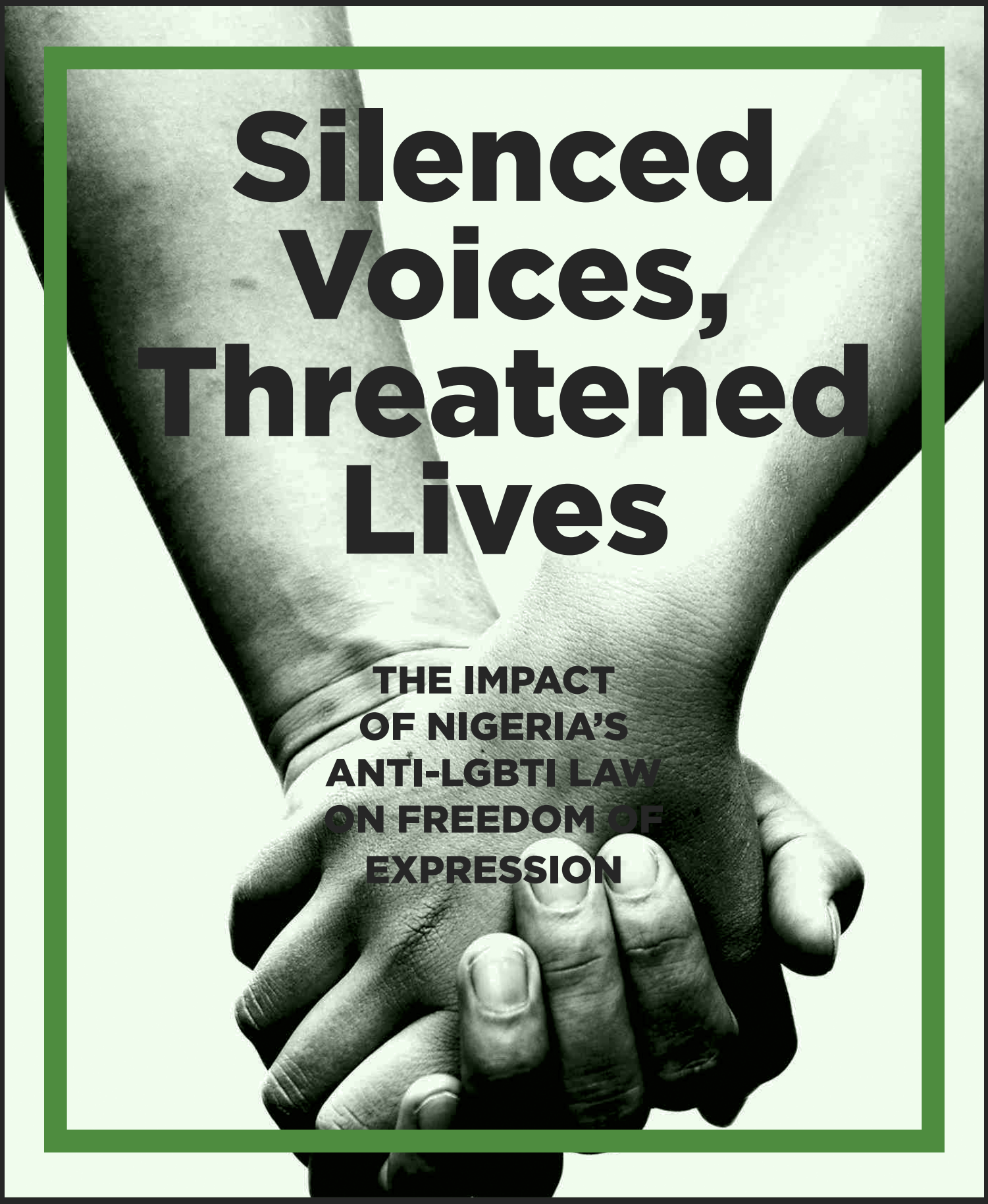

Silenced Voices, Threatened Lives

THE IMPACT OF NIGERIA'S ANTI-LGBTI LAW ON FREEDOM OF EXPRESSION

Leitner Center for International Law and Justice
AT FORDHAM LAW SCHOOL, NEW YORK CITY

PEN NIGERIA

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SILENCED VOICES, THREATENED LIVES:
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LAW ON FREEDOM OF EXPRESSION

June 29, 2015

PEN American Center is the largest branch of PEN International, the world's leading literary and human rights organization. PEN works in more than 100 countries to protect free expression and to defend writers and journalists who are imprisoned, threatened, persecuted, or attacked in the course of their profession. PEN America's 4,000 members stand together with more than 20,000 PEN writers worldwide in international literary fellowship to carry on the achievements of such past members as James Baldwin, Robert Frost, Allen Ginsberg, Langston Hughes, Arthur Miller, Eugene O'Neill, Susan Sontag, and John Steinbeck. For more information, please visit www.pen.org.

One of the oldest and largest law school–based human rights programs, the Leitner Center for International Law and Justice, named in recognition of the Leitner Family, provides education and training to law students, facilitates capacity building and advocacy with activists and grassroots groups around the world, and contributes to critical research among scholars in international human rights. From its base at Fordham Law School in New York City, the Leitner Center develops long-term partnerships with local social justice organizations and other stakeholders across the globe. Through its pioneering programs, clinics, and education initiatives, the Leitner Center trains students to become international legal experts and impassioned human rights advocates.

PEN Nigeria is an association of writers committed to the promotion of literature and the defense of freedom of expression. The primary goal of PEN is to engage with, and empower, societies and communities across cultures and languages, through reading and writing. We believe that writers can play a crucial role in changing and developing civil society. We do this through the promotion of literature, international campaigning on issues such as translation and freedom of expression and improving access to literature at international, regional and national levels.

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EXECUTIVE SUMMARY

In 2014, the Same Sex Marriage Prohibition Act became law in Nigeria. This anti-LGBTI law prescribes long prison terms for those who enter into a same sex marriage or who participate in "gay clubs, societies, and organizations." It likewise condemns "direct and indirect" public displays of same sex amorous relationships and those who administer, witness, aid, or abet any public LGBTI activity in Nigeria. Same sex sexual activity was already criminalized in Nigeria, and the new law was widely seen as an effort to shore up the government's political support by appealing to populist anti-LGBTI sentiment. This law is part of a larger trend towards criminalizing or re-criminalizing LGBTI identity, relationships, and expression in many countries around the world, including Russia and Uganda.

This report documents the threat posed by Nigeria's anti-LGBTI law to free expression, creative freedom, and other human rights after more than one year in effect. It is based on interviews with Nigerian writers, artists, activists, and scholars, as well as media reports and secondary sources.

The anti-LGBTI law has devastated Nigeria's LGBTI community. Although the LGBTI community has long faced discrimination, harassment, and violence, the new law is much broader than the pre-existing criminal prohibition on same sex sexual relationships. In effect, it puts at risk anyone who expresses any form of LGBTI identity or support for LGBTI rights. Within weeks of its passage, dozens of people were arrested throughout the country. The law has also unleashed a wave of violent homophobic attacks against individuals and groups who are, or are perceived to be, LGBTI.

In the midst of this climate of fear and intimidation, the law threatens self-expression by LGBTI people and their allies and hinders the expression of support for LGBTI human rights. The law directly affects Nigeria's literary, artistic, and cultural communities by putting LGBTI writers at risk of criminal prosecution and physical attack, and by limiting their ability to circulate their work in Nigeria. It further inhibits free speech and erodes the strength of Nigerian democracy by silencing what should be an open and informed democratic debate on wider issues relating to minority rights. The law essentially criminalizes all forms of association, interaction, and exchange both within and in connection to the LGBTI community, resulting in an almost complete freeze on LGBTI-friendly public gatherings, and denying all Nigerians their rights to association and assembly.

The inability to publicly identify as LGBTI or to engage in self-expression as LGBTI individuals and allies has far-reaching implications for numerous other rights protected by Nigeria's Constitution and the international human rights treaties it has signed. The anti-gay law and the heavy societal stigma against LGBTI individuals leaves many Nigerians vulnerable to blackmail and extortion and puts them at risk of losing their livelihoods and housing. The anti-gay law also poses a direct and deadly threat to HIV/AIDS prevention and treatment efforts in Nigeria.

Nigeria's LGBTI community, its allies, and its rich cultural communities are fighting back against this law and pressing for their rights to make their voices heard and to contribute to Nigeria's literature and culture. However, because the law's broad and vague provisions effectively ban almost all forms of expression of LGBTI identity or support for LGBTI rights, they face an uphill battle.

PEN American Center, PEN Nigeria, and the Leitner Center for International Law and Justice call on the Nigerian government to immediately repeal all laws, including the Same Sex Marriage Prohibition Act, that criminalize consensual same sex relationships between adults and/or the open expression of sexual orientation or gender identity. The government should also promptly investigate and prosecute reported threats, harassment, and violence against LGBTI individuals. In addition, all relevant UN human rights mechanisms should ensure that reviews of Nigeria's human rights record include an examination of human rights violations affecting the LGBTI community. The international community must also act to ensure that LGBTI people's human rights are protected wherever they are threatened, and should work privately and publicly to oppose proposed or enacted anti-LGBTI laws anywhere in the world.

GLOSSARY OF TERMS*

Bisexual: Sexual orientation of a person who is sexually and romantically attracted to both males and females.

Gay: Used in this report to refer to the sexual orientation of a male whose primary sexual and romantic attraction is toward other males. This term has also been used in general reference to sexual minorities, e.g., "anti-gay law."

Gender identity: A person's internal, deeply felt sense of being female or male, both, or something other than female and male. A person's gender identity does not necessarily correspond to the biological sex assigned at birth.

LGBT/LGBTI: Lesbian, gay, bisexual, transgender, (and intersex); an inclusive term for groups and identities sometimes associated together as "sexual minorities."

Lesbian: Sexual orientation of a female whose primary sexual and romantic attraction is toward other females.

Sexual orientation: The way a person's sexual and romantic desires are directed. The term describes whether a person is attracted primarily to people of the same sex, the opposite sex, or to both.

Transgender: The gender identity of people whose birth gender (which they were declared to have upon birth) does not conform to their lived and/or perceived gender (the gender that they are most comfortable with expressing or would express given a choice). A transgender person usually adopts, or would prefer to adopt, a gender expression in consonance with their preferred gender but may or may not desire to permanently alter their bodily characteristics in order to conform to their preferred gender.

* These general definitions are drawn from Human Rights Watch; see *License to Harm: Violence and Harassment against LGBT People and Activists in Russia*, p. 10, *available at* http://www.hrw.org/sites/default/files/reports/russia1214_ForUpload.pdf.

INTRODUCTION

On January 7, 2014, then-President Goodluck Jonathan signed the Same Sex Marriage Prohibition Act into law in Nigeria. Often referred to as the "anti-gay law," it prescribes a prison term of 14 years for anyone who enters into a same sex marriage, 10 years for anyone who "registers, operates or participates in gay clubs, societies and organizations, or directly or indirectly makes public show of same sex amorous relationship," and 10 years for any "person or group of persons" who "administers, witnesses, abets or aids" a same sex marriage or "supports the registration, operation and sustenance of gay clubs, societies, organizations, processions or meetings in Nigeria."[1]

Nigeria's anti-gay law is one example of a rash of new anti-lesbian, gay, bisexual, transgender, and intersex (LGBTI) legislation that has emerged in recent years in many countries around the world, particularly in sub-Saharan Africa and former Soviet nations.[2] Shortly after then-President Jonathan signed the bill into law, Uganda's President Yoweri Museveni signed an even harsher anti-gay law prescribing life imprisonment for "aggravated homosexuality."[3] Russia passed a law banning "gay propaganda" in 2013, and similar proposals are under consideration in several post-Soviet countries.[4] Extreme right-wing religious and social conservative groups based in the U.S. have been linked to the passage of these laws in many countries, where they have engaged in long-term campaigns to encourage political and religious leaders to fan the flames of anti-gay stigma and pass harsh new laws.[5]

Within the United States as well, despite historic progress on the legalization of same sex marriage as well as other important LGBTI rights victories, a wide array of state-level legislative proposals are under consideration that would effectively legalize discrimination against LGBTI people, eliminate existing local legal protections for LGBTI people, and/or restrict transgender people's access to medical care, school activities, and public bathrooms.[6] These proposals are sometimes framed as protecting "religious freedom." The state legislatures of Arkansas and Indiana both recently passed such laws, which were later amended after widespread outcry from civil society and business leaders.[7]

The harsh anti-LGBTI laws passed in Nigeria, Russia, Uganda, and elsewhere are often described as populist maneuvers to shore up support for political leaders and distract voters from problems that the government is ill-equipped to resolve.[8] Despite their cynical origins, such laws have a deadly impact on LGBTI people. The civil society organization Sexual Minorities Uganda documented a tenfold increase in attacks on LGBTI people since the passage of Uganda's anti-gay law, including torture, attempted lynching, arrests, eviction, and suicide.[9] These laws violate a strikingly wide range of human rights, and effectively criminalize the act of living freely while gay, lesbian, bisexual, transgender, or intersex. Those who identify as LGBTI are under threat not only from the long prison terms prescribed in these laws, but also because such laws foster a climate of unchecked mob violence by sending a message to perpetrators that crimes against LGBTI people are no crimes at all. These laws, many of which contain broad, poorly defined prohibitions on "supporting," "aiding and abetting," or "promoting" homosexuality, also violate the freedoms of allies, friends, and family members of LGBTI people, and anyone else who expresses the belief that LGBTI rights are human rights.

Eighteen months after the passage of Nigeria's anti-gay law, this report seeks to document the damage wrought on free expression, freedom of thought and information, and creative freedom. This documentation comes through interviews, a review of secondary sources, examinations of media reports, and contributions from Nigerian writers, artists, and activists. The findings, often presented in the words of Nigerian writers and human rights advocates directly affected by this law, also demonstrate the degree to which the denial of freedom of expression interferes with the realization of all other human rights. Nigeria's anti-gay law has made it more difficult to speak, write, share information, publish, engage in advocacy,

Protests against the anti-LGBTI law.

or debate on any topic concerning LGBTI identity or LGBTI people's human rights. The enforced silence imposed by this law also violates many Nigerians' rights to association, assembly, access to housing and health care, physical security, and right to live with dignity.

Particularly against the backdrop of Nigeria's long and proud literary tradition, the anti-gay law's infringement on literary freedom also constitutes a threat to cultural rights in Nigeria, and to the unfettered breadth of creative expression in the country. In this report, PEN and the Leitner Center for International Law and Justice aim to elucidate the impact both on affected individuals and on aspects of Nigeria's cultural fabric—including writing, thinking, association, and public debate—that have been inhibited or suppressed as a result of this law. This report also serves to highlight the rich diversity of Nigeria's LGBTI community, including individuals and groups experiencing intersectional or compound discrimination, such as lesbian, bisexual, and trans women, as well as LGBTI people of diverse economic, social, and cultural backgrounds—all of whom are represented in Nigeria's complex world of LGBTI authors and literary actors.[10]

Anti-LGBTI laws like Nigeria's should raise the alarm for defenders of free speech around the world. They constitute a violation of the core international legal principles that protect free expression, including Article 19 of the International Covenant on Civil and Political Rights. The heart of free expression is self-expression. This includes the right of individuals to inhabit and represent their own authentic identity, and to share their experiences with others. The right to make free, open choices about how to live and how to identify oneself publicly is central to individuals' ability to advocate for their own rights and take part in political and social debates that affect them. Free expression is essential to individuals' ability to demand and defend all other rights; without it, all other rights are thus under threat. At the 2014 PEN World Congress in Bishkek, Kyrgyzstan, delegates from over 70 PEN Centers around the world adopted a resolution condemning anti-LGBTI laws as violations of freedom of expression and calling for the immediate repeal of such laws, stating:

> "In the name of protecting "public morals" or "traditional values," such laws attempt to silence LGBTI individuals and their supporters, effectively denying their right to freely express their sexual orientation and gender identity, and stifling their right to give and receive information about issues of sexual orientation and gender identity."[11]

The sodomy prohibitions and similar laws on the books in most African nations ***have their roots not in traditional African legal systems but in European colonialism.***

Legal and Societal Anti-LGBTI Discrimination in Nigeria

As many scholars have documented, same sex sexual activity and transgender identities have existed throughout Africa since long before the colonial era.[12] Although politicians defending anti-gay laws often take a nationalist, anti-colonialist stance to argue that homosexuality is "un-African" and an import of the West, the sodomy prohibitions and similar laws on the books in most African nations have their roots not in traditional African legal systems but in European colonialism.[13] As Human Rights Watch has documented, the British exported a provision of their mid-19th century criminal code prohibiting sexual relations "against the order of nature" into their colonial territories, including Nigeria, as a means of exerting control over those populations:

> "Colonial legislators and jurists introduced such laws, with no debates or 'cultural consultations,' to support colonial control. They believed laws could inculcate European morality into resistant masses. They brought in the legislation, in fact, because they thought 'native' cultures did not punish 'perverse' sex enough. The colonized needed compulsory re-education in sexual mores."[14]

As a result of this colonial legacy, consensual same sex sexual activity is prohibited in Nigeria under federal law and is punishable by up to 14 years in prison.[15]

The colonial legacy is not the only legal root of anti-LGBTI sentiment in Nigeria. The application of Islamic law in some parts of Nigeria imposes even harsher punishments for homosexual activity. In the 12 northern Nigerian states that adhere to sharia law, same sex sexual activity is punishable by death for men and whipping and/or imprisonment for women.[16] As documented by Nigerian civil society groups in a 2013 report, these long-standing laws are enforced, and well before the passage of the 2014 anti-gay law, LGBTI individuals also suffered human rights violations including "torture in [police] custody, arbitrary arrest, extortion and blackmail, curative rape, discrimination and mob justice."[17] Social stigma, discrimination, and violence against LGBTI people are common, and often rooted in religious disapproval of homosexuality. Both Christianity and Islam are widely practiced in Nigeria, and many Christian and Muslim leaders have been vocal in condemning homosexuality.[18]

History of the Same Sex Marriage Prohibition Act

Despite these long-standing draconian criminal penalties against consensual same sex activity, conservative Nigerian lawmakers have spent years advancing new laws to further criminalize and drive the LGBTI population underground. These efforts have enjoyed a great deal of popular support.[19] The bill that would eventually become the Same Sex Marriage Prohibition Act was first proposed in 2006, with many of the same provisions as the present law. Although that proposal failed in 2007, a similar bill was considered in 2009 and again in 2011, winning substantial support among Nigerian lawmakers.[20] The bill eventually passed in both houses of Nigeria's National Assembly in late 2013. As then-President Goodluck Jonathan signed it into law, he hailed it as "a reflection of the beliefs and orientation of Nigerian people" that was "in line with the people's cultural and religious inclination."[21]

Given the existing criminal prohibitions on same sex sexual activity, and the fact that (as numerous interviewees confirmed) same sex marriage had not been an advocacy priority for Nigeria's LGBTI community, the Same Sex Marriage Prohibition Act was viewed by many as a politically-motivated effort to punish and stigmatize homosexuality.[22] Writers interviewed for this report and numerous Nigerian political commentators characterized the law as a blatant attempt by the government to distract attention from Nigeria's political, social, and economic problems by scapegoating LGBTI people and "uniting in homophobia," as one interviewee put it.[23] Writer Jude Dibia underscored the lack of justification for the law:

> "Show us how LGBTI people are harming the nation. There's no point in targeting people who don't harm you in any way. Everyone knows Boko Haram is harmful, outlawing that sect is logical. Along the same lines, tell us how people who pay taxes and happen to be gay—how are they a threat to the Commonwealth?"[24]

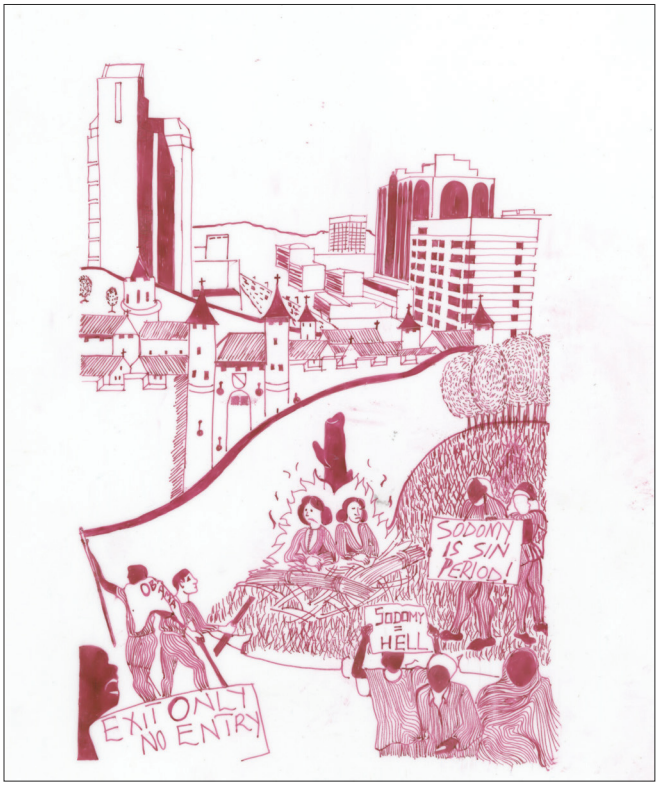
PHOTOGRAPH © ADAM REICH

"Water Go Find Enemy" (*above*) and "Exit Only No Entry" by Adejoke Tugbiyele

METHODOLOGY

This report is based on information obtained from Nigerian and international news media, human rights activists and organizations, scholarly research, and interviews with writers, artists, and LGBTI activists living both within Nigeria and abroad. Several interviewees had left Nigeria after the passage of the Same Sex Marriage Prohibition Act out of concern about the law's impact on their lives and livelihoods, and several interviewees chose to speak on background for similar reasons. The Nigerian Mission to the United Nations in New York did not respond to a letter requesting an interview. In a telephone call to follow up on the letter, a representative of the Mission stated, "What you are asking for is against our culture and traditions. We don't subscribe to that view," and abruptly ended the call.[25]

This report also features the work of several Nigerian LGBTI writers and artists, presented as excerpts and pictures throughout the text. The people affected by this law are creators, educators, activists, entrepreneurs, and free thinkers, and the anti-gay law both denies them their fundamental human rights and robs Nigeria of their cultural contributions.



LEGAL FRAMEWORK

United Nations High Commissioner for Human Rights Navi Pillay reacted to Nigeria's passage of the Same Sex Marriage Prohibition Act by stating, "Rarely have I seen a piece of legislation that in so few paragraphs directly violates so many basic, universal human rights."[26]

As noted above, the law criminalizes and imposes prison terms of 10-14 years for entering into a same sex marriage or civil union (defined broadly as "any arrangement between persons of the same sex to live together as sex partners"); administering, witnessing, aiding, or abetting a same sex marriage or civil union; and registering, operating, participating in, or supporting "gay clubs, societies, organizations, processions or meetings" or making a public show of a "same sex amorous relationship" (a term not defined in the law).[27]

The law's provisions and terms are so broad and poorly defined that they effectively ban any expression of LGBTI identity. Anyone who knows or even suspects that another person is LGBTI and does not report them to the police is subject to potential criminal liability. The Same Sex Marriage Prohibition Act violates numerous provisions of Nigeria's Constitution as well as the human rights treaties to which it is a party, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), and the African Charter on Human and Peoples' Rights (ACHPR).[28] Among the rights the law violates:

- Freedom of expression, protected by Art. 39 of the Nigerian Constitution and Art. 19 of the ICCPR;
- Freedom of association, protected by Art. 40 of the Nigerian Constitution, Art. 22 of the ICCPR, and Art. 10 of the ACHPR;
- Freedom of assembly, protected by Art. 40 of the Nigerian Constitution, Art. 21 of the ICCPR, and Art. 11 of the ACHPR;
- Freedom to seek, receive and impart information and ideas of all kinds, protected by Art. 39 of the Nigerian Constitution and Art. 19 of the ICCPR;
- The right to privacy, protected by Art. 37 of the Nigerian Constitution and Art. 17 of the ICCPR;
- The right to liberty and security of person and protection against arbitrary arrest, protected by Art. 35 of the Nigerian Constitution, Art. 9 of the ICCPR, and Art. 4 of the ACHPR;
- The right to equal protection of the law and freedom from discrimination, protected by Art. 42 of the Nigerian Constitution, Art. 26 of the ICCPR, and Arts. 2 and 3 of the ACHPR;
- The right to the enjoyment of the highest attainable standard of physical and mental health, protected by Art. 17 of the Nigerian Constitution, Art. 12 of the ICESCR, and Art. 16 of the ACHPR;
- The right to participate in cultural life, protected by Art. 15 of the ICESCR and Art. 17 of the ACHPR;
- The right to an effective remedy for any violation of human rights, protected by Art. 2 of the ICCPR.

These constitutional guarantees and international treaty provisions are only subject to limitation under a strict legal framework.[29] According to the UN Human Rights Committee, the body that provides authoritative interpretations of the ICCPR's provisions:

> "It is for the State party to demonstrate the legal basis for any restrictions imposed on freedom of expression… When a State party invokes a legitimate ground for restriction of freedom of expression, it must demonstrate in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat."[30]

The Same Sex Marriage Prohibition Act fails every part of this test. The unpopularity of a minority group is not a legitimate ground for restriction of free expression.[31] The Nigerian government has not demonstrated any threat posed by same sex relationships or LGBTI identities. Even had they been able to do so, the vague, overbroad, poorly defined law could not be considered either a necessary or a proportionate response.

The law also conflicts with a number of international legal documents relating to LGBTI human rights. The Human Rights Committee held in a landmark 1994 decision, *Toonen v. Australia*, that laws criminalizing consensual same sex activity violate the right to privacy protected under the ICCPR, and that the ICCPR's prohibition on discrimination includes discrimination based on sexual orientation.[32] In 2014, the African Commission on Human and Peoples' Rights passed a resolution condemning violence against LGBTI individuals and calling on states to enact laws "prohibiting and punishing all forms of violence" against LGBTI people, and to ensure that human rights defenders are able to work in an environment "free of stigma, reprisals, or criminal prosecution."[33] The United Nations High Commissioner for Human Rights also issued a groundbreaking report in 2015 analyzing how violence and discrimination based on actual or perceived sexual orientation or gender identity violate a wide range of international human rights laws, and calling on states to repeal laws that punish individuals on the basis of their sexual orientation or gender identity and restrict freedom of expression, association, and assembly.[34]

THE ANTI-LGBTI LAW'S HARM TO FREE EXPRESSION AND RELATED RIGHTS

Within weeks of the Same Sex Marriage Prohibition Act's passage in January 2014, dozens of LGBTI people had been arrested throughout the country.[35] While details and outcomes of the various cases have not been fully reported, there have been a number of criminal convictions on charges of association with LGBTI people under the Same Sex Marriage Prohibition Act. After a dozen men in Nigeria's Bauchi state were charged in January under the Same Sex Marriage Prohibition Act with belonging to a gay club, four were convicted in March 2014 by Islamic courts applying Sharia law, each sentenced to 15 lashes and a fine.[36] One rights monitoring group estimated that by September 2014, 23 Nigerians were in prison for LGBTI-related crimes, while another 15 were awaiting trial.[37] On May 10, 2015, police in Ibadan arrested 21 young men who were attending a birthday party, reportedly accusing them of "congregation of homosexuals and initiation of new members into a secret gay cult."[38] Numerous other incidents of arrests of LGBTI people have been documented by Nigerian civil society groups.[39] Police are also reportedly pressuring LGBTI people they have arrested to identify others, in exchange for more leniency in the handling of their case.[40]

The anti-gay law has had a devastating effect on Nigeria's LGBTI community. Although life was extremely difficult for LGBTI people before the law's passage, and blackmail, extortion, and violence against LGBTI people were common, the law has significantly heightened LGBTI people's vulnerability.[41]

Increasing Anti-LGBTI Violence and Intimidation After the Law

Apart from the harsh criminal penalties it imposes, many interviewees stated that the law has essentially declared open season on LGBTI people. The passage of the Same Sex Marriage Prohibition Act, bolstered by vocal anti-gay messages from Nigerian politicians and community leaders, has unleashed a wave of widespread homophobic sentiment and attacks against individuals and groups who are, or are perceived to be, LGBTI. According to Dorothy Aken'Ova, Executive Director of Nigeria's International Center for Reproductive Health and Sexual Rights, these developments have "reawakened interest in communities to 'sanitize'" themselves of homosexuality, exacerbating homophobia and "driving people back into the closet."[42]

In February 2014, less than two months after the Same Sex Marriage Prohibition Act was passed, a mob reportedly seeking to "cleanse the community" of homosexuality attacked over a dozen LGBTI people in the Abuja neighborhood of Gishiri, dragging several young men from their homes and beating them with nail-studded clubs and whips.[43] Aken'Ova said the police were called to protect the men, but instead arrested some of them.[44] There have also been reports of vigilante groups rounding up suspected LGBTI people and turning them over to police.[45] As described by Unoma Azuah, a writer and professor who divides her time between the U.S. and Nigeria and works closely with many writers in Nigeria, "This law has given people the right to exercise jungle justice, mob attacks. Because the government is behind them, no one puts them on trial, no one tries to stop them. It makes life very difficult for the LGBTI community, you can't go anywhere to seek justice."[46] A coalition of Nigerian LGBTI organizations documented at least 105 violations of LGBTI people's human rights in the first 12 months after the law's passage, many of which were committed by non-state actors, including assault, mob attacks, blackmail, and death threats.[47] Activist and writer Bisi Alimi referred to the law as "the constitutionalization of hate, and hate crimes against LGBTI individuals," explaining:

> "Before [the law], I think there was a conscious effort on the part of the attacker to think, where do I stand—if I beat up a gay person and get arrested, what is the law going to say? Now, there's an awareness that if I beat up a gay person, I'm actually doing justice, protecting the law of the land. The law has given people that boldness."[48]

The climate of fear, intimidation, and violence created by the anti-gay law has led to numerous other human rights violations, threatening the right to free expression, literary and cultural freedoms, online expression, democratic participation, and freedom of association. These violations of freedom of expression have led to further human rights abuses, leaving LGBTI people vulnerable to blackmail, the loss of their livelihood or housing, and denial of access to health care.

Self-Censorship of LGBTI Identity and Support for LGBTI Rights

The Same Sex Marriage Prohibition Act has created a climate of intimidation and fear for LGBTI people, casting a powerful chill on expression by and about LGBTI individuals in Nigeria. As one writer put it, "The law robs the LGBTI community of the right to exist, of the right to be human."[49] Several interviewees stated that they cannot identify themselves as LGBTI in their writing, or in any public forum, due to fear that they would be arrested, attacked, shunned by family and friends, or incur other serious consequences. One writer described his anger after the passage of the anti-gay law and his struggle to pen an argument against it without endangering himself: "I wanted to write something to show my displeasure, but I couldn't. I had to be careful in anything I said. I had to write as though I was speaking about what I had observed, as opposed to what I had experienced personally. With the law, you can't just say openly who you are, you have to go under the guise of being a [human rights] activist."[50] Another writer commented, "Even with my quote-unquote 'regular' writing, I have to review it over and over again to make sure that I'm not indicating that I'm gay, much less talking about my experiences, my relationships, the things that anyone talks about. I don't feel safe doing that."[51] This writer continued:

> "It's like a prison. It's incredibly limiting that I can't put my identity into my writing, that even when I'm putting together a piece, I have to look heterosexual. For instance, my relationship with a woman becomes one with a guy. I have to mask things I would like to express, because I can't run the risk of people finding out. It feels like I'm editing my life, taking out things that I'd love to share but can't."[52]

Ayo Sogunro, a writer and lawyer who has been a vocal supporter of the rights of the LGBTI community, noted that most Nigerian writers also hold a day job to support themselves, and may also self-censor out of concern for their livelihood to avoid drawing the disapproval of their primary employers and risking their jobs.[53]

Several interviewees said they believed that many writers were self-censoring any expression of support for LGBTI rights out of fear that it would raise suspicion that they were homosexual. One writer noted, "Straight people have a somewhat easier time, but people may suspect you are gay if you are speaking out in favor of LGBTI rights."[54] A few interviewees felt that writers enjoy greater, though still precarious, freedom to discuss LGBTI issues if their own personal sexual orientation remains unknown. Writer and lawyer Elnathan John said:

> "I write from a point of privilege - no one is able to conclude from my writing that I am of any particular sexuality, wrongly or rightly. I can write very freely about anything I want to write about. Naturally, when one is vocal in advocacy of sexual and gay rights in particular, people begin to have suspicions. But they will remain suspicions. However, if any writer who advocates for LGBTI rights were ever to come out and say, 'I am gay,' then they would almost certainly be attacked."[55]

"This law has given people the right to exercise jungle justice, mob attacks. Because the government is behind them, no one puts them on trial, no one tries to stop them."

Along these lines, other writers and activists said they avoid particular terms in their communications in an effort to avoid drawing the attention of the government. "We tend to be more subtle in our terminology. You can't use the words lesbian, gay, bisexual. You have to stick to the words sexual orientation and gender identity, and then people are confused about what you mean," said Rashidi Williams, executive director of the LGBTI rights group Queer Alliance Nigeria. "You have to choose the more complicated word, even when you are trying to appeal directly to an audience."[56]

Barriers to Identity Formation and Self-Acceptance Among Nigeria's LGBTI Population

The Same Sex Marriage Prohibition Act also takes a heavy psychological toll on LGBTI individuals who are forced to hide their identities. The visibility of LGBTI people is a critical element in enabling self-acceptance by those in the LGBT community, and in the provision of comfort and support to those questioning their own sexuality or gender identity. Artist and activist Adejoke Tugbiyele explained, "We don't talk enough about inner acceptance. The inner turmoil can last for years, and gay people don't have the vocabulary to identify and express what they're feeling. There's no socialization around it."[57] Another writer said, "I'm meeting people who are struggling, and we need one another's stories. We need to know that there are other people dealing with what we're dealing with, people who have found ways to exist and be comfortable."[58] Many interviewees also noted that the

situation is worst in Nigeria's predominantly Muslim northern regions, in which, one writer said, coming out "would be a death sentence."[59]

Rashidi Williams noted the law has made LGBTI people "very conscious of how they express themselves in public spaces," refraining from speaking or acting in a way that may draw suspicion. Williams further noted that this public caution is bleeding into the private sphere for LGBTI individuals and restricting how they express themselves even at home.[60] Several interviewees also emphasized the law's impact on the full range of Nigeria's diverse LGBTI communities, including a relatively small and largely underground transgender population, noting that the difference between sexual orientation and gender identity is not widely understood, and both are heavily stigmatized.

Encroachments on Literary and Cultural Expression

Nigeria is home to a vibrant and rapidly expanding literary scene. Before the passage of the anti-gay law, according to interviewees, that scene included space for an emerging community of LGBTI writers to create, share, publish, and publicly present their work. The Same Sex Marriage Prohibition Act's passage and its violent aftermath has had a widespread chilling effect on LGBTI expression. "The Same Sex Marriage Prohibition Act has clearly has affected Nigerian writers, many of whom have stopped writing on LGBTI issues," said Unoma Azuah. "Prior to the law's passage, there was still some space to write on LGBTI issues, but that space is closing fast."[61]

LGBTI writers repeatedly emphasized the importance of telling their own stories and developing LGBTI characters as a way of connecting with and educating others, breaking down anti-LGBTI prejudice, and reaching out to those who may be questioning their own sexual orientation or gender identity. They reported that it has become much harder to do this after the anti-gay law's passage. Regarding his 2005 novel, *Walking With Shadows*, Jude Dibia remarked:

> "I was trying to educate people that gay people do exist in our society, and here are their troubles…what my story did was allow people to see, 'I am this person, I've gone through this.' [It created] a space to discuss this. In 2005 we didn't have a criminal law but now we have a law that tells you this person is a criminal for being this."[62]

Writer and entrepreneur Kehinde Bademosi described "the power of storytelling" as a way to combat homophobia:

> "People think of LGBTI people as aliens. They don't realize that it's their sons, their nieces—but they're afraid to tell you. These aren't statistics, they're real people. Storytelling advocacy puts faces, characters, to this issue. Stories ask you to feel someone's pain, to feel where they are coming from. This law makes it harder to tell those stories."[63]

Unoma Azuah also emphasized this point:

> "It's important because growing up, I had friends who were like me, and I watched a lot of my male friends be bullied and beaten in school by friends and parents because they felt it was wrong to be gay. I also endured a lot of pain and abuse. At one point, I escaped being raped by a pastor who claimed he could deliver me. I didn't blame my mother, she didn't know any better. Most parents don't know any better: ignorance. If other parents could see their children's stories in other people's life stories, maybe their eyes will open and they will realize these people are human and normal, and they should not be abused. I want children to see people who have been through the same experiences that they have and realize there's nothing wrong with them. It's harder to do this with the law, but that won't stop me from fighting hate and homophobia." [64]

Chimamanda Ngozi Adichie has powerfully warned of the "danger of a single story," in which those who have power use it "not just to tell the story of another person, but to make it the definitive story of that person." This, in turn, "robs people of dignity…makes our recognition of our equal humanity difficult…emphasizes how we are different rather than how we are similar."[65] At present, the Nigerian government's single story of homosexual, bisexual, queer, and transgender identities is that they are shameful, immoral, and "un-African."[66]

By depriving the LGBTI community of their freedom to tell their own stories and express the full, vivid range of their life experiences, the anti-gay law prohibits the emergence of counter-narratives, much less direct opposition to legal and social discrimination against gays. It also denies LGBTI people and their allies their right to participate in Nigeria's cultural life, and denies all Nigerians the benefit of those contributions. As Jude Dibia remarked, sharing these alternative stories is critical to broadening society's understanding of the range and complexity of LGBTI identities:

> "Being gay isn't just about sex. For a lot of people, not just in Africa, when you talk about LGBTI issues, the first image that comes into your mind is people having sex. It's very hurtful in a sense, in that when you talk about straight people, the first thing that comes to mind isn't what they do in their bedroom, it's their profession, what they do that contributes to society, not their sexuality…These are people who contribute so positively to so many other things. We need to have more positive role models out there."[67]

Jude Dibia also noted that the inability to circulate work by and about LGBTI people means that for many in Nigeria,

"the only access to writing about LGBTI people is the Bible." He continued:

> "Most people you have any kind of sensible conversation about this with who are against it will say it's against our custom, the Bible says this and that…Between 2001 and 2004 when I was writing my novel [Walking With Shadows] it was difficult to find any kind of sensible literature dealing with LGBTI people in the African context. I'm talking about literature people have easy access to, on the Internet (not pornography) or in the bookstore. You couldn't find anything readily, but you have easy access to the Bible and Koran."[68]

The anti-gay law has created a chilling effect on the publication of books containing LGBTI content (characters who are LGBTI, a gay relationship, discussion of LGBTI issues), and on efforts to publicize such books or other works by LGBTI authors. Dibia noted, "It would be much more difficult to get a publisher [for a book with LGBTI content] within Nigeria than it was maybe 10 years ago…You could probably do self-publishing, get the word out and have people look for it, but it won't get the shelf life you'd be looking for."[69]

One interviewee said that before the law's passage, she had considered opening her own publishing house to promote LGBTI writers, but "with the law, we thought they'd have something to hold against us, they'd say we were disseminating homosexual promotion materials. The law has stalled our plans." She continued, "The few channels that used to be open for LGBTI writers no longer exist. With a silenced community, how do we publish our work?"[70]

Shrinking Spaces for Free Expression Online

In this narrowed space for LGBTI expression, social media platforms provide some opportunities for the LGBTI community to connect online, but many individuals only feel safe if they can do so anonymously. According to one writer, "If you're even friends with someone [LGBTI] on Facebook, they might think you're one of them," commenting further that "a lot of writers shy away from including keywords like lesbian, gay because they don't want it as part of their online brand, so they use pseudonyms to write."[71] Jude Dibia noted, "More people have become bolder in attacking the law and asserting themselves as gay people in Nigeria, but anonymously. You find blogs, things like that saying I'm gay, but you don't find people putting faces and names to their blogs. People are angry, but you don't find people openly expressing who they are anymore."[72]

Using pseudonyms provides a necessary measure of protection for LGBTI individuals in Nigeria, but being forced to remain anonymous also hinders their ability to challenge the narrative that homosexuality is imported from the West, and demonstrate that the fight for LGBTI rights is being fought at home. As Kehinde Bademosi noted, "If you use a pseudonym, people assume you're foreign. Because it's so taboo to be gay in Nigeria, people assume you're from the U.S. or Europe, they assume it's Western." He elaborated, "The landscape changes when stories like mine come out. We can attract allies from the straight community who are our friends, colleagues, and neighbors. It's like PFLAG [the U.S. network of family, friends and allies of LGBTI people], those are the ones who will stand with us to get this law repealed. But we need to identify ourselves in order for them to become allies."[73]

Even when taking precautions to protect safety, online communication still poses some risks. One writer said that after the law was passed, "A lot of people left the online communities that existed because they couldn't guarantee their safety, so they shut down their online identities. People are starting to come back now because you miss the interactions, the people you can be 'yourself' with. But we still have a lot of people who are very cautious about leaving any sort of digital trail that they might be identified with."[74] Another writer echoed this, describing a new sense of caution and fear among LGBTI people communicating online after the law's passage. She explained that within the LGBTI-friendly social media groups she is a member of, if a new person wants to join the group, someone who is already in the group must vouch for them to prevent a security breach. The necessity of these measures is understandable, but also makes it difficult for people who are just beginning to explore alternative sexualities or gender identities and are seeking more information to locate friendly groups online. Even with these security measures in place, this writer noted, in at least one instance a police officer was suspected to have infiltrated an LGBTI-friendly social media group. Although the group realized the breach quickly and blocked his access to the group, many people left the group "out of panic and fear."[75] There have also been reports of police arresting people suspected to be gay, taking the person's phone and using the contact information stored in it to arrange meetings with their friends, who are then arrested as well.[76]

Publishing LGBTI content online is somewhat easier than in print media, but still poses challenges. Rashidi Williams explained, "If we want a website that talks about sexual orientation and gender identity, we can't find a local host for it because the Nigerian Communications Commission has a problem with it, so we have to have the website hosted by a U.S.-based platform that is outside the NCC's jurisdiction. If it is hosted in Nigeria, the NCC can find that host and tell them to take it down."[77] Some of the writers interviewed for this report have personal blogs where they publish their own or others' writing. One writer said that after the anti-gay law's passage, she received numerous submissions of articles protesting the law, or describing someone's personal realization that he was gay, with requests to publish them on her blog: "I admired the courage and bravery, but I couldn't do it, I couldn't publish them, it was too personal. People see whatever you write as an extension of you, whatever you condone or publish is seen as something you are. It would be like me telling them myself [that I was gay], I was too afraid to do it."[78]

Some websites publish anonymous articles by and about

"I'm meeting people who are struggling, and we need one another's stories. We need to know that there are other people dealing with what we're dealing with, people who have found ways to exist and be comfortable."

LGBTI writers and issues. One interviewee noted that this at least allows LGBTI individuals to say what they want to say, but also highlighted the drawbacks of having to keep the website anonymous and being unable to promote it to a wide audience:

> "It's still basically something that is hidden, though you feel like it's making a difference in the lives of LGBTI people…It's inspiring us, spreading awareness, people are changed by other people sharing their stories, it educates people about what to do if you find yourself in a horrific situation, and that's important, but it doesn't reach the general public."[79]

Finally, some interviewees reported hearing rumors that the government was looking into surveillance systems to monitor online activity, and expressed concern that those systems may eventually be used to target the LGBTI community. Jude Dibia commented, "They [LGBTI community] might not be the focus now, but after the elections the government could start to look for scapegoats."[80] Adejoke Tugbiyele noted that, over a year after the passage of the law, "I think the government and the police are realizing who the major players [in the LGBTI rights movement] are, who to target if they wanted to shut things down."[81]

Silencing of Democratic Debate and LGBTI Rights Advocacy

The anti-gay law further threatens free expression and erodes the strength of Nigerian democracy by silencing what should be an open and informed democratic debate on wider issues relating to minority rights. The principle that democracies should protect the fundamental rights of minority groups, even in the face of majority opposition, is a cornerstone of democratic governance. Several interviewees suggested that arguments against the anti-gay law that appeal to Nigerians' pride in their democracy and focus on the law's anti-democratic nature might be more persuasive, if these arguments could be made openly.[82] As Rashidi Williams remarked, "We cannot live in a democratic society and watch the core of democracy—the freedom of association, speech, and expression—restricted or denied on the basis of sexual orientation and gender identity."[83]

Interviewees reported that the passage of the law has effectively foreclosed opportunities for discussion regarding the human rights of LGBTI individuals. Elnathan John commented, "The law has drastically reduced the level of conversation around the protection of vulnerable groups and minorities against majority attack."[84] As Ayo Sogunro remarked:

> "It bars discussion of topics that would ordinarily be discussed, because people think, oh, there's this law there, if I'm not careful I will commit a criminal act. So it prevents people from crossing over to the territory of debate. It enforces the idea that this is outlawed with more power than it otherwise would have had. In 2013, I wrote essays and spoke about the [proposed] law, but with the advent of the law, my writing is now seen as a direct provocation against the legal system of Nigeria."[85]

Similarly, many interviewees commented that the Same Sex Marriage Prohibition Act makes it virtually impossible to educate the public about what it means to be LGBTI, and to try to win new allies to the fight for LGBTI rights. Rashidi Williams noted, "The law says anyone who supports, aids, etc. is also a criminal, so it's challenging to begin to educate people around sexual orientation and gender identity because you can be seen as promoting homosexuality within the parameters of the law. So it's difficult to even educate LGBTI people on these issues, not to even talk about the general public."[86] Bisi Alimi echoed this, saying, "What education [does the public] have when it comes to the issue of sexuality?…People like me are not given the platform to say things differently. To give the alternative point of view. You know, if you feed people one sort of food, and then ask them, what is your favorite food, what will they tell you?"[87]

Adejoke Tugbiyele noted the strong influence of religion in Nigeria and expressed a desire to try to win allies among churchgoers "by using scripture to talk about LGBTI issues in a positive way. You have to go to them where they are, and talk about being gay in church. It would be a lot easier to do that without this law—nobody wants to go to jail." She continued, "Without this law we'd be able to bring more concreteness to the campaign—gather in public spaces, get pastors involved, get people to talk to the legislature—at least start a conversation."[88]

Efforts to foster an open public discussion and advocate for the human rights of LGBTI people are further inhibited

Nigeria's National Assembly

by the difficulty of publishing information related to LGBTI issues in the mainstream press. This further impedes the free flow of information and ideas that could contribute to a better understanding of LGBTI identities and concerns. Rashidi Williams has encountered significant difficulty in getting articles about LGBTI issues published in local papers: "We've gone to print to say we want our issues put in the newspaper so people can get a view of what we are asking for, and people turn us away and say no, we can't publish this. We can't even speak out to criticize how the media reports on LGBTI issues in this country—some people discuss this in a very un-objective way, and we can't even challenge it."[89]

Ayo Sogunro agreed that publishing an article in a national paper would be difficult: "If I wrote an article expressing my support for the LGBTI community and put it in a national paper, there would be a backlash. It's very unlikely that the paper would publish it, but if they did, there would be a backlash from critics, attacking the paper for publishing the article."[90] Sogunro also noted that literary publishing houses and radio stations' willingness to consider LGBTI issues varies widely depending on the personal views of the owners:

> "If you have a publisher who is personally liberal, you'll find they are willing to publish all sorts of topics. But publishers who are more extreme in their views will reflect that in what they are and aren't willing to publish. If I go to a radio station and it's run by a liberal-minded person, the interviewer may give me latitude to express my opinions on the LGBTI community in Nigeria and the anti-gay law. But if you go to a less tolerant radio or TV station, particularly government-owned ones, they wouldn't want to have a debate about it, much less an opinion. They don't want to recognize the existence of the community in the first place."[91]

Even for media outlets that are interested in reporting on LGBTI human rights, the anti-gay law has created many difficulties for publishing LGBTI-related content. Dapo Olorunyomi, editor-in-chief of Nigeria's *Premium Times* online newspaper, said the law "imposes a prior restraint on freedom of expression and creates a no-go area in terms of coverage. If you write about or quote anyone who is LGBTI, this law is so broad that charges could be brought against you."[92] He continued, "It restrains support for the LGBTI community. Before the law, those who oppose LGBTI rights could write things criticizing you, but now they feel a sense of empowerment, they have the cops, and they have support from the executive as well—they have the law to bring against you if they want to."[93] Olorunyomi also noted that *Premium Times* has been heavily criticized for continuing to support LGBTI rights after the law, and that after they published a letter from a number of Nigerian academics criticizing the law, "We got hate mail,

everyone was slamming us, saying these guys are crazy. And of course part of the problem is that the LGBTI community itself has now gone underground, a lot of them don't want to be in public," making it harder to report on LGBTI issues even for those media outlets that want to do so.[94]

Violations of Freedom of Association

The Same Sex Marriage Prohibition Act's prohibition against "the registration, operation and sustenance of gay clubs, societies, organizations, processions or meetings" and "support" thereof essentially criminalizes all forms of association, interaction, and exchange within the LGBTI community and between that community and others, resulting in an almost complete freeze on LGBTI-friendly public gatherings.

Many LGBTI writers interviewed for this report recalled a once-dynamic LGBTI writers' community in Nigeria, with frequent events featuring readings and discussions of LGBTI literary themes. One writer described the change:

> "[Before the law] there would be literary events of like minds where we could read and bring our poems. Not necessarily just LGBTI-friendly spaces; we could be anywhere. But now it's not as open or accepting as it used to be. People talk about how the law is not just about the LGBTI community, that there are clauses in the law that say even if you're straight, if you don't report someone to the police, you go to jail…There aren't as many open physical spaces to gather as there used to be."[95]

Kehinde Bademosi said that before the law's passage, some LGBTI people who knew each other professionally would have a party once a year "to get people together to talk about progress, empowerment. We were looking for ways to invite other LGBTI professionals to inspire others. We did it every year, but we didn't do it that December [2013, when the law was passed] because we were afraid for our lives and didn't want a police raid."[96]

The law's ban on "gay clubs" also greatly hinders LGBTI rights advocates' efforts. One interviewee described a meeting of Nigerian LGBTI activists that had to be held in a location outside the country, "because technically it would be breaking the law" to hold it in Nigeria.[97] Rashidi Williams noted that Queer Alliance Nigeria "can't even put our logo in front of our office to mark where we are located," because of the law.[98]

In a related measure aimed to further suppress LGBTI activity as well as other forms of civic organizing deemed undesirable by the government, in June 2014 a new bill was introduced in Nigeria's House of Representatives that would constrain foreign funding of Nigerian civil society organizations. The move was seen by many as a direct attack on human rights advocates and an effort by the government to silence them. The proposed bill would prohibit any "voluntary organizations having a defined cultural, economic, education, religious or social program" from receiving any foreign-based funding without explicit permission from government authorities, which would be empowered to refuse permission for any funding perceived to threaten, among other things, the "sovereignty and integrity" and "religious harmony" of Nigeria.[99]

The bill has been roundly criticized as an attack on free expression and association by a broad coalition of civil society organizations, including those working on the rights of sexual minorities and women's rights. A letter signed by 17 Nigerian civil society organizations condemned the bill, stating, "In a country with a weak culture of philanthropy and poor understanding of sexual and reproductive rights relating to women, girls and LGBTI persons, of which we advocate, foreign money is essential to sustain our voices as a civil society." [100] At the time of publication Nigeria's National Assembly had yet to pass the bill.

Human Rights Violations Resulting From Denial of Free Expression

The inability to publicly identify as LGBTI, or to engage in self-expression as LGBTI individuals and allies and as communities of LGBTI people and supporters, has far-reaching impacts on other human rights. The anti-gay law and the heavy societal stigma against LGBTI people leaves LGBTI Nigerians vulnerable to blackmail and extortion and puts them at risk of losing their livelihoods and housing. The anti-gay law also poses a direct and deadly threat to HIV/AIDS prevention and treatment efforts in Nigeria.

Blackmail and extortion

Many interviewees noted that the law has made LGBTI Nigerians even more vulnerable to blackmail and extortion. The prevalence of blackmail and extortion based on LGBTI status in Sub-Saharan Africa has given rise to new analyses documenting these abuses as human rights violations.[101] Both blackmail and extortion were "fundamental realities of homosexual life in Nigeria" before the passage of the anti-gay law.[102] But with a law that now de facto criminalizes being LGBTI, and imposes criminal liability on anyone who knows someone is LGBTI and does not report them to the police, LGBTI individuals are at the mercy of anyone who finds out about their sexual orientation or gender identity and decides to use it for financial gain. The risk of blackmail is present in practically every aspect of an LGBTI individual's life, according to interviewees who related stories of landlords, neighbors and friends demanding payment or sexual favors in exchange for not outing an LGBTI person or reporting them to the police.[103] As one writer put it, "Now you have to worry about people who are out to get you. The law gives them more leverage. You can be taken to court, or to the police station, and you'll have to pay money to avoid being taken into custody."[104]

According to those interviewed, the ever-present threat of blackmail also forces LGBTI individuals to be extremely

cautious when meeting new people and when communicating online. There have been several reported incidents of blackmail in which someone uses social media to arrange a meeting with an LGBTI individual, and then tells the person they will report them to the police if they are not paid to keep quiet. Interviewees stated that even the police engage in blackmail, demanding payment in exchange for not charging LGBTI individuals under the Same Sex Marriage Prohibition Act. As Kehinde Bademosi put it, "The police know you don't want to be out, and they want their cut. They get a lot of money from it."[105]

Loss of livelihoods and/or housing

Interviewees also noted that if a person's landlord or co-workers know or suspect that they are LGBTI, they may lose their job or their housing. In many workplaces, if someone's LGBTI identity is exposed, they will be fired, and "[i]n areas where unemployment is high, losing a job is a serious matter—particularly if the blackmailer threatens to publicly disclose the victim's sexual orientation, making it difficult or impossible to find further employment elsewhere."[106] In these cases, LGBTI people have nowhere to turn for help. As Jude Dibia noted, "If one is blackmailed, you can't report it to the police because you would have to tell them why and how, what kinds of dealings you have with whomever is doing the blackmailing, and that could land you in prison."[107] Regarding housing, Bisi Alimi commented, "So many people have lost their homes in the last 12 months [since the law was passed] because of the law. They have been kicked out because landlords got really scared of what the law means and didn't want to go to jail, so they felt like they had to ask them to move."[108]

Violations of the right to health

Article 17 of Nigeria's 1999 Constitution directs the state to ensure "adequate medical and health facilities for all persons."[109] Similar protections are contained in the International Covenant on Economic, Social, and Cultural Rights and the African Charter on Human and Peoples' Rights, to which Nigeria is a state party.[110] The law's criminalization of LGBTI relationships, and its de facto criminalization of existing as an LGBTI person, also has dire effects on the right to access to health care and HIV/AIDS prevention and treatment efforts in Nigeria. LGBTI individuals seeking medical treatment for any reason cannot tell medical professionals that they are gay, lesbian, or bisexual without both admitting to a criminal act and exposing the doctor or nurse to potential criminal liability if they do not report them to the police. Several interviewees described their own or their friends' reluctance to go to doctors who they thought might find out about their sexual orientation, and noted that they have gone without necessary medical treatment due to their fear. Even seeking medical treatment if you are attacked for being gay may bring further harm to you, as one interviewee noted: "If you're attacked for being gay, doctors and nurses are more likely to say you deserved it, so people lie and say they got in a fight. But people might still know—being beaten up by a mob doesn't look like getting in a fight. And then they may ask you for bribes."[111]

International public health officials and organizations have heavily criticized the Same Sex Marriage Prohibition Act, citing potentially grave implications for the fight against HIV/AIDS. In January 2014, UNAIDS and the Global Fund to Fight AIDS, Tuberculosis and Malaria issued a joint statement regarding the anti-gay law in which they expressed "deep concern that access to HIV services for lesbian, gay, bisexual and transgender (LGBT) people will be severely affected."[112] In an article criticizing the recent adoption of anti-LGBTI laws in a number of countries, Dr. Chris Beyrer of the Johns Hopkins Bloomberg School of Public Health warns that, "Gay, bisexual, and other men who have sex with men bear disproportionate burdens of HIV risk and face stigma and discrimination in accessing needed health services. The current wave of anti-gay laws and policies are likely to reduce access to health care, increase discrimination, and impact HIV research and programs."[113] UN High Commissioner for Human Rights Navi Pillay noted, "Given that Nigeria currently has the second largest HIV epidemic in the world, this [law] would be a heavy blow to the efforts to combat HIV."[114] These fears are already being realized. A study published in *The Lancet* in June 2015 reported that:

> "Gay men and MSM (men who have sex with men) in Abuja, Nigeria, experienced increased stigma and discrimination in the period immediately after the signing of the Same-Sex Marriage Prohibition Act. Reports of fear of seeking health care, avoidance of health care, absence of safe spaces to socialize with other MSM, blackmail, and verbal harassment remained steady in the months of enrollment and follow-up before the [passage of the] law, then immediately increased in the post-law period."[115]

The law is also likely leading LGBTI Nigerians to practice unsafe sex. As one writer noted, "This culture of silence and shaming is propagating more HIV infections. I got it in the first place because I was in the closet. When you have to meet people in a hurried, rushed, secretive way, no one's going to stop long enough to talk about condoms."[116]

RESISTANCE AND EMPOWERMENT: THE LGBTI COMMUNITY AND ALLIES FIGHT BACK

More than a year after the anti-gay law's passage, the writers and activists interviewed for this report were not optimistic that the law would be repealed in the near future. One remarked, "We are probably 30 to 50 years away from acceptance of LGBTI people in Nigeria."[117] Those interviewed were also clear about the ruinous toll the law has taken, and continues to take, on the lives of LGBTI people in Nigeria, and those who have fled the country as a result of the law. Jude Dibia, who now lives outside the country said, "There's a sense of suspension one experiences when you are no longer in Nigeria. It can be destabilizing. Everything is on hold, you can't work, you can't do anything, everyone knows who you are."[118] Several interviewees also worried that the law could be used by future governments for even harsher crackdowns on the LGBTI community.

However, all those interviewed expressed a fierce determination to fight against the law's efforts to silence and erase the LGBTI community, describing their advocacy as both a personal goal and a duty to others. They spoke of strategies for LGBTI rights campaigns, ideas for persuading their fellow citizens to listen to their arguments, and projects to get the work of LGBTI writers into the hands of readers. Unoma Azuah is organizing an anthology of Nigerian LGBTI writing.[119] Bisi Alimi is exploring plans to open a library in Nigeria that would offer books by LGBTI authors and about LGBTI issues, although he acknowledges that the anti-gay law will make this difficult.[120] Both in Nigeria and in the diaspora, the LGBTI community is making creative use of social media and other online platforms to fight for their human rights, reach out to allies, and provide support, information, and protection to other LGBTI people. Kehinde Bademosi created Is Anyone in Africa?, a website providing information and a space to connect for those seeking information about HIV, mental health, sexual orientation, and other questions.[121] The Initiative for Equal Rights, a Lagos-based NGO, recently launched the website Where Love is a Crime, providing resources for and articles by LGBTI individuals and human rights advocates in Nigeria.[122] The No Strings podcast, started by a student operating under a pseudonym, is "Nigeria's first LGBT weekly podcast."[123]

The outcry against the law from some quarters of Nigeria's diverse intellectual, literary and cultural communities has been swift and ferocious, a promising indication of the possibility of a broad coalition pushing for repeal of the law. Novelist Helon Habila publicly accused the Nigerian government of "inventing laws against gays, just to get the support of the people," describing the Same Sex Marriage Prohibition Act as a "nonsensical diversion." "It shows their bankruptcy of ideas," he said, "and people are dying because of it."[124] Chimamanda Adichie, in a powerful call for the law's repeal, stated that it "shows a failure of our democracy, because the mark of a true democracy is not in the rule of its majority but in the protection of its minority," and describing the law as "un-African" because "it goes against the values of tolerance and 'live and let live' that are part of many African cultures."[125] Nobel laureate Wole Soyinka has been vocal in his opposition to the law—both the version that became law in January 2014, and the Nigerian Parliament's earlier attempts to pass similar legislation. After one such attempt in 2012, Soyinka wrote, "Laws, if any are promulgated in these cases, should be towards the protection of the vulnerable in society, vulnerable from whatever cause, including deviations from the sexuality of the majority genders."[126]

In a joint open letter published just after the law's passage, 22 Nigerian academics, including a number of literary scholars, called for its abolition, condemning it as "a spurious, uninformed and one-dimensional reading of 'African culture'" that "impinges on Nigerians' freedom of speech and association, and expressly violates the rights of minorities in a free and democratic society."[127] YNaija.com, an online newspaper aimed at a younger audience, published a strong editorial titled "Let Us Be Clear – We Totally, Unequivocally, Stand Against the Anti-Gay Law."[128] Prominent Nigerian musicians including Seun and Femi Kuti (children of the legendary Fela Kuti) have also criticized the law. Seun Kuti stated, "I am writing this not as a fight for 'gay rights,' I am fighting for all rights. People should be allowed to express themselves freely and this includes their sexuality."[129] In a separate argument against the law, Femi Kuti wrote, "We have to keep talking about the issue of gay rights, but it's the government's responsibility to take the lead to defend people's fundamental rights. Citizens must have the right to be who they want to be."[130]

PEN Nigeria's Secretary-General Ropo Ewenla also pledged support for defending free expression for all Nigerians: "We will continue to exercise our freedom of expression in support for our LGBTI colleagues, including through the written word. And if we can't write, we'll sing, and if we can't sing, we'll hum, and if we can't hum, we'll stamp our feet."[131]

RECOMMENDATIONS

As the issues documented in this report demonstrate, anti-LGBTI laws like Nigeria's pose a clear and direct threat to a wide range of human rights. Whether these laws criminalize the expression of LGBTI identity, same sex relationships between consenting adults, the dissemination of so-called "gay propaganda", or LGBTI organizations, their impact is to deny the humanity and fundamental rights of LGBTI individuals. The human rights violations resulting from these laws affect everyone, threatening free expression, self-expression, and creative freedom, as well as the rights to free association and assembly. Laws that ban the expression of one's own identity, or support for others who do so, stifle democratic debate and the free exchange of information and opinions. Anti-LGBTI laws also have dire consequences for a wide variety of other human rights, as well as the fight against HIV/AIDS.

On the basis of this report's findings, PEN American Center, PEN Nigeria, and the Leitner Center for International Law and Justice make the following recommendations:

To the Government of Nigeria:

- Immediately repeal all laws, including the Same Sex Marriage Prohibition Act, that criminalize consensual same sex relationships between adults and/or the open expression of sexual orientation or gender identity. Release all individuals detained or imprisoned pursuant to these laws or because of the exercise of their fundamental rights as LGBTI people.
- Do not pass the proposed Foreign Contribution (Regulation) Bill of 2013, or other legislative measures which would threaten the independence of non-governmental organizations.
- Engage in and encourage measures to bring about understanding and respect for diverse populations, including but not limited to: inter-group and inter-faith dialogues, public education efforts in secondary schools and higher education institutions to promote tolerance, and public messaging campaigns against speech and conduct that threatens violence against minority groups.
- Promptly and vigorously investigate and prosecute all reported incidents of threats, harassment, blackmail, and violence perpetrated on the basis of supposed or actual sexual orientation or gender identity, and hold accountable those found responsible.
- Grant the request of the UN Special Rapporteur on freedom of peaceful assembly and of association for an official visit to Nigeria.

To the international community:

- Publicly and privately raise the Same Sex Marriage Prohibition Act in bilateral and multilateral discussions with the Nigerian government as a violation of fundamental human rights.
- Actively monitor the government of Nigeria's compliance with its obligations under the ICCPR, ICESCR, and ACHPR, particularly those relating to freedom of expression and association, and take appropriate measures to publicly report on the government's record of compliance.
- Ensure that human rights violations affecting the LGBTI community are addressed when Nigeria is reviewed by international human rights monitoring bodies.
- Request that the United Nations Special Rapporteur on Freedom of Opinion and Expression engage the Nigerian government on the Same Sex Marriage Prohibition Act and its impact on free expression.
- Make a foreign policy commitment to address anti-LGBTI laws and policies that are in force or under consideration in other countries, including those described in this report.
- Provide support for Nigerian LGBTI rights defenders within and outside the country, including tools to ensure their physical and online security, financial support, and channels to publicize cases of prosecutions or attacks on LGBTI people and other violations of their human rights.

- International publishers should make publication of the works of silenced Nigerian LGBTI writers a priority.
- International organizations, institutions, and businesses with operations in Nigeria should ensure respect for human rights and protection against harassment, threats or physical violence for all employees.

To the United Nations:

- Human rights bodies and relevant special rapporteurs should continue to carry out investigations and make strong and unified statements that anti-LGBTI laws and policies are direct human rights violations and contravene human rights treaties including the ICCPR and ICESCR.
- Ensure that all relevant UN human rights monitoring bodies address human rights violations affecting the LGBTI community in reviews of Nigeria's human rights record.
- The UN Human Rights Committee should issue a General Comment that clearly and explicitly applies the rights enumerated in the ICCPR to LGBTI individuals.
- Ensure that all relevant UN Special Rapporteurs, including those whose mandates include freedom of opinion and expression, freedom of assembly and association, minority issues, cultural rights, discrimination against women, arbitrary detention, the right to health, and the situation of human rights defenders, work independently and cooperatively to address the situation of LGBTI human rights in Nigeria.

ABOMINATION

BY KEHINDE BADEMOSI

The time was half-past eleven, and most vendors along Oke Alfa had closed their stalls. The dirt road was bumpy and potholed and littered with empty cartons of sugar and empty tomato tins flattened out by the passing trucks that delivered goods to the market. Walking the short distance home, Kehinde was hungry and feeling weak and feeble from fasting. He tore open the wrapped sausage rolls and sank his teeth into the cold bread and the beef buried within.

As he approached Oke Koto, the last bend before his home on Market Street, he felt a strong force pulling at him. He was now on a busy road, where the night market sold everything. The last time he walked that route was with Laura on their way back from the church. She had told him about the street and the sin-filled red brick building in the middle of all its busyness. She knew it well because she understood Hausa, the language spoken on Oke Koto.

The red building gave the street its life. People traveled from faraway states across Nigeria to trade there. They sold marijuana. They sold bets. They sold sex. The patrons of Oke Koto dressed piously to cover up the obvious nature of their trades, but Kehinde knew what was going on. Or he thought he knew. And what he thought he knew enraged him. He wanted to bring the Kingdom of God here. He needed to *birth* Oke Koto for God. He had been anointed by Sister Odolo, the Great Prophetess, to set the captives free, and Oke Koto might as well be the testing ground for his newly acquired spiritual authority.

Full of God's might, the Preacher Boy plunged into the crowd, making his way toward the red brick building. Outside the entrance, a *Mallam* grilled *suya* meat in on the corner while a crowd of people waited in line for their orders. Kehinde entered the building, and the deeper he went, the dimmer it got. Faces were shades of dark gray, except for the occasional flicker of light from a cigarette lighter revealing hints of who they were. There were *Alhajis* in loose-fitting clothing negotiating in low tones with the prostitutes. Further in, he passed traders selling *Fura De Nunu* and *Zobo*, medicinal yogurts from Northern Nigeria men used to thicken their semen and enlarge the male organ. There were boys, too, barely 12 years old, selling cigarettes and weed rolled in old newspapers. The buyers were older men, sometimes in their thirties, sometimes in their seventies. These older men rarely wasted time. They would beckon the boy of their interest. They would price the weed in the rolled newspapers. They would pay, and then take the boy and disappear inside a locked room. When the boys returned, they were usually too tired to continue with their trade.

Kehinde's breath quickened. His body hummed as if it were in tune with what he was seeing, but his spirit felt violated. This enraged him. Sister Odolo had told him it was okay to be angry at sin. Holy anger, she called it. Careful that no one was watching him, he slowly lifted his hand above his head and groaned his prayers until he was seized by the cacophony of unknowable language. He moved further into the red building. The Preacher Boy had come to Oke Koto on a mission.

Deep inside the building, Kehinde arrived at a large open space packed and throbbing with people. He stared incredulously; his eyes danced around in wonderment. Prostitutes lined the corridors, smacking gum, blowing bubbles, smoking cigarettes and weed, and some other things he couldn't quite figure out. He felt light-headed.

A well-dressed lady in a full *hijab* smiled and flashed a golden tooth. He looked around, unsure if the smile was meant for him. She sashayed toward him. Laura had told him that the prostitutes in Oke Koto kept their bodies covered so as not to offend their Muslim patrons. The lady walking towards Kehinde had a pretty face and breasts that could not be contained or hidden by the *hijab*. They burst out in full rebellion. Without saying a word, she took the Preacher Boy by the hand and led him into her room, where she sat him on the floor on the only cushion. The air in the room was different—it smelled of lavender and citrus mixed with tobacco and weed.

"I am Aminat." She sat close to Kehinde. "What's your name, *Alhaji*?"

"Hussein." Kehinde gave the name his Muslim father called him before he went the way of the church.

"How much will you pay for two sweet ones?" Amina asked in a pleasant

Hausa accent. Then she slowly opened her dress and released her breasts. She pulled Kehinde close and caressed his unkempt hair.

"JESUS!" Kehinde cried, holding his stomach with one hand and his Bible with the other. He had come to *birth* Oke Koto for the Kingdom of Christ and set the captives free. More angry than startled, Aminat got up quickly, grabbed Kehinde by the arm and pulled him toward the door. That's when Isiaku entered. Isiaku was tall, with thick hair and the chest of a boxer. He whispered something in Aminat's ear, and she left the room.

"The devil is using you all." Kehinde pointed his Bible at Isiaku.

"Ba turenshi," Isiaku said in Hausa, revealing his gold tooth.

"So you can't speak even a little English?"

"Ba turenshi," Isiaku repeated as he got very close to Kehinde and caressed his head as Aminat had. Kehinde felt something. He felt it in his bones and across his skin as Isiaku ran his hand across Kehinde's worn shirt to feel his chest. Kehinde's dick stiffened again. He didn't like the way he felt, but he didn't fight it. He told himself he would confirm what Laura had told him about the red building: that men came here to have sex with other men. These men, the *dandaodus*, as Laura called them in Hausa, had been a part of Hausa tradition until Muslims tried to suppress it. Some *dandaodus* behaved like women. They wore the local makeup and dresses and danced for other, more masculine men at their parties. During the day, they cooked for their men, who called them their wives. Isiaku was one of the masculine *dandaodus*. He was an abomination unto God.

Sister Odolo had said that homosexuality was one of the seven great abominations that would bring America to its knees and allow her to take control of the White House. Homosexuality, according to Sister Odolo, was God's way of giving people over to their reprobate minds because they refused to acknowledge and worship Him. Kehinde believed every word handed down from the Prophetess. Sister Odolo didn't say it was so; The Bible said it was so in the Book of Genesis. In the Book of Leviticus. In the Books of Timothy and Corinthians. And in the Book of Romans, where it was written: *Men abandoned the natural function of the woman and burned in their desire toward one another, men with men committing indecent acts and receiving in their own persons the due penalty of their error.*

However, something in his far past kept calling out to him. He had had a dream about it and remembered it now, with Isiaku before him.

When Kehinde was 12 years old, he had developed an indescribable fondness for his head teacher's son, Tunde Tuoyo. At 15, Tunde was the oldest boy in class, having repeated several grades due to his poor academic performance. Kehinde liked to stare at Tunde endlessly any time they got together after school. Soon enough, Tunde began to stare back—the same fixed stare during which nothing was said. Tunde clearly enjoyed Kehinde's staring. One day after school, Tunde pushed Kehinde up against the wall, nailing his hands to the wall with his strong palms. Kehinde didn't resist. He closed his eyes as Tunde came closer until their foreheads rubbed against each other, then their noses. They seemed to breathe each other, and then their mouths connected as if they were chewing each other.

The Touyos relocated to Dubai, and everything about that kiss was supposed to have relocated with them. But Kehinde remembered every detail of it. The helplessness of it. The smell of onions on Tunde's breath.

That night in Oke Koto, as Isiaku pulled Kehinde closer, Kehinde breathed him in the way he had Tunde. Blood rushed in his veins. Isiaku gently took Kehinde's Bible and threw it in the corner. With his thick Hausa fingers he traced the outline of Kehinde's nipples, now visible under his shirt. Then, slowly as the lantern in the room dimmed, Isiaku thrust his lips on Kehinde's. Kehinde did not stop him. Perhaps he did not want to stop him. Like a lamb led to the slaughterer, he gave himself willingly to Isiaku.

THE DEVELOPMENT COSTS OF HOMOPHOBIA

BY BISI ALIMI

As a gay man living in Nigeria, my biggest challenge was choosing between my sexuality and my job.

In 2004, I was at the start of my acting career. I had just left university, and I was featured in "Roses and Thorns," a prime-time soap opera on Galaxy Television, one of Nigeria's most popular TV stations. I was playing the role of "Richard," the only son of a rich family who was having an affair with the house maid.

Whispers were making the rounds about my private life, and I decided it was time to come out. So I agreed to go on Nigeria's most-watched television talk show to discuss my sexuality.

Almost immediately, my character was eliminated. And when my job disappeared, so did my financial security. Like many gay men and lesbians in Africa, my choice was between economic freedom and mental imprisonment.

This year, Nigeria and Uganda put in place draconian anti-gay laws, sparking a worldwide debate about human rights. This debate has also started at the World Bank, whose president, Jim Yong Kim, recently declared that "institutionalized discrimination is bad for people and for societies."

Kim's statement has invited criticism and controversy. Often, as in Uganda and Nigeria, we hear the claim that opposition to official discrimination against gay, lesbian, bisexual, and transgender (LGBT) people is simply a way to impose "Western" values on Africa. But this assumes that homosexuality is "un-African." And, despite the absence of evidence that any given country or continent does not have LGBT people (and ample evidence to the contrary), it is an assumption that an increasing number of African leaders have embraced.

In 2006, President Olusegun Obasanjo, then Nigeria's president, was among the first to do so. Uganda's President Yoweri Museveni followed suit when signing the anti-gay bill into law in 2014. Other leaders, from Gambia's President Yahya Jammeh to Zimbabwe's Robert Mugabe, have spoken in the same vein.

These official attitudes have caused significant suffering for Africa's gays and lesbians. Indeed, the price of homophobia for gay people in many African countries is painfully clear: legal penalties, social ostracism, and mob justice.

But here is what Africa's anti-gay leaders miss: legal protections are not only a human-rights issue, but also an economic issue. Kim is exactly right, and research has started measuring the economic costs of homophobia by exploring links between anti-gay sentiment and poverty in countries where laws and social attitudes proscribe same-sex relationships.

M.V. Lee Badgett, an economist at the University of Massachusetts-Amherst, presented the initial findings of a study of the economic implications of homophobia in India at a World Bank meeting in March 2014. Badgett estimated that the Indian economy may have lost up to $23.1 billion in 2012 in direct health costs alone, owing to depression, suicide, and HIV treatment disparities caused by anti-gay stigma and discrimination.

In addition to such concrete costs, being gay can bring violence, job loss, family rejection, harassment in schools, and pressure to marry. As a result, many gay people have less education, lower productivity, lower earnings, poorer health, and a shorter life expectancy.

In Nigeria, I started the Independent Project for Equal Rights (TIERs) in 2005 to respond to the increasing number of people who were losing their jobs because of suspicions about their sexuality. During our first year, we provided support for dozens of people. One young man, "Olumide," was given temporary housing after his family kicked him out for being gay.

Another, "Uche," was fired from his job as a chef after his sexuality was revealed. TIERs helped him with accommodation and capital to set up a catering business. Though almost 10 years have passed, it is still not safe to use their real names.

Across Africa, the economic costs of discrimination are increasing, in line with growing pressure on employers, landlords, health-care providers, educational institutions, and others to exclude LGBT people.

Today, the World Bank and other development agencies are mapping out the global development priorities that will follow the Millennium Development Goals (MDGs), which officially end in 2015 and included specific targets for promoting gender equality and empowering women as a strategy for economic growth. Looking ahead, the Bank should take the same approach to LGBT rights and make legal protections for sexual orientation and gender identity a condition for countries receiving loans.

Building recognition of women's rights into the MDGs did not corrupt African cultures by imposing "Western" values; in fact, it strengthened many African countries, which now lead the world in the representation of women in government. By pursuing similar protections for LGBT people, international investment and aid can improve economic performance and strengthen respect for basic human rights.

The World Bank, always wary of entangling itself in "political" questions, emphasizes that it is not a global human-rights enforcer. But it also increasingly recognizes its own role as a facilitator in helping Bank members realize their human-rights obligations. LGBT rights should be a test case.

Aid to governments that permit specific social groups to be ostracized can carry very real economic costs. As new loans are considered, steps should be taken to ensure that the benefits are as inclusive as possible.

If the Bank – which currently lends Nigeria almost $5.5 billion and expects to commit an additional $2 billion in each of the next four years – moved in this direction, other funders might follow. Africa's LGBT people desperately need such powerful allies in their struggle for human and economic rights.

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THE WAY WE WERE

BY JUDE DIBIA

You hate stories that end badly. This is why you avoid reading the news—too much pain, too much suffering and seldom hope. Everyday is a new challenge; you wake up, wear your mask and like a masquerade compelled to dance in the village square, you dance this dance of existence. Dance. Twirling round and round in a dizzying spin and life is but a merry-go-round of endless repetition. But you breathe, you eat and you sleep. With one eye open. Afraid. Always afraid that someone will wrench your mask off or it may slip off. And you are revealed for who you truly are. And then there will be blood. Blood like a river with no beginning and no end in sight. There will be no bad endings today if you can help it, but sadly you don't control your fate. Tonight you will sleep with your two eyes open.

Tomorrow you will fasten your mask tightly around your face and go about your business. Your neighbors smile awkwardly at you and you smile back. Good morning you say to them. They nod and shuffle away. The women herd their children away as if protecting them from a predator. Masquerades scare children. You have no children of your own and you are aware of the whispers; why is a grown man not married? What kind of man does not have a female companion or visitors? The whispers have become louder since January. In January, a flock of your friends quickly rushed to the altar to proclaim 'I do'. January was the month things changed. One morning in January you overheard people in your place of work praising the government for taking a bold step and giving the middle finger to the West and all countries that championed gay rights. In January, while you slept, someone snuck in and cracked your mask.

A young man died yesterday. He was murdered. His mother found him strangled in his room. She recalled he came home late at night with a male friend of his and told her he had already had dinner. She let him be and left him with his guest. In the morning when he did not come down for breakfast, she thought he had overslept again. She found him with his belt tied round his neck, lying in a puddle of his feces and urine. She knew he was gone forever.

You see the news on Facebook. You hide to read the sordid story. You are appalled that no one really cares that a young man just died, all people seem interested in is how come he came home with a man and why his mother let him have a man in his bedroom late at night. *Didn't she know better? Didn't she know about the law that January brought? She was a careless mother. Her son obviously deserved what he got. He met a stranger online and brought him to his house. Every fool knew you could not do that anymore, not after January.*

You want to go somewhere private and weep. Not just because a young man died, or that these wounding words come from the pious religionists but mostly because the source of many of these hateful comments online were written by people like you—like the victim. You realize your own people are far less forgiving than they should be. You realize why attitudes never change, why paradigms refuse to shift. No one is willing to take off the mask they wear and stand firmly for what is right and just. All everyone wants to do is dance. *Dance. Dance until the sunsets. Dance until the river turns red.*

The days pass and you hear of many more tragedies. Men are dragged out

from their beds, stripped naked and made to parade the streets. People laugh and point at them. Their pictures appear online with lewd headlines, while the world sleeps and turns a blind eye to this; this is not big enough to grab the world's headlines.

There was a video you came across on the web as well, of two men forced to engage in carnal intercourse while people whipped them and jeered at them, cursing them for loving themselves. Hating them for loving. 'Can't you see,' their actions seem to say, 'love died in January'. *Love died while you were sleeping*.

You don't hear from your lover in many days and you worry. Is he ok? Was he ambushed like the unfortunate men you have read about? Against your will you are forced to check online for news of more lynching and entrapment of young men, praying you do not come across his name. You realize that most of the blogs and online forums run by people like you have mysteriously vanished. People are afraid and going far underground. It seems to you that they are digging graves to hide in. You search the regular news sites and read of another young man found dead on a campus. He hung himself the news stated. You wonder if he was like you. You wonder if he simply gave up.

It's Friday and you get a call. You don't recognize the number and wonder if you should answer it. The ringer is persistent and you succumb. It is *him*. He is safe. But your relief is ephemeral. He tells you he is getting married. He will get married before the January mob come knocking at his door. He had already had a taste of it when the police stopped him and seized his phone and laptop. He was told he looked funny, that his jeans were too tight for a man. They threatened to take him to the station for interrogation if he did not let them check the content of his phone and laptop. He escaped their intimidation by parting with a big bribe. But they took his cell number, to keep in touch they tell him, so he got a new one and retired the number you usually called him with. People were already talking about him. He could not risk being discovered.

How do our story end? You ask. We live, he tells you. We survive. But what if we take off our masks and fight? You say. He tells you your right to exist, was taken away in January. He says goodbye.

Goodbye to freedom.

January came and took everything away. Now, when you wake up everyday you wish for things to return to the way they were.

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WHIPS
BY UNOMA AZUAH

This place felt like a prison. The bread and tea they gave us for breakfast was stale and weak and didn't seem to serve any purpose. I was hungry and came alive as soon as other students started gathering their notebooks, getting ready to dash out of class for lunch. All my excitements were usually short-lived. I had hoped that whatever we were having for lunch would be rice and stew. In the refectory, food was divided among the tables, so there were five to six students per table and each table had a pot of garri and soup. Sometimes, the soup was too watery, or the rice and beans had small pebbles. I had the responsibility of dividing up the food. Nobody appointed me but I volunteered as often as I wanted. Occasionally some students accused me of not doing a good job. At one point one of the girls at the table, Amaka, who had a large head, yelled at me, "Unoma, the fish on your plate is bigger than others."

"Bigger how?" I said. "I shared the fish equally."

"No, yours is bigger!" she yelled.

I shoved my plate to her and snatched hers, but she pulled it back, spilling some of the Ogbono soup. I clenched my fist and glared at her. I didn't want to get into trouble by fighting. Otherwise, I would have punched her big head. The rest of the girls at the table told me to calm down and to ignore her.

I got food for my school mother and brought it back to our dormitory, House Five. There was still a long line of containers in front of the water tank and that annoyed me. My containers had been in the line for hours. I was tired and ready for the afternoon rest, but there were about fifteen containers ahead of mine. As I waited, I saw Nkechi sneek up to the water tank and look around to see if anyone was watching her. I looked down so she wouldn't notice that I had seen her. Then she pushed her blue container next to the second one in line.

"What do you think you're doing!" I cried.

Nkechi rolled her eyes at me. "Unoma Azuah, mind your business!"

"Take that container to the back of the line," I said, pointing at the trail of containers.

She hissed and started to walked away, leaving her container where it was, but I kicked it out of the queue. She picked it up and left.

A few minutes later, the lined moved and I pushed my container forward, glad to be moving ahead.

"Unoma Azuah! Unoma Azuah, your name is on the list!"

I didn't recognize the voice calling out my name. She had to be one of the new prefects. My heart pounded. A couple of weeks before, two girls had fought in House Four. When they were asked why they had fought, they said it was because of me. Even though I didn't ask them to fight over me, I was still told to cut the overgrown grass near the staff quarters.

I whispered a prayer and asked, "What list? Why is my name on the list?"

"You have a lover. You people have sex. Other girls are kneeling down in front of the principal's office. Go and join them."

There were about a dozen of us kneeling. The jagged stones ground into my knees and pierced my nerves. The sun's heat bore down with heavy hands. It was not long before the principal's whip snapped upon my back. I squealed in pain and begged for forgiveness. Instead, the principal punctuated every lash by saying, "Remember this pain when you commit your sinful act!"

After giving us all uncountable lashes, the principal strutted into her office in a huff. We were to kneel under the intense heat for another hour. When we were finally dismissed, I could still feel the pain breathing through the slashed surfaces of my back. I didn't want to feel the judgmental gaze of my bunkmates. I didn't want them to cast glances of *you deserve what you got*. So, I climbed the stairs to my classroom and cried. I was not in there for long before one of the born again girls came in with a Bible.

"Unoma, God loves the sinner but not the sin. I came to pray for you."

"I don't need your prayers," I said.

"So you're not ready to renounce your sin."

"Leave me alone!"

"The spirit of lesbianism is stubborn and demonic. I can start prayers and deliverance for you now, if you believe."

I looked at Ngozi as she talked about prayer and deliverance. Our eyes met. A chill crept down my spine. There was fire in her eyes, with sparks of madness. I moved away from her. I sat by the open window and gazed out. A couple of yellow birds chirruped and darted around the hibiscus flowers scattered around our classroom building. Their chirps drowned out the echoes of Ngozi's prayers as she slammed the Bible hard against her lap, casting out demons.

That's when I heard them, the hymns of the reverend sisters coming from the convent next to our school. The song was soothing but mournful at the same time, settling like a blanket of melancholy over my shoulders. That could be my place of refuge: the convent.

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ENDNOTES

1 Same Sex Marriage (Prohibition) Act, 2013 (Nigeria), art. 5.

2 *The Export of Hate*, Human Rts. Campaign (2014), *available at* http://hrc-assets.s3-website-us-east-1.amazonaws.com//files/assets/resources/HRC_Export-of-Hate-final.pdf; Max Strasser, *From Uganda to Russia, Homophobia Spreading Worldwide*, Newsweek, Feb. 27, 2014, *available at* http://www.newsweek.com/uganda-russia-homophobia-spreading-worldwide-230358; Masha Gessen, *Putinspeak in Kyrgyzstan*, N.Y. Times, Oct. 5, 2014, *available at* http://www.nytimes.com/2014/10/06/opinion/masha-gessen-putinspeak-in-kyrgyzstan.html.

3 Anti-Homosexuality Act of 2014 (Uganda), *available at* http://www.refworld.org/pdfid/530c4bc64.pdf (struck down on procedural grounds by Uganda's Constitutional Court, but legislative efforts to revive it are ongoing). *See* Saskia Houttuin, *Gay Ugandans Face New Threat from Anti-Homosexuality Law*, The Guardian, Jan. 6, 2015, *available at* http://www.theguardian.com/world/2015/jan/06/-sp-gay-ugandans-face-new-threat-from-anti-homosexuality-law.

4 *Russia's Anti-LGBT Law a Tool for Discrimination*, Human Rts. Watch, June 30, 2014, *available at* http://www.hrw.org/news/2014/06/29/russia-anti-lgbt-law-tool-discrimination; Masha Gessen, *supra* note 2.

5 *The Export of Hate*, *supra* note 2, at 14, 20 (on the activity of U.S. groups in Nigeria). *See also* Evelyn Schlatter, *18 Anti-Gay Groups and Their Propaganda*, Southern Poverty L. Ctr. (Intelligence Report, Winter 2010), *available at* http://www.splcenter.org/get-informed/intelligence-report/browse-all-issues/2010/winter/the-hard-liners.

6 *Wave of Anti-LGBT Bills in 2015 State Legislative Sessions*, Human Rts. Campaign, *available at* http://hrc-assets.s3-website-us-east-1.amazonaws.com//files/assets/resources/2015_StateLegislation-Document_3_23.pdf; *Anti-LGBT Bills Introduced in 28 States*, Human Rts. Campaign, Mar. 24, 2015, *available at* http://www.hrc.org/blog/entry/anti-lgbt-bills-introduced-in-28-states?utm_term=NEWS-1.

7 Scott Neuman, *Indiana, Arkansas Amend 'Religious Freedom' Laws*, NPR.org, Apr. 2, 2015, *available at* http://www.npr.org/blogs/thetwo-way/2015/04/02/397042514/indiana-arkansas-struggle-with-changes-to-religious-freedom-laws; Monica Davey & Laurie Goodstein, *Religion Laws Quickly Fall Into Retreat in Indiana and Arkansas*, N.Y. Times, Apr. 2, 2015, *available at* http://www.nytimes.com/2015/04/03/us/rights-laws-quickly-fall-into-retreat.html; Indiana*: Bill Signed Allowing Denial of Service to Gays*, Associated Press, Mar. 26, 2015, *available at* http://www.nytimes.com/2015/03/27/us/politics/indiana-bill-signed-allowing-denial-of-service-to-gays.html; Jeff Guo, *Everything You Need to Know About the Gay Discrimination Wars in 2015*, Wash. Post, Feb. 25, 2015, *available at* http://www.washingtonpost.com/blogs/govbeat/wp/2015/02/25/these-states-are-marching-ahead-with-laws-that-would-allow-gay-discrimination/. For more examples of U.S. state laws that violate LGBT people's human rights, *see "No Promo Homo" Laws*, Gay, Lesbian & Straight Education Network, *available at* http://glsen.org/learn/policy/issues/nopromohomo; Zack Ford, *Nine States with Anti-Gay Laws That Aren't That Different From Russia's*, ThinkProgress, Feb. 3, 2014, *available at* http://thinkprogress.org/lgbt/2014/02/03/3241421/9-state-gay-propaganda-laws/.

8 Adam J. Kretz, *From "Kill the Gays" to "Kill the Gay Rights Movement": The Future of Homosexuality Legislation in Africa*, 11 Nw. Univ. J. Int'l Hum. Rts. 207, 244 (2013) (explaining that "the lesson learned from homosexuality legislation passed in Zimbabwe and Uganda will be that such bills serve as a relatively easy, risk-free way to increase one's political standing while causing severe harm to LGBT persons already marginalized by the government and populace").

9 *From Torment to Tyranny: Enhanced Persecution in Uganda Following the Passage of the Anti-Homosexuality Act 2014*, Sexual Minorities Uganda, *available at* http://sexualminoritiesuganda.com/wp-content/uploads/2014/11/SMUG-From-Torment-to-Tyranny.pdf.

10 See, e.g., Akudo Oguaghamba, *Why Lesbian and Bisexual Women Should Be Visible on LGBT Rights Advocacy in Nigeria*, Where Love Is a Crime, May 15, 2015, http://www.whereloveisacrime.org/?p=1431.

11 Resolution on Anti-LGBTQI Legislation Which Restricts the Right to Freedom of Expression, PEN Int'l, Sept. 29, 2014, *available at* http://www.pen-international.org/wp-content/uploads/2014/10/18.-RESOLUTION-on-Anti-LGBTQI-Legislation-which-Restricts-the-right-to-Freedom-of-Expression.pdf (adopted at the Assembly of Delegates of the 80th PEN World Congress in Bishkek, Kyrgyzstan).

12 Thabo Msibi, The Lies We Have Been Told: On (Homo) Sexuality in Africa, 58 Africa Today 54 (2011); Bernardine Evaristo, The Idea that African Homosexuality Was a Colonial Import Is a Myth, The Guardian, Mar. 8, 2014, available at http://www.theguardian.com/commentisfree/2014/mar/08/african-homosexuality-colonial-import-myth; Rudolf Gaudio, Male Lesbians and Other Queer Notions in Hausa, in Stephen O. Murray and Will Roscoe (eds.), Boy-Wives and Female Husbands: Studies of African Homosexualities (1998).

Some interviewees also noted that some Nigerians may not identify or agree with Western conceptions of sexual orientation, or terms like lesbian, gay, bisexual and transgender. As writer and lawyer Elnathan John commented, "A large number of men who have sex with men in the country do not conflate sexuality with gender and gender roles. Those roles have always been clear, and encourage them to get married and remain as patriarchal and misogynistic as straight men. [Men who have sex with men] are content to remain in this 'masculine' role. One has to come to the conversation understanding the local complexity." Interview with Elnathan John, Feb. 26, 2015.

13 *See This Alien Legacy: The Origins of "Sodomy" Laws in British Colonialism*, Human Rts. Watch (2008), *available at* http://www.hrw.org/sites/default/files/reports/lgbt1208_webwcover.pdf; *Obasanjo Backs Bishops over Gays*, BBC News, Oct. 27, 2004, *available at* http://news.bbc.co.uk/2/hi/africa/3955145.stm.

14 *This Alien Legacy*, *id.* at 5.

15 Under Section 214 of Nigeria's Criminal Code Act, which governs Nigeria's southern states, carnal knowledge of any person against the order of nature is a criminal offense punishable by up to 14 years' imprisonment. Meanwhile, Section 284 of the Penal Code (Northern States) Federal Provisions Act, which governs Nigeria's northern states, criminalizes carnal intercourse against the order of nature, also punishable by up to 14 years' imprisonment. *See* Dimitrinia Petrove, Executive Director of the Equal Rights Trust, Letter of Jan. 9, 2014, at 7, *available at* www.equalrightstrust.org/ertdocumentbank/140109%20ERT%20Letter%20to%20President%20Goodluck%20Jonathan%20on%20the%20Same%20Sex%20Marriage%20(Prohibition)%20Bill%202013.pdf.

16 *See* State-Sponsored Homophobia (2014), Int'l Lesbian Gay Bisexual Trans & Intersex Ass'n, *available at* old.ilga.org/Statehomophobia/ILGA_SSHR_2014_Eng.pdf, at 42; *Country Reports on Human Rights Practices for 2013: Nigeria*, U.S. Dep't of State, Bureau of Democracy, Human Rts. & Labor, *available at* http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220146 - wrapper [the 12 northern Nigerian states that have adopted Sharia law are Bauchi (2001), Borno (2000), Gombe (2001), Jigawa (2000), Kaduna (2001), Kano (2000), Katsina (2000), Kebbi (2000), Niger (2000), Sokoto (2000), Yobe (2001) and Zamfara (2000)].

17 *LGBT Human Rights Situation in Nigeria—October 2013*, Joint Submission by LGBTI Organizations in Nigeria to the Second Universal Periodic Review of Nigeria, U.N. Human Rts. Council, *available at* http://www.theinitiativeforequalrights.org/wp-content/uploads/2014/04/Joint-Submission-of-LGBT-Human-Rights-situation-in-Nigeria-October-2013-.pdf.

18 Fredrick Nzwili, *Nigeria's Religious Leaders Welcome Controversial Anti-Gay Law*, Wash. Post, Jan. 16, 2014, http://www.washingtonpost.com/national/religion/nigerias-religious-leaders-welcome-controversial-anti-gay-law/2014/01/16/12485d88-7ef7-11e3-97d3-b9925ce2c57b_story.html; Rudolf Gaudio, *Dire Straights in Nigeria*, 114 Transition 61 (2014). There are, of course, many Christian and Muslim believers who welcome LGBTI people, as well as openly gay Nigerian faith leaders including Reverend Jide Macaulay and Christian LGBTI activist Davis Mac-Iyalla, both Nigerians now based in the United Kingdom. *See Changing Attitudes Through the Example of Jesus: Transition Interviews Nigerian Gay Rights Activist Davis Mac-Iyalla*, 114 Transition 71 (2014).

19 *Clampdown Continues on Nigeria's LGBT Community*, New Internationalist Mag., Feb. 24, 2014, http://newint.org/features/web-exclusive/2014/02/24/lgbt-nigeria-clampdown/.

20 *Nigeria: Reject 'Same Gender' Marriage Ban*, Human Rts. Watch, Jan. 26, 2009, http://www.hrw.org/news/2009/01/26/nigeria-reject-same-gender-marriage-ban; Emmanuel Obidimma & Angela Obidimma, *The Travails of Same-Sex Marriage Relation Under Nigerian Law*, 17 J. L., Pol'y, & Globalization 42, 43 (2013) (examining the legislative history of Nigerian same sex marriage prohibition).

21 *Nigeria Arrests Dozens as Anti-Gay Law Comes into Force*, The Guardian, Jan. 14, 2014, *available at* www.theguardian.com/world/2014/jan/14/nigeria-arrests-dozens-anti-gay-law.

22 James Schneider, *Nigeria's Anti-Gay Bill: Don't Fall for Jonathan's Distraction Tactic*, ThinkAfrica Press, Jan. 15, 2014, http://thinkafricapress.com/nigeria/anti-gay-bill-dont-fall-jonathans-distraction-tactic; Rudolf Gaudio, *Dire Straights in Nigeria*, 114 Transition 61 (2014).

23 *See, e.g.*, Ayo Sogunro, *One More Nation Bound in Freedom*, 114 Transition 47 (2014); *YNaija Editorial: Let Us Be Clear, We Totally – Unequivocally – Stand Against the Anti-Gay Law*, YNaija.com, Jan. 18, 2014, http://ynaija.com/ynaija-editorial-let-us-be-clear-we-totally-unequivocally-stand-against-the-anti-gay-law/; Alison Flood, *Nigerian Authors Condemn*

Country's New Anti-Gay Law, The Guardian, Feb. 27, 2014, http://www.theguardian.com/books/2014/feb/27/nigeria-anti-gay-law-critic-adichie-kay-habila; *Nigeria: No Country for Gay Men*, The Economist, Jan. 14, 2014, http://www.economist.com/blogs/baobab/2014/01/nigeria; Interview with person requesting anonymity.

24 Interview with Jude Dibia, Jan. 21, 2015.

25 Telephone call with Nigerian Mission to the United Nations, Dec. 8, 2014.

26 *UN Human Rights Chief Denounces 'Draconian' Anti-Homosexuality Law in Nigeria*, U.N. News Ctr., Jan.14, 2014, *available at* www.un.org/apps/news/story.asp?NewsID=46923#.VCsB3fmwLYg.

27 Same Sex Marriage (Prohibition) Act, *supra* note 1.

28 Constitution of the Federal Republic of Nigeria (1999). Nigeria has ratified both the ICCPR and the ICESCR; *see Ratification Status for Nigeria*, U.N. Office of the High Comm. for Human Rts., *available at* http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=127&Lang=EN. Nigeria has also ratified the ACHPR; *see Ratification Table: African Charter on Human and Peoples' Rights*, African Comm. on Human & Peoples' Rts, *available at* http://www.achpr.org/instruments/achpr/ratification/. See also Jake Effoduh, *Thrashing the Human Right to Privacy: A Comparative Analysis of the Same Sex Marriage Prohibition Act, 2013*, Where Love Is a Crime, May 15, 2015, http://www.whereloveisacrime.org/?p=1446.

29 Constitution, *id.*, at art. 45; International Covenant on Civil and Political Rights, Dec. 19, 1966, art. 19.

30 U.N. Human Rts. Comm., General Comment No. 34, Article 19: Freedoms of Opinion and Expression ¶¶ 27-35, (U.N. Doc. CCPR/C/ GC/34, 2011), *available at* http://www2.ohchr.org/english/bodies/hrc/docs/GC34.pdf; *see also* Suppressing Protest: Human Rights Violations in the U.S. Response to Occupy Wall Street, The Global Justice Clinic (NYU School of Law) & The Walter Leitner Int'l Human Rts. Clinic at the Leitner Ctr. for Int'l Law & Justice (Fordham Law School) (2012), at 56, note 361, *available at* http://chrgj.org/wp-content/uploads/2012/10/suppressing-protest.pdf.

31 The stated aim of the Act is to deprive homosexuals of the right to marry, which does not fit within the UNHRC's existing scope of recognized legitimate aims. "The Committee observes that the concept of morals derives from many social, philosophical and religious traditions; consequently, limitations on the freedom to manifest a religion or belief for the purpose of protecting morals must be based on principles not deriving exclusively from a single tradition." U.N. Human Rts. Comm., General Comment No: 18: Non-Discrimination, (UN. Doc. HRI/GEN/1/Rev.1, 1989) at 26, ¶ 12. In *Irina Fedotova v. Russian Federation*, when considering Russian legislation which prohibited "homosexual propaganda" the Committee dismissed claims that such legislation sought to protect public morals and the interests of minors. U.N. Human Rts. Comm., Communication No. 1932/2010 (UN Doc. CCPR/C/106/D/1932/2010, 2012). See also *Discrimination and Violence Against Individuals Based On Their Sexual Orientation and Gender Identity*, U.N. Office of the High Comm. for Human Rts., U.N. Doc. A/HRC/29/23 (2015) at para. 15.

32 Toonen v. Australia, U.N. Human Rts. Comm., Communication No. 488/1992, U.N. Doc. CCPR/C/50/D/488/1992 (1994).

33 African Comm. on Human and Peoples' Rts., Resolution on Protection against Violence and other Human Rights Violations against Persons on the Basis of Their Real or Imputed Sexual Orientation or Gender Identity, Resolution No. 275, May 2014, http://www.achpr.org/sessions/55th/resolutions/275/.

34 *Discrimination and Violence Against Individuals Based On Their Sexual Orientation and Gender Identity*, U.N. Office of the High Comm. for Human Rts., U.N. Doc. A/HRC/29/23 (2015), para. 79; see also *Discriminatory Laws and Practices and Acts of Violence Against Individuals Based On Their Sexual Orientation and Gender Identity*, U.N. Office of the High Comm. for Human Rts., U.N. Doc. A/HRC/19/41 (2011).

35 Several outlets reported the arrests of 38 suspected LGBT people in Bauchi state in the days following the Same Sex Marriage Prohibition Act's passage. *See, e.g.*, *Dozens Arrested for Being Gay in North Nigeria*, Associated Press, Jan. 14, 2014, *available at* bigstory.ap.org/article/dozens-arrested-being-gay-north-nigeria; *Nigeria Islamic Court Tries Gay Suspects in Bauchi*, BBC News, Jan. 15, 2014, *available at* www.bbc.com/news/world-africa-25749308. Soon after, Amnesty International reported additional arrests in Anambra, Enugu, Imo, and Oyo states. *See Dozens of Anti-Gay Arrests in Nigeria*, Al-Jazeera, Jan. 15, 2014, *available at* america.aljazeera.com/articles/2014/1/15/amnesty-gays-arrestedin4nigerianstates.html; *Amnesty: Gays Arrested in 5 Nigerian States*, Associated Press, Jan. 15, 2014, *available at* news.yahoo.com/amnesty-gays-arrested-5-nigerian-states-195236116.html.

36 *Nigeria Gay Trial Suspects Bailed*, The Guardian, Mar. 28, 2014, *available at* www.theguardian.com/world/2014/mar/28/nigeria-gay-trial-suspects-bailed (of the remaining eight, seven were reportedly released on bail pending trial, while another, a Christian, was having his case heard before a secular court).

37 *99 Who Are in Prison for Being Gay, 148 More Awaiting Trial*, Erasing 76 Crimes, Sept. 1, 2014, *available at* 76crimes.com/about-2/76crimes.com/2014/09/01/99-who-are-in-prison-for-being-gay-148-more-awaiting-trial/.

38 *Twenty-One Young Men Arrested in Ibadan, Oyo State, Nigeria—A Case Report*, The Initiative for Equal Rights - Nigeria, on file with author.

39 Human Rights Violations Based on Sexual Orientation and Gender Identity in Nigeria: A Shadow Report on Nigeria's Compliance with the African Charter on Human and Peoples' Rights, Advocates for Behavioural Change et al., April 2015, http://www.whereloveisacrime.org/wp-content/uploads/2015/05/ACHPR-Shadow-Report-Nigeria-SOGI-2015.pdf.

40 Jonathan Krohn, *'We Are Terrified as a People': Nigeria's Gays Live in Fear Amid New Crackdown*, The Daily Beast, Jan. 14, 2014, http://www.thedailybeast.com/articles/2014/01/14/we-are-terrified-as-a-people-nigeria-s-gays-live-in-fear-amid-new-crackdown.html.

41 *Id*.; Heather Murdock, *Nigeria: Where Being Openly Gay Comes at a Steep Price*, GlobalPost, Aug. 13, 2012, http://www.globalpost.com/dispatch/news/regions/africa/nigeria/120802/nigeria-gay-rights-goodluck-jonathan-hiv-aids; Connor Adams Sheets, *Gay in Nigeria: LGBT Life in One of the World's Most Homophobic Nations*, Int'l Bus. Times, Sept. 13, 2013, http://www.ibtimes.com/gay-nigeria-lgbt-life-one-worlds-most-homophobic-nations-1405130.

42 Adam Nossiter, *Nigeria Tries to 'Sanitize' Itself of Gays*, N.Y. Times, Feb. 8, 2014, *available at* http://www.nytimes.com/2014/02/09/world/africa/nigeria-uses-law-and-whip-to-sanitize-gays.html?_r=0.

43 Adam Nossiter, *Mob Attacks More Than a Dozen Gay Men in Nigeria's Capital*, N.Y. Times, Feb. 15, 2014, *available at* http://www.nytimes.com/2014/02/16/world/africa/mob-attacks-gay-men-in-nigerias-capital.html?_r=0.

44 Michelle Faul, *Men Attacked by Anti-Gay Mob in Nigeria*, Wash. Post, Feb. 15, 2014, *available at* http://www.washingtonpost.com/world/africa/men-attacked-by-anti-gay-mob-in-nigeria/2014/02/15/1c313e5c-967e-11e3-9616-d367fa6ea99b_story.html.

45 Adreanna Nattiel, *25 Gay Men Arrested by Vigilantes in Nigeria*, The Rainbow Hub, Nov. 21, 2014, http://www.therainbowhub.com/25-gay-men-arrested-vigilantes-nigeria/.

46 Interview with Unoma Azuah, Dec. 19, 2014.

47 *2014 Human Rights Violations Based on SOGI in Nigeria*, The Initiative for Equal Rights – Nigeria, Apr. 22, 2015, http://www.theinitiativeforequalrights.org/2014-human-rights-violation-based-on-sogi-in-nigeria/.

48 Interview with Bisi Alimi, Jan. 27, 2015.

49 Interview with person requesting anonymity.

50 Interview with person requesting anonymity.

51 Interview with person requesting anonymity.

52 Interview with person requesting anonymity.

53 Interview with Ayo Sogunro, Mar. 3, 2015.

54 Interview with Jude Dibia, Jan. 21, 2015.

55 Interview with Elnathan John, Feb. 26, 2015.

56 Interview with Rashidi Williams, Mar. 2, 2015.

57 Interview with Adejoke Tugbiyele, Dec. 19, 2014.

58 Interview with person requesting anonymity.

59 Interview with person requesting anonymity.

60 Interview with Rashidi Williams, Mar. 2, 2015.

61 Interview with Unoma Azuah, Dec. 19, 2014.

62 Interview with Jude Dibia, Jan. 21, 2015.

63 Interview with Kehinde Bademosi, Jan. 8, 2015.

64 Interview with Unoma Azuah, Dec. 19, 2014.

65 Chimamanda Ngozi Adichie, *The Danger of a Single Story*, TED (Oct. 2009), *available at* http://www.ted.com/talks/chimamanda_adichie_the_danger_of_a_single_story?language=en.

66 *See, e.g.*, *Obasanjo Backs Bishops over Gays*, *supra* note 12; *Nigerian Leaders Unite Against Same-Sex Marriages*, BBC News, Dec.5, 2011, *available at* www.bbc.co.uk/news/mobile/world-africa-15992099.

67 Interview with Jude Dibia, Jan. 21, 2015.

68 *Id*.

69 *Id*.

70 Interview with person requesting anonymity.

71 Interview with Kehinde Bademosi, Jan. 8, 2015.

72 Interview with Jude Dibia, Jan. 21, 2015.

73 Interview with Kehinde Bademosi, Jan. 8, 2015.

74 Interview with person requesting anonymity.

75 Interview with person requesting anonymity.

76 Interview with Bisi Alimi, Jan. 27, 2015; Michelle Faul, *Dozens Arrested for Being Gay in North Nigeria*, *supra* note 32.

77 Interview with Rashidi Williams, Mar. 2, 2015.

78 Interview with person requesting anonymity.

79 Interview with person requesting anonymity.

80 Interview with Jude Dibia, Jan. 21, 2015.

81 Interview with Adejoke Tugbiyele, Dec. 19, 2014.

82 *See* Ayo Sogunro, *One More Nation Bound in Freedom: Themes from the Nigerian "Anti-Gay Law"*, 114 Transition 48, at 54-56.

83 Udoka Okafor, *Exclusive Interview with Rashidi Williams*, Huffington Post, Sept. 4, 2013, *available at* http://www.huffingtonpost.com/udoka-okafor/exclusive-interview-with-rashidi-williams_b_3856754.html.

84 Interview with Elnathan John, Feb. 26, 2015.

85 Interview with Ayo Sogunro, Mar. 3, 2015.

86 Interview with Rashidi Williams, Mar. 2, 2015.

87 Adam Taylor, *Meet the First Man To Come Out as Gay on Nigerian Television*, Wash. Post, Apr. 15, 2014, *available at* http://www.washingtonpost.com/blogs/worldviews/wp/2014/04/15/meet-the-first-man-to-come-out-as-gay-on-nigerian-television/.

88 Interview with Adejoke Tugbiyele, Dec. 19, 2014.

89 Interview with Rashidi Williams, Mar. 2, 2015.

90 Interview with Ayo Sogunro, Mar. 3, 2015.

91 *Id*.

92 Interview with Dapo Olorunyomi, Apr. 8, 2015.

93 *Id*.

94 *Id*.

95 Interview with person requesting anonymity.

96 Interview with Kehinde Bademosi, Jan. 8, 2015.

97 Interview with person requesting anonymity.

98 Interview with Rashidi Williams, Mar. 2, 2015.

99 Foreign Contribution (Regulation) Bill 2013 (Nigeria), *available at* http://www.petertatchellfoundation.org/voluntary-organisation-bill.pdf.

100 *Sexual Rights Group Reinforces Condemnation of the Foreign Contribution (Regulation) Bill 2013*, Coalition for the Defense of Sexual Rts., July 10, 2014, *available at* www.iglhrc.org/sites/iglhrc.org/files/CDSRForeignFundingBill.pdf.

101 Int'l Gay & Lesbian Human Rts. Comm., Nowhere to Turn: Blackmail and Extortion of LGBT People in Sub-Saharan Africa, *available at* http://www.iglhrc.org/sites/default/files/525-1_0.pdf.

102 Unoma Azuah, *Extortion and Blackmail of Nigerian Lesbians and Bisexual Women*, in Nowhere to Turn: Blackmail and Extortion of LGBT People in Sub-Saharan Africa, *available at* https://iglhrc.org/sites/default/files/484-1.pdf, at 46.

103 Interview with Jude Dibia, Jan. 21, 2015; Interview with Bisi Alimi, Jan. 27, 2015. *See also id*.

104 Interview with person requesting anonymity.

105 Interview with Kehinde Bademosi, Jan. 8, 2015.

106 Unoma Azuah, *supra* note 102.

107 Interview with Jude Dibia, Jan. 21, 2015.

108 Interview with Bisi Alimi, Jan. 27, 2015.

109 Nigerian Constitution art. 17(3).

110 ICESCR art. 12; ACHPR art. 16.

111 Interview with Adejoke Tugbiyele, Dec. 19, 2014.

112 *See* UNAIDS and the Global Fund Express Deep Concern About the Impact of a New Law Affecting the AIDS Response and Human Rights of LGBT People in Nigeria (Press Release), Jan 14, 2014, *available at* http://www.unaids.org/en/resources/presscentre/pressreleaseandstatementarchive/2014/january/20140114nigeria.

113 Chris Beyrer, *Pushback: The Current Wave of Anti-Homosexuality Laws and Impacts on Health*, 11 PLoS Med 6 (2014), *available at* http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4068984/; *see also* Ashton Barrett-Vanes, *Criminalising Homosexuality Threatens the Fight Against HIV/AIDS*, The Lancet, Mar. 1, 2014, *available at* http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(14)60403-7/fulltext ("LGBT persons might already encounter stigma and discrimination at home and the workplace, making engagement with health-care programmes challenging; the prospect of criminal prosecution could dissuade them from seeking medical help altogether."); Sylvia Adebajo, Andrew Karlyn, Patrick Enweonwu, & Jack Tocco, *Social and Economic Factors Contributing to the HIV Vulnerability of MSM in Urban Nigeria: A Qualitative Study Comparing Lagos and Kano*, (XIX International Aids Conference, 2012), *available at* http://www.popcouncil.org/uploads/pdfs/events/2012IAS_Adebajo_MSM.pdf.

114 Navi Pillay (UN High Commissioner for Human Rights), Opening Remarks at a Press Conference During Her Mission to Nigeria, Mar. 14, 2014, *available at* http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14374&LangID=E.

115 Sheree Schwartz, Rebecca Nowak, Ifeanyi Orazulike et al., *The Immediate Effect of the Same-Sex Marriage Prohibition Act on Stigma, Discrimination, and Engagement on HIV Prevention and Treatment Services in Men Who Have Sex With Men in Nigeria: Analysis of Prospective Data from the TRUST cohort*, The Lancet, June 2015, http://www.thelancet.com/journals/lanhiv/article/PIIS2352-3018(15)00078-8/fulltext.

116 Interview with Kehinde Bademosi, Jan. 8, 2015.

117 Interview with Adejoke Tugbiyele, Dec. 19, 2014.

118 Interview with Jude Dibia, Jan. 21, 2015.

119 For more information about this project, *visit* Unoma Azuah's website, http://unomaazuah.com/, & the project's fundraising page, *available at* https://www.indiegogo.com/projects/blessed-bodies-an-lgbt-anthology--2.

120 Interview with Bisi Alimi, Jan. 27, 2015.

121 *Is Anyone in Africa?*, http://www.isanyoneinafrica.com/about-us.html.

122 *Where Love is a Crime*, http://www.whereloveisacrime.org/.

123 *No Strings Podcast*, http://www.spreaker.com/user/nostringspodcast. Donations to support the *No Strings Podcast* are accepted at https://www.indiegogo.com/projects/nostrings-podcast#/story.

124 *Nigerian Authors Condemn Country's New Anti-Gay Law*, *supra* note 22.

125 Chimamanda Adichie, *Why Can't He Just be Like Everyone Else?*, The Scoop, Feb.18, 2014, *available at* http://www.thescoopng.com/chimamanda-adichie-why-cant-he-just-be-like-everyone-else/.

126 Wole Soyinka, *Gays, Lesbians, and Legislative Zealotry*, YNaija.com, Dec. 24, 2012, *available at* http://ynaija.com/wole-soyinka-gays-lesbians-and-legislative-zealotry/.

127 *Nigeria's Anti-Gay Law is a Crime Against Reason*, Premium Times, Jan. 18, 2014, *available at* https://www.premiumtimesng.com/opinion/153530-nigerias-anti-gay-law-crime-reason.html (the statement was jointly signed by Ebenezer Obadare, Akin Adesokan, Wale Adebanwi, Lola Shoneyin, Jude Dibia, Jeremy Weate, Chido Onumah, Amatoritsero Ede, Mojubaolu Olufunke Okome, Olufemi Taiwo, Tejumola Olaniyan, Ike Anya, Kunle Ajibade, Moradewun Adejunmobi, Sean Jacobs, Adeleke Adeeko, Olakunle George, Wendy Willems, Ikhide R. Ikheloa, Rudolf Okonkwo, and Jide Wintoki).

128 *YNaija Editorial: Let Us Be Clear, We Totally – Unequivocally – Stand Against the Anti-Gay Law*, *supra* note 22.

129 Seun Kuti, *Why I Think the Gay Community Should Come Out*, OkayAfrica, Feb. 5, 2014, http://www.okayafrica.com/news/seun-kuti-why-i-think-the-gay-community-should-come-out/.

130 Femi Kuti, *The Right to Choose Your Own Sexuality is a Human Right*, OkayAfrica, Feb. 24, 2014, http://www.okayafrica.com/news/femi-kuti-the-right-to-choose-your-own-sexuality-is-a-human-right/.

131 Interview with Ropo Ewenla, Mar. 10, 2014.

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