

On Nigerian queer rights advocacy and “saying it”

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Abstract

Homosexuality is still generally considered un-African, unacceptable and criminal in most African states. In Nigeria, this translates into incidents of criminalisation, violence and other forms of human rights violation targeted at sexual minorities. The agitation towards sexual minorities in Nigeria is as much an attitudinal as it is a legal problem, and the factors that feed negative attitudes towards homosexuals equally enable practices such as gender-based violence. This article engages with the advocacy being done to address the human rights of sexual minorities in Nigeria, seeking to make a case for indigenisation and for engaging with the use of narratives and storytelling as a tool to complement the ongoing work. This article also seeks to make a case for engaging with the principle of the inseparability of the struggle to advance the rights of sexual minorities in Nigeria.

Keywords: Nigeria; LGBTI rights; storytelling; queer rights advocacy

18 May 1985

Beloved Roy,

Thank you very much for your letter that I hurriedly read last week. I am so happy to hear that you are still thinking of me. I am also thinking of you Roy. Well, I am sorry to hear that you cried when you read my first letter. Don't cry over me Roy. I am taking this situation as part of life struggle, a struggle for a better society in the future. Remember that there is no easy walk to FREEDOM ...

Roy dear, please don't keep these letters with you, destroy them or hide them very far. Don't even spread the news that you received the smuggled letters. Because I'll be in shit. Sorry for the rude language, maybe it's because I am learning French.

I saw your mother in law (my mother) last week Sunday. She told me that you had been very kind to her. We talked so much about you that she realized that you're the part of my (our) family ...

Bad news, some of us are told that their time in detention is extended for three months. I am sure me too. If it is so, don't worry, the fact remains that at least one day I (we)'ll be charged or released.

Good-bye Roy

The Prisoner of Zenda

Simon (Gay and Lesbian Memory in Action, 2007).

Introduction

This letter written by Simon Nkoli, a black gay South African and one of South Africa's most celebrated activists, is a relic of apartheid South Africa that is proof of the grave injustices that oppressive state structures can perpetrate when they target the dignity of human beings. At the time the letter was written, it was months after his arrest at a funeral for protesters killed by the police in Sebokeng, South Africa (GALA 2007, 15). Following his arrest, Simon, was detained for about four years, two of which passed without his facing trial and two of which he spent facing what would be known as the Delmas Trial along with others for resisting the apartheid government. In the course of his detention, the international and local anti-apartheid communities engaged with the argument that the anti-apartheid struggle and the queer rights struggle in South Africa are inseparable realities because they shared an inseparable oppressor, the apartheid regime. This contention would articulate the activism and symbol that Simon Nkoli embodied. Years later, this same articulation would eventually lead to the inclusion of the right to non-discrimination on the grounds of both sexual orientation and race in the

South African Constitution. South Africa is now an “island of relative tolerance” for persons of non-imperialist race, sexual orientation, gender identity and expression (Cameron 2010, 7).

Simon Nkoli’s is a South African story. The South African geographic, ethnic and social milieus are quite distant from those of Nigeria. None the less, this article borrows the principle of inseparability of struggle to make the case for two arguments: the inseparability of oppression and violence as social ills that cut across the human rights of minority groups, and the importance of complementing legal advocacy with indigenous articulation in queer rights advocacy in Nigeria. Ultimately, this article makes a case for the indigenisation of sexual minority rights advocacy in Nigeria by using indigenous storytelling in Nigerian undergraduate law classrooms and having conversations about the inclusion of and respect for non-heterosexual sexual orientations, gender identities and expressions.

In addition to this introduction, the article is divided into seven sections: terms and approaches used; the legal framework addressing violence in Nigeria; the lived realities of queer persons in Nigeria; an overview of Nigerian queer rights advocacy as it is now; making a space for indigenised queer rights advocacy in Nigeria and, finally, a conclusion and recommendation.

Terms and approaches used

The term “advocacy” in this article acknowledges the diverse descriptions of advocacy that are attainable across several disciplines. In the context of Nigerian queer rights, it describes advocacy as all endeavours conducted for the purpose of addressing the dire state of queer rights in Nigeria. The term “indigenise” acknowledges the several descriptions that there are of the verb “to indigenise”. This author, inspired by the argument for decolonisation, describes “indigenise” as working with the consciousness of context as well as the subjectivities and hybridities that exist and evolve within it (Ngwena 2018, 197). Indigenisation calls for resisting intellectual and experiential hegemony and embracing the complexity of the particular situation to be dealt with. In the light of resisting intellectual hegemony, this article engages with the law and literature to expand the pool of materials that can be drawn on to articulate the issue of violence, dignity and queer rights advocacy in the context of Nigeria. “Literary works” here includes fictional and nonfictional works, media reports, letters (published and unpublished) and personal experiences.

“Queer rights” in this article refers to human rights as they apply to persons with non-hegemonic sexual orientations, gender identity, expressions and sexual characteristics. For the purposes of this article, “queer” refers to persons, sexual orientations, gender identities and expressions that do not neatly fall within the confines of hegemonic heterosexuality or what is broadly considered as the norm in Nigeria. Queer may often

be used interchangeably with sexual and gender minorities. In engaging with narratives of queer persons in Nigeria and guided by the standard of international human-rights law, this article is guided by the description of violence in Article 1(j) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol):

all acts perpetrated ... with cause and could cause ... physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts or of war.

This article, as part of a broader study which engages with the legitimacy of storytelling as a tool for queer rights advocacy in Nigeria, is built on the foundation of imagined contact theory, transportation theory, law and literature, queer theory and the merits of indigenising human-rights interventions. Imagined contact theory flows from the contact hypothesis, which starts from the premise that *direct* and contextual intergroup contact and interaction can reduce intergroup biases, and that *indirect* contact by mental simulation of this contact through methods, including literary fiction, can create the same result (Cameron 2007, 427). The transportation theory holds that narratives and the narrative style of communication are more capable of creating and fostering empathy than formal or logico-scientific methods of communication (Mar and Oatley 2008, 181).

Law and literature drive the legitimacy of using narratives to teach law. The law-and-literature approach opposes the self-sufficiency of law and legal studies by satisfactorily addressing concerns that affect humanity (Kettlamp 2013, 1). The term “law and literature” here is engaged with as a discipline. The law-and-literature discipline looks beyond the law to understand the law. By looking beyond the law, the discipline of law and literature calls for engagement with literary works, narratives and stories that address the concerns of the law. The merit of this is that literary work humanises the law and its arguments. Literary works enable a better understanding of what the law aspires to and of what the society expects it to aspire to.

Queer theory as an approach employed here questions, defies and “disrupts [the] normativity” of labels, descriptions and practices by engaging with subjectivities for the purposes of attaining a richer, more intimate and more detailed engagement in the course of research (Detamore 2010, 173). This author adopts a queer approach. This queer approach primarily challenges the predominant notion that heteronormativity and a certain type of heterosexuality are universal and that homosexuality, in whatever shade it comes, is not natural; and that, to some ways of thinking and arguing, it is “un-African” and as such underserving of dignity (Rooke 2010, 35).

Legal framework addressing violence towards queer persons in Nigeria

Growing up under apartheid, I had the law all around me. For the distinctive feature of apartheid is that it was enforced by law – minute, exhaustive, detailed, and often cruelly enforced legal prescriptions. But what fascinated me was that the law, apartheid’s oppressive instrument, could also be employed against apartheid (Cameron 2014, 9).

Although Nigeria’s legal stance firmly rejects the dignity of sexual minorities, there are broad provisions on violence that address violence in its entirety. These broad provisions in principle apply equally to sexual minorities. The Nigerian legal system, in so far as it addresses violence, is manifest in legal standards and institutions at the national and international levels. In terms of section 12 of the Nigeria Constitution, Nigeria is a dualist state and as such international-law standards are generally of persuasive effect in adjudicating on Nigerian realities, except that they are domesticated by national law. Moreover, international human-rights institutions can be approached only when it has been proven that all local remedies have been exhausted, as illustrated in Article 56(5) of the African Charter on Human and Peoples’ Rights. This section engages briefly with the conversation on the prevailing legal frameworks under two sub-sections: national legal framework and international legal framework.

National legal framework addressing violence towards queer persons in Nigeria

Nigeria is a democratic state bound by the 1999 Constitution of the Federal Republic of Nigeria (as amended) (CFRN). This is the supreme law against which the validity of all other laws should be measured, according to section 1(3) of the Constitution. The CFRN applies to everyone in Nigeria; and it contains a Bill of Rights in Chapter IV which provides for the fundamental rights of all Nigerian citizens and which are justiciable in court. These fundamental rights include: the rights to life, dignity of human persons, personal liberty, a fair hearing (pre-trial and trial rights), private and family life, freedom of conscience and religion, and of expression, to peaceful assembly and association, movement, and freedom from discrimination. These rights, protected constitutionally, shield individuals from undue derogation by the state and non-state parties through any means, including violence.

Other national legislation that addresses violence includes the Violence Against Persons (Prohibition) Act, the HIV Anti-Discrimination Act, and the African Charter on Human and Peoples’ Rights Ratification and Enforcement Act. At the state level, there is the Domestic Violence Act in Lagos. Institutions whose mandate covers addressing violence include:

- at the executive level: the National Human Rights Commission, the Nigerian Police Force, and the Nigerian Police Service Commission.

- at the judicial level, the superior and inferior courts of record; and
- at the legislative level, parliament.

International legal framework addressing violence towards queer persons in Nigeria

At the international level, Nigeria is signatory to a plethora of international treaties and should be guided by international laws that address violence in particular. Some of these treaties at the global level are the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disability.

Some of these treaties at the regional level are the African Charter on Human and Peoples' Rights (African Charter), the African Charter on the Rights and Welfare of the Child (Children's Charter), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women (Maputo Protocol) and the African Youth Charter. Some of these soft laws include the Universal Declaration of Human Rights, the UN Declaration on the Elimination of Violence Against Women, the General Recommendations No 19 and 35 of the CEDAW Committee, Resolutions A/HRC/RES/17/19 and A/HRC/RES/27/32 adopted by the UN Human Rights Council, and the Guidelines on Combating Sexual and Violence and Its Consequences in Africa adopted by the African Commission on Human and Peoples' Rights. Of particular importance is the African Commission Resolution 275, which calls on all African states to work effectively towards eliminating violence on the grounds of perceived or actual sexual orientation, gender identity and expression.

Legal framework addressing violence by fostering it in Nigeria

Nigeria has four national laws that criminalise same-sex relations: the Criminal Code, the Penal Code, the Armed Forces Act and the Same-Sex Marriage Prohibition Act (SSMPA). The SSMPA is the most recent and the most drastic of them. Section 5 of the SSMPA criminalises same-sex relations, cohabitation and any public show of affection, support or organisation, with sanctions of 10 and 14 years of imprisonment. Besides the widespread peak in the rate of violence on the grounds of sexual orientation or gender identity, the recent judicial condonation of the rejection of corporate registration for the Lesbian Equality and Empowerment Initiatives, citing the SSMPA, is evidence of Nigeria's anti-gay clout even in contemporary times. If it were only up to the legal system as it is set up in Nigeria, the weight of anti-violence favours a more violence-free society than not. Although the Nigerian legal system generally sees and understands violence, it is barely enough to tackle the reality on the ground (TIERS 2019). This is mostly because there is often a disparity between policy and implementation as well as

the playing out of socio-cultural norms built on a system of patriarchy. The law on its own is incapable of addressing violence because the violence perpetrated on queer persons in Nigeria is more grounded in the imperially imposed notions of gender, sexuality and being than in law.

Lived realities of queer persons in Nigeria

Dibia's *Walking with Shadows*, set in Lagos, Nigeria, tells the story of the young male adult protagonist, Ebele, who lost his job, social standing and family relationships simply because of his tendency to incline himself towards same-sex attractions was made public. His family "came to his rescue" by subjecting him to the most brutal sort of exorcism (Dibia 2005). From that point, things changed forever for him. Besides this, Okparanta published *Under the Udala Tree* in 2016, articulating the cultural and religious resistance to non-heterosexual identities, particularly in South-Eastern Nigeria, in the context of Nigeria's 1960s civil war (Okparanta 2015). The young female protagonist here, Ijeoma, is thrown into explorations of identity, family, life and herself as a child during the civil war. Ijeoma encounters same-sex love and, although there is no name for it, she finds semblance and roots. This reconciliation would earn Ijeoma and the community of same-sex-loving women rejection, threats and eventually a kind of tolerance, although one that was incomplete. These two books were written about non-heterosexuality by Nigerians who by their very existence resisted the arguments that homosexuality is not part of the Nigerian reality.

Ikpo's *Fimisile Forever* is set across South-South and Western Nigeria and a fictional Nigerian province that could be anywhere. It was first drafted in 2014 and published in April 2017. It begins with a raid on a Nigerian discotheque in the early hours of the morning by the Nigerian police force and the mass arrest of its patrons on charges of homosexual conduct. These patrons would turn out to be the guests and students of a Nigerian university celebrating a just recently concluded graduation ceremony. At the time when this was written, it was only few weeks after the enactment of the SSMPA: the international community was shouting back at Nigeria and there was no telling what catastrophe the Act would be capable of leading to in the long term. *Fimisile's* "forever going deeper" would follow the lives of two queer brothers, who themselves are activists, as they fall apart in their bid to resist the negative state of affairs as it affects sexual minorities in Nigeria (Ikpo 2017).

These narratives, although fictional, quite realistically portray the generally dire state of queer rights in Nigeria. In 2014, Nigeria saw a rapid increase in the rate of human-rights violations on the ground of perceived or actual sexual orientation and gender identity. The years 2015, 2016, 2017 would follow, witnessing a constant decline in the state of queer rights in the country. The Human Rights Watch report, *Tell Me where I can be Safe*, released late in 2016, records case after case of violence meted out on queer persons in several Nigerian provinces. In police raid after police raid, mob attack after

mob attack, and blackmail after blackmail (*The Guardian* 2018). Of particular notoriety is the 2017 raid of an HIV training session in Lagos, which took the form of rounding up queer men estimated to number 40–70 on the grounds of their homosexual persuasion or conduct (Cooley 2017). Their faces and names were displayed across the newspapers (Collison 2017). The first half of 2019 witnessed the dismissal of about six Christian ministers from their congregations across South-Eastern Nigeria on the grounds of their perceived or actual sexual orientation and gender identities. The names of these ministers and their denominations have also been published in dismissal letters now circulating widely in the media (MSN Africa 2019).

Alimi, an openly gay Nigerian man living in asylum in the United Kingdom, engages with Nigeria's response to the visit of the openly gay anchor of "Quest means business" Richard Quest (Olufinlua 2017). Alimi makes a public note of Nigeria's warmth towards its international, openly non-heterosexual guest, even within the context of the high rates of violence meted out to its openly non-heterosexual citizens. Within weeks of Richard Quest's visit, Romeo Oriogun, a Nigerian who had just recently won the Brunel International Poetry Prize, was the target of bullying and violence on the basis of his work and identity as non-heterosexual (Olufinlua 2017). The divergent responses to these two men who are both queer, publicly known and physically present in Nigeria in a certain period with anti-gay laws still in effect makes it clear that the society's and the law's engagement with queer persons at any given time is determined by other layers of their identity besides their queerness.

To understand effectively the lived experiences of queer persons across the board, it is important to really engage with the various layers of who and what that one Nigerian is and has to contend with as a member of a group or situated in a particular context, and also as an individual (Gouws 2017, 20). And by the paradox of Richard and Romeo so much is available to contest: divergence in race, nationality, class, socio-economic status, age, substantial evidence of association with queerness, public perception of vulnerability, and public expectations of a person's affinity with and loyalty to national, ethnic, religious, social and religious patriarchies. If Romeo were a non-Nigerian journalist with formidable social and economic capital who is queer but who worked on international business issues, he might not have to watch his back. This re-imagined Romeo would be more insulated by other layers of his identity, from the negative attitudes and actions on the ground of his sexual orientation. Perhaps even thinner layers of insulation such as his class and socio-economic status and his disconnection from ethnic, religious and social patriarchies would be just as effective. And this is not nothing, especially in a Nigeria with its deeply entrenched tribalism and alarmingly rising rates of poverty and unemployment. Most Nigerian queers of various ethnicities are essentially Romeo as he is.

These violations of Nigerian queer persons may arguably be prevalent on the strength of the presence of the anti-gay laws; but the extent of exposure to such violations is a lot more complicated than just the actuality of non-heterosexual sexual orientation and gender identity. This author argues that, among other things, violence towards queer persons in Nigeria is largely rooted in the imperially imposed notions of gender, sexuality and being steeped in patriarchy and the deeply entrenched expectation of loyalty to these imposed notions. These imperially rooted notions of gender uphold heterosexual binaries: boys are boys; girls are girls, and there are only boys and girls. This is accompanied by social scripts of what being a boy or a girl would entail ethnically, socially, religiously, politically, economically. These imperially imposed heterosexual binaries, in encapsulating the body of the African, have set it up for alarming depths of politicisation, scrutiny and humiliation by cutting across sexual orientation, gender identity, expression and even sexual characteristics. These heterosexual binaries and incidental social scripts imposed in the course of colonial rule and having evolved over time punitively insist on perpetuating the falsity about gender and sexuality on the African continent. With these binaries and scripts come enforcement mechanisms across the various patriarchies. More fundamentally, these heterosexual scripts, now internalised on the continent, insist that homosexuality is un-African.

As a Nigerian, mostly cisgender male, growing up in Southern Nigeria, I encountered these binaries in almost every facet of my life. From the colour of the toothbrush I was expected to use to the games I was expected to play as a boy child, whom I was supposed to play with and for how long, and what career goals I was expected to aspire to and what role I play in the family: all of these binaries accompanied me at every stage through my life. The scripts for these binaries sufficed in elderly members of the family and the wider community, movies that we watched as a family and books that we read. My acting contrary to heterosexual binaries was met with varying degrees of disdain, depending on my degree of defiance, my age and my level of financial independence. I saw boys who expressed themselves as non-cisgender being scorned at secondary school and girls who expressed themselves as non-cisgender being subjected to a great deal of ridicule. A person's suspected homosexuality instantly makes such a person a subject of discussion and disgrace.

Heterosexual binaries, on the other hand, are misleading and problematic because they are both unrealistic and repressive. Heterosexual binaries malign minorities at several levels, further complicating the general challenges that we have to face as human beings. Heterosexual binaries reject the constantly evolving scope of human diversity and Africanness. Not everyone falls into either of the two strict categories of male and female. Not every man was created for a woman and not every woman was created for a man. Sex and sexualities – although quite a dark taboo as topics – are nevertheless deeply guarded and guided by heterosexual binaries. Heterosexual binaries may seem

common, but research shows that heterosexual binaries are neither universal nor beyond rebuttal (Tamale 2011, 11). Oyewumi, for instance, in engaging with gender and leadership in pre-colonial Nigeria, locates the invention of heterosexual binaries in African society in “the continued dominance of the West in the production of knowledge” (Oyewumi 2001). Oyewumi discusses a genderless Yoruba leadership in pre-colonial Yoruba ethnicity which now forms a part of Nigeria where the society was organised around criteria such as seniority. Oyewumi argues that male domination is a Western import. The hyper-glorification of the heterosexual male across patriarchies has enabled, and continues greatly to enable, alarming rates of erasure, violence and marginalisation towards anyone who is not the heterosexual male – and this includes women and queer persons.

The widely accepted notion of hegemonic male domination is quite prescriptive of every other thing, including gender expressions and sexual orientations. Adichie (2013), in her TEDTalk, makes the call that “We should all be feminists” and builds this on the belief that the world should be a place of mostly equal opportunities. She calls for resistance to hegemonic male superiority which trumps women. This article argues that this sense of male superiority does not only target women. The system of patriarchy targets everyone and everything that is not the hegemonic male, and also what or who this means or how the system goes about it varies across societies. Who patriarchy subdues and how it subdues are usually spun through a complex web of identities: sex, class, socio-economic status, gender identity and expression, and racial and sexual orientation (Swarr and Nagar 2005, 492). The literature on intersectionality recognises the importance of considering this complex subjective layering of identity as it often involves a criss-crossing variedly across groups, individuals and margins; and it can also involve the broader, self-reinforcing system of oppression that constantly keeps the non-normative person at bay (Moolman 2013, 103).

Beyond the generic oppression of homophobic violence, queer Nigeria is also located within the cuffs of ethnic, religious, geographical, racial and socio-economic patriarchies. And it is important also to consider the processes that drive these various depths and fields of patriarchies and how they interact and intersect with each other. Who is this person? Who is this person really? Everything this person is and every space this person occupies need to be considered and centred as essential pieces in the big picture of this person’s lived realities.

If there is a golden thread running through all of this, it is that patriarchy and imperialism target and crush the dignity of non-patriarchs and those who decide to live, think or express themselves outside the box. This is evident in the importation of male superiority and the denial of sexual and gender pluralities across African ethnicities through the enforcement of colonial laws criminalising sexual conduct “against the order of nature”; this was because it was the colonialists who got to decide what nature

was or could be, leaving these definitions behind, frozen. And this understanding is important for its underpinning the message of the inseparability of struggle. The struggle for queer rights is not a single-lane struggle; it is a complex one against the big machine that is imperialism and which everyone, whether a sexual minority or not, still faces today. We need to see the big picture.

An overview of Nigerian queer rights advocacy as it is now

Before delving into the scope of the work being done, it is important to note that section 5 of the SSMPA explicitly criminalises all gay rights organisations in Nigeria and prescribes a jail term of 10 years for defaulters. This means that all queer rights work is being done in the context of hefty criminalisation. Advocacy endeavours are generally driven by available resources, interests and, most relevant to this article, the perception of the problem at issue (Sogunro 2018, 635). Sogunro argues that, given the joint challenge of widespread denial of queer persons' existence in Nigeria and the anti-gay laws, advocacy needs to be clear in its message about decriminalisation and bold in the visibility of its stakeholders. Sogunro discusses the concept of soft-power activism such as "advocacy through pop-culture, literary essays, films, web-videos, surveys on lived experiences" as means of gingering the public to dialogue and of raising consciousness of the issues affecting sexual minorities. The target of this soft-power activism is policy change. And this sort of work is quite taxing on funds, manpower and the scale and reach of the organisation and activists.

How we mostly respond to an issue is largely dependent on how we understand that issue. There are several organisations working on queer rights advocacy in Nigeria from different angles and on different themes. Some of them are in the field of sexual health work, literary advocacy, faith-based advocacy, multi-media advocacy, litigation and academia. Some of these organisations are widely known and while some of them operate freely, others need to remain unknown and unnamed (Akindele 2019). Although this is practical, remaining unknown is counter-productive to the case of increased visibility. Sogunro argues that the major chunk of work being done relates to sexual health and is mostly underground in the form of HIV prevention and awareness in communities with less buoyant economies. Some of the venues of these underground operations often double as asylums for victims in the event of human rights violations against queer persons in communities. And for the sake of these victims, some of these venues need to stay underground. Nonetheless, Sogunro insists that "the push towards the protection of sexual minorities in Nigeria will not happen in the chambers of underground advocacy" (Sogunro 2018, 638).

Seigher discusses attitudinal surveys conducted in Nigeria by the NOI Polls in collaboration with Bisi Alimi Foundation and The Initiative for Equal Rights (TIERS) (Seigher 2015). The purpose of these surveys is to engage with the level of acceptance of non-heterosexual identities in Nigeria in proportion to the resistance to them, and also

the level of acceptance in the home. In 2010, the survey showed a 96% resistance; 2013 showed 92%, while 2015 showed 87% (Seigher 2015). The 2017 figure is 83% and, accordingly, the 2019 figure is 60% (TIERS 2019). According to these annual surveys, there seems to be a decrease in resistance to and conversely a steady rise in acceptance of non-heterosexual identities in the country.

A lot more hands and endeavours than we care to articulate are party to this victory and are still working tirelessly day and night both locally and in the diaspora. Nonetheless, there is a strong need to close the gap in the substantial contextual and ethnic sensitivities in Nigerian queer rights advocacy. This calls for further centralising of the Nigerian context in our queer rights advocacy. In other words, an increased anti-imperialist approach needs to be adopted by centralising queer efforts and engagement with Nigerian ethnicities, religions, cultures and sub-cultures as sites where patriarchal standards are being questioned and queer rights advocacy can be extended.

Making a space for indigenised queer rights advocacy in Nigeria

Ngwena and Tamale argue for the pluralities of African sexualities and genders to be embraced (Ngwena 2018, 197; Tamale 2011). They contend that there is a need to look into our ethnicities and locales to engage with indigenous pluralities that elicit a more than apt response to the imperialist cultures and religions, the sort that say homosexuality is un-African. Engaging with queer theory, they call for the hegemonic binaries and gender roles to be resisted. Making an argument for indigenisation through decolonisation, Ngwena makes a case for engaging both with contexts and locales and with their evolution. In other words, engaging with the hybridity in identities that have resulted from the global conversation across cultures and across people as they specifically exist across context and, therefore, “engaging seriously with the subjectivity of the context” (Heleta 2016, 4).

Engaging suggests a more visible and national representation and an engagement with the subjectivity of the context; and in this regard this article recommends the leveraging of subjectivities for the purpose of queer rights advocacy. It is very important to engage with the culture and context of a people in order to connect with them. Nigeria is as much a religious place as it is a cultural one, and these are two major fronts on which non-heterosexuality is challenged. The conversation to counteract violence on the grounds of non-heterosexuality is in every sense a religious, social and cultural one as much as it is a legal matter. In my doctoral research, I am exploring the potential of indigenous storytelling in Nigerian undergraduate law classrooms as a means of having these conversations intimately, of discussing identity and violence particularly in the context of engaging with the regional standards of anti-violence and the right to dignity such as that African Commission Resolution 275 seeks to uphold.

The preliminary argument of my research is that by using the law-and-literature approach, fictional stories told through a method steeped in a recognisable culture can foster a more humane understanding of non-heterosexuality and make violence as a structural challenge more relatable. The tool of storytelling can also tackle the imperially imposed hegemonic structures by unsettling imperial knowledge systems through redirecting the focus to a more indigenous, more inclusive knowledge base and knowledge systems. By writing back. By telling back. By reclaiming and centring the humanity of persons who have been erased by the imposition of imperial hegemonic structures and patriarchies across the board. But, more importantly, by connecting this humanity to the humanity of everyone else in the society. By making a case for ubuntu in our work: I am because you are.

Storytelling is a universal culture with diverse nuances across locales and ethnicities. Storytelling – the use of narratives to relay values, beliefs and culture – has been used for several purposes across generations, including semi-formal education and for the transmission of ancestral knowledge (Onuora-Oguno and Nwamara 2013). Onuora-Oguno and Nwamara make a case for the legitimacy of storytelling as a teaching and learning tool steeped in the Igbo culture as well as its effectiveness in schools. Storytelling is an important part of the manner in which intimate clusters of persons and minds interact with and make sense of the world. Marcus similarly argues that storytelling was an important factor in the publicity, organisation and advancement of sexual minority rights in the United States (Marcus 2002).

In several ways, the argument for the use of storytelling is fortified by Sogunro's concept of soft-power activism, Tamale's subjectivities, Ngwenya's decolonisation and the need for more decolonial methods of creating and engaging with knowledge of human rights and the law. But the most important pillar is the ability of oral tradition to make people stop to engage, not because of what is being said, but because of how it is being said. Stories create empathy. Building as they do on the theoretical framework of imagined contact and narrative theory, stories are important tools for reducing prejudice. And if it is used to complement already existing advocacy endeavours, storytelling promises to help individuals engage with the issue of violence on frontiers beyond the law. Violence based on identity is more than just a legal issue. As such, this article argues that engagement with human-rights standards on violence towards queer persons requires the complement of more tools for more humane and attitudinal engagements such as storytelling. Although there is not one universal method of storytelling, there are recognisable versions and hybrids that occur across locales and which are being explored subsequently.

Stories make a better case for the “multi-layeredness” of identity and the inseparability of struggles. More importantly, stories and storytelling paint a clearer picture of the victim and the oppressive structure that she is up against (Abani 2007). Sometimes we

need to encounter the victim in order to understand intimately who she is, how she is, where she has been, what she needs, and also those who engage with the law to fight for her. Stories curate humanity and give context to the multiple layers of identities and lived realities of minorities as well as the interconnectedness of oppression based on these layers of identities. Abani (2007) explains further:

When I was young I read James Baldwin's *Another Country* and that book broke me. Not because I was encountering sex and love for the first time but because what James wrote about it made it impossible for me to attach otherness to it.

Sometimes, allowing the visibility of the victim for herself is dignity enough to open the doors to a more practical conversation on policy. Visibility creates the opportunity for contact and engagement. If visibility is handled very well, it can ensure understanding, connection, empathy and even vicarious experience. Visibility connects the dots, one humanity to another.

The conversation about violence based on gender should include, more urgently so, non-heterosexual gender identities and expressions. This is because the weight of patriarchy often not only seeks out the victim's genitalia; it also seeks out the person's will and their expression of non-hegemonic identities. It seeks out the dignity of the non-normative person. Although the duty to protect the dignity of all persons lies rightly within the confines of state obligations, this coverage falls short of protecting non-heterosexuals. It is important that queer rights advocacy looks inside the human-rights framework on violence based on gender and also on advocacy methods that look beyond state obligations and the law. This is especially the case in societies where the oppression and identity-based violence are much more than a legal question. Advocacy needs to attend to the multilayered nature of violence and oppression. The lived realities of queer persons are quite murky, owing to the general state of the society and what the public thinks of non-heterosexuality. In itself, the law cannot change hearts. The law as a tool for advocacy therefore needs to be complemented to achieve a more humane, empathetic and accessible engagement and more dynamic and effective results.

Conclusion

This article argues that there is the need to look at context to guide queer rights advocacy in Nigeria, particularly the inseparability of issues and the inseparability of the oppressor. The lived realities of queer persons in Nigeria were considered in the light of the various layers of identity and exposure to the common oppressor of imperially imposed patriarchy. This author engaged with the legal framework on violence towards queer persons in Nigeria and the scope of advocacy work that has been done in respect of queer rights. It is argued that, given the broader challenge of imposed imperialist standards, the ongoing Nigerian queer rights advocacy work (which is now mostly at the levels of sexual health and policy) needs to be complemented by interventions that

address the challenges queer persons face at the level of empathy, unsettling hegemonic knowledge systems and sources, and changing attitudes. This author recommends that one of the channels through which these can be accomplished is leveraging the contest and culture by adopting indigenous tools such as storytelling. Furthermore, it is recommended that queer rights interventions at every level should be complemented by the use of narratives in the same breath and in the same spaces as legal, theoretical, health and statistical arguments. Activists should ensure that doing so centres the humanity of one queer person and connects this humanity to that of the broader society. They should do so by effectively centring ubuntu – I am because you are.

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- Convention on the Rights of the Child.
- Convention on the Rights of Persons with Disability.
- International Covenant on Civil and Political Rights.

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