THE FALLOUT OF NIGERIA’S ANTI-GAY LAW AND OPPORTUNITIES FOR THE FUTURE FOR LGBTI PERSONS AND COMMUNITIES

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Homosexuality is presently criminalised in 38 out of the 47 African countries, with sentences ranging from fines to imprisonment (3 months to 14 years); in some Islamic states homosexuality is even punishable by death. In parts of northern Nigeria, where Islamic Sharia law is enforced, gays and lesbians can be legally stoned to death. Over the past decade an increasingly visible community of activists from across the continent has aggressively pursued the rights of lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons and decriminalisation of same-sex relationships.

In Nigeria, LGBTI persons are still far from achieving social recognition, just as in most sub-Saharan African countries. Religion-induced homophobia remains a factor that cuts across the ethnic disparities and prevails whenever homosexuality or transsexuality is broached. Nigeria is a highly religious society, with its 167 million people roughly divided in half between Christians and Muslims; but however reunited by collective homophobia and their opposition to homosexuality.

In Nigeria the situation deteriorated in the past few years by the introduction of a new law that further criminalised homosexuality and included the prohibition of same-sex marriage (legalpedia, 2014). According to this law, “a person who enters into a same sex marriage contract or civil union commits an offence and is liable on conviction to a term of 14 years imprisonment; a person who registers, operates or participates in gay clubs, societies and organisation, or directly or indirectly makes public show of same sex amorous relationship in Nigeria commits an offence and is liable on conviction to a term of 10 years imprisonment; a person or group of persons who administers, witnesses, abets or aids the solemnisation of a same sex marriage or civil union, or supports the registration, operation and sustenance of gay clubs, societies, organisations, processions or meetings in Nigeria commits an offence and is liable on conviction to a term of 10 years imprisonment.”

Given that Nigeria already had a law that criminalised homosexual sex, it is not clear why this new law was introduced. To date, the Nigerian federal parliament cannot provide any bill submitted to the National Assembly requesting for same-sex marriage in Nigeria. The Nigerian senate who came up with the bill were overzealous based on the grounds being gained by the LGBT in Europe and America and came up with the Law to make a categorical statement that they would not entertain such talks should anyone rise to speak in favour of gay rights. Gay people were also not demanding to be married in a country where being gay could result in a person being lynched by a mob. Despite a clear need for this law, Nigerians from different religions have continued to commend Nigerian President Goodluck Jonathan and the National Assembly for enacting the new same-sex Marriage Prohibition law. This new draconian law was in part catalysed by the increased international support for LGBTI persons in Nigeria and Western pressure to decriminalise homosexuality. The Nigerian government enacted the law to show that Nigeria is above Imperialism.

In this discussion I present an overview of the current LGBTI situation in Nigeria and answer three overlapping questions: What are the current implications of the law on LGBTI persons in Nigeria? How have LGBTI people been coping with the challenges they face? What more can be done?
Public violence

Since the Nigerian President signed the Same Sex Marriage Prohibition Act (SSMP Act; popularly called anti-gay law) in January 2014, brawls and violence have continued to trail the law. Five days after signing of the law, the Associated Press (Saulawa, 2014) reported the first conviction of a gay man in Nigeria. In the city of Bauchi, 28-year-old Ibrahim, an unemployed artisan, pleaded guilty to having committed one act of sodomy seven years ago. He said he was misled into the act by the principal of the high school he was attending and has not committed a homosexual act since. The Judge spared him the death sentence by stoning because the crime occurred so many years ago and because the young man had shown ‘great remorse’. The twenty lashes, that he was sentenced, were administered in the public court. Ibrahim also was ordered to pay a fine of 5,000 naira ($30).

Similarly, Thisday (Adebowale, 2014), one of Nigeria’s leading daily newspapers, reported on January 25, 2014, that eleven young men were arrested in a gay club in Bauchi and arraigned in court. As the accused arrived in court, thousands of protesters appeared, hurling stones at them, while demanding for a ‘speedy trial, conviction and execution’. Because of the rowdy scene, the Judge abruptly closed the court.

Nicholas Akpaki, an Abuja-based human rights activist, reported on an incident that happened on 9th February 2014 in the Nigerian capital, Abuja. A group of people, armed with wooden clubs and iron bars, screaming that they were going to cleanse their neighbourhood of gays, dragged fourteen young men from their beds and assaulted them. Four of the victims were marched to a police station, where officers allegedly kicked, punched and yelled pejoratives at them. These are few of the documented cases of violence in urban cities. LGBTI persons in rural areas, where there is no access to telephones and the Internet, are left to their fate, helpless pawns in the hands of their homophobic neighbourhood.

The message from the general population to the LGBTI community is clear; from northern to southern Nigeria ‘repent or we fish you out!’ Families of some of the victimised men in Abuja affirmed that they deserved what happened to them and have also come out to disown their wards.

Deteriorating health care

Even before the introduction of the anti-gay law, LGBTI were suppressing their health care needs. It took many years of hard work to create an enabling environment for HIV and other STI management in Nigeria (Sylvia, 2012). The incursions made within the seven-year period since the start of these activities have almost been brought to the zero level by the anti-gay law. Three months after signing of the law, the few concerted efforts that have been made to curb the HIV pandemic among men who have sex with men (MSM) in Nigeria have been crippled (Ibanga, 2014).
HIV prevalence among MSM in Nigeria is 17.2% (Federal Ministry of Health, 2010), which is five times higher than the national prevalence among the general populations. Most of the health interventions in Nigeria targeting the LGBTI population are funded by international non-governmental organisations such as the Population Council Nigeria office. This institution runs two MSM-community based clinics in two of the most populous cities of Nigeria. These two health facilities reach as many as two thousand MSM within one calendar year. Over a quarter of these men are HIV positive and on anti-retroviral treatments. With the advent of the anti-gay law in Nigeria, the figures at these clinics dropped by 10% (The Economist, 2014).

The men in the big cities of Lagos, Abuja and Kaduna are afraid of seeking healthcare at these facilities, well-trained to provide MSM-specific services. These men are worried that they may be apprehended by law enforcement agencies that have become ‘gay-hunters’. To them, the community clinics that used to be a refuge now seem like a deathtrap. Men seem to prefer to die in silence rather than patronise these facilities and risk imprisonment. Those attacked are in hiding and too afraid to speak to reporters or seek proper medical treatment. Outreach events designed to encourage people to get tested have been scaled back due to concerns that authorities might interpret this effort to aid the gay community. International non-governmental organisations have modified their approaches from having group meetings to one-on-one interpersonal communications.

**Disappearance of the physical LGBTI hotspots**

The signed bill is already being used by individuals and state institutions, including the police force, as a license to intimidate and harass citizens based on their actual or suspected sexual orientation. The passing of this bill legitimises the harassment of sexual minorities. Before the signing of the SSMP ACT in Nigeria, LGBTI persons socialised in spaces that primarily they and a few others knew existed. There were quite a number of LGBTI-friendly spaces, ranging from bars, nightclub, healthcare facilities, and non-government43x85 governmental organisations to residential homes. A World Bank mapping and size estimation in Nigeria’s Federal capital territory Abuja reported over 175 hotspots for MSM (Strengthening HIV/AIDS Prevention Services, 2013). In March 2014 only 25 of those spots were validated as functional. Dozens of allegedly gay people and gay-friendly hotspots have been raided by either law enforcement agencies or homophobic-residents. The few remaining ‘stubborn’ gay-friendly clubs still exist in major cities like Lagos, Abuja and Port Harcourt, because they enjoy the backing of a high-profiled person in government. Most of the LGBTI persons have become fugitives in their country of birth and are desperately seeking asylum in South Africa, Europe and America, which they consider as safe havens. This option is more available and possible for the upper middle class, who can readily afford the visa requirements (a fat bank-account, valid international passport, and visa processing fee) and flight tickets to the above-mentioned countries.
Virtual space: The new safe spaces

While Nigerian law enforcement agencies are seriously cracking down on individuals suspected to be gay and health and other social facilities, assumed by the general population to be gay-friendly, LGBTI persons have found refuge in another medium that, for the time being, law enforcement agencies have not given any thought yet. Nigerian youth are caught in the age of the Internet revolution, just like their global counterparts. Social media has become a trend among the teeming young populations in Nigeria and the LGBTI are not left out from this emerging social networking culture. Ifekandu and colleagues (2014) estimated that one in every four MSM in urban cities of Nigeria is an active user of social networking sites via their smartphones and other handheld devices. In view of the political, legal and religious context, the Internet has emerged as a viable option for LGBT persons to communicate, network, gain visibility, and express what cannot be expressed in public. Social networks, blogging platforms and forums are growing rapidly in Nigeria, and this is even made more popular within the LGBTI community in Nigeria since the introduction of the anti-gay law, as the safe spaces where LGBTI persons can have a voice, organise themselves, formulate their emotional and social discourses around their issues and fight to associate.

The massive interest in social media among LGBTI persons, just like the general population, is being propelled by wide-ranging affordable wireless Internet connections. The social apps for mobile phones are less complex to join, which makes them accessible for gay Nigerians with lower incomes. The Facebook group page of the MSM Nigeria Sexual Health Department grew from 114 members before the signing of the anti-gay law to 599 members after the signing. In addition, the gay-peers social networking group pages created from January to June 2014 on 2go, WhatsApp, and Blackberry messenger are five times higher than the same figures for the period 2010 to 2013 together.

Apart from the social networking sites that are popular among the general public, gay people in Nigeria also utilise the specific gay chat apps such as gayromeo, gaydar, BLK, and manjam. They use pseudonyms on these apps and usually present shirtless but faceless profile pictures to attract friends of mutual interest. Chat rooms and group pages have also been created by some of the gay key opinion leaders in Abuja, Lagos, Enugu, Calabar and Port Harcourt; these men are usually LGBTI community members whom other peers look up to as role models. These chatrooms are highly revered by the gay community. They only accept new members if they are endorsed and certified by an existing member of the group. Nowadays, the community not only depends on social networking on the Internet for finding sexual partners, but also for finding out about the latest happenings around them. The issues discussed in these chatrooms range from gay-bashing, blackmails, HIV/STI, but also include gossip about peers. Social networking has enabled gay users in Nigeria to broaden their network of friends beyond their immediate environment. In this age of intense homophobia, social media has become a most reliable and dependable companion. Social media can even be used to initiate meetings in person. This has proven to be effective even in other homophobic countries such as Uganda, Saudi Arabia or Vladimir Putin’s Russia.
In the present LGBT environment in Nigeria, gays are more comfortable to reach out to their peers through social media platforms, because the physical spaces are death traps. This situation is helped, at least for now, by the lack of censorship by government - and the poor tracking of all Internet activities. Surveillance malware and phishing of social media accounts are still at its embryonic stage in Nigeria.

Social media also seems an extremely useful tool for institutions running health and social interventions addressing MSM in Nigeria. These institutions have begun to modify their approaches. Projects specifically geared towards MSM in Nigeria such as the Walter Reed Project have introduced e-Behaviour change and maintenance, and e-support groups for MSM, and e-Counselling. The internet is also used for scheduling appointments with the staff at the clinic either for picking up drugs, CD4 counting, or other major issues that require the physical attention of a healthcare provider.

Community mobilisation through social media
The new legislation has limited the voices of LGBTI persons, but social media can also take on an advocacy role, hoping that via greater transparency repressioin is ameliorated and local support for LGBTI issues ultimately can be fostered. The use of social media for community mobilisation by Nigerian LGBTI groups is still in its infancy, though. Most of the registered organisations of sexual minorities have Internet presence through a website, but the content is fairly minimal—limited to their organisational profiles—and, in most cases, has not been updated for years. The most vocal statements in favour of the LGBTI movement on the Internet have come from local and international Nigerian icons, including Nobel laureate Wole Soyinka, the writer Chimamanda Adichie, the artist Charles Oputa (Charly Boy), and a few others, via their social networking accounts. But these statements were made in the periphery and are indeed few in number. As a result of this, these celebrities have received commendation as well as condemnation.

Sadly, what is true for the LGBTI movement does not apply to the Nigerian anti-gay campaigners. Homophobic-slurs from Nigeria went viral just after the bill was transformed into law. In January and February 2014, the Anglican youth fellowship of the church of Nigeria (with over 18,000 Facebook members) devoted their Twitter account and Facebook page to anti-gay campaigns. And this is one example of the several institutions that utilised social media platforms in drumming up support for their homophobic agenda.

In the current context, social media provides the most conducive space for Nigerian LGBTI persons to interact and address a wide range of peculiar issues such as discrimination, harassment and bullying on the grounds of sexual orientation and gender diversity. Twitter and Facebook could be utilised in this regard as powerful tools to communicate breaking events, gathering data and monitoring hate crimes, as well as organising scheduling workshops. The example of the anti-gay campaigners should be used to show how the Internet could be used to promote acceptance of sexual and gender minority persons. Let us not forget that the emancipation of LGBT persons in the West was not an easy process. It was not an event, but a process. Further research will help to understand how best to utilise social media in the LGBTI struggles in Africa.
References


