



Home Office

## **Country Information and Guidance**

### **Nigeria: Sexual orientation and gender identity**

March 2015

# Preface

This document provides guidance to Home Office decision makers on handling claims made by nationals/residents of – as well as country of origin information (COI) about – Nigeria. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

## Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the European Asylum Support Office’s research guidelines, [Country of Origin Information report methodology](#), dated July 2012.

## Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please [e-mail us](#).

## Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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# Section 1: Guidance

Date updated: 18 March 2015

## 1.1 Basis of Claim

- 1.1.1 Fear of persecution by the state and/or non-state actors because of the person's actual or perceived sexual orientation and/or gender identity, i.e. that the individual is (or is perceived to be) a lesbian, a gay man, bisexual, or transgender person (hereafter referred to as LGBT).

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## 1.2 Summary of Issues

- ▶ What is the person's actual, or perceived, sexual orientation/gender identity?
- ▶ Do LGBT persons from Nigeria constitute a particular social group (PSG)?
- ▶ Are LGBT persons at risk of mistreatment or harm in Nigeria?
- ▶ Are those at risk able to seek effective protection?
- ▶ Are those at risk able to internally relocate within Nigeria to escape the risk?

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## 1.3 Consideration of Issues

What is the person's actual, or perceived, sexual orientation/gender identity?

- 1.3.1 Decision makers must consider whether the material facts relating to the person's account of their actual or perceived sexual orientation/gender identity and of their experiences are reasonably detailed, internally consistent (e.g. oral testimony, written statements) as well as being externally credible (i.e. consistent with generally known facts and the country information). Decision makers should take into account the possible underlying factors as to why a person may be inconsistent or unable to provide details of material facts.

For more information, see Asylum Instruction: [Assessing Credibility and Refugee Status](#), [Sexual Identity Issues in the Asylum Claim](#) and [Gender Identity Issues in Asylum Claims](#)

Do LGBT persons from Nigeria form a particular social group (PSG)?

- 1.3.2 In the Court of Justice of the European Communities judgement for the joined cases of C-199/12 to C-201/12, dated November 2013 ([\[2013\] WLR\(D\) 427](#), [\[2013\] EUECJ C-199/12](#)), the Court held that 'the existence of criminal laws, such as those at issue in each of the cases in the main proceedings, which specifically target homosexuals, supports the finding that those persons must be regarded as forming a particular social group.' (Court (Fourth Chamber): paragraph 1).
- 1.3.3 Same-sex sexual relations between men are criminalised in federal law and for women under Sharia law in 12 northern States. Additionally, the Same-Sex Marriage (Prohibition) Act (2013) prohibits same-sex marriage, the 'public show of same sex amorous relationship[s]' and the registration and operation of LGBT support groups. Other LGBT persons, including bisexual and transgender persons, also form a particular social group (PSG) as they share a common characteristic that cannot be changed and

have a distinct identity in Nigeria which is perceived as being different by the surrounding society.

- 1.3.4 LGBT persons from Nigeria should therefore be considered to form a particular social group (PSG) within the meaning of the 1951 UN Refugee Convention. However although LGBT persons form a PSG, this does not mean that establishing such membership will be sufficient to make out a case to be recognised as a refugee. The question to be addressed in each case will be whether the particular person will face a real risk of persecution on account of their membership of such a group.

#### Are LGBT persons at risk of mistreatment or serious harm in Nigeria?

- 1.3.5 In the Court of Justice of the European Communities judgement for the joined cases of C-199/12 to C-201/12, dated November 2013 ([\[2013\] WLR\(D\) 427](#), [\[2013\] EUECJ C-199/12](#)), the Court held that ‘Article 9(1) of Directive 2004/83, read together with Article 9(2)(c) thereof, must be interpreted as meaning that the criminalisation of homosexual acts per se does not constitute an act of persecution. However, a term of imprisonment which sanctions homosexual acts and which is actually applied in the country of origin which adopted such legislation must be regarded as being a punishment which is disproportionate or discriminatory and thus constitutes an act of persecution.’ (paragraph 61). When assessing an application for refugee status, the competent authorities cannot reasonably expect, in order to avoid the risk of persecution, the applicant for asylum to conceal his sexual orientation in his country of origin or to exercise reserve in the expression of his sexual orientation (Ruling point 2 and 3).
- 1.3.6 Same-sex sexual relations between men are criminalized under the criminal code, while 12 northern states have adopted Islamic Sharia laws criminalising same-sex sexual activities for both men and women. In January 2014, President Goodluck Jonathan enacted the Same-Sex Marriage (Prohibition) Act 2013, which criminalizes same-sex marriage, the ‘public show of same sex amorous relationship[s]’ and prohibits the registration and operation for LGBT support groups.
- 1.3.7 There have been a number of reports of arrests of LGBT persons following the passage of the Same Sex Marriage bill into law, and some reports of violence and beatings of those arrested. However there have been few confirmed reports of persons being prosecuted and sentenced under anti-LGBT laws. There is limited evidence that the government has directly targeted or forced the closure of LGBT organisations, although the indirect effect of the Same-Sex Marriage (Prohibition) Act may have had a negative impact on these groups. For example there have been reports of a reduction in the availability of HIV treatment and support for HIV groups, while the number of gay men seeking assistance has dropped.
- 1.3.8 Nigeria is a religiously and culturally conservative country where homophobic attitudes – which is likely to include those who do not conform to gender norms, i.e. transgender persons – are widely held. In a survey conducted in 2013, 98% of Nigerians stated that they believe ‘homosexuality’ should not be accepted by society, while state and media rhetoric is anti-LGBT.
- 1.3.9 LGBT persons have experienced societal discrimination and violence, including incidents of mob attacks, intimidation and harassment, blackmail and extortion. Societal violence is likely to be underreported. LGBT persons have also experienced loss of accommodation and jobs, and been denied access to health services, with several sources reporting an increase following the enactment of the Same Sex Marriage (Prohibition) Act.
- 1.3.10 Some LGBT persons from privileged backgrounds in the larger urban areas, in particular Lagos and Abuja, have been reported to enjoy a degree of openness in expressing their sexuality and acceptance from their family and friends. This does not

apply to the majority of the population. Most same-sex relationships are likely to remain secret due to social stigma and the fear of violence, discrimination and arrest.

- 1.3.11 There remain a number of LGBT groups, mostly in Abuja and Lagos, and a number of LGBT rights activists, some of whom have publicly spoken out in favour of LGBT persons. Given the restrictions imposed by the Same-Sex Marriage Act and societal discrimination, because of their profile they are likely to be at risk of harm from state and non-state societal actors.
- 1.3.12 With the existence of anti-LGBT legislation and widespread societal discrimination, the accumulation of measures that affect a LGBT person may be sufficiently serious by their nature and repetition in individual cases to constitute a severe violation of basic human rights and amount to persecution. Decision makers must ensure that they take into account the latest country information, and consider each case on its facts taking account of the person's past experience of any ill-treatment.

For guidance on how to approach the consideration of claims made on the basis of sexual identity and gender identity, including relevant caselaw, decision makers should consult the Asylum Instructions: [Sexual Identity Issues in the Asylum Claim](#) and [Gender Identity Issues in Asylum Claims](#)

For more country information, [State attitudes](#) and [Societal attitudes](#).

#### Are those at risk able to seek effective protection?

- 1.3.13 Same sex sexual acts are criminalised in Nigeria, while some elements within the police have harassed and used violence against LGBT persons. The state cannot be considered willing or able to provide effective protection to LGBT persons.

#### Are those at risk able to internally relocate within Nigeria to escape that risk?

- 1.3.14 Where the threat is from the state, internal relocation is not a viable option.
- 1.3.15 Where LGBT persons encounter hostility from societal actors they may be able to avoid this by moving elsewhere in Nigeria, but only if the risk is not present there and it is would not be unduly harsh to expect them to do so. Homophobic attitudes are widespread across Nigerian society. However, in parts of the Lagos and Abuja homophobia is less pronounced. The onus is on the applicant to demonstrate why they believe they cannot relocate within or to these cities to avoid persecution from non-state actors. However, internal relocation cannot be relied on if it depends on the person concealing their sexual orientation in the proposed new location for fear of persecution.

See country information, [Societal attitudes](#), and, for guidance on internal relocation, [Asylum Instruction: Assessing Credibility and Refugee Status](#).

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## 1.4 Policy Summary

- 1.4.1 **LGBT persons in Nigeria are a particular social group.**
- 1.4.2 **Same sex sexual acts are criminalised and since the enactment of the Same Sex Marriage (Prohibition) Act in January 2014 there have been a number of arrests of LGBT persons, although there are few reports of prosecutions and individuals being sentenced specifically under anti-LGBT legislation. There is also widespread societal discrimination, including intimidation, harassment and violence, against LGBT persons. The cumulative impact of anti-LGBT legislation and societal discrimination is likely to amount, in individual cases, to persecution.**

- 1.4.3 **However, some LGBT persons enjoy a degree of openness to express their sexuality in the larger urban areas, principally in Abuja and Lagos. Each case must therefore be considered on its individual facts.**
- 1.4.4 **Gay rights activists and other individuals who openly campaign for gay rights in Nigeria are likely to be at risk of persecution from state and societal actors.**
- 1.4.5 **Effective protection is not available to LGBT persons.**
- 1.4.6 **Internal relocation is unlikely to be an option for LGBT persons and gay rights activists / campaigners.**
- 1.4.7 **Where a LGBT person is at risk of harm or mistreatment and is unable to relocate, they should normally be granted asylum.**
- 1.4.8 **Where a claim falls to be refused, it is unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.**

For information on internal relocation, see Asylum Instructions: Non-Suspensive Appeals: Certification Under Section 94 of the NIA Act 2002; Humanitarian Protection; and Discretionary Leave

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# Section 2: Information

Date Updated: 28 February 2015

## 2.1 Legal situation

### Constitution

2.1.1 Article 42 of the Constitution of the Federal Republic of Nigeria (1999) provides for equality and non discrimination although it makes no reference to sexual orientation.<sup>1</sup>

### Criminal code

2.1.2 The Criminal Code Act, Chapter 77, Laws of the Federation of Nigeria 1990, stated:

‘Section 214

"Any person who

(1) has carnal knowledge of any person against the order of nature; or

(2) has carnal knowledge of an animal; or

(3) permits a male person to have carnal knowledge of him or her against the order of nature; is guilty of a felony, and is liable to imprisonment for fourteen years."

‘Section 215. "Any person who attempts to commit any of the offences defined in the last preceding section is guilty of a felony, and is liable to imprisonment for seven years. The offender cannot be arrested without warrant."

‘Section 217. "Any male person who, whether in public or private, commits any act of gross indecency with another male person, or procures another male person to commit any act of gross indecency with him, or attempts to procure the commission of any such act by any male person with himself or with another male person, whether in public or private, is guilty of a felony, and is liable to imprisonment for three years. The offender cannot be arrested without warrant."<sup>2</sup>

2.1.3 The International Lesbian Gay Bisexual trans and Intersex Association (ILGA) reported in May 2014 that

‘...several Northern Nigerian states (12) have adopted Islamic Sharia laws, criminalising sexual activities between persons of the same sex. The maximum penalty for such acts between men is death penalty, while the maximum penalty for such acts between women is a whipping and/or imprisonment. These laws differ from the federal law, as most of these prohibit also sexual relations between women.

‘The states which have adopted such laws are:

Bauchi (the year 2001), Borno (2000), Gombe (2001), Jigawa (2000), Kaduna (2001), Kano (2000), Katsina (2000), Kebbi (2000), Niger (2000), Sokoto (2000), Yobe (2001) and Zamfara (2000).’<sup>3</sup>

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## Same-Sex Marriage (Prohibition) Act

<sup>1</sup> Constitution of the Federal Republic of Nigeria, 1999 <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm> Date accessed 19 December 2014

<sup>2</sup> Criminal Code Act, Chapter 77, 1990, <http://www.nigeria-law.org/Criminal%20Code%20Act-Tables.htm>, Date accessed 8 January 2015

<sup>3</sup> International Lesbian and Gay Association – ‘State-Sponsored Homophobia: A world survey of laws: Criminalisation, protection and recognition of same-sex love’, May 2014, Africa, Nigeria, [http://old.ilga.org/Statehomophobia/ILGA\\_SSHR\\_2014\\_Eng.pdf](http://old.ilga.org/Statehomophobia/ILGA_SSHR_2014_Eng.pdf) Date accessed 19 December 2014



- 2.1.4 On 17 December 2013, the Same-Sex Marriage (Prohibition) Act was passed by the Senate and the House of Representatives and signed by the President on 7 January 2014. According to the law:
- ‘1. (1) A marriage contract or civil union entered into between persons of same sex:  
 (a) is prohibited in Nigeria; and  
 (b) shall not be recognised as entitled to the benefits of a valid marriage.  
 (2) A marriage contract or civil union entered into between persons of same sex by virtue of a certificate issued by a foreign country is void in Nigeria, and any benefit accruing there-from by virtue of the certificate shall not be enforced by any court of law.
- ‘2. (1) A marriage contract or civil union entered into between persons of same sex shall not be solemnised in a church, mosque or any other place of worship of Nigeria.  
 (2) No certificate issued to persons of same sex in a marriage or civil union shall be valid in Nigeria.
- ‘3. Only a marriage contracted between a man and a woman shall be recognised as valid in Nigeria.
- ‘4. (1) The registration of gay clubs, societies and organisations, their sustenance, processions and meetings is prohibited.  
 (2) The public show of same sex amorous relationship directly or indirectly is prohibited.
- 2.1.5 ‘5. (1) A person who enter[s] into a same-sex marriage contract or civil union commit an offence and are each liable on conviction to a term of 14 years in prison.  
 (2) A person who registers, operates or participates in gay clubs, societies and organisations or directly or indirectly makes public show of same-sex amorous relationship in Nigeria commits an offence and shall each be liable on conviction to a term of 10 years in prison.  
 (3) A person or group of persons who administers, witnesses, abets or aides the solemnisation of same sex marriage or civil union, or supports the registration, operation and sustenance of gay clubs, societies, organisations, processions or meetings in Nigeria commits an offence and is liable on conviction to a term of 10 years of imprisonment.’<sup>4</sup>
- 2.1.6 The Swedish Migration Board report of a fact finding mission conducted between 11 and 16 May 2014, released on 18 December 2014, stated:
- ‘According to several consulted sources, the law has gained strong support among the population. However, very few Nigerians have read it and, according to one source, support would be weaker should the actual contents be wider known. The Same Sex Marriage Prohibition Bill has highlighted the LGBT issue among the population while media reporting has affected the acceptance of LGBT persons adversely. The increased awareness has generated hate crimes, which has made the police more conscious of the issue. It has also resulted in homosexual men reporting each other to the authorities.’<sup>5</sup>

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## 2.2 State attitudes

- 2.2.1 A Guardian article of 14 January 2014, ‘Nigeria arrests dozens as anti-gay law comes into force’, noted:

<sup>4</sup> Same-Sex Marriage (Prohibition) Act 2013 <http://www.refworld.org/pdfid/52f4d9cc4.pdf> Date accessed 19 December 2014

<sup>5</sup> Swedish Migration Board, Nigeria. Den kulturella kontexten för hbt-personer, fact finding mission conducted between 11 and 16 May 2014, section 1.4.2. <http://lifos.migrationsverket.se/dokument?documentSummaryId=33781>, 18 December 2014, Date accessed 4 March 2015

'Last week Nigeria's president, Goodluck Jonathan, signed the Same Sex Marriage Prohibition Act, which provides penalties of up to 14 years in jail for a gay marriage and up to 10 years' imprisonment for membership or encouragement of gay clubs, societies and organisations.

His spokesman, Reuben Abati, said: "This is a law that is in line with the people's cultural and religious inclination. So it is a law that is a reflection of the beliefs and orientation of Nigerian people ... Nigerians are pleased with it."<sup>6</sup>

2.2.2 A Premium Times article of 16 January 2014, 'Nigeria: Anti-Gay Law-Islamic Group Warns U.S., E.U. Others to Leave Nigeria Alone', noted:

'An influential Islamic organisation in Nigeria, the Muslim Rights Concern (MURIC), has called on President Goodluck Jonathan to call the bluff of the United States, the United Kingdom, the European Union and other Western countries that have condemned Nigeria's new anti-gay law.

'In a statement Thursday, the group said Mr. Jonathan "transmitted on the same wavelength with the rest of Nigerians by signing the anti-gay bill into law" and warned Western countries to leave Nigeria alone to deal with "pervasive sexual life" within its boundaries its own way. "We commend the Nigerian president for resisting pressure from Western powers and for boldly identifying with the cultural and religious yearning and aspiration of Nigerians," the statement by the organisation's director, Ishaq Akintola, said. "In the same vein, we condemn this meddling in the affairs of other nations.

"We also denounce attempts by Western powers to impose their Bohemian practices on poor countries. Most reprehensible is the attempt by foreign powers to intimidate and coerce Nigeria into absorbing their despicable culture by threatening to withhold foreign aids if the anti-gay bill was signed into law."

'The group added, "MURIC warns Western countries to respect the territorial integrity of the Federal Republic of Nigeria and to desist from interfering in its internal affairs. The Minister of Foreign Affairs and Senate Committee on Foreign Matters are advised to activate the checks and balances mechanisms on the activities and pronouncements of the leaders of Western countries. Nigeria should not be turned into a mere satellite of neo-imperialists."<sup>7</sup>

2.2.3 A Daily Trust article of 19 January 2014, 'Nigeria: Anti-Gay Law – CAN Grateful to Jonathan', noted: 'The president of the Christian Association of Nigeria (CAN), Pastor Ayo Oritsejafor has expressed gratitude to President Goodluck Jonathan and members of the National Assembly for outlawing "the immoral culture of same-sex marriage in Nigeria".'

2.2.4 A press statement issued by Special Assistant, Media and Public Affair to the President of CAN, Kenny Ashaka, on 19 January 2014 read, '[...] In the circumstance, we call on all those talking about human rights and international conventions to remember that there is always a limit to certain rights and that those who go out of their ways to overstep the limits now know the consequences of their actions. Human rights without limit are recipes for the destruction of any society [...] By the beliefs of Nigerians, same-sex marriage is offensive to us as a people."<sup>8</sup>

<sup>6</sup> The Guardian - 'Nigeria arrests dozens as anti-gay law comes into force', 14 January 2014  
[2http://www.theguardian.com/world/2014/jan/14/nigeria-arrests-dozens-anti-gay-law](http://www.theguardian.com/world/2014/jan/14/nigeria-arrests-dozens-anti-gay-law) Date accessed 27 November 2014

<sup>7</sup> Premium Times - 'Nigeria: Anti-Gay Law-Islamic Group Warns U.S., E.U. Others to Leave Nigeria Alone', 16 January 2014 <http://www.premiumtimesng.com/news/153430-anti-gay-law-islamic-group-warns-u-s-e-u-others-to-leave-nigeria-alone.htm> Date accessed 27 November 2014

<sup>8</sup> Daily Trust - 'Nigeria: Anti-Gay Law – CAN Grateful to Jonathan', 19 January 2014  
<http://allafrica.com/stories/201401200902.htm> Date accessed 27 November 2014

### 2.2.5 Pampazuka news reported in June 2014 that:

'Fuelling more threats both internally and externally is the media. As the mainstream media highlights awareness on gay rights, so also is the platform used for promoting hate and discrimination. The effect of media "sensationalist tabloids" on gay rights has been negative. Some media outlets have categorized homosexuality as "unnatural", "ungodly", "unhealthy" and "unAfrican", via high profile debate and prominent visibility. Traditional Media in so many ways has contributed to "witch-hunting" of gays by "linking same-sex attraction with incest, pedophilia, bestiality, and adultery".<sup>9</sup>

### 2.2.6 The SMB FFM report, released in December 2014, observed that:

'The greatest challenge for homosexuals in Nigeria is the general public, not the police; the latter, however, may constitute a more severe problem when the new law, Same Sex Marriage Prohibition Bill, has been promulgated...

Both the police and the Islamic police (HISPA) are seen as eager to arrest homosexuals. The police, however, do not actively try to identify homosexuals. Arrested suspects on homosexuality charges are put under considerable pressure to confess, and sentences passed on confessions cannot be appealed. The chances of getting a fair trial once arrested or prosecuted are considered non-existent. There are, furthermore, reports from LGBT organisations that individuals from their communities have been exposed to torture and other abuse from the police when arrested. The reports are difficult to confirm.

'Most persons put on trial before the Magistrate Court on charges related to offences against the order of nature confess. Lawyers occupied with LGBT issues only exist in Abuja and Lagos.'<sup>10</sup>

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## Incidents of arrest and detention in 2014

### 2.2.7 An Amnesty International report of 15 January 2014, 'Nigeria: halt homophobic witch-hunt under oppressive new law', noted:

'...arrests have been made in several Nigerian states such as Anambra, Enugu, Imo and Oyo states since Monday, when it was revealed that President Goodluck Jonathan had signed the Same Sex Marriage (Prohibition) Act into law.

[...] Reports that the police in one state are apparently drawing up lists of members of the lesbian, gay, bisexual, transgender and intersex (LGBTI) community to target are extremely worrying... Those targeted under the new law included five allegedly gay men who were arrested yesterday in Ibadan, Oyo state – they have since been released on bail. In the south-eastern city of Awka, Anambra state, six persons were reportedly arrested and detained by the police. Human rights defenders told Amnesty International that the arrests and intimidation of LGBTI people in Nigeria is expanding across the country[...] Human rights defenders also told Amnesty International that police in northern Bauchi state have drawn up a list of 167 people targeted for arrest based on their perceived sexual orientation or gender identity. An Assistant Commissioner of Police in Bauchi, confirmed to Amnesty International that the police have a list of suspected LGBTI people in Bauchi as part of their "profiling of criminals". He said: "The police have a list of suspected gay people under surveillance. We use the list to conduct

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<sup>9</sup> Pambazuka News - 'Human security implications of anti-gay law on sexual minorities in Nigeria', 11 June 2014 <http://www.pambazuka.net/en/category/features/92084> Date accessed 22 January 2015

<sup>10</sup> Swedish Migration Board, Nigeria. Den kulturella kontexten för hbt-personer, fact finding mission conducted between 11 and 16 May 2014, section 1.41. <http://lifos.migrationsverket.se/dokument?documentSummaryId=33781>, 18 December 2014, Date accessed 4 March 2015

our surveillance but the names on the list are not up to 167. We also use it to find out who their victims are.”<sup>11</sup>

#### 2.2.8 In February 2014, Vanguard reported that

‘A Chief Magistrate's court, sitting at Isabo in Abeokuta, Ogun State, yesterday, remanded three suspected homosexuals, including a 64-year-old Oluwasegun Adesina-Rasheed, Samad Ojo, 20 and Ope Abeeb, 18 in Ibara prison. The suspects were allegedly caught in the act on February 14, St. Valentine's day at about 11:30 p.m. at the secretariat of the Nigeria Union of Journalists, Ogun State Council, otherwise known as Ile-Iroyin in Oke-Ilewo, Abeokuta.’<sup>12</sup>

#### 2.2.9 BBC News reported in February 2014 that

“In northern Nigeria, gay men are being hunted down. In front of Bauchi state's Sharia Commission, a white-walled two-storey building, men in dark green uniforms are awaiting orders from their boss. The man in charge of the Islamic police, or Hisbah, says the hunt began when the Hausa Leadership newspaper reported last year that homosexuals in Bauchi had formed an association. The article included a list of names. The Hisbah tried to track them down, without success. So they looked for help. "The imams and pastors were alerted, so that they should preach in churches and mosques about this illegal thing," said Jibrin Danlami Hassan, a retired civil servant who now commands the Hisbah, which also enforces bans on the sale of alcohol, prostitution and gambling. "People should put [an] eye on their children and know those who are moving with them," he said. "People should try to see where these evil things are taking place, and if they find it please tell the authority. "We will go and arrest them and make them stop this kind of thing," he said, adding that he was proud to be serving Allah with his work”.<sup>13</sup>

#### 2.2.10 BBC News reported in April 2014 that in January 2014 ‘men were arrested after residents raided a home in Bauchi, finding one of them wearing shorts while the other was fully clothed’.<sup>14</sup>

#### 2.2.11 In March 2014, The Guardian reported that ‘Two Islamic courts in northern Nigeria have secretly released on bail seven men on trial for allegedly breaking the law on homosexuality, a prison official and a court clerk said [...] The seven were among a dozen men the Bauchi state sharia commission formally charged on 6 January with belonging to a gay club and having received funding from the US for an apparent membership drive. Four others were convicted on 6 March, fined 20,000 naira (£73) each and given 15 lashes with a horse whip as what the judge termed a discretionary "correctional punishment”’.<sup>15</sup>

#### 2.2.12 In May 2014, four “gay suspects” were arrested in ‘Gumau town of Toro local government area of Bauchi state over allegation of engaging in homosexual act which is a serious offense under sharia penal code.’ They were ‘arraigned [in June 2014] before a upper Sharia court in Bauchi over allegation of engaging in sodomy activities which is contrary to the sharia law in the state.’

<sup>11</sup> Amnesty International - ‘Nigeria: halt homophobic witch-hunt under oppressive new law’, 15 January 2014 <http://www.amnesty.org/en/news/nigeria-halt-homophobic-witch-hunt-under-oppressive-new-law-2014-01-15> Date accessed 28 November 2014

<sup>12</sup> Vanguard, Nigeria: Court Remands Three Suspected Homosexuals Nabbed On Valentine's Day, 18 February 2014, <http://allafrica.com/stories/201402180386.html>, Date accessed 22 January 2015

<sup>13</sup> BBC News, Nigerian gay people being hunted down, 6 February 2014, <http://www.bbc.co.uk/news/world-africa-26065392>, Date accessed 22 January 2015

<sup>14</sup> BBC news, Nigeria Islamic court qcquits men of gay sex charge, 1 April 2014, <http://www.bbc.co.uk/news/world-africa-26838642>, Date accessed 22 January 2015

<sup>15</sup> The Guardian, Nigeria gay trial suspects bailed, 28 March 2014, <http://www.theguardian.com/world/2014/mar/28/nigeria-gay-trial-suspects-bailed>, Date accessed 22 January 2015

2.2.13 CajNews reported in June 2014 that ‘The Kano Sharia Guard has arrested 13 people allegedly involved in homosexuality and lesbianism. Deputy Commander General of the Hisbah Guard, Malam Nabahani Usman said the 11 men and two women were arrested during a multiple raid.’

2.2.14 A Leadership article of 29 May 2014, ‘Police Uncover Hideout, Arrest 26 Lesbians In Delta’, noted:

‘Police detectives in Asaba, Delta State have uncovered a hideout of lesbians around Awai road Asaba and have arrested 26 suspects. The public relations officer of the state police command, DSP Celestina Kalu who confirmed the arrest of the suspects, said they were arrested while allegedly having sex with one another at their hideout.’ The police spokesperson said the suspects had confessed to the crime during interrogation and would be charged on completion of the investigation.<sup>16</sup>

2.2.15 An Economist article of 7 June 2014 noted: ‘Since Nigeria passed a law criminalising homosexuality in January, Gordon Austin has faced attacks, abuse, arrests and extortion in the south-western city of Ibadan.’<sup>17</sup>

2.2.16 A Pambazuka News report of 11 June 2014, ‘Human security implications of anti-gay law on sexual minorities in Nigeria’, noted:

‘There has been a known culture of open antagonism, discrimination and hatred for sexual minorities in Nigeria, with the government legitimizing this discrimination and hatred. As a result, there are continuous incidents of gays, or people perceived to be gay, being stripped naked, tortured, beaten or evicted illegally from their abode.

‘Furthermore, the Nigerian police force which is unpopular for abuse and exploitation of their citizens has now gained more legal status to act in such a way. Arbitrary arrests and detention of real and perceived homosexuals have continued to take place. This law has exponentially compromised the personal safety of the Nigerian sexual minorities, or those perceived to be or pointed at as being a sexual minority.’<sup>18</sup>

2.2.17 The Erasing 76 Crimes website (last updated 31 August 2014) noted that in Nigeria there were an estimated 23 people in prison for allegedly violating laws that punish those who are born gay, lesbian or bisexual and 15 free awaiting trials on charges related to homosexuality. The same site acknowledged ‘Compiling a comprehensive list of people incarcerated for violations of anti-gay laws in Nigeria is currently impossible. Nigerian newspapers typically report arrests and sometimes the opening of trials of LGBT people, but not the outcome of those events.’<sup>19</sup>

2.2.18 A 22 October 2014 Erasing 76 Crimes report, ‘Setback in court challenge to Nigerian anti-gay law’, noted part of the court filing of the individual bringing the case:

‘...since the inception of Same Sex Marriage (Prohibition) Act, 2013, an estimated number of about Thirty Eight (38) Nigerians have been arrested in about four (4) states of the federation on the basis of their sexual orientation... in Bauchi alone, an estimated

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<sup>16</sup> Leadership , ‘Police Uncover Hideout, Arrest 26 Lesbians In Delta, , 29 May 2014 <http://leadership.ng/news/372604/police-uncover-hideout-arrest-26-lesbians-delta> Date accessed 28 November 2014

<sup>17</sup> The Economist - ‘Almost nobody wants to help: Homosexuals with HIV/AIDS are struggling to survive’, 7 June 2014 <http://www.economist.com/news/middle-east-and-africa/21603506-homosexuals-hiv-aids-are-struggling-survive-almost-nobody-wants-help> Date accessed 22 January 2015

<sup>18</sup> Pambazuka News - ‘Human security implications of anti-gay law on sexual minorities in Nigeria’, 11 June 2014 <http://www.pambazuka.net/en/category/features/92084> Date accessed 28 November 2014

<sup>19</sup> Erasing 76 Crimes – ‘99 who are in prison for being gay, 148 more awaiting trial’, last updated 31 August 2014 <http://76crimes.com/12-in-prison-for-being-gay-13-more-awaiting-trial/> Date accessed 27 November 2014

number of about 12 Nigerians were arrested and subjected to prosecution on the basis of their sexual orientation.’<sup>20</sup>

2.2.19 An Agence France Press article reported in January 2015:

‘Twelve young men were arrested in the north Nigerian city of Kano for allegedly planning a gay wedding, the Islamic law-enforcement agency, the Hisbah, said on Tuesday.

‘The suspects, most of them teenagers, were detained on Monday at a popular resort on the outskirts of the city, said the head of the Hisbah, Aminu Daurawa.

‘Homosexuality is banned under federal law in Nigeria, where last year new legislation was passed outlawing same-sex marriages and the promotion of civil unions.

‘In northern states, where Sharia runs parallel to the state and federal justice system, homosexuality is punishable by death, although the sentence is rarely, if ever, enforced.’<sup>21</sup>

2.2.20 The Amnesty International report covering events in 2014 observed that:

‘Days after the [Same-sex Marriage Act] law came into force, lesbians, gay, bisexual, transgender and intersex (LGBTI) people and activists faced harassment, blackmail and threats to their lives. In Ibadan, Oyo State, police arrested five men on the basis of their perceived sexual orientation. They were later released on bail. In Awka, Anambra State, six people were reportedly arrested and detained by police under the new law. An Assistant Commissioner of Police in Bauchi said that police carried a list of suspected LGBTI people "under surveillance" as part of their "profiling of criminals".’<sup>22</sup>

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## Access to healthcare

2.2.21 The Initiative for Equal Rights survey referred to within the Erasing 76 Crimes report of 9 July 2014, ‘With Nigeria’s anti-gay law, HIV care drops 10%-70%’, noted:

‘Among Nigerian men who have sex with men, the number of people reached for HIV prevention has dropped drastically since the signing of the anti-gay “Same-Sex Marriage Prohibition Bill” in January. According to [this] survey of five anti-AIDS organizations in five Nigerian states, HIV prevention contacts (using UNAIDS’s Comprehensive Minimum Prevention Package Intervention) are:

‘Down 40 percent in Lagos state

‘Down 30 percent in Rivers state.

‘Down 10 percent in Cross River state.

‘Down 30 percent in Abuja (Federal Capital Territory).

‘Down 70 percent in Kano state.

‘Survey results were mixed with regard to contacts with HIV-positive people — a range of minus 50% to plus 30% contacts in those same five locations for the Positive Health, Dignity and Prevention program endorsed by UNAIDS (the Joint United Nations Programme on HIV/AIDS).

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<sup>20</sup> Erasing 76 Crimes - ‘Setback in court challenge to Nigerian anti-gay law’, 22 October 2014 <http://76crimes.com/2014/10/22/reports-setback-in-nigerian-challenge-to-anti-gay-law/> Date accessed 28 November 2014

<sup>21</sup> Agence France Press, Nigeria's Sharia police arrest 12 over 'gay wedding', <http://news.yahoo.com/nigerias-sharia-police-arrest-12-over-gay-wedding-180121588.html> 27 January 2015, Date accessed 4 March 2015

<sup>22</sup> Amnesty International, Report 2014/15, <https://www.amnesty.org/en/countries/africa/nigeria/report-nigeria/> February 2015, Date accessed 4 March 2015

'A key reason for the drop in HIV prevention services is health-care professionals' fear of prosecution under the anti-gay law, which provides 10-year prison sentences for people at meetings with gay men.'<sup>23</sup>

#### 2.2.22 A Science Speaks report of 4 April 2014 stated

'HIV services derailed in wake of Nigeria, Uganda laws panelists say', described the problems encountered by the Men's Health Network Nigeria, which was formed by the Population Council and local partners in Nigeria. The author described the situation before and after Nigeria's bill prohibiting gatherings of gay people was signed into law on 7 January:

'The network reached [gay men, other men who have sex with men,] the clients of sex workers and men who inject drugs as well, making services accessible to some of the least served and hardest hit by Nigeria's HIV epidemic, and the numbers of men reached grew quickly.

"We thought everything was fine," the spokeswoman [for the network] added, "until January 7, 2014..."

"In the wake of the Nigeria law, gains vanished overnight, said the spokeswoman (whose name the Population Council requested not be used for her protection). From reaching 1,700 men in three months, she said, programs saw numbers of new clients halve, and drop to zero, she said, as threats of extortion, arrests and mob violence drove patients into hiding. 'Among health care providers there was a lot of panic, there was a lot of frustration, and a lot of fear,' she added.

"As reaching people in groups became impossible," she said, "programs had to change their strategies to reach individuals. The government, in turn had to release a statement saying it was okay to seek health services."<sup>24</sup>

#### 2.2.23 An Economist article of 7 June 2014, 'Almost nobody wants to help: Homosexuals with HIV/AIDS are struggling to survive', noted:

'Since Nigeria passed a law criminalising homosexuality in January, Gordon Austin has faced attacks, abuse, arrests and extortion in the south-western city of Ibadan. And the legislation has had an even more insidious effect on the 25-year-old. He is HIV-positive: getting health care has become harder. "I am not safe going to public health centres because of who I am," he says. "I would never tell them I am a gay man—they would deny me treatment." To get life-preserving antiretroviral drugs, he has to lie about his sexuality. "I have to pretend I am heterosexual because of the stigma," he explains. "I have to live a fake life, a life that is not mine, just to get the health care I need".

'... Browbeaten by foreign aid donors, the government promised that gays with HIV would not be denied access to health care. Yet doctors are afraid of the consequences if they provide it, citing the law as a reason not to help.

'Gay Nigerians say they are routinely turned away from hospitals. Many more are afraid to seek medical help in the first place. Local advocacy organisations such as The Initiative for Equal Rights have stopped issuing referrals to public-health institutions, lest people are 'outed' by unsympathetic medics.'

'This may make it harder to contain HIV/AIDS. Nigeria has the world's second-largest number of people with HIV. In 2010 it was estimated that 4% of the general population were afflicted; among gay men the figure was 17%.

<sup>23</sup> Erasing 76 Crimes - With Nigeria's anti-gay law, HIV care drops 10%-70%', 9 July 2014

<http://76crimes.com/2014/07/09/with-nigerias-anti-gay-law-hiv-care-drops-10-70> Date accessed 28 November 2014

<sup>24</sup> Science Speaks - , 'HIV services derailed in wake of Nigeria, Uganda laws panelists say', 4 April 2014

<http://sciencespeaksblog.org/2014/04/04/hiv-services-derailed-in-wake-of-nigeria-uganda-laws-panelists-say/> Date accessed 28 November 2014

'While the public system fails to treat gays, some donor-funded clinics are working overtime. Population Council, a clean and well-equipped centre tucked discreetly away in Lagos, Nigeria's commercial capital, takes referrals from across the country and has treated 3,000 people in the past year. It runs a second operation in the north.

'Only a handful of such organisations exist, overburdened by the new law. In rural regions, where foreign aid is scarce, campaigners complain that they themselves have to pay to refer locals to faraway clinics. "Most people who are affected are young and cannot tell their family," says Michael, a human-rights advocate in the south-eastern state of Enugu, where no gay-friendly care is available. "They cannot look after themselves, and there are no clinics. What we do now is take care of each other." <sup>25</sup>

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## 2.3 Societal attitudes

2.3.1 A Pew Research Centre survey report of 4 June 2013, 'The Global Divide on Homosexuality', noted: '...Publics in Africa and in predominantly Muslim countries remain among the least accepting of homosexuality. In sub-Saharan Africa, at least nine-in-ten in Nigeria (98%)... believe homosexuality should not be accepted by society.' <sup>26</sup>

2.3.2 A BBC report of 2 January 2013, 'Inside Nigeria's secret gay club', noted, before the enactment of the Same-Sex Marriage (Prohibition) Act, that:

'About 50 people, mostly men, crowd around the front porch of a social club in Nigeria's biggest city, Lagos, cheering on a shy-looking young man, who proceeds to sing a ballad. Backstage, another man puts on his wig and takes a quick glance at his pocket mirror, before adjusting his tight-fitting red dress. Five other men also dressed in drag outfits appear, checking on each other's make-up as they wait for their turn to perform for the crowd. "A friend invited me here a few months ago," one chatty spectator says excitedly. "I love this place because it makes me feel at home".

'This gathering of members of the gay and lesbian community in Lagos is held regularly, albeit discreetly, but it could soon be illegal. The vast majority of gay Nigerians may not be interested in this kind of event but they still have to hide their sexuality in this conservative society.

'Whilst already illegal, homosexuality is widely frowned upon across Nigeria and has been the subject of several bills in the National Assembly. The Same-Sex Marriage (Prohibition) Bill specifically outlaws same-sex unions. It also bans gatherings of homosexuals or any other support for gay clubs, organisations, unions or amorous expressions, whether in secret or in public.

'...But Nigerian homosexuals complain that the stigma they face is already enough punishment for their way of life... At the gay club, despite the jovial atmosphere, there is heightened caution, and no-one is allowed to take any photos. The thought of being identified as being gay, lesbian, bisexual or transgender in a country where the public still turns to mob justice haunts some here. And that is a huge concern for Richard (not his real name): "If you don't become discreet and try to hide yourself, even the man on the street will want to also act on the bill because it has been passed. "If you're walking

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<sup>25</sup> The Economist - 'Almost nobody wants to help: Homosexuals with HIV/AIDS are struggling to survive', 7 June 2014 <http://www.economist.com/news/middle-east-and-africa/21603506-homosexuals-hiv-aids-are-struggling-survive-almost-nobody-wants-help> Date accessed 28 November 2014

<sup>26</sup> Pew Research Center – 'The Global Divide on Homosexuality', 4 June 2013 <http://www.pewglobal.org/files/2013/06/Pew-Global-Attitudes-Homosexuality-Report-FINAL-JUNE-4-2013.pdf> Date accessed 28 November 2014



on the street and he stones you, he knows the law would stand for him because the law is against you."<sup>27</sup>

2.3.3 An International Business Times report of 13 September 2013, 'Gay in Nigeria: LGBT Life in One of the World's Most Homophobic Nations', reporting on the situation before the enactment of the Same Sex Marriage (Prohibition) Act::

'Life in Nigeria, one of the world's most anti-gay nations, is a daily struggle for Adeola (not his real name), a closeted, working-class homosexual man living on the outskirts of Abuja, the nation's small, central capital. Adeola has been called names, insulted and ostracized over assumptions about his sexuality, so he shields his true self in fear that coming out would only attract more intense abuse.

'Meanwhile, some young, wealthy gay Nigerians who spend most of their time in the louche, Westernized Victoria Island section of Lagos -- the massive, quickly modernizing megalopolis on Nigeria's southwestern coast -- are able to live a quasi-open life despite the virulent homophobia that rules in much of the rest of the country.

'For Adeola, a portly man in his thirties who earns a modest living as a cook at a catering company in Abuja, that life of openness is difficult to imagine. Adeola said he worries about discrimination every time he walks out the door, especially in light of a law passed this year that, should it be signed by President Goodluck Jonathan, would make the sheer act of being gay punishable by up to 14 years in prison.

"It's extremely difficult because everyone sees you as abnormal," Adeola said while running errands at a busy Abuja shopping center. "Everything has to be in secret."

2.3.4 However the same article reporting on the situation of wealthy gay Nigerians noted:

'...Six upper-class gay professionals who met with the International Business Times at a Victoria Island restaurant last week say that because they mostly stay within that neighborhood's fairly tolerant bubble, they are largely able to avoid Adeola's constant state of fear. Still, they, like everyone else interviewed for this story, asked to be assigned pseudonyms because of the harsh penalties that can result from being identified as gay in the press.

"I've been very fortunate in Lagos because I've been around people who understand these things, who are accommodating, who understand, are very enlightened and don't judge," said Olawale, the owner of a high-end baking company, between sips of his Long Island iced tea.<sup>28</sup>

2.3.5 The same article further noted:

'Fatima, a Lagos content manager, has had a somewhat different experience. Although she grew up in the sprawling city, she attended private school on Victoria Island and was isolated from the poverty and chaos of the mainland during her youth. But after attending a London university, she returned to her home country and said she was shocked when she visited a friend's home on Lagos mainland for the first time. It was her first exposure to what locals call "the real Nigeria."

'Fatima is not gay per se -- she describes her sexuality as "fluid" and said she is open to relationships with men or women -- but she mostly dates women...Over the years, she has repeatedly attempted to talk to her parents and siblings about her relationships, but found them unwilling to have an open conversation about her orientation or her love life. "I think it's easy hanging out with your friends, but it's more difficult with your family. I'm

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<sup>27</sup> BBC - Inside Nigeria's secret gay club', 2 January 2013 <http://www.bbc.co.uk/news/world-africa-20887170> Date accessed 1 December 2014

<sup>28</sup> International Business Times - 'Gay in Nigeria: LGBT Life in One of the World's Most Homophobic Nations', 13 September 2013 <http://www.ibtimes.com/gay-nigeria-lgbt-life-one-worlds-most-homophobic-nations-1405130> Date accessed 1 November 2014

not really close to my family because of it,” she said. “Not because they’ve done anything mean to me, but because I fear that they would. I’ve had friends whose parents kicked them out or disowned them because they told them they were gay.”<sup>29</sup>

### 2.3.6 The same International Business Times article noted:

‘...Even though the measure [Same Sex Marriage (Prohibition) Act] is not yet officially on the books, it has already had a chilling effect on gay life in Nigeria, according to Aisha, a lesbian friend of Fatima’s. “Prior to the law, there was a sort of ‘Don’t ask, don’t tell’ thing going on,” Aisha said. “It was frowned upon -- just don’t do anything in anyone’s face.” But now, she said, there is a widely held, albeit premature, belief that “it’s illegal and it carries a sentence” of more than a dozen years behind bars, which further intimidates Nigeria’s gay population.

‘Although Fatima considers Abuja to be “like gay central of Nigeria,” the place she said she would go to “hook up with a girl, several girls, in one weekend,” that side of gay life isn’t accessible to many homosexual residents of the capital who aren’t as well-heeled as her.

‘Adeola said that due to the discrimination he faces in Abuja, he uses underground channels and word-of-mouth to find other gay people to interact with or date. “It’s just about networking. Someone you’re sure is gay introduces you to someone else who is, who introduces you to someone else who is, and so on,” he said. Still, Adeola has been threatened and insulted on numerous occasions. “I have lots of name-calling, but no violence. They call me feminine names. For instance, if your name is Oliver, they’ll call you Olivia,” he explained.

‘Kingsley, a straight friend of Adeola’s who has witnessed anti-gay discrimination of others firsthand in Abuja and surrounding areas, said that such sentiments are sadly quite common in Nigeria. Although he is not gay, he did not want his real name to be used because he associates with gay people. “There are people like me who accept them, but then there are lots of people who once they find out someone is gay, they refuse to have any kind of contact with them,” ... “Name-calling happens a lot. They will make fun of the person, say things like ‘This guy’s homo,’ stuff like that, ‘Faggot.’”

‘And Kingsley said the fear of being tormented for their sexuality infiltrates the social lives of his gay friends. “They don’t stay in groups, they’d rather remain not mixing with other gay people, because they don’t want other people to be able to say, ‘Those guys are gay,’” he said.

‘Persecution of gay Nigerians still leads to violence fairly often, particularly in the country’s more rural states. In January [2013], four men were arrested, stripped naked and paraded along a public street in Imo State on suspicion that they were homosexual, as noted by OnlineNigeria News. And in August [2013], an Ogun State man was brutally beaten for allegedly being gay, as reported by the same site. And the laws aimed at criminalizing gayness and same-sex marriage threaten to codify a new paradigm of heightened intimidation and marginalization for the nation’s gay residents.

‘But for urban Nigerians with enough money, there are some hopeful signs in the face of so much discrimination and misunderstanding. Kingsley said that in Abuja “things are getting better” as people in the urban center appear to be less concerned with persecuting gays. “You’re OK until the authorities catch you in the act of sleeping with or making out with the same sex,” he said. “Only then will they go after you. It’s only certain individuals who actually bother you or discriminate against you.” Aisha pointed to

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<sup>29</sup> International Business Times - ‘Gay in Nigeria: LGBT Life in One of the World’s Most Homophobic Nations’, 13 September 2013 <http://www.ibtimes.com/gay-nigeria-lgbt-life-one-worlds-most-homophobic-nations-1405130> Date accessed 1 November 2014

another promising trend, in which Abuja and certain parts of Lagos can be much safer for moneyed gays than elsewhere in the country, although limitations exist and endure.

“Abuja is the gay capital of Nigeria for the rich kids, but you can’t just go into the market totally out. You’ll get discriminated against and they’ll act out,” she said, adding that in more distant, isolated areas of the country, “there’s widespread ignorance. If you go to the poor areas, someone will do something about their hate.” And a small but growing number of openly gay activists speak out regularly in support of gay rights in Nigeria without being slammed with lengthy prison terms, although they are still often harassed and attacked by individuals for their outspokenness.

‘Fatima said that despite all the challenges, life as a homosexual Nigerian can approach normalcy for members of her economic class. “If you’re economically independent, you can be fine being gay in Nigeria,” she said. “If I walk into a restaurant and say, ‘Shut it down, I’m having dinner with my girlfriend,’ they’re not going to say, ‘Oh, 14 years.’ Money talks.”<sup>30</sup>

2.3.7 A BBC article of 24 January 2014, ‘Will Binyavanga Wainaina change attitudes to gay Africans’, noted:

‘Nigeria is a microcosm of the continent with a large population of both devout Muslims and Christians. It is currently leading the campaign against gay people, tightening laws, carrying out arrests and allowing Islamic courts to punish homosexuals.

‘For Mr Onwuchekwa [UK-based Justice for Gay Africans campaign group co-ordinator], a Nigerian, this comes as no surprise, as opposition to gay rights is one of the few issues around which Nigerians, who are deeply split along religious lines, unite.

“Politicians in Nigeria have to prove they are religious. If they want votes, they’ve got to go to church or mosque. That gives pastors [and imams] influence over their campaigns,” Mr Onwuchekwa told the BBC.’<sup>31</sup>

2.3.8 A Premium Times article of 13 January 2014, ‘Anti-gay law: Jonathan draws praise from Nigerians, knocks from abroad’, noted:

‘For many Nigerians, accustomed to attacking Mr. Jonathan over his failure to address many of the nation’s ills and its...corruption, the bill’s signing, largely a popular decision, came as one of the commendable steps taken by his administration.

‘Across the social media and blogosphere, majority of Nigerians heaped praises on a president they are more used to criticizing and pointed out how he has defied international pressure over the bill, and acted in a way deemed to be in Nigeria’s interest.’<sup>32</sup>

2.3.9 The International Lesbian and Gay Association reported in May 2014 that the effect of the further criminalisation of homosexuality in a number of Africa countries, including Nigeria and Uganda, ‘is an increase in the following;

- ‘Instances of human rights abuses for gay and lesbian people;
- Access to health becomes incredibly difficult as a result of these laws because individuals are not able to openly speak about their sexual partners;
- People get evicted from their dwelling places due to the fact that they are gay or lesbian;

<sup>30</sup> International Business Times - ‘Gay in Nigeria: LGBT Life in One of the World’s Most Homophobic Nations’, 13 September 2013 <http://www.ibtimes.com/gay-nigeria-lgbt-life-one-worlds-most-homophobic-nations-1405130> Date accessed 1 November 2014

<sup>31</sup> BBC - ‘Will Binyavanga Wainaina change attitudes to gay Africans’, 24 January 2014 <http://www.bbc.co.uk/news/world-africa-25858397> Date accessed 28 November 2014

<sup>32</sup> Premium Times - ‘Anti-gay law: Jonathan draws praise from Nigerians, knocks from abroad’, 13 January 2014 <http://www.premiumtimesng.com/news/153298-anti-gay-law-jonathan-draws-praises-nigerians-knocks-abroad.html> Date accessed 1 December 2014

- Gay and lesbian individuals become targets of attacks in the streets and in social spaces;
- The society effectively considers the individuals criminal due to their sexual orientation or gender identity.

‘Activists in Nigeria have reported instances of mobs attacking people they believed to be homosexual and beating some of the victims to near death. These victims, on being taken to the police station are then further roughed up by resident officers.

‘In order to reduce the negative effects of the laws and to stop further discriminatory laws from being enacted, several measures have been taken, both locally and internationally. The Nigerian activists who informed this short overview said that the key responses to the laws should be continued and increased support for the organisations and the community on the ground in Nigeria. This is mainly to quell the rhetoric that homosexuality is a western import. There is a need to build the community’s capacity to speak out against the Act. They insisted on quiet diplomacy - use the contacts that the

‘International community has in their respective countries to speak to high-level persons in Nigeria and abroad about the negative effects of the Act.’<sup>33</sup>

2.3.10 The UN High Commissioner for Human Rights reported in March 2014 that the Act ‘... already appears to be having other dangerous side effects, even before it comes into force, with my Office receiving reports of widespread arrests of LGBT people in some states, some physical attacks, including by mobs, and other forms of harassment such as a rise in blackmail and extortion. It is for these reasons, among others, that this law has aroused such controversy on the international level.’<sup>34</sup>

2.3.11 The Initiative for Equal Rights in a report of 24 April 2014, ‘Nigeria LGBT Community Discover a Safe Space’, noted:

‘The LGBT community in Nigeria discovers safe space in the comfort of the community center set up by the Integrated MSM HIV Prevention Program currently being implemented in four states (Lagos, Rivers, Cross River states and the FCT, Abuja) in Nigeria.

‘Funded by USAID, Heartland Alliance for Human need and Human rights partner with the following local organizations; The Initiative for Equal Rights, Pure Professionals for Human Rights Advocacy, Initiative for Improved Male Health and International Center for the Advocacy of Health Rights.

‘Speaking with BTM’s Joseph Sewedo Akoro, Program officer TIERS/IMHIPP, Temitope Olaniyi Oke said, “Criminalization of same sex activity in Nigeria has resulted in Men who have Sex Men (MSM) hiding their sexual identity. They lack safe spaces to freely express their sexuality, share information on MSM specific information, and address issues of low self-esteem, stigma and discrimination. They are continuously faced with difficulty in accessing educational programs that can help mitigate the burden of HIV/AIDS and STI. Realizing the need to create an enabling environment for MSM to freely express themselves, it became essential to create a safe space for MSM hence the Community Center.”

‘Oke further mentioned, “Through this program, IMHIPP has created a Community Center. Based upon needs assessment the Center has three units – Social interaction

<sup>33</sup> International Lesbian and Gay Association – ‘State-Sponsored Homophobia: A world survey of laws: Criminalisation, protection and recognition of same-sex love’, May 2014, page 80, [http://old.ilga.org/Statehomophobia/ILGA\\_SSHR\\_2014\\_Eng.pdf](http://old.ilga.org/Statehomophobia/ILGA_SSHR_2014_Eng.pdf) Date accessed 19 December 2014

<sup>34</sup> UN Office of the High Commissioner for Human Rights, Opening remarks by UN High Commissioner for Human Rights Navi Pillay at a press conference during her mission to Nigeria, 14 March 2014, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14374&LangID=E>, Date accessed 22 January 2015

unit, Skill acquisition unit and Healthcare unit to target MSM to address economical and social needs. These units are managed by Outreach Coordinators and supervised by the Program Officer.”

‘Although the center was established under a MSM/HIV program, it is open to LGBTI persons in general. The community center has been of immense benefits to the MSM community. The center has created a safe, fun and enabling environment for MSM to freely embrace and express their sexuality void of stigma and discrimination. It is packed with up to date materials focusing on healthy relationships, sexual rights, social activities, HIV/STI prevention and transmission, and vulnerability issues.

‘Movies are shown on a weekly basis to educate MSM/LGBTI persons on human right issues, HIV/AIDS and human sexuality. Female sexual partners and dependants also benefit from the services of the community center. Support group of MSM living with HIV/AIDS is also hosted at the center to increase access to psychosocial/ adherence counseling and palliative care materials.’<sup>35</sup>

#### 2.3.12 The Swedish Migration Board report of a fact finding mission (FFM) conducted between 11 and 16 May 2014, released in December 2014, stated:

‘The consulted interlocutors agreed that Nigerians in general are against homosexuality. Cornerstones in society's perception of homosexuality, as noted by Lifos, include opinions that homosexuality is unnatural, sinful, and an abomination, as well as the importance of family and reproduction, and the view that sexual orientation is a matter of choice for the individual.

‘When addressing LGBT issues, the focus in Nigeria is on homosexuals, and men primarily. Other persons concerned within the LGBT designation, such as transgender and intersexual persons, are overwhelmingly unseen in society. Furthermore, many Nigerians do not consider the situation for homosexuals a significant problem. Other human rights issues are seen as more alarming.

‘Many Nigerians are attached to what is considered African values and are profoundly religious. Homosexuality, however, is largely considered non-African, and churches and mosques preach that it is the work of the devil. There is no religion in the country that is not opposed to homosexuality. Within this context, a politician who starts advocating for the rights of homosexuals risk losing his/her position. The issue is taboo in society.

‘The man on the street condemns homosexuality. A homosexual is seen as the black sheep of the family, and is ostracised by society. However, persons with important financial means are likely to be in a better position to fight alienation.

‘Criteria perceived as indicators of homosexuality, and which may attract attention, include; being unmarried and childless, shared housing, appearance (non-conformists may attract attention as well as effeminate men and masculine women), and behavior (e.g. women expressing tenderness towards one another or women seen with known lesbians).’<sup>36</sup>

#### 2.3.13 The same FFM report stated:

‘The greatest challenge for homosexuals in Nigeria is the general public, not the police; the latter, however, may constitute a more severe problem when the new law, Same Sex Marriage Prohibition Bill, has been promulgated. Violence targeting homosexuals exists. There have been cases of mob violence, as well as attacks aimed at expelling

<sup>35</sup> The Initiative for Equal Rights - , ‘Nigeria LGBT Community Discover a Safe Space’, 24 April 2014 <http://www.theinitiativeforequalrights.org/nigeria-lgbt-community-discover-a-safe-space/> Date accessed 1 December 2014

<sup>36</sup> Swedish Migration Board, Nigeria. Den kulturella kontexten för hbt-personer, fact finding mission conducted between 11 and 16 May 2014, section 1.3, <http://lifos.migrationsverket.se/dokument?documentSummaryId=33781>, 18 December 2014, Date accessed 4 March 2015

persons from villages or neighbourhoods. Cases of landlords evicting homosexual tenants are also known to have taken place after the announcement of the new law. Extortion, sometimes perpetrated by persons within the LGBT community, is another known risk. The majority of Lifos' sources have stated that the most exposed group within the community is effeminate homosexual men as they are the most visible.

'The family's reaction on family members' homosexuality is often strong and takes place within the context of a homophobic and deeply religious society. Many families fear the prospect of having a homosexual son or daughter. It would decrease the possibilities of social and economic advancement, and would generally be seen as shameful. The family may also fear for the sake of the family member due to the risks associated with the new law. One source stated that a deeply religious family would never accept a homosexual child. The chance of acceptance is greater should the family be less religious. In such a situation, they would, however, most likely monitor the child closely in order to change its ways. On rare occasions, families may reject the child after having tried to bring about change, and in even rarer cases, the child may be reported to the police. There are also parents who accept their children's homosexuality as long as it is not manifested.

'The Christian denominations do not have a lenient view towards homosexuality. The attitude is rather characterised by hatred. A person exposed as homosexual can expect this to be known in the Christian community, whereupon he/she will have to leave all his/her assignments within the Church. There are known cases where homosexuals have been excluded from the Church.'<sup>37</sup>

#### 2.3.14 The FFM also reported that:

'Homosexuals need to pay attention to their ways of expression so as not to raise suspicion regarding their sexual orientation. Some homosexuals marry a person of the opposite sex to avoid attracting attention. Lesbians who manifest their sexual orientation are almost exclusively economically independent, as the terms on the labour market are less favorable for women.

'It is difficult for a homosexual man to manifest his sexual orientation in public. It does not occur on public meeting places. The new law, Same Sex Marriage Prohibition Bill, has generated fear and panic among homosexuals. A homosexual needs to create a new network of support as a substitute for his family. Homosexual men do not have public meeting places, but may meet in unofficial gay clubs. Contacts with other homosexuals, men and women, are also facilitated by the Internet. Lesbians only meet in domestic environments.'<sup>38</sup>

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## Incidents of discrimination / violence in 2014

#### 2.3.15 An International Gay and Lesbian Human Rights Commission report of 13 February 2014, 'IGLHRC Calls for Nigerian Government to Investigate Attacks Against People Thought to be Gay', noted:

'The International Gay and Lesbian Human Rights Commission (IGLHRC) has received reports that approximately 10 men, perceived to be gay, were beaten by a mob of some

<sup>37</sup> Swedish Migration Board, Nigeria. Den kulturella kontexten för hbt-personer, fact finding mission conducted between 11 and 16 May 2014, section 1.41. <http://lifos.migrationsverket.se/dokument?documentSummaryId=33781>, 18 December 2014, Date accessed 4 March 2015

<sup>38</sup> Swedish Migration Board, Nigeria. Den kulturella kontexten för hbt-personer, fact finding mission conducted between 11 and 16 May 2014, section 1.4.3 <http://lifos.migrationsverket.se/dokument?documentSummaryId=33781>, 18 December 2014, Date accessed 4 March 2015

40 persons in the community of Geshiri near Abuja last night or early this morning. The local police reportedly arrested 5 of the victims of the attack and later released them. Most of the men suffered injuries from the attack and are now in hiding. The attack is part of what seems to be a recent surge of arrests and vigilante violence against individuals and groups perceived to be gay, lesbian, bisexual, or transgender (LGBT)... Civil society organizations in Nigeria warn that the past couple of years have seen an increase of community violence directed at specific individuals thought to have committed crimes or transgressed cultural norms, with little apparent action from the Nigerian government to curb the violence... While media reports have highlighted increasing attacks against individuals assumed to be gay or lesbian in the North of the country, the Geshiri incident is one of the first reports of this type of vigilante vengeance in the Abuja area.’<sup>39</sup>

2.3.16 Also in January 2014, Vanguard reported that ‘Nigerians demonstrated their disdain for same-sex relationships last week when an angry mob almost lynched seven suspected homosexuals who were brought for trial before Sharia Court 4 in Anguwan Jaki, Bauchi State’.<sup>40</sup>

2.3.17 In February 2014, The Washington Post reported that:

‘Assailants armed with wooden clubs and iron bars, screaming that they were going to “cleanse” their neighborhood of gay people, dragged 14 young men from their beds and assaulted them this week, human rights activists said Saturday. Four of the victims were marched to a police station, where they allegedly were kicked and punched by police officers who yelled pejoratives at them, said Ifeanyi Orazulike of the International Center on Advocacy for the Right to Health. Police threatened that the men would be incarcerated for 14 years, he said, the maximum prison sentence under Nigeria’s new Same Sex Marriage (Prohibition) Act, dubbed the “Jail the Gays” law... Orazulike said the walls of houses where the men lived, in Gishiri, a shantytown near central Abuja, have been painted with graffiti reading, “Homosexuals, pack and leave.”

‘He said he went to the police station Thursday and met with an officer who ordered the four men who had been taken there released because there was no evidence they were gay and they had not been caught having sex...

‘Dozens of people have been arrested since President Goodluck Jonathan signed the bill into law in January. It not only forbids same-sex marriage, which carries a 14-year jail sentence, it makes it a crime for anyone, straight or homosexual, to hold a meeting of gays or to advocate human rights for gays. Convicted offenders can be jailed for up to 10 years.’<sup>41</sup>

2.3.18 A Gay Star News report of 31 March 2014, ‘Gay Nigerians stripped naked and whipped in public after sex party’, noted:

‘Five gay Nigerian men were detained, stripped naked and beaten in public last week after they refused to give money to a sexual partner from Lagos who was blackmailing them. According to local news reports and information from Nigerian gay activist Bisi Alimi, a gay man from Lagos joined some local gay men in Ekurede Urhobo for a sex party. Afterwards, the man from Lagos demanded payment in exchange for not reporting the group to police. When the rest of the group didn’t pay, the gay man from Lagos reported the group to local authorities... Five men were detained and taken to the

<sup>39</sup> International Gay and Lesbian Human Rights Commission - ‘IGLHRC Calls for Nigerian Government to Investigate Attacks Against People Thought to be Gay’, 13 February 2014 <http://iglhrc.org/content/iglhrc-calls-nigerian-government-investigate-attacks-against-people-thought-be-gay> Date accessed 5 December 2014

<sup>40</sup> Vanguard, Nigeria: Angst As Suspected Homosexuals Escape Lynching in Bauchi, 30 January 2014, <http://allafrica.com/stories/201401300118.html>, Date accessed 22 January 2015

<sup>41</sup> The Washington Post, Men attacked by anti-gay mob in Nigeria, 15 February 2014, [http://www.washingtonpost.com/world/africa/men-attacked-by-anti-gay-mob-in-nigeria/2014/02/15/1c313e5c-967e-11e3-9616-d367fa6ea99b\\_story.html](http://www.washingtonpost.com/world/africa/men-attacked-by-anti-gay-mob-in-nigeria/2014/02/15/1c313e5c-967e-11e3-9616-d367fa6ea99b_story.html), Date accessed 22 January 2015

town hall, where in front of a large crowd they were stripped naked and whipped. When they couldn't pay a fine, they were reported to the police. At this point a sixth alleged member of the group was also arrested.'<sup>42</sup>

- 2.3.19 A Daily Trust (via AllAfrica.com) article of 4 November 2014, 'Nigeria: 25 Homosexuals Arrested in Kebbi', noted: 'About 25 suspected homosexuals have been arrested by the Kebbi State Command of the Vigilante Group of Nigeria. Addressing newsmen ahead of their one year anniversary and launch of N375m appeal fund, the commander of the group, Sanusi Ibrahim Geza, said the suspects have been handed over to the Hisbah Commission for further action.'<sup>43</sup>

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## 2.4 NGOs and activists

- 2.4.1 The US State Department 2013 Human Rights Practices Report, released 27 February 2014, commenting events before the enactment of the Same-Sex Marriage Act, noted: 'Because of widespread societal taboos against homosexuality, very few lesbian, gay, bisexual, and transgender (LGBT) persons were open about their sexual orientation. The NGOs Global Rights and The Independent Project provided LGBT groups with legal advice and training in advocacy, media responsibility, and HIV/AIDS awareness. Organizations such as the Youths 2gether Network also worked under the Coalition for the Defense of Sexual Rights to provide access to information and services on sexual health and rights for LGBT persons, sponsor programs to help build skills useful in social outreach, and provide safe havens for LGBT individuals. The government and its agents did not impede the work of these groups during the year.'<sup>44</sup>
- 2.4.2 A Gay Star News report of 3 June 2013, 'Nigerian LGBTIs launch online petition slamming 'Jail the Gays' bill', listed a number of rights groups operating in the country, albeit this was before the enactment of the Same-sex Marriage Act (2013): 'AL - Centre for Human Development, Alliance for Africa and Nigeria Feminist forum, Changing Attitude Nigeria, Coalition for the Defence of Sexual Rights, International Centre for Advocacy on Rights to Health, International Centre for Reproductive Health and Sexual Rights, Improved Youth Health Initiative, Legal Defence and Assistance Project, Queer Alliance, The Initiative for Equal Rights, The Initiative for Improved Male Health and Women's Health and Equal Rights Initiative.'<sup>45</sup>
- 2.4.3 A January 2014-published book by Momin Rahman, 'Homosexualities, Muslim Cultures and Modernity', observed within a section on Nigeria that 'another group worth noting is QAYN [Queer African Youth Networking], the first lesbian led LGBTIQQ regional organization in West Africa.'<sup>46</sup>

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<sup>42</sup> Gay Star News - 'Gay Nigerians stripped naked and whipped in public after sex party', 31 March 2014 <http://www.gaystarnews.com/article/gay-nigerians-stripped-naked-and-whipped-public-after-sex-party310314> Date accessed 5 December 2014

<sup>43</sup> Daily Trust, Nigeria: 25 Homosexuals Arrested in Kebbi, 4 November 2014, <http://allafrica.com/stories/201411040993.html> Date accessed 22 January 2015

<sup>44</sup> US Department of State – Country Reports on Human Rights Practices for 2013: Nigeria, released 27 February 2014, Section 6., Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220146#wrapper> Date accessed 2 December 2014

<sup>45</sup> Gay Star News - 'Nigerian LGBTIs launch online petition slamming 'Jail the Gays' bill', 3 June 2013 <http://www.gaystarnews.com/article/nigerian-lgbtis-launch-online-petition-slamming-%E2%80%99jail-gays%E2%80%99-bill030613> Date accessed 2 December 2014

<sup>46</sup> 'Homosexualities, Muslim Cultures and Modernity' by Momin Rahman, published January 2014, Appendix A, <http://books.google.co.uk/books?id=RxsCAwAAQBAJ&pg=PA186&lpg=PA186&dq=ilga+qayn+nigeria&source=bl&ots=o734QccHCN&sig=UgLKoTkmlU45JJHXV Pr9a7bTIY&hl=en&sa=X&ei=GvZ9VL-jA8Xdati3gLAJ&ved=0CB0Q6AEwAg#v=onepage&q=ilga%20qayn%20nigeria&f=false> Date accessed 2 December 2014



- 2.4.4 The UN High Commissioner for Human Rights reported in March 2014 ‘Another group living in fear is Nigeria’s lesbian, gay, bisexual and transgender (LGBT) community. The new law known as the Same Sex Marriage (Prohibition Act) goes far beyond prohibiting same sex marriage – which was illegal anyway. The law violates international law in that it is discriminatory and seriously impinges on freedom of expression and freedom of assembly, and could lead to human rights defenders advocating for the rights of LGBT people receiving draconian prison sentences.’<sup>47</sup>
- 2.4.5 The International Center for Not-for-Profit Law reported in December 2014 that ‘The registration of gay clubs, societies and organizations is prohibited under Same Sex Marriage (Prohibition) Act, which President Jonathan signed into law in January 2014. It should be noted, however, that no society or organization that is formed for unlawful purposes can be registered in any event, but the Act specifically bars the registration of gay organizations.’<sup>48</sup>
- 2.4.6 Pambazuka News reported in June 2014 that  
 ‘Many NGOs in Nigeria are under threat of jail terms and closure. In the wake of the anti-gay laws, a few organizations working for the defense of Lesbian Gay Bisexual Transgender (LGBT) rights fear recriminations and have to be extremely careful about their interventions as not to risk jail terms imposed by the law [Same Sex Marriage Act 2013]. Many organizations that have done incredible work in advocacy, lobbying and service provision for the protection of sexual minorities are being forced into silence by this law. This is a breach of the constitutional and democratic freedom of non-governmental organizations in Nigeria. With most organizations clamped down upon by this law, exploitation and illegal prosecution of perceived and real homosexuals can only rise.’<sup>49</sup>
- 2.4.7 In November 2014, Gay Star News reported that:  
 ‘Nigerian LGBTI rights activist Ifeanyi Orazulike was arrested and detained without charge on the night of 22 October, the same day a constitutional challenge to the country’s anti-gay law was dismissed.  
 ‘The executive director of the International Center for Advocacy on the Rights to Health was arrested at his office in Abuja while celebrating his birthday with friends and colleagues.  
 ‘He has filed a motion in Abuja High Court alleging he was arrested, detained and dehumanized without charge...  
 ‘‘I was told that they had come to arrest me on the instruction of the commissioner of police and nothing further was volunteered,’’ he said.  
 ‘‘They chased members of my organization who were present, staff, friends and well-wishers who had come to visit me, and made to scamper about like common criminals.’  
 ‘The police removed condoms, a DVD player, speakers, DSTV decoder and laptop computers donated by USAID.  
 ‘Orazulike was not taken to a police station but to the premises of Abuja Environmental Protection Board, where one policeman tried to solicit a bribe from him. When he refused, he was slapped on the face and knocked to the ground.

<sup>47</sup> UN Office of the High Commissioner for Human Rights, Opening remarks by UN High Commissioner for Human Rights Navi Pillay at a press conference during her mission to Nigeria, 14 March 2014, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14374&LangID=E>, Date accessed 22 January 2015

<sup>48</sup> The International Center for Not-for-Profit Law, NGO Law Monitor: Nigeria, last updated 19 December 2014, Barriers to Operational Activity, <http://www.icnl.org/research/monitor/nigeria.html>, Date accessed 22 January 2015

<sup>49</sup> Pambazuka News - ‘Human security implications of anti-gay law on sexual minorities in Nigeria’, 11 June 2014 <http://www.pambazuka.net/en/category/features/92084> Date accessed 22 January 2015

'He was only released when the police realized he would not pay..'50

2.4.8 The Swedish Migration Board FFM report of December 2014 observed that:

'The LGBT community in Nigeria is weak, and the support has decreased, which has resulted in human rights organisations being less inclined to engage in these matters. Currently there are about ten LGBT organisations active in Nigeria. Most of them are based in Lagos, but they are also present in cities like Abuja and Kano. In Abuja, for example, the International Center for Advocacy on Rights to Health (ICARH) strives to improve the human rights situation for homosexual men and decrease the effects of HIV/AIDS. In Abuja, there are some clinics treating HIV-positive LGBT persons.'51

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<sup>50</sup> Gay Star News, Nigeria gay activist arrested without charge, 4 November 2014, <http://www.gaystarnews.com/article/nigeria-gay-activist-arrested-without-charge041114>, Date accessed 22 January 2015

<sup>51</sup> Swedish Migration Board, Nigeria. Den kulturella kontexten för hbt-personer, fact finding mission conducted between 11 and 16 May 2014, section 1.4.3. <http://lifos.migrationsverket.se/dokument?documentSummaryId=33781>, 18 December 2014, Date accessed 4 March 2015

# Annex A: The Same Sex Marriage (Prohibition) Act 2013



Clerk to the National Assembly  
**FEDERAL REPUBLIC OF NIGERIA**

Three Arms Zone, P.M.B 141, Garki - Abuja  
T Office No.09-8700332, E-mail: maikasuwasa@yahoo.com

NASS/CNA/115/VOL.31/24

30<sup>th</sup> December, 2013

The President  
Commander-in-Chief of the Armed Forces  
Federal Republic of Nigeria  
Presidential Villa  
ABUJA



## **SAME SEX MARRIAGE (PROHIBITION) ACT, 2013**

In consonance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004, I wish, with due respect to forward to Your Excellency the authenticated copies of the Same Sex Marriage (Prohibition) Bill, 2013 for your consideration and assent.

2. After Your Excellency's assent, one copy of the signed Bill should be retained in your office while the other two are to be returned for our further action, please.
3. With my highest regards.

**SALISU A. MAIKASUWA, OON, mni, FNIM, FFPN**  
Clerk to the National Assembly

## SAME SEX MARRIAGE (PROHIBITION) ACT, 2013

### ARRANGEMENT OF SECTIONS

**Section:**

1. Prohibition of marriage or civil union by persons of same sex.
2. Solemnization of same sex marriage in places of worship.
3. Recognized marriage in Nigeria.
4. Registration of homosexual clubs and societies.
5. Offences and penalties.
6. Jurisdiction.
7. Interpretation.
8. Citation.

**SAME SEX MARRIAGE (PROHIBITION) ACT, 2013**

A BILL

FOR

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

{ } Commencement.

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

1. (1) A marriage contract or civil union entered into between persons of same sex:  
(a) is prohibited in Nigeria; and  
(b) shall not be recognised as entitled to the benefits of a valid marriage.  
Prohibition of marriage or civil union by persons of same sex.
- (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 there-from by virtue of the certificate shall not be enforced by any court of law.
2. (1) A marriage contract or civil union entered into between persons of same sex shall not be solemnized in a church, mosque or any other place of worship in Nigeria.  
Solemnization of same sex marriage in places of worship.
- (2) No certificate issued to persons of same sex in a marriage or civil union shall be valid in Nigeria.
3. Only a marriage contracted between a man and a woman shall be recognized as valid in Nigeria.  
Recognized marriage in Nigeria.
4. (1) The Registration of gay clubs, societies and organisations, their sustenance, processions and meetings is prohibited.  
Registration of homosexual clubs and societies.
- (2) The public show of same sex amorous relationship directly

or indirectly is prohibited.

5. (1) A person who enters into a same sex marriage contract or civil union commits an offence and is liable on conviction to a term of 14 years imprisonment. Offences and Penalties.

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

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

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. Jurisdiction.

7. In this Act: Interpretation.

"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 solemnisation of the marriage; and

"civil union" means any arrangement between persons of the

same sex to live together as sex partners, and includes such descriptions as:

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

8. This Act may be cited as the Same Sex Marriage (Prohibition) <sup>Quation.</sup> Act, 2013.

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**SAME SEX MARRIAGE (PROHIBITION) ACT, 2013**

**EXPLANATORY MEMORANDUM**

This Act prohibits a marriage contract or civil union entered into between persons of same sex, and provides penalties for the solemnisation and witnessing of same thereof.



**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	1 <sup>st</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, mini**  
 Clerk to the National Assembly  
 2<sup>nd</sup> Day of December, 2013



**DR. GOODLUCK EBELE JONATHAN, GCFR**  
 President of the Federal Republic of Nigeria  
 2<sup>nd</sup> Day of December, 2013

LASSENT.

I CERTIFY, IN ACCORDANCE WITH SECTION 2 (1) OF THE ACTS AUTHENTICATION ACT, CAP. A2, LAWS OF THE FEDERATION OF NIGERIA 2004, THAT THIS IS A TRUE COPY OF THE BILL PASSED BY BOTH HOUSES OF THE NATIONAL ASSEMBLY.



SALISU ABUBAKAR MAIKASUWA, OON, mni  
CLERK TO THE NATIONAL ASSEMBLY

30<sup>th</sup>  
DAY OF DECEMBER, 2013

## Change Record

Version	Date	Change References
1.0	dd/03/2015	First version of updated template.

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