

Stonewall

ABOUT THIS RESOURCE

This resource is produced by Stonewall, a UK-based charity that stands for the freedom, equity and potential of all lesbian, gay, bi, trans, queer, questioning and ace (LGBTQ+) people.

At Stonewall, we imagine a world where LGBTQ+ people everywhere can live our lives to the full.

Founded in London in 1989, we now work in each nation of the UK and have established partnerships across the globe. Over the last three decades, we have created transformative change in the lives of LGBTQ+ people in the UK, helping win equal rights around marriage, having children and inclusive education.

Our campaigns drive positive change for our communities, and our sustained change and empowerment programmes ensure that LGBTQ+ people can thrive throughout our lives. We make sure that the world hears and learns from our communities, and our work is grounded in evidence and expertise.

To find out more about our work, visit us at www.stonewall.org.uk

Registered Charity No 1101255 (England and Wales) and SC039681 (Scotland)

Stonewall is proud to provide information, support and guidance on LGBTQ+ inclusion; working towards a world where we're all free to be. This does not constitute legal advice, and is not intended to be a substitute for legal counsel on any subject matter.



NIGERIA



Population: 190+ million people



Stonewall Global Diversity Champions: 18



THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations

Nigeria is classified as a Zone 3 country, which means sexual acts between people of the same sex are illegal.

Two further zones exist. In Zone 1 countries, sexual acts between people of the same sex are legal and clear national employment protections exist on grounds of sexual orientation. In Zone 2 countries sexual acts between people of the same sex are legal but no clear national employment protections exist on grounds of sexual orientation.

| FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY | FAMILY AND SAME-SEX RELATIONSHIPS | EQUALITY AND EMPLOYMENT | GENDER IDENTITY | IMMIGRATION |
|---|---|--|--|--|
| <p>Sections 39 and 40 of the Constitution generally protect the rights to freedom of expression, association and assembly.</p> <p>However, the Same Sex Marriage (Prohibition) Act 2013 (the 'Same Sex Marriage Act') restricts these rights for LGBT people.</p> <p>Section 4 and 5 of the Same Sex Marriage Act criminalise the running of, or participation in 'gay clubs, societies and organisations' with a penalty of 10 years' imprisonment.</p> <p>Sections 4 and 5 also criminalise the direct and indirect public display of same-sex relationships with a penalty of 10 years' imprisonment.</p> | <p>Sexual acts, relationships and spouse cohabitation between people of the same sex are criminalised under several laws and punishable with up to 14 years' imprisonment.</p> <p>Same-sex marriage is prohibited under Sections 1, 2 and 3 of the Same Sex Marriage Act.</p> <p>The Same Sex Marriage Act also criminalises the entry into same-sex marriage contracts or civil unions with a penalty of 14 years' imprisonment.</p> <p>'Same sex marriage' is defined in the Same Sex Marriage Act as 'the coming together of persons of the same sex with the purpose of living together as husband and wife' or for other purposes of same-sex sexual relationships; while 'Civil Union' is defined as any arrangement between persons of the same sex to live together as 'sex partners' and includes a list of different partnership arrangements.</p> <p>Same-sex marriage and civil union certificates issued in other countries are invalid in Nigeria under Sections 1 and 2 of the Same Sex Marriage Act.</p> <p>Same-sex couples have no legal right to adopt children jointly or through second parent adoption as the submission of a marriage certificate or sworn declaration of marriage is a requirement for adoption under Section 126 of the Child's Rights Act 2003 and such certificates are invalid if issued to same-sex couples.</p> | <p>There is no specific law which expressly prohibits discrimination in employment based on sexual orientation and/or gender identity.</p> <p>Section 17 of the Constitution states that every citizen is equal before the law, but it does not explicitly refer to sexual orientation and gender identity. This Section of the Constitution is not justiciable and therefore cannot be used for an action in court.</p> | <p>There is no law which permits trans people to change their legal gender or name.</p> <p>Being trans is criminalised in the state of Bauchi under Section 405 of the Bauchi Penal Code.</p> | <p>Dependant visas are available to partners of people working in Nigeria, but it is not specified whether this applies to same-sex couples under Section 20(4)(d) of the Nigerian Immigration Act 2015 and Section 13 of the Immigration Regulations 2017.</p> <p>As same-sex marriages and unions are prohibited it is unlikely that dependent visas would be granted to same-sex partners.</p> |



A VIEW FROM NIGERIA

Olumide Femi Makanjuola, of The Initiative for Equal Rights, and **Bisi Alimi**, of the Bisi Alimi Foundation, spoke to Stonewall to tell us about the situation for LGBT people in Nigeria.

The Initiative for Equal Rights (TIERs) works to protect and promote the human rights of sexual minorities nationally and regionally. TIER's work focuses on education, empowerment and engagement with the many communities in Nigeria.

The Bisi Alimi Foundation advocates for the rights and dignity of LGBT people in Nigeria by addressing public opinion and accelerating social acceptance. The Foundation works to achieve its goals through research, legal and media training and campaigns, as well as through work with employers in Nigeria.



Everyday life

Bisi: Sex between men was first criminalised by the British colonial criminal code. The law still exists today. In 2013 the Same Sex Marriage Prohibition Act (SSMPA) was introduced, which further criminalises LGBT people. Not only is the law applied in practice and people are prosecuted, but the general public are also unsure about what it actually entails. LGBT people have been evicted from their homes because landlords were unsure what the law meant and didn't want to go to jail. The law also sends a message that discrimination against LGBT people is acceptable. As soon as people find out someone is LGBT, that person can lose their home, their job, face violence and harassment and may be rejected by family and friends. Most LGBT people will hide their sexual orientation and gender identity to remain safe, but this has a negative impact on their mental health and well-being.

Olumide: Two of the biggest issues LGBT people in Nigeria face is a lack of acceptance and concerns over physical safety. People who fight the battle for greater acceptance towards LGBT people need to worry about their safety especially. Many LGBT people are worried about coming out. Even in cases where family, friends or colleagues are accepting, people will have to worry about attacks on the street or elsewhere. Levels of acceptance and safety will, however, also be influenced based on where in the country the person lives, their class and social status. Nigeria has several regional and national laws criminalising same-sex relationships. While some are not used to prosecute people, others are. However, even where laws are not implemented, they have an impact on the safety and wellbeing of LGBT people.

LGBT groups

Bisi: The SSMPA prohibits the registration of 'gay' clubs, societies and organisations. This means that LGBT groups cannot register as such. However, some organisations registered as human rights, women's or health organisations do focus on issues affecting LGBT people, such as HIV prevention and treatment and other service provisions. Community-based groups also exist for peer support. Businesses can support human rights groups by linking up with them, donating or offering office spaces for meetings.

Olumide: In the past, much of the focus of activism has been on HIV prevention. However, this is now changing, and the focus of activism has shifted beyond just that. Work is being done that focuses on human rights, litigation, policy changes, education, popular culture and shifting the narrative in the country. This holistic approach is needed to change laws and practices as well as heart and minds. In some areas, we have seen some positive progress. For example, we're starting to see more visibility of LGBT people in the media. Of course, while it's still mostly negative narratives being told, this has slowly been changing in the past years and some positive narratives are emerging due to hard work of the activist communities. In general, much of the LGBT rights work is being done under the disguise of health and human rights so as to not break the law and fear arrest. Nevertheless, activists are putting their lives on the line due to their visibility and work, but this activism is desperately needed to change the status quo.

Workplace

Bisi: If a person is perceived to be LGBT, they'll be unable to find a job or will be fired. This has happened even in global organisations with a global commitment to diversity, inclusion and LGBT equality. As a result, LGBT people hide their sexual orientation and gender identity at work, which can have a very negative impact on their well-being and work performance. Not only do they need to hide a part of themselves, but they'll also hear colleagues making general homophobic, biphobic and transphobic comments. However, employers can and should do a lot to support LGBT employees and groups in Nigeria. Introducing policies that prohibit discrimination against LGBT people goes a long way. Staff then need culturally sensitive diversity and inclusion training to bring these policies to life. For example, the Bisi Alimi Foundation offered free training in Lagos in 2017 and further training sessions are planned.

Olumide: Whether and how supported LGBT people feel in the workplace will often depend on factors such as if someone works in a multinational or a local business, as well as what their rank is within the organisation. For most LGBT people it will be safer to hide their sexual orientation or gender identity at work. Even if the business itself has a commitment not to discriminate against LGBT people, LGBT employees will fear harassment from their colleagues. LGBT inclusive anti-discrimination policies are key in ensuring that the workplace is safe for LGBT people. However, these policies need to be well implemented too. Staff need to know that these policies exist, why they exist and how complaints can be reported. Businesses also need to understand that it makes business sense to support their LGBT staff, as LGBT employees will perform better when they feel safe at work. They have a role to play in talking about the cost of homophobia, biphobia and transphobia and how this affects businesses. We also have to think beyond multinational businesses. If multinational organisations require their suppliers and service providers to have LGBT-inclusive policies and practices in place, this will have a positive impact on local businesses too.

Healthcare

Bisi: Accessing healthcare is difficult for many Nigerians, but LGBT people face additional barriers. Many LGBT people feel unsafe accessing healthcare because they fear discrimination from nurses and doctors. LGBT people may also encounter staff who are poorly prepared to attend to their needs and to whom it may be unsafe to disclose personal details. Again, the SSMPA adds an additional worry that doctors and nurses may report the person to the police. However, there are groups offering healthcare services to LGBT people, mostly focusing on HIV and AIDS work.

Olumide: As most LGBT don't feel safe disclosing their sexual orientation or gender identities to their doctor, they often don't receive the care and services they need. This is the case even within the private healthcare system. There's a huge amount of work to be done in order to change hearts and minds within the healthcare system.

LGBT INCLUSION IN THE WORKPLACE

There are several steps employers can take to start creating a supportive workplace environment for their LGBT employees in Nigeria:

- ✓ **Consult LGBT and human rights organisations to understand the local context for LGBT people**
- ✓ **Introduce explicitly LGBT-inclusive anti-discrimination and bullying and harassment policies**
- ✓ **Carry out or sign up to diversity training for staff, especially HR staff, managers and leaders**
- ✓ **Build a global LGBT employee network group**
- ✓ **Enable LGBT employees to remotely and anonymously access the global LGBT network**
- ✓ **Support local LGBT groups to advance LGBT equality beyond the workplace**

Multinational businesses may send their staff on overseas assignments to Nigeria. Here, it is vital that employers have policies and practices in place to support LGBT people ahead of and during their work travel. Employers should take the following steps:

- ✓ **Have relocation policies in place that address additional considerations for LGBT staff and set out how such issues are to be handled by managers**
- ✓ **When sending employees on a posting to Nigeria, make sure to provide them with information on the legal and cultural situation for LGBT people in the country, and a realistic overview of how your organisation can support LGBT employees during the posting**
- ✓ **Make sure LGBT employees do not suffer a career detriment if they decide not to accept the assignment due to their sexual orientation or gender identity, by providing equivalent alternatives**
- ✓ **Take steps to avoid outing of LGBT employees in Nigeria; this may include change of email address and social media security training**
- ✓ **Have strong security mechanisms in place, digital and otherwise, to ensure confidential access to global employee support mechanisms. For example, this may include confidential membership lists and privately marked calendar invitations**
- ✓ **Have an emergency evacuation procedure in place that explicitly takes into consideration sexual orientation and gender identity**

Employers can improve their initiatives by participating in Stonewall's Global Workplace Equality Index - a free benchmarking tool offering a clear roadmap to LGBT inclusion in the workplace. www.stonewall.org.uk/gwei



LEARN FROM STONEMALL'S GLOBAL DIVERSITY CHAMPIONS

Baker McKenzie

Baker McKenzie is committed to LGBT equality and employ a 'not neutral' stance on LGBT issues globally. Holding true to this stance, the firm has supported the Bisi Alimi Foundation to accelerate social acceptance of LGBT people in Nigeria. Baker McKenzie provided pro bono legal work to help set up the Foundation and has hosted a range of their events. In 2017, the Bisi Alimi Foundation brought together businesses at Baker McKenzie in London to discuss LGBT workplace inclusion in Nigeria. At the event, Partner Harry Small delivered a presentation on the legal situation for LGBT people in Nigeria. Baker McKenzie also provide pro bono legal work to help local activists defend LGBT people in court.



GET INVOLVED



FIND GROUPS AND COMMUNITIES

The Initiative for Equal Rights (TIERS) – an organisation working to protect and promote the human rights of sexual minorities nationally and regionally. TIERS focuses on advocacy as well as providing a range of services, including legal, psychological and educational services and leadership development programmes. www.theinitiativeforequalrights.org

Women's Health and Equal Rights Initiative (WHER) – a group working to advance and promote the well-being and equal rights of sexual minority women in Nigeria. WHER offer a range of health and other support services. www.whernigeria.org

International Centre for Advocacy on Rights to Health (ICARH) – a group focusing on the rights of sexual minorities and people living with HIV/AIDS in Nigeria, through research, analysis, training, awareness-campaign development and advocacy. ICARH also runs a health clinic. www.icarh-ng.org

Advocacy for Justice and Equality Nigeria – a community group providing access to human rights and sexual reproductive health services for sexual minorities in Nigeria through public education, service delivery, advocacy and stakeholder engagement. www.facebook.com/Advocacy-for-Justice-and-Equality-Nigeria-AJEN-1740475159534029/

The Bisi Alimi Foundation – a diaspora group based in London, advocating for the rights and dignity of LGBT people in Nigeria by addressing public opinion and accelerating social acceptance. The Foundation works to achieve its goals through research, legal and media training and campaigns, as well as through work with employers in Nigeria. www.bisialimifoundation.org



GET LOCAL UPDATES

Where love is a crime – a website that provides information on the criminalisation of same-sex relationships at the federal and state level, as well as the development of the LGBTI movement in Nigeria. www.whereloveisacrime.org



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 18 ORGANISATIONS OPERATING IN NIGERIA.

Our team of workplace advisors offers tailored one-to-one advice on how to create LGBT-inclusive workplaces globally. If you would like to receive support or want to be featured as a case study in one of our Global Workplace Briefings, contact Stonewall.

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