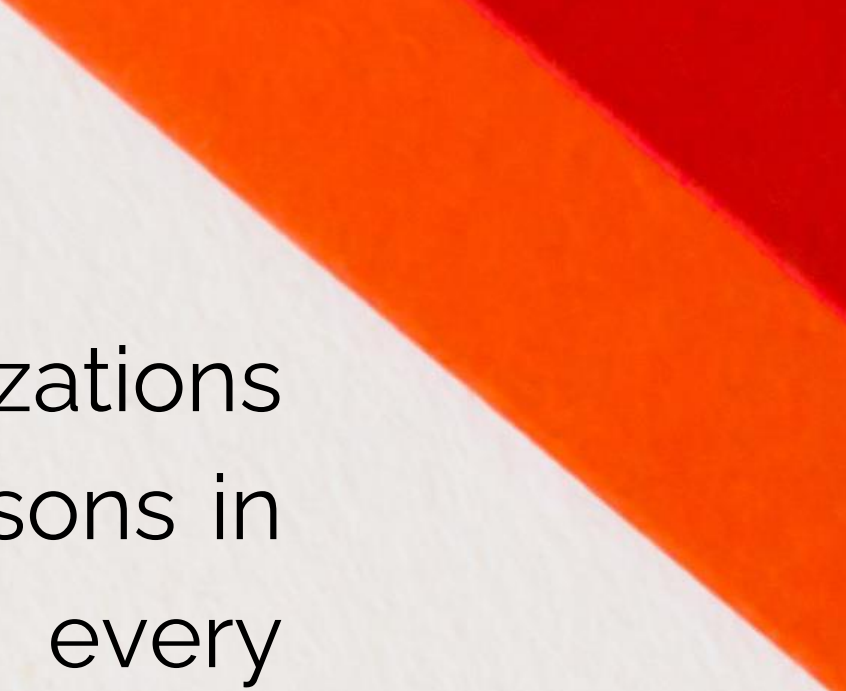




**STATEMENT AT THE UPR PRE-
SESSION ON THE HUMAN RIGHTS
SITUATION OF THE LESBIAN, GAY,
BISEXUAL , TRANSGENDER, QUEER ,
INTERSEX (LGBTQI) PERSONS IN
NIGERIA.**

28 NOVEMBER 2023, GENEVA



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.

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 (VAPP Act)** 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.

Between **December 2021** and **November 2022**, a total number of

- **545 human rights violations** based on SOGIESC were recorded.
- This includes **365** violations by **non-state actors**,
- **103** from **state actors**, and
- **77** by both state and non-state actors.

Also, **11 intersex and gender non-conforming persons** were violated.




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 orientations, Gender identities and expressions, and Sex characteristics (**SOGIESC**).

RECOMMENDATIONS

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

- A. Enact a comprehensive anti-discrimination legislation in all areas of life, that specifically includes protections for individuals based on their sexual orientation and gender identity and expression, and sex characteristics (SOGIESC).**
- B. Enact a comprehensive legislation explicitly prohibiting non-consensual medical interventions and harmful practices targeting intersex individuals, including minors.**



C. 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,



ISSUE 2:

**CRIMINALISATION OF HOMOSEXUALITY AND
SAME-SEX MARRIAGE**

Previous recommendations from **Iceland, New Zealand, Belgium, Argentina, Germany, and Austria (148.74, 148.75, 148.76, 148.78, 148.80, 148.73)** 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.

- **Same Sex Marriage (prohibition) Act (2013). SSMPA;**
- **Criminal Code Act, Cap C38 LFN 2004**
- **Penal Code (Northern States) Federal Provisions Act (No. 25 of 1960)**
- **Armed Forces Act (1993).**

Some states like **Borno State** criminalised LGBTQI+ identities and relationships, including **death by stoning for males**.

Inconsistent with the various UN human rights instruments signed and ratified by Nigeria.

Recent mass arrests in **2023** of at about

- **67 persons in Delta State and**
- **70 persons in Gombe State**

Alleged gay marriages.

No significant improvement from the previous review.

We however commend a decision by a federal court

Declared that certain parts of the ***Same Sex Marriage (Prohibition) Act of 2013*** that restricted the right to associate 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 LGBTIQ+ community.**
- B. Within the next 2 years, the Nigerian Government should enact legislative protections for human rights activists and organisations, including measures to prevent harassment, threats, and violence, and assess the effectiveness of these measures annually.**



thank
you!

FOR LISTENING!

*From all the members of the LGBTQI+ coalition in
Nigeria*