

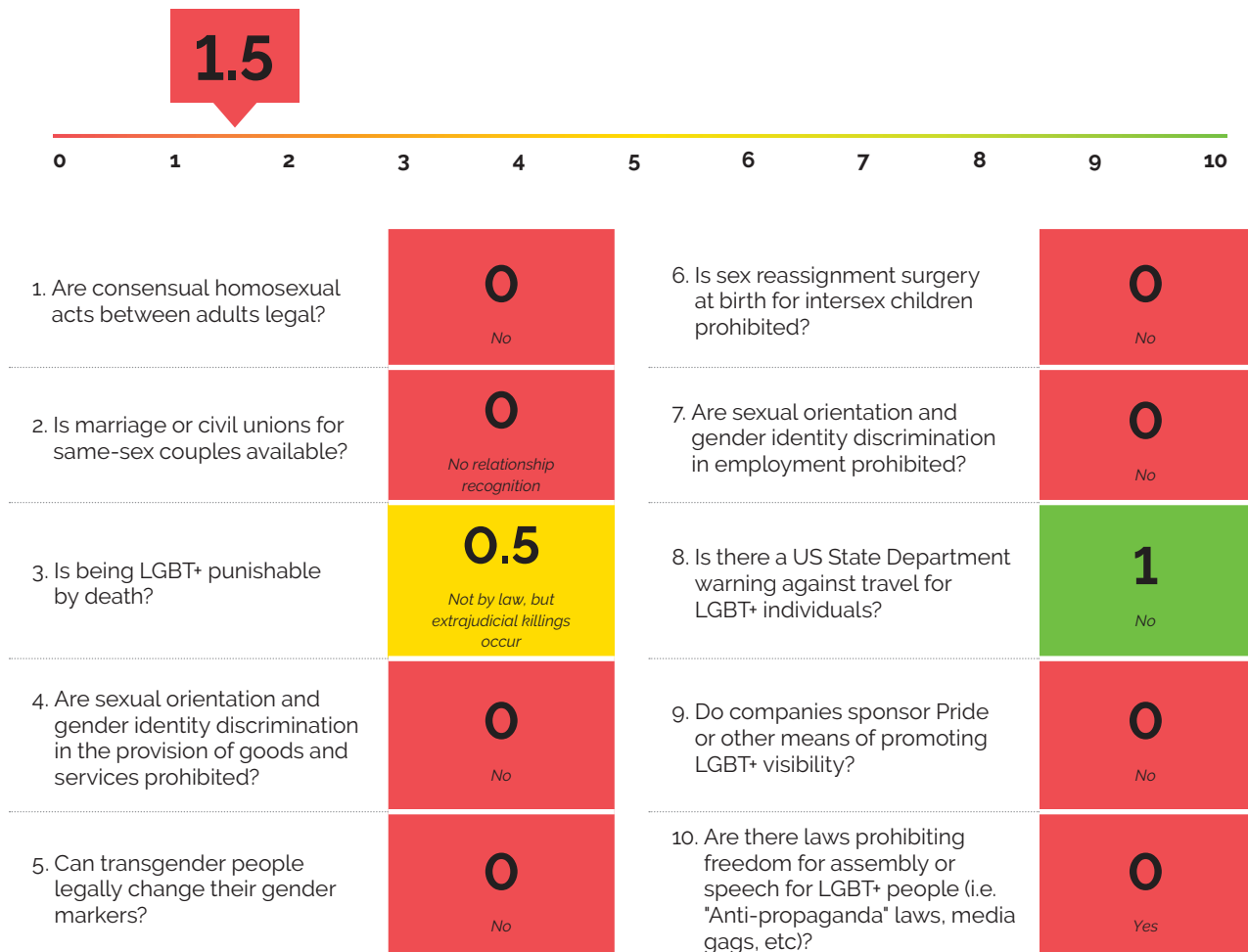


NIGERIA

LGBT+ Business Climate Score

Out Leadership's snapshot of the current state of affairs for LGBT+ people, through the lens of international business.

The business Climate Score rating is out of ten possible points, and is based on ten independently verifiable indicators of the legal, cultural and business context for LGBT+ people.



How to Use This Brief

As a business leader, you have the opportunity to create change for LGBT+ people around the world – both within your organizations and in the countries where you do business. This brief provides valuable information to inform your conversations with:

Internal Staff: Ensure that staff at your company who do business in-country are aware of the laws and other regulations that impact LGBT+ people there, and that they've adopted the appropriate internal policies for their location.

Government Leaders: In your meetings with government leaders, particularly those focused on business expansion or diplomacy, we encourage you to bring up the information shared in this brief in an appropriate way, and help them understand how LGBT+ inclusive policies are part of your company's best practices, and acknowledged as global standards. You are the best person to judge whether you have the ability to have such a conversation with a local leader in an appropriate way. Your Government Affairs officer, Diversity & Inclusion head, or equivalent may be appropriate to include in these conversations.

In-country Business Partners: In conversations with business partners, when appropriate, ask them what they're doing to address LGBT+ inclusion, and help explain why inclusion positively impacts your ability to conduct business there.

Talking Points

"The 2014 Same Sex Marriage Prohibition Act (SSMPA) caused an increase in prejudice and violence against LGBT+ people in Nigeria that makes it hard to justify expanding our business into the country."

"SSMPA is rarely enforced, which makes condoning homophobia its main societal function. Repealing the law would be an important first step toward increasing the rights of LGBT+ Nigerians."

"Though 87% of Nigerians reportedly support the SSMPA, that number has declined by 9% since 2010, when the public was polled about the law in its planning stages."

"Additionally, more than 20% of Nigerians under age 26 would accept a relative who came out as LGB. Reforming the country's homophobic laws would be action consistent with the direction of public opinion."

"Given recent surveys that put Nigeria's LGBT+ population at between 4 and 6% of the overall population, legalizing gay marriage and outlawing anti-LGBT+ discrimination would allow 6.9 to 10.4 million people to more fully participate in Nigeria's social, cultural, political, and economic life."

Current Legal Status of LGBT+ People

Legal Status of the Lesbian, Gay, and Bisexual Community

The SSMPA, passed in 2014, made same-sex marriages or cohabitation punishable by up to 14 years in prison even though homosexuality was already illegal in Nigeria before its passage. It's doubly prohibited in 12 northern states that practice Sharia law: being Muslim or a non-Muslim voluntarily consenting to the application of Sharia courts can subject LGBT+ people in those areas with a penalty of death by stoning.

The SSMPA also makes it illegal to register, operate, or participate in an LGBT+ organization or to show same-sex affection publicly. Such acts are punishable by a 10-year prison sentence.

According to Human Rights Watch, the SSMPA contradicts the tenets of multiple international human rights treaties that Nigeria has ratified as well as the Nigerian Constitution, which protects the right of every person to associate and assemble freely under Section 40.

Current Legal Status of LGBT+ People

Government Statements and Actions

Former President Goodluck Jonathan, who oversaw SSMPA's passage, said in 2016 that he could see the law being revisited in the future "with the clear knowledge that the issue of sexual orientation is still evolving.

In 2016, the country's National Human Rights Commission officially condemned violence against LGBT+ people.

In February 2016, police arrested two men in Abuja for allegedly attempting to marry. Under the terms of the SSMPA, which criminalizes aiding gay marriages as well as participating in them, the hotel venue owner was also arrested.

Socio-cultural Environment of LGBT+ People

Status of LGBT+ Organizing and Community

It's illegal to belong to or support an LGBT+ organization in Nigeria.

In July 2017, police in Lagos arrested approximately 70 individuals, including 13 minors, at a hotel party where police stated homosexual activities took place. As of November, 27 adults and 13 minors were still awaiting trial on lesser charges under the Lagos State Penal Code.

The hotel owner and two staff members, however, were charged under the SSMPA, the first time the government has done this. They are awaiting trial on charges of aiding and abetting homosexual activities in violation of Section 5(2) of the SSMPA. The offense carries a 10-year sentence if convicted.

Still, there are about 10 LGBT+ advocacy organizations in or outside Nigeria working toward LGBT+ equality there. These include Advocacy for Justice and Equality, The Initiative for Equal Rights, the Bisi Alimi Foundation, Queer Alliance Nigeria, and International Center for Advocacy on Right to Health.

Cultural Views of the LGBT+ Community

Nigerians widely believe that homosexuality is a foreign concept and a colonial import to Sub-Saharan Africa.

In 2018, Theresa May apologized for colonial-era anti-LGBT+ laws in Commonwealth states; a Nigerian columnist responded by suggesting May is a lesbian.

Though some 87% of Nigerians support the ban on same-sex marriage in Nigeria, 30% think that LGBT+ Nigerians deserve access to public services, and 8% say they should be allowed to organize. That is, all provisions of the SSMPA lack equal popular support.

LGBT+ Nigerians and their supporters say that homophobic violence and discrimination rose in the country in the wake of the SSMPA's passage, because the law acts as a legal endorsement of anti-LGBT+ sentiment.



Impact of LGBT Discrimination on Business & Talent



BRAND RISK **HIGH**

There is a high brand risk to operating in Nigeria: one poll puts anti-LGBT+ sentiment in the country at 87%.

CLIENT RISK **HIGH**

Entrenched cultural and political homophobia create a notable risk that LGBT+ clients may feel alienated by business conducted in Nigeria.

TALENT RISK **HIGH**

LGBT+ identified employees cannot be relocated to Nigeria offices due to a reasonable fear of imprisonment and violence. Because anti-LGBT+ actions can be based on the mere perception of homosexuality or support for LGBT+ rights, even heterosexual employees may be at risk of discrimination and prosecution.

MARKETING RISK **HIGH**

It's illegal to display same-sex affection in Nigeria, making it highly challenging to market to LGBT+ audiences there without breaking the law, or offending the majority of Nigerians who oppose LGBT+ rights.

Local Leaders Advocating for LGBT Equality

Out Leadership encourages you and your firm to engage in safe and cautious discussion with local leaders around LGBT+ equality and to leverage your firm's influence to support their work. Below are key leaders who are advocating for LGBT+ equality in Nigeria:

Olumide Makinjuola
Executive Director, The Initiative for Equal Rights

Bisi Alimi
Executive Director, Bisi Alimi Foundation

Ifeanyi Orazulike
Executive Director, International Center for Advocacy on Rights to Health

Williams Rashidi
Founder and Director, Queer Alliance Nigeria

Purpose

Multinational companies face operational and reputational risk when they do business in countries where the legal and/or social atmosphere makes it difficult for LGBT+ people to live openly. Discrimination against LGBT+ people creates serious challenges for talent mobility, retention, and development.

Out Leadership's LGBT+ CEO Business Briefs seek to help C-Suite leaders understand and respond to these risks. Secondly, these Briefs seek to inform and empower corporate executives to engage in conversations with trade officials and other local stakeholders about why discrimination against LGBT+ people negatively impacts their ability to do business.



Additional Resources

2016 International Gay and Lesbian Association State Sponsored Homophobia Report

This report contains a country-by-country analysis of anti-LGBT laws and policies around the world.

2016 Human Rights Watch World Report

This report contains a country-by-country analysis of human rights concerns for 2014, and includes specific information pertinent to LGBT issues.

Special Thanks

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