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Nigeria: Treatment of homosexuals by society and government authorities; recourse and protection available to homosexuals who have been subject to ill-treatment (2005 - 2007)

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Legislation

Chapter 21 of Nigeria's criminal code, entitled "Offences Against Morality," prohibits homosexual acts between two men (Nigeria 1990; see also US 6 Mar. 2007; HRW 27 Feb. 2007). Women are not mentioned in the law (Nigeria 1990). Homosexuality is punishable by a jail term of up to 14 years in prison (Nigeria 1990; see also US 6 Mar. 2007; HRW 27 Feb. 2007); however, an 18 December 2005 article in *The New York Times* reports that "in practice, gay men are often arrested and jailed until they can bribe their jailers to let them go."

In Nigeria's northern states, governed by Sharia law, persons found guilty of engaging in homosexual acts may be sentenced to death by stoning (US 6 Mar. 2007; AP 13 Feb. 2007; Reuters 12 July 2005). Sharia law has been introduced in 12 of Nigeria's 36 states, including Bauchi, Borno, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Niger, Sokoto, Yobe and Zamfara (HRW Sept. 2004, 14; CSIS Mar. 2002).

Cited in a January 2005 joint British-Danish fact-finding mission to Nigeria report, a representative of Nigeria's National Human Rights Commission (NHRC) explains that

[h]omosexuality is illegal according to Nigerian common law in the south but few cases have been tried in the courts and there is usually very little attention in the press and among the public regarding these cases ... The penalties [for homosexual activities] can vary from a few years up to 14 years of imprisonment, although in some cases only a fine will have to be paid, but under Shari'a the sentence could be death. (Denmark Jan. 2005, 23)

Human rights and news sources consulted by the Research Directorate indicate that in recent years, several people in northern Nigeria have been convicted and sentenced to death for engaging in homosexual activity (IGLHRC 15 July 2005; PlanetOut Network 2 Aug. 2005; Reuters 12 July 2005; *Sunday Times* 9 Dec. 2005; AP 13 Feb. 2007; *ibid.* 11 Dec. 2006). However, there is no evidence that a death penalty has yet been carried out for this crime (*ibid.*; *ibid.* 13 Feb. 2007; *Sunday Times* 9 Dec. 2005).

Treatment by society and by authorities

Homosexuality is considered "taboo" in Nigeria (BBC 1 Mar. 2007; *ibid.* 14 Feb. 2007; AP 11 Dec. 2006; US 6 Mar. 2007); very few people are openly gay (*ibid.*;

Denmark Jan. 2005, 23; AP 11 Dec. 2006). Homosexuals are generally treated as outcasts by society (Denmark 2005, 24, 25; *This Day* 8 Sept. 2006), and are often disowned by their own families (ibid.; AP 11 Dec. 2006; *The Wall Street Journal* 12 Jan. 2007).

According to a 2 September 2006 Reuters article, homosexuals are "fiercely condemned" in both Nigeria's Christian-dominated south as well as in its largely Muslim north (see also *This Day* 8 Sept. 2006; BBC 14 Feb. 2007). Nigeria's Anglican Archbishop Peter Akinola is said to be leading a world-wide revolt against the Anglican Church's perceived acceptance of homosexuality (AP 20 Sept. 2005; *This Day* 8 Sept. 2006). Akinola is said to have condemned the consecration of a gay bishop in the United States (US) as a "satanic attack on the Church of God" (ibid.; AP 20 Sept. 2005).

In February 2006, fifteen army cadets were expelled from a national military academy for their alleged involvement in homosexual acts (*Pink News* 28 Feb. 2006; see also IGLHRC 17 Feb. 2007). There were apparently similar expulsions ten years earlier (*Pink News* 28 Feb. 2006).

In April 2007, alleged Nigerian lesbian, Auntie Maiduguri, reportedly married four women in the northern Sharia state of Kano and subsequently went into hiding with her partners (BBC 27 Apr. 2007; *This Day* 26 Apr. 2007). Cited in a 26 April 2007 article in the Lagos-based newspaper *This Day*, the Deputy Commander of Operations of Kano's *Hisbah* [a state-sponsored institution responsible for the enforcement of Sharia law (BBC 27 Apr. 2007)] stated that they are "investigating the matter with a view to find the culprits and punish them" (*This Day* 26 Apr. 2007). A warrant has apparently been issued for the women's arrests (ibid.); however, the British Broadcasting Corporation (BBC) reports that, according to a Kano police spokesperson, the police are "not actively looking for the women, but would arrest them if need be" (27 Apr. 2007). The Deputy Commander, cited in a 27 April 2007 BBC article, stated that the women could face one of two punishments if found guilty of lesbianism: canings, if the woman is single, or the death penalty, if she is married. A 28 April 2007 BBC article indicates that Maiduguri has denied the allegations that she is a lesbian and that she married four women. Information on whether the women had been arrested could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

In Nigeria, "gay bashers" are reportedly "always a threat" (*The Wall Street Journal* 12 Jan. 2007; see also *UK Gay News* 18 Mar. 2007). According to the Representative of the Nigerian NHRC, cited in the British-Danish fact-finding mission report, "any homosexual in Nigeria has a well-founded fear of being ill-treated not by the authorities, but from the person's local community and society at large;" however, homosexuals in Nigeria's larger cities who are not open about their homosexuality may not face "persecution" (Denmark Jan. 2005, 23). The Representative further notes that wealthy or influential Nigerians may also be able to bribe authorities who accuse or suspect them of being homosexual (ibid.).

Still, homosexuals in Nigeria often face harassment and arrest by the authorities (*The New York Times* 18 Dec. 2005; see also AP 11 Dec. 2006). The Representative of Nigeria's NHRC notes in the fact-finding mission report that there have been cases in the states of Kano and Lagos in which police officers "humiliated" alleged homosexuals (Denmark Jan. 2005, 23). In these cases, the police officers reportedly forced the suspects to engage in homosexual acts so that photographs of the acts could be taken and presented as evidence in court (ibid.). An 11 December 2006 Associated Press (AP) article reports that persons convicted of engaging in homosexual acts in Nigeria have been "publicly flogged, exhibited before the press naked, or beaten severely in prison."

Available recourse and protection

According to a 12 January 2007 article in *The Wall Street Journal*, in Nigeria, homosexuals "can't count on the police to protect them." As previously noted, homosexuals in Nigeria often face arrest and harassment by the authorities themselves (*The New York Times* 18 Dec. 2005; see also AP 11 Dec. 2006).

A senior Africa specialist of the International Gay and Lesbian Human Rights Commission (IGLHRC), cited in a 15 July 2005 IGLHRC news article, states that Nigerian laws against homosexuality

create a climate of fear for lesbians, gay men, bisexual and transgender people, often leading to persecution by family, community members and government officials, as well as impunity for violence and other human rights abuses.

Due to the reported "hostility" towards homosexuals, there are few organizations in Nigeria that support their rights (AP 11 Dec. 2006; see also AFP 18 Jan. 2006; Denmark Jan. 2005, 23). News sources consulted by the Research Directorate identify a few Nigerian organizations that advocate the rights of homosexuals, including Alliance Rights Nigeria (*This Day* 8 Sept. 2006; AP 11 Dec. 2006; NAN 6 June 2006), Changing Attitudes Nigeria (*The New York Times* 18 Dec. 2005; *UK Gay News* 18 Mar. 2007) and the International Centre for Reproductive Health and Sexual Rights (INCRESE) (NAN 6 June 2006).

In September 2006, gay pastor Reverend Jide Macaully founded a church in Lagos called "House of Rainbow," which is open to people of all sexual orientations (BTM 24 Oct. 2006; see also *The Wall Street Journal* 12 Jan. 2007). Cited in a 24 October 2006 article posted on gay and lesbian affairs Web site Behind the Mask (BTM), Macaully indicated that the vision of House of Rainbow is "to take care of and empower people who are likely to be ostracized and isolated in diverse communities; the lesbian, gay, bisexual and transgender community in particular."

Further information on recourse and protection available to homosexuals who have been subject to ill-treatment could not be found among the sources consulted by the Research Directorate.

Proposed bill outlawing same-sex marriages

In 2006, the government of Nigeria proposed new legislation that would outlaw same-sex marriages and relationships, as well as prohibit assisting in same-sex marriages and participating in gay and lesbian advocacy groups (AI 3 May 2006; AFP 18 Jan. 2006; Gay.com 20 Apr. 2006; Ekklesia 26 Mar. 2007). The bill, cited by news and human rights sources, calls for a penalty of five years' imprisonment to be imposed on "[a]ny person who is involved in the registration of gay clubs, societies and organizations, ... procession or meetings, publicity and public show of same sex amorous relationship directly or indirectly in public and in private" (ibid.; AP 14 Feb. 2007; AI 3 May 2006). If convicted of these charges, there would apparently be no possibility of paying a fine instead of serving a prison term (AFP 18 Jan. 2006). The proposed bill, if passed, would also invalidate same-sex marriage licences obtained abroad (Gay.com 20 Apr. 2006; AI 3 May 2006), and prohibit the adoption of children by homosexual persons (HRW 27 Feb. 2007; AI 3 May 2006; Ekklesia 26 Mar. 2007).

Human rights organizations have condemned the proposed bill (HRW 27 Feb. 2007; AI 3 May 2006; UN 23 Feb. 2007). Independent United Nations (UN) experts released a statement on 23 February 2007 expressing their "deep concern" about the bill. In the statement, the experts assert that

[t]he Bill, as currently drafted, heightens the potential for stigmatization, discrimination and intolerance against individuals for their actual and imputed sexual orientation or their gender identity, raising serious concerns regarding their protection. We are apprehensive that, if adopted, the proposed law will make persons engaging in, or perceived to be engaging in, same sex relationships in Nigeria more susceptible to arbitrary arrests, detention, torture and ill-treatment and expose them even more to violence and attacks on their dignity. (ibid.)

The UN experts further note that the passing of the bill may also make it difficult for homosexuals to be educated on safe sex practices and could promote the spread of HIV/AIDS (ibid.; see also *The New York Times* 8 Mar. 2007).

The proposed legislation was expected to be passed prior to Nigeria's April 2007 elections (BBC 1 Mar. 2007; AP 14 Feb. 2007; BTM 4 Apr. 2007). As of April 2007, the bill had not been approved (ibid.); however, news and human rights sources report that the proposition of the bill has led to increased homophobic attacks, intimidation and threats (VOA 9 Mar. 2007; *UK Gay News* 18 Mar. 2007; see also IGLHRC 17 Feb. 2007). The International Gay and Lesbian Human Rights Commission (IGLHRC) has also received reports of an increase in arbitrary arrests and detentions of alleged homosexuals (IGLHRC 17 Feb. 2007).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

Agence France-Presse (AFP). 18 January 2006. "Nigeria: projet de loi du gouvernement contre le mariage gay." (AFP-Mail)

Amnesty International (AI). 3 May 2006. "Nigeria: Same Sex Bill Negates Nigeria's Obligations to Fundamental Human Rights." (AFR 44/013/2006)
<<http://web.amnesty.org/library/Index/ENGAFR440132006?open&of=ENG-347>>
[Accessed 12 Apr. 2007]

Associated Press (AP). 14 February 2007. "Nigeria Moves Forward on Bill To Outlaw Virtually All Forms of Gay Expression." (365gay.com Web site)
<<http://365gay.com/Newscon07/02/021407nigeria.htm>> [Accessed 12 Apr. 2007]

_____. 13 February 2007. Katharine Houreld. "Nigerian Muslim Convicts in Legal Limbo." (Factiva)

_____. 11 December 2006. Katharine Houreld. "New Law and Old Prejudices Threaten Nigeria's Gay Community." (Factiva)

_____. 20 September 2005. Daniel Balint-Kurti. "Anglican Rift Over Homosexuality Deepens." (Mail & Guardian Web site) <<http://www.mg.co.za>> [Accessed 20 Sept. 2005]

Behind The Mask (BTM). 4 April 2007. Lesego Masike. "Uncertainty Mounts Against Nigerian Anti-Gay Bill." <<http://www.mask.org.za/article.php?cat=nigeria&id=1543>> [Accessed 12 Apr. 2007]

_____. 24 October 2006. Joel Nana. "New Church Opens for Gays in Nigeria." <<http://www.mask.org.za/article.php?cat=nigeria&id=1380>> [Accessed 12 Apr. 2007]

British Broadcasting Corporation (BBC). 28 April 2007. "Nigeria 'Lesbian Wedding' Denied." <<http://news.bbc.co.uk/1/hi/world/africa/6603853.stm>> [Accessed 5 May 2007]

_____. 27 April 2007. "Polygamous Lesbians Flee Sharia." <<http://news.bbc.co.uk/2/hi/africa/6599437.stm>> [Accessed 15 May 2007]

_____. 1 March 2007. "Nigeria Gay Law 'Risks Democracy'." <<http://news.bbc.co.uk/1/hi/world/africa/6408773.stm>> [Accessed 12 Apr. 2007]

_____. 14 February 2007. "Nigeria Moves to Tighten Gay Laws." <<http://news.bbc.co.uk/2/hi/africa/6362505.stm>> [Accessed 12 Apr. 2007]

Centre for Strategic and International Studies (CSIS). March 2002. John Paden. *Africa Notes*. No. 8. "Islam and Democratic Federalism in Nigeria." <http://www.csis.org/media/csis/pubs/anotes_0203.pdf> [Accessed 12 Apr. 2007]

Denmark. January 2005. Danish Immigration Service. *Report on Human Rights Issues in Nigeria: Joint British-Danish Fact-Finding Mission to Abuja and Lagos, Nigeria*. <http://www.nyidanmark.dk/NR/rdonlyres/A12BB34C-56F3-4745-9977-E6332D1DAAC0/0/Nigeria2005_web2.pdf> [Accessed 12 Apr. 2007]

Ekklesia. 26 March 2007. "Gay Christians Appeal to International Community Over Repressive Laws." <<http://www.ekklesia.co.uk/node/4937>> [Accessed 12 Apr. 2007]

Gay.com. 20 April 2006. "Nigeria Slammed Over Anti-Gay Legislation." <<http://uk.gay.com/headlines/9858>> [Accessed 18 Apr. 2007]

Human Rights Watch (HRW). 27 February 2007. "Christian Leaders in US Condemn Nigeria's Anti-Gay Bill." <<http://hrw.org/english/docs/2007/02/27/nigeri15424.htm>> [Accessed 13 Apr. 2007]

_____. September 2004. "'Political Shari'a'? Human Rights and Islamic Law in Northern Nigeria." <<http://www.hrw.org/reports/2004/nigeria0904/nigeria0904.pdf>> [Accessed 12 Apr. 2007]

International Gay and Lesbian Human Rights Commission (IGLHRC). 17 February 2007. "IGLHRC's New Report Documents LGBT Nigerians' Response to the Same-Sex Prohibition Act." <<http://www.iglhrc.org/site/iglhrc/section.php?id=5&detail=714>> [Accessed 12 Apr. 2007]

_____. 15 July 2005. "IGLHRC Monitoring Sodomy Prosecutions in Nigeria." <<http://www.iglhrc.org/site/iglhrc/section.php?id=5&detail=571>> [Accessed 12 Apr. 2007]

News Agency of Nigeria (NAN). 6 June 2006. "Nigeria: Rights Activists Form Alliance Against Anti-Gay Marriage Bill." (International Gay and Lesbian Association Web site) <<http://www.ilga.org>> [Accessed 12 June 2006]

The New York Times. 8 March 2007. "Denying Rights in Nigeria." (Factiva)

_____. 18 December 2005. Lydia Polgreen. "Nigerian Anglicans Seeing Gay Challenge to Orthodoxy." (Factiva)

Nigeria. 1990. "Chapter 21: Offences against Morality." *Criminal Code Act, 1990*. (Nigeria-Law.org Web site) <<http://www.nigeria-law.org/Criminal%20Code%20Act-PartIII-IV.htm>> [Accessed 12 Apr. 2007]

Pink News [London]. 28 February 2006. "Army Cadets Dismissed For 'Gay Acts'." <<http://www.pinknews.co.uk/news/articles/2005-639.html>> [Accessed 12 Apr. 2007]

PlanetOut Network. 2 August 2005. Andrew Noyes. "US Lawmakers Blast Nigeria Over Gay Case." <<http://www.planetout.com/news/election/article.html?2005/08/02/3>> [Accessed 17 Apr. 2007]

Reuters. 2 September 2006. Kwaku Sakyi-Addo. "Ghana Bans Gay and Lesbian Conference." (Mail & Guardian Web site) <<http://www.mg.co.za>> [Accessed 8 Sept. 2006]

_____. 12 July 2005. "Gay Man Faces Death By Stoning in Nigeria." (International Lesbian and Gay Association Web site). <http://www.ilga.org/news_results.asp?LanguageID=1&FileCategory=7&ZoneID=2&FileID=670> [Accessed 12 Apr. 2007]

Sunday Times [London]. 9 December 2005. "Nigerian Sodomy Suspects Freed." (Behind the Mask Web site) <<http://www.mask.org.za/article.php?cat=nigeria&id=663>> [Accessed 12 Apr. 2007]

This Day [Lagos]. 26 April 2007. Ibrahim Shuaibu. "Nigeria: Woman Nabbed Over Same Sex Marriage." <<http://allafrica.com/stories/200704260107.html>> [Accessed 15 May 2007]

_____. 8 September 2006. Godwin Haruna. "Homosexuals: Chasing the 'Outcasts' Out of Town." (Behind the Mask Web site) <<http://www.mask.org.za/article.php?cat=nigeria&id=1320>> [Accessed 12 Apr. 2007]

UK Gay News [Gloucester]. 18 March 2007. "Nigerian Anglican Activist Warns of 'Gay' Exodus." <<http://www.ukgaynews.org.uk/Archive/07/March/1801.htm>> [Accessed 12 Apr. 2007]

United Nations (UN). 23 February 2007. Office of the UN High Commissioner for Human Rights (OHCHR). "Independent UN Experts Express Serious Concern Over Draft Nigerian Bill Outlawing Same-Sex Relationships." <<http://www.unhchr.ch/huricane/hurricane.nsf/view01/A8F5CC6EAC2D6C52C125728B0054CD9B?opendocument>> [Accessed 12 Apr. 2007]

United States (US). 6 March 2007. Department of State. "Nigeria." *Country Reports on Human Rights Practices for 2006*. <<http://www.state.gov/g/drl/rls/hrrpt/2006/78751.htm>> [Accessed 12 Apr. 2007]

Voice of America (VOA). 9 March 2007. Gilbert da Costa. "Nigerian Activist Slams Anti-Gay Bill." <<http://voanews.com/english/archive/2007-03/2007-03-09-voa30.cfm?CFID=63725251&CFTOKEN=33886709>> [Accessed 18 Apr. 2007]

The Wall Street Journal. 12 January 2007. Mark Schoofs. "In Nigeria, a Bill To Punish Gays Divides a Family: Theologian is Pushing It; His Minister Son's Church Would Run Afoul of Law." (Factiva)

Additional Sources Consulted

Internet sites, including: *The Advocate* [Los Angeles], AllAfrica, European Country of Origin Information Network (ecoi.net), Factiva, Freedom House, *Gay Times* [London], GlobalGayz.com, Integrated Regional Information Networks (IRIN), International Lesbian and Gay Association (ILGA), SodomyLaws.org, Tales from a Small Planet, United Kingdom Home Office.

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