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- Violence against LGBTQIA+ people in West Africa by state and non-state actors, and risks associated with the exposure of people’s sexual orientation and/or gender identity.
- The impact of the criminalization of same-sex relationships on LGBTQIA+ people, their civic engagement and freedom of expression.
- The impact of this criminalization and other local laws in West Africa on the work conducted by human rights organizations, advocacy groups and journalists in this space.
- The importance of Meta’s platforms, and social media more broadly, to communication, mobilization and awareness-raising among LGBTQIA+ people in West Africa.

Activists and organizations have documented the extensive violence against LGBTIQ people, leading to gross human rights violations by state and non-state actors. In Nigeria, where the incident spurring this Oversight Board review arose, organizations have consistently documented human rights violations against LGBTQIA+ people based on their perceived or real sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC), including through a yearly report published by The Initiative for Equal Rights (TIERs).¹ These include killings, kidnappings, arbitrary arrests (including mass arrests) and detentions, mob violence, discrimination in healthcare, education, employment and housing, physical violence, varying forms of conversion practices, and verbal harassment. These actions are by state and non-state actors in groups and as individuals. Many LGBTIQ people strive to live in the closet but have been subjected to outing, blackmail, and other forms of harassment and violence.²

Outright International has documented the impact of criminalizing same-sex relationships to the effect that “the widespread institutionalization of homophobia, transphobia and, more overtly recently, intersexphobia, combine to create

¹ Most of the reports are housed on the website www.theinitiativeforequalrights.org. However, the website has been temporarily disabled due to targeted harassment at certain LGBTIQ+ organizations in Nigeria that began around 7 July 2024.

² Ian Wafula & Tamasin Ford, “The Nigerians Lured Into a Trap and Blackmailed for Being Gay,” BBC Africa Eye, 14 May 2023, <https://www.bbc.com/news/world-africa-65560062>.

hostile climates for LGBTIQ organizations to exist and operate.”³ It is almost impossible for LGBTIQ organizations in West African countries to register openly and operate freely. In addition, some governments have introduced severe legislation to clamp down on LGBTIQ organizations and individuals. Nigeria’s Same-Sex Marriage (Prohibition) Act of 2014 criminalizes same-sex marriages and relationships and outlaws LGBTIQ organizations, and twelve northern Nigerian states have Shariah laws that impose punishment of death by stoning for sodomy.⁴ While a 2022 court judgment has rendered the provision prohibiting LGBTIQ organizations from registering unconstitutional, the widespread queerphobia has prevented organizations from testing this judgment through a registration process.⁵

In Ghana, in February 2024, the parliament passed the Human Sexual Rights and Family Values Act of 2021, pending Presidential assent, seeking to outlaw “propaganda, advocacy, support, and other promotional activities” connected with same-sex relations, nonconforming gender identities and gender-affirming care.⁶ Outright has documented how the bill has led to increased violence and repression against Ghanaian LGBTIQ individuals and organizations from the time it was first introduced in 2021.⁷ In Burkina Faso, the military has adopted the draft of a Personal and Family Code which outlaws homosexuality.⁸ In Liberia, a member of parliament has introduced a bill that would criminalize “aggravated homosexuality” with life imprisonment, homosexuality with ten years imprisonment and “promotion of homosexuality,” which captures non-governmental organizations, with up to twenty years imprisonment.⁹ Government officials and politicians in other countries, including Niger, have made statements

³ Outright International, *The Global State of LGBTIQ Organizing: The Right to Register and the Freedom to Operate*, September 2023, https://outrightinternational.org/sites/default/files/2023-09/The_Global_State_of_LGBTIQ_Organizing_2023.pdf, page 20.

⁴ The twelve states are Bauchi, Borno, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Niger, Sokoto, Yobe, and Zamfara. See Human Rights Watch, “‘Political Shari’a’? Human Rights and Islamic law in Northern Nigeria” 21 September 2004, <https://www.hrw.org/report/2004/09/21/political-sharia/human-rights-and-islamic-law-northern-nigeria#3600>; Ayodele Sogunro and TIERS, “Bad Laws: A Compendium on Laws Discriminating Against Persons in Nigeria Based on Sexual Orientation and Gender Identity/Expression,” <https://theinitiativeforequalrights.org/wp-content/uploads/2017/12/Compendium-of-Law-.pdf>.

⁵ The Registered Trustees of The Initiative for Equal Rights v Federal Republic of Nigeria & Attorney-General of the Federation Suit FHC/L/CS/196/2020, judgment delivered 5 October 2022.

⁶ Ohotuowo Ogbeche “Ghana’s Brazen Move to Outlaw LGBTIQ Groups is the Latest Attack on Freedom Of Association in Africa,” Daily Maverick, 15 July 2024, <https://www.dailymaverick.co.za/article/2024-07-15-ghanas-brazen-move-to-outlaw-lgbtqi-groups-is-the-latest-attack-on-freedom-of-association-in-africa/>; All Africa, “Liberian Legislature Set to Review Anti-Homosexuality Law,” 19 July 2024, https://allafrica.com/view/group/main/main/id/00089786.html?utm_campaign=allafrica%3Ainternal&utm_medium=social&utm_source=twitter&utm_content=promote%3Agroup%3Aabafbt.

⁷ Outright International, “‘We Deserve Protection’: Anti-LGBTIQ Legislation and Violence in Ghana,” 29 August 2022, <https://outrightinternational.org/our-work/human-rights-research/we-deserve-protection-anti-lgbtqi-legislation-and-violence-ghana>.

⁸ Africanews, “Severe Penalties for Homosexuality in Burkina Faso,” 11 July 2024, <https://www.africanews.com/2024/07/11/severe-penalties-for-homosexuality-in-burkina-faso/>.

⁹ A copy of the bill is on file with the author. Also see Bridget Milton, “Liberia: House to Review Anti-Homosexuality Law,” The New Dawn | All Africa, 19 July 2024, <https://allafrica.com/stories/202407190115.html>.

connected with introducing punishment for same-sex acts between consenting adults.¹⁰ LGBTIQ people in these countries experience varying forms of human rights violations impacting constitutionally guaranteed and internationally protected human rights.¹¹

The latest estimates show that Nigeria had about 31.8 million Facebook users in 2022 out of the 58 million in West Africa.¹² Among these, the number of queer people is not known. However, LGBTIQ people in particularly hostile regions utilize social media platforms to communicate, mobilize, and raise awareness with an assumed layer of protection from physical abuse. Nonetheless, inadequate regulation of social media platforms leaves room for the spread of anti-rights, dehumanizing, and abusive rhetoric. Online platforms are used as avenues for harassment against LGBTIQ people directly or to promote homophobic attacks implemented in offline spaces, as in this case. Outright has heard anecdotally, from conversations with Nigerian activists, that LGBTIQ people regularly face abuse on social media related to their sexual orientation, gender identity, and sex characteristics. In some cases, LGBTIQ people and activists rally to report harmful posts and social media accounts to the platforms – including Instagram and Twitter – but these have not resulted in sanctions against perpetrators of abuse on social media platforms. As a result, most victims do not file complaints out of the expectation that this will not result in any change.

Meta is responsible for creating and implementing safeguards on its social media platforms to protect the human rights of everyone and take special measures to protect minorities in especially hostile regions.

¹⁰ Chelsea Cohen & Otilia Anna Maunganidze “Anti-Gay Laws: Africa’s Human Rights Regression,” ISS Today, 27 September 2023, <https://issafrica.org/iss-today/anti-gay-laws-africas-human-rights-regression>; Sofia Christensen “Burkina Faso Junta Adopts Draft Law to Criminalise Homosexuality,” Daily Maverick, 11 July 2024, <https://www.dailymaverick.co.za/article/2024-07-11-burkina-faso-junta-adopts-draft-law-to-criminalise-homosexuality/>.

¹¹ Outright International, “The Global State of LGBTIQ Organizing: The Right to Register and the Freedom to Operate,” September 2023, https://outrightinternational.org/sites/default/files/2023-09/The_Global_State_of_LGBTIQ_Organizing_2023.pdf.

¹² Saifaddin Galal, “Number of Facebook Users in Africa in 2022, By Region,” Statista, 30 June 2024, <https://www.statista.com/statistics/1326446/number-of-facebook-users-in-africa/>; Doris Dokua Sosu, “Facebook Subscribers in West African Countries 2022,” Statista, 30 June 2024, <https://www.statista.com/statistics/1139386/facebook-subscribers-in-west-african-countries/>.