

**STATEMENT AT THE UPR PRE-SESSION ON  
THE HUMAN RIGHTS SITUATION OF  
LESBIAN, GAY, BISEXUAL, TRANSGENDER,  
QUEER, INTERSEX (LGBTQI) PERSONS IN  
NIGERIA**

**28 NOVEMBER 2023, GENEVA**

**INTRODUCTION**

This statement is delivered on behalf a coalition of fourteen (14) Nigerian organizations advocating for the rights and dignity of the LGBTQI+ persons in Nigeria, with a mission to create a society where every individual, irrespective of their sexual orientation or gender identity, can live free from fear, prejudice, and discrimination.

Consultations were conducted by the coalition with its partners, networks and members in the development of the submission. The submission focuses on addressing the human rights situation of the LGBTQI+ persons and LGBTQI+ human rights defenders.

The LGBTQI+ coalition could not participate in the national consultation by the Nigerian National Human Rights Commission.

**ISSUE 1: VIOLENCE AND DISCRIMINATION BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY**

**Mexico and Chile (148.77, 146.79)** in the previous cycle, recommended that Nigeria reviews *the Violence Against Persons (Prohibition) Act of 2015* to prohibit all types of violence without discrimination, including discrimination based on sexual orientation and gender identity.

Also, **Uruguay, Italy, and France (148.72, 148.67, 148.71)** recommended measures to combat violence and discrimination based on sexual orientation and gender identity.

As of this review, these recommendations have been noted by the State, and not accepted or implemented.

The existence of laws criminalizing sexual autonomy, coupled with derogatory statements<sup>1</sup> based on heteronormative and patriarchal ideologies have continuously

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<sup>1</sup> N Ibeh 'Buhari "pointblank" on gay rights, says "No" to US – Presidency' 22 July 2015 <http://www.premiumtimesng.com/news/top-news/187104-buhari-pointblankon-gay-rights-says-no-to-u-s-presidency.html>; L Opoola 'Bobrisky is not a cultural ambassador, Runsewe warns youths' 14 June 2019 <https://www.dailytrust.com.ng/bobrisky-is-not-a-cultural-ambassador-runsewewarns-youths.html>.

led to the degradation of the dignity of LGBTQI+ persons, making them a target for hate speech and acts of violence.

Between December 2021 and November 2022, a total number of **545** human rights violations based on SOGIESC were recorded.<sup>2</sup> This includes **365** violations by non-state actors, **103** from state actors, and **77** by both state and non-state actors. It is important to mention that eleven (**11**) of them were intersex and gender non-conforming persons.<sup>3</sup>

The trend of targeting homosexuals and transgender people through online “*catfish*” accounts, resulting in incidents leading to extortion at the threat of physical violence is on the increase. This phenomenon, based on discriminatory attitudes, is known as “*Kito*”.

There is also increase in cases of conversion practices, also known as conversion therapy. This supposedly aims to change a person's sexual orientation or gender identity through harmful and pseudoscientific methods<sup>4</sup>.

**978** out of **2,011** LGBTQI+ respondents in a survey carried out in Nigeria asserted that they have undergone one form of conversion practice or the other.<sup>5</sup>

We welcome the establishment of the ***Violence Against Persons (Prohibitions) Act of 2015*** which we believe can be reviewed to be more comprehensive, and to specifically include protection for individuals of diverse Sexual Orientation, Gender Identity and Expression, and Sex Characteristics (SOGIESC).

## **RECOMMENDATIONS**

It is based on the following that we recommended that the Nigerian government should:

- a) By the end of 2025, the Nigerian Government should introduce comprehensive anti-discrimination legislation in all areas of life, including education, employment, housing, and access to healthcare, that specifically includes protections for individuals based on their sexual orientation, gender identity and expression, and sex characteristics.

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<sup>2</sup> TIERS ‘2022 Human Rights Violations Report: Based on Real or Perceived SOGIESC in Nigeria’ [https://theinitiativeforequalrights.org/wp-content/uploads/2023/01/PRESS\\_2022-Violations-Report\\_20Dec21.pdf](https://theinitiativeforequalrights.org/wp-content/uploads/2023/01/PRESS_2022-Violations-Report_20Dec21.pdf)

<sup>3</sup> TIERS ‘2022 Human Rights Violations Report: Based on Real or Perceived SOGIESC in Nigeria’ [https://theinitiativeforequalrights.org/wp-content/uploads/2023/01/PRESS\\_2022-Violations-Report\\_20Dec21.pdf](https://theinitiativeforequalrights.org/wp-content/uploads/2023/01/PRESS_2022-Violations-Report_20Dec21.pdf)

<sup>4</sup> Outright International ‘Harmful treatment: The global reach of so-called conversion therapy’ [https://outrightinternational.org/sites/default/files/2022-09/ConversionFINAL\\_Web\\_0.pdf](https://outrightinternational.org/sites/default/files/2022-09/ConversionFINAL_Web_0.pdf).

<sup>5</sup> TIERS ‘The Nature, Extent and Impact of Conversion Practice’ [https://theinitiativeforequalrights.org/wp-content/uploads/2022/02/The\\_Nature\\_Extent\\_and\\_Impacts\\_of\\_Conversion\\_Practices\\_in\\_Nigeria\\_Web.pdf](https://theinitiativeforequalrights.org/wp-content/uploads/2022/02/The_Nature_Extent_and_Impacts_of_Conversion_Practices_in_Nigeria_Web.pdf)

- b) Over the next three years, the Nigerian Government should enact comprehensive legislation explicitly prohibiting non-consensual medical interventions and harmful practices targeting intersex individuals, including minors.
- c) Over the next two years, the Nigerian Government should comprehensively review and amend existing standard operating procedures (SOPs) to ensure they are human rights-focused and inclusive of LGBTQI+ persons. This process should include mandatory human rights training for all law enforcement officials, specifically addressing the rights to privacy and dignified treatment of all individuals.

## **ISSUE 2: CRIMINALISATION OF HOMOSEXUALITY AND SAME SEX MARRIAGE**

Multiple countries including **Iceland, New Zealand, Belgium, Argentina, Germany, and Austria (148.74, 148.75, 148.76, 148.78, 148.80, 148.73)** made recommendations urging Nigeria to repeal legislations that discriminate on the basis of sexual orientation or gender identity. As of this pre-session, these recommendations have been noted by the State, and not supported or implemented.

Examples of these laws include inter alia the ***Same Sex Marriage (prohibition) Act (2013), Criminal Code Act, Cap C38 LFN 2004, the Penal Code (Northern States) Federal Provisions Act (No. 25 of 1960), and the Armed Forces Act (1993).***

These laws have been reinforced at the state level with some states like Borno State<sup>6</sup> going further to criminalise LGBTQI+ identities and relationships, including death by stoning for males.

Also, these laws are inconsistent with the various UN human rights instruments signed and ratified by Nigeria.

However, despite these recommendations, reports indicate numerous violations against LGBTQI+ persons, including a recent mass arrest in 2023 of at about **67** persons in Delta State<sup>7</sup> and **70** persons in Gombe State<sup>8</sup> over alleged gay marriages. There are also unreported cases of those who have been incarcerated without prosecution.

As at the time of the compilation of this statement, there has been no significant improvement by the Nigerian Government towards protecting and promoting the rights

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<sup>6</sup> Prostitution, Lesbianism, Homosexuality, Operation of brothels and Other Sexual Immoralities (Prohibition) Law, 2000 of Borno State

<sup>7</sup> <https://www.premiumtimesng.com/news/618513-police-parade-gay-suspects-disclose-how-operatives-uncovered-same-sex-marriage-ceremony.html>

<sup>8</sup> <https://www.channelstv.com/2023/10/23/nscdc-arrests-70-suspects-for-same-sex-wedding-in-gombe/>

of LGBTQI+ persons. However, we welcome the landmark decision by a federal court<sup>9</sup> declaring that certain parts of the *Same Sex Marriage (Prohibition) Act of 2013* that restricted the freedom of association were unconstitutional. However, the Nigerian authorities have not made any attempt or taken any measures to comply with this decision and it still remains subject to an appellate court.

## **RECOMMENDATIONS**

Based on the above and many others, we recommended that the Nigerian government:

- a) Should repeal the **Same Sex Marriage (Prohibition) Act of 2013**, as well as other criminalising provisions in criminal statutes, within the next legislative session, effectively decriminalising homosexuality and removing state-sanctioned discrimination against the LGBTQI+ community.
- b) Within the next 2 years, the Nigerian Government should enact legislative protections for human activists and organisations, including measures to prevent harassment, threats, and violence, and assess the effectiveness of these measures annually.

We hope the mentioned recommendations will be adopted and implemented in accordance with the Nigerian Government's mandate to uphold the rights of the Nigerian people.

**THANK YOU FOR LISTENING!**

**From all of us at the LGBTQI+ Coalition in Nigeria.**

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<sup>9</sup> *The Registered Trustees of The Initiative for Equal Rights v Federal Republic of Nigeria and Anor* (Suit No FHC/L/CS/196/2020).

## **REFERENCES:**

- <sup>1</sup> N Ibeh 'Buhari "pointblank" on gay rights, says "No" to US – Presidency' 22 July 2015 <http://www.premiumtimesng.com/news/top-news/187104-buhari-pointblankon-gay-rights-says-no-to-u-s-presidency.html>; L Opoola 'Bobrisky is not a cultural ambassador, Runsewe warns youths' 14 June 2019 <https://www.dailytrust.com.ng/bobrisky-is-not-a-cultural-ambassador-runsewewarns-youths.html>.
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- <sup>4</sup> Outright International 'Harmful treatment: The global reach of so-called conversion therapy' [https://outrightinternational.org/sites/default/files/2022-09/ConversionFINAL\\_Web\\_0.pdf](https://outrightinternational.org/sites/default/files/2022-09/ConversionFINAL_Web_0.pdf).
- <sup>5</sup> TIERS 'The Nature, Extent and Impact of Conversion Practice' [https://theinitiativeforequalrights.org/wp-content/uploads/2022/02/The\\_Nature\\_Extent\\_and\\_Impacts\\_of\\_Conversion\\_Practices\\_in\\_Nigeria\\_Web.pdf](https://theinitiativeforequalrights.org/wp-content/uploads/2022/02/The_Nature_Extent_and_Impacts_of_Conversion_Practices_in_Nigeria_Web.pdf).
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- <sup>7</sup> <https://www.premiumtimesng.com/news/618513-police-parade-gay-suspects-disclose-how-operatives-uncovered-same-sex-marriage-ceremony.html>.
- <sup>8</sup> <https://www.channelstv.com/2023/10/23/nscdc-arrests-70-suspects-for-same-sex-wedding-in-gombe/>
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