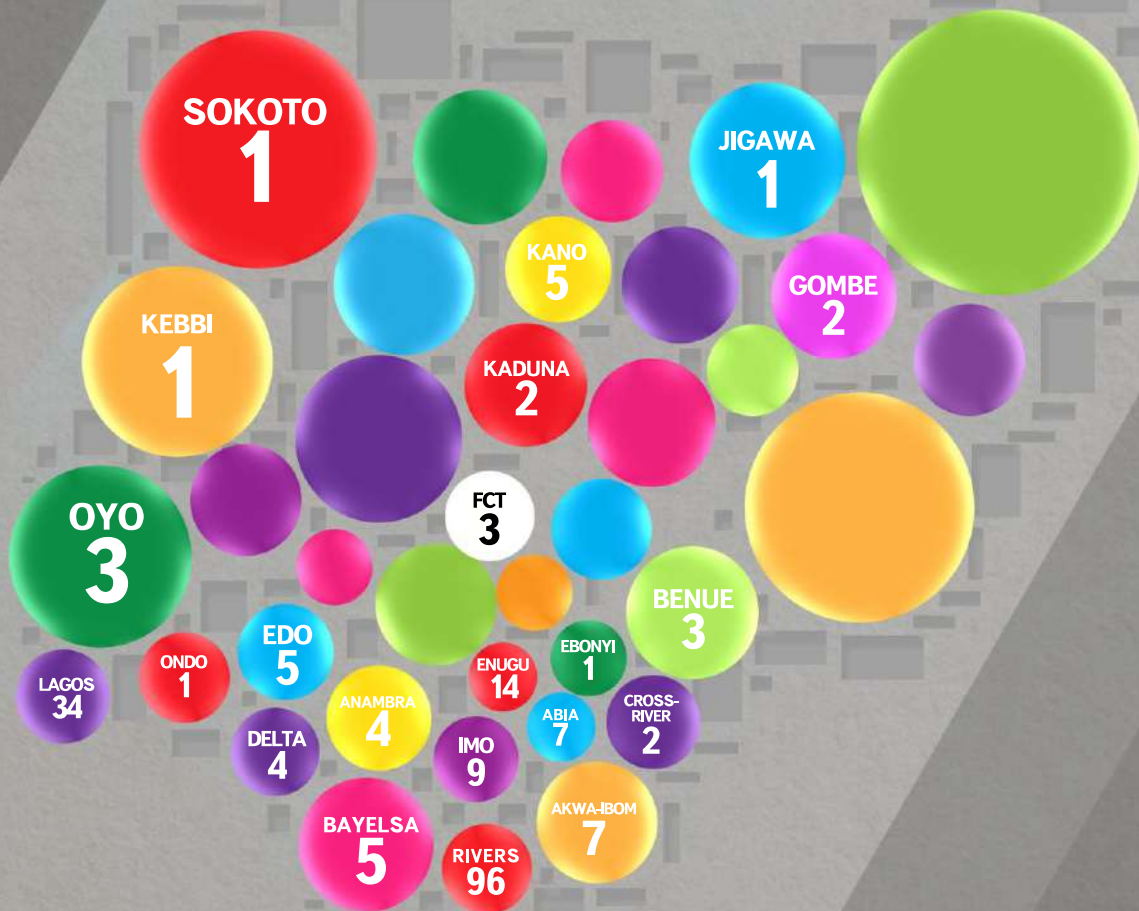




2017



HUMAN RIGHTS VIOLATIONS REPORT BASED ON

SEXUAL ORIENTATION AND GENDER IDENTITY EXPRESSION IN NIGERIA

2017 Report on
Human Rights Violations based on
**Real or Perceived Sexual Orientation
and Gender Identity in Nigeria**

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TIERs

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The report is compiled by



In partnership with

Access to Good health initiatives (AGHI)
Access to Health and Rights Development initiative (AHRDI)
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Dream Achievers Youth Initiative (DAYI)
Women's Health and Equal Rights Initiative (WHER)
**Initiative for the advancement of improved health and
development**



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Abbreviations

ACHPR	African Commission on Human and Peoples Rights
AMSHER	African Men for Sexual Health and Rights
ICCPR	International Covenant on Civil and Political Rights 1966
ICESCR	International covenant on economic social and cultural rights 1966
LGBTQI	Lesbian, Gay, Bisexual, Transgender, Queer and /or Intersex
NHRC	National Human Rights Commission
SOGI	Sexual orientation and gender identity
SSMPA	Same sex marriage prohibition Act 2013
SSMPL	Lagos State Same Sex Marriage (Prohibition) Law 2007
TIERS	The initiative for Equal Rights
VAPP	Violence Against Persons (Prohibition) Act 2015
UNHRC	United Nations Human Rights Council

Glossary

For the purposes of this report, the meaning of the following terms are as provided below.

Biphobia

The fear and hatred of or discomfort with bisexual people.

Bisexual

A person emotionally, romantically, sexually or relationally attracted to both men and women, though not necessarily simultaneously or equally.

Gay

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

Gender

Socially constructed roles, behaviour, activities and attributes that a given society considers most appropriate and valuable for men, women and others and which determines relations between them.

Gender expression

External manifestation of one's gender identity, usually expressed through masculine, feminine or gender-variant behaviour, clothing, haircut, voice or body characteristics.

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 people.

Homophobia

The fear and hatred of or discomfort with homosexual people.

Homosexual

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

Lesbian

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

LGBTQI

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

Living openly

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

Outing

Exposing someone's sexual orientation as being lesbian, gay, bisexual, trans, queer and/ or intersex without their permission. Outing someone can have serious criminal, employment, economic, safety and/ or religious repercussions in some societies or situations.

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.

Transgender

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

Transphobia

The fear and hatred of, or discomfort with trans people.

Transsexual

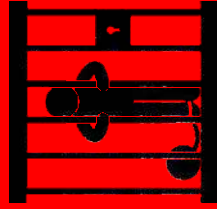
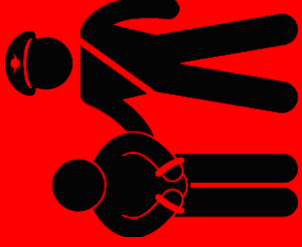
A term describing people whose gender and sex do not line up, and who often seek medical treatment to bring their body and gender identity into alignment

STATISTICS



STATES

247
PEOPLES VIOLATED



210
Total Number of
Violations

STATE(S) WITH LOWEST REPORT



Ebonyi
Ondo
Jigawa

STATE(S) WITH HIGHEST REPORT



Rivers
Lagos
Enugu



32
State Actors
(perpetrators)



168
Non-State Actors
(perpetrators)



10
Both State and
Non State Actors

1

INTRODUCTION

Blatant violations of fundamental human rights continue to plague those who self-identify or are perceived as lesbian, gay, bisexual, trans, queer and/ or intersex (LGBTQI). Violence, discrimination and inhuman and degrading treatment against them persist, largely predicated upon cultural and religious prejudice, inability to accept the unfamiliar and continued enforcement of the Same Sex Marriage Prohibition Act 2014 (SSMPA). As stated in our 2016 Report, LGBTQI people face serious challenges as do other Nigerians since the country lacks human rights frameworks and mechanisms that are consistently enforced. This causes people living in Nigeria to experience great difficulty in ensuring protection of their rights and access to basic social services. Further, human rights violations based on real or perceived sexual orientation and gender identity in Nigeria continue to persist because of deep rooted bias fuelled by widespread ignorance of LGBTQI issues, religious fundamentalism and stereotypes, making it difficult for LGBTQI people to freely exist within Nigerian society.

The Nigerian Constitution guarantees the rights to life, dignity, personal liberty, a fair hearing and freedom of movement amongst other human rights. These rights apply to all without limitation on the grounds of sexual orientation, gender identity or gender expression. Nigeria is bound by several regional and international human rights treaties including the African Charter on Human and Peoples' Rights 1981 (African Charter), the International Covenant on Civil and Political Rights 1966 (ICCPR) and the International Covenant on Economic Social and Cultural Rights 1966 (ICESCR). The principles of universality, equality, non-discrimination and fairness are key in these instruments and the precondition for enjoyment of enshrined rights is humanity itself.

This report explores the fact that, despite the provisions of these human rights instruments, fundamental human rights of LGBTQI people continue to be violated. One of the key reasons for this is that Nigerians, including those in positions of authority and influence, do not see LGBTQI people as deserving of human rights.

This report starts by outlining the legal framework governing human rights in Nigeria. It goes on to discuss frequent forms of violence perpetrated against LGBTQI people in Nigeria reported to human rights organisations from December 2016 to November 2017 and examine the year's trends and the effect of these cases and trends on the rule of law. It ends by providing recommendations to the government, the National Human Rights Commission (NHRC), the police and civil society organisations on how human rights of LGBTQI people can be protected and promoted.

2 SOGI DEVELOPMENTS IN 2017

In 2017, there were several instances of mass arrests based on perceived sexual orientation. Fundamental rights of people to freedom of assembly, association, conscience and thought were violated by state actors. A number of cases of arbitrary arrests and unlawful detention were perpetrated by the police in 2017. These actions have continued to embolden non-state actors, resulting in continuous human rights violations. The year saw a higher rate of abuse and violation of rights of persons perceived to be LGBTQI than in 2016 with many cases of assault, blackmail, extortion and invasion of privacy reported.

On the other hand, there has been some change at the institutional level. The NHRC strengthened its resolve against violence based on sexual orientation, gender identity and expression (SOGIE). It continues to reiterate that violation of fundamental human rights of Nigerians will be taken seriously without regard to sexual orientation of the individuals affected. This stance is different from that taken by the NHRC in previous years. This change, as well as accompanying actions, is commended. The NHRC engaged with The Initiative for Equal Rights (TIERs) on some of the human rights violations reported in 2016. In 2017, an improvement in response to human rights violations based on SOGIE was recorded because reporting channels were strengthened and public education on fundamental human rights improved.

A look at the 2017 perception survey carried out by NOIPolls and commissioned by TIERs shows that 90% of adults in Nigeria remain in support of the SSMPA. This is an increment from the 87% who were in support of the Act in a similar poll conducted in 2015. In 2015, 30% of Nigerians agreed that lesbian, gay and bisexual people (LGB) should have access to public services such as healthcare services, housing and other related public amenities. In 2017, there was a 9-point increase in the positive response to this question with 39% of respondents thinking LGB persons should be allowed to have access to public services. The survey further points to a 2% increase in the number of Nigerians who would accept a family member if they came out to them as an LGB person. The poll result from 2015 shows only 11% of respondents would have accepted a family member who identifies as LGB whereas the 2017 poll shows this figure as standing at 13%. This change shows a small improvement in support and acceptance of LGB persons by family members.

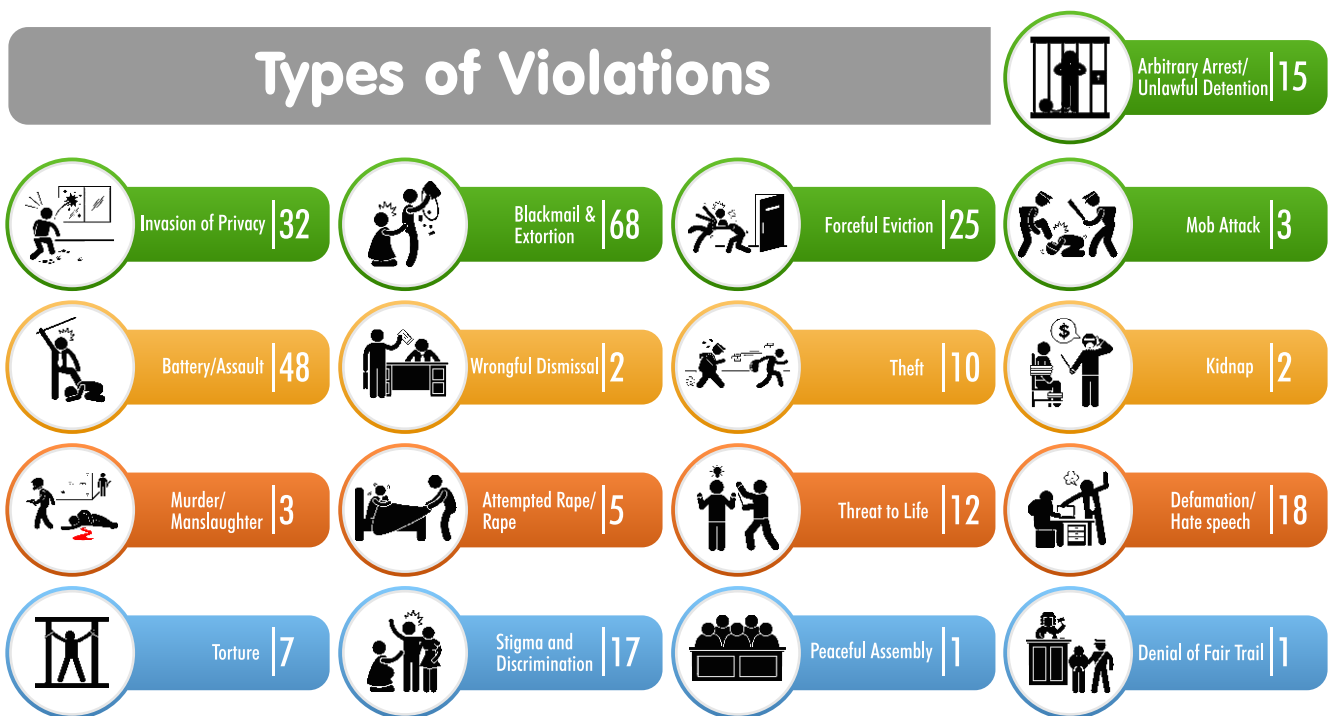
The above results show that, despite modest improvements in perceptions around access to public services and family acceptance, strong support for discriminatory laws that criminalise activities of LGB persons remains. The persistence of discriminatory laws with very real impact as well as wilful ignorance on LGBTQI issues and general antagonism, resulting in violence towards LGBTQI people is still very much evident.

TRENDS OF VIOLATIONS

Analysis of violations reported to human rights organisations in the last three years show that even though fundamental human rights of LGBTQI people continue to be violated, with violence a constant occurrence in daily lives, methods used have changed. Experiences also differ based on location, individuals involved and other factors.

In 2014, immediately after the promulgation of the SSMPA, LGBTQI people in Nigeria experienced violence and abuse under its shadow. This law opened the floodgates and violence was at an all-time high. At the time, physical violence was the most common means of silencing LGBTQI people. However, in the last few years, violations reported show a decrease in the use of physical violence and a rise in invasion of privacy, blackmail and extortion, arbitrary arrests and unlawful detention. These acts are perpetrated by both state actors and non-state actors.

The number of human rights violations of LGBTQI people reported to human rights organisations between December 2016 and November 2017 separated by category are found below:



MEDIA REPORTS 2017

During the reporting period, several cases of violations by state actors including invasion of privacy, infringement of rights to association and assembly, and arbitrary arrests and detention were recorded. Some of these incidents were reported by print and online media and unfairly sensationalised, as can be seen below.

A group of 53 people have been charged in Nigeria after they were arrested last week from what police say was a party celebrating an unofficial gay wedding. The group pleaded not guilty to charges relating to conspiracy, unlawfully assembly and membership in an unlawful society, the BBC reports... LGBT-rights activists refute the police's report that the men were celebrating a same-sex wedding, saying the event in the northern city of Zaria was a birthday party. Maria Sjodin, deputy executive director of OutRight Action International, a group advocating for LGBT rights internationally, told NBC News that the arrests were part of an attempt to suppress "an emerging LGBTQ movement" in the West African country. Sjodin said Nigeria's laws prohibiting gay marriage are being used as "a way to crack down on anyone advocating for human rights of LGBT people."

- K. Lui, 'Police in Nigeria Have Charged 53 Men for Celebrating a 'Gay Wedding,' Time, 21 April 2017

'Police in Kano has arrested 124 suspected "rapists and homosexuals" from April to June in the state. The spokesman of the police in Kano, Magaji Musa Majia, said the police had recorded 115 cases of rape, sodomy and other acts of gross indecency within the period under review. Majia disclosed that 128 victims were involved in the crimes out of which 124 suspects had been arrested. According to him, 94 cases were charged to courts, while 13 cases are under investigation. He expressed worry over the increasing rate of such crimes across the state. The police spokesman promised that the police would continue to do their best to curtail the situation. Majia appealed to religious leaders, traditional rulers and other well-meaning Nigerians to join hands in fighting the social vices in the state and Nigeria in general.'

-I. Shuaibu, 'Police in Kano Arrest 124 Suspected Rapists, Homosexuals,' This Day, 14 June 2017

Two men – [name redacted] and [name redacted] – were arraigned before a Surulere Chief Magistrates' Court in Lagos charged with anal sex. The accused – [name and age redacted] and [name and age redacted] - are facing a two-count charge of same-sex having sexual intercourse and fighting in the public. The duo, however, pleaded not guilty to the charges. The Police Prosecutor, Sgt. Anthonia Osayande told the court that the accused with others still at large committed the offence at City Centre Hotel at Ijeshatedo in Surulere about 3:00 pm on June 1. Osayande said the accused were caught by a police patrol team fighting publicly over non-payment of money for sexual acts... He noted that the offences contravened Sections 54 and 136 of the Criminal Law of Lagos State 2015 (Revised). The Chief Magistrate, Mrs. Ipaye Nwachukwu, granted bail to the accused in the sum of N100,000 each with two sureties each in like sum. She ordered that the accused should submit their passport-size photographs to the court registrar. Nwachukwu said one of the sureties must be a blood relation of the accused, while the other must be a cleric or a community leader.'

- Bisola, 'Two "Gay" Men Arrested in Lagos,' The Spark NG, 15 June 2017

3 GOVERNING LEGAL FRAMEWORKS

3.1 THE NATIONAL LEGAL FRAMEWORK

The Constitution of the Federal Republic Nigeria is the supreme law of the country. It guarantees the rights to life, privacy, association and assembly, thought and conscience and to movement. It also protects rights to human dignity and freedom of expression. Any law inconsistent with its provisions is void to the extent of its inconsistency. The enactment of the Violence Against Persons (Prohibition) Act (VAPP Act) in May 2015 was a landmark step underlining and furthering these constitutional guarantees. It addressed 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 a matter of legal debate. Whether the legislation needs to be domesticated by the State Houses of Assembly in all 36 states to apply across the nation is unclear.

Furthermore, legislation also codifies discrimination and criminalisation of LGBTQI people, most prominently in the SSMPA. Although sections within the Nigerian criminal and penal codes criminalise conduct that occurs or is seen to occur between people of the same sex, these provisions are not as broad as those in the SSMPA. It prohibits and criminalises entering into a marriage contract or civil union between people of the same sex; registration of clubs, societies and organisations as well as their sustenance, processions and meetings; and the direct or indirect public show of same sex amorous relationships. These provisions infringe constitutional rights, including that to freedom from any form of discrimination.

These discriminatory laws promote hate, intolerance and prejudice towards LGBTQI people and their families and friends. As shown below, discriminatory laws play a major role in violation of 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 these inconsistencies between laws and policies and serve as evidence of the violence perpetuated in Nigeria.

3.2 THE REGIONAL LEGAL FRAMEWORK

The African Charter guarantees freedom from discrimination, equal protection and equality of individuals and people before the law. The Charter also provides for liberty and security of the person, the right to dignity and freedom of association. Its Article 2 provides that, "Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without the distinction of any kind; such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status." The African Commission on Human and Peoples' Rights (African Commission), the body responsible for monitoring compliance with the African Charter, has clearly established that "other status" can be interpreted to include grounds other than those explicitly stated in Article 2 and has condemned acts of discrimination.

The African Charter on Human and People's Rights (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.

Concerned by the increasing violence against LGBTQI people, the African Commission adopted a landmark resolution on 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 on the basis of real or imputed sexual orientation, gender identity and/ or expression. The African Commission 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.

Furthermore, the African Commission, during Nigeria's periodic report to it in November 2015, called for a review of the SSMPA "to prohibit violence and discrimination in access to HIV prevention, treatment and care services as well as to ensure the protection of other human rights of sexual minorities guaranteed under the African Charter and other international instruments to which Nigeria is a party."

3.3. THE INTERNATIONAL LEGAL FRAMEWORK

It has been long established that the grounds of discrimination enumerated by the ICCPR and the ICESCR are non-exhaustive and that the term "other status" includes sexual orientation and/or gender identity and expression. International human rights law applies equally to LGBTQI people living in all parts of the world.

The framework provided by the Yogyakarta principles in 2006 was a welcome development. The Principles 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.

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.

International laws, resolutions, and conventions reiterate the principle of non-discrimination and strongly oppose violence. Human rights are not to be earned by conformity or by other means. They are rights engrained in humanity. The humanity of LGBTQI people should be paramount and the dignity of human people must prevail in human rights discussions.

4.1 METHODOLOGY

The cases documented in this report were collected and compiled by human rights organisations from states across Nigeria between December 2016 and November 2017. A total of 210 cases were documented during this period. Cases were reported by survivors, eyewitnesses and friends, a network of community paralegals, via toll-free lines and by the media. These reports were collected by eight human rights organisations (TIERs in conjunction with Women's Health and Equal Rights Initiative, Initiative for the Advancement of Humanity, Improved Youth Health Initiative, Access to Good Health Initiative, Access to Health and Rights Development Initiative, Hope Alive Initiative and Advocacy for Justice and Equality Nigeria), spread across the six geo-political zones in the country. Authentication and status reports of cases was carried out by the human rights department of TIERs.

These cases affected 19 women and 228 men. Reporting is low amongst women because they fear possible backlash against them if their sexuality or gender identity is known. Another factor is the socio-cultural beliefs that suppress women and encourage a culture of silence in the face of violations against women and girls.

In terms of geographical trends, Lagos and Rivers states recorded the highest number of violations while states such as Ebonyi, Ondo, Sokoto, Kebbi and Jigawa recorded the lowest number of cases. However, even in these states, cases of violence were recorded. In Jigawa for example, it was reported that a student was beaten to death by his classmates at the technical college. It is important to remember that reporting does not necessarily reflect incidence. Cases reported are likely to be a fraction of those that occur. Reporting is far from even across the country. Violations continue to go unreported to state security agencies and human rights non-governmental organisations alike due to fear of further reprisals and persecution. LGBTQI human rights organisations are continuing to increase awareness on the need for people who have experienced violations to report to those trusted for support and advice as well as to contribute to a better picture of what is taking place.

These case summaries in section 5 below are not representative of the experiences and realities of LGBTQI people in Nigeria. Rather, they aim to provide a series of snapshots of challenges and violations faced. The names provided are aliases to protect the identities of those concerned and prevent any further discrimination and prejudice.

4.2 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, kidnap, 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 while blackmail and extortion were the most common types of violations perpetrated by non-state actors. There were many cases of entrapment: perpetrators pretending to be LGBTQI to lure and attack others.

The role of discriminatory laws is 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 reprisals. There are many cases where police officers have arbitrarily arrested people perceived to be LGBTQI based on information illegally obtained from their phones or circumstantial evidence before they proceed to demanding huge sums of money from them to process release. These violations often go unreported due to lack of trust in law enforcement institutions. This is not surprising given the fact that these government institutions are often the perpetrators of harm themselves or act in collusion with non-state actors.

5.1 BLACKMAIL AND EXTORTION

Section 408 of the Criminal Code specifies blackmail and extortion as criminal offences:

Any person who with intend to extort or gain anything from any person-

1. Accuses or threatens to accuse any person of committing any felony or misdemeanour or of offering or making any solicitation or threat to any person as an inducement to commit or permit that commission of any felony or misdemeanour; or
2. Threatens that any person shall be accused by any other person of any felony or misdemeanour of any such act....
3. Knowing the content 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 intend to have carnal knowledge of any person against that order of nature or an unlawful and indecent assault upon a male person.

The offender is liable to imprisonment of 14 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.

Charles, 15 September 2017, Rivers State

Charles was attacked based on his perceived sexual orientation. He reported that, on his way from work, he was accosted by three young men who said he looked like a homosexual. They proceeded to collect his phone, laptop and other personal effects and beat him severely while hurling abuses and homophobic slurs at him.

John, 22 February 2017, Lagos State

John was accosted by male police officers as he came down off a bus. He was immediately taken away and his phones collected. They began to assault him. He was taken to a corner and accused of being a homosexual because he was thought to be effeminate. John insisted he was not gay but the police refused to listen to him. His phone, bag and person were searched but officers found nothing that could incriminate him. He was seriously beaten by these policemen who slapped him around while shouting derogatory insults at him. During the search of his person, N8,000 was found in his pocket. The officers took this and left him on the road.

Bala, 24 April 2017, Sokoto State

A man named Faizal tried to extort money from Bala, a laundry shop owner, based on his perceived sexual orientation. Bala refused to pay the amount requested, insisting he was not homosexual. Faizal reported the incident to his friends. The 13 of them then proceeded to publicly parade Bala half naked and battered and humiliated him.

5.2 KIDNAPPING

Under the Nigerian Criminal Code, section 365 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.

Julius, 1 June 2017, Imo state

Julius was kidnapped by unknown people based on his perceived sexual orientation. He was on his way to attend a literary event detailing the lives of queer people in Anambra state. The last communication shared before Julius was reported missing was that he was at the park in Abia state about to depart. Julius never arrived in Imo. His kidnap was confirmed when a friend received communication from kidnapers, demanding a ransom. Some friends and other concerned people transferred money into Julius's personal bank account which the kidnapper controlled during the kidnapping. Julius was later dropped off to be found by his relatives.

5.3 ARBITRARY ARREST AND UNLAWFUL DETENTION

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.

Tahir and others, 17 April 2017, Gombe State

Four young men were arrested and taken to the police for suspected homosexual practice in Tudun Wada community in Gombe state. They were apprehended by community members while at one of their houses. The neighbours had suspicions that the person living there and his friends were gay. On the day of the incident, the Hisbah knocked and threatened to break down the door if the young men did not open it. Out of fear, they opened the door. The Hisbah immediately stripped the men naked, beat and inflict injuries on them then proceeded to parade them on the street before handing them over to the police.

Taofeek and others, 1 September 2017, Kano State

Eight men suddenly were suddenly rounded up and arrested based on the suspicion that they are gay and work for an organization that promotes LGBT rights in Kano. The men were locked up for 3 days without adherence to civic rights while in detention. They were later charged to court. The case was later dismissed for lack of evidence.

5.4 BATTERY AND ASSAULT

Section 252 of the Criminal code states:

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

Nnena and Florence, 27 July 2017, Rivers State

Nnena and Florence were humiliated and attacked on the street in Port Harcourt by people who alleged they were lesbians. They were attacked using water and sand while insults and derogatory slurs were hurled at them.

Edna, 8 March 2017, Lagos State

Edna, a lesbian woman who had come out to her family was brutally assaulted by her elder brother. The assault resulted in physical injuries, including a broken arm and severe psychological trauma. However, Edna felt unable to make a police report due to fear of further violence and discrimination.

Salisu and Bunmi, 13 February 2017, Kano State

Salisu and Bunmi were serving youth corpsers working as peer educators. They were going about their work, sensitising and mobilising the community around HIV testing and counselling outreach when they were brutally attacked by a mob. They sustained injuries. The mob claimed that Salisu was gay and so Bunmi must be as well. They were badly beaten until they fled and sought refuge in a police station.

Edwin, 15 January 2017, Rivers State

Edwin was assaulted by his brothers when they found out about his sexual orientation. He was publicly humiliated by his brother who, while beating him in public, called him derogatory names and gave him an ultimatum to move out of the house otherwise the brothers would make life unbearable for him.

5.5 THREAT TO LIFE

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

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

Hassan Gambo, 6 August 2017, Jigawa State

Hassan Gambo was beaten to death by the students at his school over his perceived sexual orientation. This incident occurred at the Government Science and Technology College, Karkar, Jigawa state.

Kachi, 9 May 2017, Bayelsa State

Kachi's roommate repeatedly threatened to kill him if he ever came home to meet him and a male friend. At one time, he attacked him with a plank inflicting serious injuries but Kachi survived the attack.

Nimi, 9 May 2017, Rivers State

Nimi, a university undergraduate, had been under suspicion from his roommates with whom he shared a flat. Things got out of hand when Osagie, one of the roommates began to use hateful words. Nimi, in confusion, responded casually, paying him no attention. Suddenly Osagie picked up a plank and threatened Nimi, telling him never to invite his gay friend over again or next time he would kill them both.

Justice, 16 August 2017, Lagos State

Justice was assaulted by a group of young men who claimed they knew about his sexual orientation and were going to expose him for being gay. He pleaded with them by offering them money and he was left alone. The second time, they came into his apartment and took away most of his belongings after assaulting him. Justice was told that the next time they meet him at home or anywhere around the area, they would kill him. Justice has since relocated from that area.

5.5 RAPE

Section 357 of the Criminal Code states that:

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

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

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.

Sally, 2 July 2017, Bayelsa State

Sally was gang raped by 4 men who threatened to kill her if she ever reported the incident. The attack was carried out with the intent to cure her of lesbianism.

Tobias, 16 August 2017, Rivers State

Tobias was blackmailed into having sexual intercourse with the community pharmacist where he lived. The man claimed he knew of Tobias's sexual orientation and would not fail to broadcast the information if Tobias did not agree to his demands.

Henry, 7 March 2017, Rivers State

Henry who lives near an army barracks had constantly been a subject of ridicule by the soldiers posted at the barracks gate. Feeling helpless, he would try to ignore them as he passed. One day, Henry was stopped by one of the soldiers on duty. The soldier called him into the barracks and led him into the security post where the soldier and five others raped Henry.

5.6 INVASION OF PRIVACY

Section 37 of the Nigerian Constitution states that:

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

Richard and friends, 8 August 2017, Rivers State

Richard had a few friends over at his house when some people barged in, breaking down the door. The intruders claimed they had reason to believe homosexual activities were being carried out in the house. Richard and his friends were immediately taken outside, beaten and tied up then left outside in the rain over night.

Salisu, 21 June 2017, Kebbi State

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

Tunde, 23 January 2017, Lagos State

Tunde was in a commercial tricycle when the police stopped him for a random search. He was immediately told to come out of the tricycle and they proceeded to search him. His phones were collected and searched. They found some suggestive chat messages on his phone. He was promptly arrested and taken to the police station. He had to call his brother to come and bail him.

Uche and others, 1 May 2017, Kano State

A healthcare worker breached the privacy and confidentiality of his patient when he began to disclose clients' sexuality to their parents and the family members. He informed families of patients that their children was gay and had been referred to the clinic for uptake of services for sexually transmitted infections.

Tosin, 23 January 2017, Lagos State

The bus Tosin boarded was stopped by male police officers for a security check. Out of all the passengers, Tosin was singled out and the police demanded to search him. The police men went through his phone and Tosin was subsequently arrested and taken to the police station on accusation that he was gay. At the station, he was extorted for money, amidst derogatory chants from other officers on duty, before he was set free to go.

LGBTQI people are constantly faced with issues of unlawful detention from non-state actors who are emboldened by discriminatory laws such as the SSMPA to deprive them of personal liberty. 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 as long as a month.

Unfortunately, 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.

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 incidents due to 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. However, LGBTQI people lack access to justice for human rights violations and other crimes.

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

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

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

The existence of discriminatory laws provides an atmosphere where violations thrive, it creates a sense of impunity in perpetrators and fear in victims. It is common place for people to prey on LGBTQI people, often blackmailing and extorting money from them while leaving them in a state of constant fear and hopelessness. Religious and traditional sentiments, discriminatory laws and a hostile social environment has 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 legal and social environment often leads to isolation, depression and suicide amongst LGBTQI people.

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

8

RECOMMENDATIONS

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

To the Nigerian Government

- Condemn violence against people based on real or perceived sexual orientation and gender identity or expression.
- 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 Civil Society

- 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.

CASE SUMMARY

National

S/N	DATE	CASE TYPOLOGY	PERPETRATORS	LOCATION
1	06 -12 – 16	Blackmail, Theft	Non-state actor	Rivers
2	06 -12 – 16	Stigma/Discrimination	Non-state actor	Rivers
3	02 – 12 – 16	Invasion of privacy	Non – state actors	Enugu
4	09 – 12 – 16	Defamation	Non-state actors	Enugu
5	11 – 12 – 16	Threat to life, Stigma, Blackmail	Non-state actors	Cross-River
6	12 – 12 – 16	Invasion of privacy	State actors	Abia
7	12 – 12 – 16	Assault, Defamation	Non-state actors	Rivers
8	13 – 12 – 16	Invasion of Privacy, Arbitrary Arrest	Non-state actors	Rivers
9	15 – 12 – 16	Arbitrary Arrest & Detention	State actors	Rivers
10	16 – 12 – 16	Stigma, Defamation, Forceful Eviction	Non-state actor	Rivers
11	06 -12 – 16	Arbitrary Arrest & Unlawful Detention	State actors	Rivers
12	19 – 12 – 17	Blackmail/Extortion	Non-state actors	Akwa-Ibom
13	01 – 01 – 17	Assault/Battery	Non-state actors	Abia
14	04 – 01 – 17	Forceful Eviction	Non-state actors	Akwa-Ibom
15	04 – 01 – 17	Assault	Non-state actor	Rivers
16	05 – 01 – 17	Assault/Battery	Non-state actor	Rivers
17	09 – 01 – 17	Defamation, Stigma, Unlawful Detention	Non-state actors & State actors	Rivers
18	10 – 01 – 17	Invasion of Privacy	Non-state actors	Rivers
19	12 – 01 – 17	Assault/Battery, Defamation	Non-state actors	Imo
20	12 – 01 – 17	Blackmail/Extortion, Theft	Non-state actors	Rivers
21	15 – 01 – 17	Assault, Defamation	Non-state actors	Rivers
22	16 – 01 – 17	Forceful Eviction, Extortion	Non-state actors	Lagos
23	17 – 01 – 17	Assault Battery	Non-state actor	Rivers
24	19 – 01 – 17	Stigma/Discrimination, Blackmail/Extortion	Non-state actors	Rivers
25	22 – 01 – 17	Stigma/Discrimination	Non-state actor	Rivers
26	23 – 01 – 17	Invasion of privacy, defamation	State actors	Lagos

CASE SUMMARY

National

S/N	DATE	CASE TYPOLOGY	PERPETRATORS	LOCATION
27	25 – 01 – 17	Stigma/Discrimination	Non-state actor	Rivers
28	26 – 01 – 17	Stigma, Defamation	Non-state actor	Rivers
29	27 – 01 – 17	Blackmail/Extortion, Assault/Battery, Invasion of Privacy	Non-state actor	Lagos
30	01 – 02 – 17	Stigma & Discrimination	Non-state actor	FCT
31	02 – 02 – 17	Defamation	Non-state actor	Rivers
32	02 – 02 – 17	Assault/Battery, Dignity	Non-state actors	Rivers
33	04 – 02 – 17	Blackmail/Extortion	Non-state actor	Delta
34	05 – 02 – 17	Forceful Eviction, Threat to Life	Non-state actor	Benue
35	13 – 02 – 17	Forceful Eviction	Non-state actor	Lagos
36	13 – 02 – 17	Assault	Non-state actors	Kano
37	15 – 02 – 17	Theft	Non-state actor	Rivers
38	17 – 02 – 17	Stigma, Blackmail & Extortion	Non-state actors	Delta
39	20 – 02 – 17	Arbitrary Arrest & Detention	State actors	Rivers
40	28 – 02 – 17	Assault/Battery	Non-state actors	Cross-River
41	02 – 03 – 17	Assault Battery, Extortion	Non-state actors	Lagos
42	08 – 03 – 17	Threat to Life, Assault/Battery	Non-state actor	Lagos
43	09 – 03 – 17	Defamation, Discrimination	Non-state actor	FCT
44	10 – 03 – 17	Invasion of privacy, Threat to life	Non-state actors	Lagos
45	11 – 03 – 17	Assault/Battery	Non-state actors	Anambra
46	12 – 03 – 17	Assault Battery, blackmail/Extortion	Non-state actors	Lagos
47	04 – 03 – 17	Extortion	State actors	Gombe
48	06 – 03 – 17	Assault/Battery	Non-state actors	Rivers
49	07 – 03 – 17	Rape	State actors	Rivers
50	13 – 03 – 17	Invasion of Privacy	Non-state actor/State-actor	Rivers
51	14 – 03 – 17	Criminal Trial	State actors	Rivers
52	15 – 03 – 17	Blackmail	Non-state actors	Rivers
53	15 – 03 – 17	Criminal Trial Arbitrary Arrest, Detention	State actors	Edo
54	17 – 03 – 17	Theft	Non-state actor	Rivers
55	17 – 03 – 17	Arbitrary Arrest & Unlawful Detention	State and Non-state actors	Kano

CASE SUMMARY

National

S/N	DATE	CASE TYPOLOGY	PERPETRATORS	LOCATION
56	22 – 03 – 17	Arbitrary Arrest & Detention, Assault Battery	State actors	Lagos
57	23 – 03 – 17	Discrimination	State actors	Kaduna
58	25 – 03 – 17	Blackmail/Extortion Assault/Battery	Non-state actors	Lagos
59	27 – 03 – 17	Battery/Assault, Blackmail/Extortion	Non-state actor	Lagos
60	28 – 03 – 17	Blackmail, Assault, Theft	Non-state actors	Rivers
61	29 – 03 – 17	Invasion of Privacy	Non-state actors	Lagos
62	30 – 03 – 17	Assault/Battery	Non-state actors	Lagos
63	01 – 04 – 17	Invasion of Privacy, Stigma and Discrimination	Non-state actor	Kano
64	06 – 04 – 17	Invasion of Privacy, Arbitrary Arrest, Detention	State actors	Gombe
65	01 – 04 – 17	Blackmail, Assault, Extortion, Threat to Life	Non-state actor	Oyo
66	08 – 04 – 17	Blackmail/Extortion	Non-state actor	Akwa-Ibom
67	08 – 04 – 17	Forceful Eviction	Non-state actor	Rivers
68	10 – 04 – 17	Assault	State actors	Rivers
69	10 – 04 – 17	Forceful Eviction	Non-state actor	Rivers
70	11 – 04 – 17	Forceful Eviction	Non-state actors	Lagos
71	14 – 04 – 17	Blackmail & Extortion	Non-state actor	Rivers
72	15 – 04 – 17	Extortion	State actors	Kaduna
73	15 – 04 – 17	Assault/Battery	Non-state actors	Lagos
74	16 – 04 – 17	Stigma/Discrimination	Non-state actor	Rivers
75	16 – 04 – 17	Assault	State actors	Bayelsa
76	17 – 04 – 17	Blackmail/Extortion	Non-state actor	Rivers
77	17 – 04 – 17	Assault	State actor	Bayelsa
78	18 – 04 – 17	Forceful Eviction	Non-state actor	Rivers
79	19 – 04 – 17	Blackmail/Extortion, Theft	Non-state actors	Rivers
80	19 – 04 – 17	Assault/Battery	Non-state actor	Rivers
81	22 – 04 – 17	Blackmail, Theft, Extortion, Battery/Assault	Non-state actor	Rivers
82	24 – 04 – 17	Blackmail	Non-state actors	Sokoto
83	25 – 04 – 17	Threat to Life, Stigma	Non-state actors	Rivers
84	26 – 04 – 17	Invasion of privacy	Non-state actors	Lagos

CASE SUMMARY

National

S/N	DATE	CASE TYPOLOGY	PERPETRATORS	LOCATION
85	02 – 05 – 17	Assault/Battery, Extortion	Non-state actors	Enugu
86	05 – 05 – 17	Blackmail/Extortion,	Non-state actor	Lagos
87	08 – 05 – 17	Wrongful dismissal	Non-state actor	Rivers
88	08 – 05 – 17	Extortion/Blackmail	Non-state actors	Bayelsa
89	09 – 05 – 17	Threat to life	Non-state actor	Rivers
90	10 – 05 – 17	Assault/Battery, Attempted murder	Non-state actors	Rivers
91	10 – 05 – 17	Blackmail	Non-state actor	Rivers
92	12 – 05 – 17	Invasion of Privacy	Non-state actor	Rivers
93	12 – 05 – 17	Defamation, Assault	Non-state actors	Oyo
94	14 – 05 – 17	Torture	Non-state actors	Rivers
95	16 – 05 – 17	Mob Attack	Non-state actor	Rivers
96	19 – 05 – 17	Blackmail	Non-state actor	Rivers
97	19 – 05 – 17	Blackmail/Extortion	Non-state actor	Rivers
98	20 – 05 – 17	Trespass	Non-state actor	Rivers
99	20 – 05 – 17	Blackmail	Non-state actor	Rivers
100	20 – 05 – 17	Blackmail & Extortion	Non-state actor	Rivers
101	21 – 05 – 17	Arbitrary arrest & Detention	State actors	Akwa-Ibom
102	22 – 05 – 17	Blackmail/Extortion	Non-state actor	Rivers
103	25 – 05 – 17	Threat to Life	Non-state actors / State actors	Enugu
104	25 – 05 – 17	Blackmail	Non-state actor	Rivers
105	25 – 05 – 17	Defamation	Non-state actor	Rivers
106	27 – 05 – 17	Battery/Assault, Forceful Eviction, Invasion of Privacy	Non-state actor	Lagos
107	29 – 05 – 17	Assault, Extortion, Invasion of Privacy	Non-state actor/State actors	Ondo
108	30 – 05 – 17	Blackmail/Extortion	Non-state actor	Lagos
109	19 – 04 – 17	Kidnap	Non-state actors	Lagos
110	01 – 06 – 17	Invasion of Privacy	State actors	Rivers
111	03 – 06 – 17	Forceful Eviction	Non-state actors	Rivers
112	03 – 06 – 17	Blackmail/Extortion	Non-state actors	Rivers
113	07 – 06 – 17	Assault/Battery	Non-state actors	Imo

CASE SUMMARY

National

S/N	DATE	CASE TYPOLOGY	PERPETRATORS	LOCATION
114	07 – 06 – 17	Blackmail, Wrongful Dismissal	Non-state actors	Rivers
115	08 – 06 – 17	Invasion of privacy, threat to life, Forceful Eviction, Workplace Discrimination	Non-state actors	Oyo
116	16 – 06 – 17	Threat to life, Assault/Battery	State actors	Imo
117	12 – 06 – 17	Defamation	Non-state actor	Akwa-Ibom
118	12 – 06 – 17	Assault/Battery	Non-state actor	Lagos
119	13 – 06 – 17	Theft	Non-state actor	Rivers
120	15 – 06 – 17	Torture	Non-state actor	Rivers
121	17 – 06 – 17	Blackmail & Extortion	Non-state actor	Rivers
122	17 – 06 – 17	Defamation	Non-state actor	Rivers
123	18 – 06 – 17	Arbitrary Arrest	Non-state actors	Rivers
124	20 – 06 – 17	Defamation	Non-state actor	Imo
125	20 – 06 – 17	Invasion of privacy	Non-state actor	Rivers
126	20 – 06 – 17	Defamation	Non-state actor	Delta
127	21 – 06 – 17	Blackmail	Non-state actors	Kebbi
128	24 – 06 – 17	Theft	Non-state actor	Imo
129	25 – 06 – 17	Blackmail & Extortion	Non-state actor	Rivers
130	27 – 06 – 17	Forceful Eviction, Defamation	Non-state actors	Rivers
131	28 – 06 – 17	Mob Attack	Non-state actors	Rivers
132	28 – 06 – 17	Blackmail/Extortion Invasion of privacy	Non-state actor	Lagos
133	29 – 06 – 17	Torture	Non-state actors	Rivers
134	29 – 06 – 17	Invasion of privacy	State actors	Rivers
135	01 – 07 – 17	Blackmail	Non-state actor	FCT
136	06 – 07 – 17	Forceful Eviction	Non-state actor	Abia
137	12 – 07 – 17	Battery	Non-state actor	Abia
138	13 – 07 – 17	Blackmail/Extortion, Assault/Battery, invasion of privacy	Non-state actors	Lagos
139	15 – 07 – 17	Threat to Life	State actors	Benue
140	26 – 07 – 17	Forceful Eviction	Non-state actor	Enugu
141	02 – 07 – 17	Rape	Non-state actor	Bayelsa
142	04 – 07 – 17	Assault/Battery	Non-state actors	Anambra

CASE SUMMARY

National

S/N	DATE	CASE TYPOLOGY	PERPETRATORS	LOCATION
143	04 – 07 – 17	Forceful Eviction	Non-state actor	Rivers
144	06 – 07 – 17	Blackmail & Extortion	Non-state actor	Rivers
145	06 – 07 – 17	Forceful Eviction	Non-state actors	Enugu
146	07 – 07 – 17	Blackmail & Extortion	Non-state actor	Enugu
147	10 – 07 – 17	Invasion of Privacy	State actor	Rivers
148	10 – 07 – 17	Invasion of privacy	State actors	Edo
149	11 – 07 – 17	Blackmail	Non-state actors	Bayelsa
150	12 - 07 – 17	Assault Battery	Non-state actor	Abia
151	14 - 07 – 17	Blackmail & Extortion	Non-state actor	Enugu
152	14 - 07 – 17	Extortion	Non-state actor	Enugu
153	16 – 07 – 17	Invasion of privacy	State actors	Rivers
154	17 – 07 – 17	Blackmail & Extortion	Non-state actor	Anambra
155	18 – 07 – 17	Forceful Eviction	Non-state actors	Rivers
156	20 – 07 – 17	Mob Attack	Non-state actors	Rivers
157	24 – 07 – 17	Blackmail & Extortion	Non-state actors	Rivers
158	26 – 07 – 17	Invasion of privacy	State actor	Rivers
159	26 – 07 – 17	Forceful Eviction	Non-state actor	Rivers
160	26 – 07 – 17	Invasion of privacy	State actors	Akwa-Ibom
161	27 – 07 – 17	Assault	Non-state actor	Edo
162	28 – 07 – 17	Forceful Eviction	Non-state actors	Rivers
163	29 – 07 – 17	Theft, Invasion of Privacy	State actors	Enugu
164	30 – 07 – 17	Arbitrary Arrest, Unlawful Detention, Invasion of Privacy, Peaceful Assembly	State-actors	Lagos
165	01 – 08 – 17	Assault/Battery	Non-state actors	Lagos
166	01 – 08 – 17	Blackmail & Extortion	Non-state actor	Lagos
167	01 – 08 – 17	Invasion of privacy, Arbitrary Arrest & Unlawful Detention	Non-state actors/State actors	Kano
168	01 – 08 – 17	Blackmail & Extortion	Non-state actor	Lagos
169	05 – 08 – 17	Battery/Assault, Invasion of Privacy	State actors	Lagos
170	06 – 08 – 17	Manslaughter	State actors	Jigawa
171	06 – 08 – 17	Defamation	Non-state actor	Rivers

CASE SUMMARY

National

S/N	DATE	CASE TYPOLOGY	PERPETRATORS	LOCATION
172	08 – 08 – 17	Blackmail & Extortion	Non-state actor	Imo
173	08 – 08 – 17	Invasion of privacy	State actors	Lagos
174	08 – 08 – 17	Invasion of privacy, Torture	Non-state actors	Rivers
175	11 – 08 – 17	Forceful eviction	Non-state actor	Imo
176	11 – 08 – 17	Defamation	Non-state actors	Enugu
177	12 – 08 – 17	Blackmail	Non-state actor	Rivers
178	12 – 08 -17	Assault/Battery, Blackmail/Extortion	Non-state actors	Lagos
179	14 – 08 – 17	Blackmail & Extortion	Non-state actor	Enugu
180	14 – 08 – 17	Blackmail & Extortion	Non-state actors/State actors	Lagos
181	14 – 08 – 17	Torture	Non-state actor	Rivers
182	15 – 08 – 17	Torture, Blackmail	Non-state actors	Rivers
183	15 – 08 – 17	Blackmail & Extortion	Non-state actors	Ebonyi
184	16 – 08 – 17	Blackmail/Extortion, Threat to Life	Non-state actors	Lagos
185	16 – 08 – 17	Rape	Non-state actor	Rivers
186	17 – 08 – 17	Defamation, Threat to life	Non-state actor	Enugu
187	17 – 08 – 17	Battery/Assault	Non-state actor	Akwa-Ibom
188	18 – 08 – 17	Battery/Assault	Non-state actors	Lagos
189	19 – 08 – 17	Forceful Eviction	Non-state actors	Delta
190	20 – 08 – 17	Invasion of privacy, arbitrary arrest, kidnap	State actors	Lagos
191	22 – 08 – 17	Blackmail/Extortion	Non-state actors	Lagos
192	24 – 08 – 17	Defamation, Forceful Eviction	Non-state actor	Rivers
193	30 – 08 – 17	Blackmail & Extortion	Non-state actors	Rivers
194	01 – 09 – 17	Arbitrary Arrest & Unlawful Detention, Torture, Denial of Fair of Trail	Non-state actors/State actors	Kano
195	06 – 09 – 17	Blackmail, Extortion, Battery	Non-state actor	Abia
196	06 – 09 – 17	Attempted Murder	Non-state actors	Imo
197	07 – 09 – 17	Blackmail/Extortion	Non-state actors	Imo
198	07 – 09 – 17	Battery	Non-state actors	Rivers
199	08 – 09 – 17	Blackmail/Extortion	Non-state actor	Enugu
200	08 – 09 – 17	Rape	Non-state actors	Rivers

CASE SUMMARY

National

S/N	DATE	CASE TYPOLOGY	PERPETRATORS	LOCATION
201	09 – 09 – 17	Forceful Eviction	Non-state actors	Rivers
202	10 – 09 – 17	Blackmail & Eviction	Non-state actors	Rivers
203	10 – 09 – 17	Assault/Battery	Non-state actors	Edo
204	11 – 09 – 17	Assault/Battery Mob Attack, Theft	Non-state actors	Edo
205	14 – 09 – 17	Rape	Non-state actor	Rivers
206	15 – 09 – 17	Blackmail, Extortion and Battery	Non-state actors	Rivers
207	20 – 09 – 17	Battery, Stigma	Non-state actors	Rivers
208	21 – 09 – 17	Blackmail/Extortion	Non-state actor	Anambra
209	22 – 09 – 17	Arbitrary Arrest, Battery	Non-state actor / State actors	Abia
210	06 – 10 – 17	Blackmail & Extortion, Arbitrary Arrest and Detention	Non-state actor / State actors	Benue

APPENDICES

- Same Sex Marriage Prohibition Act-2013
- Resolution 275- Protection against violence and other human rights violations against persons on the basis of their real or perceived sexual orientation or gender identity.
- Same Sex Marriage Prohibition Law-Lagos State 2007

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.

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.
- (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.
- (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.
4. (1) The Registration of gay clubs, societies and organisations, their sustenance, processions and meetings is prohibited.
- (2) The public show of same sex amorous relationship directly

or indirectly is prohibited.

5. (1) A person who enters into a same sex marriage contract or civil union commits an offence and 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) Act, 2013. Citation.



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

 **30th DAY OF DECEMBER, 2013**

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

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

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



SALISU ABUBAKAR MAIKASUWA, OON, mni
 Clerk of the National Assembly
 26th Day of December, 2013



DR. GOODLUCK EBELE JONATHAN, GCFR
 President of the Federal Republic of Nigeria
 7th Day of December, 2013

I ASSENT.

Annex 2: 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



African Commission on Human and Peoples' Rights

The African Commission on Human and Peoples' Rights (the African Commission), meeting at its 55th Ordinary Session held in Luanda, Angola, from 28 April to 12 May 2014:

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

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

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

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

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

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

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

1. **Condemns** the increasing incidence of violence and other human rights violations, including murder, rape, assault, arbitrary imprisonment and other forms of persecution of persons on the basis of their imputed or real sexual orientation or gender identity;
2. **Specifically condemns** the situation of systematic attacks by State and non-state actors against persons on the basis of their imputed or real sexual orientation or gender identity;
3. **Calls on** State Parties to ensure that human rights defenders work in an enabling environment that is free of stigma, reprisals or criminal prosecution as a result of their human rights protection activities, including the rights of sexual minorities; and
4. **Strongly urges** States to end all acts of violence and abuse, whether committed by State or non-state actors, including by enacting and effectively applying appropriate laws prohibiting and punishing all forms of violence including those targeting persons on the basis of their imputed or real sexual orientation or gender identities, ensuring proper investigation and diligent prosecution of perpetrators, and establishing judicial procedures responsive to the needs of victims.

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

SAME SEX MARRIAGE (PROHIBITION) LAW
ARRANGEMENT OF SECTIONS

Section

1. Validity and recognition of marriage
2. Prohibition of same sex marriage
3. Prohibition of same sex marriage in a place of worship
4. Offences and the penalties
5. Jurisdiction
6. Interpretation
7. Citation and commencement

SAME SEX MARRIAGE (PROHIBITION) LAW

A LAW TO PROHIBIT THE LEGAL RELATIONSHIP BETWEEN PERSONS OF THE SAME SEX IN LAGOS STATE AND FOR CONNECTED PURPOSES

[Commencement]

[18th May 2007]

THE LAGOS STATE HOUSE OF ASSEMBLY enacts as follows—

1. Validity and Recognition of Marriage

As from the commencement of this Law, only a marriage entered into between a man on one part and a woman on the other part, under the Marriage Act and the Islamic and Customary Laws shall be valid and recognised in the State.

2. Prohibition of Same Sex Marriage

- (1) Any marriage entered into-
 - (a) by persons of same sex is prohibited in the State;
 - (b) between persons of same sex shall not be recognised as a valid marriage;
 - (c) by persons of same sex pursuant to a licence issued by another state or country, shall be void in the State.
- (2) Marriage between persons of same sex, entered into in any jurisdiction, either within or outside Nigeria, shall not be recognised in the State.
- (3) Any relationship between persons of same sex which is treated as marriage in any jurisdiction whether within or outside the country shall not be recognised in the State.
- (4) Ministries, Departments or Agencies of government shall not give recognition or effect to a marriage, relationship or claim arising from a relationship or marriage between persons of the same sex.

3. Prohibition of Same Sex Marriage in a Place of Worship

- (1) Marriage between persons of same sex shall not be celebrated in any place of worship by any cleric.
- (2) No marriage licence or certificate shall be issued to parties of the same sex in the State.

4. Offences and Penalties

- (1) Any person who is joined in marriage with a person of the same sex within the State commits an offence and shall be liable on conviction to a term of ten (10) years imprisonment.
- (2) Whosoever performs, witnesses, aids or abets the celebration of a same sex marriage commits an offence and is be liable on conviction to a term of five (5) years imprisonment.

5. Jurisdiction

- (1) Any contractual or other rights granted to persons involved in a same sex marriage by virtue of a licence shall be unenforceable in any Court of Law in the State.
- (2) The High Court of the State shall have jurisdiction to entertain all offences arising from same sex marriage and relationships.
- (3) No Court of Law in the State shall have jurisdiction to grant a divorce, separation or maintenance order and consider or rule on any of the rights arising from or in connection with a same sex marriage.

6. Interpretation

In this Law, unless the context otherwise requires-

“**Marriage**” means a legally binding union between a Man and a Woman be it performed under the Authority of the State, Church, Islamic Law or Customary Law;

“**Same sex marriage**” means the coming together of two persons of the same gender or sex in a civil union, marriage, domestic partnership and other forms of same sex relationship for the purpose of cohabitation as husband and wife;

“**State**” means the Lagos State of Nigeria.

7. Citation and commencement

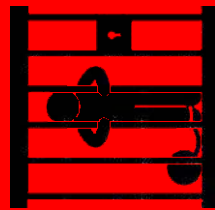
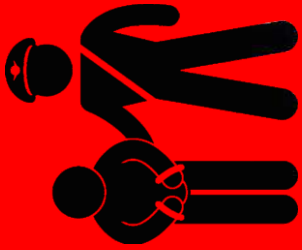
This Law may be cited as Same Sex Marriage (Prohibition) Law and shall come into force on the 18th day of May 2007.

STATISTICS



STATES

247
PEOPLES VIOLATED



210

Total Number of Violations

STATE(S) WITH LOWEST REPORT



Ebonyi
Ondo
Jigawa

STATE(S) WITH HIGHEST REPORT



Rivers
Lagos
Enugu



32

State Actors (perpetrators)



168

Non-State Actors (perpetrators)



10

Both State and Non State Actors

