



THE INITIATIVE FOR  
EQUAL RIGHTS

2019

# HUMAN RIGHTS VIOLATIONS REPORT

BASED ON  
REAL OR PERCEIVED SEXUAL  
ORIENTATION AND GENDER IDENTITY  
IN NIGERIA



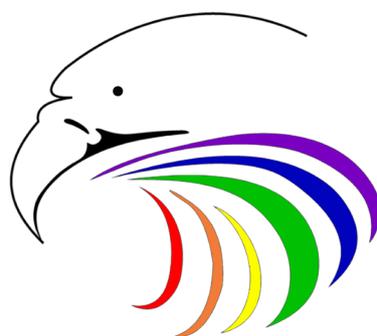


**2019 Report  
on  
Human Rights  
Violations**

based on  
**Real or Perceived Sexual Orientation and  
Gender Identity in Nigeria**

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THE INITIATIVE FOR  
EQUAL RIGHTS

*in partnership with*

**Dynamic Initiative for Healthcare and Human Rights (DIHHR)**

**Hope Alive Health Awareness Initiative (HAHAI)**

**Initiative for the Advancement of Humanity (IAH)**

**Women's Health and Equal Rights Initiative (WHER)**

**International Centre on the Right to Health (ICARH)**

**Access to good health initiatives (AGHI)**

**Improved Male Health (IMH)**



# Pertinent Abbreviations

**ACHPR** – African Commission on Human and Peoples’ Rights

**LGBTQI** – Lesbian, Gay, Bisexual, Transgender, Queer and Intersex

**SOGIE** – Sexual Orientation and Gender Identity/Expression

**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

**VAPP** – Violence Against Persons (Prohibition) Act (VAPP Act)

# 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

## Glossary

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

**20** STATES

**397** PEOPLE VIOLATED

**344** MALE

**53** FEMALE

**330** TOTAL NUMBER OF VIOLATIONS

STATES WITH THE LOWEST REPORT

KANO  
EDO  
JIGAWA  
DELTA  
NASARAWA

STATES WITH THE HIGHEST REPORT

LAGOS  
RIVERS  
ABUJA

**71** STATE ACTORS (PERPETRATORS)

**248** NON-STATE ACTORS (PERPETRATORS)

**11** BOTH STATE & NON-STATE ACTORS (PERPETRATORS)

# Table of contents

<b>9</b>	Introduction
<b>11</b>	Sexual Orientation And Gender Identity/ Expression (Sogie) Developments
<b>15</b>	Methodology And Forms Of Violence
<b>19</b>	Trend Analysis On Violence Against Women In Nigeria
<b>23</b>	Experiences Of The Criminal Justice System
<b>27</b>	The Impact Of Human Rights Violations On Nigerians
<b>30</b>	National Case Summary (Dec 2018 – Nov 2019)
<b>43</b>	The Next Logical Step
<b>48</b>	What Needs To Be Done To Enhance Disability Rights In Nigeria
<b>51</b>	An Instructional Guide To Activism And Citizens Consciousness
<b>54</b>	The Role Of Media Portrayal In Advancing Or Reducing Homophobia In Nigeria
<b>56</b>	About Our Partners
<b>58</b>	Appendix

# Introduction

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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 Same-Sex Marriage (Prohibition) Act (SSMPA) continues to incite more distress by imposing violence, discrimination and inhumane treatments for Lesbian, Gay, Bisexual, Trans, Queer and 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 persons whose real or perceived sexual orientation and gender identity do not fit into the heteronormative norm that permeates the country. This year, there is increased brutality perpetrated by state actors, on many occasions, persons have been stopped, searched and detained. Even though this affects persons who are queer, it speaks to the larger problem of violent policing, corruption and other illegal activities perpetrated by the police including unconstitutional searches and detention.

In the face of the constant injustice, violence and discrimination, Nigeria's constitution remains the fundamental norm which provides the right to life, dignity, personal liberty, a fair hearing amongst other human rights. Despite the clear provisions of Chapter 4 of the constitution of the Federal Republic of Nigeria, there appears to be no will to hold assaulters and aggressors accountable from both the government and law

enforcement agencies. This is so because the Government and its agencies have been the highest violators of fundamental human rights in Nigeria. There is a severe shrinking of the civic space, limited freedom of expression and non-existent freedom of the press. This is evidenced by incidents of journalists charged with treason over Facebook posts. This year, Yele Sowore, a Nigerian journalist was arrested and detained on charges of treason because he dared to call for a peoples march. Other examples indicate that Nigeria has no room for Human Rights.

The Nigerian Government and its disregard for rights 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 rights treaties. The 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/workplace 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

## Introduction

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 2018 to

November 2019. It also examines the year's trends not only on human rights of LGBTQI persons but also women. 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.

# Sexual Orientation And Gender Identity/Expression (Sogie) Developments

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 is a continued uproar concerning the abuse of power by the Special Anti-Armed Robbery Squad (SARS). 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.

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, 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.

## **Governing Legal Frameworks**

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 Constitution of the Federal Republic of Nigeria is the 'grund norm'. That is, it is the supreme

## Sexual Orientation And Gender Identity/Expression Developments

law of the federation and any law contrary to the constitution is struck down to the extent of its inconsistency. Its supremacy is governed by the guaranteed rights to life, privacy, association and assembly, thought and conscience and to movement. 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 fundamental freedoms to associate and assemble, 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 perpetrated 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

## Sexual Orientation And Gender Identity/Expression Developments

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 solution 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, it is important to highlight the protocol to the African Charter on Human and Peoples Rights on the Rights of Women also known as the Maputo protocol. This protocol lays out the rights of women in regards to inheritance, marriage, property rights and sexual and reproductive health and rights. Nigeria is yet to domesticate the Maputo protocol and this has a far-reaching effect on the wellbeing of Lesbians, Bisexuals and Queer women in Nigeria. Another factor that continues to contribute to the intersectional struggle of LBQ women is the failure to implement the Violence Against Persons Act in all states in Nigeria. The violence against a person applies to all Nigerians but is very significant in that it expands on the definition of rape to include the rape of men and sexual violence caused using objects. If a law like the VAPP Act is domesticated by states in the federation, it will improve the human rights situation of women and LGBT persons drastically.

### **The International Legal Framework**

Article 1 of the Universal Charter on Human Rights provides that everyone is born free and equal.

## Sexual Orientation and Gender Identity/Expression Developments

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 ingrained in humanity without exception. The humanity of LGBTQI people should be paramount and the dignity of human people must prevail in human rights discussions.

# Methodology and Forms of Violence

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## Methodology

The cases documented in this report were collected and compiled by human rights organisations from states across Nigeria between December 2018 and November 2019. A total of 330 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 with 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 (HAHAI)
- Initiative for the Advancement of Humanity (IAH)
- Women's Health and Equal Rights Initiative (WHER)
- International Centre on the Right to Health (ICARH)
- Improved Male Health (IMH)
- Dynamic Initiative for Healthcare and Human Rights (DIHHR)

2019's reports show a significant spike in cases of mass blackmail, mob violence and unlawful

detentions, as law enforcement agencies specifically targeted visibly queer presenting persons, arresting perceived LGBTQI persons and demanding payment for their release.

While the analysis of human rights violations documented over the past five 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 misinterpreted laws and policies to target persons belonging to the lower class.

A huge trend that has been popular with LGBTQI violations reported is a devastatingly low percentage of cases reported by women in Nigeria. 2018 had an abysmally low reportage of cases by queer women with only 21 documented cases. This year, there is a slight increase in this number to 53. While this number is still very low, it shows that the misrepresentation and discrimination that plagues LGBTQ women is gradually reducing, and hopefully, reportage continues to increase.

## Methodology and Forms of Violence

### 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, 2019's records show a significant spike in cases of illegal stop-and-search operations, targeted abuse and arrests based on perceived sexual orientation and gender identity, unlawful detentions and corruption. Law enforcement agencies specifically targeted unsuspecting individuals and publicly paraded 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 to target persons belonging to the lower class. Examples of such incidents in the past 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. This year, the police have refrained from mass arrest because the case of the Egbeda 57 took an unexpected turn. After one year and three months of the case at the Magistrate court, the police has charged the arrested persons with public displays of same-sex amorous affection per section 5 (2) of the Same-Sex marriage prohibition Act. This is the first time this law has been used to charge anyone to court in Nigeria. 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 but also festers impunity and state-sponsored homophobia.

For a look at the number of human rights violations of LGBTQI people reported to human rights organizations between December 2018 and November 2019 separated by category, see below:



# TYPES OF

# VIOLATIONS

## Methodology and Forms of Violence

### 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.

# Case Studies

(All names have been changed to protect the identities of the victims.)

## Blackmail and Extortion

### The Law:

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 –*  
*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 threatens that any person shall be accused by any other person of any felony or misdemeanour, or of any such act; or*  
*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.*

### Reported Cases

*Tahir, 07 March 2019, Awka, Anambra*

Tahir was targeted at school by his roommate who took his phone and went through his private

chats and pictures while he was asleep. When Tahir awoke, his roommate confronted him and told him he would tell the entire school he was gay and make sure he was expelled. Tahir begged and pleaded, leading his roommate to ask for money in exchange for his silence. Tahir confided in a friendly professor who called his roommate and warned him that he would make sure he went to jail if anything happened to Tahir. Tahir moved out of the hostel and his roommate stopped disturbing him.

*Jenny, 19 May 2019, Abuja*

Jenny met a new friend on Tinder and they decided to meet in person. They agreed to meet in a public place first and chose a restaurant. They met and had drinks at the chosen restaurant after which Jenny's new friend invited her back to her place, to which Jenny agreed.

When they got to the house, two men approached them and one of them grabbed Jenny. They forced her to strip naked and took photos and videos of her. They threatened to send these photographs and videos her family and post them on social media outing her as a Lesbian if she didn't pay them money.

*Paul, 11 June 2019, Lagos*

Paul was on his way to deliver some goods to his client when the police stopped him and searched his bag. After searching and not finding anything incriminating, they asked for his phone. Paul refused at first but a police officer grabbed him

## Case Studies

by his pants and said they would take him to the station if he didn't co-operate. After he unlocked his phone, they went through it and discovered some nude photographs. They threatened to arrest him for being gay evidenced apparently by the nude images on his phone. The Police demanded a bribe of 50,000 naira from him to be set free. He was detained in their van and driven from one point to another for over 5 hours. Paul finally paid them 20,000 naira before he was let go.

### Kidnapping

#### The Law

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."*

#### Reported Case

*Patrick, 19 July 2019, Lagos*

Patrick had an appointment to meet up with a friend he had made online. On getting to the agreed location, he was attacked by a group of young men and taken to an uncompleted building. They claimed he tried to recruit their friend into "gayness" online and promised were going to show him hell. They tortured him and beat him all day and left him tied up all night. The next day, they started calling his family and told them their son was gay and demanded money for his release, threatening to kill him and dump his body in the canal. The family paid 80,000 naira as ransom and he was dropped off at a bus stop to find his way home.

### Arbitrary Arrests and Unlawful Detentions

#### The Law

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."*

#### Reported Case

*Titus, 12 February 2019, Lagos*

Titus went to the police station to bail his friends who were detained because of an argument that transpired between them. On reaching the police station, Titus was detained because the DPO claimed the argument was a lovers' quarrel which drew attention because they were gay. As a result the DPO believed that he too was a gay man for coming to bail his gay friends and asked that he be locked up as well.

### Battery and Assault

#### The Law

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*

## Case Studies

*apparently a present ability to effect his purpose, is said to assault that person, and the act is called assault.”*

### Reported Cases

*Kanayo, 6 June 2019, Enugu*

Kanayo returned home late one day and had his bag searched by his uncle who found condoms, lubricants and a douche. This led to his uncle torturing and interrogating him. After looking through his phone, his uncle found some chats that showed he was gay and nude photographs. He beat Kanayo up and locked him in his room. When their neighbors came to ask what was happening, he told them Kanayo was gay and they all agreed that he ought to spend time in jail to know how serious his crime was. His uncle called the police who then detained and further tortured him.

*Tom 3 April 2019, Abuja*

Tom was entrapped by someone who had done the same thing to his friend, stole his phone and posed as said friend to lure other gay men to his location. When Tom got to the location, he was stripped naked, tied up, beaten up and tortured. He was let go after a few hours but had his phone and money taken.

## Threat to Life

### The Law

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.”*

### Reported Case

*Chisom, February 2019, Warri, Delta*

Chisom, a trans/intersex lady who is also gender non-conforming went to a supermarket to buy some things. In the course of her shopping, she spotted a man she thought she recognized and walked up to greet him. She then realised that he was not the person whom she thought he was, apologised and walked away. The man approached her and said with disgust, “The next time you try that again, I will kill you, you fag.” He then turned around to everyone in the supermarket and started explaining to them that Chisom tried to romance him. He tried to hit her a couple of times but people came to her defence and stopped him. She was able to leave the situation unharmed.

## Sexual Assault

### The Law

Section 352 and 357 of the Criminal Code state that:

352:

*“Any person who assaults another with intent to have carnal knowledge of him or her against the order of nature is guilty of a felony, and is liable to imprisonment for fourteen years.”*

357:

*“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.”*

## Case Studies

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.”*

### **Reported Cases**

*Mide, 22 June 2019, Lagos*

Mide was sexually assaulted by a man who claimed to be a therapist. He had promised to help her with some reading materials to help him better understand his sexuality. When Mide got

to his house, the so-called therapist drugged and raped him.

*Deyo, 11 October 2019, Lagos*

Deyo made a new friend on a social media platform and they decided to meet at a popular fast food restaurant. On getting there, she got a text from the friend asking her to come outside. When she did, a soldier approached her and asked her to follow him or else he would get her arrested. She obliged and followed him to a car that had another soldier in the driver's seat. When they got into the car, he told her he was the one she had been chatting with the whole time and that he had enough proof to lock her away for being a lesbian. He drove her to a lonely house, took her inside, brought out a gun and told her she had to pay him 50,000 naira or be locked in the guard room. She begged him to let her go. He instead began touching her and raped her without using protection. He let her go later that night after taking her phone.

# Trend Analysis on Violence Against Women In Nigeria

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Violence against women is a global pandemic that affects 1 in 3 women in their lifetime. Women around the world are connected in the worst possible way as victims of sexual and gender-based violence. It is a top human right issue that spans through an entire continuum albeit surrounded by a culture of silence with little or no legal actions. Response to violence against women is mainly dependent on cultural factors. These factors influence the actions of personnel representing the civil authority of government, medical practitioners, victims of violence, as well as the society at large.

According to the World Bank, 35% of women worldwide have experienced either physical and/or sexual intimate partner violence or non-partner sexual violence; globally, 7% of women have been sexually assaulted by someone other than a partner; globally, as many as 38% of murders of women are committed by an intimate partner and 200 million women have experienced female genital mutilation/cutting.

On 21st May 2019 in Lagos, the police raided Marie Stopes, a Non-governmental organisation that provides free as well as subsidized sexual and reproductive health services for women. The health workers and patients were harassed and confidential client information was carted away. To raid a centre that provides such services

in a country that contributes 10% to the global burden of maternal deaths, shows that women are not safe and there is a movement to set back women's rights.

In recent times, there has been a paradigm shift in response to violence against women. There is a growing awareness on social media on the magnitude of violence and a push back from women on the rationalisation as well as denial of the violence meted to them. Attitudes are changing and the culture of silence is gradually phasing out. In a country like Nigeria where only 18 rape cases have been convicted, women are coming up with other strategies that will mitigate present and future violence. This shows in the little successes recorded between last year and this year.

Damilola Marcus launched the market march in October 2018 to challenge men in the market place who catcall and grope women under the guise of selling their wares. Protesters carried placards and marched in Lagos' Yaba market and other markets across Nigeria. This was a step in the right direction. Although the protesters were verbally attacked by the same men they were protesting, women who went to the markets after the protests reported that there was a significant reduction in groping, with the men referring to the march.

## Trend Analysis on Violence Against Women in Nigeria

On April 27th 2019, the Nigerian Police raided two clubs in the Federal Capital Territory, Abuja. The police, together with officials from the Abuja Environmental Protection Board (AEPB), separated men from women in these clubs and violently arrested the women accusing them of prostitution. These women were harassed, flogged and asked to bail themselves with the sum of 3,000 Naira each. Those who could not afford the bail money were forced to pay with their bodies with these police men using water nylons as condoms during the rape. The police, leveraging on the criminalization of sex work in Nigeria, stigmatized and to violated these women; the same citizens they are paid to protect. Women across the nation were infuriated by this tragic event and on the 10th of the following month, marched during a protest in Abuja to challenge these inhumane acts. This led to a mobilization by lawyers and activists to secure the release of the women who were still being detained. CNN Africa released a report interviewing some victims of the raid, which created an uproar on social media platforms, with many Nigerians condemning the insensitive comments made by the Commissioner of Police.

In June 2019, Busola Dakolo, a Nigerian photographer released an interview in which she accused Biodun Fatoyinbo a pastor at the commonwealth of zion assembly in Abuja of rape. Busola alleged that Biodun Fatoyinbo groomed and raped her when she was 17 years old. She also approached a lawyer and instituted a case against him in civil court. This incident gave birth to important conversations both online and off line, persons who have fallen victim to rape and other forms of sexual abuse began to speak up and there was an outrage among women and

activists. This led to protests and sit ins at the Lagos and Abuja branches of the church, with protesters calling for the Pastor's Resignation and Prosecution. The incident also marked the beginning of the 'Church Me Too' movement in Nigeria, a movement aimed at calling out and ending sexual abuse and rape in the Church. This is such a remarkable revolution in an overly religious society where people do not question religious leaders, who lack accountability and continue to use their positions to harass and oppress women.

For decades, there has been an epidemic of sexual abuse in higher institutions in this region. Women are sexually harassed by lecturers and are threatened with their grades when they reject the offers. Thousands of women have suffered in silence due to fear, lack of evidence and institutional support.

In October 2019, Kiki Mordi, an investigative journalist with the BBC, revealed that she along with other journalists had gone undercover for BBC Africa Eye to investigate the "sex for grades" epidemic. These reporters, while wearing secret cameras, pretended to be students in the Universities of Lagos and Ghana respectively. They secretly filmed meetings with senior lecturers at both institutions where they were sexually harassed and propositioned in exchange for good grades. Subsequently, BBC Africa News and BBC Africa Eye released an hour-long documentary on the undercover investigation. The documentary prompted outrage over harassment in Nigeria and Ghana and led to the suspension of four lecturers featured in the film. The suspended lecturers have denied the allegations. Because of the documentary, the

## Trend Analysis on Violence Against Women in Nigeria

Nigerian Senate re-introduced the Anti-Sexual Harassment Bill which proposes up to 14 years' jail term for teaching staff who have sexual relationships with their students.

However, in these successes and milestones, LGBTQ women continue to be excluded from the women's rights movement. This exclusion places them at a high risk of violence and marginalization in addition to violence encountered by women on a general plane. In developing strategies to eliminate gender-based violence, it is critical to recognize the various forms of systemic discrimination and how they intersect. It is also critical to recognize every voice and perspective irrespective of sexual orientation, ability, gender identity or educational status. Although these various forms of discrimination and challenges are unique to affected individuals, they are all forms of gender-based violence.

State and non-state actors continue to leverage on the Same Sex Marriage Prohibition Act (SSMPA) to commit hate crimes against sexual minority women. They experience all forms of violence which may be physical (including murder, beatings, kidnappings, rape and sexual assault) or psychological (including threats, coercion and arbitrary deprivations of liberty).

LGBTQ women face sexual harassment inflicted by family members and friends. They are raped with the intent of turning them heterosexual. Some are forced into marriages as the families believe this will protect their image, leaving the women involved perpetually unhappy and psychologically damaged. Intimate partner violence (IPV) has been on the rise in recent times. LGBTQ relationships are not recognized

and therefore cannot benefit from the laws criminalizing intimate partner violence. There is no provision for intervention of IPV in same-sex relationships. This leaves victims traumatized emotionally and psychologically, and unable to seek help.

Queer women also face targeted discrimination in the workplace. They are constantly forced to hide their gender identity, gender expression or sexual orientation. They are verbally and physically discriminated against and in some cases, lose their jobs and struggle for survival. Many are forcefully outed, blackmailed and extorted by persons who are aware of their sexual orientation which often leads to forced eviction from family homes and loss of privileges. Women in Nigeria are not well represented in politics; however, the situation is worse for LGBTQ women who do not conform to the heteronormative rhetoric. Their qualifications and levels of competency are not put into consideration if there are no husbands and children in the picture.

Studies show that transgender people are 49 times more at risk of living with HIV compared to the general population. They are faced with social and legal exclusion, economic vulnerability, and are at an increased risk of experiencing violence. People born with variations of sex characteristics also known as intersex persons, experience stigmatization, discrimination, bullying, body shaming and other forms of harm because of their sex characteristics, and assumptions about their identities. Their rights are violated and societal intervention is limited. Anything outside the binary notion of male or female bodies, is termed abnormal by society. This has led to the

## Trend Analysis on Violence Against Women in Nigeria

unnecessary gender reassignment surgeries they are forcefully made to go through, violating their human rights.

The danger of excluding any marginalised or minority group in the women's rights movement is that, there is a misrepresentation of the situation

of violence against women in the country as well as limited statistical evidence on violence being documented. If there must be transformative change, everyone must be carried along.

# Experiences: The Criminal Justice System

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In 2019, 47 out of the 57 men arrested at a birthday party in Egbeda, Lagos state were charged with the public displays of same-sex amorous affection according to section 2 (5) of the Same-Sex Marriage Prohibition Act 2014. This is the first time this law has been used to try anyone in the Nigerian courts. This report reveals several situations where LGBTQI people are constantly and persistently faced with unlawful detention and discriminatory laws by state actors and shows how private citizens are emboldened by discriminatory laws such as the SSMPA to deprive them of basic human respect.

The law dictates that 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.

## **The Impact Of Human Rights Violations On Nigerians**

Nigeria has been a terrible place for human rights in 2019. In Nigeria, journalists risk prosecution under restrictive laws, LGBTQI persons continue to be targeted and women's rights have been violated both en mass and on an individual level. A Nigerian Journalist, Jones Abiri is facing prosecution under Nigeria's Cybercrimes Act,

## Experiences: The Criminal Justice System

Anti-Sabotage Act, and Terrorism Prevention act for crimes allegedly carried out in 2016. Abiri was held by Nigeria's secret police without any charge between July 2016 to August 2018. He was rearrested nine months after he was freed by the Department of State Services. Agba Jalingo, a journalist and publisher of an online newspaper CrossRiver Watch, is currently in jail and facing allegations of treason after he published a story on alleged diversion of N500 million by the Cross River State Governor, Ben Ayade. On the 2nd of August 2019, news broke that Abubakar Idris popularly called Dadiyata was forcefully taken from his home in Barnawa. His whereabouts remain unknown as of December 2019. These cases demonstrate the rising occurrence of arrests, abduction and disappearance of journalists and social media users.

In April 2019, over 50 women were arrested from Night clubs and bars by men of the Abuja Environmental Protection Board (AEPD) in collaboration with the Nigerian Police Force. These women were arrested for expressing their Right to Freedom of Movement and their Right to Peaceful Assembly and detained overnight. The arrested women were arraigned before a mobile magistrate court. The women allege that they were sexually violated while in detention.

The direct breach of individual rights without proper restitution often leaves a negative impact on people. In a society where acceptance and tolerance are 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 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 the 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 commonplace 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

## Experiences: The Criminal Justice System

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 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.

### 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 2018 – Nov 2019)

S/N	Date	Case Typology	Perpetrators	Location
1	12-10-18	Invasion of privacy, Battery and threats.	state and non-state actors	Kebbi
2	21-11-18	Violence, hate speech and harassment	Non-State Actors	Benin, Edo state
<b>DECEMBER</b>				
3	01-12-18	Unlawful Arrest	State Actors	Lagos
4	05-12-18	Discrimination	Non-State Actors	Rivers
5	06-12-18	Blackmail & Extortion	Non-State Actors & State Actors	Lagos
6	05-12-18	Threat to life and battery	Non-state actors	Enugu state.
7	18-12-18	Blackmail and extortion.	Non-state actors	Owerri, Imo state.
8	07-12-18	Invasion of Privacy	Non-State Actors	Abuja
9	09-12-18	Arbitrary Arrest	State Actors	Rivers
10	09-12-18	Theft	Non-State Actors	Enugu
11	11-12-18	Invasion of Privacy	State Actors	Rivers
12	11-12-18	Blackmail & Extortion	Non-State Actors	Lagos
13	13-12-18	Unlawful Detention	State Actors	Lagos
14	14-12-18	Defamation & Discrimination	Non-State Actors	Abuja
15	16-12-18	Harassment	Non-State Actors	Lagos
16	16-12-18	Stigma & Discrimination	Non-State Actors	Lagos
17	16-12-18	Blackmail & Theft	Non-State Actors	Abuja
18	17-12-18	Hate Speech	Non-State Actors	Abuja
19	20-12-18	Threat to Life & Assault	Non-State Actors	Lagos
<b>JANUARY</b>				
20	05- 01-19	Blackmail/Extortion	State Actors	Lagos
21	07- 01-19	Blackmail/Extortion/Rape	Non-State Actors	Lagos

## National Case Summary (Dec 2018 - Nov 2019)

22	11-01-19	Physical Assault	Non-State Actors	Lagos
23	14-01-19	Unlawful Arrest	State Actors	Lagos
24	21-01-19	Physical Assault/ Forceful Eviction	Non- State Actors	Lagos
25	24-01-19	Blackmail/Extortion	Non-State Actors	Oyo
26	03-01-19	Theft, and battery	Non-state actors	Awka, Anambra state.
27	04-01-19	Battery and theft	Non-state actors	Nkpor, Anambra state
28	30-01-19	Harassment	Non-State Actors	Lagos
<b>FEBRUARY</b>				
29	04-02-19	Arbitrary Arrest	State Actors	Port Harcourt, Rivers State
30	06-02-19	Denial of Freedom to express one's sexuality	Non-State Actors	Asari-Toru, Rivers State
31	11-02-19	Blackmail	Non-State Actors	Port Harcourt, Rivers State
32	11-02-19	Threat to Life	Non-State Actors	Warri, Delta State
33	11-02-19	Mob Attack/Assault	Non-State Actors	Calabar
34	12-02-19	Unlawful arrest	State Actors	Lagos, Nigeria
35	15-02-19	Denial of Right to bodily autonomy	Non-State Actors	Emuoha, Rivers State
36	14-02-19	Right to bodily autonomy & Blackmail	Non-State Actors	Port Harcourt, Rivers State
37	19-02-19	Blackmail	Non-State Actors	Port Harcourt, Rivers State
38	23-02-19	Assault	Non-State Actors	Abonnema, Rivers State
39	03-02-19	Blackmail/Rape	Non- State Actors	Lagos
40	06-02-19	Harassment/Blackmail	Non-State Actors	Lagos
41	07-02-19	Harassment /Threat to life	Non-State Actors	Lagos
42	09-02-19	Stigma & Discrimination	State Actors	Lagos
43	11-02-19	Stigma & Discrimination	Non-State Actors	Lagos
44	13-02-19	Stigma & Discrimination	Non-State Actors	Lagos
45	17-02-19	Discrimination	State Actors	Lagos
46	18-02-19	Forceful Eviction	Non-State Actors	Lagos
47	09-02-19	Invasion of Privacy, Blackmail & Extortion	State Actors	Lagos

## National Case Summary (Dec 2018 - Nov 2019)

48	19-02-19	Stigma & Discrimination	Non-State Actors	Lagos
49	21-02-19	Harassment & Physical Assault	Non-State Actors	Lagos
50	24-02-19	Stigma & Discrimination	Non-State Actor	Lagos
51	26-02-19	Stigma & Discrimination	Non-State Actors	Lagos
52	28-02-19	Physical Assault	Non-State Actors	Lagos
53	28-02-19	Stigma & Discrimination	State Actors	Lagos
54	07-02-19	Stigma & Discrimination	Non-State Actors	Lagos
55	20-02-19	Physical Assault & Theft	Non-State Actors	Lagos
56	07-02-19	Discrimination	Non-State Actors	Lagos
57	08-02-19	Sexual Assault	Non-State Actors	Lagos
58	21-02-19	Rape	Non-State Actors	Calabar
59	20-02-19	Rape, physical violence, battery and kidnap.	Non-state actors	Nibo, Anambra state
60	20-02-19	Stigma & Discrimination	Non-State Actors	Port Harcourt, Rivers State
		<b>MARCH</b>		
61	01-03-19	Invasion of Privacy and Extortion	State Actors	Lagos
62	03-03-19	Threat to life	Non-State Actors	Lagos
63	07-03-19	Physical Assault	Non-State Actors	Lagos
64	01-03-19	Harassment	Non-State Actors	Lagos
65	09-03-19	Harassment	Non-State Actors	Lagos
66	11-03-19	Physical Assault	Non-State Actors	Lagos
67	08-03-19	Defamation	Non-State Actors	Lagos
68	11-03-19	Sexual harassment & Blackmail	Non-State Actors	Lagos
69	13-03-19	Stigma & Discrimination	Non-State Actors	Lagos

## National Case Summary (Dec 2018 - Nov 2019)

70	16-03-19	Harassment, Bribery & Extortion.	Non-State Actors	Lagos
71	17-03-19	Stigma & Discrimination	Non-State Actors	Lagos
72	19-03-19	Verbal abuse and Physical Assault	Non-State Actors	Lagos
73	20-03-19	Invasion of Privacy & Unlawful Detention	State Actors	Lagos
74	23-03-19	Defamation	Non-State Actors	Lagos
75	24-03-19	Invasion of Privacy	Non-State Actors	Lagos
76	26-03-19	Unlawful arrest and Extortion	State Actors	Lagos
77	27-03-19	Hateful speech	Non-State Actors	Lagos
78	29-03-19	Harassment and Physical Assault	State Actors	Lagos
79	29-03-19	Sexual Assault	Non-State Actors	Lagos
80	30-03-19	Rape	Non-State Actors	Lagos
81	26-03-19	Invasion of Privacy, Extortion and Unlawful Detention	State Actors	Lagos
82	16-03-19	Verbal Abuse	Non-State Actors	Lagos
83	18-03-19	Verbal Abuse and Physical Assault	Non-State Actors	Lagos
84	20-03-19	Rape	State Actors	Lagos
85	25-03-19	Verbal Abuse and Assault	Non- State Actors	Lagos
86	22-03-19	Verbal Abuse	Non- State Actors	Lagos
87	9-03-19	Battery, Harassment and extortion	Non-State Actors	Abuja
88	29-3-19	Invasion of privacy, harassment and extortion.	Non-state actors.	Abuja
89	07-03-19	Blackmail and extortion	Non-state actor	Awka, Anambra state
90	10-03-19	Invasion of privacy and verbal assault	State actor and non-state actor	Awka, Anambra state
91	27-03-19	Physical assault, battery, unlawful detention and arrest.	State-actor	Ifite Awka, Anambra state
92	02-03-19	Assault, Arbitrary Arrest	State and Non-State Actors	Port Harcourt, Rivers State

## National Case Summary (Dec 2018 - Nov 2019)

93	04-03-19	Arbitrary Assault & invasion of privacy	State Actors	Port Harcourt, Rivers State
94	08-03-19	Assault, Denial of Freedom to Associate with others & invasion of privacy	Non-State Actors	Okrika, Rivers State
95	13-03-19	Arbitrary Arrest and Blackmail	State and Non-State Actors	Port Harcourt, Rivers State
96	19-03-19	Denial of Freedom to Associate with others & Denial of Freedom to express one's sexuality	Non-State Actors	Port Harcourt, Rivers State
97	13-03-19	Torture and Threat to Life	Non-State Actor	Calabar
98	19-03-19	Conversion Therapy and Torture	Non-State Actor	Calabar
<b>APRIL</b>				
99	01-04-19	Physical Assault	Non-State Actors	Lagos
100	01-04-19	Physical Assault and Unlawful Detention	State Actors	Lagos
101	03-04-19	Harassment	State Actors	Lagos
102	02-04-19	Verbal Assault	Non-State Actors	Lagos
103	05-04-19	Physical Assault	Non-State Actors	Lagos
104	09-04-19	Harassment/Verbal Assault	Non-State Actors	Lagos
105	06-04-19	Physical and Verbal Assault	Non- State Actors	Lagos
106	10-04-19	Physical Assault	State Actors	Lagos
			Non-State Actors	
107	11-04-19	Verbal Assault	Non-State & State Actors	Lagos
108	12-04-19	Verbal/Physical Harassment	State Actors 2019	Lagos
109	12-04-19	Verbal Assault	Non-State Actors	Lagos
110	14-04-19	Physical Assault	State Actors	Lagos
111	19-04-19	Verbal/Physical Assault	Non-State Actors	Lagos
112	18-04-19	Verbal Assault	Non-State Actors	Lagos
113	21-04-19	Physical/Sexual Harassment	State Actors	Lagos
114	22-04-19	Physical Assault	Non-State Actors	Lagos

## National Case Summary (Dec 2018 - Nov 2019)

115	23-04-19	Verbal/Physical Assault	Non-State Actors	Lagos
116	24-04-19	Physical Assault	Non-State Actors	Lagos
117	06-04-19	Physical Assault	State Actors	Lagos
118	25-04-19	Harassment	State Actors	Lagos
119	01-04-19	Torture	Non-State Actors	Calabar
120	26-04-19	Physical Assault	Non-State Actors	Lagos
121	03/04/2019	Battery, harassment and extortion	Non-state actors	Lugbe, Abuja
122	04/04/2019	Battery, Harassment	Non- state actors	Lugbe, Abuja
123	09/04/2019	Unlawful arrest Arrest	State Actors	Maraba, Nasarawa
124	15/04/2019	Harassment and threats	Non-state actors	Aba, Abia
125	12/04/2019	Threats and harassment.	Non-state actors	Nyanya, Abuja
126	15/04/2019	Blackmail & Extortion	Non-state actors	Jos
127	26/04/2019	Threats	Non-state actors	Keffi, Nasarawa
128	31/04/2019	Family rejection	Non-state actors	Kaduna
129	10-04-19.	Torture	Non-state actor	Oko, Anambra state
130	11-04-19.	Physical assault, name calling and torture.	State-actor	Owerri, Imo state
131	16-04-19	Unlawful detention	State-actor	Owerri, Imo state
132	02-04-19	Slander and Defamation	Non-State Actor	Calabar
133	19-04-19	assault, blackmail and extortion	Non-State Actor	Calabar
<b>MAY</b>				
134	02-05-19	Theft, Physical Assault	Non- State Actors	Lagos
135	03-05-19	Verbal/Physical Assault	Non-State Actors	Lagos
136	08-05-19	Theft, Physical/Sexual Assault	Non-State Actors	Lagos
137	01-05-19	Verbal/Sexual Assault	Non-State Actors	
138	07-05-19	Sexual harassment	Non-State Actors	Lagos
139	11-05-19	Physical Assault	Non-State Actors	Lagos
140	08-05-19	Extortion, Physical & Sexual Assault	State and Non-State Actors	Lagos
141	12-05-19	Physical assault	Non-State Actors	Lagos

## National Case Summary (Dec 2018 - Nov 2019)

142	13-05-19	Verbal/Physical Harassment	Non-State Actors	Lagos
143	15-05-19	Verbal Harassment	Non-State Actors	Lagos
144	16-05-19	Physical Harassment	State Actors	Lagos
145	19-005-19	Physical Harassment	State Actors	Lagos
146	20-05-19	Harassment	State Actors	Lagos
147	23-05-19	Theft	Non-State Actors	Lagos
148	24-05-19	Physical Assault	Non-State Actors	Lagos
149	26-05-19	Verbal/Physical Harassment	Non-State Actors	Lagos
150	27-05-19	Sexual Harassment	Non-State Actors	Lagos
151	29-05-19	Physical Harassment	Non-State Actors	Lagos
152	29-05-19	Arrest/Theft	State & Non-State Actors	Lagos
153	30-05-19	Unlawful Arrest	State Actors	Lagos
154	26-05-19	Physical Assault	Non-State Actors	Lagos
155	16-05-19	Physical Assault	Non-State Actors	Lagos
156	18-05-19	Harassment	Non-State Actors	Lagos
157	20-05-19	Harassment/Theft	Non-State Actors	Rivers
158	25-05-19	Sexual Harassment/Physical Assault	Non-State Actors	Lagos
159	22-05-19	Physical Assault	Non-State Actors	Enugu state.
160	9-05-19	Unlawful Arrest and Detention	State Actors	Owerri, Imo state.
161	29-05-19	Physical Assault	Non-State Actors	Abuja
162	07-05-19	Theft, Physical Assault	Non- State Actors	Rivers
163	10-05-19	Verbal/Physical Assault	Non-State Actors	Enugu
164	27-05-19	Theft, Physical/Sexual Assault	Non-State Actors	Rivers
165	02-05-19	Verbal/Sexual Assault	Non-State Actors	Lagos
166	04-05-19	Sexual harassment	Non-State Actors	Lagos
167	08-05-19	Physical Assault	Non-State Actors	Abuja
168	13-05-19	Extortion, Physical & Sexual Assault	State and Non-State Actors	Lagos
169	19-05-19	Physical assault	Non-State Actors	Lagos
170	13-05-19	Verbal/Physical Harassment	Non-State Actors	Abuja

## National Case Summary (Dec 2018 - Nov 2019)

171	19-05-19	Verbal Harassment	Non-State Actors	Abuja
172	01-05-19	Physical Harassment	State Actors	Lagos
173	03-05-19	Physical Harassment	State Actors	
174	07-05-19	Harassment	State Actors	Lagos
175	01-05-19	Theft	Non-State Actors	Lagos
176	09-05-19	Physical Assault	Non-State Actors	Lagos
177	11-05-19	Verbal/Physical Harassment	Non-State Actors	Lagos
178	08-05-19	Sexual Harassment	Non-State Actors	Lagos
179	11-05-19	Physical Harassment	Non-State Actors	Oyo
180	13-05-19	Arrest/Theft	State & Non-State Actors	Awka, Anambra state.
181	16-05-19	Unlawful Arrest	State Actors	Nkpor, Anambra state
182	17-05-19	Physical Assault	Non-State Actors	Lagos
183	19-05-19	Physical Assault	Non-State Actors	Imo State
184	20-05-19	Harassment	Non-State Actors	Port Harcourt, Rivers State
185	23-05-19	Harassment/Theft	Non-State Actors	Asari-Toru, Rivers State
186	03/05/2019	Threats	Non-State Actors	Kaduna
187	15/05/2019	Harassment and theft	Non-state Actors	Dutse, Abuja
188	19/05/2019	Harassment and blackmail	Non-state actors	Durumi
189	26/05/2019	Harassment and threat.	Non- state actors	Lugbe
190	29/05/2019	Battery and extortion	Non-state actors	Zaria
191	13-05-19.	Physical and verbal assault, battery.	Non-state actor	Aba, Abia state
192	17-05-19	Battery and theft	Non-state actor	Umuahia, Abia state.
193	03-05-19	Torture, Conversion Therapy and Assault.	Non-State Actors	Calabar
194	12-05-19	Forceful Eviction	Non-State Actors	Calabar
JUNE				
195	04-06-19	Harassment and theft	Non-state actors	Garki, Abuja
196	08-06-19	Unlawful Arrest	State actors	Kubwa, Abuja

## National Case Summary (Dec 2018 - Nov 2019)

197	20-06-19	Unlawful Arrest and Detention.	State actors	Kwara State.
198	06-06-19	Battery, extortion, physical and verbal abuse.	State actors and Non-state actors	UNN, Nsukka Enugu state.
199	12-06-19	Unlawful arrest	State-actors	Ohohia, Mbaitoli Imo state.
200	17-06-19.	Unlawful arrest and physical assault.	State-actor	Awka, Anambra stat
201	20-06-19.	Battery and invasion of privacy	Non-state actors	FUNAI, Abakaliki Ebonyi state.
202	25-06-19	Torture, physical abuse and invasion of privacy.	State-actors	Aba, Abia state.
203	04-06-19	Forceful Eviction	Non-State Actor	Kano
204	06-06-19	Blackmail	Non-State Actor	Abuja
205	06-06-19	Blackmail & Extortion	Non-State Actor	Lagos
206	07-06-19	Arbitrary Arrest	State Actor	Calabar
207	07-06-19	Blackmail & Extortion	Non-State Actor	Lagos
208	07-06-19	Defamation & Threat to Life	Non-State Actor	Kaduna
209	07-06-19	Verbal Abuse & Assault	Non-State Actors	Rivers
210	07-06-19	Torture & Religious Discrimination	Non-State Actors	Enugu
211	07-06-19	Harassment	Non-State Actor	Rivers
212	11-06-19	Blackmail & Extortion	Non-State Actors	Bauchi
213	11-06-19	Invasion of Privacy & Unlawful Arrest	State Actors	Lagos
214	11-06-19	Religious Discrimination & Assault	Non-State Actors	Akwa-Ibom
215	11-06-19	Battery & Assault	Non-State Actors	Rivers
216	11-06-19	Harassment & Arbitrary Arrest	State Actors	Lagos
217	11-06-19	Harassment & Assault	Non-State Actor	Lagos
218	11-06-19	Invasion of Privacy & Extortion	State Actors	Lagos
219	11-06-19	Detention & Arbitrary Arrest	State Actors	Abia
220	13-06-19	Theft	Non-State Actors	Abuja
221	13-06-19	Arbitrary Arrest	State Actor	Rivers
222	13-06-19	Breach of Confidential	Non-State Actor	Abuja
223	13-06-19	Blackmail & Extortion	Non-State Actor	Lagos

## National Case Summary (Dec 2018 - Nov 2019)

224	14-06-19	Torture, Arbitrary Arrest & Unlawful Detention	State Actors	Lagos
225	14-06-19	Blackmail & Extortion	Non-State Actors	Rivers
226	14-06-19	Blackmail & Extortion	State Actors	Bauchi
227	15-06-19	Blackmail	Non-State Actors	Abuja
228	15-06-19	Blackmail & Extortion	Non-state action	Plateau
229	16-06-19	Battery & Harassment	Non-State Actor	Lagos
230	16-06-19	Defamation	Non-State Actor	Lagos
231	18-06-19	Invasion of privacy & Unlawful Arrest	State Actor	Calabar
232	18-06-19	Blackmail & Extortion	Non-State Actor	Rivers
233	19-06-19	Invasion of Privacy & Forceful Eviction	Non-State Actor	Akwa-Ibom
234	22-06-19	Rape	Non-State Actor	Lagos
235	23-06-19	Theft	Non-State Actor	Abuja
236	24-06-19	Breach of confidentiality	Non-State Actor	Abuja
237	24-06-19	Blackmail & Extortion	Non-state Actor	Lagos
238	25-06-19	Theft, Blackmail & Mob Violence	Non-State Actors	Nasarawa
239	25-06-19	Unlawful Detention	State Actors	Lagos
240	27-06-19	Physical Assault & Forceful Eviction	Non-State Actors	Calabar
241	27-06-19	Rape	Non-State Actor	Lagos
242	28-06-19	Blackmail & Extortion	Non-State Actor	Lagos
243	28-06-19	Mob Attack	Non-State Actor	Abuja
244	04-06-19	Hate Crime & Murder	Non-State Actor	Abuja
245	06-06-19	Defamation	Non-State Actor	Lagos
246	06-06-19	Stigma & Discrimination	Non-State Actor	Oyo
247	07-06-19	Stigma & Forceful Eviction	Non-State Actor	Oyo
248	07-06-19	Blackmail & Extortion	Non-State Actor	Abuja
249	07-06-19	Physical Assault & Forceful Eviction	Non-State Actor	Calabar
250	02-06-19	Assault & Kidnapping	Non-State Actors	Lagos
251	07-06-19	Assault, Discrimination & Harassment	Non-State Actors	Lagos
252	07-06-19	Assault, Extortion & Blackmail	Non- State Actors	Lagos

## National Case Summary (Dec 2018 - Nov 2019)

253	11-06-19	Unlawful Detention & Harassment	State Actors	Lagos
254	11-06-19	Invasion of privacy & Extortion	State Actors	Lagos
255	11-06-19	Blackmail, Extortion & unlawful detention	State Actors	Lagos
256	11-06-19	Stigma & Discrimination	Non-State Actors	Lagos
257	18-06-19	Physical assault, Discrimination and verbal abuse	Non-state actor – Healthcare Official	Akwa-Ibom
258	23-06-19	Discrimination, verbal abuse,	State and Non-state actors.	Ikot-ekpene, akwa-ibom
		<b>JULY</b>		
259	04-07-19	Religious Discrimination	Non-State Actor	Enugu
260	07-07-19	Defamation	Non-State Actor	Lagos
261	07-07-19	Blackmail & Extortion	Non-State Actor	Lagos
262	10-07-19	Extortion	Non-State Actor	Oyo
263	10-07-19	Blackmail – Extortion	Non-State Actor	Rivers
264	11-07-19	Assault	Non-State Actor	Lagos
265	14-07-19	Kidnapping & Blackmail	Non-State Actor	Lagos
266	19-07-19	Forceful Eviction	Non-State Actor	Akwa- Ibom
267	22-07-19	Invasion of Privacy, Blackmail & Extortion	State Actors	Bayelsa
268	24-07-19	Arbitrary Arrest	State Actors	Rivers
269	24-07-19	Rape	Non-State Actor	Delta
270	25-07-19	Harassment & Blackmail	Non-State Actor	Abia
271	24-07-19	Mob Violence and Theft	Non-State Actor	Jos
272	27-07-19	Invasion of privacy & Harassment	Non-State Actor	Calabar
273	28-07-19	Theft	Non-State Actor	Lagos
274	28-07-19	Blackmail & Extortion	Non-State Actor	Lagos
275	29-07-19	Defamation	Non-State Actor	Rivers
276	30-07-19	Forceful Eviction	Non-State Actor	Kano
		<b>AUGUST</b>		
278	01-08-19	Blackmail	Non-State Actor	Abuja
279	03-08-19	Blackmail & Extortion	Non-State Actor	Lagos

## National Case Summary (Dec 2018 - Nov 2019)

280	03-08-19	Arbitrary Arrest	State Actor	Calabar
281	05-08-19	Blackmail & Extortion	Non-State Actor	Lagos
282	08-08-19	Defamation & Threat to Life	Non-State Actor	Kaduna
283	09-08-19	Verbal Abuse & Assault	Non-State Actors	Rivers
284	12-08-19	Torture & Religious Discrimination	Non-State Actors	Enugu
285	14-08-19	Harassment	Non-State Actor	Rivers
286	15-08-19	Blackmail & Extortion	Non-State Actors	Bauchi
287	15-08-19	Invasion of Privacy & Unlawful Arrest	State Actors	Lagos
288	16-08-19	Religious Discrimination & Assault	Non-State Actors	Akwa-Ibom
289	19-08-19	Battery & Assault	Non-State Actors	Rivers
290	20-08-19	Harassment & Arbitrary Arrest	State Actors	Lagos
291	20-08-19	Harassment & Assault	Non-State Actor	Lagos
292	20-08-19	Invasion of Privacy & Extortion	State Actors	Lagos
293	20-08-19	Detention & Arbitrary Arrest	State Actors	Abia
294	21-08-19	Theft	Non-State Actors	Abuja
295	24-08-19	Arbitrary Arrest	State Actor	Rivers
296	25-08-19	Invasion of Privacy and torture	Non-State Actor	Abuja
297	25-08-19	Blackmail & Extortion	Non-State Actor	Lagos
298	29-08-19	Torture, Arbitrary Arrest & Unlawful Detention	State Actors	Lagos
299	30-08-19	Blackmail & Extortion	Non-State Actors	Rivers
		<b>SEPTEMBER</b>		
300	01-09-19	Blackmail & Extortion	State Actors	Bauchi
301	01-09-19	Blackmail	Non-State Actors	Abuja
302	05-09-19	Blackmail & Extortion	Non-state action	Plateau
303	05-09-19	Battery & Harassment	Non-State Actor	Lagos
304	08-09-19	Defamation	Non-State Actor	Lagos
305	10-09-19	Invasion of privacy & Unlawful Arrest	State Actor	Calabar
306	11-09-19	Blackmail & Extortion	Non-State Actor	Rivers

## National Case Summary (Dec 2018 - Nov 2019)

307	13-09-19	Invasion of Privacy & Forceful Eviction	Non-State Actor	Akwa-Ibom
308	17-09-19	Rape	Non-State Actor	Lagos
309	21-09-19	Theft	Non-State Actor	Abuja
310	25-09-19	Invasion of Privacy	Non-State Actor	Abuja
		<b>OCTOBER</b>		
311	03-10-19	Blackmail & Extortion	Non-state Actor	Lagos
312	06-10-19	Theft, Blackmail & Mob Violence	Non-State Actors	Nasarawa
313	08-10-19	Unlawful Detention	State Actors	Lagos
314	09-10-19	Physical Assault & Forceful Eviction	Non-State Actors	Calabar
315	11-10-19	Rape	Non-State Actor	Lagos
316	16-10-19	Blackmail & Extortion	Non-State Actor	Lagos
317	24-10-19	Sexual Assault	Non-State Actor	Abuja
318	24-10-19	Hate Crime & Assault	Non-State Actor	Abuja
319	25-10-19	Defamation	Non-State Actor	Lagos
320	26-10-19	Stigma & Discrimination	Non-State Actor	Oyo
321	31-10-19	Stigma & Forceful Eviction	Non-State Actor	Oyo
		<b>NOVEMBER</b>		
322	01-11-19	Blackmail & Extortion	Non-State Actor	Abuja
323	08-11-19	Physical Assault & Forceful Eviction	Non-State Actor	Calabar
324	09-11-19	Assault & Kidnapping	Non-State Actors	Lagos
325	09-11-19	Assault, Discrimination & Harassment	Non-State Actors	Lagos
326	11-11-19	Assault, Extortion & Blackmail	Non- State Actors	Lagos
327	13-11-19	Unlawful Detention & Harassment	State Actors	Lagos
328	14-11-19	Invasion of privacy & Extortion	State Actors	Lagos
329	15-11-19	Blackmail, Extortion & unlawful detention	State Actors	Lagos
330	17-11-19	Stigma & Discrimination	Non-State Actors	Lagos

# The Next Logical Step

By Dike Chiedozie

Strategic or impact litigation aims to instigate social change using courts and judicial means. Strategic litigation is the logical segue from understanding that systemic oppression and discrimination is built into the function of any system that occasions it. An instance of violation isn't then an exception but a proof of the rule, and remedying the problem would necessitate an overhaul of the system. Hence, a strategy with litigation as the tool.

Within the context of strategic litigation, cases of human rights violations are positioned in terms of cause and effect, with the violations themselves being the effect of a system that does not, at best, discourage these human rights violations. Strategic litigation aims to problematize the normalization of human rights abuse, and this isn't possible without first reframing the actions and omissions constituting such violations as a failure of the law, the state in maintaining the equal compatible liberties of its citizenry, and society. In this way, though it is the courts that are engaged and laws that are challenged, strategic litigation is aimed at interrogating and changing social attitudes, given how laws shape morality and can, at their utter worst, calcify prejudices into societal norms. The SSMPA (Same-Sex Marriage Prohibition Act) in Nigeria and the function of "14 years" – the recommended jail term for public show of amorous same-sex relations under the SSMPA – in the Nigerian imagination is a prime example of how laws can legitimize prejudice and

foster a warped sense of morality that normalizes same, as well as all consequential abuse.

To litigate as a strategy for social change, one makes the presuppositions that courts exist to dispense justice, but justice isn't the default consequence of courts applying codified laws. Laws can be flawed or can be outdated in relation to evolving societal attitudes and values. Where a law by its function occasions human rights violations, the courts in applying such laws would have failed at their primary obligation to protect the constitutional rights to equal protection under the law.

In a society that purports to respect the rule of law, human rights abuses can only be sustained by a distortion of facts. Where such distortions exist, the litigation process can clarify what constitutes a human rights violation, especially when the actions or omissions constituting these violations are normalized in practice. Courts have a crucial role in policymaking.

In Nigeria, the Same-Sex Marriage Prohibition Act of 2014 has purported to outlaw same-sex marriages and civil unions, but one must wonder the scope of this law, with such provisions as section 4(2) of the Act which provides that: The public show of same-sex amorous relationship whether directly or indirectly is prohibited."

What would constitute an indirect show of a same-sex amorous relationship? Winking? Hugging

## The Next Logical Step

full-on instead of sideways? Wearing aso-ebi with a similar cut or styling? Since an objective interpretation of the provision is impossible and anything from people of the same sex holding hands or laughing together in the wrong octave can be interpreted to be unlawful under this Act, what does this subjectivity mean in the hands of the national disgrace that is the Nigerian Police Force?

Does the SSMPA aim to do the impossible by criminalizing sexual orientation (in this case homosexuality and bisexuality): a person's sexual identity in relation to the sex to which they are attracted? It's hard to say seeing as the SSMPA with its wording creates a free-for-all. However, common-sense and centuries of jurisprudence hold that the criminalization of identity cannot, for obvious reasons, be the contemplation of a law that's viable or just. The very nature of bisexuality, for example, makes the idea of such criminalization even more manifestly ludicrous.

A crime is defined as an act, except in instances where a fiduciary duty exists. The propensity to do something deemed illegal under the law doth not a crime make. Driving under the influence of alcohol, for example, is a specific act that constitutes a crime for which a driver can be charged. A driver cannot, however, be arrested for driving sober while looking like he may go to a bar. That would be kidnap or false imprisonment at best. This is settled knowledge.

How then do we explain the 2017 arrest of 40 young men, including 12 minors, by the Nigerian Police during an HIV screening and counselling session in the Owode-Onirin district of Lagos? What is the explanation for police officers storming a birthday party with a mixed crowd of men and

women at Kelly Ann Hotel and Events Centre in Egbeda, arresting all the men they could lay their hands on, and parading all 57 of them in front of news cameras as "suspected homosexuals"?

Homosexuality, to be clear, is the quality or characteristic of being sexually attracted solely to people of one's own sex. By its very definition, homosexuality cannot be proven outside of its expression in sexual acts, and even then, not conclusively. Since it is settled that no just or viable law can purport to criminalize an identity – because of the impracticability and inanity of the idea – what about being a party guest, undertaking HIV screening, or offering HIV counselling, informed the contention of the Nigerian Police Force that the men in these instances had the quality or characteristic of being sexually attracted to people of their own sex?

What exactly, by the account of the police, constitutes "homosexual activities"? Dancing? Smoking? Drinking? Prescription drug use? Sexual health work? How do we explain the collaboration of the Nigerian Police Force and the media – another bastion of national embarrassment – in parading these men in front of cameras, a clear violation of their presumption of innocence under the law until otherwise proven. And in the case of the Owode 40, printing the pictures and HIV statuses of these young men in national newspapers?

Flagrant abuse is the natural consequence of a law that, while being ill-defined, is informed by prejudice and the intent to discriminate. And a law that is wont to be abused is ripe to be challenged in court. To put things in perspective, criminalizing or purporting to criminalize sexual orientation or the potential to be suspected of

## The Next Logical Step

being of a certain sexual orientation, is, for all its logicity, analogous, as far as Nigeria's history is concerned, to the killing of twins.

A succession of polls over the years have shown that most Nigerians support the SSMPA, but one must wonder about the accuracy of that conclusion and if it can be viewed outside the socio-economic and political context of its operation. Recent data, according to the National Commission for Mass Literacy, Adult and Non-Formal Education (NMEC), shows that 35% of Nigeria's adult population is illiterate. One in every five of the world's out-of-school children is in Nigeria. As of 2018, according to a World Bank report, approximately half of Nigeria's population is living in extreme poverty, almost a quarter of the labour force is unemployed, and 20% of employed citizens are underemployed. Nigeria ranked 6th on Hanke's misery index in 2018, a position it's holding fast to in 2019. With an average life expectancy of 52.1 years, Nigeria ranks on the bottom ten percentiles of every life expectancy index, from WHO's list to the UN's list and even the CIA's list. All these while currently being the 13th top oil-producing country in the world.

With 96% of its population identifying as religious, Nigeria is one of the most religious countries in the world, with the added distinction of producing five of the top ten richest pastors in the world. A trend analysis conducted by The Initiative for Equal Rights (TIERS) on the perception of homosexuals in Nigeria shows that as of 2019, 71% of Nigerians –down from 90% in the previous years, think that Nigeria would be better off without homosexuals. Homosexuals, not the cabal of unspeakably corrupt politicians recycled and reshuffled through a succession of governments that have

bled the country dry without remorse? Can this be deemed an informed viewpoint?

How do we consider this data outside the context of religious leaders leveraging their influence over 96% of the country's overwhelmingly poor, illiterate, under-educated, unemployed, and underemployed population into access at the highest levels of government? Is it possible to get a clear picture of the situation without considering Nigeria's pro-establishment media – a lot of them owned by politicians or people with political interests or ambition – and the culture of news reportage which, rather than situate political issues in a larger context, frames such issues as unconnected events? This, especially given how an extensive body of media effects research proves that such contextless episodic framing in news reportage, whether by omission or design, prevents the public from connecting related information and reaching logical conclusions based on patterns, further resulting in deflecting accountability from elected officials.

Do Nigerians know that the police, on taxpayers' dime, kidnap men from parties and parade them in front of cameras as suspected homosexuals? Do Nigerians know that they can be arrested and paraded as suspected homosexuals for holding hands with someone of the same sex, for being at a party with an uneven distribution of members of both sexes (also known as 2 a.m. at any given nightclub on any given day)? For looking, in the opinion of a police officer, like someone who may be attracted to people of the same sex? Do Nigerians know that an illegal economy has been built around this kind of human rights abuse, with the authorities weaponizing shame to extort hapless individuals while further victimizing those who, representative of the majority of the

## The Next Logical Step

country, cannot afford to meet the monetary demands made of them? Have Nigerians made the connection between the abuse of power occasioned by the SSMPA and the impunity that has necessitated such campaigns as #EndSARS, #AbujaRaid, and #JusticeForAbujaWomen? Do Nigerians realize that the SSMPA (although it is by inference primarily pre-occupied with what homosexuals do in their bedrooms) is a symptom of a larger problem? Do they understand that such a law so open to being abused can only exist in a country that has no respect for its citizens, whether they be heterosexual, homosexual, female, or underage and forced into predatory marriages?

To what extent does tainted or incomplete information from the media affect the capability of Nigerians to perform their duties as democratic citizens? What is the effect of journalism that is invested in the passive role of the public? How much stock can we put in these polls and surveys if the information available to Nigerians with regards to the SSMPA is not generated by public debate, one of the cornerstones of true democracy? Can it be said, categorically, that the SSMPA reflects the morality of Nigerians?

Pamela Adie V. Corporate Affairs Commission says otherwise. Nigeria's fierce young generation of feminists disagree. Ifeoma Fafunwa's 2018 lecture "Who Would Choose to Be LGBT and Nigerian" begs to differ. Nigeria consistently ranking among the world's top gay porn consumers like it's the Olympics tells a story all its own. The prevalence of drag performers on Nigeria's social media space, at the very least, betrays a cognitive dissonance that is worth probing. The National Conference on Inclusivity, Equality, and Diversity

in University Education, which has been hosted by the University of Lagos two years in a row, is a clear indication that Nigerians are open to public debate and dialogue around how best to balance the interests of all Nigerians, regardless of sex, sexual orientation, or creed.

The purported aim of the Same-Sex Marriage Prohibition Act is a distortion and it is high time the courts clarify the scope of this law, its function, and whether it even qualifies as a viable law in a society that aims to uphold justice and basic human rights. Especially since this law is at odds with the Nigerian Constitution and its guarantee of every person's entitlement to freedom of speech, freedom of association, religious freedom, amongst others.

There are a lot of pertinent questions about the Same-Sex Marriage Prohibition Act that need answers. What, for example, constitutes a gay club under section 5(2) of the Act, and how can the existence, membership, and function of such a club be determined outside of a process of registration with a relevant body or other relevant documentation?

In 2018, the Nigerian Police

Force rationalized its kidnap and parade of 57 young men as "suspected homosexuals" by claiming without a shred of evidence that these young men were part of a gay club. One must wonder what gave them away, despite their protests to the contrary, as members of a gay club? The homosexual slant of their eyebrows or the decidedly homosexual shape of their chins? What is the sustainability of a law that routinely fosters scenarios that would be comedic if they didn't have such dire implications for actual

## The Next Logical Step

human-beings, real-life Nigerians?

It is obvious that the next logical step in the fight for equality in Nigeria leads to the courtroom. The current state of affairs needs to change, there is a necessity for turning the tide on the ongoing trend of unchecked human rights violations, abuse of power, and malfeasance that has become normalized in Nigeria under the guise of law enforcement. Strategic litigation is how this change is going to be achieved.

The merits of the SSMPA and all other laws like it needs to be challenged in court, with the courts answering relevant questions as to the scope and application of these laws. The courts would also need to clarify that human rights abuses cannot be a function of law and that where that is the case, the needful must be done. Justice must not only be done but must be seen to be done.

The courts and all well-meaning Nigerians have their work cut out for them. One must now hope they are equal to the task.

# What Needs To Be Done To Enhance Disability Rights In Nigeria

By Ekaete Judith Umoh- Executive Director FACICP Disability Plus; National President JONAPWD; Secretary, African Disability Forum-ADF and Donald Unaka- CEO; Potter's Gallery

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Nigeria has one of the largest concentrations of people with disabilities in African black Nation. It is estimated in a report by the World Bank and World Health Organization (WHO) that fifteen per cent (15%) of the population of most developing countries has one form of disability or the other, meaning one out of seven persons live with a disability. This could be much more in developing countries where factors like war, diseases and poverty are prominent. In Nigeria, this translates to over 27 million people, which is more than the total population of several countries in the West African sub-region. This number has huge implications for development processes and outcomes. As such, giving this sector the attention it requires should mean more to a large country like Nigeria.

The Disability movement in Nigeria became very active and vibrant after a scoping study supported by the UK International Department for Development (DFID). The outcome of the study and events at the Global Disability Movement influenced and inspired the rise in civic engagement spaces on disability inclusion. Issues of violation of disability rights became so clear. More voices and groups began to spring up, and all had one clear message of 'Disability

and Social Inclusion'.

To better understand who people with disabilities are and the challenges they face in their daily lives when interacting with society, it is important to make reference to Article 1 of the United Nations Conventions on the Rights of Person with disabilities (UN-CRPD) which says "Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others". Consider the fact that impairment itself, according to Article 1 of the UNCRPD, does not cause disability. This, therefore, means that the obstacles/barriers encountered by people who have impairments are what cause disabilities. Therefore, it is the responsibility of the government to remove those barriers to allow for equal and effective participation. The failure of the government to address these barriers amount to a gross violation of the human rights of persons with disabilities.

At this point, it is worthy to note that Nigeria signed the United Nations Convention on the Rights of People with Disabilities (CRPD) in 2007 along

## What Needs To Be Done To Enhance Disability Rights in Nigeria

with its Optional Protocol and ratified same in 2010. Since then, civil society groups and people with disabilities have called on the government to put the content of the UN CRPD into practice. On 23rd January 2019, the Nigeria Government signed the Discrimination Against Persons with Disabilities (Prohibition) Act 2018 into law, but the conditions of Persons with disabilities remain the same. The only significant change is the increased awareness by the public on the barriers faced by persons with disabilities.

Barriers faced by persons with disabilities can be environmental, attitudinal, social or institutional. Institutional barriers can be removed through the enactment of laws and policies to address such barriers. However, attitudinal barriers are possibly the worst barriers faced as they account for the highest levels of discrimination experienced daily by persons with disabilities. Attitudes and perceptions have robbed qualified persons with disabilities of gainful employment and the enjoyment of all other socio-economic rights.

The root cause of the problems of people with disabilities in Nigeria can be traced to the basic lack of understanding about disability issues from a human rights perspective. The huge knowledge gap on the link between disability and development and negative cultural and traditional practices impact negatively on people with disabilities. Society is at a loss for ways to accommodate people with impairments.

One of the worst attitudes that affect people with disabilities around the world is the age-old belief that persons with disabilities are sick people that need to be fixed medically, and as sick people, all they need is charity and sympathy to be accommodated into the society. This belief system has for long modelled the way the

Government and society treat the disabled.

The rise in agitation to challenge this model of intervention globally compelled the United Nations to look at the issue with a new frame of reference, thanks to the United Nations Convention on the rights of persons with disabilities. The UNCRPD ushered in a new wave of agitation and movement around the world including Nigeria. With this new thinking and frame of reference, disability is largely seen as a social construct of society. The problem is not the individual, but society.

In Nigeria, the situation is peculiar. Since the Government of Nigeria signed and ratified the United Nations Convention on the rights of persons with disabilities in 2007, there has been no plan to domesticate the convention. Even though the Discrimination Against Persons with Disabilities (Prohibition) Act 2018 has been signed into law, an implementation agency with persons with disabilities to drive the process is yet to be set up. Having a law, without an implementation agency to drive it means that people with disabilities remain subjected to daily human rights abuses because of the barriers they encounter every day.

Our society is designed in a way that suggests that people with disabilities don't exist. Our political parties are set up in ways that suggest that people with disabilities don't exist. The social investment and social protection programs of the Federal Government exclude the needs and peculiarities of people with disabilities. Persons with disabilities are usually an "afterthought" in most development efforts. Our reproductive health programs have excluded women with disabilities who constitute a large percentage

## What Needs To Be Done To Enhance Disability Rights in Nigeria

(about 20%) of women in Nigeria. Our banking halls and services have completely excluded the ever-growing needs and concerns of persons with disabilities.

The Federal Civil Service Commission, the agency of Government in charge of employment has largely marginalized qualified people with disabilities who make up more than ten per cent (10%) of the entire population of the labour market in Nigeria. Daily in Nigeria, children and young people with disabilities continue to drop out of school mainly because the school environment is not accessible and poses a huge participation restriction to them. A large percentage of people with visual impairment still lack access to information materials in Braille.

Perhaps the most affected in the violation of rights

are the people with intellectual disabilities. There is a huge information gap within Government institutions and the society at large about persons with intellectual disabilities. This leads to negative attitudes towards them because of stigma and negative stereotypes.

The Government of Nigeria needs to show commitment to the disability law by setting up a National Disability Commission with persons with disability at the helm, driving the process of mainstreaming their issues and concerns in development and governance processes and outcomes. This is the only way to domesticate the United Nations Convention on the rights of persons with disabilities alongside the implementation of the Disability Law.

# An Instructional Guide To Activism And Citizens Consciousness

By Omolara Oriye

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One year ago, I gave a TED talk about the importance of citizens' participation, social consciousness and personal activism. This was primarily to spark up a conversation on how we react to pressures in a failing country, to correct the impression that activism is binary and to challenge the scope of rights deemed worthy of protection in the local advocacy discourse. It is believed that activism prescribes that one is either an "activist," by devoting your life to a cause or one is not an activist at all. It is also commonplace to ascribe rights and protections only to persons approved by the judo Christian standards that run the Nigerian society. These standards expressly exclude women, persons with disability, persons living with albinism and LGBT persons. This school of thought is not only limiting on the scope of activism, it also restricts ideas of nation building harboured in individual minds and erases obscure attempts at community organising.

It is important to understand the concept of social consciousness — it is the bedrock of ideas that pulls one into active citizenship. Social consciousness is the conviction that one is bound to mindfulness, that one is compelled by conviction to remain mindful of the world around

us. Activism is the other side of that coin, it is the process of converting awareness into anger and anger into action, it is how we act in the face of injustice, how we organise against institutional discrimination and how we achieve social change. Social consciousness is an uphill battle and in the context of Nigeria, it requires a complete overhaul of mind-sets and thinking; a conscious move away from a narrow approach to human dignity which excludes a certain portion of society. The pervasiveness of religious and cultural beliefs and their far-reaching effects on who and what is considered worthy of protection, rights and freedom must be redesigned. We must embrace fundamental freedoms and the true representation of democracy.

To be socially conscious is to understand the importance of human dignity and the role of human rights law in the protection and promotion of the fundamental rights, and to be an activist in this sense is to be ready to speak, write, march and stand for what is right in the hopes of bringing about change.

While social consciousness and activism are things crucial to social change and the future of a nation like Nigeria, it is important to recognise

# An Instructional Guide TO Activism And Citizens Consciousness

the apathy that plagues us. It is important to remember that passion, and the willingness to stand for what is right was literally and figuratively beaten out of our people and what is left is a nation of young people stuck in the rat race for survival. This total suppression of the people was achieved during the military rule and its effects continue to subsist.

In the last 10 years, however, there has been a slow return of the willingness to speak one's mind and insist on what is right. We have seen the creation and maintenance of movements for human rights. The last 5 years saw an improvement and radicalisation of the women's human rights movement, young people standing up against police brutality and an improvement in definitions of what human rights mean to Nigerians. There is a new fire being lit in the hearts of young Nigerians. This is a fire I am happy to see; this is a fire I am happy to stoke.

While I have established that activism is the action point of social consciousness, the drawing of the attention of governments and individuals to issues that would otherwise go unnoticed, it is important to share with you my instructional guide to Human Rights activism in Nigeria.

## THE DON'Ts

### Do Not Accept the Status Quo

It is easy to accept things because that is what we are used to. Do not fall for this. Hold yourself, your friends, your neighbours and your nation to higher standards. Living in a society so plagued with corruption, human rights violation, bad roads and a lack of social amenities isn't normal. It is an anomaly and must be treated as such.

### Do Not Be Immune to Suffering

This is a direct offshoot of the status quo. Do not grow immune to suffering. Police brutality is a relic of colonialism we must not live with. We must decolonise policing and start to place a value on human rights and dignity. Be consistently ready to challenge suffering.

### Do Not Be Complacent with Half-Truths and Non-Performing Politicians

There is an epidemic of sycophancy between the masses and the middle class in Nigeria. Always remember that politicians in power are not doing us any favours. The role of the government is to cater to its citizens by providing the basic amenities, growing the economy and protecting the lives and belongings of the citizens. Individuals must hold the Government accountable at every turn.

### Do Not Be Ignorant

Ignorance would cost you everything, be given to new information and knowledge, grow with superior information.

Don't wait till you have figured everything out before you act and lend your voice.

Don't be that person who doesn't know what is right and would not pursue information. Get educated and provide yourself with superior information.

## THE DOs

### Be Empathetic

Know what is right and do what is right.

### Constantly Engage in Civil Activities

You must be educated about the issues that concern you and others, engage with your senators, write letters, sign petitions and vote.

## An Instructional Guide TO Activism And Citizens Consciousness

### **Be Emotionally Intelligent**

It takes an emotionally intelligent person to understand that there are different kinds of people in the world and that diversity is not a reason for hate. Diversity is a platform presented to human beings. It helps us create new things that transcend border, sexuality, tribe, race and other divides.

### **Educate yourself and others**

Arm yourself with facts and in-depth information about the issues that you care about and issues that affect you and others around you.

Do away with hate and prejudice; they limit your experience of the world.

# The Role Of Media Portrayal In Advancing Or Reducing Homophobia In Nigeria

By Phidelia Imiegha

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The media plays a central role in shaping mainstream narrative and public opinion on major issues in Nigeria, one of them being issues around sexual orientation, gender identity/expression and sex characteristics (SOGIESC). Many Nigerians consume most of the information that shapes their opinions from Radio, TV, Movies, Newspapers, Blogs and Social Media. For many heterosexual and even Lesbian Gay, Bisexual and Transgender (LGBT+) people, it is through the media that they first encounter and interact with LGBT+ identities. Therefore, media representation has been, and remains, a very important issue in the struggle for LGBT+ rights. The role of the media in increasing acceptance and visibility, and reducing stigma and discrimination for minority groups like LGBT+ people cannot be understated. Discrimination and stigma is rooted in ignorance, and only education can erode that. How do we get education to Nigerians outside of formal education? The media.

Everyday people rely on the media to convey stories, news, and information to them through radio, television or print. From little villages to large cities, people depend on mass media. Many people believe what they hear from the news and journalists over what they hear from

friends, family or politicians, because of the trust they have placed in the media. They believe that information passed to them from the news has to be verified, fact checked and unbiased.

For the longest time, the Nigerian media has rolled out negative portrayals of the LGBT+ community in news stories, opinion pieces, movies and other forms of media. Queer storytellers and filmmakers have little to no platforms or opportunities to tell or amplify their stories. The press and news outlets sensationalize reportage of anything concerning LGBT+ people in Nigeria for clicks. They use derogatory buzz words and headlines to attract views, ignoring the consequences of such stories on the lives of the Nigerian LGBT+ community. This kind of representation directly fuels stigmatization, misinformation and discrimination.

Despite the prevalence of negative coverage and representation of LGBT+ people in Nigeria, the past couple of years have seen a slight increase in the positive coverage by Nigerian journalists in local and international press. Younger, more liberal journalists, as well as some platforms in Nigeria, have undertaken more responsible reporting around LGBT+

## The Role Of Media Portrayal In Advancing Or Reducing Homophobia In Nigeria

stories. 2019 saw articles in Guardian Nigeria, Premium Times, Zikoko, NewsWireNG and other local press establishments about issues around SOGIESC that were not debasing, antagonistic or derogatory.

Journalists and the media have a duty to be responsible, sensitive and unbiased in their reporting. It is important that they move away from using buzz words as clickbait and focus on

reporting facts with politically correct terms. The media reflects society and plays a big role in shaping how society sees many issues. As more Nigerian press houses and journalists move towards more responsible reporting around SOGIESC issues, it is my hope that the movie industry takes a cue from them and tells stories that do not vilify, derogate or demonise queer people.

# About Our Partners

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**Access to Good Health Initiative (AGHI)** is a community based organization working for the sexual minorities on HIV/AIDS related issues and human rights interventions within the south eastern state (Abia, Anambra, Ebonyi, Enugu and Imo state respectively) with her headquarters in Enugu state Nigeria. AGHI has been serving and supporting LGBTI community members in many diverse ways and most of the time with little or no donor funds, AGHI has reached many of her community members to sensitize them on basic knowledge and information as it regards to violation of human rights.

**Dynamic Initiative for Healthcare and Human Rights (DIHHR)** is a registered non-governmental organization founded in 2013 as Transgender & Intersex Person- TIP for Human Rights in Nigeria (THRIN) but registered in 2018 to advance and advocate for the rights of transgenders, intersex persons, and non-conforming individuals in Nigeria. Using the beehive model, the organization strengthens the capacity of the transgenders, intersex and non-conforming individuals and other stakeholders to facilitate and sustain social change in the area of social inclusion, protection, human rights, health and education through integrated programming. The organizational programming priorities are aligned to the achievement of the SDG “leave no one behind” principle with a focus on providing innovative, efficient and effective sexual and reproductive health services.

**Hope Alive Health Awareness Initiative (HAHAI)** is an Human Rights organization working within the context of its sociocultural environment. It was founded in October 2011 following the arrest of some men in Bauchi state. The arrest hit close to home and brought with it an urgent need to address the rejection and abuse suffered by the LGBT community in the conservative northern part of Nigeria. In addition to this, HAHAI sought to address the self-hatred and blame felt by LGBT individuals within northern Nigeria because of their sexuality. This prompted the founding of HAHAI to support the LGBT population in the North on issues such as self-acceptance, access to legal issues and health care services. HAHAI believes in the intersectionality of rights therefore is also focused on protecting the rights of other vulnerable and marginalized population. This way it challenges religious and cultural practices that suppress the rights of various segment of the society right to be self-aware, self-express and self-identify.

**The Initiative for Advancement of Humanity (IAH)** is a human rights service based organization dedicated to the upliftment of humanity through legal, paralegal, gender and public health intervention services. With a definite purpose backed by a burning desire for fulfillment, the initiative for advancement of humanity (IAH) was birthed to promote the human rights of Nigerians in general; and the Niger-Deltans in particular. IAH is on a mission and vision driven organization

## About Our Partners

rooted in the firm belief that promoting the rule of law is the panacea to social and economic reform and stability.

Initiative for Improved Male Health (IMH-Initiative) is a leading youth Community based Organization that provides psycho-social care and support to MARPs who have high risk of HIV infection, empowering them with adequate knowledge on reproductive and sexual health and right issues while advocating for new prevention to curb the spread of HIV/AIDS in the society at large. IMH-Initiative takes into cognizance, the social, economic, religious and political challenges affiliated with sexuality, gender and health in generally especially relating to Men who have sex with Men( MSM), Intravenous Drug Users (IDU) as well as Female Sexual Partners (FSP) of MSM.

**International Centre for Advocacy on Rights to Health (ICARH)** is an independent initiative registered with the Corporate Affairs Commission of Nigeria for the main purpose of contributing to policy issues affecting the rights of sexual minorities and PLWHAs in Nigeria, through research, analysis, training, awareness campaign development and advocacy. ICARH was established in 1999 to fill a vacuum within the civil society's landscape. In the area of health, ICARH works to reduce the incidence, prevalence and impact of HIV/AIDs amongst key populations. Thus, it was one of the key organizations involved in the HIV Integrated Biological and Behavioral Surveillance Survey (IBBSS) conducted in 2007 and 2010 by the Federal Government of Nigeria. The study which looked into the prevalence rate of HIV among Key Populations, including the MSM population and was conducted by the Federal Ministry of Health (FMOH) through the

National Agency for The Control of AIDS (NACA). In a similar vein, ICARH also played a key role in the Presidential Comprehensive Response Plan, aimed at contributing to the National HIV/AIDS response as supported by the administration of President Good luck Jonathan.

Presently, ICARH implements HIV prevention and Palliative Care programs. These programs include the management of MSM Living with HIV (MSMLHIV) through medical research, community based HIV prevention project and ARV clinic for members of Key Affected Populations in the FCT. ICARH also supports her target community with human rights and paralegal services to ensure the promotion and protection of the rights of sexual minorities.

### **Women's Health and Equal Rights (WHER)**

Initiative is a not for profit, organization, focused on promoting the rights and well-being of lesbian, bisexual and queer (LBQ) women in Nigeria by addressing the psychosocial effect of the dual discrimination faced by LBQ women and their under-representation in Nigeria. WHER aims at promoting a deeper conceptual knowledge of sexuality and sexual orientation, providing access to health and other support services to LBQ women through research, advocacy, education, empowerment and other direct services. Since inception in 2011, WHER has been addressing the issues faced by women which include gender-based violence and sexual and reproductive rights abuses.

# Appendix

## **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.

## Appendix

(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:

adult independent relationships;  
caring partnerships;  
civil partnerships;  
civil solidarity pacts;  
domestic partnerships;  
reciprocal beneficiary relationships;  
registered partnerships;  
significant relationships; and  
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 <sup>th</sup> December, 2013	17 <sup>th</sup> 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 of the National Assembly*  
 31<sup>st</sup> Day of December, 2013

**I ASSENT.**



**DR. GOODLUCK EBELLE JONATHAN, GCFR**  
 President of the Federal Republic of Nigeria

17<sup>th</sup> Day of December 2013

# Resolution 275, African Commission on Human And People's Rights

**African Commission on Human and Peoples' Rights Resolution 275: Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity**  
**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

## Resolution 275

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

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- 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.

# STATISTICS

