: A term describing people whose gender and sex do not line up, and who often seek medical treatment to bring their body and gender identity into alignment.

Gender-based Violence: Violence directed against a person on the basis of gender or sex. Gender-based violence can include sexual violence, domestic violence, psychological abuse, sexual exploitation, sexual harassment, harmful traditional practices, and discriminatory practices based on gender. The term originally described violence against women but is now widely understood to include violence targeting women, transgender persons, and men because of how they experience and express their genders and sexualities.

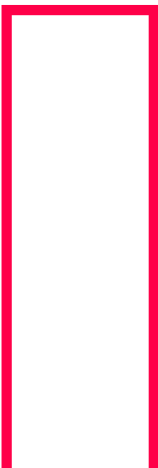
Coming Out: The process where a person acknowledges, accepts and appreciates his or her sexual orientation or gender identity (SOGI) and begins to voluntarily share this information with others.

Living openly: A state in which LGBTI people are comfortably out about their sexual orientation or gender identity – where and when it feels appropriate to them.

Outing: Exposing someone's sexual orientation as being lesbian, gay, bisexual or transgender, without their permission; in essence, "outing them from the closet". Outing someone can have serious employment/economic/safety/religious repercussions in some societies or situations.

Transphobia: The fear and hatred of, or discomfort with others because of their actual or perceived gender identity or expression.

Homophobia: The fear and hatred of or discomfort with homosexuals usually based on negative stereotypes of homosexuality.



STATISTICS

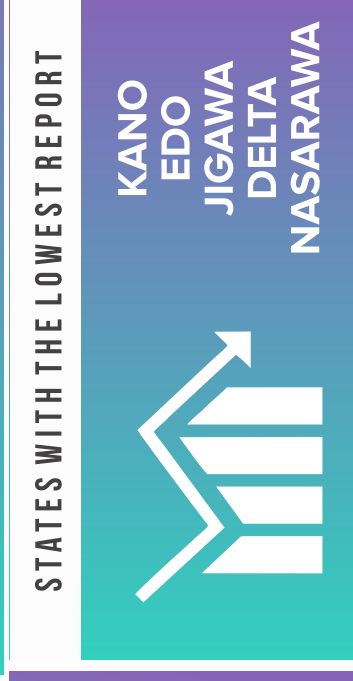


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1

INTRODUCTION

The average Nigerian is faced with the difficulty of living in a political, economic and infrastructural climate that has recently been ranked as one of the poorest, underdeveloped and most corrupt in the world. In addition to this, the aftermath of the Same Sex Marriage (Prohibition) Act (SSMPA) further incites more distress by imposing a reign of terror, violence, discrimination and inhumane treatments for Lesbian, Gay, Bisexual, Trans, Queer and /or Intersex (LGBTQI) persons or those perceived to be LGBTQI in Nigeria. The country's deliberate disregard for fundamental human rights continues to degrade the existence of real or perceived sexual orientation and gender identity as detailed in our 2017 Report. This year, there is an increased brutality and a deep-rooted bias fuelled by segregated social standards and a political plot to shift the attention from more pressing issues.

With the presidential election fast approaching, there has been an increased spotlight on LGBTQI issues in the country, with some aspirants publicly endorsing the same type of anti-gay ideologies and homophobic stereotypes that has helped the SSMPA cast a wider net. In the face of the constant injustice, violence and discrimination, Nigeria's constitution continues to pride itself with the guarantees of the right to life, dignity, personal liberty, a fair hearing amongst other human rights. Although already outfitted with the necessary tools/agencies needed to prosecute homophobic violence, there appears to be no will to hold assaulters and aggressors accountable from both the government and law enforcement agencies.

The inaction has further served to perpetuate the cycle of discrimination, violence and harassment, even though the country is already bound by several regional and international human right treaties. Moreover, overall sympathy for the deplorable treatment of real or perceived LGBTQI persons is abysmally low, because speaking out against the harassment and injustice contravenes religious/societal obligations and can easily be interpreted as a declaration of gayness. These factors and more have successfully birthed cases of extortion, mob violence, police brutality, unlawful arrests, discrimination in the home/work place and more, for both real and perceived LGBTQI persons in the country.

This report documents the ways Nigeria's current legal framework, aided by the SSMPA, endorses human rights violations on its own citizens by deeming LGBTQI persons unworthy and undeserving of their fundamental human rights. This effectively makes a bad situation worse with more terrible implications in sight.

This report lays its foundation by outlining the laws governing human rights in Nigeria and goes on to discuss frequent forms of violence perpetrated against LGBTQI persons in the country as reported and documented by human rights organizations from December 2017 to November 2018. It also examines the year's anti-gay trends/cases and their effects on the rule of law by highlighting important issues. It expertly points out the reactions and influences that have gone on to develop the current LGBTQI climate and ends by providing vital recommendations to the Government, the National

Human Rights Commission (NHRC), the Nigerian Police Force and civil society organizations on how the fundamental human rights of LGBTQI persons can be protected and promoted.

2

SEXUAL ORIENTATION AND GENDER IDENTITY/EXPRESSION (SOGIE) DEVELOPMENTS

In 2018, President Muhammadu Buhari's administration continues to be confronted with corruption and economic hardship, crowned with acute cases of human right challenges. In addition to the Boko Haram insurgency, there was widespread panic over the alleged herdsmen killings and uproar concerning the abuse of power by the Special Anti-Armed Robbery Squad (SARS). The severity of these cases drew a lot of public attention, with nationwide focus on the general human rights violations, thereby leading to civil rights trends like the #EndSars protest campaign. Despite the increased attention to human rights issues, public debate unequivocally favoured the SSMPA and its discriminatory effects on persons perceived to be LGBTQI in the country. Thus, the outcry for the general protection and promotion of human rights continues to exclude and discriminate against persons based on their real or perceived sexual orientation and gender identity.

As though the effects of the SSMPA is not dire enough, more discriminatory laws have been enacted at state levels as seen with Benue State's Same Sex Marriage Prohibition Law which mirrored former President Jonathan's SSMPA with a 14-year jail sentence. It is noteworthy that these discriminatory laws are products of colonialism, a vivid example being the criminal code act of 1916 passed down from Victorian law. In 2018, the British Prime Minister; Theresa May advocated for a review of these laws criminalizing consensual adult same sex relationships. Her call was immediately rebuked by religious organizations of note. By doing so, most of the country's religious leaders threw their support behind the SSMPA despite the apparent human rights violations and inhumane treatments it condones.

Despite the change at the institutional level, as seen with the Nigerian Human Rights Commission's recognition of human rights violations based on sexual orientation, gender identity and expression, cases of arbitrary arrests and unlawful detentions perpetrated by the Nigerian Police Force and other law enforcement agencies have persisted. Based on the 2018 development, it is evident that the general antagonism to LGBTQI people comes from a place of ignorance/misinformation and the radical idea that societal standards, cultural and religious beliefs trump the fundamental human rights bestowed to every human being from birth.

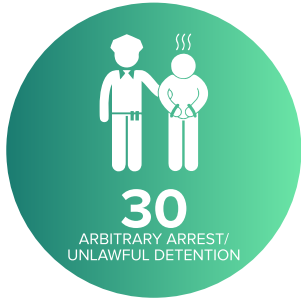
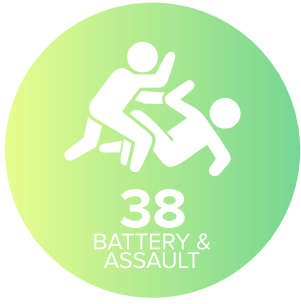
TRENDS OF VIOLATIONS

The difference in the methodology of increased LGBTQI violations can be seen in how the inauguration of the SSMPA in 2014 was immediately followed by physical violence mainly perpetrated by mobs. The years that followed saw a slight decrease in physical violence but an increase in cases of blackmail, extortion, invasion of privacy and arbitrary arrests, and unlawful detentions. However, in addition to this, 2018's records show a significant spike in cases of mass arrests and unlawful detentions, as law enforcement agencies specifically targeted peaceful assemblies, arresting perceived LGBTQI persons and publicly parading them as criminals.

While the analysis of human rights violations documented over the past four years indicates an increase in infringements for LGBTQI persons, recent records have also successfully highlighted more premeditated and calculated methods to this increase in violations. The reports also show that the experiences and severity of these violations are greatly influenced by the location, socio-economic class of individuals involved and other defining factors. Law enforcement agents ignorantly or deliberately misinterpret laws and policies in order to target persons belonging to the lower class. Examples of such incidents include the arrest of 42 persons at an HIV testing programme in Ikorodu, Lagos; the arrest of 37 persons in Bauchi, and the most recent arrest of 57 persons at a birthday party in Egbeda, Lagos.

These targeted attacks are not limited to arbitrary arrests and unlawful detentions by state actors only. It is also evidenced in the increase of physical violence meted out by non-state actors, sometimes resulting in death. The existence of these discriminatory laws does not only encourage extra judicial punishment for persons perceived to be LGBTQI, it also festers impunity and state sponsored homophobia. Examples of such incidents include the murder of a 15 year old boy in Jigawa state by his peers and the most recent unsolved murder of a trans activist in Abuja.

For a look at the number of human rights violations of LGBTQI people reported to human rights organizations between December 2017 and November 2018 separated by category, see below:



TYPES
OF

VIOLATIONS

MEDIA REPORTS IN 2018

The Nigerian media industry have played an integral role in the perception of LGBTQI persons through the reportage of issues concerning sexual orientation and gender identity and expression. Several cases involving mass arrests, invasion of privacy, infringement of rights to association and assembly, arbitrary arrests and unlawful detention have also recently received social media attention/debate.

The increased awareness and debate made it possible for a milestone like the first ever cover story highlighting sexual orientation and gender identity and expression by Guardian Life Nigeria. However, numerous print and online media platforms are exploiting some of the violations for views by employing sensationalised approaches to reporting these incidents. These approaches create social media debates which, to a large extent, foster hatred and homophobia.

A few examples of overly sensationalized media reports are outlined below.

Gay Partner Arrested For Rupturing Partner's Rectum In Ogun State

Two men have been arrested by men of Ogun State Police Command after one of them ruptured the other's rectum in an act of sodomy with a promise of N20000. The Police Public Relations Officer in the state, Abimbola Oyeyemi, who disclosed this in a statement, said the two men, Ademola Adekunle and Okon Basse, were arrested following "a complaint by the first suspect, Basse, who reported at Onipanu Divisional Headquarters on Wednesday, August 29, that the second suspect, Adekunle is threatening his life.

By D. Olatunji (August 31, 2018)

Allow Homosexuality In Your Country – Theresa May Tells Buhari

British Prime Minister, Theresa May, has called for same-sex marriages in Nigeria and all other Commonwealth Nations. May said that she understands that most of the laws against same-sex marriages in the Commonwealth were made by the United Kingdom, adding that those laws were wrong then, and are wrong now. She said, "Across the world, discriminatory laws made many years ago, continue to affect the lives of many people tens of millions of young people. Criminalising same-sex relations and failing to protect women and girls. I am all too aware that these laws were put in place by my own country; they were wrong then and they are wrong now. As the UK's prime minister, I deeply regret that those laws were introducing...as a family, we must respect one another's cultures and traditions, but we must do so in a manner consistent with equality, as it is clearly stated in the Commonwealth charter."

By J.O. Nwachukwu (April 17, 2018)

Nollywood Dominated By Lesbians, Gays

A former president of the Association of Movie Producers in Nigeria, Paul Obazele, has revealed that lesbians and gay producers are ruling his industry. The ace actor said it was unfortunate that gay and lesbian movie producers are the ones calling the shots in the movie scene, Punch reported on Saturday. He said while he was the president of the association, he tried his best to curtail their activities but to no avail.

Mr Obazele said, "I would not lie, we have gay producers and lesbians in the Nigerian entertainment industry and they are the people in control. Why are we hiding it? When I was president of the Association of Movie Producers, I was against them. Why are we pretending that it does not happen? If you mention the names of some producers, I would gladly tell you if they are gay or not; they cannot do anything to me. If they bring a war to me, I would take it to their doorsteps.

By Premium Times (June 2, 2018)

THE BEHAVIOUR OF PEOPLE IN LEADERSHIP TO LGBTQI RIGHTS

The history of discriminatory laws against persons in Nigeria based on sexual orientation and gender identity and expression commenced with the colonial era. After Nigeria's colonial leadership enacted The Criminal Code Act on June 1st, 1916, anti-gay laws have steadily gone on to impose infringements on LGBTQI persons leading to the birth of the SSMPA in 2014. 102 years ahead of its introduction, the country's political leadership still operates under the concept of endorsing violence and the claim that the blatant disregard of fundamental human rights for LGBTQI persons are justifiable by self-imposed moral constructs. In support of these discriminatory laws, non-political leaders have also adopted the same rhetoric by endorsing violence and injustice for LGBTQI persons beyond the legal framework and into civil society organisation, community based organizations and other influential private sectors and industries.

With the possibility of an eminent shift in power, the future of the fundamental rights of persons who identify as LGBTQI in the country has been a topic of interest for leaders in public, civil and private sectors. The excerpts below explore the general behaviours and discriminatory statements made by some of Nigeria's leaders that have gone on to endorse/ignore the LGBTQI climate during the reporting period.

Babatunde Fashola (Minister Of Power, Works & Housing And The Former Governor Of Lagos State)

Ex-Governor Fashola was asked to comment on 'the rights of the 2 million LGBTQI people residing in Lagos State, and the recent arrest of 40 gay men'. Responding, Fashola said he had never made a statement against the LGBTQI community and claimed to be unaware about the incident.

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. About 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".

Cleric

In response to Theresa May's statement to the Commonwealth Heads of Government Meeting in the British capital, urging Nigeria and other countries to revoke laws banning same-sex marriage, a cleric released a statement saying;

"Theresa May's call for support of same-sex marriage is a mere wish and an exercise of one's freedom of expression. To us, it has no effect. We know the position of Nigeria on same-sex, it remains an abomination and there is no doubt about it. It must not change. It is one of the factors helping to reduce crimes in Nigeria. Theresa and others with similar desire only need to remember that we are an independent nation with our own autonomy; our freedom of thought remains sacrosanct. The same-sex marriage ideology is a practice that should never happen in Nigeria. Here in Nigeria, our constitution recognises multiplicity of religion and God as the Supreme Being, and as such His forbidden are consciously avoided. Same-sex marriage is unlawful, and it is so held. It is an abomination and a call to it is a call to destruction."

Donald Duke (Ex-Governor of Cross Rivers State and 2019 Presidential Aspirant)

On a TV show the famed Ex-Governor and Presidential Aspirant was asked to comment on the criminalisation/discrimination of LGBTQI persons in Nigeria, he replied saying;

"I don't understand the emotional feelings a gay person would have toward someone of their sexuality. I don't understand it. But I would not criminalize them. I would ensure that they have the protection of the law. But if they want to exhibit their sexuality, then that's an affront on the current norms of society."

When asked if he can have a gay person in his cabinet, the ex-governor disclosed that:
"I don't want to know if he's gay. It's not my business. My business is if he can perform the assignment that he's been assigned".

His statement about not criminalising persons based on their sexuality was immediately received with mixed reactions and debates on social media. He soon released a follow up statement to clarify his initial statement.

In a surprisingly discriminatory statement, He said;

"Recently, a statement I made during an interview concerning gay rights and homosexuality has been construed as my affirmation of homosexuality and Same-Sex Marriage. Nothing is further from the truth. Homosexuality is a crime in Nigeria and ought to remain so. What I however did say is that I would not go seeking homosexuals for prosecution as this is liable to abuses and as such would rather not delve into the sexuality of an individual. For the avoidance of doubt, our law on homosexuality stands in fact and in my moral rectitude".

Cleric

Also in response to a plea made by The British PM during the Commonwealth Heads of Government Meeting in London, asking African leaders to consider legalising same-sex marriage in their respective countries, a religious association in Nigeria released a statement to shut down any hope for LGBTQI persons in Nigeria;

"If we may remind the British authorities, the same-sex marriage contradicts the position of the Scripture and any human law that contradicts the Bible cannot stand. God is the author of marriage and He stated it clearly that it involves a man and a woman. In addition, the Bible states: A man will leave his father and his mother and he must stick to his wife and they must become one flesh. Jesus our Saviour confirmed that marriage should be for male and female. The Bible condemns homosexuality as an immoral and unnatural sin."

The spokesperson went on to express his conviction that the Federal Government would never contemplate introducing gay marriage in the country, stressing that the government should on no account bow to pressure from foreign powers.

THE FAILURE TO ACKNOWLEDGE LGBTQI VIOLENCE AS HATE CRIMES

During the reporting period, it was observed that there was increased focus on sexuality and gender based violations, creating a spike in public debate/conversations around these issues. The public protested the general cases of human rights violations and sexual harassment, with the majority denouncing the issues like the alleged herdsmen killings, SARS brutality and other infringements. Even though there was a general awakening to cultural and political human rights cases, victims of violence based on real or perceived sexual orientation and gender identity/expression received little or no support from the majority in the fight against injustices.

The general attitude towards homosexuality varies greatly in different cultures and different religious backgrounds, each enforcing a physical, verbal or mental approach to homophobia. Due to the country's corrupt state, its roughly 250 ethnic groups negatively respond to appropriate and inappropriate sexuality, but the gravity of the situation is still subject to prescriptions and proscriptions of social status or social class.

Homophobic attitudes in society can be established as a form of human rights discrimination, opposition to human rights, hate speech and targeted physical attacks based on perceived sexual orientation and gender identity/expression. When these cases present themselves, even to the tone of irrefutable violence and discrimination, people openly justify them as righteous. This is because of the pre-existing cultural and religious construct used as justification for imposing a reign of terror, violence, discrimination and inhumane treatments on LGBTQI persons or those perceived to be LGBTQI.

With close examinations to the incidents that happened during the reporting period, here is a look at some cases with reference to the response to these issues.

Nigerians React To 57 Perceived Gay Men Arrested In Lagos

The Lagos police command invaded a party and rounded up the men in the group on the count of being suspected gay persons. They went on to unlawfully parade all 57 victims to members of the press as homosexuals. Mr Edgal Imohimi, the Lagos commissioner of police, tried to justify the arrest to reporters during the conference by saying they responded to claims that the victims were performing "gay-initiation" for newly recruited members. Here are some of the reactions to the story:

"I'm really proud of the Nigerian police if they wanna be gay let them go to Europe or America. We are African gay or lesbian will not and shall never be accepted in our motherland Africa."

- YouTube User

"This guys na faggot!! E no get wetin anybody wan tell me. Just look closely and observe them. Disgusting."

- Instagram User

"They should send them to synagogue church of all nations for deliverance. That is why it is good to go to church. Not dead church but church that has the Holy Spirit. If your gay or lesbian just find a Holy Spirit filled church for your deliverance because it is a sickness that solutions. If they don't want to get deliverance they can travel to America or Europe because we cannot welcome such in our country. I don't even know that there are gays in Nigeria when we have churches that can deliver them in a matter of minutes."

- YouTube User

Prominent Civil Rights Activist condones LGBTQI Violence

A civil rights activist who is known for vociferously fighting against the Special Anti-Robbery Squad (SARS) scourge and pushing for police reform in Nigeria, condoned LGBTQI violence following the arrest of 57 persons who were rounded up from a birthday party in Egbeda. An innocent bystander was rounded up in the process and sent an SOS tweet bringing the raid to the said activist's attention. The activist in response indicated that the man in question didn't know he was attending a "gay party" and claimed the he didn't deserve to be arrested because; "He is straight with a girlfriend."

He went on to wrongly compare paedophilia to homosexuality as justification for his lack of sympathy towards the victims of the illegal arrests, saying;

"It seemed to be a sensitive issue for most who are working on equality. The paedophiles too will soon want to be legalized and demand that we show them a part of the law that forbids sleeping with a child. The age of consent will soon be reduced to 12 if not lower at

this rate."

THE ROLE OF STATE ACTORS IN VIOLATION OF PEOPLE'S RIGHTS

In most cases of violations against persons on the basis of real or perceived sexual orientation and gender identity/expression, the state authorities are responsible for a large percentage of the infringements. In addition to this, there have been cases of police officers deliberately entrapping individuals of real or perceived sexual orientation and gender identity, whereas they have the obligation to ensure their protection. As reported in some of the case studies, the Police collaborate with other security agencies and in some cases, non-state actors, to violate the rights of such persons. Also, state perpetrators are regularly responsible for arbitrary arrests, physical violence committed during peaceful and private gatherings, illegal searches, or illegal surveillances.

Aside from these explicit acts, the state actors may also be directly or indirectly responsible for violations committed against friends and families of real or perceived LGBTQI persons. In addition to the constant neglect of the human rights violations committed, the state authorities go on to ignore their obligation to investigate these incidents, provide temporary protection for the victims, and prosecute perpetrators. Furthermore, the police refuse to register complaints of violence and personal attacks made by LGBTQI persons. There is yet no case where the courts initiate proceedings against perpetrators of such violations in Nigeria. This oversight by the State actors lead to a general sense of impunity for perpetrators of hate crimes against LGBTQI persons, which results in state sponsored homophobia.

The constant violations by state actors have ultimately led to a loss of trust in law enforcement agencies by Nigerians. The years of injustice have strained the relationship between vulnerable people and the police due to a long history of discriminatory actions and abuse of power. The Police Force and other agencies have also not bothered to take steps to build relationships with human rights organisations poised to fight the discrimination.

For a closer look at the cases that highlight the involvement of state actors in the violations of LGBTQI rights and how they generally fracture the practice of national security during the reporting period, read these cases;

EGBEDA 57

A group of police men having drinks at a hotel in Egbeda noticed some men attending a party at the venue and assumed the party goers were gay men. They left and came back with more officers and surrounded the party, they started selecting the men at the party and rounding them up into their trucks. They arrested 57 men and held a press conference announcing that they were gay and attending a gay initiation party.

OWODE 42

42 men were arrested at a cohort session where HIV testing and counselling session was being held in the Owode-Onirin district of Ikorodu Lagos. The arrests were made based on hear say and the police released a statement after saying they were trying to investigate in a statement. "We are still profiling them to determine those who are culpable before charging them to court in accordance with the law," said Lagos state police spokesman, Olarinde Famous-Cole. "Some of them were said to be known to the residents as homosexuals and they were taken into custody for further investigation," he added.

3

Governing Legal Framework

Human rights violations endured by LGBTQI persons fundamentally reflect on the local and international legal frameworks originally set up to combat discrimination. In the face of the obvious violations noted during the reporting period, there are pre-existing provisions embedded in Nigeria's legal and judicial arsenal that directly address the injustice, violence and discrimination suffered by LGBTQI person in the country. For a look at these legal provisions, implemented and enforced from the national to the international levels, see below;

THE NATIONAL LEGAL FRAMEWORK

The supreme law of the country rests entirely on the constitution of the Federal Republic of Nigeria. Its supremacy is governed by the guaranteed rights to life, privacy, association and assembly, thought and conscience and to movement. In addition, it also safeguards the rights to human dignity and freedom of expression. Automatically, any law inconsistent with its provisions is void to the extent of its inconsistency. To further ensure the emphasis and promotion of these constitutional guarantees, the Violence Against Persons (Prohibition) Act (VAPP Act) was enacted in May 2015.

Its introduction sought to address previous legal gaps in protection, aiming to eliminate violence in private and public life, prohibit all forms of violence, punish perpetrators and provide maximum protection and effective remedies for survivors. However, although passed by the National Assembly and signed into law by the President, the applicability of the VAPP Act outside the Federal Capital Territory (FCT) is ironically subject to legal debate. The cause of its inapplicability is unclear but it can be addressed if the legislation gets domesticated by the State Houses of Assembly in all 36 states to apply across the nation.

This inconsistency further supports the legislations ability to codify discrimination and criminalization against LGBTQI persons in Nigeria, most prominently seen in the SSMPA. Although, sections within the Nigerian criminal and penal codes criminalise conducts that occur or are seen to occur between people of the same sex, these provisions are not as broad as those in the SSMPA. The SSMPA exerts more pressure by prohibiting and criminalizing the option of entering a marriage contract or civil union between the same sex; registration of clubs, societies and organisations as well as their sustenance, processions and meetings; and the direct or indirect public show of same sex amorous relationships. These provisions infringe constitutional rights, including that to freedom from any form of discrimination.

Furthermore, these discriminatory laws promote hate, intolerance and prejudice towards LGBTQI people, their families and friends. As shown in the cases studies, discriminatory laws play a major role in violating the rights of people based on perceived or real sexual orientation, gender identity and/or gender expression. Their safety and privacy are constantly threatened and little recourse is provided under the

law. This report was developed to highlight the inconsistencies between laws and policies, and serve as evidence of the violence perpetuated in Nigeria.

THE REGIONAL LEGAL FRAMEWORK

One major influence to the laws and legal proceedings of Nigeria is The African Charter which guarantees freedom from discrimination, equal protection and equality of individuals and people before the law. The African Charter also affords provisions for liberty and security of persons within its region, as well as the right to dignity and freedom of association.

Article 2 provides that, "Every individual should be entitled to the enjoyment of the rights and freedoms recognised and guaranteed in the present Charter without the distinction of any kind; such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune birth or other status."

The African commission on Human and Peoples' Rights (African commission), the body responsible for monitoring compliance with the African Charter, has clearly established that "other status" can be interpreted to include grounds other than those explicitly stated in Article 2 and has condemned acts of discrimination. The African Charter on Human Rights and People's (Ratification and Enforcement) Act 1990 was enacted to give the African Charter full force of law in Nigeria. This means the Charter is binding in all courts and spheres in Nigeria.

The increased violence against LGBTQI people raised concerns with the African Commission, leading to the adoption of a landmark resolution termed the 'Protection against Violence and other human rights Violations against Persons based on their Real or Imputed Sexual orientation or Gender Identity' at its 55th session. The Resolution which sheds light on the freedom from discrimination provision of the African Charter, unequivocally condemns violence based on real or imputed sexual orientation, gender identity and/or expression. The African Commission also called on States to stop all forms of violence committed by state and non-state actors and to enact and implement laws that condemn discrimination, prejudice and violence regardless of sexual orientation or gender identity. States were also strongly urged to promptly investigate and punish all acts of violence.

At the 55th Ordinary Session of the African Commission on Human and Peoples Rights in Luanda, Angola, 2014, the African Commission adopted resolution 275. The resolution condemns the increasing incidences of violence and other human rights violations including murder, rape, assault, arbitrary imprisonment and other forms of persecutions of persons on the basis of their imputed or real sexual orientation or gender identity/expression. The resolution strongly urges states to end all acts of violence and abuse whether committed by state or non-state actors, including by enacting and effectively applying appropriate laws prohibiting and punishing all forms of violence including those targeting persons based on sexual orientation and gender identity/expression. Governments were urged to ensure proper investigation and diligent persecution of perpetrators and establishing judicial procedures responsive to the needs of victims.

In addition to the above, during Nigeria's periodic review at the 62nd ordinary session of the African Commission on Human and Peoples Rights held in Nouachott, Mauritania in May 2018, the Commission called for a review of the SSMPA "to prohibit violence and discrimination in access to HIV prevention, treatment and care services as

well as to ensure the protection of other human rights of sexual minorities guaranteed under the African Charter and other international instrument to which Nigeria is a party.”

THE INTERNATIONAL LEGAL FRAMEWORK

Article 1 of the Universal Charter on Human Rights provides that everyone is born free and equal. Around the world, it has long been established that the grounds of discrimination enumerated by the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) are non-exhaustive. It has also been established that the term “other status” includes sexual orientation and/or gender identity and expression. This Emphasizes the fact that International human rights laws apply equally to LGBTQI people living in all parts of the world, including Nigeria.

The Yogyakarta Principles were introduced in 2006 to guide on the application of international human rights laws in relation to sexual orientation and gender identity/expression. The principles were developed and unanimously adopted by a distinguished group of human rights experts from diverse regions and backgrounds, including judges and academics. The principles fully cover the rights to non-discrimination and recognition before the law; human and personal security; economic, social and cultural rights; expression, opinion and association; freedom of movement and asylum and participation in cultural and family life; and protection of human rights defenders.

In addition to that, The United Nations Human Rights Council (“Human Rights Council”) has adopted two resolutions on the rights of LGBTQI people. Its 2011 Resolution on Human Rights, Sexual Orientation and Gender Identity requested the United Nations High Commissioner for Human Rights (“High Commissioner”) to commission a study on discriminatory laws and practices affecting LGBTQI people in all regions of the world. The Human Rights Council subsequently requested the High Commissioner to update the earlier report to share good practices and ways of overcoming violence and discrimination.

These international laws, resolutions and conventions reiterate the principle of non-discrimination and strongly oppose violence on a global level. They echo the message that Fundamental Human Rights are not earned by conformity or by other means, and define them as rights engrained in humanity without exception. The humanity of LGBTQI people should be paramount and the dignity of human people must prevail in human rights discussions.

4

Methodology And Forms of Violence

METHODOLOGY

The cases documented in this report were collected and compiled by human rights organisations from states across Nigeria between December 2017 and November 2018. A total of 213 cases were documented during this period. Cases were reported by survivors, eyewitnesses and friends, a network of community paralegals, via toll free call lines, and by the media. These reports were collected by The Initiative for Equal Rights (TIERs) in conjunction other Human Rights Organisations spread across the six geo-political zones in the country. Authentication and status reports of cases were carried out by the Human Rights department of TIERs. The other Human Rights Organisations are:

- Access to good health initiatives (AGHI)
- Hope Alive Health Awareness Initiative (HAHA)
- Initiative for the Advancement of Humanity (IAH)
- Womens Health and Equal Rights Initiative (WHER)
- International Centre on the Right to Health (ICARH)
- Improved Male Health (IMH)
- Initiative for the Advancement of Improved Health and Development (IAIHD)

The documented cases affected 21 women and 265 men. Reporting is low amongst women because of the patriarchal system of society which fails to recognize women's sexuality, and fosters a culture of silence on issues that affect them. This has led to the normalization of violence both gender based and otherwise against women. Another factor is the ease of backlash both publicly and privately on women. Reporting violations is therefore low, and in some cases, non-existent. This continues to encourage perpetrators and the suppression of women.

In terms of geographical trends, **Lagos, Rivers and Abuja** states recorded the highest number of violations while states such as **Kano, Edo, Jigawa, Delta and Nasarawa** recorded the lowest number of reported cases. The cases have been summarized in section 5. However, the cases summarized in section 5 constitute a snapshot of the lived experiences and realities of LGBTQI people in Nigeria. They aim to provide an insight into the challenges and violations faced. The names provided are aliases to protect the identities of those concerned and prevent any further discrimination and prejudice.

FORMS OF VIOLENCE

Violence against LGBTQI people is propelled by prejudice rooted in certain interpretations of culture and religion, and based on low levels of knowledge on LGBTQI identities and issues. State and non-state actors have leveraged these views, beliefs and discriminatory laws to perpetrate violence, including murder, blackmail and extortion, assault and battery, invasion of privacy, mob attacks, kidnaps, inhumane and degrading treatment, and rape.

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

The roles of discriminatory laws are evident in the forms of violence perpetrated by both state and non-state actors. Impunity is one of the driving forces of the continued violation of LGBTQI people in Nigeria. LGBTQI people find it extremely difficult to approach relevant government agencies for redress, for fear of stigma, more violence and discrimination. This is in direct contravention of Article 3 of the African Charter which provides that everyone is equal before the law and everyone must enjoy the same level of protection under the law.

Actions by non-state actors are further validated by the behaviour of state actors who also extort LGBTQI people by evoking fear of legal reprisal. There are many cases where Police Officers arbitrarily arrest people perceived to be LGBTQI based on information illegally obtained from their phones, or based on circumstantial evidence. The Police Officers then demand huge sums of money from them to process their release. These violations often go unreported due to the lack of trust in law enforcement institutions. This is not surprising given the fact that these government institutions are often the perpetrators of harm themselves or act in collusion with non-state actors.

5

CASE STUDIES

BLACKMAIL AND EXTORTION

Section 408 of the Criminal Code specifies blackmail and extortion as criminal offences:
Any person who, with intent to extort or gain anything from any person –

- 1) accuses or threatens to accuse any person of committing any felony or misdemeanour, or of offering or making any solicitation or threat to any person as an inducement to commit or permit the commission of any felony or misdemeanour; or
- 2) threatens that any person shall be accused by any other person of any felony or misdemeanour, or of any such act; or
- 3) knowing the contents of the writing, causes any person to receive any writing containing any such accusation or threat as aforesaid;

is guilty of a felony, and if the accusation or threat of accusation is of...

(c) an assault with intent to have carnal knowledge of any person against the order of nature, or an unlawful and indecent assault upon a male person;
the offender is liable to imprisonment for fourteen years. It is immaterial whether the person accused or threatened to be accused has or has not committed the offence or act of which he is accused or threatened to be accused.

Collins, 15 Sept 2018, Lagos State

Collins was targeted by a police officer who got his number from another blackmail victim and arrested him. His phones were seized and he was forced to unlock it and gay porn was found in it. The officer forced Collins into his van where other police men were and then demanded 50,000 naira from him before they released him.

Joy, 22 Aug 2018, Abuja

Joy agreed to meet a friend in Lugbe. Upon meeting her, she found out that a female police officer had been pretending to be the friend. With the help of other police officers, Joy was forced into their van, her phone was taken and searched. The police officer collected her contacts and began to call her family and friends to extort money as ransom for her release.

Kennedy, 14 Nov 2018, Lagos State

Kennedy was on his way home from work when he was stopped by police officers for a search. They found condoms and lubricants in his bag and then demanded for his phone. He was detained in their truck where he pleaded for his release and was asked to pay 50,000 naira. After negotiations, he paid 15,000 naira and was set free.

KIDNAPPING

Section 365 of the criminal code states:

“Any person who unlawfully confines or detains another against his will or otherwise

unlawfully deprives another of his personal liberty is guilty of a misdemeanour and liable to imprisonment of two years."

Charles, 8 Nov 2018, Lagos state

Charles was kidnapped by a friend with whom he agreed to meet and have drinks but when he got there he was greeted by two guys who asked him to follow them or else they would raise an alarm that he was gay. The last communication shared before Charles was reported missing was that he was at home in Egbeda about to depart. His kidnap was confirmed when his friends & family received communication from the kidnappers, demanding a ransom. Some friends and other concerned people transferred money into the kidnappers' bank account. Regardless, they kept demanding for more money and refused to release Charles who they kept beating and violating. After 4 days, he was released.

ARBITRARY ARRESTS AND UNLAWFUL DETENTIONS

Section 364 (2) of the Criminal Code states:

"...unlawfully imprisons any person within Nigeria in such a manner as to prevent him from applying to a court for his release or from discovering to any other person the person where he is imprisoned or in such a manner as to prevent any person entitled to have access to him from discovering the place where he is imprisoned; Is guilty of a felony and his liable to imprisonment for ten years."

Udom & 6 others, 1 Sept 2018, Cross Rivers

Police officers were on patrol and heard loud music coming from the house they were parked in front of. They asked a neighbour what was going on and she said it was a party. They immediately barged into the house and rounded up the men in the flat and took them to the station. A lawyer came the next morning to challenge them and the case got thrown out for lack of evidence.

BATTERY AND ASSAULT

Section 252 of the Criminal code states:

"A person who strikes, touched, or moves, or otherwise applies force of any kind to the person of another, either directly or indirectly, without his consent, or with his consent, if the consent is obtained by fraud, or who by any bodily act or gesture attempts or threatens to apply force of any kind to the person of another without his consent, in such circumstances that the person making the attempt or threat has actually or apparently a present ability to effect his purpose, is said to assault that person, and the act is called assault."

Nneka, 7 Jan 2018, Enugu State

Nneka was humiliated and attacked on the street in New Haven, Enugu, by her brothers' friends who alleged that she was a lesbian and made a pass at one of their girlfriends. She was attacked by three men who slapped her and tore her clothes while insults and derogatory slurs were hurled at her.

Ayo, 18 Aug 2018, Lagos State

Ayo was beaten by his elder brother who claimed to have found him with another man. His friend managed to escape the scene but Ayo was held down by his brother's friend and they flogged his genitals with a belt. He was locked in his room for almost 48hrs without food and sent to deliverance afterwards.

Austen & Frank, 13 Feb 2018, Cross Rivers

Two friends who live together were attacked by the family of one of the friends on the grounds of them being involved in same sex activity. The family attacked them in the early hours of the morning, beating them and calling them names. The boys were beaten with machetes and whips, which left scars on their bodies. Later, a formal complaint was made to the police for invasion of privacy of citizens, battery and torture.

THREAT TO LIFE

The Nigerian Constitution stipulates that the government has the duty to provide security to all citizens with section 33(1) guaranteeing the right to life:

"Every person has a right to life, and no one shall be deprived intentionally of his life."

Yababa, 28 Jun 2018, Plateau State

Yababa and another young man were having a friendly meeting at his house. After a few moments, some people came to the house and summoned them out. They asked if they had been having sex which they both denied. The people descended on Yababa and the young man, beating and flogging them. Injuries were inflicted on both men, with Yababa suffering a fracture on his leg as a result. Yababa now lives in constant fear, receiving death threats everytime he moves around.

Kanyo, 9 Nov 2018, Kaduna State

Kanyo's roommate repeatedly threatened to kill him if he ever came home with a male friend. Once, he attacked him with a plank inflicting serious injuries on Kanyo who survived the attack.

RAPE

Section 357 of the Criminal Code states that:

"Any person who has unlawful carnal knowledge of a woman or girl, without her consent, or with her consent, if the consent is obtained by force or by means of threats or intimidation of any kind, or by fear of harm, or by means of false and fraudulent representation as to the nature of the act, or, in the case of a married woman, by personating her husband, is guilty of an offence which is called rape."

Section 1 of the Violence Against Persons (Prohibition) Act 2015 states that:

"A person commits the offence of rape if he or she intentionally penetrates the vagina, anus or mouth of another person with any other part of his or her body or anything else; the other person does not consent to the penetration; or the consent is obtained by force or means of threat or intimidation of any kind or by fear of harm or by means of false and fraudulent representation as to the nature of the act or the use of any substance or additive capable of taking away the will of such person or in the case of a married person by impersonating his or her spouse."

Promise, 2 Jul 2018, Lagos State

Promise was gang raped by three men after they lured her to a house under the guise of a hangout with a female friend she had met online. On getting to the agreed location, three men barged in and raped her for about three hours. They then took her money, phone and dropped her off at a bus stop.

Denis, 16 Aug 2018, Rivers State

Denis was drugged and raped by two men who promised to help with his accommodation issues. They also took nude photos of him. When he threatened to report them, the men threatened to out (expose) him to his family and put his video on blogs.

INVASION OF PRIVACY

Section 37 of the Nigerian Constitution states that:

"The privacy of citizens, their homes, correspondence, telephone conversation and telegraphic communications are hereby guaranteed and protected."

Sam, 21 May 2018, Imo State

Sam, a 42-year-old man, was beaten and paraded in the streets after his apartment was broken into by some men. These men claimed that his neighbour called their attention to the fact that he only receives male visitors and has never been seen with a woman. They beat him and stripped him naked on suspicion of homosexuality.

Precious and Friends, 11 Mar 2018, Lagos State

A group of five women having a party at their residence in Ajah were reported to the police by their neighbours because of their perceived sexuality. They were taken to a police station and their privacies were invaded by searching their phones. They were immediately transferred to Kirikiri prison in Lagos without a court order.

Emmanuel, 23 Jan 2018, Lagos State

Emmanuel was in a commercial tricycle when the police stopped him for a random search. His phones were illegally searched and his privacy invaded. They found some suggestive chat messages on his phone. He was promptly arrested and taken to the police station.

6

EXPERIENCES OF THE CRIMINAL JUSTICE SYSTEM

This report reveals several situations where LGBTQI people are constantly and persistently faced with issues of unlawful detention from state actors who are emboldened by discriminatory laws such as the SSMPA to deprive them of personal liberty. As the law dictates, the police procedure upon making an arrest should be to charge the individual to court within 24 to 48 hours of arrest or else release the individual without bail. However, cases of arrest of people perceived to be LGBTQI, even when based on insufficient evidence, often involve detention for prolonged periods of up to a month.

In response to these cases, LGBTQI people are often reluctant to take legal actions against such police actions as this could further make them visible and expose them to stigma and discrimination. This discrimination often extends to their family and friends, and continues to breed a climate of fear and uncertainty for LGBTQI persons.

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

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

7

THE IMPACT OF HUMAN RIGHT VIOLATIONS ON NIGERIANS

The direct breach of individual rights without proper restitution often leaves a negative impact on people. In a society where acceptance and tolerance is difficult, it is increasingly hard for LGBTQI people who have been wronged to access justice. Individuals who experience human rights violations based on perceived or real sexual orientation and gender identity or expression often suffer negative emotional, psychological and physical trauma leading to isolation and depression.

These dynamics are often compounded by the limited support most LGBTQI people have, as friends and families can fear possible backlash such support might bring. Thus, LGBTQI people suffer family rejection, loss of employment, isolation within the community and other forms of stigma. This has a socioeconomic effect, depriving them of the chance to be productive members of society.

The impact of Human Rights violations on the health and well-being of people of real or perceived sexual orientation is a major cause for concern. Stigma and prejudice deter LGBTQI people from accessing health care from government or private facilities and this endangers their lives and that of people around them.

The existence of discriminatory laws provides an atmosphere where violations thrive. It creates a sense of impunity in perpetrators and fear in victims. It is common place for people to prey on LGBTQI people, often blackmailing and extorting money from them while leaving them in a state of constant fear and hopelessness. Religious and traditional sentiments, discriminatory laws and a hostile social environment have instilled fear in LGBTQI people, leaving them with a life plagued by limited access to justice, health care and other social needs. It is not uncommon to see that the hostile social and legal environment often leads to isolation, depression and suicide amongst LGBTQI people.

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

8

RECOMMENDATIONS

Our recommendations this year centre around access to justice and the need for its better implementation for LGBTQI people, recognition and championing of the inclusion of LGBTQI rights in existing human rights frameworks and the improved investigation and prosecution of violations.

To the Nigerian Government

- Condemn violence against people based on real or perceived sexual orientation and gender identity or expression as recommended in Resolution 275
- Respond to the African Commission's recommendation to review sections of the SSMPA which criminalise rights to assembly and association.
- Enact laws and implement policies to discourage hate speech and other actions inciting discrimination against LGBTQI people.
- Enforce constitutional and treaty provision on universal human rights in public and private institutions.
- Expand existing health policies to reinforce medical ethics on confidentiality and non-discrimination.

To the National Human Rights Commission (NHRC)

- Campaign to promote an end to hate speech and statements inciting violence against LGBTQI people in Nigeria from religious leaders, political leaders and others.
- Liaise with LGBTQI human rights organizations regarding ways to promote awareness and reduce exclusion of issues affecting LGBTQI people.
- Establish a reporting process on human rights abuses experienced based on real and perceived sexual orientation.

To the Nigerian Police Force

- Discourage incidents of police raids and arbitrary and indiscriminate arrests based on perceived or real sexual orientation and gender identity or expression.
- Refrain from misusing and misinterpreting the law to effect extra judicial arrests and abuse of people perceived to be LGBTQI.
- Investigate and prosecute incidents of violence against LGBTQI people.

To the Civil Societies

- Acknowledge LGBTQI rights as part of the human rights framework and work to ensure their protection and promotion.
- Mainstream LGBTQI rights in relevant health, gender and human rights programmes.

NATIONAL CASE SUMMARY (DEC 2017 - NOV 2018)

S/N	DATE	CASE TYPOLOGY	PERPETRATORS	LOCATION
1	04-12-17	Invasion of Privacy	Non-State Actors	Abia
2	04-12-17	Defamation	Non-State Actors	Rivers
3	06-12-17	Blackmail & Extortion	Non-State Actors	Lagos
4	09-12-17	Discrimination	Non-State Actors	Rivers
5	09-12-17	Arbitrary Arrest	State Actors	Rivers
6	10-12-17	Assault & Harassment	Non-State Actors	Enugu
7	11-12-17	Invasion of Privacy	State Actors	Rivers
8	11-12-17	Threat to Life & Assault	Non-State Actors	Lagos
9	12-12-17	Unlawful Detention	State Actors	Cross-River
10	15-12-17	Forceful Eviction	Non-State Actors	Rivers
11	16-12-17	Harassment	Non-State Actors	Lagos
12	16-12-17	Stigma & Discrimination	Non-State Actors	Rivers
13	16-12-17	Blackmail & Theft	Non-State Actors	Imo
14	17-12-17	Assault & Threat to Life	Non-State Actors	Enugu
15	18-12-17	Defamation	Non-State Actors	Lagos
16	18-12-17	Blackmail & Unlawful Detention	State Actors	Abia
17	02-01-18	Extortion	Non-State Actors	Abuja
18	05-01-18	Invasion of Privacy	Non-State Actors	Lagos
19	08-01-18	Threat to Life	State Actors	Rivers
20	08-01-18	Blackmail & Extortion	Non-State Actors	Lagos
21	11-01-18	Violence, Hate Speech & Harassment	Non-State Actors	Abuja
22	12-01-18	Stigma and Discrimination	Non-State Actors	Abuja
23	12-01-18	Blackmail & Theft	Non-State Actors	Rivers
24	12-01-18	Physical Violence	Non-State Actors	Enugu

S/N	DATE	CASE TYPOLOGY	PERPETRATORS	LOCATION
25	15-01-18	Mob Violence & theft	Non-State Actors	Cross-River
26	17-01-18	Invasion of Privacy	Non-State Actors	Abuja
27	18-01-18	Unlawful Arrest & Physical Assault	State Actors	Cross-River
28	21-01-18	Blackmail & Extortion	State Actors & Non-State Actors	Lagos
29	21-01-18	Defamation & Harassment	Non-State Actors	Lagos
30	22-01-18	Forceful Eviction	Non-State Actors	Rivers
31	22-01-18	Stigma & Discrimination	Non-State Actors	Abia
32	28-01-18	Physical Assault	Non-State Actors	Rivers
33	29-01-18	Unlawful Detention	State Actors	Enugu
34	01-02-18	Defamation	Non-State Actors	Abuja
35	02-02-18	Rape & Robbery	Non-State Actors	Rivers
36	02-02-18	Mob Violence & Physical Assault	Non-State Actors	Abuja
37	03-02-18	Extortion & Physical Assault	Non-State Actors	Oyo
38	05-02-18	Defamation	Non-State Actors	Abuja
39	07-02-18	Bribery & Extortion	State Actors	Lagos
40	10-02-18	Blackmail & Extortion	Non-State Actors	Abuja
41	10-02-18	Rape	Non-State Actors	Cross-River
42	10-02-18	Rape & Arbitrary Arrest	Non-State Actors	Rivers
43	12-02-18	Unlawful Detention & Arbitrary Arrest	State Actors	Abuja
44	14-02-18	Blackmail & Extortion	Non-State Actors	Abuja
45	15-02-18	Threat to life, Physical Assault & Blackmail	Non-State Actors	Oyo
46	16-02-18	Stigma & Discrimination	Non-State Actors	Rivers
47	20-02-18	Hate Speech, Harassment & Extortion	Non-State Actors	Abuja
48	04-03-18	Threat to Life	Non-State Actors	Rivers
49	04-03-18	Blackmail & Extortion	Non-State Actors	Lagos
50	04-03-18	Defamation	Non-State Actors	Abuja
51	05-03-18	Blackmail & Extortion	State Actors	Lagos
52	05-03-18	Torture & Assault	State Actors	Rivers
53	07-03-18	Stigma & Discrimination	Non-State Actor	Abia
54	08-03-18	Invasion of Privacy	Non-State Actors	Abuja
55	09-03-18	Sexual harassment & Police Brutality	State Actors	Lagos
56	10-03-18	Torture & Assault	Non-State Actors	Cross-River

S/N	DATE	CASE TYPOLOGY	PERPETRATORS	LOCATION
57	09-03-18	Stigma & Discrimination	Non-State Actors	Lagos
58	11-03-18	Invasion of Privacy	State Actors	Lagos
59	12-03-18	Sexual harassment & Police Brutality	State Actors & Non-State actors	Abia
60	12-03-18	Stigma & Discrimination	Non-State Actors	Rivers
61	13-03-18	Blackmail & Extortion	Non-State Actors	Oyo
62	14-03-18	Blackmail & Mob Attack	Non-State Actors	Abuja
63	17-03-18	Blackmail & Extortion	Non-State Actors	Lagos
64	19-03-18	Blackmail & Extortion	Non-State Actors	Rivers
65	19-03-18	Blackmail & Extortion	Non-State Actors	Rivers
66	20-03-18	Theft, Blackmail & Extortion	Non-State Actors	Abuja
67	23-03-18	Extortion & Mob Attack	Non-State Actors	Abuja
68	23-03-18	Invasion of Privacy	Non-State Actors	Rivers
69	25-03-18	Defamation	Non-State Actors	Lagos
70	27-03-18	Discrimination & Harassment	Non-State Actors	Rivers
71	28-03-18	Rape & Religious Discrimination	Non-State Actors	Cross-River
72	28-03-18	Blackmail & Extortion	State Actors	Rivers
73	28-03-18	Stigma & Threat to Life	Non-State Actors	Rivers
74	02-04-18	Unlawful Arrest & Extortion	State Actors	Lagos
75	02-04-18	Arbitrary Arrest	Non-State Actors	Rivers
76	03-04-18	Assault & Harassment	Non-State Actors	Oyo
77	05-04-18	Threat to Life & Verbal Abuse	Non-State Actors	Oyo
78	05-04-18	Kidnapping, Physical Assault & Blackmail	Non-State Actors	Lagos
79	08-04-18	Stigma & Discrimination	Non-State Actors	Imo
80	08-04-18	Blackmail & Extortion	Non-State Actors	Enugu
81	09-04-18	Defamation & Harassment	Non-State Actors	Cross-River
82	09-04-18	Blackmail & Forceful Eviction	Non-State Actors	Rivers
83	10-04-18	Blackmail & Extortion	Non-State Actors	Lagos
84	12-04-18	Rape & Assault	Non-State Actors	Lagos
85	14-04-18	Blackmail & Extortion	Non-State Actors	Abuja
86	14-04-18	Police Brutality & Invasion of Privacy	State Actors	Lagos
87	15-04-18	Arbitrary Arrest & Unlawful Detention	State Actors	Kaduna
88	17-04-18	Battery & Assault	Non-State Actors	Jos

S/N	DATE	CASE TYPOLOGY	PERPETRATORS	LOCATION
89	17-04-18	Harassment & Assault	Non-State Actors	Enugu
90	18-04-18	Blackmail & Extortion	Non-State Actors & State Actors	Lagos
91	20-04-18	Unlawful Arrest	State Actors	Abia
92	21-04-18	Wrongful Dismissal	Non-State Actors	Lagos
93	23-04-18	Invasion of Privacy & Forceful Eviction	Non-State Actors	Lagos
94	24-04-18	Blackmail & Extortion	Non-State Actors	Oyo
95	24-04-18	Theft & invasion of Privacy	Non-State Actors	Abuja
96	25-04-18	Blackmail, Threat to Life & Extortion	Non-State Actors	Abuja
97	26-04-18	Unlawful Arrest & Invasion of Privacy	State Actors	Rivers
98	02-05-18	Torture	Non-State Actors	Cross-Rivers
99	04-05-18	Physical Assault	Non-State Actors	Lagos
100	04-05-18	Defamation & Harassment	Non-State Actors	Enugu
101	05-05-18	Blackmail & Extortion	Non-State Actors	Lagos
102	05-05-18	Breach of Confidentiality	Non-State Actors	Abuja
103	07-05-18	Rape & Assault	Non-State Actors	Rivers
104	08-05-18	Forceful Eviction	Non-State Actors	Lagos
105	09-05-18	Violence & Unlawful Arrest	State Actors	Abuja
106	10-05-18	Discrimination & Wrongful Dismissal	Non-State Actors	Edo
107	12-05-18	Blackmail & Assault	Non-State Actors	Oyo
108	13-05-18	Rape & Assault	Non-State Actors	Lagos
109	14-05-18	Invasion of Privacy & Arbitrary Arrest	Non-State Actors	Lagos
110	14-05-18	Blackmail	Non-State Actors	Rivers
111	16-05-18	Mob Attack	Non-State Actors	Rivers
112	17-05-18	Invasion of Privacy	State Actors	Oyo
113	17-05-18	Blackmail & Violence	Non-State Actors	Rivers
114	19-05-18	Battery & Assault	Non-State Actors	Cross-River
115	20-05-18	Unlawful Arrest	State Actors	Lagos
116	21-05-18	Unlawful Arrest, Invasion of Privacy & Blackmail	State Actors & Non-State Actors	Rivers
117	22-05-18	Attempted Murder, Blackmail & Extortion	Non-State Actors	Abuja
118	25-05-18	Assault, Battery & Physical violence	Non-State Actors	Lagos
119	01-06-18	Assault	Non-State Actors	Imo
120	03-06-18	Assault	Non-State Actors	Rivers

S/N	DATE	CASE TYPOLOGY	PERPETRATORS	LOCATION
121	03-06-18	Mob Attack	Non-State Actor	Lagos
122	03-06-18	Mob Attack	Non-State Actor	Lagos
123	04-06-18	Battery & Assault	Non-State Actors	Lagos
124	05-06-18	Threat to Life	Non-State Actors	Lagos
125	05-06-18	Assault & Battery	Non-State Actors	Rivers
126	06-06-18	Unlawful Arrest & Invasion of Privacy	Non-State Actors	Abuja
127	07-06-18	Religious Discrimination & Assault	State Actors	Lagos
128	09-06-18	Torture	Non-State Actors	Cross-River
129	10-06-18	Blackmail & Extortion	Non-State Actors	Rivers
130	11-06-18	Rape	Non-State Actors	Rivers
131	12-06-18	Police Brutality & Arbitrary Arrest	Non-State Actors	Lagos
132	12-06-18	Manslaughter	State Actors	Cross-River
133	14-06-18	Defamation	Non-State Actors	Jigawa
134	14-06-18	Blackmail & Extortion	Non-State Actors	Rivers
135	16-06-18	Blackmail & Extortion	Non-State Actors	Abuja
136	18-06-18	Blackmail & Extortion	Non-State Actors	Abuja
137	18-06-18	Arbitrary Arrest	Non-State Actors	Lagos
138	19-06-18	Threat to Life & Forceful Eviction	Non-State Actors	Rivers
139	20-06-18	Invasion of Privacy & Physical Assault	Non-State Actors	Lagos
140	22-06-18	Rape & Torture	Non-State Actors	Oyo
141	25-06-18	Blackmail & Extortion	Non-State Actors	Lagos
142	25-06-18	Threat to Life	Non-State Actors	Lagos
143	28-06-18	Blackmail & Extortion	Non-State Actors	Jos
144	30-06-18	Religious Discrimination	Non-State Actors	Abuja
145	04-07-18	Defamation	Non-State Actors	Enugu
146	07-07-18	Blackmail & Extortion	Non-State Actors	Lagos
147	07-07-18	Extortion	Non-State Actors	Lagos
148	10-07-18	Blackmail & Extortion	Non-State Actors	Oyo
149	11-07-18	Assault	Non-State Actors	Lagos
150	14-07-18	Kidnapping & Blackmail	Non-State Actors	Lagos
151	19-07-18	Forceful Eviction	Non-State Actors	Akwa- Ibom
152	22-07-18	Invasion of Privacy, Blackmail & Extortion	State Actors	Bayelsa

S/N	DATE	CASE TYPOLOGY	PERPETRATORS	LOCATION
153	24-07-18	Arbitrary Arrest	State Actors	Rivers
154	24-07-18	Rape	Non-State Actor	Delta
155	25-07-18	Harassment & Blackmail	Non-State Actor	Abia
156	27-07-18	Invasion of privacy & Harassment	Non-State Actor	Cross-River
157	28-07-18	Theft	Non-State Actor	Lagos
158	28-07-18	Blackmail & Extortion	Non-State Actor	Lagos
159	29-07-18	Defamation	Non-State Actor	Rivers
160	30-07-18	Forceful Eviction	Non-State Actor	Kano
161	01-08-18	Blackmail	Non-State Actor	Abuja
162	03-08-18	Blackmail & Extortion	Non-State Actor	Lagos
163	03-08-18	Arbitrary Arrest	State Actor	Cross-River
164	05-08-18	Blackmail & Extortion	Non-State Actor	Lagos
165	08-08-18	Defamation & Threat to Life	Non-State Actor	Kaduna
166	09-08-18	Verbal Abuse & Assault	Non-State Actors	Rivers
167	12-08-18	Torture & Religious Discrimination	Non-State Actors	Enugu
168	14-08-18	Harassment	Non-State Actors	Rivers
169	15-08-18	Blackmail & Extortion	Non-State Actors	Bauchi
170	15-08-18	Invasion of Privacy & Unlawful Arrest	State Actors	Lagos
171	16-08-18	Religious Discrimination & Assault	Non-State Actors	Akwa-Ibom
172	19-08-18	Battery & Assault	Non-State Actors	Rivers
173	20-08-18	Harassment & Assault	State Actors	Lagos
174	20-08-18	Harassment & Assault	Non-State Actors	Lagos
175	20-08-18	Invasion of Privacy & Extortion	State Actors	Lagos
176	20-08-18	Detention & Arbitrary Arrest	State Actors	Abia
177	21-08-18	Theft	Non-State Actors	Abuja
178	24-08-18	Arbitrary Arrest	State Actors	Rivers
179	25-08-18	Breach of Confidential	Non-State Actors	Abuja
180	25-08-18	Blackmail & Extortion	Non-State Actors	Lagos
181	29-08-18	Torture, Arbitrary Arrest & Unlawful Detention	State Actors	Lagos
182	30-08-18	Blackmail & Extortion	Non-State Actors	Rivers
183	01-09-18	Blackmail & Extortion	State Actors	Bauchi
184	01-09-18	Blackmail	Non-State Actors	Abuja

S/N	DATE	CASE TYPOLOGY	PERPETRATORS	LOCATION
185	05-09-18	Blackmail & Extortion	Non-State Actor	Plateau
186	05-09-18	Battery & Harassment	Non-State Actor	Lagos
187	08-09-18	Defamation	Non-State Actor	Lagos
188	10-09-18	Invasion of privacy & Unlawful Arrest	State Actor	Cross-River
189	11-09-18	Blackmail & Extortion	Non-State Actor	Rivers
190	13-09-18	Invasion of Privacy & Forceful Eviction	Non-State Actor	Akwa-Ibom
191	17-09-18	Rape	Non-State Actor	Lagos
192	21-09-18	Theft	Non-State Actor	Abuja
193	25-09-18	Breach of confidentiality	Non-State Actor	Abuja
194	03-10-18	Blackmail & Extortion	Non-State Actor	Lagos
195	06-10-18	Theft, Blackmail & Mob Violence	Non-State Actor	Nasarawa
196	08-10-18	Unlawful Detention	State Actors	Lagos
197	09-10-18	Physical Assault & Forceful Eviction	Non-State Actors	Cross-River
198	11-10-18	Rape	Non-State Actors	Lagos
199	16-10-18	Blackmail & Extortion	Non-State Actors	Lagos
200	24-10-18	Murder	Non-State Actors	Abuja
201	24-10-18	Hate Crime & Murder	Non-State Actors	Abuja
202	25-10-18	Defamation	Non-State Actors	Lagos
203	26-10-18	Stigma & Discrimination	Non-State Actors	Oyo
204	31-10-18	Stigma & Forceful Eviction	Non-State Actors	Oyo
205	01-11-18	Blackmail & Extortion	Non-State Actors	Abuja
206	08-11-18	Physical Assault & Forceful Eviction	Non-State Actors	Cross-River
207	09-11-18	Assault & Kidnapping	Non-State Actors	Lagos
208	09-11-18	Assault, Discrimination & Harassment	Non-State Actors	Lagos
209	11-11-18	Assault, Extortion & Blackmail	Non-State Actors	Lagos
210	13-11-18	Unlawful Detention & Harassment	State Actors	Lagos
211	14-11-18	Invasion of privacy & Extortion	State Actors	Lagos
212	15-11-18	Blackmail, Extortion & unlawful detention	State Actors	Lagos
213	17-11-18	Stigma & Discrimination	Non-State Actors	Lagos

APPENDICES

SAME SEX MARRIAGE (PROHIBITION) ACT 2013

An Act to prohibit a marriage contract or civil union entered into between persons of same sex, solemnization of same; and for related matters.

[7th Day of January, 2014] [Commencement]

Enacted by the National Assembly of the Federal Republic of Nigeria:

Prohibition of marriage or civil union by persons of same sex

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 recognized 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.

[Solemnization of same sex marriage in places of worship]

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

(2) No certificate issued to persons of same sex in a marriage or civil union shall be valid in Nigeria.

[Recognized Marriage in Nigeria]

3. Only a marriage contracted between a man and a woman shall be recognized as valid in Nigeria.

[Registration of homosexual clubs and societies]

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.

[Offences and Penalties]

5. (1) A person who enters into a same sex marriage contract or civil union commits an

offence and is liable on conviction to a term of 14 years imprisonment.

(2) A person who registers, operates or participates in gay clubs, societies and organization, or directly or indirectly makes public show of same sex amorous relationship in Nigeria commits an offence and is liable on conviction to a term of 10 years imprisonment.

(3) A person or group of persons who administers, witnesses, abets, or aids the solemnization of a same sex marriage or civil union, or supports the registration, operation and sustenance of gay clubs, societies, organizations, processions or meetings in Nigeria commits an offence and is liable on conviction to a term of 10 years imprisonment.

[Jurisdiction]

6. The High Court of a State or of the Federal capital Territory shall have jurisdiction to entertain matters arising from the breach of the provisions of this Act.

[Interpretation]

7. In this Act:

“Marriage” means a legal union entered into between persons of opposite sex in accordance with the Marriage Act, Islamic Law or Customary Law;

“Court” means High Court of a State or of the Federal Capital Territory;

“Same sex marriage” means the coming together of persons of the same sex with the purpose of living together as husband and wife or for other purposes of same sexual relationship;

“Witness” means a person who signs or witnesses the solemnization of the marriage; and

“Civil union” means any arrangement between persons of the same sex to live together as sex partners, and includes such description as:

- a) adult independent relationships;
- b) caring partnerships;
- c) civil partnerships;
- d) civil solidarity pacts;
- e) domestic partnerships;
- f) reciprocal beneficiary relationships;
- g) registered partnerships;
- h) significant relationships; and
- l) stable unions.

[Citation]

8. This Act may be cited as the Same Sex Marriage (Prohibition) Act, 2014.

SCHEDULE TO THE SAME SEX MARRIAGE (PROHIBITION) BILL, 2013

SHORT TITLE OF THE BILL	LONG TITLE OF THE BILL	SUMMARY OF THE CONTENTS OF THE BILL	DATE PASSED BY THE SENATE	DATE PASSED BY THE HOUSE OF REPRESENTATIVES
SAME SEX MARRIAGE (PROHIBITION) BILL, 2013	An Act to prohibit a marriage contract or civil union entered into between persons of same sex, solemnization of same; and for related matters.	This Act prohibits marriage contract or civil union between persons of same sex and provides penalties for the solemnization and witnessing of same.	17 th December, 2013	17 th December, 2013

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.



SALISU ABUBAKAR MAIKASUWA, OON, mni
Clerk to the National Assembly
27th Day of December, 2013

I ASSENT.



DR. GOODLUCK EBELE JONATHAN, GCFR
President of the Federal Republic of Nigeria
27th Day of December, 2013

RESOLUTION 275, AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS
The African Commission on Human and Peoples' Rights (the African Commission), meeting at its 55th Ordinary Session held in Luanda, Angola, from 28 April to 12 May 2014:

Recalling that Article 2 of the African Charter on Human and Peoples' Rights (the African Charter) prohibits discrimination of the individual on the basis of distinctions of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or any status;

Further recalling that Article 3 of the African Charter entitles every individual to equal protection of the law;

Noting that Articles 4 and 5 of the African Charter entitle every individual to respect of their life and the integrity of their person, and prohibit torture and other cruel, inhuman and degrading treatment or punishment;

Alarmed that acts of violence, discrimination and other human rights violations continue to be committed on individuals in many parts of Africa because of their actual or imputed sexual orientation or gender identity;

Noting that such violence includes 'corrective' rape, physical assaults, torture, murder, arbitrary arrests, detentions, extra-judicial killings and executions, forced disappearances, extortion and blackmail;

Further alarmed at the incidence of violence and human rights violations and abuses by State and non-State actors targeting human rights defenders and civil society organisations working on issues of sexual orientation or gender identity in Africa;

Deeply disturbed by the failure of law enforcement agencies to diligently investigate and prosecute perpetrators of violence and other human rights violations targeting persons on the basis of their imputed or real sexual orientation or gender identity;

1) Condemns the increasing incidence of violence and other human rights violations, including murder, rape, assault, arbitrary imprisonment and other forms of persecution of persons on the basis of their imputed or real sexual orientation or gender identity;

2) Specifically condemns the situation of systematic attacks by State and non-state actors against persons on the basis of their imputed or real sexual orientation or gender identity;

3) Calls on State Parties to ensure that human rights defenders work in an enabling environment that is free of stigma, reprisals or criminal prosecution as a result of their human rights protection activities, including the rights of sexual minorities; and

4) Strongly urges States to end all acts of violence and abuse, whether committed by State or non-state actors, including by enacting and effectively applying appropriate laws prohibiting and punishing all forms of violence including those targeting persons on the basis of their imputed or real sexual orientation or gender identities, ensuring proper investigation and diligent prosecution of perpetrators, and establishing judicial procedures responsive to the needs of victims.

Adopted at the 55th Ordinary Session of the African Commission on Human and Peoples' Rights in Luanda, Angola, 28 April to 12 May 2014

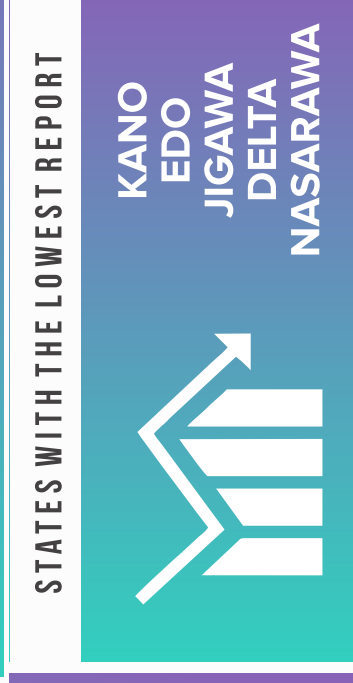
CHAPTER IV OF THE NIGERIAN CONSTITUTION

33. Right to life.
34. Right to dignity of human persons.
35. Right to personal liberty.
36. Right to fair hearing.
37. Right to private and family life.
38. Right to freedom of thought, conscience and religion
39. Right to freedom of expression and the press.
40. Right to peaceful assembly and association.
41. Right to freedom of movement.
42. Right to freedom from discrimination.
43. Right to acquire and own immovable property.
44. Compulsory acquisition of property.
45. Restriction on and derogation from fundamental human rights.
46. Special jurisdiction of High Court and Legal aid.

END NOTES

<http://theinitiativeforequalrights.org/resources/>
<http://www.noi-polls.com/root/index.php?pid=335&parentid=14&ptid=1>
<http://theinitiativeforequalrights.org/new-poll-finds-familiarity-helps-build-understanding-and-acceptable-of-lgb-people/>
<http://theinitiativeforequalrights.org/resources/>
<https://www.reuters.com/article/us-nigeria-lgbt-survey/lgbt-acceptable-slowly-grows-in-nigeria-despite-antigay-laws-idUSKCN18C2T8>
s. 1(3) Constitution of the Federal Republic of Nigeria 1999.
ss. 214 and 217 Criminal Code Act 1990 and s. 284 Penal Code (Northern States) Federal Provisions Act.
See for example ss. 17 and 42 Constitution of the Federal Republic of Nigeria 1999.
Arts. 2, 3 and 19 African Charter.
Art. 6 African Charter.
Art. 5 African Charter.
Art. 10 African Charter.
Violence based on Perceived or Real Sexual Orientation and Gender Identity in Africa, 2013 report by AMSHER, p. vii.
See Paragraph 126, Concluding Observations and Recommendations on the 5th Periodic Report of the Federal Republic of Nigeria on the Implementation of the African Charter on Human and Peoples' Rights (2011-2014).
See Art. 2(1) ICCPR and Art. 2(2) ICESCR.
See Toonen v. Australia, communication 488/1992, UN Doc CPR/C/50/D/488/1992 (1994); Young v. Australia, communication 941/2000, UN Doc CPR/C/78/D/941/2000 (2003);
Committee on Economic, Social and Cultural Rights, General Comment No. 20. (E/C.12/GC/20), para 32; and Committee on the Rights of the Child, General Comment No. 13 (CRC/C/GC/13), para 60.
Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity, developed at a meeting of the International Commission of Jurists, the International Service for Human Rights and human rights experts from around the world, held 6th - 9th November 2006 and adopted on 26th March 2007.
Prins. 1-3, 4-11, 12-18, 19-21, 22-23, 24-25 and 27 respectively.
Adopted 17 June 2011 - A/HRC/RES/17/19.
A/HRC/19/14 adopted on 26th September 2014.
Report produced in response to resolution A/HRC/RES/17/19.

STATISTICS



NOTES

