

GENDER AND COVID-19 IN NIGERIA



IMPACTS ON **LGBTQI+ PEOPLE**

October 2020



The COVID-19 pandemic has affected everybody in Nigeria to some extent, but it has had differential impacts on people from social groups which generally face social exclusion. This includes those of non-normative sexual orientations, gender identities, and gender expressions, also commonly referred to as lesbian, gay, bisexual, trans, queer, and intersex (LGBTQI) or queer. This paper outlines how the pandemic has exacerbated discrimination, exclusion, and violence against LGBTQI people and what needs to be done.

BEFORE THE PANDEMIC

Despite historical practices and some level of acceptance of same-sex relationships and gender fluidities in many communities, Nigeria sees high levels of hostility, intolerance, and violence against LGBTQI people. Legislation interpreted as criminalising same-sex sexual relations has been on the statute books for decades with the scope of prohibited behaviour expanded by the Same Sex Marriage (Prohibition) Act (SSMPA) in 2014.

Definitions

Lesbian: A woman emotionally, romantically, sexually, and/ or relationally attracted to women.

Gay: A man emotionally, romantically, sexually, and/ or relationally attracted to men.

Bisexual: A person emotionally, romantically, sexually, and/ or relationally attracted to people of different genders.

Trans: A person whose gender identity or gender expression differs from their assigned sex.

Queer: A term that describes non-normative sexual orientation, gender identity, and/ or gender expression.

Intersex: 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, trans, queer, and/or intersex.

Sexual orientation: An enduring emotional, romantic, sexual, or relational attraction to another person. It may be to those of the same, opposite, or all genders.

Gender identity: A deeply rooted internal sense of gender, i.e. being male or female, both, or neither. Gender identity does not always align with assigned sex.

Gender expression: Behaviour, mannerisms, interests, and appearance associated with a particular gender.

The SSMPA criminalises:

- the registration and operation of, participation in, and support for gay clubs, societies and organisations;
- the public show of same sex amorous relationship directly or indirectly;
- people of the same gender who enter a civil union or marriage contract; and
- those who witness or aid a same gender marriage or civil union.

Punishments range from 10 to 14 years.

LGBTQI people in Nigeria experience rights violations but are unable to seek protection or redress. In 2019, 330 human rights violations were recorded, including 61 cases of rape or attempted rape, 51 cases of wrongful dismissal, 19 cases of torture, and 8 cases of kidnap.¹ These figures do not accurately capture the scale of abuse, with low levels of reporting by women in particular showing their additional barriers to seeking assistance and redress.



¹ The Initiative for Equal Rights, 2019 Human Rights Violations Report, (TIERs, 2020). p. 17.

Indeed, the incidence of blackmail, extortion, invasion of privacy, arbitrary arrest, and unlawful detention in particular have increased in recent years. 2019 saw a significant spike in cases of illegal stop-and-search operations, targeted abuse, and arrests based on one's perceived sexual orientation, gender identity, and/or gender expressions. Law enforcement agencies specifically targeted individuals, particularly those already subjected to poverty or lesser financial means. Most notably, the 57 men arrested at a birthday party in Lagos in August 2018, had to wait until October 2020 for their case to be discharged. Despite repeatedly saying that they did not have evidence or witnesses, the police refused to drop charges prior to this.

At the same time, cases of physical violence, blackmail, and extortion committed by non-state actors has also been increasing, sometimes resulting in death. Despite constitutional guarantees and regional and international human rights law, LGBTQI people are not able to turn to the state for protection, in large part as state agents also perpetrate abuses and as discriminatory laws entrench impunity.

Yet, there are signs of change. A series of public opinion surveys² show significant shifts in attitude over a relatively small period of time:

1. The percentage of Nigerians who would not accept a family member who is lesbian, gay, bisexual or trans fell from 83% in 2017 to 60% in 2019.
2. Support for the SSMPA has decreased over four years: from 87% in 2015 to 75% in 2019.
3. A lesser percentage of people believe people should be jailed for 14 years for

having same sex relationships: from 91% in 2017 to 74% in 2019.

HEALTH IMPACTS

“Queer people particularly experience barriers to health now due to a combination of how they are treated by health services anyway and fears around COVID-19.” - *psychologist*

Access to health-care for LGBTQI people, who already faced significant barriers, has further reduced. The pandemic has gravely affected both health institutions and people's ability to access them, with many people fearful of going to clinics for fear of catching COVID-19 or being forced into isolation centres for displaying symptoms. For LGBTQI people, who were already apprehensive about health workers and other patients questioning their clothing choices, marital status, and/or sexual history, these worries are compounded. Health professionals providing care to LGBTQI people reported significant fears of these implications of contracting COVID-19.

The ability for people living with HIV to take medication has been hampered, particularly for those forced to spend more extended periods of time with family members. They have not been able to go to clinics to get more drugs. Some people with HIV who had been taking medication beforehand without family knowledge are now either hiding their medicine or have stopped taking it altogether, due to discriminatory attitudes and the association between HIV status and homosexuality. In some cases after HIV medicine has been discovered or symptoms have manifested, parents have forced their children to leave home.

²The Initiative for Equal Rights and Vivid Rain, 'Social Perception Survey on Lesbian, Gay, Bisexual and Transgender Persons Rights in Nigeria, (TIERs and Vivid Rain, 2019), p. 4.



“Garba was not able to go to the clinic to get HIV drugs - or he was not able to take HIV drugs as he did not want to be seen – so he took it on and off. This led to rashes and pores on his body, so he was kicked out of home. [Family members] had found out that he had sex with men and had HIV – and they felt the sickness is particularly for those against Allah.”

–activist in northern Nigeria

Levels of anxiety and mental health have drastically increased.

Services providing counselling to LGBTQI people are overwhelmed with increasing numbers and complexity of cases. This trend is partly due to a generalised sense of fear, including due to time spent online following global pandemic news and National Centre for Disease Control infection and death counts without filtering information. This dynamic is exacerbated for those with pre-existing mental health conditions. According to a psychologist interviewed, “There is a general sense of hopelessness, worthlessness, and helplessness that is very common in people who were already experiencing depression. They see no clear end and death counts going up over the world.”

For those in relationships, partners usually help them cope with anxiety, depression, and other mental health conditions but they have also been affected during the pandemic. According to a psychologist, this dynamic is particularly common among lesbian and bisexual women: “Usually, if one person has anxiety, the other one can help them cope but here, there is nobody to balance the equation. If one person has anxiety, other is worried about losing their job.”

Increased time spent with family due to restrictions or loss of livelihoods has had negative impacts on mental health,

particularly for those with homophobic or transphobic families. Often, people have been forced to reconnect to religious traditions that have harmed them in the past, including through being subjected to religious conversion therapy. Impacts of these experiences can manifest in different ways: anxiety, hyper vigilance, panic attacks, depression, or post-traumatic stress disorder including experiencing flashbacks.

Amina was previously living in university hostel accommodation but had to return to her parents’ house due to the pandemic. During this time, she was caught kissing her girlfriend. Her parents told her she was an evil child, disowned, and no longer part of the family. She was severely psychologically affected by their statements. She believed what they said and started to see herself as a curse on the family. Not wanting to lose them, she promised she wouldn’t ‘do lesbian acts’ again yet her family still rejected her. She is currently staying with a friend.

Movement restrictions and closure of educational institutions have cut connection to supportive social networks and community, further exacerbating mental health impacts and isolation.

Young people who would spend part of the year in schools or universities have been forced to spend months with family members without respite or time with people who fully accept them. Alternatively, older people whose partners and other family members may not know about their sexual orientation, gender identity and/or gender expression but had



supportive communities outside have found themselves cut off. Online spaces have not been sufficient to compensate for loss of real time interaction. Moreover, access to the internet needs money, electricity, and smart mobile telephones that not everybody has. When they do communicate with friends, they are hyper aware of who is around and what they say as discovery can lead to highly negative consequences.

“People had found a way to navigate homophobia by escaping their homes and finding places where they are validated and do not have to hide but being stuck at home with super religious families has meant they have had to conform to survive. There is no reprieve from that. Day after day after day. This has had mental health impacts – it has increased anxiety levels and definitely created relapse for people who had experienced depression in the past.” - *psychologist*

ECONOMIC IMPACTS

While all livelihoods have been affected, the pandemic's economic impacts hit LGBTQI people in different ways. People who do not follow gendered norms of presentation and dressing are particularly concerned about losing employment as they fear not finding another job that accepts them. Curfews have affected gay men who pursue livelihoods at night as police officers question and extort money from those found outside, particularly if they do not fit dominant modes of masculinity. Moreover, gay men who are sex workers are less able to meet clients using mobile telephone applications and other online means and so have seen incomes drop precipitously.

LGBTQI people tend to have fewer, weaker, and less supportive social networks

upon whom they can rely during times of financial shock and who may be able to support finding new employment or diversifying income streams. Loss of income also increases fears around health and the prospect of health emergencies, particularly pertinent during a pandemic, given likely estrangement from family and friends who may have otherwise contributed towards health costs.

LGBTQI people's financial independence is linked to ability to live authentic lives while reliance on others can bring immense pressure to conform – or face grave consequences for failure to do so. As a result, loss of livelihoods has greater stakes. They often feel the pressure to work harder to prove their worth so they do not lose incomes as doing so will mean moving in with or being otherwise dependent on family or others that do not accept them.

“The cost of losing a job is beyond a financial loss. It means having to go back to your family – not a healthy space. So queer people work harder and if they don't, anxiety and fear kicks in. They feel they are not doing enough. They tell themselves, ‘Look at what you stand to lose if you don't contribute or give the impression that you're a valuable member of this company.’” - *psychologist*

Many LGBTQI people have been made homeless, exposing them to jeopardy. LGBTQI people were at higher risk of homelessness and uncertain living situations even before the pandemic due to family rejection and financial precarity. Their realities have often worsened in recent months. People who are street homeless have been questioned by the police for breaking pandemic restrictions despite the reality



that neither state nor federal governments have made shelter provision. At the same time, people who used to move between friends' homes have not been able to do so due to movement restrictions and as their hosts are under increased economic stress. Moreover, many who had their own homes beforehand are no longer able to pay rent due to the pandemic's economic impacts. Finally, for those who live with or have moved back in with family, discovery of sexual orientation, gender identity, and/or gender expression, more likely due to forced proximity, has led to many being kicked out. Many people who have been made homeless are in highly dangerous situations. Some of them have had to move in with abusive ex-partners. Others were given shelter by people who robbed, beat, and blackmailed them.

Salisu's sister picked up his phone and heard voice notes and read messages he had exchanged with his friends. After she told their parents about his homosexuality, he was kicked out of the house. Despite having recently gotten admission to university, his parents told him they would no longer pay for his school fees or take care of him in any way.

Discovery of sexual orientation, gender identity and/ or gender expression has led to loss of education or employment.

In some cases, living in forced proximity with others who go through belongings or overhear conversations has led to news spreading within communities. People have been expelled from schools or dismissed from employment. These revelations have particular implications for those whose opportunities are constrained by other modes of discrimination, for example, for children and young people with disabilities

who have only a handful of schools which they can attend in their state.

Bala, a deaf boy, was discovered to be gay during the height of pandemic restrictions. This news spread, culminating in the mai angwa of his community sending a letter to his school, which subsequently expelled him, and to other deaf schools in the state. This action means that not only will he not be able to rejoin his current school when schools reopen, but his chances of education are now minimal given all deaf schools in the state are aware of his sexual orientation.

VIOLENCE AND ABUSE

"People have faced a lot of violence and abuse from within the family. In one case in [a state in southeast Nigeria], the parents of a young trans woman were always beating and threatening to kill her. She is not the only one who has called me so I can only imagine the number of people going through similar situations during this period. [This type of violence] seems to have increased to a very high level." – *activist in Abuja*

Queer people have experienced more familial verbal, emotional, and physical violence, including conversion therapy.

Survivors have been trapped for long periods of time with abusive family members without respite. This abuse has taken place for the first time, due to family members discovering sexual orientation, gender identity and/ or gender expression. Moreover, previously supportive family members have changed attitudes and behaviour, in part as the pandemic has increased economic and emotional stress. Many people have also turned to religion

to cope and become more exposed to religious narratives against homosexuality and gender fluidity and those linking immorality to COVID-19 as divine punishment. In other cases, longstanding abuse has intensified in frequency and severity. Due to the pandemic's economic impacts and movement restrictions, family members have more control over LGBTQI people who have fewer opportunities of escaping violence. They have been subjected to verbal assaults and bullying, denial of food, deliberate misgendering, physical violence, and death threats. In one case, a trans woman who was visiting family in another state and became stuck there when inter-state travel restrictions were introduced was forced to impregnate a woman during lockdown as her parents wanted her to have a child by any means. In other cases, people have been beaten badly by male relatives and thrown onto the roadside in a severely injured state.

Nosa's wife found out about his bisexuality during the height of pandemic restrictions. She said she would remain in the marriage only if he attended counselling with her. On reaching the counselling venue, he was confronted by a religious group, their film crew, and the leader who wanted to convert him using prayer.

Street harassment and physical violence against people who do not conform to gender norms of behaviour, dressing, and presentation has increased.

Respondents spoke of trans, intersex, and people who do not conform to gender stereotyped modes of dressing experiencing more verbal and physical abuse in public places which are less busy than prior to the pandemic. In some cases, threats including

of sexual violence have been made. In other instances, beating and other forms of physical violence have ensued.

Incidence, frequency and severity of violence in same-sex relationships have surged. While 30 cases of intimate partner violence in total were reported to The Initiative for Equal Rights in January and February, 84 such cases were reported in March, April, and May, an 87% increase in monthly reporting. Over these five months, the majority of these cases of intimate partner violence (ranging from 68% - 79%) were perpetrated by men against other men.

There have been a number of cases of sexual violence including corrective rape.

The true extent of and reasons behind this trend is unknown but human rights organisations have received higher reports of sexual violence during this time. The Initiative for Equal Rights has received more cases of corrective rape of lesbian and bisexual women, all in Lagos and all believed to have been arranged by family members, in the first four months of the pandemic than in the three years beforehand. This rise is attributed to more women staying at home than was previously the case and family members finding out about their sexual orientation and having the control and access to organise rape in the hope of 'curing' them. Sexual violence has also happened in public spaces and to men. For example, a young man in a northern state was stopped by four men known to him on the road. They told him that, as he already behaves like a woman, they would rape him so he would become a real woman. They blocked off his exits and gang-raped him, after which they put dirty rubbish into his mouth.



Police officers have engaged in higher levels of extortion and blackmail of lesbian, gay and bisexual people.

A common pattern across many states has emerged whereby officers apprehend, question, and search people allegedly violating government restrictions. If they find evidence of same sex relationships or sexual activity, they extort large sums of money and force those concerned to divulge the names of others, using blackmail and threatening to reveal their sexual orientation if they do not do so. They then go to the homes of those whose names were given to arrest, blackmail, and extort money from them, and find out the identities of more lesbian, gay and bisexual people. While such practices did occur before, human rights activists see an increase in cases as well as a step change in levels of organisation and focus. This 'contact tracing' of queer people is seen by some activists as linked to viewing them as a guaranteed source of income against a backdrop of reduced opportunities to make money during the pandemic.

"If they get one gay person, they try to get five more from them and five more from each of those five people. It has been a massacre in the last 2 weeks. They have picked up people from their homes and taken them to the [police] station. They threaten with outing and take you for all you have. This has happened in Enugu, Calabar, Lagos – and is happening more than before. It is now less chaotic and scattered than before as it seems they have learned from contact tracing when it comes to COVID-19 infection. Also, there are now less areas to make money and this is a guaranteed way. Police officers can't keep bleeding other people like they used to, but they still can here – this is a guaranteed cash cow." – *activist in southwest Nigeria*

SERVICE PROVISION AND RESPONSE

Government and most civil society actors have failed to address the impacts of the pandemic on LGBTQI people in their work.

There is little recognition of these effects let alone action to integrate understanding into design, planning, and delivery of policies, practices, and programmes. For example, services for survivors of gender-based violence – whether provided by the state or by civil society organisations – largely do not even try to be responsive to the violence LGBTQI people face. There are no shelters for men fleeing violence and women's shelters are not able to extend them services. Queer women judge the information about their violation they are able to disclose and what must be kept secret, with serious implications for quality of care. Meanwhile, men harassed by the police who lodged a complaint with the National Human Rights Commission were asked if they would submit to anal tests to prove they were not gay.

In the absence of response from others, LGBTQI organisations have had to respond and fill in gaps.

They have intervened in cases of police extortion and blackmail, getting those subjected to these violations released from police custody. They have provided services to survivors of violence, linking them with health services and counselling, moving them to shelter accommodation, providing direct cash transfers, and paying health costs. According to one activist, "We have had to do more direct interventions in the last few months than we had done in the three years before." While donors have been flexible, these organisations have had to respond to sharp rises in demand, increased complexity of cases, and new challenges without any increased staffing or funding.

RECOMMENDATIONS

<p><i>National Assembly</i></p>	<p>Repeal all discriminatory laws used to punish people based on their sexual orientation, gender identity, and/or gender expression including the Same Sex Marriage (Prohibition) Act 2014 and so-called ‘anti propaganda’ laws</p> <p>Decriminalise same-sex relationships between consenting adults and ensure arrest, prosecution, and punishment based on actual or perceived sexual orientation, gender identity, and/or gender expression or advocacy of LGBTQI rights are prohibited.</p> <p>Enact effective anti-discrimination laws that protect LGBTQI people and work to end negative stereotypes, including through public education campaigns and sensitisation of government actors</p> <p>Include sexual orientation, gender identity, and gender expression as characteristics constitutionally protected against discrimination in the current constitutional review</p>
<p><i>National Human Rights Commission</i></p>	<p>Appoint a focal point to lead work on LGBTQI rights violations.</p> <p>Institute training on gender and sexuality including sexual orientation, gender identity, and gender expression for all employees to improve individual and institutional capacities</p> <p>Track and include violations based on sexual orientation, gender identity, and gender expression in annual human rights reports</p>
<p><i>Inspector General of Police</i></p>	<p>Stop the indiscriminate stop and search of those who do not fit gendered stereotyped expectations of presentation and/or dressing</p> <p>Investigate reports of human rights violations committed against LGBTQI people by police officers based already submitted and inform those who made these reports of the identities of investigating officers so they can submit evidence of these violations to them</p> <p>Investigate reports of human rights violations committed against LGBTQI people by non-state actors already submitted and inform those who made these reports of the identities of investigating officers so they can submit evidence of these violations to them</p> <p>Offer an apology to the 57 men who were arrested in Lagos in August 2018 for ‘public show of same sex amorous affection in private spaces’ as police actions resulted in their identities being made public, causing them loss of employment and opportunities, triggering significant mental distress, and infringing their rights to privacy.</p>



<p>Civil society organisations</p>	<p>Improve staff knowledge of how legal frameworks on LGBTQI people and organisations affect civil and political rights</p> <p>Include violations of LGBTQI people’s rights in human rights reporting to national, regional, and international mechanisms</p> <p>Expand service provision, awareness raising, advocacy, and prevention work to look violence committed against LGBTQI people</p> <p>Integrate sexual orientation, gender identity and gender expression into advocacy, supporting and allying with groups for and run by LGBTQI people</p> <p>Strengthen links between movements e.g. LGBTQI, women’s rights, and anti-police brutality organisations</p> <p>Ensure sexual orientation, gender identity, and gender expression are included as grounds of discrimination in anti-discrimination, anti-harassment, employment, and well-being policies and actively ensure organisations are safe and welcoming spaces for LGBTQI people</p>
<p>Donors</p>	<p>Provide technical assistance to government ministries, departments and agencies to take more intersectional approaches that integrate the impact of COVID-19 into analysis, policy, and action</p> <p>Hold regular discussions with LGBTQI rights activists and organisations and ensure they inform decisions around funding, programming, and diplomatic engagement</p> <p>Work with human rights defenders working on LGBTQI rights to support their safety, security, and well-being in order to mitigate violence against them and ensure sustainability</p> <p>Include LGBTQI activists and organisations in meetings, discussions, events and other convenings on human rights, civic space, governance, and COVID-19 impacts</p> <p>Provide multi-year and flexible funds to LGBTQI rights organisations to work on COVID-19 impacts</p>

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